ANNUAL REPORT 2007/08

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

the **doj & cd**

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

Foreword by Minister Mabandla

1.1 Foreword by the Minister for Justice and Constitutional Development, Ms BS Mabandla

The 2007/08 financial year has been a remarkable period for the Department because of the great achievements that we reached. It also was a year that presented us with immense challenges in the area of administration of justice.

In order to respond to the challenges facing us, the Department, during this period under review, finalised a number of proposed Bills. These were submitted to Parliament for further engagement. One of these Bills is the Criminal Law (Sexual Offences and Related Matters) Amendment Bill. Most of the provisions of this new Bill came into operation on 16 December 2007 to replace the outdated law relating to sexual offences. This amendment will go a long way in protecting our people against sexual abuse and especially children, through the procedures provided in the Bill relating to medical treatment.

I am confident that the following Bills will also be finalised during this session of Parliament:

- the South African Judicial Education Institute Bill, which for the first time in our history, will provide an integrated judicial education framework for both Judges and Magistrates;
- the Judicial Service Commission Amendment Act which introduces the long awaited complaints handling procedures for judges;
- the Jurisdiction of Regional Courts Amendment Bill, which confers civil jurisdiction on the Regional Courts in order to enable access to justice to the majority of the citizens who would not afford to pursue legal redress at the High Courts. This legislation will ease the hardship and prejudices of the vulnerable poor members of society who are compelled by the current system to seek legal redress in remote courts, some times beyond the provinces where they reside;
- the Child Justice Bill, the Traditional Courts Bill and the Renaming of High Courts are presently being considered by Parliament.

Our Law Reform Commission and Rules Board for Courts of Law continue to support our activities to transform the justice sector. The South African Law Reform Commission (SALRC) continues to review all pre-1994 legislation that are inconsistent with our current Constitution. Similarly, the Rules Board continues to review old rules which impede access to justice.

I am confident that before the end of December 2008, we would have finalised the consolidated policy framework to address outstanding policy positions of the transformation of the judiciary and administration of justice. These policy positions include the affirmation of the Constitutional Court as the apex court in the Republic; the establishment of a single

Foreword by Minister Mabandla

judiciary geared towards the full integration of the magistracy into the judiciary and the harmonisation of the Magistrates' Commission and the Judicial Services Commission; rule making; the language usage in courts and court administration.

Our goal to improve access to justice, particularly for those living in townships and rural areas, has seen an increase in the number of new courts that have been built. The Department's flagship programme, the Repair and Maintenance Programme (RAMP) registered a total of 282 courts in 2007/08 financial year for assessment. Of these, 187 courts on status quo reports, eight courts in planning phase (design and tender), five courts in repair phase and 82 courts in maintenance phase. RAMP has been instrumental in making most of our courts accessible to people with disability, and to re-furbishing our facilities to be commensurate with the work of the courts such as archives and libraries.

The Department also oversaw completion of additional courtrooms at Tsakane Magistrate's Court, Mitchells Plain Magistrate's Court, Richmond Magistrate's Court, Augrabies Magistrate's Court, Polokwane High Court, Stanger Magistrate's Court, Colesberg Magistrate's Court, Kagiso Magistrate's Court, and Enkangala Magistrate's Court. Also provided were 37 Mobile Courts to replace courts seating periodically in Police Stations and Correctional Services centres.

In 2007/08 financial year the Department also honoured 19 women law practitioners for having successfully participated in the specially designed judicial education programme to address the acute under representation of women on the bench. I look forward to honouring a further 23 women practitioners who are currently participating in the programme.

The Department, together with the legal profession, finalised the Legal Services Sector Charter. This Charter aims, among other things, to provide sustainable programmes for the transfer of skills to new entrants into the legal profession. We use this process to expedite the finalisation of the Legal Practice Bill. This Bill will bring us closer to the regulation of all law practitioners under a single statutory framework. The process of regulating the profession into a unified independent legal profession will no doubt serve the best interests of the public in the administration of justice.

In order to further provide access to courts and to justice, the Department commenced a process to establish more Small Claims Courts in areas where they have been established. To date, over 168 of these courts have been established. Additional resources to improving the functioning of the existing ones have also been allocated. The Department has developed a National Action Plan (NAP). The Department's target is to establish at least one Small Claims Court in every magisterial district and sub-district in the country.

The review of the criminal justice system, which is one of the apex priorities endorsed by government early this year, is well underway. The partnership with Business through Business Against Crime (BAC) is yielding positive results. There is progress towards the establishment of a single coordinating and management structure for the Criminal Justice System at all levels and an integrated and seamless IT database/system containing all information relevant to the CJS.

A strong, independent and efficient civil society is a pre-requisite for deepening our democracy. The Department continues to implement programmes to strengthen partnerships with the business, religious, traditional leaders and civil society to combat crime and to strengthen South Africa's constitutional democracy. Some of the initiatives we have taken in this regard includes the strengthening of the community advice centres and extensive public education and human rights education programme. We are indebted to the donor community for continuing to support the Department's initiatives of strengthening partnerships with civil society.

The NPA has through the NPS continued to maintain a high level of convictions in cases that are brought to trial. The Special Investigating Unit (SIU) continues to play a vital part in government's fight against fraud, corruption and maladministration. It has reported good successes in the past year and its work shows that good results can be achieved through joint work and cooperation between state institutions. In 2007/08 financial year, the SIU's combined estimated savings and recoveries for the government amounted to more than R3,5 billion – an increase of more than 80% over the previous year. The savings are primarily from the social grants investigation where more than 100,000 illegally effected grants were stopped and more than three thousand six hundred (3,600) persons were convicted during the past year.

Similarly, the Asset Forfeiture Unit (AFU) has made a remarkable progress in recovering goods and assets obtained through the proceeds of crime. It has to date, finalised one thousand one

hundred (1,100) cases to the value of R663 million. Part of this amount (R300 million) has been returned to victims of crime and some (R770 million) was used to strengthen the capacity of the law enforcement agency in the fight against organised crime.

The Legal Aid Board, which assists indigent persons with legal representation, has had an increase of new cases in excess of 10% as compared to the 2006/07 financial year. 89% of these services were delivered through the Legal Aid Board's justice centres whilst 11% of matters were outsourced to lawyers in private practice and a further 1.5% delivered through co-operation partnerships. The Legal Aid Board assisted 47,908 children during the financial year ended 31 March 2008 (42,087 children in criminal matters and 5,821 children in civil matters). The Board has also improved its accessibility to the community by increasing the number of service delivery points to include one new justice centre and eight new satellite offices – this brings the total number of service delivery points to hundred and eight (108) (59 justice centres and 49 satellite offices).

The achievements that the Department made in this year under review give me confidence that our government is on track to deal with the challenges still facing our country. I am confident that my Department will continue to fulfil its Constitutional mandate as it has always done. I take this opportunity to thank all members of the Executive Committee in the Department, the NPA and LAB for their commitment and determination to provide effective and efficient delivery of quality, justice services. Lastly, I thank the Chief Justice and his team in the judiciary for the continued support they provide to the Department.

Mrs B S Mabandla, MP
MINISTER FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT

VISION

Accessible and transformed justice services committed to the promotion of constitutional values for all.

MISSION

Together we provide accessible, fair, speedy, cost-effective and quality Justice for all.

CORE FUNCTIONS

- The facilitation of the adjudication of criminal matters and the resolution of civil disputes
- The prosecution of criminal offences in all criminal courts and the investigation of certain offences
- The delivery of legal and advocacy services to the community to promote access to Justice
- The provision and management of court facilities
- The delivery of legal advisory services to, and representation of, the State
- Constitutional development, including the education of the public and government officials with regard to constitutional rights and obligations, and monitoring the implementation of the Constitution
- The development of legislation
- The facilitation of the administration of deceased and insolvent estates, curatorship and tutorship; the liquidation of companies and close corporations, the registration of trusts and the management of the Guardian's Fund.

STRATEGIC GOALS

1. **Access to Justice for All**, especially the poor and the vulnerable in townships and in rural areas.
2. **Enhancing Organisational Efficiency** and integration of quality Justice services to make them simpler, faster and cost-effective.
3. **Transforming Justice, State and Society** in line with the democratic values of the Constitution.

PRINCIPLES and VALUES

COMMITMENT TO CONSTITUTIONAL VALUES AND TO A CULTURE OF HUMAN RIGHTS

We recognise the supremacy of the Constitution and the rule of law and apply all law fairly and uniformly to ensure equal protection and access to Justice for the people of the Republic of South Africa.

BATHO PELE

We provide quality services to both our internal and external customers by always meeting and exceeding their needs and expectations.

GOOD GOVERNANCE

We adhere to the highest standards of ethical behaviour that are transparent and promote accountability, based on sound internal controls. We are committed to serve as effective and responsible stewards of the taxpayers' resources that are entrusted to us. We are results-driven and efficient in the way we do things. We measure and report on progress in pursuit of our goals.

UBUNTU

We uphold human dignity and ensure equal opportunities and fairness in our interactions, in order to engender a spirit of trust and unity. We promote tolerance and respect for the diversity of our employees and the peoples of this country and draw strength from such diversity.

PROFESSIONALISM AND CONTINUOUS IMPROVEMENT

We recognise that people are our most important resource for accomplishing our mission. We are therefore committed to the professional development, self-actualisation and personal well-being of all employees. We recognise the need for continuous improvement and will reward all committed efforts to improve the quality of our services. We instil in all members of the Justice and Constitutional Development community the commitment to higher standards of professionalism.

OPEN COMMUNICATION

We communicate and share information openly and punctually with all relevant stakeholders in order to ensure participative and informed decision-making.

TABLE OF CONTENTS

Part 1 - General Information 1

Part 2 - Programme Performance 7

Part 3 - Report of the Audit Committee 93

a - DoJ&CD Vote 23 93

b - Third Party Funds 95

Part 4 - Annual Financial Statements 97

a - DoJ&CD Financial Statements Vote 23 97

b - Third Party Funds Financial Statements 163

Part 5 - Human Resource Development 193

Abbreviations and Acronyms 224

Part I

General Information

1.1 Introduction by the Director-General of Justice and Constitutional Development

I have the honour in presenting to you the Annual Report for the financial year 2007/08. I can report proudly that this was another year of success for the Department. I am confident that the Department is still on course to attaining its strategic goals – that of improving access to justice for all; enhancing organisational efficiency; and transforming justice, state and society. The highlights of this reporting period are mainly detailed in Part II which explores the Department's achievements and the overview of service delivery, organisational environment, and key strategic and policy developments for 2007/08.

Key to the Department's remarkable achievements is the decisive leadership provided by the Minister, the Deputy Minister and Department's Executive Committee and the diligence and commitment of both the senior management team and the entire staff of the Department who delivered sterling results in their adherence to good corporate governance and strategic practices. Having set ourselves a high standard in the financial year under review, I can confidently report that we have substantially increased our financial performance which saw our spending increasing from 91.3% in 2006/07 to 97.1% this year.

During the year under review, the Department planned to improve the delivery of justice services, in particular in the courts and offices of the Master of the High Court across the country. To achieve this objective, we increased the establishment and filled 650 vacant posts, reducing our vacancy rate from 23% to 15%. Almost 90% of these posts are occupied by people with legal qualifications. These employees are now delivering services at Masters' Offices and selected courts throughout the country. In addition, a total of 62 Magistrates and 16 Judges were appointed to the judiciary. We continue to appoint more professionals to deliver quality services at all our service delivery points. To support our staff requirements and train potential future employees, we introduced an Internship Programme. More than 200 new, legal graduates are provided with relevant legal skills that will see them through the changing justice system. On completion of the programme, they are recruited into full time posts in the Department.

We remain aware that effective delivery of justice services will not be possible if our systems remain archaic and outdated. Therefore, we have continued focus to our attention on modernising systems for the the administration of justice. We have installed 2,430 digital court recording systems to replace the outdated analog recording machines in our courts. To protect court records the Department has established a Central Archive Record Storage for the High Courts to provide a back-up for valuable court information. In the Lower Courts a total of 997 back-up systems have been installed in various selected courts. Furthermore, more than 4,721 employees now have access to our flagship E-scheduler system. Following a successful pilot, the Department is currently implementing video postponements aimed at fast-tracking case postponements without accused person attending court. The project will be rolled out to 47 selected courts and 36 Correctional Centres next financial year. We have also revised and improved operating systems in the offices of the Master of the High Court by installing an Electronic Funds Transfer system, and the Guardian's Fund system. The latter has been rolled out to offices in Polokwane, Bloemfontein, Kimberley, Cape Town, Pietermaritzburg and Grahamstown.

During the period under review, the Department saw an increase in the number of cases finalised in the various courts. The Constitutional Court finalised 65% of its 97 cases, while the Supreme Court of Appeal finalised 76% of its 597 criminal appeals cases, and 42% of its 368 civil cases. The High Courts achieved an average of 91% conviction rate against the target of 85% set by the NPA. There was, however, a decrease in the number of finalised cases.

Similarly, the Lower Courts saw a reduction of trial cases by 9,433 per quarter. The Lower Courts continued to maintain a high conviction rate during 2007/08, exceeding the set target of 85% by 2.4%. Sadly though, both the District and Regional Courts saw a reduction in the number of cases finalised - namely 12.1% in District Courts and 5.4% in Regional Courts respectively.

To deal with the increasing case backlogs, the Department identified 37 sites that participated in the Case Backlog Project. These courts sat an average of 3h27 minutes per day to resolve the 5,479 registered backlog cases. They successfully finalised 4,287 cases. Of the finalised cases, guilty verdict was granted in 79%. Although the by nature of our business, our courts are continuously increasing their backlogs, I am satisfied that we are starting to see some good results. The current backlog dropped from 43% in 2006/07 to 34.6% this year. We have also experienced some success in the offices of the Master of the High Court where of the 32,975 enrolled estates of more than R125,000, 22,385 were finalised within 10 months.

The Department is also acutely aware of the shortcomings and challenges facing the criminal justice system. These are challenges the Department can only resolve through engagement with its stakeholders and its government cluster partners. I wish to pledge my Department's commitment to the review of the criminal justice system and the establishment of a new modernised, efficient and transformed system.

I wish to thank all our staff for their sterling effort in making 2007/08 a successful year. I am confident that we will continue delivering good results in the 2008/09 financial year.

Adv Menzi Simelane
Director-General: Justice and Constitutional Development

1.2 Information on the ministry

The function of the Ministry for Justice and Constitutional Development is to execute the powers and perform the functions assigned to it by the President and the various Acts of Parliament. In short, the function of the Ministry is to establish and maintain, in the spirit of the Constitution and through a democratic process of transformation, a legitimate administration of justice that is efficient, accessible, accountable, just, user-friendly and representative of the South African community.

The following institutions have been established to take care of certain areas within the framework of the environment covered by the Ministry:

- South African Human Rights Commission;
- Public Protector;
- Commission on Gender Equality;
- Office for the Control of Interception and Monitoring of Communications;
- Ministerial Coordinating Committee on the Directorate of Special Operations;
- Criminal Assets Recovery Committee;
- Judicial Service Commission;
- Magistrates' Commission;
- South African Law Reform Commission;
- Legal Aid Board;
- National Prosecuting Authority;
- Special Investigating Unit;
- President's Fund;
- Represented Political Parties' Fund;
- Debt Collectors' Council;
- Rules Board for Courts of Law;
- Board for Sheriffs;
- Equality Review Committee; and
- Rules Board for the Labour Courts.

The year under review was a productive one as far as the Department's Legislative Programme is concerned. The following is a short overview of the Department's achievements in this regard. Further details are to be found in paragraph 2.10.3 Programme 3: State Legal Services (Di) below:

Nine Bills were introduced into Parliament, three of which were finalised by Parliament, the remainder being at various stages of finalisation in Parliament. These Bills deal with crucial/important issues such as judicial training, judicial accountability, discretionary minimum sentences, the reform of the customary law of succession, civil jurisdiction of Regional Courts and traditional courts.

Mention should also be made of the Criminal Law (Sexual Offences and Related Matters) Amendment Bill, which was finalised by Parliament at the end of 2007. This ground-breaking law revolutionises the outdated law relating to sexual offences. Most of its provisions came into operation on 16 December 2007.

Numerous other important Bills are in the process of being finalised with a view to their introduction in Parliament in the near future, dealing with the following issues, among others:

(i) The postponement of certain criminal proceedings by means of audio-visual linkage.

(ii) The expungement of certain criminal records of persons who have committed certain less serious offences.

(iii) Floor-crossing.

(iv) The Directorate of Special Operations.

Subordinate legislation required in terms of the various Acts which are administered by the Department has also received attention and been finalised, among others, regulations required under the newly enacted legislation on sexual offences, regulations dealing with the promotion of equality, regulations dealing with reparations under the TRC legislation, regulations under the Criminal Procedure Act, 1977, increasing all witness fees, a notice under the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002, and a code of good administrative conduct, as required by the Promotion of Administrative Justice Act, 2000. Further details in this regard are provided in paragraph 2.10.3 Programme 3: State Legal Services (Di) below.

1.3 Vision and Mission statement

Vision: Accessible and transformed justice services committed to the promotion of constitutional values for all.

Mission: Together we provide accessible, fair, speedy, cost-effective and quality justice for all.

1.4 Legislative mandate

The core function of the Department of Justice and Constitutional Development is to give effect to the constitutionally mandated requirement that South Africa have a fair, equitable and accessible system of justice. In addition, the Department provides certain legal services to the government.

This mandate has been translated into five organisational objectives:

- To maintain, improve and streamline a system of courts in which legal proceedings of a criminal, civil, family and administrative nature are processed efficiently and effectively;
- To investigate certain crimes and prosecute all criminal offenders;
- To provide legal services to Government and represent it in legal proceedings;
- To research, draft and promote legislation;
- To facilitate the delivery of additional services linked to the administration of justice, including services delivered by constitutionally independent institutions.

The activities of the Department are organised into five programmes, namely:

- **Administration** provides for the overall policy and organisational management of the Department.
- **Administration of Courts** establishes and maintains the system of courts and supports their management and administration.
- **State Legal Services** provides legal and legislative services to the government and facilitates constitutional amendments, as well as the administration of estates, liquidation of companies and the supervision of the administration of trusts and property of minors deposited in the Guardian's Fund and that of persons under curatorship.
- **The National Prosecuting Authority (NPA)** provides a coordinated prosecutorial service, protects certain witnesses and investigates serious organised crime.
- **Auxiliary and Associated Services** renders a variety of auxiliary services associated with the Department's aims.

Part 2

Programme Performance

2.1 Voted Funds (R)

Table 1: Voted Funds 2007/08

Appropriation	Main Appropriation	Adjusted Appropriation	Actual Amount Spent	Under Expenditure
Amount Appropriated	7,277,770,000	7,538,667,000	7,373,520,000	(165,147,000)
Statutory Appropriation	1,263,518,000	1,266,518,000	1,184,527,000	(81,991,000)
Responsible Minister	Minister for Justice and Constitutional Development			
Administering Department	Justice and Constitutional Development			
Accounting Officer	Director-General of Justice and Constitutional Development			

2.2 Aim of Vote

The aim of the Department of Justice and Constitutional Development is to uphold and protect the Constitution and the rule of law and to render accessible, fair, speedy and cost-effective administration of Justice, in the interests of a safer and more secure South Africa.

2.3 Key Measurable Objectives, Programmes and Achievements

2.3.1 Key Measurable Objectives

The Department's key strategic objectives are capacitating and restructuring the courts, integrating the justice system, catering for the needs of vulnerable groups and improving the maintenance system to relieve the pressure on the courts, thereby improving the standard of service delivery, broadening access to justice and improving the efficiency of the National Prosecuting Authority (NPA) and its specialised units and programmes.

2.3.2 Programmes

Programme 1: Administration

Administration concerns the development of Departmental policies, strategies and systems and processes. Administration also concerns human resource, information systems, communication and financial management, and other support services such as risk and security management, internal audit, access to information and document management. Administration also involves promoting, maintaining and developing the Constitution and its values.

Programme 2: Court Services

Court Services provides for the range of services offered by all the various courts in terms of Chapter 8 of the Constitution. Court Services derives its mandate from the Constitution (section 165). Its mandate is to ensure integrated court services to the people of South Africa through:

- the establishment and maintenance of court facilities;
- the promoting cost-effective quality court services;
- the facilitating effective management of the case flow through the court system;
- the ensuring provision of appropriate human resources to staff the court services, including judicial, prosecutorial and administrative staff;
- the promoting participation in the integrated justice system within the cluster system of Government; and
- the promoting communication with stakeholders and communities.

Court Services is also responsible for facilitating the adjudication of criminal, civil and family law related disputes through the provision of accessible, efficient and quality administrative support to the courts and the management of court facilities.

Programme 3: State Legal Services

State Legal Services provides Government with legal services and facilitates constitutional amendments. Activities include the provision for the work of the State Attorney, State Law Advisers and the Master of the High Court. This programme also provides for research, preparation and promotion of legislation related to the Department's functions. Included in this programme are advisory and drafting services to the relevant parliamentary committees pertaining changes to the Constitution and to Acts of Parliament, the administration of which is the Department's responsibility.

Programme 4: National Prosecuting Authority (NPA)

The National Prosecuting Authority provides for prosecution services guided by the Bill of Rights, witness protection,

particularly in serious criminal cases, and the investigation of serious, complex and organised crime.

Programme 5: Auxiliary and Associated Services

Auxiliary and Associated Services provides for services associated with the Department's aim through 11 sub-programmes. Of these, three are focussed on the needs of constitutional institutions (the South African Human Rights Commission, the Commission on Gender Equality and the Public Protector) and two are Schedule 3A public entities (the Legal Aid Board and the Special Investigating Unit). The other sub-programmes advise government on the administration of justice, give effect to the reparations policy flowing from the Truth and Reconciliation Commission, and make provision for funding political parties represented in Parliament and the provincial legislatures, among other activities.

2.3.3 Achievements

A summary of the Department's achievements is provided below. The Department's core functions as listed in its Medium-Term Strategic Framework (MTSF 2005/06 -2008/09) are:

- to ensure equitable access to justice services for all;
- to provide and manage court facilities;
- improve security in the courts;
- to strengthen the Department's establishment;
- to modernise justice systems;
- to facilitate the adjudication and resolution of criminal and civil matters;
- to develop the Constitution and legislation;
- to administer deceased and insolvent estates, including Guardian's Fund; and
- to educate the public on its constitutional rights.

i) To ensure equitable access to justice services for all

The Department worked to increase the proximity of justice services to the communities, especially to those living in rural and township areas. The Department continued to change the old, apartheid drawn jurisdictional areas which hindered millions of people living in rural and township areas from having access to justice services. The process of re-aligning the jurisdictional boundaries of courts aims to identify communities in need, and provide courts where they are most needed, whilst taking into account the country's new provincial and municipal jurisdictions.

In the year under review, the following Branch Courts were proclaimed by the Minister as fully-fledged courts within their own areas of jurisdiction, i.e. sub-districts: Ezibeleni, Motherwell, Daveyton, Tsakane, Newlands, Mamelodi, Attridgeville, Soshanguve, Alexandra (Wynberg), Midrand, Amanzimtoti, Ntuzuma, Madadeni, Northam, Pofadder and Atlantis.

The main seats of the following magisterial districts were changed: Sebokeng (main seat), Vanderbijlpark (sub-district – previous main seat) and Tembisa (main seat), Kempton Park (sub-district – previous main seat). New magisterial districts were created in Soweto, Kathu, Khayelitsha and the following courts were completed and are ready for official opening: Daveyton, Randburg, Middledrift, Sekgosese, Pretoria North, and Waterval.

The Department was also in the process of completing (additional) offices at Tsakane Magistrate's Court, Mitchell's Plain Magistrate's Court, Richmond Magistrate's Court, Augrabies Magistrate's Court, Polokwane High Court, Stanger Magistrate's Court, Colesberg Magistrate's Court, Kagiso Magistrate's Court, and Enkangala Magistrate's Court.

The Department has also provided 37 mobile courts in various identified areas of need. These mobile courts were procured to replace periodical courts, whilst others were used to alleviate pressure on courts and to provide office accommodation.

ii) To provide and manage court facilities

Regarding management of its facilities, the Department executed its Repair and Maintenance Programme (RAMP). The project registered 282 courts. The programme is in various stages of implementation, with 187 courts on status quo reports, eight courts in planning phase (design and tender), five courts in repair phase and 82 courts in maintenance phase.

New court facilities were completed in Motherwell (Eastern Cape), Sekgosese (Limpopo) and Daveyton (Gauteng) during the reporting period as part of RAMP. Major extensions were completed in Theunissen and Ceres and further extensions of court buildings were also completed in KwaZulu-Natal at Stanger Magistrate's Office and Richmond Magistrate's Office,

in Western Cape at Mitchell's Plain Magistrate's Office and in Free State at Colesberg Magistrates's Office and at the Supreme Court of Appeal.

Projects where construction is in progress for new accommodation: Tsakane Magistrate's Court, Transvaal Provincial High Court Division, Augrabies Magistrate's Office, Ekangala Magistrate's Office, Kagiso Magistrate's Office and Galeshewe Magistrate's Office.

A total of five sites were acquired for the construction of new court facilities in Mamelodi, Hankey, Ngome, Dimbaza and Lothair, whereas 10 sites were improved for accessibility for people with disabilities, 86 sites were in the construction phase for improvement of accessibility for people with disabilities and 366 sites were in the planning phase for improvement of accessibility for people with disabilities.

iii) To improve security in courts

A total of 348 offices received cash in transit services. A total of 2,000 departmental employees have been issued with identification cards and the work currently continuing in the Gauteng region and will thereafter move to other regions. All courts are currently receiving 24 hour guarding services. A service provider for the security infrastructure project has been appointed. The departmental security policy and procedures were reviewed and finalised. thirteen out of the 23 reported security cases were investigated and finalised. An Anti-Fraud and Corruption Plan was implemented and an annual Anti-Fraud and Corruption Assessment Workshop was successfully conducted. The aim of this workshop was to direct the review of the fraud and corruption plan. Project Kgaola is the legal framework supporting the fight against fraud and corruption were completed successfully. A total of 15,430 employees were vetted.

iv) To strengthen administration.

The Department has right-sized Masters' Offices throughout the country by advertising and filling 600 posts at different occupational levels.

A financial management reporting tool was developed, to instil a culture of financial management reporting within the Guardian's Fund. The Department has employed temporary staff to mitigate loss of capacity in the Office of the Chief Litigation Officer.

A total of 50 departmental officials were trained on the Occupational Health and Safety Act. Officials in the Premier's Office in Limpopo were trained on the implementation of the Promotion of Access to Information Act, 2000 (Act 2 of 2000). A total of 185 courses were presented to 5,834 officials by the Justice College.

v) To modernise justice systems

The E-scheduler was evolved into the Integrated Case Management System (ICMS) which provides for a common case registration and case management system relating to criminal and civil matters in the Lower- and High Court environments. The E-scheduler solution was introduced to enable the Magistrates' Courts to administer criminal cases electronically and was rolled out to 469 sites nationally, averaging a total number of 4,721 users.

A pilot site with the latest technology on video postponements was established and will be implemented in May 2008. The video postponements system was tested in KwaZulu-Natal with a total of 5,703 postponements processed to date.

In total 2,430 digital court recorders, 1,162 operator headphone monitoring solutions, 997 lower court back-up systems and 79 CCTVs (Sexual Offence Courts) were procured. All court rooms have been equipped with the Digital Court Recording System (DCRS) and each clerk responsible for the recorder has been trained.

Transcription services providing for all the courts countrywide were procured. There are about 300 users registered on the Justice Management Information System (JMIS) which provides a centralised data warehouse for all the departmental information resources.

During the financial year, the Integrated Court Management System (ICMS) for courts was completed. Furthermore, the integration of scanning module, enhancements to allow for multiple accused/charges, enhancements for Regional Court requirements and the development of civil module will also be completed. To ensure effective and efficient reporting on the Monies in Trusts, the Justice Deposit Account System (JDAS) was integrated into JMIS, and the project is 100% complete.

Business requirements and process flows for Masters were developed for the centralised Electronic Funds Transfer (EFT) process. An audit matrix was prepared to address all queries and to track progress. The ICMS, aimed at improving integration and expansion of all Masters' services, was piloted in the Mmabatho-, Bloemfontein-, Kimberley-, Thohoyandou- and Polokwane Masters' offices.

The Guardian's Fund System (GFS) has been fully rolled out in two service points in Polokwane. The roll-out of GFS in the Bloemfontein, Kimberley, Cape Town, Pietermaritzburg and Grahamstown office has been completed, and all new matters in these offices are now registered through this electronic system.

During 2007/08, 99% roll-out of the JDAS system was achieved countrywide, and the migration of JDAS3 to JDAS4.0 was completed at 429 sites.

The Superdome Server Installation Project is 100% completed. This server provides a substantial storage and processing capacity which ensures smooth connectivity between servers and connected users. The Public Key Infrastructure (PKI) roll-out project is 98% completed. The purpose of the project is to facilitate secure communication and to provide for digital signatures.

vi) To facilitate the adjudication and resolution of criminal and civil matters

Two new courts were completed and officially opened namely, Daveyton Branch Court and Motherwell Magistrate's Office. These courts were officially launched on 26 March 2008 and 6 December 2007, respectively. The three courts that were completed but not officially opened are Sekgosese Magistrate's Office (completed on 1 October 2007), Theunissen Magistrate's Office (completed on 3 October 2007) and Ceres Magistrate's Office (completed on 23 May 2007).

A total of 62 Magistrates (all ranks) were appointed during 2007/08 bringing the total number of permanent Magistrates to 1,830. 16 Judges were appointed bringing the total number of Judges to 199.

There were no new cases carried over from 2006/07 in the Constitutional Court. Of the total case load of 97 new cases received during the 2007/08, 63 were finalised.

The Supreme Court of Appeal - civil appeals carried over a total of 181 cases from 2006/07 and 187 new cases were received in the 2007/08. Of the total case load of 368,155 (42.1%) were finalised. The Supreme Court of Appeals- criminal appeals carried over a total of 126 cases from 2006/07. A total of 471 new cases were received in 2007/08. Of the total case load of 597,455 (76.2%) were finalised.

The High Courts had a decrease in both newly received trial cases (from 1,672 in 2006/07 to 1,344 in 2007/08) and minimum sentence matters (from 1,176 in 2006/07 to 1,076 in 2007/08). The conviction rate in minimum sentence matters at the High Court remained at 90% and the conviction rate of trial cases have increased by 5% from 86% in the 2006/07 to 91% in 2007/08.

The Lower Courts received a total of 1,035,111 cases during 2007/08 which was 23,954 less than those received during the 2006/07, constituting in a reduction of 2% in the enrolment of first appearances. A significant reduction of 6.8% was noted in the recycled cases as 6,288 fewer cases were again re-enrolled during 2007/08. The Lower Courts also finalised a total of 386,715 cases, which means 10,075 more cases were finalised during 2007/08. An overall reduction of 4.8% (from 03h59 to 03h48) was noted in the average court hours achieved by the Lower Courts.

The District Courts had a 12.1% decrease in the number of cases (from 295,329 to 259,589). Alternative Dispute Resolution (ADR) cases exceeded their target of 85% with 2.4% by maintaining a conviction rate of 87.4%. The Regional Courts have also exceeded their target of 70% by achieving a conviction rate of 73% (conviction of a total of 25,338 cases in comparison to 26,619 cases convicted in 2006/07). On Specialised Courts, Cabinet approved that the Child Justice Bill be re-tabled in Parliament during 2007/08. A Child Justice Bill Implementation Framework has been developed for all Departments involved and is in the process of consultation and finalisation. The Children's Act, 2005 (Act 38 of 2005) came into operation (in part) on 1 July 2007.

Approximately 250 Regional Court Magistrates were trained on child justice, diversion and non-custodial

sanctions in serious cases, facilitated by the Association of the Regional Magistrates of South Africa. This culminated in a bench book being produced. The number of children who are awaiting trial in correctional facilities has decreased by 50%.

A family law learnership manual was finalised and distributed for use in training on domestic violence. The Family Advocate has extended its services through the establishment of two satellite offices in four provinces – Gauteng, Western Cape, Eastern Cape and KwaZulu-Natal. The Family Advocate succeeded in extending services to all the Lower- and High Courts in the country as well as the provision of mobile periodical services in rural areas.

A total of 82 cases were lodged with the Land Claims Court and only six cases were finalised due to the fact that cases may take approximately two to five years or more to finalise depending on the nature and complexity of the claim. A total of 231 Extension of Security of Tenure cases were carried over from 2006/07 the Land Claims Court and 75 new cases were received during the reporting period, bringing the total case load to 306 cases of which 15 cases were finalised. A total of 145 Land Reform cases were carried over from 2006/07 by the Land Claims Court and 12 new cases were received bringing the total case load to 157 cases of which only one case was finalised. There was one Review case carried over from 2006/07by the Land Claims Court and 130 new cases were received bringing the total case load to 131 cases. This Court managed to finalise 118 cases.

The current total number of established Small Claims Courts (SCC) is 168. A total of 10 Small Claims Courts were established in Free State, KwaZulu-Natal, Gauteng, Mpumalanga (Lydenburg), Northern Cape (Victoria West), Limpopo (Tshiwavhusiku, Sekhukhune, Naphuno and Musina). (A total of two SCCs were proclaimed in Limpopo (Mokerong and Mankweng) and two SCCs were launched (Mapulaneng and Mhala). The Department has appointed 58 Commissioners and 23 advisory board members to assist SCC.

There are at present 219 Magistrates' Courts designated as Equality Courts whereas High Courts sit as Equality Courts. The proclamation of The Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000) which was available in English and Zulu has been translated into a further seven official languages isiXhosa, Setswana, Sesotho, Ndebele, Afrikaans, Tshivenda and Sepedi as prescribed in terms of section 31 of this Act. The outstanding two languages xiTsonga and iSiswati will be finalised by end May 2008. The translated Acts will be published in the Government Gazette once all the translations have been finalised.

On ADR mechanisms (Case Diversions), 19,066 children were diverted from the criminal justice system. A total of 27,756 cases with adult offenders has been diverted. A total of 46,822 cases had been diverted which constitutes a 5.3% improvement from the total of 44,483 cases diverted during previous financial year (2006/07). The restorative justice (RJ) diversion and non-custodial sanction pilot programmes have commenced at five pilot sites. A Traditional Court framework consistent with the Constitution, was established.

On the National Backlog Project, a total of 526 appeals were finalised. Backlog courts finalised 4,287 cases. There were 27 backlog sites in operation during 2007/08 and more such sites are currently under consideration to deal with the large number of outstanding cases and in particular the backlog cases in the Regional Courts. This Project remains a necessity and has largely been very successful. Contract appointments have also been extended for a further three months. The project will continue in 2008. The number of partly-heard matters has decreased and the average conviction rates for all the backlog courts are satisfactory.

vii) To develop and assist in the development of constitution and legislations.

There has been a steady decrease in the number of grievances and disciplinary actionable matters in the Master's Office. A directory of state officials was developed for managing litigation and will be presented at the Litigation Management Forum for its endorsement. The services of the Chief State Law Adviser have been extended to municipalities. Special attention is being given to municipalities regarding the scrutiny of their by-laws for compliance with the Constitution. A total of 45 municipal by-laws were scrutinised of which, 36 were finalised. During 2007/08, the Drafting Unit scrutinised a total of 61 Bills. A total of 43 Bills was certified.

The training of Community Development Workers (CDWs) on the Promotion of Administrative and Justice Act (PAJA) was completed in five regions and the remainder will be completed in the next financial year. A total of 10 road shows on PAJA awareness were conducted.

The Department has translated the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000) (PEPUDA) into 11 official languages and is now ready for layout and printing. The Department received a total of 582 briefs (consisting of 241 legal opinions, 299 international agreements and 42 draft regulations) of which 573 briefs were finalised, which amounts to 98%.

A total of nine Bills were introduced into Parliament, three of which were finalised by Parliament, and six remaining Bills are at various stages of finalisation in Parliament. These Bills deal with crucial/important issues such as judicial training, judicial accountability, discretionary minimum sentences, the reform of the customary law of succession, civil jurisdiction of regional courts and traditional courts.

The Criminal Law (Sexual Offences and Related Matters) Amendment Bill was also finalised by Parliament at the end of 2007/08. This ground-breaking law revolutionises the outdated law relating to sexual offences. Most of its provisions came into operation in December 2007. Numerous other important Bills are in the process of being finalised with a view to introduce them in Parliament.

viii) To administer deceased and insolvent estates, including the Guardian's Fund

Operation Sesifikile has identified 16 centres in all provinces which will provide deceased and insolvency estate services. A total of two new offices were established in Johannesburg and Port Elizabeth. A total of 42,572 beneficiary payments were made in 2007/08. A draft policy on liquidations and a procedure manual were completed and implemented at all Master's Offices.

The Master's Office has finalised 22,385 estates of more than R125,000 within 10 months out of the 32,975 that were enrolled, and 102,235 estates of R125,000 or less were finalised within four months out of the 58,147 that were enrolled.

ix) To educate the public on its constitutional rights

Information sessions were conducted with officials to communicate departmental policies and programmes. Coverage was achieved through a wide variety of events and was also published on the Departmental website and *Justice Today* newsletter.

Promotion of Administrative Justice Act (PAJA) pamphlets, booklets and posters, presidential pardons forms and the terms of reference summary of Traditional Policy Framework were translated into all official languages.

Justice Today newsletters, containing educational content, were translated into all official languages with the aim of raising awareness about justice related matters. The Departmental website was updated on a regular basis with new and relevant information in a user-friendly manner. The number of visits to the website at the end of 2007/08 was 181,655. A total of 2,365,000 readership was achieved from various newspapers on the services of the Department. Legal Talk Programme was piloted with a popular radio station for 26 weeks every Monday between 20h00 to 21h00 reaching 2,171,000 people.

The Department created awareness as well as provided educational talks on the Victims' Charter. The national launch in the Eastern Cape was also arranged. Further activities of the Department included comprehensive electronic and print media coverage, articles in the Department's newsletter and on the intranet, creation of a dedicated Victims' Charter webpage, translation, information sessions workshops with CDWs and development of posters and booklets amongst others.

The Translation Services Unit was established. The Unit has two language practitioners who are responsible for dual translation services of Bills. They currently perform simultaneous translation of Bills from English to Xhosa, isiSwati, isiZulu and Afrikaans. The Translation Services Unit has translated a total number of 10 Bills.

2.4 Overview of the service delivery environment for 2007/08

The environment in which the Department delivers justice services is complex. The Department is experiencing a growing public demand for more and better justice services. There are also other national challenges such as the instability of supply of electricity to courts, large numbers of people without jobs, undesirable high crime rate, increasing numbers of desperate migrants, an expanding shortage of technical skills, as well as unrelenting, sporadic racial tensions.

The Department is committed to improving delivery of quality justice services to the people. The Department has identified training of its personnel as an area that requires attention to improve delivery of justice services at courts and justice offices.

The other major challenges identified as deterrents to the delivery of quality justice services to the public, are:

- The nation-wide physical infrastructure constraints; especially shortage of accommodation, poor working conditions, insufficient and inadequate resources, and disparate distribution of courts to the communities.
- The shortage of appropriate skills and personnel; including empirical knowledge gaps on current and future challenges, lack of appropriate and sufficient staff training and development, poor communication and education of the public on issues of justice in the country; and
- Misaligned justice systems, programmes and services across the Justice Crime Prevention and Security Cluster (JCPS); This including non-compatible business solutions, misaligned and/or over-ambitious policies, isolated solutions and misaligned Cluster strategies.

The Department recognises the need to be proactive and put the society at the centre of all its efforts to provide and improve justice services. It appreciates the need for a paradigm shift in how it relates to its Cluster members, to its stakeholders, and to its entities to ensure that its service delivery efforts make a real and lasting difference in society.

2.5 Overview of the organisational environment for 2007/08

During the year under review, the Department has implemented plans to reduce the turn-around time for filling of vacant posts, the handling of misconduct cases and resolution of grievances and disputes. The Department has also taken measures to finalise the organisational re-design process, compilation of job descriptions, competency profiles and a skills audit. Although these processes are at advanced stages of completion, there are still outstanding activities. The major challenge facing the Department is to provide appropriate and adequate personnel in order to deliver on better justice services and fulfil its mandate. The Department's average turn–around time for recruitment is currently a period of four months.

During 2007/08, the new set of delegations framework was adopted by the Department. This will help enhance organisational efficiency and assist in improving accountability.

Furthermore, several Internship and Learnership Projects were implemented. As part of the National Youth Service Programme, one hundred Candidate Attorney Interns were stationed at 11 University Law Clinics across the country to provide free legal services and legal support to disadvantaged indigent members of the community. This will give sub-graduates the opportunity to acquire practical skills.

Skills development for SMS and MMS members continued with the provision of training through the Management Leadership Development Programme (MLDP). In total, 99% of the 214 senior management declared their financial interest in 2007/08, and 93% signed performance agreement contracts.

The right-sizing of the Masters' Offices has been completed by increasing the appropriate capacity required to enable government to respond to the immediate needs of the people.

2.6 Strategic overview and key policy developments for the 2007/08

One primary focus of the Department is to establish synergy between policy on key transformative areas and the legislative proposal which aim to give effect to the intended transformation goals. Through this synergy, several Bills which had a profound impact on the transformation of the justice system and the legal sector were introduced into Parliament during the year under review. The Criminal Law (Sexual Offences and Related Matters) Amendment Bill, which was debated at length, was finalised by Parliament at the end of 2007. This Bill revolutionises the outdated law relating to sexual offences. Most of its provisions came into operation on 16 December 2007. The following Bills are still being considered by Parliament:

- The South African Judicial Education Institute Bill, which for the first time in our history, will provide an integrated judicial education framework for both Judges and Magistrates. The envisaged Institute will be governed by a multi-sectoral council chaired by the Chief Justice to ensure its

independence in relation to curriculum development and the training programme.

- The Judicial Service Commission Amendment Act which introduces the long awaited complaints handling procedures for Judges.
- The Jurisdiction of Regional Courts Amendment Bill, which confers civil jurisdiction on the Regional Courts. The Regional Courts, despite being the intermediate court between the district and the High Court was denied civil jurisdiction by apartheid legislation. The exclusion of civil jurisdiction to these courts results in the denial of access to justice to the majority of the citizens who would not afford to pursue legal redress at the High Courts. The immediate consequences of this intended legislation will ease the hardship and prejudices of the vulnerable and poor members of society who are compelled by the current system to seek legal redress in remote courts, sometimes beyond the provinces where they reside.
- The Child Justice Bill, the Traditional Courts Bill and the Renaming of High Courts are presently also being considered by Parliament.

The Department is in the process of finalising the consolidated policy framework to address outstanding issues relating to the transformation of the judiciary. Various aspects of this policy are being discussed by the relevant stakeholders. The aspects include:

- The rationalisation of the High Courts which includes the affirmation of the Constitutional Court as the Apex Court;
- The pursuit of a single judiciary and the harmonisation of the judicial appointment processes and the establishment of a common framework to deal with complaints for Judges and Magistrates;
- The promotion of multilingualism and increasing the capacity of court interpretation service;
- Harmonisation of the rule-making mechanisms and the review of the rules of courts to simplify court processes and procedures to enhance access to justice.

2.7 Departmental revenue and expenditure, and other specific topics

2.7.1 Collection of departmental revenue (R'000)

Table 2: Collection of Departmental Revenue

	2003/04 Actual	2004/05 Actual	2005/06 Actual	2006/07 Actual	2007/08 Target	2007/08 Actual	% deviation from target
Sale of goods and services produced by the Department (excl. capital assets)	2,864	11,161	8,712	10,792	12,052	14,027	24,2
Fines, penalties and forfeits	1,527	90,573	63,471	262,616	269,875	238,025	-11,2
Interest, dividends and rent on land	23,361	29,080	24,963	13,394	27,403	48,700	87,9
Sales of capital assets (Capital Revenue)	303	5	987	0	602		-100,0
Financial transactions (Recovery of loans and advances)	153,214	42,497	28,751	32,708	69,730	11,682	-84,0
Total departmental receipts	181,269	173,316	126,884	319,510	379,662	312,434	-16,5

2.7.2 Departmental expenditure (R'000)

Table 3: Departmental expenditure

Programmes	Voted for 2007/08	Roll-overs and adjustments	Virement	Total voted	Actual Expenditure	Variance
Programme 1 Administration	838,052	47,900	36,126	922,078	910,294	11,784
Programme 2 Court Services	2, 998,673	156,997	(84,430)	3, 071,240	2, 950,018	121,222
Programme 3 State Legal Services	415,925	27,700	(35,716)	407,909	377,491	30,418
Programme 4 NPA	1, 804,691	-	56,575	1, 861,266	1, 860,023	1,243
Programme 5 Auxiliary and Associated Services	1, 220,429	28,300	27,445	1, 276,174	1, 275,694	480
Total	7,277,770	260,697	-	7,538,667	7,373,520	165,147

2.8 Transfer payments

Transfers were made to various institutions listed below. These institutions also receive income from other sources:

Table 4: Transfer payment

Name of Institution	Amount Transferred R'000	Estimate Expenditure R'000
South African Human Rights Commission	55,281	55,281
Commission on Gender Equality	39,745	39,745
Special Investigating Unit	103,111	103,111
Legal Aid Board	613,029	613,029
Public Protector	78,722	78,722
Represented Political Parties' Fund	83,354	83,354
Edu, Train & Dev. Prac Sec E&T Auth	3,856	3,856
Total	977,098	977,098

2.9 Capital investment, maintenance and asset management plan

2.9.1 Capital investment

The building of accommodation, especially courts, is dealt with over a number of years. In terms of targets for a specific year, the measurement or indicator of new courts to be built for a specific year needs to be understood against the planning, tendering and actual building processes.

2.9.1.1 New buildings/additions to buildings completed in 2007/08

Table 5: New buildings/additions to buildings completed in 2007/08

No	Name	Description	Completion Dates
1	Daveyton Branch Court	New Branch Court	03 March 2008
2	Sekgosese Magistrate's Office	New Magistrate's Office	15 July 2007
3	Motherwell Magistrate's Office	New Magistrate's Office	01 October 2007
4	Theunissen Magistrate's Office	Additional accommodation	03 October 2007
5	Ceres Magistrate's Office	Additional accommodation	23 May 2007

2.9.1.2 Major new/ additional accommodation construction projects continued from 2006/07

Table 6: Major new/additional accommodation construction projects continued from 2006/07

No.	Name	Description	Expected Completion Dates
1	Tsakane Branch Court	New Branch Court	30 June 2008
2	Ekangala Magistrate's Office	New Magistrate's Office	27 October 2008
3	Stanger Magistrate's Office	Additional Accommodation	30 August 2008
4	Mitchell's Plain Magistrate's Office	Additional Accommodation	31 July 2008
5	Polokwane High Court (Interim Seat)	Interim seat (High Court): Conversion of Old Landros building	30 June 2009
6	Galeshewe Magistrate's Office	New Magistrate's Office	30 June 2009
7	Kagiso Magistrate's Office	New Magistrate's Office	02 December 2009
8	Colesberg Magistrate's Office	New Magistrate's Office	27 October 2008
9	Richmond Magistrate's Office (NC)	Additional accommodation	31 May 2008
10	Bredasdorp Magistrate's Office	Additional accommodation	06 November 2008
11	Supreme Court of Appeal	Additional accommodation	30 September 2009

2.9.1.3 Provision of new service delivery points

(i) Major projects expected to go out on tender in 2008/09

Table 7: Major projects expected to go out on tender in 2008/09

No.	Project Name	Description	Actual/Expected Tender Date
1	Pietermaritzburg Master's Office	Alternative accommodation for the Master's Office	31 May 2008
2	Kathlehong Magistrate's Office	New Magistrate's Office	31 July 2008
3	Soshanguve Magistrate's Office	Additional accommodation	15 February 2008
4	Johannesburg High Court	Additional accommodation	30 April 2008
5	Ntuzuma Magistrate's Office	New Magistrate's Court	03 July 2008
6	Bityi Periodical Court	New Periodical Court	28 February 2008
7	Thabong Court	New building	30 July 2008
8	Ashton Periodical Court	New Periodical Court	29 February 2008
9	Mpumalanga High Court	New High Court	30 September 2008
10	Limpopo High Court	New High Court	14 November 2008
11	Garies Magistrate's Office	New Magistrate's Office	31 October 2008
12	Lutzville Periodical Court	New Periodical Court	30 March 2008
13	Sundumbili Magistrate's Office	New Magistrate's Office	20 March 2008
14	Humansdorp Magistrate's Office	Additional accommodation	28 March 2008
15	Dimbaza Magistrate's Office	New Magistrate's Court	31 July 2008
16	Mamelodi Magistrate's Office	New Magistrate's Court	30 May 2008
17	Swellendam Magistrate's Court	Additional accommodation	28 March 2008
18	Hankey Magistrate's Court	New Magistrate's Court	31 July 2008
19	Thembalethu Magistrate's Court	Additional accommodation	28 February 2008
20	Lothair Periodical Court	New building	31 May 2008
21	Ngome Periodical Court	New building	30 May 2008
22	Riversdale Magistrate's Court	Additional accommodation	30 April 2008

(ii) Sites for major projects that were acquired in 2007/08

Table 8: Sites for major projects that were acquired in 2007/08

No.	Project Name	Description	Site Clearance Dates
1	Mamelodi Magistrate's Office	New building	31 December 2007
2	Hankey Magistrate's Office	New building	30 October 2007
3	Ngome Periodical Court	New building	30 April 2007
4	Dimbaza Magistrate's Office	New building	13 September 2007
5	Lothair Periodical Court	New building	30 June 2007

Table 9: Sites for major projects to be acquired in 2008/09

No.	Project Name	Description	Expected Site Clearance Dates
1	Soweto Magistrate's Office	New Magistrate's Office	30 June 2008
2	Vulindlela Magistrate's Office	New Magistrate's Office	30 August 2008
3	Chrissiesmeer Periodical Court	New Periodical Court	30 June 2008
4	Davel Periodical Court	New Periodical Court	31 July 2008
5	Dundee Magistrate's Office	Additional accommodation	To be determined
6	Gilead Periodical Court	New Periodical Court	30 June 2008
7	Grootvlei Periodical Court	New Periodical Court	30 June 2008
8	Ladysmith Magistrate's Office	Additional accommodation	30 June 2008
9	Nelspruit High Court	New High Court	15 August 2008
10	Limpopo High Court	New High Court	30 May 2008
11	Plettenberg Bay Magistrate's Court	New building	30 September 2008
12	Springbok Magistrate's Court	New building	30 July 2008
13	Hermanus Magistrate's Court	New building	31 December 2008
14	Richards Bay Magistrate's Court	New building	31 May 2008
15	Justice College/ Judicial Training Institution	New building	To be determined
16	Diepsloot Magistrate's Office	New building	31 August 2008
17	Simunye Magistrate's Office	New building	31 August 2008
18	Goodwood Magistrate's Office	New building	30 June 2008
19	Tsineng Periodical Court	New building	31 August 2008
20	Vosman Magistrate's Court	New building	31 August 2008
21	Jan Kempdorp Magistrate's Office	New building	31 August 2008
22	Port Shepstone Magistrate's Office	New building	30 June 2008
23	Booysens Magistrate's Court	New building	To be determined
24	Lethabile Magistrate's Court	New building	To be determined

2.9.2 Repair and maintenance of buildings

(Project progress as at 31 March 2008)

Table 10: Repair and maintenance of buildings: project progress as at 31 March 2008

RAMP Progress	
Status quo reports	187
Planning (Design and tender)	8
Repair phase	5
Maintenance (including the follow-on)	82
Total	282

There has been impressive progress made in the year under review. A number of court buildings were completed within the three-year cycle. These courts have now moved to the Follow-on Maintenance Plan under the Planned Maintenance Plan of the Department of Public Works (DPW). Additional courts were identified to be in the 2nd phase of RAMP. The scope of work to be done extend beyond the repairs and maintenance phase to include refurbishments and/ or upgrades.

2.9.3 People with disabilities and the elderly

During the year under review, an amount of R20 million was allocated to further implement the Accessibility Programme that was started in 2006/07. This project is currently in various stages of implementation and 63 court buildings were included in the programme. Due to emergent nature of the programme, the Department managed to source additional funding for the extension of this programme to another 403 court facilities.

2.9.4 Mobile units

The provision of mobile units, although a temporary solution, aims to improve access to justice services to those communities who have no permanent, physical infrastructure. In the year under review, 37 mobile units were procured to alleviate pressure on courts and office accommodation. Most of these mobile units have been provided to rural and township communities. Further information is provided under Programme 2.

2.9.5 Asset management

In 2005/06, the asset register was compiled by means of an asset take-on exercise. The opening balance as disclosed in Notes 29 and 30 is the result of the asset take-on. The asset value reflected was the result of a fair valuation process. The conditions of the assets were assessed based on the condition of the asset and the market related price per asset the value was assessed.

Assets in good condition	75% of current new value
Assets in satisfactory condition	50% of current new value
Assets in poor condition	25% of current new value

The Department continued with its endeavour to ensure efficient and effective management of assets. The asset verifications process in the regions revealed that there is lack of capacity and skills that are not adequate for effective asset management.

The Department performed a "Gap Analysis" that revealed deficiencies over a broad spectrum and subsequently embarked on an Asset Turn-around Project. The purpose of the Project was to complete an independent verification of all assets in the Department in order to produce a reliable asset register that reconciled with financial statements. Differences are investigated and verified and then dealt with by using acceptable asset management practices. The project involved the following activities:

- A project manager has been appointed to address the problems relating to assets.
- A steering committee has been established.
- A project to assist with the monthly reconciliations between BAS and JYP is currently in progress.
- A project to perform independent stock taking on movable assets for year-end purposes in progress.

2.10 Programme Performance

2.10.1 PROGRAMME 1: ADMINISTRATION

Administration concerns the development of Departmental policies, strategies and systems and processes. Administration also concerns human resource, information systems, communications and financial management, and other support services, as well as risk and security management, internal audit, access to information and document management. Administration also involves promoting, maintaining and developing the Constitution and its values.

A. REPORT OF THE OFFICE OF THE DIRECTOR-GENERAL

The Office of the Director-General (ODG) oversees programmes on policy coordination, constitutional development, the criminal justice review, the protection of vulnerable groups, international legal relations, strategic management and governance, enterprise risks and security management, national operations centre data management, internal audit, access to information and gender and victims' support.

i) Policy Coordination

The establishment of the Policy Coordination Unit (PCU) in the ODG is aimed at strengthening research for effective policy conceptualisation, monitoring, evaluation and implementation. Currently the PCU is structured in a manner that provides support to the key areas of focus of the Department, namely:

- Constitutional Development

- Policy support to the judiciary and the courts
- Policy on specific programmes for vulnerable groups
- International Legal Affairs.

For further information on the progress made by the Department in this regard refer to paragraph 2.6, "Strategic overview and key policy developments for 2007/08".

ii) Constitutional Development

The purpose of this Chief Directorate is to develop, promote and implement the Constitution and its values. The unit is also responsible for coordinating assistance to and protection of relevant Chapter 9 Institutions to ensure their independence, impartiality, dignity and effectiveness. One of the main focus areas of this Unit is to oversee the Promotion of Administrative Justice Act (PAJA). PAJA is an Act of Parliament (mentioned in section 33 of the Constitution), passed to give effect to the Constitutional rights to lawful, reasonable and procedurally fair administrative action. PAJA gives effect to the right to just administrative action in the Constitution, and is there to ensure that government is democratic, accountable, open and transparent.

To promote PAJA, the Department (Justice College in partnership with the German Technical Cooperation) conducted training to CDWs to empower them to assist communities to assert their rights as enshrined in the Constitution. Over 400 CDWs from KwaZulu-Natal, Mpumalanga, Eastern Cape, Limpopo and the Western Cape were trained on PAJA. Training of CDWs from Gauteng, Northern Cape, Free State and North West will be conducted in 2008. The Department also conducted a seminar on PAJA with the Department of Agriculture (to introduce agricultural inspectors to PAJA), with the South African Local Government Association (involving nine districts and 27 local municipalities), and with the Department of Provincial and Local Government (conducting 10 road shows to create awareness on the PAJA to Ward Councillors, Speakers, Mayors and Senior Managers).

As part of discharging its function of promoting awareness on the Constitution and Human Rights, the Department continues to conduct workshops and information sessions with government officials, traditional leaders and members of the public on the Constitution and Human Rights. This is further supplemented by the continued publication of articles on the *Justice Today* newsletter. Awareness of this important piece of legislation is still a challenge for both administrators and the public at large.

The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000) (PEPUDA), was translated into 11 official languages. The translated version is currently being printed for distribution.

The unit is also responsible for assisting and protecting Chapter 9 Institutions that strengthen constitutional democracy. There are three Chapter 9 Institutions that the Department is dealing with, namely; the Commission on Gender Equality (CGE), the South African Human Rights Commission (SAHRC) and the Public Protector (PP). In the year under review, the Department facilitated the appointment of the chairperson and a member to the CGE. This process involved drafting of the relevant memoranda and government notice calling for nominations of candidates, briefing the Committee established to nominate candidates for appointment as well as preparing the necessary Presidential minutes. Currently there are no vacancies at the CGE. The Department has approached the Speaker of the National Assembly to facilitate the process of filling of vacancies in the SAHRC. Furthermore, several meetings have been held with the Chapter 9 Institutions to strengthen collaboration on issues relating to justice service delivery. One of the outcomes of the meetings was the establishment of an operations committee attended by the Chief Executive Officers (CEOs) and the Chief Operations Officer (COO) of the Department, to deal with operational matters.

On the promotion of gender representation in the justice sector, the Department embarked on a number of projects to implement its gender programmes. These include the evaluation and review of the gender policy statement, gender mainstreaming project, the project on South African Women Lawyers' Association (SAWLA), and Jurisprudence of the Equality Programme.

The purpose of the Gender Policy statement is to evaluate the implementation of the Gender Policy in the Department, to review the policy, to set new gender targets, as well as to develop implementation and reporting strategy on the policy. The Department has concluded a tender to evaluate the implementation of this Policy.

The purpose of the Gender Mainstreaming Project is to facilitate gender equality training workshops for the Department's managers, and to popularise the Resource Book in compliance with Convention on the Elimination of All Forms of discrimination Against Woman (CEDAW) Committee Recommendations to South Africa. The South African Management Development Institute (SAMDI) is conducting the Gender Mainstreaming Capacity-Building training to officials. The main aim of the training

is to train officials on the effective implementation of gender mainstreaming policy in the programmes of the Department. The Department has developed a questionnaire on the understanding of gender mainstreaming and implementation. In addition, various publications to promote gender mainstreaming have been developed. These include:

- The gender mainstreaming Assessment Report;
- The gender mainstreaming Implementation Guidelines;
- The gender mainstreaming Reporting Protocols;
- The gender mainstreaming Needs Assessment Instruments ;
- The gender mainstreaming Budgeting Assessment Report and;
- The gender mainstreaming Budgeting Guidelines.

The main objective of the project on SAWLA is to provide a platform for dialogue and professional networking for South African women in legal careers, and to provide a forum to enable women lawyers to empower themselves and participate in national policy dialogues on the transformation of the legal profession. This include promoting access to justice and improving professional expertise for women in law, and advancing equality in the distribution of work to women in the legal profession.

The Department facilitated the launch of SAWLA Branches in all nine provinces. All provinces have appointed a Provincial Executive Committee (PEC[1]), and some provinces already have projects that they are engaged in. An induction training workshop for SAWLA PEC was held and attended by all provincial executive members. The purpose of the training was to introduce PEC members to each other and the Interim Executive Committee (IEC). The training covered discussions on governance, leadership for successful organisations, effective communication and conflict management among others.

The Department also hosted the SAWLA Access to Justice Week on 30 July to 4 August 2007. The SAWLA Access to Justice Week is a community service initiative of SAWLA that seeks to provide a vehicle for SAWLA members to give back to the community. The initiative seeks to give effect to the SAWLA Indaba Resolution held on the 7 May 2006 that directed SAWLA members to go beyond being self-serving and "initiate and identify with efforts towards social responsibility". The community service was executed in the form of free legal advice and assistance to members of the public, including the drafting of wills. Over 200 advice desks were set up by SAWLA members and the Department's personnel in all provinces. The project was a resounding success according to public response. There were a large number of media publicity campaigns, including TV and Radio advertisements, and presentations on radio, television and at community centres. The public also received free legal advice from private law firms, Justice Centres, Law Society, Black Lawyers Association (BLA), National Association of Democratic Lawyers (NADEL) and others.

The table below shows some of the SAWLA progress made in other SAWLA project

Table 11: SAWLA Progress

PROJECT	PROGRESS
3.1 Development of the SAWLA pamphlet and poster	Achieved
3.2 Development of an icons booklet	Achieved
3.3 Development of the icons exhibition	Achieved
3.4 Interviews with icons & other historical figures or sources for the development of an electronic documentary	Achieved
3.5 Publishing of a SAWLA history book	Not achieved
3.6 Development and publishing of a SAWLA newsletter	Not achieved
3.7 Assign curatorship and exhibition and history Project to the National Museum	Achieved
3.8 Develop SAWLA website	Achieved
3.9 Develop SAWLA database	Partly achieved

The Department planned and facilitated the hosting of the SAWLA Inaugural Conference held from 31 August 2007 to 1 September 2007. The main purpose of the SAWLA Inaugural Conference was to:

- formally launch SAWLA;
- finalise and adopt the SAWLA Constitution;
- elect the SAWLA National Executive Committee; and
- agree on a Programme of Action for the next five years.

The conference also sought to bring women involved in law together to continue the dialogue about transformation of the legal sector with emphasis on the Legal Services Sector and the meaning of Accelerated Shared Growth Initiative South Africa (ASGI-SA) to women in the legal profession.

