

human rights, freedom
peace, honour, safety
protection, vulnerability,
tolerance, equality,
morals, reason, dignity,
fairness, honesty, ethics,
integrity, retribution
law, legislation, truth,
reconciliation, justice.

ANNUAL REPORT

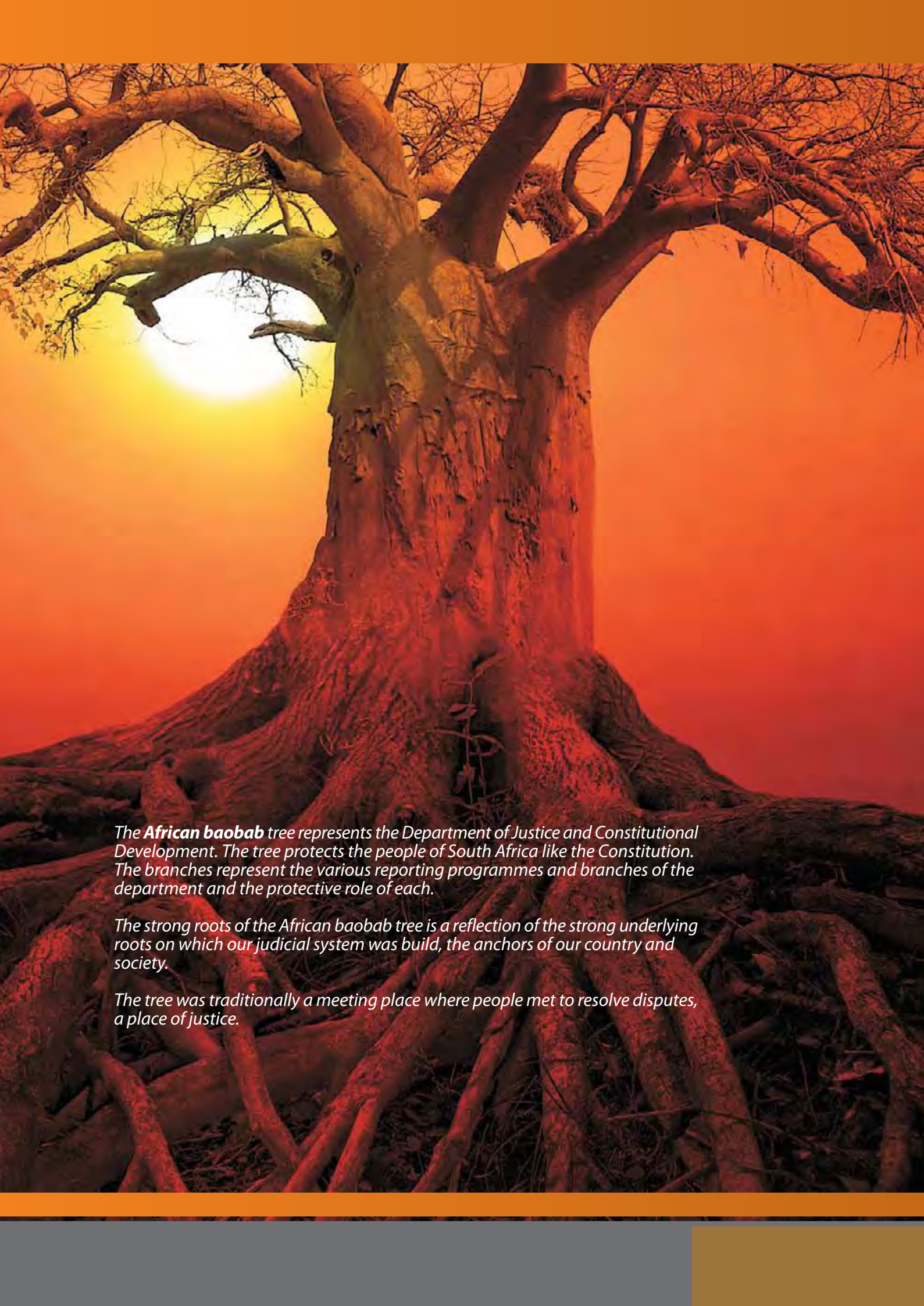
2010/11

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



*The **African baobab** tree represents the Department of Justice and Constitutional Development. The tree protects the people of South Africa like the Constitution. The branches represent the various reporting programmes and branches of the department and the protective role of each.*

The strong roots of the African baobab tree is a reflection of the strong underlying roots on which our judicial system was build, the anchors of our country and society.

The tree was traditionally a meeting place where people met to resolve disputes, a place of justice.

**DEPARTMENT OF JUSTICE
AND CONSTITUTIONAL DEVELOPMENT**

Annual Report
2010/11

**Mr JT Radebe, MP
MINISTER OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

I have the honour of submitting the Annual Report of the Department of Justice and Constitutional Development for the period 1 April 2010 to 31 March 2011.

A handwritten signature in black ink, appearing to read 'Ms TN Sindane', written in a cursive style.

**Ms TN Sindane
DIRECTOR-GENERAL**

31 August 2011

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ABBREVIATIONS AND ACRONYMS

ACCC	Anti-corruption Coordinating Committee
ADRM	Alternative Dispute Resolution Mechanism
AFU	Asset Forfeiture Unit
AJPCR	Access to Justice and Promotion of Constitutional Rights
BAS	Basic Accounting System
BBEE	Broad-based Black Economic Empowerment
CAC	Community Advice Centre
CARA	Criminal Assets Recovery Account
CARC	Criminal Assets Recovery Committee
CBAO	Community-based Advice Office
CCP	Court Capacitation Project
CFO	Chief Financial Officer
CJ	Chief Justice
CJA	Child Justice Act
CJ NPF	Criminal Justice National Policy Framework
CJRP	Civil Justice Reform Project
CJS	Civil Justice System
CJSR	Criminal Justice System Review
COO	Chief Operating Officer
CPA	Criminal Procedure Act
CSO	Civil Society Organisation
DBE	Department of Basic Education
DCS	Department of Correctional Services
DCGTA	Department of Cooperative Governance and Traditional Affairs
DG ISCCJ	Director-Generals Intersectoral Committee on Child Justice
DHA	Department of Home Affairs
DHET	Department of Higher Education and Training
DIRCO	Department of International Relations and Cooperation
DOC	Department of Communication
DOE	Department of Energy
DOJ&CD	Department of Justice and Constitutional Development
DOL	Department of Labour
DPSA	Department of Public Service and Administration
DPW	Department of Public Works
DRDLR	Department of Rural Development and Land Reform
DSD	Department of Social Development
DT	Department of Tourism
DTI	Department of Trade and Industry
EFT	Electronic Funds Transfer
EHWP	Employee Health and Wellness Programme
EU	European Union
EXCO	Executive Committee
FHR	Foundation for Human Rights
FSL	Forensic Science Laboratory
GAWP	Government and Administration Working Group
GCIS	Government Communications and Information Systems
GCB	General Council of the Bar
GF	Guardian's Fund
GIS	Geographic Information System
GIAMA	Government Immovable Asset Management
GMT	Government Motor Transport
HANIS	Home Affairs National Identification System
IBIS	Integrated Business Information System
ICT	Information and Communication Technology
ICMS	Integrated Case Management System
IDT	Independent Development Trust
IEC	Independent Electoral Commission
IJS	Integrated Justice System
IPS	Intrusion Prevention Solution

JCPS	Justice, Crime Prevention and Security
JNPF	Justice National Policy Framework
JSC	Judicial Services Commission
JYP	Justice Yellow Pages
LASA	Legal Aid South Africa
LSSA	Law Society of South Africa
MACC	Minimum Anti-corruption Capacity Requirements
MICMS	Maintenance Integrated Case Management System
MOU	Memorandum of Understanding
MOVIT	Masters' Own Verification Information Technology
MTEF	Medium Term Expenditure Framework
NA	National Assembly
NIA	National Intelligence Agency
NOC	National Operation Centre
NPA	National Prosecuting Authority
NRF	National Revenue Fund
NRSO	National Register for Sex Offenders
NT	National Treasury
OCJ	Office of the Chief Justice
OCJSR	Office for Criminal Justice System Reform
OCSLA	Office of the Chief State Law Advisor
OPP	Office of the Public Protector
PAA	Public Audit Act
PAIA	Promotion of Access to Information Act
PAJA	Promotion of Administrative Justice Act
PDI	Previously Disadvantaged Individual
PEC	Public Education and Communication
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act
PFMA	Public Finance Management Act
PPPFA	Preferential Procurement Policy Framework Act
PRVG	Promotion of the Rights of Vulnerable Groups
PSACS	Public Service Anti-corruption Strategy
RAMP	Repair and Maintenance Programme
RCCJS	Review Criminal and Civil Justice Systems
RJNPF	Restorative Justice National Policy Framework
SAHRA	South African Heritage Resources Agency
SAHRC	South African Human Rights Commission
SALRC	South African Law Reform Commission
SANDF	South African National Defence Force
SAPS	South African Police Service
SASSETA	Safety and Security Sector Education and Training Authority
SCA	Supreme Court of Appeal
SCC	Small Claims Court
SDC	Swiss Agency for Development and Cooperation
SDIP	Service Delivery Improvement Plan
SITA	State Information Technology Agency
SLA	Service Level Agreement
SLA	State Law Advisors
SMS	Senior Management Service
SPTP	Seven Point Transformation Plan
SIU	Special Investigating Unit
TCB	Traditional Courts Bill
TCC	Technical Coordinating Committee
TIP	Trafficking in Persons
TOR	Terms of Reference
TPF	Third Party Fund
TRC	Truth and Reconciliation Commission
UAMP	User Asset Management Plan



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REPUBLIC OF SOUTH AFRICA

PART 4: HUMAN RESOURCE MANAGEMENT

4.1 SERVICE DELIVERY

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	Provision of Employee Health and Wellness Programme (EHWP) to 100% employees	The appointment of a service provider ensures timeous and accessible EHWP services throughout the department. In addition, the employees are provided with 24-hour call centre to access services that include financial assistance, legal advice and psychosocial services.
Customer Management Centre	All branches	All branches	Effective and efficient human resource (HR) administrative services	The Human Resource Sub-branch reorganised itself to ensure speedy and effective service delivery.

Table 1.2: Consultation arrangements with customers

Type of arrangement	Actual customers	Potential customers	Actual achievements
Partnership	All branches	Chapter 9 institutions	According to the needs identified.

Table 1.3: Service delivery access strategy

Access strategy	Actual achievements
<p>Value-added services: Will offer efficient and consistent HR administration services that meet the time and quality requirements of our clients</p>	<p>The Departmental Human Resource Plan was reviewed to ensure alignment with the reviewed departmental strategic objectives.</p> <p>The departmental organisational structure was reviewed to align its functions and purpose to the strategic objectives.</p> <p>An actuarial study was conducted on HIV prevalence within the department. The aim of the study was to assess the potential financial and demographic impact of HIV and AIDS on the department. The actuarial study report assists the department to proactively manage the implications of HIV and AIDS on employees' performance and service delivery.</p>

Table 1.4: Service information tool

Type of information tool	Actual achievements
DJINI intranet portal	HR policies, procedures, strategy and plans, notices, circulars.
Workshops and information sessions	Conducted HR plan workshops, leave management workshops, EHWP information sessions and commemoration of national calendar events.

Table 1.5: Complaints mechanism

Complaints mechanism	Actual achievements
Opendoor policy	High success rate
Regular meetings	High success rate

4.2 EXPENDITURE

Departments budget in terms of clearly defined programmes. The following tables summarise final audited expenditure by programme (Table 2.1) and by salary band (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, 2010/11

Programme	Total voted expenditure (R'000)	Compensation of employee expenditure (R'000)	Training expenditure (R'000)	Professional and special services (R'000)	Compensation of employees as a percent of total expenditure	Average personnel cost per employee (R'000)
Administration	1 692 905	282 472	14 910	98 043	2.79	14
Auxiliary and associated services	1 913 241	58	-	68 282	-	-
Court Services	3 912 670	2 331 424	3 399	226 229	23.07	116
Direct charges	1 910 230	1 858 278	-	-	18.39	93
State Legal Services	670 842	520 413	503	26 818	5.15	26
Total as on financial system (BAS)	10 099 888	4 992 645	18 812	419 372	49.4	249

Table 2.2: Personnel costs by salary bands, 2010/11

Salary band	Personnel expenditure (R'000)	Percentage of total personnel cost	Average personnel cost per employee (R'000)
Lower skilled (levels 1—2)	55 341	1.07	59 828
Skilled (levels 3—5)	1 105 203	21.46	119 766
Highly skilled production (levels 6—8)	908 613	17.64	215 618
Highly skilled supervision (levels 9—12)	1 510 117	29.32	475 478
Senior management (levels 13—16)	1 058 176	20.54	1 025 364
Contract (levels 1—2)	4 909	0.1	89 255

Table 2.2: Personnel costs by salary bands, 2010/11 (continued)

Salary band	Personnel expenditure (R'000)	Percentage of total personnel cost	Average personnel cost per employee
Contract (levels 3—5)	74 224	1.44	94 673
Contract (levels 6—8)	54 187	1.05	194 219
Contract (levels 9—12)	128 830	2.5	397 623
Contract (levels 13—16)	78 351	1.52	1 305 850
Periodical remuneration	13 178	0.26	24 911
Abnormal appointment	1 516	0.03	18 265
Total	4 992 645	96.93	241 319

The following tables provide a summary per programme (Table 2.3) and salary band (Table 2.4) of expenditure incurred as a result of salaries, overtime, homeowner's 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, homeowner's allowance, and medical assistance by programme, 2010/11

Programme	Salaries		Overtime		Homeowner's allowance		Medical assistance	
	Amount (R'000)	Salaries as a percentage of personnel cost	Amount (R'000)	Overtime as a percentage of personnel cost	Amount (R'000)	HOA as a percentage of personnel cost	Amount (R'000)	Medical assistance as a percentage of personnel cost
Administration	195 297	69.14	367	0.13	7 534	2.67	10 559	3.74
Court Services	1 627 257	69.8	16 371	0.7	95 966	4.12	165 225	7.09
State Legal Services	367 075	70.54	67	0.01	11 929	2.29	21 820	4.19
Total	2 189 629	69.86	16 805	0.54	115 429	3.68	197 604	6.3

Table 2.4: Salaries, overtime, homeowner's allowance and medical assistance by salary band, 2010/2011

Salary band	Salaries		Overtime		Homeowner's allowance		Medical assistance	
	Amount (R'000)	Salaries as a percentage of personnel cost	Amount (R'000)	Overtime as a percentage of personnel cost	Amount (R'000)	HOA as a percentage of personnel cost	Amount (R'000)	Medical assistance as a percentage of personnel cost
Lower skilled (levels 1—2)	35 437	57	397	0.64	3 695	5.97	4 961	8.02
Skilled (levels 3—5)	756 507	68	5 669	0.51	66 060	5.94	111 077	9.99
Highly skilled production (levels 6—8)	663 939	72	4 832	0.52	30 898	3.34	55 943	6.06
Highly skilled supervision (levels 9—12)	1 237 637	80	4 604	0.3	21 435	1.38	36 486	2.34
Senior management (levels 13—16)	962 297	86	2 433	0.22	5 681	0.51	12 102	1.08
Contract (levels 1—2)	4 856	99	9	0.18	-	-	-	-
Contract (levels 3—5)	72 722	98	109	0.15	-	-	7	0.01
Contract (levels 6—8)	51 110	98	47	0.09	-	-	2	-
Contract (levels 9—12)	126 893	97	295	0.23	144	0.11	71	0.05
Contract (levels 13—16)	72 398	88	-	-	310	0.38	35	0.04
Periodical remuneration	68	-	-	-	-	-	-	-
Abnormal appointment	390	9	-	-	-	-	-	-
Total	3 984 254	77	18 395	0.36	128 223	2.49	220 684	4.28

4.3 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 occupation (Table 3.3). The vacancy rate reflects the percentage of posts that are not filled.

Table 3.1: Employment and vacancies by programme, 31 March 2011

Programme	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Administration, permanent	2 404	1 894	21.21	53
Administration, temporary	255	255	-	-
Court Services, permanent	14 054	12 937	7.95	48
Court Services, temporary	370	370	-	-
State Legal Services, permanent	1 181	1 071	9.31	1
State Legal Services, temporary	25	25	-	-
Magistrates	1 923	1 692	12.01	13
Judges	258	225	12.79	-
Total	20 470	18 469	9.78	115

Table 3.2: Employment and vacancies by salary band, 31 March 2011

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	403	328	18.61	11
Skilled (levels 3—5), permanent	9 976	9 253	7.25	24
Highly skilled production (levels 6—8), permanent	4 750	4 211	11.35	51
Highly skilled supervision (levels 9—12), permanent	2 326	1 963	15.61	15
Senior management (levels 13—16), permanent	184	147	20.11	1
Magistrates	1 923	1 692	12.01	13
Judges	258	225	12.79	-
Contract (levels 1—2)	207	207	-	-

Table 3.2: Employment and vacancies by salary band, 31 March 2011 (continued)

Salary band	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Contract (levels 3—5)	249	249	-	-
Contract (levels 6—8)	135	135	-	-
Contract (levels 9—12)	52	52	-	-
Contract (levels 13—16)	7	7	-	-
Total	20 470	18 469	9.78	115

Table 3.3: Employment and vacancies by occupation, 31 March 2011

Occupation	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Administrative-related, permanent	9 669	9 035	6.56	76
Administrative-related, contract	204	204	-	-
Advocates, permanent	100	88	12	1
Attorneys, permanent	227	209	7.93	-
Attorneys, contract	6	6	-	-
Authors, journalists and other writers, contract	1	1	-	-
Building and other property caretakers, permanent	14	9	35.71	-
Bus and heavy/light vehicle drivers, permanent	32	30	6.25	1
Cleaners in offices workshops hospitals etc., permanent	207	168	18.84	7
Client information clerks (switchboard, reception, information clerks), permanent	150	146	2.67	2
Communication-and information-related, permanent	35	28	20	-
Communication-and information-related, contract	1	1	-	-
Financial and related professionals, permanent	218	164	24.77	4
Financial and related professionals, contract	1	1	-	-
Financial clerks and credit controllers, permanent	601	493	17.97	-
Financial clerks and credit controllers, contract	54	54	-	-
Food services aids and waiters, permanent	27	25	7.41	-
Food services aids and waiters, contract	1	1	-	-
General legal administration and related professionals, permanent	1 113	900	19.14	1
General legal administration and related professionals, contract	45	45	-	-

Table 3.3: Employment and vacancies by occupation, 31 March 2011 (continued)

Occupation	Number of posts	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Head of department/chief executive officer, permanent	1	1	-	-
Human resources, organisational development and related professions, permanent	54	46	14.81	1
Human resources clerks, permanent	372	323	13.17	1
Human resources clerks, contract	4	4	-	-
Information technology-related, permanent	49	36	26.53	-
Judges, permanent	258	225	12.79	-
Language practitioners, interpreters and other communication professions, permanent	1 967	1 823	7.32	-
Language practitioners, interpreters and other communication professions, contract	19	19	-	-
Librarians and related professionals, permanent	44	33	25	0
Librarians and related professionals, contract	3	3	-	-
Library, mail and related clerks, permanent	323	297	8.05	3
Library, mail and related clerks, contract	4	4	-	-
Logistical support personnel, permanent	52	41	21.15	-
Magistrates, permanent	1 923	1 692	12.01	13
Magistrates, contract	168	168	-	-
Material recording and transport clerks, permanent	86	74	13.95	-
Messengers, porters and deliverers, permanent	454	405	10.79	-
Messengers, porters and deliverers, contract	31	31	-	-
Risk management and security services, permanent	7	5	28.57	-
Secretaries and other keyboard-operating clerks, permanent	1 105	960	13.12	5
Secretaries and other keyboard-operating clerks, contract	96	96	-	-
Security officers, permanent	441	333	24.49	-
Senior managers, permanent	183	146	20.22	-
Senior managers, contract	12	12	-	-
Social work and related professionals, permanent	108	84	22.22	-
Total	20 470	18 469	9.78	115

The information in each case reflects the situation as at 31 March 2011. For an indication of changes in staffing patterns over the year under review, please refer to section 5 of this report.

4.4 FILLING OF SMS POSTS

Table 4.1: SMS post information as on 31 March 2011

SMS Level	Total number of funded SMS posts per level	Total number of SMS posts filled per level	Percentage of SMS posts filled per level	Total number of SMS posts vacant per level	Percentage of SMS posts vacant per level
Director-General/Head of Department	1	1	100	-	-
Salary level 16, but not Head of Department	2	2	100	-	-
Salary level 15	8	5	62.5	3	37.5
Salary level 14	48	32	66.67	16	33.33
Salary level 13	125	107	85.6	18	14.4
Total	184	147	79.89	37	20.11

Table 4.2: SMS post information as on 30 September 2010

SMS Level	Total number of funded SMS posts per level	Total number of SMS posts filled per level	Percentage of SMS posts filled per level	Total number of SMS posts vacant per level	Percentage of SMS posts vacant per level
Director-General/Head of Department	1	1	100	-	-
Salary level 16, but not Head of Department	1	1	100	-	-
Salary level 15	8	5	62.5	3	37.5
Salary level 14	48	29	60.42	19	39.58
Salary level 13	126	101	80.16	25	19.84
Total	184	137	74.46	47	25.54

Table 4.3: Advertising and filling of SMS posts as on 31 March 2011

SMS Level	Advertising	Filling of posts	
	Number of vacancies per level advertised in six months of becoming vacant	Number of vacancies per level filled in six months after becoming vacant	Number of vacancies per level not filled in six months but filled in 12 months
Director-General/Head of Department	-	-	-
Salary level 16, but not Head of Department	-	-	-
Salary level 15	-	-	-
Salary level 14	5	2	-
Salary level 13	7	1	-
Total	12	3	-

Table 4.4: Reasons for not having complied with the filling of funded vacant SMS posts – advertised within six months and filled within 12 months after becoming vacant

Reasons for vacancies not advertised within six months
1. Moratorium due to restructuring process
2. Posts not job-evaluated
3. Unfunded posts
4. Limited office space
Reasons for vacancies not filled within 12 months
1. Moratorium due to restructuring
2. Posts not job-evaluated
3. Difficulty in attracting suitable candidates
4. OSD requirements

Table 4.5: Disciplinary steps taken for not complying with the prescribed timeframes for filling SMS posts within 12 months

No disciplinary steps were taken against non-compliance.

Reasons for no disciplinary steps taken

Disciplinary actions could not be taken since the reasons for non-compliance are not attributed to negligence or poor performance. The department has, however, put in place measures to ensure that vacant posts are filled within the prescribed period. The adopted measures include development of recruitment and commitment plans that indicate timelines and these are signed off by individual line managers.

4.5 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 their organisations. In terms of the regulations, all vacancies on salary levels 9 and higher must be evaluated before they are filled.

The following table (Table 5.1) indicates the total number of posts on the establishment of the department as at 31 March 2011.

The table also provides statistics on the number of posts that were upgraded or downgraded.

Table 5.1: Job evaluation, 1 April 2010 to 31 March 2011

Salary band	Number of posts	Number of posts evaluated	Percentage of posts evaluated by salary bands	Posts upgraded		Posts downgraded	
				Number	Percentage of posts evaluated	Number	Percentage of posts evaluated
Lower skilled (levels 1–2)	403	-	-	403	100	-	-
Skilled (levels 3–5)	9 976	-	-	-	-	-	-
Highly skilled production (levels 6–8)	4 750	1	0.02	-	-	-	-
Highly skilled supervision (levels 9–12)	2 316	11	0.46	-	-	-	-
Senior Management Service (levels 13–16)	194	16	8.25	-	-	-	-
Total	17 639	28	0.16	403	100	-	-

The table above provides a summary of the number of employees whose salary positions were upgraded due to upgrades of posts. The difference between the number of posts and salary levels of employees upgraded is due to the fact that not all employees are automatically absorbed into the new posts due to not meeting the requirements to be upgraded, and some of the posts upgraded could also be vacant.

Footnote: 403 posts were upgraded and evaluated hence 100% indicated in the table above.

Table 5.2: Profile of employees whose salary positions were upgraded due to their posts being upgraded, 1 April 2010 to 31 March 2011

Beneficiaries	African	Asian	Coloured	White	Total
Female	14	-	-	22	36
Male	29	-	-	3	32
Total	43	-	-	25	68
Employees with disabilities					1

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 5.3: Employees whose salary level exceed the grade determined by job evaluation, 1 April 2010 to 31 March 2011 (in terms of PSR 1.V.C.3)

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Administration Clerk	53	4	5	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Administration Clerk	104	4	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Administration Clerk	11	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Administration Officer	100	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Administration Officer	3	5	8	When the job evaluation process was finalised, the employees were already on higher

Table 5.3 (continued)

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
				notches than the level determined by job evaluation.
Area Court Manager	3	11	12	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Court Manager	7	9	10	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Assistant Director	2	7	9	Employees retained in lower level posts in terms of PSR V.C.3
Assistant Director	17	9	10	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Audit Manager	2	10	12	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Court Interpreter	61	5	7	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Deputy Director	4	11	12	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Deputy Director - General	1	15	16	Employee seconded to office of the President. Minister approved placement on higher salary.

Table 5.3 (continued)

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Driver	1	2	4	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Human Resource Officer	65	5	6	Post was previously on level 6 prior to job evaluation done by DPSA. The officials were appointed before the posts were evaluated by the DPSA.
Senior Human Resource Officer/HR Practitioner	21	7	8	Post was previously on level 8 prior to job evaluation done by DPSA. The officials were appointed before the posts were evaluated by the DPSA.
Media Liaison Officer	1	12	14	Political appointment.
Personal Assistant	2	5	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Personal Assistant	2	7	8	Post was previously on level 8 prior to job evaluation done by DPSA. The officials were appointed before the posts were evaluated by the DPSA.
Personal Assistant	1	7	12	Employee retained in terms of PSR V.C.3.
Provisioning Administration Clerk	1	4	5	Employees on higher salary notch due to previous rank/leg promotion service dispensation.
Provisioning Administration Clerk	1	4	6	Employees on higher salary notch due to previous rank/leg promotion service dispensation.
Senior provisioning Administration Clerk	4	7	8	Employees on higher salary notch due to previous rank/leg promotion service dispensation.

Table 5.3 (continued)

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Registrar's Clerk	2	4	5	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Registrar's Clerk	6	4	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Registrar's Clerk	3	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Registry Clerk	3	4	5	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Registry Clerk	3	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Chief Registry Clerk	5	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Secretary	1	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Secretary	11	5	7	Post was previously on level 7 prior to job evaluation done by DPSA. The officials were appointed before the posts were evaluated by the DPSA.

Table 5.3 (continued)

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Senior Auditor	1	10	11	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Senior Hr Practitioner	1	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Senior Telecom Operator	1	4	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
State Accountant	7	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Typist	4	4	5	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Typist	5	4	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Chief Typist	3	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Total number of employees whose salaries exceeded the level determined by job evaluation in 2010/11				523
Percentage of total employment				2.83

Table 5.4 summarises the beneficiaries of the above in terms of race, gender, and disability.

Table 5.4: Profile of employees whose salary levels exceed the grade determined by job evaluation, 1 April 2010 to 31 March 2011 (in terms of PSR 1.V.C.3)

Beneficiaries	African	Asian	Coloured	White	Total
Female	213	4	24	106	347
Male	149	2	13	12	176
Total	362	6	37	118	523
Employees with disabilities					0

Total number of employees whose salaries exceeded the grades determined by job evaluation in 2010/11	523
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4.6 EMPLOYMENT CHANGES

This section provides information on changes in employment over the financial year.

Turnover rates provide an indication of trends in the employment profile of the department. The following tables provide a summary of turnover rates by salary band (Table 6.1) and by occupation (Table 6.2).

It should be noted that these tables do not take into account the upgrade/downgrade of posts/movement of employees between levels (promotion), or translation to other ranks without changes in salary levels.

A total of 336 employees were promoted to higher salary levels, the salary levels of 403 employees were upgraded, and 523 employees are carried out of adjustment against another posts due to regrading. The personnel movement regarding appointments and terminations do not reflect the changes mentioned above.

Table 6.1: Annual turnover rates by salary band for the period 1 April 2010 to 31 March 2011

Salary band	Number of employees per band as on 31 March 2010	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Lower skilled (levels 1–2), permanent	402	23	21	5.22
Skilled (levels 3–5), permanent	8 964	739	334	3.73
Highly skilled production (levels 6–8), permanent	4 159	230	220	5.29
Highly skilled supervision (levels 9–12), permanent	1 904	126	75	3.94
Senior Management Service (level 13–16) permanent	128	10	11	8.59
Magistrates	1 650	78	48	2.91
Judges	208	43	19	9.13
Sub total: permanent employees	17 415	1 249	728	4.18
Contract (levels 1–2)	95	53	117	79.05
Contract (levels 3–5)	136	1 800	1 189	61.42
Contract (levels 6–8)	104	517	332	53.46
Contract (levels 9–12)	200	1 143	650	48.4
Contract (levels 13–16)	47	7	23	42.59
Sub total: contract employees	582	3 520	2 311	56.34
Total	17 997	4 769	3 039	16.89

Table 6.2: Annual turnover rates by occupation for the period 1 April 2010 to 31 March 2011

Occupation	Number of employees per occupation as on 31 March 2010	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Administrative-related, permanent	8 979	553	311	3.46
Administrative-related, contract	143	1 243	950	68.54
Advocates, permanent	73	2	4	5.48
Attorneys, permanent	176	23	5	2.84
Attorneys, contract	12	8	14	70
Building and other property caretakers, permanent	9	2	1	11.11
Bus and heavy vehicle drivers, permanent	28	1	2	7.14

Table 6.2 (continued)

Occupation	Number of employees per occupation as on 31 March 2010	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Cleaners in offices, workshops, hospitals etc., permanent	178	0	7	3.93
Cleaners in offices, workshops, hospitals etc., contract	1	3	2	50
Client information clerks (switchboard, reception, information clerks), permanent	137	13	4	2.92
Client information clerks (switchboard, reception, information clerks), contract	1	2	3	100
Communication-and information-related, permanent	30	7	6	20
Communication-and information-related, contract	2	11	1	7.69
Finance and related professionals, permanent	340	38	5	1.47
Finance and related professionals, contract	1	8	3	33.33
Finance clerks and credit controllers, permanent	276	76	52	18.84
Finance clerks and credit controllers, contract	10	152	80	49.38
Food services aids and waiters, permanent	23	1	0	0
Food services aids and waiters, contract	1	5	2	33.33
General legal administration and related professionals, permanent	886	85	67	7.56
General legal administration and related professionals, contract	57	184	71	29.46
Head of department/chief executive officer, permanent	1	0	0	0
Human resources, organisational development and related professions, permanent	166	20	0	0
Human resources clerks, permanent	201	40	31	15.42
Human resources-related, contract	8	20	11	39.29
Information technology-related, permanent	31	8	2	6.45

Table 6.2 (continued)

Occupation	Number of employees per occupation as on 31 March 2010	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Information technology-related, contract	1	5	2	33.33
Judges, permanent	208	43	19	9.13
Language practitioners, interpreters and other communication professionals, permanent	1 822	86	73	4
Language practitioners, interpreters and other communication professionals, contract	5	425	256	59.53
Librarians and related professionals, permanent	34	-	3	8.82
Library, mail and related clerks, permanent	284	17	14	4.93
Library, mail and related clerks, contract	4	19	19	82.61
Magistrates, permanent	1 650	78	48	2.91
Magistrates, contract	174	1 047	603	49.39
Messengers, porters and deliverers, permanent	382	48	13	3.4
Messengers, porters and deliverers, contract	87	80	94	56.29
Risk management and security services, permanent	8	-	2	25
Secretaries and other keyboard-operating clerks, permanent	930	70	33	3.55
Secretaries and other keyboard-operating clerks, contract	67	293	187	51.94
Security officers, permanent	346	19	18	5.2
Security officers, contract	-	11	7	63.64
Senior managers, permanent	128	10	6	4.69
Senior managers, contract	8	7	6	40
Social work and related professionals, permanent	89	6	2	2.25
Total	17 997	4 769	3 039	16.89

Table 6.3 identifies the major reasons why staff left the department.

Table 6.3: Reasons why staff are leaving the department

Termination type	Number	Percentage of total resignations
Death, permanent	69	2.27
Death, contract	1	0.03
Resignation, permanent	249	8.19
Expiry of contract, temporary	2 310	76.01
Discharged due to ill health, permanent	19	0.63
Dismissal-misconduct, permanent	68	2.24
Retirement, permanent	112	3.69
Transfer, permanent	211	6.94
Total	3 039	100

Resignations as percentage of employment	16.45
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Table 6.4: Promotions by occupation

Occupation	Employees as at 31 March 2010	Promotions to another salary level	Salary level promotions as a percentage of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a percentage of employees by occupation
Administrative related, permanent	8 979	138	1.54	5 573	62.07
Administrative related, contract	141	-	-	-	-
Advocates, permanent	73	1	1.37	2	2.74
Advocates, contract	0	-	-	-	-
Attorneys, permanent	176	-	-	108	61.36
Attorneys, contract	12	-	-	-	-
Building and other property caretakers, permanent	9	-	-	4	44.44
Bus and heavy vehicle drivers, permanent	28	-	-	17	60.71
Bus and heavy vehicle drivers, contract	-	-	-	-	-

Occupation	Employees as at 31 March 2010	Promotions to another salary level	Salary level promotions as a percentage of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a percentage of employees by occupation
Cleaners in offices, workshops, hospitals etc., permanent	178	-	-	76	42.7
Cleaners in offices, workshops, hospitals etc., contract	1	-	-	-	-
Client information clerks (switchboard, reception, information clerks), permanent	137	1	0.73	69	50.36
Client information clerks (switchboard, reception, information clerks), contract	1	-	-	-	-
Communication and information related, permanent	30	-	-	6	20
Communication and information related, contract	2	-	-	-	-
Finance and related professionals, permanent	340	13	3.82	43	12.65
Finance and related professionals, contract	1	-	-	-	-
Finance clerks and credit controllers, permanent	276	45	16.3	245	88.77
Finance clerks and credit controllers, contract	10	-	-	-	-
Food services aids and waiters, permanent	23	-	-	14	60.87
Food services aids and waiters, contract	1	-	-	-	-
General legal administration and related professionals, permanent	886	61	6.88	458	51.69
General legal administration and related professionals, contract	56	-	-	-	-

Occupation	Employees as at 31 March 2010	Promotions to another salary level	Salary level promotions as a percentage of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a percentage of employees by occupation
Head of department/chief executive officer, permanent	1	-	-	-	-
Human resources and organisational development and related professions, permanent	166	-	-	19	11.45
Human resources clerks, permanent	201	25	12.44	188	93.53
Human resources related, contract	8	-	-	-	-
Information technology related, permanent	31	-	-	7	22.58
Information technology related, contract	1	-	-	-	-
Judges, permanent	208	-	-	-	-
Language practitioners interpreters and other communication, permanent	1 822	1	0.05	1 209	66.36
Language practitioners interpreters and other communication, contract	5	-	-	-	-
Librarians and related professionals, permanent	34	-	-	9	26.47
Library mail and related clerks, permanent	284	1	0.35	139	48.94
Library mail and related clerks, contract	4	-	-	-	-
Magistrates, permanent	1 650	41	2.48	-	-
Magistrates, contract	174	-	-	-	-
Material recording and transport clerks, contract	2	0	0	0	0

Occupation	Employees as at 31 March 2010	Promotions to another salary level	Salary level promotions as a percentage of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a percentage of employees by occupation
Messengers, porters and deliverers, permanent	382	1	0.26	187	48.95
Messengers, porters and deliverers, contract	87	-	-	-	-
Risk management and security services, permanent	8	-	-	1	12.5
Secretaries and other keyboard operating clerks, permanent	930	5	0.54	494	53.12
Secretaries and other keyboard operating clerks, contract	67	-	-	-	-
Security officers, permanent	346	1	0.29	144	41.62
Security officers, contract	-	-	-	-	-
Senior managers, permanent	128	2	1.56	5	3.91
Senior managers, contract	8	-	-	-	-
Social work and related professionals, permanent	89	-	-	13	14.61
Social work and related professionals, contract	1	-	-	-	-
TOTAL	17 997	336	1.87	9 030	50.18

Table 6.5: Promotions by salary band

Salary band	Employees 31 March 2010	Promotions to another salary level	Salary bands promotions as a percentage of employees by salary level	Progressions to another notch within a salary level	Notch progressions a percentage of employees by salary band
Lower skilled (levels 1—2), permanent	402	-	-	206	51.24
Skilled (levels 3—5), permanent	8 964	32	0.36	5 911	65.94
Highly skilled production (levels 6—8), permanent	4 159	137	3.29	2 103	50.56
Highly skilled supervision (levels 9—12), permanent	1 904	124	6.51	771	40.49
Senior Management Service (level 13—16) permanent	128	2	1.56	6	4.69
Magistrates	1 650	41	2.48	-	-
Judges	208	-	-	-	-
Contract (levels 1—2)	95	-	-	-	-
Contract (levels 3—5)	136	-	-	26	19.12
Contract (levels 6—8)	104	-	-	5	4.81
Contract (levels 9—12)	200	-	-	2	0.01
Contract (levels 13—16)	47	-	-	-	-
Total	17 997	336	1.87	9 030	50.18

4.7 EMPLOYMENT EQUITY

The tables in this section are based on the format prescribed by the Employment Equity Act, 1998 (Act No 55 of 1998).

Table 7.1: Total number of employees (including employees with disabilities) in each of the following occupational categories as on 31 March 2011

Occupational categories (SASCO)	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Judges	70	14	10	73	21	7	12	18	225
Legislators, senior officials and managers, permanent	53	10	10	17	43	4	5	5	147
Legislators, senior officials and managers, temporary	8	-	-	1	3	-	-	-	12
Professionals, permanent	1 355	119	91	631	978	143	181	442	3 940
Professionals, temporary	87	6	14	46	38	11	10	22	234
Clerks, permanent	3 056	322	111	141	5 279	901	225	1 096	11 131
Clerks, temporary	88	9	4	14	142	24	5	48	334
Service and sales workers, permanent	162	45	14	68	36	8	1	6	340
Service and sales workers, temporary	-	-	-	-	-	-	-	-	-
Plant and machine operators and assemblers, permanent	23	3	1	1	1	-	-	-	29
Labourers and related workers, permanent	286	33	2	12	247	19	5	14	618
Labourers and related workers, temporary	12	3	-	1	15	-	1	-	32
Technical and associated professions, permanent	516	43	18	53	503	53	26	177	1 389

Occupational categories (SASCO)	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Technical and associated professions, temporary	12	1	1	-	20	2	1	1	38
Total	5 728	608	276	1 058	7 326	1 172	472	1 829	18 469

Employees with disabilities	86	15	-	20	62	9	7	20	219
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Table 7.2: Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2011

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Judges	70	14	10	73	21	7	12	18	225
Top management, permanent	5	2	1	1	3	1	-	3	16
Senior management, permanent	488	84	70	494	289	56	94	248	1 823
Professionally qualified and experienced specialists and mid-management, permanent	480	35	29	145	328	40	56	161	1 274
Skilled technical and academically qualified workers, junior management, supervisors, foremen, permanent	1 613	103	45	154	1 749	230	108	899	4 901
Semi-skilled and discretionary decision making, permanent	2 718	330	99	116	4 595	788	182	425	9 253
Unskilled and defined decision making, permanent	147	21	3	13	123	13	3	4	327
Contract (top management), permanent	2	-	-	1	-	-	-	-	3
Contract (senior management)	3	-	-	-	1	-	-	-	4
Contract (professionally qualified)	84	8	12	41	38	8	10	16	217
Contract (skilled technical)	39	5	3	14	64	14	4	29	172

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Contract (semi-skilled), permanent	78	5	4	6	112	15	3	26	249
Contract (unskilled)	1	1	-	-	3	-	-	-	5
TOTAL	5 728	608	276	1 058	7 326	1 172	472	1 829	18 469

Table 7.3: Recruitment for the period 1 April 2009 to 31 March 2011

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	-	-	-	-	-	-	-	-	-
Judges	13	1	4	13	5	1	2	4	43
Senior management	22	3	5	7	36	6	2	7	88
Professionally qualified and experienced specialists and mid-management	50	2	2	2	49	10	6	5	126
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	103	3	1	4	85	12	9	13	230
Semi-skilled and discretionary decision making	260	30	5	7	350	53	8	26	739
Unskilled and defined decision making	13	1	1	-	6	1	1	-	23
Contract (senior management)	4	-	-	1	2	-	-	-	7
Contract (professionally qualified)	400	64	69	259	152	31	37	131	1 143
Contract (skilled technical)	90	20	2	17	203	70	18	97	517
Contract (semi skilled)	596	45	19	24	902	94	41	79	1 800
Contract (unskilled)	21	6	2	2	20	1	1	-	53
Total	1 572	175	110	336	1 810	279	125	362	4 769
Employees with disabilities	2	-	-	-	2	-	-	-	4

Table 7.4: Promotions for the period 1 April 2010 to 31 March 2011

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management, permanent	-	-	-	-	-	-	-	-	-
Senior management, permanent	10	3	1	2	5	2	1	4	28
Professionally qualified and experienced specialists and mid-management, permanent	62	3	-	5	53	2	4	10	139
Skilled technical and academically qualified workers, junior management, supervisors, foremen, permanent	57	3	-	1	68	3	1	4	137
Semi-skilled and discretionary decision making, permanent	13	1	-	1	13	2	2	-	32
Unskilled and defined decision making, permanent	-	-	-	-	-	-	-	-	-
TOTAL	142	10	1	9	139	9	8	18	336

Employees with disabilities	-	-	-	3	1	-	1	-	5
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Table 7.5: Terminations for the period 1 April 2010 to 31 March 2011

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management, permanent	3	1	1	14	-	-	-	-	19
Senior management, permanent	20	2	1	26	7	-	2	1	59
Professionally qualified and experienced specialists and mid-management, permanent	31	4	4	3	27	1	1	4	75
Skilled technical and academically qualified workers, junior management, supervisors, foremen, permanent	91	3	1	10	63	4	3	45	220
Semi-skilled and discretionary decision making, permanent	118	15	7	4	132	29	8	21	334
Unskilled and defined decision making, permanent	12	1	-	1	4	1	-	2	21
Contract (senior management)	9	-	-	5	5	-	-	4	23
Contract (professionally qualified)	216	30	39	151	92	12	24	86	650
Contract (skilled technical)	53	10	1	9	149	32	9	69	332
Contract (semi-skilled)	374	27	15	11	621	61	32	48	1 189
Contract (unskilled)	47	6	5	5	49	3	1	1	117
Total	974	99	74	239	1 149	143	80	281	3 039

Table 7.6: Disciplinary action for the period 1 April 2010 to 31 March 2011

	Male				Female				Unknown	Total
	African	Coloured	Indian	White	African	Coloured	Indian	White		
Disciplinary action	243	19	6	14	114	38	2	20	46	502

Table 7.7: Skills development for the period 1 April 2010 to 31 March 2011

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	8	3	1	2	1	1	1	2	19
Professionals	69	4	9	22	54	11	19	21	209
Technicians and associate professionals	429	38	5	23	478	53	22	118	1 166
Clerks	419	92	31	23	1 025	200	84	218	2 092
Service and sales workers	3	3	6	6	2	4	1	-	25
Plant and machine operators and assemblers	-	1	-	-	-	-	-	-	1
Elementary occupations	-	-	-	-	-	-	-	-	-
Employees with disabilities	3	-	-	-	-	-	-	-	3
Total	928	141	52	76	1 560	269	127	359	3 512

Employees with disabilities	3	-	-	-	-	-	-	-	3
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4.8 SIGNING OF PERFORMANCE AGREEMENTS BY SMS MEMBERS

Table 8.1: Signing of performance agreement

SMS level	Total number of funded SMS posts per level	Total number of SMS members per level	Total number of signed performance agreements per level	signed performance agreements as percentage of total number of sms members per level
Director-General/ head of department	1	1	-	-
Salary level 16, but not head of department	1	1	-	-
Salary level 15	8	5	2	40
Salary level 14	48	28	20	71.43
Salary level 13	126	101	36	35.64
Total	184	136	58	42.65

Table 8.2: Reasons for not having concluded performance agreements for all SMS members as on 31 July 2010

New appointments/secondments or disputes, and non-compliance
Agreements signed but not submitted to HR yet on 31 July 2010

Table 8.3: Disciplinary steps taken against SMS members for not having concluded performance agreements as on 31 July 2010

No formal disciplinary actions were taken but the non-compliance was brought to their attention and they were warned about the consequences of their action. This was regarded as adequate corrective action.

4.9 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 9.1), salary bands (table 9.2) and critical occupations (Table 9.3).

Table 9.1: Performance rewards by race, gender, and disability, 1 April 2010 to 31 March 2011

	Beneficiary profile			Cost	
	Number of beneficiaries	Total number of employees in group	Percentage of total within group	Cost (R'000)	Average cost per employee
African, female	677	7 264	9.32	5 183	7 656.59
African, male	444	5 642	7.87	3 914	8 816.61
Asian, female	63	465	13.55	598	9 501.32
Asian, male	26	276	9.42	345	13 283.59
Coloured, female	194	1 163	16.68	1 419	7 315.27
Coloured, male	92	593	15.51	723	7 868.42
White, female	348	1 809	19.24	3 913	11 246.73
White, male	67	1 038	6.45	1 169	17 462.60
Employees with a disability	17	219	7.76	124	7 296.52
Total	1 928	18 469	10.44	17 388	9 021.26

**TABLE 9.2: Performance rewards by salary bands for personnel below Senior Management Service,
1 April 2010 to 31 March 2011**

Salary band	Beneficiary profile				
	Number of beneficiaries	Number of employees	percentage of total within salary bands	Total cost (R'000)	Average cost per employee
Lower skilled (levels 1—2)	37	328	11.28	142	3 863.92
Skilled (levels 3—5)	875	9 253	9.46	4 446	5 081.65
Highly skilled production (Levels 6—8)	738	4 211	17.53	7 145	9 682.67
Highly skilled supervision (Levels 9—12)	265	1 963	13.5	5 171	19 516.69
Contract (levels 1—2)	-	207	-	-	-
Contract (levels 3—5)	-	249	-	-	-
Contract (level 6—8)	-	135	-	-	-
Contract (level 9—12)	-	52	-	-	-
Total	1 915	16 398	11.68	16 907	8 828.80

Table 9.3: Performance rewards by occupations, 1 April 2010 to 31 March 2011

Occupation	Beneficiary profile			Cost	
	Number of beneficiaries	number of employees	Percentage of total within occupation	Total cost (R'000)	Average cost per employee
Administrative related, permanent	1 092	9 035	12.09	8 073	7 392.90
Advocates, permanent	2	88	2.27	59	29 721.59
Attorneys, permanent	13	209	6.22	380	29 251.12
Building and other property caretakers, permanent	2	9	22.22	7	3 563.37
Bus and heavy vehicle drivers, permanent	4	30	13.33	14	3 705.62
Cleaners in offices workshops hospitals etc., permanent	26	168	15.48	97	3 746.37
Client information clerks (switchboard, reception, information clerks), permanent	13	146	8.9	72	5 581.41
Communication and information related, permanent	3	28	10.71	62	20 951.80
Financial and related professionals, permanent	21	164	12.8	218	10 394.99
Financial clerks and credit controllers, permanent	90	493	18.26	859	9 545.94
Food services aids and waiters, permanent	4	25	16	18	4 577.69
General legal administration and related professionals, permanent	113	900	12.56	2 302	20 375.97
Head of department/chief executive officer, permanent	-	1	-	-	-
Human resources and organisational development and related professions, permanent	7	46	15.22	81	11 698.71
Human resources clerks, permanent	108	323	33.44	1 510	13 982.42

Occupation	Beneficiary profile			Cost	
	Number of beneficiaries	number of employees	Percentage of total within occupation	Total cost (R'000)	Average cost per employee
Information technology related, permanent	2	36	5.55	18	9 146.23
Judges	-	225	-	-	-
Language practitioners interpreters and other communication, permanent	121	1 823	6.64	880	7 280.61
Librarians and related professionals, permanent	4	33	12.12	44	11 081.75
Library mail and related clerks, permanent	58	297	19.53	442	7 632.03
Logistical and support, personnel, permanent	-	41	-	-	-
Magistrates, permanent	-	1 692	-	-	-
Material recording and transport clerks, permanent	-	74	-	-	-
Messengers porters and deliverers, permanent	35	405	8.64	139	3 977.90
Risk management and security services, permanent	1	5	20	8	8 815.32
Secretaries and other keyboard operating clerks, permanent	153	960	15.94	1 265	8 269.05
Security officers, permanent	37	333	11.11	250	6 773.25
Senior managers, permanent	12	146	8.22	485	40 487.41
Social work and related professionals, permanent	7	84	8.33	99	14 194.38
Total	1 928	17 819	10.82	17 392	9 021.26

Table 9.4: 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 percentage of the total personnel expenditure
	Number of beneficiaries	Number of employees	percentage of total within band			
Band A	7	107	6.54	230	32	-
Band B	5	32	15.63	195	39	-
Band C	1	5	20	59	59	-
Band D	-	3	-	-	-	-
Total	13	147	8.84	485	37	-

4.10 FOREIGN WORKERS

The tables below summarise the employment of foreign nationals in the department in terms of salary band 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 10.1: Foreign workers, 1 April 2010 to 31 March 2011, by salary band

Salary band	31 March 2010		31 March 2011		Change	
	Number	percentage of total	Number	percentage of total	Number	percentage change
Abnormal appointment	16	17.02	17	17.17	1	6.25
Periodical appointment	55	58.51	57	57.58	2	3.64
Lower skilled (levels 1—2)	21	22.34	23	23.23	2	9.52
Skilled (levels 3—5)	-	-	-	-	-	-
Highly skilled production (levels 6—8)	-	-	-	-	-	-
Highly skilled supervision (levels 9—12)	1	1.06	1	1.01	-	-
Senior management (levels 13—16)	1	1.06	1	1.01	-	-
Total	94	100	99	100	5	5.32

Table 10.2: Foreign worker, 1 April 2010 to 31 March 2011, by major occupation

Major occupation	31 March 2010		31 March 2011		Change	
	Number	percentage of total	Number	percentage of total	Number	percentage change
Administrative office workers	19	20.21	1	1.01	-18	-5.26
Other occupations	73	77.66	96	96.97	23	31.51
Professionals and managers	2	2.13	2	2.02	-	-
Total	94	100	99	100	5	5.32

4.11 LEAVE UTILISATION FOR THE PERIOD 1 JANUARY 2010 TO 31 DECEMBER 2010

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 11.1) and disability leave (Table 11.2). In both cases, the estimated cost of the leave is also provided.

