



The Department of Justice and Constitutional Development

# STRATEGIC PLAN 2017-2020



the **doj & cd**

Department:  
Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA

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## ACRONYMS AND ABBREVIATIONS

AALCO	Asian-African Legal Consultative Organisation
ACCC	Anti-Corruption Coordinating Committee
ACTT	Anti-Corruption Task Team
AFU	Asset Forfeiture Unit
ANC	African National Congress
APP	Annual Performance Plan
AU	African Union
AVR	Audio-Visual Remand
CARA	Criminal Assets Recovery Account
CAS	Case Administration System
CFA	Chief Family Advocate
CFM	Case Flow Management
CJRP	Civil Justice Reform Project
CJS	Civil Justice System
CJS	Criminal Justice System
CJSR	Criminal Justice System Review
CPI	Consumer Price Index
CRT	Court Recording Technology
DCS	Department of Correctional Services
DIRCO	Department of International Relations and Cooperation
DoH	Department of Health
DoJ&CD	Department of Justice and Constitutional Development
DPSA	Department of Public Service and Administration
DPW	Department of Public Works
DRC	Democratic Republic of Congo
DSD	Department of Social Development
ECMS	Electronic Case Management System
EE	Employment Equity
EFT	Electronic Funds Transfer
EHWP	Employee Health and Wellness Programme
ENE	Estimates of National Expenditure
ER	Employee Relations
FMIS	Facility Management Information System
G20	Group of Twenty
HCCH	Hague Conference on Private International Law
HRD	Human Resource Development
ICC	International Criminal Court
ICMS	Integrated Case Management System
ICT	Information and Communication Technology
IJS	Integrated Justice System
IMF	International Monetary Fund
IT	Information Technology
JCPS	Justice Crime Prevention and Security
JSC	Judicial Service Commission
KPI	Key Performance Indicator
LASA	Legal Aid South Africa
LGBTI	Lesbian Bisexual Gay Transgender and Intersex
MACC	Minimum Anti-Corruption Capacity
MATTSO	Ministerial Advisory Task Team on the Adjudication of Sexual Offences Matters
MTEF	Medium-term Expenditure Framework

MTSF	Medium-term Strategic Framework
NAP	National Action Plan
NDP	National Development Plan
NDPP	National Director of Public Prosecutions
NEEC	National Efficiency Enhancement Committee
NEPAD	New Partnership for Africa's Development
NGO	Non-governmental organisation
NMSS	National Maintenance Signage System
NOC	National Operation Centre
NPA	National Prosecuting Authority
NPS	National Prosecution Service
NRSO	National Register for Sex Offenders
NSP	National Strategic Plan
OCJ	Office of the Chief Justice
OCSLA	Office of the Chief State Law Advisor
OSD	Occupation Specific Dispensation
OWP	Office for Witness Protection
PAIA	Promotion of Access to Information Act
PAJA	Promotion of Administrative Justice Act
PCLU	Priority Crime Litigation Unit
PEAS	Paperless Estate Administration System
PEEC	Provincial Efficiency Enhancement Committee
PEC	Public Education and Communication
PESTEL	Political Economic Social Technological Environmental and Legal
PIMS	Performance Information Management System
PMIS	Property Management Information System
POPI	Protection of Personal Information Act
PP	Public Protector
PPP	Public-private Partnership
SADC	South African Development Community
SAHRC	South African Human Rights Commission
SAJEI	South African Judicial Education Institute
SALRC	South African Law Reform Commission
SAPS	South African Police Service
SASSETA	Safety and Security Sector Education Training Authority
SARS	South African Revenue Service
SDIP	Service Delivery Improvement Plan
SDOT	Service Delivery and Organisational Transformation
SITA	State Information Technology Agency
SIU	Special Investigating Unit
SMART	Specific Measureable Attainable Relevant and Time-bound
SMS	Senior Management Service
SoNA	State of the Nation Address
SOPs	Standard Operating Procedures
StatsSA	Statistics South Africa
TPF	Third Party Funds
TRC	Truth and Reconciliation Commission
TCC	Thuthuzela Care Centre
UAMP	User Asset Management Plan
UN	United Nations
UNIDROIT	International Institute for the Unification of Private Law
WHO	World Health Organisation



# FOREWORD BY THE MINISTER



The second half of the 2015-20 MTSF period entails consolidation of initiatives in line with the transformation of the justice system within our country. This includes finalisation of key transformative legislation, implementation of policies, and responding to government's programme of action in relation to Outcome 3: "All People Are and Feel Safe".

One of the key transformational initiatives is the inclusion of traditional courts within the mainstream justice system. During the 2016/17 financial year, the Traditional Courts Bill was tabled in Parliament for broad consultation with stakeholders. It is envisaged that the Bill will be finalised by the end of the MTSF period.

I am pleased that implementation of the Legal Practice Act of 2014 has begun and progress has been made towards its full realisation. This legislation will, firstly, unite the fragmented professional bodies in different provinces of the country. Secondly, the Act puts in motion the establishment of the Legal Practice Council, which will not only regulate the legal profession, but also ensure that the profession plays an important transformative role through

providing access to training for the previously disadvantaged, as well as access to justice services. The Legal Practice Council is expected to be in place by the end of the 2018/19 financial year.

The transformation of State Legal Services is an ongoing initiative that has begun to bear fruit. Although the appointment of the Solicitor-General is not yet finalised, processes are underway to ensure that the post is pegged at a level appropriate for a candidate who will be expected to transform State Attorneys Offices into legal firms of choice for the state. Policies that will drive this transformation are in the final stages of development. This means that by the end of the 2015-20 MTSF period, Counsel Briefing Policy, Tariff Policy and Mediation Policy will be in operation.

People's confidence in the Criminal Justice System is, sadly, not at the level we would like it to be. The annual Victim of Crime Survey prepared by Statistics South Africa indicates that more has to be done to restore confidence in the system. Initiatives to put victims at the centre of the Criminal Justice System are thus being undertaken. A Victims Support Policy will be finalised for the current MTSF period, parallel to which pilot projects assisting in the development of this policy will be rolled out during the 2017/18 financial year.

Ongoing projects to increase access to justice services in marginalised communities will continue. Following the establishment of high courts in all nine provinces in South Africa, a project is underway to align all subordinate courts to these high courts. This alignment has been finalised within four provinces (Gauteng, North-West, Limpopo and Mpumalanga), with the remaining planned for finalisation over the MTSF period. This initiative enables service delivery which is closer to citizens and within the municipal boundaries that people are already familiar with.

The National Prosecuting Authority remains committed to its mandate of instituting criminal proceedings on behalf of the state and to carrying out the necessary functions related to this mandate. The NPA will function at all times in the best interest of the people of South Africa, but more particularly victims of crime, and is committed to the removal of the perpetrators of crime from society.

In the past financial year the NPA has demonstrated this commitment through its performance under difficult circumstances, where the organisation is at times challenged for a decision. In spite of the challenges, NPA officials continue to pursue justice

for the victims of crime and to ensure respect for the rule of law. However, despite its best efforts, the NPA cannot by itself achieve these goals without the contribution of our partners in the criminal justice system. It is on this basis that collaboration with our partners and stakeholders as a key factor in our performance will continue even in the current reporting period.

Exhumation, repatriation and reburial of the remains of freedom fighters are some of the key recommendations of the Truth and Reconciliation Commission. Investigation and identification of remains is a time-consuming and challenging process; however, we reaffirm our commitment to do everything within our power to find and repatriate remains. The Pretoria Gallows Exhumation Project, which began in March 2016, will culminate in the exhumation, identification and reburial of the remains of all 83 freedom fighters who were sentenced to death and are still buried in Pretoria and Mamelodi. Other TRC-related initiatives that will continue include educational bursaries for identified victims and their next-of-kin, and the implementation of community rehabilitation projects.

Major projects to enhance operational efficiencies in the administration of justice will continue. The new court recording technology (CRT) had already been rolled out in seven provinces as the end of February 2017, with the remaining provinces planned for implementation during the 2017/18 financial year. This technology will allow easy retrieval of court recordings and will provide operational data that will enhance the management and administration of courts. Similarly, the new third party payments

system for improved payment of child maintenance and bail (MojaPay) will be completed during the 2017/18 financial year. Other IT-based solutions such as the Case Management System for State Attorneys, and enhancements of the Integrated Justice System will continue to be implemented.

Finally, youth unemployment threatens the stability of our country and is one of our major socio-economic challenges. Although mindful of the budget cuts and economic challenges, we have made a commitment to implement over 1000 learnerships, internships and other youth-related opportunities within the remaining financial years of the 2015-20 MTSF period. This will assist our youth in receiving workplace experience and help kick-start their careers.

It is with great pleasure that I present the Strategic Plan of the Department for the remainder of the 2015-20 MTSF period and looking forward to full implementation with the support of our Deputy Minister, John Jeffery, MP; the Director-General, Mr. Vusi Madonsela, officials of the Department and entities, and stakeholders.



T.M. Masutha, Adv (MP)

Minister of Justice and Correctional Services

# FOREWORD BY THE DEPUTY MINISTER



Initiatives to improve access to justice to marginalised communities are well on track and will continue as we near the half-way mark of the 2015-20 MTSF period.

One of the key initiatives of the transformation of the justice system is to improve access to justice. The establishment of Small Claims Courts, within each magisterial district in South Africa, is a major step forward in terms of enhancing access to justice. We have made significant progress in establishing these courts across the country and only 5 more Small Claims Courts need to be established for us to have 100% coverage of these courts nationwide. We are also working on a comprehensive review of the Small Claims Court Act, which is a 1984 Act and thus pre-dates the Constitution.

Important role-players in our quest to improve access to justice include the sheriffs' profession and Legal Aid SA. Legal Aid South Africa provides

legal representation, legal advice, legal education and information at state expense to marginalised, vulnerable and indigent persons as contemplated in the Constitution.

The rationalisation of the magisterial districts which the Department of Justice and Constitutional Development is undertaking aims to ensure better justice for all. The process commenced with rationalising the magisterial districts through aligning their boundaries with those of the municipalities. Bearing in mind that sheriffs are appointed to serve within a magisterial district or sub-district, the commencement of the rationalisation process has a direct impact on the service areas of sheriffs. If the description of an area of jurisdiction of a Lower and High Court is altered, the area for which a sheriff is appointed is automatically affected.

The Department established a task team to investigate the impact of the rationalisation process on the service areas of sheriffs in the nine provinces and to make recommendations regarding the re-description and allocation of service areas. The task team has already made recommendations in respect of Gauteng and certain areas in the Eastern Cape (Port Elizabeth and Uitenhage) and this enabled us to re-describe a number of vacant sheriffs' areas. These posts will be filled on 1 June 2017. The investigation into the service areas in the rest of the country continues. It has also become necessary that a comprehensive reform of the Sheriffs Act be undertaken as we are all aware that this Act also pre-dates the Constitution. The Legislative Branch of the Department has commenced with this work.

The draft National Action Plan (NAP) to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance has been subjected to an intense public participation process and we look forward to having a finalised NAP ready by the end of this year.

Important pieces of legislation have also been developed during this MTSF period and are in the various stages of the legislative process.

The Information Regulator, established in terms of the Protection of Personal Information Act, is responsible for ensuring compliance in order to address recklessness, abuse and misuse of personal



and institutional information. The Chairperson and Commissioners of the Regulator were appointed during the 2016/17 financial year, in line with Chapter 5 of the Act. The focus area for the remaining MTSF period will be on the implementation of the remainder of the Act.

The revised Traditional Courts Bill has been tabled in Parliament, as well as the Cybercrimes and Cybersecurity Bill. Traditional courts exist. It is therefore a constitutional imperative that they be transformed to suit our constitutional dispensation. We believe the Bill will achieve this.

The development of new proposed legislation to enhance cybersecurity is a necessity. It is a milestone towards building safer communities as envisaged in the National Development Plan. We are committed to putting in place measures to effectively deal with cybercrimes and address aspects relating to cybersecurity, which adversely affect individuals, businesses and Government alike. We look forward to finalising these important pieces of legislation in the remaining MTSF period.

Much work has been done on the Prevention and Combating of Hate Crimes and Hate Speech Bill. The bill was approved for public consultation by Cabinet in October 2016 and the period for public

comments was extended till the end of January 2017. It is envisaged that the Bill will be tabled in Parliament later this year.

Other important pieces of legislation planned for the remainder of the MTSF period include the Lower Courts Bill which will bring the management of lower courts in line with the Constitution 17th Amendment Act, as well as the Regulation of Paralegals Bill which will give statutory recognition of paralegals within community advance centres and will thus further enhance access to justice.

These are but some of the highlights on our legislative programme. We are looking forward to the conclusion of these and other initiatives and interventions as we approach the second half of the MTSF period.



Mr. John Jeffery, MP


Deputy Minister of Justice and Constitutional Development

# OFFICIAL SIGN-OFF


It is hereby certified that this Strategic Plan:

- was developed by the management of the Department of Justice and Constitutional Development, under the guidance of the Minister of Justice and Correctional Services, Tshililo Michael Masutha (Adv), MP;
- takes into account the relevant policies, legislation and other mandates for which the Department of Justice and Constitutional Development is responsible; and
- accurately reflects the strategic goals and objectives that the Department of Justice and Constitutional Development will endeavour to achieve over the period 2017-2020.

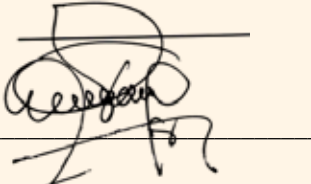
**Ms. Louraine Rossouw**  
Chief Financial Officer

Signature: 

**Ms. Lebogang Mphahlele-Ntsasa**  
Chief Director: Strategy, Monitoring and Evaluation

Signature: 

**Mr. Vusumuzi Madonsela**  
Director-General: Justice and Constitutional Development

Signature: 

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

Signature: 

Approved by  
**Adv. Tshililo Michael Masutha, MP**  
Minister of Justice and Correctional Services

Signature: 

# PART A: STRATEGIC OVERVIEW

## 1 OUR VISION

Justice for all in South Africa

## 2 OUR MISSION

To administer an efficient and responsive justice system

## 3 OUR PRINCIPLES AND VALUES

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

## 4. LEGISLATIVE AND OTHER MANDATES

### 4.1 Constitutional mandates

The Department's two constitutional mandates are the following: firstly, to provide a framework for the effective and efficient administration of justice; and secondly, to promote constitutional development through the development and implementation of legislations and programmes that seek to advance and sustain the Constitution and the rule of law. This is achieved through the implementation of programmes that deepen and nurture our constitutional democracy.

Following the transfer of the superior courts to the Office of the Chief Justice, the Department will continue to support lower courts, in line with its current constitutional mandate.

### 4.2 Legislative mandates

The Department derives its statutory mandate from various statutes and subordinate legislation. Most of these acts impact, in some way or another, on the daily functioning of the Department. In the context of the priorities of government, the following legislative instruments are particularly relevant:

#### 4.2.1 Legislation providing for the establishment and functioning of the superior courts, magistrates' courts and other courts, the most important of which are the following:

(a) **Chapter 8 of the Constitution:** This chapter of the Constitution provides that all courts function in terms of national legislation and its rules and procedures, as provided for in terms of national legislation.<sup>1</sup> It also makes provision for the Minister to make recommendations to the President regarding the appointment of acting judges to the Constitutional Court and other courts.<sup>2</sup> The Minister is also a member of the Judicial Service Commission<sup>3</sup> (JSC) and exercises final responsibility over the National Prosecuting Authority (NPA).<sup>4</sup>

(b) **Superior Courts Act, 2013 (Act 10 of 2013):** This Act requires the Minister to determine the area of jurisdiction of the divisions of the Superior Court of South Africa, to establish local seats for the divisions, and to appoint court managers, assistant court managers, registrars and other officers for the Constitutional Court, Supreme Court of Appeal and divisions of the High Court. The Minister may, on the advice of the Chief Justice, make regulations regarding certain matters that are necessary for the efficient and effective functioning and administration of the courts. The Minister must consider and address requests for funds needed for the administration and functioning of the superior courts, as recommended by the Chief Justice.

(c) **Magistrates' Courts Act, 1944 (Act 90 of 1944):** This Act empowers the Minister to create various magistrate's court districts, regional divisions and sub-districts, and to define their local limits. The Minister may establish magistrates' courts (including regional courts) in respect of those areas, as well as appoint the places for the holding of courts. The Minister must appoint magistrates, additional magistrates and regional court magistrates as well as persons to act in those offices when necessary.

<sup>1</sup> Section 171

<sup>1</sup> Section 175

<sup>1</sup> Section 178

<sup>1</sup> Section 179

The powers relating to the appointment of magistrates may be delegated to the Director-General of the Department or to any officer with at least the rank of a Director in the Department. Each magistrate's court has one or more clerks of the court, and the Director-General must appoint a registrar and as many assistant registrars as may be necessary for each regional division. The Minister must, by notice in the *Government Gazette*, determine various amounts and fees related to the monetary jurisdiction of the courts, witness fees, etc.

**(d) Small Claims Courts Act, 1984 (Act 61 of 1984):** This Act empowers the Minister to establish small claims courts and determine their seats and areas of jurisdiction. It further indicates that the Minister (or officers of the Department) appoint commissioners for the courts, and that the Minister, by notice in the *Government Gazette*, must determine various amounts related to the jurisdiction of the courts.

#### **4.2.2 Legislation providing for the appointment of judges and other judicial officers, and their conditions of service, discipline and training:**

**(a) Magistrates Act, 1993 (Act 90 of 1993):** This Act provides for the establishment, constitution, objects and functions of the Magistrates Commission, and regulates the appointment and remuneration of, and vacation of office by, magistrates. The Minister, or an officer of the Department nominated by the Minister, is a member of the Commission. The Minister must appoint magistrates in accordance with the Act, and must take various decisions, either in or after consultation with the Commission, relating to the suspension, vacation of office and early retirement of magistrates. All work incidental to the performance of the Commission's functions must be performed by officers of the Department. The Minister, on the recommendation of the Commission, makes regulations under the Act in respect of a wide range of matters relating to magistrates' conditions of service.

#### **4.2.3 Legislation relating to the prosecution of offenders and combatting of crime:**

**(a) National Prosecuting Authority Act, 1998 (Act 32 of 1998):** The Minister exercises final responsibility over the NPA under the Constitution, and the prosecuting policy must be determined by the National Director of Public Prosecutions (NDPP) with concurrence of the Minister. The President must consult with the Minister regarding the appointment of the Deputy National Directors and Directors of Public Prosecutions, while deputy directors and prosecutors are appointed by the Minister. The Minister determines the remuneration of deputy directors and prosecutors, and must consent to the appointment of persons from outside of the NPA to perform service in specific cases. Regulations under the Act are made by the Minister in respect of a wide range of matters, and the Director-General of the Department is the accounting officer of the NPA.

**(b) Criminal Procedure Act, 1977 (Act 51 of 1977):** The Minister must fulfil a number of functions in terms of the Act. These functions include, among others: the remission of bail money forfeited in terms of the Act; the determination of persons who are competent to be appointed as intermediaries in cases involving child witnesses; the designation of persons who may make an affidavit in terms of section 212; issuing certificates regarding the expungement of offences; determining various amounts related to jurisdictional matters and compensation orders; and determining the categories of persons who are peace officers.

**(c) Prevention of Organised Crime Act, 1998 (Act 121 of 1998):** The Minister is the chairperson of the Criminal Assets Recovery Committee, established by the Act, and must table the particulars of property or money allocated to an agency or institution from the Criminal Assets Recovery Account (CARA). The Minister may also make regulations in respect of a range of matters related to the Act.

**(d) Special Investigation Units and Special Tribunals Act, 1996 (Act 74 of 1996):** The Minister is the conduit for all proclamations, issued by the President, that refer matters to the Special Investigating Unit (SIU) for investigation. The Minister may also make regulations in respect of a range of matters related to the Act.

**(e) Witness Protection Act, 1998 (Act 112 of 1998):** This Act established the Office for Witness Protection within the Department. The Minister may establish a branch office for the Office for Witness Protection in any defined area and must appoint a Director. Any person who feels aggrieved by a decision of the Director may apply to the Minister to review such a decision. The Minister may enter into witness protection agreements with international bodies, institutions, organisations or foreign countries. The Minister may also make regulations in respect of a range of matters related to the Act.

**(f) Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act 27 of 2002):**

The Priority Crimes Litigation Unit (PCLU), situated in the Office of the National Director, is mandated to manage and direct the investigation and prosecution of crimes of genocide, crimes against humanity and war crimes as contemplated in the International Criminal Court Act. This Act makes provision for the extraterritorial application thereof in certain circumstances.

**(g) Protection of Constitutional Democracy against Terrorist and Related Activities Act, 2004 (Act 33 of 2004):**

The PCLU is also mandated to manage and direct the investigation and prosecution of terrorism, terror financing and related offences as contemplated in this Act. This Act also makes provision for extraterritorial jurisdiction in respect of specific offences as contemplated in the Act.

**(h) Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004):**

Much of South Africa's anti-corruption legislation has been consolidated in this

Act. The Act makes provision for, among others, the strengthening of measures to prevent and combat corruption and corrupt activities, the offence of corruption and offences relating to corrupt activities, and investigative measures in respect of corruption and related corrupt activities. Furthermore, the Act provides for the establishment and endorsement of a register in order to place certain restrictions on persons and enterprises convicted of corrupt activities relating to tenders and contracts, and for extraterritorial jurisdiction in respect of the offence of corruption and offences relating to corrupt activities. Finally, the Act places a duty on certain persons holding a position of authority to report certain corrupt transactions.

**(i) Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007) (Sexual Offences Act):**

The Sexual Offences Act comprehensively and extensively amends all aspects and implementation of the laws relating to sexual offences. It deals with all legal aspects of, or relating to, sexual offences in a single statute. The Sexual Offence Act, inter alia, repeals various common law offences and replaces them with statutory offences that are gender neutral and applicable to all forms of sexual penetration and sexual violation committed without consent. It also creates new offences for certain compelled acts of penetration or violation, and enacts comprehensive provisions for new or amended offences against children and persons who are mentally disabled.

**(j) Child Justice Act, 2008 (Act 75 of 2008):**

This Act establishes a child justice system for children in conflict with the law<sup>5</sup>. This Act seeks to ensure that child justice matters are managed in a rights-based manner, and assists children suspected of committing a crime to become productive members of society by engaging with the child in restorative justice processes, diversions and various other alternative options.

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<sup>5</sup> Refers to children under the age of 18 who are suspected to have committed crime. They will not be dealt with in terms of the normal criminal court procedure which is used for adults; instead the child justice process will be followed.



**(k) Prevention and Combating of Trafficking in Persons Act, 2013 (Act 7 of 2013):**

This Act gives effect to the Republic's obligations concerning the trafficking of persons in terms of international agreements. The Act provides for an offence of trafficking in persons, the penalties that may be imposed in respect of such offences, as well as measures to protect victims. It also stipulates as to the prevention and combatting of the trafficking in persons within or across the borders of the Republic.

**4.2.4 Legislation providing for the establishment and functioning of bodies responsible for legal aid, law reform and court rules:**

**(a) Legal Aid South Africa Act, 2014 (Act 39 of 2014):** The members of the Board of Legal Aid South Africa are appointed by the Minister. The Board must make recommendations to the Minister regarding regulations to be made by the Minister on a range of matters including, among others, the types of matters in respect of which Legal Aid South Africa (LASA) provides or does not provide legal aid. The appointment and conditions of service of the employees of LASA must be determined by the Board in consultation with the Minister of Justice and Constitutional Development and the Minister of Finance. The Minister must table the annual report of LASA in Parliament.

**(b) South African Law Reform Commission Act, 1973 (Act 19 of 1973):** The investigation programmes of the South African Law Reform Commission (SALRC) must be approved by the Minister of Justice and Correctional Services. The Commission's reports on investigations must be submitted to the Minister for consideration. The Commission also submits an annual report to the Minister, which must be tabled in Parliament. The Secretary and staff of the Commission are officers of the Department, and the remuneration and allowances of members of the Commission from the private sector are determined by the Minister.

**(c) Rules Board for Courts of Law Act, 1985 (Act 107 of 1985):** The members of the Rules Board for Courts of Law are appointed by the Minister, who may also appoint committees of the Board and assign specific functions to it. The Board submits a comprehensive annual report to the Minister. The Secretary and staff of the Board are officers of the Department and the remuneration and allowances of members of the Board from the private sector are determined by the Minister.

**4.2.5 Legislation providing for the administration of estates:**

**(a) Insolvency Act, 1936 (Act 24 of 1936):** This Act confers a number of powers and functions on the Minister. Apart from periodically fixing, by notice in the *Government Gazette*, various amounts relevant to the provisions of the Act, the Minister may also make regulations prescribing the procedure to be observed in the Masters' Offices in connection with insolvent estates, the form and manner of conducting proceedings under the Act and the manner in which fees must be paid and brought to account. The Minister may also determine policy for the appointment of a *curator bonis* trustee, provisional trustee or co-trustee by the Master of the High Court in order to promote consistency, fairness, transparency and the achievement of equality for persons previously disadvantaged by unfair discrimination.

**(b) Administration of Estates Act, 1985 (Act 107 of 1985):** In terms of this Act, the Minister appoints the Chief Master of the High Court of South Africa, as well as the Masters, Deputy Masters and Assistant Masters of the various divisions of the High Court. The Minister (or an officer of the Department delegated thereto) also appoints appraisers for the evaluation of property for designated areas. The Minister may also make regulations in respect of a wide range of matters related to the Act.

