

Department of Justice and Constitutional Development

ANNUAL REPORT 2015/2016



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA





ANNUAL REPORT

Annual Report for 2015/16 Financial Year Vote. 21:
Department of Justice and Constitutional Development



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A pair of hands is shown from a top-down perspective, cupped together and holding several white, oval-shaped pills. The hands are positioned centrally, with the fingers slightly curled. The background is a soft, warm yellow. At the bottom of the image, there is a large, stylized graphic element consisting of a thick orange curved line that transitions into a yellow curved line, resembling a stylized 'S' or a decorative flourish.

Contents

PART A: GENERAL INFORMATION	7
1. Department General Information	7
2. List of Abbreviations/Acronyms/Definitions	8
3. Foreword by the Minister	10
4. Foreword by the Deputy Minister	14
5. Report of the Accounting Officer	17
6. Statement of Responsibility and Confirmation of Accuracy for the Annual Report	23
7. Strategic Overview	24
8. Legislative and Other Mandates	24
9. Organisational Structure	26
10. Entities Reporting to the Minister	27
PART B: PERFORMANCE INFORMATION	28
1. Auditor General's Report: Predetermined Objectives	29
2. Overview of Departmental Performance	29
3. Strategic Outcome Oriented Goals	48
4. Performance Information by Programme	50
5. Transfer Payments	117
6. Conditional Grants	118
7. Donor Funds	119
8. Capital Investment	123
PART C: GOVERNANCE	127
1. Introduction	128
2. Risk Management Committee	128
3. Minimising of Fraud and Corruption Risks	130
4. Minimising Conflict of Interest	131
5. Code of Conduct	131
6. Health Safety and Environmental Issues	131
7. Portfolio Committees	132
8. SCOPA Resolutions	146
9. Report of the Audit Committee	147

PART D: FINANCIAL INFORMATION

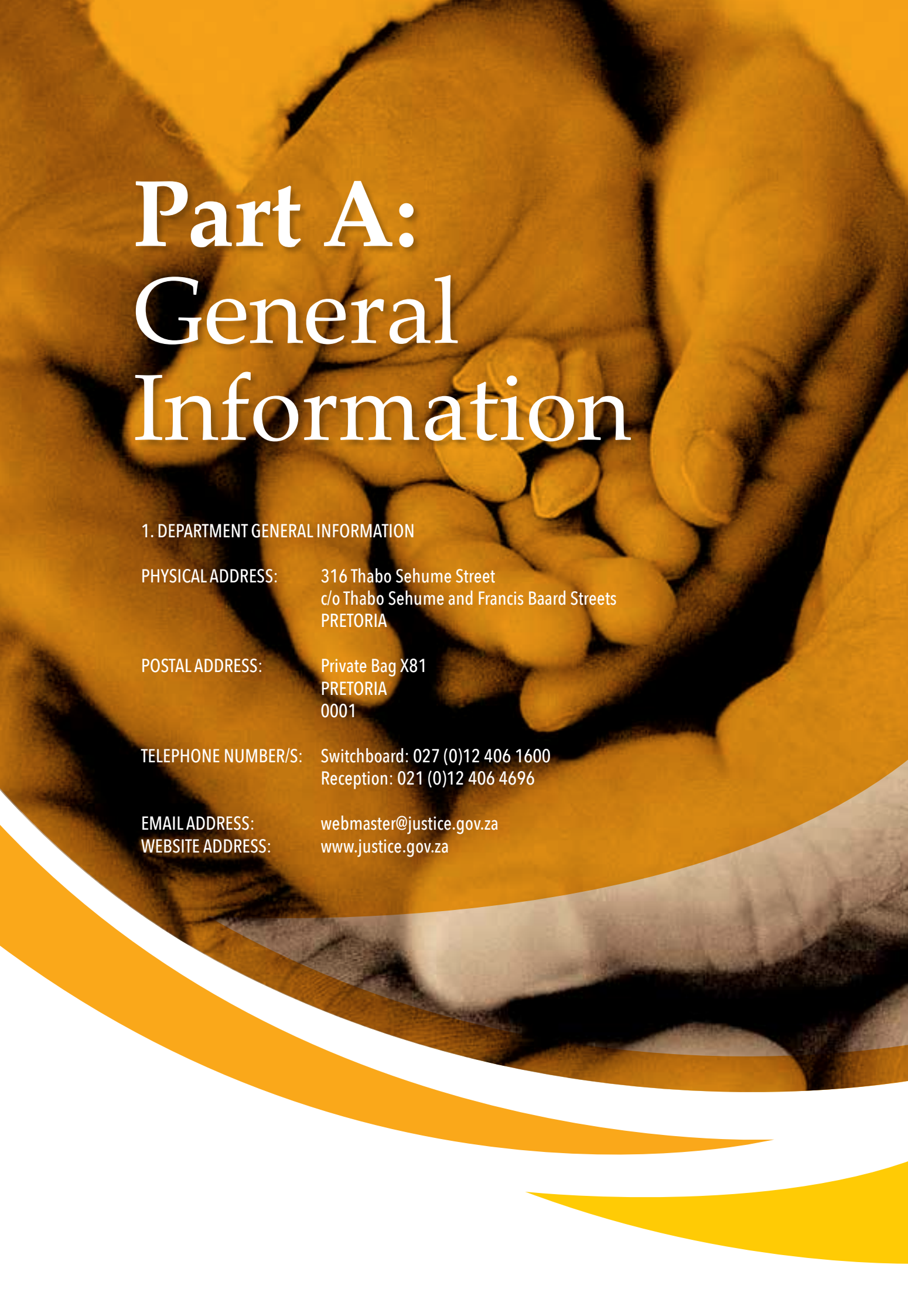
149

1.	Report of The Auditor-General to Parliament on Vote 21: Department of Justice and Constitutional Development	151
2.	Appropriation Statement	155
3.	Notes to the Appropriation Statement	169
4.	Statement of Financial Performance	171
5.	Statement of Financial Position	172
6.	Statement of Changes in Net Assets	173
7.	Cash Flow Statement	174
8.	Notes to the Annual Financial Statements (Including Accounting Policies)	175
9.	Unaudited Annexures	227

PART E: HUMAN RESOURCE MANAGEMENT

240

1	Legislation that governs Human Resource Management	241
2.	Introduction	241
2.1	Overview of HR Matters at the Department	241
2.2	HR Priorities	242
2.3	Workforce Planning Framework and Key Strategies to Attract and Recruit a Skilled and Capable Workforce	245
2.4	Employee Performance Management Framework	245
2.5	Employee Wellness Programme	245
2.6	Other Highlights of Achievements	246
2.7	Challenges Faced by the Department	247
2.8	Future HR Plans and Goals	248
3.1	Personnel-Related Expenditure	248
3.2	Employment and Vacancies	251
3.3	Filling of SMS Posts	254
3.4	Job Evaluation	256
3.5	Employment Changes	264
3.6	Employment Equity	271
3.7	Signing of Performance Agreements by SMS Members	275
3.8	Performance Rewards	276
3.9	Foreign Workers	279
3.10	Leave Utilisation	281
3.11	HIV/ Aids and Health Promotion Programmes	283
3.12	Labour Relations	286
3.13	Skills Development	290
3.14	Injury on Duty	292
3.15	Utilisation of Consultants	292
3.16	Severance Packages	296



Part A: General Information

1. DEPARTMENT GENERAL INFORMATION

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2. LIST OF ABBREVIATIONS/ACRONYMS/DEFINITIONS

ACTT	Anti-Corruption Task Team
ADRM	Alternative Dispute Resolution Method
AFU	Asset Forfeiture Unit
APA	Africa Prosecutors Association
APP	Annual Performance Plan
AU	African Union
AVR	Audiovisual Remand
BCM	Business Continuity Management
BCP	Business Continuity Plan
CAS	Criminal Administration System
CJA	Child Justice Act
CJS	Criminal Justice System
CPA	Criminal Procedure Act
CPO	Court Preparation Officer
CSO	Civil Society Organisation
DBE	Department of Basic Education
DCS	Department of Correctional Services
DOH	Department of Health
DOJ&CD	Department of Justice and Constitutional Development
DPP	Director of Public Prosecutions
DPSA	Department of Public Service and Administration
DSD	Department of Social Development
ECMS	Electronic Case Management System
EPM	Enterprise performance management
FATF	Financial Action Task Force
FHR	Foundation for Human Rights
HSRC	Human Sciences Research Council
ICMS	Integrated Case Management System
IJS	Integrated Justice System
JCPS	Justice Crime Prevention and Security
Legal Aid SA	Legal Aid South Africa
LGBTI	Lesbian, Gay, Bisexual, Transsexual and Inter-sexed
MACC	Minimum Anti-Corruption Capacity

MTSF	Medium-term Strategic Framework
NAP	National Action Plan
NDP	National Development Plan
NGO	Non-Governmental Organisation
NPA	National Prosecuting Authority
NRSO	National Register for Sex Offenders
NTT	National Task Team
O CJ	Office of the Chief Justice
OSD	Occupation-Specific Dispensation
OWP	Office for Witness Protection
PAIA	Promotion of Access to Information Act
PAJA	Promotion of Administrative Justice Act
PCLU	Priority Crime Litigation Unit
PEAS	Paperless Estates Administration System
PEAST	Paperless Estate Administration for Trusts
POCA	Prevention of Organised Crime Act
PSC	Public Service Commission
SALRC	South African Law Reform Commission
SAPS	South African Police Service
SCCU	Specialised Commercial Crime Unit
SCM	Supply Chain Management
SCOPA	Standing Committee on Public Accounts
SEJA	Socio-Economic Justice for All
SHER	Safety, Health, Environment and Risk
SITA	State Information Technology Agency
SMS	Senior Management Services
SPP	Senior Public Prosecutor
TCC	Thuthuzela Care Centre
TPF	Third Party Funds
TRC	Truth and Reconciliation Commission
UNCITRAL	United Nations Commission on International Trade Law
VFU	Vetting Fieldwork Units
VIS	Victim Impact Statement
WPP	Witness Protection Programme

3. Foreword by the Minister

Adv. T. M. Masutha, MP
Minister of Justice and Correctional Services



The 2015/16 Annual Report is launched in the year in which the country marks 20 years of the adoption of the democratic Constitution, which is a significant milestone in the country's transition from apartheid rule to a constitutional democracy.

Significantly, 2015 marked the 60th anniversary of Freedom Charter which is the foundation of our Constitution and its entrenched Bill of Rights. The democratic Constitution is the embodiment of the declarations in the Freedom Charter and represents a dream of a free, non-racial, non-sexist and democratic South Africa postulated by many of our forebears in Kliptown in 1955. Among the declarations in the Freedom Charter the following are central to the constitutional and legal order that we must preserve at all cost:

All National Groups shall have equal rights;

The People Shall Share in the Country's Wealth;

All Shall be Equal Before the Law;

All Shall Enjoy Equal Human Rights.

The democratic Constitution is the culmination of this seamless vision that defined the struggle for justice, human rights and freedom from want. The National Development Plan adopted in 2011 not only reiterates this seamless vision, but puts forward formidable action steps for its full and effective realisation.

This Annual Report reflects on the path we, in the administration of justice broadly, have traversed towards the realisation of the goals of our Constitution, of providing a transformed, accessible and fair justice system that places the victims and vulnerable persons of society at the centre.

We have made strides in relation to the transformation of the Judiciary. In the magistracy a total 162 magistrates were appointed in the past year. The racial and gender break down reflects 67 African females (41%), 40 African males (24%), 11 Coloured males (7%), 11 White females (7%), 10 Coloured females (6%), 9 Indian males (6%), 9 Indian females (6%) and 5 White males (3%).

This unprecedented number of judicial appointments made in one year since the advent of democracy affirms Government's commitment to racial and gender transformation.

The completion of the Limpopo Division of the High Court is the most significant milestone as it the first High Court to be built in the country since the dawn of democracy in 1994. The court commenced functioning on 25 January 2016 after Cabinet approved its proclaimed as a separate Division of the High Court. Through the proclamation the entire Limpopo Province was detached from the Gauteng Division which has been its historical home since the establishment of the Union of South Africa in 1909.

The construction of the Mpumalanga High Court which is another flagship project in the 2 decades of our constitutional democracy is nearing completion.

The commencement of the functioning of the Limpopo Division of the High Court coincided with the implementation of the new magisterial districts in the Limpopo and Mpumalanga provinces. The Constitution requires that all courts, including their structure, composition, functioning and jurisdiction must be rationalised with a view to establishing a judicial system which suits the requirements of the new Constitution. The rationalisation project seeks to redress the spatial injustices of the past which were based on the Homelands and self-governing dispensation that excluded the majority of Africans from the mainstream judicial system. We have now completed the rationalisation in four provinces, namely Gauteng, North West, Limpopo and Mpumalanga. We hope to complete the outstanding provinces during the term of the current administration.

We have also made progress in relation to infrastructure project. A total of 377 capital projects were registered with the Department of Public Works for renovations and upgrading of courts. Most of these projects are at various stages of construction. The Department is desirous in ensuring that all it infrastructure facilities are accessible to people with disabilities.

We continue to roll-out dedicated sexual offences courts in order to increase conviction rates in rapes and other heinous crimes. For the year under review, 14 courtrooms were designated across the country to bring the total number of courtrooms to 47.

We have also made progress in the quest to finalise the TRC recommendations. A total of 1 205 cases of educational assistance for basic and higher education for identified victims were processed during the period reported under to enable TRC-identified victims' access to education. There are still concerns with the pace of finalisation of community rehabilitation project as well as exhumations and reburials which we are attending to.

With regard to prosecutions, the National Prosecuting Authority (NPA) continued to achieve favourably in most of its performance indicators. Most notably, the improved conviction rate in sexual offences (increased slightly from last year 69% to 70%), by finalising 7098 sexual offences crime verdict cases with 4 978 convictions. A multidisciplinary approach followed by newly established provincial structures with stakeholders from the Department of Justice and Constitutional Development (DOJ&CD), Legal Aid South Africa (Legal Aid SA), the South African Police Service (SAPS), the Department of Health (DOH) and the NPA seems to have contributed to the improvements on sexual offences cases.

The High Courts maintained a 90% conviction rate with 910 convictions, exceeding the target by 3%. The regional courts maintained a 78% conviction rate with 24 958 convictions, which represents the highest rate in the past decade. The target of 74% was not only exceeded by 5% but also improved by 1% compared to the previous financial year. The district courts achieved a rate of 95% with 263 377 convictions and exceeded the target by 7% while a marginal improvement of 1% was also achieved. Against this backdrop it is evident that the NPA has successfully upheld the focus placed on quality prosecutions.

A conviction rate of 94% was achieved in the prosecution of complex commercial crime which should be viewed against the nature and complexity of the crimes prosecuted.

A government-wide Anti-Corruption Task Team (ACTT) put plans together to decisively deal with cases of corruption. Within the NPA, the Asset Forfeiture Unit (AFU) completed 389 forfeiture cases with a value of R349.5 million, 326 freezing orders to the value of R778.9 million and recoveries of R238.6 million relating to cases where the amount benefitted from corrupt activities was more than R5 million. A total of R444.5 million was paid to the victims of crime and R1.3 million recovered in cases where government officials were involved in corruption and other related offences.

The National Task Team (NTT) on gender and sexual orientation-based violence perpetrated against lesbian, gay, bisexual, transsexual and inter-sexed (LGBTI) persons was put together in 2012 to address intolerance and violence against the LGBTI community. A rapid response team for crimes against LGBTI was formed to ensure speedy investigations and finalisation of cases. Both these forums continued to work effectively during the 2015/16 financial year. We will continue as government to protect rights of all citizens of our country.

Knowledge of the Constitution remains a high priority within our constitutional development programme. For the year under review 6 million South Africans were reached by our constitutional awareness initiatives, through community radio stations, television and other media. In addition, over 120 civil-based organisations received grants to enable them to advise people from marginalised communities of their constitutional rights and how to exercise them. It is very critical that all South Africans, regardless of background, are afforded the same rights in the Constitution as the rest of us.

We continue to deal decisively with sporadic incidents of racism, xenophobia and intolerance which occasionally reminisces our sad past. I am encouraged by the progress made by the Department, jointly with Chapter 9 institutions and civil society organisations (CSOs), to move with speed in finalising the country's National Action Plan (NAP) on Racism, Xenophobia and Related Intolerance. This document has been prepared and submitted for public comment during the 2015/16 financial year.

Government has introduced far-reaching legislative and policy initiatives that purport to transform the legal profession as part of the transformation of the judicial system. The Legal Practice Act which came into operation in 2014 is game changer in South African legal system. The Act establishes a new regulatory framework for the profession, enhances opportunities

to enhance access to services of attorneys and advocates and create mechanisms to address the spiralling cost of litigation. The National Forum on the Legal Profession (National Forum) established by the LPA has already commenced with work of levelling the ground for the implementation of the entire Act.

The strides we have made in the period reported under is attributed to many women and men across the justice sector who continue to strive to ensure the full realisation of the promises of the Freedom Charter.

We would not have succeeded in our endeavour to improve the lives of people without the support of Deputy Minister John Jeffery, the judicious backing of Chief Justice Mogoeng Mogoeng, the judiciary broadly, Adv Shaun Abrahams, the National Director of Public Prosecutions and other partners and stakeholders who constitute the justice family. The Director-General, Nonkululeko Sindane, who left behind a sound administration to her successor Mr Vusi Madonsela, has, through the support of the entire management and staff contributed immensely in the delivery of our mandate.

I wish to assure the South African community at large that we will continue to strive for excellence in carrying out our constitutional mandate.



Adv. T. M. Masutha, MP
Minister of Justice and Correctional Services

4. Foreword by the Deputy Minister



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

During the year under review, we have continued to work towards a more accessible justice system and we are continuing with our quest to transform the justice system and its institutions in line with our Constitution and the National Development Plan (NDP).

One of our main aims is to ensure access to justice. In this regard, Legal Aid SA continues to go from strength to strength in assisting the poor and vulnerable with quality legal aid and legal advice services.

In the first three quarters of the 2015/16 financial year, Legal Aid South Africa (Legal Aid SA) took on more than 315 000 new criminal matters, more than 228 000 new civil matters and assisted nearly 12 000 children via its 154 Justice centres, satellite offices, High Court units and civil units, thereby increasing the number of persons accessing justice.

The justice process is dependent on a variety of role players, one of whom is the sheriff. It is a constitutional imperative that the sheriffs, like all sectors of state and society, must be transformed to reflect the demographics of South African society.

Transformation is often a prolonged journey. Before 1994, there were 465 sheriffs nationally and the overwhelming majority was White males. In the last few years sheriffs have been transformed into a body of professionals who perform their role in accordance with the Constitution and a Code of Conduct that promotes ethical behaviour.

We are presently combining the service areas for the high and lower courts and it augers well for the profession that of the 302 permanent sheriffs at the end of the financial year, 40% were White, 40.3% African, 7.3% Indian and 12.2% Coloured. We've gone a substantial way in making the profession more racially representative. In terms of gender we still have some way to go. A task team under the able leadership of Judge Willem van der Merwe was also appointed to, among others, investigate and make recommendations regarding sheriffs' areas affected by the rationalisation of magisterial jurisdictional boundaries.

One of the key areas of success within the civil courts ambit has been the roll-out of small claims courts, which enable persons to institute claims to the value of R15 000 without legal representation and at little costs.

During the year under review, a further 40 small claims courts were established, many in rural areas of our country. We are confident that we will have one small claims court in every magisterial district by the end of 2016/17.

In line with efforts to finalise matters in courts speedily and reduce case backlogs, the Department is funding 48 case backlog courts at a cost of R60 million per annum, of which 26 are in the regional courts. There are 22 in the district courts: 4 in the Eastern Cape, 1 in Gauteng, 2 in Kwazulu-Natal, 13 in the Western Cape and 2 in the Northern Cape.

The justice process is dependent on a variety of role players, one of whom is the sheriff. It is a constitutional imperative that the sheriffs, like all sectors of state and society, must be transformed to reflect the demographics of South African society.

With regard to the magistracy we are developing a regulatory framework, as part of the regulations made in terms of the Magistrates Act, in order to recognise the status and role of magistrates as part of the independent judicial branch of state. In this regard a joint task team made up of magistrates designated by the Magistrates Commission and officials in the Department has started to work through the draft regulations which were prepared under the auspices of the Magistrates Commission.

With regards to the development of legislation, significant progress has been made during the 2015/16 financial year. Numerous draft Bills were submitted to the Minister for consideration and approval, among others, the International Arbitration Bill, the Criminal Matters Amendment Bill, dealing with cable theft which is now law, the Protected Disclosures Amendment Bill, the Courts of Law Amendment Bill (addressing the abuses in the granting of garnishee orders) and Cybercrimes and Related Matters Bill. These Bills are of particular significance because they contribute towards the various goals of Government and objectives of the NDP. Further details in respect of these Bills and other legislation are spelt out in the body of this Annual Report.

Intensive work continues in getting a Bill ready for consideration by Parliament to deal with the ever-increasing incidents of hate crimes and hate speech. A draft Prevention and Combating of Hate Crimes and Hate Speech Bill proposes the creation of statutory offences of hate crimes and hate speech. Acts which are committed and which are motivated on the basis of bias, prejudice or intolerance have no lawful place in South Africa and need to be curbed. Victims of these acts need protection and the Bill seeks to send out a clear message that Government is serious about achieving the constitutional values set out in section 1 of the Constitution, namely human dignity, the achievement of equality and advancement of human rights and freedoms and non-racialism and non-sexism.

Of further significance is the coming into operation of the Prevention and Combating of Trafficking in Persons Act on 9 August 2015, Women's Day. This Act deals holistically with the scourge of modern day slavery, namely trafficking in persons for various motives, most notably sexual exploitation and forced labour.

The promulgation of regulations under section 49 of the Superior Courts Act, 2013 is also notable. For the first time in South Africa we have a statutory framework in terms of which the judicial establishments of the Supreme Court of Appeal and the various Divisions of the High Court are determined on the basis of specific criteria.

We are also proud of the progress made, during the period under review, with the drafting of the *NAP against Racism, Racial Discrimination, Xenophobia and Related Intolerance*. The NAP is a coming together of all role players who are saying that enough is enough, that we must rid our country of racism, discrimination and prejudice.

In 2001, the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance produced the most authoritative and comprehensive programme for combating these scourges: the Durban Declaration and Programme of Action. The Durban Review Conference in 2009 and the commemoration of the tenth anniversary of the World Conference against Racism two years later evidenced a renewed commitment to the racial equality agenda.

A draft NAP was developed by the Department in consultation with other key government departments, Chapter 9 institutions and CSOs. The draft NAP was approved by Cabinet in December 2015 and a broad public consultation process is under way.

Finally, our Department has rolled out programmes to improve both knowledge and awareness of the Constitution, as well as programmes to enhance the realisation of socio-economic rights. This includes the printing and distribution of the Constitution across the country. We have also translated the Constitution into all official languages, as well as into Braille. Last year we had the first ever National Colloquium on Constitutional Rights Education in which a number of stakeholders from civil society had the opportunity to share their programmes and strategies of promoting human rights education and constitutional awareness.

As we celebrate the 20th anniversary of the Constitution we will continue to increase constitutional awareness and human rights education.



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

5. Report of the Accounting Officer

Mr Vusi Madonsela
Director-General: Department of Justice and Constitutional Development



GENERAL OVERVIEW

The role and impact of justice services on the most vulnerable in society remain the impetus of the policies and programmes of the Department of Justice and Constitutional Development (DOJ&CD). Over the past 20 years, the Department's major focus has been on cultivating new perceptions and realities of law, justice and democracy in the context of our country's Constitution. Access to justice continues to be on the cutting-edge of the overall transformation of our justice system in order to ensure equality before the law and the full enjoyment of all human rights and fundamental freedoms.

Unsurprisingly, a large proportion of the departmental budget is spent on service delivery across the breadth of the country on a daily basis. During the reporting period, the following services were delivered in line with this mandate:

1. Through its 15 offices across the country, the Master of the High Court finalised a total of 275 657 cases, inclusive of matters involving insolvencies, the formation of trusts, the deceased estates and payments of the Guardian's Fund.
2. A total of 17 357 applications for expungement of criminal records were finalised and 720 requests for presidential pardons were handled. Only 43 pardons were granted.
3. The Office of the Chief State Law Advisor completed a total of 1 566 legal opinions and certification of bills.
4. A total of 309 838 criminal cases were finalised with a verdict through the NPA in the lower courts.
5. A total of 166 952 cases were finalised through the alternative dispute resolution method (ADRM) through the NPA in the lower courts.
6. The number of Thuthuzela Care Centres (TCCs) increased from 44 to 55.
7. The new High Court in Limpopo has been operationalised. The construction of the Mpumalanga High Court is well underway.

8. Designated places of seating were created, with the result that each of the 9 provinces in the country now has a high court.

The massive task of broadening access to justice for all South Africans has necessarily been accompanied by a strong transformational agenda, particularly geared towards empowering the most vulnerable in society. To this end, some of the highlights included the following:

- i. In 2015, the Maintenance Amendment Act was enacted to intensify our efforts of ensuring that every child receives the appropriate parental care, basic nutrition, shelter, basic health care services, education, and other related support. We have introduced stringent measures to enforce maintenance recovery including black-listing of perpetual defaulters. The legislation further introduces interim relief in terms of which children are able to receive maintenance while their application for maintenance support is under consideration.
- ii. The Department is working towards establishing small claims courts in every municipality and, to this end, 40 were completed during the year under review. Only 32 of the 187 municipalities are awaiting a small claims court.
- iii. The Department finalised 14 more sexual offences courtrooms to assist victims to have their cases heard in a victim-friendly and supportive court environment.
- iv. We have also, during the past year, piloted the Court-Annexed Mediation programme as well as the rationalisation of magisterial districts to municipal boundaries to allow more people to access justice speedily and in a cost effective manner.

The Department has also embarked upon broader institutional transformation initiatives to enable it to contribute towards the transformation of the legal profession and the justice sector as a whole. To this end, we have developed policies which aim at ensuring the inclusion of legal practitioners in the profession. These include the Briefing Policy which advocates for a bias in favour of Black practitioners as a contribution towards setting law practises on a path towards long-term sustainability.

Other transformation initiatives include the improvement of the quality of service offerings by the offices of the State Attorney to government departments. With regard to the transformation of State legal services, the Department made progress towards the full capacitation of the offices of the State Attorney to enable them to perform their functions better. In addition to providing them with administrative capacity, the Department has also initiated a training programme aimed at improving the skills of senior management. The Department reaffirmed the need for the appointment of a Solicitor-General who will be entrusted with the responsibility to transform State litigation services by developing the offices of the State Attorney into the biggest law firm in the country and a firm of choice for the State.

Linked to all these initiatives, the Department has also developed a Mediation Policy which advocates for the adoption of alternative dispute mechanisms in appropriate cases in order to save litigations costs.

The masters environment continued with the implementation of paperless initiatives to improve service delivery and curb fraudulent activities. By the end of the 2015/16 financial year, the Paperless Estates Administration System (PEAS) was successfully rolled out to all 15 master's offices as well as approximately 96 service points. Furthermore, we have developed an integrated system with the Department of Home Affairs, which allows the offices to extract details from a deceased

person directly from the database of Home Affairs. This ensures that details are captured correctly and curbs any fraudulent activities.

The Department is content with the progress made towards enabling government to monitor performance of the criminal justice system through the integrated Justice System (IJS) initiative. By the end of the financial year, the IJS had implemented a project to enable criminal data transfer from the South African Police Services (SAPS), to the NPA and the DoJ&CD. This is a major milestone in systems integration that will assist in efficient allocation of resources within the criminal justice system. The Department is encouraged by the work undertaken by other departments during the year under review, which has shown progress in the implementation of projects for integration.

The Department is on track to achieve an unqualified audit opinion in Third Party Funds (TPF) by the end of the 2017/18 financial year. During the year under review, a new technological system for the management of TPF was piloted, with an expectation of a full roll-out by the end of the 2016/17 financial year. In addition, training initiatives were undertaken to enable all service points to improve their financial management.

The below expectation budget growth meant that the Department's quest to transform the justice system and improve service delivery could not proceed as quickly as desired.

OVERVIEW OF THE FINANCIAL RESULTS OF THE DEPARTMENT

DEPARTMENTAL RECEIPTS

Below is the detail of monies received by the Department throughout its operations:

Departmental receipts	2015/2016			2014/2015		
	Estimate	Actual Amount Collected	(Over)/Under Collection	Estimate	Actual Amount Collected	(Over)/Under Collection
	R'000	R'000	R'000	R'000	R'000	R'000
Tax receipts		1	1			
Casino taxes						
Horse racing taxes						
Liquor licences				60	37	23
Motor vehicle licences						
Sale of goods and services other than capital assets	65 378	62 161	3 217	52 136	52 092	44
Transfers received	244	5 134	(4 890)		3 481	(3 481)
Fines, penalties and forfeits	206 608	237 084	(30 476)	198 420	204 892	(6 472)
Interest, dividends and rent on land	8 474	5 221	3 253	928	11 564	(10 636)
Sale of capital assets	180	4 567	(4 387)	175	1 999	(1 824)

Financial transactions in assets and liabilities	20 070	14 459	5 611	42 590	63 492	(20 902)
Total	300 954	328 627	(27 673)	294 309	337 557	(43 248)

The actual revenue received has slightly decreased when compared to the previous period, this difference in revenue is mainly due to financial transactions related to Third Party Funds and increase in the value of fines and penalties collected.

FRUITLESS AND WASTEFUL EXPENDITURE

All cases of fruitless and wasteful expenditure are investigated and disciplinary action is taken where appropriate. Depending on the results of the investigation, monies are also recovered from officials who are found liable. In this regard 16 cases were referred to supervisors for progressive disciplinary action relating to the previous financial year and 10 are pending (one case may involve more than one person). A total of 10 officials were disciplined, while 4 had already left the Department. Due to the process implemented, cases of fruitless and wasteful expenditure awaiting resolution have reduced from R11.6 million to R7.6 million.

FUTURE PLANS OF THE DEPARTMENT

The Department is developing future policies on the administration of lower courts and traditional courts with regard to structures and processes that might have future resource implications.

It is expected that the Information Regulator will be established shortly and that the Department will be required to establish and administrate the office. To this end, a budget of R10 million has already been made available for the 2016/17 financial year. Plans are underway to establish the Office of the Solicitor-General.

PUBLIC PRIVATE PARTNERSHIPS

No progress has been made with regard to the public-private partnership for the Justice precinct that the Department reported in the previous year.

DISCONTINUED ACTIVITIES / ACTIVITIES TO BE DISCONTINUED

There are no discontinued or planned to be discontinued activities.

SUPPLY CHAIN MANAGEMENT (SCM)

During the year under review, no unsolicited bid proposals were considered or concluded by the Department.

The Department has reduced its exposure to risk of irregular expenditure in SCM through:

- a. Improved oversight, including internal audit reviews, in the awarding of large bids.
- b. The augmentation of the departmental delegations and financial instructions as they relate to SCM processes and systems to strengthen accountability and responsibility of end users as well as SCM staff. This includes ensuring clear segregation of functions and clarification of roles and responsibilities.
- c. Increased focus on ethical behaviour through vetting of members of the specification and evaluation committees against the Companies and Intellectual Property Commission database.
- d. Strong ethical leadership through the constitution of the DBAC with high-ranking officials setting the tone at the top as well as continuous training on the expectation of high ethical conduct of persons serving in the SCM process.
- e. Consistent review of transactions for identification and communication of shortcomings and non-compliance to control measures relating to procurement. In this regard an internal control unit and budget control unit within the Department review batches and report gaps to the relevant responsibility managers and the Chief Financial Officer. SCM and payment checklists have been implemented and are monitored to ensure SCM compliance. Further, SCM officials perform pre-check compliance reviews prior to the generation of a purchase order. Purchase orders are placed with accredited suppliers after the Department has authenticated that the suppliers meet the requirements of Broad-Based Black Economic Employment, tax clearance certification and standard bidding requirements.
- f. Improved consequence management. The internal control unit has implemented a process in which all reported irregular expenditure is investigated and referred for consequence management to the relevant supervisor for appropriate progressive disciplinary action. The relevant supervisor is required to provide feedback on the consequence management within a specific timeframe to the internal control unit. These consequence management reports also contain information on interventions by the supervisor to prevent recurrence. The reports are reviewed by the internal control unit to ensure that the interventions should achieve the required objective, i.e., that the control measure is adequately designed. Cases that require determination of liability and recovery of expenditure are submitted to the Department's Legal Enforcement Unit for finalisation. Cases where fraud is alleged are referred to the Forensic Investigation Unit. The process resulted in the reduction of irregular expenditure for the current year from R 45 million to R13.8 million.

GIFTS AND DONATIONS RECEIVED IN KIND FROM NON-RELATED PARTIES

During the year under review, the Department received the following donations:

Donor organisation	Nature of donation	Amount
Swiss	Small claims court	R 2 499 000
CARA	Domestic violence	R11 710 000
City of Cape Town	Auxiliary costs associated with court operations	R3 861 960
City of Mosselbay	Auxiliary costs associated with court operations	R1 271 695

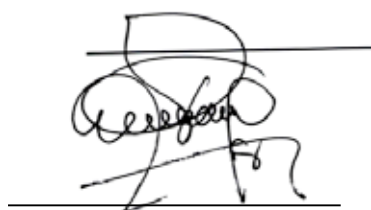
EXEMPTIONS AND DEVIATIONS RECEIVED FROM THE NATIONAL TREASURY

National Treasury directed that State attorney monies and all categories of fines (excluding compensation fines), should be administrated on the vote account of the Department as these are viewed as government monies. Due to system weaknesses and obvious risks, the Department has requested the National Treasury to review or provide the Department with an exemption with regard to the implementation of the reporting determinations.

Treasury has provided exemption for the Department from this directive (as far reporting state attorney monies and fines on its vote account) until the end of the 2016/17 financial year and the relevant information is still reflected within the TPF financial statements.

EVENTS AFTER THE REPORTING DATE

On the 7th of July 2016, the Mqanduli Magistrate's Court in Eastern Cape was gutted by fire. Furniture, office equipment and all other documents that were inside the court were damaged by the fire. Court services were temporarily held at the Mqanduli police station while proper structures were being sourced. The assessment of the damage was being determined by the Department at the time of finalisation of this report.

A handwritten signature in black ink, appearing to read 'Vusi Madonsela', is written over a horizontal line. The signature is stylized and somewhat cursive.

Mr Vusi Madonsela

Accounting Officer: Department of Justice and
Constitutional Development

Date: 31 July 2016

6. Statement of responsibility and confirmation of accuracy for the annual report

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

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

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

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

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

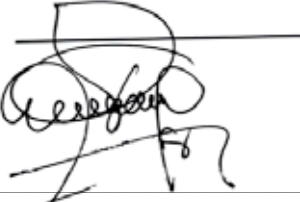
The Accounting Officer is responsible for the preparation of the annual financial statements and for the judgements made in this information.

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

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

In my opinion, the annual report fairly reflects the operations, the performance information, the human resources information and the financial affairs of the Department for the financial year ended 31 March 2016.

Yours faithfully



Mr Vusi Madonsela

Accounting Officer: Department of Justice and
Constitutional Development

Date: 31 July 2016

7. Strategic Overview

7.1 Vision

An Accessible Justice System That Promotes Constitutional Values.

7.2 Mission

To Provide Transparent, Responsive And Accountable Justice Services For All.

7.3 Values

The Department has the following values:

- (i) Commitment To Constitutional Values And A Culture Of Human Rights
- (ii) Promotion Of The Rule Of Law
- (iii) Batho Pele
- (iv) Good Governance
- (v) Ubuntu
- (vi) Professionalism And Continuous Improvement
- (vii) Transparency

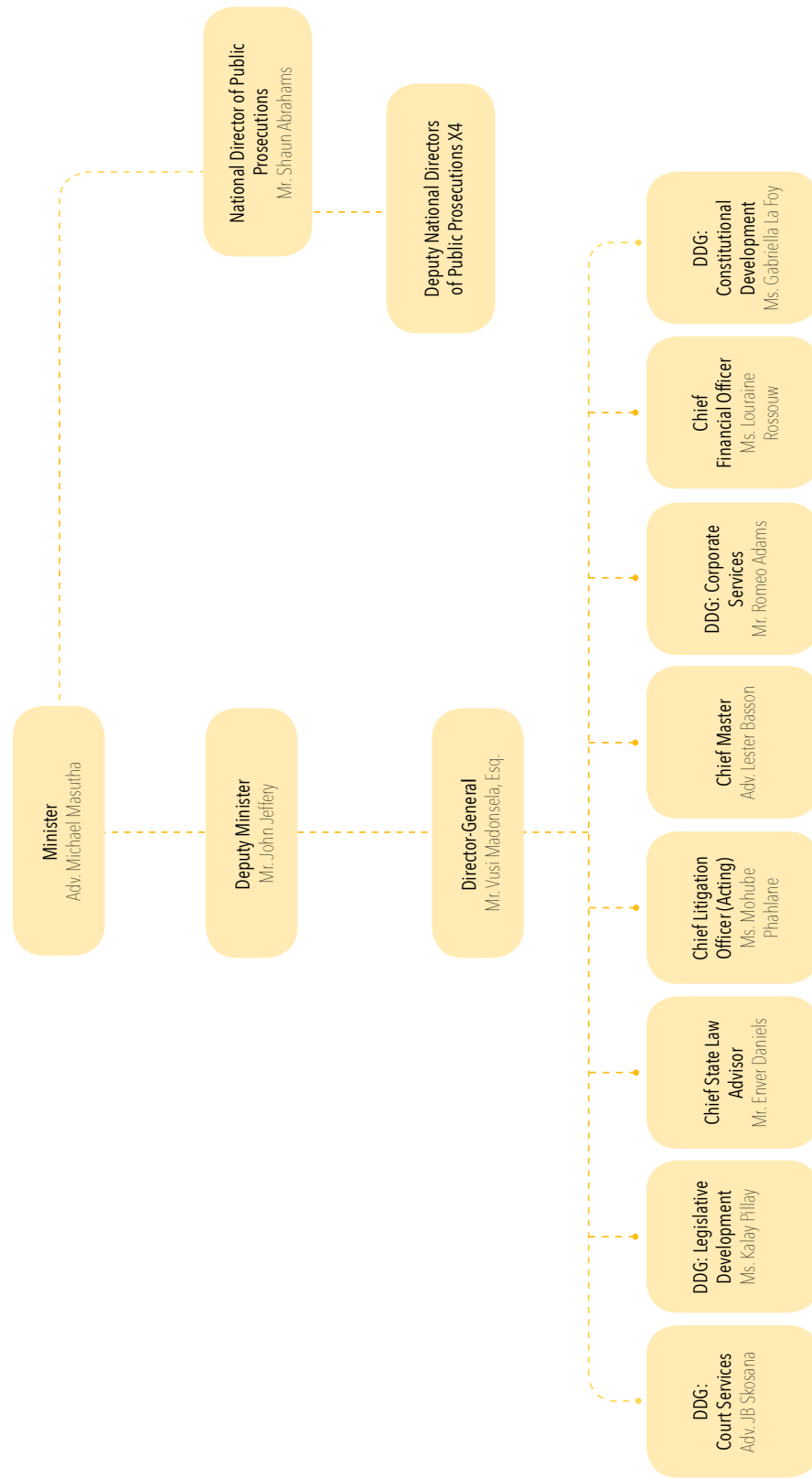
8. Legislative and other mandates

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

- (i) Legislation providing for the establishment and functioning of the superior courts, magistrates' courts and special courts (the Magistrates' Courts Act, 1944, the Small Claims Court Act, 1984, the Constitutional Court Complementary Act, of 1995, and the Superior Courts Act, 2013).
- (ii) Legislation providing for the appointment of judges and other judicial officers, their conditions of service, discipline and training (the Magistrates Act, 1993, the Judges' Remuneration and Conditions of Employment Act, 2001 and the South African Judicial Education Institute Act, 2008).

- (iii) 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 Insolvency Act, 1936, the Administration of Estates Act, Act, 1965, the Trust Property Control Act, 1988 and the Companies Act, 2008).
- (iv) Legislation regulating the provisioning of legal advisory services to government departments (the State Attorneys Act, 1957).
- (v) Legislation relating to the promotion, protection and enforcement of certain human rights (the Promotion of Administrative Justice Act, 2000, the Promotion of Access to Information Act, 2000, and the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000).
- (vi) Legislation pertaining to the protection of vulnerable groups (the Children's Act, 2005, the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 and the Child Justice Act, 2008).
- (vii) The Special Investigation Units and Special Tribunals Act, 1996 and the Witness Protection Act, 1998.
- (viii) Legislation providing for the establishment and functioning of bodies responsible for legal aid, law reform and rule-making (the South African Law Reform Commission Act, 1973, the Rules Board for Courts of Law Act 1985 and the Legal Aid South Africa Act, 2014).
- (ix) The Maintenance Act, 1998, the Domestic Violence Act, 1998 and the Protection from Harassment Act, 2011.
- (x) Legislation providing for support to Chapter 9 institutions (the Public Protector Act 1994, and the South African Human Rights Commission Act, 2013).
- (xi) Legislation pertaining to debt collectors and sheriffs (the Sheriffs Act 1986, and the Debt Collectors Act, 1998).
- (xii) Legislation providing for the establishment and functioning of the National Prosecuting Authority and the Asset Forfeiture Unit, as well as the conduct of criminal proceedings, and the investigation of organised crime and corruption (the Criminal Procedure Act, 1977, the National Prosecuting Authority Act, 1998, and the Prevention of Organised Crime Act, 1998). In addition, the Department is tasked with the Implementation of the Extradition Act, 1962, the Implementation of the Rome Statute of the International Criminal Court Act, 2002; the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002, the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004; the Prevention and Combating of Corrupt Activities Act, 2004; the Prevention and Combating of Trafficking in Persons Act, 2013 and the Prevention and Combating of Torture of Persons Act, 2013.

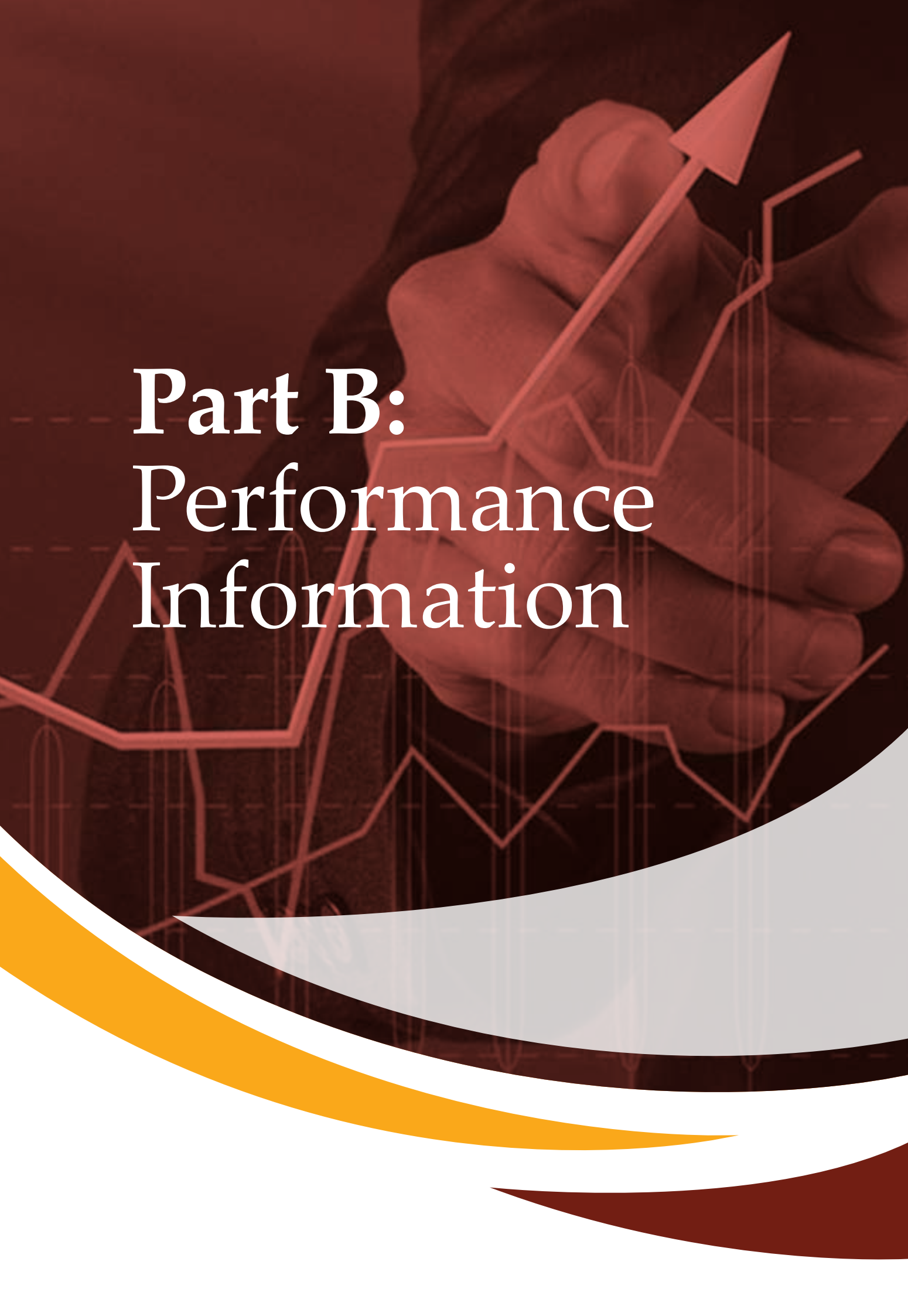
9. Organisational Structure



10. Entities reporting to the Minister

The table below indicates the entities that fall within the mandate of the Minister of Justice and Constitutional Development and are funded through the DOJ&CD vote account.

Name of entity	Legislative mandate	Financial relationship	Nature of operations
Council of Debt Collectors	Debt Collectors Act (Act No. 114 of 1998)	No financial relationship	Monitors the conduct and professionalism of debt collectors, promoting a culture of good governance and thus protecting the public and creditors.
Legal Aid SA	Legal Aid Act (Act No. 22 of 1969)	Transfer payment	Renders or makes available legal aid to indigent persons and provides legal representation at the State's expense.
NPA	National Prosecuting Authority Act (Act No. 32 of 1998)	Part of the vote of the Department	Renders prosecutorial services as well as witness protection and forfeiture of ill-gotten assets.
Rules Board for Courts of Law	Rules Board for Courts of Law Act (Act No. 107 of 1985)	Part of the vote in the Legislative Development and Law Reform Branch	Reviews existing rules of courts and, subject to the approval of the Minister, makes, amends or repeals rules for the Supreme Court of Appeal, high and lower courts.
South African Board of Sheriffs	Sheriffs Act (Act No. 90 of 1986)	No financial relationship	Monitors services of the sheriffs and deputies and ensure that the services are executed in terms of the Code of Conduct for sheriffs.
South African Law Reform Commission (SALRC)	South African Law Reform Commission Act (Act No. 19 of 1973)	Part of the vote in the Legislative Development and Law Reform Branch	Conducts research regarding the development, improvement, modernisation or reform of all branches of the law of South Africa.
SIU	Special Investigating Unit and Special Tribunals Act (Act No. 74 of 1996)	Transfer payment	Provides professional forensic investigations and litigation services to all state institutions at national, provincial and local levels.

The background features a hand holding a pen, pointing towards a line graph on a grid. The entire scene is overlaid with a semi-transparent red filter. The text is centered on the left side of the image.

Part B: Performance Information

1. AUDITOR-GENERAL'S REPORT: PREDETERMINED OBJECTIVES

The Auditor-General of South Africa currently performs certain audit procedures on the performance information to provide reasonable assurance in the form of an audit conclusion. The audit conclusion on the performance against predetermined objectives is included in the report to management, with material findings being reported under the Predetermined Objectives heading in the report on other legal and regulatory requirements section of the auditor's report.

Refer to page 151 of the Report of the Auditor-General, published as Part E: Financial Information.

2. OVERVIEW OF DEPARTMENTAL PERFORMANCE

2.1 ORGANISATIONAL ENVIRONMENT

The challenging state of the economy meant continuing financial pressure on the Department for the year under review. Although the Department refocused the budget on key priorities, and in some instances the Department had no alternative but to limit the expansion of services such as security services for the protection of Judicial Officers, Prosecutors and Courts. The funding of commissions of enquiry continued to put additional strain on the departmental budget and this affected delivery of programmes. The increase in criminal cases relating to foreign nationals has significantly increased the demand for interpreting services in foreign languages that has also put added strain on the budget.

The Department managed to achieve 70% of the 97 targets on the Annual Performance Plan (APP) of 2015/16. Although this is a decrease from the previous year, it should be noted that this does not reflect a decrease in the performance of the Department with respect to its mandate. The Department's APP does not reflect entire day-to-day operational activities, which constitute the bulk of the budget and mandate.

This drop in performance compared to the previous year can be attributable, broadly, to the following issues, among others:

(i) Migration of identified officials to the Office of the Chief Justice (OCJ)

The 2015/16 financial year saw the OCJ receive a vote account for the first time. This is a major milestone towards full implementation of the Superior Courts Act, which affirmed the Chief Justice as the head of the judiciary. A number of senior posts, particularly within the court environment, were transferred to the OCJ to enable the office to function optimally within a short space of time. The Department proceeded to create additional posts and close the capacity gap created.

(ii) Occupation-specific dispensation (OSD) for legal professionals

Challenges with the OSD continued to affect performance within the legal areas of the Department, particularly the State Attorney and Office of the Chief State Law Advisor due to the inability to fill crucial posts. The Department continued to work with the Department of Public Service and Administration to mitigate the effects of the moratorium for non-filing of LP10 posts.

(iii) Changes within the NPA

With regard to the NPA, the new national director, Mr Shaun Abrahams, was appointed. In addition, the organisation went through a restructuring process and this had a negative effect on performance, albeit temporary.

(iv) High-profile cases for government

There were an unusually high number of high-profile court matters that necessitated intervention by Senior Management of the DOJCD in support and in collaboration with other government departments. Such matters tend to draw attention and affect performance of the Department in other areas due to additional requirements such as the provision of security services and additional space for the general public attending such cases.

2.2 KEY POLICY DEVELOPMENTS AND LEGISLATIVE CHANGES

Policy initiatives and updates that were undertaken during the year under review are detailed in this section.

a) STRENGTHENING JUDICIAL GOVERNANCE AND ACCOUNTABILITY

From the 2015/16 financial year, in line with the Superior Courts Act, all superior courts were transferred to the OCJ, who manage the performance of these courts. The Department will be responsible for policy- and legislation-related functions in respect of the superior courts and the administration of the lower courts. This position will prevail until the last phase of the institutional restructuring has been completed. This phase will culminate in the enactment of a new Lower Courts Act and the Court Administration Act, which Cabinet directed to be completed during the current Medium-term Strategic Framework (MTSF) period.

b) POLICY AND LEGISLATION ON TRADITIONAL COURTS

Following the introduction of the Traditional Courts Bill into Parliament in 2008 and 2012, with views and concerns raised in relation thereto, it became necessary to revisit certain policy considerations that formed the basis of the Bill. The following aspects necessitated a review of the transformation of the traditional courts:

- Participation of women in the traditional justice system.
- Defining the nature of the courts including the use of terminology in the Bill.
- Jurisdictional boundaries of the courts.
- Jurisdiction in respect of conflict resolution.
- Opting out of the traditional justice system.

During the year under review, a reference group, chaired by the Deputy Ministers of Justice and Constitutional Development and Traditional Affairs and consisting of representatives from government, traditional leadership and civil society, was established to discuss outstanding matters and pave a way for introduction of the Bill into Parliament. It is envisaged that the Bill will be submitted to Parliament during the 2016/17 financial year.

c) COURT-ANNEXED MEDIATION

The pilot project of court-annexed mediation began in December 2014 and was officially launched by the Minister at the Barolong Community Hall in Mahikeng on 16 February 2015.

In the first phase of the pilot project, 12 magistrates' courts, 9 in Gauteng and 3 in North West, were selected to offer mediation services. More than 200 mediators were accredited by the Minister to provide mediation services.

The report of the pilot study identified a number of issues that will be considered before nation-wide implementation is undertaken.

d) TRANSFORMATION OF STATE LEGAL SERVICES

In line with the Department's broader transformation of legal services, the Department embarked on addressing operational challenges within the state attorney environment. These included, among others, building administrative capacity and putting effective performance monitoring systems in place.

The State Attorney Amendment Act of 2014 provided for the establishment of a Solicitor-General to oversee all State Litigation and address these issues. Appointment processes were initiated during the year under review.

During the year under review, the first draft of the Mediation Policy was developed for consultation with stakeholders. This policy will enable government to use mediation as a tool to lower costs of litigation, where this is applicable.

e) NATIONAL INTERVENTION STRATEGY ON CRIMES AGAINST THE LGBTI COMMUNITY

On the 29th of April of 2014, the Minister of Justice and Constitutional Development launched the LGBTI Programme in the presence of representatives from CSOs, Chapter 9 institutions, government departments serving on the NTT and international and regional embassies and donor agencies.

During the year under review, the Department worked with stakeholders to implement this plan. This included co-ordination of Task Team meetings, awareness initiatives, development of information material such as posters and brochures and other awareness initiatives.

f) NAP TO COMBAT RACISM, RACIAL DISCRIMINATION, XENOPHOBIA AND RELATED INTOLERANCE

Following consultative workshops with key government departments, Chapter 9 institutions and CSOs, the 13th draft of the National Action Plan was submitted to Cabinet and subsequently approved for public comment during December 2015.

The national consultative dialogue with various relevant role players and stakeholders to launch and mark the commencement of the public consultations process on the NAP was held in Cape Town on 29 February–1 March 2016. Symbolic anti-racism pledges were signed, led by the Deputy Minister, anti-apartheid activist Mr Ahmed Kathrada and the Director-General of the DOJ&CD.

