

Annual Report 2004/05

Department of Justice and Constitutional Development



the doj & cd

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA



Constitutional Court Trust Artwork

During the period covered by this Annual Report, South Africa celebrated the anniversary of its first decade of democracy. The Constitutional Court, the highest court in the land, has played a particularly significant role in giving life to the fundamental human rights enshrined in the Constitution. As such it is a living symbol of our vibrant and evolving democracy. It is with this in mind that the Constitutional Court Trust's collection of artwork was used as a design element in this publication.

These artworks, which depict various aspects of the struggle for freedom and equality in South Africa, were collected by Justice Albie Sachs over a period of ten years. While some artworks were donated by artists, others were bought with funds raised both locally and overseas.

Some of the artists whose works are displayed at the Constitutional Court include Gerard Sekoto, Marlene Dumas, Dumile Feni, John Baloyi and William Kentridge.

The Department of Justice and Constitutional Development is sincerely grateful to the Constitutional Court for allowing us to use these artworks in our Annual Report.

Cover:

Artist Orlando Almeida's depiction of protestors toying



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FOREWORD



Foreword by Minister Mabandla

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One of the areas which in the past has proved most problematic, is that of the insolvency industry. I thus saw it fit to appoint a Committee of Inquiry to investigate aspects such as the appointment of liquidators, the need to regulate the industry, alleged corruption and "fronting", as well as various factors impeding the transformation of the liquidation industry. Cabinet will be advised on the most suitable policy to implement in this regard. Indeed, the Masters' functions as a whole are in the process of being streamlined, e.g. through the implementation of IT solutions.

On the legislative front, various Bills aimed mainly at women and vulnerable groups are in advanced stages of being passed. The Criminal Law (Sexual Offences) Amendment Bill and the Child Justice Bill will have significant impact on their lives. In a further effort to rid our statute books of discriminatory legislation, a Bill to repeal the Black Administration Act of 1927 is being prepared.

The rights and responsibilities flowing from legislation obviously need to be concretised in our courts. The *Re Aga Boswa* ("We are rebuilding") project aims to modernise and streamline our court administration to such an extent that the principles of *Batho Pele* ("People First") become the driving force behind our courts. However, it is a sad reality that lower courts in general lack the necessary resources, both human and financial, to make this objective a reality. The capacitation of our courts, specifically those in previously disadvantaged areas, remains one of our biggest challenges.

Hand-in-hand with this challenge - and with a view to empowering our people - goes the need to educate communities on their rights and responsibilities. We have therefore focused our efforts in this regard on developmental communication, such as outreach campaigns on the Service Charter for the Victims of Crime and the Truth and Reconciliation Commission (TRC) reparations.

The transformation of the Judiciary remains at the heart of our drive towards an equitable, accessible Justice System. A fundamental change to the composition of the Bench is required in this respect. It is notable that for the first time in South Africa's history, both the Chief Justice and the Deputy Chief Justice are black. While several Judges President are also black, we are yet to see a woman fill one of these positions. We therefore need to remove barriers in the way and stereotypes of women in the Judiciary.

During the past year my Department has welcomed a new Director-General, Adv Menzi Simelane, as well as Dr Khotso De Wee, appointed in the newly created position of Chief Operations Officer. We trust that the skills they bring will benefit the Department and facilitate the achievement of our goals.

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MRS B S MABANDLA, MP
Minister for Justice and Constitutional Development

Part 1:

General Information



PART 1: GENERAL INFORMATION

1.1. To Mrs B S Mabandla, MP, Minister for Justice and Constitutional Development

I have the honour of submitting the 2004/05 Annual Report of the Department of Justice and Constitutional Development, in terms of the Public Finance Management Act, 1999.

1.2. Introduction by the Director-General, Adv Menzi Simelane

Upon joining this Department at the conclusion of the period under review, it struck me that I had become part of an institution undergoing significant changes with a view to transforming Justice.

Serving a developmental state, the Department is needs-focused, striving to provide simpler, faster and cost-effective quality Justice services to all, including the poorest of the poor and the vulnerable. In order to attain this goal, the Department has been modernising at a rapid rate.

This modernisation entails many facets, among them working within the Integrated Sustainable Rural Development and Urban Renewal Strategies to bring Justice physically closer to all our citizens. The Department has also provided leadership in adapting the e-Government Strategy into an e-Justice Strategy. This entails harnessing technological innovation, rationalising and streamlining processes and procedures and serving through a diverse and multi-skilled workforce. This provision of integrated simpler, faster and cost-effective quality services will enable the Department to deal vigorously with all its backlogs – be they in the financial, the judicial or the administrative sphere.

In addition to its role as an enabler, the Department acts as a transforming agent for the state, working in partnership with other organs of state and civil society. As such it operationalises the notion of citizenship and redefines Justice for a 21st Century South African democratic society. This is a radical philosophical departure from the apartheid notion of Justice that was predicated on the citizen as an obedient subject of the state. An enabling and transforming Department of Justice and Constitutional Development also concerns itself with issues of crime. It recognises the major threats to democracy that are posed by various forms of crime.

One of our biggest challenges is that of operationalising our constitutional values and ensuring inclusivity of all South Africa's citizens. The various services of the Department demonstrate the need for a balanced approach to Justice. The National Prosecuting Authority (NPA) concentrates on combating crime; the Legal Aid Board seeks to ensure that access to Criminal, Civil, Economic and Social Justice is affordable for all. The courts, through Court Services, play a very important role in this balanced approach to Justice. The Master of the High Court deals with civil matters that are of critical importance to the

lives of millions of citizens. Constitutional Development, State Attorneys and State Law Advisers render attorney and advocacy services to the state, as well as advisory and legal drafting services, to assist in the transformation of state and society; they are also of critical importance in advancing the notion of cooperative governance – one of the central pillars of the Constitution.

A prerequisite for the success of the transformation process is the simultaneous transformation of the Department's key partners. The considerable effort put behind transforming prosecution and allied services into a prestigious professional force, in accordance with the Constitution, is paying off handsomely. It is imperative that the Judiciary should benefit likewise from a broad transformation process, starting with making it more representative in terms of gender, race and cultural traditions of our society. A gauge of the success of such a transformation process is the emergence of a jurisprudence that is in keeping with both the African Renaissance and the democratic values embodied in the spirit and letter of our Constitution.

The transformation of Justice is also interlinked with the transformation of the legal profession and legal scholarship. The Department, in partnership with law schools, has already transformed the curriculum of the basic law degree to bring it in line with modern best practices. This innovation needs to be reviewed to assess whether it meets the intended goals of the Justice Sector Labour Market demands and whether it promotes legal scholarship. In addition to encouraging law schools to widen access to students from previously disadvantaged communities, these institutions will be encouraged to forge linkages with prominent leading law firms, with prominent practitioners and with relevant international organisations.

For the second year in a row, my Department attained an unqualified audit report on the Vote Account. This I am particularly proud of, as it is the result of diligent and coordinated work by all in the Department. It is indicative of our future approach to matters financial and also signals that we are unified in the attainment of all our goals.

The Department has seen many successes since the advent of our new democratic dispensation. However, we still have a challenging road ahead towards realising our goals. In the years to come, it is imperative that we go beyond policies and programmes, and implement! The principles and objectives of *Batho Pele* ("People First") and programmes such as *Re Aqa Boswa* ("We are rebuilding"), need to produce tangible results to the benefit of all communities. To this end, my management team and I look forward to a productive working relationship with the Minister and Deputy Minister.



ADV MENZI SIMELANE

Director-General: Justice and Constitutional Development



PART 1: GENERAL INFORMATION

1.3 Information on the Ministry

The function of the Ministry for Justice and Constitutional Development is to execute the powers and perform the functions assigned to it by the President and the various Acts of Parliament. In short, the function of the Ministry is to establish and maintain, in the spirit of the Constitution and through a democratic process of transformation, a legitimate administration of Justice that is efficient, accessible, accountable, just, user-friendly and representative of the South African community.

The following entities have been established to take care of certain areas within the framework of the environment covered by the Ministry:

- South African Human Rights Commission
- Public Protector
- Commission on Gender Equality
- Office for the Control of Interception and Monitoring of Communications
- Ministerial Coordinating Committee on the Directorate of Special Operations
- Criminal Assets Recovery Committee
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- President's Fund
- Represented Political Parties' Fund
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- Rules Board for Courts of Law
- Board for Sheriffs
- Equality Review Committee
- Rules Board for the Labour Courts
- Public Protector

During the period of this report, a number of Bills have been promoted in Parliament. In particular, the following legislation was approved by Parliament and has already been implemented:

The Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004) was approved by Parliament in 2004. The Act, among others, aims to provide for the strengthening of measures to prevent and combat corruption and corrupt activities; 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 to place a duty on certain persons holding a position of authority to report certain corrupt transactions.

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- Superior Courts Bill
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Our goal is to deliver **accessible, speedy and cost-effective quality** Justice services

Numerous sets of regulations have been prepared and are at various stages of finalisation, for instance the regulations relating to the promotion of equality; Administrative Justice, including a code of good administrative conduct; the appointment of maintenance investigators; reparations contemplated in the Promotion of National Unity and Reconciliation Act, 1995; the promotion of access to information; debt collectors; and allowances payable to judges and pension benefits payable to spouses and partners of deceased judges.

Guidelines required by the Protected Disclosures Act, 2000, explaining the application of this Act, have also been finalised. The Department was involved in the extension of the application of the statutory provisions dealing with minimum sentences for a further period of two years. It has furthermore played a major role in the implementation of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002.

PART 1: GENERAL INFORMATION

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Vision: Accessible and transformed Justice services committed to the promotion of constitutional values for all.

Mission: Together we provide accessible, fair, speedy, cost-effective and quality Justice for all.

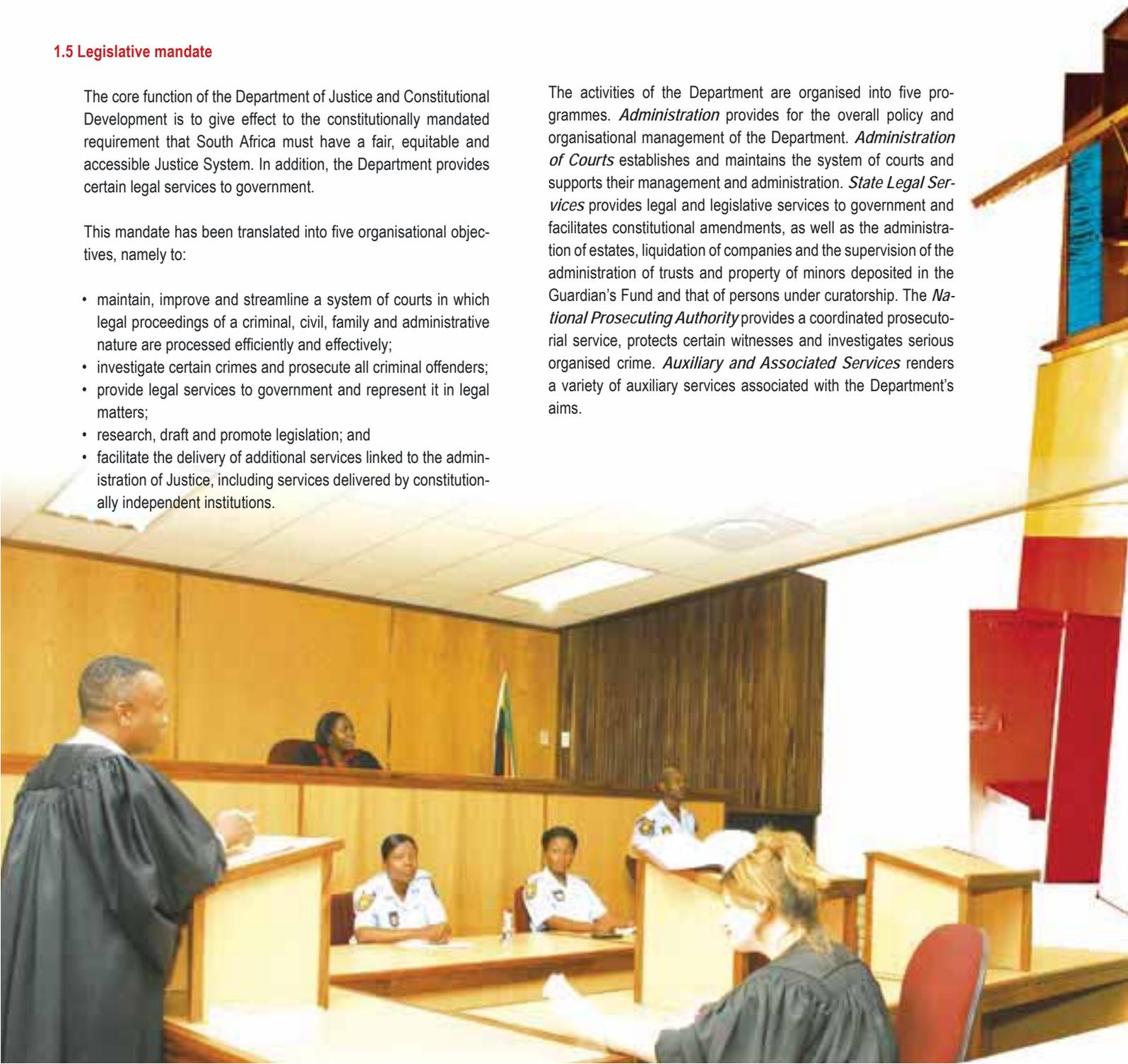
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The core function of the Department of Justice and Constitutional Development is to give effect to the constitutionally mandated requirement that South Africa must have a fair, equitable and accessible Justice System. In addition, the Department provides certain legal services to government.

This mandate has been translated into five organisational objectives, namely to:

- maintain, improve and streamline a system of courts in which legal proceedings of a criminal, civil, family and administrative nature are processed efficiently and effectively;
- investigate certain crimes and prosecute all criminal offenders;
- provide legal services to government and represent it in legal matters;
- research, draft and promote legislation; and
- facilitate the delivery of additional services linked to the administration of Justice, including services delivered by constitutionally independent institutions.

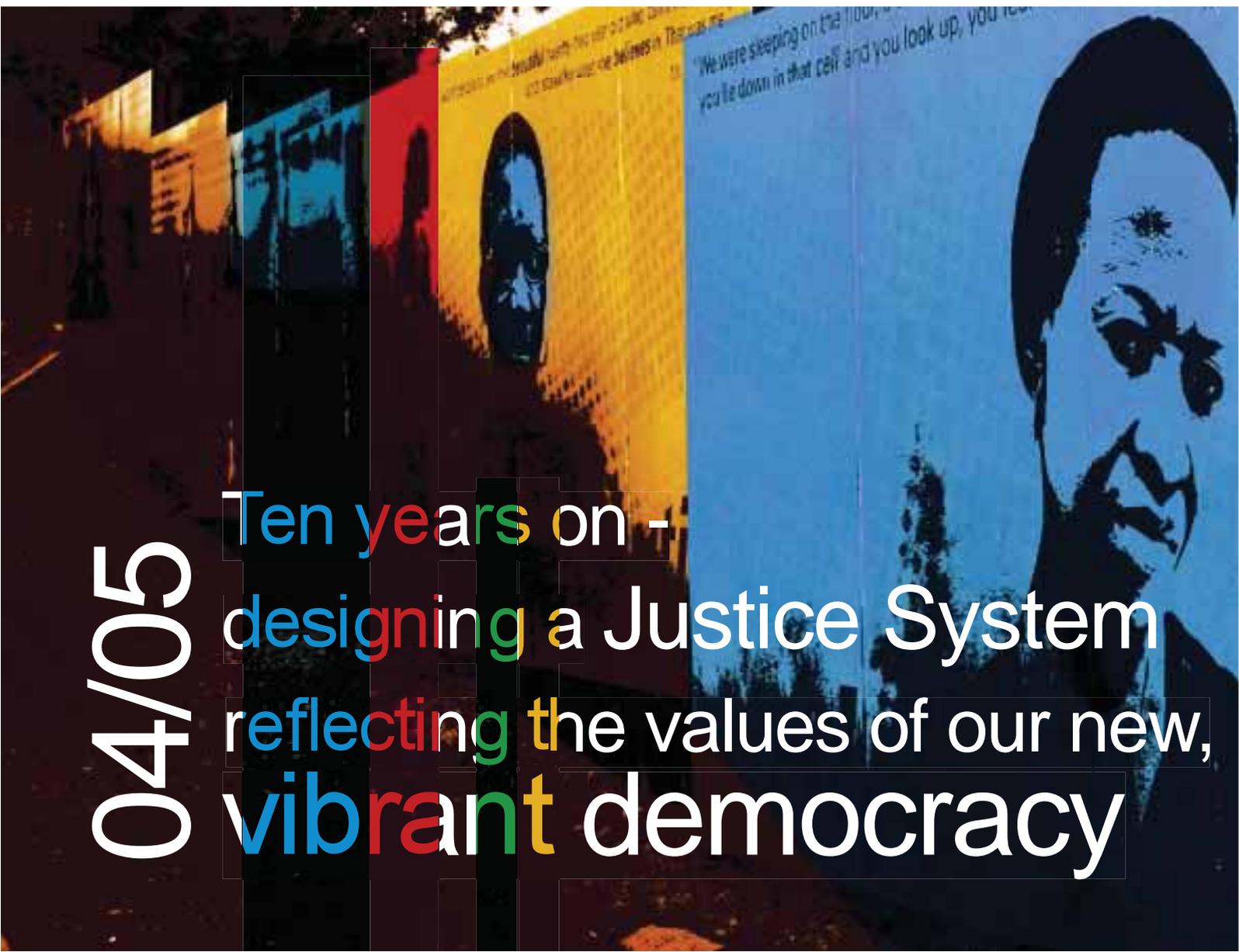
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04/05