Table 11.1: Sick leave, 1 January 2010 to 31 December 2010

Salary band	Total days	Percentage days medical certification	Number of employees using sick leave	Percentage of total employees using sick leave	Average days per employee	Estimated cost (R'000)
Lower skilled (levels 1—2)	3 041.5	90.9	286	1.9	11	683
Skilled (levels 3—5)	78 796.5	88.1	7 875	53.1	10	23 729
Highly skilled production (levels 6—8)	33 132	86.2	3 407	23	10	17 557
Highly skilled supervision (levels 9—12)	23 240.5	83.5	2 324	15.7	10	32 422
Senior management (levels 13—16)	4 514	84.2	424	2.9	11	10 159
Contract (levels 1—2)	130	66.2	30	0.2	4	21
Contract (levels 3—5)	1 327.5	79.2	333	2.2	4	387
Contract (levels 6—8)	503	82.5	117	0.8	4	240
Contract (levels 9—12)	261	85.1	44	0.3	6	356
Contract (levels 13—16)	23	100	4	-	6	63
Total	144 969	86.7	14 844	100	10	85 617

Table 11.2: Incapacity leave (temporary and permanent), 1 January 2010 to 31 December 2010

Salary band	Total days	Percentage days medical certification	Number of employees using disability leave	Percentage of total employees using disability leave	Average days per employee	Estimated cost (R'000)
Lower skilled (levels 1—2)	287	100	4	2.4	72	66
Skilled (levels 3—5)	2 919	100	77	46.4	38	882
Highly skilled production (levels 6—8)	3 210	100	65	39.2	49	1 719
Highly skilled supervision (levels 9—12)	1 230	100	18	10.8	68	1 195
Senior management (levels 13—16)	57	100	2	1.2	29	154
Total	7 703	100	166	100	46	4 016

Table 11.3 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 11.3: Annual leave, 1 January 2010 to 31 December 2010

Salary band	Total days taken	Average per employee	Number of employees who took leave
Lower skilled (level 1—2)	7 944.92	22	368
Skilled (level 3—5)	181 074.16	20	9 129
Highly skilled production (level 6—8)	97 128.32	23	4 288
Highly skilled supervision (level 9—12)	72 219.6	23	3 101
Senior management (level 13—16)	18016	26	690
Contract (level 1—2)	577	9	64
Contract (level 3—5)	3 176.6	7	480
Contract (level 6—8)	1731	8	209
Contract (level 9—12)	746	8	91
Contract (level 13—16)	41	10	4
Total	382 654.6	21	18 424

Table 11.4: Capped leave, 1 January 2010 to 31 December 2010

Salary band	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2010	Number of employees who took capped leave	Total number of capped leave available as at 31 December 2010
Lower skilled (levels 1—2)	75	5	63	16	11 903
Skilled (levels 3—5)	557	5	44	112	62 494
Highly skilled production (levels 6—8)	1 903	6	79	302	226 694
Highly skilled supervision (levels 9—12)	392	5	65	74	50 178
Senior management (levels 13—16)	65	4	81	18	11 846
Total	2 992	6	67	522	363 115

Table 11.5: Leave payouts for the period 1 April 2010 to 31 March 2011

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 2010/11 due to non-utilisation of leave for the previous cycle	8	2	4 000
Capped leave payouts on termination of service for 2010/11	5 947	643	9 249
Current leave payout on termination of service for 2010/11	932	164	5 683
Total	6 887	809	8 513

4.12 HIV AND AIDS & HEALTH PROMOTION PROGRAMMES

Table 12.1: Steps taken to reduce the risk of occupational exposure

Units/categories of employees identified to be at high risk of contracting HIV & related diseases (if any)	Key steps taken to reduce the risk
The department does not have categories of employees identified to be at risk exposed to HIV infection due to the nature of their occupations.	The department is however applying universal infection control relevant to our core business. This entails provision of condoms and information dissemination targeting all employees.

Table 12.2: 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.	Yes		Ms Kedibone Tsolo, 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.	Yes		Director, Deputy Director and three Assistant Directors. Budget for 2010/11 financial year was R27 000 000
3. Has the department introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of this Programme.	Yes		1. Psycho-social counselling 2. Health promotion and risk management 3. HIV & AIDS and TB workplace programme 4. Sport and recreation
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.	Yes		Employee Advisory Committee has been established and it represents all business units or branches of the department as well as representatives from organised labour.
5. Has the department reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees because of their HIV status? If so, list the employment policies/practices so reviewed.	Yes		The recruitment policy was recently reviewed.
6. Has the department introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of these measures.	Yes		The directorate run awareness sessions on HIV and AIDS which included : Outlining of DoJ&CD HIV and AIDS. Presentation by GEMS to educate employees about the benefits scheme. Presentations by AID for AIDS company educating employees on how to enrol into the ARV programme in case they are positive.
7. Does the department encourage its employees to undergo voluntary counselling and testing? If so, list the results that you have you achieved.	Yes		1 350 employees tested for HIV as part of the national campaign in the last financial year.
8. Has the department developed measures/indicators to monitor & evaluate the impact of its health promotion programme? If so, list these measures/indicators.	Yes		The programme is measured on quarterly basis through analysis of the sick leave report.

4.13 LABOUR RELATIONS

The following collective agreements were entered into with trade unions within the department.

Table 13.1: Collective agreements, 1 April 2010 to 31 March 2011

Total collective agreements	-
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The following table summarises the outcome of disciplinary hearings conducted within the department for the period 1 April 2010 to 31 March 2011

Table 13.2: Misconduct and disciplinary hearings finalised, 1 April 2010 to 31 March 2011

Outcomes of disciplinary hearings	Number	Percentage of total
Acquittal	26	10.74
Demotion	1	0.41
Deceased	2	0.83
Dismissal	68	28.1
Resignation	18	7.44
Suspended	16	6.61
Verbal warning	-	-
Written warning	31	12.81
Final warning	41	16.94
Withdrawn	23	9.5
Pend forensic audit	1	0.41
Pend labour court	1	0.41
Leave without pay	7	2.89
Debt recovered	2	0.83
Counselling	5	2.07
Total	242	100

Table 13.3: Types of misconduct addressed at disciplinary hearings

Type of misconduct	Number	Percentage of total
Abscondment	17	3.39
Abuse of leave	34	6.77
Abuse of state property	26	5.18
Alcohol abuse	6	1.2
Assault	12	2.39
Bribery	1	0.2
Corruption	30	5.98
Damage to state property	5	1
Defeating ends of justice	5	1
Dishonesty	2	0.4
Falsification of documents	4	0.8
Fraud	105	20.92
Insubordination	21	4.18
Mismanagement of funds	11	2.19
Loss of state money	27	5.38
Maladministration	8	1.59
Misrepresentation	7	1.39
Negligence	28	5.58
Poor performance	6	1.2
Sexual harassment	4	0.8
Theft	77	15.34
Unauthorised absence	24	4.78
Unethical behaviour	42	8.37
Total	502	100

Table 13.4: Grievances lodged for the period 1 April 2010 to 31 March 2011

Number of grievances resolved	Number	Percentage of total
Number of grievances resolved	154	39.79
Number of grievances not resolved	233	60.21
Total number of grievances lodged	387	100

Table 13.5: Disputes lodged with councils for the period 1 April 2010 to 31 March 2011

Number of disputes	Number	Percentage of total
Number of disputes upheld	54	33.54
Number of disputes dismissed	107	66.46
Total number of disputes lodged	161	100

Table 13.6: Strike actions for the period 1 April 2010 to 31 March 2011

Total number of person working days lost	
Total cost (R'000) of working days lost	2 415 328.16
Amount (R'000) recovered as a result of no work no pay	2 415 328.16

Table 13.7: Precautionary suspensions for the period 1 April 2010 to 31 March 2011

Number of people suspended	
Number of people suspended	69
Number of people whose suspension exceeded 30 days	57
Average number of days suspended	479
Cost (R'000) of suspensions	11 294 117.30 (Est.)

4.14 SKILLS DEVELOPMENT

This section highlights the efforts of the department with regard to skills development.

Table 14.1: Training needs identified 1 April 2010 to 31 March 2011

Occupational categories	Gender	Number of employees as at 1 April 2010	Training provided within the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Male	77	-	15	10	25
	Female	45	-	35	8	43
Professionals	Male	2 173	-	100	20	120
	Female	1 642	-	105	30	135
Technicians and associate professionals	Male	589	10	480	52	542
	Female	678	20	550	60	630
Clerks	Male	3 592	85	645	80	810
	Female	7 422	130	900	150	1 180
Service and sales workers	Male	299	-	75	10	85
	Female	55	-	25	5	30
Plant and machine operators and assemblers	Male	28	-	-	-	-
	Female	-	-	-	-	-
Labourers and related workers	Male	322	-	-	-	-
	Female	285	-	-	-	-
Gender sub totals	Male	7 080	95	1 315	172	1 582
	Female	10 127	150	1 615	253	2 018
Total		17 207	245	2 930	425	3 600

Table 14.2: Training provided 1 April 2010 to 31 March 2011

Occupational categories	Gender	Number of employees as at 1 April 2010	Training provided within the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Male	77	-	14	-	14
	Female	45	-	5	-	5
Professionals	Male	2173	-	69	35	104
	Female	1 642	-	53	52	105
Technicians and associate professionals	Male	589	5	428	62	495
	Female	678	13	580	78	671
Clerks	Male	3 592	71	342	152	565
	Female	7 422	125	1 112	290	1 527
Service and sales workers	Male	299	-	10	8	18
	Female	55	-	5	2	7
Plant and machine operators and assemblers	Male	28	-	1	-	1
	Female	-	-	-	-	-
Labourers and related workers	Male	322	-	-	-	-
	Female	285	-	-	-	-
Gender sub totals	Male	7 080	76	864	257	1 197
	Female	10 127	138	1 755	422	2 315
Total		17 207	214	2 619	679	3 512

4.15 INJURY ON DUTY

The following tables provide basic information on injury on duty.

Table 15.1: Injury on duty, 1 April 2010 to 31 March 2011

Nature of injury on duty	Number	Percentage of total
Required basic medical attention only	-	-
Pending investigation	7	100
Temporary total disablement	-	-
Permanent disablement	-	-
Fatal	-	-
Total	7	100

4.16 UTILISATION OF CONSULTANTS

Table 16.1: Report on consultant appointments using appropriated funds

Project title	Total number of consultants that worked on the project	Duration: work days	Amount
Faranani IT Services	151	260 hours	48 589 796.17
Nkonki Incorporated	5	260 hours	1 866 861.23
Total			50 456 657.40

Total number of projects	Total individual consultants	Total duration: work days	Total contract valued in rand:
2	paid to firm	520 hours	50 456 657.40

PART 3: ANNUAL FINANCIAL STATEMENTS

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3.1 REPORT OF THE AUDIT COMMITTEE

We are pleased to present our report for the financial year ended 31 March 2011.

3.1.1 AUDIT COMMITTEE MEMBERS AND ATTENDANCE

The Audit Committee consists of the members listed below and is required to meet at least four times per annum as per its approved terms of reference. During the current year, eight meetings were held, which included special meetings. The special meetings were held to address the audit concerns and qualification matters.

Name of member	Number of meetings attended	Status
Mr Motsamai Karede (Chairperson)	8	Reappointed 15 December 2009
Mr Cedric Boltman	8	Reappointed 5 December 2009
Ms Bajabulile Luthuli	7	Appointed 15 December 2009
Ms Matshego Ramagaga	4	Appointed 15 December 2009
Ms Zodwa Manase	3	Appointed 15 December 2009
Mr Wilson Ramabulana	7	Appointed 15 December 2009

3.1.2 AUDIT COMMITTEE RESPONSIBILITY

We report that we have adopted appropriate formal terms of reference in our charter, which are in line with the requirements of section 38(1)(a) of the Public Finance Management Act, 1999 (Act No 1 of 1999) and Treasury Regulation 3.1.

3.1.3 THE EFFECTIVENESS OF INTERNAL CONTROL

In the light of the shortcomings reported in previous years regarding internal control systems and financial reporting, the Audit Committee set up a special committee, to specifically focus on the areas mentioned in order to ensure improvement.

Some areas reported on in the internal audit reports and Auditor-General's Report to management still needed attention and some matters reported previously have not yet been satisfactorily resolved. The initiative, however, resulted in the improvement of the internal control system and financial reporting during the year and also assisted the department in eliminating most of the audit qualification matter.

While some deficiencies in internal control were reported, the Audit Committee is satisfied that key controls remained in place throughout the year under review. The deficiencies were identified and management has demonstrated commitment in addressing them.

The department's risk management capacity was inadequate during the year and management has committed itself to addressing the capacity constraints that were experienced.

The Audit Committee also noted the challenges with regard to performance information. Management has committed itself to addressing the reported concerns.

Management was able to obtain the long awaited guidance from National Treasury on the accounting framework for the Third Party Funds. The guidance will improve on financial reporting and oversight that the Audit Committee will provide in the years to come

3.1.4 INTERNAL AUDIT

The Internal Audit Unit reviewed the departmental operations as per the approved audit plan for the year under review. The functioning of internal audit improved during the year as the unit managed to fill the vacant supervisory and middle management positions. Staff turnover in the unit was stable during the year, resulting in improved performance.

The Audit Committee and Accounting Officer continued to ensure that challenges facing the Internal Audit Unit were addressed and that the Internal Audit capacity is adequate.

3.1.5 AUDITOR-GENERAL SOUTH AFRICA

We have met with the Auditor-General South Africa to ensure that there are no unresolved issues.

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

Although there were areas of improvement, we are 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. However, we have noted the Auditor-General's concerns relating to the department's reporting on performance information in terms of the required auditing standards.

Management has undertaken to effect the recommended improvements and the Audit Committee will continuously monitor the progress in that regard.

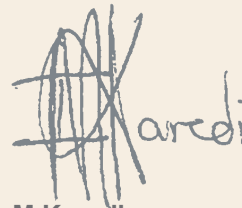
3.1.5.2 Evaluation of financial statements:

We have done the following:

- Reviewed and discussed the audited annual financial statements to be included in the annual report with the Auditor-General South Africa and the Accounting Officer.
- Reviewed the Auditor-General South Africa's management letter and management's response to it.

- Reviewed the department's compliance with legal and regulatory provisions.
- Reviewed significant adjustments as a result of the audit.

We concur and accept the conclusions of the Auditor-General South Africa's report on the annual financial statements and are of the opinion that the audited annual financial statements should be accepted and read together with the report of the Auditor-General South Africa.



M Karedi

Chairperson of the Audit Committee

Date: 8 August 2011

3.2 REPORT OF THE ACCOUNTING OFFICER

Report by the Accounting Officer to the Executive Authority and Parliament/Provincial Legislature of the Republic of South Africa.

3.2.1 GENERAL REVIEW OF THE STATE OF FINANCIAL AFFAIRS

The surplus on the Vote for the 2010/11 financial year amounts to R89 153 000. Spending on the compensation of employees (36.9% in 2009/10 and 38.3% in 2010/11) and transfer payments (average of 19%) remained the most significant expense in the department's Vote.

3.2.1.1 IMPORTANT POLICY DECISIONS AND STRATEGIC ISSUES FACING THE DEPARTMENT

The key mandate of the department is to support the administration of justice and uphold the Constitution. This is performed by implementing an effective and efficient court system and through the provision of quality legal services to the citizens and the state. In addition to these goals, the department needs to have effective support services that are in line with good corporate governance and implement the transformational agenda of government on issues of access and empowerment of previously disadvantaged individuals.

The strategic thrust of the department is to do the following:

- Improve the administration of justice through special emphasis on good governance and accountability.
- Provide effective and efficient justice services through facilitating the resolution of criminal, civil and family law disputes.
- Provide transformed legal services that advance the interests of government and the people of South Africa.

In line with the above requirements, the department's strategic plan sets out its policy priorities, programmes and project plans for the current five-year planning cycle, as approved, within the scope of available resources, and indicates, among others, its commitment to the following:

- Ensuring that everyone in South Africa is and feels safe.
- Developing policies for protecting the rights of vulnerable groups and victims in our society.

- Prioritising access to justice services for people in poor and rural areas.
- Supporting efforts to increase the finalisation of court cases, as well as an increased use of alternative dispute resolution mechanisms, the diversion of cases and the use of restorative justice processes.
- Administering deceased and insolvent estates efficiently.
- Providing appropriate legal advice and litigation services to organs of the state.
- Promoting legislation and constitutional development to meet the needs of society.
- Managing all funds under the auspices of the department, including the Criminal Assets Recovery Account, the Guardian's Fund, the President's Fund and Third Party Fund.
- Creating more jobs in line with government's priorities in this regard and implementing the Employment Plan.

3.2.1.2 ACHIEVEMENTS

With regard to the abovementioned strategic objectives, the following were achieved:

- During the 2010/11 financial year, three court buildings were completed in Ashton (Western Cape), Ekangala (Mpumalanga) and Hankey (Eastern Cape).
- The Justice College trained over 5 841 officials, which was well above the target of 4 500.
- Some 15 403 backlog cases were resolved against a target of 14 815 for the period under review.
- Sixty newly appointed contract intermediaries and 25 social workers rendering intermediary services were trained in a programme for child witnesses.
- Some 856 sex offenders were registered on the Integrated Case Management System (ICMS). From January 2009 to April 2011, a total of 1 202 sex offenders were registered.
- The department successfully rolled out the ICMS to 478 lower courts against the target of 250 and to 12 high courts against the target of three. The additional performance made in the year under review includes the rollout of the ICMS Masters to all 14 Master offices and all 402 service points.
- The department successfully exceeded the target for the preparation of legislative instruments by producing 15 bills, 48 subordinate legislative instruments and 18 research publications.
- The vacancy rate of the department improved to 9.8% against a target of below 10% during the period under review.

- During the period under review, 26 new small claims courts were opened with the assistance of donor funding through Swiss Aid. This brought the total number of small claims courts to 226.
- Some 93% of beneficiaries of Guardian's Fund received services within a period of 40 days, against the target of 80%.
- Some 64% of Family Law cases were finalised against a target of 50%.
- During the period under review, 69% of the value and 82.5% of the volume of briefs were issued to previously disadvantaged individuals (PDIs). The department has exceeded its target both in terms of the number and the value of briefs and has improved on the previous year's numbers.
- A total of R280 761 574 was paid to counsel from all state attorney offices. During the period under review, 77% of work outsourced, was awarded to small firms, 22% to medium-sized firms and 1% to large firms

3.2.1.2.1 KEY CHALLENGES

Whilst much was achieved during the year under review, there were also challenges that the department is planning to overcome in the 2011/12 financial year. These include the following:

- Addressing an irregular expenditure resulted from the implementation of BBBEE Code of Good Practice instead of PPPFA.
- Implementing programmes to achieve an unqualified audit.
- Improving organisational efficiency in serving our key stakeholders.
- Strengthening financial management, oversight and internal control.
- Capacitating offices to enhance justice service delivery.
- Investment in IT and security infrastructure to improve organisational efficiency.
- Resourcing additional court infrastructure, upgrading and maintenance of facilities.

3.2.1.3 SIGNIFICANT EVENTS THAT HAVE TAKEN PLACE DURING THE YEAR

3.2.1.3.1 INCREASES IN THE COMPENSATION OF JUDGES AND MAGISTRATES

The increase in the compensation of judges and magistrates, as in previous years, was only finalised and implemented after the adjustments' estimate. This,

however, only had an impact on the division of the budget between the two areas, namely the judges' salary allocation was increased and the magistrates' salary allocation was decreased within the baseline. The budget, though, was sufficient for the year under review and an amount of R19.6 million will be returned to the National Revenue Fund.

3.2.1.3.2 PROCLAMATION OF THE OFFICE OF THE CHIEF JUSTICE AS A DEPARTMENT

The Office of the Chief Justice has been proclaimed as a national department with a view to enhancing its stature (Proclamation No 44 of 2010 published in *Government Gazette 33500*, dated 3 September 2010).

In this regard, there is a need to establish a framework that will promote collaboration, synergy and alignment between the Department of Justice and Constitutional Development and the Office of the Chief Justice in the execution of their respective mandates relating to the administration of justice. The Secretary-General, who is the administrative head of the Office of the Chief Justice, and the Director-General, as the accounting officer of the Department of Justice and Constitutional Development, will be responsible for the coordination of the strategies of the two departments to avoid duplication and overlapping of roles, as well as to put protocols in place to facilitate the migration of functions and responsibilities, such as accounting and systems development.

3.2.1.4 SPENDING TRENDS

VOTED FUNDS RECEIVED BY THE DEPARTMENT

The budget allocated to the department (excluding statutory appropriation) amounted to R10.251 billion. During the adjusted estimate of national expenditure, an additional amount of R536.402 million was allocated to the department, increasing the appropriation to R 10.787 billion. Although the adjusted appropriation indicates a budget totalling R10.787 billion for the Vote the financial statements reflects R8.103 billion before final virement. The difference on R2.684 billion is the amount appropriated for the NPA which is reported on in the financial statements of the NPA. Virement is applied on the Vote as a whole.

A comparison between the amounts appropriated, actual expenditure incurred and the net effect of virement for the department can be illustrated as follows:

	2010/11 R'000	2009/10 R'000
Total adjusted appropriation (excluding NPA and statutory appropriation)	8 103 082	7 384 658
Amount received from NPA for virement	<u>175 729</u>	<u>143 611</u>
Final appropriation	8 278 811	7 528 269
Less: Expenditure	<u>8 189 658</u>	<u>7 514 440</u>
Total underspending	<u>89 153</u>	<u>13 829</u>
Percentage underspend	1.1%	0.2%

An amount of R175.729 million was shifted from the NPA to the other programmes in the Vote as part of the final virement. The virement was applied to defray overspending in Programme 1 (Administration) on operational expenditure and payments for security at the courts, the payment of municipal rates and taxes, as well as accommodation charges to the value of R302.902 million.

Underspending in the rest of the departmental programmes was as a result of a saving on the Public-Private Partnership: Third Party Funds, which was suspended with effect from 1 April 2011 (R44.580 million), and underspending of R40.1 million on the Integrated Justice System programme due to the non-receipt of claims from the participating departments.

VIREMENT

The following virements were approved between programmes:

- An amount of R36.917 million mainly underspent on the compensation of employees in Programme 2: Court Services was utilised to increase the goods and services budget in Programme 1: Administration.
- An underspending on the compensation of employees and goods and services of R51.218 million in Programme 3: State Legal Services was utilised to fund excess expenditure on goods and services in Programme 1: Administration.
- Increased transfers to Legal Aid South Africa (R716 000 less R7 million saving on 2010 FIFA World Cup funds returned to the department) and the International Criminal Court (R1.624 million) were also affected after National Treasury's approval was obtained.

The final underspending of the department after virement is on the following items:

Item	R' 000
Goods and services	74 140
Transfer to SASSETA	4 480
Machinery and equipment	<u>10 533</u>
Total underspending	<u>89 153</u>

3.2.2 SERVICES RENDERED BY THE DEPARTMENT

3.2.2.1 TARIFF POLICY

The tariff policy remains the same as the department's services and related charges are mostly fixed by law. 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.

Fees prescribed in the Regulations to the Promotion of Access to Information Act, 2000, are not affected and can in future be paid in cash at our offices nationwide.

3.2.2.2 SERVICES PROVIDED AT NO CHARGE TO THE PUBLIC

- Small Claims Court: The presiding officer is normally a lawyer or retired magistrate that renders these services *pro bono* (without being paid a stipend/salary).
- The administration of Third Party Funds (monies in trust) is currently being done at no charge except for a 10% commission (to a maximum of R300 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 Magistrates' Court Act, 1944 (Act No 32 of 1944), as amended.
- Law lecturers who render service at a magistrate's court at no charge.
- A number of services relating to activities in the Masters' offices include the following:
 - Estate duty taxation

- Administration of estates services
- Archive services
- Insolvencies
- Liquidations
- Inspection services
- Guardian's Fund
- Various legal 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.
- Transcription records are provided at no charge to litigants for purposes of challenging the outcome of cases.
- Legal advice, counselling and mediation services are offered at family courts by family advocates, family counsellors and maintenance investigators.
- The High Court North Gauteng made an order indicating that all court processes in magistrates and high courts shall, if not stamped, be issued without the payment of court fees.
- Information desk services at courts, as well as brochures and other informational material on a large variety of aspects, are paid for by the department and are provided at no cost to members of the public.

3.2.3 UTILISATION OF DONOR FUNDS

Apart from voted funds, the department is also complemented by donor funding to fund some of its projects. These funds are normally utilised for once-off projects or for projects that will eventually be funded through the budget allocation/baseline. The intention is to ensure that projects become sustainable after donor funding is withdrawn or has ended.

Donor funding	2010/11 R' 000	2009/10 R' 000
Assistance rolled over from previous year	951	12 821
Grants received during the financial year	-	-
Total amount received	22 541	12 821
Less: Expenditure	7 114	1 304
Paid back to National Treasury	-	10 566
Closing balance	16 378	951

3.2.4 CAPACITY CONSTRAINTS

As reported in paragraph 3.2.1.2 the department has reduced its employee vacancy rate from last year's 10.73% to 9.8% this year. The employee staff turnover rate for the year is 16.89%.

The department continues to have capacity constraints in general, particularly in terms of financial and supply chain management at court level. It started with a programme to avail additional resources to expand its regional capacity. The department furthermore needs to invest in upgrading and enhancing its administrative systems and information technology infrastructure.

3.2.5 TRADING ENTITIES AND PUBLIC ENTITIES

3.2.5.1 TRADING ENTITIES

None

3.2.5.2 PUBLIC ENTITIES

3.2.5.2.1 SPECIAL INVESTIGATING UNIT

The Special Investigating Unit was established in terms of the Special Investigating Units and Special Tribunals Act of 1996 and investigates cases referred to it by the President. The unit provides professional forensic investigating and litigation services to all state institutions at national, provincial and local government level to combat maladministration, corruption and fraud, and to protect state assets and public money.

3.2.5.2.2 LEGAL AID SOUTH AFRICA

Legal Aid South Africa was established in terms of the Legal Aid Act of 1969 to provide legal aid to indigent people and legal representation at state expense to people entitled in terms of the Constitution. The board provides services in all regional, district and high courts through its extended network. Its role is to provide legal aid in an independent manner, with the intention of enhancing justice and public confidence in the law and administration of justice.

3.2.5.3 CONSTITUTIONAL INSTITUTIONS

5.3.1 SOUTH AFRICAN HUMAN RIGHTS COMMISSION

The South African Human Rights Commission is an independent statutory body established in terms of Chapter 9 of the Constitution of the Republic of South

Africa of 1996. The powers and functions of the commission are further detailed in the Human Rights Commission Act of 1994. The commission's specific mandate is to support constitutional democracy by promoting and protecting human rights. It raises awareness of human rights, monitors and assesses the observance of human rights, provides education and training on human rights, and addresses human rights violations, and seeks effective redress.

3.2.5.3.2 PUBLIC PROTECTOR

The Office of the Public Protector is an institution established in terms of Chapter 9 of the Constitution of the Republic of South Africa of 1996 to strengthen constitutional democracy. Its additional mandate is provided for in the Public Protector Act of 1994, as amended. The core business of the Public Protector is to investigate any conduct in state affairs or in public administration in any sphere of government that is alleged or suspected to be improper or to result in impropriety or prejudice, and to mediate, negotiate, conciliate, report and recommend remedial action.

3.2.5.4 OTHER FUNDS

3.2.5.4.1 PRESIDENT'S FUND

The President's Fund is established to compensate victims in terms of section 42 of the Promotion of National Unity Reconciliation Act, 1995 (Act No 34 of 1995).

For the financial year under review, the following provides a high-level overview of activities as reported on in detail in the separately published set of financial statements:

Final reparation: Of the 16 837 applicants for reparation approved by the TRC Unit, 15 962 have been paid the once-off individual grant totalling R479 million. There are 875 beneficiaries still to be paid as they could not be traced by a professional tracing agency. The Department of Home Affairs confirmed that 500 of the unpaid beneficiaries are deceased and attempts are ongoing to locate the rightful next of kin. The Electoral Commission was able to supply current addresses of 302 beneficiaries from its database, who are being pursued. The remaining 73 beneficiaries could not be traced due to incorrect identity numbers being supplied.

Symbols and monuments: This aspect of the

reparation measure is being undertaken by the Freedom Park Trust as well as the Department of Arts and Culture and the South African Heritage Resources Agency (SAHRA).

Medical and other forms of social assistance:

Regulations to render financial assistance to the families of persons who went missing and whose remains were exhumed by the special task team at the National Prosecuting Authority (NPA) for reburial or symbolic burial was approved by the President and published in the *Government Gazette* on 7 May 2010. An amount of R629 000 has been paid to 37 families of persons who have been exhumed and reburied. Draft regulations relating to medical benefits and education assistance were published in the *Government Gazette* on 11 May 2011 for public comment.

Community rehabilitation: A community rehabilitation model is in the process of being developed. Approach planning sessions are ongoing with the Independent Development Trust (IDT), who will be engaged to perform this aspect of the reparation measure on behalf of the department.

3.2.5.4.2 GUARDIAN'S FUND

The primary responsibility of the Guardian's Fund is to receive monies due to and on behalf of persons deemed legally incapable or lacking the capacity to manage their own affairs, as well as undetermined, unknown or absent heirs and untraceable persons in terms of Chapter V of the Administration of Estates Act, 1965 (Act No 66 of 1965).

For the financial year under review, the following provides a high-level overview of activities, as reported on in detail, in the separate published set of financial statements.

The Guardian's Fund has improved operational functionality and enforced stricter control processes in the six regional offices. The MOVIT fingerprint identification system has been rolled out to ensure faster service delivery, while at the same time improving internal control. The Fund has also implemented the Absa Bi-online system to effect electronic payments to beneficiaries. The Absa system has been implemented at the following Guardian's Fund offices: Grahamstown, Kimberley, Cape Town and Bloemfontein.

The new electronic payments process has improved service delivery at these offices in reducing payment turnaround times, as well as affecting an increase in the number of payments to beneficiaries. The Pretoria and Pietermaritzburg Guardian's Fund offices will also implement the Absa system in the new financial year. The accounting framework has changed from the cash basis of accounting to accrual-based accounting.

3.2.5.4.3 THIRD PARTY FUNDS (TPF)

Third Party Funds refer to monies administered by the department on behalf of the Judiciary for third parties. This includes maintenance, bail, court fines and state attorney recoveries. The nature and volume of transactions, as well as the distribution of service points (489 500 bank accounts), pose a challenge for the department given the level of required sophistication of the technology systems and the skills of personnel.

The objective of an accounting system was to improve the administration and service delivery of these monies, in particular maintenance monies. The automation has also reduced the risk of fraud and theft of monies. The policy of zero-tolerance for financial misconduct is strictly applied in the department.

Data integrity concerns regarding the completeness, accuracy and validity of information and systems constraints led to a low level of reliance placed on the TPF financial statements for the 2008/09, 2009/10 and 2010/11 financial years. In the prior financial year, the department reported a mothballing of the PPP process. The department has since cancelled the whole process due to the cost involved, as well as the potential loss of jobs. The department is taking a different strategic approach to the management of the Third Party Funds, which do not include the long-term management of this responsibility, hence a decision to not continue with the PPP process. The department has appointed a joint venture of PricewaterhouseCoopers, Guarantee Trust, and Faranani IT Services to produce annual financial statements for Third Party Funds, as well as provide accounting and general financial management training.

Unfortunately, failings in the Third Party Funds' arena have a negative effect on the rest of the department's financial report, as the fund's activities are directly linked to departmental revenue and other disclosure requirements included in the Vote financial statements.

3.2.5.4.4 THE CRIMINAL ASSETS RECOVERY ACCOUNT (CARA)

The Criminal Assets Recovery Account (CARA) is a separate account, within the National Revenue Fund (NRF), into which monies and property are deposited following a judicial forfeiture or confiscation order. The confiscation and forfeiture processes, as well as the establishment of the CARA and Criminal Asset Recovery Committee (CARC), are legislated in terms of the Prevention of Organised Crime Act, 1998 (Act No 121 of 1998).

In pursuance of an unqualified audit report and to maintain a sound operating environment, with supporting processes and systems, the 2009 CARA Project was initiated with an appointed multi disciplinary task team (focusing on legislation, finance and operations — processes and procedures). The following CARA

policies and procedures have been developed and were approved by the CARC: The Grand Management Policy and the Asset Management Policy. The Electronic Case Management System, as currently used by the Asset Forfeiture Unit (AFU), is now receiving the informed inputs for its alignment with the approved integrated AFU-CARA-Master's process. The financial statements of this account will be presented using the accrual basis of accounting for the first time in the 2010/11 financial reporting period.

3.2.6 ORGANISATIONS TO WHOM TRANSFER PAYMENTS HAVE BEEN MADE

The Accounting Officer's responsibilities were executed for the 2010/11 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	2010/11 R'000	2009/10 R' 000
Special Investigating Unit	171 089	154 737
Legal Aid South Africa	1 116 355	917 408

The following amounts were transferred to the constitutional institutions:

Name of institution	2010/11 R' 000	2009/10 R' 000
South African Human Rights Commission	74 368	70 120
Public Protector	114 082	108 860
Represented Political Parties' Fund (Electoral Commission)	98 095	92 823

3.2.7 CORPORATE GOVERNANCE ARRANGEMENTS

3.2.7.1 INTRODUCTION

The governance processes of the department are driven by the Executive Committee (EXCO) under the guidance of the Accounting Officer and the Minister and, as such corporate governance is placed as one of the significant responsibilities of the EXCO. In recent years, the principles of transparency, responsibility and accountability have been redefined for both the public sector and the private sector in South Africa, more especially with the release of the new King III Report on Corporate Governance. Most of the new legislative promulgation has also been concentrating on the improvement in this area. It is acknowledged that some of the changes require a more fundamental shift in the manner in which governance processes are driven within the department and the public sector at large, while focusing on the government priorities and improving internal control.

To this end, the EXCO has made various changes in its operations and has approved various policies in an attempt to comply with corporate governance requirements and to enhance service delivery. Some of these changes include the introduction of the following subcommittees of the EXCO during this financial year:

- Policy Development and Coordinating subcommittee
- Strategy and Operations Subcommittee
- IT and Risk Management Subcommittee
- Audit and Finance Subcommittee
- Human Resources Subcommittee
- Corporate Governance Subcommittee
- Service Delivery and Communications Subcommittee

To enable the Accounting Officer and the EXCO to discharge their responsibilities and duties, certain responsibilities have been delegated to these subcommittees. The governance structures are reviewed regularly to incorporate developments and new trends within the department and in the public sector.

3.2.7.2 POWERS, ROLES AND RESPONSIBILITIES OF EXCO MEMBERS

The Chief Operations Officer, deputy directors-general, and the Chief Financial Officer of the department are members of the EXCO which is chaired by the

Accounting Officer. The powers, roles and responsibilities of EXCO members are derived from the following:

- The Public Finance and Management Act of 1999 (Act No 1 of 1999) as amended by (Act No 29 of 1999) (PFMA) encompassing the National Treasury Regulations
- The Public Service Act
- The Protocol on Corporate Governance in the Public Sector
- The King III Report on Corporate Governance

The skills and experience of EXCO members are appropriate to the strategic direction of the department and necessary to secure its sound performance and to promote ethical behaviour. In addition to the above-mentioned subcommittees, the EXCO is responsible for the following:

3.2.7.2.1 ENTERPRISE-WIDE RISK MANAGEMENT STRATEGY

EXCO take cognisance of the fact that the control environment enhances the tone of departmental risk management and provides the necessary discipline and structure for the same. This control environment is the foundation for all other components of risk management and internal control within the department. This includes factors such as the delegation of authority and responsibility, ethical values, integrity, organisational structure and culture, management's philosophy and operating style the development and competence of people, as well as the intention and direction provided by the EXCO.

The EXCO views enterprise-wide risk management as a management function, which is strategically employed to ensure that the strategic objectives set by the department are met. Appropriate governance structures are necessary to facilitate activities of enterprise-wide risk management within the department. EXCO is accountable for the processes of risk management. The IT and Risk Management Subcommittee and the Audit Committee fulfil the role of oversight at different levels. As part of systematic thinking and the integrated approach that is followed, all the elements of anti-fraud, risk and quality management were incorporated into one committee, whose terms of reference was approved by the Accounting Officer. This new structure will be operational in the new financial year in all the regions and will update the relevant EXCO subcommittees.

EXCO has provided leadership to the department within a framework of prudent and effective control, which enables risks to be assessed and managed accordingly. During the year under review, risk workshops were conducted for various units and regions and risk profiles were developed with mitigations plans. The EXCO also took note of the top five corporate risks identified and their mitigation plans. The Risk Management Unit works closely with management at all levels in order to identify inherent risks and improve the system of internal control for continual improvement.

The internal and external auditors are tasked with the responsibility of reviewing the efficacy of enterprise-wide risk management on a regular basis. During the year under review, the Office of the Accountant-General performed a survey to establish the extent to which the department has institutionalised risk management. The outcome of the survey indicated that the department is at maturity level three, which means that risk management processes, practices and systems satisfy the legislative requirements. The target of the department is to reach level five within the next few years. This would mean that risk tolerance levels have been firmly established and that it is communicated across the department. The EXCO acknowledges that there are challenges that risk management has to overcome to be firmly embedded in the department. Its influence in the control environment is fundamental to achieving the set targets and its improvement of risk maturity levels.

3.2.7.2.2 ANTI-FRAUD AND CORRUPTION STRATEGY

The EXCO takes the initiative to ensure that all its members are leading in directing the operations and service delivery initiatives in a manner that is consistent with ethical standards. The intention is that all the departmental actions are governed by ethical principles, which are contained in the Fraud Prevention Plan and Code of Ethics and business conduct of the department. The department will continue to implement the minimum anti-corruption capacity requirements as approved by Cabinet to ensure that proper controls are in place to prevent and detect fraudulent and irregular activities.

During the year under review, a revised Fraud Prevention Plan and the Whistle-blowing Policy were approved after properly consulting with the department. The roll-out plan of the Fraud Prevention Plan was

developed with the intention of rolling it out in the next three years. The Anti-Fraud, Risk and Quality Management Committee will monitor the progress in terms of the implementation of the plan and Whistle-blowing Policy.

The coordination of financial disclosures gained momentum and key management personnel are actively responding to their legal and ethical obligation of disclosing interests as required by the Public Service Regulations. All the senior managers of the department, including the newly formed administration for the Chief Justice, complied in submitting their completed financial disclosure forms. Furthermore, officials are requested to table their interest in any contract as part of procurement bidding processes.

The Security Vetting Policy and the Personal Suitability Checks (pre-screening) Policy was revisited to ensure updates with the current developments and to simplify processes. The full implementation of these policies in the next financial year will not only address issues of ethics, but will also assist in addressing the new ministerial outcomes.

The department is actively involved in the anti-corruption structures of the government, which include the Anti-corruption Coordinating Committee (ACCC), the Governance and Administration Working Group on implementing the anti-corruption action plan of the Public Service to address initiatives identified by Government, and the National Anti-corruption Forum (NACF). These initiatives are aimed at implementing the outcomes identified by Government. As a government department, the department fails under Outcome 3, pertaining to fighting corruption.

3.2.7.2.3 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 NPA Internal Audit Unit was 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. The unit, through its Chief Audit Executive, reports functionally to the Audit Committee and administratively to the Accounting Officer. The staff turnover at middle management and supervisory levels stabilised during the year and, as a result, there was significant performance improvement towards the completion of the audit plan.

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 met as required and has unrestricted access to both information and personnel within the department. The Audit Committee played its oversight role during the year in the review of risks, controls, financial and operational information, and advised the Accounting Officer and management.

3.2.7.2.4 NEW/PROPOSED ACTIVITIES

The capacitation of the Office of the Chief Justice (OCJ) was initiated during the year under review. An interim management team was placed in the OCJ to establish the infrastructure and staffing required.

The department furthermore plans to expand its capacity in the area of constitutional development through additional structures and personnel appointments.

3.2.8 ASSET AND SUPPLY CHAIN MANAGEMENT

3.2.8.1 ASSET MANAGEMENT

The challenge for the department is to cultivate a culture of asset management awareness to ensure that all asset movements, additions, disposals and replacements are traced and recorded in an updated asset register, which requires daily attention and interventions.

Asset management for the department has the following four main objectives:

- Establish decentralised/user ownership for assets (court and regional responsibility).
- Ensure all assets purchased, maintained, disposed of and/or replaced are accounted for in the schedules of assets.
- Ensure the department's asset register is updated accordingly, and reflects the actual status of assets in the department.
- Ensure the department's asset register reconciles with the financial statements.

A concerted effort is made to reconcile the asset register with the financial statements. This was based on quarterly verifications done during the period under review. However, there are some challenges in verifying some of the assets due to errors made during take-on of balances from LOGIS to JYP in 2004/05. The department is now addressing these challenges.

3.2.9 EVENTS AFTER THE REPORTING DATE

To our knowledge there are no post-reporting date events that have a significant impact on the annual financial statements as reported.

3.2.10 PERFORMANCE INFORMATION

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 No 25 of 2004) (PAA). Section 13 of the PAA requires the Auditor-General to determine the standards to be applied in performing such audits.

3.2.11 SCOPA RESOLUTIONS

The following progress was made in addressing the Standing Committee on Public Accounts (SCOPA) resolutions on previous qualified audit reports:

REFERENCE TO PREVIOUS AUDIT REPORT AND SCOPA RESOLUTIONS	SUBJECT	FINDINGS ON PROGRESS
<p>In the first SCOPA report adopted by the National Assembly on February 2011; the Auditor-General reported that:</p> <p>a) As disclosed in Note 26 to the financial statements, irregular expenditure to the amount of R812 million was incurred, R436 million of which related to the current year's irregular expenditure and R368 million related to the prior year's irregular expenditure identified in the current year.</p> <p>b) R3.8 million of irregular expenditure not condoned is a result of competitive procurement procedures not followed and prior approval for procurement not obtained from the Bid Adjudication Committee.</p> <p>c) Fruitless and wasteful expenditure amounting to R2 million was incurred as a result of officials not boarding flights or not using reserved accommodation.</p> <p>SCOPA recommended the following:</p> <p>a) Disciplinary actions are taken against employees who were responsible for incurring such irregular and fruitless expenditure as required by section 51 (e)(iii) of the PFMA.</p> <p>b) The department strengthens its internal control systems in order to avoid incurring further irregular expenditure.</p>	<p>Supply Chain Management (Procurement)</p>	<p>Thirty-three non-compliance cases were identified.</p> <ul style="list-style-type: none"> • Twelve disciplinary action cases were taken • Twenty-one under investigation in order to take appropriate action. <p>With regard to the incorrect implementation of the BBBEE Codes of Good Practice, the department has determined the total amount of irregular expenditure.</p> <p>The department further implemented the following in an attempt to strengthen controls:</p> <ul style="list-style-type: none"> • A circular was issued detailing the procedures to be followed concerning the administration of leases, as well as delegated officials signing the lease agreements. • Monthly reporting by various offices (submission of copies of signed lease agreements/ addendums). • The construction of a national lease database, including confirmation of the existence of the leased assets. • A checklist to be attached to all payments to identify instances of non-compliance and the financial delegations was reviewed. • With regard to this irregular expenditure, disciplinary action is in progress against one official.

REFERENCE TO PREVIOUS AUDIT REPORT AND SCOPA RESOLUTIONS	SUBJECT	FINDINGS ON PROGRESS
<p>The Auditor-General identified the following:</p> <ul style="list-style-type: none"> a) Three price quotations not invited in all instances. b) Awards to certain suppliers who failed to provide a valid tax clearance certificate. c) The preference point system, as required by the Preferential Procurement Policy Framework Act (PPPFA) was not applied in all instances. d) Awards to certain suppliers did not score the highest points in terms of the preference points system. e) Contract amendments or extensions resulted in circumvention of competitive bidding. f) Ineffective internal audit evaluation of SCM compliance. <p>SCOPA recommended the following:</p> <ul style="list-style-type: none"> a) The departmental SCM Policy should be updated, encompassing all the elements of the PFMA, Treasury Regulations, PPPFA, Preferential Procurement Regulations and SCM practice notes issued by National Treasury that will ensure an appropriate procurement and provisioning system, which is fair equitable, transparent and competitive. b) A checklist of all legislative requirements should be kept for all SCM-related transactions, signed by both the preparer and reviewer. c) A proper filing system should be kept for all information supporting SCM-related transactions. d) Critical vacancies in the SCM Unit should be filled with adequately skilled officials. 	<p>Supply Chain Management (Procurement)</p>	<ul style="list-style-type: none"> a) The departmental SCM Policy was updated in December 2010. The policy has been enhanced to incorporate all the elements of SCM, which would ensure a fair, equitable, transparent, competitive, and cost-effective process. The departmental delegations were reviewed and implemented in February 2011 and incorporate detailed notes with regard to the various procurement thresholds. b) A checklist was developed and implemented in December 2010. Among others, the checklist includes the following: <ul style="list-style-type: none"> • Confirmation that three quotations were received where applicable. • Confirmation that a tax clearance certificate was received from the relevant supplier. • Confirmation that the preferred procurement policy framework was applied. • Confirmation that the supplier is a VAT vendor. • CIPRO check. • In addition, engagements have been held with SITA Accounting Officer to lock the system where three quotes have not been obtained and a deviation has not been approved. This work is being investigated and should be implemented as the technical development is concluded. c) A filing system with regard to SCM documents is in place and the department is currently training staff on how to use the system as it is not commonly understood and applied uniformly.