The DOJ&CD conducted several public consultations with stakeholders within 81 municipalities with the purpose of promoting and raising awareness of the NAP among communities and stakeholders, in order to build support and buy-in for its implementation. Public consultations were conducted in eight provinces from the national launch until the end

of March 2016. Following the launch event, the national public consultations phase is being rolled out as per the consultation plan, through continued collaboration with various partners on numerous platforms to promote and raise awareness of the NAP.

g) POLICY FOR THE LANGUAGE OF COURT RECORD

Transformation of the justice system cannot be undertaken without consideration of the use of indigenous languages within the court environment. This will afford people an opportunity to take part in court proceedings in the language they understand the best.

The pilot project undertaken by the Department identified a number of aspects that are necessary for the development of indigenous languages, including the development of uniform legal terminology and inclusion of indigenous language training as part of the LLB curriculum.

Initial consultative meetings with the OCJ were undertaken to discuss this policy and other related transformative policies within the courts. Further discussions will be undertaken with other stakeholders, in preparation for public consultations.

h) NATIONAL DEVELOPMENT PLAN 2030

In accordance with the NDP and Outcome 3, the Department strives, together with cluster Departments and entities, towards a safer South Africa. The Department plays a major and direct role in implementing Chapters 12 and 14 of the NDP, which deal with building safer communities, promoting accountability and fighting corruption. In addition to these, the Department plays a role in the implementation of Chapter 11, which focuses on social protection matters, Chapter 13, which focuses on the development of a capable state, and Chapter 15, which focuses on transforming society and uniting the country.

The Department continues to align performance with the MTSF and endeavours to achieve targets therein.

2.3 SERVICE DELIVERY ENVIRONMENT

Highlights of performance in the last financial year are discussed in three main areas, namely improved access to justice, improved service delivery and improved administration.

(i) Alignment of magisterial districts with municipal boundaries

Alignment of magisterial districts with provincial and municipal boundaries enhances access to justice by enabling service delivery within the municipal boundaries.

For the year under review, Limpopo and Mpumalanga provinces completed the alignment of the courts. This therefore means residents of the two provinces have their own High Courts designated and have magistrate courts aligned with their municipal boundaries. The Department put people, systems and processes in place to ensure that these projects were completed on time.

(ii) Establishment of small claims courts

In line with improved access to civil justice service, the Department continued its objective of establishing a small claims court in every municipality. For the period under review, 40 new small claims courts were established against a target of 30. The change in legislation has made it possible for commissioners of small claims courts to preside in any small claims court in the province for which they have been appointed.

There were, at the end of the 2015/16 financial year, 371 small claims courts, with 1 948 commissioners and 1 887 advisory board members. Of these, 292 advisory board members and 114 commissioners were appointed during the financial year. Only 32 small claims courts still need to be established country-wide and the target is expected to be accomplished during 2016/17.

(iii) Building of new courts

A major milestone in access to services is the finalisation of the Limpopo High Court building. This court will enable the greater population of Limpopo to avoid a long trip to Pretoria for a High Court. The Polokwane Court has become the main seat of the Limpopo High Court, while Thohoyandou is an additional seat of the High Court.

By the end of the financial year, the Mpumalanga High Court was nearing completion and is expected to be occupied during the 2016/17 financial year. The court was established in a temporary seating and during the month of February 2017, pending finalisation of the building, cases were already heard in that court. Middleburg was established as an additional seat of the court to allow residents on the west side of the province easy access to the High Court.

2.4 SERVICE DELIVERY HIGHLIGHTS

In this section, operational highlights from the service delivery environment are discussed. These include the following services:

1. The support of members of the judiciary and prosecution with infrastructure and people to enable them to deal with civil, criminal and family law matters in lower courts throughout the country.
2. Carrying out of maintenance services throughout the value chain.
3. Handling of matters relating to vulnerable groups, including implementation of the Domestic Violence Act, the Children's Act and the Child Justice Act (CJA).
4. Intervening in family matters for the interest and protection of children, through the Office of the Chief Family Advocate.
5. Handling of matters involving deceased estates, insolvencies, curatorships, trusts and Guardian's Fund payments, through the Office of the Master of the High Court.
6. Providing litigation services for civil cases against the State, through the Office of the Chief Litigation Officer.
7. Issuing expungements and pardons of criminal records to qualifying offenders.
8. Issuing of legal opinion and scrutinisation and certification of bills, subordinate legislation or regulation and international agreements and the provision of legal advice to the Executive through the Office of the Chief State Law Advisor.

a) Court services

For the 2015/16 financial year, the Department spent R4 143 156 in support of 700 lower courthouses. Within these courts, 702 910 criminal cases were enrolled and 613 909 were dealt with. A total of 839 208 civil matters were registered and 662 818 were dealt with. With regard to family matters, a total of 721 925 new applications and enquiries were recorded and 653 132 family matters were dealt with. The following are statistics emanating from courts:

i. EQUALITY COURTS

Equality court: Matters registered

Equality courts are courts designed to deal with matters covered by the Promotion of Equality and Prevention of Unfair Discrimination Act (Act No. 4 of 2000), also known as the Equality Act. Members of the public bring matters such as unfair discrimination, harassment, hate speech and publication of information that unfairly discriminates.

The table below reflect the matters registered in the equality courts for the respective reporting periods.

Complaint	April to March		% change
	2014/15	2015/16	
Dissemination and publication that unfairly discriminates	28	26	-7.14
Harassment	77	32	-58.44
Hate speech	328	277	-15.55
Hate speech/harassment	57	0	-100.00
Unfair discrimination	291	179	-38.49
Unfair discrimination/dissemination and publication that unfairly discriminates	5	0	-100.00
Unfair discrimination/harassment	9	5	-44.44
Unfair discrimination/hate speech	11	34	209.09
Unfair discrimination/hate speech/harassment	10	0	-100.00
Not indicated	0	5	0.00
Grand total	844	558	-33.89

Equality court: Matters disposed of

The table below reflect the matters disposed of in the equality courts for the respective reporting periods. It also indicates an increase in the number of cases dismissed and withdrawn compared to the previous financial year.

Equality court: Manner in which matters were disposed of

Financial year	Dismissed	Withdrawn	Judgement	Order
2014/2015	18	14	2	2
2015/2016	40	20	15	11

ii. DOMESTIC VIOLENCE CASES

Domestic violence means any physical and sexual abuse, emotional, verbal and psychological abuse, economic abuse, intimidation, harassment, stalking, damage to property, trespassing, or any other controlling or abusive behaviour towards a complainant, where such conduct may cause imminent harm to the complainant.

Civil process

The table below reflects the domestic violence matters in terms of the civil process for the respective reporting periods.

Domestic violence: Civil process

Period	New Application For Protection Order Received	Interim Protection Orders Granted	Protection order			Interim monetary relief applications		Warrant Of Arrest Applications Issued
			Made final (Sec 6)	Set aside	Varied	Received	Granted	
2014/15	264 051	163 793	87 185	40 490	4 880	25 308	17 202	37 891
2015/16	275 536	169 679	99 075	40 760	4 908	20 159	12 611	39 550
% Change	4.3	3.6	13.6	0.7	0.6	-20.3	-26.7	4.4

During the year under review, the new applications for protection orders increased by 4.3%.

Criminal process

The table below reflects the domestic violence matters in terms of the criminal process for the respective reporting periods. The table shows that most of the finalised cases were guilty verdicts while most of the matters removed from the roll were withdrawals.

Domestic violence: Criminal process

Period	Cases brought forward	New registered cases	Cases Finalised			Removed from the roll					Cases disposed off	Outstanding cases
			Not guilty	Guilty	Other: Finalised	Struck off roll	Transferred	Warrant of arrest	Withdrawn	Other: Removed from the roll		
2014/15	3 173	14 533	851	2 514	194	1 428	123	867	8 645	57	14 679	3 531
2015/16	3 531	14 916	830	2 576	188	1 865	143	0	7 887	73	13 562	4 113
% Change	11.3	2.6	-2.5	2.5	-3.1	30.6	16.3	-100.0	-8.8	28.1	-7.6	16.5

iii. MAINTENANCE MATTERS

Maintenance is regulated by the Maintenance Act (Act No. 99 of 1998). This Act enables the provision of financial support (mostly for children) by a parent. The Department administers this Act and puts in place systems and procedures to enable beneficiaries to receive their money timeously.

Civil process

The table below reflects the maintenance matters in terms of the civil process for the respective reporting periods. The table indicates a decrease in the number of new maintenance applications received during the year under review. There was however an increase in the number of enquiries received.

Maintenance matters: Civil process

Period	New applications received	Enquiries received	Orders granted	Orders By consent	Orders By default	Orders varied	Paternity disputes
2014/15	162 189	217 866	53 278	79 444	5 724	20 088	11 624
2015/16	160 885	212 202	51 475	51 475	5 669	17 400	11 938
% Change	-0.8	-2.6	-3.4	-35.2	-1.0	-13.4	2.7

Criminal process

The table below reflects the maintenance matters in terms of the criminal process for the respective reporting periods.

Maintenance matters: Criminal process (Section 31 of the Maintenance Act)

Period	New Cases	Finalised			Removed from Roll					Cases Disposed of	Outstanding
		Guilty	Not guilty	Other: Finalised	Struck off roll	Transferred	Warrant of arrest	Withdrawn	Other: Removed from roll		
2014/15	8 789	953	192	327	1 664	89	1 353	4 730	30	9 338	1 838
2015/16	7 931	850	130	220	1 550	134	23	4 164	43	7 114	1 606
% Change	-9.8	-10.8	-32.3	-32.7	-6.9	50.6	-98.3	-12.0	43.3	-23.8	-12.6

iv. CHILDREN'S MATTERS

Children's matters refer to the Children's Act (Act No. 38 of 2005) as well as the CJA and generally promote the protection, development and well-being of children.

Children's court: Adoptions

Financial year	Adoptions: Inter-country		Adoptions: National		Children found in need of care and protection
	Opened	Finalised	Opened	Finalised	
2014/15	566	467	1 285	1 115	67 532
2015/16	478	375	1 456	856	58 485

Financial year	Adoptions: Inter-country		Adoptions: National		Children found in need of care and protection
	Opened	Finalised	Opened	Finalised	
% Change	-15.5	-19.7	13.3	-23.2	-13.4

Adoptions cases opened internationally decreased by 15.5% and national adoptions increased by 13.3%. The number of children found in need of care decreased by 13.4%.

Total number of children in need of care

April to March	Children found in need of care and protection	Children placed in foster care	Children with disabilities
2014/15	67 532	51 886	419
2015/16	58 485	47 968	429
% change	-13.4	-7.6	2.4

The above table shows that there was a decline in the number of children in need of care and protection as well as those who were placed in a foster care. The number of children with disabilities increased.

b) THE NATIONAL PROSECUTING AUTHORITY

The growth of the economy is key to the creation of employment and to address inequalities across society in order to achieve the outcomes of the NDP 2030. The MTSF requires of the NPA to focus on the prosecution of serious and priority crimes, as well as corruption. The NPA has been able to make a significant contribution towards successfully prosecuting serious commercial crime, including corruption and cybercrime, which undermines economic development. The Specialised Commercial Crime Unit (SCCU), which prosecutes complex commercial crime matters as well as most serious corruption and cybercrime cases, has performed exceptionally well this year, exceeding all of the targets set for the unit.

The NPA as a programme within the DOJ&CD is the first point of contact at all courts of the law for the victims of crime. Prosecutors and support staff perform critical functions in order to ensure that victims, witnesses and complainants are treated with the dignity they deserve. The NPA must ensure that justice is guaranteed by effecting the processes that result in the appropriate sentencing of guilty offenders.

Any inefficiencies in the processes of departments that channel cases to the NPA, or those responsible for the effective operations of the courts in which it operates, have a negative impact on its ability to succeed. Stakeholder relations remain a key success factor for the NPA and priority is given to this area at all levels. The NPA actively participates in the forums instituted by the Chief Justice, case flow management forums at all levels as well as other inter-departmental forums.

The NPA provides services throughout the High Courts, regional courts and the district courts. Service delivery improvement initiatives are aimed mainly at the lower courts, which represent the bulk of the case workload of the organisation and where the impact will consequently be the greatest.

The NPA is part of the Financial Action Task Force (FATF) and the Organisation for Economic Cooperation and Development. The FATF is an inter-governmental body established by the ministers of its member jurisdictions. The mandate of the FATF is to set standards and to promote effective implementation of legal, regulatory and operational measures for combating

money laundering, terrorist financing and the financing of proliferation, and other related threats to the integrity of the international financial system.

In respect of matters investigated by the ACTT, which is a Presidential initiative in which the NPA participates, the SCCU exceeded its target of convicting 20 persons of corruption where the amount benefited is more than R5 million, by obtaining 24 convictions.

A high conviction rate of 96% (i.e. 244 cases) was also obtained in respect of the prosecution of cybercrime cases against a target of 74%.

The Office for Witness Protection (OWP) ensured that no witnesses were harmed, threatened or killed while on the programme, for the 15th consecutive year. OWP has also remarkably achieved a clean audit for the 14th year in a row. 250 witnesses in the care of OWP attended judicial proceedings and contributed to 61 persons being convicted of serious crimes, which resulted in 44 life sentences and 1 854 sentences of direct imprisonment being imposed. RSA OWP is continuing to play a significant role in building capacity in the field of witness protection in Africa by guiding the African Union (AU) model law on universal jurisdiction and objective of the Africa Prosecutors Association (APA).

c) PERFORMANCE AGAINST THE MEDIUM TERM STRATEGIC FRAMEWORK

The vision set out in the NDP for the CJS is that by 2030 people in South Africa should feel and be safe. The MTSF for 2014–2019, aligned to the NDP and approved during the 2014/15 financial year, sets out performance indicators for different role players within the Justice Crime Prevention and Security (JCPS) cluster. In line with this plan, the following has been achieved:

(i) Sub-outcome 1: Reduction in contact crime

The NPA has shown its commitment by finalising 7 098 sexual offences verdict cases with an improved conviction rate of 70%. The conviction rate target of 68% was thus exceeded by 2% during the reporting period. Performance improved by 1% compared to the previous year.

A multi-disciplinary approach followed by provincial structures established with stakeholders from the Department of Justice and Constitutional Development, Legal Aid South Africa, SAPS, Department of Health (DoH) and NPA have contributed to the achievement in finalising and improving the conviction rate in sexual offence cases.

(ii) Sub-outcome 2: An efficient and effective Criminal Justice System

The number of cases finalised with a verdict in the lower courts reduced by 3% from 318 171 to 309 838. With regards to alternative dispute resolution matters, the number of cases finalised decreased by 9% from 184 314 to 166 952.

The courts finalised 309 838 verdict cases with a conviction rate of 93% (288 335 convictions). Compared to the previous year, 8 333 (3%) fewer cases were finalised with a verdict. Noteworthy is the year on year decline in the achievements of this indicator. A comparative analysis with the achievements during previous years indicates a gradual decline of 11% from the 2009/10 financial year in the number of cases finalised with a verdict. The decline may be correlated with a similar decline of 17% in the influx of new cases and a 13% reduction in court hours. A total of 16 660 (5%) fewer cases were finalised with a verdict compared to the target of 326 498.

The conviction rate of cyber-crimes increased substantially from 95% in 2014/15 to 96% in 2015/16.

The lower courts excelled by finalising 255 cases with 244 convictions whilst ensuring quality prosecutions by maintaining a remarkable conviction rate of 96%. The target was not only exceeded by 22% but a marginal improvement of 1% is even noted compared to 95% achieved during the previous year.

(iii) Sub-outcome 4: Secure cyberspace

The country requires an appropriate and adequate legislative framework to address national security in cyberspace. The Cybercrimes and Related Matters Bill has reached an advanced stage of development and is scheduled to be introduced into Parliament during the 2016/17 financial year. This Bill is intended to review the cyber security laws of the country to ensure that they provide a coherent and integrated cyber security legislative framework for the Republic. It will provide a legislative framework to address criminal activity in cyberspace.

(iv) Sub-outcome 7: Corruption in the public and private sector reduced

The Department's role in the sub-outcome is in reviewing current anti-corruption legislation and proposing any amendments necessary to strengthen government's hand in reducing corruption.

The Protected Disclosures Amendment Bill was introduced into Parliament in December 2015. The Bill extends the ambit of the Protected Disclosures Act (Act No. 26 of 2000), broadening its application beyond the traditional employer/employee relationship. It also grants a person who makes protected disclosures immunity from criminal and civil liability in certain circumstances and creates an offence where an employee makes false disclosure.

b) MASTERS SERVICES

The Master of the High Court delivers services at a time when people are vulnerable. These services include the winding up of the deceased estates, the administration of insolvent estates and payments from the Guardian's Fund. The Department embarked on a service turnaround which was driven by developments of case management systems that enable better management of cases. These included setting up a paperless environment through the scanning of documents and making them available electronically. As at the end of the year under review PEAS was successfully rolled out to all 15 master's offices as well as 96 service points. Furthermore, the Department developed an integration system with the Department of Home Affairs, which allows the offices to extract details from a deceased directly from the database of Home Affairs. This ensures that details are captured correctly and curbs any fraudulent activities.

Together with PEAS, Paperless Estate Administration for Trusts (PEAST) has been developed and implemented in all 15 master's offices. This enables members of the public to register trusts quicker and more efficiently.

Furthermore, during the year under review, the focus was also on the deployment and use of the Masters Own Verification Information System (Movit). This has been implemented and used in all 15 master's offices as well as at 74 magistrate's offices.

The table below indicates the total number of estates registered in the branch, for the financial year under review:

Total matters registered 2015/2016	Estates registered on ICMS (old system)	Estate registered on PEAS (new system)	% matters done on PEAS
107 512	4 138	103 374	96%

The successful implementation of PEAS will relieve work pressure on the master's officials as well as curb fraud and loss of documents as all documents are being scanned before being processed. 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 master's portal, available on the website.

c) LEGALADVICE

The Department, through the Office of the Chief State Law Adviser, provides legal advice, and legislative drafting services to the Executive and all state departments at 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 high quality.

Despite significant increases in number of cases received, particularly in preliminary opinions and translations, almost all cases received were finalised by the end of the financial year.

The table below indicates cases finalised for the last two financial years.

Financial year	Total cases received	Total cases finalised
Legal opinions		
2014/15	762	712
2015/16	737	726
Preliminary opinions on draft bills		
2014/15	55	54
2015/16	94	92
Certification of bills and other legislative instruments		
2014/15	242	217
2015/16	233	230
International agreements and accompanying legal opinions		
2014/15	231	228
2015/16	255	247
Translations into South African official languages		
2014/15	206	187
2015/16	275	271

d) INTERNATIONAL LEGAL RELATIONS

Mutual legal assistance

A Mutual Legal Assistance in Criminal Matters Treatise was negotiated with the United Kingdom authorities and has been finalised. The next step will be to obtain Cabinet's approval during the 2016/17 financial year.

During the year under review, the Department finalised 82 valid requests for extradition and mutual legal assistance cases during the year under review. This figure is lower than the 106 valid requests received in the previous financial year.

A total of 84 requests for the enforcement of foreign maintenance orders were handled. The implementation of these requests will ensure that parents, whether in South Africa or in a foreign state, 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 in order to ensure that parties receive proper notice of civil actions. To this end, the Department processed 212 requests for the service of process, with the assistance of other government departments.

Extradition and mutual legal assistance, maintenance and service of process undertaken in the last two financial years

Financial year	Total processed
Extradition and mutual legal assistance	
2014/15	106
2015/16	82
Foreign maintenance orders	
2014/15	55
2015/16	84
Service of process	
2014/15	204
2015/16	212

e) 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 processing of pardon applications for the president of the country.

i. Expungement of criminal records

People convicted of certain categories of crimes may apply for expungement of their criminal records in terms of section 271B and 271C of the Criminal Procedure Act (CPA).

This process enables people to be reintegrated into the socio-economic environment. During the year under review, 19 881 expungement applications were recorded, while 17 357 were finalised. The Department put measures in place to finalise applications within agreed service standards despite the 18% increase in applications received.

Expungement cases handled

Financial year	Outstanding applications from previous financial year	New applications received during	Number of applications finalised
2014/15	1 657	14 232	11 651
2015/16	3 114	16 767	17 357
% change	88%	18%	49%

ii. Application for presidential pardons

The president of the Republic may grant pardon to people convicted of crimes, based on issues such as circumstances of the case and public interest.

Presidential pardon cases handled

Period	Outstanding requests from previous financial year	New requests received	Number of requests finalised	Number of requests carried forward to next financial year	Matters forwarded to ministry	Number of pardons granted
2014/15	1107	560	1013	724	78	38
2015/16	724	500	720	523	59	43
% change	-35%	-11%	-29%	-28%	-24%	13%

f) IMPLEMENTATION OF TRUTH AND RECONCILIATION COMMISSION (TRC) RECOMMENDATIONS

The DOJCD was mandated to facilitate and oversee the implementation of the TRC recommendations. The implementation of the recommendation relating to Individual Reparations were finalised as reported previously.

i. Basic education and higher education regulations

The regulations in respect of basic education and higher education and training came into effect on 7 November 2014 following approval thereof by the president. The regulations provide for monetary assistance to TRC identified victims, their dependants and relatives in respect of their basic education and higher education and training needs.

The DOJ&CD, the Department of Higher Education and Training and the Department of Basic Education (DBE) are responsible for the implementation of the regulations. In the 2015 academic year, 315 applications were positively verified by the Department and referred to the National Student Financial Aid Scheme for approval of the applications and payments to academic institutions and allowances to students. A total of 318 applications were verified and referred to DBE for approval of the applications and subsequent payments. The maximum amount paid per student for higher education assistance is R65 000 and R41 500 for basic education per learner.

ii. TRC report volumes distribution

The Truth and Reconciliation Commission recommended that the TRC Report be distributed as widely as possible. During the year under review, in line with this recommendation, the Department through the TRC Unit has distributed 9 132 volumes to public libraries, Universities, FET Colleges and High Schools.

iii. Handovers

During the year under review, the remains of 10 former members of Umkhonto Wesizwe were successfully handed over to their families in Freedom Park by the Minister of Justice and Correctional Services. Furthermore, the Gallows Exhumation Project was launched. This project seeks to exhume 83 human remains of the political prisoners to be formally handed over to their families for dignified reburials.

iv. Community rehabilitation

To achieve the TRC recommendation on rehabilitation of communities that were subjected to acts of violence and destruction during the specified conflict period (31 March 1960 – 10 May 1994), and which are still in distress, the Department, consulted with relevant government departments to introduce the programme and to align and integrate these TRC referred communities within their mandate in line with the National Development Plan (NDP). Most departments indicated their willingness to reprioritise these communities within their departmental mandates in support of the TRC recommendations.

Extensive consultation took place within the JCPS cluster the G&A Cluster and the SPCHD cluster technical committees to recommend an integrated strategy for community rehabilitation to Cabinet. The results of these consultations were considered in the amendment of the draft regulations that will be published for comment in the next financial year.

2.5 SERVICE DELIVERY IMPROVEMENT PLAN

The Department has completed a service delivery improvement plan. The tables below highlight the improvement plan and the achievements to date.

Main services and standards

Main services	Beneficiaries	Current/actual standard of service	Desired standard of service	Actual achievement
Provision of maintenance services	Children Single parents Grandparents	All electronic maintenance payments to recipients will be processed within four working days of receipt of schedules from the employer	All electronic maintenance payments to recipients will be processed within four working days of receipt of schedules with deposit from the employer	Number of payments captured: 458 496 Number of payments finalised within four days: 337 593 Achievement: 73%
Effective and efficient court utilisation. Increase the number of cases finalised with a verdict by increasing accessibility of the Court Preparation Officer (CPO) and use of victim impact statements (VIS)	Victims of crime	65 court preparation sessions per CPO	70 court preparation sessions per CPO	70 court preparation sessions per CPO
		7 VIS per CPO per month	10 ¹ VIS per CPO per month	7

¹Target was changed to 7 during the review of the NPA Annual Plan 2015/16

Batho Pele arrangements with beneficiaries (consultation access etc.)

Batho Pele principle	Current/actual arrangements	Desired arrangements	Actual achievements
Consultation	Establish or maintain a maintenance forum in each region	Establish or maintain a maintenance forum in each region	<p>The following regions were able to form a working maintenance forum:</p> <ul style="list-style-type: none"> - Gauteng - Western Cape - North West - Northern Cape - Limpopo <p>The following regions have not yet established a maintenance forum:</p> <ul style="list-style-type: none"> - Eastern Cape: The process to establish the forum will continue during 2016/17 financial year - Free State: The forum is operational at a local level - Mpumalanga: The forum is not yet established - KwaZulu-Natal: The forum is not yet established
	Conduct one community engagement campaign per cluster within the reporting period	Conduct one community engagement campaign per cluster within the reporting period	412 community campaigns were planned and 325 were conducted.
	Pre-trial consultation by prosecutor with witnesses or victims Current: 69%	70%	52%
	Number of witnesses assisted by CPOs: 101 747 Current: Court preparation service available in 72 courts ²	102 764	110 030

² The indicator changed to number of witnesses assisted by CPOs

Batho Pele principle	Current/actual arrangements	Desired arrangements	Actual achievements
Consultation	Increase number of TCCs to 65 by 2017/18	55	55
	Wellness services ³	20 annually ⁴	26 stress/trauma management sessions
	Witnesses and related persons have the right to apply for witness protection ⁵	Baseline	100% (188)
	Participation in stakeholder forum The NPA participates in various forums		<p>NPA continued to make contributions towards the improvement of case flow management at PEEC⁶ and NEEC⁷</p> <p>The Sexual Offences and Community Affairs Unit participated in several oversight committee meetings, including ISCCJ⁸, ISCSO⁹, Victim Empowerment Forums (Eastern Cape, Gauteng and Northern Cape), Child Justice Forums (Maintenance, Provincial Human Trafficking task teams, Human trafficking, Prostitution, Pornography and Brothels task team in KZN), Child Pornography task team (Western Cape), LGBTI task team (Western Cape), either at local, provincial or national level to ensure stakeholder cooperation and coordination.</p> <p>The OWP continues to play a key role in the development of witness protection in Africa and the world through the APA</p>
Courtesy	Wearing of name tags by 100% of officials	Wearing of name tags by 100% of officials	<p>Number of officials monitored as per the activity: 12 945</p> <p>Number of officials wearing name tags: 11 356 Achievement: 87%</p> <p>530 officials were reached in Free State region through the name tags awareness session</p>
	Witnesses informed of their rights, court process and the progress and outcome of the case	65%	90%

³ The indicator was new during the development of the plan

⁴ The target was changed during the review to 20 sessions annually

⁵ The indicator was new during the development of the plan

⁶ Provincial Efficiency Enhancement Committee

⁷ National Efficiency Enhancement Committee

⁸ Inter-Sectoral Committee for Child Justice

⁹ Inter-Sectoral Committee for Sexual Offences

Batho Pele principle	Current/actual arrangements	Desired arrangements	Actual achievements
Access	Two provinces aligned with magisterial districts	Two provinces aligned with magisterial districts	Limpopo and Mpumalanga were aligned with effect from 16 January 2016
	Display proper directional signage at all service points	Display proper directional signage at all service points	North West: 32/32 from 6 clusters Gauteng: 27/44 from 5 clusters Mpumalanga: 47/61 from 8 clusters KwaZulu-Natal: 45/60 from 12 clusters Western Cape: 50/55 from 12 courts Free State: 6 courts are to be identified From the 252 planned number of service points to be equipped with proper directional signage a total 201 were done Performance: 80%
Openness and transparency	Publish the annual citizens report	Publish the annual citizens report	The annual citizens report will be published during the 2016/17 financial year
	Strategic plans, APP and annual reports are published on website	Strategic plans, APP and annual reports are published on website	Strategic plans, APP and annual reports are published on website
Information	Awareness sessions held on the maintenance services in nine regions	Awareness sessions held on the maintenance services in nine regions	Gauteng region conducted nine awareness sessions. Free State region conducted 11 radio interviews on maintenance and maintenance defaulters
Redress	All complaints to be acknowledged within 7 working days and responded to within 30 days	All complaints to be acknowledged within 7 working days and responded to within 30 days	During the year under review, the Department registered a total of 2 733 matters; 2 251 (82.36%) were resolved and 482 are outstanding. Of the 2 251 matters resolved, 63% (1 416) were resolved within 14 days, 13% (296) within 15 to 30 days, 11.6% (262) within 31 to 60 days and 12.3% (277) in over 61 days.
	Display a complaints flow chart at all courts	Display a complaints flow chart at all courts	
Value for money	Implement 60% of Project Khaedu	Implement 60% of Project Khaedu	Of the 217 recommendations, 163 were implemented Achievement: 75%
	Conviction rate in High Courts	87% ¹⁰ (888) ¹¹	89.9% (910)

¹⁰ The target for conviction rates are determined on performance standards and not based on historical performance

¹¹ The number below indicates the number of convictions out of the total number of verdicts and is the accurate reflection of the conviction rate target

¹² KwaZulu-Natal

Service delivery information tool

Current/actual information tools	Desired information tools	Actual achievements
<p>Community television campaign</p> <p>The "NPA for My Justice" television series has been syndicated to Alex TV, Cape Town TV, 1KZN¹² Television and Fresh TV.</p> <p>32 million people have been reached through community media awareness programmes (print, radio and television).</p>	16.1 million	18.4 million
<p>Community outreach events</p> <p>1 million people were reached through direct community outreach event and exhibitions.</p> <p>17 million people were reached through public broadcasts and commercial media engagements.</p>	1.1 million	1.4 million
<p>Road shows and public awareness and community outreach events</p> <p>A total of 114 public awareness and community outreach events took place across all nine provinces through the following initiatives: 10 road shows, 41 school outreach sessions and 22 Thusong events and visits across the country, 7 Child Protection Week events, 8 Criminal Justice and Access to Justice Events, 3 Ndabezitha events, 16 Nelson Mandela Day events, 11 Women's Day/Month events, 9 Sixteen Days of Activism events and 3 TCC events.</p> <p>Public exhibitions participation</p> <p>The NPA participated in several public exhibitions including the following:</p> <ul style="list-style-type: none"> * The Rand Show * The Royal Show * The Grahamstown Festival * The Gariiep Festival * Child Protection Week * Human Trafficking Week 		

Complaints mechanism

Current/actual complaints mechanism	Desired complaints mechanism	Actual achievements
<p>Representations</p> <p>Current: All representations addressed to the NPA Head Office were dealt with in alignment with the governing legislation. A total of 491 representations were dealt with by the NPA, achieving a clearance ratio of 85% and exceeding the target of 75%.</p>	<p>Clearance ratio of 90% for NPA Head Office</p>	<p>Representations received were processed as follows:</p> <p>Number of matters received: 521</p> <p>Number of matters finalised: 384</p> <p>Clearance ratio: 73.7%</p>
<p>Ethics hotline</p> <p>Unethical behaviour conducted by members of the NPA can be reported to the NPA hotline, 0800 212 580. This includes dissatisfaction with handling of cases by prosecutors; alternatively matters can be sent to communication@npa.gov.za</p> <p>Current: The IMU received 86 new cases of which 48 were general cases and 38 were hotline cases. 77 cases were finalised. 30 of these cases were finalised within 30 days by the IMU (78.9%)</p>	<p>35 received (100% finalised)</p>	<p>Ethics hotline cases were processed as follows:</p> <p>Number of cases reported: 44</p> <p>Number of cases carried over: 7</p> <p>Total number of cases under investigation: 51</p> <p>Total finalised within 30 days: 6</p> <p>Total finalised after more than 30 days: 32</p>

3. STRATEGIC OUTCOME-ORIENTED GOALS

The key mandate of the Department is to support administration of justice in line with the Constitution and good governance. This is done by implementing effective and efficient court administration systems and providing legal services to the country. The Department also implements the transformational agenda of the government on matters relating to access to justice and empowerment of previously disadvantaged individuals.

An overview of the departmental performance against each strategic goal is outlined below.

Goal 1: An efficient, effective and development-oriented administration.

The Department is committed to the principle of good governance by improving accountability, being transparent in delivering services, following the rule of law and being responsive to the needs and interests of the citizens of the Republic. An unqualified audit opinion on the Vote account was obtained during 2015/16 financial year. The Department has and is in the process of improving systems in place to address issues identified on the Third Party Funds. The focus during the 2015/16 financial year was on improving the integrity of information so as to improve financial disclosure in the financial statements. This resulted in the significant improvement of the audit outcome as reported in the TPF financial statements.

Goal 2: Improved administration support to the justice system enabling efficient resolution of cases (civil, family and criminal law).

The Department provided the necessary infrastructure and human capital for the case backlog project. Criminal matters that are long outstanding on the roll are being monitored through PEECs of the judiciary.

With regard to maintenance services, the objective is to improve service delivery by ensuring that where there is proper service of process, that cases are finalised within 90 days. This was piloted at nine pilot sites, one in each province. During the year under review 85% of the maintenance cases in these pilot sites was finalised within 90 days after proper service of process. Furthermore, 31 additional maintenance officers and 18 maintenance investigators were appointed to bring the total number of new personnel appointed in the past five years to 296. During the period under review, 2 352 322 beneficiaries were paid using the EFT system as a method of maintenance payment, thus reducing the risk of theft and saving the beneficiaries' time and transport costs.

Furthermore, during the year under review, the Department upgraded 14 regional courts into sexual offences courtrooms in accordance with the newly developed Sexual Offences Courts Model, bringing to 47 the number of sexual offences courts upgraded to date. These courts reinforce the establishment of a victim-centred court system that is prompt, responsive and effective.

The rationalisation of magisterial districts in respect of Limpopo and Mpumalanga provinces was finalised during the year under review. This process will ensure that the citizens of these provinces have access to justice services at courts located closer to where they live, thus reducing their travelling cost. The harmonisation of magisterial districts with provincial and municipal boundaries will enhance access to courts and ensure better coordination and integration of services within the three spheres of government.

With regard to civil matters, monitoring mechanisms were put in place to ensure that the turnaround times in dealing with civil matters at lower courts are improved.

Goal 3: Provision of quality legal services that strengthens the capacity of the State.

In support of effective provision of services, the Department has implemented an electronic system for master's services. The implementation of the PEAS has relieved work pressure on the masters' officials as well as curbed fraud and loss of documents. This system further enables interested parties to view information at any given time on the website.

The Department, through the Office of the Chief State Law Adviser, has continued to provide legal advice and guidance to the State.

The Office of the State Attorney is being capacitated to ensure the provision of quality legal services to the client departments. During the year under review, 176 positions were filled and 22 managers (heads of state attorney offices and deputy state attorneys) were trained. Furthermore, the Department has continued its efforts in transforming the provision of legal services by implementing its policy of empowering counsel for previously disadvantaged individuals and implementation of the Legal Practice Act.

Goal 4: Promote constitutionalism and social justice to contribute to social cohesion.

The previously disadvantaged individuals across the country continue to suffer several human rights violations. The Department assists vulnerable groups by providing human rights-based training to paralegal and community organisations. To this end, the Department has embarked on a joint project with the Foundation for Human Rights (FHR) to train paralegal community organisations, promote constitutional rights and to raise human rights awareness across the communities.

Furthermore, during the year under review, the Department completed interventions to improve awareness of constitutional rights, improve sector coordination and improve the capacity and engagement of CSOs on constitutional rights.

4. PERFORMANCE INFORMATION BY PROGRAMME

4.1 PROGRAMME 1: ADMINISTRATION

The purpose of this programme is to provide strategic leadership, management and support services to the Department. This programme has the following sub-programmes:

- Ministry
- Management
- Corporate Services
- Office Accommodation

Strategic objectives

The following strategic objectives were identified for this programme. Objectives and Performance indicators for each of these objectives are tabled below.

1. Increased compliance with prescripts to achieve and sustain unqualified audit opinion.
2. Implementation of programmes aimed at creating employment opportunities for the youth.
3. Reduction of fraud and corruption in the Department.
4. Increased number of public bodies compliant with the Promotion of Access to Information Act (PAIA; Act No. 2 of 2000).

STRATEGIC OBJECTIVE 1: INCREASED COMPLIANCE WITH PRESCRIPTS TO ACHIEVE AND SUSTAIN UNQUALIFIED AUDIT OPINIONS

Strategic objective 1: Increased compliance with prescripts to achieve and sustain unqualified audit opinions					
Objective indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
1. Unqualified audit opinion achieved and sustained on financial statements	-	Vote: Unqualified Guardian's Fund: Clean Criminal Asset Recovery Account (CARA): Clean TPF: Qualified President Fund: Clean	Vote: Unqualified Guardian's Fund: Clean CARA: Clean TPF: Qualified President Fund: Clean	-	Target achieved

The Department is committed to good governance, which promotes public confidence in its performance and is in line with mandates and the transformational agenda.

To this effect, several interventions are in place to ensure that the Department increases its compliance with prescripts and also achieves and sustains unqualified audit opinion.

Third Party Fund (TPF) improved from disclaimed opinion to qualified opinion, all other financial reports received unqualified audit opinion

Performance indicators

Strategic objective 1: Increased compliance with prescripts to achieve and sustain unqualified audit opinions					
Performance indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
1.1 Number of audit projects completed by internal audit	95% (239 of 252)	285	304	7%	Target exceeded. Improvement in operational efficiency contributed to reduction in turnaround times to complete projects.

Strategic objective 1: Increased compliance with prescripts to achieve and sustain unqualified audit opinions						
Performance indicator		Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
1.2	Percentage of audit findings addressed to resolve internal and external audit findings	86%	90%	81%	(10%)	Target not achieved. The target was not achieved as completion of some of the interventions overlapped into the 2016/17 financial year.
1.3	Number of quarterly reports on allocated CARA funds completed	4	4	3	(25%)	Target not achieved. Target was not achieved due to delay in submission of reports by the beneficiaries of CARA.

Internal Audit provides assurance and advisory services to management and the audit committee on the competency and effectiveness of risk management, controls and governance processes. In order to support the Department to achieve its mandate, goals and objectives, the Internal Audit unit on an annual basis develops an Audit Plan which is approved by Audit Committee. During the year under review, the Audit Committee approved an Audit Plan comprising of 285 audit projects. These projects aim to provide assurance that risks are appropriately and effectively managed to achieve the strategic objectives of the department.

During the year under review, 304 audit projects on the approved Audit Plan were completed. Improvement in operational efficiency in the internal audit unit contributed to reduction in turnaround times to complete projects, therefore providing adequate time for management interventions in areas where challenges are being experienced.

The Department strives to improve on good governance by implementing mechanisms that ensure that its components follow established policies and processes. As part of these mechanisms, an audit action plan was developed to resolve findings raised by the internal audit and the Auditor-General during the preceding financial year. This plan assists the Department to formulate interventions to avoid repeat findings in the current and succeeding financial years.

During the year under review, the Department implemented 81% (209 of 258) of interventions to resolve internal and external audit findings in accordance with the approved audit action plan. The target to implement 90% of interventions was not met as completion of some of the interventions overlapped into the 2016/17 financial year.

The CARA fund was established in 1999 as a separate account in the National Revenue Fund in terms of section 63 of the Prevention of Organised Crime Act (POCA; Act No. 121 of 1998). Forfeited funds and property are deposited into this account. During the year under review, the Department completed three quarterly reports on funds distributed to implement CARA funded projects. These reports serve to inform Cabinet, the Criminal Asset Recovery Committee and other oversight structures about the utilisation of CARA funds and assets.

The target to timely complete four reports was not achieved due to delays in submission of reports by beneficiaries of CARA funds, which affected the completion of the consolidated quarterly reports.

STRATEGIC OBJECTIVE 2: IMPLEMENTATION OF PROGRAMMES AIMED AT CREATING EMPLOYMENT OPPORTUNITIES FOR THE YOUTH

Strategic objective 2: Implementation of programmes aimed at creating employment opportunities for the youth					
Objective indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
2. Number of employment opportunities created for the youth	-	Baseline information report	Baseline information report not completed	(100%)	Target not achieved. Limited capacity contributed to target not being achieved.

In keeping with the country's commitment to reduce the unemployment rate of 25% recorded in 2014 to 16% in 2020, the Department has prioritised programmes that will contribute positively to address the challenge of unemployment. Such programmes include creation of employment opportunities for the youth.

To this end, the Department established a youth desk and institutionalised youth development programmes in line with the National Youth Policy 2015–2020, Youth Employment Accord 2013 and the NDP 2030.

During the year under review, the Department sought to track its interventions in creating employment opportunities for the youth through gathering baseline information to determine the target to be set for employment opportunities. The baseline information report was not completed due to limited resources required to complete the study. The Department has since identified resources that will assist in conducting the study during the 2016/17 financial year.

Performance indicators

Strategic objective 2: Implementation of programmes aimed at creating employment opportunities for the youth						
Performance indicator		Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
2.1	Number of people appointed on internship and learnership programmes	-	800	808	0.9%	Target achieved.
2.2	Percentage of procurement spending on the youth	-	Baseline report	Baseline report not completed	(100%)	Target not achieved. The current regulations that govern procurement within the public sector contributed to target not being achieved.

As part of the initiative towards addressing the challenge of unemployment, the Department commits to incrementally growing its participation in the public service internship programme. To this end, the Department appointed 808 people to internship and learnership programmes. The initiative embraces capacity development on human capital and promotes the advancement and empowerment of the youth for ease of access to learnerships, internships, graduate placement and mentorship programmes.

During the 2015/16 financial year, the Department had planned to conduct a baseline study with the aim of determining the target that can be set for procurement spending on the youth. The baseline study was not finalised due to the legal issues raised regarding regulations that govern procurement within the public sector. It can however be confirmed that although the baseline report was not completed, the Department continued to implement interventions to create opportunities for the youth.

STRATEGIC OBJECTIVE 3: REDUCTION OF FRAUD AND CORRUPTION IN THE DEPARTMENT

Strategic objective 3: Reduction of fraud and corruption in the Department						
Objective indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
3. Percentage of employees perceiving a decrease in fraud and corruption	-	Baseline survey	Baseline survey completed	-	Target achieved.	

The Departmental ethical principles and values are implemented among others by coordinating the implementation of the minimum anti-corruption capacity requirements. The minimum anti-corruption capacity requirements include the prevention of corruption through awareness & education programmes.

To this effect, the Department has a Fraud Prevention Plan that is implemented throughout the organisation and as such awareness sessions are conducted as part of the preventative mechanisms.. During the year under review the Department conducted a survey to determine the impact and effectiveness of anti-fraud and corruption initiatives implemented over the past few financial years..

The findings indicate that the majority of officials are aware of the Departmental Anti-corruption policies; however there exist a gap in full comprehension of the contents of the policies. This indicates that the department should follow a different approach to ensure that officials internalise the Anti-Corruption policies to its full extent. Training of officials in this regard will continue accordingly.

Performance indicators

Strategic objective 3: Reduction of fraud and corruption in the Department						
Performance indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
3.1 Number of fraud and corruption staff awareness workshops conducted	66	55	56	2%	Target achieved.	
3.2 Percentage of forensic investigations finalised	86%	92%	91%	(1%)	Target not achieved. The complexity of some of the cases led to the target not being met.	

3.3	Number of integrity competence assessments of senior management services (SMS) completed	156	165	175	6%	Target exceeded. Capacitation of the area of operation led to the target being exceeded.
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During the year under review, 56 fraud and corruption staff awareness workshops were conducted. Capacitation of the area of operation contributed to the target being exceeded.

To address the scourge of fraud and corruption, which continues to pose a risk within the public service, the Department undertook investigations to bring the perpetrators of such behaviour to book. During the year under review, the Department recorded 251 alleged cases of fraud and corruption and 228 of these cases were finalised. The target was not met due to complexity of some cases, which required more time to be finalised.

In terms of the Strategic Intelligence Act (Act No. 39 of 1994), as amended by the National Strategic Intelligence Amendment Act (Act No. 67 of 2002), persons that are employed by an organ of state or render a service or have given notice of intention to render a service to an organ of state must be vetted.

The Department continued with its commitment of ensuring that senior managers are vetted. The aim of this vetting process is to ensure that the Department's operations are undertaken by officials with high standards of integrity and ethics. As at the end of the year under review, a total of 175 SMS members either had their vetting certificates or vetting forms submitted to the State Security Agency. It can also be reported that 28 of these 175 SMS members were transferred to the OCJ.

STRATEGIC OBJECTIVE 4: INCREASED NUMBER OF PUBLIC BODIES' COMPLIANCE WITH PAIA

Strategic objective 4: Increased number of public bodies' compliance with PAIA						
Objective indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
4. Number of public bodies fully compliant with PAIA	-	51	102	100%	Target exceeded.	

Section 32 of the Constitution, states that everyone has the right of access to "any information held by the State and any information that is 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. During the year under review, a survey was conducted of public bodies to determine their level of compliance with PAIA. 102 public bodies were found to be fully compliant with PAIA.

Performance indicators

Strategic objective 4: Increased number of public bodies' compliance with PAIA						
Performance indicator		Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
4.1	Percentage of PAIA requests processed within 60 days	88% (297 OF 338)	75%	99%	32%	Target exceeded.
4.2	Number of public bodies trained on implementing PAIA	-	50	57	14%	Target exceeded.

The Department, through the Office of the Deputy Information Officer, ensures that it is able to process applications for access to information in its custody from all persons or institutions within the prescribed time frames.

During the year under review, the Department processed 206 requests; 204 of these were finalised within the prescribed period, representing 99% of the cases finalised .

To ensure compliance with PAIA, the Deputy Information Officer of the Department is required to provide training within various public bodies. During the year under review the Office of the Deputy Information Officer conducted PAIA training at 57 public bodies.

Strategy to overcome areas of underperformance

The target to resolve 90% of audit findings was not achieved because of interventions that took longer than expected to implement.

The target to complete four quarterly reports on allocated CARA funds was also not achieved due to a delay in submission of reports by CARA beneficiaries. The Department will continue to engage the beneficiaries and also provide the status report to the JCPS Cluster Development Committee.

The target to determine the baseline in setting the target for procurement spending on youth was not achieved and this can be attributed to the current legislations that govern procurement in the public sector. Although the baseline could not be determined, the Department continues to implement interventions to create opportunities for the youth.

Changes to planned targets

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

Linking performance with budgets

During the year under review, 99% of Programme 1 budget was spent. A total of 27% of the budget was spent on personnel who ensured that the day-to-day operations of the programme were undertaken, as well as performance against predetermined objectives specified in the departmental APP. A total of 54% was spent on office accommodation. The programme's underspending amounted to R13.4 million, which is attributed to the delay in submission of invoices for office accommodation by suppliers.

Of the predetermined objectives in the APP, the programme achieved 62% of these targets. Achievement of these targets assists the Department to increase efficiencies and transformational imperatives for the Department. These include, among others,

- i. Implementing projects to address the scourge of youth unemployment in our communities, while building a skills base of young people for the future.
- ii. Roll-out of training to ensuring full compliance of PAIA by government in order to promote transparent and clean governance.

Sub-programme expenditure

Sub-programme name	2015/16			2014/15		
	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	32 558	32 558	-	30 072	30 072	-
Management	54 028	54 028	-	43 435	37 504	5 931
Corporate Services	744 662	744 662	-	770 311	770 311	-
Office Accommodation	1 001 333	987 918	13 415	1 016 698	1 008 376	8 322
Total	1 832 581	1 819 166	13 415	1 860 516	1 846 263	14 253

4.2 PROGRAMME 2: COURT SERVICES

The purpose of this programme is to facilitate the resolution of criminal and civil cases, and family disputes by providing accessible, efficient and quality administrative support to the courts. This programme has the following sub-programmes:

- Lower Courts
- Family Advocate
- Magistrates' Commission
- Government Motor Transport
- Facilities Management
- Administration of Courts

Strategic objectives

Within this programme, the following strategic objectives were identified. Objective and Performance indicators for each of these strategic objectives are detailed in the tables below.

5. Improved finalisation of criminal cases in support of Outcome 3: All people in South Africa are and feel safe.
6. Improved court-based services to achieve client satisfaction within the vulnerable groups.
7. Increased protection of the best interest of children and promotion of family cohesion through mediation services.
8. Increased access to justice services to historically marginalised communities.
9. Improved level of compliance with quasi-judicial standards of service.

STRATEGIC OBJECTIVE 5: IMPROVED FINALISATION OF CRIMINAL CASES IN SUPPORT OF OUTCOME 3: "ALL PEOPLE IN SOUTH AFRICA ARE AND FEEL SAFE"

Strategic objective 5: Improved finalisation of criminal cases in support of Outcome 3: "All people in South Africa are and feel safe"						
Objective indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
5	Number of criminal cases on the backlog roll in lower courts	29 480	< 25 338	47 324	(87%)	Target not achieved.

In order to give effect to an accused person's right to a speedy trial enshrined in the Constitution, the Department and relevant stakeholders make every effort to finalise the trial as speedily as possible.

In this regard the criminal case backlog reduction initiative was introduced as one of the various interventions to deal with criminal case backlogs. The aim of the case backlog project is to achieve a reduction in cases and to ensure that the inflow of new cases is balanced by matters concluded as well as greater court efficiency and effectiveness. During the year under review, the number of criminal cases on backlog in the lower courts increased to 47 324, representing 26% of the outstanding roll of 178 740 cases. The target was not achieved as the Department had with effect from the 2014/15 financial year adjusted the calculation used to determine whether a case is a backlog or not.

Whereas at the time the target was set, the duration of the case on the roll for regional courts was counted from the date of enrolment at regional court to finalisation, this was adjusted to be from the first appearance date to finalisation date, irrespective of whether the case is finalised at district court or at regional court for performance reporting. This is in line with section 35(1)(d) of the Constitution of the Republic of South Africa, which states that everyone who is arrested for allegedly committing an offence has the right to be brought before a court as soon as reasonably possible. The first appearance date is the date that the accused person first appeared in court.

It should be noted that, during the year under review, new norms and standards to determine the timeframes for criminal case finalisation were introduced as follows:

- i. From date of first appearance to plea (which should not be more than three months).
- ii. From plea to finalisation of the criminal case (which should not be more than six months).

In view of these changes, the Department will during the 2016/17 financial year collect baseline information that will assist in setting the criminal backlog cases target for the 2017/18 financial year.

Performance indicators

Strategic objective 5: Improved finalisation of criminal cases in support of Outcome 3: "All people in South Africa are and feel safe"						
Performance indicator		Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
5.1	CJS business plan completed by target date	-	CJS business plan completed by 31 December 2015	Draft CJS business plan completed	(100%)	Target not achieved. The target was not achieved as the consultative process with stakeholders took longer than anticipated.

Strategic objective 5: Improved finalisation of criminal cases in support of Outcome 3: "All people in South Africa are and feel safe"						
Performance indicator		Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
5.2	Percentage of criminal cases postponed due to unavailability of court administration staff	2%	3%	0.17%	94%	Target exceeded. Monthly monitoring of performance contributed to the target being exceeded.

The government is committed to a Criminal Justice System (CJS) that is transformed, focused, coordinated and well managed at every level and that addresses community needs and concerns. To this end, a decision was undertaken as per the MTSF to develop an integrated CJS business plan. The CJS integrated business plan aims to guide process of ensuring that the CJS seven-point plan is implemented across the value chain of the CJS. During the year under review, the draft CJS business plan was developed. The target was not achieved as the consultative process with stakeholders took longer than anticipated.

Court administrative support in the form of an administrative official to record court proceedings digitally as well as the provisioning of an interpreter to assist through interpretation into various official and foreign languages is essential for effective criminal court sitting.

The Department therefore strives to ensure that the necessary administrative support required for the functioning of the courts is available at all times. During the year under review, 312 cases from the outstanding roll of 178 740 were postponed due to unavailability of court administrative support. Monthly monitoring of performance and support provided to courts have led to the target being exceeded.

STRATEGIC OBJECTIVE 6: PROVIDE IMPROVED COURT-BASED SERVICES TO ACHIEVE CLIENT SATISFACTION WITHIN THE VULNERABLE GROUPS

Strategic objective 6: Provide improved court-based services to achieve client satisfaction within the vulnerable groups						
Objective indicator		Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2014/2016	Comment on deviations
6	Percentage of complainants satisfied with courts-based support services	-	Baseline survey	Baseline survey completed	-	Target achieved.

The Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act No. 32 of 2007) was enacted to respond to the concerns of the victims of sexual violence in order to address the secondary victimisation encountered by the victims in the criminal justice process. To this end, in keeping with its commitment to protecting the rights of victims of sexual offences in courts, the Department continues to put interventions in place aimed at improving the services rendered to victims of sexual offences.

In order to assess the impact of the service improvements and identify further areas of improvement, the Department conducted a client satisfaction study. This study was also conducted with the aim of determining the Performance target to be set for subsequent years. The study included conducting interviews with adults and children who accessed the sexual offences courts and examination of documents.

Performance indicators

Strategic objective 6: Provide improved court-based services to achieve client satisfaction within the vulnerable groups						
Performance indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
6.1	Percentage of maintenance matters finalised within 90 days after proper service of process (nine pilot sites)	60%	55%	85%	55%	Target exceeded. Monthly monitoring of performance led to the target being exceeded.
6.2	Percentage of convictions recorded electronically on the National Register for Sex Offenders (NRSO)	100%	92%	100%	9%	Target exceeded. Monthly monitoring of performance led to the target being exceeded.
6.3	Number of sexual offences court rooms established	14	12	14	17%	Target achieved.

The Department remains committed to ensuring that the beneficiaries of maintenance receive the payments due to them within a reasonable time. To this end, service standards have been set for handling of maintenance cases. These standards are aimed at ensuring that the maintenance system is faster, easily accessible and effective. One such standard is to ensure that maintenance cases are finalised within 90 days after proper service of process.

This standard has, as at the end of 2015/16 financial year, been piloted at nine sites in the nine provinces, namely Johannesburg Family Court in Gauteng, Botshabelo in Free State, Phillipi in the Western Cape, Thohoyandou in Limpopo, Umlazi in KwaZulu-Natal, East London in the Eastern Cape, Kimberly in the Northern Cape, Kwa-Mhlanga in Mpumalanga and Moretele in North West.

During the year under review, the Department recorded 6 571 maintenance cases where defendants were served with proper service of process at the nine pilot sites and 5 596 cases were finalised within 90 days after proper service of process, translating to 85% performance achieved. It can also be mentioned that for 2016/17 financial year performance will be measured at an additional 99 maintenance courts.