Ten years on -
designing a Justice System
reflecting the values of our new,
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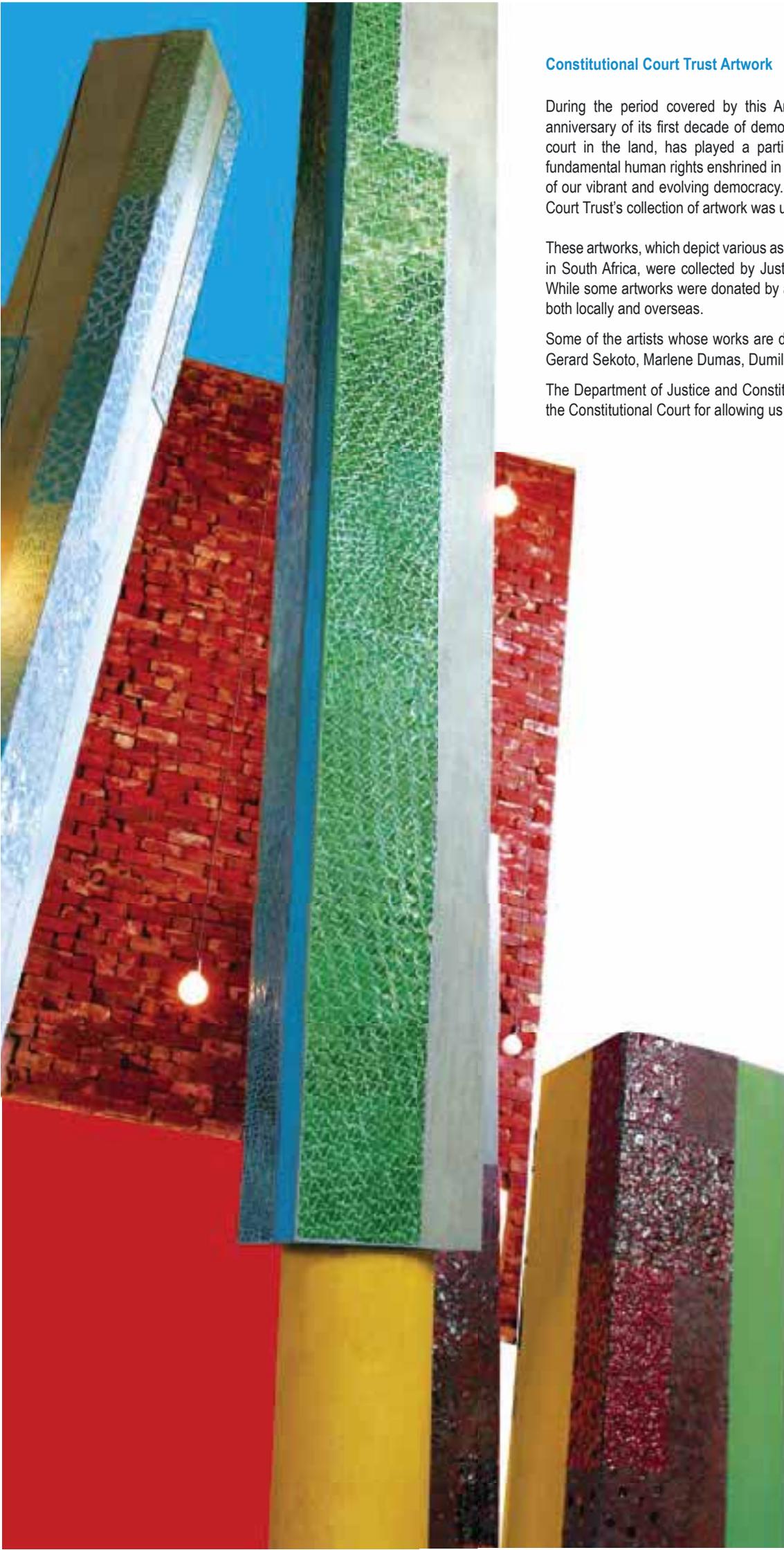
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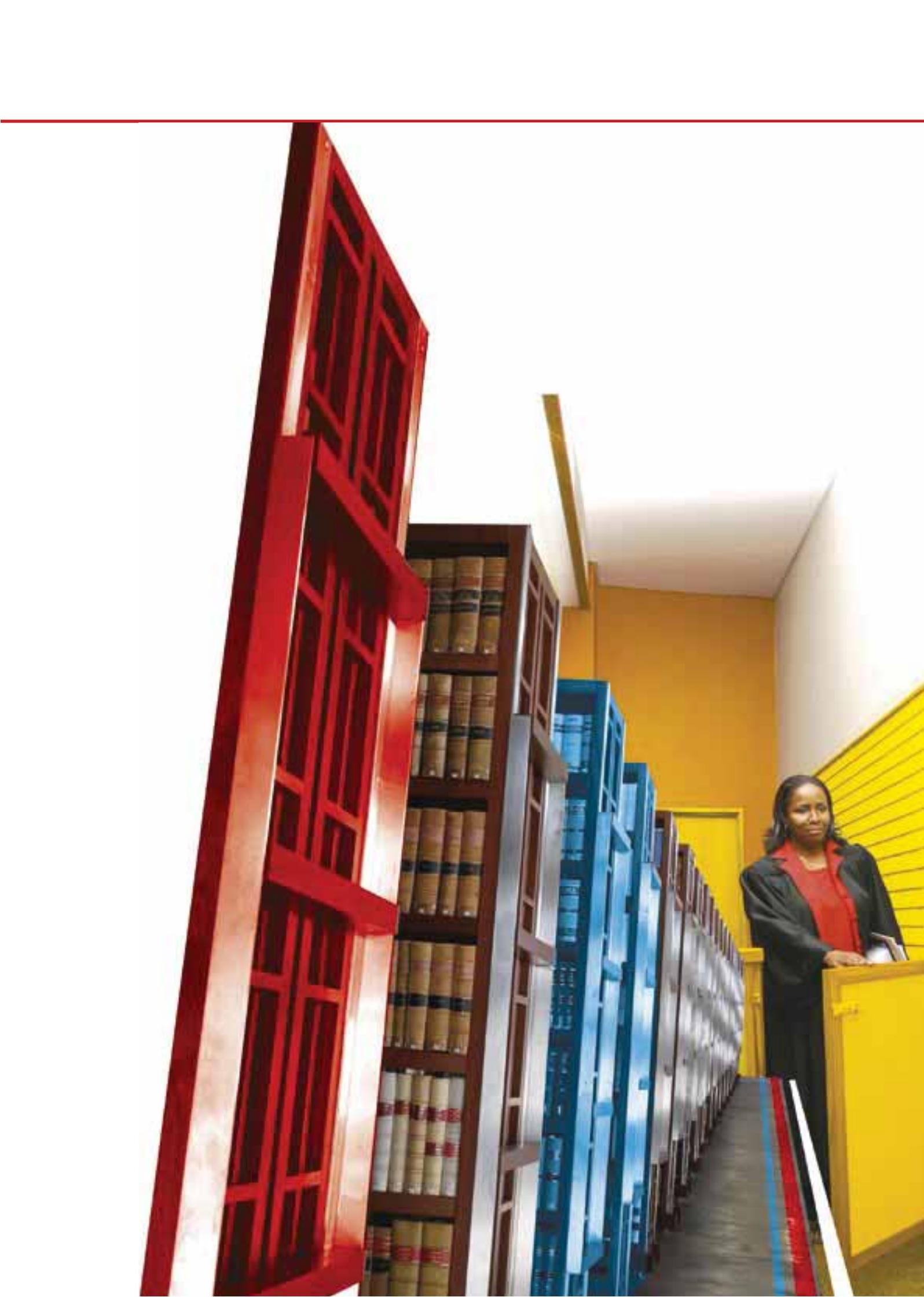
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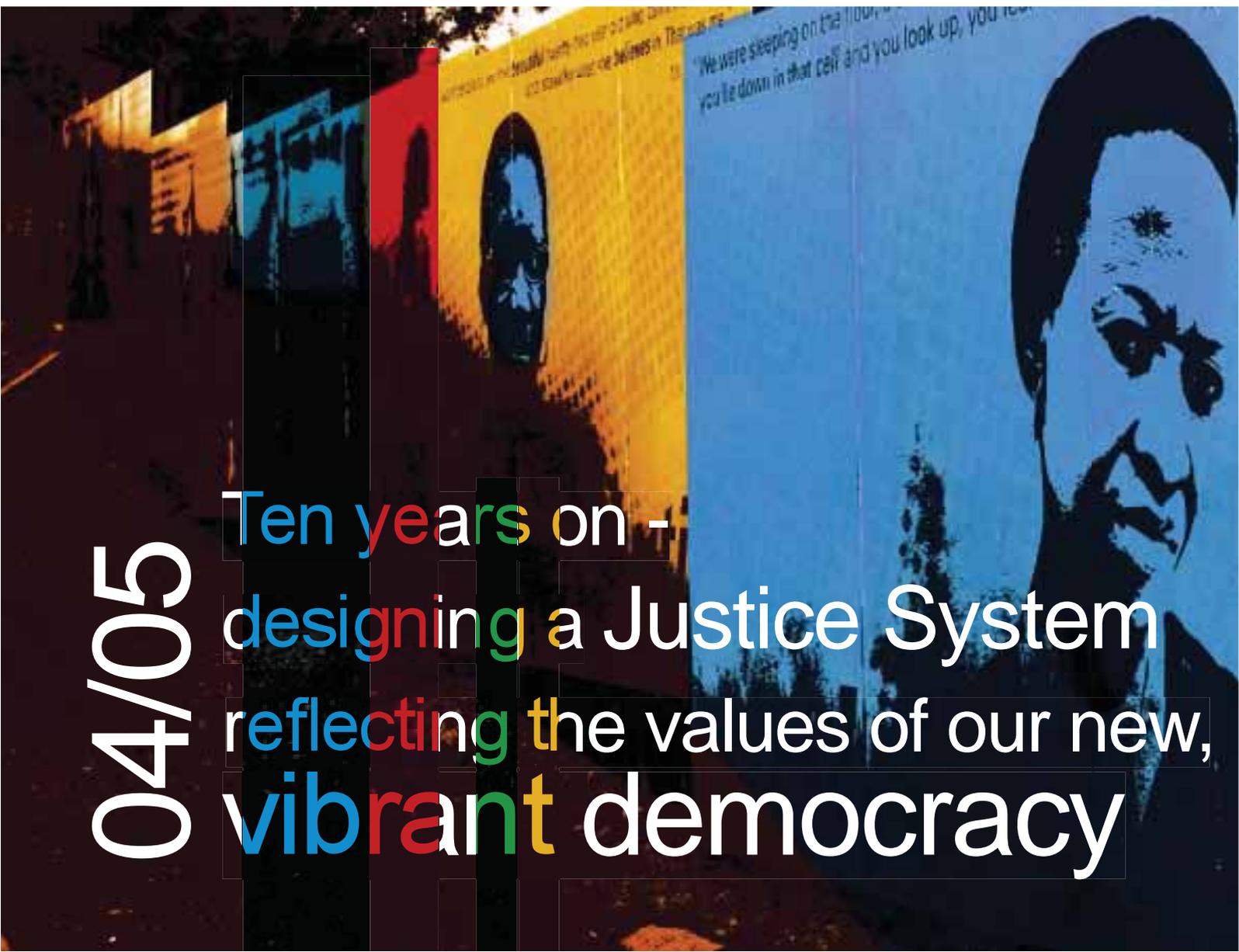
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PART 1: GENERAL INFORMATION

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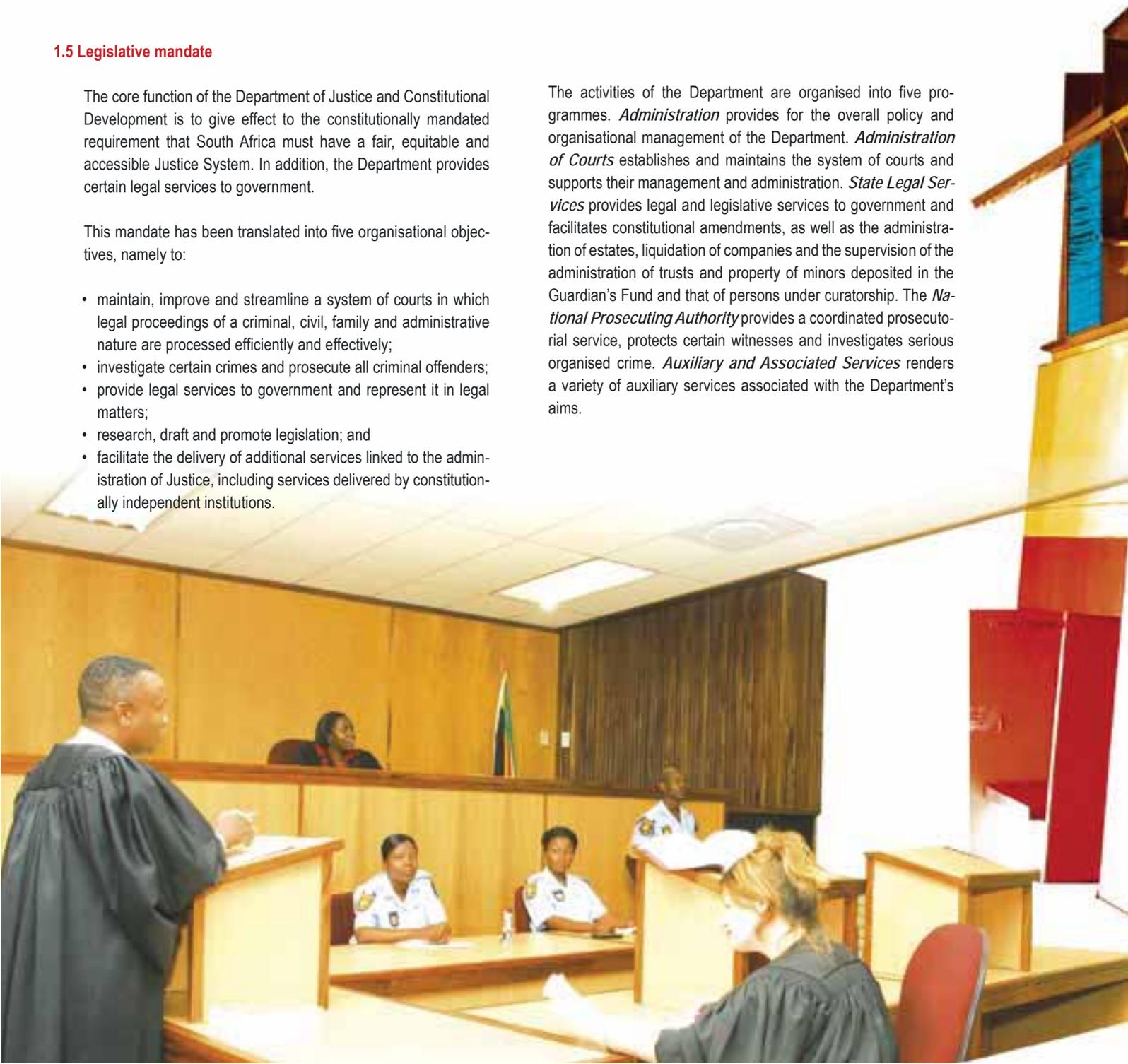
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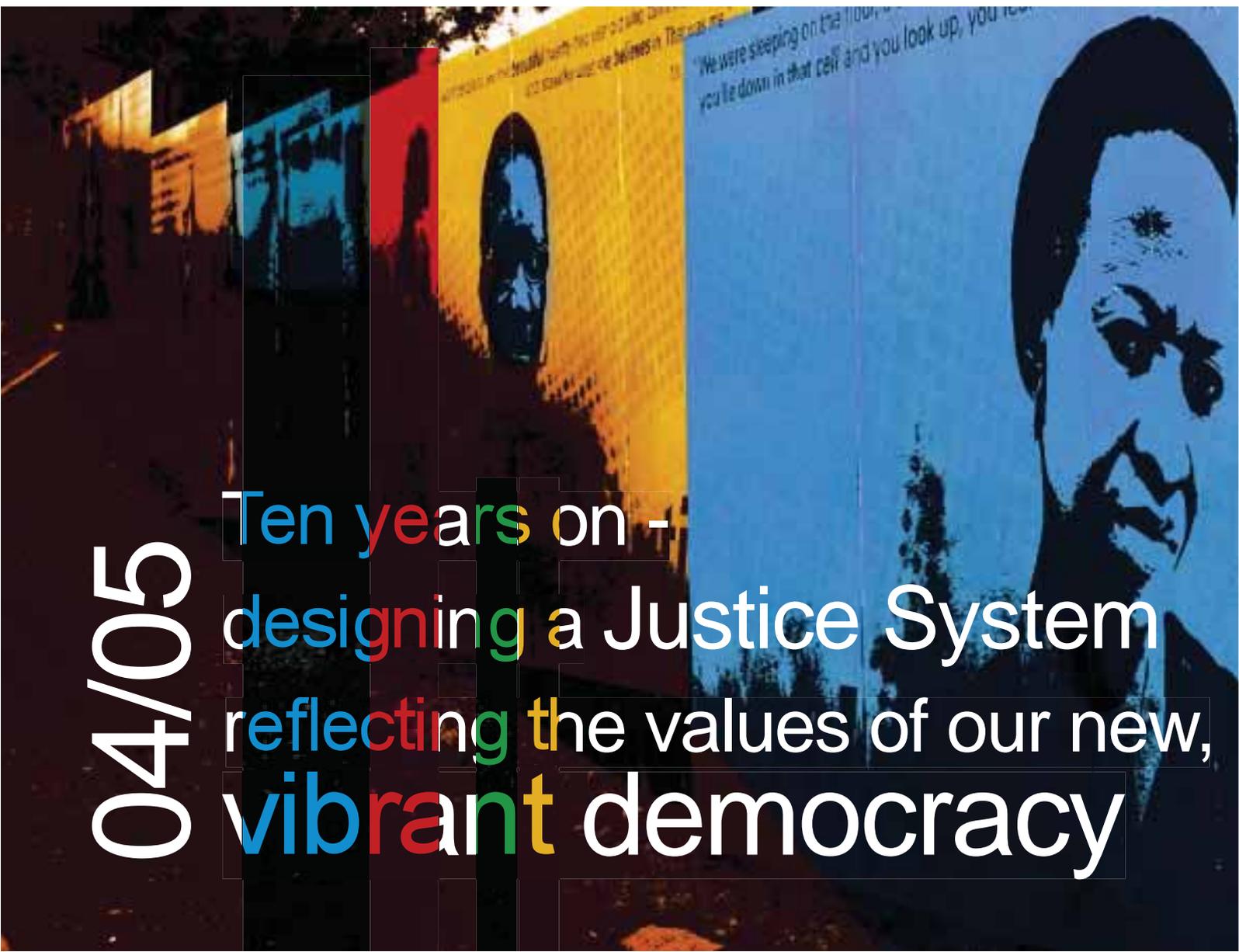
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Part 2:

Programme Performance



PART 2: PROGRAMME PERFORMANCE

2.1 Voted Funds

Appropriation	Main Appropriation	Adjusted Appropriation	Actual Amount Spent	Over/Under Expenditure
Amount Appropriated	5,054,417,000	5,054,417,000	5,005,643,000	48,774,000
Statutory Appropriation	177,083,000	177,083,000	242,093,000	-65,010,000
Responsible Minister	Minister for Justice and Constitutional Development			
Administering Department	Justice and Constitutional Development			
Accounting Officer	Director-General of Justice and Constitutional Development			

2.2 Aim of Vote

The aim of the Department of Justice and Constitutional Development (DoJ and CD) is to uphold and protect the Constitution and the rule of law and to render accessible, fair, speedy and cost-effective administration of Justice, in the interests of a safer and more secure South Africa.