#### 4.2.6 Legislation on legal services to government departments:

##### (a) **State Attorneys Act, 1957 (Act 56 of 1957):**

The Act established the Office of the State Attorney in Pretoria, under the control of the Minister. State attorneys are appointed by the Minister and staff (It is noteworthy that the Act has been amended extensively by the State Attorney Amendment Act, 2014, which has not yet commenced). The Minister may also make regulations in respect of a range of matters related to the Act.

#### 4.2.7 Legislation relating to the promotion, protection and enforcement of human rights:

(a) **Promotion of Administrative Justice Act, 2000 (Act 3 of 2000):** In terms of the Act, the Minister may designate magistrates' courts which shall, either generally or in specific classes of administrative actions, have jurisdiction to hear cases emanating from the application of the Act. The Minister may also exempt an administrative action or a group or class of administrative actions from the application of certain provisions of the Act. The Act requires the Minister to make regulations prescribing various procedures to be followed in connection with the application of the Act and furthermore the Minister has the discretion to make regulations in respect of various other matters related to the Act.

(b) **Promotion of Access to Information Act, 2000 (Act 2 of 2000):** The Minister may designate magistrates' courts which shall have jurisdiction to deal with matters emanating from the application of the Act and has a number of discretionary powers relating to the manner in which certain persons or bodies must comply with the Act. The Act further requires the Minister to make regulations in respect of a wide range of matters related to the Act.

(c) **Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 52 of 2000):** The Minister must designate magistrates' courts as equality courts for

specific areas. The Act further requires the Minister to make regulations in respect of a wide range of matters related to the Act.

The Department also administers two Acts providing for support to Chapter 9 institutions, namely the South African Human Rights Commission Act, 2013, and the Public Protector Act, 1994.

#### 4.3. Policy mandates

##### 4.3.1 The National Development Plan

The National Development Plan (NDP) is aimed at mobilising government, business, and other sectors of society to work towards eliminating poverty and reducing inequality by 2030. These two problems will be addressed through uniting South Africans and unleashing the energies of South African citizens, growing an inclusive economy, enhancing the capacity of the state, and promoting social cohesion. The NDP places the following responsibilities on the Department of Justice and Constitutional Development and the Justice, Crime Prevention and Security (JCPS) Cluster:

- (i) To strengthen the criminal justice system through the development of a single, integrated, seamless and modern criminal justice system, with a single set of objectives, priorities and performance measurement targets, and to ensure the full implementation of the seven-point plan and cooperation among the JCPS Cluster departments. In addition, the Department will participate in the establishment of an integrated and seamless information system containing all information relating to the justice system.
- (ii) To strengthen judicial governance and the rule of law by establishing the Office of the Chief Justice as an entity independent of the Department of Justice and Constitutional Development. The Minister of Justice and Correctional Services, who is a member of the (JSC), will establish criteria for the appointment of judges.
- (iii) To increase access to justice by providing all services to justice service points, reducing legal costs, providing legal assistance to civilians and establishing new courts.

- (iv) To strengthen protection of whistle-blowers: The Protected Disclosures Amendment Bill of 2015, which was introduced into Parliament on 8 December 2015, aims to extend the application of the Protected Disclosures Act, 2000 (Act 26 of 2000) beyond the traditional employer-employee relationship. The Bill also aims to amend the Protected Disclosure Act in order to regulate joint liability, to introduce a duty to inform employees or workers who have made disclosures and to provide for immunity against civil and criminal liability under certain circumstances.
- (v) The Department will assist in the development of guidelines which will be used to facilitate the implementation of the Protected Disclosures Act by government departments.

All these interventions are expected to go a long way in addressing the crime challenges that have been experienced by South Africans.

The responsibilities outlined above are linked to Chapters 12 and 14 of the NDP which state that “All people in South Africa should feel and be safe” and that the level of corruption in the country should be reduced. Safety and security are more important because they are essential elements of a decent standard of living, as described by the National Planning Commission. Furthermore, the Department will contribute to, among others, the implementation of Chapter 11 on building a capable state, and Chapter 15 on transforming society and uniting the country.

#### **4.3.2 National Cybersecurity Policy Framework**

The fight against cybercrime remains one of the key priorities for the JCPS Cluster in particular and government in general. In its effort to fight cybercrime, the JCPS Cluster has developed the National Cybersecurity Policy Framework which was approved by Cabinet in March 2012. The framework provides for policy positions that are intended to:

- Address national security threats in cyberspace
- Combat cyberwarfare, cybercrime and other cyber-ills
- Develop, review and update existing substantive and procedural laws to ensure alignment

- Build confidence and trust in the secure use of information and communication technologies

The Cybercrimes and Related Matters Bill was drafted and released for public comment in September 2015. The comments received are being evaluated. It is envisaged that this Bill will be finalised during the current MTSF period.

#### **4.3.3 The importance of the JCPS Cluster**

The leadership and coordination function for the JCPS Cluster was transferred to the Department of Defence following the installation of the fifth administration.

The Integrated Justice System (IJS) Programme continued with its aim of ensuring the sharing of information among all role players in the criminal justice process in order to foster efficiency and effectiveness enabled by technology. During the 2015/16 financial year, the tracking of the first 14 of the 28 key performance indicators (KPIs) of the criminal justice system were successfully implemented. During this MTSF period, all 28 KPIs will be concluded, as well as projects on person and case identification projects, which are already under development.

During the 2013/14 financial year the audio-visual remand system (AVR) system was rolled out to 80 magistrates’ courts linked to 21 correctional service facilities. Over 12 000 criminal cases were remanded using this technology during the 2015/16 financial year. The AVR system is planned to be rolled out to more courts and correctional service facilities in the MTSF period.

In attempt to promote the rights of all who live in the country, particularly the vulnerable members of society, the Department established 47 sexual offences courts from 2013/14 financial year up to 2016/17 financial year. As part of the Sexual Offences Courts Model, the Department has planned to establish additional 53 sexual offences courts over the MTSF period.

#### **4.3.4 The Constitution as the basis for the transformation of the justice system**

In the South African context, the transformation of the legal system, which includes the transformation of the justice system, is mandated by the Constitution. The Constitution, which is the supreme law of the

land, is the source and foundation of policies that are geared towards the achievement of an effective, efficient and transformed administration of justice. The reform of the judicial system which includes measures to establish a judiciary, legal profession and a sheriffs' sector that is representative of the racial and gender demographics of the South African society, among others, is an important element of the transformation of the administration of justice. Fundamental policy initiatives contemplated for implementation in the current (MTSF) cycle focus, among others, on the following areas:

- Transforming the State Legal Services to enhance the quality of legal services provided to the state and contribute to the transformation of the legal profession through the preferential allocation of legal briefs to previously disadvantaged individuals
- Strengthening the capacity of the Office of the Chief Justice to provide administrative support to the Chief Justice in exercising his judicial leadership role
- Reviewing the civil justice system to improve access to justice and address the weaknesses in the civil justice value chain

Substantive progress has been made with regard to the following initiatives:

**(a) Strengthening judicial governance and accountability**

The Superior Courts Act of 2013 assigns the responsibility of coordinating the judicial functions of all magistrates' courts falling within the jurisdiction of the various Judges Presidents. This, in turn, ensures that there is a seamless governance framework for the entire judiciary to give effect to the objective of a single, unified judiciary and effective case-flow management system through which the judiciary takes charge of the management of cases throughout the justice value chain.

From the 2015/16 financial year, all superior courts were transferred to the Office of the Chief Justice, who will exercise control and management of the performance of these courts. The Department will be responsible for policy and legislation related functions in respect of the superior courts and the administration of the lower courts. This position

will prevail until the last phase of the institutional restructuring has been completed. This phase will culminate in the enactment of a new Lower Courts Act and the Court Administration Act, which Cabinet directed to be completed during the current MTSF period.

**(b) Realignment of magisterial districts with municipal boundaries**

The Rationalisation of Magisterial Districts Project is intended to redress past racially-based demarcations of our courts by aligning courts' jurisdiction with municipal boundaries in respect of magistrates' courts, and provincial boundaries in respect of the divisions of the High Court. The alignment of magisterial districts with municipal districts is done with a view to increasing access to justice and strengthening the coordination of justice-related programmes across the three spheres of government. The Department of Justice and Constitutional Development plans to align 387 magisterial districts with the 234 district municipalities, and the 13 high courts with the nine provinces. The Department, with the support of the Judicial Service Commission (JSC) and the Magistrates Commission, has developed a comprehensive framework to realise the rationalisation objectives at the magistrates' courts and superior courts respectively. The process of aligning magisterial districts with municipal boundaries is consistent with the NDP's vision of redressing the legacy of inequality and deprivation occasioned by the racially-based spatial planning of the past.

**(d) Civil Justice Reform Project (CJRP)**

The Civil Justice Reform Project (CJRP) seeks to overhaul the civil justice system in order to bring it in line with the Constitution. The key objective of the review is the alignment of the civil justice system with constitutional values, and the simplification and harmonisation of the rules to make justice easy and equally accessible to all, especially the vulnerable groups. The CJRP also intends to review all laws, processes and procedures that are applicable to the value chain of the civil justice system. The programme will also emphasise reviewing the design and implementation strategy for an effective and efficient case management system, which is essential for the growth and development of our society.

In increasing access to justice services, the Department of Justice and Constitutional Development is establishing small claims courts countrywide. Small claims courts are an important cog in the civil justice system, as they provide a swift, affordable and economic vehicle for the resolution of certain civil disputes up to an amount of R15 000. By the end of 2016/17 financial year 371 were established with remaining planned for finalisation during the MTSF period.

#### **4.4 Relevant court rulings**

There was a constitutional challenge to Section 50(2) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007) regarding the inclusion of a minor's name in the National Register for Sex Offenders (NRSO). On 6 May 2014, the Constitutional Court declared the relevant sections unconstitutional and afforded the Minister of Justice and Correctional Services 15 months to correct the defect.

Teddy Bear Clinic for Abused Children and Another challenged the constitutionality of sections 15, 16 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007, to the extent that they criminalise consensual sexual conduct between adolescents. On 3 October 2013, the Constitutional Court confirmed the invalidity of these sections and suspended the declaration of invalidity for 18 months to allow Parliament to amend the provisions. A Bill to remedy the flaws identified by the Constitutional Court was promoted by the Department and approved by Parliament in July 2015.

A plaintiff sued the Minister of Justice and Correctional Services to an amount of R6 million vicariously for the alleged negligent conduct of a magistrate deciding a bail application. The matter was finalised on 21 January 2015. The Supreme Court of Appeal confirmed that the Minister of Justice and Correctional Services cannot be held vicariously liable for the negligent conduct of a magistrate who acted in his or her judicial capacity. Magistrates can only be held personally liable for malicious conduct when sued personally.

#### **4.5 Planned policy initiatives**

##### **(a) Language policy in court proceedings**

Many people still feel ostracised by the foreign culture of the South African legal system which is reminiscent of the Roman Dutch Law imported into

the country. English and Afrikaans still remain the dominant languages of the justice system, while indigenous languages are relegated to the periphery of interpretation. The Constitution gives us a fresh start to restore the country's African heritage and infuse the traditional value system underpinned by the spirit of *ubuntu* which embraces cultural and linguistic diversity.

The Department has prioritised the finalisation of the Language Policy in the courts. Consultation with relevant stakeholders in the courts began during the 2015/16 financial year and it is envisaged that the policy will be implemented during the MTSF period.

##### **(b) Youth empowerment**

The Department has prioritised the development of policies that will focus on developmental opportunities for the youth. These initiatives will include opportunities for paralegal training, internships, as well as learnership and graduate programmes. In addition, youth procurement initiatives will be identified and implemented in the Department during the MTSF period.

##### **(c) Finalisation of the Traditional Courts Bill**

Following consultations and feedback from stakeholders regarding the Traditional Courts Bill, the Bill was reintroduced in Parliament during the 2016/17 financial year. This Bill will regulate the 1886 traditional courts that continue to handle matters throughout the country.

The matters pertaining to the physical infrastructure where the courts currently operate will continue to be the responsibility of the Department of Co-operative Governance and Traditional Affairs, while the training of traditional leaders and administrative staff attached to these courts will be the responsibility of the Department of Justice and Constitutional Development. The Traditional Courts Bill, once finalised, will provide a framework for the training of traditional leaders on the implementation of the Act.

##### **(d) Policy framework on the lower courts**

This policy framework will result in a comprehensive overhaul of the current Magistrates' Courts Act of 1944, which is outdated and not suited to the new democratic order. The policy framework will lead to the enactment of the Lower Courts Bill that mirrors the Superior Courts Act. It is envisaged that the



draft framework will be completed by the 2017/18 financial year.

### **(e) Alternative Judicial Administration Framework**

The development of the Alternative Judicial Administration framework for legislation will result in the establishment of an independent court administration framework as required by the NDP. The framework and subsequent legislation will have major implications on the departmental mandate. Consultations regarding this framework will take place during the 2015/20 MTSF period.

### **(f) Policy framework on rule-making**

A policy framework to rationalise the various existing rule-making structures and functions is necessary. Currently, there are different rule-making dispensations for different courts: the Chief Justice makes rules for the Constitutional Court, the Rules Board makes rules for the magistrates' courts and the high courts, while the Supreme Court of Appeal and labour courts have their own rules board. The policy framework will pave way for the implementation of Section 29 of the Superior Courts Act, 2013 which has been put in abeyance. The need to rationalise the various rule-making systems is related to the respective mandates of the three branches of the state. The finalisation process is expected to be concluded during the 2015-2020 MTSF cycle.

## **5. SITUATIONAL ANALYSIS**

### **5.1 Performance environment**

South African government planning subscribes to evidence-based decision making. This is demonstrated by a requirement that strategic plans and annual performance plans should be preceded and informed by a situation analysis. A situational analysis examines both external and internal factors that are likely to influence the performance of the organisation, and thus service delivery.

#### **5.1.1 Economic variables**

##### **(a) Economy**

The medium term budget policy statement projects that the South African economy will grow at a rate of about 1.5% in the 2015/16 financial year, rising marginally to 1.7% in the 2016/17 financial year. This is considerably lower than predicted at

the time of the February budget, when the country envisaged a 2% growth in the 2015/16 financial year and a 2.4% growth in the 2016/17 financial year. The International Monetary Fund (IMF), the World Bank and the South African Reserve Bank also forecast that the South Africa economy will grow by 0.7%, 0.8% and 0.9% respectively in the 2016/17 financial year.

This slow projected economic growth will have a significant impact on realising the development goals of the NDP. The slow economic growth is attributed to slow growth in major international economies, as well as domestic challenges, such as industrial action, weak domestic demand, electricity supply constraints<sup>6</sup> and the resignation of a large number of civil servants in response to rumours about the proposed tax reform.

The current South African economic outlook has also put revenue collection under pressure. The tax revenue projection of R979 billion for the 2014/15 financial year was R14.7 billion less than estimated a year ago,<sup>7</sup> and the 2014 budget projected a 10.5% growth in tax revenues.

This was later revised to 8.8%. This means that there will be a significant gap between collected revenue and government's expenditure needs. In addressing this challenge, government adopted fiscal measures where the main

tax instruments (personal income taxes and fuel levies) were adjusted to generate additional revenue in the 2016/17 financial year. Over the 2015-2020 MTEF period, budgets cuts for the Department of Justice and Constitutional Development are expected to be over a billion rand.

##### **(b) Inflation**

Headline consumer price inflation slowed notably from a recent peak of 6.6% in June 2014 to 3.9% in February 2015. The drop in the Consumer Price Index (CPI) came as a result of the decline in the price of petrol and a moderation in food price inflation which happened between the second

<sup>6</sup> South African reserve Bank quarterly Bulletin June 2015 accessed on [www.resbank.co.za](http://www.resbank.co.za) on the 29 July 2015.

<sup>7</sup> Nene, N.(2015). Budget speech. Accessed from : [http:// www.treasury.gov.za/documents/national\\_budget /2015/speech/.pdf](http://www.treasury.gov.za/documents/national_budget/2015/speech/.pdf) dated 26 May 2015

half of 2015 and the first quarter of 2015. This situation started to reverse in the subsequent months, fuelled by the recent increase in international crude oil prices, a renewed rise in food prices, double-digit electricity tariff increases and the continued deflation of the rand.

By January 2016, the inflation rate was 6.2% year on year. This was fuelled by higher costs for food, transport, household contents and services, the continued drop in the value of the rand against international currencies such as the dollar, and the current drought that the country is experiencing which is affecting the production of agricultural products such as maize. The trend shows that inflation is going to continue rising. As a way to control inflation, the Monetary Policy Committee increased the repurchase rate by 25 and 50 basis points in July 2015 and November 2015 respectively. Consumer price inflation rose to 6.3% in June 2016. If inflation grows beyond the highest inflation target of 6%, it will become more expensive for the Department to provide services to its clients.

### **(c) Unemployment**

The high rate of unemployment in South Africa still poses serious threats to the growth of the economy. The number of unemployed persons decreased from 25.2% in the first quarter of 2015 to 25% in the third quarter of 2015, bringing the total number of unemployed South Africans from 5.54 million to around 5.4 million.

This persistent problem of a high unemployment rate means that the Department will continue to process a large number of default judgments due to defaults in debts payments. In addition to this, high unemployment rates increases the risk of people committing crimes for survival.

The Department needs to strengthen programmes that will contribute positively to economic development, as well as youth employment and empowerment. Over the 2014/15 and 2015/16 financial years, the Department provided over 1000 youths with learnership and internship opportunities.

### **(d) South Africa's credit ratings**

Standard & Poor's and Moody's announced in June 2016 that credit ratings for South Africa

remained at BBB- and Baa2 respectively, with a negative outlook. During the same period, Fitch's credit rating downgraded South Africa's international credit rating from BBB to BBB- with a stable outlook in June 2016. According to Fitch, the reason for the downgrade was primarily due to the fact that GDP growth performance had weakened further, while various government policies had weakened business confidence. Credit ratings are used by sovereign wealth funds, pension funds and other investors to gauge the credit worthiness of South Africa, thus having a great impact on the country's borrowing costs. If South Africa is downgraded further, it will become more expensive for the country to service credit it acquired to fund government expenditures.

### **(e) Debt, liquidation and insolvencies**

According to the South African Reserve Bank Quarterly Bulletin for December 2015, the household debt-to-disposable-income ratio was 77.8% in the second quarter of 2015. The Statistics South Africa (StatsSA) report on civil cases for debt, released in August 2016, indicated that the actual number of judgements against defaulting debtors fell by 6.8%. Over the same period the number of summons issued for debt also fell by 12.8%.

## **5.1.2 Social variables**

### **(a) Abuse of drugs and alcohol**

The 2014 World Health Organisation (WHO) report indicated that the per capital alcohol consumption of a South African adult increased from 9.5 litres in 2008 to 11<sup>8</sup> litres per annum. South Africa's annual average per capita alcohol consumption is above the global average of 6.2 litres. In 2015, the World Health Organisation reported an alcohol consumption increase from 11 to 11.5 litres per capita. The trend shows that South Africa's per capita alcohol consumption is expected to increase marginally over the next decade from 11.5 litres in the current year to 12.1 litres in 2025.

According to WHO, drug problems in South Africa have been on a continuous rise.

8 World Health Organisation 2014 WHO Global Status Report on Health. Available at [www.who.org](http://www.who.org) (accessed on 23 July 2015)

Cocaine, marijuana, and heroin are drugs that are becoming increasingly popular. About 15% of South Africa's population suffer from drug abuse and the country's drug consumption is double the world average.

The abuse of alcohol is one of the world's leading health risks. Other than the negative health risks, the abuse of alcohol can also lead to drug and substance related problems, such as crime and social harm. According to the figures of the South African Police Service (SAPS), 60% of crimes nationally were related to substance abuse (alcohol and drugs). The perpetrators of these crimes are either under the influence of substances, or trying to secure money for their next fix. An increase in the number of criminal cases reported will create greater burdens on the facilities of the Department of Justice and Constitutional Development, since most criminals will end up being presided over in our courts, and might compel the Department to assist other departments with the development of additional regulations on alcohol consumption.

### **(b) Demographics**

The 2015 mid-year population estimate for South Africa estimated that the population had grown by 6.3% from 51.7<sup>9</sup> million in the 2011 census to 54.96<sup>10</sup> million. The 2016 estimate shows that the population further increased from 54.90 million to 55.91 million. Approximately 51% (27.64 million) of the population is female. Black Africans are in the majority (43.33 million) and constitute approximately 80% of the total South African population. The white population is estimated at 4.55 million, the coloured population at 4.77 million and the Indian/Asian population at 1.34 million. The continuous population growth results in a greater demand for services and resources in general.

For the period 2011-2016, it is estimated that approximately 241 758<sup>11</sup> people will migrate from the Eastern Cape. Limpopo is estimated to

experience an out-migration of nearly 303 101 people. During the same period, Gauteng and the Western Cape are estimated to experience an inflow of migrants of approximately 1 106 375 and 344 830 respectively. Increasing numbers of legal and illegal immigrants have resulted in many communities requiring additional resources to provide for interpretation and translation in the affected courts.

The economic development and political stability of South Africa is expected to continue to attract more immigrants to South Africa. The 2011 census further found that there were 2 199 871 people (4% of the people living in South Africa) who were born outside the country. The number of immigrants declined in 2012 to 1 692 242, or 3.3% of the population. This happened because some of the immigrants had acquired citizenship since their arrival and hence there was a lower number of non-South African citizens.

The largest number of citizenships were issued to nationals from the following countries: Zimbabwe (18.5%), Nigeria (10.1%), India (7.7%), China (6.7%), Pakistan (5.6%), Bangladesh (4.0%), the United Kingdom (3.8%), the Democratic Republic of Congo (DRC) (2.7%), Lesotho (2.7%) and Angola (2.5%).

The increase in international immigrants is likely to generate social and political tensions as traditional national identities will be increasingly challenged by immigrants.

South Africa has already experienced a growing negative perception on international immigrants, which has resulted in foreign attacks (xenophobia attacks) aimed at reducing their inflow. To respond to this challenge, the Department will need to expand initiatives that are aimed at increasing awareness of constitutional and human rights.

The continued changes in demographic structures will result in added administration tasks for courts and other justice service delivery points. As a result of these, it will be necessary for the Department to continue to develop more infrastructure to ease the pressure that is experienced at service delivery points when people migrate from other provinces or countries to Gauteng and the Western Cape.

9 Statistics South Africa. 2011 National Census available at <http://www.statssa.gov.za> (accessed on 28 July 2015).

10 Statistics South Africa. 2015. Population Mid-year Estimate 2015 Available at <http://www.statssa.gov.za> (accessed on 28 July 2015)

11 Statistics South Africa 2015 Population Mid-year estimate 2015 Available at <http://www.statssa.gov.za> (accessed on 28 July 2015).

### **(c) Decreasing incidents of crime**

According to the SAPS's 2014 statistics, reported incidents of contact crime decreased from 676 445 to 620 366 between 2009/10 and 2013/14. During the same period, reported contact crime decreased from 138 835 to 125 544, property-related crime increased from 553 368 to 562 768 and other serious crime decreased from 634 108 to 518 289.

Although the trend over a period of five years clearly shows a mixed picture in the case of different contact crimes, there is still a large number of cases flowing to the courts. This will require a criminal justice system that responds to the needs of its citizens.

The implementation of the Cabinet-approved JCPS Seven-point Implementation Plan, which followed the Criminal Justice System Review, is continuing. The Seven-point Implementation Plan has been incorporated into the JCPS Cluster delivery agreement, and substantial progress has been made in various areas, such as: improved coordination across the criminal justice system, an improvement of court processes and the development of various protocols aimed at enhancing access to justice services.

### **(d) Death and mortality rate**

In 2014, life expectancy at birth was estimated at 59.1 years for males and 63.1 years for females. This life expectancy at birth is expected to continue to increase in the years to come. Infant mortality has declined from an estimated 58 per 1 000 live births in 2002 to 34 per 1 000 live births in 2014.

There were indications that the number of deaths will continue to decline. The total number of deaths processed by Statistics South Africa (StatsSA) decreased from 491 100 in 2013 to 458 933 in 2012, representing a 6.5 % decline.

The highest proportion of deaths that occurred in 2013 was among those aged 60 to 64, and the lowest was observed in the age groups 5-9 years and 10-14 years. The proportion of deaths was slightly higher for males (52.3%) compared to females (47.7%) and on average, males died earlier (50.3 years) than females (55.9 years).

The increase in life expectancy will likely result in a decrease in the demand for services such as the registration of deceased estates and Guardian's Fund services in the Master of the High Court environment. Over the past two financial years, the number of deceased estate registrations decreased marginally from 106 727 to 100 625.

### **(e) Violence against women and children**

The South African Parliament has passed many progressive and internationally competitive pieces of legislation focused on violence against women and children. However, the high levels of gender-based violence in the country remain a cause of international concern. Recently, it has been noted that the violence is increasing into grossly and unprecedented inhumane levels, despite progressive and intersectoral intervention actions by various stakeholders. Courts have, over the years, made a significant positive contribution to the fight against gender-based violence by granting protection orders and imposing serious and firm sentences against offenders.

In the execution of its mandate, the Department plans to conduct a national research project into the level of recidivism in cases of violence against women and children. This initiative is not only intended to investigate the impact of sentencing, but also to guide our legislature and the justice system in its intervention process against gender-based violence. The proposed national research project will be conducted in sampled courts and prisons drawn from all provinces. The next phase of the project will involve the implementation of the recommendations of the study by the Department. The Sexual Offences Courts Project will continue to be implemented over the MTSF period.

### **(f) Violent public protests**

According to Municipality IQ, there has been at least 70 service delivery protests in the country between January and April 2016. The organisation further identified 10 hotspot areas, three in Gauteng, three in KwaZulu-Natal, three in the Eastern Cape and one in the Western Cape.

