

THE DEPARTMENT OF JUSTICE &
CONSTITUTIONAL DEVELOPMENT

ANNUAL REPORT
2013-2014

Access to Justice for All



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA





Access to Justice for All

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
VOTE 24
ANNUAL REPORT
FINANCIAL YEAR 2013/14

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General Information



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Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA

1. DEPARTMENT GENERAL INFORMATION

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2. LIST OF ABBREVIATIONS/ACRONYMS/DEFINITIONS

ACCC	Anti-corruption Coordinating Committee
ACTT	Anti-corruption Task Team
ADRM	Alternative dispute resolution mechanism
AFCON	Africa Cup of Nations
AFU	Asset Forfeiture Unit
AGSA	Auditor-General of South Africa
AJPCR	Access to Justice and Promotion of Constitutional Development Programme
BAS	Basic Accounting System
BOT	Build, operate and transfer
CAO	Community Advice Office
CARA	Criminal Assets Recovery Account
CARC	Criminal Assets Recovery Committee
CARU	Criminal Assets Recovery Unit
CAS	Case Administration System
CBO	Community-based organisation
CCPCJ	Commission on Crime Prevention and Criminal Justice
CFO	Chief Financial Officer
CGE	Commission on Gender Equality
CJ	Chief Justice
CJRAC	Civil Justice Reform Advisory Committee
CJRP	Civil Justice Reform Project
CJS	Civil Justice System
CJS	Criminal Justice System
COO	Chief Operations Officer
CRPD	Convention on the Rights of Persons with Disabilities
CSO	Civil society organisations
DCCO	Detective court case officer
DCS	Department of Correctional Services
DevCom	JCPS Cluster Development Committee
DG	Director-General

DPSA	Department of Public Service and Administration
DDG	Deputy Director-General
DoJ&CD	Department of Justice and Constitutional Development
DPME	Department of Performance Monitoring and Evaluation
DPW	Department of Public Works
EAP	Employee Assistance Programme
ECMS	Electronic Content Management System
EE	Employment equity
EFT	Electronic funds transfer
EHWP	Employee Health and Wellness Programme
EXCO	DOJ&CD Executive Committee
EU	European Union
FICA	Financial Intelligence Centre Act
FIFA	International Federation of Football Associations
FHR	Foundation for Human Rights
FIFO	First in, first out
GCIS	Government Communication and Information System
GF	Guardian's Fund
GIAMA	Government Immovable Asset Management Act
GIZ	Deutsche Gesellschaft Für Internationale Zusammenarbeit
GRAP	Generally Recognised Accounting Practice
HANIS	Home Affairs National Identification System
HOA	Homeowner's Allowance
HOD	Head of Department
HR	Human Resource
HRD	Human Resource Development
HRP	Human Resource Plan
HSRC	Human Sciences Research Council
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICMS	Integrated Case Management System

ICT	Information and communication technology
IDT	Independent Development Trust
IJS	Integrated Justice System
ISCCJ	Intersectoral Committee on Child Justice
ISM	Information and system management
IT	Information technology
JCPS	Justice, Crime Prevention and Security Cluster
JDAS	Justice Deposit Account System
JEI	Judicial Education Institute
JMIS	Justice Management Information System
JYP	Justice Yellow Pages
KPI	Key performance indicator
LASA	Legal Aid South Africa
LGBTI	Lesbian, gay, bisexual, transgender and intersex
LPM	Lean process management
MACC	Minimum anti-corruption capacity
M&E	Monitoring and evaluation
MCM	Maintenance Complaints Manager
MEC	Member of the Executive Council
MOVIT	Master's Own Verification Information Technology
MPTT	Missing Persons Task Team
MTEC	Medium-term Expenditure Committee
MTEF	Medium-term Expenditure Framework
MTSF	Medium-term Strategic Framework
NACF	National Anti-Corruption Forum
NADCAO	National Alliance for the Development of Community Advice Officers
NATJOINTS	National Joint Operational and Intelligence Structure
NCOP	National Council of Provinces
NDP	National Development Plan
NDPP	National Director for Public Prosecutions
NGO	Non-governmental organisation

NIS	National Intervention Strategy
NMSS	National Maintenance Signage System
NPA	National Prosecuting Authority
NPF	National Policy Framework
NRF	National Revenue Fund
NRSO	National Register for Sex Offenders
NSFAS	National Student Financial Aid Scheme
NTT	National Task Team
OCJ	Office of the Chief Justice
OSD	Occupation-specific dispensation
PAIA	Promotion of Access to Information Act
PAJA	Promotion of Administrative Justice Act
PDA	Protected Disclosure Act
PDI	Previously disadvantaged individual
PEAS	Paperless Estate Administration System
PEAST	Paperless Estates Administration System Trusts
PEC	Public Education and Communication
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act
PERSAL	Personnel Salary System
PFMA	Public Finance Management Act
PIVA	Person identification and verification application
POC Act	Prevention of Organised Crime Act
PPP	Public-private partnership
PPPF	Preferential Procurement Policy Framework
PRVG	Promotion of rights of vulnerable groups
PSC	Public Service Commission
PSCBC	Public Service Coordinating Bargaining Council
PWD	People with disabilities
RCC	Regional Coordination Committee
RD	Remand detainee
RDP	Reconstruction and Development Programme

SABC	South African Broadcasting Corporation
SADC	South African Development Community
SAHRC	South African Human Rights Commission
SAJEI	South African Judicial Education Institute
SALRC	South African Law Reform Commission
SANDF	South African National Defence Force
SAPS	South African Police Service
SAQA	South African Qualifications Association
SARB	South African Reserve Bank
SARS	South African Revenue Service
SASCO	South African Standard Classification of Occupations
SASSETA	Safety and Security Sector Education and Training Authority
SAWLA	South African Women Lawyers Association
SCA	Supreme Court of Appeal
SCM	Supply Chain Management
SCOA	Standard Chart of Accounts
SCOPA	Standing Committee on Public Accounts
SDIP	Service Delivery Improvement Plan
SHE	Safety, Health and Environment
SHER	Safety, Health, Environmental and Risk Management
SIC	Sheriffs Introductory Course
SITA	State Information Technology Agency
SIU	Special Investigating Unit
SMS	Senior Management Service
SORMAA	Criminal Law (Sexual Offences and Related Matters) Amendment Act
SSA	State Security Agency
TPF	Third Party Funds
TR	Treasury Regulations
TRC	Truth and Reconciliation Commission
UFH	University of Fort Hare
UIF	Unemployment Insurance Fund
USAID	United States Agency for International Development

3. FOREWORD BY THE MINISTER

The Republic of South Africa is celebrating twenty years of democracy. This has been achieved in conditions characterised by peace and major political and socioeconomic developments, such as the adoption of the new Constitution and the Rule of Law.



A major impact made by government has been in improved access to justice, particularly to historically disadvantaged areas of the country. Through our capital works programmes and with the assistance of the Department of Public Works, we have built 45 courts, mainly in rural areas and the historically black townships, since 1994. Within the Medium-term Expenditure Framework (MTEF) period, nine courts were finalised, while in the year under review, the Kagiso Magistrate's Court was delivered. In addition, over R2 billion has been spent on the improvement and maintenance of existing infrastructure in the last 20 years.

The Department undertook to expand justice in previously disadvantaged areas by converting branch courts with limited services into full-service courts. As part of the constitutionally mandated rationalisation project, the Department has converted and re-designated 29 of the 90 branch courts since 2009, with five completed in the 2013/14 financial year. These are New Brighton in the Eastern Cape, Kagiso and Soweto in Gauteng, Ezakheni in KwaZulu-Natal, and Grabouw in the Western Cape. These converted courts offer services that include child and family law, civil justice, criminal justice and deceased estates.

Parallel with this programme, the rationalisation of the areas of jurisdiction of the courts project has been undertaken to address racially based demarcations of the old South Africa and homeland territories. Major consultations were undertaken to ensure that all communities around South Africa are positively affected

by the re-demarcation programme. During the 2013/14 financial year, 36 magisterial districts within Gauteng and North West were aligned to the municipal boundaries.

Some key pieces of legislation that have been developed over the 20-year period that have made a major difference in the lives of vulnerable groups, particularly women and children, include the following:

- The Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007, which extensively reviewed and amended all aspects of the laws and the implementation of sexual offences.
- The Domestic Violence Act of 2008, which is highly regarded by stakeholders in the fight against the rights of people in intimate relations.
- The Child Justice Act of 2008, which provides for a fair approach to dealing with children allegedly in conflict with the law, and introduces the restorative justice approach where appropriate.
- The Jurisdiction of Regional Courts Amendment Act of 2008, which enables magistrates' courts to deal with family-related matters.
- The Prevention and Combatting of Trafficking in Persons Act of 2013, the aim of which is to introduce as an offence the trafficking in persons and other offences associated with trafficking in persons, and further aims to provide measures to protect and assist victims of trafficking.

As part of addressing the legacy of apartheid, it was imperative to establish a judiciary that is reflective of the demographics, values and aspirations of the broader community of the country. In the last 20 years, progress has been towards achieving this goal. As at 31 March 2014, there were 241 permanent judges on the roll, and 44% of those were African, while 32% were female. With respect to the magistracy, there were 1 643 magistrates, with 41% female and 43% African.

A major step towards the transformation of the judiciary has been the finalisation of the Constitution 17th Amendment Act, which was passed by Parliament in November 2012. This amendment affirms the Chief Justice as head of an independent judicial arm of government.

The finalisation of the Superior Courts Act, which came into effect on 23 August 2013, established the formation of high courts in two additional provinces. Progress has been made in the construction of the two high courts, with Limpopo expected to be finalised in 2014/15 and Mpumalanga in 2015/16. Consultation between members of the judiciary, officials of the court and other stakeholders regarding the implementation of additional seats of high courts will continue in 2014/15.

With regard to the transformation of State legal services, I am pleased that the amendment to the State Attorney Act of 1997 has been passed by Parliament. This will enable the Department to appoint a Solicitor-General, who will oversee State litigation and put in place measures to effectively manage State litigation.

Beneficiaries of maintenance have experienced a major service improvement in the last few years, particularly relating to maintenance payments. Long queues for the collection of maintenance payments have been drastically reduced. Approximately 98% of the maintenance payments made in March 2014 were made through electronic funds transfer. For Guardian's Fund payments, this figure was 96%. Numerous other projects have been undertaken throughout the years to address capacity, system and process issues that made it difficult for beneficiaries to be assisted efficiently. For example, the Integrated Case Management System (ICMS): Maintenance has been developed to monitor performance in nine pilot sites, and is planned for nationwide implementation.

Several South African surveys have shown that citizens and communities are beginning to feel safer. In line with our own findings, in October 2013, the US-based IHS *Crime Index* released a report which found that crime in South Africa is at its lowest level in 15 years. The report

further stated that crime rates had dropped 38% since its peak during 2002/03. It states: "The decline in overall crime in South Africa has been echoed in both indices, reporting a steady decline since 2002. Violent crime is at the lowest level seen in a decade, declining some 40% between 2002 and 2013. Property crime experienced a decrease of 24% over the same period."

Our Constitution outlaws discrimination on the basis of sexual orientation and it is for this reason that swift action was taken in dealing with the disturbing trend of violence against the lesbian, gay, bisexual, transgender and intersex (LGBTI) community. We are delighted with the partnership that has been established with the LGBTI communities in addressing growing violence and hate crimes. The Rapid Response Team that has been put together to assist with the effective management of cases is functioning well and has assisted in 14 finalised cases and 19 that are in process.

Following the recommendations of the Ministerial Advisory Task Team on Sexual Offences, a decision was taken to reintroduce dedicated sexual offences courts. Nine model courts have been established in each province and a further 10 courts are now operational. These courts enable the effective handling of sexual offences to bring justice to victims of sexual offences.

The Justice, Crime Prevention and Security (JCPS) Cluster has continued to play an important role in coordinating the planning and execution of all law enforcement, crime combatting and other operations to ensure the safety, security and stability of the country. Recent statistics confirm that South Africa is indeed a safer place to live compared to pre-1994. The murder rate was reduced by 27.2% over nine years, with a further reduction of 16.6% during the past four years. Improvement in the conviction rate of criminal cases heard in our courts is encouraging.

During the year under review, the following was achieved:

- Conviction rate in relation to organised crime cases: 87.9%
- Conviction rate of trio crimes: 84.7%
- Conviction rate of sexual offences: 66.7%

With regard to corruption, major strides have been made by the Cluster. More than 800 persons are currently under criminal, financial and/or forensic investigation, with pre-trial proceedings initiated against 298 persons

by the end of December 2013. Actual trial proceedings had been initiated against 174 persons by the end of December 2013. Of these, 92 persons were involved with R5 million or more illicit benefits.

I am proud of the progress that has been made in the last 20 years, in general, and the last five years, in particular, and am satisfied that we have made progress in ensuring that the country is safe for our people. The next Medium-term Strategic Framework (MTSF) cycle will focus on making further progress towards improving access to justice and building a safer South Africa.

I would like to take this opportunity to thank Minister Jeff Radebe, who was with the Department during the compilation of this report, Chief Justice Mogoeng Mogoeng and the entire judiciary, Deputy-Minister John Jeffery, Adv Mxolisi Nxasana and the staff of the National Prosecuting Authority (NPA), the chairpersons and staff of Legal Aid South Africa, staff of the Special Investigating Unit (SIU), my Cabinet colleagues and members of the JCPS Cluster, the Portfolio Committee on Justice and Constitutional Development, the Select Committee on Security and Constitutional Development, the Chapter 9 institutions and all other stakeholders for their support.

Finally, I would like to express my gratitude to the officials of the Department of Justice and Constitutional Development, under the able leadership of Ms Nonkululeko Sindane, who continue to ensure that the Department and the JCPS Cluster carry out their mandates and obligations as indicated above. The dedication, commitment and sacrifices of all officials to address the negative audit reports of the past are starting to pay dividends.



Tshililo Michael Masutha, MP (Adv)
Minister of Justice and Correctional Services

4. FOREWORD BY THE DEPUTY MINISTER

This year we celebrate 20 Years of Freedom. We have achieved much and we have much to celebrate. We promised that we would create a better life for our people and we have done so. Our country is steadily making progress in the key priorities it has set for itself.

In our history, justice was a commodity which was accessible only to the state and the privileged few, to the exclusion and detriment of the majority of our people, the poor and the marginalized.

Our people now live in a country where we are all equal before the law. Access to justice is often the right that unlocks all other rights in our Constitution, it is a vital component of a vibrant democracy and it is pivotal to the rule of law.

An accessible justice system must respond to the needs of the people. In this regard, we have fundamentally improved access to justice through the creation of new courts, particularly in previously disadvantaged communities. In addition, we have rolled out more Small Claims Courts. These courts are a speedy, simple and cost-effective way to resolve disputes. These courts have been a success story in the drive to make justice more accessible. In 1994 the Small Claims Courts were mostly in white and urban areas. Thirty Small Claims Courts were established in the financial year under review and the overwhelming majority are situated in rural and traditionally black areas. We are well on our way in achieving our target of having a well-functioning Small Claims Court in every magisterial district in the country. The number of people enjoying the benefits of access to justice through Small Claims Courts has increased steadily. For example, if one looks at the size of the population in the areas within which the 30 new courts were established, it amounts to more than 2,8 million people. These are 2,8 million people who now have enhanced access to justice by having a forum available to them to resolve civil disputes free of charge.

Legal Aid South Africa is another success story. Legal Aid SA derives its mandate from section 35 of the Constitution. In terms of this section, every person who is arrested, detained or accused has a right to a fair trial, which includes the right to have a legal



practitioner assigned at State expense. As part of our pursuit for access to justice, Legal Aid SA has over the past few years been revamped and remodelled to one of the best legal aid systems in the world. It has grown significantly and in many instances its performance is higher than the set targets. New legal aid matters have increased significantly. Legal Aid SA has its national footprint of 64 justice centres and 64 satellite offices and was allocated a budget of R1,4 billion.

A successful justice system seeks to protect the most vulnerable in our society. As Chairperson of the National Task Team on LGBTI rights, we are proud to report that the National Task Team has, with the assistance of civil society role-players, made significant progress in setting up various interventions to protect our lesbian, gay, bisexual, transgender and intersex communities from discrimination and victimization.

Important pieces of legislation were also finalised in the period under review. These include laws such as the Protection of Personal Information Act and the Prevention and Combating of Trafficking in Persons Act. The Protection of Personal Information Act, 2013 (Act 4 of 2013) aims to give effect to the right to privacy by introducing measures to ensure that the personal information of an individual is safeguarded when it is processed by responsible parties. It also aims to balance the right to privacy against other rights, particularly the right to access to information and to generally protect important interests, including the free flow of information within and across the borders of the Republic. The Prevention and Combating of Trafficking in Persons Act, 2013 (Act 7 of 2013) aims to give effect to the Republic's obligations concerning the trafficking of persons in terms of international agreements. The Act introduces an offence of trafficking in persons and

other offences associated with trafficking in persons and further aims to provide for measures to protect and assist victims of trafficking.

Much progress has been made with the Legal Practice Bill. It is a reality that the South African legal profession is still largely untransformed. This Bill will assist in transforming the legal profession, making quality legal services accessible to all people and removing barriers to entry into the legal profession.

Another important component within the justice family is a well-functioning and effective sheriffs' profession. A new Code of Conduct for Sheriffs was approved in the year under review and sections of the Sheriffs' Amendment Act were put into operation. Significant progress has been made in addressing the racial and gender composition of the sheriffs' profession.

I would like to thank Deputy Minister Andries Nel and Minister Jeff Radebe, whose efforts have played a major role in the success of the Department in the last MTSF period. I would also like to acknowledge the support of institutions such as Legal Aid South Africa, the Magistrates Commission, the Board of Sheriffs, the Law Reform Commission and the Parliamentary Committees in the National Assembly and the NCOP. Finally, I would like to express my gratitude to the officials of the Department of Justice and Constitutional Development, under the able leadership of Ms Nonkululeko Sindane, who continue to ensure that the Department and the JCPS Cluster carry out their mandates. Their dedication and commitment contribute to making access to justice a reality for all our people.



Mr. J. Jeffery, MP
Deputy Minister of Justice and Constitutional
Development

5. REPORT OF THE ACCOUNTING OFFICER

5.1 GENERAL OVERVIEW

The 2013/14 financial year, being the last of the MTEF period, presented an opportunity to finalise key programmes that have been identified for this period. These included programmes regarding access to justice, improvements in service delivery and improved efficiencies within administration.

The Department's overall performance against predetermined objectives was significantly improved, with 80% of the targets that were set out in the Annual Performance Plan being achieved. This is a major improvement when compared to the previous years where less than 50% was achieved. It indicates that the performance management discipline that we have been building is coming to fruition.

With regard to the policy on sexual offences, nine courts in nine provinces were implemented as model courts for sexual offences. Key processes included introducing a more welcoming interior and layout, appointing appropriate capacity to prepare and assist witnesses, and installing technology to make the environment less intimidating for young victims of sexual offences. An additional 12 courts were also finalised that were designated as sexual offences courts.

With regard to service delivery, the following was achieved:

1. About 98% of maintenance payments during March 2014 were made via electronic funds transfer, compared to 83% in the previous financial year. For Guardian's Fund payments, this figure was 96% at the end of the year under review, compared to 83% at the end of 2012/13. This not only assisted beneficiaries to receive their funds faster, it also helped the Department reduce incidents of fraud.
2. Digitisation of court records was undertaken at two additional sites (the Durban High Court and the Durban Labour and Labour Appeal Court) to bring to nine the number of sites completed. By the end of the financial year, over 27 million pages had been digitised in these courts and over 171 million had been digitised in all the nine courts. This project assists the Department to improve the integrity of court records and saves valuable space for other uses.



As is the case with most organisations, the Department has been adversely affected by budget restrictions as a result of the challenging economic climate. Areas of concern include the following:

1. The need for security services to secure officials and assets has increased much more than anticipated and this has resulted in a shortfall. Efforts to implement innovative approaches to security have been considered in an attempt to curb the increase in spending. However, areas of spending pressure exist.
2. While there was underspending in capital works in 2013/14 due to administrative issues, a shortfall exists in funding requirements for capital spending over the medium term. This means that the Department requires more funds for infrastructure.
3. Inadequate funding for the implementation of existing legislation, such as the Child Justice Act, and new legislation, such as the Superior Courts Act.

5.2 REVIEW OF THE STATE OF FINANCIAL AFFAIRS

The Department achieved an unqualified audit report for the Vote Account, for the second year in succession, after a number of years of qualified opinions. This achievement was made possible through the implementation of improved processes and procedures in the financial and administrative environments, and through increased capacity in financial management throughout service points. Furthermore, the Department received clean audit reports for the Criminal Assets

Recovery Account (CARA) in 2012/13. Similarly a clean audit was received for the Guardian's Fund and the President's Fund for 2012/13 and 2013/14.

With regard to Third Party Funds, the Department has produced annual financial statements up until the financial year ended 31 March 2014. Interim financial statements for the year under review were produced to enhance oversight, timeous interventions and to attempt to address areas that are the basis for negative audit findings in the trust fund management environment.

At the end of the 2013/14 financial year, the Department had a surplus of R475 million, excluding statutory appropriation. The surplus amount represented 4.3% of the final appropriation and is mostly in the area of the Integrated Justice System, where there were delays in procurement processes. The underspending on buildings and other fixed structures was due to the non-performance of contractors, the late handover of

the site to the contractor, as well as the late completion of tender documents for the projects. In the economic classification of the budget, the main area of spending was on compensation of employees, which was 38.1% of the total budget allocation in 2012/13 and 39% in 2013/14.

The budget allocated to the Departmental Vote (excluding the NPA and statutory appropriation) amounted to R11.084 billion. During the adjusted Estimate of National Expenditure, the Vote was increased with an amount of R54 million, thus increasing the appropriation to R11.138 billion.

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

	2013/14 R' 000	20012/13 R' 000
Total adjusted appropriation (excluding the NPA and statutory appropriation)	11 138 314	10 181 592
Less: Expenditure	<u>10 662 498</u>	<u>10 180 586</u>
Total underspending	<u>475 816</u>	<u>1 006</u>
Percentage underspend	4.3%	0.01%

The final virement in the Department was mainly between programmes and economic classification. The underspending is utilised to defray goods and services expenditure due to the Standard Chart of Accounts (SCOA) classification between operating lease (goods and services) and finance lease (machinery and equipment).

A total surplus of R475 million, excluding statutory appropriation, which consists of R120 million for the Criminal Justice System revamp and the Integrated Justice System under Programme 5, and R348 million on buildings and other infrastructure funds, as well as

a surplus of R8 million on compensation of employees under Programme 2 was recorded. The surplus amount represents 4.3% of the final appropriation.

Virement

The following virements were approved between programmes:

- An amount of R125 million was defrayed from Programme 1 as a result of underspending, mostly on arms procurement commission, of which was then utilised to augment goods and services, and machinery and equipment in Programme 2.

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

Item	R' 000
Current payments	128 208
Transfers and subsidies	1
Buildings and other infrastructure	<u>347 607</u>
Total underspending	<u>475 816</u>

5.3 SERVICES RENDERED BY THE DEPARTMENT

a) **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.

b) **Services provided at no charge to the public**

i **Small Claims Court**

The Presiding Officer is normally a lawyer or magistrate who renders these services pro bono (without being paid a stipend/salary).

ii **The administration of Third Party Funds (Monies in Trust)**

This service is offered 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 (Act 32 of 1944), as amended.

iii **Services within the Office of the Master of the High Court**

A number of services relating to activities in the Masters' Offices include the following:

- Estate duty Taxation
- Administration services
- Archive services
- Inspection services
- Guardian's Fund.

iv **Legal Services to government entities**

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.

v **Transcription services**

Transcription records are provided at no charge to litigants for purposes of challenging the outcome of cases.

vi **Family Law services**

Legal advice, counselling and mediation services are offered at family courts by family advocates, family counsellors and maintenance investigators.

vii **Court-related services**

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. These include maintenance, domestic violence and harassment matters.

Legal aid services, including legal advice and assistance in courts in criminal and some civil matters are provided by Legal Aid South Africa.

Information desk services at courts, as well as brochures and other informational material on a large variety of aspects, are provided free of charge to members of the public.

5.4 INVENTORIES

The total inventories on hand at year-end are included in Annexure 5 to the annual financial statements.

5.5 UTILISATION OF DONOR FUNDS

Apart from voted funds, the work of 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 come to an end.

Donor funding	2013/14	2012/13
	<u>R' 000</u>	<u>R' 000</u>
Assistance rolled over from previous year	11 897	12 792
Grants received during the financial year	<u>7 839</u>	<u>2 600</u>
Total amount received	19 736	15 392
Less: Expenditure	9 171	3 495
Paid back to National Treasury	-	-
Closing balance	<u>10 565</u>	<u>11 897</u>

5.6 OTHER FUNDS

i) President's Fund

The President's Fund is established to compensate victims in terms of section 42 of the Promotion of National Unity and Reconciliation Act of 1995 (Act 34 of 1995).

Parliament approved the following measures to victims on the recommendation of the State President and the subsequent consideration and recommendation of the ad-hoc Joint Committee of both Houses of Parliament on the tabling of the final two volumes of the Truth and Reconciliation Commission (TRC) reports:

- A once-off individual grant of R30 000 to those individuals or survivors designated by the TRC.
- Systematic programmes to project academic and formal records of history, cultural and art forms, as well as erecting symbols and monuments that exalt the freedom struggle, including new geographic and place names.
- Medical and other forms of social assistance programmes to provide for medical benefits, education assistance and the provision of housing, as well as other social benefits to address the needs of victims identified by the TRC.
- The need for the rehabilitation of communities through various programmes initiated and supported by government.

To date, payments of once-off individual grants have been paid to all beneficiaries who applied, with the exception of 13 who are either untraceable or reside outside the country. The implementation of education assistance has begun through the National Student Financial Aid Scheme (NSFAS) and regulations for health and housing are under development. Consultations for community

rehabilitation have already started and will continue in the 2014/15 financial year.

ii) Guardian's Fund

The primary responsibility of the Guardian's Fund is to receive monies due 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 66 of 1965).

For the 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:

Significant development work is still required to upgrade and integrate the current Guardian's Fund system into a full financial platform. This should be achieved with the minimum impact on the current operation of the Guardian's Fund. The integration to the financial system will deliver functionality to further support the Department in managing the financial affairs of the Guardian's Fund and improve service delivery to beneficiaries. The full financial integration of the Guardian's Fund is to be included in the Department's overall system objectives. The Department is considering several all-encompassing options, which include, among others, the Integrated Case Management System (ICMS).

Although the Guardian's Fund has representation in six Masters' offices, namely Pretoria, Pietermaritzburg, Grahamstown, Cape Town, Bloemfontein and Kimberley, an additional 29 points of service throughout the country were established, to assist with Guardian's Fund customer interaction, and making services available at many extra places. All Guardian's Fund offices utilised an online electronic payment system during 2013/14, and 96% of payments were being made

via this electronic platform. The electronic payment system has greatly improved the service delivery at these offices in reducing the payment turnaround times, as well as ensuring that beneficiaries do not have to travel to the Guardian's Fund offices to collect their cheques.

The State President issued a proclamation in 2012/13 for the Special Investigating Unit (SIU) to investigate the loss of funds and the management of the Guardian's Fund in Pretoria and Pietermaritzburg. At this stage, a preliminary report that identifies three officials in the Master's Office Pietermaritzburg, who have to be held accountable for improper conduct, has been provided and the appropriate disciplinary steps have been instituted against the mentioned officials. More reports will be submitted to the National Prosecuting Authority (NPA) and the President as prescribed by law. The investigation was not concluded by the date of this report

iii) Third Party Funds

Third Party Funds (TPF) refers to the collection of funds that the Department administers on behalf of third parties, which includes maintenance, bail, fines, payments into court and State Attorney funds (debt collection and conveyance on behalf of government institutions). The nature and volume of transactions (approximately 9.5 million per financial year), as well as the distribution of service points (501 bank accounts with the four clearing banks), pose a challenge for the Department, given the level of required sophistication of the technology systems and the skills of staff members.

The Justice Deposit Account System (JDAS), utilised for the administration of TPF, was designed as a case administration system with payments and receipts recording functionality and not as a financial accounting system with prescribed accounting and financial reporting capabilities. The Department is in the final stages of appointing a service provider to develop a new financial administration and accounting system for TPF. Once the service provider has been appointed, the Department estimates that it will take 12 to 18 months for the system to be developed and tested, and a further 12 months thereafter to fully implement it throughout the Department.

The Department, despite the historical challenges regarding TPF, now produces regular annual financial statements for TPF, and although negative audit opinions were received on these financial statements, mainly due to opening balances issues, the Department has made several improvements in the management of and reporting on TPF. About 98% of maintenance beneficiaries now receive their monthly payments by means of electronic funds transfer (EFT). During March 2014, only 4 768 beneficiaries (to the value of R3 219 353) still received

cash payments, while 243 271 beneficiaries (to the value of R184 976 239) received their maintenance payments directly via the EFT payment system.

The Department has appointed additional skilled and appropriately qualified staff at each regional office (a deputy director, two assistant directors and two State accountants per region), who are dedicated to focus on TPF management and reporting in each region. This was done, inter alia, to prepare office-level financial statements, which are consolidated per region, after which national financial statements are produced. The Department has also deployed appropriately qualified staff from the national office to support regions in obtaining their TPF objectives and to focus on hot-spot offices/regions within the Department, with appropriate interventions. Various training interventions have been implemented and the Department has seen a general improvement in the management of TPF.

A further 253 staff members at financial operations manager and regional level were trained on accounting methodologies, the process of effective daily and monthly reconciliations and the preparation of financial statements for TPF during the 2013/14 financial year. Further training and guidance were provided on system errors investigations and resolution.

New emerging challenges for the Department in this regard are a ruling by National Treasury that State Attorney monies and all categories of fines (excluding compensation fines), should be administered on the Vote Account of the Department as these are viewed as government monies. The prescribed government system for financial administration – the Basic Accounting System (BAS) – does not provide for the administrative functions required to successfully manage these monies and the volumes attached thereto.

In addition, National Treasury determined the retention

A total of 811 court-level staff members were provided with practical training during the 2013/14 financial year. This supplemented the achievements of the 2012/13 financial year when 479 court-level staff, court managers, supervisory staff and other TPF practitioners were trained.

period of unclaimed monies. Such monies should be kept by the Department for 30 years before being paid to the National Revenue Fund (NRF).

Due to system weaknesses and obvious risks, the Department has requested National Treasury to review and/or provide the Department with an exemption with regard to the implementation of these determinations on 1 April 2014. The National Treasury exempted the Department from accounting for fines and recoveries made by the State Attorney on behalf of government institutions in the financial statements of the Department for a three-year period ending in the 2015/16 financial year.

iv) The Criminal Assets Recovery Account

The Criminal Assets Recovery Account (CARA) is a separate account in the NRF into which monies and property are deposited following a judicial forfeiture or confiscation order, and any property or amount of money received or acquired from any source. The confiscation and forfeiture processes, as well as the establishment of the CARA and Criminal Asset Recovery Committee (CARC) Ministerial Committee, are legislated in terms

of the Prevention of Organised Crime Act, 1998 (Act 121 of 1998).

In terms of an amendment to the Financial Intelligence Centre Act (FICA) of December 2010, all penalties imposed in terms of section 45(c) of the Act are deposited into the CARA. The first deposit of R5 million was received in August 2012. The CARC recommended R250 million for allocation on 22 March 2011. However, National Cabinet approved the recommendation to allocate the R250 million on 7 September 2011 to various law enforcement agencies and organisations rendering assistance to victims of crime.

During the year under review, the JCPS Cluster Development Committee (DevCom) received bids for CARA funds and property from qualifying law enforcement agencies and institutions. The qualifying bids will be presented for consideration and recommendations by the Ministerial Committee thereafter. The recommendations will be made to Cabinet for consideration in the new financial year. The beneficiaries of the Cabinet 2011 allocations of R250 050 million were as follows:

Department	Purpose of project	Amount R 000
Department of Justice and Constitutional Development	Establishment of the Anti-corruption Task Team (ACTT)	150 000
Department of Social Development	Funding existing shelters for victims of crime and vulnerable groups, such as women and children	6 000
	Funding of civil society organisations (CSOs) rendering assistance to victims of crime	20 000
Department of Justice and Constitutional Development	Domestic violence and victim-support services and the implementation of the Victim's Service Charter	20 000
Department of Correctional Services	Infrastructure to establish 53 modern Parole Board offices for easy access by victims of crime who wish to participate in the mediation process with offenders who are in the correctional facilities	22 800
South African Police Service	The establishment of 45 victim-friendly facilities in police stations	11 250
National Prosecuting Authority (Asset Forfeiture Unit)	Funding of curator expenses in high-profile cases	20 000
Total		250 050

The account previously tabled separate annual reports and annual financial statements. As per National Treasury guidance, while separate statements are produced, CARA is now reported as a disclosure note into the Department's annual financial statements.

5.7 DISCONTINUED ACTIVITIES/ ACTIVITIES TO BE DISCONTINUED

None.

5.8 NEW/PROPOSED ACTIVITIES

The Department has begun consultations with relevant stakeholders regarding mechanisms for the establishment of the office of the Information Regulator.

5.9 ASSET MANAGEMENT

The legislative requirement and the need to galvanise a sustainable, unqualified audit opinion on asset management necessitated the Department to proactively cultivate a culture of custodianship of physical verification assets, and to ensure that all asset movements, additions, disposals and replacements are tracked and recorded in an updated asset register.

This required daily focus and interventions at senior management level through the following:

- The establishment of decentralised/user ownership for assets (court and regional responsibility)
- Improved accountability and recordkeeping of all assets purchased, maintained, disposed of and/or replaced
- Improved monitoring and reconciliation of the departmental asset register
- The establishment of the asset disposal committees

The disposal of assets was processed in accordance with the requests of end-users. Asset management training and financial-year readiness relating to asset management were conducted in an effort to maintain the significant milestones achieved in the previous financial year in terms of maintaining an unqualified audit opinion on the accuracy and completeness of the departmental asset register.

The primary focus for 2013/14 was on enhancing the accounting system for all library assets. During the period under review, the Department has verified and bar-coded all library books that meet the minimum requirements as prescribed by National Treasury, and maintained a consolidated library asset register for input into the annual financial statements.

5.10 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.

5.11 INFORMATION ON PREDETERMINED OBJECTIVES

Significant progress has been made regarding the management of Departmental performance information against predetermined objectives. During the year under review, support was provided to the Department in ensuring that the reported performance information was accurate, valid and complete. Initiatives that were undertaken included the following:

- Working jointly with other units to implement the ICMS: that assists the Department to improve the quality and timeliness of performance reports.
- Working with the Internal Audit Unit to identify and take corrective action where this was necessary.
- Implementing processes and procedures that improve the quality of performance reports.

In addition to the electronic monitoring system of performance via Troux, other system enhancements of ICMS were implemented to improve the quality of the data being collected at service point level.

5.12 EXEMPTIONS AND DEVIATIONS RECEIVED FROM NATIONAL TREASURY

We have received two exemptions. Please refer to page 162 in the Financial statements report.

5.13 INTERIM FINANCIAL STATEMENTS

The Department prepared three interim financial statements during the period under review.

5.14 APPROVAL

The annual financial statements set out on pages 110 to 177 have been approved by the Accounting Officer(s).

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

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

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

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

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


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

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

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

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

In my opinion, the annual report fairly reflects the operations, performance information, human resources information and financial affairs of the Department for the financial year ended 31 March 2014.



Ms N Sindane
Accounting Officer
Director-General: Department of Justice
and Constitutional Development
30 July 2014

7. STRATEGIC OVERVIEW

7.1 VISION

A transformed and accessible justice system, which promotes and protects social justice and the Rule of Law.

7.2 MISSION

To provide transparent, responsive and accountable justice services for all.

7.3 VALUES

The Department has the following values:

1. Constitutional values and a culture of human rights
2. Promotion of the Rule of Law
3. Batho Pele
4. Good governance
1. Ubuntu
2. Professionalism and continuous improvement
3. Transparency

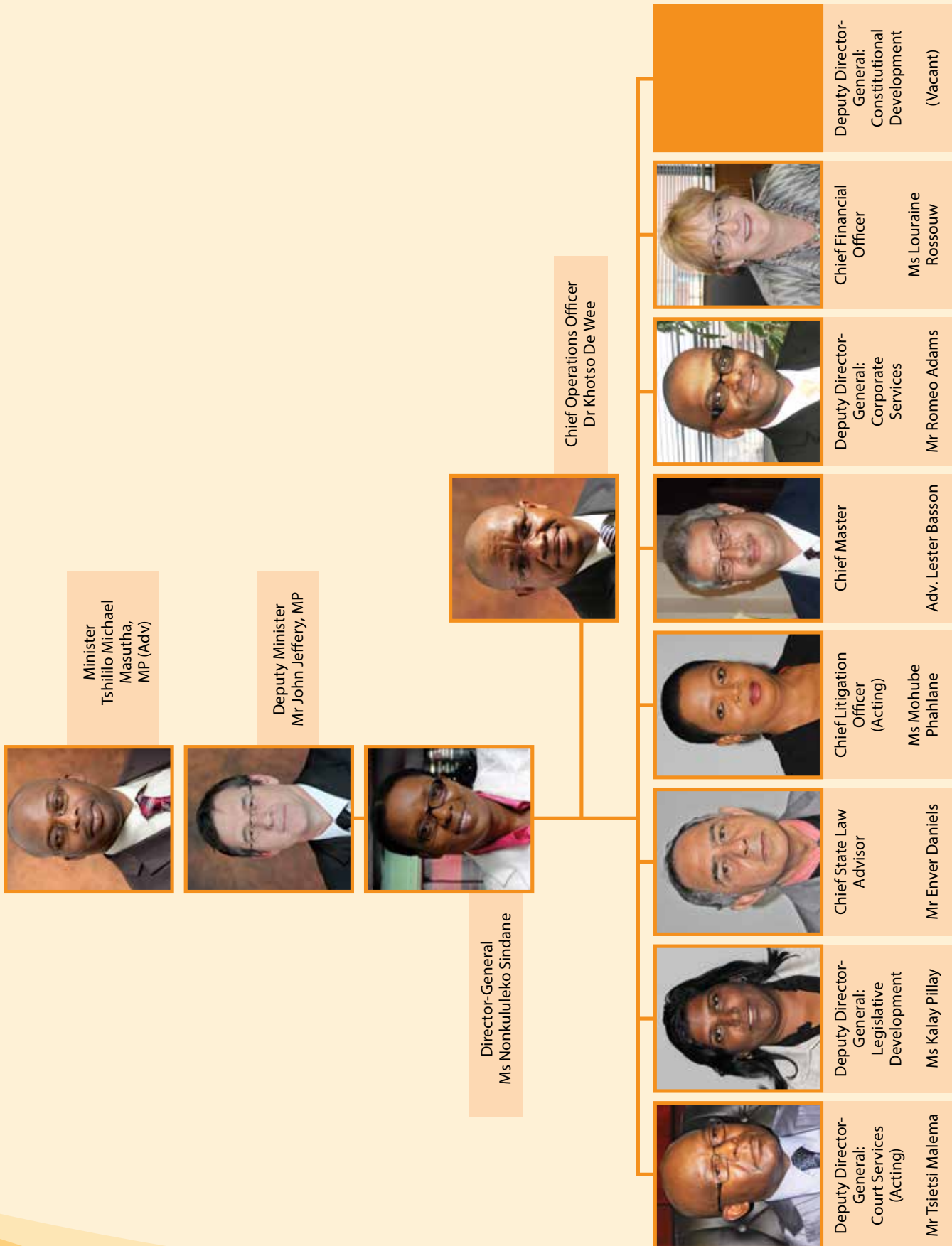
8. LEGISLATIVE AND OTHER MANDATES

The Department derives its statutory mandate from various statutes and pieces of subordinate legislation. The following are categories of functions emanating from different legislative instruments:

1. Legislation providing for the establishment and functioning of the superior courts, magistrates' courts and special courts (the Constitutional Court Complementary Act, Act 13 of 1995, the Supreme Court Act, Act 59 of 1959, the Magistrates' Courts Act, Act 32 of 1944, and the Small Claims Court Act, Act 61 of 1984).
2. Legislation providing for the appointment of judges and other judicial officers, their conditions of service, discipline and training (the Judges' Remuneration and Conditions of Employment Act, Act 47 of 2001, the Judicial Service Commission Act, Act 9 of 1994 (as amended), the South African Judicial Education Institute Act, Act 14 of 2008, and the Magistrates Act, Act 90 of 1993).
3. Legislation providing for the appointment of Masters' of the High Court and the administration of the Guardian's Fund, and deceased and insolvent estates (the Administration of Estates Act, Act 66 of 1965, and the Insolvency Act, Act 24 of 1936).
4. Legislation regulating the provisioning of legal advisory services to government departments (the State Attorneys Act, Act 57 of 1957).
5. Legislation relating to the promotion, protection and enforcement of certain human rights (the Promotion of Administrative Justice Act, Act 3 of 2000, the Promotion of Access to Information Act, Act 2 of 2000, and the Promotion of Equality and Prevention of Unfair Discrimination Act, Act 4 of 2000).

1. Legislation pertaining to the protection of vulnerable groups (the Child Justice Act, Act 75 of 2008, the Children's Act, Act 38 of 2005, the Criminal Law (Sexual Offences and Related Matters) Amendment Act, Act 32 of 2007).
2. Legislation providing for the establishment and functioning of the National Prosecuting Authority, the Asset Forfeiture Unit, the Special Investigating Unit, as well as the conduct of criminal proceedings, the investigation of organised crime and corruption, and the forfeiture of assets obtained through illicit means (the National Prosecuting Authority Act, Act 32 of 1998, the Criminal Procedure Act, Act 51 of 1977, the Prevention of Organised Crime Act, Act 121 of 1998, the Special Investigation Units and Special Tribunals Act, Act 74 of 1996, and the Witness Protection Act, Act 112 of 1998).
3. Legislation providing for the establishment and functioning of bodies responsible for legal aid, law reform and rule-making (the Legal Aid Act, Act 22 of 1969, the South African Law Reform Commission Act, Act 19 of 1973, and the Rules Board for Courts of Law Act, Act 107 of 1985).
4. The Maintenance Act, Act 99 of 1998, and the Domestic Violence Act, Act 116 of 1998.
5. Legislation providing for support to Chapter 9 institutions (the Human Rights Commission Act, Act 54 of 1994, and the Public Protector Act, Act 23 of 1994).
6. Legislation pertaining to debt collectors and sheriffs (Debt Collectors Act, Act 114 of 1998, and the Sheriffs Act, Act 90 of 1986).