2.3 Key Measurable Objectives, Programmes and Achievements

2.3.1 Key Measurable Objectives

The Department's key strategic objectives are capacitating and restructuring the courts, integrating the Justice System, catering for the needs of vulnerable groups and improving the maintenance system to relieve the pressure at the courts, thereby improving the standard of service delivery, broadening access to Justice and improving the efficiency of the NPA and its specialised Units.

2.3.2 Programmes

2.3.2.1 Programme 1: Administration

Administration concerns the development of departmental systems, strategies and policies. It includes human resource, communications and financial management and other central support services, as well as policy formulation by the Ministry and the head of the Department. This programme also provides for researching, preparing and promoting legislation related to the Department's functions. Included in this programme are advisory and drafting services to the relevant parliamentary committees dealing with changes to the Constitution and to Acts of Parliament, the administration of which is the Department's responsibility.

2.3.2.2 Programme 2: Court Services

Court Services provides for the range of services provided by all the various courts in terms of Chapter 8 of the Constitution.

2.3.2.3 Programme 3: State Legal Services

State Legal Services provides government with legal services and facilitates constitutional amendments. Activities include providing for the work of the State Attorney and State Law Advisers, as well as the Master of the High Court, and promoting, maintaining and developing the Constitution and its values by researching, developing and promoting appropriate legislation.

2.3.2.4 Programme 4: National Prosecuting Authority

The National Prosecuting Authority provides for prosecution services guided by the Bill of Rights, witness protection, particularly in serious criminal cases, and the investigation of serious, complex and organised crime.

2.3.2.5 Programme 5: Auxiliary and Associated Services

Auxiliary and Associated Services provides for services associated with the Department's aim through 11 sub-programmes. Of these, three are focused on the needs of constitutional institutions (the South African Human Rights Commission, the Commission on Gender Equality and the Public Protector) and two are Schedule 3A public entities (the Legal Aid Board and the Special Investigating Unit). The other sub-programmes advise government on the administration of Justice, give effect to the reparations policy flowing from the Truth and Reconciliation Commission, and make provision for funding political parties represented in Parliament and the provincial legislatures, among other activities.

2.3.3 Achievements

The following highlights can be reported for the year under review:

2.3.3.1 Court Services

Court Services achieved substantial successes with the continuation of the:



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- expansion of services to more rural areas and repair and maintenance of facilities;
- transforming the courts through the extension of the lay assessor system to provide for the participation of members of the community in the adjudication process; streamlining management and operations to enhance organisational efficiency in line with the *Re Aga Boswa* court management model; rationalisation of the High Courts to bring them in line with the constitutional dispensation; and the re-demarcation of magisterial boundaries to enhance access by bringing courts within the proximity of communities;
- improved monitoring and evaluation of the performance of all courts through the establishment of the Court Nerve Centre; improved case-flow management at all courts; the development of a model for a video postponement system; integration and cooperative governance on case-flow management; and automation of services at courts (connectivity, e-Scheduler, Justice Deposit Account System (JDAS), Jutastat);
- improved inter-sectoral coordination (within the JCPS and Social sector clusters);
- improved management of cases relating to specialised services to enhance court efficiency;
- improved services to the vulnerable and to women; Restorative Justice and victim assistance (through the implementation of the Service Charter for Victims of Crime); and rendering of extended family advocacy services regarding family law-related disputes; and
- rehabilitation of dilapidated infrastructure and upgrading of physical security.

Administrative support in respect of the appointment of judicial officers to the lower courts is provided by the Secretariat of the Magistrates Commission. One-hundred-and-thirty-three magistrates' posts were filled by the Minister on recommendation of the Magistrates Commission. The Secretariat dealt with 273 complaints against magistrates and 38 grievances laid by magistrates. Furthermore, 400 representations regarding service conditions were received, investigated and dealt with. The Secretariat also supported more than 30 meetings of the Magistrates Commission and its Committees, held to consider matters relating to the functioning of the Commission as prescribed in the Magistrates Act, 1993.

2.3.3.2 Information Systems Management (ISM)

The Digital Nervous System (DNS) I project has been completed successfully. The objective of this project was to provide users within the Department with the infrastructure, training and facilities to ensure departmental connectivity countrywide. Currently 11,500 users countrywide are connected to the DoJ & CD network, with e-mail, internet and legal research facilities, i.e. Jutastat.

Furthermore the DoJ & CD, in line with the statements made by the President, has standardised its project management methodology and implemented a project management and monitoring tool, namely the Enterprise Project Management (EPM) system. This project was undertaken by the ISM Branch and the system will be rolled out to National Office Branches during the 2005/06 and 2006/07 financial years.

2.3.3.3 Human Resources (HR)

Management & Leadership Development

Following the skills gap analysis survey conducted throughout the Department, basic management principles, i.e. Planning, Organising, Leading and Control, were found lacking across the spectrum of management and supervision echelons. Moreover the DoJ & CD is undergoing major transformation with regard to strategy and technology. This has therefore necessitated a new way of thinking in terms of management and leadership.

It is against this background that the DoJ & CD through its Human Resources Branch, and in particular the Learning and Development Directorate, identified a Management and Leadership Development Programme (MLDP) for its Senior/Executive Managers and Middle Managers.

Change Management Plan: R18,9 million

The purpose of this change management strategy is to assist employees to navigate through the myriad of changes that the Department is going through. In order to improve service excellence, it has become critical for the Department to align its strategy and structure. This would necessitate a Business Process Re-engineering exercise.

In terms of Resolution 7 of 2002, the Minister for Public Service and Administration has also dictated such processes of departmental restructuring. There is therefore a massive restructuring process taking place both within the Department and the Public Service as a whole. Thus the need for the development of a strategy and plan to manage the change process.

The vision of the change management programme is to assist employees to accept and embrace organisational transformation and to learn to anticipate and deal with any type of organisational restructuring without resisting it.

Modernisation of Human Resources

The strategy of the Customer Management Centre (CMC) as a support function, is to provide efficient and consistent HR administration and transactional services that meet the time and quality requirements of our clients and through this, move from a cost centre to a value entity contributing directly to the bottom-line of the organisation, where the focus is on measuring outputs and results.

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2.4 Overview of the service delivery environment for 2004/05

2.4.1 Court Services

2.4.1.1 The Service Delivery Environment

The primary responsibility of the Department is to ensure an efficient court system to enable every citizen to access Justice. Court Services manages more than 751 courts throughout the country, as well as a further 22 Justice Service Delivery Points for the delivery of specialised services relating to the State Attorney, Master of the High Court and Regional Offices, to streamline the management of the services provided at provincial and local level. The courts include the Constitutional Court, Supreme Court of Appeal, Labour Courts, Labour Appeal Court and 11 divisions of the High Court; as well as 751 Magistrates' District Court Centres (366 main offices, 51 detached offices, 104 branch courts and 230 periodical courts). Two-hundred-and-seventy (270) Regional Courts are also managed at the main offices.

In terms of access to District Courts, each of the above main, detached and branch courts serves, on average, 95,361 people. Furthermore, there is one court per 1,176 square kilometres. Providing Justice services to the people of South Africa implies:

- the establishment and maintenance of courts and other service delivery points;
- ensuring the provision of the appropriate human resource capital to the Justice Service Delivery Points, including judicial, prosecutorial and administrative staff;
- the provision of operational security; and
- effective management of the flow of cases through the court system.

One of the serious challenges facing the Department is the under funding of its personnel and crucial programmes, which makes it difficult to deliver optimum services to the public at all courts. To address this challenge, the Department has initiated a right-sizing project to properly cost the delivery of Justice for all. The process will enable the Minister to approach National Treasury to seek adequate funding to deliver optimal Justice services. Restorative Justice, including alternatives to imprisonment, is an area of transformation that remains a challenge.

The efficiency of the Justice System is dependent on a number of key factors. One of these is the ability of the courts to hear cases very quickly. The current average turn-around time for the finalisation of civil cases is 10 - 22 months. In respect of criminal cases, it is 157 days. The target in the next 3 years is 9-15 months. An effective Justice System requires that there be a significant improvement in these turn-around times.

The Department is working on a strategy to improve court efficiency. This strategy is aimed at improving the efficiency with which services

are delivered by officials in the various courts. The strategy is implemented through a programme which is referred to as *Re Aga Boswa* ("We are rebuilding"). Its focus includes the configuration of courts at district and area level to enhance access to court services and the identification of key competencies for each of the officials working in a court. Primarily, it aims at providing for dedicated court managers whose primary competence is the management of court processes. This would "free" the presiding officers from the burden of managing court processes. Instead, they will only be expected to preside over cases. The day-to-day management of court processes would be the responsibility of court managers. This would also apply to prosecutors who sometimes find themselves focusing on process management issues. The *Re Aga Boswa* programme has been implemented in KwaZulu-Natal over the last 18 months. The Department is currently evaluating the impact and benefit of the programme before its extension to other provinces. It is envisaged that the roll-out will commence in the current financial year and will be finalised during the 2007/08 financial year.

2.4.1.2 Overall Court Performance

Close on one million (996,215) new cases were placed on the District Court rolls and 81,822 on the Regional Court rolls during 2004/05. During this period, 649,284 cases were disposed of in the District Courts and 64,761 in the Regional Courts. Close on three-hundred-thousand (293,809) cases were withdrawn in the District Courts and 23,793 in the Regional Courts. At the end of March 2005 there were 185,671 cases on the outstanding court roll in the District Courts and 47,131 in the Regional Courts. Eighteen-thousand-eight-hundred-and-five (18,805) cases were diverted in the District Courts and 298 in the Regional Courts. The average conviction rate was 87% and 70% respectively.

The period under review showed an increase in the number of cases outstanding on the court rolls. For various reasons, cases are taking longer to finalise; for instance, an accused's right to legal aid leads to postponements when legal aid representatives have to be appointed; and cases involving forensic evidence have a particularly long cycle time, since there is an eight-month backlog in the finalisation of forensic analysis.

Outstanding court rolls in the District Courts increased from 139,459 cases (or 134 cases per court room) at the end of March 2004 to 158,120 (151 per court room) at the end of March 2005. Outstanding court rolls in the Regional Courts increased from 44,930 (98 per court room) as at the end of March 2004 to 46,889 (100 per court room) as at the end of March 2005.

Close on 2,400 (2,347) new cases were placed on the High Court rolls during the reporting period. On average, 72 High Courts sat every month, and a total of 1,418 trials were completed. A conviction rate of 85% was achieved, and the outstanding roll stood at 1,117 cases at



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the end of March 2005. Only 5% of High Court cases are older than 12 months.

2.4.1.3 Services to the Public

Small Claims Courts

In keeping with the departmental objective of increasing access to Justice in rural areas, three Small Claims Courts were established in rural areas in 2004/05, namely in Aliwal North (also incorporating the areas of Jamestown and Lady Grey), Idutywa (also incorporating the area of Willowvale) and Richmond in the Northern Cape. To date, a total of 156 Small Claims Courts have been established, while 129 Commissioners for Small Claims and 27 Advisory Board members have been appointed.

The increased jurisdiction from R3,000 to R7,000 effected from 1 April 2004 has led to more claims being brought to the Small Claims Courts. In excess of 113,000 enquiries from the general public relating to small claims were dealt with during 2004 by courts throughout the country. Furthermore, more than 12,800 litigants were referred for legal assistance, 26,114 summonses were issued and 23,424 trials took place in Small Claims Courts across the country.

The biggest challenge facing the Department is the attraction of more Commissioners to preside in Small Claims Courts in rural areas and townships. This is due to logistical problems such as inaccessibility of some areas and the long traveling distances involved. Insufficient funding has contributed to the slow pace in the roll-out of the Small Claims Courts and the inability to provide some form of a stipend for Commissioners, who provide the service as part of community service and on a voluntary basis.

The Law Society of South Africa is in the process of introducing the *pro bono* system for Small Claims Commissioners, in all nine provinces. The Cape Law Society, Law Society of the Northern Provinces and the KwaZulu-Natal Law Society have already indicated that their members will participate in the *pro bono* system by making themselves available for appointment as Commissioners for Small Claims.

Re-demarcation of magisterial districts

One of the key elements of access to Justice is the re-demarcation of the magisterial districts to align them with the service delivery points of the Departments within the Justice Crime Prevention and Security (JCPS) cluster. This will ensure that courts are aligned with police stations, prisons and social welfare centres, for purposes of coordination of services and proper management of cases. The re-demarcation process is also used to correct some of the pre-1994 demarcations of magisterial districts, which were drawn in accordance with the Homelands system and thereby denying access to certain courts to the majority of citizens, by virtue of the homeland citizenship. The process will result in some of the areas in the townships and rural areas to be proclaimed as seats of the main court within a particular district, to ensure equitable distribution of resources. Areas which will

be proclaimed as main seats of the district or sub-district of the main district, include Soweto and Mamelodi, which are traditionally served by main courts in their cities.

The re-demarcation of magisterial districts will have a huge impact on other Justice-related services. The establishment of main seats in the townships and rural areas will enhance access to private legal representation and sheriffs' services. As these practitioners will be forced to take services to those areas.

Monies in Trust

A separate Annual Report on Monies in Trust has been compiled and is tabled together with the Department's Annual Report.

Family Law-related matters

A Family Court Project has been initiated to address the following three broad aims, namely to:

- give wide and specialised protection and assistance to the family as the fundamental unit in society;
- bring about access to Justice for all in family disputes; and
- improve the quality and effectiveness of service delivery to citizens who have family law disputes.

Certain strategic priorities have been identified to give effect to the abovementioned aims, together with a practical implementation plan. The area of maintenance has been prioritised in the lower courts. Although there are still major challenges facing the delivery of services with regard to maintenance payments, there has been some improvement in certain respects. The automation of the maintenance processes and appointment of Maintenance Investigators have also brought some relief.

The greatest challenge to date is that of a lack of human resources: In a number of courts, family law matters are dealt with by temporary staff. The aim in the new financial year is to employ permanent staff.

In relation to the Children's Court component of family law, the duties and functions of the Children's Courts have been extended drastically to include various Restorative Justice options. The Department of Social Development has begun the process of costing the Children's Bill. Consultants appointed by the said Department are involving Justice officials who work in the Children's Courts in the process. Training of court officials will be a priority for the implementation of the Bill once it has been passed by Parliament.

The Family Advocate, assisted by family counsellors, report to the court, participate in litigation/mediation and make recommendations that will serve the best interests of minor/dependent children in cases where there are legal disputes regarding custody, access and guardianship.

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Following the promulgation of the Judicial Matters Second Amendment Act on 31 March 2005, the Family Advocates' services have been extended to include domestic violence and maintenance matters. Additional Family Advocates have been appointed in previously disadvantaged and rural areas. The statistics for the Chief Family Advocate's Office for the period 1 April 2004 to 31 March 2005 indicate the following:

Function	Numbers
High Court Documentation Scrutinised	26,040
Divorce Court Documentation	14,162
Settlement Agreements Scrutinised	10,331
Inquiry Requested By Parties	5,584
Inquiries Initiated by Family Advocate	1,030
Inquiries by Court Order	13,482
Parties reconciled	477
Inquiries finalised	7,625
Inquiries pending	7,488
Incoming mail	32,451
Outgoing mail	39,190
Inquiries of Special Divorce Court	4,017
Follow-up Inquiries	133
Supplementary Reports	37
Parties settled/mediations	194

The Chief Family Advocate has been designated as the Central Authority in International Child Abduction matters, in terms of the Hague Convention on the Civil Aspects of International Child Abduction, Act 72 of 1996. Applications for the return of children to signatory countries, as well as access applications are litigated by the Family Advocate with the assistance of the State Attorney in the various tiers of the High Courts of South Africa. The statistics for such cases are as follows:

Applications	Number
Total Applications	44
Return Applications	40
Access Applications	4
Total Cases Finalised	31
Total Cases Pending	13

Through ratification of the Hague Convention, the number of countries contracting with South Africa in respect of this Convention has increased to 30. A further seven countries contracted with South Africa through accession. (Mauritius will be added to this list during 2005.)

One-Stop Child Justice Centres and Child Justice Bill

The Child Justice Bill, 2002 (No. B49 of 2002) will empower the Minister, in consultation with other relevant Ministers, to establish and maintain One-Stop Child Justice Centres. As a parallel process, the Department has already started developing inter-sectoral coordination and monitoring of services to children accused of crimes and children awaiting trial, in order to divert them from the mainstream criminal justice system.

The Inter-sectoral Child Justice Steering Committee, under chair of the Department, is monitoring statistics on Children Awaiting Trial in order to facilitate the fast-tracking of such cases through the criminal justice system. This has resulted in the approximately 2 500 children awaiting trial in correctional centres in 1998 being reduced to 1 290 in June 2005. The National Prosecuting Authority has been requested to establish Case Review Task Teams to screen cases involving Children Awaiting Trial at places where there is overcrowding and to prioritise such cases, in particular those awaiting trial for longer than three months. The Western Cape has established a Child Justice Forum, which, amongst other things, monitors the issue of Children Awaiting Trial.

Three One-Stop Child Justice Centres are now operational. The two in Bloemfontein and Port Nolloth were established by the Department of Social Development, whilst for the one in Port Elizabeth, existing accommodation was refurbished by the DoJ and CD. Following a workshop held with all national and provincial role-players in February 2005, guidelines for the establishment of such centres are in the process of being finalised.

Funds were provided in the 2003/04 and 2004/05 financial years for the move of Stepping Stones One-Stop Child Justice Centre in Port Elizabeth, to Nerina Place of Safety, and for its refurbishment. The Department has requested roll-over of funds which could not be utilised in the 2004/05 financial year, to complete the refurbishment process in 2005/06. The site of the Centre in Port Elizabeth has been secured by the building of a three-metre perimeter wall.

Children accused of crimes and children awaiting trial need to be **diverted from the mainstream** criminal justice system



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Planning has been carried out for the roll-out of at least one centre for each province by 2007, once the policy for such centres has been developed and approved by the Ministry. Centres at Cape Town and Klerksdorp will be established during the next phase.

Maintenance Investigators

During the period under review considerable progress was made towards addressing the maintenance backlog. One of the success factors was the appointment of Maintenance Investigators in all nine provinces as part of the implementation strategy for the Maintenance Act, 1998 (Act No. 99 of 1998). One-hundred-and-fifty-four (154) permanent maintenance investigators have been appointed and trained. The policy for the appointment of Maintenance Investigators as Public Servants was approved by the Minister on 9 March 2004. Training for Maintenance Investigators, Maintenance Clerks and Maintenance Officers is ongoing. Maintenance Guidelines for Magistrates were developed in collaboration with the Lower Court Judiciary. To further assist with maintenance matters, 355 clerks were appointed on a temporary basis in the 2004/05, financial year, while the staff establishments of Family Courts are being finalised.