Among the four provinces listed above as having the highest number of service delivery protests, Gauteng has shown the highest increase in protests, with a 26% increase in protests reported followed by the Eastern Cape with 24% increase reported.

The #FeesMustFall campaign is a student-led protest movement that began at the University of Witwatersrand in October 2015 in response to rising costs of higher education at South African universities. The protests rapidly spread to other universities across the country. Protest resumed in August 2016 due to a further increase in fees. In response to the protests the South African government increased budget for higher education by R17 billion over the MTEF period and universities' subsidies by 10.9% a year. This had major impact on budget allocation for other government departments. For the Department of Justice and Constitutional Development, reprioritisation of programmes was undertaken.

The impact of the unprotected strikes has contributed to the vandalism of public buildings, courts or state property. This has put pressure on security services to safeguard the court infrastructure and state property to ensure that they are not burned or vandalised. Criminal offences relating to protests lead to additional pressure on the justice system.

### 5.1.3 Political environment

#### (a) Public confidence in the Justice system

According to StatsSA, public confidence in the criminal justice system has shown a general decline over the past four years. More than half of the households in South Africa were not satisfied with the criminal justice system. Satisfaction with courts fell from 75.5%<sup>12</sup> in 2007 to 64.7% in 2011. The decline in public confidence might result in communities resorting to taking the law into their own hands. Departments within the criminal justice system need to deliver services that meet the expectation of communities, and ensure that legal concepts such as bail are well understood.

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<sup>12</sup> Statistics South Africa. 2014. Statistics of civil cases for debt 2014. Available at on [www.statssa.gov.za](http://www.statssa.gov.za). (accessed on 03 August 2015).

#### (b) Increased human rights awareness

The Bill of Rights entrenched in Chapter 2 of the Constitution of the Republic of South Africa, is the cornerstone of democracy in South Africa. It enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom. The state is constitutionally obliged to respect, protect, promote and fulfil the constitutional rights as contained in the Bill of Rights. A progressive Constitution alone will not realise rights if the citizens of the country do not understand what it entails. Given the level of literacy in South Africa, it becomes imperative for the Department to ensure that every South African knows and understands the Constitution. The majority of people in South Africa are poor, live in the rural outskirts of the country and are the most vulnerable. Women, children, people with disabilities, the elderly, and lesbian, bisexual, gay, transgender and intersex (LGBTI) persons are exposed to violence and related harm.

While efforts have been made by the Department in collaboration with civil society organisations to educate people about their rights and responsibilities, much remains to be done. Increasing awareness of constitutional rights has indeed resulted in increased public interest litigation against the state to exercise their constitutional rights.

More marches and service delivery protests are being held by people trying to exert pressure on government to deliver services to all. The demand for services generated by population growth has not been matched by growth in the budget, and this puts a lot of pressure on the Department's ability to deliver quality services.

With regard to implementing the government-approved recommendations of the Truth and Reconciliation Commission (TRC), NGOs have continued to severely criticise government for adopting the closed-list approach, which limits assistance/benefits to TRC-listed victims, while neglecting all other victims of gross human rights violations. NGOs have expressed the view that the approach adopted by government is not in line with the purpose of the Promotion



of National Unity and Reconciliation Act, 1995, and have repeatedly rejected the closed-list approach.

This has impacted on progress towards the finalisation of the regulations, as NGOs feel that government should opt for an open-list approach and work on how these regulations will cater for all victims of gross violations of human rights. For the next five years, the TRC Unit will be implementing and monitoring the regulations that have been finalised on Basic Education, Higher Education and Training, and Exhumation, as prescribed by the regulations, and the finalisation of the three sets of regulations required to give effect to the recommendations of the TRC on community rehabilitation, health, and housing.

#### **5.1.4 Information technology environment**

According to the United Nations Broadband Commission, 41% of South Africans use the internet, placing the country fifth in Africa and 92nd worldwide for individual internet usage, which is above the world average of 35.7%. The percentage of individuals using the internet increased from 21% in 2011 to 39.4% in 2013. Facebook is still the most popular social media network in South Africa, with 11.8 million users (9.2 million of whom access the network on their phones), followed by YouTube at 7.2 million and Twitter at 6.6 million. During the same period, LinkedIn has had a massive growth of 40%, up to 3.8 million users, while Instagram has seen the biggest percentage increase from 680 000 in 2015 to 1.1 million users.

The rate of technology development has changed the lives of people dramatically to improve their living standards. The internet offers access to a host of activities through advanced wired and wireless technology. Technological advancement may require the Department to divert from paper communication to technological communication in the form of short message services (SMS). Technology changes quickly and attempts to keep up with improvements need to be undertaken with caution.

The growing number and variety of devices connected to the internet are augmenting both the potential and impact of cybercrimes

and cyberattacks. Cybercrime in general poses problems of jurisdiction and legislation for law enforcement when it comes to transnational crime.

However, the use of technology is inevitable, and may reduce turnaround times in service delivery, especially in matters relating to vulnerable groups, where time is often critical. A growing usage of the internet presents the Department with an opportunity to introduce e-channels for service delivery. This will save clients time and money and reduce the need for a large number of client-facing staff.

In addressing this problem, and to create an environment that will not tolerate cybercrime, the JCPS Cluster is planning to develop legislation that will deal with this problem. In addition to this, the DoJ&CD, together with the Department of International Relations and Cooperation (DIRCO), will need to establish bilateral agreements with a number of countries to strengthen the fight against crime and corruption. Bilateral agreements between countries will ease the process of extraditing people who have committed crimes that are transnational in nature. South Africa will implement the National Cybersecurity Policy Framework adopted by Cabinet in March 2012 in order to strengthen intelligence collection, investigations, prosecution and judicial processes in respect of preventing and addressing cybercrime, cyberwarfare, cyber terrorism and other cyber ills.

#### **5.1.5 Environment**

Despite intensive conservation efforts, government interventions and public awareness, rhino poaching is increasing, pushing the remaining rhinos closer and closer to extinction. South Africa has the largest population of rhinos in the world and is an important country for rhino conservation. The number of rhinos poached in South Africa increased from 333 in 2010 to 393 in 2014. During the same period, the number of arrests for rhino poaching-related offences climbed from 165 in 2010 to 386 in 2014<sup>13</sup>. However, if the killing continues at this rate, the country could see rhino deaths overtaking births

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<sup>13</sup> Data published by the South African Department of Environmental Affairs (2015)

between 2016 and 2018, meaning that rhinos could become extinct in the near future. This has increased pressure on justice services to create small courts (reviewing the policy governing rhino poaching) that will be responsible for the prioritisation of rhino poaching cases to bring more perpetrators of this crime to book.

## 5.2 Organisational context

### 5.2.1 Financial

Within the context of the current global economic dynamics, the DoJ&CD remains committed to improved accountability, fiscal discipline and stewardship of its resources. The focus is to ensure that all decisions when funding, enabling and executing departmental strategy are grounded in sound financial criteria. Given the current financial constraints, an efficiency gain in processes, as well as focus on significant contributors towards achievement of the NDP and addressing the needs of the most vulnerable in society are high on the agenda.

The Department must be realistic when funding its activities – specifically considering the operational dynamics of the activities and specifically the State Legal Services Turnaround Project. The Department has reprioritised its baseline accordingly.

Despite cost-containment measures that have been implemented since 2010, manoeuvrability outside infrastructure spending remains a challenge due to the growth in services required from the various service delivery units in the Department, such as the lower courts, Office of the State Attorney and Master of the High Court Offices. These challenges are exacerbated by the implementation of the remuneration cap that was implemented by government.

The DoJ&CD provide professional services that are heavily reliant on human resources. These include additional requirements on its services such as commissions of enquiry. Accordingly the cap on remuneration impacts across branches. The Department is therefore reviewing its mitigation efforts to reduce the potential impact on service delivery.

Further to the above the alignment with the Supply Chain Management Reforms being instituted by the

National Treasury is a priority for the Department so as to enhance the integrity of procurement processes and to realize benefits that contribute to cost containment.

### 5.2.1. Third Party Fund

- The biggest challenge in the attainment of the desired outcomes of unqualified and clean audits in the Department is in the Trust Fund environment and especially relating to Third Party Funds. Investments in the last three years were focused on investment in human resource development, improvement of banking and cash management, and improvement of service turnaround times. In the previous financial year a significant investment was made in the development and piloting of a new financial administration system supporting enhanced automated business processes. It is envisaged that the system will be fully rolled out by March 2017/18.
- Identified services of the State Attorney and Court Service as directed by National Treasury and the Auditor General by the 2017/18 financial year
- Financial reporting in full compliance with all relevant and applicable standards aligned with the approved organisational form and National Treasury directives of the Third Party Fund in the 2015/16 financial year onwards.

### 5.2.2 Information and communication technology

During the 2016-2020 MTSF period, the Department will continue its modernisation programme to improve the delivery of justice services. A number of projects have already been started and will undergo enhancements, while others will be initiated and completed in different financial years within the current MTSF period. These initiatives are detailed below:

#### a) State Attorney Management System (SAMS)

One of the Department's key priorities is to transform the State Attorney environment

in order to improve its administrative effectiveness and efficiency. This is in line with the departmental mission of providing transparent, responsive and accountable justice services. This transformation will require the improvement of processes and the implementation of a supporting administrative ICT solution. The State Attorney System, planned for full implementation by end of 2018/19, will enable the Department to adequately and accurately account for the work done in relation to state litigation and conveyancing, optimise debt collection, optimise diary and task management, track and efficiently report on legal opinions, properly account for the use of service providers, and optimise billing and expenditure.

**b) Implementation of Digital Filing Solution for civil modernisation**

This solution will enable the electronic filing of civil matters by legal practitioners. The system is now fully developed and ready to undergo a “Pilot Testing Exercise” with the identified pilot courts. The main aim of this exercise is to thoroughly test the new civil system and gather more baseline information/inputs with regards to system shortcomings and/or areas of improvement when operated in the real world environment. Full implementation is expected by the end of the 2019/20 financial year.

**c) Implementation of Court Recording Technology (CRT)**

The key mandate of the Department is to support the administration of justice and to uphold the Constitution. This is supported by providing an effective and efficient court administration system. Implementation of CRT systems began during the 2016/17 financial year and is expected to be completed by the end of the 2017/18 financial year. Below are some of the capabilities and benefits to be realised:

- Audio records, stored at the central servers, will be accessed through a web portal for transcription and other purposes

- The web portal must serve as a platform for any correspondence between the Department and the transcriber regarding the audio recording
- The web portal must be accessible through the Department’s Intranet (for Departmental internal authorised users) and the Internet

**d) Case tracking and scheduling solution**

The modernisation of justice systems and processes will enable the Department and the Judiciary to decrease the cost of service, improve service efficiency, reporting, and the monitoring of services. Efficient and effective case flow management is of critical importance for administration of justice, therefore all systems in support of the case flow management process need to be in an optimal state. The objectives of developing case tracking and scheduling are to mitigate all the current business challenges through:

- Reduced manual labour intensive administrative business processes, through streamlining and automation of business process
- Proactive, relevant and real-time information to all the stakeholders within JCPS through integration
- Improved visibility and transparency of all cases to manage case flow and case load via case scheduling and statistical reporting

The following are solutions envisaged to be completed by the end of 2018/19 financial year:

**e) Implementation of the NRSO electronic vetting and expungement process**

The NRSO register has been developed as a module of the Integrated Case Management System (ICMS) and allows for delegated officials to capture and approve additions to the register. This register is currently in use by the Department. The objective of Phase 2 is to enable the vetting of parties who work with children and mentally disabled people against the register. This project will also

include the enhancement of the registration process and cater for a clearance certificate to be provided as part of the vetting process.

**f) Guardian's Fund management solution**

The success of the MojaPay project, which has seen that improvement in payments to the vulnerable groups is facilitated through technology, will be extended to improve service delivery to beneficiaries of the Guardian's Fund. In addition, the system as well as improved processes will work towards decreasing incidents of fraud and improving the speed of service delivery.

**g) Deployment of Paperless Estate Administration System (PEAS) to service points**

The increase in the number of service points that process deceased estates with significantly reduced use of paper will improve efficiency and service delivery for the most vulnerable of our society. During the current MTEF period, we aim to deploy the system to all service points.

**h) Corporate video conferencing solution**

The corporate video conferencing solution is aimed at achieving significant cost reduction on travel and accommodation. It will also enable the efficient running of the Department operations, enabling officials to do more with their time.

**5.2.3 Escalating safety and security costs**

Safety and security incidents throughout all justice service delivery points require the implementation of appropriate counter-measures, such as security infrastructure. The protective measures are necessary to increase vigilance and to reduce potential attacks and threats occurring both inside and outside of our courthouses which are declared gun-free zones. In this regard, the Department will continue to review the resourcing required to capacitate the security of its service delivery points.

The focus over the next five years will be on delivering effective and efficient safety and security services within budget limitations.

The priority areas of focus will include, among others:

- Ensuring the improvement and maintenance of security infrastructure and the protection of the judiciary, prosecution and employees
- Installation of advanced technological security infrastructure to courts and other departmental infrastructure that are identified as high risk areas
- Assist to maintain internal order and discipline in courts including provisioning of rapid response to all heightened trial cases
- Ensuring the management and provision of timeous, valuable safety and security incident management systems to assist in decision making around issues of public safety and security within justice service delivery points

**5.2.4 Infrastructure and the expansion of justice services**

The need for the refurbishment of infrastructure due to its age, the occupation of facilities beyond their intended capacity and the need for additional service points remain serious challenges.

These challenges are complicated by the following additional realities that need to be addressed:

- Escalation of infrastructure costs above inflation means that the cash flow for building new courts is often insufficient, which results in postponements in the construction of envisaged courts
- Balancing the need for additional courts with the maintenance and accessibility programmes of existing courts
- Using the infrastructure budget for additional staff accommodation
- Growth in the establishment and new areas of services

Although funding was provided to address these challenges, the procurement processes and the requirement to follow specific guidelines have delayed the achievement of targets in this regard. To this extent, the planning facilities have been elevated to executive management level so as to ensure the consistent monitoring and facilitation of timely corrective action.

### **5.2.5 Litigation against the state**

During this MTSF period, the improvement of the State Legal Service will remain a priority. The Department will commence the implementation of a policy framework for the efficient management of state litigation in the 2017/18 financial year. The policy frameworks cover the following key areas: alternative dispute resolution, briefing patterns and tariffs and enhancing the capacity of the Office of the State Attorney. The implementation of these policies will assist in addressing the imbalances of the past and improving the State Legal Services by establishing uniform procedures and a framework to be followed by state attorneys when litigating on behalf of the State, as well as managing the appointment of previously disadvantaged individuals, particularly female advocates, contributing to a pool of potential candidates for the judiciary.

The appointment of the Solicitor-General is expected to be finalised during the 2017/18 financial year. This official will be responsible for transforming State Attorneys into a law firm of choice for the state. This will include an overhaul in systems and processes as well as put measures in place to attract and keep the best legal practitioners.

### **5.2.6 Fraud and corruption**

The Department's Forensic Investigations Unit has experienced an increase in the number of fraud and corruption cases in 2015/16 in comparison to the previous two financial years. This was largely due to an increase in the number of awareness sessions that were held on fraud and corruption matters. Consequently, the Department has increased the capacity of its Forensic Investigations Unit. The Department is committed to the implementation of the Minimum Anti-Corruption Capacity (MACC) requirements, which have been set as a public service anti-corruption standard. During the 2015-2020 MTSF period, the Department plans to increase the capacity of its Enterprise Risk Management Unit to deal with identified risks, and timeously develop risk mitigation plans.

### **5.2.7 Service delivery environment**

#### **(a) Enhancement of Masters' services**

The Office of the Chief Master implemented a paperless estate administration system (PEAS), also known as Integrated Case Management System (ICMS) for Deceased Estates, as well as

the ICMS for Trusts system to all Masters' Offices and identified service points. These systems will continue to be modernised and rolled out in other Masters' service points by 2020 to increase access to services by practitioners and members of the public to view deceased estate information online. The successful implementation of the PEAS will relieve the work pressure on officials of the Masters' Offices, as well as curb fraud and the loss of documents, as all documents are scanned before being processed. This system will computerise the administration process related to deceased estates, as all documentation will be scanned and stored electronically. Interested parties will be able to view all relevant information at any given time on the Master's Portal, which will be available on the website.

During the 2018/19 financial year, the rollout of PEAS to all remaining service points of the Master will be undertaken. This will also ensure that the whole country receives the same quality of Master's services within magistrates' courts.

Furthermore, the integration system with the Department of Home Affairs, which allows the offices to extract details of a deceased person directly from the database of Home Affairs is well entrenched within the Masters' environment. This ensures that details are captured correctly and curbs any fraudulent activities.

#### **(b) Maintenance services**

The main objective of the Maintenance Act, 1998 (Act 99 of 1998), is to ensure the protection of the constitutional right of a child to basic nutrition, shelter, basic health care services and social services. It is an Act that seeks to secure maintenance monies from parents and/or other persons on behalf of their children. The maintenance courts provide support to obtain maintenance monies for children by way of the civil and criminal enforcement of maintenance orders. As from the 2014/15 financial year, courts have started to enforce the attachment of a maintenance defaulter's pension money to ensure that maintenance monies are paid before the maintenance defaulter can disappear with his or her pension and leave the children stranded.

In the 2014/15 financial year, the Department further finalised the development of the National Maintenance Enforcement Strategy, which was



approved in the 2015/16 financial year. As part of the turnaround Maintenance Plan, the implementation of this strategy commenced in the second quarter of the 2015/16 financial year. This strategy will go a long way in ensuring that proper procedures are followed in recovering maintenance payments, and that punitive measures are taken against parents defaulting on payments.

As part of the Maintenance Turnaround Strategy, the Department also introduced Electronic Funds Transfer (EFT) as a way of achieving the performance standard that requires courts to make maintenance pay-outs to the beneficiaries no later than four days after the receipt of payment schedules from employers. Through the use of the EFT system, beneficiaries are saved time and money from travelling to and queuing at courts to collect their monies, as all payments are now made directly into their bank accounts. This is just another way of bringing food to children faster.

As from the 2016/17 financial year, the indicator for monitoring the finalisation of maintenance cases within 90 days after the proper service of process has been increased from nine to 99 courts. This service is monitored using the ICMS for Maintenance system, which has been deployed at maintenance courts to ensure an improved data management system in maintenance. The Department plans to further extend the rollout to all other remaining courts.

In the 2014/15 financial year, the Department also introduced direct maintenance payments to reduce the number of maintenance payments that flow through the court, and to ensure that beneficiaries have access to their monies in a shorter space of time. The Direct Payment Project will continue to be prioritised by the regions as part of a joint venture between the Department and the NPA. The focus will be on converting the existing maintenance orders into direct payment orders, where possible, and also to ensure that new maintenance orders are issued as direct payment orders, where possible.

### **(c) The Case Backlog Project**

Backlog cases are those cases that have been on the court rolls for an extended period of time pending finalisation. Criminal backlog cases are viewed as those cases that have been on the district court rolls for longer than six months, on the regional court rolls for longer than nine months, and on the High Court rolls for longer than 12 months.

Case backlog reduction interventions, which have been mainly aimed at reducing the number of backlog criminal cases in the lower courts (district and regional courts), have provided additional capacity (contract magistrates, prosecutors, legal aid practitioners and administrative support, such as clerks and interpreters) to courts where a need has been identified by all role players at priority sites throughout the country.

In this regard the additional capacity was previously funded as additional grants by National Treasury to the NPA, DoJ&CD and LASA in the abovementioned regard. This funding has now been added to the baseline budget of these departments and institutions, and will be used to continue with the interventions to reduce case backlogs.

To sustain the backlog interventions and, in particular, the capacity that was created, the long-term objective is to create more permanent courts and staffing at places where a real need has been identified and proven over a period of several years, through operational backlog courts in those areas to efficiently deal with court cases. This process is dealt with in alignment with the re-demarcation process where magisterial districts and service delivery areas are aligned with municipal boundaries. During the 2013/14 financial year, 40 contract backlog magistrates' posts (17 regional backlog courts and 23 district courts), as well as the equivalent administrative, prosecuting and legal representation capacity, were converted into permanent posts.

During the 2015–2020 MTSF period, the Department plans to convert, where required and feasible, the remaining backlog court capacity into permanent posts. From 2017/18 to 2019/20 financial years, 47 backlog courts will be converted to permanent courts.

### **(d) Service Charter and customer complaints**

#### **Service Delivery Improvement Programme**

Outcome 12 requires a government to work towards "an effective, efficient and development-orientated public service." The 2016 Public Service Regulations seek to institutionalise the operations management framework, the Service Delivery Charter and the Service Delivery Improvement Plans within departments. The provisions of the operations management framework seek to improve the effectiveness and efficiency of service delivery as envisaged by the NDP.

As outlined above, many different interventions will be implemented to shift the Department to a new trajectory of efficiency and development-orientation. The interventions will include the following, among others:

- Development of Service Delivery Models to ensure alignment of services
- Development of business processes and standard operating procedures (SOPs) for all services provided
- Review of service standards in line with approved Service Delivery Models
- Continue with the facilitation of the implementation of the departmental Integrated Complaints Management Framework

During the 2017–2020 MTSF period, the Department will review its Service Delivery Charter and monitor the implementation thereof.

### **5.2.8 Human resource management**

The challenging economic environment has continually exerted pressure on state coffers, and has required Departments to reduce spending.

In this regard, a vigorous programme of capping departmental remuneration commenced and the following strategies will continue into the 2017/18 planning cycle:

- A robust ongoing consultation between the Department and organised labour on how to work together in implementing cost cutting measures that will assist in improving efficiencies, retaining jobs and safeguarding the service delivery
- The reorganisation of the departmental structure where each function of the structure is interrogated to determine its value proposition and duplications eradicated

The 2012/17 Human Resource Plan (HRP) will be reviewed to ensure alignment with the Departmental MTSF and to focus on the following areas: substantially reduce and/or eliminate audit queries emanating from HR administration processes; finalise grievances and disciplinary cases within the

prescribed time-frame; ensure that HR services end-users achieve all prescribed targets in line with EE prescripts; and fully implement the work place skills plan among end-users.

Human Resources Development, as an integral part of HR, will be faced with the training and reskilling needs of officials as identified by the organisational repositioning project to cap the departmental wage bill. The Department will also implement the government's youth development programme by recruiting 900 and 920 unemployed youth for the 2017/18 and 2018/19 performance cycle respectively. HRD will embark on a mentorship, coaching and training programme to support the various internship and learnership projects.

### **5.2.9 Constitutional development**

#### **(a) Programmes on racism, racial discrimination, xenophobia and related intolerance**

The National Action Plan (NAP) to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance has been approved by Cabinet for public comment. In accordance with the DoJ&CD's Annual Performance Plan, the planned public consultations on the NAP will involve six dialogues conducted per annum and outreaches to 280 municipalities between 2016/17 and 2018/19. The DoJ&CD will also convene a national summit to adopt the resolutions to be submitted as the final NAP to the United Nations Human Rights Council by 2016 once approved by Cabinet.

In addition, the DoJ&CD will conduct anti-xenophobia campaigns (with a target of six sustained campaigns per annum over the MTSF). This is in line with the current Cabinet-approved MTSF Outcome 14: Nation building and social cohesion. These activities will be revised, adapted and expanded for the next phase during the implementation of the NAP.

Furthermore, a mechanism to collect, compile, analyse, disseminate and publish reliable disaggregated statistical data to assess the situation of racism, racial discrimination, xenophobia and related intolerance will be developed and implemented over the next five years.

The mechanism will be a long-term tool for compiling periodical assessments of behaviour, attitudes and the prevalence of incidents, and developing future interventions in response to these findings. The mechanism is an indicator reflecting incidents of racism, racial discrimination, xenophobia and related intolerance in the country. It measures the increase or decrease in the number of incidents over a period of time, and the geographical occurrence of these incidents. It also provides an analysis on the collected data and guides the relevant role players in appropriate responses. It will therefore ultimately guide and direct the review and adjustment of priorities and activities in relation to the implementation of the NAP by various implementers over a period of time.

#### **(b) Enhancing programmes of constitutional awareness in line with the Department mandate and the NDP**

As mentioned above, the DoJ&CD is already contributing to the implementation of various activities included and contained in the current Cabinet-approved MTSF for 2014-2019, which covers the first five years of the NDP, relating to Outcome 14.

In particular, the DoJ&CD, under Outcome 14, contributes to the outputs relating to Sub-outcome 1: Fostering constitutional values (conducting constitutional rights awareness campaigns), among others.

### **5.3 Stakeholders**

The Department has a wide spectrum of stakeholders and partners who jointly contribute to its vision of accessible justice to all. These stakeholders include the Parliament of South Africa, the judiciary, departments within the JCPS Cluster, LASA, civil society, the donor community, international stakeholders (the United Nations and African Union), Chapter 9 institutions and the media.

#### **5.3.1 The donor community**

Every year, the Department identifies unfunded priorities, and requests donor organisations to assist with funding. For the 2015-2020 MTSF period, funds from donors will, among others, be used to promote access to justice by re-engineering small

claims courts and funding socioeconomic justice programmes.

#### **5.3.2 Chapter 9 institutions**

Section 181(2) of the Constitution provides for the independence of Chapter 9 institutions and section 181(3) requires that "other organs of state, through legislative and other measures, must assist and protect these institutions to ensure the independence, impartiality, dignity and effectiveness of these institutions".

The Constitution and the national legislation of each institution sets out the appointment mechanisms, terms of office, mandates, powers, funding and lines of accountability of these institutions.