9. ORGANISATIONAL STRUCTURE



10. ENTITIES REPORTING TO THE MINISTER

The table below indicates the entities that report to the Minister of Justice and Correctional Services:

Name of entity	Legislative mandate	Financial relationship	Nature of operations
Council of Debt Collectors	Debt Collectors Act (Act 114 of 1998)	No financial relationship	Monitors the conduct and professionalism of debt collectors, promoting a culture of good governance and thus protecting the public and creditors.
Legal Aid South Africa (LASA)	Legal Aid Act (Act 22 of 1969)	Transfer payment	Renders or makes available legal aid to indigent persons and provides legal representation at the State's expense.
National Prosecuting Authority (NPA)	National Prosecuting Authority Act (Act 32 of 1998)	Part of the Vote Account under Programme 4	Institutes criminal proceedings on behalf of the State to carry out any necessary functions incidental to the institution of criminal proceedings and to discontinue criminal proceedings.
Rules Board for Courts of Law	Rules Board for Courts of Law Act (Act 107 of 1985)	Part of the Vote Account in the Legislative Development and Law Reform Branch	Reviews existing rules of courts and, subject to the approval of the Minister, makes, amends or repeals rules for the Supreme Court of Appeal, high and lower courts.
South African Board of Sheriffs	Sheriffs Act (Act 90 of 1986)	No financial relationship	Monitors services of the sheriffs and deputies and ensures that the services are executed in terms of the Code of Conduct for Sheriffs.
South African Law Reform Commission (SALRC)	South African Law Reform Commission Act (Act 19 of 1973)	Part of the Vote Account in the Legislative Development and Law Reform Branch	Conducts research regarding the development, improvement, modernisation or reform of all branches of the law of South Africa.
Special Investigating Unit (SIU)	Special Investigating Unit and Special Tribunals Act (Act 74 of 1996)	Transfer payment	Provides professional forensic investigations and litigation services to all State institutions at national, provincial and local level.

13 | 14 HIGHLIGHT

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new courts have been built since 1994 (9 of which were built in the 2009 to 2013 period) and a further 24 branch courts have been elevated into full-service courts. The outstanding 65 branch courts are also earmarked for upgrade gradually in line with our National Development Plan.

COURT A

Performance Information



1. AUDITOR-GENERAL'S REPORT: PREDETERMINED OBJECTIVES

The Auditor-General of South Africa (AGSA) currently performs certain audit procedures on the performance information to provide reasonable assurance in the form of an audit conclusion. The audit conclusion on the performance against predetermined objectives is included in the report to management, with material findings being reported under Predetermined Objectives in the report and under Other Legal and Regulatory Requirements in the Auditor's Report.

Refer to page 104 of the Report of the Auditor-General, published as Part C: Governance.



2. OVERVIEW OF DEPARTMENTAL PERFORMANCE

2.1 ORGANISATIONAL ENVIRONMENT

The 2013/14 financial year witnessed the passing of the founding President of a democratic South Africa, Dr Nelson Mandela. Senior officials of the JCPS Cluster, together with other government departments, put together plans for a dignified safe send-off during December 2013. This operation included security services for heads of States and other international dignitaries.

The year under review was also the final year of the five-year Medium-term Strategic Framework (MTSF) period and the 20-year anniversary of our democracy. Consequently, the key focus for the year was the finalisation of key projects that were under implementation over the Medium-term Expenditure Framework (MTEF) period. In addition, the Department, together with Cluster partners, put together a draft MTSF document, which responds to the National Development Plan (NDP) 2030.

As was the case throughout the MTSF period, spending pressures continued into the 2013/14 financial year. Firstly, the Marikana Commission was extended beyond the originally approved time period due to the complexity of matters that were being heard. Secondly, there is an increasing need for security services to protect judicial officers, prosecutors and courts, which puts pressure on other programmes of the Department. Thirdly, the implementation of a number of existing pieces of legislation of the Department remains underfunded and new legislation, such as the Superior Courts Act, will require further funding.

While the Department has experienced a shortfall in operational expenses, the overall financial report indicated underspending of over R475 million. A total of R347.6 million could not be spent on capital works due to delays experienced by the Department of Public Works, as well as unavoidable scope changes by the Department. With regard to the Integrated Justice System (IJS) Programme, R128 million could not be spent due to delays in the tender process for the procurement of court equipment.

The Department's occupational dispensation for legally qualified officials remained unresolved and this created labour relations issues for the Department. Certain posts within LP10 could not be filled due to an embargo placed on the appointment of such posts. This impacted negatively on the performance of the Department, especially the State Attorney Branch, as it is the most affected by the embargo. Discussions with relevant government departments will continue in the 2014/15 financial year to address concerns raised.

A number of critical top management positions, namely, Chief Financial Officer, Deputy Director-General for Corporate Services and Deputy Director-General for Legislative Development, were filled during the year under review. This eased the pressure and improved performance at executive management level, specifically the executive oversight over the Department. In the 2014/15 financial year, the focus will be on filling the outstanding executive positions.

Broader initiatives, such as the filling of vacancies and streamlining of processes, have assisted the Department to improve performance.

2.2 KEY POLICY DEVELOPMENTS AND LEGISLATIVE CHANGES

During the year under review, the following policy documents relating to the transformation of the judicial system, the lower courts and court administration were developed.

(a) Transformation of the judicial system and the role of the judiciary in developmental South Africa

The Human Sciences Research Council (HSRC), in partnership with the University of Fort Hare (UFH), was awarded a tender to undertake an assessment of the impact of the decisions of the Constitutional Court and Supreme Court of Appeal. The latter assessment constitutes an important part of the Policy Document on the Transformation of the Judicial System and the role of the judiciary in the developmental South African State.

The draft preliminary report regarding the assessment of the impact of the jurisprudence of the highest courts was received by the Department on 31 March 2014 and the report will be considered by the Minister during the 2014/15 financial year. This report identifies 50 significant judgments of the two courts that are being scrutinised to establish their impact on society.

(b) Judicial and court administration framework suited for the requirements of the Constitution

The enactment of the Superior Courts Act and its promulgation in August 2013 represent a transition

towards the establishment of a judiciary-led court administration. The second and final phase of the development of an alternative court administration framework requires the development of legislation that will inform the desired legislation. It is imperative that the envisaged legislation be based on the Judicial and Court Administration Framework aligned to the requirements of the Constitution.

During the year under review, the Chief Justice prepared a report of the Committee on Institutional Models entitled "Capacitating the Office of the Chief Justice and laying foundations for judicial independence – the next frontier in our constitutional democracy: judicial independence". This report is the culmination of the work started by former Chief Justice Ngcobo who, in 2009, established a committee led by the late Chief Justices Chaskalson and Langa to advise on appropriate institutional reforms aimed at protecting the independence of the judiciary.

A report containing views and comments on the institutional models report, with cross-references to the paragraphs in the report, was prepared and submitted to the Minister for his consideration.

(c) Blueprint for the transformation of the magistracy and lower courts in South Africa

The blueprint on the transformation of the Magistrates' Courts relates to the development of principles that would guide the overhaul of the outdated Magistrates' Court Act of 1944 (Act 32 of 1944). The Framework on the Rationalisation of Lower Courts, completed under the project on the alignment of magisterial districts with municipal boundaries, constitutes part of the blueprint for the transformation of the magistrates' courts. The outstanding work of the blueprint relates to the development of principles that will guide a new Lower Courts Bill to replace the Magistrates' Courts Act.

(d) Insolvency Policy

The Minister of Justice and Correctional Services determined a policy for the appointment of insolvency practitioners to administer the estates of insolvent persons and the estates of legal persons in liquidation. The Policy on the Appointment of Insolvency Practitioners was published in *Government Gazette No 37287*, dated 7 February 2014. The objective of the policy is to promote consistency, fairness, transparency and the achievement of equality for persons previously disadvantaged by unfair discrimination. The implementation date of the policy was determined as 31 March 2014, but has since been placed on hold due to legal challenges to its constitutionality.

(e) Legal Practice Bill

The legal profession constitutes part of the machinery that provides services aimed at promoting access to justice, and thus the transformation of the profession is a constitutional imperative. A significant milestone was achieved in November 2013 when the National Assembly passed the Legal Practice Bill. The National Assembly passed the bill in March 2014 for assent by the President.

(f) Criminal Law (Forensic Procedures) Amendment Act

In 2013, Parliament passed the Criminal Law (Forensic Procedures) Amendment Act, otherwise known as the DNA Act. This legislation will support the strategic objective of contributing to the successful prosecution of crimes through specialised investigations, thereby increasing the detection rate of priority crimes, particularly crimes against women, children and the elderly.

(g) Transformation of State Legal Services

The transformation of State Legal Services forms part of the ongoing initiatives aimed at transforming the administration of justice broadly. In particular, it is aimed at addressing the apparent lack of effective coordination of legal services that has led to a number of operational challenges experienced across government, which include the following:

- Prescription of claims involving government
- Default judgments granted against government
- Lack of monitoring systems over the work and outputs of attorneys and advocates
- Inconsistency in the determination of counsel fees
- Low success rates in cases against the State

Cabinet has approved a Framework for the Transformation of State Legal Services to address the above challenges. The implementation of the Policy Framework will also go a long way in responding to the general outcry within the profession that previously disadvantaged individuals (PDIs) are not given briefs or that the value of the briefs are not commensurate with transformational objectives.

As part of these transformation initiatives, amendments to the State Attorney Act of 1957 have been passed by Parliament. This gives the Department an opportunity to establish the position of a Solicitor-General, who will represent the State in all civil litigation.

(h) National Action Plan on crimes against the LGBTI community

During March 2011, the Minister of Justice and Constitutional Development mandated the establishment of a National Task Team (NTT), with the aim of developing a National Intervention Strategy that will address so-called “corrective rape” and other forms of violence against lesbian, gay, bisexual, transgender and intersex (LGBTI) persons. The Department initiated engagements with key government departments and institutions to establish and develop the NTT.

In the year under review, officials from the Department of Justice and Constitutional Development, the South African Police Service (SAPS), the National Prosecuting Authority (NPA), the Department of Social Development, the Department of Correctional Services, the Department of Cooperative Governance and Traditional Affairs, the Department of Women, Children and People with Disabilities, the Government Communication and Information System (GCIS), Chapter 9 institutions and civil society organisations developed the following documents:

- The terms of reference of the NTT
- The terms of reference of the Rapid Response Team
- The National Intervention Strategy
- An information pamphlet on frequently asked questions regarding LGBTI persons

A Rapid Response Team was established with the purpose of urgently attending to the pending and reported cases in the criminal justice system where hate crimes have been committed against LGBTI persons. The team comprises of the Department of Justice and Constitutional Development, the NPA, the SAPS and representatives of civil society organisations. By the end of the financial year, 14 cases had been finalised, five of which were finalised with imprisonment sentences of 10 to 20 years. An additional 19 cases are pending in the criminal justice system.

2.3 SERVICE DELIVERY ENVIRONMENT

Highlights of performance in the last five years, in general, and the 2013/14 financial year, in particular, are discussed in three main areas: improved access to justice, improved service delivery, and improved administration.

2.3.1 IMPROVED ACCESS TO JUSTICE

a) New courts completed

The Department has made a major impact in improving access to justice, particularly to historically disadvantaged people. Through the capital works programmes, 45 courts have been built since 1994, mainly in rural areas and historically black townships. In the year under review, the Kagiso Magistrate’s Court was completed.

b) Re-designation of branch courts into full-service courts

In line with a constitutional imperative that the composition, structures and jurisdiction of courts must be rationalised with a view to establishing a judicial system suited to the requirements of the Constitution, a project to convert branch courts into full-service courts was undertaken. This project is aimed at reversing the effect of the spatial legacy of the past, which deprived the majority of citizens equal access to justice. By the end of the 2013/14 financial year, 29 of a total of 90 branch courts had been revamped and converted into full-service detached courts. The effect of the re-designation of these branch courts into full-service courts is the expansion of services relating to civil and family law services to the communities served by these courts, in particular, services that are geared to improve the livelihoods of the poor and vulnerable members of society, such as maintenance, deceased estates and small claims court services.

c) Alignment of magisterial districts with municipal boundaries

Magisterial districts are the building blocks of the judicial system and constitute the basis for the determination of jurisdictional boundaries of courts at all levels of operations. Although the former homelands and self-governing territories have been reintegrated into a unitary sovereign South African State, the old racially based magisterial districts still remain intact. This state of affairs perpetuates the deprivation and denial of access to justice for millions of communities living in the areas that were excised from the Republic in the past. Of the 387 magisterial districts, 177 districts were not aligned to provincial and municipal boundaries prior to the finalisation of the Gauteng and North West provinces. With effect from 1 August 2014, 36 of the 177 magisterial districts will function in accordance with the municipal and provincial dispensation of our Constitution.

a) Establishment of small claims courts

In support of the Department's aims to improve access to justice, small claims courts are being established in every magisterial district in the country. The target of establishing 20 new small claims courts for the year was surpassed in that 30 small claims courts were established across the country from 1 April 2013 to 31 March 2014.

This brings the total number of small claims courts proclaimed to 293. This had the impact that more persons could access the services of the small claims courts that deal with smaller civil matters.

In addition, the following developments were undertaken during the year under review:

- Two extra places of sitting were proclaimed: Memel for Vrede and Paul Roux for Senekal in the Free State.
- Five inactive small claims courts were revived
- Sixteen advisory boards were revived.

b) Establishment of offices of the Chief Family Advocate

With regard to the promotion of the rights of the child, seven new offices of the Family Advocate were established in Welkom (Free State), Palm Ridge (Gauteng), Sibasa (Limpopo), Vossman (Mpumalanga), Upington (Northern Cape), Rustenburg (North West), and Mitchell's Plain (Western Cape) during 2013/14. These offices service the Children's Court and the domestic violence courts. They also intervene in regional and high courts where matters affecting children are heard.

2.3.2 IMPROVED SERVICE DELIVERY**a) Improvements within Maintenance Services**

Electronic funds transfer (EFT) for maintenance payments has assisted the Department and beneficiaries to address a number of challenges within this service. For the Department, this approach reduces the amount of cash handled by the service points and therefore minimises the risk of theft and robberies. For beneficiaries, this reduces travel costs, and saves valuable time for parents. The number of courts using EFT increased from 10 in March 2011 to 390 in March 2014.

It is pleasing to note that, during March 2014, only 4 768 beneficiaries received payments in cash to the value of R3 219 353. This is a great achievement for the Department because only 2% of beneficiaries still receive maintenance in cash. It is also worth noting that a vast majority of these EFT payments were made at court level and not at the national office. The decentralised EFT figures are illustrated on the table below.

Maintenance payments	March 2011	March 2012	March 2013	March 2014
Number of beneficiaries paid via EFT at court level	15 893	100 116	171 712	214 443
Number of courts making EFT payments at court level	10	103	310	390
Value of decentralised payments	R9 150 544	R63 552 453	R110 504 556	R164 852 378

For the Guardian's Fund, all service points use EFT, and similarly, 96% of payments were made via EFT in March 2014.

Following the success of the introduction of the Lean Process Management (LPM) system at Moretele Maintenance Court in 2012, the Department rolled out the LPM system to the rest of the nine pilot sites. LPM is a rapid process improvement that removes blockages, waste and backlog from the service points. In establishing the LPM system, the Department identified all the steps in the value stream of each service point from the client's perspective. At every site, it repositioned the location of the service points to create a sequential chain that is time-saving and also provides the smooth flow of services to the client. It also set performance standards, which include a queue waiting time of not more than two hours, and EFT maintenance payments made to beneficiaries not later than four days after the receipt of funds by the Department. For 2013/14, implementation of standards continued and results are discussed under Service Delivery Improvement.

a) Establishment of case flow management forums

The 17th Constitution Amendment Act, finalised during 2012/13, confirms the Chief Justice as head of the judiciary. During the year under review, the implementation of this amendment was intensified by the establishment of case flow management forums led by the Chief Justice. This development is critical to service delivery because it clarifies the role and responsibility of the Chief Justice and members of the judiciary in the finalisation of cases and improvement of services in the court environment.

b) Establishment of sexual offences courts

In addressing this scourge of sexual violence, a decision was taken to re-establish dedicated sexual offences courts. Following an audit by the Ministerial Advisory Task Team on Sexual Offences, 57 regional courts across the country were identified for designation as specialised sexual offences courts. Nine of these were identified for completion within the 2013/14 financial year. By the end of the financial year, 19 courts had been completed.

c) Masters' services

Major developments within the Office of the Master of the High Court includes implementation of the Paperless Estate Administration System (PEAS). The first two modules of Deceased Estate Administration were finalised in the financial year under review. It has been rolled out to all 15 Masters' offices in a staggered way during the year under review. The successful implementation of the PEAS will improve efficiency, as well as curb fraud and documents getting lost as all documents are scanned. This system will computerise the administration process in deceased estates and all documentation will be scanned and stored electronically. Interested parties will be able to view all relevant information at any given time on the Masters' Portal, available on the website.

The table below indicates that, in the first year of operation, 33% of estates were already registered using the PEAS. It is envisaged that this percentage will increase to 75% in the 2014/15 financial year.

Total matters registered 2013/14	Estates registered on ICMS: (old system)	Estates registered on PEAS (new system)	Percentage matters done on PEAS
158 715	106 832	51 883	33%

During the year under review, additional service points have been established to improve access to Master's services. Service points at the Barberton, Ntsikazi, Nkomazi and Bushbuckridge magistrates' offices have been established.

The Department continued to provide information on the internet on several areas within the Master of the High Court, such as the forms to be used by the public, information regarding unclaimed funds in the Guardian's Fund, a list of liquidators and further operational information, such as liquidation and distribution accounts received. There is also a self-help aspect available on the Masters' Portal, where the public can obtain certain basic information themselves without needing to contact the relevant Master's Office. This initiative is regarded as a success and improves service delivery.

Members of the public who do not have access to the internet can also access Masters' services and information by phoning the respective Masters' offices, as well as the Office of the Chief Master. Written requests can also be posted to the relevant offices. There is a helpdesk available in all Masters' offices to assist with public enquiries at the frontline. The public may also contact any of the 423 service points located at various magistrates' offices to assist.

The Cape Town Masters' Office relocated to new premises during September 2013, making it much more accessible to the public. Its relocation has also brought about a much more dignified environment for the rendering of services. The building was named after a struggle stalwart and former Minister of Justice and Constitutional Development, the late Mr Dullah Omar, in recognition of his impeccable legacy. The infrastructure improvement at the new building fulfils

the right of access to courts as guaranteed by the Constitution.

a) Legal advice

The Department, through the Office of the Chief State Law Advisor, provides legal advice, representation and legislative drafting services to the Executive, all State departments at both national and provincial levels, municipalities, parastatals and independent or autonomous bodies that may refer work to it. It supports the government to achieve its objectives of transforming South African society and redressing past imbalances by providing efficient and cost-effective legal advice, legislative drafting and translation services of a high quality.

The core functions of the office include the following:

- Drafting and certification of legislation.
- Translation of legislation.
- Writing of legal opinions.
- Scrutiny and certification of all international agreements, including extradition agreements.
- Scrutiny and certification of draft subordinate legislation.
- Review and certification of municipal by-laws.
- Serving as consultants to organs of State.
- Performing any other function referred to it by the Executive.

During the period under review, this office saw a large increase in the number of requests for work, as illustrated in the table below. In addition, there has been an increase in the level of complexity of matters received.

Financial year	Case load	Total finalised
Legal opinions		
2012/13	900	837
2013/14	975	824
Preliminary opinions on draft bills		
2012/13	94	60
2013/14	98	88
Certification of bills and other instruments		
2012/13	563	466
2013/14	722	574
Translations into South African official languages		
2012/13	237	237
2013/14	260	205

b) International legal relations

The Department, through the International Legal Relations Unit, is involved in liaison and negotiations at administrative and technical levels with foreign States to promote international legal cooperation, as well as for the possible conclusion of extradition and mutual legal assistance agreements. In addition to agreements and negotiations, other services are delivered and international matters are handled.

The Department dealt with 154 requests for extradition and mutual legal assistance cases during the year under review, compared to the 133 handled during the

2012/13 financial year. Furthermore, 80 requests for the enforcement of foreign maintenance orders were handled, compared to the 55 dealt with during the 2012/13 financial year. These requests will ensure that parents, whether in South Africa or in a foreign State, will receive maintenance as determined in divorce orders.

The service of process in civil matters in and outside South Africa is necessary for an effective judicial system to ensure that parties receive proper notice of civil actions. To this effect, the Department processed 185 requests for the service of process, with the assistance of other government departments, compared to 196 requests for the service of process during 2011/12.

Financial year	Total processed
Extradition and mutual legal assistance	
2012/13	133
2013/14	154
Foreign maintenance orders	
2012/13	55
2013/14	80
Service of process	
2012/13	196
2013/14	185

a) Litigations, expungements and pardons

In addition to managing litigation on behalf of the State, the Office of the Chief Litigation Officer handles expungements of criminal records for individuals who qualify under law, and the processing of pardon applications for the President of the country.

i. Civil litigation

On 1 April 2013, there were 799 pending civil claims in the amount of R3 125 725 388. The Directorate received 213 new claims during the reporting period, bringing the total active claims to 1 012. The total claims finalised was 157, which translates to 15.51% of the total active claims. At the end of the 2013/14 financial year, there were 855 active cases with the value of R3 166 869 271.

There were 701 pending notices of motion at the beginning of the reporting period and 397 new matters, bringing the total active cases for the reporting period to 1 098. The Directorate finalised 117 (10.66%) notices of motion, which resulted in 981 pending.

ii. Expungement of criminal records

In the year under review, 10 975 expungement applications were received, while 10 523 were finalised. The number of matters finalised includes applications received in the previous year. There was a 29% increase in the number of expungements received in 2013/14, compared to the previous financial year.

Outstanding applications from 2012/13	New applications received during 2013/14	Number of applications finalised during 2013/14	Number of applications carried forward	Percentage finalised in 2013/14
1 163	10 975	10 523	1 657	87%

iii. Application for pardons

A total of 1 734 applications were accrued from the 2012/13 financial year. The Directorate received 1 209 new applications, bringing the total application in 2013/14 to 2 943, while 1 568 (53.29%) applications were finalised. The finalised cases include those received in previous financial years. In the period under review, 35 pardons were granted. There was a 40% increase in the number of pardons finalised in 2013/14, compared to the previous financial year.

b) Implementation of Truth and Reconciliation Commission recommendations

The payment process in respect of reparations of R30 000 to individual victims, as recommended by the Truth and Reconciliation Commission (TRC) and approved by Parliament, was brought to near conclusion during the year under review. As at 1 April 2013, 40 beneficiaries (or their rightful next-of-kin in the case of deceased beneficiaries) remained to be traced and paid. Twenty-seven beneficiaries were traced during the past financial year, of which 25 remain to be paid. In nine

of the 25 cases, it has been indicated to the TRC Unit that the beneficiaries are missing. The rightful next-of kin has been advised to apply for a presumption of death order to enable payment. It also has to be noted that four of the 25 beneficiaries have declined reparations. Payment of the remaining 12 beneficiaries currently being processed by the President's Fund Office will be effected as soon as all prescripts have been adhered to, such as the provision of banking details by beneficiaries.

Thirteen beneficiaries have been declared untraceable. Four of these have last known addresses within the borders of South Africa, while nine are believed to reside in foreign countries. The Promotion of National Unity and Reconciliation Act (Act 34 of 1995) provides for the dissolution of the President's Fund and the transfer of the remainder of the funds to the Disaster Relief Fund. In respect of the beneficiaries declared untraceable, any liabilities or claims incurred by the President's Fund will be settled from the Disaster Relief Fund.

Following Ministerial approval, the Chief Directorate: Legislative Development submitted the draft regulations on basic education and higher education and training to the Presidency for consideration in July 2013. As far as the draft regulations on medical benefits are concerned, the Minister of Finance proposed a new model on which the regulations must be based, namely to define victims and their relatives as an additional category of persons who qualify for free public health care. The Department of Health is considering changes to the legislation to cater for this requirement. With regard to housing assistance, policy decisions are pending.

A total of 128 communities were listed by the TRC as having been subjected to intense acts of violence and destruction during the specified period. Eighteen communities (two per province) have been prioritised, through criteria approved by the Minister, for completion of the needs analysis phase by 2015/16. This phase has been finalised in Gauteng (Alexandra and Mamelodi) and KwaZulu-Natal (Bhambayi and Mpophomeni), and is currently underway in the Free State communities of Thabong and Tumahole. This process is being conducted in conjunction with the Independent Development Trust (IDT) (with which the Department signed a Memorandum of Agreement in March 2012, as previously reported), and will be implemented in accordance with the relevant regulations. To this effect, draft regulations were developed and published for public comment in November 2013, with the deadline

for submission of comments set at 1 January 2014. The comments received are currently being evaluated by the TRC Unit and the Chief Directorate: Legislative Development.

In respect of missing person cases investigated by the Missing Persons Task Team (MPTT) in the NPA, 19 families were paid reparations during this financial year in accordance with the Regulations on Exhumation, Reburial and Symbolic Burial of Missing Persons, which provides for the monies in the President's Fund to be accessed for exhumation and reburial purposes. This brings the total paid to 66 families.

During this financial year, nine exhumations were conducted by the MPTT, bringing the total to 94. The TRC Unit organised and conducted the handover of 18 remains to the families, while two symbolic burials took place with the support of the TRC Unit. As at 31 March 2014, 94 remains have been handed over, while three symbolic burials have been conducted. The number of exhumed remains that are ready for handover stands at four. Fourteen exhumed remains are still undergoing forensic examination. Two remains have been excluded through forensic examination.

2.3.3 IMPROVED ADMINISTRATION

Key projects have been implemented in support of service delivery. For the year under review, these included the digitisation of court records, implementation of audiovisual remand and ICT-related projects.

a) Digitisation of court records

Following the successful digitisation of court records in seven courts, the second phase of the project was undertaken to include the Durban High Court and the Labour and Labour Appeal Court. Change management training was conducted at the two sites for users of the system to enhance service delivery. Phase 3 courts have already been identified for the further roll-out of the project. These are the Cape Town High Court, the Cape Town Magistrate's Court and the Pietermaritzburg High Court.

Records removed from courts through the offsite storage project for Phase 2 courts are indicated in the table on page 42.

	Durban High Court	Labour and Labour Appeal Court	Total	Grand total for all nine courts
Cases	284 298	93 246	377 544	43 798 893
Pages	17 612 059	10 223 033	27 835 092	171 264 225

a) Audiovisual remand

This project commenced as a pilot in October 2005 in KwaZulu-Natal and was deployed at the Durban and Pinetown magistrates' courts linked to the Durban-Westville Medium A Correctional Facility. The business benefit of utilising such technology has been reflected in the reduction of case delays and detentions to minimum periods. The process obviates the need for the detainees to be physically brought to the courts merely for the purpose of remands that last only a few minutes. This has also resulted in the reduction of costs and risks associated with detainees being conveyed to the courts.

In the year under review, the system has been rolled out to 47 magistrates' courts linked to 21 correctional facilities and 9 068 criminal cases were remanded using this technology.

b) Information and communication technology

The Department recognises the critical role played by information and communication technology (ICT) as a strategic resource and an enabler for the Department to function more effectively and efficiently. This is in line with the objective of improving internal operations and service delivery.

The Department recognises that modernisation, through the implementation of business solutions, requires a supporting, responsive and stable underlying ICT infrastructure. In renewing and upgrading the Department's aging ICT infrastructure, a number of projects were implemented to upgrade key components of the ICT infrastructure located centrally at regional offices and courts. These included the implementation of technical components of an end-to-end ICT infrastructure performance monitoring solution, optimisation of the Basic Accounting System (BAS)/LOGIS connectivity, infrastructure security audits and support for several special judiciary commissions. The totality of infrastructure projects has several advantages, including improved business applications performance, cost savings in terms of optimisation instead of upgrades, proactive fault-finding leading to increased end-user satisfaction and service continuity, improved infrastructure stability, which minimises organisational risk, and continued identification and closing of security gaps. All the advantages lead to improved public service provisioning.

Business solutions form an integral part of the Department's strategy, improving service delivery and stakeholder enablement through the appropriate use of available technology. The following are key achievements in terms of business solutions in 2013/14:

- To date, the SAPS Case Administration System (CAS) has been rolled out to 335 courts, of which 314 were rolled out in the 2013/14 financial year.
- Development and testing of the IJS, NPA, Electronic Content Management System (ECMS) and ICMS: have been completed. This will enable integration between the NPA and the Department with regard to charge sheets and case outcome information.
- The ICMS: Deceased Estates module, the PEAS, was deployed to 15 Masters' offices and identified service points. The ICMS:Trusts module, the PEAS Trusts was deployed to 15 Masters' offices. This will go a long way towards reducing turnaround times and improving efficiency in the Masters' offices.
- The ICMS: Maintenance module was successfully deployed to the nine pilot sites of Operation Isondlo. The completion of this project will contribute significantly towards improving maintenance services as a strategic priority of the Department.
- The design of the solution to integrate the Masters' services with the Department of Home Affairs has been completed. It is envisaged that the completion of this solution will deliver improved business process efficiency and data integrity.
- The completion of the design of the ICMS: Civil and Criminal Justice systems has laid the foundation for continued modernisation of the justice system through the use of advanced technology.

2.4 SERVICE DELIVERY IMPROVEMENT PLAN

During the year under review, the Maintenance and Masters' service standards were monitored on a quarterly basis through the approved Departmental Service Delivery Improvement Plan.

Alongside the distribution of Service Charter posters to all service points in 2012/13, the Charter and service standards were translated into all official languages and booklets distributed to all regions.

As part of facilitating the implementation of service standards, accredited learning material was developed and will be finalised early in 2014/15.

2.4.1 MAIN SERVICES PROVIDED AND STANDARDS

Following the finalisation of the Service Charter, the Department identified those standards that would be monitored immediately. A number of implementation challenges, such as the quality of baseline data and the practical considerations of measuring standards, were identified. A review of service standards will be undertaken in consultation with key stakeholders.

The table below details performance against Departmental service standards in line with the Service Improvement Plan.

Actual customers	Standard of service	Progress against standards
Maintenance Services – Mediation		
<ol style="list-style-type: none"> 1. Children 2. Minors 3. Single parents 4. Other parents 5. Grandparents 6. Siblings 	Where there is proper service of process, the maintenance order will be finalised within 90 days.	Standard achieved. Average number of days taken is 32.
	Return of non-service of process will be communicated to the client within seven working days of receipt. On completion of investigations on a reported maintenance default, the Department will communicate to the client within seven working days.	Standards not being measured due to implementation challenges.
	Where there is proper service of process, all applications for variation orders will be finalised within 90 days.	Standard achieved. Average number of days taken is 25.
	All electronic maintenance payments to recipients will be processed within four working days of receipt of schedules from the employer.	Standard not achieved. On average, it takes seven days to process EFT payments.
	All cash payments will be ready for pay-out to beneficiaries within four working days after receipt of the schedules from employers or payments from individual obligors.	All pilot sites are using EFT for maintenance payments and therefore cash payments are no longer processed.

Actual customers	Standard of service	Progress against standards
Masters' Services – Payment to beneficiaries of monies held in trust		
<ul style="list-style-type: none"> Orphans Legal guardians Heirs Creditors and people who are incapable of managing their own affairs 	Administration of estates: If all the documents are lodged, 90% of letters of appointment will be issued within 15 working days.	Standard achieved. On average, 94% of letters of appointment were issued within 15 working days.
	Administration of estates above R125 000: 85% of liquidation and distribution accounts are examined within 15 days of receipt of all required documents.	Standard achieved. On average, 90% of liquidation and distribution accounts were examined within 15 days of receipt.
	Administration of Guardian's Funds: 90% of new applications will be paid within 40 working days if all necessary documents and fingerprint verification have been received.	Standard not achieved. On average, 77% of the new applications with necessary documents and fingerprint verification were paid within 40 working days of receipt.
	Administration of trusts: 91% of letters of authority are issued in trusts within 14 days of receipt of all required documents.	Standard not achieved. On average, 85% of letters of authority were issued in trust within 14 days of receipt of all required documents.
	Administration of Bankruptcy matters: Certificates of appointment issued in 80% of bankruptcy matters within 10 days from receipt of all required documents.	Standard achieved. On average, 85% of certificates of appointment were issued within 10 days of receipt of all required documents for bankruptcy matters.
	80% of liquidation and distribution accounts in bankruptcy matters are examined within 15 days of receipt of all required documents.	Standard achieved. On average, 94% of liquidation and distribution accounts in bankruptcy matters were examined within 15 days of receipt of all required documentation.

2.4.2 CONSULTATION ARRANGEMENTS WITH CUSTOMERS

Type of arrangement	Actual customers	Actual progress
Maintenance Services Coordinate four public participation programmes (PPPs) for Ministry per annum	<ul style="list-style-type: none"> Children Minors Single parents Other parents Grandparents Siblings 	<ul style="list-style-type: none"> Seven PPPs conducted. Targeted groups included people with disabilities, schoolchildren and churches. Four outreach events took place in Limpopo, Mpumalanga, KwaZulu-Natal, and Eastern Cape.
Masters' Services Coordinate four PPPs for Ministry per annum	<ul style="list-style-type: none"> Orphans Legal guardians Heirs Creditors and people who are incapable of managing their own affairs 	The Masters' Services Western Cape launch event was hosted on 11 September 2013.

2.4.3 SERVICE DELIVERY ACCESS STRATEGY

Access Strategy	Actual progress
Maintenance Services	
Client will not spend more than two hours in the queue before being attended to.	Average waiting time of 18 minutes recorded for pilot courts.
Establish the SMS system and pilot to 10% of the courts by 31 January 2013.	The SMS system was in the testing phase at the end of 2013/14 and is expected to be completed in 2014/15.
EFT payments rolled out to 70% of courts by March 2013.	Standard achieved: 390 out of 477 courts (82%) are implementing the decentralised EFT maintenance payments.
Number of branch courts converted to full-service courts by 31 March 2014.	29
Nine mediation services established in pilot sites by 31 March 2013.	Maintenance officers from pilot and non-pilot sites have been trained in mediation training sessions, which cover interviewing skills.
Masters' Services	
Nelspruit office fully operational by the end of 2013.	This is 100% completed. Nelspruit office was fully operational by the end of 2013.

2.4.4 SERVICE INFORMATION TOOL

Types of information tool	Actual progress
Maintenance Services	
Develop maintenance-related information brochures in all official languages by 31 March 2013.	Standard achieved. Ongoing distribution of pamphlets during community outreach events.
Establish the application and process office by 31 March 2013 in nine pilot courts.	Standard to be reviewed.
Review and distribute public education material by 31 March 2013.	Standard achieved.
Develop Maintenance webpage with educational information by 31 March 2013.	Standard achieved in the past financial year. Annual usage reported at 22 324.
Coordinate education of the public through targeted media interventions (two television and 12 radio programmes by 31 March 2013).	<ul style="list-style-type: none"> Through the <i>Justice on the Airwaves</i> Programme on SAFM, six interviews on Maintenance were conducted during the second quarter. An article entitled "<i>Millions in unclaimed child maintenance</i>" was published on SABC News, <i>Beeld</i> and SA News on 29 January 2014. Ten interviews were conducted on radio and television on maintenance services.
Masters' Services	
Publish magazine article on Masters' services by March 2013.	Not achieved.
Coordinate the education of the public through targeted media interventions (television, radio programmes and print media) each financial year with 20% focus on Masters' services.	<ul style="list-style-type: none"> Through the <i>Justice on the Airwaves</i> Programme, 10 interviews were conducted on Masters' services. The Ikwewezi FM interview on deceased estates was aired on 12 March 2014. The Shift TV interview on deceased estates was aired on 3 March 2014.

2.4.5 COMPLAINTS MECHANISM

Complaints mechanism	Actual achievements
Maintenance Services	
Establish a structured procedure on managing complaints received and handled directly by the national office by 31 March 2013.	Standard achieved. An Integrated Complaints Management Framework was developed and approved by the Executive Committee and will be rolled out in 2014/15.
Establish Departmental Hotline system by 31 March 2013.	Not achieved. Planning for the Department's Call Centre is underway. Concept document will be developed in 2014/15.
Resolve 85% of Presidential Hotline simple matters within 30 days of receipt.	Standard achieved. Some 85% of complaints received during the year under review were resolved. Overall performance is at 94%.
Communicate progress to the complainant on the resolution of complex matters every 15 days for Presidential Hotline.	Standard not achieved. The approved Integrated Complaints Management Framework will address this standard moving forward.
Masters' Services	
Appoint/train frontline staff who can resolve a wide variety of enquiries without escalations in 30% of the service centres.	Standard achieved.
Resolve 85% of Presidential Hotline simple matters within 30 days of receipt.	Some 93% of complaints were resolved within 30 days of receipt.
Communicate progress to the complainant on the resolution of complex matters every 15 days for Presidential Hotline matters.	Standard not achieved. The recently approved Integrated Complaints Management Framework will address this standard moving forward.

2.4.6 MONITORING VISITS TO FRONTLINE SERVICE DELIVERY SITES

Monitoring by the Department of Performance Management and Evaluation (DPME) involves monitoring the quality of frontline service delivery, in collaboration with Offices of the Premier. In the past financial year, the DPME visited 17 magistrates' courts. The findings indicate that there are good practices that need to be sustained and there is room for improvement in those facilities with fair scores. Some minimal poor practices were, however, found, which highlights that there are incidents of providing services in a manner that is below the set norms and standards. The 2013/14 overall findings have improved in comparison to the findings of 2011/12 and 2012/13. Dignified treatment, and location and accessibility of key performance areas have recorded the highest positive findings of the eight key performance areas. Complaint management (90% negative rating by citizens) and visibility and signage

(68% negative rating by monitors) have recorded the highest negative findings of the eight key performance areas.

Following the *Citizen Talk* Report issued by the Public Service Commission in 2011, the Department has continued to monitor the implementation of the recommendations by the 19 courts that were visited. Considerable improvement was seen across the key drivers of satisfaction (timeliness, information, accessibility, facilities, fairness and equity, courtesy, knowledge and competence). Complaints management (redress) continues to be an area that requires more attention.

The Directorate: Service Delivery Improvement has also implemented a Frontline Monitoring Programme, which is characterised by unannounced and announced visits at service delivery points, with the aim of improving the status of service delivery points by using data collected to inform service delivery interventions

and ensure continuous service delivery improvement. Thirty-one sites (both Masters' offices and magistrates' courts) were visited. The findings indicated that, among others, the state of facilities (ablution facilities, availability of suitable waiting areas, cleanliness, as well as records management) remains one of the biggest challenges. The programme will be extended to more service points in the next financial year.

3. STRATEGIC OUTCOME-ORIENTED GOALS

Four goals have been identified in line with Department's legislative and constitutional mandates. In addition to these goals, the Department is aligned to Outcome 3 of government. Highlights of performance against Outcome 3 and the Departmental goals are discussed below.

3.1 PERFORMANCE AGAINST OUTCOME 3: ALL PEOPLE ARE AND FEEL SAFE

The JCPS Cluster's goals contained in Outcome 3 and the various outputs as contained in the JCPS Delivery Agreement commit government, through Outcome 3, to ensure that "all people in South Africa are and feel safe". The past five years were spent consolidating legislation and other measures aimed at deepening democracy, enhancing access to justice, transforming the administration of justice, including the judiciary and the courts, improving court performance, strengthening coordination through the Cluster system and the outcomes-based approach of government to deal with priorities, and strengthening the Rule of Law.

a) Cluster coordination

To ensure the deliverables of the Cluster Delivery Agreement are achieved, the JCPS Cluster has worked closely as a collective to ensure that the priorities of, among others, reducing crime, improving the efficiency of the criminal justice system (CJS), dealing with corruption, managing our borders, improving our population registration system and prioritising the combatting and prevention of cyber-crime are achieved. In addition, and to ensure coordinated and integrated activities across the Cluster, all JCPS Cluster departments are continuing with the alignment of

their strategic plans, annual performance plans and the JCPS Delivery Agreement with the NDP for 2030. The JCPS Cluster furthermore has monthly meetings at both Head of Department and ministerial levels where progress is assessed and interventions recommended where required.

b) The fight against serious crimes

The annual statistics released by the Minister of Safety and Security in September 2013 affirmed that the country is winning the war against crime and corruption, and that South Africa is now a much better country to live in than prior to 1994. The murder rate was reduced by 27.2% over nine years, with a further reduction of 16.6% during the past four years, although there was a slight increase of 0.6% in 2012/13. In general, over the past nine years (2004/05 to 2012/13), incidents of crime declined against the increase in population figures.

Reduced crime levels can be attributed to the increase in visible policing and improved crime-combatting initiatives, which were part of the National Crime Prevention Strategy. Improvements in investigations, conviction rates and the imposition of harsher sentences also contributed as disincentives.

The conviction rates of some of the categories of crimes that have an impact on our communities are as follows:

- Conviction rate in relation to organised crime cases: 87.9%
- Conviction rate in relation to trio crime cases: 84.7%
- Conviction rate in relation to sexual offences cases: 66.7%

c) The fight against corruption

Concerted efforts of the ACTT have led to notable progress in the quest to combat corruption in the public and private sectors. The ACTT coordinates more than 100 dedicated personnel from across several different agencies in the effort to fight corruption.

More than 800 persons are currently under criminal, financial and/or forensic investigation, with pre-trial proceedings initiated against 298 persons by the end of December 2013. Actual trial proceedings had been initiated against 174 persons by the end of December 2013 and, of these, 92 persons were involved with R5 million or more in illicit benefits.

In June 2013, the JCPS Cluster demonstrated its commitment to deal with corruption by releasing

a list containing 42 names of the people who have been convicted of fraud and corruption. By the end of December 2013, 48 persons were convicted in cases where more than R5 million in illicit gains were involved. This is only six more than the number indicated last year. It should be borne in mind that these cases are very complex and time-consuming. In addition to these specific cases, the normal trials in terms of complex commercial crimes continue in the specialised commercial crimes courts.

Freezing orders were obtained against 67 persons by the end of December 2013. In total, freezing orders amounting to R1.3 billion have been obtained to date. In the first six months of 2013/14, the Asset Forfeiture Unit (AFU) of the NPA had exceptional success in taking the profit out of crime. It paid R149 million into CARA and to the victims of crime. This is 170% above its target of R55 million and higher than it has ever achieved in a full year.

The SIU is currently probing alleged maladministration and/or corruption in various government departments, municipalities and institutions. The SIU received 34 proclamations during the period 2012–2013. The Unit has also contributed to investigating 38 criminal cases in terms of the Limpopo intervention involving irregularities to the amount of R153.7 million, and it assisted the Department of Public Service and Administration (DPSA) on 41 disciplinary cases relating to this intervention.

a) **Violent protests**

The Cluster has carefully considered ways of managing the surge in public protests, which have occurred in recent years. Between November 2013 and January 2014, the SAPS monitored 2 965 protest actions, of which 2 286 were peaceful. This, however, means that during this period, SAPS members had to police 679 protests that were characterised by unrest, destruction of property and violence. During some of these protests, regrettably so, lives were lost. The responses proceed from the acknowledgement as government that the right to peaceful assembly forms a cornerstone of our democracy; built on the principles of collective expression in whichever form they may occur.