On Jurisprudence of the Equality Programme (JEP), the Department facilitated the launch of the International Association of Women Judges (IAWJ) and the launch of the Southern African IAWJ train-the-trainer programme called the Jurisprudence of Equality Programme. The purpose of the JEP is to:

- Assist the judiciary to invoke international human rights instruments in their judgments, especially to empower women on issues of violence against women.
- Empower women judges and to develop their leadership skills.
- Create networking within Southern African Development Community (SADC) Women in the Judiciary.

It was agreed during the launch that the Department will assist in the customisation of the JEP manual to the South African context for the South African Chapter of the IAWJ. A draft JEP manual is in existence and the Department hosted a consultative workshop for the JEP task team from 10 to11 August 2007.

The Department facilitated a survey of the implementation of the Recognition of the Customary Marriages Act, 1998 (Act 120 of 1998) and public awareness through radio talk shows and also conducted training for Traditional Leaders. The report on public awareness, audit of implementation and the training presents a number of recommendations regarding administrative measures to be put in place and law reform to enhance the effectiveness of the Act. The following projects have been undertaken by the Department in order to effect the recommendations in the report:

i. Finalisation of the section 7(6) contract and issuing it as part of regulations under the recognition of Customary Marriages Act;

ii. Symposium on customary law (Marriage) for Judicial Officers;

iii. Evaluation and Strengthening of Training on the Recognition of Customary Marriages Act, 1998 (Act 120 of 1998) for :
    - Traditional Leaders
    - Registration Officers
    - Masters' Officials
    - Judicial Officers involved in granting orders in respect of the Change of Matrimonial Property Regime, Section 7(4), section 7(7) Applications in respect of the contract to precede an additional customary wife and divorce and related matters; and
    - Section 7(6) contract has been finalised and has been submitted to the Secondary Legislation to be included in the Regulations.

A National Implementation Plan has been developed for the Service Charter for Victims of Crime. The layout design of the plan has been finalised and has been printed in a booklet after consultation and approval with the JCPS Cluster. The Service Charter for Victims of Crime ensures that there is continuous awareness of court users of their rights and court processes. A consultative meeting with all governmental stakeholders on the implementation of the Victims' Charter was held and an Inter-departmental Victims' Charter Committee (to develop an integrated implementation plan that will focus on inter-departmental training and outreach events) has been successfully launched. Furthermore, training on the Victims' Charter was conducted in regions. Part of the training focused on the Maintenance Act, 1998 (Act 99 of 1998) as part of Operation Isondlo. Non-Governmental Organisations (NGOs) have also been briefed on the Victims' Charter.

In order for the Department to ensure consistency in prioritising the Victims' Charter in all development committees' programmes and meetings, a five-year Implementation Plan has been developed. The second round of presentations to provinces is being conducted. The purpose of the presentation is to request departmental communications staff to facilitate training on the Victims' Charter so that when the Charter is launched, all service providers know about it.

The Department has submitted a Draft Policy on the Transformation of the Legal Profession and prepared a seminar on the gender and family responsibility to provide information on family responsibility leave.

iii) International Legal Relations

In keeping with its international obligations, the Department has engaged on negotiations of bilateral and multilateral treaties on extradition and mutual legal assistance in criminal matters and other legal instruments, including the designation of countries for the purpose of providing them with legal assistance in civil matters. These negotiations are seen as one of the Department's priority functions because they intend to deter criminals from using South

Africa as a safe haven. The negotiations are also an important mechanism in the country's fight against trans-national crime.

The current High Court ruling regarding the validity of the extradition treaty with the United States of America present South Africa with severe difficulties to uphold its international agreements and obligations. The ruling was in favour of the applicants on the basis that the treaty was not incorporated into South Africa's domestic law as contemplated in terms of section 231(4) of the Constitution. The Department has already filed an application in the Constitutional Court for leave to appeal. The Department is also in the process of setting up negotiations for the conclusion of the extradition and Mutual Legal Assistance Treaties with the United Arab Emirates, Uruguay, Tunisia, Cuba, Pakistan, New-Zealand, Chile and Kuwait. The use of diplomatic channels causes communication problems and this result in the reaction time of possible treaty partners being slow or not reacting at all.

The Department has also, in the period under review, convened an African Regional Meeting (ARM) on gender justice. The meeting took place in Cape Town and representatives from 10 African countries, including Sweden attended. The meeting recommended that a request should be issued to the United Nations (UN) Secretary-General to call for a thematic debate in the UN Security Council. The UN debate on this matter was held in October 2007. The Department also developed a programme for the exchange of experience and expertise on justice matters with a particular focus on gender justice within and among conflict affected countries in Africa such as Liberia and Southern Sudan.

With regard to South Africa's accession to the Council of Europe's Convention on Mutual Legal Assistance, advice was received from the Department of Foreign Affairs (DFA) on the Council of Ministers. The advice showed that the council is in favour of South Africa's accession. The decision was referred to the individual states for approval; after which a formal invitation to accede will be extended to South Africa. Furthermore, a formal notification from the Executive Secretary of SADC was received by the Department, which informed the Department that the required number of ratifications, namely, two thirds of Member States (nine of the 14 Member States) was received, resulting in the entry into force of the SADC Protocol on Extradition.

Following the Minister's approval in 2005 that a number of countries be designated in terms of the Reciprocal Enforcement of Maintenance Orders Act, 1963 (Act No. 80 of 1963), the Department approached the identified countries to request that they reciprocate. Currently only Tanzania, Slovakia and Austria have reacted positively, while Malaysia and the Netherlands have declined the request. The Department is making follow-ups with the other countries.

In addition, the Department has created additional posts to deal with all outstanding Human Rights periodic reports, indicating the progress made by South Africa in implementing the provisions of the respective Human Rights instruments. The Department is currently updating reports before submission to Cabinet.

On strengthening the International Criminal Court and other related international legal institutions, the Department attended the Sixth Session of the Assembly of States Parties (ASP) of the Rome Statute of the International Criminal Court (ICC) in New York on 30 November to 14 December 2007. The Department has been appointed as the leader on the International Criminal Court. Two meetings of SADC Senior Legal Officials and the Ministry for Justice were held to discuss and recommend various SADC Protocols to the Council of Ministers. SADC Ministers of Justice reiterated their call for them to be accorded a forum to meet and deal with matters relating to justice. Senior legal officials from African Union (AU) Member States have completed discussions on the Protocol on the Merger of the Human Rights Court and the Court of Justice. The African Union (AU) Commission will convene a meeting of AU Ministers of Justice to approve the Protocol and recommend it to the Summit.

The Department also chaired the first session of International Institute for the Unification of Private Law Committee of Government Experts (UNIDROIT). The session was held in Johannesburg from 7 to 10 May 2007. The aim of the session was to prepare a draft model law on leasing. Although the matter falls under the jurisdiction of the Department of Trade and Industry, the Department played an instrumental role during the discussions. The Department is responsible for the payment of UNIDROIT membership fees; however there have not been active participation in the work of the organisation by African countries in particular. The Department called upon all Member States to take interest in the work of the organisation as it is aimed at unifying various laws among member states. South Africa also hosted the 46th Session of the Asian-African Legal Consultative Organisation (AALCO) in Cape Town from 2 to 6 July 2007. During the session, the Minister was elected President of the 47th Session of AALCO and post 47th Session activities.

On preventing and countering human trafficking in Southern Africa, the Department approved a request from the South African Law Reform Commission (SALRC) for the Government

of South Africa to approach SADC to facilitate the drafting of counter-trafficking legislation by SADC countries. Furthermore, the government recommended that relevant institutions within SADC facilitate the establishment of a technical assistance working group within the region, which will be responsible for the drafting of counter-trafficking legislation of each country within the region. The Department is responsible for giving effect to these recommendations. A meeting in this regard was held with the Law Reform Commission and once a written proposal is received from the SALRC, the Department will consider approaching SADC on this matter.

The Department also provided technical assistance to foreign states. In 2007/08, the Department prepared a draft Action Plan based on the provision of technical assistance to the Democratic Republic of Congo (DRC) and the visits undertaken to that country. Several inter-departmental meetings were held in preparation for the South Africa/Sudan Joint Bi-national Commission (JBC). Since Sudan is one of the priority countries to render assistance to, officials of the Department participated in those meetings with a view to identify areas of assistance and to approach important role-players. Visits to Sudan were postponed on two occasions due to the political instability of the region and therefore a needs assessment is still to be done.

iv) Cluster Work

The Department also participates in the JCPS cluster activities through both the Development and Joints Committees. The Accounting Officer co-chairs the Cluster. The Development Committee has facilitated, in addition to national intersectoral engagement, the establishment of provincial and local committees.

In relation to the criminal justice system, the following main cluster priorities are receiving attention:

- Continuation of the implementation of Intergrated Justice System (IJS) programmes, predominantly in respect of modernising the justice system and improving the management of persons and cases through the justice system chain;
- Improving the effectiveness of the criminal justice system, in part, through a review of the criminal justice system;
- Reducing the backlog of cases pending trial and the related problem of awaiting trial detainees;
- Dealing with sexual offences.

v) Strategy Monitoring and Evaluation

The Strategy Monitoring and Evaluation Unit is responsible for the development and review of the Department's Medium-Term Strategic Framework (MTSF). The Unit monitors and evaluates the implementation of the strategic plan. The Unit is also accountable for developing monitoring instruments and tools, producing planning and reporting cycles, producing annual and quarterly reports, communicating the success and challenges of executing the MTSF, as well as providing secretariat services to the Executive Committees and the top management forums.

As with many organisations, one of the most intricate tasks of the executive management is to develop, implement and continuously update the strategy in line with the Department's mandate, environmental challenges and stakeholder expectations. In the period under review, the Strategy Unit provided technical assistance to the accounting officer and the executive management to review the MTSF, and to improve its efficiency and alignment to the Department's stakeholder expectations and accountability areas. The Unit oversaw the development and approval of the Department's revised Medium-Term Strategic Framework (Revised MTSF 2008/09-2010/11). The revised MTSF is expected to improve collaboration and mutual cooperation in the Department's branches, regions, partners and stakeholders.

It should be noted, however, that the process of revising the MTSF is an on going process. The MTSF's Key Performance Indicators (KPIs) will continuously require refinement to align them to the requirements of the Criminal Justice Review (underway), Civil Justice Review (soon to be initiated), the Cluster and government-wide priorities. The Department is currently working to align and communicate the revised MTSF to its key role players in the justice sector, such as the National Prosecuting Authority, the Judiciary, the Legal Aid Board, the relevant Constitutional Bodies, the Non-Governmental Organisation, and other civil society organisations.

To improve its measurement and reporting processes, the Unit has produced a draft Performance Measurement and Reporting Policy (PMRP). With the Department's renewed focus on good management and delivery of services, PMRP will steer managers towards good planning, orientate them towards better, defined results, focus them towards results, provide guideline towards performance measurements, improve reporting times, and provide direction on how they implement corrective measures where possible. The draft PMRP will also inform the future development and review of the Department's strategic plan;

ensure adjustments to indicators, baselines, and targets; improve delivery of outcomes and impacts; establish result-based management; as well as improve integrity of data, processes and management across the Department.

The draft PMRP is the main foundation on which the Department's monitoring and evaluation (M&E) system will be established. The following diagram illustrates the model the Unit follows to implement the Department's M&E system:

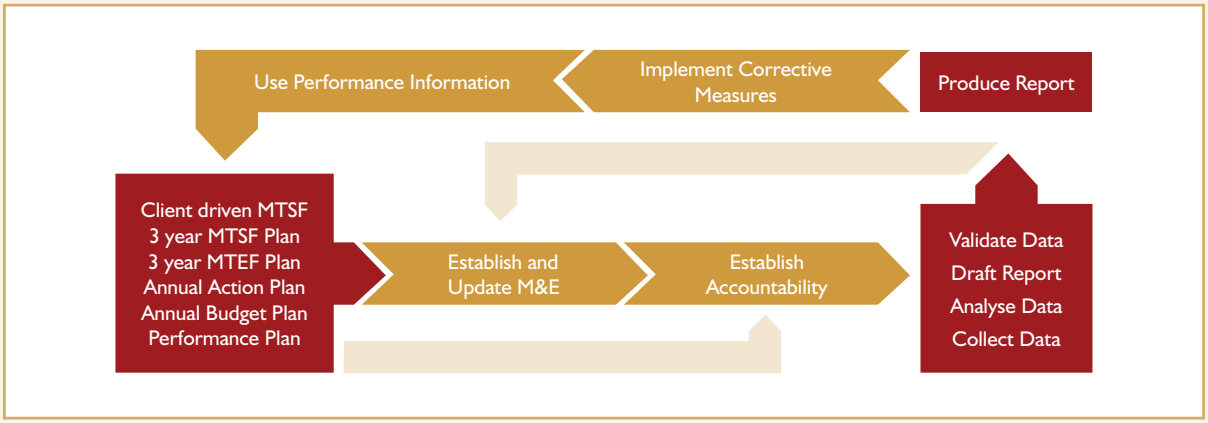


Figure 1: Strategy Monitoring and Evaluation Model

The Unit has also worked to ensure that Senior Management Service (SMS) and the staff they supervise sign performance contracts which are fully aligned to the MTSF. This will improve accountability in the execution of the MTSF. Currently, a total of 93% all of senior managers have signed their contracts, and these are aligned to the MTSF. It is also important to mention that all performance contracts of all executive managers are fully aligned to the MTSF.

The Strategy Unit recognises the importance of reporting performance as an essential aspect of good governance. Measuring and reporting performance is a key element of modern public management in that it improves effectiveness, efficiency, transparency and accountability. The production of the Department's performance reports is guided by the Treasury Regulations and Public Finance Management Act, 1999 (Act 1 of 1999) (PFMA) that requires that departments produce quarterly reports to assess the implementation of their strategic plans. The Strategy Unit has complied with this requirement and has produced all four performance reports. All reports have been approved by the Department's Executive Committee.

- It is, however, important to acknowledge that much of the Unit's attempts to measure and report on the performance and outcomes were faced with formidable obstacles. Various branches and regions which make key contributions to the Department's performance reports are faced with an array of challenges regarding collecting and keeping records on the progress of their programmes. The Strategy Unit has identified that some of the Department's branches and regions faced difficulties in:
  - accurately identifying and measuring outcomes;
  - collecting and submitting reliable data, on time;
  - correctly articulating outcomes and impact to fully address stakeholders' expectations and concerns;
  - depicting graphical changes in each performance information over time;
  - linking value creation to service delivery impacts;
  - aligning outcomes to resource allocation; and
  - accurately following recommendations of management interventions.

Measuring and reporting performance is a complicated process and reliable data is often not readily available in many contexts. In the year under review, the Strategy Unit championed easy-to-understand performance measurements. The Unit also conducted workshops to validate its reports, discuss methods of collecting data and resolve delays in input submissions. The Unit also published and distributed all its reports to encourage progressive reporting from management.

The Strategy Unit provides secretarial services to the executive committees, the senior management committee as well as the joint executive sub-committees. In order to improve executive time management and enhance agenda setting and decision making, the Unit developed Departmental Strategic Year Calendar and Executive Committees Calendar for Meetings in 2007/08. The Unit is currently developing an instrument to assess implementation of decisions and resolutions taken in the executive

meetings. This assessment is expected to extend to other strategic committees of the Department. In total, more than 44 meetings of the executive committees and senior management forums were held in the year under review. These include 22 EXCO meetings, 13 Joint EXCO (DoJ&CD, NPA & LAB) meetings, seven Heads of Regions meetings, and nine Senior Management Forum meetings. The meetings were instrumental in resolving issues such as strategy review, communicating the quarterly performance reports and budget reviews, briefing management on the process of policy development, criminal justice review projects, case backlog management project, Victims' Charter, Occupation Specific Dispensation (OSD), legislative matters, organisational redesign, as well as filling of vacancies in the Department.

vi) National Operations Centre

The National Operations Centre (NOC) is an information management unit that collects and analyse departmental information. NOC merged with Court Nerve Centre (CNC), and the merged unit was placed under Court Services branch as from November 2007.

The mandate of NOC is to establish a main centre for data collection and reporting in light of the restructuring of the Department. The purpose of NOC is to be the main source of business intelligence about the operational and court performance information of the Department. This is aimed at creating a more responsive decision support service over the next years by making the centre more effective and efficient in its information delivery responsibility to all stakeholders.

Regional data collection centres have been established by creating regional NOC representations posts on the regional establishment. Relationships have been established with external stakeholders (Legal Aid Board, Magistrates Commission, and National Prosecuting Services) to share information where possible in order to avoid duplication of effort. Where information cannot be obtained from existing operational systems (e.g. E-scheduler and JDAS) or from external stakeholders, NOC tools that are accessible through the Department's intranet (http://djini) have been developed to bridge the gap. NOC tools have been developed for Constitutional Court, Supreme Court of Appeal, the Land Claims Court, Labour Court, High Courts, Lower Courts [criminal, civil, small claims, family matters (domestic violence matters, maintenance (Operation Isondlo), divorce, children (adoption), estates, inquests, (Family Advocate)] and equality courts. NOC capturing tools have also been developed for operational information. These tools monitor the court profiling, Human Resources (HR) establishment and maintenance, financial compliance and security status of the courts.

Various management reports (e.g. court performance reports) are produced and provided for by NOC on a regular basis (some on an ad-hoc basis). A GIS solution is currently being explored by NOC and a court-user satisfaction survey has been completed. The Geographical Information System (GIS) of video conferencing facilities within the Department have been explored and should be operational by 2008.

vii) Risk and Security Management

The Department conducts its risk and security management activities with a view to mitigate risks and threats, in order to prevent and/or minimise deficiencies of any nature. The Risk and Security Management Unit has the mandate to develop and implement the risk management processes, to build a culture of risk management, to ensure that all major risks are identified, managed and reported on and to monitor its entire risk profile. The Department also needs to provide a safe and secure environment, to ensure proper maintenance of an environment where all employees, the public and other stakeholders continuously behave ethically in their dealings with, or on behalf of the Department.

A Strategic Risk Assessment workshop where EXCO members participated, was conducted in order to identify the array of risks that Department is exposed to. A comprehensive operational risk assessment exercise was conducted in eight regions and various units in National Office. Regional heads and various unit managers participated in identifying, assessing and developing plans to mitigate significant risks that could negatively affect the achievement of the set objectives. As a result of this exercise, risk profiles were developed and presented to management and Audit Committee for the various units and regions.

Various risk profiles have been developed for the Branches and Regional Offices. Anti-fraud and Risk Management committees were established in eight regions and an information brochure was published in print and on the Intranet. The reports generated were used by the internal and external auditors for their audit plans and to measure the Department's performance.

A fraud and corruption risk assessment was also conducted to measure maturity in the management; control and reporting on instances of fraud and corruption within the Department and to utilise the outcome as a basis for review of the Anti-fraud and Corruption Prevention Plan where necessary. The regional Anti-fraud and Risk Management committees were established and relevant risk coordinators were identified in eight regions.

The installation of risk management software in the Department server was completed and training was attended by eight officials on train-the-trainer basis in preparation for the roll-out of the system. There is on-going communication and awareness of risk management processes in the Department to inculcate the culture of managing risks; to support good governance and to be in-line with Treasury Regulations.

The Department continues to improve the security, health and safety to ensure a secure and safe environment and occupationally healthy workplace. High Courts, Magistrates' Courts, State Attorney and Masters' Offices were visited to conduct security risk assessments and the recommendations were implemented. All courts received 24 hour guarding services and physical security measures (burglar-proving, burglar doors and perimeter fencing) were installed. Cash-in-transit services were provided to various offices countrywide. A total of 348 offices received these services and the costs involved for Cash-in-transit services were R10,963,940.60. The Monies in Trust Project will replace the Cash-in-transit service.

The Security Infrastructure Project will address security needs holistically using current security technologies. A service provider was appointed to establish the needs and to develop specifications. This project will be rolled out during the 2008/2009 Financial Year. The Departmental Security Policy and Procedures were reviewed and finalised. The Physical Security Infrastructure Policy was approved. The work of installing security systems is in progress across all regions. Security services were provided at the following events:

- Asian African Legal Consultative Organisation – in Cape Town
- South African Women Lawyers' Association – in Sandton
- Magistrates' Conference – in Midrand
- Gender Justice Conference
- Ginwala Commission
- High Profile cases.

The Department intended to impact on the Department's National Vetting Backlog by ensuring that employees apply for and acquire security clearances appropriate for the kind of jobs they are performing. The initiative started in the regions and ended with national office. A total of 2,691 officials were seen through this awareness initiative in the regions and 302 officials at the national office.

viii) Internal Audit

The Department's Internal Audit Unit operates in accordance with the PFMA, Treasury Regulations and the Internal Audit Charter. The Unit also conducts its operations in accordance with the international standards for the professional practice of internal auditing issued by the Institute of Internal Auditors (IIA-SA), and under the direction of the Audit Committee. The NPA's Internal Audit Unit had also been integrated into the Department's Internal Audit Unit and internal auditing activities are performed on an integrated basis. The main focus is on providing assurances and advice to management and Audit Committee on matters pertaining to governance, risk management and control processes and the Unit through its Chief Audit Executive reports to the Audit Committee on a quarterly basis.

The Audit Committee comprises members, drawn from outside the public service and conducts its business in accordance with the PFMA, Treasury Regulations and the Audit Committee Charter. The Audit Committee meets regularly and has unrestricted access to both information and personnel within the Department. The Department was involved in 284 audit projects and approximately 86% of these projects were completed successfully. These projects however exclude the 67 forensic audit projects which were also successfully conducted.

The Department is experiencing high staff turn-over in the Internal Audit environment. In taking measures to mitigate the challenge of sustainability, the Department in collaboration with the IIA-SA has initiated a learnership scheme that will give 30 learners an opportunity to be trained and developed. The impact is to ensure that adequate and effective audit processes and methodologies are followed.

ix) Office of the Deputy Information Officer

The Department is mandated to administer the Promotion of Access to Information Act, 2000 (Act 2 of 2000) (PAIA) and provide administrative support to the judge designated in terms of the Interception Act 2002 (Act 70 of 2002). The Department also provides registry, telephone services and relevant information to all officials in the Department. Other responsibilities of the Department include training officials of other government departments on the implementation of the PAIA and promoting public awareness on the provisions of the Act. Officials from the Limpopo Premier's Office were trained on the implementation of PAIA as per the request.

A virtual library has been developed to enable officials to access research material electronically from their office desktops. Mobile shelves were installed in six offices in order to alleviate the problem relating to lack of filing space. The Pamphlets containing guidelines on how to use the virtual library are in the process of being finalised.

x) Review of the Criminal Justice System (CJS)

The Department aims to improve the efficacy of the justice system through the Research Review Project and through the CJS Review Project that includes business sector. The Research Review will determine the causes of the blockages in the Criminal Justice system through literature research, seminars with eminent academic experts in the field, stakeholder consultation and public submissions. Solutions to the causes of the blockages will be submitted over an extended period.

The Research Review's main objectives are to identify areas for improvement in the CJS and in areas of social context influencing the functioning of the CJS, gender issues, alternative dispute resolution, Restorative Justice, the Criminal Procedure Amendment Act, 2001 (Act 62 0f 2001) matters informing policy and the causes of further blockages identified within the Criminal Justice which may include capacity, governance and performance evaluation.

In 2007/08, phase one (planning phase) was completed, thereby achieving the set objective. This included authorisation of the Project Plan by the Directors-General of the CJS. Phase two includes conducting national research and stakeholder consultation.

Phase two has already progressed through:

- Reviewing reports identifying existing blockages in the CJS;
- Consultation with the CJS stakeholder representatives ;
- Conducting interviews with South African Police Service (SAPS), Department of Correctional Services (DCS) and NPA;
- Submission of draft work plans to the Director-General.

NB: Further information is provided in Programme 2

xi) 2010 World Cup

The South African Government is obligated to ensure that a National Security Plan (Project 15: Safety and Security) is in place to deal with the 2009 Confederations Cup, the 2010 FIFA World Cup event and other 2010 related events in South Africa. As part of this National Security Plan, an appropriate Administration of Justice Framework is required. The purpose is to ensure that appropriate organisational and operational measures are in place for the IJS to deal with any conflict with the law (criminal and civil) during the 2010 FIFA World Cup event. The Department is preparing to handle all justice-related challenges that may occur during the hosting of the 2010 event.

The 2010 FIFA World Cup Administration of Justice Project was initiated to determine the roles of the various IJS stakeholders; in particular the Department, the NPA, LAB and the Judiciary, in ensuring the effective administration of justice during the event. The Department is guided by the guarantee signed to ensure support in delivering a successful World Cup in 2010 by providing court facilities, prosecutions, adjudication, language court interpreting and guidance in legislation services. The focus is in ensuring provision of such services in the events leading to and including the 2010 FIFA World Cup.

The following milestones were achieved:

- The appointment of the project leader;
- The establishment and staffing of the 2010 Project Office;
- The establishment of the Steering Committee (with members from the Department, NPA, LAB, Judiciary and SAPS) to give strategic direction for the project and to oversee implementation of sub-projects;
- Benchmarking with Germany as the hosts of 2006 FIFA World Cup;
- Scoping sessions which resulted in the finalisation of the Scope of Work document (a map or guide to all activities to be undertaken in future);
- Project Team selection and involvement from the regions and the national office;
- Establishment of Regional Steering Committees;
- Dedication of courts nearer to the 2010 stadiums to adjudicate over matters emanating from the 2009 and 2010 events;

- Analysis and determination of gaps in terms of infrastructure and Human Resource needs for the dedicated courts; and
- Consultations and workshops to draw up individual Project Plans for Court Interpreting services in foreign languages, prosecution services, judiciary and legal aid.

xii) Donor Coordination

The Department is a recipient of Official Development Assistance (ODA) since 1994. The degree of the assistance received is informed by the agreements that South Africa has entered into with the various development partners on areas of Justice.

The National Treasury is the custodian of such donor assistance. Donor Assistance flows from National Treasury to the intended implementing departments. The responsibility and accountability for the implementation of donor supported projects and programmes are vested in the implementing departments.

The National Treasury is the nodal point of Donor Coordination in South Africa. It has however decentralised some of the functions to the implementing departments, hence the establishment of the Donor Coordination Unit in the Department in 2007.

The mandate of the Unit is to efficiently and effectively manage donor coordination and provide programme management support.

The National Treasury has put in place policy guidelines for ODA management. The Department has since developed its own Donor Coordination Policy framework. The framework was adopted in the Senior Management Forum (SMF) and is now awaiting approval.

The availability of Donors willing to assist the Department in fulfilling its mandate is one of the opportunities that need to be exploited through effective, efficient donor coordination and the acknowledgement of official development assistance offered by Donors to the Department.

The Department can determine the effectiveness of the aid through well coordinated donor processes by ensuring adherence to principles of Paris Declaration (PD) by the development partners (donors) who are signatories to the PD. The PD says donors must align their systems and processes to the systems of the recipient countries.

The Department also strives to ensure that projects and programmes are aligned to its overall strategic objectives as outlined in the MTSF and therefore be able to measure the impact of donor funds in the Department.

In the 2007/08, the following milestones have been accomplished:

- The Donor Management office has been established and one Director; two Deputy Directors and a Programme Administrator were appointed.
- A database of projects that are donor funded has been done and meetings with various project managers are taking place. Currently issues and challenges identified are being addressed in one-on-one meetings with project managers.
- The negotiations and preparation of donor contracts and finance agreements took place. The Department was actively involved in the facilitation of the signing of the Strategic Objective Grant Agreement Amendment Number Two for Democratic Consolidation Advanced between United States of America and the Government of the Republic of South Africa which was signed by the Minister on 20/09/2007.
- The Department was represented in consultations with various donors through the IDC at National Treasury.

xiii) Implementation of the TRC Recommendations

The Truth and Reconciliation Commission (TRC) Unit was established in September 2005 with a view to audit, monitor and coordinate the implementation of the TRC recommendations and report to the Cabinet and Parliament. The TRC Unit works closely with the President's Fund Office, which is located in the Office of the CFO.

Following the TRC's recommendations to the President and the President's subsequent recommendations to Parliament, an ad-hoc Joint Committee on Reparations of both the Houses of Parliament (the Committee), was established to consider the President's recommendations.

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

(a) Final reparations

This entails the once-off individual grant of R30,000 each to persons declared victims by the TRC.

The services of a professional tracing agency were enlisted to expedite the tracing of beneficiaries for the once-off individual grant of R30,000. A total amount of R525 million was paid to 15,839 beneficiaries from the 2003/04 financial year until the 2007/08. In this financial year, 229 beneficiaries were paid

an amount of R6,870,000 for the once-off individual grant of R30,000.

(b) Symbols and Monuments

This 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.

(c) Medical benefits and other forms of social assistance

This category includes education, health and housing assistance, as well as other forms of social assistance to address the needs of TRC-identified victims.

(d) Community Rehabilitation

Community Rehabilitation means rehabilitating communities that were subjected to intense acts of violence and destruction between 1960 and 1994, and who are still in distress.

In 2007/08, a progress report on government's implementation of the TRC recommendations was concluded. The Report will be submitted to the Cabinet following ministerial approval.

The Missing Persons Task Team (MPTT), located in the NPA, has to date, conducted 50 exhumations in respect of persons reported as missing to the TRC. A total of 13 exhumations took place in 2007/08. However, these numbers are subject to further forensic testing to confirm the identities of the exhumed remains.

The Department developed an Exhumation Policy in consultation with the relevant stakeholders to coordinate the abovementioned exhumation process. At the end of 2007/08, further consultations were envisaged before finalising the Policy. The Department also facilitated the drafting of regulations to enable access to the President's Fund to assist the affected families with travelling and reburial costs. By the end of March 2008 these regulations were awaiting ministerial approval before submission to the Cabinet.

The Department rendered assistance to the families of exhumed persons with, among others, applications for reparations and Special Pensions (where relevant), obtaining death certificates, arranging bereavement counselling for the affected families in conjunction with the Department of Social Development, and assisting victims' children born outside South Africa to reclaim their rightful citizenship.

The Department furthermore facilitated the drafting of regulations on medical and educational assistance. These draft regulations were forwarded to the relevant departments for their comments. In the interim, the Department of Education has set aside R5 million of its own budget to assist TRC-identified victims. Consultations were also held with the relevant government departments to facilitate the drafting of regulations to enable access to the President's Fund in respect of other forms of social assistance, e.g. housing, to individual TRC-identified victims, as well as reparation programmes aimed at community rehabilitation. This process is still ongoing.

B. REPORT OF CORPORATE SERVICES

i) Office of the Chief Financial Officer (CFO)

The Office of the CFO consists of four Chief Directorates, the Financial Transaction Processing and Reporting Services, Third-Party Funds, Budget Procurement and Decision Support and Costing Unit.

PFMA and the National Treasury Regulations define the role of the CFO to be one of assisting the Accounting Officer with the effective financial management of an institution, including; exercising sound budgeting and budgetary control practices, operation of internal controls, and the timely production of financial reports.

The Department managed to substantially improve financial performance and spending by 5% from 91.3% to 97.1%. The improved spending was as a result of the timely identification in the financial year's budget reviews for possible savings and virement of savings to other priority areas.

The MTEF Guidelines and Performance Management Framework from National Treasury were distributed to all Branch Heads. The Departmental MTEF submission was formulated (in conjunction with NPA and LAB) and submitted to National Treasury. Estimates of National Expenditure (ENE) were submitted to National Treasury (after scrutiny by the Budget and Strategy committee). The ENE was published and the Appropriation Bill was tabled before Parliament on 20 February 2008. Cash flow projections were submitted to National Treasury for approval on 27 February 2008

With regard to Third Party Funds (TPF), a tender evaluation process has been concluded and service providers were given the opportunity to submit best and final offers. The final selected service provider will be expected to conclude the systems development by December 2008 for full implementation which

will be commenced by January 2009. The Management of Third Party Funds (TPF) and the Public Private Partnership (PPP) process has reached its final stages. The MMT and PPP actively seek to remove all or most cash handling from courts, transferring the risk attached thereto to a Private Party (PP[1]). The PP[1] will, in short, be responsible, for the partnership period, for the financial management (receipts, payments, record-keeping and financial reporting) and the provision for a front-end administrative system (JDAS 5), while the Department will remain responsible for all the administrative and legal duties attached to the management of TPF.

Project management teams were established to perform an independent stock taking on movable assets. 284 asset controllers were trained in 2007/08 to improve efficiency in the management of assets. All offices confirmed the appointment of asset controllers to oversee the asset management function.

A Costing Unit was established in the Department with the mandate to cost draft Bills, legislation and Departmental policy to determine the financial cost implications of court decisions and to conduct regulatory impact assessments.

ii) Human Resources (HR)

The HR sub-branch consists of three Chief Directorates, namely Key Accounts, Value Added Services and Customer Management. In 2007/08, the Department has achieved the following:

Strategies were implemented to improve, amongst others the turn-around time for handling misconduct cases, grievances and disputes. The structure has been reviewed with the aim to enhance organisational efficiency.

From a skills development point of view, several internship and learnership projects were implemented. Besides the value that Internship and Learnership programmes add in terms of empowering the youth to prepare them for the labour market. The additional capacity that the projects are bringing to the Department has a major impact on improved service delivery, especially in the courts.

The major benefit of skills development is performance enhancement. The Project Khaedu training aimed to empower SMS members to play a leading role in terms of turning the Public Service into effective machinery geared to bring Batho Pele to life. The skills development phase of this project served to assist in facilitating the deployment of SMS members to the coalface of service delivery in a more structured and meaningful way.

There has been a 98% compliance of Senior Management Services (SMS) members who have signed performance agreements. The performance management training relating to the policies of the SMS echelon and the lower levels aimed at enhancing the implementation of the Performance Management System that will translate the departmental strategy into individual performance plans which enable the promotion of organisational efficiency. The Department complied with Employment Equity (EE) and Skills Development legislation in terms of submitting relevant reports to the relevant Sector Education and Training Authorities (SETAs) and the Department of Labour.

The Department's intent of providing strategic partnering with client branches took root through participation in strategic planning session's of branches such as that of the Master's, Office of the Chief State Law Adviser (OCSLA), Office of the Chief Operations Officer (OCOO) and Chief Litigation Officer (CLO). The Department ensured that strategic plans and performance plans of the respective Branches are aligned and integrated to the MTEF document of the Department. The Right-sizing project in the Masters' Branch required the Department to facilitate availability of integrated HR activities from recruitment, appointment, matching and placement, training needs and handling of employee relations issues to ensure minimal disruptions to the efficient operations of the Masters' offices throughout the country.

The Department was successful in providing day-to-day advice and solutions on an array of HR matters to client branches and by so doing increased efficiency in providing speedier services. The Department ensured that vacant posts are filled timely in respective branches. The Department aims to improve service delivery by ensuring that service delivery points are capacitated with adequate staff and skills. Currently, all funded vacancies are being prioritised to be filled. The Department has managed to reduce the vacancy rate from 23% to 15%.

The Department provided efficient and consistent HR administration and transactional services that meet the time and quality requirements of its clients. The major challenge faced was to reduce the vacancy rate in the Department. The following strategies/measures were implemented to achieve the aforementioned:

- reduction in turn-around time regarding the filling of vacancies to an average period of three months;

- decentralisation of recruitment process to the Regional Offices in order to fast-track the filling of vacancies;
- a project was initiated to conduct an audit of the establishment in all nine Regions and National Office. The objective of this project was to verify the correctness of the total number of approved vacancies as well as to determine whether they are funded or unfunded. All funded vacancies per region as well as at National Office have been confirmed;
- a service provider has been appointed to develop a Human Resource Plan as well as to finalise the organisational structure for the Department. In addition they will also assist with the finalisation of all outstanding job evaluations; and
- instead of being reactive the Department has now adopted a pro-active approach, whereby vacancies are identified, and the relevant managers contacted and requested to advertise and fill vacant funded posts within three months.

This Department also embarked on the Master's Office right-sizing project aimed at reducing the number of non-permanent staff in the Masters' Offices nationally. A massive recruitment project was undertaken to fill these positions. A total of 699 vacancies were identified to be filled of which 270 are still vacant (further vacancies occurred due to promotions of staff and newly created posts).

A total of 2,703 vacancies were identified, of which 1,529 have been advertised, 1,174 posts could not be advertised due to the suspension on filling of posts and unfunded posts.

The Department developed the OSD for legally qualified personnel, together with the Department of Public Service and Administration (DPSA). This resulted in negotiations being concluded and an agreement was signed in the central bargaining chamber in February 2008.

The Employee Assistance Committee is in place dealing with the Department's internal labour relations issues. There is also progress on reducing backlogs for misconduct cases. A Grievance Committee has been established to deal with performance assessment grievances, and HR Policies were reviewed and HR delegations were finalised.

iii) Public Education and Communication (PEC)

The core function of the Chief Directorate: Public Education and Communications, is to fulfil the communication needs of the Department by providing effective and efficient communication through media and educational services. This is to ensure a mutual understanding and learning between the Department and its stakeholders.

The Public Education and Communication Unit consists of four directorates, namely Media Research and Liaison, Public Education and Liaison, Internal Communication and Language Services and Printed and Electronic Publications.

The core function of Public Education and Liaison is to build public confidence in the administration of justice by educating the public on legal and Constitutional matters and other justice related services which are aimed at promoting access to justice for all. Internal Communication and Language Services manages internal communication within the Department. It also promotes and facilitates the use of all official languages and provides language services (including editing and translation services) to internal clients. This unit deals with the provision of corporate offerings and production of the newsletter (*Justice Today*), as well as the distribution of information throughout the Department. Media Research and Liaison maintains the public image of the Department through the media. The Printed and Electronic Publications Unit coordinates and facilitates the production of publications such as brochures, posters, conference material and banners and develops and maintains the departmental websites and internet.

The challenges faced in this regard are the high cost of resources used in communication and HR which entails the issue of more staff being needed and the low level of skills.

The Department has created partnerships to link with stakeholders and existing structures in order to meet its mandate. The Department is currently making use of CDWs who are involved in interdepartmental projects. The CDWs were mobilised to focus specifically on justice issues, whereby the programme will attain a much more focused and effective reach into communities, particularly those identified as vulnerable.

Ministerial Izimbizo present an invaluable platform for reaching out and gathering concerns and feedback from communities, as well as educating them. By bringing in stakeholders from NGOs, Community Based Organisation (CBOs) and partners in the JCPS Cluster, the communication and outreach impact is amplified. Non-traditional avenues of communication exist such as mobilising regional officials and court officials to interact directly with the communities they serve, gather information on issues of concern and to educate the public regarding the services available to them.

The Legal Talk Programme was piloted on a popular radio station for 26 weeks every Monday between 20h00 and 21h00 and reached 2,171,000 people. The Sexual Offences Bill has media coverage on the operationalisation of the Sexual Offences Amendment Act, 2007 (Act No. 32 of 2007). Adverts on the Presidential Pardons were published in various newspapers and aired on various radio stations. 2,365,000 readership was achieved from advertising the services of the Department in various newspapers.

Information sessions were conducted with the Department's officials to communicate departmental policies and programmes. Coverage was achieved on a wide variety of events and was also published on the Departmental website and in *Justice Today* newsletter. PAJA pamphlets, booklets and posters, Presidential Pardon forms and the terms of reference summary of traditional policy framework were translated into all official languages. Awareness on the Victims' Charter was launched in Eastern Cape.

The *Justice Today* newsletter containing educational content was translated into all official languages with the aim of raising awareness about justice related matters.

The Departmental website was updated on a regular basis with new and relevant information in a user-friendly manner. The number of visits to the website at the end of 2007/08 was 181, 655.

Copywriting for publication for the Government Communication and Information Systems (GCIS) was done. The Traditional Leader Policy Document was printed and distributed to identified stakeholders. Topics on justice-related matters were researched and the findings were collated and disseminated on an ad-hoc basis.

The Department aims to reach all citizens, in particular those in rural areas by conducting developmental communication. The aim is to create awareness as well as educate the public on human rights issues as enshrined in the Constitution. There are numerous activities that the Department undertook to fulfil this aim. These include:

- launching the Victims' Charter in the Eastern Cape;
- producing comprehensive electronic- and print media articles;
- Producing the department's newsletter;
- Maintaining the intranet;
- Creating a dedicated Victims' Charter webpage;
- Conducting information sessions, workshops;
- Collaborating with Community Development Workers;
- Developing posters and booklets;
- Conducting Operation Isondlo information sessions;
- Conducting Administration of Estates Information sessions;
- Conducting Domestic Violence information sessions; and
- Equality Courts workshops were held with NGOs and CDWs.

A total of six editions (35,000 per edition) of the official newsletter *Justice Today* were published (bi-monthly) and distributed country-wide, with educational articles in all languages.

The first phase of converting forms used in courts to electronic format for publishing to the intranet for officials was finalised, as well as publishing of relevant forms on the website (e-forms) for the public to access. The translation of these forms in all languages is also underway. The departmental website was re-designed to make it more efficient and effective as a communication tool.

The Virtual Library to be utilised through the intranet (DJINI) is an electronic library system created by the Department to meet its constitutional mandate to provide courts with a gateway to information. It empowers Judges, Magistrates, Prosecutors and officials to access legal information, thus enhancing quality service delivery to the Judiciary and legal environment in SA. The application provides access to an extensive Law Library Catalogue, both locally and internationally. This library includes access to JUTA publications, LexisNexis, Hein Online, etc.

Annual Reports for the Department, Judicial Service Commission, Guardian's Fund, President's Fund and the South African Law Reform Commission were published. Exhibition and educational material in all official languages e.g. PAJA, maintenance, domestic violence, The Master of the High Court, etc. were produced. The Department successfully hosted the Justice Golf Day on 5 October 2007. Strategic analysis of media used to inform principals on the consequences of media coverage both positive and negative were provided.

In KwaZulu-Natal, the Department developed a resource directory of all the courts which was published in an insert in newspapers in 2008. A Civil Society Summit was held with 50 NGOs during July 2007. The Department also received positive feedback from the workshop which was held at Ndwendwe in February 2008.

iv) Information Systems Management (ISM)

The Information Systems Management consists of two Chief Directorates: the Systems Management and Optimisation and Strategic Management. For detailed report on this sub-branch refer to Programme 5: Auxiliary and Associated Services.

C. REPORT OF JUSTICE COLLEGE

Justice College provides training for all officials of the Department, the NPA and the Lower Court Judiciary. Training was delivered to the following groups:

Table 13: Total trained by Justice College

Magistrates	2,155
Interpreters	316
Prosecutors	1,453
Officials in the Masters' Offices	280
Clerks and other officials of the court	1,110
Legislative drafters (all three spheres of Government)	105

The Annual Training Programme of Justice College depicts all training projects for the year. Other projects that Justice College is engaged in the:

- Accreditation of Justice College as a service provider;
- Conversion of training material into outcomes based and pitching same at the relevant South African Qualifications Authority level where appropriate;
- Investigating the feasibility of e-learning in the Department;
- Delivering seminars on the National Credit Act 2005 (Act 34 of 2005) and the Children's Act 2005 (Act 38 of 2005).

In the 2007/08, 185 courses were presented by Justice College. These courses, in conjunction with ad-hoc training provided, reached 5,834 people. The departmental training programmes are designed on the basis of systematically identified training needs of our customers, including Magistrates, Prosecutors, Masters' office personnel, interpreters, legislative drafters (in all three spheres of Government), Court- and Office Managers, clerks and other occupational groups within the Department.

In addition to the latter training activities, lecturers render a telephone advisory service to a number of occupational groups in the Department, including (but not limited to) magistrates, prosecutors, officials from masters' offices, clerks of the court and court interpreters. The Department also provides extra-departmental training in response to requests received from other government departments, and a number of SADC governments. No costs are incurred by the Department in this regard as these extra-departmental and cooperative training activities are financed by the relevant departments and governments.

Although adequate funds have been allocated to this office to meet the travel, accommodation and subsistence costs of all delegates attending Justice College courses during the 2007/2008 financial year, it is clear that there is an ever increasing demand for training. The continued successful utilisation of Justice College as the official training institute of the Department depends entirely upon the budgetary support received from the Department. Requests for more training interventions, inter alia due to the passing of new legislation, can successfully be addressed if Justice College continues to receive adequate financial support from the Department.

All courses planned for 2007/08 were successfully presented and ad-hoc training interventions were presented due to the demand for training. Training was also presented on new legislation. Course participants assessed training content and facilitators favourably.

Leadership Management and Administrative training component will ensure that officials are equipped with generic skills. The Communication and Marketing Unit will promote continued communication with Justice College's stakeholders. Another new unit, Legislative Drafting, provides training in legislative drafting to officers working with legislation in the various government departments, including national provincial and local government levels. Training to all SADC countries is being institutionalised. Needs analyses are being conducted on a more scientific basis to ensure that the training needs are being addressed.

Training assistance in foreign countries

Legal and Administrative Officers in the Office of the Master of the High Court in Namibia were trained. The Department has embarked on a programme to assist the DRC in improving their court systems. The programme intends to provide training to DRC Magistrates and assist in setting-up relevant courts IT infrastructure. The Department has also forged partnerships with other stakeholders and governments with regard to training of DRC Magistrates and set-up of IT infrastructure respectively. Civil Court and legislative drafting training were conducted in Botswana. Court interpreters from Botswana and Lesotho benefited from Justice College training. The College also assisted Zambia in developing a Small Claims Court framework.

2.10.2 PROGRAMME 2: COURT SERVICES

Court Services derives its mandate from the Constitution (Section 165). Its mandate is to ensure integrated court services to the people of South Africa through:

- Establishment and maintenance of court facilities;
- Promoting cost-effective quality court services;
- Facilitating effective management of the case flow through the court system;
- Ensuring provision of appropriate human resources to staff the court services, including judicial, prosecutorial and administrative staff;
- Promoting participation in the integrated justice system within the cluster system of Government; and
- Promoting engagement with stakeholders and communities.

This Branch, in conjunction with Regional Offices, are responsible for the development, monitoring and implementation of operational policies and strategies in relation to courts; coordination of stakeholder forums; development of performance standards for courts, including the monitoring of court performance; development and monitoring of special programmes to promote the rights of vulnerable groups, provision and management of adequate, secured and user-friendly justice service delivery points; and the rendering of family advocate services. One of the main objectives of Court Services is to ensure speedy justice proceedings by maintaining the court system in a way that leads to a reduction in backlogs.

Table 14: Summary of total Magistrate Courts

MAGISTRATE COURTS SUMMARY					
REGION	DISTRICTS	OFFICES	DETACHED COURTS	BRANCH COURTS	PERIODICAL COURTS
Eastern Cape	78	78	1	6	25
Free State	53	53	14	1	13
Gauteng	23	23	1	26	10
KwaZulu-Natal	51	51	4	25	34
Limpopo	36	36	1	5	51
Mpumalanga	30	30	3	5	37
Northern Cape	26	26	9	10	20
North West	27	27	5	2	29
Western Cape	42	42	6	10	27
Total	366	366	44	90	246

There are currently 366 magisterial districts, within which the following Lower Court houses 366 main court seats (366 offices), 90 branch courts, 44 detached offices, and 246 periodical courts. There are also 348 Regional Courts housed at these various main court seats/ branch or periodical courts. Table 14 illustrates the number and types of courts in each province.

The lower courts employs a total of 1,830 permanent Magistrates (not including the fluctuating number of acting Magistrates). Of these, 10 are Regional Court Presidents, 328 are Regional Magistrates, 23 are Chief Magistrates, 138 are Senior Magistrates, and 1,331 Magistrates.

The High Courts have 199 Judges, comprising one Chief Justice, one Deputy Chief Justice, one President of Supreme Court of Appeal, one Deputy President, eight Judge Presidents, four Deputy Judge Presidents and 183 Judges.

2.10.2.1 Service delivery objectives and indicators:

During the year under review, the Department built an extra five new Magisterial Courts. Of these, two courts (Daveyton and Motherwell) were officially opened, and three (Sekgosese, Theunissen, and Ceres) although completed and in operation, have not been officially opened. A total of 62 Magistrates were appointed during 2007/08. The Department is currently finalising

appointment of an additional 42 Magistrates. Two memoranda were submitted to the Minister for consideration of filling of these posts. A total of 16 Judges were appointed during 2007/08.

A. COURT PERFORMANCE

During the 2007/08 financial year, courts performed as follows:

i) The Constitutional Court

The Constitutional Court has 11 Judges. As section 167 of the Constitution Act, 1996 stipulates that the Constitutional Court must, at any given time, have a minimum of eight Judges to hear a case, with the Chief or Deputy Justice presiding. In terms of Part 1 Rule 2 of the Constitutional Court Rules, this court has four terms and four recess periods as illustrated in the table below:

Table 15: Constitutional Court Recess period

Term #	Period	Months	Recess	Months
One	15 Feb- 31 Mar	1,5 months	1Apr - 31 Apr	1 month
Two	1 May-31 May	1 month	1 Jun-30 Jul	2 months
Three	1 Aug-30 Sep	2 months	1 Oct-31 Oct	1 month
Four	1 Nov-30 Nov	1 month	1 Dec-14 Feb	2,5 months
		5,5 months		6,5 months

The Constitutional Court received 97 new cases in 2007/08, and 63 cases were finalised. The following table illustrates how the court performed on month-to-month basis:

Table 16: Month-to-month Constitutional Court performance

Month	Old	New	Case Load	Awaits Direction	Dismissed	Judgement Handed Down	Finalised	Pending
April 07	0	14	14	0	12	0	12	2
May 07	0	8	8	0	5	2	7	1
June 07	0	13	13	0	8	1	9	4
July 07	0	8	8	0	6	0	6	2
August 07	0	10	10	0	9	0	9	1
September 07	0	6	6	0	6	0	6	0
October 07	0	9	9	0	8	0	8	1
November 07	0	9	9	0	4	0	4	5
December 07	0	10	10	10	0	0	0	10
January 07	0	2	2	2	0	0	0	2
February 08	0	6	6	5	1	1	2	4
March 08	0	2	2	2	0	0	0	2
Total	0	97	97	19	59	4	63	34

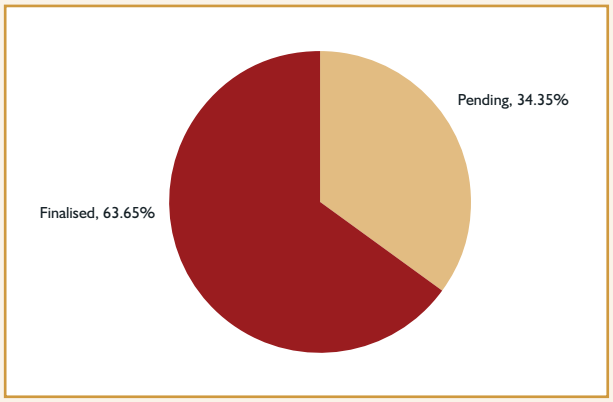


Figure 2: Constitutional Court performance

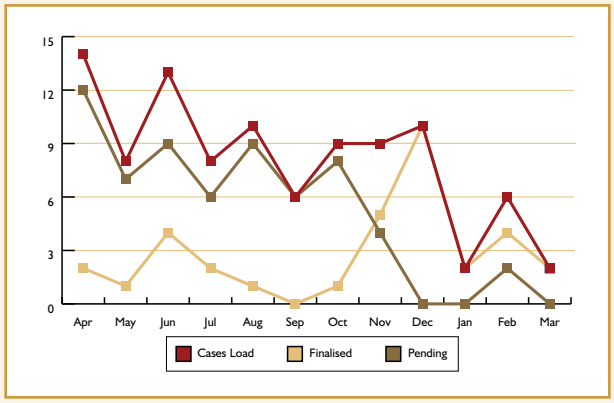


Figure 3: Constitutional Court performance per month

ii) The Supreme Court of Appeal

The Supreme Court of Appeal has 21 Judges including the President and Deputy-President in the Supreme Court of Appeal (SCA), when a case referred from High Court by a single Judge or full bench of two Judges, it is allocated to a three bench at the SCA. If a case is referred from High Court by full bench of three Judges, it is allocated to a five bench of the SCA. Thus, a minimum of three - or five Judges sit per case at a time. In terms of Rule 2 of the Supreme Court of Appeal Rules, this court has four terms- and recess periods.

CIVIL APPEALS

On civil appeals, the court received at total of 181 old appeals and 187 new appeals, making a total of 368 cases recorded in 2007/08. A total of 30 cases were withdrawn, 71 upheld, and 54 refused. SCA finalised 155 and had 213 cases pending at the end of 2007/08. Table 17 below illustrates monthly performance of the SCA.

Table 17: Supreme Court of Appeal: Court performance

	INPUT			OUTPUT					
MONTH	OLD	NEW	CASE LOAD	WITHDRAWN	UPHELD	REFUSED	REFERRED BACK	FINALISED	PENDING
April 07	181	16	197	2	1	1	0	4	193
May 07	193	19	212	3	23	9	0	35	177
June 07	177	29	206	6	7	4	0	17	189
July 07	189	20	209	2	0	0	0	2	207
August 07	207	14	221	6	2	0	0	8	213
September 07	213	19	232	2	21	19	0	42	190
October 07	190	26	216	3	0	0	0	3	213
November 07	213	15	228	6	17	21	0	44	184
December 07	184	20	204	0	0	0	0	0	204
January 07	204	9	213	0	0	0	0	0	213

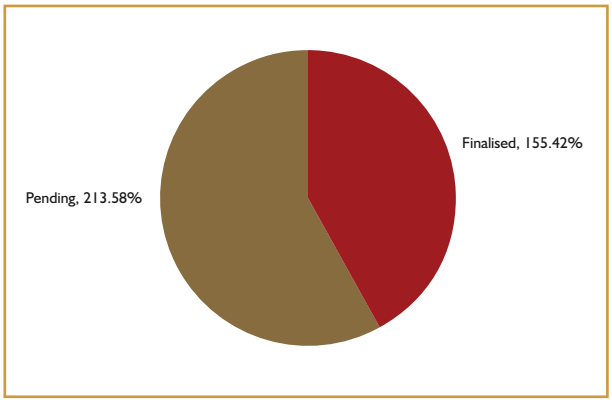


Figure 4a: Civil appeals

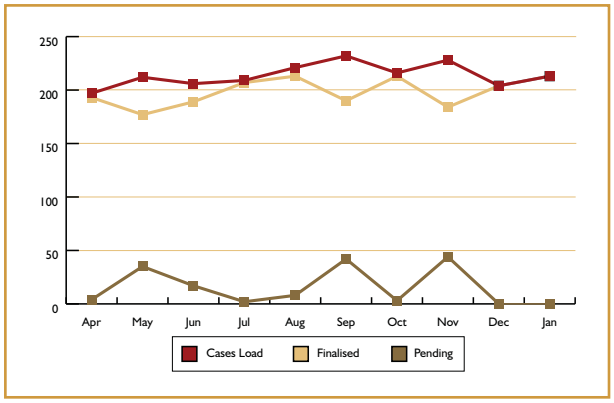


Figure 4b: Civil appeals per month

CRIMINAL APPEALS

Table 18: The SCA: Criminal appeals

	CASES RECIEVED			OUTPUT					
MONTHS	OLD	NEW	TOTAL CASE LOAD	WITHDRAWN	UPHELD	REFUSED	REFERRED BACK	TOTAL FINALISED	PENDING
April 07	126	40	166	0	16	30	0	46	120
May 07	120	42	162	0	20	49	0	69	93
June 07	93	57	150	1	16	25	0	42	108
July 07	108	58	166	0	7	30	0	37	129
August 07	129	27	156	0	21	29	0	50	106
September 07	106	43	149	0	22	39	0	61	88
October 07	88	56	144	0	2	25	0	27	117
November 07	117	60	177	0	17	40	0	57	120
December 07	120	46	166	1	7	20	0	28	138
January 07	138	42	180	0	8	30	0	38	142

This court carried over a total of 597 new cases, of which 455 (76.2%) were finalised.

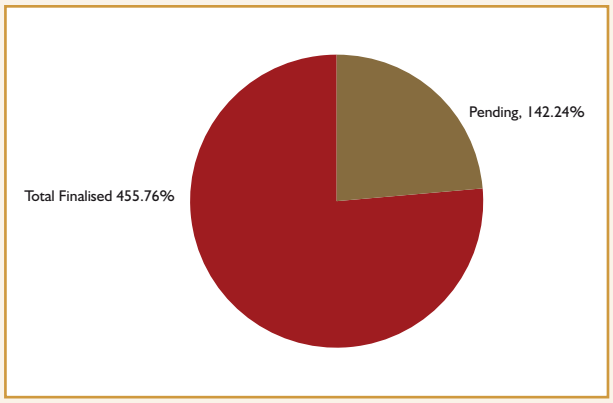


Figure 5a: Criminal appeals

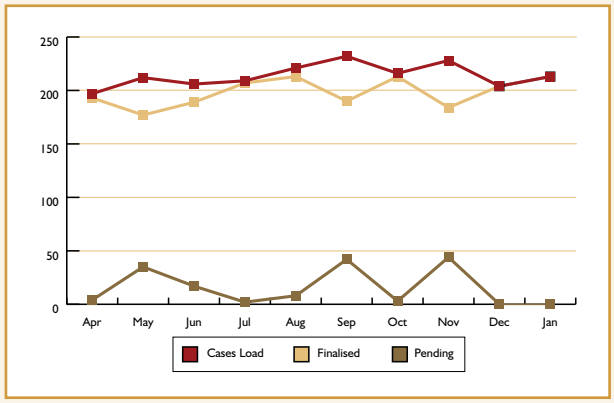


Figure 5b: Criminal appeals per month

iii) Performance of the High Courts

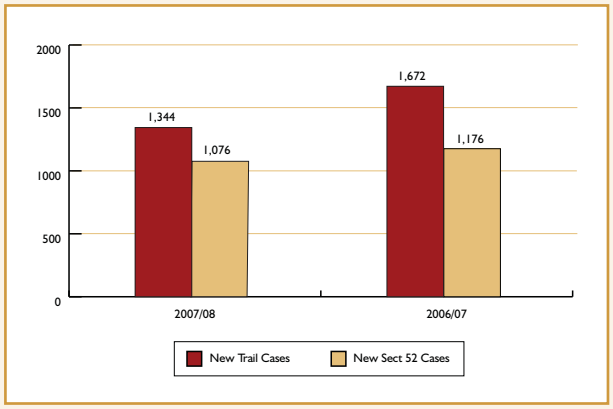


Figure 6: High Court: New matters

The High Courts saw a decrease in both newly received trial cases from 1,672 in 2006/07 to 1,344 in 2007/08; and minimum sentence matters from 1,176 in 2006/07 to 1,076 in 2007/08. The following factors affecting the performance of this court have been noted:

- Postponed cases saw an increase with postponements for plea agreements increasing from nil to 14 and postponement for consultations increasing from 133 to 304 cases.
- The process of load-shedding affected the courts during preparations for, and seatings, and also resulted in delaying dockets and consultations.

The Department postulates that the new Jurisdiction of Regional Courts on minimum sentences will result in more appeals coming forward as the accused will gain an automatic right to appeal when sentenced to life imprisonment by a Regional Court.

During the 2006/07 financial year, an average of 288 cases per month were finalised per court whilst in 2007/08 only 237 cases per month were finalised on average per court.

In the 2007/08 it took, on average, 33 days longer to finalise trial matters (measured from date of first appearance in the High Court until sentence is passed) compared to the 2006/07 financial year when it took on average 165 days.

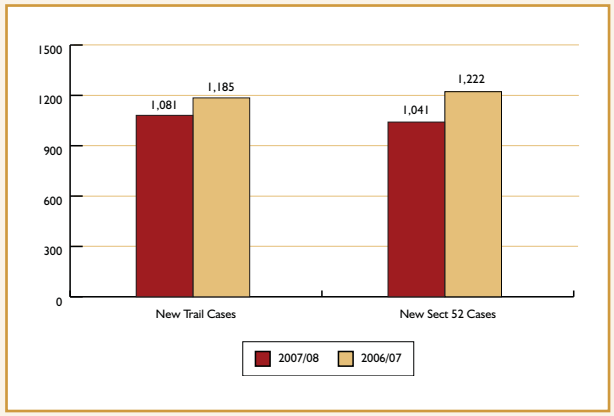


Figure 7: High Court: Finalised cases

The High Courts had a decrease in both the number of finalised cases for trial cases and for Section 52 cases. A total of 1,081 trial cases were finalised during 2007/08 in comparison to 1,181 during 2006/07; and a total of 1,041 Section 52 cases were finalised during 2007/08 in comparison to 1,222 in 2006/07. This could be attributed to the number of new cases received that decreased during the 2007/08.

The outstanding rolls in the High Courts increased from a National total of 1,139 cases at the end of March 2007 to a total of 1,325 cases at the end of March 2008. A total number of 217 cases have been on

the High Court rolls for a period longer than twelve months which means that 15% of cases are older than 12 months.

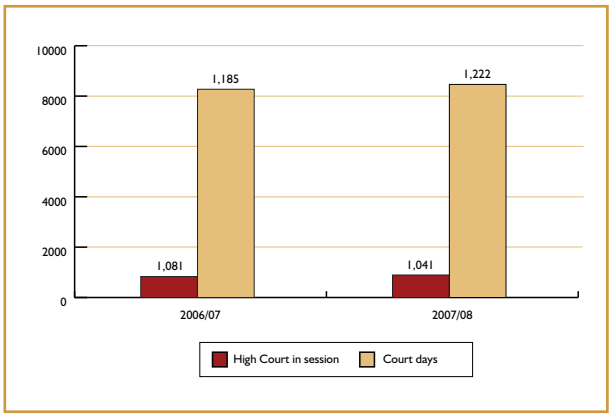


Figure 8: High Court Performance comparative analysis

In conclusion, the average court hours decreased from 3h20 in the 2006/07 financial year to 3h16 in the 2007/08, although there has been an increase in the number of court sessions from 833 to 893. The number of court days has also increased from 8,272 to 8,464.