It is important to note that while the strategic plans of the Chapter 9 institutions are developed independently of government, the work of these institutions complement government's programme of action in order to maintain synergy and strengthen constitutional democracy.

In compliance with section 181(3) and section 196(3) of the Constitution, the Branch will, through legislative and other measures, assist and protect Chapter 9 institutions that support constitutional democracy to ensure their independence, impartiality, dignity and effectiveness.

The Department has undertaken to perform the following functions in respect of Chapter 9 institutions:

- Facilitating the budgetary process and assisting with the financial arrangements of Chapter 9 institutions
- Promoting proposals emanating from the reports of these institutions
- Ensuring compliance with section 181(3) of the Constitution
- Promoting and maintaining communication channels between Chapter 9 institutions and government departments

#### **5.3.3 International bodies**

The Department's involvement in international matters, particularly international cooperation, is informed by our foreign policy, entitled "Contribution to African development and a

better world". This is underpinned by values in the Constitution of the Republic of South Africa, 1996, with the entrenched Bill of Human Rights, the rule of law, the right to dignity and equality, and recognition of international law. The New Partnership of Africa's Development (NEPAD) is the blueprint for African development. It is complemented by regional development instruments and programmes. Our approach is that our contribution in the fight against crime, and the promotion and protection of human and people's rights on the African continent should add value to the alleviation of poverty and inequality. This is the case regarding the world in general.

South Africa is a member state to and participates in numerous international multilateral agreements that deal with public international human rights law and 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.

For the next MTSF period, the Department is looking to enhance cooperation through the conclusion of bilateral and multilateral agreements with key countries and international organisations, as well as to enhance its participation in the forums to which it is already a member and in which it already participates in order to yield positive outcomes for the Department and the country.

## **6. DESCRIPTION OF THE STRATEGIC PLANNING PROCESS**

The DoJ&CD started with the review of the 2015/20 Strategic Plan when it held brainstorming sessions on the 5th and the 19th of July 2016. The purpose of the brainstorming sessions was to assess the current situation in the Department as well as to consider a number of themes that have been identified as critical to the performance of the Department. This was done with the purpose of creating a justice system that is accessible, efficient, independent, transparent, professional, accountable to the society, and one that would ensure the rule of law and human rights.

The DoJ&CD built upon the brainstorming sessions with a two day strategic review session with all the branches of the Department, which took place on the 15th and the 16th of August 2016. The purpose of these sessions was to continue with the review of the Annual Performance Plan for 2015/16 and the Strategic Plan for 2015-2020. Branches also held their planning sessions from the 22nd of July to the 10th of August 2015 to prepare for the departmental session. During the department strategic review session, the Department's vision, mission, values, and strategic goals and objectives were also reviewed and confirmed. This was done in accordance with the 7 transformational themes that emerged during the brainstorming session and with the information collected on the performance environment (economic, social, political, IT and the environment).

The findings from the brainstorming and departmental strategic review sessions were analysed, and as a result, 4 goals which are aligned to the programme objectives were determined. Strategic directions, specific intervention areas, execution deadlines, indicators of implementation level, expected results and responsible personnel for each objective under each identified goal were also determined.

## **7. COLLECTION OF DATA**

The responsibility for implementing this strategy rests with all the identified personnel. At the same time, in order to ensure a coherent implementation of the strategy, the Department has established a mechanism for monitoring performance against the set objectives. In doing so the Department utilises ICMS and Microsoft Excel-based forms to collect performance data from the various service points. Monthly, quarterly and annual performance reports are verified against the collected information on the system. Collated monthly, quarterly and annual performance reports from service points are uploaded on the Itirele Performance Information Management System (PIMS), depending on the frequency within which the indicator should be tracked.

## **8. RISK MANAGEMENT**

The DoJ&CD commits itself to continue to manage risks and maintain effective, efficient and transparent systems of financial management, risk

management and internal controls as required by Treasury Regulations. Risks identified, as well as the mitigation proposed to address key risks that may affect the realisation of the Department's strategic objectives for each programme, have been provided in the tables for each objective. The Department will also ensure that efficient and effective controls are in place, such as continuous quarterly reviews and evaluations of mechanisms aimed at mitigating the identified strategic and operational risks.

The Department will enhance the ethical culture by ensuring that remunerative work outside the public service, as well as financial disclosure and vetting, are appropriately managed. The Department will also promote and encourage its employees to report any form of fraudulent and/or corrupt activity

to the National Anti-corruption Hotline at 0800 701 701 (toll-free).

## 9. STRATEGIC GOALS OF THE DEPARTMENT

The key mandate of the Department is to support the administration of justice and uphold the Constitution. This is done by implementing an effective and efficient court-based system, and through the provision of quality legal services to the country's citizens and the state. In addition to these goals, the Department provides effective support services that are in line with good corporate governance, and implements the transformational agenda of government on issues of access and the empowerment of previously disadvantaged individuals. The following are the Department's strategic goals.

### The four strategic goals of the Department are as follows:

Goal 1	Optimisation of the use of people, processes and technology to meet service delivery and good governance requirements
Goal statement	Invest in and develop people, processes and technology to ensure continued compliance with legislative and regulatory requirements and sustained public confidence
Goal 2	People-centred justice services that are accessible, reliable and efficient
Goal statement	Justice services which place victims, vulnerable persons and other court users at the centre of the justice system
Goal 3	Corporatized, cost effective and integrated quality legal services to proactively protect the interest of the state
Goal statement	A transformed and integrated state legal service is that offers quality, efficient and a cost effective service
Goal 4	Promotion of constitutionalism, human rights and commitment to international legal relations
Goal statement	Compliance by government departments with the Promotion of the Administrative Justice Act (PAJA) is substantially improved, citizens are better informed on how to exercise their constitutional rights, public engagement with relevant stakeholders, civil society organisations and community-based organisations is improved by public participatory forums and constitutional development is promoted



# PART B: STRATEGIC OBJECTIVES

## 10. PROGRAMME OBJECTIVES AND ALIGNMENT WITH THE NATIONAL DEVELOPMENT PLAN

The alignment of the Department Strategic Plan with chapters of the NDP and various chapters of the MTSF that directly or indirectly affect the Department is presented below.

### Alignment with the National Development Plan:

#### Chapter 11: Social protection

In line with Chapter 11 of the NDP, the Department has developed strategic objectives and performance indicators that will specifically focus on improving services and turnaround times in maintenance orders and payment successes, deceased estates, the administration of insolvent estates, and payments from the Guardian's Fund.

The Department has put in place a plan to improve services offered through the Office of the Chief Family Advocate (CFA) to assist children with issues of custody, access and guardianship in family disputes, to improve mediation services towards full compliance with legislation, and to improve turnaround times in lodging children's reports with the courts. The Department has included the relevant indicators under Objective 6 in the Annual Performance Plan that are aligned with Chapter 13.

#### Chapter 12: Building safer communities

The Department plays a major role in building safer communities. One of the key focus areas under the Seven-point Plan of the Criminal Justice Review involves making substantial changes to court processes in criminal matters through short and medium-term proposals. In response, the Department has put targets in place to address areas that would improve court processes. These include an improvement in the usage of AVR systems, the implementation of improved court record systems, improved management of criminal appeal processes and transcriptions, and decreasing the rate of court postponement due to administrative issues.

In line with the Seven-point Plan, an integrated and seamless national criminal justice system, which contains all the relevant performance information, is under development. The systems improvements that need to be put in place in order for the Department to fully align itself with the criminal justice system information are included in this plan.

In addition, there are a number of policy and legislative initiatives towards building safer communities for vulnerable groups of society. These include the following:

- Establishing 57 dedicated sexual offences courts, subject to resources
- Finalising the NAP regarding the management of crimes against the LGBTI community

#### Chapter 13: Building a capable state

The Department will support the objectives of building of a capable state through initiatives involving people development, systems development and improving governance initiatives. The Justice College offers in-house training courses for, among others, anti-corruption, maintenance, sexual offences, domestic violence, child law, foundation management, service excellence, quasi-judicial services, prosecutorial, interpreting, and Masters' services. In line with this chapter, the College will support the Department in providing training in critical identified areas.

Further enhancements of the ICMS will be developed to enable the effective monitoring of cases handled in different areas of the Department. The Department has therefore included indicators in the Annual Performance Plan that are aligned with this chapter of the NDP. The turnaround of the Office of the State Attorney will result in a state that is capable of effectively managing litigation matters and reducing the burden of costs on the state

#### Chapter 14: Promoting accountability and fighting corruption

Under this chapter, the NDP identified proposals within the judicial system that will enable the country to effectively fight corruption and promote accountability. In line with this chapter, the Department will continue with its three-pronged strategy of fighting corruption, and will monitor staff awareness sessions, the finalisation of forensic investigations and the vetting of key staff members.

During this MTSF period, the Department will finalise 16 bilateral agreements with the Group of 20 (G20) countries. The Department will also assist with the review, amendment and development of legislative instruments aimed at improving cyber security to create a secure, dependable and reliable cyber environment – for instance, the Cybercrimes and Related Matters Bill and the Prevention and Combatting of Corrupt Activities Amendment Bill.

## **Chapter 15: Transforming society and uniting the country**

In line with the NDP, the Department will substantially contribute towards the transformation of our society. The following initiatives have been included in the Strategic Plan:

- Ensuring compliance with legislation such as PAJA and PAIA for the Department and government in general
- Promoting social cohesion, creating actively engaged and critical citizens with a culture of human rights and tolerance
- Continuing with the implementation of the recommendations of the TRC

### **Alignment with the MTSF:**

The MTSF is used as a tool to implement the NDP as it outlines what departments should do over the five-year electoral cycle. Government priorities that directly and indirectly affect the DoJ&CD are dealt with in Outcome 3 and Outcome 14 of the MTSF. In line with Outcome 3, the Department has included the following indicators in its Annual Performance Plan, which are aligned to Sub-outcome 2 and Sub-outcome 4 in its Annual Performance Plan.

- Number of bilateral agreements concluded with G20 countries
- Number of KPIs for the IJS approved and measured through the case management system functional by 2019
- Legislative programmes, which include a Cybercrimes and Related Matters Bill to be enacted and implemented in the 2016/17 financial year, a Prevention and Combatting of Corrupt Activities Amendment Bill to be enacted and implemented in the 2017/18 financial year and a Protected Disclosures Amendment Bill to be enacted and implemented in the 2016/17 financial year.

In support of Outcome 14, which deals with nation building and social cohesion, the Department's Annual Performance Plan is aligned with Sub-outcome 1 and Sub-outcome 2, which respectively deal with fostering constitutional values, equal opportunities, inclusion and redress. There are plans in place to reach 12 million people through awareness campaigns to popularise socioeconomic rights.

## **11. PROGRAMME 1: ADMINISTRATION**

The purpose of the programme is to provide strategic leadership, management and support services to the Department.

This programme comprises the following sub-programmes:

- Ministry:** Provide leadership and policy direction to the DoJ&CD
- Management:** Provide overall management of the DoJ&CD's operations and resources
- Corporate Services:** Provide strategic support to the Department and integrated business solutions in human resource management, information and communication technology, public education and communications and capacity building of the Department's personnel
- Financial Administration:** Provide support to the DoJ&CD with respect to financial resource allocation and management, to aid in the fulfilment of the Department's goals and objectives
- Internal Audit:** Assist the accounting officer in maintaining efficient and effective controls by evaluating those controls to determine their effectiveness and efficiency and develop recommendations for enhancement or improvement
- Office Accommodation:** Provide for accommodation charges, leased agreements and municipal rates.

**The strategic objective under this programme is the following:**

- Increased compliance with prescripts to achieve sustained unqualified audit opinion.

## 11.1 Strategic objectives

The list of strategic objectives and the KPIs in relation to Programme 1 are as follows:

Strategic Objective 1	Increased compliance with prescripts to achieve and sustain an unqualified audit opinion
Objective statement	To increase compliance with prescripts to sustain the unqualified audit opinion obtained on Vote Account, Guardian's Fund, Third Party Fund, CARA Fund and the President's Fund and predetermined objectives by addressing audit concerns and findings
Objective indicator	Unqualified audit achieved and sustained on financial statements and predetermined objectives
Five year strategic target	Unqualified without significant findings: Vote, Guardian's Fund, Third Party Funds, President's Fund, and predetermined objectives
Baseline	Unqualified: Vote, Guardian's Fund, Third Party Funds, President's Fund and Qualified: Third Party Funds in 2015/16 financial year:
Justification	This objective will contribute to the improvement of governance and the management of state resources, thereby enhancing service delivery
Links	<ul style="list-style-type: none"> <li>a. Strategic Goal 1: Optimise the use of people, processes and technology to meet service delivery and good governance requirements</li> <li>b. Chapter 13 of the National Development Plan: Building a capable state</li> </ul>
Risk/risk factor analysis	<ul style="list-style-type: none"> <li>a. Inadequate prevention, detection and reaction mechanisms in terms of financial compliance</li> <li>b. Inadequate operational financial system for the Guardian's Fund</li> <li>c. Potential delays in implementation of the new Third Party Funds financial system</li> <li>d. Inadequate understanding of fraud prevention through internal control design and oversight by Line Managers and supervisors</li> <li>e. Inconsistencies in applying financial and operational processes across the Department</li> <li>f. Inadequate consequence management</li> <li>g. Skills gap at core and support service deployment</li> </ul>
Risk mitigation	<ul style="list-style-type: none"> <li>a. Focus on improving the ethical culture within the Department</li> <li>b. Automation of Guardian's Fund (GF) systems</li> <li>c. Third Party Fund (TPF) oversight committee on roll-out of MOJAPAY</li> <li>d. Implementation of the Fraud Prevention Plan</li> <li>e. Assessment of compliance with departmental prescripts and policies (departmental financial instructions, departmental Financial Procedure Manual, Guardian's Fund Manual, CARA and relevant codified instructions)</li> <li>f. EXCO Oversight on non-compliance and consequences management</li> <li>g. Review of Human resources plan and workplace skills plan</li> <li>h. Review of functionality of organizational structure</li> </ul>

## 11.2 Resource consideration

The budget for Programme 1, as detailed in the (ENE) for MTEF period, is shown below.

**Table 1: Administration budget**

Sub-programme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
<b>R million</b>							
Ministry	30.8	29.6	32.6	34.9	36.6	38.1	40.7
Management	107.9	112.2	156.1	128.0	141.9	148.9	159.6
Corporate Services	430.7	441.8	400.6	456.8	421.9	406.4	433.9
Financial Administration	171.7	183.4	159.8	194.6	202.7	201.2	214.7
Internal Audit	62.2	66.5	82.2	86.6	97.5	92.8	99.4
Office Accommodation	958.2	1,002.7	987.9	1,230.1	1,228.6	1,299.9	1,372.7
<b>Total</b>	<b>1,761.5</b>	<b>1,836.2</b>	<b>1,819.2</b>	<b>2,130.9</b>	<b>2,129.3</b>	<b>2,187.2</b>	<b>2,321.0</b>
Change to 2016 Budget estimate				2,130.9	2,129.3	2,187.2	2,321.0

### Economic classification

<b>Current payments</b>	<b>1,744.8</b>	<b>1,801.5</b>	<b>1,790.6</b>	<b>2,100.9</b>	<b>2,098.6</b>	<b>2,157.4</b>	<b>2,289.5</b>
Compensation of employees	417.6	453.5	494.3	552.3	572.7	563.9	606.8
Goods and services	1,327.1	1,348.0	1,296.2	1,548.6	1,525.8	1,593.5	1,682.8
<i>of which:</i>							
Advertising	17.1	12.0	24.4	21.3	18.2	18.6	19.6
Audit costs: External	49.9	40.3	35.5	48.0	46.0	49.4	52.2
Communication	17.9	13.7	14.5	17.9	17.0	18.9	20.0
Operating leases	679.6	715.5	686.4	767.6	824.0	860.1	908.2
Property payments	278.9	287.1	302.4	463.6	406.7	441.9	466.6
Travel and subsistence	104.3	110.8	99.6	93.4	95.8	101.0	106.2
<b>Transfers and subsidies</b>	<b>7.8</b>	<b>2.3</b>	<b>21.5</b>	<b>15.8</b>	<b>15.8</b>	<b>16.8</b>	<b>17.7</b>
Provinces and municipalities	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Departmental agencies and accounts	5.8	-	20.0	14.6	15.5	16.4	17.4
Foreign governments and international organisations	0.8	-	-	-	-	-	-
Households	1.2	2.3	1.5	1.1	0.3	0.3	0.3
<b>Payments for capital assets</b>	<b>7.3</b>	<b>15.2</b>	<b>6.6</b>	<b>13.8</b>	<b>14.9</b>	<b>13.0</b>	<b>13.8</b>
Machinery and equipment	7.2	15.1	6.6	13.8	14.9	13.0	13.8
Software and other intangible assets	0.1	0.1	0.0	-	-	-	-
<b>Payments for financial assets</b>	<b>1.7</b>	<b>17.2</b>	<b>0.5</b>	<b>0.4</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total</b>	<b>1,761.5</b>	<b>1,836.2</b>	<b>1,819.2</b>	<b>2,130.9</b>	<b>2,129.3</b>	<b>2,187.2</b>	<b>2,321.0</b>

<b>Proportion of total programme expenditure to vote expenditure</b>	<b>13.5%</b>	<b>12.9%</b>	<b>12.2%</b>	<b>13.3%</b>	<b>12.7%</b>	<b>12.4%</b>	<b>12.3%</b>
<b>Details of transfers and subsidies</b>							
<b>Departmental agencies and accounts</b>							
<b>Departmental agencies (non-business entities)</b>							
<b>Current</b>	<b>5.8</b>	<b>-</b>	<b>20.0</b>	<b>14.6</b>	<b>15.5</b>	<b>16.4</b>	<b>17.4</b>
Safety and Security Sector Education and Training Authority	5.8	-	20.0	14.6	15.5	16.4	17.4
<b>Foreign governments and international organisations</b>							
<b>Current</b>	<b>0.8</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
International Criminal Court	0.8	-	-	-	-	-	-
<b>Provinces and municipalities</b>							
<b>Municipalities</b>							
<b>Municipal bank accounts</b>							
<b>Current</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
Vehicle licences	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Households</b>							
<b>Social benefits</b>							
<b>Current</b>	<b>1.1</b>	<b>2.3</b>	<b>1.5</b>	<b>1.1</b>	<b>0.3</b>	<b>0.3</b>	<b>0.3</b>
Employee social benefits	1.1	2.3	1.5	1.1	0.3	0.3	0.3
<b>Households</b>							
<b>Other transfers to households</b>							
<b>Current</b>	<b>0.1</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
Employee social benefits	0.1	-	-	-	-	-	-
Other transfer to households	-	-	-	-	-	-	-

## EXPENDITURE TRENDS

The spending focus under this programme is mainly on personnel, audit fees, operating leases, property payments, and travel and subsistence. The number of posts in this programme is expected to grow to 1 411 by 2019/20.

## 12. PROGRAMME 2: COURT SERVICES

**Purpose:** To facilitate the resolution of criminal, civil and family law disputes by providing accessible, efficient and quality administrative support to the courts and to manage court facilities.



The programme consists of the following sub-programmes:

- i. **Lower Courts** focus on the activities and operations of regional and district courts
- ii. **Family Advocate** makes recommendations to the court where there is litigation and mediation affecting children
- iii. **Magistrates Commission** makes recommendations on the appointment and tenure of magistrates
- iv. **Government Motor Transport** provides vehicles for departmental officials
- v. **Facilities Management** focuses on the provision of accommodation (building and upgrading) for courts and justice service delivery points
- vi. **Administration of Lower Courts** focuses on the management of courts' administration and performance evaluation in national offices and 9 regional offices

**Strategic objectives under this programme are the following:**

- i. Efficient and effective criminal justice system that contributes to the realisation of Outcome 3: "All people in South Africa are and feel safe"
- ii. An efficient and effective victim and witness support system
- iii. Enhanced and integrated family law services
- iv. Increased access to courts to historically marginalised communities
- v. Efficient and effective civil justice system
- vi. Transformation of the judicial system aligned to the Constitution

## 12.1 Strategic objectives

The list of strategic objectives and the KPIs in relation to Programme 2 are as follows:

Strategic Objective 2	An efficient and effective criminal justice system that contributes to the realisation of Outcome 3: "All people in South Africa are and feel safe"
Objective statement	To implement interventions across the criminal justice system value chain in order to reduce the number of criminal backlog cases on the court roll
Objective indicator	Number of criminal cases on the backlog roll in the lower courts
Five year strategic target	28827 cases on the backlog roll as at the end of the 2017/18 financial year
Baseline	27582 cases on the backlog roll in 2014/15 in financial year
Justification	The indicator measures the effectiveness of courts in terms of finalising criminal cases.
Links	<ol style="list-style-type: none"> <li>a. Chapter 12 of the NDP: Building safer communities</li> <li>b. Sub-outcome 2 of Outcome 3: An efficient and effective criminal justice system</li> <li>c. Strategic Goal 2: People-centred justice services that are accessible, reliable and efficient</li> </ol>

Risk/risk factor analysis	<ul style="list-style-type: none"> <li>a. Inefficiency in management of and accounting for state infrastructure</li> <li>b. Inadequate planning of infrastructure provision and maintenance thereof</li> <li>c. Increased diversified needs to be serviced in existing court facilities (e.g. Counselling victims)</li> <li>d. Bureaucracy that delay maintenance and upgrade of courts that are classified as heritage sites</li> <li>e. Non-integrated stakeholder planning (Municipalities)</li> <li>f. Inadequate Supply Chain Management Processes in relation to Infrastructure Development leading to poor service delivery (Delays in the procurement of customized sexual offences system/dual view CCTV system and children’s furniture)</li> <li>g. Inadequate long-term planning of accommodation needs</li> <li>h. Inadequate coordination and cooperation within the value chain of the criminal justice system</li> <li>i. Infrastructural limitations of existing court buildings</li> <li>j. Provision of skilled human resources by relevant stakeholders</li> <li>k. Inadequate management and oversight of interdependencies of units and implementing agents</li> </ul>
Risk mitigation	<ul style="list-style-type: none"> <li>a. Improved integrated, proactive and effective planning (engagement with other stakeholders such as: Policy units, Family Advocates, Masters Office, State Attorneys, NPA, Justice College, SLA RC, etc.)</li> <li>b. Improved oversight in relation to interdependencies and of implementing agents</li> <li>c. Solicit funding from Departmental savings to address Property Institutionalisation of User Asset Management Plan (UAMP)</li> <li>d. Standardise norms and standards for resourcing of courts including sexual offences</li> <li>e. Capacitating the Departmental Infrastructure Unit to obtain delegations to decrease reliance on implementing agents for infrastructure maintenance and upgrade</li> <li>f. The Directors-General Intersectoral Committee on Sexual Offences monitors the implementation of the Sexual Offences Courts Project, and this includes the joint contribution of human resources by the relevant stakeholders</li> </ul>

Strategic Objective 3	An efficient and effective victim and witness support system
Objective statement	To improve court-based support services in courts to ensure that victims and witnesses are satisfied with the service provided
Objective indicator	Percentage of victims satisfied with lower court-based support services
Five year strategic target	60% in 2019/20 financial year
Baseline <sup>1</sup>	48% in 2015/16 financial year
Justification	This objective will contribute to the protection and promotion of the rights of victims and witnesses

Strategic Objective 3	An efficient and effective victim and witness support system
Links	<ul style="list-style-type: none"> <li>a. Strategic Goal 2: People centred justice services that are accessible, reliable and efficient</li> <li>a. Chapter 12: Building safer communities</li> <li>a. Chapter 11 of the NDP: Social protection</li> </ul>
Risk/risk factor analysis	<ul style="list-style-type: none"> <li>a. Inadequate inclusion of the victims in the justice system</li> <li>b. Inadequate coordination and cooperation among the relevant stakeholders within the criminal justice system</li> <li>c. Infrastructural limitations in court buildings</li> <li>d. Provision of skilled human resources by relevant stakeholders</li> <li>e. Inadequate regulatory framework on compensation of victims/witnesses</li> </ul>
Risk mitigation	<ul style="list-style-type: none"> <li>a. Established National Task Team and other Intersectoral governance structures on victim empowerment</li> <li>b. Development of a model customized for courts with infrastructural limitations</li> <li>c. Finalise the adoption of the Draft National Strategic Plan (NSP) for Sexual Offences Courts by civil society</li> <li>d. Identification of court buildings which require minimal or no infrastructural changes for upgrading into SOCs, in conjunction with Facilities Unit, the regions and other relevant stakeholders</li> <li>e. Finalisation of operating standards that determine norms for turnaround times in the finalisation of the sexual offences cases</li> <li>f. Development of Monitoring and Evaluation Strategy for SOCs, in conjunction with USAID and relevant stakeholders</li> </ul>

Strategic Objective 4	Enhanced and integrated family law services
Objective statement	Implement legislative initiatives, develop policies and ensure access to enhanced and integrated family law services by promoting and protecting the best interests of children and ensuring the preservation of family cohesion through mediation services
Objective indicator	Percentage of integrated family law matters finalised
Five year strategic target	60% in 2019/20 financial year
Baseline	50%
Justification	This objective will ensure the sustainability of a one stop family law service thus protecting and promoting the best interests of children and family cohesion.
Links	<ul style="list-style-type: none"> <li>a. Chapter 11 of the National Development Plan: Social Protection</li> <li>b. Strategic goal 2: People-centred justice services that is accessible, reliable and efficient.</li> <li>c. Sub-outcome 4 of outcome: Deepening social assistance and expanding access to social security</li> </ul>