The NRSO was established on 30 June 2009 in terms of Chapter 6 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act (Act No. 32 of 2007). The NRSO aims to protect children and persons who are mentally disabled against registered sex offenders by establishing and maintaining a record of persons who have been convicted of a sexual offence against a child or a person who is mentally disabled. The aim is to reduce the high prevalence of sexual violence perpetrated against these two categories of persons by restricting registered offenders from working in environments that will expose them to these victims. As at the end of the year under review, 22 879 convictions were recorded electronically on the NRSO indicating an increase from the 17 500 that were recorded during the previous financial year.

The ministerial advisory task team on the adjudication of sexual offences matters recommended that sexual offences courts be re-established. During the year under review, 14 courtrooms were upgraded to dedicated sexual offences courtrooms. These are situated at Johannesburg Court (three courtrooms), Protea Court (two courtrooms), Atlantis Court (two courtrooms), Eerstehoek Court (one courtroom), Mankwe Court (one courtroom), Durban Court (two courtrooms), Phuthaditjhaba Court (one courtroom), Colesburg (one courtroom) and Galeshewe (one courtroom). This brings to 47 the number of regional courts upgraded to sexual offences courtrooms. These courts reinforce the establishment of a victim-centred court system that is prompt, responsive and effective.

STRATEGIC OBJECTIVE 7: INCREASED PROTECTION OF THE BEST INTEREST OF CHILDREN AND PROMOTION OF FAMILY COHESION THROUGH MEDIATION SERVICES

Strategic objective 7: Increased protection of the best interest of children and promotion of family cohesion through mediation services						
Objective indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
7	Number of children assisted through family advocate interventions	-	12 960	23 481	81%	Target exceeded. The objective was measured for the first time in the period under review; thus, certain assumptions in the determination of the baseline did not hold true.

The Department, through the Office of the Chief Family Advocate, is mandated as per various legislations, such as the Mediation in Certain Divorce Matters Act (Act No. 24 of 1987), to protect the best interests of minor children. To this end, the Office of the Chief Family Advocate provides professional services to members of the public and the courts, with children being the main beneficiaries. The cases form part of a litigation or non-litigation process. During the year under review 23 481 were assisted through family advocate interventions, against the target of 12 960. The Department created extra family advocate's offices across the country which provided extra capacity in this area, thus resulting in the target being overachieved.

Performance indicators

Strategic objective 7: Increased protection of the best interest of children and promotion of family cohesion through mediation services						
Performance indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
7.1	Percentage of non-litigation family law matters finalised	78%	30%	86%	187%	Target exceeded. The newly created offices provided extra capacity which contributed to the target being exceeded.
7.2	Percentage of family advocates' court reports filed within 15 days of completion of enquiry	85%	85%	92%	8%	

The Department, through the Office of the Chief Family Advocate, is mandated to promote and protect the best interests of children in legal disputes over parental responsibilities and rights. The Department therefore provides professional services to the public and the courts, with children being the main beneficiaries of the services provided. The cases handled by the family advocate are litigation cases whose output is court reports and non-litigation cases whose output is mediation.

During the year under review, 9 567 non-litigation family law matters were registered and 8 194 of these matters were finalised. For the litigation cases where reports needed to be filed at courts, 8 355 reports were filed and 7 688 of those reports were filed within 15 days of completion of the enquiry. The Department has been conducting awareness campaigns in various regions, which led to the citizens being aware of the services offered by the Office of the Family Advocate, hence the increase in the number of request for services.

STRATEGIC OBJECTIVE 8: INCREASED ACCESS TO JUSTICE SERVICES TO HISTORICALLY MARGINALISED COMMUNITIES

Strategic objective 8: Increased access to justice services to historically marginalised communities						
Objective indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
8	Percentage of clients perceiving an increase in access to justice services	-	Baseline survey report	Baseline survey report not completed	(100%)	Target not achieved. Limited capacity contributed to the target not being achieved.

In keeping with its commitment to increase access to justice, the Department has in the past few years established new courts and rationalised the existing courts in order to align them with the constitutional dispensation. To this effect the Department needs to determine whether these interventions to improve access to services are yielding intended benefits to the people who are accessing the justice services.

Therefore, for the 2015/16 financial year, the Department planned a baseline survey to determine citizens' perception of access to justice services. The baseline survey report was not completed due to limited resources.

Performance indicators

Strategic objective 8 : Increased access to justice services to historically marginalised communities						
Performance indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
8.1	Number of small claims courts established	39	30	40	33%	Target exceeded. The amendment of the Small Claims Courts Act (Act No. 61 of 1984) broadened the scope of commissioners, leading to the establishment of more small claims courts.

Strategic objective 8 : Increased access to justice services to historically marginalised communities						
Performance indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
8.2	Number of provinces where magisterial districts are aligned with municipal boundaries	39 magisterial districts aligned to municipal boundaries	2	2	-	Target achieved.
8.3	Number of divisions of High Courts aligned with provincial boundaries	-	2	2	-	Target achieved.

In keeping with the Department's commitment to improve access to justice, small claims courts continue to be established with the aim of ensuring that there is a small claims court in every magisterial district in the country. During the year under review, 40 new small claims courts were established. These courts will ensure that citizens are able to institute minor civil claims in an affordable and simple manner without the services of an attorney.

This performance brings to 371 the number of small claims courts established as main centres for the hearing of small claims matters, with only 32 magisterial districts that still need small claims courts. This is beneficial to all the communities, who now have access to these small claims courts.

The amendment of the small claims court Act means that new small claims courts could therefore be established without necessarily having to appoint a commissioner for that district. The Department continues with its process to align magisterial districts to municipal boundaries in order to promote access to equal justice to the public. The harmonisation of magisterial districts with provincial and municipal boundaries will enhance access to courts and ensure better coordination and integration of services within the three spheres of government, in particular within the JCPS cluster.

The alignment of magisterial districts to municipal boundaries further seeks to redress the past geo-spatial injustices through which the majority of the previously disadvantaged were attached to far flung courts. During the year under review, magisterial districts were aligned to municipal boundaries in two provinces, namely Limpopo and Mpumalanga.

Similarly, the process of aligning divisions of High Courts with provincial boundaries continued. This harmonisation of divisions of High Courts with provincial boundaries will improve access to courts and ensure better coordination and integration of services within the three spheres of government. During the year under review, two divisions of High Courts were aligned with provincial boundaries.

STRATEGIC OBJECTIVE 9: IMPROVED LEVEL OF COMPLIANCE WITH QUASI-JUDICIAL STANDARDS OF SERVICE

Strategic objective 9: Improved level of compliance with quasi-judicial standards of service						
Objective indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
9	Percentage of clients satisfied with quasi-judicial services		Baseline study	Baseline study not completed	(100%)	Target not achieved. The delay in receipt of feedback from participants led to the target not being achieved.

The Department strives to improve compliance with the standards in the delivery of quasi-judicial services offered to clients. To this end, service standards have been introduced regarding the processing of applications for court judgements issued by the clerk of court in terms of Rule 12 of the magistrates court rules.

The Department therefore needs to determine whether interventions put in place to expedite the application for default judgment process are yielding intended results. During the year under review, the Department sought to conduct a baseline study to determine the target to be set for the subsequent years. Although the study was conducted, it was not finalised by the end of the financial year; thus, the target was not achieved.

Performance indicators

Strategic objective 9 : Improved level of compliance with quasi-judicial standards of service						
Performance indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
9.1	Percentage of requests for default judgments dealt with by the clerk of the court within 14 working days of receipt (district courts)	90%	85%	87%	2%	Target achieved.

Strategic objective 9 : Improved level of compliance with quasi-judicial standards of service						
Performance indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
9.2	Percentage of unopposed taxations processed within 14 working days from the date the matter is set down (district courts)	92%	98%	7%	Target exceeded. Monthly monitoring of performance led to the target being exceeded.	

In civil matters where summons have been issued and no defence is lodged, a default judgement is often requested. The Department maintains service standards to avoid backlogs. During the year under review 241 816 requests for default judgements were received and 211 219 were dealt with by the clerks of the court, within 14 working days of receipt.

Monthly monitoring of performance and support provided to courts have led to the target being exceeded.

Subsequent to the finalisation of civil matters, cost orders and taxations need to be finalised in order to allow claimants to receive their funds. Similarly, service standards exist to ensure the speedy finalisation of such matters. During the year under review, the Department processed 12 558 unopposed taxations and 12 326 were processed within 14 working days from the date the matters were set down. Monthly monitoring of performance and support provided to courts led to the target being exceeded.

Strategy to overcome areas of underperformance

The finalisation of criminal court cases includes various stakeholders within the justice value chain. These stakeholders are continuously engaged in developing interventions that will lead to speedy finalisation of criminal cases. The new norms and standards developed by the Judiciary will assist in addressing the case backlogs. The target to complete the CJS business plan was not achieved as the consultative process with stakeholders took longer than anticipated. The Department will continue engaging at a high level with various departments to ensure finalisation of the business plan.

Targets to complete surveys to determine clients' perception of an increase to access to justice services and to determine clients' satisfaction with quasi-judicial services were not achieved due to limited capacity required to conduct such surveys. The Department has for 2016/17 identified resources that will be used for the completion of the surveys.

Changes to planned targets

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

Linking performance with budgets

During the year under review, 100% of the Programme 2 budget was spent. A total of 60% of the budget was spent on personnel who ensured the day-to-day operations of the service points and courts as well as performance against the predetermined objectives specified in the departmental APP.

Within predetermined objectives in the APP, 76% of the programme's targets were achieved:

- i. 85% of maintenance cases finalised within 90 days after proper service of process.
- ii. Upgrading of 14 regional courtrooms into sexual offences courtrooms.
- iii. Finalising 8 354 non-litigation family law matters.
- iv. Establishment of 40 small claims courts.
- v. Dealing with 240 754 requests for default judgments.

Sub-programme expenditure

Sub-programme Name	2015/2016			2014/2015		
	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Lower Courts	4 143 156	4 143 156	-	4 524 581	4 427 264	97 317
Family Advocate	198 658	198 658	-	177 891	177 891	
Magistrate's Commission	13 934	13 934	-	11 370	11 370	
Government Motor Transport	-	-	-	29 357	29 357	
Facilities Management	812 403	812 403	-	784 805	773 392	11 413
Administration of Courts	499 103	499 103	-	486 147	486 147	
Total	5 667 254	5 667 254	-	6 014 151	5 905 421	108 730

4.3 PROGRAMME 3: STATE LEGAL SERVICES

The purpose of this programme is to provide legal and legislative services to government, supervise the registration of trusts and the administration of deceased and insolvent estates and estates undergoing liquidation, manage the Guardian's Fund and prepare and promote legislation. In addition, the Department facilitates constitutional development and undertakes research in support of this.

This programme has the following sub-programmes:

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

Strategic objectives

The strategic objectives under this programme are as follows:

10. Increased efficiency in the provision of masters services to all beneficiaries thereof.
11. Improved management of litigation on behalf of the State to reduce litigation costs and transform the legal profession.
12. Enhanced reintegration of petty offenders into socio-economic environment.
13. Provision of quality legal advisory services that pass constitutional muster.
14. Fulfilment of international obligations by the Department.
15. Development of legislative instruments that withstand constitutional challenges.
16. Promotion of broad-based knowledge about and support for values of equality, human dignity and fundamental human rights.
17. Implementation of the TRC recommendations, as approved by Parliament, for the purposes of contributing to healing the wounds of the past and restoring human dignity.

STRATEGIC OBJECTIVE 10: INCREASED EFFICIENCY IN THE PROVISION OF MASTERS' SERVICES TO ALL BENEFICIARIES THEREOF

Strategic objective 10: Increased efficiency in the provision of masters' services to all beneficiaries thereof						
Objective indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
10.	Number of visits to the masters web portal	-	100 000	188 902	89%	Target exceeded.

In keeping with its commitment of service turnaround within the Office of the Chief Master, systems and innovations continued to be developed for better management of cases within the Offices of the Master. One of the initiatives was the development of the masters web portal for tracking the administration of estates and trusts. During the year under review, the Department recorded 188 902 visits to the masters web portal.

Performance indicators

Strategic objective 10: Increased efficiency in the provision of masters' services to all beneficiaries thereof						
Performance indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
10.1	Percentage of letters of appointment issued in deceased estates within 15 days of receipt of all required documents	89%	95%	92%	(3%)	Target not achieved. Network downtime led to delays in processing appointments.
10.2	Percentage of liquidation and distribution accounts in large estates (> R125 000) examined within 15 days of receipt of all required documents	90%	92%	92%	-	Target achieved.
10.3	Percentage of beneficiaries in receipt of services within 40 days of receipt of all required documents (Guardian's Fund)	92%	91%	93%	2%	Target achieved.

Strategic objective 10: Increased efficiency in the provision of masters' services to all beneficiaries thereof						
Performance indicator		Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
10.4	Percentage of certificates of appointment issued in all bankruptcy matters within 10 days of receipt of all required documents	89%	87%	91%	5%	Target exceeded. Monthly monitoring of performance led to the target being exceeded.
10.5	Percentage of liquidation and distribution accounts in bankruptcy matters examined within 15 days of receipt of all required documents	93%	96%	96%	-	Target achieved.
10.6	Percentage of letters of authority issued in trusts within 14 days of receipt of all required documents	79%	90%	87%	(3%)	Target not achieved. Network downtime led to the target not being achieved.
10.7	Percentage of new deceased estates registered on the PEAS in the master's offices	87%	85%	96%	13%	Target exceeded. Monthly monitoring of performance led to the target being exceeded.

The livelihood of surviving spouses and other beneficiaries depends on the Office of the Master of the High Court to appoint a person promptly to wind up the affairs of the deceased in a speedy manner so as not to disadvantage the beneficiaries.

The Department therefore has set standards at which services should be performed. During the year under review, 120 051 letters of appointments in deceased estates were issued, of which 110 297 were issued within 15 days of receipt of all required documents. The overall annual target of 95% was not met due to the fact that offices have experienced slow network issues, which in turn caused backlogs in processing appointments.

Estates are only reported to the master if the deceased left assets 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 if the assets and funds can be ploughed back into the economy without delay. During the year under review, 49 504 accounts in large estates were examined and 45 742 were examined within 15 days of receipt of all required documents.

The beneficiaries of the Guardian's Fund are almost all minors or persons incapable of managing their own affairs. Reaching the target set 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, schooling and livelihood. During the year under review, 49 819 beneficiaries were in receipt of Guardian's Fund services and 46 523 were in receipt of these services within 40 days of receipt of all the required documents.

During the year under review, 11 150 certificates of appointment in bankruptcy matters were issued, of which 10 102 were issued within 10 days of receipt of all the required documents. Furthermore, 8 247 liquidation and distribution accounts in bankruptcy matters were examined and 7 885 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 they are commonly used instruments in financial planning in a regulated environment. The timely registration of trusts facilitates free and efficient economic activity. Furthermore, since trusts impact on individual tax planning, the Department, through the masters' offices and SARS continue to work together in exchanging information required by each organisation. During the year under review, 36 886 letters of authority in trusts were issued, of which 32 225 were issued within 14 days of receipt of all the required documents. Network downtime and the phasing in of the implementation of PEAST as well as the capacitation of officials on the system contributed to the target not being achieved.

The Department continues to develop business solutions in order to improve service delivery. One of such solutions is the PEAS. This system aims to relieve work pressure on the masters' officials as well as to curb fraud and document loss by scanning the documents. During the year under review, the Department registered 107 512 new deceased estates, of which 103 374 were processed on PEAS.

STRATEGIC OBJECTIVE 11: IMPROVED MANAGEMENT OF LITIGATION ON BEHALF OF THE STATE TO REDUCE LITIGATION COSTS AND TRANSFORM THE LEGAL PROFESSION

Strategic objective 11: Improved management of litigation on behalf of the State to reduce litigation costs and transform the legal profession						
Objective indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
11. Percentage of savings on damages claimed	-	5%	64%	11800%	Target exceeded. The objective was measured for the first time during the year under review and assumptions in the determination of the baseline did not hold true.	

The Department has as one of its priorities the turnaround of the state attorney offices. This includes putting systems and policies in place to manage litigation costs, ensure effective management of State Litigation and capacitating the state attorney offices to enable the improvement of operational effectiveness.

During the year under review, damages to the value of R2 021 884 701 were claimed, of which savings to the value of R1 286 741 331 were made. This saving will go a long way in ensuring that funds are prioritised for service delivery.

Performance indicators

Strategic objective 11: Improved management of litigation on behalf of the State to reduce litigation costs and transform the legal profession						
Performance indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
11.1	Percentage value of briefs allocated to Previously Disadvantaged Individuals Counsel	76%	77%	80%	4%	Target achieved.
11.2	Percentage of finalised damages claims where savings were made	-	62%	96%	60%	Target exceeded. The indicator was measured for the first time during the year under review and assumptions in the determination of the baseline did not hold true.
11.3	Number of policies submitted to the Executive for endorsement	-	1	1	-	Target achieved.
11.4	Number of positions filled	-	73	176	141%	Target exceeded. Capacitation of state attorney offices was prioritised during the year under review, leading to the target being exceeded.
11.5	Number of managers trained in management	-	13	22	69%	

In keeping with commitments towards the transformation of the legal profession, the Department has put systems in place aimed at supporting previously disadvantaged professionals. During the year under review the Department briefed counsel on matters to the value of R709 119 045, R565 938 638 of which was allocated to counsel from the ranks of previously disadvantaged individuals.

The department is embarking on the turnaround programme for services of state attorney offices. This programme involves putting policies in place to effectively manage State Litigation and includes among others the reduction of litigation costs. During the year under review, a total of 1 566 litigation matters were finalised and in 1 506 of those matters the Department made savings on damages claimed. As part of its priority to reduce litigation costs, which have been increasing over the years, the Department seeks to develop policies that will effectively manage State Litigation. During the year under review, the mediation policy was submitted and endorsed by the Executive. This policy provides procedures to assist state attorneys in utilising the alternative dispute resolution mechanisms of mediation.

The Department has prioritised the capacity of the state attorney offices to enable them to improve operational effectiveness. As at the end of the fourth quarter, a total of 176 positions within the branch Office of the Chief Litigation Officer were filled. In keeping with its commitment to capacitate the state attorney offices, the Department embarked on training to capacitate management at state attorney offices. During the year under review, 22 State Attorney Heads and Deputy State Attorneys were trained on management and leadership.

STRATEGIC OBJECTIVE 12: ENHANCE REINTEGRATION OF PETTY OFFENDERS INTO SOCIO-ECONOMIC ENVIRONMENT

Strategic objective 12: Enhance reintegration of petty offenders into socio-economic environment						
Objective indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
12. Number of offenders whose convictions were cleared to facilitate reintegration into the socio-economic environment	-	11 000	11 280	3%	Target achieved.	

In terms of sections 271B and 271C of the Criminal Procedure Act (CPA), certain convictions can be expunged from criminal records by way of an application in terms of the CPA Act. A conviction can be expunged from a person's criminal record if 10 years have lapsed after the date of the conviction, if the person was not convicted of any other offence and sentenced to a period of imprisonment without the option of a fine during these 10 years, if a fine imposed for the expunged conviction and sentence did not exceed R20 000, if the person was not sentenced to a period of imprisonment and if the person's name is not included in the NRSO or in the National Child Protection Register.

The Department is mandated to handle expungements of certain criminal records in respect of individuals who qualify under law. Criminal records of these individuals are cleared, thereby enhancing their reintegration into the socio-economic environment. During the year under review, convictions of 11 280 offenders were cleared, thus facilitating their reintegration into the socio-economic environment.

Performance indicators

Strategic objective 12: Enhance reintegration of petty offenders into socio-economic environment						
Performance indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
12.1	Percentage of expungements completed within three months	90%	80%	75%	(6%)	Target not achieved. An increase in the number of requests received and capacity constraints led to the target not being achieved.

To ensure speedy finalisation of applications for expungements, the Department has set performance standards at which services should be performed. During the year under review, the Department finalised 17 357 applications for expungements cases and 12 976 of those cases were finalised within three months of receipt of all required documents. The increase in the volume of requests received and capacity constraints within the area responsible for handling expungements contributed to the target not being met.

STRATEGIC OBJECTIVE 13: PROVISION OF QUALITY LEGAL ADVISORY SERVICES THAT PASS CONSTITUTIONAL MUSTER

Strategic objective 13: Provision of quality legal advisory services that pass constitutional muster						
Objective indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
13	Percentage of legislative instruments and international agreements which can be successfully challenged in court for constitutionality	-	< 2% constitutional challenges	0%	-	Target achieved.

The Department, through the supervision of the Office of the Chief State Law Adviser, has the responsibility of providing legal advice, representation and legislative drafting services to the Executive, namely all state departments at both national and provincial levels, municipalities, parastatals and independent or autonomous bodies that may refer work to it. The Office of the Chief State Law Adviser further provides legal advice and guidance to the State on its proposals, legislation and international agreements and ensures that potential litigation against the State, on constitutional and other legal grounds, is considerably reduced. It provides legal advice and guidance that matters in question are compatible with the Constitution and other legal instruments and that they will pass constitutional muster.

During the year under review, there were no legislative instruments and international agreements that were successfully challenged in court for constitutionality.

Performance indicators

Strategic objective 13: Provision of quality legal advisory services that pass constitutional muster						
Performance indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
13.1	Percentage of legal opinions finalised within 30 days of the date of receipt	86%	83%	96%	16%	Target exceeded. Regular monitoring of performance led to the target being exceeded.
13.2	Percentage of preliminary opinions on draft bills for Cabinet's consideration completed within 40 days of the date of receipt	80%	70%	97%	36%	Target exceeded. Regular monitoring of performance led to the target being exceeded.
13.3	Percentage of bills and subordinate legislation finalised within 40 days of the date of receipt	88%	85%	96%	13%	Target exceeded. Regular monitoring of performance led to the target being exceeded.

Strategic objective 13: Provision of quality legal advisory services that pass constitutional muster						
Performance indicator		Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
13.4	Percentage of international agreements and accompanying legal opinions finalised within 30 days of the date of receipt	93%	70%	98%	40%	Target exceeded. Regular monitoring of performance led to the target being exceeded.
13.5	Percentage of translations finalised within 55 days of the date of receipt	89%	84%	93%	11%	Target exceeded. Regular monitoring of performance led to the target being exceeded.

The Department, through the office of Chief State Law Adviser, provides legal advice, representation and legislative drafting services to the Executive, all state departments at both national and provincial levels, municipalities, parastatals and independent or autonomous bodies that may refer work to it.

During the 2015/16 financial year, 726 legal opinions were finalised; of these 694 were finalised within 30 days of the date of receipt, which translates to 96% against the target of 89%. Furthermore, during the year under review, the Department finalised 92 preliminary opinions on draft bills for Cabinet's consideration and 89 of these matters were finalised within 40 days of the date of receipt, which translates to 97% against the target of 70%.

A total of 230 bills and subordinate legislation were received for certification and 221 were finalised within 40 days of the date of receipt during the period under review. This translates to a performance of 96% against a target of 85%. The Department received 247 international agreements and accompanying legal opinion in the financial year under review; 243 out of 247 were finalised within 30 days, which translates to a 98% performance against a target of 70%.

A total of 271 translations were received during the year and 251 were finalised within the set timeframe of 55 days from date of receipt. This translates to a performance of 93% against a target of 84%. During the current year the Office of Chief State Law Adviser translated Bills into isiZulu, isiXhosa, Sepedi, Xitsonga, Sesotho, Tshivenda, SiSwati, isiNdebele, Setswana and Afrikaans.

STRATEGIC OBJECTIVE 14: FULFILMENT OF INTERNATIONAL OBLIGATIONS BY THE DEPARTMENT

Strategic objective 14: Fulfilment of international obligations by the Department						
Objective indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
14	Number of country reports and ratifications tabled timeously	-	2 country reports 1 ratification	0 country reports	(100%)	Target not achieved. The process of consulting with different stakeholders resulted in delays in finalising the country reports and ratification

The country from time to time ratifies or accedes to a number of international agreements. Therefore, it is expected that reports be submitted to the United Nations and the AU on the progress in implementing the agreements ratified and acceded. The Department is therefore mandated to ensure that there is timeous compilation and submission of the country reports to the UN and AU. During the year under review, no country report was tabled. The process of consulting with different stakeholders results in delays in finalising the country reports and ratification. It can be reported that although the target was not met progress has been made in compilation of country reports and ratifications.

Performance indicators

Strategic objective 14: Fulfilment of international obligations by the Department						
Performance indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
14.1	Percentage of valid requests for extradition and mutual legal assistance in criminal matters processed within 25 days (notification)	82%	85%	77%	(9%)	Target not achieved. Complexity of certain matters which required consultations with stakeholders led to delays in processing matters.

Strategic objective 14: Fulfilment of international obligations by the Department						
Performance indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
14.2	Number of bilateral agreements concluded	-	2	0	(100%)	Target not achieved. The introduction of the new process to obtain approval for submission to Cabinet led to the target not being achieved.

The Department is committed to making South Africa a safe place and continues to speedily process requests for extradition and mutual legal assistance. During the year under review, the Department finalised 82 valid requests for extradition and mutual legal assistance in criminal matters and 63 of these requests were processed within 25 days of receipt.

The target was not met due to delays in handling complex matters.

The bilateral agreement regarding the Extradition Treaty between RSA and Botswana has been submitted to and discussed at ICTS and JCPS Cabinet committees. The introduction of the new process to obtain approval for submission to Cabinet led to the target not being achieved.

STRATEGIC OBJECTIVE 15: DEVELOPMENT OF LEGISLATIVE INSTRUMENTS THAT WITHSTAND CONSTITUTIONAL CHALLENGES

Strategic objective 15: Development of legislative instruments that withstand constitutional challenges						
Objective indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
15	Percentage of legislative instruments successfully challenged for constitutionality	-	< 2% implementation challenges	0% implementation challenge	-	Target achieved.

The Department has the responsibility of preparing and promoting primary and subordinate justice-related legislation in line with its mandate. To this end legislative instruments are prepared and submitted to the Minister for consideration and approval, with the view to introduce a bill into Parliament, promulgate regulations, publish notices in the Gazette in terms of the law, prepare proclamations for the President's signature for the purposes of putting Acts of Parliament into operation or refer improprieties in State institutions to the SIU for investigation.

The Department strives at all times to ensure that legislative instruments developed and enacted are constitutionally sound. During the year under review, there are no legislative instruments developed and enacted that were deemed unconstitutional.

Performance indicators

Strategic objective 15: Development of legislative instruments that withstand constitutional challenges						
Performance indicator		Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
15.1	Number of legislative instruments submitted to the Minister for approval	36	16	26	63%	Target exceeded. The Department received more requests for SIU proclamations than expected.
15.2	Number of research papers completed	9	8	19	137%	Target exceeded. Capacitation of the SALRC and improved monitoring of performance led to the target being exceeded.
15.3	Number of court rules completed	21	10	15	50%	Target exceeded. Some unplanned amendments to the rules had to be effected to promote efficiency in court processes.

During the year under review, the following legislative instruments were submitted to the Minister for approval:

Proclamations under the Special Investigating Units (SIU) and Special Tribunals Act (STA), 1996, relating to the following state institutions:

- Department of Rural Development and Land Affairs and State Information Technology Agency (SITA; Amendment of SIU Proclamation 7 of 2014).
- National Department of Public Works (DPW; Amendment of SIU Proclamation 38 of 2010).
- National Department of Public Works (Amendment of SIU Proclamation 54 of 2014).
- Department of Human Settlements and Lepelle Northern Water.
- DBE.
- KwaZulu-Natal Provincial Department of Transport.
- Buffalo City Metropolitan Municipality.
- Msunduzi Local Municipality.
- Construction Industry Development Board.
- Amahlathi Local Municipality.
- Department of Correctional Services (DCS).
- Department of Correctional Services (Electronic Monitoring System).
- Independent Development Trust and DBE.
- DBE Eastern Cape.

Notices for publication in the Government Gazette

- Government notice in terms of section 89(6) of the CJA in order to include the magisterial district of Uitenhage into the Nerina One-Stop Child Justice Centre.
- Notice adjusting the rate of interest in terms of the Prescribed Rate of Interest Act (Act No. 55 of 1975) in February 2016.
- Notice adjusting the rate of interest in terms of the Prescribed Rate of Interest Act (Act No. 55 of 1975) in March 2016.

Regulations and proclamations submitted to the Minister for approval:

- Proclamation in order to put the Prevention and Combating of Trafficking in Persons Act, 2013, into operation.
- Regulations under the Attorneys Act, 1979 in order to further regulate the application form for Attorneys Fidelity Fund certificates.
- Regulations in terms of section 49(2)(b) of the Superior Courts Act, 2013 dealing with criteria for determining the judicial establishment of the SCA and Divisions of the High Court.
- Regulations under the Debt Collectors Act, 1998, increasing the tariff of fees which can be charged by debt collectors.

Bills submitted to the Minister for approval:

- Cybercrimes and Related Matters Bill. This Bill is intended to review the cyber security laws of the Republic to ensure that they provide a coherent and integrated cyber security legislative framework for the Republic. It will provide a legislative framework in order to address ever-increasing criminal activity in cyberspace.
- Protected Disclosure Amendment Bill. This Bill extends the ambit of the Protected Disclosures Act, 2000, broadening its application beyond the traditional employer/employee relationship. It also grants a person who makes a protected disclosure immunity from criminal and civil liability in certain circumstances and creates an offence where an employee makes a false disclosure.
- Criminal Matters Amendment Bill. This new law is intended to target persons who steal copper cable or metal or who tamper with infrastructure which provides the means of distributing essential services throughout the country, for instance electricity. Perpetrators will, in terms of the new legislation, have a greater burden placed on them to convince the courts that it is in the interests of justice that they should be released on bail and convicted persons will face the possibility of long terms of imprisonment in terms of the obligatory minimum sentencing regime.
- Justice Administered Fund Bill. This Bill is intended to address challenges being experienced in respect of third party funds (monies in trust, for instance bail money and maintenance payments). It provides for the establishment of a fund within the Department into which these monies are to be paid and it also regulates the management and control of money in the fund, as well the accountability thereof.
- International Arbitration Bill. The Bill is intended to incorporate the United Nations Commission on International Trade Law (UNCITRAL) Model Law into South African law and to provide for the recognition and enforcement of foreign arbitral awards. The primary aim of the Bill is to improve access to justice services and to ensure the realisation of the National Development Plan (the NDP) target of expanding trade and investment and positioning South Africa in the world.
- Courts of Law Amendment Bill. The Bill is intended to address the rampant abuses relating to the issuing of emoluments attachment orders or garnishee orders as they are sometimes called. These emoluments attachment orders leave many employees without any cash on pay day because employers are required to deduct from

their employees' salaries money owed to creditors, on authority of court orders. These court orders come about as a result of the unruthless, unprofessional, unethical and possibly even illegal conduct of persons involved in the debt collection industry. The Bill intends to address these abuses and criminalises some of the abuses. It furthermore requires more judicial oversight by judicial officers in the granting of default judgments and emoluments attachment orders, requiring judicial officers to take into account the financial means of debtors. The courts will be required to play a prominent role in these issues and guard against the current abuses. The proposed amendments can be linked directly to the targets of the NDP of economic transformation, social protection, fighting corruption and transforming society and uniting the country.

The Department, through the SALRC, conducts research on certain topics to ensure the finalisation of legislation and required policies. The research papers are classified into the following: Project 25 research papers, which are aimed at reviewing the legislation administered by a particular department with the aim of identifying inequality, obsolescence and redundancy in the statutes administered by that department and proposing remedial, amending or repealing legislation, issue papers, discussion papers, draft reports and preliminary investigation reports. During the year under review, 19 research papers were completed and submitted for consideration at the SALRC.

- The discussion paper on Project 25: The review of legislation administered by the Department of Arts and Culture was considered and approved by the SALRC.
- The final draft report on Project 25: The review of legislation administered by the Department of Cooperative Governance and Traditional Affairs.
- The final draft report on Project 25: The review of legislation administered by the DOJ&CD (One).
- The final draft report on Project 25: The review of legislation administered by the DOJCD (Two).
- The discussion paper on Project 25: The review of legislation administered by the Department of Science and Technology.
- The final draft report on Project 25: The review of legislation administered by the Department of Science and Technology.
- The final draft report on Project 25: The review of legislation administered by the Department of Tourism.
- The discussion paper on Project 25: The review of legislation administered by the Department of Water and Sanitation.
- The issue paper on Project 100D: Care of and contact with minor children. This paper was considered and approved by the SALRC at its meeting of 5 December 2015. The primary purpose of this investigation is to develop an integrated approach to the implementation of family law in South Africa with specific reference to disputes relating to care of and contact with minor children after relationship breakdowns.
- The issue paper on Project 107C: Sexual offences (pornography and children). The review of the legislative framework that currently applies to children in respect of pornography within the larger framework of all statutory and common law sexual offences.

- The final draft report on Project 122. The purpose of this investigation is to provide for a system of supported decision-making that is affordable and accessible to all South Africans, which also protects persons who need protection from abuse, neglect and exploitation.
- The discussion paper on Project 135. The review of the Witchcraft Suppression Act (Act No. 3 of 1957). The primary purpose of this investigation is to review the Witchcraft Suppression Act and align it with the Constitution, especially the right to freedom of conscience, religion, thought, belief and opinion.
- The preliminary investigation report on the minimum age of criminal capacity. The primary purpose of this investigation is to investigate whether the minimum age of criminal capacity should remain at 10 years or be raised.
- The preliminary investigation report into the age of marriage. The primary purpose of this investigation is to provide for harmonisation in law regarding the age of marriage.
- The preliminary investigation report on LGBTI. The primary purpose of this investigation is to provide law that promotes and protects the rights of LGBTI communities.
- The preliminary investigation report on maternity benefits for self-employed women. The primary purpose of this investigation is to review the employment laws with the aim of extending maternity benefits to self-employed women in the formal and informal sectors of the economy.
- The preliminary investigation report on medico-legal claims. This investigation seeks to strengthen the legal position for the effective handling of medico-legal claims.
- The preliminary investigation report on the legal framework and proposals relating to small claims courts. The purpose of this investigation is to revamp the Small Claims Courts Act to bring it in line with the constitutional imperative of access to justice and to provide measures for enforcing decisions of the small claims courts.
- The preliminary investigation report on the right to knowledge of one's own biological origins (surrogacy). The main purpose of this investigation is to explore the existing Children's Act and bring it in line with international law, insofar as the right of children, born as a result of a surrogacy arrangement, to information regarding their genetic origin is concerned.

During the year under review, 15 amendments to the following court rules and forms were submitted to and approved by the Rules Board:

High Court rules

- Amendments to Uniform Rule 38: Procuring of evidence. The rule was amended to streamline the procedure for a witness to be subpoenaed to give evidence at a trial and to produce documents to the registrar for inspection and copying by parties to the litigation. The form of the subpoena was amended and a new form of subpoena *duces tecum* was introduced.

- Uniform Rule 4(9): Service on the state attorney. The rule was amended to align with legislation regulating service of court documents on state departments and the state attorney as well to bring to the attention of persons suing the State the legislation that must be followed in this process.
- Amendment to Uniform Rule 16(2). The rule provides for an address for service within 15 kilometres of the office of the registrar, a change from the previous provision that referred to 8 kilometres.
- Amendment to Uniform Rule 58(5A). The rule provides for an address for service within 15 kilometres of the office of the registrar, a change from the previous provision that referred to 8 kilometres.
- Amendment to Uniform Rule 43(7) and 43(8). Provision for increase to the tariffs (based on the CPI) that attorneys and advocates may charge in respect of applications for interim maintenance, care, contact and a contribution to costs.
- Amendment to SCA Rule 18 tariff. Amendment to provisions in the tariff dealing with necessary telephone calls to harmonise provisions with provisions in Uniform Rule 70 (tariff for attorneys) dealing with necessary telephone calls, as a result of complaints that the current tariff was subject to abuse.
- Item 5(d)(x) and 5(d)(xi) of Uniform Rule 68. Repeal and amendment of provisions permitting the use of auctioneers in the sale in execution of movables on the basis that the provision conflicts with the Superior Courts Act (Act No. 10 of 2013).
- Amendment to Uniform Rule 43(2). The rule provides for an address for service within 15 kilometres of the office of the registrar, a change from the previous provision that referred to 8 kilometres.

Magistrates' Courts Rules

- Amendment to Magistrates' Courts Rule 58 and Form 42: regulating interim relief in matrimonial matters. This is subsequent to refinement by the Magistrates' Courts Committee.
- Amendment to Magistrates' Courts Rule 12(1). Provisions relating to barring were amended as well as those regulating the recording of the judgment granted on the court file.
- Amendment to Magistrates' Courts Rule 12. Overall review of the rule relating to default judgments.
- Magistrates' Courts Rule 17(7). Insertion of a provision regulating the enrolment and adjudication of a special plea before the matter proceeds to trial.
- Magistrates' Courts Rule 9(2). Insertion of a provision to stipulate the time frames within which the sheriff is entitled to serve court documents. The practice of charging clients a double tariff if outside normal office hours was not uniform and was open to possible abuse. In addition, what constituted normal office hours was not uniform.
- Magistrates' Courts Rule 15(4) and 15(5). These amendments deal with the barring provisions relating to declarations.
- Magistrates' Courts Rule 21B. These amendments relate to general barring, *dies non* and consequential tariff amendments.

STRATEGIC OBJECTIVE 16: PROMOTION OF BROAD-BASED KNOWLEDGE ABOUT AND SUPPORT FOR VALUES OF EQUALITY, HUMAN DIGNITY AND FUNDAMENTAL HUMAN RIGHTS

Strategic objective 16: Promotion of broad-based knowledge about and support for values of equality, human dignity and fundamental human rights						
Objective indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
16	Percentage of people with awareness of the Constitution	-	54%	46%	(15%)	Target not achieved.

The Department, in partnership with the FHR, is implementing a multi-year programme called Socio-Economic Justice for All (SEJA), which is funded by the European Union. This programme is premised on a rights-based approach to the long-term eradication of poverty, in which people living in poverty are treated as free and autonomous agents who are empowered to assert their constitutional rights as active members of society. To this effect, various programmes are implemented in previously disadvantaged communities to empower the citizens and assert their constitutional rights.

During the year under review site-based surveys were conducted in three provinces, namely Gauteng, Mpumalanga and North West, which reached 4 200 people from 20 sites. The survey measured basic knowledge of human rights by assessing respondents' awareness of the Constitution and Bill of Rights, Chapter 9 institutions and key pieces of human rights legislation, while detailed knowledge was measured by awareness of the implications of each of these.

The survey found that 46% of respondents were aware of the existence of either the Constitution or Bill of Rights and less than 10% had read these documents or had either of the documents read to them.

Performance indicators

Strategic objective 16: Promotion of broad-based knowledge about and support for values of equality, human dignity and fundamental human rights						
Performance indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
16.1	Number of activities completed to improve awareness of constitutional rights awareness	7	9	9	-	Target achieved.

Strategic objective 16: Promotion of broad-based knowledge about and support for values of equality, human dignity and fundamental human rights

Performance indicator		Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
16.2	Number of activities to improve sector coordination and socio-economic rights	4	4	4	-	Target achieved.
16.3	Number of activities to improve capacity and engagement of CSO in constitutional rights	4	4	4	-	Target achieved.
16.4	Number of municipalities that participated in NAP dialogues	-	70	77	10%	Target achieved.

The Department's social justice programme, commonly referred as Solio-Economic Justice for All (SEJA) has three result areas, namely:

- a. Improved awareness of institutional rights awareness to enhance participatory democracy.
- b. Improved collaboration, sector coordination and policy design with respect to the delivery of justice services.
- c. Improved capacity and engagement of civil society in constitutional rights.

During the year under review, the following was achieved with regard to the three key areas:

a. Improved the awareness of constitutional rights

Activity	Annual target	Actual performance
Number of people reached by programmes to raise awareness and knowledge of the Constitution	5 million	5.9 million
Grants awarded to CSOs to promote awareness and socio-economic rights amongst vulnerable groups	120 grants	121 grants

Activity	Annual target	Actual performance
Policy forums and engagements between civil society and government	12 forums and engagements	13 forums and engagements
Public policy dialogues on various human rights issues	20 dialogues	22 dialogues
Research programmes on the implementation of socio-economic rights	2 research programmes	3 research programmes

b. Improved the sector coordination and socio-economic rights

Activity	Annual target	Actual performance
Grants awarded to CSOs in the human rights sector	65 grants	65 grants
Technical support for programmes within the branch Constitutional Development	2 technical support initiatives for programmes approved by Director-General	3 technical support initiatives for programmes approved by Director-General

c. Improved the capacity and engagement of CSO in constitutional rights

Activity	Annual target	Actual performance
Design and implement programmes to promote sustainability of CSOs	2 programmes	2 programmes
Design and implement capacity building interventions to build and strengthen active citizenry	3 programmes designed 6 programmes designed and implementation plan	3 programmes designed 6 programmes designed and implementation plan

The Department was tasked by Cabinet with the development, finalisation, coordination and implementation of the NAP to combat racism, racial discrimination, xenophobia and related intolerance. The NAP provides the basis for development of a comprehensive public policy against racism, racial discrimination, xenophobia and related intolerance. During the year under review, the Department conducted public consultations with stakeholders at 77 municipalities. The purpose of these consultations was to promote and raise awareness of the NAP among communities and stakeholders, in order to build support and buy-in for its implementation. Furthermore, Cabinet granted approval of the NAP for public comment during the year under review. Consultation on the NAP will continue during the 2016/17 financial year.

STRATEGIC OBJECTIVE 17: IMPLEMENTATION OF THE TRC RECOMMENDATIONS, AS APPROVED BY PARLIAMENT, FOR PURPOSES OF CONTRIBUTING TO HEALING THE WOUNDS OF THE PAST AND RESTORING HUMAN DIGNITY

Performance indicators

Strategic objective 17: Implementation of the TRC recommendations, as approved by Parliament, for purposes of contributing to healing the wounds of the past and restoring human dignity						
Performance indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
17.1	Number of needs analysis completed in TRC listed communities	6	6	0	(100%)	Target not achieved. Lack of understanding of the TRC process by community members contributed to the target not being achieved.

The Department identified communities for the completion of the needs analysis phase as part of implementing the recommendations of the TRC. The target to complete needs analysis in six TRC listed communities was not achieved. The lack of understanding of the process by community members in the outstanding TRC identified communities has led to some community members being dissatisfied and thus rejecting the community rehabilitation programme. Plans to develop a communication strategy that will keep the community informed about the processes are underway. The Department has also embarked on the process of engaging potential funders for the community rehabilitation programme.

Strategy to overcome areas of underperformance

The target to issue 95% of letters of appointments in deceased estates within 15 days of receipt of all required documents and to issue 90% of letters of authority in trusts within 14 days of receipt of all required documents was not achieved due to network downtime experienced as well as capacity constraints within the Offices of the Master. The Department through information and system management continues to put measures in place to improve on network downtime. The Department will also embark on a work study with the aim of addressing capacity challenges experienced at Offices of the Master across the provinces.

The target to complete 80% of expungements within three months was not achieved and this can be attributed to an increase in the number of requests for expungements received. Although the Department has experienced an increase in the applications, the capacity to handle such requests has not increased. The Department will explore the possibility of availing financial resources for the posts created.

Furthermore, the target to complete six needs analysis in TRC listed communities was not achieved and this can be attributed to a lack of understanding of the TRC process by the community members. The Department will develop a communication strategy which will be used as a guiding document to keep communities informed about the TRC processes. The Department is also embarking on the process of engaging potential funders for the community rehabilitation programme.

Changes to planned targets

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

Linking performance with budgets

During the year under review, 98% of the Programme 3 budget was spent. A total of 83% of the budget was spent on personnel who ensured the day-to-day operations of the service points as well as performance against the predetermined objectives specified in the departmental APP. The programme's underspending of R16.2 million was due to delays in filling vacant positions and termination of service due to natural attrition and resignations.

Within predetermined objectives in the APP, 77% of targets were achieved. These included:

- i. A total of 275 657 cases finalised by the Master of the High Court.
- ii. 80% of value of brief allocated to previously disadvantaged individual counsel.
- iii. Completion of 1 566 legal opinions and certification of bills.
- iv. 5.9 million people reached by programmes to raise awareness and knowledge on the Constitution.

Sub-programme expenditure

Sub-programme name	2015/2016			2014/2015		
	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
State Law Advisor	58 970	58 970	-	56 434	56 434	
Litigation and Legal Services	411 209	395 044	16 165	346 877	346 877	
Legislative Development and Law Reform	55 895	55 895	-	51 179	51 179	
Master of the High Court	436 650	436 650	-	401 274	401 274	
Constitutional Development	55 614	55 614	-	65 341	65 341	
Total	1 018 338	1 002 173	16 165	921 105	921 105	

4.4 PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY

The purpose of this programme is to provide a coordinated prosecuting service that ensures that justice is delivered to the victims of crime through general and specialised prosecutions, removes the profit from crime and protects certain witnesses. This programme consists of the following sub-programmes:

- National Prosecutions Services
- National Specialised Prosecutions Services
- AFU
- Office for Witness Protection
- Support Services

Strategic objective

Within this programme, the following strategic objectives were identified. Objective and Performance indicators for each of these strategic objectives are detailed in the tables below.

1. Increased successful prosecution
2. Improved prosecution of cases that require specialised prosecution
3. Ensure that profit is removed from crime
4. Ensure threatened witnesses and related persons are successfully protected

STRATEGIC OBJECTIVE 1: INCREASED SUCCESSFUL PROSECUTION

Strategic objective 1: Increased successful prosecution					
Strategic objectives	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
Number of criminal court cases including ADRM finalised in the lower courts	502 485	478 686	476 790	(0.4%)	Target not achieved. Reduced court utilisation.

The NPA finalised 1 896 (0.4%) fewer cases including ADRM than the annual target of 478 686 during the reporting period. A breakdown per forum of the cases that were finalised including ADRM by lower courts is indicated in the table below and a comparison is made with the performance of the previous financial year.

Both the regional and the district courts recorded a reduction compared to the previous year. The reason for this decline is the inefficient use of courts coupled with a focused approach on quality prosecutions, especially on cases suitable to be resolved through ADRM.

Annual comparison of cases finalised including ADRM in the lower courts: 2014/15-2015/16

Forum	2014/15	% of national	2015/16	% of national	Progress
Regional courts	36 651	7%	34 419	7%	-6%
District courts	465 834	93%	442 371	93%	-5%
All	502 485	100%	476 790	100%	-5%

The number of cases finalised is dependent on the inflow of new cases enrolled, coupled with efficient court utilisation. During the reporting period, a reduced inflow of cases was recorded in all forums as indicated in the table below.

Annual comparison of new cases enrolled: 2014/15-2015/16

Forum	2014/15	% of national	2015/16	% of national	Progress
Regional court	61 540	7%	56 475	7%	-8%
District court	845 950	93%	806 969	93%	-5%
All lower courts	907 490	100%	863 444	100%	-5%

The analysis of this indicator should be done holistically by taking into account the additional duties allocated to all prosecutors. In addition to the 476 790 cases finalised, the prosecutors also finalised a total of 81 696 court and criminal matters, which include a range of additional functions that take up valuable court time without the credit of a case finalised as defined. It is evident that formal bail applications (71%) utilised the most court time. A total of 57 902 formal bail applications were dealt with during this reporting period.

Annual comparison of court utilisation in lower courts

Forum	Average hours 2014/15	Total court hours	Average hours 2015/16	Total court hours	Progress
Regional court	03:38	260 785:48	03:26	254 333:54	-5%
District court	03:29	590 284:31	03:13	562 694:30	-8%
All lower courts	03:31	851 070:19	03:16	817 028:24	-7%

Court utilisation once again declined during this reporting period as indicated in the table above. More court days are being utilised at an increase of 3%. However, the efficient use of those increased days is not reflected in the actual court hours used for criminal cases, which impedes all attempts to ensure speedy justice. The average number of court hours was reduced by 7% from an average of 3h31 maintained during 2014/15 to 3h16 during 2015/16. A total of 34 042 hours were lost compared to the previous reporting period.

Performance indicators

Strategic objective 1: Effective prosecutorial services					
Performance indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
Number of criminal court cases finalised with verdict in the lower courts	318 171	326 498	309 838	(5%)	Target not achieved. Reduced court utilisation.
Number of criminal court cases finalised in the lower courts through ADRM	184 314	152 188	166 952	10%	Target exceeded. More accused successfully completed diversion programmes and more suitable cases were identified for informal mediation.
Conviction rate in High Courts	91% (890)	87% (888)	90% (910)	3%	Target exceeded. More cases finalised with a conviction.
Conviction rate in regional courts	76.6% (25 591)	74% (26 396)	78% (24 958)	5%	Target exceeded. More cases finalised with a conviction.
Conviction rate in district courts	94.2% (268 127)	88% (255 928)	95% (263 377)	8%	Target exceeded. More cases finalised with a conviction.
Conviction rate in organised crime	92.2% (474)	90% (403)	89% (359)	(1%)	Target not achieved. Fewer cases finalised in which evidence was accepted by the court.
Conviction rate in sexual offences	69% (5 084)	68% (5 614)	70% (4 978)	3%	Target exceeded. More cases finalised in which evidence was accepted by the court.
Conviction rate in trio crimes	82% (1 453)	85% (1 630)	82% (1 391)	(4%)	Target not achieved. Fewer cases finalised in which evidence was accepted by the court.
Conviction rate in violent protests and industrial action	72.7% (8)	74%	68% (73)	(8%)	Target not achieved. Fewer cases finalised in which evidence was accepted by the court.

Number of criminal court cases finalised with a verdict in the lower courts

The courts finalised 309 838 verdict cases with a conviction rate of 93% (288 335 convictions). Compared to the previous year, 8 333 (3%) fewer cases were finalised with a verdict. Noteworthy is the year-on-year decline in the achievements of this indicator. A comparative analysis of the achievements during previous years indicates a gradual decline of 11% from the 2009/10 financial year in the number of cases finalised with a verdict. The decline may be correlated with a similar decline of 17% in the influx of new cases and a 13% reduction in court hours.

A total of 16 660 (5%) fewer cases were finalised with a verdict compared to the target of 326 498. The progress per forum is indicated in the table below:

Annual comparison of progress on cases finalised with a verdict

Forum	2014/15	% of national	2015/16	% of national	Progress
Regional court	33 430	11%	31 832	10%	-5%
District court	284 741	89%	278 006	90%	-2%
All lower courts	318 171	100%	309 838	100%	-3%

Enhanced screening processes ensure quality prosecutions. The number of withdrawals is also measured to ensure quality prosecutions and a just outcome in all cases. A trend analysis indicates a very positive and inspiring decline of 18% (23 132) in the number of cases withdrawn by all lower courts.

Progress on cases withdrawn

Forum	2014/15	% of national	2015/16	% of national	Progress
Regional court	14 374	11%	12 228	11%	-15%
District court	116 105	89%	95 119	89%	-18%
All lower courts	130 479	100%	107 347	100%	-18%

The effective performance of the NPA is directly linked to the effective performance of the other role players within the CJS. Ensuring that trial cases proceed when they are set down for trial remains a primary challenge that the CJS has not adequately addressed. The implementation of pre-trial hearings identified by the NPA, Legal Aid SA and the Chief Justice as one of the solutions to prevent remands of trial-ready cases has been slow in gaining traction, particularly in the lower courts. This has been compounded by the placing of too few trial cases on the court rolls, resulting in wasted court hours. The implementation of the norms and standards issued by the Chief Justice has not yet led to increased court utilisation. The need to assist the SAPS in ensuring a conviction by guiding investigations adds to the burden of prosecutors. There has been a focus on the review and screening of cases by experienced prosecutors.

Case review teams have been established at some centres and more focus will be placed on the establishment of such teams in all offices during the next year. Maintaining the required prosecutorial experience is ensured by various training sessions and one-on-one mentoring.

The DCS is also under pressure to accommodate remand detainees and sentenced offenders. The allocation of dedicated remand detention centres resulted in offenders being transported over long distances between courts and places of detention. This impacts on court productivity as remand detainees often arrive late and this places further pressure on courts to finalise cases earlier in the day in order to facilitate the remand detainees' return to the correctional facility before the changing of shifts. A protocol between DCS and Legal Aid SA was proposed to ensure improved access to remand detainees for consultation and to reduce time lost when consultations take place at courts.

The DOH is also facing challenges to cope with the number of persons being referred for psychiatric observation, with long delays being experienced in most provinces with panel observations.

Plea and sentence agreements

A total of 1 901 plea and sentence agreements in terms of section 105A of the CPA were concluded during the reporting period. This is an 8% increase compared to 1 757 in the previous financial year. Most of the agreements involved longer and more serious cases. In 15 of the cases, the counts involved were more than 100 per case. Valuable court time was saved in the process since lengthy trials were avoided while convictions and suitable sentences were still handed down.

Number of criminal court cases finalised in the lower courts through ADRM

During the year under review 166 952 cases were finalised by means of ADRM, of which 2 587 (2% of the national total) were finalised by the regional courts and 164 365 cases (98% of the national total) in the district courts. The courts excelled by finalising 14 764 (10%) more cases through ADRM than the target of 152 188. Compared to the previous year, the regional courts finalised 634 (20%) fewer cases whilst the district courts finalised 16 728 (9%) fewer cases. Overall the courts finalised 17 362 (9%) fewer cases compared to the previous year.

Cases finalised through ADRM

Forum	2014/15	% of national	2015/16	% of national	Progress
Regional courts	3 221	2%	2 587	2%	-20%
District courts	181 093	98%	164 365	98%	-9%
All lower courts	184 314	100%	166 952	100%	-9%

ADRM encompasses diversion and informal mediation as methods of resolution of disputes between parties. A total of 37 516 cases were diverted after enrolment, 5 528 cases were diverted before enrolment in terms of the CJA and 123 908 cases were successfully mediated on an informal basis. A focused approach on alternative measures to reduce trial cases resulted in a 9% decline in the number of cases finalised through ADRM methods compared to 184 314 cases in the previous financial year.