Some of the measures put in place by the Cluster to ensure stability during violent protests, include a 24-hour National Joint Operational and Intelligence Structure (NATJOINTS) and allocation of courts to deal with protest matters.

b) **Strengthening the criminal justice system**

The JCPS Cluster also invested substantially to ensure increased capacity, training and skills development across

the Cluster. Operationally, the Cluster implemented various interventions, including the following:

- The Forensic Services Division has, for example, grown from a staff complement of 6 098 in 2010/11 to 7 450 in 2013/14. This has allowed for improved turnaround times and the speedier finalisation of cases.
- Improvement has been achieved in case finalisation and there has been a significant reduction of criminal court case backlogs, as reflected elsewhere in this report.
- Several JCPS protocols that deal directly and indirectly with court performance were developed to define and streamline cross-cutting functions and daily operational activities. These protocols contain practical measures that bring clarity of responsibility, remove blockages and improve the performance of all courts.
- The placement of 142 detective court case officers (DCCOs) at 118 courts in all nine provinces over the past four years has helped to optimise interaction at court level between the SAPS, the Department and the NPA, which has in turn led to improved docket quality, enhanced court docket flow and efficient communication.

These interventions have resulted in improvement in court performance, which include, among others:

- A total of 25 875 more cases were disposed of than received, indicating that a positive clearance ratio was maintained at all court levels.
- In 2012/13, 916 917 new cases were enrolled and 942 792 cases were disposed, which indicates a positive clearance rate of 2.8%. The number of cases finalised (323 390) with a verdict also increased with 2.3% (7 292 more cases than the previous year).
- Until December 2013, the total number of cases finalised (including through alternative dispute resolution mechanisms (ADRM)) have shown a 17% improvement.

c) **Rehabilitation and overcrowding**

The numbers of all remand detainees (RDs) are being monitored across the Cluster and interventions include the prioritisation of long-outstanding matters. All RDs that have been in custody for more than two

years are individually monitored by the Department of Correctional Services (DCS), the NPA and Legal Aid South Africa. The number of RDs has consequently decreased from 53 876 in 2004 to 45 740 in 2013.

In particular, all children in custody for longer than one month are individually tracked by Legal Aid South Africa's justice centres to ensure their earliest possible release from custody. There were only 139 children in remand detention at the end of 2013/14.

a) Cyber crime

As part of the response to new forms of crime, the National Cyber Security Policy Framework has been developed and approved by Cabinet. To this end, during 2012/13, the courts finalised 136 cyber crime-related cases with a conviction rate of 97.8%. For the period April to December 2013, 153 persons were convicted for these types of crimes (a 93.3% conviction rate).

b) Integrated Justice System

The IJS Programme was conceptualised and established following the approval by Cabinet of the National Crime Prevention Strategy in 1996. Over the years, the IJS Programme has been the biggest modernisation programme for the criminal justice system, aimed at ensuring effective management and sharing of information among all role-players in the criminal justice process in order to bring about efficiencies and effectiveness using technology as an enabler and ultimately foster public confidence in the criminal justice system.

Upon the review of the IJS Programme in 2011, the JCPS Cluster directors-general agreed on five key priorities for the integration of ICT in addition to structural reforms and revamping of the IJS Board. The following priorities, together with the necessary building blocks, then became the focus of the IJS Board in the medium term:

- The establishment of a single person identifier across the criminal justice system.
- An integrated CJS performance information dashboard (28 key performance indicators).
- The integration of the departmental case-related systems.
- The development and roll-out of the Person Identification Verification Application (PIVA).

- The establishment of a single data store for the JCPS Cluster for statistical purposes.

Following the successful roll-out of the case integration between the SAPS and the Department in 99 police stations and 20 courts, the IJS further deployed the solution to an additional 360 courts linked to 509 police stations across all nine provinces during the year under review. This brings to 380 the courts linked to 608 police stations across all provinces to date.

A number of significant data quality challenges were experienced in the current reporting period, thereby delaying the deployment of the 28 key performance indicator (KPI) dashboards. The first nine of the 28 KPIs were planned to be rolled out during 2013/14. However, the State Information Technology Agency (SITA) team to provide support to the SAPS in terms of the service level agreement was extremely under-capacitated, thereby hampering the timely implementation of the project plan. The solution is now planned for roll-out in 2014/15.

A single data store, referred to as the IJS Data Warehouse, has been successfully developed and tested in the IJS transversal infrastructure environment, and will be used for the roll-out of the first nine of the 28 KPIs in the KPI dashboard. It must be highlighted, however, that the data upload to the data warehouse is growing gradually as and when more integrations are deployed and more departments automate their core systems to be able to provide useful data to the IJS transversal hub.

Following the deployment of PIVA in two pilot sites at the Cullinan and Mamelodi police stations, certain business requirements were reviewed and a second iteration piloted. Upon the successful piloting of the second iteration, the system will be gradually deployed to other SAPS sites throughout 2014/15. The system is, however, ready for deployment in other departments in its current form.

From the governance perspective, the IJS Programme Management Office has been established within the Department to further strengthen the project management capability and ensure that best-practice project management methodologies are deployed.

3.2 PERFORMANCE AGAINST DEPARTMENTAL GOALS

An overview of the performance of the Department against each of the four strategic goals is summarised as follows:

Goal 1: Increased accountability, effectiveness and efficiency of the Department of Justice and Constitutional Development

One of the key objectives of the Department was to improve accountability by achieving an unqualified audit opinion on the departmental Vote Account by the end of 2012/13. This objective was achieved on target during 2012/13 and 2013/14.

Efforts will continue to sustain this status and to address issues identified in the TPF.

Goal 2: Improved effectiveness and efficiency in the delivery of justice services

The Department continued its interventions to decrease the number of cases in the case backlog roll by providing infrastructure and human resources to deal with long-standing cases.

With regard to civil cases, the key focus area for the Department has been the improvement in turnaround times in the finalisation of quasi-judicial services. Two of these services, default judgment by the Clerk of the Court and taxation services, were identified for improvement in turnaround times during the year under review. Although the targets have been achieved, initiatives are put in place to improve monitoring efforts and ultimately improve targeted turnaround times.

A major focus area for the Department has been to improve maintenance services by identifying blockages in the entire value chain. During the period under review, a major success has been in the implementation of EFTs, which not only improves turnaround times, but decrease the risks of theft and save beneficiaries time and transport costs.

Other key projects include the digitisation of court records, the enhancement of performance of video remand and the implementation of paperless processing in the Office of the Master of the High Court.

Goal 3: Transformed legal services to protect and advance the interests of government and citizens, and promote constitutional development

In support of the transformation of legal services, progress has been made towards the appointment of a Solicitor-General, who will oversee all State legal services and act as a champion of transformation in the management of State litigation.

The Legal Practice Bill, which seeks to remove barriers to entry into the legal profession and make legal services affordable to members of the public, was tabled in Parliament during 2012/13 and approved by Parliament during the year under review.

Goal 4: Effective leadership of the JCPS Cluster in the delivery of Outcome 3

The Department has played an effective leadership and coordination function for the JCPS Cluster towards the achievement of targets specified in the delivery agreement.

4. PERFORMANCE INFORMATION BY PROGRAMME

The Department strives to achieve its mandate through the following five programmes:

- Programme 1: Administration
- Programme 2: Court Services
- Programme 3: State Legal Services
- Programme 4: The National Prosecuting Authority (reporting separately)
- Programme 5: Auxiliary Services (entities funded under this programme, namely, Legal Aid South Africa, The Public Protector, The SAHRC and the SIU are reporting separately)

Performance in different programmes shows a marked improvement in comparison to 2012/13. By the end of the third quarter of the year under review, there were numerous areas where performance was lagging behind and affected senior managers were required to put projects in place to ensure a rapid turnaround in performance. In many of these areas, targets were surpassed by a significant margin. In most of these areas, a lag in the provision of performance reports makes it difficult to get accurate feedback until the end of the reporting period.

4.1 PROGRAMME 1: ADMINISTRATION

The purpose of this programme is to manage the Department, develop policies and strategies for the efficient administration of justice and provide centralised support services. This programme has the following subprogrammes:

- Ministry
- Management
- Corporate Services
- Office Accommodation.

Strategic objectives

The following seven strategic objectives were identified in this programme. Key performance indicators for each of these objectives are detailed on the tables below.

1. Increased compliance with the prescripts for good governance
2. Reduction of fraud and corruption cases in the Department
3. Improved effectiveness of support services
4. Optimisation of ICT systems and infrastructure
5. Improved human resources services delivery
6. Complete regulations to finalise the implementation of the TRC's recommendations
7. Improved coordination of the JCPS Cluster towards the delivery of Outcome 3.

Strategic Objective 1: Increased compliance with the prescripts for good governance						
Performance indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
1.1	Number of progress reports on the activities of the Audit Action Plan completed	87% of the approved Audit Action Plan was completed.	2	2	-	Target achieved.
1.2	Percentage of activities of the approved Audit Plan completed by Internal Audit	86%	75%	85%	13%	Target exceeded. Intensive management intervention led to an improvement in performance in the last quarter.
1.3	Monitoring report of allocated CARA funds completed by target date	-	28 February 2014	Report completed.	-	Target achieved.

In ensuring that the Department continues to sustain an unqualified audit, the Department developed an Audit Action Plan to resolve findings raised by Internal Audit and the Auditor-General during the preceding financial year. This plan is aimed at assisting the Department to formulate interventions to avoid the repeat findings in the current and succeeding financial years. Several validation meetings were held to track performance in

relation to the approved Audit Action Plan. The progress reports were completed. During the year under review, the Department resolved 85.11% of the findings in accordance with the Audit Action Plan.

For the year under review, the Audit Committee approved an Internal Audit Plan comprising 331 audit projects. These projects assisted in ensuring that the

Department resolves some significant audit findings that had the potential of impacting negatively on governance, risk, controls and the performance of the Department. The Department achieved 85% (281 audit projects) of the Audit Plan. Furthermore, in addition to the plan, 11 ad-hoc audit projects were performed both at the national and the regional offices. These ad-hoc projects included the review of the interim financial statements for TPF for 76 courts.

CARA was established in 1999 as a separate account in the NRF in terms of section 63 of the Prevention

of Organised Crime Act (POC Act), Act 121 of 1998. Forfeited funds and property are deposited into the account. During the year under review, the target to produce a monitoring report of allocated CARA funds was completed. The purpose of this report is to enable CARC to give effect to the legal requirement of Chapter 7 of the POC Act. It also serves to inform Cabinet, the CARC and oversight bodies about the utilisation of CARA funds and assets. The report indicates that all projects approved by Cabinet are being implemented in accordance with the business plans submitted by beneficiaries.

Strategic Objective 2: Reduction of fraud and corruption cases in the Department						
Performance Indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
2.1	Number of fraud and corruption staff awareness workshops conducted	36	35	56	60%	Target exceeded. Newly trained anti-fraud and corruption champions assisted by conducting awareness sessions.
2.2	Percentage of new forensic investigations finalised in the current financial year	77%	50%	91%	82%	Target exceeded. Additional capacity in the forensic unit has assisted with the finalisation of cases, thus leading to the target being exceeded.
2.3	Percentage of older forensic investigations finalised	100%	55%	100%	82%	Target exceeded. Additional capacity in the forensic unit has assisted with the finalisation of cases, thus leading to the target being exceeded.

Strategic Objective 2: Reduction of fraud and corruption cases in the Department						
Performance Indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
2.4	Number of integrity competence of the Senior Management Service (SMS) completed (vetting forms)	101	115	145	26%	Target exceeded. Awareness sessions focusing on integrity competence were undertaken to improve performance.

To intensify the fight against fraud and corruption, the Department continues with awareness campaigns to combat fraud and corruption. To this effect, 56 fraud and corruption staff awareness workshops were conducted by the end of the financial year against the target of 30. A total of 1 440 officials attended these workshops.

To address the scourge of fraud and corruption, the Department undertook investigations aimed at bringing the perpetrators of such crimes to book. To this effect, 240 of 264 (91%) new forensic investigations were finalised. Similarly all 24 older forensic cases that had been carried over from the previous financial years were finalised. The results of these investigations include the dismissal of officials found guilty, suspension without pay and arrests, among other things. Additional capacity in the forensic unit has assisted with the finalisation of cases, thus leading to the targets being exceeded. Please refer to page 222 in the Human Resources Report for information on disciplinary action.

During the year under review, 145 SMS members either had a vetting certificate or vetting forms submitted to National Intelligence, against a total of 203 SMS members employed by the Department.

Strategic Objective 3: Improved effectiveness of support services						
Performance indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
3.1	Number of communication activities implemented in line with the Integrated Communication Campaign	53	20	20	-	Target achieved.
3.2	Percentage of Presidential Hotline cases finalised	87%	80%	85%	6%	Target exceeded. Intensive management intervention led to an improvement in performance in the last quarter.
3.3	Number of Service Delivery Improvement Plan (SDIP) progress reports concluded	-	4	4	-	Target achieved.

In an effort to enhance the image of the Department and to broaden access to justice for all, the work of the Department was driven by a diversity of communication platforms and approaches, which included media buying, media liaison, social media, communication product development and events, among others.

Some of the notable successes included sustained educational radio initiatives, educational information charts inserted in both national and regional newspapers, as well as a five-part educational series inserted in the popular magazines *You* and *Drum*. As at the end of the financial year, 20 communication activities had been completed in accordance with the Annual Performance Plan of 2013/14.

These activities comprised the following:

Activities	Achievements
Strategic media events	Six media briefings were held to expand on the work of the JCPS Cluster. One media briefing was held on the Budget Vote, the re-launching of the sexual offences courts and the appointment of sheriffs. A total of 78 radio interviews were held.
Outreach Programme	Information sessions were conducted with learners and members of the community in four provinces (Mpumalanga, Limpopo, Free State and Eastern Cape), at which 82 933 learners and 6 438 community members were reached. Exhibitions and service fairs were also conducted.
PPP Izimbizo	Seven community izimbizo were held at Protea, Ntuzuma, Kagiso, Butterworth, Vosman, Matlosana and Galeshewe.
Electronic communication	This form of communication provides updated information on the Department. The total number of visitors to the departmental website is 1 484 061, while the number of views on the departmental YouTube site grew from 5 118 in April 2013 to 10 913 in March 2014.
Internal communication	Engagements were held at the national office and two regions. Unannounced visits to promote good governance were conducted in the Free State and KwaZulu-Natal. Five issues of the external corporate newsletter and 17 issues of the internal newsletter were produced.

During the year under review, 85% of the Presidential Hotline cases received were finalised. The Department registered 1 141 cases, and 967 of those were finalised. The top five complaints, accounting for 85% of cases received, were related to appeals, maintenance, civil matters, trials and estates.

During the year under review, four SDIP reports were concluded. The SDIP progress report describes performance against the service delivery standards in Maintenance and Masters' services. The reports indicated that the majority of the standards are achieved in nine Maintenance pilot sites and Masters' offices, as detailed under Service Delivery Improvement.

Strategic Objective 4: Optimisation of ICT systems and infrastructure						
Performance indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
4.1	Phases of ICMS: Masters: Deceased Estates system completed	100% completion of Phase 2	100% completion of Phase 3A	100% completion of Phase 3A	-	Target achieved.
4.2	Phases of the TPF system completed	7% completion of Phase 1	100% completion of Phase 2	75% completion of Phase 2	(25%)	Target not achieved. Delay in concluding the tender specifications led to key deadlines being missed.
4.3	Phases of ICMS: Civil: Lower Courts completed by target date	-	100% completion of Phase 1	100% completion of Phase 1	-	Target achieved.

In support of improving Masters' services, the Department implemented the ICMS: Masters: Deceased Estates, known as PEAS, at identified Masters' offices and service points. The business process analysis and functional design specifications for the ICMS: Masters: Deceased Estates, referred to as Phase 3A, were completed and signed off. This modernisation of the justice system will enable the Department to decrease the costs of service and improve service efficiency.

The replacement of the TPF system, from a technological perspective, is aimed at supporting the transformation in the management of TPF in the Department.

The Department's TPF Transformation Project includes improvements in the provision of service delivery to citizens and the enforcement of financial management governance to achieve and sustain a clean audit outcome for TPF. In replacing the TPF system, a series of deliverables and milestones were set over a multiyear period. Deliverables envisaged for completion in the 2013/14 financial year included the completion of the tender specification, publishing the tender, tender evaluation and awarding the tender.

During the year under review, the Department completed the tender specifications and the tender was published. The tender evaluation was also concluded with a recommendation submitted to the approving authorities at SITA during the fourth quarter of the financial year under review. SITA initiated an audit and governance review of the tender, which translated into a 75% achievement on Phase 2 of the TPF system. Delays were experienced in the drafting of the tender specifications as they had to be reviewed following the recommendations of the Auditor-General and other stakeholders.

In relation to SITA concluding the process after the quality assurance process, the Department is continuously engaging SITA, including its executive management, to conclude the final recommendation and tender award.

In order to enable the modernisation of the Criminal and Civil modules, an enhancement of the Case Management Framework is required that would facilitate an agile development and deployment approach, with the emphasis on building modular

systems that can be developed, tested and independently deployed. The primary objectives of this approach include enhanced organisational performance on all aspects of administration, in line with set standards, meeting and exceeding the needs and aspirations of key stakeholders, and facilitating the effective and efficient resolution of Criminal, Civil and Family Law disputes by providing accessible, efficient and quality

administrative support to the courts. During the period under review, the business process analysis and functional design specifications for the ICMS:: Civil: Lower Courts were completed and signed off. This modernisation of the justice system will enable the Department to decrease service costs and improve service efficiency.

Strategic Objective 5: Improved human resource services delivery						
Performance indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
5.1	Vacancy rate	10%	11%	9.98%	9.2%	Target achieved. Age analysis of vacancies and recruitment plans led to improved performance.
5.2	Percentage of grievance cases finalised	57%	40%	85%	113%	Target exceeded. The introduction of a new data collection mechanism, which included the tracking of the age of cases and the training of labour relations officers, led to an increase in performance.
5.3	Percentage of misconduct cases finalised	63%	50%	65%	30%	Target exceeded. The introduction of a new data collection mechanism, which included the tracking of the age of cases and the training of labour relations officers, led to the target being exceeded.
5.4	Number of people trained in line with departmental objectives	4 940	5 000	5 358	7%	Target exceeded. Awareness on available training made in the Department led to an increased uptake of courses.

The Department reduced the vacancy rate to 9.98% as at the end of the year under review. There was a total of 18 872 funded posts, of which 16 988 were filled and 1 884 were vacant. The filling of vacant posts included the appointment of three top management positions: Deputy Director-General: Corporate Services, Chief Financial Officer and Deputy Director-General: Legislative Development. Two of these posts are filled by women, adding to women representivity at executive level, and also enhancing the Department's

commitment to gender equality. Although the vacancy rate has been maintained at 10%, the vacancy rate continues to fluctuate due to the creation of new posts and staff mobility. The Department conducted an age analysis of vacancies, and recruitment plans were developed, which led to the reduction of the vacancy rate to 9.98%.

Furthermore, the creation of 446 new posts at courts and in the Office of the Family Advocate provided

much-needed capacity to provide better and improved services. The Department was also able to use this opportunity to improve the representivity of females, people with disabilities and the youth.

For the year under review, 704 cases were recorded on the register, and 600 cases were finalised, translating into 85% performance for the year under review. The introduction of a new data collection mechanism, which included the tracking of the age of cases and the training of labour relations officers contributed to the target being exceeded. The reduction in the number of unresolved grievances had a positive impact on the relationship between employees and their managers, which allowed the emphasis to shift to performance and the delivery of services.

Misconduct cases include those cases where officials acted negligently or overstepped processes and procedures. The Department therefore endeavours to conclude such cases as promptly as possible. During the year under review, 471 of misconduct cases were recorded on the register, and 304 were finalised, translating into 65% of cases being finalised. Furthermore, 40 investigating and presiding officers were trained. Employees were also trained in grievance procedures, the handling of misconduct and the code of good practice.

To capacitate the Department and ensure that there is a skilled workforce, 5 358 officials were trained in line with the planned courses in accordance with the 2013/14 Annual Performance Plan, as indicated in the table below. An additional 457 officials completed ad-hoc courses, bringing the total number of officials trained to 5 815 during the year under review.

Justice College annual training performance

No.	Course	Planned target	Actual achievement
1.	Anti-corruption, fraud and dishonesty	150	396
2.	Maintenance (all staff)	180	274
3.	Sexual offences training	260	279
4.	Domestic violence training	160	320
5.	Child Law training	230	112
6.	Service excellence	370	696
7.	Foundation management	220	337
8.	Quasi-judicial services	1 160	954
9.	Masters' training	280	152
10.	Prosecutorial training	1 550	1 480
11.	Interpreters' training	440	358
	Total	5 000	5 358

Strategic Objective 6: Increased percentage of outstanding TRC victims who qualify for reparations as per TRC recommendations

Performance indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
6.1	Number of regulations for providing assistance to the TRC victims approved	0	3	2	(33%)	Target not achieved. Department of Health is required to amend the National Health Act of 2003 to cater for TRC-identified victims.
6.2	Percentage of TRC victims' applications processed within four months	-	100%	100%	-	Target achieved.

Following the TRC recommendations and the approval of the four key recommendations (individual reparation, symbols and monuments, community rehabilitation, medical benefits and other forms of social assistance), regulations had to be drafted. Although preparatory work was done in drafting the regulations and preparing them for approval, the target for having the regulations on medical benefits approved was not achieved. The draft regulations on basic and higher education were approved by the Minister and submitted to the Presidency for consideration during the year under review. The Department is awaiting feedback.

With regard to regulations on medical benefits, the Department of Health is required to approach Parliament to amend the National Health Act of 2003

to cover the TRC-identified victims, in accordance with the legal opinion received. The Department continues to communicate with the Department of Health in this regard.

Although the regulations have not been approved, 51 TRC-identified victims and/or their dependants have been assisted with tertiary education bursaries through NSFAS.

As far as basic education is concerned, 14 learners were assisted with letters of recommendation in respect of the exemption of school fees. With regard to medical benefits, four victims were referred to the Department of Health for assistance regarding their medical needs. During the year under review, 69 applications were received and all were processed and referred to the relevant stakeholders within the stipulated timelines.

Strategic Objective 7: Improved coordination of the JCPS Cluster towards the delivery of Outcome 3

Performance indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Deviation from planned target 2013/14	Comments on deviation
7.1	Number of JCPS Cluster reports finalised	4	4	4	-	Target achieved.
7.2	Number of IJS progress reports finalised	4	12	12	-	Target achieved.

The Department is the lead department in the implementation of Outcome 3 and, as such, is responsible for coordinating the activities of all JCPS Cluster departments and entities, as well as for setting up processes for reporting. Four reports were finalised during the period under review.

The IJS Board reports to the JCPS Cluster directors-general (DGs) on a monthly basis on the progress made on the programme in terms of achievements, challenges and constraints. The report enables the accounting officers in the Cluster to achieve visibility regarding the progress they have made in their own department, as well as the impact of any delays on other departments. It also helps accounting officers to know exactly which area of the programme requires their intervention to ensure the successful implementation of the IJS Plan. The IJS report also serves as an engagement mechanism between the IJS Board and the JCPS Cluster DGs on strategic direction and leadership. During the year under review, 12 reports were finalised and submitted to the JCPS Cluster DGs Chairperson.

Strategy to overcome areas of underperformance

The deliverables on replacing the TPF system (Phase 2 completion) were dependent on SITA as the key stakeholder in the completion of the function. Although the possibility of delays was taken into account at the planning phase of the project, there were those that were unforeseen. The Department will continue to engage SITA to address issues experienced during procurement processes.

The need to amend the National Health Act of 2003 to accommodate the TRC recommendations was not anticipated. The development of other regulations, namely Housing and Community Rehabilitation, will not require similar changes to legislation, and should not be affected.

Changes to planned targets

No changes were made to the planned targets during the year under review.

Linking performance with budgets

The budget for Programme 1 was spent and the programme achieved 90% of its planned targets for the year under review. The spending pressure was experienced in the operational costs and spending resulting from the Arms Procurement Commission of Inquiry and the Marikana Commission of Inquiry. Office accommodation remains a challenge and this may have an impact on the delivery of service.

Subprogramme expenditure

Subprogramme	2013/14			2012/13		
	Final appropriation	Actual expenditure	Over/Under-expenditure	Final appropriation	Actual expenditure	Over/Under-expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Ministry	31 228	31 228	-	32 171	32 171	-
Management	39 063	39 063	-	52 504	52 504	-
Cooperate Services	737 228	737 228	-	619 873	619 807	66
Office Accommodation	963 616	963 616	-	771 118	771 118	-
Total	1 771 135	1 771 135	-	1 475 666	1 475 600	66

4.2 PROGRAMME 2: COURT SERVICES

The purpose of this programme is to facilitate the resolution of criminal, civil and family law disputes by providing accessible, efficient and quality administrative support to the courts and by managing court facilities. The programme consists of the following subprogrammes:

- Constitutional Court
- Supreme Court of Appeal
- High Courts
- Specialised Courts
- Lower Courts
- Family Advocate
- Magistrate's Commission
- Government Motor Transport
- Facilities Management
- Administration of Courts.

Strategic objectives

Within this programme, the following strategic objectives were identified.

Key performance indicators for each of these objectives are detailed in the following tables:

8. Improved finalisation of activities in support of Outcome 3
9. Increased promotion and protection of the vulnerable groups
10. Increased protection of children and promotion of family cohesion through mediation services
11. Increased access to justice services to underserved communities (facilities and infrastructure focused)
12. Improved delivery of services at the courts.

Strategic Objective 8: Improved finalisation of activities in support of Outcome 3

Performance indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
8.1	Number of cases on the backlog roll	31 054	33 504	27 379	18%	Target exceeded. Intensive monitoring of backlog project helped increase the number of cases finalised.

The JCPS Cluster departments have introduced various interventions to deal with the case backlogs. In this regard, a specific case backlog reduction initiative has been implemented with the regional courts as the main focus area. The aim of the Case Backlog Reduction

Project 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. During the year under review, the number of backlog cases at the lower courts was reduced to 27 379.

Strategic Objective 9: Increased promotion and protection of the vulnerable groups						
Performance indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
9.1	Percentage implementation of the approved Maintenance Turnaround Project	65%	100%	100%	-	Target achieved.
9.2	Percentage of convictions recorded electronically on the National Register of Sex Offenders (NRSO)	22%	74%	100%	35%	Target exceeded. Improvement of the NRSO system and increased capacity of data capturers helped improve performance.
9.3	Number of re-established sexual offences courts completed	-	9	19	110%	Target exceeded. There were additional courts requested by stakeholders.

To respond to the high demand of maintenance services, the Department initiated the Maintenance Turnaround Strategy, aimed at identifying and addressing all processes that had a negative effect on the quality

of maintenance services offered to members of the public. The project has been piloted at nine pilot sites. During the year under review, the Department finalised all activities as outlined in the project plan. These are discussed below.

Maintenance Turnaround Project milestones and achievements for 2013/14

Milestones	Target	Achievement
Conduct training on the 90-day lean maintenance monitoring tool at nine pilot sites	Nine training sessions conducted	Nine training sessions were conducted.
Conduct training on the newly developed mediation services tool at nine pilot sites, with the aim of reducing the turnaround time in the finalisation of maintenance cases	Nine training sessions conducted	Nine training sessions were conducted on the mediation service tool.
Conduct training session on the tracing of defaulters for maintenance officers	One training session conducted	One training session on the tracing of defaulters was conducted.
Percentage of maintenance orders granted within 90 days	15% of total maintenance orders granted within 90 days at each pilot site	Some 70% of maintenance orders were granted within 90 days.
Percentage of mediation cases finalised within 90 days	15% of the mediation cases finalised within 90 days at each pilot site	Some 67% of mediation cases were finalised within 90 days.

Milestones	Target	Achievement
Conduct a workshop to review module for maintenance complaints managers	Workshop conducted on the review of the module for maintenance complaints managers.	Workshop to review module for maintenance complaints managers was conducted.
Conduct two training sessions for maintenance officers (mediators) on mediation/the Maintenance Act	Two training sessions conducted on mediation/the Maintenance Act for maintenance officers (mediators).	Two training sessions were conducted.
Develop audio-visual information for the maintenance information screens, in conjunction with Public Education and Communication (PEC) and the GCIS	Number of audio-visuals developed.	Audio-visual education material for maintenance information screens has been developed.
National Maintenance Signage System (NMSS) installed at four new mobile units at the pilot courts	NMSS installed at four new mobile units.	NMSS was installed in all four pilot sites.
Hold two events to raise public awareness on Kha Ri Unde	Two events held to raise public awareness on Kha Ri Unde.	Four events were held to raise awareness on Kha Ri Unde.

As a way of reducing the prevalence of sexual offences in the country, the Department has implemented the NRSO. As at the end of the year under review, 15 452 convictions were electronically recorded on the National Register for Sexual Offences against Children and People with Disabilities. The improvement of the NRSO system increased the capacity of data capturers and led to an improvement in the performance of this indicator.

To promote the rights of all who live in the country, particularly the vulnerable members of society, a decision to re-establish sexual offences courts was taken in August 2012. During the year under review, nine courts (one per province) have been upgraded to sexual offences courts in accordance with the implementation plan. Ten additional courts were also upgraded to comply with the Sexual Offences Court Model, bringing to 19 the number of courts that have been upgraded to comply with the model.

Strategic Objective 10: Increased protection of children and promotion of family cohesion through mediation services						
Performance indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
10.1	Percentage of non-litigation Family Law matters mediated	19%	15%	28%	87%	Target exceeded. Establishment of new offices and additional capacity led to the increase in cases mediated.
10.2	Percentage of Family Advocate's Court reports filed within 15 days of completion of enquiry	9%	50%	82%	64%	Target exceeded. Establishment of new offices and additional capacity led to the increase in cases finalised.

The Department, through the Office of the Chief Family Advocate, offers to protect the rights of children in situations where their parents cannot be together. One of the services offered is the cost-free mediation to parents of children born out of wedlock, thus alleviating the burden of litigation costs on them.

The Family Advocate's offices serviced the Children's Court and the Domestic Violence Court to varying degrees, and intervened in all matters affecting children

in the Regional Court and the High Court.

For the year under review, 8 823 non-litigation cases on Family Law matters were registered. Of these cases, 2 504 were mediated. For the cases where reports needed to be filed at the court, the Department aimed to file these reports within 15 days of completion of the enquiry. To this effect, during the year under review, 5 431 Family Advocate's Court reports were filed, of which 4 449 were filed within 15 days of completion of the enquiry.

Strategic Objective 11: Increased access to justice services by underserved communities						
Performance indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
11.1	Number of small claims courts established	16	20	30	50%	Target exceeded. Legislative changes that ensured that commissioners were available for more areas led to the target being exceeded.
11.2	Number of branch courts converted into full-service courts	18 of 24	5	5	-	Target achieved.
11.3	Number of magisterial districts aligned to municipal boundaries	-	20	36	80%	Target exceeded. Early readiness of North West, which prompted its inclusion in the first phase, led to the target being exceeded.
11.4	Number of draft policy documents developed	-	3	1	67%	Target not achieved. The completion of the blueprint for the transformation of the magistracy and lower courts was affected by the delay in the promulgation of the Superior Courts Act. Furthermore, the delay in the appointment of the service provider to undertake an assessment of the impact of the decisions of the Constitutional Court and Supreme Court of Appeal led to the target not being achieved.

In support of the Department's aims to improve access to justice, small claims courts are being established in every magisterial district in the country. During the year under review, 30 small claims courts have been established. This ensured that more communities could access the services of the small claims courts that deal with smaller civil matters. These courts will afford the members of society an opportunity to institute minor claims in a speedy, affordable and simple manner without the use of an attorney.

To date, 293 small claims courts have been proclaimed. Gauteng and Mpumalanga are fully compliant and the other provinces are working towards ensuring that there are small claims courts in all their magisterial districts.

As the courts in the previously disadvantaged areas were either non-existent or, where they did exist, were under-resourced or poorly equipped, most of these courts are not equipped to provide essential services, such as child maintenance, protection orders, deceased estates, adoption orders, and legal remedy to any civil dispute. To this effect, the Department embarked on the process to improve access to justice. During the year under review, the Department has converted five branch courts (New Brighton in Eastern Cape, Kagiso and Soweto in Gauteng, Ezakheni in KwaZulu-Natal and Grabouw in the Western Cape) into full-service courts.

The process of realigning magisterial districts to provincial and municipal boundaries is a constitutional imperative as it is geared at promoting access to equal justice for citizens of the Republic. The harmonisation

of magisterial districts with provincial and municipal boundaries seeks to enhance access to courts and ensure better coordination and integration of services within the three spheres of government.

It will promote cooperative governance among role-players in the justice sector and thereby enable them to coordinate their activities towards the attainment of the strategic objective of the JCPS Cluster of ensuring that "all people in South Africa are and feel safe". To this end, during the year under review, 36 magisterial districts have been aligned to the provincial municipal boundaries.

Policy is the strategic direction that guides the organisation towards objectives and goals. The Department therefore continuously develops policies that define its response for handling specific business processes. For the year under review, the Department had planned to develop the policy framework documents relating to the transformation of the judicial system, lower courts and court administration. The drafting of one of the policy documents, the Judicial and Court Administration Framework, suited for the requirements of the Constitution, was completed. The target to complete the draft policies of the Transformation of the Judicial System and the Role of the Judiciary in Developmental South Africa and the Blueprint for the Transformation of the Magistracy and Lower Courts in South Africa was not met due to the delay in the appointment of the service provider and the delay in the promulgation of the Superior Courts Act.

Strategic Objective 12: Improved delivery of services at the courts						
Performance indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
12.1	Percentage of requests for default judgments dealt with by the Clerk of the Court within 14 working days of receipt (district courts)	56%	50%	83%	66%	Target exceeded. Intensive monitoring of performance led to an increase in performance.
12.2	Percentage of unopposed taxations processed within 14 working days from the date the matter is set down (district courts)	69%	65%	90%	38%	Target exceeded. Intensive monitoring of performance has led to an increase in performance.

In civil matters, where summons have been issued and no defence is lodged, a default judgment can be requested. It is therefore important for the Department to maintain service standards in these matters so as to avoid backlogs and negatively affect service delivery. During the year under review, 341 784 requests for default judgments were received and 283 888 (83%) were dealt with by the Clerk of the Court within 14 days of receipt.

Subsequent to the civil matter, cost orders and taxations need to be finalised to allow claimants to receive their funds. During the year under review, 22 888 unopposed taxations were processed and 20 710 (90%) were processed within 14 working days from the date the matter was set down.

Strategy to overcome areas of underperformance

The Blueprint for the Transformation of the Lower Courts was delayed by the finalisation of the Superior Courts Act. In the future, special consideration will be given to activities that are dependent on finalisation of legislation.

The draft preliminary report on the transformation of the judicial system was delayed by unforeseen delays in the procurement process. Lessons were taken from this process and similar delays are not expected in the future.

Changes to planned targets

No changes were made to the targets during the year under review.

Linking performance with budgets

This programme spent 94% of the allocated budget and achieved 92% of the performance targets. The majority of funds in this programme are utilised to support the finalisation of court cases. During the year under review, the funds were also utilised for the re-establishment of sexual offences courts in accordance with the commitments made by the Minister in August 2013. The Office of the Chief Family Advocate also received additional funds to establish the new offices and extend the services to the communities who previously did not have access to the Family Advocate's services.

Subprogramme expenditure

Subprogramme	2013/14			2012/13		
	Final appropriation	Actual expenditure	Over/Under-expenditure	Final appropriation	Actual expenditure	Over/Under-expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Constitutional Court	132 209	132 209	-	95 720	95 720	-
Supreme Court of Appeal	29 843	29 843	-	26 381	26 381	-
High Courts	451 342	451 342	-	409 874	409 874	-
Specialised Courts	55 891	55 891	-	55 884	55 884	-
Lower Courts	3 636 759	3 628 592	8 167	3 395 280	3 394 341	939
Family Advocate	148 709	148 709	-	125 769	125 769	-
Magistrate's Commission	10 132	10 132	-	11 866	11 866	-
Government Motor Transport	28 411	28 411	-	37 015	37 015	-
Facilities Management	827 832	480 225	347 607	813 610	813 610	-
Administration of Courts	458 991	458 991	-	422 259	422 259	-
Total	5 780 119	5 424 345	355 774	5 393 658	5 392 719	939

4.3 PROGRAMME 3: STATE LEGAL SERVICES

The aim of this programme is to provide legal and legislative services to government, supervise the administration of deceased, insolvent and liquidation estates, and the registration of trusts, manage the Guardian's Fund, prepare and promote legislation, facilitate constitutional development and undertake research in support of this. The programme consists of the following subprogrammes:

- State Law Advisors
- Litigation and Legal Services
- Legislative Development and Law Reform
- Master of the High Court
- Constitutional Development.

Strategic objectives

The following strategic objectives were identified in this programme. Key performance indicators for each of these objectives are detailed in the following tables:

13. Increased efficiency in the provision of services to beneficiaries of the Guardian's Fund, trusts, and insolvent and deceased estates
14. Enhanced litigation services
15. The provision of legal advisory services
16. The preparation of sound, effective and efficient legislation
17. The promotion of constitutional development and strengthening of participatory democracy to ensure respect for fundamental human rights
18. The administration of the implementation of the Promotion of Access to Information Act (PAIA) of 2000.

Strategic Objective 13: Increased efficiency in the provision of services to beneficiaries of the Guardian's Fund, trusts, and insolvent and deceased estates

Performance indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
13.1	Percentage of letters of appointment issued in deceased estates within 15 days of receipt of all required documents	93%	90%	94%	4%	Target exceeded. Monitoring of performance by management led to target being exceeded.
13.2	Percentage of liquidation and distribution accounts in large estates (over R125 000) examined within 15 days of receipt of all required documents	85%	85%	90%	6%	Target exceeded. Intensive monitoring of performance by management led to target being exceeded.
13.3	Percentage of beneficiaries in receipt of services within 40 days of receipt of all required documents (Guardian's Fund)	86%	90%	77%	(14%)	Target not achieved. The speed of the Guardian's Fund system and Absa's EFT system at some Masters' offices made it difficult to finalise cases timeously.

Strategic Objective 13: Increased efficiency in the provision of services to beneficiaries of the Guardian's Fund, trusts, and insolvent and deceased estates						
Performance indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
13.4	Percentage of certificates of appointment issued in all bankruptcy matters within 10 days of receipt of all required documents	67%	80%	85%	6%	Target exceeded. Intensive monitoring of performance by management led to target being exceeded.
13.5	Percentage of liquidation and distribution accounts in bankruptcy matters examined within 15 days of receipt of all required documents	68%	80%	94%	18%	Target exceeded. Intensive monitoring of performance by management led to target being exceeded.
13.6	Percentage of letters of authority issued in trusts within 14 days of receipt of all required documents	94%	91%	85%	(7%)	Target not achieved. There were teething problems with the implementation of the new ICMS: PEAST.
13.7	Percentage of Guardian's Fund money paid through the EFT system	83%	94%	96%	2%	Target exceeded. Intensive monitoring of performance by management led to target being exceeded.

For most beneficiaries and spouses, the speedy appointment of a person to administer the estate of the deceased is crucial for their livelihood. It therefore remains the Department's priority, through the Office of the Master of the High Court, to timeously appoint an administrator to assist the grieving families. During the year under review, 106 727 appointments in deceased estates were issued and 100 123 (94%) were issued within 15 days of receipt of all required documents.

Estates are only reported to the Master if the deceased left assets and/or a valid will. The speedy finalisation of letters of appointment issued in deceased estates, and liquidation and distribution accounts have a positive impact on the economy as the assets and funds can be

ploughed back into the economy without delay. During the year under review, 49 564 accounts in large estates were examined and 44 836 (90%) were examined within 15 days of receipt of all required documents.

The beneficiaries of the Guardian's Fund are mostly minors or persons incapable of managing their own affairs. Timeous finalisation of these matters has an enormous impact on the lives of these vulnerable beneficiaries, as they are dependent on funds paid out by the Master for their upbringing, education and livelihood. For the year under review, 48 759 beneficiaries were in receipt of Guardian's Fund services and 37 484 (77%) were in receipt of Guardian's Fund services within 40 days of receipt of all the required documents.

The Department experienced a deterioration in performance at the Guardian's Fund offices in Pietermaritzburg and Pretoria due to the speed of the Guardian's Fund system and Absa's EFT system. The Department is also currently in consultation with Absa in an effort to find a solution for its network.

During the year under review, 12 306 certificates of appointment in bankruptcy matters were issued, of which 10 506 (85%) were issued within 10 days of receipt of all the required documents.

Furthermore, 8 138 liquidation and distribution accounts in bankruptcy matters were examined and 7 631 (94%) were examined within 15 days of receipt of all the required documents. The speedy finalisation of these matters contributes positively to the economy as creditors can be paid.

Trusts play an important role in the economy as it is a commonly used structure in financial planning in a regulated environment. The timely registration of trusts facilitates free and efficient economic activity.

Furthermore, since trusts are important for individual tax planning, the Master and the South African Revenue Service (SARS) are in full cooperation with regard to the exchange of information needed. During the year under review, 30 744 letters of authority in trusts were issued, of which 26 140 (85%) were done within 14 days of receipt of all the required documents. The target of 91% was not met due to teething problems experienced with the implementation of the new ICMS: PEAS: Trusts.

The beneficiaries of the Guardian's Fund are mostly minors or persons incapable of managing their own affairs. Timeous finalisation of these matters has an enormous impact on the lives of these vulnerable beneficiaries, as they are dependent on funds paid out by the Master for their upbringing, education and livelihood. During the year under review, 53 085 Guardian's Fund payments were made and 50 793 (96%) payments were made through EFT. This method of payment has assisted the Department in reducing the risk of theft and saves the beneficiaries the time and effort of having to physically collect the money.

Strategic Objective 14: Enhanced litigation services						
Performance indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
14.1	Increased value of briefs to be allocated to PDI counsel	70%	75%	75%	-	Target achieved.
14.2	Percentage of enrolled cases successfully concluded by the State Attorney	30%	50%	61%	22%	Target exceeded. The establishment of the task team and the interaction with stakeholders to strengthen the approach to litigation management led to the target being exceeded.

The Department, through the Office of the Chief Litigation Officer, is mandated, among others, to draft and manage contracts on behalf of the State and to handle criminal and civil litigation cases instituted against State officials and committed by means of acts or omissions while executing their official duties.

During the year under review, R641 874 613 was allocated to counsel in State litigation matters. Of this amount, R482 386 444 was allocated to PDI counsel, translating into 75% performance.

Furthermore, 1 086 cases were decided in court; 667 of these cases were successfully concluded, translating into 61% performance. Although the target has been exceeded, it should be noted that there is still a high number of cases that are settled as many of these cases are deemed difficult to defend. There is a greater necessity of interaction with client departments to improve relations and strengthen the approach to litigation management. The Department has established task teams to address challenges experienced.