Risk/risk analysis factor	<ul style="list-style-type: none"> <li>a. Increasing rate of divorces and rapid population growth resulting in exponential increase in the demand of the family law services</li> <li>b. No bilateral agreements with neighbouring countries (Hague Convention on the Civil Aspects of International Child Abduction, 1980 and enforcement of international maintenance orders)</li> <li>c. Inaccessibility of the family law services due to the small footprint of the Office of the Family Advocate.</li> <li>d. Lack of awareness of the family advocate services</li> <li>e. Poor implementation of the OSD policy resulting in inadequate capacity which results in high staff turnover</li> </ul>
Risk mitigation	<ul style="list-style-type: none"> <li>a. Improved cooperation with other departments and stakeholders to ensure efficiency gains and to arrest the challenges at the cause thereof</li> <li>b. Public education on family law services in alignment with social development on relationship management strategies</li> <li>c. Engage the Department of International Relations and Cooperation in liaising with other international agencies with the view to strengthen diplomatic channels</li> <li>d. Increase the footprint of the office through development of a new service delivery model</li> <li>e. Review relevance of design of and OSD implementation in the Department, as it has contributed on the Family Counsellor skills being scarce</li> </ul>

Strategic Objective 5	Increased access to courts by historically marginalised communities
Objective statement	Put initiatives in place to increase access to justice services
Objective indicator	Percentage of clients perceiving an increase in access to justice services
Five year strategic target	70% in 2019/20 financial year
Baseline <sup>2</sup>	No baseline information
Justification	The Department needs to continue to find creative ways of using existing facilities to serve more people (efficiency) and increase its reach in traditionally marginalised communities
Links	<ul style="list-style-type: none"> <li>a. Chapter 12 of the NDP: Building safer communities</li> <li>b. Chapter 14 of the NDP: Strengthen judicial government and the rule of law</li> <li>c. Strategic Goal 3: <b>People centred justice services that are accessible, reliable and efficient</b></li> </ul>

Strategic Objective 5	Increased access to courts by historically marginalised communities
Risk/risk factor analysis	<ul style="list-style-type: none"> <li>a. Inadequate infrastructure for the courts and offices to function effectively</li> <li>b. Use of heritage sites and old buildings that cannot be structured to the needs of the Department</li> <li>c. The current economic climate which has led to budget reduction has impacted on the planned roll out of courts infrastructure as well as the roll out of full-service courts</li> <li>d. Policy development Extensive consultation with stakeholders is affected by the new magisterial districts.</li> </ul>
Risk mitigation	<ul style="list-style-type: none"> <li>a. Conduct an accommodation audit and align accommodation needs with organisational structures and the new legislative mandate</li> <li>b. Review the budget allocation in alignment with the accommodation audit and identified priority areas</li> <li>c. Obtain delegations from DPW to take control of significant accommodation activities</li> <li>d. Integrated, proactive and effective accommodation and maintenance of infrastructure planning (engagement with other stakeholders like policy units, the Family Advocate's Office, the Master's Office, the Office of the State Attorney, the NPA, the Justice College and the State Law Advisor)</li> <li>e. Implement a Facility Management Information System (FMIS) to improve management and oversight of accommodation and infrastructure</li> <li>f. Develop a change management and communication strategy to improve engagement of stakeholders in new municipal</li> </ul>

Strategic Objective 6	Efficient and effective civil justice system
Objective statement	This objective measures the efficiency and the effectiveness of the civil justice system
Objective indicator	Percentage of civil matters mediated
Five year strategic target	70%
Baseline	No baseline
Justification	Enhancing the civil justice system
Links	<ul style="list-style-type: none"> <li>a. Chapter 13 of the NDP: Building a capable state</li> <li>b. Strategic Goal 2: People centred justice services that are accessible, reliable and efficient. Improved administration support to the justice system, enabling the efficient resolution of cases (civil law, family law and criminal law) (Outcome 3 and Outcome 13)</li> </ul>
Risk/risk factor analysis	Inadequate record and information management



Strategic Objective 6	Efficient and effective civil justice system
Risk mitigation	<ul style="list-style-type: none"> <li>a. Review of service delivery model and the allocation of resources</li> <li>b. Improved recruitment processes and performance management processes at court and regional level</li> <li>c. Continuous engagement with officials at branch, regional and service-point levels through service standards training, service charter awareness campaigns, Service Delivery Improvement Plans (SDIPs), etc., to ensure compliance with the service standards</li> <li>d. Review information management processes including legislation in relation to keeping of court records</li> <li>e. Identify interventions for critical courts in relation to information management</li> </ul>

Strategic Objective 7	Transformation of the South African judicial system enhanced
Objective statement	This objective measures the level of transformation of the judicial system
Objective indicator	Number of transformational policies implemented fully
Five year strategic target	Policy that forms the basis for the Lower Courts Bill, policy on the design of the Judicial and Court Administration Model and policy for the overhaul of the South African legal system
Baseline	No baseline
Justification	Promote the transformation of the judicial system
Links	<ul style="list-style-type: none"> <li>a. Strategic Goal 3: Corporatized, cost effective and integrated quality legal services to proactively protect the interest of the state</li> <li>b. Chapter 14 of the NDP: Strengthen judicial government and the rule of law</li> <li>c. Sub-outcome 2 of Outcome 3: Effective and efficient criminal justice system</li> </ul>
Risk/risk factor analysis	<ul style="list-style-type: none"> <li>a. Legislation outdated and not addressing the needs of the country</li> <li>b. Legislation not aligned with new practices in the constitutional framework</li> <li>c. Lack of acceptance of responsibility by the legal fraternity regarding transformation objectives of the country</li> </ul>
Risk mitigation	<ul style="list-style-type: none"> <li>a. Improved and targeted review of legislation</li> <li>b. Improved planning and monitoring in relation to the work of the Law Reform Commission</li> <li>c. Improved oversight of the Legal Forum and the implementation of a BEE Charter for legal services</li> </ul>

## 12.2 Resource consideration

The budget for Programme 2, as detailed in the ENE for the MTEF period, is shown below.

**Table 2: Court Services budget**

Sub-programme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
Lower Courts	3,657.0	3,799.2	4,143.2	4,353.2	4,599.1	4,856.6	5,193.9
Family Advocate	148.7	177.9	198.7	211.4	224.2	234.3	251.6
Magistrate's Commission	10.1	11.4	13.9	18.1	17.8	18.7	20.0
Facilities Management	480.0	760.7	812.4	920.1	852.8	905.7	945.8
Administration of Lower Courts	459.0	486.1	499.1	558.9	583.0	620.5	665.6
<b>Total</b>	<b>4,754.9</b>	<b>5,235.3</b>	<b>5,667.3</b>	<b>6,061.6</b>	<b>6,276.8</b>	<b>6,635.7</b>	<b>7,076.9</b>
Change to 2016 Budget estimate				6,061.6	6,276.8	6,635.7	7,076.9

### Economic classification

<b>Current payments</b>	<b>4,206.8</b>	<b>4,380.6</b>	<b>4,791.0</b>	<b>5,153.6</b>	<b>5,377.0</b>	<b>5,681.0</b>	<b>6,075.9</b>
Compensation of employees	2,867.7	3,097.9	3,382.0	3,573.4	3,797.8	4,008.5	4,313.1
Goods and services	1,339.2	1,282.7	1,409.0	1,580.2	1,579.2	1,672.5	1,762.8
<i>of which:</i>							
<i>Communication</i>	100.9	97.0	100.3	85.5	95.3	99.5	105.5
<i>Agency and support/outsourced services</i>	156.9	152.3	180.1	158.4	161.2	163.8	173.8
<i>Consumables: Stationery, printing and office supplies</i>	193.3	173.9	196.6	181.6	181.9	187.3	204.7
<i>Property payments</i>	464.5	418.8	468.7	567.9	587.6	636.8	661.3
<i>Travel and subsistence</i>	181.8	186.3	189.7	186.5	189.3	199.6	211.1
<i>Operating payments</i>	78.8	76.6	83.1	128.4	124.9	132.9	141.2
<b>Transfers and subsidies</b>	<b>19.6</b>	<b>31.9</b>	<b>21.8</b>	<b>23.4</b>	<b>25.7</b>	<b>27.3</b>	<b>29.0</b>
Provinces and municipalities	0.5	0.5	0.5	0.5	0.5	0.6	0.6
Departmental agencies and accounts	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Households	19.1	31.3	21.3	22.9	25.2	26.7	28.3
<b>Payments for capital assets</b>	<b>524.9</b>	<b>813.5</b>	<b>835.0</b>	<b>881.8</b>	<b>874.1</b>	<b>927.5</b>	<b>972.0</b>
Buildings and other fixed structures	387.6	712.3	739.5	721.1	769.3	819.8	855.0
Machinery and equipment	137.2	101.2	95.5	160.7	104.8	107.7	117.0
Software and other intangible assets	-	0.0	0.1	-	-	-	-

Payments for financial assets	3.6	9.3	19.4	2.8	-	-	-
<b>Total</b>	<b>4,754.9</b>	<b>5,235.3</b>	<b>5,667.3</b>	<b>6,061.6</b>	<b>6,276.8</b>	<b>6,635.7</b>	<b>7,076.9</b>
Proportion of total programme expenditure to vote expenditure	36.4%	36.8%	37.9%	37.8%	37.4%	37.6%	37.6%
<b>Details of transfers and subsidies</b>							
<b>Departmental agencies and accounts</b>							
<b>Departmental agencies (non-business entities)</b>							
<b>Current</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
Communication	0.0	0.0	0.0	0.0	0.0	0.0	0.0
<b>Provinces and municipalities</b>							
<b>Municipalities</b>							
<b>Municipal bank accounts</b>							
<b>Current</b>	<b>0.5</b>	<b>0.5</b>	<b>0.5</b>	<b>0.5</b>	<b>0.5</b>	<b>0.6</b>	<b>0.6</b>
Vehicle licences	0.5	0.5	0.5	0.5	0.5	0.6	0.6
<b>Households</b>							
<b>Social benefits</b>							
<b>Current</b>	<b>19.1</b>	<b>31.1</b>	<b>21.3</b>	<b>21.4</b>	<b>24.1</b>	<b>25.0</b>	<b>26.6</b>
Employee social benefits	19.1	31.1	21.3	21.4	24.1	25.0	26.6
<b>Households</b>							
<b>Other transfers to households</b>							
<b>Current</b>	<b>-</b>	<b>0.2</b>	<b>0.0</b>	<b>1.5</b>	<b>1.1</b>	<b>1.7</b>	<b>1.8</b>
Claims against the state	-	0.2	0.0	1.5	1.1	1.7	1.8

## EXPENDITURE TRENDS

The spending focus of this programme is mainly court infrastructure, implementation of legislation, medical services for psychiatric observation, as well as security services for courts. This programme's spending grew significantly between 2013/14 and 2015/16 in terms of employee compensation due to the ongoing implementation of the occupation-specific dispensation (OSD) for legally qualified professionals.

The decrease in expenditure in the Facilities Management sub-programme between 2013/14 and 2014/15 can be attributed to delays in the implementation of capital works projects.

The programme's allocation amount increased to R20 billion over the MTEF period. Over the medium term, these allocations will allow the Department to direct the spending focus towards enhancing the administration of courts, building new courts and refurbishing existing courts.

The number of posts in this programme is expected to grow to 12 619 by 2019/20.

Court	Number	Province	Services
Regional magistrates' court (criminal)	248	All provinces	It adjudicates over serious criminal matters
Regional magistrates' court (civil)	62	All provinces	It adjudicates over civil disputes of between R100 000 and R300 000, as well as family disputes (including divorce matters)

Court	Number	Province	Services
District court	476	All provinces	It adjudicates over less serious criminal matters and civil disputes of less than R100 000 and family matters, including maintenance
Small claims courts	330	All provinces	It adjudicates certain civil disputes, the value of which is up to R15 000

### 13. PROGRAMME 3: STATE LEGAL SERVICES

**Purpose:** To provide legal and legislative services to government, supervise the registration of trusts, the administration of deceased and insolvent estates, and estates undergoing liquidation, manage the Guardian's Fund, facilitate constitutional development and undertake research.

This programme comprises the following sub-programmes:

- i. **State Law Advisors:** Provide legal advisory services to the executive, all state departments, parastatals and autonomous government bodies
- ii. **Litigation and Legal Services:** Provide attorney, conveyancing and notary services to the executive, all state departments, state-owned and other government bodies through the 11 offices of the State Attorney, and provide legal support to the Department and the Ministry
- iii. **Legislative Development:** Conduct research and prepare and promote legislation
- iv. **Master of the High Court:** Supervise the administration of deceased and insolvent estates, trusts, curatorship and the Guardian's Fund
- v. **Constitutional Development:** Conduct research, and coordinate the implementation of constitutionally mandated legislation, such as the Promotion of Equality and Prevention of Unfair Discrimination Act and PAJA

Strategic objectives under this programme are the following:

- i. Provision of quality court-based social protection services<sup>14</sup> to improve public confidence in the justice system
- ii. A transformed state legal services
- iii. A transformed the legal profession
- iv. Provision of quality state legal advisory services which are consistent with the Constitution
- v. Increased compliance with international treaty obligations by the Department
- vi. Development of legislative instruments which are consistent with the Constitution
- vii. Promotion of broad-based knowledge on and support for fundamental human rights

#### 13.1 Strategic objectives

The list of strategic objectives and KPIs in relation to Programme 3 are as follows:

Strategic Objective 8	Provision of quality court-based social protection services
Objective statement	To improve the delivery of court-based social protection services to ensure clients are satisfied and to improve confidence in the justice system

<sup>14</sup> Court-based support services include information, mediation and intermediary services.

Strategic Objective 8	Provision of quality court-based social protection services
Objective indicator	Number of cases handled by the Master of the High Court
Five year strategic target	305606 in 2019/20
Baseline	273527 in 2015/16 financial year
Justification	Increased accessibility and availability of Masters' services to all beneficiaries of the Master of the High Court
Links	<ul style="list-style-type: none"> <li>a. Chapter 11 of the NDP: Social protection</li> <li>b. Chapter 13 of the NDP: Building a capable state</li> <li>c. Strategic Goal 3: Corporatized, cost effective and integrated quality legal services to proactively protect the interest of the state</li> </ul>
Risk/risk factor analysis	<ul style="list-style-type: none"> <li>a. Limited rollout of the PEAS system to all service points</li> <li>b. Insufficient budget to provide resources to meet the demands</li> <li>c. Hardware malfunctions (scanners not working)</li> <li>d. Duplication of efforts in maintaining a manual and electronic system</li> </ul>
Risk mitigation	<ul style="list-style-type: none"> <li>a. Effective utilisation of ICT systems to improve efficiency in delivering Masters' services</li> <li>b. Close inter-branch cooperation to take place to seek solutions to the challenges of networks when experienced</li> <li>c. Engage with ISM to improve system functionality</li> </ul>

Strategic Objective 9	Improved state litigation services
Objective statement	The objective is to develop and improve an effective and efficient state litigation service.
Objective indicator	Number of projects implemented to transform the state litigation services
Five year strategic target	6
Baseline <sup>3</sup>	No baseline
Justification	The initiative will contribute positively to the improving of the legal profession and the State Attorney
Links	<ul style="list-style-type: none"> <li>a. Chapter 13 of the NDP: Building a capable state</li> <li>b. Strategic Goal 3: Corporatized, cost effective and integrated quality legal services to proactively protect the interest of the state</li> </ul>

Strategic Objective 9	Improved state litigation services
Risk/risk factor analysis	<ul style="list-style-type: none"> <li>a. Exponential increase in litigation against the state due to inadequate service delivery against standards</li> <li>b. Unsuccessful litigation</li> <li>c. Lack of proper and reasonable instructions from the clients</li> <li>d. Inadequate records provided by the client Departments</li> <li>e. Defending unwinnable cases (lack/failure of mediation)</li> <li>f. Lack of capacity (skills and human capital)</li> <li>g. Potential for non-compliance with legislation by State Attorney</li> </ul>
Risk mitigation	<ul style="list-style-type: none"> <li>a. Analysing the cause of litigation and working at a Cabinet level to resolve the cause of litigation against the state</li> <li>b. Finalise the State Attorney governance framework: <ul style="list-style-type: none"> <li>• Mediation policy</li> <li>• Framework on management of litigations</li> <li>• Client Litigation Procedure Manual</li> </ul> </li> <li>c. Establish National State Litigation Forum</li> <li>d. Audit of all open files in the Office of the State Attorney</li> <li>e. Roll out of automated case management system</li> <li>f. Creation of specialised units in State Attorneys Offices where appropriate</li> </ul>

Strategic Objective 10	Transformed legal profession/legal practice function
Objective statement	The objective intends to track progress regarding the implementation of action plans that are aimed at transforming the legal profession
Objective indicator	Legal practice functional by target date
Five year strategic target	All planned target completed by Legal Practice Council functional by 28 February 2018
Baseline <sup>4</sup>	No baseline
Justification	The initiative will contribute positively to the transformation of the legal profession
Links	<ul style="list-style-type: none"> <li>a. Chapter 13 of the NDP: Building a capable state</li> <li>b. Strategic Goal 3: Corporatized, cost effective and integrated quality legal services to proactively protect the interest of the state</li> </ul>
Risk/risk factor analysis	<ul style="list-style-type: none"> <li>a. Slow empowerment of PDIs (internally and externally) by the legal profession</li> <li>b. Lack of transfer of specialised skills and inadequate specialization by the legal profession</li> <li>c. Skewed briefing patterns (preferences)</li> </ul>



Strategic Objective 10	Transformed legal profession/legal practice function
Risk mitigation	<ul style="list-style-type: none"> <li>a. Implementation of the BEE Charter in the legal profession after benchmarking with the Auditor-General</li> <li>b. Finalisation of briefing and fee policy</li> <li>c. Bilateral meetings of the Minister and his counterparts</li> <li>d. Monthly briefing statistics</li> <li>e. Improved engagement with universities and the legal profession on training in scarce skills</li> </ul>

Strategic Objective 11	Provision of quality legal advisory services that pass constitutional muster
Objective statement	The objective measures if legal opinions and the certification of legislations provided to the state and organs of state are of quality and are consistent with the Constitution
Objective indicator	Percentage of legislative international agreements and legal opinions passed by parliament and certified by OCSLA successfully challenged in court for constitutionality
Five year strategic target	<5%
Baseline	No baseline
Justification	The Office of the Chief State Law Advisor (OCSLA) assists organs of state in running their affairs efficiently and effectively
Links	<ul style="list-style-type: none"> <li>a. Chapter 13 of the NDP: Building a capable state</li> <li>b. Strategic Goal 3: Corporatized, cost effective and integrated quality legal services to proactively protect the interest of the state</li> </ul>
Risk/risk factor analysis	<ul style="list-style-type: none"> <li>a. Unavailability of specialised skills</li> <li>b. Capacity constraints</li> <li>c. New legislative compliance requirements</li> <li>d. Increase in complexity of cases</li> </ul>
Risk mitigation	<ul style="list-style-type: none"> <li>a. Development of an internship programme to train LLB graduates in the field of drafting and translation of legislation</li> <li>b. Continuous peer review and monitoring of the work flow</li> <li>c. Improved career pathing and associated training in the Office of the State Attorney</li> </ul>

Strategic Objective 12	Increased compliance with international treaty obligations by the Department
Objective statement	To ensure compliance with international treaty obligations in accordance with the priorities of government
Objective indicator	Percentage compliance with treaties and international treaty obligations
5-year strategic target	80%
Baseline	No baseline

Justification	The International Legal Relations Office assists government in complying with its international treaty obligations
Links	<ul style="list-style-type: none"> <li>a. Strategic goal 4: Ongoing constitutional development and increased compliance with constitutional and international treaty obligations</li> <li>b. Sub-outcome 2 of Outcome 14: Equal opportunity, inclusion and redress</li> </ul>
Risk/risk factor analysis	<ul style="list-style-type: none"> <li>a. Negative international reputation</li> <li>b. Dependency on other stakeholders for timely and quality information</li> <li>c. No structured agreements with countries</li> <li>d. Long process of concluding treaties</li> <li>e. Noncompliance with the extradition procedures by other organs</li> </ul>
Risk mitigation	<ul style="list-style-type: none"> <li>a. Develop and implement comprehensive stakeholder engagement strategy and management system</li> <li>b. Submission of country reports to the United Nations (Universal Periodic Review (UPR) and International Covenant on Economic, Social and Cultural Rights (ICESCR))</li> <li>c. Conclude agreements with countries</li> </ul>

<b>Strategic Objective 13</b>	<b>Development of legislative instruments that are consistent with the Constitution</b>
Objective statement	To develop legislation that is consistent with the Constitution and can withstands constitutional challenges
Objective indicator	Percentage of legislative instruments successfully challenged in court for constitutionality
Five year strategic target	<5%
Baseline	<5%
Justification	Legislative development assists with the processes and procedures to develop legislative instruments. These instruments allow for the transformation of the legislative framework and society in general.
Links	<ul style="list-style-type: none"> <li>a. Strategic goal 4: Ongoing constitutional development and increased compliance with constitutional and international treaty obligations</li> <li>b. Chapter 15 of the NDP: Transforming society and uniting the country</li> </ul>
Risk/risk factor analysis	<ul style="list-style-type: none"> <li>a. Overlapping mandates between government departments</li> <li>b. Lack of coordination/integration amongst government stakeholders</li> <li>c. Delays in the approval of the relevant legislation</li> <li>d. Dependency on other role-players</li> <li>e. Potential resistance from communities</li> </ul>
Risk mitigation	<ul style="list-style-type: none"> <li>a. Implement governance framework that address overlapping and lack of coordination as well as reporting requirements to cabinet to address performance on dependencies</li> <li>b. Wide consultation with civil society and relevant departments to ensure acceptance, as well as coordinated planning and execution</li> </ul>

Strategic Objective 14	Promotion of broad-based knowledge on and support for values of equality, human dignity and fundamental human rights and corresponding responsibilities
Objective statement	To enhance and improve broad-based knowledge on and support for fundamental human rights by implementing participatory and constitutional advocacy programmes
Objective indicator	Percentage of people with awareness of the Constitution
Five year strategic target	68% with awareness of the Constitution by the 2019/20 financial year.
Baseline <sup>5</sup>	46% of people are aware of the Constitution (survey report of 2012/13)
Justification	The importance of constitutional development was reaffirmed as a priority for 2015/16. This Branch will assist the state to grow the human rights culture that is an imperative for a well-established democracy.
Links	a. Chapter 15 of the NDP: Transforming society and uniting the country b. Strategic Goal 4: Promote constitutionalism, human rights and commitment to international legal relations (Outcome 14)
Risk/risk factor analysis	a. Lack of social compact between government and its citizens b. Lack of awareness of rights and obligations by the citizens c. Inaccessibility of rights d. Capacity constraints and inadequate skills within the Department e. Inadequate resources to implement the protection of constitutional and human rights f. Delay in finalisation of the National Action Plan (NAP) to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance g. High unemployment, inequality and poverty h. Slow pace of service delivery by government i. Slow economic growth j. Inadequate socialization and integration of communities
Risk mitigation	a. Ensure that funding is aligned with the mandate of the Constitutional Development branch and its capacity b. Conduct skills audit in the Branch to determine current skills and required skills, and facilitate skills development c. Finalise the NAP and obtain Cabinet endorsement, consult with relevant departments and stakeholders d. Ensure alignment of programmes and activities to Outcome 14: nation building and social cohesion

## 13.2 Resource considerations

### Budget for Programme 3

Legal Services budget

**Table 2: Legal Services budget**

Sub-programme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
State Law Advisors	57.5	56.4	59.0	69.3	72.9	77.2	83.0
Litigation and Legal Services	332.8	346.9	395.0	433.4	474.8	503.5	539.5

Legislative Development and Law Reform	47.0	51.2	55.9	69.3	88.5	92.2	98.9
Master of the High Court	385.0	401.3	436.7	479.5	504.1	527.2	566.3
Constitutional Development	45.7	63.2	55.6	74.9	80.8	85.5	91.4
<b>Total</b>	<b>868.1</b>	<b>919.0</b>	<b>1,002.2</b>	<b>1,126.5</b>	<b>1,221.2</b>	<b>1,285.7</b>	<b>1,379.1</b>
Change to 2016 Budget estimate				1,126.5	1,221.2	1,285.7	1,379.1

#### Economic classification

<b>Current payments</b>	<b>830.0</b>	<b>862.6</b>	<b>968.0</b>	<b>1,092.7</b>	<b>1,186.7</b>	<b>1,249.4</b>	<b>1,340.8</b>
Compensation of employees	713.2	749.7	831.3	960.0	1,022.0	1,071.5	1,152.9
Goods and services	116.8	112.9	136.8	132.8	164.6	177.9	187.8
<i>of which:</i>							
<i>Communication</i>	13.7	13.5	13.9	13.3	15.4	16.4	17.3
<i>Legal services</i>	39.9	39.5	-	38.4	39.7	42.3	44.6
<i>Consumables: Stationery, printing and office supplies</i>	13.6	13.1	12.9	12.7	15.5	16.8	17.7
<i>Travel and subsistence</i>	23.3	26.3	40.5	30.0	15.0	14.3	18.1
<i>Training and development</i>	0.9	0.7	1.8	9.3	33.3	38.9	40.7
<i>Operating payments</i>	8.7	6.0	7.8	10.1	9.9	10.7	11.3
<b>Transfers and subsidies</b>	<b>20.7</b>	<b>36.0</b>	<b>23.6</b>	<b>20.0</b>	<b>17.8</b>	<b>18.8</b>	<b>19.9</b>
Provinces and municipalities	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Departmental agencies and accounts	-	0.0	0.0	0.0	0.0	0.0	0.0
Foreign governments and international organisations	10.4	23.9	15.8	15.2	16.0	16.9	17.9
Households	10.2	12.1	7.7	4.7	1.8	1.9	2.0
<b>Payments for capital assets</b>	<b>14.7</b>	<b>8.7</b>	<b>10.6</b>	<b>13.8</b>	<b>16.8</b>	<b>17.5</b>	<b>18.5</b>
Machinery and equipment	14.7	8.7	10.6	13.8	16.8	17.5	18.5
Software and other intangible assets	-	-	-	0.0	-	-	-
<b>Payments for financial assets</b>	<b>2.7</b>	<b>11.7</b>	<b>0.0</b>	<b>0.0</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total</b>	<b>868.1</b>	<b>919.0</b>	<b>1,002.2</b>	<b>1,126.5</b>	<b>1,221.2</b>	<b>1,285.7</b>	<b>1,379.1</b>

#### EXPENDITURE TRENDS

The spending focus of this programme is mainly employee compensation, legal costs and claims against the state. This programme's spending increased significantly between 2013/14 and 2014/15 due to the implementation of the OSD for legally qualified professionals, as well as the capacitation of the Office of the State Attorney.