Annual comparison of ADRM: 2014/15–2015/16

Indicator	2014/15	% of total ADRM	2015/16	% of total ADRM	Progress
Diversions	41 126	22%	37 516	23%	-9%
Diversions in terms of CJA	5 882	3%	5 528	3%	-6%
Informal mediation	137 306	75%	123 908	74%	-10%
Total ADRM	184 314	100%	166 952	100%	-9%

Diversions in terms of the CJA

The CJA came into operation in April 2010 and created a new procedural framework for dealing with children who are in conflict with the law. This Act seeks to ensure children's accountability and respect for the fundamental freedom of others, and to prevent crime and promote public safety through the use of diversions, alternative sentencing and restorative justice.

During the reporting period, a total of 8 121 children were diverted comprising 5 528 children diverted in terms of CJA and 2 593 children diverted after they were referred for trial in a criminal court (after enrolment). A total of 19 (0.3%) fewer children were dealt in terms of CJA during 2015/16 compared to the previous year.

The manner in which the children were dealt with compared to the previous year is indicated in the table below.

Breakdown of the manner in which children in conflict with the law were dealt with in terms of CJA

Indicator	2014/15	% of total	2015/16	% of total	Progress
Section 41 diversions	1 539	28%	1 386	25%	-10%
PI diversions	3 866	70%	3 945	71%	2%
Schedule 3 diversions	142	2%	197	4%	39%
Total children	5 547	100%	5 528	100%	-0.3%

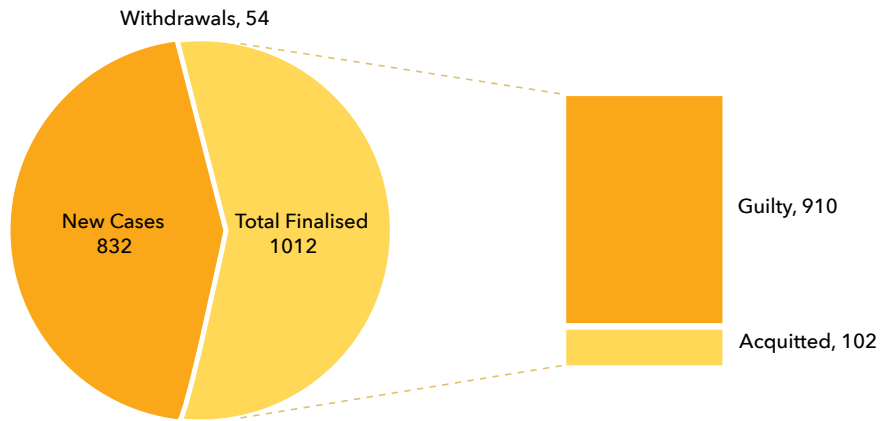
In line with the reduced number of diversions, the number of Section 41 diversions was reduced by 10% and PI diversions increased by 2%. Noteworthy is the increase of 39% in Schedule 3 offences that were diverted in terms of Section 52(3) of the CJA where the relevant DPP indicated the existence of exceptional circumstances.

CONVICTION RATE AND PROGRESS OF HIGH COURTS

The High Courts received a total of 832 new cases and finalised a total of 1 012 cases. The number of cases finalised increased by 4% from the previous year. The increased number of trials finalised in the High Court had a positive impact on the reduction of percentage backlog cases, from 26% during the 2014/15 financial year to 21% in the 2015/16 financial year. In addition hereto, the courts maintained a high conviction rate of 90%.

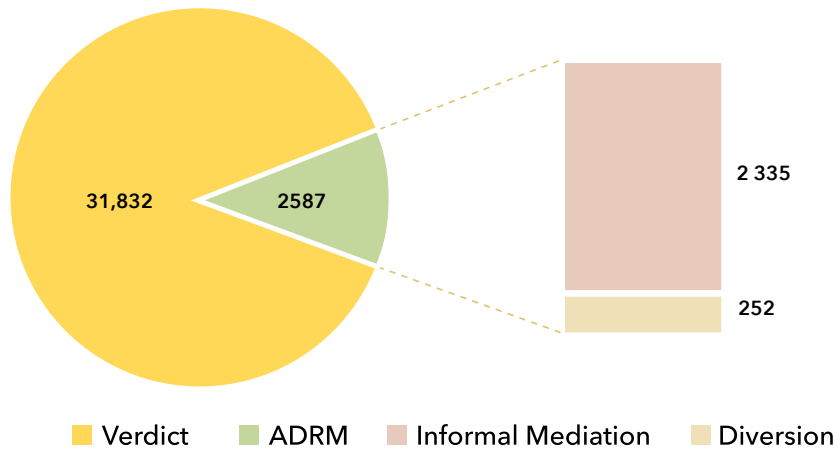
The following graph indicates the case management in the High Courts:

CASE MANAGEMENT BY HIGH COURTS



Conviction rate and progress of regional courts:

CASES FINALISED BY REGIONAL COURTS



The regional courts enrolled 56 475 cases, which is 5 065 (-8%) less than the 61 540 new cases enrolled during the previous year. The courts finalised 34 419 cases comprising 31 832 verdict cases (92% of the total finalised cases) with a conviction rate of 78% and 2 587 ADRM cases (8% of the total finalised cases). This represents a finalisation rate of 0.6 cases per court per day. The reduced inflow of cases coupled with a reduction in court utilisation resulted in a reduction in case finalisation of 6% (2 232) fewer cases finalised compared to the previous financial year.

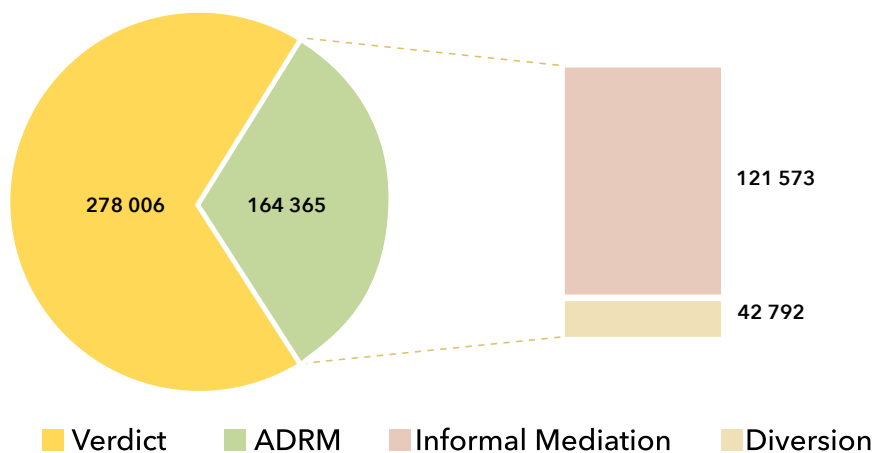
Progress on court/criminal matters finalised by regional courts

Court/Criminal matters finalised	Total	% of total
Formal inquests	1	0%
CJA: Prelim inquiries	10	0,1%
Conversion of maintenance trial to enquiry	19	0,2%
Committal to mental institution	237	2.7%
Suspended sentences	565	6.4%
Application for leave to appeal	2 279	25.6%
Conversion of sentence	2 298	25.9%
Formal bail applications	3 476	39.1%
Total matters finalised	8 885	100.0%

In addition to the cases finalised including ADRM, the regional courts finalised 8 885 criminal and court matters, which include a range of additional functions that take up valuable court time without the credit of a case finalised as defined. Formal bail applications (39%) coupled with both conversion of sentence (26%) and application for leave to appeal (26%) utilised most of the court time. During the reporting period a total of 3 476 formal bail applications were dealt with.

Conviction rate and progress of district courts

Cases finalised by district courts



The district courts enrolled 806 969 new cases, which is 5% (38 981) fewer than the 845 950 in the previous year. The courts finalised 442 371 cases, comprising 278 006 verdict cases (63% of the total finalised cases) and 164 365 ADRM cases (37% of the total finalised cases). This represents a finalisation rate of 3.5 cases per court per day. High conviction rates were maintained during this reporting period and a conviction rate of 95% was achieved.

Progress on court/criminal matters finalised by district courts

Court/criminal matters finalised	Total	% of total
Formal inquests	292	0,4%
Application for leave to appeal	355	0.5%
Committal to mental institution	543	0.7%
Conversion of maintenance trial to enquiry	863	1.2%
Conversion of sentence	1 218	1.7%
Suspended sentences	5 549	7.6%
CJA: Prelim inquiries	9 565	13.1%
Formal bail applications	54 426	74.7%
Total matters finalised	72 811	100%

In addition to the cases finalised including ADRM, the district courts also finalised 72 811 criminal and court matters, which include a range of additional functions that take up valuable court time without the credit of a case finalised as defined. It is evident that formal bail applications (75%) utilised the most court time. During this reporting period a total of 54 426 formal bail applications were dealt with.

Enhanced screening processes implemented throughout the regions have again yielded positive results as 18% (20 986) fewer cases were withdrawn by the district courts.

Conviction rate in organised crime

The courts achieved 89% conviction rate in organised crime which is 1% below the target of 90%. Performance declined by 3% compared to the previous year.

The prosecutors charged with the prosecution of organised crime achieved 359 convictions.

Comparison of Organised crime cases finalised

Financial year	Guilty and sentence	Conviction rate	Cases finalised with verdict
2012/2013	273	91%	299
2013/2014	394	89%	442
2014/2015	474	92%	510
2015/2016	359	89%	398

A concerted effort was made during the past year to identify the constraints and definition relating to organised crime. Particular focus was on various areas such as illegal precious metals including copper, rhino-related offences, drug dealings, illicit mining and tax matters. The latter was already incorporated on a regional level.

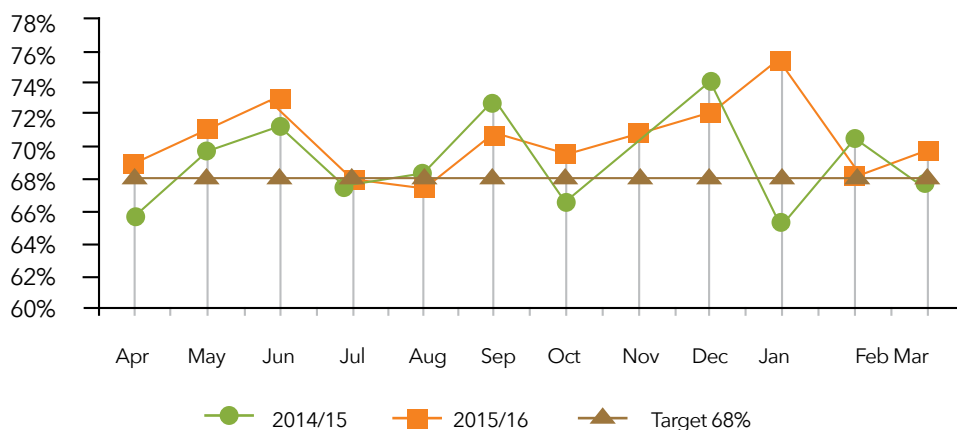
Conviction rate in sexual offences

In accordance with the presidential directives to enhance the focus on sexual offences matters through the establishment of dedicated courts, the NPA has shown its commitment by finalising 7 098 sexual offences verdict cases with an improved conviction rate of 70%. The conviction rate target of 68% was thus exceeded by 2% during the reporting period.

A multidisciplinary approach followed by provincial structures established with stakeholders from the DOJ&CD, Legal Aid SA, SAPS, DoH and NPA has contributed to the achievement in finalising and improving the conviction rate in sexual offence cases.

A comparison with the previous year indicates the improved conviction rate and a decline in the number of cases finalised. The upward trend in conviction rate on sexual offences is indicated in the following figure:

Trend analysis in sexual offences conviction rate

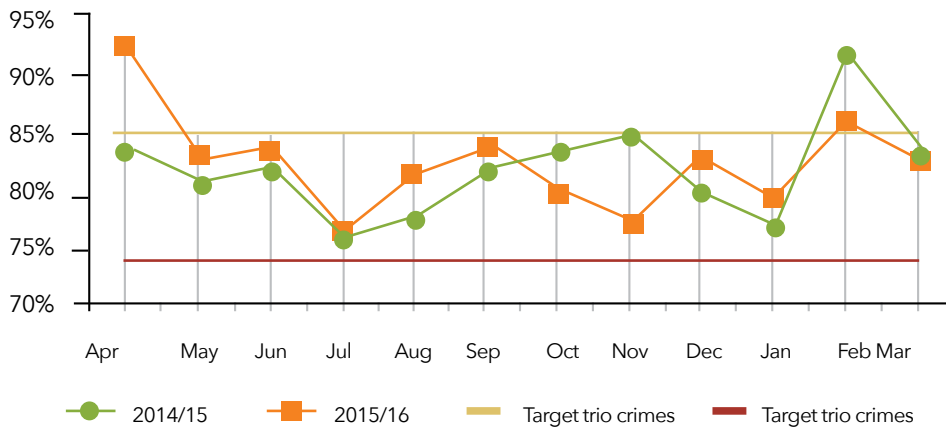


Conviction rate in trio crimes

Pursuant to the reduction in the levels of trio crimes, one of the MTSF priorities for 2015/16, the NPA has contributed by focusing mainly on the prosecution of these matters. A total of 1 692 cases were finalised with a conviction rate of 82% (1 391 convictions). The NPA has therefore not achieved the set target of 85%. Improvement is noted at the end of the

financial year, showing that the integrated approach between all role players did bear some fruit.

Trend analysis in trio crime conviction rate



A breakdown of the categories compared to the previous year indicates an increase in the prosecution of business robbery cases as opposed to the decline in the other two trio crime categories. Fewer counts were also dealt with in all three categories.

Breakdown of trio crime convictions

Financial year	House robberies convictions	Business robberies convictions	Hijacking convictions
2014/2015 total	850	355	248
2015/2016 total	734	415	242
Progress	-14%	17%	-2%

Conviction rate in violent protests and industrial action

Political or domestic instability is a serious challenge that, if left unabated, will undermine our democracy, rule of law and development trajectory. Issues that contribute to this instability are violent industrial and service delivery-related protest actions, as well as the disrespect for authority and for one another. It is therefore imperative to prevent and combat the violent crime that accompanies otherwise legitimate industrial and protest action. The NPA measured the violence in protest actions as from September 2014. Only 73 out of 107 cases were finalised with convictions during the reporting period with a conviction rate of 68%. The target of 74% could therefore not be achieved. Notwithstanding the non-achievement of the annual target, the conviction rate increased towards the end of the financial year as all partners engaged in a more strategic focus and better technology was incorporated in obtaining evidence for court. The conviction rate during the last

five months, since November 2015, has increased to 78% as 32 convictions were obtained from the 41 trials conducted.

STRATEGIC OBJECTIVE 2: IMPROVED PROSECUTION OF CASES THAT REQUIRE SPECIALISED PROSECUTIONS

Strategic objective 2: Improved prosecution of cases that require specialised prosecutions					
Strategic objectives	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
Conviction rate in complex commercial crime	94.3% (1 069)	93% (928)	94% (951)	1%	Target exceeded. More cases finalised with a conviction.
Number of operational TCCs	44	55	55	0%	Target achieved. The sites are in line with the verification criteria.

Conviction rate in complex commercial crime

The NPA maintained a high conviction rate of 94% (951) against a target of 93% in all courts. The methodology of prosecutor-guided investigation greatly contributes to the high conviction rate, in that the SAPS and the prosecution work as a team to ensure the effective and efficient investigation and prosecution of cases.

The thorough screening of cases prevents cases that have no reasonable prospect of success from being placed on the court rolls. SCCU prosecutors are in general experienced and highly skilled in the area of commercial crime due to the principle of dedication to commercial crime. The system of co-location with the police and courts also plays an important role in the expeditious finalisation of cases.

Number of TCCs

The number of operational sites providing services in line with verification criteria increased from 44 to 55. The number of matters reported at TCCs increased significantly by 2 384 (8%), from 30 402 to 32 786 in comparison to the previous financial year.

Performance indicators

Strategic objective 2: Improved prosecution of cases that require specialised prosecutions					
Strategic objectives	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
Number of persons convicted of corruption or offences related to corruption where the amount benefited per case is more than R5 million	23 (23)	20	25	25%	Target exceeded. Focused approach successful as more cases finalised.

Strategic objective 2: Improved prosecution of cases that require specialised prosecutions					
Strategic objectives	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
Number of government officials convicted of corruption or offences related to corruption ¹³	130	91	206	126%	Target exceeded. Focused approach successful as more cases finalised.
Conviction rate in cybercrime prosecution	95.1% (232)	74% (159)	96% (244)	30%	Target exceeded. More cases finalised in which evidence was accepted by the court.
% of cases reported at a TCC and referred to court for prosecution	47.3% (6 845)	51% (7 942)	43% (6 854)	(16%)	Target not achieved. Substantial increase in non-arrest dockets.
Conviction rate in Priority Crime Litigation Unit (PCLU)	67% (2/3)	80% (4)	60% (3/5)	(25%)	Target not achieved. Fewer cases finalised in which evidence was accepted by the court.

Number of persons convicted of corruption or offences related to corruption where the amount benefited per case is more than R5 million

The ACTT was mandated to fast-track the investigation and prosecution of serious corruption cases and to increase the success in fighting and preventing corruption in South Africa. In partnership with the ACTT, the SCCU exceeded the target of 20 by 5 more convictions. Integrated case plans were developed for all priority cases and prosecutors are part of the multidisciplinary operational teams from the start. The cumulative achievement of this performance is 47 persons convicted since the beginning of the new MTSF 2014–19.

Number of government officials convicted of corruption or offences related to corruption

During the year under review, 206 government officials were convicted of corruption, exceeding the target of 91 by 115. The performance improved compared to the previous year by 76 more convicted officials.

This represents a 59% increase.

Conviction rate in cybercrime prosecutions

In line with the MTSF, a special focus was placed on the prosecution of cybercrime cases in order to curb this growing international phenomenon. Although new technologies create new criminal opportunities rather than new crime types,

¹³The indicator changed from JCPS officials to government officials

cybercrime is an extension of an ordinary crime committed within cyberspace where information and communication technologies are used as an instrument, target or as a means of perpetuating further crimes.

The lower courts excelled by finalising 255 cases with 244 convictions while ensuring quality prosecutions by maintaining a remarkable conviction rate of 96%. The target was not only exceeded by 22% but a marginal improvement of 1% is even noted compared to 95% achieved during the previous year. The trend analysis below reflects the courts' focused approach and indicates the high conviction rate maintained by the lower courts.

Cybercrime cases finalised

Financial year	Convictions	Acquittals	Total finalised	Conviction rate
2014/15	232	12	244	95%
2015/16	244	11	255	96%
Progress	5%	-8%	5%	1%

Conviction rates in the prosecution of sexual offences reported at TCCs

Matters reported at TCCs, as a result of which police dockets were opened, are submitted to TCC case managers for prosecutor-guided investigations. Once these cases are trial- and court-ready they are referred for prosecution. A total of 6 854 cases reported at TCCs were referred to the court for prosecution. The percentage of cases reported at TCCs where case managers are appointed that were referred to court for prosecution decreased from 47% in 2014/15 to 43% during 2015/16. This is due to a considerable increase in the number of non-arrest dockets and "stranger rapes¹⁴" reported at a number of sites.

The aforementioned factors will have a negative impact on the number of cases that are trial- and court-ready, resulting in fewer cases being referred to court for prosecution. It will also negatively impact on the actual number of cases being finalised in court in comparison to the previous financial year.

Conviction rate in PCLU

The PCLU is a specialist prosecuting unit in the Office of the National Director, with specific expertise in the prosecution of complex litigation falling within its mandate, as per a proclamation issued by the president, and coordinates the prosecution of matters within its mandate in consultation with the relevant DPP. The PCLU continued to execute its mandate in managing investigations and prosecuting serious national and international crimes, along with functions assigned to it by the National Director.

During the year under review, the Unit achieved a conviction rate of 60% (three out of five) on cases prosecuted by the PCLU. Furthermore 54 decisions were finalised and all requests for legal opinions were finalised within 14 days of receiving the request. The Unit fully complied with the NPA's responsibility for reporting to international bodies.

¹⁴ Sexual offences committed by unidentified alleged offenders

STRATEGIC OBJECTIVE 3: ENSURE THAT PROFIT IS REMOVED FROM CRIME

Strategic objective 3: Ensure that profit is removed from crime					
Strategic objectives	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
Number of completed forfeiture cases	463	420	389	(7%)	Target not achieved. Delays in finalising cases due to a number of opposed matters.
Value of freezing orders	R2 756 million	R1 billion	R778.9 million	(22%)	Target not achieved. Very few cases of high value were ready to take to court.

Number of completed forfeiture cases

During the year under review, the NPA completed 389 forfeiture cases, 31 cases below the target of 420.

The performance decreased by 74 cases compared to the previous year. The non-achievement of the target was due to the high number of cases that were protracted and postponed to the new financial year for finalisation.

Annual comparison of performance: 2011/12–2015/16

Indicator	2011/12	2012/13	2013/14	2014/15	2015/16	Change from previous year	Change over period
Number of completed forfeiture cases	300	302	390	463	389	-16%	30%
Target	306	312	318	324	420	30%	37%

Analysis of performance trends

Performance declined from 2010/11 by 20 forfeiture cases. However, performance started to increase from 2012/13 to achieve the highest number of completed forfeiture cases in five years in 2014/15. Notwithstanding this excellent performance in 2014/15, performance declined by 74 completed forfeiture cases in 2015/16.

Value of freezing orders

During the year under review, freezing orders to the value of R778.9 million were obtained, 22% below the target of R1 billion. Compared to the previous year the performance declined by 72%. The non-achievement of the target was due to fewer cases of high value that were court ready.

Annual comparison of performance: 2011/12-2015/16

Indicator	2011/12	2012/13	2013/14	2014/15	2015/16	Change from previous year	Change over period
Value of freezing orders	R553 million	R518 million	R701 million	R2 756 million	R778.9 million	-72%	41%
Target	R550 million	R600 million	R710 million	R755 million	R1 billion	32%	82%

Analysis of performance trends

Despite the initial increase in performance in 2011/12, there was a decrease in performance of R35 million in 2012/13. However, performance started to continuously increase from 2012/13, with 2014/15 being the highest performing year in six years. Notwithstanding this excellent performance in 2014/15, performance declined by R1 977.1 million in 2015/16.

Performance Indicators

Strategic objective 3: Ensure that profit is removed from crime					
Strategic objectives	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
Number of freezing orders	342	321	326	2%	Target exceeded. More investigations were completed and more orders were obtained.
Value of completed forfeiture cases	R1.940bn	R210m	R349.5m	66%	Target exceeded. Continued focus on high-value cases, improved investigation of such cases by DPCI and SIU at ACTI, increased use of non-conviction based forfeiture.
Value of freezing orders relating to corruption or offences related to corruption where the amount benefited per case is more than R5 million	R2 235 million (R3.701 billion)	R800 million (R2.966 billion)	R238.6 million	(70%)	Target not achieved. Fewer cases of large value were processed. The decline in performance was also due to one case of very high value being finalised in the previous financial year.

Strategic objective 3: Ensure that profit is removed from crime					
Strategic objectives	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
Value of recoveries in terms of POCA	R1.658 billion	R150 million	R444.5 million	196%	Target exceeded. More cases of higher value were processed. Improved focus on high-value cases, improved investigation of higher value cases by DPCI and SIU at ACTT and increased use of non-conviction based forfeiture.
Success rate	95.1% (442/465)	93% (367)	96% (393/411)	3%	Target exceeded. Increased focus on quality assurance and increased use of non-conviction based forfeiture to reduce risk in high-value cases.
Value of recoveries in relation to corruption where the amount benefited is more than R5 million (proceeds of crime and government losses)	R1 553 million	R40 million (R70 million)	R154.8 million (R1 707.8 million)	287%	Target exceeded. One large order made due to increased focus on high-value cases, improved investigation of such cases by DPCI and SIU at ACTT and increased use of non-conviction based forfeiture.
Value of recoveries for government officials convicted of corruption and other related offences (proceeds of crime and government)	R11.1 million	R200 000 (R300 000)	R1.3 million (R12.4 million)	550%	Target exceeded. Large recovery of more than R500 000 was achieved due to increased focus on high-value cases, improved investigation of such cases by DPCI and SIU at ACTT and increased use of non-conviction based forfeiture.

Number of freezing orders

The NPA continued to implement measures to increase productivity and resolve inhibiting factors with its partners by obtaining 326 orders. This performance exceeded the annual target of 321 by 2% due to more cases that were ready for court. The performance decreased by 16 orders compared to the previous financial year.

Annual comparison of number of freezing orders

Indicator	2011/12	2012/13	2013/14	2014/15	2015/16	Change from previous year	Change over period
Number of freezing orders	318	276	363	342	326	-5%	3%
Target	318	324	281	281	321	14%	1%

Analysis of performance trends

The significant decrease in performance that started in the 2011/12 financial year continued in 2012/13. However, performance started to increase in 2013/14 which was the highest performing year in the last six years. From 2014/15 performance started to decrease again.

Value of completed forfeiture cases

The NPA obtained forfeiture and confiscation orders to the value of R349.5 million. The performance exceeded the annual target of R210 million by 66%. However, the performance decreased by 82% compared to previous year.

The continued focus on high-value cases, improved investigation of such cases by DPCI and SIU at ACTT and increased use of non-conviction based forfeiture contributed to the excellent performance.

Annual comparison of value of completed forfeiture cases

Indicator	2011/12	2012/13	2013/14	2014/15	2015/16	Change from previous year	Change over period
Value of completed forfeiture cases	R164 million	R119 million	R296.4 million	R1.940 billion	R349.5 million	-82%	113%
Target	R224 million	R167 million	R170 million	R180 million	R210 million	17%	-6%

Analysis of performance trends

The initial decrease that started in the 2011/12 continued in the 2012/13 financial year. From 2013/14 performance started to increase with 2014/15 being the best performing year in the last six years, with the value of completed forfeiture cases being R1.9 billion. Notwithstanding this excellent performance, performance decreased significantly in 2015/16.

Value of freezing orders relating to corruption or offences related to corruption where the amount benefited per case is more than R5 million

During the year under review, freezing orders of R238.6 million were obtained relating to corruption where the amount involved is more than R5 million, 70% below the target of R800 million. Fewer cases of large value were finalised. The decline in

performance was also due to one case of very high value being finalised in the previous financial year. Due to the non-achievement of the target, the performance declined by 98% compared to the previous year.

Value of recoveries in terms of POCA

Recoveries in terms of POCA to the value of R444.4 million were obtained, significantly exceeding the target of R150 million by 196% and the highest achievement recorded in respect of value of recoveries. The strategies of focusing on high-value cases, improved investigation of high-value cases by DPCI, SIU at the ACTT and increased use of non-conviction based forfeiture to speed up cases contributed to this success.

The performance of AFU from 2009/10 to 2015/16

	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16	Cumulative
Payments to victims	R53 million	R18 million	R93.8 million	R28.6 million	R84.4 million	R1 658 million	R390.2 million	R2 326 million
Payments into CARA	R51.7 million	R50.4 million	R37.3 million	R34.8 million	R98.5 million	R58.2 million	R54.3 million	R385.2 million
Value of recoveries in terms of POCA (victims + CARA)	R104.7 million	R68.4 million	R131.1 million	R63.4 million	R182.9 million	R1 716.2 million	R444.5 million	R2 711.2 million

Analysis of performance trends

It is important to consider the total payments to victims and the payments to the CARA as it represents the total amount recovered by the AFU. The AFU deposited R54.3 million into CARA in 2015/16. The total payment to CARA and victims was R444.5 million. Over the seven years from 2009/10, the AFU paid R 2711.2 million to CARA for victims.

Success rate

A success rate of 96% was achieved, exceeding the target of 93% by 3%. This performance also exceeded the performance of last year by 1%. The target was achieved by an increase in internal focus on quality assurance and increased use of non-conviction based forfeiture to reduce the risk of losing, especially in big cases. This assisted the AFU to reduce the number of cases lost due to factors beyond the control of the unit.

Value of recoveries in relation to corruption where the amount benefited is more than R5 million (proceeds of crime and government losses)

Recoveries of R154.8 million were obtained relating to corruption where the amount benefited is more than R5 million, exceeding the target of R40 million by 287%. This performance is mainly as a result of strategies focusing on high-value cases, improved investigation of high-value cases by DPCI, SIU at the ACTT and increased use of non-conviction based forfeiture to speed up cases. Notwithstanding the good performance against its target, performance declined by 91% compared to last year.

Value of recoveries from government officials convicted of corruption and other related offences (proceeds of crime and government)

Recoveries to the value of R1.3 million were made relating to government officials convicted of corruption and related offences, significantly exceeding the target of R200 000 by 550%. This excellent performance was due to several big recoveries of more than R500 000 in cases being finalised. The focus on high-value cases, improved investigation of big cases at the ACTT and an increased use of non-conviction based forfeiture to speed up cases contributed to the target being exceeded. However, performance declined by 88.3% compared to last year.

STRATEGIC OBJECTIVE 4: ENSURE THREATENED WITNESSES AND RELATED PERSONS ARE SUCCESSFULLY PROTECTED

Strategic objective 4: Ensure threatened witnesses and related persons are successfully protected					
Performance indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comments
Number of witnesses and related persons harmed, threatened or killed while on the witness protection programme (WPP)	0	0	0	0%	Effective operations model and operations planning.

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

During 2015/16 the OWP maintained its performance record for the last 14 years in ensuring that no witnesses and related persons were threatened or killed while on the WPP.

Performance indicator

Strategic objective 4: Ensure threatened witnesses and related persons are successfully protected					
Performance Indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comments
% of witnesses and related persons that walked off the WPP	1.2% (4)	1.5%	0.6% (4/662)	60%	Witness management through induction processes and continued interaction with the witnesses and their related persons.

Percentage of witnesses and related persons that walked off the WPP

Four witnesses, who no longer wanted to be on the programme, left the programme voluntarily and without notice. This is 0.6% of the total number of witnesses and related persons on the programme, against a target of 1.5%. In terms of

the Witness Protection Act, witnesses and related persons must voluntarily agree to be admitted into the WPP and sign a protection agreement.

The NPA, guided by section 41 of the Constitution, has very high levels of cooperation with its partners and stakeholders. The outcome of this high level cooperation is that 44 life terms and 1 854 sentences of direct imprisonment were imposed in cases in which witnesses on the WPP have testified.

During the year under review, 181 witnesses and 132 related persons joined the programme. The total number of witnesses and related persons managed during the period in witness protection, including the 174 witnesses and 175 related persons carried over from 2014/15, was 662. Guided by the intention of the Witness Protection Act, and the values and ethos of the Constitution, 149 witnesses and related persons (79 witnesses and 70 related persons) were successfully discharged and resettled. 94 witnesses signed off the WPP and their reasons for signing off the programme were captured. No formal grievances were laid.

Strategy to overcome areas of underperformance

The success of the implementation of the NPA strategy lies in individual and enterprise performance management (EPM). The NPA will ensure that individual performance, reward and recognition are aligned to the NPA strategic objectives. There is a continued strong focus on monitoring performance at all levels in the NPA which will continue.

The EPM committee was revived in order to address areas of non-performance. This committee adopted a monitoring and evaluation approach in which the practice of monthly meetings at business unit level and lower were introduced to monitor and evaluate performance at various levels. The committee meets quarterly and business units are invited to present their performance and then propose intervention strategies. Regular feedback on these implemented strategies is provided to the committee. Individual performance is linked to business unit performance in order to synergise efforts to improve outputs.

There has been a shift in focus from measuring outputs to outcomes-based measurement (as opposed to output measurement). The outcomes-based performance measurement system is being institutionalised in the organisational culture. The work for every function has been defined in the form of performance agreements and job descriptions and performance is assessed in line with these functions.

Changes to planned targets

No changes to planned targets during the year under review.

Linking performance with budgets

The expenditure contributed to the achievement of the outputs indicated above. The primary focus of the NPA is public prosecution and 68% of the total allocation was spent on National Prosecutions Services. The AFU spent R30 million on curator expenses during the 2014/15 financial year compared to R26 million during the 2015/16 financial year. Support Services provides centralised services such as security, fleet, facilities and IT services.

Sub-programme expenditure

Sub-programme name	2015/16			2014/15		
	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
National Prosecutions Service	2 326 444	2 326 444	-	2 144 150	2 144 150	-
National Specialised Prosecutions Services	299 039	299 039	-	269 485	269 485	-
AFU	133 139	133 139	-	133 568	133 568	-
OWP	183 690	183 690	-	160 737	160 737	-
Support Services	432 034	432 034	-	546 183	546 183	-
Total	3 374 346	3 374 346	-	3 254 123	3 254 123	-

4.5 PROGRAMME 5: AUXILLIARY AND ASSOCIATED SERVICES

The purpose of this programme is to provide a variety of auxiliary services, fund transfer payments to the South African Human Rights Commission, the Office of the Public Protector, Legal Aid SA, the SIU and the President's Fund. This programme consists of the following sub-programmes:

- Legal Aid SA
- SIU
- Public Protector of South Africa
- South African Human Rights Commission
- Justice Modernisation
- President's Fund

Strategic objective

The following strategic objective relates to the work within this programme that is implemented by the DOJ&CD (Justice Modernisation):

18. ESTABLISHMENT OF AN INTEGRATED ELECTRONIC CJS TO MODERNISE THE MANAGEMENT OF CRIMINAL JUSTICE INFORMATION

Strategic objective 18: Establishment of an integrated electronic Criminal Justice System to modernise the management of criminal justice information

Strategic objective 18: Establishment of an integrated electronic CJS to modernise the management of criminal justice information						
Objective indicator	Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations	
18	Number of key performance indicators on the integrated CJS	14	18	14	22%	Target not achieved.

The IJS programme is a multi-year programme which focuses on the transformation of the CJS into a modern, efficient, effective and integrated system. The programme is a joint venture project for the JCPS cluster departments, which include SAPS, DOJ&CD, NPA, Department of Correctional Services (DCS), Department of Home Affairs (DHA), Department of Social Development (DSD) and Office of the Chief Justice (OCJ).

The implementation of this programme is intended to provide South Africa with a world-class integrated CJS that will address system blockages such as delayed access to criminal record history and a lack of quality information and information sharing. The programme has five key priorities for the integration of information and communication technology, namely CJS Single Person Identifier, Person Identification Verification Application, including criminal record "fast check", case management integration, 28 key performance indicator reporting dashboard and single transversal data store for JCPS cluster statistical requirements.

The target to have 18 key performance indicators on the integrated CJS by the end of the 2015/16 financial year was not achieved. The achievement of the target depended on the linking and integration of DCS and DSD data. The historical data for DCS in its current format could not be used as it did not match the IJS Transversal Data Warehouse leaf level data structure. A similar issue arose with regard to the data for DSD mapping and structural issues were encountered which required reformatting of the consolidated data. Procurement processes are underway to provide business intelligence solution at DCS and similarly DSD is undergoing a process to source skilled resources to assist with their business intelligence requirements.

Performance indicators

Strategic objective 18: Establishment of an integrated electronic CJS to modernise the management of criminal justice information						
Performance indicator		Actual Achievement 2014/2015	Planned Target 2015/2016	Actual Achievement 2015/2016	Deviation from planned target to Actual Achievement for 2015/2016	Comment on deviations
18.1	Percentage completion of ICMS criminal modernisation	-	50%	50%	-	Target achieved.
18.2	Number of criminal cases postponed via the audiovisual remand (AVR) system	10 019	12 000	11 329	(6%)	Target not achieved.

The IJS programme aims at ensuring effective management and sharing of information amongst all role players within the criminal justice process in order to bring about efficiencies and effectiveness, using technology as an enabler and ultimately fostering public confidence in the CJS.

The IJS board has set up key deliverables for all the departments that are involved in the IJS project and these key deliverables are important for the performance and achievement of the IJS. Therefore, participating departments need to include the key deliverables applicable to them on their APPs to ensure they are prioritised and the IJS is successfully set up and achieved. To this effect, the Department planned to complete 50% of ICMS criminal modernisation. During the year under review, modernisation, which included major enhancement to ICMS, ECMS and CAS, was deployed to all courts across all nine provinces.

The AVR system links magistrates' courts to correctional detention centres via closed-circuit television. The accused person is therefore not required to be brought physically before the court in certain instances but may appear before court via audiovisual link.

The utilisation of this technology results in reduction of costs and the risks associated with detainees being commuted from correction facilities to the courts. During the year under review, 11 329 postponements were conducted via the AVR system. The Department continues to engage stakeholders with the aim of increasing the utilisation of the system.

Strategy to overcome areas of underperformance

The target to have 12 000 criminal cases postponed via the AVR system was not achieved. The finalisation of criminal cases includes various stakeholders within the justice system value chain. The utilisation of the AVR system for a particular case is therefore dependent on various variables. Although the target was not achieved, there has been a great improvement in the utilisation of the AVR system over the years. The Department will continue to provide monthly utilisation reports to stakeholder forums with the aim of mitigating against non-performance which may be influenced by limited utilisation of the AVR system.

Changes to planned targets

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

Linking performance with budgets

During the year under review, the sub-programme Justice Modernisation spent 99% of its budget, which was distributed to different departments and entities for implementation of the programme. It can however be reported that the expenditure on this programme also included spending on targets on the operational plan, which are not included on the APP. Furthermore, the expenditure on this sub-programme included payments of expenses made by departments participating on the IJS programme. The programme's underspending of R9.4 million can be attributed to late submission of invoices for computer infrastructure by SITA.

Sub-programme expenditure

	2015/2016			2014/2015		
Sub-programme name	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
Justice Modernisation	899 001	889 589	9 412	962 734	824 152	138 582
President's Fund	1	-	1	1	-	1
Total	899 002	889 589	9 413			138 583

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	Amount spent by the public entity	Achievements of the public entity
		R'000	R'000	
Legal Aid SA	<p>Legal Aid SA provides the following services:</p> <ol style="list-style-type: none"> 1. Renders or makes available legal aid and legal advice 2. Provides legal representation to persons at state expense 3. Provides education and information concerning legal rights and obligations, as envisaged in the Constitution and the Legal Aid South Africa Act (39 of 2014) 	1 522 986	1 522 986	<ol style="list-style-type: none"> I. Legal advice and assistance provided in 749 619 matters, which included 441 056 new legal matters and 308 563 advice matters II. 388 692 (88%) of new matters were criminal matters and 52 364(12%) were civil matters III. Assisted children in 17 701 matters (criminal and civil) IV. Took on 15 new Impact Litigation matters; 14 were finalised with a success rate of 93
SIU	<ol style="list-style-type: none"> 1. Fund the SIU, which provides professional forensic investigating and litigation services to all state institutions at national, provincial and local levels to combat maladministration, corruption and fraud, and to protect state assets and public funds. 	304 458	304 458	<ol style="list-style-type: none"> I. A total of 20 final investigation reports were submitted to the Presidency. II. Five proclamations were published III. R 52 million of money or/and assets was recovered for State. IV. R 583 million was recovered in five civil matters that were instituted by the SIU V. R 6.8 billion worth of assets in 307 matters were referred to the NPA forfeiture orders and prosecution VI. Three contracts to the value of R 717 million were set aside as a result of SIU's intervention. VII. R 310 million worth of payments in two matters were blocked as a result of SIU's intervention.

5.2 Transfer payments to all organisations other than public entities

The table below reflects the transfer payments made for the period 1 April 2015 to 31 March 2016.

Name of transferee	Type of organisation	Purpose for which the funds were used	Did the Department comply with s 38(1)(j) of the Public Finance Management Act?	Amount transferred (R'000)	Amount spent by the entity	Reasons for the funds unspent by the entity
PD: Vehicle licences	Municipal payments	Renewal of vehicle licences	N/A	549	549	
Foreign government/ international organisation	Foreign government	Subscription fees	N/A	15 833	15 833	
TV licence renewal	SABC	TV licence renewal	N/A	64	64	
Households	Payments for leave gratuity and claims against the State	Payments for leave gratuity and claims against the State	N/A	60 099	60 099	
Public Protector South Africa	Constitutional institution	Fund the Public Protector South Africa, which investigates any alleged improper conduct in state affairs, public administration, or any sphere of government as well as any conduct that results in any impropriety or prejudice	N/A	245 397	245 397	
South African Human Rights Commission	Constitutional institution	Funds the South African Human Rights Commission, which promotes and monitors the observance of human rights in South Africa	N/A	146 411	146 411	

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 during the year under review:

Name of donor	Government of the Swiss Confederation
Full amount of the funding	R13 000 000.00 (funding was increased by R3 000 000.00 due to project extension)
Period of the commitment	March 2011–March 2016
Purpose of the funding	Transformation of small claims courts by capacitating court officials and commissioners through training, ensuring accessibility by further establishment of these courts especially in rural areas and the legislative amendments.
Expected outputs	To have small claims courts that are accessible and service oriented with systems and procedures that are understandable to everyone through properly trained commissioners and professional staff.
Actual outputs achieved	<ul style="list-style-type: none"> • A total of 120 out of 150 commissioners for small claims courts were trained during this period. • A total of 100 clerks were trained during the period under review. • The revised guidelines for clerks and commissioners have been submitted to the office of the Deputy Minister. • The project achieved its expected outputs and is therefore closed.
Amount received in current period	R3 000 000.00
Amount spent by the Department	R11 598 119.20
Reasons for funds unspent	Expenditure is on track.
Monitoring mechanism by the donor	<p>The donors attended the National Steering Committee on Small Claims Courts on a quarterly basis where the project plan and the financial reports were standard items of the agenda. The Committee monitored the implementation of the plan and the proper utilisation of funds.</p> <p>The reports were submitted to the donor as per timeframes as contained in the funding agreement.</p>

Name of donor	European Union
Full amount of the funding	€25 million
Period of the commitment	November 2014 extended to 31 March 2016
Purpose of the funding	<ol style="list-style-type: none"> To support programmes to increase awareness and knowledge of constitutional rights. Increasing access to justice for vulnerable and marginalised groups. To support programmes to enhance participatory democracy and strengthening the capacity of the CBOs.
Expected outputs	Conduct evaluation of the programme.

Actual outputs achieved	<p>The FHR met 100% of the indicators.</p> <p>1. Final evaluation The FHR has under the authorisation of the Working Group finally signed the Memorandum of Agreement pertaining to the final evaluation of the Access to Justice and Promotion of Constitutional Rights programme with the Human Sciences Research Council (HSRC). An inception meeting took place under the auspices of the Working Group. The FHR made a provision to cover the costs of the final evaluation in the sum of R1 million. The final evaluation report was finalised and presented to the Department.</p>
Amount received in current period	R1 million
Amount spent by the Department	R425 368.40
Reasons for the funds unspent	The final tranche is paid to HSRC upon delivery of the evaluation report.
Monitoring mechanism by the donor	Quarterly progress reports which contain the narrative as well as the financial information were presented to the Department by the FHR. In addition, the Department, EU and FHR held quarterly working group meetings where a progress is reported and discussed.

Name of donor	Deutsche Gesellschaft Für Internationale Zusammenarbeit (GIZ) (Germany)
Full amount of the funding	Technical assistance
Period of the commitment	2001-2017
Purpose of the funding	Lead the coordination and promotion of the implementation of the Promotion of Administrative Justice Act (PAJA; Act No. 3 of 2000) in all the three spheres of government.
Expected outputs	An overall systematic implementation of the PAJA by organs of state (government departments and municipalities). This entails a display of awareness, understanding, and equivalent behavioural conduct and administrative practices by organs of state.
Actual outputs achieved	<p>PAJA is mainstreamed into the decision-making processes of selected state institutions (departments and municipalities).</p> <p>In the Eastern Cape, the consultants together with short-term experts have developed a comprehensive training of trainer scheme. Further, they conducted a five-day seminar with participants from various departments during the month of May.</p> <p>Two champions were nominated for each of the 13 provincial departments in the Eastern Cape in order to empower them to conduct training on PAJA and PAIA.</p> <p>A consensus was reached with one of the non-governmental organisations (NGOs) to train other NGOs in pursuit of training of the trainers' model.</p> <p>Approval of training awaits reallocation of funds by the GIZ headquarters.</p>
Amount received in current period (R'000)	Technical support
Amount spent by the department (R'000)	Technical support

Reasons for the funds unspent	N/A
Monitoring mechanism by the donor	Quarterly reports were presented to the Department. The Technical Operating Committee is convened by the donor on a quarterly basis with all departments that are involved in the implementation of PAJA. This structure was used for providing feedback and progress reports. National Treasury convenes annual consultation with all departments that are funded by GIZ; the forum assists in strengthening the relationship between donors and the Department and for information sharing on projects.

Name of donor	United States Agency for International Development (USAID)
Full amount of the funding	Technical assistance
Period of the commitment	2012–2017
Purpose of the funding	Increasing awareness for victims and survivors of sexual assault in South Africa
Expected outputs	<p>Inform communities surrounding the TCCs of the service provided and how to access them using community dialogues.</p> <p>Assist TCCs in making sure all hospital staff and local actors are aware of the service provided and ensuring that they use formative research.</p> <p>Ensure that TCCs' information is included in information on sexual assault provided to children through the Soul Buddyz clubs.</p> <p>Reduce stigmatisation of reporting sexual assault cases and seeking treatment at TCCs and other providers with the use of public service advertisements.</p> <p>Establish four new TCCs by building new centres and renovating and reequipping existing facilities.</p> <p>Use the nationwide financial and administrative capacity of the Foundation for Professional Development to support NPA in the disbursement of grants to NGO service providers to enable them access to comprehensive services.</p>
Actual outputs achieved	<ol style="list-style-type: none"> i. Community dialogues were held by both Sonke and Soul City in the SAPS precinct of Limpopo, Mpumalanga, KwaZulu Natal, Eastern Cape, North West, Western Cape, Northern Cape and Free State. ii. The website was developed. Information packages on the role of TCCs are placed on the website. iii. 66 000 posters were distributed to schools, hospitals and other areas of interest linking clients to services. iv. An open day was held in Mamelodi where pamphlets and posters were distributed to partners, NGOs and government partners. v. Soul Buddyz Club material was distributed to 15 200 schools. vi. Advertisements were aired on national and community radio stations.. vii. Radio dramas and call-in programmes on more than 60 community radio stations were staged. viii. All new TCCs, namely Madadeni, Grobersdal, Greys and Atlantis, were established.

Amount received in current period	Technical assistance
Amount spent by the Department	Technical assistance
Reasons for the funds unspent	Nil

Name of donor	GlZ (Germany)
Full amount of the funding	Technical assistance
Period of the commitment	2001–2017
Purpose of the funding	Implementation of PAIA
Expected outputs	<ul style="list-style-type: none"> i. PAIA is mainstreamed into the decision-making process of selected institutions. ii. Capacity of officials on the application of PAIA is improved. iii. Information management representing three sectors across different spheres of government is aligned with the requirements of PAIA.
Actual outputs achieved	<ul style="list-style-type: none"> i. Training on the use of PAIA and PAJA in SCM was conducted. ii. Training on PAJA and PAIA was conducted at East London, Port Elizabeth and Mthatha. A total of 688 officials were trained. iii. Training of officials led to a lower number of litigation related to non-compliance with PAJA and PAIA.
Amount received in current period	Technical support
Amount spent by the Department	Technical support
Reasons for the funds unspent	N/A
Monitoring mechanism by the donor	Quarterly reports were presented to the Department. The Technical Operating Committee was used for providing feedback and progress reports. National Treasury convened the annual consultation with departments that are funded by GlZ; the forum assisted in strengthening the relationship between donors and the Department and for information sharing on projects.

Name of donor	European Union
Full amount of the funding	€25 million
Period of the commitment	November 2018
Purpose of the funding	To support the Department to fulfil its mandate on the enhancement of socio-economic rights and strengthen partnership with civil society

Expected outputs	<ul style="list-style-type: none"> i. Improved awareness of constitutional rights, with an emphasis on socio-economic rights and on vulnerable groups. ii. Enhanced participatory democracy through public policy dialogues on constitutional rights. iii. Improved and sustained collaboration between government, Chapter 9 institutions, civil society and other stakeholders in terms of justice service delivery and socio-economic rights (including support for community advice offices). iv. Increased research on socio-economic rights and jurisprudence. v. Improved sector coordination and policy design on constitutional development. vi. Strengthened capacity, engagement and participation of CSOs in the realisation of constitutional rights.
Actual outputs achieved	<ul style="list-style-type: none"> i. A total of 5.9 million people were reached using the following platforms: social media, radios and campaigns. ii. 65 community advice organisations across the country were awarded grants to conduct human rights awareness events. iii. 120 grants were awarded to CSOs to promote awareness and socio-economic rights among vulnerable groups. iv. A request for technical support for three programmes was approved. v. 22 public policy dialogues on various human rights issues were conducted.
Amount received in current period	R49 555 055
Amount spent by the Department	R20 691 629
Reasons for the funds unspent	Expenditure is on track.
Monitoring mechanism by the donor	Quarterly progress reports, which contain the narrative as well as the financial information, were presented to the Department by the FHR. In addition, the Department, EU and FHR held quarterly Working Group meetings whereat progress was reported and discussed.

8. CAPITAL INVESTMENT

8.1 Capital investment, maintenance and asset management plan

In as far as infrastructure is concerned, the Department, consistent with the NDP 2030, had committed to improve access to justice. The capital investment programme of the Department includes building of new facilities and upgrading of ailing buildings.

The long procurement and implementation process as well as unavailability of credible service providers (especially in rural areas) continues to hamper delivery of capital projects within prescribed parameters. Despite this, specific infrastructure programme delivery milestones can be reported (refer to information below). The unit will report on projects funded by the Department, including new construction projects, additional accommodation, refurbishment, rehabilitation and upgrading.

Below is the list of projects that were undertaken during the year under review and reasons for delays in progress:

Project Name	Progress	Reasons for Variance
Limpopo High Court: Construction of a new building including additional parking	The court and the administration building were occupied in January 2016. The project was partially completed by the end of the 2015/16 financial year.	The additional parking scope increased to accommodate the regional office and the contractor commenced with the work in February 2016. Expected completion date was extended to January 2017.
Mpumalanga High Court: Construction of a new building	84% complete.	Access to the site remained a challenge as the access road was not available. The matter was escalated to higher authority. Expected completion date was extended to March 2017.
The Palace of Justice (Gauteng): Security measures upgrade	Project has stalled. Principal contractor is on penalties.	Contractual disputes due to cash flow. Completion expected in June 2016.
Port Elizabeth High Court: Additional accommodation and repairs and renovations	37.28% complete.	The project was assigned to new contractor due to failure of the principal contractor. Revised completion date was extended to January 2017.
Mamelodi Magistrate Office (Gauteng): Construction of new building	32% complete.	Delays resulted from labour-related disputes. Approval for extension of time was underway at the end of the financial year.

In addition to the incomplete projects listed above, the following projects are currently under construction.

Project description	Estimated amount	Estimated completion date
South Gauteng High Court: Refurbishment and renovations of the building	R459 893 350	December 2016
Pretoria Magistrate Court (Gauteng): Refurbishment of burned building (DPW funded)	R118 217 794	Completion date was expected to be revised due to unforeseen decontamination activities.

Port Shepstone Magistrate Office (Kwazulu-Natal): Construction of a new building	R285 523 818	January 2017
Justitia Building (Western Cape): Refurbishment of existing building	R95 454 701	April 2017
Dimbaza Magistrate Court (Eastern Cape): Construction of a new building	R81 749 948	April 2017
Plettenberg Bay Magistrate Office (Western Cape): Construction of a new building	R198 622 480	June 2017

Below is the list of projects planned for the medium term:

Project description	Estimated amount	Status
Bityi Magistrate Court (Eastern Cape)	R51 535 882	Due for award in 2016/2017
Booyens Magistrate Court (Gauteng)	R261 332 773	Site handover expected in June 2016
Chatsworth Magistrate Office: Additional accommodation including repairs	R169 162 763	Due for award in 2016/2017
Mthata High Court (Eastern Cape)	R18 463 318	Sketch plan stage
Durban High Court (Kwazulu Natal)	R165 843 730	Sketch plan stage
Rustenburg Magistrates' Office (North West)	R98 000 000	Sketch plan stage
Odi/Garankua Magistrates' Office (North West)	R52 558 139	Design stage
Polokwane Magistrate Court (Limpopo): Refurbishment of burned building	R90 000 000	Tender adjudication stage
Pietermaritzburg NPA (Kwazulu Natal): Rehabilitation of old DPW workshop	R206 905 637	Due for award in 2016/2017
Mthata Magistrate (Eastern Cape)	R217 000 000	Pre-tender stage
Whittlesea (Eastern Cape)	R100 534 278	Design stage
Tshilwavirusiku Magistrates' Office (Limpopo)	R47 785 200	Design stage
Richards Bay Magistrates' Office (Kwazulu Natal)	R208 840 230	Sketch plan stage

With regard to maintenance, the DPW undertakes major maintenance project in line with their own programme, whereas the DOJ&CD is responsible for day-to-day maintenance. The Department has undertaken a process to compile a user asset management document that will detail future maintenance needs of the Department in order give input into the DPW process.

Capital spending for the 2014/15 and 2015/16 financial year is detailed below.

Infrastructure projects	2015/2016			2014/2015		
	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	739 292	739 292		712 085	712 085	
Existing infrastructure assets	210	210		226	226	
Upgrades and additions	210	210		226	226	
Rehabilitation, renovations and refurbishments						
Maintenance and repairs						
Infrastructure transfer						
Current						
Capital						
Total	739 502	739 502		712 311	713 311	

Part C: Governance



1. INTRODUCTION

Commitment by the Department to maintain the highest standards of governance is fundamental to the management of public finances and resources. Users want assurance that the Department has good governance structures in place to effectively, efficiently and economically utilise the state resources, which are funded by the taxpayer. It is for this reason that governance processes of the Department are driven by the Executive Committee under the guidance of the Accounting Officer to ensure that the decisions taken at highest level of the Department are filtered through the entire Department and performance is also monitored department wide.

As part of governance processes and to enable the Accounting Officers and the Executive Committee to discharge their fiduciary responsibility, certain responsibilities have been delegated to the following committees:

- i. Human Resources subcommittee
- ii. Policy Development and Coordinating subcommittee
- iii. Strategy and Operations subcommittee
- iv. Information and Communication Technology subcommittee
- v. Service Delivery and Communications subcommittee
- vi. Corporate Governance subcommittee

The decisions made by the subcommittees are filtered down to other areas of the Department and operational committees such as the Regional Heads Forums to ensure that there is accountability by the responsible managers.