Strategic Objective 15: Provision of legal advisory services						
Performance indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
15.1	Percentage of legal opinions finalised within 20 days of the date of entry	77%	60%	81%	35%	Target exceeded. The end of term compelled the speedy finalisation of work, thus the complex work was allocated to the Principal State Law Advisors to ensure speedy finalisation. Furthermore, the Chief State Law Advisor worked overtime to ensure that all work was approved on time.
15.2	Percentage of preliminary opinions on draft bills for Cabinet's consideration completed within 20 days of the date of receipt	55%	60%	66%	10%	
15.3	Percentage of bills and other legislative instruments scrutinised or certified within 25 days	80%	60%	83%	38%	
15.4	Percentage of translations finalised within 55 days	94%	100%	82%	(18%)	Target not achieved. Capacity constraints, coupled with the increase in work volume due to the Languages Act of 2012 led to the target not being achieved.
15.5	Percentage of valid requests for extradition and mutual legal assistance in criminal matters processed within 25 days (notification)	86% within two weeks	90%	82%	(9%)	Target not achieved. Complexity and sensitivity requires consultations with stakeholders, which often leads to a delay in processing matters.

The Department is 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. To this effect, the Department, through the Office of the Chief State Law Advisor, performs this task 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 introducing it in the Parliament of the Republic of South Africa. Furthermore, the Office of the Chief State Law Advisor provides legal advice to the Executive, all State departments at both national and provincial level, municipalities, parastatals and other organs of State on various matters.

During the year under review, 824 legal opinions were finalised and 666 (81%) were finalised within 20 days of date of entry.

Furthermore, 88 preliminary opinions on draft bills for Cabinet's consideration were completed, of which

58 (66%) were completed within 20 days of the date of receipt.

A total of 574 bills and other legislative instruments were scrutinised or certified, of which 478 (83%) were scrutinised or certified within 25 days.

A total of 205 translations were finalised, of which 169 (82%) were finalised within 55 days. Capacity constraints and the increase in work volume due to the Languages Act of 2012 contributed to the under-achievement of this target.

The Department is committed to making South Africa a safer place and to indicate that the Republic will not tolerate transnational crime and those persons who commit crime will be brought to book in South Africa or in a foreign State. To this effect, during the year under review, the Department received 154 requests for extradition and mutual legal assistance, 58 of those requests did not comply with the Act and had to be referred back to the requestors. A total of 77 of 94 valid requests were processed within the prescribed time frames, translating into 82% achievement.

Strategic Objective 16: Preparation of sound, effective and efficient legislation						
Performance indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
16.1	Number of bills relating to the effective and efficient delivery of justice services completed	11	9	4	(56%)	Target not achieved. This was due to the Department's active involvement in the parliamentary deliberations of a number of other key bills.
16.2	Number of research papers developed	3	7	5	(29%)	Target not achieved. Capacity constraints led to the target not being met.
16.3	Number of court rules relating to the effective and efficient delivery of justice services	15	6	6	-	Target achieved.

During the year under review, the following bills were submitted to the Minister for the purpose of obtaining approval to table in Parliament:

- Legal Aid Bill, which is intended to revise the outdated legislative framework regulating the functioning of Legal Aid South Africa and the provision of legal aid in terms of the Constitution and the law.
- Determination of Remuneration of Members of Chapter 9 Institutions Bill, which will bring about a uniform procedure in determining the remuneration and service benefits of members of Chapter 9 institutions. This bill gives effect to section 219(5) of the Constitution, which envisages national legislation “to establish frameworks for determining the salaries, allowances and benefits of judges, the Public Protector, the Auditor-General, and members of any commission provided for in the Constitution, including the broadcasting authority referred to in section 192”.
- Magistrate’s Courts Amendment Bill, the positive impact of which will be felt by the disadvantaged in society. The Bill makes provision for greater judicial oversight. Other amendments contained in the Bill will facilitate the rescission and abandonment of magistrates’ court judgments where debts have been settled by judgment debtors, ridding these persons of negative court judgments and the concomitant inclusion of their particulars in the systems of credit bureaux.
- Maintenance Amendment Bill, which contains minor technical amendments to the Maintenance Act of 1998. The amendments address issues of an administrative nature and clarify some legal uncertainties, which will collectively address frustrations experienced by maintenance beneficiaries, mainly women and children, who remain vulnerable members of society.

The other planned bills, the Criminal Procedure Amendment Bill, the Justice Administered Fund Bill, the National Prosecuting Authority Amendment Bill, the Hate Speech Bill and the Debt Collectors Amendment Bill are in progress. The target was not achieved due to the fact that the Department still had to obtain comments from stakeholders whose comments will have a bearing on the bills, as well as dependency on the finalisation of a policy document, among others.

To ensure finalisation of legislation and policies required, research is conducted on certain topics. For the year under review, the Department finalised the following draft discussion papers for submission to the Commission:

- Project 25: Statutory Law Revision (Department of Home Affairs).
- Project 107: Report on Sexual Offences: Adult Prostitution.
- Project 25: Statutory Law Revision (Department of Water Affairs).
- Project 126: Review of Law of Evidence.
- Project 122: Report on assisted decision-making.

During the year under review, the Department submitted the following draft rules to the Rules Board for approval:

- Amendment of High Court Rule 49(11): Suspension of operation of court orders.
- Amendment of Rule 13 of the new Magistrates’ Courts Rules through insertion of old Rule 13(6) providing for the lodgement of original summons and returns of service upon receipt of appearance to defend.
- Amendment of Rule 25(3) of the Magistrates’ Courts Rules to allow for notice requiring attendance of parties at a pre-trial conference to be delivered alternatively by fax or email, in addition to manual or postal methods.
- Amendments to forms contained in Annexure 1 of the Magistrates’ Courts Rules relating to substance and/or grammar.
- Assessors’ fees increase: Table D of Magistrates’ Courts Rules.
- Draft Rule Amendment of High Court Rule 46(3)(b): Service of notice of attachment upon registrar of deeds by registered mail.

While the Department did not meet all its targets as set out in its Annual Performance Plan for the period under review, this non-achievement can be attributed to its involvement in the achievement of other significant milestones, which are not included in the APP, namely the approval of a number of key bills by Parliament or the operationalisation thereof:

These are set out as follows:

- The Legal Practice Bill, which will set the scene for what is required to transform and rationalise the legal profession, was approved by Parliament.

- The Constitution 17th Amendment Act and the Superior Courts Act, which were passed by Parliament in November 2012 and May 2013, respectively, came into operation on 23 August 2013. This facilitates a transformed and rationalised judiciary and court system, as envisaged by the Constitution.
- The Prevention and Combatting of Trafficking in Persons Bill was approved by Parliament during the year under review. It was assented to by the President and published during the year under review.
- The South African Human Rights Commission Bill was introduced into Parliament at the end of the previous year. It was processed by both justice committees during the course of the year and approved by Parliament in November 2013. The Bill replaces the outdated Human Rights Commission Act of 1994 to enhance the functioning of the Commission.
- The Protection of Personal Information Bill, which promotes the protection of personal information processed by public and private bodies by introducing information-protection principles, was signed into law during the year under review. It will also regulate the rights of persons regarding unsolicited electronic communications.
- The Criminal Procedure Amendment Bill, dealing with criminal appeals from the High Court to the Supreme Court of Appeal, was approved by the National Council of Provinces in June 2013. It was signed into law in July 2013 and is making a positive difference in the finalisation of appeals.
- The Department facilitated the promotion of three Judicial Matters Amendment Bills, which were passed by Parliament during the year under review. The first Judicial Matters Amendment Bill was introduced into Parliament in April 2013.

The Department assisted the Portfolio Committee on Justice and Constitutional Development (the Portfolio Committee) in the development and promotion of a Committee Bill, namely the Judicial Matters Second Amendment Bill, dealing with the designation of sexual offences courts. This Bill is intended to contribute to the fight against violence against women and children, particularly violence in the form of sexual offences. The designation of courts to deal exclusively with sexual offences cases will assist enormously in getting these cases dealt with quickly, sensitively and effectively. A Judicial Matters Third Amendment Bill was also processed by Parliament as a Committee Bill towards the end of the year.

- The Prevention and Combatting of Torture of Persons Bill was approved by the National Council of Provinces in June 2013. It was assented to by the President in July 2013 and also came into operation in July 2013. This event gives impetus to South Africa's international commitment to prevent and combat torture, as required by the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment and Punishment.
- The State Attorney Amendment Bill was introduced into Parliament in November 2013 and approved by Parliament in March 2014. Its enactment will facilitate the appointment of a Solicitor-General, which, in turn, will enhance the functioning of the Office of the State Attorney and the handling of civil litigation by the State.
- The Protection from Harassment Act came into operation during the year under review and is being utilised by numerous victims of stalking.

Rules of Courts

In addition to those in the Department's Annual Performance Plan, 30 amendments to rules were undertaken, primarily within the civil justice area.

Strategic Objective 17: Promotion of constitutional development and strengthening of participatory democracy to ensure respect for fundamental human rights						
Performance indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
17.1	Number of activities towards improving Promotion of Administrative Justice Act (PAJA) compliance	6	4	4	-	Target achieved.
17.2	Number of activities completed on the project for improved access to justice, including restorative justice mechanisms for vulnerable and marginalised groups	100%	22	22	-	Target achieved.
17.3	Number of activities completed for the project to increase awareness and knowledge of constitutional rights among vulnerable and marginalised groups	100%	11	8	(27%)	Target not achieved. Evaluation of the programme was not completed due to the delay in the finalisation of other activities in the programme.
17.4	Number of activities completed for the project to enhance participatory democracy through public policy dialogues and strengthening the capacity of community-based organisations	99%	11	11	-	Target achieved.

The main objectives of the PAJA Mainstreaming Guide are to create an institutional environment that assists organs of State to implement the PAJA requirements, assist administrators on how to systematically integrate the PAJA requirements into administrative decision-making processes, provide easy-to-follow step-by-step guidelines and recommendations, practical tools and strategies, and finally share experiences and lessons

learnt from the PAJA mainstreaming pilot processes undertaken prior to the development of this guide. During the year under review, the department conducted workshops to introduce the PAJA Mainstreaming Guide in different provinces.

The Department continued with the coordination and facilitation of the Access to Justice and Promotion of

Constitutional Rights Programme. The programme has three key result areas:

- Access to justice, including restorative justice mechanisms for vulnerable and marginalised groups.
- Awareness and knowledge of constitutional rights among vulnerable and marginalised groups.
- Participatory democracy through public policy dialogues and strengthening the capacity of community-based organisations.

Key achievements of the three projects include the following:

A) IMPROVED ACCESS TO JUSTICE

Activities	Target	Achieved
Number of reports on community advice offices (CAOs) funded by the Access to Justice and Promotion of Constitutional Development Programme (AJPCR)	45	45
Number of site visits to 30 CAOs funded under the AJPCR	30	30
Number of CAOs attending capacity-building workshops	70	73
Evaluation report on effectiveness of prior Promotion of Equality and Prevention of Unfair Discrimination Act (PEPUDA) interventions	1	1
Develop new strategy	1	1
Implement programmes on PEPUDA in 20 communities	1	1
Assessment of status of restorative justice programmes	1	1
Closure workshop on the implementation of restorative justice and alternative dispute resolution	1	1
Site visits to 18 grantee organisations working with farm workers	18	19
Closure reports on 18 farm workers and farm dweller projects	18	18
Site visits to 15 grantee organisations working on constitutional rights	15	15
Fifteen closure reports on projects working on constitutional rights	15	15
Consultation meeting with CAOs on the Legal Practice Bill	1	1
Report on civil society consultation on hate crimes	1	1
Report on civil society consultation on the National Action Plan to combat racism	1	1
Number of workshops to support the work of UN special rapporteurs on various human rights issues	3	3

B) INCREASED AWARENESS AND KNOWLEDGE OF CONSTITUTIONAL RIGHTS

Activities	Target	Achieved
Assess the effectiveness of previous popular education programmes on constitutional rights	1	1
Develop a new strategy for reaching identified vulnerable and marginalised groups	1	1
Implement programmes on constitutional rights in 20 communities	1	1
Award 35 grants to celebrate national and international human rights days	35	35
Development of a concept note and terms of reference	1	1
Evaluation of AJPCR support to the refugee sector	1	1
Dissemination workshop for research on refugee women	1	1

C) ENHANCE PARTICIPATORY DEMOCRACY AND STRENGTHENING THE CAPACITY OF COMMUNITY BASED ORGANISATIONS

Activities	Target	Achieved
Interim reports on the implementation of pilot programmes for capacity-building	2	2
Pilot visits to pilot programmes	2	2
Assessment of pilot capacity-building programmes	1	1
Public policy dialogues on various human rights issues	4	4
Site visits to eight grantees working on initiatives that advance women's rights	8	8
Closure reports on eight grantees working on initiatives to advance women's rights	8	8
Commission report on women's access to the judiciary	1	1
Workshop on women's access to the judiciary	1	1

Strategic Objective 18: Administration of the implementation of PAIA						
Performance indicator		Actual achievement 2012/13	Planned target 2013/14	Actual achievement 2013/14	Percentage deviation from planned target 2013/14	Comments on deviation
18.1	Percentage of compliance with PAIA by the Department	61%	100%	55%	(45%)	Target not achieved. There were delays in processing the transcriptions of court records.
18.2	Annual surveys on the implementation of PAIA by public bodies concluded	-	1	1	-	Target achieved.

Section 32 of the Constitution of 1996 provides for everyone to have the right to access “any information held by the State” and “any information held by another person and that is required for the exercise or protection of any rights”. 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 Department is responsible for the administration and coordination of PAIA to the public and facilitation of the implementation of PAIA throughout the three spheres of government and other public bodies. The role of the Department is therefore two fold: firstly, to ensure that the Department is able to process applications for access to information in its custody from all persons or institutions within the prescribed time frames, and secondly, to ensure that other public bodies are assisted by the Department, through training and other relevant interventions, so that they are able to process applications for access to information in their custody from all persons or institutions within the prescribed time frames.

During the year under review, 556 requests were received, of which 95 requests were still within the 60-day period at the end of the year under review. A total of 253 of 461 requests were finalised within 60 days, translating into 55% against a target of 100%. The target was not met due to a delay in the transcription of records.

Furthermore, the annual survey to measure compliance with PAIA by public bodies has been concluded.

The result of the survey indicates that the level of compliance in 89% of the public bodies is satisfactory, particularly compliance with project indicators. Furthermore, 89% of the public bodies have appointed a Deputy Information Officer and complied with the requirements of sections 14, 15, 17 and 32 of PAIA.

Strategy to overcome areas of underperformance

The Department experienced a deterioration in performance at the Guardian’s Fund offices in Pietermaritzburg and Pretoria due to the speed of the Guardian’s Fund system and Absa’s EFT system. The Department, through Information and System Management (ISM), is working on a possible solution to the system. Further consultation with Absa is continuing to try and obtain a solution with regard to its network and the accessibility thereof. The offices, which experienced challenges, are also clearing the backlog, which will lead to an improvement in performance.

The introduction of the PEAS: Trusts for trust matters also contributed to underperformance as officials had to be trained on the new system and it is envisaged that, as the roll-out and training of officials are completed, the excellent performance of the Department will pick up again on this function in 2014/15.

With regard to the translation of legislative instruments in other official languages, the Department did not meet the target due to capacity constraints and the increase in work volume due to the Languages Act of 2012. The Department is currently in the process of recruiting an additional language practitioner per official language.

The activities relating to the evaluation of the programme were not achieved as the evaluation has to be conducted on the entire programme, which could only be finalised upon conclusion of the programme. The programme was concluded at the end of 2013/14, thus evaluation will take place during 2014/15. The approval for the appointment of an independent expert to conduct an evaluation has been obtained.

The target of achieving 100% compliance with PAIA in the Department was not met, among others, due to a delay in the transcription of records and applicants' failure to comply with the requirements of filing a Form A, which is used to request access to information in terms of section 18.1 of PAIA. The Department continues to respond to applicants in an effort to remedy the defects found in their applications.

Changes to planned targets

No changes were made to the planned targets during the year under review.

Linking performance with budgets

Programme 3 spent all of its allocated budget and the majority of the budget was spent on the Master of the High Court and State Attorney services as a result of the high volume of cases handled across the country. These two areas achieved 85% and 100% respectively on their performance targets. The detailed performance and reasons for underperformance are discussed under Performance Information. Furthermore, there are several projects in the Constitutional Development branch that are performed with donor funding.

Subprogramme expenditure

Subprogramme	2013/14			2012/13		
	Final appropriation	Actual expenditure	Final appropriation	Actual expenditure	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
State Law Advisors	57 542	57 542	-	53 020	53 020	-
Litigation and Legal Services	332 774	332 774	-	315 049	315 049	-
Legislative Development and Law Reform	47 030	47 030	-	41 702	41 702	-
Master of the High Court	385 038	385 038	-	353 437	353 437	-
Constitutional Development	48 674	48 674	-	31 293	31 293	-
Total	871 058	871 058	-	794 501	794 501	-

5. TRANSFER PAYMENTS

5.1 TRANSFER PAYMENTS TO PUBLIC ENTITIES

Name of public entity	Services rendered by the public entity	Amount transferred to the public entity (R'000)	Amount spent by the public entity (R'000)	Achievements of the public entity
Legal Aid South Africa	Renders or makes available legal aid to indigent persons and provides legal representation at the State's expense.	1 375 442	1 375 442	Confirmed by the Auditor-General.
Special Investigating Unit	Provides professional forensic investigations and litigation services to all State institutions at national, provincial and local level.	295 859	295 859	Confirmed by the Auditor-General.

5.2 TRANSFER PAYMENTS TO ALL ORGANISATIONS OTHER THAN PUBLIC ENTITIES

The table below reflects the transfer payments made for the period 1 April 2013 to 31 March 2014.

Name of transferee	Type of organisation	Purpose for which the funds were used	Compliance with section 38 (1)(j) of the PFMA	Amount transferred (R'000)	Amount spent by the entity (R'000)	Reasons for the funds unspent by the entity
PD: Vehicle licences	Municipality	Renewal of vehicle licences.	Imposed by law	569	569	N/A
Public Protector of South Africa	Chapter 9 institution	To fund the Public Protector of South Africa, who investigates any alleged improper conduct in State affairs, public administration, or any sphere of government, as well as any conduct that results in any impropriety or prejudice.	Yes	199 253	199 253	N/A
South African Human Rights Commission	Chapter 9 institution	To fund the South African Human Rights Commission, which promotes and monitors the observance of human rights in South Africa.	Yes	119 299	119 299	N/A

6. CONDITIONAL GRANTS

6.1 CONDITIONAL GRANTS AND EARMARKED FUNDS PAID

There are no conditional grants paid by the Department.

6.2 CONDITIONAL GRANTS AND EARMARKED FUNDS RECEIVED

There are no conditional grants received by the Department.

7. DONOR FUNDS

7.1 DONOR FUNDS RECEIVED

The Department is grateful for the assistance received in cash and in kind from the following organisations in the financial year under review:

European Union and The Royal Netherlands	Savings from the e-Justice Programme funded by the European Union and the Royal Netherlands project closed in 2008.
Full amount of the funding	R5 million
Period of the commitment	Expires at the end of March 2015
Purpose of the funding	Implementation of Court Records Management Project
Expected outputs	Effective management of court records in the Department
Actual outputs achieved	<ul style="list-style-type: none"> • Audit assessments were conducted on selected sites. • Coaching, mentoring and physical clean up was conducted on selected sites. • Filing cabinets and mobile storage have been procured for Kokstad, Warrenton, Bloemfontein and Randburg magistrates' courts.
Amount received (R5 million)	R5 million was allocated from savings on the e-Justice project by the Director-General
Amount spent by the Department (R'000)	R3 185 097
Reasons for the funds unspent	The project is in progress.
Monitoring mechanism by the donor	Project is monitored internally as donors are no longer involved.

European Union and The Royal Netherlands	Savings from the e-Justice Programme funded by the European Union and the Royal Netherlands project closed in 2008 (reallocations by the Director- General)
Full amount of the funding	R3 million
Period of the commitment	End of March 2014
Purpose of the funding	To develop and implement the organisational performance blueprint for strategic planning, budgeting and reporting
Expected outputs	A blueprint for strategic planning, budgeting and reporting for the Department
Actual outputs achieved	The blueprint for strategic planning, budgeting and reporting has been developed and being implemented.
Amount received (R'000)	R3 million was allocated from savings on the e-Justice project by the Director-General
Amount spent by the Department (R'000)	R2 445 070
Full amount of the funding	R2 253 640 was allocated from savings on the e-Justice project by the Director-General
Period of the commitment	March 2014
Purpose of the funding	Training of officials on service standards and change management (lean management)
Expected outputs	Trained officials on service standards and on change management (lean management)
Actual outputs achieved	Service provider to develop training material has been secured, unit standards identified and presented. Lean management learning material has been compiled and presented. End-of-phase report has been presented. The Justice College is working on the material development. The Safety and Security Sector Education and Training Authority (SASSETA) is being engaged on the accreditation of the learning material.
Amount received (R'000)	R2 253 640 was allocated from savings on the e-Justice project by the Director-General.
Amount spent by the Department (R'000)	R190 330
Reasons for the funds unspent	The project is ongoing.
Monitoring mechanism by the donor	The project is monitored internally as donors are no longer involved.

European Union and The Royal Netherlands	Savings from the e-Justice Programme funded by European Union and the Royal Netherlands project closed in 2008 (reallocations by the Director-General)
Full amount of the funding	R390 000
Period of the commitment	End of April 2014
Purpose of the funding	South African Women Lawyers Association (SAWLA) – women lawyers skills development training
Expected outputs	Capacity-building of women lawyers in SAWLA
Actual outputs achieved	<ul style="list-style-type: none"> • Fifteen members have been trained in Gauteng on litigation techniques and labour law • Nine members have been trained in Limpopo on litigation techniques and the new Companies Act
Amount received (R'000)	R390 000 was allocated from savings on the e-Justice project by the Director-General
Amount spent by the Department (R'000)	R289 924
Reasons for the funds unspent	The project is completed.
Monitoring mechanism by the donor	The project is monitored internally as donors are no longer involved.

Name of donor	The Government of the Swiss Confederation
Full amount of the funding	R10 million
Period of the commitment	June 2015
Purpose of the funding	To implement the National Action Plan to re-engineer small claims courts in South Africa
Expected outputs	To have small claims courts that are accessible and service-oriented with systems that are understandable to everyone through properly trained commissioners and professional staff
Actual outputs achieved	<ul style="list-style-type: none"> • A total of 110 commissioners were trained during the period under review, 59 clerks were trained and seven small claims courts were launched. • A service provider was appointed to review the guidelines and has produced a final draft. Legislative reform has taken place in respect of the territorial jurisdiction. The appointment of magistrates as commissioners has begun.
Amount received (R'000)	R3 615 930
Amount spent by the Department (R'000)	R2 131 417
Reasons for the funds unspent	The project is ongoing.
Monitoring mechanism by the donor	Steering Committee meetings attended by the donor representatives and the Department are held.

Name of donor	The Republic of Germany (GIZ)
Full amount of the funding	In kind (technical assistance)
Period of the commitment	June 2017
Purpose of the funding	Implementation of PAJA
Expected outputs	Coordination and implementation of PAJA in all three spheres of government
Actual outputs achieved	The PAJA Mainstreaming Guide has been developed and approved, and training workshops have been conducted in Limpopo, Northern Cape, Mpumalanga, Gauteng and KwaZulu-Natal.
Amount received (R'000)	No funds received (in kind)
Amount spent by the Department (R'000)	Not applicable
Reasons for the funds unspent	The project is ongoing.
Monitoring mechanism by the donor	The project is implemented by the donor and the Department participates in structures established to monitor progress.

Name of donor	The European Union
Full amount of the funding	€25 million
Period of the commitment	April 2014
Purpose of the funding	Implementation of Access to Justice and Promotion of Constitutional Rights Programme
Expected outputs	The realisation of rights established in the Constitution by increasing access to justice for vulnerable and marginalised groups, increasing awareness and knowledge of constitutional rights, implementing programmes to enhance participatory democracy, and strengthening the capacity of civil-based organisations.
Actual outputs achieved	<ul style="list-style-type: none"> Capacity-building to CAOs towards improving access to justice has been provided. Grants were made to CAOs and community-based organisations (CBOs) for programmes towards increasing awareness and knowledge of constitutional rights Various policy dialogues have been held to promote participatory democracy.
Amount received (R'000)	R214 024 517
Amount spent by the Department (R'000)	R158 673 504
Reasons for the funds unspent	The project is ongoing.
Monitoring mechanism by the donor	Monitoring is undertaken through quarterly meetings between the donor, the Foundation for Human Rights and the Department.

Name of donor	US government (USAID)
Full amount of the funding	R20 million (technical assistance to NPA)
Period of the commitment	June 2015
Purpose of the funding	Increased services to survivors of sexual assault in South Africa by creating awareness and the effective use of the Thuthuzela care centres.
Expected outputs	Creating awareness and effective use of the Thuthuzela care centres
Actual outputs achieved	<ul style="list-style-type: none"> • Material informing communities of the service offered by the Thuthuzela care centres in their areas through radio stations, community dialogues and information posters have been developed. In addition, a public service advertisement has been developed for SABC TV. • New Thuthuzela Care Centre sites have been announced in Madadeni (KwaZulu-Natal), King Williams Town (Grey's Hospital), Atlantis in the Western Cape and Groblersdal in Limpopo. These centres will be created and will be operational in March 2014.
Amount received (R'000)	In kind (technical assistance to NPA).
Amount spent by the Department (R'000)	Nil
Reasons for the funds unspent	The project is being implemented by the Foundation for Professional Development.
Monitoring mechanism by the donor	Quarterly reports

8. CAPITAL INVESTMENT

8.1 CAPITAL INVESTMENT, MAINTENANCE AND ASSET MANAGEMENT PLAN

a) Construction projects

During the year under review, the construction of the Kagiso Magistrate's Court was completed. The two ongoing construction projects were the new Polokwane High Court and refurbishment of the South Gauteng High Court.

New projects that were planned to have commenced in 2013/14 are the following:

Project	Progress
New Mamelodi Magistrate's Court	The tender closed in 2012. However, the Department of Public Works (DPW) could not finalise the appointment of the contractor. The contract could not commence due to the delays in the finalisation of the procurement process by DPW.
New Port Shepstone Magistrates' Court	The tender for this project only went out in November 2013, which meant that construction could not commence as planned. This is due to delays in the procurement process of DPW.
New Bityi Magistrate's Court	The project did not go out on tender as planned due to delays in the approval by the South African Heritage Resources Agency to demolish the existing structure.
Major refurbishment and additions to Mthatha Magistrate's Court	The project did not go out on tender as planned due to delays by DPW.
New Richards Bay Magistrate's Court	The project was delayed due to revised scope of work.
New Dimbaza Magistrate Court	The project did not go out on tender as planned due to delays in the procurement system of DPW.
New Plettenberg Bay Magistrate's Court	The project did not go out on tender as planned due to outstanding clearance by the municipality.
Booyens Magistrate's Court	The project did not go out on tender due to delays by IDT and DPW.
North Gauteng High Court refurbishment	The project went out on tender, but DPW has not yet finalised the appointment process.

Infrastructure projects that are currently in progress and the expected date of completion are shown in the table below:

Project	Expected date of completion
New Limpopo High Court	January 2015
Major refurbishment and additions to Port Elizabeth High Court	January 2016
Major refurbishments of the South Gauteng High Court	December 2014
New Mpumalanga High Court	October 2015

a) Maintenance of infrastructure

Maintenance of infrastructure continues to be a challenge due to the increasing deferred maintenance backlog. The DPW’s planned maintenance programme has been slow, leading to further deterioration of infrastructure. The Department had to take over most of the unfunded planned maintenance projects to be included in the Departmental funded capital works programme. This was done in cases of additional accommodation and changes to the scope of work. This approach allows the Department to address not only the maintenance backlog, but also accommodation challenges at the service points.

Due to deferred maintenance over the years and the increase in the number of users, most of the Department’s infrastructure is in bad shape. This is further impacted by new legislations that bring about new functionality requirements for structures that were not designed as such. This challenge is being addressed, albeit slow through the refurbishment projects registered with DPW. The Department will continue to work with DPW on prioritising funding for the planned maintenance of court buildings. The rate at which the backlog maintenance is being attended to has been very slow due to a limitation of funds. The Department continues to engage DPW on the prioritisation of maintenance funding for court infrastructure.

Most of the maintenance plans are included in the refurbishment and upgrading infrastructure projects due to challenges with deferred maintenance and overcrowding. Over the years, it has become clear that the DPW’s planned maintenance programme is underfunded, and when it was funded, it failed to address the space constraints at the courts. The increase in the number of users impacts on the level of deterioration of the service centres. To address this, the Department has a number of refurbishment and upgrading projects that are registered with DPW, for which the scope includes maintenance, as well as the upgrading of the infrastructure.

The current arrangement, where the Department is only able to perform day-to-day maintenance and not planned or preventative maintenance, restricts the extent to which the Department can prevent further deterioration of its fixed assets. The day-to-day maintenance guideline limits what the Department can and cannot do. To this end, the Department has engaged DPW on increasing the scope of work that the Department can perform on day-to-day maintenance to include some preventative maintenance and minor replacements.

The table below shows that the Department underspent by over R340 million for the year under review due to delays in infrastructure roll-out from the DPW and unavoidable revisions from the Department. The Department has requested a roll-over of the unspent funds for 2013/14 from National Treasury.

Infrastructure projects	2012/13			2013/14		
	Final appropriation R'000	Actual expenditure R'000	(Over)/ Under-expenditure R'000	Final appropriation R'000	Actual expenditure R'000	(Over)/ Under-expenditure R'000
New and replacement assets	621 206	621 206	-	784 635	437 028	347 607
Existing infrastructure assets						
- Upgrades and additions and rehabilitation	53 164	171 065	(117 901)	32 373	24 110	8 263
- Rehabilitation, renovations and refurbishments	88 200			95 694		
- Maintenance and repairs	29 164	13 751	15 413	22 749	19 086	3 663

13 | 14 HIGHLIGHT

98%

of maintenance beneficiaries now receive their payments via EFT. In 2013/14, a total of R2, 024 billion was paid by the Department in this manner.



Governance

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. To enable the Accounting Officer and EXCO to discharge their responsibilities and duties, certain responsibilities have been delegated to the following subcommittees:

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

The Department has improved on its good governance through the effective operation of these governance committees. In the period under review, the terms of reference of all the existing governance committees were reviewed to improve coordination and management. The agenda of EXCO meetings was revised to make provision for performance reporting and focus on strategic issues. This has assisted executive management to give due consideration to performance against predetermined objectives. The Governance Committee's performance reports were produced, tabled and approved by EXCO on a quarterly basis. Executive decisions made by EXCO were also tracked on a quarterly basis.

With regard to ICT governance, major progress was made during the year under review. Following the establishment of an ICT operating model and the ICT Governance Policy Framework and Charter during 2012/13, the emphasis for 2013/14 was on the implementation phase. Phase 1 has been completed in accordance with the DPSA policy framework timelines.

2. RISK MANAGEMENT

Risk management and its processes are legislated requirements of the Public Finance Management Act (PFMA), 1999. It is therefore imperative that the Department complies with the Act and National Treasury Regulations. In addition, the Department endeavours to comply with the principles of the King III report, which has been adopted as the de facto code of

practice for corporate governance by the government. This code of practice emphasises the need for a comprehensive risk management process, which is the basis for the Department's strategy so as to achieve its strategic objectives.

The Department has adopted and implemented an enterprise-wide risk management approach that will ensure that its business and service delivery risks are identified and effectively managed on a continuous basis. The Chief Risk Officer assist Senior Management in discharging its responsibility in a structured and coordinated manner.

Control environment as a key factor for governance

Risk Management is entrenched in the department as a crucial component of its control environment. Management at all levels is responsible for ensuring that policies (including the Code of Ethics and Conduct) and requirements are implemented and followed. It is a priority of the department that management display leadership in commitment to the values of government and more specifically those of the Department.

Progress in mitigating the identified risks

The risk management process in the Department starts with the identification of risks and risk-contributing factors at strategic level in line with the Public Sector Risk Management Framework. The strategic risks identified are part of the approved and tabled departmental Strategic Plan. In addition, the Department analyses the business and operational plans per branch and regions to identify risks that might hinder the Department to achieve its objectives. During the year under review, 31 risk profiles were developed and reviewed by different units and regions of the Department and were all signed off by management. This was in line with the target that was set. Risk review and monitoring processes the Department also takes into consideration are the reports from the Auditor-General and the Internal Audit Unit regarding deficiencies in the internal control environment.

The impact of budgetary constraints on the achievement of the mandate of the department remains a challenge, requiring a focused strategy on those mandates that are non-negotiable, innovation to existing processes and reprioritisation of activities to ensure mitigation of risks related to non-achievement of these constitutional mandates.

Therefore the department ensures quality decision making through the integration of risk assessments into the strategy setting process and reinforces a shared risk appetite throughout the leadership that accelerate

service delivery improvement. Below is a summary of risk exposure in the achievement of the prioritised objectives of the department relating to improved service delivery and improved audit outcomes.

No	Risk	Affected objectives	Summary of mitigation progress
1.	Inadequate management of quasi-judicial services at courts	<ul style="list-style-type: none"> Improved service delivery at courts, improved governance. Optimisation of ICT systems and infrastructure. 	<ul style="list-style-type: none"> The operational plan of the Court Services branch has prioritised system-based data management so as to support and streamline court management functions. As part of ongoing personal development of staff in courts, various training interventions have been made through Justice College programmes. These training interventions included the training of clerks of the court and supervisors in terms of civil and criminal procedures. <p>The Department will continue to monitor the new turnaround times of the various processes, including transcription services in the new financial year.</p>
2.	Inadequate records and information management	<ul style="list-style-type: none"> Support processes of the JCPS Cluster. Improved management of fraud and corruption Increased efficiency in the provision of beneficiaries of trusts, estates and Guardian's Fund funds. Improved service delivery at service points. 	<ul style="list-style-type: none"> The Offsite Storage Project was undertaken to address the challenge of loss of court records and to minimise the creation of fraudulent court records. The pilot project started at the Pretoria and Klerksdorp magistrates' courts and rolled over to eight other courts. Furthermore, the offsite storage of files is continuing for the Masters' offices in Pretoria, Pietermaritzburg, Cape Town and Polokwane. Paperless processing has been implemented in the Office of the Chief Master. This will assist with improved document management.
3.	Insufficient court infrastructure to function effectively	<ul style="list-style-type: none"> Increased access to justice services. Improved functionality of courts. 	<ul style="list-style-type: none"> Due to expansion of the organisational establishment and service delivery mandates, work spaces and service points are becoming inadequate. The Department proactively identifies creative ways of dealing with the accommodation shortage, such as mobile units and creating open-plan offices so as to maximise the available space. There is a continuous engagement with the DPW to ensure prioritisation of planned maintenance. The Department also engaged with National Treasury for the reprioritisation of the Capital Works budget. <p>The Department will explore other ways of managing the property portfolio and has engaged DPW in this regard. All explored systems shall be compliant with the Government Infrastructure Asset Management Act.</p>

No	Risk	Affected objectives	Summary of mitigation progress
4.	Inadequate management of TPF	<ul style="list-style-type: none"> Increased compliance with the prescripts for good governance. Optimisation of ICT systems and infrastructure. 	<p>This area has been one of the major challenges that the Department had to deal with over the MTEF period. However, all managers at court, regional and national level took various measures and initiatives to reduce the risks and strengthen internal controls. These initiatives include the following:</p> <ul style="list-style-type: none"> Strengthening the accounting and oversight mechanisms through the appointment of new employees and establishment of governance committees. The annual financial statements for TPF that were outstanding were compiled; these were statements for the 2009/10, 2010/11, 2011/12, 2012/13 and 2013/14 financial years. The interim financial statements were produced for 76 courts and submitted to Internal Audit for auditing. Ongoing training and mentoring sessions are held for the regional TPF officials to ensure accuracy of records, accounting validation and the ability to resolve TPF issues at regional level. The Department will continue to improve its ICT systems regarding the management of TPF.
5.	Inadequate capacity and skills, and high staff turnover rate	Enhanced human resources capacity and improved service delivery.	<p>Although there are budgetary constraints, the constitutional and legislative mandate of the Department continues to grow. This has a ripple effect on the capacity of the Department in terms of delivering on such mandate and ministerial delivery agreements. In terms of addressing weaknesses identified and the related challenges, the following were implemented:</p> <ul style="list-style-type: none"> The vacancy rate had to be closely monitored across the regions and the recruitment processes. Recruitment plans were also developed, and managers report their progress monthly to the national office. The Department had to re-align certain structures to fit the new mandatory requirements, e.g. the re-aligned structure of the Master of the High Court, which was approved by DPSA. The Staff Retention Policy was developed and endorsed at EXCO level. The Department has, in collaboration with DPSA, developed a project plan to address the OSD challenges, and progress in terms of the plan shall be monitored in the next financial year. The Justice College continuously develops and implements training programmes to address areas that need improvement, including the training of staff in court processes and new IT systems, management courses and the training of prosecutors. These also address the change management issues, while ensuring that there is a standard operating model at various levels of operations.

No	Risk	Affected objectives	Summary of mitigation progress
6.	Poor asset management – focusing on the inaccuracy of asset registers	Increased compliance with prescripts for good governance.	<p>Asset management and procedures around this area remain of critical importance in the Department. In terms of the risk plans, the following were implemented and there is continuous improvement:</p> <ul style="list-style-type: none"> • The Department created structures at regional level for asset controllers and there is a dedicated asset management team. All these structures are functional at regional and national levels. • Special training was conducted at the national office in the last quarter for all appointed asset controllers and asset verification teams. • There is close monitoring to improve compliance with prescripts, detection control and correction where necessary. • There is quarterly verification of assets physically across all offices. The discrepancies are resolved continuously and the system is updated accordingly. • The established Asset Disposal Committee continued with its function during the year and a lot of absolute assets were disposed of as they were becoming an occupational health and safety hazard. The asset disposals (particularly ICT assets) were finalised in the last quarter and the Department shall continue to monitor this area going forward.

In order to inculcate a risk management culture at a grass root level, specialised training material was developed during the year under review and a training programme was implemented. This should also create a

culture of risk awareness and ownership by all officials and improve the maturity levels of the Department. The following special risk management training sessions were conducted during the financial year.

Quarter 1		Quarter 2		Quarter 3		Quarter 4	
Targeted sessions	Actual sessions	Targeted sessions	Actual sessions	Targeted sessions	Actual sessions	Targeted sessions	Actual sessions
1	2	1	3	1	2	1	1
Number of officials trained		Number of officials trained		Number of officials trained		Number of officials trained	
46		145		95		20	

3. FRAUD AND CORRUPTION

The Department's Fraud Prevention Strategy is driven through the Fraud Prevention Implementation Action Plan. The following are some of the measures taken by the Department during the period under review as part of the implementation plan:

3.1 PREVENTION

Prevention activities include fraud risk assessments, awareness workshops, information security, as well as oversight by the Audit Committee. During the year under review, the following were achieved:

1. A total of 43 overall fraud risk assessments were facilitated and 18 workshop sessions were conducted.

2. A total of 56 anti-corruption education and awareness workshops were conducted, which were attended by 1 440 employees, and 22 vetting awareness sessions were conducted, which were attended by 520 employees. The combined total is 1 960 employees for the financial year.
3. In terms of the vetting of SMS members, 145 security clearance forms were submitted out of 115 of the annual plan target in accordance with the compliance requirements.
4. In terms of employment, verifications were done on criminal records, qualifications, citizenship and reference checks for about 1 396 appointments in the Department.
5. The Audit Committee continues to provide oversight assurance in all areas.

3.2 DETECTION

Detection activities for the year under review included adherence to the Department's codes of ethics (Code of Conduct, Supply Chain Management Code of Conduct and Disciplinary Procedure Code), employment procedures, financial policies and procedures, reporting, as well as monitoring fraud and corruption trends. The following were achieved:

1. A total of 25 service providers were screened for different bids.
2. All members were screened in terms of the specification, evaluation and adjudication committees for various tenders and other procurement processes.
3. Officials are encouraged to declare their interests so as to manage conflicts of interest in various committees.
4. The Department implemented the management of gift registers on a quarterly basis.
5. The coordination of financial disclosures each year is one of the mechanisms used in the Department as senior managers disclose their business interests in compliance with the Public Service Regulations, as well as promoting good governance.

3.3 INVESTIGATION

Investigation activities focused on specific or related cases of fraudulent and corrupt activity and behaviour.

1. In terms of the National Anti-corruption hotline referral cases, 44 reported cases were finalised. With regard to forensic cases, all 24 old cases were investigated and finalised. Furthermore, 240 new cases were finalised out of 264 that were reported.

2. A total of 704 grievance cases were recorded and 600 cases finalised. This represents 85% finalisation of cases and is higher than the previous two financial years.
3. The Department also continuously engages with other State institutions to ensure the optimal implementation of anti-corruption measures.

3.4 RESOLUTION

Resolution activities focused on the internal departmental disciplinary procedure, recovery of losses and wasteful expenditure incurred, where employees have been found to be liable. The following were achieved during the period under review:

1. A combined total of 471 cases were reported and 302 disciplinary hearings were finalised. This means that the success rate is 64% in this area.
2. Once the weaknesses have been identified in terms of internal and/or management controls, the Department revises the policies and codified instructions for continuous improvement.
3. Officials are always encouraged to sign confidentiality forms and declare their interests so as to manage conflicts of interest in various committees.
4. In addition to the above, there are other subcommittees that continue to operate so as to strengthen the governance processes in the Department, and progress is monitored at EXCO level.

4. HEALTH, SAFETY AND ENVIRONMENTAL ISSUES

The objective of the safety, health, environment and risk management (SHER) Policy and procedures in the Department is to create a consistent, reliable system of occupational health and safety that can be evaluated on an ongoing basis for compliance with regulations, continuous improvement and sustainability. To this end, the Department remains committed to providing a healthy and safe working environment to all its employees and stakeholders.

The management in the Department continues to ensure that the operations and processes do not impact negatively on the environment by complying with relevant legislation and by adopting the best SHER practices and procedures. This is achieved through a system that allows for continual improvement on the following:

1. Hazards and risk identification, monitoring and control measures.
2. Communication strategies on safety, health and environmental issues.
3. Safety, health and environmental training and awareness programmes.

In this journey of implementing the Occupational Health and Safety Act, Act 85 of 1993, as amended, the following activities were implemented during the year:

1. The SHER Policy and procedures were approved and implemented.
2. The Business Continuity Management Policy and Procedure Manual was approved.
3. Training material was developed and different training and awareness sessions were conducted in various offices and regions. Other training sessions were incorporated through Justice College programmes and induction programmes.
4. The division provided advice and emergency services at Departmental events and Ministerial imbizos in line with the new policies.
5. SHER inspections and risk assessments were conducted at various offices.
6. More and more offices now have occupational health and safety committees, unlike in the previous financial year.