The positive impact of the appointment of Maintenance Investigators has increased access to Justice for women and children. Statistics indicate a reduction in maintenance case backlogs and a gradual reduction in cycle times for maintenance cases. Previously, the finalisation of maintenance matters under investigation was characterised by a long delay of up to a year. With the appointment of the initial 56 Investigators in 2003/04, this period was reduced to almost three months. The appointment of the additional 72 Maintenance Investigators has seen the cycle time being further reduced by two months. A further benefit has been the expedition of tracing of maintenance defaulters and the location of hidden assets.

District courts throughout the country dealt with in excess of 350,000 maintenance complaints in 2004. Close on 150,000 formal inquiries were held and more than 43,000 maintenance cases were prosecuted. A total of 57,000 orders to employers were made for the deduction of maintenance monies and 58,000 cases were finalised through mediation.

Domestic Violence

Various workshops for Magistrates were held to ensure uniformity in the implementation of the Domestic Violence Act. Inter-sectoral Guidelines were developed and issued by the National Prosecuting Authority and non-governmental organisations (NGOs).

Prioritisation of Sexual Offences Cases

Special measures have been introduced to improve the management of sexual offences cases, some of which include the strengthening of the Prosecution handling sexual offences and the installation of CCTVs in the courts where these matters are heard. Two well-trained prosecutors are assigned to every court dedicated to deal with sexual

offences cases and this has led to improved conviction rates for such offences.

Fifty-three courts have been dedicated to hear sexual offences cases and also to lessen secondary victimisation of victims of crime. The conviction rate in the Sexual Offences Courts has improved to an average of 64% as compared to 48% for similar cases heard in normal Regional Courts. Case turn-around times have decreased from an average of 285 days to 142 days. A strategy has been developed to extend the best case management practices learnt from the 53 dedicated Sexual Offences Courts to all other courts, to improve the quality of services of the courts. This will be preceded by an audit to find ways of sustaining the benefits derived from the measures. The main objective is to ensure that all Regional Courts are capacitated in terms of appropriately trained prosecutors and equipped facilities to handle prioritised cases.

A Court Preparation Manual for Children, researched by the University of Port Elizabeth and funded by USAID, was implemented in two pilot areas, namely Port Elizabeth and environs and Nelspruit. The Manual provides for the preparation of children appearing in sexual and child abuse cases and provides support to obtain testimony. The Manual was handed over to the Department, which is considering the roll-out of the Programme.

In the 53 courts dedicated for sexual offences, the efficiency of the courts has improved in that the conviction rate has increased to an average of 64% as compared to 48% for similar cases heard in normal Regional Courts. Case turn-around times have decreased from an average of 285 days to 142 days. The Department is working on a strategy to extend the best practices learnt from the 53 dedicated courts to all Regional Courts. This will be preceded by an audit to find ways of sustaining the benefits derived from the measures.

Additional accommodation has been provided in the form of mobile Units to enable Regional Courts to cope with the increasing workload at Witbank, Secunda, Port Shepstone, Mankweng, Alberton, Orlando and Lutzville.

Equality Courts

The Department is committed to continuously raise public awareness on the constitutional right to equality and human dignity, and the legal and constitutional remedies and instruments that are available for the realisation of those rights. This includes working in collaboration and cooperating with institutions supporting constitutional democracy, other state departments and local authorities, non-governmental and community-based organisations and other organs of civil society. To meet this objective, the Department aims to ensure that Equality Courts operate effectively and efficiently in redressing inequalities in society.

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Equality Courts have been designated at 220 Magistrates' Courts and more than 900 magistrates have received training on equality matters. Clerks at most of the designated courts have been trained on the completion of the necessary forms in order to assist complainants when they lay complaints. Resources such as furniture, equipment and stationery have also been provided to the 220 courts.

Implementation of the Service Charter for Victims of Crime

The Charter has been approved by government and an implementation plan has been developed by the Gender Directorate in the Office of the Director-General. The Charter is an outcome of contributions from a multiplicity of role-players. From the courts' perspective the Charter is a vital tool to respond to the needs of victims of any court or legal process. As part of the Service Charter, the front-line service staff are being trained to be sensitive to victims' needs and to adhere to *Batho Pele* principles in their day-to-day engagement with victims of crime. Toll-free numbers are being planned around provinces to respond promptly to enquiries from victims. The capacity of the courts is being reviewed as part of the *Re Aga Boswa* roll-out for the effective implementation of the Charter.

2.5 Overview of the organisational environment for 2004/05

2.5.1 Human Resources (HR)

The Department experienced only one major strike during the course of this financial year. The Court Interpreters (total 358) strike had an impact on the running of the courts, by creating a backlog on the court roll due to the fact that most of the cases had to be remanded. However, the Department implemented its contingency plan to temporarily substitute striking employees. The Department lost 358 working days amounting to R512,000.

The number of corruption cases involving Justice officials can be divided into sub-categories, namely 32 fraud, 46 theft and 9 corruption. The increased caseload impacts on the already overburdened court rolls. In some cases it means loss of state money. It also has a large impact on the operational costs regarding transport and subsistence. The Department is losing capacity and time in the investigation of these various cases and the image of the Department is further negatively perceived.

2.6 Strategic overview and key policy developments for the 2004/05 financial year

2.6.1 Court Services

A number of major policy and strategic developments were implemented in 2004/05 in the courts. In some instances, the policy changes are occasioned by legislative developments.

2.6.1.1 Review of the Criminal Justice System

This is a Justice Crime Prevention and Security cluster initiative and has as its objective:

- the identification of blockages and recommendation of remedial steps in the management of cases and accused persons from arrest, through to prosecution, adjudication, incarceration/diversion and reintegration into society;
- identification of capacity needs for an effective criminal justice system in relation to financial and human resources, coordination and cooperation mechanisms, and information;
- assessment of impact of legislation on the efficiency of the system such as overcrowding of prisons; and
- establishment of model for monitoring and evaluation of the effectiveness of the entire criminal justice system.

Cabinet has approved the terms of reference for the review and the identification of persons to conduct the review will be finalised shortly. It is envisaged that the review will be completed in the 2006/07 financial year.

2.6.1.2 Transformation of the Justice System

The Justice system is one of the most important pillars of our democracy. The courts and their proper functioning are therefore crucial to our society. Much still needs to be done for the Judiciary to reflect broadly the racial and gender composition of South African society. Of the 204 judges on the bench, 76 are black and 23 are women. In the Magistracy, of the 1,822 magistrates, 919 are black and 524 are women. Three judges and 16 magistrates have a disability. Judicial education is one of the critical tools for fast-tracking the transformation of the bench. The Department has provided funds to implement a special programme to fast-track the appointment of more women to the bench. The Chief Justice and Judges President have given their support for the programme, which will be implemented after its approval by the Heads of Courts at their meeting scheduled for October 2005.

In addition to the measures being undertaken to strengthen the Justice College, a special programme to fast-track the appointment of women to judicial positions will be introduced in the 2005/06 financial year. The programme will draw a number of women who will receive practical judicial training. After their successful completion of the programme, they will be eligible for appointment to the bench.

The Department has made some progress towards the establishment of a single Judiciary. This will result in judges and magistrates being regulated by uniform norms and standards, while preserving the hierarchical make-up of the High and lower courts. The promulgation of the Judicial Officers Amendment Act this financial year, which provides for the determination of salaries of magistrates by the President on the advice of the Independent Commission on the Remuneration of Public Office Bearers, has enhanced the independence of the Magistracy. From April 2005 salaries of magistrates, like that of judges, constitute a direct charge against National Revenue, separate from the budget of the Department. The Superior Courts Bill provides for the Chief



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Justice to assume the leadership role over the entire Judiciary, including magistrates. This will ensure judicial accountability.

The extension of the lay assessor system to some regional courts in Gauteng, the Western Cape and Eastern Cape continues to increase public participation in judicial processes. This initiative will narrow the bridge between the Judiciary and the community it serves and will demystify judicial processes for easy comprehension by the public at large.

2.6.1.3 Modernisation of the Courts

Significant progress has been made in terms of the technological modernisation of courts. The e-Scheduler forms part of the Court Roll Management Programme and is a tool to facilitate the scheduling of court rolls. It has been successfully rolled out to 46 identified sites. The system replaces the manual Case Roll Management System and 23 other courts have been targeted for deployment during this budget cycle.

The Court Nerve Centre is being capacitated to ensure effective information management. It will become the nodal point for information management within the cluster to give decision-support regarding regular interventions required at the courts, performance trends and budget allocation per court.

Video postponements (piloting in KwaZulu-Natal (KZN)): The development of this system will alleviate security risks in terms of escapes and danger to officials, as well as saving resources and relieving the administrative burden of transporting awaiting-trial detainees to and from courts. This system is scheduled to be up and running in the Durban and Pinetown Courts connected to Westville Prison during October 2005. It will be used for awaiting-trial cases and exclude juvenile cases. Local stakeholders in the province are on board.

2.7 Departmental revenue and expenditure, and other specific topics

2.7.1 Collection of departmental revenue (R'000)

	2001/02 Actual	2002/03 Actual	2003/04 Actual	2004/05 Target	2004/05 Actual	% deviation from target
Sale of goods and services produced by the Department (excl. capital assets)	1,504	2,291	2,864	2,550	11,161	338
Fines, penalties and forfeits	2,729	2,577	1,527	2,868	90,573	3,058
Interest, dividends and rent on land	54,717	52,643	23,361	58,593	29,080	(50)
Sales of capital assets (Capital Revenue)	179	99	303	110	5	(95)
Financial transactions (Recovery of loans and advances)	20,838	53,564	153,214	60,432	42,497	(30)
Total departmental receipts	79,967	111,174	181,269	124,553	173,316	39

2.7.2 Departmental expenditure (R'000)

Programmes	Voted for 2004/05	Roll-overs and adjustments	Virement	Total voted	Actual Expenditure	Variance
Programme 1: Administration	565,640	-	13,780	579,420	579,419	1
Programme 2: Court Services	2 363,571	-	-72,407	2,291,164	2,274,216	16,948
Programme 3: State Legal Services	225,037	-	-2,353	222,684	222,684	-
Programme 4: NPA	1,146,559	-	55,700	1,202,259	1,170,435	31,824
Programme 5: Auxiliary and Associated Services	753,610	-	5,280	758,890	758,889	-
Total	5,054,417	-	-	5,054,417	5,005,643	48,774

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2.7.3 Virement

Details of savings on programmes were as follows:

- Programme 2: Court Services
R16,948 million earmarked for capital expenditure, relating to the Rights of Vulnerable Groups and Upgrading of Infrastructure Projects, remained unspent at the financial year-end due to delays in the finalisation of these projects. The Department has submitted a request to National Treasury to roll over the unspent funds.
- Programme 4: National Prosecuting Authority
R31,824 million earmarked for Government Garage Travel and State Information Technology Agency (SITA) accounts, remained unspent at the financial year-end due to delays in the finalisation of these projects. The Department has submitted a request to National Treasury to roll over the unspent funds.

2.8 Transfer payments

Transfers were made to various entities listed below. These entities also receive income from other sources:

Entity	Amount Transferred R'000	Estimated Expenditure R'000
South African Human Rights Commission	37,653	37,653
Commission on Gender Equality	21,390	21,390
Special Investigating Unit	37,194	37,194
Legal Aid Board	390,525	390,525
Public Protector	49,160	49,160
President's Fund	1	1
Represented Political Parties' Fund	70,652	70,652
TOTAL	606,575	606,575

2.9 Capital investment, maintenance and asset management plan

2.9.1 Capital Investments

Court Services

An amount of R244 million was spent on capital projects during the year under review. This figure represents a 100% spending of the budget, which is the result of continuous careful planning.

There are currently 199 capital building projects in progress – the most significant of these are the following:

Project	Expected Completion date
• Benoni (additional accommodation)	30/08/05
• Madadeni (new court building)	30/06/06
• Motherwell (new court building)	01/12/06
• Nerina Place of Safety in PE (refurbishment of Child Court Centre)	31/03/06
• Randburg (new court building)	30/08/05
• Polokwane (refurbishment of old magistrate's court building as accommodation for permanent circuit of the High Court)	31/01/06
• Supreme Court of Appeal (additions)	01/06/08
• Ceres (additional accommodation)	30/08/05
• Pretoria North (new building)	30/07/05
• Atteridgeville (new building)	30/04/05



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The following projects are scheduled for tendering and commencement of construction during the next financial year:

- Daveyton (new court building)
- Tsakane (new court building)
- Kagiso (new court building)
- Colesberg (new court building)
- Ekangala (new court building)
- Stanger (additional court accommodation)
- Pietermaritzburg (additional court accommodation)
- Butterworth (additional court accommodation)
- Mitchells Plain (additional court accommodation)
- Pietermaritzburg (building for Master)
- Soekmeaar (alternative accommodation)
- Cape Town (accommodation for the Serious Commercial Crime Court)
- Klerksdorp (Child Court Centre)

The current maintenance backlog is due to the unavailability of funds and many years of neglect. The majority of the buildings in which the Department's offices are accommodated, especially the magistrates' offices, have not been properly maintained. The Department, in conjunction with the Department of Public Works (DPW), has developed a specialised approach for the repair and maintenance of these facilities. A Repair and Maintenance Programme (RAMP) was embarked upon in August 2001 to repair and maintain court buildings.

RAMP: Project progress as at 31 March 2005

Province	Projects in maintenance phase	Projects in repair phase	Projects on tender/in tender adjudication phase	Projects in planning/design phase	Status Quo surveys in progress	Other	Total
Eastern Cape	6	4	-	-	7	-	17
Free State	-	2	-	-	5	-	7
Gauteng	-	1	1	1	1	-	4
KwaZulu-Natal	11	5	-	2	5	3	26
Limpopo	3	2	-	3	6	1	15
Mpumalanga	1	3	-	-	6	1	11
Northern Cape	1	-	-	-	5	-	6
North West	4	3	1	-	7	3	18
Western Cape	-	-	-	1	1	-	2
TOTAL	26	20	2	7	43	8	106

Note:

1. The 40 projects in the *Status Quo* phase are to be funded from the R50 million allocation. In the next financial year a further 26 court buildings will be repaired and maintained. An additional amount of R50 million has been allocated to cater for another 40 court buildings, whilst additional allocations of R50 million in 2006/07 and R61 million in 2007/08 will greatly enhance the further implementation of the programme.
2. Developments in relation to the accessibility of all court buildings for the physically disabled are expected to impact on the Department's current expenditure. This is a national project driven by the Department of Public Works in collaboration with the Department. The programme is supposed to be funded by the Department of Public Works. However, if funds are not available, National Treasury will be approached for assistance.

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2.9.2 Maintenance

Court Services

The normal maintenance of court buildings is undertaken by the Department of Public Works (DPW) and funded from its budget for planned maintenance. An amount of R73,830,404 on DPW's budget was allocated to the Department for planned maintenance, of which an amount of R69,135,254 was spent – representing a 12,6% under-spending. In addition, an amount of R11 million was spent on minor, urgent repairs and day-to-day maintenance at sub-offices countrywide.

Good progress has been made in addressing the maintenance backlog during the year under review, with the backlog becoming smaller. However, more funds are needed so as to ensure that real progress is made and maintained.

2.9.3 Asset Management

The majority of the computer equipment was purchased to fulfil the needs of the various Information Systems Management (ISM) projects, especially the Digital Nervous System (DNS) project. A large number of computers and printers have also been procured for the roll-out of the procurement (JYP - Justice Yellow Pages), Basic Accounting System (BAS) and asset management programmes initiated by the Office of the Chief Financial Officer (CFO).

The increase in the furniture and office equipment account in the Annual Financial Statements is mainly due to the supply of equipment to the new and refurbished courts.

The Department undertook an Asset Management Project, which entailed the development of a new computerised system, namely Justice Asset Management (JAM). Details on assets that should be scrapped will only be available after the completion of the Asset Management Project. The new system is a comprehensive package and ensures compliance with laws and regulations, the grading of assets and suppliers; and alignment of physical assets and location with the financial records. Full implementation of the project is at an advanced stage, with all assets having been tagged with anodised aluminium barcode tags and the details having been captured to the system database. All records have been sent to all the offices nationally for final verification. The next step will be the assessment of fair value of all existing assets and the ongoing capture of new acquisitions.

The state of the Department's capital stock is part of the abovementioned project and will only be available after the completion of the project.

The implementation of commitment accounting and electronic authorisations will be taken forward to the next financial year on a national level.

No new projects for asset management are planned for the coming year. The development of an interface between the Asset Management System and the financial system has now been completed and has been signed off by the BAS section at National Treasury. The roll-out and implementation of these processes on a national level are under way and will be completed during the new financial year.

All purchase requests that will require a tendering process will automatically be triggered by the new Asset Management System, which will ensure compliance with tendering procedures.

2.10 Programme Performance

2.10.1 Programme 1: Administration

Purpose: To manage the Department, develop strategies and policies and do research, including improving legislation.

2.10.1.1 Service delivery objectives and indicators:

Office of the Director-General

The Office of the Director-General comprises the Chief Directorates whose main function is to give strategic support to the functioning of the Office in respect of departmental policies, strategy, security, risk management and governance processes and practices. The Chief Directorates constituting the Office of the Director-General are as follows:





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Policy, Research, Coordination and Monitoring

The main function of this component is to monitor the implementation of departmental policies to ensure observance to and compliance with national and international policies. The component is also responsible for maintaining transformation activities in the Department, including the advancement of gender equality. This function is driven by the Gender Unit, which is tasked with the development, implementation and review of gender equity policies and programmes.

In respect of Gender Affairs, a highlight was the convention of the Gender Indaba, which resulted in the constitution of a task team to advise on matters such as Coordination, Advocacy, Public Education, Research, Monitoring and Evaluation and Capacity-building. The task team will submit its first report during 2005/06.

This year also saw the development of the Service Charter for Victims of Crime and the Minimum Standards on Services for Victims of Crime. This Service Charter has been approved by Cabinet and is currently being implemented.

The Policy component also facilitated the development of the Equality Implementation Project. The project focused on the development of a model for the implementation of legislation, using the Promotion of Equality and Prevention of Unfair Discrimination Act as a blueprint. The model also focused on streamlining gender issues into all departmental activities.

Strategy, Monitoring and Evaluation

This component is responsible for the facilitation, coordination and monitoring of the departmental strategy management process to ensure the implementation of programmes and action plans at branch level, in order to achieve the strategic priorities of the Department.

The Strategic Scoping of the Department was based on a Strategic Plan that was developed, discussed, adopted and widely communicated within Branches over the preceding year. Discussions were predicated on the (then) two pillars of the Strategy: Access to Justice for All, and Transformation of Justice services. Another important discussion point was the strategic placing of Constitutional Development in the Department.