To keep oversight structures in line with the Treasury Regulations and the legislation the Department has a Risk Management Committee and an Audit Committee.

2. RISK MANAGEMENT COMMITTEE

In line with the Public Finance Management Act, Treasury Regulations and King Report of Corporate Governance (King III) the Department has matured in terms of risk and compliance practices. The Risk Management Committee is chaired by an external person to ensure strategic leadership and oversight. During the year under review and under the guidance of the chairperson and Accounting Officer, it was decided to combine the Compliance Committee of the Department, the NPA Risk Management Committee and the departmental Risk Management Committee to avoid overlaps and to ensure for synergy in all areas. The Risk Management Committee meetings were held as planned during the year under review.

The Risk Management Committee has reviewed the Risk Management Policy, developed a Project Risk Management Framework and Combined Lines of Assurance Framework. The documents provide the broader framework for identifying, assessing, monitoring and managing significant risks within the Department. As such, the Department focused its efforts on ensuring that all role players and lines of defence collaborate in strengthening the internal controls when it comes to strategic risks of the Department. This collaboration and alignment will eventually enhance risk control and monitoring, provide objective validation and optimise overall assurance by the Audit Committee.

Culture of risk management through communication and assurance

The improvement in the performance of the Department is intertwined across the departmental branches and service delivery points. Therefore, in addition to Enterprise Risk Management (ERMS) there are other assurance structures within the Department such as committees for safety, health, environment and risk (SHER), performance management and evaluation, quality assurance, compliance, internal control, service delivery and improvement, integrity management, audit facilitation and regional audit, risk and quality management. These structures, together with management, assist in inculcating a culture of risk management within the Department. Furthermore, these management structures provide reasonable assurance to the stakeholders that the current information provided is accurate, policies and operations are effective and efficient and the Department is compliant with statutory obligations.

The overall performance of the Department has improved in terms of the implementation of risk management procedures. Tracking of operational risk registers is done quarterly at national level and regional level. There are ongoing training sessions that are conducted through Justice College in respect of compliance and risk management. As a result of this effort, 461 officials were trained in the previous two financial years with 192 officials trained during the year under review. The Department has conducted 35 risk assessments in various parts of the Department, which includes regions.

At strategic level there is ongoing conversation regarding risk management. The strategic risk exposure areas and progress summary of each is tabled below:

No.	Risk description	Summary of progress
1.	Negative impact of the current system of the OSD on staff, service delivery and the budget.	<ul style="list-style-type: none"> • There were ongoing engagements with the DPSA and organised labour throughout the year. As a result, the post Head of State Attorney Office for each of the nine regions has been created at senior management level. This should ease the pressure from national office and enhance leadership and management of services at regional level. • Furthermore, in respect of the specialist positions in OSD the policy review for performance management was completed and presented to the chamber. • Processes for the norms and standards in respect of specialist positions were initiated. As a result the Department is in a process of appointing a service provider to assist with technical assistance in respect of LP10 and LP9 positions.
2.	Inequity in state of readiness of all partner departments for the successful implementation of the IJS, delaying the benefits of full implementation.	<ul style="list-style-type: none"> • The project management office became fully operational and all the relevant team members were appointed. • High-level engagements were conducted with partner departments and there is commitment from the various Accounting Officers.

No.	Risk description	Summary of progress
3	Negative impact of the state of infrastructure and the Internet connectivity on service delivery at service points.	<ul style="list-style-type: none"> • A service provider has been appointed to assist with the user asset management plan in order to work on the accommodation needs and analysis. • In addition to inter-departmental controls, constant oversight and monitoring at ministerial and Portfolio Committee level was undertaken. • In respect of the ICT infrastructure, the Department concluded the trilateral agreement that includes SITA and Telkom so as to address the bandwidth challenges across the Department gradually.
4	Heritage systems not supporting governance and accountability in respect of TPF.	<ul style="list-style-type: none"> • A service provider was appointed to assist the Department in the revitalisation of management of TPF within the Department. This will enhance processes and improve controls, monitoring and accountability at court, state attorney and regional levels. • The pilot phase of the new system (Mojapay) was underway as at the end of March 2016 and 130 end users and 95 trainers were trained. The national deployment is scheduled to start in June 2016. • The standard operating procedures already developed ensure that there is standard operating model throughout the Department.
5	Increased litigation against the State as result of opportunistic litigation, lack of awareness of the Bill of Rights and possible non-compliance with policies and legislation by other client departments.	<ul style="list-style-type: none"> • The litigation turnaround strategy was developed to assist the clients to address the root causes. • Ongoing engagements with stakeholders for further input into the strategy before recommending and submitting to Cabinet for approval.

3. MINIMISING OF FRAUD AND CORRUPTION RISKS

In terms of the Strategic Intelligence Act (Act No. 39 of 1994), as amended by the National Strategic Intelligence Amendment Act (Act No. 67 of 2002), persons that are employed by an organ of state or rendering a service or have given notice of intention to render a service to an organ of state must be vetted. The issue of security vetting is regarded as the first line of defence that the State has to protect its interests. The intention or purpose of security vetting is to protect classified information of the State. This is also supported by the Protection of Information Act (Act No. 84 of 1982) and the Minimum Information Security Standard.

In addition to the above legislative mandate, the Cabinet Memorandum on the National Vetting Strategy has identified a need to capacitate organs of state to establish Vetting Fieldwork Units (VFUs) in order to perform the vetting function under the guidance of the State Security Agency. The Department is one of the organs of the state that was identified to establish the VFU. To accelerate vetting in the Department, a request for operational structure was made, approved and funded, which has increased the number of vetting investigators, anti-fraud practitioners and assistant directors for vetting, fraud prevention as well as pre-employment screening.

To fulfil the above-mentioned mandate the Department has prioritised senior managers for the purpose of vetting. For the financial year 2015/16, 175 SMS members have submitted their security clearance forms for investigation. It can also be reported that 28 of these 175 SMS members have been transferred to OCJ. Furthermore, the relationship was forged and maintained between the Department and SAPS; this relationship is aimed at getting criminal records speedily and to speed up the recruitment processes under human resources.

In support of the zero tolerance approach to fraud and corruption and Minimum Anti-Corruption Capacity (MACC) requirements, the Department encourages all officials to report matters of corruption, fraud, theft and maladministration to the Forensic Audit Unit or to the hotline of the public service. To date, the target of 91% was achieved in terms of finalisation of investigations of reported cases.

In addition to the above activities, a fraud and corruption perception survey was conducted and the results of the survey will pave a way for the review of the fraud prevention strategy in the Department.

4. MINIMISING CONFLICT OF INTEREST

In line with the MACC requirements, the Department continues to promote ethical behaviour and integrity in the Department by among other things conducting fraud and corruption prevention awareness sessions. For this financial year 2015/16, 56 awareness sessions were conducted countrywide where 1 386 officials attended, which is above the target.

Furthermore, in terms of the Public Service Regulations the designated employees, senior managers are expected to disclose their registrable interests to their relevant Executive Authority by 30 April of each year. Every Executive Authority is required to submit copies of the disclosure forms to the Public Service Commission (PSC) by 31 May, for inclusion in a register of designated employees' interests. DPSA has, in partnership with the PSC and SITA, developed an electronic system of disclosures (e-disclosure system) to fast track submission and analysis of disclosures. 98% (170 officials) of senior managers have successfully submitted their financial disclosures. The remaining 2% (3 officials) did not submit their financial disclosures due to incapacity leave or suspensions.

5. CODE OF CONDUCT

There is a partnership between the Department's Labour Relations, Forensic Unit, Integrity Management Unit and Enterprise Unit to jointly inculcate a culture of ethics in order to prevent and effectively deal with unethical behaviour before it develops into a particular form of corrupt activity and to mitigate the risks thereof. As part of the combined assurance function the awareness sessions under integrity management and training conducted under enterprise risk management also cover the employees' code of conduct and ethics.

6. HEALTH SAFETY AND ENVIRONMENTAL ISSUES

The Department is committed to provide a safe and healthy working environment to all employees (including judiciary and prosecution), stakeholders, visitors, the public and any person that might be affected by the activities performed by the Department, while they are within the Department's premises.

A SHER policy and procedure manual that complies with the Occupational Health and Safety Act (Act No. 85 of 1993), as amended, was developed and approved. The objective of the SHER policy in the Department is to create a consistent,

reliable system of occupational health and safety that can be evaluated on an ongoing basis to ensure continuous improvement and sustainability.

20 SHER inspections and 10 evaluations of the physical practice of the emergency plan were randomly conducted at service delivery points in regions. Furthermore, nine events were hosted by the Department to ensure compliance with the relevant legislation and departmental prescripts.

In order to inculcate the culture of managing SHER, the Department continues to make employees aware through formal training and awareness sessions in all regions. Awareness sessions were conducted at national and regional level and through Justice College. This had a positive impact in changing the culture towards creating a safe and healthy working environment. A total of 10 awareness sessions were coordinated, which 305 officials attended. The Department continues to monitor SHER compliance and to provide guidance where necessary.

Business continuity management (BCM) monitoring, control and training

The Department implements and maintains the business continuity programme in line with its policies, so as to effectively support service delivery points in the event of disruption by maintaining continuity of operations environment.

The Department has service delivery points countrywide that may be utilised in the event of a disruption as determined by the jurisdiction and district boundaries. The objective is to provide alternate site (offices) for officials, stakeholders and public members in the event of a disruption, without major impact on service delivery. Critical staff and stakeholders related to BCM were identified and incorporated into the respective business continuity plan (BCP) of a service delivery point. A total of 13 BCM assessments were randomly conducted to ensure compliance departmental prescripts.

All officials are required to participate in business continuity awareness sessions to raise awareness level of business continuity planning and objectives of the Department. Various regions were visited to facilitate BCM awareness sessions. A total of 167 Heads of Offices attended the BCM awareness sessions. In addition to the awareness sessions, Justice College maintained a programme to train and support Heads of Offices designated to develop and implement the BCP at their respective service delivery points.

As part of risk management the Department has defined clearly its maximum tolerable downtime and maximum tolerable data loss to be taken into consideration when developing the BCP of the respective service delivery point. As such the Department considered parameters to be reasonable based on the current ICT infrastructure and management took necessary steps to prepare and assist a service delivery point to recover and to continue with core business of the Department during or after a disruption.

7. PORTFOLIO COMMITTEES

The Portfolio Committee exercises oversight over the service delivery performance of departments. The DPJ&CD regards the good working relationship with the Portfolio and Select Committees as crucial in addressing the challenges experienced by the Department. The Department is furthermore very grateful to the Select as well as the Portfolio Committee, for the continuous support, advice and recommendations received, specifically relating to issues of service delivery and budget

The following engagements were held with Parliamentary Portfolio Committees, during the 2015/16 financial year:

Item No.	Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
1	Portfolio Committee on Justice and Correctional Services	15 April 2015	Political overview for 2015/16 budget review	The Committee raised concerns regarding the slow pace of finalisation of infrastructure projects and requested a meeting between the Ministers of Justice and Correctional Services and Public Works to address challenges identified.	A working committee to deal with infrastructure issues between the DoJ&CD and DPW was established to speed up the roll-out of infrastructure projects.
2	Portfolio Committee on Justice and Correctional Services	22 and 23 April 2015	Briefing by the DOJ&CD on its 2015/16 budget and strategic plans	The key issue raised by the Portfolio Committee was the finalisation of four matters, namely: the Traditional Courts Bill, policy on paralegals, policy on the use of indigenous languages in the Courts and the language of court record.	<p>By the end of the financial year, consultative meetings between the DOJ&CD and the Department of Traditional Affairs were held to address outstanding issues on the Traditional Courts Bill. Following finalisation of this process, the Bill is expected to be submitted to Parliament.</p> <p>Regarding the policy on paralegals, drafting began during the year under review. It is anticipated that the draft policy will be submitted to Parliament during the course of the 2016/17 financial year.</p> <p>Consultative meetings with the Chief Justice regarding language issues were initiated during the year under review. A broader consultative initiative with relevant stakeholders is envisaged during the 2016/17 financial year.</p>

Item No.	Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
3	Portfolio Committee on Justice and Correctional Services	24 April 2015	Briefing by the NPA on its 2015-2020 strategic plan	<p>The Portfolio Committee requested a written report on the roll-out of the ECMS pilot to the first 22 sites reported in 2014/15, as well as progress in rolling out the solution to the remainder of the sites, by 31 July 2015.</p> <p>The Committee noted the NPA's stated reasons that poor investigations impact negatively on successful prosecutions and requested more information on the extent of the problem and measures put in place to address this.</p> <p>The Committee also requested regular updates on the recruitment processes for the new Limpopo High Court.</p> <p>The Committee voiced concerns about the reported inadequate capacity and funding of the AFU, which may lead it to prioritise only large cases. The members recommended that the present arrangements regarding the distribution of CARA funds may need to be reviewed in order for the AFU to be adequately resourced.</p>	The NPA submitted written responses.
4	Portfolio Committee on Justice and Correctional Services	05 May 2015	Briefing by Legal Aid SA on its 2015/16 strategic plan and APP		Legal Aid SA's issues will be discussed and dealt with during their briefing on the annual report for the 2015/16 financial year.

Item No.	Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
5	Portfolio Committee on Justice and Correctional Services	13 May 2015	Briefing by the DOJ&CD on the Criminal Law (Sexual Offences and Related Matters) Amendment Bill	The Portfolio Committee deliberated on the Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill and proposed amendments to the Bill.	The Department prepared amendments for the Portfolio Committee's consideration.
6	Portfolio Committee on Justice and Correctional Services	19 May 2015	Deliberations on the Maintenance Amendment Bill: finalisation and voting and the Criminal Law (Sexual Offences and Related Matters) Amendment Bill	<p>Concerns were raised and proposals were made by the Committee during the public hearings on the Maintenance Amendment Bill.</p> <p>The Portfolio Committee considered a draft report prepared by the Department on the Criminal Law (Sexual Offences and Related Matters) Amendment Bill. In this report the Committee recommended that the following aspects be investigated with the view to promoting a possible Committee Bill as contemplated in the Rules of Parliament:</p> <p>(a) An amendment of section 1(3)(d) of the Principal Act in order to broaden the circumstances where an adolescent is incapable in law of consenting to a sexual act, bearing in mind the parameters set by the Constitutional Court in the Teddy Bear case.</p> <p>(b) An amendment of section 57 of the Act in order to address any uncertainties that may exist with regard to the age of consent.</p>	<p>The Department summarised the issues raised during the public hearings and provided responses to all the issues and prepared the necessary amendments arising from the public hearings for consideration by the Portfolio Committee. The Committee agreed with the proposed amendments. The Maintenance Amendment Bill was approved by the Portfolio Committee on 20 May 2015 and by the National Assembly on 23 June 2015.</p> <p>By the end of the financial year, The Department was in the process of preparing a report for consideration by the Portfolio Committee.</p>

Item No.	Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
7	Standing Committee on Public Accounts (SCOPA)	27 May 2015	Briefing by the DOJ&CD on TPF	<p>The Committee recommended that the Accounting Officer ensures that:</p> <ul style="list-style-type: none"> • An audit trail exists to back up adjustments. • Daily and monthly reconciliations processes are done. • Daily cash-ups reconcile cash on hand to the actual net cash receipt for a specific day. • Standardised controls across all locations are implemented to guarantee that internal controls are being effectively performed across the entire environment. • The national office verifies information received from regional offices for accuracy. • The heads of regional offices increase capacity to guarantee that all regions have sufficient capacity. • Management trains staff at court and regional levels on basic financial controls and record-keeping. • Proper consequences for failure to comply are instituted against wrongdoers. 	<p>It can be confirmed that the Accounting Officer issued directives and instructions to all Justice Offices dealing with TPF on certain control activities to be done on a daily, weekly, monthly and annual basis.</p> <p>Measures were introduced to report and monitor daily and monthly reconciliations and directives were issued after all relevant staff members were trained.</p> <p>The Accounting Officer instructed relevant officials to issue regular monitoring reports and present exceptions to the top management of the Department.</p> <p>A comprehensive training programme was launched for all cash hall and associated court personnel and supervisors in 2014/15. A total number of 3 107 officials were trained on TPF operations and reconciliations in order to ensure that designed processes are complied with and implemented as required.</p>

Item No.	Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
8	Portfolio Committee on Justice and Correctional Services	27 May 2015	Briefing by the DOJ&CD on the Criminal Law (Sexual Offences and Related Matters) Amendment Bill approved; Rules Board Briefing Rules of Appeal Procedure in accordance with Rome Statute	The Criminal Law (Sexual Offences and Related Matters) Amendment Bill was approved by the Portfolio Committee on 27 May 2015 and by the National Assembly on 17 June 2015.	The Department responded to questions of clarity raised by members of the Committee.
9	Select Committee on Security and Justice	18 June 2015	Briefing on Criminal Law (Sexual Offences) Amendment Bill	The Department briefed the Select Committee on the Bill. The Select Committee did not raise any substantive matters that required the Department to report back to the Select Committee at a later date.	The Department responded to questions of clarity raised by members of the Committee.
10	Select Committee on Security and Justice	25 June 2015	Briefing on Maintenance Amendment Bill [B16B-2014]	The Department briefed the Select Committee on the Maintenance Amendment Bill. The Select Committee did not raise any substantive matters that required the Department to report back.	The Department responded to questions of clarity raised by members of the Committee. The Bill was approved by the Select Committee on 25 June 2015.

Item No.	Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
11	Portfolio Committee on Justice and Correctional Services	05 August 2015	Public Hearings on Judicial Matters Amendment Bill [B2-2015]	The Department attended the public hearings and took note of the issues raised by respondents.	The Department summarised the issues raised during the public hearings and provided responses to all the issues raised and prepared the necessary amendments arising from the public hearings for consideration by the Portfolio Committee. The Committee agreed with all the proposed amendments.
12	Portfolio Committee on Justice and Correctional Services	19 August 2015	Briefing on Essential Infrastructure Theft/ Tampering Bill: Criminal Matters Amendment Bill [B20-2015]	The Department briefed the Portfolio Committee on the Bill on 19 August 2015.	The Department responded to questions of clarity raised by members of the Committee.
13	Portfolio Committee on Justice and Correctional Services	02 September 2015	Briefing by the Department on its first quarterly performance report of 2015/16	<p>A committee member raised concern about the state of one TCC which appeared not to be taken care of properly.</p> <p>There was also a question about whether witnesses who walked off the WPP continued to be witnesses afterwards, and called for closer introspection as to why witnesses would walk off in such a crime-riddled country.</p>	<p>The NPA confirmed that it was its responsibility to establish TCCs, but once they are operational there is joint responsibility by all participating stakeholders to ensure that the minimum standards are maintained.</p> <p>The NPA clarified that the reported cases of walk-offs pertained to persons related to the witnesses. It is therefore difficult to control their movements.</p>

Item No.	Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
14	Select Committee on Security and Justice	02 September 2015	Briefing on Magistrates Commission on progress reports and provisionally suspended magistrate; Revised draft rules for PAJA	No specific matter raised by the Committee.	The Committee was briefed on behalf of the Magistrates Commission on the reports tabled in Parliament by the Minister. The Committee noted the content of the progress reports and requested confirmation of the provisional suspension from office of Magistrate Zantsi. No further response required from the Commission.
15	Portfolio Committee on Justice and Correctional Services	13 October 2015	Public Hearings on Criminal Matters Amendment Bill [B20-2015]	The Department attended the public hearings and took note of the issues raised by respondents.	The Department summarised the issues raised during the public hearings and provided responses to all the issues raised and prepared the necessary amendments arising from the public hearings for consideration by the Portfolio Committee. The Committee agreed with all the proposed amendments.
16	Portfolio Committee on Justice and Correctional Services	14 October 2015	Briefing by Legal Aid SA on its 2014/15 annual report		Legal Aid SA's issues will be discussed and dealt with during their briefing on the annual report for 2015/16 financial year.

Item No.	Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
17	Portfolio Committee on Justice and Correctional Services	15 October 2015	Briefing by the NPA and DOJ&CD on their 2014/15 annual reports	<p>NPA input: the Portfolio Committee requested written responses to the following questions:</p> <ol style="list-style-type: none"> What processes and approaches are in place to deal with cases finalised through ADRM? What is the impact of case flow management on the finalisation of cases? How is the NPA engaging with OCJ in addressing case flow management? What measures are in place to ensure successful prosecution of cases? In view of the perception that is being created that government is corrupt, out of the number of government officials convicted of corruption, what are the amounts for which they have been convicted? Were there any freezing orders against them and to what value? What is the NPA doing to deal with the issue of remand detainees? What is the reason for underachievement on employment equity and disability figures? What is the NPA's comment on the Auditor-General's findings, especially on financials, and how will these be addressed? Why is the vacancy rate so high and how is this being addressed? 	Written responses were submitted to the Portfolio Committee.

Item No.	Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
18	Portfolio Committee on Justice and Correctional Services	16 October 2015	COSATU Submission on the Criminal Matters Amendment Bill [B20-2015]	The Department attended the public hearings and took note of the issues raised by COSATU.	The Department summarised the issues raised by COSATU and provided responses to all the issues raised.
19	Portfolio Committee on Justice and Correctional Services	20 October 2015	Ministry response to the submissions made on the Criminal Matters Amendment Bill [B20-2015] and Judicial Matters Amendment Bill [B2-2015]	<p>On 16 October 2015 COSATU made a submission in which it was suggested that the definitions of "basic service" and "essential infrastructure" in the Criminal Matters Amendment Bill should be broadened to include health, security and education services for the following reasons: health and security should be included due to the potential life-threatening consequences when their services are disrupted and education should be included due to its importance and the constant challenges numerous townships schools face with regard to vandalism.</p> <p>The Portfolio Committee, however, adopted a resolution to the effect that the Ministry of Justice and Correctional Services must look into the proposal to extend the scope of the Bill to include the loss or damage of or the tampering with essential infrastructure that provides other basic services such as health and education. The Ministry must also report to Parliament on the outcome of its findings within 12 months of the report.</p> <p>The Department attended the public hearings on the Judicial Matters Amendment Bill and took note of the issues raised by respondents.</p>	<p>The Department expressed concerns about the proposed extension of the scope of the Criminal Matters Amendment Bill as the Bill was drafted with a specific focus and that if the scope of the Bill is broadened, there may be unintended consequences. The Portfolio Committee approved the Bill, subject to a few changes.</p> <p>The Department met with some of the stakeholders to discuss the resolution and received inputs from the SAPS and the NPA for inclusion in the interim report. The interim report will serve as a basis for further discussion and consultation with all stakeholders and the JCPS structures with a view to obtaining general agreement about the areas to be addressed and proposing different alternatives.</p> <p>The Department summarised the issues raised during the public hearings on the Judicial Matters Amendment Bill and provided responses to all the issues raised and prepared the necessary amendments arising from the public hearings for consideration by the Portfolio Committee. The Committee agreed with all the proposed amendments.</p>

Item No.	Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
20	Portfolio Committee on Justice and Correctional Services	21 October 2015	Briefing on the functions of the Information Regulator; Adoption of the Criminal Matters Amendment Bill [B20-2015] and Judicial Matters Amendment Bill [B2-2015]	<p>The Department briefed the Portfolio Committee on the functions of Information Regulator in terms of the Protection of Personal Information Act (Act No. 4 of 2013). The Committee requested the Department to prepare a document explaining in detail the provisions of the Act, with the view to holding an information session on the entire Act.</p> <p>The Criminal Matters Amendment Bill was approved by the Portfolio Committee, together with amendments proposed during the public hearings, on 21 October 2015. The Bill was approved by the National Assembly on 29 October 2015.</p> <p>The Judicial Matters Amendment Bill was approved by the Portfolio Committee, together with amendments proposed during the public hearings, on 21 October 2015. The Bill was approved by the National Assembly on 29 October 2015.</p>	<p>The Department prepared the document requested by the Committee and submitted it to the Committee secretary.</p> <p>No further actions were requested by the Portfolio Committee in respect of the Judicial Matters Amendment Bill.</p>
21	Portfolio Committee on Justice and Correctional Services	22 October 2015	DOJ&CD's budgetary review and recommendations reports 2014/15	The Committee raised various issues that the Department needed to submit quarterly to update the Committee on progress made.	Quarterly reports are continuously submitted to brief the Committee on issues raised on the budgetary review recommendations report.
22	Select Committee on Security and Justice	28 October 2015	Briefing on the Criminal Matters Amendment Bill [B20-2015] and Judicial Matters Amendment Bill [B2-2015]	The Department briefed the Select Committee on the Criminal Matters Amendment Bill and the Judicial Matters Amendment Bill on 28 October 2015.	The Department responded to questions of clarity raised by members of the Committee in respect of both Bills.

Item No.	Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
23	Select Committee on Security and Justice	25 November 2015	Adoption of the Criminal Matters Amendment Bill [B20-2015] and Judicial Matters Amendment Bill [B2-2015]	<p>The Criminal Matters Amendment Bill and Judicial Matters Amendment Bill were approved by the Select Committee on 25 November 2016 and by the National Council of Provinces on 26 November 2016.</p> <p>The President signed the Criminal Matters Amendment Bill into law and it was published in the Gazette on 15 December 2015 as Act 18 of 2015.</p> <p>The president signed the Judicial Matters Amendment Bill into law and it was published in the Gazette on 24 December 2015 as Act 24 of 2015. The Act comes into operation on a date to be fixed by the president by proclamation in the Gazette.</p>	<p>The Department, as indicated above, is giving attention to the resolution of Portfolio Committee in respect of the Criminal Matters Amendment Bill.</p> <p>The Department began consultations with stakeholders on a date for the commencement of the Act.</p> <p>The Department began consultations with stakeholders on a date for the commencement of the Act.</p>
24	Portfolio Committee on Justice and Correctional Services	16 February 2016	Briefing by the DOJ&CD on the second and third quarterly 2015 performance reports	The Committee raised various issues that the Department needed to clarify. Others were dealt with during the meeting and most needed written responses.	The report on the questions and issues raised by the Committee was submitted.

Item No.	Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
25	Portfolio Committee on Justice and Correctional Services	01 March 2016	Briefing by the DOJ&CD on Justice Administered Fund Bill and Protected Disclosure Amendment Bill	<p>The Department briefed the Portfolio Committee on the Justice Administered Fund Bill on 1 March 2016. The following questions were raised:</p> <ul style="list-style-type: none"> (i) whether interest earned on monies in trust cannot accrue to the owners of money rather than to the Department as proposed in the Bill. (ii) whether a mechanism cannot be built into the Bill in terms of which beneficiaries are informed that they have money in the Justice Administered Fund. <p>The Department briefed the Portfolio Committee on the Protected Disclosures Amendment Bill on 1 March 2016.</p> <p>The following questions were raised:</p> <ul style="list-style-type: none"> (i) whether other legislation, such as the National Environmental Act, which deals with whistleblowing, is in line with the Protected Disclosures Act. (ii) whether affording whistle-blowers legal aid was considered. 	<p>Department will report back to the Portfolio Committee on issues raised during the meeting after the public hearings.</p> <p>The Department will report back to the Portfolio Committee on issues raised during the meeting after the public hearings.</p>

Item No.	Name of committee	Date of the meeting	Purpose of the meeting	Matters raised by the committee	Departmental responses addressing issues raised
26	Select Committee on Security and Justice	02 March 2016	Briefing by the DOJ&CD on Judges and Magistrates 2015 Remuneration	The Select Committee on Security and Justice was supported and briefed accordingly	The Select Committee was supported and briefed accordingly.
27	Portfolio Committee on Justice and Correctional Services	15 March 2016	Draft revised rules of procedure for application to court in terms of PAIA, submitted to Parliament for approval in terms of section 79(3) of PAIA	The Committee did not have a quorum but members present requested a briefing, which was presented by the officials from the Rules Board. A new date will be scheduled by Committee and we will be informed of same.	N/A

8. SCOPA RESOLUTIONS

Resolution no.	Date	Subject	Details	Response by the Department	Resolved (Yes/No)
	27 May 2015	Briefing by the DOJ&CD on TPF	<p>The Committee recommends that the Accounting Officer ensures that:</p> <ul style="list-style-type: none"> • An audit trail exists to back up adjustments. • Daily and monthly reconciliations processes are done. • Daily cash-ups reconcile cash on hand to the actual net cash receipt for a specific day. • Standardised controls across all locations are implemented to guarantee that internal controls are being effectively performed across the entire environment. • The national office verifies information received from regional offices for accuracy. • The heads of regional offices increase capacity to guarantee that all regions have sufficient capacity. • Management trains staff at court and regional levels on basic financial controls and record-keeping. • Proper consequences for failure to comply are instituted against wrongdoers. 	<p>The Accounting Officer issued directives and instructions to all Justice Offices dealing with TPF on certain control activities to be done on a daily, weekly, monthly and annual basis.</p> <p>Measures were introduced to report and monitor daily and monthly reconciliations and directives were issued after all relevant staff members were trained.</p> <p>The Accounting Officer has also issued instructions that the adherence to the instructions issued is regularly monitored and that all exceptions are reported to the top management of the Department and acted upon.</p> <p>A comprehensive training programme was launched for all cash hall and associated court personnel and supervisors in 2014/15. A total of 3 107 officials were trained on TPF operations and reconciliations in order to ensure that designed processes are complied with and implemented as required.</p>	Yes

9. REPORT OF THE AUDIT COMMITTEE ON THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

1. REPORT OF THE AUDIT COMMITTEE

We are pleased to present our final report for the financial year ended 31 March 2016.

1.1 AUDIT COMMITTEE MEMBERS AND ATTENDANCE

The Audit Committee consists of the members listed below and is required to meet at least four times per annum as per its approved terms of reference. During the current year 4 meetings and 2 special meetings were held as indicated below.

Name of members	Numbers of meetings attended	Number of special meetings attended	Status
Mr. Motsamai Karedi (Chairperson)	4	2	Reappointed- 25 November 2015
Mr. Cedric Boltman	4	2	Reappointed- 25 November 2015
Ms. Besky Ngunjiri	4	1	Reappointed - March 2015
Mr. Wilson Ramabulana	4	2	Reappointed- 25 November 2015
Mr Andy Sello	4	2	Reappointed- 25 November 2015

1.2 AUDIT COMMITTEE RESPONSIBILITY

We report that we have complied with its responsibilities arising from Section 38 (1) (a) (ii) of the Public Finance Management Act and Treasury Regulation 3.1.13. The Audit Committee also reports that it has adopted appropriate formal terms of reference on its Audit Committee Charter. The charter has regulated its affairs and the Audit Committee has discharged all its responsibilities as contained therein.

1.3 THE EFFECTIVENESS OF INTERNAL CONTROL

The Audit Committee is satisfied that key controls remained in place throughout the year under review and where shortcomings in the internal controls were identified; management has addressed them through implementation of audit action plans. Internal Audit validated the audit action plans and the Audit Committee reviewed same to ensure effective implementation by management.

There has also been an improvement in the risk maturity level within the Department and that had contributed to the effectiveness of controls.

1.4 INTERNAL AUDIT

The Internal Audit unit has discharged its responsibilities as per the internal audit charter and plans.

1.5 AUDITOR-GENERAL SOUTH AFRICA (AGSA)

The Audit Committee has noted improvement within the Department as reflected on the audit findings compared to the prior year. The Audit committee accepts and concurs with the unqualified audit opinion of the AGSA on the Annual Financial Statements of Department of Justice and Constitutional Development for the year ended 31 March 2016.

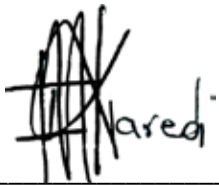
1.6 REPORTS

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

The Audit committee has reviewed the monthly and quarterly reports and where concerns were raised, management acted on them and the Audit Committee monitored progress throughout the year.

1.6.2 Evaluation of financial statements

We have reviewed and discussed the audited annual financial statements with management and also reviewed the Department's compliance with legal and regulatory provisions. We have also reviewed the Auditor-General South Africa's audit report, management report and management's responses to it and the Audit Committee is satisfied with the contents thereof.



M Karedi
Chairperson of the Audit Committee
Date: 31 July 2016

A close-up photograph of a person's hands in a white shirt. The left hand holds a yellow pen, and the right hand is positioned over a calculator. The calculator is resting on a document with some numbers visible. The background is softly blurred. A large, curved orange graphic element is at the bottom of the page.

Part D: Financial Statements

TABLE OF CONTENTS

REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE 21: DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT	151
APPROPRIATION STATEMENT	155
NOTES TO THE APPROPRIATION STATEMENT	169
STATEMENT OF FINANCIAL PERFORMANCE	171
STATEMENT OF FINANCIAL POSITION	172
STATEMENT OF CHANGES IN NET ASSETS	173
CASH FLOW STATEMENT	174
NOTES TO THE ANNUAL FINANCIAL STATEMENTS (INCLUDING ACCOUNTING POLICIES)	175
UNAUDITED ANNEXURES	227

REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE NO. 21: 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 155 to 226 which comprise the appropriation statement, the statement of financial position as at 31 March 2016, the statement of financial performance, the statement of changes in net assets and the cash flow statement for the year then ended, as well as the notes, which comprise a summary of significant accounting policies and other explanatory information.

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 that 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 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 2016 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 MATTER

7. I draw attention to the matter below. My opinion is not modified in respect of this matter.

SIGNIFICANT UNCERTAINTIES

8. With reference to note 25 to the financial statements, the department may be liable for the shortages totalling R58.6 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 25 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

10. In accordance with the Public Audit Act of South Africa, 2004 (Act No. 25 of 2004) (PAA) and the general notice issued in terms thereof, I have a responsibility to report findings on the reported performance information against predetermined objectives of selected programmes presented in the annual performance report, compliance with legislation and 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

11. I performed procedures to obtain evidence about the usefulness and reliability of the reported performance information of the following selected programmes presented in the annual performance report of the department for the year ended 31 March 2016:
 - Programme 2: court services on pages 59 to 69
 - Programme 4: national prosecuting authority on pages 92 to 113
12. 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 (FMPPPI).
13. I assessed the reliability of the reported performance information to determine whether it was valid, accurate and complete.

14. I did not identify any material findings on the usefulness and reliability of the reported performance information for the following programmes:
- Court Services
 - National Prosecuting Authority

ADDITIONAL MATTERS

15. Although I identified 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

16. Refer to the annual performance report on pages 59 to 69 and 92 to 113 for information on the achievement of the planned targets for the year.

ADJUSTMENT OF MATERIAL MISSTATEMENTS

17. I identified a material misstatement in the annual performance report submitted for auditing. This material misstatement was on the reported performance information of the National Prosecuting Authority. As management subsequently corrected the misstatement, I did not identify any material findings on the usefulness and reliability of the reported performance information.

COMPLIANCE WITH LEGISLATION

18. I performed procedures to obtain evidence that the department had complied with applicable legislation regarding financial matters, financial management and other related matters. My material findings on 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

19. 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.

PROCUREMENT AND CONTRACT MANAGEMENT

20. Thresholds for local content on designated sectors' procurement were not properly applied in accordance with the requirements of preferential procurement regulation 9 of the Preferential Procurement Policy Framework Act of South Africa, 2000 (Act No. 5 of 2000).

21. Contracts and quotations were awarded to bidders who did not submit a declaration on whether they were employed by the state or connected to any person employed by the state, which is prescribed in order to comply with treasury regulation 16A8.3.

EXPENDITURE MANAGEMENT

22. Effective steps were not taken to prevent irregular expenditure amounting to R13.7 million disclosed in note 31 to the annual financial statements, as required by section 38(1)(c)(ii) of the PFMA and treasury regulation 9.1.1.
23. Contractual obligations and/or money owed by the department were not settled within 30 days, as required by section 38(1)(f) of the PFMA and treasury regulation 8.2.3.

INTERNAL CONTROL

24. 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 compliance with legislation included in this report.

FINANCIAL AND PERFORMANCE MANAGEMENT

25. Management did not adequately review the financial statements prior to submission for auditing.
26. Management did not have sufficient monitoring controls to ensure compliance with all applicable legislation.

Auditor-General

Pretoria
31 July 2016



APPROPRIATION STATEMENT FOR THE YEAR ENDED 31 MARCH 2016

APPROPRIATION PER PROGRAMME									
Programme	2015/16					2014/15			
	Adjusted appropriation	Shifting of Funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1. Administration	1 872 884		(40 303)	1 832 581	1 819 166	13 415	99.3%	1 860 516	1 846 263
2. Court Services	5 579 138		88 116	5 667 254	5 667 254		100.0%	6 014 151	5 905 421
3. State Legal Services	1 045 669		(27 331)	1 018 338	1 002 173	16 165	98.4%	921 105	921 105
4. National Prosecuting Authority	3 394 538		(20 192)	3 374 346	3 374 346		100.0%	3 254 123	3 254 123
5. Auxiliary and Associated Services	3 118 544		(290)	3 118 254	3 108 841	9 413	99.7%	3 111 976	2 973 393
Subtotal	15 010 773			15 010 773	14 971 780	38 993	99.7%	15 161 871	14 900 305
Statutory Appropriation	1 830 769			1 830 769	1 721 789	108 980	94.0%	2 730 266	2 494 596
Magistrates' salaries	1 830 769			1 830 769	1 721 789	108 980	94.0%	2 730 266	2 494 596
TOTAL	16 841 542			16 841 542	16 693 569	147 973	99.1%	17 892 137	17 394 901

	2015/16		2014/15	
	Final appropriation	Actual expenditure	Final appropriation	Actual Expenditure
TOTAL (brought forward)				
Reconciliation with statement of financial performance				
ADD				
Departmental receipts	328 627		337 557	
NRF receipts				
Aid assistance	14 209		1 999	
Actual amounts per statement of financial performance (total revenue)	17 184 378		18 231 693	
ADD				
Aid assistance		13 169		18 148
Prior year unauthorised expenditure approved without funding				
Actual amounts per statement of financial performance (total expenditure)		16 706 738		17 413 049

APPROPRIATION PER ECONOMIC CLASSIFICATION									
	2015/16					2014/15			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as % of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Economic classification									
Current payments	13 494 355	(68 197)	(51 227)	13 374 931	13 271 854	103 077	99.2%	14 245 513	13 903 488
Compensation of employees	9 365 286	(18 867)	(15 884)	9 330 535	9 250 210	80 325	99.1%	10 011 604	9 719 874
Salaries and wages	8 157 255	(47 545)	(10 527)	8 099 183	8 058 210	40 973	99.5%	8 813 409	8 583 707
Social contributions	1 208 031	28 678	(5 357)	1 231 352	1 192 000	39 352	96.8%	1 198 195	1 136 167
Goods and services	4 129 069	(49 330)	(35 343)	4 044 396	4 021 644	22 752	99.4%	4 233 909	4 183 614
Administrative fees	41 096	(7 925)	(3 888)	29 283	29 283		100.0%	13 257	13 257
Advertising	40 969	(3 607)		37 362	37 362		100.0%	44 378	44 378
Minor assets	80 054	(25 672)	(3 822)	50 560	50 560		100.0%	69 007	57 594
Audit costs: External	60 478	(21 520)		38 958	38 958		100.0%	45 597	45 597
Bursaries: Employees	8 861	(5 173)		3 688	3 688		100.0%	4 713	4 713
Catering: Departmental activities	10 513	2 673	(44)	13 142	13 142		100.0%	12 935	12 935
Communication	150 680	(5 111)	(120)	145 449	145 449		100.0%	156 525	156 525
Computer services	812 678	(75 884)	(9 853)	726 941	726 941		100.0%	738 926	738 926
Consultants: Business and advisory services	36 681	1 777		38 458	38 458		100.0%	44 801	44 801
Laboratory services	866	160		1 026	1 026		100.0%	825	825
Legal services	108 234	1 074	4 577	113 885	113 885		100.0%	139 676	139 676
Contractors	30 840	39 670	21	70 531	70 531		100.0%	60 798	60 798
Agency and support / outsourced services	208 920	38 248	(171)	246 997	237 585	9 412	96.2%	230 654	230 654
Entertainment	14	(10)		4	4		100.0%	9	9
Fleet services	64 386	1 171	(627)	64 930	64 930		100.0%	98 598	98 598
Inventory: Other supplies								382	382
Consumable supplies	15 048	(1 059)	(41)	13 948	13 948		100.0%	14 695	14 695

Consumable: Stationery, printing and office supplies	225 908	15 776	1 681	243 365	243 365	242 521	242 521	100.0%	
Operating leases	617 918	108 738		726 656	726 656	797 508	779 486	100.0%	
Property payments	973 256	(90 539)	(19 700)	863 017	849 677	831 186	810 326	98.5%	13 340
Transport provided: Departmental activity	1 204	(1 111)		93	93	337	337	100.0%	
Travel and subsistence	373 453	42 808	(3 493)	412 768	412 768	488 754	488 754	100.0%	
Training and development	21 217	(5 077)	(31)	16 109	16 109	15 189	15 189	100.0%	
Operating payments	231 542	(64 220)	168	167 490	167 490	152 653	152 653	100.0%	
Venues and facilities	12 592	5 128		17 720	17 720	29 911	29 911	100.0%	
Rental and hiring	1 661	355		2 016	2 016	74	74	100.0%	
Transfers and subsidies	2 373 118	2 616	7 154	2 382 888	2 338 067	2 351 887	2 335 258	98.1%	44 821
Municipalities	477	(34)	106	549	549	587	587	100.0%	
Municipal bank accounts	477	(34)	106	549	549	587	587	100.0%	
Departmental agencies and accounts	2 245 204	(857)	2 100	2 246 447	2 246 446	2 163 154	2 157 222	100.0%	1
Social security funds						4	4		
Departmental agencies and accounts	2 245 204	(857)	2 100	2 246 447	2 246 446	2 163 150	2 157 218	100.0%	1
Foreign governments and international organisations	14 440		1 393	15 833	15 833	23 930	23 930	100.0%	
Households	112 997	3 507	3 555	120 059	75 239	164 216	153 519	62.7%	44 820
Social benefits	107 545	(15 941)	2 974	94 578	49 758	158 915	148 218	52.6%	44 820
Other transfers to households	5 452	19 448	581	25 481	25 481	5 301	5 301	100.0%	
Payments for capital assets	972 304	59 649	31 553	1 063 506	1 063 431	1 255 612	1 117 030	100.0%	75
Buildings and other fixed structures	661 523	15 933	62 046	739 502	739 502	712 311	712 311	100.0%	
Buildings	661 523	15 933	62 046	739 502	739 502	712 311	712 311	100.0%	
Other fixed structures									
Machinery and equipment	260 700	53 262	(30 483)	283 479	283 457	528 196	389 614	100.0%	22
Transport equipment	83 326	3 280	(16 624)	69 982	69 982	157 798	156 857	100.0%	
Other machinery and equipment	177 374	49 982	(13 859)	213 497	213 475	370 398	232 757	100.0%	22
Intangible assets	50 081	(9 546)	(10)	40 525	40 472	15 105	15 105	99.9%	53
Payments for financial assets	1 765	5 932	12 520	20 217	20 217	39 125	39 125	100.0%	
Total	16 841 542			16 841 542	16 693 569	17 892 137	17 394 901	99.1%	147 973

PROGRAMME 1: ADMINISTRATION										
2015/16							2014/15			
	Adjusted appropriation R'000	Shifting of funds R'000	Virement R'000	Final appropriation R'000	Actual expenditure R'000	Variance R'000	Expenditure as % of final appropriation %	Final appropriation R'000	Actual expenditure R'000	
Sub-programme										
1. Ministry	32 643	854	(939)	32 558	32 558		100.0%	30 072	30 072	
2. Management	59 338	(3 620)	(1 690)	54 028	54 028		100.0%	43 435	37 504	
3. Corporate Services	748 017	2 841	(6 121)	744 737	744 662	75	100.0%	770 311	770 311	
4. Office Accommodation	1 032 886	(75)	(31 553)	1 001 258	987 918	13 340	98.7%	1 016 698	1 008 376	
Total for sub-programmes	1 872 884		(40 303)	1 832 581	1 819 166	13 415	99.3%	1 860 516	1 846 263	
Economic classification										
Current payments	1 841 785	(1 233)	(36 650)	1 803 902	1 790 562	13 340	99.3%	1 819 891	1 811 569	
Compensation of employees	494 867	(1 372)	(520)	494 347	494 347		100.0%	457 140	457 140	
Salaries and wages	436 362	(1 372)	(93)	434 897	434 897		100.0%	405 899	405 899	
Social contributions	58 505	1 372	(427)	59 450	59 450		100.0%	51 241	51 241	
Goods and services	1 346 918	(1 233)	(36 130)	1 309 555	1 296 215	13 340	99.0%	1 362 751	1 354 429	
Administrative fees	15 898	(4 372)	(3 888)	7 638	7 638		100.0%	7 516	7 516	
Advertising	24 493	(62)		24 431	24 431		100.0%	13 856	13 856	
Minor assets	3 445	(1 646)	(4)	1 795	1 795		100.0%	1 304	1 304	
Audit costs: External	56 890	(21 411)		35 479	35 479		100.0%	40 315	40 315	
Bursaries: Employees	5 000	(2 956)		2 044	2 044		100.0%	3 051	3 051	
Catering: Departmental activities	2 487	481	(44)	2 924	2 924		100.0%	2 506	2 506	
Communication	16 823	(2 262)	(120)	14 441	14 441		100.0%	13 746	13 746	
Computer services	22 167	(9 531)	(5)	12 631	12 631		100.0%	27 464	27 464	
Consultants: Business and advisory services	1 797	(210)		1 587	1 587		100.0%	4 101	4 101	
Legal services	14 367	12 715		27 082	27 082		100.0%	60 905	60 905	
Contractors	10 795	26 714		37 509	37 509		100.0%	7 011	7 011	
Agency and support / outsourced services	14 188	(6 326)	(171)	7 691	7 691		100.0%	16 113	16 113	
Entertainment	14	(10)		4	4		100.0%	9	9	
Fleet services	3 099	(806)	(3)	2 290	2 290		100.0%	5 002	5 002	

Inventory: Other supplies														
Consumable supplies	1 559	(505)	(41)	1 013	1 013	1 013	567	100.0%		567	567	100.0%		
Consumable: Stationery, printing and office supplies	13 706	(267)	(34)	13 405	13 405	13 405	10 859	100.0%		10 859	10 859	100.0%		
Operating leases	567 380	118 983		686 363	686 363	686 363	717 210	100.0%		717 210	717 210	100.0%		
Property payments	466 276	(118 805)	(31 689)	315 782	302 442	302 442	299 517	95.8%	13 340	299 517	291 195	95.8%		
Transport provided: Departmental activity	465	(465)												
Travel and subsistence	90 811	8 831		99 642	99 642	99 642	110 944	100.0%		110 944	110 944	100.0%		
Training and development	3 275	738	(47)	3 966	3 966	3 966	3 415	100.0%		3 415	3 415	100.0%		
Operating payments	6 666	(1 278)	(84)	5 304	5 304	5 304	6 699	100.0%		6 699	6 699	100.0%		
Venues and facilities	4 267	1 142		5 409	5 409	5 409	10 641	100.0%		10 641	10 641	100.0%		
Rental and hiring	1 050	75		1 125	1 125	1 125		100.0%				100.0%		
Transfers and subsidies	20 551	948		21 499	21 499	21 499	8 231	100.0%		8 231	2 300	100.0%		
Municipalities	36	(7)		29	29	29	29	100.0%		29	29	100.0%		
Municipal bank accounts	36	(7)		29	29	29	29	100.0%		29	29	100.0%		
Municipal agencies and funds														
Departmental agencies and accounts	19 988			19 988	19 988	19 988	5 931	100.0%		5 931		100.0%		
Social security funds														
Departmental agencies and accounts	19 988			19 988	19 988	19 988	5 931	100.0%		5 931		100.0%		
Households	527	955		1 482	1 482	1 482	2 271	100.0%		2 271	2 271	100.0%		
Social benefits	527	955		1 482	1 482	1 482	2 271	100.0%		2 271	2 271	100.0%		
Other transfers to households														
Payments for capital assets	10 328		(3 653)	6 675	6 600	6 600	15 194	98.9%	75	15 194	15 194	98.9%		
Buildings and other fixed structures														
Buildings														
Other fixed structures														
Machinery and equipment	10 247		(3 643)	6 604	6 582	6 582	15 076	99.7%	22	15 076	15 076	99.7%		
Transport equipment	1 308		(1 180)	128	128	128	9 506	100.0%		9 506	9 506	100.0%		
Other machinery and equipment	8 939		(2 463)	6 476	6 454	6 454	5 570	99.7%	22	5 570	5 570	99.7%		
Intangible assets	81		(10)	71	18	18	118	25.4%	53	118	118	25.4%		
Payments for financial assets	220	285		505	505	505	17 200	100.0%		17 200	17 200	100.0%		
Total	1 872 884		(40 303)	1 832 581	1 819 166	1 819 166	1 860 516	99.3%	13 415	1 860 516	1 846 263	99.3%		

PROGRAMME 2: COURT SERVICES										
	2015/16					2014/15				
	Adjusted appropriation R'000	Shifting of funds R'000	Virement R'000	Final appropriation R'000	Actual expenditure R'000	Variance R'000	Expenditure as % of final appropriation %	Final appropriation R'000	Actual expenditure R'000	
Sub-programme										
1. Lower Courts	4 080 216	39 210	23 730	4 143 156	4 143 156		100.0%	3 854 650	3 769 871	
2. Family Advocate	206 602	(7 944)		198 658	198 658		100.0%	177 891	177 891	
3. Magistrate's Commission	16 446	(2 512)		13 934	13 934		100.0%	11 370	11 370	
4. Government Motor Transport	18 156	(18 156)						29 357	29 357	
5. Facilities Management	754 790	(4 433)	62 046	812 403	812 403		100.0%	784 805	760 854	
6. Administration of Courts	502 928	(6 165)	2 340	499 103	499 103		100.0%	486 147	486 147	
7. Constitutional Court								141 007	141 007	
8. Supreme Court of Appeal								25 912	25 912	
9. High Courts								453 069	453 069	
10. Specialised Courts								49 943	49 943	
Total for sub-programmes	5 579 138		88 116	5 667 254	5 667 254		100.0%	6 014 151	5 905 421	
Economic classification										
Current payments	4 784 276	(5 491)	12 236	4 791 021	4 791 021		100.0%	5 095 427	4 986 697	
Compensation of employees	3 387 483	(5 491)		3 381 992	3 381 992		100.0%	3 558 787	3 492 030	
Salaries and wages	2 900 387	(55 867)		2 844 520	2 844 520		100.0%	3 043 813	2 977 056	
Social contributions	487 096	50 376		537 472	537 472		100.0%	514 974	514 974	
Goods and services	1 396 793		12 236	1 409 029	1 409 029		100.0%	1 536 640	1 494 667	
Administrative fees	3 369	2 017		5 386	5 386		100.0%	2 700	2 700	
Advertising	11 696	(6 763)		4 933	4 933		100.0%	15 930	15 930	
Minor assets	58 254	(23 754)		34 500	34 500		100.0%	35 939	24 526	
Catering: Departmental activities	3 878	2 543		6 421	6 421		100.0%	6 769	6 769	
Communication	100 011	249		100 260	100 260		100.0%	113 272	113 272	
Computer services	2 440	350		2 790	2 790		100.0%	3 931	3 931	
Consultants: Business and advisory services	27 437	3 285		30 722	30 722		100.0%	36 089	36 089	
Laboratory services	866	160		1 026	1 026		100.0%	825	825	
Legal services	43 737	(12 998)		30 739	30 739		100.0%	23 583	23 583	
Contractors	4 891	(1 098)		3 793	3 793		100.0%	11 537	11 537	

Agency and support / outsourced services	114 192	65 934	180 126	180 126	100.0%	161 748	161 748
Entertainment							
Fleet services	44 910	57	44 967	44 967	100.0%	76 223	76 223
Inventory: Other supplies	9 682	(27)	9 655	9 655	100.0%	10 680	10 680
Consumable: Stationery, printing and office supplies	185 005	11 621	196 626	196 626	100.0%	182 478	182 478
Operating leases	2 313	(686)	1 627	1 627	100.0%	46 127	28 105
Property payments	434 737	21 951	468 677	468 677	100.0%	431 838	419 300
Transport provided: Departmental activity	76	(46)	30	30	100.0%	21	21
Travel and subsistence	187 518	2 142	189 660	189 660	100.0%	278 203	278 203
Training and development	3 776	(1 020)	2 756	2 756	100.0%	4 727	4 727
Operating payments	152 348	(69 510)	83 085	83 085	100.0%	80 327	80 327
Venues and facilities	5 443	5 034	10 477	10 477	100.0%	13 693	13 693
Rental and hiring	214	559	773	773	100.0%		
Transfers and subsidies	20 498		21 812	21 812	100.0%	34 776	34 776
Municipalities	416	(19)	503	503	100.0%	541	541
Municipal bank accounts	416	(19)	503	503	100.0%	541	541
Municipal agencies and funds							
Departmental agencies and accounts	9	6	15	15	100.0%	30	30
Social security funds							
Departmental agencies and accounts	9	6	15	15	100.0%	4	4
Households	20 073	13	21 294	21 294	100.0%	34 205	34 205
Social benefits	18 621	1 458	21 287	21 287	100.0%	34 017	34 017
Other transfers to households	1 452	(1 445)	7	7	100.0%	188	188
Payments for capital assets	772 988		835 034	835 034	100.0%	874 388	874 388
Buildings and other fixed structures	661 523	15 933	739 502	739 502	100.0%	712 311	712 311
Buildings	661 523	15 933	739 502	739 502	100.0%	712 311	712 311
Other fixed structures							
Machinery and equipment	111 465	(16 003)	95 462	95 462	100.0%	162 035	162 035
Transport equipment	42 660	6 099	48 759	48 759	100.0%	121 959	121 959
Other machinery and equipment	68 805	(22 102)	46 703	46 703	100.0%	40 076	40 076
Intangible assets		70	70	70	100.0%	223	223
Payments for financial assets	1 376	5 491	19 387	19 387	100.0%	9 379	9 379
Total	5 579 138		88 116	5 667 254	100.0%	6 014 151	5 905 421