Budgetary constraints continue to threaten the full implementation of best practices, however. The Department will continue to monitor the implementation of minimum requirements and to strengthen its processes where necessary.

5. PORTFOLIO COMMITTEES

Both the Portfolio Committee on Justice and Constitutional Development and the Select Committee on Security and Constitutional Development conducted vigorous oversight functions in 2013/14 by requesting the Department to answer oral and written parliamentary questions, and to attend and present Committee briefing meetings. These committees also supported the Minister with the presentation of the Budget Vote 24 on 29 May 2013, the presentation of the Strategic Framework and Annual Performance Plan 2013/2014 on 17 and 18 April 2013 and 24 May 2013, and the presentation of the Annual Report 2012/13 on 9 and 10 October 2013. The work done by the Department, both from a departmental point of view, as well as from the view of the improved leadership of the JCPS Cluster in fighting crime and ensuring that people in South Africa are and feel safe, was consistently appreciated by all members of Parliament. All questions asked and follow-up reports requested were submitted on time with verbal and/or written quarterly reports and briefings.

Between 1 April 2013 and 31 March 2014, the Department responded to 145 parliamentary questions from the National Assembly and the NCOP in written and oral format. The result was that the Minister of Justice and Constitutional Development had no outstanding questions in the 2013/14 financial year, which was reported at Cabinet and at parliamentary level.

The Department was invited to attend 44 meetings of the Portfolio Committee on Justice and Constitutional Development and 24 meetings of the Select Committee on Security and Constitutional Development. Most of the committee meetings had to do with draft legislation, and the deliberations and state of readiness to implement the draft legislation.

The Portfolio Committee raised the following issues in the Budgetary Review and Recommendation Report Part 5. The Department submitted the replies on the following dates: 30 January 2013, 30 April 2013, 17 July 2013 and 30 January 2014. The following issues were raised:

1. Progress report on capital works projects with targets and time frames, challenges experienced and budgets received against spending.
2. Progress report on planned maintenance of court buildings and justice service points, challenges experienced and spending.
3. Report providing details of the formal commitments made to address the audit findings and audit actions plans.
4. Report on preventing fraud and corruption in the Department and the vetting of SMS members.
5. Progress report on vacancies, especially at senior management level and in critical occupations.
6. Briefings on the provision of security at courts and justice service points.
7. Progress reports on the IJS with targets and time frames, challenges experienced and spending.
8. The TRC process, progress made in identifying and making payments to outstanding beneficiaries, as well as progress relating to the finalisation of the regulations.
9. Updates on spending on vulnerable groups legislation.
10. Progress on the implementation of the NRSO.
11. Progress on the roll-out of the one-stop child justice centres, and on the extension of its jurisdiction at the Mangaung One-stop Child Justice Centre.
12. Report on establishing the sexual offences courts and specific briefings.
13. Progress on the expansion of services for increased accessibility, with targets and time frames.
14. Progress in establishing the Office of the Chief Justice – now the responsibility of the Secretary-General in the Office of the Chief Justice, appointed as from 1 April 2013.

- 15. Progress report on judicial training conducted – now the responsibility of the South African Judicial Education Institute.
- 16. Progress report and quarterly briefing on the roll-out of the Thuthuzela care centres.

- 17. The Department also participated in the Parliament Joint Programme (known as ‘Taking Parliament to the People’) in Soshanguve, north of Pretoria, from 25 November to 2 December 2013.

6. SCOPA RESOLUTIONS

Reference to previous audit report and SCOPA resolutions	Subject	Findings on progress
<p>First SCOPA report was adopted by the National Assembly on February 2011. The Auditor-General reported the following:</p> <ul style="list-style-type: none"> 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 to the prior year’s irregular expenditure identified in the current year. 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. 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>SCOPA recommended the following:</p> <ul style="list-style-type: none"> a) Disciplinary action is taken against employees who were responsible for incurring such irregular and fruitless expenditure as required by section 51(e)(iii) of the PFMA. b) The Department strengthens its internal control systems in order to avoid incurring further irregular expenditure. 	<p>Supply Chain Management (Procurement)</p>	<p>The matter is addressed.</p> <p>The matter is addressed.</p> <p>Measures are in place to recover fruitless and wasteful expenditure from the officials.</p> <p>Disciplinary action is now taken in terms of labour relations procedures against employees who are responsible for irregular and fruitless and wasteful expenditure.</p> <p>The appointment of supply chain management coaches to inspect procurement requests before procurement is done is in progress.</p>

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 were not invited in all instances. b) Awards were made 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 (PPPF), was not applied in all instances. d) Awards to certain suppliers did not score the highest points in terms of the PPPF points system. e) Contract amendments or extensions resulted in the circumvention of competitive bidding. f) Ineffective internal audit evaluation of supply chain management (SCM) compliance. <p>SCOPA recommended the following:</p> <ul style="list-style-type: none"> a) The departmental SCM Policy should be updated to encompass all the elements of the PFMA, Treasury Regulations, the PPPF Act, PPPF 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 is kept for all SCM-related transactions, signed by both the preparer and the reviewer. c) A proper filing system for all information supporting SCM-related transactions is kept. d) Critical vacancies in the SCM Unit are filled with adequately skilled officials. e) Early warning reports listing contracts that will soon expire are compiled and new tender processes are timeously entered into. f) Monthly reconciliations are done in order to avoid non-compliance with SCM requirements. g) Internal audit scope with regard to SCM is increased to ensure that day-to-day controls are effectively implemented and all procurement complies with SCM legislative requirements. h) The total population of expenditure is revisited, excluding all suppliers not affected by the PPPF Act, to determine the full extent of the non-compliance, which will lead to irregular expenditure. i) Disciplinary measures are taken against all officials who do not comply with the legislative requirements surrounding SCM. 	<p>Supply Chain Management (Procurement)</p>	<p>The matter is addressed.</p> <p>The matter is addressed.</p> <p>The matter is addressed.</p> <p>The matter is addressed.</p> <p>The matter is addressed.</p> <p>The matter is addressed.</p> <p>The matter is addressed.</p>

Reference to previous audit report and SCOPA resolutions	Subject	Findings on progress
<p>First SCOPA report was adopted by the National Assembly in February 2011. The Auditor-General reported the following:</p> <ul style="list-style-type: none"> a) Internal Audit Unit established, but not in operation throughout the year. b) Internal Audit Unit did not fulfil its required responsibilities. <p>SCOPA recommended the following:</p> <ul style="list-style-type: none"> a) A fully functional Audit Committee that promotes independence, accountability and service delivery is established. b) The internal audit function monitors the adequacy and implementation of internal control. c) Effective risk assessments and strategies, including fraud prevention plans, are maintained, to address identified weaknesses. 	Internal Audit	The matter is addressed.

Reference to previous audit report and SCOPA resolutions	Subject	Findings on progress
<p>First SCOPA report was adopted by the National Assembly in February 2011. The Auditor-General reported the following:</p> <ul style="list-style-type: none"> a) The vacancy rate for senior management deteriorated by 14% to 25% in 2009/10. b) Verification of criminal and financial or asset records, citizenship, financial status, qualifications and previous employment for all new appointments was not done. c) Certain officials acted for periods exceeding 12 months. d) All performance management agreements were not signed by 31 July. e) More temporary/permanent incapacity leave was granted than staff members were entitled to and non-compliance with the DPSA's policy and procedure on incapacity leave for ill-health retirement. f) Not all leave taken by employees was captured accurately and in full. g) All monthly payroll reports were not certified, and all certified payroll reports were not returned to finance within 10 days. The completeness of certified payroll reports was not checked in all instances and corrective measures were not taken in all instances where discrepancies were noted. <p>SCOPA recommended the following:</p> <ul style="list-style-type: none"> a) Human Resources policies are developed and implemented. b) DPSA policies and procedures are complied with. c) The vacancy rate is reduced by appointing permanent senior management. d) Leave forms are timeously and correctly captured on PERSAL. 	<p>Human Resources</p>	<p>This matter is addressed.</p> <p>This matter is addressed.</p> <p>This matter is addressed.</p> <p>The matter was addressed in the 2013/14 financial period.</p> <p>The matter is addressed.</p> <p>This matter is now addressed.</p> <p>This matter is addressed in the 2013/14 financial period.</p>

Reference to previous audit report and SCOPA resolutions	Subject	Findings on progress
<p>First SCOPA report was 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> <ul style="list-style-type: none"> a) All capital assets are properly recorded as required by section 40(1)(a) of the PFMA and Treasury Regulations 17.2.3. b) There is regular asset counting, verification and reconciliation in order to avoid incorrect disclosures in the annual financial statements. 	<p>Supply Chain Management (Procurement)</p>	<p>This matter is addressed.</p> <p>This matter is addressed.</p>
<p>First SCOPA report was 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 the following:</p> <ul style="list-style-type: none"> a) A monitoring system is developed that will address the adequacy of performance information. b) Such a system is frequently reviewed in order to address any gaps that are identified. 	<p>Governance</p>	<p>This matter is now addressed.</p> <p>This finding is addressed.</p>

Reference to previous audit report and SCOPA resolutions	Subject	Findings on progress
<p>First SCOPA report was adopted by the National Assembly on February 2011. The Auditor-General reported the following:</p> <ul style="list-style-type: none"> a) No financial statements were prepared for TPF for revenue to be determined as no reliable financial information exists. b) The potential claims against the TPF as a result of fraud, theft and loss to the Department are not complete. c) The money collected on behalf of the State and not yet paid to the Department could not be ascertained. <p>SCOPA recommended the following:</p> <ul style="list-style-type: none"> a) A proper financial system is developed or that the current features of the JDAS are enhanced with the required controls to ensure complete, accurate and reliable financial information and reporting. b) The vacancies at court level are filled with adequately skilled officials. c) All fraud, cash shortages and losses are investigated timeously. d) Disciplinary measures are taken against every official who does not comply with the policies and procedures or who was charged or found guilty of misconduct. 	<p>Third Party Funds</p>	<p>The Department is awaiting approval from SITA for the appointment of a service provider for the development of a new financial administration and accounting system. A recommendation in this regard was already made to SITA during March 2014. Once approved, the service provider will have 12 to 18 months to develop and test the system before full implementation in the Department over the 12 months after the system has been signed off by the Department. The following work has been done:</p> <ul style="list-style-type: none"> - training to all regions and offices - reconciliations per court - financial statements completed for each court and consolidated statements for periods up to 31 March 2014. <p>Some 45 posts at Deputy Director, Assistant Director and State Accountant levels have been filled and are in the process of being filled at regional office level.</p> <p>The Department has a proper quantification of cash shortages and losses that have accumulated over the years. In consultation with regional loss control officers, the losses are being investigated and the appropriate disciplinary measures, as well as criminal and civil actions, taken. Fully investigated irrecoverable losses below R50 000 were written off against the Vote Account during 2013/14. Bigger irrecoverable losses will be considered for write-off during the 2014/15 financial year after conclusion of a full criminal investigation and civil recovery where applicable.</p> <p>Appropriate disciplinary action has been taken where necessary. The Department will continue with disciplinary actions, recoveries and litigation processes where necessary and possible.</p>

Reference to previous audit report and SCOPA resolutions	Subject	Findings on progress
<p>First SCOPA report was adopted by the National Assembly in February 2011. The Auditor-General reported the following:</p> <p>a) An IT governance framework is developed that directs the positioning of IT, resource requirements, service continuity in instances of data loss and risk, and internal control management.</p> <p>b) The access control security is strengthened to ensure that no unauthorised access takes place.</p>	Information Systems and related issues	All findings relating to IT governance and access control are addressed.

7. PRIOR MODIFICATIONS TO AUDIT REPORTS

As was the case in previous years, audit action plans were compiled by the Office of the Chief Financial Officer (CFO) 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 CFO reported monthly to the Accounting Officer and the Audit Committee on progress with audit action plans.

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 TPF (administered as a separate entity) on the Vote Account. The opening balances of the following accounts in TPF:</p> <ul style="list-style-type: none"> • Revenue • Accounts receivables • Provisions • Contingent liabilities 	2005/06 financial year	<p>The Department has produced audited annual financial statements for the periods ending 31 March 2010, 31 March 2011, 31 March 2012, 31 March 2013 and 31 March 2014.</p> <p>The Department is now in the process of cleaning the data relating to the opening balances.</p>

8. COMPLIANCE UNIT

A Compliance Unit has been established to assist with the tracking and monitoring of compliance against all statutes that the Department needs to comply with. During the year under review, the Compliance Unit identified statutes applicable to the Department and obligations arising from them. A number of areas of non-compliance were identified and action plans were put in place to attend to such cases.

The Compliance Committee meets once every two months to consider compliance reports submitted to it. The Compliance Unit is furthermore engaged in an awareness campaign to educate employees about the importance of compliance and the consequences of non-compliance. It conducted 22 presentations at branch and sub-branch

meetings and workshops in 2013/14.

9. INTERNAL AUDIT AND AUDIT COMMITTEES

The Department has an Internal Audit Unit that performs an independent assurance function in the Department. The Internal Audit Unit follows a risk-based approach in providing management and the Audit Committee with assurance on the adequacy and effectiveness of governance, performance, risk management and internal control processes. The Unit is guided by an Internal Audit Charter approved by the Audit Committee, and performs its functions as provided in the PFMA Framework and the Internal Audit Charter.

The head of Internal Audit reports functionally to the Audit Committee and administratively to the Accounting Officer. Internal Audit also participates in the strategic committees of both the Department and the NPA.

On an annual basis, Internal Audit prepares a risk-based three-year plan and an annual plan after taking into consideration the risks facing the Department, its strategic objectives, mandate, audit issues, and inputs by management and the Audit Committee. The Audit Committee approves the Internal Audit Plan for implementation. Internal Audit also continued to liaise with the Auditor-General to minimise duplication of effort and optimise operational efficiency.

10. AUDIT COMMITTEE MEMBERS:

Name	Qualifications	Internal or external member	Date appointed	Date resigned	Number of meetings attended
Ms. Besky Ngunjiri	BCompt BCompt (Hons) Certificate in the Theory of Accounting (CTA)	External	28 February 2012	N/A	6
Mr. Motsamai Karedi	BCompt (Hons) Certificate in Management	External	Reappointed: 23 January 2013	N/A	7
Mr. Cedric Boltman	Master of Business Administration Certificate Programme in the Principles of Business and Management, Microsoft Certified Systems Engineer	External	Reappointed: 23 January 2013	N/A	7
Ms. Livhuwani Vuma	BProc LLB Advanced Diploma in Project Management	External	28 February 2014	N/A	8
Mr. Wilson Ramabulana	BCompt Diploma in State Finance	External	Reappointed: 9 January 2013	N/A	7
Mr. Andy Sello	National Diploma: Accounting; ACIS; FCIS Management Advancement Programme (MAP)	External	9 January 2013	N/A	8
Ms. Keneilwe Moloko	National Diploma in Building Surveying BSc Quantity Surveying Accounting Conversion Course Postgraduate Diploma in Accounting CA(SA)	External	28 February 2012	28 January 2013	1

11. AUDIT COMMITTEE REPORT

11.1. REPORT OF THE AUDIT COMMITTEE

We are pleased to present our report for the financial year ended 31 March 2014.

11.2 AUDIT COMMITTEE MEMBERS AND ATTENDANCE

The Audit Committee consists of the members listed below and is required to meet at least four times per annum as per its approved terms of reference. During the year six meetings, and two special meetings were held, and one member retired, as indicated below.

Name of members	Numbers of meetings attended	Number of special meetings attended	Status
Mr. Motsamai Karedi (Chairperson)	5	2	Reappointed 23 January 2013
Mr. Cedric Boltman	5	2	Reappointed 23 January 2013
Ms. Besky Ngunjiri	5	1	Appointed 28 February 2012
Ms. Keneilwe Moloko	1	0	Appointed 28 February 2012 Resigned 28 January 2013
Mr. Wilson Ramabulana	5	2	Reappointed 09 January 2013
Ms. Livhuwani Vuma	6	2	Appointed 28 February 2012
Mr Andy Sello	6	2	Appointed 09 January 2013

11.3 AUDIT COMMITTEE RESPONSIBILITY

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

We have also discharged our responsibilities in terms of the Audit Committee's terms of reference.

11.4 THE EFFECTIVENESS OF INTERNAL CONTROL

The Audit Committee is satisfied that key controls remained in place throughout the year under review and where shortcomings were noted in the internal controls, management demonstrated commitment in addressing them through implementation of audit action plans throughout the year.

The audit action plans were continuously followed up by Internal Audit and periodically reviewed by the Audit Committee.

We have also observed a committed leadership that has taken ownership of processes resulting in the steady improvement in the management of risks and controls in the recent years.

11.1.4 INTERNAL AUDIT

The Internal Audit Unit has discharged its responsibilities as per the Internal Audit Plan approved by the Audit Committee for the year.

11.1.5 AUDITOR-GENERAL SOUTH AFRICA

We have noted the Auditor-General South Africa's audit and management reports and also concur with the contents thereof.

11.1.6 REPORTS

We are satisfied with the content and quality of in-year management, and monthly and quarterly reports prepared by the Accounting Officer of the Department during the year under review and submitted in terms of the PFMA.

11.1.7 EVALUATION OF FINANCIAL STATEMENTS

We have reviewed and discussed the annual financial statements with the management and also reviewed the Department's compliance with legal and regulatory provisions and we are also satisfied that where shortcomings were identified, management has addressed them.



M Karedi

Chairperson of the Audit Committee

30 July 2014

REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE NO. 24:

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

REPORT ON THE FINANCIAL STATEMENTS

INTRODUCTION

1. I have audited the financial statements of the Department of Justice and Constitutional Development set out on pages 110 to 162, which comprise the appropriation statement, the statement of financial position as at 31 March 2014, the statement of financial performance, statement of changes in net assets and the cash flow statement for the year then ended, as well as the notes, comprising a summary of significant accounting policies and other explanatory information.

THE ACCOUNTING OFFICER'S RESPONSIBILITY FOR THE FINANCIAL STATEMENTS

2. The accounting officer is responsible for the preparation and fair presentation of these financial statements in accordance with the Modified Cash Standard prescribed by the National Treasury and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No.1 of 1999), and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

AUDITOR-GENERAL'S RESPONSIBILITY

3. My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audit in accordance with the Public Audit Act of South Africa, 2004 (Act No. 25 of 2004) (PAA), the general notice issued in terms thereof and International Standards on Auditing. 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.

4. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. 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.
5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

OPINION

6. In my opinion, the financial statements present fairly, in all material respects, the financial position of the Department of Justice and Constitutional Development as at 31 March 2014 and its financial performance and cash flows for the year then ended, in accordance with the Modified Cash Standard prescribed by the National Treasury and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No.1 of 1999) (PFMA).

EMPHASIS OF MATTERS

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

FINANCIAL REPORTING FRAMEWORK

7. As disclosed in note 37 to the financial statements, the National Treasury has exempted the department from including the financial statements of the National Prosecuting Authority and accounting for fines and recoveries made by the State Attorney for the reasons indicated.

SIGNIFICANT UNCERTAINTIES

8. With reference to note 20 to the financial statements, the department may be liable to make good shortages totalling R74,5 million as a result of losses incurred in the administration of the Third Party Funds account. The ultimate outcome of the matter cannot presently be determined and no provision for any liability that may result has been made in the financial statements.
9. Furthermore, with reference to note 20 to the financial statements, the department is involved in various legal cases, the outcomes of which cannot presently be determined and no provision for any liability that may result has been made in the financial statements.

REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

1. In accordance with the PAA and the general notice issued in terms thereof, I report the following findings on the reported performance information against predetermined objectives for selected programmes presented in the annual performance report, non-compliance with legislation as well as internal control. The objective of my tests was to identify reportable findings as described under each subheading but not to gather evidence to express assurance on these matters. Accordingly, I do not express an opinion or conclusion on these matters.

PREDETERMINED OBJECTIVES

2. I performed procedures to obtain evidence about the usefulness and reliability of the reported performance information for the following selected programmes presented in the annual performance report of the department for the year ended 31 March 2014:
 - Programme 2 – Court Services pages 60-65
 - Programme 3 – State Legal Services pages 66-77
3. I evaluated the reported performance information against the overall criteria of usefulness and reliability.
4. I evaluated the usefulness of the reported performance information to determine whether it was presented in accordance with the National

Treasury's annual reporting principles and whether the reported performance was consistent with the planned programmes. I further performed tests to determine whether indicators and targets were well defined, verifiable, specific, measurable, time bound and relevant, as required by the National Treasury's Framework for managing programme performance information (FMPPI).

5. I assessed the reliability of the reported performance information to determine whether it was valid, accurate and complete.
6. I did not raise any material findings on the usefulness and reliability of the reported performance information for the selected programmes.

ADDITIONAL MATTERS

7. Although I raised no material findings on the usefulness and reliability of the reported performance information for the selected programmes, I draw attention to the following matters:

ACHIEVEMENT OF PLANNED TARGETS

8. Refer to the annual performance report on pages 60 to 65 and 66 to 77 for information on the achievement of planned targets for the year.

ADJUSTMENT OF MATERIAL MISSTATEMENTS

9. I identified material misstatements in the annual performance report submitted for auditing on the reported performance information for programme 2: court services. As management subsequently corrected the misstatements, I did not raise any material findings on the usefulness and reliability of the reported performance information.

COMPLIANCE WITH LEGISLATION

10. I performed procedures to obtain evidence that the department had complied with applicable legislation regarding financial matters, financial

management and other related matters. My findings on material non-compliance with specific matters in key legislation, as set out in the general notice issued in terms of the PAA, are as follows:

ANNUAL FINANCIAL STATEMENTS

11. The financial statements submitted for auditing were not prepared in accordance with the prescribed financial reporting framework as required by section 40(1)(b) of the PFMA. Material misstatements of disclosure items identified by the auditors in the submitted financial statements were subsequently corrected resulting in the financial statements receiving an unqualified audit opinion.

EXPENDITURE MANAGEMENT

12. Effective steps were not taken to prevent irregular expenditure, as required by section 38(1)(c)(ii) of the PFMA and Treasury Regulation (TR) 9.1.1.
13. Effective and appropriate disciplinary steps were not taken against officials who made and/or permitted irregular expenditure, as required by section 38(1)(h)(iii) of the PFMA and TR 9.1.3.
14. Contractual obligations and money owed by the department were not always settled within 30 days or an agreed period, as required by section 38(1)(f) of the PFMA and TR 8.2.3.

PROCUREMENT AND CONTRACT MANAGEMENT

15. Invitations for competitive bidding were not always advertised for a required minimum period of 21 days, as required by TR 16A6.3(c).
16. Contracts and quotations were awarded to bidders who did not submit a declaration on whether they are employed by the state or connected to any person employed by the State, which is prescribed in order to comply with TR 16A8.3.

INTERNAL CONTROL

17. I considered internal control relevant to my audit of the financial statements, annual performance report and compliance with legislation. The matters reported below are limited to the significant internal control deficiencies that resulted in the findings on the annual performance report and the findings on non-compliance with legislation included in this report.

LEADERSHIP

18. The leadership did not adequately monitor the implementation of internal policies and procedures to address the processes pertaining to the managing, collating and reporting of performance information at the overall performance management level and programme level.

FINANCIAL AND PERFORMANCE MANAGEMENT

19. Management did not prepare accurate and complete performance reports that were supported and evidenced by reliable information.
20. Management did not adequately review the financial statements prior to submission for auditing.
21. Management did not have sufficient monitoring controls to ensure compliance with all applicable laws and regulations.

OTHER REPORTS INVESTIGATIONS

22. An internal investigation is being conducted into possible irregularities that resulted in fruitless and wasteful expenditure in the office of the State Attorney of Pretoria. The investigation was still ongoing at the reporting date.

Auditor-General



AUDITOR-GENERAL
SOUTH AFRICA

Auditing to build public confidence

Pretoria

31 July 2014





COU

13 | 14 HIGHLIGHT

22

In the previous financial year, we achieved our target of upgrading 22 Sexual Offences Courts, which are spread over all communities, including remote rural communities. Our plan is to re-establish 106 Sexual Offences Courts over a period of 10 years.

**ANNUAL FINANCIAL STATEMENTS FOR
DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
FOR THE YEAR ENDED
31 MARCH 2014**

APPROPRIATION STATEMENT FOR THE YEAR ENDING 31 MARCH 2013

Appropriation Statement	Appropriation per Programme									
	2013/14					2012/13				
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage 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
1. Administration										
Current payment	1 860 150	(1 647)	(104 145)	1 754 358	1 754 358		100%	1 452 762	1 452 696	
Transfers and subsidies	7 379	413		7 792	7 792		100%	8 014	8 014	
Payment for capital assets	28 115		(20 850)	7 265	7 265		100%	13 411	13 411	
Payment for financial assets	486	1 234		1 720	1 720		100%	1 479	1 479	
2. Court Services										
Current payment	4 778 039	(102 007)	103 312	4 779 344	4 771 177	8 167	99.8%	4 654 333	4 653 394	
Transfers and subsidies	23 397	(2 663)		20 734	20 734		100%	20 822	20 822	
Payment for capital assets	852 313	101 684	22 263	976 260	628 653	347 607	64.4%	715 760	715 760	
Payment for financial assets	795	2 986		3 781	3 781		100%	2 743	2 743	
3. State Legal Services										
Current payment	846 985	(8 489)	(5 551)	832 945	832 945		100%	781 953	781 953	
Transfers and subsidies	19 972	723	(7)	20 688	20 688		100%	3 720	3 720	
Payment for capital assets	9 659	5 082		14 741	14 741		100%	8 790	8 790	
Payment for financial assets		2 684		2 684	2 684		100%	38	38	
5. Auxiliary and Associated Services										
Current payment	655 648	(70 509)	4 978	590 117	470 076	120 041	79.7%	431 820	431 820	
Transfers and subsidies	1 989 854			1 989 854	1 989 853	1	100%	1 989 716	1 989 715	
Payment for capital assets	65 522	66 140		131 662	131 662		100%	95 460	95 460	
Payment for financial assets		4 369		4 369	4 369		100%	771	771	

Appropriation per programme							
	2013/14			2012/13			
Subtotal	11 138 314	11 138 314	10 662 498	475 816	95.7%	10 181 592	10 180 586
Statutory appropriation							
Current payment	2 474 480	2 474 480	2 227 656	246 824	90.0%	2 305 905	2 005 963
Transfers and subsidies	101 243	101 243	70 981	30 262	70.1%	95 965	53 624
Total	13 714 037	13 714 037	12 961 135	752 902	94.5%	12 583 462	12 240 173

	2013/14		2012/13	
	Final appropriation	Actual expenditure	Final appropriation	Actual expenditure
TOTAL (brought forward)	13 714 037	12 961 135	12 583 462	12 240 173
Reconciliation with Statement of Financial Performance				
Add				
Departmental receipts	403 763		446 895	
Aid assistance	7 839		2 600	
Actual amounts per Statement of Financial Performance (total revenue)	14 125 639		13 032 957	
Add				
Aid assistance		9 171		3 495
Prior year unauthorised expenditure approved without funding				
Actual amounts per Statement of Financial Performance (total expenditure)		12 970 306		12 243 668

Appropriation per economic classification										
2013/14						2012/13				
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage 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	4 453 620	(30 328)	(62 072)	4 361 220	4 353 868	7 352	99.8%	3 877 564	3 876 559	
Goods and services Interest and rent on land	3 687 202	(152 323)	60 666	3 595 545	3 474 689	120 856	96.6%	3 443 301	3 443 301	1
Transfers and subsidies										
Provinces and municipalities	286	290	(7)	569	569		100%	488	488	
Departmental agencies and accounts	1 995 684	19		1 995 703	1 995 702	1	100%	1 994 587	1 994 586	
Foreign governments and international organisations	14 489	(3 296)		11 193	11 193		100%	1 260	1 260	
Households	30 143	1 460		31 603	31 603		100%	25 935	25 935	2
Gifts and donations										
Payments for capital assets										
Buildings and other fixed structures	784 635	(49 421)		735 214	387 607	347 607	52.7%	621 206	621 206	
Machinery and equipment	170 933	222 257	1 423	394 613	394 613		100%	203 646	203 646	
Intangible assets	41	70	(10)	101	101		100%	8 571	8 271	
Payments for financial assets	1 281	11 272		12 553	12 553		100%	5 031	5 031	
Total	11 138 314			11 138 314	10 662 498	475 816	95.7%	10 181 592	10 180 586	

Statutory appropriation												
Direct changes against the National Revenue Fund	2013/14						2012/13					
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure	Final appropriation	Actual expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000	R'000	
Judges and magistrates salaries	2 575 723			2 575 723	2 298 637	277 086	89.2%	2 401 870	2 059 587			
Total	2 575 723			2 575 723	2 298 637	277 086	89.2%	2 401 870	2 059 587			

Programme 1: Detail per subprogramme Administration	2013/14						2012/13				
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000	R'000
1.1 Ministry											
Current payment	37 822	(93)	(7 455)	30 274	30 274		100%	31 453	31 453		
Transfers and subsidies		198		198	198		100%	105	105		
Payment for capital assets	2 212		(1 462)	750	750		100%	612	612		
Payment for financial assets		6		6	6		100%	1	1		
1.2 Management											
Current payment	61 850	(28)	(29 363)	32 459	32 459		100%	45 227	45 227		
Transfers and subsidies	5 941	(105)		5 836	5 836		100%	4 906	4 906		
Payment for capital assets	1 909		(1 169)	740	740		100%	2 345	2 345		
Payment for financial assets		28		28	28		100%	26	26		

1.3 Corporate Services										
	820 311	(24 975)	(67 327)	728 009	728 009	728 009	100%	604 964	604 898	
	1 438	320		1 758	1 758	1 758	100%	3 003	3 003	
	23 994	(18 219)		5 775	5 775	5 775	100%	10 454	10 454	
	486	1200		1 686	1 686	1 686	100%	1 452	1 452	
1.4 Office accommodation										
Current payment	940 167	23 449		963 616	963 616		100%	771 118	771 118	
Payment for financial assets										
Total	1 896 130	(124 995)		1 771 135	1 771 135		100%	1 475 666	1 475 600	
2013/14										
Economic classification:	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure	
Administration	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
Current payments										
Compensation of employees	477 596	(4)	(56 521)	421 071	421 071		100%	366 736	366 670	
Goods and services	1 382 554	(1 643)	(47 624)	1 333 287	1 333 287		100%	1 086 024	1 086 024	
Interest and rent on land								2	2	
Transfers and subsidies to:										
Provinces and municipalities	14	13		27	27		100%	28	28	
Departmental agencies and accounts	5 830			5 830	5 830		100%	4 841	4 841	
Foreign governments and international organisations	1 000	(249)		751	751		100%	1 260	1 260	
Households	535	649		1 184	1 184		100%	1 885	1 885	
Payment for capital assets										
Machinery and equipment	28 074	(70)	(20 840)	7 164	7 164		100%	13 331	13 331	
Intangible assets	41	70	(10)	101	101		100%	80	80	
Payments for financial assets	486	1 234		1 720	1 720		100%	1 479	1 479	
Total	1 896 130		(124 995)	1 771 135	1 771 135		100%	1 475 666	1 475 600	

Programme 2: Court Services	2013/14							2012/13	
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
2.1 Constitutional Court									
Current payment	114 382	8 302		122 684	122 684		100%	90 961	90 961
Transfers and subsidies		112		112	112		100%	14	14
Payment for capital assets	9 570	(157)		9 413	9 413		100%	4 674	4 674
Payment for financial assets								71	71
2.2 Supreme Court of Appeal									
Current payment	19 967	2		19 969	19 969		100%	25 423	25 423
Transfers and subsidies	113	58		171	171		100%	180	180
Payment for capital assets	310	9 387		9 697	9 697		100%	733	733
Payment for financial assets		6		6	6		100%	45	45
2.3 High Court									
Current payment	346 056	24 975		371 031	371 031		100%	404 757	404 757
Transfers and subsidies	1 158	(402)		756	756		100%	1 159	1 159
Payment for capital assets	1 602	77 755		79 357	79 357		100%	3 860	3 860
Payment for financial assets		198		198	198		100%	98	98
2.4 Specialised Court									
Current payment	43 891	6 590		50 481	50 481		100%	55 022	55 022
Transfers and subsidies	116	(49)		67	67		100%	368	368
Payment for capital assets	997	4 339		5 336	5 336		100%	479	479
Payment for financial assets		7		7	7		100%	15	15

		2013/14					2012/13		
2.5 Lower Court									
Current payment	3 534 780	(64 474)	103 312	3 573 618	3 565 451	8 167	99.8%	3 356 992	3 356 053
Transfers and subsidies	17 918	(1 251)		16 667	16 667		100%	15 612	15 612
Payment for capital assets	16 760	5 043	22 263	44 066	44 066		100%	22 120	22 120
Payment for financial assets	795	1 613		2 408	2 408		100%	556	556
2.6 Family Advocate									
Current payment	151 748	(6 400)		145 348	145 348		100%	122 079	122 079
Transfers and subsidies	1 130	(617)		513	513		100%	113	113
Payment for capital assets	682	2 162		2 844	2 844		100%	3 574	3 574
Payment for financial assets		4		4	4		100%	3	3
2.7 Magistrate Commission									
Current payment	13 258	(3 241)		10 017	10 017		100%	11 795	11 795
Transfers and subsidies	27	64		91	91		100%	3	3
Payment for capital assets		23		23	23		100%	63	63
Payment for financial assets		1		1	1		100%	5	5
2.8 Government Motor Transport									
Payment for capital assets	32 349	(3 938)		28 411	28 411		100%	37 015	37 015
2.9 Facilities Management									
Current payment	178 288	(139 883)		38 405	38 405		100%	177 484	177 484
Payment for capital assets	786 098	3 329		789 427	441 820	347 607	56.0%	636 126	636 126

2013/14										2012/13	
2.10 Administration of Courts											
Current payment	375 669	72 122		447 791	447 791			100%	409 820	409 820	
Transfers and subsidies	2 935	(578)		2 357	2 357			100%	3 373	3 373	
Payment for capital assets	3 945	3 741		7 686	7 686			100%	7 116	7 116	
Payment for financial assets		1 157		1 157	1 157			100%	1 950	1 950	
Total	5 654 544		125 575	5 780 119	5 425 345	355 774		93.8%	5 393 658	5 392 719	
2013/14											
Programme 3: State Legal Services											
	R'000	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	
3.1 State Law Advisors											
Current payment	58 642	(1 138)	(1 018)	56 486	56 486			100%	52 693	52 693	
Transfers and subsidies		667		667	667			100%	58	58	
Payment for capital assets	520	(133)		387	387			100%	269	269	
Payment for financial assets		2		2	2			100%			
3.2 Litigation and Legal Services											
Current payment	303 440	16 167		319 607	319 607			100%	307 193	307 193	
Transfers and subsidies	5 000	3 563		8 563	8 563			100%	3 328	3 328	
Payment for capital assets	4 476	127		4 603	4 603			100%	4 513	4 513	
Payment for financial assets		1		1	1			100%	15	15	

3.3 Legislative Development and Law Reform									
	60 269	(13 843)	(170)	46 256	46 256	100%	41 465	41 465	
	2013/14					2012/13			
Current payment									
Transfers and subsidies	106	476		582	582	100%	61	61	
Payment for capital assets	700	(509)		191	191	100%	176	176	
Payment for financial assets		1		1	1	100%			
3.4 Master of the High Court									
Current payment	379 683	(7 106)		372 577	372 577	100%	349 457	349 457	
Transfers and subsidies	1 364	(926)	(7)	431	431	100%	273	273	
Payment for capital assets	3 657	5 693		9 350	9 350	100%	3 685	3 685	
Payment for financial assets		2 680		2 680	2 680	100%	22	22	
3.5 Constitutional Development									
Current payment	44 951	(2 569)	(4 363)	38 019	38 019	100%	31 145	31 145	
Transfers and subsidies	13 502	(3 057)		10 445	10 445	100%			
Payment for capital assets	306	(96)		210	210	100%	147	147	
Payment for financial assets							1	1	
Total	876 616		(5 558)	871 058	871 058	100%	794 501	794 501	

2013/14									
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Programme 3: Economic classification: State Legal Services									
Current payments									
Compensation of employees	722 061	(3 312)	(5 551)	713 198	713 198		100%	651 229	651 229
Goods and services	124 924	(5 177)		119 747	119 747		100%	130 724	130 724
Interest and rent on land									
Total	846 985	(8 489)	(5 551)	832 953	832 953			781 953	781 953

Transfers and subsidies to:										
Provinces and municipalities	22	(1)	(7)	14	14	100%	23	23		
Departmental agencies and accounts							2	2		
Foreign governments and international organisations	13 489	(3 047)		10 442	10 442	100%				
Households	6 461	3 771		10 232	10 232	100%	3 695	3 695		
Payment for capital assets										
Machinery and equipment	9 659	5 082		14 741	14 741	100%	8 774	8 774		
Intangible assets							16	16		
Payments for financial assets		2 684		2 684	2 684	100%	38	38		
Total	876 616		(5 558)	871 058	871 058	100%	794 501	794 501		
2013/14										
Programme 5: Auxiliary and Associated Services	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	
5.1 Legal Aid South Africa										
Transfers and subsidies	1 375 442			1 375 442	1 375 442		100%	1 375 442	1 375 442	
5.2 Special Investigating Unit										
Transfers and subsidies	295 859			295 859	295 859		100%	295 859	295 859	
5.3 Public Protector										
Transfers and subsidies	199 253			199 253	199 253		100%	199 253	199 253	
5.4 South African Human Rights Commission										
Transfers and subsidies	119 299			119 299	119 299		100%	119 299	119 299	

5.5 Justice Modernisation									
Current payment	655 648	(70 509)	4 978	590 117	420 076	120 041	79.7%	431 820	431 820
Payment for capital assets	65 522	66 140		131 662	131 662		100%	95 460	95 460
Payment for financial assets		4 369		4 369	4 369		100%	771	771
5.6 President's Fund									
Transfers and subsidies	1			1		1		1	
Total	2 711 024		4 978	2 716 002	2 595 960	120 042	95.6%	2 517 767	2 517 766

Programme 5: Economic classification: Auxiliary and Associated Services	2013/14							2012/13	
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payments									
Goods and services	655 648	(70 509)	4 978	590 117	470 076	120 041	79.7%	431 820	431 820
Transfers and subsidies to:									
Departmental agencies and accounts	1 989 854			1 989 854	1 989 853	1	100%	1 989 716	1 989 715
Payment for capital assets									
Machinery and equipment	65 522	66 140		131 662	131 662		100%	87 030	87 030
Intangible assets								8 430	8 430
Payments for financial assets									
Total	2 711 024		4 978	2 716 002	2 595 960	120 042	95.6%	2 517 767	2 517 766

2. NOTES TO THE APPROPRIATION STATEMENT

2.1. 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-F) to the annual financial statements.

2.2. 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.

2.3. 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.

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

2.4.1 Per programme	Final appropriation	Actual expenditure	Variance R'000	Variance as a percentage of final appropriation
Programme 2	5 780 119	5 424 345	355 774	6.2%

The underspending is due to non-performance of contractors, late handover of the site to the contractor and late completion of tender documents (infrastructure projects).

Programme 5	2 716 002	2 595 960	120 042	4.42%
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The underspending is due to procurement process challenges encountered between departments and SITA for the replacement of digital court recording systems (CJS projects)

2.4.2 Per economic classification	Final appropriation	Actual expenditure	Variance	Variance as a percentage of final appropriation
	R'000	R'000	R'000	R'000
Current payments				
Compensation of employees	4 361 220	4 353 868	7 352	0.17%
Goods and services	3 595 545	3 474 689	120 856	3.46%
Transfers and subsidies				
Provinces and municipalities	569	569		
Departmental agencies and accounts	1 995 703	1 995 702	1	

Per economic classification	Final appropriation	Actual expenditure	Variance	Variance as a percentage of final appropriation
	R'000	R'000	R'000	R'000
Foreign governments and international organisations	11 193	11 193		
Households	31 603	31 603		
Payments for capital assets				
Buildings and other fixed structures	735 214	387 607	347 607	47.28%
Machinery and equipment	394 613	394 613		
Intangible assets	101	101		
Payments for financial assets	12 553	12 553		

3. STATEMENT OF FINANCIAL PERFORMANCE FOR YEAR ENDED 31 MARCH 2014

	Note	2013/14 R'000	2012/13 R'000
Revenue			
Annual appropriation	1	11 138 314	10 181 592
Statutory appropriation	2	2 575 723	2 401 870
Departmental revenue	3	403 763	446 895
Aid assistance	4	7 839	2 600
Total revenue		14 125 639	13 032 957
Expenditure			
Current expenditure			
Compensation of employees	5	6 581 524	5 882 522
Goods and services	6	3 474 689	3 443 301
Interest and rent on land	7		1
Aid assistance	4	9 171	3 495
Total current expenditure		10 065 384	9 329 319
Transfers and subsidies	9	2 110 048	2 075 895
Total transfers and subsidies		2 110 048	2 075 895
Expenditure for capital assets			
Tangible assets	10	782 220	824 852
Intangible assets	10	101	8 571
Total expenditure for capital assets		782 321	833 423
Payments for financial assets	8	12 553	5 031
Total expenditure		12 970 306	12 243 668
SURPLUS/(DEFICIT) FOR THE YEAR		1 155 333	789 289
Reconciliation of net surplus/(deficit) for the year			
Voted funds		752 087	343 289
Departmental revenue and NRF Receipts	15	403 763	446 895
Aid assistance	4	(1 332)	(895)
SURPLUS/(DEFICIT) FOR THE YEAR		1 155 333	789 289

4. STATEMENT OF FINANCIAL POSITION AS AT 31 MARCH 2014

	Note	2013/14 R'000	2012/13 R'000
Assets			
Current assets		857 995	520 333
Cash and cash equivalents	11	187 259	4 407
Prepayments and advances	12	79 961	10 054
Receivables	13	590 775	505 872
Total assets		857 995	520 333
Liabilities			
Current liabilities		837 254	504 941
Voted funds to be surrendered to the Revenue Fund	14	752 902	343 289
Departmental revenue and NRF receipts to be surrendered to the Revenue Fund	15	49 257	30 641
Bank overdraft	16		65 334
Payables	17	24 530	53 780
Aid assistance repayable	4	7 074	11 897
Aid assistance unutilised	4	3 491	
Total liabilities		837 254	504 941
Net Assets		20 741	15 392
Represented by:			
Capitalisation reserve			
Recoverable revenue		20 741	15 392
Total		20 741	15 392

5. STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED 31 MARCH 2014

	2013/14 R'000	2012/13 R'000
Recoverable revenue		
Opening balance	15 392	9 933
Transfers:	5 349	5 459
Debts revised	(1 090)	(675)
Debts recovered (included in departmental receipts)	(3 070)	(2 449)
Debts raised	9 509	8 583
Closing balance	20 741	15 392
Total	20 741	15 392

6. CASH FLOW STATEMENT FOR THE YEAR ENDED 31 MARCH 2014

	Note	2013/14 R'000	2012/13 R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts		14 125 027	13 032 841
Annual appropriated funds received	1.1	11 138 314	10 181 592
Statutory appropriated funds received	2	2 575 723	2 401 870
Departmental revenue received	3	380 547	445 299
Interest received	3.3	22 604	1 480
Aid assistance received	4	7 839	2 600
Net (increase)/decrease in working capital		(184 060)	(10 462)
Surrendered to Revenue Fund		(728 436)	(524 072)
Surrendered to RDP Fund/donor			
Current payments		(10 065 384)	(9 330 089)
Interest paid	7		(1)
Payments for financial assets		(12 553)	(4 260)
Transfers and subsidies paid		(2 110 048)	(2 075 895)
Net cash flow available from operating activities	18	1 024 546	1 086 062
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for capital assets	10	(782 321)	(833 423)
Proceeds from sale of capital assets	3.4	612	116
Net cash flows from investing activities		(781 709)	(833 307)
CASH FLOWS FROM FINANCING ACTIVITIES			
Increase/(decrease) in net assets		5 349	5 459
Increase/(decrease) in non-current payables			
Net cash flows from financing activities		5 349	5 459
Net increase/(decrease) in cash and cash equivalents		248 186	260 214
Cash and cash equivalents at beginning of period		(60 927)	(321 141)
Cash and cash equivalents at end of period	11	187 259	(60 927)

7. NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

STATEMENT OF THE ACCOUNTING POLICIES AND RELATED MATTERS FOR THE YEAR ENDED 31 MARCH 2014

SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements have been prepared in accordance with the following policies, which have been applied consistently in all material aspects, unless otherwise indicated.

