

DEPARTMENT OF JUSTICE AND  
CONSTITUTIONAL DEVELOPMENT

# ANNUAL REPORT

2016/2017



**the doj & cd**

Department:  
Justice and Constitutional Development  
**REPUBLIC OF SOUTH AFRICA**



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# Part A

General Information



## DEPARTMENT GENERAL INFORMATION

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# 1. LIST OF ABBREVIATIONS/ACRONYMS/DEFINITIONS

AALCO	Asian-African Legal Consultative Organisation
ACCC	Anti-Corruption Coordinating Committee
ACAOSA	Association of Community-based Offices of South Africa
ACTT	Anti-corruption Task Team
ADR	Alternative dispute resolution
ADRM	Alternative dispute resolution mechanisms
AFU	Asset Forfeiture Unit
AGSA	Auditor-General of South Africa
AU	African Union
AVR	Audio Visual Remand
BAS	Basic Accounting System
BCMI	Business Continuity Management Instruction
BOM	Business Object Model
CARA	Criminal Assets Recovery Account
CARC	Criminal Assets Recovery Committee
CARU	Criminal Assets Recovery Unit
CBO	Community Based Organisations
CCPCJ	Commission on Crime Prevention and Criminal Justice
CFO	Chief Financial Officer
CGE	Commission on Gender Equality
CJ	Chief Justice
CJA	Child Justice Act
CJRAC	Civil Justice Reform Advisory Committee
CJRBP	Civil Justice Reform Business Plan
CJRP	Civil Justice Reform Project
CJS	Civil Justice System
CJS	Criminal Justice System
COO	Chief Operations Officer
CPA	Criminal Procedure Act
CRPD	Convention on the Rights of Persons with Disabilities
CRT	Court Recording Technology (CRT) system
CSO	Civil Society Organization
DCS	Department of Correctional Services
DevCom	JCPS Cluster Development Committee
DG	Director-General
DHA	Department of Home Affairs
DPSA	Department of Public Service and Administration

DDG	Deputy Director-General
DoJ&CD	Department of Justice and Constitutional Development
DDPP	Deputy Director of Public Prosecution
DPCI	Directorate for Priority Crime Investigation
DPP	Director of Public Prosecution
DOH	Department of Health
DPME	Department of Planning, Monitoring and Evaluation
DPW	Department of Public Works
DSD	Department of Social Development
DV	Domestic violence
EAP	Employee Assistance Programme
EE	Employment equity
EFT	Electronic funds transfer
EHWP	Employee Health and Wellness Programme
EMP	Enterprise performance management
ERM	Enterprise Risk Management
EXCO	DOJCD Executive Committee
EU	European Union
FICA	Financial Intelligence Centre Act
FHR	Foundation for Human Rights
FIFO	First in, first out
GBV	Gender Based Violence (Goggled not in the AR)
GIAMA	Government Immovable Asset Management Act
GIZ	Deutsche Gesellschaft Für Internationale Zusammenarbeit
GRAP	Generally Recognised Accounting Practice
HANIS	Home Affairs National Identification System
HCCH	Hague Conference on Private International Law
HOA	Homeowner's Allowance
HOD	Head of Department
HR	Human Resource
HRD	Human Resource Development
HRP	Human Resource Plan
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESR	International Covenant on Social, Economic and Cultural Rights Report
ICJS	Integrated Criminal Justice Strategy
ICMF	Implementation of the Integrated Complaints Management Framework
ICMS	Integrated Case Management System
ICOP	Improving case outcomes for sexual offences cases pilot project
ICS	Integrated Code System
ICESCR	International Covenant on Social, Economic and Cultural Rights Report
ICSPCA	International Convention of Suppression and Punishment of the Crime of Apartheid
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearances

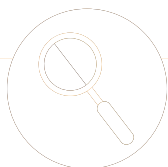
ICT	Information and Communication Technology
IDT	Independent Development Trust
IJS	Integrated Justice System
IMC	Inter-ministerial Committee
IOD	Injury on Duty
ISCCJ	Intersectoral Committee on Child Justice
ISM	Information and System Management
IT	Information Technology
JAIT	Judiciary and Administration Information Technology
JCPS	Justice, Crime Prevention and Security Cluster
JDAS	Justice Deposit Account System
JMIS	Justice Management Information System
JYP	Justice Yellow Pages
KPI	Key Performance Indicator
Legal Aid SA	Legal Aid South Africa
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
LPM	Lean Process Management
LSSA	Law Society of South Africa
MACC	Minimum Anti-Corruption Capacity
M&E	Monitoring and Evaluation
MCM	Maintenance Complaints Manager
MEC	Member of the Executive Council
MINMEC	Minister and Members of Executive Council
MLA	Mutual Legal Assistance
MOVIT	Master's Own Verification Information Technology
MPTT	Missing Persons Task Team
MTEC	Medium-term Expenditure Committee
MTEF	Medium-term Expenditure Framework
MTSF	Medium-term Strategic Framework
NACF	National Anti-Corruption Forum
NADCAO	National Alliance for the Development of Community Advice Officers
NAP	National Action Plan
NCOP	National Council of Provinces
NDP	National Development Plan
NDPP	National Director for Public Prosecutions
NF	National Forum
NGO	Non-governmental organisation
NIS	National Intervention Strategy
NMSS	National Maintenance Signage System
NPA	National Prosecuting Authority
NPM	National Preventive Mechanism
NPF	National Policy Framework
NRF	National Revenue Fund
NRSO	National Register for Sex Offenders

OCJ	Office of the Chief Justice
OPCAT	The Optional Protocol to the Convention against Torture
OSD	Occupation-Specific Dispensation
OWP	Office for Witness Protection
PAIA	Promotion of Access to Information Act
PAJA	Promotion of Administrative Justice Act
PCLU	Priority Crimes Litigation Unit
PDI	Previously Disadvantaged Individual
PEAS	Paperless Estate Administration System
PEPFAR	President's Emergency Plan for AIDS Relief
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act
PERSAL	Personnel Salary System
PFMA	Public Finance Management Act
PIVA	Person Identification and Verification Application
POA	Programme of Action
POC Act	Prevention of Organised Crime Act
POCA	Prevention of Organised Crime Act
POPI	Protection of Personal Information Act
PPP	Public Participation Programme
PPP	Public-Private Partnership
PRVG	Promotion of Rights of Vulnerable Groups
PSC	Public Service Commission
PSCBC	Public Service Coordinating Bargaining Council
PWD	People with Disabilities
QA	Quality Assurance
RCC	Regional Coordination Committee
RDP	Reconstruction and Development Programme
SABC	South African Broadcasting Corporation
SADC	South African Development Community
SAHRC	South African Human Rights Commission
SAJEI	South African Judicial Education Institute
SALRC	South African Law Reform Commission
SANDF	South African National Defence Force
SAPS	South African Police Service
SAQA	South African Qualifications Association
SARB	South African Reserve Bank
SARS	South African Revenue Service
SASCO	South African Standard Classification of Occupations
SASSETA	Safety and Security Sector Education and Training Authority
SCA	Supreme Court of Appeal
SCCs	Small Claims Courts
SCM	Supply Chain Management
SCCU	Specialised Commercial Crime Unit
SCOPA	Standing Committee on Public Accounts

SDIP	Service Delivery Improvement Plan
SEIAS	Socio-Economic Impact Assessment System
SHE	Safety, Health and Environment
SHER	Safety, Health, Environmental and Risk Management
SIC	Sheriffs Introductory Course
SITA	State Information Technology Agency
SIU	Special Investigating Unit
SMS	Senior Management Service
SORMAA	Criminal Law (Sexual Offences and Related Matters) Amendment Act
SSA	State Security Agency
STA	Special Tribunal Act
TCC	Thuthuzela Care Centers
TPF	Third Party Funds
TR	Treasury Regulations
TRC	Truth and Reconciliation Commission
TTT	Technical Task Team
UIF	Unemployment Insurance Fund
USAID	United States Agency for International Development
UN	United Nations
UNHRC	United Nations Human Rights Council
UNICEF	United Nations Children's fund
UNCITRAL	United Nations Commission on International Trade Law
UPR	Universal Periodic Review Report



## 2. MISSION, VISION, VALUES AND STRATEGIC GOALS



### 2.1 Vision

Justice for all in South Africa



### 2.2 Mission

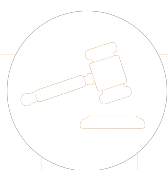
To administer an efficient and a responsive justice system



### 2.3 Values

The Department has the following values:

- Commitment to constitutional values and a culture of human rights
- Rule of law
- Excellence
- Responsiveness
- Accountability
- Good governance



### 2.4 Strategic goals

- Optimisation of the deployment of people, processes and technology to meet service delivery and good governance requirements;
- People-centred justice services that are accessible, reliable and efficient;
- Corporatised, cost-effective and integrated quality legal services to proactively protect the best interest of the state; and
- Promotion of constitutionalism, human rights and commitment to international legal relations.

### 3. FOREWORD BY THE MINISTER



**Adv. TM Masutha, MP**

Minister of Justice and Correctional Services

2016 is a year in which we saw a further consolidation of our constitutional democracy through the holding of local government elections. The Department, as part of the JCPS cluster, played an important role in ensuring free and fair elections. In addition, we continued to focus on our service delivery as well as implementation of the transformation agenda.

Since the beginning of this MTSF period, we have, within budget, attempted to increase access to justice services by decreasing the time and effort needed to access service points. All South Africans have access to a high court within their province. In addition, alignment of Magistrate's Courts within municipal boundaries was undertaken. Since December 2014, four provinces, (North West, Gauteng, Limpopo and Mpumalanga) have their Magistrate's Courts fully aligned with municipal boundaries. I am confident that by 2019, all provinces would have high courts and lower courts aligned with provincial and municipal boundaries.

In pursuance of the Department's transformation agenda, extensive consultation with key role players in government, the Traditional Courts Bill was tabled in Parliament for further consultations. This is one of the major transformational legislation that will fully recognise and affirm the African legal system. We are looking forward to engagement with stakeholders and finalisation of this bill. Other key bills tabled for consultation included the Cybercrime and Cybersecurity Bill as well as the Prevention and Combating of Hate Crimes and Hate Speech Bill.

Progress towards transformation of state legal services has been made. Consultations were undertaken with other government departments on the Management of State Litigation Policy, the State Legal Representation Policy, the Mediation Policy and the Tariff Policy. These policies will improve state litigation and address the escalating costs of state litigation. I am looking forward to engagement with my Cabinet colleagues on these policies. With regard to the Solicitor-General, I will be tabling an amendment to the State Attorney Act which will enable us to appoint an individual with appropriate skills to transform the State Attorneys into legal firms of choice for the state.

The Department continued with efforts to improve operational efficiencies in service delivery through the use of information and communication technology (ICT). For example, the Third Party Fund's transformation project (MojaPay) has improved the turnaround for maintenance beneficiary payments to within 1 to 2 working days from the receipt of money into the Departmental account. Citizens receive the money within their bank accounts and are saved the time and expense of visiting service points. This system was fully deployed to all Magistrate's Courts in the Northern Cape and North West provinces and was at 50% complete in the Free State by the end of the 2016/17 financial year. This system was also fully deployed in all Offices of the State Attorney, countrywide as a mechanism to process third party funds of departments.

The re-establishment of sexual offences courts in August 2013 was motivated by public outcry against the rising figures of sexual violence and the insignificant impact of court response in these cases. It was argued that the uncoordinated, unstructured and inadequate support for victims of sexual violence are some of the major contributors to the less impactful interventions by the courts. During the year under review, 11 sexual offences courts were established to bring the total number of sexual offences courts to 58.

The project for modernisation of the Court Recording Technology (CRT) system has been successfully implemented across Magistrate's Courts in all nine provinces. This solution enables efficient recording and retrieval of court proceedings, improved quality of audio recordings and secure storage of the recordings at multiple locations. In addition, it has the ability to provide operational data which will assist in the efficient scheduling of cases.

Within the Integrated Justice System programme, I am pleased that several electronic integrations between SAPS, NPA and the DOJCD were developed at the end of the 2015/16 financial year, and these were rolled out nationally at the beginning of the 2016/17 financial year. This therefore means case information captured by the SAPS is transferred electronically to the NPA and subsequently to the DOJCD via the IJS transversal hub. These integrations make it possible to track cases through the criminal justice system and provide intelligence needed to address blockages, if identified.

The 2015/16 financial year was concluded as the country celebrated 20 years of our Constitution. However, there are regrettably still an unacceptable level of racism and continued expression thereof, particularly in online social media platforms such as Facebook and Twitter. We also sadly experienced fresh attacks on foreign nationals during the 2016/17 financial year. As a Department, we will continue to accelerate the finalisation of the National Action Plan on Racism, Xenophobia and related Intolerances and the Prevention and Combating of Hate Crimes and Hate Speech Bill.

In line with the Truth and Reconciliation Commission recommendation, a number of reburials and repatriations of fallen freedom fighters were undertaken. In July 2016, I oversaw the spiritual repatriation of three former uMkhonto weSizwe fighters at Freedom Park and handed over the remains of Mr Norman Pietersen (Billy Holiday) in Paarl, Cape Town. In February 2017, remains of 14 POQO victims of the Mbashe case in Baziya (Mthata) in the Eastern Cape were handed over to their families for reburial. This initiative assists families to conduct dignified ceremonies for their fallen loved ones. With regard to education assistance, I am delighted that the next-of-kin of TRC identified victims continue to be assisted through the President's Fund. A total of 1 104 beneficiaries, 754 for basic and 450 for higher education, were identified for assistance for the 2017 academic year. We will continue to engage with other government departments in the implementation of identified community rehabilitation projects and finalise outstanding regulations on health and housing benefits.

I am pleased that the National Prosecuting Authority continued to achieve favourably in most of its performance indicators. High conviction rates were maintained in all forums. The high courts achieved a 91% conviction rate with 968 convictions, exceeding the target by 5%. The regional courts achieved an 80% conviction rate with 25 209 convictions, which represents the highest rate in the past decade. The target of 74% was not only exceeded by 8% but also improved with 3% compared to the previous financial year. The district courts achieved a rate of 96% with 295 013 convictions and exceeded the target with 9%, whilst a marginal improvement of 1% was also achieved compared to the previous financial year. Against this backdrop it is evident that the NPA has successfully upheld the focus placed on quality prosecutions.

The organisation continued to put special emphasis on sexual offences because it is a crime that affects the most vulnerable members of our society. The improved conviction rate in sexual offences (72%

against the previous financial year's 70%) is thus notable. This is exceptional when one considers the nature of these crimes and the complexity in achieving a successful prosecution. The courts finalised 6 669 sexual offences crime cases with 4 780 convictions. The multi-disciplinary approach followed by newly established provincial structures with stakeholders from the DoJ&CD, Legal Aid SA, SAPS, DOH and NPA seems to have contributed to the improvements on sexual offence cases.

A special focus was once again placed on the prosecution of cybercrime cases to curb this growing international phenomenon. This is evident in the conviction rate of 97% in the prosecution of cybercrime cases which should be viewed against the nature and complexity of these crimes, and the high level of technical evidence required in the prosecution of cybercrime cases.

In line with the National Development Plan, the Department, together with the JCPS cluster and government-wide Anti-Corruption Task Team (ACTT) put plans together to decisively deal with cases of corruption. Within the National Prosecuting Authority, the Asset Forfeiture Unit (AFU) completed 572 forfeiture cases with a value of R423,6 million, 377

freezing orders to the value of R1,194 billion and recoveries of R1,16 million relating to government officials convicted of corruption and other related offences. An overall success rate of 99% was recorded in the AFU.

This performance was made possible through the support and collaboration of officials within the criminal justice family. I would like to thank Chief Justice Mogoeng Mogoeng and the entire judiciary, the staff of the NPA; staff at Legal Aid SA and SIU; my Cabinet colleagues; members of the Parliament and Chapter 9 institutions. Within the Department, I would like to express my gratitude to Deputy Minister John Jeffery; Director-General, Mr Vusi Madonsela, the Auditor-General and the Audit Committee, and the entire staff of the Department.



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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

The 2016/17 financial year represents a half-way mark towards the conclusion of the 2018/19 MTSF period. We have made progress on some of our key programmes and are looking forward to full implementation of our plans as this period nears its close.

The goal of establishing at least one small claims court in each of the magisterial districts and subdistricts has been realised with a total of 405 small claims courts established countrywide. For the year under review, 34 courts were established against a target of 30. These courts provide people with an opportunity to settle civil disputes to the value of less than R15 000 without the need for legal representation. We will continue to monitor the performance of these courts and if necessary, continue to establish additional seats of courts of seating to support existing courts.

Further progress to improve access to justice continues to be enhanced through appointment of additional members of the Judiciary. Towards the end of the 2016/17 financial year, 48 senior magistrates were identified for appointment in the 2017/18 financial year. Of the identified candidates, 47 were African, Indian and Coloured, and 23 were female. These appointments will improve court management and increase efficiency at the Magistrate's Courts, where the majority of our citizens come into contact with the justice system.

Sheriffs of the Court provide support to the court through service of process within the civil justice system. Following the redemarcation of magisterial boundaries, the redescription of Sheriff areas was undertaken. As a result of this process a number of new posts were identified and advertisements were made for these new posts and existing vacancies. I am looking forward to welcome approximately 46 Sheriffs during the 2017/18 financial year.

I am pleased that the Office of the Information Regulator has been established. The Chairperson and Commissioners of the Regulator were appointed during the 2016/17 financial year, in line with Chapter 5 of the Act. This Office is entrusted with the monitoring and enforcement of compliance by public and private bodies with provisions of the Promotion of Access to Information Act of 2000 and the Protection of Personal Information Act of 2013. We are looking forward to addressing issues related to recklessness, abuse and misuse of personal and institutional information.

Following the finalisation of the Legal Practice Act of 2014, the Department embarked on a process towards appointment of the National Council and Provincial Councils of the legal profession. During the 2016/17 financial year, the interim National Forum undertook consultations with the legal profession and the drafting of regulations.



The Legal Practice Council is expected to be established by the end of the 2017/18 financial year.

Progress has been made towards the finalisation of other key legislation. The Criminal Matters Amendment Act, 2015, was put into operation with effect from 1 June 2016. This important Act targets copper and other metal thief syndicates and makes it more difficult for perpetrators of these offences to be released on bail.

Three key pieces of legislations were tabled in Parliament for purposes of consultation with a wide range of stakeholders. Firstly, the Protected Disclosures Amendment Bill is intended to contribute to the fight against fraud, corruption and other improprieties. This Bill gives protection to whistle-blowers who make honest disclosures about wrong-doing in the workplace and furthermore criminalises the making of deliberate false disclosures which result in harm to a person or institution.

Secondly, the Cybercrimes and Cybersecurity Bill provides a comprehensive legislative framework in a single statute which is meant to prevent, detect and prosecute criminal activity in cyberspace. It also provides for cross-border or international cooperation since offences of this nature invariably extend beyond national boundaries.

Lastly, the Prevention and Combating of Hate Crimes and Hate Speech Bill was widely distributed and made available in October 2016 for a broad public

consultation process. I am pleased with the level of engagement we have received from members of the public, following a number of racial slurs made over online social media. The final Bill to Parliament will encapsulate the comments received where appropriate.

We are proud of the progress made with the finalisation of the National Action Plan against Racism, Racial Discrimination, Xenophobia and Related Intolerance. Extensive engagement with different communities was undertaken during the year under review; for example, over 100 dialogues with municipalities were undertaken. It is expected that by the end of the 2017/18 financial year, a final draft will be put together and tabled in Parliament.

My sincere appreciation to members of staff of our Department and entities; Cabinet colleagues; members of the Judiciary; and civil society for their continued cooperation as we serve this great country.



**John Jeffery, MP**

Deputy Minister: Justice and Constitutional Development



## 5. LEGISLATIVE AND OTHER MANDATES

The Department derives its statutory mandate from a broad range of statutes and legislation. A key constitutional mandate of the Department is derived from Chapter 8 of the Constitution "Courts and Administration of Justice".

Specific provisions of the Bill of Rights in the Constitution furthermore gave rise to other pieces of legislation which form a significant part of the legislative mandate of the Minister, namely, section 9 on Equality; section 12 on Freedom and Security of the person; section 14 on Privacy; section 28 on Children; section 32 on Access to Information; section 33 on Just Administrative Action; section 34 on Access to Courts; and section 35 on Arrested, Detained and Accused Persons. The legislative mandate of the Department flows from these constitutional provisions, all of which are aimed at advancing and sustaining constitutionalism and the rule of law.

The legislative mandate can be broadly categorised into (i) Courts and the administration of justice; (ii) Other legislation crucial to the administration of justice; and (iii) Legislation for the promotion, protection and enforcement of human rights.

### COURTS AND ADMINISTRATION OF JUSTICE

The Constitution Seventeenth Amendment Act, 2012, affirms the Chief Justice as Head of the Judiciary and assigns to him/her the responsibility to oversee the development and monitoring of norms and standards for the performance of all courts. Performance of courts is therefore the responsibility of the Office of the Chief Justice.

The following are legislation providing for the establishment and functioning of superior courts and lower courts as well as other courts designated to deal with specialised cases which are both at the level of the High Court and Magistrate's Courts.

- The Superior Courts Act, 2013 (Act 10 of 2013). The Act rationalised, consolidated and amended the laws relating to the Constitutional Court, the Supreme Court of Appeal and the High Court of South Africa. The Act also makes provision for the administration of the judicial functions of all courts and those administrative and budgetary matters relating to the superior courts. The Act provides for assignment of certain functions to the Office of the Chief Justice (OCJ) which, among others, includes support to the Heads of Courts, Judicial Service Commission and the Judicial Education Institute.
- The Magistrate's Courts Act, 1944 (Act 32 of 1944). The Act empowers the Minister to create various Magistrate's Court districts, regional divisions and subdistricts, and to define their local limits, appoint magistrates, additional magistrates and regional court magistrates as well as persons to act in those offices when necessary and to determine various amounts and fees related to the monetary jurisdiction of the courts, witness fees and others.
- The Small Claims Courts Act, 1984 (Act 61 of 1984). The Act empowers the Minister to establish small claims courts, determine their seats and areas of jurisdiction, appoint commissioners and determine various amounts related to the jurisdiction of the courts.
- The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007). The Act aims to comprehensively and extensively review and amend all aspects of the laws and the implementation of the laws relating to sexual offences, and to deal with all legal aspects of or relating to sexual offences in a single statute. This Act provides for the designation of courts to sit as sexual offences courts.

- The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000). The Act also provides for the designation of courts to sit as equality courts.

#### **OTHER LEGISLATION CRUCIAL TO THE ADMINISTRATION OF JUSTICE**

The following are key legislation within the administration of justice to which the Minister of Justice and Constitutional Development has oversight and other responsibilities:

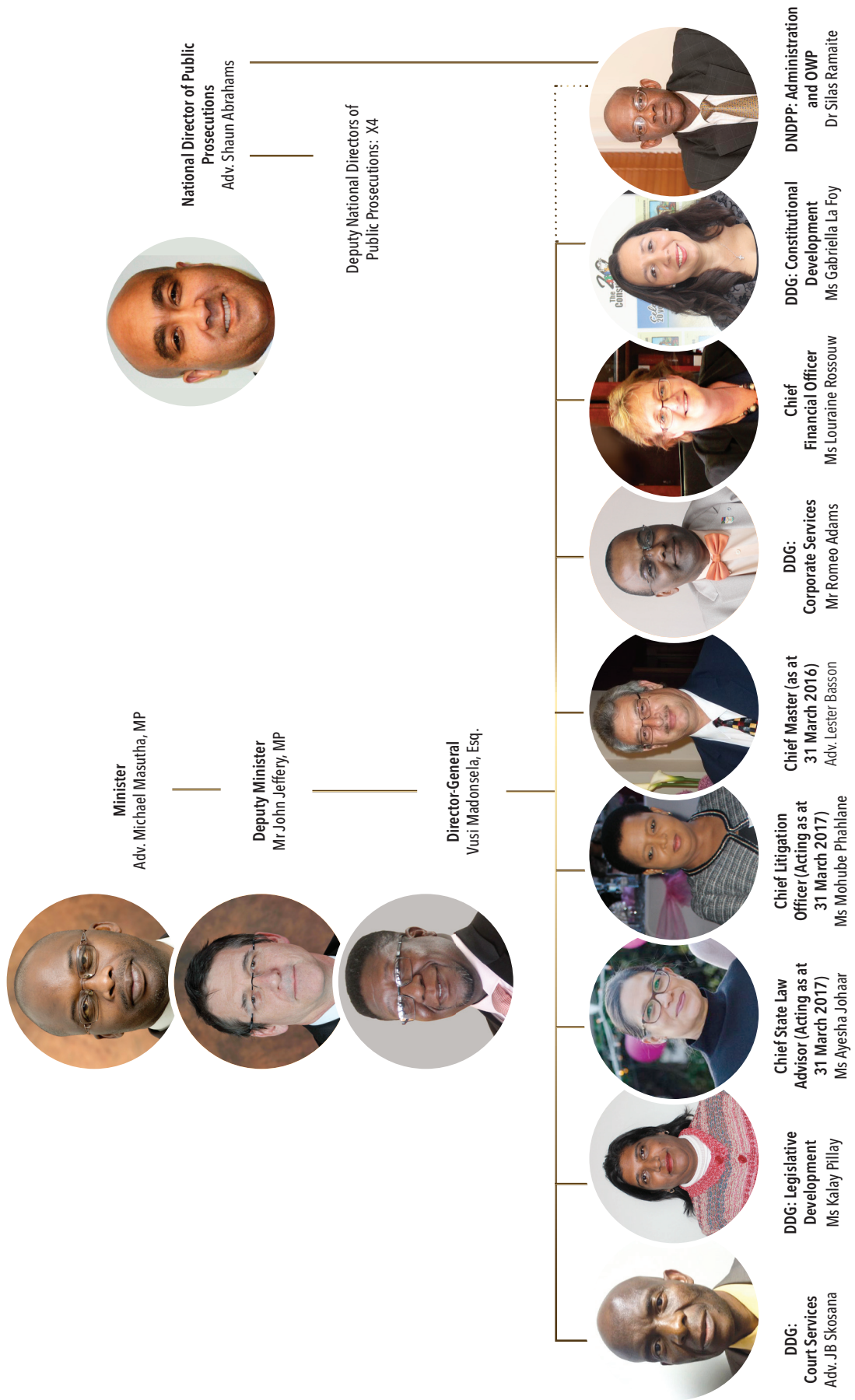
- The National Prosecuting Authority Act, 1998 (Act 32 of 1998) provides for the establishment of a single national prosecuting authority in accordance with the provisions of section 179 of the Constitution. Provision is, among others, made for the structure and composition of a single national prosecuting authority; the appointment, remuneration and conditions of service of members of the prosecuting authority; and the powers, duties and functions of such members.
- The Special Investigating Units and Special Tribunals Act, 1996 (Act 74 of 1996) provides for the establishment, composition, functions and powers of Special Investigating Units for the purpose of investigating serious malpractices or maladministration in connection with the administration of state institutions, state assets and public money as well as any conduct which may seriously harm the interests of the public.
- The Prevention of Organised Crime Act, 1998 (Act 121 of 1998) introduces measures to combat organised crime, money laundering and criminal gang activities and prohibits certain activities relating to racketeering activities. Provision is made for the prohibition of money laundering and for an obligation to report certain information. The Act also criminalises certain activities associated with gangs and provides for, among others, the recovery of the proceeds of an unlawful activity; the civil forfeiture of criminal assets that have been used to commit an offence or assets that are the proceeds of an unlawful activity; and for the establishment of a Criminal Assets Recovery Account.
- Legislation regulating the provisioning of legal services to government departments: State Attorney Act, 1957 (Act 56 of 1957). The Act makes provisions for the Minister to establish the Office of the State Attorney and the appointment of state attorneys and staff.
- Legal Practice Act, 2014 (Act 28 of 2014). This Act aims to introduce a legislative framework for the transformation and restructuring of the legal profession in line with constitutional imperatives so as to facilitate and enhance an independent legal profession that broadly reflects the diversity and demographics of the Republic.
- Legislation providing for the establishment of bodies responsible for law reform and rule-making: The South African Law Reform Commission Act, 1973 (Act 19 of 1973) and the Rules Board for Courts of Law Act, 1985 (Act 107 of 1985).
- Legislation providing for the administration of estates: The Act provides for the appointment of masters of the high courts and the administration of the Guardian's Fund and deceased estates (the Administration of Estates Act, 1965 (Act 66 of 1965), and the making of regulations prescribing the procedure to be observed in connection with insolvent estates and determine policy for the appointment of a curator bonis, trustee, provisional trustee or co-trustee by the Master of the High Court (Insolvency Act, 1936 (Act 24 of 1936)).

## **LEGISLATION FOR THE PROMOTION, PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS AS DERIVED FROM THE BILL OF RIGHTS**

The following are legislation, derived from the Bill of Rights, for the promotion and protection of human rights:

- The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000) gives effect to section 9 of the Constitution by providing for, among others, the equal enjoyment of all rights and freedoms by every person; the promotion of equality; the values of non-racialism and non-sexism contained in section 1 of the Constitution; the prevention of unfair discrimination and protection of human dignity as contemplated in sections 9 and 10 of the Constitution; and the prohibition of advocacy of hatred, based on race, ethnicity, gender or religion, that constitutes incitement to cause harm as contemplated in section 16(2)(c) of the Constitution.
- The Criminal Procedure Act, 1977 (Act 51 of 1977) regulates aspects relating to the criminal procedure in the South African law. The Act provides, among others, for the procedures to be followed in criminal proceedings; arrest and other measures of securing the attendance of accused persons in court; and the release of an accused on warning or bail. It further regulates the laws pertaining to search and warrants; seizure and forfeiture of property; and assistance to accused persons.
- The Protection of Personal Information Act, 2013 (Act 4 of 2013) aims to give effect to the right to privacy by introducing measures to ensure that the personal information of an individual is safeguarded when it is processed by responsible parties. It also aims to balance the right to privacy against other rights, particularly the right to access to information and to generally protect important interests, including the free flow of information within and across the borders of the Republic.
- The Child Justice Act, 2008 (Act 75 of 2008) aims to establish a criminal justice system for children who are in conflict with the law and are accused of committing offences, in accordance with the values underpinning the Constitution and the international obligations of the Republic.
- The Promotion of Access to Information Act, 2000 (Act 2 of 2000) gives effect to section 32 of the Constitution subject to justifiable limitations, including but not limited to, limitations aimed at the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance and in a manner which balances the right of access to information with any other rights including the rights in the Bill of Rights in Chapter 2 of the Constitution.
- The Promotion of Administrative Justice Act, 2000 (Act 3 of 2000) gives effect to the right to administrative action that is lawful, reasonable and procedurally fair and to the right to written reasons for administrative action as contemplated in section 33 of the Constitution.
- The Legal Aid South Africa Act, 2014 (Act 39 of 2014) aims to ensure access to justice and the realisation of the right of a person to have legal representation as envisaged in the Constitution and to render or make legal aid and legal advice available; for that purpose to establish an entity called Legal Aid South Africa with a Board of Directors and to define its objects, powers, functions, duties and composition; to provide for the independence and impartiality of Legal Aid South Africa.

## 6. ORGANISATIONAL STRUCTURE



## 7. ENTITIES REPORTING TO THE MINISTER

The table below indicates the entities that report to the Minister of Justice and Constitutional Development and that are funded through the Department of Justice and Constitutional Development 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 South Africa (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.
National Prosecutions Authority	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.
Special Investigating Unit (SIU)	Special Investigating Unit and Special Tribunals Act (Act No. 74 of 1996)	Transfer payment	Provides professional forensic investigations and litigation services to all state institutions at national, provincial and local level.



## 8. REPORT OF THE ACCOUNTING OFFICER



**Mr Vusi Madonsela**

Director-General: Department of Justice and Constitutional Development

### 8.1 GENERAL OVERVIEW

A large proportion of the budget allocated to the DOJCD is spent on compensation of employees who deliver services across the breadth of the country, in line with the Departmental mandate, and provide support services. The following services were delivered in line with this mandate:

1. 46 320 maintenance orders were granted in the courts, while 145 997 new maintenance applications were handled;
2. A total of 302 684 cases were finalised by the Master of the High Court. These included deceased estates, insolvencies, formation of trusts and payments of the Guardian's Fund. This work was done through 15 offices of the Master of the High Court;

3. A total of 19 156 applications for expungement of criminal records were dealt with, while 614 requests for presidential pardons were finalised. During the year under review, 68 pardons were granted;
4. A total of 1 603 legal opinions and certification of bills were completed through the Office of the Chief State Law Advisor; and
5. A total of 341 360 criminal cases were finalised with a verdict through the courts.

The budget cuts that came as a result of the #FeesMustFall campaign at higher education institutions, as well as implementation of bargaining chamber decisions on housing allowances and salary increases resulted in potential budget shortfalls for compensation of employees. A task team was put together to identify critical areas of staff shortages. In addition, the task team was required to assist the Department to identify opportunities to improve efficiencies within the existing staff complement. It is for this reason that service delivery breakdowns were avoided despite a substantial number of posts not being filled.

In addition to the service delivery imperative, the Department is responsible for improving access to services in underserved areas. In this regard, 30 new small claims courts were established to bring to 405 the number of these courts in the country. A total of 11 sexual offences court rooms were designated to enable children who have been violated to give evidence in an appropriate environment. The total number of sexual offences courts that have been designated following the Ministerial Task Team on Sexual Offences is 58.

With regard to the Department's transformational agenda, significant progress has been made within the State Attorney environment. A number of policies



meant to address the rising cost of state litigation have been taken through consultative processes. These policies included the Management of State Litigation Policy, the State Legal Representation Policy, the Mediation Policy and the Tariff Policy.

The Masters of the High Court environment continued with the implementation of paperless initiatives to improve service delivery and curb fraudulent activities. By the end of the 2016/17 financial year, the Paperless Estates Administration System (PEAS) was implemented in 206 Magistrate's Courts. This was in addition to the successful roll-out in 15 Master's Offices as well as approximately 96 service points during the 2015/16 financial year.

Another area where substantial progress was made was within the Integrated Justice System programme. Since the beginning of the 2016/17 financial year, docket data captured through SAPS was being transferred to the NPA and the DOJCD via the Integrated Justice System transversal hub. This represented a key milestone in the implementation of the IJS.

Implementation of MojaPay, a payment management system for maintenance beneficiaries and other third party funds, began during the financial year.

This system enabled the Department to address control challenges on one hand, and to improve the time taken for maintenance beneficiaries to receive their funds, on the other. In addition, the Justice Managed Funds Bill was finalised by Parliament and this will further provide administrative guidance within the Third Party Funds environment.

Within modernisation of the justice services, the Court Recording Technology (CRT) system was implemented in all provinces. This system will enable efficient storage and retrieval of court records and provides operational reports that will assist in improved management of court processes.

Regrettably, budget cuts meant that challenges within areas such as security management and implementation of key legislation such as the Protection of Personal Information Act will remain underfunded. The Department will continue to identify efficiencies to enable such areas to receive much needed funding.

## 8.2 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	2016/2017			2015/2016		
	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	-	-	-	-	-	-
Motor vehicle licences	-	-	-	-	-	-
Sale of goods and services other than capital assets	63 912	53 698	10 214	65 378	62 161	3 217
Transfers received	112	485	(373)	244	5 134	(4 890)
Fines, penalties and forfeits	318 490	254 374	64 116	206 608	237 084	(30 476)
Interest, dividends and rent on land	5 506	8 553	(3 047)	8 474	5 221	3 253
Sale of capital assets	2 110	56	2 054	180	4 567	(4 387)
Financial transactions in assets and liabilities	70 124	54 194	15 930	20 070	14 459	(5 611)
<b>Total</b>	<b>460 254</b>	<b>371 360</b>	<b>88 894</b>	<b>300 954</b>	<b>328 627</b>	<b>(27 673)</b>

### Programme expenditure

Programme name	2016/2017			2015/2016		
	Final appropriation	Actual expenditure	(Over)/under-expenditure	Final appropriation	Actual expenditure	(Over)/under-expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Administration	1 970 717	1 969 006	1 711	1 832 581	1 819 166	13 415
Court Services	6 272 604	6 272 604	-	5 667 254	5 667 254	-
State Legal Services	1 104 981	1 104 981	-	1 018 338	1 002 173	16 165
National Prosecuting Authority	3 554 576	3 554 576	-	3 374 346	3 374 346	-
Auxiliary and Associated Services	3 137 858	3 137 855	3	3 118 254	3 108 841	9 413
Programme subtotal	16 040 736	16 039 022	1 714	15 010 773	14 971 780	38 993
Statutory appropriation: Magistrates' salaries	2 010 162	1 845 713	164 449	1 830 769	1 721 789	108 980
<b>Total</b>	<b>18 050 898</b>	<b>17 884 735</b>	<b>166 163</b>	<b>16 841 542</b>	<b>16 693 569</b>	<b>147 973</b>

The Department's final expenditure as at 31 March 2017 amounted to R17,8 billion against the adjusted budget of R18,0 billion, resulting in an underspending of R166 million. This was mainly due to magistrate vacancies, which were in the process of being filled by the end of the financial year. Excluding the magistrate's compensation budget, the

department's final expenditure amounted to R16,0 billion, resulting in an underspending of R1,7 million. This underspending was mainly attributed to delays in finalising the refurbishment of office buildings, thus impacting on the planned delivery of related office furniture, as well as the less than anticipated transfer claim by SASSETA.

## Virements

From		To	
Programme	Amount '000	Programme	Amount '000
Programme 1	(160 217)	Programme 2	14 352
		Programme 2	140 576
		Programme 2	5 283
		Programme 4	06
Programme 2	(69 175)	Programme 4	10 807
		Programme 5	42 904
		Programme 3	7 595
		Programme 3	7 363
		Programme 3	506
Programme 3	(36 952)	Programme 2	36 952
Programme 4	(13 742)	Programme 2	13 742
Programme 5	(69 287)	Programme 2	69 287
Total virements	(335 631)		335 631

## PROGRAMME 1

Savings amounting to R160,224 million from Programme 1 on Compensation of Employees, Goods and Services and Transfers and Subsidies were utilised to defray excess expenditure of R162,218 million on compensation of employees and payment for capital assets in Programme 2, whilst an amount of R6 thousand was shifted to transfer and subsidies in Programme 4.

## PROGRAMME 2

Savings amounting to R69,175 million from Programme 2 on Goods and Services were utilised to defray excess expenditure on compensation of employees amounting to R10,807 million in Programme 4. An amount of R7 595 million was shifted to Goods and Services, whilst an amount of R7 869 million was shifted to Transfers and Subsidies in Programme 3. A further amount of R42 904 million was shifted to Goods and Services in Programme 5.

### PROGRAMME 3

Savings amounting to R36 952 million from Programme 3 on Compensation of Employees were utilised to defray excess expenditure on compensation of employees in Programme 2.

### PROGRAMME 4

Savings amounting to R13 742 million from Programme 4 on payment for capital assets were utilised to defray excess expenditure on buildings and other fixed structures in Programme 2.

### PROGRAMME 5

Savings amounting to R69,287 million from Programme 5 on payment for capital assets were utilised to defray excess expenditure on buildings and other fixed structures in Programme 2.

## 8.3 FRUITLESS AND WASTEFUL EXPENDITURE

As part of Departmental processes and procedures, 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. During the 2016/17 financial year a total of 1 136 cases amounting to R738 thousand were resolved, written off or recovered by the Department.

## 8.4 IRREGULAR EXPENDITURE

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 or for appropriate progressive disciplinary action. The relevant supervisor is required to provide feedback within a specific timeframe to the Internal Control

Unit. These consequence management reports contain information on interventions by the supervisor to prevent a 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 department has condoned irregular expenditure to the value of R1 655 thousand and R1 170 thousand was confirmed as not Irregular during the 2016/17 financial year.

### Consequence management

Through the process outlines above, 15 cases were referred to supervisors for progressive disciplinary action. A total of 8 officials were disciplined and 7 cases of disciplinary action are still outstanding.

### Future plans of the Department

Implementation of Phase 2 of the roll-out of sexual offences courts will continue, beginning with the 2017/18 financial year. This service includes access to civil-based organisations in the preparation of minor victims as well as appropriate infrastructure for minors to testify.

### Public-private partnerships

Not applicable

### Discontinued activities/activities to be discontinued

Not applicable

### New or proposed activities

Not applicable

## 8.5 SUPPLY CHAIN MANAGEMENT

### Unsolicited bid proposals concluded for the year under review

None

### Processes and systems are in place to prevent irregular expenditure

The following are a list of initiatives that were implemented by the Department in strengthening supply chain processes:

Improved process quality assurance – An independent quality assurance process for bid specifications, bid evaluations and recommendation for award has been stepped up. Complex bids or quotations estimated below R50 million were subjected to a quality assurance review performed by the Internal Audit Unit, while bids or quotations estimated above R50 million were further subjected to a QA review by the National Treasury. Checklists were implemented to monitor and track SCM compliance with prescripts as part of the specification drafting, evaluation and submission to the delegated authority for consideration.

Empowerment efforts – General and continuous training of the Bid Adjudication Committee members and SCM practitioners through work shopping and targeted focus groups are part of an ongoing effort to keep key role players up to date with developments in the SCM process value chain, especially the implementation of the preferential procurement regulations of 2017 .

Risk mitigation – The segregation of responsibilities towards limiting potential process risks became necessary; therefore, delegations of power were

specifically reviewed and tightened and approved by the Accounting Officer during the second quarter in relation to the different forms of procurement to ensure adequate risk management at the appropriate level given the risk exposure.

Policy review – The SCM policy has been reviewed and adjusted to improve governance and is currently being consulted at relevant governance structures with the intention to finalise and engage on a full roll-out implementation during 2017/2018.

Early warning system – End-users and service providers are alerted well in advance before contract expiry to enable timely renewals to avoid unintended extensions or perpetual commitments.

### Challenges experienced in SCM

High turnover of staff – vacant positions were advertised but not necessarily filled timeously owing to departmental-wide financial austerity measures. There are still critical vacancies within the SCM Unit which are currently negatively impacting on operations of the Unit, and this warrants a special focus during 2017/2018.

Potential loss of SCM documentation – The office renovations process took longer than envisaged, and as such, critical and confidential files may have been exposed and compromised during these mass relocations.

Lack of endorsed SCM structure – the Department is undertaking a post prioritisation and review exercise. This process is expected to deliver a positive resourcing model to allow for a process of securing relevant skills set within the SCM fraternity.

### 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
City of Mossel Bay	Auxiliary costs associated with court operations	R484 582,00

### Exemptions and deviations received from the National Treasury

Not applicable

### Events after the reporting date

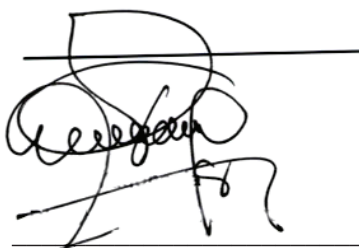
Not applicable

### Audit outcome

The audit opinion on the Vote account regressed during the financial year under review to a qualification based on non-implementation of the standard on disclosure of capital work in progress on infrastructure.

The standard could not be implemented due to significant number of infrastructure projects in progress and the lack of time to adhere to the guidelines that were communicated in January 2017. The challenge was exacerbated by the inconsistency in the interpretation of the requirements between the department, the Accountant General and the Auditor General. This challenge was not isolated to our department, however due to materiality it resulted in a qualification.

The Department will work closely in the new financial year with the Accountant General, Auditor General and the Department of Public Works (Property Management Trading Entity) to find a permanent solution to the challenges experienced.



**Mr Vusi Madonsela**

Accounting Officer

Department of Justice and Constitutional Development

**Date:** 31 July 2017



## 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 2017.

Yours faithfully

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**Mr Vusi Madonsele**

Accounting Officer

Department of Justice and Constitutional Development

**Date:** 31 July 2017

# Part B

Performance Information

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

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

*Refer to page 159 of the Report of the Auditor-General, published as Part D: Financial Information.*

## 2. OVERVIEW OF DEPARTMENTAL PERFORMANCE

### 2.1 ORGANISATIONAL ENVIRONMENT

The 2016 local government elections were successfully concluded through a joint effort of all spheres of government. The JCPS cluster, of which the Department of Justice and Constitutional Development is part, provided support during the process. Despite a few incidents of violence in Limpopo and Gauteng, members of the public exercised their constitutional rights.

Ongoing challenges that the JCPS cluster dealt with included violent service delivery protests. For the 2016/17 financial year, violent protests were experienced at university campuses during the #FeesMustFall campaign. Cases of arson, intimidation and assault were dealt with through the courts. In addition, renewed attacks on foreign nationals were reported and were dealt with.

Within the Department, the 2016/17 was particularly challenging due to budget-related issues. Budget cuts as a result of the low economic growth were further exasperated by reprioritisation of funds for higher education. Reprioritisation of funds meant that a number of initiatives such as Court-Annexed Mediation could not be implemented at the pace expected. Despite these challenges the Department managed to achieve 85% of the 105 planned targets

on the Annual Performance Plan of 2016/17, an improvement from the 70% achieved in the previous financial year.

The Department's compensation of employees budget was further affected by two issues relating to the Bargaining Council decisions. Firstly, the increase in housing subsidies substantially increased the wage bill. Secondly, the salary increases for employees appointed through the OSD dispensation were set at the same rate as those of levels 1–12 employees, and this put a strain on the compensation budget. A Human Resources Post Review Committee was set up to prioritise critical posts that the Department could fill. At the same time, the Department revisited the entire structure of the Department in order to make effective use of the skills already available within the Department. An important consideration during this process was service delivery imperatives, particularly within Magistrate's Courts.

Budget cuts affected the Department's ability to address the growing need for security services to protect judicial officers, prosecutors and courts. Although special care was taken to ensure that high-risk areas such as courts in violent environments were appropriately protected, there are areas where security could be improved if funds were allowed.

One of the key highlights for the Department for the year was the appointment of the Information Regulator, in terms of the Protection of Personal Information Act (POPI), as well as full-time and part-time commissioners. A number of DOJCD officials were seconded to assist with the establishment of the office. Although the office is not yet fully capacitated, this Act will be implemented in phases, in line with the available budget.

## 2.2 POLICY UPDATE

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

### (a) Transformation of State Legal Services

In line with the Department's broader Transformation of State Legal Services, the Department embarked on addressing operational challenges within the State Attorney environment through a number of policy initiatives.

The Tariff Policy which is meant to standardise fee structures throughout State Attorney offices and curb spiralling litigation costs was finalised. A fee parameter based on skills and experience of advocates was formulated and implemented. However, legal challenges were raised by the profession and this led to the withdrawal of the policy during the year under review. The Department will continue to engage with relevant parties towards an amicable solution.

The State Legal Representation Policy was developed to guide policy on legal representation of executive authorities, Directors-General and other senior management in civil matters. The policy was circulated to client departments from national, provincial and local governments for input. The comments and/or inputs received from various client departments were consolidated, considered and incorporated into the policies. Following a SEIAS process through the Department of Monitoring and Evaluation, the policy will be submitted to Cabinet.

The Management of State Litigation Policy was developed to ensure cost-effective and efficient management of state litigation; clarify the roles, responsibilities and accountability of stakeholders in state litigation; and realign functions and processes in the management of state litigation. During the year under review the policy was circulated to key stakeholders for discussion and comment. The policy will be taken through Cabinet processes for approval.

The Mediation Policy provides guidance to State Attorneys and client departments on the approach to mediation in order to minimise litigation costs where appropriate. This policy requires State Attorneys and client departments to consider mediation as a first step/attempt in dispute resolution processes. Although the policy has not been approved by Cabinet, implementation of the guidelines has already begun.

Progress has been made regarding the building of capacity to enable State Attorneys to appear in High Courts. During the year under review, State Attorneys appeared in 473 matters in the High Court, without the support of an advocate. This initiative has the dual effect of decreasing the cost of outsourcing, thereby reducing their clients' expenditure on legal costs and encouraging fiscal prudence.

The State Attorney Amendment Act of 2014 provided for the establishment of a Solicitor-General to oversee state litigation. The Solicitor-General is expected to lead the transformation of the State Attorney environment into a law of choice for the state and legal practitioners in South Africa and to oversee the entire state legal services portfolio.

By the end of the financial year, processes were underway to identify an appropriate entity for State Legal Services as well as appropriate structures and funding models. Major progress in the transformation project is expected in the 2017/18 financial year.

**(b) Development of court administration/  
governance framework**

In a meeting arranged for August of 2015, the National Executive and the Judiciary took a decision to increase focus on the development of the court administration framework. This framework will give effect to the Constitution 17th Amendment, which affirmed the Chief Justice as the Head of the Judiciary and pronounced on his/her responsibility to oversee the administration of courts.

An Inter-ministerial Committee chaired by the Deputy President was established to put together recommendations to Cabinet on an appropriate judicial governance and court administration framework. A Technical Task Team (TTT) chaired by the DG of DoJ&CD was established to provide technical support to the IMC and comprised of representatives of DoJ&CD, Deputy President's Office, DPSC and DPME. The TTT is mandated to perform tasks and conduct research at the direction of the IMC.

By the end of the 2016/17 financial year, the TTT was in the process of finalising its research and preparing the report for submission to the IMC. It is anticipated that the report will be presented to the IMC during the 2017/2018 financial year

**(c) Policy framework for the Lower Courts Bill**

The Bill is intended to rationalise and transform the legislative framework of the lower courts in line with the Constitution. The legislation seeks to overhaul the Magistrate's Courts Act of 1944 and transform the lower courts in line with the Superior Courts Act, 2013, which is a blueprint for the transformation of all courts.

Development of a policy framework to transform Magistrate's Courts will be consulted with the Judiciary and this will culminate into a draft bill that is planned for introduction in parliament.

**(d) Utilisation of services of paralegals and  
professionalisation of the sector**

The objective of the legislative reform is to provide the professionalisation and the regulation of the paralegal sector, including the accreditation, training and ethical conduct of paralegals.

The Department prepared a discussion document which outlined the key elements for the professionalisation of paralegals. These included standardised training requirements; definition of the term paralegal (i.e. who would be considered a paralegal); disciplinary processes; and a governing body.

Research has been conducted and consultations have taken place with the stakeholders in the sector (including ACAOSA, NADCAO, law societies, LSSA, and FHR). A task team representative of the stakeholders has been mooted as Reference Group to discuss principles that must form the substance of the Bill.

**(e) Implementation of the Truth and  
Reconciliation Commission  
recommendations**

Progress made on the implementation of key TRC recommendations included the following:

**i. Draft regulations on medical benefits and  
other forms of social assistance**

The Department of Health (DOH) is responsible for amending the National Health Act, 2003, in order to make provision for free health services to be rendered by public health establishments to declared TRC victims and their relatives. Once these amendments are passed by Parliament, the Department will proceed with the draft regulations providing for special health services to be rendered free of charge to declared TRC victims and their relatives.

Regarding housing benefits, the Department began conducting a needs analysis to verify the TRC beneficiaries housing status against the information provided in the beneficiaries TRC files in order to determinate appropriate reparation. The needs analysis will inform the policy document which will be finalised in consultation with the Department of Human Settlements.

During the period under review, draft Community Rehabilitation Regulations that were prepared after consultation processes were subjected to a final SEIAS process. These regulations will enable the rehabilitation of 128 identified communities that were subjected to intense acts of violence and destruction during the specified conflict period (31 March 1960 – 10 May 1994), and which are still in distress.

In the process of discussing the latest amendments to the draft Regulations, a decision was taken to seek Cabinet's approval for the Department to solicit contributions from relevant stakeholders to secure adequate resources to roll out community rehabilitation to all 128 communities. Cabinet's decision would inform further amendments to the regulations.

Prior to this cabinet process, an initial 18 communities (2 per province) were identified to begin consultative processes on community rehabilitation projects. During the year under review, consultations were completed with 7 of the remaining 18 communities.

## **ii. Individual reparations**

The payment of individual reparations of R30 000 to TRC identified victims was concluded by the end of the 2014/15 financial year. Out of 21 676 TRC identified victims, the department paid R30 000 to each of the 17 398 TRC identified victims that applied.

## **2.3 PROGRESS ON DEVELOPMENT OF KEY LEGISLATION**

The 2016/2017 financial year saw two bills being finalised, one put into operation and several others making progress in Parliament.

### **Legislation finalised by Parliament**

The Justice Administered Fund Bill introduces, for the first time, a proper statutory framework for the management and accounting of monies in trust (Third Party Funds), for instance bail and maintenance money. These monies will be paid into the Fund created by the Bill and the monies will be dealt with in terms of the Bill, which regulates the management, control and accountability in respect of the monies.

The Protected Disclosures Amendment Bill is intended to contribute to the fight against fraud, corruption and other improprieties, for instance unfair discrimination and damage to the environment. It expands the scope or ambit of the legislation regulating the protection of whistle-blowers, namely the Protected Disclosures Act, 2000. The Bill will include in the scope of the legislation persons who are not necessarily employees in the strict sense of the word. The Bill will, for instance, allow independent contractors, former employees and even pensioners to make protected disclosures. The Bill also gives further protection to whistle-blowers who make honest and bona fide disclosures about wrong-doing in the workplace. In order to ensure that this legislation is not abused by persons with ulterior motives, it criminalises the making of deliberate false disclosures which result in harm to a person or institution.

### **Legislation implemented**

The Criminal Matters Amendment Act, 2015, which was passed by Parliament during the 2015/16 financial year, was put into operation with effect

from 1 June 2016. This important Act targets copper and other metal thieves and syndicates. The negative effects of copper and cable theft and the tampering with infrastructure which provides the means of distributing essential services throughout the country are dire, and the implementation of this Act will make it difficult for perpetrators of these offences to be released on bail and will subject them to long terms of imprisonment. While the Act specifically targets copper and cable thieves, its reach will also be felt by rhino poachers.

### Legislation in process

The Courts of Law Amendment Bill was approved by the National Assembly and by the end of the financial year, was being considered by the National Council of Provinces. The objective of this legislation is to put a stop to abuses in the debt recovery processes which are regulated in the Magistrate's Courts Act, 1944. Unconscionable and even illegal conduct on the part of some persons in the debt collection industry results in many thousands of debtors taking little of their pay packages home because of the emoluments attachment orders that have been issued against them. This happens because they unwittingly consent, for instance, to courts far from where they live issuing emoluments attachment orders against them should they fall behind in the payment of their debts. The Bill prohibits this type of ruthless conduct and also requires emoluments attachment orders to be issued under judicial scrutiny and no longer by clerks of the court. At the same time it also gives effect to the judgment which was delivered by the Constitutional Court in the matter of *University of Stellenbosch Legal Aid Clinic & Others vs Minister of Justice and Correctional Services & Others*.

The Judicial Matters Amendment Bill was under consideration by the National Assembly at the conclusion of the 2016/17 financial year. The various amendments can be linked to some key targets of the NDP, namely, to ensure that all people are and feel safe based on an independent and

fair criminal justice system; social cohesion; to realise a developmental, capable and ethical state that treats citizens with dignity; and economic inclusion. The amendments will also give impetus to what Government has committed to do in terms of our international obligations. The following amendments bear mention:

- i. The Criminal Law Amendment Act, 1997, is being amended to include the commission of serious offences against older persons as defined in section 1 of the Older Persons Act, 2006, the perpetrators of which can be sentenced to life imprisonment.
- ii. The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, is being amended to include HIV/AIDS status as a prohibited ground of discrimination.
- iii. The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, is being amended to further regulate the categories of persons whose particulars must be included in the National Register for Sex Offenders, by including a reference to a person who is convicted of child pornography as contemplated in section 24B of the Films and Publications Act, 1996.
- iv. The Bill includes torture as an offence which does not prescribe after 20 years, as is the case with numerous other offences.
- v. The Sheriffs Act is being amended so as to provide that money in the Fidelity Fund for Sheriffs can be used for the payment, in deserving cases, of the costs for the enforcement of judgments of small claims courts by execution. This amendment is intended to assist indigent judgment creditors in small claims courts who are unable to enforce the judgments in their favour because of the costs involved.

The Traditional Courts Bill was introduced into Parliament during the 2016/17 financial year. This



Bill has as its main object the creation of a statutory framework which will regulate the functioning of traditional courts in order to replace the existing outdated 1927 Black Administration Act which is still applicable. The Bill is intended to provide a framework that can cater for all the difference systems of customary law that are applied throughout the country. It is important to note, however, that the Bill is not intended to deal with customary law per se but rather to ensure that traditional courts function in accordance with constitutional values and promote social cohesion and harmony in the communities they serve.

The Cybercrimes and Cybersecurity Bill was also introduced into Parliament during the 2016/17 financial year. The Bill provides a comprehensive legislative framework in a single statute in order to prevent, detect and prosecute criminal activity in cyber space. It also provides for cross-border or international cooperation since offences of this nature invariably extend beyond national boundaries.

The Criminal Procedure Amendment Bill responds to a judgment of the Constitutional Court in the case of *De Vos N.O. and Others v Minister of Justice and Constitutional Development and Others*. The Constitutional Court declared certain provisions of section 77 of the Criminal Procedure Act, 1977 to be unconstitutional because they provide for the compulsory imprisonment of adults and the compulsory hospitalisation or imprisonment of children who are alleged to have committed offences and who are not capable of understanding criminal proceedings against them. The Bill is intended to provide the courts with a wider range of options in respect of orders they can issue in cases of findings that accused persons are not capable of understanding criminal proceedings instituted against them. Furthermore, the composition of the panels of psychiatrists and psychologists provided for in section 79 of the Criminal Procedure Act, 1977, which are required to inquire into the mental capacity of an accused person to stand trial, came under

scrutiny in the Western Cape High Court in the case of *S v Pedro*. The Bill also aims to clarify the position surrounding the composition of these panels in accordance with the decision in the *Pedro* matter.