TECHCOM Oversight

In order to assist with and to ensure inclusivity on the strategic management (development, implementation, monitoring and evaluation) of the Department, the Chief Directorate created a Technical Committee (TECHCOM) to be a sub-committee of the Executive Committee (EXCO). Members were drawn from each Branch and were tasked with assisting the Deputy Directors-General (DDGs) with the Strategic Management of each Branch, inasmuch as the Chief Directorate: Strategy assisted the DG with the Strategic Management of the Department. TECHCOM assisted with decision support for the Senior

Management Forum, for EXCO and for other Strategic Forums of the Department. It was through TECHCOM that Business Plans, Action Plans and Performance Contracts were aligned. TECHCOM members were responsible for the compiling of Quarterly Reports within Branches and the management of Branch *Makgotla*.

Communicating the Strategy

The Chief Directorate (Strategy Unit) determined that a key aspect of the implementation of the strategy is its universal understanding by all employees of the Department. Consequently the Unit embarked upon a tour of communicating the strategy to the Department. In the previous year the emphasis was on Head Office and on the Key Strategic Forums of the Department. The following year (the year presently reported on) the emphasis shifted to regions. In the discussions there were three considerations, namely: communicating the Strategy; testing its correspondence to the everyday experience of officials; and elementary training on strategy development and on compiling Business and Action Plans, as well as Quarterly Reports.

Security and Protection Services

This component is responsible for providing security and protection services to offices and personnel and to ensure that the security measures within the Department comply with National Policy requirements. It is also responsible for formulating and implementing departmental security policies. The focus of the Unit is on providing guarding services to property, assets and personnel; to provide cash-in-transit services and to provide static security through the installation of security equipment, alarms and improvement on physical security infrastructure.

Internal Audit

The Department maintains an Internal Audit Unit and its main responsibility is to provide consulting and assurance services to management and the Audit Committee on risk management, controls and governance processes. The Unit has adopted a risk-based auditing approach and methodology and has a charter, a three-year strategic plan and an annual plan which drive its audit operations to ensure that all material risks which could impede the achievement of the Department's strategic objectives are mitigated on a continuous basis; and also ensuring that the Department receives adequate audit coverage.

The Unit reports administratively to the Accounting Officer and functionally to the Audit Committee. Throughout the year, the Audit Committee has relied on the assurance services provided by the Unit and this, together with the reviews done by the Office of the Auditor-General, has served as a basis for the Audit Committee in developing its report on the Annual Financial Statements of the Department.

Internal Audit Operations

The Unit's annual operations are based on the internal audit annual plan, which is developed with the objective to provide assurance on

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the identified areas of focus. During the year, internal audit was able to complete more than 98% of the annual audit plan as approved by the Audit Committee.

During the year the Unit provided advisory services to management on establishing a control self-assessment framework for Court Services, aimed at ensuring that all identified common risks and control weaknesses at courts are addressed on an integrated and structured basis. The Unit has also facilitated the implementation of risk management processes within the Department.

Internal Audit: Forensic Audit Unit

A forensic audit section was also established within the Unit during the year under review as one of the Department's instruments to prevent and fight fraud and corruption. Donor funds were secured to assist the Unit in ensuring capacity-building. Since establishment, it has investigated a variety of matters, some resolved and others in various stages of completion.

Justice College

The Justice College is the Department of Justice and Constitutional Development's official training institution for magistrates, prosecutors, interpreters and other court officials, for both compulsory pre-appointment, as well as voluntary post-appointment training. The Justice College ensures that departmental officials are well-trained, professional and sensitive to people's different cultural, race and gender experiences, and respectful of everybody's dignity and human rights.

In addition to providing functional legal training to officials of the Department, the approach of the Justice College to the development of a human rights culture in South Africa has been to integrate references

It is imperative that the **Judiciary** should benefit from a **broad transformation process**, starting with making it **more representative** in terms of gender, race and cultural traditions

to the Constitution of the Republic of South Africa, constitutional values, human rights and social context issues in all courses offered by the College.

The training programmes are designed on the basis of systematically identified training needs of magistrates, prosecutors, Master's Office personnel, clerks and other occupational groups within the Department.

During this financial year, 175 courses were presented by the Justice College. These courses, in conjunction with *ad hoc* training provided, reached 7,241 people. The distribution of courses provided and the number of people trained are as follows:

Course	Number Trained
Prosecutors	960
State Advocates	132
<i>Ad hoc</i> : Additional prosecutors, members of the South African Police Service (SAPS) and various other Departments	766
Acting Magistrates	87
Magistrates	488
Clerks of Civil Court	493
Acting Magistrates Seminar	87
Magistrates Decentralised Courses	176
Regional Magistrates Seminars	54
Acting Regional Magistrates Seminars	40
<i>Ad hoc</i> : Additional Courses presented to members of SAPS and other organisations	1,437
Family Law Training	841
Interpreters Courses	203
Interpreters In-service Training	878
Masters Training	516
Masters <i>Ad hoc</i> Training Courses	83
TOTAL	7,241



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In addition to the latter training activities, subject matter experts at the College (lecturers) render a telephone advisory service to a number of occupational groups in the Department, including (but not limited to) magistrates, prosecutors, clerks of the court and court interpreters.

This College also provides extra-departmental training in response to requests received from other government departments, and a number of Southern African Development Community (SADC) governments. No costs are incurred by the Department in this regard as these extra-departmental and cooperative training activities are financed by the relevant departments and governments.

Although adequate funds have been allocated to the Justice College to meet the travel, accommodation and subsistence costs of all delegates attending courses during the 2004/05 financial year, it is clear that there is an ever increasing demand for training.

The continued successful utilisation of the Justice College as the official training institute of the Department depends entirely upon the budgetary support received from the Department. Requests for more training interventions, *inter alia* due to the passing of new legislation, can successfully be addressed if the College continues to receive adequate financial support from the Department.

Part of the transformation of the Justice College is the extension of judicial education to all judicial officers (judges, aspirant judges and magistrates). This exercise will ensure that training is extended to other staff within the Justice family such as court managers, maintenance officers, State Attorneys, Family Advocates, Masters and Prosecutors. An audit of the College is being conducted to identify capacity needs and areas for improvement.

Legislative and Constitutional Development

Chief Directorate: Legislative Development

Mainly due to the elections held in April 2004 and the concomitant shortened parliamentary session, the legislation introduced into or passed by Parliament was limited. However, work continued on the preparation of primary and subordinate legislation during the year under discussion, and a number of Bills and sets of regulations have reached an advanced stage of preparation.

Six Bills deal with the rationalisation of the Superior Courts and the Judiciary, four of which are already before Parliament and have been the subject of intense deliberations in the Portfolio Committee on Justice and Constitutional Development. The Department has given effect to the numerous requests of the Portfolio Committee by amending some of these Bills considerably. However, because of the import of this draft legislation and the sensitivity relating to them, they have been subjected to further intensive consultation with role-players. Although it was planned to have them much further advanced in the parliamentary process at this stage, the slower than expected progress is justified in order to ensure their smooth implementation and application.

Secondly, the Criminal Law (Sexual Offences) Amendment Bill, the aim of which is to revise the law dealing with sexual offences, is also pending before the Portfolio Committee. It too has been the subject of intense deliberations in Parliament and has been amended considerably by the Department at the request of this Committee.

As with the above six Bills, the Department was unable to reach a more advanced stage in the parliamentary process as it had planned, but again every effort is being made to ensure that the Bill's eventual implementation and application will benefit the victims of sexual offences, particularly women and children. (The Compulsory HIV-Testing of Sexual Offenders Bill, which is also pending before the Committee, has been incorporated into the aforementioned Bill). The remarks in respect of this Bill apply equally to the Child Justice Bill, the aim of which is to establish a separate criminal justice system for children in trouble with the law.

Thirdly, the Judicial Matters Amendment Bill, amending numerous laws administered by the Department in order to streamline their application in practice and to promote the policies of the Department and government, has been approved by the National Assembly.

Furthermore, a Bill to repeal the discriminatory and obsolete Black Administration Act, 1927, has been introduced into Parliament.

Other legislative priorities receiving urgent attention include:

- Bills dealing with the Customary Law of Succession, bringing this aspect of the law in line with the Constitution and judgements of the Constitutional Court; traditional courts; the sale of immovable property (low-cost housing) in execution; contingency fee agreements between attorneys and their clients and extradition; and
- Subordinate legislation dealing with the promotion of equality; Administrative Justice; promotion of access to information; the appointment of maintenance investigators; reparations to victims of gross human rights violations; and debt collectors.

Virtually all the draft legislation (primary and subordinate) planned by the Department and contained in its lengthy legislative programme, can be categorised into two main themes, namely transformation or access to Justice and often both. Much of the legislation is aimed at the protection and enhancement of the lives of vulnerable groups, giving impetus to the Department's and government's policy of creating a better life for all.

Chief Directorate: Constitutional Development

Despite the challenges facing the Chief Directorate since its establishment, important strides have been made in strengthening relationships with the Chapter 9-Institutions. In this regard the following activities were performed by the Chief Directorate:

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- A draft Bill that seeks to regulate various matters relating to the South African Human Rights Commission was submitted to the Minister and returned with further instructions
- Coordinated inputs for budget vote briefings of relevant Chapter 9-Institutions (Public Protector, South African Human Rights Commission and the Commission on Gender Equality) at the Portfolio Committee on Justice and Constitutional Development. Coordinated inputs of the various Branches on issues raised in the Report on Human Rights Violations of Farm Workers. Comments submitted to the South African Human Rights Commission in this regard
- Conditions of service of the Public Protector amended, tabled in Parliament and finalised by the National Assembly. Public Protector informed of the outcome of the process
- Remuneration and conditions of service of the Deputy Public Protector tabled in Parliament
- Prepared and published invitation for nominations of candidates for appointment to the Commission on Gender Equality
- Undertook a comparative review of the remuneration and conditions of employment of the National Director of Public Prosecutions, Public Protector and the Commissioners of the South African Human Rights Commission and the Commission on Gender Equality.
- Report submitted to Minister on Chapter 9-Institutions, identifying problems being experienced by the Institutions, identifying areas of collaboration amongst the Institutions and the issue of a review of the performance of the Institutions.

In order to promote, implement, maintain and develop the Constitution and its values, the following were achieved:

- Outstanding legislation required by the Constitution to be enacted has been identified
- An Omnibus Constitution Amendment Bill that is intended to effect various amendments to the Constitution so as to, for example, further regulate various matters relating to the Superior Courts, was submitted to the Minister for consideration
- The Citation of Constitutional Laws Bill that is intended to, among others, change the manner of referring to the Constitution of the Republic of South Africa, 1996, and to laws amending it, was introduced into Parliament.

In order to facilitate the implementation of constitutionally mandated legislation, the following were achieved:

- Entered into a Memorandum of Understanding with the Public Service Commission and the German Technical Corporation (GTZ) relating to the monitoring of the implementation of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) (PAJA) in the Public Sector
- Developed a Programme of Action to facilitate the implementation of the PAJA; Rapid Assessment of the implementation of the PAJA conducted; Report on Audit of legislation in relation to the PAJA finalised.

Human Resources (HR)

Management & Leadership Development Programme (MLDP)

The Department has identified a gap in congruent Management and Leadership skills among its Senior/Executive Managers and Middle Managers. This gap has had a negative influence on fostering the desired culture and best practices among managers in respect of achieving the Department's targets. The expected value benefits include some level of attitude change; congruency in management style; synergy in philosophy; common frame of reference; improvement on decision-making turn-around time; improved relationships; reduction in complaints/grievances; and improved teamwork.

As a way of achieving the desired goals, HR completed Phase 4 of the MLDP. In addition, two modules were facilitated, namely Whole Leadership Parts 2 & 3 and Strategic Finance Parts 1 & 2, for which a 98% attendance rate was achieved. Assignments are currently being assessed and will be followed by an examination.

Change Management Plan: R18,9 million

The current state of services within the Department that are provided to both members of the public and staff do not add any value and can be described as unresponsiveness to the needs of internal and external clients; slow and long-winded to deliver results; ineffective and inefficient; utilising archaic systems; bureaucratic and rules-bound; and stifling creativity and innovation.

The expected value benefits generated by the Change Management Plan at organisational level include improved service delivery; better turn-around time; rendering cost-effective and efficient services; more satisfied customers; and improved audit reports.

On an individual level officials will perform more meaningful work, thus ensuring job satisfaction; increased technological skills; improvement of service delivery to clients; minimised bureaucratic red-tape; and skills development through training.

Changing the organisational culture will define and articulate the desired behaviours; induct new employees and re-socialise old employees; change the material artefacts; enable training and re-training to give employees new skills; and create new structures to drive the change process.

In order to achieve the above, HR embarked upon a change management strategy which involved:

- deploying Change, Readiness Assessment service providers in KwaZulu-Natal (KZN), Limpopo and the North West. HR is in the process of sourcing a service provider in the Western Cape and 60% of the work has been completed in the three provinces
- Purchasing Change Management material in the form of change management videos, a change management toolkit in the form of Prosci manuals and also a Harvard online Change Management



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- Programme for Directors and Deputy Directors for a period of 12 months
- Procurement of Psycho-Social services. A feedback session was held by all Employee Assistance Programme (EAP) service providers to present their findings from the workshops conducted, to HR Management
 - A Breakfast Seminar on Change was held for the Senior Management Service (SMS) structure at National Office
 - An impact assessment on change in KZN is as follows:

Major Deliverables	Status of Deliverables
Vision Document	Completed
Functional Specification	Completed
Technical Specification	Completed
Development (Milestone 1)	100%
Stabilisation	100%
Lab roll-out	100%
Pilot roll-out	100%
Sign-off (Milestone 1)	Not commenced
Development (Milestone 2)	75%
Stabilisation	10%
Sign-off project	Not commenced

In addition, questionnaires were distributed to all offices in KZN and the data collected was submitted to the HR Project Office for consolidation. The project close-out report was presented to the *Re Aga Boswa* project team for review and comment.

Modernisation of Human Resources

This is intended to create a solution for the DOJ and CD that provides an automated, real-time information flow within the Department and promotes operational efficiency and effective collaboration and information-sharing. The solution should provide the DOJ and CD with a competitive advantage in terms of managing its operations and automating business processes.

The system should be easy to use and provide users with an appropriate interface. The solution should also provide effective controls to proactively manage risks on the various initiatives and transactions undertaken by the Department.

The system should interact effectively with identified external systems, which excludes the roll-out of the solution.

Modernising human resources will provide an automated, **real-time information flow** within the Department and promote **operational efficiency** and effective collaboration and information-sharing

To this end HR has initiated a project called "My HR". This project has seen substantial progress, as depicted in the table (page 24), but is dependent on the Department's migration to the Virtual Private Network (VPN). Our deployment strategy is being planned around this project as our aim is to deploy to at least 8,000 users within the current financial year. The Department of Public Service and Administration (DPSA) has shown keen interest in standardising some of the models developed for broader government use and discussions are under way. Change Management remains a challenge and possibilities are being explored in this regard.



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The following modules are reflective of the steps taken towards modernising human resources:

Module	% Completed	Outstanding	Completion Date
MY HR			
Personal information	85	Testing and Stabilisation	20 July 2005
Dependants	85	Testing and Stabilisation	20 July 2005
Next of Kin	85	Testing and Stabilisation	20 July 2005
Qualifications	85	Testing and Stabilisation	20 July 2005
Performance Management	85	Testing and Stabilisation	20 July 2005
My Salary	85	Testing and Stabilisation	20 July 2005
IRP5	85	Testing and Stabilisation	20 July 2005
Overtime and Overtime Claims	85	Testing and Stabilisation	20 July 2005
Leave	85	Testing and Stabilisation	20 July 2005
Home Owners' Allowance	85	Testing and Stabilisation	20 July 2005
Renumerative Work outside the Department	85	Testing and Stabilisation	20 July 2005
Bursaries	85	Testing and Stabilisation	20 July 2005
Injury on Duty	85	Testing and Stabilisation	20 July 2005
Long Service Recognition	85	Testing and Stabilisation	20 July 2005
Motor Finance	85	Testing and Stabilisation	20 July 2005
Service Terminations	85	Testing and Stabilisation	20 July 2005
State Guarantees	85	Testing and Stabilisation	20 July 2005

Public Education and Communication (PEC)

Community outreach campaigns on various Justice-related matters were conducted on a continuous basis and reached previously disadvantaged communities in the most remote areas of the country.

PEC also participated in the first ever interdepartmental JCPS Cluster Fair, in terms of planning and coordination and production of a wide range of exhibition materials.

In addition, the Events Management Team handled numerous high-profile events, such as the Child Support Week, the Fatherhood Project, 16 Days of Activism on No Violence Against Women and Children Campaign, and the National Restorative Justice Initiative.

Throughout the period under review, dissemination of information took place on a large scale in the form of, among others, printed material, talks on community radio stations, magazine articles, etc. Media Services also reached its goal of developing and improving relationships with the media.



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Service delivery achievements

2.10.1.2 Service delivery achievements:

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
Chief Directorate: Legislative Development				
	Enhance proximity of service points to rural and township communities (bring services closer to the people).	Broadened access to legal services in all areas.	Promote and promulgate legislation in order to rationalise the structures and functioning of the courts.	This Bill has been introduced into Parliament and has been adapted comprehensively in accordance with instructions received from the Portfolio Committee on Justice and Constitutional Development. It is undergoing further consultation with role-players.
			Publish a notice to provide for exemptions in terms of section 22(8) of the Promotion of Access to Information Act, 2000.	A notice has been drafted after consultation with role-players and will be published shortly.
			Amend the regulations made under the Promotion of Access to Information Act, 2000, dealing with offences and the tabling of a report on the contents of the training curriculum of presiding officers.	Draft regulations have been finalised and will be submitted to the Minister shortly.
			Audit the provisions on the statute books which promote access to information.	The matter is being investigated and role-players have been requested for inputs.
			Draft regulations and a code of practice dealing with the promotion of equality as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000.	Draft regulations were finalised and submitted to the Ministry. A further consultation process has been embarked upon.
			Draft regulations to provide for the appointment of maintenance investigators as contemplated in the Maintenance Act, 1998.	Draft regulations have been prepared and submitted to the State Law Advisers and are being finalised.
			Draft regulations to further streamline the application of the Maintenance Act, 1998.	Regulations are being prepared in conjunction with role-players.
			Implement legislation regulating the use of lay assessors in lower court criminal cases.	Draft regulations have been prepared and submitted to the Ministry.
			Promote and promulgate legislation regulating Traditional Courts anew.	This project was not in the Business Plan for the period under review, but has become urgent. A Bill is being prepared.
			Publish a code of good administrative conduct as contemplated in the Promotion of Administrative Justice Act, 2000.	A code was submitted to the Ministry and is being finalised in accordance with further instructions received.