Conviction rate:

The conviction rate in minimum sentence matters remained at 90 %, and that of trial cases has increased by 5% (moving from 86% in the 2006/07 to 91% in the 2007/08).

iv) Performance of the Lower Courts

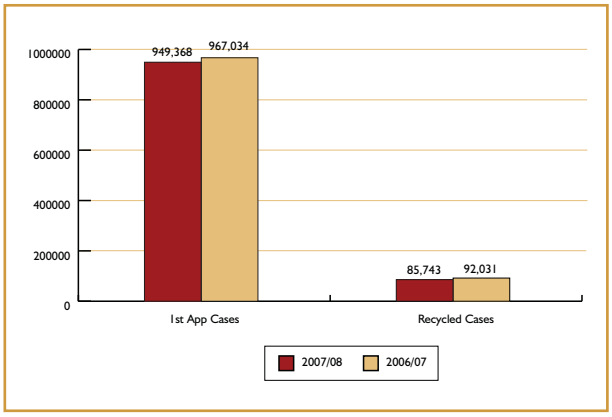


Figure 9: Lower Courts: New cases

New cases

The Lower Courts received a total of 1,035,111 cases during 2007/08. These comprised of 949,368 first appearances and 85,743 recycled cases. Compared to the 2006/07 financial year, 23,954 fewer cases were received during the 2007/08 financial year. During 2006/07 a total of 967,064 first appearances cases were received by the Lower Courts, constituting in a reduction of 2% in the enrolment of first appearances. A significant reduction of 6.8% is however noted in the recycled cases as 6,288 fewer cases were again re-enrolled during 2007/08.

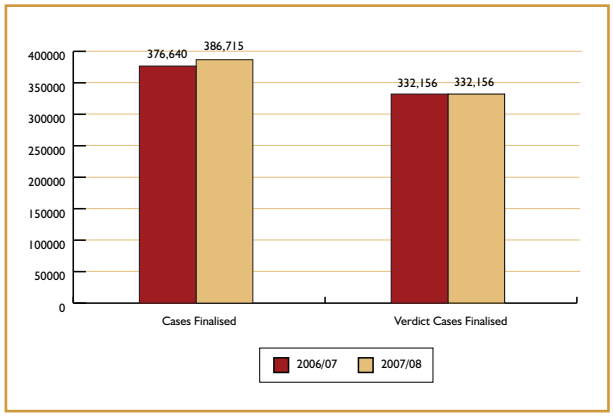


Figure 10: Lower Courts: Finalised cases

Finalised cases

The Lower Courts finalised a total of 386,715 cases during 2007/08. Compared to a total of 376,640 in 2006/07. This means 10,075 more cases were finalised during the 2007/08. This increased finalisation rate could be ascribed to alternative dispute resolution methods.

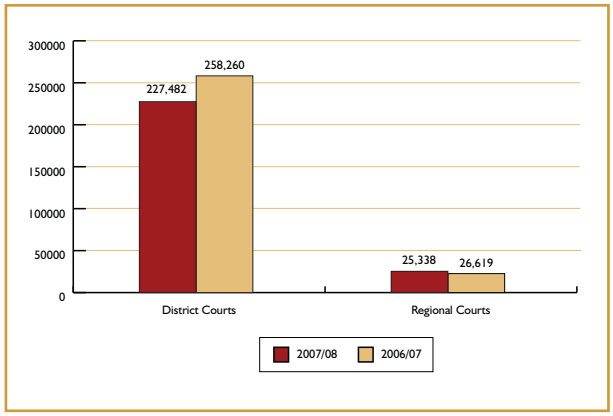


Figure 11: Lower Court conviction rate

Conviction rate

The Lower Courts have maintained a high conviction rate during 2007/08. The District Courts have exceeded their target of 85% by maintaining a conviction rate of 87.4%. A total of 227,482 cases were finalised in 2007/08, in comparison to 258,260 cases convicted in

2006/07. The Regional courts have also exceeded their target of 70% by achieving a conviction rate of 73% through a conviction rate of 25,338 cases in comparison to 26,619 cases convicted in 2006/07.

Lower Courts hours

An overall reduction of 4.8% is noted in the average court hours achieved in 2007/08 compared to the average hours obtained in the 2006/07.

The Lower Courts have managed to maintain an average of 3h48 in 2007/08, from the average of 3h59 recorded in 2006/07. The District Courts averaged 3h51 hours which constitute a nine minute decline from the previous year .The Regional courts averaged 3h39 which represents a 16 minute decline from the average hours obtained during the 2006/07 year.

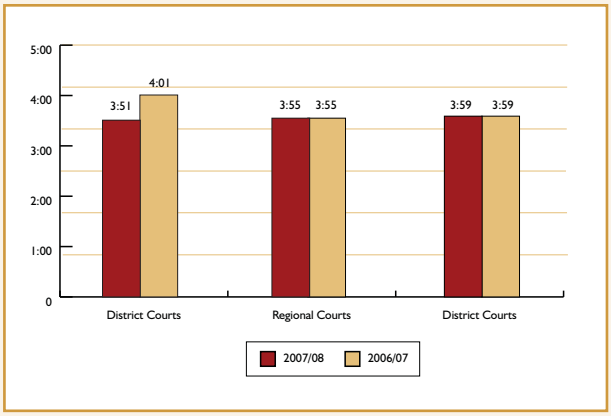


Figure 12: Lower Court hours rate

v) Performance of the District Courts

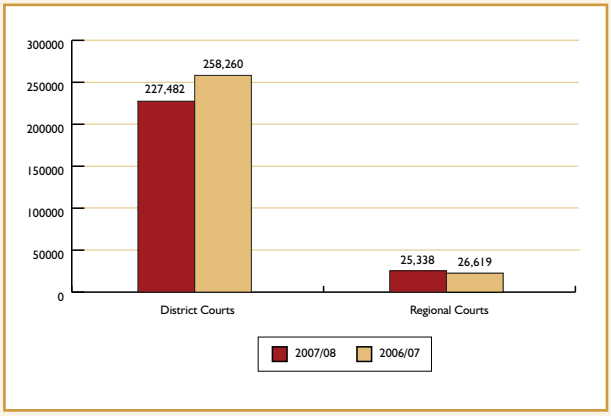


Figure 13: Performance of District Courts

The District Courts have finalised a total of 259,589 cases with a verdict in 2007/08, in comparison to 295,329 in 2006/07. This is a reduction of 12.1%. ADR methods are more likely to be applied to less serious cases hence the reduced finalisation rate of trial cases in the District Courts. When District and Regional Courts are analysed separately, District Courts recorded fewer cases enrolled and the Regional Courts registered an increase in number of enrolments in 2007/08.

vi) Performance of the Regional Courts

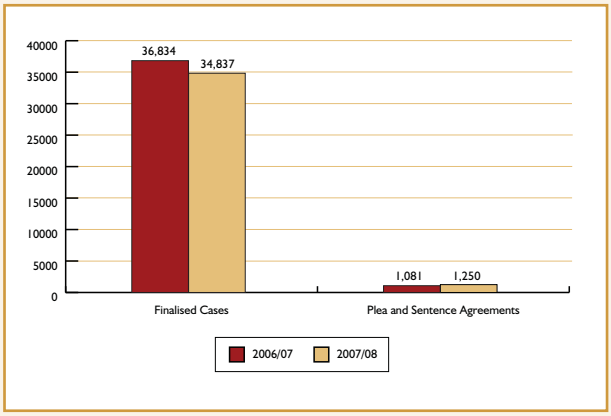


Figure 14: Regional Court performance

The Regional Courts finalised 34,837 cases with a verdict in 2007/08, compared to 36,834 cases finalised in 2006/07. This is a reduction of 5.4%. An audit conducted on outstanding cases illustrated that Regional Court cases have more counts and more accused per case.

The number of plea and sentence agreements in terms of Section 105A of Act 51 of 1997, has increased from 1,081 agreements in 2006/07 to 1,250 agreements in 2007/08. This represents an improvement of 14% in 2007/08.

B. CHILD JUSTICE

Child Justice and Family Law handle the following portfolios:

- Children awaiting trial and children in conflict with the law;
- Children's Court matters;
- Implementation of restorative justice in courts and the JCPS cluster;
- Child maintenance and access to maintenance services;
- Family Courts;
- Domestic violence; and
- Divorce.

Victim Support and Specialised Services handles the following portfolios:

- Victim support services in courts and victim referrals;
- Small Claims Courts: Implementation of Small Claims Court Action Plan;
- Equality Courts; and
- Sexual Offences Courts.

The Department has prioritised the implementation of the Children's Act, 2005 (Act 38 of 2005) and is working in collaboration with the Department of Social Development to ensure an integrated and uniform approach to the Children's Act and to improve general service delivery in the Children's Courts. Also, restorative justice elements have been incorporated into several pieces of legislation such as the Child Justice Bill and the Traditional Courts Bill.

Cabinet approved that the Child Justice Bill be re-tabled in Parliament during 2008. The Child Justice Bill currently being deliberated upon will transform the criminal justice system. This Bill will ensure a therapeutic, restorative and comprehensive approach to addressing the plight of children in conflict with the law. The Bill requires the Departments to work together with other relevant stakeholders to address services for children processed through the criminal justice system.

A Child Justice Bill Implementation Framework has been developed for all departments involved, and is in the process of being finalised. Phased-in implementation plans of each department are currently being drafted. The Child Justice Bill prescribes in Section 95(1) and (2) that there should be development of a monitoring and evaluation system. The Bill also makes provision for the establishment of an inter-sectoral structure at national and provincial levels of government and Lower Court level to assess and monitor compliance with the Act. The Department has also established national and provincial monitoring structures.

The Department is in the process of developing its own foster care policy and strategy, and would provide input into the Intersectoral Foster Care Strategy being developed under the lead of the Department of Social Development. To improve delivery of services, approximately 250 Regional Court Magistrates have been trained on child justice, diversion and non-custodial sanctions in serious cases, as facilitated by the Association of the Regional Magistrates of South Africa. Administrative support staff, Prosecutors and Magistrates are continually being trained on juvenile justice.

i) Children Awaiting Trial and in Conflict with the Law

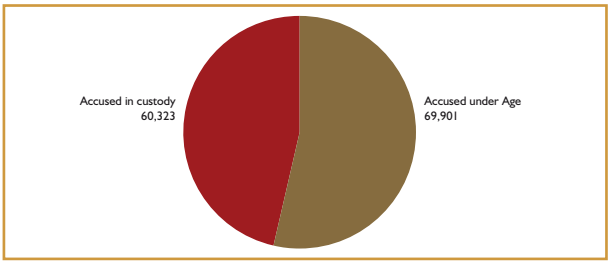


Figure 15: Child offenders - Criminal cases

To deal with the children in conflict with the law, the Department has placed significant emphasis on developing a coherent and integrated information management system through the IJS. The information management system will be based on the United Nations indicators for juvenile justice, albeit depicting significance from the South African context.

On average, between 9,000 and 13,000 children are arrested by the South African Police Service on monthly basis. Approximately 4,500 to 5,000 cases per month are converted into Children's Court Inquiries in terms of the Child Care Act, 1983 (Act 74 of 1983). Of the remaining numbers of children in the criminal justice system, between 3,000 and 5,500 children go through the courts on a monthly basis.

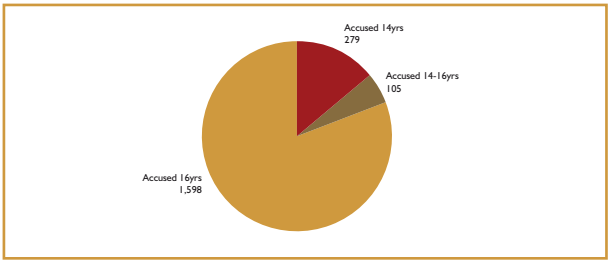


Figure 16: Child offenders - Criminal cases appeals

On average, 1,900 children per month are diverted from the mainstream criminal justice system. This means that where a child acknowledges wrong-doing, the prosecutor provisionally withdraws charges, on condition that the child attends diversion programmes such as life skills and anger management programmes. There are about 1,000 children per month between the ages of 14 and 17 awaiting trial in correctional facilities (prisons), usually for serious and violent crimes. There are approximately 3,000 children awaiting trial in detention in Secure Care Facilities, Places of Safety and Home-based Supervision, run by the Department of Social Development (DSD).

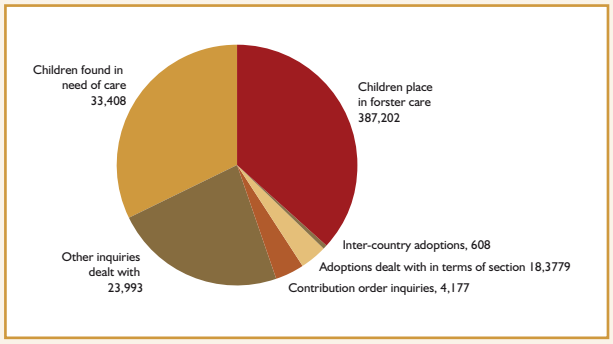


Figure 17: Child Welfare

About 1% of all children originally arrested and charged, are sentenced to direct imprisonment, with 20% sentenced to non-custodial sanctions, (correctional and parole supervision; community service). Approximately 5% of sentenced children are sentenced to reform schools (under the Department of Education). Specific emphasis was placed on the finalisation of foster care applications through Children's Courts. A total of 38,202 of children were placed into foster care by Children's Courts in 2007/08.

The DCS with the DSD, DoJ&CD, NPA and LAB initiated a process to assess children awaiting trial in detention. This process involves the sitting of Local Case Review Teams under the lead of the Director of Public Prosecutions in each province. For example in the past five years numbers of children awaiting trial in, and sentenced to correctional facilities, decreasing by 50%. Emphasis has been placed on removing more children from correctional and other facilities by having many of them re-assessed to ensure correct placement.

ii) Family Advocate

The Department is responsible for protecting the best interest of minor and dependant children in civil disputes over parental rights and responsibilities. The Chief Family Advocate is the designated Central Authority for the country in respect of the Hague Convention on the civil aspects of international child abduction.

Table 19: Family Advocate cases

Cases	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total
New Cases	7,566	6,233	2,394	2,628	18,821
Finalised Cases	2,483	1,371	2,078	2,218	8,150

The laws allows for a person to be appointed as Family Advocates (FA) if they are qualified to be admitted to practice as Advocates in terms of the Admission of Advocates Act, 1964 (Act 74 of 1964) and if they are in the public service appointed by the Minister; or if they are out of the public service appointed in writing by the Minister or an authorised person for the duration of a specific action or application in terms of section 2 of Act 24 of 1987 (Mediation in certain divorce matters act, 1984 (Act 24 of 1987)). Persons who are suitably qualified or experienced can be appointed by the Minister to assist the Family Advocate with an inquiry in terms of applicable law [section 3(1) Act 24 of 1987].

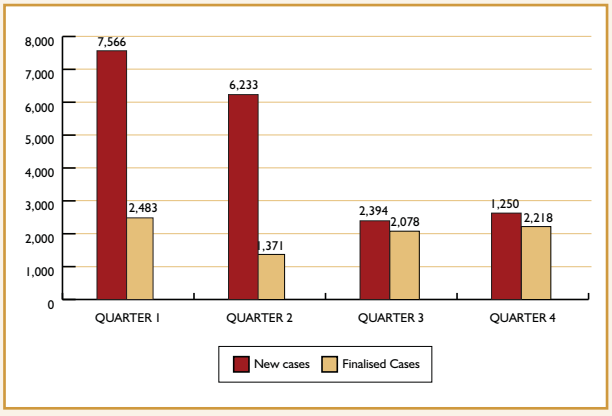


Figure 18: Family Advocate quarterly statistics

The Family Advocate has extended its services through the establishment of two satellite offices in four provinces – Gauteng, Western Cape, Eastern Cape and KwaZulu-Natal. The Family Advocate succeeded in extending services to all the Lower- and High Courts in the country as well as the provision of mobile periodical services in rural areas.

Section 21 of the Children's Act, 2005 (Act 38 of 2005) extended the role of the Family Advocate to mediations in disputes on parental rights of fathers of children born out of wedlock. These provisions have significantly increased the Family Advocate's case-load. The introduction of Section 21 has on the other hand, made the services of

the Family Advocate more accessible, as the parents of children born out of wedlock are no longer compelled to undertake costly litigation to resolve their disputes.

In the year under review the Department prioritised the capacitating and training of Family Advocates. A total of 25 periodic offices are now in operations to increase physical accessibility to services of Family Advocates. The Johannesburg Family Court at 15 Market Street and the Pretoria Magistrates' Courts have been identified as pilot sites. Once fully operational, it is anticipated that high volumes of maintenance cases will be reduced and the turn around time in finalising family law matters will then improve. Parental rights and responsibilities awareness raising sessions are currently being planned and an information manual is being developed.

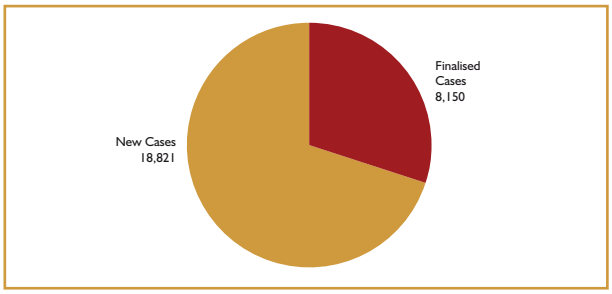


Figure 19: Family Advocate finalised cases

The Department noted that in family matters the adversarial methods of resolving disputes exacerbate acrimony in the family structure. This compounds the psychological impact on children especially in the dissolution of the marriage. To deal with this, mediation services and restorative justice programmes are being promoted to strengthen social cohesion with emphasis on building family unity in the fight against crime.

iii) Maintenance and Family Law

The Maintenance Act, 1998 (Act 99 of 1998), came into operation on 26 November 1999. Clause 27 of the Convention on Rights of the Child signed by South Africa in New York in 1989 specifically requires State parties to take all appropriate measures in order to secure the recovery of maintenance for the child from the parent or other person having financial responsibility for the child. Despite the existence of this Act and the innovative amendments that have been introduced, women continue to struggle to access maintenance due to inefficiencies in the system and lack of adequate resources and human capacity. To improve the system, the Department introduced Operation Isondlo campaign. The main objective of the campaign was to change the negative public perception about the child support system in the country through the following series of interventions:

- Capacity building at maintenance sections of courts;
- Enforcement of the Maintenance Act in particular civil enforcement;
- Decrease in the backlog of maintenance cases;
- Improvement of maintenance processes;
- Reduction of poverty;
- Consultative meetings with stakeholders; and
- Public education and awareness campaigns.

To enhance Operation Isondlo campaign, the Department appointed:

- 577 Maintenance Clerks;
- 86 Maintenance Officers;
- 145 Maintenance Investigators;
- 100 Legal Interns;
- 13 Acting/ Additional Magistrates; and
- 124 Children's Court Clerks.

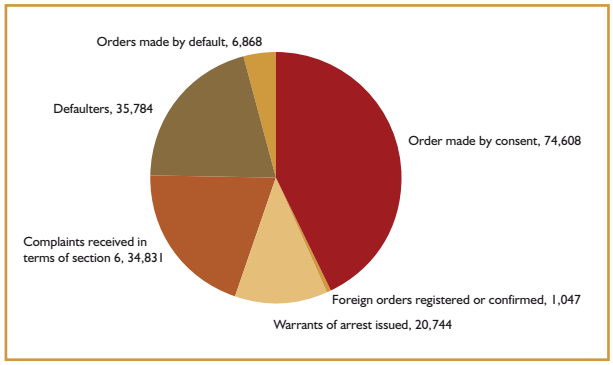


Figure 20: Maintenance cases

The appointment of legally trained Maintenance Officers has improved the quality of the service rendered and has enhanced the implementation of the provisions of the Maintenance Act. A total of 111,579 maintenance enquires were received and about 20,744 warrants of arrest were issued for defaulters. A total of 74,608 orders were made by consent, 6,868 orders were made by default and 1,047 foreign orders were registered or confirmed. The Department received 34,831 complaints in terms of section 6.

Table 20: Maintenance cases per item

Region	Enquiries	Orders made by consent	Foreign orders registered or confirmed	Warrants of arrest issued	Complaints received in terms of section 6	Defaulters	Orders made by default
Eastern Cape	12,765	7,059	111	3,387	1,651	1,001	836
Free State	6,809	4,493	25	973	2,009	880	495
Gauteng	25,088	14,684	172	2,052	8,989	15,668	1,251
Kwazulu-Natal	18,822	13,763	523	2,735	9,534	4,804	1,368
Limpopo	7,684	8,737	1	2,323	2,313	961	712
Mpumalanga	7,293	6,375	113	1,416	1,981	956	699
North West	3,188	3,919	7	741	1,101	8,707	625
Northern Cape	3,225	1,859	15	388	540	811	85
Western Cape	26,704	13,720	80	6,729	6,712	1,996	797
Total	111,579	74,608	1,047	20,744	34,831	35,784	6 868

C. ALTERNATIVE DISPUTE RESOLUTION (ADR) AND CASE BACKLOG PROJECT

i) Case diversions

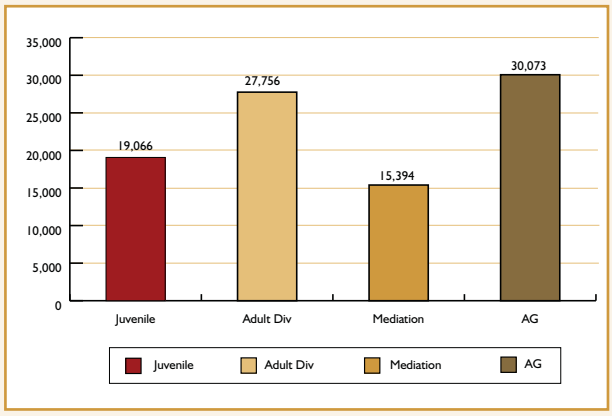


Figure 21: Lower Court ADR finalisation rate

The Department promotes the use of ADR mechanism to divert cases involving minors out of the court roll.

The number of children being diverted from the Criminal Justice System during the past five years, has increased every year and the latest statistics, indicate that 19,066 children were diverted from the Criminal Justice System, in 2007/08. In addition, Legal Aid Board has established Children's Units to represent children in conflict with the law, and children appearing in courts. The numbers of children assisted in this regard, increase by 20%.

In 2007/08 the Department initiated RJ diversion and Non-Custodial Sanction Pilot programmes as a pilot in five sites. A Project Manager for RJ and ADR policy/strategy has been appointed. A Traditional Court framework that is consistent with the Constitution has been established, and a task team has been appointed by the Minister to deal with traditional leadership in the administration of justice. This team will investigate and draft legislation and regulations on this matter. The Traditional Court Bill is expected to be introduced in Parliament in 2008/09.

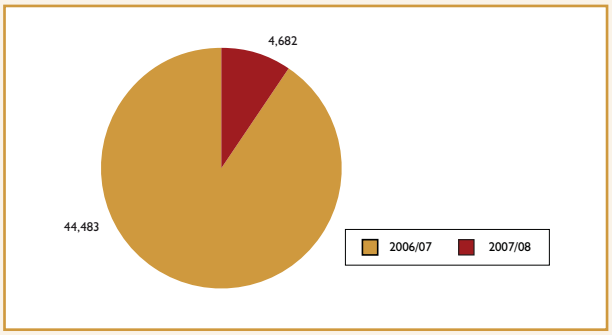


Figure 22: ADR comparison per year

In 2007/08 a total of 46,822 cases had been diverted which constitutes a 5.3% improvement from the total of 44,483 diverted during previous financial year. Since the beginning of 2007/08, adult and juvenile diversions were separately recorded. A total of 27,756 cases with adult offenders were diverted which represents 59.3% of the total of 46,822 cases diverted, and a total of 19,066 cases with juvenile offenders were diverted representing 40.7% of the total diverted cases.

ii) National Backlog Project

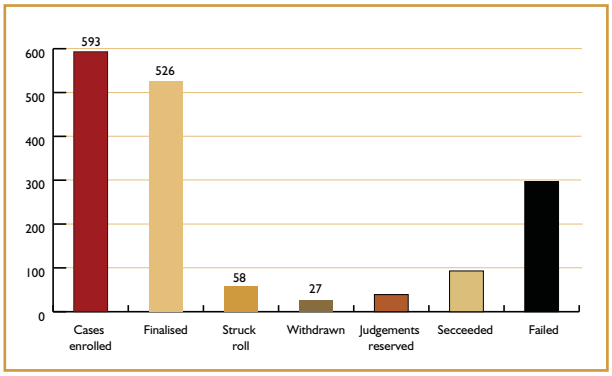


Figure 23: High Court appeal backlog

This project is being dealt with as part of the holistic case flow management process through inter-sectoral engagement with critical role players including the NPA, judiciary and Legal Aid Board. The project has at heart the provision of additional capacity to the backlog priority sites. It deals with both backlogs in terms of appeal matters and Regional Court backlogs.

In 2007/08 the Transvaal Provincial Division (TPD) records show that 593 additional appeals were enrolled via the TPD Special Appeal Court sessions. Of these 526 (88.7%) were finalised, 58 (9%) were struck from the roll; 27 (4.6%) were withdrawn; 39 (6.6%) judgments were reserved; 93 (15.7 %) succeeded; whilst 297 (51%) failed. A total of 526 appeals that were finalised, constitute about two thirds of the normal outstanding appeals. It is expected that the number of appeals might increase rapidly towards the end of the year as a result of the increase in the jurisdiction of the Regional Courts (minimum sentences now being dealt at their level).

The following progress has been made in the Lower Courts in 2007/08. Regional Court records show that 47,343 cases were outstanding at the beginning of the year, of which 20,452 (43%) cases were outstanding for longer than six months. At the end of 2007/08 the number of outstanding cases has increased to 50,483 cases on the Regional Court rolls and 17,333 cases (34%) were longer than nine months.

Table 21 illustrates backlogs cases recorded at Regional Courts.

Table 21: Regional cases backlog

PROVINCE	TOTAL OUTSTANDING ROLL	BACKLOG CASES 9M	% BACKLOG CASES
KwaZulu-Natal	9,294	3,975	43%
Eastern Cape	6,061	2,320	38%
Free State	4,464	1,650	37%
Western Cape	6,394	2,191	34%
North West	4,720	1,502	32%
Gauteng	13,367	4,133	31%
Mpumalanga	2,839	881	31%
Northern Cape	1,295	403	31%
Limpopo	2,049	278	14%
Total	50,483	17,333	34%

There are 27 sites identified to resolve case backlogs in 2007/08, and more such sites are currently under consideration to deal with the large number of outstanding cases and in particular the backlog cases in the Regional Courts.

The backlog courts have sat on average 3h27 minutes per day since 1 November 2006 till the end of March 2008. They have received 5,479 cases in total and finalised 4,287 cases as follows:

- Guilty: 3,282 of which 176 were as a result of plea bargains;
- Not guilty: 901
- Diversions: 32
- Admission of Guilt: 72

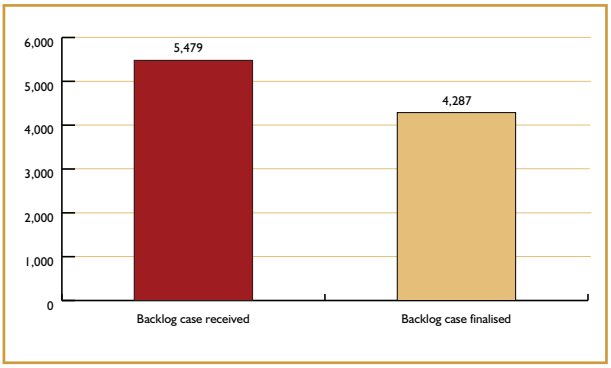


Figure 24: Regional Court Backlog Project

There were 1,898 cases removed through re-screening and withdrawals and another 299 cases were transferred to High Courts for sentencing. This brings the total number of cases permanently removed from the Regional Court rolls as a result of the backlog courts to 6,484. This comprises 4,287 cases finalised, 1,898 withdrawn, and 299 transferred. There are positive outcomes of this project, which shows that:

- The number of partly heard matters has decreased and the average conviction rates for all the backlog courts are satisfactory (approx 79% against the average of all Regional Courts of 73%);
- Courts participating in the project are finalising on average 12.5% cases - with a verdict - per court per month, which is double the national average obtained by other Regional Courts per month;
- It is clear that the backlog reduction project is having a generally positive impact not only at the backlog sites but also on the rest of the Regional Court rolls in the areas where they are established;
- The backlog courts have decreased the forward placing of court rolls significantly. In some areas the cases are only placed between one to five months ahead instead of the between nine to 15 months previously. Thus cases are dealt with much more speedily.

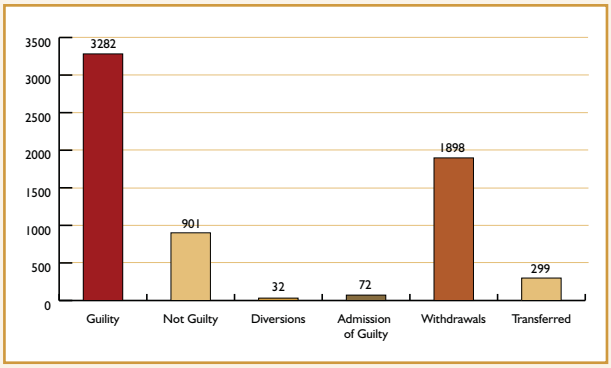


Figure 25: Regional Court backlog finalised

The backlog reduction project in the Regional Courts has thus far helped to counteract the general decrease in performance in the Regional Courts where it is has been a focus area and though the number of outstanding cases in all regional courts has increased – the number of backlog cases (i.e. those longer than nine months on the Regional Court roll) has decreased.

D. FACILITY MANAGEMENT

For detailed report, refer to 2.9

Repair and Maintenance Programme (RAMP)

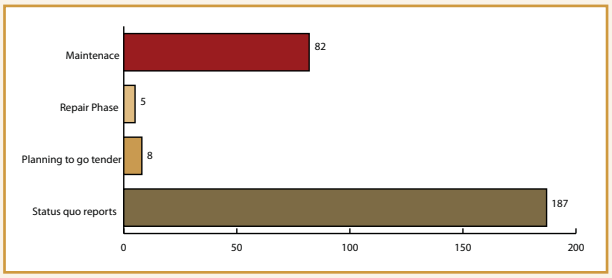


Figure 26: RAMP status

A total of 282 courts are now registered on RAMP and are in various stages of implementation. This includes 187 courts in status quo reports, eight in planning and design phase, five in repair phase, and 82 in maintenance phase. Additional courts were identified to be in the second round of RAMP. However the scope was to be extended beyond the repairs and maintenance but also include refurbishments and/ or upgrades. This exercise is aimed at giving a better view on the extent and cost of maintenance that still needs to be addressed. The Independent Development Trust (IDT) has been tasked with this exercise and the detailed status quo reports will be compiled in 2008/09.

New and additional accommodation

As stated earlier, the following courts constructions / additions / conversions are in progress and will be finalised in the next financial year: Tsakane Magistrate's Court (new Branch Court), Mitchell's Plain Magistrate's Court (additional accommodation), Richmond (NC) Magistrate's court (additional accommodation), Augrabies Magistrate Court (new Court), Transvaal Provincial Division (Polokwane Circuit Court): interim seat, Stanger Magistrate's Court (additional accommodation), Colesberg Magistrate's Court (additional accommodation) ,Kagiso Magistrate's Court (new Court) and Ekangala Magistrate's Court (new Court). In addition the development process for the following facilities will start in the next six months: Soweto Magistrate's Court (prioritised), Mamelodi Magistrate's Court, Ntuzuma Magistrate's Court, High Court for Mpumalanga (priority), High Court for Limpopo (priority), Judicial Training Institute Campus.

New facilities were completed in Motherwell, Sekgosese and Daveyton. Major extensions were completed in Theunissen and Ceres. Projects where construction is in progress (multi-year projects) include – new accommodation: Tsakane Magistrate's Court, Transvaal Provincial High Court Division (Polokwane Circuit Court), Augrabies

Magistrate's Office,Ekangala Magistrate's Office, Kagiso Magistrate's Office and Galeshewe Magistrate's Office. Major extensions court buildings (multi year projects) include: Stanger Magistrate's Office, Mitchell's Plain Magistrate's Office, Richmond Magistrate's Office, Colesberg Magistrate's Office and Supreme Court of Appeal. In the year under review five sites were acquired for construction of new court facilities in Mamelodi, Hankey, Ngome, Dimbaza and Lothair.

Access for People with disabilities and the elderly

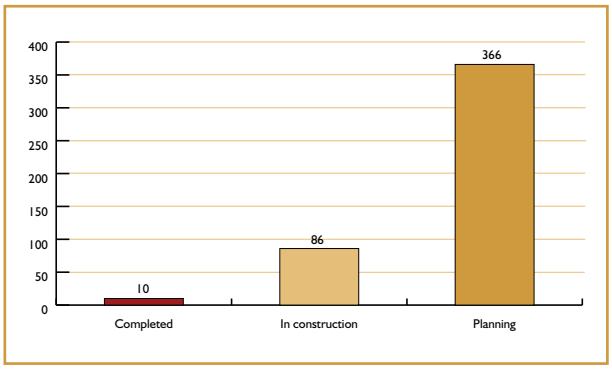


Figure 27: User-friendly facilities

During the year under review, an amount of R20m was allocated to further implement the Accessibility Programme. A total of 63 court buildings were included in the programme and are in various stages of implementation. The Department has sourced additional funding for the extension of this programme to another 403 court facilities. IDT has been appointed as the implementing agent for this extension. The progress for the courts is in various stages and anticipated for completion in 2008/09 improvement of accessibility for people with disability is in various stages of implementation as follows:

- completed: 10
- in construction :86
- planning :366

The Department has also set itself to establish a Centre of Excellence for Justice Research and Knowledge Management. A site has been identified and architects have started with the preliminary designs and town planning process has also commenced. The site is currently awaiting the finalisation of the site clearance processes from DPW. The project has been registered with the (PPP) Unit at National Treasury.

E. RE-DEMARCATION OF MAGISTERIAL DISTRICTS

The Department aims to improve access to justice services to communities living in townships and rural areas. The process of re-demarcation of Magisterial Districts will help address some of the historical inequalities regarding the distribution of justice services, particularly to people living in marginalised areas such as rural and township communities.

The process of re-demarcation will be implemented in four phases, with:

- **Phase 1** proclaiming identified Branch and Periodical Courts to the status of Magisterial Courts. In this phase 17 areas of jurisdiction for Lower Courts and High Courts will be aligned. This phase is planned to be completed in May 2008.
- **Phase 2** reviewing areas of jurisdiction of all courts in the country to align them with the Constitution. This phase is to be completed during 2009/10 financial year.
- **Phase 3** abolishing identified Branch and Periodical Courts, and establishing Circuit Courts and Mobile Courts in areas of need. This phase is to be finalised in November 2008.
- **Phase 4** completing the rationalisation of areas of jurisdiction of High Courts. This phase will be completed in November 2008.

There are 23 of 90 Branch Courts which have been identified for re-demarcation. These courts will be re-designated and proclaimed by the Minister to become full-standing courts and will provide a full range of justice services such as criminal cases, civil disputes, family law services and services of the Master of the High Court. To finalise the re-demarcation process, meetings have been held with various role players in each province to review the cross-border Magisterial District. There are several benefits that the poor and remote communities will enjoy once the process has been fully implemented. These include:

- reduced cost of travelling;
- reduced travelling distance and time;
- improved accessibility to justice services;
- improved justice;
- Alleviated case congestion in courts, and
- Participation of local communities towards justice issues.

Table 22: Re-designation of Branch Courts

Province	Branch Court to be re-designated	Main District Court from which the Branch Court is detached
Eastern Cape	Motherwell	Port Elizabeth
Limpopo	Northam	Thabazimbi
Gauteng	Atteridgeville	Pretoria
	Alexandra	Randburg
	Midrand	
	Daveyton	Brakpan
	Enkangala	Bronkhorspruit (aka Mkobola, will be added in July)
	Orlando	Johannesburg
	Protea	Johannesburg
	Sebokeng	Vanderbijlpark
	Tembisa	Kempton Park
	Tsakane	Vanderbijlpark
KwaZulu-Natal	Ntuzuma	Verulum
	Madadeni	Newcastle
	Amanzimtoti	Durban
Northern Cape	Jan Kempdorp	Hartswater
	Pofadder	Keynhardt
	Kakamas	Gordonia
	Keimoes	
	Globlershoop	
	Kathu	Postmasburg
	Pofadder	Kenhardt
Western Cape	Khayelitsha	Mitchells' Plein

Table 17 above contains Branch Courts that will be fully designated and the main District Court from which the Branch Court will be detached. Additional Branch Courts have been identified during the validation meetings for later re-designation expected to begin in November 2008.

Highlight of the process of Re-demarcation:

During the period under review, the following Branch Courts were proclaimed by the Minister as fully-fledged courts within their own areas of jurisdiction: Ezibeleni, Motherwell, Daveyton, Tsakane, Newlands, Mamelodi, Attridgeville, Soshanguve, Alexandra (Wynberg), Midrand, Amanzimtoti, Ntuzuma, Madadeni, Northam, Pofadder and Atlantis. The Department also changed the main seat of Magisterial District in Sebokeng (main seat), Vanderbijlpark, Tembisa, and Kempton Park.

New Magisterial Districts were created in Soweto, Kathu, and Khayelitsha. Courts were completed and are ready for official opening in Daveyton, Randburg, Middledrift, Sekgosese, Pretoria North and Waterval.

In conclusion, the Department is also in the process of completing (additional) offices at Tsakane Magistrate's Court, Mitchell's Plain Magistrate's Court, Richmond Magistrate's Court, Augrabies Magistrate's Court, Polokwane High Court Interim, Stanger Magistrate's Court, Colesberg Magistrate's Court, Kagiso Magistrate's Court, and

The Department will develop Magistrates' Courts in the next six months at Soweto, Mamelodi, Ntuzuma, and High Courts at Mpumalanga and Limpopo.

i) Mobile Courts

Table 23: Mobile Courts totalling 37 units

Gauteng Province	Mpumalang	Limpopo Province
Vereeniging	Amersfoort	Bela-bela
Orlando	White River	Bochum
Protea	Kriel	Tshilwavisiku
	Witbank	
Free State	**Western Cape**	**KwaZulu-Natal**
Cornelia	De Doorns	Newcastle (2)
Reitz	Touws River	Empangeni (3)
Oranjeville	Kraaifontein (3)	KwaMbonambi
	Vredenburg (2)	Ekhomb
	Genadendal (2)	Nyoni
	Plettenberg Bay	Mbazwan
		Ekuvukeni
		Hibberdene
Eastern Cape	**Northern Cape**	**North West**
Idutywa		Ikageng
Libode		

The provision of mobile units, although a temporary solution, is a particularly important objective that aims to improve access to Justice Services to those communities who have no permanent, physical infrastructure. During the year under review, the mobile units are intended to alleviate pressure on the courts and provide accommodation to rural and township communities.

Most Mobile Courts units procured have been used to replace Periodical Courts which the Department is phasing out as they are currently in police stations. About 90% of all Mobile Courts provided were used to replace Periodical Courts. The provision of Mobile Courts to replace the Periodical Courts also enables the Department to provide services which were previously not available in Periodical Courts - services such as maintenance, domestic violence, deceased estates and children's court enquiries.

The mobile units will be deployed to far-flung areas to service communities on family law related matters. Some Regional Offices entered into an agreement with the provincial Department of Health to allow some of the mobile units to dock at clinics to assist communities with maintenance and domestic violence matters. The officials will also use the opportunity to inform and teach communities on services offered by the Department and how to access them.

F. HIGHLIGHTS OF SPECIALISED COURTS

i) Sexual Offences

The Department has facilitated the development of a national implementation plan that aims to strengthen the operation of the existing 52 dedicated Sexual Offences Court and 31 Regional Courts presiding over sexual offence related matters. The Mainstreaming of the Sexual Offences Courts framework and the roll-out of Thuthuzela Care Centres is being finalised. The Department is also developing an automated register of sex offenders in the country.

The policy on integrating the dedicated Sexual Offences Courts aims to ensure that the Sexual Offences Courts are accessible, transformed and efficient. The roll-out of the dedicated Sexual Offences Courts model was completed in 31 Regional Courts presiding over sexual related matters. The Department facilitated consultations on costing and implementing the Sexual Offences Bill and the Criminal Law (Sexual Offences And Related Matters) Amendment Act, 2007 (Act 32 of 2007). A circular was developed advising regions, courts, other government departments and stakeholders within the criminal justice system on commencement and national strategy on the effective implementation of the Criminal Law (Sexual Offences And Related Matters) Amended Act, 2007 (Act 32 of 2007).

The Department has also facilitated the development of policies to ensure that the operation of the Sexual Offences Courts are accessible and transformed Criminal Law (Sexual Offences and Related Matters) Amended Act, 2007 (Act 32 of 2007) ("the Act"). A national implementation plan and monitoring and evaluation tool has been developed to analyse and monitor the progress on the strengthening and roll out of Sexual Offences Courts. There has been gradual increase of human capacity, and the Department finalised the appointment of intermediaries, clerks, interpreters and stenographers within Sexual Offences Courts (including the approved appointment of 32 Intermediaries positions by the Director-General for a period of two years). To enhance transformation of service delivery within sexual offences, the Department has thought it prudent to fund specialised training for intermediaries on child witnesses. This training will be offered to interpreters and the Regional Court Magistrates. The Department has also partnered with the Magistracy on the provision of six peer training workshops on the Sexual Offences Amendment Bill. Training workshop was funded for Regional Directors' legal and professional staff, to enhance effective implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007.

Table 24: Sexual Offence Court

Region	Dedicated Sexual Offences Courts	Total Case Load	Case Load %	Total Finalised	Finalisation Rate	Pending	Pending Rate
Free State	Welkom	1,575	9.2%	838	53.2%	737	46.8%
Gauteng	Protea	1,116	6.5%	543	48.7%	573	51.3%
	Sebokeng	692	4.%	326	47.1%	366	52.9%
	Pretoria	620	3.6%	263	42.4%	357	57.6%
Mpumalanga	Nelspruit	632	3.7%	419	66.3%	213	33.7%
Eastern Cape	Butterworth	95	0.6%	50	52.6%	45	47.4%
Western Cape	Riversdale	79	0.5%	45	57%	34	43%
	Swellendam	63	0.4%	32	50.8%	31	49.2%
	Vredendal	54	0.3%	34	63%	20	37%
	Uniondale	20	0.10%	11	55%	9	45%
National		17,124	100%	9,342	54.6%	7,782	45.4%
Average		505	2%	191		249	
Median			1.7%				

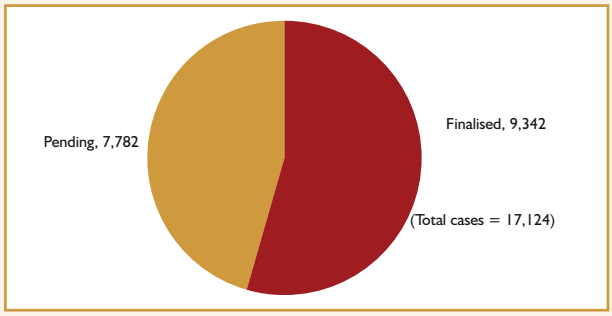


Figure 28: Statistics for Sexual Offence Courts

To enhance the implementation of the Criminal Law (Sexual Offences and Related Matters) Amended Act, 2007 (Act 32 of 2007), the Department will collaborate with SAPS, NPA, DOCS, DSD, and DOH. The National Intersectoral Committee is responsible for planning and coordinating all implementation actions that are required in terms of the provisions of the Act. As part of increasing awareness of the Criminal Law (Sexual Offences and Related Matters) Amended Act, 2007 (Act 32 of 2007) and promoting the successful implementation the Department organised and held 27 radio interviews on local community radio stations on the Sexual Offences Legislation. The Department is monitoring and evaluating on a monthly basis whether regions are effectively implementing the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007).

The Sexual Offence Courts with the highest case load are Welkom (9.2%), Protea (6.5%) and Sebokeng (4%) in that order. The national average for finalised cases is 54.6% for the period under review. A comparison of the finalisation rate for these three courts shows Welkom (53.2%), Protea (48.7%) and Sebokeng (47.1%). Amongst these courts with the largest case load, the Welkom court is performing above the rest.

Welkom Magistrate's Court with a case load of 1,575 (9.2% of national load) must on average, finalise 175 cases per month to keep up with its load and it finalised 838 cases which is 53.2% with 737 pending, 46.8% of the total load. This court managed to keep up with its new

cases input as a result the number of pending cases slightly decreased from 747 to 737 cases.

ii) Domestic Violence

An important component in transforming justice, state and society is to reduce and resolve cases of domestic violence. The overall strategic objective for the Domestic Violence Programme is to strengthen the effectiveness of the Domestic Violence Act, 1998 (Act 116 of 1998). This will be implemented through a series of review projects. These projects will lay a foundation for informing the development of a framework for the effective and coordinated implementation of actions aimed at improving victim friendly court support services. The table below provides the domestic violence cases recorded by Regional Offices.

Table 25: Domestic Violence cases per region

Region	Applications	Protection Orders	Warrant Executed	Cases Withdrawn	Cases proceeded to trial
Eastern Cape	20,653	6,861	516	1,360	3,226
Free State	9,233	3,596	375	908	3,989
Gauteng	44,000	22,688	3,406	5,508	14,833
KwaZulu-Natal	27,836	12,530	862	4,080	9,904
Limpopo	11,326	6,210	267	700	3,429
Mpumalanga	11,574	5,433	335	1,710	2,981
North West	7,365	3,844	677	881	2,342
Northern Cape	4,661	1,800	198	410	2,433
Western Cape	30,699	17,148	1,987	3,231	4,169
Total	167,347	80,110	8,623	18,788	47,306

The Department has finalised the Family Law learnership manual and is currently training relevant staff on domestic violence. The Department is also planning the launch of Magistracy Guidelines on domestic violence. A total of 32 Intermediaries were appointed on a two year contract to help improve services dealing with domestic violence.

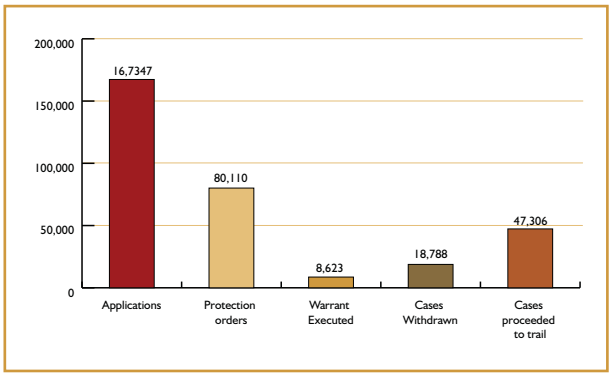


Figure 29: Domestic violence statistics

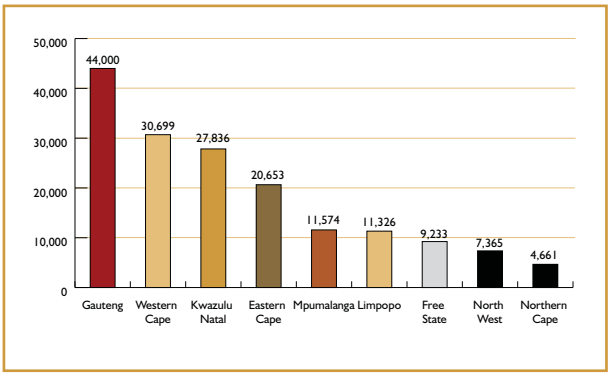


Figure 30a: Domestic violence applications per region

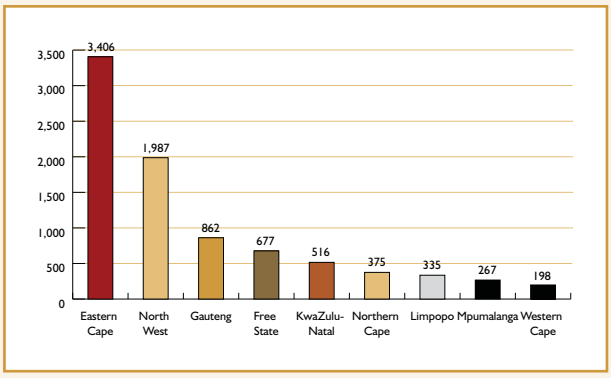


Figure 30b: Domestic violence executed per region

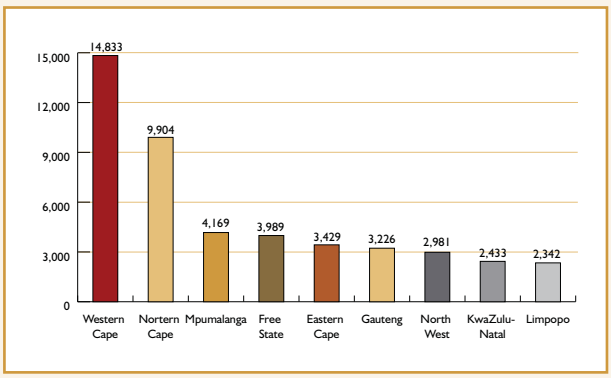


Figure 30c: Domestic violence protection orders per region

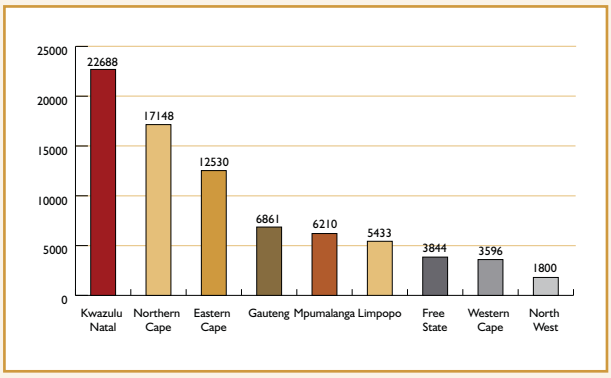


Figure 30d: Domestic violence proceeded to trial per region

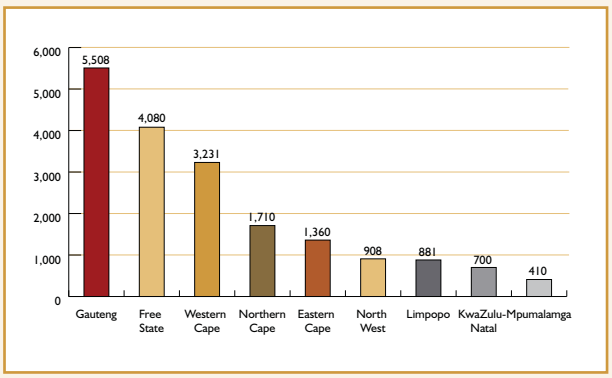


Figure 30e: Domestic violence case withdrawn per region

iii) Divorce Courts

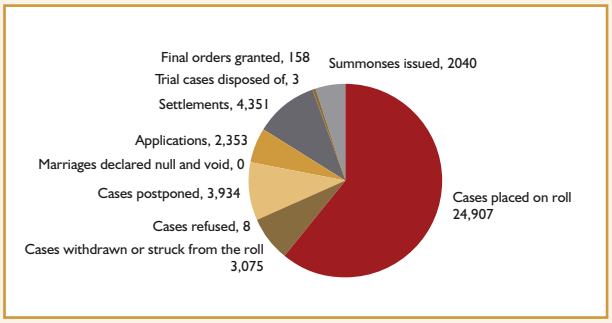


Figure 31: National divorce stats

In light of the recent legislative developments in the area of family law, the following are factored in the work plan of the Family Court Project: The extension of Civil Jurisdiction Bill which will enhance access to Justice by conferring jurisdiction on courts for regional divisions which are distributed throughout the national territory to deal with certain civil matters including matters currently dealt with in the Divorce Courts.

It has been recognised that the current information collation template utilised in the collection of divorce statistics is inadequate and not all courts are adhering to the recognition and dissolution of customary marriages and it further falls short in legislative inroads made by the enactment of the Civil Unions Act, 2006 (Act 17 of 2006). Further submissions were made to court information on relevant areas for information collation which has been included in the NOC system.

iv) Small Claims Courts

The Small Claims Court is an important component of improving access to justice services. The devolution of Small Claims Courts is aimed at enabling and assisting the disenfranchised communities to resolve civil cases of claims valued at R7,000 and below in a speedy, simplified and inexpensive manner. The current total number of established Small Claims Court is 168. The Department aims to increase the number of Small Claims Courts to 366 Magistrates' Courts by 2008/2009.

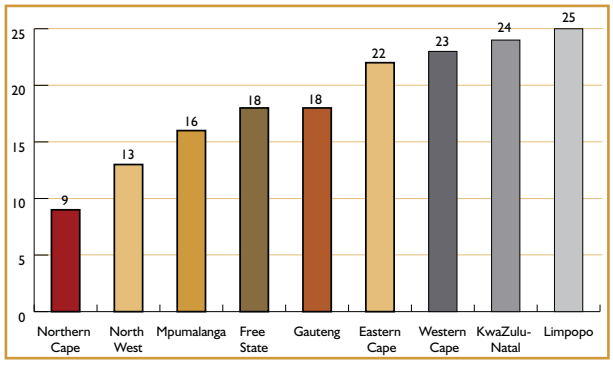


Figure 32: Small Claims Courts

Table 26: Small Claims Courts performance

Region	Inquiries	Litigants referred to legal assistants	Summonses issued	Trials
Eastern Cape	12,152	833	2,492	2,557
Free State	2,256	1,365	968	812
Gauteng	78,819	17,099	11,848	12,219
KwaZulu-Natal	20,287	17,548	1,2863	3,966
Limpopo	6,792	947	2,572	2,092
Mpumalanga	11,892	1,175	7,117	2,128
North West	9,024	385	2,264	1,803
Northern Cape	915	28	700	616
Western Cape	16,545	317	3,940	3,471
Total	158,682	39,697	44,764	29,663

A total of 10 Small Claims Courts were established in 2007/08 with two proclaimed in Limpopo, and two launched in Mpumalanga. There are numerous challenges facing these courts relating to human and physical infrastructure. The Department has developed a strategy to transform Small Claims Courts as Blue Print that outlines the infrastructural requirements as prescribed in terms of the Small Claims Courts Act 1984 (Act 61 of 1984) and the Regulations to ensure that they are accessible, transformed and effective.

The Department has 219 Small Claims Courts, which handled 158,682 new cases, of which 39,697 where referred for legal assistance. The Department further issued 44,764 summonses and conducted the 29, 663 number of trials.

The establishment of an extra 200 Small Claims Court are being fast tracked. The Department has developed a National Action Plan to re–engineer Small Claims Court as part of its campaign to increase access to justice. As part of the re-engineering process, a Project Office was established to address issues relating to training of commissioners and court officials as well as ensuring that Small Claims Courts systems are accessible, inexpensive and understandable by all. Progress on the National Action Plan is monitored through the National Steering Committee chaired by the Deputy Minister which meets on a quarterly basis.

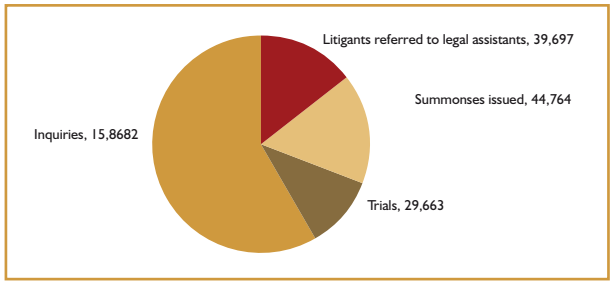


Figure 32: Small Claims Courts

The Small Claims Court Act 1984 (Act 61 of 1984) provides for the establishment of the Advisory Board, by the Minister. The Minister has appointed members of the Advisory Board for every Small Claims Court to, among others, recruit and appoint Commissioners to ensure that Small Claims Court functions effectively and that matters are heard on time and in suitable court rooms. Commissioners are presiding officers who preside over Small Claims Court matters or minor civil disputes that do not exceed the prescribed quantum of R7,000. Dedicated Small Claims Court Clerks service the courts to ensure its effective functioning.

Table 27: Small Claims Courts per province

Province	No. of SCC
Eastern Cape	22
Free State	18
Gauteng	18
KwaZulu-Natal	24
Limpopo	25
Mpumalanga	16
Northern Cape	9
North West	13
Western Cape	23
Total	168

The Department has appointed 60 Commissioners and 23 Advisory Board members to assist the Small Claims Court. The Small Claims Court Project Office has identified a service provider to develop a training manual for Commissioners who presides over Small Claims. Furthermore, th Small Claims Court Project Office, in liaising with Legislation Development regarding the promulgation of Small Claims Courts Amendment Bill, aims to transform and develop the Small Claims Court jurisprudence. Bilateral discussions were held with Legal Aid Board in an attempt to lobby their Attorneys to serve as Commissioners for Small Claims Courts that are facing a challenge securing Attorneys. The meeting was successful as Legal Aid Board concedes to their Attorneys utilising the 20 hour pro bono service to service as Commissioners.

The Project Office is funded by the Swiss Agency for Development and Cooperation to the amount of R4, 5 million for three years. The Department facilitated the development of a national monitoring and evaluation tool that aim to analyse and monitor the progress on the resuscitation and roll out Small Claims Courts. Table 27 shows the number of Small Claims Courts per Province:

The Audit Report has revealed that there are 97 with Small Claims Courts inactive Advisory Boards, which has contributed to the non-functioning of these courts. The Advisory Board consists of Small Claims Court experts including local Attorneys, Magistrates and court officials. Their responsibility is to advise the Minister on various aspects relating to the functioning of the Small Claims Court. A strategy to resuscitate the Boards has been developed and the process is anticipated to start in July 2008 upon the appointment of a service provider.

v) Equality Courts

Table 28: Equality Court training

Province	Designated Courts	Judges Trained	Magistrates Trained	Clerks Trained
Gauteng	23	34	193	84
Mpumalanga	23	0	75	28
KwaZulu-Natal	39	10	134	53
Western Cape	23	19	51	18
Eastern Cape	19	18	30	88
Northern Cape	13	3	41	20
North West	20	4	62	24
Free State	34	13	87	31
Limpopo	25	1	59	25
Total	219	129	732	371

The purpose of Equality Courts is to provide progress on the implementation of provisions of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000) (PEPUDA, aka, Equality Act).

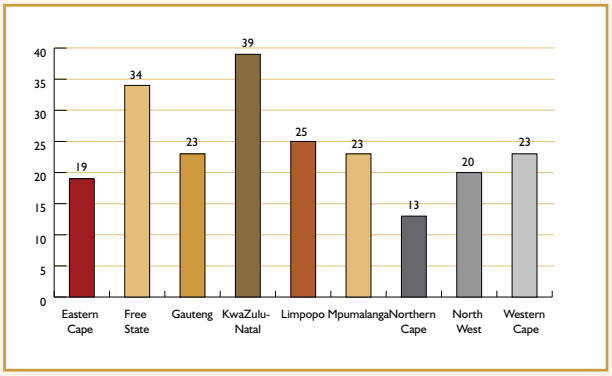


Figure 35a: Equality Courts per province

At present, there are 219 Magistrates' Courts designated as Equality Courts. Furthermore, all High Courts in the country sit as Equality Courts. A further 146 Equality Courts will be designated in 2008/09 to ensure that every Magisterial District has an Equality Court. The proclamation of the Promotion of Equality and Prevention of Unfair

Discrimination Act, 2000 (Act 4 of 2000) has been translated into 11 official languages as prescribed in terms of section 31 of the Act. The Act was previously only available in English and isiZulu and has since been translated into a further six official languages isiXhosa, Setswana, Sesotho, Ndebele, Afrikaans, Tshivenda and Sepedi.

The outstanding two languages Tsonga and Siswati will be finalised in 2008/09. The Chief State Law Adviser will publish the translated Acts in the government gazette once all the translations have been finalised.

Table 29: Types of Equality Court cases

Type of Cases	Total
Racial discrimination	19
Hate speech	74
Unfair discrimination	40
Gender equality	2
Harassment	32
Humiliation	2
Total	169

Section 16(4) and 17 (3) of the PEPUDA, 2000 (Act 4 of 2000) as amended, provides that records of all clerks, Judges and Magistrates who received training on the equality legislation shall be compiled and retained. In compliance with the Legislation the following statistics have been recorded:

Table 30: Breakdown of Equality Court Cases per region

Province	Cases Reported
Gauteng	35
Mpumalanga	88
KwaZulu-Natal	26
Western Cape	15
Eastern Cape	3
Northern Cape	0
North West	2
Free State	0
Limpopo	0
Total	169

However, the gathering of statistics on the cases presided over by the Equality Courts is proving to be a challenge. The Department will soon be able to collect statistics electronically from courts using new monitoring systems. Table 29 illustrates the number of Equality Court cases reported and the breakdown of the number of statistics recorded per province and per Court.

vi) Labour and Labour Appeal Courts

Table 31: Labour Appeal Courts

Cases	Total
Reviews	3,920
Application	3,636
Referrals	1,198
Appeals	83
Total	8,837

The Labour Appeal and Labour Courts were established in 1996 in terms of Section 151 to 166 of the Labour Relations Act 1995 (Act 66 of 1995) with inherent powers and standing in relation to matters under its jurisdiction equal to that which a court of a provincial division of the Supreme Court has in relation to matters under its jurisdiction with seats in Johannesburg, Durban, Cape Town and Port Elizabeth.

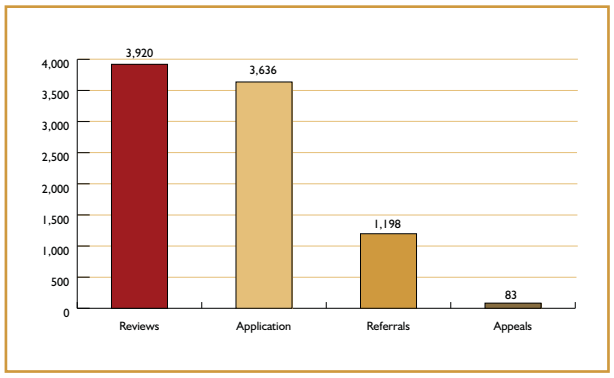


Figure 36: Labour Court cases

The Labour Courts have a wide jurisdiction in that the Johannesburg Court accommodates six Provinces, namely North West,, Limpopo, Mpumalanga, Free State, Gauteng, and Northern Cape whereas the Cape Town Court covers the Western Cape, the Durban Court covers KwaZulu-Natal and Port Elizabeth covers Eastern Cape. The Courts consists of the Judge President, four permanent Judges whereas the Labour Appeal Court consist of the Judge President and seven Judges of Appeal.