The International Arbitration Bill will enhance South Africa's role in the resolution of international commercial disputes. The aim of the Bill is to incorporate the United Nations Commission on International Trade Law (UNCITRAL) Model Law as the cornerstone of the international arbitration regime in South Africa. The UNCITRAL Model Law (Model Law) was developed in order to address the wide divergent approaches taken in international arbitration throughout the world and to provide a modern and easily adapted alternative to outdated national regimes. It is envisaged that the reforms contained in the Bill will ensure that the arbitration regime in South Africa remains at the forefront of international arbitration best practices. The proposed legislation will also assist South African businesses in resolving their disputes and will ensure that South Africa takes its rightful place as an attractive venue for parties around the world to resolve their commercial disputes.

The Prevention and Combating of Hate Crimes and Hate Speech Bill was widely distributed and made available in October 2016 for a broad public consultation process which continued to the end of January 2017. A large number of comments were received from persons and organisations across the country and abroad. The final Bill to Parliament will encapsulate the comments received where appropriate. The Bill intends to address the increasing number and intensity of intolerable incidents that constitute criminal offences or hate speech. The main object of the Bill is to create two new statutory offences, namely hate crimes and hate speech. While the existing criminal legal framework provides for a possible charge of *crimen injuria* being brought against a perpetrator of hate speech, this does not fully address the gravity of the offence of hate speech; hence, there is a need to create a specific stand-alone offence called hate

speech. By criminalising behaviour of this nature, appropriate penalties must also be put in place, which the Bill does.

## 2.4 IMPROVEMENTS IN ACCESS TO JUSTICE SERVICES

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

### i. Alignment of magisterial districts with municipal and provincial boundaries

The Department undertook to align magisterial districts with provincial and municipal boundaries in order to enable an easier access to justice services. In implementing these changes, the Department took special precaution to ensure that no communities are worse off following the realignment of magisterial boundaries.

For the year under review, the Northern Cape and Free State magisterial districts were aligned to municipal boundaries, and this brought the number of provinces with completed alignment to six.

The remaining three are planned for completion over the remainder of the MTSF period. In addition to municipal alignments, two divisions of High Courts (Gauteng and North West) were aligned with provincial boundaries.

### ii. Establishment of Small Claims Courts

During the year under review, 34 Small Claims Courts were established against a target of 30. The goal of establishing at least one Small Claims Court in each of the magisterial districts and subdistricts has been realised with 405 Small Claims Courts countrywide with the following provincial breakdown:

Province	Magisterial districts	Number of SCCs
Eastern Cape	79	79
Free State	56	56
Gauteng	17 * (and 12 subdistricts)	35
KwaZulu-Natal	55	55
Limpopo	22 * (and 17 subdistricts)	37
Mpumalanga	18 * (and 17 subdistricts)	33
Northern Cape	34	34
North West	18 * (and 13 subdistricts)	31
Western Cape	45	45
Total	344 *	405

\* Please note that there were more magisterial districts before the re-demarcation process started

In terms of the Small Claims Court Act, 1984, a Small Claims Court can also be established for a detached court within a certain magisterial district. During the 2016/17 financial year, 19 courts were established as places of sitting for small claims court matters.

### iii. Implementation of basic education and higher education assistance for TRC identified victims

Regulations in respect of basic education and higher education and training came into effect

on 7 November 2014 following the approval 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.

A total of 1 104 beneficiaries, 754 for basic and 450 for higher education, were identified for assistance for the 2017 academic year. The maximum amount paid per student for higher education assistance is to the value of R87,484 and R48,405 for basic education per learner.

## **2.5 IMPROVEMENTS IN ADMINISTRATION IN SUPPORT OF SERVICE DELIVERY**

A number of key ICT-based initiatives have been undertaken to improve the efficiency of administration in support of service delivery. For the year under review these were largely focused within Court Services and the Integrated Justice System. These initiatives are discussed below.

### **i. Third Party Funds Management System (MojaPay)**

The replacement of the old Third Party Funds (TPF) system with the new MojaPay system, from a technological perspective, is aimed at improving the turnaround time in payment of maintenance beneficiaries and introducing effective financial controls for maintenance and other third party related payments.

Following a successful pilot project in 22 Magistrate's Courts and State Attorney Offices, full implementation was undertaken. By the end of the financial year, the system was fully deployed in the Northern Cape and North West provinces, with the Free State province at 50% completion.

In provinces where the system has been implemented, the turnaround time taken to pay maintenance beneficiaries improved to 2 working days in 93% of the beneficiaries paid.

### **ii. Court recording and transcription system**

The Department embarked on a process to replace the ageing Digital Court Recording System with a modern and advanced Court Recording Technology (CRT) solution that enables efficient recording and retrieval of court proceedings, improved quality of audio recordings and secure storage of the recordings at multiple locations. This solution has additional capabilities of measuring court hours and therefore assists in identifying areas of improvement within court operations.

By the end of the financial year, the system was successfully implemented across the 9 regions to provide an improved service to the court administration system. All planned sites for implementation in Magistrate's Courts in 2016/17 were completed with the exception of newly renovated sites, new requests for mobile courts and High Courts.

### **iii. The Audio Visual Remand (AVR) system**

The Audio Visual Remand (AVR) system enables the courts to postpone cases without the accused physically leaving the correctional facilities. This solution enables the state to avoid significant efforts, financial cost and security risks involved in the transportation of the accused between the court and the correctional facilities where there are indications that the case would be postponed. The old Audio Visual Remand Equipment has to date been replaced in 8 sites during 2015/2016 and a further 39 sites during 2016/2017, with new technically advanced systems.

### **iv. Paperless Estates Administration System (PEAS)**

The Paperless Estates Administration System (PEAS), which computerises the administration process related to deceased estates, has successfully been rolled out and is being used by all 15 Master's Offices countrywide, as well as approximately 206 service points in total.

Rolling out to service points enables the service points to be linked with the relevant Master's Offices, who then are able to electronically oversee the appointment process in the service points, and thus ensuring that the whole country receives the same service and is able to access the same quality of service provided directly at Master's Offices, without the need to travel long distances to the 15 Master's Offices countrywide.

#### **v. Guardian's Fund System**

MOVIT (Master's Own Verification Information system) has been implemented and used in all 15 Master's Offices as well as at 183 Magistrate's Offices. This has increased access to services for beneficiaries whose funds are held within the Guardian's Fund. Completed applications for funds can be lodged directly at these mentioned offices, instead of needing to travel long distances to the handful of Master's Offices.

#### **vi. The Integrated Justice System**

The Integrated Justice System (IJS) programme is a government initiative that strives to improve the efficiency and effectiveness of the South African criminal justice process. It forms part of the Integrated Criminal Justice System Strategy (ICJS) that was approved by Cabinet in March 2017.

The primary objective of the IJS is to transform South Africa's Criminal Justice System (CJS) into a modern, efficient, effective and integrated system by:

- Electronically enabling and integrating the end-to-end criminal justice business processes (i.e. from the report of a crime to the release of a convicted person), through technology solutions; and

- Managing the related inter-departmental information exchanges across the CJS.

Development of the case integration between SAPS, NPA and the DOJCD was rolled out thereby enabling the capability for case docket information captured by the SAPS to be electronically transmitted to the NPA and subsequently to the DOJCD via the IJS Transversal hub. This capability includes the creation of the electronic charge sheet and related annexures in NPA. As a result 595,481 cases were processed using the system.

The DSD network connectivity to the IJS transversal hub has been established. DCS had commenced procurement of necessary infrastructure to connect to the hub.

Performance of the Criminal Justice System is measured through 28 KPIs that have been identified through a consultative process. Regarding the development of the 28 KPIs, 4 were completed during the 2016/17 financial year and 14 in previous financial years. The four KPIs finalised in the 2016/17 financial year are:

- KPI 15 Crime Scene Response Rate implemented in December 2016
- KPI 16 Accommodation Rate implemented in March 2017
- KPI 17 Safe Custody Rate implemented in March 2017
- KPI 18 Escape Rate implemented in March 2017

Progress has been made in addressing system utilisation challenges. For example, registration of cases on ECMS has increased from 18% reported in May to 36% in October 2016. Similarly, recording of first court appearances on ICMS improved from 55% of courts in May 2016 to 90% of courts. The highest number of cases processed on the hub in a day was recorded as 3 510 on 8 March 2017.

## 2.6 OPERATIONAL PERFORMANCE

This report provides an overview on the operational information of the Courts during reporting period of 2015/16 and 2016/17 for Equality Court, Domestic Violence, Maintenance, Children Matters and Small Claims Matters.

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

- Equality Courts;
- Domestic Violence
- Maintenance services;
- Children's Act;

- Civil and Small Claims Courts
- Criminal prosecutions

### a) Equality Courts

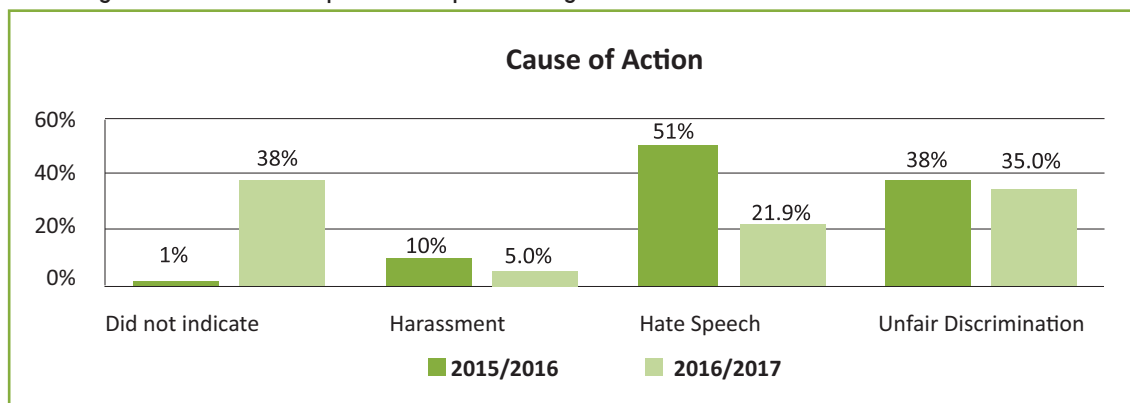
Equality Courts are courts designed to deal with matters covered by the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000, also known as the Equality Act. Members of the public bring matters such as unfair discrimination, harassment, hate speech and publication of information that unfairly discriminates. Pursuant to the provisions of section 9 (4) of the Constitution of the Republic of South Africa, 1996, the Equality Act was enacted and came into operation in September 2000.

#### Equality Court: Matters registered

2015/16	2015/16	% Change
558	480	-14

The above table shows that, during the reporting period, nationally there was a 14% decrease of Equality Court matters reported during the financial year 2016/2017.

#### Percentage contribution in respect of Complaints lodged: 2015/2016 vs 2016/2017



The above figure shows that, during the reporting period, Unfair Discrimination comprised the highest number of complaints lodged, (35%) followed by Hate Speech (21.9%)

\*Did not indicate = The equality collection statistical

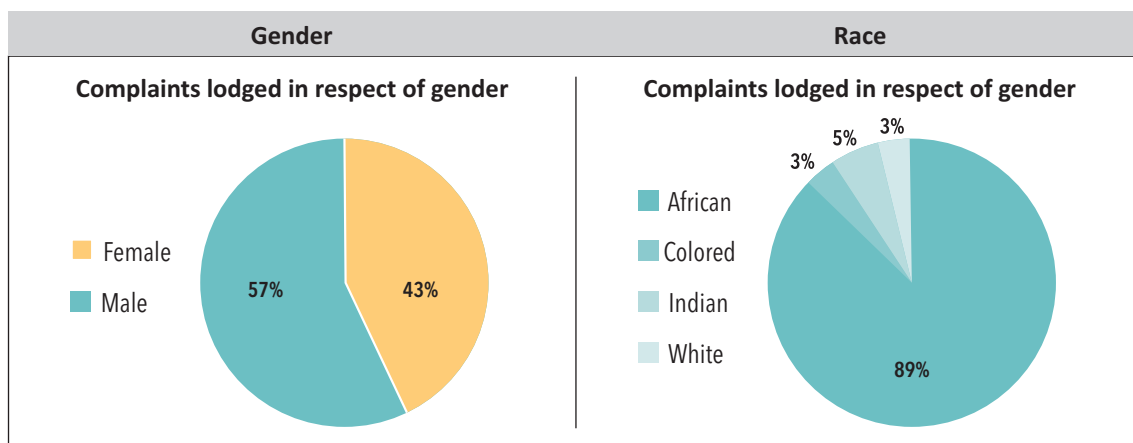
tool does not oblige the clerks of the court to provide specific data on the type of complaint, however measures are put in place to enhance the existing tool that such data can be obtained.

## Grounds for unfair discrimination - complaints lodged 2015/2016 vs 2016/2017

Sub complaint	2015/2016	2016/2017
Sub complaint	2015/2016	2016/2017
Any Other Ground That Undermines Human Dignity	23.8%	16.0%
Colour	11.3%	14.2%
Gender	6.3%	11.3%
Disability	1.3%	6.6%
HIV Status	2.5%	5.7%
Belief	5.0%	4.7%
Ethnic	5.0%	3.8%
Age	0.0%	2.8%
Culture	10.0%	2.8%
Sex	0.0%	1.9%
Marital Status	0.0%	0.9%
Sexual Orientation	0.0%	0.9%
Conscience	7.5%	0.0%
Pregnancy	2.5%	0.0%
Religion	1.3%	0.0%

Based on the information above, 28% of the complaints lodged relates to unfair discrimination in terms of race, followed by "Any other ground that undermines human dignity" (16.0%).

### Complaints lodged in respect of gender and race for 2016/2017



The majority of complaints lodged were African males during 2016/2017, while African females lodged the majority complaints in 2015/2016.

#### Equality Court: Matters dealt with

Financial Year	Withdrawn	Judgement	Referred To Alternative Forum	Settled Out Of Court
2015/2016	23.3%	64.0%	12.8%	0.0%
2016/2017	35.0%	30.0%	30.0%	5.0%

#### b) Domestic Violence

Domestic violence means any physical abuse, sexual abuse; emotional, verbal and psychological abuse; economic abuse; intimidation; harassment; stalking; damage to property; trespassing where the parties do

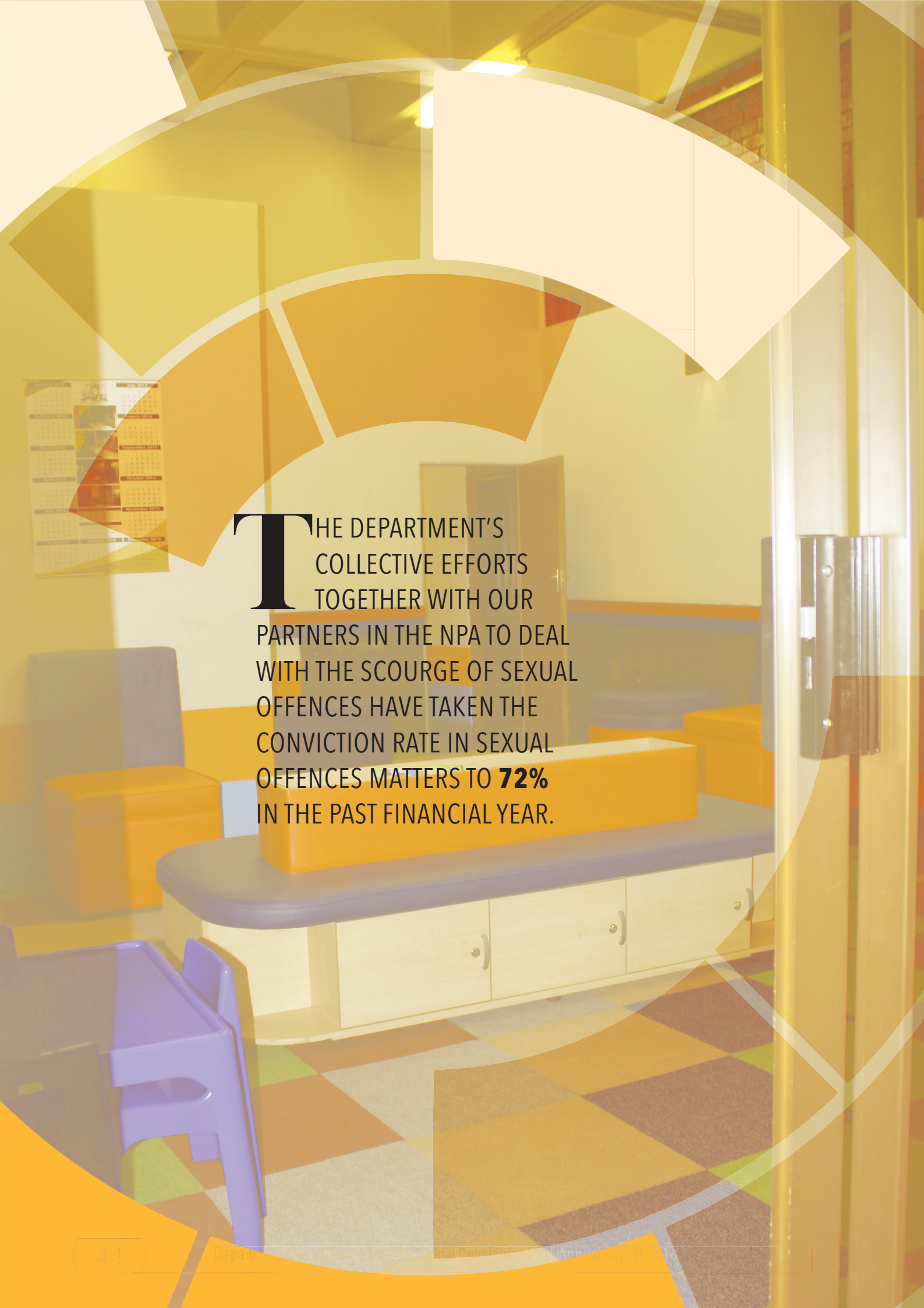
not share the same residence; or any other controlling or abusive behaviour towards a complainant, where such conduct harms, or may cause imminent harm to, the safety, health or wellbeing of the complainant.

#### Domestic Violence: Civil Process – Type of Abused registered for hearing

Period	Any other controlling or abusive behavior towards a complainant	Damage to property	Economic abuse	Emotional, verbal and psychological abuse	Harassment	Intimidation	Physical Abuse	Sexual Abuse	Stalking	Unauthorised Entry	Grand Total
Q1	9710	2573	1741	32044	8170	8171	21737	627	1178	4237	90188
Q2	9387	3004	2101	35602	8190	8641	22864	704	1094	4338	95925
Q3	11297	3089	2226	34620	9558	10186	23783	609	1052	4599	101019
Q4	13148	2932	2329	37177	10104	10928	24986	564	1210	5118	108496
% Change (Q3 & Q4)	16.4%	-5.1%	4.6%	7.4%	5.7%	7.3%	5.1%	-7.4%	15.0%	11.3%	7.4%
Grand Total	43542	11598	8397	139443	36022	37926	93370	2504	4534	18292	395628

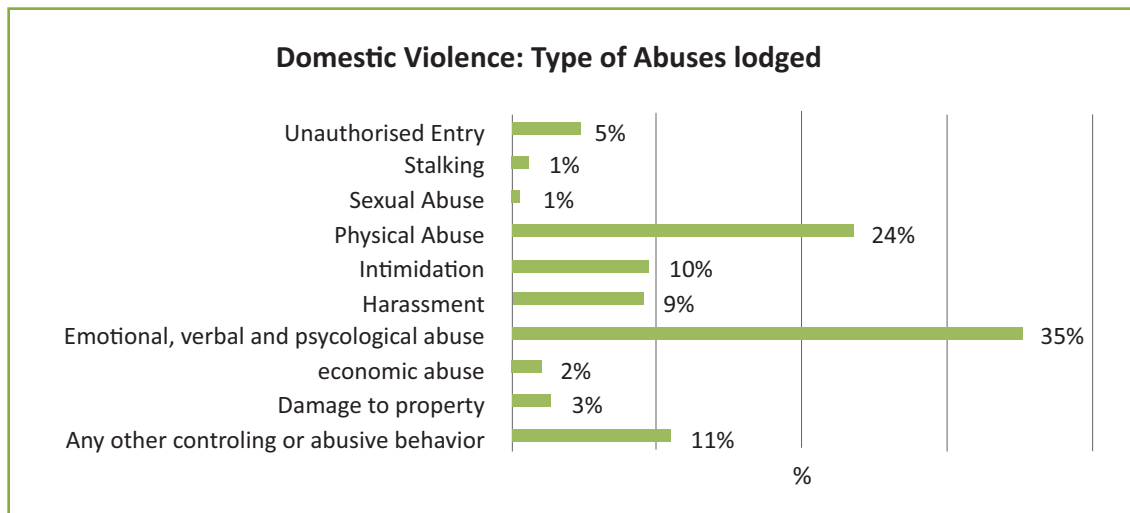
The table above indicates a national increase of 7.4% for domestic violence complaints registered from Quarter 3 to Quarter 4.



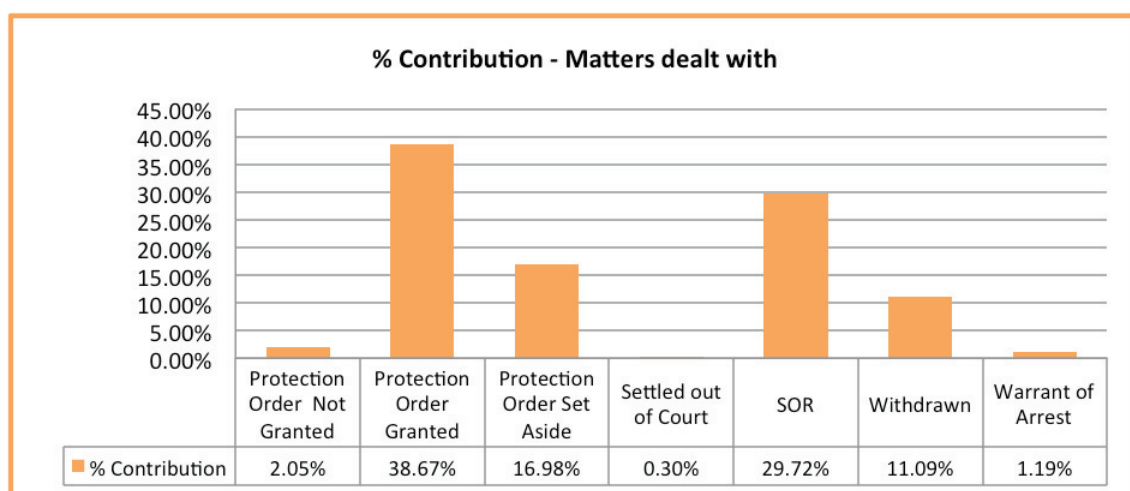


**T**HE DEPARTMENT'S  
COLLECTIVE EFFORTS  
TOGETHER WITH OUR  
PARTNERS IN THE NPA TO DEAL  
WITH THE SCOURGE OF SEXUAL  
OFFENCES HAVE TAKEN THE  
CONVICTION RATE IN SEXUAL  
OFFENCES MATTERS TO **72%**  
IN THE PAST FINANCIAL YEAR.

## Domestic violence: Type of abuse lodged



The graph above depicts that, during the period under review, "Emotional, verbal and psychological abuse" were the highest compliant lodged for domestic violence, (35%) followed by "Physical abuse" (24%)



The graph above depicts 38.6% of matters dealt with relates to Protection orders granted, followed by matters stuck of roll 29.7%.

Note: the department is working on improving the ICMS live system to ensure that interim protection orders are updated on a regularly basis.

### c) Maintenance matters

Maintenance is regulated under the Legislation-South Africa-National /Acts and Regulations/ Maintenance Act no.99 of 1998. The tables below

refer the civil and criminal processes for maintenance matters. Once a court granted a maintenance order and the respondent does not comply, the case can be proceed through either a civil or a criminal process. The civil process followed during this reporting period are reflected in the table below. According to the Maintenance Enforcement Strategy criminal processes in the enforcement of maintenance orders should be followed as a measure of last resort, where possible.

Note that the collection tool currently does not make provisioning for the capturing of outstanding maintenance matters and matters where a

maintenance order was not granted; however the department is working towards a live maintenance system which will collect details information.

#### Maintenance matters: Civil process

Period	New applications received (files opened)	Enquiries Finalised (sec 10)	Orders Granted (sec 16)	Orders By Consent (sec 17)	Orders By Default (sec 18)	Orders Varied (sec 19)	Paternity Disputes (sec 21)
2015/16	160 885	71 542	51 475	81 106	5 669	17 400	11 938
2016/17	145 997	61 124	46 320	78 315	5 855	15 063	12 045
% Change	-9.3%	-14.6%	-10.0%	-3.44%	3.3%	-13.4%	0.9%

The table above indicates an overall decrease (9.3%) in maintenance matters. The decreases experienced in the other processes can be linked to the overall decrease in new applications received. Enquiries finalised referred to the final maintenance enquiries in court in terms of section 10 of the Maintenance Act. The processes referred to in the above table

include matters not finalised during the previous financial year.

#### d) Children's matters

Children's Matters refers to the Children's Act 38 of 2005 that promotes the protection, development and well-being of children.

#### Children's Court: Adoptions

Period	Adoptions: Inter-country		Adoptions: National		Children found in need of care and protection
	Opened	Finalised	Opened	Finalised	
2015/16	478	375	1 456	856	58 485
2016/17	534	409	1 364	1 122	64 856
% Change	11.7%	9.1%	-6.3%	31.1%	10.9%

Adoptions cases opened inter country decreased by almost 12% and the opened national adoptions decreased by 6.3%. Number of children found in need of care increased by almost 11%.

#### e) Lower Court: Civil matters

The Magistrates' Courts are the lower courts which deal with the less serious civil cases and small claims matters

#### Lower Court: Civil matters

Period	Summons issued for the month	New applications	New trials enrolled	Trials finalised with evidence	Trials finalised without evidence	Section 57/58 issued	Opposed app motion granted	Opposed app motion dismissed	Unopposed app motion granted	Unopposed app motion dismissed
2015/2016	705 888	40 407	37 174	5 481	3 244	90 793	16 575	5 883	84 210	13 578
2016/2017	718 079	36 152	38 546	4 872	3 227	59 452	18 640	9 059	81 313	14 148
% change	1.7%	-10.5%	3.7%	-11.1%	-0.5%	-34.5%	12.5%	54.0%	-3.4%	4.2%



The table above provides statistics for both Regional and District courts, and indicates that the workload in the lower courts increased with 1.7%, and trial enrolled with 3.7%.

#### f) Small claims matters

The section below shows the total number of registered cases by cause of action cases finalised by cause of action and outcome of the matter for 2015/2016 and 2016/2017.

#### Total number of registered and disposed of cases 2015/2016 and 2016/2017

Period	Registered	Disposed of
2015/2016	47 336	23 472
2016/2017	48 665	36 150
% Change	3%	54%

The Table above indicates and 3% increase in the number of cases registered and 54% in matters disposed of.

#### Number of registered cases by cause of action 2015/2016 and 2016/2017

Cause of action	2015/2016	2016/2017	% change
Money Owed	19745	21 428	8.5%
Damages to properties	5 112	5 211	1.9%
Money Lent and advanced	5 482	5 112	-6.7%
Service Rendered	4 974	5 109	2.7%
No Services Rendered	4 333	4 422	2.1%
Return of goods	3 629	3 711	2.3%
Credit Agreements	2 902	2 574	-11.3%
Action against occupier	1 007	977	-3.0%
Action arising from liquid documents	152	121	-20.4%
<b>Grand Total</b>	<b>47 336</b>	<b>48 665</b>	<b>2.8%</b>

The table above shows the number of registered cases by cause of action for 2015/2016 and 2016/2017. Money owed and damages to properties had the highest number of registered cases across both years.

#### Manner in which matters were finalised: 2015/2016 compared to 2016/2017

Manner in which cases were finalised	2015/2016	2016/2017	% of total
Judgement Granted	8 649	13 227	36.59%
Case Struck of Roll	8 224	12 397	34.29%
Default Judgement	2 854	4 834	13.37%
Case Dismissed	1 784	2 866	7.93%
Out of Court Settlement	1 021	1 317	3.64%
Absolution	412	902	2.50%
Case Withdrawn	383	520	1.44%

Denied	102	35	0.10%
Rescission Granted	43	52	0.14%
Grand Total	23 472	36 150	

During the 2016/2017 financial year the majority of cases were finalised through "Judgement granted" and "Case struck of the roll" with a total of 13 227 546 and 12 397 respectively.

#### g) The National Prosecutions Authority

Notwithstanding the challenges encountered by the NPA during the reporting period, the organisation generally performed well in the achievement of its objectives. Maintaining high conviction rates is regarded as a measure of quality prosecutions. All courts, as part of the National Prosecutions Service (NPS), managed to obtain 321 190 convictions with a remarkable 94% conviction rate. Although not all annual targets as outlined in the annual performance plan were achieved, concerted efforts were made by all prosecutors to ensure improved performance despite the various challenges experienced by the courts.

An improvement in delivering justice by means of ADRM was achieved during this reporting period. The NPA excelled by finalising a total of 164 016 cases through ADRM, of which 42 240 cases were diverted after enrolment, 5 790 cases were diverted before enrolment in terms of the Child Justice Act (CJA) and 115 986 cases were successfully mediated on an informal basis.

A total of 1 988 plea and sentence agreements in terms of section 105A of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) were concluded, representing a 5% increase on the number of agreements concluded during the previous financial year.

Improved screening processes and the implementation of screening teams have resulted in a reduction of 6% (6 515) in the number of cases withdrawn. Improved screening processes have also contributed to the enrolment of mostly trial-ready matters.

In some performance areas, targets were exceeded; of note is the result of the combined efforts of the Criminal Justice System (CJS) against corruption. The Specialised Commercial Crime Unit (SCCU) exceeded its set target of 25 on the number of people convicted of corruption or offences related to corruption where the amount benefited per case is more than R5 million, by convicting 29 people. The Asset Forfeiture Unit also performed well by obtaining recoveries relating to corruption where the amount involved is more than R5 million, to the value of R627,3 million by the end of the 2016/17 financial year.

The enhanced focus of the courts on serious crime, in line with the objectives set by the JCPS Delivery Agreement, resulted in an improved conviction rate in serious crime. The conviction rate in sexual offences ended at an all-time high of 72%, reflecting a firm commitment to deliver justice for the most vulnerable groups, i.e. the victims of sexual offences and gender-based violence. The focused approach by the courts on the growing international phenomenon of cybercrime has reaped positive results as the courts managed to maintain a remarkable 97% conviction rate with 289 convictions. The conviction rate in organised crime increased with 1%, from 89% in the previous year to 90% in the current financial year.

The SOCA Unit exceeded its target during the year by achieving a conviction rate in the prosecution of sexual offences reported at Thuthuzela Care Centres (TCC) of 71%, which is significantly higher than the target of 67%.

The Priority Crimes Litigation Unit (PCLU) consistently performed in line with the set targets throughout the year, with a limited number of staff. Through the Missing Persons Task Team (MPTT), the PCLU also did valuable work during the year in the recovery and identification of the mortal remains of victims of the apartheid regime who disappeared without trace during the apartheid era. Their efforts have helped bring some closure to the families of these victims.

The Legal Affairs Division continues to provide vital guidance and advice on various matters relating to forthcoming cases as well as the impact of existing and proposed legislation on the NPA.

The internationally recognised third subprogramme of the NPA, the Office for Witness Protection (OWP), continued its important work of protecting vulnerable witnesses. Over the last fifteen years, no witness has been harmed, threatened or killed whilst on the programme.

#### **h) The Office of the Chief State Law Adviser**

The Department, through the Office of the 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. 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.

The State Law Advisers are tasked with the solemn responsibility of ensuring that the state is able to deliver on its obligations, promote the rule of law and give effect to the values enshrined in the Constitution of the Republic of South Africa. The State Law Advisers do this by providing legal advice and guidance to the state on its proposals, legislation and international agreements and by ensuring that potential litigation against the state, on constitutional and other legal grounds, is considerably reduced. The State Law Advisers scrutinise, develop, draft and certify all primary legislation before it is introduced in the Parliament of the Republic of South Africa. It is the responsibility of the State Law Advisers to ensure that it is compatible with the Constitution and other legal instruments and that it will withstand constitutional muster. In this way, the State Law Advisers make a significant contribution towards the development of our constitutional jurisprudence.

The table below indicates the number of requests that were handled through this office in the 2016/17 and 2015/16 financial years

Financial year	Total cases finalised	Total cases finalised within prescribed period
<b>Legal opinions</b>		
2015/16	737	726
2016/17	765	736
<b>Preliminary opinions on draft bills</b>		
2015/16	94	92
2016/17	95	90

Certification of bills and other legislative instruments		
2015/16	233	230
2016/17	204	187
International agreements and accompanying legal opinions		
2015/16	255	247
2016/17	234	222
Translations into South African official languages		
2015/16	275	271
2016/17	278	256

### i) Extraditions

The DOJCD is one of the departments responsible for ensuring successful implementation of extradition orders. In addition, foreign maintenance orders, as well as service of process for civil matters are undertaken.

The number of extraditions that were processed for the year under review was 169, which indicates a major increase in cases finalised as compared to the 2015/16 financial year.

With regards to enforcement of maintenance orders,

a total of 25 requests were handled in 2016/17, compared to 82 in 2015/16. 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 effect, the Department processed 205 requests for the service of process, with the assistance of other government departments.

Financial year	Total processed
Extradition and mutual legal assistance	
2015/16	82
2016/17	169
Foreign maintenance orders	
2015/16	84
2016/17	25
Service of process	
2015/16	212
2016/17	205



## j) Expungements and pardons

### 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. This process enables people to be re-integrated into the socioeconomic environment. During the year under review, 21 183 expungement applications were recorded, while 19 156 were finalised.

#### Expungement cases handled

Financial year	Outstanding applications from previous financial year	New applications received during	Number of applications finalised
2015/16	3 114	16 767	17 357
2016/17	3 753	21 183	19 155
% change	21%	26%	10%

### 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

	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
2015/16	724	500	720	523	59	43
2016/17	523	590	614	516	57	68
% change	-28%	18%	-15%	-1%	-3%	58%

## 2.7 PERFORMANCE AGAINST THE MEDIUM-TERM STRATEGIC FRAMEWORK 2014/19

The vision set out in the NDP for the Criminal Justice System is that by 2030 People in South Africa should feel and be safe. The Medium-Term Strategic Framework for 2014–19, aligned to the NDP and approved during the 2014/15 financial year, sets out performance indicators for different role players within the JCPS Cluster. In line with this plan, the following has been achieved by the Department and the National Prosecutions Authority

### Suboutcome 1: Reduction in contact crime

There was a 2% increase in the conviction rate of

sexual offences in 2016/17, as well as an increase of 2% in the conviction rate of trio crimes.

### Suboutcome 2: An efficient and effective Criminal Justice System

The number of cases finalised with a verdict increased by 10% from 310 850 to 341 360. Due to internal control measures that were implemented, the number of cases finalised through alternative dispute resolution mechanisms (ADRM) reduced by 2% from 166 952 to 164 016. The implementation of the CJS 7-Point Plan continued and was

incorporated into the Cabinet approved ICJS comprising various critical pillars including a victim and people centred focus.

#### **Suboutcome 4: Secure cyberspace**

The conviction rate of cybercrimes increased from 96% in 2015/16 to 97% in 2016/17. The Cybercrime and Cybersecurity Bill was finalized and consultations on it was initiated.

#### **Suboutcome 5: Ensure domestic stability**

Challenges during the financial year contributed to a significant decrease (18%) in the conviction rate in violent protests and industrial action prosecuted.

#### **Suboutcome 7: Corruption in the public and private sector reduced**

The number of persons convicted for corruption or offences relating to corruption where the amount involved is more than R5 million increased from 24 in the 2015/16 financial year to 29 in the 2016/17 financial year. Freezing orders, relating to corruption or offences relating to corruption where the amount involved is more than R5 million, to the value of R627,3 million and recoveries to the value of R122,7 million were obtained at the end of the 2016/17 financial year.

The number of government officials convicted for offences related to corruption increased from 206 government officials during 2015/16 to 224 government officials during 2016/17. Recoveries from government officials that were convicted of corruption or other related offences, to the value of R1,16 million were obtained. Recoveries in terms of POCA to the value of R219 million were obtained.

## **2.8 SERVICE DELIVERY IMPROVEMENT PLAN**

The Department identified three (3) key services for improvement and these are incorporated into the Departmental Service Delivery Improvement Plan. Performance against service standards for the year under review will be discussed. In addition, progress against the implementation of the Complaints Management Framework will be discussed.

### **a. Performance against service standards**

#### **i. Administration of estates**

Within administration of estates, it is important for the Department to ensure that letters of appointment are issued timeously in order to commence with the transfer of assets. The service standard and performance of deceased estates is as follows:

Beneficiaries	Current/actual standard of service	Desired standard of service	Actual achievement
Orphans Legal guardians Heirs Creditors People who are incapable of managing their own affairs	95% of letters of appointment in deceased estate issued within 15 working days of receipt of all required documentation	96% of letters of appointment in deceased estate issued within 15 working days of receipt of all required documentation	Target not achieved. Actual: 90%

The following are additional initiatives in line with Batho Pele principles:

Batho Pele principle	Current/actual arrangements	Desired arrangements	Actual achievements
Consultation	Customer satisfaction surveys conducted at Master's Offices	Customer satisfaction surveys conducted at 5 Master's Offices	Not achieved. Actual: Surveys conducted in 2 offices (Pietermaritzburg and Cape Town offices)
Courtesy	Wearing of name tags by 100% of officials	Wearing of name tags by 100% of officials	Target not achieved Actual: 76%
Access	100% of new estates registered on Paperless Estate Administration System (PEAS)	100% of new estates registered on Paperless Estate Administration System (PEAS)	Target not achieved. Actual: 98%
		Produce Master's service information in Braille by March 2017	Target not achieved. Service Information booklet revised. To be printed in Braille in 2017/18
Information	Five information sessions on Master's services held	Seven information sessions on Master's services	Target exceeded. Actual: 158 information sessions held across the regions; total number of 101 911 citizens were reached and 99 rural areas were visited
Openness and transparency	Publish the Annual Citizens Report	Publish the Annual Citizens Report	Annual Citizens Report will be published by 31 August 2017 <sup>1</sup>
Redress	All complaints to be responded to within 30 days of receipt	All complaints to be responded to within 30 days of receipt	Target not achieved. Complaints received: 107 Complaints responded to within 30 days of receipt: 82 (92%)
Value for money	Implement 20% of Project Khaedu recommendations	Implement 40% of Project Khaedu recommendations	Target exceeded. 89% of the recommendations were implemented.

## ii. Provision of maintenance services

Improving the quality of maintenance services as well as reducing the turnaround time in the management

of maintenance matters are endeavours geared towards protecting and promoting the rights of children, women and other applicable beneficiaries.

Beneficiaries	Current/actual standard of service	Desired standard of service	Actual achievement
Children Minors Single parents Other parents Grandparents Siblings	Where there is proper service of process, 55% of maintenance orders will be finalised within 90 days	Where there is proper service of process, 60% of maintenance orders will be finalised within 90 days	Target exceeded. Actual: 82%
	All electronic maintenance payments to recipients will be processed within four (4) working days of receipt of schedules from the employer	All electronic maintenance payments to recipients will be processed within four (4) working days of receipt of schedules from the employer	Target not achieved  Actual: 85%

The following are Batho Pele initiatives that were implemented during the year under review:

Batho Pele principle	Current/actual arrangements	Desired arrangements	Actual achievements
Consultation	None	Conduct a customer satisfaction survey in each region	Surveys conducted: <ul style="list-style-type: none"> <li>An assessment of the administration of Guardian's Fund services in line with applicable Service Standards, Master of the High Court (6 regions)</li> <li>Evaluation study on maintenance services (9 regions)</li> <li>Rationalisation of magisterial districts into municipal boundaries (Limpopo and Mpumalanga)</li> </ul>
Courtesy	Wearing of name tags by 100% of officials	Wearing of name tags by 100% of officials	Target not achieved. Actual: 77% <sup>2</sup>
Access	2 regions aligned with magisterial districts	2 regions aligned with magisterial districts	Target achieved. 2 provinces were aligned, namely Free State and Northern Cape
Information	Awareness sessions held on maintenance services in 9 regions	Awareness sessions held on maintenance services in 9 regions	237 information sessions conducted across 9 regions for the year 2016/17 on maintenance and other services
Openness and transparency	Publish the Annual Citizens Report	Published once a year	Annual Citizens Report will be published by 31 August 2017 <sup>3</sup>
Value for money	Implement 20% of Project Khaedu recommendations and customer survey findings	Implement 40% of Project Khaedu recommendations and customer survey findings	Target exceeded. Actual: 73% of the recommendations were implemented

### iii. Litigation services

It is imperative that the provision of State Legal services is done in an efficient and coordinated manner in order to promote the values and obligations arising from the Constitution.

Beneficiaries	Current/actual standard of service	Desired standard of service	Actual achievement
Government departments Parliament Local government Other organs of state	None existed	Acknowledgement letter will be sent to the client within 3 working days of receipt of instruction	The total number of instructions received was 18 989 Number of letters issued within 3 working days = 9 241 =49%

The following are additional initiatives in line with Batho Pele principles

Batho Pele principle	Current/actual arrangements	Desired arrangements	Actual achievements
Consultation	8 multi-regional stakeholder meetings	Multi-regional stakeholder meetings	36 multi-regional stakeholder meetings were held
Access	76% value of briefs allocated to previously disadvantaged	77% value of briefs allocated to previously disadvantaged individual counsels (PDIs)	Target exceeded. Actual performance: 82%
Information	Publish procedure manual on the website	Publish procedure manual on the website	Target not achieved. The procedure manual is not yet published
Openness and transparency	Publish the Annual Citizens Report	Publish the Annual Citizens Report	Annual Citizens Report will be published by 31 August 2017 <sup>4</sup>
Redress	All complaints to be responded to within 30 days of receipt	All complaints to be responded to within 30 days of receipt	Target not achieved. Actual: 47% of complaints resolved within 30 days
Value for money	Implement 20% of Project Khaedu recommendations	Implement 40% of Project Khaedu recommendations	Target exceeded. Actual: 72% of the recommendations were implemented

#### b. Complaints management mechanism

In order to make a true commitment to the Batho Pele principle of Redress it is critical that complaints

received from citizens are handled efficiently and effectively. Complaints, if handled well, will provide an opportunity to learn and improve service delivery.

Current/actual complaints mechanism	Desired complaints mechanism	Actual achievements
Implementation of the Integrated Complaints Management Framework (ICMF)	80% implementation of the Integrated Complaints Management Framework	65% of the ICMF implemented. <ul style="list-style-type: none"> <li>Conducted 5 workshops on the ICMF for Public Liaison Officers; Master's Office and Court Managers (Eastern Cape)</li> <li>Piloted the system in the Gauteng region at 2 service points, namely Soshanguve and Pretoria Magistrate's Courts. The courts are currently utilising the system for capturing of complaints</li> </ul>

### 3. PROGRESS ON ACHIEVEMENT OF STRATEGIC GOALS

The key mandate of the Department is to support administration of justice in line with the constitution. This is done by implementing an effective and efficient court administration system and provision of legal services to the country. Further, the Department provides effective support services that are in line with good governance. The Department also implements 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 as follows:

#### **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.

Unqualified audit opinion on CARA, President's Fund and Guardian's Fund were received for the 2015/16 financial year, in line with departmental objectives. The audit opinion for Third Party Funds improved from a disclaimer to a qualified opinion. Efforts put in place to address issues identified on the Third Party Funds, which included daily and monthly reconciliations, issuing of directives and training of all relevant staff members, bore fruit.

The management of working-progress for capital projects will be improved in order to address the audit quality on the vite acc.

Implementation of the new Third Party Funds system (MojaPay) began within the State Attorney and the Court environment. By the end of the financial year, the system was fully deployed in the Northern Cape and North West provinces, while the Free State province was at 50% completion. This system will not only enable beneficiaries to receive their funds timeously, but will go a long way towards addressing controls that were a constant challenge.

The Justice Administered Fund Bill, finalised by Parliament during the year under review, will assist with effective regulation, management, control and accountability in respect of Third Party Funds.

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

The Department continued to put systems in place to enable players within the criminal justice system as well as civil and family matters to effectively finalise the cases and improve service delivery.

The roll-out of the new Court Recording Technology (CRT) began in the 2015/16 financial year and has been successfully implemented across Magistrate's Courts in all nine provinces during the year under review. This system enables efficient recording and retrieval of court proceedings, improved quality of audio recordings and secure backup of the recordings at multiple locations. This solution has additional capabilities of measuring court hours and therefore assists in identifying areas of improvement within court operations.

The goal of establishing at least one Small Claims Court in each of the magisterial districts and subdistricts was realised, with 405 Small Claims Courts established to date. Within the year under review, 34 were established. These courts enable speedy finalisation of civil claims to the maximum value of R15 000 without the need for legal representation and they provide access to civil courts to a wide spectrum of communities.

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 initially piloted at nine pilot sites – one in each province. This service standard was extended to 90 more courts to bring the total of courts to 99. In addition, the implementation of the new Third Party Funds system (MojaPay) was completed in two provinces. Within these provinces the turnaround time taken to pay maintenance beneficiaries improved

to 2 working days in 93% of the beneficiaries paid. In addition, the system has radically improved the control environment and has lowered the risk of theft.

Development of the case integration between SAPS, NPA and the DOJCD was rolled out thereby enabling the capability for case docket information captured by the SAPS to be electronically transmitted to the NPA and subsequently to the DOJCD via the IJS Transversal hub. This capability includes the creation of the electronic charge sheet and related annexures in NPA. As a result 595,481 cases were processed using the system.

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

The Department continued with the Transformation of State Legal Services programme towards the provision of quality legal services. Within this programme, the transformation of the State Attorney component is one of the key areas.

A number of policies that will address issues of effectiveness and efficiency within State Attorney Offices were prepared during the year under review. These included the Mediation Policy, the Tariff Policy, the Management of State Litigation Policy and the State Representation Policy. Although some of the principles within these policies are already being implemented, the policies are expected to be submitted for Cabinet approval in the 2017/18 financial year.

In line with building the capability of State Attorneys to handle legal matters, significant progress has been made. During the year under review, State Attorneys appeared in 473 matters in the High Court, without the support of an advocate. This initiative decreases the cost of outsourcing, thereby reducing their clients' expenditure on legal costs and encouraging fiscal prudence.

Within the Office of the Master of the High Court, modernisation of service offerings continued in the year under review. By the end of the 2016/17 financial year, the Paperless Estates Administration System (PEAS) has enabled the Department to improve the management

of deceased estates. In addition to the 15 Master's Offices countrywide, 206 Magistrate's Courts handled the deceased estates matters on behalf of the Master. This brought services closer to people, particularly those in far-flung areas.


Progress has been made in the development of a number of legislations. Legislation that was finalised during the year under review includes the Protected Disclosure Act and the Justice Administered Funds Bill. Legislations that were under consideration by the end of the 2016/17 financial year included the Traditional Courts Bill, the Prevention and Combating of Hate Crimes and Hate Speech Bill, and the Cybercrimes and Cybersecurity Bill.

### **Goal 4: Promote constitutionalism and social justice to contribute to social cohesion**

Progress was made in the implementation of the Truth and Reconciliation Commission recommendations for social justice and to promote social cohesion. Exhumations of 14 remains as well as spiritual repatriation of one individual were undertaken during the year under review. Within the community rehabilitation project, seven communities were engaged and their needs identified. Implementation of projects will be undertaken jointly with other government departments. Finally, the next of kin of victims were assisted through bursaries within basic and higher education. For the academic year 2016, a total of 665 applications for basic education and 540 for higher education were submitted to the respective departments for processing. These bursaries are paid through the President's Fund.

The Department, in partnership with the Foundation for Human Rights, continued to implement human rights awareness programmes and capacitated civil society and non-governmental organisations to work within marginalised communities. A total of 24 897 people were surveyed to assess human rights awareness and it was found that 12 724 had heard of the Constitution and the Bill of Rights, bringing the percentage of people aware of the Constitution to 51,1%. This figure is an improvement from the





**T**HE DEPARTMENT HAS INTRODUCED  
MEASURES TO MODERNISATION  
THE JUSTICE SYSTEM IN ORDER TO  
IMPROVE EFFICIENCY AND ACCOUNTABILITY

**COURT RECORDING TECHNOLOGY (CRT)**

THE DOJ&CD HAS ROLLED OUT THE COURT RECORDING TECHNOLOGY (CRT) TO ALLOW FOR EASY AND RELIABLE RETRIEVAL OF COURT RECORDINGS. THIS TECHNOLOGY WILL ENHANCE THE MANAGEMENT AND ADMINISTRATION OF COURTS. THE DEPARTMENT HAS ALREADY ROLLED OUT TO THE MAJORITY OF COURTS BY THE END OF THE FINANCIAL YEAR 2016/17.

figure of 45% determined by the Survey conducted under the previous Access to Justice Programme.

The National Action Plan against Xenophobia, Racial Discrimination and Related Intolerances was submitted to Parliament for facilitation of inputs from members of the public. This consultative

process was undertaken within the context of racism cases identified through online social networks and renewed cases of xenophobia attacks. The Department undertook to develop the Hate Crimes Bill in Parliament in an attempt to classify hate speech as a criminal offence.

## 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.

#### 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).

#### This Programme has the following subprogrammes:

- Ministry
- Management
- Corporate Services
- Financial administration
- Internal Audit
- Office Accommodation

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

The objective of the Department is to achieve its mandate of ensuring access to justice services. In discharging this mandate, it is imperative that the Department puts systems and processes in place for effective management of the Department and adheres to principles of good governance. The Department set an objective of unqualified audit opinions on all funds under management by the end of the 2014/19 MTSF. Performance against this objective and its related key performance indicators are discussed below.

Strategic objective 1: Increased compliance with prescripts to achieve and sustain unqualified audit opinions						
Objective indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
1	Unqualified audit opinion achieved and sustained on financial statements	Vote: Unqualified CARA: Clean Guardian's Fund: Clean TPF: Qualified President Fund: Unqualified	Vote: Unqualified Guardian's Fund: Clean CARA: Clean TPF: Qualified President Fund: Clean	Vote: Qualified Guardian's Fund: Clean CARA: Clean TPF: Qualified President Fund: Clean	(20%)	Capital Works Work In Progress (WIP) not accounted for in terms of the Accounting Standards

## Performance indicators

Strategic objective 1: Increased compliance with prescripts to achieve and sustain unqualified audit opinions						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
1.1	Number of audit projects completed by Internal Audit	304	280	280	-	Target achieved
1.2	Percentage of audit findings addressed to resolve internal and external audit findings	81%	91%	77%	(22%)	Target not achieved
1.3	Number of quarterly reports on allocated CARA funds completed	3	4	4	-	Target achieved

Internal Audit provided a systematic approach to evaluate and improve the effectiveness of risk management, control activities, and governance within the Department. In achieving its mandate, the Audit Plan was approved by Audit Committee which consisted of 280 audit projects. At the end of the 2016/17 financial period, 280 audit projects were completed in line with the target.

To enhance governance and continuous improvement on processes and systems, the Department developed an audit action plan to address internal and external audit findings, which is monitored on an on-going basis. During 2016/17 financial year, the Department addressed 64 out of 83 audit findings to resolve internal and external audit findings in accordance with the approved Audit Action Plan. This translated to 77% of findings

addressed. The target was not met due to capacity constraints and some of the intervention periods were beyond the financial year under review.

The Criminal Asset Recovery Account (CARA) was established in 1999 as a separate account in the National Revenue Fund (NRF) in terms of section 63 of Prevention of Organised Crime Act, Act 121 of 1998 (POCA). Forfeited funds and property are deposited into this account. During the year under review, the Department completed four quarterly reports. These reports serve to inform Cabinet, the Criminal Asset Recovery Committee (CARC) and other oversight structures about the utilisation of CARA funds and assets.

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

Strategic objective 2: Implementation of programmes aimed at supporting employment opportunities for the youth						
Objective indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
2	Number of people appointed on internship and learnership programmes	Baseline information report not completed	Baseline information report	Baseline information report	-	Target achieved

The Youth Development Programme aims to support youth to gain work experience through internships and learnerships, and to provide business opportunities. This enables young people to participate in the economy of the country and positively contribute to the South African society and the economy.

This activity is in line with the National Youth Policy (2015 – 2020) that requires all sectors to put in

place programmes and interventions for youth development.

The baseline information was conducted to determine a number of youth employment opportunities supported and how the department contributed to the youth development. The results of the baseline study show that 4 372 youth were afforded opportunities through both employment and business opportunities.

### Performance indicators

Strategic objective 2: Implementation of programmes aimed at supporting employment opportunities for the youth						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
2.1	Number of people appointed on internship and learnership programmes	808	850	852	0,2%	Target achieved
2.2	Number of youth supported through procurement spending	Baseline information report not completed	Baseline information report	Baseline information report	-	Target achieved

To respond to the youth unemployment challenges, the Department has a programme that contributes to youth development through internships and learnerships. Through this initiative, 852 learners and interns were appointed in the 2016/17 financial year.

The absence of enabling legislation and policy in supporting youth initiatives posed a major challenge in performing this initiative. However, despite

legislative and policy shortcomings, the Department succeeded in supporting companies employing youth through the awarding of contracts. During the financial year under review, the department has conducted a baseline study with regard to youth employed through procurement spending. The results indicate that 3 520 youth benefited from the contracts awarded by the Department.

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

#### Strategic objective 3: Reduction of fraud and corruption cases in the Department

Objective indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
3	Percentage of employees perceiving a decrease in fraud and corruption	Baseline survey report completed	Baseline survey report	Baseline survey report 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 and education programmes.

During the 2016/17 financial year, the Department conducted a survey to establish employees'

perception of fraud and corruption. The results of the survey show that there is an improvement in the level of understanding with regard to the process of reporting fraudulent activities. The Department will continue providing awareness on fraud and corruption by ensuring that fraud and corruption is eradicated and high standards of ethical values are maintained.



## Performance indicators

Strategic objective 3: Reduction of fraud and corruption in the department						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
3.1	Number of fraud and corruption staff awareness workshops conducted	56	51	89	75%	Target exceeded
3.2	Percentage of forensic investigations finalised	91%	93%	90%	(3%)	Target not achieved due to complexity of some cases dealt with
3.3	Number of Integrity Competence Assessments of Senior Management Services (SMS) completed	175	146	154	5%	Target exceeded

The Department has a Fraud Prevention Plan that requires staff to adhere to the highest ethical standards in the Departmental operations and to improve governance. Workshops on fraud and corruption are part of initiatives that the Department uses to raise awareness. During the reporting period under review, 89 workshops on fraud and corruption were conducted.

In efforts to combat fraud and corruption, the Department's forensic unit investigates the alleged fraud and corruption to ensure that the outcomes of investigation are referred to the relevant authority for further action.

In the year under review, the Department recorded 241 alleged cases of fraud and corruption, and 216 of these cases were finalised, translating to 90% finalisation. The target could not be met because some matters are complex and require to be outsourced.

One component of the Fraud Prevention Plan encompasses vetting of officials. In the year under review, 154 senior management services members either had their vetting certificates or vetting forms submitted to the State Security Agency against the target of 146.

## STRATEGIC OBJECTIVE 4: INCREASED NUMBER OF PUBLIC BODIES COMPLIANT WITH THE PROMOTION OF ACCESS TO INFORMATION ACT (PAIA) OF 2000

Strategic objective 4: Increased number of public bodies compliant with the Promotion of Access to Information Act (PAIA) of 2000						
Objective indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
4	Number of public bodies fully compliant with PAIA	102	61	63	3%	Target exceeded due to improved efforts to assist more public bodies to comply

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”. In response to this constitutional imperative and to promote a culture of transparency and accountability in the conduct of government operations, PAIA was enacted.

The Department as the administrator and the coordinator of PAIA, is responsible for facilitation of the implementation of PAIA throughout the three spheres of government and other public bodies.

During the year under review, a survey of bodies was conducted of public bodies to determine their level of compliance with PAIA, and 63 public bodies were found to be fully compliant with PAIA.

### Performance indicator

Strategic objective 4: Increased number of public bodies compliant with the promotion of access to information act (PAIA) of 2000						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
4.1	Number of PAIA requests processed within 60 days	99%	90%	90%	-	Target achieved
4.2	Number of public bodies trained on implementing PAIA	57%	55	85	55%	Target exceeded. More requests for training were received than anticipated

The Department, through the Office of the Deputy Information Officer, ensures that applications for access to information from all persons or institutions are processed within the prescribed time frames.

These applications for access to information are processed in accordance with times prescribed by section 25 of PAIA.



In the 2016/17 financial year, the Department processed 224 requests for information and 201 were finalised within the prescribed period, translating to 90% performance achieved.