REFERENCE TO PREVIOUS AUDIT REPORT AND SCOPA RESOLUTIONS	SUBJECT	FINDINGS ON PROGRESS
<p>e) Early warning reports listing contracts that will soon expire should be compiled and further that new tender processes should be entered into timeously.</p> <p>f) Monthly reconciliations should be done in order to avoid non-compliance with SCM requirements.</p> <p>g) Internal audit scope with regards to SCM should be increased to ensure that day-to-day controls are effectively implemented and that all procurement procedures comply with SCM legislative requirements.</p> <p>h) The total population of expenditure should be revisited, excluding all suppliers not affected by the PPPFA, to determine the full extent of the non-compliance, which will lead to irregular expenditure.</p> <p>i) Disciplinary measures should be taken against all officials that do not comply with the legislative requirements surrounding SCM.</p>		<p>d) All critical vacancies within the SCM environment were filled during the period under review with adequately skilled officials. The SCM establishment is currently being reviewed with the intention of restructuring the said unit. Funding has been secured to strengthen SCM at regional level through the appointment of 45 SCM practitioners at middle management and technical levels.</p> <p>e) In its strategy, the department has identified a Compliance Contract Unit that will manage all departmental contracts. A manual system will be in place by June 2011 as a first measure, while progressing to an electronic system. Capacity is being sourced to capacitate this unit as soon as possible.</p> <p>f) The department is investigating better ways to reconcile SCM records. Funds have been located to increase capacity in the SCM division that will perform these reconciliations. Even though these posts have not been filled, the department is planning to fill them within the 2011/12 financial period. During the period under review, the department developed and issued a checklist and circulars to guide staff when processing procurement transactions.</p> <p>g) The internal audit approach and methodology is also being constantly reviewed to ensure that priority risk areas within the SCM environment are constantly monitored. The Internal Audit plan focuses on the adequacy and effectiveness of internal controls within SCM.</p>

REFERENCE TO PREVIOUS AUDIT REPORT AND SCOPA RESOLUTIONS	SUBJECT	FINDINGS ON PROGRESS
		<p>There has been an extensive engagement and involvement of the Internal Audit Unit to guide the department in addressing the challenge of irregular expenditure in the department.</p> <p>h) The total population of expenditure was revisited to determine the full extent of the non-compliance concerning the application of the BBBEE Codes of good practice instead of the PPPFA. The department is currently working closely with SARS and CIPRO to investigate suppliers with invalid VAT registration numbers, and invalid suppliers transacted with during the period under review.</p> <p>i) The department has instituted disciplinary action against 12 employees and is further investigating cases against 21 employees for non-compliance with legislative requirements surrounding SCM.</p>
<p>In the first SCOPA report adopted by the National Assembly on February 2011; the Auditor-General reported the following was:</p> <p>a) The Internal Audit Unit was established, but was not in operation throughout the year.</p> <p>b) The Internal Audit Unit did not fulfil its required responsibilities.</p> <p>SCOPA recommended the following:</p> <p>a) A fully functional audit committee that promotes independence, accountability and service delivery should be established.</p> <p>b) The internal audit function should monitor the adequacy and implementation of internal control.</p> <p>c) Effective risk assessments and strategies, including fraud prevention plans, should be maintained, to address identified weaknesses.</p>	<p>Internal Audit</p>	<p>a) The department's Audit Committee is in place and is comprised of individuals with diverse skills, and discharges its responsibilities in terms of the department's Audit Committee Charter. The committee has developed a schedule of meetings for the year, which includes agenda items on the areas of its responsibilities. This is performed to ensure that optimum oversight is provided and the department improves on its financial, accountability, reporting and service delivery obligations and objectives.</p> <p>The Audit Committee has assisted in strengthening the Internal Audit division. As part of strengthening</p>

REFERENCE TO PREVIOUS AUDIT REPORT AND SCOPA RESOLUTIONS	SUBJECT	FINDINGS ON PROGRESS
		<p>the division, the department is in the process of finalising the service standard documents which the Internal Audit division will be required to adhere to. Internal Audit has also filled some of the vacant positions in the supervisory and management levels to ensure that it is able to meet its audit scope for the year. The Audit Committee has been monitoring the performance of Internal Audit and guiding its performance during the course of the year.</p> <p>b) The department has identified a need to engage the capacity of additional senior audit managers in the critical strategic areas such as finance, for NPA and the department of justice performance information. In addressing challenges in the Internal Audit division, 27 internal auditors, five senior auditors and one audit manager were recruited during the year under review. The department is also recruiting additional capacity to strengthen enterprise-wide risk management. The service provider is expected to be appointed by 15 August 2011.</p> <p>c) Risk identification, assessments and mitigation form part of an ongoing process in the department. During the 2010/11 financial year, the department conducted a review of 19 units/sections, which is in accordance with the operational plan, as communicated</p>

REFERENCE TO PREVIOUS AUDIT REPORT AND SCOPA RESOLUTIONS	SUBJECT	FINDINGS ON PROGRESS
		<p>with National Treasury. The risks are mitigated continuously and there are ongoing awareness sessions to inculcate the culture of risk management within the department. The department is in the process of appointing service providers through a competitive process to conclude an organisation wide risk assessment.</p> <p>Furthermore, the Fraud Prevention Plan, together with a “Whistle-blowing” policy, has been reviewed and was approved in March 2011.</p>
<p>In the first SCOPA report adopted by the National Assembly on February 2011; the Auditor-General reported the following:</p> <p>a) The vacancy rate for senior management deteriorated by 14% to 25% in 2009/10.</p> <p>b) Verification of criminal and financial or asset records, citizenship, financial status, qualifications and previous employment for all new appointments were not done.</p> <p>c) Certain officials acted for periods exceeding 12 months.</p> <p>d) All performance management agreements were not signed by 31 July.</p> <p>e) More temporary/permanent incapacity leave was granted than staff were entitled to and there was non-compliance with DPSA’s policy and procedure on incapacity leave for ill health retirement.</p> <p>f) Not all leave taken by employees was captured accurately and in full.</p>	<p>Human Resources</p>	<p>a) During the year under review, the following policies and procedure manuals were developed and reviewed:</p> <ul style="list-style-type: none"> • Procedure Manual on leave management dated 6 October 2010 was issued in order to ensure the efficient management of leave. It was again revised on 8 December 2010. • The Recruitment and Selection Policy and Procedure Manual were reviewed and consulted with relevant stakeholders. It is currently in the process of being finalised. • The Acting Allowance Procedure Manual was developed and is currently in the process of being finalised. • A circular on the enforcement of policies and HR directives was issued on 24 May 2010 in order to sensitise all DOJ&CD officials on compliance issues.

REFERENCE TO PREVIOUS AUDIT REPORT AND SCOPA RESOLUTIONS	SUBJECT	FINDINGS ON PROGRESS
<p>g) All monthly payroll reports were not certified. All certified payroll reports were not returned to finance within 10 days. The completeness of certified payroll reports not checked in all instances and corrective measures were not taken in all instances where discrepancies were noted.</p> <p>SCOPA recommended the following:</p> <p>a) HR policies should be developed and implemented.</p> <p>b) DPSA policies and procedures should be complied with.</p> <p>c) The vacancy rate should be reduced by appointing permanent senior management.</p>		<ul style="list-style-type: none"> • A vetting policy, which encompasses security clearance, the verification of asset records, citizenship, financial status, qualifications and previous employment in respect of all new appointments is in the process of being drafted. • Despite the aforementioned policy not being finalised, the following are performed regarding new appointees: <ul style="list-style-type: none"> - Qualification verifications through the South African Qualification Authority (SAQA). - Reference checks conducted with previous employers. - Security clearance obtained. <p>The department is now evaluating the impact of these initiatives.</p> <p>b)(1) Management of acting appointments</p> <p>A database has been developed to monitor the period of acting, thereby ensuring that the acting period does not exceed the prescribed duration.</p> <p>Circular 35 of 2010, issued on 25 May 2010 states that payment in respect of acting allowances must not be effected later than 10 weeks from the commencement of the date of acting.</p> <p>An Acting Allowance Procedure Manual is being developed to ensure effective management and compliance with the prescripts in this regard.</p>

REFERENCE TO PREVIOUS AUDIT REPORT AND SCOPA RESOLUTIONS	SUBJECT	FINDINGS ON PROGRESS
		<p>The department is in a process of reconfiguration and there are positions that will be affected by this process, therefore acting in those positions will be necessary. The department is also seeking approval from the DPSA to extent acting appointments in certain positions.</p> <p>b)(2)Performance management</p> <ul style="list-style-type: none"> • A database has been developed which enables HR to monitor the number of agreements signed and submitted. Compliance in this regard is monitored by the EXCO. • Circular 46 of 2010 issued on 6 July 2010, requires all officials to submit their agreements on or before 30 July 2010. It also highlights that failure to comply will result in disciplinary action being taken. • Branch heads/line managers were subsequently requested to take disciplinary action against officials who do not comply with the stipulations of the circular mentioned in (b) above. <p>b)(3)Temporary/permanent incapacity leave</p> <p>Circulars 63 and 83 of 2010 were issued to provide guidelines on the process to be followed in the application of the aforementioned leave.</p> <p>i) The vacancy rate as at 1 April 2010 in respect of senior managers was 25% (43 posts). During the 2010/11 financial year, several posts were filled that would have resulted in a vacancy rate of 9%. However, during the said period, four additional posts</p>

REFERENCE TO PREVIOUS AUDIT REPORT AND SCOPA RESOLUTIONS	SUBJECT	FINDINGS ON PROGRESS
		<p>were created and seven senior managers left the department's employ due to resignation, retirement, death, etc, thus resulting in a vacancy rate of 20.11% as at 31 March 2011.</p> <p>ii) Leave forms are timeously and correctly captured on PERSAL.</p> <p>The following processes were implemented to ensure effective and efficient leave management:</p> <ul style="list-style-type: none"> • All leave must be approved before taken. • Submission of late applications for leave must be accompanied by a written explanation justifying such a request. The aforementioned is, however, applicable in exceptional circumstances. A template has been submitted to managers in an effort to assist with monitoring leave taken. • The decentralisation of leave capturing at suboffices has been implemented in six regions to ensure the timely capturing of leave forms. The feasibility of decentralisation at the three remaining regions is currently being investigated.
<p>In the first SCOPA report adopted by the National Assembly on February 2011; the Auditor-General reported the following:</p> <p>The completeness of the asset register and the existence of certain assets could not be confirmed.</p> <p>SCOPA recommendations:</p> <p>a) All capital assets should be properly recorded as required by section 40 (1)(a) of the PFMA and Treasury Regulations 17.2.3.</p>	<p>Supply Chain Management (Procurement)</p>	<p>a) The department has finalised the asset verification process. Results of this verification are reconciled to the asset register. Differences between the two records are now being investigated and it appears that there are some limitations in the process. These limitations are being addressed. The department is creating a culture of performing asset verification and reconciliations on a quarterly</p>

REFERENCE TO PREVIOUS AUDIT REPORT AND SCOPA RESOLUTIONS	SUBJECT	FINDINGS ON PROGRESS
<p>b) There is regular asset counting, verification and reconciliation in order to avoid incorrect disclosures in the annual financial statements.</p>		<p>and monthly basis. In addition to the above, all asset controllers are being trained on asset management.</p> <p>b) Quarterly asset count and verification, as well as reconciliations, will be performed on an ongoing basis to avoid incorrect disclosure in the annual financial statements.</p>
<p>In the first SCOPA report adopted by the National Assembly on February 2011, the Auditor-General reported the following:</p> <p>The department does not have adequate monitoring processes in place to identify deficiencies and ensure that corrective actions have been implemented that will result in reliable performance information.</p> <p>SCOPA recommended that:</p> <p>a) A monitoring system should be developed that will address the adequacy of performance information.</p> <p>b) Such a system should be frequently reviewed in order to address any gaps that are identified.</p>	<p>Governance</p>	<p>a) A new monitoring system (Trouw Software) has been developed. This system enables officials to upload performance information directly and will provide timely reports.</p> <p>To counter the shortcomings with regards to the Monitoring and Evaluation function, which cannot be performed by the system, the following have been undertaken:</p> <ul style="list-style-type: none"> • The approved Planning, Monitoring and Evaluation Policy has clarified the roles, responsibilities and a calendar that will ensure the effectiveness of this function. • The identification of key personnel who will be responsible for monitoring and evaluation within their units. The said officials will be adequately trained and supported should this be necessary. • The inclusion of reporting in performance contracts of unit heads will be recommended. <p>The Key Performance Indicators (KPI's) have been better defined the last Strategic Plan and on the Service Standards, and this can only be</p>

REFERENCE TO PREVIOUS AUDIT REPORT AND SCOPA RESOLUTIONS	SUBJECT	FINDINGS ON PROGRESS
		<p>b) During the 2011/12 financial year, a concerted effort will be made to ensure that indicators meet the SMART principles (specific, measurable, attainable, relevant and timeous). In addition, indicator definitions (included in the Annual Performance Plan) will consider the following:</p> <ul style="list-style-type: none"> • Account data collection methods • Frequency of reporting • Source documentation • Processes to be followed. <p>The aforementioned will make it possible to easily validate information and produce meaningful reports.</p> <p>The Internal Audit function has undertaken to conduct a quarterly audit on performance information with the intention of assisting the department to identify areas of improvement.</p>

3.2.12 PRIOR MODIFICATIONS TO AUDIT REPORTS

As was the case in previous years, the Office of the Chief Financial Officer compiled audit action plans for the national office and regions. These action plans are

based on the template received from National Treasury and action steps were developed for all the findings raised by the Auditor-General. National office champions were appointed to drive the process. The department invested a lot of time in the compilation of the audit action plan and is now reporting on this plan.

NATURE OF QUALIFICATION	FINANCIAL YEAR IN WHICH IT FIRST AROSE	PROGRESS MADE IN CLEARING THE MATTER
<p>Third Party Funds:</p> <p>Impact of the administration of Third Party Funds (Administered as a separate entity) on the Vote Account. The components (disclosure notes) revenue, receivables, provision and contingent liabilities are affected. Directly related to the absence of a legal and accounting framework.</p>	<p>2005/06 financial year</p>	<p>A draft bill has been compiled to establish TPF as a separate entity. However, before submitting the bill for further consideration to Cabinet and Parliament, the department informally interacted with National Treasury, which suggested in meetings that the department should consider establishing a trading entity for TPF instead of introducing legislation to establish a new entity. At the time of writing this report, the matter was still in progress.</p>
<p>Irregular expenditure</p> <p>The completeness of irregular expenditure could not be verified due to insufficient evidence.</p>		<p>With regard to the incorrect implementation of the BBBEE Code of Good Practice, the department calculated the irregular amount as R3.2 billion.</p> <p>Disciplinary action process is taken against officials who committed irregular expenditure relating to non-compliance with Government prescripts. This process is continuing.</p>
<p>Non-compliance with regulatory requirements (PFMA)</p> <ol style="list-style-type: none"> 1) Submission of strategic plan 2) Inadequate content of the strategic plan 3) Lack of effective, efficient and transparent systems and internal controls regarding performance management 4) Inadequate quarterly reporting on performance information 	<p>2009/10 financial year</p>	<p>1) A new monitoring system (Trous Software) has been developed. This system enables officials to upload performance information directly and will provide timely reports.</p> <p>To counter the shortcomings with regard to the Monitoring and Evaluation function, which cannot be performed by the system, the following have been undertaken:</p> <ul style="list-style-type: none"> • The approved Planning, Monitoring and Evaluation Policy has clarified the roles, responsibilities and a calendar that will ensure the effectiveness of this function. • Identification of key personnel who will be responsible for monitoring and evaluation

NATURE OF QUALIFICATION	FINANCIAL YEAR IN WHICH IT FIRST AROSE	PROGRESS MADE IN CLEARING THE MATTER
		<p>within their units. The said officials will be adequately trained and supported, should this be necessary.</p> <ul style="list-style-type: none"> • The inclusion of reporting in the performance contracts of unit heads will be recommended. <p>The KPIs have been better defined in the last Strategic Plan and on the Service Standards, and it can only be improved upon.</p> <p>2) During the 2011/12 financial year, a concerted effort will be made to ensure that indicators meet the SMART principles (specific, measurable, attainable, relevant and timeous). In addition, indicator definitions (included in the Annual Performance Plan) will consider the following:</p> <ul style="list-style-type: none"> • Account data collection methods • Frequency of reporting • Source documentation • Processes to be followed <p>The aforementioned will make it possible to easily validate information and produce meaningful reports.</p> <p>The Internal Audit function has undertaken to conduct a quarterly audit on performance information with the intention of assisting the department to identify areas of improvement.</p>

TURNAROUND PLAN

Galvanised by guidance from the executive and interactions with advisory and oversight bodies, the department is currently engaged in changes in the way of doing business in the area of financial discipline and accountability.

A financial turnaround effort, which was reported on last year, is being rolled out. Informed by a detailed internal analysis of root causes of audit qualifications in the justice department environment, the plan's overriding objective is to nurture a culture of compliance and adherence to prescripts. The plan targets key failure points in governance, people management, methods and practices, as well as addressing the impact of changes in the wider operating environment.

On a detail level, specific action plans have been drawn up to address perennial hotspots, such as supply chain management and the management of Third Party Funds.

3.2.13 OTHER

3.2.13.1 IRREGULAR EXPENDITURE

During the 2009/10 audit, the Auditor-General determined that the Department of Justice and Constitutional Development used the BBBEE Act scoring method instead of the PPPFA scoring method to determine the preferred service provider for departmental purchases related to transactions equal to and exceeding R30 000 in the 2005/06 to 2010/11 financial period.

During the period, the department applied the 90/10 and 80/20 preference point system within the BBBEE scoring method. The department acknowledges that it unwittingly infringed on sections 2(d)(i) and (ii) of the PPPF Act by using the incorrect preference goals and therefore incurred irregular expenditure of R680 million that was reported in the 2009/10 report of the Auditor-General.

Contracts via the bid process from 1 April 2005 until 31 December 2009. Quotations from April 2005 to November 2010.

The incorrect preference goals were transparently and consistently applied across the board. Since the last annual report, the department has reviewed the whole procurement process that was followed from 2005—2010 and quantified the expenditure, which is deemed to be irregular as a result. The total amount reported is R3.2 billion.

The department has since introduced measures to address the non-compliance and is committed to ensuring that the principle and letter of the PPPFA is strictly adhered to in the financial period going forward.

Approval

The annual financial statements set out on pages 120 to 182 have been approved by the Accounting Officer.



Ms N Sindane

Accounting Officer

Department of Justice and Constitutional Development

Date: 29 July 2011

3.3 REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE NO. 23: DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

REPORT ON THE FINANCIAL STATEMENTS

INTRODUCTION

1. I have audited the accompanying Financial Statements of the Department of Justice and Constitutional Development, which comprise the appropriation statement, the statement of financial position as at 31 March 2011, and the 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 information, as set out on pages 120 to 173.

ACCOUNTING OFFICER'S RESPONSIBILITY FOR THE FINANCIAL STATEMENTS

2. The Accounting Officer is responsible for the preparation of these Financial Statements in accordance with the Departmental Financial Reporting Framework prescribed by the National Treasury and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No 1 of 1999) (PFMA), and for such internal control as management determines necessary to enable the preparation of Financial Statements that are free from material misstatement, whether due to fraud or error.

AUDITOR-GENERAL'S RESPONSIBILITY

3. As required by section 188 of the Constitution of the Republic of South Africa, 1996 (Act No 108 of 1996), section 4 of the Public Audit Act of South Africa, 2004 (Act No 25 of 2004) (PAA) and section 40(2) of the PFMA, my responsibility is to express an opinion on these Financial Statements based on my audit.
4. I conducted my audit in accordance with International Standards on Auditing and General Notice 1111 of 2010 issued in *Government Gazette* 33872 of 15 December 2010. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about 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 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. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the Financial Statements.
6. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my qualified audit opinion.

BASIS FOR QUALIFIED OPINION

DEPARTMENTAL REVENUE, RECEIVABLES FOR DEPARTMENTAL REVENUE, CONTINGENT LIABILITIES AND PROVISIONS

7. In the course of administrating justice, the department established the Third Party Fund (the fund), which acts as a conduit for the receipt and payment of funds on behalf of other parties and the state (for example, bail, maintenance money, various types of fines, and payments of court and legal costs) through Court Processes by virtue of its mandate. While there is no defining legislation that governs the existence of the fund, the department has consistently accounted for the fund as a separate entity.
8. For the purpose of my audit, I could not rely on the adequacy of the fund's financial and control system. The system did not permit the application of alternative audit procedures to determine the following:

- Whether the departmental revenue amounting to R306 677 000 (2009/10: R296 410 000), as disclosed in Note 3.2 to the Financial Statements, had been properly collected and recorded by the fund and surrendered to the department.
- Whether the potential claims against the fund as a result of fraud, theft and losses to be paid by the department amounting to R67 108 000 (2009/10: R67 215 000), as disclosed in Note 20 to the financial statements, were complete.
- Whether the money collected on behalf of the state and not yet paid to the department as at 31 March 2011 amounting to R115 261 000 (2009/10: R74 355 000), as disclosed in notes 25 and 30 to the financial statements, had been properly collected and recorded by the fund.

9. Consequently, I did not obtain all the information and explanations I considered necessary to satisfy myself as to the completeness, accuracy, valuation, existence and allocation of, and rights pertaining to, the above amounts contained in the Financial Statements.

IRREGULAR EXPENDITURE

10. Section 38(1)(a)(iii) of the PFMA requires the entity to implement and maintain an appropriate procurement and provisioning system that is fair, equitable, transparent, competitive and cost-effective. The department did not have an adequate system for identifying and recognising all irregular expenditure and there were no satisfactory alternative audit procedures that I could perform to obtain reasonable assurance that all irregular expenditure had been properly recorded. Consequently, I was unable to obtain sufficient appropriate audit evidence to satisfy myself as to the completeness of irregular expenditure of R81 067 000 as stated in Note 26.2 to the Financial Statements.

QUALIFIED OPINION

11. In my opinion, except for possible 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 of Justice and Constitutional Development as at 31 March 2011, and its financial performance and cash flows for the year then

ended in accordance with the Departmental Financial Reporting Framework prescribed by the National Treasury and the requirements of the PFMA.

EMPHASIS OF MATTERS

12. I draw attention to the matters below. My opinion is not modified in respect of these matters:

RESTATEMENT OF CORRESPONDING FIGURES

13. As disclosed in Note 30 to the Financial Statements, the corresponding figures for 31 March 2010 have been restated as a result of an error discovered during 2011 in the Financial Statements of the department at, and for the year ended, 31 March 2010.

IRREGULAR AS WELL AS FRUITLESS AND WASTEFUL EXPENDITURE

14. As disclosed in Note 26 to the Financial Statements, the department incurred irregular expenditure of R420 722 000 (2009/10: R2 973 247 000) relating mainly to supply chain management. Irregular expenditure of R3 300 065 000 was condoned of which R339 252 000 relates to the current year.

ACCRUALS

15. Accruals that exceeded the payment term of 30 days as detailed in Treasury Regulation (TR) 8.2.3 amounted to R217 853 000. This amount, in turn, exceeded the voted funds to be surrendered of R108 794 000 as per the statement of financial performance by R109 059 000. Included in the unspent funds were funds to the value of R84 674 000 earmarked for specific objectives. The total amount of R193 733 000 would therefore have constituted unauthorised expenditure had the amounts due been paid in time.

ADDITIONAL MATTERS

16. I draw attention to the matters below. My opinion is not modified in respect of these matters:

UNAUDITED SUPPLEMENTARY SCHEDULES

17. The supplementary information set out in the document does not form part of the financial statements and is presented as additional information. I have not audited these schedules and, accordingly, I do not express an opinion thereon.

FINANCIAL REPORTING FRAMEWORK

18. The Financial Reporting Framework prescribed by National Treasury and applied by the department is a compliance framework. Thus, my opinion would have reflected that the Financial Statements had been properly prepared instead of fairly presented as required by section 20(2)(a) of the PAA, which requires me to express an opinion on the fair presentation of the financial statements of the department.

REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

19. In accordance with the PAA and in terms of General Notice 1111 of 2010 issued in *Government Gazette* 33872 of 15 December 2010, I include below my findings on the annual performance report as set out on pages 11 to 86 and material non-compliance with laws and regulations applicable to the department.

PREDETERMINED OBJECTIVES

USEFULNESS OF INFORMATION

20. The reported performance information was deficient in respect of the following criteria:

- Consistency: The reported targets were not consistent with the approved strategic plan.
- Measurability: The indicators were not well defined and the targets were not specific and time bound.

21. The following audit findings relate to the above criteria:

- For the selected programmes, 21% of the planned and reported targets were not time bound in specifying the time period or deadline for delivery.
- For the selected programmes, 26% of the planned and reported indicators were not clear, as unambiguous data definitions were not available to allow for data to be collected consistently.

RELIABILITY OF INFORMATION

22. The reported performance information was deficient in respect of the following criteria:

- Validity: The reported performance did not occur and did not pertain to the entity.
- Accuracy: The amounts, numbers and other

data relating to reported actual performance had not been recorded and reported appropriately.

- Completeness: All actual results and events that should have been recorded were not included in the reported performance information.

23. The following audit findings relate to the above criteria:

- Sufficient appropriate evidence to support the reasons for major variances between the planned and the actual reported targets could not be obtained. None of the reasons for major variances could be verified.
- Sufficient appropriate evidence in relation to the selected programme (Programme 2: Court Services) could not be obtained. There were no satisfactory audit procedures that I could perform to obtain the required assurance on the validity, accuracy and completeness of the reported performance against predetermined objectives.

COMPLIANCE WITH LAWS AND REGULATIONS

STRATEGIC PLANNING AND PERFORMANCE MANAGEMENT

24. The Accounting Officer did not ensure that the department had and maintained an effective, efficient and transparent system of internal control regarding performance management, which described and represented how the institution's processes of performance planning, monitoring, measurement, review and reporting were conducted, organised and managed, as required by section 38(1)(a)(i) and (b) of the PFMA.

25. The Accounting Officer did not establish procedures for quarterly reporting to the Executive Authority in order to facilitate effective performance monitoring, evaluation and corrective action, as required by TR 5.3.1.

ANNUAL FINANCIAL STATEMENTS, PERFORMANCE REPORT AND ANNUAL REPORT

26. The Accounting Officer submitted financial statements for auditing that had not been prepared in all material aspects in accordance with generally recognised accounting practice and supported by

full and proper records, as required by section 40(1)(a) and (b) of the PFMA. Certain material misstatements identified by the Auditor-General with regard to annual appropriation, transfers and subsidies, voted funds to be surrendered, commitments, assets, accruals, related parties, employee benefits, irregular expenditure, contingent liabilities and provisions were subsequently corrected. However, the uncorrected material misstatements resulted in the Financial Statements receiving a qualified audit opinion in contravention of section 40(3)(a) of the PFMA.

HUMAN RESOURCE MANAGEMENT AND COMPENSATION

27. Not all senior managers entered into a performance agreement for the current year, as per the requirements of Public Service Regulation (PSR) 4/III/B.1.
28. Persons in charge at pay points did not certify on the date of payment that all employees listed on the payroll report were entitled to the payment, as per the requirements of TR 8.3.4.
29. Sufficient appropriate audit evidence could not be obtained that the Accounting Officer ensured that employees did not abuse sick leave, as per the requirements of PSR 1/V/F(c).

EXPENDITURE MANAGEMENT

30. The Accounting Officer did not take effective and appropriate steps to prevent irregular expenditure, as per the requirement of section 38(1)(c)(ii) of the PFMA.
31. Not all payments due to creditors were settled within 30 days from receipt of an invoice, as per the requirements of section 38(1)(f) of the PFMA and TR 8.2.3.

PROCUREMENT AND CONTRACT MANAGEMENT

32. Not all goods and services with a transaction value between R10 000 and R500 000 were procured by inviting at least three written price quotations from prospective suppliers as per the requirements of TR 16A6.1 and National Treasury Practice Note 8 of 2007/08.
33. Not all invitations for competitive bidding were advertised for a minimum period of 21 days as per the requirements of TR16A6.3 (c).

34. Awards were made to suppliers based on preference points that were not calculated in accordance with the requirements of the Preferential Procurement Policy Framework Act and its regulations.
35. Awards were made to suppliers who failed to provide written proof from the South African Revenue Service that their tax matters are in order as per the requirements of Preferential Procurement Regulations 16 and TR 16A9.1 (d).
36. A contract was modified to the extent that competitive bidding processes were being circumvented contrary to the requirement of a fair Supply Chain Management System in TR 16A 3.2.
37. Employees performed remunerative work outside their employment in the department without written permission from the relevant authority as per the requirements of section 30 of the Public Service Act.
38. The prospective suppliers list for procuring goods and services through quotations was not updated at least quarterly to include new suppliers that qualify for listing as per the requirements of National Treasury Practice Note 8 of 2007/08.

REVENUE MANAGEMENT

39. The Accounting Officer did not take effective and appropriate steps to collect all money due to the department, as required in terms of section 38(1)(c)(i) of the PFMA.

ASSET MANAGEMENT

40. The Accounting Officer did not ensure that a proper control system existed for assets to eliminate theft, losses, wastage and misuse, as per the requirement of TR 10.1.

FINANCIAL MISCONDUCT

41. The Accounting Officer did not always institute an investigation within 30 days from the date of discovery of alleged financial misconduct, as per the requirements of TR 4.1.2.

INTERNAL CONTROL

42. In accordance with the PAA and in terms of General Notice 1111 of 2010 issued in *Government Gazette* 33872 of 15 December 2010, I considered internal control relevant to my audit, but not for the purpose of expressing an opinion on the effectiveness of internal control. The matters reported below are limited to the significant deficiencies that resulted

in the basis for the qualified opinion, the findings on the annual performance report and the findings on compliance with laws and regulations included in this report.

LEADERSHIP

43. The leadership of the department did not adequately exercise oversight responsibility regarding financial and performance reporting, compliance and internal controls.
44. The internal policies and procedures of the department pertaining to the planning and monitoring of performance information were not sufficient to ensure reliable reporting.

FINANCIAL AND PERFORMANCE MANAGEMENT

45. Management did not prepare regular, accurate and complete financial and performance reports that were supported and evidenced by reliable information.
46. Furthermore, the department did not have sufficient monitoring controls to ensure compliance with all applicable laws and regulations.

OTHER REPORTS

INVESTIGATIONS

47. An investigation is being conducted by an independent consulting firm on request of the department. The investigation was initiated based on an allegation of possible irregularities by employees in the Supply Chain Management Unit and is aimed at establishing procurement irregularities and possible fruitless and wasteful expenditure. The investigation was still ongoing at the reporting date.

Auditor-General

Pretoria

30 July 2011



AUDITOR - GENERAL
SOUTH AFRICA

Auditing to build public confidence

3.4 APPROPRIATION STATEMENT for the year ending 31 March 2011

APPROPRIATION PER PROGRAMME										
Appropriation statement	2010/11					2009/10				
	Adjusted appropriation R'000	Shifting of funds	Virement	Final appropriation R'000	Actual expenditure R'000	Variance R'000	Expenditure as % of final appropriation %	Final appropriation R'000	Actual expenditure R'000	
PROGRAMME 1 (ADMINISTRATION)										
Current payment	1 352 605	(3 005)	270 538	1 620 138	1 620 138	-	100%	1 012 398	999 847	
Transfers and subsidies	9 776	3 006	(362)	12 420	7 941	4 479	63.9%	18 162	17 824	
Payment for capital assets	64 393	(1)	425	64 817	64 817	-	100%	13 827	13 816	
Payment for financial assets	-	-	9	9	9	-	100%	-	-	
PROGRAMME 2 (COURT SERVICES)										
Current payment	3 436 721	(39 676)	(54 195)	3 342 850	3 298 212	44 638	98.7%	3 377 415	3 377 408	
Transfers and subsidies	23 119	(12 215)	-	10 904	10 904	-	100%	32 266	31 368	
Payment for capital assets	534 327	51 891	17 336	603 554	603 554	-	100%	678 327	678 324	
PROGRAMME 3 (STATE LEGAL SERVICES)										
Current payment	712 622	(15 600)	(49 230)	647 792	647 792	-	100%	540 493	540 477	
Transfers and subsidies	1 060	1 104	-	2 164	2 164	-	100%	2 534	2 533	
Payment for capital assets	8 378	-	(1 988)	6 390	6 390	-	100%	5 556	5 554	
Payment for financial assets	-	14 496	-	14 496	14 496	-	100%	-	-	

APPROPRIATION PER PROGRAMME										
Appropriation statement	2010/11					2009/10				
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
PROGRAMME 5 (AUXILIARY AND ASSOCIATED SERVICES)										
Current payment	359 939	-	(520)	359 419	329 917	29 502	91.8%	441 637	441 636	
Transfers and subsidies	1 580 274	-	(6 284)	1 573 990	1 573 989	1	100%	1 393 061	1 393 060	
Payment for capital assets	19 868	-	-	19 868	9 335	10 533	47.0%	12 593	12 593	
SUBTOTAL	8 103 082	-	175 729	8 278 811	8 189 658	89 153	98.9%	7 528 269	7 514 440	
STATUTORY APPROPRIATION										
Current payment	1 847 627	10 379	-	1 858 006	1 858 278	(272)	100%	1 595 500	1 716 145	
Transfers and subsidies	82 243	(10 379)	-	71 864	51 951	19 913	72.6%	74 189	58 726	
TOTAL	10 032 952	-	175 729	10 208 681	10 099 887	108 794	98.9%	9 197 958	9 289 311	

	2010/11		2009/10	
	Final appropriation	Actual expenditure	Final appropriation	Actual expenditure
TOTAL (brought forward)				
Reconciliation with statement of financial performance	10 208 681	10 099 887	9 197 958	9 289 311
ADD				
Departmental receipts	411 485	-	371 615	-
Direct Exchequer receipts	-	-	-	-
Aid assistance	22 541	-	-	-
Actual amounts per statement of financial performance (total revenue)	10 642 707		9 569 573	
ADD				
Aid assistance	-	7 113		11 871
Direct Exchequer payments	-	-		-
Prior year unauthorised expenditure approved without funding	-	-		-
Actual amounts per statement of financial performance (total expenditure)		10 107 000		9 301 182

APPROPRIATION PER ECONOMIC CLASSIFICATION										
2010/11										2009/10
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
Current payments										
Compensation of employees	3 316 798	(90 844)	(91 587)	3 134 367	3 134 367	-	100%	2 739 932	2 727 382	
Goods and services	2 545 089	32 563	253 461	2 831 113	2 756 973	74 140	97.4%	2 625 542	2 625 521	
Interest and rent on land	-	-	4 719	4 719	4 719	-	100%	4 624	4 624	
Transfers and subsidies										
Provinces and municipalities	-	-	-	-	-	-	-	-	82	80
Departmental agencies and accounts	1 585 115	-	(6 646)	1 578 469	1 573 989	4 480	99.7%	1 397 671	1 397 334	
Foreign governments and international organisations	4 719	1 624	-	6 343	6 343	-	100%	13 127	13 127	
Non-profit institutions	-	-	-	-	-	-	-	2 651	1 754	
Households	24 395	(9 733)	-	14 662	14 662	-	100%	32 492	32 490	
Gifts and donations	-	4	-	4	4	-	100%	-	-	

APPROPRIATION PER ECONOMIC CLASSIFICATION										
2010/11										2009/10
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
Payments for capital assets										
Buildings and other fixed structures	479 765	62 728	-	542 493	542 493	-	100%	621 673	621 672	
Machinery and equipment	147 133	(14 478)	15 180	148 465	137 932	10 533	92.9%	84 925	84 924	
Software and other intangible assets	68	3 640	(37)	3 671	3 671	-	100%	3 706	3 691	
Payments for financial assets	-	14 496	9	14 505	14 505	-	100%	1 844	1 191	
Total	8 103 082		175 729	8 278 811	8 189 658	89 153	98.9%	7 528 269	7 513 790	

STATUTORY APPROPRIATION										
2010/11										2009/10
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
Direct charges against the national/provincial revenue fund										
Judges' and magistrates' salaries	1 929 870	-	-	1 929 870	1 910 229	19 641	99.0%	1 669 689	1 774 874	
Total	1 929 870	-	-	1 929 870	1 910 229	19 641	99.0%	1 669 689	1 774 874	

PROGRAMME 1: ADMINISTRATION										
2010/11										2009/10
Detail 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	R'000
Minister										
Current payment	1 816	(5)	-	1 811	1 811	-	100%	2 450	2 450	
Deputy Minister										
Current payment	1 496	(4)	-	1 492	1 492	-	100%	1 380	1 380	
Management										
Current payment	65 909	(31 479)	-	34 430	34 430	-	100%	54 517	54 517	
Transfers and subsidies	4 947	(102)	(362)	4 483	4	4 479	0.1%	4 387	4 387	
Payment for capital assets	2 195	(588)	(445)	1 162	1 162	-	100%	1 333	1 333	

PROGRAMME 1: ADMINISTRATION										
2010/11										2009/10
Detail per sub-programme	Adjusted appropriation R'000	Shifting of funds R'000	Virement R'000	Final appropriation R'000	Actual expenditure R'000	Variance R'000	Expenditure as % of final appropriation %	Final appropriation R'000	Actual expenditure R'000	
Corporate services										
Current payment	774 764	28 483	109 746	912 993	912 993	-	100%	505 110	492 559	
Transfers and subsidies	4 829	3 108	-	7 937	7 937	-	100%	13 775	13 437	
Payment for capital assets	62 198	587	870	63 655	63 655	-	100%	12 494	12 483	
Payment for financial assets	-	-	9	9	9	-	100%	-	-	
Office accommodation										
Current payment	508 620	-	160 792	669 412	669 412	-	100%	448 941	448 941	
Total	1 426 774	-	270 610	1 697 384	1 692 905	4 479	99.7%	1 044 387	1 031 487	

PROGRAMME 1: ADMINISTRATION										
Economic classification	2010/11					2009/10				
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
Payment for capital assets										
Machinery and equipment	64 355	-	462	64 817	64 817	-	100%	10 615	10 615	10 615
Software and other intangible assets	38	(1)	(37)	-	-	-	-	3 212	3 200	3 200
Payments for financial assets	-	-	9	9	9	-	100%	652	-	-
Total	1 426 774	-	270 610	1 697 384	1 692 905	4 479	99.7%	1 044 387	1 030 836	1 030 836

PROGRAMME 2: COURT SERVICES										
Detail per sub-programme	2010/11					2009/10				
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final Appropriation	Final appropriation	Actual expenditure	R'000
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
Constitutional Court										
Current payment	96 789	(24 044)	-	72 745	72 745	-	100%	69 337	69 337	
Transfers and subsidies	351	(351)	-	-	-	-	-	93	93	
Payment for capital assets	5 300	(3 391)	-	1 909	1 909	-	100%	1 388	1 388	
Supreme Court of Appeal										
Current payment	13 923	(404)	-	13 519	13 519	-	100%	16 637	16 637	
Transfers and subsidies	-	20	-	20	20	-	100%	3 927	3 927	
Payment for capital assets	300	(300)	-	-	-	-	-	-	-	
High courts										
Current payment	271 873	51 448	-	323 321	323 321	-	100%	296 024	296 024	
Transfers and subsidies	981	(363)	-	618	618	-	100%	12 664	12 664	

PROGRAMME 2: COURT SERVICES										
2010/11										
2009/10	2010/11									
Detail 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	R'000
Payment for capital assets	1 320	(331)	-	989	989	-	100%	1 461	1 461	1 461
Specialised courts										
Current payment	30 256	4 646	-	34 902	34 902	-	100%	34 134	34 134	34 134
Transfers and subsidies	120	(112)	-	8	8	-	100%	180	180	180
Payment for capital assets	-	340	-	340	340	-	100%	168	168	168
Lower courts										
Current payment	2 436 839	(3 789)	(54 195)	2 378 855	2 334 217	44 638	98.1%	2 495 060	2 495 053	2 495 053
Transfers and subsidies	18 029	(8 365)	-	9 664	9 664	-	100%	13 752	12 854	12 854
Payment for capital assets	6 202	1 136	17 336	24 674	24 674	-	100%	99 658	99 655	99 655

PROGRAMME 2: COURT SERVICES										
2010/11										
Detail per sub-programme	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure	2009/10
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
Family Advocate										
Current payment	102 754	(2 573)	-	100 181	100 181	-	100%	99 951	99 951	
Transfers and subsidies	849	(497)	-	352	352	-	100%	9	9	
Payment for capital assets	955	269	-	1 224	1 224	-	100%	817	817	
Magistrates Commission										
Current payment	10 224	(817)	-	9 407	9 407	-	100%	9 839	9 839	
Transfers and subsidies	-	2	-	2	2	-	100%	18	18	
Payment for capital assets	50	(50)	-	-	-	-	-	-	-	
Government Motor Transport										
Current payment	-	-	-	-	-	-	-	30	30	
Payment for capital assets	35 397	(10 468)	-	24 929	24 929	-	100%	18 481	18 481	

PROGRAMME 2: COURT SERVICES										
Detail per sub-programme	2010/11					2009/10				
	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	
Facilities Management										
Current payment	151 630	(72 057)	-	79 573	79 573	-	100%	40 293	40 293	
Payment for capital assets	479 805	64 679	-	544 484	544 484	-	100%	549 832	549 832	
Administration of Courts										
Current payment	322 433	7 914	-	330 347	330 347	-	100%	316 110	316 110	
Transfers and subsidies	2 789	(2 549)	-	240	240	-	100%	1 623	1 623	
Payment for capital assets	4 998	7	-	5 005	5 005	-	100%	6 522	6 522	
Total	3 994 167	-	(36 859)	3 957 308	3 912 670	44 638	98.9%	4 088 008	4 087 100	

PROGRAMME 2: PER ECONOMIC CLASSIFICATION										
2010/11										2009/10
Detail 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	R'000
Current payments										
Compensation of employees	2 421 177	(39 676)	(50 077)	2 331 424	2 331 424	-	100%	2 028 655	2 028 654	
Goods and services	1 015 544	-	(7 923)	1 007 621	962 983	44 638	95.6%	1 343 642	1 343 637	
Interest and rent on land	-	-	3 805	3 805	3 805	-	100%	3 954	3 954	
Transfers and subsidies to										
Provinces and municipalities	-	-	-	-	-	-	-	43	42	
Non-profit institutions	-	-	-	-	-	-	-	2 651	1 754	
Households	23 119	(12 219)	-	10 900	10 900	-	100%	29 572	29 572	
Gifts and donations	-	4	-	4	4	-	100%	-	-	
Payment for capital assets										
Buildings and other fixed structures	479 765	62 728	-	542 493	542 493	-	100%	621 673	621 672	
Machinery and equipment	54 532	(10 807)	17 336	61 061	61 061	-	100%	56 649	56 649	
Software and other intangible assets	30	(30)	-	-	-	-	-	7	5	
Payments for financial assets	-	-	-	-	-	-	-	1 162	1 161	
Total	3 994 167	-	(36 859)	3 957 308	3 912 670	44 638	98.9%	4 088 008	4 087 100	

PROGRAMME 3: STATE LEGAL SERVICES

2010/11

2009/10

Detail 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
Legislative Development and Reform									
Current payment	51 572	-	(16 193)	35 379	35 379	-	100%	36 177	36 177
Transfers and subsidies	50	(26)	-	24	24	-	100%	52	52
Payment for capital assets	1 498	(1 179)	-	319	319	-	100%	348	348
Litigation and Legal Services									
Current payment	236 483	4 246	-	240 729	240 729	-	100%	214 292	214 292
Transfers and subsidies	-	1 432	-	1 432	1 432	-	100%	502	502
Payment for capital assets	2 742	-	(1 801)	941	941	-	100%	506	506
Master of the High Courts									
Current payment	314 567	(5 785)	-	308 782	308 782	-	100%	256 768	256 752
Transfers and subsidies	1 000	(313)	-	687	687	-	100%	1 884	1 883
Payment for capital assets	1 808	2 870	-	4 678	4 678	-	100%	4 118	4 116
Payment for financial assets	-	14 496	-	14 496	14 496	-	100%	-	-

PROGRAMME 3: STATE LEGAL SERVICES										
2010/11										
Detail per sub-programme	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	2009/10	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	Actual expenditure
State Law Advisors										
Current payment	45 978	(4 204)	-	41 774	41 774	-	100%	33 256	33 256	33 256
Transfers and subsidies	-	21	-	21	21	-	100%	96	96	96
Payment for capital assets	871	(291)	(187)	393	393	-	100%	584	584	584
Constitutional Development										
Current payment	64 022	(9 857)	(33 037)	21 128	21 128	-	100%	-	-	-
Transfers and subsidies	10	(10)	-	-	-	-	100%	-	-	-
Payment for capital assets	1 459	(1 400)	-	59	59	-	100%	-	-	-
Total	722 060	-	(51 218)	670 842	670 842	-	100%	548 583	548 583	548 564

PROGRAMME 3: PER ECONOMIC CLASSIFICATION										
2010/11										
Detail per sub-programme	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	2009/10	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	Actual expenditure
Current payments										
Compensation of employees	577 061	(15 600)	(41 048)	520 413	520 413	-	100%	453 138	453 138	453 138
Goods and services	135 561	-	(8 897)	126 664	126 664	-	100%	86 778	86 778	86 762
Interest and rent on land	-	-	715	715	715	-	100%	548	548	548
Transfers and subsidies to										
Provinces and municipalities	-	-	-	-	-	-	-	-	9	9
Households	1 060	1 104	-	2 164	2 164	-	100%	2 525	2 525	2 524
Payment for capital assets										
Machinery and equipment	8 378	-	(1 988)	6 390	6 390	-	100%	5 489	5 489	5 488
Software and other intangible assets	-	-	-	-	-	-	-	66	66	65
Payments for financial assets	-	14 496	-	14 496	14 496	-	100%	30	30	30
Total	722 060	-	(51 218)	670 842	670 842	-	100%	548 583	548 583	548 564

PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES										
2010/11										2009/10
Detail per sub-programme	Adjusted appropriation R'000	Shifting of funds R'000	Virement R'000	Final appropriation R'000	Actual expenditure R'000	Variance R'000	Expenditure as % of final appropriation %	Final appropriation R'000	Actual expenditure R'000	
Interception and monitoring of communication										
Current payment	610	-	(520)	90	90	-	100%	114	114	
South African Human Rights Commission										
Transfers and subsidies	74 368	-	-	74 368	74 368	-	100%	70 120	70 120	
Special Investigating Unit										
Transfers and subsidies	171 089	-	-	171 089	171 089	-	100%	154 737	154 737	
Legal Aid South Africa										
Transfers and subsidies	1 122 639	-	(6 284)	1 116 355	1 116 355	-	100%	917 408	917 408	
Public Protector										
Transfers and subsidies	114 082	-	-	114 082	114 082	-	100%	108 860	108 860	

PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES										
2010/11										2009/10
Detail 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	R'000
Justice Modernisation (NCPS)										
Current payment	359 329	-	-	359 329	329 827	29 502	91.8%	441 523	441 522	
Payment for capital assets	19 868	-	-	19 868	9 335	10 533	47.0%	12 593	12 593	
President's Fund										
Transfers and subsidies	1	-	-	1	-	1	-	1	-	
Commission on Gender Equality										
Transfers and subsidies	-	-	-	-	-	-	-	49 112	49 112	
Represented Political Parties' Fund										
Transfers and subsidies	98 095	-	-	98 095	98 095	-	100%	92 823	92 823	
Total	1 960 081	-	(6 804)	1 953 277	1 913 241	40 036	98.0%	1 847 291	1 847 289	

PROGRAMME 5: PER ECONOMIC CLASSIFICATION										
2010/11										2009/10
Detail per sub-programme	Adjusted appropriation R'000	Shifting of funds R'000	Virement R'000	Final appropriation R'000	Actual expenditure R'000	Variance R'000	Expenditure as % of final appropriation %	Final appropriation R'000	Actual expenditure R'000	
Current payments										
Compensation of employees	520	-	(462)	58	58	-	100%	107	107	
Goods and services	359 419	-	(58)	359 361	329 859	29 502	91.8%	441 530	441 530	
Transfers and subsidies to:										
Departmental agencies and accounts	1 580 274	-	(6 284)	1 573 990	1 573 989	1	100%	1 393 061	1 393 060	
Payment for capital assets										
Machinery and equipment	19 868	(3 671)	-	16 197	5 664	10 533	35%	12 172	12 172	
Software and other intangible assets	-	3 671	-	3 671	3 671	-	100%	421	421	
Total	1 960 081	-	(6 804)	1 953 277	1 913 241	40 036	98%	1 847 291	1 847 289	

3.5 NOTES TO THE APPROPRIATION STATEMENT

1. DETAIL OF TRANSFERS AND SUBSIDIES AS PER APPROPRIATION ACT (AFTER VIREMENT)

Detail of these transactions can be viewed in the note on transfers and subsidies, disclosure notes and Annexure 1 (A—E) to the annual financial statements.

2. DETAIL OF SPECIFICALLY AND EXCLUSIVELY APPROPRIATED AMOUNTS VOTED (AFTER VIREMENT)

Detail of these transactions can be viewed in Note 1 (annual appropriation) to the annual financial statements.

3. DETAIL ON PAYMENTS FOR FINANCIAL ASSETS

Detail of these transactions per programme can be viewed in the note on payments for financial assets to the annual financial statements.

4. EXPLANATIONS OF MATERIAL VARIANCES FROM AMOUNTS VOTED (AFTER VIREMENT)

Per programme	Final appropriation	Actual expenditure	Variance	Variance as a % of final appropriation
	R'000	R'000	R'000	
Programme 1: Administration	1 697 384	1 692 905	4 479	0.26%
Invoice from SASSETA (Safety and Security Sector Education and Training Authority) not received for payment.				
Programme 2: Court Services	3 957 308	3 912 670	44 638	1.13%
Saving of funds allocated for the Public Private Partnership: Third Party Funds that could not be utilised due to the suspension of the project and funds as from the 2011/12 financial year.				
Programme 5: Auxiliary and Associated Services	1 953 277	1 913 241	40 036	2.05%
Underspending on funds allocated to the Integrated Justice System Programme that were not utilised by the partner departments in the IJS Cluster namely, Justice and Constitutional Development, National Prosecuting Authority, Correctional Services, Social Development and Home Affairs.				