The Information Regulator, which is to be established in terms of the Protection of Personal Information Act (2013), will deepen the constitutional right of individuals to privacy. Amounts of R25 million in 2017/18, R27 million in 2018/19, and R28 million in 2019/20 have been set aside for its establishment, resulting a projected increase in spending in the Legislative Development and Law Reform sub-programme of 12.6% over the period. The Regulator is mandated with ensuring that institutions safeguard the personal information they hold of individuals and use it only for its intended purpose.

The number of posts in this programme is expected to be 2 088 by 2019/20.

#### 14. PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY

**Purpose:** To provide a coordinated prosecuting service that ensures that justice is delivered to the victims of crime through general and specialised prosecutions; to remove the profit from crime; and to protect certain witnesses.

This programme comprises the following sub-programmes:

- i. **National Prosecution Service (NPS):** Deal with priority crimes, litigation, sexual offences and community affairs, and specialised commercial crime
- ii. **Asset Forfeiture Unit (AFU):** Seize assets that are the proceeds of crime or have been part of an offence through a criminal or civil process
- iii. **Office for Witness Protection (OWP):** Provide protection, support and related services to vulnerable and intimidated witnesses and related persons in judicial proceedings in terms of the Witness Protection Act of 1998
- iv. **Support Services:** Provide corporate services in terms of finance, human resources, ICT, strategy support, integrity, security communication and risk management to the NPA

Strategic objectives for this programme are the following:

- i. Ensure increased successful prosecution
- ii. Ensure that profit is removed from crime
- iii. Ensure vulnerable and intimidated witnesses and related persons are successfully protected

##### 14.1 Strategic objectives

The list of strategic objectives and the KPIs in relation to Programme 4 are as follows:

Strategic Objective 15	Increased successful prosecution
Objective statement	Maintain the conviction rate in the High Courts (HC) and Regional Courts (RC) and District Courts (DC)
Objective indicator	Conviction rates in the High Courts, Regional Courts and District Courts
Five year strategic target	Conviction rate in HC 87%, RC 74% and DC 88% respectively
Baseline	Overall conviction rate in the High Courts, Regional Courts and District Courts 2015/16: Actual performance High Courts: 89.9%(910) Regional Courts: 78.4% (24 958) and District Courts: 94.7% (263 377)
Justification	This objective will contribute to the effectiveness of the CJS
Links	This objective will contribute to achieving the MTSF sub-outcomes 1, 2, 4, 5 and 7, the NDP and the Department's Seven-point plan

Risk/risk factor analysis	a. Lack of Participation and cooperation from other partners
Risk mitigation	a. Participation of the NPA in the National Efficiency Enhancement Committee (NEEC), Provincial Efficiency Enhancement Committee (PEEC), Development Committee, Case Flow Management (CFM) and other fora

<b>Strategic Objective 16</b>	<b>Ensure that profit is removed from crime</b>
Objective statement	To maintain percentage and increase value of completed forfeiture cases
Objective indicator	Percentage of completed forfeiture cases
	Value of completed forfeiture cases
Five year strategic target	Percentage of completed forfeiture cases: 96%
	Value of completed forfeiture cases: R311m in 2019/20
Baseline	Number of completed forfeiture cases:2015/16 Actual Performance R 389m
	Value of completed forfeiture cases:2015/16 Actual performance R349.5m
Justification	This objective will contribute to the effectiveness of the criminal justice system.
Links	This objective will contribute to achieving the MTSF sub-outcomes 1, 2, 4, 5 and 7, the NDP and the Department's Seven-point Plan
Risk/risk factor analysis	<ul style="list-style-type: none"> <li>a. Delays in the finalisation of criminal trials</li> <li>a. The AFU depends on successful convictions to attain orders. At times there are delays in criminal trails or even failure to secure convictions, leading to escalated curator costs and other costs.</li> </ul>
Risk mitigation	<ul style="list-style-type: none"> <li>a. Use of the Prevention of Organised Crime Act (POCA)</li> <li>b. Enhance coordination between AFU and prosecution.</li> </ul>

<b>Strategic Objective 17</b>	<b>Ensure vulnerable and intimidated witnesses and related persons are successfully protected</b>
Objective statement	To ensure that no witnesses or related person is harmed, threatened or killed while in the Witness Protection Programme
Objective indicator	Number of witnesses and related persons harmed, threatened or killed while on the Witness Protection Programme
Five year strategic target	No witnesses or related person are harmed, threatened or killed while on the Witness Protection Programme
Baseline	Number of witnesses or related persons harmed or threatened in 2015/16: actual performance
Justification	This objective will contribute to the effectiveness of the criminal justice system and judicial proceedings, as well as the credibility and integrity of the OWP.
Links	This objective will contribute to achieving the MTSF sub-outcomes 1, 2, 4, 5 and 7, the NDP and the Department's Seven-point plan
Risk/risk factor analysis	Budgetary and other resource constraints may impact negatively on service delivery and meeting the increased demand for OWP services
Risk mitigation	<ul style="list-style-type: none"> <li>a. Motivation for CARA funding</li> <li>b. Continue with budget containment measures.</li> </ul>



## 4.2 Resource considerations

The budget for the National Prosecuting Authority, as detailed in the ENE for 2016, is shown below.

Table 4: National Prosecuting Authority

Table 21.12 National Prosecuting Authority expenditure trends and estimates by sub-programme and economic classification

Sub-programme	Audited outcome		Adjusted appropriation	Average growth rate (%)		Average expenditure/ Total: (%)		Medium-term expenditure estimate			Average growth rate (%)		Average expenditure/ Total: (%)	
	2013/14	2014/15		2015/16	2016/17	2013/14 - 2016/17	2016/17	2017/18	2018/19	2019/20	2016/17 - 2019/20	2016/17 - 2019/20		
R million														
National Prosecutions Service	2,225.2	2,413.6	2,625.5	2,799.1	7.9%	75.9%	2,897.0	3,011.3	3,236.4	5.0%	78.6%			
Asset Forfeiture Unit	179.8	133.6	133.1	127.1	-10.9%	4.3%	131.9	137.6	147.7	5.1%	3.6%			
Office for Witness Protection	146.5	160.7	183.7	169.5	5.0%	5.0%	175.7	184.2	196.3	5.0%	4.8%			
Support Services	516.7	546.2	432.0	461.7	-3.7%	14.8%	479.7	503.7	535.9	5.1%	13.0%			
<b>Total</b>	<b>3,068.2</b>	<b>3,254.1</b>	<b>3,374.3</b>	<b>3,557.5</b>	<b>5.1%</b>	<b>100.0%</b>	<b>3,684.3</b>	<b>3,836.8</b>	<b>4,116.3</b>	<b>5.0%</b>	<b>100.0%</b>			
Change to 2016 Budget estimate				3,557.5			3,684.3	3,836.8	4,116.3					
<b>Economic classification</b>														
<b>Current payments</b>	<b>2,998.3</b>	<b>3,175.4</b>	<b>3,298.9</b>	<b>3,494.3</b>	<b>5.2%</b>	<b>97.8%</b>	<b>3,623.7</b>	<b>3,773.5</b>	<b>4,049.5</b>	<b>5.0%</b>	<b>98.3%</b>			
Compensation of employees	2,431.5	2,623.1	2,836.0	3,007.5	7.3%	82.2%	3,111.2	3,229.2	3,474.6	4.9%	84.4%			
Goods and services of which:	566.8	552.3	462.9	486.9	-4.9%	15.6%	512.5	544.3	574.8	5.7%	13.9%			
Computer services	57.9	88.2	38.6	51.8	-3.6%	1.8%	74.4	78.1	81.9	16.5%	1.9%			
Consumables: Stationery, printing and office supplies	48.6	35.9	15.4	18.7	-27.3%	0.9%	36.3	38.5	40.7	29.7%	0.9%			
Operating leases	23.5	23.4	38.3	52.5	30.7%	1.0%	26.1	27.6	29.1	-17.8%	0.9%			
Property payments	144.9	96.7	77.6	84.9	-16.3%	3.0%	99.2	105.4	111.5	9.5%	2.6%			
Travel and subsistence	63.7	73.5	82.5	45.0	-11.0%	2.0%	80.8	86.5	91.6	26.7%	2.0%			
Operating payments	45.1	58.6	71.3	67.1	14.2%	1.8%	74.0	78.4	82.8	7.2%	2.0%			

Table 21.12 National Prosecuting Authority expenditure trends and estimates by sub-programme and economic classification

Sub-programme	Audited outcome			Adjusted appropriation	Average growth rate (%)	Average expenditure/ Total: (%)	Medium-term expenditure estimate			Average growth rate (%)	Average expenditure/ Total: (%)
	2013/14	2014/15	2015/16				2016/17	2017/18	2018/19		
R million	2013/14	2014/15	2015/16	2016/17	2013/14 - 2016/17	2016/17 - 2019/20	2017/18	2018/19	2019/20	2016/17 - 2019/20	2016/17 - 2019/20
<b>Transfers and subsidies</b>	<b>11.2</b>	<b>16.3</b>	<b>36.8</b>	<b>16.1</b>	<b>13.1%</b>	<b>18.9</b>	<b>16.9</b>	<b>17.9</b>	<b>18.9</b>	<b>5.5%</b>	<b>0.5%</b>
Departmental agencies and accounts	9.3	7.9	7.2	8.6	-2.6%	10.0	9.0	9.5	10.0	5.5%	0.2%
Households	1.9	8.4	29.6	7.6	58.8%	8.9	7.9	8.4	8.9	5.5%	0.2%
<b>Payments for capital assets</b>	<b>54.5</b>	<b>61.5</b>	<b>38.3</b>	<b>45.6</b>	<b>-5.8%</b>	<b>47.9</b>	<b>43.6</b>	<b>45.4</b>	<b>47.9</b>	<b>1.7%</b>	<b>1.2%</b>
Buildings and other fixed structures	11.2	10.6	-	-	-100.0%	-	-	-	-	-	-
Machinery and equipment	43.3	51.0	38.3	45.6	1.7%	47.9	43.6	45.4	47.9	1.7%	1.2%
<b>Payments for financial assets</b>	<b>4.3</b>	<b>0.9</b>	<b>0.3</b>	<b>1.4</b>	<b>-30.3%</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-100.0%</b>	<b>-</b>
<b>Total</b>	<b>3,068.2</b>	<b>3,254.1</b>	<b>3,374.3</b>	<b>3,557.5</b>	<b>5.1%</b>	<b>4,116.3</b>	<b>3,684.3</b>	<b>3,836.8</b>	<b>4,116.3</b>	<b>5.0%</b>	<b>100.0%</b>
<b>Proportion of total programme expenditure to vote expenditure</b>	<b>23.5%</b>	<b>22.9%</b>	<b>22.5%</b>	<b>22.2%</b>	<b>-</b>	<b>21.9%</b>	<b>21.9%</b>	<b>21.7%</b>	<b>21.9%</b>	<b>-</b>	<b>-</b>
<b>Details of transfers and subsidies</b>											
Departmental agencies and accounts											
<b>Departmental agencies (non-business entities)</b>											
<b>Current</b>	<b>9.3</b>	<b>7.9</b>	<b>7.2</b>	<b>8.6</b>	<b>-2.6%</b>	<b>10.0</b>	<b>9.0</b>	<b>9.5</b>	<b>10.0</b>	<b>5.5%</b>	<b>0.2%</b>
Communication	0.0	-	0.0	-	-100.0%	-	-	-	-	-	-
Safety and Security Sector											
Education and Training Authority	9.3	7.9	7.2	8.6	-2.5%	10.0	9.0	9.5	10.0	5.5%	0.2%
<b>Households</b>											

## Social benefits

Current	1.9	8.4	8.7	7.6	58.8%	0.2%	7.9	8.4	8.9	5.5%	0.2%
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Table 21.12 National Prosecuting Authority expenditure trends and estimates by sub-programme and economic classification

Sub-programme	Audited outcome			Adjusted appropriation	Average growth rate (%)	Average expenditure/ Total: (%)	Medium-term expenditure estimate			Average growth rate (%)	Average expenditure/ Total: (%)
	2013/14	2014/15	2015/16				2016/17	2017/18	2018/19		
R million	2013/14	2014/15	2015/16	2016/17	2013/14 - 2016/17	2016/17	2017/18	2018/19	2019/20	2016/17 - 2019/20	
Employee social benefits	1.9	8.4	8.7	7.6	58.8%	0.2%	7.9	8.4	8.9	5.5%	0.2%
<b>Households</b>											
<b>Other transfers to households</b>											
<b>Current</b>	-	-	20.9	-	-	0.2%	-	-	-	-	-
Claims against state	-	-	20.9	-	-	0.2%	-	-	-	-	-

## EXPENDITURE TRENDS

The programme's allocation of R11.6 billion over the MTEF period will enable it to continue to ensure that perpetrators of crime are charged and held responsible for their criminal actions. Key areas of focus for the MTEF include increasing the annual intake in the Aspirant Prosecutor Programme, and increasing the number of operational TCCs and the number of persons convicted of corruption for amounts higher than R5 million.

The spending focus over the medium term will be on finalising cases in support of realising the outcome that all people of South Africa are and feel safe (Outcome 3). The National Prosecution Service sub-programme will continue to be allocated more of the budget over the MTEF period.

The number of posts in this programme is expected to grow to 4 473 by 2019/20.

### 15. PROGRAMME 5: AUXILIARY AND ASSOCIATED SERVICES

**Purpose:** To provide a variety of auxiliary services associated with the Department's goals, fund transfer payments to the South African Human Rights Commission (SAHRC), the Office of the Public Protector, LASA, the SIU and the President's Fund.

The programme comprises the following sub-programmes:

- i. **Justice Modernisation:** Design and implement IT infrastructure and networks, and re-engineer, automate and integrate business processes for the administration of civil and criminal justice in the integrated justice system
- ii. **President's Fund:** Provide funding for reparations flowing from the findings of the TRC

These entities are funded through the DoJ&CD's vote account. Two are Chapter 9 institutions: the SAHRC and the Office of the Public Protector. The other two are public entities reporting to the Minister: LASA and the SIU (Programme 5). They are fully independent and draw their mandates from legislation and the Constitution. For this reason, they discharge their mandates of the DoJ&CD independently.

Strategic objective under this programme is the following:

- i. Functional integrated electronic criminal justice to monitor the performance of the criminal justice system.

#### 15.1 Strategic objectives

The strategic objective and KPIs in relation to Programme 5 are as follows:

Strategic Objective 18	Functional integrated electronic criminal justice to monitor the performance of the criminal justice system
Objective statement	To consolidate technology solutions to ensure modernization of the management of CJS information is digitized and integrated
Objective indicator	Number of KPIs reported on the IJS
Five year strategic target	28 KPIs
Baseline	14 in 2014/15 financial year
Justification	To maximize the effectiveness and efficiency of the criminal justice system

Links	<ul style="list-style-type: none"> <li>a. Chapter 12 of the NDP: Building safer communities</li> <li>b. Sub-outcome 2 of Outcome 3: An efficient and effective criminal justice system</li> <li>c. Strategic Goal 2: People-centred justice services that are accessible, timely and efficient (Outcome 3 and Outcome 13)</li> </ul>
Risk/risk factor analysis	<ul style="list-style-type: none"> <li>a. Inadequate coordination among the relevant departments and availability of stakeholders</li> <li>b. Decentralized procurement risks</li> <li>c. Reliability of interdepartmental information on which critical strategies are determined and decisions made</li> <li>d. Interdepartmental dependencies and inadequate capacity (skills)</li> <li>e. Consistent ICT infrastructure capacity across departments and the country</li> </ul>
Risk mitigation	<ul style="list-style-type: none"> <li>a. Involve and engage the relevant departments to improve planning, coordination and reporting of the IJS Programme Activities following the approved IJS Board Year Planner and necessary ad-hoc intervention meetings</li> <li>b. Monitoring of the implementation of the procurement plans by the departments and SITA and immediate interventions</li> <li>c. Quality of data and migration to be included as an integral part of the project plans to allow for data take-on, clean-up and quality assurance processes that ensures acceptable levels of data integrity</li> <li>d. Dependencies listed in consolidated project plans and managed by Senior Programme Managers in the IJS PMO. IJS Board oversight of the resource management, capacity and capability requirements of the entire IJS Programme.</li> <li>e. Service Level Management</li> </ul>

## 15.2 Resource consideration

The budget for Auxiliary and Associated Services, as detailed in the ENE for 2016, is shown below.

Table 5: Auxiliary and Associated Services

Sub-programme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
R million							
Legal Aid South Africa	1,375.4	1,504.7	1,523.0	1,577.2	1,754.4	1,856.1	1,960.1
Special Investigating Unit	295.9	296.8	304.5	316.7	346.2	366.3	386.8
Public Protector of South Africa	199.3	217.6	245.4	264.1	301.1	318.5	336.4
South African Human Rights Commission	119.3	130.1	146.4	153.5	173.4	183.4	193.7
Justice Modernisation	606.1	824.2	889.6	852.7	900.1	973.8	1,028.3
President's Fund	-	-	-	0.0	0.0	0.0	0.0
<b>Total</b>	<b>2,596.0</b>	<b>2,973.4</b>	<b>3,108.8</b>	<b>3,164.2</b>	<b>3,475.2</b>	<b>3,698.1</b>	<b>3,905.2</b>
Change to 2016 Budget estimate				3,164.2	3,475.2	3,698.1	3,905.2
<b>Economic classification</b>							
<b>Current payments</b>	<b>470.1</b>	<b>656.6</b>	<b>716.7</b>	<b>626.7</b>	<b>654.3</b>	<b>713.4</b>	<b>753.0</b>

Sub-programme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
Goods and services	470.1	656.6	716.7	626.7	654.3	713.4	753.0
<i>of which:</i>							
Minor Assets	9.4	3.8	0.7	2.0	2.1	2.2	6.3
Computer services	441.3	619.3	672.8	504.8	533.2	597.2	621.1
Contractors	2.3	0.9	0.0	0.3	0.4	0.4	0.4
Agency and support/ outsourced services	6.8	28.3	36.9	114.3	115.5	110.3	121.7
Consumables:							
Stationery, printing and office supplies	0.0	0.2	5.0	2.6	2.1	2.2	2.3
Training and development	0.0	0.5	0.0	0.7	0.7	0.8	0.8
<b>Transfers and subsidies</b>	<b>1,989.9</b>	<b>2,149.2</b>	<b>2,219.3</b>	<b>2,311.5</b>	<b>2,575.0</b>	<b>2,724.4</b>	<b>2,876.9</b>
Departmental agencies and accounts	1,989.9	2,149.2	2,219.3	2,311.5	2,575.0	2,724.4	2,876.9
<b>Payments for capital assets</b>	<b>131.7</b>	<b>167.6</b>	<b>172.9</b>	<b>226.0</b>	<b>245.8</b>	<b>260.4</b>	<b>275.4</b>
Machinery and equipment	131.7	152.8	132.5	226.0	245.8	260.4	275.4
Software and other intangible assets	-	14.8	40.4	-	-	-	-
<b>Payments for financial assets</b>	<b>4.4</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Total</b>	<b>2,596.0</b>	<b>2,973.4</b>	<b>3,108.8</b>	<b>3,164.2</b>	<b>3,475.2</b>	<b>3,698.1</b>	<b>3,905.2</b>
<b>Proportion of total programme expenditure to vote expenditure</b>	<b>19.9%</b>	<b>20.9%</b>	<b>20.8%</b>	<b>19.7%</b>	<b>20.7%</b>	<b>21.0%</b>	<b>20.8%</b>

#### Details of transfers and subsidies

Departmental agencies and accounts							
Departmental agencies (non- business entities)							
<b>Current</b>	<b>1,989.9</b>	<b>2,149.2</b>	<b>2,219.3</b>	<b>2,311.5</b>	<b>2,575.0</b>	<b>2,724.4</b>	<b>2,876.9</b>
Legal Aid South Africa	1,375.4	1,504.7	1,523.0	1,577.2	1,754.4	1,856.1	1,960.1
Special Investigating Unit	295.9	296.8	304.5	316.7	346.2	366.3	386.8
Public Protector of South Africa	199.3	217.6	245.4	264.1	301.1	318.5	336.4
South African Human Rights Commission	119.3	130.1	146.4	153.5	173.4	183.4	193.7
President's Fund	-	-	-	0.0	0.0	0.0	0.0



## **EXPENDITURE TRENDS**

The spending focus of this programme is mainly transfers to public entities, as well as constitutional institutions and the modernisation of the justice system. The significant spending between 2013/14 and 2015/16 is a result of additional funding to increase personnel capacity in the entities and constitutional institutions, as well as additional allocations for the modernisation and revamping of the criminal justice system.

Expenditure increased mainly on computer services, and agency and support services between 2013/14 and 2014/15, which was a result of the investment made in the ICT systems of the JCPS Cluster and an increase in the number of external service providers for computer-related services.

The budget for the CJS/IJS project was reduced by R20 million in 2017/18 to fund the Commission of Inquiry into Higher Education and Training (the Fees Commission).

The programme's allocation amounted to R11 billion. This will allow the Department to enhance support to public entities and constitutional entities, and to modernise and revamp the criminal justice system.