To ensure compliance with PAIA, the Deputy Information Officer of the Department is required to provide training within various public bodies.

During the financial period under review, 85 public bodies were trained on implementing PAIA. The target was overachieved due to requests for training from public bodies exceeding the planned target.

#### Strategy to overcome areas of under performance in Programme 1.

The target to address 91% of findings in the audit action plan was not met because of interventions that took longer than expected to implement. In some instances, officials resigned during the period under review, which led to interventions not completed as posts were not filled from August 2016 to 31 March 2017.

The Department will put in place stringent internal controls to improve on performance. Furthermore,

training will be provided to officials on related areas. Monitoring of business processes will be enhanced.

The target to finalise alleged cases of fraud and corruption was not met due to complexity of some of the matters, the services of experts will be sourced to assist with the complex cases.

#### Changes to planned targets

There were no changes to the planned targets during 2016/17 financial year.

#### Linking performance with budgets

The programme's overall expenditure for the year amounted to R1,96 billion against the budget of R1,97 billion, resulting to an underspending of R1,7 million.

The underspending is mainly attributed to delays in finalising the refurbishment of office buildings, thus impacting the planned delivery of related office furniture as well as the less than anticipated transfer claim by SASSETA.

#### Subprogramme expenditure

Subprogramme name	2016/17			2015/16		
	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	35 583	35 583	-	32 558	32 558	-
Management	153 719	153 719	-	54 028	54 028	-
Corporate Services	443 844	443 726	118	744 737	744 662	-
Financial administration	178 129	176 536	1 593	-	-	-
Internal audit	86 578	86 578	-	-	-	-
Office Accommodation	1 072 864	1 072 864	-	1 001 258	987 918	13 415
Total	1 970 717	1 969 006	1 711	1 832 581	1 819 166	13 415

## 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 and managing court facilities. This Programme has the following subprogrammes:

- 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.

1. Improved finalisation of criminal cases in support of Outcome 3: All People in South Africa are and feel safe;
2. Improved court-based services to achieve clients' satisfaction within the vulnerable groups;
3. Increased protection of the best interest of children and promotion of family cohesion through mediation services;
4. Increased access to justice services to historically marginalised communities; and
5. 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 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
5	Number of criminal cases on the backlog roll in lower courts	47 324	31 942	30 925	3%	Target achieved

Criminal case backlog reduction, premised on the principle of integrated implementation of case flow management, is part of the JCPS priorities in the government's Programme of Action (POA). In this regard, the criminal case backlog reduction initiative was introduced as one of the various interventions to deal with long outstanding cases. The aim of the case backlog initiative is to achieve a reduction in long outstanding criminal cases on the roll and to ensure that the inflow of new cases is balanced by matters concluded as well as greater court efficiency and effectiveness.

During the period under review, the number of criminal cases on a backlog in the lower courts was reduced to 30 925.

Following the integration of the ICMS within the Integrated Justice System transversal hub, a number of implementation challenges were experienced leading to backlogs in the updating of data; however, data was substantially corrected by the end of the 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 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
5.1	Percentage of criminal cases postponed due to unavailability of court administration staff	0,17%	<0,3%	0.18%	40%	Target exceeded. Improved management of court rolls
5.2	Percentage of criminal matters finalised within 6 months after the accused has pleaded to the charge	-	Baseline information report	Baseline information report	-	Target achieved
5.3	Percentage of accused pleaded to the charge within 3 months from date of first appearance in the Magistrate's Court	-	Baseline information report	Baseline information report	-	Target achieved
5.4	Percentage of indicators on the CJS Business Plan achieved	Draft CJS Business Plan not completed	100%	100%	-	Target achieved

The Department always strives to ensure that the necessary administrative support required for the functioning of the courts is available at all times. As at 31 March 2017, 262 cases out of 141 678 outstanding cases on the court roll were postponed due to unavailability of court administration staff. The performance achieved translated to 0.18% of all postponements, Monitoring of performance led to improved efficiencies which led to the target being exceeded.

The norms and standards for the performance of judicial functional were issued by the Chief Justice with regard to finalisation of criminal cases at the lower courts. The following norms and standards were set:

- The Judicial Officer must ensure that every accused person pleads to the charges within 3 months of the date of first appearance in the

Magistrate's Court.

- Judicial Officers will strive to finalise criminal matters within 6 months after the accused has pleaded to the charge.

A baseline report was conducted to determine the performance relating to 2016/2017 financial period in terms of the set norms and standards. The results from the baseline report show that 97% of criminal matters were finalised within 6 months after the accused had pleaded to the charge and 64% of accused persons pleaded to the charge within 3 months from date of first appearance in the Magistrate's Courts.

The Criminal Justice System (CJS) Reform Business Plan was finalized and an Integrated Criminal Justice Strategy (ICJS) was approved by Cabinet.

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

Strategic objective 6: Provide improved court-based services to achieve client satisfaction within the vulnerable group						
Objective indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
6	Percentage of complainants satisfied with court-based support services	Baseline survey completed	Baseline survey	Baseline survey completed	-	Target achieved

The incidence and prevalence of sexual offences is a real problem in South Africa. The Department has embarked on a project of designating sexual offences courts that deal specifically with sexual offences to fast-track the conviction rates of sexual crimes.

Research on the impact of sexual offences conducted over the past years reveal that victims of sexual abuse suffer secondary trauma as a result of their treatment within the Criminal Justice System. Therefore, the Department seeks to address the challenges that affects victims of sexual abuse.

A survey to establish the level of satisfaction with court-based services to victims of sexual crimes, was

undertaken in order to improve the services at the designating sexual offences courts.

The results show an increase in the overall victim satisfaction with the court-based services provided to victims of sexual crimes accessing these courts when compared to the previous year, from 48% in the 2015/16 financial year to 69% in the 2016/17 financial year.

The key systemic challenges are delays and postponements of cases. However, the Department continues to support the victims of sexual crime in accessing justice.

### Performance indicators

Strategic objective 6: Provide improved court-based services to achieve client satisfaction within the vulnerable group						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
6.1	Percentage of maintenance matters finalised within 90 days after proper service of process	85%	60%	82%	36%	Target exceeded. Monthly monitoring of performance led to over-achievement

Strategic objective 6: Provide improved court-based services to achieve client satisfaction within the vulnerable group						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
6.2	Percentage of convictions recorded electronically on the NRSO	100%	95%	*	*	*
6.3	Number of sexual offences court rooms established	14	8	11	38%	Target exceeded

A Maintenance Turnaround Strategy was introduced by the Department to reduce the turnaround times in the maintenance system. This project seeks to improve the pre-order maintenance services so as to ensure that the maintenance system is faster, easily accessible and effective. To this end, service standards have been piloted at 99 sites across the country.

During the year under review, the Department recorded 40 991 maintenance cases where defendants were served with proper service of process and 33 638 cases were finalised within 90 days after proper service of process had been served, translating to 82% performance achieved.

The key objective of registering perpetrators convicted of sexual offences committed against children and mentally disabled persons is to prevent registered sex offenders from working at environments that will expose children and mentally disabled persons to sex offenders. It also restricts them, among other things, from working with children or mentally disabled persons, becoming foster parents, kinship care-givers, temporary safe care-givers, adoptive parents or curators, unless they receive a certificate in respect of particulars from the Registrar of the NRSO.

Although 3402 cases were reported on the National Register for the 2016/17 financial year, the Auditor-General identified processing issues relating to registration of cases. The final figure will be reported once issues have been addressed. It should, however, be noted that no member of the public was prejudiced by the administrative challenges identified.

The re-establishment of the Sexual Offences Courts continues to be a critical strategy of the Department in addressing the delay in finalising sexual offences matters. The objective of the establishment of the Sexual Offences Courts, amongst others, is to improve the conviction rates in sexual offences matters as part of a deterrent strategy. In the year under review, the Department upgraded 11 regional courtrooms into dedicated sexual offences courts as set out in the table below.

The inclusion of the location type seeks to highlight that the Sexual Offences Courts are not only upgraded and established in urban areas but that efforts are made to reach out to rural and semi-urban areas.

Province	Name of Magistrate's Court	Location type	No. of court rooms
Gauteng	Pretoria North Magistrate's Court	Urban	2
North West	Moretele Magistrate's Court	Semi-rural	1
	Taung Magistrate's Court	Rural	1

\* The final figure of the convictions recorded on NRSO register could not be determined due to audit findings raised by the Office of Auditor-General. The verification process of data is underway.

Province	Name of Magistrate's Court	Location type	No. of court rooms
Northern Cape	Barkly West Magistrate's Court	Rural	1
	Upington Magistrate's Court	Semi-urban	1
Western Cape	Tembaletu Magistrate's Court	Semi-rural	1
Mpumalanga	Masoyi Magistrate's Court	Rural	1
	Mhala Magistrate's Court	Rural	1
Eastern Cape	Tsolo Magistrate's Court	Rural	1
Limpopo	Morobeng (Sekgosese) Magistrate's Court	Rural	1

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

Strategic objective 7: Increased protection of the best interests of children and promotion of family cohesion through mediation services						
Objective indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
7	Number of children assisted through family advocate interventions	23 481	15 120	26 586	76%	Target over-achieved due to awareness campaigns conducted

The Office of the Family Advocate was established after the promulgation of the Mediation in Certain Divorce Matters Act, 1989. When this Office was created, it was solely for the purpose of protecting the best interests of minor children whose parents were divorcing; in terms of the Divorce Act, 1970. 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, 26 586 children were assisted through family advocate interventions, against the target of 15 120. The Office of the Family Advocate conducted awareness campaigns throughout the nine provinces.

## Performance indicators

Strategic objective 7: Increased protection of the best interests of children and promotion of family cohesion through mediation services						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
7.1	Percentage of non-litigation family law matters finalised	86%	80%	85%	6%	Target over-achieved. Awareness campaigns conducted resulted in target exceeded
7.2	Percentage of family advocate court reports filed within 15 days of completion of enquiry	92%	90%	91%	1%	Target over-achieved. Awareness campaigns conducted resulted in target exceeded

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. With regard to non-litigation cases, the output is mediation in terms of sections 21, 22 and 33 of the Children's Act of 2005.

During the year under review, 10 821 non-litigation family law matters were registered

and 9 210 of these matters were finalised, which translated into 85% of cases. For the litigation cases where reports needed to be filed at courts, 9 563 reports were filed and 8 714 of those reports were filed within 15 days of completion of the enquiry; as a result with an increment of 91% against the target. The Department continues to conduct awareness campaigns in various regions and establish new offices.

## 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 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
8	Percentage of clients perceiving an increase in access to justice services	Baseline survey report not completed	Baseline survey report	Baseline survey report	-	Target achieved



Access to justice is a significant problem in the South African context, especially for the poor and vulnerable sections of society. The Department sought to increase access to justice in a highly unequal social environment in order to ensure that constitutional rights of all South Africans are realised.

The baseline survey report assessed how clients perceive an increase in access to justice system. The survey was

conducted in Limpopo and Mpumalanga regions in courts rationalised into municipal boundaries.

The baseline survey report overall results reveal that respondents appreciate implementation of the rationalisation initiative because they believe that the initiative has improved service delivery since people are able to access justice services nearer to where they stay.

#### Performance indicators

Strategic objective 8: Increased access to justice services to historically marginalised communities						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
8.1	Number of small claims courts established	40	30	34	13%	Target achieved
8.2	Number of provinces where magisterial districts are aligned with municipal boundaries	2	2	2	-	Target achieved
8.3	Number of divisions of high courts aligned with provincial boundaries	2	2	2	-	Target achieved

The Department is committed to improving access to justice through the establishment of Small Claims Courts by ensuring that there is a Small Claims Court in every magisterial district and subdistrict in the country. During the year under review, 34 new Small Claims Courts were established. These courts will ensure that more persons, especially in rural areas, are able to institute minor civil claims in an affordable and simple manner without the services of an attorney.

At the end of the 2016/17 financial year, a total of 405 Small Claims Courts were established across the country as main centres to institute and for the hearing of small claims matters.

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.

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 Northern Cape and Free State provinces.

Furthermore, the objective of the Department is to align the areas of jurisdiction of the Divisions with the provincial boundaries to ensure that the Magistrate's Court and the High Court will be obtainable from the same court precinct and hereby

enhancement of access to justice and improvement of service delivery. During 2016/17 financial year, two divisions of High Courts were aligned with provincial boundaries, namely Gauteng and Northern West Divisions of High Courts.

## 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 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
9	Number of cases dealt with in accordance with quasi-judicial standards of services	Baseline study not completed	Baseline study	Baseline study completed	-	Target achieved

The quasi-judicial standard of service is part of the Service Standards which were developed in terms of the service delivery charter. This charter takes into account all policies, legislation and other mandates for which the Department is responsible for and it reflects a statement of public service commitment of the Department.

In accordance with the service charter, the standards are set as follows:

- Unopposed taxation matters will be processed within fourteen (14) working days, from the date the matter is set down.
- Judgements to be granted by clerks/registrars will be granted within fourteen (14) working

days, from the date the default judgment application is received.

The baseline study was commissioned to assess the level of compliance with the quasi-judicial standards of service in respect of default judgements and unopposed taxation matters dealt with the clerks of the courts.

The results indicate that 65 465 matters dealt with by clerks of court were compliant with quasi-judicial standards of service for both default judgements and unopposed taxation matters during the period under review.

## Performance indicators

Strategic objective 9: Improved level of compliance with quasi-judicial standards of service						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	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)	87%	96%	97%	1%	Target achieved
9.2	Percentage of unopposed taxations processed within 14 working days from the date the matter is set down (district courts)	98%	97%	99%	2%	Target exceeded. Monthly monitoring of performance led to over-achievement

In keeping with its commitment to improve quasi-judicial services, the Department has developed performance standards for administrative process performed by the clerk of the court with regard to quasi-judicial functions related to default judgements and unopposed taxation matters.

In the year under review, the Department received a total of 57 977 requests for default judgments of which 55 977 were dealt with by the clerk of the court within 14 working days of receipt, which performance translates into 97%.

Subsequent to the granting of default judgements, the Tax Master at the court must determine the reasonableness and fairness of counsel's charges on the unopposed taxation.

As at 31 March 2017, the Department processed 9 812 taxation matters of which 9 681 were processed within 14 working days from the date

that matters were set down, which performance translated to 99%.

### Strategy to overcome areas of underperformance

There is no underperformance reported under Programme 2

### Changes to planned targets

There were no changes to the planned targets during 2016/17 financial year.

### Linking performance with budgets

During the 2016/17 financial year, 100% of the Programme 2 budget was spent. The Department's key priority for the year was not only the implementation of cost-saving measures but also ensuring that service delivery was not compromised and performance targets are met. As result, 95% targets were achieved in Programme 2.

## Subprogramme expenditure

	2016/2017			2015/2016		
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
Lower Courts	4 399 994	4 399 994	-	4 143 156	4 143 156	-
Family Advocate	209 821	209 821	-	198 658	198 658	-
Magistrates' Commission	12 444	12 444	-	13 934	13 934	-
Government Motor Transport	-	-	-	-	-	-
Facilities Management	1 100 978	1 100 978	-	812 403	812 403	-
Administration of Courts	549 367	549 367	-	499 103	499 103	-
Total	6 272 604	6 272 604	-	5 667 254	5 667 254	-

### 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 subprogrammes:

- 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 Master's 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. Re-integration of petty offenders into socio-economic environment;
13. Provision of quality legal advisory services which pass constitutional muster;
14. Increased compliance with 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; and
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.

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

Strategic objective 10: Increased efficiency in the provision of Master's services to all beneficiaries thereof						
Objective indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
10	Number of cases handled by the Master of the High Court	0	279 673	302 684	8%	Target achieved

The Office of the Master is there to serve the public in respect of:

- i. the regulation and supervision of the administration of deceased estates;
- ii. the regulation and supervision of insolvent estates (companies, close corporations, trusts and persons);
- iii. the administration of the Guardian's Fund;
- iv. the registration and supervision of trusts;
- v. the supervision of curators, tutors and administrators (protection of minors and

legally incapacitated persons); and

- vi. the appointment of impartial and capable persons as executors, trustees, curators and liquidators in the above instances.

In pursuit of service excellence, the Department monitors the cases relating to all functions provided to the public in order to assess the number of beneficiaries that received services, which will assist in continuous improvement of service delivery. As at 31 March 2017, a total of 302 684 cases were handled by the Master of the High Court.

### Performance indicators

Strategic objective 10: Increased efficiency in the provision of Master's services to all beneficiaries thereof						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
10.1	Percentage of letters of appointment issued in deceased estates within 15 days from receipt of all required documents	92%	92%	96%	4%	Target achieved

Strategic objective 10: Increased efficiency in the provision of Master's services to all beneficiaries thereof						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
10.2	Percentage of liquidation and distribution accounts in large estates (>R125 000) examined within 15 days from receipt of all required documents	92%	93%	95%	2%	Target achieved
10.3	Percentage of beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian's Fund)	93%	92%	87%	(5%)	Target not achieved due to system challenges which resulted in delays and backlogs
10.4	Percentage of certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents	91%	91%	93%	2%	Target achieved
10.5	Percentage of liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents	96%	95%	97%	2%	Target achieved
10.6	Percentage of letters of authority issued in trusts within 14 days from receipt of all required documents	87%	90%	90%	-	Target achieved
10.7	Percentage of new deceased estates registered on the Paperless Estate Administration System (PEAS) in the Master's Offices	96%	95%	98%	3%	Target achieved

The Office of the Master of the High Court serves the public in respect of deceased estates, liquidations, administration of the Guardian's Fund, curators and registration of trusts, amongst others. It strives to protect the financial interest of persons whose assets or interests are, for various reasons, being managed by others.

The Department has set standards at which to focus on services delivery. During the year under review, 140 412 letters of appointment in deceased estates were issued, of which 135 315 were issued within 15 days of receipt of all required documents.

Estates are only reported to the Master if the deceased left assets and/or a valid will. The speedy finalisation of letters of appointment issued in deceased estates, and liquidation and distribution accounts have a positive impact on the economy if the assets and funds can be ploughed back into the economy without delay. During the year under review, 51 456 accounts in large estates were examined and 48 864 were examined within 15 days of receipt of all required documents.

The Guardian's Fund is for the benefit of minors or persons incapable of managing their own affairs, to ensure that these funds are not abused and paid to valid beneficiaries. During the 2016/17 financial period, 54 828 beneficiaries were in receipt of Guardian's Fund services and 47 471 were in receipt of Guardian's Fund services within 40 days of receipt of all the required documents.

During the year under review, 10 835 certificates of appointment in bankruptcy matters were issued, of which 10 064 were issued within 10 days of receipt of all the required documents. Furthermore, 8 573 liquidation and distribution accounts in bankruptcy

matters were examined and 8 273 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 Master's Offices and SARS, continue to work together in exchanging information required by each organisation. During the year under review, 36 652 letters of authority in trusts were issued, of which 33 092 were done within 14 days of receipt of all the required documents.

The Department continues to develop business solutions in order to improve service delivery. One such solution is the Paperless Estate Administration System (PEAS) which the Department is currently implementing.

This system aims to relieve work pressure on Master's officials as well as curb fraud and documents getting lost because all documents are being scanned before being processed. With this system, all documentation in deceased estates is scanned and stored electronically. Interested parties are therefore able to view all relevant information and track progress of their applications at any given time on the Master's Portal, which is available via the internet. During the year under review, the Department registered 130 315 new deceased estates, of which 127 363 were processed on the PEAS system.



## OBJECTIVE 11: IMPROVED MANAGEMENT OF LITIGATION ON BEHALF OF THE STATE TO 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 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
11	Percentage reduction in litigation costs against the state	-	Baseline information report	Baseline information report	-	Target achieved

The strategic objective is to transform the state legal services, which is priority of the Department to ensure that policy developed and implemented to curb the spiralling costs of litigation. The procurement of legal services is a highly contentious issue for the State. The devastating cost of litigation against government necessitates for the State to monitor the litigation costs against the State.

The baseline study was conducted to determine litigation costs paid by the Department for the State. The litigation costs incurred for 2016/17 financial

period amounted to R1 602 696 820.56. This amount will be used from 2017/18 financial year to determine whether there is a reduction in litigation costs against the State.

Furthermore, the Department is in process of finalising the Mediation Policy, which will ease the burden on the court rolls, but will in itself be cost effective. This policy will assist client departments to either avert litigation or to enable the early settlement of matters outside the formal court process.

### 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 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
11.1	Percentage of value of briefs allocated to PDI counsel	80%	77%	79%	3%	Target achieved due to increase in number briefs paid to PDI counsel
11.2	Percentage of finalised damages claims where costs were reduced	96%	90%	97%	8%	Target achieved due to awareness campaigns conducted on early settlement of cases



**O**VER THE PAST FINANCIAL  
YEAR WE ISSUED **140**  
**331** APPOINTMENTS IN  
DECEASED ESTATES, OF WHICH **135**  
**242** WERE DEALT WITH WITHIN  
THE 15 DAY TIMEFRAME SET.

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 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
11.3	Number of policies developed and submitted to Executive of the Department for endorsement	1	2	2	-	Target achieved

The Department is committed to the transformation of State Legal Services which is key priority in the strategic plan of the Department. The aim is to promote the equal distribution of briefs to the Previously Disadvantaged Individuals (PDIs) Counsel and the empowerment of female counsel remains a specific focus area in order to redress the imbalances of the past.

In the period under review, an amount of R781 101 698 was paid to counsel. Out of the total amount paid in 2016/17, R616 450 251 was paid to the PDIs Counsel, which contributes 79%. Female counsel netted 26%, which is R201 162 380 of the total amount paid to counsel for the year under review.

To improve the management of litigation on behalf of the state is to reduce costs on amounts claimed. The Department, through the Office of the State Attorney, finalised 1261 damages claims and realised savings on 1 224 of the total finalised damages claims. The performance translates to 97% of the total finalised damages claims.

Management of State Litigation and State Legal Representation policies was endorsed by the departmental Executive Committee. The aims of these policies are to coordinate State litigation management in all spheres of government and regulate State legal representation, respectively.

## STRATEGIC OBJECTIVE 12: RE-INTEGRATION OF PETTY OFFENDERS INTO SOCIO-ECONOMIC ENVIRONMENT

Strategic objective 12: Enhance re-integration of petty offenders into socio-economic environment						
Objective indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
12	Number of offenders whose convictions were cleared	11 280	14 000	12 232	(13%)	Target not achieved because some applicants did not qualify for expungements

In terms of section 271B and 271C of the Criminal Procedure Act, 1977 (CPA), certain convictions as set out below, can be expunged from criminal records by way of an application in terms of the CPA. 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;
- if the person's name is not included in the National Register for Sex Offenders 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, therefore enhancing their reintegration into the socio-economic environment. To this effect, during 2016/17 financial year, a total of 12 232 offenders were cleared, thus facilitating their re-integration into the socio-economic environment.

The Department finalised 19 156 applications for expungement; however, 6 924 applications did not qualify for expungement, which led to the target not being met.

#### Performance indicators

Strategic objective 12: Re-integration of petty offenders into socio-economic environment						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
12.1	Percentage of expungements completed within 3 months	75%	75%	84%	12%	Target exceeded

To ensure speedy finalisation of the applications for expungement, the Department has set performance standards at which services should be finalised within three months after receipt of application

form. During the year under review, the Department finalised 19 156 applications for expungement cases and 16 088 of those cases were finalised within three months of receipt of all required documents.

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

Strategic objective 13: Provision of quality legal advisory services which pass constitutional muster						
Objective indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
13	Percentage of legislative instruments and international agreements which can be successfully challenged in court for constitutionality	0% constitutional challenges	<2% constitutional challenges	<1% constitutional challenges	-	Target achieved

The Department, through 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 withstand constitutional muster.

During the year under review, one legislative instrument that was certified by the Chief State Law Advisor was successfully challenged in court for constitutionality. The court found a number of sections of the Independent Police Investigative Directorate Act of 2011, which were relating to the powers of the Minister, invalid. With regards to the Restitution of Land Rights Amendment Act of 2014, in the matter of Land Access Movement of South Africa and Others vs. NCOP Chairperson and others, no specific section of the Act was declared unconstitutional. This Act was declared invalid due to issues relating to public consultations. Similarly, the Local Government Municipal Systems Amendment Act 7 of 2011 was declared invalid for want of compliance with the procedures set out in section 76 of the Constitution. Thus, the declaration of invalidity had nothing to do with the certification

process by OCSLA.

Since 2010/11, over 2400 legislative instruments and international agreements were certified and scrutinized respectively and only one legislative instrument (IPID) was declared unconstitutional. The percentage of legislation and international agreements successfully challenged is therefore less than 1%. It should be emphasized that a number of Acts that were declared unconstitutional were not certified within the reporting period of 2010/11 to 2016/17 financial years.

The issue relating to the withdrawal of South Africa from the International Criminal Court was not related to the constitutionality or invalidity of the agreement. The matter dealt with the procedure which was followed by the RSA to withdraw from the ICC. The RSA's approach, as informed by the opinion from the OCSLA was found wanting. It should however, be emphasized that this matter was related to a legal opinion sought on the process and not certification of the international agreement. The opinion presented by the OCSLA therefore does not affect performance in terms of the objective indicator.

## Performance indicators

Strategic objective 13: Provision of quality legal advisory services which pass constitutional muster						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
13.1	Percentage of legal opinions and subordinate laws finalised within 40 days from the date of receipt of the instruction	96%	70%	96%	37%	Target exceeded. Regular monitoring of performance led to the target being exceeded
13.2	Percentage of preliminary opinions on draft Bills completed within 40 days from the date of receipt of the instruction	97%	70%	95%	36%	Target exceeded. Regular monitoring of performance led to the target being exceeded

Strategic objective 13: Provision of quality legal advisory services which pass constitutional muster						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
13.3	Percentage suggested Bills, Regulations and Proclamations finalised within 40 days from the date of receipt of the instruction	96%	70%	92%	31%	Target exceeded. Regular monitoring of performance led to the target being exceeded
13.4	Percentage of international agreements and accompanying legal opinions finalised within 30 days from the date of receipt of the instruction	98%	70%	95%	36%	Target exceeded. Regular monitoring of performance led to the target being exceeded
13.5	Percentage of draft bills approved by Cabinet for introduction finalised within 40 days of receipt of the instruction	-	75%	100%	33%	Target exceeded. Regular monitoring of performance led to the target being exceeded
13.6	Percentage of translations finalised within 55 days from the date of receipt	93%	84%	92%	10%	Target exceeded. Regular monitoring of performance led to the target being exceeded

The Office of State Law Adviser continues to provide legal advisory services to the executive and all State departments. The performance is reflected below.

During the year under review, 765 legal opinions were finalised; of these 736 were finalised within 30 days from the date of receipt of the instruction, which translated to 96% against the target of 70%. Furthermore, the Department finalised 95 preliminary opinions on draft bills for Cabinet's consideration and 90 of these matters were finalised within 40 days of the date of receipt of the instruction, which translates to 95% against the target of 70%.

A total of 204 Bills, Regulations and Proclamations were received and 187 of these were finalised within 40 days

from the date of receipt of the instruction during the period under review. This translated to a performance of 92% against a target of 70%. The Department received 234 international agreements and accompanying legal opinion in the financial year under review, 222 out of 234 were finalised within 30 days which translated to a 95% performance against a target of 70%.

During 2016/17 financial year, the department handled a total of 27 draft Bills for introduction to Cabinet, of which 27 were finalised within 40 days from the date of receipt, which translates to 100% against the target of 75%.

A total of 278 translations were received during the year and 256 were finalised within the set timeframe of 55 days from date of receipt.



## STRATEGIC OBJECTIVE 14: FULFILMENT OF INTERNATIONAL OBLIGATIONS BY THE DEPARTMENT

Strategic objective 14: : Increased compliance with international obligations by the department						
Objective indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
14	Percentage compliance with international obligations	-	Baseline information report	Baseline information report completed	-	Target achieved

South Africa is party to and participates in numerous multilateral fora that deal with public international human rights law, humanitarian law, international criminal law and private international law. These include the International Criminal Court (ICC), The Hague Conference on Private International Law (HCCH), the International Institute for the Unification of Private Law (UNIDROIT), the United Nations (UN), the African Union (AU), The Asian-African Legal Consultative Organisation (AALCO), the Southern African Development Community (SADC) and the Commonwealth.

The strategic objective of the Department is to ensure compliance with international obligations in accordance with the priorities of government in order to yield positive economic as well as political outcomes for the country.

The baseline report conducted shows that 80% of international obligations were complied with. The Department will continue ensuring that all international obligations are complied with.

### Performance indicators

Strategic objective 14: Increased compliance with international obligations by the department						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
14.1	Number of country reports and ratifications tabled timeously	0 country reports	2 country reports 4 ratifications	2 country reports	(67%)	Target not achieved due to ratifications that require extensive consultation with external stakeholders
14.2	Percentage of valid requests for extradition and mutual legal assistance in criminal matters processed within 25 days (notification)	77%	90%	67%	(26%)	Target not achieved due to capacity constraints and the complexity of requests that required substantial time

Strategic objective 14: Increased compliance with international obligations by the department						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
14.3	Number of bilateral agreements concluded	0	2	0	(100%)	Target not achieved due delays by Botswana to conclude their internal processes and extensive consultation required

## Country reports

### Universal Periodic Review Report (UPR)

The UPR Report is one of the key reports required by the United Nations from member states and is meant to inform the United Nations Human Rights Council and the member states on the progress and development of the fulfilment of human rights and freedom within the state under review. The Report is submitted every five years and the last report by South Africa was adopted in 2012. The Department submitted an extensive and detailed UPR Report in February 2017, within the given deadline. The UPR Report was presented at the United Nations Human Rights Council on 10 May 2017 and formally adopted on 12 May 2017.

### International Covenant on Social, Economic and Cultural Rights Report (ICESCR)

The ICESCR Report is required to chronicle the measures the Government has taken to ensure the fulfilment of the socio-economic and cultural rights of all who live within South Africa's borders. The finalisation of the Report required extensive engagement with all government departments as well as civil society organisations. The Report was completed within the period required by the United Nations and was accepted by the United Nations in April 2017.

### Ratifications

The preparation and completion of all processes towards concluding the ratification remains the

responsibility of the Department which requires extensive consultation both inter-departmental, civil society and all applicable stakeholders. Ratification of International instruments also requires both Parliament and Executive approval. This causes the ratification a lengthy process. The below ratifications were not completed in 2016/17 financial year, however, the processes are in progress:

The International Convention of Suppression and Punishment of the Crime of Apartheid (ICSPCA) and International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED) were not completed as the consultation process is still underway.

### The Optional Protocol to the Convention against Torture (OPCAT)

The Department embarked on a process of engagement with the SAHRC in order to address the establishment of a National Preventive Mechanism (NPM) tasked with monitoring facilities where people's freedom of movement is restricted by an official court order. This NPM is a requirement of the OPCAT and to ratify the Protocol without having the necessary NPM in place would be premature. The Department hopes to finalise the establishment of the NPM in the very near future.

### The Declaration to allow individuals direct access to the African Commission and the Malabo Protocol

The Department, together with the Department of

International Relations and Cooperation, is embarking on a process of reviewing the Malabo Protocol as concerns exist as to the constitutionality of some of its provisions. Until such time as these concerns are addressed, the Department cannot recommend the ratification of the Malabo Protocol by South Africa. The Department remains committed to the process of engagement with the African Commission and to strengthening its structures in the region.

The Department assists with extradition and mutual legal assistance (MLA) in line with government's obligations and policies by processing requests of such criminal matters with the prescribed 25-day turnaround time. In the year under review, the Department processed 169 valid requests for extradition and mutual legal assistance in criminal matters and 113 requests were finalised within 25 days, translating to 67% achievement.

The target was not met due capacity constraints and the complexity of requests that required substantial time and extensive consultation

The Extradition Treaty between the RSA and Botswana was approved by Cabinet during June 2016. The President subsequently authorised the Minister to sign the Treaty on behalf of the Government. The treaty was not concluded as the Department awaited Botswana Government to finalise their internal processes.

The Mutual Legal Assistance Treaty with the UK and the Treaties with the United Arab Emirates were presented before the Development Committee in January 2017 and the JCPS Cluster in March 2017. The treaty must be presented in a number of committees before Cabinet consideration and approval, which led target not being met.

#### 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 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
15	Percentage of legislative instruments successfully challenged in court for constitutionality	0%	< 2%	0%	-	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 therefore strives at all times to ensure that legislative instruments developed and enacted are constitutionally sound.

This objective is intended to measure the quality of legislation that is drafted by the Department, and for practical purposes this period was narrowed to legislation drafted since 1 April 2010. This period was determined on the basis that the Constitution

and jurisprudence from the Constitutional Court has developed to an extent that there is greater certainty on compliance with the Constitution and its principles. It is for this reason that cases where legislation was successfully challenged were not reported under this objective.

During the year under review, no legislation drafted by the Department since 2010 were found to be unconstitutional. However, *University of Stellenbosch Legal Aid Clinic and Others v Minister of Justice and Correctional Services and Others*, CCT127/15, was drafted prior to 2010 and was successfully challenged.

On 13 September 2016, the Constitutional Court declared section 65J(2)(a) of the Magistrates' Courts Act, 1944, inconsistent with the Constitution and invalid. The Constitutional Court corrected some offending clauses by reading-in wording which cured defects in relation to the granting of emolument attachment orders without considering the personal circumstances of a debtor. However, the Courts of Law Amendment Bill dealt more comprehensively with amendments related to emolument attachment orders. These amendments were dealt with in the year under review and the Courts of Law Amendment Act, 2017 has since been assented to by the President.

Other cases were dealt with by the High Courts, and must still be deliberated on by the Constitutional Court to confirm or reject a finding of unconstitutionality. These cases are:

### **1. Prince v Minister of Justice and Constitutional Development and Others**

On 31 March 2017, the Western Cape High Court declared sections 4(b) and 5(b) of the Drugs and Drug Trafficking Act, 140 of 1992, read with Part III of Schedule 2 to the Act unconstitutional and invalid to the extent that they prohibit the use of cannabis by an adult in private dwellings where the possession, purchase or cultivation of cannabis for personal consumption by an adult.

### **2. Levenstein and Others v Estate Late Frankel and Minister of Justice and Correctional Services and Others CCT170/17**

On 15 June 2017, the applicants applied for confirmation that the declaration of invalidity made by the High Court that section 18 of the Criminal Procedure Act, 51 of 1977, is inconsistent with the Constitution and invalid to the extent that it bars, in all circumstances, the right to institute a prosecution for all sexual offences, other than those listed in sections 18(f), (h) and (i) (rape, compelled rape, use of a child or disabled person for pornographic purposes) of the Act, after the lapse of a period of 20 years from the time when the offence was committed. In other words, the applicants are seeking an order that no prescription period should apply in all sexual offences cases.

The Constitutional Court deliberation and judgments in these matters are awaited.

## Performance indicators

Strategic objective 15: Development of legislative instruments that withstand constitutional challenges						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
15.1	Number of legislative instruments submitted to the Minister for approval	26	25	25	-	Target achieved
15.2	Number of research papers completed	19	15	15	-	Target achieved
15.3	Number of court rules completed	15	13	13	-	Target achieved
15.4	Number of SEIAs submitted to DPME for certification	-	15	30	100%	Target achieved

During the 2016/17 financial year, 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 Agriculture and Rural Development and Mjindi Farming KwaZulu-Natal
- Department of Rural Development/Land Affairs and SITA
- Department of Transport KwaZulu-Natal
- Department of Social Development Eastern Cape
- Greater Sekhukhuni District Municipality and Elias Motsoaledi Local Municipality
- Mopani District Municipality
- Harry Gwala District Municipality
- Thabazimbi Local Municipality
- Alfred Nzo District Municipality

### Regulations and proclamations submitted to the Minister for approval:

- Proclamation putting certain provisions of the Judicial Matters Amendment Act, 2015 (Act 24

of 2015) into operation

- Proclamation putting the Criminal Matters Amendment Act, 2015 (Act 18 of 2015) into operation
- Amendment of regulations relating to Child Justice: Child Justice Act, 2008 (Act 75 of 2008)
- Proclamation putting section 1 of the Criminal Procedure Amendment Act, 2008 (Act no 65 of 2008): relating to audio-visual remands, in respect of the Alexandra Subdistrict, into operation
- Proclamation putting section 1 of the Criminal Procedure Amendment Act, 2008 (Act no 65 of 2008): relating to audio-visual remands, in respect of the New Brighton Subdistrict, into operation
- Amendment to TRC Regulations relating to the Exhumation, Reburial or Symbolic Burial of Deceased Victims in terms of section 27(2) of the Promotion of National Unity and Reconciliation Act, 1995 (Act 34 of 1995)
- Proclamation putting section 1 of the Criminal Procedure Amendment Act, 2008: in respect

of the Magisterial Districts Gordonia and Namaqualand, into operation

- Proclamation putting section 1 of the Criminal Procedure Amendment Act, 2008 relating to audio-visual remands, in respect of the Subdistrict Sebokeng, into operation
- Proclamation putting section 1 of the Criminal Procedure Amendment Act, 2008 relating to audio-visual remands, in respect of the Subdistrict Soweto, into operation
- Proclamation putting section 1 of the Criminal Procedure Amendment Act, 2008 relating to audio-visual remands, in respect of the Subdistrict Ga – Rarankuwa, into operation

#### **Bills submitted to the Minister for approval:**

- Judicial Matters Amendment Bill, 2016
- Prevention and Combatting of Hate Speech Bill
- Cybercrimes and Cyber Security Bill, 2016
- Jurisdiction of Courts and Cooperation relating to International Crimes Bill, 2017
- Legal Practice Amendment Bill

#### **Notices for publication in the Government Gazette:**

Appointment of inspectors in terms of the North West Gambling Act of 2001, as peace officers in terms of section 334 of the Criminal Procedure Act, 1977.

The Department, through the SALRC, conducts research on certain topics to ensure the finalisation of legislation and required policies. This investigation focuses on the constitutionality of provisions in statutes of South African law, with special attention paid to compatibility with section 9 of the Constitution. The primary purpose for all Project 25 investigations is to review the legislation administered by a particular department, with the aim of identifying inequality, obsolescence and redundancy in the statutes administered by that department and to propose remedial amending or repealing legislation, issue papers, discussion papers, draft reports and preliminary investigation reports. The review entails the

identification of statutory provisions that would result in discrimination as defined in section 9 of the Constitution, which prohibits unfair discrimination on the basis of race, gender, sex, pregnancy, marital status, ethnic and social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, or birth. This exercise helps to ensure that South African statutes, which are administered by various government departments, are in line with the founding values and principles of the Constitution of the Republic of South Africa.

During the financial year under review, the following 15 research papers were considered and approved by the SALRC:

- The discussion paper on Project 25: The review of legislation administered by the Department of Justice and Constitutional Development (DOJCD Three): Criminal Procedure Act 51 of 1977
- The discussion paper on Project 25: The review of legislation administered by the Department of Public Service and Administration
- The discussion paper on Project 25: The review of legislation administered by the Department of Communications was considered and approved by the SALRC
- The discussion paper on Project 25: The review of legislation administered by the Department of Trade and Industry
- The discussion paper on Project 25: The review of legislation administered by the Department of Environmental Affairs
- The discussion paper on Project 25: The review of legislation administered by the Department of Water and Sanitation
- The discussion paper on Project 25: The review of legislation administered by the Department of Social Development
- The discussion paper on Project 25: The review of legislation administered by the Department of Health
- The discussion paper on Project 25: The review of legislation administered by the Department of Home Affairs
- The discussion paper on Project 125: The review on Prescription Periods



- The preliminary investigation proposal paper on Single Marriage Act
- The proposal paper on Project 142 on Legal Fees
- The preliminary investigation proposal paper on community courts
- The report on Project 126: The review of the law of evidence
- The preliminary investigation proposal paper on the Intergovernmental Relations Framework and Implementation of MINMEC.

In the financial year under review, 13 amendments to the following court rules and forms were submitted to and approved by the Rules Board:

### High Court Rules

- Uniform Rule 70 relating to taxation and tariff of fees for attorneys with amendments to the tariffs providing for CPI linked increases.
- Uniform Rule 70(4): taxation and tariff of fees for attorneys – rule amendment to provide for notice of the date set down for taxation.
- Uniform Rule 6: Extension of the dies non (days which shall not be taken as court days) to application proceedings and amendments relative to rule 6(5)(b)(iii) to exclude urgent applications under rule 6(12) and interim matrimonial matters under rule 43.
- Uniform Rule 16: Representation of parties where a party's legal representative has withdrawn and provision for service on such party so as not to deprive a party of the right to access to courts and to comply with the audi alteram partem.
- URC 46A: dealing with sales in execution of immovable property was amended extensively to provide for relief and protection to execution debtors, judicial oversight in execution against person's homes and setting of a reserve price.
- URC 46: Sales in Execution procedure to declare residential property executable and providing the procedure for person's whose homes were at risk of sale to oppose such applications and make representations to the court.
- URC 68 tariff for sheriffs: increase to the tariff. The purpose of the amendment is to provide for an increase to the tariff for sheriffs.

### Magistrate's Courts Rules

- Table A and B of Annexure 2 to the Magistrate's Courts Rules: Tariff for attorneys, tariff increase CPI linked.
- Part IV of Table A of Annexure 2 to the tariff for attorneys to include provision for rule 58 matters (applications for interim maintenance, care of and contact with children.
- MCR 52A dealing with inconsistencies relating to Notice of Withdrawal, Appointment or Substitution as Attorneys of Record having regard to URC 16.
- MCR 43 dealing with Sales in Execution was amended extensively and aligned with URC 46.
- MCR43B dealing with the procedure to declare property executable was approved.
- Table C of Annexure 2 of MCR, tariff for sheriffs: increase to the tariff.

As of 1 June 2015 it has become mandatory for all Cabinet Memoranda seeking approval of draft bills, policies and regulations to include a SEIA. It is further required that all regulations, rules of court and policies which are submitted to the Minister for approval be accompanied by a SEIA which has been signed off by the Department of Planning, Monitoring and Evaluation (DPME).

The aims of the Socio-Economic Impact Assessment System (SEIAS) are to minimise unintended consequences of policy initiatives, regulations and legislation; and to anticipate implementation risks and encourage measures to mitigate them. SEIAS emphasises issues of proper stakeholder consultation; consideration of human and financial resources required for implementation; and benefits for vulnerable and marginalised groups in society. It also considers the impact of policy and legislative initiatives on specific national priorities, namely social cohesion; security; economic growth; economic inclusion; and environmental sustainability.

As at 31 March 2017, the department submitted 30 socio-economic impact assessments listed below to the DPME for certification.



- Prevention and Combating of Hate Crimes and Hate Speech Bill
- Promotion of Equality and Prevention of Unfair Discrimination Amendment Bill
- Legal Aid South Africa Act, 2014 (Act 39 of 2014): Regulations
- Judicial Matters Second Amendment Bill 2015
- Criminal Procedure Amendment Bill
- Cybercrimes and Cybersecurity Bill
- Traditional Courts Bill
- Hate Crimes Bill
- Jurisdiction of Court and Cooperation relating to International Crimes Bill
- Mediation Policy for State Attorneys
- Legal Aid 2014 Regulations
- Uniform Rule 4(9) – Service on the State Attorney
- Uniform Rules 43(7) & 43(8) and Magistrate's Courts Rules 58(7) & 58(8)
- Uniform Rule 38 and Form 6
- Uniform Rule 68
- Uniform Rule of Court 6 (5)(b)
- Uniform Rule 43 and Form 17
- Uniform Rule 68 and Table C of Annexure 2 to the MCR
- Uniform Rule of Court 16
- Magistrate's Court Rule 9(2)
- Magistrate's Court Rule 12
- Magistrate's Court Rule 17(7)
- Magistrate's Court Rule 58 and Form 42
- Magistrate's Court Rule 9(3)
- Magistrate's Court Rule 19
- Magistrate's Court Rule 52
- Magistrate's Court Rule 55
- Magistrate's Court Rule 68
- Magistrate's Court Rule 63
- Magistrate's Court Rule 52A

#### 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 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
16	Percentage of people with awareness of the Constitution	46%	59	51	(14%)	Target not achieved as not all the people interviewed are aware of Constitution

The key objective is to build greater awareness and knowledge of constitutional rights. The Department has a number of initiatives to promote awareness and knowledge of the Constitution.

Constitutional awareness entails actively informing people of their rights and making justice accessible and raising constitutional awareness. Studies reveal that many people who live in the country, in particular the marginalised groups, are not aware or have little knowledge of the Constitution and Bill of Rights, adding

that they have limited or no access to the Constitution.

These initiatives assist people to be aware of the Constitution to ensure that they are able to claim their rights so that they can actively influence decisions made about their community and country.

The survey was conducted to determine level of knowledge of the Constitution; the results indicate that 51% of people interviewed are aware with the

Constitution as compared to 45% in the prior year.  
Even though the target has not been met, there is an

improvement of 13%.

## 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 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
16.1	Number of people reached by programmes to raise awareness and knowledge of the Constitution	5,9 million	4 million	9 844 205	146%	Target exceeded due to increase in media coverage
16.2	Number of programmes to increase awareness and knowledge of constitutional rights implemented	-	14	16	14%	Target exceeded
16.3	Number of grants awarded to civil society organisations working in the human rights sector	121 grants	140	143	2%	Target achieved
16.4	Number of research projects conducted on the implementation of socio-economic rights	3	3	4	33%	Target exceeded
16.5	Policy Framework of Prevention and Combating of Trafficking in Persons submitted to Parliament by target date	-	31 August 2016	-	(100%)	Target not achieved. Consultation with stakeholders was extended
16.6	Number of policy dialogues held with stakeholders in human rights sector	22	3	21	600%	Target exceeded due to increased awareness as result off xenophobia attacks
16.7	Number of municipalities which participated in the NAP dialogues	77	70	104	49%	Target exceeded. More stakeholders attended the consultative sessions



**N**EW BILLS IN PARLIAMENT  
THE PREVENTION AND  
COMBATING OF HATE  
CRIMES AND HATE SPEECH BILL:  
THE BILL CREATES THE OFFENCES  
OF HATE CRIMES AND HATE  
SPEECH AND SEEKS TO PUT IN  
PLACE MEASURES TO PREVENT  
AND COMBAT THESE OFFENCES.  
THE 15 DAY TIMEFRAME SET.



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 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
16.8	National Action Plan to combat racism, racial discrimination, xenophobia, and related intolerance submitted to Cabinet by target date	-	31 March 2016	-	(100%)	Target not achieved. Consultation with stakeholders was extended
16.9	Number of sustained and visible anti-xenophobia campaigns conducted	-	6	11	83%	Target exceeded. Additional campaigns conducted when the spate of xenophobic violence increased

The Department, in partnership with the Foundation for Human Rights (FHR), has implemented a multi-year programme called "Social-Economic Justice for All" (SEJA), which is funded by the European Union. FHR provides support to civil society organisations and community advice offices through grants to promote human rights and access to justice within marginalised communities. There are planned activities undertaken by FHR to meet the objectives of the programme as outlined below.

Knowledge of the Constitution remains a high priority within the departmental programmes. There were initiatives through radio stations, television and other media to promote awareness and knowledge of the Constitution, and 9 844 205 people were reached in 2016/17 financial year.

The target was over-achieved as a result of more media coverage, which primarily focused on community media and media responses.

In the year under review, 16 programmes to increase awareness and knowledge of constitutional rights were implemented. Some of the programmes designed and implemented included the Moot Court, the Food Sovereign Programme, Hate Crimes Programme, Programme on the Sustainability of Community Advice Offices, the Programme to

improve awareness on court decisions impacting on constitutional rights with a focus on socio-economic rights, etc.

Access to justice is enhanced by supporting CSOs and CBOs that provide advisory services to people who might not otherwise receive it. As the end of the year under review, 143 grants were awarded to civil society organisations and community advice offices.

As the end of the year under review, four research reports on the implementation of socio-economic rights have been completed.

The Prevention and Combating of Trafficking in Persons, Draft National Policy Framework, has been finalised and thoroughly consulted at national level and in all nine provinces through relevant Committees. The inputs were received from stakeholders and presented to DEVCOMM. The planned target was not achieved due to extensive consultations.

The interface between government, civil society and beneficiary communities is the cornerstone of building a culture of human rights. This programme strengthens participatory democracy at all levels of government through public policy dialogues. As at the end of the year under review, 21 public policy dialogues were held with stakeholders in the human rights sector.

The Department is committed and responds to Outcome 14: Nation Building and Social Cohesion, which is aligned to Chapter 15 of the National Development Plan through the Socio-Economic Justice for All Programme (SEJA). The NAP consultative process has been completed, and thus far, a total of 104 municipalities participated in the NAP dialogues.

The target was over-achieved due to a number of the promotional events that were requested by stakeholders as they identified the existing need to be informed on the NAP.

Planned public consultations were conducted and the Cabinet approved the draft NAP during the reporting period. Various workshops, dialogues, briefings as well as community radio and social media engagements on the draft NAP were conducted. The draft NAP was popularised amongst the public on various platforms to promote and raise awareness amongst communities in

collaboration with a number of partners and stakeholders, in order to build support and buy-in for its implementation.

The target could not be met due to the extension of the deadline for submission of comments and inputs onto the draft NAP from 30 June to 30 August 2016, to allow more time for public comment. The Department in collaboration with the Foundation for Human Rights (FHR) is at an advanced stage of procuring technical expertise to further develop the draft NAP through incorporating all comments and inputs received, and to finalise recommendations for the implementation of the Implementation Plan.

The Department has embarked on initiatives to raise awareness of the challenges faced by refugees, which include discrimination, xenophobia and related intolerances. In the year under review, eleven anti-xenophobia campaigns were conducted.

## 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 purpose of contributing to healing the wounds of the past and restoring human dignity						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
17.1	Number of needs analysis completed in TRC-listed communities	0	7	0	100%	Target not achieved. Delays in approval of needs analysis reports led to target not met

The Department identified communities for the completion of the needs analysis as part of implementing the recommendations of the Truth and Reconciliation Commission. Stakeholder engagements were conducted in Wesselton

(Mpumalanga), Taung (North West), Crossroads (Western Cape), Kwa-Nobuhle (Eastern Cape), Ka-Nyamazana (Mpumalanga), Nyanga (Western Cape), and Bambayi (KwaZulu-Natal) and community dialogues were held at all seven communities.

The draft needs analysis reports were completed; however, they were not approved. The delays in the approval of the draft needs analysis report led to the target not being achieved.

#### Strategy to overcome areas of underperformance

The draft National Policy Framework on Prevention and Combating of Trafficking in Persons will be aligned to the International Framework of Action to implement the Trafficking in Persons Protocol of the

United Nations Office on Drugs and Crime and fast track the approval process.

#### Changes to planned targets

There were no changes to the planned targets during 2016/17 financial year.

#### Linking performance with budget

The programme spent 100 per cent of its budget allocation amounting to R3,5 billion.

#### Subprogramme expenditure

	2016/2017			2015/2016		
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
State Law Adviser	61 691	61 691	-	58 970	58 970	-
Litigation & Legal Services	447 408	447 408	-	411 209	395 044	16 165
Legislative Development & Law Reform	61 221	61 221	-	55 895	55 895	-
Master of the High Court	477 313	477 313	-	436 650	436 650	-
Constitutional Development	57 348	57 348	-	55 614	55 614	-
Total	1 104 981	1 104 981	-	1 018 338	1 002 173	16 165

#### 4.4 Programme 4: National Prosecutions 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. Remove the profit from crime. Protect certain witnesses. This Programme consists of the following subprogrammes:

- National Prosecutions Service
- Asset Forfeiture Unit
- 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. Ensure that profit is removed from crime
3. Ensure threatened witnesses and related persons are successfully protected

## Strategic objective: Increased successful prosecution

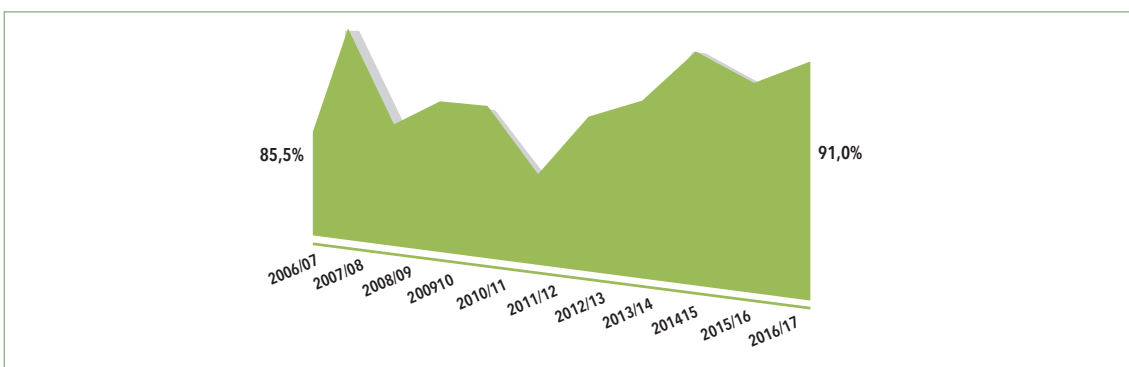
Strategic objective 18: Increased successful prosecution						
Strategic objectives		Actual achievement 2015/16	Planned target 2016/17	Actual achievement 2016/17	Deviation from planned target to actual achievement for 2016/17	Comment on deviations
18.	Conviction rate in high courts	90% (910)	87% (897)	91% (968)	5%	Target exceeded. More cases in which evidence was accepted by the court
	Conviction rate in regional courts	78% (24 958)	74% (26 660)	80% (25 209)	8%	Target exceeded. More cases in which evidence was accepted by the court
	Conviction rate in district courts	95% (263 377)	88% (258 488)	96% (295 013)	9%	Target exceeded. More cases in which evidence was accepted by the court

### Conviction rate and progress of high courts

The High Courts received 939 new cases and finalised 1 064 cases, which is an increase of 6% compared to the previous financial year. The conviction rate also increased from 90% to 91%, exceeding the target of 87% by 5%. A comparative analysis with previous years indicates overall improvement in the

conviction rates achieved by High Court advocates and this confirms their dedication to improve the level of service to the victims of serious crime. The advocates managed to improve the conviction rate with 6% from 86% obtained during 2006/07 to the 91% during the current reporting period.

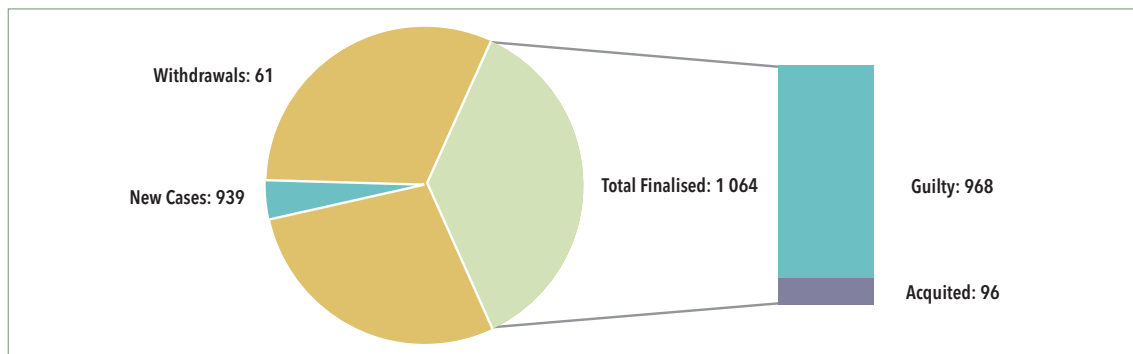
### Conviction rate by high courts





The manner in which the High Courts dealt with their case flow is indicated below.

#### Case finalised by high courts



The number of formal bail applications in the High Courts increased remarkably by 115% from 26 to 56. The reason for this increase could mainly be attributed to the increase in complex and lengthy cases.

#### Appeals

The High Courts also deal with appeals and motion applications, emanating from criminal cases. There was a slight decrease in the number of appeals received and finalised, as indicated in the table below. Appeals “unsuccessfully” finalised have also

decreased and only reflects appeals by accused as appellants which were rejected in toto. The number of appeals finalised decreased by 3% from 2 520 to 2 439 appeal cases finalised.