The Court deals with matters referred from the Commission for Conciliation, Mediation and Arbitration (CCMA) and from different

Bargaining Councils. The Court has direct access in matters like mass retrenchments, discrimination, and sexual harassment.

vii) Land Claims Court

The Land Claims Court was established as a result of the promulgation of the Restitution of the Land Rights Act, 1996 (Act 22 of 1996). It has jurisdiction to hear land reform-related cases more specifically restitution cases. In terms of section 2 of the Act all the land claims must have been lodged with the Land Claims Commission before the cut-off date (which was 31 December 1998).

The Act provides for the parties to negotiate the settlement of the claim or dispute, and that in the event where the parties are unable to reach such a settlement, either party may refer the matter to court for adjudication. The decisions of the court are appealable in the Supreme Court of Appeal. It should be noted that before the parties could commence the negotiations, the officials of the Commission must investigate the claim in terms of section 11 of the Act to determine its validity. The court therefore allows for the use of an alternative dispute resolution (ADR) mechanism in the settlement of disputes. The Court may send matters for facilitation as well as mediation mechanisms for resolving disputes.

The Land Claims Commission was set to finalise all the outstanding land claims by 31 March 2008. This is a challenge to the Court to deal with all the matters brought before it . However, given the nature and complexity of the land claims, it becomes a challenge to the Court to finalise the claims within the prescribed period. The Court will still be required to preside over all the cases beyond the prescribed period. The table below indicates the Restitution Cases dealt with in the Land Claims Court from April 2007 to April 2008. The Judges presiding in this court are seconded from other High Courts and four Judges' sits in this Court.

Table 32: Restitution cases to Land Claims Court

	Input		Output				
	Old Cases	New Cases	Total Case Load	Judgments Orders	Settled	Total Finalised	Pending/ Outstanding
Total	173	82	255	1	5	6	249

Restitution cases may take approximately two to five years or more to finalise depending on the nature and complexity of the claim. During this time the Land Claims Court is noted as pending. The statistics show that 82 cases were lodged with the Court in 2007/08, and only six cases were finalised. As stated above most of the cases are complex, hence the delay in their finalisation. Statistics indicate that cases being finalised are less than the cases lodged.

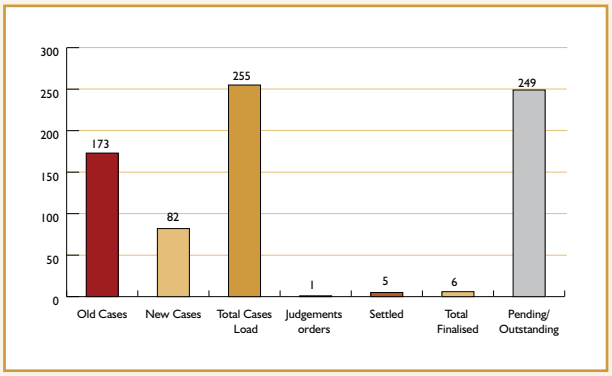


Figure 37: Restitution cases to Land Claims Court

Labour Tenant (Land Reform) Act and Extension of Security of Tenure Acts

Labour Tenant (Land Reform) Act, 1996 (Act 3 of 1996) and Extension of Security of Tenure Acts 1997 (Act 62 of 1997) seek to provide security of tenure for labour tenants, land persons occupying or using land as a result of their association with labour tenants and to provide for the acquisition of land by labour tenants.

Table 33: Extension of Security of Tenure Act, 1997 (Act 62 of 1997) cases

	Cases in			Cases out			
	Old	New	Total Case Load	Judgments Orders	Settled	Total Finalised	Pending/ Outstanding
Total	231	75	306	10	5	15	291

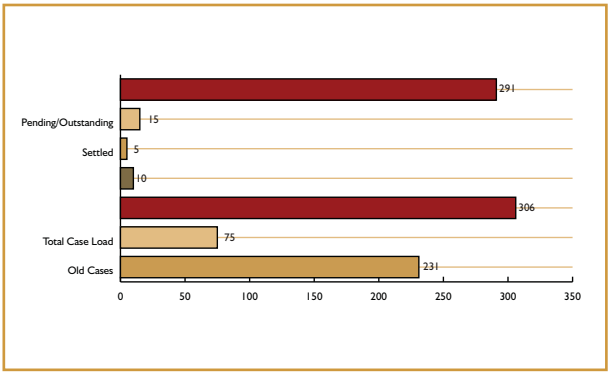


Figure 38: Extension of Security of Tenure Act, 1997 (Act 62 of 1997) cases

Matters litigated of this the legislation are slightly similar to the matters litigated in terms of the Restitution Act. The significant aspect about these matters is that some cases or applications are on an urgent basis, e.g. for burial of persons living on farms. Such cases receive a higher priority because of the sensitive nature and for practicality nature and corpses cannot stay in a mortuary for long as it is costly for the poor occupiers or people living on the farm. Thus such matters have to be heard as and when they come to the court, this has the effect of relegating other matters until they are finalised. The process is usually time consuming especially in matters where parties seek to be declared long term occupiers so as to be allocated a portion on the farm or elsewhere by the Department of Land Affairs. Many witnesses may need to be called to prove whether one is a long term occupier or not. Thus at most matters under these cases may take two to three years. The table 38 indicates the total number of Extension of Security dealt with in the Land Claims Court from April 2007 to March 2008.

Table 34: Land Reform Act, 1996 (Act 3 of 1996) Labour Tenant Cases

	Cases in			Output			
	Old	New	Total Case Load	Judgments Orders	Settled	Total Finalised	Pending/ Outstanding
Total	145	12	157	0	1	1	156

A total of 231 extension of security of tenure cases were carried over from March 2007 and 75 new cases were received during the reporting period bringing the total case load to 306 cases. A total of 15 cases were finalised during the reporting period. A total of 145 land reform cases were carried over from 2006/07 and 12 new cases were received bringing the total case load to 157 cases, with only one case finalised.

Land Claims Court: Review cases

Table 35: Land Claims Court: Review cases

	Cases enrolled			Cases dispensed of					
Month	Old	New	Total Case Load	Review Heard	Confirmed	Withdrawn	Set aside/ not reviewable	Finalised	Pending
Total	1	130	131	129	106	1	11	118	13

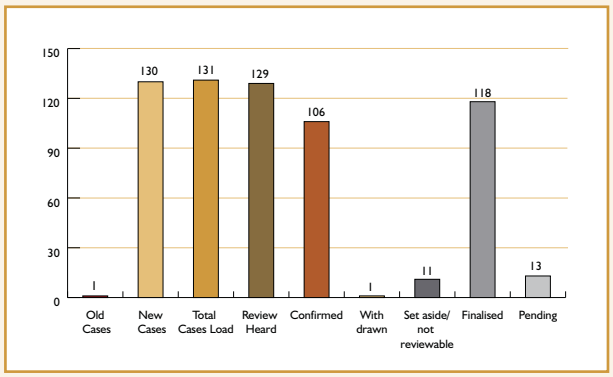


Figure 40: Land Claims Court Review cases

Land Claims Court: Review Cases are matters that come to the Land Claims Court by way of automatic review from Magistrates' Courts throughout the country. The Judges of the Court, after considering these matters may confirm the Magistrates' orders, set the orders aside or refer the matter back to the Magistrate for submission of further evidence and refer the matter back to the Land Claims Court. The Presiding Judge may at the time refer the matter for evidence before the Land Claims Court. These cases may take at most two months before the Land Claims Court finalise. Only one review case was carried over from March 2007 and 130 new cases were received bringing the total case load of 131 cases. The court managed to finalise 118 cases.

G. COURT MODERNISATION PROGRAMME

One of the major projects of the Department is to modernise justice services by providing speedy business productivity solutions using information technology as an enabler.

Table 36: E-scheduler per region

Regions	Courts
Eastern Cape	83
Free State	66
Gauteng	46
KwaZulu-Natal	75
Limpopo	37
Mpumalanga	36
Northern Cape	35
North West	34
Western Cape	56
Total	468

i) E-scheduler

E-scheduler is a web based system which allows for access by all court users within the Department. The user requirements within the various court types necessitated evolving the E-scheduler into the Integrated Case Management System (ICMS) which provides for a common case registration and case management system relating to criminal and civil matters in the Lower and High Court environments, together with the incorporation of a scanning module that provides for the electronic capturing, storage and retrieval of documents relating to cases. Currently the Integrated Case Management System is being developed and tested.

A total of 4,721 users have access to E-scheduler. The criminal module of the system is currently in operation at 468 Lower Courts throughout the country. The provincial break down is as follows:

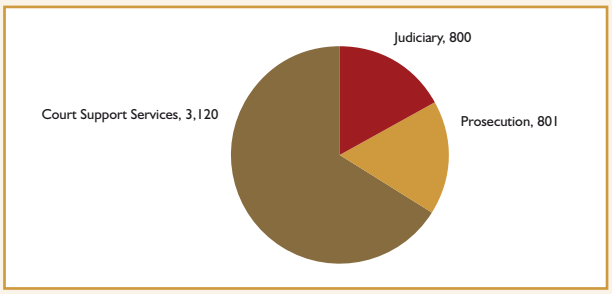


Figure 41: Users with access to E-scheduler

A total of 4,721 users have access to E-scheduler. The following categories have been given access to the E-scheduler:

- Judiciary: 800
- Prosecution: 801
- Court Support Services: 3,120

ii) Video postponements

The Video postponement project is currently piloted at KwaZulu-Natal using the latest technology. It will be fully operational in May 2008. The project explores the use of technology as a means to fast track the large numbers of postponements, crippling the smooth operations in our courts. The project objectives include facilitating the use of technology to remand matters that daily clog our court rolls without the awaiting-trial detainee leaving the correction facility where he/she is in custody. Video remand extensions of project – sites were identified for roll out in 47 courts and 36 prisons. Extended testing of the full system is currently being planned for Port Elizabeth. The impact of the system will drastically change postponement of cases with the use of technology and contribute immense value, in view of the benefits

in cost savings and turn-around times to finalise cases. The national tender will be awarded in April 2008 and the national roll-out will commence thereafter. The system which has revolutionised remand of cases in South Africa through the use of technology was tested in KwaZulu-Natal with remarkable successes, with a total of 5,703 video-postponements processed to date.

Table 38: Video-postponement

TOTAL CASES - UTILISATION OF VIDEO REMAND CONCEPT			
YEAR	DURBAN	PINETOWN	TOTAL
2007	788	128	916
2008	42	16	58
Total	3,886	1,817	5,703

iii) Digital Court Recording System

The Digital Court Recording System (DCRS) was procured in 2006/07 to replace the analogue recording facilities being utilised in courts. The national roll-out to all courts commenced in November 2006. This was followed by the procurement process and the training of staff to operate the recorders. A total of 2,430 recorders were procured for the Department. The table below is a summary of the roll-out of the CCTV system, the Operator Headphone Monitoring Solution and Lower Court Back-Up.

Table 39: Summary of the DCRS roll-out

Area	Headphone	Back-up	Sexual Offences Courts
High Courts	158	0	13
Eastern Cape	173	171	10
Western Cape	175	175	7
KwaZulu-Natal	207	202	7
Free State	127	127	8
Gauteng	164	164	22
North West	79	79	7
Nothern Cape	36	36	4
Limpopo	23	23	1
Mpumalanga	20	20	0
Totals	1,162	997	79

The table below reflects the number of recorders deployed to date:

Table 40: Recorders deployed

DEPLOYMENT OF DCRS COURT RECORDING MACHINES	
Recorders installed/deployed	1,843
Deployed to regions for training purposes	132
Recorders still outstanding	455
Total recorders procured	2,430

The Central Archive Record Storage for High Courts was installed efficiently to manage all stored data efficiently. This back-up system would not only ensure that the required data is available for many years, but would also provide for an analysis on trends and patterns of the court records for the Department.

The DCRS has since been stabilised and the quality of recordings has improved significantly. The transcripts are more complete and unlike the previous analogue system, there are fewer instances of transcripts reflecting inaudible portions of recordings. All court rooms have been installed with the DCRS system and each clerk responsible for the recorder has been trained. The connectivity to the CCTV systems in the Sexual Offence Courts is able to ensure that proceedings to the cases in those courts can continue. The temporary situation of the DCRS clerks has been addressed to provide for the service rendered to be secured with permanent HR capacity.

The digital system has the advantage of locating lost and mislaid records which is beneficial to both the Department and incarcerated individuals attempting to be liberated. The system has produced the additional requirement of providing clerks to each court room to be utilised in rendering support functions to the court to maximise the management of cases and in support of court and case flow management. The system has also provided integrity to the management of the Departments' court recorded data.

In its endeavour to meet its Constitutional obligations, the Department committed itself to provide efficient transcriptions services for all courts countrywide, were procured. of court records. Transcription services to provide for all the courts countrywide were procured and are currently performed by service providers outside the Department as an outsourced entity. This service is currently outsourced.

The contract to provide transcription services for all nine regions was approved and awarded for a continuous period of three years commencing 1 June 2006 until 31 May 2009. The services are fully provided to all regions.

iv) Scanning solution

The scanning solution was developed to enhance the E-scheduler (case management system) in order to provide support to the courts regarding electronic capturing (scanning) of files/case dockets/charge sheets. With the enhancement of the E-scheduler system into an Integrated Case Management System (ICMS), the scanning solution was incorporated into the ICMS solution. The ICMS makes provision for case registration and management, report generation, search functionality, scanning and indexing. The scanning solution will therefore be rolled out as part of the ICMS and not as a stand alone solution. The system was tested in Germiston and has now been fully adapted.

v) Virtual library

The Department is currently building its capacity to identify each court's library requirements. The appointment of researchers who will compile an inventory of the needs has been prioritised. Information management systems and tools have been sought in engagement with SITA (contracted in December 2007) to build a prototype of the system of virtual library. This system is expected to linked to the Department's intranet (DJINI).

vi) Case Flow Management (CFM)

Case Flow Management system was introduced to boast public confidence in the justice system. An initiative to develop common CFM objectives was adopted and published in a CFM Supporting Sanual, Practical Guide; Court and Case Flow Management for South African Lower Courts.

vii) Justice Management Information System (JMIS)

JMIS provides a centralised data warehouse for all the departmental information resources, therefore provides a common integration platform for all the departments various information resources. JMIS is a web-based and therefore can be accessed by users. There are about 300 users registered on the system. Access to the system is limited to employees with managerial responsibility.

viii) Electronic Document Management System (EDMS)

The EDMS will assist the Department to improve service delivery in the management of all documentation in a coordinated manner. This process will reduce lost and misfiled documents and inform on the status quo of and matters. In the process of consultation it was discovered that the NPA is already utilising EDMS software. The EDMS software utilised by the NPA provides for the scanning of documents, workflow that ensures the documents are scanned prior to allocation and routed to the appropriate officials to deal with and the management of the documents according to a file plan approved by the National Archives. The Department is in the process of collaborating with NPA to align the Department's requirements to that of the NPA.

The SITA and ISM are currently evaluating the software that is used by the NPA with the view of adapting it to the provided user requirements. The user acceptance testing will be concluded at the end of April 2008. Document Management System (DMS) assists the Department to improve service delivery in the management of all documentation. This process will reduce lost and misfiled documents and inform on the status quo of tasks and matters.

Sub programme	Output	Measure/Indicator	Target	Actual	Motivation
Constitutional Court	Case flow management	Percentage of cases on the court rolls finalised.	85% of cases per year six months from date of enrolment	63 (68.5%)cases were finalised	The Constitutional Court is the highest court in the country and deals with very complex matters requiring lengthy research. The Constitutional Court has 11 Judges and at a time a minimum of eight Judges, (section 167 of the Constitution Act, 1996) must hear a case with the Chief/ Deputy Justice presiding. In terms of Part I Rule 2 of the Constitutional Court Rules, this court has four terms and recess periods.
Supreme Court of Appeal	Case flow management	Percentage of appeals on the court roll finalised	85% of appeals per year Case cycle time	155 Civil Appeals and 455 Criminal Appeals were finalised.	The Supreme Court of Appeal has twenty one Judges including the President and Deputy. A minimum of three and/or five Judges sit per case at a time. In terms of Rule 2 of the Supreme Court of Appeal Rules, this court has four terms and recess periods.
High Courts	Case flow management	Number of cases on the court roll finalised	3,500 cases Case cycle time	There is a decrease in trial and minimum sentences matters The High Courts finalise on average two, 37 cases per court per month (less than the 2, 88 in 2006/07).	Request from legal representatives, consultations and various other reasons contributed to delays in finalisation. Load-shedding not only affected the courts during session but also impacts on preparation of cases – e.g. copies being made of dockets, consultations, etc.
Specialised Courts	Case flow management	Percentage of cases finalised	All cases on outstanding roll and 50% of new cases	Divorce Court 60.3 %	22,238 cases were placed on the roll and 13,404 divorces were granted
				Small Claims Court has 15,8682 enquiries received and 29,663 went on trial.	

Sub programme	Output	Measure/Indicator	Target	Actual	Motivation
Lower Courts	Case flow management	Number of cases finalised per month Case cycle time.	40 per District Court and 15 per Regional Court 90% of cases in District Courts and 78% of cases in Regional Courts must not be older than six months.	An average of 29 cases per month in Lower Courts – namely in District Court: 28 cases per month; In Regional Court: six per month	Decrease in finalisation rate could be ascribed to a focussed approach on alternative dispute resolution methods in an effort to reduce trial cases.
Family Advocate	Assistance to the courts in issues relating to children in family matters	Number of high court custody documents Scrutinised.	76,000 documents scrutinised.	6,942 matters finalised 1,899 section 21 mediations	Set targets could not be reached due to implementation of the new provisions of the Children's Act Sections of the Children's Act 2005 became operative in July 2007, introducing new requirements for mediations in matters of children born out of wedlock
		Number of enquiries finalised	12,000 enquiries	8,150 Enquiries were finalised	
Magistrates' Commission	Appointment of magistrates and related employment matters	Percentage of magistrates' employment matters dealt with	90% of matters received.	26 vacant posts of Magistrates [all levels] were advertised during 2006 and were filled during 2007. During the period Nov 2007 until Mar 2008 a total of 124 vacant posts of Magistrates [all levels] were advertised.	Recommendations for the filling of the 124 vacant posts will be submitted to the Minister during July 2008.
Judicial Service Commission	Appointment of Judges	Percentage of vacancies filled	100% filled	98% filled	The availability of the Judicial Service Commission to interview applicants and the President to approve their appointment sometimes delay the filling of vacancies.

Sub programme	Output	Measure/Indicator	Target	Actual	Motivation
Facilities Management	Adequate and secured court infrastructure	Number of new courts built.	15 new courts per year	three new courts built	Most of the new court buildings are multi-year projects averaging 24 months thus it is practically impossible to design and complete construction of a new court in one financial year. The other challenge experienced is the cumbersome DPW site clearance processes which take on average a period of 12 months before a site is ready for proceeding with design and ultimately construction. For projects in construction, the reason for not meeting the target is the slow delivery from the DPW contracted service providers i.e. contractors
		Number of courts renovated.	130 courts renovated per year	82 courts renovated	The target could not be achieved because for a facility to be considered "renovated" it must have finished the full 36 months (three-year period). Only 82 facilities have completed the full RAMP cycle of three-year period.

2.10.3 PROGRAMME 3: STATE LEGAL SERVICES

Purpose: State Legal Services provides Government with legal services and facilitates constitutional amendments. Activities include providing for the work of the State Attorney and State Law Advisers, and the Master of the High Court. This programme also provides for researching, preparing and promoting legislation related to the Department's functions. Included in this programme are advisory and drafting services to the relevant Parliamentary Committees, dealing with amendments to the Constitution and Acts of Parliament -the administration of which is the Department's responsibility.

Measurable objective: to promote justice and corporate governance through the provision of a legal system and legislative services to the state and the public, and by completing instructions received.

This programme will report on the work of the following four branches:

- Master of the High Court
- Chief Litigation Officer (CLO)
- State Law Advisor
- Legislative and Constitutional Development.

A. REPORT OF THE MASTER OF THE HIGH COURT

The mandate of the Master of the High Court is to administer deceased estates, insolvent estates, trusts, curators and to improve access to the Guardian's Fund. The Department is modernising and expanding services dealing with Guardian's Fund, deceased and insolvent estates.

Through Operation Sesifikile, the Masters' services will be expanded to rural and township communities, to improve service delivery. The Master's Office was opened in Mpumalanga to improve access to services. The Operation Sesifikile has identified 16 centres in all provinces that will be used to provide improved services to deceased and insolvency estates. This also involves the expansion of outreach programmes aimed at raising awareness towards these services. Currently, two new offices were procured in Johannesburg and Port Elizabeth.

In the year under review, the Master's Office has made progress in right-sizing and filling its vacancies. The Department has undertaken to continue investing in human capital by right-sizing all Masters of the High Court throughout the country. Various posts at different occupational levels have been advertised and 600 posts were filled. The Masters are also faced with skills deficit which impacts negatively on the state of report writing, management skills and experience, as well as the development of technical skills to improve employees' skills in accounting and forensic investigation. The Department has identified a skills training need to improve service delivery, in particular the Guardian's Fund and the administration of deceased states.

There has been a steady decrease in the number of grievances and disciplinary actionable matters in the section. However, fraud and corruption are still a major threat. Offices are often faced with an increasing number of missing files. Business requirements and process flows were developed for the centralised Electronic Funds Transfer (EFT) process. An audit matrix was prepared to address all queries and to track progress. The legislative framework on Masters' services will be reviewed to enable efficient delivery of Masters' services. Table 39 illustrates the performance of Master of the High Court cases of deceased estates, insolvent estates, trust and curatorship.

Table 41: Statistics on Masters' services

Province	Offices	DECEASED			INSOLVENCIES		CURATORSHIPS	TRUSTS
		Files from Service Points	No of Letters of Executors< R 125 000	Section 18(3) issued > R 125 000	Companies+ CC	Individuals	2007/08	2007/08
Gauteng	Johannesburg	11,,400	,3000	12,000	420	84	-	-
	Pretoria	4,753	10,056	8,464	918	1,334	174	11,848
	Total	16,153	13,056	20,464	1,338	1,418	174	11,848
KwaZulu-Natal	Durban	7,220	1,537	4,504	111	43	-	-
	Pietermaritzburg	6,527	3,955	5,623	84	60	72	1,285
	Total	13,747	5,492	10,127	195	103	72	1,285
North West	Mafikeng	1,2303	591	1,939	42	82	56	14
	Total	12,303	591	1,939	42	82	56	14
Eatern Cape	Mthatha	7,577	236	8,430	-	3	10	39
	Grahamstown	1,490	937	3,626	17	11	57	747
	Bisho	920	88	875	-	-	5	7
	Port Elizabeth	2,352	1,295	2,874	37	25	-	-
	Total	12,339	2,556	15,805	54	39	72	793
Free State	Bloemfontein	6,192	2,488	4,786	54	78	80	1,,790
	Total	6,192	2,488	4,786	54	78	80	1,790
Limpopo	Polokwane	3,492	547	2,396	-	-	-	-
	Thohoyandou	883	92	1,038	-	-	-	19
	Total	4,375	639	3,434	-	-	-	19
Western Cape	Cape Town	2,365	6,482	6,098	426	138	378	7,460
	Total	2,365	6,482	6,098	426	138	378	7,460
Northern Cape	Kimberley	909	735	1,241	15	6	4	435
	Total	909	735	1,241	15	6	4	435
2007/08		68,383	68,,383	63,894	2,124	1,864	836	23,644
2006/07		63,403	25,924	41,533	2,702	1,559	2,209	25,737
2005/06		47,328	28,543	35, 557	5,026		2,945	25,826

The graphs below show the Deceased Estates per province for 2007/08:

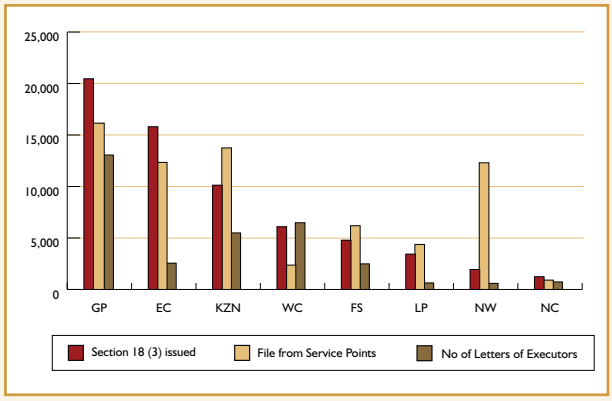


Figure 42a: Deceased Estates for 2007/08

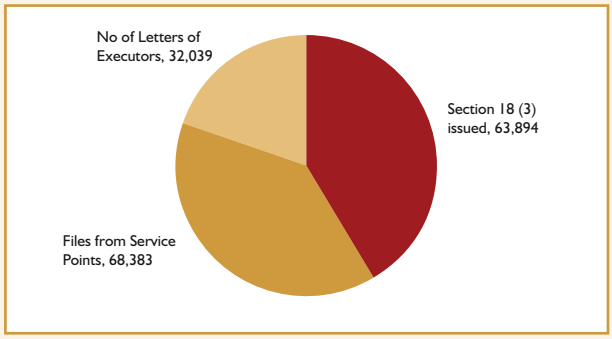


Figure 42b: Deceased Estates for 2007/08

The graph below compares Deceased Estates over a three-year period:

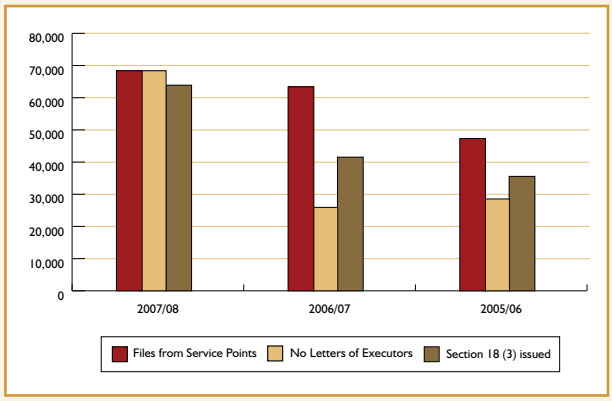


Figure 42c: Deceased Estates per year

The graphs below show the Insolvencies for 2007/08:

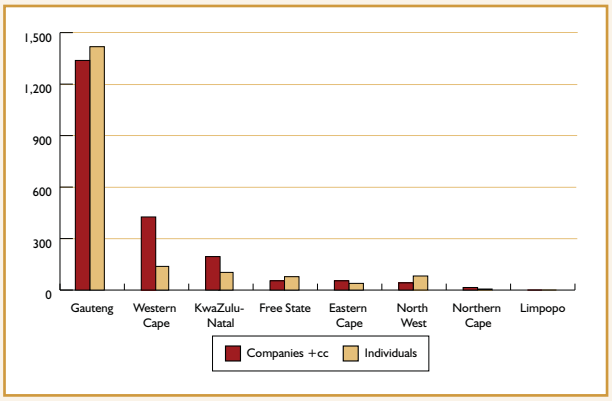
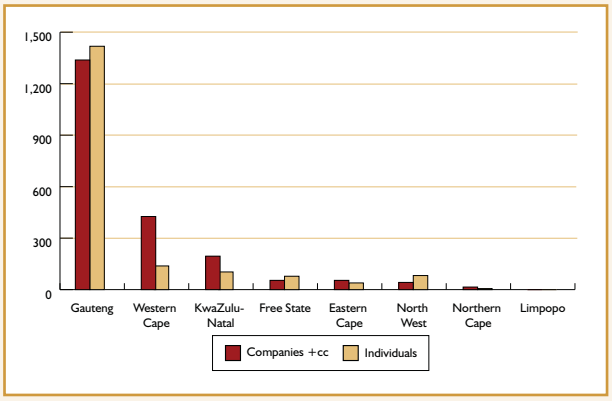


Figure 43a: Insolvencies for 2007/08

The graphs below compare Insolvencies over a three year-period and per category:



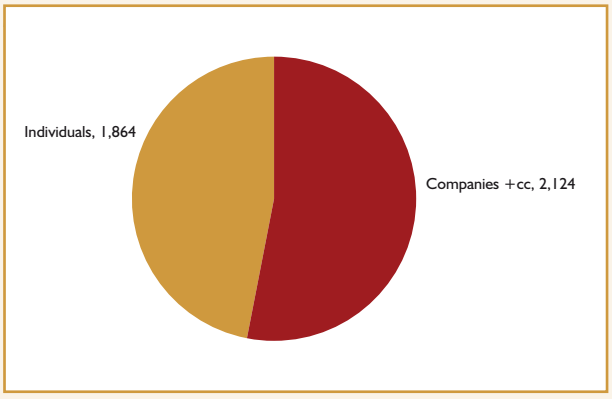


Figure 43c: Insolvencies

The graphs below show Curatorship's for 2007/08 per province and over a three-year period:

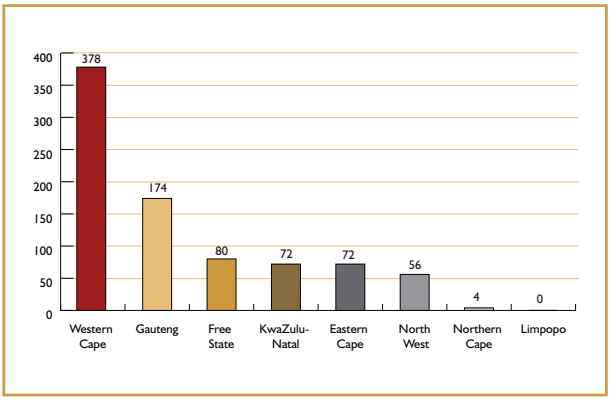


Figure 44a: Curatorship per province

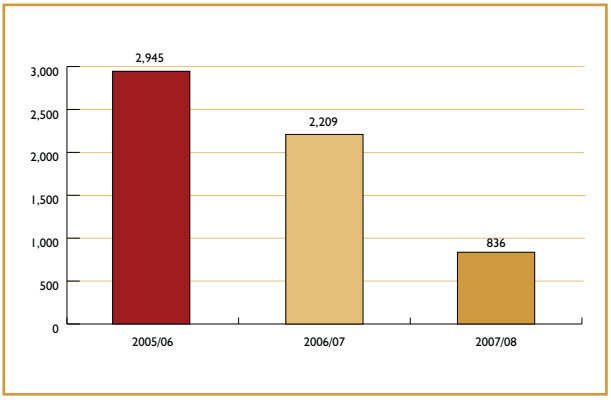


Figure 44b: Curatorship per year

The graphs below show Trusts for 2007/08:

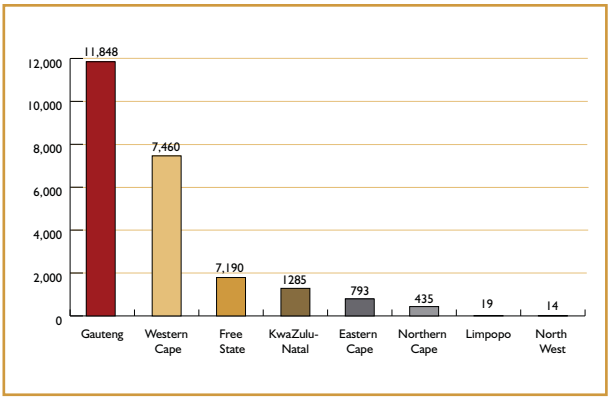


Figure 45a: Trusts for 2007/08

i) Deceased Estates

The Department has enrolled 32,975 estates of more than R125,000 of which 22,385 estates were finalised within 10 months of enrolment and 102,235 estates of R125,000 or less were finalised within four months out of the 58,147 that were enrolled.

The administration of estates in all Masters' Offices will be standardised in the next financial year, with the objective of issuing appointment letters in a speedy, effective and efficient manner to the public. In order to improve service delivery, the Department will establish a working relationship with the Legal Aid Board to deal with estate matters.

ii) Insolvency

The Department has finalised a draft policy on liquidations. A unified Insolvency Bill and Framework will be established for the regulation of the liquidation industry.

iii) Guardian's Fund

The Guardian's Fund (GF) is a statutory trust established in terms of Chapter V of the Administration of Estates Act, 1965 (Act 66 of 1965). The purpose of the GF is to protect and manage monies of persons deemed to be legally incapable or lacking the capacity to manage their own affairs as well as undetermined, unknown or absent heirs and untraceable persons. The functions of the GF include investing trust monies held with the Public Investment Corporation (PIC), calculating interests accruing to monies received; processing inheritance applications and making payments to the entitled persons.

The total volume of receipts for the Guardian's Fund for 2007/08 was 15,822 and the value of the receipts is R 648,128,158.271. The total volume of payment from the Guardian's Fund is 42,572 valued at R 533,582,718.26.

Table 42: Total volumes and values for payments received from the Guardian's Fund

Volumes and values for payments	Volume		Amount
	At interest	42,223	R 514,716,588.98
	Commission	91	R 334,531.92
	No interest	258	R 18,531,597.36
Total		42,572	R 533,582,718.26
Volumes and values for receipts	At Interest	12,290	R 616,425,036.84
	Commission	2,681	R 7,054,463.84
	No interest	851	R 24,648,657.59
Total		15,822	R 648,128,158.27

During the year under review, the total Monies in Trust (as per Guardian's Fund System but before year-end adjustments) amounted to R 4,903 billion disaggregated by Masters Branch as follows: (For more information refer to Monies in Trust in the Office of the Chief Financial Officer section.)

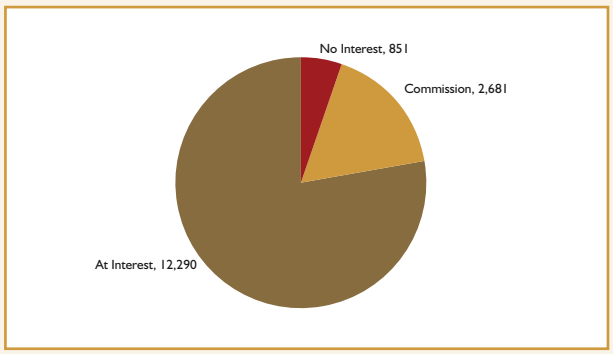


Figure 46a: Guardian's Fund - volumes for receipts

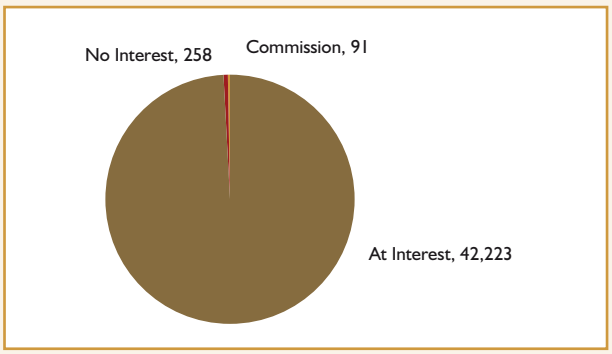


Figure 46c: Guardian's Fund - volumes for payments

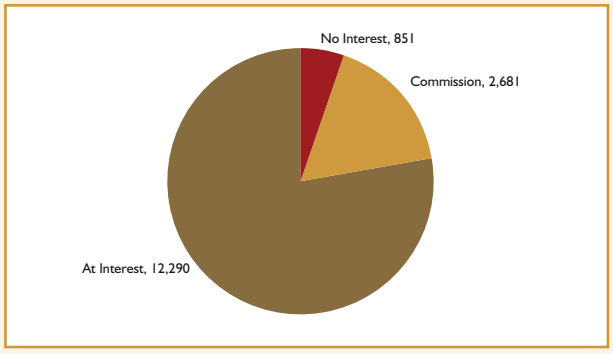


Figure 46b: Guardian's Fund - value for receipts

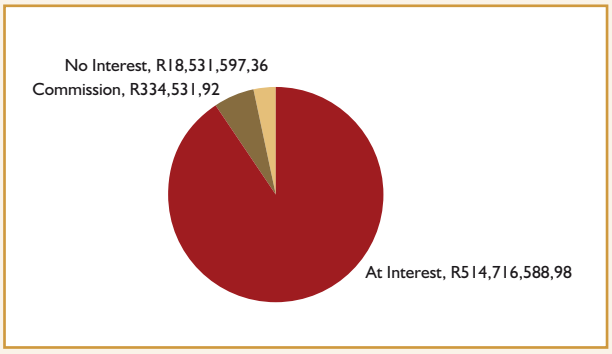


Figure 46d: Guardian's Fund - values for payment

Table 43: Total Monies in Trusts (R)

Area	Active accounts	Interest	Commission	No Interest	Total Monies in Trust
Bloemfontein	37,824	392,002,959	3,058,006	10,854,431	405,915,396
Cape Town	134,742	284,899,832	23,306,874	43,460,271	351,666,977
Grahamstown	35,772	520,060,882	8,666,288.53	22,482,108	551,209,279
Kimberley	7,421	92,955,788	931,614.71	3,567,364	97,454,767
Pietermaritzburg	89,608	1,383,544,389	8,393,119.03	52,821,744	1,444,759,252
Pretoria	382,627	1,802,503,588	116,988,471.68	133,243,997	2,052,736,057
Total	687,994	4,475,967,439	161,344,374	266,429,915	4,903,741,728

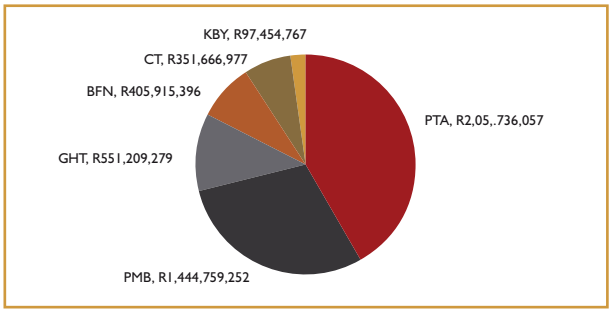


Figure 47a: Total monies in Trust

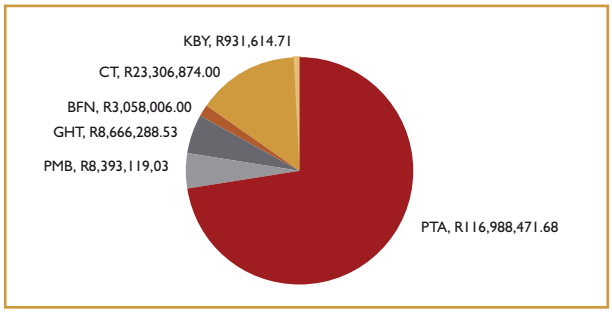


Figure 47d: Commission per office

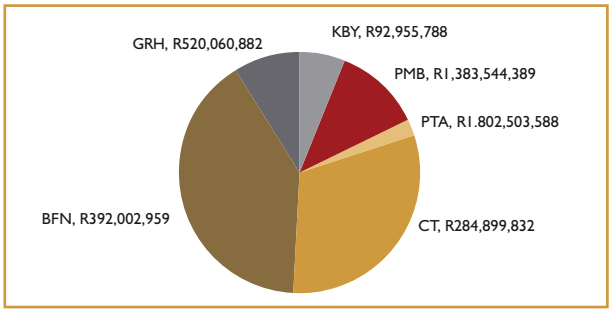


Figure47b: Interest per office

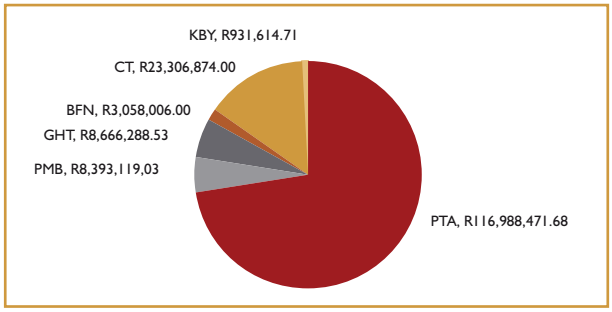


Figure 47e: Active accounts per office

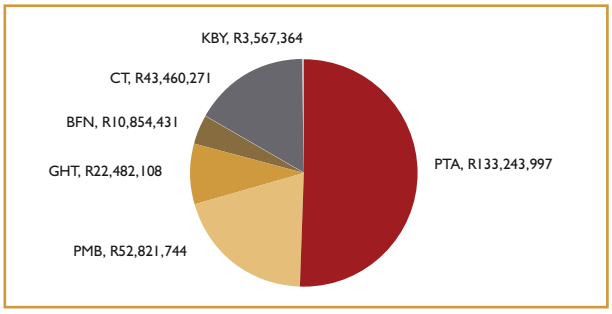


Figure 47c: No Interest per office

The Department aims to optimise and improve Guardian's Fund services by automating the process in order to provide a quick-turn around time for payment. A plan to roll out Guardian's Funds to all Masters Offices has been compiled to enhance an effective and efficient service delivery. The Guardian's Fund System (GFS) has been fully rolled out to two service points in Polokwane. The remaining 24 Masters' Service Points in Polokwane are underway. The roll out of GFS in Bloemfontein, Kimberly, Cape Town, Pietermaritzburg and Grahamstown Offices has been completed, and all new matters in these offices are now registered through this electronic system. Currently five of the six Masters' Offices have been automated except Pretoria. The Eastern Cape Rationalisa-

tion project strategy objective is to extend the Guardian's Fund services to all Masters' Offices in the Eastern Cape which are to be fully operational in Bisho, Mthatha, and Port Elizabeth and Grahamstown.

ICMS, a modernisation solution aimed at improving integration and expansion of all Masters' Services, has been piloted in Mmabatho, Bloemfontein, Kimberly, Thohoyandou and Polokwane. The Master's Office will roll out the ICMS by 2010. Pending the roll-out of the ICMS, the creation of the Back-Office and Front-Office project (a plan to speed up the provision of services such as registration of trusts and appointment of curators and administrators) has been put on hold.

The General Acceptance Accounting Principle (GAAP) Accounting Turnaround Project is addressing backlogs to ensure all financial accounting information is accurate and complete. A financial management reporting tool was developed, to instil a culture in financial management reporting within the Guardian's Fund.

iv) Trust and Curatorship

Inheritance money is kept in 'trusts' until the beneficiary or guardian is deemed entitled to the funds. The total liability monies in trust was equal to R4,9 billion at the end of 2007/08. Monies in trust are mirrored by corresponding assets in the balance sheet, being the financial instruments available for sale.

The Master's Office aims to improve access to Guardian's Funds, timely finalisation of estates, Insolvent and deceased estate, finalising Regulatory Framework for Liquidations, and complying with Black Economic Empowerment's introduction of Business Rescue Services (BRS).

Sub-programme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target		
			Target	Actual	Motivation
Master of the High Court	Automating manual systems in the administration of the Guardian's Fund, deceased estates, trusts and insolvencies	Guardian's Fund implemented	Six Masters' office automated by March 2008	Five Masters' offices were automated.	Accommodation problems, due to fraud and corruption in Pietermaritzburg, Pretoria's project plan had to be deviated.
		Number of offices with automated systems	System piloted in Pretoria office by April 2007, and rolled out to eight offices by March 2008	The site inspection completed in six offices, (Mafikeng, Bisho, Mthatha, Port Elizabeth, Durban and Johannesburg. Two offices outstanding Thohoyandou and Polokwane.)	Inspection has not been completed due to time frames.
	Standardised polices, systems and procedures	Procedure manual completed and implemented at all offices	By December 2007	Procedure manual completed and implemented at all offices	
		Minister's policy on appointment of insolvency practitioners approved and implemented at all offices	Approval by April 2007 and implemented by June 2007	Not achieved	Awaiting Policy approval
	Increased proximity and easy access to Master's services	Percentage number of files dealt with by legally qualified professionals by March 2008	10% of all files	Not achieved	Legally qualified professionals were not appointed. Therefore it will be addressed by "Operation Sesifikile"
		Percentage of files processed in a back office (shared service centre), established to cluster the administration of services, by March 2008	50% of all files	Not achieved	Percentage of files processed in a back office can only be established if the Trust Property Control Act, 1998 (Act 57 of 1988) could be amended. The amending of legislation should be driven by Masters in consultation with South African Reform Commission
		Unified Insolvency Bill processed by Parliament	Passed by March 2008	Not achieved	Awaiting Policy approval

Sub-programme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target		
			Target	Actual	Motivation
		Framework established for a body regulating the liquidation industry	Ministerial approval of the framework by September 2007	Not achieved	Awaiting Policy approval
		Revised list of liquidators/ insolvency practitioners	By June 2007	Not achieved	Awaiting Policy approval

B. REPORT OF STATE LITIGATION UNIT

Table 44: Recommended posts for Litigation Unit

Offices	Total
Bloemfontein	13
Durban	11
Cape Town	17
Johannesburg	39
Pretoria	52
Kimberley	14
Mafikeng	15
Port Elizabeth	17
Thohoyandau	12
Bisho	20
Total	210

The Office of the Chief Litigation Officer is responsible for managing state litigations in the country through the work performed by State Attorneys who represent the state in all litigation matters. The Office of the Chief Litigation Officer comprises of the State Attorneys, Legal Process Divisions and Law Enforcement Units. The Department has employed temporary staff to mitigate loss of capacity in offices. The loss of capacity in various offices has been occasioned by resignation and transfers of staff from one office to another. There has been a great improvement in efforts to minimise default judgments and prescriptions. The approval of the Business Process Improvement (BPI) report which determines administrative and professional capacity based on the workload of all State Attorney Offices is still awaited.

Recommendations were made for additional posts as shown in table 44 and figure 49.

A total of three categories for intern positions have been identified, to provide additional capacity to the State Attorneys' Offices. A total of 61 Candidate Attorneys, 12 Legal Secretaries and 13 Legal Assistant posts have been advertised. The targets for these positions are unemployed graduates and post-matric students.

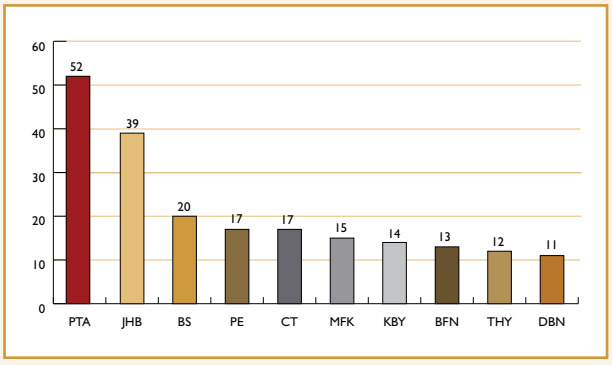


Figure 48: Masters - additional posts required

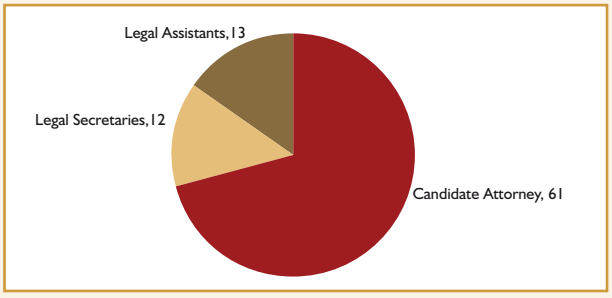


Figure 49: Internship posts advertised

The Office is currently experiencing an increase in litigation matters relating to the following departments; Home Affairs, Health, Correctional Services and the South African Police Service (SAPS). Other areas which give rise to litigation include procurement procedures, Promotion of Administrative Justice Act, 2000 (Act 3 of 2000) (PAJA) matters, Labour matters, Constitutional challenges and

the State Liability Act being declared unconstitutional. The increasingly litigious society has been a challenge for the Department. In order to address this challenge, an additional R5 million was allocated for 2007/08 to improve on the physical resource capacity.

Table 45: Total expenditure on private legal practitioners

	NO OF BRIEFS	VALUE OF BRIEFS
Bisho	969	R 27,954,879.93
Bloemfontien	243	R 10,197,068.67
Cape Town	975	R 33,387,292.92
Durban	642	R 9,907,122.85
Johannesburg	1,202	R 40,752,219.18
Kimerley	60	R 2,701,567.24
MBT	290	R 4,218,548.95
Port Elizabeth	562	R 9,784,164.87
Pretoria	2,125	R 76,556,946.77
Thohoyandau	47	R 1,559,545.44
TOTAL	7,115	R 217,019,356.82

A State Litigation Blueprint will be developed to provide for the efficient management of litigations involving the state. In order to identify risk factors and strengthening of PAJA, a risk analysis has to be conducted to ensure compliance with PAJA throughout Government.

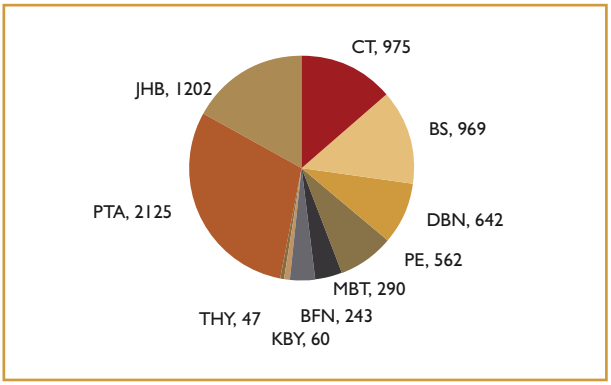


Figure 50a- State Litigation Unit - no of briefs

In 2006/07, the total expenditure on private legal practitioners was R270,187,274.36 as compared to R 217,019,356.82 in 2007/8. A substantial saving of R53,167,917.54 was recorded for the previous financial year. The statistics and payments shown below are for private legal practitioners and do not include civil claims paid by client departments. For more information on the number and value of briefs refer to table 45.

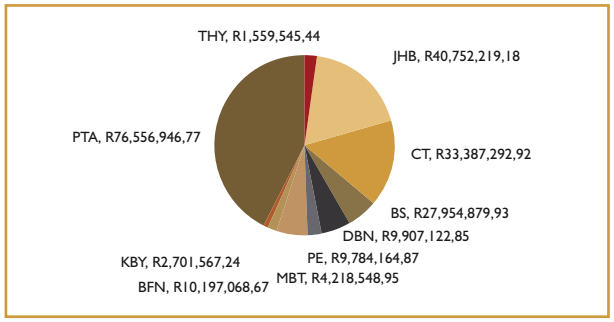


Figure 50b: State Litigation Unit - value of briefs

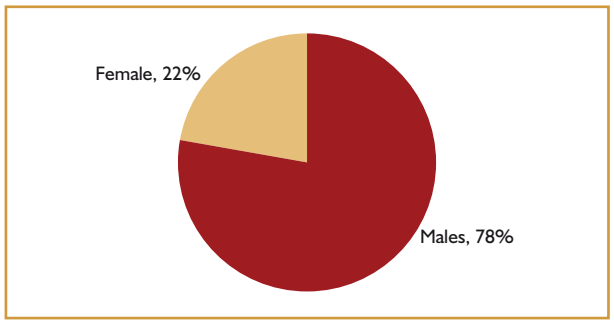


Figure 50c: percentage of briefs per gender

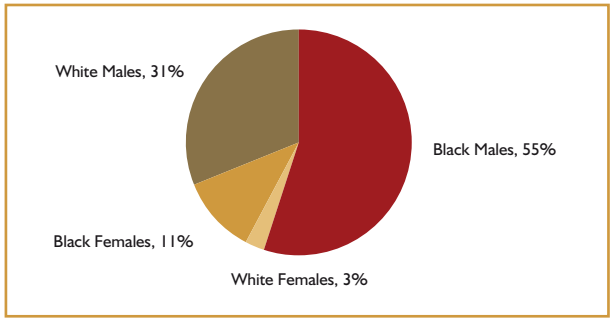


Figure 50d: Percentage of all payments per race and gender

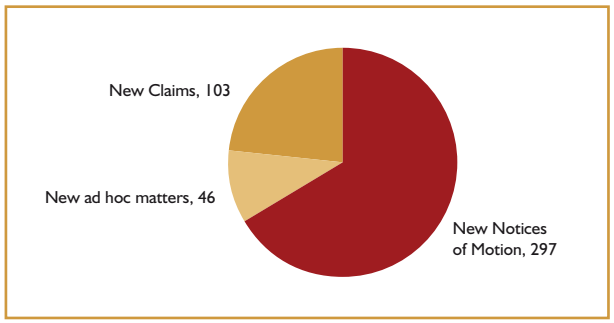


Figure 51: State Litigation Unit - civil claims

There has been an improvement in the race and gender balances in the briefing counsel. The number of black counsel that has been briefed, has increased country wide. Figures 50a-d illustrates the percentage of briefs and payments per gender.

In 2007/08, 446 civil claims were made, for further information refer to table 46. There are 372 pending civil action matters involving an amount of R3, 004, 932, 379.24. A total of R1, 388, 919.98 was paid towards settlements or ex-gratia payment.

Table 46: State Litigation - civil cases

Cases	Total
New Claims	103
New Notices of Motion	297
New ad hoc matters	46
Total	446

Loss control

Loss control matters are being dealt with in terms of Treasury Regulations 11 and 12, in conjunction with the Department's Financial Instructions and other standing instructions. The liability of the responsible officials is determined accordingly. Losses of State money and property are written off if recovery is not possible or unsuccessful. Table 47 lists the loss control statistics on the Department's money and property that was recovered or written off.

Table 47: Loss control

	The total amount recovered:	The total amount written off:
Money	R6,831,414.05	R758,427.21
Property	R7,182.57	R834,110.28

THE ESTABLISHMENT OF A NATIONAL STATE LITIGATION MANAGEMENT FORUM

The Litigation Management Forum (LMF) will host its first National State Litigation Management Conference, under the theme "Towards efficient State Litigation Management" in June 2008, and annually thereafter. The LMF was established with the objective of providing a platform for officials responsible for state litigation to interact with each other and with state attorneys on matters of mutual interest, but principally to ensure a continuous enhancement of service delivery.

During the conference, it is expected that Service Level Agreements (SLAs) between departments and the DoJ&CD will be signed. A directory of state officials responsible for managing litigation will be presented and the Litigation Blue Print will be endorsed. The Blueprint serves as a policy directive on how state litigation should be managed. A task team will be established to consolidate inputs received from the conference into a first draft. Consultation with various stakeholders will take place and the final draft will be sent to Cabinet for approval and implementation.

The Department deems it imperative that a clear policy on stakeholder interaction should be developed. These primary stakeholders are responsible for managing litigation, by either protecting or enforcing the rights of the State through court processes. The benefit of following this course is that it will present an opportunity for a proper reflection of the practical implications of policy imperatives therein, and to source additional matters for policy which may have been overlooked in the draft policy.

The LMF is viewed as a consultative process and an attempt to elicit comments from the State Attorney clients, namely, government departments, about the service level and foster proper communication lines. It envisages that regular organised meetings will be held on a national level between the Department and its stakeholders.

PRESIDENTIAL PARDONS: SPECIAL DISPENSATION ON PARDONING OF OFFENDERS WHO COMMITTED OFFENCES IN PURSUIT OF A POLITICAL OBJECTIVE

The Department currently received 940 applications for pardon and 31 applications have been considered and recommendations on whether or not to grant pardons to applicants were made to the President.

Extension of cut-off date

The President extended the cut-off date for submission of applications for pardons until May 2008.

Broadening of the Terms of Reference

The Reference Group (RG) operates within the parameters set by the Terms of Reference; and acknowledges that it only "exists" within the boundaries set by these terms. In this regard the RG has made a request to the President that the Terms of Reference be broadened so that the RG is able to consider three categories of applications which are currently excluded (category

1) or those in which there are uncertainties on whether they are included or not (categories 2 and 3 respectively). These three categories shall be dealt with seriatim:

Category 1; consists of prisoners who applied for amnesty in terms of the TRC Act, but did not obtain amnesty.

Inclusion was requested for the following reasons:

i. The processes and requirements for the various routes to **amnesty** and/or pardon differ and various *criteria* were applied. For those that received amnesty through the 2 Amnesty Acts, only administrative scrutiny was applied and for those that applied for amnesty in terms of the TRC process, "full disclosure" was required.

ii. Looking at how the *criteria* was applied in cases where a **pardon** was granted to political prisoners in a number of cases, e.g. the 33 ANC applicants, pardon was also granted in cases where the applicants did apply but failed to obtain amnesty.

iii. The fact that not all perpetrators were given the same treatment cast a shadow over the whole process of closure and the perception is that justice was not equally meted out. Consequently the process lacks legitimacy in the eyes of many South Africans and particularly those incarcerated and their families.

The RG is of the view that if indeed the objective of the Presidential Pardon Group is to obtain closure (or at least contribute to closure), applicants who failed to get amnesty in the TRC process should be included. In most of these cases where amnesty was denied on the grounds that "full disclosure" was not made, it was disputed that the crime was "political"

Category 2 focuses on cases where the applicants are still being prosecuted. These cases are covered by the Constitution because Presidential Pardon allows for people who committed an "offence". The RG is of the view that there are clear indications that our Courts hold that an "offence" does not imply that there has necessarily been a conviction.

Category 3 consists of cases where an offence was committed but where the offender has not been charged. It covers cases of persons who wish to come forward and admit guilt. The same legal arguments apply as in Category two.

The President's response to the request on the inclusion of the 3 categories was that:

1. The inclusion of people who were refused amnesty by the TRC would undermine the good work done by the TRC. He further went on to state that this issue was heavily discussed and considered by his office.

2. The options which can be explored in dealing with the 3 categories as alluded to by the RG are that:

   a. The request be referred to the Cabinet for a decision;

   b. A legal opinion be sought especially on categories two and three supra;

   c. The issues raised in category one supra are referred to Parliament for a debate.

Endorsement by political party/organisation

For various reasons some applicants cannot be endorsed by their political party/organisation. The RG realised that an endorsement of a particular applicant who acted within the scope of a policy, objective, operation etc, could greatly assist the RG in establishing whether the particular applicant was indeed a "political offender". The RG realised that an applicant would not in all cases be able to obtain such an endorsement. The leaders may decline endorsement for fear of prosecution or the relevant organisation may not exist anymore. The RG consequently resolved that endorsement by an organiation, that the offence was part of a politically motivated strategy would assist the RG but the absence of such endorsement would not nullify the application. The President accepted this argument.

The likelihood of further crimes

The Group is also well aware of the risk in setting free persons that may prove to be a danger to society. To address this risk, the RG has requested that the Department provide information on the rehabilitation of prisoners and any comments by the prison authorities. The RG resolved that where a real danger exists that the applicant will commit crimes of a serious nature, that fact will be pointed out in the recommendation to the President as a reason why pardon was not recommended.

NORMAL PARDON APPLICATIONS IN TERMS OF SECTION 327 OF THE CRIMINAL PROCEDURE 1977 (Act 51 OF 1977): 2007/08 FINANCIAL YEAR

In terms of section 84(2) (j) of the Constitution of the Republic of South Africa, 1996, the President may grant a pardon to offenders. Normally applications are either received by or referred to the Legal Process Directorate for advice and processing. For the financial year under discussion, the statistics are as follows:

Table 48: Normal pardon applications

QUARTERS	MATTERS RECEIVED	PROCESSED
First quarter	476	231
Second quarter	569	245
Third quarter	589	173
Fourth quarter	725	194
Total	2,359	843

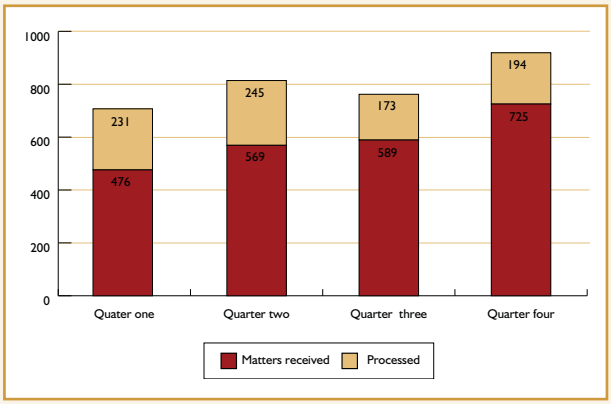


Figure 52a: Pardon matters received and processed

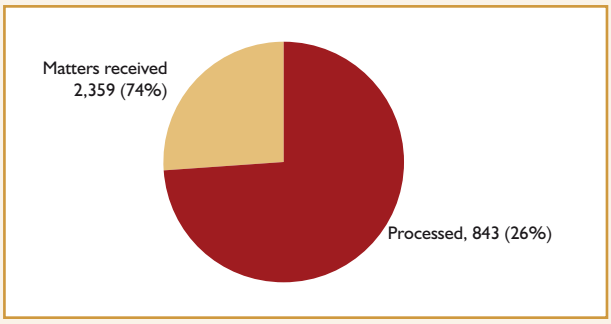


Figure 52b: Pardon matters received and processed

Sub-programme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target		
			Target	Actual	Motivation
Litigation and Legal Services	Quality legal support services	Percentage of loss control and various statutory applications to the minister finalised	80% of applications per year	Not achieved	Targets are difficult to estimate as litigation entails various procedures and unforeseen applications.
	Reduction in private sector assistance to government departments	Percentage decrease in request for private sector services	5% less request	15% less request	The In-house Counsel Project that was started in January 2008 is being rolled out to major provinces in the country.

C. REPORT OF THE OFFICE OF THE STATE LAW ADVISER

The Office of the Chief State Law Adviser (OCSLA) consists of the Legal Advisory Services Unit, the Legislative Drafting Unit and the Translation Services Unit. The OCSLA comprises of 40 state law advisers, seven administrative personnel and two language practitioners. The OCSLA provides legal services to the Executive, State Departments (both national and provincial), Municipalities, Parastatals and independent or autonomous bodies that may refer work to it.

i) Legal Advisory Services Unit

The State Law Advisers are tasked with the responsibility of ensuring that the State delivers on its promises, promotes the rule of law and gives effect to the values enshrined in the Constitution. The State Law Advisers provide legal advice and guidance to the State on its proposals, legislation and international agreements and by ensuring that potential litigation against the State on Constitutional and other legal grounds is reduced.