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Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Enhance services to special customer categories (vulnerable groups, the poor and the uneducated).	More people exercising their rights. Broadened access to legal services in all areas.	Introduce the Legal Practice Bill into Parliament, the aim of which is to rationalise the legal profession.	A Bill has been prepared and will be promoted as soon as circumstances permit.
		Greater protection for vulnerable groups.	Introduce the Customary Law of Succession into Parliament in order to bring it in line with the new constitutional dispensation.	A Bill has been prepared and will be submitted to Cabinet at the first available opportunity.
			Submit the Contingency Fee Amendment Bill to the Ministry, the aim of which is to put a stop to attorneys ignoring the provisions of the Contingency Fees Act and dealing with contingency fees in an irregular manner.	A Bill has been prepared and is to be submitted to role-players for comments.
			Introduce the Debt Collectors Amendment Bill into Parliament.	The Judicial Matters Amendment Bill, 2005, containing some amendments to the Debt Collectors Act, 1998, has been approved by the National Assembly. A Debt Collectors Amendment Bill to address further shortcomings in the Act is being prepared.
			Submit the Legal Aid Amendment Bill to the Ministry.	A Bill is being prepared. Inputs have been requested from the Legal Aid Board.
			Promote and promulgate the Compulsory HIV-Testing of Alleged Sexual Offences Bill, the aim of which is to allow victims of sexual offences to request that their assailants be tested for HIV and have the test results made available to them.	This Bill has been introduced into Parliament and has been adapted comprehensively in accordance with instructions received from the Portfolio Committee on Justice and Constitutional Development. It has been incorporated into the Criminal Law (Sexual Offences) Amendment Bill.
			Prepare amendments to the domestic violence legislation.	Some proposed amendments to the regulations have been identified and will be promoted as soon as circumstances permit.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
			Promote and promulgate the Criminal Law (Sexual Offences) Amendment Bill, the aim of which is to revise the law dealing with sexual offences.	This Bill has been introduced into Parliament and adapted comprehensively in accordance with instructions received from the Portfolio Committee on Justice and Constitutional Development.
			Promote and promulgate the Child Justice Bill, the aim of which is to establish a separate criminal justice system for children in trouble with the law.	This Bill has been introduced into Parliament and has been adapted comprehensively in accordance with instructions received from the Portfolio Committee on Justice and Constitutional Development.
			Submit the Prohibition of Hate Speech Bill to the Ministry.	A Bill has been prepared and submitted for comments, which are being evaluated.
			Draft regulations in terms of the Promotion of National Unity and Reconciliation Act, 1995, relating to reparations.	Inputs have been requested from various Departments, which are still awaited.
			Submit Bill to Ministry dealing with the publication of divorce proceedings.	A Bill has been prepared and will be submitted to the Judges President of the High Courts for comments.
			Introduce Bill into Parliament further regulating the sharing of pension benefits on divorce.	A Bill is being prepared for submission to Cabinet.
			Introduce the Criminalisation of Torture Bill into Parliament.	This Bill has been prepared and is in the consultation phase.
			Introduce into Parliament the Bill dealing with the African Charter on Human and Peoples' Rights.	This Bill has been prepared and is in the consultation phase.
			Promote and promulgate the Public Interest and Class Actions Bill, the aim of which is to regulate public interest and class actions.	Although this project was not reflected in the Business Plan for the period under review, a Bill has been prepared and submitted to the Ministry.
			Submit Bill to the Ministry dealing with Islamic Marriages.	Further consultation has taken place with role-players after the finalisation of the South African Law Reform Commission's report. A Bill is being prepared.
			Research the lawfulness of tracing agents in respect of the Guardian's Fund.	The matter is being investigated.
			Submit draft legislation to the Ministry protecting the rights of intersexual persons.	The Judicial Matters Amendment Bill, 2005, containing amendments to the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, has been approved by the National Assembly.

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Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
			Amend the regulations made under the Mediation in Certain Divorce Matters Act, 1987.	A notice to facilitate the extension of the services of Family Advocates to maintenance and domestic violence inquiries was published. Draft amendments to the regulations to provide for increases in the remuneration and allowances of <i>ad hoc</i> Family Advocates and Family Counsellors will be submitted to the Ministry soon.
			Amend the Divorce Court Rules made under the Administration Amendment Act, 1929, to provide that a court can extend the period of time in which a summons lapses and to provide that a case can be transferred to a High Court without having to start the proceedings anew.	Amendments have been prepared and are in various stages of finalisation.
			Implement sections 12, 18 and 19 of the Judicial Matters Amendment Act, 2002, relating to mental health patients.	The provisions have been implemented.
			Implement the Judicial Matters Second Amendment Act, 2003. Amend the regulations in terms of the Attorneys Act, 1979, regarding the investment powers of the Fidelity Fund.	The provisions have been implemented. Regulations have been prepared and submitted to the Chief Justice.
	Promote compliance with equity imperatives (promoting diversity).	Increased representivity. Increased service delivery.	Develop and implement an Employment Equity Plan. Develop and implement a recruitment policy in line with the Employment Equity Plan.	Remaining vacancies have been filled in line with employment equity imperatives.
			Introduce legislation into Parliament dealing with the repeal of the Black Administration Act, 1927.	See remarks above relating to Customary Law. In addition, a Bill to repeal the Black Administration Act, 1927, has been approved by Cabinet.
			Develop and maintain training and empowerment policy. Develop competency-based assessments.	A training and empowerment policy is in the process of being developed. Competency and occupational-based assessments were used for the filling of vacancies.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Enhance the promotion of proficiency (modernising processes, procedures, policies and organisational culture).	Increased number of successful prosecutions. More cases being diverted from the formal courts of law.	Submit the Extradition Bill to the Ministry, the aim of which is to revise and modernise the current Extradition Act.	A Bill has been prepared and is being refined for purposes of submitting it to Cabinet.
			Submit various Criminal Procedure Amendment Bills to the Ministry, one dealing with audio-visual linkages for adjournments in criminal matters, another dealing with the right to silence, another dealing with the NPA's right to appeal on questions of fact, and another bringing the Criminal Procedure Act, 1977, in line with the Bill of Rights.	These Bills are in various stages of finalisation.
			Promote and promulgate the Magistrates' Courts Amendment Bill, the aim of which is to prohibit the disposal of immovable property of indigent persons in certain circumstances, e.g. sales in execution in respect of low-cost housing (RDP Houses).	A Bill has been prepared and will be submitted to Cabinet shortly.
			Submit Bill to Parliament dealing with international arbitration.	Because there is some uncertainty relating to Cabinet's decision on the introduction of the Bill into Parliament, Cabinet is to be approached again.
			Introduce legislation into Parliament dealing with the review of the Insolvency Act.	This Bill has been approved by Cabinet, but is being held in abeyance until the report of the Ministerial Committee of Inquiry into the Liquidations Industry is available.
			Promote and promulgate the Judicial Conduct Tribunals Bill, the aim of which is to create a Tribunal to deal with cases of incapacity, gross incompetence or gross misconduct on the part of judicial officers.	This Bill is before Parliament and has been adapted comprehensively in accordance with instructions received from the Portfolio Committee on Justice and Constitutional Development. It is undergoing further consultation with role-players.
			Promote and promulgate the Judicial Service Commission Amendment Bill, the aim being to create a procedure to deal with complaints against judges.	This Bill has been adapted comprehensively in accordance with instructions received from the Portfolio Committee on Justice and Constitutional Development. It is undergoing further consultation with role-players.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
			Promote and promulgate the Magistrates Amendment Bill, the aim of which is to create a procedure to deal with complaints against magistrates.	This Bill has been adapted comprehensively in accordance with instructions received from the Portfolio Committee on Justice and Constitutional Development. It is undergoing further consultation with role-players.
			Promote and promulgate the South African Justice College Training Bill, the aim of which is to restructure the Justice College into 3 faculties, one for the training of judicial officers as contemplated in section 180(a) of the Constitution.	A Bill has been prepared and is in an advanced stage of preparation.
			Amend the regulations made under the Judges' Remuneration and Conditions of Employment Act, 2001, dealing with subsistence and travel allowances and pension benefits for spouses and partners of deceased judges.	The required amendments have been published.
			Introduce the Judicial Matters Amendment Bill into Parliament, which contains a number of <i>ad hoc</i> technical amendments to various Acts of Parliament administered by the Department.	This Bill has been introduced into Parliament. It has already been approved by the National Assembly.
			Prepare amendments to the regulations relating to the sheriff's profession.	Regulations have been drafted and are being consulted on.
			Submit Guidelines in terms of section 10 of the Protected Disclosures Act, 2000, setting out how the Act works, to the Minister for approval.	After consultation with the Minister for the Department of Public Service and Administration (DPSA), guidelines have been prepared and submitted to the Ministry.
	Improve the effect on customers (quality standards and quality control).	Reduction in the incidence of organised crime and increased success in prosecuting corruption.	Promote and promulgate anti-corruption legislation.	The Prevention and Combating of Corrupt Activities Act, 2004, was finalised and has been put into operation.
			Submit proposals amending the legislation dealing with Special Investigating Units to the Ministry.	The Judicial Matters Amendment Bill, 2005, containing some amendments to the Special Investigating Units and Special Tribunals Act, 1996, has been approved by the National Assembly. A Bill to address further shortcomings in the Act is being considered.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
			Implement the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002.	The necessary documentation for the implementation of the Act has been submitted to the Ministry.
			Promote and promulgate legislation further regulating organised crime.	Amendments to the regulations have been prepared and are being consulted on. Amendments to the Act will be drafted after receipt of proposals by the NDPP.
			Extend the period of operation of the provisions of sections 51 and 52 of the Criminal Law Amendment Act, 1997, dealing with minimum sentences.	The period of operation was extended with effect from 1 May 2005.
			Introduce into Parliament legislation further regulating minimum sentences.	Role-players are in the process of discussing possible amendments to address practical problems.
	Promote economy (add value, ensuring value for money and complying with the PFMA).	Increase witness attendance (criminal trials).	Prepare regulations reviewing the prescribed amounts (fees and tariffs) determined in legislation.	The matter is currently under investigation.
			Prepare regulations reviewing current witness fees.	Amendments to the regulations have been prepared. Further consultation will take place.
			Compliance with the Public Finance Management Act.	Ongoing
Chief Directorate: Constitutional Development				
	Improve communicating Justice offerings (engaging customers and stakeholders).	Increased utilisation of the annotated version of the Constitution by professionals and Parliamentarians.	Determine a strategy for the annotation of the Constitution.	Meeting was held with role-players.
			Appoint consultant to update annotated version of the Constitution.	Appointment of a consultant is being considered.
		Increased understanding of the Constitution and its values by the public.	Assist with the development of material for awareness campaign.	Funded the initiative of publishing the simplified version of the Constitution in major newspapers countrywide for Human Rights Month.
	Promote compliance with equity imperatives (promoting diversity).	Increased representivity.	Develop Employment Equity Plan.	Vacancies have been filled in line with employment equity imperatives.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
			Implement recruitment policy in line with Employment Equity Plan.	Vacancies have been filled in line with employment equity imperatives.
		Increased service delivery.	Develop, implement and maintain training and empowerment policy.	Officials attended various training courses.
	Promote economy (adding value, ensuring value for money and complying with the PFMA).	Unqualified audit reports. No wasteful, fruitless or irregular expenditure.	Compliance with the Public Finance Management Act.	Monthly assessments conducted relating to the financial expenditure.
	Assist and protect state institutions strengthening constitutional democracy through legislative and other measures to ensure the independence, impartiality, dignity and effectiveness of these institutions.	Independence and effectiveness of Chapter 9-Institutions enhanced.	Introduce amending legislation regulating matters relating to the Commission on Gender Equality into Parliament.	A draft Bill has been prepared and will be submitted to the Minister for consideration.
			Introduce amending legislation regulating matters relating to the South African Human Rights Commission into Parliament.	A draft Bill was submitted to the Minister and returned with further instructions.
		Less complaints from Chapter 9-Institutions in terms of their budgetary and financial arrangements.	Provide assistance to the Chapter 9-Institutions in respect of their budgetary process.	Coordinated with National Treasury, Chapter 9-Institutions and the Office of the CFO regarding inputs made by Chapter 9-Institutions for the Ministerial Letter on the Medium-Term Expenditure Framework (MTEF).
				Documents were analysed and submitted to the Chairperson of the Portfolio Committee in preparation for public hearings of relevant Chapter 9-Institutions.
				Prepared and published invitation for nominations of candidates for appointment to the Commission on Gender Equality.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
		Conditions of service of the Public Protector and Deputy Public Protector approved by Parliament.	Develop a comparative document that sets out the conditions of service of a judge of a High Court and the Deputy Public Protector.	Conditions of service of the Public Protector amended, tabled in Parliament and finalised by the National Assembly. Public Protector informed of the outcome of the process.
				Remuneration and conditions of service of the Deputy Public Protector tabled in Parliament.
		Increased understanding of different conditions of service of commissioners of relevant Chapter 9-Institutions to be used as a benchmark.	Submission of report to Portfolio Committee three months after resolution is adopted.	Undertook a comparative review of the remuneration and conditions of employment of the NDPP, Public Protector and the Commissioners of the South African Human Rights Commission and the Commission on Gender Equality.
		Increased understanding between the Executive and Chapter 9-Institutions regarding their respective roles and responsibilities.	Submit a report to Cabinet on relationship between the Executive and relevant Chapter 9-Institutions.	Report submitted to Minister on Chapter 9-Institutions, identifying problems being experienced by the Institutions, areas of collaboration among the Institutions and the issue of a review of the performance of the Institutions.
				International comparative study conducted. Exchange held with Parliamentarians of the United Kingdom relating to Chapter 9-Institutions Supporting Constitutional Democracy.
				On 22 February 2005, the Cabinet Committee on Governance and Administration (as approved by Cabinet) noted that there are disparities in relation to stature, mandate and remuneration for Chapter 9-Institutions. There was a need identified that an overall review be done to address various aspects regarding Chapter 9-Institutions. The Cabinet recommended that the Minister for Public Service and Administration (DPSA) must conduct an overall review of Chapter 9-Institutions. Research has commenced regarding the Department's input to the DPSA.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
		More recommendations of Chapter 9-Institutions implemented.	Analysis of report four months after receipt of report from a Chapter 9-Institution.	Attended the workshop of the South African Human Rights Commission regarding the "Human Rights Ten-Year Review: First Decade of Democratic Governance" on 10-11 June 2004. Coordinated inputs of the various Branches and submitted inputs to the South African Human Rights Commission on the Paper relating to the Criminal Justice System.
		Increased understanding by Commissioners of Chapter 9-Institutions of their conditions of service.	Liaise with National Treasury regarding the conditions of service.	National Treasury informed the Department that a recommendation would be made to Cabinet that Phase 2 of the Manual on Public Office Bearers would also be made applicable to relevant Chapter 9-Institutions.
			Inform Commissioners of Chapter 9-Institutions regarding the outcome of the investigation by DPSA and National Treasury.	Informed the Commission on Gender Equality on the status of the investigation that aims to revise the Manual that governs their conditions of service and remuneration.
	Promote, implement, maintain and develop the Constitution and its values.	Appropriate structures and institutions established to promote and facilitate intergovernmental relations and facilitate settlements of intergovernmental disputes.	Approach Department of Provincial and Local Government (DPLG) to determine progress.	Attended a workshop held by DPLG.
		Improved implementation of the Constitution. Improved governance and improved service delivery to the public. More people exercising their constitutional rights.	Introduce a Constitution Amendment Bill that is intended to effect various amendments to the Constitution into Parliament.	An Omnibus Constitution Amendment Bill that is intended to, among others, further regulate various matters relating to the Superior Courts, was submitted to the Minister for consideration.
		Citation of Constitution and Constitution Amendment Acts being brought in line with international best practice.	Introduce legislation changing the manner of referring to the Constitution, and to laws amending it, into Parliament.	The Citation of Constitutional Laws Bill was introduced into Parliament.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
		More laws being brought in line with the Constitution.	Participate in Project 25 (Statute Law) of the South African Law Reform Commission dealing with, <i>inter alia</i> , the constitutionality of legislation.	Ongoing Will participate when approached by the SALRC.
		Improved systems and procedures relating to the registration and funding of political parties in line with “floor-crossing” legislation.	Introduce into Parliament amending legislation and table draft Amendment Regulations that are intended to, among others, further regulate the funding of political parties.	A draft Bill and Amendment Regulations have been prepared and will be submitted to the Minister for consideration.
		Improved evaluation and monitoring of the implementation of the Constitution.	Develop a mechanism to facilitate the implementation of the Constitution.	Draft Paper developed on the establishment of a Technical Constitutional Working Group (TCW).
		Improved procedure in respect of the promotion of constitutional amendments.	Submit a Cabinet memorandum seeking Cabinet’s approval for a uniform procedure for the promotion of constitutional amendments to the Minister.	A Cabinet memorandum has been prepared and will be submitted to the Minister for consideration.
		Increased implementation of the Constitution.	Identify outstanding legislation required by the Constitution to be enacted.	Outstanding legislation has been identified.
		Increased monitoring and implementation of the relevant legislation (Promotion of Administrative Justice Act, 2000 (PAJA)).	Establish and attend meetings of a Steering Committee to facilitate the implementation of PAJA.	Established Departmental Steering Committee and attended meetings.
				Developed a Programme of Action to facilitate the implementation of PAJA.
				Entered into a Memorandum of Understanding with the Public Service Commission and German Technical Corporation (GTZ) to develop a monitoring mechanism for PAJA.
				Interim monitoring tool developed. Letters written to provincial and national stakeholders requesting cooperation to undertake survey on the implementation of PAJA.
				Rapid Assessment of the implementation of PAJA conducted.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
		Increased compliance with decisions of the Constitutional Court.	Read and evaluate all Constitutional Court judgements and inform affected State Departments within two months after receipt of judgement.	Report on audit of legislation in relation to PAJA finalised.
				Discussion Paper submitted to the Office of the Chief State Law Adviser analysing the approach of the Constitutional Court in respect of cases pertaining to socio-economic rights.
				Input submitted to the Presidency in respect of the approach of the Constitutional Court in respect of cases pertaining to equality.
		Increased implementation of the Constitution.	Develop a mechanism to facilitate the implementation of the Constitution.	Draft Paper developed on the establishment of a Technical Constitutional Working Group (TCW).
				Co-hosted the Equality Indaba with the South African Human Rights Commission to evaluate the implementation of the equality provision as entrenched in the Constitution.
				Participated in the Programme of the Office on the Status of Disabled Persons in the Presidency to deliberate on a Draft International Convention on the Promotion and Protection of Rights of Persons with Disabilities.
				Entered into Memorandum of Understanding with the Public Service Commission and the German Technical Corporation (GTZ) relating to the monitoring of the implementation of PAJA in the Public Sector.
		More analysis conducted on constitutional development issues and trends.	Ongoing research to be conducted on reviewing the Constitution.	Submitted analysis to the Office of the Chief State Law Adviser on the approach of the Constitutional Court in respect of cases on socio-economic rights.
				Briefing document submitted to the Minister on racial equality.
				Submitted Discussion Paper to the Minister on the Review of Chapter 9-Institutions.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
		Increased understanding of international practices in respect of constitutional issues.	Visit different countries with similar Institutions and comparative Constitutions.	Accompanied the Minister to the United Kingdom and Geneva on human rights and constitutional issues.
				Exchange held with a senior delegation from Zambia regarding their Constitutional Review Process.
				Exchange held with a delegation from the United Kingdom regarding the review of National Human Rights Institutions in the UK.
		Increased cooperation between the Executive and Parliament.	Attend meetings of, and provide assistance to when so required, the Constitutional Review Committee and other Committees of Parliament.	Ongoing Attended the budget vote briefings of the Portfolio Committee on Justice and Constitutional Development relating to the inputs of the South African Human Rights Commission, Commission on Gender Equality and the Public Protector. Analysing inputs and preparing a document for the Portfolio Committee in this regard.
				Attended meetings of the Joint Rules Committee pertaining to the Report of Parliament on its oversight functions.
	Curriculum and Assessment Development and Learner Achievement. Improved access to early childhood development.	Number of ECD sites and learners.	300 000 sites and 200 000 learners.	310 000 sites and 195 000 learners.
	Basic literacy programmes.	Number of literacy programmes developed for learners and educators.	800 000 adult learners in literacy and ABET programmes.	825 000 adult learners in literacy and ABET programmes.
	Education Human Resources Development: Qualified and competent educators.	Policies and programmes for educator and staff development in place.	Finalise policy framework by May 2004.	Policy framework finalised by July 2004.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Special Programmes in Education: Policies on values, history, human rights, gender equity and youth development.	Policy guidelines developed and support available for educators and managers.	Develop 5 policy guidelines for use by March 2005.	7 policy guidelines developed by January 2005.
Secretariat: Rules Board for Courts of Law				
	Proximity of Service Point Infrastructure to Rural and Township Communities (bringing services closer to the people).	More people approaching the Magistrate's Court for relief.	Submit draft Rules for Immigration Courts to Rules Board for approval.	Section 37 of the Immigration Act, which provided that the Rules Board was to make rules, has been repealed.
	Integration of Justice Services (towards One-Stop shop services).	More people using the local courts to prevent organised crime.	Submit draft Rules in terms of the Prevention of Organised Crime Act, 1998 to Rules Board.	Amendments to Prevention of Organised Crime Act have not been finalised. Secretariat is presently conducting research and a comparative study of rules on this subject in other jurisdictions.
	Special Services to Special Customer Categories (vulnerable groups, the poor and the uneducated).	More people using the Small Claims Courts for relief.	Amend tariffs to accommodate increase of jurisdiction of Small Claims Courts.	Amendments published March 2004.
		More uniform procedures in the High Courts and Magistrates' Courts.	Submit proposal re the harmonisation of rules of court and general rule revision to Rules Board to ensure compliance with Constitution.	Coordinating Committee consisting of judges of all the High Courts was established to deal with this and therefore not taken further by the Secretariat.
		More indigent persons exercising their constitutional rights.	Submit draft Rules in terms of the Promotion of Access to Information Act, 2000 to Rules Board by June 2004. Consultation on draft rules: July 2004.	Draft rules submitted to Board in July 2004. Adopted by Board in April 2005.
			Submit draft Rules in terms of the Promotion of Administrative Justice Act, 2000 to Rules Board.	Draft rules submitted to the Board in March 2004. Board has not yet made a decision.
		More persons exercising their right of appeal.	Submit draft amendments to rules to accommodate new criminal appeal procedure to Rules Board: April 2004.	Further amendments required by judges. Approved by Board in October 2004. Submitted to Minister for approval in November 2004.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Compliance with equity imperatives (promoting equity).	Increased compliance with the Employment Equity Act.	Ensure that new staff appointments are made in accordance with the Employment Equity Act.	Appointments made in accordance with Employment Equity Act.
		Improved pre-trial procedures in Magistrates' Courts.	Draft proposed amendment of section 54 of the Magistrates' Courts Act, 1944.	Magistrates' Courts Committee presently attending to proposals in this regard.
		Improved case management in the High Courts and Magistrates' Courts.	Submit draft proposal to Rules Board for approval of appointment of committee to investigate case management.	Coordinating committee to deal with matter.
Human Resources				
Key Accounts Management.	Project Hub.	Project Management capability.	Establish component.	Ongoing
	Decentralised Key Accounts.	Efficient HR services delivered to clients.	Establishment of Key Accounts capacity.	75% Completed.
			Improved client relations.	Client relations have been established with Branches.
	Value-Added Services: Employment Relations.	Effective workplace relations.	Capacity-building of Misconduct Unit.	Presiding Officers and Investigating Officers are being trained.
			Alternative dispute resolution.	In progress.
	Business Process Improvement.	Optimised business processes.	Job Evaluation.	Court Interpreters, Legal Admin Officers, Personnel Officers, Masters and the Offices of the CFO, PEC, ISM
			Job Profiles.	Profiles developed for court cluster project (<i>Re Aga Boswa</i>) * See Stats Below
	Learning & Development.	A competent workforce empowered through skills development.	Develop HRD plan.	Ongoing
	Organisational Development.	Effective workforce planning.	Develop HRP plan.	In progress.
		Increased change management.	Develop Change Management Strategy.	Change agents have been identified and trained.
		Facilitated employee wellness programmes.	Tender to be awarded to suitable provider for EAP-Programmes.	Tender was awarded to various providers appointed in the various provinces.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Value-Added Services: Performance Management & Career Management.	Implemented Performance Management System.	Research the rewarding system.	Piloted a non-monetary reward project in December 2004.
			Create measures to monitor the performance budget.	Implemented control measures in Department to monitor performance budget payments.
			Develop generic performance agreements.	Developed 100 + generic agreements.
			Train systems users.	Trained at least 1000 officials.
			Build capacity for performance consultants.	Filled one vacant post.
		Career Management Employee Succession Management.	Capacity-building for Succession and Career Management.	Appointed one vacant post.
		Assessment centre.	Policy to be developed.	Research conducted.
	Customer Management Centre: Generalist Hub.	Leave automation, Pilot Project.		Ongoing
		Administrative Quick-Wins Project.		Ongoing
		Customer Relations Management.		Ongoing
		Service Benefits Policy & Procedure Development.		Ongoing
		Leave Audit process.		Ongoing
		Management of Branches' establishments.		Ongoing
	Specialist Hub.	Recruitment.	Improve turn-around time.	Outsource response handling.
		Bursaries Management.	Effective recruitment and selection process.	Ongoing
	Customer Management Centre.		Progress analysis on bursary holders.	Reduced the number of bursary holders and created R3m saving.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
Public Education and Communication (PEC)				
	Promotion of Access to Information: To effectively educate and communicate with internal staff with reference to the Promotion of Access to Information Act (PAIA) and how to deal with it.	Pamphlets. Posters. Written articles in professional magazines. Media/radio.	5 000 brochures distributed. 500 posters distributed. 10 articles in external publications. Radio talks on specific radio stations with public call-in.	Achieved
	Development of an electronic tracking and recording system to facilitate reporting and workflow.	Installation of an electronic system to facilitate reporting and workflow.	Compatible system to be used and subsequent training of staff members .	System installed, training under way.
	Applications for exemptions.	Exemption from submitting manual in terms of section 51 of PAIA.	186 applications received.	2 granted, 184 refused.
	Applications for access to records.	Applications/requests for access to records of a public body.	183 applications received.	77 granted, 39 denied, 18 transferred, 21 non-compliance, 4 withdrawn, 24 under search.
	Appeals.	Appeals made in terms of section 74(1) of PAIA.	6 appeals received.	1 in process.
	Section 32 report.	Prerequisite of the Act is that public bodies submit a detailed report to the SAHRC once a year.	1 report received.	Received from the DOJ & CD and already submitted to the SAHRC for the period 9 March 2004 to 8 March 2005.
	Section 15 list of voluntary information.	Prerequisite of the Act that public bodies submit the section 15 list to the Minister for publication in the Gov. Gazette.	5 section 15 lists received, published in the Gov. Gazette.	Achieved.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Corporate Affairs: Internal Communication: Communicate government and departmental programmes to staff, e.g. State of the Nation Address, <i>Re Aga Boswa</i> , Access to Information, Equality Courts, Maintenance, Domestic Violence, 16 Days of Activism for No Violence Against Women and Children.	Well-informed staff on government and departmental policies and programmes.	8 X Information Sessions	Achieved
	External Communication through marketing and promoting the Department.	Organising open court days.	7 X Court Openings, 1 X Presidential Imbizo, 4 X Ministerial Izimbizo, school visits and exhibitions.	Achieved
	Showcase of service delivery.	Organising functions for Official Opening of Courts.	8 X Court Openings and Open Court Days.	Achieved
	Events Management.	Organising of functions/activities as and when required.	9 launches on various topics (including Restorative Justice and Child Support Week).	Achieved
	Raising awareness on Justice-related matters.	Distribution of information to different individuals, organisations and tertiary institutions, as well as conducting information sessions.	Publication material and information sessions on, among others, the Constitution, Maintenance, Domestic Violence, etc.	Achieved
	Exhibitions: Justice Fair.	Inter-sectoral marketing of services of JCPS Cluster and stakeholders to members of the public.	2 fairs organised.	Achieved