#### Criminal appeals dealt with

Financial year	Newly received appeals	Finalised	Appeals unsuccessful	% unsuccessful
2011/12	1 328	1 922	645	34%
2012/13	2 249	2 418	791	33%
2013/14	2 762	2 422	878	36%
2014/15	2 651	2 423	899	37%
2015/16	3 065	2 520	944	38%
2016/17	2 520	2 439	941	39%

#### Conviction rate and progress of regional courts

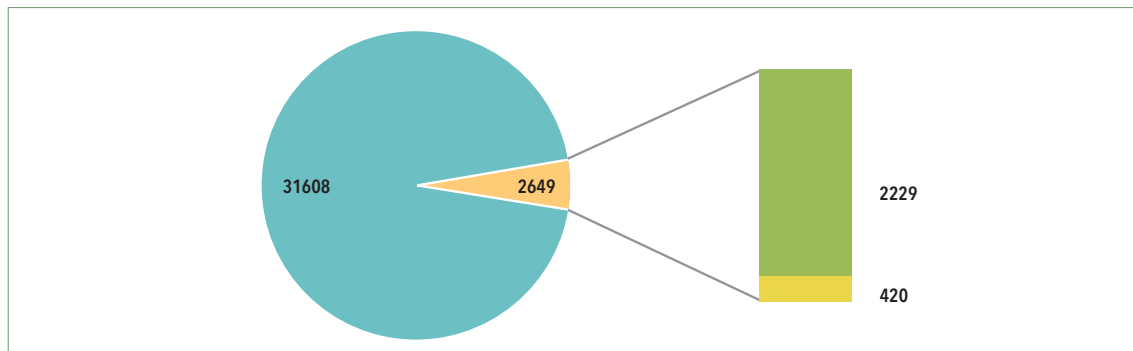
The regional courts enrolled a total of 55 550 new cases during this reporting period. Compared to the previous year, a marginal decrease is noted, since only 925 (2%) fewer cases were enrolled than the total of 56 475 new cases enrolled during the previous financial year. The courts finalised 34 257

cases comprising 31 608 verdict cases (92% of the total finalised cases) with a conviction rate of 80% and 2 649 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, although only marginal, coupled with a reduction

in court utilisation, contributed to a reduced case finalisation that represents a 1% (162) decline in cases finalised compared to the previous financial year. Notwithstanding this reduction in the finalisation of cases, the prosecutors excelled during this reporting period by not only exceeding

the conviction rate target of 74% with 8% but also by obtaining 251 more convictions compared to the previous year. The regional courts have therefore improved the successful prosecution of cases and as such, achieved the strategic objective of the NPA.

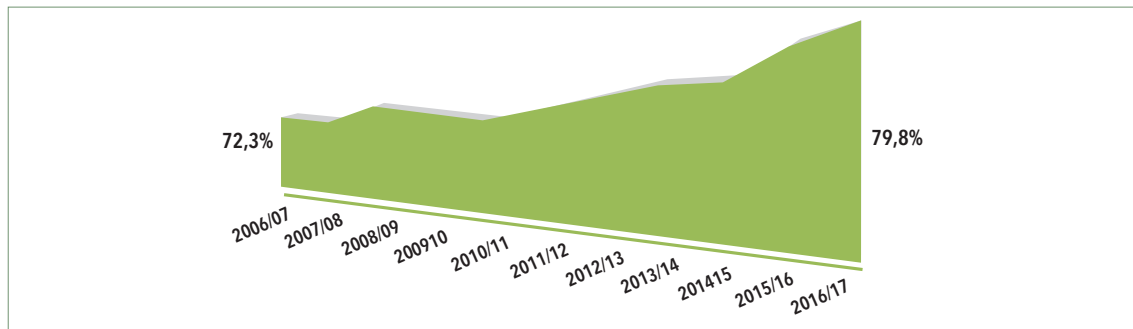
#### Cases finalised by regional courts



A comparative analysis with previous years indicates the year-on-year improvement in the conviction rates achieved by regional court prosecutors and confirms their dedication to improve the level of service to the victims of serious crime.

The prosecutors managed to improve the conviction rate with 11% from 72% obtained during the 2006/07 financial year to 80% during the current reporting period.

#### Conviction rate by regional courts



In addition to the cases finalised including ADRM, the prosecutors in the regional courts finalised 7 530 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.

From the list below it is evident that formal bail applications (59%), coupled with the application for leave to appeal (29%), utilised the most court time. During this reporting period, a total of 4 428 formal bail applications were dealt with, which represents an increase of 27% from the total bail applications (3 476) dealt with during the previous financial year.

## Progress on court/criminal matters finalised

Court/criminal matters finalised	Total	% of total
Suspended sentences	497	6.6%
Conversion of maintenance trial to enquiry	9	0.1%
Application for leave to appeal	2 196	29.2%
Committal to mental institution	281	3.7%
Conversion of sentence	104	1.4%
Formal inquests	2	0%
CJA: Preliminary inquiries	13	0.2%
Formal bail applications	4 428	58.8%
Total matters finalised	7 530	100%

The regional court prosecutors received 119 234 dockets for decision which represents an increase of 14 649 (14%) decision dockets compared with the 104 585 received during the previous financial year. Prosecution was instituted in 18 940 dockets, whilst prosecution was declined in 43 298 dockets. A total of 57 270 dockets were referred back for further

investigation before a final decision could be made. Enhanced screening processes implemented throughout the regions have again yielded positive results as 12% (1 507) fewer cases were withdrawn by the regional courts. This decline in withdrawals reflects the commitment of the regional court prosecutors to increase quality prosecution of cases.

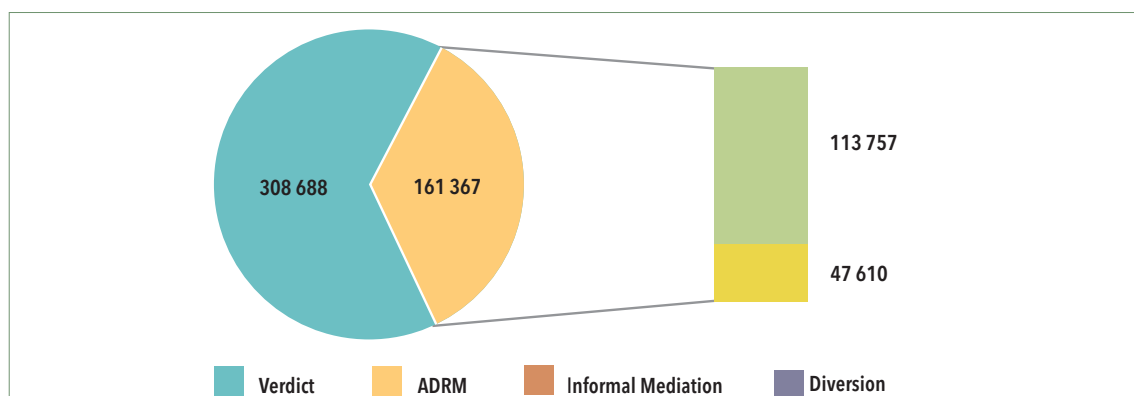
### Conviction rate and progress of district courts

The district courts enrolled 827 599 new cases, which is a 3% (20 630) increase compared to the 806 969 new cases enrolled in the previous financial

year. The courts finalised 470 055 cases comprising 308 688 verdict cases (66% of the total finalised cases) and 161 367 ADRM cases (34% of the total finalised cases). This represents a finalisation rate of 3,7 cases per court per day. High conviction rates were maintained during this reporting period and a conviction rate of 96% was ultimately maintained by all district courts.

The increased inflow of cases could be ascribed to a definition change of a criminal court case which allows for traffic cases (previously excluded) where the accused appears in court to be counted. Notwithstanding a decline in court utilisation, the prosecutors excelled during this reporting period by not only exceeding the conviction rate target of 88% by 9% but also obtaining 31 636 more convictions compared to the previous financial year. The district courts have therefore improved the successful prosecution of cases and as such, have achieved the strategic objective of the NPA.

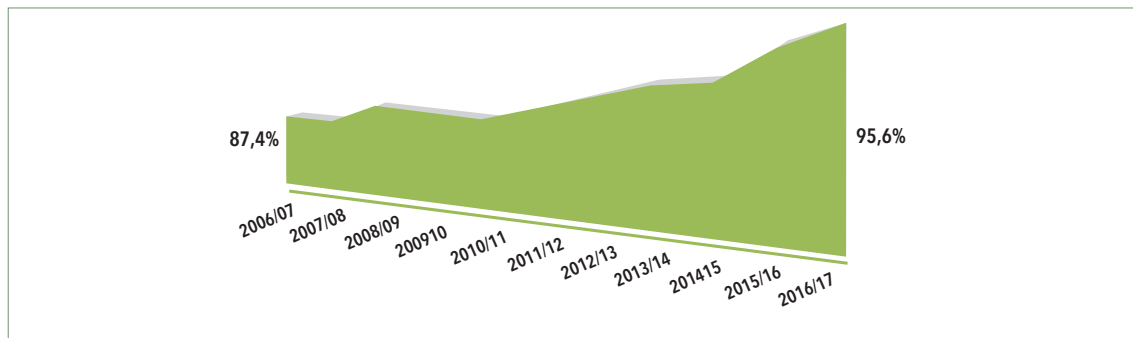
### Cases finalised by district courts:



A comparative analysis with previous years indicates the year-on-year improvement in the conviction rates achieved by district court prosecutors and confirms their dedication to improve the level of

service to the victims of crime. The prosecutors managed to improve the conviction rate with 10% from 87% obtained during the 2006/07 financial year to the 96% during the current reporting period.

#### Conviction rate by district courts:



In addition to the cases finalised including ADRM, the prosecutors in the district courts finalised 72 020 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. From the list below it is evident that formal

bail applications (77%), coupled with preliminary inquiries in terms of the Child Justice Act (14%), utilised the most court time. During this reporting period a total of 55 533 formal bail applications were dealt with, which represents an increase of 2% from the total bail applications (54 426) dealt with during the previous financial year.

#### Progress on court/criminal matters finalised

Court/criminal matters finalised	Total	% of total
Suspended sentences	4 146	5.8%
Conversion of maintenance trial to enquiry	892	1.2%
Application for leave to appeal	297	0.4%
Committal to mental institution	546	0.8%
Conversion of sentence	275	0.4%
Formal inquests	170	0.2%
CJA: Preliminary inquiries	10 161	14.1%
Formal bail applications	55 533	77.1%
Total matters finalised	72 020	100.0%

The district court prosecutors received a total of 777 196 dockets for decision which represents an increase of 5% compared to the 740 933 decision dockets received during the previous financial year.

Prosecution was instituted in 91 687 dockets, whilst prosecution was declined in 430 363 dockets. A total of 253 710 dockets were referred back for further investigation before a final decision could be made.

Enhanced screening processes implemented throughout the regions have again yielded positive results as 5% (5 015) fewer cases were withdrawn by

the district courts. This decline in withdrawals reflects the commitment of the district court prosecutors to increase quality prosecution of cases.

#### Performance indicators

Strategic objective 18: Increased successful prosecution						
Strategic objectives		Actual achievement 2015/16	Planned target 2016/17	Actual achievement 2016/17	Deviation from planned target to actual achievement for 2016/17	Comment on deviations
18.1	Number of criminal court cases finalised with verdict in all courts	310 850	330 794	341 360	3%	Target exceeded. More court cases were finalised due to improved court utilisation
18.2	Number of criminal court cases finalised in through ADRM	166 952	155 232	164 016	6%	Target exceeded. More accused successfully completed diversion programmes
18.3	Conviction rate in complex commercial crime	94% (951)	93% (937)	92% (793)	(1%)	Target not achieved. Fewer cases in which evidence was accepted by the court
18.4	Conviction rate in organised crime	89% (359)	90% (435)	90% (368)	0%	Target achieved. More cases in which evidence was accepted by the court
18.5	Conviction rate in sexual offences	70% (4 978)	69% (5 753)	72% (4 779)	4%	Target exceeded. More cases in which evidence was accepted by the court
18.6	Conviction rate in trio crimes	82% (1 391)	85% (1 647)	84% (1 553)	(1%)	Target not achieved. Fewer cases in which evidence was accepted by the court
18.7	Conviction rate in violent protests and industrial action	68% (73)	74% (65)	56% (57)	(24%)	Target not achieved. Fewer cases in which evidence was accepted by the court

Strategic objective 18: Increased successful prosecution						
Strategic objectives		Actual achievement 2015/16	Planned target 2016/17	Actual achievement 2016/17	Deviation from planned target to actual achievement for 2016/17	Comment on deviations
18.8	Number of persons convicted of corruption or offences related to corruption where the amount involved is more than R5 million	25	25	29	16%	Target exceeded. Focused approach successful as more cases finalised
18.9	Number of government officials convicted for corruption or offences related to corruption	206	90	224	149%	Target exceeded. More cases were finalised due to a collective approach between all partners in the criminal justice value chain that contributed to an increased focus on crime and corruption
18.10	Conviction rate in cybercrime prosecution	96% (244)	74% (161)	97% (289)	31%	Target exceeded. More cases in which evidence was accepted by the court
18.11	Number of operational TCC	55	55	55	0%	Target achieved. Target were reduced due to budget constraints
18.12	Conviction rate in sexual offences cases reported at TCCs	72% (2 340)	67% (1 482)	71% (2 334)	6%	Target exceeded. Continuous efforts and cooperation with relevant stakeholders to ensure improvement of targets

### Number of criminal court cases finalised with verdict

The prosecutors finalised 341 360 verdict cases with a conviction rate of 94% (321 190 convictions). Not only did the prosecutors manage to finalise 10 566 (3%) more cases than the set target of 330 794, but they have also finalised 30 510 (10%) more cases with a verdict compared to the previous financial

year. The high conviction rate that was maintained illustrates the focus on high-quality prosecutions.

The regional court finalised 224 (1%) fewer cases with a verdict, whilst an increase of 52 (5%) cases and 30 682 (11%) cases were noted in the High Court and district courts, respectively. A focused approach on the quality of prosecutions to enhance service delivery, as opposed to quantity finalised,

could have contributed to the decline in the regional courts. However, the main reasons submitted by all regions refer to the inefficient use of court time, low

inflow of cases and the unavailability of key role players within the criminal justice value chain.

The progress per forum during 2016/17 financial year is indicated in the table below.

#### Progress on cases finalised with a verdict

Forum	2015/16	% of national	2016/17	% of national	Progress
High court	1 012	0,3%	1 064	0,3%	5,1%
Regional court	31 832	10,2%	31 608	9,3%	-0,7%
District court	278 006	89,4%	308 688	90,4%	11,0%
ALL	310 850	100,0%	341 360	100,0%	9,8%

A total of 1 988 plea and sentence agreements in terms of section 105A of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) were concluded during the past financial year. This is a 5% increase on the number of agreements concluded in the previous financial year during which 1 901 agreements were finalised. Most of the agreements involved longer and more serious cases and the 1 988 agreements involved a total of 11 149 counts. This represents an average of 5,6 counts per case and resulted in cost and time effectiveness.

Declining experience levels within the detective service and inadequate training have resulted in a greater burden on prosecutors to guide investigations by providing specific instructions to investigating officers. To address this there was an increased focus on the screening of cases with experienced prosecutors responsible for the review

and screening of cases. Case review teams have also been established at most of the urban offices. It is important to note that enhanced screening processes may impact negatively on the number of new cases as prosecutors ensure as far as possible to enrol only trial-ready matters.

In order to curb the notion that prosecutors are selective with cases dealt with, the number of withdrawals are also measured to ensure quality prosecutions and a just outcome in all cases. The lower courts indicated a positive decline of 12% (regional court) and 5% (district court) respectively, whilst an increase of 13% is noted in the high courts. A decline of 6% in the number of cases withdrawn by all prosecutors is depicted in the table below and confirms the enhancement of proper screening procedures implemented by the prosecutorial component:

#### Progress on cases withdrawn

FORUM	2015/16	% of national	2016/17	% of national	Progress
High court	54	0,1%	61	0,1%	13,0%
Regional court	12 228	11,4%	10 721	10,6%	-12,3%
District court	95 119	88,6%	90 104	89,3%	-5,3%
ALL	107 401	100,0%	100 886	100,0%	-6,1%



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

The NPA excelled by finalising a total of 164 016 cases through ADRM. Compared to the previous financial year, this represents a slight decrease of 2% as 2 936 fewer cases were finalised through ADRM than the 166 952 ADRM matters finalised during the previous financial year. This decrease is ascribed to the focused approach on quality prosecutions, especially on cases suitable to be resolved through ADRM. Despite the negative connotation attached

to a declined performance, the latter is viewed in a positive mindset. The renewed customer centric approach of the NPA is quality driven and any enhancement of quality indicators should be commended.

The majority of ADRM matters, 98%, are still dealt with by the district courts. The comparison per forum is indicated in the table below.

### Progress on criminal court cases finalised through ADRM

FORUM	2015/16	% of national	2016/17	% of national	Progress
Regional court	2 587	1,5%	2 649	1,6%	2,4%
District court	164 365	98,5%	161 367	98,4%	-1,8%
ALL	166 952	100,0%	164 016	100,0%	-1,8%

ADRM encompasses diversion and informal mediation as methods of resolution of disputes between the parties. During the current financial year, 42 240 cases were diverted after enrolment, representing a 13% (4 724 cases) increase compared to the previous year. A total of 5 790 cases were diverted before enrolment in terms of the Child Justice Act (CJA), representing a 5% (262 cases)

increase compared to the previous year. A decrease of 6% is noted in the number of informal mediations, with 115 986 cases that were successfully mediated compared to the 123 908 mediations that were recorded during previous financial year. An overall decline of 2% is also noted compared to the previous financial year. The table below illustrates the progress per alternative dispute resolution method.

### Progress on ADRM matters per indicator

FORUM	2015/16	% of national	2016/17	% of national	Progress
Diversion after enrolment	37 516	22,5%	42 240	25,8%	12,6%
Diversion CJA	5 528	3,3%	5 790	3,5%	4,7%
Informal mediation	123 908	74,2%	115 986	70,7%	-6,4%
ALL	166 952	100,0%	164 016	100,0%	-1,8%

### Diversions in terms of the Child Justice Act, 2008 (Act No. 75 of 2008)

The CJA came into operation on 1 April 2010 and created a new procedural framework for dealing with children who were in conflict with the law. This Act seeks to ensure children's accountability and respect for the fundamental freedoms of others, and to prevent crime and promote public safety through

the use of diversions, alternative sentencing and restorative justice.

During 2016/17, a total of 7 673 children were diverted, comprising 5 790 children diverted in terms of the CJA and 1 883 children diverted after

they were referred for trial in a criminal court. Compared to the previous year, 710 (27%) fewer children were diverted after enrolment. As indicated

in the table below, an overall decline of 6% in the number of children diverted is recorded compared to the previous financial year.

### Progress on diversion of children

Diversion of childre	2015/16	2016/17	Progress
Diversion after enrolment	2 593	1 883	-27,4%
Diversion before enrolment	5 528	5 790	4,7%
<b>TOTAL</b>	<b>8 121</b>	<b>7 673</b>	<b>-5,5%</b>

Diversions in terms of the CJA before enrolment increased by 5%, as 262 more children were diverted compared to the previous financial year. The number of Section 41 diversions was, however, reduced by 14% with 199 fewer diversions, although the number of PI diversion increased with 527 (13%) diversions. A decrease of 34% (66) is also noted

in the number of Schedule 3 diversions. The latter comprised Schedule 3 offences known to be more serious transgressions where the Director of Public Prosecutions may, if exceptional circumstances exist, authorise such a diversion. A breakdown of the CJA diversions is illustrated below.

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

	2015/16	2016/17	Progress
Section 41 diversions	1 386	1 187	-14%
PI diversion	3 945	4 472	13%
Schedule 3 diversions	197	131	-34%
<b>TOTAL</b>	<b>5 528</b>	<b>5 790</b>	<b>5%</b>

### Conviction rate in complex commercial crime

The SCCU has achieved significant successes in its focus areas of corruption, cybercrime and money laundering. Key targets related to these crime types were achieved or significantly exceeded. A conviction rate of 92% was achieved in complex commercial crime during the current financial year, and although the target of 93% was not achieved, the actual achievement still remains high. Compared to the previous year, a decrease of 2% is noted in the conviction rate. This could mainly be ascribed to a

number of challenges which led to an increase in a number of backlog cases and resulted in a reduction in the number of cases finalised. These challenges include, amongst others, a very high vacancy rate in some offices, insufficient prosecutorial resources, a decrease in the number of cases referred by the DPCI, a lack of dedicated courts in some regions, non-availability of magistrates or legal aid practitioners and lengthy complex investigations and trials which involve extensive pre-trial litigation.

## Progress of complex commercial crime conviction rates

Financial year	2012/13	2013/14	2014/15	2015/16	2016/17	Projected change over previous year	Change over period 12/13-16/17
Complex commercial crime	91%	93,9%	94,3%	94,1%	92%	-2,0%	0,9%
Convictions	841	1 099	1 069	951	793	-16,6%	-5,7%
VERDICT	922	1 170	1 134	1 011	861	-14,8%	-6,6%

The restructuring of the SAPS also negatively impacted on the operations of the SCCU. The DPCI now mostly deals with projects, which has resulted in fewer cases being referred to the SCCU. The cases which the DPCI dealt with in the past, in accordance with the Commercial Crime Unit mandate, are now dealt with by the SAPS detective service working at the stations and the newly established commercial crime units. Detectives at station level are currently not dedicated to do commercial work. They have a staggering case load and are not able to prioritise commercial crime cases. The detectives also lack the requisite skill to effectively investigate commercial crime cases.

- In order to address these challenges, the SCCU embarked upon the following measures to mitigate the challenges:
- Well-resourced offices assisted the smaller offices to alleviate the challenges of understaffed offices.
- The regions held monthly meetings with the DPCI: Serious Commercial Crime Heads to address blockages in investigations and the prioritisation of the finalisation of cases with minimal outstanding investigation.
- Some offices have established relations with specific court centres or police stations to assist with the identification of cases which fall within the specific office's case selection criteria.
- The prioritisation of partly heard cases on the court rolls and clean-out sessions with the SAPS, whereby deadwood cases are finalised.

## Conviction rate in organised crime

The NPA focused in particular on organised crime and achieved a conviction rate target of 90%, by recording a 1% increase compared to the previous financial year. A total of 428 cases were finalised by all dedicated personnel dealing with organised crime, which is a 5% increase on the number of cases finalised during the previous financial year.

The organised crime section of the NPS also deals with emerging gang violence, especially in the Eastern Cape and Western Cape. The northern areas of Port Elizabeth (Bethelsdorp, Gelvandale, and immediate surrounds) have been infested with gang activities since the 1950s. Currently, about 15 gang groups, with several splinter groups, with approximately 816 members actively participate in the commission of various offences such as murder, attempted murder, house robberies, drug dealing, intimidation and gang rape. In March 2016, a Multi-disciplinary Task Team comprising three junior state advocates under the leadership of a Deputy-Director of Public Prosecutions in the PE DDPP Office, was formed to deal with the gang violence in the area. For this reporting period the prosecutors concluded 28 gang violence cases from the northern areas with an outstanding conviction rate of 93% (26 convictions and two acquittals).

## Conviction rate in sexual offences

In accordance with the Presidential directives to enhance the focus on sexual offence matters through the establishment of dedicated courts, the courts

managed to exceed the conviction rate on sexual offence cases albeit with current stretched resources.

All prosecutors indicated their commitment to curb the ongoing violence against women, children and the vulnerable by finalising 6 669 verdict cases whilst maintaining a conviction rate of 72% during the 2016/17 financial year. Not only did this performance exceed the set

target of 69% by 4%, but this is also the highest conviction rate recorded in the past five years. The multi-disciplinary approach followed by the newly established provincial structures with stakeholders from the DOJ, LASA, SAPS, DOH and NPA are clearly bearing fruit in this fight against violence. The upward trend in the conviction rate is indicated in the table below.

#### Trend analysis in sexual offences conviction rate

Financial year	2012/13	2013/14	2014/15	2015/16	2016/17	Projected change over previous year	Change over period 12/13–16/17
Sexual offences	66%	67%	69%	70%	72%	3%	9%
Convictions	4 670	5 484	5 084	4 978	4 780	-4%	2%
VERDICT	7 093	8 174	7 372	7 098	6 669	-6%	-6%

Notwithstanding the increase in convictions, the number of verdict cases decreased. This decrease can mainly be ascribed to the reduced inflow

of cases coupled with a decline in the quality of investigations.

#### Conviction rate in trio crimes

Trio crimes comprise vehicle robberies or hijacking, house robberies and business robberies cases. These are all crimes that directly impact the community's feeling of safety as envisaged in the MTSF. It is therefore of the utmost importance to ensure that all members in the criminal justice value chain follow a collective approach in curbing the increasing rate of trio crimes.

During the reporting period, the prosecutors finalised a total of 1 858 cases with a conviction rate of 84% (1 552 convictions). Although the target of 85% was not achieved, the improvement

in the conviction rate, especially over the past three years, is noted. This reflects the ongoing efforts of prosecutors to uphold quality in all trio prosecutions and to enhance the feeling of safety in the community. Compared to the previous year, a total of 161 (12%) more convictions were obtained and a total of 168 (10%) more verdict cases were finalised.

This indicates that the integrated approach between all role players is gaining momentum.

### Trend analysis in trio crime conviction rate

Financial year	2012/13	2013/14	2014/15	2015/16	2016/17	Projected change over previous year	Change over period 12/13-16/17
Conviction rate	83%	84%	82%	82%	84%	1%	0,1%
Convictions	1 274	1 597	1 453	1 391	1 552	12%	22%
VERDICT	1 527	1 899	1 772	1 692	1 858	10%	22%

The total of 1 858 verdict cases comprised 2 290 trio counts. A breakdown of the categories indicates that a high conviction rate was achieved in both business and house robberies, whilst vehicle robberies

accounted for the lower conviction rate. The latter is mainly ascribed to the poor quality evidentiary material and absence of witnesses.

### Breakdown of trio crime counts

2016/17	Convictions	Aquittals	Verdict	Conviction rate
House robberies	970	163	1 133	83%
Business robberies	540	98	638	89%
Vehicle robbery/hijacking	425	94	519	76%
TOTAL COUNTS	1 935	355	2 290	85%

### Conviction rate in violent protests and industrial actions prosecuted

Political and/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 disrespect for authority and for one another. It is therefore imperative to prevent and combat the violent crime that accompanies what is otherwise legitimate industrial and protest action. Although a focused approach is followed by all regions, the inherent challenges within these intricate cases resulted in a low conviction rate which remains a serious concern.

Challenges during the year resulted in the NPA only achieving 58 convictions from 103 verdict cases, representing a conviction rate of 56%. Some regions assigned dedicated prosecutors to deal with these cases. Prosecutors in these cases were also assisted by advocates from the DPP office and other

experienced prosecutors who monitored progress and provided guidance. Factors impacting on the conviction rates and which are being addressed include the reluctance of witnesses to testify, identification of perpetrators and discrepancies between the evidence of state witnesses. Training is provided to the police units attending to riots and marches as well as to investigating officers in the detective branch of the SAPS.

### Number of persons convicted of corruption where the amount involved is more than R5m

In line with the MTSF, a special focus was placed on the prosecution of corruption to improve investor perception and trust to invest in South Africa. In line with the priority focus of government in dealing with corrupt government officials.

The SCCU participates in the Anti-Corruption Task Team (ACTT) which was set up to focus on fast-tracking the investigation and prosecution of serious corruption cases and to increase the success in fighting and preventing corruption in South Africa.

Members of the Unit were instrumental in crafting the draft strategic plan for the ACTT and its members actively participate in its Secretariat.

The target to convict at least 25 people of corruption where the amount involved is more than R5 million was exceeded, and 29 convictions were achieved.

#### **Number of government officials convicted for offences related to corruption**

The NPA plays a key role in the fight against corruption by guiding the investigation and conducting the prosecution of people who have committed corruption, whether they be in the public or private sectors.

The NDP identifies fighting corruption as one of the key challenges facing South Africa, and proposes the building of a resilient anti-corruption system to deal with it.

The NPA exceeded the target of 96 government officials and secured the conviction of 224 government officials, which is a 9% increase compared to the previous financial year during which 206 officials were convicted. The SCCU contributed to 87 convictions of government officials.

#### **Trend analysis in cybercrime matters**

Financial year	2012/13	2013/14	2014/15	2015/16	2016/17	Projected change over previous year	Change over period 12/13–16/17
Cybercrime	97,8%	94,8%	95,1%	95,7%	97,0%	1,3%	9,5%
Convictions	133	200	232	244	289	18,4%	117,3%
VERDICT	136	211	244	255	298	16,9%	119,1%

#### **Number of operational TCCs**

32 239 matters were reported at the 55 operational TCC sites currently providing services in line with the verification criteria. No new operational TCCs were established due to budget constraints. However, the SOCA unit focused on the interim to improve services at all sites, with the assistance from the relevant stakeholders.

#### **Conviction rate in cybercrime prosecutions**

In line with the priorities set by the Medium Term Strategic Framework (MTSF), a special focus was again placed on the prosecution of cybercrime cases to curb this growing international phenomenon. Although new technologies create new criminal opportunities rather than new crime types, cybercrime is an extension of an ordinary crime committed within cyber space where information and communication technologies are used as an instrumentality, target or a means for perpetuating further crimes. These cases are very complex of nature and encompass a high level of technical evidence.

The lower court prosecutors excelled by finalising 298 cases with 289 convictions whilst ensuring quality prosecutions by maintaining a remarkable conviction rate of 97%. The target was not only exceeded by 31% but an improvement of 1% is also noted compared to 96% achieved during the previous financial year. The increased finalisation of these cases in the trend analysis below reflects the focused approach and indicated the high level of quality prosecutions maintained by the prosecutors.

#### **Conviction rate at TCC reported cases**

The courts achieved a 71% conviction rate in sexual offences cases reported at TCCs, exceeding the annual target of 67% by 6%. Notwithstanding the achievement of the target, the performance decreased by 1% compared to the previous financial year. Continuous efforts and cooperation with relevant stakeholders contributed to this good achievement.



**A**S AT MARCH 2017,  
WE HAVE **244**  
JUDGES IN ACTIVE  
SERVICE OF WHICH **87**  
ARE **WOMEN** AND **114**  
ARE **AFRICANS** INCLUDING  
MALE AND FEMALES.



## Strategic objective 19: Ensure that profit is removed from crime

Strategic objective 19: Ensure that profit is removed from crime						
Objective indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
19.a	Number of completed forfeiture cases	389	420	572	33%	Target exceeded. More forfeitures being completed through s18s; The operational strategy adopted in January also contributed to the success
19.b	Value of completed forfeiture cases	R349,5m	R230m	R423,6m	84%	Target exceeded. The rolled over cases were finalised as a result of improved case strategies

### Number of completed forfeiture cases

During the year under review, the NPA completed 572 forfeiture cases, exceeding the target of 430 by 142 cases and recording the highest number of completed forfeiture cases in five years, and since

the unit's inception. The performance improved significantly by 183 cases compared to the previous year. There was an increase of forfeitures completed through s18s, which contributed to the target being significantly exceeded. The operational strategy adopted in January also contributed to the success.

The following table contains the annual comparison of performance from the 2012/13 financial year to the 2016/17 financial year.

### Annual comparison of performance: 2012/13 – 2016/17

Indicator	2012/13	2013/14	2014/15	2015/16	2016/17	Change over prev yr	Change over period
Number of completed forfeiture cases	302	390	463	389	572	47%	89%
Target	312	318	324	420	430	2%	38%

The NPA obtained forfeiture and confiscation orders to the value of R423,6 million, the second highest performance in the last five years. The performance exceeded the annual target of R230 million by 84% and the performance of the previous financial year by 47%. The case strategies that were adopted, together with the joint operational processes employed, enabled the AFU to finalise all rolled over matters from earlier reporting periods and

contributed to the excellent performance.

Notwithstanding exceeding the target, the values are still not very high as a result of a large number of low value confiscation orders. To ensure the increase of forfeiture cases with larger values, more resources in criminal investigations with the NPA's partners have to be employed in order for the unit to employ Chapter 5 processes.

### Annual comparison of value of completed forfeiture cases

Indicator	2012/13	2013/14	2014/15	2015/16	2016/17	Change over prev yr	Change over period
Value of completed forfeiture cases	R119m	R296.4m	R1.940bn	R349.5m	R423.6m	21%	256%
Target	R167m	R170m	R180m	R210m	R230m	10%	38%

### Performance indicators

Strategic objective 19: Ensure that profit is removed from crime						
Objective indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
19.1	Number of freezing orders	326	324	377	16%	Target exceeded Matters that rolled over from the previous months were finalised; ensured that more cases were ready for court; court dates were secured for the hearing of cases; resources were redeployed to other regions
19.2	Value of freezing orders	R778,9m	R1,1bn	R1,194bn	9%	Target exceeded Operational case strategies were adopted and one large high-value matter finalised
19.3	Value of freezing orders relating to corruption or offences related to corruption where the amount benefited per case is more than R5 million	R238,6m	R600m	R627,3m	5%	Target exceeded High value cases were finalised
19.4	Value of recoveries in terms of POCA	R444.2m	R170m	R219m	29%	Target exceeded Recoveries that were pending were finalised as a result of the prioritisation of these recoveries
19.5	Success rate	95,6%	93% (400)	99% (554/560)	5%	Target exceeded Case selection criteria and the focus on civil forfeiture

Strategic objective 19: Ensure that profit is removed from crime						
Objective indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
19.6	Value of recoveries relation to corruption where the amount benefited is more than R5 million (proceeds of crime and government losses)	R136,8m	R50m	R122,7m	145%	Target exceeded High-value cases were finalised
19.7	Value of recoveries for government officials convicted of corruption and other related offences (proceeds of crime and government)	R13m	R300 000	R1,16m	287%	Target exceeded High-value cases were finalised

### Number of freezing orders

The NPA continued to implement measures to increase productivity, improve coordination and resolve inhibiting factors with its partners by obtaining 377 orders, being the best performing year in the last 5 years. This performance exceeded

the annual target of 324 by 16% due to more matters, rolled over from the previous months, that were finalised and ensuring that more cases were ready for court. Court dates were also secured for the hearing of cases. The performance improved by 51 orders compared to the previous financial year.

### Annual comparison of number of freezing orders

Indicator	2012/13	2013/14	2014/15	2015/16	2016/17	Change over prev yr	Change over period
Number of Freezing Orders	276	363	342	326	377	16%	37%
Target	324	281	281	321	324	1%	0%

### Value of freezing orders

During the year under review, freezing orders to the value of R1,194 billion were obtained, exceeding the target of R1,1 billion by 9%. Performance improved significantly compared to the previous year during which freezing orders to the value

of R778,9m were obtained. The current year's performance was recorded as the best performance in the last 5 years as a result of operational case strategies and one large high-value matter that accounts for more than 40% of the target, which was finalised in the fourth quarter.

## Annual comparison of performance: 2012/13 – 2016/17

Indicator	2012/13	2013/14	2014/15	2015/16	2016/17	Change over prev yr	Change over period
Value of freezing orders	R518m	R701m	R2 756m	R778.9m	R1,194bn	53%	131%
Target	R600m	R710m	R755m	R1bn	R1,1bn	10%	83%

### Value of freezing orders relating to corruption or offences related to corruption where the amount benefited per case is more than R5m

During the year under review, freezing orders relating to corruption where the amount involved is more than R5 million, to the value of R627,3 million were obtained, exceeding the target of R600 million by 5%. This performance is also a significant increase of 163% compared to the performance of the previous financial year during which freezing orders to the value of R238,6 million were obtained. An increase in the finalisation of high-value cases contributed to this good performance.

### Value of recoveries in terms of POCA

Recoveries in terms of POCA to the value of R219 million were obtained, exceeding the target of R170 million by 29%. Notwithstanding this good performance, the performance decreased by 51% compared to the previous financial year. The focused strategies of prioritisation of recoveries (especially victim payments), increased use of civil recoveries in large value land matters, and the refined enforcement processes contributed to this success. It is important to consider the total payments to victims and the payments to the Criminal Assets Recovery Account (CARA) as it represents the total amount recovered by the AFU. The AFU deposited R69,1million into CARA in 2016/17.

The table below reflects the performance of the AFU in the last five years in terms of the value of recoveries.

### The performance of the AFU from 2012/13 to 2016/17 in the value of recoveries

	2012/13	2013/14	2014/15	2015/16	2016/17
Payments to victims	R28,6m	R84,4m	R1 658m	R390,2m	R149,4m
Payments into CARA	R34,8m	R98,5m	R58,2m	R54,2m	R69,5m
Value of recoveries i.t.o. POCA (victims + CARA)	R63,4m	R182,9m	R1 716,2m	R444,2m	R219m

### Success rate

A success rate of 99% was achieved, exceeding the target of 93% by 6%. This performance also exceeded the performance of last year by 3%. This good performance can be attributed to the high quality of civil litigation and improved case strategies.

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

Recoveries relating to corruption where the amount benefited is more than R5 million to the value of R122,7 million were obtained, significantly exceeding the target of R50 million

by 145%. This performance is, however, a reduction of 28% compared to the previous financial year. 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.

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

Recoveries relating to government officials convicted of corruption and related offences, to the value of R1,16 million were made, significantly exceeding the target of R300 000 by 287%. This excellent performance was due to an increased focus on the finalisation of high-value cases.

**Strategic objective 20: Ensure threatened witnesses and related persons are successfully protected**

Strategic objective 20: Ensure threatened witnesses and related persons are successfully protected						
Objective indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
20	Number of witnesses and related persons harmed, threatened or killed while on the witness protection programme	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 2016/17 the OWP maintained its performance record for the last 15 years in ensuring that no witnesses and related persons were threatened or killed while on the witnesses protection programme.

**Performance indicator**

Strategic objective 20: Ensure threatened witnesses and related persons are successfully protected						
Objective indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
20.1	% of witnesses and related persons that walked off the witness protection programme	0,6% (4/662)	1,5%	0,5% (4/770)	1%	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 witness protection programme**

Three witnesses and one related person, who no longer wanted to be on the programme, left the programme voluntarily, and without notice. This is 1% 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 witness protection programme and sign a protection agreement.

The OWP, 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 8 life terms and 308 sentences of direct imprisonment were imposed in cases in which witnesses on the witness protection programme have testified.

During the year under review, 228 witnesses and 187 related persons joined the programme. The total number of witnesses and related persons managed during the period in witness protection, including the witnesses and related persons carried over from 2015/16, was 770. Guided by the intention of the Witness Protection Act, and the values and ethos of the Constitution, 110 witnesses and 86 related persons were successfully discharged and resettled. 82 witnesses and 60 related persons signed off the witness protection programme and their reasons for signing off the programme were captured. No formal grievances were laid.

### **Strategy to overcome areas of under performance**

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.

Quarterly EPM committee meetings are held to address areas of non-performance. This committee adopted a monitoring and evaluation approach whereby 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, job descriptions and their performance is assessed in line with these functions.

The effective performance of the NPA is directly linked to the effective performance of the other role players within the criminal justice system. Faced with budget constraints, the NPA will explore more interventions to re-organise work and responsibilities in order to function optimally with the current available resources.

### **Changes to planned targets**

Due to budget constraints, the target for the operational TCCs was amended from 60 to 55.

### **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 78% of the

total 2016/17 allocation was spent on National Prosecutions Service. The Asset Forfeiture Unit spent R26 million on curator expenses during the 2015/16 financial year compared to R21 million

during the 2016/17 financial year. Support Services provides centralised services such as security, fleet, facilities and IT services.

#### Subprogramme expenditure

	2016/2017			2015/2016		
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
National Prosecutions Service	2 776 285	2 776 285	-	2 326 444	2 326 444	-
Assets Forfeiture Unit	133 011	133 011	-	2 99 038	2 99 038	-
Office for Witness Protection	183 521	183 521	-	133 138	133 138	-
Support Services	461 759	461 759	-	183 689	183 689	-
National Specialised Prosecution Services	-	-	-	432 037	432 037	-
Total	3 554 576	3 554 576	-	3 374 346	3 374 346	-

#### 4.5 Programme 5: Auxiliary 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, LASA, the SIU and the President's Fund. This Programme consists of the following subprogrammes:

- LASA
- 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).

### STRATEGIC OBJECTIVE 21: FUNCTIONAL INTEGRATED ELECTRONIC CRIMINAL JUSTICE SYSTEM (CJS) TO MONITOR THE PERFORMANCE OF THE CRIMINAL JUSTICE SYSTEM ESTABLISHED

Strategic objective 21: Functional integrated electronic criminal justice system (CJS) to monitor the performance of the Criminal Justice System established						
Objective indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
21.	Number of KPIs on the Integrated Criminal Justice System	14	18	18	-	Target achieved

The primary objective of the IJS Programme is to electronically enable and integrate the end-to-end criminal justice business processes (i.e. from the report of a crime to the release of a convicted person), through technology solutions and manage the related inter-departmental information exchanges across the CJS.

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 a single transversal data store for JCPS cluster statistical requirements.

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).

As at the end of 2016/17 financial year, 18 KPIs were uploaded and deployed to the KPI dashboard in order to measure and monitor the KPIs.

## Performance indicators

Strategic objective 21: Functional integrated electronic criminal justice system (CJS) to monitor the performance of the Criminal Justice System established						
Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
21.1	Percentage completion of the Integrated Case Management System (ICMS) for criminal enhancement	50%	60%	60%	-	Target achieved

Strategic objective 21: Functional integrated electronic criminal justice system (CJS) to monitor the performance of the Criminal Justice System established

Performance indicator		Actual achievement 2015/2016	Planned target 2016/2017	Actual achievement 2016/2017	Deviation from planned target to actual achievement for 2016/2017	Comment on deviations
21.2	Number of KPI data uploaded to the IJS data warehouse	-	18	18	-	Target achieved
21.3	Percentage completion of IJS hub and data warehouse platform enhancement	-	60%	60%	-	Target achieved
21.4	Number of criminal cases postponed via the audiovisual remand system (AVR)	11 329	12 000	13 443	12%	Target exceeded. Improved monitoring of performance led to the target being exceeded

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. To this effect, the Department planned to complete 60% of ICMS criminal enhancements. During the year under review, modernisation, which included major enhancement to ICMS criminal, enhancements in the form of reports and additional functionality to support the case flow, was added to the ICMS criminal system.

During 2016/17 financial year, 595 481 cases were processed from SAPS dockets, to NPA enrolment to DOJCD proceedings. There are 1 155 police stations connected, 470 NPA connected in courts and 468 DOJCD courts connected.

The process assists to electronically enable and integrate the CJS business processes by making sure that the uptime IJS Integration Hub is at 99%

to support the case flow and the reporting of cases through to the Integrated Case Management System (ICMS Criminal) which at the end are measurable though the data collection and upload to the 28 Key Performance Indicators (KPI) dashboard.

During 2016/17 financial year, four key performance indicators to the IJS performance dashboard were uploaded in the IJS data warehouse, these measures are the safe custody rate, accommodation rate, escape rate and manage crime scene, which in addition to the existing 14 achieved KPIs in the prior financial year, brought the total system-reported KPIs to 18.

During the period under review, the progress achieved towards the development of IJS HUB and data warehouse is set out below:

- The migration of the data centre from SAPS to a mobile data centre at DOJCD.
- Implementation of new network firewalls to improve the security of the transversal hub.
- Implementation of alert and monitoring of Transversal integration services (to support 99,9% uptime target of the IJS transversal hub).
- Successful development and implementation of the IJS Integrated Code System (ICS) for the

management of common inter-departmental reference data.

- Publication of additional and updated charges and charge sheet annexures to enable IJS systems of ECMS (NPA) and ICMS (DOJCD), now able to process cases for 4 000+ crime types (charges).
- Successful development and implementation of the IJS Transversal Business Object Model (BOM) to enable automated generation of IJS integration technical specifications, schemas and test data.
- New 28 KPI dashboard interface was developed and deployed.
- Enhancements to the monthly data import process to improve the capability of the platform to deal with large datasets by optimising data import processing times.

The AVR system links Magistrate's Courts to correctional detention centres via closed-circuit television technology. The accused person is therefore

not required to be brought physically before the court in certain instances but may appear before the court via an 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, 13 443 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

There is no underperformance reported under Programme 5.

#### Changes to planned targets

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

#### Linking performance with budgets

The underspending is mainly attributing to the less than anticipated expenditure for computer services as expenditure is dependent on the service's usage.

### Subprogramme expenditure

Sub-programme name	2016/2017			2015/2016		
	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	826 359	826 357	2	899 001	889 589	9 412
President's Fund	1	-	1	1	-	1
Total	826 360	826 357	3	899 002	889 589	9 413

## 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
Legal Aid South Africa	Fund Legal Aid South Africa, which provides legal aid to indigent people and legal representation at the state's expense, as set out in the Constitution	1 577 171	1 577 171	<ol style="list-style-type: none"> <li>1. Legal services provided to a total of 767,656 people in new criminal and civil matters as well as legal advice services</li> <li>2. Of the 444,962 new legal matters, 385,972 (87%) were criminal matters and 58,990 (13%) were civil matters</li> <li>3. General legal advice provided to 322,694 clients, including through the Legal Aid SA Advice Line</li> <li>4. Took on 13 new Impact Litigation matters; 15 Impact matters were finalised during 2016/17 with a 93% success rate in these matters</li> <li>5. Assisted 18,025 children in new criminal and civil matters</li> <li>6. Quality of legal services continued improving</li> <li>7. Sound financial management resulted in 99% of allocated budget being utilised</li> <li>8. Maintained a high recruitment level 96.1% and low turnover 5.5%</li> <li>9. Accredited as a Top Employer for the 8th consecutive year by the Top Employer Institute and named an industry winner for the public sector segment for the 2nd year</li> <li>10. Legal Aid SA Act (39 of 2014) fully operational</li> </ol>

Special Investigating Unit	Fund the Special Investigating Unit, 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.	316 732	316 732	<ol style="list-style-type: none"> <li>1. Six final investigation reports were submitted to the Presidency</li> <li>2. A total of 13 proclamations published.</li> <li>3. R43.5 million of money or/and assets was recovered for the State.</li> <li>4. The value of R4 billion of contract(s) and/or administrative decision(s) / action(s) set aside or deemed invalid as a result of the SIU's intervention(s).</li> <li>5. The value of R3.8 billion of matters in respect of which evidence was referred for the institution or defence/opposition of civil proceedings (including arbitration or counter civil proceedings)</li> </ol>
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## 5.2 Transfer payments to all organisations other than public entities

The table below reflects the transfer payments made for the period 1 April 2016 to 31 March 2017.

Name of transferee	Type of organisation	Purpose for which the funds were used	Did the dept. comply with s 38 (1) (j) of the PFMA	Amount transferred (R'000)	Amount spent by the entity	Reasons for the funds unspent by the entity
PD: Vehicle licences	Municipal payments	Renewal of vehicle licences	N/A	634	634	-
Foreign government/ International organisation	Foreign government	Subscription fees	N/A	13 484	13 484	-
TV licence renewal	SABC	TV licence renewal	N/A	122	122	-
Households	Payments for leave gratuity & claims against the state	Payments for leave gratuity & claims against the state	N/A	40 832	40 382	-
Safety and Security, Sector Education & Training Authority	Payments for training in the public service	Payments for training in the public service	N/A	14 494	14 494	-

Name of transferee	Type of organisation	Purpose for which the funds were used	Did the dept. comply with s 38 (1) (j) of the PFMA	Amount transferred (R'000)	Amount spent by the entity	Reasons for the funds unspent by the entity
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	264 108	264 108	-

## 6. CONDITIONAL GRANTS

### 6.1 Conditional grants and earmarked funds paid

There were no conditional grants paid by the Department.

### 6.2 Conditional grants and earmarked funds received

There were no conditional grants received by the Department.

## 7. DONOR FUNDS

### 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:

<b>Name of donor</b>	<b>United States Agency for International Development (USAID)</b>
Full amount of the funding	R12,1 million
Period of the commitment	2016-2018
Purpose of the funding	Development of practical and achievable strategies to improve turnaround time in the finalisation of the sexual offences cases from reporting to judgement/sentencing
Expected outputs	Improving case outcomes for sexual offences cases pilot project (ICOP)

Actual outputs achieved	<p>National and provincial management structures (reference group) were established and strengthened; these included the three provincial stakeholder forums, advisory committee and a steering committee. These committees and groups oversee activities and the on-going management of the project and provide input on project outcomes and processes.</p> <p>A baseline study on turnaround time in the finalisation of sexual offences cases from reporting to judgement/ sentencing was undertaken. The data for the baseline report was consolidated during the period under the review to input into the report that will be submitted to the donor in the 1<sup>st</sup> quarter 2017/18.</p> <p>A number of civil society organisations participated in legislative proceedings and/or engaged in advocacy with national legislature and its committees. These organisations were engaged through a number of mediums across the project – through local forums at the courts. The civil society groups were very helpful and have assisted the projects with access to statistics, participants and connection with local communities. These civil society groups include: GRIP, NICRO, Teddy Bear Clinic, POWA, Triangle, NACOSA, TVEP, Shukumisa, Cape Mental health, Rape Crisis Cape Town Trust, Legal Resources Centre, Women's Legal Centre, and Lifeline.</p>
Amount received in current period (R'000)	Technical assistance
Amount spent by the department (R'000)	Technical assistance
Reasons for the funds unspent	N/A
Monitoring mechanism by the donor	<p>The donor monitors the projects through the following structures:</p> <ul style="list-style-type: none"> <li>• Quarterly reports</li> <li>• Provincial stakeholder forum</li> <li>• Advisory committee</li> <li>• Project steering committee</li> </ul>

<b>Name of donor</b>	<b>United Nations Children's Fund (UNICEF)</b>
Full amount of the funding	R1 272 000
Period of the commitment	2016–2017
Purpose of the funding	<ol style="list-style-type: none"> <li>1. Strengthened capacity of state institutions to provide access to services and support systems that enhance social protection, safety and security in communities, and justice for all</li> <li>2. Strengthened national institutions and systems to support South Africa's contributions for a Better Africa and a Better World</li> </ol>
Expected outputs	Reducing the impact of sexual abuse on victims, especially women and children, by strengthening capacity of the sexual offences courts to deliver victim-centred services



Actual outputs achieved	<ol style="list-style-type: none"> <li>3. Conducted victim satisfaction survey in the 9 Premier Sexual Offences Courts to identify achievements and gaps in the provision of services to beneficiaries of Sexual Offences Courts.</li> <li>4. Contracted a service provider to develop public education material accessible to different categories (children of different age groups, elderly people, people with disabilities, LGBTI, etc.).</li> <li>5. Hosted stakeholder consultative workshop to review and amend the National Policy Framework and its Integrated Strategic Plan on the establishment and management of sexual offences courts.</li> </ol>
Amount received in current period (R'000)	Technical assistance
Amount spent by the Department (R'000)	Technical assistance
Reasons for the funds unspent	N/A
Monitoring mechanism by the donor	<p>Donor monitors the project through the following:</p> <ul style="list-style-type: none"> <li>• Quarterly reports</li> <li>• Quarterly Progress Meeting between the donor, implementing partner and the Department</li> </ul>

Name of donor	<b>GIZ/ Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) (Germany)</b>
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, 2000 (PAJA) in all the three spheres of government
Expected outputs	<ol style="list-style-type: none"> <li>6. An overall systematic implementation of the PAJA by organs of state (government departments and municipalities)</li> <li>7. A display of awareness, understanding, and equivalent behavioural conduct/ administrative practices by organs of state)</li> </ol>
Actual outputs achieved	<p>PAJA was mainstreamed during the reporting period into the decision-making processes of selected state institutions in the Eastern Cape (Departments and municipalities). A PAJA compliance report was produced for the Department of Rural Development and Agrarian Reform in the Eastern Cape.</p> <p>More than 80 staff members in the office of the public protector were trained on the 3-day course specifically designed for their office. It is important to highlight that the PAJA training was rolled out to all department in the Eastern Cape and municipalities namely Nelson Mandela Bay Metropolitan Municipality and Buffalo City Metropolitan Municipality.</p> <p>The capacities of intermediaries (civil society and business) on the use of PAJA &amp; PAIA were improved to enable them to empower citizens to exercise their rights under the PAJA. The national NGO Black Sash trained a significant number of grassroots NGOs in the Eastern Cape, making use of the Training of Trainers concept developed and implemented starting with the departments of the Eastern Cape government. 38 participants were trained from various grassroots organisations.</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	The donor monitors the projects through quarterly reports and a technical operating committee.

<b>Name of donor</b>	<b>United States Agency for International Development (USAID)</b>
Full amount of the funding	Technical assistance
Period of the commitment	2012–2017
Purpose of the funding	Increasing awareness to victims and survivors of sexual assault in South Africa
Expected outputs	<ul style="list-style-type: none"> <li>i. Inform communities surrounding the Thuthuzela Care Centres of the service provided and how to access them using community dialogues</li> <li>ii. Assist TCCs in making sure all hospital staff and local actors are aware of the service provided and to ensure that they use formative research</li> <li>iii. Ensure TCCs information is included in information on sexual assault provided to children through the Soul Buddyz clubs</li> <li>iv. Working with PEPFAR-funded (President's Emergency Plan For AIDS Relief) implementers to integrate TCC information into prevention literature</li> <li>v. Facilitating community dialogues and public service announcements about gender norms and gender-based violence with an aim to decreasing stigmatisation of reporting cases and seeking treatment at TCCs and other providers operational of 4 new Thuthuzela care centres</li> </ul>
Actual outputs achieved	<p>Community dialogues were conducted by both Sonke and Soul City in all nine provinces. A total of 51 dialogues were conducted and 2 340 people were reached.</p> <p>Web site launched – portal for information on GBV <a href="http://www.isssasa.org.za">www.isssasa.org.za</a></p> <p>Information packages on the role of the TCCs were placed on the website.</p> <p>Colourful posters were produced and 66 000 were distributed to schools, hospitals and other areas of interest, linking clients to services. Two open days were held, in the Northern Cape and Western Cape Provinces. The information packages were developed and were integrated into the TCCs information into communication. Website is up and running.</p> <p>The material was distributed to partners, NGOs and government partners.</p> <p>The Soul Buddyz Club project evaluation was completed.</p> <p>Sonke conducted training with 12 radio station presenters on the radio drama on community radio and launched a programme on GBV with taxi association in the Western Cape.</p> <p>All four new TCCs are now fully operational (Madadeni, Groblesdal, Grey and Atlantis).</p>
Amount received in current period (R'000)	Technical assistance
Amount spent by the department (R'000)	Technical assistance

Reasons for the funds unspent	Nil
	<p>The donor monitors the projects through:</p> <p>Quarterly reports</p> <p>Project steering committee</p> <p>Quarterly meetings between the donor, the implementing partner and the department.</p>

Name of donor	<b>GIZ/ Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) (Germany)</b>
Full amount of the funding	Technical assistance
Period of the commitment	2001–2017
Purpose of the funding	Implementation of Promotion of Access to Information Act
Expected outputs	<p>PAIA is mainstreamed into the decision-making process of selected institutions</p> <p>Capacity of officials on the application of PAIA is improved</p> <p>Information management representing 3 sectors across different spheres of government is aligned with the requirements of PAIA</p>
Actual outputs achieved	<p>Management system for the implementation of the PAIA was operationalised in selected public bodies: The generic PAIA implementation guide was completed. Public event was held in the Eastern Cape to launch the Guide.</p> <p>The capacity of officials on the application of PAIA is improved: National Coordinating Committee assisted the South African Human Rights Council (SAHRC) with the implementation of PAIA. This is in addition to the 13 Eastern Cape provincial departments which were capacitated. Training of Trainers course by members of the NCC in cooperation with the SAHRC was conducted for selected staff in the 13 EC provincial government departments.</p> <p>The capacities of intermediaries (civil society and business) on the use of PAJA and PAIA were improved so that they can empower citizens to exercise their rights under PAIA: Black Sash trained members of selected NGOs in the Eastern Cape. Training of Consulting Engineers that participate in government tender process was conducted on the use of the PAIA and PAJA in the supply chain.</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	The donor monitors the projects through quarterly reports and the technical operating committee.

Name of donor	<b>European Union</b>
Full amount of the funding	Euros 25 million
Period of the commitment	2014–2018
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



**T**O DATE, **405** SMALL  
CLAIMS COURTS HAVE  
BEEN ESTABLISHED  
THROUGHOUT THE COUNTRY

Expected outputs	<p>Improved awareness of constitutional rights, with an emphasis on socio-economic rights and on vulnerable groups</p> <p>Enhanced participatory democracy through public policy dialogues on constitutional rights</p> <p>Improved and sustained collaboration between Government, Chapter Nine institutions, civil society and other stakeholders in terms of justice, service delivery and socio-economic rights (including support for Community Advice Offices)</p> <p>Increased research on socio-economic rights and jurisprudence</p> <p>Improved sector coordination and policy design on constitutional development</p> <p>Strengthened capacity, engagement and participation of CSOs in the realisation of constitutional rights</p>
Actual outputs achieved	<p>9,5 million people were reached by programmes to raise awareness and knowledge of the Constitution with an emphasis on socio-economic rights and on vulnerable and marginalised groups. 14 Programmes to increase awareness and knowledge of constitutional rights were completed, namely:</p> <ul style="list-style-type: none"> <li>• Prevention and combating of hate crimes and Hate Speech Bill with a focus on vulnerable groups.</li> <li>• Intergenerational dialogues with school learners on sexual health and reproductive rights in partnership with the Department of Basic Education.</li> <li>• Promoted the sustainability of Community Advice Offices. Improve awareness on court decisions impacting on constitutional rights with a focus on socio-economic rights.</li> <li>• Conducted research programme on youth to build and strengthen active citizenry in Thembelihle Informal Settlement and Kwa Nokuthu.</li> </ul> <p>Awarded 143 grants to civil society organisations working in the human rights sector.</p> <p>3 research projects were conducted, namely:</p> <ul style="list-style-type: none"> <li>• Research on the progressive realisation of socio-economic rights (alignment of ICESCR with NDP).</li> <li>• Performed a gap analysis of laws and policies relating to the implementation of the Covenant on Economic, Social and Cultural Rights in South Africa.</li> <li>• Conducted a research programme on the vertical and horizontal application of the Constitution.</li> </ul> <p>Conducted 21 policy dialogues with stakeholders in human rights sector</p> <ul style="list-style-type: none"> <li>• Civil society consultation held on the Human Rights Council Agenda for March 2017</li> <li>• Civil Society dialogue held on the Implementation of the Rome Statute of the International Criminal Court Bill</li> </ul>
Amount received in current period (R'000)	Technical assistance
Amount spent by the department (R'000)	Technical assistance
Reasons for the funds unspent	Expenditure is on track
Monitoring mechanism by the donor	The donor monitors the projects through quarterly progress reports and the quarterly steering committee.