Per economic classification	Final appropriation	Actual expenditure	Variance	Variance as a % of final appropriation
	R'000	R'000	R'000	
Current payments				
Compensation of employees	3 134 367	3 134 367	-	-
Goods and services	2 831 113	2 756 973	74 140	2.62%
Interest and rent on land	4 719	4 719	-	-
Transfers and subsidies				
Departmental agencies and accounts	1 578 469	1 573 989	4 480	0.28%
Foreign governments and international organisations	6 343	6 343	-	-
Households	14 662	14 662	-	-
Gifts and donations	4	4	-	-
Payments for capital assets				
Buildings and other fixed structures	542 493	542 493	-	-
Machinery and equipment	148 465	137 932	10 533	7.09%
Software and other intangible assets	3 671	3 671	-	-
Payments for financial assets	14 505	14 505	-	-

**3.6 STATEMENT OF FINANCIAL PERFORMANCE
for the year ended 31 March 2011**

PERFORMANCE	Note	2010/11 R'000	2009/10 R'000
REVENUE			
Annual appropriation	1.1	8 278 811	7 528 269
Statutory appropriation	2	1 929 870	1 669 689
Departmental revenue	3	411 485	371 615
Aid assistance	4	22 541	-
TOTAL REVENUE		10 642 707	9 569 573
EXPENDITURE			
Current expenditure			
Compensation of employees	5	4 992 645	4 443 529
Goods and services	6	2 756 158	2 625 519
Interest and rent on land	7	4 719	4 623
Aid assistance	4	7 114	11 870
Total current expenditure		7 760 636	7 085 541
Transfers and subsidies			
Transfers and subsidies	9	1 646 949	1 503 511
Total transfers and subsidies		1 646 949	1 503 511
Expenditure for capital assets			
Tangible capital assets	10	680 425	706 601
Software and other intangible assets	10	4 486	3 686
Total expenditure for capital assets		684 911	710 287
Payments for financial assets	8	14 505	1 842
TOTAL EXPENDITURE		10 107 001	9 301 181
SURPLUS/(DEFICIT) FOR THE YEAR		535 706	268 392
Reconciliation of Net Surplus/(Deficit) for the year			
Voted funds		108 794	(91 353)
Departmental revenue and NRF Receipts	15	411 485	371 615
Aid assistance	4	15 427	(11 870)
SURPLUS/(DEFICIT) FOR THE YEAR		535 706	268 392

3.7 STATEMENT OF FINANCIAL POSITION
for the year ended 31 March 2011

POSITION	Note	2010/11 R'000	2009/10 R'000
ASSETS			
Current assets		578 614	534 100
Cash and cash equivalents	11	3 373	3 999
Prepayments and advances	12	3 411	2 124
Receivables	13	571 830	422 792
Voted funds to be received from Revenue Fund		-	105 185
TOTAL ASSETS		578 614	534 100
LIABILITIES			
Current liabilities		570 092	522 051
Voted funds to be surrendered to the Revenue Fund	14	73 512	13 832
Departmental revenue and NRF Receipts to be surrendered to the Revenue Fund	15	52 522	40 554
Bank overdraft	16	425 999	464 020
Payables	17	1 681	2 694
Aid assistance unutilised	4	16 378	951
TOTAL LIABILITIES		570 092	522 051
NET ASSETS		8 522	12 049
Represented by:			
Recoverable revenue		8 522	12 049
TOTAL		8 522	12 049

**3.8 STATEMENT OF CHANGES IN NET ASSETS
for the year ended 31 March 2011**

NET ASSETS	Note	2010/11 R'000	2009/10 R'000
Recoverable revenue			
Opening balance		12 049	9 698
Transfers:		(3 527)	2 351
Debts revised		(2 655)	(439)
Debts recovered (including departmental receipts)		(3 575)	(2 870)
Debts raised		2 703	5 660
Closing balance		8 522	12 049
TOTAL		8 522	12 049

3.9 CASH FLOW STATEMENT
for the year ended 31 March 2011

CASH FLOW	Note	2010/11 R'000	2009/10 R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts		10 607 341	9 569 309
Annual appropriated funds received	1.1	8 243 529	7 528 269
Statutory appropriated funds received	2	1 929 867	1 669 689
Departmental revenue received	3	411 404	371 351
Aid assistance received	4	22 541	-
Net (increase)/decrease in working capital		(151 336)	(72 098)
Surrendered to Revenue Fund		(308 164)	(382 655)
Current payments		(7 761 635)	(7085 541)
Payments for financial assets		(14 505)	(1 842)
Transfers and subsidies paid		(1 646 949)	(1 503 511)
Net cash flow available from operating activities	18	725 752	523 662
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for capital assets	10	(684 911)	(710 287)
Proceeds from sale of capital assets	3.4	81	264
Net cash flows from investing activities		(684 830)	(710 023)
CASH FLOWS FROM FINANCING ACTIVITIES			
Increase/(decrease) in net assets		(3 527)	2 351
Net cash flows from financing activities		(3 527)	2 351
Net increase/(decrease) in cash and cash equivalents		37 395	(184 010)
Cash and cash equivalents at beginning of period		(460 021)	(276 011)
Cash and cash equivalents at end of period	19	(422 626)	(460 021)

3.10 STATEMENT OF THE ACCOUNTING POLICIES AND RELATED MATTERS for the year ended 31 March 2011

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, 1999 (Act No. 1 of 1999) (as amended by Act No. 29 of 1999), and the Treasury Regulations issued in terms of the Act and the Division of Revenue Act, 2010 (Act No. 1 of 2010).

3.10.1 PRESENTATION OF THE FINANCIAL STATEMENTS

3.10.1.1 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.

3.10.1.2 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.

3.10.1.3 ROUNDING

Unless otherwise stated, all financial figures have been rounded to the nearest one thousand rand (R'000).

3.10.1.4 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.

3.10.1.5 COMPARATIVE FIGURES — APPROPRIATION STATEMENT

A comparison between actual amounts and final appropriation per major classification of expenditure is included in the appropriation statement.

3.10.2 REVENUE

3.10.2.1 APPROPRIATED FUNDS

Appropriated funds comprise of departmental allocations, as well as direct charges against the Revenue Fund (i.e. statutory appropriation).

Appropriated funds are recognised in the financial records on the date the appropriation becomes effective. Adjustments made in terms of the adjustment's budget process are recognised in the financial records on the date the adjustments become effective.

Unexpended appropriated funds are surrendered to the National/Provincial Revenue Fund. Any amounts owing to the National/Provincial Revenue Fund at the end of the financial year are recognised as payable in the statement of financial position.

Any amount due from the National/Provincial Revenue Fund at the end of the financial year is recognised as a receivable in the statement of financial position.

3.10.2.2 DEPARTMENTAL REVENUE

All departmental revenue is recognised in the statement of financial performance when received and is subsequently paid into the National/Provincial Revenue Fund, unless stated otherwise.

Any amount owing to the National/Provincial Revenue Fund is recognised as a payable in the statement of financial position.

No accrual is made for amounts receivable from the last receipt date to the end of the reporting period. These amounts are, however, disclosed in the disclosure note to the annual financial statements.

3.10.2.3 DIRECT EXCHEQUER RECEIPTS

All direct Exchequer receipts are recognised in the statement of financial performance when the cash is received and is subsequently paid into the National/Provincial Revenue Fund, unless stated otherwise.

Any amount owing to the National/Provincial Revenue Fund at the end of the financial year is recognised as a payable in the statement of financial position.

2.4 DIRECT EXCHEQUER PAYMENTS

All direct Exchequer payments are recognised 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).

2.5 AID ASSISTANCE

Aid assistance is recognised as revenue when received.

All in-kind aid assistance is disclosed at fair value on the date of receipt in the annexures to the annual financial statements.

The cash payments made during the year relating to aid assistance projects are recognised as expenditure in the statement of financial performance when final authorisation for payments is effected on the system (by no later than 31 March of each year).

The value of the assistance expensed prior to the receipt of funds is recognised as a receivable in the statement of financial position.

Inappropriately expensed amounts using aid assistance and any unutilised amounts are recognised as payables in the statement of financial position.

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 expenditure in the statement of financial performance when final authorisation for payments is effected on the system (by no later than 31 March of each year).

Inappropriately expensed amounts using CARA funds are recognised as payables in the statement of financial position. Any unutilised amounts are transferred to retained funds, as they are not surrendered to the Revenue Fund.

3.10.3 EXPENDITURE

3.10.3.1 COMPENSATION OF EMPLOYEES

3.10.3.1.1 SALARIES AND WAGES

Salaries and wages are expensed 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).

Other employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the financial statements at their face value and are not recognised in the statement of financial performance or position.

Employee costs are capitalised to the cost of a capital project when an employee spends more than 50% of his/her time on the project. These payments form part of expenditure for capital assets in the statement of financial performance.

3.10.3.1.2 SOCIAL CONTRIBUTIONS

Employer contributions to post-employment benefit plans in respect of current employees are expensed 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).

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 Revenue Fund and not in the financial statements of the employer department.

Employer contributions made by the department for certain of its former employees (such as medical benefits) are classified as transfers to households in the statement of financial performance.

3.10.3.2 GOODS AND SERVICES

Payments made during the year 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/or services were acquired for a capital project or if the total purchase price exceeds the capitalisation threshold (currently R5 000). All other expenditures are classified as current.

Rental paid for the use of buildings or other fixed structures is classified as goods and services and not as rent on land.

3.10.3.3 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.

3.10.3.4 PAYMENTS FOR FINANCIAL ASSETS

Debts are written off when identified as irrecoverable and when all reasonable steps have been taken to recover the debt or the Accounting Officer is convinced that the recovery of debt would be uneconomical / or would cause undue hardship to the debtors or dependants or

would be to the advantage of the State to effect the settlement or waive the claim. 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 an estimate is included in the disclosure notes to the financial statements.

All other losses are recognised when authorisation has been granted for the recognition thereof.

3.10.3.5 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).

3.10.3.6 UNAUTHORISED EXPENDITURE

When confirmed unauthorised expenditure is recognised as an asset in the statement of financial position until 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 derecognised from the statement of financial position when the unauthorised expenditure is approved and the related funds are received.

Where the amount is approved without funding, it is recognised as expenditure in the statement of financial performance on the date of approval.

3.10.3.7 FRUITLESS AND WASTEFUL EXPENDITURE

Fruitless and wasteful expenditure is recognised as expenditure in the statement of financial performance according to the nature of the payment and not as a separate line item on the face of the statement. If the expenditure is recoverable, it is treated as an asset until it is recovered from the responsible person or written off as irrecoverable in the statement of financial performance.

3.10.3.8 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.

3.10.4 ASSETS

3.10.4.1 CASH AND CASH EQUIVALENTS

Cash and cash equivalents are carried in the statement of financial position at cost.

Bank overdrafts are shown separately on the face of the statement of financial position.

For the purposes of the cash flow statement, cash and cash equivalents comprise cash on hand, deposits held, other short-term highly liquid investments and bank overdrafts.

3.10.4.2 OTHER FINANCIAL ASSETS

Other financial assets are carried in the statement of financial position at cost.

3.10.4.3 PREPAYMENTS AND ADVANCES

Amounts prepaid or advanced are recognised in the statement of financial position when the payments are made and are derecognised as and when the goods/services are received or the funds are utilised.

Prepayments and advances outstanding at the end of the year are carried in the statement of financial position at cost.

3.10.4.4 RECEIVABLES

Receivables included in the statement of financial position arise from cash payments made that are recoverable from another party (including departmental employees) and are derecognised upon recovery or write-off.

Receivables outstanding at year-end are carried in the statement of financial position at cost plus

any accrued interest. Amounts that are potentially irrecoverable are included in the disclosure notes.

3.10.4.5 INVESTMENTS

Capitalised investments are shown at cost in the statement of financial position.

Investments are tested for an impairment loss whenever events or changes in circumstances indicate that the investment may be impaired. Any impairment loss is included in the disclosure notes.

3.10.4.6 LOANS

Loans are recognised in the statement of financial position when the cash is paid to the beneficiary. Loans that are outstanding at year-end are carried in the statement of financial position at cost plus accrued interest.

Amounts that are potentially irrecoverable are included in the disclosure notes.

3.10.4.7 INVENTORY

Inventories that qualify for recognition must be initially reflected at cost. Where inventories are acquired at no cost, or for nominal consideration, their cost shall be their fair value at the date of acquisition.

All inventory items at year-end are reflected using the weighted average cost or FIFO cost formula.

3.10.4.8 CAPITAL ASSETS

3.10.4.8.1 MOVABLE ASSETS

Initial Recognition

A capital asset is recorded in the asset register 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 movable capital asset is stated at fair value. Where fair value cannot be determined, the capital asset is included in the asset register at R1.

All assets acquired prior to 1 April 2002 are included in the register at R1.

Subsequent Recognition

Subsequent expenditure of a capital nature is recorded in the statement of financial performance as "*Expenditure for capital assets*" and is capitalised in the asset register of the department on completion of the project.

Repairs and maintenance is expensed as current "*goods and services*" in the statement of financial performance.

3.10.4.8.2 IMMOVABLE ASSETS

Initial Recognition

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 immovable capital asset is stated at R1 unless the fair value for the asset has been reliably estimated.

Subsequent Recognition

Work-in-progress of a capital nature is recorded in the statement of financial performance as "*Expenditure for capital assets*". On completion, the total cost of the project is included in the asset register of the department that is accountable for the asset.

Repairs and maintenance is expensed as current "*goods and services*" in the statement of financial performance.

3.10.5 LIABILITIES

3.10.5.1 PAYABLES

Recognised payables mainly comprise of amounts owing to other governmental entities. These payables are carried at cost in the statement of financial position.

3.10.5.2 CONTINGENT LIABILITIES

Contingent liabilities are included in the disclosure notes to the financial statements when it is possible that economic benefits will flow from the department, or when an outflow of economic benefits or service potential is probable, but cannot be measured reliably.

3.10.5.3 CONTINGENT ASSETS

Contingent assets are included in the disclosure notes to the financial statements when it is probable that an inflow of economic benefits will flow to the entity.

3.10.5.4 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.

3.10.5.5 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.

3.10.5.6 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.

3.10.5.7 LEASE COMMITMENTS

Finance Lease

Finance leases are not recognised as assets and liabilities in the statement of financial position. Finance lease payments are recognised as an expense in the statement of financial performance and are apportioned between the capital and interest portions. The finance lease liability is disclosed in the disclosure notes to the financial statements.

Operating Lease

Operating lease payments are recognised as an expense in the statement of financial performance. The operating lease commitments are disclosed in the disclosure notes to the financial statement.

3.10.5.8 IMPAIRMENT AND OTHER PROVISIONS

The department tests for impairment where there is an indication that a receivable, loan or investment may be impaired. An assessment of whether there is an indication of possible impairment is done at each reporting date. An estimate is made for doubtful loans and receivables based on a review of all outstanding amounts at year-end. Impairments on investments are calculated as being the difference between the carrying amount and the present value of the expected future cash flows/service potential flowing from the instrument.

Provisions are disclosed when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic benefits will be required to settle the obligation and a reliable estimate of the obligation can be made.

3.10.6 RECEIVABLES FOR DEPARTMENTAL REVENUE

Receivables for departmental revenue are disclosed in the disclosure notes to the annual financial statements.

3.10.7 NET ASSETS

3.10.7.1 CAPITALISATION RESERVE

The capitalisation reserve comprises financial assets and/or liabilities originating in a prior reporting period, but which are recognised in the statement of financial position for the first time in the current reporting period. Amounts are recognised in the capitalisation reserves when identified in the current period and are transferred to the National/Provincial Revenue Fund when

the underlining asset is disposed and the related funds are received.

3.10.7.2 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. Amounts are either transferred to the National/Provincial Revenue Fund when recovered or are transferred to the statement of financial performance when written off.

3.10.8 RELATED-PARTY TRANSACTIONS

Specific information with regards to related-party transactions is included in the disclosure notes.

3.10.9 KEY MANAGEMENT PERSONNEL

Compensation paid to key management personnel, including their family members where relevant, is included in the disclosure notes.

3.10.10 PUBLIC PRIVATE PARTNERSHIPS

A description of the Public Private Partnership (PPP) arrangement, the contract fees and current and capital expenditure relating to the PPP arrangement is included in the disclosure notes.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

3.10.11 ANNUAL APPROPRIATION for the year ended 31 March 2011

1.1 Annual Appropriation

Included are funds appropriated in terms of the Appropriation Act (and the Adjustments Appropriation Act) for National Departments (Voted funds) and Provincial Departments:

	2010/11			2009/10
	Final Appropriation R'000	Actual Funds Received R'000	Funds not requested/ not received R'000	Appropriation received R'000
Administration	1 697 384	1 697 384	-	1 044 387
Court Services	3 957 308	3 922 026	35 282	4 088 008
State Legal Services	670 842	670 842	-	548 583
Auxiliary and Associated Services	1 953 277	1 953 277	-	1847 291
Total	8 278 811	8 243 529	35 282	7 528 269

Funds not requested due to the anticipated savings on Programme 2: Court Services

2. Statutory Appropriation

	Note	2010/11 R'000	2009/10 R'000
Judges and magistrates salaries		1 929 870	1 669 689
Total		1 929 870	1 669 689
Actual Statutory Appropriation received		1 929 867	1 669 689

3. Departmental revenue

Tax revenue			
Sales of goods and services other than capital assets	3.1	64 922	43 659
Fines, penalties and forfeits	3.2	306 677	296 410
Interest, dividends and rent on land	3.3	10 929	16 821
Sales of capital assets	3.4	81	264
Transactions in financial assets and liabilities	3.5	28 871	14 050
Transfer received	3.6	5	411
Total revenue collected		411 485	371 615
Departmental revenue collected		411 485	371 615

3.1 SALES OF GOODS AND SERVICES OTHER THAN CAPITAL ASSETS

	Note	2010/11 R'000	2009/10 R'000
Sales of goods and services produced by the department	3	64 882	43 642
Sales by market establishment		5 873	-
Administrative fees		23	-
Other sales		58 986	43 642
Sales of scrap, waste and other used current goods		40	17
Total		64 922	43 659

3.2 FINES, PENALTIES AND FORFEITS

Fines	3	236 588	242 629
Penalties		2 000	2 177
Forfeits		68 089	51 604
Total		306 677	296 410

3.3 INTEREST, DIVIDENDS AND RENT ON LAND

Interest	3	10 929	16 821
Total		10 929	16 821

3.4 SALE OF CAPITAL ASSETS

Tangible assets		81	264
Machinery and equipment	3&31	81	264
Total		81	264

3.5 TRANSACTIONS IN FINANCIAL ASSETS AND LIABILITIES

Receivables	3	2 571	1 974
Stale cheques written back		216	220
Other receipts including recoverable revenue		26 084	11 856
Total		28 871	14 050

3.6 TRANSFERS RECEIVED

Public corporations and private enterprises	3	5	411
Total		5	411

4. AID ASSISTANCE

4.1 AID ASSISTANCE RECEIVED IN CASH FROM RDP

Note

	2010/11 R'000	2009/10 R'000
Foreign		
Opening balance	951	12 821
Revenue	22 541	-
Expenditure	(7 114)	(11 870)
Current	(7 114)	(11 870)
Closing balance	16 378	951

4.2 ANALYSIS OF BALANCE

Aid assistance unutilised	16 378	951
RPD	16 378	951
Closing balance	16 378	951

5. COMPENSATION OF EMPLOYEES

5.1 SALARIES AND WAGES

Basic salary	3 390 359	3 012 531
Performance award	17 569	31 718
Service-based	55 169	9 248
Compensative/circumstantial	40 364	24 097
Periodic payments	19 102	18 427
Other non-pensionable allowances	886 128	838 857
Total	4 408 691	3 934 878

5.2 SOCIAL CONTRIBUTIONS

Employer contributions

Pension	360 231	325 807
Medical	222 783	182 225
UIF	24	72
Bargaining Council	916	547
Total	583 954	508 651

Total compensation of employees

	4 992 645	4 443 529
Average number of employees	20 244	19 896

Salary cost of certain staff members who are employed by the department and are involved in the administration of CARA are not recovered from CARA.

6. GOODS AND SERVICES

	Note	2010/11 R'000	2009/10 R'000
Administrative fees		5 923	3 236
Advertising		18 774	19 083
Assets less than R5 000	6.1	23 270	22 483
Bursaries (employees)		3 774	2 806
Catering		8 013	5 887
Communication		135 268	140 015
Computer services	6.2	365 999	468 529
Consultants, contractors and agency/outsourced services	6.3	451 741	486 674
Entertainment		109	202
Audit cost – external	6.4	29 803	25 021
Fleet services		20 173	34
Inventory	6.5	78 011	87 348
Operating leases		527 972	356 150
Owned and leasehold property expenditure	6.6	540 005	427 406
Transport provided as part of the departmental activities		-	71
Travel and subsistence	6.7	430 951	456 945
Venues and facilities		4 556	6 580
Training and staff development		18 811	12 660
Other operating expenditure	6.8	93 005	104 389
Total		2 756 158	2 625 519
6.1 ASSETS LESS THAN R5 000			
Tangible assets	6	23 266	22 482
Buildings and other fixed structures		-	58
Machinery and equipment		23 266	22 424
Intangible assets		4	1
Total		23 270	22 483
6.2 COMPUTER SERVICES			
SITA computer services	6	75 459	102 192
External computer service providers		290 540	366 337
Total		365 999	468 529

6.3 CONSULTANTS, CONTRACTORS AND AGENCY/OUTSOURCED SERVICES

	Note	2010/11 R'000	2009/10 R'000
Business and advisory services	6	35 787	62 269
Laboratory services		824	767
Legal costs		50 988	48 758
Contractors		32 369	56 811
Agency and support/outsourced services		331 773	318 069
Total		451 741	486 674

6.4 AUDIT COST – EXTERNAL

Regularity audits		29 803	25 021
Total		29 803	25 021

6.5 INVENTORY

Learning and teaching support material	6	3	158
Food and food supplies		80	135
Fuel, oil and gas		115	132
Other consumable materials		2 556	1 867
Maintenance material		184	868
Stationery and printing		75 051	84 022
Medical supplies		22	166
Total		78 011	87 348

6.6 PROPERTY PAYMENTS

Municipal services	6	172 903	111 515
Property management fees		15 907	16 019
Property maintenance and repairs		14 213	-
Other		336 982	299 872
Total		540 005	427 406

6.7 TRAVEL AND SUBSISTENCE

Local		425 363	448 330
Foreign		5 588	8 615
Total		430 951	456 945

6.8 OTHER OPERATING EXPENDITURE

Professional bodies, membership and subscription fees	6	487	434
Resettlement costs		9 285	11 329
Other		83 233	92 626
Total		93 005	104 389

7. INTEREST AND RENT ON LAND

	Note	2010/11 R'000	2009/10 R'000
Interest paid		4 719	4 623
Total		4 719	4 623

8. PAYMENTS FOR FINANCIAL ASSETS

Material losses through criminal conduct		9 005	1 091
Theft	8.3	9 005	1 091
Other material losses written off	8.1	3 355	105
Debts written off	8.2	2 145	646
Total		14 505	1 842

8.1 OTHER MATERIAL LOSSES WRITTEN OFF

Nature of losses	8		
Irrecoverable losses		3 314	48
Civil actions		41	51
Damages to vehicles		-	6
Total		3 355	105

8.2 DEBTS WRITTEN OFF

Nature of debts written off	8		
Staff debts		2 145	646
Total		2 145	646

8.3 DETAIL OF THEFT

Nature of theft	8		
Burglaries		-	16
Theft		9 005	1 075
Total		9 005	1 091

9. TRANSFERS AND SUBSIDIES

	Note	2010/11 R'000	2009/10 R'000
Provinces and municipalities	<i>Annex 1A,</i>	-	80
Departmental agencies and accounts	<i>Annex 1B,</i>	1 573 989	1 397 334
Foreign governments and international organisations	<i>Annex 1C,</i>	6 343	13 127
Non-profit institutions	<i>Annex 1D,</i>	-	1 754
Households	<i>Annex 1E,</i>	66 617	91 216
Total		1 646 949	1 503 511

10. EXPENDITURE FOR CAPITAL ASSETS

Tangible assets		680 425	706 601
Buildings and other fixed structures	33.1	542 493	621 717
Machinery and equipment	31.1	137 932	84 884
Software and other intangible assets		4 486	3 686
Other intangibles	32.1	4 486	3 686
Total		684 911	710 287

10.1 ANALYSIS OF FUNDS UTILISED TO ACQUIRE CAPITAL ASSETS – 2010/11

	Voted funds R'000	Aid assistance R'000	Total R'000
Tangible assets	680 425		680 425
Buildings and other fixed structures	542 493	-	542 493
Machinery and equipment	137 932	-	137 932
Software and other intangible assets	4 486		4 486
Other intangibles	4 486	-	4 486
Total	684 911	-	684 911

10.2 ANALYSIS OF FUNDS UTILISED TO ACQUIRE CAPITAL ASSETS – 2009/10

	Voted funds R'000	Aid assistance R'000	Total R'000
Tangible assets	706 601	-	706 601
Buildings and other fixed structures	621 717	-	621 717
Machinery and equipment	84 884	-	84 884
Software and other intangible assets	3 686	-	3 686
Other intangibles	3 686	-	3 686
Total	710 287	-	710 287

11. CASH AND CASH EQUIVALENTS

	2010/11 R'000	2009/10 R'000
Cash receipts	(931)	(234)
Disbursements	1	4
Cash on hand	4 303	4 229
Total	3 373	3 999
Travel and subsistence	1 751	2 067
Advances paid to other entities	1 660	57
Total	3 411	2 124

12. PREPAYMENTS AND ADVANCES

13. RECEIVABLES

	Note	2010/11				2009/10
		R'000 Less than one year	R'000 One to three years	R'000 Older than three years	R'000 Total	R'000 Total
Claims recoverable	13.1 <i>Annex 4</i>	273 906	91 891	502	366 299	271 666
Trade receivables	13.2	677	41	-	718	74
Staff debt	13.3	3 822	4 340	12 131	20 293	23 772
Other debtors	13.4	178 928	1 246	4 346	184 520	127 280
Total		457 333	97 518	16 979	571 830	422 792

13.1 CLAIMS RECOVERABLE

	Note	2010/11 R'000	2009/10 R'000
National departments	13	196 292	166 474
Provincial departments		170 007	105 192
Total		366 299	271 666

	Note	2010/11 R'000	2009/10 R'000
13.2 TRADE RECEIVABLES			
Trade receivables	13	718	74
Total		718	74
13.3 STAFF DEBT			
In-service debt	13	3 126	4 800
Out-of-service debt		17 167	18 972
Total		20 293	23 772
13.4 OTHER DEBTORS			
Disallowance accounts	13	8 621	19 513
Salary suspense accounts		170	156
Funds due to DoJ&CD by NPA (virement)		175 729	107 611
Total		184 520	127 280
14. VOTED FUNDS TO BE SURRENDERED TO THE REVENUE FUND			
Opening balance		(91 353)	28 463
Voted funds still to be received from Revenue Fund		-	(105 185)
Voted funds to be surrendered to Revenue Fund		108 794	13 832
Voted funds not requested/not received	1.1	(35 282)	-
Paid during the year		(13 832)	(28 463)
Received during the year		105 185	-
Closing balance		73 512	(91 353)
15. DEPARTMENTAL REVENUE AND NRF RECEIPTS TO BE SURRENDERED TO THE REVENUE FUND			
Opening balance		40 554	23 131
Transfer from statement of financial performance		411 485	371 615
Paid during the year		(399 517)	(354 192)
Closing balance		52 522	40 554
16. BANK OVERDRAFT			
Consolidated Paymaster-General account		425 999	464 020
Total		425 999	464 020
17. PAYABLES – CURRENT			
Clearing accounts	17.1	312	1 839
Other payables	17.2	1 369	855
Total		1 681	2 694

	Note	2010/11 R'000	2009/10 R'000
17.1 CLEARING ACCOUNTS			
Salary control accounts	17	312	1 839
Total		312	1 839
17.2 OTHER PAYABLES			
Competition Commission	17	-	192
Trade and Industry		-	237
Cultural Affairs – Western Cape		-	1
Premier – Free State		-	312
Social Development		1 059	1
Transport – Mpumalanga		13	-
Salaries recoverable		-	112
Disallowance miscellaneous		297	-
Total		1 369	855
18. NET CASH FLOW AVAILABLE FROM OPERATING ACTIVITIES			
Net surplus/(deficit) as per statement of financial performance		535 707	268 392
Add back non-cash/cash movements not deemed operating activities		190 045	255 270
(Increase)/decrease in receivables – current		(149 038)	(73 780)
(Increase)/decrease in prepayments and advances		(1 287)	300
Increase/(decrease) in payables – current		(1 013)	1 382
Proceeds from sale of capital assets		(81)	(264)
Expenditure on capital assets		684 911	710 287
Surrenders to Revenue Fund		(308 164)	(382 655)
Voted funds not requested/not received		(35 283)	-
Net cash flow generated by operating activities		725 752	523 662
19. RECONCILIATION OF CASH AND CASH EQUIVALENTS FOR CASH FLOW PURPOSES			
Consolidated Paymaster-General account		(425 999)	(464 020)
Cash receipts		(931)	(234)
Disbursements		1	4
Cash on hand		4 303	4 229
Total		(422 626)	(460 021)

3.11 DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS for the year ended 31 March 2011

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 AND CONTINGENT ASSETS

		Note	2010/11 R'000		2009/10 R'000
Liable to	Nature				
Motor vehicle guarantees	Employees	<i>Annex 3A</i>	-		40
Housing loan guarantees	Employees	<i>Annex 3A</i>	5 221		8 227
Claims against the department		<i>Annex 3B</i>	1 457 281	*	1 365 673
Other departments (interdepartmental unconfirmed balances)		<i>Annex 5</i>	79 855	**	120 406
Third-party fraud, losses, theft and dishonoured cheques		<i>Annex 3B</i>	67 108		67 215
Total			1 609 465		1 561 561

* The previous year's figure was restated with R167 million due to one claim of R164 million that was recalculated based on additional information received during this financial year. R3 million was restated due to corrections made on the previous financial year's closing balances.

** The previous year's figure was restated with an amount of R74 million with regard to third party revenue as the nature of the balance is a provision and not a contingent liability.

21. COMMITMENTS

Current expenditure

Approved and contracted	1 176 628	70 025
Approved but not yet contracted	36 822	31 871
	1 213 450	101 896

Capital expenditure

Approved and contracted	1 225 384	1 795 803
Approved but not yet contracted	1 515	2 741
	1 226 899	1 798 544

Total Commitments

	2 440 349	1 900 440
--	------------------	------------------

- Commitments totalling to R1 078 million under current expenditure relates to multi-year contracts mainly for security guarding services.
- Commitments totalling R464 million under capital expenditure relates to a capital multi-year contract.
- Commitments totalling R758 million under capital expenditure relates to capital works projects (DPW).
- Previous year commitment — capital expenditure restated with R1 263 million, which relates to capital works projects (DPW).

22. ACCRUALS

Listed by economic classification	Note		2010/11	2009/10
	30 Days	30+ Days	R'000	R'000
			Total	Total
Goods and services	210 774	88 201	298 975	110 578
Capital assets	105 577	129 652	235 229	73 301
Total	316 351	217 853	534 204	183 879
Listed by programme level				
Programme 1: Administration			163 052	47 529
Programme 2: Court Services			309 718	101 004
Programme 3: State Legal Services			7 270	24 126
Programme 5: Auxiliary and Associated Services			54 164	11 220
Total			534 204	183 879
Confirmed balances with other departments		<i>Annex 5</i>	243 015	88 351
Total			243 015	88 351
23. EMPLOYEE BENEFITS				
Leave entitlement			432 425 *	416 324
Service bonus (thirteenth cheque)			117 305	105 495
Performance awards			64 658	38 995
Capped leave commitments			240 209 **	232 532
Other			820 ***	612
Total			855 417	793 958

* Included in the capped leave commitments is an amount of R8 129.66, representing negative capped leave balances.

** Included in leave entitlement is an amount of R8 469 230.85, representing negative leave balances.

*** Previous year's figure restated from R300 463 000 to R612 000. The restatement of R299 851 000 is as a result of the fact that the amount has already been accounted for in the National Revenue Fund.

24. LEASE COMMITMENTS

24.1 OPERATING LEASES EXPENDITURE

	Buildings and other fixed structures R'000	Machinery and equipment R'000	Total R'000
2010/11			
Not later than one year	302 734	161	302 895
Later than one year and not later than five years	1 093 363	108	1 093 471
Later than five years	64 861	-	64 861
Total lease commitments	1 460 958	269	1 461 227

2009/10			
Not later than one year	181 846	589	182 435
Later than one year and not later than five years	582 233	1 545	583 778
Later than five years	543 036	-	543 036
Total lease commitments	1 307 115	2 134	1 309 249

24.2 FINANCE LEASES EXPENDITURE

	Buildings and other fixed structures R'000	Machinery and equipment R'000	Total R'000
2010/11			
Not later than one year	-	24 055	24 055
Later than one year and not later than five years	-	9 046	9 046
Total lease commitments	-	33 101	33 101
Less: finance costs	-	2 037	2 037
Total present value of lease liabilities	-	31 064	31 064

2009/10			
Not later than one year	-	19 810	19 810
Later than one year and not later than five years	-	17 793	17 793
Total lease commitments	-	37 603	37 603
Less: finance costs	-	3 839	3 839
Total present value of lease liabilities	-	33 764	33 764

25. RECEIVABLES FOR DEPARTMENTAL REVENUE

	Note	2010/11 R'000	2009/10 R'000
Fines, penalties and forfeits		115 261	74 355
Interest, dividends and rent on land		-	372
Other		10 820	21 797
Total		126 081	96 524

25.1 ANALYSIS OF RECEIVABLES FOR DEPARTMENTAL REVENUE

Opening balance		96 524	49 519
Less: amounts received		(96 524)	-
Add: amounts recognised		126 081	47 005
Closing balance		126 081	96 524

26. IRREGULAR EXPENDITURE**26.1 RECONCILIATION OF IRREGULAR EXPENDITURE**

Opening balance		2 979 823 *	26 179
Add: Irregular expenditure – relating to prior year		403	2 206 983
Add: Irregular expenditure – relating to current year		420 319	766 264
Less: Amounts condoned		(3 300 065)	(15 338)
Less: Amounts not recoverable (not condoned)		(17)	(4 265)
Irregular expenditure awaiting condonation		100 463	2 979 823

Analysis of awaiting condonation per age classification

Current year	100 112	423 647
Prior years	351	2 556 176
Total	100 463	2 979 823

* Previous year's figures restated as the amount for the incorrect application of PPPFA instead of BBBEE have been quantified; the amount was condoned by National Treasury on 24 June 2011. Irregular expenditure could be understated due to a forensic investigation not finalised at year-end.

26.2 DETAILS OF IRREGULAR EXPENDITURE – CURRENT YEAR

Incident	2010/11 R'000
Incorrect application of PPPFA instead of BBBEE	339 252
Normal procurement policies and procedures not followed	81 067
Total	420 319

26.3 DETAILS OF IRREGULAR EXPENDITURE CONDONED

Incident	2010/11 R'000
Finance leases entered into in terms of Transversal State Tender Board contract (RT3)	17 509
Procurement procedures not followed condoned by Departmental Bid Adjudication Committee	3 429
Incorrect application of PPPFA instead of BBBEE condoned by National Treasury	3 279 127
Total	3 300 065

26.4 DETAILS OF IRREGULAR EXPENDITURE NOT RECOVERABLE (NOT CONDONED)

Incident	2010/11 R'000
Possible irregular expenditure reported for procurement procedures not followed	17
Total	17

27. FRUITLESS AND WASTEFUL EXPENDITURE

27.1 RECONCILIATION OF FRUITLESS AND WASTEFUL EXPENDITURE

	Note	2010/11 R'000	2009/10 R'000
Opening balance		2 081	-
Fruitless and wasteful expenditure – relating to prior year		383 *	112
Fruitless and wasteful expenditure – relating to current year		849 **	2 030
Less: Amounts condoned		(50)	(61)
Less: Amounts transferred to receivables for recovery		(4)	-
Fruitless and wasteful expenditure awaiting condonement		3 259	2 081

* Previous year's figure has been restated as an amount of R9 000 was duplicated.

** Previous year's figure was restated as an amount of R110 000 was investigated and found to be irregular expenditure

27.2 ANALYSIS OF AWAITING CONDONATION PER ECONOMIC CLASSIFICATION

Current	1 319	391
Capital	1 940	1 690
Total	3 259	2 081

27.3 ANALYSIS OF CURRENT YEAR'S FRUITLESS AND WASTEFUL EXPENDITURE

Incident	Disciplinary steps taken/criminal proceedings	2010/11 R'000
Fees charged in respect of officials not boarding flights or not using reserved accommodation	Cases are in different stages of investigation and no disciplinary steps have been taken yet. Guilty parties are expected to re-refund the department	599
Lease agreements — option not exercised to pay lower rates after initial lease period lapsed		250
Total		849

28. RELATED-PARTY TRANSACTIONS

The following public entities are related parties:

- President's Fund
- Third Party Fund
- National Prosecuting Authority
- Special Investigating Unit
- CARA
- Guardian's Fund
- Legal Aid Board South Africa
- South African Human Rights Commission
- Public Protector
- Representative Political Parties' Fund.

29. KEY MANAGEMENT PERSONNEL

	No of individuals	2010/11 R'000	2009/10 R'000
Officials:			
Level 15 to 16	16	17 548	12 481
Level 14 (including CFO if at a lower level)	36	26 835	25 316
Family members of key management personnel	7	826	347
Total		45 209	38 144

30. PROVISIONS

Potential irrecoverable debts

Staff debtors	9 614	12 579
Other debtors	6 029	13 251
	15 643	25 830

Provisions

Guardian's Fund – TBVC losses	49 350	45 822
Third Party Fund Revenue	115 261 *	74 355
	164 611	120 177
Total	180 254	146 007

* Previous year's figure was restated with an amount of R74 million with regard to third party revenue as the nature of the balance is a provision and not a contingent liability.

31. MOVABLE TANGIBLE CAPITAL ASSETS

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Opening balance	Current year adjustments to prior year balances	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	657 943	(2 318)	54 887	2 688	707 824
Transport assets	86 124	(1 903)	12 920	560	96 581
Computer equipment	170 148	-	25 285	1 123	194 310
Furniture and office equipment	173 052	-	13 066	449	185 669
Other machinery and equipment	228 619	(415)	3 616	556	231 264
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	657 943	(2 318)	54 887	2 688	707 824

31.1 ADDITIONS

ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Cash	Non-cash	(Capital work in progress current costs and finance lease payments)	Received current, not paid (paid current year, received prior year)	Total
	R'000	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	137 932	(27 048)	(79 985)	23 988	54 887
Transport assets	27 687	(20 357)	-	5 590	12 920
Computer equipment	13 909	(4 740)	-	16 116	25 285
Furniture and office equipment	10 784	-	-	2 282	13 066
Other machinery and equipment	85 552	(1 951)	(79 985)	-	3 616
TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS	137 932	(27 048)	(79 985)	23 988	54 887

31.2 DISPOSALS

DISPOSALS OF MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Sold for cash R'000	Transferred out or destroyed or scrapped R'000	Total disposals R'000	Cash received actual R'000
MACHINERY AND EQUIPMENT	112	2 576	2 688	81
Transport assets	-	560	560	77
Computer equipment	-	1 123	1 123	2
Furniture and office equipment	112	337	449	2
Other machinery and equipment	-	556	556	-
TOTAL DISPOSAL OF MOVABLE TANGIBLE CAPITAL ASSETS	112	2 576	2 688	81

31.3 MOVEMENT FOR 2009/10

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2010

	Opening balance R'000	Additions R'000	Disposals R'000	Closing balance R'000
MACHINERY AND EQUIPMENT	613 125	48 772	3 954	657 943
Transport assets	74 120	13 885	1 881	86 124
Computer equipment	158 951	12 094	897	170 148
Furniture and office equipment	164 511	9 374	833	173 052
Other machinery and equipment	215 543	13 419	343	228 619
TOTAL MOVABLE TANGIBLE ASSETS	613 125	48 772	3 954	657 943

31.4 MINOR ASSETS

MINOR ASSETS OF THE DEPARTMENT AS AT 31 MARCH 2011

	Intangible assets R'000	Machinery and equipment R'000	Total R'000
Opening balance	81	596 307	596 388
Additions	2	31 143	31 145
Disposals	-	5 541	5 541
TOTAL	83	621 909	621 992
Number of R1 minor assets	-	8	8
Number of minor assets at cost	26	431 665	431 691
TOTAL NUMBER OF MINOR ASSETS	26	431 673	431 699

MINOR ASSETS OF THE DEPARTMENT AS AT 31 MARCH 2010

	Intangible assets R'000	Machinery and equipment R'000	Total R'000
Minor assets	81	596 307	596 388
TOTAL	81	596 307	596 388
Number of minor assets at cost	25	419 609	419 634
TOTAL NUMBER OF MINOR ASSETS	25	419 609	419 634

32. INTANGIBLE CAPITAL ASSETS

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Opening balance R'000	Current Year adjustments to prior year balances R'000	Additions R'000	Disposals R'000	Closing balance R'000
Capitalised development costs	10 478	-	4 486	-	14 964
Computer software	28 706	-	-	-	28 706
TOTAL INTANGIBLE CAPITAL ASSETS	39 184	-	4 486	-	43 670

32.1 ADDITIONS

ADDITIONS TO INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Cash	Non-cash	(Development work in progress current costs)	Received current year, not paid (paid current year, received prior year)	Total
	R'000	R'000	R'000	R'000	R'000
Capitalised development costs	4 486	-	-	-	4 486
TOTAL ADDITIONS TO INTANGIBLE CAPITAL ASSETS	4 486	-	-	-	4 486

32.2 MOVEMENT FOR 2009/10

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2010

	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
Capitalised development costs	7 544	2 934	-	10 478
Computer software	28 599	107	-	28 706
TOTAL INTANGIBLE CAPITAL ASSETS	36 143	3 041	-	39 184

33. IMMOVABLE TANGIBLE CAPITAL ASSETS

MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Opening balance	Current year adjustments to prior year balances	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
Buildings and other fixed structures	11 365	-	36 447	34 545	13 267
Non-residential buildings	-	-	34 545	34 545	-
Other fixed structures	11 365	-	1 902	-	13 267
TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS	11 365	-	36 447	34 545	13 267

33.1 ADDITIONS

ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Cash	Non-cash	(Capital work in progress current costs and finance lease payments)	Received current, not paid (paid current year, received prior year)	Total
	R'000	R'000	R'000	R'000	R'000
Building and other fixed structures	542 493	-	(506 046)	-	36 447
Non-residential buildings	540 591	-	(506 046)	-	34 545
Other fixed structures	1 902	-	-	-	1 902
TOTAL ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS	542 493	-	(506 046)	-	36 447

33.2 DISPOSALS

DISPOSALS OF IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011

	Sold for cash	Transferred out or destroyed or scrapped	Total disposals	Cash received actual
	R'000	R'000	R'000	R'000
Buildings and other fixed structures	-	34 545	34 545	-
Non-residential buildings	-	34 545	34 545	-
TOTAL DISPOSALS OF IMMOVABLE TANGIBLE CAPITAL ASSETS	-	34 545	34 545	-

33.3 MOVEMENT FOR 2009/10

MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2010

	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
Buildings and other fixed structures	4 819	468 011	461 465	11 365
Non-residential buildings	-	461 465	461 465	-
Other fixed structures	4 819	6 546	-	11 365
TOTAL IMMOVABLE TANGIBLE ASSETS	4 819	468 011	461 465	11 365

WORLD CUP EXPENDITURE

	2010/11		2009/10
	Quantity	R'000	R'000
Purchase of 2010 FIFA World Cup apparel			
Golf shirts for volunteers	435	4	5
Drimacs for volunteers	123	25	2
Caps for volunteers	-	-	1
Other	21 710	1 104	2
Total	22 268	1 133	10
Total World Cup expenditure		1 133	10

3.12 ANNEXURES
for the year ended 31 March 2011

ANNEXURE 1A: STATEMENT OF UNCONDITIONAL GRANTS AND TRANSFERS TO MUNICIPALITIES

NAME OF MUNICIPALITY	GRANT ALLOCATION				TRANSFER		SPENT			2009/10
	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
PD: Vehicles, fines and penalties	-	-	-	-	-	-	-	-	-	80
Total	-	-	-	-	-	-	-	-		80

ANNEXURE 1B: STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS

DEPARTMENT/ AGENCY/ ACCOUNT	TRANSFER ALLOCATION				TRANSFER		2009/10
	Adjusted appropriation	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
South African Human Rights Commission	74 368	-	-	74 368	74 368	100%	70 120
Legal Aid South Africa	1 122 639	-	(6 284)	1 116 355	1 116 355	100%	917 408
Special Investigating Unit	171 089	-	-	171 089	171 089	100%	154 737
Public Protector	114 082	-	-	114 082	114 082	100%	108 860
Representative Political Parties' Fund	98 095	-	-	98 095	98 095	100%	92 823
President's Fund	1	-	-	1	-	-	1
Education, Training and Development Practice Sectoral Authority	4 841	-	(362)	4 479	-	-	4 274
Commission on Gender Equality	-	-	-	-	-	-	49 112
Total	1 585 115	-	(6 646)	1 578 469	1 573 989		1 397 335

ANNEXURE 1C: STATEMENT OF TRANSFERS TO FOREIGN GOVERNMENT AND INTERNATIONAL ORGANISATIONS

FOREIGN GOVERNMENT/ INTERNATIONAL ORGANISATION	TRANSFER ALLOCATION				EXPENDITURE		2009/10
	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							
Subscription fees: International Criminal Court	5 219	-	1 124	6 343	6 343	100%	13 127
Total	5 219	-	1 124	6 343	6 343		13 127

ANNEXURE 1D: STATEMENT OF TRANSFERS TO NON-PROFIT INSTITUTIONS

NON PROFIT INSTITUTIONS	TRANSFER ALLOCATION				EXPENDITURE		2009/10
	Adjusted appropriations act	Roll overs	Adjustments	Total available	Actual transfer	% of available funds transferred	Appropriations act
	R'000	R'000	R'000	R'000	R'000	%	R'000
Transfers							
Non-profit institutions	-	-	-	-	-	-	1 754
Total	-	-	-	-	-		1 754

ANNEXURE 1E: STATEMENT OF TRANSFERS TO HOUSEHOLDS

HOUSEHOLDS	TRANSFER ALLOCATION				EXPENDITURE		2009/10
	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 benefits	106 272	-	(20 942)	85 330	65 050	76%	88 339
Household: Claims against the state	353	-	1 026	1 379	1 379	100%	2 796
Household: Ex gratia payments	3	-	181	184	184	100%	74
Household: Donations and gifts	10	-	(6)	4	4	100%	7
Total	106 638	-	(19 741)	86 897	66 617		91 216

ANNEXURE 1F: STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2010/11	2009/10
		R'000	R'000
Received in cash			
Law Society	Improving library facilities	5	-
Law Society	Donation	1	-
Subtotal		6	-
Received in kind			
Musukalingwa Municipality	Stand 113 Sheepmortan	-	30
Mbombela Attorneys Association	250 filing boxes	-	2
Mosaic Church	Painting and decoration	-	11
J Roberts	DVD player, VCR machine and TV	-	5
Snyman Attorneys	Diaries 2010	-	2
Lewis Stores – Free State	Carpets, Samsung DVD and Protea TV stand	4	-
Subtotal		4	50
Total		10	50

ANNEXURE 1G: STATEMENT OF AID ASSISTANCE RECEIVED

Name of Donor	Purpose	Opening balance	Revenue	Expenditure	Closing balance
		R'000	R'000	R'000	R'000
Received in cash					
Swiss Fund	Improving the accessibility of small claims courts	951	441	1 392	-
European Union	Sectoral budget support	-	20 754	4 659	16 095
USAID	Judicial capacity and institutional building in Southern Sudan	-	1 050	840	210
USAID	Gender: Justice within the SADC region	-	296	223	73
Total		951	22 541	7 114	16 378

ANNEXURE 1H: STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS MADE AND REMISSIONS, REFUNDS AND PAYMENTS MADE AS AN ACT OF GRACE

NATURE OF GIFT, DONATION OR SPONSORSHIP	2010/11	2009/10
	R'000	R'000
Made in kind		
Farewell gift to retiring magistrate	-	1
Prices for winners of provincial school essay competition on constitutional rights and the Victim's Charter	-	9
Farewell gift to retiring magistrate — Germiston	1	-
Donation of computers to Western Cape Department of Education	302	-
Farewell gift to retiring regional magistrates — Western Cape	2	-
Farewell gift to retiring magistrate — Western Cape	1	-
Farewell gift to retiring magistrate with farewell function — Uppington	9	-
Farewell gifts to retiring magistrate with farewell function — Magistrate Nelspruit	4	-
Farewell gift to retiring magistrate – Magistrate Aliwal North	1	-
Farewell gift to retired magistrate – Magistrate Lydenburg	1	-
Judge President annual function – HC Grahamstown	1	-
Total	322	10

ANNEXURE 3A: STATEMENT OF FINANCIAL GUARANTEES ISSUED

Guarantee in respect of	Original guaranteed capital amount	Opening balance 1 April 2010	Guarantees draw downs during the year	Guarantees repayments/ cancelled/ reduced/ released during the year	Revaluations	Closing balance 31 March 2011	Guaranteed interest for year ended 31 March 2011	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	-	40	-	40	-	-	-	-
Subtotal	-	40	-	40	-	-	-	-
Housing								
Standard Bank	-	1 345	19	745	-	619	-	-
Nedbank Limited	-	1 574	176	347	-	1 403	-	-
FirstRand Bank	-	965	38	354	-	649	-	-
Absa	-	2 499	188	1 808	-	879	-	-
Peoples Bank	-	207	-	35	5	177	-	-
Old Mutual Bank	-	850	-	253	40	637	-	-
Other	-	755	202	255	-	702	-	-
Bank Limited	-	32	-	20	-	12	-	-
FNB	-	-	-	27	170	143	-	-
Subtotal	-	8 227	623	3 844	215	5221	-	-
TOTAL	-	8 267	623	3 884	215	5221	-	-

ANNEXURE 3B: STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2011

Nature of liability	Opening balance 1 April 2010	Liabilities incurred during the year	Liabilities paid/cancelled/ reduced during the year	Liabilities recoverable	Closing balance 31 March 2011
	R'000	R'000	R'000	R'000	R'000
Claims against the department					
Summons	1 365 673	227 790	-	163 695	1 429 768
Supplier discrepancies	-	14 836	-	-	14 836
Theft and losses (Vote account)	-	996	-	-	996
PPP — Cancellation (Ubulungisa Consortium)	-	11,681	-	-	11 681
Subtotal	1 365 673	255 303	-	163 695	1 457 281
Other					
Third Party Fund fraud, theft, losses and dishonoured cheques	67 215	-	107	-	67 108
Subtotal	67 215	-	107	-	67 108
Total	1 432 888	255 303	107	163 695	1 524 389

ANNEXURE 4: CLAIMS RECOVERABLE

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2011	31/03/2010	31/03/2011	31/03/2010	31/03/2011	31/03/2010
	R'000	R'000	R'000	R'000	R'000	R'000
Department						
National department	170 585	154 233	23 809	11 565	194 394	165 798
Eastern Cape	40 531	37 160	17 395	3 048	57 926	40 208
Free State	2 334	10 172	6 141	1 969	8 475	12 141
Gauteng	16 317	17 802	30 184	3 933	46 501	21 735
KwaZulu-Natal	5 174	3 172	1 426	952	6 600	4 124
Mpumalanga	2 875	4 468	7 893	591	10 768	5 059
Northern Cape	1 909	2 037	4 376	384	6 285	2 421
Limpopo	4 126	5 774	13 279	2 971	17 405	8 745
North West	5 951	7 198	7 853	1 007	13 804	8 205
Western Cape	2 885	701	-	892	2 885	1 593
Agency services control account	-	-	42	291	42	291
PACE	56	-	-	6	56	6
Salary recoverable	269	346	889	994	1 158	1 340
Total	253 012	243 063	113 287	28 603	366 299	271 666

ANNEXURE 5: INTER-GOVERNMENT PAYABLES

GOVERNMENT ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2011	31/03/2010	31/03/2011	31/03/2010	31/03/2011	31/03/2010
	R'000	R'000	R'000	R'000	R'000	R'000
DEPARTMENTS						
Current						
National Prosecuting Authority	-	63	-	25	-	88
The Presidency	-	29	67		67	29
National Public Works	242 848	76 724	73 093	108 709	315 941	185 433
Land Affairs	-	-	-	3	-	3
South African Police Service	72	227	73	-	145	227
Human Settlement	-	14	-	-	-	14
Department of Labour	13	-	6	41	19	41
Public Administration, Leadership and Management Academy	-	465	-	40	-	505
Government Printing Works	-	258	-	332	-	590
Department of Health Eastern Cape	-		-	43	-	43
Department of Education Eastern Cape	-	7	-		-	7
Provincial Treasury Eastern Cape	-		-	13	-	13
Sports, Arts and Culture Eastern Cape	-	4	-	-	-	4
Agriculture Environmental Affairs KwaZulu-Natal	16	-	-	-	16	-
Department of Education Western Cape	-	8	-	-	-	8
Department of Transport Western Cape	-	63	-	10 991	-	11 054
Health Western Cape	19	-	-	-	19	-
Public Works KwaZulu-Natal	-	-	4	-	4	-
Department of Education Free State	-	-	-	13	-	13
National Transport	-	-	155	-	155	-
Premier Eastern Cape	19	-	16	-	35	-
Public Roads and Works Gauteng	-	10 489	6 420	196	6 420	10 685
Health Limpopo	13	-	11	-	24	-
Agriculture Limpopo	15	-	-	-	15	-
Mineral Resources	-	-	10	-	10	-
Total	243 015	88 351	79 855	120 406	322 870	208 757

ANNEXURE 6: INVENTORY

Inventory	Quantity	2010/11	Quantity	2009/10
		R'000		R'000
Opening balance	71 237	2 466	64 292	2 866
Add/(Less): Adjustments to prior-year balance	(14 561)	(643)	-	-
Add: Additions/purchases — cash	81 047	3 317	97 243	3 411
(Less): Issued	(77 538)	(3 302)	-	-
Add/(Less): Adjustments	(1 564)	(64)	(90 298)	(3 811)
Closing balance	58 621	1 774	71 237	2 466

PART 2: INFORMATION ON PREDETERMINED OBJECTIVES

2.1 OVERALL PERFORMANCE

VOTE 23

2.1.1 VOTED FUNDS (R'000)

Table 2: Appropriation of Voted funds

APPROPRIATION	MAIN APPROPRIATION	ADJUSTED APPROPRIATION	ACTUAL AMOUNT SPENT	OVER-/UNDER-EXPENDITURE
Amount appropriated	8 103 082 000	8 278 811 000	8 189 658 000	89 153 000
Statutory appropriation	1 929 870 000	1 929 870 000	1 910 229 000	19 641 000
Responsible minister	Minister of Justice and Constitutional Development			
Administering department	Justice and Constitutional Development			
Accounting Officer	Director-General of Justice and Constitutional Development			

2.1.2 AIM OF VOTE

The aim of the Department of Justice and Constitutional Development (the department) 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 a more secure South Africa.