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Media Services: Newspaper clipping service	News clippings daily.	Daily	Daily
	Media trends: Strategic analysis of media news with the objective of servicing our principals.	Information packaged and distributed to principals.	Monthly Informed principals on the consequences of media coverage, both positive and negative and advise on possible action.	Achieved
	Media enquiries: - Develop one-on-one relationships with members of the media.	Exchange of information with the media. Target a particular group of journalists who deal with Justice-related issues.	More coverage of Justice issues and empowered relationships with the media. More enquiries from the media handled effectively.	720 enquiries dealt with.
	Press statements, press conferences, seminars, radio and television interviews.	Improve on tailor-made packages for conferences and seminars.	More requests from the Department's customers for assistance.	108 press statements.
			Customers' knowledge of the Department's business.	9 media conferences.
			More enquiries from our external customers.	48 radio and television interviews dealt with.
	Feature Articles: Large penetration of the existing markets.	Submission of articles to various publications on a regular basis.	Develop our relationships with journalists to ensure placement of articles. Target magazine editors to ensure appearance of articles.	22 featured articles, 29 adverts/ advertorials placed.
	Publications (Electronic): Restructuring, maintaining and updating of website.	Constant updating of site with new and relevant information in user-friendly manner.	User-friendly website and improved number of hits on site.	Completed with additional sites for Equality Legislation, Courts, Family Advocates, ALRAESA and SALRC.
	Setting up of Intranet and design, drafting of further specifications.	Design of intranet web pages to facilitate and enhance free-flow of information. Compiling of Branch specifications.	Interactive Intranet site (DJINI).	Pilot Project rolled out to all active DNS sites.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Publications (Printed): Annual Reports: DoJ and CD, SALRC, JSC, Monies in Trust, Guardian's Fund.	Copywriting, layout and publication and distribution to Parliament of attractive and user-friendly annual reports.	1 500 of each delivered.	Achieved
	Compilation of copy for SA Yearbook.	Copywriting of inputs and forwarding of information to GCIS for publication.	Input approved by GCIS.	Achieved
	Production of Departmental Calendars.	Compilation of information, design and layout and production of calendars.	1000 wall calendars. 10 000 desk calendars. Timely delivery.	Achieved
	Policy / other documents: - <i>Re Aga Boswa</i> - Gender Indaba Report - Service Charter for Victims of Crime and Minimum Standards.	Production of informative documents to keep public and officials abreast of developments and Justice products/ services.	Design, Layout and Editorial work completed.	Achieved
	Promotional material to enhance public awareness of days of national celebration and campaigns, e.g. Constitutional Learning Materials in all official languages and Braille, <i>Re Aga Boswa</i> , Service Charter for Victims of Crime, Equality Courts, Office of the Family Advocate, Maintenance and Child Support Week.	The design, layout and production of exhibition material, posters, pamphlets, flyers, banners, t-shirts and other promotional items, etc.	Printed and promotional material produced and distributed to identified stakeholders.	Achieved



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Corporate branding of all branches and other internal stakeholders.	Designing and printing of corporate stationery for Branches.	Printing and delivery of corporate stationery.	Achieved
	Public awareness of departmental initiatives and human rights issues.	Development and production of exhibition material for community outreach programmes.	Exhibitions on, e.g. Human Rights, Maintenance, etc.	Achieved
	Merchandising and production of material for conferences/workshops/symposia.	Development of artwork, printing and sourcing of merchandising and conference material. Delivery of all products to Events Management Team.	E.g. Lekgotla, ALREASA, International Judges' Conference, Judges' Colloquium, Restorative Justice Workshop.	Achieved
	Public Education and Liaison: Community Education with organisations to build public confidence in the administration of Justice by uplifting communities by educating members of the public on legal and constitutional matters and the services offered by the Department.	Workshops, information sessions, presentations, clinic visits, open court days on topics relating to the Constitution, legislation and services provided by this Department. Outreach conducted in the previously disadvantaged areas with the previously marginalised communities, eg. women, children, the rural poor, etc.	Conduct information sessions with NGOs. Present workshops organised by NGOs at their communities. Conduct monthly outreach sessions with previously marginalised communities.	Achieved

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Community Education targeting the youth to build public confidence in the administration of Justice by uplifting communities through education on Justice-related matters and Children's Rights Awareness.	Workshops, information sessions, presentations, open court days, school visits, youth camps on topics relating to the Constitution, legislation and services provided by this Department,	Visits to schools to inform children of Maintenance and Domestic Violence procedures (Child Protection Week). Youth Camps, School visits conducted with children/youth (Primary and High school and Tertiary institutions).	Achieved Achieved
	Community Outreach: Marketing of Court Services through community involvement with court procedures to achieve an effective system of Justice. Raising awareness on Justice-related matters.	Arranging open court days to view: Intermediary services, Sexual Offences Courts and Family Courts. Hosting of and participating in events and ensuring community involvement to celebrate days of commemoration, e.g. Women's Day, Children's Day, Human Rights Day, International Human Rights Day and 16 Days of Activism for No Violence Against Women and Children, Child Protection Week and Child Support Week.	Open days. Events on 16 Days of Activism for No Violence Against Women and Children. 1 event per day of commemoration.	Train-the-trainer. Service Charter for Victims of Crime – 59 two-day sessions. Gauteng, Western Cape, Free State, North West, Mpumalanga, Eastern Cape, Limpopo. Celebrations: Women's Day Tsomo (EC) Child Protection Week activities at Tsolo (EC) Launch of <i>Re Aga Boswa</i> – Umlazi (KZN) World Aids Day celebrations- Estcourt (KZN) Women's March – Esiikhawini (KZN) Celebrations for 16 Days of activism campaign- Taung, Sekhing (NW) Men's March – Mabopane (NW) Launch of Thembisa Court (G) Open Court Excelsior (KZN) Klerksdorp (NW)



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Dissemination of information to the public following enquiries.	Day-to-day response on enquiries from members of the public on diverse topics such as: Maintenance, Domestic Violence, Recognition of Customary Marriages, Human Rights, Small Claims Courts, Family Courts, Sheriffs, Legal Aid, etc.	Topics researched, information collated and disseminated on demand.	Achieved
	Community Outreach. Informed communities utilising community radio programmes.	Education on court services, relevant legislation, etc.	Weekly, fortnightly and occasional Community radio slots.	Jozi FM Ligwalagwala FM Shoshanguve Community Radio Phalafala FM TNG FM Middelburg FM
	Administer donor funding: Ireland Aid Citizen's Advice Desks.	Utilisation of remaining funding for roll-out projects.	Partner with Tshwaranang Legal Advocacy Centre for volunteers to assist as information officers at courts.	33 Information Officers appointed for 6 months at Thembisa, Wynberg, Johannesburg, Pretoria and Alberton Magistrates' Offices.

The **capacitation of our courts**, specifically those in previously disadvantaged areas, remains one of our **biggest challenges**

PART 2: PROGRAMME PERFORMANCE

2.10.2 Programme 2: Court Services

Purpose: To provide and manage efficient court facilities and facilitate the resolution of criminal, civil and family law matters in South Africa.

Measurable Objective: To ensure that Justice proceedings are prompt by maintaining the court system in a way that leads to a reduction in backlogs.

2.10.2.1 Service delivery objectives and indicators:

Court Services

Case-flow Management

In order to improve Case-flow Management (CFM) the following initiatives were instituted during the year under review:

- The compilation of Case-flow Management Guidelines to assist presiding officers and other court officials to manage cases more efficiently
- Implementation of a performance management template, whereby court officials are assisted to use court information to assess court performance and institute improvements where necessary
- Development of an e-Scheduler software system to assist in the management of cases throughout the court system
- In addition to the e-Scheduler technology to support Case-flow Management, Court Management Skills Enhancement is receiving attention
- Ninety (90) court managers are enrolled in a learnership to improve the skills base in the courts. This learnership will run until December 2006. During 2005, 30 other court managers are set to graduate from a Certificate in Practical Management Programme
- Implementation of a new dispensation for Registrars to extend their role to quasi-judicial work relating to the management and finalisation of cases, such as the use of mediation and alternative dispute resolution mechanisms
- Development of a video postponement system, whereby cases are heard in courts that are established at correctional facilities and linked to magistrates' courts via video. The advantages of video postponements are reduced security risks associated with the transportation of prisoners, a saving in resources and a reduction in the administrative burden related to the transportation of awaiting-trial detainees.

Implementation of a new Court Management System

A Court Management Capacity Development Programme to address skills shortages in courts was instituted during 2004/05. The Programme includes the development of learnerships, the presentation of short courses for skills development and the holding of workshops on various topics relating to court management.

Dedicated Courts

Certain offences eroding our social fabric and requiring specific attention are being given focused attention by our courts. In this regard we

will continue to deal with offences relating to, for example, commercial crime, community-related issues and petty crimes, sexual offences and poaching of abalone, in a dedicated fashion. Specific court services relating to such offences will be continued with as part of the strategy to ensure that such courts focus on improved productivity and victim assistance in such crimes, as measurements of success. Our strategy is to deal with courts focusing on such offences as part of our court structure and to ensure that the other courts also receive additional attention and resources, so that all courts can deliver improved services.

Commercial Crime Offences: There are now four dedicated Court Centres where the growing phenomenon of serious and syndicated commercial crime receives specialised attention. This approach has proved to be highly effective.

Environmental matters: There are currently two courts (Port Elizabeth and Vredendal) focusing on such matters and they deal very successfully with syndicated crime such as poaching of abalone.