## 8. CAPITAL INVESTMENT

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

The department continues to be committed to upgrading and improving infrastructure at the service points, which is consistent with the National Development Plan 2030, in order to improve access to justice. The capital investment programme of the Department includes building of new facilities and upgrading of ailing building.

Below is the list of projects that were completed during the year under review.

Project name	Progress	Status
North-West: PC Pelser Building, Repair of electrical reticulation and mechanical installations	The practical completion was taken on 31 January 2017	100% completed
South Gauteng High Court: Refurbishment and renovations of the building	The practical completion was taken on 29 November 2016 and final completion was taken on 8 December 2016.	100% completed

during the year under review and reasons for delays

Below is the list of projects that were undertaken in progress.

Project name	Progress	Reasons for delays
Eastern Cape: Port Elizabeth High Court: Additional accommodation & repairs and renovations	Progress completed 71%	There were delays; however, the construction work is progressing satisfactorily on site. The Department is closely monitoring the project  Expected completion dates - September 2017
Western Cape: Justitia Building: Refurbishment of existing building	Progress completed 97%	Phase one of the project was completed in November 2016 and phase two of the project is still under construction Expected completion date - May 2017
Eastern Cape: Dimbaza Magistrate's Court: Construction of a new building	Progress completed 62%	There were delays due to labour strikes as well as inclement weather. Extension of time has been requested and granted by three weeks Expected completion date - August 2017
Western Cape: Plettenberg Bay Magistrate's Office: Construction of a new building	The project progress stands at 41%	Project is progressing well but delays were experienced due to the community demanding to be employed on site, and inclement weather Expected completion date - September 2017
Gauteng Province: Mamelodi Magistrate's Office: Construction of a new building	The project progress stands at 51%	The land on which the court is being built was donated by City of Tshwane. However, approval of the site development plans, as per agreement by the City Council of Tshwane, is still pending. The project was delayed by community protests seeking employment. Regular strategic and project level interventions are implemented Expected completion date - October 2017

Project name	Progress	Reasons for delays
Mpumalanga Province: Mpumalanga High Court: Construction of a new building	Progress completed 94%	The Municipality requires an additional secondary access to the facility as the Samora Machel access is a left-in-left-out access as a condition to obtain the certificate of completion. The traffic regulation does not allow for an additional intersection (traffic light, stop sign or circle) on the Samora Machel access point. The secondary access road remains. The building will after completion and in the interim, operate with access on the Samora Machel Road until the secondary road is completed. Expected completion date - December 2017
Limpopo Province: Limpopo High Court: Construction of a new building including additional parking	The building was completed and officially opened in November 2016. Visitors' parking is under construction, with a progress of 43%	The project might exceed the contractual duration. The Independent Development Trust (IDT) has submitted an early warning statement for possible request for extension of time. This is due to the hard rock encountered during the piling of foundation. The transfer of the asset to DPW is currently underway. As a result DPW has not yet undertaken the custodial role of maintenance. As an interim measure DOJCD has sourced quotations to address the challenges encountered. Expected completion date - February 2018
Gauteng Province: The Palace of Justice: Security measures upgrade	Progress completed 95%	A session agreement with the subcontractor to install the turnstiles and complete the outstanding work was signed by DPW. This was a result of delays incurred due to main contractor's cash-flow challenges. There has been minimum progress on site as the contractor is unable to work during the day due to noise factor to court operation. The extension of time has been granted to the contractor. Expected completion date - November 2017
Gauteng Province: Pretoria Magistrate's Court: Refurbishment of burned building (DPW funded)	Progress completed 24%	The building was condemned by the Department of Labour due to black mould that was discovered during construction. A specialist contractor was appointed to decontaminate the building and completed the process in October 2016. The refurbishment and restoration contractor resumed work on 10 October 2016.  The project is experiencing delays due to interference by local labourers who demand to be employed.  Expected completion date - April 2018

during the year under review.

Below is the list of projects that were undertaken

Project description	Progress	Estimated completion date
KwaZulu-Natal: Chatsworth Magistrate's Office: Additional accommodation including repairs	The Department is closely monitoring the project. Progress completed 20%	December 2018



Project description	Progress	Estimated completion date
Eastern Cape: Bityi Magistrate's Court	The project is progressing well and there is satisfactory quality of work on site. Progress completed 29%	January 2018
Gauteng Province: Booyens Magistrate's Court	The project was handed over to the contractor in June 2016 and the progress on schedule. Progress completed 18%	March 2018
Kwa-Zulu Natal: Pietermaritzburg NPA: Rehabilitation of old DPW workshop	Site handover to the contractor only took place on 9 December 2016. Progress completed 2%	June 2019
Mpumalanga Province: Evander Magistrate's Court: Refurbishment and additional accommodation for the Director of Public Prosecutions, Judiciary and Administration	The project site handover to the contractor took place on 27 November 2016. Progress completed 8%	December 2018
Western Cape: Group 1: Albertinia; Heidelberg (WC); Mossel Bay: Facilities for people with disabilities	The project site was handed over to the contractor on 14 September 2016. The contract was cancelled on 6 December 2016. The consultants are busy with the updating of the tender documents and tender will be re-advertised once the procurement strategy is approved. Progress completed 20%	July 2017
Western Cape: Ladysmith Magistrate's Court: Additional accommodation	The first contractor was terminated due to non-performance. A second contractor was appointed to complete the work. Progress completed 60%	July 2017
KwaZulu-Natal: Vulamehlo Magistrate's Court: Repairs and renovations to office buildings	The progress on site has been slow due to poor performance by the contractor, but has since improved after intensive interventions. Progress completed 54%	September 2017
Northern Cape: Fraserburg Magistrate's Court: Construction of additional accommodation	The initial contract was terminated due to poor performance of the contractor. The site was handed over to the replacement contractor on 26 October 2016. The site establishment is completed, and the project is progressing well. Progress completed 9%	March 2018
Free State: Welkom Magistrate's Court: Family Advocate and additional accommodation	The project was delayed for a month due to community protests. The contractor has been cautioned for slow progress which will be monitored closely. Mora letter was issued to the contractor, and more resources to fast-track the project were brought. Progress completed 55%	September 2017
Gauteng Province: Oberholzer Magistrate's Office: Security measures upgrade including minor new works of sewerage pipes	The initial contractor was terminated due to non-performance. The project was awarded and site handed over on 31 January 2017 to the second contractor. Progress completed 60%	June 2017
KwaZulu-Natal: Umbumbulu Magistrate's Office: Additional accommodation and alterations	The project had a challenge with poor workmanship which resulted in roof leakages and a lot of repair work. Progress completed 94%	September 2017

Below is list of planned maintenance projects under construction and funded by DPW:

Project description	Progress	Estimated completion date
Free State: Bloemfontein High Court, Repair of roof, ceilings and floors as well as plastering of walls and painting of walls	DPW is closely monitoring progress on site. Progress completed 60%	June 2017
Free State: Bothaville Magistrate's Office: Repair and renovations	The project site was handed over to the contractor on 15 August 2016. The progress is behind schedule and contractor to submit revised programme. Progress completed 27%	December 2017
Free State: Springfontein Magistrate's Office: Repair and renovations of Magistrate's Office	The project was delayed due to poor performance by the contractor who was subsequently issued with a Mora letter in September 2016. Progress completed 15%	December 2017
Western Cape: Wynburg Magistrate's Office: Repairs and renovations	The site was handed over to the contractor in January 2016. The project is progressing in line with the construction programme. Progress completed 52%	January 2018
Mpumalanga Province: Middelburg Magistrate's Office: Repair and renovations: roof leaks; cracked walls; window panes; etc.	The project is three weeks behind schedule, but it is currently progressing well after intervention by DPW. Progress completed 55%	November 2017
Mpumalanga Province: Delmas Magistrate's Office: Repair and renovations of building	The project is three weeks behind schedule, but it is currently progressing well after intervention by DPW. Progress completed 70%	September 2017
Limpopo Province: Mankweng Magistrate's Office: Repair and renovations	The contractor is behind schedule due to inclement weather. However, the quality of work is excellent. The project is being closely monitored by the Department. Progress completed 93%	June 2017
Limpopo Province: Mokerong Magistrate's Office: Repair and renovations	The site was handed over to the contractor in June 2016. The progress on site is in line with the project schedule. Progress completed 53%	December 2017
Limpopo Province: Namakgale Magistrate's Office: Repair and renovations to building	The site was handed over in February 2016. The contractor is behind schedule. An acceleration plan has since been requested from the contractor. Progress completed 93%	June 2017



# Part C

Governance

## 1. INTRODUCTION

The Department is committed to managing risks, and maintaining effective, efficient and transparent systems of finance, risk management and internal controls. The Department ensures that efficient and effective controls are in place, followed by the continuous monitoring, reviewing and evaluation of mechanisms aimed at mitigating identified strategic and operational risks.

To further assist and enhance the ethical values in the Department, risks are identified and managed throughout the whole Department. The objective is to minimise operational losses and optimising operational efficiency.

## 2. GOVERNANCE COMMITTEES

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 (EXCO) 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 EXCO to discharge their fiduciary responsibility certain responsibilities have been delegated to the following committees:

1. Strategy & Policy subcommittee
2. Human Resources subcommittee
3. Finance and Audit subcommittee
4. Information and Communication Technology subcommittee

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

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

## 3. RISK MANAGEMENT

The Department has a Risk Management Policy which was adopted in 2016. The current risk management strategy is under review. Risk assessments are conducted regularly at strategic and operational levels. Risk registers are compiled, updated with emerging risks and progress of mitigating actions are monitored.

The Enterprise-Wide Risk Management Directorate on quarterly basis report to Audit Committee on areas of significant risk and the achievement of the risk management plan. The audit committee provides advice and oversight regarding the implementation of risk management activities throughout the Department.

The Risk Management Committee has advised the Enterprise Risk Management (ERM) to develop performance indicators and reporting standards that will serve as a measure of the impact of risk management on the performance of the Department.

## 4. FRAUD AND CORRUPTION

The Department has a Fraud Prevention Plan, and there is a dedicated Forensic Unit that deals with fraud and corruption. The Forensic Unit reports its activities to the Risk Management and Audit Committees. The cases relating to fraud and corruption are reported

through the National Anti-corruption Hotline which is located at the Public Service Commission (PSC). The alleged cases of fraud and corruption are referred to the Forensic Unit which investigates the allegations and recommends corrective action.

To strengthen the fraud prevention activities, the Department has a database which brings together all elements of the fraud prevention plan, which includes aspects such as vetting, the declaration of financial interests and conflict of interest. As a result, the database assists in improving fraud profiling and better management of fraud and corruption activities.

## **5. MINIMISING CONFLICT OF INTEREST**

The Department has a disclosure system that manages conflict of interest. SMS members disclosed their interests on the disclosure system; the accuracy of the disclosures by SMS is verified by PSC. In cases where potential conflict of interest is identified, the PSC advises the Minister, employees are engaged and, where appropriate, standard disciplinary steps are taken against them in terms of the disciplinary code and procedure of the Public Service.

## **6. 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.

## **7. HEALTH, SAFETY AND ENVIRONMENTAL ISSUES**

The Department is committed to providing a safe and healthy working environment to all employees (including Judiciary and Prosecution) stakeholders and members of the public, whilst they are within the Department's premises, by monitoring the implementation of the SHER Policy and Procedure, which is in line with the OHS Act, Act 85 of 1993 (as amended) at all service delivery points/offices.

Eighteen SHER inspections and five evaluations of the physical practice of the emergency plans were conducted randomly at various service delivery points/offices. The regions continue to conduct SHER inspections on an on-going basis. Furthermore, events that were hosted by the Department were in line with the relevant legislation and departmental prescripts.

The Department continues to promote a culture of a safe and healthy working environment to all employees through SHER training and awareness conducted. Ten SHER awareness sessions were conducted countrywide from National Office, and the regions conducted their own SHER awareness sessions. Designated officials were trained in first aid and fire fighting courses, in all regions.

Due to the existence of the SHER Management System and the SHER training and awareness sessions conducted, a positive impact is noticed in the reduction of injury on duty (IOD) statistics. During the past three years (2014/2015; 2015/2016; 2016/17), the number of reported injury on duty cases were as follows: 40, 20 and 22, respectively.

In order to create and maintain a SHER Management System that can consistently be evaluated and improved upon, a SHER Compliance Questionnaire was utilised to collect data from all service delivery points/offices. When analysing the SHER Compliance Questionnaire outcomes, the following variables were considered:

- Appointed OHS representatives;
- Inclusion of duties and functions in their Performance Agreements;
- Establishment of OHS committees;
- OHS committees meeting at least once in a quarter;
- Keeping of written records as prescribed;
- Register of the particulars of employees; and
- Physical practice of the emergency plan.

The Department will continue to work tirelessly to obtain 100% compliance in all the variables mentioned to ensure a safe and healthy working environment for all its employees and for the members of the public visiting our service delivery points.

## 8. BUSINESS CONTINUITY MANAGEMENT

The Department is committed to ensuring continuity of service delivery in the event of a disruption/disaster at service delivery points/offices.

This objective could be achieved by institutionalising the Business Continuity Management function countrywide, at all service delivery points/offices in the Department. The DOJ&CD established the Business Continuity Management Programme through developing, implementing, monitoring and maintaining the Business Continuity Management Instruction (BCMI), Circular 92 of 2013. The said BCMI, Circular 92 of 2013 was approved in September 2013, to be implemented at all service delivery points/offices within four months after its approval. The BCMI supports the overall departmental Strategic Plan, 2015 – 2020.

To establish a Business Continuity Management System, various regions were visited to create awareness on the BCMI, Circular 92 of 2013 and a total of 10 awareness sessions were held, wherein

a total of 203 staff were made aware of the BCMI. In order to assess effectiveness of the Business Continuity Management System for the programme, 27 service delivery points were sampled and assessed for compliance to the said Circular, and continuous improvement was recommended, where necessary.

The Department developed the Business Continuity Management Compliance Monitoring Tool to monitor and evaluate the performance of Head Office in the implementation of BCMI, Circular 92 of 2013 at service delivery points/offices. The overall output of the interim Business Continuity Management Compliance Monitoring Report, clearly indicates that the Department is at a developmental phase with the overall submission of 58%, which is less than the targeted 100% submission rate.

The Department has made an effort in taking the role of oversight, monitoring and evaluation. The developments are such that the DPSA established norms and standards on reporting the activities of Business Continuity Management, utilising the DPSA's Operational Plan reporting tool on an annual basis.

## 9. PORTFOLIO COMMITTEES

The Portfolio Committee exercises oversight over the service delivery performance of departments. The Department of Justice and Constitutional Development regards the good working relationship with the Portfolio Committee of Justice and Correctional Services and with the Committee on Security and Justice, 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 the budget.

The following engagements were held with Parliamentary Portfolio Committees, during the 2016/2017 financial year:

Item No.	Name of committee	Date of meeting	Purpose of meeting	Matters raised by the committee	Departmental responses addressing issues raised
1	Portfolio Committee on Justice and Correctional Services	5 April 2016	Overview by the Minister of Justice and Correctional Services on the Department of Justice and Constitutional Development (DoJ&CD), the Chief Justice and Judicial Administration Strategy and Annual Performance Plans	<p>a) The Committee requested that there should be improvement on communication about Integrated Justice System (IJS) to ensure that it gets full attention to make sure that the justice system is fully connected.</p>	<p>As part of the continuous communication to key stakeholders, the IJS Programme currently provides regular reports through the following channels:</p> <ul style="list-style-type: none"> <li>(i) Monthly reports to Justice, Crime Prevention and Security (JCPS)</li> <li>(ii) Quarterly reports to JCPS cluster of Ministers Implementation Forum</li> <li>(iii) Quarterly input to DoJ&amp;CD reports to Parliament</li> <li>(iv) Systems Demonstrations to Cluster of DGs and Ministers upon request</li> <li>(v) Presentations to Judiciary and Administration Information Technology (JAIT) Steering Committee</li> <li>(vi) Presentations on Justice Regional Heads Forums.</li> </ul> <p>To further improve the communication to broader stakeholders such as management and end-users in different departments, the IJS will develop the IJS Integrated Communication Strategy for implementation by Quarter 3 of the 2017/18 financial year.</p>



Item No.	Name of committee	Date of meeting	Purpose of meeting	Matters raised by the committee	Departmental responses addressing issues raised
2	Portfolio Committee on Justice and Correctional Services	6 April 2016	Briefing by the Department of Justice & Constitutional Development on its 2016 Annual Performance Plan	<p>a) The Committee requested that there should be improvement on communication about Integrated Justice System (IJS) to ensure that it gets full attention to make sure that the justice system is fully connected.</p> <p>b) The Department needs to develop a policy on paralegals</p> <p>N.B: The Director-General requested support of the Committee for additional funding to be made available for security in the Department.</p>	<p>As part of the continuous communication to key stakeholders, the IJS Programme currently provides regular reports through the following channels:</p> <ul style="list-style-type: none"> <li>(i) Monthly reports to Justice, Crime Prevention and Security (JCPS)</li> <li>(ii) Quarterly reports to JCPS cluster of Ministers Implementation Forum</li> <li>(iii) Quarterly input to DoJ&amp;CD reports to Parliament</li> <li>(iv) Systems Demonstrations to Cluster of DGs and Ministers upon request</li> <li>(v) Presentations to Judiciary and Administration Information Technology (JAIT) Steering Committee</li> <li>(vi) Presentations on Justice Regional Heads Forums.</li> </ul> <p>To further improve the communication to broader stakeholders such as management and end-users in different departments, the IJS will develop the IJS Integrated Communication Strategy for implementation by Quarter 3 of the 2017/18 financial year.</p> <p>(i) The finalisation of a policy proposal and legislation is dependent on the approval of a funding model and the source thereof, for the regulation of paralegals.</p>

Item No.	Name of committee	Date of meeting	Purpose of meeting	Matters raised by the committee	Departmental responses addressing issues raised
3	Select Committee on Security and Justice	18 May 2016	Briefing by the Magistrates' Commission on suspended magistrates; Proclamations of terrorist organisations	N/A	Reports on the suspension of magistrates were adopted by the Committee.
4	Portfolio Committee on Justice and Correctional Services	24 August 2016	Briefing by the Department of Justice and Constitutional Development on the Courts of Law Amendment Bill [B8-2016]	The Department briefed the Portfolio Committee on the Bill.	The Department responded to the questions raised during the meeting.
5	Portfolio Committee on Justice and Correctional Services	30 August 2016	Deliberations on the Promotion of Access to Information and Promotion of Administrative Justice Rules	<p>a) The Committee approved the draft rules and referred them to the National Assembly for consideration.</p> <p>b) The Committee requested to receive a report on the Department of Justice and Constitutional Development (DoJ&amp;CD)'s public awareness programme on PAJA and PAIA</p>	<p>N/A</p> <p>On 17 September 2016, the Director-General of the DoJ&amp;CD wrote to the Committee Secretary and submitted a detailed Report.</p>
6	Portfolio Committee on Justice and Correctional Services	31 August 2016	Public Hearings on the Courts of Law Amendment Bill [B8-2016]	The Department attended the public hearings on the Bill, and noted the issues that were raised.	After the meeting of 31 August 2016, the Department prepared a summary of the issues raised by stakeholders and provided responses to each of the issues raised.
7	Portfolio Committee on Justice and Correctional Services	06 September 2016	Response by the Department of Justice and Constitutional Development to the submissions on the Justice Administered Fund Bill [B26-2015]	The Department provided responses to the issues raised by one respondent who commented on the Bill.	The respondent was of the view that the Bill also catered for the Guardian's Fund. The Department clarified that this was not the case.

Item No.	Name of committee	Date of meeting	Purpose of meeting	Matters raised by the committee	Departmental responses addressing issues raised
8	Portfolio Committee on Justice and Correctional Services	07 September 2016	Briefing by the Department of Justice and Constitutional Development on the Review of the Age of Criminal Capacity	<p>a) The Department provided responses to the issues raised by the Committee.</p> <p>b) The Committee also requested that the Department consult with the National House of Traditional Leaders on the Report on the Minimum Age of Criminal Capacity</p>	<p>(i) The responses approved by the Minister were submitted to the Secretariat of the Committee on 20 October 2016.</p> <p>(ii) The National House of Traditional Leaders was briefed on the Report on the Minimum Age of Criminal Capacity on 27 March 2017.</p>
9	Portfolio Committee on Justice and Correctional Services	13 September 2016	Deliberations & adoption on the Courts of Law Amendment Bill [B8-2016]: Department response to submissions; Justice Administered Fund Bill [B26-2015]	Only a few stakeholders made comments in respect of the Justice Administered Fund Bill.	The Department prepared a summary of the issues raised and gave responses to the issues raised by stakeholders in respect of the Bill.
10	Portfolio Committee on Justice and Correctional Services	14 September 2016	Public hearings on the Protected Disclosures Amendment Bill [B40-2015]:	The Department attended the public hearings and took note of the issues raised by the respondents.	The Department summarised the issues raised during the public hearings and provided responses to all the issues raised. The Department prepared amendments, where appropriate, arising from the public hearings for consideration by the Portfolio Committee.
11	Select Committee on Security and Justice	21 September 2016	Briefing by the Department of Justice and Constitutional Development on the Promotion of Access to Information Act Revised Rules of Procedure	The Committee did not raise any issues, and approved the draft rules.	N/A

Item No.	Name of committee	Date of meeting	Purpose of meeting	Matters raised by the committee	Departmental responses addressing issues raised
12	Portfolio Committee on Justice and Correctional Services	22 September 2016	Responses to issues raised during the public hearings on the Protected Disclosures Amendment Bill.	The Department responded to issues raised during the public hearings.	The Department prepared amendments for consideration by the Committee, where required.
13	Portfolio Committee on Justice and Correctional Services	12 October 2016	Briefing by the Department of Justice and Constitutional Development on its 2015/16 Annual Report; Departmental First Quarter Performance Report	<p>a) The Committee pleaded that, when dealing with Land Claims issues, the Department should elect Lawyers/Counsel that are in touch or appreciated of the plights/needs of the communities with regards to land, mostly probably be an African Counsel.</p> <p>b) The Committee was concerned that the criminalisation of racism is not moving speedily, and the Hate Crimes Bill does not criminalise racism.</p>	<p>(i) The Minister has begun to engage with the Minister of Rural Development and Land Reform to discuss the role of that the Legal Aid South Africa can play in assisting indigent claimants in land restitution matters subject to us finding the funding for this. An option would be transferring some funding to Legal Aid South Africa. Legal Aid can similarly also assist in the enforcement of ESTA rights, subject to available funding.</p> <p>(ii) The public was invited to comment on the Hate Crimes and Hate Speech Bill, and the public response we received is estimated at 40 000, inclusive of petitions. It is assured that all the comments received have been considered. The Department is also forging ahead with the National Action Plan (NAP) to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance. The NAP has been subjected to intensive public participation process last year. It is envisaged that the NAP will be submitted to Cabinet in this financial year.</p>

Item No.	Name of committee	Date of meeting	Purpose of meeting	Matters raised by the committee	Departmental responses addressing issues raised
14	Portfolio Committee on Justice and Correctional Services	12 October 2016	Briefing by the Department of Justice and Constitutional Development on its 2015/16 Annual Report; Departmental First Quarter Performance Report	<p>c) The Department was requested to submit progress report on the disciplinary case of the Head of Supply Chain Management.</p> <p>d) The Department reported that it is in the process of introducing legislation on State Attorneys Amendment Act, 2014 to attract a suitable candidate for the post of the Solicitor-General.</p>	<p>(iii) The parties in this matter have been given until 2 June 2017 to submit closing arguments and thereafter a finding of guilty or not guilty will be pronounced, and not necessarily on the same day. The chairperson prefers oral arguments by parties</p> <p>(iv) The intention is that State Legal Services will become the law firm of choice for the State. This is to be achieved by implementing the outstanding provisions of the State Attorney Amendment Act, 2014 including the appointment of a Solicitor-General to oversee state litigation, building capacity within the State Attorney, establishing well run offices of the State Attorney and the finalisation of the relevant policies to reduce the costs of litigation.</p>

Item No.	Name of committee	Date of meeting	Purpose of meeting	Matters raised by the committee	Departmental responses addressing issues raised
14	Portfolio Committee on Justice and Correctional Services	12 October 2016	Briefing by the National Prosecuting Authority (NPA) on its 2015/16 Annual Report	<p>a) The Committee requested clarity on Advocates Jiba and Mrwebi's special leave from the NPA after the court decision to strike them off the roll.</p> <p>b) The Committee asked if the NDPP could bring them in his confidence with regard to his decision to prosecute the former Minister of Finance, Mr Pravin Gordhan and others, and whether he had any regard for the broader economic implications for the country.</p> <p>c) The Committee requested to know the position of NPA with regard to the Ombudsman for the NPA, and wanted to know where the findings came from.</p>	<p>(i) The National Director of Public Prosecutions (NDPP), Advocate Abrahams, responded that the special leave was granted at the Advocates' request. This was while they were dealing with the relevant litigation, having filed their application for leave to appeal. They would have no access to the office during their special leave and there were people appointed to act in their positions.</p> <p>(ii) The NDPP reiterated that he did not make the decision to prosecute the former Minister Gordhan, the decision to prosecute was made by prosecutors. He made the announcement as the head of the institution, but indicated that the former Minister Gordhan and others could make representations to him for review and he would certainly do that in terms of his mandated powers.</p> <p>(iii) The NPA wanted to conduct a benchmarking research study in this regard. However, the NPA Act provided for sufficient checks and balances through the representations and review process.</p>

Item No.	Name of committee	Date of meeting	Purpose of meeting	Matters raised by the committee	Departmental responses addressing issues raised
14	Portfolio Committee on Justice and Correctional Services	12 October 2016	Briefing by the National Prosecuting Authority (NPA) on its 2015/16 Annual Report	<p>d) The Committee expressed its concern about the lack of intake for the Aspirant Prosecutor Programme and asked what can be done to overcome the financial constraints in this regard.</p> <p>e) The Committee enquired about Project Ndabezitha and whether it was still continuing, as they were of the view that it was a very good project for the NPA to educate the rural communities on domestic and gender violence.</p> <p>f) With respect to the Public Finance Management Act (PFMA) prosecutions, the Committee enquired whether the NPA could proactively pursue an investigation and subsequent prosecution or must it wait for a complaint to be laid after the Auditor-General has given an opinion that something is unlawful? The Committee urged the NPA to look into the sale of the strategic oil reserves.</p>	<p>(iv) The NDP indicated that there are efforts to find funding for the Aspirant Prosecutor Programme. Over and above the normal processes with National Treasury for additional funding, other funding avenues such as Criminal Asset Recovery Account (CARA) were also being explored to re-establish the programme. He also requested the Committee to assist through the BRRR process.</p> <p>(v) Advocate Majokweni indicated that the NPA is still continuing with Project Ndabezitha.</p> <p>(vi) The NDP responded that the matter of the strategic oil reserves came to his attention through media reports, and that he would request the Hawks to investigate the matter. He added that there is a misperception that the NPA has investigative powers to investigate matters when it does not. The NPA gives guidance to the police and other structures to ensure successful litigation of matters.</p>
15	Select Committee on Security and Justice	12 October 2016	Briefing by the Magistrates Commission on the Progress Reports on provisionally suspended magistrates	N/A	Progress, in respect of the misconduct inquiries against magistrates who are provisionally suspended from office, has been noted.



Item No.	Name of committee	Date of meeting	Purpose of meeting	Matters raised by the committee	Departmental responses addressing issues raised
16	Portfolio Committee on Justice and Correctional Services	20 October 2016	a) Adoption of the Justice Administered Fund Bill	The Bill was adopted by the Portfolio Committee on 20 October 2016.	The Department prepared technical amendments which were approved with the Bill.
17			b) Briefing by the Magistrates Commission on the progress report on the Suspension of Magistrates	N/A	Progress, in respect of the misconduct inquiries against magistrates who are provisionally suspended from office, has been noted.
18	Portfolio Committee on Justice and Correctional Services	26 October 2016	Deliberations on the Courts of Law Amendment Bill	The Department participated in the deliberations of the Portfolio Committee on the Bill, where requested.	The Department prepared amendments, where requested, arising from the deliberations of the Portfolio Committee.
19	Portfolio Committee on Justice and Correctional Services	04 November 2016	Briefing by the National Director of Public Prosecutions on the Withdrawal of charges against Minister of Finance	The Committee raised questions around the fact that the NDPP had initially announced charges against the Finance Minister, and subsequently withdrew the charges after representations were submitted. The Committee wanted to table a motion to declare the NDPP unfit to hold office because of this matter.	Advocate Abrahams explained in detail the powers of the NDPP, which include original powers to prosecute but mainly the powers to review decisions of Director of Public Prosecutions (DPP) after considering representations. He explained that the original decision to prosecute was not taken by him, but the decision had been recommended to him by the DPP and the SDPP: PCU. Representations were submitted to him and it became apparent that there was crucial evidential information that was withheld from the prosecutors, which when subsequently presented to the NDPP in the representations, led to the NDPP's review decision to withdraw the charges.

Item No.	Name of committee	Date of meeting	Purpose of meeting	Matters raised by the committee	Departmental responses addressing issues raised
20	Portfolio Committee on Justice and Correctional Services	08 November 2016	Deliberations on the Protected Disclosures Amendment Bill	The Department participated in the deliberations of the Committee on the Bill, where requested.	The Department gave responses to questions raised by members of the Portfolio Committee particularly in relation to false disclosures.
21	Select Committee on Security and Justice	08 November 2016	Briefing by the Department of Justice and Constitutional Development on the Justice Administered Fund Bill	The Department briefed the Portfolio Committee on the Bill.	The Department responded to the questions raised during the meeting of the Committee.
22	Portfolio Committee on Justice and Correctional Services	09 November 2016	Deliberations by the Department of Justice and Constitutional Development on the Protected Disclosures Amendment Bill: false disclosures/financial disclosures	The Department participated in the deliberations of the Committee on the Bill, where requested.	The Department gave responses to questions raised by members of the Portfolio Committee particularly in relation to false disclosures.
23	Portfolio Committee on Justice and Correctional Services	15 November 2016	Response by the Department of Justice and Constitutional Development to the submissions on Courts of Law Amendment Bill Protected Disclosures Amendment Bill: final Committee amendments	The Department participated in the deliberations of the Committee on the Bills, where requested.	The Department outlined its responses to the public submissions in respect of the Courts of Law Bill and tabled amendments for consideration by the Committee. The Department presented amendments to the Committee on the Protected Disclosures Amendment for consideration.
24	Portfolio Committee on Justice and Correctional Services	23 November 2016	Briefing by the Deputy Minister and Department of Justice and Constitutional Development on the Judicial Matters Amendment Bill [B14-2016]	The Department briefed the Portfolio Committee on the Bill.	The Department responded to the questions raised during the meeting of the Committee.

Item No.	Name of committee	Date of meeting	Purpose of meeting	Matters raised by the committee	Departmental responses addressing issues raised
25	Select Committee on Security and Justice	30 November 2016	a) Briefing by the Department of Justice and Constitutional Development on the Protected Disclosures Amendment Bill	The Department briefed the Portfolio Committee on the Bill.	The Department responded to the questions raised during the meeting of the Committee.
26			b) Deliberations and adoption of the Justice Administered Fund Bill [B26-2015]	The Department participated in the deliberations of the Committee where required. The Bill was adopted by the Committee on 30 November 2016.	The Department responded to the questions raised during the meeting of the Committee.
27	Select Committee on Security and Justice	08 December 2016	a) Briefing by the Deputy Minister of Justice and Constitutional Development on the Determination of Magistrates' salaries	a) The Committee was concerned about the Magistrates on suspension, and the period it takes to conclude their cases. The Committee requested clarity on whether the increase in salaries would also be applicable.  b) The Committee also raised an issue on the non-increment of salaries of Traditional Leaders.	a) The Deputy Minister of Justice and Constitutional Development responded at the meeting, and clarified the issues raised by the Committee.  b) The Deputy Minister responded that the issue of Traditional Leaders had nothing to do with the Department of Justice and Constitutional Development or its Minister of Justice and Correctional Services. He recommended that the issue be raised with the Ministry of Cooperative Governance and Traditional Affairs.
28			b) Committee Report on Justice Administered Fund Bill	N/A	The Committee adopted the report on the Justice Administered Fund Bill

Item No.	Name of committee	Date of meeting	Purpose of meeting	Matters raised by the committee	Departmental responses addressing issues raised
29	Portfolio Committee on Justice and Correctional Services	31 January 2017	<p>a) Briefing with the Deputy Minister on the Traditional Courts</p> <p>b) Implementation of the Rome Statute of International Criminal Court Act Repeal Bill.</p>	<p>a) The Department briefed the Portfolio Committee on the Bill.</p> <p>b) The Department briefed the Portfolio Committee on the Bill.</p>	<p>(i) The Department responded to the questions raised during the meeting of the Committee.</p> <p>(ii) The Department responded to the questions raised during the meeting of the Committee.</p>
30	Portfolio Committee on Justice and Correctional Services	14 February 2017	Briefing by the Department of Justice and Constitutional Development on the Child Justice Act section 97 regulations	The Department briefed the Portfolio Committee on the regulations and requested certain technical amendments as proposed by representatives of the Department of Basic Education and Social Development.	The Department responded to the questions raised during the meeting of the Committee.
31	Portfolio Committee on Justice and Correctional Services	15 February 2017	<p>a) Briefing by the Department of Justice and Constitutional Development on the Criminal Procedure Amendment Bill</p> <p>b) Briefing by the Magistrates Commission on the suspension of magistrates</p>	<p>a) The Department briefed the Portfolio Committee on the Bill. The Department was requested to bring experts to its next meeting in order to get clarification on some of the technical terms being changed by the Bill.</p> <p>b) The Committee had a problem why magistrates charged with misconduct and being provisionally suspended from office as mostly are female and black. The Committee required more information on the Monaledi matter and did not endorse the suspension of M Hole from office since the matter was still before the High Court.</p>	<p>(i) The Department responded to the questions raised during the meeting of the Committee.</p> <p>(ii) Both issues were addressed at a follow-up briefing on 08 March 2017. The Committee would also request to meet with the Magistrates Commission to be advised on the Commission's objectives and functions.</p>

Item No.	Name of committee	Date of meeting	Purpose of meeting	Matters raised by the committee	Departmental responses addressing issues raised
32	Select Committee on Security and Justice	15 February 2017	Public hearings and Departmental response on the Protected on the Disclosures Amendment Bill	The Department noted the submissions made during the public hearings.	The Department responded to questions raised by the Select Committee, with particular reference to false disclosures.
33	Select Committee on Security and Justice	23 February 2017	Deliberations on the Protected Disclosures Amendment Bill [B40B-2015]	The Department participated in the deliberations of the Committee on the Bill, where requested.	The Department gave responses to questions raised by members of the Portfolio Committee particularly in relation to false disclosures.
34	Portfolio Committee on Justice and Correctional Services	07 March 2017	Briefing by the Department of Justice and Constitutional Development on the progress report on the Pilot projects on community courts & legislation to regulate paralegals	The Department gave a briefing to the Committee on progress relating to legislation to regulate paralegals.	The Department gave responses to questions raised by members of the Portfolio Committee.
35	Portfolio Committee on International Relations and Cooperation	08 March 2017	Briefing by the Department of Justice and Constitutional Development, and DIRCO on the International Criminal Court ruling		The ICC has not made a ruling yet. It was argued but not yet finalised.
36	Select Committee on Security and Justice	08 March 2017	Deliberations and adoption of the Protected Disclosures Amendment Bill	The adoption of the Bill was postponed to 15 March 2017.	None.

## 10.SCOPA RESOLUTIONS

Resolution No.	Subject	Details	Response by the department	Resolved (Yes/No)
Resolution 3 of 9 September 2015	New financial System for TPF	The Committee recommends that the Accounting Officer fast-track the implementation of a new accounting system to replace the Justice Deposit Accounting Systems (JDAS) to ensure complete, accurate and reliable financial information and reporting	<p>The analysis and design phases of the new system were finalised on 31 March 2015. System configuration, testing, quality assurance and piloting were concluded on 31 July 2016.</p> <p>The new system will be a fully automated system and will operate on a reduced number of central bank accounts, which will eradicate the need for office level staff to perform monthly bank reconciliations and perform repetitive manual transactions on a daily, weekly and monthly basis.</p> <p>The Department started with solution deployment in Northern Cape ,Free State, and North West.</p> <p>The remainder of the regions, i.e. Gauteng Eastern Cape, KwaZulu Natal, Mpumalanga, Limpopo and Western Cape is scheduled for 2017/18 with planned completion date of December 2017.</p>	Implementation of resolution in progress with planned finalisation date of 31 March 2018.

### Prior modifications to Audit Reports

Nature of qualification, disclaimer, adverse opinion and matters of non-compliance	Financial year in which it first arose	Progress made in clearing / resolving the matter
Ring fenced amounts in TPF	2015/2016	<p>Information that cannot be substantiated by supporting documentation that has been ring-fenced in the previous financial year – was the basis for the qualified audit opinion in 2015/16, has now been subjected to continuous investigation and clearance process.</p> <p>Financial information that has been ring-fenced, are continuously investigated, cleared and write-offs done.</p> <p>Net reductions totalling R30, 3 million have been effected on the ring fenced amounts and pay overs were also effected from this ring fenced amounts to the National Revenue Fund.</p>

## 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 report for the financial year ended 31 March 2017.

#### 1.1 AUDIT COMMITTEE MEMBERS AND ATTENDANCE

The Audit Committee consists of the members listed below and is required to meet at least four times per annum as per its approved terms of reference.

During the year, four meetings and three 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	3	Reappointed-25 November 2015
Mr. Cedric Boltman	4	3	Reappointed-25 November 2015
Ms. Besky Ngunjiri	4	1	Reappointed – March 2015
Mr. Wilson Ramabulana	4	3	Reappointed- 25 November 2015
Mr Andrew Sello	4	3	Reappointed- 25 November 2015

#### 1.2 AUDIT COMMITTEE RESPONSIBILITY

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

The Audit Committee has engaged with management and the Auditor General on the reported shortcomings. Management has undertaken to prioritize the implementation of corrective measures which will be validated by Internal Audit and reviewed by the Audit Committee throughout the financial year.

The Audit Committee has also noted continuous improvements on the risk management process, which have also contributed to the overall maturity level of the Department. The Audit committee has encouraged the Department to establish the combined assurance process which is currently at its infancy stage and will continue to monitor this process.

#### 1.3 THE EFFECTIVENESS OF INTERNAL CONTROL

The system of internal control is designed to provide cost effective assurance for achievement of organization's objectives. The Audit Committee is satisfied that key controls remained in place throughout the year under review. Management had undertaken to address the shortcomings which were raised by the Auditor General and Internal Audit through an action plan which was reviewed on a continuous basis. The Auditor General reported internal control deficiencies which resulted in a material finding, impacting on the audit report.

#### 1.4 INTERNAL AUDIT

The Internal Audit unit has provided Audit Committee and management with reasonable assurance and advice on the effectiveness of controls. We are satisfied that Internal Audit unit has discharged its responsibilities as per the Internal Audit charter and its annual plans. During the year the Internal Audit completed 280 audits as per the plan which was approved by the Audit Committee.



## 1.5 RISK MANAGEMENT

The Department has a separate Risk Management Committee (ERMC) chaired by a non executive, who is an ex officio of the Audit Committee. The ERMC has met 4 times during the year under review as per their charter. The ERM maturity level of the Department is continuously improving. The Department has produced a strategic risk register which is been continuous monitored and reviewed.

## 1.6 AUDITOR-GENERAL SOUTH AFRICA

The Audit Committee has noted the unfavorable audit outcome as compared to the prior year. The Audit Committee accepts the qualified audit opinion of the AGSA on the Annual Financial Statements of Department of Justice and Constitutional Development for the year ended 31 March 2017. The Audit Committee has urged management to prioritize the implementation of measures for ensuring that the negative audit outcome does not recur. The Audit Committee will monitor the implemented corrective measures to ensure that they are effective.

## 1.7 EVALUATION OF THE ANNUAL PERFORMANCE

The Auditor General reported on the usefulness and reliability of the reported performance information. The Auditor General identified and reported that indicator 6.2: NRSO did not have supporting documents as evidence that objectives were achieved. This non-achievement related to both the usefulness and the reliability of the reported performance information.

The Committee advised that sustainable intervention is required to gather evidence on the quality, reliability and overall integrity of the Performance Management System at the Department and this should be reviewed quarterly.

## 1.8 REPORTS

### 1.8.1 THE QUALITY OF IN-YEAR MANAGEMENT AND MONTHLY/QUARTERLY REPORTS SUBMITTED IN TERMS OF THE PFMA

Although there are areas of improvement which management has been addressing on a continuous basis, we were satisfied with the content and quality of monthly and quarterly reports prepared by the Accounting Officer of the Department during the year under review.

### 1.8.2 EVALUATION OF ANNUAL FINANCIAL STATEMENTS

We have reviewed and discussed the audited annual financial statements with management and also reviewed the Department's compliance with legal and regulatory provisions. We have also reviewed the Auditor-General South Africa's final management report and the audit report and also management's responses. We are satisfied with management's responses and have urged them to prioritize the implementation of corrective measures to ensure that the reported shortcomings do not recur.



M Karedi  
Chairperson of the Audit Committee

**Date:** 31 July 2017



# Part D

Financial Information

## REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE NO. 21: DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

### REPORT ON THE AUDIT OF THE FINANCIAL STATEMENTS

responsibilities for the audit of the financial statements section of my report.

#### QUALIFIED OPINION

1. I have audited the financial statements of the Department of Justice and Constitutional Development set out on pages 164 to 252, which comprise the appropriation statement, the statement of financial position as at 31 March 2017, and the statement of financial performance, statement of changes in net assets, and cash flow statement for the year then ended, as well as the notes to the financial statements, including a summary of significant accounting policies.
2. In my opinion, except for the effects of the matter described in the basis for qualified opinion section of my report, the financial statements present fairly, in all material respects, the financial position of the Department of Justice and Constitutional Development as at 31 March 2017, 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).

5. I am independent of the department in accordance with the International Ethics Standards Board for Accountants' Code of ethics for professional accountants (IESBA code) together with the ethical requirements that are relevant to my audit in South Africa. I have fulfilled my other ethical responsibilities in accordance with these requirements and the IESBA code.
6. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my qualified opinion.

#### 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 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.

#### BASIS FOR QUALIFIED OPINION

#### RESPONSIBILITIES OF THE ACCOUNTING OFFICER FOR THE FINANCIAL STATEMENTS

##### IMMOVABLE TANGIBLE CAPITAL ASSETS

3. The department did not properly account for the immovable tangible capital assets as disclosed in note 41 to the financial statements in accordance with the disclosure requirements for capital assets in terms of the Modified Cash Standard prescribed by the National Treasury, as the department did not have adequate systems in place to record capital work in progress. I was unable to determine the full extent of the understatement of immovable tangible capital assets as it was impracticable to do so.
4. I conducted my audit in accordance with the International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the auditor-general's

9. The accounting officer is responsible for the preparation and fair presentation of the 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) (PFMA) and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.
10. In preparing the financial statements, the accounting officer is responsible for assessing the Department of Justice and Constitutional Development's ability to continue as a going

concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless there is an intention either to liquidate the department or to cease operations, or there is no realistic alternative but to do so.

#### AUDITOR-GENERAL'S RESPONSIBILITIES FOR THE AUDIT OF THE FINANCIAL STATEMENTS

11. My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

12. A further description of my responsibilities for the audit of the financial statements is included in the annexure to the auditor's report.

#### REPORT ON THE AUDIT OF THE ANNUAL PERFORMANCE REPORT

##### INTRODUCTION AND SCOPE

13. 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 material findings on the reported performance information against predetermined objectives for selected programmes presented in the annual performance report. I performed procedures to identify findings but not to gather evidence to express assurance.

14. My procedures address the reported performance information, which must be based on the approved performance planning documents of the department. I have not evaluated the completeness and appropriateness of the performance indicators included in the planning documents. My procedures also did not extend to any

disclosures or assertions relating to planned performance strategies and information in respect of future periods that may be included as part of the reported performance information. Accordingly, my findings do not extend to these matters.

15. I evaluated the usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework, as defined in the general notice, for the following selected programmes presented in the annual performance report of the department for the year ended 31 March 2017:

Programmes	Pages in the annual performance report
Programme two – Court Services	68-77
Programme four – National Prosecuting Authority	99-122

16. I performed procedures to determine whether the reported performance information was properly presented and whether performance was consistent with the approved performance planning documents. I performed further procedures to determine whether the indicators and related targets were measurable and relevant, and assessed the reliability of the reported performance information to determine whether it was valid, accurate and complete.

17. The material finding in respect of the usefulness and reliability for Programme two – court services is as follows:

##### Programme two – Court Services

Indicator 6.2: Percentage of convictions recorded electronically on the National Register for Sexual Offenders (NRSO)

18. The reported achievement for target 6.2: Percentage for the reported achievement for the target of 100% of all of convictions recorded electronically on the National Register for Sexual Offenders (NRSO), was misstated as the evidence provided indicated a value of 2 533 convictions and not 3 042 as reported.

19. I did not identify any material findings on the usefulness and reliability of the reported performance information for the following programme:

Programme four – National Prosecuting Authority

Other matters

20. I draw attention to the matters below.

#### ACHIEVEMENT OF PLANNED TARGETS

21. Refer to the annual performance report on pages 68 to 77 and 99 to 122 for information on the achievement of planned targets for the year. This information should be considered in the context of the material finding on the usefulness and reliability of the reported performance information in paragraph 18 of this report.

#### ADJUSTMENT OF MATERIAL MISSTATEMENTS

22. I identified material misstatements in the annual performance report submitted for auditing. These material misstatements were on the reported performance information of Court Services and the National Prosecuting Authority. As management subsequently corrected only some of the misstatements, I reported material findings on the usefulness and reliability of the reported performance information. Those that were not corrected are included in paragraph 18 of this report.

#### REPORT ON AUDIT OF COMPLIANCE WITH LEGISLATION

##### INTRODUCTION AND SCOPE

23. In accordance with the PAA and the general notice issued in terms thereof I have a responsibility to report material findings on the compliance of the department with specific matters in key legislation. I performed procedures to identify findings but not to gather evidence to express assurance.
24. The material findings in respect of the compliance criteria for the applicable subject matters are as follows:

#### ANNUAL FINANCIAL STATEMENTS

25. 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.
26. Material misstatements of disclosure items identified by the auditors in the submitted financial statements were corrected subsequently, but the uncorrected material misstatements resulted in the financial statements receiving a qualified audit opinion.

#### EXPENDITURE MANAGEMENT

27. Effective steps were not taken to prevent irregular expenditure, as required by section 38(1)(c)(ii) of the PFMA and treasury regulation 9.1.1. The value of R170 625 132, as disclosed in note 31, may not be complete as management was still in the process of quantifying the full extent of the irregular expenditure.
28. Contractual obligations and money owed by the department were not always settled within 30 days or an agreed period, as required by section 38(1)(f) of the PFMA and treasury regulation 8.2.3.

#### STRATEGIC PLANNING AND PERFORMANCE MANAGEMENT

29. Procedures for the facilitation of effective performance monitoring, evaluation and corrective action were not adequately established, as required by treasury regulation 5.3.1.

#### PROCUREMENT AND CONTRACT MANAGEMENT

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

#### CONSEQUENCE MANAGEMENT

31. Disciplinary steps were not taken against some of the officials who had incurred and/or permitted irregular expenditure as required by section 38(1)(h)(iii) of the PFMA.

## OTHER INFORMATION

32. The Department of Justice and Constitutional Development's accounting officer is responsible for the other information. The other information does not include the financial statements, the auditor's report thereon and those selected programmes presented in the annual performance report that have been specifically reported on in the auditor's report.
33. My opinion on the financial statements and findings on the reported performance information and compliance with legislation do not cover the other information and I do not express an audit opinion or any form of assurance conclusion thereon.
34. In connection with my audit, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and the selected programmes presented in the annual performance report, or my knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on the work I have performed on the other information obtained prior to the date of this auditor's report, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

## INTERNAL CONTROL DEFICIENCIES

35. I considered internal control relevant to my audit of the financial statements, reported performance information and compliance with applicable legislation; however, my objective was not to express any form of assurance thereon. The matters reported below are limited to the significant internal control deficiencies that resulted in the basis for qualified opinion, the findings on the annual performance report and the findings on compliance with legislation included in this report.

## FINANCIAL AND PERFORMANCE MANAGEMENT

36. Management did not adequately review the financial statements prior to submission for auditing.
37. Management did not have sufficient monitoring controls to ensure compliance with all applicable legislation.
38. Management did not have proper record management systems and internal processes in place to ensure reliable and credible financial and performance information reporting throughout the year.

*Auditor-General*

Pretoria

31 July 2017



AUDITOR-GENERAL  
SOUTH AFRICA

*Auditing to build public confidence*

## ANNEXU ANNEXURE – AUDITOR-GENERAL'S RESPONSIBILITY FOR THE AUDIT RE – AUDITOR-GENERAL'S RESPONSIBILITY FOR THE AUDIT

1. As part of an audit in accordance with the ISAs, I exercise professional judgement and maintain professional scepticism throughout my audit of the financial statements, and the procedures performed on reported performance information for selected programmes and on the department's compliance with respect to the selected subject matters.

### FINANCIAL STATEMENTS

39. In addition to my responsibility for the audit of the financial statements as described in the auditor's report, I also:

- identify and assess the risks of material misstatement of the financial statements whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the department's internal control.
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the accounting officer.
- conclude on the appropriateness of the accounting officer's use of the going concern basis of accounting in the preparation of

the financial statements. I also conclude, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Department of Justice and Constitutional Development's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements about the material uncertainty or, if such disclosures are inadequate, to modify the opinion on the financial statements. My conclusions are based on the information available to me at the date of the auditor's report. However, future events or conditions may cause a department to cease to continue as a going concern.

- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

### COMMUNICATION WITH THOSE CHARGED WITH GOVERNANCE

40. I communicate with the accounting officer regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

41. I also confirm to the accounting officer that I have complied with relevant ethical requirements regarding independence, and communicate all relationships and other matters that may reasonably be thought to have a bearing on my independence and here applicable, related safeguards.