The core functions of the State Law Advisers are:

- Writing of legal opinions
- Scrutiny of all International Agreements, Treaties and Conventions including Extradition Agreements in terms of paragraph 5.20 (a) of the Manual on Executive Acts of the President of the Republic
- Scrutiny of draft subordinate legislation e.g. Regulations, Rules and Proclamations
- Review and scrutiny of Municipal By-laws.

In an attempt to extend the services to improve cost effectiveness, the following services are also rendered by the State Law Advisers:

- Chairing the Tribunal of the South African Veterinary Council
- Attending quarterly meetings for Legal Terminology in African languages, which involves the translation of legal concepts into local indigenous languages, with the objective of compiling a dictionary that will be used in courts
- Assisting departments in the negotiation of International Agreements.

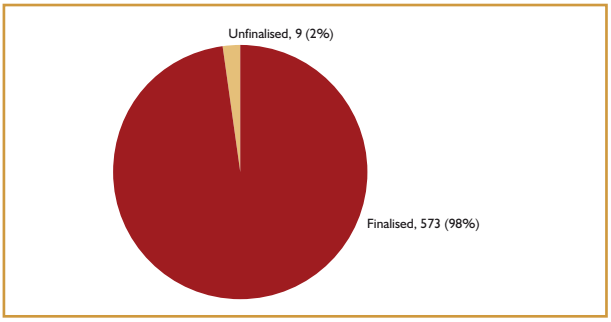


Figure 53: Briefs for 2007/08

During 2007/08, the OCSLA received a total of 582 briefs, consisting of 241 legal opinions, 299 International Agreements and 42 subordinate legislations. A total of 573 briefs were finalised, which amounts to 98% (graph 53).

The State Attorneys brief the State Law Advisers to render opinions to client departments (with their consent) that would normally be outsourced to private counsel. This process ensures cost efficiency.

The OCSLA has extended its services to Municipalities regarding the scrutiny of their by-laws for compliance with the Constitution. The OCSLA has already scrutinised a total of 45 Municipal By-laws, of which, 36 were finalised.

ii) Legislative Drafting Unit

The Legislative Drafting Unit is responsible for perusing, developing, drafting, scrutinising and certifying all legislation. The Legislation Drafting Unit continues to train officials from other departments, with the objective reduce costs and the State's dependence on private legislative drafters.

During 2007/08, the OCSLA scrutinised a total of 61 Bills and certified a total of 43 Bills (graph 54). A total of 18 Bills are in the process of being certified.

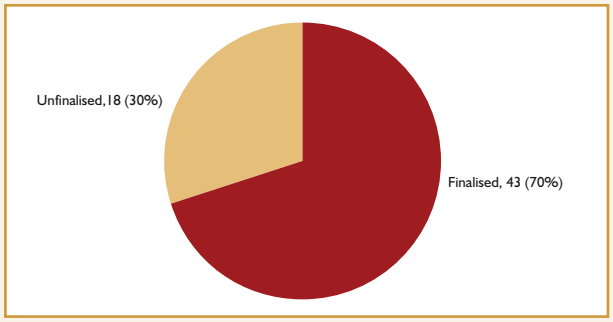


Figure 54: Finalised and unfinalised Bills

iii) Translation Unit

The Translation Services Unit is in place. The Translation Unit has two language practitioners who are responsible for dual translation services of Bills. They currently perform simultaneous translation of Bills from English to isiXhosa, isiSwati, isiZulu and Afrikaans. The Translation Unit has translated a total of 10 Bills. Posts for other language practitioners will be filled as the new Unit's workload increases.

Sub-programme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target		
			Target	Actual	Motivation
State Law Advisors	Legal Advisory Services	Percentage of opinions, agreements and draft legislation finalised	90% of opinions, agreements and draft legislation per year	98%	All vacant posts in the OCSLA have been filled, resulting in shared workload.

D. REPORT OF LEGISLATIVE AND CONSTITUTIONAL DEVELOPMENT[2]

The Branch consists of the Chief Directorate: Legislative Development and the Chief Directorate: Law Reform, which includes the Rules Board for Courts of Law and the South African Law Reform Commission. These Chief Directorates have the following mandates:

a. Investigation, preparation and promotion of primary and subordinate legislation relating to the line functions of the Department;

b. Administration of the Constitution which includes the investigation, preparation and promotion of amendments to the Constitution;

c. Conduct research in respect of all branches of the law of South Africa in order to formulate recommendations for the development, improvement, modernisation or reform thereof;

d. Provision of a secretarial and research function to the Rules Board for Courts of Law which was established to review the rules of court and to make, amend and repeal the rules, subject to approval by the Minister for Justice and Constitutional Development.

Of the nine Bills that were introduced into Parliament, three were finalised and the remainder are at various stages of finalisation in Parliament. These Bills deal with crucial/important issues such as Judicial training, Judicial accountability, Discretionary Minimum Sentences, the Reform of the Customary Law of Succession, Civil Jurisdiction of Regional Courts and Traditional Courts.

There are Bills in the process of being finalised with a view to their introduction in Parliament in the near future, dealing with the following issues, among others:

i. The postponement of certain criminal proceedings by means of audio-visual linkage.

ii. The expungement of certain criminal records of persons who have committed certain less serious offences.

iii. Floor-crossing.

iv. The Directorate of Special Operations.

2 The Chief Directorate: Constitutional Development has been restructured into the Office of the Director-General. The report can be located under Programme 1: Report of the Office of the Director-General.

The Criminal Law (Sexual Offences and Related Matters) Amendment Bill was finalised by Parliament at the end of 2007/08. This ground-breaking Law revolutionises the outdated law relating to sexual offences. Most of its provisions came into operation on 16 December 2007.

The following subordinate legislation required in terms of the various Acts which are administered by the Department has also received attention and has been finalised, among others:

- Regulations required under the newly enacted legislation on sexual offences;
- Regulations dealing with the promotion of equality;
- Regulations dealing with reparations under the TRC legislation;
- Regulations under the Criminal Procedure Act, 1977, increasing all witness fees;
- A notice under the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002; and
- A code of good administrative conduct, as required by the Promotion of Administrative Justice Act, 2000. Further details in this regard are provided in the report below.

i) Legislative Development

In 2007/08, the following Bills were introduced to Parliament:

a. The Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Bill extended the statutory deadline for the repeal of certain provisions of the Black Administration Act, 1927, in order to afford the Department an opportunity to develop a policy framework and legislation regulating the roles and functions of traditional leaders in the administration of justice. The Bill was approved by Parliament in 2007 and is already in operation.

b. The South African Judicial Education Institute Bill is intended to regulate the training of judicial officers. This Bill will facilitate the transformation of the Judiciary. The Bill was approved by the National Assembly at the end of 2007 and is receiving attention of the National Council of Provinces (NCOP).

c. The Judicial Service Commission Amendment Bill creates a tribunal and sets out procedures to deal with cases of incapacity, gross incompetence or gross misconduct on the part of judges. The Bill that will contribute to the transformation of the judiciary was approved by the National Assembly at the end of 2007 and is receiving the attention of the NCOP.

d. The Criminal Law (Sentencing) Amendment Bill is intended to address certain practical problems relating to the prescribed discretionary minimum sentencing legislation, as provided for in the Criminal Law Amendment Act, 1997, while retaining the principles underpinning this Act. In particular, the Bill aims to expedite the finalisation of serious criminal cases, to punish offenders of certain serious crimes appropriately and to eliminate the secondary victimisation of complainants, especially female children in rape cases, which has developed in some courts. The Bill not only enhances organisational efficiency, but also promotes access to justice; it was approved by Parliament at the end of 2007 and is currently in operation.

e. The Reform of Customary Law of Succession Bill is intended to bring the Customary Law of Succession into line with the Constitution, thereby eliminating unfair discrimination in that area of the law. Existing legislation in this regard has already been declared to be unconstitutional by the Constitutional Court. This Bill, which is transformative in nature, will also promote access to justice and contribute to gender equality, allowing more women and children to share directly in the proceeds of deceased estates. It has been referred to the Portfolio Committee on Justice and Constitutional Development for consideration.

f. The Jurisdiction of Regional Courts Amendment Bill is intended to confer civil jurisdiction on Regional Courts, as well as jurisdiction to deal with family issues which are currently dealt with by the Divorce Courts, established under Section 10 of the Administration Amendment Act, 1929. Access to justice is the primary objective of this Bill but it also facilitates transformation and enhances organisational efficiency. This Bill has been approved by the Portfolio Committee on Justice and Constitutional Development.

g. The Renaming of High Courts Bill is intended to address the undesired situation where certain High Courts are still referred to by their names under the previous Constitutional dispensation. It will facilitate certainty and uniformity regarding the names of the High Courts in-line with the Constitution. This Bill has been referred to the Portfolio Committee on Justice and Constitutional Development for consideration.

h. The Traditional Courts Bill is intended to regulate the role and functions of traditional leaders in the administration of justice, in accordance with Constitutional imperatives. The Bill will facilitate the repeal of Sections 12 and 20 of the Black Administration Act, 1927, which currently regulate the role of Traditional Leaders in some areas of the country. The Bill is receiving the attention of the Portfolio Committee on Justice and Constitutional Development.

i. The Constitution Thirteenth Amendment Bill, which is intended to give effect to the Constitutional Court judgment in the case of Matatiele Municipality and Others vs. the President of the Republic of South Africa and Others, was approved by Parliament in 2007.

Bills pending before Parliament which received attention during 2007/08:

a. The Criminal Law (Sexual Offences and Related Matters) Amendment Bill is intended to revise the Sexual Offences Act, 1957, in order to bring it in line with the new Constitutional dispensation. The Bill is seen as a measure that will go a long way in the fight against violence against women and children. The Bill which is not only transformative in nature but also facilitates access to justice was finalised by Parliament at the end of 2007 and most of its provisions came into operation on 16 December 2007.

b. The Regulation of Interception of Communications and Provision of Communication-related Information Amendment Bill is intended to provide for the electronic capturing of the personal particulars of cell phone and SIM card holders, replacing the current paper-based system. The Bill will contribute to the fight against serious crime and also enhances organisational efficiency. It was approved by the National Assembly during 2007 and is pending before the Select Committee on Security and Constitutional Affairs.

c. The Child Justice Bill is intended to create a separate criminal justice system for children in conflict with the law, giving effect to the rights of children, as contemplated in Section 28 of the Constitution and the Convention on the Rights of the Child. The Bill was adapted in accordance with the deliberations of the Portfolio Committee on Justice and Constitutional Development. Deliberations on the adapted Bill resumed in the Portfolio Committee in March 2008.

The following Bills have reached an advanced stage of preparation with a view to their introduction into Parliament in May 2008:

a. The National Prosecuting Authority Amendment Bill is intended to give effect to the decisions relating to the Directorate of Special Operations.

b. The Criminal Procedure Amendment Bill is intended to regulate the postponement of certain criminal proceedings by means of audio-visual linkage (video postponements) and to provide for the expungement of the criminal records of

persons in respect of certain less serious offences after the lapse of a prescribed period.

c. The Judicial Matters Amendment Bill is intended to amend numerous Acts of Parliament which are administered by the Department, in order to address problems identified in practice.

d. The Constitution Fourteenth and Fifteenth Amendment Bills, together with the General Matters Amendment Bill, effecting consequential amendments to various laws relating to loss of membership of the National Assembly, a Provincial Legislature or a Municipal Council, are intended to abolish floor-crossing and to regulate related matters.

e. The South African Human Rights Commission Amendment Bill is intended to bring the principal Act in-line with the Constitution and to further regulate the composition, powers, functions and functioning of, and the position of support staff for, the South African Human Rights Commission.

f. The Commission on Gender Equality Amendment Bill is intended to bring the principal Act in line with the Constitution and to further regulate the composition, powers, functions and functioning of, and the position of support staff for, the Commission on Gender Equality.

g. A Constitution Amendment Bill which is intended to further regulate the removal from office of the Public Protector, the Auditor-General or a member of a Commission established by Chapter 9 of the Constitution, to substitute the expression "defence force" with the expression "South African National Defence Force (SANDF)" and to clarify certain legal uncertainties concerning national legislation regulating rates on property, surcharges on fees and other taxes, levies or duties that may be imposed by a Municipality.

h. A Constitution Amendment Bill which is intended to address new policy proposals relating to certain financial matters, as well as a number of technical and practical difficulties which impede the role of the National Treasury. This Bill is also intended to provide for an Act of Parliament to regulate the institution of legal proceedings against organs of state.

The following subordinate legislation has been prepared or finalised:

a. Regulations under the recently enacted Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, have been prepared and are being finalised for promulgation.

b. Regulations under the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000) dealing with the promotion of equality, were finalised and approved by the Minister. They were submitted to the Minister of Finance, as required by the Act. The Minister of Finance has directed that the draft regulations be subjected to a Regulatory Impact Assessment, which is receiving attention.

c. Regulations under the Promotion of National Unity and Reconciliation Act, 1995, regulating reparations in respect of exhumations and reburials, and education and medical assistance have been prepared and are being finalised for promulgation.

d. Regulations under the Criminal Procedure Act, 1977, increasing all witness fees, were prepared and submitted to the Minister of Finance, as required by the Act, have been promulgated.

e. A Code of Good Administrative Conduct, as envisaged in the Promotion of Administrative Justice Act, 2000, was approved by the Minister and Cabinet and is being prepared for submission to Parliament, as required by the Act.

f. A notice under Section 31 of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002, was prepared for promulgation, prescribing the forms of assistance to be rendered in the execution of interception directions and the tariffs of compensation for such assistance.

g. Numerous proclamations and supporting documents were prepared, referring matters to the Special Investigating Unit under the Special Investigating Units and Special Tribunals Act, 1996, for investigation.

ii) South African Law Reform Commission

In 2007/08, the research projects of the South African Law Reform Commission progressed as follows:

Project 25: Statutory law revision

The focus of the statutory law revision investigation at this stage is the constitutionality of legislation and the repeal of redundant and obsolete provisions. Redundant and obsolete provisions on the statute book are being identified and government departments are being consulted in order to verify these provisions.

In the year under review, the Commission approved that experts be appointed to conduct the review of the statutes administered by 14 national government departments to increase the Commission's research capacity. Ministerial approval is awaited.

a. Repeal of Private legislation relating to certain religious groupings.

The Standing Committee on Private Members' Legislative Proposals and Special Petitions of the National Assembly met during October and November 2007 to consider the proposed repeal of the following legislation: the Dutch Reformed Churches Union Act, 1911 (Act 23 of 1911), the Bible Society of South Africa Act, 1970 (Act 15 of 1970), the Bible Society of South Africa Amendment Act, 1985 (Act 97 of 1985), the Apostolic Faith Mission of South Africa (Private) Act, 1961 (Act 24 of 1961), the Apostolic Faith Mission of South Africa (Private) Amendment Act, 1970 (Act 4 of 1970) and the Methodist Church of Southern Africa (Private) Act, 1978 (Act 111 of 1978).

Due to the Commission's work on Project 25, researchers of the Commission were requested to comment on the proposed repeal of these Acts and to attend meetings of the Standing Committee in November 2007. A report on the Standing Committee's activities in respect of the repeal proposals was compiled and submitted to the Department in February 2008.

b. Legislation administered by the Department of Arts and Culture (32 statutes)

A consultation paper containing repeal and amendment proposals on statutes administered by the Department of Arts and Culture was forwarded for consideration and comment in November 2007. A response is awaited.

c. Legislation administered by the Department of Foreign Affairs (13 statutes)

A consultation paper containing repeal and amendment proposals was edited and will be submitted to the Department of Foreign Affairs for comment.

d. Legislation administered by the Department of Housing (14 statutes)

A meeting with the legal advisors of the Department of Housing will be arranged to discuss possible redundant and obsolete provisions.

e. Legislation administered by the Department of Public Works (67 statutes)

A response from the Department of Public Works on the impact of a revision of the Expropriation Act on the Commission's consultation paper is still awaited.

f. Legislation administered by the Department of Transport (218 statutes)

A draft discussion paper for general information and comment was completed and will be considered by the Commission at its next meeting. Discussion papers are documents in which the Commission's preliminary research results are contained. In most cases discussion papers also contain draft legislation. The main purpose of these documents is to test public opinion on solutions identified by the Commission.

g. Legislation administered by National Treasury (624 statutes)

A draft consultation paper containing proposals for the repeal or amendment of some of the statutes administered by National Treasury was submitted to the project leader in March 2008 for consideration and comment.

h. Review of the Interpretation Act, 1957 (Act 33 of 1957)

A discussion paper was published for general information and comment. A copy of the discussion paper was forwarded to the Policy Unit of the Department in March 2008 for comment.

i. Recognition of Hindu marriages

The aim of this investigation is to look into the recognition of Hindu marriages in order to afford these marriages full legal recognition and the same status as marriages concluded in accordance with civil rites. A draft issue paper to be published for general information and comment is being prepared. In order to involve the community actively at an earlier stage, the Commission publishes issue papers for appropriate investigations as the first step in the consultation process. The purpose of an issue paper is to announce an investigation, to clarify the aim and extent of the investigation, and to suggest the options available for solving existing problems.

Project 94: Arbitration

a. Community dispute resolution structures

The project addresses issues that have to be considered when building effective structures for resolving community-level disputes. A need exists for an alternative system for resolving community disputes more effectively and in less time than in the formal courts. The purpose would be to deliver justice to the community in a cost-effective, accessible and expeditious manner within a culture of human rights and respect for the Constitution. A draft report will be submitted to the Policy Unit of the Department to ensure that it conforms to the policy of the Department relating to community dispute resolution structures.

b. Family mediation

The field of family and divorce mediation in South Africa developed in a highly segmented fashion as services in the past were provided along lines of race, culture and income level and different initiatives were established to deal with different components of the population. The two structures currently engaged in mediation are the Office of the Family Advocate and the Divorce Courts. Social workers in provincial structures are also involved in this arena and court referrals often result in intervention requests. Family advocates have been criticised for not making proper use of mediation procedures. In the Divorce Courts mediation is a limited, irregular and informal component of the settlement process. A draft discussion paper to be published for general information and comment is being compiled.

Project 107: Sexual offences: Adult prostitution

This investigation forms part of the larger project on Sexual Offences. A draft discussion paper to be published for general information and comment is being finalised.

Project 122: Assisted decision-making: Adults with impaired decision-making capacity

The primary objective of the investigation is to provide for a truly comprehensive system of assisted decision-making that is affordable and accessible to all South Africans with decision-making impairment, and that also protects such persons from abuse, neglect and exploitation. An issue paper, a discussion paper and extensive public and expert consultation preceded the report with final recommendations and draft legislation that is being prepared. A draft report for consideration by the Commission is being finalised.

Project 123: Protected disclosures

A draft report dealing with the need for the extension of the ambit of the Protected Disclosures, Act 2000 (Act 26 of 2000) was submitted to the Policy Unit of the Department for comment.

Project 124: Privacy and data protection

This investigation deals with the protection of personal information of persons where their information is being processed by another person or institution. The report is being finalised pending comment from the Policy Unit of the Department.

Project 126: Review of the law of evidence

An issue paper in the format of a questionnaire, inviting input from all relevant role players, to determine the scope of the investigation, as well as a discussion paper on hearsay evidence and relevancy, was published for general information and comment in March 2008.

Project 127: Review of administration orders

A questionnaire on the review of administration orders was published in March 2008.

Project 128: Review of aspects of the law of divorce

Questionnaires, received from members of the public on problems experienced with access to children after divorce and divorce procedures, are being collated. To date, four different questionnaires for professionals in this field have been developed and are being distributed. The questionnaires are aimed at legal practitioners, family advocates, family counsellors and psychologists. A fifth questionnaire aimed at parents has been developed and is also being distributed. A draft discussion paper to be published for general information and comment is being finalised.

Project 129: Review of aspects of matrimonial property law

The purpose of the investigation is to review the current law for greater legislative fairness and justice in governing interpersonal relationships between spouses. The Matrimonial Property Act, 1984 (Act 88 of 1984) has been in place for nearly 25 years. Apart from the problems brought to the Commission's attention, a number of social and legal changes since 1984 calls for a review of the law to ensure that it meets current needs. A draft issue paper to be published for general information and comment is being finalised.

Project 131: Trafficking in persons

South Africa has ratified various international instruments, including the United Nations Protocol on Trafficking in Persons, which recognises trafficking in persons as a world-wide problem. This places an obligation on the RSA to align its domestic laws and policies with the standards set by the international instruments. A draft report was finalised and will be considered by the Commission in May 2008.

Project 133: A specific civil action in respect of consequential damages arising from hoaxes

The Report of the Portfolio Committee on Safety and Security on the Anti-Terrorism Bill, dated 13 November 2003, recommended as follows:

The South African Law Reform Commission has also been requested to investigate the possibility of a specific civil action in respect of consequential damages arising from hoaxes (including the possibility of punitive damages) separate from the expenses incurred by the security services, to deal with such hoaxes. The civil action is intended to be separate from the reimbursement order, which may be made by a Court after a conviction in respect of the offence relating to hoaxes (Clause 18(2) of the Protection of Constitutional Democracy against Terrorist and Related Activities Bill). A provision to this effect in our law is, for example, in respect of riot damage, which occurs as a result of gatherings and demonstrations (see section 11 of the Regulation of Gatherings Act, 1993 (Act 205 of 1993)). A draft discussion paper is being considered by the project leader of the investigation.

Project 134: Administration of estates

Discussion Paper 110 dealing with measures to improve the administration process and reduce the work of executors and the supervising authority was published in October 2005. The discussion paper also called for comment on the future role of customary law in the administration of estates. four documents prepared by the researcher served at a meeting of office heads of the Master of the High Court on 3 July 2007 and a summary of the comments received from stakeholders was circulated to office heads on 16 July 2007. A draft interim report on administration of estates was finalised and will be considered by the Commission in May 2008.

The South African Law Reform Commission also publishes its own annual report in terms of the South African Law Reform Commission, 1979 (Act 19 of 1973).

iii) Rules Board for Courts of Law

The Rules Board for Courts of Law has made and amended the following rules for approval:

a. Rules in terms of the Promotion of Access to Information Act, 2000 (Act 2 of 2000)

b. Rules in terms of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000)

c. Amendment of the rules governing appeals in the Magistrates' Court Rules and the High Court Rules to comply with the ruling in the Constitutional Court case of State v Shinga

d. Amendment of Rule 49 of the Magistrates' Court Rules in regard to the rescission of judgments

e. Amendment of Rule 45 and 46 of the High Court rules concerning execution against immovable property

f.. Amendment of Rule 2(2) of the Magistrates' Court rules to provide for a dies non

g. Amendment of Rule 55 of the Magistrates' Court Rules to amend the application procedure in the Magistrates' Court Rules

h. Amendment of the Magistrates' and High Court rules to increase the tariff of Sheriff's fees.

Sub-programme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target		
			Target	Actual	Motivation
Legislative Development	Legislation including subordinate legislation and rules	Number of draft bills and rules prepared for submission to the Ministry	12 draft bills and rules per year	(i) Reform of Customary Law of Succession Bill (ii) Renaming of High Courts Bill (iii) Traditional Courts Bill (iv) Judicial Service Commission Amendment Bill (v) South African Judicial Education Institute Bill (vi) Child Justice Bill (vii) Criminal Law (Sentencing) Amendment Bill (viii) Jurisdiction of Regional Courts Amendment Bill (ix) Constitution Thirteenth Amendment Bill giving effect to the judgment of theConstitutional Court in the Matatiele case (x) Repeal of the Black Administration Act and Amendment of Certain Laws Amendment Bill	
				(xi) Amending regulations under the Criminal Procedure Act, 1977, to increase all witness fees (xii) Regulations under the Criminal Law (Sexual Offences and Related Matters) Amendment Bill (xiii) Regulations under the Promotion of National Unity and Reconciliation Act, 1995, regulating reparations in respect of exhumations, reburials, education and medical assistance (xiv) Regulations under the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, dealing with the promotion of equality, which were submitted to the Minister of Finance, as required by the Act. (xv) A Code of Good Administrative Conduct, as envisaged in the Promotion of Administrative Justice Act, 2000. (xvi) A notice under Section 31 of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002, was prepared for promulgation, prescribing the forms of assistance to be rendered in the execution of interception directions and the tariffs of compensation for such assistance. (xiv) Numerous proclamations under the Special Investigating Units and Special Tribunals Act, 1996, referring matters to the Special Investigating Unit for investigation.	

Sub-programme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target		
			Target	Actual	Motivation
	Rules of Court	Number of rules made and amended by the Rules Board for Courts of Law for submission to the Minister for her approval	12 rules	1. Rules in terms of the Promotion of Access to Information Act, 2000 (Act 2 of 2000). 2. Rules in terms of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000). 3. Amendment of the rules governing appeals in the Magistrates' Court Rules and the High Court Rules to comply with the ruling in the Constitutional Court case of State v Shinga. 4. Amendment of Rule 49 of the Magistrates' Court Rules in regard to the rescission of judgments. 5. Amendment of Rule 45 and 46 of the High Court rules concerning execution against immovable property 6. Amendment of Rule 2(2) of the Magistrates' Court rules to provide for a dies non. 7. Amendment of Rule 55 of the Magistrates' Court Rules to amend the application procedure in the Magistrates' Courts. 8. Amendment of the Magistrates' and High Court rules to increase the tariff of Sheriff's fees.	
	Promotion of the Constitution and its values	Number of outreach activities that promote the Constitution and its values	4 activities per year	3 road shows CDW's aimed at empowering CDWs to assist members of the community to assert their right to administrative justice were conducted in KwaZulu-Natal, Eastern Cape and Mpumalanga. An awareness campaign was conducted on issues relating to Constitutional Development. 2 workshops were conducted with Traditional Leaders and members of the public on the Constitution and Human Rights in Mqanduli, Eastern Cape. A presentation was made by the Department on matters relating to Justice at the information session on human rights organised by the Department of Minerals and Energy. The Department also made a presentation on the Equality Legislation at a public workshop in Mpumalanga.	

Sub-programme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target		
			Target	Actual	Motivation
	Research publications	Number of publications submitted to the South African Law Reform Commission	Eight publications	(i) Proposal document on the role of full-time Commissioner (ii) Proposal document on developing Law Reform Commission's programme and broadening access to Commission processes (iii) Proposal document on guidelines for streamlining Law Reform Commission processes and release of new reports (iv) Proposal document on interaction with the Policy Unit (v) Project 25: Statutory law revision: Increasing research capacity (vi) Project 82: Sentencing: Request from Minister to reconsider Commission's report on a new sentencing framework (vii) Project 123: Draft report on protected disclosures (viii) Project 126: Draft issue paper on review of the law of evidence: Scope of the investigation (ix) Project 126: Draft discussion paper on review of the law of evidence: Hearsay and relevancy (x) Project 127: Draft questionnaire on review of administration orders (xi) Project 134: Draft interim report on administration of estates	

PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES

Purpose: To render a variety of auxiliary services associated with the Department's aims, and provide for transfer payments to constitutional institutions, the Legal Aid Board, the Special Investigating Unit, the Represented Political Parties' Fund and the President's Fund.

Measurable Objective: Support the national crime prevention strategy and guarantee the independence and integrity of the administration of justice, by providing vulnerable groups with additional legal services and advice which meet public assistance and awareness campaign targets.

2.10.4.1 Service delivery objectives and indicators:

A. REPORT OF JUSTICE MODERNISATION

Justice Modernisation as a sub-programme, aims to implement Information technology (IT) infrastructure and networks. The sub-programme also aims to re-engineer business processes for the administration of civil and criminal justice.

The roll-out of the Justice Deposit Account system (JDAS) countrywide is 99% complete. The migration of JDAS3 to JDAS4.0 was completed at 429 sites. The JDAS is a financial and case management system that administers all the monies kept in trust within the Magistrates' Courts. It is aligned with the government's approach of Batho Pele. This is achieved by ensuring that monies kept in Trusts, such as maintenance and bail, are available and paid to the beneficiaries in time to alleviate long queues and lessening trips to courts. JDAS also provides business information that assists in managing these funds in an effective, efficient, economic and transparent manner.

As stated above, DNS III provides basic IT infrastructure for connectivity to IT services for the Department, this includes data lines, network cables, data points, switches. The project aims to enhance connectivity for the users to access e-mail, internet, online files, and justice specific applications. The project was has been put on hold due to sites undergoing construction and renovations. The roll-out will be completed at the outstanding sites, as soon as the construction/renovations have been completed.

The E-scheduler solution was introduced to enable the Magistrates' Courts to administer criminal cases electronically and has been rolled out to 469 sites nationally, averaging a number of 3,400 users. Only six sites are currently outstanding.

The Superdome Server installation project is 100% complete. This server provides a massive storage and processing capacity which ensures smooth connectivity between servers and connected users. The installation of the server was prompted by the roll out of the new applications and systems.

To ensure available and reliable IT services, the Department is installing three Com switches to all identified sites. To ensure effective and efficient reporting on the Monies in Trusts, JDAS was integrated into JMIS, and the project is currently 100% complete.

The development of phase I and phase II for ICMS Payments System (used to pay maintenance and bail anywhere in the country) has been completed, and the User Acceptance Testing (UAT) was conducted. The User Acceptance Testing for the ICMS Criminal & Civil module has been completed. The Pilot Site Deployment for criminal and civil module has been completed. The UAT and Pilot for High Court is also completed. The training and roll-out is scheduled to commence in 2008/09.

The purpose of the Public Key Infrastructure (PKI) project is to ensure secure communication as well as to enable digital signatures. The roll-out project is 98% complete. However, the training and change management could not be completed due to technical difficulties.

The integration of Criminal Administration System (CAS) and E-scheduler has been completed, which has been incorporated in the ICMS for courts solution.

The Department completed the integration of the scanning module to allow for multiple accused/charges and the development of civil module. Furthermore, the ICMS for Masters was installed in eight Masters' Offices and all service points in the Limpopo province.

The following challenges were encountered in 2007/08:

a. Deficiency in capacity;

b. Poorly managed change management;

c. Lack of training of personnel; and the

d. Slow procurement process.

B. REPORT OF THE PRESIDENT'S FUND (Truth and Reconciliation Commission Unit)

A full report is provided as part of the Department's financials statements, and in the Truth and Reconciliation report under Programme 1: Administration.

Sub-programme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target		
			Target	Actual	Motivation
President's Fund					
	Truth and Reconciliation Commission reparation payments	Extent of reparation payments made	Reparations paid to all Victims as recommended. (Reporting paid to all 16,837 beneficiaries who applied for reparations as approved the TRC)	15,839 beneficiaries were paid a total of R525 million.	Outstanding beneficiaries must still comply with regulatory requirements, i.e. provide banking details Rightful next of kin of the deceased beneficiaries still to be established. Beneficiaries who have relocated from original addresses still need to be traced.
Information and systems Management (ISM)					
Justice Modernisation	Roll-out of digital nervous system III	Basic IT infrastructure roll-out country wide	All users to receive basic IT infrastructure by end of 2007/2008	The total number of sites networked is 529. This progress constitutes 94% of the sites networked country-wide.	32 sites which are the 6% of outstanding sites needed to be constructed before they can be networked.
		Standardised hardware at all sites country-wide	All users to receive standardised hardware	At end of 2007/08 3,000 desktops were renewed, the Superdome server was installed and three Com switches were renewed.	

Department of Justice and Constitutional Development

Part 3a

Report of the Audit Committee

Vote 23

Part 3a: Report of the Audit Committee - Vote 23

for the year ended 31 March 2008

We are pleased to present our report for the financial year ended 31 March 2008.

Audit Committee members and attendance

The Audit Committee consists of the members listed below and is required to meet four times per annum as per its approved terms of reference. During the current year nine meetings were held.

Name of Member	Number of meetings attended
Stewart Patterson (Chairperson)	9
Ms. Catharina Sevillano-Barredo, appointed 29 May 2007	8
Cedric Boltman	7
Ms. Ntombi Langa-Royds	6
Motsamai Karedi	5

Audit Committee responsibility

The Audit Committee reports that it has complied with its responsibilities arising from Section 38 (1)(a) of the PFMA and Treasury Regulation 3.1. The Audit Committee also reports that it has adopted appropriate formal terms of reference as its audit committee charter, has regulated its affairs in compliance with this charter and has discharged all its responsibilities as contained therein.

The effectiveness of internal control

The system of internal control was not entirely effective during the year under review as compliance with prescribed policies and procedures were lacking in certain instances. During the year under review several instances of non-compliance were reported by internal and external auditors that resulted from a breakdown in the functioning of controls.

Significant control weaknesses have been reported by the Auditor- General both under qualification and in the management letter. In certain instances, the weaknesses reported previously have not been fully and satisfactorily addressed. The effect of these weaknesses has been included in the Annual Financial Statements and the report of the Accounting Officer.

The quality of in year management and monthly/quarterly reports submitted in terms of the PFMA and the Division of Revenue Act

The Audit Committee is satisfied with the content and quality of monthly and quarterly reports prepared and issued by the Accounting Officer of the Department during the year under review.

Evaluation of Financial Statements

The Audit Committee has:

- Reviewed and discussed with the Auditor-General and the Accounting Officer;
- the audited Annual Financial Statements to be included in the Annual Report;
- Reviewed the Auditor-General's management letter and management's response thereto;
- Reviewed significant adjustments resulting from the audit.

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

SA Patterson
Chairperson of the Audit Committee
7 August 2008

Department of Justice and Constitutional Development

Part 3b

Report of the Audit Committee

Third Party Funds

Part 3b: Report of the Audit Committee - Third Party Fund

for the year ended 31 March 2008

We are pleased to present our report for the financial year ended 31 March 2008.

Audit Committee responsibility

The administration and accountability for the Third Party Funds falls within the responsibilities of the Department of Justice and Constitutional Development. Accordingly as the duly constituted Audit Committee of the Department of Justice and Constitutional Development we have reviewed to the extent considered necessary the financial statements of the Fund.

Effectiveness of Internal Controls

The internal controls are inadequate and full and proper accounting records have not been maintained for the Fund.

Evaluation of Financial Statements

The Department could not produce financial statements that were accurate and complete for the financial year ended 31 March 2008 as some 41% of offices did not submit financial information or were excluded from the financial statements as the information was incomplete.

The Audit Committee has:

- Reviewed and discussed with the Auditor-General and the Accounting Officer the Annual Financial Statements as presented to be included in the Annual Report;
- Reviewed the Auditor-General's management letter and management's response thereto;
- Reviewed significant adjustments resulting from the audit.

The Audit Committee concurs and accepts the conclusions of the Auditor-General on the Annual Financial Statements and is of the opinion that the Annual Financial Statements as presented be accepted and read together with the report of the Auditor-General.

SA Patterson
Chairperson of the Audit Committee
6 August 2008

Department of Justice and Constitutional Development Vote 23

Part 4a

Annual Financial Statements

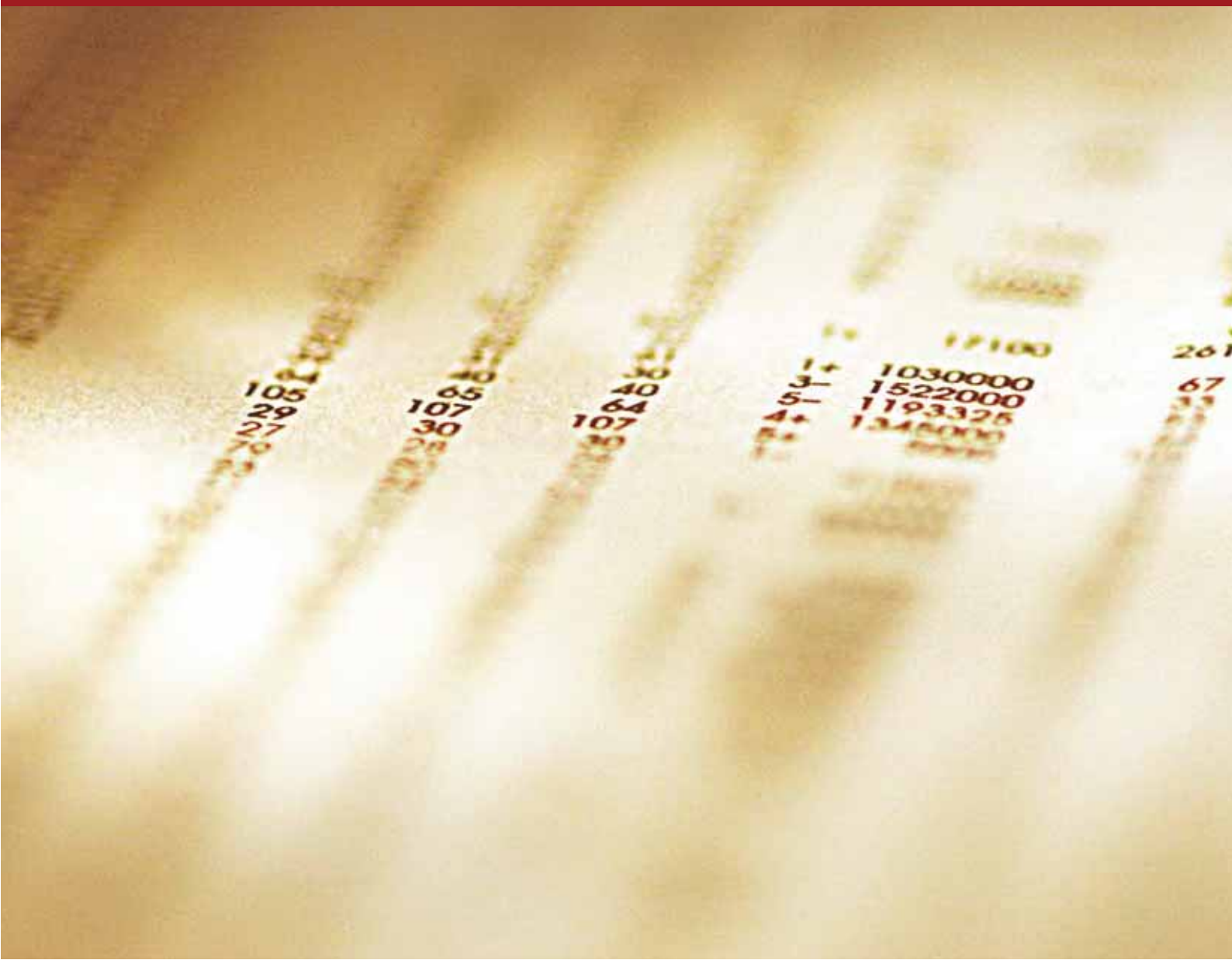


TABLE OF CONTENTS

4a

Annual Financial Statements

Department of Justice and Constitutional Development Vote 23

Report of the Accounting Officer 100

Report of the Auditor-General 113

Accounting Policies 117

Appropriation Statement 123

Notes to the Appropriation Statement 132

Statement of Financial Performance 133

Statement of Financial Position 134

Statement of Changes in Net Assets 135

Cash Flow Statement 136

Notes to the Annual Financial Statements 137

Disclosures Notes to the Annual Financial Statements 147

Annexures 155

REPORT BY THE ACCOUNTING OFFICER TO THE EXECUTIVE AUTHORITY AND PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA.

1. GENERAL REVIEW OF THE STATE OF FINANCIAL AFFAIRS

1.1 Voted funds received by the department

Although the Appropriation Act 2007 (Act 7 of 2007) indicates a total budget of R 7,538,667,000 for the Vote, the financial statements reflects only R 5,677,401,000. The discrepancy of R 1,861,266,000 is due to the fact that the amount appropriated for the National Prosecuting Authority (NPA) is reported on in the financial statements of the NPA.

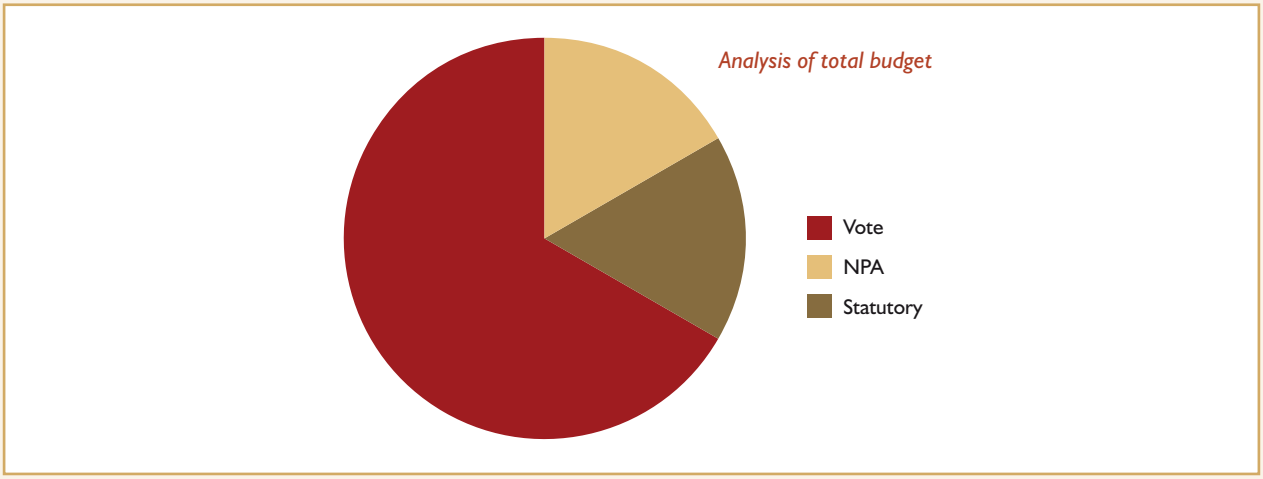
The NPA assumed separate responsibility with effect from 1 April 2001 for all support services previously rendered by the Department. The NPA has since this date been responsible for its own accounting systems and therefore separate financial statements have, as was the case last year, been prepared for the NPA.

The spending of the R 5,513,497 can be illustrated as follows:

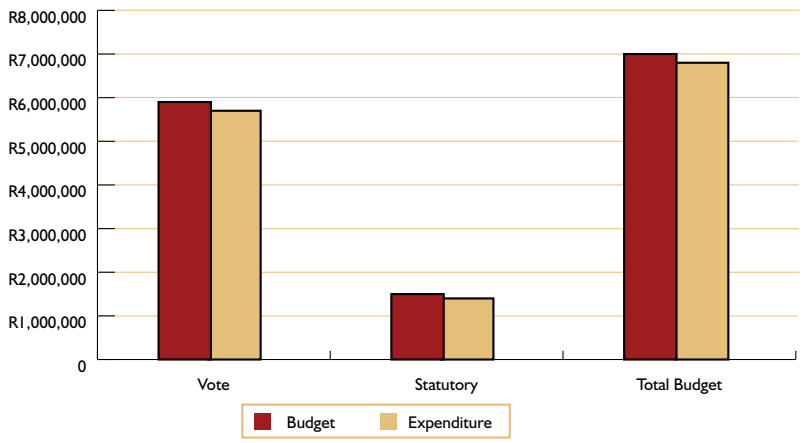
	2007/08	2006/07
	R '000	R '000
Total amount appropriated	**5,677,401**	**4,893,562**
Less total expenditure	5,513,497	4,469,462
Under spent	**163,904**	**424,100**
Percentage under spent	**2.9%**	**8.7%**

1.2 Statutory Appropriation (Judges and Magistrates salaries and allowances)

	2007/08	2006/07
	R '000	R '000
Total amount appropriated	1,266,518	1,071,056
Less total expenditure	1,184,527	1,099,289
Under spent	**81,991**	**(28,233)**



Analysis of total budget



REVENUE

	2007/08	2006/07
	R '000	R '000
Opening balance	4,770	11,548
Revenue generated	312,434	312,661
Total revenue generated	**317,204**	**324,209**
Less revenue paid to SARS	302,778	319,439
Surplus to be surrendered to SARS	**14,426**	**4,770**

Seventy-six percent (76%), (2006/07: 80%) of the disclosed revenue constitutes money receipted in the Third Party Funds (TPF) administered by the Department (formerly referred to as Monies in Trust) bank accounts and paid into the Department's Paymaster-General Account for transfer to the National Revenue Fund.

A legal opinion obtained from the State Law Advisors confirmed that the monies received from the TPF do not constitute Departmental revenue. Following the legal opinion and research on practises internationally the Department consulted with National Treasury (NT) that encouraged the Department in letter dated 31 March 2008 (received by the Department on 13 May 2008) to register a trust. Clarity on practical implications and the impact on the Vote Account, as well as the implementation process are being investigated. The Department had a meeting with NT regarding the implementation of the proposals and it is envisaged that the revenue from the TFP will in future be paid directly to the National Revenue Fund. (For detail refer to paragraph 7 below on the TPF Legal Framework).

2. SERVICE RENDERED BY THE DEPARTMENT

2.1 A list of services rendered, unless discussed elsewhere in the annual report, in which case a reference to the relevant section should be made.

2.2 Tariff policy

The Department's services and related charges are all fixed by law and the Chief Directorate: Legislative Development is responsible for the promulgation of certain subordinate legislation administered by the Department in terms of which fees, charges, rates, scales or tariffs of fees are prescribed and reviewed on a regular basis.

2.3 Free Services

- Administration of Third Party Funds (Monies in Trust) is currently being done free of charge. Should a fee be charged, it would yield significant revenue.
- Small Claims Court: The Presiding Officer is normally a lawyer or retired Magistrate
- Law lecturers who render a free service at a Magistrate's Court.
- A number of free services relating to activities in the Masters' Offices include:
  - Estate Duty Taxation;
  - Administration Services;
  - Archive Services; and
  - Inspection Services.
- Various legal and financial services are rendered by the Department on behalf of other government departments (all spheres of government) in terms of the cooperative requirements of the Constitution of South Africa. Legal services include scrutiny of international agreements including extradition agreements, scrutiny of draft subordinate legislation, writing of legal opinions, secondment of staff on a part-time basis to assist other Departments.
- Transcription records are provided free of charge to litigants for purposes of challenging the outcome of cases. Should a fee be charged, it would yield significant revenue.
- Legal advice, counselling and mediation services are offered at Family Courts by Family Advocates, Family Counsellors, Maintenance Investigators.

2.4 Inventories at year end

The majority of stores at Magistrates' Offices and Regional Offices refer to a stock cabinet in which a few items are kept. These offices don't operate stores in the true sense of the word, because the items in the cabinets are not material in quantity and/or value and are regarded as issued stock.

The inventory on hand at the National Office was as follows:

	Consumable	Stationery	Grand Total
	R'000	R'000	R'000
National Office	-	343	343

3. CAPACITY CONSTRAINTS

The vacancy rate has improved from 23% in the 2006/07 financial year to 15% in the 2007/08 financial year. Skills shortages, covering a broad spectrum of specialisation in the various courts has however continued to affect the department's operations and have adversely affected the service delivery capacity of the Department.

Vacant posts and skills shortages covering a broad spectrum of specialisation continued to effect the operations of the CFO. The approved establishment of the Office of the CFO consists of 211 posts of which 93 was vacant as at 31 March 2008 and the CFO therefore heavily relies on outside assistance, acting as operational staff and contract workers to assist with the operations.

The Department has over the two last financial years, filled various positions of Court and Area Court Managers to ensure service delivery enhancement. A number of new posts have also been created during the financial year under review in an effort to improve service delivery and address the skills shortages.

4. UTILISATION OF DONOR FUNDS

Apart from voted funds, the Department also depends on Donor Funding to fund some of its core projects. These funds are normally utilised for once-off projects and for projects that will eventually be funded through the vote account. The intention is to ensure that projects become sustainable after donor funding is withdrawn or has come to an end.

	2007/08	2006/07
	R '000	R '000
Assistance rolled over from previous year	37,543	24,827
Grants received during the financial year	39,340	52,310
Total amount received	**76,883**	**77,137**
Less total expenditure	62,369	39,594
Closing balance	**14,514**	**37,543**

Donor	Project	Short Description	Analysis of factors contributing to effective / ineffective utilisation thereof
Sweden	Restorative Justice Material and Child Justice Project	Providing assistance to the Department with the improvement of the Criminal Justice System in relation to children's issues, and to develop adequate responses to young offenders with a view to ensure that the best interest of the child is protected. The Restorative Justice Material developed, was mainly in relation to children's issues.	Coordination of monthly inter-sectoral meetings and training / workshops for the Magistracy and Legal Aid Board on Restorative Justice, Non-custodial Sentences and Child Justice issues. Restorative Justice and UNCRC Awareness material were developed and distributed, and a pilot launched on the Preliminary Inquiry at Bloemfontein / Mangaung One-Stop Child Justice Centre. Various Workshops were held on Child Justice Information Management and Children Awaiting Trail. Nine meetings in the Provinces, to workshop the National Interim Protocol on the Management of Children Awaiting Trial and the strengthening / establishing of nine Provincial Child Justice Fora. The objective of preparation for implementation of the Child Justice Bill (No. 40) B49 of 2002, could only partially take place, as the Child Justice Bill has not been passed by Parliament as an Act. A well-structured and coordinated Child Justice System has been established with the assistance of such donor funds.

Donor	Project	Short Description	Analysis of factors contributing to effective / ineffective utilisation thereof
Ireland	Master's Project	The project supports the Department of Justice and Constitutional Development in its efforts to re-engineer all of the business processes (deceases estates, etc) in the Masters' Offices and in a selection of Magistrates' Courts to ensure access to Justice for all especially to the disadvantaged and the rural poor and to eliminate malpractices and promote transparency and accountability.	Participation in the project by all stakeholders, seamless integration with other systems such as E-scheduler, user acceptance of standardised processes in all courts, appropriate change management and adequate infrastructure. The Irish contribution to the ICMS Masters' solution is still ongoing with a roll over amount of R11 million for the 2008/2009 Financial year.
European Union	Sectoral Budget Support	The long-term objective of the programme is to contribute to the democratisation of South Africa society, as well as towards the poverty alleviation within the marginalised groups of our society.	43 % of the total budget was spend as per E-justice 2006/2007 programme plan. The ineffective expenditure of 57 % is a result of the extended project life cycle across the 2007/2008 financial year. The EU programme officially closed on 31 March 2008 with a closing balance surplus of R5.6 million.
Swiss Fund	Small Claims Court Project	The Strategic objective of the project is to have Small Claims Courts that are accessible and service oriented with systems and procedures that are understandable to everyone through properly trained and professional staff/officials.	The Small Claims Court Project has been established to assist the Directorate: Victim Support and Specialised Court Services with the development of the training manual for Commissioners and court officials as well as providing for their training, particularly training for Commissioners. All Small Claims Courts Commissioners have never been trained and the Project Office will ensure that training takes place this year including a more advanced training for the court officials which is currently offered by Justice College.

5. TRADING ENTITIES AND PUBLIC ENTITIES

None

6. TRANSFER PAYMENTS TO PUBLIC ENTITIES AND CONSTITUTIONAL INSTITUTIONS

The Department of Justice and Constitutional Development made transfer payments to Public Entities and Constitutional Institutions. Refer to Annexure 1B.

6.1 Public Entities

In terms of the PFMA the Accounting Officer has certain responsibilities prior to the transfer of funds to a public entity:

- **Section 38(i)(j) requires a written assurance from the entity that effective, efficient and transparent financial management and internal controls are implemented prior to transfer of funds.**

  Written assurance was obtained. The content of the assurance was verified against the 2006/07 audit results and internal audit findings for 2006/07.

- **National Treasury Regulation 26.1 and 30.2.1 further requires quarterly reporting by entities.**

  Quarterly reporting was a pre-requisite for continued transfer of funds to the public entities.

  According to 38(i)(j) the lack of assurance by public entities puts a responsibility on the transferring department by introducing conditions of transfer and follow-ups of these conditions. If continuous non-compliance with conditions is identified the transferring department has the remedy to withhold transfer payment.

The Accounting Officer's responsibilities were executed for the 2007/08 financial year and there was no need to withhold the transfer payment from the Public Entities.

The following amounts were transferred to the Public Entities under the control of the Department:

Name of Institution	Amount Transferred R'000
Special Investigating Unit	103,111
Legal Aid Board	613,029

Refer to Part 2 par 10.3 of the annual report for details regarding the objectives of the Public Entities.

6.2 Constitutional institutions

Section 38(i)(j) is not applicable to the constitutional institution and therefore the controls by the department as per the PFMA and Treasury Regulation cannot be enforced.

These Constitutional Institutions obtained their independence from section 181(2) of the Constitution. In terms of section 181(5) of the Constitution they are only accountable to the National Assembly.

The following amounts were transferred to the Constitutional Institutions:

Name of Institution	Amount Transferred R'000
South African Human Rights Commission	55,281
Commission on Gender Equality	39,745
Public Protector	78,722
Represented Political Parties' Fund	83,354

Refer to Part 2 par 10.3 of the annual report for details regarding the objectives of the Constitutional Institutions.

7. THIRD PARTY FUNDS (TPF) (Including Public Private Partnerships (PPP))

7.1 TPF legal framework

One of the major issues in the past with the financial administration and accounting of Third Party Funds (TPF) was the lack of a legal and accounting framework in governing the funds. It is also the opinion of the Department that there is no provision in the PFMA on the accounting status of these funds. Progress in the development of adequate systems was hampered by uncertainties in this regard.

The National Treasury (NT) in a letter dated 15 August 2007 directed the Department that TPF should be accounted for in the financial statements of the Department's Vote Account. Following the directive by NT that TPF must be accounted for in the Vote account the Department forwarded previous legal opinions and the letter from NT to an authority on accounting standards for an opinion that had different views on the issue.

Research on best practices internationally further directed the Department and resulted in a need for further discussions with the NT. A meeting between NT and the Department took place during November 2007. Following the meeting the NT, in a letter dated 31 March 2008 (received on 13 May 2008), confirmed the principle of a separate entity and the establishment of a trust was suggested. NT **inter alia** recommended that the following treatment of transactions should act as a guideline:

- Transactions and balances relating to administered resources should not be recognised within the body of the financial statements of the Vote but should be disclosed in an additional disclosure note to the financial statements
- Fines and penalties not related to the DoJ&CD should not be recognised in the department's financial statements
- Where the Department is acting in the capacity as an agent an additional set of financial statements will have to be drafted wherein these funds will be disclosed (trust fund)

The NT invited the Department for further discussions on the issue and because certain uncertainties the Department accepted the invitation.

The Department was in agreement with the contents of the letter but needed clarity on the interpretation with regard to the relationship between TPF and Departmental Revenue on monies belonging to the State as a result of the enforcement of the law through court proceedings. The issue is contentious and the Department is of the opinion that one will have to look at the principle of the classification of fines, to determine whether a specific fine should be regarded as Departmental Revenue applicable to the Department. It is the opinion of the Department that when the principle of classification of fines are applied one will have to look at the mother Department administrating the specific legislation and can therefore argue that the fine actually belong to that Department. For example fines imposed because of the contravention of the Companies Act should go to the DTI. Following this principle, limited fines are imposed as the result of legislation administered by the DoJ&CD. During the said meeting NT agreed with this principle.

A preliminary discussion with the State Law Advisers indicated that the establishment of a trust will probably have to be established through legislation that must be in accordance with the Trust Property Control Act, 1988 (Act 57 of 1988). The legislation must provide for certain requirements that inter alia include the following:

- The establishment of a trust;
- the objects of the trust;
- the identification of the beneficiaries;
- the appointment of trustees;
- the administration of trust funds; and
- reporting.

The aforementioned requirements will have to be discussed and agreed upon with the relevant role-players and a departmental/ inter-departmental task team led by the CFO has been established to deal with this matter.

7.2 PPP-Management of Third Party Funds (Bail, Maintenance, Court Fines, Payments into Court, Estates, Guardians Fund, etcetera)

The Department has a turnover of more than R 2 billion in Third Party Funds (excluding the Guardians Fund) per annum through its cash halls at Magistrates offices. The consolidated national bank balance as at 31 March 2008 amounted to R356 million.

Furthermore, the Guardians' Fund has a turnover of more than R421 million. The consolidated bank accounts of the Fund amounts to R22 million while a further R5 billion, is managed on investments.

The Management of Third Party Funds (TPF) Public Private Partnership (PPP) process has reached its final stages. The TPF PPP actively seeks to remove all or most cash handling from courts, transferring the risk attached thereto to a Private Party (PP). The PP will, in short, be responsible, for the partnership period, for the financial management (receipts, payments, record-keeping and financial reporting) and the provision for a front-end administrative system (JDAS 5), whereas the Department will remain responsible for all the administrative and legal duties attached to the management of TPF.

Bids were received on 5 February 2007 from four bidder consortiums and the tender evaluation criteria and Project Governance Structure was approved on 15 March 2007. Pre-evaluation of the bids occurred on 27 & 28 March 2007. Full evaluation of the bids commenced on 3 April 2007 and was finalised on 12 July 2007. Consolidation of scoring, the clarification of scoring variances and the review of the results took place from 13 to 19 July 2007. The recommendation to enter into a Best and Final Offer (BAFO) process was forwarded to the Accounting Officer on 10 August 2007 and such approval was granted on 15 October 2007. The Request for BAFO (RfBAFO) documentation was compiled and forwarded for National Treasury TA2A approval on 30 November 2007. Notification letters were handed or forwarded to the four bidders on 16

January 2008 and the draft RfBAFO documents were handed to the two remaining bidders on the same date. On 24 & 25 January 2008, bidder conferences were held and on 4 February 2008, interim/provisional TA2A-approval was received from National Treasury.

On 1 April 2008, National Treasury provided TA2A-approval and the RfBAFO was issued on the same day. Bids were received on the 14th April 2008 closing date from the two RfBAFO bidders. After approval of the Project Governance Structure and tender evaluation criteria, evaluation proceeded on 12 May 2008 and were finalised on 26 June 2008. Currently, the DoJ&CD is seeking financial issue bidder's clarification and after this has been received, the Department will continue with the PPP process. Important envisaged milestones are the announcement of the preferred and reserve bidders towards the end of September 2008 and contract signature towards the end of January 2009. Implementation will proceed as soon as possible after contract signature. The project funding for the current financial year will mostly be used for computer hardware and network expansion to enable the project software to run efficiently.

8. CORPORATE GOVERNANCE ARRANGEMENTS

The principles of conducting the service delivery activities with integrity and according to sound governance practices are engrained at the Department. The Accounting Officer is responsible for the good governance of the Department. The governance structures are reviewed regularly to incorporate changes and developments within the Department and in the public sector.

8.1 Powers, roles and responsibilities of EXCO members

The Deputy Director-Generals and the Chief Operations Officer of the Department are the members of an Executive Committee (EXCO), chaired by the Accounting Officer. The powers, roles and responsibilities of EXCO members are derived from:

- The Public Finance and Management Act (PFMA) encompassing the National Treasury Regulations
- The Protocol on Corporate Governance in the Public Sector
- The King II report on Corporate Governance

The skills and experience of the EXCO members are appropriate to the strategic direction of the Department and necessary to secure its sound performance. They have delegated responsibilities for ensuring that the Department has an appropriate system of controls, financial and other.

Anti-Fraud and Corruption Strategy

The EXCO members are also responsible for the prevention and detection of fraud and other irregularities. During the year under review the full implementation of the Anti-Fraud and corruption plan has been completed and the results are beginning to be visible. The department continues to subscribe to the National Anti-Corruption Hotline (0800 701 701).

In line with the Public Sector Anti-Corruption Strategy which emphasise the comprehensive fraud and corruption prevention measures as the first line of defence against corruption, the Department has established a Fraud and Corruption Prevention Unit. This Unit is responsible to ensure that all the prevention mechanisms are put in place. The Unit has compiled an internal Fraud and Corruption Communication Strategy that will be launched in next financial year. The Communication Strategy will be characterised by:

- Training and awareness campaigns on the prevention of fraud and corruption;
- Articles on fraud and corruption on *Justice Today* newsletter;
- Communication on DJINI (Intranet);
- The distribution of pamphlets, posters, booklets, and any other materials that will promote awareness amongst employees.

As part of the roll-out of the National Vetting Strategy by National Intelligence Agency (NIA), the Department has entered into a Memorandum of Understanding (MOU) with the NIA for security vetting of the Department's personnel. The MOU will set a tone for the establishment of the Vetting Fieldwork Unit and will serve as a NIA delegation for its vetting mandate to the Department so as to reduce the vetting backlog.

Risk Management Strategy

The EXCO members are also responsible for effective and efficient implementation of risk management policy and strategy within the Department at all levels. They have provided leadership to the Department within a framework of prudent and effective controls which enables risks to be assessed and managed.

A Strategic Risk Assessment was conducted in order to identify the array of risks that the Department is exposed to. A Fraud and Corruption risk assessment was also conducted to measure maturity in the management, control and reporting on instances of fraud and corruption within the Department and to utilise the outcome as a basis for review of the Anti-Fraud and Corruption

Prevention Plan, where necessary. A comprehensive operational risk assessment exercise was conducted for Regions and various units in National Office. Managers participated in identifying, assessing and developing plans to mitigate significant risks that could negatively affect the achievement of the set objectives for period under review. Regional Anti-fraud and Risk Management Committees were established and relevant risk coordinators were identified. There is continued communication and awareness of Risk Management processes in the Department to inculcate the culture of managing risks to support good governance and to be in line with the Treasury Regulations.

8.2 Internal Audit and Audit Committee

The Department's Internal Audit Unit operates in accordance with the PFMA, Treasury Regulations and the Internal Audit Charter. The Unit also conducts its operations in accordance with the internal standards for the professional practice of internal auditing issued by the Institute of Internal Auditors, and under the direction of the Audit Committee. The National Prosecuting Authority's Internal Audit Unit has also been integrated into the Department's Internal Audit Unit and internal auditing activities are performed on an integrated basis.

The Internal Audit Unit focuses mainly on providing assurances and advice to management and the Audit Committee on matters pertaining to governance, risk management and control processes and the unit through its Chief Audit Executive reports to the Audit Committee on a quarterly basis.