## 16 LONG-TERM INFRASTRUCTURE PLAN

Below is the list of infrastructure planned for the MTEF period

### Long-term Infrastructure Plan

Table 7.B Summary of expenditure on infrastructure											
Project name	Service delivery outputs	Current project stage	Total project cost	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate			
				2013/14	2014/15	2015/16		2016/17	2017/18	2018/19	2019/20
<b>R million</b>											
<b>Departmental infrastructure</b>											
<b>Mega projects (total project cost of at least R1 billion over the project life cycle)</b>											
Soweto Magistrate's Court (formally referred to as Orlando Magistrate's Court)	New building	Identification	1,264.2	-	-	-	10.2	-	-	-	19.1
<b>Large projects (total project cost of at least R250 million but less than R1 billion over the project life cycle)</b>											
Nelspruit High Court	New building for the province	Construction	945.8	60.2	150.4	333.5	60.5	34.0	1.0	-	-
Polokwane High Court	New building for the province	Complete	1,011.4	130.2	318.7	72.7	28.2	0.7	1.0	-	-
Ntuzuma Magistrate's Office	New building	Complete	274.3	9.0	-	-	-	-	-	-	-
Port Shepstone Magistrate's Office	New building	Construction	362.1	4.9	13.8	61.3	50.0	130.0	-	-	-
South Gauteng High Court	Extensions to existing building	Construction	492.9	62.8	23.1	55.4	33.0	-	-	-	-
Katlehong Magistrate's Office	New building	Complete	332.2	0.5	8.3	-	-	-	-	-	-
Booyensens Magistrate's Office	New building	Construction	262.4	4.3	-	-	56.6	111.0	22.9	140.5	-

Table 7.B Summary of expenditure on infrastructure										
Project name	Service delivery outputs	Current project stage	Total project cost	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
				2013/14	2014/15	2015/16		2017/18	2018/19	2019/20
<b>R million</b>										
Durban High Court	Additional accommodation	Design	618.8	-	-	3.0	25.0	5.0	-	-
<b>Small projects (total project cost of less than R250 million over the project life cycle)</b>										
Accessibility programme (phase 2)	Accessibility to court facilities	Ongoing	105.9	-	20.6	36.9	15.6	20.7	8.1	13.3
Mamelodi Magistrate's Office	New building	Construction	146.7	0.4	15.6	26.9	34.4	32.5	2.4	34.5
Plettenberg Bay Magistrate's Office	New building	Construction	298.0	19.8	13.6	18.3	42.0	105.0	41.1	43.4
Richards Bay Magistrate's Office	New building	Design	207.1	3.3	3.5	8.4	16.8	2.4	56.5	59.7
Kagiso Magistrate's Office	New building	Hand over	110.6	7.5	6.2	-	-	-	-	-
Jan Kempdorp Magistrate's Office	New building	Design	45.0	-	-	-	5.0	0.1	6.6	5.9
Hankey Magistrate's Office	New building	Handed over	32.2	1.3	-	-	-	-	-	-
Tsakane Magistrate's Office	New building	Handed over	16.2	0.4	0.6	-	-	-	-	-
Nkomazi Magistrate's Office	New building	Construction	0.8	-	-	0.3	-	0.1	1.0	-
Garies Magistrate's Office	New building	Design	86.8	-	-	-	3.0	-	5.3	25.6
Lothair Periodical Court	New building	Design	31.7	0.3	-	-	5.0	0.1	9.7	10.3
Boksburg Magistrate's Office	Upgrading of electricity	Design	243.0	-	-	-	-	0.1	1.0	0.5

Table 7.B Summary of expenditure on infrastructure											
Project name	Service delivery outputs	Current project stage	Total project cost	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate			
				2013/14	2014/15	2015/16		2016/17	2017/18	2018/19	2019/20
<b>R million</b>				<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	
Bityi Periodical Court	New building	Design	142.3	0.4	2.1	0.7	20.0	45.5	53.7	20.0	
Dimbaza Periodical Court	New building	Construction	110.2	1.1	4.6	26.1	32.9	32.8	6.2	6.5	
Supreme Court of Appeal (Bloemfontein)	Extensions to existing building	Handed over	129.8	7.2	0.7	0.8	-	-	-	-	
Pietermaritzburg Master's Office: Old Colonial Building	Extensions to existing building	Handed over	138.5	1.7	-	-	-	0.3	40.0	-	
Butterworth Magistrate's Office	Extensions to existing building	Handed over	52.5	0.3	-	-	-	-	-	-	
Stanger Magistrate's Office	Extensions to existing building	Handed over	52.8	0.5	1.1	-	-	-	-	-	
Soshanguve Magistrate's Office	Extensions to existing building	Design	53.5	-	-	-	2.0	0.1	20.1	31.3	
Port Elizabeth High Court	Extensions to existing building	Construction	194.8	5.3	25.7	11.5	31.9	46.2	31.2	42.9	
National Prosecuting Authority building (Pietermaritzburg)	Extensions to existing building	Design	75.0	0.1	-	-	5.0	5.3	21.4	22.6	
Humansdorp Magistrate's Office	Extensions to existing building	Design	19.7	-	-	-	1.5	-	2.2	2.3	
Oberholzer Magistrate's Office	Upgrading of security measures	Construction	8.7	-	-	0.4	0.9	0.6	1.0	-	
Kwambonambi Periodical Court	Extensions to existing building	Design	61.4	-	-	-	2.0	-	2.8	0.2	
Umtata Magistrate's Office	Extensions to existing building	Design	162.4	8.2	0.9	-	20.0	6.0	22.2	43.5	

Table 7.B Summary of expenditure on infrastructure												
Project name	Service delivery outputs	Current project stage	Total project cost	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate				
				2013/14	2014/15	2015/16		2016/17	2017/18	2018/19	2019/20	
<b>R million</b>												
Cala Magistrate's Office	Extensions to existing building	Design	12.2	-	-	-	1.5	-	-	2.2	2.3	
Tarkastad Magistrate's Office	Extensions to existing building	Handed over	9.4	1.1	6.3	-	-	-	-	-	-	
Schweizer-Reneke Magistrate's Office	Extensions to existing building	Handed over	11.3	2.1	4.8	0.1	-	-	-	-	-	
Calvinia Magistrate's Office	Extensions to existing building	Design	17.4	-	-	-	-	-	-	1.0	-	
Nyoni Periodical Court	Extensions to existing building	Design	23.0	0.5	2.6	0.5	2.0	-	-	2.8	0.3	
Wolmaransstad Magistrate's Office	Extensions to existing building	Design	29.9	-	-	-	1.0	-	-	1.6	6.7	
Bisho High Court	Extensions to existing building	Feasibility	28.3	0.0	12.9	-	1.0	-	-	0.6	11.5	
Mount Ayliff Magistrate's Office	Extensions to existing building	Design	55.6	-	-	-	1.0	-	-	1.6	1.7	
Barkley East Magistrate's Office	Extensions to existing building	Design	6.6	-	-	-	1.0	-	-	1.6	1.7	
Whittlesea Magistrate's Office	Extensions to existing building	Design	68.5	-	1.4	1.0	9.0	-	-	32.3	25.2	
Christiana Magistrate's Office	Extensions to existing building	Design	18.2	0.2	-	-	1.4	-	-	2.1	2.2	
Fraserburg Magistrate's Office	Extensions to existing building	Design	9.6	0.1	-	1.2	1.0	19.6	-	1.6	1.7	
Polokwane Magistrate's Court	Refurbishment	Design	90.0	-	-	-	10.0	-	-	20.0	-	
Umbumbulu Magistrate's Office	Extensions to existing building	Construction	48.3	1.3	11.3	13.9	5.5	1.7	5.2	5.5		

Table 7.B Summary of expenditure on infrastructure												
Project name	Service delivery outputs	Current project stage	Total project cost	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate				
				2013/14	2014/15	2015/16		2016/17	2017/18	2018/19	2019/20	
R million												
Thohoyandou High Court	Extensions to existing building	Design	1.7	-	-	0.1	1.0	-	-	-	-	-
Gelvandale Magistrate's Office	Extensions to existing building	Handed over	54.1	0.9	0.8	-	-	-	-	-	-	-
Goodwood Magistrate's Office	New building	Pre-feasibility	451.8	-	-	-	7.0	1.1	0.2	2.3	-	-
Tshilwavirusiku Magistrate's Office	New building	Design	100.0	0.1	0.1	0.0	7.0	-	7.4	7.8	-	-
Tsineng Magistrate's Office	New building	Identification	49.2	-	-	-	0.1	-	1.2	0.6	-	-
Second Gelvandale Magistrate's Office	Upgrading of various offices	Handed over	6.8	4.2	1.8	-	-	-	-	-	-	-
Odenaalsrus Magistrate's Office	Extensions to existing building	Feasibility	7.5	-	-	-	-	-	0.0	0.0	-	-
Villiers Magistrate's Office	Extensions to existing building	Feasibility	8.8	-	-	-	0.1	-	0.0	0.0	-	-
Bultfontein Magistrate's Office	Extensions to existing building	Feasibility	1.7	-	-	-	0.1	-	-	-	-	-
Bloemfontein High Court	Extensions to existing building	Design	1.6	-	-	-	-	-	1.0	-	-	-
Kroonstad Magistrate's Office	Extensions to existing building	Design	2.6	-	-	-	0.1	-	-	-	-	-
Welkom Magistrate's Office	Extensions to existing building	Design	23.3	-	0.7	4.7	6.6	8.6	1.3	1.3	-	-
Caledon Magistrate's Office	Extensions to existing building	Hand over	19.1	2.8	0.8	0.2	-	-	-	-	-	-
Ladismith Magistrate's Office (Western Cape)	Extensions to existing building	Design	3.1	0.7	0.4	-	1.0	-	0.5	0.5	-	-



Table 7.B Summary of expenditure on infrastructure												
Project name	Service delivery outputs	Current project stage	Total project cost	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate				
				2013/14	2014/15	2015/16		2016/17	2017/18	2018/19	2019/20	
<b>R million</b>												
Grabouw Magistrate's Office	Extensions to existing building	Design	8.5	2.2	5.7	0.9	0.8	-	-	-	-	-
Clanwilliam Magistrate's Office	Extensions to existing building	Design	9.4	2.8	7.3	1.5	-	-	-	-	-	-
Cape Town Magistrate's Office	Extensions to existing building	Design	24.2	0.8	12.7	1.1	4.2	-	-	3.3	-	3.5
Justitia Building (Cape Town)	Extensions to existing building	Construction	192.7	1.8	7.3	41.6	4.3	52.8	100.2	2.5	-	-
Msinga Magistrate's Office	Extensions to existing building	Design	85.0	0.3	0.4	-	1.7	-	1.9	0.4	-	-
Umzimkulu Magistrate's Office	Extensions to existing building	Design	176.0	12.7	2.3	0.1	3.0	-	3.3	0.4	-	-
Ixopo Justice Cluster	Extensions to existing building	Design	53.1	1.3	0.4	-	3.0	-	2.3	-	-	-
Ingwavuma Justice Cluster	Extensions to existing building	Design	42.6	1.5	-	0.5	2.0	-	2.2	0.2	-	-
Kranskop Justice Cluster	Extensions to existing building	Design	11.3	-	-	-	1.0	-	1.1	0.1	-	-
Greytown Justice Cluster	Extensions to existing building	Design	26.7	-	-	-	1.9	-	2.1	0.1	-	-
Bergville Justice Cluster	Extensions to existing building	Design	37.8	1.2	0.0	-	2.0	-	2.8	0.1	-	-
Paulpietersburg Justice Cluster	Extensions to existing building	Design	37.3	0.3	0.5	0.1	1.6	-	2.3	0.3	-	-
Magudu Justice Cluster	Extensions to existing building	Design	22.6	-	-	0.1	1.7	-	2.4	0.5	-	-
Sundumbili Magistrate's Office	Extensions to existing building	Design	16.5	-	-	-	2.0	-	2.8	2.9	-	-

Table 7.B Summary of expenditure on infrastructure												
Project name	Service delivery outputs	Current project stage	Total project cost	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate				
				2013/14	2014/15	2015/16		2016/17	2017/18	2018/19	2019/20	
<b>R million</b>				<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>		
Newcastle Magistrate's Office	Extensions to existing building	Design	128.6	4.8	0.2	2.2	1.0	-	1.6	0.7		
Chatsworth (Durban) Magistrate's Office	Extensions to existing building	Tender	204.5	6.0	1.0	3.0	2.5	58.1	3.3	13.5		
Vulamehlo Magistrate's Office	Extensions to existing building	Design	40.4	0.8	1.4	-	1.0	-	1.6	1.7		
Pofadder Magistrate's Office	Extensions to existing building	Design	232.5	-	0.4	1.2	0.5	-	1.1	1.1		
Hopetown Magistrate's Office	Extensions to existing building	Design	34.0	-	-	-	1.0	-	1.6	1.7		
Kakamas Magistrate's Office	Extensions to existing building	Design	95.0	-	0.1	-	8.1	-	20.1	11.2		
Keimos Magistrate's Office	Construction of new Court	Design	19.1	0.0	0.7	-	3.0	-	3.9	4.1		
Mankwe Magistrate's Office	Extensions to existing building	Hand over	2.4	2.3	0.8	-	-	-	-	-		
Klerksdorp Magistrate's Office	Extensions to existing building	Design	29.8	-	0.5	1.4	3.0	-	3.8	4.1		
Evander Magistrate's Office	Extensions to existing building	Design	75.0	1.1	-	1.2	3.5	-	2.1	2.2		
Tzaneen Magistrate's Office	Extensions to existing building	Design	85.0	0.0	-	-	10.0	-	4.5	4.8		
Dzanani Magistrate's Office	Extensions to existing building	Design	182.0	0.2	1.5	0.8	10.0	0.5	11.1	11.7		
Naboomspruit Magistrate's Office	Extensions to existing building	Design	30.8	-	-	0.3	5.0	-	4.5	5.9		
Ezibeleni Magistrate's Office	Extensions to existing building	Design	17.9	0.2	0.1	-	0.8	-	1.1	1.2		

Table 7.B Summary of expenditure on infrastructure											
Project name	Service delivery outputs	Current project stage	Total project cost	Audited outcome		Adjusted appropriation	Medium-term expenditure estimate				
				2013/14	2014/15		2015/16	2017/18	2018/19	2019/20	
<b>R million</b>				<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>	
King William's Town Magistrate's Office	Extensions to existing building	Design	6.4	0.6	0.1	0.1	1.5	-	2.2	2.3	
Grahamstown Magistrate's Office	Extensions to existing building	Design	5.1	-	-	-	0.8	-	1.5	1.5	
Seymour Magistrate's Office	Extensions to existing building	Design	22.1	-	0.2	0.0	2.3	-	3.9	4.1	
Middelburg Magistrate's Office (Eastern Cape)	Extensions to existing building	Design	47.4	-	-	0.2	4.0	-	7.8	8.2	
Port Elizabeth Magistrate's Office	Extensions to existing building	Design	58.3	0.1	0.0	-	4.0	-	26.7	28.2	
Bedford Magistrate's Office	Extensions to existing building	Design	12.8	-	-	-	1.3	-	1.5	1.5	
Odi Magistrate's Office	Extensions to existing building	Design	165.7	-	-	-	10.0	-	61.8	81.2	
Palace of Justice (Pretoria)	Extensions to existing building	Construction	53.0	-	8.4	1.5	-	2.0	-	-	
Rustenburg Magistrate's Office	Extensions to existing building	Design	182.5	2.8	6.4	1.8	10.5	-	47.6	37.4	
Virginia Magistrate's Office	Extensions to existing building	Design	4.0	-	-	-	-	-	1.0	0.0	
Henneman Magistrate's Office	Extensions to existing building	Design	8.5	-	-	-	-	-	1.0	0.0	
Gariepdam Magistrate's Office	Extensions to existing building	Design	7.4	-	-	-	-	-	1.0	0.0	
Bothaville magistrate's office	Extensions to existing building	Design	5.0	-	-	-	-	-	1.0	0.0	
Beaufort West Magistrate's Office	Central air conditioning	Construction	4.7	-	-	0.2	3.0	0.0	-	-	

Table 7.B Summary of expenditure on infrastructure										
Project name	Service delivery outputs	Current project stage	Total project cost	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
				2013/14	2014/15	2015/16		2017/18	2018/19	2019/20
<b>R million</b>										
Kuils Rivier Magistrate's Office	New Building	Feasibility	196.0	-	-	-	5.0	-	-	0.2
Hermanus Magistrate's Office	New Building	Feasibility	179.0	-	-	-	5.0	-	-	0.2
Philippi Magistrate's Office	New Building	Feasibility	200.0	-	-	-	5.0	-	-	0.2
Darling Magistrate's Office	Extensions to existing building	Feasibility	30.0	-	-	-	-	-	-	0.0
Somerset West Magistrate's Office	Extensions to existing building	Feasibility	30.0	-	-	-	-	-	-	0.0
Worcester Magistrate's Office	Extensions to existing building	Feasibility	40.0	-	-	-	-	-	-	0.0
Umzombe Magistrate's Office	Installation of air conditioners	Construction	0.8	-	-	-	0.3	-	-	-
Sundumbili Magistrate's Office	Extensions to existing building	Design	40.4	-	-	-	-	-	-	0.5
Ulundi Magistrate's Office	Security measures	Design	6.4	-	-	-	-	-	-	0.3
Mahlabathini Magistrate's Office	Security measures	Design	10.1	-	-	-	-	-	-	0.0
Dannhauser Magistrate's Office	Security measures	Design	8.9	-	-	-	-	-	-	0.0
Ubombo magistrate's office	Additional accommodation	Design	50.0	-	-	-	-	-	-	0.0
Gingindlovu Magistrate's Office	Additional accommodation	Design	3.5	-	-	-	-	-	-	0.0
Ngome Magistrate's Office	New Building	Design	20.0	-	-	-	-	-	-	0.0

Table 7.B Summary of expenditure on infrastructure												
Project name	Service delivery outputs	Current project stage	Total project cost	Audited outcome		Adjusted appropriation	Medium-term expenditure estimate					
				2013/14	2014/15		2015/16	2017/18	2018/19	2019/20		
<b>R million</b>												
Izingolweni Magistrate's Office	installation of generator	Design	1.0	-	-	-	-	-	-	-	-	0.0
Louwsburg Magistrate's Office	Upgrading and refurbishment	Design	0.7	-	-	-	-	-	-	-	-	0.0
Vryheid Magistrate's Office	Installation of air conditioners	Design	1.2	-	-	-	-	-	-	-	-	0.0
Verulum Magistrate's Office	Installation of air conditioners	Design	5.3	-	-	-	-	-	-	-	-	0.0
Colonial Building Magistrate's Office	Additional accommodation	Design	178.1	-	-	-	-	-	-	-	-	0.1
Nongoma Magistrate's Office	Installation of air conditioners	Design	0.5	-	-	-	-	-	-	-	-	0.0
Ladysmith Magistrate's Office	Installation of air conditioners	Design	0.2	-	-	-	-	-	-	-	-	0.0
Howick Magistrate's Office	Security measures	Design	4.0	-	-	-	-	-	-	-	-	0.0
Pongola Magistrate's Office	Repairs and renovations	Design	1.2	-	-	-	-	-	-	-	-	0.0
Durban MTN	Upgrading and refurbishment	Design	195.0	-	-	-	-	-	-	-	-	0.2
Kudumane Magistrate's Office	Extensions to existing building	Design	6.8	-	-	-	-	-	-	-	-	-
Various Magistrate Offices: Installation of Standby Generator.	Installation of generators	Design	3.0	-	-	10.0	-	-	5.0	-	-	-
Various Magistrate offices: Installation of Air Conditioners	Installation of air conditioners	Design	-	-	-	10.0	-	-	10.0	5.0	-	-

Table 7.B Summary of expenditure on infrastructure												
Project name	Service delivery outputs	Current project stage	Total project cost	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate				
				2013/14	2014/15	2015/16		2016/17	2017/18	2018/19	2019/20	
<b>R million</b>				<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>		
Various Magistrate Offices: Installation of water tanks	Water tanks	Design	-	-	-	-	10.0	10.0	10.0	-		
Fort Beaufort Magistrate's Office	Upgrading of electricity	Construction	1.5	-	0.8	-	-	0.2	1.0	-		
Jamestown Magistrate's Office	Extensions to existing building	Design	3.1	-	-	-	-	-	1.0	-		
New Brighton Magistrate's Office	Extensions to existing building	Design	22.7	-	-	-	-	-	1.0	-		
Sibasa regional court	Refurbishment	Design	4.1	-	-	-	-	-	1.0	-		
Rouxville Magistrate's Office	Additional accommodation	Construction	10.7	-	-	-	-	0.1	-	0.1		
Vanrhynsdorp Magistrate's Office	Extensions to existing building	Hand over	2.9	-	1.1	-	-	-	-	0.0		
Libode Magistrate's Office	Extensions to existing building	Design	1.2	-	-	-	-	-	1.0	-		
Mqanduli Magistrate's Office	Extensions to existing building	Design	3.9	-	-	-	-	0.1	1.0	15.0		
Indwe Magistrate's Office	Extensions to existing building	Design	10.4	-	-	-	-	-	1.0	-		
Elliot Magistrate's Office	Extensions to existing building	Design	4.7	-	0.3	-	-	-	1.0	-		
Vulindlela(Taylor's Halt)	New building	Identification	0.6	-	-	-	-	-	-	-		
Lichtenburg Magistrate's Office	Extensions to existing building	Design	200.0	-	-	-	1.0	1.0	10.0	5.0		

Table 7.B Summary of expenditure on infrastructure										
Project name	Service delivery outputs	Current project stage	Total project cost	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
				2013/14	2014/15	2015/16		2016/17	2017/18	2018/19
<b>R million</b>				<b>2013/14</b>	<b>2014/15</b>	<b>2015/16</b>	<b>2016/17</b>	<b>2017/18</b>	<b>2018/19</b>	<b>2019/20</b>
Vryburg Magistrate's Office	Extensions to existing building	Design	0.9	-	-	-	-	-	1.0	-
Mount Fletcher Magistrate's Office	Upgrading and refurbishment	Design	1.8	-	-	-	-	-	-	-
Mthatha High Court	Upgrading	Design	75.3	-	-	-	-	17.5	-	-
Upington Magistrate's Office	Additional accommodation	Feasibility	100.0	-	-	-	-	0.5	-	-
KwaMhlanga Magistrate's Office	Additional accommodation	Feasibility	100.0	-	-	-	-	0.5	-	-
Lephalale Magistrate's Office	Additional accommodation	Feasibility	100.0	-	-	-	-	0.5	-	-
Klerksdorp Magistrate's Office	Additional accommodation	Feasibility	100.0	-	-	-	-	0.5	-	-
Middelburg Magistrate's Office (Mpumalanga)	Additional accommodation	Feasibility	100.0	-	-	-	-	0.5	-	-
<b>Total</b>			<b>13,808.7</b>	<b>387.6</b>	<b>712.3</b>	<b>739.5</b>	<b>721.1</b>	<b>769.3</b>	<b>819.8</b>	<b>855.0</b>



## 17 CONDITIONAL GRANTS

No conditional grants were issued by the Department.

## 18 PUBLIC ENTITIES

Four entities are funded through the vote account of the DoJ&CD. Two of these entities are Chapter 9 institutions: the SAHRC and the Public Protector of South Africa. The other two are public entities reporting to the Minister: LASA and the SIU (Programme 5). These are fully independent entities and are mandated through legislation and the Constitution. For this reason, they perform their duties independently of the DoJ&CD and are evaluated by the Parliament of South Africa.

## 19 PUBLIC-PRIVATE PARTNERSHIPS

No public-private partnerships are presently funded by the Department.

## 20 ANNEXURE A: INDICATOR DESCRIPTIONS

### OBJECTIVE 1: INCREASED COMPLIANCE WITH PRESCRIPTS TO ACHIEVE AND SUSTAIN THE UNQUALIFIED AUDIT OPINION

<b>Indicator title</b>	<b>1. Unqualified audit opinion achieved and sustained on financial statements and predetermined objectives</b>
Short definition	The indicator tracks the Auditor-General's audit opinions on financial statements and predetermined objectives reports achieved year after year
Purpose/importance	To assist the Department to achieve better audit outcomes and therefore improve governance through the 2014-19 MTSF period
Source/collection of data	Final audit reports from the Auditor-General
Method of calculation	Not applicable
Data limitations	None
Type of indicator	Outcome
Calculation type	Non-cumulative
Reporting cycle	Annually
New indicator	Yes
Desired performance	The Department to sustain and improve unqualified audit opinion in all financial reports
Reporting cycle	Annually
Indicator responsibility	Chief Financial Officer
Reporting responsibility	Chief Financial Officer
Type of information to be extracted from the source data	Final audit opinion on vote account, Guardian's Fund, predetermined objectives and Third Party Fund
Source data capturing frequency	Annually

**OBJECTIVE 2: AN EFFICIENT AND EFFECTIVE CRIMINAL JUSTICE SYSTEM THAT CONTRIBUTE TO THE REALISATION OF OUTCOME 3**

<b>Indicator title</b>	<b>2. Number of criminal cases on the backlog roll in lower courts</b>
Short definition	Number of criminal cases on the backlog roll in district and regional courts
Purpose/importance	To monitor and reduce case backlogs
Source/collection of data	Court data from ICMS
Method of calculation	Simple count
Data limitations	There is a risk of disparity of information at court level
Type of indicator	Outcome
Calculation type	Cumulative
Reporting cycle	Monthly
New indicator	No
Desired performance	Decrease in backlog cases within target
Indicator responsibility	Chief Director: Court Services (CJSR)
Reporting person	Adv P Du Rand
Type of information to be extracted from the source data	<p>a. Numbers and list of all backlog cases in the following courts:</p> <ul style="list-style-type: none"> <li>• District courts</li> <li>• Regional courts</li> </ul> <p>b. Dates on which cases were registered</p> <p>Backlog defined as:</p> <ul style="list-style-type: none"> <li>• District court: Case on the roll for six months or longer</li> <li>• Regional court: Case on the roll for nine months or longer</li> </ul>
Source data capturing frequency	Monthly

**OBJECTIVE 3: AN EFFICIENT AND EFFECTIVE VICTIM AND WITNESS SUPPORT SYSTEM.**

<b>Indicator title</b>	<b>3. Percentage of victims satisfied with the lower court-based support services.</b>
Short definition	The indicator measures the percentage of victims who are satisfied with the support services offered at the courts
Purpose/importance	<p>To determine whether victims are satisfied with the court-based support services that are offered at the courts</p> <p>Court-based support services will include information, intermediary, in-camera proceedings, private waiting and witness fees services</p>
Source/collection of data	Victims' satisfaction survey report on court-based support services
Method of calculation	Victims' satisfaction survey report
Data limitations	Resistance of victims' participation in the survey
Type of indicator	Impact
New indicator	Yes
Calculation type	Cumulative

<b>Indicator title</b>	<b>3. Percentage of victims satisfied with the lower court-based support services.</b>
Desired performance	Improve satisfaction of victims with court-based support services
Reporting cycle	Annually
Indicator responsibility	Court Services Branch
Reporting person	Adv. J B Skosana
Type of information to be extracted from the source data	a. Number of victims with positive responses on court-based support services b. Total number of people who participated in the survey
Source data capturing frequency	Monthly

#### OBJECTIVE 4: ENHANCED AND INTEGRATED FAMILY SERVICES.

<b>Indicator title</b>	<b>4. Percentage of integrated family law matters finalised</b>
Short definition	This is the percentage of family law matters that are finalised within the current financial year Finalisation will mean all matters concluded by family advocate.
Purpose/Importance	To enhance an integrated family law service by promoting and protecting the best interests of children and ensuring the preservation of family cohesion through mediation services
Source/collection of data	Case registers
Method of calculation	Percentage = (Total number of family law matters finalised/Total number of family law matters received ) x 100
Data limitations	None
Type of indicator	Output
Calculation type	Cumulative
Reporting cycle	Monthly
New indicator	Yes
Desired performance	All Family Law related matter reported finalised
Indicator responsibility	Chief Family Advocate
Reporting person	Adv. Petunia Seabi-Mathope
Type of information to be extracted	a. Total number of family law matters finalised b. Total number of family law matters received
Source data capturing frequency	Monthly

#### OBJECTIVE 5: INCREASED ACCESS TO JUSTICE SERVICES TO HISTORICAL MARGINALISED COMMUNITIES.

<b>Indicator title</b>	<b>5. Percentage of clients perceiving an increase in access to justice services</b>
Short definition	This indicator measures the perception improvement in access to justice service points
Purpose/importance	To increase access to justice, particularly in rural areas
Source/collection of data	A survey report on access to justice services
Method of calculation	A survey report on access to justice services