# APPROPRIATION STATEMENT

APPROPRIATION PER PROGRAMME										
	2016/17						2015/16			
	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	
<b>Programme</b>										
1. Administration	2 130 934		(160 217)	1 970 717	1 969 006	1 711	99.9%	1 832 581	1 819 166	
2. Court Services	6 061 588		211 016	6 272 604	6 272 604		100.0%	5 667 254	5 667 254	
3. State Legal services	1 126 469		(21 488)	1 104 981	1 104 981		100.0%	1 018 338	1 002 173	
4. National Prosecuting Authority	3 557 505		(2 929)	3 554 576	3 554 576		100.0%	3 374 346	3 374 346	
5. Auxiliary and Associated Services	3 164 240		(26 382)	3 137 858	3 137 855	3	100.0%	3 118 254	3 108 841	
<b>Subtotal</b>	<b>16 040 736</b>			<b>16 040 736</b>	<b>16 039 022</b>	<b>1 714</b>	<b>100.0%</b>	<b>15 010 773</b>	<b>14 971 780</b>	
<b>Statutory Appropriation</b>	<b>2 010 162</b>			<b>2 010 162</b>	<b>1 845 713</b>	<b>164 449</b>	<b>91.8%</b>	<b>1 830 769</b>	<b>1 721 789</b>	
Magistrates' salaries	2 010 162			2 010 162	1 845 713	164 449	91.8%	1 830 769	1 721 789	
<b>TOTAL</b>	<b>18 050 898</b>			<b>18 050 898</b>	<b>17 884 735</b>	<b>166 163</b>	<b>99.1%</b>	<b>16 841 542</b>	<b>16 693 569</b>	

	2016/17			2015/16	
	Final Appropriation	Actual Expenditure		Final Appropriation	Actual Expenditure
<b>TOTAL (brought forward)</b>					
<b>Reconciliation with statement of financial performance</b>					
<b>ADD</b>					
Departmental receipts	371 360			328 627	
NRF Receipts					
Aid assistance				14 209	
<b>Actual amounts per statement of financial performance (total revenue)</b>	<b>18 422 258</b>			<b>17 184 378</b>	
<b>ADD</b>					
Aid assistance		7 028			13 169
Prior year unauthorised expenditure approved without funding					
<b>Actual amounts per statement of financial performance (total expenditure)</b>		<b>17 891 763</b>			<b>16 706 738</b>

APPROPRIATION PER ECONOMIC CLASSIFICATION									
	2016/17							2015/16	
	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
<b>Economic classification</b>									
Current payments	14 415 334	(60 195)	(147 939)	14 207 200	14 085 788	121 412	99.1%	13 374 931	13 271 854
Compensation of employees	10 040 197		75 047	10 115 244	9 995 427	119 817	98.8%	9 330 535	9 250 210
Salaries and wages	8 934 379	(59 506)	(135 350)	8 739 523	8 702 954	36 569	99.6%	8 099 183	8 058 210
Social contributions	1 105 818	59 506	210 397	1 375 721	1 292 473	83 248	93.9%	1 231 352	1 192 000
Goods and services	4 375 137	(60 195)	(222 986)	4 091 956	4 090 361	1 595	100.0%	4 044 396	4 021 644
Administrative fees	33 802	(8 309)	5 145	30 638	30 615	23	99.9%	29 283	29 283
Advertising	42 236	(13 444)	(5 143)	23 649	23 649		100.0%	37 362	37 362
Minor assets	91 115	(33 705)	(19 638)	37 772	36 202	1 570	95.8%	50 560	50 560
Audit costs: External	56 738	(10 478)	(8 725)	37 535	37 535		100.0%	38 958	38 958
Bursaries: Employees	11 352	(5 257)	(3 035)	3 060	3 060		100.0%	3 688	3 688
Catering: Departmental activities	13 375	(2 815)	(400)	10 160	10 160		100.0%	13 142	13 142
Communication	141 131	3 946	(1 336)	143 741	143 741		100.0%	145 449	145 449
Computer services	574 269	95 531	61 973	731 773	731 771	2	100.0%	726 941	726 941
Consultants: Business and advisory services	52 111	11 846	(13 647)	50 310	50 310		100.0%	38 458	38 458

APPROPRIATION PER ECONOMIC CLASSIFICATION									
	2016/17						2015/16		
	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
Infrastructure and planning services									
Laboratory services	1 404	(168)	(281)	955	955		100.0%	1 026	1 026
Scientific and technological services									
Legal services	113 320	1935	8 726	123 979	123 979		100.0%	113 885	113 885
Contractors	34 356	20 017	133 151	187 524	187 524		100.0%	70 531	70 531
Agency and support / outsourced services	323 347	18 341	(145 475)	196 213	196 213		100.0%	246 997	237 585
Entertainment	8	(7)		1	1		100.0%	4	4
Fleet services	73 644	(6 194)	(4 982)	62 468	62 468		100.0%	64 930	64 930
Consumable supplies	19 607	(128)	(907)	18 572	18 572		100.0%	13 948	13 948
Consumable: Stationery, printing and office supplies	226 761	(22 076)	(12 270)	192 415	192 415		100.0%	243 365	243 365
Operating leases	820 794	37 834	(15 747)	842 881	842 881		100.0%	726 656	726 656
Property payments	1 117 494	(102 068)	(204 029)	811 397	811 397		100.0%	863 017	849 677
Transport provided: Departmental activity	1 086	(258)	(716)	112	112		100.0%	93	93
Travel and subsistence	352 825	9 899	21 828	384 552	384 552		100.0%	412 768	412 768
Training and development	44 763	(16 022)	(22 916)	5 825	5 825		100.0%	16 109	16 109
Operating payments	213 857	(42 911)	5 467	176 413	176 413		100.0%	167 490	167 490

APPROPRIATION PER ECONOMIC CLASSIFICATION										
	2016/17							2015/16		
	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	
Venues and facilities	11 867	4 419	(230)	16 056	16 056		100.0%	17 720		17 720
Rental and hiring	3 875	(121)	201	3 955	3 955		100.0%	2 016		2 016
<b>Transfers and subsidies</b>	<b>2 449 942</b>	<b>5 843</b>	<b>7 363</b>	<b>2 463 148</b>	<b>2 418 397</b>	<b>44 751</b>	<b>98.2%</b>	<b>2 382 888</b>		<b>2 338 067</b>
Provinces and municipalities	520	114		634	634		100.0%	549		549
Provinces										
Provincial agencies and funds										
<b>Municipalities</b>	<b>520</b>	<b>114</b>		<b>634</b>	<b>634</b>		<b>100.0%</b>	<b>549</b>		<b>549</b>
Municipal bank accounts	520	114		634	634		100.0%	549		549
Municipal agencies and funds										
<b>Departmental agencies and accounts</b>	<b>2 334 713</b>	<b>131</b>		<b>2 334 844</b>	<b>2 334 725</b>	<b>119</b>	<b>100.0%</b>	<b>2 246 447</b>		<b>2 246 446</b>
Social security funds										
Departmental agencies and accounts	2 334 713	131		2 334 844	2 334 725	119	100.0%	2 246 447		2 246 446
Foreign governments and international organisations	15 222	(1 738)		13 484	13 484		100%	15 833		15 833
<b>Households</b>	<b>99 487</b>	<b>7 337</b>	<b>7 363</b>	<b>114 187</b>	<b>69 555</b>	<b>44 632</b>	<b>60.9%</b>	<b>120 059</b>		<b>75 239</b>
Social benefits	94 984	6 046	3 280	104 310	59 678	44 632	57.2%	94 578		49 758
Other transfers to households	4 503	1 291	4 083	9 877	9 877		100.0%	25 481		25 481

APPROPRIATION PER ECONOMIC CLASSIFICATION										
2016/17										2015/16
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000
Payments for capital assets	1 180 981	49 400	140 576	1 370 957	1 370 957		100.0%	1 063 506	1 063 431	
Buildings and other fixed structures	721 129	73 028	228 888	1 023 045	1 023 045		100.0%	739 502	739 502	
Buildings	721 129	73 028	228 888	1 023 045	1 023 045		100.0%	739 502	739 502	
Other fixed structures										
Machinery and equipment	459 842	(23 803)	(88 312)	347 727	347 727		100.0%	283 479	283 457	
Transport equipment	95 564	(4 870)	3 843	94 537	94 537		100.0%	69 982	69 982	
Other machinery and equipment	364 278	(18 933)	(92 155)	253 190	253 190		100.0%	213 497	213 475	
Land and subsoil assets										
Intangible assets	10	175		185	185		100.0%	40 525	40 472	
Payments for financial assets	4 641	4 951		9 592	9 592		100.0%	20 217	20 217	
<b>Total</b>	<b>18 050 898</b>			<b>18 050 898</b>	<b>17 884 735</b>	<b>166 163</b>	<b>99.1%</b>	<b>16 841 542</b>	<b>16 693 569</b>	

PROGRAMME 1: ADMINISTRATION									
	2016/17						2015/16		
	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
<b>Sub programme</b>									
1. Ministry	34 885	2 593	(1 895)	35 583	35 583		100.0%	32 558	32 558
2. Management	128 010	25 988	(279)	153 719	153 719		100.0%	54 028	54 028
3. Corporate Services	456 790	2 997	(15 943)	443 844	443 726	118	100.0%	744 737	744 662
4. Financial Administration	194 551	(16 422)		178 129	176 536	1 593	99.1%		
5. Internal Audit	86 552	1 550	(1 524)	86 578	86 578		100.0%		
6. Office Accommodation	1 230 146	(16 706)	(140 576)	1 072 864	1 072 864		100.0%	1 001 258	987 918
<b>Total for sub programmes</b>	<b>2 130 934</b>		<b>(160 217)</b>	<b>1 970 717</b>	<b>1 969 006</b>	<b>1 711</b>	<b>99.9%</b>	<b>1 832 581</b>	<b>1 819 166</b>
<b>Economic classification</b>									
Current payments	2 100 912	(1 942)	(154 928)	1 944 042	1 942 449	1 593	99.9%	1 803 902	1 790 562
Compensation of employees	552 324		(14 352)	537 972	537 972		100.0%	494 347	494 347
Salaries and wages	486 887	2 204	(13 727)	475 364	475 364		100.0%	434 897	434 897
Social contributions	65 437	(2 204)	(625)	62 608	62 608		100.0%	59 450	59 450
Goods and services	1 548 588	(1 942)	(140 576)	1 406 070	1 404 477	1 593	99.9%	1 309 555	1 296 215
Administrative fees	18 418	(10 347)		8 071	8 048	23	99.7%	7 638	7 638
Advertising	21 266	(2 652)		18 614	18 614		100.0%	24 431	24 431



PROGRAMME 1: ADMINISTRATION									
	2016/17						2015/16		
	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
Minor assets	4 538	(433)		4 105	2 535	1 570	61.8%	1 795	1 795
Audit costs: External	48 013	(10 478)		37 535	37 535		100.0%	35 479	35 479
Bursaries: Employees	7 286	(5 257)		2 029	2 029		100.0%	2 044	2 044
Catering: Departmental activities	3 786	484		4 270	4 270		100.0%	2 924	2 924
Communication	17 885	(3 739)		14 146	14 146		100.0%	14 441	14 441
Computer services	13 588	30 468		44 056	44 056		100.0%	12 631	12 631
Consultants: Business and advisory services	2 283	2 442		4 725	4 725		100.0%	1 587	1 587
Laboratory services		3		3	3		100.0%		
Legal services	26 813	5 613		32 426	32 426		100.0%	27 082	27 082
Contractors	10 019	20 203		30 222	30 222		100.0%	37 509	37 509
Agency and support / outsourced services	14 510	(3 445)		11 065	11 065		100.0%	7 691	7 691
Entertainment	8	(7)		1	1		100.0%	4	4
Fleet services	5 955	(3 828)		2 127	2 127		100.0%	2 290	2 290

PROGRAMME 1: ADMINISTRATION										
	2016/17						2015/16			
	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	
Consumable supplies	949	(428)		521	521		100.0%	1 013	1 013	
Consumable: Stationery, printing and office supplies	11 204	(4)		11 200	11 200		100.0%	13 405	13 405	
Operating leases	767 567	37 454		805 021	805 021		100.0%	686 363	686 363	
Property payments	463 637	(53 691)	(140 576)	269 370	269 370		100.0%	315 782	302 442	
Transport provided: Departmental activity	25	(17)		8	8		100.0%			
Travel and subsistence	90 840	1 169		92 009	92 009		100.0%	99 642	99 642	
Training and development	5 607	(3 829)		1 778	1 778		100.0%	3 966	3 966	
Operating payments	8 137	(2 409)		5 728	5 728		100.0%	5 304	5 304	
Venues and facilities	3 502	1 270		4 772	4 772		100.0%	5 409	5 409	
Rental and hiring	2 752	(484)		2 268	2 268		100.0%	1 125	1 125	
Transfers and subsidies	15 791	1 519	(6)	17 304	17 186	118	99.3%	21 499	21 499	
<b>Provinces and municipalities</b>	<b>37</b>	<b>(5)</b>		<b>32</b>	<b>32</b>		<b>100.0%</b>	<b>29</b>	<b>29</b>	
Provinces										
<b>Municipalities</b>	<b>37</b>	<b>(5)</b>		<b>32</b>	<b>32</b>		<b>100.0%</b>	<b>29</b>	<b>29</b>	
Municipal bank accounts	37	(5)		32	32		100.0%	29	29	
Municipal agencies and funds										

PROGRAMME 1: ADMINISTRATION									
	2016/17						2015/16		
	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
Departmental agencies and accounts	14 618	18	(6)	14 630	14 512	118	99.2%	19 988	19 988
Social security funds									
Departmental agencies and accounts	14 618	18	(6)	14 630	14 512	118	99.2%	19 988	19 988
Foreign governments and international organisations									
Households	1 136	1 506		2 642	2 642		100.0%	1 482	1 482
Social benefits	1 136	1 384		2 520	2 520		100.0%	1 482	1 482
Other transfers to households		122		122	122		100.0%		
Payments for capital assets	13 814		(5 283)	8 531	8 531		100.0%	6 675	6 600
Buildings and other fixed structures									
Buildings									
Other fixed structures									
Machinery and equipment	13 814		(5 283)	8 531	8 531		100.0%	6 604	6 582
Transport equipment	4 272	(1 880)	(2 066)	326	326		100.0%	128	128
Other machinery and equipment	9 542	1 880	(3 217)	8 205	8 205		100.0%	6 476	6 454
Land and subsoil assets									
Intangible assets								71	18
Payments for financial assets	417	423		840	840		100.0%	505	505
Total	2 130 934		(160 217)	1 970 717	1 969 006	1 711	99.9%	1 832 581	1 819 166

PROGRAMME 2: COURT SERVICES									
2016/17							2015/16		
	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
<b>Sub programme</b>									
1. Lower Courts	4 353 150	8 152	38 692	4 399 994	4 399 994		100.0%	4 143 156	4 143 156
2. Family Advocate	211 378	(1 557)		209 821	209 821		100.0%	198 658	198 658
3. Magistrate's Commission	18 133	(5 689)		12 444	12 444		100.0%	13 934	13 934
4. Government Motor Transport									
5. Facilities Management	920 067	5 734	175 177	1 100 978	1 100 978		100.0%	812 403	812 403
6. Administration of Courts	558 860	(6 640)	(2 853)	549 367	549 367		100.0%	499 103	499 103
<b>Total for sub programmes</b>	<b>6 061 588</b>		<b>211 016</b>	<b>6 272 604</b>	<b>6 272 604</b>		<b>100.0%</b>	<b>5 667 254</b>	<b>5 667 254</b>
<b>Economic classification</b>									
Current payments	5 153 593	(30 641)	(17 366)	5 105 586	5 105 586		100%	4 791 021	4 791 021
Compensation of employees	3 573 436		93 821	3 667 257	3 667 257		100.0%	3 381 992	3 381 992
Salaries and wages	3 068 723	(61 710)	71 864	3 078 877	3 078 877		100.0%	2 844 520	2 844 520
Social contributions	504 713	61 710	21 957	588 380	588 380		100.0%	537 472	537 472
Goods and services	1 580 157	(30 641)	(111 187)	1 438 329	1 438 329		100.0%	1 409 029	1 409 029
Administrative fees	2 845	894	1 735	5 474	5 474		100.0%	5 386	5 386
Advertising	16 449	(10 838)	(2 199)	3 412	3 412		100.0%	4 933	4 933
Minor assets	72 268	(31 692)	(16 473)	24 103	24 103		100.0%	34 500	34 500

PROGRAMME 2: COURT SERVICES									
	2016/17						2015/16		
	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
Audit costs: External									
Bursaries: Employees									
Catering: Departmental activities	6 867	(2 873)	(1)	3 993	3 993		100.0%	6 421	6 421
Communication	85 545	8 910	6 537	100 992	100 992		100.0%	100 260	100 260
Computer services	3 924	(683)	(1 069)	2 172	2 172		100.0%	2 790	2 790
Consultants: Business and advisory services	30 555	(80)	(2 698)	27 777	27 777		100.0%	30 722	30 722
Infrastructure and planning services									
Laboratory services	1 404	(216)	(281)	907	907		100.0%	1 026	1 026
Legal services	31 323	(1 054)	(2 913)	27 356	27 356		100.0%	30 739	30 739
Contractors	18 936	(99)	113 425	132 262	132 262		100.0%	3 793	3 793
Agency and support/ outsourced services	158 364	127 024	(122 468)	162 920	162 920		100.0%	180 126	180 126
Fleet services	50 154	(2 387)	(2 455)	45 312	45 312		100.0%	44 967	44 967
Consumable supplies	12 014	(2 219)	94	9 889	9 889		100.0%	9 655	9 655
Consumable: Stationery, printing and office supplies	181 632	(29 339)	(14 120)	138 173	138 173		100.0%	196 626	196 626

PROGRAMME 2: COURT SERVICES										
	2016/17						2015/16			
	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	
Operating leases	300	276	185	761	761		100.0%	1 627	1 627	
Property payments	567 934	(47 940)	(42 207)	477 787	477 787		100.0%	468 677	468 677	
Transport provided: Departmental activity	341	(241)		100	100		100.0%	30	30	
Travel and subsistence	186 454	7 859	(6 057)	188 256	188 256		100.0%	189 660	189 660	
Training and development	19 235	(9 656)	(7 745)	1 834	1 834		100.0%	2 756	2 756	
Operating payments	128 383	(39 532)	(13 378)	75 473	75 473		100.0%	83 085	83 085	
Venues and facilities	4 621	2 538	777	7 936	7 936		100.0%	10 477	10 477	
Rental and hiring	609	707	124	1 440	1 440		100.0%	773	773	
Transfers and subsidies	23 430	1 632	(506)	24 556	24 556		100.0%	21 812	21 812	
Provinces and municipalities	457	121		578	578		100.0%	503	503	
Provinces										
Municipalities	457	121		578	578		100.0%	503	503	
Municipal bank accounts	457	121		578	578		100.0%	503	503	

PROGRAMME 2: COURT SERVICES									
	2016/17						2015/16		
	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
Departmental agencies and accounts	30	71		101	101		100.0%	15	15
Departmental agencies and accounts	30	71		101	101		100.0%	15	15
Households	22 943	1 441	(506)	23 878	23 878		100.0%	21 294	21 294
Social benefits	21 440	2 416		23 856	23 856		100.0%	21 287	21 287
Other transfers to households	1 503	(975)	(506)	22	22		100.0%	7	7
Payments for capital assets	881 803	25 610	228 888	1 136 301	1 136 301		100.0%	835 034	835 034
Buildings and other fixed structures	721 129	73 028	228 888	1 023 045	1 023 045		100.0%	739 502	739 502
Buildings	721 129	73 028	228 888	1 023 045	1 023 045		100.0%	739 502	739 502
Other fixed structures									
Machinery and equipment	160 674	(47 593)		113 081	113 081		100.0%	95 462	95 462
Transport equipment	64 272	(579)		63 693	63 693		100.0%	48 759	48 759
Other machinery and equipment	96 402	(47 014)		49 388	49 388		100.0%	46 703	46 703
Land and subsoil assets									
Intangible assets		175		175	175		100.0%	70	70
Payments for financial assets	2 762	3 398		6 160	6 160		100.0%	19 387	19 387
Total	6 061 588		211 016	6 272 604	6 272 604		100.0%	5 667 254	5 667 254



PROGRAMME 3: STATE LEGAL SERVICES									
2016/17							2015/16		
Sub programme	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1. State Law Advisors	69 343	(2 331)	(5 321)	61 691	61 691		100.0%	58 970	58 970
2. Litigation and Legal Services	433 362	3 066	10 980	447 408	447 408		100.0%	411 209	395 044
3. Legislative Development and Law Reform	69 299	(863)	(7 215)	61 221	61 221		100.0%	55 895	55 895
4. Master of the High Court	479 546	2 970	(5 203)	477 313	477 313		100.0%	436 650	436 650
5. Constitutional Development	74 919	(2 842)	(14 729)	57 348	57 348		100.0%	55 614	55 614
<b>Total for subprogrammes</b>	<b>1 126 469</b>		<b>(21 488)</b>	<b>1 104 981</b>	<b>1 104 981</b>		<b>100.0%</b>	<b>1 018 338</b>	<b>1 002 173</b>
<b>Economic classification</b>									
Current payments	1 092 728	(3 172)	(29 357)	1 060 199	1 060 199		100.0%	984 187	968 022
Compensation of employees	959 950		(36 952)	922 998	922 998		100.0%	847 420	831 255
Salaries and wages	834 150		(36 456)	797 694	797 694		100.0%	735 353	719 188
Social contributions	125 800		(496)	125 304	125 304		100.0%	112 067	112 067
Goods and services	132 778	(3 172)	7 595	137 201	137 201		100.0%	136 767	136 767
Administrative fees	1 659	(238)	(32)	1 389	1 389		100.0%	1 493	1 493
Advertising	615	66		681	681		100.0%	358	358
Minor assets	7 217	(779)	(1 370)	5 068	5 068		100.0%	6 911	6 911
Audit costs: External									

PROGRAMME 3: COURT SERVICES									
2016/17								2015/16	
	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
Bursaries: Employees									
Catering: Departmental activities	817	(426)	(137)	254	254		100.0%	561	561
Communication	13 259	1 269	(459)	14 069	14 069		100.0%	13 934	13 934
Computer services	109	(63)	(34)	12	12		100.0%	124	124
Consultants: Business and advisory services	130	(37)	(7)	86	86		100.0%	122	122
Laboratory services		45		45	45		100.0%		
Legal services	38 413	2626	15 510	51 297	51 297		100.0%	45 105	45 105
Contractors	764	(29)	(139)	596	596		100.0%	555	555
Agency and support / outsourced services	95	19	(1)	113	113		100.0%	48	48
Fleet services	3 112	21	(585)	2 548	2 548		100.0%	2 055	2 055
Consumable supplies	1 188	(190)	104	1 102	1 102		100.0%	795	795
Consumable: Stationery, printing and office supplies	12 662	1 692	(249)	14 105	14 105		100.0%	12 873	12 873
Operating leases	476	104	(144)	436	436		100.0%	325	325

PROGRAMME 3: COURT SERVICES										
	2016/17						2015/16			
	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	
Property payments	1 053	(456)	(59)	538	538		100.0%	960	960	
Transport provided: Departmental activity	21		(21)							
Travel and subsistence	29 952	1 003	3 466	34 421	34 421		100.0%	40 458	40 458	
Training and development	9 268	(1 873)	(6 754)	641	641		100.0%	1 831	1 831	
Operating payments	10 125	(924)	(1 407)	7 794	7 794		100.0%	7 823	7 823	
Venues and facilities	1 367	594	(87)	1 874	1 874		100.0%	436	436	
Rental and hiring	476	(344)		132	132		100.0%			
Transfers and subsidies	19 954		7 869	27 823	27 823		100.0%	23 554	23 554	
Provinces and municipalities	26	(2)		24	24		100.0%	17	17	
Provinces										
Municipalities	26	(2)		24	24		100.0%	17	17	
Municipal bank accounts	26	(2)		24	24		100.0%	17	17	
Municipal agencies and funds										
Departmental agencies and accounts	1	2		3	3		100.0%	1	1	

PROGRAMME3: COURT SERVICES									
	2016/17						2015/16		
	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
Social security funds									
Departmental agencies and accounts	1	2		3	3		100.0%	1	1
Foreign governments and international organisations	15 222	(1 738)		13 484	13 484		100.0%	15 833	15 833
Households	4 705	1 738	7 869	14 312	14 312		100.0%	7 703	7 703
Social benefits	1 705	(293)	3 280	4 692	4 692		100.0%	3 122	3 122
Other transfers to households	3 000	2 031	4 589	9 620	9 620		100.0%	4 581	4 581
Payments for capital assets	13 765	1 834		15 599	15 599		100.0%	10 568	10 568
Buildings and other fixed structures									
Buildings									
Machinery and equipment	13 755	1 834		15 589	15 589		100.0%	10 568	10 568
Transport equipment	2 782	972		3 754	3 754		100.0%	745	745
Other machinery and equipment	10 973	862		11 835	11 835		100.0%	9 823	9 823
Land and subsoil assets									
Intangible assets	10			10	10		100.0%		
Payments for financial assets	22	1 338		1 360	1 360		100.0%	29	29
Total	1 126 469		(21 488)	1 104 981	1 104 981		100.0%	1 018 338	1 002 173

PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY										
	2016/17						2015/16			
	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	
<b>Sub programme</b>										
1. National Prosecutions Service	2 799 142	1 622	(24 479)	2 776 285	2 776 285		100.0%	2 326 444	2 326 444	
2. Assets Forfeiture Unit	127 126	(112)	5 997	133 011	133 011		100.0%	299 038	299 038	
3. Office for witness Protection	169 519	17	13 985	183 521	183 521		100.0%	133 138	133 138	
4. Support Services	461 718	(1 527)	1 568	461 759	461 759		100.0%	183 689	183 689	
5. National Specialised Prosecutions Services								432 037	432 037	
<b>Total for subprogrammes</b>	<b>3 557 505</b>		<b>(2 929)</b>	<b>3 554 576</b>	<b>3 554 576</b>		<b>100.0%</b>	<b>3 374 346</b>	<b>3 374 346</b>	
<b>Economic classification</b>										
Current payments	3 494 330	(2 484)	10 808	3 502 654	3 502 654		100.0%	3 298 909	3 298 909	
Compensation of employees	3 007 463		32 530	3 039 993	3 039 993		100.0%	2 835 967	2 835 967	
Salaries and wages	2 841 796		(157 031)	2 684 765	2 684 765		100.0%	2 503 792	2 503 792	
Social contributions	165 667		189 561	355 228	355 228		100.0%	332 175	332 175	
Goods and services	486 867	(2 484)	(21 722)	462 661	462 661		100.0%	462 942	462 942	
Administrative fees	10 441		3 003	13 444	13 444		100.0%	14 757	14 757	
Advertising	3 886		(2 944)	942	942		100.0%	7 640	7 640	

PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY										
	2016/17						2015/16			
	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	
Minor assets	5 124		(2 996)	2 128	2 128		100.0%	6 690	6 690	
Audit costs: External	8 725		(8 725)					3 479	3 479	
Bursaries: Employees	4 066		(3 035)	1 031	1 031		100.0%	1 644	1 644	
Catering: Departmental activities	1 905		(262)	1 643	1 643		100.0%	3 220	3 220	
Communication	24 432	(2 484)	(7 414)	14 534	14 534		100.0%	16 814	16 814	
Computer services	51 826		22 534	74 360	74 360		100.0%	38 563	38 563	
Consultants: Business and advisory services	18 515		(10 942)	7 573	7 573		100.0%	5 398	5 398	
Legal services	16 771		(3 871)	12 900	12 900		100.0%	10 959	10 959	
Contractors	4 313		19 865	24 178	24 178		100.0%	28 653	28 653	
Agency and support / outsourced services	36 128		(23 006)	13 122	13 122		100.0%	12 829	12 829	
Entertainment										
Fleet services	14 423		(1 942)	12 481	12 481		100.0%	15 618	15 618	
Consumable supplies								2 484	2 484	
Consumable: Stationery, printing and office supplies	5 078		(1 105)	3 973	3 973		100.0%	15 448	15 448	
Operating leases	18 675		1 394	20 069	20 069		100.0%	38 341	38 341	
Property payments	52 451		(15 788)	36 663	36 663		100.0%	77 598	77 598	

PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY										
	2016/17							2015/16		
	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	
Transport provided: Departmental activity	84 870		(21 187)	63 683	63 683		100.0%	63	63	
Travel and subsistence	699		(695)	4	4		100.0%	82 539	82 539	
Training and development	45 014		24 419	69 433	69 433		100.0%	7 540	7 540	
Operating payments	9 989		(8 417)	1 572	1 572		100.0%	71 266	71 266	
Venues and facilities	67 121		20 235	87 356	87 356		100.0%	1 281	1 281	
Rental and hiring	2 377		(920)	1 457	1 457		100.0%	118	118	
Interest and rent on land	38		77	115	115		100.0%			
Transfers and subsidies	16 130	2 692	6	18 828	18 828		100.0%	36 810	36 810	
Departmental agencies and accounts	8 565	40	6	8 611	8 611		100.0%	7 190	7 190	
Social security funds										
Departmental agencies and accounts	8 565	40	6	8 611	8 611		100.0%	7 190	7 190	
Foreign governments and international organisations										
Households	7 565	2 652		10 217	10 217		100.0%	29 620	29 620	
Social benefits	7 565	2 539		10 104	10 104		100.0%	8 727	8 727	



PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY										
2016/17								2015/16		
	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	
Other transfers to households		113		113	113		100.0%	20 893	20 893	
Payments for capital assets	45 605		(13 743)	31 862	31 862		100.0%	38 331	38 331	
Buildings										
Machinery and equipment	45 605		(13 743)	31 862	31 862		100.0%	38 331	38 331	
Transport equipment	24 238	(7 203)	5 909	22 944	22 944		100.0%	20 350	20 350	
Other machinery and equipment	21 367	7 203	(19 652)	8 918	8 918		100.0%	17 981	17 981	
Intangible assets										
Payments for financial assets	1 440	(208)		1 232	1 232		100.0%	296	296	
Total	3 557 505		(2 929)	3 554 576	3 554 576		100.0%	3 374 346	3 374 346	

PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES									
	2016/17						2015/16		
	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
<b>Sub programme</b>									
1. Legal Aid South Africa	1 577 171			1 577 171	1 577 171		100.0%	1 522 986	1 522 986
2. Special Investigation Unit	316 732			316 732	316 732		100.0%	304 458	304 458
3. Public Protector of South Africa	264 108			264 108	264 108		100.0%	245 397	245 397
4. South African Human Rights Commission	153 487			153 487	153 487		100.0%	146 411	146 411
5. Justice Modernisation	852 741		(26 382)	826 359	826 357	2	100.0%	899 001	889 589
6. President's Fund	1			1		1			1
<b>Total for subprogrammes</b>	<b>3 164 240</b>		<b>(26 382)</b>	<b>3 137 858</b>	<b>3 137 855</b>	<b>3</b>	<b>100.0%</b>	<b>3 118 254</b>	<b>3 108 841</b>
<b>Economic classification</b>									
Current payments	626 747	(21 956)	42 904	647 695	647 693	2	100.0%	726 103	716 691
Goods and services	626 747	(21 956)	42 904	647 695	647 693	2	100.0%	726 103	716 691
Administrative fees	439	1 382	439	2 260	2 260		100.0%	9	9
Advertising	20	(20)							
Minor assets	1 968	(801)	1 201	2 368	2 368		100.0%	664	664
Catering : Departmental activities								16	16

PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES										
	2016/17							2015/16		
	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	
Communication	10	(10)								
Computer services	504 822	65 809	40 542	611 173	611 171	2	100.0%	672 833	672 833	
Consultants: Business and advisory services	628	9 521		10 149	10 149		100.0%	629	629	
Contractors	324	(58)		266	266		100.0%	21	21	
Agency and support / outsourced services	114 250	(105 257)		8 993	8 993		100.0%	46 303	36 891	
Consumable supplies	378	2 709		3 087	3 087		100.0%	1	1	
Consumable: Stationery, printing and office supplies	2 588	5 575	705	8 868	8 868		100.0%	5 013	5 013	
Operating leases										
Property payments		19		19	19		100.0%			
Transport provided: Departmental activity										
Travel and subsistence	565	(132)		433	433		100.0%	469	469	
Training and development	664	(664)						16	16	
Operating payments	91	(46)	17	62	62		100.0%	12	12	
Venues and facilities		17		17	17		100.0%	117	117	
Transfers and subsidies	2 311 499			2 311 499	2 311 498	1	100.0%	2 219 253	2 219 252	

PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES										
	2016/17						2015/16			
	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	
Departmental agencies and accounts	2 311 499			2 311 499	2 311 498	1	100.0%	2 219 253	2 219 252	
Departmental agencies and accounts	2 311 499			2 311 499	2 311 498	1	100.0%	2 219 253	2 219 252	
Payments for capital assets	225 994	21 956	(69 287)	178 663	178 663		100.0%	172 898	172 898	
Machinery and equipment	225 994	21 956	(69 286)	178 664	178 664		100.0%	132 514	132 514	
Transport equipment		3 820		3 820	3 820		100.0%			
Other machinery and equipment	225 994	18 136	(69 286)	174 844	174 844		100.0%	132 514	132 514	
Intangible assets								40 384	40 384	
Payments for financial assets										
Total	3 164 240		(26 382)	3 137 858	3 137 855	3	100.0%	3 118 254	3 108 841	

## NOTES TO THE APPROPRIATION STATEMENT

- 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 (ah) to the annual financial statements.
- 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.
- 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.
- 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	1 970 717	1 969 006	1 711	100%

*The under spending is mainly attributed to delays in finalising the refurbishment of office building thus impacting the planned delivery of related office furniture as well as the less than anticipated transfer claim by SASSETA.*

4.2 Per economic classification	Final Appropriation	Actual Expenditure	Variance	Variance as a % of Final Appropriation
	R'000	R'000	R'000	%
<b>Current payments</b>				
Compensation of employees	8 168 222	8 168 222	0	100%
Goods and services	4 091 957	4 090 362	1 595	100%
Interest and rent on land				
<b>Transfers and subsidies</b>				
Provinces and municipalities	634	634	0	100%
Departmental agencies and accounts	2 334 844	2 334 725	119	100%
Higher education institutions				
Public corporations and private enterprises				
Foreign governments and international organisations	13 484	13 484		100%
Nonprofit institutions				
Households	51 048	51 048		100%

4.2 Per economic classification	Final Appropriation	Actual Expenditure	Variance	Variance as a % of Final Appropriation
	R'000	R'000	R'000	%
Payments for capital assets				
Buildings and other fixed structures	1 023 045	1 023 045		100%
Machinery and equipment	347 725	347 725		100%
Heritage assets				
Specialised military assets				
Biological assets				
Land and subsoil assets				
Intangible assets	185	185		100%
Payments for financial assets	9 592	9 592		100%

*The underspending is mainly attributed to delays in finalising the refurbishment of office building thus impacting the planned delivery of related office furniture as well as the less than anticipated transfer claim by SASSETA.*

STATEMENT OF FINANCIAL PERFORMANCE AS AT 31 MARCH 2017

	Note	2016/17	2015/16
		R'000	R'000
<b>REVENUE</b>			
Annual appropriation	1	16 040 736	15 010 773
Statutory appropriation	2	2 010 162	1 830 769
Departmental revenue	3	371 360	328 627
Aid assistance	4		14 209
<b>TOTAL REVENUE</b>		<b>18 422 258</b>	<b>17 184 378</b>
<b>EXPENDITURE</b>			
<b>Current expenditure</b>			
Compensation of employees	5	9 995 427	9 250 210
Goods and services	6	4 090 361	4 021 644
Interest and rent on land	7		
Aid assistance	4	7 028	13 034
<b>Total current expenditure</b>		<b>14 092 816</b>	<b>13 284 888</b>
<b>Transfers and subsidies</b>			
Transfers and subsidies	9	2 418 398	2 338 067
Aid assistance	4		
<b>Total transfers and subsidies</b>		<b>2 418 398</b>	<b>2 338 067</b>
<b>Expenditure for capital assets</b>			
Tangible assets	10	1 370 772	1 023 094
Intangible assets	10	185	40 472
<b>Total expenditure for capital assets</b>		<b>1 370 957</b>	<b>1 063 566</b>
Unauthorised expenditure approved without funding	11		
Payments for financial assets	8	9 592	20 217
<b>TOTAL EXPENDITURE</b>		<b>17 891 763</b>	<b>16 706 738</b>
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>530 495</b>	<b>477 640</b>
<b>Reconciliation of Net Surplus/(Deficit) for the year</b>			
Voted funds		166 163	147 973
Departmental revenue and NRF Receipts	19	371 360	328 627
Aid assistance	4	(7 028)	1 040
<b>SURPLUS/(DEFICIT) FOR THE YEAR</b>		<b>530 495</b>	<b>477 640</b>



STATEMENT OF FINANCIAL POSITION AS AT 31 MARCH 2017

	Note	2016/17	2015/16
		R'000	R'000
<b>ASSETS</b>			
<b>Current assets</b>		<b>855 883</b>	<b>573 389</b>
Unauthorised expenditure	11		
Cash and cash equivalents	12	5 009	6 681
Prepayments and advances	14	10 298	19 463
Receivables	15	840 576	547 245
<b>Noncurrent assets</b>		<b>356 748</b>	<b>265 994</b>
Receivables	15	356 748	265 994
<b>TOTAL ASSETS</b>		<b>1 212 631</b>	<b>839 383</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>		<b>1 194 411</b>	<b>823 489</b>
Voted funds to be surrendered to the Revenue Fund	18	166 167	147 978
Departmental revenue and NRF Receipts to be surrendered to the Revenue Fund	19	26 683	31 702
Bank overdraft	20	985 318	581 346
Payables	21	6 678	41 680
Aid assistance repayable	4		
Aid assistance unutilised	4	9 565	20 788
<b>Noncurrent liabilities</b>			
Payables	22		
<b>TOTAL LIABILITIES</b>		<b>1 194 411</b>	<b>823 489</b>
<b>NET ASSETS</b>		<b>18 220</b>	<b>15 894</b>
	Note	2016/17	2015/16
		R'000	R'000
<b>Represented by:</b>			
Capitalisation reserve		18 220	15 894
Revaluation reserves			
<b>TOTAL</b>		<b>18 220</b>	<b>15 894</b>

STATEMENT OF CHANGES IN NET ASSETS FOR THE YEAR ENDED 31 MARCH 2017

	Note	2016/17	2015/16
		R'000	R'000
<b>Recoverable revenue</b>			
Opening balance		15 894	19 975
Transfers:		2 326	(4 081)
Irrecoverable amounts written off	8.3		(214)
Debts revised		(1 528)	(5 497)
Debts recovered (included in departmental receipts)		(7 006)	(3 863)
Debts raised		10 860	5 493
Closing balance		18 220	15 894
<b>TOTAL</b>		<b>18 220</b>	<b>15 894</b>

## CASH FLOW STATEMENT FOR THE YEAR ENDED 31 MARCH 2017

	Note	2016/17	2015/16
		R'000	R'000
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
Receipts		18 422 202	17 179 811
Annual appropriated funds received	1.1	16 040 736	15 010 773
Statutory appropriated funds received	2	2 010 162	1 830 769
Departmental revenue received	3	362 751	318 839
Interest received	3.3	8 553	5 221
NRF Receipts			
Aid assistance received	4		14 209
Net (increase)/decrease in working capital		(409 922)	(121 697)
Surrendered to Revenue Fund		(524 348)	(837 674)
Surrendered to RDP Fund/Donor		(4 195)	(1 613)
Current payments		(14 092 816)	(13 284 888)
Interest paid	7		
Payments for financial assets		(9 592)	(20 217)
Transfers and subsidies paid		(2 418 398)	(2 338 067)
<b>Net cash flow available from operating activities</b>	<b>23</b>	<b>962 931</b>	<b>575 655</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Payments for capital assets	10	(1 370 957)	(1 063 566)
Proceeds from sale of capital assets	3.4	56	4 567
(Increase)/decrease in loans			
<b>Net cash flows from investing activities</b>		<b>(1 370 901)</b>	<b>(1 058 999)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Increase/(decrease) in net assets		2 326	(4 081)
Increase/(decrease) in noncurrent payables			
<b>Net cash flows from financing activities</b>		<b>2 326</b>	<b>(4 081)</b>
Net increase/(decrease) in cash and cash equivalents		(405 644)	(487 425)
Cash and cash equivalents at beginning of period		(574 665)	(85 180)
Unrealised gains and losses within cash and cash equivalents			(2 060)
<b>Cash and cash equivalents at end of period</b>	<b>24</b>	<b>(980 309)</b>	<b>(574 665)</b>

## ACCOUNTING POLICIES

### SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

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

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

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

1	<b>BASIS OF PREPARATION</b> The financial statements have been prepared in accordance with the Modified Cash Standard.
2	<b>GOING CONCERN</b> The financial statements have been prepared on a going concern basis The overdraft is caused by the delivery of legal services through the Office of the State Attorney. In terms of the State Attorney ACT, 1957, the State Attorney is the attorney of record for all National and Provincial Departments. By virtue of the Minister of Justice and Constitutional Development being the Executive Authority over the Office of the State Attorney, the Department is responsible to settle all accounts in the course of defending the state. Claims recoverable are reflected in note 15 and overdraft is reflected in note 20.
3	<b>PRESENTATION CURRENCY</b> Amounts have been presented in the currency of the South African Rand (R) which is also the functional currency of the department.
4	<b>ROUNDING</b> Unless otherwise stated financial figures have been rounded to the nearest one thousand Rand (R'000).
5	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	<b>COMPARATIVE INFORMATION</b>
6.1	<b>PRIOR PERIOD COMPARATIVE INFORMATION</b> 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	<b>CURRENT YEAR COMPARISON WITH BUDGET</b> 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	<p><b>APPROPRIATED FUNDS</b></p> <p>Appropriated funds comprises of departmental allocations as well as direct charges against the revenue fund (i.e. statutory appropriation).</p> <p>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.</p> <p>The net amount of any appropriated funds due to / from the relevant revenue fund at the reporting date is recognised as a payable / receivable in the statement of financial position.</p>
7.2	<p><b>DEPARTMENTAL REVENUE</b></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><b>ACCRUED DEPARTMENTAL REVENUE</b></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"> <li>• it is probable that the economic benefits or service potential associated with the transaction will flow to the department; and</li> <li>• the amount of revenue can be measured reliably.</li> </ul> <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> <p>Writeoffs are made according to the department's debt writeoff policy</p>
8	EXPENDITURE
8.1	<b>COMPENSATION OF EMPLOYEES</b>
8.1.1	<p><b>SALARIES AND WAGES</b></p> <p>Salaries and wages are recognised in the statement of financial performance on the date of payment.</p>
8.1.2	<p><b>SOCIAL CONTRIBUTIONS</b></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 exemployees are classified as transfers to households in the statement of financial performance on the date of payment.</p>
8.2	<p><b>OTHER EXPENDITURE</b></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><b>ACCRUALS AND PAYABLES NOT RECOGNISED</b></p> <p>Accruals and payables not recognised are 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>Accruals and payables not recognised are measured at cost.</p>
8.4	<b>LEASES</b>
8.4.1	<p><b>OPERATING LEASES</b></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><b>FINANCE LEASES</b></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"> <li>• cost, being the fair value of the asset; or</li> <li>• the sum of the minimum lease payments made, including any payments made to acquire ownership at the end of the lease term, excluding interest.</li> </ul>
9	<b>AID ASSISTANCE</b>
9.1	<p><b>AID ASSISTANCE RECEIVED</b></p> <p>Aid assistance received in cash is recognised in the statement of financial performance when received. Inkind 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><b>AID ASSISTANCE PAID</b></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><b>CASH AND CASH EQUIVALENTS</b></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 shortterm highly liquid investments and bank overdrafts.</p>
11	<p><b>PREPAYMENTS AND ADVANCES</b></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> <p>&lt;Indicate when prepayments are expensed and under what circumstances.&gt;</p>

12	<p><b>LOANS AND RECEIVABLES</b></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 writtenoff. Writeoffs are made according to the department's writeoff policy.</p>
13	<p><b>INVESTMENTS</b></p> <p>Investments are recognised in the statement of financial position at cost.</p>
14	<b>FINANCIAL ASSETS</b>
14.1	<p><b>FINANCIAL ASSETS (NOT COVERED ELSEWHERE)</b></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, a department shall measure its financial assets at cost, less amounts already settled or writtenoff, except for recognised loans and receivables, which are measured at cost plus accrued interest, where interest is charged, less amounts already settled or writtenoff.</p>
14.2	<p><b>IMPAIRMENT OF FINANCIAL ASSETS</b></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><b>PAYABLES</b></p> <p>Loans and payables are recognised in the statement of financial position at cost.</p>
16	<b>CAPITAL ASSETS</b>
16.1	<p><b>IMMOVABLE CAPITAL ASSETS</b></p> <p>Immovable capital assets are initially recorded in the notes to the financial statements at cost. Immovable capital assets acquired through a nonexchange 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 fair value for recording in the asset register.</p> <p>Immovable capital assets are subsequently carried at cost and are not subject to depreciation or impairment. 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><b>MOVABLE CAPITAL ASSETS</b></p> <p>Movable capital assets are initially recorded in the notes to the financial statements at cost. Movable capital assets acquired through a nonexchange transaction is 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. 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. 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/entity in which case the completed project costs are transferred to that department.</p>



16.3	<p><b>INTANGIBLE ASSETS</b></p> <p>Intangible assets are initially recorded in the notes to the financial statements at cost. Intangible assets acquired through a nonexchange 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/entity in which case the completed project costs are transferred to that department.</p>
17	<b>PROVISIONS AND CONTINGENTS</b>
17.1	<p><b>PROVISIONS</b></p> <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	<p><b>CONTINGENT LIABILITIES</b></p> <p>Contingent liabilities are recorded in the notes to the financial statements when there is a possible obligation that arises from past events, and whose existence will be confirmed only by the occurrence or nonoccurrence 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	<p><b>CONTINGENT ASSETS</b></p> <p>Contingent assets are recorded in the notes to the financial statements when a possible asset arises from past events, and whose existence will be confirmed by the occurrence or nonoccurrence of one or more uncertain future events not within the control of the department.</p>
17.4	<p><b>COMMITMENTS</b></p> <p>Commitments (other than for transfers and subsidies) 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	<p><b>UNAUTHORISED EXPENDITURE</b></p> <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"> <li>• approved by Parliament or the Provincial Legislature with funding and the related funds are received; or</li> <li>• approved by Parliament or the Provincial Legislature without funding and is written off against the appropriation in the statement of financial performance; or</li> <li>• transferred to receivables for recovery.</li> </ul> <p>Unauthorised expenditure is measured at the amount of the confirmed unauthorised expenditure.</p>

19	<p><b>FRUITLESS AND WASTEFUL EXPENDITURE</b></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 and 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 derecognised when settled or subsequently written off as irrecoverable.</p>
20	<p><b>IRREGULAR EXPENDITURE</b></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 therefor 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 derecognised when settled or subsequently written off as irrecoverable.</p>
21	<p><b>CHANGES IN ACCOUNTING POLICIES, ACCOUNTING ESTIMATES AND ERRORS</b></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. 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><b>EVENTS AFTER THE REPORTING DATE</b></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 nonadjusting events after the reporting date have been disclosed in the notes to the financial statements.</p>
23	<p><b>PRINCIPAL AGENT ARRANGEMENTS</b></p> <p>The department is party to a principal agent arrangement for [include details here]. In terms of the arrangement the department is the [principal / agent] and is responsible for [include details here]. All related revenues, expenditures, assets and liabilities have been recognised or recorded in terms of the relevant policies listed herein. Additional disclosures have been provided in the notes to the financial statements where appropriate.</p>
24	<p><b>DEPARTURES FROM THE MCS REQUIREMENTS</b></p> <p>[Insert information on the following: that management has concluded that the financial statements 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.]</p>

25	<p><b>CAPITALISATION RESERVE</b></p> <p>The capitalisation reserve comprises of financial assets and/or liabilities originating in a prior reporting period but which are recognised in the statement of financial position for the first time in the current reporting period. Amounts are recognised in the capitalisation reserves when identified in the current period and are transferred to the National/Provincial Revenue Fund when the underlying asset is disposed and the related funds are received.</p>
26	<p><b>RECOVERABLE REVENUE</b></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/Provincial Revenue Fund when recovered or are transferred to the statement of financial performance when written off.</p>
27	<p><b>RELATED PARTY TRANSACTIONS</b></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/MEC'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 for planning, directing and controlling 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><b>INVENTORIES (EFFECTIVE FROM DATE DETERMINED IN A TREASURY INSTRUCTION)</b></p> <p>At the date of acquisition, inventories are recorded at cost price in the statement of financial performance. Where inventories are acquired as part of a nonexchange 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> <p>Subsequent measurement of the cost of inventory is determined on the weighted average basis.</p>
29	<p><b>PUBLIC/PRIVATE PARTNERSHIPS</b></p> <p>Public Private Partnerships are accounted for based on the nature and or the substance of the partnership. The transaction is accounted for in accordance with the relevant accounting policies.</p> <p>A summary of the significant terms of the PPP agreement, the parties to the agreement, and the date of commencement thereof together with the description and nature of the concession fees received, the unitary fees paid, rights and obligations of the department are recorded in the notes to the financial statements.</p>
30	<p><b>EMPLOYEE BENEFITS</b></p> <p>The value of each major class of employee benefit obligation (accruals, payables not recognised and provisions) is disclosed in the Employee benefits note.</p>

### 1.1 ANNUAL APPROPRIATION

	2016/17			2015/16	
	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	1 970 717	2 130 934	(160 217)	1 832 581	1 872 884
Court Services	6 272 605	6 061 588	211 017	5 667 254	5 579 138
State Legal Services	1 104 981	1 129 469	(24 488)	1 018 338	1 045 669
National Prosecuting Authority	3 554 576	3 557 505	(2 929)	3 374 346	3 394 538
Auxiliary and Associated Services	3 137 857	3 161 240	(23 383)	3 118 254	3 118 544
<b>Total</b>	<b>16 040 736</b>	<b>16 040 736</b>		<b>15 010 773</b>	<b>15 010 773</b>

	2016/17		2015/16
	R'000		R'000
Magistrates salaries	2 010 162		1 830 769
<b>Total</b>	<b>2 010 162</b>		<b>1 830 769</b>

### 3. DEPARTMENTAL REVENUE

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### 3.1 SALES OF GOODS AND SERVICES OTHER THAN CAPITAL ASSETS

	Note	2016/17	2015/16
	3	R'000	R'000
Sales of goods and services produced by the department		53 638	61 727
Sales by market establishment		4 513	4 992
Administrative fees			12
Other sales		49 125	56 723
Sales of scrap, waste and other used current goods		60	434
<b>Total</b>		<b>53 698</b>	<b>62 161</b>

### 3.2 FINES, PENALTIES AND FORFEITS

	Note	2016/17	2015/16
	3	R'000	R'000
Fines		213 169	195 132
Penalties		1 205	521
Forfeits		40 000	41 431
<b>Total</b>		<b>254 374</b>	<b>237 084</b>

### 3.3 INTEREST, DIVIDENDS AND RENT ON LAND

	Note	2016/17	2015/16
	3	R'000	R'000
Interest		8 553	5 221
Dividends			
Rent on land			
<b>Total</b>		<b>8 553</b>	<b>5 221</b>

### 3.4 SALE OF CAPITAL ASSETS

	Note	2016/17	2015/16
	3	R'000	R'000
<b>Tangible assets</b>		<b>56</b>	<b>4 567</b>
Buildings and other fixed structures	41		
Machinery and equipment	39	56	4 567
<b>Intangible assets</b>			
Software	40		
<b>Total</b>		<b>56</b>	<b>4 567</b>

### 3.5 TRANSACTIONS IN FINANCIAL ASSETS AND LIABILITIES

	Note	2016/17	2015/16
	3	R'000	R'000
Loans and advances			
Receivables		5 415	3 896
Stale cheques written back		158	77
Other Receipts including Recoverable Revenue		48 621	10 486
<b>Total</b>		<b>54 194</b>	<b>14 459</b>

*Other receipts including revenue related to unallocated credits (TPF) and revenue recovered from previous year expenditure for various debts.*

### 3.6 TRANSFERS RECEIVED

	Note	2016/17	2015/16
	3	R'000	R'000
International organisations			
Public corporations and private enterprises		485	5 134
Households and nonprofit institutions			
<b>Total</b>		<b>485</b>	<b>5 134</b>

*During 2015/16 department received transfers from two municipalities, only one local donation was received in 2016/17.*

### 3.7 CASH RECEIVED NOT RECOGNISED (NOT INCLUDED IN THE MAIN NOTE)

	2016/17		
Name of entity	Amount received	Amount paid to the revenue fund	Balance
	R'000	R'000	R'000
<i>Please specify</i>			
<b>Total</b>			

	2015/16		
Name of entity	Amount received	Amount paid to the revenue fund	Balance
	R'000	R'000	R'000
<i>Please specify</i>			
Total			

#### 4. AID ASSISTANCE

	Note	2016/17	2015/16
		R'000	R'000
Opening Balance		20 788	21 361
Prior period error			
As restated		20 788	21 361
Transferred from statement of financial performance		(7 028)	1 040
Paid during the year		(4 195)	(1 613)
		9 565	20 788

##### 4.1 ANALYSIS OF BALANCE BY SOURCE

		2016/17	2015/16
	Note	R'000	R'000
Aid assistance from RDP	4		4 197
Aid assistance from other sources			
CARA		9 565	16 591
Closing balance		9 565	20 788

##### 4.2 ANALYSIS OF BALANCE

		2016/17	2015/16
	Note	R'000	R'000
Aid assistance receivable	4		
Aid assistance unutilised	4	9 565	20 788
Aid assistance repayable	4		
Closing balance		9 565	20 788

## 5. COMPENSATION OF EMPLOYEES

### 5.1 SALARIES AND WAGES

	Note	2016/17	2015/16
		R'000	R'000
Basic salary		7 125 341	6 581 776
Performance award		82 246	80 902
Service Based		10 037	8 987
Compensative/circumstantial		38 993	43 034
Periodic payments		14 858	14 197
Other nonpensionable allowances		1 431 479	1 329 313
<b>Total</b>		<b>8 702 954</b>	<b>8 058 209</b>

### 5.2 SOCIAL CONTRIBUTIONS

	Note	2016/17	2015/16
		R'000	R'000
<b>Employer contributions</b>			
Pension		868 640	799 114
Medical		422 328	391 478
UIF		2	4
Bargaining council		1 503	1 405
<b>Total</b>		<b>1 292 473</b>	<b>1 192 001</b>
<b>Total compensation of employees</b>		<b>9 995 427</b>	<b>9 250 210</b>
<b>Average number of employees</b>		<b>24 890</b>	<b>25 072</b>



## 6. GOODS AND SERVICES

	Note	2016/17	2015/16
		R'000	R'000
Administrative fees		30 615	29 283
Advertising		23 649	37 362
Minor assets	6.1	36 202	50 560
Bursaries (employees)		3 060	3 688
Catering		10 160	13 142
Communication		143 741	145 449
Computer services	6.2	731 771	726 941
Consultants: Business and advisory services		50 310	38 458
Infrastructure and planning services			
Laboratory services		955	1 026
Scientific and technological services			
Legal services		123 979	113 885
Contractors		187 524	70 531
Agency and support / outsourced services		196 213	237 585
Entertainment		1	4
Audit cost – external	6.3	37 535	38 958
Fleet services		62 468	64 930
Inventory	6.4		
Consumables	6.5	210 988	257 313
Housing			
Operating leases		842 881	726 656
Property payments	6.6	811 397	849 677
Rental and hiring		3 955	2 016
Transport provided as part of the departmental activities		112	93
Travel and subsistence	6.7	384 552	412 768
Venues and facilities		16 056	17 720
Training and development		5 824	16 109
Other operating expenditure	6.8	176 413	167 490
<b>Total</b>		<b>4 090 361</b>	<b>4 021 644</b>

*Contractors mainly relates to day to day maintenance*

#### 6.1 MINOR ASSETS

	Note	2016/17	2015/16
	6	R'000	R'000
Tangible assets		36 202	50 560
Buildings and other fixed structures			
Machinery and equipment		36 202	50 560
Intangible assets			
Software			
Total		36 202	50 560

#### 6.2 COMPUTER SERVICES

	Note	2016/17	2015/16
	6	R'000	R'000
SITA computer services		318 877	304 206
External computer service providers		412 894	422 735
Total		731 771	726 941

#### 6.3 AUDIT COST - EXTERNAL

	Note	2016/17	2015/16
	6	R'000	R'000
Regularity audits		37 535	38 958
Computer audits			
Total		37 535	38 958

#### 6.4 INVENTORY

	Note	2016/17	2015/16
	6	R'000	R'000
Clothing material and accessories			
Other supplies	6.4.1		
Total			

#### 6.4.1 OTHER SUPPLIES

	Note	2016/17	2015/16
	6.4	R'000	R'000
Ammunition and security supplies			
Assets for distribution			
Machinery and equipment			
Other			
<b>Total</b>			

#### 6.5 CONSUMABLES

	Note	2016/17	2015/16
	6	R'000	R'000
Consumable supplies		18 573	13 948
Uniform and clothing		1 399	1 556
Household supplies		3 365	4 738
Building material and supplies		8 107	2 572
Communication accessories		119	78
IT consumables		1 497	45
Other consumables		4 086	4 959
Stationery, printing and office supplies		192 415	243 365
<b>Total</b>		<b>210 988</b>	<b>257 313</b>

#### 6.6 PROPERTY PAYMENTS

	Note	2016/17	2015/16
	6	R'000	R'000
Municipal services		257 193	288 023
Property management fees			
Property maintenance and repairs			
Other		554 204	561 654
<b>Total</b>		<b>811 397</b>	<b>849 677</b>

*Other mainly consist of Courier and Delivery Serv R4,1m; Printing and Publications R16.4m; Storage of Assets and Files R9,1m; Protection of Witnesses R62,3m; Witness Fees R53m and Honoraria R1,9m*

## 6.7 TRAVEL AND SUBSISTENCE

	Note	2016/17	2015/16
	6	R'000	R'000
Local		375 281	404 393
Foreign		9 271	8 375
<b>Total</b>		<b>384 552</b>	<b>412 768</b>

## 6.8 OTHER OPERATING EXPENDITURE

	Note	2016/17	2015/16
	6	R'000	R'000
Professional bodies, membership and subscription fees		16 571	1 121
Resettlement costs		11 632	16 001
Other		148 210	150 368
<b>Total</b>		<b>176 413</b>	<b>167 490</b>

*Other mainly consist of Outs Contr Maintenance R23,3m; Cleaning Serv R8,8m; Commission Municipality Serv R12,8m; Gardening Serv R1,1m; Management Fees R53,7m; Safeguarding and Security Serv R453,2m; Pest Control and Fumigation R1m.*

## GOODS AND SERVICES

### 7. INTEREST AND RENT ON LAND

	Note	2016/17	2015/16
		R'000	R'000
Rent on land			
<b>Total</b>			

### 8. PAYMENTS FOR FINANCIAL ASSETS

	Note	2016/17	2015/16
		R'000	R'000
Material losses through criminal conduct		1 526	2 229
Theft	8.4	1 526	2 229
Other material losses	8.1		
Purchase of equity			
Extension of loans for policy purposes			
Other material losses written off	8.2	3 385	17 526
Debts written off	8.3	4 681	462
Forex losses	8.5		
<b>Total</b>		<b>9 592</b>	<b>20 217</b>

### 8.1 OTHER MATERIAL LOSSES

	Note	2016/17	2015/16
	8	R'000	R'000
Nature of other material losses			
Total			

### 8.2 OTHER MATERIAL LOSSES WRITTEN OFF

	Note	2016/17	2015/16
	8	R'000	R'000
Nature of losses			
Irrecoverable Losses		3 162	16 798
Civil Action			254
Damages to Vehicle		87	319
Losses and damages		112	35
Capital assets written off			86
Minor assets written off			2
Fruitless			16
Loss of library books		4	16
Loss of Official Firearm (NPA)		3	
Other and no Show		17	
		3 385	17 526

### 8.3 DEBTS WRITTEN OFF

	Note	2016/17	2015/16
	8	R'000	R'000
Other debt written off			
Staff Debts ( outofservice debts)		4 681	462
Total		4 681	462
Total debt written off		4 681	462

*Debts older than 2012 that was declared unrecoverable are written off by state attorney.*

#### 8.4 DETAILS OF THEFT

	<i>Note</i>	2016/17	2015/16
	8	R'000	R'000
Nature of theft			
Burglaries		231	41
Theft		1 295	2 188
Total		<u>1 526</u>	<u>2 229</u>

#### 8.5 FOREX LOSSES

	<i>Note</i>	2016/17	2015/16
	8	R'000	R'000
Nature of losses			
Forex losses			
Total			

#### 9. TRANSFERS AND SUBSIDIES

		2016/17	2015/16
		R'000	R'000
	<i>Note</i>		
Provinces and municipalities	48, 49	634	549
Departmental agencies and accounts	Annex 1B	2 334 725	2 246 446
Foreign governments and international organisations	Annex 1E	13 484	15 833
Households	Annex 1G	69 555	75 239
Total		<u>2 418 398</u>	<u>2 338 067</u>

## 10. EXPENDITURE FOR CAPITAL ASSETS

	Note	2016/17	2015/16
		R'000	R'000
<b>Tangible assets</b>		<b>1 370 772</b>	<b>1 023 094</b>
Buildings and other fixed structures	40	1 023 045	739 502
Heritage assets	39, 41		
Machinery and equipment	39	347 727	283 592
<b>Intangible assets</b>		<b>185</b>	<b>40 472</b>
Software	40	185	40 472
<b>Total</b>		<b>1 370 957</b>	<b>1 063 566</b>

### 10.1 ANALYSIS OF FUNDS UTILISED TO ACQUIRE CAPITAL ASSETS – 2016/17

	Voted funds	Aid assistance	Total
	R'000	R'000	R'000
<b>Tangible assets</b>	<b>1 370 772</b>		<b>1 370 772</b>
Buildings and other fixed structures	1 023 045		1 023 045
Heritage assets			
Machinery and equipment	347 727		347 727
<b>Intangible assets</b>	<b>185</b>		<b>185</b>
Software	185		185
Mastheads and publishing titles			
<b>Total</b>	<b>1 370 957</b>		<b>1 370 957</b>

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

	Voted funds	Aid assistance	Total
	R'000	R'000	R'000
Tangible assets	1 022 959	135	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

## 10.3 FINANCE LEASE EXPENDITURE INCLUDED IN EXPENDITURE FOR CAPITAL ASSETS

	Note	2016/17	2015/16
		R'000	R'000
Tangible assets			
Buildings and other fixed structures			
Heritage assets			
Machinery and equipment		79 766	63 778
Total		79 766	63 778

## 11. UNAUTHORISED EXPENDITURE

### 11.1 RECONCILIATION OF UNAUTHORISED EXPENDITURE

	Note	2016/17	2015/16
		R'000	R'000
Opening balance			
Total			



## 12. CASH AND CASH EQUIVALENTS

	Note	2016/17		2015/16
		R'000		R'000
Consolidated Paymaster General Account				
Cash receipts		(622)		1 147
Disbursements				
Cash on hand		5 631		5 534
Investments (Domestic)				
Investments (Foreign)				
<b>Total</b>		<b>5 009</b>		<b>6 681</b>

## 13. OTHER FINANCIAL ASSETS

	Note	2016/17		2015/16
		R'000		R'000
Current				
<b>Total</b>				

## 14. PREPAYMENTS AND ADVANCES

	Note	2016/17		2015/16
		R'000		R'000
Staff advances				
Travel and subsistence		176		262
Prepayments (Not expensed)	14.2	1 238		1 850
Advances paid (Not expensed)	14.1	8 884		17 351
<b>Total</b>		<b>10 298</b>		<b>19 463</b>

### 14.1 ADVANCES PAID (NOT EXPENSED)

	Note	2016/17		2015/16
		R'000		R'000
National departments	14	8 884		17 351
<b>Total</b>		<b>8 884</b>		<b>17 351</b>