The Audit Committee comprises members, drawn from outside the public service and conducts its business in accordance with the PFMA, Treasury Regulations and the Audit Committee Charter. The Audit Committee meets regularly and has unrestricted access to information and personnel within the Department.

9. DISCONTINUED ACTIVITIES / ACTIVITIES TO BE DISCONTINUED

None

10. NEW / PROPOSED ACTIVITIES

None

11. ASSET MANAGEMENT

11.1 Progress

The Department continued with its endeavours to ensure the efficient and effective management of assets. The National Office of the Department increased the involvement with regard to asset management in the regions and more specifically assisted with asset verifications. Feedback indicated that there is a lack of capacity and skills in the regions are not conducive for effective asset management.

The Department performed a "Gap Analyses" that revealed deficiencies over a broad spectrum and subsequently embarked on an asset turn around project. The purpose of the project was an independent complete verification of all assets in the Department in order to produce a reliable asset register that reconcile with the financial statements. The project involved the following:

- a Project Manager has been appointed to address the problems relating to assets;
- a Steering Committee has been established under Chairmanship of the CFO;
- a project is currently in progress to assist with the monthly reconciliations between BAS and JYP; and
- a decision was made to perform an independent stock take on movable assets for year-end purposes.

The project only commenced on 17 March 2008 and at the time of submission of the Annual Financial Statements; the physical asset verification process was not completed. However, the turn around project is seen as a process and was considered very important to ensure the efficient and effective management of assets within the Department. The verification process was completed in June 2008 with a total number of 383,606 assets verified at 793 sites. At the time of compiling this report the progress of the project was in the last three phases of the project plan and it is envisaged to be completed by 30 September 2008. One of the key control elements of the project is the sign-off of individual inventories by officials and the project team is the process to obtain sign-off on outstanding inventories. The sign-off of individual inventories per site will be followed by a sign-off per site. Inventories per site will then be consolidated per region/Branch for sign-off by Regional and Branch Heads. The completion of this process is seen as the pinnacle control element to ensure completeness and accuracy of the asset register.

The challenge for the Department is to resolve the unverified assets that resulted from the verification process and the Department therefore embarked on a process to resolve unverified assets using acceptable asset management practises.

This, together with the purification of the asset data to clear aspects such as duplicate bar code numbers and to remove non-assets, will ensure an acceptable asset register for the Department to build on.

It is essential for the Department to ensure continuity and momentum and in order to maintain the good practises and processes that were put in place it is important to build and retain capacity. Practises and processes, amongst others include the monthly reconciliation of BAS information with the asset register, processing of correcting entries and asset transfers. The asset management system has further been enhanced to allow for asset verifications to be done electronically with bar code scanners. Dedicated asset controllers per Region will be appointed to ensure the effective management of assets.

The Department is conscious of the fact that asset management is a process and not a product and is committed to implement whatever measures, to ensure effective and efficient asset management of assets.

12. EVENTS AFTER THE REPORTING DATE

Investigations

Included in the expenditure of the department as disclosed in the Statement of Financial Performance is an amount of R4, 463,849 that is currently under investigation for fraud. As at 31 July 2008 the investigations was not finalised.

13. PERFORMANCE INFORMATION

Section 40(3)(a) of the PFMA requires the Department to report on its performance against predetermined objectives.

The information relating to the performance against predetermined objectives is subject to audit by the Auditor-General in terms of section 20(2)(c) of the Public Audit Act, 2004 (Act 25 of 2004) (PAA). Section 13 of the PAA requires the Auditor-General to determine the standards to be applied in performing such audits. The Auditor-General has adopted a phased-in approach for compliance with the relevant section of the PAA until such time as the necessary standards have been determined and the environment promotes a state of readiness for providing assurance.

To improve performance reporting and measurement, the Strategy Unit's activities has been documented to detail performance measurement cycles and quarterly reporting timeframes.

A tool on the Medium-Term Strategic Framework, Key Performance Indicators (KPI) has been developed in collaboration with Branches. The tool is designed to monitor the progress on the implementation of the Medium-Term Strategic Framework by analysing delivery of targets.

14. SCOPA RESOLUTIONS

The following provides an indication of the Department's progress in resolving matters as reported by the Auditor-General included in SCOPA resolutions.

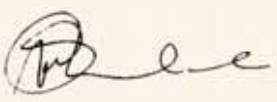
References to previous audit reports and SCOPA resolutions	Subject	Findings on progress
Twenty Second Report of SCOPA adopted by the National Assembly on 21 November 2007		
Paragraph 4.1 page 92 of the Report of the Auditor-General for 2005/06: SCOPA recommended that; • adequate accounting and financial systems should be developed for the Monies in Trust accounts. • the Monies in Trust financial management system is improved to ensure that the Auditor-General will be able to verify the completeness and accuracy of receivables at year end	Third Party Funds	National Treasury in a letter of 31 March 2008 (received on 13 May 2008) guided the Department to establish a trust for the TPF. A task team led by the CFO has been established to deal with this matter. It is envisaged that the PPP will be implemented during 2009. The implementation will reduce the volume of transactions of Third Party Funds in offices and will go a long way in stabilising the transactions for Third Party Funds. The PPP will further remove cash handling and reconciliations from offices and will provide consolidated financial information at a central level. The Department is in the final stages of implementing the JDAS version 4 of the computerised system. However, cash will still be handled at courts and the system does not guarantee the elimination of fraud and corruption.
Paragraph 6.1 page 93 of the Report of the Auditor-General for 2005/06: SCOPA recommended that; • there is strict compliance with Treasury Regulations to avoid inadequate budgeting and financial management • the risk of fiscal dumping and non-compliance with prescribed procurement practises and policies are avoided	Financial Management	The Department is committed to ensure a budget management process aligned and in full compliance with the PFMA, Treasury regulations and financial prescripts. Monthly reports are identifying expenditure trends, deviations from original spending plans and proposed interventions to ensure optimal budget spending. The reports are supplemented with quarterly budget and expenditure reviews prepared by the Office of the CFO. Quarterly report is submitted to the Budget and Strategy Sub-committee. This EXCO sub-committee then present proposals for budget revisions to the Accounting Officer for consideration and approval. The early detection of possible under spending, reprioritisation informed by strategic priories and oversight by Senior Management will prevent interpretation and perception of fiscal dumping.

References to previous audit reports and SCOPA resolutions	Subject	Findings on progress
Paragraph 6.3 page 93 of the Report of the Auditor-General for 2005/06: SCOPA recommended that; • all policies are approved and complied with • mechanisms are put in place to shorten periods of investigations with regard to suspended employees • deficiencies in the Human Resources Management of the Department are addressed.	Compensation of employees	The Department is compelled to administer and approve policies within the framework of accepted labour practices. A process was agreed upon to deal with the finalisation of HR policies. The following are approved policies in operations that were reviewed: • Job Evaluation • Performance Management Nine policies have been negotiated and consulted with the Unions and are awaiting chamber endorsement. The Department has informed the Unions that should they not sign off by 31 March 2008 a unilateral position will be taken and the policies will be implemented. Eight policies have been discussed and consulted at workshop level and will be presented to the Unions by end of April 2008. The following mechanisms were put into place in order to address lengthy suspensions and shorten the period for investigations: • Where a suspension is warranted, the approach is to rather transfer the official to another Unit instead of suspending the official (e.g. fraud cases). • A hearing will normally take place within 60 days of a suspension. Where matters are further investigated by Internal Audit, there is normally the fear of interference with a witness and or the tampering with evidence. Suspensions in these cases are for longer periods Currently 48 cases out of 325 misconduct cases falls within this group. • Investigations can take longer than expected and in such cases suspensions are lifted and the official is temporarily transferred to another Unit. Deficiencies in Human Resource Management were addressed by focusing on strategic leadership issues in the following way: • The post of DDG: Corporate Services has been filled since June 2008. Two acting Chief Directors were appointed. One was subsequently filled in June 2008 and the other advertised on 20th July2008. • The HR strategy was reviewed and submitted to the DG. Six priority areas have been identified and will be addressed. • The HR structure is currently being reviewed.
Paragraph 6.5 page 94 of the Report of the Auditor-General for 2005/06: SCOPA recommended that;	Performance information	The statement regarding the Indicator Metric System that was developed by the Department must be viewed in the sense that it is a measuring instrument that will assist the Department in measuring its performance. The Department is in the final stages of drafting a policy document that is intended to assist the Department to comply with the guidelines of National Treasury. It is envisaged that this document, once it is implemented, will help to facilitate the alignment of objectives within the Department.

References to previous audit reports and SCOPA resolutions	Subject	Findings on progress
Concerns of SCOPA on the high vacancy rate	Vacancies	Previously with the Business Unit model, Heads of Business Units were responsible for driving the process to fill vacant posts within their environment. The adoption of the Corporate Services Branch concept ensured that recruitment as a strategic objective can be realised from a central point (Human Resources) within the Corporate Services Branch. Measures were also implemented to reduce the vacancy rate. The implementation of the measures resulted in the reduction of the vacancy rate from 23% in April 2007 to 12 % as at 31st March 2008
Sixth Report of SCOPA adopted by the National Assembly on 19 February 2008		
1 Paragraph 9 of the Report of the Auditor-General: SCOPA Recommended that the issues on how to account for TPF monies as indicated in the National Treasury letter of 15 August 2007 is addressed as a matter of urgency.	Governance Arrangements Third Party Funds	The National Treasury, in a letter dated 15 August 2007 directed the Department that TPF should be accounted for in the Financial Statements of the Department's Vote Account. Research on best practices internationally further directed the Department and resulted in a need for further discussions with the National Treasury that were held during November 2007 on this matter. National Treasury in a letter of 31 March 2008, received on 13 May 2008, guided the Department to establish a trust for the TPF. A task team headed by the CFO has been established to deal with this matter
The Auditor-General reported that the vacancy rate in the department increased from20% in 2005/06 financial year to 23% in 2006/07: SCOPA recommended that the department ensure that critical positions are filled and disciplinary action taken against employees whose negligence are proven	Capacity or people- related issues	Previously with the Business Unit model, Heads of Business Units were responsible for driving the process to fill vacant posts within their environment. The adoption of the Corporate Services Branch concept ensured that recruitment as a strategic objective can be realised from a central point (Human Resources) within the Corporate Services Branch. Further strategies/measures were implemented to reduce the vacancy rate. The implementation of the strategies resulted in the reduction of the vacancy rate from 23% in April 2007 to 12 % as at January 2008. Negligence in the Department is not tolerated and is investigated as identified. Disciplinary action is instituted where necessary.
Twelfth report of SCOPA adopted by the National Assembly on 19 February 2008		
Unauthorised expenditure totalling R 139,052,849.71 incurred during the years: 1999-2000, 2000-2001. 2001-2002 and 2002-2003.	Unauthorised expenditure	The Department took cognisance that the National Assembly has approved the unauthorised expenditure of R 139,052,849.71 which was incurred by the Department for the periods 1999-00, 2001-01, 2001-02 and 2002-03. It is assumed that the money will be made available to the Department by the adoption of a finance act as the money was surrendered at the time when the unauthorised expenditure was incurred.

15. Approval

The Annual Financial Statements set out on pages 123 to 161 have been approved by the Accounting Officer.



Adv. Menzi Simelane
Accounting Officer
31 May 2008

REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS AND PERFORMANCE INFORMATION OF VOTE NO. 23: THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT FOR THE YEAR ENDED 31 MARCH 2008

REPORT ON THE FINANCIAL STATEMENTS

Introduction

1. I have audited the accompanying financial statements of the Department of Justice and Constitutional Development (the Department) which comprise of the appropriation statement, statement of financial position as at 31 March 2008, statement of financial performance, statement of changes in net assets, cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory notes, as set out on pages 123 to 161.

Responsibility of the accounting officer for the financial statements

2. The accounting officer is responsible for the preparation and fair presentation of these Financial Statements in accordance with the modified cash basis of accounting determined by the National Treasury, as set out in accounting policy note 1 to the Financial Statements and in the manner required by the Public Finance Management Act, 1999 (Act 1 of 1999) (PFMA). This responsibility includes:
   - designing, implementing and maintaining internal control relevant to the preparation and fair presentation of Financial Statements that are free from material misstatement, whether due to fraud or error;
   - selecting and applying appropriate accounting policies; and
   - making accounting estimates that are reasonable in the circumstances.

Responsibility of the Auditor-General

3. As required by section 188 of the Constitution of the Republic of South Africa, 1996 read with section 4 of the Public Audit Act, 2004 (Act 25 of 2004) (PAA), my responsibility is to express an opinion on these financial statements based on my audit.

4. I conducted my audit in accordance with the International Standards on Auditing and General Notice 616 of 2008, issued in Government Gazette No. 31057 of 15 May 2008. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance on whether the financial statements are free from material misstatement.

5. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the Financial Statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the Financial Statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the Financial Statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control.

6. An audit also includes evaluating the:
   - appropriateness of accounting policies used;
   - reasonableness of accounting estimates made by management; and
   - overall presentation of the Financial Statements.

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

Basis of accounting

8. The Department's policy is to prepare Financial Statements on the modified cash basis of accounting determined by the National Treasury, as set out in accounting policy note 1 to the Financial Statements.

Basis for qualified opinion

Tangible Capital Assets

9. The existence and completeness of tangible capital assets as disclosed in note 30 of the Financial Statements could not be confirmed, as the Department embarked on an asset turn-around project which was not finalised at the time of the audit.

   All capital assets acquired between 1 April 2002 and 31 March 2005 were not recorded at cost as required by accounting policy 4.8, due to the cost not being readily available at the Department. As a consequence, disclosure note 30 is misstated by a material amount which cannot be accurately determined.

Departmental revenue, asset, liability and contingent liability relating to Third Party Funds

10. The Department maintains a separate set of Financial Statements for Third Party Funds (the Fund), however, there is no defining legislation that governs the existence, processes and operations of the Fund as a separate entity. The Fund is directly related to the activities of the Department through court processes, as a result of its mandate.

    The Department has disclosed the revenue received from the Fund, but has totally excluded the liability and the bank balance relating to the Fund from the Financial Statements.

    The Fund could not produce Financial Statements that were reliable, accurate and complete for the financial year ended 31 March 2008 as there were no appropriate financial systems to record the transactions.

    I am therefore unable to determine by other means:

    - The completeness and accuracy of the Departmental Revenue originating from the Fund, amounting to R238 million, as disclosed in note 3 of the financial statement.
    - The amount of the liability and bank balance related to the Fund which are not included in the Financial Statements.
    - The contingent liability due to potential claims against the Department in respect of the Fund as disclosed in note 20 to the Financial Statements.

Commitments

11. The commitments as disclosed in note 21 are misstated by a material amount which cannot be accurately determined as the Justice Yellow Page (JYP) procurement system does not allow the capturing of multi-year contracts. All the multi-year commitments are recorded manually by the different sections and I am therefore unable to determine by other means the completeness of commitments.

Irregular expenditure

12. The R57 million as disclose in note 26.3 represents irregular expenditure as a result of the delegations not being aligned with the new Supply Chain Management practice. I am unable to determine by other means the actual expenditure incurred, as the approvals of the Department Bid Adjudication Committee could not be linked with the actual payment.

Qualified opinion

13. In my opinion, except for the effects of the matters described in the basis for qualified opinion paragraphs, the Financial Statements present fairly, in all material respects, the financial position of the Department as at 31 March 2008 and its financial performance and cash flow for the year then ended, in accordance with the modified cash basis of accounting determined by the National Treasury, as set out in accounting policy note 1 to the Financial Statements and in the manner required by the PFMA.

OTHER MATTERS

I draw attention to the following matters that relate to my responsibilities in the audit of the Financial Statements:

Internal controls

14. Section 38(1)(a)(i) of the PFMA states that the Accounting Officer must ensure that the Department has and maintains effective, efficient and transparent systems of financial, risk management and internal control. The table below depicts the root causes that gave rise to the inefficiencies in the system of internal control, which led to the qualified opinion. The root causes are categorised according to the five components of an effective system of internal control. In some instances deficiencies exist in more than one internal control component.

Reporting item	Control environment	Risk assessment	Control activities	Information and communication	Monitoring
Tangible Capital Assets			✓	✓	✓
Departmental revenue, asset, liability and contingent liability relating to Third Party Funds	✓	✓	✓	✓	✓
Commitments				✓	✓
Irregular expenditure				✓	

Control environment: establishes the foundation for the internal control system by providing fundamental discipline and structure for financial reporting.

Risk assessment: involves the identification and analysis by management of relevant financial reporting risks to achieve predetermined financial reporting objectives.

Control activities: policies, procedures and practices that ensure that management's financial reporting objectives are achieved and financial reporting risk mitigation strategies are carried out.

Information and communication: supports all other control components by communicating control responsibilities for financial reporting to employees and by providing financial reporting information in a form and time frame that allows people to carry out their financial reporting duties.

Monitoring: covers external oversight of internal controls over financial reporting by management or other parties outside the process; or the application of independent methodologies, like customised procedures or standard checklists, by employees within a process.

Non-compliance with applicable legislation

Public Management Finance Act

15. The Accounting Officer has not complied with the prescripts of section 38 (1)(d) of the PFMA in that the Department has not maintained an adequate asset register to record minor assets enabling the safeguarding and maintenance of these assets.

Matters of governance

16. The PFMA tasks the Accounting Officer with a number of responsibilities concerning financial, risk management and internal control. Fundamental to achieving this is the implementation of certain key governance responsibilities, which I have assessed as follows:

Matter of governance	Yes	No
Audit committee		
The Department had an audit committee in operation throughout the financial year.	✓	
The audit committee operates in accordance with approved, written terms of reference.	✓	
The audit committee substantially fulfilled its responsibilities for the year, as set out in section 77 of the PFMA and Treasury Regulation 3.1.10	✓	
Internal audit		
The Department had an internal audit function in operation throughout the financial year.	✓	
The internal audit function operates in terms of an approved internal audit plan.	✓	
The internal audit function substantially fulfilled its responsibilities for the year, as set out in Treasury Regulation 3.2	✓	

Matter of governance	Yes	No
Other matters of governance		
The annual Financial Statements were submitted for audit as per the legislated deadlines, section 40 of the PFMA.	✓	
The Financial Statements submitted for audit were not subject to any material amendments resulting from the audit.		✓
No significant difficulties were experienced during the audit concerning delays or the unavailability of expected information and/or the unavailability of senior management.	✓	
The prior year's external audit recommendations have been substantially implemented.	✓	
SCOPA resolutions have been substantially implemented.	✓	

OTHER REPORTING RESPONSIBILITIES

REPORT ON PERFORMANCE INFORMATION

17. I have reviewed the performance information as set out on pages 8 to 91.

Responsibility of the Accounting Officer for the performance information

18. The Accounting Officer has additional responsibilities as required by section 40(3)(a) of the PFMA to ensure that the annual report and audited Financial Statements fairly present the performance against predetermined objectives of the Department.

Responsibility of the Auditor-General

19. I conducted my engagement in accordance with section 13 of the PAA read with General Notice 616 of 2008, issued in Government Gazette No. 31057 of 15 May 2008.

20. In terms of the foregoing my engagement included performing procedures of an audit nature to obtain sufficient and appropriate evidence about the performance information and related systems, processes and procedures. The procedures selected depend on the auditor's judgement.

21. I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for the audit findings reported below.

Audit findings (performance information)

Non-compliance with regulatory requirements

22. The Accounting Officer of the Department did not prepare a strategic plan that is consistent with the period covered by the Medium Term Expenditure Framework for approval by the relevant executive authority, as required by Treasury Regulation 5.1.1.

Measurable objectives not consistent

23. I draw attention to the fact that the measurable objectives reported in the annual report of the Department are materially inconsistent when compared with the predetermined objectives as per the strategic plan and budget.

Lack of sufficient appropriate audit evidence

24. I was unable to obtain sufficient appropriate audit evidence in support of the actual performance information of the Department for all programmes.

OTHER REPORTS

Investigations

25. An investigation into the procurement process followed by the Department in the awarding of a contract to a supplier, was conducted. The results of the special audit will be reported to management separately.

APPRECIATION

26. The assistance rendered by the staff of the Department during the audit is sincerely appreciated.

Auditor-General

Pretoria
31 July 2008

AUDITOR-GENERAL

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. However, 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 (Act 1 of 1999) (as amended by Act 29 of 1999), and the Treasury Regulations issued in terms of the Act and the Division of Revenue Act, Act 2 of 2006.

1. Presentation of the Financial Statements

1.1 Basis of preparation

The Financial Statements have been prepared on a modified cash basis of accounting, except where stated otherwise. The modified cash basis constitutes the cash basis of accounting supplemented with additional disclosure items. Under the cash basis of accounting, transactions and other events are recognised when cash is received or paid.

1.2 Presentation currency

All amounts have been presented in the currency of the South African Rand (R) which is also the functional currency of the Department.

1.3 Rounding

Unless otherwise stated all financial figures have been rounded to the nearest one thousand Rand (R'000).

1.4 Comparative figures

Prior period comparative information has been presented in the current year's Financial Statements. Where necessary figures included in the prior period Financial Statements have been reclassified to ensure that the format in which the information is presented is consistent with the format of the current year's Financial Statements.

1.5 Comparative figures - Appropriation Statement

A comparison between actual amounts and final appropriation per major classification of expenditure is included in the Appropriation Statement.

2. Revenue

2.1 Appropriated funds

Appropriated funds are recognised in the financial records on the date the appropriation becomes effective. Adjustments to the appropriated funds made in terms of the adjustments budget process are recognised in the financial records on the date the adjustments become effective.

Total appropriated funds are presented in the statement of financial performance.

Unexpended appropriated funds are surrendered to the National Revenue Fund. Amounts owing to the National Revenue Fund at the end of the financial year are recognised in the statement of financial position.

2.2 Statutory Appropriation

Statutory appropriations are recognised in the financial records on the date the appropriation becomes effective. Adjustments to the statutory appropriations made in terms of the adjustments budget process are recognised in the financial records on the date the adjustments become effective.

Total statutory appropriations are presented in the statement of financial performance.

Unexpended statutory appropriations are surrendered to the National Revenue Fund. Amounts owing to the National Revenue Fund at the end of the financial year are recognised in the statement of financial position.

2.3 Departmental revenue

All departmental revenue is paid into the National Revenue Fund when received, unless otherwise stated. Amounts owing to the National Revenue Fund at the end of the financial year are recognised in the statement of financial position. Amounts receivable at the reporting date are disclosed in the disclosure notes to the annual Financial Statements.

2.3.1 Tax revenue

Tax revenue consists of all compulsory unrequited amounts collected by the department in accordance with laws and or regulations (excluding fines, penalties & forfeits).

Tax receipts are recognised in the statement of financial performance when received.

2.3.2 Sales of goods and services other than capital assets

The proceeds received from the sale of goods and/or the provision of services is recognised in the statement of financial performance when the cash is received.

2.3.3 Fines, penalties & forfeits

Fines, penalties & forfeits are compulsory unrequited amounts which were imposed by a court or quasi-judicial body and collected by the Department. Revenue arising from fines, penalties and forfeits is recognised in the statement of financial performance when the cash is received.

2.3.4 Interest, dividends and rent on land

Interest, dividends and rent on land is recognised in the statement of financial performance when the cash is received.

2.3.5 Sale of capital assets

The proceeds received on sale of capital assets are recognised in the statement of financial performance when the cash is received.

2.3.6 Financial transactions in assets and liabilities

Repayments of loans and advances previously extended to employees and public corporations for policy purposes are recognised as revenue in the statement of financial performance on receipt of the funds.

Cheques issued in previous accounting periods that expire before being banked are recognised as revenue in the statement of financial performance when the cheque becomes stale. When the cheque is reissued the payment is made from Revenue.

Forex gains are recognised on payment of funds.

2.3.7 Transfers received (including gifts, donations and sponsorships)

All cash gifts, donations and sponsorships are paid into the National/Provincial Revenue Fund and recorded as revenue in the statement of financial performance when received. Amounts receivable at the reporting date are disclosed in the disclosure notes to the financial statements.

All in-kind gifts, donations and sponsorships are disclosed at fair value in an annexure to the Financial Statements.

2.4 Direct Exchequer Fund receipts

All direct exchequer fund receipts are recognised in the statement of financial performance when the cash is received.

2.5 Local and foreign aid assistance

Local and foreign aid assistance is recognised as revenue when notification of the assistance is received from the National Treasury or when the department directly receives the cash from the donor(s).

All in-kind local and foreign aid assistance are disclosed at fair value in the annexures to the annual Financial Statements.

The cash payments made during the year relating to local and foreign aid assistance projects are recognised as expenditure in the statement of financial performance. The value of the assistance expensed prior to the receipt of the funds is recognised as a receivable in the statement of financial position.

Inappropriately expensed amounts using local and foreign aid assistance and any unutilised amounts are recognised as payables in the statement of financial position.

2.6 CARA Fund assistance

All CARA funds received must be recorded as revenue when funds are received. The cash payments made during the year relating to CARA earmarked projects are recognised as current or capital expenditure in the statement of financial performance.

Any unspent CARA funds are transferred to Retained Funds as these funds do not need to be surrendered to the National Revenue Fund.

3. Expenditure

3.1 Compensation of employees

3.1.1 Short term employee benefits

Salaries and wages comprises of payments to employees (including leave entitlements, thirteenth cheques and

performance bonuses). Salaries and wages are recognised as an expense in the statement of financial performance when final authorisation for payment is effected on the system (by no later than 31 March of each year). Capitalised compensation forms part of the expenditure for capital assets in the statement of financial performance.

All other payments are classified as current expense.

Short-term employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the Financial Statements. These amounts are not recognised in the statement of financial performance or position.

3.1.2 Post-retirement benefits

The Department provides retirement benefits (pension benefits) for certain of its employees through a defined benefit plan for government employees. These benefits are funded by both employer and employee contributions.

Employer contributions (i.e. social contributions) to the fund are expensed when the final authorisation for payment to the fund is effected on the system (by no later than 31 March of each year). No provision is made for retirement benefits in the Financial Statements of the Department. Any potential liabilities are disclosed in the Financial Statements of the National/ Provincial Revenue Fund and not in the Financial Statements of the employer Department.

The Department provides medical benefits for certain of its employees. Employer contributions to the medical funds are expensed when the final authorisation for payment to the fund is effected on the system (by no later than 31 March of each year).

3.1.3 Termination benefits

Termination benefits such as severance packages are recognised as an expense in the statement of financial performance as a transfer (to households) when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

3.1.4 Other long-term employee benefits

Other long-term employee benefits (such as capped leave) are recognised as an expense in the statement of financial performance as a transfer (to households) when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

Long-term employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the Financial Statements. These amounts are not recognised in the statement of financial performance or position.

3.2 Goods and services

Payments made for goods and/or services are recognised as an expense in the statement of financial performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year). The expense is classified as capital if the goods and services were used for a capital project or an asset of R5,000 or more was purchased. All assets costing less than R5,000 will also be reflected under goods and services.

3.3 Interest and rent on land

Interest and rental payments are recognised as an expense in the statement of financial performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year). This item excludes rental for the use of buildings or other fixed structures. If it is not possible to distinguish between payment for the use of land and the fixed structures on it, the whole amount should be recorded under goods and services.

3.4 Financial transactions in assets and liabilities

Debts are written off when identified as irrecoverable. Debts written-off are limited to the amount of savings and/or underspending of appropriated funds. The write-off occurs at year-end or when funds are available. No provision is made for irrecoverable amounts but amounts are disclosed as a disclosure note.

Forex losses are recognised on payment of funds.

All **other losses** are recognised when authorisation has been granted for the recognition thereof.

3.5 Unauthorised expenditure

When discovered, unauthorised expenditure is recognised as an asset in the statement of financial position until such time as the expenditure is either approved by the relevant authority, recovered from the responsible person or written off as irrecoverable in the statement of financial performance.

Unauthorised expenditure approved with funding is recognised in the statement of financial performance when the unauthorised

expenditure is approved and the related funds are received. Where the amount is approved without funding it is recognised as expenditure (subject to availability of savings) in the statement of financial performance on the date of approval.

3.6 Fruitless and wasteful expenditure

Fruitless and wasteful expenditure is recognised as an asset in the statement of financial position until such time as the expenditure is recovered from the responsible person or written off as irrecoverable in the statement of financial performance.

3.7 Irregular expenditure

Irregular expenditure is recognised as expenditure in the statement of financial performance. If the expenditure is not condoned by the relevant authority it is treated as an asset until it is recovered or written off as irrecoverable.

3.8 Transfers and subsidies

Transfers and subsidies are recognised as an expense when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

3.9 Expenditure for capital assets

Payments made for capital assets are recognised as an expense in the statement of financial performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

4. Assets

4.1 Cash and cash equivalents

Cash and cash equivalents are carried in the statement of financial position at cost.

For the purposes of the cash flow statement, cash and cash equivalents comprises of cash on hand, deposits held, other short-term highly liquid investments and bank overdrafts.

4.2 Other financial assets

Other financial assets are carried in the statement of financial position at cost.

4.3 Prepayments and advances

Amounts prepaid or advanced are recognised in the statement of financial position when the payments are made.

Pre-payments and advances outstanding at the end of the year are carried in the statement of financial position at cost.

4.4 Receivables

Receivables included in the statement of financial position arise from cash payments made that are recoverable from another party.

Receivables outstanding at year-end are carried in the statement of financial position at cost.

4.5 Investments

Capitalised investments are shown at cost in the statement of financial position. Any cash flows such as dividends received or proceeds from the sale of the investment are recognised in the statement of financial performance when the cash is received. Investments are tested for an impairment loss whenever events or changes in circumstances indicate that the investment may be impaired. Any loss is included in the disclosure notes.

4.6 Loans

Loans are recognised in the statement of financial position at the nominal amount when cash is paid to the beneficiary. Loan balances are reduced when cash repayments are received from the beneficiary. Amounts that are potentially irrecoverable are included in the disclosure notes.

Loans that are outstanding at year-end are carried in the statement of financial position at cost.

4.7 Inventory

Inventories purchased during the financial year are disclosed at cost in the notes.

4.8 Capital assets

A capital asset is recorded on receipt of the item at cost. Cost of an asset is defined as the total cost of acquisition. Where the cost cannot be determined accurately, the capital assets should be

stated at fair value. Where fair value cannot be determined, the capital asset is included in the asset register at R1.

Projects (of construction/development) running over more that one financial year relating to assets, are only capitalised as assets on completion of the project and at the total cost incurred over the duration of the project.

Disclosure Notes 30 and 31 reflect the total movement in the asset register for the current financial year.

5. Liabilities

5.1 Voted funds to be surrendered to the Revenue Fund

Unexpended appropriated funds are surrendered to the National Revenue Fund. Amounts owing to the National Revenue Fund at the end of the financial year are recognised in the statement of financial position.

5.2 Departmental revenue to be surrendered to the Revenue Fund

Amounts owing to the National Revenue Fund at the end of the financial year are recognised in the statement of financial position at cost.

5.3 Bank overdraft

The bank overdraft is carried in the statement of financial position at cost.

5.4 Payables

Recognised payables mainly comprise of amounts owing to other governmental entities. These payables are recognised at historical cost in the statement of financial position.

5.5 Contingent liabilities

Contingent liabilities are included in the disclosure notes.

5.6 Commitments

Commitments are not recognised in the statement of financial position as a liability or as expenditure in the statement of financial performance but are included in the disclosure notes.

5.7 Accruals

Accruals are not recognised in the statement of financial position as a liability or as expenditure in the statement of financial performance but are included in the disclosure notes.

5.8 Employee benefits

Short-term employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the Financial Statements. These amounts are not recognised in the statement of financial performance or the statement of financial position.

5.9 Lease commitments

Lease commitments are not recognised in the statement of financial position as a liability or as expenditure in the statement of financial performance but are included in the disclosure notes.

Operating and finance lease commitments are expensed when the payments are made. Assets acquired in terms of finance lease agreements are disclosed in the annexures and disclosure notes to the Financial Statements.

6. Receivables for departmental revenue

Receivables for departmental revenue are disclosed in the disclosure notes to the Annual Financial Statements.

7. Net Assets

7.1 Capitalisation reserve

The capitalisation reserve comprises of financial assets and/or liabilities originating in a prior reporting period but which are recognised in the statement of financial position for the first time in the current reporting period. Amounts are transferred to the National Revenue Fund on disposal, repayment or recovery of such amounts.

7.2 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.

8. Related party transactions

Specific information with regards to related party transactions is included in the disclosure notes.

9. Key management personnel

Compensation paid to key management personnel including their family members where relevant, is included in the disclosure notes.

10. Public private partnerships

A description of the PPP arrangement, contract fees, current and capital expenditure relating to the PPP arrangement are included in the disclosure notes.

Part 4a: Appropriation Statement

for the year ended 31 March 2008

Appropriation per programme

	2007/08							2006/07	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1. Administration									
Current payment	864,163		(26,187)	837,976	833,224	4,752	99.4	654,880	621,636
Transfers and subsidies	8,530		172	8,702	7,698	1,004	88.5	4,850	4,824
Payment for capital assets	13,259		62,141	75,400	69,372	6,028	92.0	53,895	10,402
2. Court Services									
Current payment	2,669,078		(99,411)	2,569,667	2,570,677	(1,010)	100.0	1,969,397	1,925,824
Transfers and subsidies	7,988		2,852	10,840	10,217	623	94.3	7,714	7,335
Payment for capital assets	478,604		12,129	490,733	369,124	121,609	75.2	856,601	573,067
3. State Legal Services									
Current payment	433,581		(39,095)	394,486	372,486	22,000	94.4	340,433	323,735
Transfers and subsidies	314		792	1,106	1,150	(44)	104.0	6,994	8,042
Payment for capital assets	9,730		2,587	12,317	3,855	8,462	31.3	7,468	3,269
4. Auxiliary and Associated Services									
Current payment	284,286		(40,013)	244,273	243,763	510	99.8	181,660	181,660
Transfers and subsidies	953,243		20,000	973,243	973,242	1	100.0	791,139	791,137
Payment for capital assets	11,200		47,458	58,658	58,689	(31)	100.1	18,531	18,531
Subtotal	5,733,976		(56,575)	5,677,401	5,513,497	163,904	97.1	4,893,562	4,469,462
Statutory Appropriation									
Current payment	1,203,342			1,203,342	1,155,886	47,456	96.1	1,071,056	1,062,385
Transfers and subsidies	63,176			63,176	28,641	34,535	45.3	-	36,904
Payment for capital assets								-	-
TOTAL	7,000,494		(56,575)	6,943,919	6,698,024	245,895	96.5	5,964,618	5,568,751
Reconciliation with Statement of Financial Performance									
Add:									
Prior year unauthorised expenditure approved with funding				46,565				-	
Departmental receipts				312,434				312,661	
Local and foreign aid assistance received				39,340				52,310	
Actual amounts per Statements of Financial Performance (Total revenue)				7,342,258				6,329,589	
Add:									
Local and foreign aid assistance					62,369				39,594
Prior year unauthorised expenditure approved					46,565				-
Prior year fruitless and wasteful expenditure authorised									
Actual amounts per Statements of Financial Performance (Total expenditure)					6,806,958				5,608,345

Part 4a: Appropriation Statement

for the year ended 31 March 2008

Appropriation per economic classification

	2007/08							2006/07	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payments									
Compensation of employees	1,953,769		15,982	1,969,751	1,952,340	17,411	99.1	1,596,130	1,572,366
Goods and services	2,297,339		(224,011)	2,073,328	2,064,784	8,544	99.6	1,547,704	1,477,956
Financial transactions in assets and liabilities	-		3,323	3,323	3,026	297	91.1	2,536	2,533
Transfers and subsidies									
Provinces and municipalities	-		-	-	-	-	-	1,566	1,127
Departmental agencies and accounts	957,453		20,000	977,453	977,098	355	100.0	795,110	795,109
Foreign governments and international organisations	4,220		-	4,220	3,573	647	84.7	3,644	4,724
Households	8,402		3,816	12,218	11,636	582	95.2	10,377	10,378
Payments for capital assets									
Buildings and other fixed structures	414,622		-	414,622	296,148	118,474	71.4	590,833	328,936
Machinery and equipment	97,521		123,197	220,718	203,780	16,938	92.3	324,535	255,207
Software and other intangible assets	650		1,118	1,768	1,112	656	62.9	21,127	21,126
Total	5,733,976		(56,575)	5,677,401	5,513,497	163,904	91.1	4,893,562	4,469,462

Statutory Appropriation

	2007/08							2006/07	
Details of direct changes against the National/ Provincial Revenue Fund	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Judges salaries	337,870			337,870	298,471	39,399		234,149	269,333
Magistrates salaries	928,648			928,648	886,056	42,592		836,907	829,956
Total	1,266,518			1,266,518	1,184,527	81,991		1,071,056	1,099,289

Part 4a: Appropriation Statement

for the year ended 31 March 2008

Programme 1: Administration

	2007/08							2006/07	
Programme per subprogramme	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1.1 Minister									
Current payment	938			938	2,004	(1,066)	213.6	1,249	1,249
1.2 Deputy Minister									
Current payment	762			762	1,401	(639)	183.9	229	228
1.3 Management									
Current payment	66,976		2,293	69,269	73,260	(3,991)	105.8	38,652	38,652
Transfers and subsidies	4,210		120	4,330	3,967	363	91.6	87	83
Payment for capital assets	2,565		-	2,565	751	1,814	29.3	1,874	1,874
1.4 Corporate Services									
Current payment	450,545		(40,482)	410,063	400,739	9,324	97.7	302,432	278,996
Transfers and subsidies	4,320		52	4,372	3,731	641	85.3	4,763	4,741
Payment for capital assets	10,694		62,141	72,835	68,621	4,214	94.2	52,021	8,528
1.5 Property Management									
Current payment	344,942		8,752	353,694	352,863	831	99.8	309,782	299,978
1.6 Special Function: Authorised Losses									
Current payment	-		3,250	3,250	2,957	293	91.0	2,536	2,533
Total	885,952	-	36,126	922,078	910,294	11,784	98.7	713,625	636,862

Part 4a: Appropriation Statement

for the year ended 31 March 2008

Programme 1: Administration

	2007/08							2006/07	
Economic Classification	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payment									
Compensation of employees	200,274		(29,013)	171,261	169,627	1,634	99.0	154,856	146,893
Goods and services	663,889		(429)	663,460	660,640	2,820	99.6	497,488	472,207
Financial transactions in assets and liabilities	-		3,255	3,255	2,957	298	90.8	2,536	2,533
Transfers and subsidies to:									
Provinces and municipalities	-		-	-	-	-	-	128	104
Departmental agencies and accounts	4,210			4,210	3,850	360	91.4	3,972	3,972
Foreign governments and international organisations	4,220			4,220	3,573	647	84.7	-	-
Households	100		172	272	275	(3)	101.1	750	750
Payment for capital assets									
Machinery and equipment	12,759		61,654	74,413	68,918	5,495	92.6	53,729	10,237
Software and other intangible assets	500		487	987	454	533	46.0	166	166
Total	885,952		36,126	922,078	910,294	11,784	98.7	713,625	636,862

Part 4a: Appropriation Statement

for the year ended 31 March 2008

Programme 2: Court Services

	2007/08							2006/07	
Programme per subprogramme	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
2.1 Constitutional Court									
Current payment	57,863		132	57,995	44,788	13,207	77.2	26,433	26,433
Transfers and subsidies	40			40	-	40	0.0	43	10
Payment for capital assets	980		916	1,896	945	951	49.8	735	734
2.2 Supreme Court of Appeal									
Current payment	14,845			14,845	12,668	2,177	85.3	11,845	11,844
Transfers and subsidies	51			51	30	21	58.8	12	3
Payment for capital assets	300			300	194	106	64.7	165	165
2.3 High Courts									
Current payment	173,352		33,331	206,683	223,520	(16,837)	108.1	212,932	212,932
Transfers and subsidies	774		131	905	1,020	(115)	112.7	381	405
Payment for capital assets	2,800		(627)	2,173	2,079	94	95.7	1,699	1,699
2.4 Specialised Courts									
Current payment	23,051		12,109	35,160	24,368	10,792	69.3	20,802	20,802
Transfers and subsidies	90		(50)	40	-	40	0.0	29	8
Payment for capital assets	-		216	216	375	(159)	173.6	102	102
2.5 Lower Courts									
Current payment	1,822,916		18,760	1,841,676	1,880,268	(38,592)	102.1	1,450,223	1,406,652
Transfers and subsidies	5,406		2,429	7,835	7,594	241	96.9	6,989	6,713
Payment for capital assets	21,346		3,987	25,333	31,080	(5,747)	122.7	224,926	203,290
2.6 Family Advocates									
Current payment	70,530		(5,252)	65,278	66,732	(1,454)	102.2	44,291	44,291
Transfers and subsidies	809		(46)	763	1	762	0.1	66	62
Payment for capital assets	970		55	1,025	558	467	54.4	457	457
2.7 Magistrates' Commission									
Current payment	7,458			7,458	7,176	282	96.2	4,695	4,694
Transfers and subsidies	-			-	468	(468)	-	7	5
Payment for capital assets	50			50	-	50	0.0	-	-
2.8 Government Motor Transport									
Payment for capital assets	30,306		(20)	30,286	27,786	2,500	91.7	24,273	24,273
2.9 Facilities Management									
Current payment	254,477		(170,252)	84,225	65,148	19,077	77.3	-	-
Payment for capital assets	414,622		5,988	420,610	295,982	124,628	70.4	585,555	323,658
2.10 Administration of Courts									
Current payment	244,586		11,741	256,327	245,989	10,338	96.0	198,176	198,176

Part 4a: Appropriation Statement

for the year ended 31 March 2008

Programme 2: Court Services

Programme per subprogramme	2007/08							2006/07	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Transfers and subsidies	818		388	1,206	1,104	102	91.5	187	129
Payment for capital assets	7,230		1,614	8,844	10,125	(1,281)	114.5	18,689	18,689
2.11 Special Function: Authorised Losses									
Current payment			20	20	20	-	100.0	-	-
Total	3,155,670	-	(84,430)	3,071,240	2,950,018	121,222	96.1	2,833,712	2,506,226

Programme 2: Court Services

Economic Classification	2007/08							2006/07	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payment									
Compensation of employees	1,401,540		97,155	1,498,695	1,497,792	903	99.9	1,159,816	1,159,816
Goods and services	1,267,538		(196,586)	1,070,952	1,072,865	(1,913)	100.2	809,581	766,011
Financial transactions in assets and liabilities	-		20	20	20	-	100.0	-	-
Transfers and subsidies to:									
Provinces and municipalities	-		-	-	-	-	-	1,218	825
Departmental agencies and accounts	-		-	-	6	(6)	-	-	-
Foreign governments and international organisations	-	-	-	-	-	-	-	-	11
Households	7,988		2,852	10,840	10,211	629	94.2	6,496	6,497
Payment for capital assets									
Buildings and other fixed structures	414,622		-	414,622	296,148	118,474	71.4	590,833	328,936
Machinery and equipment	63,882		11,629	75,511	72,446	3,065	95.9	247,164	225,526
Software and other intangible assets	100		500	600	530	70	88.3	18,604	18,604
Total	3,155,670	-	(84,430)	3,071,240	2,950,018	121,222	96.1	2,833,712	2,506,226

Part 4a: Appropriation Statement

for the year ended 31 March 2008

Programme 3: State Legal Services

	2007/08							2006/07	
Programme per subprogramme	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
3.1 Litigation and Legal Services									
Current payment	180,413		(24,460)	155,953	146,458	9,495	93.9	170,156	154,355
Transfers and subsidies	-		420	420	411	9	97.9	3,995	5,058
Payment for capital assets	235		2,800	3,035	1,854	1,181	61.1	1,109	1,110
3.2 Legislation and Constitutional Development									
Current payment	43,431		(8,282)	35,149	32,559	2,590	92.6	29,964	29,964
Transfers and subsidies	-		182	182	181	1	99.5	450	441
Payment for capital assets	730			730	250	480	34.2	392	393
3.3 Masters of the High Court									
Current payment	178,078		1,319	179,397	172,100	7,297	95.9	140,313	139,416
Transfers and subsidies	300		190	490	545	(55)	111.2	2,549	2,543
Payment for capital assets	8,235		(213)	8,022	1,647	6,375	20.5	5,967	1,766
3.4 State Law Advisors									
Current payment	31,659		(7,720)	23,939	21,320	2,619	89.1	-	-
Transfers and subsidies	14			14	13	1	92.9		
Payment for capital assets	530			530	104	426	19.6		
3.5 Special Function: Authorised Losses									
Current payment			48	48	49	(1)	102.1		
Total	443,625	-	(35,716)	407,909	377,491	30,418	92.5	354,895	335,046

Part 4a: Appropriation Statement

for the year ended 31 March 2008

Programme 3: State Legal Services

Economic Classification	2007/08							2006//07	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payment									
Compensation of employees	351,521		(52,070)	299,451	284,830	14,621	95.1	280,874	265,073
Goods and services	82,060		12,927	94,987	87,607	7,380	92.2	59,559	58,662
Financial transactions in assets and liabilities	-		48	48	49	(1)	102.1		
Transfers and subsidies to:									
Provinces and municipalities	-		-	-	-	-	-	219	198
Foreign governments and international organisations	-		-	-	-	-	-	3,644	4,713
Households	314		792	1,106	1,150	(44)	104.0	3,131	3,131
Payment for capital assets									
Machinery and equipment	9,680		2,456	12,136	3,727	8,409	30.7	7,420	3,221
Software and other intangible assets	50		131	181	128	53	70.7	48	48
Total	443,625	-	(35,716)	407,909	377,491	30,418	92.5	354,895	335,046

Programme 5: Auxiliary & Associated Services

Programme per sub-programme	2007/08							2006/07	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
4.1 Judicial Service Commission									
Current payment	-		-	-	324	(324)		970	970
4.2 Office for the Control of Interception and Monitoring of Communication									
Current payment	601		108	709	100	609	14.1	100	100
					1			1	
4.3 South African Human Rights Commission									
Transfers and subsidies	55,281		-	55,281	55,281	-	100.0	49,220	49,220
4.4 Commission on Gender Equality									
Transfers and subsidies	39,745		-	39,745	39,745	-	100.0	37,757	37,757
4.5 Special Investigating Unit									
Transfers and subsidies	98,111		5,000	103,111	103,111	-	100.0	55,582	55,582
4.6 Legal Aid Board									
Transfers and subsidies	598,029		15,000	613,029	613,029	-	100.0	501,409	501,409

Part 4a: Appropriation Statement

for the year ended 31 March 2008

Programme 5: Auxiliary & Associated Services

	2007/08							2006/07	
Programme per sub-programme	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
4.7 Public Protector									
Current payment	-		-	-	55	(55)		520	520
Transfers and subsidies	78,722		-	78,722	78,722	-	100.0	67,784	67,784
4.8 National Crime Prevention Strategy									
Current payment	283,685		(40,121)	243,564	243,284	280	99.9	180,070	180,070
Payment for capital assets	11,200		47,458	58,658	58,689	(31)	100.1	18,531	18,531
4.9 President's Fund									
Transfers and subsidies	1		-	1	-	1	0.0	1	-
4.10 Represented Political Parties Fund									
Transfers and subsidies	83,354		-	83,354	83,354	-	100.0	79,385	79,385
Total	1,248,729	-	27,445	1,276,174	1,275,695	480	100.0	991,330	991,328

Programme 5: Auxiliary & Associated Services

	2007/08							2006/07	
Economic Classification	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payment									
Compensation of employees	434		(90)	344	91	253	26.5	584	584
Goods and services	283,852		(39,923)	243,929	243,672	257	99.9	181,076	181,076
Transfers and subsidies to:									
Provinces and municipalities	-		-	-	-	-	-	1	-
Departmental agencies and accounts	953,243		20,000	973,243	973,242	1	100.0	791,138	791,137
Payment for capital assets									
Machinery and equipment	11,200		47,458	58,658	58,689	(31)	100.1	16,222	16,223
Software and other intangible assets	-		-	-	-	-	-	2,309	2,308
Total	1,248,729	-	27,445	1,276,174	1,275,694	480	100.0	991,330	991,328

Part 4a: Notes to the Appropriation Statement

for the year ended 31 March 2008

1. DETAIL OF TRANSFERS AND SUBSIDIES AS PER APPROPRIATION ACT (AFTER VIREMENT):

Detail of these transactions can be viewed in note 9 (Transfers and subsidies) and Annexure 1 (A-L) to the Annual Financial Statements.

2. DETAIL OF SPECIFICALLY AND EXCLUSIVELY APPROPRIATED AMOUNTS VOTED (AFTER VIREMENT):

Detail of these transactions can be viewed in note 1 (Annual Appropriation) to the Annual Financial Statements.

3. DETAIL ON FINANCIAL TRANSACTIONS IN ASSETS AND LIABILITIES

Detail of these transactions per programme can be viewed in note 8 (Financial transactions in assets and liabilities) to the Annual Financial Statements.

4. EXPLANATIONS OF MATERIAL VARIANCES FROM AMOUNTS VOTED (AFTER VIREMENT):

4.1 Per Programme:

	Final Appropriation	Actual Expenditure	Variance	Variance as a % of Final Appropriation
	R'000	R'000	R'000	%
Programme name				
Court Services	3,071,240	2,950,018	121,222	4%

Explanation of variance: Under spending since the provision of facilities for people with disability programme started late in the financial year. The amount is included in a request for roll over and commitments.

Programme name				
State Legal Services	407,909	377,491	30,418	7%

Explanation of variance: Under spending due to slow filling of vacancies which had a direct influence on the spending on goods and services as well as machinery and equipment.

Per Economic classification	Final Appropriation	Actual Expenditure	Variance	Variance as a % of Final Appropriation
	R'000	R'000	R'000	
Current payment:				
Compensation of employees	3,173,093	3,108,226	64,867	2.04
Goods and services	2,073,328	2,064,784	8,544	0.41
Financial transactions in assets and liabilities	3,323	3,026	297	8.94
Transfers and subsidies:				
Provinces and municipalities				
Departmental agencies and accounts	977,453	977,098	355	0.04
Foreign governments and international organisations	4,220	3,573	647	15.33
Households	75,394	40,277	35,117	46.58
Payments for capital assets:				
Buildings and other fixed structures	414,622	296,148	118,474	28.57
Machinery and equipment	220,718	203,780	16,938	7.67
Software and other intangible assets	1,768	1,112	656	37.10

Part 4a: Statement of Financial Performance

for the year ended 31 March 2008

	Note	2007/08 R'000	2006/07 R'000
REVENUE			
Annual appropriation	1	5,677,401	4,893,562
Statutory appropriation	2	1,266,518	1,071,056
Appropriation for unauthorised expenditure approved	10	46,565	-
Departmental revenue	3	312,434	312,661
Local and foreign aid assistance	4	39,340	52,310
TOTAL REVENUE		**7,342,258**	**6,329,589**
EXPENDITURE			
Current expenditure			
Compensation of employees	5	3,108,226	2,634,751
Goods and services	6	2,064,784	1,477,956
Financial transactions in assets and liabilities	7	3,026	2,533
Local and foreign aid assistance	4	30,247	39,594
Unauthorised expenditure approved	10	46,565	-
Total current expenditure		**5,252,848**	**4,154,834**
Transfers and subsidies	8	1.020,948	848,242
Expenditure for capital assets			
Buildings and other fixed structures	9	296,148	328,936
Machinery and equipment	9	203,780	255,207
Software and other intangible assets	9	1,112	21,126
Local and foreign aid assistance	4	32,122	-
Total expenditure for capital assets		**533,162**	**605,269**
TOTAL EXPENDITURE		**6,806,958**	**5,608,345**
		535,300	721,244
SURPLUS/(DEFICIT) FOR THE YEAR		**535,300**	**721,244**
Reconciliation of Surplus/(Deficit) for the year			
Voted Funds	14	245,895	395,867
Departmental Revenue	15	312,434	312,661
Local and foreign aid assistance	4	(23,029)	12,716
SURPLUS/(DEFICIT) FOR THE YEAR		**535,300**	**721,244**

Part 4a: Statement of Financial Position

ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2008

	Note	2007/08 R'000	2006/07 R'000
ASSETS			
Current assets		314,934	424,153
Unauthorised expenditure	10	139,052	185,617
Cash and cash equivalents	11	12,683	2,698
Voted funds to be received from National Revenue Fund	14	-	65,610
Prepayments and advances	12	2,481	2,189
Receivables	13	160,718	168,039
TOTAL ASSETS		**314,934**	**424,153**
LIABILITIES			
Current liabilities		305,328	415,117
Voted funds to be surrendered to the Revenue Fund	14	245,895	-
Departmental revenue to be surrendered to the Revenue Fund	15	14,426	4,770
Bank overdraft	16	-	368,351
Payables	17	30,493	4,453
Local and foreign aid assistance repayable	4	-	218
Local and foreign aid assistance unutilised	4	14,514	37,325
TOTAL LIABILITIES		**305,328**	**415,117**
NET ASSETS		**9,606**	**9,036**
Represented by:			
Recoverable revenue		9,606	9,036
TOTAL		**9,606**	**9,036**

Part 4a: Statement of Changes in Net Assets

for the year ended 31 March 2008

	Note	2007/08 R'000	2006/07 R'000
Recoverable revenue			
Opening balance		9,036	8,940
Transfers		570	96
Debts recovered (included in departmental revenue)		(4,768)	(2,764)
Debts raised		5,338	2,860
Closing balance		9,606	9,036
TOTAL		**9,606**	**9,036**

Part 4a: Cash Flow Statement

ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2008

	Note	2007/08 R'000	2006/07 R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts		7,342,258	5,868,112
Annual appropriated funds received	1.1	5,677,401	4,432,085
Statutory appropriated funds received		1,266,518	1,071,056
Appropriation for unauthorised expenditure received	10	46,565	
Departmental revenue received	3	312,434	312,661
Local and foreign aid assistance received	4	39,340	52,310
Net (increase)/decrease in working capital		79,634	16,762
Surrendered to Revenue Fund		(237,168)	(384,043)
Current payments		(5,252,848)	(4,154,834)
Transfers and subsidies paid		(1,020,948)	(848,242)
Net cash flow available from operating activities	**18**	**910,928**	**497,755**
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for capital assets		(533,162)	(605,269)
Net cash flows from investing activities		**(533,162)**	**(605,269)**
CASH FLOWS FROM FINANCING ACTIVITIES			
Increase/(decrease) in net assets		570	96
Net cash flows from financing activities		**570**	**96**
Net increase/(decrease) in cash and cash equivalents		378,336	(107,418)
Cash and cash equivalents at the beginning of the period		(365,653)	(258,235)
Cash and cash equivalents at end of period	**19**	**12,683**	**(365,653)**

1. ANNUAL APPROPRIATION

1.1 Annual Appropriation

Included are funds appropriated in terms of the Appropriation Act for National Departments (Voted funds excluding NPA)

	Final Appropriation	Actual Funds Received	Funds not requested/ not received	Appropriation received 2006/07
	R'000	R'000	R'000	R'000
Administration	922,078	922,078	-	713,625
Court Services	3,071,240	3,071,240	-	2,372,235
State Legal Services	407,909	407,909	-	354,895
Auxiliary & Associated Services	1,276,174	1,276,174	-	991,330
Amount not requested in Previous year (see note 14)			-	461,477
Total	**5,677,401**	**5,677,401**	**-**	**4,893,562**

2. STATUTORY APPROPRIATION

	2007/08	2006/07
	R'000	R'000
Judges' and Magistrates' salaries	1,266,518	1,071,056
Total	**1,266,518**	**1,071,056**
Actual Statutory Appropriation received	1,266,518	1,071,056

3. DEPARTMENTAL REVENUE

	Note	2007/08	2006/07
		R'000	R'000
Sales of goods and services other than capital assets	3.1	14,027	9,941
Fines, penalties and forfeits		*238,025	262,616
Interest, dividends and rent on land	3.2	48,700	13,036
Financial transactions in assets and liabilities	3.3	11,682	27,068
Total revenue collected		312,434	312,661
Departmental revenue collected		**312,434**	**312,661**

* Revenue from non exchange transactions included in departmental revenue. Guidance for proper accounting is awaited from National Treasury since GRAP 23 is not yet approved for implementation.