<b>Indicator title</b>	<b>5. Percentage of clients perceiving an increase in access to justice services</b>
Data limitations	None
Type of indicator	Outcome
Desired performance	Increase access to justice services for the historically disadvantaged
New indicator	Yes
Calculation type	Cumulative
Desired performance	To increase access to courts with special emphasis on rural communities
Reporting cycle	Annually
Indicator responsibility	Chief Director: Service Delivery
Reporting person	Mr M Mosala
Type of information to be extracted from the source data	a. The increase in accessibility of services based on annual responses from clients
Source data capturing frequency	Annually

#### OBJECTIVE 6: AN EFFICIENT AND EFFECTIVE CIVIL JUSTICE SYSTEM

<b>Indicator title</b>	<b>6. Percentage of annexed civil cases mediated</b>
Short definition	This indicator measures percentage of annexed civil cases mediated in the proclaimed courts during the financial year.
Purpose/importance	To monitor finalisation of annexed civil cases
Source/collection of data	ICMS Civil (phase 2)
Method of calculation	Percentage = (Total number of annexed civil cases mediated/ Total number of civil cases referred for mediation) x 100
Data limitations	None
Type of indicator	Outcome indicator
Calculation type	Cumulative
Reporting cycle	Quarterly
New indicator	New indicator
Desired performance	To increase percentage of annexed civil matters mediated
Indicator responsibility	DDG :Court Services
Reporting person	Adv. JB Skosana
Type of information to be extracted from the source data	a. • Number of annexed cases mediated b. • Number of all civil cases referred for mediation.
Source data capturing frequency	Quarterly

**OBJECTIVE 7: TRANSFORMATION OF SOUTH AFRICAN JUDICIAL SYSTEM ENHANCED.**

<b>Indicator title</b>	<b>7. Number of transformational policies developed.</b>
Short definition	This indicator measures the number of policies that will be developed to enhance the transformation of the South African Judicial systems
Purpose/importance	To develop policies that will assist the transformation of the South African judicial system
Source/collection of data	Progress reports
Method of calculation	Simple count
Data limitations	None
Type of indicator	Output indicator
Calculation type	Cumulative
Reporting cycle	Quarterly
New indicator	Yes
Desired performance	All the transformational policies implemented fully
Indicator responsibility	DDG: Court Services
Reporting person	Adv J B Skosana
Type of information to be extracted from the source data	a. Number of transformational policies implemented
Source data capturing frequency	Progress reports

**OBJECTIVE 8: INCREASED EFFICIENCY IN THE PROVISION OF MASTERS' SERVICES TO ALL BENEFICIARIES**

<b>Indicator title</b>	<b>8. Number of cases handled by the Master of the High Court</b>
Short definition	Number of cases attended to by the Master of the High Court during the reporting period  Cases included deceased appointments, examination of deceased accounts, bankruptcy appointments, examination of bankruptcy accounts, issuing of trust appointments and Guardian's Fund applications paid
Purpose/importance	To monitor if the services offered by the Master's Offices are extended to more beneficiaries
Source/collection of data	Office reports and register
Method of calculation	Simple count
Data limitations	None
Type of indicator	Output
Calculation type	Cumulative
Reporting cycle	Monthly
New indicator	No
Desired performance	All cases are handled by the Masters' Offices within the required turnaround time
Indicator responsibility	Chief Master
Reporting person	Adv Lester Basson

Type of information to be extracted from the source data	a. Number of cases handled by Master of the High Court
Source data capturing frequency	Captured daily, collected monthly

#### OBJECTIVE 9: IMPROVED STATE LITIGATION SERVICES

<b>Indicator title</b>	<b>9. Number of projects implemented to transform the state litigation services</b>
Short definition	This indicator measures the number of projects implemented to transform state litigation services
Purpose/importance	To improve state litigation services through compliance with the State Attorney
Source/collection of data	Office of the Chief Litigation Officer and State Attorney Office quarterly reports
Method of calculation	Number = Number of planned projects implemented
Data limitations	None
Type of indicator	Outcome
Calculation type	Cumulative
Reporting cycle	Quarterly
New indicator	Yes
Desired performance	All projects aimed at transforming state litigation services implemented
Indicator responsibility	Acting Chief Litigation Officer
Reporting person	Ms M O Phahlane
Type of information to be extracted from the source data	a. Number of projects implemented
Source data capturing frequency	Monthly

#### OBJECTIVE 10: A TRANSFORMED LEGAL PROFESSION/ LEGAL PRACTICE COUNCIL FUNCTIONAL

<b>Indicator titles</b>	<b>10. Legal Practice Council functional by target date</b>
Short definition	The indicator measures whether the established council is functional
Purpose/importance	To ensure the Legal Practice Council is established and commences with the work of transforming the legal profession
Source/collection of data	a. Appointment letters of Council members b. Government Gazette c. Meeting minutes
Method of calculation	N/A
Data limitations	None
Type of indicator	Activity
Calculation type	Cumulative
Reporting cycle	Monthly

New indicator	Yes
Desired performance	The target
Indicator responsibility	Ms Charity Mhlungu
Reporting person	Ms Charity Mhlungu
Type of information to be extracted from the source data	a. Date which the council becomes functional
Source data capturing frequency	Quarterly

#### OBJECTIVE 11: PROVISION OF QUALITY LEGAL ADVISORY SERVICES THAT PASS CONSTITUTIONAL MUSTER

<b>Indicator titles</b>	<b>11 Percentage of legislative instruments and international agreements successfully challenged in court for constitutionality</b>
Short definition	The indicator measures the percentage of legislative instruments or international agreements certified and scrutinised from the 2010/11 financial year that were successfully challenged for constitutionality
Purpose/importance	To ensure that legislative instruments and certified or scrutinised international agreements are constitutionally sound
Source/collection of data	Register of requests from clients and international agreements
Method of calculation	Percentage = (number of legislative instruments and international agreements successfully challenged in the Constitutional Court/the number of legislative instruments and international agreements certified or scrutinised from the 2010/11 financial year onwards) x 100
Data limitations	None
Type of indicator	Outcome
Calculation type	Cumulative
Reporting cycle	Annually
New indicator	No
Desired performance	All legislative instruments and international agreement pass constitutional muster
Indicator responsibility	Chief State Law Advisor
Reporting person	Mbulaheni Mphidi
Type of information to be extracted from the source data	a. Name and number of all legislative instruments and international agreements certified or scrutinised from the 2010/11 financial year successfully challenged
Source data capturing frequency	Annually



**STRATEGIC OBJECTIVE 12: INCREASED COMPLIANCE WITH INTERNATIONAL TREATY OBLIGATIONS BY THE DEPARTMENT**

<b>Indicator title</b>	<b>12. Percentage compliance with treaties and international obligations</b>
Short definition	The indicator helps to determine adherence with internally set standards for upholding international treaty obligations
Purpose/importance	To assist the Department in monitoring the efficiency and effectiveness of its set standards for upholding international treaty obligations
Source/collection of data	Ministerial approved standards
Method of calculation	Simple count List of international obligations
Data limitations	None
Type of indicator	Outcome
Calculation type	Cumulative
Reporting cycle	Quarterly
New indicator	Yes
Desired performance	The Department to improve compliance with international obligations
Reporting cycle	Annually
Indicator responsibility	Chief Director: International Legal Relations
Reporting responsibility	Chief Director: International Legal Relations
Type of information to be extracted from the source data	a. Number of obligations complied with b. Total number of obligations to be complied with
Source data capturing frequency	Annually

**OBJECTIVE 13: DEVELOPMENT OF LEGISLATIVE INSTRUMENTS WHICH ARE CONSISTENT WITH THE CONSTITUTION**

<b>Indicator titles</b>	<b>13. Percentage of legislative instruments successfully challenged in court for constitutionality</b>
Short definition	a) The indicator measures the percentage of legislative instruments enacted since the beginning of the 2010/11 financial year, which were successfully challenged for constitutionality during the financial year
Purpose/importance	To ensure that legislative instruments, policies and research papers developed and enacted are constitutionally sound
Source/collection of data	The Government Gazette, parliamentary reports, research papers, Rules of Court, emails, minutes of meetings and memoranda to the Minister, Rules Board or South African Law Reform Commission (SALRC), whichever applicable
Method of calculation	Percentage = (number of legislative instruments challenged successfully in the Constitutional Court/the number of legislative instruments developed and enacted since the beginning of 2010/11) x 100
Data limitations	None
Type of indicator	Outcome
Calculation type	Cumulative
Reporting cycle	Annually

New indicator	Yes
Desired performance	All legislative instruments and research papers meet constitutional requirements
Indicator responsibility	Deputy Director-General: Legislative Development
Reporting person	Ms K Pillay
Type of information to be extracted from the source data	<ul style="list-style-type: none"> <li>a. Name and number of legislative instruments challenged</li> <li>b. Number of legislative instruments enacted since the beginning of 2010</li> </ul>
Source data capturing frequency	Annually

**OBJECTIVE 14: PROMOTION OF BROAD-BASED KNOWLEDGE ON AND SUPPORT FOR VALUES OF EQUALITY, HUMAN DIGNITY AND FUNDAMENTAL HUMAN RIGHTS AND CORRESPONDING RESPONSIBILITIES**

<b>Indicator title</b>	<b>14. Percentage of people with awareness of the Constitution</b>
Short definition	The indicator measures the percentage of people who are aware of the Constitution
Purpose/importance	To empower people with knowledge of constitutional values
Source/collection of data	Survey report
Method of calculation	Percentage = (number of people who participated in the survey who are aware of the Constitution/Total number of people who participated in the survey) x 100
Data limitations	None
Type of indicator	Outcome
Calculation type	Cumulative
Reporting cycle	Annually
New indicator	No
Desired performance	To empower people with a knowledge of the rights contained in the Constitution
Indicator responsibility	Chief Director: Constitutional Implementing Unit
Reporting person	Adv O M Sewpaul
Type of information to be extracted from the source data	<ul style="list-style-type: none"> <li>a. Number of people with an understanding of the Constitution</li> <li>b. Number of people who participated in the survey</li> </ul>
Source data capturing frequency	Annually

**STRATEGIC OBJECTIVE 15: INCREASED SUCCESSFUL PROSECUTION**

<b>Indicator title</b>	<b>15. Conviction rate in courts</b>
Short definition	The percentage of cases finalised with a verdict in which a guilty verdict was obtained in high courts
Purpose/importance	Internationally viewed as an indicator of the success of a prosecution. Also regarded by the South African public as such .
Source/collection of data	Courts include High courts, regional courts, district courts and Specialised Commercial Crimes Unit (SCCU) central data sheets

Indicator title	<b>15. Conviction rate in courts</b>
Method of calculation	The percentage of cases finalised with a guilty verdict (including Section 57A of the Criminal Procedure Act (CPA) of 1977)/the number of cases finalised with a verdict. The conviction rate is measured at the date of sentencing or not-guilty verdict irrespective of the date on which the plea was entered.
Data limitations	Manual system
Type of indicator	Output
Calculation type	Percentage based on cumulative verdict cases for the year
Reporting cycle	Quarterly
New indicator	No
Desired performance	An 87% conviction rate in the high courts, 74% in the regional Courts and 88% in the district courts
Indicator responsibility	Deputy National Director of Public Prosecutions: National Prosecution Service
Reporting persons	Adv Thoko Majokweni
Type of information to be extracted from the source data	a) Number of cases finalised with a verdict in high courts b) Number of cases in high courts
Source data capturing frequency	Monthly

#### STRATEGIC OBJECTIVE 16: ENSURE THAT PROFIT IS REMOVED FROM CRIME

Indicator title	<b>16.a Number of completed forfeiture cases</b>
Short definition	Number of forfeiture or confiscation orders obtained
Purpose/importance	It measures the reach of the impact that the AFU has by indicating how many cases were dealt with.
Source/collection of data	Case report form that is captured on a central data sheet
Method of calculation	The total number of cases in which a forfeiture or confiscation order was obtained in the reporting period
Data limitations	Manual system
Type of indicator	Output
Calculation type	Cumulative for the year
Reporting cycle	Quarterly
New indicator	No
Desired performance	A target of 450 by 2018/19
Indicator responsibility	Deputy National Director of Public Prosecutions:: AFU
Reporting persons	Adv Nomvula Mokhatla
Type of information to be extracted from the source data	Number of cases in which a forfeiture or confiscation order was obtained
Source data capturing frequency	Monthly

<b>Indicator title</b>	<b>16.b Value of completed forfeiture cases (Rm)</b>
Short definition	Value of the assets of which the person subject to the order is likely to be deprived as a result of the confiscation or forfeiture orders obtained.
Purpose/importance	It measures the amount of proceeds likely to be finally removed from the possession of criminals and provides an indication of the depth of the impact made by the AFU
Source/collection of data	Case report form and data captured on a central data sheet
Method of calculation	The total estimated net market value of all property of which persons are to be deprived as a result of confiscation or forfeiture orders obtained in the reporting period. The value is estimated and counted on the date on which the order is obtained. It includes the value of property recovered from the person by an agreement reached as a result of the litigation in terms of POCA.
Data limitations	Manual System
Type of indicator	Output
Calculation type	Cumulative for the year
Reporting cycle	Quarterly
New indicator	No
Desired performance	R245 million in 2018/19
Indicator responsibility	Deputy National Director of Public Prosecutions:: AFU
Reporting persons	Adv Nomvula Mokhatla
Type of information to be extracted from the source data	Number of cases in which a forfeiture or confiscation order was obtained
Source data capturing frequency	Monthly

**STRATEGIC OBJECTIVE 17: ENSURE VULNERABLE AND INTIMIDATED WITNESSES AND RELATED PERSONS ARE SUCCESSFULLY PROTECTED**

<b>Indicator title</b>	<b>17. Number of witnesses and related persons harmed, threatened or killed while in the Witness Protection Programme</b>
Short definition	Witnesses and related persons harmed, threatened or killed while in the Witness Protection Programme
Purpose/importance	Measures the effectiveness of the Witness Protection Programme
Source/collection of data	Central datasheet
Method of calculation	The total number of witnesses and related persons that were harmed, threatened or killed during the reporting period by a person or persons from whom they were being protected either directly or through an agent, while on the NPA's Witness Protection Programme
Data limitations	Manual system
Type of indicator	Output
Calculation type	Non-cumulative

Indicator title	<b>17. Number of witnesses and related persons harmed, threatened or killed while in the Witness Protection Programme</b>
Reporting cycle	Quarterly
New indicator	No
Desired performance	No witnesses or related person must be harmed, killed or threatened
Indicator responsibility	Deputy National Director of Public Prosecutions:: Administration and the Office of Witness Protection
Reporting persons	Dr Silas Ramaite, SC
Type of information to be extracted from the source data	The total number of witnesses and related persons that were harmed, threatened or killed during the reporting period
Source data capturing frequency	Monthly

**OBJECTIVE 18: FUNCTIONAL INTEGRATED ELECTRONIC CRIMINAL JUSTICE SYSTEM (CJS) TO MONITOR THE PERFORMANCE OF THE CRIMINAL JUSTICE SYSTEM ESTABLISHED**

<b>Indicator title</b>	18. Number of KPIs reported on the Integrated Criminal Justice Systems
Short description	The indicator measures the number of KPIs that are on the criminal justice system performance dashboard system
Purpose/importance	Modernisation of the justice system through applying technology solutions to effectively monitor day-to-day operations from a performance management perspective
Source/collection of data	a. Signed off reports, project schedules and project minutes b. IJS
Method of calculation	Simple count
Data limitations	None
Type of indicator	Output
New indicator	No
Calculation type	Cumulative
Reporting cycle	Quarterly
Desired performance	Achieve all milestone timelines
Indicator responsibility	Chief Director: Office of the Director-General
Reporting person	Godfrey Leseba
Type of information to be extracted from the source data	Date on which the project milestones were achieved and signed off by the chairperson of the IJS Board
Source data capturing frequency	Quarterly

# ANNEXURE A: GLOSSARY OF TERMS

**Dispute Resolution Methods (ADRM):** alternative dispute resolution encompasses several methods for the resolution of disputes between the parties. Within the NPA, this includes diversion and informal mediation.

**Diversion** is one of the alternative ways of delivering justice. It is the process of electing, in suitable and deserving criminal court cases, a manner of disposing of a criminal court case other than through normal court proceedings. It usually includes the withdrawal of the charges against the accused person, after the accused person has participated in a particular certified programme. After the offender has completed the diversion programme, the social worker submits a report to the prosecutor. If it is clear that the offender has cooperated and benefitted from the programme, the matter is withdrawn and recorded as a diverted case on the daily statistics. These figures are totalled on the last court date of each calendar month. Separate statistics are recorded for children (persons younger than 18 years) and adult diversions. Diversions in terms of the Child Justice Act of 2008 are also included and are totalled on the last court date of each calendar month.

**Informal mediation** is the process by which a prosecutor, duly authorised thereto and within the ambit of the restorative justice guidelines, while acting as a mediator between the victim and offender, resolves the conflict which resulted in the criminal court case or addresses the harm caused in a manner that does not require formal justice, but seeks to deliver justice. The matter is subsequently withdrawn.

**Amount involved in a corruption case of more than R5 million:** This refers to a corruption case that has been registered as a priority case by the Anti-corruption Task Team (ACTT) as one where the amount involved in the case is R5 million or more. A case here is defined per project or docket and it is not defined in the same way as "case" hereunder.

**CARA:** A special fund used to fight crime or assist victims of crime.

**Case:** In the NPA, a case includes criminal court cases and civil court cases. These concepts are defined below.

**A criminal court case** is a matter that has been enrolled in a criminal court regardless of the forum, including traffic cases and non-docket cases where the accused appears in a court. Any civil applications, enquiries and *ex parte* applications are excluded. A criminal court case may have multiple counts and/or accusers and can involve multiple police dockets. A single docket may result in multiple court cases.

**A civil court case** is a civil matter that has been enrolled in a court of South Africa regardless of the forum. This includes *ex parte* applications or applications on notice. It includes motion and trial proceedings. Examples are restraint, preservation, forfeiture and confiscation applications. It also includes interlocutory applications relating to living and legal expenses and curators in civil matters.

**A charge** is the specific criminal offence that the accused person is alleged to have committed.

**Completed forfeiture cases** are cases in which the NPA has obtained a forfeiture or confiscation order in terms of section 18 or section 50 of POCA.

**Complex commercial crime** cases are those cases that require specialised prosecution due to their intricate nature, or due to the high impact they have on the community.

**Commercial crimes** are crimes against property, involving the unlawful conversion of the ownership of property (belonging to one person) for one's own personal use and benefit. Commercial crimes may involve fraud (cheque, credit card, mortgage, medical, corporate, securities (including insider trading), bank, payment (point of sale), and health care fraud), theft, scams or confidence tricks, tax evasion, bribery, embezzlement, identity theft, money laundering, and forgery and counterfeiting, including the production of counterfeit money and consumer goods.

**Contact crimes** are defined as crimes against a person such as murder, attempted murder, rape, attempted rape, indecent assault, assault with the intent to inflict grievous bodily harm, common

assault, robbery with aggravating circumstances and common robbery.

A **conviction** is a guilty verdict and includes payment made in terms of section 57A of the CPA.

**Corruption** should be understood as the misuse of public and private office or position or resources with a corrupt intent, and may include acts of bribery, nepotism, extortion, fraud and theft, and any offences committed in terms of the Prevention and Combating of Corrupt Activities Act of 2004 (Act No. 12 of 2004), either as main charge or where it has been added as an alternative charge.

**Court preparation officer:** Any officer appointed by the NPA to familiarise a witness with the court environment, legal processes and legal terms at the appropriate level to address their fears and concerns regarding testimony in court, thus contributing towards successful prosecutions and client satisfaction. In addition, the court preparation officers ensure continuum of care for state witnesses, as well as the implementation of victim impact statements.

**Cybercrime:** Any crime that is facilitated by the use of information technology.

**Cyberspace:** A domain that is characterised by the use of electronics and the electromagnetic spectrum to store, modify and exchange data via networked systems and associated physical infrastructure.

**Decision dockets:** In the NPA, decision cases include all criminal matters presented to the NPA to consider the institution of a prosecution recording in a decision register. These exclude dockets recorded in the inquest register and matters directly enrolled.

**Dedicated court:** A court in which only complex commercial crime cases are dealt with.

**District court:** A court created by the Minister of Justice and Correctional Services for a district in terms of section 2 of the Magistrates' Courts Act of 1944 (Act No. 32 of 1944).

**Environmental crime cases:** Any criminal court cases relating to the importing, exporting, hunting, catching, capturing, killing, gathering, collecting, translocation, selling or trading of any wild animals, birds, plant, fish and marine life, insects, the pollution of water, air, soil, emission of poisons

gasses, dumping of waste, and offences relating to environmental permits.

**An estimate of the net market value of the assets:** This is based on the best available evidence at the time of the estimate based on guidelines issued by the head of AFU from time to time.

**Forfeiture orders:** The confiscation and forfeiture orders in terms of section 18 and section 50 of POCA.

**Freezing orders:** Restraint and preservation orders in terms of section 26 and section 38 of POCA.

**Government official:** this includes all persons employed by a state institution, as well as persons who were employed by a state institution at the time of the commission of the offence. A state institution includes all three tiers of government (national, provincial and municipal), public entities listed in schedules 2 and 3 of the Public Finance Management Act of 1999 (PFMA) (Act No. 1 of 1999), constitutional institutions listed in Schedule 1 of the PFMA, and Parliament and the provincial legislatures subject to section 3(2) of the PFMA.

**High Court:** The High Court of South Africa and its respective divisions referred to in section 6(1) of the Superior Courts Act of 2013 (Act No. 10 of 2013).

**Lower courts:** District and regional courts.

**Minister:** The Minister for the Department of Justice and Correctional Services.

**Organised crime:** Crime as a person, group of persons or syndicate acting in an organised fashion or in a manner that could result in substantial financial gain for the person, group of persons or syndicate involved. These cases are dealt with or coordinated by specialised prosecutors.

**Priority crime:** The South African Police Service Act of 1995 (Act No. 68 of 1995) defines priority crimes as organised crime that requires national prevention or investigation or crimes that require specialised skills in their prevention or investigation.

A **priority crime case** is a matter that has been enrolled in a criminal court of South Africa regardless of the forum after a decision has been taken to institute a prosecution. The mandate of the Priority Crimes Litigation Unit (PCLU) to institute prosecutions is



limited to the categories of offences specified in the Presidential proclamation or specifically referred to the unit by the National Director of Public Prosecutions.

**Prosecuting authority:** The National Prosecuting Authority (NPA) consists of the National Director and Deputy National Directors of Public Prosecutions, Directors of Public Prosecutions, prosecutors, and support staff.

**Recoveries:** The return of property or payment of money to the victim following an order in terms of section 300 of the Criminal Procedure Act of 1977 (CPA) (Act No. 51 of 1977) or following a plea bargain in terms of the CPA.

**Regional court:** A court created by the Minister for a number of districts in terms of section 2 of the Magistrates' Courts Act of 1944 (Act No. 32 of 1944).

**Serious crime:** Crimes prosecuted in the regional and high courts.

A **Specialised prosecutor** is a prosecutor with a particular skills set and experience that has been assigned to deal primarily with the prosecution of certain types of crime.

**Sexual offences:** Any offences committed in terms of the Criminal Law (Sexual Offences and Related Matters) Amendment Act of 2007 (Act No. 32 of 2007). Such offences may include common law rape or indecent assault.

**STEEPLE** is a tool that is used to review the social, technological, economic, ethical, political, legal and environmental (STEEPLE) factors mainly in the external environment within which the NPA operates.

**Thuthuzela Care Centres (TCCs):** Thuthuzela (meaning "comfort" in Xhosa) Care Centres are 24-hour, one-stop service centres where victims have access to all services, including police, counselling, doctors, court preparation and a prosecutor for victims. These centres are aimed at helping victims become survivors and providing comprehensive therapy. The multidisciplinary centres have been established to streamline the process of reporting, care-giving and investigating cases, and the subsequent prosecution of these cases.

The main objectives for these centres are to eliminate secondary victimisation, reduce case cycle time and

increase convictions. TCCs are operational when the following criteria are met:

- A victim-friendly designated space, with a waiting area, counselling room, examination room, ablution facilities and statement-taking room. The TCC is located on the premises of the Department of Health (DoH), either in the hospital building or in a park home facility.
- Two of the three posts (site coordinator, victim assistance officer and case manager) for which the NPA is responsible are filled either on contract or through a permanent appointment.
- All services are rendered, including police, health, psychological and prosecutorial services, whether in-house or on-call. This includes a referral system for 24/7 care and management.
- Protocols between the NPA, SAPS and DoH are in place.
- Training for relevant stakeholders, including induction for staff of the Sexual Offences and Community Affairs Unit (SOCA) at the TCC site, has been conducted.
- Essential equipment and furniture as per the SOCA TCC list has been provided.

**Trio crimes** are cases in which the charges relate to robbery at residential premises, robbery at business premises and/or vehicle robbery/car hijacking.

**Values of recoveries in terms of POCA:** The total amount recovered by the AFU, after completion of the matter, i.e. paid into CARA or paid directly to the victim in the case, usually in terms of a POCA order. It can be the result of an agreement obtained by the AFU, or an intervention by the AFU.




**Verdict** is the judgment given by a court after the conclusion of the court proceedings. In criminal cases, it can only follow after an accused person has pleaded to the charges, and is either a verdict of guilty or not guilty.

**Witness:** Any person who is or may be required to give evidence, or who has given evidence in any judicial proceedings.





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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT  
Tel: 012 315 1111 Private Bag X81, Pretoria, 0001 Momentum Centre, 329 Pretorius Street, Pretoria  
[www.justice.gov.za](http://www.justice.gov.za)  DOJCD\_ZA  DOJCD  DOJCD