PROGRAMME 3: STATE LEGAL SERVICES													
	2015/16						2014/15		Expenditure as % of final appropriation	Variance R'000	Actual expenditure R'000	Final appropriation R'000	Actual expenditure R'000
	Adjusted appropriation R'000	Shifting of funds R'000	Virement R'000	Final appropriation R'000	Actual expenditure R'000		Final appropriation R'000	Actual expenditure R'000					
Sub-programme													
1. State Law Advisors	66 676	(3 520)	(4 186)	58 970	58 970					58 970	56 434	56 434	
2. Litigation and Legal Services	401 879	15 350	(6 020)	411 209	395 044	16 165				395 044	346 877	346 877	
3. Legislative Development and Law Reform	56 616	(411)	(310)	55 895	55 895					55 895	51 179	51 179	
4. Master of the High Court	447 897	(9 935)	(1 312)	436 650	436 650					436 650	401 274	401 274	
5. Constitutional Development	72 601	(1 484)	(15 503)	55 614	55 614					55 614	65 341	65 341	
Total for sub-programmes	1 045 669		(27 331)	1 018 338	1 002 173	16 165				1 002 173	921 105	921 105	
Economic classification													
Current payments	1 012 584	442	(28 839)	984 187	968 022	16 165				968 022	864 719	864 719	
Compensation of employees	890 720	(13 377)	(29 923)	847 420	831 255	16 165				831 255	749 664	749 664	
Salaries and wages	773 425	(10 960)	(27 112)	735 353	719 188	16 165				719 188	652 750	652 750	
Social contributions	117 295	(2 417)	(2 811)	112 067	112 067					112 067	96 914	96 914	
Goods and services	121 864	13 819	1 084	136 767	136 767					136 767	115 055	115 055	
Administrative fees	622	871		1 493	1 493					1 493	662	662	
Advertising	1 092	(734)		358	358					358	2 436	2 436	
Minor assets	8 642	(1 731)		6 911	6 911					6 911	4 279	4 279	
Catering: Departmental activities	1 066	(505)		561	561					561	1 032	1 032	
Communication	14 320	(386)		13 934	13 934					13 934	13 454	13 454	
Computer services	304	(180)		124	124					124	71	71	
Consultants: Business and advisory services	203	(81)		122	122					122	217	217	
Legal services	33 212	7 316	4 577	45 105	45 105					45 105	39 523	39 523	
Contractors	1 289	(734)		555	555					555	1 946	1 946	
Agency and support / outsourced services	321	(273)		48	48					48	693	693	

PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY										
	2015/16						2014/15			
	Adjusted appropriation R'000	Shifting of funds R'000	Virement R'000	Final appropriation R'000	Actual expenditure R'000	Variance R'000	Expenditure as % of final appropriation %	Final appropriation R'000	Actual expenditure R'000	
Sub-programme										
1. National Prosecutions Service	2 314 355	1 708	10 381	2 326 444	2 326 444		100.0%	2 144 150	2 144 150	
2. National Specialised Prosecutions Services	306 895	(7 857)		299 038	299 038		100.0%	269 485	269 485	
3. Assets Forfeiture Unit	126 342	6 796		133 138	133 138		100.0%	133 568	133 568	
4. Office for Witness Protection	168 436	15 253		183 689	183 689		100.0%	160 737	160 737	
5. Support Services	478 510	(15 900)	(30 573)	432 037	432 037		100.0%	546 183	546 183	
Total for sub-programmes	3 394 538		(20 192)	3 374 346	3 374 346		100.0%	3 254 123	3 254 123	
Economic classification										
Current payments	3 305 386	(2 266)	(4 211)	3 298 909	3 298 909		100.0%	3 185 952	3 185 952	
Compensation of employees	2 821 407	1	14 559	2 835 967	2 835 967		100.0%	2 623 064	2 623 064	
Salaries and wages	2 483 960	3 154	16 678	2 503 792	2 503 792		100.0%	2 319 305	2 319 305	
Social contributions	337 447	(3 153)	(2 119)	332 175	332 175		100.0%	303 759	303 759	
Goods and services	483 979	(2 267)	(18 770)	462 942	462 942		100.0%	562 888	562 888	
Administrative fees	21 207	(6 450)		14 757	14 757		100.0%	2 379	2 379	
Advertising	3 688	3 952		7 640	7 640		100.0%	12 156	12 156	
Minor assets	5 036	1 654		6 690	6 690		100.0%	23 715	23 715	
Audit costs: External	3 588	(109)		3 479	3 479		100.0%	5 282	5 282	
Bursaries: Employees	3 861	(2 217)		1 644	1 644		100.0%	1 662	1 662	
Catering: Departmental activities	3 062	158		3 220	3 220		100.0%	2 607	2 607	
Communication	19 526	(2 712)		16 814	16 814		100.0%	16 053	16 053	
Computer services	64 476	(7 767)	(18 146)	38 563	38 563		100.0%	88 156	88 156	
Consultants: Business and advisory services	6 944	(1 546)		5 398	5 398		100.0%	4 100	4 100	

Legal services	16 918	(5 959)		10 959	10 959	100.0%	15 665	15 665
Contractors	12 665	15 988		28 653	28 653	100.0%	39 410	39 410
Agency and support / outsourced services	32 160	(19 331)		12 829	12 829	100.0%	23 836	23 836
Entertainment								
Fleet services	13 613	2 629	(624)	15 618	15 618	100.0%	15 086	15 086
Inventory: Other supplies	2 601	(117)		2 484	2 484	100.0%	382	382
Consumable supplies								
Consumable: Stationery, printing and office supplies	10 832	4 616		15 448	15 448	100.0%	35 869	35 869
Operating leases	48 052	(9 711)		38 341	38 341	100.0%	33 968	33 968
Property payments	71 589	6 009		77 598	77 598	100.0%	96 733	96 733
Transport provided: Departmental activity	658	(595)		63	63	100.0%	59	59
Travel and subsistence	68 147	14 392		82 539	82 539	100.0%	73 539	73 539
Training and development	9 822	(2 282)		7 540	7 540	100.0%	5 796	5 796
Operating payments	63 046	8 220		71 266	71 266	100.0%	58 589	58 589
Venues and facilities	2 388	(1 107)		1 281	1 281	100.0%	5 344	5 344
Rental and hiring	100	18		118	118	100.0%	74	74
Transfers and subsidies	34 671	2 139		36 810	36 810	100.0%	16 295	16 295
Departmental agencies and accounts	8 053	(863)		7 190	7 190	100.0%	7 951	7 951
Social security funds								
Departmental agencies and accounts	8 053	(863)		7 190	7 190	100.0%	7 951	7 951
Households	26 618	3 002		29 620	29 620	100.0%	8 344	8 344
Social benefits	26 618	(17 891)		8 727	8 727	100.0%	8 340	8 340
Other transfers to households		20 893		20 893	20 893	100.0%	4	4
Payments for capital assets	54 312		(15 981)	38 331	38 331	100.0%	50 987	50 987
Buildings and other fixed structures								
Machinery and equipment	54 312		(15 981)	38 331	38 331	100.0%	50 987	50 987
Transport equipment	34 482	(14 132)		20 350	20 350	100.0%	23 878	22 937
Other machinery and equipment	19 830	(1 849)		17 981	17 981	100.0%	27 109	28 050
Intangible assets								
Payments for financial assets	169	127		296	296	100.0%	889	889
Total	3 394 538		(20 192)	3 374 346	3 374 346	100.0%	3 254 123	3 254 123

PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES										
	2015/16						2014/15			
	Adjusted appropriation R'000	Shifting of funds R'000	Virement R'000	Final appropriation R'000	Actual expenditure R'000	Variance R'000	Expenditure as % of final appropriation %	Final appropriation R'000	Actual expenditure R'000	
1. Sub-programme										
2. Legal Aid South Africa	1 522 986			1 522 986	1 522 986		100.0%	1 504 708	1 504 708	
3. Special Investigation Unit	304 458			304 458	304 458		100.0%	296 813	296 813	
4. Public Protector of South Africa	245 397			245 397	245 397		100.0%	217 584	217 584	
5. South African Human Rights Commission	144 311		2 100	146 411	146 411		100.0%	130 136	130 136	
6. Justice Modernisation	901 391		(2 390)	899 001	889 589	9 412	99.0%	962 734	824 152	
7. President's Fund	1			1	1	1		1	1	
Total for sub-programmes	3 118 544		(290)	3 118 254	3 108 841	9 413	99.7%	3 111 976	2 973 393	
Economic classification										
Current payments	779 515	(59 649)	6 237	726 103	716 691	9 412	98.7%	656 575	656 575	
Goods and services	779 515	(59 649)	6 237	726 103	716 691	9 412	98.7%	656 575	656 575	
Administrative fees		9		9	9		100.0%			
Minor assets	4 677	(195)	(3 818)	664	664		100.0%	3 770	3 770	
Catering: Departmental activities	20	(4)		16	16		100.0%	21	21	
Computer services	723 291	(58 756)	8 298	672 833	672 833		100.0%	619 304	619 304	
Consultants: Business and advisory services	300	329		629	629		100.0%	294	294	
Contractors	1 200	(1 200)	21	21	21		100.0%	894	894	
Agency and support / outsourced services	48 059	(1 756)		46 303	36 891	9 412	79.7%	28 264	28 264	
Consumable supplies	50	(49)		1	1		100.0%	45	45	
Consumable: Stationery, printing and office supplies	507	2 791	1 715	503	503		100.0%	237	237	
Property payments								2 918	2 918	

NOTES TO THE APPROPRIATION STATEMENT FOR THE YEAR ENDED 31 MARCH 2016

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-H) to the Annual Financial Statements.

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

Detail of these transactions can be viewed in note 1 (Annual Appropriation) to the Annual Financial Statements.

3. DETAIL ON PAYMENTS FOR FINANCIAL ASSETS

Detail of these transactions per programme can be viewed in the note on Payments for financial assets to the Annual Financial Statements.

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

4.1	Per programme	Final appropriation	Actual expenditure	Variance R'000	Variance as a % of final appropriation
	Administration	1 832 581	1 819 166	13 415	1%

The underspending is mainly attributed to late submission of March invoices for office accommodation by Department of Public Works.

	State Legal Services	1 018 338	1 002 173	16 165	2%
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The underspending is mainly due to delays in filling vacant positions, termination of service due to natural attrition and resignations.

	Auxiliary Services	3 118 254	3 108 841	9 413	0%
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The underspending is mainly attributed to late submission of March invoices for computer infrastructure by SITA.

4.2	Per economic classification	Final appropriation	Actual expenditure	Variance	Variance as a % of final appropriation
		R'000	R'000	R'000	R'000
Current payments					
	Compensation of employees	7 559 724	7 543 559	16 165	0%
	Goods and services	4 044 398	4 021 571	22 827	1%
	Interest and rent on land				
Transfers and subsidies					
	Provinces and municipalities	549	549		
	Departmental agencies and accounts	2 246 447	2 246 446	1	0%
	Public corporations and private enterprises	15 833	15 833		
	Households	60 099	60 099		
Payments for capital assets					
	Buildings and other fixed structures	739 502	739 502		
	Machinery and equipment	283 457	283 457		
	Intangible assets	40 547	40 547		
	Payments for financial assets	20 217	20 217		

The underspending on **Compensation of employees** is mainly due to delays in filling vacant positions, termination of service due to natural attrition and resignations. **Goods and services** is mainly attributed to late submission of March invoices by Department of Public Works (office accommodation) and SITA (computer infrastructure).

STATEMENT OF FINANCIAL PERFORMANCE AS AT 31 MARCH 2016

	Note	2015/16 R'000	2014/15 R'000
REVENUE			
Annual appropriation	1	15 010 773	15 161 871
Statutory appropriation	2	1 830 769	2 730 266
Departmental revenue	3	328 627	337 557
Aid assistance	4	14 209	1 999
TOTAL REVENUE		17 184 378	18 231 693
EXPENDITURE			
Current expenditure			
Compensation of employees	5	9 250 210	9 719 874
Goods and services	6	4 021 644	4 183 614
Interest and rent on land	7		
Aid assistance	4	13 034	17 988
Total current expenditure		13 284 888	13 921 476
Transfers and subsidies			
Transfers and subsidies	9	2 338 067	2 335 258
Aid assistance	4		
Total transfers and subsidies		2 338 067	2 335 258
Expenditure for capital assets			
Tangible assets	10	1 023 094	1 102 085
Intangible assets	10	40 472	15 105
Total expenditure for capital assets		1 063 566	1 117 190
Unauthorised expenditure approved without funding	11		
Payments for financial assets	8	20 217	39 125
TOTAL EXPENDITURE		16 706 738	17 413 049
SURPLUS/(DEFICIT) FOR THE YEAR		477 640	818 644
Reconciliation of net surplus/(deficit) for the year			
Voted funds		147 973	497 236
Departmental revenue and NRF receipts	19	328 627	337 557
Aid assistance	4	1 040	(16 149)
SURPLUS/(DEFICIT) FOR THE YEAR		477 640	818 644

STATEMENT OF FINANCIAL POSITION AS AT 31 MARCH 2016

	Note	2015/16 R'000	2014/15 R'000
ASSETS			
Current assets		573 389	476 885
Unauthorised expenditure	<u>11</u>		
Cash and cash equivalents	<u>12</u>	6 681	4 820
Prepayments and advances	<u>14</u>	19 463	32 752
Receivables	<u>15</u>	547 245	439 313
Non-current assets		265 994	206 769
Receivables	<u>15</u>	265 994	206 769
TOTAL ASSETS		839 383	683 654
LIABILITIES			
Current liabilities		823 489	663 679
Voted funds to be surrendered to the Revenue Fund	<u>18</u>	147 978	497 241
Departmental revenue and NRF receipts to be surrendered to the Revenue Fund	<u>19</u>	33 757	45 568
Bank overdraft	<u>20</u>	579 286	90 000
Payables	<u>21</u>	41 680	9 509
Aid assistance repayable	<u>4</u>		1 308
Aid assistance unutilised	<u>4</u>	20 788	20 053
Non-current liabilities			
Payables	<u>22</u>		
TOTAL LIABILITIES		823 489	663 679
NET ASSETS		15 894	19 975
Represented by:			
Capitalisation reserve		15 894	19 975
TOTAL		15 894	19 975

STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED 31 MARCH 2016

Note	2015/16 R'000	2014/15 R'000
RECOVERABLE REVENUE		
Opening balance	19 975	26 370
Transfers:	(4 081)	(6 395)
Irrecoverable amounts written off	(214)	(566)
Debts revised	(5 497)	(189)
Debts recovered (included in departmental receipts)	(3 863)	(13 868)
Debts raised	5 493	8 228
Closing balance	15 894	19 975
TOTAL	15 894	19 975

CASH FLOW STATEMENT FOR THE YEAR ENDED 31 MARCH 2016

	Note	2015/16 R'000	2014/15 R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts		17 179 811	18 229 694
Annual appropriated funds received	1.1	15 010 773	15 161 871
Statutory appropriated funds received	2	1 830 769	2 730 266
Departmental revenue received	3	318 839	323 994
Interest received	3.3	5 221	11 564
NRF receipts			
Aid assistance received	4	14 209	1 999
Net (increase)/decrease in working capital		(121 697)	(5 648)
Surrendered to Revenue Fund		(837 674)	(1 093 301)
Surrendered to RDP Fund/Donor		(1 613)	
Current payments		(13 284 888)	(13 921 476)
Interest paid	7		
Payments for financial assets		(20 217)	(39 125)
Transfers and subsidies paid		(2 338 067)	(2 335 258)
Net cash flow available from operating activities	23	575 655	834 886
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for capital assets	10	(1 063 566)	(1 117 190)
Proceeds from sale of capital assets	3.4	4 567	1 999
(Increase)/decrease in loans			
Net cash flows from investing activities		(1 058 999)	(1 115 191)
CASH FLOWS FROM FINANCING ACTIVITIES			
Increase/(decrease) in net assets		(4 081)	(6 395)
Increase/(decrease) in non-current payables			
Net cash flows from financing activities		(4 081)	(6 395)
Net increase/(decrease) in cash and cash equivalents		(487 425)	(286 700)
Cash and cash equivalents at beginning of period		(85 180)	202 362
Unrealised gains and losses within cash and cash equivalents			(842)
Cash and cash equivalents at end of period	24	(572 605)	(85 180)

SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

The financial statements have been prepared in accordance with the following policies, which have been applied consistently in all material aspects, unless otherwise indicated. Management has concluded that the financial statements present fairly the Department's primary and secondary information.

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

Where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the financial statements and to comply with the statutory requirements of the Public Finance Management Act (PFMA; Act No. 1 of 1999, as amended by Act No. 29 of 1999) and the Treasury Regulations issued in terms of the PFMA and the annual Division of Revenue Act.

1	BASIS OF PREPARATION The financial statements have been prepared in accordance with the Modified Cash Standard (MCS).
2	GOING CONCERN The financial statements have been prepared on a going concern basis.
3	PRESENTATION CURRENCY Amounts are presented in the currency of the South African Rand (R) which is also the functional currency of the Department.
4	ROUNDING Unless otherwise stated financial figures have been rounded to the nearest one thousand Rand (R'000).
5	FOREIGN CURRENCY TRANSLATION Cash flows arising from foreign currency transactions are translated into South African Rands using the exchange rates prevailing at the date of payment / receipt.
6	COMPARATIVE INFORMATION
6.1	PRIOR PERIOD COMPARATIVE INFORMATION Prior period comparative information has been presented in the current year's financial statements. Where necessary figures included in the prior period financial statements have been reclassified to ensure that the format in which the information is presented is consistent with the format of the current year's financial statements.
6.2	CURRENT YEAR COMPARISON WITH BUDGET A comparison between the approved, final budget and actual amounts for each programme and economic classification is included in the appropriation statement.
7	REVENUE
7.1	APPROPRIATED FUNDS Appropriated funds comprise departmental allocations as well as direct charges against the Revenue Fund (i.e. statutory appropriation). Appropriated funds are recognised in the statement of financial performance on the date the appropriation becomes effective. Adjustments made in terms of the adjustments budget process are recognised in the statement of financial performance on the date the adjustments become effective. 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 receivable in the statement of financial position.

7.2	<p>DEPARTMENTAL REVENUE</p> <p>Departmental revenue is recognised in the statement of financial performance when received and is subsequently paid into the relevant Revenue Fund, unless stated otherwise.</p> <p>Any amount owing to the relevant Revenue Fund at the reporting date is recognised as a payable in the statement of financial position.</p>
7.3	<p>ACCRUED DEPARTMENTAL REVENUE</p> <p>Accruals in respect of departmental revenue (excluding tax revenue) are recorded in the notes to the financial statements when:</p> <ul style="list-style-type: none"> • 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. <p>The accrued revenue is measured at the fair value of the consideration receivable.</p> <p>Accrued tax revenue (and related interest and penalties) is measured at amounts receivable from collecting agents.</p>
8	EXPENDITURE
8.1	<p>COMPENSATION OF EMPLOYEES</p>
8.1.1	<p>SALARIES AND WAGES</p> <p>Salaries and wages are recognised in the statement of financial performance on the date of payment.</p>
8.1.2	<p>SOCIAL CONTRIBUTIONS</p> <p>Social contributions made by the Department in respect of current employees are recognised in the statement of financial performance on the date of payment.</p> <p>Social contributions made by the Department in respect of ex-employees are classified as transfers to households in the statement of financial performance on the date of payment.</p>
8.2	<p>OTHER EXPENDITURE</p> <p>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.</p>
8.3	<p>ACCRUED EXPENDITURE PAYABLE</p> <p>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 or, in the case of transfers and subsidies, when they are due and payable.</p> <p>Accrued expenditure payable is measured at cost.</p>
8.4	<p>LEASES</p>
8.4.1	<p>OPERATING LEASES</p> <p>Operating lease payments made during the reporting period are recognised as current expenditure in the statement of financial performance on the date of payment.</p> <p>The operating lease commitments are recorded in the notes to the financial statements.</p>

8.4.2	<p>FINANCE LEASES</p> <p>Finance lease payments made during the reporting period are recognised as capital expenditure in the statement of financial performance on the date of payment.</p> <p>The finance lease commitments are recorded in the notes to the financial statements and are not apportioned between the capital and interest portions.</p> <p>Finance lease assets acquired at the end of the lease term are recorded and measured at the lower of:</p> <ul style="list-style-type: none"> • Cost, being the fair value of the asset. • The sum of the minimum lease payments made, including any payments made to acquire ownership at the end of the lease term, excluding interest.
9	AID ASSISTANCE
9.1	<p>AID ASSISTANCE RECEIVED</p> <p>Aid assistance received in cash is recognised in the statement of financial performance when received. In-kind aid assistance is recorded in the notes to the financial statements on the date of receipt and is measured at fair value.</p> <p>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.</p>
9.2	<p>AID ASSISTANCE PAID</p> <p>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.</p>
10	<p>CASH AND CASH EQUIVALENTS</p> <p>Cash and cash equivalents are stated at cost in the statement of financial position.</p> <p>Bank overdrafts are shown separately on the face of the statement of financial position as a current liability.</p> <p>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.</p>
11	<p>PREPAYMENTS AND ADVANCES</p> <p>Prepayments and advances are recognised in the statement of financial position when the Department receives or disburses the cash.</p> <p>Prepayments and advances are initially and subsequently measured at cost.</p>
12	<p>LOANS AND RECEIVABLES</p> <p>Loans and receivables are recognised in the statement of financial position at cost plus accrued interest, where interest is charged, less amounts already settled or written off. Write-offs are made according to the Department's write-off policy.</p>
13	<p>INVESTMENTS</p> <p>Investments are recognised in the statement of financial position at cost.</p>

14	FINANCIAL ASSETS
14.1	<p>FINANCIAL ASSETS (NOT COVERED ELSEWHERE)</p> <p>A financial asset is recognised initially at its cost plus transaction costs that are directly attributable to the acquisition or issue of the financial.</p> <p>At the reporting date, the Department shall measure its financial assets at cost, less amounts already settled or written off, except for recognised loans and receivables, which are measured at cost plus accrued interest, where interest is charged, less amounts already settled or written off.</p>
14.2	<p>IMPAIRMENT OF FINANCIAL ASSETS</p> <p>Where there is an indication of impairment of a financial asset, an estimation of the reduction in the recorded carrying value, to reflect the best estimate of the amount of the future economic benefits expected to be received from that asset, is recorded in the notes to the financial statements.</p>
15	<p>PAYABLES</p> <p>Loans and payables are recognised in the statement of financial position at cost.</p>
16	CAPITAL ASSETS
16.1	<p>IMMOVABLE CAPITAL ASSETS</p> <p>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.</p> <p>Where the cost of immovable capital assets cannot be determined reliably, 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.</p> <p>All assets acquired prior to 1 April 2002 (or a later date as approved by the OAG) may be recorded at R1.</p> <p>Immovable capital assets are subsequently carried at cost and are not subject to depreciation or impairment.</p> <p>Subsequent expenditure that is of a capital nature is added to the cost of the asset at the end of the capital project unless the immovable asset is recorded by another department, in which case the completed project costs are transferred to that department.</p>
16.2	<p>MOVABLE CAPITAL ASSETS</p> <p>Movable capital assets are initially recorded in the notes to the financial statements at cost. Movable capital assets acquired through a non-exchange transaction are measured at fair value as at the date of acquisition.</p> <p>Where the cost of movable capital assets cannot be determined reliably, the movable capital assets are measured at fair value and where fair value cannot be determined, the movable assets are measured at R1.</p> <p>All assets acquired prior to 1 April 2002 (or a later date as approved by the OAG) may be recorded at R1.</p> <p>Movable capital assets are subsequently carried at cost and are not subject to depreciation or impairment.</p> <p>Subsequent expenditure that is of a capital nature is added to the cost of the asset at the end of the capital project unless the movable asset is recorded by another department or entity, in which case the completed project costs are transferred to that department.</p>

16.3	INTANGIBLE ASSETS
	<p>Intangible assets are initially recorded in the notes to the financial statements at cost. Intangible assets acquired through a non-exchange transaction are measured at fair value as at the date of acquisition.</p> <p>Internally generated intangible assets are recorded in the notes to the financial statements when the Department commences the development phase of the project.</p> <p>Where the cost of intangible assets cannot be determined reliably, the intangible capital assets are measured at fair value and where fair value cannot be determined, the intangible assets are measured at R1.</p> <p>All assets acquired prior to 1 April 2002 (or a later date as approved by the OAG) may be recorded at R1.</p> <p>Intangible assets are subsequently carried at cost and are not subject to depreciation or impairment.</p> <p>Subsequent expenditure that is of a capital nature is added to the cost of the asset at the end of the capital project unless the intangible asset is recorded by another department or entity, in which case the completed project costs are transferred to that department or entity.</p>
17	PROVISIONS AND CONTINGENTS
17.1	PROVISIONS
	<p>Provisions are recorded in the notes to the financial statements when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation and a reliable estimate of the obligation can be made. The provision is measured as the best estimate of the funds required to settle the present obligation at the reporting date.</p>
17.2	CONTINGENT LIABILITIES
	<p>Contingent liabilities are recorded in the notes to the financial statements when there is a possible obligation that arises from past events, whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not within the control of the Department, or when there is a present obligation that is not recognised because it is not probable that an outflow of resources will be required to settle the obligation or the amount of the obligation cannot be measured reliably.</p>
17.3	CONTINGENT ASSETS
	<p>Contingent assets are recorded in the notes to the financial statements when a possible asset arises from past events, whose existence will be confirmed by the occurrence or non-occurrence of one or more uncertain future events not within the control of the Department.</p>
17.4	COMMITMENTS
	<p>Commitments are recorded at cost in the notes to the 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.</p>
18	UNAUTHORISED EXPENDITURE
	<p>Unauthorised expenditure is recognised in the statement of financial position until such time as the expenditure is either:</p> <ul style="list-style-type: none"> • 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. <p>Unauthorised expenditure is measured at the amount of the confirmed unauthorised expenditure.</p>

19	<p>FRUITLESS AND WASTEFUL EXPENDITURE</p> <p>Fruitless and wasteful expenditure is recorded in the notes to the financial statements when confirmed. The amount recorded is equal to the total value of the fruitless or wasteful expenditure incurred.</p> <p>Fruitless and wasteful expenditure is removed from the notes to the financial statements when it is resolved or transferred to receivables for recovery.</p> <p>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.</p>
20	<p>IRREGULAR EXPENDITURE</p> <p>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 therefore are provided in the note.</p> <p>Irregular expenditure is removed from the note when it is either condoned by the relevant authority, transferred to receivables for recovery or not condoned and is not recoverable.</p> <p>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.</p>
21	<p>CHANGES IN ACCOUNTING POLICIES, ACCOUNTING ESTIMATES AND ERRORS</p> <p>Changes in accounting policies that are effected by management have been applied retrospectively in accordance with MCS requirements, except to the extent that it is impracticable to determine the period-specific effects or the cumulative effect of the change in policy. In such instances the department shall restate the opening balances of assets, liabilities and net assets for the earliest period for which retrospective restatement is practicable.</p> <p>Changes in accounting estimates are applied prospectively in accordance with MCS requirements.</p> <p>Correction of errors is applied retrospectively in the period in which the error has occurred in accordance with MCS requirements, except to the extent that it is impracticable to determine the period-specific effects or the cumulative effect of the error. In such cases the Department shall restate the opening balances of assets, liabilities and net assets for the earliest period for which retrospective restatement is practicable.</p>
22	<p>EVENTS AFTER THE REPORTING DATE</p> <p>Events after the reporting date that are classified as adjusting events have been accounted for in the financial statements. The events after the reporting date that are classified as non-adjusting events after the reporting date have been disclosed in the notes to the financial statements.</p>
23	<p>PRINCIPAL-AGENT ARRANGEMENTS</p> <p>Agent-principal arrangements are recorded in the note to the Annual Financial Statement when the principal has the power to exercise the beneficial control over an activity, where beneficial control is a power (for example, power establishment by legislation), to direct the activity and to benefit from that power.</p>
24	<p>DEPARTURES FROM THE MCS REQUIREMENTS</p> <p>Departure from the MCS requirements management has concluded that the financial statement present fairly the department's primary and secondary information; that the department complied with the Standard except that it has departed from a particular requirement to achieve fair presentation; and the requirement from which the department has departed, the nature of the departure and the reason for departure, has been included in the notes to the Annual Financial Statements.</p>

25	<p>CAPITALISATION RESERVE</p> <p>The capitalisation reserve comprises financial assets and liabilities originating in a prior reporting period but which are recognised in the statement of financial position for the first time in the current reporting period. Amounts are recognised in the capitalisation reserves when identified in the current period and are transferred to the National Revenue Fund when the underlying asset is disposed and the related funds are received.</p>
26	<p>RECOVERABLE REVENUE</p> <p>Amounts are recognised as recoverable revenue when a payment made in a previous financial year becomes recoverable from a debtor in the current financial year. Amounts are either transferred to the National Revenue Fund when recovered or are transferred to the statement of financial performance when written off.</p>
27	<p>RELATED PARTY TRANSACTIONS</p> <p>A related party transaction is a transfer of resources, services or obligations between the reporting entity and a related party. Related party transactions within the Minister's portfolio are recorded in the notes to the financial statements when the transaction is not at arm's length.</p> <p>Key management personnel are those persons having the authority and responsibility to plan, direct and control the activities of the Department. The number of individuals and their full compensation is recorded in the notes to the financial statements.</p>
28	<p>INVENTORIES (EFFECTIVE FROM 1 APRIL 2017)</p> <p>At the date of acquisition, inventories are recorded at cost price in the notes to the financial statements.</p> <p>Where inventories are acquired as part of a non-exchange transaction, the cost of inventory is its fair value at the date of acquisition.</p> <p>Inventories are subsequently measured at the lower of cost and net realisable value or the lower of cost and current replacement value.</p>

NOTES TO THE ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2016

1. ANNUAL APPROPRIATION

1.1 ANNUAL APPROPRIATION

Included are funds appropriated in terms of the Appropriation Act (and the Adjustments Appropriation Act) for national departments (voted funds) and provincial departments:

	2015/16			2014/15	
	Final appropriation	Actual funds received	Funds not requested/ not received	Final appropriation	Appropriation received
	R'000	R'000	R'000	R'000	R'000
Administration	1 832 581	1 872 884	(40 303)	1 860 516	1 941 235
Court Services	5 667 254	5 579 138	88 116	6 014 151	5 907 821
State Legal Services	1 018 338	1 045 669	(27 331)	921 105	967 362
National Prosecuting Authority	3 374 346	3 394 538	(20 192)	3 254 123	3 254 123
Auxiliary and Associated Services	3 118 254	3 118 544	(290)	3 111 976	3 091 330
Total	15 010 773	15 010 773		15 161 871	15 161 871

2. STATUTORY APPROPRIATION

	2015/16 R'000	2014/15 R'000
Judges' and magistrates' salaries	1 830 769	2 730 266
Total	1 830 769	2 730 266
Actual statutory appropriation received	1 830 769	2 730 266

3. DEPARTMENTAL REVENUE

	Note	2015/16 R'000	2014/15 R'000
Tax revenue		1	
Sales of goods and services other than capital assets	3.1	62 161	52 129
Fines, penalties and forfeits	3.2	237 084	204 892
Interest, dividends and rent on land	3.3	5 221	11 564
Sales of capital assets	3.4	4 567	1 999
Transactions in financial assets and liabilities	3.5	14 459	63 492
Transfer received	3.6	5 134	3 481
Total revenue collected		328 627	337 557
Less: Own revenue included in appropriation	19		
Departmental revenue collected		328 627	337 557

3.1 SALES OF GOODS AND SERVICES OTHER THAN CAPITAL ASSETS

	Note 3	2015/16 R'000	2014/15 R'000
Sales of goods and services produced by the Department		61 727	52 005
Sales by market establishment		4 992	5 815
Administrative fees		12	11
Other sales		56 723	46 179
Sales of scrap, waste and other used current goods		434	124
Total		62 161	52 129

3.2 FINES, PENALTIES AND FORFEITS

	Note 3	2015/16 R'000	2014/15 R'000
Fines		195 132	185 211
Penalties		521	723
Forfeits		41 431	18 958
Total		237 084	204 892

3.3 INTEREST, DIVIDENDS AND RENT ON LAND

	Note 3	2015/16 R'000	2014/15 R'000
Interest		5 221	11 564
Total		5 221	11 564

3.4 SALE OF CAPITAL ASSETS

	Note 3	2015/16 R'000	2014/15 R'000
Tangible assets		4 567	1 999
Buildings and other fixed structures	41		
Machinery and equipment	39	4 567	1 999
Total		4 567	1 999

3.5 TRANSACTIONS IN FINANCIAL ASSETS AND LIABILITIES

	Note 3	2015/16 R'000	2014/15 R'000
Loans and advances			
Receivables		3 896	10 133
Stale cheques written back		77	12
Other receipts including recoverable revenue		10 486	53 347
Total		14 459	63 492

3.6 TRANSFERS RECEIVED

	Note 3	2015/16 R'000	2014/15 R'000
Foreign governments			
International organisations			141
Public corporations and private enterprises		5 134	3 340
Households and non-profit institutions			
Total		5 134	3 481

4. AID ASSISTANCE

	Note	2015/16 R'000	2014/15 R'000
Opening balance		21 361	37 510
Prior period error			
As restated		21 361	37 510
Transferred from statement of financial performance		1 040	(16 149)
Paid during the year		(1 613)	
Closing balance		20 788	21 361

4.1 ANALYSIS OF BALANCE BY SOURCE

	Note 4	2015/16 R'000	2014/15 R'000
Aid assistance from RDP		4 197	4 556
Aid assistance from other sources			
CARA		16 591	16 805
Closing balance		20 788	21 361

4.2 ANALYSIS OF BALANCE

	Note	2015/16 R'000	2014/15 R'000
Aid assistance receivable	4		
Aid assistance unutilised	4	20 788	20 053
Aid assistance repayable	4		1 308
Closing balance		20 788	21 361

5. COMPENSATION OF EMPLOYEES

5.1 SALARIES AND WAGES

	Note	2015/16 R'000	2014/15 R'000
Basic salary		6 581 776	6 943 154
Performance award		80 902	76 820
Service based		8 987	14 183
Compensative/circumstantial		43 034	42 320
Periodic payments		14 197	13 128
Other non-pensionable allowances		1 329 313	1 494 103
Total		8 058 209	8 583 708

5.2 SOCIAL CONTRIBUTIONS

	Note	2015/16 R'000	2014/15 R'000
Employer contributions			
Pension		799 114	792 991
Medical		391 478	341 754
UIF		4	16
Bargaining council		1 405	1 405
Total		1 192 001	1 136 166
Total compensation of employees		9 250 210	9 719 874
Average number of employees		25 072	27 189

6. GOODS AND SERVICES

	Note	2015/16 R'000	2014/15 R'000
Administrative fees		29 283	13 257
Advertising		37 362	44 378
Minor assets	6.1	50 560	57 594
Bursaries (employees)		3 688	4 713
Catering		13 142	12 935
Communication		145 449	156 524
Computer services	6.2	726 941	738 926
Consultants: Business and advisory services		38 458	44 801
Infrastructure and planning services			
Laboratory services		1 026	825
Scientific and technological services			
Legal services		113 885	139 676
Contractors		70 531	60 799
Agency and support / outsourced services		237 585	230 654
Entertainment		4	9
Audit cost: External	6.3	38 958	45 597
Fleet services		64 930	98 598
Inventory	6.4		382
Consumables	6.5	257 313	257 216
Housing			
Operating leases		726 656	779 486
Property payments	6.6	849 677	810 326
Rental and hiring		2 016	74
Transport provided as part of departmental activities		93	337
Travel and subsistence	6.7	412 768	488 754
Venues and facilities		17 720	29 911
Training and development		16 109	15 189
Other operating expenditure	6.8	167 490	152 653
Total		4 021 644	4 183 614

6.1 MINOR ASSETS

	Note 6	2015/16 R'000	2014/15 R'000
Tangible assets		50 560	57 594
Buildings and other fixed structures			
Machinery and equipment		50 560	57 594
Transport assets			
Intangible assets			
Software			
Mastheads and publishing titles			
Patents, licences, copyright, brand names, trademarks			
Total		50 560	57 594

6.2 COMPUTER SERVICES

	Note 6	2015/16 R'000	2014/15 R'000
SITA computer services		304 206	339 377
External computer service providers		422 735	399 549
Total		726 941	738 926

6.3 AUDIT COST: EXTERNAL

	Note 6	2015/16 R'000	2014/15 R'000
Regularity audits		38 958	45 597
Computer audits			
Total		38 958	45 597

6.4 INVENTORY

	Note 6	2015/16 R'000	2014/15 R'000
Other supplies	6.4.1		382
Total			382

6.4.1 OTHER SUPPLIES

	Note 6.4	2015/16 R'000	2014/15 R'000
Ammunition and security supplies			382
Total			382

6.5 CONSUMABLES

	Note 6	2015/16 R'000	2014/15 R'000
Consumable supplies		13 948	14 998
Uniform and clothing		1 556	1 730
Household supplies		4 738	4 128
Building material and supplies		2 572	3 616
Communication accessories		78	125
IT consumables		45	2 564
Other consumables		4 959	2 835
Stationery, printing and office supplies		243 365	242 218
Total		257 313	257 216

6.6 PROPERTY PAYMENTS

	Note 6	2015/16 R'000	2014/15 R'000
Municipal services		288 023	291 686
Property management fees			59 702
Property maintenance and repairs			
Other		561 654	458 938
Total		849 677	810 326

6.7 TRAVEL AND SUBSISTENCE

	Note 6	2015/16 R'000	2014/15 R'000
Local		404 393	474 590
Foreign		8 375	14 164
Total		412 768	488 754

6.8 OTHER OPERATING EXPENDITURE

	Note 6	2015/16 R'000	2014/15 R'000
Professional bodies, membership and subscription fees		1 121	1 673
Resettlement costs		16 001	11 414
Other		150 368	139 566
Total		167 490	152 653

7. INTEREST AND RENT ON LAND

	Note	2015/16 R'000	2014/15 R'000
Interest paid			
Total			

8. PAYMENTS FOR FINANCIAL ASSETS

	Note	2015/16 R'000	2014/15 R'000
Material losses through criminal conduct		2 229	9 982
Theft	8.4	2 229	9 982
Other material losses	8.1		
Purchase of equity			
Extension of loans for policy purposes			
Other material losses written off	8.2	17 526	11 769
Debts written off	8.3	462	17 374
Forex losses	8.5		
Total		20 217	39 125

8.1 OTHER MATERIAL LOSSES

	Note	2015/16 R'000	2014/15 R'000
Nature of other material losses	8		
Total			

8.2 OTHER MATERIAL LOSSES WRITTEN OFF

	Note	2015/16 R'000	2014/15 R'000
Nature of losses	8		
Irrecoverable losses		16 798	10 982
Civil action		254	497
Damages to vehicle		319	145
Losses and damages		35	145
Capital assets written off		86	
Minor assets written off		2	
Fruitless		16	
Heilbron Magistrate fire (assets and library books)		16	
Total		17 526	11 769

8.3 DEBTS WRITTEN OFF

	Note 8	2015/16 R'000	2014/15 R'000
Recoverable revenue written off			233
Total			233
Other debt written off			
Staff debts (out-of-service debts)		462	17 141
Total		462	17 141
Total debt written off		462	17 374

8.4 DETAILS OF THEFT

	Note 8	2015/16 R'000	2014/15 R'000
Nature of theft			
Burglaries		41	1 585
Theft		2 188	8 397
Total		2 229	9 982

8.5 FOREX LOSSES

	Note 8	2015/16 R'000	2014/15 R'000
Nature of losses			
Forex losses			
Total			

9. TRANSFERS AND SUBSIDIES

	Note	2015/16 R'000	2014/15 R'000
Provinces and municipalities	48, 49	549	587
Departmental agencies and accounts	Annex 1B	2 246 446	2 157 222
Foreign governments and international organisations	Annex 1C	15 833	23 930
Households	Annex 1D	75 239	153 518
Total		2 338 067	2 335 258

10. EXPENDITURE FOR CAPITAL ASSETS

	Note	2015/16 R'000	2014/15 R'000
Tangible assets		1 023 094	1 112 636
Buildings and other fixed structures	41.1	739 502	712 311
Machinery and equipment	39.1	283 592	389 774
Intangible assets		40 472	15 105
Software	40	40 472	15 105
Total		1 063 566	1 117 190

10.1 ANALYSIS OF FUNDS UTILISED TO ACQUIRE CAPITAL ASSETS – 2015/16

	Voted funds R'000	Aid assistance R'000	Total R'000
Tangible assets	1 022 959		1 023 094
Buildings and other fixed structures	739 502		739 502
Heritage assets			
Machinery and equipment	283 457	135	283 592
Intangible assets	40 472		40 472
Software	40 472		40 472
Mastheads and publishing titles			
Total	1 063 431	135	1 063 566

10.2 ANALYSIS OF FUNDS UTILISED TO ACQUIRE CAPITAL ASSETS – 2014/15

	Voted funds R'000	Aid assistance R'000	Total R'000
Tangible assets	1 101 925	160	1 102 085
Buildings and other fixed structures	712 311		712 311
Heritage assets			
Machinery and equipment	389 614	160	389 774
Intangible assets	15 105		15 105
Software	15 105		15 105
Mastheads and publishing titles			
Total	1 117 030	160	1 117 190

10.3 FINANCE LEASE EXPENDITURE INCLUDED IN EXPENDITURE FOR CAPITAL ASSETS

	Note	2015/16 R'000	2014/15 R'000
Tangible assets			
Buildings and other fixed structures			
Heritage assets			
Machinery and equipment		63 778	131 784
Total		63 778	131 784

11. UNAUTHORISED EXPENDITURE

11.1 RECONCILIATION OF UNAUTHORISED EXPENDITURE

	Note	2015/16 R'000	2014/15 R'000
Opening balance			
Total			

12. CASH AND CASH EQUIVALENTS

	Note	2015/16 R'000	2014/15 R'000
Consolidated Paymaster General Account			
Cash receipts		1 147	(289)
Disbursements			
Cash on hand		5 534	5 109
Investments (Domestic)			
Investments (Foreign)			
Total		6 681	4 820

13. OTHER FINANCIAL ASSETS

	Note	2015/16 R'000	2014/15 R'000
Local			
Total current other financial assets			

14. PREPAYMENTS AND ADVANCES

	Note	2015/16 R'000	2014/15 R'000
Staff advances			
Travel and subsistence		262	567
Prepayments	14.2	1 850	1 226
Advances paid	14.1	17 351	30 959
Total		19 463	32 752

14.1 ADVANCES PAID

	Note 14	2015/16 R'000	2014/15 R'000
National departments	Annex 8A	17 351	30 959
Provincial departments			
Total		17 351	30 959

14.2 PREPAYMENTS (not expensed)

	Note 14	2015/16 R'000	2014/15 R'000
Goods and services		1 850	1 226
Total		1 850	1 226

14.3 PREPAYMENTS (Expensed)

	Note 14	2015/16 R'000	2014/15 R'000
Goods and services			
Total			

15. RECEIVABLES

	Note	2015/16			2014/15		
		Current R'000	Non- current R'000	Total R'000	Current R'000	Non- current R'000	Total R'000
Claims recoverable	15.1	538 444	229 659	768 103	428 245	171 515	599 760
Trade receivables	15.2	128	623	751	243	470	713
Recoverable expenditure	15.3	142		142	506		506
Staff debt	15.4	5 642	28 916	34 558	6 476	29 417	35 893
Fruitless and wasteful expenditure	15.6						
Other debtors	15.5	2 889	6 796	9 685	3 843	5 367	9 210
Total		547 245	265 994	813 239	439 313	206 796	646 082

15.1 CLAIMS RECOVERABLE

	Note 15 and Annex 4	2015/16 R'000	2014/15 R'000
National departments		249 876	210 353
Provincial departments		518 227	389 407
Total		768 103	599 760

15.2 TRADE RECEIVABLES

	Note 15	2015/16 R'000	2014/15 R'000
Trade receivables		751	713
Total		751	713

15.3 RECOVERABLE EXPENDITURE (DISALLOWANCE ACCOUNTS)

	Note 15	2015/16 R'000	2014/15 R'000
Fruitless expenditure		142	142
National Pace Reports			364
Total		142	506

15.4 STAFF DEBT

	Note 15	2015/16 R'000	2014/15 R'000
In-services debt		6 620	1 801
Out-of-service debt		27 888	25 036
NPA debtors			8 973
Sal tax debt		19	10
Sal official union			
Sal reversal control		31	71
Sal medical aid			2
Total		34 558	35 893

15.5 OTHER DEBTORS

	Note 15	2015/16 R'000	2014/15 R'000
Disallowance accounts		7 424	7 947
Salary suspense accounts		1 034	539
Damages and vehicles		1 227	400
VAT clearing account			324
Total		9 685	9 210

15.6 FRUITLESS AND WASTEFUL EXPENDITURE

	Note 15	2015/16 R'000	2014/15 R'000
Opening balance			
Less amounts recovered		189	515
Less amounts written off		15	18
Transfers from note 32 Fruitless and wasteful expenditure		(204)	(533)
Interest			
Total			

15.7 IMPAIRMENT OF RECEIVABLES

	Note	2015/16 R'000	2014/15 R'000
Estimate of impairment of receivables		22 831	24 445
Total		22 831	24 445

16. INVESTMENTS

	Note	2015/16 R'000	2014/15 R'000
Non-current Shares and other equity			
Total			

17. LOANS

	Note	2015/16 R'000	2014/15 R'000
Public corporations Staff loans			
Total			

18. VOTED FUNDS TO BE SURRENDERED TO THE REVENUE FUND

	Note	2015/16 R'000	2014/15 R'000
Opening balance		497 241	752 902
Prior period error	18.2		
As restated		497 241	752 902
Transfer from statement of financial performance (as restated)		147 973	497 236
Add: Unauthorised expenditure for current year	11		
Paid during the year		(497 241)	(752 897)
Closing balance		147 973	497 241

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

	Note	2015/16 R'000	2014/15 R'000
Opening balance		45 568	49 257
Prior period error	19.1		(842)
As restated		45 568	48 415
Transfer from statement of financial performance (as restated)		328 627	337 557
Paid during the year		(340 433)	(340 404)
Closing balance		33 762	45 568

19.1 PRIOR PERIOD ERROR

	Note	2014/15 R'000
	19	
Nature of prior period error		
Relating to 2013/14		
Relating to 2014/15		
Revenue		(842)
Total		(842)

Revenue received in the commercial bank on 31 March 2015 but not yet included in Paymaster General Account

20. BANK OVERDRAFT

	Note	2015/16 R'000	2014/15 R'000
Consolidated Paymaster General Account		579 270	89 954
Overdraft with commercial banks (Local)		16	46
Total		579 286	90 000

21. PAYABLES – CURRENT

	Note	2015/16 R'000	2014/15 R'000
Advances received	21.1		
Clearing accounts	21.2	41 389	9 441
Other payables	21.3	291	68
Total		41 680	9 509

21.1 ADVANCES RECEIVED

	Note	2015/16 R'000	2014/15 R'000
National departments	21		
Provincial departments			
Total			

21.2 CLEARING ACCOUNTS

	Note 21	2015/16 R'000	2014/15 R'000
Salary control accounts		41 389	9 441
Total		41 389	9 441

21.3 OTHER PAYABLES

	Note 21	2015/16 R'000	2014/15 R'000
National Pace		68	
Salary ACB recalls		172	68
Disallowance miscellaneous		51	
Salary reversal control			
Total		291	68

22. PAYABLES - NON-CURRENT

Note	2015/16				2014/15
	One to two years R'000	Two to three years R'000	More than three years R'000	Total R'000	Total R'000
Other payables					
Total					

23. NET CASH FLOW AVAILABLE FROM OPERATING ACTIVITIES

	Note	2015/16 R'000	2014/15 R'000
Net surplus/(deficit) as per statement of financial performance		477 640	818 644
Add back non-cash/cash movements not deemed operating activities		98 015	16 242
(Increase)/decrease in receivables – current		(167 157)	(46 126)
(Increase)/decrease in prepayments and advances		13 289	56 703
(Increase)/decrease in other current assets			
Increase/(decrease) in payables – current		32 171	(16 225)
Proceeds from sale of capital assets		(4 567)	(1 999)
Proceeds from sale of investments			
(Increase)/decrease in other financial assets			
Expenditure on capital assets		1 063 566	1 117 190
Surrenders to Revenue Fund		(837 674)	(1 093 301)
Surrenders to RDP Fund/Donor		(1 613)	
Net cash flow generated by operating activities		575 655	834 886

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

	Note	2015/16 R'000	2014/15 R'000
Consolidated Paymaster General Account		(579 270)	(89 954)
Fund requisition account			
Cash receipts		1 147	(289)
Disbursements			
Cash on hand		5 534	5 109
Cash with commercial banks (Local)		(16)	(46)
Cash with commercial banks (Foreign)			
Total		(572 605)	(85 180)

25. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

25.1 CONTINGENT LIABILITIES

	Note	2015/16 R'000	2014/15 R'000
Liable to Nature			
Housing loan guarantees Employees	Annex 3A	622	944
Other guarantees	Annex 3A		
Claims against the Department	Annex 3B	4 918 147	3 735 655
Intergovernmental payables (unconfirmed balances)	Annex 5	461	10 487
Other	Annex 3B	58 636	71 588
Total		4 977 866	3 818 674

Contingent liabilities mainly consist of summonses received by the Department of which the outcome and timing is uncertain.

The prior year figures disclosed on Claims against the State have been restated due to a contingent liability that was previously overstated (R29 million).

26. COMMITMENTS

	Note	2015/16 R'000	2014/15 R'000
Current expenditure			
Approved and contracted		2 403 808	2 144 190
Approved but not yet contracted		95 130	709 800
		2 498 938	2 853 990
Capital expenditure			
Approved and contracted		6 252	21 182
Approved but not yet contracted			
		6 252	21 182
Total Commitments		2 505 190	2 875 172

Commitments totalling R2 billion (approved and contracted) mainly relate to the SITA contract (R407 million), publications contract (R502 million), cash in transit services (R159 million) and guarding services (R157 million).

Current commitments (approved but not yet contracted) mainly relate to IJS (R7,7 million)

27. ACCRUALS AND PAYABLES NOT RECOGNISED

27.1 ACCRUALS

	2015/16 R'000			2014/15 R'000
Listed by economic classification	30 days	30+ days	Total	Total
Goods and services	20 255	6 813	27 068	11 553
Interest and rent on land				
Transfers and subsidies				
Capital assets	213	131	344	375
Total	20 468	6 944	27 412	11 928

	Note	2015/16 R'000	2014/15 R'000
Listed by programme level			
Programme 1: Administration		88	3 213
Programme 2: Court Services		3 706	2 084
Programme 3: State Legal Services		593	1 028
Programme 5: Auxiliary and Associated Services		687	
Programme 4: NPA		22 338	5 603
Total		27 412	11 928

27.2 PAYABLES NOT RECOGNISED

			2015/16 R'000	2014/15 R'000
Listed by economic classification				
	30 days	30+ days	Total	Total
Goods and services	142 291	32 670	174 961	65 291
Interest and rent on land				
Transfers and subsidies				
Capital assets	39 513	1 195	40 708	5 215
Total	181 804	33 865	215 669	70 506
	Note		2015/16 R'000	2014/15 R'000
Listed by programme level				
Programme 1: Administration			60 211	32 967
Programme 2: Court Services			19 920	13 396
Programme 3: State Legal Services			3 101	585
Programme 5: Auxiliary and Associated Services			83 480	
Programme 4: NPA			48 957	23 558
Total			215 669	70 506
	Note		2015/16 R'000	2014/15 R'000
Confirmed balances with other departments	Annex 5		4 376	2 390
Confirmed balances with other government entities	Annex 5			
Total			4 376	2 390

*The accruals paid within 30 days mainly relate to travelling services (R17,7 million).
Accruals more than 30 days mainly relate to storage facilities (R295 482), travelling services (R8,9 million) and
R590 433 for printing services.*

28. EMPLOYEE BENEFITS

	Note	2015/16 R'000	2014/15 R'000
Leave entitlement		941 832	928 140
Service bonus (13th cheque)		246 494	238 061
Performance awards		190 972	138 017
Capped leave commitments		335 707	354 802
Other		20 457	21 552
Total		1 735 462	1 680 572

Included in the leave entitlement is an amount of R12 million representing negative leave. It should however be noted that it does not necessarily mean officials have taken more leave than available.

29. LEASE COMMITMENTS

29.1 OPERATING LEASES EXPENDITURE

2015/16	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000	R'000
Not later than one year			6 228		6 228
Later than one year and not later than five years			3 633		3 633
Later than five years					
Total lease commitments			9 861		9 861

2014/15	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000	R'000
Not later than one year			13 025		13 025
Later than one year and not later than five years			21 374		21 374
Later than five years					
Total lease commitments			34 399		34 399

Operating leases relate to buildings and other fixed structures leasing through the Department of Public Works.

29.2 FINANCE LEASES EXPENDITURE**

2015/16	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000	R'000
Not later than one year				73 390	73 390
Later than one year and not later than five years				57 214	57 214
Later than five years					
Total lease commitments				130 604	130 604

2014/15	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000	R'000
Not later than one year				100 808	100 808
Later than one year and not later than five years				130 153	130 153
Later than five years					
Total lease commitments				230 961	230 961

Operating leases on buildings and other fixed structures mainly relate to the leasing of the VGM building. Finance leases on machinery and equipment are mainly for leasing of motor vehicles and rental of photocopiers.

30. ACCRUED DEPARTMENTAL REVENUE

	Note	2015/16 R'000	2014/15 R'000
Tax revenue			
Sales of goods and services other than capital assets			
Fines, penalties and forfeits		5 676	3 806
Other		3 443	5 289
Total		9 119	9 095

Relates to TPF and Guardian's Fund.