3.1 Sales of goods and services other than capital assets

	2007/08	2006/07
	R'000	R'000
Sales of goods and services produced by the department	14,027	9,935
Sales by market establishment	14,027	9,935
Sales of scrap, waste and other used current goods	-	6
Total	**14,027**	**9,941**

3.2 Interest, dividends and rent on land and buildings

	2007/08 R'000	2006/07 R'000
Interest	48,700	13,036
Total	**48,700**	**13,036**

3.3 Financial transactions in assets and liabilities

Nature of recovery

	2007/08 R'000	2006/07 R'000
Other Receipts including Recoverable Revenue	11,682	27,068
Total	**11,682**	**27,068**

4. LOCAL AND FOREIGN AID ASSISTANCE

Assistance received in cash from RDP

	2007/08 R'000	2006/07 R'000
Foreign		
Opening Balance	37,543	24,827
Revenue	39,340	52,310
Expenditure	(62,369)	(39,594)
Current	30,247	39,594
Capital	32,122	
Closing Balance	**14,514**	**37,543**
Total assistance		
Opening Balance	37,543	24,827
Revenue	39,340	52,310
Expenditure	(62,369)	(39,594)
Current	30,247	39,594
Capital	32,122	-
Closing Balance	**14,514**	**37,543**
Analysis of balance		
Local and foreign aid unutilised	14,514	37,325
Local and foreign aid payable to RDP fund/donors	-	218
Closing balance	**14,514**	**37,543**

5. COMPENSATION OF EMPLOYEES

5.1 Salaries and Wages

	2007/08	2006/07
	R'000	R'000
Basic salary	2,244,051	1,849,700
Performance award	23,521	21,507
Service based	10,440	8,538
Compensative/circumstantial	18,438	14,565
Periodic payments	11,018	21,589
Other non-pensionable allowances	457,486	415,904
Total	**2,764,954**	**2,331,803**

5.2 Social contributions

		2007/08	2006/07
		R'000	R'000
5.2.1	Employer contributions		
	Pension	224,534	204,746
	Medical	118,264	97,783
	UIF	14	4
	Bargaining council	460	414
	Official unions and associations	-	1
	Total	**343,272**	**302,948**
Total compensation of employees		**3,108,226**	**2,634,751**
Average number of employees		18,702	15,925

Statutory Compensation included

6. GOODS AND SERVICES

	Note	2007/08	2006/07
		R'000	R'000
Advertising		22,121	19,210
Attendance fees (including registration fees)		2,070	2,340
Bank charges and card fees		1,452	1,509
Bursaries (employees)		5,354	2,556
Catering		7,855	-
Communication		117,275	101,566
Computer services		240,156	160,114
Consultants, contractors and special services		248,301	129,797
Courier and delivery services		1,635	1,021
Tracing agents & Debt collections		685	229
Drivers' licences and permits		172	136
Entertainment		435	5,598
External audit fees	6.1	19,058	16,208
Equipment less than R5000		58,190	40.392
Freight service		469	479

	Note	2007/08 R'000	2006/07 R'000
Inventory	6.2	103,276	108,909
Legal fees		41,460	36,787
Maintenance, repairs and running costs		76,006	34,206
Medical Services		26,820	27,392
Municipal Services		90,846	83,076
Operating Leases		286,656	241,415
Photographic services		39	35
Plant flowers and other decorations		451	282
Printing and publications		13,701	14,776
Professional bodies and membership fees		690	379
Resettlement costs		9,772	9,645
Roadworthy tests		-	1
Subscriptions		75,635	453
Storage of furniture		785	875
System access fees		3	-
Owned and leasehold property expenditure		191,963	114,450
Translations and transcriptions		23,137	35,539
Transport provided as part of the departmental activities		15	21
Travel and subsistence	6.3	322,751	232,817
Venues and facilities		20,644	10,452
Protective, special clothing & uniforms		1,558	1,387
Training & staff development		13,054	7,787
Witness and related fees		40,294	36,117
Total		**2,064,784**	**1,477,956**

6.1 External audit fees

	2007/08 R'000	2006/07 R'000
Regulatory audits	18,165	15,600
Performance audits	217	42
Other audits	676	566
Total	**19,058**	**16,208**

6.2 Inventory

	2007/08 R'000	2006/07 R'000
Construction work in progress	-	4
Domestic consumables	729	387
Fuel, oil and gas	101	-
Other consumables	11	14
Parts and other maintenance material	1,120	406
Stationery and printing	101,315	108,098
Total	**103,276**	**108,909**

6.3 Travel and subsistence

	2007/08 R'000	2006/07 R'000
Local	313,104	227,973
Foreign	9,647	4,844
Total	**322,751**	**232,817**

7. FINANCIAL TRANSACTIONS IN ASSETS AND LIABILITIES

	Note	2007/08 R'000	2006/07 R'000
Material losses through criminal conduct		1,600	1,155
- Theft	7.4	312	1,058
- Other material losses	7.1	1,288	97
Other material losses written off	7.2	934	407
Debts written off	7.3	492	971
Total		**3,026**	**2,533**

7.1 Other material losses

Incident	Disciplinary Steps taken/ Criminal proceedings	2007/08 R'000	2006/07 R'000
Cheque fraud	Guardians' Fund cheques was fraudulently deposited and cashed. Loss was investigated by SAPS. The loss could not be recovered.	1,288	97
Total		**1,288**	**97**

7.2 Other material losses written off

	2007/08 R'000	2006/07 R'000
Irrecoverable losses	531	-
Lost of documentation	-	32
Civil actions	175	238
Damage to vehicles	170	61
State Money - Shortages	58	76
Total	**934**	**407**

7.3 Debts written off

	2007/08 R'000	2006/07 R'000
Nature of debts written off		
Staff debts (Prescribed staff debts)	492	971
Other	-	-
Total	**492**	**971**

7.4 Detail of theft

	2007/08	2006/07
	R'000	R'000
Burglaries	195	976
Theft	117	82
Total	**312**	**1,058**

8. TRANSFERS AND SUBSIDIES

		2007/08	2006/07
		R'000	R'000
	Note		
Provinces and municipalities	Annex 1A	-	1,963
Departmental agencies and accounts	Annex 1B	977,098	795,109
Foreign governments and international organisations	Annex 1C	3,573	4,724
Households	Annex 1D	40,277	46,446
Total		**1,020,948**	**848,242**

9. EXPENDITURE FOR CAPITAL ASSETS

		2007/08	2006/07
		R'000	R'000
Buildings and other fixed structures	29	296,148	328,936
Machinery and equipment	29	203,780	255,207
Software and other intangible assets		1,112	21,126
Computer software	30	1,112	21,126
Total		**501,040**	**605,269**

10. UNAUTHORISED EXPENDITURE

10.1 Reconciliation of unauthorised expenditure

	2007/08	2006/07
	R'000	R'000
Opening balance	185,617	185,617
Amounts approved by Parliament (with funding)	(46,565)	
Current expenditure	(46,565)	-
Transfers and subsidies	-	-
Expenditure for capital assets	-	-
Unauthorised expenditure awaiting authorisation / funding	**139,052**	**185,617**

Analysis of Current Unauthorised expenditure

Incident	Disciplinary steps taken/criminal proceedings	2007/08 R'000
In 1999/2000 personnel expenditure increased without the prior approval of National Treasury.	Approved by SCOPA on 13 March 2008. Awaiting the Finance Act to finalise the transaction.	5,200
In 1999/2000 the State Tender Board directives not adhered to by the Witness Protection Unit.	Approved by SCOPA on 13 March 2008. Awaiting the Finance Act to finalise the transaction.	844
In 2001/02 overspending on a programme.	Approved by SCOPA on 13 March 2008. Awaiting the Finance Act to finalise the transaction.	23,885
In 2002/03 overspending on Voted Funds.	Approved by SCOPA on 13 March 2008. Awaiting the Finance Act to finalise the transaction.	109,123
Total		**139,052**

11. CASH AND CASH EQUIVALENTS

	2007/08 R'000	2006/07 R'000
Consolidated Paymaster-General Account	9,805	-
Cash receipts	(31)	-
Disbursements	(10)	-
Cash on hand	2,919	2,698
Total	**12,683**	**2,698**

12. PREPAYMENTS AND ADVANCES

	2007/08 R'000	2006/07 R'000
Travel and subsistence	2,481	2,189
Total	**2,481**	**2,189**

13. RECEIVABLES

		Less than one year	One to three years	Older than three years	2007/08 Total	2006/07 Total
	Note	R'000	R'000	R'000	R'000	R'000
Private enterprises	13.1	1,929	-	-	1,929	747
Staff debtors	13.2	3,519	4,840	10,569	18,928	18,335
Other debtors	13.3	3,025	4,542	13,416	20,983	21,769
Intergovernmental receivables	Annex 4	99,029	19,171	678	118,878	127,188
Total		**107,502**	**28,553**	**24,663**	**160,718**	**168,039**

13.1 Private enterprises

	2007/08 R'000	2006/07 R'000
VAT Clearing Account	1,929	747
Total	**1,929**	**747**

13.2 Staff Debtors

	2007/08	2006/07
	R'000	R'000
In-Service Debt	5,501	7,264
Out of Service Debt	13,427	11,071
Total	**18,928**	**18,335**

13.3 Other debtors

	2007/08	2006/07
	R'000	R'000
Disallowance accounts	20,236	20,982
Salary Suspense Accounts	747	787
Total	**20,983**	**21,769**

14. VOTED FUNDS TO BE SURRENDERED TO THE REVENUE FUND

		2007/08	2006/07
		R'000	R'000
Opening balance		(65,610)	64,604
Transfer from Statement of Financial Performance		245,895	395,867
Voted funds not requested/not received	14.1	-	(461,477)
Paid/received during the year		65,610	(64,604)
Closing balance		**245,895**	**(65,610)**

14.1 Voted funds not requested/not received

	2007/08	2006/07
	R'000	R'000
Funds to be rolled over	-	391,168
Funds not to be requested	-	70,309
	-	**461,477**

15. DEPARTMENTAL REVENUE TO BE SURRENDERED TO THE REVENUE FUND

	2007/08	2006/07
	R'000	R'000
Opening balance	4,770	11,548
Transfer from Statement of Financial Performance	312,434	312,661
Paid during the year	(302,778)	(319,439)
Closing balance	**14,426**	**4,770**

16. BANK OVERDRAFT

	2007/08	2006/07
	R'000	R'000
Consolidated Paymaster General Account	-	368,351
Total	**-**	**368,351**

17. PAYABLES – CURRENT

Description	Notes	30 Days	30+ Days	2007/08 Total	2006/07 Total
		R'000	R'000	R'000	R'000
Advances received	17.1	858	-	858	-
Clearing accounts	17.2	1,358	42	1,400	1,430
Other payables	17.3	28,235	-	28,235	3,023
Total		**30,451**	**42**	**30,493**	**4,453**

17.1 Advances received

	2007/08	2006/07
	R'000	R'000
Western Cape for Agency Services	858	-
Total	**858**	**-**

17.2 Clearing accounts

	2007/08	2006/07
	R'000	R'000
Salary Control Accounts	1,322	1,320
Overseas Maintenance	78	110
Total	**1,400**	**1,430**

17.3 Other payables

	2007/08	2006/07
	R'000	R'000
NPA Virement still to be paid	26,575	3,023
Commission on Gender Equality. Surplus to be surrendered to National Treasury	1,660	-
Total	**28,235**	**3,023**

18. NET CASH FLOW AVAILABLE FROM OPERATING ACTIVITIES

	2007/08	2006/07
	R'000	R'000
Net surplus/(deficit) as per Statement of Financial Performance	535,300	721,244
Add back non-cash/cash movements not deemed operating activities	375,628	(223,489)
(Increase)/decrease in receivables – current	7,321	13,698
(Increase)/decrease in prepayments and advances	(292)	(195)
(Increase)/decrease in other current assets	46,565	-
Increase/(decrease) in payables – current	26,040	3,259
Expenditure on capital assets	533,162	605,269
Surrenders to Revenue Fund	(237,168)	(384,043)
Voted funds not requested/not received	-	(461,477)
Net cash flow generated by operating activities	**910,928**	**497,755**

19. RECONCILIATION OF CASH AND CASH EQUIVALENTS FOR CASH FLOW PURPOSES

	2007/08	2006/07
	R'000	R'000
Consolidated Paymaster-General account	9,805	(368,351)
Cash receipts	(31)	-
Disbursements	(10)	-
Cash on hand	2,919	2,698
Total	**12,683**	**(365,653)**

These amounts are not recognised in the Annual Financial Statements and are disclosed to enhance the usefulness of the Annual Financial Statements.

20. CONTINGENT LIABILITIES

Liable to	Nature	Note	2007/08 R'000	2006/07 R'000
Motor vehicle guarantees	Employees	Annex 3A	315	679
Housing loan guarantees	Employees	Annex 3A	17,021	18,150
Claims against the department		Annex 3B	2,915,053	2,371,278
Other departments (interdepartmental unconfirmed balances)		Annex 5	36,735	4,137
Total			**2,969,124**	**2,394,244**

Third Party Funds: The Department is responsible for the administration of Third Party Funds and the expenditure incurred in this regard is charged against the Vote. Third Party Funds are accounted for separately. There exists a possible liability against the Department in respect of shortages and losses deriving from the administration of these funds.

Guardian's Fund: The Department is responsible for the administration of the Guardian's Fund and the expenditure incurred in this regard is charged against the Vote. Guardian's Fund are accounted for separately. There exists a possible liability against the Department in respect of shortages and losses deriving from the administration of these funds.

The recorded losses in Funds are as follow:

- TBVC short fall R38,158,186

Housing loan guarantees: The Department is of the opinion that, due to the continuous increases in property market values, the risk of the housing loans collateral (which is covered by employees pension benefits) not being honoured, is minimal.

21. COMMITMENTS

	2007/08 R'000	2006/07 R'000
Current expenditure		
Approved and contracted	259,146	86,144
Approved but not yet contracted	1,428	6,261
	260,574	**92,405**
Capital expenditure		
Approved and contracted	62,497	324,721
Approved but not yet contracted	5,251	1,799
	67,748	**326,520**
Total Commitments	**328,322**	**418,925**

22. ACCRUALS

			2007/08	2006/07
Listed by economic classification				
	30 Days	30+ Days	Total	Total
	R'000	R'000	R'000	R'000
Compensation of employees		8,621	8,621	2,389
Goods and services	49,378	95,720	145,098	37,627
Transfers and subsidies	-	-	-	1
Buildings and other fixed structures	556	-	556	-
Machinery and equipment	2,865		2,865	3,372
Software and other intangible assets	5,638	-	5,638	-
Total	**58,437**	**104,341**	**162,778**	**43,389**
Listed by programme level				
Programme 1: Administration			29,784	3,036
Programme 2: Administration of Courts			128,844	35,382
Programme 3: State Legal Services			4,150	1,346
Programme 4: Auxiliary and Associated Services			-	3,625
			162,778	**43,389**
Confirmed balances with departments		Annex 5	28,426	2,716
			28,426	**2,716**

23. EMPLOYEE BENEFIT PROVISIONS

	2007/08	2006/07
	R'000	R'000
Leave entitlement	83,914	45,485
Thirteenth cheque	85,704	76,814
Performance awards	26,928	20,127
Capped leave commitments	203,271	198,552
Total	**399,817**	**340,978**

24. LEASE COMMITMENTS

24.1 Operating leases

2007/08	Land	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000
Not later than 1 year	-	-	-	-
Later than 1 year and not later than 5 years	-	-	1,506	1,506
Later than five years	-	-	-	-
Total present value of lease liabilities	**-**	**-**	**1,506**	**1,506**

2006/07	Land	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000
Not later than 1 year	-	-	-	-
Later than 1 year and not later than 5 years	-	-	2,191	2,191
Later than five years	-	-	-	-
Total present value of lease liabilities	**-**	**-**	**2,191**	**2,191**

24.2 Finance leases

2007/08	Land	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000
Not later than 1 year	-	-	11,447	11,447
Later than 1 year and not later than 5 years	-	-	10,283	10,283
Later than five years	-	-	-	-
Total present value of lease liabilities	**-**	**-**	**21,730**	**21,730**
Analysis				
Condoned	-	-	21,730	21,730
Not condoned	-	-	-	-
Total	**-**	**-**	**21,730**	**21,730**

2006/07	Land	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000
Not later than 1 year	-	-	18,760	18,760
Later than 1 year and not later than 5 years	-	-	12,601	12,601
Later than five years	-	-	29,247	29,247
Total present value of lease liabilities	**-**	**-**	**60,608**	**60,608**
Analysis				
Condoned	-	-	60,608	60,608
Not condoned	-	-	-	-
Total	**-**	**-**	**60,608**	**60,608**

25. RECEIVABLES FOR DEPARTMENTAL REVENUE

	2007/08	2006/07
	R'000	R'000
Interest, dividends and rent on land	*358	358
Other	^ 147,702	92,039
Total	**148,060**	**92,397**

* In the financial year ended 31 March 2003 the Department provided R 94,814,520 to SITA to fund the development of a Virtual Private Network (VPN). This payment was, in consultation with National Treasury and the Auditor-General, recorded as an expense in the financial year ended 31 March 2003. In terms of the agreement signed on transfer of funds, the DoJ&CD would earn interest on the outstanding

amount. SITA would repay the capital amount outstanding by providing services which would be set off against the outstanding capital amount.

As at the end of the current financial year, the balances outstanding are as follows:

Outstanding capital at the end of the year	166
Interest outstanding from SITA to be repaid to the Revenue Fund	358

^ Unauthorised expenditure (R 139,053) has been approved by the Standing Committee on Public Accounts on 13 March 2008. The approved amount still needs to be included in the Finance Act for finalisation of the transaction.

Donor Funding – Grants to the amount of R8, 649 (Ireland) is still available in the RDP Fund but not requested as at 31 March 2008.

26. IRREGULAR EXPENDITURE

26.1 Reconciliation of irregular expenditure

	2007/08	2006/07
	R'000	R'000
Opening balance	77,797	54,360
Add: Irregular expenditure – current year	99,111	23,437
Less: Amounts condoned	82,237	-
Current expenditure	82,237	-
Irregular expenditure awaiting condonement	**94,671**	**77,797**
Current expenditure	94,671	77,797

26.2 Analysis of awaiting condonement per classification

Current	71,669	23,437
Prior years	23,002	54,360
Total	**94,671**	**77,797**

26.3 Irregular expenditure

Incident	Disciplinary steps taken/criminal proceedings	2007/08	2006/07
		R'000	R'000
Personnel expenditure increased without obtaining National Treasury approval.	Condoned by National Treasury.	-	54,360
Non-compliance with Treasury Regulations in the procurement of services.	Matter finalised and official dismissed.	-	349
Non-compliance with Treasury Regulations in the procurement of services.	Official received final written warning.	13,241	13,241
Non-compliance with Treasury Regulations in the procurement of services.	Condoned	-	85
Non-adherence to Public Service Regulations.	Matter to be referred to relevant authority for condonation.	284	284
Non-compliance with Treasury Regulations in the procurement of services.	Forensic investigation done. Official suspended.	9,478	9,478
Non-compliance with Treasury Regulations in the procurement of services.	Matter to be referred to relevant authority for condonation.	14,217	-
Irregular expenditure is technical of nature and resulted from the application of delegations issued in terms of the State Tender Board Act being applied in Supply Chain Management framework for the period 5 December 2003 to 6 July 2006.	Matter to be referred to relevant authority for condonation.	57,451	-
Expenditure incurred in respect of a finance lease in contradiction with Treasury Regulations.	R 27,4 million condoned with Circular 5 of 2006/07 from National Treasury.	-	-
		94,671	**77,797**

In addition to the above is an amount of R4,2 million (2006/07: R5,5 million) relating to prior year irregular expenditure, remains under investigation at year end.

27. RELATED PARTY TRANSACTIONS

The public entities mentioned in paragraph 6 of the Report of the Accounting Officer are related parties.

28. KEY MANAGEMENT PERSONNEL

	No. of Individuals	2007/08	2006/07
		R'000	R'000
Officials			
Level 15 to 16 (EXCO members)	15	11,125	10,177
Total		**11,125**	**10,177**

29. PROVISIONS

29.1 Potential irrecoverable debts

	2007/08	2006/07
	R'000	R'000
Staff debtors	6,856	1,845
Other debtors	13,949	1,270
Total	**20,805**	**3,115**

29.2 Provisions

	R'000	R'000
Occupational Specific Dispensation for legally qualified professionals	182,214	
Total	**182,214**	

30. TANGIBLE CAPITAL ASSETS

MOVEMENT IN TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2008

	Opening balance	Current Year Adjustments to prior year balances	Additions	Disposals	Closing Balance
	Cost	Cost	Cost	Cost	Cost
	R'000	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	**535,622**	**(168,886)**	**211,103**	**148**	**577,691**
Transport assets	48,129	(11,682)	14,441	-	50,888
Computer equipment	269,359	(132,922)	163,404	58	299,783
Furniture and office equipment	218,134	(24,282)	33,258	90	227,020
TOTAL TANGIBLE ASSETS	**535,622**	**^(168,886)**	**211,103**	**148**	**577,691**

The assets reflected above constitute assets above R5,000 (major assets) as required by the accounting policy on asset registers. The Department also keeps record of assets less than R5,000 (minor assets).

The asset register excludes leased assets. A separate register is kept for all leased assets. Leased assets amount to R51 million, which represents the present value of the minimum lease payments.

^ Current year adjustments relate mainly to the application of R5,000 threshold limit applied consistently. The assets are reflected on the asset register as minor assets.

30.1 ADDITIONS TO TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2008

	Cash	Non-cash	(Capital Work in Progress current costs)	Received current, not paid (Paid current year, received prior year)	Total
	Cost	Fair Value	Cost	Cost	Cost
	R'000	R'000	R'000	R'000	R'000
BUILDING AND OTHER FIXED STRUCTURES	**296,148**		**296,148**		**-**
Dwellings	11,106		(11,106)		-
Non-residential buildings	285,042		(285,042)		-

	Cash	Non-cash	(Capital Work in Progress current costs)	Received current, not paid (Paid current year, received prior year)	Total
	Cost	Fair Value	Cost	Cost	Cost
	R'000	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	**203,780**	**7,323**			**211,103**
Transport assets	33,330	(18,889)			14,441
Computer equipment	138,861	24,543			163,404
Furniture and office equipment	31,589	1,669			33,258
TOTAL	**499,928**	**7,323**	**296,148**	**-**	**211,103**

* Additions for buildings and fixed structures above are not included in the Department's asset register as these buildings belong to the Department of Public Works and hence will be included in their asset register.

^ Additions for transport assets include payments to Government Garage for motor vehicles, which belong to the Government Garage and are not included in the Department's asset register but will be included in the register of Government Garage.

30.2 DISPOSALS OF TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2008

	Sold for Cash	Non-Cash	Total Cost	Cash Received Actual
	Cost	Fair Value	Cost	Cost
	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	**-**	**148**	**148**	**-**
Computer equipment	-	58	58	-
Furniture and office equipment	-	90	90	-
TOTAL	**-**	**148**	**148**	**-**

30.3 MOVEMENT IN TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2007

	Opening balance	Additions	Disposals	Closing balance
	Cost	Cost	Cost	Cost
	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	**342,856**	**193,388**	**622**	**535,622**
Transport assets	25,179	22,950		48,129
Computer equipment	110,010	159,941	592	269,359
Furniture and Office equipment	207,667	10,497	30	218,134
TOTAL TANGIBLE ASSETS	**342,856**	**193,388**	**622**	**535,622**

31. INTANGIBLE CAPITAL ASSETS

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2008

	Opening balance	Current Year Adjustments to prior year balances	Additions	Disposals	Closing Balance
	Cost	Cost	Cost	Cost	Cost
	R'000	R'000	R'000	R'000	R'000
COMPUTER SOFTWARE	29,930	(526)	445	-	29,849
TOTAL INTANGIBLE ASSETS	**29,930**	**(526)**	**445**	**-**	**29,849**

31.1 ADDITIONS TO INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2008

	Cash	Non-Cash	(Development work in progress – current costs)	Received current year, not paid (Paid current year, received prior year)	Total
	Cost	Fair Value	Cost	Cost	Cost
	R'000	R'000	R'000	R'000	R'000
COMPUTER SOFTWARE	1,112	(667)	-	-	445
TOTAL	**1,112**	**(667)**	**-**	**-**	**445**

31.2 MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2007

	Opening balance	Additions	Disposals	Closing balance
	Cost	Cost	Cost	Cost
	R'000	R'000	R'000	R'000
COMPUTER SOFTWARE	453	29,477		29,930
TOTAL INTANGIBLE ASSETS	**453**	**29,477**	-	**29,930**

ANNEXURE 1A

STATEMENT OF UNCONDITIONAL GRANTS AND TRANSFERS TO MUNICIPALITIES

NAME OF MUNICIPALITY	GRANT ALLOCATION				TRANSFER		SPENT			2006/07
	Amount	Roll-Overs	Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	Amount received by municipality	Amount spent by municipality	% of available funds spent by municipality	Total Available
	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	%	R'000
Regional Services – Council Levies	-	-	-	-	-	-	-	-	-	1,963
	-	-	-	-	-	-	-	-	-	**1,963**

ANNEXURE 1B

STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS

DEPARTMENT/ AGENCY/ ACCOUNT	TRANSFER ALLOCATION				TRANSFER		2006/07
	Adjusted Appropriation Act	Roll-Overs	Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	Appropriation Act
	R'000	R'000	R'000	R'000	R'000	%	R'000
Human Rights Commission	55,281	-	-	55,281	55,281	100	49,220
Legal Aid Board	598,029	-	15,000	613,029	613,029	100	501,409
Special Investigating Unit	98,111	-	5,000	103,111	103,111	100	55,582
Commission on Gender Equality	39,745	-	-	39,745	39,745	100	37,757
Public Protector	78,722	-	-	78,722	78,722	100	67,784
Representative Political Parties Fund	83,354	-	-	83,354	83,354	100	79,385
President's Fund	1	-	-	1	-	0	
Educ,Train & Dev Prac Sec E&T Auth	4,210	-	-	4,211	3,856	91.6	3,972
	957,453		**20,000**	**977,454**	**977,098**		**795,109**

ANNEXURE 1C

STATEMENT OF TRANSFERS TO FOREIGN GOVERNMENT AND INTERNATIONAL ORGANISATIONS

FOREIGN GOVERNMENT/ INTERNATIONAL ORGANISATION	TRANSFER ALLOCATION				EXPENDITURE		2006/07
	Adjusted Appropriation Act	Roll-overs	Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	Appropriation Act
	R'000	R'000	R'000	R'000	R'000	%	R'000
Transfers							
Sub Fees: Unidroit							201
Sub Fees: Hague Convention							455
Sub Fees: International Criminal Court	4,220	-	-	4,220	3,573	84.7	4,068
	4,220	-	-	**4,220**	**3,573**	**84.7**	**4,724**

ANNEXURE 1D

STATEMENT OF TRANSFERS TO HOUSEHOLDS

HOUSEHOLDS	TRANSFER ALLOCATION				EXPENDITURE		2006/07
	Adjusted Appropriation Act	Roll-Overs	Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	Appropriation Act
	R'000	R'000	R'000	R'000	R'000	%	R'000
Transfers							
Household: Employee Social Benefit	71,578	-	3,147	74,725	39,608	53.0	49,292
Household: Claims against the State	-	-	496	496	496	100.0	-
Household: Ex Gratia payments	-	-	129	129	129	100.0	154
Household: State Vehicles and car rental	-	-	44	44	44	100.0	-
	71,578	**-**	**3,816**	**75,394**	**40,277**		**49,446**

Household: Employee Benefits includes the following:

Vote = R11, 635

Statutory: R28, 641

ANNEXURE 1E

STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2007/08	2006/07
		R'000	R'000
Received in cash			
Law Society	Improving Library facilities	5	-
City of Cape Town	Funding of Municipal Courts	1,328	1,046
Donations & Gifts	Children's Christmas party	10,500	
		11,833	**1,046**
Received in kind			
Mosaik Church	Upgrading children's intermediary room, awaiting & interrogation room	15,000	-
		26,833	**1,046**

ANNEXURE 1F

STATEMENT OF LOCAL AND FOREIGN AID ASSISTANCE RECEIVED

NAME OF DONOR	PURPOSE	OPENING BALANCE	REVENUE	EXPENDITURE	CLOSING BALANCE
		R'000	R'000	R'000	R'000
Received in cash					
Commission of European Community	Sectoral Budget support	34,322	36,840	60,595	10,567
Irish Masters	Master's Office project	3,003	-	818	2,185
Sweden	Improvement of the Criminal Justice System in relation to children's issues and development of adequate responses to young offenders	218	-	218	-
Swiss		-	2,500	738	1,762
Received in kind		-	-	-	-
Total		**37,543**	**39,340**	**62,369**	**14,514**

ANNEXURE 1G

STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS MADE AND REMMISSIONS, REFUNDS AND PAYMENTS MADE AS AN ACT OF GRACE FOR THE YEAR ENDED 31 MARCH 2008

NATURE OF GIFT, DONATION OR SPONSORSHIP	2007/08	2006/07
	R'000	R'000
Made in kind		
Donation of old computers to schools	-	5,026
	-	**5,026**
TOTAL	**-**	**5,026**

ANNEXURE 3A

STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2008 – LOCAL

Guarantor institution	Guarantee in respect of	Original guaranteed capital amount	Opening balance 1 April 2007	Guarantees draw downs during the year	Guarantees repayments/ cancelled/ reduced/ released during the year	Currency revaluations	Closing balance 31 March 2008	Guaranteed interest for year ended 31 March 2008	Realised losses not recoverable i.e. claims paid out
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
	Motor vehicles								
Stannic		-	679		364		315		
		-	**679**	**-**	**364**	**-**	**315**	**-**	**-**
	Housing								
Standard Bank		-	3,168	-	138		3,030		
Nedbank Limited		-	2,866	21	203		2,684		
Firstrand Bank Limited		-	1,720		121		1,599		
ABSA		-	5,677	65	435		5,307		
Peoples Bank Incorporate		-	574	50	115		509		
FNB		-	820	-	91		729		
Old Mutual Bank		-	2,209	16	119		2,106		
Other		-	1,116	-	59		1,057		
		-	**18,150**	**152**	**1,281**		**17,021**		
	Total	**-**	**18,829**	**152**	**1,645**		**17,336**		

ANNEXURE 3B

STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2008

Nature of Liability	Opening Balance 01/04/2007	Liabilities incurred during the year	Liabilities paid/ cancelled/reduced during the year	Liabilities recoverable	Closing Balance 31/03/2008
	R'000	R'000	R'000	R'000	R'000
Claims against the department					
Litigation	2,371,278	2,464,374	1,920,599	-	2,915,053
Summonses	-	994	994	-	-
Letters of demand	-	395	395	-	-
	2,371,278	**2,465,763**	**1,921,988**	**-**	**2,915,053**
Total	**2,371,278**	**2,465,763**	**1,921,988**	**-**	**2,915,053**

ANNEXURE 4

INTER-GOVERNMENT RECEIVABLES

Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2008	31/03/2007	31/03/2008	31/03/2007	31/03/2008	31/03/2007
	R'000	R'000	R'000	R'000	R'000	R'000
Department						
National Departments	69,005	43,023	2,167	8,182	71,172	51,205
Eastern Cape	19,222	17,007	2,044	1,906	21,266	18,913
Free State	2,928	396	5	-	2,933	396
Gauteng	6,631	6,529	292	1,354	6,923	7,883
KwaZulu-Natal	1,715	1,181	108	14	1,823	1,195
Mpumalanga	2,148	3,687	436	557	2,584	4,244
Northern Cape	225	759	427	-	652	759
Limpopo	5,683	3,489	1,218	456	6,901	3,945
North West	2,493	1,222	765	982	3,258	2,204
Western Cape	790	934	42	531	832	1,465
National Departments PACE		34,459	-	-	-	34,459
Agency Services Control Acc		-	-	42	-	42
Sal: Recoverable	415	2	119	476	534	478
	111,255	**112,688**	**7,623**	**14,500**	**118,878**	**127,188**
Other Government Entities	-	-	-	-	-	-
	-	-	-	-	-	-
TOTAL	**111,255**	**112,688**	**7,623**	**14,500**	**118,878**	**127,188**

ANNEXURE 5

INTER-GOVERNMENT PAYABLES

Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2008	31/03/2007	31/03/2008	31/03/2007	31/03/2008	31/03/2007
	R'000	R'000	R'000	R'000	R'000	R'000
DEPARTMENTS						
Current						
Health	-			4,137	-	4,137
Transport (GG) Western Cape	1,648	2,716	8,165		9,813	2,716
Government communications	24		-		24	-
SAPS	77		82		159	-
Office of the Premier Limpopo	1		-		1	-
Public Service Commission	11		-		11	-
Home Affairs	20		3		23	-
Trade and Industry	15		-		15	-
Agriculture	9		-		9	-
North West Provincial Administration	1		-		1	-
Transport (GG) KwaZulu-Natal	603		10,868		11,471	-
Department of Foreign Affairs			2,557		2,557	-
Department of Public Works	18,982		14,925		33,907	-
Transport (GG) Gauteng	7,022		130		7,152	-
Department of Health	13		-		13	-
Mineral and Energy			5		5	-
	28,426	**2,716**	**36,735**	**4,137**	**65,161**	**6,853**
Other Government Entities	-	-	-	-	-	-
	-	-	-	-	-	-
TOTAL	**28,426**	**2,716**	**36,735**	**4,137**	**65,161**	**6,853**

Part 4b

Third Party Funds

4b

TABLE OF CONTENTS

Annual Financial Statements

Third Party Funds

Report of the Accounting Officer 166

Report of the Auditor-General 171

Statement of Financial Performance 174

Statement of Financial Position 175

Cash Flow Statement 176

Notes to the Annual Financial Statements 177

Detailed Financial Position 181

Annexures 182

REPORT OF THE ACCOUNTING OFFICER FOR THIRD PARTY FUNDS ADMINISTERED BY THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT FOR THE YEAR ENDED 31 MARCH 2008

1. GENERAL REVIEW OF THE STATE OF FINANCIAL AFFAIRS

The Department of Justice and Constitutional Development (DoJ&CD) administers funds on behalf of third parties.

Historically, Third Party Funds (TPF) was not reported upon and no audit opinion was presented as the matter was not regarded as a reporting entity. In 2002/03, TPF were recognised as a reporting entity by the DoJ&CD, and the development of systems and processes to account for these funds began. The Office of the Auditor-General (OAG) issued a disclaimer in respect of the reports issued for that 2002/03 year and for the Annual Financial Statements (AFS). At the end of the 2004/05 financial year, the DoJ&CD produced a partial set of Annual Financial Statements covering the TPF operations of a single month (March 2005). At the end of the 2005/2006 financial year, the DoJ&CD compiled a set of incomplete Financial Statements covering the whole of the financial year. These AFS were again disclaimed. As a result of inter alia the fact that information received from offices is often incorrect, incomplete and inaccurate and cannot be confirmed and verified, the OAG again disclaimed the 2006/2007 Financial Statements.

During the 2007/2008 financial year the Justice Deposit Account System version 4 (JDAS 4) has been rolled out to an additional 391 courts, bringing the total offices on JDAS 4 as at 31 March 2008 to 429. The Justice Deposit Account System is a legacy system that has been developed over time to computerise the manual environment in which Third Party Funds and the corresponding administrative information has been administered historically. It eliminates the need for offices to keep manual records and registers, that were easily lost, misplaced or destroyed and were prone to human error as all calculations were done by hand. Most importantly, an audit trial is maintained to enable the investigation of incorrect transactions or theft, fraud and/or corruption.

The Department, as at 31 March 2008, operated 485 bank accounts at four commercial banks to manage TPF. Of these 485 bank accounts, 12 accounts are held at National Office, including four main accounts (one per bank), four bank charges accounts and four interest accounts, 10 are held at State Attorney Offices (operating on the SAS (State Attorney System)) and the remainder (463) at courts across South Africa. JDAS 4 thus still needs to be implemented at 34 courts (read bank accounts) as from 1 April 2008 onwards. Of the 34 courts remaining as at 31 March 2008, 10 were awaiting conversion from JDAS version 3, four are High Courts and seven were recently opened at courts (Branch Courts soon to be re-demarcated as main courts which were not fully operational as at 31 March 2008). The 13 remaining courts are in line for implementation. At one court (Port Elizabeth), only maintenance is administered through the use of JDAS 4. The remaining transactions (bail, fines, etc.) are still being administered manually.

The introduction of JDAS 4 has brought with it increased control and an audit trail. Problems are still however being experienced with the financial reporting functionality on the system. To address this issue, the Department has developed the Justice Management Information System (JMIS) to inter alia assist with financial reporting. This functionality is in the final stages of development and testing and it is envisaged that the information produced will be more reliable, accurate and complete. In the preparation of these Financial Statements however, information received from courts manually for the periods before conversion to JDAS 4 was used.

In respect of the aforementioned information used for the period under review, 282 or 60% (06/07 = 109 or 24%) of the offices with bank accounts submitted full information (i.e. for each of the twelve months), 168 or 35% (06/07 = 259 or 57%) of the offices submitted partial information (i.e. for one to eleven of each of the twelve months) and 23 or 5% (06/07 = 88 or 19%) submitted no information at all. Many offices "force" balanced their reconciliations and returns as the accounting routines are incomplete and inaccurate. Others submit reconciliations and returns that do not balance or, where the closing balance of the one month does not equal the opening balance of the subsequent month.

The increase in payables from the 2006/07 to the 2007/08 financial year is mainly due to the increase in submissions received.

2. SERVICES RENDERED BY THE DEPARTMENT

2.1 The following categories of Third Party Funds are administered by the Department:

- Admission of guilt (fines, mostly traffic fines, where the accused chooses not to defend the matter in court. These funds are paid over to either local or provincial government or the National Revenue Fund at the end of each month),
- Bail (where an accused is granted bail by a judicial officer or a duly authorised official. These funds are kept until a court authorises the return of the funds to the depositor upon completion of the case if the bail conditions have been met or they are forfeited to the state as a court fine or they are paid over to the National Revenue Fund when the monies remain unclaimed for a period longer than twelve months after it has been authorised to be repaid to the depositor),
- Court fines (fines imposed by a court, which are paid over to the National Revenue Fund at the end of each month),
- Estate monies (pre-October 2004 estates that have not been dealt with yet or which should be paid over to the Master of the High Court, which now deals with all estate matters),
- Maintenance (money received from obligors as per an order of court, which is then paid to beneficiaries/complainant or returned to the obligor or to the National Revenue Fund if the monies remain unclaimed for a period of longer than twelve months),
- State Attorney Monies (money collected by the State Attorney on behalf of Government Institutions. The State Attorney also collects a commission on debt collections on behalf of Government Institutions which is paid over to the National Revenue Fund),
- Compensatory Fines (Criminal court orders for a given defendant to pay compensation to a plaintiff)
- Deferred Fines (fines deferred over a period as imposed by a court, which are paid to the National Revenue Fund at the end of each month as Court Fines),
- Payments into Court (civil action where an offer in settlement of a plaintiff's claim is made. These security payments may in certain cases be made without a court order, where a defendant pays into court an amount, without prejudice, as an offer in settlement of a plaintiffs claim in a civil case, pending acceptance by the plaintiff), and
- Unclassified Monies (money received that cannot immediately be classified into one of the above categories, originates from an unknown source or maintenance monies received for which the obligor or employer has not yet forwarded the detail beneficiary list). If the origin of these monies can not be traced or classified within six months, the monies are deposited to the National Revenue Fund. Monies paid into one court where the particular case does not fall into its jurisdiction and is meant for another court in another jurisdiction is also received into this module and is then transferred by means of cheque or other payment method to the relevant court.

2.2 Tariff policy

No fees are charged for the services mentioned in paragraph 2.1, except for a 10% commission (to a maximum of R 300 per collection) in respect of debt collected by the State Attorney on behalf of government departments, which is paid over to the National Revenue Fund. This commission is collected in terms of section 65J of the Magistrate's Court Act, (Act 32 of 1944), as amended.

2.3 Free Services

No fees are charged for the other services mentioned in paragraph 2.1, except as stated in paragraph 2.2 *supra*.

3. CAPACITY CONSTRAINTS

The introduction of JDAS version 4 and the filling of vacancies within the Department have had some effect on the improvement of service delivery in respect of TPF. The vacancy rate has improved from 23% in the 2006/07 financial year to 15% in the 2007/08 financial year. Skills shortages, covering a broad spectrum of specialisation in the various courts have, however, continued to affect the department's operations and have adversely affected the service delivery capacity of the Department. Staff members also had to adapt from working on a manual system to working on the computerised JDAS version 4.

The Department has over the two last financial years, filled various positions of Court and Area Court Managers to ensure service delivery enhancement. A number of new posts have also been created during the financial year under review in an effort to improve service delivery and address the skills shortages.

Every effort has been made to reduce the recruitment turn-around time to three months. The turn over rate as at 31 March 2007 was 61, 17%. On 31 March 2008 it was 13, 10 %.

4. PUBLIC PRIVATE PARTNERSHIPS (PPP)

Management of Third Party Funds (Bail, Maintenance, Court Fines, Payments Into Court, Estates, Guardians Fund etcetera).

The Department has a turnover of more than R 2 billion in Third Party Funds per annum through its Cash Halls. At any one time, approximately R 590 million is kept in its bank accounts.

The Management of Third Party Funds (TPF) Public Private Partnership (PPP) process has reached its final stages. The TPF PPP actively seeks to remove all or most cash handling from courts, transferring the risk attached thereto to a Private Party (PP). The PP will, in short, be responsible for the partnership period, the financial management (receipts, payments, record-keeping and financial reporting) and the provision for a front-end administrative system (JDAS version 5), while the Department will remain responsible for all the administrative and legal duties attached to the management of TPF.

The new system will also see maintenance beneficiaries receive their funds through a secure, fast and auditable system within normal bank transfer time periods. Maintenance beneficiaries will receive SMS notification of payments into their bank accounts. With a central database and a general ledger, the management of TPF will be enabled completely. The implementation of the TPF PPP will also significantly enhance the capacity of courts to track defaulters, resulting in the delivery of a major contribution to poverty alleviation by the Department. Consistent with the aims of the National Treasury, the TPF PPP project proposes a solution whereby private sector skills and systems infrastructure are leveraged to assist the Department in overcoming the gap between the status quo, the required levels of service and accountability needed to maintain a sound system of financial management.

The PPP structure is expected to ensure the transfer of skills and capacity back to the Department over the project term (envisaged as being a minimum of six years). It is envisaged that the PP will train and transfer the required skills to the appropriate Department employees to the extent necessary for the Department to be in a position to adequately manage TPF solutions on its own.

Bids were received on 5 February 2007 from four bidder consortiums and the tender evaluation criteria and Project Governance Structure was approved on 15 March 2007. Pre-evaluation of the bids occurred on 27 & 28 March 2007. Full evaluation of the bids commenced on 3 April 2007 and was finalised on 12 July 2007. Consolidation of scoring, the clarification of scoring variances and the review of the results took place from 13 to 19 July 2007. The recommendation to enter into a Best and Final Offer (BAFO) process was forwarded to the Accounting Officer on 10 August 2007 and such approval was granted on 15 October 2007. The Request for BAFO (RfBAFO) documentation was compiled and forwarded for National Treasury TA2A approval on 30 November 2007. Notification letters were handed or forwarded to the four bidders on 16 January 2008 and the draft RfBAFO documents were handed to the two remaining bidders on the same date. On 24 & 25 January 2008, bidder conferences were held and on 4 February 2008, interim/provisional TA2A approval was received from National Treasury.

5. PAYMENT OF MAINTENANCE THROUGH ELECTRONIC FUNDS TRANSFER

In order to enhance service delivery, the Department currently provides for the payment of maintenance to beneficiaries by Electronic Funds Transfer (EFT) through its Central Electronic Funds Transfer Unit (CEFTU). In April 2007, 21 138 beneficiaries in respect of 118 offices were paid 10, 466 million. During March 2008, 52 238 beneficiaries in respect of 237 courts were paid R 26, 961 million in maintenance through the CEFTU. The major obstacles to convincing beneficiaries to receive money due to them by direct deposit to their bank accounts, is the cost of banking services (even on an Mzanzi Account, the cost of one withdrawal can be up to R 8 per withdrawal), the lack of banking infrastructure in rural areas and the fact that beneficiaries are not willing to convert due to a lack of trust. In total, the Department made 467 701 payments to beneficiaries amounting to R 239, 286 million during the 2007/2008 financial year.

6. LEGAL AND ACCOUNTING FRAMEWORK

One of the major issues in the past with the financial administration and accounting of Third Party Funds was the lack of a legal framework in governing the funds. Progress in the development of adequate systems was hampered by uncertainties in this regard.

The National Treasury in a letter dated 15 August 2007, directed the Department that TPF should be accounted for in the Vote Account Financial Statements published by the Department. Following the directive by National Treasury that TPF must be accounted for in the Vote account. The Department forwarded previous legal opinions and the letter from National Treasury to an authority on accounting standards for an opinion that had different views on the issue.

Research on best practices internationally further directed the Department and resulted in a need for further discussions with the National Treasury that were held during November 2007. A reply dated 31 March 2008 received by the Department on 13 May 2008 encouraged the Department to register a trust. The legal and administrative implications as well as the way forward are currently being investigated by the Department.

7. CORPORATE GOVERNANCE ARRANGEMENTS

The principles of conducting the service delivery activities with integrity and according to sound governance practices are engrained at the Department. The Accounting Officer is responsible for the good governance of the Department. The governance structures are reviewed regularly to incorporate changes and developments within the Department and in the Public Sector.

Powers, roles and responsibilities of EXCO members

The Deputy Directors-General and the Chief Operations Officer of the Department are the members of an Executive Committee (EXCO) that is chaired by the Accounting Officer. The powers, roles and responsibilities of EXCO members are derived from:

- The Public Finance and Management Act (PFMA) encompassing the National Treasury Regulations
- The Protocol on Corporate Governance in the Public Sector
- The King II report on Corporate Governance.

The skills and experience of the EXCO members are appropriate to the strategic direction of the Department and necessary to secure its sound performance. They have delegated responsibilities for ensuring that the Department has an appropriate system of controls, financial and other.

Fraud Policies

EXCO members are also responsible for the prevention and detection of fraud and other irregularities. During the year under review the full implementation of the anti-fraud and corruption plan had been completed and the results were beginning to be visible. The Department continues to subscribe to the National Anti-Corruption Hotline (0800 701 701).

In line with the Public Sector Anti-Corruption Strategy which emphasises the comprehensive fraud and corruption prevention measures as the first line of defence against corruption, the Department has established a Fraud and Corruption Prevention Unit. This unit is responsible to ensure that all the prevention mechanisms are put in place. The unit has compiled an internal Fraud and Corruption Communication Strategy that will be launched in the next financial year. The communication strategy will be characterised by:

- Training and awareness campaigns on fraud and corruption
- Articles on fraud and corruption in the *Justice Today* newsletter
- Communication on DJINI (Intranet)
- Distribution of:
    - Pamphlets
    - Posters
    - Booklets
    - Any other materials that will promote awareness amongst employees.

As part of the roll–out of the National Vetting Strategy by the National Intelligence Agency (NIA), the Department has entered into a Memorandum of Understanding (MOU) with the NIA for security vetting of the Department's personnel. The MOU will set a tone for the establishment of the Vetting Fieldwork Unit and will serve as a NIA delegation of its vetting mandate to the Department so as to reduce the vetting backlog.

Risk Management Strategy

The EXCO members are also responsible for effective and efficient implementation of risk management policy and strategy within the Department at all levels. They have provided leadership to the Department within a framework of prudent and effective controls which enables risks to be assessed and managed.

A Strategic Risk Assessment was conducted in order to identify the array of risks that the Department was exposed to. A Fraud and Corruption risk assessment was also conducted to measure maturity in the management, control and reporting on instances of fraud and corruption within the Department and to utilise the outcome as a basis for review of the Anti-Fraud and Corruption Prevention Plan where necessary. A comprehensive operational risk assessment exercise was conducted for Regions and various units in National Office. Managers participated in identifying, assessing and developing plans to mitigate significant risks that could negatively affect the achievement of the set objectives for period under review. Regional Anti-fraud and Risk Management Committees were established and relevant risk coordinators were identified. There is on-going communication and awareness of Risk Management processes in the Department to inculcate the culture of managing risks; to support good governance and to be in line with the National Treasury Regulations.

Internal Audit and Audit Committee

The Department's Internal Audit Unit operates in accordance with the PFMA, Treasury Regulations and the Department's Internal Audit Charter. The unit also conducts its operations in accordance with the international standards for the professional practice of internal auditing issued by the Institute of Internal Auditors, and under direction of the Audit Committee.

The Internal Audit Unit focuses mainly on providing assurances and advice to management and the Audit Committee on matters pertaining to governance, risk management, control processes and the Unit through its Chief Audit Executive reports to the Audit Committee on a quarterly basis.

The Audit Committee comprise of members drawn from outside the public service and conducts its business in accordance with the PFMA, Treasury Regulations and the Department's Audit Committee Charter. The Audit Committee meets regularly and has unrestricted access to both information and personnel within the Department.

8. DISCLOSURES

In certain instances, where the bank accounts of offices have gone into overdraft as a result of fraud, corruption, human error, etcetera, advances from the main accounts were made to these offices to ensure continuous operations and service delivery. These amounts advanced to offices are listed on annexure 5 (funding advances) to the Financial Statements.

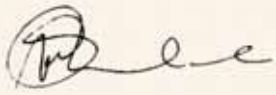
No contingent liability was disclosed in the Financial Statements as all shortages for fraud, corruption, counter shortages, dishonoured cheques not recovered and other shortages are made good by the Vote Account if not recovered from the individuals responsible after a determination of liability.

9. EVENTS AFTER THE REPORTING DATE

None.

10. APPROVAL

The Annual Financial Report set out on pages 174 to 191 has been approved by the Accounting Officer.



ADV. M SIMELANE
DIRECTOR-GENERAL
Department of Justice and Constitutional Development
Date: 31 July 2008

REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS OF THIRD PARTY FUNDS FOR THE YEAR ENDED 31 MARCH 2008

REPORT ON THE FINANCIAL STATEMENTS

Introduction

1. I was engaged to audit the accompanying Financial Statements of the Third Party Funds (the Fund) which comprise the statement of financial position as at 31 March 2008, statement of financial performance, statement of changes in net assets and cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory notes, as set out on pages 174 to 191.

Responsibility of the accounting officer for the financial statements

2. The Accounting Officer is responsible for the preparation and fair presentation of these Financial Statements in accordance with the modified cash basis of accounting determined by the National Treasury, as set out in accounting policy note 1.1 to the Financial Statements and in the manner required by the Public Finance Management Act, 1999 (Act 1 of 1999) (PFMA). This responsibility includes:
   - designing, implementing and maintaining internal control relevant to the preparation and fair presentation of Financial Statements that are free from material misstatement, whether due to fraud or error;
   - selecting and applying appropriate accounting policies; and
   - making accounting estimates that are reasonable in the circumstances.

Responsibility of the Auditor-General

3. As required by section 188 of the Constitution of the Republic of South Africa, 1996 read with section 4 of the Public Audit Act, 2004 (Act 25 of 2004) (PAA), my responsibility is to express an opinion on these financial statements based on conducting the audit in accordance with the International Standards on Auditing and General Notice 616 of 2008, issued in Government Gazette No. 31057 of 15 May 2008. Because of the matters discussed in the Basis for disclaimer of opinion paragraphs, however, I was not able to obtain sufficient appropriate audit evidence to provide a basis for an audit opinion.

Basis of accounting

4. The Fund's policy is to prepare Financial Statements on the modified cash basis of accounting determined by the National Treasury, as set out in accounting policy note 1.1 to the Financial Statements.

Basis for disclaimer of opinion

Financial records

5. The audit report of the Financial Statements for the last financial year reported that the internal controls were inadequate and that full and proper accounting records had not been maintained for the Funds since 1 April 1994.

   The Department of Justice and Constitutional Development, which administers the Fund, could not produce Financial Statements that were reliable, accurate and complete for the financial year ended 31 March 2008. The inability to produce an accurate set of Financial Statements was due to the following:
   - The manual systems and method of work used did not enable the production of financial information including opening balances that were reliable and auditable.
   - Transactions in the monthly reconciliations, subsidiary registers and the cash books for the Funds were not completely and accurately processed.
   - The difference between the cashbook and the bank statement could not be explained.
   - 23 (5%) Offices did not submit financial information for inclusion in the Financial Statements.
   - 168 (36%) Offices' financial records are incomplete and could not be reconciled and as a result of this were excluded from the Financial Statements.
   - Reconciliations between trust monies and trust creditors were not always performed.
   - The accuracy of the closing balances could not be determined and verified as inadequate or no reconciliations had been performed.
   - Including in note 2 are receivables amounting to R23.7 million due to various shortages and/or fraud. Furthermore, included in note 2 is a credit balance amounting to R6.7 million, which is incorrectly classified as a receivable instead of payable.

Justice Deposit Accounting System (JDAS)

6. During the year the JDAS system was implemented. However, no reliance can be placed on the information on JDAS used to prepare the Financial Statement as:

- Opening balances brought forward from the manual system were not verified and reconciled before they were captured on JDAS.
- Inadequate testing of the system resulted in errors in the system, such as errors on the bank reconciliation reports.
- The specifications formulated in terms of user requirements, were found to be inadequate.
- JDAS had no integration functionality to allow management information to be generated.
- The training was not adequate to enable the effective use of the system.

Supporting documentation not submitted for audit purposes

7. Various supporting documents could not be submitted for audit purposes. This resulted in a limitation on the scope of the audit, which prevented the execution of certain audit tests to gather sufficient audit evidence. The documentation not submitted consisted of:

- Receipt books.
- Bank reconciliations and bank statements.
- Monthly reconciliations.
- Case files, charge sheets and summonses.

Opinion

Disclaimer of opinion

8. Because of the significance of the matters described in the Basis for disclaimer of opinion paragraphs, I have not been able to obtain sufficient appropriate audit evidence to provide a basis for an audit opinion on the Financial Statements of the Fund. Accordingly, I do not express an opinion on the Financial Statements.

OTHER MATTERS

I draw attention to the following matters that relate to my responsibilities in the audit of the Financial Statements:

Internal controls

9. Section 38(1)(a)(i) of the PFMA states that the Accounting Officer must ensure that the Fund has and maintains effective, efficient and transparent systems of financial and risk management and internal control. The table below depicts the root causes that gave rise to the inefficiencies in the system of internal control, which led to the disclaimer of opinion. The root causes are categorised according to the five components of an effective system of internal control. In some instances deficiencies exist in more than one internal control component.

Reporting item	Control environment	Risk assessment	Control activities	Information and communication	Monitoring
Financial records	,	,	,	,	,
Justice Deposit Accounting System					
Limitation of scope					

Control environment: establishes the foundation for the internal control system by providing fundamental discipline and structure for financial reporting.

Risk assessment: involves the identification and analysis by management of relevant financial reporting risks to achieve predetermined financial reporting objectives.

Control activities: policies, procedures and practices that ensure that management's financial reporting objectives are achieved and financial reporting risk mitigation strategies are carried out.

Information and communication: supports all other control components by communicating control responsibilities for financial reporting to employees and by providing financial reporting information in a form and time frame that allows people to carry out their financial reporting duties.

Monitoring: covers external oversight of internal controls over financial reporting by management or other parties outside the process; or the application of independent methodologies, like customised procedures or standard checklists, by employees within a process.

Part 4b: Report of the Auditor-General

for the year ended 31 March 2008

Non-compliance with applicable legislation

Matters of governance

10. The PFMA tasks the Accounting Officer with a number of responsibilities concerning financial and risk management and internal control. Fundamental to achieving this is the implementation of certain key governance responsibilities, which I have assessed as follows:

Matter of governance	Yes	No
Audit committee		
• The Fund had an audit committee in operation throughout the financial year.	✓	
• The audit committee operates in accordance with approved, written terms of reference.	✓	
• The audit committee substantially fulfilled its responsibilities for the year, as set out in section 77 of the PFMA and Treasury Regulation 3.1.10/27.1.8.	✓	
Internal audit		
• The Fund had an internal audit function in operation throughout the financial year.	✓	
• The internal audit function operates in terms of an approved internal audit plan.	✓	
• The internal audit function substantially fulfilled its responsibilities for the year, as set out in Treasury Regulation 3.2/27.2.	✓	
Other matters of governance		
The annual Financial Statements were submitted for audit as per the legislated deadlines section 40 of the PFMA.	✓	
The Financial Statements submitted for audit were not subject to any material amendments resulting from the audit.	✓	
No significant difficulties were experienced during the audit concerning delays or the unavailability of expected information and/or the unavailability of senior management.		✓
The prior year's external audit recommendations have been substantially implemented.		✓
SCOPA resolutions have been substantially implemented.		✓

Unaudited supplementary schedules

11. The supplementary information set out on pages 166 to 170 does not form part of the Financial Statements and is presented as additional information. I have not audited annexure 1 to 5 and accordingly I do not express an opinion thereon.

OTHER REPORTS

Investigations

12. Various allegations of financial misconduct and irregularities are currently being investigated.

APPRECIATION

13. The assistance rendered by the staff of the Fund during the audit is sincerely appreciated.

Auditor-General

Pretoria
31 July 2008

AUDITOR-GENERAL

Part 4b: Statement of Financial Performance THIRD PARTY FUNDS

for the year ended 31 March 2008

	Note	2008 R'000	2007 R'000
RECEIPTS AND PAYMENT			
Receipts	6	2,371,356	2,081,477
Payments	8	(2,316,995)	(2,113,527)
SURPLUS / (DEFICIT) FROM OPERATIONS		54,361	(32,050)
Finance income	9	43,154	34,837
Bank charges	9	(29,449)	(21,743)
Net Interest transferred to SARS	7	(25,185)	(148)
SURPLUS / (DEFICIT) FOR THE YEAR		42,881	(19,104)

Part 4b: Statement of Financial Position

at 31 March 2008

	Note	2008 R'000	2007 R'000
ASSETS			
Current assets		**413,667**	**387,785**
Receivables	2	25,104	8,466
Cash and cash equivalent	3	388,563	379,319
TOTAL ASSETS		**413,667**	**387,785**
LIABILITIES			
Current Liabilities		**413,667**	**387,785**
Payables	4	371,671	366,817
State Attorneys	5	41,996	20,968
TOTAL LIABILITIES		**413,667**	**387,785**

Part 4b: Cash Flow Statement THIRD PARTY FUNDS

for the year ended 31 March 2008

	Note	2008 R'000	2007 R'000
Net cash flow from operating activities			
Cash received from defendants		2,354,719	2,142,459
Cash paid to beneficiaries		(2,388,629)	(2,342,602)
Cash utilised by operations	10	(33,910)	(200,143)
Interest received		43,154	34,837
Net decrease in cash and cash equivalents		**9,244**	**(165,306)**
Cash and cash equivalents at beginning of year		**379,319**	**544,625**
Cash and cash equivalents at end of year	**3**	**388,563**	**379,319**

Part 4b: Notes to the Annual Financial Statements

for the year ended 31 March 2008

1. ACCOUNTING POLICIES

1.1 Basis of preparation

The Financial Statements have been prepared on a modified cash basis of accounting, except where stated otherwise. Under the cash basis of accounting transactions and other events are recognised when cash is received or paid. The basis of accounting measures financial results for a period as the difference between cash received and cash payments.

1.2 Cash and cash equivalents

Cash and cash equivalents consist of cash on hand and at the bank. Cash equivalents are short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to insignificant risk of changes in value.

1.3 Payables

Payables are not normally recognised under the cash basis of accounting. However, payables included in the Statement of Financial Position arise from amounts that are due to the trust beneficiaries.

1.4 Receivables

Receivables are not normally recognised under the cash basis of accounting. However, receivables included in the Statement of Financial Position arise from amounts that are recoverable from another party.

1.5 Revenue recognition

Revenue is recognised in the Financial Statements on receipt of the funds. All Third Party Funds revenues are compulsory receipts imposed by courts and/or quasi-judicial bodies for the benefit of third parties.

1.6 Comparative figures

Comparative figures have been adjusted to conform with changes in presentation.