The historical cost convention has been used, except where otherwise indicated. Management used assessments and estimates in preparing the annual financial statements. These are based on the best information available at the time of preparation.

Where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the financial statements and to comply with the statutory requirements of the Public Finance Management Act (PFMA), Act 1 of 1999 (as amended by Act 29 of 1999), and the Treasury Regulations issued in terms of the PFMA and the annual Division of Revenue Act, Act. 1 of 2010.

7.1 BASIS OF PREPARATION

The financial statements have been prepared on a modified cash basis of accounting, except where stated otherwise.

7.2 GOING CONCERN

The financial statements have been prepared on a going-concern basis.

7.3 PRESENTATION CURRENCY

Amounts have been presented in the currency of the South African rand (R), which is also the functional currency of the Department.

7.4 ROUNDING

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

7.5 FOREIGN CURRENCY TRANSLATION

Cash flows arising from foreign currency transactions are translated into South African rand using the exchange rates prevailing at the date of payment or receipt.

7.6. CURRENT YEAR COMPARISON WITH BUDGET

A comparison between the approved, final budget and actual amounts for each programme and economic classification is included in the appropriation statement.

7.7 REVENUE

7.7.1 APPROPRIATED FUNDS

Appropriated funds comprise departmental allocations, as well as direct charges against the Revenue Fund (in other words, statutory appropriation).

Appropriated funds are recognised in the Statement of Financial Performance on the date the appropriation becomes effective. Adjustments made in terms of the adjustment' budget process are recognised in the Statement of Financial Performance on the date the adjustments become effective.

The net amount of any appropriated funds due to or from the relevant revenue fund at the reporting date is recognised as a payable or a receivable in the statement of Financial Position.

7.7.2 DEPARTMENTAL REVENUE

Departmental revenue is recognised in the Statement of Financial Performance when received and is subsequently paid into the relevant revenue fund, unless stated otherwise.

Any amount owing to the relevant revenue fund at the reporting date is recognised as a payable in the Statement of Financial Position.

7.7.3 ACCRUED DEPARTMENTAL REVENUE

Accruals in respect of departmental revenue (excluding tax revenue) are recorded in the notes to the financial statements when:

- It is probable that the economic benefits or service potential associated with the transaction will flow to the Department.
- The amount of revenue can be measured reliably.

The accrued revenue is measured at the fair value of the consideration receivable.

Accrued tax revenue (and related interest and or penalties) is measured at amounts receivable from collecting agents.

7.8. EXPENDITURE

7.8.1 COMPENSATION OF EMPLOYEES

7.8.1.1 SALARIES AND WAGES

Salaries and wages are recognised in the Statement of Financial Performance on the date of payment.

7.8.1.2 SOCIAL CONTRIBUTIONS

Social contributions made by the Department in respect of current employees are recognised in the Statement of Financial Performance on the date of payment.

Social contributions made by the Department in respect of former employees are classified as transfers to households in the Statement of Financial Performance on the date of payment.

7.8.2 OTHER EXPENDITURE

Other expenditure (such as goods and services, transfers and subsidies, and payments for capital assets) is recognised in the Statement of Financial Performance on the date of payment. The expense is classified as a capital expense if the total consideration paid is more than the capitalisation threshold.

7.8.3 ACCRUED EXPENDITURE PAYABLE

Accrued expenditure payable is recorded in the notes to the financial statements when the goods are received or, in the case of services, when they are rendered to the Department.

Accrued expenditure payable is measured at cost.

7.8.4 LEASES

7.8.4.1 OPERATING LEASES

Operating lease payments made during the reporting period are recognised as current expenditure in the Statement of Financial Performance on the date of payment.

The operating lease commitments are recorded in the notes to the financial statements.

7.8.4.2 FINANCE LEASES

Finance lease payments made during the reporting period are recognised as capital expenditure in the Statement of Financial Performance on the date of payment.

The finance lease commitments are recorded in the notes to the financial statements and are not apportioned between the capital and interest portions.

Finance lease assets acquired at the end of the lease term are recorded and measured at the lower of:

- cost, being the fair value of the asset; or
- the sum of the minimum lease payments made, including any payments made to acquire ownership at the end of the lease term, excluding interest.

7.9. AID ASSISTANCE

7.9.1 AID ASSISTANCE RECEIVED

Aid assistance received in cash is recognised in the Statement of Financial Performance when received. In-kind aid assistance is recorded in the notes to the annual financial statements on the date of receipt and is measured at fair value.

Aid assistance not spent for the intended purpose and any unutilised funds from aid assistance that are required to be refunded to the donor are recognised as a payable in the Statement of Financial Position.

7.9.2 AID ASSISTANCE PAID

Aid assistance paid is recognised in the Statement of Financial Performance on the date of payment. Aid assistance payments made prior to the receipt of funds are recognised as a receivable in the Statement of Financial Position.

7.10 CASH AND CASH EQUIVALENTS

Cash and cash equivalents are stated at cost in the Statement of Financial Position.

Bank overdrafts are shown separately on the face of the Statement of Financial Position.

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.

7.11 PREPAYMENTS AND ADVANCES

Prepayments and advances are recognised in the Statement of Financial Position when the Department receives or disburses the cash, and are derecognised as and when the goods or services are received or the funds are utilised.

Prepayments and advances are initially and subsequently measured at cost.

7.12 LOANS AND RECEIVABLES

Loans and receivables are recognised in the Statement of Financial Position at cost plus accrued interest, where interest is charged, less amounts already settled or written-off.

7.13 INVESTMENTS

Investments are recognised in the Statement of Financial Position at cost.

7.14 IMPAIRMENT OF FINANCIAL ASSETS

Where there is an indication of impairment of a financial asset, an estimation of the reduction in the recorded carrying value, to reflect the best estimate of the amount of the future economic benefits expected to be received from that asset, is recorded in the notes to the annual financial statements.

7.15 PAYABLES

Loans and receivables are recognised in the Statement of Financial Position at cost.

7.16 CAPITAL ASSETS

7.16.1 IMMOVABLE CAPITAL ASSETS

Immovable capital assets are initially recorded in the notes to the financial statements at cost. Immovable capital assets acquired through a non-exchange transaction are measured at fair value as at the date of acquisition.

Where the cost of immovable capital assets cannot be determined accurately, the immovable capital assets are measured at R1 unless the fair value of the asset has been reliably estimated, in which case the fair value is used.

All assets acquired prior to 1 April 2002 or a later date as approved by the Office of the Auditor-General are recorded at R1.

Immovable capital assets are subsequently carried at cost and are not subject to depreciation or impairment.

Subsequent expenditure of a capital nature is added to the cost of the asset at the end of the capital project, unless another department records the immovable asset, in which case the completed project costs are transferred to that department.

7.16.2 MOVABLE CAPITAL ASSETS

Movable capital assets are initially recorded in the notes to the annual financial statements at cost. Movable capital assets acquired through a non-exchange transaction are measured at fair value as at the date of acquisition.

Where the cost of movable capital assets cannot be determined accurately, the movable capital assets are measured at fair value, and where fair value cannot be determined, the movable assets are measured at R1.

All assets acquired prior to 1 April 2002 or a later date as approved by the office of the Auditor-General are recorded at R1.

Movable capital assets are subsequently carried at cost and are not subject to depreciation or impairment.

Subsequent expenditure of a capital nature is added to the cost of the asset at the end of the capital project, unless another department records the movable asset, in which case the completed project costs are transferred to that department.

7.16.3 INTANGIBLE ASSETS

Intangible assets are initially recorded in the notes to the financial statements at cost. Intangible assets acquired through a non-exchange transaction are measured at fair value as at the date of acquisition.

Internally generated intangible assets are recorded in the notes to the financial statements when the Department commences the development phase of the project.

Where the cost of intangible assets cannot be determined accurately, the intangible capital assets are measured at fair value, and where fair value cannot be determined, the intangible assets are measured at R1.

Intangible assets are subsequently carried at cost and are not subject to depreciation or impairment.

7.17. PROVISIONS AND CONTINGENTS

Provisions are recorded in the notes to the annual financial statements when there is a present legal or constructive obligation to forfeit economic benefits because of events in the past and it is probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation and a reliable estimate of the obligation can be made. The provision is measured as the best estimate of the funds required to settle the present obligation at the reporting date.

7.17.2 CONTINGENT LIABILITIES

Contingent liabilities are recorded in the notes to the annual financial statements when there is a possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not under the Department's control or when there is a present obligation that is not recognised because it is not probable that an outflow of resources will be required to settle the obligation or the amount of the obligation cannot be measured reliably.

7.17.3 CONTINGENT ASSETS

Contingent assets are recorded in the notes to the annual financial statements when a possible asset arises from past events and whose existence will be confirmed by the occurrence or non-occurrence of one or more uncertain future events not under the Department's control.

7.17.4 COMMITMENTS

Commitments are recorded at cost in the notes to the annual financial statements when there is a contractual arrangement or an approval by management in a manner that raises a valid expectation that the Department will discharge its responsibilities, thereby incurring future expenditure that will result in the outflow of cash.

7.18 UNAUTHORISED EXPENDITURE

Unauthorised expenditure is recognised in the Statement of Financial Position until such time as the expenditure is either:

- Approved by Parliament or the Provincial Legislature with funding and the related funds are received.
- Approved by Parliament or the Provincial Legislature without funding and is written off against the appropriation in the statement of Financial Performance.
- Transferred to receivables for recovery.

Unauthorised expenditure is measured at the amount of the confirmed unauthorised expenditure.

7.19 FRUITLESS AND WASTEFUL EXPENDITURE

Fruitless and wasteful expenditure is recorded in the notes to the annual financial statements when confirmed. The amount recorded is equal to the total value of the fruitless and or wasteful expenditure incurred.

Fruitless and wasteful expenditure is removed from the notes to the annual financial statements when it is resolved or transferred to receivables for recovery.

Fruitless and wasteful expenditure receivables are measured at the amount that is expected to be recoverable and are de-recognised when settled or subsequently written-off as irrecoverable.

7.20 IRREGULAR EXPENDITURE

Irregular expenditure is recorded in the notes to the financial statements when confirmed. The amount recorded is equal to the value of the irregular expenditure incurred, unless it is impracticable to determine, in which case reasons for it are provided in the note.

Irregular expenditure is removed from the note when it is condoned by the relevant authority, transferred to receivables for recovery or not condoned and not recoverable.

Irregular expenditure receivables are measured at the amount that is expected to be recoverable and are de-recognised when settled or subsequently written-off as irrecoverable.

7.21 PRIOR-PERIOD ERRORS

Prior-period errors are recorded in the notes to the annual financial statements when these errors are omissions from and misstatements in the financial statements for one or more prior periods arising from a failure to use, or misuse, reliable information.

7.22 NON-ADJUSTING EVENTS AFTER THE REPORTING DATE

Events after the reporting date are recorded in the notes to the annual financial statements when an event occurs (each material category of non-adjusting event after the reporting date) between the reporting date and the date when the financial statements are authorised for issue.

7.23 AGENT-PRINCIPAL ARRANGEMENTS

Agent-principal arrangements are recorded in the notes to the annual financial statements when the principle has the power to exercise beneficial control over an activity, where beneficial control is power (for example, power established by legislation), to direct the activity and the ability to benefit from that power.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

1. ANNUAL APPROPRIATION

1.1 ANNUAL APPROPRIATION

Appropriated funds are included in terms of the Appropriation Act, Act No. 9 of 23 (and the Adjustments Appropriation Act, Act No. 23 of 2010) for National Departments (Voted funds).

	2013/14			2012/13
	Final appropriation	Actual funds received	Funds not requested/ not received	Appropriation received
	R'000	R'000	R'000	R'000
Administration	1 771 135	1 771 135		1 463 867
Court Services	5 780 119	5 780 119		5 377 373
State Legal Services	871 058	871 058		784 873
Auxiliary and Associated Services	2 716 002	2 716 002		2 555 479
Total	11 138 314	11 138 314		10 181 592

2. STATUTORY APPROPRIATION

	2013/14 R'000	2012/13 R'000
Judges and magistrates salaries	2 575 723	2 401 870
Total	2 575 723	2 401 870
Actual Statutory Appropriation received	2 575 723	2 401 870

3. DEPARTMENTAL REVENUE

	Note	2013/14 R'000	2012/13 R'000
Tax revenue			
Sales of goods and services other than capital assets	3.1	72 449	92 513
Fines, penalties and forfeits	3.2	274 261	281 976
Interest, dividends and rent on land	3.3	22 604	1 480
Sales of capital assets	3.4	612	116
Transactions in financial assets and liabilities	3.5	33 475	70 705
Transfer received	3.6	362	105
Total revenue collected		403 763	446 895
Departmental revenue collected		403 763	446 895

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

3.1 SALES OF GOODS AND SERVICES OTHER THAN CAPITAL ASSETS

	Note 3	2013/14 R'000	2012/13 R'000
Sales of goods and services produced by the Department		72 412	92 483
Sales by market establishment		6 658	6 828
Administrative fees		12	28
Services rendered		65 742	85 627
Sales of scrap, waste and other used current goods		37	30
Total		72 449	92 513

3.2 FINES, PENALTIES AND FORFEITS

	Note 3	2013/14 R'000	2012/13 R'000
Fines		225 798	223 522
Penalties		981	750
Forfeits		47 482	57 704
Total		274 261	281 976

3.3 INTEREST, DIVIDENDS AND RENT ON LAND

	Note 3	2013/14 R'000	2012/13 R'000
Interest		22 604	1 480
Total		22 604	1 480

3.4 SALE OF CAPITAL ASSETS

	Note 3	2013/14 R'000	2013/14 R'000
Tangible assets		612	116
Machinery and equipment	34	612	116
Total		612	116

3.5 TRANSACTIONS IN FINANCIAL ASSETS AND LIABILITIES

	Note 3	2013/14 R'000	2012/13 R'000
Receivables		8 430	2 310
Stale cheques written back		15	287
Other receipts including recoverable revenue		25 030	68 108
Total		33 475	70 705

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR
ENDED 31 MARCH 2014

3.6 TRANSFERS RECEIVED

	Note 3	2013/14 R'000	2012/14 R'000
Public corporations and private enterprises		362	105
Total		362	105

4. AID ASSISTANCE

4.1 AID ASSISTANCE RECEIVED IN CASH FROM RECONSTRUCTION AND
DEVELOPMENT PROGRAMME

	2013/14 R'000	2012/13 R'000
Foreign		
Opening balance	11 897	12 792
Revenue	2 839	2 600
Expenditure	(7 662)	(3 495)
Current	(7 662)	(3 495)
Closing balance	7 074	11 897

4.2 AID ASSISTANCE RECEIVED IN CASH FROM CRIMINAL ASSETS
RECOVERY ACCOUNT (CARA) FUND

	2013/14 R'000	2012/13 R'000
Opening balance		
Revenue	5 000	
Expenditure	(1 509)	
Current	(1 509)	
Closing balance	3 491	

4.3 TOTAL ASSISTANCE

	2013/14 R'000	2012/13 R'000
Opening balance	11 897	12 792
Revenue	7 839	2 600
Expenditure	(9 171)	(3 495)
Current	(9 171)	(3 495)
Closing balance	10 565	11 897

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

4.4 ANALYSIS OF BALANCE

	2013/14 R'000	2012/13 R'000
Aid assistance unutilised	3 491	
CARA Fund	3 491	
Aid assistance repayable	7 074	11 897
RDP	7 074	11 897
Closing balance	10 565	11 897

5. COMPENSATION OF EMPLOYEES

5.1 SALARIES AND WAGES

	2013/14 R'000	2012/13 R'000
Basic salary	4 687 060	4 043 194
Performance award	39 347	34 200
Service-based award	6 014	52 398
Compensative/circumstantial	36 907	32 056
Periodic payments	12 402	15 682
Non-pensionable allowances	1 049 239	1 015 202
Total	5 830 969	5 192 732

5.2 SOCIAL CONTRIBUTIONS

	2013/14 R'000	2012/13 R'000
Employer Contributions		
Pension	472 537	420 078
Medical	276 908	268 734
Unemployment Insurance Fund (UIF)	11	14
Bargaining council	1 099	964
Total	750 555	689 790
Total compensation of employees	6 581 524	5 882 522
Average number of employees	21 732	21 520

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

6. GOODS AND SERVICES

	Note	2013/14 R'000	2012/13 R'000
Administrative fees		23 529	18 244
Advertising		27 783	22 321
Minor assets	6.1	49 539	50 290
Bursaries (employees)		4 839	6 409
Catering		8 118	7 061
Communication		148 443	156 010
Computer services	6.2	474 254	*453 303
Consultants, contractors and agency/outsourced services	6.3	396 884	335 399
Entertainment		13	57
Audit cost – external	6.4	50 539	38 549
Fleet services		87 223	50 165
Consumables	6.5	233 171	176 893
Operating leases		681 347	613 321
Property payments		749 488	836 107
Transport provided as part of the departmental activities		269	18
Travel and subsistence	6.7	413 263	544 908
Venues and facilities		9 030	2 249
Training and development		10 625	19 432
Other operating expenditure	6.8	106 332	112 565
Total		3 474 689	*3 443 301

* The amount has been restated with R771 000 for Forex losses that are reported as part of Note 8.4 to comply with new reporting requirements.

6.1 MINOR ASSET

	Note 6	2013/14 R'000	2012/13 R'000
Tangible assets			
Machinery and equipment		49 525	50 269
Intangible assets		14	21
Total		49 539	50 290

6.2 COMPUTER SERVICES

	Note 6	2013/14 R'000	2012/13 R'000
SITA computer services			
External computer service providers		237 911	210 764
		236 343	*242 539
Total		474 254	453 303

* The amount has been restated with R771 000 for Forex losses that are reported as part of Note 8.4 to comply with new reporting requirements

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

6.3 CONSULTANTS, CONTRACTORS AND AGENCY/OUTSOURCED SERVICES

	Note 6	2013/14 R'000	2012/13 R'000
Business and advisory services		43 918	59 814
Infrastructure and planning			
Laboratory services		749	905
Legal costs		135 465	76 103
Contractors		22 340	16 722
Agency and support/outsourced services		194 412	181 855
Total		396 884	335 399

6.4 AUDIT COST EXTERNAL

	Note 6	2013/14 R'000	2012/13 R'000
Regularity audits		50 539	38 549
Total		50 539	38 549

6.5 CONSUMABLES

	Note 6	2013/14 R'000	2012/13 R'000
Consumable supplies		11 773	5 822
Uniform and clothing		1 188	971
Household supplies		3 782	3 211
Building material and supplies		3 571	298
Communication accessories		64	
IT consumables		2 240	
Other consumables		928	1 342
Stationery, printing and office supplies		221 398	171 071
Total		233 171	176 893

6.6 PROPERTY PAYMENTS

	Note 6	2013/14 R'000	2012/13 R'000
Municipal services		282 417	292 822
Property payments		*467 071	543 285
Total		749 488	836 107

*Property payments relates mainly to security and safeguarding

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

6.7 TRAVEL AND SUBSISTENCE

	Note 6	2013/14 R'000	2012/13 R'000
Local		398 332	529 956
Foreign		14 931	14 952
Total		<u>413 263</u>	<u>544 908</u>

6.8 OTHER OPERATING EXPENDITURE

	Note 6	2013/14 R'000	2012/13 R'000
Professional bodies, membership and subscription fees		897	2 189
Resettlement costs		7 654	6 385
Other		*97 781	103 991
Total		<u>106 332</u>	<u>112 565</u>

*Other mainly relates to witness fees (R61 million) printing and publication (R10 million) and storage of files (R11 million)

7. INTEREST AND RENT ON LAND

	2013/14 R'000	2012/13 R'000
Interest paid		1
Total		<u>1</u>

8. PAYMENTS FOR FINANCIAL ASSETS

	Note	2013/14 R'000	2012/13 R'000
Material losses through criminal conduct		3 945	
Theft	8.3	3 945	
Other material losses written off	8.1	3 024	4 019
Debts written off	8.2	1 216	241
Forex losses	8.4	4 368	*771
Total		<u>12 553</u>	<u>5 031</u>

* The amount has been restated with R771 000 for Forex losses that were reported previously as part of note 6 to ensure compliance with new reporting requirements.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

8.1 OTHER MATERIAL LOSSES WRITTEN OFF

	Note 8	2013/14 R'000	2012/13 R'000
Nature of losses			
Irrecoverable losses		3 024	3 642
Civil action			371
Damages to vehicles			6
Total		3 024	4 019

8.2 DEBTS WRITTEN OFF

	Note 8	2013/14 R'000	2012/13 R'000
Nature of debts written off			
Staff debts (out-of-service debts)		1 216	241
Total debt written off		1 216	241

8.3 DETAILS OF THEFT

	Note 8	2013/14 R'000	2012/13 R'000
Nature of theft			
Burglaries		134	
Theft		3 811	
Total		3 945	

8.4 FOREX LOSSES

	Note 8	2013/14 R'000	2012/13 R'000
Nature of losses			
Forex losses		4 368	771
Total		4 368	771

9. TRANSFERS AND SUBSIDIES

		2013/14 R'000	2012/13 R'000
Provinces and municipalities	Annex 1A	569	488
Departmental agencies and accounts	Annex 1B	1 995 702	1 994 586
Foreign governments and international organisations	Annex 1C	11 193	1 260
Households	Annex 1D	102 584	79 561
Total		2 110 048	2 075 895

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR
ENDED 31 MARCH 2014

10. EXPENDITURE FOR CAPITAL ASSETS

	Note	2013/14 R'000	2012/13 R'000
Tangible assets		782 220	824 852
Buildings and other fixed structures	36	387 607	621 206
Machinery and equipment	34	394 613	203 646
Intangible assets		101	8 571
Software	35	101	8 571
Total		782 321	833 423

10.1 ANALYSIS OF FUNDS UTILISED TO ACQUIRE CAPITAL ASSETS – 2013/14

	Voted funds R'000	Total R'000
Tangible assets	782 220	782 220
Buildings and other fixed structures	387 607	387 607
Machinery and equipment	394 613	394 613
Intangible assets	101	101
Software	101	101
Total	782 321	782 321

10.2 ANALYSIS OF FUNDS UTILISED TO ACQUIRE CAPITAL ASSETS – 2012/13

	Voted funds R'000	Total R'000
Tangible assets	824 852	824 852
Buildings and other fixed structures	621 206	621 206
Machinery and equipment	203 646	203 646
Intangible assets	8 571	8 571
Software	8 571	8 571
Total	833 423	833 423

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

11. CASH AND CASH EQUIVALENTS

	2013/14 R'000	2012/13 R'000
Consolidated Paymaster-General account	182 425	
Cash receipts	161	(129)
Cash on hand	4 673	4 536
Total	187 259	4 407

12. PREPAYMENTS AND ADVANCES

	Note	2013/14 R'000	2012/13 R'000
Staff advances			
Travel and subsistence		464	837
Advances paid	12.1	79 497	9 217
Total		79 961	10 054

12.1 ADVANCES PAID

	Annex 8A	2013/14 R'000	2012/13 R'000
National departments		79 497	9 217
Total		79 497	9 217

13. RECEIVABLES

	Note	2013/14				2012/13
		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 Annex 4	359 527	160 293	25 089	544 909	467 144
Trade receivables	13.2	457	74	48	579	120
Recoverable expenditure	13.3		7		7	7
Staff debt	13.4	5 779	11 691	20 613	38 083	30 161
Other debtors	13.5	2 955	2 778	1 464	7 197	8 440
Total		368 718	174 843	47 214	590 775	505 872

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR
ENDED 31 MARCH 2014

13.1 CLAIMS RECOVERABLE

	Note 13	2013/14 R'000	2012/13 R'000
National departments		220 547	195 307
Provincial departments		324 362	271 837
Total		544 909	467 144

13.2 TRADE RECEIVABLES

	Note 13	2013/14 R'000	2012/13 R'000
Trade receivables		579	120
Total		579	120

13.3 RECOVERABLE EXPENDITURE
(DISALLOWANCE ACCOUNTS)

	Note 13	2013/14 R'000	2012/13 R'000
Fruitless expenditure		7	7
Total		7	7

13.4 STAFF DEBT

	Note 13	2013/14 R'000	2012/13 R'000
In-service debt		2 182	3 461
Out-of-service debt		35 901	26 700
Total		38 083	30 161

13.5 OTHER DEBTORS

	Note 13	2013/14 R'000	2012/13 R'000
Disallowance accounts		6 971	8 440
Salary suspense accounts		226	
Total		7 197	8 440

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

13.6 IMPAIRMENT OF RECEIVABLES

	Note 13.4	2013/14 R'000	2012/13 R'000
Estimate of impairment of receivables		23 286	17 076
Total		23 286	17 076

14. VOTED FUNDS TO BE SURRENDERED TO THE REVENUE FUND

	2013/14 R'000	2012/13 R'000
Opening balance	343 289	68 137
Transfer from Statement of Financial Performance	752 902	343 289
Paid during the year	(343 289)	(68 137)
Closing balance	752 902	343 289

15. DEPARTMENTAL REVENUE AND NRF RECEIPTS TO BE SURRENDERED TO THE REVENUE FUND

	2013/14 R'000	2012/13 R'000
Opening balance	30 641	39 681
Transfer from Statement of Financial Performance	403 763	446 895
Paid during the year	(385 147)	(455 935)
Closing balance	49 257	30 641

16. BANK OVERDRAFT

	2013/14 R'000	2012/13 R'000
Consolidated Paymaster-General account		65 334
Total		65 334

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR
ENDED 31 MARCH 2014

17. PAYABLES – CURRENT

	Note	2013/14 R'000	2012/13 R'000
Amounts owing to other entities			50 027
Advances received	17.1	1 814	1 814
Clearing accounts	17.2	22 595	1 447
Other payables	17.3	121	492
Total		24 530	53 780

17.1 ADVANCES RECEIVED

	Note	2013/14 R'000	2012/13 R'000
Provincial departments	17	1 814	1 814
Total		1 814	1 814

17.2 CLEARING ACCOUNTS

	Note	2013/14 R'000	2012/13 R'000
Salary control account	17	22 595	1 447
Total		22 595	1 447

17.3 OTHER PAYABLES

	Note	2013/14 R'000	2012/13 R'000
Salary reversal control	17	121	242
Disallowance miscellaneous			250
Total		121	492

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

18. NET CASH FLOW AVAILABLE FROM OPERATING ACTIVITIES

	2013/14 R'000	2012/13 R'000
Net surplus/(deficit) as per Statement of Financial Performance	1 155 333	789 289
Add back non-cash/cash movements not deemed operating activities	(130 787)	298 773
(Increase)/decrease in receivables – current	(84 903)	(55 667)
(Increase)/decrease in prepayments and advances	(69 907)	(4 847)
Increase/(decrease) in payables – current	(29 250)	50 052
Proceeds from sale of capital assets	(612)	(116)
Expenditure on capital assets	782 321	833 423
Surrenders to Revenue Fund	(728 436)	(524 072)
Net cash flow generated by operating activities	1 024 546	1 088 062

19. RECONCILIATION OF CASH AND CASH EQUIVALENTS FOR CASH FLOW PURPOSES

	2013/14 R'000	2012/13 R'000
Consolidated Paymaster-General account	182 425	(65 334)
Cash receipts	161	(129)
Cash on hand	4 673	4 536
Total	187 259	(60 927)

20. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

Liable to	Nature	Note	2013/14 R'000	2012/13 R'000
Housing loan guarantees	Employees	Annex 2A	419	528
Claims against the Department		Annex 2B	3 372 592	*3 279 846
Intergovernmental payables (unconfirmed balances)		Annex 4	4 558	99 873
Third party theft and losses		Annex 2B	74 532	72 481
Total			3 452 101	3 452 728

*Contingent liabilities mainly consist of summonses received by the Department of which the outcome and timing is uncertain. The prior-year figures disclosed have been restated due to a contingent liability that was previously overstated.

**The amount disclosed as third party theft and losses are in respect of cash and other shortages within the environment of the Third Party Fund (TPF), which is administered by the Department. These shortages are being investigated and the Department may be called on to make good these shortages, should they be deemed irrecoverable.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

21. COMMITMENTS

	2013/14 R'000	2012/13 R'000
Current expenditure		
Approved and contracted	1 245 644	1 101 323
Approved but not yet contracted		3 028
	<u>1 245 644</u>	<u>1 104 351</u>
Capital expenditure		
Approved and contracted	1 985 015	676 790
Approved but not yet contracted	149	441
	<u>1 985 164</u>	<u>677 231</u>
Total commitments	<u>3 230 808</u>	<u>1 781 582</u>

Commitments totalling R1,245 billion under current expenditure relates mainly to online subscriptions (R145 million), cash in transit (R51 million), IT support (R24 million) and guarding services (R618 million).

Commitments totalling R1,985 billion under capital expenditure mainly relates to capital works projects.

22. ACCRUALS

Listed by economic classification			2013/14 R'000	2012/13 R'000
	30 days R'000	30+ days R'000	Total	Total
Goods and services	105 385	6 988	112 373	282 578
Capital assets	5 696	1 832	7 528	4 131
Total	111 081	8 820	119 901	286 709

	2013/14 R'000	2012/13 R'000
Listed by programme level		
Programme 1: Administration	48 530	223 619
Programme 2: Court Services	56 374	45 981
Programme 3: State Legal Services	3 283	3 020
Programme 5: Auxiliary and Associated Services	11 714	14 089
Total	<u>119 901</u>	<u>286 709</u>

	Note	2013/14 R'000	2012/13 R'000
Confirmed balances with other departments	Annex 5	26 110	68 946
Total		<u>26 110</u>	<u>68 946</u>

The accruals mainly relate to security services (R36 million), travelling services (R24 million), transport services (R8 million) and telephone services (R9 million).

The accruals more than 30 days mainly relate to computer services (R3 million), IJS projects (R1 million) and travelling services (R1 million).

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

23. EMPLOYEE BENEFITS

	2013/14 R'000	2012/13 R'000
Leave entitlement	770 331	487 756
Service bonus (thirteenth cheque)	152 697	136 828
Performance awards	86 370	79 073
Capped leave commitments	241 707	242 121
Other (for example, overtime and acting appointments)	1 104	2 133
Total	1 252 209	947 911

Included in the leave entitlement is an amount of R8 741 250 representing negative leave balances. However, it should be noted that it does not necessarily mean officials have taken more leave than available.

24. LEASE COMMITMENTS

24.1 OPERATING LEASES EXPENDITURE

	Buildings and other fixed structures R'000	Machinery and equipment R'000	Total R'000
2013/14			
Not later than one year	499 396		499 396
Later than one year and not later than five years	1 527 900		1 527 900
Later than five years	307 140		307 140
Total lease commitments	2 334 436		2 334 436
	Buildings and other fixed structures R'000	Machinery and equipment R'000	Total R'000
2012/13			
Not later than one year	398 578	40	398 618
Later than one year and not later than five years	635 412		635 412
Later than five years	251 826		251 826
Total lease commitments	1 285 816	40	1 285 856

The amount disclosed under operating lease is in respect of leasing of office accommodation through the Department of Public Works.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

24.2 FINANCE LEASES EXPENDITURE

	Buildings and other fixed structures R'000	Machinery and equipment R'000	Total R'000
2013/14			
Not later than one year		14 629	14 629
Later than one year and not later than five years		12 226	12 226
Total lease commitments		26 855	26 855

	Buildings and other fixed structures R'000	Machinery and equipment R'000	Total R'000
2012/13			
Not later than one year		13 897	13 897
Later than one year and not later than five years		7 994	7 994
Total lease commitments		21 891	21 891

Finance leases mainly relates to motor vehicles leased from the Government Garage and photocopier machines leased in terms of National Treasury RT contracts.

25. ACCRUED DEPARTMENTAL REVENUE

	2013/14 R'000	2012/13 R'000
Fines, penalties and forfeits	*3 051	327 220
Guardian's Fund revenue	10 288	**5 152
Total	13 339	332 372

* The decrease in the revenue receivable is essentially due to the newly approved Treasury dispensation to retain unclaimed bail, maintenance and other classes of collection within the TPF environment for thirty years, at which stage it will become payable to the Revenue Fund through the Vote Account.

**Prior-year figure restated due to fact that the Guardian's Fund accrued revenue not previously disclosed in the Vote account.

25.1 ANALYSIS OF ACCRUED DEPARTMENTAL REVENUE

	2013/14 R'000	2012/13 R'000
Opening balance	327 220	295 838
Less: amounts written off/ reversed	(324 169)	
Add: amounts recognised	10 288	36 534
Closing balance	13 339	332 372

Prior year figure restated due to fact that the Guardian's Fund accrued revenue not previously disclosed in the Vote account.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

26. IRREGULAR EXPENDITURE

26.1 RECONCILIATION OF IRREGULAR EXPENDITURE

	2013/14 R'000	2012/13 R'000
Opening balance	*319 582	202 648
Add: Irregular expenditure – relating to prior year	131	154
Add: Irregular expenditure – relating to current year	83 977	*160 102
Less: Prior year amounts condoned	(74 157)	(3 022)
Less: Current year amounts condoned	(12 149)	
Less: Amounts not recoverable (not condoned)	(105)	(40 300)
Irregular expenditure awaiting condonation	<u>317 279</u>	<u>319 582</u>
Analysis of awaiting condonation per age classification		
Current year	83 949	157 741
Prior years	233 330	161 841
Total	<u>317 279</u>	<u>319 582</u>

*Opening balance restated after finalisation of investigations that the amount previously reported as irregular to be non-compliance rather than irregular expenditure for an amount of R626 000.

26.2 DETAILS OF IRREGULAR EXPENDITURE – CURRENT YEAR

Incident	Disciplinary steps taken/criminal proceedings	2013/14 R'000
Normal procurement policies and procedures not followed	Cases are currently under investigation and disciplinary procedures to be finalised	32 145
Incorrect procurement procedures not followed by the IDT	Cases are currently under investigation	49 421
Procurement procedures not followed in terms of RT3 contracts	Cases are currently under investigation	2 411
Total		<u>83 977</u>

26.3 DETAILS OF IRREGULAR EXPENDITURE CONDONED

Incident	Condoned by (condoning authority)	2013/14 R'000
Procurement policies and procedures not followed	Condoned by the Departmental Bid Adjudication Committee	86 306
Total		<u>86 306</u>

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

26.4 DETAILS OF IRREGULAR EXPENDITURE NOT RECOVERABLE (NOT CONDONED)

Incident	Not condoned by (condoning authority)	2013/14 R'000
Investigations completed and matters resolved as not irregular	Departmental Bid Adjudication Committee	105
Total		105

27. FRUITLESS AND WASTEFUL EXPENDITURE

27.1 RECONCILIATION OF FRUITLESS AND WASTEFUL EXPENDITURE

	2013/14 R'000	2012/13 R'000
Opening balance	49 109	10 062
Fruitless and wasteful expenditure – relating to prior year	120	52
Fruitless and wasteful expenditure – relating to current year	500	39 168
Less: Amounts resolved	(439)	(173)
Fruitless and wasteful expenditure awaiting resolution	49 290	49 109

27.2 ANALYSIS OF AWAITING RESOLUTION PER ECONOMIC CLASSIFICATION

	2013/14 R'000	2012/13 R'000
Current	41 332	41 146
Capital	7 968	7 963
Total	49 290	49 109

27.3 ANALYSIS OF CURRENT YEAR'S FRUITLESS AND WASTEFUL EXPENDITURE

Incident	Disciplinary steps taken/criminal proceedings	2013/14 R'000
Fees charged in respect of officials not using reserved accommodation and or transport	Cases are in different stages of investigation and disciplinary steps were taken as cases unfold. Guilty parties are expected to refund the Department.	459
Penalty or interest of late payment of accounts		35

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

Traffic fines – motor vehicle admin costs	1
Lease agreement option not exercised – reduced rates	5
Total	500

28. RELATED-PARTY TRANSACTIONS

Payments received	2013/14 R'000	2012/13 R'000
National Prosecuting Authority (security services)	96 707	
Total	96 707	

The NPA is a programme (Programme 4) on the Vote of the Department. The NPA transacts with entities falling under the Vote on a regular basis. These transactions between the Department and the NPA are not conducted at arm's length, as most services are rendered on a no-cost or recovery basis.

Payments made	2013/14 R'000	2012/13 R'000
Compensation of employees	58 632	62 161
Goods and services	17 590	137
Purchases of capital assets	47	47
Total	76 269	62 345

Related parties transactions include the President's Fund, Guardian's Fund, CARA and IDT. These transactions are not conducted at arm's length as most services are rendered on a no cost basis.

List of related party relationships

Guardian's Fund
 Presidents Fund
 South African Legal Aid Board
 South African Human Rights Commission
 Office of the Public Protector
 Third Party Funds
 National Prosecuting Authority
 Special Investigating Unit
 Criminal Asset Recovery Account
 South Africa Board of Sheriffs
 Government Communication and Information System

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

29. KEY MANAGEMENT PERSONNEL

	No. of individuals	2013/14 R'000	2012/13 R'000
Political office bearers			
Officials:			
Level 15 to 16	16	20 522	15 703
Level 14	46	46 264	42 065
Family members of key management personnel	10	2 566	2 182
Total		69 352	59 950

30. PROVISIONS

	2013/14 R'000	2012/13 R'000
Guardian's Fund		55 658
Total		55 658

The amount previously reported as provision for The Guardian's Fund has been written off with interest received on that account.