30.1 ANALYSIS OF ACCRUED DEPARTMENTAL REVENUE

	Note	2015/16 R'000	2014/15 R'000
Opening balance		9 025	9 927
Less: Amounts received			
Add: Amounts recognised		94	1 055
Less: Amounts written off/reversed as irrecoverable			(1 887)
Closing balance		9 119	9 095

31. IRREGULAR EXPENDITURE

31.1 RECONCILIATION OF IRREGULAR EXPENDITURE

	Note	2015/16 R'000	2014/15 R'000
Opening balance		429 739	633 734
Prior period error			(2 348)
As restated		429 739	631 386
Add: Irregular expenditure – relating to prior year		197	
Add: Irregular expenditure – relating to current year	31.2	13 794	44 699
Less: Prior year amounts condoned	31.3	(211 542)	(19 310)
Less: Current year amounts condoned	31.3	(8 243)	(5 259)
Less: Amounts not condoned and recoverable			
Less: Amounts not condoned and not recoverable	31.4	(49 795)	(221 777)
Closing balance		174 150	429 739
Analysis of awaiting condonation per age classification			
Current year		5 551	39 440
Prior years		168 599	390 299
Total		174 150	429 739

31.2 DETAILS OF IRREGULAR EXPENDITURE – CURRENT YEAR

Incident	Disciplinary steps taken/criminal proceedings	2015/16 R'000
Normal procurement policies and procedures not followed	Cases are currently under investigation and disciplinary procedures to be finalised	8 853
Accommodation lease in Kimberley	Criminal investigation	4 941
Total		13 794

31.3 DETAILS OF IRREGULAR EXPENDITURE CONDONED

Incident	Condoned by (condoning authority)	2015/16 R'000
Procurement policies and procedures not followed	Condoned by the Department Bid Adjudication Committee	2 097
Procurement policies and procedures not followed	Condoned by the Regional Control Committee	1 925
Procurement policies and procedures not followed	Condoned by other delegated authority	134 884
Procurement policies and procedures not followed	Condoned by National Treasury	990
Accommodation lease	CEO NPA	4 941
CFM Kimberly Bloemfontein and Nelspruit	CEO NPA	50 313
Tender process not adhered to	CEO NPA	24 635
Total		219 785

31.4 DETAILS OF IRREGULAR EXPENDITURE NOT RECOVERABLE (NOT CONDONED)

Incident	Not condoned by (condoning authority)	2015/16 R'000
Investigations completed and matters resolved as not irregular	Department Bid Adjudication Committee	49 795
Total		49 795

31.5 PRIOR PERIOD ERROR

	Note 31	2014/15 R'000
Nature of prior period error		(2 348)
SITA regulations		(3 187)
Noted Cases		(312)
Noted Cases		1 150
Total prior period errors		(2 348)

32. FRUITLESS AND WASTEFUL EXPENDITURE

32.1 RECONCILIATION OF FRUITLESS AND WASTEFUL EXPENDITURE

	Note	2015/16 R'000	2014/15 R'000
Opening balance		11 129	51 216
Prior period error			
As restated		11 129	51 216
Fruitless and wasteful expenditure – relating to prior year		959	
Fruitless and wasteful expenditure – relating to current year		1 260	484
Less: Amounts resolved		(5 590)	(40 038)
Less: Amounts transferred to receivables for recovery	15.6	(204)	(533)
Closing balance		7 554	11 129

32.2 ANALYSIS OF AWAITING RESOLUTION PER ECONOMIC CLASSIFICATION

	2015/16 R'000	2014/15 R'000
Current	7 554	11 129
Capital		
Transfers and subsidies		
Total	7 554	11 129

32.3 ANALYSIS OF CURRENT YEAR'S FRUITLESS AND WASTEFUL EXPENDITURE

Incident	Disciplinary steps taken/criminal proceedings	2015/16 R'000
No-shows	Cases under investigation for possible determination of liability	1 037
Penalty/interest of late payment of accounts	Cases under investigation for possible determination of liability	57
Overpayment of account (op)	Cases under investigation for possible determination of liability	54
Fees charged for cancelled tickets	Cases under investigation for possible determination of liability	112
Total		1 260

33. RELATED PARTY TRANSACTIONS

Revenue received	Note	2015/16 R'000	2014/15 R'000
Tax revenue			
Total			
Payments made	Note	2015/16 R'000	2014/15 R'000
Goods and services			
Total			
	Note	2015/16 R'000	2014/15 R'000
Other			
NPA officials seconded		2 221	2 026
Total		2 221	2 026

List of related party relationships

Guardian's Fund
 Legal Aid Board
 President's Fund
 Special Investigating Unit
 The Human Rights Commission
 The Office of the Public Protector
 Third Party Funds
 Criminal Asset Recovery Account
 The Department of Correctional Services
 The Office of the Chief Justice and Judicial Administration

34. KEY MANAGEMENT PERSONNEL

	No. of Individuals	2015/16 R'000	2014/15 R'000
Political office bearers (provide detail below)			
Officials:			
Levels 15-16	29	59 978	52 881
Level 14 (incl. CFO if at a lower level)	55	57 905	57 244
Family members of key management personnel	12	4 519	4 843
Total		122 402	114 968

35. PUBLIC PRIVATE PARTNERSHIP

	Note	2015/16 R'000	2014/15 R'000
Concession fee received			

36. IMPAIRMENT - OTHER

	Note	2015/16 R'000	2014/15 R'000
Total			

37. PROVISIONS

	Note	2015/16 R'000	2014/15 R'000
Curator expenses		99 904	121 645
Total		99 904	121 645

37.1 RECONCILIATION OF MOVEMENT IN PROVISIONS – 2015/16

	Curator expenditure R'000	Total provisions R'000
Opening balance	121 645	121 645
Increase in provision	19 523	19 523
Settlement of provision	(19 350)	(19 350)
Unused amount reversed	(21 914)	(21 914)
Closing balance	99 904	99 904

37.2 RECONCILIATION OF MOVEMENT IN PROVISIONS – 2014/15

	Curator Expenditure R'000	Total provisions R'000
Opening balance	126 050	126 050
Increase in provision	29 673	29 673
Settlement of provision	(31 558)	(31 558)
Unused amount reversed	(2 520)	(2 520)
Closing balance	121 645	121 645

The provision relates to expenditure incurred in respect of curators appointed in AFU cases.

38. NON-ADJUSTING EVENTS AFTER REPORTING DATE

Nature of event	2015/16 R'000
Total	<hr/>

39. MOVABLE TANGIBLE CAPITAL ASSETS

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2016

	Opening balance R'000	Value adjustments R'000	Additions R'000	Disposals R'000	Closing balance R'000
HERITAGE ASSETS	455				455
Heritage assets	455				455
MACHINERY AND EQUIPMENT	1 361 637		254 234	164 345	1 451 526
Transport assets	161 424			23 577	137 847
Computer equipment	523 513		74 860	64 369	534 004
Furniture and office equipment	344 786		34 397	26 840	352 343
Other machinery and equipment	331 914		144 977	49 559	427 332
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	1 362 092		254 234	164 345	1 451 981

Movable tangible capital assets under investigation

	Number	Value R'000
Included in the above total of the movable tangible capital assets per the asset register are assets that are under investigation:		
Machinery and equipment	1 726	24 806

This relates to assets under investigation. An amount of R12,8 million relates to 911 assets transferred but not accepted by the Office of the Chief Justice due to disputes relating to existence.

39.1 ADDITIONS

ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2016

	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
HERITAGE ASSETS					
Heritage assets					
MACHINERY AND EQUIPMENT	283 457	(171)	(63 770)	34 718	254 234
Transport assets	40 221		(40 213)	(8)	
Computer equipment	68 364	159		6 337	74 860
Furniture and office equipment	30 128	(330)		4 599	34 397
Other machinery and equipment	144 744		(23 557)	23 790	144 977
SPECIALISED MILITARY ASSETS					
Specialised military assets					
BIOLOGICAL ASSETS					
Biological assets					
TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS	283 457	(171)	(63 770)	34 718	254 234

39.2 DISPOSALS

DISPOSALS OF MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2016

	Sold for cash R'000	Non-cash disposal R'000	Total disposals R'000	Cash received actual R'000
HERITAGE ASSETS				
Heritage assets				
MACHINERY AND EQUIPMENT	54 087	110 258	164 345	4 567
Transport assets	16 342	7 235	23 577	4 567
Computer equipment	37 246	27 123	64 369	
Furniture and office equipment	342	26 498	26 840	
Other machinery and equipment	157	49 402	49 559	
SPECIALISED MILITARY ASSETS				
Specialised military assets				
BIOLOGICAL ASSETS				
Biological assets				
TOTAL DISPOSAL OF MOVABLE TANGIBLE CAPITAL ASSETS	54 087	110 258	164 365	4 567

39.3 MOVEMENT FOR 2014/15

MOVEMENT IN TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2015

	Opening balance R'000	Prior period error R'000	Additions R'000	Disposals R'000	Closing balance R'000
HERITAGE ASSETS	455				455
Heritage assets	455				455
MACHINERY AND EQUIPMENT	1 193 678	(8 162)	245 077	68 956	1 361 637
Transport assets	148 272	(710)	22 354	8 492	161 424
Computer equipment	491 034	(4 511)	86 608	49 618	523 513
Furniture and office equipment	258 292	(264)	93 734	6 976	344 786
Other machinery and equipment	296 080	(2 677)	42 381	3 870	331 914
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	1 194 133	(8 162)	245 077	68 956	1 362 092

39.3.1 PRIOR PERIOD ERROR

	Note	2014/15 R'000
Nature of prior period error		
Relating to 2014/15 (affecting the opening balance)		(8 162)
Heritage assets restated due to revaluation		(710)
Computer equipment verified		(4 511)
Office and furniture equipment verified		(2 941)
Total		(8 162)

39.4 MINOR ASSETS

MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2016

	Specialised military assets R'000	Intangible assets R'000	Heritage assets R'000	Machinery and equipment R'000	Biological assets R'000	Total R'000
Opening balance		36	211	922 653		922 900
Value adjustments				(1 856)		(1 856)
Additions				52 863		52 863
Disposals				(132 231)		(132 231)
TOTAL MINOR ASSETS		36	211	841 429		841 676

MINOR ASSETS

MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2015

	Intangible assets R'000	Heritage assets R'000	Machinery and equipment R'000	Biological assets R'000	Total R'000
Number of R1 minor assets		6 102	356 162		362 264
Number of minor assets at cost	15	63	701 667		701 745
TOTAL NUMBER OF MINOR ASSETS	15	6 165	1 057 829		1 064 009

MINOR CAPITAL ASSETS UNDER INVESTIGATION

	Number	Value R'000
Included in the above total of the minor capital assets per the asset register are assets that are under investigation:		
Machinery and equipment	55 631	20 243
Biological assets		

This relates to assets under investigation. An amount of R16,8 million relates to 52 956 assets transferred but not accepted by the Office of the Chief Justice due to disputes relating to existence.

MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2015

	Intangible assets R'000	Heritage assets R'000	Machinery and equipment R'000	Biological assets R'000	Total R'000
Opening balance	36	211	899 088		899 088
Prior period error					
Additions			50 271		50 271
Disposals			(26 706)		(26 706)
TOTAL MINOR ASSETS	36	211	922 653		922 900

39.4.1 PRIOR PERIOD ERROR

	Note	2014/15 R'000
Nature of prior period error		
Relating to 2014/15		
Machinery and equipment		
Total		

39.5 MOVABLE ASSETS WRITTEN OFF

MOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED AS AT 31 MARCH 2016

Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
R'000	R'000	R'000	R'000	R'000	R'000
			68 959		68 959
TOTAL MOVABLE ASSETS WRITTEN OFF			68 959		68 959

MOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED AS AT 31 MARCH 2015

Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
R'000	R'000	R'000	R'000	R'000	R'000
			68 956		68 956
TOTAL MOVABLE ASSETS WRITTEN OFF			68 956		68 956

39.6 SECTION 42 MOVABLE CAPITAL ASSETS

MAJOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA - 31 MARCH 31 MARCH 2016

Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
			8 931		8 931
Value of the assets (R'000)			104 400		104 398

MINOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA - 31 MARCH 31 MARCH 2016

Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
			415 453		415 453
Value of the assets (R'000)			114 124		114 126

40. INTANGIBLE CAPITAL ASSETS

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2016

	Opening balance R'000	Value adjustments R'000	Additions R'000	Disposals R'000	Closing balance R'000
Software	63 451		68 592	68 504	63 539
TOTAL INTANGIBLE CAPITAL ASSETS	63 451		68 592	68 504	63 539

40.1 ADDITIONS

ADDITIONS TO INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2016

	Cash R'000	Non-cash R'000	(Development work in progress – current costs) R'000	Received current year, not paid R'000	Total R'000
Software	40 472	28 120			68 592
TOTAL ADDITIONS TO INTANGIBLE CAPITAL ASSETS	40 472	28 120			68 592

40.2 DISPOSALS

DISPOSALS OF INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2016

	Sold for cash R'000	Non-cash disposal R'000	Total disposals R'000	Cash received actual R'000
Software		68 504	68 504	
TOTAL DISPOSALS OF INTANGIBLE CAPITAL ASSETS		68 504	68 504	

Amount of R68.5 million of the noncash assets is deemed irregular in the books of the Department of Correctional Services.

40.3 MOVEMENT FOR 2014/15

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2015

	Opening balance R'000	Prior period error R'000	Additions R'000	Disposals R'000	Closing balance R'000
Software	48 346		15 105		63 451
TOTAL INTANGIBLE CAPITAL ASSETS	48 346		15 105		63 451

41. IMMOVABLE TANGIBLE CAPITAL ASSETS

MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2016

	Opening balance R'000	Value adjustments	Additions R'000	Disposals R'000	Closing balance R'000
BUILDINGS AND OTHER FIXED STRUCTURES	13 425				13 425
Dwellings					
Non-residential buildings					
Other fixed structures	13 425				13 425
TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS	13 425				13 425

41.1 ADDITIONS

ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2016

	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
BUILDING AND OTHER FIXED STRUCTURES	739 502		(739 502)		
Dwellings					
Non-residential buildings	739 502		(739 502)		
Other fixed structures					
TOTAL ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS	739 502		(739 502)		

41.2 DISPOSALS

DISPOSALS OF IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2016

	Sold for cash R'000	Non-cash disposal R'000	Total disposals R'000	Cash received actual R'000
BUILDINGS AND OTHER FIXED STRUCTURES				
Dwellings				
TOTAL DISPOSALS OF IMMOVABLE TANGIBLE CAPITAL ASSETS				

41.3 MOVEMENT FOR 2014/15

MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2015

	Opening balance R'000	Prior period error R'000	Additions R'000	Disposals R'000	Closing balance R'000
BUILDINGS AND OTHER FIXED STRUCTURES	13 425				13 425
Dwellings					
Non-residential buildings					
Other fixed structures	13 425				13 425
TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS	13 425				13 425

42. AGENT PRINCIPAL ARRANGEMENTS

42.1 DEPARTMENT ACTING AS AGENT: STATE ATTORNEY (2015/16)

42.1.1 REVENUE RECEIVED FOR AGENCY ACTIVITIES

	2015/16 R'000
Include a list of the entities for which the department acts as an agent and the amounts received for these agency duties	
State Attorney Monies: – Money collected by the State Attorney on behalf of Government Institutions. The State Attorney also collects commission on debt collections which are paid over to National Revenue Fund.	
	28 920
	255 556
	164 817
	317
Total	449 610

42.1.2 RECONCILIATION OF AGENCY FUNDS AND DISBURSEMENTS – 2015/16

Name of principal entity	Total agency funds received R'000	Amount remitted to the principal R'000	Variance between amounts received and amounts remitted R'000	Explanation for variance
- State organisations Conveyance	28 920	57 737	(28 817)	Payments exceed payments received as a result of collections in prior year paid in the financial year under review.
- State organisation Debt collection	255 556	67 017	188 539	Payments due to beneficiaries still in progress.
- Unclassified monies	164 817	23 021	141 796	Receipts that still need to be investigated and allocated as at the end of the financial year.
- NRF commission	317	317		
Total	449 610	148 092	301 518	

42.1 DEPARTMENT ACTING AS AGENT: STATE ATTORNEY (2014/15)

42.1.1 REVENUE RECEIVED FOR AGENCY ACTIVITIES

		2014/15 R'000
State Attorney monies: Money collected by the State Attorney on behalf of government institutions. The State Attorney also collects commission on debt collections which are paid over to the national Revenue Fund.	- Conveyance	154 158
	- Debt collection	72 674
	- Unclassified monies	59 164
	- Commission	286
	Total	286 282

42.2 Department acting as the agent CARA (2015/16)

42.2.1 Revenue received for agency activities

	2015/16 R'000
National Revenue Fund – Criminal Assets Recovery Account with oversight and disbursement approving authority residing in the Criminal Asset Recovery Committee.	74 928
Total	74 928

CARA receives 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 No. 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.

42.2.2 Reconciliation of agency funds and disbursements - 2015/16

Name of principal entity	Total agency funds received R'000	Amount remitted to the principal R'000	Variance between amounts received and amounts remitted R'000	Explanation of variance
National Revenue Fund (CARA)	74 928	74 928		
Total	74 928	74 928		

CRIMINAL ASSETS RECOVERY ACCOUNT (CARA)	2015/16
Opening Balance CARA	423,755,000
Plus cash received during the year	74,928,000
Less cash paid out	(11,830,000)
Cash on hand (CARA SARB)	486,853,000
Contingent assets	690,000
Inventory	5,352,000
Receivables	85,796,000
Provisions	20,495,000

Cash and cash equivalents comprise cash at the South African Reserve Bank managed by the National Revenue Fund in National Treasury. All monies deposited into the Reserve Bank for the CARA represents the net proceeds of cases after related expenses are deducted from the proceeds by curators in charge of each case where applicable.

Receivables amounting to R86 million at 31 March 2016 consist of the gross value of confiscation orders and gross value of forfeited cash held by curators and custodians pending the approval of their fees and expenses by the Master's office. Also included in receivables is cash held by curators after realisation of forfeited property before funds are deposited into CARA.

Contingent assets of R690, 000 are those assets such as motor vehicles, property furniture, equipment etc. that have been forfeited to the state in accordance with the Prevention of Organised Crime Act. During the objection period as per the court order (usually 45 days), the assets attached are treated as Contingent assets. Where the values of the assets cannot be determined, a nominal value of R1 is allocated to the item.

Forfeited assets valued at R5,3 million at 31 March 2016 are classified as inventory as they will be realised and the net proceed after deduction of curator or fees and expenses will be deposited into CARA.

Inventory

	2015/16			
	Motor Vehicles R'000	Land and Buildings R'000	Other R'000	Total R'000
Opening Balance (1 April 2015)	580	1,757	4,328	6,665
Adjustments	(3)	225	542	764
Additions	683	2,900	427	4,010
Disposals	(563)	(655)	(4,869)	(6,087)
Closing Balance (31 March 2016)	697	4,227	428	5,352

Provisions

Provisions are disclosed when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic benefits will be required to settle the obligation and a reliable estimate of the obligation can be made. Provisions amounted to R20,4 million at 31 March 2016.

	2015/16 R'000
CARA Allocations	20,495
Anti Corruption Task Team	17,205
Department of Justice and Constitutional Development	3,290
Total	20,495

42.2 DEPARTMENT ACTING AS THE AGENT (2014/15)

42.2.1 REVENUE RECEIVED FOR AGENCY ACTIVITIES

		2014/15 R'000
<p>Include a list of the entities for which the department acts as an agent and the amounts received for these agency duties</p> <p>National Revenue Fund –Criminal Assets Recovery Account (CARA) with Oversight and disbursement approving authority resides in the Criminal Asset Recovery Committee</p>	<p>Provide a description of the nature, circumstances and terms relating to the arrangements with the principal</p> <p>CARA receives 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 38 of 2001). The proceeds are deposited into CARA which is an account in the National Revenue Fund.</p>	183 216
Total		183 216

42.2.2 RECONCILIATION OF AGENCY FUNDS AND DISBURSEMENTS – 2014/15

Name of principal entity	Total agency funds received R'000	Amount remitted to the principal R'000	Variance between amounts received and amounts remitted R'000	Explanation of variance
National Revenue Fund (CARA)	R183 216	R183 216		
Total	R183 216	R183 216		

CRIMINAL ASSETS RECOVERY ACCOUNT (CARA)

2014/15

Opening balance CARA	246 934 000
Plus cash received during the year	183 216 000
Less cash paid out	(6 396 000)
Cash on hand (CARA-SARB)	423 754 000
Contingent assets	203 000
Inventory	6 665 000
Receivables	64 277 000
Provisions	21 200 000

Cash and cash equivalents comprise cash at the South African Reserve Bank managed by the National Revenue Fund in National Treasury. All monies deposited into the Reserve Bank for the CARA represents the net proceeds of cases after related expenses are deducted from the proceeds by curators in charge of each case where applicable.

Receivables amounting to R64 million at 31 March 2015 consist of the gross value of confiscation orders and gross value of forfeited cash held by curators and custodians pending the approval of their fees and expenses by the Master's office.

Also included in receivables is cash held by curators after realisation of forfeited property before funds are deposited into CARA. Contingent assets of R203, 000 are those assets as motor vehicles, property furniture, equipment etc. that have been forfeited to the state in accordance with Chapter 6 of the Prevention of Organised Crime Act. During the objection period as per the court order (usually 45 days), the assets attached are treated as Contingent assets. Where the values of the assets cannot be determined, a nominal value of R1 is allocated to the item.

Forfeited assets valued at R6,6 million at 31 March 2015 are classified as inventory as they will be realised and the net proceed after deduction of curator or fees and expenses will be deposited into CARA.

INVENTORY

	2014/15			Total R'000
	Motor Vehicles R'000	Land and Buildings R'000	Other R'000	
Opening Balance (1 April 2015)	1,902	3,816	37	5,577
Adjustments	211	102		313
Additions	443	512	4,326	5,236
Disposals	(1,976)	(2,673)	(35)	(4,684)
Closing Balance (31 March 2015)	580	1,757	4,328	6,665

PROVISIONS

Provisions are disclosed when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past, 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 R21.2 million at 31 March 2015.

	2014/15 R'000
CARA allocations	21 200
Anti-Corruption Task Team	6 200
Department of Justice and Constitutional Development	15 000
Total	21 200

43. CHANGES IN ACCOUNTING ESTIMATES

During the year the following changes were made to the estimations employed in the accounting for transactions, assets, liabilities, events and circumstances

44. PRIOR PERIOD ERRORS

44.1 CORRECTION OF PRIOR PERIOD ERRORS

	Note	2014/15 R'000
Revenue		
Revenue accrual note restated for Guardian's Fund prior year re-evaluated	30	1 887
Net effect		1 887

	Note	2014/15 R'000
Expenditure:		
Operating leases NPA	6	10 551
Buildings and other fixed structures NPA	10.3	(10 551)
Irregular expenditure NPA	31	(2 348)
Net effect		(2 348)

	Note	2014/15 R'000
Liabilities:		
Contingent liability restated due to summons amount overstated	25	29 012
Net effect		29 012

45. RESTATEMENT OF CORRESPONDING FIGURES

The corresponding figures from 31 March 2015 have been restated due to the incorporation of the financial results of the NPA into the Department's financial statement.

46. TRANSFER OF FUNCTIONS

Provide a description of the changes as a result of the transfer or receipt of functions

46.1 STATEMENT OF FINANCIAL POSITION

Note	Balance per department 2014/15 AFS before transfer 2014/15 R'000	Functions per department (transferred) / received 2014/15 R'000	Functions per department (transferred) / received 2014/15 R'000	Functions per department (transferred) / received 2014/15 R'000	2014/15 Balance after transfer 2014/15 R'000
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NET ASSETS

46.2 Notes

Note	Balance per department 2014/15 AFS before transfer 2014/15 R'000	Functions per department (transferred) / received 2014/15 R'000	Functions per department (transferred) / received 2014/15 R'000	Functions per department (transferred) / received 2014/15 R'000	2014/15 Balance after transfer 2014/15 R'000
Provisions					
Movable tangible capital and minor assets	2 293 154	(218 524)			2 074 649
Immovable tangible capital assets					
Intangible capital assets					

The Accounting Officer of the DOJ&CD and Secretary General of the Chief Justice agreed on and signed the inventory list to the value of R218.5 million for assets transferred from DOJ&CD to OCJ. Discrepancies were ring-fenced and are currently under investigation.

The President of the Republic of South Africa has proclaimed the OCJ as a separate national department (vote) in Gazette number 335500 dated 3 August 2010. The Minister of Justice and Constitutional Development has pronounced the 1 October 2014 as the effective date that the OCJ will operate independently. The Minister of Public Service and the Minister of Finance declare the OCJ as a separate department and budget vote with effect from 1 April 2015.

The process of the transfer of assets was discussed in meetings and written communications between the Accounting Officer of the DOJ&CD and the Secretary General of the Chief Justice.

THE ANNEXURES THAT FOLLOW DO NOT FORM PART OF THE AUDITED FINANCIAL STATEMENTS AND ARE PRESENTED AS SUPPLEMENTARY INFORMATION

**ANNEXURE 1A
STATEMENT OF CONDITIONAL GRANTS AND OTHER TRANSFERS PAID TO MUNICIPALITIES**

NAME OF MUNICIPALITY	GRANT ALLOCATION				TRANSFER			SPENT		2014/15	
	Division of Revenue Act R'000	Roll-overs R'000	Adjustments R'000	Total available	Actual transfer R'000	Funds withheld R'000	Re-allocations by National Treasury or national Department %	Amount received by municipality R'000	Amount spent by municipality R'000		% of available funds spent by municipality %
Vehicle fines and penalties	477		72	549	549			549			587
TOTAL	477		72	549	549			549			587

ANNEXURE 1B
STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS

DEPARTMENT/AGENCY/ACCOUNT	TRANSFER ALLOCATION				TRANSFER		2014/15 Appropriation Act R'000
	Adjusted appropriation R'000	Roll-overs R'000	Adjustments R'000	Total available R'000	Actual transfer R'000	% of available funds transferred %	
Legal Aid South Africa	1 522 986			1 522 986	1 522 986	100%	1 504 708
Special Investigating Unit	304 458			304 458	304 458	100%	296 813
Public Protector of South Africa	245 397			245 397	245 397	100%	217 584
South African Human Rights Commission	144 311		2 100	146 411	146 411	100%	130 136
President's Fund	1			1		0%	
Communication Licences	10		54	64	64	100%	77
SETA: Safety and Security	28 041		(9 11)	27 130	27 130	100%	7 904
TOTAL	2 245 204		1 243	2 246 447	2 246 446		2 157 222

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

FOREIGN GOVERNMENT/ INTERNATIONAL ORGANISATION	TRANSFER ALLOCATION				TRANSFER		2014/15 Appropriation Act R'000
	Adjusted appropriation R'000	Roll-overs R'000	Adjustments R'000	Total available R'000	Actual transfer R'000	% of available funds transferred %	
Transfers							
International Criminal Court	10 000		4 544	14 544	14 544	100%	22 757
International Institutional Unification	3 440		(3 133)	307	307	100%	331
Haque Conference International Law	1 000		(18)	982	982	100%	842
TOTAL	14 440		1 393	15 833	15 833		23 930

**ANNEXURE 1D
STATEMENT OF TRANSFERS TO HOUSEHOLDS**

HOUSEHOLDS	TRANSFER ALLOCATION				EXPENDITURE		2014/15 Appropriation Act R'000
	Adjusted Appropriation Act R'000	Roll-overs R'000	Adjustments R'000	Total available R'000	Actual transfer R'000	% of available funds transferred %	
Transfers							
Employee social benefits	107 555		(12 977)	94 578	49 758	53%	148 218
Claims against the state	5 442		20 039	25 481	25 481	100%	5 301
TOTAL	112 997		7 062	120 059	75 239		153 519

**ANNEXURE 1E
STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED**

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2015/16 R'000	2014/15 R'000
Received in cash			
Various Attorney firms in KZN	Heritage Day Commemoration on 26 September 2014		2
Subtotal			2
Received in kind			
HP Discover	CT Managers Event in Barcelona, Spain		38
Mosselbay Municipality	Funding of all auxiliary cost associated with the operations of the		552
Donations received by NPA	Various donations	428	996
Subtotal		428	1 588
TOTAL		428	1 588

**ANNEXURE 1F
STATEMENT OF AID ASSISTANCE RECEIVED**

NAME OF DONOR	PURPOSE	OPENING BALANCE R'000	REVENUE R'000	EXPENDITURE R'000	CLOSING BALANCE R'000
Received in cash					
European Union	Sectorial budget support	4 730	4 727	5 260	4 197
Swiss	Small Claims Court Programme	(174)	2 499	2 325	
CARA funds	Domestic violence and court based victim support	1 308	11 710	9 286	3 732
CARA NPA projects	Various projects management by NPA Business units	15 497		2 638	12 859
Subtotal		21 361	18 936	19 509	20 788
Received in kind					
USAID	The project is aimed at contributing to the reduction of incidents of HIV and AIDS by raising awareness on the linkage between violence against women and children and HIV and AIDS in South Africa	31 567		22 294	9 273
Subtotal		31 567		22 294	9 273
Received in cash					
FHR	Projects human rights Commission		65 362	65 362	
Subtotal			65 362	65 362	
Total		52 928	84 298	107 165	30 061

**ANNEXURE 1G
STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS MADE**

NATURE OF GIFT, DONATION OR SPONSORSHIP (Group major categories but list material items including name of organisation)	2015/16 R'000	2014/15 R'000
Made in kind Farewell gifts of Retiring Magistrates Western Cape		3
TOTAL		3

**ANNEXURE 3A
STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2014 – LOCAL**

Guarantor institution	Guarantee in respect of	Original guaranteed capital amount R'000	Opening balance 1 April 2015 R'000	Guarantees draw downs during the year R'000	Guarantees repayments/cancelled/reduced/released during the year R'000	Revaluations R'000	Closing balance 31 March 2016 R'000	Guaranteed interest for year ended 31 March 2016 R'000	Realised losses not recoverable i.e. claims paid out R'000
Standard Bank			130				130		
Firstrand Bank			77				77		
ABSA			341	90	224		207		
Free state Development			19		19				
NP			352		169		183		
Green Start			25				25		
Nedbank									
Old Mutual									
FNB									
Unique Finance									
TOTAL			944	90	412		622		

ANNEXURE 3B
STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2016

Nature of Liability	Opening Balance 1 April 2015 R'000	Liabilities incurred during the year R'000	Liabilities paid/ cancelled/ reduced during the year R'000	Liabilities recoverable (Provide details hereunder) R'000	Closing Balance 31 March 2016 R'000
Claims against the department					
Summons	3 530 482	2 920 843	1 742 598	(1 215)	4 709 942
Supplier discrepancies	10 138	86	4 893		5 331
Theft and losses	17 129	2 013	1 213		17 929
PPP cancellation	11 681				11 681
Property management fees	77 084				77 084
Human Resource management	89 141	7 039			96 180
Subtotal	3 735 655	2 929 981	1 748 704	(1 215)	4 918 147
Other					
Third Party theft, losses and dishonoured cheques	75 964		17 328		58 636
Subtotal	75 964		17 328		58 636
TOTAL	3 811 619	2 929 981	1 766 032	(1 215)	4 976 783

**ANNEXURE 4
CLAIMS RECOVERABLE**

Government entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total		Cash in transit at year end 2015/16 *	
	31/03/2016	31/03/2015	31/03/2016	31/03/2015	31/03/2016	31/03/2015	Receipt date up to six (6) working days after year end	Amount
	R'000	R'000	R'000	R'000	R'000	R'000		R'000
Department								
National departments								
Eastern Cape	188 850	204 212	72 590	35 739	261 440	239 951	Cash in transit	28 762
Free State	118 895	100 413	110 288	44 707	229 183	145 120		
Gauteng	3 681	6 897	8 070	7 037	11 751	13 934		
Kwazulu-Natal	27 849	39 401	62 257	46 035	90 106	85 436		
Mpumalanga	6 284	4 493	1 874	2 156	8 158	6 649		
Northern Cape	8 550	15 324	3 274	10 448	11 824	25 772		
Limpopo	1 421	1 149	7 093	3 230	8 514	4 379		
North West	91 264	49 446	1 733	10 504	92 997	59 950		
Western Cape	15 023	11 366	33 995	26 190	49 018	37 556		
Agency Services Control Account	2 050	2 315	5 465	3 841	7 515	6 156		
PACE	1 285	1 298	9 642	2 218	9 642	2 218		
Salary Recoverable Account		96	1 990	921	1 285	1 298		
OCJ			13 442		1 990	1 017		
TOTAL	465 151	436 410	331 713	193 026	796 865	629 436		28 762

**ANNEXURE 5
INTER-GOVERNMENT PAYABLES**

GOVERNMENT ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL		Cash in transit at year end 2015/16 *	
	31/03/2016	31/03/2015	31/03/2016	31/03/2015	31/03/2016	31/03/2015	Payment date up to six (6) working days before year end	Amount
	R'000	R'000	R'000	R'000	R'000	R'000		R'000
DEPARTMENTS								
Current								
Agriculture Mpumalanga								34
Agriculture Forestry and Fisheries								15
Agriculture Environment Affairs Kwazulu-Natal			20	139				139
Correctional Services				19	20			19
Economic Development Gauteng				10				10
Education Free State				10				10
Education Kwazulu-Natal								20
Education Limpopo								2 050
Deeds Registration		149						
Government Printing Works								
Health Eastern Cape				10				10
Health Free State								
Health Gauteng	28							28
Health Kwazulu-Natal								
Health North West			25	15				15
Health and Social Development								

Home Affairs									
Human Settlement									
Independents Complaint Directorate									
Labour		40		50		40		50	
Mineral Resources	16			13		16		13	
Presidency				73				73	
Public Service and Administration				354				354	
Public Works		22		7		22		7	
Roads Transport Northern Cape									
Roads and Transport Gauteng			2 241	1 290				3 531	
Rural Development				104				104	
Social Development Gauteng	47					47			
Social Development Free State									
Social Development North West				17				17	
South African Police Services				43				43	
Sports and Culture Gauteng				17				17	
Sports Arts and Culture North West									
Statistics				25				25	
Third Party Fund				6 298				6 298	
Trade & Industry				23				23	
Water Affairs									
Department of Health							24		
Department of Transport							21		
Office of the Chief Justice							4 241		
Kwazulu-Natal Provincial Government									
Social Development							21		
Education North West							22		
National Prosecuting Authority							23		
National School of Government							287		
TOTAL	4 376	2 390	461	10 487	4 837	12 877			

ANNEXURE 6 INVENTORIES

Inventory [Per major category]	Note	Quantity	2015/16 R'000	Quantity	2014/15 R'000
Opening balance		46 495	1 908	53 386	1 966
Add/(Less): Adjustments to prior year balance					
Add: Additions/purchases – Cash		71 124	4 380	65 993	4 135
Add: Additions – Non-cash					
(Less): Disposals		(62 619)	(3 889)	(74 717)	(4 185)
(Less): Issues		(2)	(2)	1 833	(8)
Add/(Less): Adjustments					
Closing balance		54 998	2 397	46 495	1 908

ANNEXURE 7 MOVEMENT IN CAPITAL WORK IN PROGRESS

MOVEMENT IN CAPITAL WORK IN PROGRESS FOR THE YEAR ENDED 31 MARCH 2016

	Opening balance R'000	Current year capital WIP R'000	Completed assets R'000	Closing balance R'000
BUILDINGS AND OTHER FIXED STRUCTURES				
Dwellings				
Non-residential buildings		739 502		739 502
Other fixed structures				
TOTAL		739 502		739 502

**ANNEXURE 8A
INTER-ENTITY ADVANCES PAID**

ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL	
	31/03/2016 R'000	31/03/2015 R'000	31/03/2016 R'000	31/03/2015 R'000	31/03/2016 R'000	31/03/2015 R'000
NATIONAL DEPARTMENTS						
GCS	6 474	10 636			6 474	10 636
DIRCO	527	289		2 314	527	2 603
IDT	10 315	17 720			10 315	17 720
TWF			35		35	
TOTAL	17 316	28 645	35	2 314	17 351	30 959

A photograph of three business professionals (two women and one man) in a meeting, smiling and looking at documents. The image is overlaid with a semi-transparent orange and yellow graphic at the bottom. The text 'Part E: Human Resource Management' is written in a large, orange, serif font across the center of the image.

Part E: Human Resource Management

1. LEGISLATION THAT GOVERNS HUMAN RESOURCE 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

Human Resources (HR) as an operational centre within the Department is under the leadership of the Deputy Director-General: Corporate Services, which makes it strategically placed to have a voice at the executive level of the departmental management structures. HR services are rendered through the following structures:

- Chief Directorate: Human Resource Policy and Strategy – Responsible for policy and strategic direction on the specialist areas of employee health and wellness, organisational design and development, employee relations, performance management, HR administration and HR development.
- Chief Directorate: Customer Management Centre – Responsible for rendering end-to-end HR services as a business partner and first line of contact with branches.
- Chief Directorate: Justice College – Responsible for the provision of learning and skills development services.
- Chief Directorate: National Prosecuting Authority – Responsible for providing general HR services to the NPA.

2.1 OVERVIEW OF HR MATTERS AT THE DEPARTMENT

An integrated HR approach is central to the ability of the Department to deliver on its mandate of making the justice system accessible to the citizens of South Africa and also promoting constitutional values. The focus areas during the period were:

- The alignment of the organisational structure with the Department's strategy.
- Ensuring the maintenance of compliance with the applicable public service regulatory framework and departmental policies.
- Creating harmonious and sound employer/employee relationships.
- Fulfilling government's commitment to address the plight of unemployment, through internships and learnerships.
- Providing opportunities for a balanced and healthy workforce through employee health and wellness programmes.

2.2 HR PRIORITIES

The following pages present HR priorities identified for the 2015/2016 financial year in the departmental HR Plan.

No.	HR Sub-programme	Impact in the Department and NPA
	<p>Improve organisational development and design systems to harness departmental service delivery</p>	<p>The Organisational Design and Development Directorate understood its mandate in this performance cycle to entail influencing structural operations in order for the Department to improve on service delivery and identifying the organisational culture in order to establish hindering factors that may affect organisational performance.</p> <p>Organisational Design processes focused on aligning the sub-structures in the Department with the strategic objectives being to ultimately enhance service delivery. The following sub-structures were approved in the reporting period:</p> <ul style="list-style-type: none"> • Office of the Chief Operations Officer: In order to meet the current budget constraints and control the wage bill of the Department, the branch of the Office of the Chief Operation Officer was abolished with functions being absorbed in other related branches. • A new Language Services Directorate has been established in the branch Court Services to improve efficiency in the use and promotion of all languages and to streamline court interpreting across the court system. • Chief Directorate: Promotion of the Rights of Vulnerable Groups was reviewed with the aim of improving service delivery in the following areas: <ul style="list-style-type: none"> ✓ Sexual offences. ✓ Intermediary services under the Child Justice Act. ✓ Administration of Elderly Persons Act. <p>26 occupations were job evaluated across the occupational groups. The Department has in the past been challenged by the implementation of OSD which eroded managerial functions leaving the legal profession environment without leadership. As a solution nine posts of Head State Attorney were re-classified as SMS to provide leadership and management to litigation services at office level. This was done in consultation with DPSA. The following positions were not only job evaluated but were also redefined as managerial positions:</p> <ul style="list-style-type: none"> • Head: International Legal Relations – The Chief Directorate is set with a mandate to lead and represent South Africa in the international arena and deal with mutual legal agreements. • Solicitor General – The post was created in consultation with DPSA after job evaluation was conducted. <p>Organisational Development:</p> <ul style="list-style-type: none"> • Appreciating the benefits of embracing change and diversity, a culture audit was conducted in the Department with the result confirming that 66% of officials hold a positive view about the current culture of the Department. Even more importantly, the survey revealed that the Department has a great leadership and management outlook. 74% of the study confirmed that managers and supervisors treat officials fairly and with respect. • A need was identified to deal with diversity management in the NPA. Diversity awareness programmes were conducted in three divisions and will be continuing in the next reporting period due to expressed needs for the programme by members of the NPA. 103 employees benefited through attendance of the diversity management programmes.

No.	HR Sub-programme	Impact in the Department and NPA																				
	Reduction of vacancy rate	In its endeavour to maintain the vacancy rate at 10%, the Department's performance was at 10.5% at the end of March 2016. Table 3.2.1 presents the breakdown of performance as it includes the Department, NPA and the judiciary.																				
	Improve the management of sound employee relations solutions	<p>For the year under review a target for training 300 officials on employee relations matters was set and 493 employees received the training. This included investigating and presiding officers. As such this has strengthened Labour Relation's performance with the following results:</p> <ul style="list-style-type: none"> • Of the 482 registered misconduct cases, 345 (71.58%) were resolved against a target of 65%. Of the 697 registered grievances, 547 (78.48%) were resolved against a target of 70%. 																				
	Achievement of employment equity targets	<p>The Department's overall performance in meeting equity targets remains a struggle. The table below demonstrates a separate breakdown on performance:</p> <table border="1"> <thead> <tr> <th></th> <th>Government target</th> <th>DOJ&CD</th> <th>NPA</th> <th>Overall performance combined</th> </tr> <tr> <td></td> <td></td> <td>2015/16</td> <td>2015/16</td> <td>2015/16</td> </tr> </thead> <tbody> <tr> <td>Female</td> <td>50%</td> <td>44.44%</td> <td>39.3%</td> <td>41.87%</td> </tr> <tr> <td>PWD</td> <td>2%</td> <td>2.03%</td> <td>0.46%</td> <td>1.25%</td> </tr> </tbody> </table> <p>In order to conscientise employees of the Department, the Directorate Employee Health and Wellness Programme coordinated training for 200 employees on the management of disability in the workplace.</p>		Government target	DOJ&CD	NPA	Overall performance combined			2015/16	2015/16	2015/16	Female	50%	44.44%	39.3%	41.87%	PWD	2%	2.03%	0.46%	1.25%
	Government target	DOJ&CD	NPA	Overall performance combined																		
		2015/16	2015/16	2015/16																		
Female	50%	44.44%	39.3%	41.87%																		
PWD	2%	2.03%	0.46%	1.25%																		

No.	HR Sub-programme	Impact in the Department and NPA																				
	Skills development programmes in support of youth development programme	<p>Human Resource Development</p> <p>The departmental strategic objective had a target of appointing 800 interns and learners to support government's youth development programme initiative. The target was exceeded as 832 learners and interns were appointed. The learnership and the internship programmes aimed at addressing the plight of the unemployed youth by not only giving them workplace experience but also ensuring that their learning experience will capacitate them well enough to enter the workplace market.</p> <p>Learnership: This programme is a collaborative programme provided in conjunction with SAS-SETA. The target was 250 learners to register in a paralegal learnership programme. Paralegal learnership is a credit-bearing qualification registered at NQF level 5. The table below indicates the number of learners recruited:</p> <table border="1" data-bbox="483 835 1273 1025"> <thead> <tr> <th>Beneficiaries</th> <th>Department</th> </tr> </thead> <tbody> <tr> <td>Internal officials</td> <td>150</td> </tr> <tr> <td>Unemployed youth learners</td> <td>95</td> </tr> <tr> <td>Total</td> <td>245</td> </tr> </tbody> </table> <p>Internship: The intention of the programme was to appoint 380 qualified youth who have a degree or national diploma. However, the Department came to understand the plight of those students who have completed their matric and remained challenged to enter the workplace market.</p> <table border="1" data-bbox="483 1211 1273 1402"> <thead> <tr> <th>Beneficiaries</th> <th>Department</th> </tr> </thead> <tbody> <tr> <td>Matriculants</td> <td>62</td> </tr> <tr> <td>Post matriculants</td> <td>355</td> </tr> <tr> <td>Total</td> <td>417</td> </tr> </tbody> </table> <p>Technical, vocational education and training (TVET): They provide workplace exposure and experience to interns who have obtained an N6 certificate so that they are eligible to be conferred with a national diploma which is equivalent to NQF level 6. 170 interns were appointed for the duration of 18 months.</p> <table border="1" data-bbox="483 1588 1282 1682"> <thead> <tr> <th>Beneficiaries</th> <th>Department</th> </tr> </thead> <tbody> <tr> <td>TVET</td> <td>170</td> </tr> </tbody> </table> <p>The appointment of unemployed youth in the internship and learnership programmes was intensified at service point level where <u>467</u> were placed at regional offices, in the court, master and state attorney environment, and <u>215</u> at national office.</p> <p>Aspirant Prosecutor Programme: The NPA continued with the Aspirant Prosecutor Programme; a total of 195 LLB graduates participated and these were absorbed as district court prosecutors after successful completion of the programme. In addition 15 interns were appointed in various programmes within Corporate Services.</p>	Beneficiaries	Department	Internal officials	150	Unemployed youth learners	95	Total	245	Beneficiaries	Department	Matriculants	62	Post matriculants	355	Total	417	Beneficiaries	Department	TVET	170
Beneficiaries	Department																					
Internal officials	150																					
Unemployed youth learners	95																					
Total	245																					
Beneficiaries	Department																					
Matriculants	62																					
Post matriculants	355																					
Total	417																					
Beneficiaries	Department																					
TVET	170																					

2.3 WORKFORCE PLANNING FRAMEWORK AND KEY STRATEGIES TO ATTRACT AND RECRUIT A SKILLED AND CAPABLE WORKFORCE

By the end of 31 March 2016 the Department had a total permanent workforce (excluding magistrates and contract workers) of 16 672. The analysis of the workforce showed the following results:

- 62.42% of the departmental workforce is concentrated at salary level 5. This group of officials provides support to the core of the organisation. The Department during its implementation of skills development programmes should concentrate on capacitating this group of officials.
- 7.3% of the workforce profile is at the retirement age which is between 55 and 65 years.
 - 52.4% of those in the retirement age are salary level 7–10.
 - 16.98% of those in the retirement age are professionally qualified and experienced specialists at middle management.
 - 23.3% are at SMS level.

The above analysis has been incorporated in the Department's HR plan, which aims at addressing organisational HR needs. Furthermore, the Department is currently developing a HR development strategy with the aim of providing direction to ensure that there is a transfer of skills programme that would ensure that when these groups of officials leave, institutional knowledge is transferred.

2.4 EMPLOYEE PERFORMANCE MANAGEMENT FRAMEWORK

In this performance cycle, 1 136 officials were trained on the new performance management policy framework. Since the implementation of the new performance management policy, there is an observation that the grievances related to performance assessment have reduced.

The submission of performance agreements for SMS members for both the Department and NPA for the performance year was at 93%. This improvement can be attributed to the capturing of performance agreements on the JAMS system, which is the Department's automated performance management system. The submission of performance agreements of levels 1–12 was at 99.6%; this is attributed to policy changes that were included, especially the OSD imperatives. Previously it was reported that one of the OSD challenges was the fact that it has eroded the management function in the legal profession hierarchy and therefore, to compensate for the gap, generic assessment factors for the OSD LP9–LP10 in the performance agreement were standardised to ensure that this group of officials are able to provide supervisory functions.

2.5 EMPLOYEE WELLNESS PROGRAMME

Modern employers have realised that employees are the most valuable assets of any organisation. In order for the employees to perform to their maximum ability there should be an optimisation of their health and wellness; hence, there is a need to design EHW programmes aimed at creating a healthy and balanced workforce. The services that were rendered to elevate the standard of a healthy lifestyle were related to stress management, financial wellness, supervisors training,

alcohol and substance abuse, HIV prevention, face-to-face counselling, trauma debriefing and marketing sessions. The table below demonstrates attendance of EHW sessions for both the Department and NPA:

Department	2 655
NPA	1 853
Total	4 508

The DPSA has in the past introduced the Policy and Procedure on Incapacity Leave and Ill-Health Retirement (PILIR) to direct departments on how to manage sick leave once officials have exhausted their normal sick leave days. In the past the Department was inundated with applications which were not correctly completed and in some cases there were no supporting documents. In order to ensure compliance with the prescripts the Department has established regional coordinators and 68 employees were trained on PILIR. As a result, there is an improvement in the number of correctly completed applications submitted to the health risk manager, a service provider appointed by the Department in conjunction with DPSA.

One of the key strategic areas of performance that enabled the employees of the Department to keep up with a healthy and balanced lifestyle is the sport and recreation programme. The Department in this performance cycle also participated in various recreational activities, namely soccer, netball, volleyball, athletics and angling. Music has become another form of enabling employees to participate socially as a way of uplifting the quality of work life. To this end justice choirs have been established at national and regional offices and during departmental events there are renditions of musical items as well as during times of bereavement.

2.6 OTHER HIGHLIGHTS OF ACHIEVEMENTS

2.6.1 The reliability of data information has posed a challenge in the past where HR reporting of labour relation matters was questioned. In collaboration with the Information and System Management unit in the Department, the Department was able to develop a system called ITIRELE/JAMS SYSTEM for capturing employee relations cases and the implementation is ready for roll-out in the new performance cycle.

2.6.2 HR, in its endeavours to ensure that the leadership of the Department is alert to HR developments and performance, has been submitting the following reports:

- **Leave management:** The Auditor-General identified the management of leave as one of the risk areas during the 2012/13 financial year, when annual leave was captured late outside the prescribed period of 10 days. Systems and processes were put in place to monitor effective implementation and compliance, which resulted in continuous improvement of 7% from 2013/14 to 2015/16 financial years.

Target in percentage	2013/14	2014/15	2015/16
Department	82.8%	84.6%	89.8%

- **Management of employee terminations quarterly report:** Employee termination patterns are analysed through annual implementation progress reports as well as quarterly through exit reports where all types of employee terminations are analysed. The turnover and retirement rates provide the Department

with relevant information to manage workplace stability, employee mobility and knowledge management. Based on these the Department is able to effectively put in place a workplace skills plan and retention management strategies to ensure availability of required skills and competencies.

- 2.6.3 **Labour relations quarterly reports:** The aim of these reports is to cover labour-related matters in the areas of, grievances, misconduct including fraud and corruption reporting and suspension. Reports on financial misconduct are also submitted to National Treasury, DPSA as well as the PSC. As part of DPSA's performance monitoring of labour relations matters, the Department is recognised as one of the departments that complies in submitting its quarterly performance reports.
- 2.6.4 The Department reviewed its five-year employment equity plan and developed a new plan for the period from 01 July 2015 to 30 June 2020. The implementation progress report was submitted timeously to Department of Labour on 24 December 2015; the deadline was 15 January 2016.
- 2.6.5 The follow calendar events were celebrated: Heritage Day, World AIDS Day, Public Service Week and International Day of People with Disability. Officials of the Department participated and celebrated Casual Day by making financial contributions to disability organisations. In addition, employees in various offices participated in the Mandela Day celebrations by making personal contributions in their communities.

2.7 CHALLENGES FACED BY THE DEPARTMENT

HR still finds itself challenged in the following performance areas:

- Top-heavy organisational structure that ties operational resources at head office, meaning there are less at service delivery points.
- Continuous restructuring.
- Creating a transitional organisational structure for the provision of state litigation as the function evolves into future state legal service.
- Poor implementation of the employment equity plan which results in non-achievement of employment equity targets on employment of women at SMS levels.
- Poor compliance with prescripts which leads to possible audit queries and grievances.
- Organised labour not complying with the prescribed structure to discuss issues of mutual agreement.
- Financial constraints that hamper not only the operations within HR but also their ability to provide capacity within the NPA where vacancies cannot be filled and flagship projects such as the Aspirant Prosecutor Programme have to be either scaled down or halted completely. The upskilling programme for prosecutors had to be significantly reduced.

2.8 FUTURE HR PLANS AND GOALS

The Department will be finalising the following projects in the 2016/17 reporting period:

- Roll out the automated leave management system which is currently in the finalisation phase.
- Roll out the implementation of the automated labour relation system.
- Conduct feasibility study and develop business case for the establishment and creation of an independent component for the state legal service as informed by the public service laws.
- Make proposals that structural reviews will be tied to the MTSF on a five-year plan to accommodate strategic direction changes or outcomes of the functional analysis.
- Develop the HR development strategy to cater to the developmental needs of the organisation.
- Complete the work study project in the NPA and the related organisational redesign process.
- Consolidate the HR plan between the Department and the NPA and implement the plan.
- Finalise merging of NPA and DOJCD HR policies, which is currently in draft form.

3.1 PERSONNEL-RELATED EXPENDITURE

The following tables summarise the final audited personnel-related expenditure by programme and by salary bands. In particular, it provides an indication of the following:

- Amount spent on personnel.
- Amount spent on salaries, overtime, homeowner's allowance and medical aid.