2. RECEIVABLES

	2008 R'000	2007 R'000
Dishonoured cheques	1,356	1,021
Counter shortages	9,317	2,159
Shortages: maintenance	-	-
Shortages: fraud, theft and losses	8,521	2,784
Other shortages	5,910	1,208
Vote loans (Loans to Department)	-	1,294
	25,104	**8,466**

3. CASH AND CASH EQUIVALENT

Consolidated national bank balance	356,511	504,616
Attributable to excluded offices	-	(174,029)
Main account balance	1,215	-
Interest account	4,211	15,691
Bank charges account	(1,361)	(1,921)
Total Attributable to reconciled offices	**360,576**	**344,357**
Cash on hand	-	3,890
State Attorney	27,987	31,072
	388,563	**379,319**

4. PAYABLES

Bail	171,082	104,727
Contributions	(594)	200
Estates	1,221	16,671
Fines	19,588	26,051
Maintenance	9,037	50,071
Payments into court	23,457	1,729
Unclassified Monies in Trust	143,815	20,154
Outstanding cheques	-	28,858
	367,606	248,461
SARS	4,065	14,994
Unreconciled differences	-	103,362
	371,671	**366,817**

	2008 R'000	2007 R'000
5. STATE ATTORNEY		
Bisho	379	-
Bloemfontein	2,985	4,043
Cape Town	11,070	6,387
Durban	18,017	-
Johannesburg	2,094	2,185
Mmabatho	386	382
Port Elizabeth	434	-
Pretoria	6,622	7,971
Thohoyandou	9	-
Kimberley	-	-
	41,996	**20,968**
6. RECEIPTS		
Revenue comprises the following receipts:		
- Bail	239,558	211,031
- Maintenance	1,178,114	1,204,106
- Fines	295,630	292,449
- Payments into court	19,167	15,346
- Estates	6,314	8,277
- Contribution	381	111
- Unclassified Income	481,715	267,316
- State Attorney	150,477	82,841
	2,371,356	**2,081,477**
7. FUNDS TRANSFERRED		
Net Interest transferred to SARS (*via* Vote account)	25,185	148
	25,185	**148**

		2008 R'000	2007 R'000
8.	**PAYMENTS**		
	- Bail	255,983	201,558
	- Maintenance	1,247,991	1,201,248
	- Fines	271,413	307,741
	- Payments into Court	15,124	16,153
	- Estates	17,173	20,501
	- Contribution	999	521
	- Unclassified Income	346,659	274,124
	- State Attorneys	161,653	91,681
	Total Payments	**2,316,995**	**2,113,527**
9.	**INTEREST RECEIVED AND BANK CHARGES**		
	Interest Received		
	ABSA	13,424	11,136
	First National Bank	15,988	13,491
	Nedbank	224	119
	Standard Bank	13,518	10,091
		43,154	**34,837**
	Bank Charges		
	ABSA	7,795	7,522
	First National Bank	17,906	4,592
	Nedbank	13	13
	Standard Bank	3,735	9,616
		29,449	**21,743**
10.	**CASH UTILISED BY OPERATIONS**		
	Net surplus as per Statement of Financial Performance	**42,882**	**(19,105)**
	Adjusted for		
	Interest received	**(43,153)**	**(34,836)**
	Cash utilised by operations before working capital changes	**(271)**	**(53,941)**
	Working capital changes:		
	Decrease / (Increase) in accounts receivable	**(16,638)**	**60,982**
	Increase in accounts payable	**(17,001)**	**(207,184)**
	Cash utilised by operations	**(33,910)**	**(200,143)**

Part 4b: Detailed Financial Position

at 31 March 2008

	2008 R'000	2007 R'000
RECEIPTS	**2,371,356**	**2,081,477**
Bail	239,558	211,031
Contribution	381	111
Estates	6,314	8,277
Fines	295,630	292,449
Maintenance	1,178,114	1,204,106
Payments into court	19,167	15,346
Unclassified income	481,715	267,316
State Attorneys	150,477	82,841
PAYMENTS	**2,316,995**	**2,113,527**
Bail	255,983	201,558
Contribution	999	521
Estates	17,173	20,501
Fines	271,413	307,741
Maintenance	1,247,991	1,201,248
Payments into court	15,124	16,153
State Attorneys	161,653	91,681
Unclassified Income/ General Suspense	346,659	274,124
SURPLUS / (DEFICIT)	**54,361**	**(32,050)**
Interest received	43,153	34,836
Funds transferred	(25,185)	(148)
Bank Charges	(29,448)	(21,743)
NET SURPLUS / (DEFICIT) FOR THE YEAR	**42,881**	**(19,105)**

ANNEXURE I
SUMMARY OF RECEIPTS AND PAYMENTS

MONTHLY SUMMARY	Apr-07	May-07	Jun-07	Jul-07	Aug-07	Sep-07
	R'000	R'000	R'000	R'000	R'000	R'000
TOTAL RECEIPTS	201,038	220,835	171,874	216,236	205,699	183,440
General	32,787	37,695	28,339	41,406	47,476	39,857
Bail	21,951	23,727	15,275	23,394	20,778	19,871
Maintenance	107,964	116,695	97,974	117,963	93,012	94,588
Court payment	938	3,812	1,212	2,268	1,478	1,361
Fines	27,785	31,377	21,498	25,220	27,229	21,313
Estates	2,205	167	378	169	265	873
Contributions	2	4	10	13	10	9
Compensation Fines	-	-	-	-	-	-
State Attorneys	7,406	7,358	7,188	5,803	15,451	5,568
Journals (money in)	-	-	-	-	-	-

TOTAL PAYMENTS	199,506	219,806	164,222	221,932	189,264	184,814
General	26,934	31,927	21,229	33,826	29,094	31,652
Bail	20,988	29,846	16,049	26,324	22,741	20,680
Maintenance	112,548	119,307	93,782	128,568	98,658	98,070
Court payment	1,128	1,070	1,046	1,163	1,012	488
Fines	30,486	26,646	19,835	24,687	22,055	28,233
Estates	1,606	3,762	3,395	1,545	853	2,355
Contributions	3	1	3	2	5	18
Compensation Fines	-	-	-	-	-	-
State Attorneys	5,813	7,247	8,883	5,817	14,846	3,318
Journals (money in)	-	-	-	-	-	-

Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	TOTAL
R'000	R'000	R'000	R'000	R'000	R'000	R'000
256,703	199,493	181,114	175,377	182,962	176,585	2,371,356
36,830	37,965	38,084	41,058	47,661	46,224	475,382
23,308	20,376	20,361	18,026	16,019	16,473	239,559
101,467	100,954	93,233	86,207	86,423	81,635	1,178,115
3,244	1,718	512	561	844	1,217	19,165
21,866	24,088	21,053	20,216	20,391	19,888	281,924
2,004	167	-	30	48	7	6,313
12	8	15	48	77	175	383
2	4,568	4,655	6	4,465	9	13,705
67,691	8,154	1,780	7,941	6,124	10,015	150,479
279	1,495	1,421	1,284	910	942	6,331

260,169	191,322	166,229	171,924	179,081	168,726	2,316,995
29,026	25,450	21,859	28,078	27,721	33,161	339,957
21,726	23,464	19,583	16,899	20,290	17,393	255,983
106,203	106,889	97,541	101,966	97,059	87,400	1,247,991
408	1,713	1,191	304	2,975	2,624	15,122
21,627	15,716	16,272	17,018	18,958	16,850	258,383
1,513	902	327	283	484	148	17,173
12	634	28	45	75	173	999
2	4,382	2,429	3,134	3,075	9	13,031
79,346	10,617	5,518	2,850	7,435	9,965	161,655
306	1,555	1,481	1,347	1,009	1,003	6,701

ANNEXURE 1 - continued

REGIONAL SUMMARY	Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumalanga
	R'000	R'000	R'000	R'000	R'000	R'000
TOTAL RECEIPTS	261,078	139,747	522,989	216,520	390,269	121,738
General	68,576	14,175	144,905	17,091	110,046	15,720
Bail	17,885	9,772	101,041	26,148	21,030	13,306
Maintenance	141,695	96,711	192,839	96,587	232,203	65,793
Court payment	1,309	539	4,865	6,456	929	204
Fines	22,188	18,514	76,844	46,628	25,357	26,668
Estates	3,317	18	2,042	157	171	45
Contributions	17	11	309	-	23	2
Compensation Fines	20	-	98	13,585	-	-
State Attorney	-	7	46	9,608	510	-
Journals	6,071	-	-	260	-	-

TOTAL PAYMENTS	257,710	137,938	526,079	196,095	358,463	114,495
General	60,083	13,839	118,800	15,324	57,621	13,468
Bail	16,572	8,671	121,976	23,490	19,286	11,690
Maintenance	147,662	95,823	197,714	94,666	258,560	67,135
Court payment	1,331	525	6,702	777	1,052	285
Fines	20,703	18,468	78,375	40,788	17,302	21,725
Estates	4,911	586	1,424	1,136	4,592	190
Contributions	6	12	941	20	4	2
Compensation Fines	17	-	110	12,901	-	-
State Attorney	-	14	37	6,718	46	-
Journals	6,425	-	-	275	-	-

North West	Northern Cape	Western Cape	State Attorneys	TOTAL
R'000	R'000	R'000	R'000	R'000
229,274	68,965	280,510	140,266	2,371,356
52,520	9,232	43,120	-	475,385
9,733	3,596	37,048	-	239,559
150,332	45,414	156,540	-	1,178,114
815	104	3,946	-	19,167
15,460	10,610	39,655	-	281,924
414	-	150	-	6,314
-	9	10	-	381
-	-	2	-	13,705
-	-	39	140,266	150,476
-	-	-	-	6,331

228,390	67,460	275,562	154,803	2,316,995
9,338	8,850	42,637	-	339,960
13,715	3,643	36,941	-	255,984
184,900	44,754	156,777	-	1,247,990
279	1,019	3,154	-	15,124
15,893	9,119	36,009	-	258,383
4,265	68	-	-	17,172
-	7	6	-	998
-	-	2	-	13,030
-	-	36	154,803	161,654
-	-	-	-	6,700

ANNEXURE 2

NUMBER OF BANK ACCOUNTS IN OPERATION

Province	2008	%	2007	%
Eastern Cape	86	18.1%	83	18.0%
Free State	66	14.0%	67	14.5%
Gauteng	34	7.2%	26	5.6%
KwaZulu-Natal	75	15.9%	74	16.1%
Limpopo	38	8.0%	38	8.2%
Mpumalanga	36	7.6%	36	7.8%
North West	35	7.4%	33	7.2%
Northern Cape	36	7.6%	36	7.8%
Western Cape	57	12.1%	59	12.8%
State Attorneys	10	2.1%	9	2.0%
TOTAL	473	100.0%	461	100.0%

DEPLOYMENT OF JDAS (Justice Deposit Admin System)

	2008	%	2007	%
Offices not on JDAS	34	7%	405	88%
Offices on JDAS 3	10	2%	18	4%
Offices on JDAS 4	429	91%	38	8%
Total	473	100%	461	100%

	JDAS4	JDAS3	Manual	TOTAL
Eastern Cape	82	-	4	**86**
Free State	55	-	11	**66**
Gauteng	29	2	3	**34**
KwaZulu-Natal	70	2	3	**75**
Limpopo	37	-	1	**38**
Mpumalanga	36	-	-	**36**
Northern Cape	36	-	-	**36**
North West	33	-	2	**35**
Western Cape	51	6	0	**57**
Sub-total	**429**	**10**	**24**	**463**
State Attorneys	-	-	10	**10**
TOTAL	429	10	34	473

ANNEXURE 3

SUBMISSION RATES PER REGION

		Per Annual Report	No. of courts	JDAS	% JDAS	Apr-07	May-07	Jun-07	Jul-07
1	Eastern Cape	83	85	82	96%	74	70	70	65
2	Free State	67	66	55	83%	57	56	59	52
3	Gauteng	26	34	29	85%	26	26	26	27
4	KwaZulu-Natal	74	76	70	92%	62	62	56	53
5	Limpopo	38	38	37	97%	38	38	38	38
6	Mpumalanga	36	36	36	100%	35	32	31	31
7	North West	33	35	36	103%	33	33	33	33
8	Northern Cape	36	36	33	92%	36	36	36	36
9	Western Cape	59	57	51	89%	57	57	57	57
10	State Attorneys	9	10			9	9	9	9
	TOTAL SUBMISSIONS	**461**	**473**	**429**	**91%**	**427**	**419**	**415**	**401**
	Total submissions due					**458**	**458**	**459**	**459**
	% Submissions received					93.2%	91.5%	90.4%	87.4%

	No Info Submitted 2007/08	Partial Information Submitted	100% Information Submitted	TOTAL	No Info Submitted 2006/07	Partial Info Submitted 2006/07	100% Submitted 2006/07	TOTAL
Eastern Cape	5	52	28	85	29	24	29	82
Free State	5	28	33	66	2	48	16	66
Gauteng	2	6	26	34	4	10	12	26
KwaZulu-Natal	7	64	5	76	7	56	11	74
Limpopo	0	0	38	38	15	23	0	38
Mpumalanga	1	18	17	36	17	19	0	36
North West	2	0	33	35	10	14	9	33
Northern Cape	0	0	36	36	1	27	8	36
Western Cape	0	0	57	57	0	33	24	57
State Attorneys	1	0	9	10	2	5	3	10
TOTAL SUBMISSIONS	**23**	**168**	**282**	**473**	**87**	**259**	**112**	**458**

Aug-07	Sep-07	Oct-07	Nov-07	Dec-07	Jan-08	Feb-08	Mar-08	TOTAL SUB-MISSIONS	%	TOTAL DUE
51	54	52	50	44	42	40	48	660	66%	999
55	54	50	53	54	52	51	44	637	80%	792
26	27	27	27	27	28	28	30	325	98%	331
39	36	33	23	26	25	17	17	449	51%	888
38	38	38	38	38	38	38	38	456	100%	456
27	23	21	19	20	22	21	17	299	69%	432
33	33	33	33	33	33	33	33	396	100%	396
36	36	36	36	36	36	36	36	432	100%	432
57	57	57	57	57	57	57	57	684	100%	684
9	9	9	9	9	9	9	9	108	90%	120
371	**367**	**356**	**345**	**344**	**342**	**330**	**329**	**4446**	**80%**	**5530**

459	**459**	**459**	**462**	**463**	**463**	**464**	**467**	**5,530**
80.8%	80.0%	77.6%	74.7%	74.3%	73.9%	71.1%	70.4%	80.4%

ANNEXURE 4

CENTRAL ELECTRONIC FUNDS TRANSFER UNIT STATISTICS

MONTH	OFFICES PAID	INCREASE/ DECREASE OFFICES (%)	BENEFICIARIES PAID	INCREASE/ DECREASE BENEFICIARIES (%)	AMOUNT PAID (R) R'000	INCREASE/ DECREASE AMOUNT (%)
APRIL 2007	118		21,138		R 10,466	
MAY 2007	135	14.4%	29,271	38.5%	R 14,467	38.2%
JUNE 2007	148	9.6%	25,958	-11.3%	R 12,994	-10.2%
JULY 2007	172	16.2%	37,582	44.8%	R 20,662	59.0%
AUGUST 2007	192	11.6%	37,640	0.2%	R 18,422	-10.8%
SEPTEMBER 2007	197	2.6%	35,121	-6.7%	R 17,643	-4.2%
OCTOBER 2007	217	10.2%	41,996	19.6%	R 21,469	21.7%
NOVEMBER 2007	234	7.8%	46,434	10.6%	R 23,389	8.9%
DECEMBER 2007	223	-4.7%	41,820	-9.9%	R 21,529	-8.0%
JANUARY 2008	236	5.8%	48,515	16.0%	R 25,311	17.6%
FEBRUARY 2008	238	0.8%	49,898	2.9%	R 25,971	2.6%
MARCH 2008	237	-0.4%	52,328	4.9%	R 26,961	3.8%
TOTAL			467,701		R 239,284	

ANNEXURE 5

FUNDING ADVANCES

REGION	OFFICE	2008	2007
		R'000	R'000
Eastern Cape	Cofimvaba	750	750
KwaZulu-Natal	Inkanyezi	300	0
	Umbumbulu	360	360
	Kuruman	0	100
North West	Lehurutse	250	250
	Lehurutse	800	800
	Madikwe	600	600
	Moretele	500	500
	Moretele	700	700
	TOTAL	**4,260**	**4,060**

Part 5

Human Resource Management

5.1 Service Delivery

The following tables reflect the components of the Service Delivery Improvement Plan, as well as progress made with the implementation of the plan.

Table 1.1 – Main services provided and standards

Main services	Actual customers	Potential customers	Standard of service	Actual achievement against standards
Value-added services	All branches	All branches	According to SLA	Deliverables according to SLA
Customer Management Centre	All branches	All branches	According to SLA	Deliverables according to SLA
Key Accounts	All branches	All branches	According to SLA	Deliverables according to SLA

Table 1.2 – Consultation arrangements with customers

Type of arrangement	Actual Customers	Potential Customers	Actual achievements
Service level agreement	All branches	Chapter 9-Institutions	According to the needs identified.

Table 1.3 – Service delivery access strategy

Access Strategy	Actual achievements
Value-added Services: Will offer efficient and consistent HR administration services that meet the time and quality requirements of our clients	Effective and Sufficient Services
Customer –Management Centre: Will offer efficient and consistent HR administration devises that meet the time and quality requirements of our clients	Effective and Sufficient Services
Key Accounts: Upholding the vision, mission and transformation values of the Human Resource Branch. Maximising the speed and quality of HR services. Forging mutually beneficial partnerships. Aligning process and systems with the corporate Strategy.	Sound Partnerships
Department's participation in the National Youth Service Programme (NYSP)	100 Candidate Attorney Interns stationed at 11 University Law Clinics across the country to provide free legal services and legal support to disadvantaged indigent members of the community. Candidate Attorneys in 2 year contract. Undergo practical legal training, board exams and exit as admitted Attorneys
Developing change leadership skills	Management Leadership Development Programme for SMS and MMS (MLDP) Monthly training conducted
Enhancement in compliancy to signing of performance agreements	98% compliance of senior managers who have signed performance agreement contracts
Reduction in vacancy rate	Vacancy rate reduced to 15%
Reduction in turn-around time of filling of posts	Turn-around time reduced to average period of three months

Table 1.4 – Service information tool

Types of information tool	Actual achievements
Public folders	Successful
HR assistance package	Helpful
DJINI intranet portal	Latest HR information

Table 1.5 – Complaints mechanism

Complaints Mechanism	Actual achievements
Hotline	High success rate
Open door policy	High success rate
Regular meetings	High success rate

5.2 Expenditure

The department's budget in terms of clearly defined programmes. The following tables summarise final audited expenditure by programme (Table 2.1) and by salary bands (Table 2.2). In particular, it provides an indication of the amount spent on personnel costs in terms of each of the programmes or salary bands within the department.

TABLE 2.1 – Personnel costs by programme, 2007/08

Programme	Total Expenditure (R'000)	Personnel Expenditure (R'000)	Training Expenditure (R'000)	Professional and Special Services (R'000)	Personnel cost as a percent of total expenditure	Average personnel cost per employee (R'000)
Programme 1: administration	897,718	169,627	11,057	68,027	18.9	10
Programme 2: court services	2,938,103	1,497,792	6,536	87,174	51	86.91
Programme 3: state legal services	385,336	284,830	599	15,473	73.92	16.53
Programme 5: auxiliary & assosiateds	1,276,342	91	214	77,627	0	0.01
Programme statutory expenditure	1,188,177	1,155,886	0	0	97.28	67.07
Total	6,685,676	3,108,226	18,406	248,301	46.49	180.35

TABLE 2.2 – Personnel costs by salary bands, 2007/08

Salary bands	Personnel Expenditure (R'000)	% of total personnel cost	Average personnel cost per employee (R'000)
Lower skilled (Levels 1-2)	57,731	1.86	38,642
Skilled (Levels 3-5)	440,616	14.18	77,944
Highly skilled production (Levels 6-8)	607,090	19.53	146,146
Highly skilled supervision (Levels 9-12)	1,263,699	40.66	384,103
Senior management (Levels 13-16)	378,475	12.81	729,239
Other	17,249	0.55	16,136
Contract (levels 1 – 2)	5,383	0.17	96,125

Salary bands	Personnel Expenditure (R'000)	% of total personnel cost	Average personnel cost per employee (R'000)
Contract (levels 3 – 5)	208,975	6.72	127,735
Contract (levels 6 – 8)	34,470	1.11	259,173
Contract (levels 9 – 12)	76,195	2.45	501,283
Contract (levels 13 – 16)	11,415	0.37	600,789
Periodical Remuneration	5,266	0.17	11,728
Abnormal Appointment	1,662	0.05	21,308
Total	3,189,226	100	166,198

The following tables provide a summary per programme (Table 2.3) and salary bands (Table 2.4), of expenditure incurred as a result of salaries, overtime, home owners allowance and medical assistance. In each case, the table provides an indication of the percentage of the personnel budget that was used for these items.

TABLE 2.3 – Salaries, Overtime, Home Owners Allowance and Medical Assistance by programme, 2007/08

Programme	Salaries		Overtime		Home Owners Allowance		Medical Assistance	
	Amount (R'000)	Salaries as a % of personnel cost	Amount (R'000)	Overtime as a % of personnel cost	Amount (R'000)	HOA as a % of personnel cost	Amount (R'000)	Medical Assistance as a % of personnel cost
Administration	958,323	68.7	342	0	9,021	0.6	34,195	2.5
Court Services	1,086701	71.1	4,158	0.3	34,981	2.3	72,020	4.7
State Legal Services	200,095	70.6	115	0	4,133	1.4	10,184	3.5
Total	2,245,452	70	4,615	0.1	48,135	1.5	116,399	3.6

TABLE 2.4 – Salaries, Overtime, Home Owners Allowance and Medical Assistance by salary bands, 2007/08

Salary Bands	Salaries		Overtime		Home Owners Allowance		Medical Assistance	
	Amount (R'000)	Salaries as a % of personnel cost	Amount (R'000)	Overtime as a % of personnel cost	Amount (R'000)	HOA as a % of personnel cost	Amount (R'000)	Medical Assistance as a % of personnel cost
Lower skilled (Levels 1-2)	39,538	67.3	166	0.3	3,395	5.8	4,571	7.8
Skilled (Levels 3-5)	317,970	71.4	1,348	0.3	16,340	3.7	33,333	7.5
Highly skilled production (Levels 6-8)	444,066	71.6	2,226	0.4	15,511	2.5	35,490	5.7
Highly skilled supervision (Levels 9-12)	863,391	65.8	598	0	10,668	0.8	30,223	2.3
Senior management (Levels 13-16)	312,781	76.3	0	0	1,647	0.4	12,577	3.1
Other	1,359	23.9	2	0	9	0.1	18	0.3

Salary Bands	Salaries		Overtime		Home Owners Allowance		Medical Assistance	
	Amount (R'000)	Salaries as a % of personnel cost	Amount (R'000)	Overtime as a % of personnel cost	Amount (R'000)	HOA as a % of personnel cost	Amount (R'000)	Medical Assistance as a % of personnel cost
Contract (Levels 1 – 2)	4,019	74.2	11	0.2	1	0	1	0
Contract (Levels 3 – 5)	159,456	75.8	188	0.1	9	0	21	0
Contract (Levels 6 – 8)	25,710	73.3	75	0.2	-1	0	15	0
Contract (Levels 9 – 12)	70,025	89.4	0	0	25	0	31	0
Contract (Levels 13 – 16)	6,803	59.3	0	0	530	4.6	63	0.5
Periodical Remuneration	0	0	0	0	0	0	0	0
Abnormal Appointment	1	0	0	0	0	0	55	1.5
Total	2,245,119	70	4,614	0.1	48,134	1.5	116,398	3.6

5.3 Employment and vacancies

The following tables summarise the number of posts on the establishment, the number of employees, the vacancy rate, and whether there are any staff that are additional to the establishment. This information is presented in terms of three key variables: - programme (Table 3.1), salary band (Table 3.2) and critical occupations (Table 3.3). Departments have identified critical occupations that need to be monitored. Table 3.3 provides establishment and vacancy information for the key critical occupations of the department.

The vacancy rate reflects the percentage of posts that are not filled.

TABLE 3.1 – Employment and vacancies by programme, 31 March 2008

Programme	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Administration, Permanent	2,328	1,499	35.60	117
Administration, Temporary	1,421	1,421	0	0
Court Services, Permanent	12,302	11,186	9.07	76
Court Services, Temporary	1,526	1,526	0	0
State Legal Services, Permanent	1,785	1262	29.3	13
State Legal Services, Temporary	141	141	0	0
Judges	227	199	12.3	1
Total	19,730	17,234	15	207

Should the number of posts filled (17,234) in relation to the number of posts on the establishment (temporary and permanent) be taken into consideration the vacancy rate would be 12.65%.

TABLE 3.2 – Employment and vacancies by salary bands, 31 March 2008

Salary band	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Lower skilled (Levels 1-2), Permanent	914	719	21.33	12
Skilled (Levels 3-5), Permanent	6,720	5,615	16.44	68
Highly skilled production (Levels 6-8), Permanent	4,388	4,192	4.47	84
Highly skilled supervision (Levels 9-12), Permanent	3,638	2,756	24.24	31
Senior management (Levels 13-16), Permanent	982	864	12.02	12
Contract (Levels 1-2), Permanent	129	129	0	0
Contract (Levels 3-5), Permanent	2,491	2,491	0	0
Contract (Levels 6-8), Permanent	179	179	0	0
Contract (Levels 9-12), Permanent	229	229	0	0
Contract (Levels 13-16), Permanent	60	60	0	0
TOTAL	19,730	17,234	15	207

TABLE 3.3 – Employment and vacancies by critical occupation, 31 March 2008

Critical occupations	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Administrative related, Permanent	7,110	6,403	9.94	98
Administrative related, Contract	2,376	2,376	0	0
Advocates, Permanent	117	64	45.30	0
Attorneys, Permanent	214	180	19.89	0
Building and other property caretakers, Permanent	15	15	0	0
Bus and heavy vehicle drivers, Permanent	9	9	0	0
Cleaners in offices workshops hospitals etc., Permanent	292	213	27.05	0
Cleaners in offices workshops hospitals etc., Contract	1	1	0	5
Client inform clerks(switchboard recept inform clerks), Permanent	115	109	5.22	0
Communication and information related, Permanent	16	15	6.25	0
Communication and information related, Contract	2	2	0	0
Computer Programmers, Permanent	1	1	0	0
Financial and related professionals, Permanent	141	122	13.48	0
Financial clerks and credit controllers, Permanent	498	398	20.08	4
Financial clerks and credit controllers, Contract	71	71	0	0
Food services aids and waiters, Permanent	25	21	16	0
Food services aids and waiters, Contract	4	4	0	0
General legal administration & rel. professionals, Permanent	916	612	33.19	13
General legal administration & rel. professionals, Contract	102	102	0	0
Head of department/chief executive officer, Permanent	1	1	0	0

Critical occupations	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Human resources & organisat developm & relate prof, Permanent	51	46	9.80	3
Human resources clerks, Permanent	200	192	4.00	2
Human resources clerks, Contract	18	18	0	0
Human resources related, Permanent	142	85	40.14	1
Information technology related, Permanent	6	6	0	0
Judges, Permanent	227	199	12.33	1
Language practitioners interpreters & other commun, Permanent	1,746	1,576	9.74	4
Language practitioners interpreters & other commun, Contract	138	138	0	0
Librarians and related professionals, Permanent	54	25	53.70	0
Library mail and related clerks, Permanent	330	270	18.18	3
Light vehicle drivers, Permanent	25	20	20	1
Magistrates, Permanent	1,911	1,708	10.62	13
Magistrates, Contract	189	189	0	0
Material-recording and transport clerks, Permanent	53	49	7.55	7
Messengers porters and deliverers, Permanent	446	360	19.28	2
Risk management and security services, Permanent	63	40	36.51	0
Secretaries & other keyboard operating clerks, Permanent	1,122	852	24.06	36
Secretaries & other keyboard operating clerks, Contract	175	175	0	0
Security officers, Permanent	544	391	28.13	5
Security officers, Contract	12	12	0	0
Senior managers, Permanent	252	164	34.92	9
Total	19,730	17,234	15	207

The information in each case reflects the situation as at 31 March 2008. For an indication of changes in staffing patterns over the year under review, please refer to section 5 of this report.

5.4 Job evaluation

The Public Service Regulations, 1999 introduced job evaluation as a way of ensuring that work of equal value is remunerated equally. 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. This was complemented by a decision by the Minister for the Public Service and Administration that all SMS jobs must be evaluated before 31 December 2002.

The following table (Table 4.1) summarises the 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 4.1 – Job Evaluation, 1 April 2007 to 31 March 2008

Salary band	Number of posts	Number of jobs evaluated	% of posts evaluated by salary bands	Posts Upgraded		Posts downgraded	
				Number	% of posts evaluated	Number	% of posts evaluated
Lower skilled (Levels 1-2)	914	38	4.16	0		0	0
Skilled (Levels 3-5)	6,720	2,164	32.20	7	0.32	0	0
Highly skilled production (Levels 6-8)	4,388	390	8.89	390	100	0	0
Highly skilled supervision (Levels 9-12)	3,664	173	4.72	3	1.73	0	0
Senior Management Service Band A	377	9	2.39	1	11.11	0	0
Senior Management Service Band B	320	5	1.56	1	20	0	0
Senior Management Service Band C	257	0	0	0	0	0	0
Senior Management ServiceBand D	2	0	0	0	0	0	0
Lower skilled (Levels 1-2) Contract	130	0	0	0	0	0	0
Skilled (Levels 3-5) (Contract)	2,491	0	0	0	0	0	0
Highly skilled production (Levels 6-8) (Contract)	178	0	0	0	0	0	0
Highly skilled supervision (Levels 9-12) (Contract)	229	0	0	0	0	0	0
Senior Management Service (Contract)	60	0	0	0	0	0	0
Total	19,730	2,779	14.09	402	14.47	0	0

* 3,088 contract posts not evaluated

The following table provides a summary of the number of employees whose salary positions were upgraded due to their posts being upgraded. The number of employees might differ from the number of posts upgraded since not all employees are automatically absorbed into the new posts and some of the posts upgraded could also be vacant.

TABLE 4.2 – Profile of employees whose salary positions were upgraded due to their posts being upgraded, 1 April 2007 to 31 March 2008

Beneficiaries	African	Asian	Coloured	White	Total
Female	49	4	0	2	55
Male	137	7	4	3	151
Total	186	11	4	5	206

Employees with a disability	0

The following table summarises the number of cases where remuneration levels exceeded the grade determined by job evaluation. Reasons for the deviation are provided in each case.

TABLE 4.3 – Employees whose salary level exceed the grade determined by job evaluation, 1 April 2007 to 31 March 2008 (in terms of PSR 1.V.C.3)

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Deputy Director	1	11	12	Retention

Total Number of Employees whose salaries exceeded the level determined by job evaluation in 2007/08	1
Percentage of total employment	.001

Table 4.4 summarises the beneficiaries of the above in terms of race, gender, and disability.

TABLE 4.4 – Profile of employees whose salary level exceed the grade determined by job evaluation, 1 April 2007 to 31 March 2008 (in terms of PSR 1.V.C.3)

Beneficiaries	African	Asian	Coloured	White	Total
Female	0	1	0	0	1
Male	0	0	0	0	0
Total	0	1	0	0	1

Employees with a disability	0

Total Number of Employees whose salaries exceeded the grades determined by job evaluation in 2007/ 08	1

5.5 Employment changes

This section provides information on changes in employment over the financial year.

Turn-over 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 (Table 5.1) and by critical occupations (Table 5.2). (These "critical occupations" should be the same as those listed in Table 3.3).

TABLE 5.1 – Annual turnover rates by salary band for the period 1 April 2007 to 31 March 2008

Salary Band	Number of employees per band as on 1 April 2007	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Lower skilled (Levels 1-2), Permanent	1,055	67	58	5.50
Skilled (Levels 3-5), Permanent	6,004	1,188	352	5.86
Highly skilled production (Levels 6-8), Permanent	1,633	236	279	17.09
Highly skilled supervision (Levels 9-12), Permanent	3,082	311	184	5.97
Senior Management Service (Level 13 – 16) Permanent	397	352	22	5.54
Contract (Levels 1-2), Permanent	70	95	47	67.14
Contract (Levels 3-5), Permanent	1,080	2,584	649	60.09
Contract (Levels 6-8), Permanent	123	225	76	61.79
Contract (Levels 9-12), Permanent	120	368	109	90.83
Contract (Levels 13 – 16)	20	3	3	15
Total	13,584	5,429	1,779	13.10

TABLE 5.2 – Annual turnover rates by critical occupation for the period 1 April 2007 to 31 March 2008

Critical occupations	Number of employees per occupation as on 1 April 2007	Appointments and transfers into the department	Terminations and transfers out of the Department	Turnover rate
Administrative related, Permanent	4,425	3,115	938	21.20
Advocates, Permanent	67	9	5	7.46
Attorneys, Permanent	198	83	14	7.07
Building and other property caretakers, Permanent	17	0	1	5.88
Bus and heavy vehicle drivers, Permanent	7	0	0	0
Cleaners in offices workshops hospitals etc., Permanent	241	6	26	10.79
Client inform clerks(switchb recept inform clerks), Permanent	87	23	3	3.45
Communication and information related, Permanent	16	4	3	18.75
Computer Programmers, Permanent	1	0	0	0
Finance and economics related, Permanent	500	304	106	21.20
Food services aids and waiters, Permanent	21	4	1	4.76
General legal administration & rel. professionals, Permanent	523	246	124	23.71
Head of department/chief executive officer, Permanent	2	0	0	0
Human resources & organisat developm & relate prof, Permanent	3	11	2	.67
Human resources clerks, Permanent	188	40	21	11.17
Human resources related, Permanent	109	23	11	10.09
Information technology related, Permanent	6	2	4	66.67
Judges, Permanent	204	344	8	3.92
Language practitioners interpreters & other commun, Permanent	2,606	252	104	4.03
Librarians and related professionals, Permanent	19	5	0	0
Library mail and related clerks, Permanent	260	155	12	4.62

Critical occupations	Number of employees per occupation as on 1 April 2007	Appointments and transfers into the department	Terminations and transfers out of the Department	Turnover rate
Light vehicle drivers, Permanent	21	7	0	0
Magistrates, Permanent	1,822	287	166	9.11
Material-recording and transport clerks, Permanent	50	8	1	2
Messengers porters and deliverers, Permanent	509	79	20	3.93
Risk management and security services, Permanent	9	0	0	0
Secretaries & other keyboard operating clerks, Permanent	1,031	392	177	17.17
Security officers, Permanent	437	21	19	4.35
Senior managers, Permanent	205	9	13	6.34
Total	13,584	5,429	1,779	13.10

Table 5.3 – Reasons why staff are leaving the department

Termination Type	Number	% of Total Resignations
Death, Permanent	106	5.98
Death, Temporary	8	0.45
Resignation, Permanent	363	20.46
Resignation, Temporary	133	7.5
Expiry of contract, Permanent	9	0.51
Expiry of contract, Temporary	732	41.26
Discharged due to ill health, Permanent	24	1.35
Dismissal-misconduct, Permanent	56	3.16
Dismissal-misconduct, Temporary	4	0.23
Retirement, Permanent	122	6.86
Transfer, Permanent	222	12.51
Total	1,779	100
Resignations as % of Employment		13.10

Table 5.4 – Promotions by critical occupation

Occupation	Employees as at 1 April 2007	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a % of employees by occupation
Administrative related, Permanent	4,425	259	6.00	2,568	58.03
Advocates, Permanent	67	8	11.94	1	1.5
Attorneys, Permanent	198	11	5.6	38	19.2
Building and other property caretakers, Permanent	17	0	0	5	29.41
Bus and heavy vehicle drivers, Permanent	7	0	0	5	71.43
Cleaners in offices workshops hospitalsetc., Permanent	241	0	0	83	34.44
Client inform clerks(switchb recept inform clerks), Permanent	87	3	3.45	55	63.22
Communication and information related, Permanent	16	1	6.25	4	25
Computer Programmers, Permanent	1	0	0	0	0
Finance and economics related, Permanent	500	80	16.00	168	33.60
Food services aids and waiters, Permanent	21	0	0	12	57.14
General legal administration & rel. professionals, Permanent	523	96	18.36	93	17.78
Head of department/chief executive officer, Permanent	2	0	0	0	0
Human resources & organisat developm & relate prof, Permanent	3	2	0.67	2	0.67
Human resources clerks, Permanent	188	22	11.70	93	49.47
Human resources related, Permanent	109	6	5.5	33	30.28
Information technology related, Permanent	6	0	0	1	16.67
Judges, Permanent	204	2	0.98	1	0.49
Language practitioners interpreters & other commun, Permanent	2,606	11	0.42	1,166	44.74

Occupation	Employees as at 1 April 2007	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a % of employees by occupation
Librarians and related professionals, Permanent	19	0	0	8	42.11
Library mail and related clerks, Permanent	260	10	3.85	90	34.62
Light vehicle drivers, Permanent	21	0	0	12	57.14
Magistrates, Permanent	1,822	15	0.82	0	0
Material-recording and transport clerks, Permanent	50	1	2	25	50
Messengers porters and deliverers, Permanent	509	2	0.4	148	29.27
Risk management and security services, Permanent	9	0	0	0	0
Secretaries & other keyboard operating clerks, Permanent	1,031	11	1.07	455	44.13
Security officers, Permanent	437	10	0.97	223	51.03
Senior managers, Permanent	205	2	0.5	14	6.83
Total	13,584	552	4.06	5,303	39.04

Table 5.5 – Promotions by salary band

Salary Band	Employees 1 April 2007	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), Permanent	1,055	0	0	325	30.81
Skilled (Levels 3-5), Permanent	6,004	198	3.30	2,913	49.00
Highly skilled production (Levels 6-8), Permanent	1,633	147	9	1,509	92.40
Highly skilled supervision (Levels 9-12), Permanent	3,082	190	6.16	486	15.7
Senior management (Levels 13-16), Permanent	397	17	4.28	15	3.78
Contract (Levels 1-2), Permanent	70	0	0	5	7.14

Salary Band	Employees 1 April 2007	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
Contract (Levels 3-5), Permanent	1,080	0	0	30	2.78
Contract (Levels 6-8), Permanent	123	0	0	17	13.82
Contract (Levels 9-12), Permanent	120	0	0	3	2.50
Contract (Levels 13-16), Permanent	20	0	0	0	0
Total	13,584	552	4.06	5,303	39.04

5.6 Employment equity

The tables in this section are based on the formats prescribed by the Employment Equity Act, 55 of 1998.

6.1 Total number of employees (including employees with disabilities) in each of the following occupational categories as on 31 March 2008

Occupational categories (SASCO)	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers, Permanent	102	17	19	131	44	11	13	26	363
Legislators, senior officials and managers, Temporary	7	0	1	0	9	1	1	1	20
Professionals, Permanent	1,109	105	79	672	669	100	137	429	3,300
Professionals, Temporary	106	10	10	57	59	12	12	24	290
Clerks, Permanent	2,309	204	86	130	3,419	642	179	1,202	8,171
Clerks, Temporary	587	78	43	29	1,296	227	52	189	2,501
Service and sales workers, Permanent	175	46	17	94	47	5	1	12	397
Service and sales workers, Temporary	6	0	0	0	4	0	1	1	12
Plant and machine operators and assemblers, Permanent	25	2	1	1	0	0	0	0	29
Labourers and related workers, Permanent	268	29	10	22	297	19	6	21	672

Occupational categories (SASCO)	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Labourers and related workers, Temporary	52	2	1	0	29	2	0	3	89
Technical and associated professions, Permanent	467	66	17	55	362	42	23	182	1,214
Technical and associated professions, Temporary	41	4	0	1	114	11	1	4	176
TOTAL	5,254	563	284	1,192	6,349	1,072	426	2,094	17,234
Employees with disabilities	12	4	0	7	8	1	1	3	36

6.2 Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2008

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management, Permanent	1	0	0	0	0	0	0	0	1
Senior Management, Permanent	191	19	20	214	99	18	30	75	666
Professionally qualified and experienced specialists and mid-management, Permanent	866	91	89	608	568	97	131	385	2,835
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	1,346	101	39	156	1,351	158	63	1,028	4,242
Semi-skilled and discretionary decision making, Permanent	1,646	189	66	83	2,573	523	128	395	5,603
Unskilled and defined decision making, Permanent	376	49	15	32	281	24	7	15	799
Contract (Top Management), Permanent	0	0	0	0	0	0	0	0	0
Contract (Senior Management), Permanent	17	1	4	19	9	3	4	3	60
Contract (Professionally qualified), Permanent	86	8	6	21	57	8	9	18	213
Contract (Skilled technical), Permanent	52	5	0	9	63	22	5	37	193
Contract (Semi-skilled), Permanent	604	96	39	20	1,312	216	48	109	2,444
Contract (Unskilled), Permanent	69	4	6	30	36	3	1	29	178
Total	5,254	563	284	1,192	6,349	1,072	426	2,094	17,234

6.3 Recruitment for the period 1 April 2007 to 31 March 2008

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	0	0	0	0	0	0	0	0	0
Senior Management	47	5	17	199	14	2	0	59	343
Professionally qualified and experienced specialists and mid-management	117	6	6	71	89	5	12	73	379

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	51	2	0	65	75	6	7	25	231
Semi-skilled and discretionary decision making	318	42	12	45	580	88	8	43	1,136
Unskilled and defined decision making	35	5	1	1	20	2	0	1	65
Contract (Senior Management) Permanent	0	0	0	1	2	0	0	0	3
Contract (Professionally qualified) Permanent	138	13	16	80	62	12	16	31	368
Contract (Skilled technical) Permanent	34	6	2	13	88	28	6	48	225
Contract (semi skilled) Permanent	690	77	25	19	1,359	244	37	124	2,575
Contract (Unskilled) Permanent	37	5	5	8	40	7	2	0	104
Total	1,467	161	84	502	2,329	394	88	404	5,429
Employees with disabilities	0	0	0	0	1	1	0	0	2

6.4 Promotions for the period 1 April 2007 to 31 March 2008

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management, Permanent	0	0	0	0	0	0	0	0	0
Senior Management, Permanent	5	0	1	2	12	2	1	4	27
Professionally qualified and experienced specialists and mid-management, Permanent	70	2	4	10	59	4	11	14	174
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	51	5	2	2	65	11	1	12	149
Semi-skilled and discretionary decision making, Permanent	48	6	2	4	90	24	13	15	202
Unskilled and defined decision making, Permanent	0	0	0	0	0	0	0	0	0
Total	174	13	9	18	226	41	26	45	552
Employees with disabilities	8	2	0	6	7	0	0	2	25

6.5 – Terminations for the period 1 April 2007 to 31 March 2008

Occupational Bands	Male				Female				
	African	Coloured	Indian	White	African	Coloured	Indian	White	Total
Top Management, Permanent	0	0	0	0	0	0	0	0	0
Senior Management, Permanent	205	2	0	6	41	0	0	0	254
Professionally qualified and experienced specialists and mid-management, Permanent	50	3	9	34	14	4	11	13	138
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	69	3	2	10	62	5	5	52	208
Semi-skilled and discretionary decision making, Permanent	95	7	4	6	65	19	0	28	224
Unskilled and defined decision making, Permanent	22	1	0	4	43	1	0	0	71
Contract (Senior Management), Permanent	1	0	0	1	2	0	0	0	4
Contract (Professionally qualified), Permanent	38	2	5	31	11	2	9	11	109
Contract (Skilled technical), Permanent	17	1	1	4	27	7	5	20	82
Contract (Semi-skilled), Permanent	167	48	6	7	275	51	8	80	642
Contract (Unskilled), Permanent	14	0	1	3	20	6	1	2	47
Total	678	67	28	106	560	95	39	206	1,779

6.6 – Disciplinary action for the period 1 April 2007 to 31 March 2008

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	213	10	7	20	173	22	13	26	484

6.7 – Skills development for the period 1 April 2007 to 31 March 2008

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	89	7	4	37	85	13	8	43	286
Professionals	1,021	129	64	309	624	96	73	302	2,618
Technicians and associate professionals	352	25	11	48	330	58	24	130	978
Clerks	2,080	395	38	126	2,753	498	101	490	6,481
Service and sales workers	18	4	8	12	14	1	0	4	61
Plant and machine operators and assemblers	0	0	0	1	0	0	0	0	1
Elementary occupations	57	13	7	3	54	5	1	14	154
Total	3,617	573	132	536	3,860	671	207	983	10,579
Employees with disabilities	5	0	0	0	1	0	1	6	13

5.7 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 (Table 6.1), salary bands (table 6.2) and critical occupations (Table 6.3).

TABLE 7.1 – Performance Rewards by race, gender, and disability, 1 April 2007 to 31 March 2008

	Beneficiary Profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group	Cost (R'000)	Average cost per employee
African, Female	876	6,343	14%	R5,977,964	R6,824
African, Male	707	5,243	14%	R5,218,110	R7,380
Asian, Female	77	425	18%	R705,529	R9,162
Asian, Male	36	283	13%	R445,315	R12,369
Coloured, Female	200	1,070	19%	R1,452,260	R7,261
Coloured, Male	76	558	14%	R603,794	R7,966
Total Blacks, Female	1,153	7,838	15%	R8,145,793	R7,064
Total Blacks, Male	819	6,084	14%	R6,292,113	R7,682
White, Female	616	2,091	30%	R6,069,932	R9,853
White, Male	131	1,185	11%	R1,640,948	R12,526
Employees with a disability	6	36	17%	R50,714	R8,452
Total	2,725	17,234	16%	R22,164,666	R8,130

TABLE 7.2 – Performance Rewards by salary bands for personnel below Senior Management Service, 1 April 2007 to 31 March 2008

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)	173	848	2.0%	R654,521	R3,783	3%
Skilled (Levels 3-5)	948	8,106	1.2%	R4,847,571	R5,113	23%
Highly skilled production (Levels 6-8)	1,311	4,371	3.0%	R11,439,804	R8,726	54%
Highly skilled supervision (Levels 9-12)	252	2,985	8%	R4,322,390	R17,152	20%
Total	2,684	16,310	16.5%	R26,943	R8,984	100

TABLE 7.3 – Performance Rewards by critical occupations, 1 April 2007 to 31 March 2008

Critical Occupations	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Total Cost (R'000)	Average cost per employee
Administrative related, Permanent	1,433	6,403	23%	R10,844,390	R7,567
Advocates, Permanent	2	64	3%	R54,254	R27,127
Attorneys, Permanent	15	180	8%	R290,941	R19,396
Building and other property caretakers, Permanent	0	15	0	0	0
Bus and heavy vehicle drivers, Permanent	5	9	56%	R12,747	R2,549
Cleaners in offices, workshops hospitals etc., Permanent	36	213	17%	R92,908	R2,580
Client inform clerks (switchb recept inform clerks), Permanent	17	109	16%	R123,229	R7,248
Communication and information related, Permanent	9	15	60%	R168,827	R18,758
Computer Programmers, Permanent	0	1	0	0	0
Finance and economics related, Permanent	79	398	20%	R737,899	R9,340
Financial and related professionals, Permanent	28	122	23%	R249,988	R8,928

Critical Occupations	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Total Cost (R'000)	Average cost per employee
Food services aids and waiters, Permanent	5	21	24%	R24,114	R4,822
General legal administration & rel. professionals, Permanent	41	607	7%	R828,521	R20,208
Head of department/chief executive officer, Permanent	0	1	0	0	0
Human resources & organisat developm & relate prof, Permanent	16	46	36%	R128,684	R8,042
Human resources clerks, Permanent	135	192	70%	R1,071,690	R7 ,938
Human resources related, Permanent	55	85	65%	R1,008,323	R18,333
Information technology related, Permanent	1	6	17%	R20,907	R20,907
Judges	0	199	0	0	0
Language practitioners interpreters & other commun, Permanent	258	1,576	16%	R6,961,656	R26,983
Librarians and related professionals, Permanent	11	25	44%	R123,449	R11,222
Library mail and related clerks, Permanent	62	270	23%	R375,655	R6,058
Light vehicle drivers, Permanent	7	20	35%	R29,185	R4,169
Logistical support personnel, Permanent	15	32	47%	R178,989	R11,932
Magistrates, Permanent	2	1,703	0.1%	R68,277	R34,138
Material-recording and transport clerks, Permanent	20	49	41%	R108,680	R5,434
Messengers porters and deliverers, Permanent	94	360	27%	R395,696	R4,209
Other occupations, Permanent	2	5	40%	R15,960	R7,980
Risk management and security services, Permanent	1	8	13%	R12,819	R12,819
Secretaries & other keyboard operating clerks, Permanent	245	852	29%	R1,879,719	R7,672
Security guards, Permanent	17	64	27%	R67,966	R3,998

Critical Occupations	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Total Cost (R'000)	Average cost per employee
Security officers, Permanent	84	327	26%	R515,757	R6,139
Senior managers, Permanent	30	164	18%	R849,828	R28,328
Social work and related professionals, Permanent	0	5	0	0	0
Total	2,725	14,146	19.26%	R27,241,058	R9,996.72

TABLE 7.4 – Performance related rewards (cash bonus), by salary band, for Senior Management Service

Salary Band	Beneficiary Profile			Total Cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure
	Number of beneficiaries	Number of employees	% of total within band			
Band A	20	298	6.71%	R481,244	R24,062	56%
Band B	6	406	2%	R157,403	R26,233	19%
Band C	5	19	26%	R221,706	R44,341	26%
Band D	0	2	0%	0	0	0
Total	31	725	4%	R860,353	R27,753	100%

5.8 Foreign workers

The tables below summarise the employment of foreign nationals in the department in terms of salary bands and by major occupation. The tables also summarise changes in the total number of foreign workers in each salary band and by each major occupation.

TABLE 8.1 – Foreign Workers, 1 April 2007 to 31 March 2008, by salary band

Salary Band	1 April 2007		31 March 2008		Change	
	Number	% of total	Number	% of total	Number	% change
Lower skilled (Levels 1-2)	13	39.39%	3	9.68%	-10	-76.92%
Skilled (Levels 3-5)	4	12.12%	15	48.39%	11	7.56%
Highly skilled production (Levels 6-8)	7	21.21%	11	35.48%	4	57.14%
Highly skilled supervision (Levels 9-12)	6	18.18%	1	3.23%	-5	-83.33%
Senior management (Levels 13-16)	3	9.09%	1	3.23%	-2	-66.67%
Total	33	100v	31	100%	-2	-6.06%

TABLE 8.2 – Foreign Worker, 1 April 2007 to 31 March 2008, by major occupation

Major Occupation	1 April 2007		31 March 2008		Change	
	Number	% of total	Number	% of total	Number	% change
Administrative office workers	23	69.7%	12	38.71%	-11	-31.99%
Other occupations	1	3.03%	17	54.84%	16	51.81%
Professionals and managers	9	27.27%	2	6.45%	-7	-20.82%
Total	33	100%	31	100%	-2	-1%

5.9 Leave utilisation for the period 1 January 2007 to 31 December 2007

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 (Table 9.1) and disability leave (Table 9.2). In both cases, the estimated cost of the leave is also provided.

TABLE 5.9.1 – Sick leave, 1 January 2007 to 31 December 2007

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)	4,737.5	89.6%	494	4.4%	10	786
Skilled (Levels 3-5)	34,814.5	87.3%	4,070	36.5%	9	7,785
Highly skilled production (Levels 6-8)	28,905	88%	3,045	27.3%	9	11,252
Highly skilled supervision (Levels 9-12)	20,998.5	85.8%	1,998	17.9%	11	17,826
Senior management (Levels 13-16)	850	85.5%	110	1%	8	1,755
Contract (Levels 1-2)	152	83.6%	30	0.3%	5	24
Contract (Levels 3-5)	6,005.5	87.5%	1,267	11.3%	5	1,301
Contract (Levels 6-8)	363	83.7%	79	0.7%	5	154
Contract (Levels 9-12)	427	87.8%	62	0.6%	7	328
Contract (Levels 13-16)	28	92.9%	8	0.1%	4	56
Total	97,281	87.3%	11,163	100%	9	41,267

TABLE 5.9.2 – Disability leave (temporary and permanent), 1 January 2007 to 31 December 2007

Salary Band	Total days taken	% days with medical certification	Number of Employees using disability leave	% of total employees using disability leave	Average days per employee	Estimated Cost (R'000)
Lower skilled (Levels 1-2)	46	100%	1	1.7%	46	8
Skilled (Levels 3-5)	1,077	100%	16	27.6%	67	222
Highly skilled production (Levels 6-8)	2,301	100%	33	56.9%	70	919
Highly skilled supervision (Levels 9-12)	268	100%	7	12.1%	38	313
Senior management (Levels 13-16)	139	100%	1	1.7%	139	272
Total	3,831	100%	58	100%	66	1,734

Table 9.3 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 9.3 – Annual Leave, 1 January 2007 to 31 December 2007

Salary Bands	Total days taken	Average per employee
Lower skilled (Levels 1-2)	14,228.08	19
Skilled (Levels 3-5)	88,886.56	17
Highly skilled production (Levels 6-8)	89,367.76	21
Highly skilled supervision Levels 9-12)	69,713.92	23
Senior management (Levels 13-16)	3,935	20
Contract (Levels 1-2)	368	6
Contract (Levels 3-5)	11,551.44	6
Contract (Levels 6-8)	1,168	7
Contract (Levels 9-12)	662	7
Contract (Levels 13-16)	296	15
Total	280,176.76	16

TABLE 9.4 – Capped leave, 1 January 2007 to 31 December 2007

Salary Bands	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2007
Lower skilled (Levels 1-2)	145	5	41
Skilled (Levels 3-5)	707	5	12
Highly skilled production (Levels 6-8)	2,468	7	68
Highly skilled supervision (Levels 9-12)	344	5	18
Senior management (Levels 13-16)	71	5	15
Total	3,735	6	31

TABLE 9.5 – Leave payouts for the period 1 April 2007 to 31 March 2008

The following table summarises payments made to employees as a result of leave that was not taken.

REASON	Total Amount (R'000)	Number of Employees	Average payment per employee
Leave payout for 2007/08 due to non-utilisation of leave for the previous cycle	199	26	7,654
Capped leave payouts on termination of service for 2007/08	2,034	283	7,187
Current leave payout on termination of service for 2007/08	481	174	2,764
Total	2,714	483	5,619

5.2 HIV and aids & health promotion programmes

TABLE 10.1 – 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
NONE	

TABLE 10.2 – 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 Part VI E of Chapter 1 of the Public Service Regulations, 2001? If so, provide her/his name and position.	X		Ms S Mekwa: Acting Director
2. Does the department have a dedicated unit or has it designated specific staff members to promote the health and well being 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.	X		The EAP Sub Directorate under Organisational Development is promoting health and wellness programmes within the Department. 1 x Deputy Director 2 x Assistant Directors 250 peer educators nationally are appointed to promote health and wellness programmes in the National Office and Regions.
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.	X		Counselling servicesTrauma management HIV & AIDS VCT Health and Wellness Centre, e.g. Electronic massage Stress management Health screening Eye care testing Homework Centre (for employees' children
4. Has the department established (a) committee(s) as contemplated in Part VI E.5 (e) of Chapter 1 of the Public Service Regulations, 2001? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.	X		The Committees have been established throughout the Department, where employees are represented per different levels and categories across race and gender
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.	X		All HR Policies, such as Recruitment and Selection, Employee Relations, Training and Development, People with Disabilities, EE, Performance Management & Job Evaluation
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.	X		HIV and Aids Awareness Programme HIV & AIDS Policy HIV & AIDS Strategy
7. Does the department encourage its employees to undergo Voluntary Counselling and Testing? If so, list the results that you have achieved.	X		National Office = 77 tested six are positive & referred Gauteng 97 tested, 15 Positive, six referred Limpopo Regional Office 14 tested, one positive & one referred

Question	Yes	No	Details, if yes
8. Has the department developed measures/indicators to monitor & evaluate the impact of its health promotion programme? If so, list these measures/indicators.	X		The DG has approved to establish wellness centers. With the aim of providing **Weekly wellness service**s Nutritionist Eye care testing Health screening Onsite Nursing Sister HIV & AIDS VCT **Monthly Services** Health observant calendar days

5.11 Labour relations

The following collective agreements were entered into with trade unions within the department.

TABLE 11.1 – Collective agreements, 1 April 2007 to 31 March 2008

Total collective agreements	1

The following table summarises the outcome of disciplinary hearings conducted within the department for the year under review.

TABLE 11.2 – Misconduct and disciplinary hearings finalised, 1 April 2007 to 31 March 2008

Outcomes of disciplinary hearings	Number	% of total
Verbal warning	6	1.24%
Written warning	80	16.53%
Final written warning	235	48.55%
Suspension w/o pay	8	1.65%
Demotion	1	0.21%
Dismissal	47	9.71%
Withdrawn	59	12.19%
Resigned	23	4.75%
Deceased	4	0.80%
Leave w/o pay	4	0.83%
Rehabilitation	4	0.83%
Corrective counselling	2	0.41%
Not guilty	11	2.27%
Total	484	100.00%

TABLE 11.3 – Types of misconduct addressed at disciplinary hearings

Type of misconduct	Number	% of total
Fraud	48	9.92%
Theft	22	4.55%
Corruption	10	2.07%
Unbecoming behaviour	15	3.10%
Alcohol abuse	6	1.24%
Abuse of state property	21	4.34%
Unauthorised absence	57	11.78%
Negligence	10	2.07%
Loss of state money	33	6.82%
Insubordination	22	4.55%
Abscondment	4	0.80%
Sexual harassment	4	0.83%
Racism	2	0.41%
Other	230	47.52%
Total	484	100%

TABLE 11.4 – Grievances lodged for the period 1 April 2007 to 31 March 2008

	Number	% of Total
Number of grievances resolved	303	45.43%
Number of grievances not resolved	364	54.57%
Total number of grievances lodged	667	100%

TABLE 11.5 – Disputes lodged with Councils for the period 1 April 2007 to 31 March 2008

	Number	% of Total
Number of disputes upheld	211	41.87%
Number of disputes dismissed	293	58.13%
Total number of disputes lodged	504	100%

TABLE 11.6 Strike actions for the period 1 April 2007 to 31 March 2008

Total number of person working days lost	20,519.2
Total cost (R'000) of working days lost	R 2,520,682.78
Amount (R'000) recovered as a result of no work no pay	R2,105,971.41

TABLE 11.7 – Precautionary suspensions for the period 1 April 2007 to 31 March 2008

Number of people suspended	
Number of people whose suspension exceeded 30 days	28
Average number of days suspended	575
Cost (R'000) of suspensions	R 7,365,535.63

5.12 Skills development

This section highlights the efforts of the department with regard to skills development.

12.1 – Training needs identified 1 April 2007 to 31 March 2008

Occupational Categories	Gender	Number of employees as at 1 April 2007	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Male	125	0	91	0	91
	Female	64	0	79	0	79
Professionals	Male	2,034	121	1,421	0	1,542
	Female	1,382	79	1,138	678	1,895
Technicians and associate professionals	Male	580	77	805	0	882
	Female	613	63	1,005	0	1,068
Clerks	Male	2,131	64	3,418	85	3,567
	Female	5,329	36	6,367	186	6,589
Service and sales workers	Male	372	0	89	2	91
	Female	70	0	55	0	55
Plant and machine operators and assemblers	Male	27	0	0	0	0
	Female	1	0	0	0	0
Elementary occupations	Male	420	0	128	0	128
	Female	436	0	36	0	36
Gender sub-totals	Male	5,689	262	5,952	87	6,301
	Female	7,895	178	8,680	864	9,722
Total		13,584	440	14,632	951	16,023

12.2 – Training provided 1 April 2007 to 31 March 2008

Occupational Categories	Gender	Number of employees as at 1 April 2007	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Male	125	0	122	15	137
	Female	64	0	126	23	149
Professionals	Male	2,034	35	1,349	74	1,458
	Female	1,382	64	1,000	95	1,159
Technicians and associate professionals	Male	580	32 (IA)	394	24	450
	Female	613	0	503	25	528
Clerks	Male	2,131	57(LI)	1740	842	2,639
	Female	5,329	43(LI)	3,155	644	3,842

Occupational Categories	Gender	Number of employees as at 1 April 2007	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Service and sales workers	Male	372	0	35	7	42
	Female	70	0	18	1	19
Plant and machine operators and assemblers	Male	27	0	0	0	0
	Female	1	0	1	0	1
Elementary occupations	Male	420	0	56	24	80
	Female	436	0	29	45	74
Gender sub-totals	Male	5,689	124	3,696	986	4,806
	Female	7,895	107	4,832	833	5,772
Total		13,584	231	8,528	1,819	10,578

5.13 Injury on duty

The following tables provide basic information on injury on duty.

TABLE 13.1 – Injury on duty, 1 April 2007 to 31 March 2008

Nature of injury on duty	Number	% of total
Required basic medical attention only	0	0
Pending Investigation	3	100
Temporary Total Disablement	0	0
Permanent Disablement	0	0
Fatal	0	0
Total	3	100

5.14 Utilisation of consultants

Table 14.1 – Report on consultant appointments using appropriated funds

Project Title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand
JYP maintenance	5	260	3,583,728.50
Management of Monies in Trust (MMT) PPP Project	1	260	264,083.49
Human Capital Plan	Paid to a firm	260	11,735,125.80
Prosecutorial Preparation	26	260	3,192,200.00
Case Tracking Project	26	260	12,540,877.00
Capacity Building	26	260	6,085,149.00

Project Title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand
Integrated Case Man	5	260	7,400,000.00
Electronic Document Man Ser	5	260	4,500,000.00
Department BI/GIS	5	260	4,000,000.00
Dept Integration Solution	5	260	2,630,000.00
Dept Infrastructure	5	260	3,333,000.00
Capacity Building	5	260	3,450,000.00
Remand Detainee and Offender Management Project	18	260	17,425,200.00
Remand Detainee and Offender Capacity Building	18	260	7,884,800.00
Probation Case Man& Secure Case Services	6	260	1,466,706.00
Probation Case Man& Secure Capacity Building	6	260	4,529,516.00
Lechabile IT services	1	1	66,074.40
National Operations Centre – Design	10	30	256,304.09
Grudko	2	61	684,914.00
Audit inspection State Houses	Paid to a firm	120	751,482.00
Develop Supply Chain Man Policy & Procedure	Paid to a firm	60	110,638.22
Develop non-custodial sanctions	Paid to a firm	260	1,176,000.00
Compilation Immovable Asset Management Plan	Paid to a firm	260	1,666,737.10
Total number of projects	**Total individual consultants**	**Total duration: Work days**	**Total contract value in Rand**
24	175	4,952	97,610,536

Please note that the amount disclosed above differs from the amount disclosed in the annual financial statements Note 6 – Goods and Services. The item "Consultants, contractors and special services " includes consultants, contractors and agency support and outsourced services. Herewith an analysis

Assessors	13,943,865
Interpreters	8,168,933
Guarding services	15,303,747
Audit Committee embers	514,935
Operational requirements	114,402,720
Consultants as per Table 14.1	97,610,536
Total as per Note 6 of the annual financial statements	249,944,736

Table 14.2 – Analysis of consultant appointments using appropriated funds, in terms of Historically Disadvantaged Individuals (HDIs)

No information available

Table 14.3 – Report on consultant appointments using Donor funds

No information available

Table 14.4 – Analysis of consultant appointments using Donor funds, in terms of Historically Disadvantaged Individuals (HDIs)

No information available

APPENDIX A - ACRONYMS

Abbreviation/ acronym	Name/phrase
AALCO	Asian-African Legal Consultative Organisation
ADR	Alternative Dispute Resolution
AG	Auditor-General
ARM	African Regional Meeting
ASGI-SA	Accelerated Shared Growth Initiative South Africa
ASP	Assembly of States Parties
AU	African Union
AZAPO	Azanian Peoples Organisation
BFN	Bloemfontein
BLA	Black Lawyers Association
BPI	Business Process Improvement
BRS	Business Rescue Services
BS	Bisho
CAS	Criminal Administration System
CBO	Community Based Organization
CCTV	Close-Circuit Television
CDW	Community Development Workers
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CEO	Chief Executive Officer
CFM	Case Flow Management
CFO	Chief Financial Officer
CGE	Commission on Gender and Equality
CJS	Criminal Justice System
CLO	Chief Litigation Officer
CNC	Court Nerve Centre
COO	Chief Operations Officer
CT	Cape Town
DBN	Durban
DCRS	Digital Court Recording Systems
DCS	Department of Correctional Services
DFA	Department of Foreign Affairs
DPP	Director of Public Prosecutions
DPSA	Department of Public Service and Administration
DPW	Department of Public Works
DRC	Democratic Republic of Congo
DoJ&CD	Department of Justice and Constitutional Development
DSD	Department of Social Development
EC	Eastern Cape

Abbreviation/ acronym	Name/phrase
EE	Employment Equity
EDMS	Electronic Document Management System
ENE	Estimates of National Expenditure
ETF	Electronic Funds Transfer
FA	Family Advocate
FF+	Freedom Front Plus
FS	Free State
GAAP	General Acceptance Accounting Principle
GCIS	Government Communication and Information System
GF	Guardian's Fund
GFS	Guardian's Fund System
GHT	Grahamstown
GIS	Geographical Information System
HR	Human Resource Unit
HRSB	Human Resource Service Benefit
IAWJ	International Association of Women Judges
ICC	International Criminal Court
ICMS	Integrated Case Management System
IDT	Independent Development Trust
IEC	Interim Executive Committee
IIA-SA	Institute of Internal Auditors - South Africa
IJS	Integrated Justice System
ISCCJ	Inter-Sectoral Committee on Child Justice
ISM	Information and System Management
IT	Information Technology
JBC	Joint Bi-national Commission
JCPS	Justice, Crime Prevention and Security Cluster
JDAS	Justice Deposit Account System
JEP	Jurisprudence of the Equality Programme
JHB	Johannesburg
JMIS	Justice Management Information System
KBY	Kimberley
KPI	Key Performance Indicators
KZN	KwaZulu-Natal
LAB	Legal Aid Board
LMF	Litigation Management Forum
LP	Limpopo
MACC	Minimum Anti-Corruption Capacity
MFK	Mafikeng

Abbreviation/ acronym	Name/phrase
MI's	Maintenance Investigators
MIT	Monies in Trust
MLDP	Management Leadership Development Programme
MMT	Management of Monies in Trust
M & E	Monitoring and Evaluation
MO's	Maintenance Officers
MOU	Memorandum of Understanding
MP	Mpumalanga
MPI	Members of Parliament
MPTT	Missing Persons Task Team
MTEF	Medium-Term Expenditure Framework
MTH	Mthatha
MTSF	Medium-Term Strategic Framework
NADEL	National Association of Democratic Lawyers
NC	Northern Cape Province
NGO	Non-Governmental Organisation
NIA	National Intelligence Agency
NIP	National Implementation Plan
NOC	National Operation Centre
NPA	National Prosecuting Authority
NW	North West Province
OCOO	Office of the Chief Operations Officer
OCSLA	Office of the Chief State Law Advisor
ODA	Official Development Assistance
ODG	Office of the Director General
OHS	Occupational Health and Safety
OSD	Occupational Specific Dispensation
PAIA	Promotion of Access to Information Act, 2000 (Act 2 of 2000)
PAJA	Promotion of Administrative and Justice Act
PCU	Policy Coordination Unit
PD	Paris Declaration
PE	Port Elizabeth
PEC	Public Education and Communication
PEC[1]	Provincial Executive Committee
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000)
PFMA	Public Finance Management Act, 1999 (Act 1 of 1999)
PIC	Projects Identification Committee

Abbreviation/ acronym	Name/phrase
PKI	Public Key Infrastructure
PKW	Polokwane
PMB	Pietermaritzburg
PMS	Performance Management System
PMRP	Performance Measurement Reporting Policy
PP	Public Protector
PP	Private Party
PPP	Public Private Partnership
PTA	Pretoria
PWC	Price Waterhouse Coopers
QoS	Quality of Service
QS	Quantity Survey
RAB	Re aga Boswa
RAMP	Repair and Maintenance Programme
RFS	Request for Service
RG	Reference Group
RIOS	Riverbed Optimisation system
RJ	Restorative Justice
RTC	Regional Tender Committee
SADC	South African Development Community
SAHRC	South African Human Rights Commission
SAMDI	South African Management Development Institute
SARC	South African Law Reform Commission
SAPS	South African Police Service
SARS	South African Revenue Service
SAS	State Attorney System
SASSETA	Safety and Security Sector Education and Training Authority
SAWLA	South African Women Lawyers Association
SC	Steering Committee
SCA	Supreme Court of Appeal
SCC	Small Claims Court
SETA	Sectorial Education and Training Authorities
SHEQ	Safety, Health, Environment and Quality Management
SITA	State Information Technology Agency
SIU	Special Investigation Unit
SLA	Service Level Agreements
SLA	State Law Advisor
SMS	Senior Management Service

Acronyms

Abbreviation/ acronym	Name/phrase
SOB	Sexual Offences Bill
SSL	Secure Socket Layer
TPD	Transvaal Provincial Division
TPF	Third Party Funds
TPMU	Transaction Processing and Monitoring Unit
TRC	Truth and Reconciliation Commission
UAT	User Acceptance Testing
UN	United Nations
UNIDROIT	Unification of Private Law Committee of Government Expects
WAN	Wide Area Network
WC	Western Cape

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