*Advances to IDT to the value of R105 million for capital expenditure was not cleared before financial year end due to lack of submission of valid invoices for authorised work requested.*

#### 14.2 PREPAYMENTS (NOT EXPENSED)

	Note	2016/17		2015/16
	14	R'000		R'000
Goods and services		1 238		1850
Capital assets				
<b>Total</b>		<b>1 238</b>		<b>1850</b>

#### 14.3 PREPAYMENTS (EXPENSED)

	Note	2016/17		2015/16
		R'000		R'000
Goods and services				
Capital assets				
<b>Total</b>				

#### 14.4 ADVANCES PAID (EXPENSED)

	Note	2016/17		2015/16
	14	R'000		R'000
National departments				
Provincial departments				
<b>Total</b>				

## 15. RECEIVABLES

		2016/17			2015/16		
		Current	Noncurrent	Total	Current	Noncurrent	Total
	Note	R'000	R'000	R'000	R'000	R'000	R'000
Claims recoverable	15.1	726 966	317 674	1 044 640	538 443	229 659	768 103
Trade receivables	15.2	695	703	1 398	128	623	751
Recoverable expenditure	15.3	2		2	142		142
Staff debt	15.4	6 081	32 960	39 041	5 642	28 916	34 558
Fruitless and wasteful expenditure	15.6						
Other debtors	15.5	106 832	5 411	112 243	2 890	6 796	9 685
<b>Total</b>		<b>840 576</b>	<b>356 748</b>	<b>1 197 324</b>	<b>547 245</b>	<b>265 994</b>	<b>813 239</b>

### 15.1 CLAIMS RECOVERABLE

	Note	2016/17	2015/16
	15 and Annex 4	R'000	R'000
National departments		428 388	249 876
Provincial departments		616 252	518 227
<b>Total</b>		<b>1 044 640</b>	<b>768 103</b>

### 15.2 TRADE RECEIVABLES

	Note	2016/17	2015/16
	15	R'000	R'000
Trade Receivables		1 398	751
<b>Total</b>		<b>1 398</b>	<b>751</b>

### 15.3 RECOVERABLE EXPENDITURE (DISALLOWANCE ACCOUNTS)

	Note	2016/17	2015/16
	15	R'000	R'000
Fruitless Expenditure		2	142
<b>Total</b>		<b>2</b>	<b>142</b>

#### 15.4 STAFF DEBT

	Note	2016/17	2015/16
	15	R'000	R'000
Inservices debt		7 820	6 620
Outofservice debt		31 221	27 888
Sal Tax Debt			19
Sal Reversal control			31
<b>Total</b>		<b>39 041</b>	<b>34 558</b>

#### 15.5 OTHER DEBTORS

	Note	2016/17	2015/16
	15	R'000	R'000
Disallowance accounts		111 162	7 424
Salary suspense accounts		951	1 034
Damages and Vehicles		130	1 227
<b>Total</b>		<b>112 243</b>	<b>9 685</b>

#### 15.6 FRUITLESS AND WASTEFUL EXPENDITURE

	Note	2016/17	2015/16
	15	R'000	R'000
Opening balance			
Less amounts recovered		155	189
Less amounts written off		568	15
Transfers from note 32 Fruitless and Wasteful Expenditure		(723)	(204)
Interest			
<b>Total</b>			

#### 15.7 IMPAIRMENT OF RECEIVABLES

	Note	2016/17	2015/16
		R'000	R'000
Estimate of impairment of receivables		23 354	22 831
<b>Total</b>		<b>23 354</b>	<b>22 831</b>

## 16. INVESTMENTS

	Note	2016/17		2015/16
		R'000		R'000
NonCurrent				
Shares and other equity				
Total				

## 17. LOANS

	Note	2016/17		2015/16
		R'000		R'000
Public corporations				
Staff loans				
Total				

## 18. VOTED FUNDS TO BE SURRENDERED TO THE REVENUE FUND

	Note	2016/17		2015/16
		R'000		R'000
Opening balance		147 973		497 241
Prior period error	18.2			
As restated		147 973		497 241
Transfer from statement of financial performance (as restated)		166 163		147 973
Add: Unauthorised expenditure for current year	11			
Paid during the year		(147 969)		(497 241)
Closing balance		166 167		147 973

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

	Note	2016/17		2015/16
		R'000		R'000
Opening balance		31 702		45 568
Prior period error	19.1			(2 060)
As restated		31 702		43 508
Transfer from Statement of Financial Performance (as restated)		371 360		328 627
Paid during the year		(376 379)		(340 433)
Closing balance		26 683		31 702

## 19.1 PRIOR PERIOD ERROR

	Note		2015/16
	19		R'000
Nature of prior period error			
Relating to 2014/15			
Relating to 2015/16			2 060
Revenue			2 060
Total prior period errors			2 060

*Revenue received of R 2 060 000.00 in the commercial bank on 31/03/2016 but not yet included in Paymaster General Account*

## 20. BANK OVERDRAFT

	Note	2016/17	2015/16
		R'000	R'000
Consolidated Paymaster General Account		985 245	581 330
Overdraft with commercial banks (Local)		73	16
Total		985 318	581 346

*See Note 2 of Accounting Policies*

## 21. PAYABLES – CURRENT

	Note	2016/17	2015/16
		R'000	R'000
Amounts owing to other entities			
Advances received	21.1		
Clearing accounts	21.2	1 569	41 389
Other payables	21.3	5 109	291
Total		6 678	41 680

### 21.1 ADVANCES RECEIVED

	Note	2016/17		2015/16
	21	R'000		R'000
National departments	Annex 8B			
Provincial departments				
Total				

### 21.2 ADVANCES RECEIVED

	Note	2016/17		2015/16
	21	R'000		R'000
Salary Control Accounts		1 569		41 389
Total		1 569		41 389

### 21.3 OTHER PAYABLES

	Note	2016/17		2015/16
	21	R'000		R'000
National Pace		255		68
Salary ACB Recalls		81		172
Disallowance miscellaneous				51
TPF Revenue Erroneously paid over to Vote		4 773		
Total		5 109		291

### 22. PAYABLES – NONCURRENT

		2016/17				2015/16
		R'000	R'000	R'000	R'000	R'000
	Note	One to two years	Two to three years	More than three years	Total	Total
Advances recieved	22.1					
Other payables	22.2					
Total						

## 22.1 ADVANCES RECEIVED

	Note	2016/17	2015/16
	22	R'000	R'000
National departments			
Provincial departments			
<b>Total</b>			

## 22.2 OTHER PAYABLES

	Note	2016/17	2015/16
	22	R'000	R'000
Description			
<b>Total</b>			

## 23. NET CASH FLOW AVAILABLE FROM OPERATING ACTIVITIES

	Note	2016/17	2015/16
		R'000	R'000
Net surplus/(deficit) as per Statement of Financial Performance		530 495	477 640
Add back non cash/cash movements not deemed operating activities		432 436	98 015
(Increase)/decrease in receivables – current		(384 085)	(167 157)
(Increase)/decrease in prepayments and advances		9 165	13 289
(Increase)/decrease in other current assets			
Increase/(decrease) in payables – current		(35 002)	32 171
Proceeds from sale of capital assets		(56)	(4 567)
Proceeds from sale of investments			
(Increase)/decrease in other financial assets			
Expenditure on capital assets		1 370 957	1 063 566
Surrenders to Revenue Fund		(524 348)	(837 674)
Surrenders to RDP Fund/Donor		(4 195)	(1 613)
<b>Net cash flow generated by operating activities</b>		<b>962 931</b>	<b>575 655</b>



## 24. RECONCILIATION OF CASH AND CASH EQUIVALENTS FOR CASH FLOW PURPOSES

	Note	2016/17		2015/16
		R'000		R'000
Consolidated Paymaster General account		(985 245)		(581 330)
Fund requisition account				
Cash receipts		(622)		1 147
Disbursements				
Cash on hand		5 631		5 534
Cash with commercial banks (Local)		(73)		(16)
Cash with commercial banks (Foreign)				
<b>Total</b>		<b>(980 309)</b>		<b>(574 665)</b>

## 25. CONTINGENT LIABILITIES AND CONTINGENT ASSETS

### 25.1 CONTINGENT LIABILITIES

		Note	2016/17		2015/16
			R'000		R'000
<b>Liable to</b>	<b>Nature</b>				
Housing loan guarantees	Employees	Annex 3A	413		622
Other guarantees		Annex 3A			
Claims against the department		Annex 3B	7 363 482		4 918 147
Intergovernmental payables (unconfirmed balances)		Annex 5	20 144		461
Other		Annex 3B	36 583		58 636
<b>Total</b>			<b>7 420 622</b>		<b>4 977 866</b>

*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 (R66 701 981)*

## 26. COMMITMENTS

	Note	2016/17	2015/16
		R'000	R'000
<b>Current expenditure</b>			
Approved and contracted		3 357 645	2 403 808
Approved but not yet contracted		108 708	95 130
		<u>3 466 353</u>	<u>2 498 938</u>
<b>Capital expenditure</b>			
Approved and contracted		2 880	6 252
Approved but not yet contracted			
		<u>2 880</u>	<u>6 252</u>
<b>Total Commitments</b>		<u>3 469 233</u>	<u>2 505 190</u>

*Commitments totalling R3 billion (Approved and contracted) mainly relates to Slta Contract (R 370 million), Publications Contract (R402 million), Guarding Services (R1.7billion) and IJS (R 178 million)*

## 27. ACCRUALS AND PAYABLES NOT RECOGNISED

### 27.1 ACCRUALS

		2016/17	2015/16
		R'000	R'000
<b>Listed by economic classification</b>			
	30 Days	30+ Days	Total
Goods and services	13 504	1 564	15 068
Transfers and subsidies			
Capital assets	568	13	581
Other	24	24	
<b>Total</b>	<u>14 096</u>	<u>1 577</u>	<u>15 673</u>

	Note	2016/17	2015/16
		R'000	R'000
<b>Listed by programme level</b>			
Programme 1: Administration		3 666	88
Programme 2: Court Services		3 032	3 706
Programme 3: State Legal Services		179	593
Programme 5: Auxiliary and associated Services		6 365	687
Programme 4: NPA		2 431	22 338
<b>Total</b>		<u>15 673</u>	<u>27 412</u>

## 27.2 PAYABLES NOT RECOGNISED

		2016/17		2015/16
		R'000		R'000
Listed by economic classification				
	30 Days	30+ Days	Total	Total
Goods and services	188 599	49 903	238 502	174 961
Transfers and subsidies				
Capital assets	14 992	493	15 485	40 708
Other	47		47	
<b>Total</b>	<b>203 638</b>	<b>50 396</b>	<b>254 034</b>	<b>215 669</b>

	Note	2016/17		2015/16
		R'000		R'000
Listed by programme level				
Programme 1: Administration		28 500		60 211
Programme 2: Court Services		67 015		19 920
Programme 3: State Legal Services		2 284		3 101
Programme 5: Auxiliary and associated Services		80 400		83 480
Programme 4: NPA		75 835		48 957
<b>Total</b>		<b>254 034</b>		<b>215 669</b>

	Note	2016/17		2015/16
		R'000		R'000
Confirmed balances with other departments	Annex 5	9 588		4 376
Confirmed balances with other government entities	Annex 5			
<b>Total</b>		<b>9 588</b>		<b>4 376</b>

*Accruals more than 30 days mainly relates to storage facilities (R 1 million), travelling services (R2.3 million), Audit services (R3 million) and R168 053.00 for printing services.*

## 28. EMPLOYEE BENEFITS

	Note	2016/17		2015/16
		R'000		R'000
Leave entitlement		1 064 610		941 832
Service bonus (Thirteenth cheque)		268 308		246 494
Performance awards		200 029		190 972
Capped leave commitments		331 874		335 707
Other		21 730		20 457
<b>Total</b>		<b>1 886 551</b>		<b>1 735 462</b>

*Included in the leave entitlement is an amount of R 10 236 803.25 represent leave. This presents due to the timing difference between leave accrual periods and actual leave periods per policy.*

## 29. LEASE COMMITMENTS

### 29.1 OPERATING LEASES EXPENDITURE

2016/17	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 1 year			5 147		5 147
Later than 1 year and not later than 5 years					
Later than five years					
<b>Total lease commitments</b>			<b>5 147</b>		<b>5 147</b>

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 1 year			6 228		6 228
Later than 1 year and not later than 5 years			3 633		3 633
Later than five years					
<b>Total lease commitments</b>			<b>9 861</b>		<b>9 861</b>

*Operating leases relates to Buildings and other fixed structures leased through the Department of Public Works.*

### 29.2 FINANCE LEASES EXPENDITURE

2016/17	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 1 year				67 808	67 808
Later than 1 year and not later than 5 years				39 758	39 758
Later than five years					
<b>Total lease commitments</b>				<b>107 566</b>	<b>107 566</b>

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 1 year				73 390	73 390
Later than 1 year and not later than 5 years				57 214	57 214
Later than five years					
<b>Total lease commitments</b>				<b>130 604</b>	<b>130 604</b>

### 30. ACCRUED DEPARTMENTAL REVENUE

	Note	2016/17		2015/16
		R'000		R'000
Tax revenue				
Fines, penalties and forfeits		21 444		5 676
Other		4 341		3 443
<b>Total</b>		<b>25 785</b>		<b>9 119</b>

*Relates to Third Party Fund & Guardian Fund*

#### 30.1 ANALYSIS OF ACCRUED DEPARTMENTAL REVENUE

	Note	2016/17		2015/16
		R'000		R'000
Opening balance		9 119		9 025
Less: amounts received				
Add: amounts recognised		16 666		94
Less: amounts writtenoff/reversed as irrecoverable				
<b>Closing balance</b>		<b>25 785</b>		<b>9 119</b>

### 31. IRREGULAR EXPENDITURE

#### 31.1 RECONCILIATION OF IRREGULAR EXPENDITURE

	Note	2016/17	2015/16
		R'000	R'000
Opening balance		143 871	429 739
Prior period error			(30 425)
As restated		143 871	399 314
Add: Irregular expenditure – relating to prior year		676	197
Add: Irregular expenditure – relating to current year		29 460	13 794
Less: Prior year amounts condoned		(557)	(211 542)
Less: Current year amounts condoned		(1 655)	(8 079)
Less: Amounts not condoned and recoverable	15		
Less: Amounts not condoned and not recoverable		(1 170)	(49 795)
Closing balance		170 625	143 871
Analysis of awaiting condonation per age classification			
Current year		27 805	5 551
Prior years		142 820	138 320
Total		170 625	143 871

#### 31.2 DETAILS OF IRREGULAR EXPENDITURE – ADDED CURRENT YEAR (RELATING TO CURRENT AND PRIOR YEARS)

Incident	Disciplinary steps taken/criminal proceedings	2016/17 R'000
Normal procurement policies and procedures not followed	Cases are currently under investigation and disciplinary procedures to be finalised.	28 088
Accommodation lease (NPA)	Noncompliance .	1 372
Total		29 460

#### 31.3 DETAILS OF IRREGULAR EXPENDITURE CONDONED

Incident	Condoned by (condoning authority)	2016/17 R'000
Procurement policies & procedures not followed	Condoned by the Departmental Bid Adjudication Committee	480
Procurement policies & procedures not followed	Condoned by the Regional Control Committee	247

Procurement policies & procedures not followed	Condoned by other Delegated Authority	111
Procurement policies & procedures not followed	Condoned by the National Treasury	2
Accommodation Lease	Condoned by the National Treasury	1 372
<b>Total</b>		<b>2 212</b>

#### 31.4 DETAILS OF IRREGULAR EXPENDITURE RECOVERABLE (NOT CONDONED)

Incident	2016/17 R'000
<b>Total</b>	

#### 31.5 DETAILS OF IRREGULAR EXPENDITURE NOT RECOVERABLE (NOT CONDONED)

Incident	Not condoned by (condoning authority)	2016/17 R'000
Confirmed not irregular	Confirmed	1 170
<b>Total</b>		<b>1 170</b>

#### 31.6 DETAILS OF IRREGULAR EXPENDITURES UNDER INVESTIGATION (NOT INCLUDED IN THE MAIN NOTE)

Incident	2016/17 R'000
Service Provider under review	63 863
Procurement outside departmental contract.	10 977
Interest not declared	27 961
<b>Total</b>	<b>102 801</b>

*Investigation into potential non-compliance of service providers.*

#### 31.7 PRIOR PERIOD ERROR

	Note	2015/16 R'000
<b>Nature of prior period error</b>		
Relating to 2014/15 ( <i>affecting the opening balance</i> )		(30 425)
Cases		(30 425)
Relating to 2015/16		146
Cases		146
<b>Total prior period errors</b>		<b>(30 279)</b>

## 32. FRUITLESS AND WASTEFUL EXPENDITURE

### 32.1 RECONCILIATION OF FRUITLESS AND WASTEFUL EXPENDITURE

	Note	2016/17	2015/16
		R'000	R'000
Opening balance		12 898	11 129
Prior period error			
As restated		12 898	11 129
Fruitless and wasteful expenditure – relating to prior year		281	959
Fruitless and wasteful expenditure – relating to current year		1 376	1 331
Less: Amounts resolved		(15)	(317)
Less: Amounts transferred to receivables for recovery	15.6	(723)	(204)
Closing balance		13 817	12 898

### 32.2 ANALYSIS OF AWAITING RESOLUTION PER ECONOMIC CLASSIFICATION

	2016/17	2015/16
	R'000	R'000
Current	13 817	12 898
Capital		
Transfers and subsidies		
Total	13 817	12 898

### 32.3 ANALYSIS OF CURRENT YEAR'S FRUITLESS AND WASTEFUL EXPENDITURE

Incident	Disciplinary steps taken/criminal proceedings	2016/17 R'000
Fees charged in respect of officials not using reserved accommodation / or transport.	Cases under investigation for possible determination of liability.	136
Penalty / interest of late payment of accounts.	Cases under investigation for possible determination of liability	17
Overpayment of account (op)	Cases under investigation for possible determination of liability	13
Fees charged for cancelled tickets	Cases under investigation for possible determination of liability	27
Accommodation	Cases are being investigated for possible determination of liability	1



Fees charged for traffic fines	Cases are being investigated for possible determination of liability	1
Mobile units procured not utilised	Cases are being investigated for possible determination of liability	1 181
<b>Total</b>		<b>1 376</b>

### 32.4 PRIOR PERIOD ERROR

	Note	2015/16
		R'000
Nature of prior period error		
Relating to 2015/16		5 344
Adjustment		5 344
Total prior period errors		5 344

### 32.5 DETAILS OF FRUITLESS AND WASTEFUL EXPENDITURES UNDER INVESTIGATION (NOT INCLUDED IN THE MAIN NOTE)

Incident	2016/17
	R'000
Total	

### 33. RELATED PARTY TRANSACTIONS

	Note	2016/17	2015/16
		R'000	R'000
Revenue received			
Tax revenue			
Total			
Payments made			
Goods and services			
Total			

	Note	2016/17		2015/16
		R'000		R'000
Other				
Guarantees issued/received				
<i>NPA Official seconded</i>				2 221
<b>Total</b>				<b>2 221</b>

#### List Related Party Relationships

Guardian's Fund

Legal Aid Board

Presidents Fund

Special Investigating Unit

The Human Rights Commission

The Public Protector

Third Party Funds

Criminal Asset Recovery Account

Correctional Services

Office Of The Chief Justice And Judicial Administration

### 34. KEY MANAGEMENT PERSONNEL

	No. of Individuals	2016/17		2015/16
		R'000		R'000
Political office bearers (provide detail below)				
Officials:				
Level 15 to 16	32	56 217		59 978
Level 14	52	59 717		57 905
Family members of key management personnel	12	5 677		4 519
<b>Total</b>		<b>121 611</b>		<b>122 402</b>

### 35. PUBLIC PRIVATE PARTNERSHIP

	Note	2016/17		2015/16
		R'000		R'000
Concession fee received				

### 36. IMPAIRMENT (OTHER THAN RECEIVABLES, ACCRUED DEPARTMENTAL REVENUE, LOANS AND INVESTMENTS)

	Note	2016/17		2015/16
		R'000		R'000
Please specify				
Total				

### 37. PROVISIONS

	Note	2016/17		2015/16
		R'000		R'000
Curator expenses		138 234		99 904
Total		138 234		99 904

#### 37.1 RECONCILIATION OF MOVEMENT IN PROVISIONS – 2016/17

	Curator Expenditure	Total provisions
	R'000	R'000
Opening balance	99 904	99 904
Increase in provision	3 216	3 216
Settlement of provision	(15 770)	(15 770)
Unused amount reversed		
Change in provision due to change in estimation of inputs	50 884	50 884
Closing balance	138 234	138 234

#### Reconciliation of movement in provisions – 2015/16

	Curator Expenditure	Total provisions
	R'000	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		
Change in provision due to change in estimation of inputs	(21 914)	(21 914)
<b>Closing balance</b>	<b>99 904</b>	<b>99 904</b>

*The provision relates to expenditure incurred in respect of Curators appointed in Asset Forfeiture Unit cases.*

### 38. NON ADJUSTING EVENTS AFTER REPORTING DATE

	2016/17
Nature of event	R'000
Total	

### 39. MOVABLE TANGIBLE CAPITAL ASSETS

Movement in movable tangible capital assets per asset register for the year ended 31 March 2017					
	Opening balance	Value adjustments	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
<b>HERITAGE ASSETS</b>	455				455
Heritage assets	455				455
<b>MACHINERY AND EQUIPMENT</b>	1 455 214	3 229	270 802	(29 948)	1 699 297
Transport assets	139 895	10	1 415	(2 499)	138 821
Computer equipment	535 410	540	44 928	(8 621)	572 257
Furniture and office equipment	352 030	(132)	42 624	(5 249)	389 273
Other machinery and equipment	427 879	2 811	181 835	(13 579)	598 946
<b>TOTAL MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>1 455 669</b>	<b>3 229</b>	<b>270 802</b>	<b>(29 948)</b>	<b>1 699 752</b>

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:

Heritage assets

Machinery and equipment 1 336 19 078

Specialised military assets

*This relates to assets verification discrepancies under investigation. This includes OCJ unresolved assets to number of 809 valued at R 11,952 Million which are still remaining with DOJ&CD until the disciplinary process is finalised by OCJ.*

### 39.1 ADDITIONS

ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2017					
	Cash*	Noncash**	(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					
-----------------	--	--	--	--	--

<b>MACHINERY AND EQUIPMENT</b>	<b>347 727</b>	<b>332</b>	<b>(79 766)</b>	<b>2 509</b>	<b>270 802</b>
Transport assets	59 879		(58 464)		1 415
Computer equipment	45 648	84		(804)	44 928
Furniture and office equipment	40 552	212		1 860	42 624
Other machinery and equipment	201 648	36	(21 302)	1 453	181 835

#### SPECIALISED MILITARY ASSETS

Specialised military assets					
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#### BIOLOGICAL ASSETS

Biological assets					
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<b>TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>347 727</b>	<b>332</b>	<b>(79 766)</b>	<b>2 509</b>	<b>270 802</b>
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### 39.2 DISPOSALS

DISPOSALS OF MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2017				
	Sold for cash	Noncash disposal	Total disposals	Cash Received Actual
	R'000	R'000	R'000	R'000
<b>HERITAGE ASSETS</b>				
Heritage assets				
<b>MACHINERY AND EQUIPMENT</b>		<b>29 948</b>	<b>29 948</b>	<b>56</b>
Transport assets		2 499	2 499	56
Computer equipment		8 621	8 621	
Furniture and office equipment		5 249	5 249	
Other machinery and equipment		13 579	13 579	
<b>SPECIALISED MILITARY ASSETS</b>				
Specialised military assets				
<b>TOTAL DISPOSAL OF MOVABLE TANGIBLE CAPITAL ASSETS</b>		<b>29 948</b>	<b>29 948</b>	<b>56</b>

### 39.3 MOVEMENT FOR 2015/16

MOVEMENT IN TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2016					
	Opening balance	Prior period error	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
<b>HERITAGE ASSETS</b>					
Heritage assets	455				455
<b>MACHINERY AND EQUIPMENT</b>	<b>1 361 637</b>	<b>3 688</b>	<b>254 234</b>	<b>(164 345)</b>	<b>1 461 866</b>
Transport assets	161 424	2 048		(23 577)	139 895
Computer equipment	523 513	1 406	74 860	(64 369)	535 410
Furniture and office equipment	344 786	(313)	34 397	(26 840)	358 682
Other machinery and equipment	331 914	547	144 977	(49 559)	427 879
<b>TOTAL MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>1 362 092</b>	<b>3 688</b>	<b>254 234</b>	<b>(164 345)</b>	<b>1 462 321</b>

### 39.3.1 PRIOR PERIOD ERROR

	Note			2015/16
				R'000
Nature of prior period error				
Relating to 2015/16 <i>[affecting the opening balance]</i>				3 688
Assets Verified				3 206
Revaluation				482
Total prior period errors				3 688

### 39.4 MINOR ASSETS

MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2017						
	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
Opening balance		36	211	842 328		842 575
Value adjustments				(909)		(909)
Additions				27 799		27 799
Disposals				(22 999)		(22 999)
TOTAL MINOR ASSETS		36	211	846 219		846 466

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
Number of R1 minor assets			6 102	397 800		403 902
Number of minor assets at cost		15	63	697 696		697 774
TOTAL NUMBER OF MINOR ASSETS		15	6 165	1 095 496		1 101 676

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:

Heritage assets		
Machinery and equipment	39 033	16 459

*This relates to assets verification discrepancies under investigation. This includes OCJ unresolved assets to number of 36 558 valued at R 12,991 Million which are still remaining with DOJ&CD until the disciplinary process is finalised by OCJ.*

#### MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER 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
Opening balance		36	211	922 653		922 900
Prior period error				(957)		(957)
Additions				52 863		52 863
Disposals				(132 231)		(132 231)
<b>TOTAL MINOR ASSETS</b>		<b>36</b>	<b>211</b>	<b>842 328</b>		<b>842 575</b>

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
Number of R1 minor assets			6 102	356 162		362 264
Number of minor assets at cost		15	63	701 667		701 745
<b>TOTAL NUMBER OF MINOR ASSETS</b>		<b>15</b>	<b>6 165</b>	<b>1 057 829</b>		<b>1 064 009</b>

#### 39.4.1 PRIOR PERIOD ERROR

	Note			2015/16
				R'000

##### Nature of prior period error

Relating to 2015/16 *[affecting the opening balance]* (957)

Verified Machinery and Equipment	899
Adjustment to minor assets	(1 856)

<b>Total prior period errors</b>	<b>(957)</b>
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### 39.5 MOVABLE ASSETS WRITTEN OFF

MOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED AS AT 31 MARCH 2017						
	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
Assets written off				25 933		25 933
<b>TOTAL MOVABLE ASSETS WRITTEN OFF</b>				<b>25 933</b>		<b>25 933</b>

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
Assets written off				68 959		68 959
<b>TOTAL MOVABLE ASSETS WRITTEN OFF</b>				<b>68 959</b>		<b>68 959</b>

### 39.6 S42 MOVABLE CAPITAL ASSETS

MAJOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA 31 MARCH 2017						
	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
No. of Assets				684		684
Value of the assets (R'000)				11 281		11 281

MINOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA 31 MARCH 2017						
	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
No. of Assets				37 876		37 876
Value of the assets (R'000)				6 814		6 814

**MAJOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA 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
No. of Assets				8 931		8 931
Value of the assets (R'000)				104 398		104 398

**MINOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA 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
No. of Assets				415 453		415 453
Value of the assets (R'000)				114 126		114 126

**40. INTANGIBLE CAPITAL ASSETS**

**MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2017**

	Opening balance	Value adjustments	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
SOFTWARE	74 812		185		74 997
<b>TOTAL INTANGIBLE CAPITAL ASSETS</b>	<b>74 812</b>		<b>185</b>		<b>74 997</b>

#### 40.1 ADDITIONS

ADDITIONS TO INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2017					
	Cash	NonCash	(Development work in progress – current costs)	Received current year, not paid (Paid current year, received prior year)	Total
	R'000	R'000	R'000	R'000	R'000
SOFTWARE	185				185
TOTAL ADDITIONS TO INTANGIBLE CAPITAL ASSETS	185				185

#### 40.2 DISPOSALS

DISPOSALS OF INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2017					
	Sold for cash	Noncash disposal	Total disposals		Cash Received Actual
	R'000	R'000	R'000		R'000
SOFTWARE					
TOTAL DISPOSALS OF INTANGIBLE CAPITAL ASSETS					

#### 40.3 MOVEMENT FOR 2015/16

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2016					
	Opening balance	Prior period error	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
SOFTWARE	66 938		76 378	68 504	74 812
TOTAL INTANGIBLE CAPITAL ASSETS	66 935		76 378	68 504	74 812

#### 41. IMMOVABLE TANGIBLE CAPITAL ASSETS

MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2017					
	Opening balance	Value adjustments	Additions	Disposals	Closing Balance
	R'000		R'000	R'000	R'000
BUILDINGS AND OTHER FIXED STRUCTURES	13 425				13 425
Dwellings					
Non-residential buildings					
Other fixed structures	13 425				13 425
<b>TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>13 425</b>				<b>13 425</b>

##### 41.1 ADDITIONS

ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2017					
	Cash	Noncash	(Capital Work in Progress current costs and finance lease payments)	Received current, not paid  (Paid current year, re- ceived prior year)	Total
	R'000	R'000	R'000	R'000	R'000
BUILDING AND OTHER FIXED STRUCTURES	1 023 045		(1 023 045)		
Dwellings					
Non-residential buildings	1 023 045		(1 023 045)		
Other fixed structures					
<b>TOTAL ADDITIONS TO IMMOVABLE TANGIBLE</b>	<b>1 023 045</b>		<b>(1 023 045)</b>		

## 41.2 DISPOSALS

DISPOSALS OF IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2017					
	Sold for cash	Noncash disposal	Total disposals		Cash Received Actual
	R'000	R'000	R'000		R'000

### BUILDINGS AND OTHER FIXED STRUCTURES

#### Dwellings

TOTAL DISPOSALS OF IMMOVABLE TANGIBLE CAPITAL ASSETS

## 41.3 MOVEMENT FOR 2015/16

MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2016					
	Opening balance	Prior period error	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	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. PRINCIPAL AGENT ARRANGEMENTS

### 42.1 DEPARTMENT ACTING AS AGENT: STATE ATTORNEY (2016/17)

#### 42.1.1 REVENUE RECEIVED FOR AGENCY ACTIVITIES

		2016/17
		R'000
Include a list of the entities for which the department acts as an agent and the amounts received for these agency duties	Provide a description of the nature, circumstances and terms relating to the arrangements with the principal	
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.	- Conveyance	28 918
	- Debt Collection	169 952
	- Unclassified monies	148 439
	- Commission	166
Total		347 475

#### 42.1.2 RECONCILIATION OF AGENCY FUNDS AND DISBURSEMENTS – 2016/17

Name of principal entity	Total agency funds received	Amount remitted to the principal	Variance between amounts received and amounts remitted	Explanation for variance
	R'000	R'000	R'000	
- State organizations Conveyance	28 918	78 914	49 996	Payments exceed payments received as a result of collections in prior year paid in the financial year under review
- State organization Debt Collection	169 952	180 213	10 261	Payments due to beneficiaries still in progress
- Unclassified monies	148 439	84 237	64 202	Receipts that still need to be investigated and allocated as at the end of financial year
- NRF Commission	166	166	0	
Total	347 475	343 530	3 945	

## 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	Provide a description of the nature, circumstances and terms relating to the arrangements with the principal	
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.	<ul style="list-style-type: none"> <li>- Conveyance</li> <li>- Debt Collection</li> <li>- Unclassified monies</li> <li>- Commission</li> </ul>	<ul style="list-style-type: none"> <li>28 920</li> <li>255 556</li> <li>164 817</li> <li>317</li> </ul>
<b>Total</b>		<b>449 610</b>

### 42.1.2 RECONCILIATION OF AGENCY FUNDS AND DISBURSEMENTS – 2015/16

Name of principal entity	Total agency funds received	Amount remitted to the principal	Variance between amounts received and amounts remitted	Explanation for variance
	R'000	R'000	R'000	
- State organizations 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 organization 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 needs to be investigated and allocated as at the end of financial year
- NRF Commission	317	317	0	
<b>Total</b>	<b>449 610</b>	<b>148 092</b>	<b>301 518</b>	

## 42.2 DEPARTMENT ACTING AS THE AGENT CARA (2016/2017)

### 42.2.1 REVENUE RECEIVED FOR AGENCY ACTIVITIES

		2016/17
		R'000
Include a list of the entities for which the department acts as an agent and the amounts received for these agency duties	Provide a description of the nature, circumstances and terms relating to the arrangements with the principal	
National Revenue Fund –Criminal Assets Recovery Account (CARA) with Oversight and disbursement approving authority resides in the Criminal Asset Recovery Committee	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.	114,169
<b>Total</b>		<b>114,169</b>

### 42.2.2 RECONCILIATION OF AGENCY FUNDS AND DISBURSEMENTS – 2016/17

Name of principal entity	Total agency funds received	Amount remitted to the principal	Variance between amounts received and amounts remitted	Explanation of variance
	R'000	R'000	R'000	
National Revenue Fund (CARA)	114,169	114,169		
<b>Total</b>	<b>114,169</b>	<b>114,169</b>	<b>R'000</b>	

CRIMINAL ASSETS RECOVERY ACCOUNT (CARA)	2016/17
Opening Balance CARA	486,853,000
Plus cash received during the year	114,169,000
Less cash paid out	(2,575,000)
Cash on hand (CARA SARB)	598,447,000
Contingent assets	1,274,000
Inventory	4,859,000
Receivables	244,886,000
Provisions	9,490,000



*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 R245 million at 31 March 2017 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 R1, 037, 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 R4, 9 million at 31 March 2017 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

	2016/17			
	Motor Vehicles	Land and Buildings	Other	Total
	R'000	R'000	R'000	R'000
Opening Balance (1 April 2016)	697	4,227	428	5,352
Adjustments	377	558	(1)	934
Additions	2,586	473	264	3,323
Disposals	(433)	(4,114)	(203)	(4,750)
Closing Balance (31 March 2017)	3,227	1,144	488	4,859

## PROVISIONS

Provisions are disclosed when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic benefits will be required to settle the obligation and a reliable estimate of the obligation can be made. Provisions amounted to R 9 490 million at 31 March 2017.

	2016/17
	R'000
CARA Allocations	9,490
AntiCorruption Task Team	6,200
Department of Justice and Constitutional Development	3,290
<b>Total</b>	<b>9,490</b>

## 42.2 DEPARTMENT ACTING AS THE AGENT (2015/2016)

### 42.2.1 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	Provide a description of the nature, circumstances and terms relating to the arrangements with the principal	
National Revenue Fund –Criminal Assets Recovery Account (CARA) with Oversight and disbursement approving authority resides in the Criminal Asset Recovery Committee	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.	74,928
<b>Total</b>		<b>74,928</b>

### 42.2.2 RECONCILIATION OF AGENCY FUNDS AND DISBURSEMENTS – 2015/16

Name of principal entity	Total agency funds received	Amount remitted to the principal	Variance between amounts received and amounts remitted	Explanation of variance
	R'000	R'000	R'000	
National Revenue Fund (CARA)	74,928	74,928	0	
<i>Total</i>	<b>74,928</b>	<b>74,928</b>	<b>R'000</b>	

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 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 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	Land and Buildings	Other	Total
	R'000	R'000	R'000	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 R20,495 million at 31 March 2016.

2015/16	
	R'000
CARA Allocations	20,495
AntiCorruption Task Team	17,205
Department of Justice and Constitutional Development	3,290
<b>Total</b>	<b>20,495</b>

### 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			2015/16
				R'000

Revenue:

Net effect

	Note			2015/16
				R'000

Expenditure:

Net effect

	Note			2015/16
				R'000

Assets:

Moveable in tangible  
capital assets

Net effect

	Note			2015/16
				R'000

Liabilities:

Contingent liability

Net effect

	Note			2015/16
				R'000

Other:

Irregular expenditure

Fruitless and wasteful expenditure

Net effect

#### 45. RESTATEMENT OF CORRESPONDING FIGURES

THE CORRESPONDING FIGURES FROM 31 MARCH 2016 HAVE BEEN RESTATED DUE TO SUMMONS AMOUNT OVERSTATED.

#### 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	Bal per dept 2016/17 AFS before transfer	Functions per dept (transferred) / received	Functions per dept (transferred) / received	Functions per dept (transferred) / received	2016/17 Bal after transfer
		2016/17	2016/17	2016/17	2016/17	2016/17
		R'000	R'000	R'000	R'000	R'000
ASSETS						
Current Assets						
Non-Current Assets						
TOTAL ASSETS						
LIABILITIES						
Current Liabilities						
Payables						
NonCurrent Liabilities						
Payables						
TOTAL LIABILITIES						
NET ASSETS						

## 46.2 NOTES

	Note	Bal per dept 2015/16AFS before transfer	Functions per dept (transferred) / received	Functions per dept (transferred) / received	Functions per dept (transferred) / received	2015/16 Bal after transfer
		2015/16	2015/16	2015/16	2015/16	2015/16
		R'000	R'000	R'000	R'000	R'000

Contingent liabilities

Contingent assets

Commitments

Accruals

Accrued departmental revenue

Irregular expenditure

Fruitless and wasteful expenditure

Impairment

Provisions

Movable tangible capital and minor assets	1 063 431	(18 095)			1 045 336
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Immovable tangible capital assets

Intangible capital assets

*The transfer of assets from Department of justice & Constitutional Development to Office of the Chief Justice resulted in discrepancies of 53867 assets to the value of R 29 660 million remaining unresolved for the year end 2015/16.*

*In 2016/17 The Accounting Officer of the Department of Justice and Constitution Development (DOJ&CD) and Secretary General of the Chief Justice (OCJ) agreed on and signed inventory list to the number of 38 560 to the value of R 4, 717 million for assets(discrepancies and new transfers) transferred from DOJ&CD to OCJ which were verified.*

*All remaining unresolved assets to number of 37 367 valued at R 24,943 million is still remaining with DOJ&CD until the disciplinary process is finalised by OCJ.*

THE ANNEXURES THAT FOLLOW DO NOT FORM PART OF THE AUDITED FINANCIAL STATEMENTS AND ARE REPRESENTED AS SUPPLEMENTARY INFORMATION

# ANNEXURE 1A

## STATEMENT OF CONDITIONAL GRANTS AND OTHER TRANSFERS PAID TO MUNICIPALITIES

NAME OF MUNICIPALITY	GRANT ALLOCATION				TRANSFER			SPENT		2015/16	
	DoRA and oth- er transfers	R'000	Rollovers	Adjustments	Total Available	Actual Transfer	Funds Withheld	Reallocations by National Treasury or National Department		% of available funds spent by municipality	Division of Revenue Act
								Amount received by municipality	Amount spent by municipality		
	R'000	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	%	R'000
Municipal vehicles licences	520			114	634	634					549
TOTAL	520			114	634	634					549

# ANNEXURE 1B

## STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS

DEPARTMENT/ AGENCY/ ACCOUNT	TRANSFER ALLOCATION				TRANSFER		2015/16
	Adjusted Appropriation	Rollovers	Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	
	R'000	R'000	R'000	R'000	R'000	%	R'000
Legal Aid South Africa	1 577 171		1 577 171	3 154 342	1 577 171	50%	1 522 986
Special Investigating Unit	316 732		316 732	633 464	316 732	50%	304 458
Public Protector of South Africa	264 108		264 108	528 216	264 108	50%	245 397
South African Human Rights Commission	153 487		153 487	306 974	153 487	50%	146 411
President's Fund	1		1	2		0%	
Communication Licences	31		131	162	162	100%	64
SETA: Safety and Security	23 183			23 183	23 065	99%	27 130
<b>TOTAL</b>	<b>2 334 713</b>		<b>2 311 630</b>	<b>4 646 343</b>	<b>2 334 725</b>		<b>2 246 446</b>



# ANNEXURE 1E

## STATEMENT OF TRANSFERS TO FOREIGN GOVERNMENT AND INTERNATIONAL ORGANISATIONS

FOREIGN GOVERNMENT/ INTERNATIONAL ORGANISATION	TRANSFER ALLOCATION				EXPENDITURE		2015/16
	Adjusted Appropriation Act	Rollovers	Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	
	R'000	R'000	R'000	R'000	R'000	%	
<b>Transfers</b>							
International Criminal Court	12 300		(138)	12 162	12 162	100%	14 544
International Institutional Unification	1 922		(1 585)	337	337	100%	307
Haque Conference International Law	1 000		(15)	985	985	100%	982
<b>TOTAL</b>	<b>15 222</b>		<b>(1 738)</b>	<b>13 484</b>	<b>13 484</b>		<b>15 833</b>

ANNEXURE 1G

STATEMENT OF TRANSFERS TO HOUSEHOLDS

HOUSEHOLDS	TRANSFER ALLOCATION				EXPENDITURE		2015/16
	Adjusted Appropriation Act	Rollovers	Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	
	R'000	R'000	R'000	R'000	R'000	%	
Transfers							
Employee social benefits	94 984		9 325	104 309	59 678	57%	94 578
Claims against the state	4 503		5 374	9 877	9 877	100%	25 481
<b>TOTAL</b>	<b>99 487</b>		<b>14 699</b>	<b>114 186</b>	<b>69 555</b>		<b>120 059</b>

# ANNEXURE 1H

## STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2016/17	2015/16
		R'000	R'000
Received in cash			
Subtotal			
Received in kind			
Donations received by NPA	Various donations	25	431
TOTAL		25	431

# ANNEXURE 1I

## STATEMENT OF AID ASSISTANCE RECEIVED

NAME OF DONOR	PURPOSE	OPENING BALANCE	REVENUE	EXPENDITURE	PAID BACK ON/BY 31 MARCH	CLOSING BALANCE
		R'000	R'000	R'000	R'000	R'000
<b>Received in cash</b>						
European Union	Sectorial budget support	4 195	2		4 197	
Swiss	Small Claims Court Programme					
CARA funds	Domestic violence and court based victim support	3 732		3 715		17
CARA NPA projects	Various projects management by NPA Business units	12 859		3 311		9 548
Transfer to FHR	Projects Human Rights Commission		44 869	44 869		
<b>Subtotal</b>		<b>20 786</b>	<b>44 871</b>	<b>51 895</b>	<b>4 197</b>	<b>9 565</b>
<b>Received in kind</b>						
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	9 273	28 775			38 048
<b>Subtotal</b>		<b>9 273</b>	<b>28 775</b>			<b>38 048</b>
<b>TOTAL</b>		<b>30 059</b>	<b>73 646</b>	<b>51 895</b>	<b>4 197</b>	<b>47 613</b>

# ANNEXURE 2A

## STATEMENT OF INVESTMENTS IN AND AMOUNTS OWING BY/TO NATIONAL/PROVINCIAL PUBLIC ENTITIES

Name of Public Entity	State Entity's PFMA Schedule type (state year end if not 31 March)	% Held 16/17	Number of shares held		Cost of investment		Net Asset value of investment		Profit/(Loss) for the year		Losses guaran- teed
					R'000	R'000	R'000	R'000			
National/Provincial Public Entity		% Held 15/16	2016/17	2015/16	2016/17	2015/16	2016/17	2015/16	2016/17	2015/16	Yes/No
TOTAL											

## ANNEXURE 3A

## STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2017 – LOCAL

Guarantor institution	Guarantee in respect of	Original guaranteed capital amount	Opening balance 1 April 2016	Guarantees draw downs during the year	Guarantees repayments/ cancelled/ re-duced/ released during the year	Revaluations	Closing balance 31 March 2017	Guaranteed interest for year ended 31 March 2017	Realised losses not recoverable i.e. claims paid out
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
	Housing								
Standard Bank			130	111			241		
Firststrand Bank			77		(77)				
ABSA			207		(100)		107		
NP			183		(183)				
Green Start			25				25		
FNB				40			40		
	TOTAL		622	151	(360)		413		

ANNEXURE 3B

STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2017

Nature of Liability	Opening Balance	Liabilities incurred during the year	Liabilities paid/cancelled/ reduced during the year	Liabilities recoverable (Pro- vide details hereunder)	Closing Balance
	1 April 2016				31 March 2017
	R'000				R'000
Claims against the department					
Summonses	4 643 264	5 304 423	2 831 101		7 116 586
Supplier discrepancies	5 331	48 401	86		53 646
Theft and losses	17 929	4 132	6 893		15 168
PPP cancellation	11 681				11 681
Property management fees	77 084				77 084
Human Resource management	96 180	176	7 039		89 317
Subtotal	4 851 469	5 357 132	2 845 119		7 363 482
Other					
Third Party theft, losses and dishonoured cheques	58 636		22 053		36 583
Subtotal	58 636		22 053		36 583
TOTAL	4 910 105	5 357 132	2 867 172		7 400 065

# ANNEXURE 4

## CLAIMS RECOVERABLE

GOVERNMENT ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		Total		Cash in transit at year end 2016/17 *	
	31/03/2017	31/03/2016	31/03/2017	31/03/2016	31/03/2017	31/03/2016	Receipt date up to six (6) working days after year end	Amount
DEPARTMENT	R'000	R'000	R'000	R'000	R'000	R'000		R'000
National Departments	283 450	188 850	140 165	72 590	423 615	261 440		79 574
Limpopo	85 935	91 264	2 286	1 733	88 221	92 997		
Mpumalanga	15 269	8 550	1 821	3 274	17 090	11 824		
Kwazulu Natal	15 229	6 284	1 574	1 874	16 803	8 158		
Gauteng	59 943	27 849	139 534	62 257	199 477	90 106		
North West	8 554	15 023	48 084	33 995	56 638	49 018		
Free State	2 835	118 895	11 703	110 288	14 538	229 183		
Western Cape	1 007	3 681	5 791	8 070	6 798	11 751		
Eastern Cape	169 009	2 050	94 191	5 465	263 200	7 515		
Northern Cape	1 218	1 421	7 313	7 093	8 531	8 514		
Agency Services Control Account			6 898	9 642	6 898	9 642		
PACE	1 644	1 285			1 644	1 285		
Salary Recoverable account			4 099	1 990	4 099	1 990		
National Treasury			4 773		4 773			
OCJ			11 889	13 442	11 889	13 442		
<b>Total</b>	<b>644 093</b>	<b>465 152</b>	<b>480 121</b>	<b>331 713</b>	<b>1 124 214</b>	<b>796 865</b>		<b>79 574</b>



# ANNEXURE 5

## INTERGOVERNMENT PAYABLES

GOVERNMENT ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		Total		Cash in transit at year end 2016/17 *	
	31/03/2017	31/03/2016	31/03/2017	31/03/2016	31/03/2017	31/03/2016	Receipt date up to six (6) working days after year end	Amount
	R'000	R'000	R'000	R'000	R'000	R'000		R'000
<b>DEPARTMENTS</b>								
Current								
Correctional Services			18 144	20	18 144	20		
Deeds Registration								
Department of Health				24		24		
Department of Social Development								
Department of Transport				21		21		
Economic Development Gauteng								
Cooperative Governance and traditional Affairs								
Education Free State			8		8			
Education Limpopo								
Education North West				22		22		
Gauteng Community Safety								
Gauteng Department of EGovernment								
Gauteng Liquor Board								

GOVERNMENT ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		Total		Cash in transit at year end 2016/17 *	
	31/03/2017	31/03/2016	31/03/2017	31/03/2016	31/03/2017	31/03/2016	Receipt date up to six (6) working days after year end	Amount
Government Printing Works			410		410			
Health Gauteng		28				28		
Health Northern Cape			10		10			
Health North West	19			25	19	25		
KZN Prov Gov Social Development		21				21		
Labour				40		40		
Mineral Resources		16				16		
National Prosecuting Authority		23				23		
National School of Government			145	287	145	287		
Office of the Chief Justice		4 241	1 425		1 425	4 241		
Public Works				22		22		
Social Development Northern Cape			2		2			
Social Development Gauteng		47				47		
Third Party Fund	9 569				9 569			
Subtotal	9 588	4 376	20 144	461	29 732	4 837		

THIRD PARTY FUND: OVERPAYMENT REVENUE ERROUNOUSLY OVERPAID TO NRF (CLAIMABLE)

ANNEXURE 6

INVENTORIES

Inventory [Per major category]	Note	Quantity	2016/17	Quantity	2015/16
			R'000		R'000
Opening balance		119 142	2 190	119 030	1 908
Add/(Less): Adjustments to prior year balance					
Add: Additions/Purchases Cash		56 861	3 841	71 124	4 380
Add: Additions Noncash					
(Less): Disposals					
(Less): Issues		(123 557)	(3 706)	(62 619)	(3 889)
Add/(Less): Adjustments		2		(8 393)	(209)
Closing balance		52 448	2 325	119 142	2 190

ANNEXURE 7

MOVEMENT IN CAPITAL WORK IN PROGRESS

MOVEMENT IN CAPITAL WORK IN PROGRESS FOR THE YEAR ENDED 31 MARCH 2017				
	Opening balance	Current Year Capital WIP	Completed Assets	Closing balance
	R'000	R'000	R'000	R'000
BUILDINGS AND OTHER FIXED STRUCTURES		1 023 045		1 023 045
Dwellings				
Nonresidential buildings		1 023 045		1 023 045
Other fixed structures				
TOTAL		1 023 045		1 023 045

## ANNEXURE 8A

### INTERENTITY ADVANCES PAID (NOTE 14)

ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL	
	31/03/2017	31/03/2016	31/03/2017	31/03/2016	31/03/2017	31/03/2016
	R'000	R'000	R'000	R'000	R'000	R'000
<b>NATIONAL DEPARTMENTS</b>						
GCIS	5 940	6 474			5 940	6 474
DIRCO		527	2 797		2 797	527
IDT		10 315	135		135	10 315
TWF			11	35	11	35
Subtotal	5 940	17 316	2 943	35	8 883	17 351

# Part E

Human Resources  
Management

# 1. LEGISLATION THAT GOVERNS HR MANAGEMENT

The information provided in this part is prescribed by the Minister for the Public Service and Administration for all departments in the public service.

## 2. INTRODUCTION

Human Resources has in the year under review strategically aligned itself with the strategy of the Department and constantly identified ways to develop mechanisms to contribute towards cost containment measures that posed a challenge in the public service. The initiatives were centralised around leveraging on technology; human resource planning; labour consultations; organisational structure and functional review; vacancy and posts review; and health and wellness.

Human Resources serves as a steward for excellence and leadership 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, Human Resource Management and Human Resources Development;

- Chief Directorate: Customer Management Centre – responsible for rendering end-to-end Human Resources 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; and
- Chief Directorate: National Prosecuting Authority [NPA] – responsible for providing general human resources services to the Prosecuting Authority.

### 2.1 OVERVIEW OF HR MATTERS AT THE DEPARTMENT

The HR functions, with the exception of Organisational Design and Development, are decentralised throughout the Department where some are operated at regional level. The focus areas during the reporting period were:

- Implementation of departmental 2012/17 Human Resource Plan;
- Post establishment and vacancy review;
- Creating a sound employer-employee relationship;
- Addressing the plight of the unemployed youth through internships and learnerships; and
- Creating a balanced and healthy workforce through employee health and wellness programmes.

## 2.2 HUMAN RESOURCES PRIORITIES

No.	HR subprogrammes	Impact in the Department and NPA												
1.	Organisational Design and Development	<p>a. Due to the National Treasury directive to departments to cap government remuneration budget, the Department embarked on the following:</p> <ul style="list-style-type: none"><li>• Process of reviewing top structure and functions;</li><li>• Established a Post Review Committee that would determine the critical posts that needed to be filled; and</li><li>• Reviewed functions to establish duplications and overlaps in the system.</li><li>• A service provider has been appointed to provide expert solutions aimed at resolving certain matters arising from the implementation of Production Supervision (LP9) and Productions Specialist (LP 10) jobs of the Occupational Specific Dispensation (OSD) for legally qualified professionals. The project will be completed end of July 2017.</li><li>• A service provider was appointed to conduct a NPA-wide Work Study exercise aimed at determining the capacity needs and utilisation in terms of human resources, and adapting an existing organisation structure to function according to the changing needs and circumstances.</li></ul>												
2.	EE Programme	<p>a. Significant progress has been made towards the achievement of EE targets. As the table below indicates, the Department exceeded PWD targets by 0,15%; while women targets improved by 1,7% from the previous year.</p> <table><tr><th></th><th>Government target</th><th>DoJ&amp;CD 2016/17</th><th>NPA 2016/17</th></tr><tr><td>Female</td><td>50%</td><td>46,15%</td><td>39,57%</td></tr><tr><td>PWD</td><td>2%</td><td>2,15%</td><td>0,43%</td></tr></table> <p>b. Although there has been some progress in the appointment of women at senior management level in the NPA, this has been insignificant. The budget constraints have impacted negatively on the targets, including the employment of persons with Disabilities.</p>		Government target	DoJ&CD 2016/17	NPA 2016/17	Female	50%	46,15%	39,57%	PWD	2%	2,15%	0,43%
	Government target	DoJ&CD 2016/17	NPA 2016/17											
Female	50%	46,15%	39,57%											
PWD	2%	2,15%	0,43%											

No.	HR subprogrammes	Impact in the Department and NPA
3.	Unemployed Youth Programme	<p>The Department developed an interim policy on youth development to assist in providing relevant exposure for possible work and entrepreneurial opportunities. In the year under review the Department has appointed:</p> <ul style="list-style-type: none"> <li>• 245 university graduates interns</li> <li>• 213 TVET interns</li> <li>• 294 legal interpreting learners</li> <li>• 247 paralegal learners</li> <li>• 13 employed learnerships</li> </ul> <p>This is a total of 1 012 employed youth who benefited from the Department's youth programme.</p>
4.	Human Resource Development Programme	<p>The Department drafted an HRD Strategy which is aligned to the departmental strategy and intends to coordinate HRD activities. Intensive consultation with relevant stakeholders was conducted and is awaiting approval.</p>
5.	Employee Relations Programme	<p>ER, in its endeavour to harmonise the work environment, conducted training sessions. Furthermore, the following labour matters were attended to:</p> <ul style="list-style-type: none"> <li>• Of the 369 registered misconduct cases, 286 (72%) of these matters were resolved against a target of 70%.</li> <li>• Of the 468 registered grievances, 346 (74%) matters were resolved against a target of 70%.</li> </ul> <p><b>NPA</b></p> <ul style="list-style-type: none"> <li>• Of the 46 registered normal misconduct cases, 35 (76%) of these matters were resolved against a target of 90%.</li> <li>• Of the 7 registered corruption related misconduct cases, 6 (86%) of these matters were resolved against a target of 75%.</li> <li>• Of the 152 registered grievances, 122 (80%) matters were resolved internally (not referred to the Minister) against a target of 80%.</li> <li>• Of the 23 finalised external dispute cases, 21 (91%) of these matters were successful against a target of 90%.</li> </ul>



## 2.3 WORKFORCE PLANNING FRAMEWORK AND KEY STRATEGIES TO ATTRACT AND RECRUIT A SKILLED AND CAPABLE WORKFORCE

By the end of 31 March 2017, the Department had a total permanent workforce (excluding Magistrates and contract workers) of 16 418. The analysis of the workforce showed the following results:

- 80% (13 237) of employees are concentrated in Programme 2 (P2) at Court Services, which is Departmental core business whereby most of young people at 32,4% (5334) fall within young group category of ages 20 to 34 years.
- 7,9% (1 313) of the workforce is in the retirement age group between 55 to 64 years.
- 57,9% of the workforce is concentrated at salary at salary level 5, which is entry level whereby young employees are in the majority.
- The highest percentage of 25,4% (505) of middle management employees are at age group 40 to 44 years.
- 23,8% of Senior Management Services (SMS) are at retirement age which is between 55 and 64 years.

### NPA

- By the end of 31 March 2017, the NPA had a total permanent workforce (excluding contract workers) of 4 704.
- 22,5% (1 091 of 4 841) of employees fall within the young group category of 20 to 34 years.
- 7% (339 of 4 841) of employees are in the group of 55 to 64 years.

- 31%(66 of the 213) of Senior Management Services (SMS) employees are within the age group of 55 to 64 years.
- The NPA workforce predominantly consists of a middle-age group around the ages 30-50, and the majority of its employees have post-graduate qualifications.

## 2.4 EMPLOYEE PERFORMANCE MANAGEMENT

- 92% of SMS members' performance agreements for the 2016/2017 performance cycle were concluded for DOJCD, and 100% for NPA.

## 2.5 EMPLOYEE WELLNESS PROGRAMME

Employee Wellness Programmes have become a top agenda for most organisations as they try to reduce employee healthcare costs over time. The Department's programme aims at creating a healthy and balanced workforce by promoting a lifestyle which addresses the level of absenteeism and productivity in the workplace. This is done through awareness sessions which were created for employees to realise the importance of workplace wellness. The sessions focused on Financial Wellness, Stress Management, Alcohol and Substance Abuse, Supervisor Training, HIV Prevention, Face-to-face Counselling and Trauma Debriefing. Out of these, a total of 9 902 employees were reached.