30.1 RECONCILIATION OF MOVEMENT IN PROVISIONS – 2013/14

	Total provisions R'000
Opening balance	55 658
Provisions raised	
Settlement of provision	(55 658)
Closing balance	

31. NON-ADJUSTING EVENTS AFTER REPORTING DATE

Nature of event

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

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

32. MOVABLE TANGIBLE CAPITAL ASSETS

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2014

	Opening balance R'000	Current year adjustments to prior year balances R'000	Additions R'000	Disposals R'000	Closing balance R'000
Heritage assets	102	(102)			
Heritage assets	102	(102)			
Machinery and equipment	907 025	(2 727)	208 706	57 615	1 055 389
Transport assets	131 127	(1 453)	18 103	2 556	145 221
Computer equipment	295 485	453	135 607	39 838	391 707
Furniture and office equipment	205 516	686	45 076	7 819	243 459
Other machinery and equipment	274 897	(2 413)	9 920	7 402	275 002
Total movable tangible capital assets	907 127	(2 829)	208 706	57 615	1 055 389

32.1 ADDITIONS

ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2014

	Cash R'000	Non-cash R'000	(Capital work in progress current costs and finance lease payments) R'000	Received current, not paid (paid current year, received prior year) R'000	Total R'000
Machinery and equipment	394 613	(68 689)	(140 154)	22 936	208 706
Transport assets	148 361	(9 657)	(118 532)	(2 069)	18 103
Computer equipment	120 746	(9 611)		24 472	135 607
Furniture and office equipment	64 443		(21 622)	2 255	45 076
Other machinery and equipment	61 063	(49 421)		(1 722)	9 920
Total additions to movable tangible capital assets	394 613	(68 689)	(140 154)	22 936	208 706

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

32.2 DISPOSALS

DISPOSALS OF MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2014

	Sold for cash R'000	Transfer out or destroyed or scrapped R'000	Total disposals R'000	Cash received actual R'000
Machinery and equipment	1 244	56 371	57 615	612
Transport assets	847	1 709	2 556	601
Computer equipment		39 838	39 838	
Furniture and office equipment	397	7 422	7 819	11
Other machinery and equipment		7 402	7 402	
Total disposal of movable tangible capital assets	1 244	56 371	57 615	612

32.3 MOVEMENT FOR 2012/13

	Opening balance R'000	Current year adjustments to prior-year balances R'000	Additions R'000	Disposals R'000	Closing balance R'000
Heritage assets		83	19		102
Heritage assets		83	19		102
Machinery and equipment	751 616	39 592	125 865	10 048	907 025
Transport assets	111 495	1 291	20 490	2 149	131 127
Computer equipment	211 364	2 597	86 217	4 693	295 485
Furniture and office equipment	196 211	188	11 313	2 196	205 516
Other machinery and equipment	232 546	35 516	7 845	1 010	274 897
Total movable tangible capital assets	751 616	39 675	125 884	10 048	907 127

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

32.4 MINOR ASSETS

MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2014

	Heritage assets R'000	Machinery and equipment R'000		Total R'000
Opening balance	683	828 035		828 718
Current year adjustments to prior-year balances	(472)	(979)		(1 451)
Additions		41 831		41 831
Disposals		(49 092)		(49 092)
Total minor assets	211	819 795		820 006

	Heritage assets	Machinery and equipment		Total
Number of R1 minor assets	6 102	622 819		628 921
Number of minor assets at cost	63	727 131		727 194
Total number of minor assets	6 165	1 349 950		1 356 115

MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2013

	Intangible assets R'000	Heritage assets R'000	Machinery and equipment R'000	Total R'000
Opening balance	83		638 766	638 849
Current year adjustments to prior-year balances	(83)	658	162 746	163 321
Additions		25	35 574	35 599
Disposals			(9 051)	(9 051)
Total minor assets		683	828 035	828 718

	Intangible assets	Heritage assets	Machinery and equipment	Total
Number of R1 minor assets		10 046	586 438	596 484
Number of minor assets at cost		1 166	729 589	730 755
Total number of minor assets		11 212	1 316 027	1 327 239

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR
ENDED 31 MARCH 2014

32.5 MOVABLE ASSETS WRITTEN OFF

MOVABLE ASSETS WRITTEN OFF FOR THE YEAR
ENDED AS AT 31 MARCH 2014

	Machinery and equipment R'000	Total R'000
Assets written off	57 615	57 615
Total movable assets written off	57 615	57 615

MOVABLE ASSETS WRITTEN OFF FOR THE YEAR
ENDED AS AT 31 MARCH 2013

	Machinery and equipment R'000	Total R'000
Assets written off	10 048	10 048
Total movable assets written off	10 048	10 048

33. INTANGIBLE CAPITAL ASSETS

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE
YEAR ENDED 31 MARCH 2014

	Opening balance R'000	Current year adjust to prior year balances R'000	Additions R'000	Disposals R'000	Closing balance R'000
Software	48 281		101		48 382
Total intangible capital assets	48 281		101		48 382

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

33.1 ADDITIONS

ADDITIONS TO INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2014

	Cash	Non-cash	Develop- ment work in progress	Received current year, not paid	Total
	R'000	R'000	R'000	R'000	R'000
Software	101				101
Total additions to intangible capital assets	101				101

33.2 MOVEMENT FOR 2012/13

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2013

	Opening balance	Current year adjust to prior year balances	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
Software	53 989	(5 849)	141		48 281
Total intangible capital assets	53 989	(5 849)	141		48 281

34. IMMOVABLE TANGIBLE CAPITAL ASSETS

MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2014

	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	13 425		387 607	(387 607)	13 425
Non-residential buildings			387 607	(387 607)	
Other fixed structures	13 425				13 425
Total immovable tangible capital assets	13 425		387 607	(387 607)	13 425

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

34.1 ADDITIONS

ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2014

	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	387 607				387 607
Non-residential buildings	387 607				387 607
Total additions to immovable tangible capital assets	387 607				387 607

34.2 DISPOSALS

DISPOSALS OF IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2014

	Sold for cash	Transfer out or destroyed or scrapped	Total disposals	Cash received actual
	R'000	R'000	R'000	R'000
Buildings and other fixed structures		387 607	387 607	
Non-residential buildings		387 607	387 607	
Total disposals of immovable tangible capital assets		387 607	387 607	

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

34.3 MOVEMENT FOR 2012/13

MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2013

	Opening balance R'000	Current year adjustments to prior year balances R'000	Additions R'000	Disposals R'000	Closing balance R'000
Buildings and other fixed structures			621 206	(621 206)	
Non-residential buildings			621 206	(621 206)	
Other fixed structures	13 425				13 425
Total immovable tangible capital assets	13 425		621 206	(621 206)	13 425

35. AGENT-PRINCIPAL ARRANGEMENTS

35.1 DEPARTMENT ACTING AS THE AGENT

35.1.1 REVENUE RECEIVED FOR AGENCY ACTIVITIES

	2013/14 R'000	2012/13 R'000
National Revenue Fund – oversight and disbursement approving authority resides in the Criminal Asset Recovery Committee	141 075	35 841
Total	141 075	35 841

CARA received proceeds in cash, property, motor vehicles, equipment and other assets from the enforcement of court orders granted in terms of the Prevention of Organised Crime Act, Act 121 of 1998, as amended, and the Financial Intelligence Act, Act No. 38 of 2001. The proceeds are deposited into CARA, which is an account in the National Revenue Fund.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

35.1.2 RECONCILIATION OF AGENCY FUNDS AND DISBURSEMENTS

Name of principal entity	Total agency funds received	Amount remitted to the principal	Variance between amounts received and amounts remitted	
	2013/14	2013/14		2012/13
	R'000	R'000	R'000	R'000
National Revenue Fund (CARA)	141 075	141 075		35 841
Total	141 075	141 075		35 841

35.1.3 CASH AND CASH EQUIVALENTS

	2013/14 R'000	2012/13 R'000
Opening balance CARA	151 797	274 283
Plus cash received during the year	141 075	35 841
Less cash paid out	(45 938)	(158 327)
Cash on hand (CARA – South African Reserve Bank)	246 934	151 797

	2013/14 R	2012/13 R
Contingent assets	16	119
Inventory	5 755 000	8 204 000
Receivables	48 273 000	47 762 000
Provisions	26 622 000	72 250 000

Cash and cash equivalents comprise cash at the South African Reserve Bank managed by the National Revenue Fund in the National Treasury. All monies deposited into the Reserve Bank for the CARA represent the net proceeds of cases after related expenses are deducted from the proceeds by curators in charge of each case where applicable.

Receivables amounting to R48 million at 31 March 2014 consist of the gross value of confiscation orders and gross value of forfeited cash held by the curators and custodians pending the approval of their fees and expenses by the Masters' Office. Cash held by curators after realisation of forfeited property before funds are deposited into CARA is also included in receivables.

Contingent assets of R16 at 31 March 2014 and R119 at 31 March 2013 are those assets, such as motor vehicles, property furniture and equipment that have been forfeited to the state in accordance with Chapter 6 of the Prevention of Organised Crime Act. Assets are valued at a nominal R1 per item according to the National Treasury Reporting Guideline. It is not certain that these contingent assets will be realised and proceeds paid into CARA.

Forfeited assets valued at R5,7 million on 31 March 2014 are classified as inventory, as they will be realised and the net proceed after deduction of curator fees and expenses will be deposited into CARA.

Inventory – 2013/14	Motor vehicles	Land and buildings	Other	Total
	R'000	R'000	R'000	R'000
Opening balance	485	7 719		8 204
Adjustments	(78)	6 507		6 429
Additions	1 880	2 572	37	4 489
Disposals	(385)	(12 982)		(13 367)
Closing balance	1 902	3 816	37	5 755

Inventory – 2012/13	Motor vehicles	Land and buildings	Other	Total
	R'000	R'000	R'000	R'000
Opening balance	594	3 356	10	3 960
Adjustments	(115)	(388)		(503)
Additions	957	6 188	348	7 493
Disposals	(951)	(1 437)	(358)	(2 746)
Closing balance	485	7 719		8 204

Provisions	2013/14	2012/13
	R'000	R'000
Anti-corruption Task Team	6 200	41 000
Department of Justice and Constitutional Development	15 000	20 000
South African Police Service	5 422	11 250
Total CARA allocation	26 622	72 250

Provisions are disclosed when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic benefits will be required to settle the obligation and a reliable estimate of the obligation can be made. Provisions amounted to R26,622 million at March 2014 and R72,250 million at 31 March 2013.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

36. PRIOR-PERIOD ERRORS

36.1 CORRECTION OF PRIOR-PERIOD ERROR FOR SECONDARY INFORMATION

	2012/13 R'000
The comparative amounts in the following notes for 2012/13 were restated:	
Accrued Departmental Revenue Note 25	5 152
Net effect on the note	5 152
The comparative amounts in the following notes for 2012/13 were restated:	
Contingent liabilities Note 20	(19 590)
Net effect on the note	(19 590)

37. EXEMPTION

1. The National Treasury exempted the Department from accounting for fines and recoveries made by the State Attorney on behalf of government institutions in the financial statements of the Department for a three-year period ending in the 2015/16 financial year. Such transactions are accounted for in the financial statements of the Third Party Funds, which is an account administered by the Department.
2. The National Treasury exempted the Department from submitting annual financial statements that incorporate the NPA for the 2013/14 financial year. The NPA is a programme of the Department, but prepared its own separate financial statements.

THE ANNEXURES THAT FOLLOW DO NOT FORM PART OF THE AUDITED FINANCIAL STATEMENTS AND ARE PRESENTED AS SUPPLEMENTARY INFORMATION

8. ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014
ANNEXURE 1A
STATEMENT OF UNCONDITIONAL GRANTS AND TRANSFERS TO MUNICIPALITIES

Name of municipality	Grant allocation				Transfer		Spent		2012/13 Total available
	Amount R'000	Rollovers R'000	Adjustments R'000	Total available R'000	Actual transfer R'000	Percentage of available funds transferred %	Amount received by municipality R'000	Percentage of available funds spent by municipality %	
PD: Vehicles fines and penalties	569			569	569	100%			488
	569			569	569	100%			488

8. ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

ANNEXURE 1B
STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS

Department/agency/account	Transfer allocation				Transfer		2012/13 Appropriation Act
	Adjusted appropriation	Rollovers	Adjust- ments	Total available	Actual transfer	Percentage of available funds transferred	
	R'000	R'000	R'000	R'000	R'000	%	R'000
South African Human Rights Commission	119 299			119 299	119 299	100%	101 530
Legal Aid South Africa	1 375 442			1 375 442	1 375 442	100%	1 255 145
Special Investigating Unit	295 859			295 859	295 859	100%	340 713
Office of the Public Protector	199 253			199 253	199 253	100%	183 147
Representative Political Parties							109 180
President's Fund	1			1			
Safety and Security Sector	5 830			5 830	5 830	100%	4 842
Communication: Licences (radio and television)	19			19	19	100%	29
	1 995 703			1 995 703	1 995 702		1 994 586

8. ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014
ANNEXURE 1C
STATEMENT OF TRANSFERS TO FOREIGN GOVERNMENT AND INTERNATIONAL ORGANISATIONS

	Transfer allocation			Expenditure		2012/13 Appropriation Act
	Adjusted ap- propriation	Rollovers	Adjust- ments	Total available	Actual transfer	
	R'000	R'000	R'000	R'000	R'000	%
Foreign government/international organisation						
Transfers						
Subscription fees: International Criminal Court	9 403			9 403	9 402	100%
Subscription fees: International Institutional Unification	1 790			1 790	1 790	100%
Total	11 193			11 193	11 192	1 260

8. ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

ANNEXURE 1D
STATEMENT OF TRANSFERS TO HOUSEHOLDS

	Transfer allocation			Expenditure		2012/13 Appropriation Act
	Adjusted Appropriation Act	Rollovers	Adjustments	Total available	Actual transfer	
Households	R'000	R'000	R'000	R'000	R'000	%
Transfers						
Household: Employee social benefits	126 196			126 196	95 934	76%
Household: Claims against the State	6 365			6 365	6 365	100%
Household: Payments, refunds and remuneration – act of grace	285			285	285	100%
Household: Donation and gifts						2
Total	132 846			132 846	102 584	79 561

8 ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

ANNEXURE 1E
STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

Name of organisation	Nature of gift, donation or sponsorship	2013/14	2012/13
		R'000	R'000
Received in kind			
Department of Labour	Library books		13
National Centre State Courts SA	Furniture and equipment		54
Total			67

8. ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

ANNEXURE 1F
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					
European Union	Sectorial budget support	11 121		5 194	5 927
United States Agency for International Development (USAID)	Judicial capacity and institutional building in Southern Sudan	209			209
USAID	Gender justice within the South African Development Community (SADC) region	351			351
Swiss	Small Claims Court Programme	216	2 839	2 468	587
CARA funds	Domestic violence and court-based victim support services		5 000	1 509	3 491
Total		11 897	7 839	9 171	10 565

8. ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014
ANNEXURE 2A
STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2014 – LOCAL

Guaran- tor insti- tution	Guarantee in respect of	Original guaranteed capital amount	Opening balance 1 April 2013	Guarantees draw downs during the year	Guarantees repaid/cancelled/re- duced/released during the year	Revaluations	Closing balance 31 March 2014	Guaranteed interest for year ended 31 March 2014	Realised losses not recoverable (claims paid out)
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
Housing									
	Standard Bank		19				19		
	Firststrand Bank		14		(14)				
	Absa		229	74	(86)		217		
	Free State Development Corporation		19				19		
	NP Development		222		(83)		139		
	Green Start		25				25		
	Total		528	74	(183)		419		

8. ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

ANNEXURE 2B
STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2014

Nature of liability	Opening Balance ¹ April 2013	Liabilities in- curred during the year	Liabilities paid/ cancelled/ reduced during the year	Liabilities recoverable (provide details below)	Closing balance ³ March 2014
	R'000	R'000	R'000	R'000	R'000
Claims against the Department					
Summons	3 106 135	1 266 121	1 205 387		3 166 869
Supplier discrepancies	1 823	20 694			22 517
Theft and losses	1 021	14 623	3 305		12 339
PPP cancellation	11 681				11 681
Property management fees	77 084				77 084
Human resource management	82 102				82 102
Subtotal	3 279 846	1 301 438	1 208 692		3 372 592
Other					
Third party theft, losses and dishonoured cheques	72 481	2 051			74 532
Subtotal	72 481	2 051			74 532
Total	3 352 327	1 303 489	1 208 692		3 447 124

8. ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014
ANNEXURE 3
CLAIMS RECOVERABLE

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2014	31/03/2013	31/03/2014	31/03/2013	31/03/2014	31/03/2013
	R'000	R'000	R'000	R'000	R'000	R'000
Department						
National Department	195 162	188 614	34 465	6 087	229 627	194 701
Eastern Cape	41 619	59 479	49 128	29 919	90 747	89 398
Free State	14 151	5 758	1 865	9 736	16 016	15 494
Gauteng	56 967	56 303	45 380	36 865	102 347	93 168
KwaZulu-Natal	2 345	9 264	4 742	628	7 087	9 892
Mpumalanga	11 544	5 929	8 561	9 165	20 105	15 094
Northern Cape	949	1 593	2 380	2 239	3 329	3 832
Limpopo	30 956	21 329	10 426	11 412	41 382	32 741
North West	13 000	5 189	10 908	1 540	23 908	6 729
Western Cape	2 467	2 723	2 661	1 092	5 128	3 815
Agency Services Control account			3 693	554	3 693	554
PACE			704	607	704	607
Salary Recoverable account			836	1 119	836	1 119
Total	369 160	356 181	175 749	110 963	544 909	467 144

8. ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

ANNEXURE 4
INTER-GOVERNMENT PAYABLES

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2014	31/03/2013	31/03/2014	31/03/2013	31/03/2014	31/03/2013
	R'000	R'000	R'000	R'000	R'000	R'000
Department						
Agriculture, Mpumalanga			24		24	
Agriculture Environment Affairs, KwaZulu-Natal				16		16
Agriculture, Western Cape				29		29
Agriculture, Forestry and Fisheries			24		24	
Chief Registrar of Deeds				16		16
Correctional Services			161	41	161	41
Corporate Governance and Traditional Affairs, Mpumalanga				16		16
Education, Free State			11	24	11	24
Education, Limpopo			84	15	84	15
Education, Mpumalanga				18		18
Education National				10		10
Energy				17		17
Government Printing Works	60	184	1 345	90	1 405	274
Health, Eastern Cape			12	19	12	19

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2014	31/03/2013	31/03/2014	31/03/2013	31/03/2014	31/03/2013
	R'000	R'000	R'000	R'000	R'000	R'000
Health, Gauteng			15	7	15	7
Health, KwaZulu-Natal			24	19	24	19
Health, Limpopo				23		23
Health, Mpumalanga				9		9
Health, North West			16		16	
Health and Social Development			32		32	
Home Affairs			67	60	67	60
Human Settlement				11		11
Independent Complaints Directorate			15	8	15	8
Labour			14		14	
Local Government and Housing				21		21
Mineral Resources			15	29	15	29
National Prosecuting Authority		4 592	61	782	61	5 374
Palama		456		45		501
Premier, Western Cape				19		19
Presidency				22		22
Provincial Government, Mpumalanga				54		54
Public Works	26 050	63 714	2 461	97 770	28 511	161 484
Roads and Public Transport, Northern Cape			24		24	

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2014	31/03/2013	31/03/2014	31/03/2013	31/03/2014	31/03/2013
	R'000	R'000	R'000	R'000	R'000	R'000
Department						
Roads and Transport, Gauteng				15		15
Rural Development				24		24
Social Development				38		38
Social Development, Gauteng			27	20	27	20
Social Development, Eastern Cape				66		66
Social Development, Free Sate			24	16	24	16
Social Development, Limpopo				79		79
Social Development, KwaZulu-Natal				38		38
Social Development, Northern Cape				22		22
Social Development, Western Cape				47		47
South African Police Service			25	104	25	104
Sports and recreation				11		11
Statistics			21	45	21	45
Transport				29		29
Treasury, Eastern Cape				26		26
Transport and Public Works, Western Cape			11		11	
Treasury, Gauteng				39		39
Water Affairs			9	46	9	46
Water Trading			36	13	36	13
Women, Children and People with Disabilities				5		5
Total	26 110	68 946	4 558	99 873	30 668	168 819

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

ANNEXURE 5
INVENTORY

Inventory	Note	2013/14		2012/13	
		Quantity	R'000	Quantity	R'000
Opening balance		45 189	1 422	58 362	1 531
Add/(Less): Adjustments to prior-year balance				(4 017)	(49)
Add: Additions/Purchases - Cash		83 035	4 012	78 219	3 633
(Less): Issues		(77 712)	(3 626)	(87 375)	(3 693)
Add/(Less): Adjustments		2 874	3		
Closing balance		53 386	1 811	45 189	1 422

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014

ANNEXURE 6A
MOVEMENT IN CAPITAL WORK IN PROGRESS

Movement in capital work in progress for the year ended 31 March 2014

	Opening balance R'000	Current year capital work in progress R'000	Completed assets R'000	Closing balance R'000
Buildings and other fixed structures		387 607		387 607
Dwellings				
Non-residential buildings		387 607		387 607
Other fixed structures				
Total		387 607		387 607

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2014
 ANNEXURE 7A
 INTER-ENTITY ADVANCES PAID (NOTE 12)

Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2014 R'000	31/03/2013 R'000	31/03/2014 R'000	31/03/2013 R'000	31/03/2014 R'000	31/03/2013 R'000
National departments						
Department of International Relations and Cooperation		34	3 377	2 485	3 377	2 519
Government Communication and Information System	8 337	6 698			8 337	6 698
Independent Development Trust	67 782				67 782	
Total	76 119	6 732	3 377	2 485	79 496	9 217

13 | 14 HIGHLIGHT

R 2 BILLION

The amount that has been spent on the improvement and maintenance of existing infrastructure in the last 20 years.



Human Resources

1. LEGISLATION THAT GOVERNS HUMAN RESOURCES MANAGEMENT

The information provided in this part is prescribed by the Public Service Act and Regulations (Chapter 1, Part III J.3 and J.4).

2. INTRODUCTION

2.1 OVERVIEW OF HUMAN RESOURCES MATTERS AT THE DEPARTMENT

The Human Resources sub-branch provides strategic leadership and direction to the Department in all areas of human resources management with the view of enhancing the achievement of departmental service delivery objectives by empowering line managers in human capital management. The mandates of the sub-

branch involve the alignment of organisational structures with departmental strategic objectives, the recruitment and retention of competent employees, ensuring a representative workforce, ensuring a work environment that promotes employee development, health and wellness, and developing appropriate policies that will harmonise employee/management relations. The mandate is delivered through a sub-branch structure that provides strategic human resource management and customer management services to various branches and regions.

2.2 SET HUMAN RESOURCE PRIORITIES FOR THE YEAR UNDER REVIEW AND THE IMPACT OF THESE PRIORITIES

In enhancing organisational efficiency, the focus was on identifying human resource needs. The priorities below were identified for the 2013/14 financial year in the departmental Human Resources (HR) Plan.

HR priority	Impact
Improved organisational development and design systems to harness departmental service delivery	<p>The structure of the Office of the Chief Master was reviewed to improve turnaround times in providing Master of the High Court services.</p> <p>The human resources footprints in the regions were felt through the provision of support and services to courts and the judiciary, as additional posts were created in the child justice and sexual offences courts.</p> <p>Some 41 work study investigations were conducted, mostly for the abolishment of posts and utilisation of funds thereof to create critical posts. This gave the organisation an opportunity to create posts where needed in order to enhance service delivery.</p> <p>HR conducted a situational analysis to determine and establish the nature and the scope of existing occupation-specific dispensation (OSD)-related challenges with the view of finding a solution. HR then facilitated an OSD intervention process with the Department of Public Service and Administration (DPSA). The outcome was a project plan to address the identified OSD challenges in the 2014/15 financial year.</p>

HR priority	Impact												
Reduction of vacancy rate	<p>The vacancy rate of the Department at the end of the financial year, excluding the judiciary, was 9.98%. With the inclusion of the judiciary, it was 10.47%.</p> <table border="1"> <thead> <tr> <th>Vacancy rate</th> <th>2012/13</th> <th>2013/14</th> </tr> </thead> <tbody> <tr> <td>Excluding judiciary</td> <td>9.72%</td> <td>9.98%</td> </tr> <tr> <td>Including judiciary</td> <td>10.26%</td> <td>10.47%</td> </tr> </tbody> </table> <p>Staff movement (terminations, transfers and promotions to other departments) influenced the overall performance in vacancy reduction. In comparison to the 1 239 appointments, 790 vacancies were created by the aforementioned movements on the post establishment.</p> <p>The filling of vacant posts included the three top management positions of Deputy Director-General: Corporate Services, Chief Financial Officer and Deputy Director-General: Legislative Development.</p>	Vacancy rate	2012/13	2013/14	Excluding judiciary	9.72%	9.98%	Including judiciary	10.26%	10.47%			
Vacancy rate	2012/13	2013/14											
Excluding judiciary	9.72%	9.98%											
Including judiciary	10.26%	10.47%											
Improve the management of sound employee relations solutions	<p>The Department prioritised the capacitation of employees and supervisors in order to ensure harmonious working relationships. The training of 857 employees from level 3 to 12 focused on the code of conduct, misconduct and grievance procedure. The training of 44 labour relations officers in dispute resolution and the improvement of the employee relations case reporting tools marked this exercise further. This strengthened the reliability of the performance information management as it relates to the correct number of reported cases. As a result, the following strategic targets were met:</p> <p>Some 471 misconduct cases were registered and 65% of these matters were finalised in comparison to the annual target of 50%.</p> <p>Of the 600 registered grievances, the Department finalised 85% of the cases, compared to the set annual target of 40%.</p>												
Achievement of employment equity (EE) targets	<p>Compliance to the Government-set employment equity targets remained a challenge, which the Department approached robustly when making appointments in key positions. Three Deputy Director-General (DDG) posts were filled in the performance cycle. Two of these posts were filled by women, which added to the representation of females at executive level. The table below demonstrates the improvement from last year's performance:</p> <table border="1"> <thead> <tr> <th></th> <th>Government target</th> <th>2012/13</th> <th>2013/14</th> </tr> </thead> <tbody> <tr> <td>Female</td> <td>50%</td> <td>39.9%</td> <td>42.53%</td> </tr> <tr> <td>People with disabilities (PWD)</td> <td>2%</td> <td>1.3%</td> <td>1.8%</td> </tr> </tbody> </table> <p>To illustrate the Department's commitment to broaden its understanding of the employment and needs of PWD, 200 employees were trained on the management of disability in the workplace. A Disability Forum, with representatives from the nine provinces, was also established as a platform and a voice for PWD in the Department.</p>		Government target	2012/13	2013/14	Female	50%	39.9%	42.53%	People with disabilities (PWD)	2%	1.3%	1.8%
	Government target	2012/13	2013/14										
Female	50%	39.9%	42.53%										
People with disabilities (PWD)	2%	1.3%	1.8%										

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

The Department's Human Resources Plan (HRP) succeeded in identifying human capital needs through a consultative approach for the consolidation of key human resources priorities. The plan was timeously submitted to DPSA and received feedback that indicated 99% compliance. During the workforce planning, the following were observed:

- Some 1 713 officials are at retirement age between 55 and 65. Plans are underway to ensure transfer of skills before the officials leave the service. Currently, those with competent skills are retained in service in accordance with prescripts.
- Staff turnover is a challenge that the Department will address through the Retention Policy, which is in the last phase of approval. The policy will assist in retaining the services of competent officials.
- The recruitment drive proved to be a success when the Department recruited skilled and competent new members (1 239) into the organisation.

2.4 EMPLOYEE PERFORMANCE MANAGEMENT FRAMEWORK

During the last two years, the Department has taken steps to ensure that individual performance is linked to departmental performance. The approach to achieve this ultimate goal started with the alignment of performance agreements at top management level. In the 2012/13 performance cycle, the Department aligned the performance agreements of the Director-General and all the DDG posts with the departmental strategy as a driving force in the Department, reaching its strategic objectives. Furthermore, to assist HR to be effective in rendering HR services, performance agreements for senior and middle HR managers were developed and standardised. These performance agreements are known as the informed Human Resources Annual Performance Plan.

2.5 EMPLOYEE WELLNESS PROGRAMMES

In an attempt to enhance the wellbeing of employees, the Employee Health and Wellness programmes were vigorously marketed and there was an increase in

employee participation from 3 827 in 2012/13 to 6 768 in 2013/14. Below is the breakdown of how the services were utilised:

- A total of 1 081 employees received professional counselling through face-to-face, online and group contacts.
- Some 193 supervisors and managers were trained on the management of troubled employees.
- A total of 5494 employees attended empowerment sessions on financial wellness, stress management, HIV/AIDS, sexually transmitted infections (STIs) and tuberculosis (TB), as well as Employee Assistance Programme (EAP) marketing workshops.

The increase in the utilisation of services resulted in assisting more employees to be able to perform their duties, manage stress levels and enjoy quality of work life. In the period under review, it was also noted that managers are starting to utilise the services and some were trained in handling troubled employees in their efforts to build good working relationships.

The Department celebrated international and national commemorative days/events such as World AIDS Day, International Day of People with Disability, Public Service Week and Heritage Day. Commemorations provided employees with opportunities for voluntary testing and counselling that contributed to the national drive of knowing your HIV status and improved the diversity awareness and tolerance among employees.

2.6 POLICY DEVELOPMENT

The design and review of HR policies were aimed at contributing to and enhancing good governance and ensuring compliance with the regulatory frameworks. A retention policy was developed and the Performance Management Policy was reviewed during this reporting period, but will only be finalised in the first quarter of the 2014/15 financial year.

In the reporting period, the following three policies were reviewed and approved:

- Acting Allowance Policy: regularisation of acting appointment with an allowance.
- Resettlement Policy: providing measures on granting resettle benefits.
- Job Evaluation Policy: grading of jobs to ensure equal work for equal pay.

2.7 HIGHLIGHT ACHIEVEMENTS

Some of the highlights from the performance of the sub-branch include contributing to the attainment of the departmental no-audit qualification outcome by successfully dealing with audit queries from the previous financial year and attaining an 88% resolution rate (which is above the departmental average of 85% in relation to Audit Action Plan).

The sub-branch implemented initiatives to improve compliance and, to this effect, the leave management compliance rate has improved continuously, maintaining above 80% performance for the 2012/13 and 2013/14 financial years. The strategies to ensure continuous improvement included quarterly analyses and submission of progress reports where line managers were encouraged to monitor trends of leave utilisation and eliminated possible abuse.

Building diverse organisational relationships is critical in the workplace where serving diverse communities is key – sound relationships implies sound service delivery. HR conducted 281 change and diversity management workshops, which are further marked by relationship and conflict interventions that were successfully conducted at the Parys Magistrate’s Court and State Attorney offices in Mafikeng.

2.8 CHALLENGES FACED BY THE DEPARTMENT

The implementation of the Policy and Procedure on Incapacity on Leave and Ill-health Retirement (PILIR) as prescribed depends on the availability of a Health Risk Manager, as appointed by DPSA. In the period under review, the process of appointing a Health Risk Manager proved a tedious process until November 2013. This led to many unattended sick leave applications and officials having taken unconfirmed leave. As a result, the Department had audit problems when it came to leave.

The embargo not to increase post-establishment in the departments has posed a challenge. Given the current budget constraints, there is a shortfall of over R200 million for the implementation of work-study recommendations.

OSD determinations remain a challenge in the Department, which makes it difficult to attract and retain legally qualified employees and social workers.

In the labour relations environment, it is still a challenge to meet the prescribed deadlines for resolving grievances and misconduct cases. The major cause of this is the fact that some of the matters are complex to resolve.

2.9 FUTURE HUMAN RESOURCES PLANS AND GOALS

It is the intention of the HR sub-branch to:

- Support government’s programme of action by collaborating with the Safety and Security Sector Education and Training Authority (SASSETA) in ensuring that the Department implements appropriate internship programmes to address the needs of unemployed youths.
- Create an e-HR environment by the automation of the leave management, performance management, and grievance and misconduct management systems.
- Develop and implement a strategy that will assist the Department in dealing with OSD-related challenges, with the support of DPSA.
- Continue to promote sound workplace relations through employee relations, organisational development, as well as employee health and wellness Programmes in the Department.

3. PERSONNEL-RELATED EXPENDITURE

The following tables summarise the final audited personnel-related expenditure by programme and by salary bands. In particular, it provides an indication of the following:

1. Amount spent on personnel.
2. Amount spent on salaries, overtime, homeowner’s allowance and medical aid.

Table 3.1.1: Personnel expenditure by programme

Programme	Total expenditure (R'000)	Personnel expenditure (R'000)	Training expenditure (R'000)	Professional and special services expenditure (R'000)	Personnel expenditure as a percentage of total expenditure	Average personnel cost per employee (R'000)
Administration	1 771 135	421 071	3 313 402	3 143 548	24%	20
Auxiliary and Associated Services	2 595 960	0	15 048	0	0%	0
Court Services	5 425 159	3 219 599	6 391 170	40 124 802	59%	151
Direct charges	2 298 637	2 227 656	0	0	97%	107
State Legal services	871 059	713 198	905 315	649 189	82%	34
Total as on financial system (BAS)	12 961 950	6 581 524	10 624 935	43 917 539	51%	311

Table 3.1.2: Personnel costs by salary bands

Salary bands	Personnel expenditure (R'000)	Percentage of total personnel cost	Average personnel cost per employee
Lower skilled (levels 1 – 2)	7 092	0.11%	10 190
Skilled (levels 3 – 5)	1 676 911	25.48%	159 980
Highly skilled production (levels 6 – 8)	1 114 651	16.94%	259 462
Highly skilled supervision (levels 9 – 12)	1 874 941	28.49%	585 553
Senior management (levels 13 – 16)	1 383 222	21.02%	1 248 395
Contract (levels 1 – 2)	1 320	0.02%	42 577
Contract (levels 3 – 5)	123 478	1.88%	151 136
Contract (levels 6 – 8)	95 199	1.45%	239 193
Contract (levels 9 – 12)	203 010	3.08%	484 511
Contract (levels 13 – 16)	91 287	1.39%	1 789 933
Periodical remuneration	9 209	0.14%	21 366
Abnormal appointment	1 205	0.02%	301 138
Total	6 581 524	100.00%	300 047

Table 3.1.3: Salaries, overtime, homeowner's allowance and medical aid by programme

Programme	Salaries		Overtime		Homeowner's allowance (HOA)		Medical aid	
	Amount (R'000)	Salaries as a percentage of personnel costs	Amount (R'000)	Overtime as a percentage of personnel costs	Amount (R'000)	HoA as a percentage of personnel costs	Amount (R'000)	Medical aid as a percentage of personnel cost
Administration	292 089	69%	508	0.12%	12 151	3%	14 825	3.52%
Court Services	2 283 231	71%	5 520	0.17%	132 471	4%	209 207	6.5%
State Legal Services	503 749	71%	662	0.09%	17 117	2%	28 113	3.94%
Direct charges	1 607 990	72%	3	0	9 779	0%	24 763	1.1%
Total	4 687 059	71%	6 693	0.10%	171 518	3%	276 908	3.83%

Table 3.1.4: Salaries, overtime, homeowner's allowance and medical aid by salary bands

Salary bands	Salaries		Overtime		Homeowner's allowance		Medical aid	
	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 aid as a percentage of personnel cost
Lower skilled (levels 1 – 2)	4 149	0.09%	0	0.00%	48	0.03%	43	0.02%
Skilled (levels 3 – 5)	1 050 210	22.41%	3 014	45.03%	99 764	58.17%	155,531	56.17%
Highly skilled production (levels 6 – 8)	726 940	15.51%	2 570	38.40%	40 675	23.71%	64,756	23.39%
Highly skilled supervision (levels 9 – 12)	1 353 360	28.87%	869	12.98%	24 142	14.08%	42,570	15.37%
Senior management (levels 13 – 16)	1 096 554	23.40%	6	0.09%	6 383	3.72%	13,590	4.91%
Contract (levels 1 – 2)	1 187	0.03%	0	0.00%	0	0.00%	0	0.00%
Contract (levels 3 – 5)	110 797	2.36%	182	2.71%	0	0.00%	0	0.00%
Contract (levels 6 – 8)	85 440	1.82%	40	0.60%	0	0.00%	0	0.00%
Contract (levels 9 – 12)	180 019	3.84%	12	0.18%	383	0.22%	135	0.05%
Contract (levels 13 – 16)	77 590	1.66%	0	0.00%	123	0.07%	271	0.10%

Salary bands	Salaries		Overtime		Homeowner's allowance		Medical aid	
Periodical remuneration	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Abnormal appointment	812	0.02%	0	0.00%	0	0.00%	12	0.00%
Total	4 687 059	71.2	6 693	0.1	171 518	2.6	276,908	4.2

3.2 EMPLOYMENT AND VACANCIES

The tables in this section summarise the position with regard to employment and vacancies.

The following tables summarise the number of posts on the establishment, the number of employees, the vacancy rate, and whether there are any additional staff. This information is presented in terms of three key variables:

1. Programme
2. Salary band
3. Critical occupations.

Table 3.2.1: Employment and vacancies by programme, 31 March 2014

Programme	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Administration, permanent	1 215	1 042	14.24	24
Administration, temporary	378	378	0.00	0
Court Services, permanent	15 482	14 010	9.51	49
Court Services, temporary	387	387	0.00	0
State Legal Services, permanent	2 169	1 936	10.74	4
State Legal Services, temporary	47	47	0.00	0
Magistrates	2 045	1 643	19.66	9
Judges	263	241	8.37	0
Total	21 986	19 684	10.47	86

Table 3.2.2: Employment and vacancies by salary band as on 31 March 2014

Salary band	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Lower skilled (levels 1 – 2), permanent	1	1	0.00	0
Skilled (levels 3 – 5), permanent	11 352	10 457	7.88	40
Highly skilled production (levels 6 – 8), permanent	4 801	4 300	10.44	22
Highly skilled supervision (levels 9 – 12), permanent	2511	2056	18.12	14
Senior management (levels 13 – 16), permanent	201	174	13.43	1
Magistrates	2 045	1 643	19.66	9
Judges	263	241	8.37	0
Interns	31	31	0.00	0
Contract (levels 1 – 2)	0	0	0.00	0
Contract (levels 3 – 5)	305	305	0.00	0
Contract (levels 6 – 8)	144	144	0.00	0
Contract (levels 9 – 12)	92	92	0.00	0
Contract (levels 13 – 16) (includes magistrates)	240	240	0.00	0
Total	21 986	19 684	10.47	86

Table 3.2.3: Employment and vacancies by critical occupation, 31 March 2014

Occupations	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Administrative-related, permanent	10 364	9 640	6.99	46
Administrative-related, contract	209	209	0.00	0
Advocates, permanent	91	69	24.18	1
Advocates, contract	1	1	0.00	0
Attorneys, permanent	267	230	13.86	0
Attorneys, contract	10	10	0.00	0
Authors, journalists and other writers, contract	1	1	0.00	0
Building and other property caretakers, permanent	5	4	20.00	0
Bus and heavy or light vehicle drivers, permanent	26	25	3.85	1
Cleaners in offices, workshops, hospitals, etc, permanent	150	134	10.67	2
Cleaners in offices, workshops, hospitals, etc, contract	2	2	0.00	0

Occupations	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Client information clerks (switchboard, reception, information clerks), permanent	139	125	10.07	0
Client information clerks (switchboard, reception, information clerks), contract	1	1	0.00	0
Communication- and information-related, permanent	42	36	14.29	0
Communication- and information-related, contract	1	1	0.00	0
Finance and related professionals, permanent	261	209	19.92	2
Finance and related professionals, permanent, contract	2	2	0.00	0
Finance clerks and credit controllers, permanent	731	615	15.87	2
Finance clerks and credit controllers, contract	55	55	0.00	0
Food services, aids and waiters, permanent	27	26	3.70	0
Food services, aids and waiters, contract	2	2	0.00	0
General legal administration and related professionals, permanent	1 242	1 013	18.44	3
General legal administration and related professionals, contract	45	45	0.00	0
Head of department/chief executive officer, permanent	1	1	0.00	0
Human resources, organisational development and related professions, permanent	68	58	14.71	0
Human resources clerks, permanent	403	361	10.42	2
Human resources clerks, contract	6	6	0.00	0
Information technology-related, permanent	43	34	20.93	0
Information technology-related, contract	27	27	0.00	0
Judges, permanent	263	241	8.37	0
Language practitioners, interpreters and other communication, permanent	2 122	1 909	10.04	4
Language practitioners, interpreters and other communication professionals, contract	50	50	0.00	0
Librarians and related professionals, permanent	48	33	31.25	0
Library, mail and related clerks, permanent	362	338	6.63	3
Library, mail and related clerks, contract	8	8	0.00	0
Logistical support personnel, permanent	49	42	14.29	0
Logistical support personnel, contract	1	1	0.00	0

Occupations	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Magistrates, permanent	2 045	1 643	19.66	9
Magistrates, contract	210	210	0.00	0
Material recording and transport clerks, permanent	96	82	14.58	0
Material recording and transport clerks, contract	36	36	0.00	0
Messengers, porters and deliverers, permanent	456	411	9.87	1
Messengers, porters and deliverers, contract	36	36	0.00	0
Risk management and security services, permanent	8	7	12.50	0
Secretaries and other keyboard-operating clerks, permanent	1 138	1 011	11.16	7
Secretaries and other keyboard-operating clerks, contract	78	78	0.00	0
Security officers, permanent	388	291	25.00	3
Security officers, contract	1	1	0.00	0
Senior managers, permanent	201	174	13.43	0
Senior managers, contract	29	29	0.00	0
Social work and related professionals, permanent	137	109	20.44	0
Statisticians and related professionals, permanent	2	2	0.00	0
Total	21 986	19 684	10.47	86

3.3 FILLING OF SENIOR MANAGEMENT SERVICES POSTS

The tables in this section provide information on employment and vacancies, as they relate to members of the Senior Management Service (SMS) by salary level. They also provide information on the advertising and filling of SMS posts, reasons for not complying with prescribed time frames and disciplinary steps taken.

Table 3.3.1: SMS posts information as on 31 March 2014

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	1	1	100.00	0	0.00
Salary level 16, but not HOD	2	2	100.00	0	0.00
Salary level 15	10	6	60.00	4	40.00
Salary level 14	45	36	80.00	9	20.00
Salary level 13	144	130	90.28	14	9.72
Total	202	175	86.63	27	13.37

Table 3.3.2: SMS posts information as on 30 September 2013

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	1	1	100.00	0	0.00
Salary level 16, but not HOD	2	2	100.00	0	0.00
Salary level 15	10	5	50.00	5	50.00
Salary level 14	43	35	81.40	8	18.60
Salary level 13	141	127	90.07	14	9.93
Total	197	170	86.29	27	13.71

Table 3.3.3: Advertising and filling of SMS posts for the period 1 April 2013 to 31 March 2014

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 HOD	-	-	-
Salary level 15	3	0	0
Salary level 14	1	0	0
Salary level 13	6	1	4
Total	10	1	4

Table 3.3.4: 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
2. Posts not job evaluated
3. 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

3.3.5 Disciplinary steps taken for not complying with the prescribed time frames for filling SMS posts within 12 months

No disciplinary steps were taken against non-compliance.

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

3.4 JOB EVALUATION

Table 3.4.1: Job evaluation by salary band

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)	1	0	0.00	0	0.00	0	0.00
Skilled (levels 3 – 5)	11 352	0	0.00	0	0.00	0	0.00
Highly skilled production (levels 6 – 8)	4 801	0	0.00	0	0.00	0	0.00
Highly skilled supervision (levels 9 – 12)	2 511	4	0.16	0	0.00	0	0.00
Senior Management Service Band A	144	4	2.78	0	0.00	0	0.00
Senior Management Service Band B	45	1	2.22	0	0.00	0	0.00
Senior Management Service Band C	10	1	10.00	0	0.00	0	0.00
Senior Management Service Band D	2	0	0.00	0	0.00	0	0.00
Total	18 866	10	0.05	0	0.00	0	0.00

The following table provides a summary of the number of employees whose salary positions were upgraded due to their posts being upgraded. The number of employees might differ from the number of posts upgraded since

not all employees are automatically absorbed into the new posts and some of the upgraded posts could also be vacant.

Table 3.4.2: Profile of employees whose salary positions were upgraded due to their posts being upgraded

Beneficiaries	African	Asian	Coloured	White	Total
Female	3	0	0	1	4
Male	2	0	0	0	2
Total	5	0	0	1	6
Employees with disabilities					

The following table summarises the number of cases where remuneration levels exceeded the grade determined by job evaluation. Reasons for the deviation are provided in each case.

Table 3.4.3: Employees with salary levels higher than those determined by job evaluation by occupation

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Accounting clerk	1	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Accounting clerk	2	5	7	Resolution 3 of 2009 – grade progression
Chief accounting clerk	12	7	8	Resolution 3 of 2009 – grade progression
Administration clerk/senior	4	5	6	Resolution 3 of 2009 – grade progression
Administration clerk/senior	104	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Administration clerk/senior	2	5	7	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Chief administration clerk	35	7	8	Resolution 3 of 2009 – grade progression
Administration heads	1	9	10	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Area court manager	1	11	12	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Assistant director	1	7	9	Employees retained in lower level posts in terms of PSR v.C.3
Assistant director	2	9	10	Resolution 3 of 2009 – grade progression
Assistant director	14	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	1	10	11	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Court interpreter	3	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Court interpreter	3	5	7	Resolution 3 of 2009 – grade progression
Principal court interpreter	1	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Court manager	24	9	10	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Court stenographer	1	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Data capturer	1	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Data typist	1	5	7	Resolution 3 of 2009 – grade progression.
Debt collection clerk	1	5	6	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 the Office of the President at a higher salary.
Deputy director	2	11	12	Resolution 3 of 2009 – grade progression.
Deputy director	7	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	1	9	11	Employees retained in lower level posts in terms of PSR v.C.3

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Deputy director	1	11	12	Employees retained in lower level posts in terms of PSR v.C.3
Human resources officer	55	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Human resources officer	1	5	7	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Human resources practitioner	5	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Judge's secretary	6	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Chief legal administration officer	1	12	14	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Legal secretary	4	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Legal secretary	2	5	7	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Legal secretary	1	5	7	Resolution 3 of 2009 – grade progression.
Senior librarian	1	5	7	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Chief messenger	1	4	5	Resolution 3 of 2009 – grade progression.
Principal messenger	1	3	4	Resolution 3 of 2009 – grade progression
Office manager	1	9	10	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	3	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Secretary	7	5	7	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Secretary	2	5	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	8	Resolution 3 of 2009 – grade progression.
Personal assistant	1	11	12	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Chief personnel officer	1	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Provisioning administration clerk	1	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Senior provisioning administration clerk	2	7	8	Resolution 3 of 2009 – grade progression.
Senior provisioning administration clerk	3	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Registrar's clerk	7	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	5	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	6	7	8	Resolution 3 of 2009 – grade progression
Senior registry clerk	4	6	7	Resolution 3 of 2009 – grade progression.
Security guard	2	2	3	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Security officer	1	4	6	Resolution 3 of 2009 – grade progression.
Security officer	2	4	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Senior court interpreter	19	5	7	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Senior human resources officer	9	7	8	Resolution 3 of 2009 – grade progression

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Senior human resources officer	9	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Senior human resources 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 security officer	1	5	6	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
State accountant	5	7	8	Resolution 3 of 2009 – grade progression.
Senior state accountant	1	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.
Principal telecom operator	1	7	8	Resolution 3 of 2009 – grade progression.
Principal telecom operator	2	7	8	When the job evaluation process was finalised, the employees were already on higher notches than the level determined by job evaluation.