2.1.3 SUMMARY OF PROGRAMMES

The activities of the Department of Justice and Constitutional Development are organised according to the five programmes as reflected in Table 3 on the following page. This annual report contains the performance information in relation to the first three programmes. The performance information under Programme 4 is presented in the annual report of the National Prosecuting Authority and that of Programme 5 is presented in the annual reports of the relevant institutions, such as Legal Aid South Africa, the Public Protector, the South African Human Rights Commission and the Special Investigating Unit.



Table 3: Departmental programmes

DEPARTMENTAL PROGRAMMES AND SUB-PROGRAMMES	PROGRAMME PURPOSE
PROGRAMME 1: ADMINISTRATION Minister Deputy Minister Management Corporate services Office accomodation	Facilitate the resolution of criminal, civil and family law disputes by providing accessible, efficient and quality administrative support to the courts.
PROGRAMME 2: COURT SERVICES Courts Facilities Judicial and court administration Family advocacy	Facilitate the resolution of criminal, civil and family law disputes by providing accessible, efficient and quality administrative support to the courts, and manage court facilities.
PROGRAMME 3: STATE LEGAL SERVICES Legislative development and law reform Constitutional development Litigation and legal services Master of the High Court State law advisors	Provide legal services to government, supervise the administration of deceased and insolvent estates and the Guardian's Fund, prepare and promote legislation, facilitate constitutional development and undertake legal research.
PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY	Provide a coordinated prosecuting service that ensures that justice is delivered to the victims of crime through general and specialised prosecutions, protect certain witnesses and remove the profit from crime.
PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES	Provide a variety of auxiliary services associated with the department's aim and fund transfer payments to the South African Human Rights Commission, the Public Protector Legal Aid South Africa, the Special Investigating Unit, the Represented Political Parties' Fund and the President's Fund.

2.1.4 KEY ACHIEVEMENTS

The key achievements against the departmental strategic objectives include the following:

Training through Justice College

Various forms of training were provided to magistrates, prosecutors, officials in the Office of the Chief Master, administrative personnel, court interpreters, registrars, clerks of the court and legislative drafters in all tiers of government. The college has trained over 5 000 people, which was well above the target of 50%.

Improvement of business productivity through information technology

The department successfully rolled out the Integrated Case Management System (ICMS) to 478 lower courts against the target of 250 and to 12 high courts against the target of three. In this regard, the target of 250

lower courts was exceeded by 228 and that of the three high courts was exceeded by nine. The additional performance made in the year under review includes the rollout of ICMS Masters to all 14 Masters' offices and all 402 service points.

Preparation of legislative instruments

The department successfully exceeded the target number of research papers, rules and bills during the period under review, by producing 15 bills, 48 subordinate legislative instruments and 18 research publications. A detailed list is shown under Programme 3.

Improvement in the vacancy rate

The vacancy rate of the department improved to below 10% during the period under review. In addition, three senior management appointments in the Office of the Chief Financial Officer were concluded.

Functional courts operating daily

Throughout the reporting period in question, courts at all the various levels (district courts, regional courts, high courts, supreme courts and specialised courts) continued to perform on a daily basis, thus providing fair public hearings through independent and impartial tribunals/forums. Noteworthy is the fact that the Child Justice Act, 2008 (Act No 75 of 2008) came into operation on 1 April 2010 and 15 588 children were dealt with. Some 2 444 children were diverted in terms of section 41 of the Act and 4 630 children were diverted during the preliminary phase.

Administration of deceased and insolvent estates

The department met the minimum performance standards regarding services provided by the Master of the High Court. This included the finalisation of small and large estates, as well as Guardian's Fund payments. In this regard, 93% of the beneficiaries of the Guardian's Fund received services within a period of 40 days, against the target of 80%.

Finalisation of family law cases

The Family Advocate managed to surpass the target of 50% finalisation of cases by finalising 64% of new cases during the period under review.

Value of briefs to previously disadvantaged individuals (PDIs) or firms

During the period under review, 69% of the value and 82.5% of the volume of briefs were issued to PDIs. The department exceeded its target in terms of both the number and value of briefs and has improved on the previous year's numbers. During the period under review, 77% of work outsourced, was awarded to small firms, 22% to medium-sized firms and 1% to large firms.

Small claims courts

During the period under review, 26 new small claims courts were opened with the assistance of the Swiss Aid. These have brought the total number of small claims courts to 224. During the same period, the monetary jurisdiction of the small claims courts was increased from R7 000 to R12 000. There has been a significant increase in the number of cases in these courts as shown in the Programme 2 performance.

2.1.5 OVERVIEW OF THE SERVICE DELIVERY ENVIRONMENT 2010/11

A major challenge facing the department is improving access to justice for previously disadvantaged individuals, while at the same time delivering on other mandates. Its major challenges include eradicating apartheid legacies, building a society founded on a constitutional democracy that recognises human rights, protecting citizens from violence and intimidation, and ensuring that everyone, in particular the vulnerable groups, have equal access to justice.

A disparity still exists in the availability and the delivery of justice services between urban and rural areas. The department attempts to address this disparity by prioritising previously disadvantaged areas in infrastructure spending.

The global economic situation had a negative impact on South Africa. As a result, less funding is available for the department to provide the services required. Relatively high levels of poverty and unemployment resulted in an increasing need for free services offered by Legal Aid South Africa. Social problems are prevalent as a result of economic strain, moral decay, increased crime and corruption, and family violence. The department also anticipates an increase in civil matters (default judgements) and increased maintenance enquiries (people defaulting on their maintenance obligations because of financial difficulties), and as such it has to position itself to respond to this reality.

Courts

During the 2010/11 financial year, three court buildings in Ashton (Western Cape), Ekangala (Mpumalanga) and Hankey (Eastern Cape) were completed. However, there is still a shortage of courts and outdated court infrastructure in some cases. Budgetary and cash flow constraints negatively affected improving the situation as speedily as required. Furthermore, a significant backlog remains in the finalisation of cases in the courts.

In support of finalisation of cases, the department funded the Case Backlog Project through the appointment of magistrates, prosecutors, legal aid practitioners and other support staff. By the end of

March 2011, there were 56 regional and 16 district backlog courts throughout the country, while 17 026 were removed during the period under review.

The workload of the magistrates civil courts, family (divorce) courts and high courts has increased substantially. In May 2010, Cabinet approved the terms of reference for the review, which in the main seeks to overhaul the civil justice system to provide for expeditious, less cumbersome and more affordable means of resolving civil disputes. The enactment of the Traditional Courts Bill, currently being considered by Parliament, will provide for the diversion of less serious civil disputes from the overburdened magistrates courts. The Traditional Courts Bill incorporates the traditional justice value system, based on restorative justice and reconciliation, which enhances access to justice and promotes social cohesion.

The implementation of the Cabinet-approved Seven Point Implementation Plan following the CJS Review is continuing. The implementation plan has been incorporated into the JCPS delivery agreement and substantial progress has been made in various areas, such as improved coordination across the CJS, improvement of court processes and the development of various protocols aimed at enhancing access to justice services.

Performance of key service points of the department

The work done within the JCPS Cluster departments has led to a decrease in the more serious crimes as attested in the statistics released by the South African Police Service during 2010. The role of the law enforcement agencies in this regard was augmented by the work done in the courts.

A highlight for South Africa during the period under review was the successful hosting of the 2010 FIFA World Cup. It indicated the country's capacity to successfully host big events, but it also indicated that we have an effective and efficient CJS. This was made possible as a result of the collective efforts of all the stakeholders in the CJS.

The aim was to deal with all criminal matters emanating from the 2010 FIFA World Cup event in a fast and efficient way, especially where foreigners were involved, either as a complainant, witness or accused. Best practices included dedicated resource allocation, such as 56 courtrooms with infrastructure and security upgrades and the allocation of additional human resources.

Court operational centres ensured better communication and coordination between all stakeholders and enabled integration within the JCPS structures. This enabled proactive identification of problems and challenges and provided immediate remedies. An important feature was that only trial-ready cases went to court, while postponements and remands were limited. The table below reflects a summary of the cases dealt with in the period under review:

Table 4: 2010 FIFA World Cup-related cases

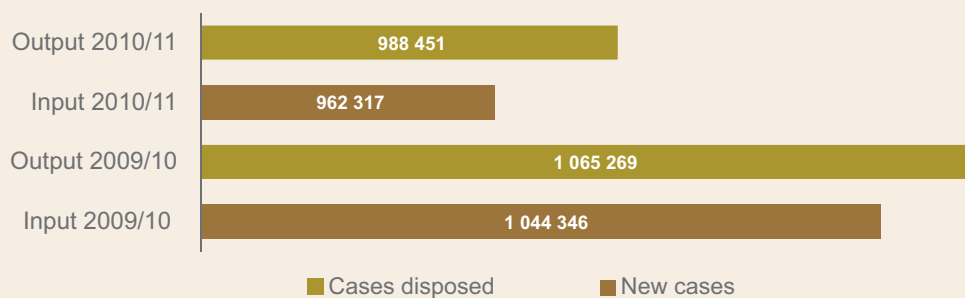
TOTAL NUMBER OF 2010 FIFA WORLD CUP-RELATED CASES DEALT WITH:	
Finalised	202
Convictions	138
Acquittals	12
Withdrawals	52

The best practices learnt from the integrated and coordinated approach in crime combating, law enforcement and court processes during the 2010 FIFA World Cup will be used at other big events in future.

Criminal matters

Statistics indicate that both the lower and the high courts managed to attain a positive clearance ratio of 2.7%. This means that in terms of the workload, more cases were disposed of than enrolled. It also indicates we are making progress in dealing with the older cases brought forward from the previous year. A total of 962 317 new cases were enrolled and 988 451 cases were disposed. A total of 26 134 more cases were therefore disposed than received.

Figure 1: Case management by all courts



Case management by all courts

On average, 1 673 high and lower courts sat during the past financial year. These courts finalised 331 045 cases with a verdict, and an average conviction rate of 88.7%. This is a 5.7% reduction from the total of 350 910 verdict cases finalised during 2009/10. However, this should be viewed against the fact that there was an increased use of delivering justice by means of alternative dispute resolution mechanism (ADRM). ADRM include diversions after enrolment, matters diverted in terms of the Child Justice Act (CJA) and informal mediations. In this regard, there was an increase of 9.5% in cases finalised through ADRM — from 118 631 in 2009/10 to 129 846 in 2010/11.

The total number of criminal cases finalised by the courts — including ADRM — at the end of 2010/11 was 460 891, which is only 1.8% less than the total of 469 541 finalised during the previous financial year.

As indicated in the above table, a total of 962 317 cases were enrolled in the courts, of which 535 429 were disposed of through removal from the roll. The latter includes cases withdrawn (42%), warrants issued (31.4%), cases transferred externally (9.2%), referrals

for mental observation (0.2%) and cases struck from the roll (17.3%).

The number of cases withdrawn was reduced by 7.1% compared to the 242 103 cases withdrawn during the previous year. This reduction could be ascribed to the implementation of improved screening processes, proper preparation of cases and monitoring of court performance on a monthly basis.

The public service strike action had a negative impact on court performance in view of reduced court productivity during 2010/11.

The high and lower courts maintained high conviction rates during 2010/11. The district courts maintained a 90.7% conviction rate. The regional courts achieved a rate of 73.4% and the high courts achieved a conviction rate of 87.8%.

Table 5: Comparison of performance regarding criminal cases over the past five years

INDICATOR	2006/07	2007/08	2008/09	2009/10	2010/11	NOTES
Number of cases finalised: including ADRM	379 034	388 634	431 601	469 541	460 891	Public service strike impact
Number of cases finalised: excluding ADRM	334 551	298 656	311 825	350 910	331 045	Public service strike
Conviction rate: high courts	87.8%	85.0%	86.0%	87.0%	87.8%	Increased performance
Conviction rate: regional courts	72.0%	73.0%	73.0%	74.0%	73.4%	Slight decline
Conviction rate: district courts	87.4%	87.0%	88.1%	87.0%	90.7%	Increased performance

A breakdown per forum of the 460 891 criminal cases that were finalised by all courts during 2010/11 are indicated in Table 6.

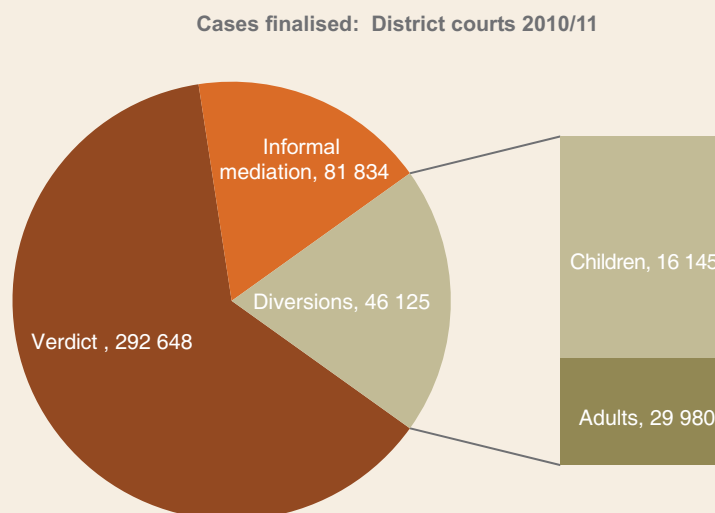
Table 6: Annual comparison of criminal cases finalised: 2009/10 to 2010/11

FORUM	2009/10	% OF NATIONAL	2010/11	% OF NATIONAL	COMPARISON BETWEEN YEARS
High Court	1 235	0.3	1 087	0.2	-12.2
Regional Court	40 962	8.7	39 197	8.5	-4.3
District Court	427 344	91	420 607	91.3	-1.6
All courts:	469 541	100	460 891	100	-1.8

District court performance

The district courts finalised 420 607 criminal cases, consisting of 292 648 verdict cases (69.6%) and 127 959 ADRM cases (30.4%).

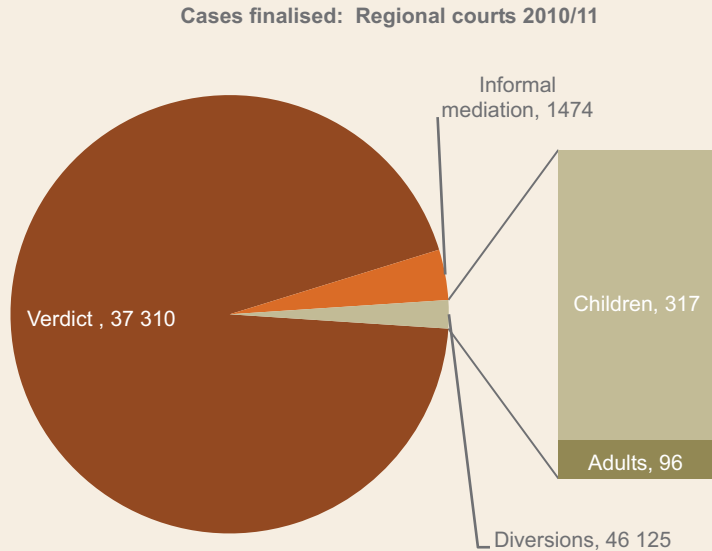
Figure 2: Criminal cases finalised in district courts



Regional court performance

The regional courts finalised 39 197 criminal cases, comprising 37 310 verdict cases (69.8%) and 1 887 ADRM cases (4.8%).

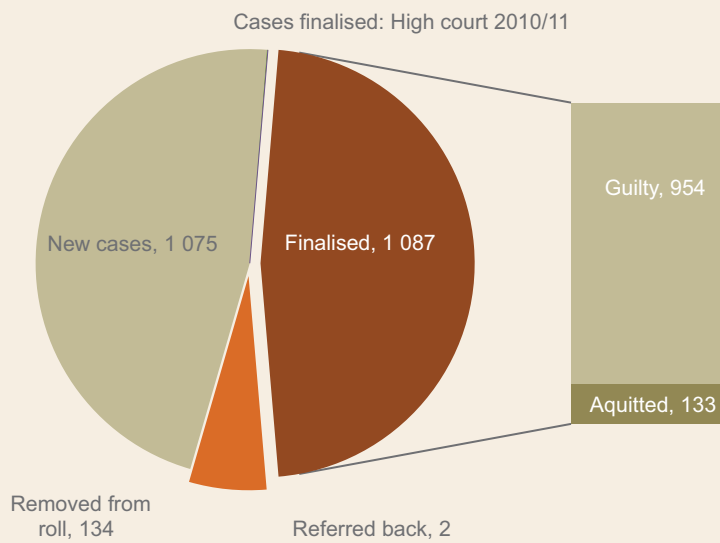
Figure 3: Criminal cases finalised in regional courts



High court performance

The high courts finalised 1 087 cases. A total of 1 050 criminal cases were finalised by means of trial in the high court, while 37 related to cases convicted by regional courts and transferred to the High Court for sentencing and were finalised by the high courts.

Figure 4: Criminal cases finalised in high courts



Civil matters

A summary of the civil cases handled within the lower courts and through the Family Advocate and Master offices, is shown below.

Table 7: Lower courts: civil trials statistics: comparatives 2009/10 and 2010/11

OFFICE	NEW CASES		TRIALS		MOTIONS		JUDGEMENTS	
	2009/10	2010/11	2009/10	2010/11	2009/10	2010/11	2009/10	2010/11
Eastern Cape	39 803	13 586	6 728	65 883	34 842	37 836	11 862	68 114
Free State	28 994	4 793	3 048	59 781	27 467	29 994	6 225	59 687
Gauteng	71 469	38 521	13 611	441 631	59 373	63 541	36 914	478 465
KwaZulu-Natal	44 657	108 330	6 951	184 661	36 347	48 250	10 421	185 076
Limpopo	22 970	9 117	4 006	28 807	19 522	20 936	4 117	29 106
Mpumalanga	24 461	11 129	4 451	41 511	25 092	34 461	7 525	41 773
North West	26 313	8 220	1 811	49 731	31 158	44 224	5 417	50 746
Northern Cape	13 262	2 307	1 063	17 612	12 932	9 311	2 228	17 669
Western Cape	59 183	21 470	8 468	157 748	59 657	77 081	11 999	167 197
Grand total	331 112	217 473	50 137	1 047 365	306 390	365 634	96 708	1 097 833

The table above illustrates all the civil trial cases that were dealt with during 2009/10, compared to those that were dealt with in the period under review in all provinces. The table also reveals the provinces with the highest new cases in 2009/10 to be Gauteng (71 469) and Western Cape (59 183), while KwaZulu-Natal was the highest in 2010/11 with 108 330 cases. From April 2009 to March 2010, the total number of new cases nationally was 331 112, as opposed to 217 473 in 2010/11.

Lower court criminal case statistics are provided in the table below.

Table 8: Small claims courts statistics for the period 2009/10

REGION	OLD CASES	NEW CASES	INQUIRIES	SUMMONSES ISSUED	OUT-OF-COURT SETTLEMENT	WITHDRAWN	TRIALS	GRANTED	DISMISSED
Eastern Cape	22 897	9 747	8 980	2 985	1 458	187	2 862	2 212	425
Free State	725	1 911	1 311	357	1 019	169	248	436	73
Gauteng	38 581	38 596	25 642	11 833	2 620	1 990	9 464	7 392	1 896
KwaZulu-Natal	6 793	9 700	11 387	4 961	542	706	3 972	2 688	680
Limpopo	6 642	8 653	9 247	3 321	1 648	300	2 673	2 146	511
Mpumalanga	1 248	4 477	5 853	2 525	504	82	1 996	1 388	264
North West	9 056	11 167	10 226	3 073	1 519	211	1 842	2 074	56
Northern Cape	154	1 061	316	592	54	11	380	579	47
Western Cape	14 031	9 072	7 178	4 661	390	187	3 741	3 151	525
Grand total	100 127	94 384	80 140	34 308	9 754	3 843	27 178	22 066	4 477

Table 9: Small claims courts statistics for the period 2010/11

REGION	OLD CASES	NEW CASES	INQUIRIES	SUMMONSES ISSUED	OUT-OF-COURT SETTLEMENT	WITHDRAWN	TRIALS	GRANTED	DISMISSED
Eastern Cape	5 430	8 502	10 297	3 928	1 442	178	3 297	2 149	402
Free State	8 075	6 206	5 281	1 098	1 786	570	691	1 116	110
Gauteng	12 851	30 589	15 384	19 204	3 220	2 520	14 106	8 383	2 685
KwaZulu-Natal	14 489	10 754	17 417	7 069	588	652	4 905	3 959	984
Limpopo	11 761	8 472	12 822	5 319	1 335	284	2 640	3 420	666
Mpumalanga	879	5 304	5 579	2 776	672	91	2 050	1 593	306
North West	4 671	11 254	10 414	3 658	2 017	211	1 261	1 667	268
Northern Cape	571	1 174	711	764	111	55	484	437	64
Western Cape	4 690	6 775	6 481	6 656	224	464	5 747	3 996	578
Grand total	63 417	89 030	84 386	50 472	11 395	5 025	35 181	26 720	6 063

Figure 5: Small claims case load for 2010/11

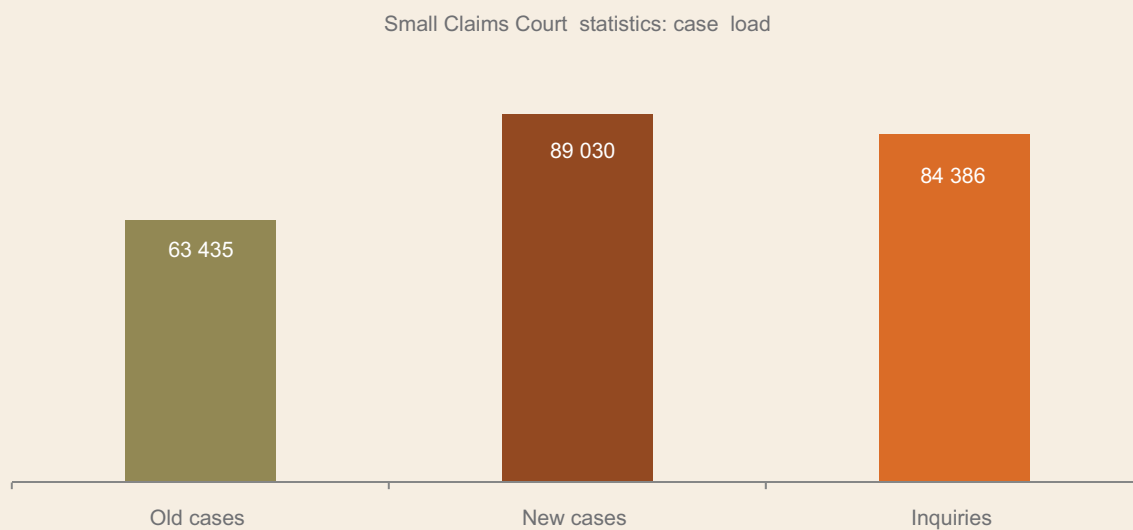
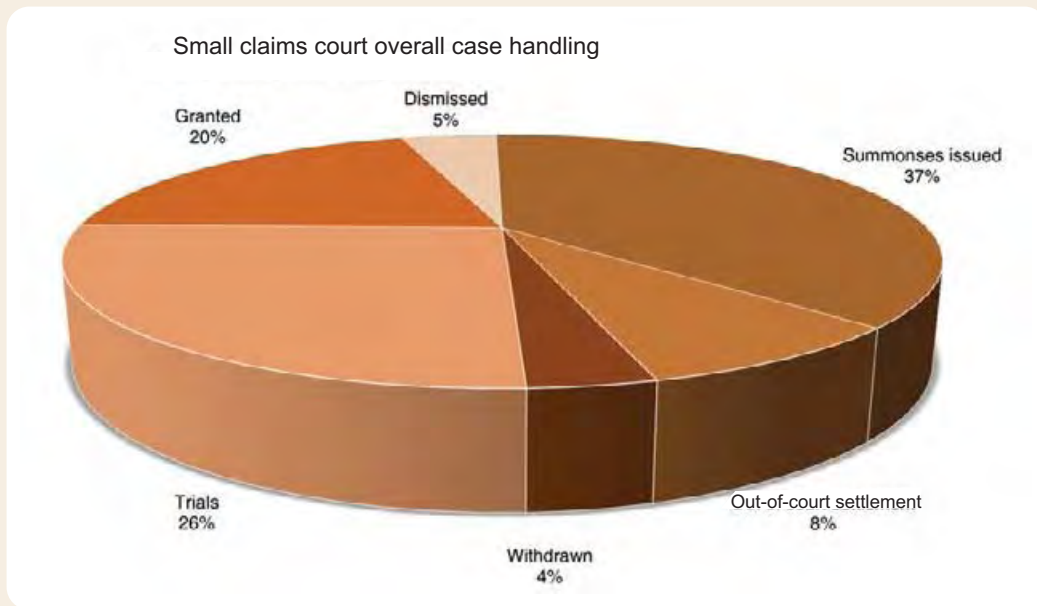


Figure 6: Small claims case handling for 2010/11



Old cases

The Eastern Cape had a great improvement with cases carried over being reduced by almost 70%. The Free State has reduced the number of cases carried over by almost 90%, which is a good sign to case backlog. Gauteng also reduced the number of cases carried over by more than 50%. Generally, a great effort has been made across the provinces to reduce cases carried over except in the case of Limpopo and the Northern Cape, where it increased.

New cases

There was a steady increase of new cases in the 2010/11 financial year in six of the provinces. Gauteng, the Eastern Cape and the Western Cape were the exceptions, where the number of new cases was reduced. This gives an indication of the strengthening of our communication strategy, given the increase in monetary jurisdiction, which took effect in November 2010. The number of new cases is supposed to increase.

Office of the Master of the High Court

There has been a general increase in almost all new work being registered at the various Master offices, some quite considerably, especially in the case of deceased matters. There are 14 Master offices throughout the country and all magistrates' offices (402) have been designated as service points of the Master of the High Court, although the jurisdiction of these service points are limited to estates worth R50 000 or less.

The ICMS Masters was rolled out to all 14 Master offices and all 402 magistrates' courts. ICMS Masters is a modernisation IT solution, which is intended to assist the registration and administration of all matters dealt with by the Master offices.

Only the Master offices in Cape Town, Grahamstown, Pietermaritzburg, Pretoria, Kimberley and Bloemfontein, currently offers Guardian's Fund services. These six offices provide Guardian's Fund services to the remainder of the Master offices throughout the country. The extension of Guardian's Fund services to the remaining offices is one of the projects being driven by the Office of the Chief Master in the national office.

The Home Affairs National Identification System (HANIS) has been adapted through the Integrated Justice System (IJS) to suit the Master's environment to verify clients timeously. The Masters' interaction in this regard with the Department of Home Affairs and consequently implementing MOVIT (Masters' Own Verification Information Technology) in Pietermaritzburg, Pretoria and Cape Town, contributed to the speedier finalisation of claims against the Guardian's Fund. The implementation of electronic funds transfers (EFTs) in the Kimberley, Bloemfontein Cape Town and Grahamstown offices is also a significant development in improving turnaround times.

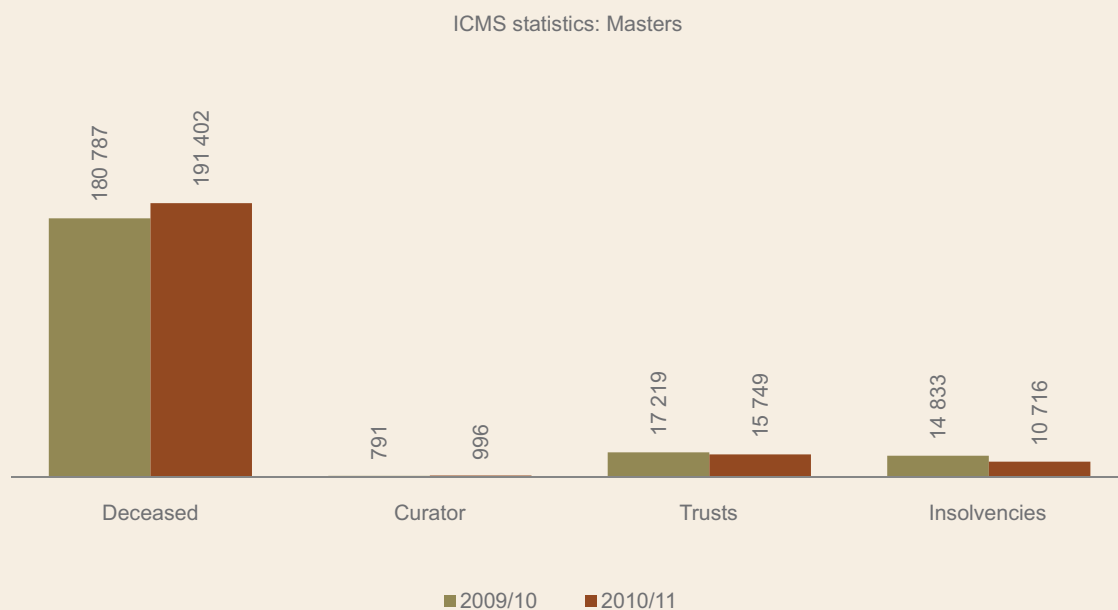
A cooperation agreement was signed with Legal Aid South Africa (LASA), in which LASA undertakes to assist in the administration of deceased estate where minor heirs are concerned. The cooperation agreement is part of the Master's drive to identify measures to ensure the protection of the vulnerable and poor, especially in the administration of estates. The agreement gives LASA a mandate to protect children's/minor's interests by administering estates on their behalf. It regulates the provision of the administration of estates where minors are heirs and qualify for assistance. Separate financial reports for the Guardian's Fund will be prepared for 2010/11.

The table below shows key services delivered by the Master's office and the cases that were dealt with in the different Master offices. Over 80% of the work of the masters is centred on deceased estates with over 90 000 cases being handled.

Table 10: Performance of Master offices for 2011/12 in comparison to 2009/10

OFFICE	DECEASED		CURATOR		TRUSTS		INSOLVENCIES	
	2009	2010	2009	2010	2009	2010	2009	2010
Johannesburg	34 506	33 129	94	122	4 206	3 616	3 172	2 307
Pretoria	27 305	23 857	199	377	4 529	4 082	9 168	5 716
Cape Town	17 933	17 660	279	267	3 976	3 585	1 357	1 483
Bloemfontein	17 427	16 759	36	60	1 422	1 178	316	283
Durban	19 611	20 819	28	29	0	0	235	237
Pietermaritzburg	14 156	16 885	55	45	1 386	1 600	255	271
Port Elizabeth	9 172	9 922	35	36	575	483	51	165
Bisho	3 125	2 475	8	0	3	6	0	0
Mthatha	6 871	9 463	11	11	29	26	6	0
Polokwane	10 864	10 560	0	0	106	184	0	0
Mafikeng	6 860	18 576	17	14	123	154	178	144
Thohoyandou	2 460	2 729	1	2	38	89	0	0
Kimberley	4 603	3 661	2	0	413	319	26	26
Grahamstown	5 894	4 907	26	33	413	427	69	84
TOTAL	180 787	191 402	791	996	17 219	15 749	14 833	10 716

Figure 7: Master office cases handled in 2010/11



Family Advocate

According to the Regional Courts Amendment Act of 2010, 59 regional courts have been designated to preside over civil matters and require the services of the Family Advocate in matters affecting children's welfare. In addition to this, the Children's Act has introduced compulsory mediation, family group conferences and lay fora in the children's courts. The Family Advocate is expected to facilitate parenting plans, parental responsibilities and rights in addition to this workload.

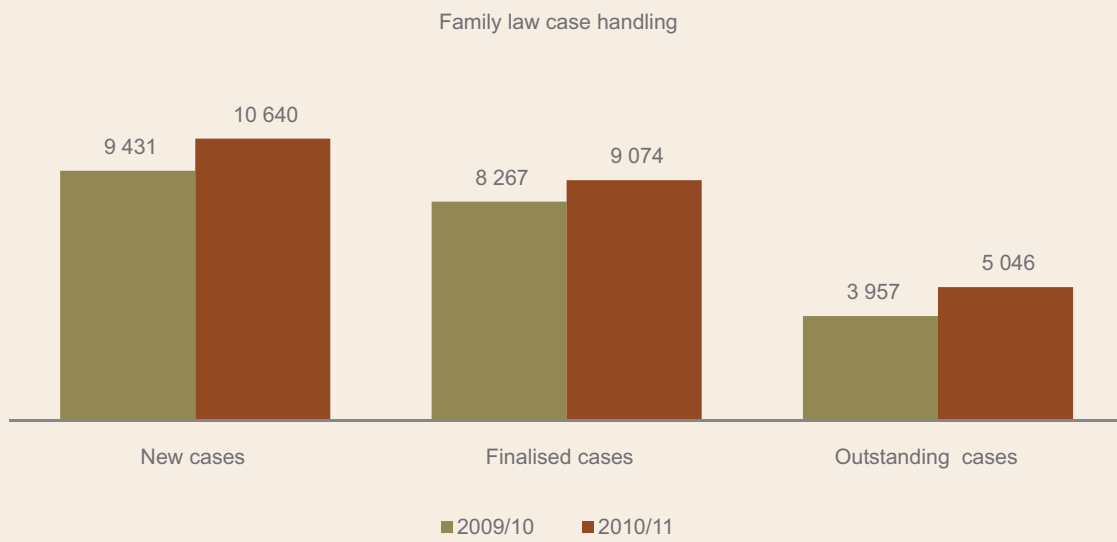
Despite these new pressures, the Family Advocate managed to exceed its target of 50% for the finalisation of cases during the period under review. Of the 14 120 cases (new cases and those carried over), 9 074 were finalised. A total of 5 046 cases were still pending as at the end of March 2011.

The table below shows the number of cases finalised by the Family Advocate, compared to 2009/10.

Table 11: Family law cases handled by the Family Advocate in 2010/11 in comparison to 2009/10

	2009/10	2010/11
New cases	9 431	10 640
Finalised cases	8 267	9 074
Outstanding cases	3 957	5 046

Figure 8: Family law cases handled in 2010/11



2.1.6 OVERVIEW OF THE ORGANISATIONAL ENVIRONMENT FOR 2010/11

During the period under review, the department had to respond to a number of challenges, which had an impact on the delivery of services to the public.

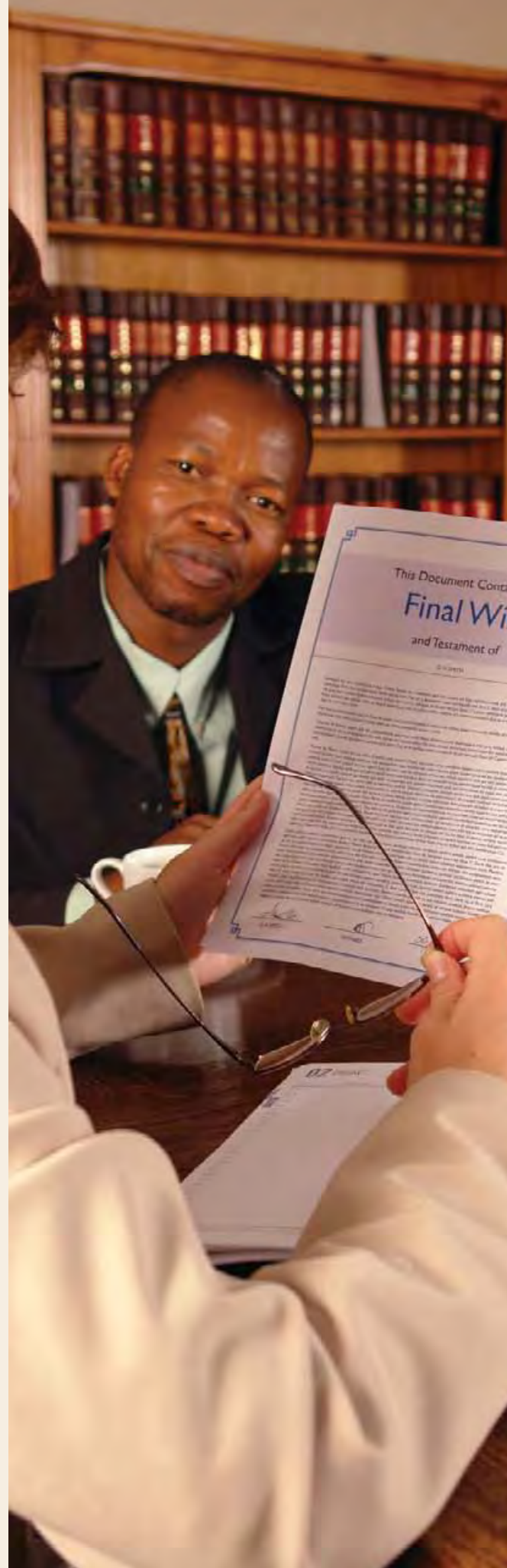
The public service strike action disrupted service delivery at the courts and had financial implications for both the striking employees and the department. A total of 90 days was lost due to the strike action, which translates into expenditure of R2 415 328. The cost of leave without pay is currently being recovered from the salaries of the affected employees.

The forensic investigating unit in the department experienced an increase in the number of fraud and corruption cases in comparison to the previous two financial years. A number of perpetrators have been dealt with in accordance with the disciplinary code of the department and the criminal elements have been reported to the South African Police Service (SAPS) for further investigation and appropriate action.

The department is committed to the implementation of the Minimum Anti-corruption Capacity Requirements (MACC) set as a public service anti-corruption standard, approved by Cabinet, to give effect to the Public Service Anti-corruption Strategy. The department actively participates in different structures of government, such as the Anti-corruption Coordinating Committee (ACCC) and the Governance and Administration Working Group.

The departmental operational budget was reduced by over R2.1 billion for the MTEF period. This resulted in major spending pressures across the organisation. Although spending adjustments have been made in line with budget cuts, the following areas have been adversely affected:

- Under spending in information and communication technology resulting in a slower pace of modernisation.
- Escalating safety and security costs.
- Infrastructure and expansion of justice services.
- Increasing the establishment of the lower courts and providing the Judiciary with adequate tools of trade.
- Expansion of the support personnel establishment in the courts (interpreters, finance and supply chain management personnel), as well as the personnel who perform quasi-legal functions, such as default judgments, court orders, warrants of execution, etc.
- Implementation costs of new and proposed legislation.
- Document and record management.
- Adequate provision of library services to the various courts and support services to the Judiciary.



- Enhancement of constitutional development programmes.

The department has a major challenge with the retention of people in key areas such as the Office of the Chief Financial Officer, Risk Management, and the Strategy Unit. During the period under review, five senior management posts in the Office of the Chief Financial Officer were filled. Senior management appointments in the Strategy Unit are in the process of being filled.

2.1.7 KEY POLICY DEVELOPMENTS AND LEGISLATIVE CHANGES

During the period under review, the department made significant progress in the development and implementation of policies and legislation geared to transform the judicial system with a view to enhancing access to justice. The rationalisation of the courts envisages bringing them in line with the constitutional dispensation. National, provincial and local spheres of government remain the department's primary focus. The protracted debate on the rationalisation of the superior courts, which has stretched over a period of a decade appears to be reaching the end with the approval of the Constitution Seventeenth Amendment Bill and the Superior Courts Bill in December 2010. The Superior Courts Bill paves the way for the rationalisation of the lower courts, which will receive priority in the 2011/12 financial year. The following paragraphs give a brief overview of progress made in respect of the different policy initiatives dealt with during the 2010/11 financial year:

The rationalisation/redemarcation of the areas of jurisdiction of the lower courts

The redemarcation of magisterial districts entails the process of aligning the areas of jurisdiction of the lower courts with the municipal boundaries to ensure that there is at least one lower court in every municipality. The process will lead to the building of additional courts in municipalities where there are none. This will entail the reorganisation of the jurisdictional areas to remove the barriers caused by the pre-1994 demarcations. For example, although the people from the rural communities of Maxesibeni, Mahlubini, Mboniswani and other surrounding villages and farms are located within the Elundini Local Municipality, they are still compelled to access court services at Tsolo, which is located in Mhlontlo Local Municipality (in the former Transkei).

A draft discussion paper on the rationalisation of the areas of jurisdiction of the lower courts is in advanced stages of finalisation. Inputs and contributions were received from the relevant stakeholders (regional heads, Judiciary, prosecution, SAPS, correctional services and the LASA). Inputs on the proposed alignment of magisterial district boundaries with the local municipal boundaries were received from the affected stakeholders. They have been captured and are depicted on geographic information system (GIS) maps. An analysis of the impact of the proposed alignment on infrastructure, human resources and access to justice services will be conducted during the 2011/12 financial year, including the costing thereof. The discussion paper, including maps and schedules outlining the areas of jurisdiction of each court will be published for public comment during the 2011/12 financial year.

The department continued with its endeavour to bring justice services closer to all communities previously disadvantaged by redesignating certain branch courts as full services (magistrates') courts with their own area of jurisdiction. The focus is on addressing the inequalities regarding the distribution of justice services, particularly to the people living in marginalised areas, such as rural and township communities. Further assessment of the 15 branch courts already proclaimed was conducted and the assessment report indicates that congestion of court rolls in the main courts have become manageable as more cases are dealt with the branch courts. The impact of the 15 designated branch courts monitored during the 2010/11 financial year. The outcome of the monitoring process indicates the intended objective of providing all the justice-related services is being achieved. Additional capacity is provided to these courts on a gradual basis, depending on the increase in case loads.

Four branch courts (Atteridgeville and Mamelodi in Gauteng, Northam in Limpopo, and Ntuzuma in KwaZulu-Natal) are planned to be redemarcated in the 2011/12 financial year. Maps and point-to-point descriptions have been finalised by the Municipal Demarcation Board and the Surveyor General's Office, and relevant stakeholders have been consulted. Additional infrastructure has been provided for at the four branch courts to prepare for the proclamation. The affected regional offices are finalising the outstanding transfer of administrative capacity from the main courts of the branch courts concerned to provide adequate capacity. The prosecution and the Judiciary have

provided interim capacity pending the permanent appointment of prosecutors and magistrates for these courts. Additional five branch courts will be designated in the 2012/13 financial year. The remaining branch courts will be designated as and when they are ready for designation.

Rationalisation of the superior courts

The underlying transformational value of the Constitution Amendment Bill and the Superior Courts Bill is to establish a judicial system that will serve the new social order based on the values of the Constitution. The envisaged system must lay the foundations for the development of a society based on an equal and fair administration of justice.

The Constitution Amendment Bill and the Superior Courts Bill seek to give effect to item 16 (6) of Schedule 6 to the Constitution of the Republic of South Africa, 1996, in terms of which the structure, composition and jurisdiction of all courts must be rationalised with the view to establishing a judicial system suited to the requirements of the Constitution.

Substantive comments and inputs were received from various commentators following the publication of the Constitution Amendment Bill and the Superior Courts Bill in May 2010. A multidisciplinary task team was established to analyse all the inputs received. It drafted a comprehensive report and recommendations, which necessitated revision of the bills in certain respects. The revised bills were submitted to and approved by Cabinet in December 2010, thereby paving the way for the introduction of these important bills.

The department has finalised the proposed rationalisation of the areas of jurisdiction of the Divisions of the High Court of South Africa, based on the municipal demarcations drawn by the Municipal Demarcation Board. The proposals are depicted on the GIS maps. A draft costing report on the Superior Court Bill, 2010 and the Judicial Matters Amendment Bill, 2010, has been finalised. Both bills will be tabled in Parliament in the next financial year. The Judicial Matters Amendment Bill, among others, establishes the Mpumalanga and Limpopo high courts. These courts are envisaged to be functional during the 2011/12 financial year.

Transformation of the legal profession

The legal profession is still not representative of the demographics of South Africa, especially regarding female representation. Entry into the legal profession is, in some respects, dependent on compliance with the outdated, unnecessary, and overly restrictive Attorneys Act of 1979 and the Admission of Advocates Act of 1964. In May 2010, Cabinet approved the introduction of the Legal Practice Bill into Parliament to realise the transformative goal of the legal sector.



The bill addresses fundamental principles, including the following

- Vocational training of attorneys and advocates (articles of clerkship and pupillage).
- A mechanism to determine legal fees, including contingency fees, so as to increase access to legal services.
- The criteria and procedure for the bestowment of senior counsel and senior attorney status.
- A model for a permanent governance structure, including regional structures.
- The desirability of an eventual fused legal profession.
- A model for the rationalisation of the existing governance structures in the legal profession, as well as their assets, liabilities and personnel.
- Government's role in the governance structures.
- The designation of foreign legal practitioners.
- Community service to be rendered by aspirant legal practitioners, as well as admitted legal practitioners.
- The question whether attorneys should be allowed to appear in the Supreme Court of Appeal and Constitutional Court.
- A model for the strengthening of accountability of legal practitioners.
- Harmonisation and simplification of the various rules of court.

Several consultative workshops and meetings were held with the Law Society of South Africa (LSSA) and the General Council of the Bar (GCB) to find solutions to the provisions of the bill, which were identified as complex and cumbersome. Following further consultations on the bill, the Minister approved the establishment of a Transitional Council with a mandate to address the contentious provisions in the bill. The Parliamentary process on the bill is planned to commence during the 2011/12 financial year.

Transformation of the sheriffs' sector

There are about 543 sheriffs and 1 283 deputy sheriffs countrywide to serve and execute court processes. There are imbalances in terms of racial and gender composition. The racial and gender composition of the profession shows that whites dominate the profession (76%) and women constitute only 8%.

To address the racial imbalances, two processes have been initiated, namely subdivision and the appointment of two or more sheriffs in respect of a sheriff's area of jurisdiction.



A task team was appointed to investigate the impact of the redesignation of 15 branch courts into main courts, on the work of the sheriffs, to investigate the possible subdivision of certain areas in terms of section 3(2)(a) of the Sheriffs' Act of 1979, and to investigate the possible appointment of two or more sheriffs for the same area in terms of section 3(2) b) of the Act. The investigation was done in collaboration with the Board for Sheriffs. The report in this regard with recommendations will be finalised and implemented in the 2011/12 financial year.

The redesignation of branch courts as full service courts

The department's programme of redesignating branch courts as proper full service courts with their own area of jurisdiction is fundamental to the department's quest to bring justice services closer to all previously disadvantaged communities. The transformative value of this programme is to rehabilitate branch courts, most of which are the commissioners' courts of the old order (which were referred to in the past in Zulu as "*kwandaba zabantu*", translated as "places where peoples' stories are heard") which were of poor architecture and quality, and dehumanised communities that they were intended to serve. The programme therefore ensures that these courts are rehabilitated into proper courts where communities of the local municipality receive justice services with pride and dignity.