The Department, in its endeavour to monitor compliance with the Policy and Procedure on Incapacity Leave and Ill-Health Retirement (PILIR), which deals with the management of sick leave once the officials have exhausted their normal sick leave days, trained a total of 116 employees on PILIR, which is an increase of 48 from the previous year. To further maintain compliance with PILIR, weekly quality checks were conducted by the Health Risk Manager for Regional Offices – an exercise which assisted in identifying non-compliance on time.

To keep up with a healthy and balanced life style, all sporty employees participated in various activities, namely netball, athletics, volley ball, soccer, golf and angling. The annual Public Service celebrations were held in the North West where representatives from all the Regional Offices took part.

The major highlight for the NPA's Employee Health and Wellness Programme was the Trauma Debriefing sessions in high-risk areas for employees dealing with traumatic incidents. A total of 324 employees were reached through this programme. Furthermore, 395 employees were beneficiaries of the Face-to-face counselling.

It is important to note that the major physical sporting activities (sports days) had to be cancelled due to lack of funding, given the Treasury instruction not to fund some events, including sporting events. This has affected the participation numbers during our health screening. However, some offices have voluntarily participated in sports activities through the social clubs from different regions.

## 2.6 OTHER HIGHLIGHTS OF ACHIEVEMENTS

The Department has leveraged on the use of technology, and the following systems were developed:

- Leave Tracking Tool which assisted in timeous capturing of leave;
- Labour Relations Tracking Tool which contributed in effective tracking of labour relations cases;
- Upgrade of SMS Performance Management Tool which has improved on the turnaround time on submission of performance agreements;

- Developed and approved coaching and mentoring framework which will improve service delivery in general; and
- To promote social cohesion amongst our employees, the NPA conducted in-house Diversity Management sessions and 120 employees were reached through this programme.

## 2.7 CHALLENGES FACED BY THE DEPARTMENT

The National Treasury directive on compensation cost containment became a challenge in this financial year as the Department had to develop strategies to cap growth on its wage bill. This led to the following changes:

- A moratorium was placed on the filling of vacant posts, and as a result, the Department was affected in the following ways:
  - Not filling of critical vacant posts, especially at senior and middle management levels and prosecutor level left the Department without sufficient management and leadership guidance.
  - Not appointing lower level staff at service points affected service delivery.
  - EE targets were not reached, with specific reference to SMS levels.
- The Department introduced a directive where acting appointments were without acting allowances, which resulted in officials not willing to act in higher capacities and having some officials in equivalent positions being delegated to act additional to their workload. This has the potential of officials suffering burnouts.

## 2.8 FUTURE HR PLANS/GOALS

- Development of departmental MTEF HRP for the period 2017/20;
- Continuous implementation of the National Treasury directive on remuneration cost containment;
- Business Process Mapping to inform organisational structure review;
- Ensure compliance with employment practices;
- Review and enforce compliance to PDMS (time-frames);

- Effective functioning of Employee Relations in line with relevant prescripts; and
- Timeous resolution of conflict and the promotion of wellness.

## 3.1 PERSONNEL RELATED EXPENDITURE

The following tables summarise the final audited personnel related expenditure by programme and by salary band. In particular, it provides an indication of the following:

- Amount spent on personnel; and
- Amount spent on salaries, overtime, homeowner's allowance and medical aid.

Table 3.1.1: Personnel expenditure by programme for the period 1 April 2016 to 31 March 2017

Programme	Total expenditure (R'000)	Personnel expenditure (R'000)	Training expenditure (R'000)	Professional and special services (R'000)	Personnel expenditure as percentage of total expenditure	Average personnel cost per employee (R'000)
DJC: National Prosecuting Authority	3 554 576	3 039 993	0	0	85.0%	123
DJC: Administration	1 969 006	537 972	0	0	28.0%	22
DJC: Auxiliary & Associated Services	3 137 855		0	0	1.0%	0
DJC: Court Services	6 272 604	3 667 257	0	0	59.0%	148
DJC: Direct Charges	1 845 713	1 827 207	0	0	99.0%	74
DJC: State Legal Services	1 104 981	922 998	0	0	85.0%	37
Z =Total as on financial systems (BAS)	17 884 735	9 995 427	0	0	49.0%	403

Table 3.1.2: Personnel costs by salary bands for the period 1 April 2016 to 31 March 2017

Salary band	Personnel expenditure (R'000)	% of personnel cost	No. of employees	Average personnel cost per employee (R)
Lower skilled (levels 1-2)	4 998	0,1%	11	454
Skilled (levels 3-5)	3 070 595	30,7%	10680	288
Highly skilled production (levels 6-8)	1 861 149	18,6%	5227	356
Highly skilled supervision (levels 9-12)	3 010 623	30,1%	4210	715
Senior management (levels 13-16)	1 208 447	12,1%	2606	464
Contract (levels 1-2)	25 988	0,3%	300	87
Contract (levels 3-5)	107 951	1,1%	403	268
Contract (levels 6-8)	62 971	0,6%	213	296
Contract (levels 9-12)	415 810	4,2%	528	788
Contract (levels 13-16)	44 979	0,5%	38	1 184
Periodical remuneration	13 994	0,1%	583	24
Abnormal appointment	167 923	1,7%	2	83 962
<b>TOTAL</b>	<b>9 995 427</b>	<b>100,0%</b>	<b>24801</b>	<b>88 886</b>

Table 3.1.3: Salaries, overtime, homeowner's allowance and medical aid by programme for the period 1 April 2016 to 31 March 2017

Programme	Salaries		Overtime		Homeowner's 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
Nat Prosecuting Authority	2446680	80,5%	3045	0,1%	32809	1,1%	82102	2,7%
Administration	421 582	78,4%	683	0,1%	14 616	2,7%	20 037	3,7%
Court Services	2 690 443	73,4%	3 600	0,1%	162 981	4,4%	261 344	7,1%
Direct Charges	1 560 410	85,4%	514	0,0%	12 642	0,7%	19 036	1,0%
State Legal Services	688 300	74,6%		0,0%	22 910	2,5%	38 707	4,2%
<b>TOTAL</b>	<b>7 807 415</b>	<b>78,1%</b>	<b>7 841</b>	<b>0,1%</b>	<b>245 957</b>	<b>2,5%</b>	<b>421 226</b>	<b>4,2%</b>

Table 3.1.4: Salaries, overtime, homeowner's allowance and medical aid by salary band for the period 1 April 2016 to 31 March 2017

	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)	3 482	69,7%	3	0,1%	471	9,4%	640	12,8%
Skilled (levels 3-5)	1 564 783	51,0%	2 361	0,1%	130 013	4,2%	209 609	6,8%
Highly skilled production (levels 6-8)	1 264 706	68,0%	2 370	0,1%	61 753	3,3%	101 476	5,5%
Highly skilled supervision (levels 9-12)	2 849 979	94,7%	2 915	0,1%	44 222	1,5%	86 276	2,9%
Senior management (levels 13-16)	1 586 581	131,3%	66	0,0%	9 093	0,8%	22 906	1,9%
Contract (levels 1-2)	824	3,2%	0	0,0%	0	0,0%	0	0,0%
Contract (levels 3-5)	86 361	80,0%	33	0,0%	0	0,0%	0	0,0%
Contract (levels 6-8)	93 497	148,5%	60	0,1%	0	0,0%	0	0,0%
Contract (levels 9-12)	305 955	73,6%	31	0,0%	151	0,0%	45	0,0%
Contract (levels 13-16)	32 657	72,6%	0	0,0%	254	0,6%	274	0,6%
Periodical remuneration	18 590	132,8%	2	0,0%	0	0,0%	0	0,0%
Abnormal appointment	0	0	0	0,0%	0	0,0%	0	0
TOTAL	7 807 415	78,1%	7 841	0,1%	245 957	2,5%	421 226	4,2%

### 3.2 EMPLOYMENT AND VACANCIES

The tables in this section summarise the position with regard to employment and vacancies.

The following tables summarise the number of posts in 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 2017**

Programme	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of employees additional to the establishment
Administration of Law	153	152	0.7%	1
National Prosecuting Authority	4 714	4 689	0.5%	136
Administration	1 527	1 355	11.3%	3
Court Services	14 738	13 290	9.8%	36
State Legal Services	2 383	2 140	10.2%	9
Magistrates	2 339	1 869	20.1%	0
<b>Total</b>	<b>25 854</b>	<b>23 495</b>	<b>9.1%</b>	<b>185</b>

**Table 3.2.2: Employment and vacancies by salary band, 31 March 2017**

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) (Interns)	247	246	0.4%	4
Skilled (levels 3-5)	11 668	10 736	8.0%	66

Highly skilled production (levels 6-8)	5 858	5 308	9.4%	84
Highly skilled supervision (levels 9-12)	5 314	4 951	6.8%	29
Senior management (levels 13-16)	428	385	10.0%	2
Magistrates	2 339	1 869	0.0%	0
<b>TOTAL</b>	<b>25 854</b>	<b>23 495</b>	<b>9.1%</b>	<b>185</b>

Table 3.2.3: Employment and vacancies by critical occupation, 31 March 2017

Occupation	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Administrative related	1 134	1 031	9.1%	15
Advocates	697	675	3.2%	2
Attorneys	372	320	14.0%	
Building and other property caretakers	4	3	25.0%	0
Bus and heavy vehicle drivers	11	10	9.1%	0
Cleaners in offices workshops hospitals etc.	128	93	27.3%	1
Client inform clerks (switchboard receptionist/inform clerks)	144	130	9.7%	0
Communication and information related	43	38	11.6%	0
Computer programmers	3	3	0.0%	0
Crime investigators	42	42	0.0%	2
Finance and economics related	301	266	11.6%	0
Financial and related professionals	339	299	11.8%	1
Financial clerks and credit controllers	488	429	12.1%	1
Food services aids and waiters	18	17	5.6%	0
General legal administration & rel. professionals	906	769	15.1%	1
Head of department/chief executive officer	2	2	0.0%	0
Human resources & organisational development & related professionals	71	65	8.5%	0
Human resources clerks	307	277	9.8%	1
Human resources related	200	182	9.0%	0
Information technology related	48	44	8.3%	4

Occupation	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Language practitioners, interpreters & other communication	566	432	23.7%	1
Legal related	264	206	22.0%	0
Librarians and related professionals	25	20	20.0%	0
Library mail and related clerks	346	322	6.9%	2
Light vehicle drivers	9	6	33.3%	0
Logistical support personnel	61	60	1.6%	0
Magistrates	2 339	1 869	20.1%	0
Material-recording and transport clerks	95	84	11.6%	0
Messengers porters and deliverers	583	555	4.8%	0
Other administrative & related clerks and organisers	9 113	8 578	5.9%	68
Other administrative policy and related officers	1 027	918	10.6%	8
Other information technology personnel	32	29	9.4%	5
Prosecutors	2 632	2 618	0.5%	67
Protection services	98	97	1.0%	0
Risk management and security services	28	24	14.3%	0
Secretaries & other keyboard operating clerks	742	693	6.6%	3
Security guards	26	21	19.2%	0
Security officers	305	271	11.1%	2
Senior managers	426	383	10.1%	0
Social sciences related	1	1	0.0%	0
Social work and related professionals	152	124	18.4%	0
Translators and air traffic communicators	1 726	1 489	13.7%	1
<b>TOTAL</b>	<b>25 854</b>	<b>23 495</b>	<b>9.1%</b>	<b>185</b>



### 3.3 FILLING OF SMS POSTS

The tables in this section provide information on employment and vacancies as it relates to members of the Senior Management Service 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 on 31 March 2017

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	2	2	100.0%	0	0.0%
Salary level 16, but not HOD	6	6	100.0%	0	0.0%
Salary level 15	24	22	91.7%	2	8.3%
Salary level 14	208	190	91.3%	18	8.7%
Salary level 13	188	165	87.8%	23	12.2%
Total	428	385	90.0%	43	10.0%

Table 3.3.2: SMS posts information as on 30 September 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	2	2	100.0%	0	0.0%
Salary level 16, but not HOD	5	5	100.0%	0	0.0%
Salary level 15	24	22	91.7%	2	8.3%
Salary level 14	212	194	91.5%	18	8.5%
Salary level 13	189	170	89.9%	19	10.1%
Total	432	393	91.0%	39	9.0%

Table 3.3.3: Advertising and filling of SMS posts for the period 1 April 2016 to 31 March 2017

SMS	Advertising	Filling of posts	
	Number of vacancies per level advertised in 6 months becoming vacant	Number of vacancies per level filled in 6 months of becoming vacant	Number of vacancies per level not filled in 6 months but filled in 12 months
Director-General/ Head of Department	0	0	0
Salary level 16	0	0	0
Salary level 15	0	0	0
Salary level 14	7	0	0
Salary level 13	3	0	0
Total	10	0	0

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 2016 to 31 March 2017

Reasons for vacancies not advertised within six months:
1. Moratorium on filling of vacancies due to cost-cutting measures on compensation
2. Restructuring
3. Due to the financial constraints experienced by the NPA, no SMS vacancies are currently funded and could therefore not be advertised and filled. The possible integration with the Department of Justice and Constitutional Development had a further impact on the non-advertising and filling of SMS positions within the NPA.
Reasons for vacancies not filled within 12 months:
1. Moratorium on filling of vacancies due to cost-cutting measures on compensation
2. Restructuring

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 2016 to 31 March 2017

None

### 3.4 JOB EVALUATION

Within a nationally determined framework, executing authorities may evaluate or re-evaluate any job in his or her organisation. In terms of the Regulations, all vacancies on salary levels 9 and higher must be evaluated before they are filled. The following table summarises the total number of jobs that were evaluated during the year under review. The table also provides statistics on the number of posts that were upgraded or downgraded.

Table 3.4.1: Job evaluation by salary band

Salary band	Number of posts on approved establishment	Number of jobs evaluated	% of posts evaluated by salary band	Posts upgraded		Posts downgraded	
				Number	% of posts evaluated	Number	% of posts evaluated
Lower skilled (levels 1-2)	247	0	0.0%	0	0.0%	0	0.0%
Skilled (levels 3-5)	11 668	6	0.1%	0	0.0%	0	0.0%
Highly skilled production (levels 6-8)	5 858	41	0.7%	5	12.2%	0	0.0%
Highly skilled supervision (levels 9-12)	5 314	13	0.2%	0	0.0%	0	0.0%
SMS Band A	188	0	0.0%	0	0.0%	0	0.0%
SMS Band B	208	0	0.0%	0	0.0%	0	0.0%
SMS Band C	24	0	0.0%	0	0.0%	0	0.0%
SMS Band D	8	0	0.0%	0	0.0%	0	0.0%
<b>TOTAL</b>	<b>18 648</b>	<b>60</b>	<b>0.3%</b>	<b>5</b>	<b>8.3%</b>	<b>0</b>	<b>0.0%</b>

The following table provides a summary of the number of employees whose salary positions were upgraded due to their posts being upgraded. The number of employees might differ from the number of posts upgraded 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 2016 to 31 March 2017

Beneficiaries	African	Asian	Coloured	White	Total
Female	3	0	0	0	3
Male	2	0	0	0	2
Total	5	0	0	0	5
Employees with a disability					0

The following table summarises the number of cases where remuneration levels exceeded the grade determined by job evaluation. Reasons for the deviation are provided in each case.

**Table 3.4.3: Employees with salary levels higher than those determined by job evaluation by occupation for the period 1 April 2016 to 31 March 2017**

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	1	5	6	Resolution 3 of 2009 – Grade Progression
Accounting Clerk	2	6	7	Resolution 3 of 2009 – Grade Progression
Accounting Clerk	8	5	6	Clerks Coordination: Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Chief Accounting Clerk	3	7	8	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Chief Accounting Clerk	9	7	8	Resolution 3 of 2009 – Grade Progression
Administration Clerk	1	4	6	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Administration Clerk	3	5	7	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Administration Clerk	122	5	6	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Administration Clerk	94	5	6	Resolution 3 of 2009 – Grade Progression

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Administration Clerk	1	6	7	Resolution 3 of 2009 – Grade Progression
Chief Administration Clerk	3	7	8	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Chief Administration Clerk	35	7	8	Resolution 3 of 2009 – Grade Progression
Administration Head	1	9	10	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Administrative Officer	2	7	8	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Administrative Officer	5	7	8	Resolution 3 of 2009 – Grade Progression
Snr Administrative Officer	1	7	8	Resolution 3 of 2009 – Grade Progression
Snr Administrative Officer	1	7	8	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Supply Chain Clerk	3	5	6	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Assistant Director	11	9	10	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Assistant Director	8	9	10	Resolution 3 of 2009 – Grade Progression
Assistant Financial Operations Manager	1	9	10	Resolution 3 of 2009 – Grade Progression

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Court Interpreter	2	5	6	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Deputy Director	1	9	11	Employee retained in lower level post in terms of PSR
Deputy Director	7	11	12	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Deputy Director	7	11	12	Resolution 3 of 2009 – Grade Progression
Deputy Director	1	11	12	Employee transferred to lower post
Deputy Director General	1	15	16	Employee seconded to Office of the President on higher salary level
E Scheduler Clerk	1	5	7	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Executive Administrative Assistant	1	7	9	Resolution 3 of 2009 – Grade Progression
Executive Administrative Assistant	1	9	10	Resolution 3 of 2009 – Grade Progression
Human Resource Officer	47	5	6	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Human Resource Practitioner	2	7	8	Resolution 3 of 2009 – Grade Progression
IT Coordinator	1	9	10	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Labour Relations Officer	1	7	8	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Chief Legal Administration Officer	1	13	14	Employee transferred to lower level post
Legal Secretary	3	5	6	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Legal Secretary	1	5	7	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Legal Secretary	2	5	7	Resolution 3 of 2009 – Grade Progression
Legislative Language Practitioner	6	7	10	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Library Assistant	1	5	6	Resolution 3 of 2009 – Grade Progression
Library Assistant	2	5	6	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Maintenance Coordinator	1	5	7	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Media Liaison Officer	1	12	14	Employee retained in lower level post in terms of PSR
Chief Messenger	1	4	6	Resolution 3 of 2009 – Grade Progression
Principal Messenger	1	3	4	Resolution 3 of 2009 – Grade Progression

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Office Manager	1	9	10	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Personal Assistant	1	5	8	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Personal Assistant	6	7	8	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Personal Assistant	1	11	12	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Personal Assistant	6	7	9	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation - NPA Circular 25 of 2009
Chief Personnel Officer	1	7	8	Resolution 3 of 2009 – Grade Progression
Provisioning Administration Clerk	1	5	6	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Provisioning Administration Clerk	2	5	6	Resolution 3 of 2009 – Grade Progression
Senior Provisioning Administration Clerk	3	7	8	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Senior Provisioning Administration Clerk	1	7	8	Resolution 3 of 2009 – Grade Progression



Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Registry Clerk	24	5	6	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Registry Clerk	3	5	6	Resolution 3 of 2009 – Grade Progression
Chief Registry Clerk	4	7	8	Resolution 3 of 2009 – Grade Progression
Senior Registry Clerk	4	6	7	Resolution 3 of 2009 – Grade Progression
Secretary	6	5	6	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Secretary	8	5	7	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Secretary	2	5	8	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Secretary	1	5	6	Resolution 3 of 2009 – Grade Progression
Secretary	2	7	8	Resolution 3 of 2009 – Grade Progression
Security Officer	1	6	3	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Chief Security Officer	1	8	7	Resolution 3 of 2009 – Grade Progression
Senior Court Interpreter	11	7	5	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Senior Human Resource Officer	10	7	8	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Senior Human Resource Officer	3	7	8	Resolution 3 of 2009 – Grade Progression
Senior Human Resource Practitioner	1	8	7	Resolution 3 of 2009 – Grade Progression
State Accountant	1	7	8	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
State Accountant	8	7	8	Resolution 3 of 2009 – Grade Progression
Telecom Operator	1	7	8	Resolution 3 of 2009 – Grade Progression
Principal Telecom Operator	1	7	8	Provisions of previous salary dispensation placed employees on higher level than the new level determined by job evaluation
Principal Telecom Operator	1	7	8	Resolution 3 of 2009 – Grade Progression
Senior Specialist PIM	2	11	12	Employee transferred to lower level post
System Administrator	1	7	8	Resolution 3 of 2009 – Grade Progression
Senior Telecom Operator	1	5	6	Resolution 3 of 2009 – Grade Progression
Chief Work Study Officer	2	9	10	Resolution 3 of 2009 – Grade Progression
Total number of employees whose salaries exceeded the level determined by job evaluation in 2016/17				530
Percentage of total employed				2,3%

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 2016 to 31 March 2017**

Beneficiaries	African	Asian	Coloured	White	Total
Female	208	20	40	120	388
Male	108	6	12	16	142
<b>Total</b>	<b>316</b>	<b>26</b>	<b>52</b>	<b>136</b>	<b>530</b>
Employees with a disability	11	0	0	2	13

### 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 occupation. It should be noted that these tables do not take into account the upgrade/downgrade of posts/movement of employees between levels (promotion), translation to another rank without a change in salary level.

A total of 341 employees were promoted to a higher salary level, and 530 employees are carried out of adjustment against another post (refer to Table 3.4.3 above). The personnel movement regarding appointments and terminations does not reflect the changes mentioned.

**Table 3.5.1: Annual turnover rates by salary band for the period 1 April 2016 to 31 March 2017**

Salary band	Number of employees at beginning of period – April 2016	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Lower skilled (levels 1-2), Permanent	1	0	0	0.0%
Lower skilled (levels 1-2), Permanent	26	0	14	53.8%
Skilled (levels 3-5), Permanent	10 736	527	344	3.2%
Highly skilled production (levels 6-8), Permanent	5 442	324	309	5.7%
Highly skilled supervision (levels 9-12), Permanent	4 900	91	236	4.8%
Senior Management Service Band A	182	2	7	3.8%

Salary band	Number of employees at beginning of period – April 2016	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Senior Management Service Band B	157	1	8	5.1%
Senior Management Service Band C	20	2	1	5.0%
Senior Management Service Band D	6	0	0	0.0%
Magistrates	1 893	3	70	3.7%
SUBTOTAL: PERMANENT EMPLOYEES	23 362	950	989	4.2%
Contracts (including interns)	555	1 568	1 846	87.0%
SUBTOTAL: CONTRACT EMPLOYEES	555	1 568	1 846	87.0%
TOTAL	23 917	2 518	2 835	11.9%

Table 3.5.2: Annual turnover rates by critical occupation for the period 1 April 2016 to 31 March 2017

Occupation	Number of employees per at beginning of period – April 2016	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Administrative related	1 085	30	51	4.7%
Advocates	620	6	22	3.5%
Attorneys	306	29	19	6.2%
Building and other property caretakers	4	0	1	25.0%
Bus and heavy vehicle drivers	11	0	1	9.1%
Cleaners in offices workshops hospitals etc.,	105	0	12	11.4%
Client inform clerks (switchboard receptionist information clerks)	133	9	6	4.5%
Communication and information related	41	0	5	12.2%
Computer programmers.	0	0	0	0.0%
Crime investigators	44	2	3	6.8%

Occupation	Number of employees per at beginning of period – April 2016	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Finance and economics related	265	3	16	6.0%
Financial and related professionals	318	14	20	6.3%
Financial clerks and credit controllers	435	14	25	5.7%
Food services aids and waiters	17	1	1	5.9%
General legal administration & rel. professionals	772	39	38	4.9%
Head of department/chief executive officer, permanent	1	1	0	0.0%
Human resources & organisational development & related professionals	65	7	7	10.8%
Human resources clerks	261	23	23	8.8%
Human resources related	181	9	11	6.1%
Information technology related	18	0	2	11.1%
Language practitioners interpreters & other communication	431	13	28	6.5%
Legal related	213	2	16	7.5%
Librarians and related professionals	21	0	1	4.8%
Library mail and related clerks	304	18	12	3.9%
Light vehicle drivers	7	0	1	14.3%
Logistical support personnel	41	4	0	0.0%
Magistrates	1 893	3	70	3.7%
Material-recording and transport clerks	85	1	7	8.2%
Messengers porters and deliverers	322	24	12	3.7%
Other administrative & related clerks and organisers	8 519	339	276	3.2%
Other administrative policy and related officers	898	19	53	5.9%
Other information technology personnel.	24	7	0	0.0%
Prosecutor	2 778	205	105	3.8%

Occupation	Number of employees per at beginning of period – April 2016	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Protection Services	98	0	2	2.0%
Risk management and security services	29	1	4	13.8%
Secretaries & other keyboard operating clerks	706	30	23	3.3%
Security guards	24	0	3	12.5%
Security officers	283	5	11	3.9%
Senior managers	365	4	15	4.1%
Social sciences related	1	0	0	0.0%
Social work and related professionals	132	12	16	12.1%
Translators and air traffic communicators	1 506	76	71	4.7%
Contracts	555	1 568	1846	87.00%
<b>TOTAL</b>	<b>23 917</b>	<b>2 518</b>	<b>2835</b>	<b>13.90%</b>

The table below identifies the major reasons why staff left the Department.

Table 3.5.3: Reasons why staff left the Department for the period 1 April 2016 to 31 March 2017

Termination type	Number	% of total resignations
Death	93	3.3%
Resignation	602	21.2%
Expiry of contracts	1 766	62.3%
Retirement due to ill health	20	0.7%
Dismissal-misconduct	50	1.8%
Retirement	172	6.1%
Transfer to other Public Service Departments	132	4.7%
<b>TOTAL</b>	<b>2 835</b>	<b>100.0%</b>

Total number of employees who left as a % of total employment	12,1%
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Table 3.5.4: Promotions by critical occupation for the period 1 April 2016 to 31 March 2017

Occupation	Employees as at 1 April 2016	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progression as a % of employees by occupation
Administrative related	1 090	33	3.0%	676	62.0%
Advocates	620	20	3.2%	522	84.2%
Attorneys	306	15	4.9%	131	42.8%
Building and other property caretakers	4	0	0.0%	3	75.0%
Bus and heavy vehicle drivers	11	0	0.0%	4	36.4%
Cleaners in offices workshops hospitals etc.	106	0	0.0%	91	85.8%
Client inform clerks(switchboard reception information clerks)	133	1	0.8%	71	53.4%
Communication and information related	42	1	2.4%	27	64.3%
Computer programmers	3	0	0.0%	3	100.0%
Crime Investigators	44	0	0.0%	33	75.0%
Finance and economics related	275	9	3.3%	199	72.4%
Financial and related professionals	324	14	4.3%	202	62.3%
Financial clerks and credit controllers	437	6	1.4%	313	71.6%
Food services aids and waiters	17	0	0.0%	14	82.4%
General legal administration & rel. professionals	778	3	0.4%	488	62.7%
Head of department	1	0	0.0%	0	0.0%

Occupation	Employees as at 1 April 2016	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progression as a % of employees by occupation
Human resources & organisational development & related professionals	65	1	1.5%	46	70.8%
Human resources clerks	265	3	1.1%	149	56.2%
Human resources related	182	7	3.8%	121	66.5%
Information technology related	46	0	0.0%	20	43.5%
Language practitioners, interpreters & other communication	431	11	2.6%	153	35.5%
Legal related	213	7	3.3%	99	46.5%
Librarians and related professionals	21	0	0.0%	10	47.6%
Library mail and related clerks	305	5	1.6%	201	65.9%
Light vehicle drivers	7	0	0.0%	5	71.4%
Logistical support personnel	43	2	4.7%	28	65.1%
Magistrates	1 893	33	1.7%	0	0.0%
Material-recording and transport clerks	105	0	0.0%	64	61.0%
Messengers, porters and deliverers	618	0	0.0%	239	38.7%
Other administrative & related clerks and organisers	8614	25	0.3%	6 190	71.9%
Other administrative policy and related officers	918	48	5.2%	559	60.9%
Other information technology personnel	25	0	0.0%	17	68.0%
Prosecutor	2 779	74	2.7%	1 820	65.5%
Protection services	98	1	1.0%	84	85.7%



Occupation	Employees as at 1 April 2016	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progression as a % of employees by occupation
Risk management and security services	29	0	0.0%	22	75.9%
Secretaries & other key-board operating clerks	719	4	0.6%	270	37.6%
Security guards	24	0	0.0%	19	79.2%
Security officers	284	0	0.0%	82	28.9%
Senior managers	390	2	0.5%	104	26.7%
Social sciences related	1	0	0.0%	0	0.0%
Social work and related professionals	132	2	1.5%	52	39.4%
Translators and air traffic communicators	1 519	14	0.9%	1 073	70.6%
<b>TOTAL</b>	<b>23 917</b>	<b>341</b>	<b>1.4%</b>	<b>14 204</b>	<b>59.4%</b>

Table 3.5.5: Promotions by salary band for the period 1 April 2016 to 31 March 2017

Salary band	Employees 1 April 2016	Promotions to another salary level	Salary bands promotions as a % of employees by salary level	Progressions to another notch within a salary level	Notch progression as a % of employees by salary band
Lower skilled (levels 1-2) (including interns)	321	0	0.0%	50	15.6%
Skilled (levels 3-5)	10 872	26	0.2%	7 882	72.5%
Highly skilled production (levels 6-8)	5 490	116	2.1%	2 480	45.2%
Highly skilled supervision (levels 9-12)	4 950	162	3.3%	3 661	74.0%
Senior Management Service (levels 13-16)	391	4	1.0%	131	33.5%
Magistrates	1 893	33	1.7%	0	0.0%
<b>TOTAL</b>	<b>23 917</b>	<b>341</b>	<b>1.4%</b>	<b>14 204</b>	<b>59.4%</b>

### 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 2017**

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	482	106	74	381	372	86	108	260	1 869
Legislators, senior officials and managers	108	22	21	57	82	13	24	29	356
Professionals	2 305	199	94	405	1 923	325	249	621	6 121
Clerks	3 363	327	112	96	6 240	907	236	721	12 002
Service and sales workers	198	44	11	80	90	13	5	14	455
Plant and machine operators and assemblers	12	2	1	1	0	0	0	0	16
Labourers and related workers	300	30	2	6	280	7	1	4	630
Technical and associated professions, permanent	614	67	24	51	949	117	39	147	2008
Elementary Occupations	21	3	0	0	14	0	0	0	38
<b>TOTAL</b>	<b>7 403</b>	<b>800</b>	<b>339</b>	<b>1 077</b>	<b>9 950</b>	<b>1 468</b>	<b>662</b>	<b>1 796</b>	<b>23 495</b>
Employees with disabilities	143	20	5	22	128	16	10	36	380

**Table 3.6.2: Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2017**

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	482	106	74	381	372	86	108	260	1 869
Top management	10	4	1	3	9	1	1	2	31
Senior management	283	47	44	221	140	31	70	204	1 040

Professionally qualified and experienced specialists and mid-management	1 383	154	60	262	964	187	139	385	3 534
Skilled technical and academically qualified workers, junior management, supervisors, foremen	1 930	145	62	118	2 665	353	154	612	6 039
Semi-skilled and discretionary decision-making	3 248	344	98	92	5 623	808	190	333	10 736
Unskilled and defined decision-making	2	0	0	0	11	0	0	0	13
Interns	65	0	0	0	166	2	0	0	233
<b>TOTAL</b>	<b>7 403</b>	<b>800</b>	<b>339</b>	<b>1 077</b>	<b>9 950</b>	<b>1 468</b>	<b>662</b>	<b>1 796</b>	<b>23 495</b>

Table 3.6.3: Recruitment for the period 1 April 2016 to 31 March 2017

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	1	1	0	0	0	0	1	0	3
Top management	3	1	0	0	2	0	0	1	7
Senior management	7	0	0	3	2	0	1	1	14
Professionally qualified and experienced specialists and mid-management	277	37	19	86	150	29	29	74	701
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	200	21	2	6	192	37	13	19	490
Semi-skilled and discretionary decision-making	382	50	4	6	546	39	8	7	1 042

Unskilled and defined decision-making	0	0	0	0	0	0	0	0	0
Interns	71	0	1	0	186	3	0	0	261
<b>Total</b>	<b>941</b>	<b>110</b>	<b>26</b>	<b>101</b>	<b>1 078</b>	<b>108</b>	<b>52</b>	<b>102</b>	<b>2 518</b>
Employees with disabilities	7	1	0	0	6	3	0	0	17

Table 3.6.4: Promotions for the period 1 April 2016 to 31 March 2017

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	8	3	0	1	14	1	3	3	33
Top management	0	0	0	0	0	0	0	0	0
Senior management	1	0	0	0	2	1	0	0	4
Professionally qualified and experienced specialists and mid-management	72	8	1	3	59	2	5	12	162
Skilled technical and academically qualified workers, junior management, supervisors, foremen	45	3	0	0	60	2	2	4	116
Semi-skilled and discretionary decision-making	13	0	1	0	9	3	0	0	26
Unskilled and defined decision-making	0	0	0	0	0	0	0	0	0
<b>TOTAL</b>	<b>139</b>	<b>14</b>	<b>2</b>	<b>4</b>	<b>144</b>	<b>9</b>	<b>10</b>	<b>19</b>	<b>341</b>
Employees with disabilities	1	0	0	0	2	0	0	0	3

Table 3.6.5: Terminations for the period 1 April 2016 to 31 March 2017

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top management	0	1	0	0	1	0	0	0	2
Senior management	8	0	1	8	6	0	0	2	25
Magistrates	240	33	22	102	124	27	29	75	652

Professionally qualified and experienced specialists and mid-management	118	12	5	30	81	8	7	23	284
Skilled technical and academically qualified workers, junior management, supervisors, foremen	181	25	2	9	183	35	1	45	481
Semi-skilled and discretionary decision-making	308	56	2	9	451	43	9	21	899
Unskilled and defined decision-making	8	0	0	0	6	0	0	0	14
Interns	170	6	1	0	282	17	0	2	478
TOTAL	1 033	133	33	158	1 134	130	46	168	2 835
Employees with disabilities	7	0	0	0	3	0	1	3	14

Table 3.6.6: Disciplinary action for the period 1 April 2016 to 31 March 2017 (new cases lodged in the period)

3.6.6	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Disciplinary action	170	15	3	8	102	10	4	15	327

Table 3.6.7: Skills development for the period 1 April 2016 to 31 March 2017

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	23	3	5	12	17	4	3	10	77
Professionals	646	83	28	100	432	102	77	184	1 652
Technicians and associate professionals	740	73	15	19	971	120	11	79	2 028
Clerks	1 128	153	28	28	1 772	260	16	107	3 492
Service and sales workers	12	3	0	7	8	3	1	4	38
Skilled agriculture and fishery workers	0	0	0	0	0	0	0	0	0

Craft and related trades workers	0	0	0	0	0	0	0	0	0
Plant and machine operators and assemblers	0	0	0	0	0	0	0	0	0
Elementary occupations	60	4	2	4	29	2	5	0	106
Total	2 609	319	78	170	3 229	491	113	384	7 393
Employees with disabilities	0	0	0	0	0	0	0	0	0

### 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 is presented here.

Table 3.7.1: Signing of performance agreements by SMS Members as on 31 August 2016

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	2	100.0%
Salary level 16 (not HOD)	6	6	0	0.0%
Salary level 15	27	22	18	66.7%
Salary level 14	201	160	157	78.1%
Salary level 13	232	200	199	85.8%
Total	468	390	376	80.3%

**Table 3.7.2: Reasons for not having concluded performance agreements for all SMS members as on 31 August 2016**

One member has been on a long sick leave and another one on suspension. Other members signed their agreements on time but the Supervisor failed to sign before the due date as a result of submission done on the last minutes by SMS members.

Legislation and the terms and conditions of appointment for National Director, Deputy National Directors and Directors do not make provision for the signing of performance agreements. The Annual Performance Plan of the NPA serves as the Performance contract of the NDPP which he signs with the Minister. Divisions and specialised units sign performance plans with the National Director, which serve as a performance plan and agreement for this category of employees.

One Special Director is seconded to Swaziland and is under the control and direction of the Swazi government as part of his secondment agreement.

Two SMS members are placed and working under the control and direction of the Department and have signed agreements with supervisors in the Department.

**Table 3.7.3: Disciplinary steps taken against SMS members for not having concluded performance agreements as on 31 August 2016**

Non-compliance letters were forwarded to non-complaint members informing them that the Department will withhold their performance incentives due to late signing of 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 2016 to 31 March 2017**

	Beneficiary profile			Cost	
	Number of beneficiaries	Total number of employees	% of total within group	Cost (R'000)	Average cost per employee
African	3 398	16 243	20.9%	48 813	14 365,21
Male	1 385	6 789	20.4%	23 692	17 106,14
Female	2 013	9 454	21.3%	25 120	12 478,89
Asian	165	806	20.5%	4 743	28 739,39
Male	44	261	16.9%	1365	31 022,73
Female	121	545	22.2%	3 377	27 909,09

-	Beneficiary profile			Cost	
	Number of beneficiaries	Total number of employees	% of total within group	Cost (R'000)	Average cost per employee
Coloured	487	2041	23.9%	7 527	15 455,85
Male	144	674	21.4%	2 706	18 791,67
Female	343	1367	25.1%	4 820	14 052,48
White	721	2181	33.1%	18 945	26 276,01
Male	182	676	26.9%	6 774	37 219,78
Female	539	1505	35.8%	12 170	22 578,85
Employees with disabilities	71	355	20.0%	768	10 816,90
TOTAL	4 842	21 626	22.4%	80 796	16 686,49

Table 3.8.2: Performance rewards by salary band for personnel below Senior Management Service for the period 1 April 2016 to 31 March 2017

Salary band	Beneficiary profile			Cost		Total cost as a % of the total personnel expenditure
	Number of beneficiaries	Number of employees	% of total within salary bands	Total cost (R'000)	Average cost per employee	
Lower skilled (levels 1-2)	4	243	1.7%	37	9 250,00	0%
Skilled (levels 3-5)	2 134	1 0736	19.9%	14 358	6 728,21	0.2%
Highly skilled production (levels 6-8)	1 459	5 308	27.5%	19 627	13 452,36	0.2%
Highly skilled supervision (levels 9-12)	1 011	4 245	23.8%	30 626	30 292,78	0.3%
TOTAL	4 608	20 532	22.4%	64 648	14 029,51	0.7%



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	302	1 031	29.3%	7 262	24 046,36
Advocates	140	675	20.7%	9586	68 471,43
Attorneys	35	320	10.9%	948	27 085,71
Building and other property caretakers	2	3	66.7%	7	3 500,00
Bus and heavy vehicle drivers	0	10	0.0%	0	0,00
Cleaners in offices workshops hospitals, etc.	16	93	17.2%	90	5 625,00
Client inform clerks (switchboard inform clerks)	33	130	25.4%	232	7 030,30
Communication and information related	17	38	44.7%	518	30 470,59
Computer programmers	2	3	66.7%	21	10 500,00
Crime investigators	8	42	19.0%	421	52 625,00
Finance and economics related	133	266	50.0%	2 679	20 142,86
Financial and related professionals	100	299	33.4%	1 555	15 550,00
Financial clerks and credit controllers	150	429	35.0%	1245	8 300,00
Food services aids and waiters	8	17	47.1%	39	4 875,00
General legal administration & rel. professionals	225	769	29.3%	4 424	19 662,22
Head of department/chief executive officer	1	2	50.0%	37	37 000,00
Human resources & organisational development & related professions	29	66	43.9%	406	14 000,00
Human resources clerks	124	277	44.8%	1 494	12 048,39
Human resources related	73	181	40.3%	1 829	25 054,79
Information technology related	14	44	31.8%	419	29 928,57
Language practitioners, interpreters & other communication	93	432	21.5%	1 235	13 279,57

Legal related	43	206	20.9%	1 053	24 488,37
Librarians and related professionals	4	20	20.0%	35	8 750,00
Library mail and related clerks	120	322	37.3%	957	7 975,00
Light vehicle drivers	2	6	33.3%	12	6 000,00
Logistical support personnel	21	60	35.0%	228	10 857,14
Material-recording and transport clerks	34	84	40.5%	218	6 411,76
Messengers porters and deliverers	83	555	15.0%	468	5 638,55
Other administrat & related clerks and organisers	1832	8578	21.4%	14 032	7 659,39
Other administrative policy and related officers	278	918	30.3%	3 444	12 388,49
Other information technology personnel	9	29	31.0%	132	14 666,67
Prosecutor	385	2618	14.7%	1 7342	45 044,16
Protection Services	13	97	13.4%	545	41 923,08
Risk management and security services	4	24	16.7%	135	33 750,00
Secretaries & other keyboard operating clerks	194	693	28.0%	2 874	14 814,43
Security guards	6	21	28.6%	27	4 500,00
Security officers	54	271	19.9%	353	6 537,04
Senior managers	69	383	18.0%	2 861	41 463,77
Social Science and related	0	1	0.0%	0	0,00
Social work and related professionals	13	124	10.5%	239	18 384,62
Translators and air traffic communicators	173	1 489	11.6%	1 324	7 653,18
<b>TOTAL</b>	<b>4 842</b>	<b>21 626</b>	<b>22.4%</b>	<b>80 726</b>	<b>16 672,04</b>

Table 3.8.4: Performance related rewards (cash bonus), by salary band, for Senior Management Service for the period 1 April 2016 to 31 March 2017

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	31	200	15.5%	1 622	52 322,58	0.0%
Band B	33	160	20.6%	2 563	77 666,67	0.0%
Band C	5	22	22.7%	427	85 400,00	0.0%
Band D	0	7	0.0%	0	0,00	0.0%
TOTAL	69	389	17.7%	4 612	66 840,58	0.0%

### 3.9 FOREIGN WORKERS

The tables below summarise the employment of foreign nationals in the Department in terms of salary band and by major occupation.

Table 3.9.1: Foreign workers, 1 April 2016 to 31 March 2017, by salary band

Salary band	01 April 2016		31 March 2017		Change	
	Number	% of total	Number	% of total	Number	% change
Skilled (levels 3-5)	49	30.25%	85	26.23%	36	22.22%
Highly skilled production (levels 6-8)	3	1.85%	4	1.23%	1	0.62%
Highly skilled supervision (levels 9-12)	9	5.56%	7	2.16%	-2	-1.23%
Other	101	62.35%	228	70.37%	127	78.4%
TOTAL	162	100.00%	324	100.00%	162	100.00%

Table 3.9.2: Foreign workers, 1 April 2016 to 31 March 2017, by major occupation

Major occupation	01 April 2016		31 March 2017		Change	
	Number	% of total	Number	% of total	Number	% change
Administrative office workers	133	83.13%	299	93.44%	166	101.84%
Elementary occupations	1	0.63%	4	1.25%	3	1.84%
Professionals and managers	27	16.88%	21	6.56%	-6	-3.68%
TOTAL	160	100.00%	320	100.00%	163	100.00%

### 3.10 LEAVE UTILISATION

The Public Service Commission identified the need for careful monitoring of sick leave within the public service. The following tables provide an indication of the use of sick leave and disability leave. In both cases, the estimated cost of the leave is also provided.

Table 3.10.1: Sick leave, 1 January 2016 to 31 December 2016

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)	828	52.3%	248	1.2%	3,3	278
Skilled (levels 3-5)	107 636	57.5%	10 141	47.9%	10,6	80 195
Highly skilled production (levels 6-8)	47 761	57.5%	5 145	24.3%	9,3	57 836
Highly skilled supervision (levels 9-12)	40 594	56.7%	4 348	20.5%	9,3	93 617
Top and Senior management (levels 13-16)	11 703	55.1%	1 301	6.1%	9,0	42 952
<b>TOTAL</b>	<b>208 522</b>	<b>57.34%</b>	<b>21 183</b>	<b>100.0%</b>	<b>9,8</b>	<b>274 878</b>

Table 3.10.2: Incapacity leave (temporary and permanent), 1 January 2016 to 31 December 2016

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)	0	100%	0	0.0%	0,0	0
Skilled (levels 3-5)	6 515	99.8%	190	50.4%	34,3	5 006
Highly skilled production (levels 6-8)	4 730	98%	110	29.2%	43,0	5 686
Highly skilled supervision (levels 9-12)	4 223	60.7%	57	15.1%	74,1	10 679
Senior management (levels 13-16)	960	100%	20	5.3%	48,0	4 046
<b>TOTAL</b>	<b>16 428</b>	<b>89.2%</b>	<b>377</b>	<b>100.0%</b>	<b>43,6</b>	<b>25 417</b>

The table below summarises the utilisation of annual leave. The wage agreement concluded with trade unions in the PSCBC in 2000 requires management of annual leave to prevent high levels of accrued leave being paid at the time of termination of service.

**Table 3.10.3: Annual Leave, 1 January 2016 to 31 December 2016**

Salary band	Total days taken	Average days per employee	Number of employees who took leave
Lower skilled (levels 1-2)	2 943	432	6,8
Skilled (levels 3-5)	237 289	11 738	20,2
Highly skilled production (levels 6-8)	129 853	6 083	21,3
Highly skilled supervision (levels 9-12)	124 079	5 569	22,3
Senior management (levels 13-16)	45 905	1 829	25,1
<b>TOTAL</b>	<b>540 069</b>	<b>25 651</b>	<b>21,1</b>

**Table 3.10.4: Capped leave, 1 January 2016 to 31 December 2016**

Salary band	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2016	Number of employees who took capped leave
Lower skilled (levels 1 – 2)	0	0	0	0,0
Skilled (levels 3-5)	108,3	25	4,3	42,8
Highly skilled production (levels 6-8)	854,73	118	7,2	66,0
Highly skilled supervision (levels 9-12)	189,7	44	4,3	45,9
Senior management (levels 13-16)	415	55	7,5	205,2
<b>TOTAL</b>	<b>1 567,73</b>	<b>242</b>	<b>6,5</b>	<b>53,8</b>

Table 3.10.5: Leave payouts for the period 1 April 2016 to 31 March 2017

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)
Leave payouts for 2016/2017 due to non-utilisation of leave for the previous cycle	0	4	0
Capped leave payouts on termination of service for 2016/2017	43 552	508	86
Current leave payouts on termination of service for 2016/2017	3 380	348	10
Total	46 932	860	55

### 3.11 HIV/ AIDS & HEALTH PROMOTION PROGRAMMES

Table 3.11.1: Steps taken to reduce the risk of occupational exposure

Units/categories of employees identified to be at high risk of contracting HIV & related diseases (if any)	Key steps taken to reduce the risk
<p>The Department does not have categories of employees identified to be at risk of being exposed to HIV infection due to the nature of their occupations.</p> <p>No particular units/categories of employees in the NPA context are at more risks than any other. However, on a general level females employees between the ages of 30-39 seem to be at higher risk as the rate of infection reported in this category is higher</p>	<p>Not applicable.</p> <p>Continuous promotion programmes and access to HCT, condom distribution and awareness sessions are offered at mitigation measures for risks reduction</p>

Table 3.11.2: Details of health promotion and HIV and AIDS programmes (tick the applicable boxes and provide the required information)

Question	Yes	No	Details, if yes
1. Has the department designated a member of the SMS to implement the provisions contained in Section 55 of the Public Service Regulations, 2016? If so, provide her/his name and position.	Yes		DOJCD: Kedibone Tsolo : Director NPA: Ms GB Dlodla - Director: HR: Transformation
2. Does the department have a dedicated unit or has it designated specific staff members to promote the health and wellbeing of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	Yes		DOJCD: 1 Director, 1 Deputy Director, 3 Assistant Directors and 2 Admin Officers NPA: Three permanent staff plus external service provider. Annual Budget R1.9 million allocated for wellness services
3. Has the department introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of this Programme.	Yes		1. Health Promotion and Risk Management 2. HIV/AIDS and TB workplace programme 3. Psycho-social counselling 4. Sports and Recreation 5. The NPA does implement an integrated wellness programme constituting four functional pillars, namely HIV and TB Management, Health and Productivity Management and Wellness Management
4. Has the department established (a) committee(s) as contemplated in Section 55(6)(d) of the Public Service Regulations, 2016? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.	Yes		Linda Malatse – SHERQ Isaac Koto – EAP Taunia Fouche – Employment Equity Sipho Matshika – HRM NPA: Phuthi Semenya (EHWP), Ms Nanki Shihlane (EHWP), Bernard Masobela (North West Region: Odi), Jeff Matlou (North West), Fiona Ross (Western Cape), Mfumaneko Mkela (Northern Cape), Viola Esterhuizen (Bisho), Nobekizela Madikizela (Mthathatha), Thabiso Moneyane (Free State), Pulane Ketelo (Eastern Cape), Motshabi Mokonyane (North Gauteng), Mogale Selepe (Limpopo), Nkhensani Lumphondo (Mpumalanga), Rachel Sebothoma ( HO)

Question	Yes	No	Details, if yes
5. Has the department reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed.	Yes		<p>HIV/AIDS Policy Employee Wellness Sport and Recreation Recruitment Policy Leave Management Policy Retention Policy EE Policy Sexual Harassment</p> <p>NPA:</p> <ol style="list-style-type: none"> <li>1. All policies outlaw discrimination on the basis of HIV status</li> <li>2. Employees are not forced to test and/or disclose and all testing and/or disclosures are voluntary</li> <li>3. Should an HIV-positive person be on extended sick leave, work re-integration programmes are prepared and conducted on their return to work</li> </ol>
6. Has the department introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of these measures.	Yes		<ol style="list-style-type: none"> <li>1. Prevention and awareness <ul style="list-style-type: none"> <li>• Commemoration of the calendar specific events namely: STI Condom Week, TB Day; Candlelight Memorial, Red Ribbon Month and World Aids Day</li> <li>• HIV Counselling and Testing</li> <li>• Conduct anti-stigma and discrimination sessions</li> </ul> </li> <li>2. Care and support <ul style="list-style-type: none"> <li>• Provide counselling to infected and affected employee</li> <li>• Training and preparation of peer educators nationally</li> <li>• Maintenance of internal and external linkages efficient referral of employees in need of help</li> </ul> </li> <li>3. Labour Relation Processes, Counselling services and awareness sessions</li> </ol>



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.		Yes	<p>The department coordinates health screening days whereby VCT is one of the testing conducted</p> <p>A total of 2 500 employees underwent Voluntary Counselling and Testing</p> <p>NPA: A total of 1 230 employees (752 females and 478 males) participated in health screening services inclusive of HCT, TB, cholesterol, glucose, blood pressure, exercise, body mass index, alcohol, stress, waist circumference and heart disease. Only 667 of the total participants tested for HIV and 1 154 were screened for TB</p>
8. Has the department developed measures/indicators to monitor & evaluate the impact of its health promotion programme? If so, list these measures/indicators.		Yes	<p>The programme is measured through the System Monitoring Tool and the quarterly reports</p> <p>The NPA generates performance reports with clear indicators to monitor progress on service utilisation. Number of employees tested for HIV and segregated by gender; Number of employees tested HIV positive; Number of distributed condoms; Number of employees screened for TB; Number of employees referred for clinical diagnosis of TB; % of employees receiving counselling and support services within 48 hours; Number of preventative sessions; Number of stress trauma management sessions</p>

### 3.12 LABOUR RELATIONS

Table 3.12.1: Collective agreements, 1 April 2016 to 31 March 2017

Total collective agreements	0
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The following table summarises the outcome of disciplinary hearings conducted within the department for the year under review.

Table 3.12.2: Misconduct and disciplinary hearings finalised for the period 1 April 2016 to 31 March 2017

Outcomes of disciplinary hearings	Number	% of total
Acquittal/not guilty	30	9.2%
Corrective counselling	2	0.0%
Demotion	1	0.3%
Dismissal	66	20.2%
Resignation	14	4.3%
Suspension without pay	56	17.1%
Verbal warning	3	0.9%
Written warning	54	16.5%
Final warning	66	20.2%
Withdrawn	35	10.7%
Total	327	100.0%

Table 3.12.3: Types of misconduct addressed at disciplinary actions/hearings for the period 1 April 2016 to 31 March 2017

Type of misconduct	Number	% of total
Abscondment	6	1.8%
Absenteeism	5	1.5%
Abuse of Leave	9	2.8%
Abuse of state property	10	3.1%
Alcohol abuse	1	0.3%
Assault	3	0.9%
Bribery	2	0.6%
Breach of code of conduct for Prosecutors	1	0.3%
Bringing the name of the NPA into disrepute	4	1.2%
Corruption	12	3.7%

Damage to state property	4	1.2%
Defeating ends of justice	2	0.6%
Dereliction of duty	3	0.9%
Dishonesty	25	7.6%
Falsification of documents	5	1.5%
Fraud	22	6.7%
Insubordination	29	8.9%
Improper conduct	1	0.3%
Incompatibility	1	0.3%
Mismanagement of funds	3	0.9%
Non-compliance with NPA policy	2	0.6%
Loss of state money	1	0.3%
Maladministration	7	2.1%
Misrepresentation	10	3.1%
Negligence	49	15.0%
Poor performance	3	0.9%
Racism	1	0.3%
Misuse of state vehicle	3	0.9%
Sexual harassment	3	0.9%
Theft	13	4.0%
Unauthorised absence	49	15.0%
Unethical behaviour	38	11.6%
<b>Total</b>	<b>327</b>	<b>100.0%</b>

Table 3.12.4: Grievances lodged for the period 1 April 2016 to 31 March 2017 (overall cases)

Grievances	Number	% of total
Number of grievances resolved	350	65.9%
Number of grievances not resolved	148	34.1%
<b>Total number of grievances (finalised)</b>	<b>498</b>	<b>100%</b>

Table 3.12.5: Disputes lodged with councils for the period 1 April 2016 to 31 March 2017

Number of dispute outcome	Number	% of total
Number of disputes upheld	62	71.9%
Number of disputes dismissed	18	28%
<b>Disputes (finalised)</b>	<b>80</b>	<b>100%</b>

Table 3.12.6: Strike actions for the period 1 April 2016 to 31 March 2017

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 2016 to 31 March 2017

Number of people suspended	27
Number of people whose suspension exceeded 30 days	36
Average number of days suspended (all cases)	649
Average number of days suspended (finalised cases)	396
Cost of suspension (R'000) (finalised cases)	R8 586 998,66
Cost of suspension (R'000) (all cases)	R14 684 629,96

### 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 2016 to 31 March 2017

Occupational category	Gender	Number of employees as at 1 April 2016	Training needs identified at start of the reporting period			
			Learnerships	Skills programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	141	0	10	27	37
	Male	210	0	13	35	48
Professionals	Female	3 193	0	952	85	1 037
	Male	3 099	0	873	0	873
Technicians and associate professionals	Female	1 269	21	1 794	8	1 823
	Male	776	85	411	7	503
Clerks	Female	8 182	518	2 043	35	2 596
	Male	3 910	329	409	0	738
Service and sales workers	Female	125	9	113	0	122
	Male	354	5	185	0	190

Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	18	0	0	0	0
Labourers and related workers	Female	335	0	58	0	58
	Male	412	0	99	0	99
Subtotal	Female	1 3245	548	4 970	155	5 673
	Male	8 779	419	1 990	42	2 451
Total		22 024	967	6 960	197	8 124

Table 3.13.2: Training provided 1 April 2016 to 31 March 2017

Occupational category	Gender	Number of employees as at 1 April 2016	Training provided within the reporting period			
			Learnerships	Skills programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	141	0	34	0	34
	Male	210	0	43	0	43
Professionals	Female	3 193	0	795	0	795
	Male	3 099	0	857	0	857
Technicians and associate professionals	Female	1 269	18	1 163	0	1 181
	Male	776	8	839	0	847
Clerks	Female	8 182	581	1 606	0	2 187
	Male	3 910	365	940	0	1 305
Service and sales workers	Female	125	2	14	0	16
	Male	354	1	21	0	22
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	18	0	0	0	0
Labourers and related workers	Female	335	1	35	0	36
	Male	412	6	64	0	70
Subtotal	Female	13 245	602	3 647	0	4 249
	Male	8 779	380	2 764	0	3 144
Total		22 024	982	6 411	0	7 393

### 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 2016 to 31 March 2017

Nature of injury on duty	Number	% of total
Required basic medical attention only	36	100%
Temporary total disablement	0	0%
Permanent disablement	0	0%
Fatal	0	0%
Total	36	100%

### 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:

The rendering of expert advice;

The drafting of proposals for the execution of specific tasks; and

The execution of a specific task which is of a technical or intellectual nature, but excludes an employee of the department.

Table 3.15.1: Report on consultant appointments using appropriated funds for the period 1 April 2016 to 31 March 2017

Project title	Total number of consultants that worked on the project	Duration: Work days	Contract value in rand
-	-	-	-
Total number of projects	Total individual consultants	Total duration: Work days	Total contract value in rand
-	-	-	-

Table 3.15.2: Analysis of consultant appointments using appropriated funds, in terms of Historically Disadvantaged Individuals (HDI) for the period 1 April 2016 to 31 March 2017

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that work on the project
-	-	-	-

Table 3.15.3: Report on consultant appointments using donor funds for the period 1 April 2016 to 31 March 2017

Project title	Total number of consultants that worked on the project	Duration: Work days	Contract value in rand
-	-	-	-
	Total individual consultants	Total duration: Work days	Total contract value in rand
-	-	-	-

Table 3.15.4: Report on consultant appointments using donor funds, in terms of Historically Disadvantaged Individuals (HDI) for the period 1 April 2016 to 31 March 2017

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 2016 to 31 March 2017

Salary band	Number of applications received	Number of applications approved	Number of applications supported by MPSA	Number of packages approved by department
Lower skilled (levels 1-2)	0	0	0	0
Skilled (levels 3-5)	0	0	0	0
Highly skilled production (levels 6-8)	0	0	0	0
Highly skilled supervision (levels 9-12)	2	1	0	0
Senior management (levels 13-16)	2	0	0	0
<b>TOTAL</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>0</b>

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## NOTES

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