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Senior training officer	1	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	4	7	8	Resolution 3 of 2009 – grade progression
Chief typist	1	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 2012/13				418
Percentage of total employment				2.12%

The following table summarises the beneficiaries of the above in terms of race, gender, and disability.

Table 3.4.4: Profile of employees who have salary levels higher than those determined by job evaluation

Beneficiaries	African	Asian	Coloured	White	Total
Female	170	7	23	102	302
Male	97	1	10	8	116
Total	267	8	33	110	418
Employees with disabilities		3			

3.5 EMPLOYMENT CHANGES

This section provides information on changes in employment over the financial year. Turnover rates provide an indication of trends in the employment profile of the Department. The following tables provide a summary of turnover rates by salary band and critical occupations. It should be noted that these tables do not consider the upgrade or downgrade of posts or the movement of employees between levels (promotion), or translation to another rank without a change in salary level.

A total of 374 employees were promoted to a higher salary level, and 418 employees are carried out of adjustment against another post. The personnel movement regarding appointments and terminations does not reflect the changes mentioned above.

Table 3.5.1: Annual turnover rates by salary band

Salary band	Number of employees at beginning of period - April 2013	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Lower skilled (levels 1 – 2), permanent	5	0	0	0.00
Skilled (levels 3 – 5), permanent	10 182	842	355	3.49
Highly skilled production (levels 6 – 8), permanent	4 281	234	305	7.12
Highly skilled supervision (levels 9 – 12), permanent	1 979	150	125	6.32
Senior Management Service Band A	122	8	5	4.10
Senior Management Service Band B	36	2	0	0.00
Senior Management Service Band C	3	3	0	0.00
Senior Management Service Band D	1	0	0	0.00
Magistrates	1 637	151	49	2.99
Judges	239	19	12	5.02
Sub total: permanent employees	18 485	1 409	851	4.60
Contract (levels 1 – 2)	28	6	2	5.88
Contract (levels 3 – 5)	208	1 008	851	69.98
Contract (levels 6 – 8)	159	444	367	60.86
Contract (levels 9 – 12)	164	116	78	27.86
Contract (levels 13 – 16)	145	487	401	63.45
Sub total: contract employees	704	2061	1 699	61.45
Total	19 189	3 470	2 550	13.29

Table 3.5.2: Annual turnover rates by critical occupation

Occupations	Number of employees at beginning of period – April 2013	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Administrative-related, permanent	9 432	530	335	3.55
Administrative-related, contract	125	799	688	74.46
Advocates, permanent	70	6	3	4.29
Advocates, contract	0	1	0	0.00
Attorneys, permanent	203	39	15	7.39
Attorneys, contract	2	11	2	15.38
Authors, journalists and other writers, contract	1	0	0	0.00
Building and other property caretakers, permanent	5	0	1	20.00
Bus and heavy vehicle drivers, permanent	26	1	0	0.00
Cleaners in offices, workshops, hospitals, etc, permanent	145	3	11	7.59
Cleaners in offices, workshops, hospitals, etc, contract	1	5	3	50.00
Client information clerks (switchboard, reception, information clerks), permanent	126	7	2	1.59
Client information clerks (switchboard, reception, information clerks), contract	2	1	3	100.00
Communication and information-related, permanent	32	3	0	0.00
Communication and information-related, contract	1	1	1	100.00
Finance and related professionals, permanent	189	47	27	14.29
Finance and related professionals, contract	10	6	6	60.00
Finance clerks and credit controllers, permanent	577	70	42	7.28
Finance clerks and credit controllers, contract	70	82	38	25.00
Food services, aids and waiters, permanent	26	3	2	7.69
Food services, aids and waiters, contract	1	3	2	50.00
General legal administration and related professionals, permanent	970	136	77	7.94
General legal administration and related professionals, contract	44	117	116	67.44
Head of department/chief executive officer, permanent	1	0	0	0.00
Human resources, organisational development and related professions permanent	56	8	8	14.29

Occupations	Number of employees at beginning of period – April 2013	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Human resources clerks, permanent	368	41	29	7.88
Human resources-related, contract	2	11	7	54
Information technology-related, permanent	36	3	5	13.89
Information technology-related, contract	11	18	1	3.45
Judges, permanent	239	19	12	5.02
Language practitioners, interpreters and other communication, permanent	1 894	103	86	4.54
Language practitioners, interpreters and other communication, permanent	31	203	180	76.92
Librarians and related professionals, permanent	34	3	8	23.53
Library, mail and related clerks, permanent	334	27	20	5.99
Library mail and related clerks, contract	10	26	23	63.89
Logistical and support personnel, permanent	37	11	4	10.81
Logistical and support personnel, contract	1	3	3	75.00
Magistrates, permanent	1 637	151	49	2.99
Magistrates, contract	180	472	390	59.82
Material recording and transport clerks, permanent	81	17	7	8.64
Material recording and transport clerks, contract	60	85	79	54.48
Messengers, porters and deliverers, permanent	406	52	24	5.91
Messengers, porters and deliverers, contract	37	25	21	33.87
Risk management and security services, permanent	8	0	0	0.00
Secretaries and other keyboard-operating clerks, permanent	982	106	50	5.09
Secretaries and other keyboard-operating clerks, contract	90	163	124	49.01
Security officers, permanent	314	7	20	6.37
Security officers, contract	0	4	4	100.00
Senior managers, permanent	162	13	5	3.09
Senior managers, contract	25	15	8	20.00
Social work and related professionals, permanent	94	13	9	9.57
Statisticians and related professionals, permanent	2	0	0	0.00
Total	19 189	3 470	2 550	13.29

The table below identifies the major reasons why staff left the Department.

Table 3.5.3: Reasons why staff left the Department

Termination type	Number	Percentage of total resignations
Death	92	3.61
Resignation	313	12.27
Expiry of contracts	1 700	66.67
Discharged due to ill health	15	0.59
Dismissal – misconduct	65	2.55
Retirement	176	6.90
Transfer to other public service departments	189	7.41
Total	2 550	100.00
Total number of employees who left as a percentage of total employment		12.95

Table 3.5.4: Promotions by critical occupation

Occupation	Employees as at 1 April 2013	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	9 432	139	1.47	1 875	19.88
Administrative-related, contract	125	0	0.00	45	36.00
Advocates, permanent	70	1	1.43	61	87.14
Attorneys, permanent	203	3	1.48	147	72.41
Attorneys, contract	2	0	0.00	2	100.00
Authors, journalists and other writers, contract	1	0	0.00	0	0.00
Building and other property caretakers, permanent	5	0	0.00	4	80.00
Bus and heavy vehicle drivers, permanent	26	0	0.00	16	61.54
Cleaners in offices, workshops, hospitals, etc, permanent	145	0	0.00	125	86.21
Cleaners in offices, workshops, hospitals, etc, contract	1	0	0.00	0	0.00
Client information clerks (switchboard, reception, information clerks), permanent	126	0	0.00	101	80.16
Client information clerks (switchboard, reception, information clerks), contract	2	0	0.00	0	0.00

Occupation	Employees as at 1 April 2013	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
Communication- and information-related, permanent	32	2	6.25	23	71.88
Communication- and information-related, contract	1	0	0.00	0	0.00
Finance and related professionals, permanent	189	19	10.05	124	65.61
Finance and related professionals, contract	10	0	0.00	3	30.00
Finance clerks and credit controllers, permanent	577	20	3.47	243	42.11
Finance clerks and credit controllers, contract	70	0	0.00	14	20.00
Food services, aids and waiters, permanent	26	0	0.00	21	80.77
Food services, aids and waiters, contract	1	0	0.00	1	100.00
General legal administration and related professionals, permanent	970	28	2.89	727	74.95
General legal administration and related professionals, contract	44	0	0.00	9	20.45
Head of department/ chief executive officer, permanent	1	0	0.00	0	0.00
Human resources, organisational development and related professions, permanent	56	7	12.50	36	64.29
Human resources clerks, permanent	368	9	2.45	237	64.40
Human resources related, contract	2	0	0.00	2	100.00
Information technology-related, permanent	36	0	0.00	20	55.56
Information technology-related, contract	11	0	0.00	2	18.18
Judges, permanent	239	4	1.67	0	0.00
Language practitioners, interpreters and other communication, permanent	1 894	37	1.95	1 424	75.18
Language practitioners, interpreters and other communication, contract	31	0	0.00	5	16.13

Occupation	Employees as at 1 April 2013	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
Librarians and related professionals, permanent	34	1	2.94	15	44.12
Librarians and related professionals, contract	0	0	0.00	0	0.00
Library, mail and related clerks, permanent	334	7	2.10	84	25.15
Library, mail and related clerks, contract	10	0	0.00	0	0.00
Logistical and support personnel, permanent	37	5	13.51	17	45.95
Logistical and support personnel, contract	1	0	0.00	0	0.00
Magistrates, permanent	1 637	47	2.87	0	0.00
Magistrates, contract	180	0	0.00	0	0.00
Material recording and transport clerks, permanent	81	1	12.35	5	6.17
Material recording and transport clerks, contract	60	0	0.00	0	0.00
Messengers, porters and deliverers, permanent	406	1	0.25	309	76.11
Messengers, porters and deliverers, contract	37	0	0.00	0	0.00
Risk management and security services, permanent	8	0	0.00	1	12.50
Secretaries and other keyboard-operating clerks, permanent	982	25	2.55	571	58.15
Secretaries and other keyboard-operating clerks, contract	90	0	0.00	51	56.67
Security officers, permanent	314	2	0.64	177	56.37
Security officers, contract	0	0	0.00	0	0.00
Senior managers, permanent	162	14	8.64	96	59.26
Senior managers, contract	25	0	0.00	20	80.00
Social work and related professionals, permanent	94	2	2.13	49	52.13
Social work and related professionals, contract	0	0	0.00	0	0.00
Statisticians and related professionals, permanent	2	0	0.00	1	50.00
Total	19 189	374	1.95	6663	34.72

Table 3.5.5: Promotions by salary band

Salary band	Employees 1 April 2013	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 as a percentage of employees by salary band
Lower skilled (levels 1 – 2), permanent	5	0	0.00	1	20.00
Skilled (levels 3 – 5), permanent	10 182	62	0.61	2 576	25.30
Highly skilled production (levels 6 – 8), permanent	4 281	151	3.53	2 380	55.59
Highly skilled supervision (levels 9 – 12), permanent	1 979	96	4.85	1 391	70.29
Senior management service (level 13 – 16) permanent	162	14	8.64	161	99.39
Magistrates	1 637	47	2.87	0	0.00
Judges	239	4	1.67	0	0.00
Contract (levels 1 – 2)	28	0	0.00	0	0.00
Contract (levels 3 – 5)	208	0	0.00	13	6.25
Contract (levels 6 – 8)	159	0	0.00	105	66.04
Contract (levels 9 – 12)	164	0	0.00	15	9.15
Contract (levels 13 – 16)	145	0	0.00	21	14.48
Total	19 189	374	1.95	6 663	34.72

3.6 EMPLOYMENT EQUITY

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

Table 3.6.1: Total number of employees (including employees with disabilities) in each of the following occupational categories as on 31 March 2014

Occupational categories (SASCO)	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Judges	72	15	12	64	35	8	12	23	241
Magistrates	416	81	62	418	284	61	88	233	1 643
Legislators, senior officials and managers, permanent	61	11	12	16	50	4	10	10	174
Legislators, senior officials and managers, temporary	13	1	2	4	7	2	0	1	30
Professionals, permanent	1 016	40	35	138	903	109	103	197	2 541
Professionals, temporary	108	21	14	40	75	13	13	31	315
Clerks, permanent	3 290	340	132	121	5 837	923	241	973	11 857
Clerks, temporary	130	7	4	7	194	17	12	13	384
Service and sales workers, permanent	146	37	11	58	31	8	1	6	298
Service and sales workers, temporary	1	0	0	0	0	0	0	0	1
Plant and machine operators and assemblers, permanent	20	3	1	1	0	0	0	0	25
Labourers and related workers, permanent	287	44	4	12	202	15	4	9	577
Labourers and related workers, temporary	24	0	0	1	14	1	0	0	40
Technical and associated professions, permanent	522	48	14	54	618	69	30	161	1 516
Technical and associated professions, temporary	14	1	0	0	18	3	1	5	42
Total	6 120	649	303	934	8 268	1 233	515	1 662	19 684
Employees with disabilities	99	13	7	28	125	16	3	19	310

Table 3.6.2: Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2014

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Judges	72	15	12	64	35	8	12	23	241
Magistrates	416	81	62	418	284	61	88	233	1643
Top management, permanent	1	2	0	1	2	0	1	1	8
Senior management, permanent	60	9	12	15	48	4	8	10	166

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Professionally qualified and experienced specialists and mid-management, permanent	752	47	32	158	680	88	86	213	2 056
Skilled technical and academically qualified workers, junior management, supervisors, foremen, permanent	1 383	93	43	105	1 645	217	97	717	4 300
Semi-skilled and discretionary decision-making, permanent	3 145	372	122	121	5 266	819	197	415	10 457
Unskilled and defined decision-making, permanent	1	0	0	0	0	0	0	0	1
Contract (top management), permanent	2	0	0	0	2	0	0	0	4
Contract (senior management)	77	18	13	36	46	11	9	26	236
Contract (professionally qualified)	41	3	3	8	26	2	4	5	92
Contract (skilled technical)	35	2	1	5	68	10	5	18	144
Contract (semi-skilled), permanent	117	7	3	2	156	12	7	1	305
Contract (unskilled)	0	0	0	0	0	0	0	0	0
Interns	18	0	0	1	10	1	1	0	31
Total	6 120	649	303	934	8 268	1 233	515	1 662	19 684

Table 3.6.3: Recruitment

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Judges	4	0	0	4	5	0	2	4	19
Magistrates	41	14	9	12	49	9	9	8	151
Top management	0	1	0	0	1	0	0	1	3
Senior management	4	0	0	0	3	0	1	2	10
Professionally qualified and experienced specialists and mid-management	54	2	3	5	60	10	6	10	150

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	92	5	4	2	101	8	7	15	234
Semi-skilled and discretionary decision-making	310	30	11	4	430	33	7	17	842
Unskilled and defined decision-making	0	0	0	0	0	0	0	0	0
Contract (senior management, including magistrates)	160	26	24	111	70	16	22	58	487
Contract (professionally qualified)	55	3	7	7	29	1	5	9	116
Contract (skilled technical)	101	16	1	11	223	35	11	46	444
Contract (semi-skilled)	357	36	9	10	516	52	14	14	1 008
Contract (unskilled)	5	0	0	0	1	0	0	0	6
Total	1 183	133	68	166	1 488	164	84	184	3 470
Employees with disabilities	29	2	2	1	24	1	0	0	59

Table 3.6.4: Promotions

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Judges	2	0	0	1	0	0	1	0	4
Magistrates	17	2	0	5	16	1	1	5	47
Top management, permanent	0	0	0	0	2	0	1	0	3
Senior management, permanent	3	0	1	0	4	1	1	1	11

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Senior management, contract	0	0	0	0	0	0	0	0	0
Professionally qualified and experienced specialists and mid-management, permanent	34	4	2	3	46	1	1	1	96
Professionally qualified and experienced specialists and mid-management, contract	0	0	0	0	0	0	0	0	0
Skilled technical and academically qualified workers, junior management, supervisors, foremen, permanent	54	3	2	2	77	6	3	4	151
Skilled technical and academically qualified workers, junior management, supervisors, foremen, contract	0	0	0	0	0	0	0	0	0
Semi-skilled and discretionary decision-making, permanent	25	2	0	0	29	3	0	3	62
Semi-skilled and discretionary decision-making, contract	0	0	0	0	0	0	0	0	0
Unskilled and defined decision-making, permanent	0	0	0	0	0	0	0	0	0
Total	139	11	5	11	174	12	8	14	374
Employees with disabilities	1	0	0	1	1	0	0	0	3

Table 3.6.5: Terminations

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
* Top management, permanent	1	0	1	13	0	0	0	1	16
**Senior management, permanent	17	2	2	32	6	0	0	7	66
Professionally qualified and experienced specialists and mid-management, permanent	55	5	1	3	29	4	2	14	113
Skilled technical and academically qualified workers, junior management, supervisors, foremen, permanent	121	7	3	11	101	10	5	47	305
Semi-skilled and discretionary decision-making, permanent	116	26	3	5	160	23	7	15	355
Unskilled and defined decision-making, permanent	0	0	0	0	0	0	0	0	0
Contract (senior management)	136	14	24	94	56	12	19	46	401
Contract (professionally qualified)	30	2	5	3	24	2	2	10	78

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Contract (skilled technical)	82	15	0	9	186	32	7	36	367
Contract (semi-skilled)	299	36	8	9	435	42	8	14	851
Contract (unskilled)	1	0	0	0	1	0	0	0	2
Total	858	107	47	175	998	125	50	190	2 550
Employees with disabilities	3	2	0	0	4	0	2	2	13

* Includes judges

** Includes magistrates

Table 3.6.6: Disciplinary action

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	232	13	4	14	169	17	2	20	471

Table 3.6.7: Skills development for the period 1 April 2013 to 31 March 2014

Occupational bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	3	0	0	0	3	0	0	1	7
Professionals	699	0	51	18	325	39	18	18	1 168
Technicians and associate professionals	699	4	39	1	901	44	4	4	1 696
Clerks	1 201	4	266	30	1560	279	19	19	3 378
Service and sales workers	0	0	0	0	0	0	0	0	0
Plant and machine operators and assemblers	0	0	0	0	0	0	0	0	0
Elementary occupations	14	0	1		4	2	0	0	21
Employees with disabilities	0	0	0	0	0	0	0	0	0
Total	2 616	8	357	49	2 793	364	41	42	6 270
Employees with disabilities	5	3	2	1	8	1	2	1	23

3.7 SIGNING OF PERFORMANCE AGREEMENTS BY SMS MEMBERS

All members of the SMS must conclude and sign performance agreements within specific time frames. Information regarding the signing of performance agreements, the reasons for not complying within the prescribed time frames and disciplinary steps taken are presented here.

Table 3.7.1: Signing of performance agreements by SMS members as on 31 May 2013

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	1	100%
Salary level 16, but not Head of Department	1	1	1	100%
Salary level 15	10	4	4	100%
Salary level 14	43	34	33	97%
Salary level 13	143	137	132	96%
Total	198	177	171	97%

3.7.2: Reasons for not having concluded performance agreements for all SMS members as on 31 May 2013

- 1 x level 14 – COO Branch: non-compliance.
- 2x level 13 – COO Branch: non-compliance.
- 1x level 13 – CLO Branch: non-compliance.
- 1x level 13 – HR Head Free State on suspension.
- 1x level 13 – HR (CMC) National seconded to Arms Deal.

3.7.3: Disciplinary steps taken against SMS members for not having concluded performance agreements as on 31 July 2013

1. SMS members who do not sign agreement on time will be disqualified from performance rewards.

3.8 PERFORMANCE REWARDS

To encourage good performance, the Department granted the following performance rewards during the year under review. The information is presented in terms of race, gender, and disability salary bands and critical occupations.

Table 3.8.1: Performance rewards by race, gender and disability

	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	1 884	14 388	13.09	24 880	13 205
Male	830	6 120	13.56	11 425	13 765
Female	1 054	8 268	12.75	13 455	12 765
Asian	109	818	13.33	1 949	17 880
Male	33	303	10.89	713	21 606
Female	76	515	14.76	1 237	16 276
Coloured	246	1 882	13.07	2 914	11 845
Male	74	649	11.40	934	12 621
Female	172	1 233	13.95	1 980	11 511
White	528	2 596	20.34	8 868	20 719
Male	105	934	11.24	2 713	25 838
Female	423	1 662	25.45	6 155	14 550
Total	2 767	19 684	14.06	38 611	13 954

Table 3.8.2: Performance rewards by salary bands for personnel below Senior Management Service

Salary bands	Beneficiary profile			Cost		
	Number of beneficiaries	Number of employees	Percentage of total within salary bands	Total cost (R'000)	Average cost per employee	Total cost as a percentage of the total personnel expenditure
Lower skilled (levels 1 – 2)	1	1	100	4	3797	0.00
Skilled (levels 3 – 5)	816	10 457	7.8	5 329	6 530	0.04
Highly skilled production (levels 6 – 8)	1 262	4 300	29.35	14 693	11 642	0.11
Highly skilled supervision (levels 9 – 12)	639	2 056	31.08	16 960	26 541	0.00
Interns	0	31	0	0	0	0.00
Contract (levels 1 – 2)	0	0	0	0	0	0.00
Contract (levels 3 – 5)	6	305	1.97	41	6 833	0.00

Salary bands	Beneficiary profile		Cost			
Contract (level 6 – 8)	8	144	5.56	81	10 125	0.00
Contract (level 9 – 12)	11	92	11.96	262	23 818	0.00
Total	2 743	17 386	15.78	37 370	13 623	0.29

Table 3.8.3: Performance rewards by occupations

Occupations	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	1 063	9 641	11.03	13 122	12 343
Administrative-related, contract	7	209	3.35	86	12 236
Advocates, permanent	22	69	31.88	962	43 730
Advocates, contract	0	1	0.00	0	0
Attorneys, permanent	39	230	16.96	1 259	32 291
Attorneys, contract	0	10	0.00	0	0
Authors, journalists and other writers, contract	0	1	0.00	0	0
Building and other property caretakers, permanent	1	4	25.00	9	2197
Bus and heavy vehicle drivers, permanent	10	25	40.00	50	5 015
Cleaners in offices, workshops, hospitals, etc, permanent	24	134	17.91	118	4 917
Cleaners in offices, workshops, hospitals, etc, contract	0	2	0.00	0	0
Client information clerks (switchboard, reception, information clerks), permanent	37	125	29.60	238	6 432
Client information clerks (switchboard, reception, information clerks), contract	0	1	0.00	0	0
Communication - and information-related, permanent	21	36	58.33	465	22 135
Communication and information-related, contract	1	1	100.00	36	35 856
Finance and related professionals, permanent	54	209	25.84	683	12 635
Financial and related professionals, contract	0	2	0.00	0	0
Finance clerks and credit controllers, permanent	146	615	23.74	2 538	17 381
Finance clerks and credit controllers, contract	9	55	16.36	148	16 469

Occupations	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	Percentage of total within occupation	Total cost (R'000)	Average cost per employee
Food services, aids and waiters, permanent	10	26	38.46	59	5 876
Food services, aids and waiters, contract	1	2	50.00	5	4 857
General legal administration and related professionals, permanent	249	1 013	24.58	6 607	26 535
General legal administration and related professionals, contract	0	45	0.00	0	0
Head of department/chief executive officer, permanent	0	1	0.00	0	0
Human resources, organisational development and related professions, permanent	21	58	36.21	263	12 533
Human resources clerks, permanent	173	361	47.92	2 930	16 936
Human resources clerks, contract	2	6	33.33	30	15 239
Information technology-related, permanent	12	34	35.29	223	18 564
Information technology-related, contract	0	27	0.00	0	0
Judges	0	241	0.00	0	0
Language practitioners, interpreters and other communication, permanent	289	1909	15.14	2 728	9 440
Language practitioners, interpreters and other communication, contract	0	50	0.00	0	0
Librarians and related professionals, permanent	9	33	27.27	92	10 232
Library, mail and related clerks, permanent	52	338	15.38	444	8 532
Library, mail and related clerks, contract	0	8	0.00	0	0
Logistical and support, personnel, permanent	10	42	23.81	110	11 001
Logistical and support, personnel, contract	0	1	0.00	0	0
Magistrates, permanent	0	1643	0.00	0	0
Magistrates, contract	0	210	0.00	0	0

Occupations	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	Percentage of total within occupation	Total cost (R'000)	Average cost per employee
Material recording and transport clerks, permanent	1	82	1.22	6	0
Material recording and transport clerks, contract	0	36	0.00	0	0
Messengers, porters and deliverers, permanent	117	411	28.47	619	5 290
Messengers, porters and deliverers, contract	2	36	5.56	53	26265
Risk management and security services, permanent	2	7	28.57	25	12 693
Secretaries and other keyboard-operating clerks, permanent	265	1011	26.21	2 581	9 740
Secretaries and other keyboard-operating clerks, contract	3	78	3.85	27	8 911
Security officers, permanent	72	291	24.74	513	7 125
Security officers, contract	0	1	0.00	0	0.00
Senior managers, permanent	24	174	13.79	1 241	51 728
Senior managers, contract	0	29	0.00	0	0.00
Social work and related professionals, permanent	17	109	15.60	341	20 070
Statisticians and related, permanent	0	2	0.00	0	0.00
Total	2 767	19 684	14.06	38 611	13 954

Table 3.8.4: Performance-related rewards (cash bonus) by salary band for Senior Management Service

Salary band	Beneficiary profile			Cost		
	Number of beneficiaries	Number of employees	Percentage of total within band	Total cost (R'000)	Average cost per employee	Total cost as a percentage of the total personnel expenditure
Band A	21	130	16.15	772	36 771	0.00
Band B	3	36	8.33	137	45 629	0.00
Band C	0	6	0.00	0	0	0.00
Band D	0	2	0.00	0	0	0.00
Total	24	174	13.79	909	37 875	0.00

3.9 FOREIGN WORKERS

The tables below summarise the employment of foreign nationals in the Department in terms of salary bands and by major occupation.

Table 3.9.1: Foreign workers, 1 April 2013 to 31 March 2014, by salary band

Salary Band	31 March 2013		31 March 2014		Change	
	Number	% of total	Number	% of total	Number	% change
Lower skilled (casual labourers hourly paid)	43	24	51	27.9	8	200
Skilled (levels 3 – 5)	2	1.1	2	1.1	0	0
Highly skilled production (levels 6 – 8)	1	0.6	1	0.5	0	0
Highly skilled supervision (levels 9 – 12)	4	2.2	3	1.6	-1	-25
Senior management (levels 13 – 16)	1	0.6	1	0.5	0	0
Contract (levels 3 – 5)	41	22.9	39	21.3	-2	-50
Contract (levels 6 – 8)	2	1.1	3	1.6	1	25
Contract (levels 9 – 12)	5	2.8	5	2.7	0	0
Periodical Remuneration	80	44.7	78	42.6	-2	-50
Total	179	100	183	100	4	100

Table 3.9.2: Foreign workers by major occupation (1 April 2013 to 31 March 2014)

Major occupation	31 March 2012		31 March 2013		Change	
	Number	Percentage of total	Number	Percentage of total	Number	Percentage change
Administrative office workers	144	80.4	150	82	6	150
Professionals and managers	35	19.6	33	18	-2	-50
Total	179	100	183	100	4	100

3.10 LEAVE UTILISATION

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

Table 3.10.1: Sick leave, 1 January 2013 to 31 December 2013

Salary band	Total days	Percentage days with 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)	25	72	4	0	6	7
Skilled (levels 3 – 5)	98 561	87	9 325	55.3	11	41 507
Highly skilled production (levels 6 – 8)	37 223.5	84.8	3 798	22.5	10	25 802
Highly skilled supervision (levels 9 – 12)	24 871	81.8	2 486	14.7	10	41 700
Senior management (levels 13 – 16)	4 795	83.3	481	2.9	10	12 691
Contract (levels 1 – 2)	37	73	9	0.1	4	6
Contract (levels 3 – 5)	1 923.5	77.8	422	2.5	5	818
Contract (levels 6 – 8)	1 280	82.3	231	1.4	6	832
Contract (levels 9 – 12)	471	80.3	85	0.5	6	693
Contract (levels 13 – 16)	171	83	27	0.2	6	560
Total	169 358	85.5	16 868	100	10	124 616

Table 3.10.2: Incapacity leave (temporary and permanent), 1 January 2013 to 31 December 2013

Salary band	Total days taken	Percentage days with 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)	7 099	100	176	55.5	40	3 059
Skilled (levels 3 – 5)	3 798	99.9	103	32.5	37	2 725
Highly skilled production (levels 6 – 8)	1472	100	26	8.2	57	2 266
Highly skilled supervision (levels 9 – 12)	155	100	2	0.6	78	487
Senior management (levels 13 – 16)	54	100	4	1.3	14	19
Contract (levels 6 – 8)	111	100	4	1.3	28	88
Contract (levels 9 – 12)	13	100	2	0.6	7	12
Total	12 702	100	317	100	40	8 656

The table below summarises the utilisation of annual leave. The wage agreement concluded with trade unions in the Public Service Coordinating Bargaining Council (PSCBC) in 2000 requires management of annual leave to prevent high levels of accrued leave being paid at the time of termination of service.

Table 3.10.3: Annual leave, 1 January 2013 to 31 December 2013

Salary bands	Total days taken	Average per employee	Number of employees who took leave
Lower skilled (levels 1 – 2)	95	16	6
Skilled (levels 3 – 5)	220 979.99	21	10 446
Highly skilled production (levels 6 – 8)	110 374.92	25	4 495
Highly skilled supervision (levels 9 – 12)	77 411	25	3 156
Senior management (levels 13 – 16)	20 223	28	734
Contract (levels 1 – 2)	136	7	19
Contract (levels 3 – 5)	5 921.92	9	639
Contract (levels 6 – 8)	4 329	13	346
Contract (levels 9 – 12)	1 407	11	131
Contract (levels 13 – 16)	517	14	37
Total	441 394.83	22	20 009

Table 3.10.4: Capped leave, 1 January 2013 to 31 December 2013

Salary bands	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2013	Number of employees who took capped leave	Total number of capped leave available as at 31 december 2013
Lower skilled (levels 1 – 2)	217	6	44	37	58 872
Skilled (levels 3 – 5)	907	7	73	122	177 180
Highly skilled production (levels 6 – 8)	163	5	59	34	40 648
Highly skilled supervision (levels 9 – 12)	37	6	68	6	12 516
Senior management (levels 13 – 16)	9	9	11	1	11
Total	1 333	7	62	200	289 227

Table 3.10.5: Leave payouts for the period 1 April 2013 to 31 March 2014

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
Capped leave payouts on termination of service for 2013/14	1 767	116	15 233
Current leave payout on termination of service for 2013/14	11	262	42
Total	1 778	378	4 704

3.11 HIV/ AIDS AND HEALTH PROMOTION PROGRAMMES

Table 3.11.1: Steps taken to reduce the risk of occupational exposure

Units/categories of employees identified to be at high risk of contracting HIV and related diseases (if any)	Key steps taken to reduce the risk
The Department does not have categories of employees identified to be at risk of exposure to HIV infection due to the nature of their occupations.	

Table 3.11.2: Details of Health Promotion and HIV and AIDS programmes (tick the applicable boxes and provide the required information)

Question	Yes	No	Details, if yes
1. Has the Department designated a member of the SMS to implement the provisions contained in Part VI 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 wellbeing of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	Yes		Directorate: one director, two deputy directors and four assistant directors. Budget for the 2013/14 financial year was: R3 million
3. Has the Department introduced an employee assistance or health promotion programme for your employees? If so, indicate the key elements/services of this programme.	Yes		1. Psychosocial counselling 2. Health promotion and risk management. 3. HIV/AIDS and TB workplace programme. 4. Sports 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		The following members form the committee: Mr Sipho Matshika - HR Management Ms Taunia Fouché - Employment Equity Ms Jane Teffo – Quality of Work Life Ms Linda Malatse - SHERQ Mr Isaac Koto - EAP
5. Has the Department reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed.	Yes		The Employee Health and Wellness Directorate recently reviewed its policies to align them with DPSA.

Question	Yes	No	Details, if yes
6. Has the Department introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of these measures.	Yes		1. Prevention and awareness: <ul style="list-style-type: none"> • Commemoration of calendar - specific events, namely, STI Condom Week, TB Day, Candlelight Memorial, Ribbon Month and World AIDS Day. • HIV counselling and testing. • Anti-stigma and discrimination workshops. 2. Care and support: <ul style="list-style-type: none"> • Counselling to infected and affected employees. • Training and preparation of peer educators nationally. • Maintaining internal and external linkages, and efficient referral of employees in need of help.
7. Does the Department encourage its employees to undergo voluntary counselling and testing? If so, list the results that you have.	Yes		A total of 617 employees were tested for HIV as part of the national campaign in the last financial year.
8. Has the Department developed measures/indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures/indicators.	Yes		In addition to the quarterly report, the programme is measured through a system monitoring tool (SMT) on an annual basis, which requires a report to be sent to DPSA in September every year.

3.12 LABOUR RELATIONS

Table 3.12.1: Collective agreements, 1 April 2013 to 31 March 2014

Total collective agreements	None
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The following table summarises the outcome of disciplinary hearings conducted within the Department for the year under review.

Table 3.12.2: Misconduct and disciplinary hearings finalised

Outcomes of disciplinary hearings	Number	Percentage of total
Acquittal	20	7
Demotion	2	1
Deceased	2	1
Dismissal	96	32
Resignation	16	5
Suspended	64	21
Verbal warning	5	2
Written warning	34	11
Final warning	28	9
Withdrawn	37	12
Total	304	100%

Table 3.12.3: Types of misconduct addressed at disciplinary actions/hearings

Type of misconduct	Number	Percentage of total
Abscondment	18	4
Abuse of leave	22	5
Abuse of state property	23	5
Alcohol abuse	5	1
Assault	11	2
Bribery	3	1
Corruption	30	6
Damage to state property	3	1
Defeating ends of justice	1	0
Dishonesty	13	3
Falsification of documents	3	1
Fraud	101	21
Insubordination	29	6
Mismanagement of funds	10	2
Loss of state money	8	2
Maladministration	7	1
Misrepresentation	14	3
Negligence	40	8
Poor performance	10	2
Sexual harassment	1	0
Theft	50	11
Unauthorised absence	42	9
Unethical behaviour	27	6
Total	471	100%

Table 3.12.4: Grievances lodged

Number of dispute outcomes – finalised	Number	Percentage of total
Settlement	8	8.5
Withdrawal	12	13
Dismissed	27	29
Referred to arbitration	18	19
Unresolved	29	31
Total – finalised cases	94	100%
Total number of disputes lodged (all cases included – finalised and not finalised)	296	

Table 3.12.5: Disputes lodged with councils

Number of dispute outcomes	Number	Percentage of total
Settlement	0	0.00
Withdrawal	0	0.00
Dismissed	0	0.00
Referred to arbitration	0	0.00
Unresolved	0	0.00
Total number of disputes lodged	0	0.00

Table 3.12.6: Strike actions

Total number of person working days lost	0
Total cost (R'000) of working days lost	0
Amount (R'000) recovered as a result of no work no pay	0

Table 3.12.7: Precautionary suspensions

Number of people suspended (overall)	77
Number of people suspended(not finalised cases)	32
Number of people whose suspension exceeded 30 days (not finalised cases)	31
Number of people whose suspension exceeded 60 days (not finalised cases)	27
Average number of days suspended(not finalised cases)	268
Cost (R'000) of suspensions (2012/2013 financial year) – overall	R6 797 664
Cost (R'000) of suspensions (total to date)	R11 291 399

3.13 SKILLS DEVELOPMENT

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

Table 3.13.1: Training needs identified 1 April 2013 to 31 March 2014

Occupational categories	Gender	Number of employees as at 1 April 2013	Training provided within the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Male	96	1	18	0	19
	Female	<u>64</u>	0	30	0	30
Professionals	Male	1 181	7	422	0	429
	Female	<u>1 220</u>	12	403	0	415
Technicians and associate professionals	Male	634	14	885	0	899
	Female	<u>2 320</u>	13	889	0	902
Clerks	Male	3 801	34	2 388	0	2 422
	Female	<u>7 840</u>	76	3 335	0	3 411
Service and sales workers	Male	271	0	0	0	0
	Female	<u>51</u>	0	0	0	0
Plant and machine operators and assemblers	Male	26	0	0	0	0
	Female	<u>0</u>	0	0	0	0
Labourers and related workers	Male	336	0	38	0	38
	Female	<u>246</u>	0	39	0	39
Gender subtotals	Male	6345	0	0	0	0
	Female	<u>11 741</u>	0	0	0	0
Total		18 086	157	8 447	0	8 604

Table 3.13.2: Training provided 1 April 2013 to 31 March 2014

Occupational categories	Gender	Number of employees as at 1 April 2013	Training provided within the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Male	96	0	3	0	3
	Female	<u>64</u>	0	4	0	4
Professionals	Male	1 181	6	762	0	768
	Female	<u>1 220</u>	9	375	16	400
Technicians and associate professionals	Male	634	0	743	0	743
	Female	<u>2 320</u>	0	953	0	953
Clerks	Male	3 801	110	1 391	0	1 501
	Female	<u>7 840</u>	183	1 694	0	1 877
Service and sales workers	Male	271	0	0	0	0
	Female	<u>51</u>	0	0	0	0
Plant and machine operators and assemblers	Male	26	0	0		0
	Female	<u>0</u>	0	0	0	0
Labourers and related workers	Male	336	0	15	0	15
	Female	<u>246</u>	0	6	0	6
Gender subtotals	Male	6 345	116	2 914	0	3 030
	Female	<u>11 741</u>	192	3 032	16	3 240
Total		18 086	308	5 946	16	6 270

3.14 INJURY ON DUTY

The following tables provide basic information on injury on duty.

Table 3.14.1: Injury on duty

Nature of injury on duty	Number	Percentage of total
Required basic medical attention only	52	82.54
Pending investigation	11	17.46
Temporary total disablement	0	0.00
Permanent disablement	0	0.00
Fatal	0	0.00
Total	63	100.00

3.15 UTILISATION OF CONSULTANTS

The following table relates information on the utilisation of consultants in the Department.

In terms of the Public Service Regulations, “consultant” means a natural or juristic person or a partnership who or which provides any of the following professional services to a department against remuneration received from any source in terms of a specific contract on an ad hoc basis:

- The rendering of expert advice.
- The drafting of proposals for the execution of specific tasks.
- The execution of a specific task which is of a technical or intellectual nature, but excludes an employee of the Department.

Table 3.15.1: Report on consultant appointments using appropriated funds

Project title	Total number of consultants that worked on the project	Duration: work days	Contract value in Rand
Sexual harassment training – Siyakha Search and Selection.	1	1 day	R34 200
Facilitator for HR plan workshop – Injobo Management Concept.	1	3 days	R50 000
Training of justice officials and traditional leaders on restorative justice .	1	2 days	R56,949
Ducharme Consulting (PTY) Ltd- verification of library books.	109	36 days	R5 947 758
E-justice services.	7	240 days	R7 946 190
Appointment of a service provider for the capacitation of programme management office for the integrated justice system (IJS): SITA contract no: RFB 570.	22	1 080 days	R68 905 728
Assessment of the impact of the decision of the constitutional court and supreme court of appeal on society (deviation).	25	540 days	R10 324 841
Foundation for victims of crime: compilation of the draft court-based victim support model.	1	90 days	R38 000

Project title	Total number of consultants that worked on the project	Duration: work days	Contract value in Rand
IPT training: compilation of the departmental and consolidated annual report on the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, Act No. 32 of 2007.	2	90 days	R176 000
TD Concepts: editing and proofreading of the MATTSO report.	1	2 days	R20 178.90
Business Enterprises at University of Pretoria: rapid research report on the sexual offences courts for MATTSO.	4	30 days	R485 184
Total number of projects	Total individual consultants	Total duration: work days	Total contract value in Rand
11	Paid to firm	2 114	93 983 229

Table 3.15.2: Analysis of consultant appointments using appropriated funds, in terms of historically disadvantaged individuals (HDIs)

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that work on the project
Sexual harassment training – Siyakha Search and Selection	4	N/A	Calculation of the preference points system for HDI groups is not applicable and was not considered.
Facilitator for HR plan workshop – Injobo Management Concept	3	100%	Calculation of the preference points system for HDI groups is not applicable and was not considered.
Training of justice officials and traditional leaders on restorative justice	3	100%	Calculation of the preference points system for HDI groups is not applicable and was not considered.
Ducharme Consulting (PTY) Ltd- verification of library books	N/A	N/A	Calculation of the preference points system for HDI groups is not applicable and was not considered.
E-justice services	N/A	N/A	Calculation of the preference points system for HDI groups is not applicable and was not considered.

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that work on the project
Appointment of a service provider for the capacitation of programme management office for the integrated justice system (IJS): SITA contract no: RFB 570	2	60%	Calculation of the preference points system for HDI groups is not applicable and was not considered.
Assessment of the impact of the decision of the constitutional court and supreme court of appeal on society (deviation)	N/A	N/A	Calculation of the preference points system for HDI groups is not applicable and was not considered.
Foundation for victims of crime: compilation of the draft court-based victim support model	3	100%	Calculation of the preference points system for HDI groups is not applicable and was not considered.
IPT training: compilation of the departmental and consolidated annual report on the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, Act No. 32 of 2007	3	100%	Calculation of the preference points system for HDI groups is not applicable and was not considered.
TD Concepts: editing and proof reading of the MATTSO report	N/A	N/A	Calculation of the preference points system for HDI groups is not applicable and was not considered.
Business EnterpriseS at University of Pretoria: rapid research report on the sexual offences courts for MATTSO	4	N/A	Calculation of the preference points system for HDI groups is not applicable and was not considered.

Table 3.15.3: Report on consultant appointments using donor funds

Project title	Total number of consultants that worked on the project	Duration: work days	Contract value in rand
-			
-			
	Total individual consultants	Total duration: work days	Total contract value in rand
-			

Table 3.15.4: Report on consultant appointments using donor funds, in terms of historically disadvantaged individuals (HDI's)

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that work on the project
-	-	-	-

3.16 SEVERANCE PACKAGES

Table 3.16.1: Granting of employee initiated severance packages for the period 1 April 2013 to 31 March 2014

Salary band	Number of applications received	Number of applications approved	Number of applications supported by mpsa	Number of packages approved by department
Lower skilled (levels 1 - 2)	0	0	0	0
Skilled (levels 3 - 5)	0	0	0	0
Highly skilled production (levels 6 - 8)	0	0	0	0
Highly skilled supervision (levels 9 - 12)	0	0	0	0
Senior management (levels 13 - 16)	0	0	0	0
Total	0	0	0	0



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