Of the 90 branch courts, 15 were redesignated into proper courts in August 2009. In 2010, the department continued to increase the capacity of these courts to realise the transformative goals of the programme. Four branch courts (Atteridgeville and Mamelodi in Gauteng, Northam in Limpopo, and Ntuzuma in KwaZulu-Natal) are planned to be redesignated as proper courts during the 2011/12 financial year. Maps and point-to-point descriptions have been finalised by the Municipal Demarcation Board and the Surveyor General's Office, and relevant stakeholders have been consulted. Additional infrastructure has been provided at the four branch courts to prepare for the proclamation. The affected regional offices are finalising the outstanding transfer of administrative capacity from the main courts of the branch courts concerned to provide adequate capacity. The prosecution and the judiciary have provided interim capacity pending the permanent appointment of prosecutors and magistrates for these courts. An additional five branch courts will be designated in the 2012/13 financial year. The remaining

branch courts will be designated as and when they are ready for designation.

The preliminary outcome of the assessment of the 15 courts redesignated in 2009 indicates that congestion of court rolls in the former main courts have abated as more cases are dealt with by the newly redesignated courts. The impact of the 15 designated branch courts was monitored during the 2010/11 financial year. The assessment report, through which the department will derive lessons as it continues to deal with the outstanding branch courts, will be finalised during the 2010/11 financial year.

Transformation of the traditional justice system

While the Traditional Courts Bill (TCB) is before Parliament, the department has developed revised policy proposals to address contentious issues in the TCB that have led to an impasse in the enactment of the TCB. Consultations around these policy proposals are to be undertaken with all stakeholders on the TCB.

On 3 December 2010 the Portfolio Committee on Justice and Constitutional Development extended the operation of section 12 and 20 and the third schedule of the repealed Black Administration Act of 1927 (Act No 38 of 1927) until 30 December 2012. The legislative unit of the department is undertaking this process. The challenge for the department is to establish an interim mechanism to address requests for conferment of traditional leaders to exercise judicial functions while awaiting the enactment of the TCB. It is anticipated that the bill will be finalised in the 2011/12 financial year.

Civil regional courts

Civil jurisdiction has been established in the regional courts and designation of places for the hearing of civil cases, including divorces, have been designated.

The Jurisdiction of the Regional Courts Amendment Act, 2008, came into operation on 9 August 2010 and civil jurisdiction was extended to the regional courts to deal with civil cases, including divorces. In accordance with an incremental approach that was approved by the Minister during 2009, 61 regional courts were designated for the hearing of civil cases and divorce matters (*Government Notice 670*, which appeared in *Government Gazette 33418* on 29 July 2010). The Act aims to enhance access to justice by conferring

jurisdiction on regional courts to deal with civil matters, including divorces, and to promote the development of judicial expertise among magistrates to broaden the pool of persons qualifying for appointment to superior courts. The effect of the Act is to abolish racially conceived divorce courts.

The Magistrates' Court Rules were repealed and replaced during October 2010. *"Among others, the rules now provide that registrars shall render assistance to litigants in divorce and civil matters."* The rules were translated into IsiXhosa, as a first step towards the translation of legislation into all the official languages. The translated rules were published on 15 March 2011 *Gazette Notice 206*, which appeared in *Government Gazette 34091*). The new magistrates' court forms were printed and distributed to the regional courts at the places where civil and divorce cases are heard.

Nine registrars and 51 assistant registrars were appointed during 2010. Registrars and assistant registrars render case support in the regional courts where civil and divorce matters are heard. These posts were created during September 2009 to capacitate the regional courts at the places where civil, including divorce matters, are heard. These posts are provided for in terms of the act. Training was conducted during 2010 from policy development funding. The Director-General appointed incumbents of the posts of registrar, administrative clerks of the regional courts and administrative clerks designated as clerk of the court for the courts of the regional divisions, as provided for in the Act. This came into effect on 1 October 2010 and was published in Circular 61 of 2010. Training for the registrars and assistant registrars was conducted during 2010.

The Magistrates' Court Act was amended in December 2010 to remove the requirement of a LLB degree as a requisite for appointment as a regional magistrate. This amendment was enacted to harmonise the requirements for appointment of judicial officers in the regional courts with that of other judicial officers, thereby providing for the application of the requirement of *"fit and proper person"* contained in the Constitution to all judicial officers.

JCPS Cluster delivery agreement: Outcome 3: All people are and feel safe in South Africa

In line with government identifying the fight against crime as a priority in the next five years, the President's undertaking to the nation was that the endeavours and

outputs of all stakeholders in the JCPS Cluster regarding the criminal justice system will be channelled towards the common goal of: *"All people in South Africa are and feel safe"*. To facilitate this outcome, a JCPS Cluster delivery agreement was signed on 24 October 2010 with a focus on the eight outputs that are regarded as priority interventions in the fight against crime.

All eight outputs have been defined and they are underpinned by activities and timelines that are being managed and monitored at the highest executive levels within the JCPS. These outputs are as follows:

- Output 1: Reduced overall levels of serious crime, in particular contact and trio crimes.
- Output 2: An effective criminal justice system.
- Output 3: Corruption within the JCPS Cluster combated to ensure its effectiveness and its ability to serve as a deterrent against crime.
- Output 4: Perceptions of crime among the population managed and improved.
- Output 5: Levels of corruption reduced thus improving investor perception, trust and willingness to invest in South Africa.
- Output 6: South Africa's borders effectively safeguarded and secured.
- Output 7: Integrity of identity and status of citizens and residents secured.
- Output 8: ICT systems integrated and cybercrime combated.

The blockages pointed out by the Criminal Justice System Review are being attended by the JCPS Cluster are being addressed by implementing the subsequent recommendations in the form of a Seven Point Transformation Plan. It forms the basis for large-scale improvements to the CJS continuum from the beginning when a crime is committed to the end of the CJS cycle. Progress has been made in all-important areas in the above regard. Most of these elements have also been directly incorporated into the JCPS Cluster delivery agreement. The Cluster is furthermore broadening access to justice for all and improving the efficiency of our courts. A specific focus is the combating of violence and crimes against the vulnerable in society, such as older persons, people with disabilities, as well as women and children, in promoting their rights and providing them with protection.

The JCPS departments are actively combating serious and violent crimes by being tough on criminals and organised syndicates. The high visible policing activities in this regard in the recent past have illustrated that the cluster will do all it can to prevent and combat crime. The cluster has been increasing capacity in all spheres of the criminal justice system, including the detective services forensics, prosecution, judicial services, and crime intelligence. Specific attention is being given to the Forensic Science Laboratories (FSLs). The emphasis is on recruiting quality rather than quantity. Actions are well underway to transform the FSLs into world-class units.

The cluster has been paying particular attention to a more equitable distribution of police resources in townships, suburbs, urban and rural areas. The level of visible policing has been significantly stepped up over the last number of months and this will continue into the coming years.

All departments in the JCPS Cluster are addressing case backlogs through coordinated, prioritised efforts. However, some challenges were initially experienced regarding outputs 3 and 5 relating to corruption issues. All the JCPS Cluster strategies and activities relating to Outcome 3 have started to deliver positive results. The JCPS delivery agreement serves as a plan on priority interventions with associated targets and measurements that have been assigned to all stakeholders. It is clear that increased cooperation and interaction between the various JCPS roleplayers is starting to pay dividends.

Many of the planned CJS transformation activities are firmly entrenched in the stakeholder departments through strategic and operational plans. A particular area that has been singled out for focused attention is the operation and efficiency of courts at all levels. Gauteng will be prioritised.

Monitoring and reporting requirements, the establishment of proper baselines and the automation of monitoring systems will continue during 2011. Focus on the integration of information systems between different cluster departments will be accelerated in 2011/12 through IJS funding.

The JCPS Cluster has done relatively well in joint operations, but is paying special attention to collaboration between the JCPS Cluster departments to maximise the utilisation of collective capacity within its institutions.



2.1.8 DEPARTMENTAL REVENUE (R'000)

Collection of departmental revenue (R'000)

Table 12: Collection of departmental revenue

	2007/08 ACTUAL	2008/09 ACTUAL	2009/10 ACTUAL	2010/11 TARGET	2010/11 ACTUAL	% DEVIATION FROM TARGET
Tax revenue						
Fines, penalties and forfeits	238 025	271 508	296 410	315 234	306 677	(2.7)
Non-tax revenue						
Interest dividends and rent on land	48 700	44 872	16 821	28 773	10 929	(62)
Sale of goods and services other than capital assets	14 027	13 248	43 659	14 245	64 922	355.8
Transfers received	-	-	411	-	5	-
Sales of capital assets (capital revenue)	-	11	264	143	81	(43.4)
Financial transactions (recovery of loans and advances)	11 682	22 872	14 050	19 254	28 871	50
Total departmental receipts	312 434	352 511	371 615	377 649	411 524	9

2.1.9 DEPARTMENTAL EXPENDITURE (R'000)

Table 13: Departmental expenditure

PROGRAMMES	VOTED FOR 2010/11	ROLL-OVERS AND ADJUSTMENTS	VIREMENT	TOTAL VOTED	ACTUAL EXPENDITURE	VARIANCE
Programme 1	1 472 940	(46 166)	270 610	1 697 384	1 692 905	4 479
Programme 2	3 871 934	122 233	(36 859)	3 957 308	3 912 670	44 638
Programme 3	644 102	77 958	(51 218)	670 842	670 842	-
Programme 4	-	-	-	-	-	-
Programme 5	1 821 883	138 198	(6 804)	1 953 277	1 913 241	40 036
Total	7 810 859	292 223	175 729	8 278 811	8 189 658	89 153
	8 103 082					

2.1.10 TRANSFER PAYMENTS (R'000)

Table 14: Transfer payments

NAME OF INSTITUTION	AMOUNT TRANSFERRED	ESTIMATED EXPENDITURE
South African Human Rights Commission	74 368	74 368
Special Investigating Unit	171 089	171 089
Legal Aid South Africa	1 116 355	1 116 355
Public Protector	114 082	114 082
Represented Political Parties' Fund	98 095	98 095
President's Fund	-	-
Education, Training and Development Practices SETA	-	-
Total	1 573 989	1 573 989

2.1.11 CAPITAL INVESTMENT, MAINTENANCE AND ASSETS MANAGEMENT PLAN

Capital investment

Major building projects completed in 2010/11

Table 15: Major building projects completed in 2010/11

NAME	PROVINCE	DESCRIPTION	COMPLETION DATE
Ashton Periodical Court	Western Cape	New periodical court	April 2010
Ekgangala Magistrate's Office	Mpumalanga	New magistrate's office	July 2010
Hankey Magistrate's Office	Eastern Cape	New magistrate's office	December 2010

Major projects continuing from 2010/11

Table 16: Major projects (new building and additional accommodation) continuing from 2010/11

MAGISTRATE'S OFFICE	PROVINCE
Tsakane Magistrate's Office: New branch court	Gauteng
Kagiso Magistrate's Office: New magistrate's office	Gauteng
Danielskuil Periodical Court: Additional accommodation	Northern Cape
Supreme Court of Appeal: Additional accommodation	Free State
Themba lethu Magistrate's Office: Additional accommodation	Western Cape
Kathlehong Magistrate's Office: New magistrate's office	Gauteng
Riversdale Magistrate's Office: Additional accommodation	Western Cape
Ntuzuma Magistrate's Office: New magistrate's office	KwaZulu-Natal
Polokwane High Court: New high court	Limpopo
Pietermaritzburg Master's Office: Alternative accommodation	KwaZulu-Natal
South Gauteng High Court: Additional accommodation	Gauteng

Major capital projects to go out on tender in 2011/12

Due to budgetary constraints on the capital works budget in the 2009/10 financial year, a decision was taken to place a number of projects (that were intended to go out on tender in 2010/11) on hold and delay their advertisement for either late in 2011/12 or early in the 2012/13 financial year. Only one project (Nelspruit High Court) was planned to go out on tender during the 2010/11 financial year, but this had to be delayed due to budgetary constraints. The tenders for the other projects that were placed on hold will only be considered when the budgetary situation improves.

Table 17: Major capital projects to go out on tender in 2011/12

NAME	PROVINCE	DESCRIPTION	INITIAL DATE OF EXPECTED TENDER	REVISED TENDER DATE	REASONS
Nelspruit High Court	Mpumalanga	New high court	29 May 2009	September 2011	Delayed advertisement due to budgetary constraints

Table 18: Project planning to be finalised in 2011/12

NAME	PROVINCE	DESCRIPTION
Welkom Magistrate's Office	Free State	Additional accommodation
Ladysmith Magistrate's Office	Western Cape	Additional accommodation
KwaMbonambi Periodical Court	KwaZulu-Natal	Additional accommodation
Klerksdorp Magistrate's Office	North West	Additional accommodation
Tshilwavhusiku Magistrate's Office	Limpopo	Additional accommodation
Dimbaza Periodical Court	Eastern Cape	New periodical court
Bityi Periodical Court	Eastern Cape	New periodical court
Lothair Periodical Court	Mpumalanga	New periodical court

Sites acquired for major projects in 2010/11

Table 19: Sites acquired for major projects in 2010/11

NAME	PROVINCE	SITE CLEARANCE DATE
Gariiep Dam Periodical Court (District Phillippolis): Additional accommodation	Free State	27 May 2010
Tshilwavhusiku Magistrate's Office: Additional accommodation	Limpopo	27 May 2010
Vosman: New Magistrate's Office	Mpumalanga	21 September 2010

Sites to be acquired for major projects in 2011/12

The department had planned to acquire 14 sites for major projects in 2010/11, but managed to acquire three sites as shown in the table on the previous page. Acquisition of further sites will take place during the 2011/12 financial year.

Maintenance

The department requested additional funding from National Treasury to address maintenance backlogs. However, funds were not available and the department had to use money earmarked for capital spending to address urgent maintenance backlogs. This trend continued during the 2010/11 financial year.

ASSETS MANAGEMENT PLAN

User Asset Management Plan

The Government Immovable Asset Management Act, 2007 (Act No 19 of 2007) (GIAMA) places an obligation on the user department to prepare and submit a User Asset Management Plan (UAMP) to National Treasury and the Department of Public Works (as a custodian) on an annual basis. The act further provides the regulatory environment through which all government infrastructures are to be managed and budgeted for. It is against this backdrop that, during the 2010/11 financial year, the department started compiling the UAMP for the 2011/12 financial year, which is anticipated to be completed within the first quarter of 2011/12. In addition, the 2012/13 UAMP, which is scheduled for submission to National Treasury and the Department of Public Works in the second quarter of 2011/12, will be completed.

The construction of new courts and additional accommodation to the existing courts

The bulk of the capital projects (new court buildings or additions to existing court buildings) are multi-year projects that last an average of 24 to 36 months. Thus, most of the projects will move from one financial year to the other, depending on their contract period. The department had 16 major projects carried over from the 2009/10 financial year. Of these, six were completed:

- Ashton Periodical Court: New building (Western Cape)
- Ekangala Magistrate's Office: New building (Mpumalanga)

- Hankey Magistrate's Office: New building (Eastern Cape)
- Stanger Magistrate's Office: Additional accommodation (KwaZulu-Natal)
- Swellendam Magistrate's Office: Additional accommodation (Western Cape)
- Bredasdorp Magistrate's Office: Additional accommodation (Western Cape)

The bulk of the projects that were not completed in 2010/11 was due to a number of contributing factors, including poor contractor performance, which resulted in the cancellation of contracts, the appointment of new contractors, labour unrest and unforeseen ground conditions.

The department planned to invite tenders for one capital project (Nelspruit High Court) in 2010/11. However, this was intentionally delayed due to budget constraints and to allow the construction of the Polokwane High Court to move to an advanced construction stage prior the advertisement of this tender. Alternative temporary accommodation (leased) has been acquired for the Nelspruit High Court and occupation will be taken during the course of 2011/12 for a period of five years, after which it is anticipated that the permanent high court building will be completed. The other projects that were placed on hold will be considered as and when the budgetary situation improves.

Refurbishment and maintenance of existing court buildings

The Repair and Maintenance Programme (RAMP) continued during the 2010/11 financial year with 11 court buildings that were in various phases of the RAMP (eight completed for the full 36-month RAMP cycle and three in the maintenance phase). The 190 status quo reports compiled in March 2007 could not proceed due to unavailability of funds. Since the inception of the programme, 90 court facilities have completed the 36-month cycle of the programme, three court facilities are in the maintenance phase and 190 are at the status quo report stage.

Table 20: Refurbishment and maintenance of existing court buildings (end of March 2011)

PHASE	COMPLETED	REASONS FOR DELAYS
Status quo report	190	Unavailability of earmarked/additional funds
Planning (design phase)	-	No new projects initiated due to unavailability of earmarked/additional funds
Repair phase	-	No new projects initiated due to unavailability of earmarked/additional funds
Maintenance phase	3	
Completed (36-month cycle)	90	



2.2 PROGRAMME PERFORMANCE

PROGRAMME 1: ADMINISTRATION

Purpose

Manage the department, develop policies and strategies for the efficient administration of justice and provide centralised support services.

Measurable objectives

- Improve corporate governance to comply with Public Finance Management Act (PFMA) requirements.
- Manage priority projects aimed at improving internal control systems.
- Provide sound management of state resources.
- Expand justice infrastructure and service to people living in townships and rural areas.
- Provide strategic leadership to JCPS Cluster and strengthen oversight mandate.
- Increase public understanding of justice and demonstrate service delivery.
- Intervene to protect victims from the impact of apartheid and crime.

Service delivery objectives

The service delivery outcome for this programme is to provide strategic leadership and improve internal control systems to ensure compliance and accountability. The administration programme is divided into the following five subprogrammes:

- The Ministry subprogramme provides administrative and executive support to the Office of the Minister of Justice and Constitutional Development, including parliamentary and ministerial support services.
- The Deputy Ministry subprogramme provides administrative and executive support to the Office of the Deputy Minister of Justice and Constitutional Development, including parliamentary and ministerial support services.
- The Management subprogramme incorporates the Office of the Director-General, the Office of the Chief Operations Officer and related support services.
- The Corporate Services subprogramme provides administrative functions, and aims to enhance corporate governance and improve internal control systems in the department.
- The Office Accommodation subprogramme provides for the payment of accommodation including the lease of building and municipal rates and taxes.

RECENT OUTPUTS

Ministry

Public Education and Communication

The Public Education and Communication Unit under the Ministry subprogramme successfully developed the a communication strategy during the period under review. The strategy was presented to the Minister and Deputy Minister for their inputs, and was subsequently approved. The implementation of the strategy is envisaged for the beginning of the 2011/12 financial year.

The Public Education and Communication Unit continued to provide media liaison services to both the Ministry and the department as a whole. The unit also managed the editing, design and layout of all documents, such as reports, acts, guidelines and advertorials. Branding of various projects was also done, as well as the production and distribution of various pamphlets, brochures and booklets.

The key events executed by the Public Education and Communication Unit during the period under review were the launch of the Child Justice Act in Soweto, the opening of the Thuthuzela Care Centre in Bellville, the Budget Vote event in Parliament, the launch of the 2010 FIFA World Cup dedicated courts at the Randburg Magistrate's Office, the launch of small claims courts in Orange Farm, Riversdale and Sutherland, the Heritage Day celebration for staff, launch of anti-corruption plan for the department in Pietermaritzburg, the 16 Days of Activism event with a special focus on the ukuthwala custom, Mqanduli, and the Human Rights Day event in Athlone.

A number of unannounced court visits to various courts and offices of the Master across the country was conducted by the Minister, Deputy Minister, and the Director-General during the period under review to establish the state in which services are rendered to members of the public daily.

Tables 21 and 22 below show the number of school visits and community workshops that were conducted during the period under review as part of the outreach programme for which the Public Education and Communication Unit is responsible.

Table 21: School visits

PROVINCE	NO OF SCHOOLS	NO OF LEARNERS REACHED
KwaZulu-Natal	15	7 316
Free State	14	9 831
Limpopo	24	7 078
North West	8	3 339
Western Cape	9	5 920
Gauteng	15	5 513
Total	85	38 997

Table 22: Community workshops conducted

PROVINCE	NO OF ATTENDEDEES
Eastern Cape	312
Free State	979
Gauteng	541
KwaZulu-Natal	285
Limpopo	619
Mpumalanga	105
Northern Cape	550
Northe West	785
Western Cape	116
Total	4 292

The Public Education and Communication Unit further continued to heighten media engagement to maximise the communication of its programmes and services it was therefore able to issue 22 media statements to raise awareness in this regard. These included updates on the development of legislation, designation of new courts, information on infrastructural development and platforms for engagement on justice issues.

In addition to the statement, improvement was also made on media management and rapid response systems. As a result, it was able to respond to all 186 media enquiries and 13 public enquiries received during the period under review. These enquiries covered issues such as high profile cases, the development of legislation, the expungement of criminal records, the management of cases, maintenance, policies and financial administration.

Management

The Management subprogramme consists of the following units: Risk Management, Programme Support and Administration, the Truth and Reconciliation Commission, Strategy Monitoring and Evaluation, Internal Audit, Gender, International and Legal Relations.

Risk Management

The Risk Management Unit assists with the facilitation and management of the risk management activities in the department. The risk management activities are conducted to mitigate or prevent deficiencies of any nature. For the period under review, five key risks were identified and mitigation plans put in place.

As part of the inculcation of a culture of risk management and improvement in internal controls, the Risk Management Unit managed to conduct 29 staff awareness-raising sessions in respect of fraud and corruption prevention (9), information security (4), physical security (1) and safety, health, environment,

risk and quality (15). In this regard, the 19 sessions conducted during the period under review exceeded the planned target of 10 sessions. Targeted training for 245 clerks of the criminal court was conducted in order to improve compliance to prescripts. Fourteen people were also arrested due to the theft of Third Party Funds and fraudulent activities. This number includes five members of the public who were colluding with the staff members.

The integrated security management systems were rolled out to seven courts. The rollout was delayed due to the Department of Public Works' processes, Heritage Council requirements and the new building plans that had to be designed. Although there is a contractual obligation in terms of the 127 sites, the costs will not fulfil the target of 127 due to price escalations over time.

The forensic investigating unit in the department has experienced an increase in the number of fraud and corruption cases in comparison to the previous two financial years. During the period under review, the key cases that were finalised included, among others:

- One official at the Master of the South Gauteng High Court (Johannesburg) for fraud
- Five officials at the Port Elizabeth Magistrate's Office theft of bail monies
- One official at the Botshabelo Magistrate's Office for fraud
- One official at the Sterkspruit Magistrate's Office for fraud
- One official at the Himeville Magistrate's Office for theft of maintenance money
- One official at the Roodepoort Magistrate's Office for theft of maintenance funds
- Six external people collaborating with officials.

Towards the end of the financial year, the department increased the number of forensic auditors from five to 11. This will assist in the speedy conclusion of investigations pertaining to fraud and corruption in 2011/12.

The department is committed to the implementation of the Minimum Anti-corruption Capacity (MACC) Requirements set as a public service anti-corruption standard, approved by Cabinet, to give effect to the Public Service Anti-corruption Strategy. The department actively participates in different structures of government, such as the Anti-corruption Coordinating

Committee (ACCC) and the Governance and Administration Working Group.

Programme Support and Administration

The Programme Support and Administration Unit developed the Service Delivery Charter and Service Delivery Standards in the year under review. This is currently undergoing approval. All the necessary consultations have been completed.

The unit further managed to resolve 62.5% of all Presidential Hotline enquiries in the year under review. Progress was made in addressing the backlog cases that have been identified by The Presidency.

Truth and Reconciliation Commission

The Truth and Reconciliation Commission (TRC) Unit was established to audit, monitor and coordinate the implementation of the TRC recommendations. The unit works closely with the President's Fund Office.

During the period under review, the unit successfully finalised the regulations relating to exhumation, reburial and symbolic burial. The TRC Unit continued to face challenges regarding the tracing of beneficiaries due to incorrect addresses provided. Furthermore, the participation of relevant stakeholders on different regulations was a challenge.

In addition to the above, the unit also finalised two sets of draft regulations on education in conjunction with the departments of Basic Education, and Higher Education and Training. These draft regulations were submitted to Cabinet for approval and publication in the *Government Gazette* for public comments. The draft regulations on health, relating to medical benefits, were finalised in conjunction with the Department of Health and were also submitted to Cabinet for approval and publication in the *Government Gazette* for public comment.

The process of drafting regulations on housing, pertaining to the provision of housing assistance, was delayed due to staff turnover in the Department of Housing and the new administration that came into being during 2009. However, the policy paper to inform the drafting of regulations in this regard is currently being developed.

The Electoral Commission (IEC) and the Department of Home Affairs have assisted in tracing beneficiaries and follow ups are currently being made through

community radio stations.

The TRC Unit coordinated the handover of the exhumed remains of the Makhado Four and the Langa Six activists at Freedom Park and Cofimvaba during the period under review. Each of these families received R17 000 towards reburial assistance, and this was done in accordance with the Regulations on Exhumation, Reburial and Symbolic Burial. A further 24 families were paid reburial assistance retrospectively. The Unit also coordinated and participated when V Tshabalala's remains were exhumed in Tembisa.

Strategy Monitoring and Evaluation

The Strategy Monitoring and Evaluation Unit successfully developed and tabled the 2009/10 Annual Report and 2011—2016 Strategic Plan in Parliament on time. The inclusion of all departmental programmes in the strategic plan was also addressed during the preparation of the plan.

A draft Strategic Planning and Reporting Policy was also developed and approved during the period under review. The implementation of this policy is envisaged in the beginning of the 2011/12 financial year. The unit made structural adjustments in the quarterly reports and the annual report in order to ensure alignment with National Treasury requirements and thereby improved the usability of the reports. For the new financial year, special care was also taken to ensure clear definition of indicators in line with SMART criteria; that is, to ensure that the indicators were specific, measurable, attainable, relevant and time-bound, and that appropriate instruments were available to measure performance.

The unit further initiated a project on the implementation of an electronic performance monitoring and evaluation system (also known as the Troux System), which is aimed at ensuring improved internal controls pertaining to reporting within the department as, well as improved presentation of the performance reports. The work is currently underway and the system is envisaged to be operational for the beginning of the 2011/12 financial year.

Efforts have also been made by the Strategy Unit to ensure that all indicators for the new financial year have supporting documentation that will accompany all the in-year reports.

Of the 12 audit findings made by the Auditor-General, two were fully resolved in the period under review.

Efforts concentrated on ensuring that most of these findings are fully addressed in the 2011/12 financial year.

Internal Audit

The Internal Audit Unit has exceeded its annual target of 80% by conducting 96% of the audits during the period under review. The coverage plan comprised of 284 audit projects, which included 61 projects rolled over from the previous year's audit plan. Of these 284 audit projects, 261 were completed. Thirty audit projects reports were in final draft and 12 audit projects were in progress at the end of the period under review.

During the year, the Internal Audit Plan was revised to cater for the key and audit qualification issues, and as a result, other audits were added to the plan while others were removed from the plan. The Audit Committee approved the revised plan of 249 audit projects and 99% of performance was achieved.

The reason for exceeding the target is due to the fact that staff turnover at supervisory and middle management level was stable, and hence the audit projects could be effectively managed.

Corporate Services

This subprogramme consists of the following units: Human Resources, Information and Systems Management, Office of the Chief Financial Officer and the Justice College.

Information and Systems Management

Performance of the departmental networks is crucial in maintaining the productivity levels of the information technology networks of the department. In the period under review, the Information and Systems Management Unit exceeded the target of 95% uptime of the network. The project on the Deployment of Intrusion Prevention Solution (IPS) was completed successfully within the budget.

The ICMS enables the department to manage and track cases handled in different areas electronically. It also provides crucial information for decision-making.

In the period under review, the unit successfully rolled out the ICMS Civil, Criminal, National Register of Sex Offenders (NRSO), and Domestic Violence modules to 478 lower courts against the target of 250 and to 12 high courts against the target of three. In this regard, the target of 250 lower courts was exceeded by 228 and that of three high courts was exceeded by nine.

The additional performance made in the year under review includes the rollout of the ICMS Masters to all 14 Masters' Offices and all 402 service points.

Other ICMS modules under development include, among others, ICMS Lower courts criminal Phase 2, the ICMS High Courts Criminal, and ICMS Child Justice. The ICMS Child Justice will be piloted in the next financial year, whereas the ICMS Lower Courts Criminal Phase 2 has been successfully piloted in the Kempton Park and Durban lower courts. In addition, the ICMS Supreme Court has been piloted at the Supreme Court of Appeal in Bloemfontein and the ICMS High Courts Criminal has been piloted in the Durban and Pretoria high courts. These systems will be rolled out countrywide in the next financial year.

Office of the Chief Financial Officer (CFO)

As part of the objective of addressing audit findings, the following activities were completed during the period under review:

- Implemented a new Supply Chain Management Policy.
- Trained seven regions on the capturing and updating of Annexure D on the asset management system.
- Appointed asset controllers for the national office to assist with the proper management of assets. By the end of the financial year, 40% of units in the head office had active asset controllers. Furthermore, 80% of assets were correctly verifiable on the asset register.
- Produced a user-friendly manual on the application of the Preferential Procurement Policy Framework Act (PPPFA).
- Trained officials in the national and regional offices on the application of the PPPFA.
- Correctly filed all documents pertaining to bids and quotations.
- In the Strategy Unit, put projects in place to address the audit findings identified, which includes systems, policies and procedures.
- For Third Party Funds, awarded a tender for the preparation of 2009 and 2010 annual financial statements.

All these activities have contributed to the partial achievement of the turnaround project.

Human Resources

The Human Resources Unit has developed recruitment strategies to accelerate the reduction of the vacancy

rate in the period under review. The Recruitment Plan was developed to monitor adherence to the recruitment turnaround time. The vacancy rate was reduced from 10.7% in 2009/10 to 9.8% in 2010/11 including, the Judiciary and 10.1% in 2009/10 to 9.5% in 2010/11, excluding the Judiciary. A total of 1 249 permanent appointments, 3 520 contract appointments, and 336 promotions were made. In total, 5 105 posts were filled.

The process of decentralising the leave capturing function from regional offices to designated suboffices in each region is currently underway. This will contribute positively to the timeous capturing of leave. So far, seven of the nine regional offices have implemented the decentralisation model.

As part of the resolution of disputes in the department, 48.2% (242 out of 502) of disciplinary cases and 40% (154 out of 387) of grievance cases were finalised. The growing amount of cases is a major challenge in completing the cases on time. This is also affected by the complexity of some of the cases in which witnesses are not willing to testify and the non-availability of affected individuals. The figure for the outstanding grievances and disciplinary cases reported by the end of the reporting period was 233 and 260 respectively.

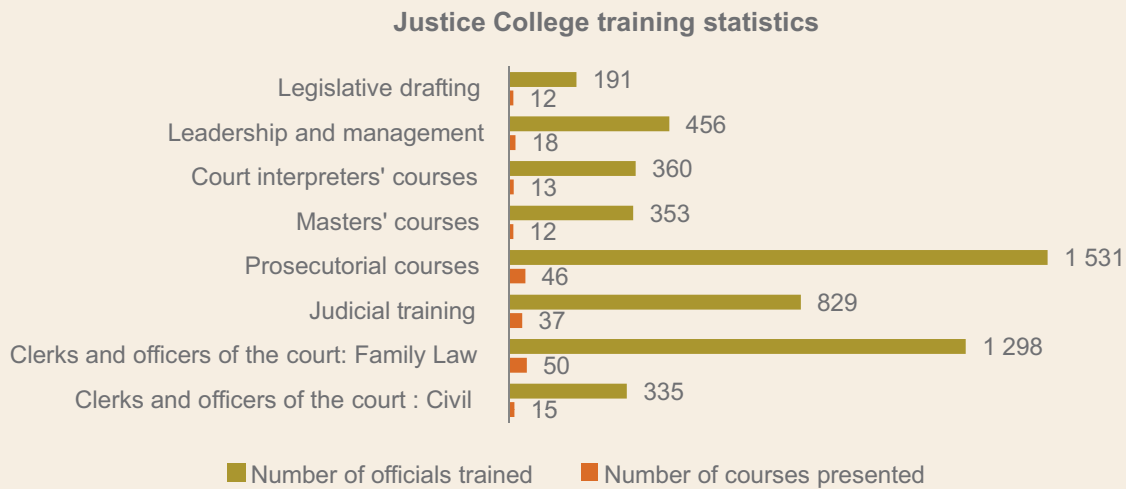
The unit also provided Employee Health and Wellness Programme interventions to employees in order to enhance individual performance and overall departmental productivity levels. Some 1 317 employees received support through the Employee Health and Wellness Programme (EHWP).

Justice College

The Justice College continued to make progress in providing various forms of training to magistrates, prosecutors, masters, administrative personnel, court interpreters, registrars, clerks of the court and legislative drafters in all tiers of government. In the year under review, the college trained 5 841 staff members. In this regard, the annual target of 4 500 was exceeded by 1 341 (15%).

The graph below provides the Justice College training statistics for the period under review.

Figure 9: Justice College training statistics



Actual performance against targets

Table 23: Administration

PROGRAMME 1: ADMINISTRATION				
OUTCOME 1: PROVIDE STRATEGIC LEADERSHIP AND IMPROVE INTERNAL CONTROL SYSTEM TO ENSURE COMPLIANCE AND ACCOUNTABILITY				
OUTPUT	PERFORMANCE INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		REASON FOR VARIANCE
		TARGET	ACTUAL	
OP 1: Improve enterprise risk management systems in the department	1.1. Resolve 90% of top five corporate risks.	90% resolved by 2010/11	100% resolved	Target achieved. Conducted all the planned risk identification and assessments as per operational plan. The risk mitigations plans thereof were developed.
OP 2: Improve strategic planning and internal controls to comply with PFMA requirements	2.1 Achieve unqualified audit report on performance information management.	0 findings by 2010/11	10 Audit findings outstanding, two resolved	Target partially achieved. Three senior management posts were vacant and created capacity challenges. Systems and processes have been put in place to resolve all findings during 2011/12.
	2.2. Complete 80% of approved audit plans.	80% by 2010/11	96% of approved audit plans completed	Target exceeded. This is attributable to the availability of auditors and the high commitment of internal audit team.

OUTPUT	PERFORMANCE INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		REASON FOR VARIANCE
		TARGET	ACTUAL	
OP 3: Increase conviction rate in fraud and corruption cases to reduce fraud and corruption in the criminal justice system	3.1: Ensure 25% of fraud and corruption cases discovered in 2010 in JCPS Cluster are trial-ready.	25% by 2010/11	Collection of data was incomplete	Target not achieved. This project is under consideration by the JCPS Cluster and implementation is envisaged in the next financial year.
	3.2: Conduct at least 10 staff awareness-raising sessions.	10 by 2010/11	29 staff awareness-raising sessions conducted	Target exceeded. There were additional workshops where fraud and awareness information was included.
	3.3: All new forensic cases finalised in two months, and old cases finalised within six months.	100% within two months 100% within six months	On average both old and new cases were finalised within six months	Target partially achieved. This was mainly due to capacity constraints and the high staff turnover rate in the Forensic Unit. Some of the cases were extended beyond the scope because of new evidence and new witnesses.
OP 4: Ensure unqualified audit on asset and supply chain management	4.1: Ensure no repeat of audit findings.	0 findings by 2010/11	60% of audit findings resolved	Target partially achieved. Lack of integration between financial systems (BAS and JYP) and lack of capacity were the main factors.
	4.2: Accurately capture 100% of assets	100% by 2010/11	80% of assets accurately captured	Target partially achieved. This was due to non-compliance with asset management/supply chain management policies and procedures.
	4.3: Produce four quarterly reports on the performance of the service providers.	Four by 2010/11	Four reports produced	Target achieved.
OP 5: Improve filing management and records keeping in all identified priority courts	5.1: Tracked and restored 100% of lost records in identified priority courts.	100% by 2010/11	44% tracked and restored	Target partially achieved. There were challenges with reconstruction of existing recordings. Information Systems Management has been engaged to provide IT specialist skills in recovering lost data from the aged repositories.
OP 6: Improve Human Resource's records management	6.1: All leave forms filed and retrievable within 20 days of receiving them.	100% within 20 days	69% captured within 10 days	Target partially achieved. This was due to non-compliance by staff and unavailability of the PERSAL System.

OUTPUT	PERFORMANCE INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		REASON FOR VARIANCE
		TARGET	ACTUAL	
OP 7: Improve human capital management	7.1: Reduce vacancy rate from 14% to 5% by 2011/12.	10 % by 2010/11	9.8% (including judges and magistrates)	Target achieved.
	7.2: Train 50% of staff (9 000) by Justice College in identified priority areas by 2011/12.	4 500 in 2010/11	5 841 trained	Target exceeded. College response to various requests for ad hoc training during the year.
	7.3: Finalise 60% of disciplinary cases and 70% of grievance cases within 60 days of their registration.	60% disciplinary cases	48% of disciplinary cases finalised	Target partially achieved. Some of the cases were complex, witnesses were unwilling to testify and affected individuals were unavailable.
		70% grievance cases	40% of grievances finalised	Target partially achieved. Some of the cases were complex, witnesses were unwilling to testify and affected individuals were unavailable.
OP 8: Improve business productivity through IT	8.1: Ensure 95% uptime of network.	95% by 2010/11	95% uptime of network achieved	Target achieved.
	8.2: Rollout ICMS to 250 prioritised lower courts, and three high courts.	250 lower courts	Rolled out to 478 lower courts	Target exceeded. The department managed to activate and deploy all the associated courts remotely and provide training through IT co-ordinators.
		Three high courts	Rolled out to 12 high courts	Target exceeded. The department managed to activate and deploy all the associated courts remotely and provide training through IT co-ordinators.
OP 9: Ensure unqualified audits on financial reports	9.1: Implement Financial Turnaround Strategy.	100% complete by 2010/11	60% of Financial Turnaround Strategy achieved	Target partially achieved. This was due to capacity constraints at both national and regional level.
	9.2: Achieve unqualified financial statements.	Unqualified financial statements	There are matters outstanding	Target not achieved mainly due to capacity constraints in the Office of the Chief Financial Officer. Most of the work in this regard was carried out by the consultants whose contracts were terminated in July 2010.

OUTPUT	PERFORMANCE INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		REASON FOR VARIANCE
		TARGET	ACTUAL	
OP 10: Maintain and secure justice infrastructure	10.1: Roll out integrated security systems to 150 prioritised courts.	150 completed by 2011/12	seven courts finalised out of 127 contracted	This project is due to be finalised in 2012/13 The project only started in 2010 as opposed to the initial plan of 2007. This was further complicated by the replacement of missing building plans and Heritage Council requirements.
	10.2: Improve the conditions of 50 priority courts through RAMP.	50 priority courts by 2013	11 courts	Progress is on track for completion in 2013/14.
OP 11: Improve justice proximity to communities	11.1: Complete seven court buildings by 2013.	seven buildings by 2013	three new buildings completed in 2010/11	Progress is on track for completion in 2012/13.
	11.2: Open three courts in rural and township areas.	Three courts by 2010	No court officially opened Galeshewe Magistrate Court to be opened on 31 May 2011	Target partially achieved. The three new court buildings (Galeshewe, Colesberg and Lutzville periodical courts) that were completed in 2009/10 have not been officially opened. However, they have been operational since the beginning of 2010.
	11.3: Provide one magisterial court per municipality district.	One magisterial court per district by 2012/13	40% complete	Progress is on track for 2012/13. Draft Discussion Document on the Rationalisation of the Superior Courts and the Alignment of Magisterial Districts completed.
OP 12: Strengthen international relations and cooperation	12.1: Implement signed cooperation agreements within agreed timeframes.	15 by 2010	15	Target achieved.
	12.2: Provide technical support to SADC and other identified African countries.	three by 2010	Two	Target partially achieved. Extensive assistance has been given to the DRC and Southern Sudan. The success of this initiative is dependent on the involvement of other countries.
OP 13: Strengthen component to support oversight mandate	13.1: Develop and engage entities on oversight framework.	100% completion by 2010	20% complete	Target partially achieved. Concept document presented to the executive committee and the oversight structure is being created.

OUTPUT	PERFORMANCE INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		REASON FOR VARIANCE
		TARGET	ACTUAL	
OP 14: Educate the public on justice and constitutional matters	14.1: Develop and implement Communication Strategy.	100% completion of the strategy by 2012	100% completion.	Target partially achieved. The Communication Strategy was developed and the implementation is envisaged in the next financial year.
	14.2: Conduct surveys to show at least 60% of people have confidence in the criminal justice system.	60% of people confident by 2011	Survey not yet conducted.	Target not achieved. There were delays in procurement issues between the Department of Justice and Constitutional Development and the Department of Social Development.
	14.3: Develop Service Delivery Charter.	100% completion by 2010	50% completed.	Target partially achieved. Draft document currently being considered for approval.
	14.4: Respond to 100% of Presidential Hotline inquiries and finalised 60% within 30 days of receiving them.	60% by 2010	62.5% finalised within 30 days.	Target achieved.
OP 15: Monitor and report on government implementation of TRC recommendations	15.1: Ensure outstanding 30% of identified TRC victims have access to the President's Fund.	Outstanding 30% of identified victims by 2011	Eight out of 875 (1%) beneficiaries have been paid.	Target partially achieved. There were difficulties experienced with the tracing of the beneficiaries. New plans are in place to accelerate progress in 2011/12.
	15.2: Finalise regulations aimed at providing assistance to the TRC victims.	Four by 2010	One Exhumation, Reburial and Symbolic Burial/ Education and Health Regulations have been approved for consultation.	Target partially achieved. The development of regulations was delayed by consultative processes with stakeholders.
OP 16: Provide support to victims of crime	16.1: Make 60% of victims of crime aware of their rights and that they have access to court.	60% by 2012/13	Progress report not due.	Measuring tool has not been finalised.
	16.2: Ensure 30% of identified cases are dealt with through justice restorative interventions.	30% by 2011/12	Progress report not due.	The process of collecting statistics on restorative justice depended on approval of the finalised Restorative Justice National Policy Framework. Progress not expected in 2010/11.

2.2.2 PROGRAMME 2: COURT SERVICES

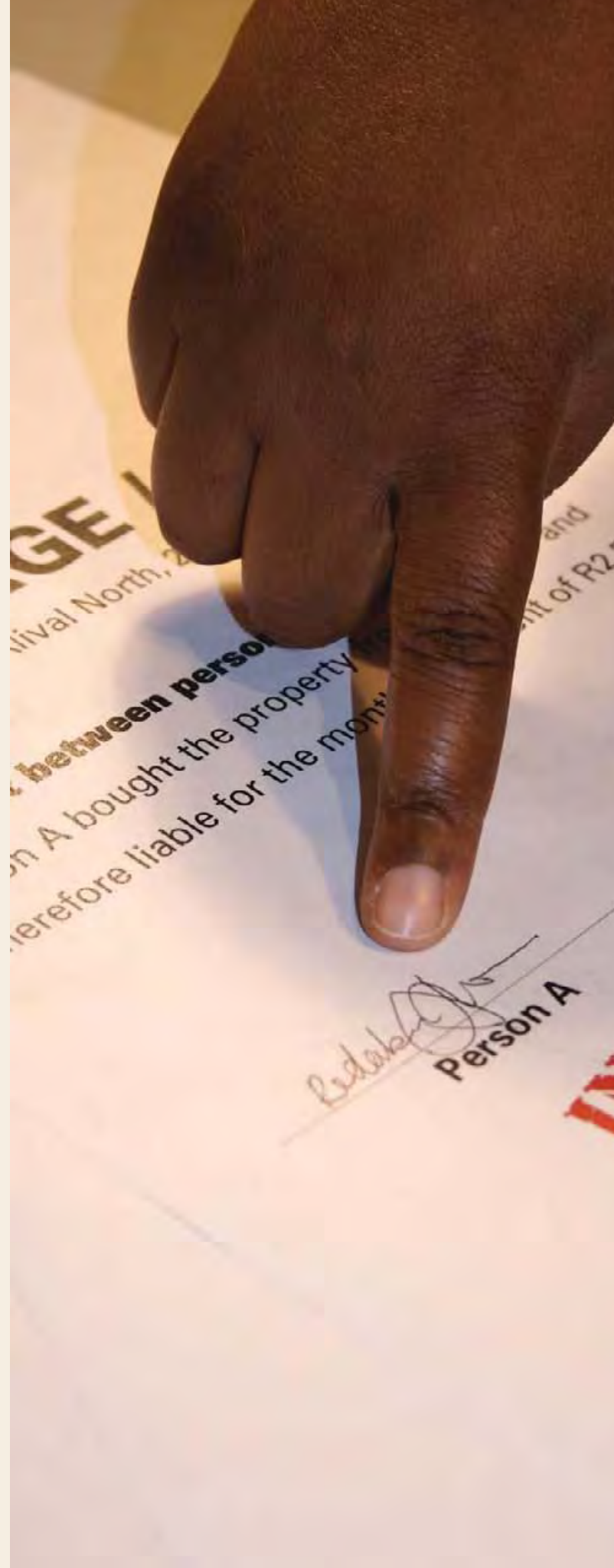
Purpose

Facilitate the resolution of criminal, civil and family law disputes by providing accessible, efficient and quality administrative support to the courts, and manage court facilities.

- The Constitutional Court subprogramme funds the activities and operations of the Constitutional Court, which has jurisdiction over constitutional matters only.
- The Supreme Court of Appeal subprogramme funds the activities and operations of the Supreme Court of Appeal, which adjudicates appeals and questions of law from the high courts.
- The High Courts subprogramme funds the activities and operations of the various high court divisions, which have jurisdiction over the defined geographical areas in which they are located.
- The Specialised Courts subprogramme funds the activities and operations of the labour and labour appeal courts, the land claims courts, the special tribunal and the family courts.
- The Lower Courts subprogramme funds the activities and operations of the various regional and district courts. The regional courts adjudicate serious criminal matters. District courts adjudicate civil cases and less serious criminal cases.
- The Family Advocate subprogramme funds the Family Advocate offices, which make recommendations to the court where litigation and mediation relating to children in family matters is necessary.
- The Magistrates Commission sub-programme funds the Magistrates Commission, which makes recommendations on the appointment and tenure of magistrates.
- The Government Motor Transport sub-programme funds vehicles for judges and departmental officials.
- Facilities Management funds the building and upgrading of court and justice service delivery points.
- Administration of Courts funds the management of courts' administration and performance evaluation functions.

Measurable objectives

- Review criminal and civil justice systems.
- Ensure qualitative and timely justice services.
- Provide sound administrative support and guidance to regional offices to enable effective and efficient delivery of justice services to the communities.
- Improve delivery of services to comply with Batho Pele principles.
- Protect and promote the rights of vulnerable groups



(children, women, the aged, the poor and the disabled).

- Promote constitutional development and strengthen participatory democracy to ensure respect for fundamental human rights.

Service delivery objectives

The department's policy in this programme is to strengthen the Office of the Chief Justice and enhance the independence of the Judiciary. Hence, there are two interconnected outcomes for this programme: To provide effective support to court administration and to strengthen the Office of the Chief Justice.

RECENT OUTPUTS

Family Advocacy

The Office of the Chief Family Advocate's core function is aligned to section 28(2) of the Constitution of South Africa: "*The child's best interests are of paramount importance in every matter concerning the child*". The core function of the Family Advocate is to promote and protect the best interests of the child in accordance with relevant legislation.

During the period under review, the office successfully exceeded the target of 50% by finalising 64.26% of family law cases.

Judicial and Court Administration

The Judicial and Court Administration subprogramme includes the work of the following units: Policy Coordination and Research, Promotion of the Rights of Vulnerable Groups, and Regional Offices.

Policy Coordination and Research

During the period under review, the Policy Coordination and Research Unit successfully finalised the Policy Framework on the Transformation of the Courts, Superior Courts Bill and the Constitution Nineteenth Amendment Bill. All these were approved by Cabinet on 2 February 2011. The said three bills were introduced into Parliament by the Minister in the period under review. The Traditional Courts Bill is currently before Parliament for consideration and approval. The unit further developed the draft Policy Framework and Judicial Authority Bill in the year under review. These will be finalised in the 2011/12 financial year. The Draft Discussion Document on the Rationalisation of the Superior Courts and the Alignment of Magisterial Districts was completed during the year under review. The Office of the Chief Justice was also proclaimed as a national department by the President of the Republic of South Africa on 23 August 2010.

One of the key targets for the Policy Coordination and Research Unit in the period under review was to ensure the finalisation of the structure in the Office of the Chief Justice and the appointment of four critical staff members. In this regard, the target was achieved with the appointment of contractors. The job evaluation process of the new posts in the structure was concluded in the period under review.

Promotion of the Rights of Vulnerable Groups

The Chief Directorate: Promotion of the Rights of Vulnerable Groups (PRVG) develops policies to support the implementation of legislation and programmes to protect and promote the rights of the vulnerable in courts, to coordinate efficient and effective service delivery, to monitor and evaluate the impact of legislation and policies on courts and the justice system, and to develop effective and efficient information management systems.

The unit concluded the following:

- **Restorative justice**

During the period under review, the Restorative Justice National Policy Framework was developed and approved by the Directors-General of the JCPS Cluster. A draft Communication Strategy on Restorative Justice was developed to form part of the National Policy Framework. Restorative Justice fact sheets and booklets were also developed and disseminated to all regions as information tools for the awareness-raising campaigns and training initiatives.

The Restorative Justice National Task Team updated the National Implementation Plan and agreed on the activities, which cut across the cluster for implementation in the new financial year.