Table 3.1.1 Personnel expenditure by programme for the period 1 April 2015 to 31 March 2016

Programme	Total expenditure (R'000)	Personnel expenditure (R'000)	Training expenditure (R'000)	Professional and special services (R'000)	Personnel expenditure as percent of total expenditure	Average personnel cost per employee (R'000)
National Prosecuting Authority	3 374 346	2 834 451	0	0	84%	113
Administration	1 819 166	494 396	0	0	27%	20
Auxiliary and Associated Services	3 108 841	0	0	0	0%	0

Court Services	5 667 254	3 383 522	0	0	60%	135
Direct Charges	1 721 789	1 700 207	0	0	99%	68
State Legal Services	1 002 173	831 171	0	0	83%	33
Total as on financial systems (BAS)	16 693 569	9 181 463	0	0	55%	256

Table 3.1.2 Personnel costs by salary bands for the period 1 April 2015 to 31 March 2016

Salary bands	Compensation of employees cost including transfers (R'000)	Percentage of total personnel cost for Department	Average compensation cost per employee (R)	Number of employees
Lower skilled (Levels 1-2)	11 018	0.12%	27 823	396
Skilled (Levels 3-5)	2 746 176	29.91%	264 819	10 370
Highly skilled production (Levels 6-8)	1 648 991	17.96%	415 468	3 969
Highly skilled supervision (Levels 9-12)	2 901 342	31.60%	950 636	3 052
Senior management (Levels 13-16)	1 124 729	12.25%	1 573 048	715
Contract (Levels 1-2)	83 551	0.91%	301 629	277
Contract (Levels 3-5)	129 459	1.41%	966 109	134
Contract (Levels 6-8)	84 469	0.92%	1 689 389	50
Contract (Levels 9-12)	394 803	4.30%	1 273 558	310
Contract (Levels 13-16)	41 317	0.45%	1 589 099	26
Periodical remuneration	13 772	0.15%	33 106	416
Abnormal appointment	1 836	0.02%	918 146	2
TOTAL	9 181 463	100.00%	465 662	19 717

Table 3.1.3 Salaries, overtime, home owners allowance and medical aid by programme for the period 1 April 2015 to 31 March 2016

Programme	Salaries		Overtime		Home owners allowance		Medical aid	
	Amount (R'000)	Salaries as a % of personnel costs	Amount (R'000)	Overtime as a % of personnel costs	Amount (R'000)	HOA as a % of personnel costs	Amount (R'000)	Medical aid as a % of personnel cost
Administration	388 461	78.57%	676	0.14%	14 125	2.86%	14 850	3.00%
Court Services	2 485 139	73.45%	3 468	0.10%	149 334	4.41%	183 550	5.42%
Direct Charges	1 450 347	85.30%	0	0.00%	10 468	0.62%	18 876	1.11%
State Legal Services	619 608	74.55%	418	0.05%	21 113	2.54%	27 776	3.34%
TOTAL	4 943 555	53.48%	4 562	0.05%	195 040	2.11%	245 052	2.65%

Table 3.1.4 Salaries, overtime, home owners allowance and medical aid by salary bands for the period 1 April 2015 to 31 March 2016

	Amount (R'000)	Salaries as a % of personnel cost	Amount (R'000)	Overtime as a % of personnel cost	Amount (R'000)	HOA as a % of personnel cost	Amount (R'000)	Medical aid as a % of personnel cost
Lower skilled (Levels 1-2)	4 066	36.90%	0	0.00%	16	0.15%	28	0.25%
Skilled (Levels 3-5)	1 377 078	50.15%	2 222	0.08%	117 132	4.27%	140 517	5.12%
Highly skilled production (Levels 6-8)	855 711	51.89%	1 769	0.11%	43 403	2.63%	55 523	3.37%
Highly skilled supervision (Levels 9-12)	1 586 727	54.69%	464	0.02%	26 732	0.92%	38 945	1.34%
Senior management (Levels 13-16)	659 814	58.66%	0	0.00%	7 109	0.63%	9 844	0.88%

Contract (Levels 1-2)	6 780	8.11%	5	0.01%	0	0.00%	0	0.00%
Contract (Levels 3-5)	91 324	70.54%	42	0.03%	0	0.00%	-4	0.00%
Contract (Levels 6-8)	59 708	70.69%	51	0.06%	6	0.01%	0	0.00%
Contract (Levels 9-12)	276 809	70.11%	9	0.00%	342	0.09%	33	0.01%
Contract (Levels 13-16)	25 538	61.81%	0	0.00%	300	0.73%	166	0.40%
Periodical remuneration	0	0.00%	0	0.00%	0	0.00%	0	0.00%
Abnormal appointment	0	0.00%	0	0.00%	0	0.00%	0	0.00%
TOTAL	4 943 555	53.84%	4 562	0.05%	195 040	2.12%	245 052	2.67%

3.2 EMPLOYMENT AND VACANCIES

The tables in this section summarise the position with regard to employment and vacancies.

The following tables summarise the number of posts on the establishment, the number of employees, the vacancy rate and whether there are any staff that are additional to the establishment.

This information is presented in terms of three key variables:

- Programme
- Salary band
- Critical occupations

Table 3.2.1 Employment and vacancies by programme, 31 March 2016

Programme	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of employees additional to the establishment
Administration of law, Permanent	165	153	7.3%	1
National Prosecuting Authority, Permanent	5 720	4 845	15.3%	285
Administration	1 619	1 464	9.6%	13
Court Services	14 522	13 426	7.5%	36
State Legal Services	2 386	2 136	10.5%	1
Magistrates	2 305	1 893	17.9%	20
TOTAL	26 717	23 917	10.5%	356

Table 3.2.2 Employment and vacancies by salary band, 31 March 2016

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)	323	321	0.6%	16
Skilled (Levels 3-5)	11 642	10 872	5.2%	70
Highly skilled production (Levels 6-8)	6 123	5 490	9.8%	215
Highly skilled supervision (Levels 9-12)	5 863	4 950	15.2%	34
Senior management (Levels 13-16)	461	391	15.4%	1
Magistrates	2 305	1 893	17.9%	20
TOTAL	26 717	23 917	10.5%	356

Table 3.2.3 Employment and vacancies by critical occupation, 31 March 2016

Occupation	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Administrative-related	1 305	1 079	17.3%	48
Advocates	779	616	20.9%	2
Attorneys	368	307	16.6%	0
Building and other property caretakers	4	4	0.0%	0
Bus and heavy vehicle drivers	13	11	15.4%	0
Cleaners in offices, workshops, hospitals, etc.	133	106	20.3%	1
Client information clerks (switchboard, receptionist, information clerks)	139	133	4.3%	0
Communication and information-related	44	42	4.5%	1
Computer programmers	3	3	0.0%	0
Crime investigators	55	44	20.0%	2
Finance and economics-related	309	276	10.7%	0
Financial and related professionals	381	322	15.5%	3
Financial clerks and credit controllers	508	437	14.0%	1
Food services aids and waiters	18	17	5.6%	0
General legal administration and related professionals	887	790	10.9%	1
Head of Department/Chief Executive Officer	3	3	0.0%	0
Health sciences-related, permanent	1	1	0.0%	0
Human resources and organisational development and related professionals	75	65	13.3%	0
Human resources clerks	296	265	10.5%	0
Human resources-related	227	182	19.8%	1
Information technology-related	50	46	8.0%	5
Language practitioners, interpreters and other communication	545	431	20.9%	1
Legal-related	270	214	20.7%	0
Librarians and related professionals	26	21	19.2%	0
Library, mail and related clerks	333	305	8.4%	0

Occupation	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Light vehicle drivers	7	7	0.0%	0
Logistical support personnel	51	44	13.7%	0
Magistrates	2 305	1 893	17.9%	20
Material-recording and transport clerks	110	105	4.5%	0
Messengers, porters and deliverers	646	618	4.3%	0
Other administrative and related clerks and organisers	9 095	8 614	5.3%	57
Other administrative policy and related officers	1025	918	10.4%	0
Other information technology personnel	32	25	21.9%	5
Prosecutor	3 183	2 821	11.4%	204
Protection services, permanent	104	98	5.8%	0
Risk management and security services	35	29	17.1%	0
Secretaries and other keyboard operating clerks	798	719	9.9%	0
Security guards	28	24	14.3%	2
Security officers	306	284	7.2%	0
Senior managers	429	347	19.1%	2
Social sciences-related	1	1	0.0%	0
Social work and related professionals	154	131	14.9%	0
Translators and air traffic communicators	1 636	1 519	7.2%	0
TOTAL	26 717	23 917	10.5%	356

3.3 FILLING OF SMS POSTS

The tables in this section provide information on employment and vacancies as it relates to members of the SMS by salary level. It also provides information on advertising and filling of SMS posts, reasons for not complying with prescribed timeframes and disciplinary steps taken.

Table 3.3.1 SMS posts information as at 31 March 2016

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	% of SMS posts filled	Total number of SMS posts vacant	% of SMS posts vacant
Director-General/Head of Department	1	1	100.0%	0	0.0%
Salary level 16, but not HOD	1	1	100.0%	0	0.0%
Salary level 15	8	5	62.5%	3	37.5%
Salary level 14	50	43	86.0%	7	14.0%
Salary level 13	141	120	85.1%	21	14.9%
Total	201	170	84.6%	31	15.4%

Table 3.3.2 SMS posts information as at 30 September 2015

SMS level	Total number of funded SMS posts per level	Total number of SMS posts filled per level	% of SMS posts filled per level	Total number of SMS posts vacant per level	% of SMS posts vacant per level
Director-General/Head of Department	1	1	100.0%	0	0.0%
Salary level 16, but not HOD	7	6	85.7%	1	14.3%
Salary level 15	26	20	76.9%	3	11.5%
Salary level 14	185	160	86.5%	31	16.8%
Salary level 13	240	226	94.2%	24	10.0%
Total	459	413	90.0%	59	12.9%

Table 3.3.3 Advertising and filling of SMS posts for the period 1 April 2015 to 31 March 2016

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	% of SMS posts filled	Total number of SMS posts vacant	% of SMS posts vacant
Director-General/Head of Department	1	1	100.0%	0	0.0%
Salary level 16, but not HOD	1	1	100.0%	0	0.0%

Salary level 15	8	5	62.5%	3	37.5%
Salary level 14	50	43	86.0%	7	14.0%
Salary level 13	141	120	85.1%	21	14.9%
Total	201	170	84.6%	31	15.4%

Table 3.3.4 Reasons for not having complied with the filling of funded vacant SMS – advertised within 6 months and filled within 12 months after becoming vacant for the period 1 April 2015 to 31 March 2016

Reasons for vacancies not advertised within six months:	
1.	Posts not job evaluated.
2.	The enactment of the Superior Courts Act necessitated restructuring within the organisation to align with the court structures. Most of the affected employees are deputy DPPs currently placed in the North Gauteng division who are at SMS level who will have to be placed elsewhere in the organisation should their positions become redundant in their current offices. Filling of vacancies has to be delayed pending the finalisation of the process. The integration with the DOJ&CD had a further impact on the non-advertising and filling of SMS positions within the NPA.
Reasons for vacancies not filled within 6 months:	
1.	Posts not job evaluated.
2.	Difficulty in attracting suitable candidates.
3.	Difficulty in consolidating panel, e.g. Deputy Director-General's post
4.	The enactment of the Superior Courts Act necessitated restructuring within the organisation to align with the new court structures. Most of the affected employees are deputy DPPs currently placed in the North Gauteng division who are at SMS level who will have to be placed elsewhere in the organisation should their positions become redundant in their current offices. Filling of vacancies has to be delayed pending the finalisation of the process. The integration with the DOJ&CD had a further impact on the non-advertising and filling of SMS positions within the NPA.

Table 3.3.5 Disciplinary steps taken for not complying with the prescribed timeframes for filling SMS posts within 12 months for the period 1 April 2015 to 31 March 2016

None

3.4 JOB EVALUATION

Within a nationally determined framework, executing authorities may evaluate or re-evaluate any job in their organisation. In terms of the regulations all vacancies on salary levels 9 and higher must be evaluated before they are filled. The following table summarises the total number of jobs that were evaluated during the year under review. The table also provides statistics on the number of posts that were upgraded or downgraded.

Table 3.4.1 Job evaluation by salary band

Salary band	Number of posts	NUMBER OF JOBS EVALUATED	% of posts evaluated by salary band	Posts upgraded		Posts downgraded	
				Number	% of posts evaluated	Number	% of posts evaluated
Lower skilled (Levels 1-2)	323	0	0.0	0	0.0	0	0.0
Skilled (Levels 3-5)	11 642	0	0.0	246	84.5	0	0.0
Highly skilled production (Levels 6-8)	6 123	1	0.0	45	15.5	0	0.0
Highly skilled supervision (Levels 9-12)	5 284	15	0.3	0	0.0	1	6.7
SMS Band A	564	8	1.4	0	0.0	0	0.0
SMS Band B	445	2	0.5	0	0.0	0	0.0
SMS Band C	9	0	0.0	0	0.0	0	0.0
SMS Band D	22	0	0.0	0	0.0	0	0.0
TOTAL	24 412	26	0.1	291	100.0	1	3.9

The following table provides a summary of the number of employees whose salary positions were upgraded due to their posts being upgraded. The number of employees might differ from the number of posts upgraded since not all employees are automatically absorbed into the new posts and some of the posts upgraded could also be vacant.

Table 3.4.2 Profile of employees whose salary positions were upgraded due to their posts being upgraded for the period 1 April 2015 to 31 March 2016

Beneficiaries	African	Asian	Coloured	White	Total
Female	194	22	16	24	225
Male	31	0	0	0	31
Total	225	22	16	24	287
Employees with a disability					3

The following table summarises the number of cases where remuneration levels exceeded the grade determined by job evaluation. Reasons for the deviation are provided in each case.

Table 3.4.3 Employees with salary levels higher than those determined by job evaluation by occupation for the period 1 April 2015 to 31 March 2016

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Accounting Clerk	1	5	6	Resolution 3 of 2009 - Grade Progression
Accounting Clerk	2	5	7	Resolution 3 of 2009 - Grade Progression
Accounting Clerk	1	5	6	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Chief Accounting Clerk	13	7	8	Resolution 3 of 2009 - Grade Progression
Administration Clerk	7	5	7	Resolution 3 of 2009 - Grade Progression
Administration Clerk	6	5	6	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Administration Clerk	42	5	6	Resolution 3 of 2009 - Grade Progression
Administration Clerk	2	5	7	Resolution 3 of 2009 - Grade Progression
Administration Clerk	91	5	6	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Chief Administration Clerk	35	7	8	Resolution 3 of 2009 - Grade Progression

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Chief Administration Clerk	2	8	7	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Administrative Officer/Senior	13	7	8	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Assistant Director	11	9	10	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Assistant Director	2	9	10	Resolution 3 of 2009 - Grade Progression
Deputy Director	9	11	12	Resolution 3 of 2009 - Grade Progression
Deputy Director	3	11	12	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Deputy Director	1	9	11	Employee retained in lower level post in terms of PSR V.C.3.
Court Interpreter	2	5	6	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Deputy Chief State Law Advisor	1	15	16	Employee seconded to Office of the President on higher salary level.

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
E-Scheduler Clerk	1	5	7	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Executive Administrative Assistant	1	7	9	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Human Resource Officer/ Senior	40	5	6	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Human Resource Officer/ Senior	1	5	7	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Human Resource Officer/ Senior	6	7	8	Resolution 3 of 2009 - Grade Progression
Human Resource Officer/ Senior	9	7	8	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Chief Personnel Officer	1	7	8	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Human Resource Practitioner	3	7	8	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Legal Secretaries	3	5	6	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Legal Secretaries	2	5	7	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Maintenance Co-ordinator	1	5	7	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Media Liaison Officer	1	12	14	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
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	Resolution 3 of 2009 - Grade Progression
Personal Assistant	1	5	8	Resolution 3 of 2009 - Grade Progression
Personal Assistant	1	5	8	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Personal Assistant	3	7	8	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Personal Assistant	1	11	12	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Provisioning Administration Clerk	1	5	6	Resolution 3 of 2009 - Grade Progression
Provisioning Administration Officer/ Senior	3	7	8	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Provisioning Administration Officer/ Senior	1	7	8	Resolution 3 of 2009 - Grade Progression
Registry Clerk	5	5	6	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Senior Registry Clerk	4	6	7	Resolution 3 of 2009 - Grade Progression
Chief Registry Clerk	4	7	8	Resolution 3 of 2009 - Grade Progression
Registry Clerk Supervisor	1	7	8	Resolution 3 of 2009 - Grade Progression
Secretary	2	5	6	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Secretary	7	5	7	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Secretary	2	5	8	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Secretary	2	7	8	Resolution 3 of 2009 - Grade Progression
Security Officer	1	3	6	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Chief Security Officer	1	7	8	Resolution 3 of 2009 - Grade Progression
Senior Auditor	12	9	10	Resolution 3 of 2009 - Grade Progression
Senior Auditor	1	9	12	Resolution 3 of 2009 - Grade Progression
Senior Specialist: Performance Information Management	2	11	12	Internal transfer to lower post
State Accountant/ Senior	7	7	8	Resolution 3 of 2009 - Grade Progression
State Accountant/ Senior	1	7	8	When the job evaluation process was finalised, employees were already on a higher level than the level determined by job evaluation (due to provisions of previous salary dispensation).
Telecom Operator	3	7	8	Resolution 3 of 2009 - Grade Progression
Senior Telecom Operator	1	5	6	Resolution 3 of 2009 - Grade Progression
Chief Work Study Officer	1	9	10	Resolution 3 of 2009 - Grade Progression
Total number of employees whose salaries exceeded the level determined by job evaluation in 2015/16				403
Percentage of total employment				1.68

The following table summarises the beneficiaries of the above in terms of race, gender and disability.

Table 3.4.4 Profile of employees who have salary levels higher than those determined by job evaluation for the period 1 April 2015 to 31 March 2016

Beneficiaries	African	Asian	Coloured	White	Total
Female	172	11	26	107	316
Male	65	3	8	11	87
Total	237	14	34	118	403
Employees with a disability		8			

3.5 EMPLOYMENT CHANGES

This section provides information on changes in employment over the financial year. Turnover rates provide an indication of trends in the employment profile of the Department. The following tables provide a summary of turnover rates by salary band and critical occupations. It should be noted that these tables do not take into account upgrade or downgrade of posts or movement of employees between levels (promotion) or translation to another rank without a change in salary level.

A total of 608 employees were promoted to a higher salary level, and 403 employees are carried out of adjustment against another post (refer to Table 3.4.3 above). The personnel movement regarding appointments and terminations do not reflect the changes mentioned above.

Table 3.5.1 Annual turnover rates by salary band for the period 1 April 2015 to 31 March 2016

Salary band	Number of employees at beginning of period - April 2015	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Lower skilled (Levels 1-2), Permanent	11	0	1	9.1
Skilled (Levels 3-5), Permanent	10 372	1 025	466	4.5
Highly skilled production (Levels 6-8), Permanent	4 964	598	373	7.5
Highly skilled supervision (Levels 9-12), Permanent	4 829	146	301	6.2
Senior Management Service Band A	187	7	10	5.3
Senior Management Service Band B	150	1	4	2.7
Senior Management Service Band C	6	0	0	0.0
Senior Management Service Band D	19	0	1	5.3
Magistrates	1 568	110	84	5.4
Subtotal: Permanent employees	22 106	1 887	1 240	5.6
Contracts (including interns)	1 510	2 326	2 284	59.5
Subtotal: Contract employees	1 510	2 326	2 284	59.5
TOTAL	23 616	4 213	3 524	14.9

Table 3.5.2 Annual turnover rates by critical occupation for the period 1 April 2015 to 31 March 2016

Occupations	Number of employees per at beginning of period – April 2015	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Administrative-related	1 034	58	64	6.2
Advocates	626	17	36	5.8
Attorneys	246	76	27	11.0
Building and other property caretakers	4	0	0	0.0
Bus and heavy vehicle drivers	10	3	2	20.0
Cleaners in offices, workshops, hospitals, etc.	117	0	11	9.4
Client information clerks (switch-board, receptionist, information clerks)	119	29	3	2.5
Communication and information-related	34	6	0	0.0
Computer programmers	0	0	0	0.0
Crime investigators	48	2	1	2.1
Finance and economics-related	259	10	18	6.9
Financial and related professionals	303	36	23	7.6
Financial clerks and credit controllers	419	47	19	4.5
Food services aids and waiters	18	1	1	5.6
General legal administration and related professionals	747	107	48	6.4
Head of Department/Chief Executive Officer, Permanent	2	0	0	0.0
Human resources and organisational development and related professionals	68	4	11	16.2
Human resources clerks	254	28	25	9.8
Human resources-related	177	21	12	6.8
Information technology-related	16	1	0	0.0
Language practitioners, interpreters and other communication	319	115	29	9.1
Legal-related	187	9	9	4.8
Librarians and related professionals	15	7	1	6.7

Occupations	Number of employees per at beginning of period - April 2015	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Library, mail and related clerks	315	22	23	7.3
Light vehicle drivers	7	0	0	0.0
Logistical support personnel	41	0	3	7.3
Magistrates	1568	110	84	5.4
Material-recording and transport clerks	74	16	5	6.8
Messengers, porters and deliverers	306	60	20	6.5
Other administrative and related clerks and organisers	8 198	599	381	4.6
Other administrative policy and related officers	849	70	80	9.4
Other information technology personnel	24	2	3	12.5
Prosecutor	2 957	396	212	7.2
Protection services, permanent	101	2	4	4.0
Risk management and security services	27	3	1	3.7
Secretaries and other keyboard operating clerks	849	114	64	7.5
Security guards	28	0	4	14.3
Security officers	260	41	13	5.0
Senior managers	315	9	15	4.8
Social sciences-related	1	0	0	0.0
Social work and related professionals	124	22	13	10.5
Statisticians and related professionals	2	0	2	100.0
Translators and air traffic communicators	1 490	123	73	4.9
Contracts	1 058	2 047	2 184	70.3
TOTAL	23 616	4 213	3 524	14.9

The following table identifies the major reasons why staff left the Department.

Table 3.5.3 Reasons why staff left the Department for the period 1 April 2015 to 31 March 2016

Termination type	Number	% of total resignations
Death	103	2.9
Resignation	613	17.4
Expiry of contracts	2 283	64.8
Retirement due to ill health	25	0.7
Dismissal for misconduct	68	1.9
Retirement	176	5.0
Transfer to other public service departments	256	7.3
TOTAL	3 524	100.0

Total number of employees who left as a % of total employment	16.79
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Table 3.5.4 Promotions by critical occupation for the period 1 April 2015 to 31 March 2016

Occupation	Employees as at 1 April 2015	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level
Administrative-related	1 045	66	6.3	546
Advocates	626	34	5.4	492
Attorneys	251	27	10.8	129
Authors, journalists and other writers	1	0	0.0	0
Building and other property caretakers	4	0	0.0	4
Bus and heavy vehicle drivers	10	0	0.0	3
Cleaners in offices, workshops, hospitals, etc.	237	0	0.0	101
Client information clerks (switch-board, reception, information clerks)	119	1	0.8	74
Communication and information-related	35	0	0.0	10

Occupation	Employees as at 1 April 2015	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level
Computer programmers	3	0	0.0	2
Crime investigators	48	0	0.0	36
Finance and economics-related	270	18	6.7	148
Financial and related professionals	311	23	7.4	139
Financial clerks and credit controllers	442	5	1.1	307
Food services aids and waiters	20	0	0.0	16
General legal administration and related professionals	768	4	0.5	449
Head of Department	2	0	0.0	1
Human resources and organisational development and related professionals	68	3	4.4	38
Human resources clerks	261	9	3.4	154
Human resources-related	179	14	7.8	109
Information technology-related	44	0	0.0	14
Language practitioners, interpreters and other communication	319	31	9.7	152
Legal-related	189	27	14.3	78
Librarians and related professionals	15	0	0.0	7
Library, mail and related clerks	320	11	3.4	210
Light vehicle drivers	7	0	0.0	4
Logistical support personnel	42	4	9.5	20
Magistrates	1 839	52	2.8	0
Material-recording and transport clerks	99	1	1.0	64
Messengers, porters and deliverers	575	0	0.0	197
Other administrative and related clerks and organisers	7 959	54	0.7	5 939
Other administrative policy and related officers	1233	66	5.4	559
Other information technology personnel	26	0	0.0	14
Prosecutor	2 957	129		1 931
Protection services	101	0	0.0	83

Occupation	Employees as at 1 April 2015	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level
Risk management and security services	27	1	3.7	20
Secretaries and other keyboard operating clerks	872	15	1.7	387
Security guards	28	0	0.0	23
Security officers	261	0	0.0	91
Senior managers	341	5	1.5	96
Social sciences-related	1	0	0.0	1
Social work and related professionals	120	2	1.7	25
Statisticians and related professionals	6	0	0.0	0
Translators and air traffic communicators	1 535	6	0.4	1 047
TOTAL	23 616	608	2.6	13 720

Table 3.5.5 Promotions by salary band for the period 1 April 2015 to 31 March 2016

Salary band	Employees 1 April 2015	Promotions to another salary level	Salary bands promotions as a % of employees by salary level	Progressions to another notch within a salary level
Lower skilled (Levels 1-2) (including interns)	434	0	0.0	7
Skilled (Levels 3-5)	10 927	53	0.5	7 741
Highly skilled production (Levels 6-8)	5 112	211	4.1	2 304
Highly skilled supervision (Levels 9-12)	4 914	284	5.8	3 551
Senior Management Service (Level 13-16)	390	8	2.1	117
Magistrates	1 839	52	2.8	0
TOTAL	23 616	608	2.6	13 720

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 2016

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	491	103	74	390	384	85	108	258	1 893
Legislators, senior officials and managers	106	21	23	60	78	11	22	29	350
Professionals	2 367	206	98	428	1 966	333	254	641	6 293
Clerks	3 364	338	110	100	6 261	920	240	764	12 097
Service and sales workers	214	47	11	82	92	13	5	15	479
Plant and machine operators and assemblers	14	2	1	1	0	0	0	0	18
Labourers and related workers	369	35	2	6	313	15	1	6	747
Technical and associated professions, permanent	623	69	22	60	954	118	39	155	2 040
TOTAL	7 548	821	341	1 127	10 048	1 495	669	1 868	23 917
Employees with disabilities	140	21	5	25	124	13	9	34	371

Table 3.6.2 Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2016

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	491	103	74	390	384	85	108	258	1 893
Top management	7	4	1	3	8	0	1	2	26

Table 3.6.2 Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2016

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Senior management	108	22	22	64	78	11	24	34	364
Professionally qualified and experienced specialists and mid-management	1 293	155	79	424	817	161	165	516	3 610
Skilled technical and academically qualified workers, junior management, supervisors, foremen	2 266	177	67	148	2 891	403	171	704	6 826
Semi-skilled and discretionary decision-making	3 265	358	98	98	5 681	824	200	353	10 877
Unskilled and defined decision-making	10	0	0	0	15	1	0	0	26
Interns	108	2	0	0	174	10	0	1	295
TOTAL	7 548	821	341	1 127	10 048	1 495	669	1 868	23 917

Table 3.6.3 Recruitment for the period 1 April 2015 to 31 March 2016

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	33	9	7	4	36	7	6	8	110
Top management	0	1	0	0	1	0	0	0	2
Senior management	9	1	1	0	6	1	2	1	21
Professionally qualified and experienced specialists and mid-management	310	50	28	102	191	31	33	76	821

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	353	35	6	13	539	93	31	55	1 125
Semi-skilled and discretionary decision-making	650	72	9	12	949	70	21	24	1 807
Interns	108	2	0	0	188	10	0	1	309
Total	1 474	170	51	131	1 917	212	93	165	4 213
Employees with disabilities	12	6	0	0	15	0	0	1	34

Table 3.6.4 Promotions for the period 1 April 2015 to 31 March 2016

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	7	2	2	1	31	3	3	3	52
Top management	3	0	0	0	1	0	0	1	5
Senior management	1	0	0	0	2	0	0	0	3
Professionally qualified and experienced specialists and mid-management	127	9	6	2	109	16	13	17	299
Skilled technical and academically qualified workers, junior management, supervisors, foremen	74	5	3	0	97	5	4	4	192
Semi-skilled and discretionary decision-making	25	0	1	0	24	2	0	5	57
Unskilled and defined decision-making	0	0	0	0	0	0	0	0	0
TOTAL	237	16	12	3	264	26	20	30	608
Employees with disabilities	2	0	0	0	7	1	1	1	12

Table 3.6.5 Terminations for the period 1 April 2015 to 31 March 2016

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	3	0	0	3	1	0	0	0	7
*Senior management (includes magistrates)	411	46	31	132	344	42	32	86	1 124
Professionally qualified and experienced specialists and mid-management	146	12	6	21	110	13	3	21	332
Skilled technical and academically qualified workers, junior management, supervisors, foremen	270	29	8	9	323	50	16	77	782
Semi-skilled and discretionary decision-making	463	55	13	12	599	60	18	26	1 246
Unskilled and defined decision-making	7	1	0	0	24	1	0	0	33
TOTAL	1 300	143	58	177	1 401	166	69	210	3 524
Employees with disabilities	11	4	0	0	7	2	0	2	26

Table 3.6.6 Disciplinary action for the period 1 April 2015 to 31 March 2016

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	241	20	2	9	160	22	12	16	482

Table 3.6.7 Skills development for the period 1 April 2015 to 31 March 2016

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	34	4	6	20	21	4	3	18	110
Professionals	1 427	192	77	219	1 058	249	134	397	3 753

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Technicians and associate professionals	663	68	13	18	902	170	23	88	1 945
Clerks	876	100	13	16	1 546	243	50	101	2 945
Service and sales workers	38	12	3	15	22	3	3	7	103
Plant and machine operators and assemblers	15	3	0	0	0	0	0	0	18
Elementary occupations	30	1	0	0	40	2	2	0	75
Total	3 083	380	112	288	3 589	671	215	611	8 949
Employees with disabilities	7	2	0	0	0	0	0	0	9

3.7 SIGNING OF PERFORMANCE AGREEMENTS BY SMS MEMBERS

All members of the SMS must conclude and sign performance agreements within specific timeframes. Information regarding the signing of performance agreements by SMS members, the reasons for not complying within the prescribed timeframes and disciplinary steps taken are presented here.

Table 3.7.1 Signing of performance agreements by SMS members as at 31 August 2015

SMS level	Total number of funded SMS posts per level	Total number of SMS members per level	Total number of signed performance agreements per level	Signed performance agreements as % of total number of SMS members per level
Salary level 16	2	2	1	50
Salary level 16 (not HOD)	5	5	0	0
Salary level 15	24	20	18	90
Salary level 14	195	162	158	98
Salary level 13	141	120	109	91
Total	367	309	286	93

Table 3.7.2 Reasons for not having concluded performance agreements for all SMS members as at 31 August 2015

The reasons for not concluding performance agreements by SMS members is due to suspension, termination of service, appointment or promotion during the performance cycle and non-compliance.

The national DPP and his deputies are not legally obliged to sign a performance agreement but the APP serves as his performance agreement.

Table 3.7.3 Disciplinary steps taken against SMS members for not having concluded performance agreements as at 31 August 2015

Non-compliance letters have been issued to SMS members who did not conclude their performance agreements.

3.8 PERFORMANCE REWARDS

To encourage good performance, the Department has granted the following performance rewards during the year under review. The information is presented in terms of race, gender, and disability, salary bands and critical occupations.

Table 3.8.1 Performance rewards by race, gender, and disability for the period 1 April 2015 to 31 March 2016

	Beneficiary profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group	Cost (R'000)	Average cost per employee
African	3 215	17 586	18.3	44 914	13 970.14
Male	1 257	7 543	16.7	20 649	16 427.21
Female	1 958	10 043	19.5	24 265	12 392.75
Asian	194	1 009	19.2	5 199	26 798.97
Male	64	341	18.8	1 924	30 062.50
Female	130	668	19.5	3 275	25 192.31
Coloured	499	2 315	21.6	8 164	16 360.72
Male	156	1 386	11.3	3 311	21 224.36
Female	343	929	36.9	4 853	14 148.69
White	788	2 988	26.4	20 979	26 623.10

	Beneficiary profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group	Cost (R'000)	Average cost per employee
Male	209	1 124	18.6	8 100	38 755.98
Female	579	1 864	31.1	12 879	22 243.52
Employees with disabilities	2	19	10.5	86	43 000.00
TOTAL	4 698	23 917	19.6	79 342	16 888.46

Table 3.8.2 Performance rewards by salary bands for personnel below SMS for the period 1 April 2015 to 31 March 2016

Salary bands	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within salary bands	Total cost (R'000)	Average cost per employee
Lower skilled (Levels 1-2)	3	346	0.9	30	10 000
Skilled (Levels 3-5)	2 044	10 872	18.8	13 982	6 841
Highly skilled production (Levels 6-8)	1 134	4 233	26.8	12 914	11 388
Highly skilled supervision (Levels 9-12)	1 306	3 562	36.7	38 245	29 284
TOTAL	4 487	19 013	23.6	65 171	14 524

Table 3.8.3 Performance rewards by occupations

Critical occupation	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Total cost (R'000)	Average cost per employee
Administrative-related	304	1 079	28.2	7 107	23 378.29
Advocates	138	617	22.4	9 020	65 362.32
Attorneys	37	306	12.1	11 608	313 729.73
Building and other property caretakers	1	4	25.0	5	5 000.00
Bus and heavy vehicle drivers	1	11	9.1	4	4 000.00

Critical occupation	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Total cost (R'000)	Average cost per employee
Cleaners in offices, workshops, hospitals, etc.	12	106	11.3	77	6 416.67
Client information clerks (switchboard, reception, information clerks)	27	133	20.3	200	7 407.41
Communication and information-related	7	42	16.7	182	26 000.00
Computer programmers	1	3	33.3	7	7 000.00
Crime investigators	10	44	22.7	467	46 700.00
Finance and economics-related	115	276	41.7	2 144	18 643.48
Financial and related professionals	74	322	23.0	1 072	14 486.49
Financial clerks and credit controllers	140	437	32.0	1 054	7 528.57
Food services aids and waiters	10	17	58.8	60	6 000.00
General legal administration and related professionals	225	790	28.5	5 751	25 560.00
Head of Department/Chief Executive Officer	1	3	33.3	16	16 000.00
Health sciences related	0	1	0.0	0	0.00
Human resources and organisational development and related professionals	24	65	36.9	320	13 333.33
Human resources clerks	130	265	49.1	1 420	10 923.08
Human resources-related	77	182	42.3	1 710	22 207.79
Information technology-related	8	46	17.4	212	26 500.00
Language practitioners, interpreters and other communication	81	431	18.8	919	11 345.68
Legal-related	53	214	24.8	1 778	33 547.17
Librarians and related professionals	2	21	9.5	17	8 500.00
Library, mail and related clerks	94	305	30.8	791	8 414.89
Light vehicle drivers	1	7	14.3	13	13 000.00
Logistical support personnel	21	44	47.7	222	10 571.43
Magistrates	0	1 893	0.0	0	0.00
Material-recording and transport clerks	37	105	35.2	254	6 864.86
Messengers, porters and deliverers	82	618	13.3	474	5 780.49
Other administration and related clerks and organisers	1 718	8 614	19.9	13 314	7 749.71

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 2015 to 31 March 2016, by salary band

Salary band	01 April 2015		31 March 2016		Change	
	Number	% of total	Number	% of total	Number	% change
Lower skilled (Levels 1-2)	47	29.9	39	22.5	-8	-50.0
Skilled (Levels 3-5)	3	1.9	3	1.7	0	0.0
Highly skilled production (Levels 6-8)	3	1.9	2	1.2	-1	-6.3
Highly skilled supervision (Levels 9-12)	3	1.9	2	1.2	-1	-6.3
Contract (Levels 1-2)	0	0.0	1	0.6	1	-6.3
Contract (Levels 3-5)	41	26.1	46	26.6	5	31.3
Contract (Levels 6-8)	1	0.6	1	0.6	0	0.0
Contract (Levels 9-12)	6	3.8	6	3.5	0	0.0
Periodical remuneration	53	33.8	73	42.2	-20	-125.0
TOTAL	157	100.0	173	100.0	-16	100.0

Table 3.9.2 Foreign worker, 1 April 2015 to 31 March 2016, by major occupation

Major occupation	01 April 2015		31 March 2016		Change	
	Number	% of total	Number	% of total	Number	% change
Administrative office workers	126	80.3	145	83.8	19	100
Elementary occupations	0	0.0	1	0.6	1	5.3
Professionals and managers	31	19.8	27	15.6	-4	-21.1
TOTAL	157	100.0	173	100.0	19	100

Critical occupation	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Total cost (R'000)	Average cost per employee
Other administrative policy and related officers	258	918	28.1	3 399	13 174.42
Other information technology personnel	12	25	48.0	177	14 750.00
Prosecutor	408	2 779	14.7	23 437	57 443.63
Protection services	18	98	18.4	737	40 944.44
Risk management and security services	3	29	10.3	105	35 000.00
Secretaries and other keyboard operating clerks	227	719	31.6	2 732	12 035.24
Security guards	3	24	12.5	21	7 000.00
Security officers	54	284	19.0	452	8 370.37
Senior managers	51	347	14.7	2 671	52 372.55
Social sciences-related	0	1	0.0	0	0.00
Social work and related professionals	23	131	17.6	367	15 956.52
Translators and air traffic communicators	210	1 519	13.8	1 552	7 390.48
TOTAL	4 698	23 875	19.7	85 422	18 182.63

Table 3.8.4 Performance-related rewards (cash bonus), by salary band, for SMS for the period 1 April 2015 to 31 March 2016

Salary band	Beneficiary profile			Cost		
	Number of beneficiaries	Number of employees	% of total within band	Total cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure
Band A	24	213	11.3	6	247 666.67	0
Band B	39	188	20.7	2	54 948.72	0
Band C	0	21	0.0	0	0	0
Band D	0	6	0.0	0	0	0
TOTAL	63	428	14.7	8	128 365.08	0

3.10 LEAVE UTILISATION

The PSC 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 2015 to 31 December 2015

Salary band	Total days	% days with medical certification	Number of employees using sick leave	% of total employees using sick leave	Average days per employee	Estimated cost (r'000)
Lower skilled (levels 1-2)	405	74.3	102	0.6	4	111
Skilled (Levels 3-5)	71 395	81.2	9 448	60.0	8	48 253
Highly skilled production (Levels 6-8)	33 468	80.6	7 649	48.6	4	36 623
Highly skilled supervision (Levels 9-12)	32 899	82.9	4 161	26.4	8	69 258
Senior management (Levels 13-16)	8 386	81.0	1 105	7.0	8	28 371
TOTAL	146 553	81.4	15 738	100	9	182 616

Table 3.10.2 Incapacity leave (temporary and permanent), 1 January 2015 to 31 December 2015

Salary band	Total days	% days with medical certification	Number of employees using disability leave	% of total employees using disability leave	Average days per employee	Estimated cost (R'000)
Lower skilled (Levels 1-2)	26	100.0	3	0.2	9	12
Skilled (Levels 3-5)	14 927	93.9	761	53.7	20	10 253
Highly skilled production (Levels 6-8)	7 916	99.1	335	23.6	25	8 846
Highly skilled supervision (Levels 9-12)	6 063	161.2	265	18.7	23	13 295
Senior management (Levels 13-16)	1 848	100.0	53	3.7	63	7 064
TOTAL	30 780	108.9	1 417	100	21	39 470

The table below summarises the utilisation of annual leave. The wage agreement concluded with trade unions in the PSCBC in 2000 requires management of annual leave to prevent high levels of accrued leave being paid at the time of termination of service.

Table 3.10.3 Annual leave, 1 January 2015 to 31 December 2015

Salary band	Total days taken	Average days per employee	Number of employees who took leave
Lower skilled (Levels 1-2)	1 845	8	224
Skilled (Levels 3-5)	247 353	21	12 022
Highly skilled production (Levels 6-8)	140 312	23	6 306
Highly skilled supervision (Levels 9-12)	137 544	25	5 715
Senior management (Levels 13-16)	44 105	27	1 641
TOTAL	571 159	22	25 908

Table 3.10.4 Capped leave, 1 January 2015 to 31 December 2015

Salary band	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2015	Number of employees who took capped leave	Total number of capped leave available at 31 December 2015
Skilled (Levels 3-5)	306	7	43	46	43 704
Highly skilled production (Levels 6-8)	1 396	10	69	137	129 475
Highly skilled supervision (Levels 9-12)	148	7	55	20	31 045
Senior management (Levels 13-16)	64	8	66	8	11 684
TOTAL	1 914	9	60	211	215 908

Table 3.10.5 Leave payouts for the period 1 April 2015 to 31 March 2016

The following table summarises payments made to employees as a result of leave that was not taken.

Reason	Total amount (R'000)	Number of employees	Average per employee (R'000)
Capped leave payouts on termination of service for 2015/16	39 991	626	63 883

Current leave payout on termination of service for 2015/16	4 998	398	12 558
TOTAL	44 989	1 025	43 892

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 exposed to HIV infection due to the nature of their occupations.	The NPA increased the number of on-site HCT clinics to encourage both female and male employees to know their HIV status and promote early entry to treatment and care and support services.

Table 3.11.2 Details of health promotion and HIV and AIDS programmes

Question	Yes	No	Details, if yes
1. Has the Department designated a member of the SMS to implement the provisions contained in Part VI E of Chapter 1 of the Public Service Regulations, 2001? If so, provide her/his name and position.	Yes		Kedibone Tsolo: Director Ms GB Dlodla: Senior Manager Transformation
2. Does the Department have a dedicated unit or has it designated specific staff members to promote the health and well-being of the 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		One Director, two Deputy Directors, four Assistant Directors and two Administration Officers Three staff members and an external service provider. Budget: R2 217 020.00
3. Has the Department introduced an employee assistance or health promotion programme? If so, indicate the key elements/services of this programme.	Yes		1. Health Promotion and Risk Management 2. Psycho-social counselling 3. Sports and Recreation 4. Counselling, Trauma Management and support services. 5. Health Promotion, including awareness and education on non-communicable diseases 6. Physical and Recreational Wellness 7. HIV/AIDS and TB Management (HCT)

Question	Yes	No	Details, if yes
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		<p>Linda Malatse – SHERQ</p> <p>Isaac Koto – EAP</p> <p>Taunia Fouche – Employment Equity</p> <p>Sipho Matshika – HRM</p> <p>Fiona Ross: DPP Cape Town</p> <p>Viola Esterhuizen: DDDP Bisho</p> <p>Nicholas Magongwa: DPP Northern Cape</p> <p>Jeff Matlou: DPP North West : Mmabatho Cluster</p> <p>Bernard Masobela: DPP North West: Odi Cluster</p> <p>Thokozani Hadebe: DPP Durban</p> <p>Joseph Thubakgale: DPP Limpopo</p> <p>Phuthi Semenya: EHW</p> <p>Nanki Shihlane: EHW</p> <p>Mmathapelo Molefe: EHW</p> <p>Nobekezela Madikizela: DPP Mthatha</p> <p>Elaine Moonsamy: DPP South Gauteng</p> <p>Thabisa Morenyane: DPP Bloemfontein</p>
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		<p>HIV/AIDS Policy</p> <p>Employee Health and Wellness Policy</p> <p>Sport and Recreation</p> <p>Recruitment Policy</p> <p>Leave Management Policy</p> <p>Retention Policy</p> <p>EE Policy</p> <p>Sexual Harassment</p>

Question	Yes	No	Details, if yes
<p>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.</p>	Yes		<ol style="list-style-type: none"> 1. Prevention and awareness <ul style="list-style-type: none"> • Commemoration of the calendar-specific events, namely: STI Condom Week, TB Day, Candlelight Memorial, Red Ribbon Month and World Aids Day. • HCT. • Conduct anti-stigma and discrimination sessions. 2. Care and support <ul style="list-style-type: none"> • Provide counselling to infected and affected employees. • Training and preparation of peer educators nationally. • Maintenance of internal and external linkages efficient referral of employees in need of help. 3. Policy statement to the effect that discrimination against employees on the basis of their HIV status is prohibited. Awareness and education interventions and on-site HCT services to change employees' negative attitude towards HIV and minimise discrimination against HIV-positive employees.

Question	Yes	No	Details, if yes
7. Does the Department encourage its employees to undergo voluntary counselling and testing? If so, list the results that you have achieved.			<p>The Department coordinated health screening days on which voluntary counselling and testing is one of the tests conducted.</p> <p>A total of 1 133 employees underwent voluntary counselling and testing.</p> <p>NPA offers quarterly on-site wellness clinics inclusive of HCT, in partnership with GEMS. There has been a marked increase in the number of employees taking HCT over the past three years. There were 495 employees who tested for HIV in 2013/14, 564 employees in 2014/15 and 813 in 2015/16. This implies that employees are inclined to want to know their HIV status. Those who are positive are encouraged to monitor their status and when need arises to access treatment at an early stage of HIV progression.</p>
8. Has the Department developed measures or indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures or indicators.		Yes	<p>The programme is measured through a system monitoring tool and the quarterly reports.</p> <p>Compilation of incident reports: Measuring number of sessions and number of employees participating in arranged health promotion initiatives monthly, quarterly and annually. Monitoring of health risk factors including employees who tested HIV-positive and those referred for TB treatment.</p> <p>Monthly trend analysis reports on counselling and trauma management services.</p> <p>NPA also subscribes to the DPSA: EHWP Management Performance Assessment Tool Section 3.2 of the MPAT: Management of the Employee Health and Wellness Programme.</p>

3.12 LABOUR RELATIONS

Table 3.12.1 Collective agreements, 1 April 2015 to 31 March 2016

Total collective agreements	0

The following table summarises the outcome of disciplinary hearings conducted within the Department for the year under review.

Table 3.12.2 Misconduct and disciplinary hearings finalised for the period 1 April 2015 to 31 March 2016

Outcomes of disciplinary hearings	Number	% of total
Acquittal	31	9%
Corrective counselling	1	0.3%
Demotion	4	1.2%
Deceased	1	0.3%
Dismissal	75	21.7%
Resignation	19	5.5%
Suspension without pay	43	12.5%
Verbal warning	19	5.5%
Written warning	75	21.7%
Final warning	37	10.7%
Not guilty	4	1.2%
Withdrawn	36	10.4%
Total	345	100%

Table 3.12.3 Types of misconduct addressed at disciplinary actions and hearings for the period 1 April 2015 to 31 March 2016

Type of misconduct	Number	% of total
Unprofessional conduct	7	1.5%
Defying a reasonable instruction	1	0.2%
Bringing the name of the NPA into disrepute	2	0.4%
Misuse of a state vehicle	11	2.3%
Disclosure of confidential information	1	0.2%
Gross insubordination or insubordination	2	0.4%
Dereliction of duty	1	0.2%
Negligence	10	2.1%
Insolent behaviour	1	0.2%
Assault	2	0.4%
Dishonesty	5	1.0%
Absenteeism	5	1.0%

Type of misconduct	Number	% of total
Failure to comply with the NPA policy	24	5.0%
Abuse of power or position	1	0.2%
Abscondment	4	0.8%
Abuse of leave	10	2.1%
Abuse of state property	10	2.1%
Alcohol abuse	9	1.9%
Assault	3	0.6%
Bribery	4	0.8%
Corruption	18	3.7%
Damage to state property	3	0.6%
Defeating ends of justice	1	0.2%
Dishonesty	17	3.5%
Falsification of documents	5	1.0%
Fraud	52	10.8%
Insubordination	55	11.4%
Mismanagement of funds	4	0.8%
Loss of state money	0	0.0%
Maladministration	10	2.1%
Misrepresentation	23	4.8%
Negligence	53	11.0%
Poor performance	7	1.5%
Sexual harassment	3	0.6%
Theft	32	6.6%
Unauthorised absence	47	9.8%
Unethical behaviour	39	8.1%
Total	482	100%

Table 3.12.4 Grievances lodged for the period 1 April 2015 to 31 March 2016

Grievances	Number	% of total
Number of grievances resolved	547	78.5%
Number of grievances not resolved	150	21.5%
Total number of grievances lodged	697	100%

Table 3.12.5 Disputes lodged with councils for the period 1 April 2015 to 31 March 2016

Number of dispute outcome	Number	% of total
Number of disputes upheld	77	33%
Number of disputes dismissed	157	67%
Total number of disputes lodged	234	100%

Table 3.12.6 Strike actions for the period 1 April 2015 to 31 March 2016

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 for the period 1 April 2015 to 31 March 2016

Number of people suspended	66
Number of people whose suspension exceeded 30 days	60
Average number of days suspended	394
Cost of suspension (R'000)	11419821.52

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 2015 to 31 March 2016

Occupational category	Gender	Number of employees as at 1 April 2015	Training needs identified at start of the reporting period			
			Learner-ships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	133	0	103	0	103
	Male	214	0	104	0	104
Professionals	Female	3 008	0	1 217	0	1 217
	Male	3 041	0	1 520	0	1 520
Technicians and associate professionals	Female	1 250	0	1 926		1 926
	Male	751	0	1 489	0	1 489
Clerks	Female	8 080	100	1 533	0	1 633
	Male	3 892	100	1 357	0	1 457
Service and sales workers	Female	118	0	99	0	99
	Male	341	0	185	0	185
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	17	0	0	0	0
Labourers and related workers	Female	396	0	25	0	25
	Male	445	0	42	0	42
Subtotal	Female	12 985	100	4 810	0	4 910
	Male	8 701	100	4 790	0	4 890
Total		21 686	200	9 600	0	9 800

Table 3.13.2 Training provided 1 April 2015 to 31 March 2016

Occupational category	Gender	Number of employees as at 1 April 2015	Training provided within the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	133	0	71	0	71
	Male	214	0	80	0	80
Professionals	Female	3 008	0	1 748	0	1 748
	Male	3 041	0	1 921	0	1 921
Technicians and associate professionals	Female	1 250	0	1 301	0	1 301
	Male	751	0	826	0	826
Clerks	Female	8 080	93	1 854	0	1 947
	Male	3 892	57	1 028	0	1 085
Service and sales workers	Female	118	0	99	0	99
	Male	341	0	185	0	185
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	17	0	18	0	18
Labourers and related workers	Female	396	55	44	0	99
	Male	445	40	31	0	71
Subtotal	Female	12 985	148	5 117	0	5 265
	Male	8 701	97	4 089	0	4 186
Total		21 686	245	9 206	0	9 451

3.14 INJURY ON DUTY

The following tables provide basic information on injury on duty.

Table 3.14.1 Injury on duty for the period 1 April 2015 to 31 March 2016

Nature of injury on duty	Number	% of total
Required basic medical attention only	28	77.8
Pending investigation	4	11.1
Temporary total disablement	1	2.8
Permanent disablement	2	5.6
Fatal	1	2.8
Total	36	100.0

3.15 UTILISATION OF CONSULTANTS

The following table relates information on the utilisation of consultants in the Department.

In terms of the Public Service Regulations, "consultant" means a natural or juristic person or a partnership who or which provides in terms of a specific contract on an ad hoc basis any of the following professional services to a department against remuneration received from any source:

- (a) The rendering of expert advice.
- (b) The drafting of proposals for the execution of specific tasks.
- (c) The execution of a specific task which is of a technical or intellectual nature, but excludes an employee of the Department.

Table 3.15.1 Report on consultants appointments using appropriated funds for the period 1 April 2014 to 31 March 2015

Project title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand
Provision of court recording technology solution for the DOJ&CD for a period of six years (RFB 2014 02)	4	72 months (6 years)	R472 013.782.19
Appointment of professional debt collectors for the DOJ (RFB 2014 06)	2	24 months (2 years)	Depends on the debt collected

Project title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand
Appointment of technical assistance for compilation, drawing and printing of maps of magisterial districts and areas of jurisdiction of courts and the impact on the sheriffs' service areas for a period of 13 weeks (RFB 2014 08)	7	3 months and 1 week (13 weeks)	R3 816 492.00
Appointment of a service provider to conduct an investigation on the validity of establishing a one-stop child justice centre in terms of section 89 of the CJA for a period of six (6) months (RFQ 2014 01 ONE STOP CHILD)	3	6 months	R499 999.78
Appointment of a service provider to collect statistical information (for the period of 1 April 2010 to 31 August 2014 for the review of the minimum age of criminal capacity in terms of section 8 read with section 96(4) of the CJA (RFQ 2014 01 Statistical Info)	6	6 months	R976 894.41
Acquisition of the IJS transversal resources: Uppercase System Solutions (PTY) LTD; Gijima Holdings (PTY) LTD; Mpamba Solutions and Consulting; Morvest Professionals Services (PTY) LTD; EOH Abantu T/A Highveld PFS and Forensic Data Analysts (PTY) LTD	12	4 months	R4 780 562.79
Tracing the remains of missing persons	4		R1 152 000.00
Total number of projects	Total individual consultants	Total duration: Work days	Total contract value in Rand
8	59	182 months and 1 week	R723 239 731.17 (plus total amount depended on the debt collected)

Table 3.15.2 Analysis of consultant appointments using appropriated funds, in terms of historically disadvantaged individuals (HIDs) for the period 1 April 2014 to 31 March 2015

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that work on the project
Provision of court recording technology solution for the DOJ&CD for a period of six years (RFB 2014 02) – <u>Dimension Data Pty Ltd</u>	<ul style="list-style-type: none"> • Black ownership = 30.33% • Black women ownership = 4.37% 	9.88%	4
Appointment of professional debt collectors for the DOJ (RFB 2014 06) – <u>Shapiro Shaik Defries & Associates</u>	<ul style="list-style-type: none"> • Black ownership = 25.10% • Black women ownership = 12.55% 	0.50%	2
Appointment of technical assistance for compilation, drawing and printing of maps of magisterial districts and areas of jurisdiction of courts and the impact on the sheriffs' service areas for a period of 13 weeks (RFB 2014 08) – <u>AS Nonyane & Associates</u>	<ul style="list-style-type: none"> • Black ownership = 100% • Black women ownership = 0.00% 	25.00%	7
Appointment of a service provider to conduct an investigation on the validity of establishing a one-stop child justice centre in terms of section 89 of CJA for a period of six months (RFQ 2014 01) – ONE STOP CHILD	0%	0%	3
Appointment of a service provider to collect statistical information (for the period of 1 April 2010 to 31 August 2014 for the review of the minimum age of criminal capacity in terms of section 8 read with section 96(4) of CJA (RFQ 2014 01 Statistical Info) – Restorative Justice Centre			6

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that work on the project
Acquisition of the IJS transversal resources: Uppercase System Solutions (PTY) LTD; Gijima Holdings (PTY) LTD; Mpamba Solutions and Consulting ;Moverst Professionals Services (PTY) LTD; EOH Abantu T/A Highveld PFS and Forensic Data Analysts (PTY) LTD	1. Gijima Group <ul style="list-style-type: none"> ▪ Black ownership = 74.67% ▪ Black women ownership = 20.04% 	6.13%	12
	2. Mpamba Solution and Consulting <ul style="list-style-type: none"> ▪ Black ownership = 100% ▪ Black women ownership = 0% 	0	
	3. Morvest Professional Service Pty Ltd <ul style="list-style-type: none"> ▪ Black ownership = 80.92% ▪ Black women ownership = 6.48% 	9.47%	
	4. EOH Abantu T/A Highveld PFS <ul style="list-style-type: none"> ▪ Black ownership = 38.52% ▪ Black women ownership = 8.81% 	0	
	5. Forensic Data Analysts (PTY) LTD <ul style="list-style-type: none"> ▪ Black ownership = 47% ▪ Black women ownership = 23.5% 	3.75	
Tracing the remains of missing persons	100	100	4

Table 3.15.3 Report on consultant appointments using donor funds for the period 1 April 2014 to 31 March 2015

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 HDIs for the period 1 April 2014 to 31 March 2015

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 2015 to 31 March 2016

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)	-	-	-	-
Skilled (Levels 3-5)	-	-	-	-
Highly skilled production (Levels 6-8)	-	-	-	-
Highly skilled supervision (Levels 9-12)	-	-	-	-
Senior management (Levels 13-16)	-	-	-	-
TOTAL	-	-	-	-



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