- **The Maintenance Act, 1998 (Act No 99 of 1998): Service Delivery Improvement Plan**

In order to address the perceived gaps in maintenance service delivery, a Service Delivery Improvement Plan was developed. As a result of this plan, 27 additional maintenance investigators were appointed.

Specialised training for 270 maintenance officers and investigators was conducted through the Justice College. TransUnion Credit Bureau (ITC) training for investigators was also conducted in four provinces. The remaining provinces will receive training during the next financial year. In addition, the first phase of the Family Law Learnership Course was conducted for 100 learners..

The following service delivery improvement documents were developed to improve services in maintenance courts:

- Maintenance Guidelines for officers and investigators
- Guidelines for ITC usage by maintenance investigators
- Norms and Standards booklet for court officials (pending finalisation and submission for approval, printing and circulation)
- Maintenance Guidelines for the Judiciary
- Circulars and checklists to encourage maintenance supervisors to speed up the service in maintenance queues.

The Maintenance Integrated Case Management System was developed and piloted in two provinces. Rollout will commence in the next financial year. This system will assist the department to determine the turnaround time in the finalisation of the maintenance applications.

Table 24 provides a summary of maintenance statistics for the period under review in comparison to the 2009/10 financial year.

Table 24: Maintenance statistics (2010/11 and 2009/10 compared)

YEAR	NEW APPLICATIONS RECEIVED	ENQUIRIES RECEIVED	ATTACHMENT OF DEBT	EMOLUMENT ATTACHMENT ORDERS	SECTION 31 FINALISED	ORDERS BY DEFAULT	WARRANT OF EXECUTION
2010/11	185 232	337 665	1 912	32 468	22 401	9 598	2 059
2009/10	189 988	317 270	2 049	34 165	24 493	9 420	2 978



Figure 10: Maintenance statistics 2009/10

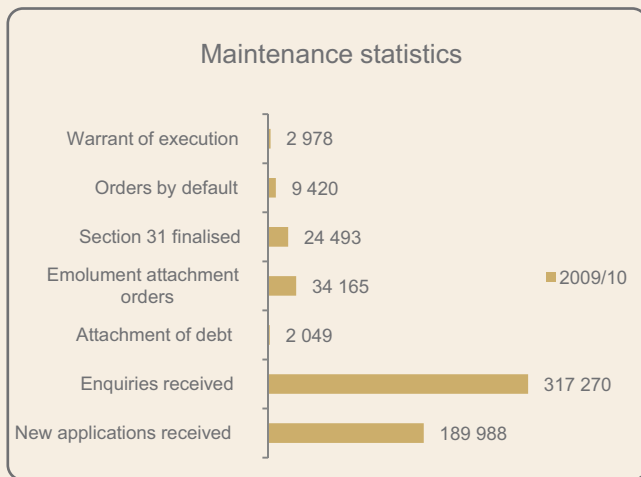
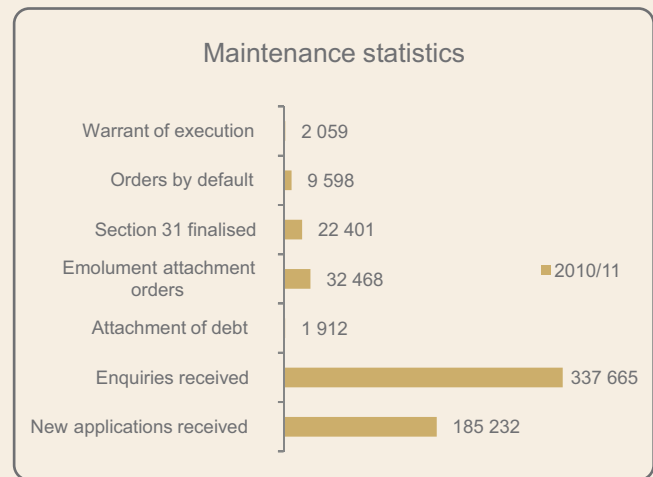


Figure 11: Maintenance statistics 2010/11



The comparison of trends in cases processed during the 2009/10 and 2010/11 financial year indicates a decline in new applications by 3%, increase in enquiries by 33% and an increase in default judgements by 2%. The 6% increase indicates that the public has increased knowledge and understanding about their rights and obligations in respect of maintenance, and are able to exercise such rights and comply with such obligations.

In terms of the civil execution, the court can order a civil execution for emolument attachment, attachment of property and attachment of debt (e.g. pension funds). The increase of 33% in emolument attachment orders indicates that more respondents in maintenance cases are complying with court orders through direct deductions from their salaries.

The marginal increase in orders by default supports the assertion that the 33% increase in payment through emolument indicates a greater compliance with court orders for maintenance.

Table 25 reflects a summary of domestic violence statistics (as reported by the National Operation Centre) for the period under review in comparison to the 2009/10 financial year.

Table 25: Domestic violence statistics (2010/11 compared to 2009/10)

YEAR	NEW CASES	GRANTED	MADE FINAL	SET ASIDE	WITHDRAWN STRUCK OFF THE ROLL	WARRANTS OF ARREST ISSUED FOR BREACH OF PROTECTION ORDER
2010/11	233 341	139 502	84 969	33 072	56 993	21 119
2009/10	225 232	141 159	77 178	31 154	49 366	14 948

• **Domestic Violence**

The department commenced with the Ndabezitha Izimbizo Campaign in the previous financial year, and six izimbizos were held in the first six provinces. From these izimbizos approximately 3 110 persons were reached. During the year under review, the Ndabezitha Alliance held one imbizo in North West. Approximately 500 people were reached at this event. Some 3 610 rural community-based people were reached in all seven izimbizos, which is in excess of the targeted number of 3 500 people, i.e. 500 persons in each imbizo.

The Domestic Violence Integrated Case Management System tool was developed, in conjunction with the State Information Technology Agency (SITA), and piloted in the magistrates offices of Port Elizabeth and Pretoria with minimal challenges. The system is now being rolled out to all courts.

In the comparison of domestic violence cases for the period between 2009/10 and 2010/11, the trends indicate an increase in the number of new applications for protection orders, protection orders set aside, cases withdrawn or struck off the roll.

The increase in the number of cases withdrawn or struck off the roll is of concern and will be monitored and evaluated during the 2011/12 financial year to provide more information on reasons for this increase. Some of the answers regarding this increase will be drawn from the court capitalisation project, which the department has embarked on to improve service delivery in our courts. The Annual Victim Survey for 2010/11, which is currently conducted by the Department of Social Development, may also throw some light on the causes of these increases.

There is a decline in the number of protection orders granted, protection orders set aside and protection orders made final. This correlation in the decline between the three variables may be attributed to the number of cases where victims do not pursue their applications for final protection orders once an interim protection order is granted or where the victim and/or the alleged perpetrator does not appear in the final protection order proceedings.

The Interdepartmental Domestic Violence Task Team, consisting of the department, the Department of Social Development, the South African Police Service, Legal Aid South Africa and the National Prosecuting Authority, consistently met during the 2010/11 financial year to develop a strategy to improve service delivery in the domestic violence value chain at court level. Its implementation will address the challenges that have been identified.

- **Trafficking in Persons**

During the period under review, the Chief Directorate: Promotion of the Rights of Vulnerable Groups coordinated several working sessions with the Cluster Task Team on Trafficking in Persons (TIP) to develop plans in preparation for the promulgation of the TIP Bill into law. Such plans include the Interdepartmental Implementation Plan, the Interdepartmental State of Readiness Report and the Costing Report. These documents were presented to the Justice and Constitutional Development Portfolio Committee.

The department coordinated the compilation of the statistics on trafficking in persons by the JCPS Cluster departments after the promulgation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007 and the Children's Act of 2005. The draft Intersectoral Statistical Report has been compiled for presentation to the Portfolio Committee.

Furthermore, the department coordinated inter-departmental activities towards the management of human trafficking matters during the 2010 FIFA World Cup, which resulted in the following:

- The Public Awareness Campaign on Trafficking in Persons being held in all regions, as a prevention action during the World Cup.
- The Development of the Intersectoral Guidelines for Frontline Officers in the Management of Human Trafficking.
- **The Child Justice Act, 2008 (Act No 75 of 2008)**

Since the implementation of the Child Justice Act on 1 April 2010, the Chief Directorate: Promotion of the Rights of Vulnerable Persons coordinated the development and the tabling in Parliament of certain documentation required by the act. The prominent intersectoral achievements in this regard are enumerated in Table 26.

Table 26: Development and tabling of documentation required by the Child Justice Act (Act no 75 of 2008)

SECTION OF THE ACT	DEPARTMENT RESPONSIBLE	ACTIVITIES	OUTPUTS	DATE FINALISED OR TABLED IN PARLIAMENT
Section 97(1)	DOJ&CD	Coordinate the development of regulations and its forms	Regulations developed in terms of the act	Tabled in Parliament in February 2010 and gazetted in March 2010.
Section 11(3) and section 97(3)	DOJ&CD	Determination of persons who are competent to conduct the assessment of the criminal capacity of a child referred to in section 11(3), in terms of section 97(3)	Government Notice issued	Published on 31 March 2010 in <i>Government Gazette</i> .
Section 97(4)	NPA	Develop directives	National directives by the National Director of Public Prosecutions	Drafted, tabled and published in March 2010.
Section 97(5)	SAPS	Develop national instructions	Interim national instructions by SAPS	Drafted and tabled in March 2010.
			Final national instructions by SAPS	Tabled in June 2010.
Section 93	Cluster, chaired by DOJ&CD	Draft the Child Justice National Policy Framework (CJ NPF)	Draft CJ NPF	Drafted and tabled in June 2010, and later published in August 2010 for public comments. Inputs already received, and are being evaluated for incorporation into the CJ NPF.
Section 56(2)	Department of Social Development	Diversions Accreditation Framework in terms of section 56 (2)	Diversions Accreditation Framework	Developed, tabled in June 2010, workshopped and is now being implemented.

With the support of the Chief Directorate: Promotion of the Rights of Vulnerable Groups, the department further established the following governance structures to ensure the effective intersectoral implementation of the act:

- The Directors-General Intersectoral Child Justice Steering Committee (DG ISCCJ) to give strategic direction in the cluster and to coordinate the implementation of the act and the Child Justice National Policy Framework.
- The National Operational Intersectoral Child Justice Steering Committee to give technical support to the DG ISCCJ.
- The nine provincial child justice fora to coordinate and monitor the implementation of the act at provincial level.

The department also drafted the annual report for submission to Parliament in compliance with the provisions of the act. The report is now being taken through the intersectoral consultation process, and will be tabled in Parliament at the beginning of the next financial year.

- **The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007)**

One of the unique features introduced by the new legal framework compared to the old act is that it requires government departments, through an integrated approach, to develop a national policy framework that manages sexual offences, eradicates secondary victimisation and prevents sexual violence against victims of all sexual violence. In the period under review, the national policy framework was finalised, and will be tabled in Parliament in the beginning of the next financial year. However, there has been a delay in adopting the policy framework, owing to the complexities involved in the act and the new responsibilities it establishes for the various role-players.

Furthermore, child witness training was provided to 60 newly appointed contract intermediaries and 25 social workers rendering intermediary services in the period under review.

- **National Register for Sex Offenders**

The Interdepartmental Task Team to collaborate on issues dealing with the expungement of criminal records, in compliance with the provisions of section 271B of the Criminal Procedure Act, 1977 (Act No 51 of 1977) (CPA) was set up in the period under review. A legal opinion report on the expungement of criminal records was formulated.

The department commenced with the manual implementation of Phase 2 of the National Register for Sex Offenders (NRSO) in as far as the expungement of criminal records is concerned. The department introduced a manual historical data collection process towards the implementation of phase 2 of the register in the period under review and developed a data collection template for the collection of information pertaining to all historic convictions, current convictions, and paroles of all offenders who have committed sexual offences against children and mentally disabled persons.

This information is now awaiting verification from the South African Police Service (SAPS), in compliance with the provisions of section 50(5) of the Sexual Offences Amendment Act.

During the period April 2010 to March 2011, the department registered 856 sex offenders on the Integrated Case Management System. From January 2009 to April 2011, 1 202 sex offenders were registered. The increase in the number of offenders captured on the database is viewed in a positive light as the act prohibits registered sex offenders from performing duties that expose them to children and persons with mental disabilities. The more registrations of sex offenders we have, the better is our ability to protect children and mentally disabled persons.

Courts

- **The Case Backlog Reduction Project**

The Case Backlog Reduction Project intervention was implemented in November 2006 with the regional courts as the main focus area. (Backlog cases are viewed as all those cases that are on the district court roll for longer than six months, on the regional court roll for longer than nine months, and on the high court roll for longer than 12 months). The Case Backlog Reduction Project intervention assists regional and district court centres, in identified priority areas countrywide, which require focused attention. The project's aim is to ensure that the inflow of the number of new cases is balanced by the number of matters concluded and that matters are finalised more speedily.

This intervention led to the establishment of more than 50 additional regional backlog courts (through the appointment of additional regional court magistrates, clerks, prosecutors, interpreters and legal aid lawyers on contract). The number has fluctuated since then as courts are closed or shifted to other areas once the backlog was dealt with at a particular area. Since an investigation into the performance of the district courts, several high priority district backlog courts were established. At the end of March 2011, there were 56 regional and 16 district backlog courts.

The countrywide situation regarding outstanding and backlog cases per court level as at the end of March 2011 is shown by Table 27.

Table 27: countrywide backlog and outstanding cases

BACKLOG AND OUTSTANDING CASES: 31 MARCH 2011				
	OUTSTANDING CASES	BACKLOG CASES	% BACKLOG CASES	BACKLOG CASES REMOVED ON BACKLOG PROJECT
District courts	164 729	19 792	12	8915 (April 2010 – March 2011)
Regional courts	52 756	16 875	32	8 111 (April 2010 – March 2011)
High courts	1 175	367	31.2	-
Total	218 660	37 034	16.9	17 026 (April 2010 – March 2011)

There has been a 5.1% increase in the number of all regional court backlog cases (i.e. cases that have been on the regional court roll for longer than nine months), from 16 054 backlog cases (31%) (on an outstanding roll of 50 708) in April 2010 to 16 875 backlog cases (32%) (on an outstanding roll of 52 756) at the end of March 2011. This was accompanied by a 4% increase in the number of outstanding cases from 50 708 in April 2010 to 52 756 at the end of March 2011. The additional regional backlog courts disposed of 8 111 cases from April 2010 until the end of March 2011. The total number of disposed cases comprised 5 272 finalised cases, 2 444 withdrawn cases and 395 transferred cases.

The additional district backlog courts achieved a 10.9% decrease in the number of all district court backlog cases (i.e. cases on the district court roll longer than six months), from 22 238 backlog cases (12.5%) (on an outstanding roll of 178 461) in April 2010, to 19 792 backlog cases (12%) (on an outstanding roll of 164 729) at the end of March 2011. The number of outstanding cases decreased by 7.7% from 178 461 in April 2010 to 164 729 at the end of March 2011. A total of 8 915 cases was disposed of by the district courts as a result of the additional district backlog courts, from 1 April 2010, until the end of March 2011. This comprises 5 813 finalised cases, 2 943 withdrawn cases and 159 transferred cases.

This brings the total number of cases disposed of on the regional and district court rolls as a result of the backlog courts, from 1 April 2010 until the end of March 2011 to 17 026 cases.

The delivery agreement sets a target of reducing the case backlogs of all cases by 10% (by 2014) against the 2008 baseline. This target was already surpassed in the 2010/11 financial year.

- **Criminal Justice System Review**

The Office for Criminal Justice System Reform (OCJSR) was established to play a consultation and facilitation role between relevant roleplayers. The implementation of business solutions emanating from the Seven Point Plan is coordinated by the OCJSR and is being dealt with on a continuous basis by the department. The OCJSR, through its Secretariat, also supports with the scoping, design and implementation planning of programmes and projects that relate to the CJS and the JCPS Cluster.

The Seven Point Plan has been operationalised and now forms part of the JCPS Cluster delivery agreement interventions. It is also reflected in the performance plans of the JCPS departments.

The JCPS Cluster is currently working towards implementing the recommendations of the Seven Point Implementation Plan through the activities flowing from the JCPS cluster delivery agreement. The cluster is continuously reviewing the functioning of the CJS to achieve optimal integration and coordination.

During the period under review, the OCJSR has, through Forensic Science Laboratories, successfully reduced the number of cases in arrears to 47 660, showing a further reduction of 19.25%. During the

year under review, the Forensic Science Laboratories continued to make inroads on their backlogs. The latest statistics indicate that the number of cases in arrears, as at 30 November 2010, has been reduced by a further 46% to 25 604.

Crime scenes visited also increased during the period under review. Consequently, the focus is on improving forensic capacities and supporting ICT systems to improve the accurate and speedy finalisation of forensic investigations.

The situation of victims of sexual offences has been improved through the increase of Thuthuzela care centres (TCCs), which have been increased from 17 to 27. A Thuthuzela Information Management System (TIMS) was developed, which will provide detailed information per case reported at the TCCs.

There has been a steady improvement in the way the courts are dealing with their workload. The number of cases withdrawn by the prosecuting authority (for, among other reasons, a lack of sufficient evidence, further investigation required, no prospect of successful prosecutions, etc) was decreased by 7.4% in the third quarter of 2010/11, in comparison to the same period in 2009/10 (13 428 less cases withdrawn). This has been the result of better screening processes that have been implemented, leading to less cases being placed unnecessarily (e.g. not enough evidence) on the court rolls. More cases were also finalised through diversion processes before enrolment. Diversion is a decision to halt the criminal justice process at any particular point and replace subsequent judicial actions (arrest, trial, conviction, sentencing, institutional care, etc) with alternative measures, be they a warning, restitution agreement, community service order or specific programmes.

The delivery agreement sets a target of reducing the case backlogs of all cases by 10% (by 2014) from the 2008 baseline. This target was already surpassed in the 2010/11 financial year.

Furthermore, the following progress was made during the period under review regarding the court protocols:

- A court screening protocol that deals with the trial-readiness of cases was developed and circulated to all directors of public prosecutions (DPPs) and is, where possible, being implemented in practice. However, in terms of the formal sign-off, the protocol

was first tested in the Western Cape regional courts. Implementation will continue on a selected basis. The outcomes of this are being evaluated, after which the protocol will be furnished to the JCPS Cluster.

- A court protocol that specifically deals with efficiencies in the trial phase has been drafted by the Regional Court President's Forum.
- A court protocol for legal aid cases to improve coordination between the NPA and Legal Aid South Africa has been approved, signed and circulated for implementation.

- **Management of court records**

During the period under review, the request for court records increased to 388 (44%) (281 from an internal audit conducted, 58 from the Human Rights Commission and 49 from the Johannesburg Prison). The audio records of 171 cases were traced and transcribed. The process of locating the remaining 217 audio records is still on track and engagement with IT specialists has been secured to access the records from repositories in the court.

- **Court Records Management Off-site Storage Project**

The department appointed Mmela Investment Holdings as consultants for the supply, installation, and deployment of an off-site court records storage solution to identified courts nationally for a period of five years. The Court Records Management Off-site Storage Project has been rolled out since October 2010 to the South Gauteng High Court, North Gauteng High Court, Cape Town High Court, Johannesburg Magistrate Office, and Durban Magistrate Office. The project involves the digitising and removal of all criminal, civil and family case records before 2007 from the courts to specified off-site locations for storage and retrieval purposes. The project has been successfully implemented at the five courts and a total of 2 877 260 cases (75 million digitised pages) were scanned and removed from the courts to off-site storage centres. This achievement constituted Phase 1 of the national deployment process. The next phase will commence during June 2011. The deployed courts now have the business benefit of speedy document retrieval, controlled document management, optimised utilisation of court resources, improved security and file integrity, improved productivity, and improved customer service, alleviation of filing space, improved

access to case files by multiple users and easy access to records.

- **Small Claims Courts Project**

The Government of the Swiss Confederation, represented by the Swiss Agency for Development and Cooperation (SDC), and the Government of the Republic of South Africa (represented by the Department of Justice and Constitutional Development (DOJ&CD), entered into an agreement to improve the functioning and efficiency of the small claims courts in South Africa. This led to the implementation of the Project to Re-engineer Small Claims Courts in South Africa.

The aim of the project is to afford greater access to justice for the poor, disadvantaged, and marginalised groups and to empower them to exercise certain civil rights through transformed small claims courts.

In the period under review, 26 new small claims courts and advisory boards were established, and 17 inactive small claims courts and 16 inactive advisory boards were revived. Furthermore 229 commissioners and 217 advisory board members were appointed. Guidelines for commissioners and clerks were finalised and distributed. Some 104 commissioners and potential commissioners were trained. Three official events were held to launch new small claims courts and two community outreach events were held. An information session was held for a delegation of Swiss journalists who visited South Africa. Various partnerships were forged with Legal Aid South Africa, the Law Society of South Africa, etc. The monetary jurisdiction of the small claims courts was increased from R7 000 to R12 000 from 1 November 2010.



ACTUAL PERFORMANCE AGAINST TARGETS

Table 28: Court Services

PROGRAMME 2: COURT SERVICES				
OUTCOME 2: STRENGTHEN THE OFFICE OF THE CHIEF JUSTICE AND SUPPORT JUDICIAL FUNCTIONS AS A SEPARATE BRANCH OF GOVERNMENT				
OUTPUT	PERFORMANCE INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		REASON FOR VARIANCE
		TARGET	ACTUAL	
OP 18: Strengthen establishment in the Office of the Chief Justice	18.1: Finalise the structure in the Office of the Chief Justice and appoint five critical staff by 2010	100% finalisation by 2010	100% finalisation	Target achieved.
		five new staff by 2010	five temporary staff members appointed	Target achieved.
OP 19: Provide policy and legislative measures for establishment of a judicial authority	19.1: Develop a policy framework and Judicial Authority Bill to establish a judicial arm of government.	100% complete by 2011/12	50% complete	Progress on track for 2011/2012. The draft Policy Framework and Judicial Authority Bill were developed and is in place and pending finalisation.
	19.2: Finalise policy framework on Transformation of the Courts, Superior Courts Bill, the Constitution Nineteenth Amendment Bill and Traditional Court Bill.	100% complete by 2011	100% complete	Target achieved.
OP 20: Ensure effective implementation of the Seven Point Plan	20.1: At least four critical staff appointed to the CJS Centre for Statistics.	four appointed by 2010	0 staff appointed	Target not achieved. Support is currently rendered through the use of contract employees until system issues have been dealt with. CJS Centre for Statistics is dependent on the availability of an integrated Business Information System (BIS), which is being developed by the IJS Board.
	20.2: Ensure 60% of identified interventions are implemented.	60% implemented by 2011/12	60% of identified interventions were implemented	Target achieved.
OP 21: Improve efficiency of the civil justice system	21.1: Produce a national report on the deficiencies in the current civil justice system.	100% completion	20% completed	Target partially achieved. Audit of the civil justice system commenced in the high courts in North Gauteng for completion in 2011/12.

OUTPUT	PERFORMANCE INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		REASON FOR VARIANCE
		TARGET	ACTUAL	
	21.2: Produce a report assessing the enforcement rate of civil judgments made against the state in past two years.	100% completion by 2012/13	Project due to start in 2011/12	
OP 22: Increase case finalisation for criminal cases from five to ten by 2011	22.1: Increase matters dealt with by admission of guilt fines from 30 115 to 100 000.	100 000 by 2011	Exact figures not available	Target not achieved. There were difficulties experienced with the implementation of the provisions for minor offences and this led the DOJ&CD to investigate the drafting of an amendment to the Criminal Procedure Act, 1977.
	22.2: Increase finalisation of lower court criminal cases by 2% in 2010.	2% increase by 2010	0% increase	Target not achieved. This is dependent on efforts of a SAPS investigation, NPA prosecution and the Judiciary. All parties play important and crucial roles and the efficiency improvement in all areas are needed for increased finalisation rates.
OP 23: Reduce case backlogs in 42 priority courts and increase diversion	23.1: Increase resolution for case backlogs from 11 500 to 14 815 cases in 2010.	14 815 cases by 2010	15 403 cases	Target exceeded.
	23.2: Increase cases diverted by 40% from current baseline.	40% increase by 2012/13	2% increase in adults diversion cases; 42% decrease in children's cases	Target not on track for 2012/13. This was due to the decrease in the number of arrests of children in terms of the Child Justice Act; availability of a few diversion programmes in rural areas; inadequate training of service providers as well as the impact of the 2010 FIFA World Cup.
OP 24: Reduce trial delays and case postponements	24.1: Increase number of cases concluded using pre-screening mechanism developed by NPA.		The general statistics indicate an improvement in the screening of cases	No specific target has been set, other than to increase the number of concluded cases, which has been increased.

Table 29: Court Services

PROGRAMME 2: COURT SERVICES				
OUTCOME 3: PROVIDE ADMINISTRATIVE SUPPORT TO COURT SERVICES				
OUTPUT	PERFORMANCE INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		DESCRIPTION
		TARGET	ACTUAL	
OP 25: Improve capability of regional offices to improve delivery of justice services	25.1: Manage identified major risks and resolve 90% of top five risks by 2010.	90% by 2010	90% of risks were resolved	Target achieved. Conducted all the planned risk identification and assessments as per operational plan. The risk mitigations plans thereof were developed.
	25.2: Achieve 80% implementation of funded priority projects aimed at improving internal control systems.	80% by 2010	Training interventions were implemented at regional level	Targets partially achieved. Resources not available for full implementation.
OP 26: Provide sound management of resources provided to the region (human, finances, IT and capital resources)	26.1: Ensure 65% of staff undergo training on service delivery, IT and asset, financial and operations management.	65% by 2010	Training interventions implemented at regional level	Target partially achieved. Not enough resources were available for the required level of performance.
	26.2: Achieve unqualified financial audits.	0 qualification by 2010	There are audit findings that are not yet finalised	Target not achieved. More resources needed to address all the findings.
OP 27: Ensure efficient delivery maintenance services	27.1: Ensure 80% of applications are resolved within 20 days of entry date.	80% within 20 days	0 % resolved within 20 days	Target partially achieved. The tool to track the turn-around time in maintenance applications, i.e. from the time of registration up to finalisation, was not concluded.
	27.2: Ensure maintenance client is served within two hours of being in queue.	100% Within two hours	92,1% of courts assisted clients within two hours, while 7.8% of courts could not	Target partially achieved. The main reason for under-achievement was capacity constraints.
OP 28: Improve management of court to ensure effective and efficient delivery of justice services	28.1: Track and restore 100% of lost records in 25% of identified courts per region.	100% by 2010	44% tracked	Target partially achieved. There were challenges with reconstruction of existing recordings. Information Systems Management has been engaged to provide IT specialists to recover lost data from the aged repositories.

OUTPUT	PERFORMANCE INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		DESCRIPTION
		TARGET	ACTUAL	
	28.2: Reduce security incidences by 80%.	80% reduction by 2011/12	28% reduction	Progress not on track, however, full report is due in 2011/12. The department managed to recoup R3.3 million from the underperforming service providers during the year under review.
OP 29: Ensure compliance with Child Justice Act and Children's Act	29.1: Implement the Child Justice Act, 2008, and reduce criminal cases involving children through diversion by 12% in 2012/13.	12% reduction through diversion by 2012	Diversion of children decreased by 42% from the previous year.	Target not achieved. An investigation into the diversion of children is underway.
	29.2: Finalise 50% of Family Law cases finalised in each office per year.	50% by 2010	64.26% of Family Law cases finalised	Target exceeded. The public and courts were not fully aware of new provisions of the Children's Act, hence a lesser demand on the services of the Family Advocate.
OP 30: Ensure effective resolution of sexual offences, trafficking in persons, domestic violence and gender hate crimes	30.1: Develop a national strategy for reduction of the gender-based offences.	100% completion by 2011	100%	Target exceeded. All three policy documents were completed by March 2011. The Restorative Justice Policy Framework was developed and approved by the JCPS Cluster. Developed the JCPS National Domestic Violence Strategy for service providers in the cluster. Finalised the draft Sexual Offences National Policy Framework.
	29.2: Finalise Trafficking in Persons Bill.	100% completion by 2011/12	The bill has already been tabled in Parliament	Progress is on track for 2011/12.

2.2.3 PROGRAMME 3: STATE LEGAL SERVICES

Purpose

Provide legal and legislative services to government, supervise the administration of deceased and insolvent estates and the Guardian's Fund, prepare and promote legislation, and undertake research in support of this.

- The State Law Advisors subprogramme provides legal advisory services to the executive, all state departments, parastatals and autonomous government bodies.
- Litigation and Legal Services provides attorney, conveyancing and notary public services to the executive, all state departments, parastatals and other government bodies through the Offices of the State Attorney, and provides legal support to the department and the Ministry.
- Legislative Development, the South African Law Reform Commission and the Rules Boards for Courts of Law prepare and promote legislation, and conduct legal research.
- The Master of the High Court funds the Master's offices, which supervise the administration of deceased and insolvent estates, trusts, curatorships and the Guardian's Fund.
- Constitutional Development aims to develop, promote and implement the constitution and its values.

Measurable objectives

- Promote constitutional development and strengthen participatory democracy.
- Improve provision of legal services to state organs.
- Administer deceased and insolvent estates, the Guardian's Fund, trusts and curatorship.
- Develop and promote legislation.

Service delivery objectives

Legislative Development and Law Reform

The Legislative Development and Law Reform subprogramme consists of the following components: Legislative Development and Law Reform, which includes the Rules Board for Courts of Law and the South African Law Reform Commission.

The Chief Directorate: Legislative Development deals with the investigation, preparation and promotion of new and amending legislation, (primary and subordinate legislation) which has a bearing on the line functions of the department.

In the period under review, the chief directorate successfully prepared the following 15 bills against the target of 12. In this regard, the target was exceeded by three bills.



The following bills have a bearing on an improved legislative framework for an effective and efficient delivery of justice services.

Table 30: Bills

BILLS	PROGRESS
Legal Practice Bill	The bill is intended to rationalise and transform the legal profession in its entirety. In May 2010, Cabinet approved that the bill be introduced into Parliament, but because of further engagement with the profession and in an attempt to address unresolved issues, the bill was adapted. In December 2010, Cabinet approved that the adapted bill be introduced into Parliament. The bill is scheduled to be introduced into Parliament during the 2011/12 financial year.
Constitution Amendment Bill	The bill, among others, provides for a single high court of South Africa and provides that the Constitutional Court is the apex court. In May 2010, Cabinet approved that the bill be introduced into Parliament, but because of further engagement with stakeholders and comments received pursuant to the publication of the bill in the <i>Government Gazette</i> in terms of section 74(5) of the Constitution, the bill was adapted. In December 2010, Cabinet approved that the adapted bill be introduced into Parliament. The bill is scheduled to be introduced into Parliament at the beginning of the 2011/12 financial year.
Superior Courts Bill	The bill seeks to rationalise the structure and functioning of South Africa's superior courts (the Constitutional Court, the Supreme Court of Appeal and the high courts). This bill and the above-mentioned Constitution Amendment bill seek to give effect to the Constitutional directive to rationalise all courts. They also seek to lay the foundation for moving closer to the ideal of a single judiciary by making provision for a single judicial management structure. In May 2010, Cabinet approved that the bill be introduced into Parliament, but because of further engagement with stakeholders and comments received pursuant to the publication of the Constitution Amendment bill in the <i>Government Gazette</i> in terms of section 74(5) of the Constitution, the Superior Courts Bill was also adapted. In December 2010, Cabinet approved that the adapted bill be introduced into Parliament. The bill is scheduled to be introduced into Parliament during the 2011/12 financial year, together with the Constitution Amendment bill.
Criminal Procedure Amendment Bill	The bill seeks to bring section 49 of the Criminal Procedure Act, 1977 in line with a Constitutional Court judgment relating to the use of force when an arrest is made. The bill was finalised, approved by Cabinet, and introduced into Parliament.
Magistrates' Courts Amendment Bill	The bill is intended to facilitate the implementation of the Jurisdiction of Regional Courts Amendment Act, 2008, by broadening the pool of persons or magistrates who qualify to be appointed as regional court magistrates to deal with civil matters. The bill, which was not originally on the department's 2010 legislative programme, was prepared and approved by Cabinet and Parliament. It has been signed into law as Act No 19 of 2010.
Sheriffs' Amendment Bill	The bill is intended to streamline the application of the outdated Sheriffs Act, 1986 in a number of respects, among others, the appointment of sheriffs, the appointment of acting sheriffs and the composition of the South African Board for Sheriffs. The bill has been finalised and is scheduled to be submitted to Cabinet at the beginning of the 2011/12 financial year.
State Liability Amendment Bill	The bill, which gives effect to a Constitutional Court judgment, is intended to ensure that the state (government departments) complies with court orders made against it, particularly court orders that involves money. The bill was finalised, approved by Cabinet and introduced into Parliament. It is being considered by the Portfolio Committee on Justice and Constitutional Development.
Extradition Bill	The bill has been prepared to revise the current outdated Extradition Act, 1969. It is to undergo a consultation process.

BILLS	PROGRESS
Judicial Matters Amendment Bill	The bill amends numerous statutes administered by the department. It was approved by Cabinet in February 2011 and is scheduled to be introduced into Parliament at the beginning of the 2011/12 financial year.
Constitution Amendment Bill	The bill, which was not originally on the department's 2010 legislative programme, amends Schedule 4 to the Constitution, which regulates the concurrent national and provincial legislative competences, with specific reference to education. It was approved by Cabinet in December 2010. It will be introduced into Parliament on receipt of public comments and the views of the provincial legislatures as required by section 74 of the Constitution.
Regulation of Interception of Communications and Provision of Communication-related Information Amendment Bill	The bill, which was not originally on the department's 2010 legislative programme, extends the deadline by which persons must register their particulars with mobile cellular service providers from 31 December 2010 to 30 June 2011. The bill was prepared and approved by Cabinet and Parliament. It has been signed into law as Act No 21 of 2010.
Executive Members' Ethics Amendment Bill	A bill, which was not originally on the department's 2010 legislative programme, was prepared to provide that a report by the Public Protector involving the ethical conduct of the President should be submitted to the Speaker of the National Assembly. The bill was considered by Cabinet, which approved that it be subjected to a public consultation process.
Justice Administered Fund Bill	The bill is intended to create a legislative framework in terms of which Third Party Funds held by the department, for instance maintenance monies and bail, are kept and accounted for. A bill was prepared and discussed with National Treasury. National Treasury has indicated that the bill might not be necessary if a trading entity is established in terms of the Public Finance Management Act, 1999. A decision from National Treasury is awaited.
The following bills were prepared, which have a bearing on the protection of the rights of vulnerable groups:	
Muslim Marriages Bill	The bill is intended to give statutory recognition to Muslim marriages in order to address current hardships experienced especially by women and children when disputes arise between spouses married according to Muslim law. The bill was finalised and in December 2010 Cabinet approved that it be subjected to a public consultation process. The deadline for the submission of comments is 31 May 2011.
Prevention and Combating of Torture Bill	The bill gives effect to the Republic's obligations in terms of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which requires state parties to enact legislation specifically prohibiting torture. It is to undergo a consultation process.

In addition to the bills referred to above, mention needs to be made of the following critical bills which are included in the department's Legislative Programme for 2011, and which are receiving the urgent attention of the Chief Directorate:

- South African Human Rights Commission Amendment Bill
- Criminal Procedure Amendment Bill, dealing with out-of-court settlements, the right to silence and appeal on facts by the prosecution
- National Prosecuting Authority Amendment Bill, delinking the National Prosecuting Authority from the department by making the Chief Executive Officer of the National Prosecuting Authority the accounting officer
- Legal Aid Bill, which is intended to revise the outdated 1969 Act
- Prohibition of Racism, Hate Speech, Xenophobia and Related Intolerance Bill

The following subordinate legislative instruments, which have a bearing on an improved legislative framework for an effective and efficient delivery of justice services, were also prepared by the Chief Directorate: Legislative Development during the period under review:

Table 31: Subordinate legislative instruments

BILLS	PROGRESS
Code of Good Administrative Conduct under the Promotion of Administrative Justice Act, 2000	A revised code in terms of the Promotion of Administrative Justice Act, 2000, was finalised and submitted to internal role-players for comments. Comments received were evaluated and the code was adapted where necessary. The adapted code will be submitted to the Minister once the rules to be made under the Act have been published (these rules will constitute an annexure to the code).
Regulations under the Sheriffs' Act, 1986	A set of draft regulations to address technical issues identified in the current regulations was prepared and submitted to the South African Board for Sheriffs for comment. Comments received have been incorporated where appropriate. The regulations are scheduled to be published at the beginning of the 2011/12 financial year.
Regulations under the Magistrates' Act, 1993	Regulations to amend the leave dispensation of magistrates so as to bring it on par with the leave benefits of public servants in so far as maternity leave, adoption leave and family responsibility leave are concerned were prepared and submitted to the Minister.
Regulations under the Debt Collectors Act, 1998	Regulations, increasing the fees, which may be charged, and expenses, which may be claimed by debt collectors, were prepared, approved by the Minister and published in the <i>Government Gazette</i> .
Proclamations published under the Special Investigating Units and Special Tribunals Act, 1996	Sixteen proclamations were prepared and published, which authorise the Special Investigating Unit to investigate allegations of impropriety in state institutions.
Proclamations to implement legislation	Proclamations were prepared and published to implement the following four laws previously approved by Parliament: 1) The Jurisdiction of Regional Courts Amendment Act, 2008 2) The Judicial Service Commission Amendment Act, 2008 3) Certain provisions of the Judicial Matters Amendment Act, 2008 4) The Criminal Procedure Amendment Act, 2008 (dealing with audio-visual postponements of certain criminal proceedings, which required two proclamations and two notices)
Notice under the Drugs and Drug Trafficking Act, 1992	A notice, amending the Schedule to the Drugs and Drug Trafficking Act, 1992 was prepared, approved by the Minister and published in the <i>Government Gazette</i> . The amendment, requested by the South African Police Service, added certain prohibited substances to the schedule.
Notices under the Dangerous Weapons Act, 1968	Two notices were prepared, approved by the Minister and published in the <i>Gazette</i> , which withdrew previous notices issued under the Dangerous Weapons Act, 1968. The notices withdrawn made section 4 of the Dangerous Weapons Act, 1968 applicable in the former homeland of Transkei and the district of Botshabelo. Section 4 required the courts to impose minimum penalties where dangerous weapons were used in the commission of certain violent offences. The withdrawal of the notices in question emanated from a Constitutional Court judgment in the case of <i>S v Thunzi</i> .
Notice under the Sheriffs' Act, 1986	A notice, increasing the maximum fines, which the South African Board for Sheriffs may impose in the case of a sheriff being found guilty of improper conduct, was prepared, approved by the Minister and published in the <i>Government Gazette</i> .

BILLS	PROGRESS
Subordinate legislative instruments under the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002	Section 46 of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002, sets out certain exemptions, which the Minister of Justice and Constitutional Development may grant. The Minister may, among others, exempt internet service providers – if they meet certain criteria – from the requirement that they must acquire equipment, which facilitates the interception of communications. The Minister may also exempt law enforcement agencies from the prohibition of being in possession of certain listed equipment, which is capable of intercepting communications. These exemptions must be issued under the authority of a certificate, which, in turn, must be published in the <i>Government Gazette</i> . Draft certificates for these two categories of exemptions have been prepared for consultation purposes with a view to their eventual publication in the <i>Government Gazette</i> .
The following subordinate legislative instruments were prepared, which have a bearing on the protection of the rights of vulnerable groups:	
Regulations under the Promotion of National Unity and Reconciliation Act, 1995	Four sets of regulations dealing with reparations under the Promotion of National Unity and Reconciliation Act, 1995, giving effect to the recommendations of Parliament in this regard, were prepared. The regulations dealing with exhumations, reburials and symbolic burials of deceased victims of gross human rights violations were finalised and published in May 2010. Three further sets of regulations dealing with basic educational assistance, higher educational assistance and medical assistance have been prepared with a view to undergoing a public consultation process.
Proclamation to implement legislation	A proclamation was prepared and published to implement the Reform of Customary Law of Succession and Regulation of Related Matters Act, 2009, which facilitates gender equality by giving women and children (other than the eldest males) the right to inherit in the intestate deceased estates of persons subject to customary law.

Besides achieving and exceeding the target of preparing 12 bills and 14 subordinate legislative instruments, the Chief Directorate participated actively in the deliberations of the parliamentary committees as and when required. It participated in the promotion of legislation, which was pending before Parliament at the start of the year under review, namely the Prevention and Combating of Trafficking in Persons Bill, the Protection from Harassment Bill and the Protection of Personal Information Bill, all of which are at an advanced stage in the parliamentary process, as well as those bills mentioned above that were finalised by Parliament.

The Parliamentary Committee was also briefed on the State Liability Amendment Bill. Mention can also be made of the approval by Parliament of the Criminal Law (Forensic Procedures) Amendment Act, 2010 (Act No 6 of 2010). The Chief Directorate also assisted in the finalisation of this Bill. In addition, the Chief Directorate participated in the deliberations of the Parliamentary Committee dealing with private members' bills.

The Rules Board for Courts of Law

The Rules Board for Courts of Law is a statutory body that was established by the Rules Board for Courts of Law Act, 1985 (Act No 107 of 1985) to review existing rules of court on a regular basis and, subject to the approval of the Minister to make, amend or repeal rules for the Supreme Court of Appeal, the high courts and the lower courts.

During the period under review, the Rules Board for Courts of Law has successfully submitted to the Minister for approval and subsequently gazetted the following sets of rules and amendments to rules:

- Amendment of Rule 70 of the Uniform Rules: Increase in attorneys' tariff of fees in the High Court. The amendment was published in June 2010 and came into operation in July 2010.
- Amendment of Tables A and B of Annexure 2 to the Magistrates' Courts Rules: Increase in attorneys' tariff of fees in the magistrates' courts. The amendment was published in June 2010 and came into operation in July 2010.

- Amendment of Rule 68 of the Uniform Rules: Increase in sheriffs' tariff of fees in the High Court. The amendment was published in July 2010 and came into operation in August 2010.
- Amendment of Table C of Annexure 2 to the Magistrates' Courts Rules: Increase in sheriffs' tariff of fees in the magistrates' courts. The amendment was published in July 2010 and came into operation in August 2010;
- Rules regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa, in view mainly of the provisions of the Jurisdiction of Regional Courts Amendment Act 31 of 2008. The set comprises 70 rules in total, plus annexures. The rules were published in August 2010 and came into operation in October 2010.
- Amendment of the Supreme Court of Appeal Rules. The amendment was published in November 2010 and came into operation in December 2010.
- Amendment of Rules 45(1) and 46(1) of the Uniform Rules. The amendment was published in November 2010 and came into operation in December 2010.
- Amendment of rule 46(3) of the Uniform Rules. The amendment was published in November 2010 and came into operation in December 2010;
- Amendment of Table A of Annexure 2 to the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa: Adjustment of the scale of costs and fees following upon the increase in the monetary jurisdictional limit of the small claims courts. The amendment was published in December 2010 and came into operation in January 2011.
- Amendment of Rule 7 of the Supreme Court of Appeal Rules. The amendment was published in March 2011 and will come into operation in April 2011.

The South African Law Reform Commission (SALRC)

The South African Law Reform Commission (SALRC) is an advisory body established by the South African Law Reform Commission Act, 1973 (Act No 19 of 1973). The objectives of the SALRC are to do research with reference to all branches of the law of the Republic and to study and to investigate all such branches of the law in order to make recommendations for the development, improvement, modernisation or reform thereof. In the period under review, the SALRC completed 18 research publications, exceeding the predetermined target of 15 by three.

In detail, the research projects of the South African Law Reform Commission progressed as follows:

Project 25: Statutory Law Revision

In 2004, the SALRC embarked on a major investigation aimed at revising the complete statute book with a view to removing or amending legislation considered unconstitutional in view of section 9 of the Constitution, redundant or obsolete. An audit of all national legislation (excluding secondary legislation) revealed that there are close to 3 000 statutes on the statute book, comprising principal acts, amendment acts, supplementary or additional acts and private acts. The methodology at present is identifying unconstitutional, redundant and obsolete provisions on the statute book and consulting government departments to verify these provisions.

The following research publications relating to Project 25 were submitted to state departments for comment or to the SALRC for consideration and approval:

- Review of legislation administered by the Department of Communications (DOC): The consultation paper with repeal and amendment proposals was submitted to the DOC on 31 May 2010 for comment.
- Review of legislation administered by the Department of Trade and Industry (DTI): The consultation paper with repeal and amendment proposals was submitted to the DTI on 1 June 2010 for comment.
- Review of legislation administered by the Department of Basic Education (DBE): The consultation paper with repeal and amendment proposals was submitted to the DBE on 4 June 2010 for comment.
- Review of legislation administered by the Department of Higher Education and Training (DHET): The consultation paper with repeal and amendment proposals was submitted to the DHET on 4 June 2010 for comment.
- Review of legislation administered by the Department of Justice and Constitutional Development (DOJ&CD): Consultation Paper 1 was submitted to the DOJ&CD on 21 June 2010 for comment. (Legislation on the legal professions, courts and institutions, civil procedure and evidence, substantive criminal law, substantive civil law, wills, estates and insolvency, constitutional and political legislation).
- Review of legislation administered by the Department of Energy (DOE): The discussion paper on the review of legislation administered by the DOE was submitted to the SALRC on 14 August 2010 for consideration and approval.

- Review of legislation administered by National Treasury (other than tax legislation): The discussion paper on the review of legislation other than tax legislation administered by National Treasury was submitted to the SALRC on 14 August 2010 for consideration and approval.
- Review of legislation administered by the Department of Labour (DOL): The discussion paper on the review of legislation administered by the DOL was submitted to the SALRC on 14 August 2010 for consideration and approval.
- Review of legislation administered by the Department of Rural Development and Land Reform (DRDLR): The discussion paper on the review of legislation administered by the DRDLR was submitted to the SALRC on 14 August 2010 for consideration and approval.
- Review of legislation administered by the Department of Public Works (DPW): The discussion paper on the review of legislation administered by the DPW was submitted to the SALRC on 14 August 2010 for consideration and approval.
- Review of legislation administered by the Department of Cooperative Governance and Traditional Affairs (DCGTA): The discussion paper on the review of legislation administered by the DCGTA was submitted to the SALRC on 27 November 2010 for consideration and approval.
- Review of legislation administered by the Department of Justice and Constitutional Development: DOJ&CD Consultation Paper II was submitted to the DOJ&CD on 10 January 2011 for comment. (Legislation on family law and marriage).
- Review of legislation administered by the Department of Tourism (DT): The consultation paper with repeal and amendment proposals was submitted to the DT on 28 January 2011 for comment.
- Review of legislation administered by the Department of International Relations and Cooperation (DIRCO): The consultation paper with repeal and amendment proposals was submitted to the DIRCO on 23 February 2011 for comment.

Project 125: Prescription periods

- The draft discussion paper on prescription periods was submitted to the SALRC on 27 November 2010 for consideration and approval.

Preliminary investigations

- The proposal paper on the preliminary investigation into the practice of 'ukuthwala' was submitted to the SALRC on 14 August 2010 for consideration and approval
- The proposal paper on the preliminary investigation into the protection of journalistic sources was submitted to the SALRC on 14 August 2010 for consideration and approval.
- The proposal paper on the preliminary investigation into pornography in the mass media was submitted to the SALRC on 27 November 2010 for consideration and approval.

CONSTITUTIONAL DEVELOPMENT

CHIEF DIRECTORATE: CONSTITUTIONAL DEVELOPMENT

The purpose of the Constitutional Development Unit is to develop, promote and implement the Constitution and its values. The unit is also responsible for coordinating assistance to and protecting 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 implementation of constitutionally mandated legislation such as the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act No 4 of 2000) (PEPUDA), as well as the Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000) (PAJA). PAJA is an act of Parliament passed to give effect to the right to just administrative action entrenched in section 33 of the Constitution to ensure that Government is democratic, accountable, open and transparent.

The unit coordinates the implementation of the Access to Justice and Promotion of Constitutional Rights Programme (AJPCR) run by the Foundation for Human Rights (FHR). Within the programme, there are three result areas: access to justice, promoting constitutional rights and strengthening participatory democracy.

The European Union (EU) has allocated a sum of €25 million for this programme, which will be disbursed over a three-year period under the modality of Sector Budget Support (SBS). Of this amount, the local delegation of the EU will be responsible for disbursing €5 million directly to civil society. The balance of €20 million will be allocated by the FHR under the AJPCR.

During the period under review, the Constitutional Development Unit concluded 63 service level agreements with civil society organisations under the programme. These agreements covered a wide range of activities to promote human rights awareness and include activities such as workshops, road shows, development of awareness materials and the use of other media to raise awareness on rights.

Community based Advice Offices (CBAOs) are key institutions through which paralegal services are rendered to the public, including legal advice, interpretation of laws and policies, helping to access state services, such as the registration of birth certificates and identity document applications, as well as dealing with problems related to social grants, unfair dismissals, sub-standard service by service providers and consumer protection. However, most CBAOs are generally small and usually poorly stated. Faced with capacity and resource constraints, they are usually unable to expand their services or to improve their quality of service. Despite these limitations and challenges, the CBAO sector remains the most appropriate vehicle for the realisation and enforcement of socio-economic rights. This requires a long-term investment and the commitment of human, financial and other resources for it to produce the intended results. In this regard, the programme is adopting a multi-year funding commitment strategy.

During the period under review, 177 applications were received under this call. Of these, 63 were assessed (114 were rejected during the administrative and technical compliance stage) and 41 were recommended for funding by the independent assessors. The FHR's evaluation committee identified 29 applications for further investigation. After a due diligence investigation, 18 applicants have been awarded grants. The successful organisations attended a grantees workshop in Johannesburg on 8 December 2010.

Public policy dialogue is designed broadly to mean all activities by civil society where public policy is engaged, in the main, this can take a "horizontal" or "vertical" approach or a combination of the two. Horizontal approaches refer to situations where civil society is in public policy dialogue "within" itself. The vertical approach defines those instances where public policy engagement is undertaken with the view of directly influencing policy through lobbying and advocacy within the constitutionally defined official government policymaking arenas. In reality, both approaches are not mutually exclusive.

During the period under review, 25 applications were registered as assessed. The geographic spread of the applications was an area of concern as the majority (14 out of 25) come from Gauteng and five come from the Western Cape. Twelve organisations were awarded grants under this call. All of these grants are currently implemented.

The AJPCR is committed to strengthening the capacity of CBAOs to deliver basic services to their constituencies, as well as engaging in advocacy and lobbying with state institutions, particularly at local government level. The capacity-building programmes should include identifying, mentoring and transferring skills to organisations that are passionate about the advice office sector, to empower them to become champions of human rights and democracy.

The call for advice offices was published in January 2011. Some 79 applications were received and 24 CBAOs have been selected to participate in the programme. However, the due diligences investigations on all of these organisations have not yet been completed and contracts have only been concluded with 18 CBAOs.

In 2001, the World Conference against Racism and Xenophobia was held in South Africa, resulting in the Durban Declaration and Programme of Action adopted by member states, as well as South Africa. Despite these significant interventions, South Africa again experienced xenophobic violence during May 2008. Severe economic inequalities and the exclusion of people from access to basic economic and social rights perpetuate racism and xenophobia. Primary targets are usually those perceived to be outsiders or foreigners: migrants, refugees, asylum seekers, displaced persons

and other non-nationals. According to the strategic implementation of the programme, the objectives of this specific area are to support Civil Society Organisations (CSOs) to assist refugees to protect their constitutional rights in South Africa, engage service providers that provide support services to refugees; Support and use research and papers that focus on the rights of refugees, and support the compilation and presentation of reports on the rights of refugees at appropriate forums.

During the period under review 10 143 members of this vulnerable group have benefitted from services delivered through this programme.

Office of the Deputy Information Officer

In terms of section 32 of the Constitution, everyone has the right of access to *"any information held by the state"* and *"any information held by another person that is required for the exercise or protection of any rights"*. The Promotion of Access to Information Act, 2000 (Act No 2 of 2000) (PAIA) was therefore enacted to respond to this constitutional imperative and to engender a culture of transparency and accountability in the conduct of government business.

The Office of the Deputy Information Officer received 385 requests for information, of which 152 were granted in full, while seven requests were either partially or fully refused.

A provision of PAIA was relied on to refuse a request in full, or partially seven times. The 30-day period to deal with a request was extended in 75 instances. This indicates that the periods for supplying requested information in terms of PAIA was largely adhered to, except in the 75 instances where an extension was requested. Internal appeals were lodged with the relevant authority three times. There were no cases where requests were granted as a result of an internal appeal, and there were no appeals lodged on account of a deemed refusal.

Eighteen training sessions on PAIA were conducted with deputy information officers of the national and provincial government departments, as well as the municipalities. Deputy information officers from the Department of Cooperative Governance and Traditional Affairs, the National Treasury, the Office of the Public Protector, the National Youth Development Agency,

Commission for Conciliation, Mediation and Arbitration, the Council for Higher Education, the Water Research Commission, the Traditional Healers' Organisation, the provincial administrations of Limpopo, KwaZulu-Natal, North West, Northern Cape, Western Cape and Eastern Cape and municipalities were also trained.

To ensure compliance with sections 14 and 15 of PAIA, national departments and provincial administrations were reminded by letter to publish the requisite manuals during the period under review.

Master of the High Court

The Master of the High Court provides statutory services to the public in terms of a number of acts of Parliament, most notably the Administration of Estates Act, 1965, the Insolvency Act, 1936, Chapter XIV of the Companies Act, 1973 (regulating the winding up of companies), the Close Corporations Act, 1984, and the Trust Property Control Act, 1998. In summary, the mandate of the masters of the high courts is to supervise the administration of deceased estates and insolvent estates of individuals and juristic persons, trusts, curators and to improve access to the Guardian's Fund.

Section 2 of Administration of Estates Act, 1965, provides for the appointment of masters of the high courts by the Minister of Justice and Constitutional Development. In terms of this section, the Minister must appoint a Chief Master of the High Courts and a master for every High Court in the country. The Minister may, depending on the need, also appoint one or more deputy masters and assistant masters at every master's office who may, subject to the control, direction and supervision of the master in question, do anything, which the master may lawfully do. The Chief Master is subject to the control, direction, and supervision of the Minister. The Chief Master is the executive officer of the masters' offices and exercises control, direction and supervision over all masters. Interviews of the post of Chief Master have been conducted. The appointment of the Chief Master is anticipated in August 2011.

There are 14 master's offices throughout the country, in Johannesburg, Pretoria, Durban, Pietermaritzburg, Mafikeng, Mthatha, Grahamstown, Bisho, Port Elizabeth, Bloemfontein, Polokwane, Thohoyandou, Cape Town and Kimberley. Mention needs to be made of the fact that there were no Master's offices in Port

Elizabeth, Durban, Johannesburg and Polokwane before 1994. These offices were only established after 2000 in an effort to enhance access to justice. Section 2A of the Administration of Estates Act, 1965, however, empowers the Minister to designate places within the area of jurisdiction of a Master as service points. This section was inserted in the act in order to facilitate the availability of masters' services at centres other than at the master's offices themselves. All magistrate offices have been designated as service points for this purpose. The accompanying tables set out the statistics for each of the 14 master's offices in respect of the different types of estates administered, as well as the registration of trusts and the appointment of trustees and curators bonis.

The figures reflecting the number of estates less than R125 000 in value (that is those dealt with in terms of section 18(3) of the Administration of Estates Act, 1965, where the appointment of executors is not required), and those of more than R125 000 in value, which were registered at the 14 master's offices during the year under review are intended to indicate the volumes, which are required to be processed by these offices throughout the country.

In the period under review, the Master of the High Court finalised 99.8% of registered estates files below R125 000 within four Months and 99.3% of registered estates files worth more than R125 000 within 12 months.

Some 93% of the beneficiaries of the Guardian's Fund received services within 40 days during the period under review. In this regard, the planned target of 80% was exceeded by 13%.

Litigation and Legal Services

This subprogramme aimed at ensuring the provision of professional cost-effective and highly efficient litigation services to the government and its organs. It does this by providing reliable, cost-effective, efficient advice and represents the state and its organs on all matters of litigation against the state.

BRIEFINGS

Success rate

During the period under review, 6 447 cases were enrolled, of which 2 210 (34%) were finalised and 3 744 (58%) were postponed, while 493 (8%) cases are still awaiting judgment.



Of the 2 210 cases that were finalised, 757 (34%) were won, and 659 (30%) were lost, while 794 (36%) were settled during the period under review. Interventions will be put in place to ensure improvement in performance.

Value of briefs

During the period under review, 69% of the value of briefs was made to previously disadvantaged individuals and/or firms by the Office of the Chief Litigation Officer, which is in line with the set target.

A total of R280,76 million was paid to counsel from all state attorney offices. This figure indicates a decrease in approximately R26 million as far as the amounts paid to counsel are concerned from the previous year. Table 32 indicates that black counsels received 69% of the value of briefs. This indicates an increase of 1% for blacks and a decline of 1% for whites from the previous year.

Table 32: Value of briefs

OFFICE	WHITES (R)	BLACKS (R)	TOTAL (R)
Bisho	7 166 563	18 151 630	25 318 193
Bloemfontein	3 443 848	6 665 153	10 109 001
Cape Town	25 045 107	29 506 197	54 551 304
Durban	1 611 163	11 118 260	12 729 423
Johannesburg	14 000 821	39 998 237	53 999 058
Kimberley	888 130	4 392 625	5 280 755
Mafikeng	1 783 488	14 503 257	16 286 745
Mthatha	399 280	5 684 474	6 083 754
Port Elizabeth	9 599 332	9 659 328	19 258 660
Pretoria	20 917 678	53 200 474	74 118 152
Thohoyandou	1 121 875	1 904 654	3 026 529
Total	85 977 285	194 784 289	280 761 574



Briefing pattern

Table 33 reflects the national briefing statistics per race and gender for the period under review. A total of 2 822 briefs were issued, which is 2 982 briefs less than the number of briefs issued to private counsel during the past financial year. It is observable from the table that blacks were in the majority of counsel briefings with a total of 2 329 (the sum of 1 550 males and 779 females) compared to a total of 493 (males and females) briefs that were issued to whites during the period under review.

Expressed as percentages, this translates into 83% of briefs issued to black counsel, as opposed to 17% issued to white counsel. There is a marked increase of 8% in the number of briefs issued to private counsels this year, in comparison to last year's figure.

Male counsel, irrespective of race, received 69% of the briefs issued, as opposed to 31% of those issued to female counsel in the period under review. In this regard, there has been a decrease of 6% from last year's males figure, while that of females increased by 8% from last year's figure.

Table 33: National briefing statistics in terms of gender and race

STATE LITIGATION: TOTAL BRIEFS ACCORDING TO GENDER AND RACE					
OFFICE	NO OF BRIEFS	BLACK MALES	BLACK FEMALES	WHITE MALES	WHITE FEMALES
Bisho	108	87	5	11	5
Bloemfontein	77	33	9	23	12
Cape Town	472	186	135	98	53
Durban	382	187	185	7	3
Johannesburg	804	447	268	83	6
Kimberley	73	39	18	12	4
Mafikeng	161	83	56	17	5
Mthatha	185	162	11	9	3
Port Elizabeth	383	227	43	104	9
Pretoria	159	85	46	18	10
Thohoyandou	18	14	3	1	-
Total	2 822	1 550	779	383	110

Pardons and expungement of previous convictions

Of 5 115 expungement applications received, 5 362 were finalised in the period under review. Figures for finalised applications exceed those received for the year because of applications received in the previous year being dealt with in the year under review.

A total of 899 applications for pardons were received, of which 789 (88%) were finalised during the period under review.

Civil litigation

Table 34: Civil litigation statistics

CASES	TOTAL
New claims	134
New notices of motion	333
New ad hoc matters	44
Total	511

There are 438 pending civil action matters involving an amount of R7 405 049 284.44 (R7.4 billion). A total of R722 996.83 was paid towards settlements, court orders and ex gratia payments.

State Law Advisors

The State Law Advisors are tasked with the responsibility of ensuring that the state is able to deliver on its obligations, promote the rule of law, and give effect to the values enshrined in the Constitution of the Republic of South Africa. The State Law Advisors do this by providing legal advice and guidance to the state on its proposals, legislation and international agreements and by ensuring that potential litigation against the state, on constitutional and other legal grounds, is considerably reduced. The State Law Advisors scrutinise, develop, draft, and certify all primary legislation before it is introduced in the Parliament of the Republic of South Africa. It is the responsibility of the State Law Advisors to ensure that it is compatible with the Constitution and other legal instruments and that it will withstand constitutional muster. In this way, the State Law Advisors make a significant contribution to the development of our constitutional jurisprudence.

The Office of the Chief State Law Advisor provides legal advice to the Executive, all state departments at both national and provincial levels, municipalities, parastatals and other organs of state on various matters.

During the period under review, this office received 224 requests for opinions and finalised 181, of which nine were transferred from the previous year and 52 are still outstanding. Of the 181 requests for opinions finalised, 133 was finalised within 21 days of the date of entry. Most of the opinions that are outstanding

were received towards the end of the fourth quarter and are currently receiving the attention of the State Law Advisors.

Furthermore, the Office of the Chief State Law Advisor continued to make progress in terms of the certification of requests for international agreements and, as a result, it managed to finalise 254 of 269 requests received for certification. Of the 254 international agreements that were finalised, seven were from the previous year. As at end of the period under review, 22 international agreements were still outstanding.

Concerning the bills, the office certified 21 of the 80 bills received during the year under review. Of the 21 bills certified, five have been outstanding from the previous year. A total of 49 bills have been finalised and are awaiting certification, of which nine were transferred from the previous year. Forty bills are still outstanding to be finalised. The Office of the Chief State Law Advisor is required to provide Cabinet with a non-binding opinion on the constitutionality of all bills. Only after Cabinet approved the bill submitted to us, will a department submit a bill for certification purposes. Most of the bills are currently in this process.

Given the lengthy process of certifying the bills as indicated above, only 21 bills have been certified. They are listed in table 35:

Table 35: Bills certification statistics

BILL AND REGISTRATION	DEPARTMENT	DATE RECEIVED	DATE FINALISED	DATE CERTIFIED
Community Schemes Ombuds Service: B 8/7/Housing/2010/02 [B2 – 2010] 22 July 2010	Human Settlements	20/01/2010	07/05/2010	08/07/2010
Sectional Titles Schemes Management: A/B 8/7/Housing/2010/03 [B20-2010] 22 July 2010	Human Settlements	22/01/2010	09/04/2010 10/05/2010	08/07/2010
Interactive Gambling Tax Administration: B 8/7/Revenue/2010/09	National Treasury	08/02/2010	13/10/2010	14/10/2010
Interactive Gambling Tax: B 8/7/Revenue/2010/10	National Treasury	08/02/2010	13/10/2010	14/10/2010
Civilian Secretariat for Police Service Bill 8/7/Police/2010/14 [B16 – 2010] 13 July 2010 [B16B – 2010] 17 September 2010 [B16C – 2010] 24 November 2010 [B16D – 2010] 24 November 2010	Police	15/02/2010 28/04/2010	01/07/2010	02/07/2010
Basic Education Law A/B 8/7/Education/2010/15 [B36 – 2010] 27 October 2010	Education	31/03/2010	02/07/2010	01/09/2010
South African Reserve Bank: AB 8/7/Banking and Currency/2010/20 [B10–2010] 7 May 2010 Act No. 4 of 2010 G 33538 9 September 2010	National Treasury	19/04/2010	21/04/2010	03/05/2010
South African Citizenship: AB 8/7/Aliens and Citizens/2010/23 [B17– 2010] 5 June 2010 [B17A – 2010] 6 October 2010 [B17B – 2010] 14 September 2010 [B17C – 2010] 30 November 2010 [B17D – 2010] 30 November 2010 Act No. 17 of 2010 G 33850 07 December 2010	Home Affairs	19/05/2010 17/06/2010	27/05/2010 28/06/2010	29/06/2010

BILL AND REGISTRATION	DEPARTMENT	DATE RECEIVED	DATE FINALISED	DATE CERTIFIED
Births and Deaths Registrations A/B 8/7/Births Marriages and Deaths/2010/24 [B18-2010] 5 July 2010 [B18A-2010] 6 October 2010 [B18B-2010] 14 September 2010 [B18C-2010] 16 November 2010 [18D-2010] 30 November 2010 Act No 18 of 2010 G 338517 Decemb	Home Affairs	19/05/2010	01/07/25010	02/07/2010
Skills Development Levies A/B 8/7/Labour/2010/26 [B25 – 2010] 27 July 2010 Act No 24 of 2010 G 33854 7 December 2010	Higher Education	25/05/2010	22/06/2010	19/07/2010
Higher Education Law A/B 8/7/Education/27 [B24 – 2010] 27 June 2010 [B24A - 2010] 17 September 2010 [B24B – 2010] 17 September 2010 Act No 26 of 2010 G33855 7 December 2010	Higher Education	25/05/2010	22/06/2010	19/07/2010
Higher Education and Training Laws A/B 8/7/Education/2010/28 [B26 – 2010] 27 July 2010 [B26A – 2010] 17 September 2010 [B26B – 2010] 17 September 2010 Act No. 25 of 2010 G33853 7 December 2010	Higher Education	25/05/2010	22/06/2010	19/07/2010
Military Veterans Affairs A/B 8/7/Defence/2010/29	Defence	04/06/2010	22/08/2010	10/12/2010
Refugees: A/B 8/7/ Aliens and Citizens/ 2010/42 [B30 – 2010] 13 September 2010 [B30A – 2010] 30 November 2010 [B30B – 2010] 30 November 2010	Home Affairs	02/07/2010	20/07/2010	30/07/2010
Local Government: Municipal Electoral: AB 8/7/Local Government/2010/44 [B27-2010] 23 August 2010	Home Affairs	22/06/2010 SLA 07/07/2010	18/08/2010	18/08/2010
Immigration A/B 8/7/Immigration/2010/45 [B32 – 2010] 4 October 2010	Home Affairs	07/07/2010	14/07/2010	28/09/2010
52.1 Taxation Laws: A/B 8/7/Revenue/2010/52 [B28 – 2010] 24 August 2010	National Treasury	02/08/2010	20/08/2010	20/08/2010

NO	BILL AND REGISTRATION	DEPARTMENT	DATE RECEIVED	DATE FINALISED	DATE CERTIFIED
	52.2 Taxation Laws 2nd AB 8/7/Revenue/2010/52 [B28 – 2010] 24 August 2010	National Treasury	12/08/2010	20/08/2010	20/08/2010
18.	Criminal Procedure: A/B 8/7/Criminal/2010/53 [B39 – 2010] 3 November 2010	Justice an Constitutional Development	020/08/2010	19/10/2010	28/10/2010
19.	Adjustment Appropriation: B 8/7/Revenue/2010/61 [B34 – 2010] 27 October 2010	National Treasury	05/10/2010	20/10/2010	20/10/2010
20.	Regulation of Interception of Communication and Provision of Communication-related Information: AB: 2010 8/7/Trade and Industry/2010/65 [B38 – 2010] 3 November 2010 Act No 21 of 2010 G 33839 3 October 2010	Justice and Constitutional Development	26/10/2010	28/10/2010	29/10/2010
21.	State Liability: A B 2010 8/7/Constitutional Law/2010/66	Justice and Constitutional Development	02/11/2010	02/02/2011	02/02/2011

Most of the outstanding work was received towards the end of the fourth quarter and could not be finalised before the end of the financial year under review. The work has been transferred to the next financial year and it is receiving the attention of the State Law Advisors.

Some of the challenges that contributed to the delays in finalising the work in the set timeframe are the improved manner in which the Office of the Chief State Law Advisor attends to the international agreements in order to ensure that the interests of the Republic of South Africa are properly protected. To this end, the office endeavours to identify the domestic laws relevant to each international agreement and comprehensively discuss and alert clients to the implications of such laws, laws which if not adhered to will render the international agreement in conflict with the law of the Republic. Again, the fact that there was an improvement of the way in which the State Law Advisors deal with the legal opinions to ensure that the opinions are of the highest quality in terms of constitutionality and compliance with the domestic laws has remained a challenge in respect of the speedy finalisation of the work in the period under review.

Having recognised the historically diminished use and status of the indigenous languages of people of South Africa, and the obligation of the state to take practical and positive measures to elevate the status and advance the use of these languages. The Office of the Chief State Law Advisors (OCSLA) has established and capacitated a translation services unit in order to ensure efficient and effective translation of bills that are introduced in Parliament into the official languages of the Republic.

During the period under review, the OCSLA translated bills into IsiZulu, IsiXhosa, Sepedi, Xitsonga, Sesotho, Tshivenda, SiSwati, IsiNdebele, Setswana and Afrikaans. A total of 124 translations were completed for 26 government departments.

ACTUAL PERFORMANCE AGAINST TARGETS

Table 36: State Legal Services

PROGRAMME 3: STATE LEGAL SERVICES				
OUTCOME 4: PROVIDE LEGAL ADVISORY AND LITIGATION SERVICES; TO SUPERVISE THE ADMINISTRATION OF DECEASED AND INSOLVENT ESTATES AND, THE GUARDIAN'S FUND, TO PREPARE AND PROMOTE LEGISLATION, AND TO PROMOTE CONSTITUTIONAL DEVELOPMENT				
OUTPUT	PERFORMANCE INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		DESCRIPTION
		Target	Actual	
OP 31: Strengthen participatory democracy and promote Constitution and human rights culture in the country	31.1: Establish a branch responsible for constitutional development and appoint four critical staff.	four appointed by 2010	The branch is not yet established	Target not achieved. Approval of the branch by the Department of Public Service and Administration in process.
	31.2: Sign 60 service level agreements (SLAs) with civil society organisations (CSOs).	60 signed by 2010	63 service level agreements signed	Target achieved.
	31.3: Establish 15 new community advice centres (CACs).	15 by 2010	18 new community advice centres were established	Target achieved.
	31.4: Enable 80 CSOs to participate in public dialogue.	80 by 2010	183 civil society organisations were enabled	Target exceeded. This is due to the commitment and diligence of FHR officials, including the focused strength of the FHR's operational processes.
	31.5: Sign 20 new SLAs to improve capacity of CACs.	20 signed by 2010	18 new SLAs signed	Target partially achieved.

OUTPUT	PERFORMANCE INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		DESCRIPTION
		Target	Actual	
	31.6: Provide support services to at least 10 000 alien people (refugees, asylum seekers, migrants).	10 000 by 2011	10 413 alien people provided with support services	Target exceeded. This is due to the commitment and diligence of FHR officials, including the focused strength of FHR's operational processes.
	31.7: Ensure compliance with PAIA.	100% compliance by 2010	100% compliance	Target achieved.
OP 32: Conduct legal research, prepare and promote justice legislation	32.1: Develop priority legislative instruments to improve access to justice and transform justice in the country.	12 bills	15 bills	Target exceeded. Four of the 15 bills that were not on the original 2010 legislative programme had to be accommodated urgently.
		14 Subordinate legislative instruments	48 Subordinate legislative instruments	Target exceeded due to the following: The fight to address corruption manifested itself in a marked increase in the number of matters referred to the Special Investigating Unit for investigation. Numerous acts of Parliament approved by Parliament in the previous financial year were put into operation.

OUTPUT	PERFORMANCE INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		DESCRIPTION
		Target	Actual	
		15 research publication	18 research publications	Target exceeded. This was due to the prioritisation of the project on statutory law revision and the involvement of additional people to expedite progress.
OP 33: Improve provision of legal advisory services to provincial and national departments	33.1: Finalise all requests for legal opinion within 21 days of their date of entry.	100% within 21 days by 2010	59% (133 of 224) within 21 days	Target partially achieved. This was due to a new approach in handling opinions to ensure the highest quality in terms of constitutionality and compliance with the domestic laws.
	33.2: Conduct a survey to show that 60% of the departments are satisfied with the legal advice provided by 2011/12	100% completion of the survey by 2011 60% satisfaction levels by 2011	0% survey completed	Progress is on track. Preparatory work concluded includes development of a questionnaire.
OP 34: Defend national and provincial departments from negative legal actions	34.1: Implement the Counsel Briefing Policy by ensuring that 65% of the value of briefings are made to PDIs and/or firms.	65% to PDI by 2011	69%	Target achieved.
	34.2: Develop and implement the Legal Blueprint Framework to ensure efficient management of state litigation.	100% developed and implemented by 2013	Draft Blueprint prepared	Progress on track for 2013/14. The draft has been prepared. However, further research needs to be conducted.
	34.3: Reduce department's legal costs by 25% of current value.	25% reduction by 2013	There has been an average increase of 9% instead of reduction	Target not achieved. A number of activities have been identified to help reduce the costs. Progress expected to be made in 2011/12.
OP 35: Improve access to probate services (wills, trusts, estates, etc)	35.1: Capacitate at least one main magisterial court per district to deliver probate services.	402 by 2011	All 402 service points have been reached	Target achieved.

OUTPUT	PERFORMANCE INDICATOR	ACTUAL PERFORMANCE AGAINST TARGET		DESCRIPTION
		Target	Actual	
	35.2 Finalise all estates files for estates worth R125 000 and less within four months, and estates worth more than R125 000 within 12 months.	100% of small estates within four months	A total of 89 836 of 89 996 estate files was finalised (99.8%)	Target achieved.
		100% of larger estates within 12 months	38 599 of 38 842 cases was finalised (99.3%)	Target achieved.
OP 36: Improve provision of Guardian's Fund benefit to the beneficiaries	36.1: Ensure that 80% of beneficiaries received services within 40 days.	80% within 40 days by 2010	93% of beneficiaries of the Guardian's Fund received services within 40 days	Target exceeded.
	36.2: Sustain unqualified audit findings in the management of the Guardian's Fund.	0 qualifications by 2010	The progress on this target is ongoing and we are optimistic to receive a no audit qualification in the Guardian's Fund	Target achieved.
OP 37: Improve administration of insolvency and liquidation services	37.1: Finalise all matters within 15 months of registration.	100% within 15 months by 2011	12 939 of 12 973 matters were finalised within 15 months of registration (99,7%)	Target achieved.

SERVICE DELIVERY IMPROVEMENT PLAN – ANNUAL REPORT

Table 37 – Main services provided and standards

MAIN SERVICES	ACTUAL CUSTOMERS	POTENTIAL CUSTOMERS	STANDARD OF SERVICE	ACTUAL ACHIEVEMENT AGAINST STANDARDS
Payments to beneficiaries of monies held in trust on their behalf	Orphans, legal guardians, heirs, creditors and people who are incapable of managing their own affairs.	Members of the public	Payment to beneficiaries of monies held in Trust on their behalf within four months.	Currently 90% of payments are done within 40 days – in line with the MTSF 2010/11
Mediation in maintenance matters	Children, minors, single parents, grandparents.	Members of the public	<p>Consider application immediately upon receipt.</p> <p>Finalise non-complex maintenance matters within three to six months of receipt.</p> <p>Finalise complex maintenance matters within nine months of receipt.</p>	<p>It is difficult to provide the exact measurements to prove that the standards were maintained as the electronic ICMS for Maintenance was still under development during the period under review. It was also piloted during the same period. This system will be rolled out in the (2011/12) financial year.</p> <p>Mediation was piloted in two courts and the report for the pilot showed that mediation reduces the backlogs in the courts as matters are resolved without engaging formal processes of the court that often lead to postponements.</p> <p>Mediation services will be rolled out to the other courts during the 2011/12 financial year, as part of the new</p>

MAIN SERVICES	ACTUAL CUSTOMERS	POTENTIAL CUSTOMERS	STANDARD OF SERVICE	ACTUAL ACHIEVEMENT AGAINST STANDARDS
				Maintenance Turnaround Strategy.
Providing litigation services to protect the organs of the state	All national and provincial departments, municipalities, parastatals and independent or autonomous bodies	Government institutions	Attend to all new instructions within 15 days of receipt. Attend to enquiries from clients within 15 days of receipt.	New instructions and enquiries are attended to within 10 days of receipt. Urgent instructions are attended to immediately and/or as soon as possible.

Table 38 – Consultation arrangements with customers

TYPE OF ARRANGEMENT	ACTUAL CUSTOMERS	POTENTIAL CUSTOMERS	ACTUAL ACHIEVEMENTS
Letters are sent to customers.	Orphans, legal guardians, heirs, creditors and people who are incapable of managing their own affairs	Members of the public	Customers are informed in writing of all outstanding requirements.
Customers are consulted through media.	Orphans, legal guardians, heirs, creditors and people who are incapable of managing their own affairs	Members of the public	Offices have done separate outreach programmes within their jurisdiction areas.
Interact on an annual basis with the legal services of each major client to discuss and assess the quality of the service by the state attorney.	All national and provincial departments, municipalities, parastatals and independent or autonomous bodies	Government institutions	Client departments are advised in writing of all progress, in matters dealt with by the state attorneys.
Arrange a conference of the State Litigation Management Forum once every two years.	All national and provincial departments, municipalities, parastatals and independent or autonomous bodies	Government institutions	The Conference for State Litigation Management Forum was last held in June 2008.
Inform parties by mail or telephone of consultation dates.	Minor children. Parties to litigation, single and divorce parents, grandparents, Judiciary, legal practitioners	Members of the public	In terms of the Maintenance Act, formal court processes are used to request people to appear before court, e.g. summonses and subpoenas.

Table 39 – Service delivery access strategy

ACCESS STRATEGY	ACTUAL ACHIEVEMENTS
<p>Decentralise customer service to all Guardian's Fund Offices by March 2011.</p> <p>Guardian's Fund to establish direct customer care line.</p>	<p>Project has been initiated to establish a helpdesk at all offices with frontline staff being at the highest level in order to assist immediately. Customer Care Desk was established in the Office of the Chief Master – dealing with Guardian's Fund enquiries as well.</p>
<p>Offices open from 07:30 to 16:30 week days</p>	<p>Courts serve the public from 08:00 to 16:00 every day. Regional and national office personnel are available for enquiries from 08:00 to 16:30 every day.</p>
<p>The department has a telephone, fax numbers, e-mail, website, departmental information on Gateway website, and information on where to report corruption (on maintenance matters).</p>	<p>The Presidential Hotline is one of the means whereby community members can also report their complaints.</p>
<p>There are currently 31 courts conducting proceedings in indigenous languages, Western Cape – 1, Northern Cape – 5, Eastern Cape, Mpumalanga – 3, Gauteng – 6, North West – 3, KwaZulu-Natal – 4, Free State – 1 and Limpopo – 7.</p>	<p>The services around some of the 31 indigenous language courts nationally have been assessed and found to have added incredible value to the clients that these courts have serviced to the extent that strong recommendations have been made to have these courts rolled out nationally.</p>
<p>Major extension work was conducted on three courts and of the 24 branch courts that had been identified, 15 were capacitated to become magisterial courts.</p>	<p>In view of funding challenges, there was a cut in the number of courts to be built within a specific period and the building of some of the proposed courts was postponed. We are now looking at building two new courts per annum, in addition to renovations and infrastructure improvements.</p>

Table 40 – Service information tool

TYPES OF INFORMATION TOOL	ACTUAL ACHIEVEMENTS
<p>Distribute departmental publication.</p>	<p>Offices provide information to all local entities upon request and as needed.</p>
<p>Pamphlets are printed in isiZulu and isiXhosa</p>	<p>Pamphlets are available in different official languages.</p>
<p>Procedure manual available on departmental website</p>	<p>Offices provide information to all local entities upon request and as needed.</p>

Table 41– Complaints mechanism

<p>Written complaints on Guardian’s Fund services are addressed within 10 days after receipt. Master’s services: customer service unit is in the national office.</p>	<p>A Central Customer Care Desk (one official) has been established in the Office of the Chief Master. Complaints can be lodged via e-mail, fax, letters or telephonically. Written complaints are responded to within 10 days, telephone complaints are dealt with. Customer Care Desk deals with Presidential Hotline complaints as well.</p>
<p>Maintenance matters: Once a client has lodged a complaint, progress relating to the full investigation is communicated within 14 working days.</p>	<p>Depending on where the complaint is from, on receipt of the complaint, acknowledgment of receipt is done, and the matter is referred to the relevant regional office to do the required investigation. The matter is stayed for 10 days, and on receipt of the response from the region, the response is communicated to the complainant. To shorten the turnaround time on maintenance complaints, 10 maintenance complaints managers on will be appointed. One will be placed at the national office, and 9 Managers will be deployed to the regional offices. These managers will deal exclusively with maintenance complaints.</p>
<p>Litigation services: Written complaints are investigated and responded to within 20 days.</p>	<p>Complaints lodged are submitted to the office of the Chief Litigation Officer. As soon as the complaint is received, it is assessed and then referred to the relevant state attorney or client department, in order to submit a comprehensive report regarding the complaint.</p>

2.2.4 PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY

Purpose

Provide a coordinated prosecuting service that ensures that justice is delivered to the victims of crime through general and specialised prosecutions, protects certain witnesses and removes the profit from crime.

Performance information under this programme is presented in the annual report of the National Prosecuting Authority.

2.2.5 PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES

Purpose

Provide a variety of auxiliary services associated with the department's aim and fund transfer payments to the South African Human Rights Commission, the Public Protector, Legal Aid South Africa, the Special Investigating Unit, the Represented Political Parties' Fund, and the President's Fund.

Performance information under this programme is presented in the annual reports of the relevant institutions, namely Legal Aid South Africa, the Public Protector, the South African Human Rights Commission and the Special Investigating Unit.



PART 1: GENERAL INFORMATION

The department's constitutional mandate is twofold, namely, to provide a framework for the effective and efficient administration of justice, and to promote constitutional development through the development of legislation and the implementation of programmes that seek to sustain constitutionalism, provide an enabling environment for the judiciary and constitutional institutions to exercise their powers and functions freely and independently, and the implementation of programmes to deepen and nurture our constitutional democracy. The department is guided in the execution of this mandate by the following:

1.1 VISION

A transformed and accessible justice system, which promotes and protects social justice, fundamental human rights and freedom

1.2 MISSION

We commit to provide transparent, responsive and accountable justice for all

1.3 PRINCIPLES, VALUES AND ASPIRATIONS

Commitment to constitutional values and to a culture of human rights

The department recognises the supremacy of the Constitution and the rule of law and applies all laws fairly and uniformly to ensure equal human dignity, the achievement of equality and the advancement of human rights and freedoms, non-racialism and non-sexism for all South Africans.

Batho Pele

The department aims to provide quality services to both its internal and external customers by meeting and exceeding their needs and expectations.

Good governance

The department adheres to the highest standards of ethical behaviour that are transparent and promote accountability, based on sound internal controls. The department is committed to serve as effective and responsible steward of the taxpayers' resources.

Ubuntu

The department upholds human dignity and ensures equal opportunities and fairness in its interactions, in order to engender a spirit of trust and unity. The department promotes tolerance and respect for the diversity of its employees and the people of this country and draws strength from such diversity.

Professionalism and continuous improvement

The department recognises that people are its most important resource for accomplishing its mission and is committed to the professional development, self-actualisation, and personal well-being of all employees. The department recognises the need for continuous improvement and rewards all committed efforts to improve the quality of its services.

Open communication

The department communicates and shares information openly and punctually with all relevant stakeholders in order to ensure participative and informed decision-making.

1.4 LEGISLATIVE MANDATE

The department, in dealing with its mandate to uphold and protect the Constitution and the rule of law, is in particular responsible for overseeing the administration of justice in the interests of a safer and more secure South Africa.

The core functions of the department are centred around ensuring equitable access to justice services; protecting and promoting the rights of children, women, the aged and people with (physical and mental) disabilities; improving the efficiency of the courts; developing legislation and promoting the Constitution; administering deceased and insolvent estates and the Guardian's Fund; providing prosecution and legal aid services; providing legal advisory services through National Prosecuting Authority and Legal Aid South Africa; and protecting the organs of state from damaging litigation.

In addition, the department leads the coordination of the Justice, Crime Prevention, and Security (JCPS) Cluster. The department, as the cluster chair, consolidates and coordinates the activities of the different national departments and other agencies in the fight against crime and antisocial behaviour. This includes the South African Police Service, the National Prosecuting Authority, Legal Aid South Africa, the Judiciary, the Department of Correctional Services, and JCPS Cluster constituents, such as the South African National Defence Force, the National Intelligence Agency, the Department of Home Affairs, National Treasury, The Presidency, the Department of Social Services and the Government Communications and Information Systems.

The other JCPS Cluster constituents, the South African National Defence Force, National Intelligence Agency, the Department of Home Affairs, National Treasury, the Presidency, Department of Social Services and the Government Communications and Information Systems collaborate to work together to maintain security in the country and to ensure the safety of all citizens.

The JCPS Cluster's approved outcome is '*All people in South Africa are and feel safe.*' To achieve this, the cluster coordinates the implementation of the programmes and activities of the constituent departments through an integrated approach in relation to the following identified and approved outputs:

- Reduction of the overall levels of crime
- Improvement of the effectiveness and integration of the criminal justice system (CJS)
- Combating corruption in the JCPS Cluster to enhance its effectiveness and ability to serve as deterrent against crime
- Management of perceptions of crime among the population
- Combating cyber crime
- Effective and integrated border management
- Securing the identity and status of citizens

The department's Vote programmes, in Vote 23, define the Minister's oversight mandate, which includes oversight on departmental policies and legislative and constitutional development, court administration, legal support for other state organs, the administration of probate, insolvency and company liquidation services, prosecution services, legal aid services (for the indigent)

and the administration of the Represented Political Parties' Fund, the President's Fund, Third Party Funds, the Criminal Assets Recovery Account (CARA) Fund and the Guardian's Fund. In this regard the department reports to Cabinet, Parliament and other relevant agencies on the management of allocated resources to these programmes and initiatives.

In addition, the department oversees the work of the South African Law Reform Commission, the Rules Board for Courts of Law, the Board of the Sheriffs, the Council for Debt Collectors, the Office for the Control of Interception and Monitoring of Communication, the President's Fund, the Represented Political Parties' Fund and the Magistrates Commission, and participates in the work of the Judicial Services Commission. By law, it is mandatory to support the work of the Special Investigating Unit and to ensure the independence of its constitutional bodies (Chapter 9 institutions), such as the South African Human Rights Commission and the Office of the Public Protector.

1.5 STRATEGIC GOALS

The department, in fulfilling its mandate, strives to do the following

- Improve the administration of justice through special emphasis on good governance and accountability
- Provide effective and efficient justice services through facilitating the speedy resolution of criminal, civil and family law disputes
- Provide transformed legal services that advance the interests of government and the people of South Africa

1.6 PUBLIC ENTITIES REPORTING TO THE MINISTER

The following entities report to the Minister of Justice and Constitutional Development

Table 1: Public entities reporting to the Minister

NAME OF ENTITY	LEGISLATION	NATURE OF BUSINESS
Legal Aid South Africa	Legal Aid Act, 1969 (Act No 22 of 1969)	Legal Aid South Africa, guided by its board, renders or makes available legal aid to indigent persons and provides legal representation at the state's expense.
Special Investigating Unit	Special Investigating Unit and Special Tribunals Act, 1996 (Act No 74 of 1996)	The Special Investigating Unit provides professional forensic investigating and litigation services to all state institutions at national, provincial, and local government level to combat maladministration, corruption, fraud, and to protect state assets and public money.
Rules Board for Courts of Law	Rules Board for Courts of Law Act, 1985 (Act No 107 of 1985)	The Rules Board for Courts of Law was established to review existing rules of court on a regular basis and, subject to the approval of the Minister, to make, amend or repeal rules for the Supreme Court of Appeal, the high courts and the lower courts.
South African Law Reform Commission	South African Law Reform Commission Act, 1973 (Act No 19 of 1973)	The South African Law Reform Commission conducts research regarding the development, improvement, modernisation or reform of South African laws.



1.7 STATEMENT BY THE MINISTER

The 2010/11 financial year was unique in many respects. Our country demonstrated its capacity to host world-class events such as the 2010 FIFA World Cup. Not only did we excel in the organisation of the event, but we also demonstrated our ability to deliver speedy justice. The new administration has also pushed the boundaries of service delivery through the outcomes-based approach to service delivery. For the first time in the history of South African governance, the President of South Africa signed performance agreements with his cabinet ministers, which transformed into delivery agreements. This undoubtedly conveyed the message that the new administration is uncompromising in its commitment to serve all the people of South Africa.

Furthermore, the global financial meltdown imposed severe financial constraints on service delivery by government during the year under review. For the department, this had negative implications. Our budget was reduced by R2.1 billion over the Medium Term Expenditure Framework (MTEF) period. This simply meant that we had to do more with less. Despite these constraints, the Department of Justice and Constitutional Development managed to achieve the following:

- During the period under review, courts at various levels (district courts, regional courts, high courts, the Supreme Court of Appeal and specialised courts) continued to perform on a daily basis, thus providing fair public hearings through independent and impartial tribunals/forums. In addition, during the 2010 FIFA World Cup, special courts sat continuously during the day and the evening to ensure that cases were dealt with timeously.
- Through our Justice College, we managed to strengthen our capacity for service delivery by training over 5 000 officials, which included magistrates, prosecutors, officials in the Office of the Chief Master, administrative personnel, court interpreters, registrars, clerks of the court and legislative drafters in all tiers of government. These training interventions aimed to improve the quality of services delivered by the department.
- We undertook to improve business productivity through information technology by rolling out the Integrated Case Management System (ICMS) to 478 lower courts against the target of 250 and to 12 high courts against the target of three. In this regard, the lower courts exceeded their target of 250 by 228 and the target of the high courts was exceeded by nine. The additional performance achievements in the year under review included the rollout of ICMS Masters to all 14 Masters' offices and 402 service points.



- The department exceeded the target number of bills, subordinate legislative instruments and research papers during the period under review by producing 15 bills, 48 subordinate legislative instruments and 18 research publications. All these aimed to realise the ideals of our Constitution in ensuring that all our people are properly served by the justice system.
- The department met the minimum performance standards regarding the services provided by the Masters of the High Court throughout the year. These include the finalisation of small and large estates and Guardian's Fund payments. In this regard, 93% of beneficiaries of the Guardian's Fund received services within a period of 40 days, against the target of 80%.
- The Family Advocates managed to surpass the target of 50% finalisation of cases, by finalising 64% of new cases during the period under review.
- With the assistance of Swiss Aid, 26 new small claims courts were opened. These have brought the total number of small claims courts to 224. During the same period, the monetary jurisdiction of the small claims courts increased from R7 000 to R12 000.

During the period under review, the department made significant progress in the development and implementation of policies and legislation geared to transform the judicial system with a view to enhancing access to justice. The rationalisation of the courts which envisages bringing them in line with the constitutional dispensation and national, provincial and local spheres of government, remains one of the department's primary focus areas. The prolonged debate on the rationalisation of the superior courts, which stretched on for more than a decade, appears to be reaching the end, with Cabinet's approval of the Constitution Seventeenth Amendment Bill and the Superior Courts Bill during December 2010. The Superior Courts Bill also paved the way for the rationalisation of the lower courts.

The department continued with its endeavour to bring justice services closer to previously disadvantaged communities, by redesignating certain branch courts as full services (magistrates') courts with their own area of jurisdiction. The focus is on addressing the inequalities regarding the distribution of justice services, particularly to the people living in marginalised areas such as rural

and township communities. The department is monitoring the impact of the branch courts already in operation.

Transformation of the legal profession remains a challenge, especially regarding female representation. Entry into the legal profession is, in some aspects, dependent on compliance with the outdated, unnecessary and overly restrictive Attorneys' Act of 1979, as well as the Admission of Advocates' Act of 1964. In May 2010, Cabinet approved the introduction of the Legal Practice Bill into Parliament to realise the transformative goal of the legal sector. The department will continue to engage with the legal profession to ensure that the parliamentary process is expedited to enable the implementation of measures to transform the legal profession.

With regard to the JCPS Cluster, a number of very positive developments were reported as indicated in the report. Coordination has improved, and the cluster, has achieved significant progress against achieving Outcome 3: *"All people in South Africa are and feel safe"*. The blockages pointed out by the Criminal Justice System Review (CJSR) and the subsequent recommendations in the form of a Seven Point Transformation Plan are being implemented by the cluster. The cluster is broadening access to justice for all and improving the efficiency of our courts. The department is especially focusing on combating violence and crimes against the vulnerable in society, such as the elderly, people with disabilities, as well as women and children, by promoting their rights and providing them with protection.

The JCPS departments, which are led by the Minister of Justice and Constitutional Development as cluster chairperson, are actively combating serious and violent crimes by being tough on criminals and organised syndicates. High visible policing activities in this regard have illustrated that the cluster will do all it can to prevent and combat crime.

The cluster increased capacity in all spheres of the criminal justice system, which include the detective services, forensics, prosecution, judicial services and crime intelligence. All departments in the cluster are also addressing case backlogs through coordinated and prioritised efforts.



Despite the progress mentioned above, the department is faced with a number of challenges, such as the following:

- Ensuring that the department achieves a no audit qualification. The 2011 - 2016 Strategic Plan of the department prioritises this matter, as well as audit action plans, which will be regularly monitored.
- The department is close to finalising the Liquidation Policy. This is critical, as liquidations are a major factor in a growing economy, particularly with a view to assisting small companies in surviving the current harsh economic climate. Recent section 381 enquiries further confirmed the need to enhance supervision on insolvency practitioners. The Liquidation Policy will lay the foundation in this regard.

I would like to take this opportunity to thank the Deputy Minister, the Director-General, members of the JCPS Cluster, members of the Portfolio Committee on Justice and Constitutional Development, the Select Committee on Security and Constitutional Development, Chapter 9 institutions, the staff and all the stakeholders of the Department of Justice and Constitutional Development, for their support during the year under review. I hope that your support will grow from strength to strength to ensure that we fully achieve the government's goals in the 2011/12 financial year.

MR J T RADEBE, MP

MINISTER OF JUSTICE AND CONSTITUTIONAL
DEVELOPMENT



10.8 ACCOUNTING OFFICER'S REPORT

The 2010/11 Annual Report of the Department of Justice and Constitutional Development reports on the performance of the department against a context characterised by the following features: Firstly, it reports largely on my first year as Director-General and Accounting Officer of the department. Secondly, the financial meltdown in global markets had a negative impact on government revenues, which resulted in the budget of the department being reduced by R2.1 billion over the MTEF period. Thirdly, as a result of the 2009 elections, there were changes in government. Consequently, the new administration introduced an outcomes-based model of governance, which resulted in cabinet ministers who lead government clusters signing delivery agreements with the President.

During the 2010/11 financial year, the department experienced both successes and challenges. We were successful in the following areas:

- We successfully celebrated Human Rights Day on 21 March 2011. The participation of the President, the JCPS Cluster departments, the Human Rights Commission, community-based organisations, the provincial government and citizens of the Western Cape made it a successful event and a day to remember.
- We spent 98.9% of the R10.2 billion budget allocated. We managed to deliver key services rendered by our courts, offices of the Master of the High Court and offices of the State Attorney, among others. The R89 million of under-expenditure was due to the termination of the Third Party Funds public-private partnership model, which was reviewed in light of the significant budget constraints faced by the department and possible job losses. Further under-expenditure occurred because of slow expenditure of Integrated Justice System (IJS) funds, and payment delays to Safety and Security Sector Education and Training Authority (SASSETA), due to delayed invoices.
- We reduced our dependency on consultants, especially in critical and strategic areas such as finance. Our vacancy rate, which is below 10%, indicates our commitment to build our internal capacity. We are currently strengthening our capacity with regard to risk management, industrial relations, contract management and compliance. We also aspire to reduce the vacancy rate at the Senior Management Service (SMS) level, which is currently in the region of 20.11%.
- The Justice College training programmes performed well by focusing on our core business and support functions. We have implemented the frontline training programmes to improve service delivery and instil the Batho Pele ethos among our frontline staff.
- Our small claims courts have exceeded our expectations in terms of performance, especially considering the fact that the various commissioners and court officials volunteered their valuable time out of commitment to their profession and towards servicing people with small claims.
- The Master of the High Court's responses to service delivery challenges against the targets is noteworthy and provided an appropriate response to the needs of orphans and the poor. However, we recognise that there is still a lot to be covered.

- The appointed service provider is on course in assisting us with the compilation of the annual financial statements for Third Party Funds to address long-standing problems. We anticipate completing these by October 2011.
- We have strengthened our internal controls, particularly in our asset management, procurement and employee benefit areas.
- We have developed audit action plans, which we monitor vigorously to ensure that the department achieves a no audit qualification in the 2012/13 financial year.
- We have reviewed our governance arrangements and established a number of departmental executive committee subcommittees to improve our ability to oversee departmental work.
- We have implemented cost-cutting measures that resulted in a reduction of travel and entertainment costs.
- Despite challenges in the operation of courts in Gauteng, we have invested in building the regional capacity of our courts and the department set aside R75 million to ensure that all our courts are properly capacitated.
- Despite the above successes, the department also had a few challenges, which it is currently addressing, such as irregular expenditure. In the period 2005 - 2011, the department applied Broad-based Black Economic Empowerment (BBBEE) instead of Preferential Procurement Policy Framework Act (PPPFA) legislation in adjudicating bids submitted to the department. This resulted in value for money, with no undue benefits to suppliers. However, due to the erroneous application of the procurement legislation, the department incurred R3.2 billion of irregular expenditure. The fact that the department had to incur such a huge amount of irregular expenditure is truly regrettable. The department is doing everything possible to ensure that a recurrence of such an error does not occur again, and appropriate disciplinary steps will be taken if it does.

I am satisfied that since November 2010, the department applied the appropriate legislation and there are sufficient internal controls in place.

- During September 2010, comprehensive PPPFA leaner guides were developed.
- In October 2010, the department started with national training to targeted officials on the compliance of PPPFA and completed the training on 12 November 2010.
- On 29 November 2010, a circular, dealing with the application of the Preferential Procurement Regulations and Procedures was circulated on the

departmental intranet (DJINI).

- With effect from 1 December 2010, the department implemented the preference points system in terms of the PPPFA through an Excel comparative price schedule, which must be signed by a compiler and verifier in the Supply Chain Management office.
- On 1 December 2010, the department enhanced and implemented a checklist to be attached to all procurement transactions.
- The department enhanced financial and supply chain delegations to clarify responsibilities relating to the procurement of goods and services.
- The JCPS Cluster had a challenge with the implementation of one of the recommendations of the Seven Point Plan relating to information and communication technology (ICT) integration. This resulted in serious under-expenditure. It remains a priority and capacity is being developed to assist with technical coordination of the project in partnership with cluster departments.
- Lastly, the department is committed to improving the resolution of grievances and misconduct cases. This is critical in order to improve the culture of discipline in the department.

Overall, the department is set to implement its new strategic plan and annual performance plans in the 2011/12 financial year to strengthen its achievements and overcome its weaknesses.

I wish to extend my gratitude to Minister JT Radebe and Deputy Minister Andries Nel for their leadership and support, the Portfolio Committee on Justice and Constitutional Development, the Parliamentary Public Accounts Committee, the JCPS Cluster, and all stakeholders of the Department of Justice and Constitutional Development for their support and guidance during the year under consideration.

My deepest gratitude goes to the staff in the Department of Justice and Constitutional Development for their undying loyalty and hard work towards the achievement of the mandate and objectives of the department.



Ms Nonkululeko Sindane
Director-General