Hatfield-type community matters: There are at present a total of 14 such courts in operation, of which four have been formally approved and another ten are operating as pilot projects on existing resources. Approval of the pilots as full community courts will be considered after their feasibility has been confirmed. Part of the process is also to establish a framework for the mainstreaming of alternative dispute resolution into the court system and these courts.

"Hi-jacking" matters: Specific measures have been taken in Gauteng (due to the high incidence of such crimes in that province) in order to improve the combating and adjudication of "hi-jacking" matters. (This relates to armed robbery with aggravating circumstances cases.) Through local case-flow management principles, exercised under the guidance of the Regional Court President in question, such cases are being prioritised in certain Regional Courts (Johannesburg, Springs, Germiston, Krugersdorp and Vanderbijlpark) and placed before more experienced magistrates and prosecutors. They deal with these cases as part of their normal regional court rolls and therefore also with other matters. The "hi-jacking" cases are channelled to these specific courts for the purpose of coordination. As a result of improved investigations and a close working relationship between investigators and prosecutors, a conviction rate was achieved during the period under review of 85% for the 559 cases finalised in the eight dedicated courts in Gauteng.

Court Integrity Project

The project is located within the framework of the United Nations Office on Drugs and Crime (UNODC) Global Programme against Corruption and it aims to assist the Government of South Africa, and particularly the Judiciary, in enhancing the rule of law by strengthening the integrity and capacity of the courts. For this purpose, the project



PART 2: PROGRAMME PERFORMANCE

will assist the judicial system and the National Prosecuting Authority (NPA), as well as other relevant stakeholders, including court users, in developing an integrated National Action Plan to capacitate and empower the lower court, especially in providing satisfactory services to court users and to enhance the capacity of the judicial system to deal with corruption. The project is on track with surveys currently being conducted.

Improvements in Language Services at Courts

A learnership for court interpreters is being developed by POSLEC SETA (Policing, Private Security, Legal, Justice and Correctional Service Sector Education and Training Authority). A service provider, Cool Ideas, has been appointed to develop Unit standards and register the standards with the South African Qualifications Authority (SAQA). Salaries for court interpreters have been reviewed to assist with the upgrading of the profession of court interpreter. The remuneration for

casual and foreign language interpreters is under review. In terms of the language of court, a language policy framework has been developed and was deliberated at the Ministerial/Judicial Colloquium held during April 2005.

Magistrates Commission

A three-month target for filling of vacancies is unrealistic, because advertisements run for one month. During the second month, profiles of all applicants are prepared for purposes of short-listing. Committees at provincial level meet during the third month to do short-listing and conduct interviews. Recommendations are submitted to the Magistrates Commission for consideration by the Appointments Committee. The Appointments Committee submits its recommendations to the Magistrates Commission. Once approved by the Commission, recommendations are submitted to the Minister for consideration. From the 1st day of an advertisement appearing until the filling of a post, the process takes approximately 6 – 8 months.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

2.10.2.2. Service delivery achievements:

Sub-programme	Outputs	Outputs performance measures / services delivery indicators	Actual performance against target	
			Target	Actual
Court Services				
	Constitutional Court: Case-flow management.	Number of cases finalised.	To be benchmarked in 2005/06.	57 cases were finalised.
		Court hours worked per day.	The Constitutional Court and the Supreme Court of Appeal are not courts of first instance that take cases to trial. The matters referred to both are either on appeal or are of a constitutional nature and as such require debate, the giving of oral argument and deliberation in Chambers and in court. This is followed by the giving of judgement. The courts do not have normal sittings; sittings can vary from a few minutes to eight hours, since in many instances cases are heard until they are completed (in view of the fact that the parties travel from all parts of the country). It is therefore not possible to speak of average court hours worked per day.	
	Supreme Court of Appeal: Case-flow management.	Number of cases finalised.	To be benchmarked in 2005/06.	Civil appeals: 166 Criminal appeals: 408 Criminal petitions: 152 Requests for leave to appeal – civil: 431 Requests for leave to appeal – criminal: 152
	High Courts: Case-flow management.	Number of cases finalised.	1,500 in 2004/05.	Cases finalised with a verdict: 1,418
		Court hours worked per day.	3:75 hours per court in 2004/05.	3:32
		Case cycle time.	75% of cases not older than 6 months.	95% of cases not older than 12 months.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures / services delivery indicators	Actual performance against target	
			Target	Actual
	Specialised Courts: Case-flow management.	Number of cases finalised.	All cases on outstanding role at 31 March 2004, plus 50% of new cases received in 2004/05.	Courts dealing specifically with sexual offences: Cases finalised with a verdict: 5,727 Average Court hours: 4:03 Conviction rate: 64% 57% of cases not older than 6 months.
	Lower Courts: Case-flow management.	Number of cases finalised.	40 per month per District Court and 15 per month per Regional Court in 2004/05.	District: cases finalised with a verdict – 335,670, or 27 per court room. Regional: cases finalised with a verdict – 41,641, or 7 per court room.
		Court hours worked per day.	5 hours per District Court and 4 hours per Regional Court in 2004/05.	District: 4:12 Regional: 4:00
		Case cycle time.	75% of cases not older than 6 months.	District: 90% of cases not older than 6 months. Regional: 61% of cases not older than 6 months.
	Family Advocate: Assistance to the courts on issues relating to children in family matters.	Inquiries finalised. Inquiries of Special Divorce Courts finalised.	Increase number of inquiries finalised.	Inquiries finalised: 7,625 Inquiries of Special Divorce Court finalised: 4,027 Supplementary reports finalised: 37
	Family Advocates' recommendations to court.	Supplementary reports finalised. Inquiry cycle time.	Reduce inquiry cycle time to two months.	Inquiry cycle time: 6 months Mediations finalised: 194 Central Authority applications finalised: 31
	Mediation and settlement of disputes.	Mediations finalised.	Increase number of mediations finalised.	
	Execution of Central Authority mandate.	Applications finalised.		
		Number of inquiries finalised.	1,400 in 2004/05.	7,625 inquiries finalised.
	Magistrates Commission: Filling of vacant posts of magistrate (all levels).	133 posts advertised and filled by the Minister on recommendation by the Magistrates Commission.	90% of new matters received .	All requests for filling of posts dealt with, within available budget.
	Dealing with complaints against magistrates.	273 complaints dealt with.	90% of new matters received.	All matters dealt with.
	Dealing with grievances of magistrates.	38 grievances dealt with.	90% of matters received.	All matters dealt with.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures / services delivery indicators	Actual performance against target	
			Target	Actual
	Representations regarding service conditions and general matters.	400 representations received, investigated and dealt with.	90% of matters received.	All matters received dealt with.
	Meetings of the Magistrates Commission and its Committees to consider matters relating to its objectives and functions as prescribed in the Magistrates Act, 1993.	30 meetings of the Commission and its Committees. The nine Provincial Judicial Committees convened on 33 occasions to short-list and interview candidates for positions of Magistrate (entry level).	Meeting of Magistrates Commission as per Magistrates Act.	All meetings held as scheduled.
	Magistrates Commission: Appointment of magistrates and related employment matters.	Number of matters dealt with: 133 posts advertised and filled.	90% of new matters received during 2004/05.	All requests for filling of posts dealt with within available budget.
		Recruitment and appointment cycle time.	3 months from vacancy advertisement to appointment.	Not possible to meet 3-month target.
Capital Works	Court accommodation.	Number of new courts. Number of courts upgraded.	10 in 2004/05 200 in 2004/05	10 new courts opened; 55 courts were upgraded.

Serving a developmental state, the Department is

needs-focused, striving to provide simpler, fast and cost-effective **quality** Justice services to all, including the poorest of the poor and the **vulnerable**



PART 2: PROGRAMME PERFORMANCE

2.10.3 Programme 3: State Legal Services

Purpose: To provide legal services to government and facilitate constitutional amendments through developing and promoting appropriate legislation.

Measurable Objective: To promote Justice and corporate governance through the provision of a legal system and legislative services to the state and the public, and by completing instructions received.

2.10.3.1 Service delivery objectives and indicators:

Legal Services to the State

Legal Advisory Services presently consists of the State Attorneys, State Law Advisers, Legislative Drafting Unit, Constitutional Litigation Unit, International Affairs, Legal Process and Law Enforcement, which resort directly under the Chief State Law Adviser who plays a broad supervisory role. The Unit operates a budget of ± R134m and consists of approximately 260 lawyers.

The Unit provides legal services to the Executive, all state departments (both national and provincial), parastatals and independent or autonomous bodies that may refer work to it. The Unit relies entirely on the state for work. It is well-known that legal costs in the private sector are very high. The Unit renders a cost-effective service to the state. However, every effort is made to reduce costs even further by increasing productivity, promoting a work ethic and utilising the services of private practitioners as seldom as reasonably possible.

It should be noted that one of the competitive advantages of the Unit is the cost advantage. The Unit is subjected to competitive forces by private practitioners and legal services within the client-departments that could substitute the services it renders. An audit has been conducted of all files in the State Attorneys' Offices at the end of 2002 in an effort to establish a benchmark as a basis for future comparisons, as well as the workload of individual attorneys.

State Law Advisers

The core functions of the State Law Advisers are the writing of opinions; scrutiny of all international agreements, including extradition agreements; and scrutiny of draft subordinate legislation, e.g. regulations.

In an attempt to extend the services so as to improve cost-effectiveness, the following services are also rendered by the State Law Advisers in addition to the core functions:

- One of the Principal State Law Advisers chairs the Veterinary Council
- A number of State Law Advisers assisted and are still assisting the Departments of Social Development, Communications and Home

Affairs and the SA Maritime Safety Authority with the drafting of Bills and regulations

- The Branch is represented and actively involved in the workings of the POSLEC SETA
- One State Law Adviser has on a continuous basis been involved in disciplinary investigations for various departments
- One Principal State Law Adviser was seconded to the UN's offices in New York for 2003 and 2004
- Some of the State Law Advisers assist departments in the negotiation of international agreements.

In 2004 the State Law Advisers received 699 requests for legal opinions, international agreements and regulations, i.e. 20 more than for 2003.

The State Attorneys now brief State Law Advisers to render opinions to client-departments (with their consent), which would normally be outsourced to private counsel. This exercise saves a considerable amount of money, which would otherwise be disbursed to private counsel.

Legislative Drafting Unit

The Legislative Drafting Unit has been established to peruse, develop, draft, scrutinise and certify all legislation. The Unit has embarked upon a training initiative and more than 120 officials from other Departments have received training to date. The key objective is to reduce costs and the state's dependence on private legislative drafters. During the period under review, the Unit scrutinised 43 Bills.

The core functions of the State Law Advisers (Legislative Drafting Unit) are to:

- draft legislation for National Departments;
- scrutinise and certify that Bills are, in its view, constitutional, prior to the Bills being tabled in Parliament;
- ensure that the policies of the government are properly and adequately reflected in legislation;
- prepare opinions;
- advise departments on various legal issues regarding Bills; and
- attend parliamentary committee meetings and provide legal advice to those committees.

National departments draft Bills for consideration by Cabinet. Once the Bills are approved by Cabinet, the Bills are submitted to the State Law Advisers for perusal and certification. During the certification process the Bills' provisions are checked against relevant domestic legislation, particularly the Constitution, relevant jurisprudence, both local and international, applicable conventions and other international instruments and legal publications.

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Comprehensive training is provided to all the State Law Advisers through in-house workshops, seminars, attending conferences, discussions and a system of teamwork. Checks and balances have been implemented to ensure that the drafting and certification processes are of a reasonable standard. The Unit has initiated a training programme in Legislative Drafting in an attempt to develop capacity amongst state employees to draft Bills. To date, approximately 250 officials from national and provincial departments have benefited from this initiative.

A high priority for the Office of the Chief State Law Adviser is the establishment of a Translation Services Unit in Cape Town to translate all certified Bills into official languages other than English. At present this function is being carried out on an *ad hoc* basis, i.e. when requested to do so by departments.

State Law Advisers also provide assistance to departments to ensure that the government's objectives are achieved. In this regard the Drafting Unit has provided consultancy services to:

- the Department of Minerals and Energy Affairs on the implementation of a bilateral agreement in light of the new Minerals and Petroleum Resources Development Act;
- the Department of Justice and Constitutional Development on business rescues;
- various departments for the purposes of translating legislation into official languages other than English;
- ensure that the DoJ and CD's J-Forms are updated and legally correct before printing, for supply to the departmental offices;
- the Department of Housing to improve existing policy so as to prevent the need for legislative amendments;
- the National Intelligence Agency in relation to intended legislation. (More specifically, the State Law Advisers identified the aspects of policy that required reconsideration);
- a joint task team to consider and draft possible legislation which may be necessary in respect of the 2010 Soccer World Cup; and
- various departments as presiding officers in disciplinary hearings from time to time.

During this reporting period the State Law Advisers dealt with approximately 43 Bills. Among those were the Immigration Amendment Bill, the Electoral Commission Amendment Bill, the Anti-Terrorism Bill, the National Payment System Amendment Bill, the Traditional Health Practitioners Bill, the Security Services Bill and the Children's Bill.

Constitutional Litigation Unit

The Unit has been operating under the supervision of the Chief State Law Adviser and in conjunction with the State Attorney Division on a variety of constitutional issues since May 2004. The Unit dealt with 103 matters during this financial year. In some matters the Unit played a monitoring role where constitutional issues were raised, while in

other matters the Unit was actively involved. However, all matters always involved the State Attorneys responsible therefor. In those cases the Unit drafted the papers collectively and sent them to the State Attorney responsible for filing.

The Unit was actively involved in various high-profile constitutional matters which dealt with, *inter alia*, social assistance; the constitutionality of the common law definition of marriage and the marriage formula as set out in the Marriage Act, 1961 (Act No. 25 of 1961); the right to privacy; "pre-trial" silence and separation of powers; the definition of "South African citizen" as provided in the Social Assistance Act, 1992 (Act No. 59 of 1992); the constitutionality of section 46(b) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000); the constitutionality of sections 31 and 32(2); and section 191(1), (2) and (4) of the Labour Relations Act, 1995. One of the high-profile cases in which the Unit was involved, was the well-known and newsworthy case of *Mark Thatcher v Minister of Justice and others*.

State Attorneys

The state's involvement in virtually all spheres of life attracts the attention of an increasing number of litigants. The State Attorney alone currently deals with approximately 82,000 matters on behalf of government. The State Attorneys worked a total of 314,171 hours during 2004/05, of which 25,967 hours were spent, without any remuneration, after hours. An amount of R82,127,700 was recovered on behalf of client-departments, as well as R9,011,961 towards costs.

Monthly timesheets are submitted by attorneys to indicate the time spent on various categories of professional work. Hypothetical bills of cost can be drawn to illustrate the value of the service to the state. It is clear that all offices can show that the state is saving millions of rands by utilising the services of the State Attorney instead of private attorneys. The saving is at least R280,000,000. This figure does not reflect the saving on counsels' fees with regard to opinions furnished by the State Law Advisers.

A total of 46,325 new matters, an increase of 39%, was received in 2004/05. The main categories were 57% High Court and 27% Magistrate's Court. The balance refers to other tribunals.

Prescriptions and default judgements have been declining dramatically, from 500 in 2002/03 to 71 in 2003/04 and 49 in 2004/05. The majority of these prescriptions and default judgements could not be attributed to the State Attorneys.

All attorneys in the division who qualify, have been enrolled (or are in the process of enrolling) to appear in the High Courts. During 2004 Attorneys appeared in at least 1,335 matters, compared to 581 in 2003.

A process to divorce administrative functions from professional functions in an effort to enhance the supervision and management of



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litigation matters has been embarked upon. State Attorneys have appointed office managers (from within their own ranks) to fulfil this very important function.

An amount of R9,012,260 was recovered in respect of legal costs and an amount of R82,127,700 was recovered on behalf of client-departments.

Briefing of Advocates and Payment of Advocates' Fees

A policy has been put in place to redress the imbalances of the past by giving preference to black and female advocates. The process is being monitored by the Chief State Law Adviser personally. The briefing policy also entails that no corruption in the briefing of advocates will be tolerated.

Statistics show that attempts to transform the briefing patterns have progressed a long way. The transformation is advantageous to Black males, as the briefs and payment they received are (percentage wise) on average double their representation at the Bar. Black males also earned the most money (on average) *per capita*. However, white females received (percentage wise) less than half their representation at the Bar, while black females received briefs and payments relative to their representation at the Bar. Although white males received the most money, the payments are relative to their representation at the Bar.

A concerted effort needs to be made to attract and retain more black advocates to the Bar.

International Affairs

The Directorate is responsible for a programme on the development of the National Action Plan (NAP) against Racism, as a follow-up to the World Conference against Racism held in Durban in August/September 2001. In July 2003 the Minister launched the National Forum against Racism (NFAR), comprising government, civil society organisations and other relevant stakeholders. The Secretariat, which is the technical arm of the NFAR, and the National Committee in particular could not be appointed as indicated in our previous report. The delay was due to a lack of suitable candidates for the position of Director. However, the Director has since been appointed and assumed duty on 1 April 2005. The NFAR should be convened during September 2005 and the NAP should be in place not later than 31 March 2006.

The Directorate is coordinating South Africa's participation in the UN Project on the establishment of the International Criminal Court. The Rome Statute of the International Criminal Court (ICC) has been ratified by 99 states, and came into force on 1 July 2002. The target is to have more than 150 State Parties to achieve universal application of the Statute.

Negotiation of the definition of the crime of aggression is still continuing under a Special Working Group established by the Assembly of

State Parties to the Rome Statute of the ICC. South Africa is participating in the negotiations and following discussions on other matters relating to the effective and efficient functioning of the ICC.

The Minister has, with the support of the Directorate, embarked upon a campaign for the training of judges by various international tribunals such as the ICC. Justice Moloto was recently appointed as judge of the International Criminal Tribunal for Yugoslavia (ICTY), following his nomination by the Minister. The Directorate facilitated the lobbying and election of Justice Moloto.

It was reported last year that the Directorate completed the process of ratification of the United Nations Convention against Trans-national Organised Crime and the Supplementary Protocols, i.e. Trafficking in Persons, Smuggling of Migrants and the Firearms Protocols. The Convention and the Trafficking in Persons and the Smuggling of Migrants Protocols have entered into force. Officials from International Affairs formed part of the South African delegation to Vienna in June-July 2004. On their return from Vienna an interdepartmental meeting was re-convened. A discussion took place on the preparations that will have to be undertaken for the second conference of the State Parties to be held in October 2005. A number of questionnaires were received from the UN on the implementation of the organised crime instruments. These have been completed so that the UN can monitor how the organised crime instruments are being implemented. Of further importance is the fact that technical assistance can be requested in areas where it is required.

The Directorate is still involved in the Democratic Republic of Congo (DRC) Project led by the Department of Foreign Affairs. The purpose of this project is to assist the DRC to deal with issues of governance, following the Sun City Talks leading to the establishment of the Government of National Unity. Government policy is that South Africa should have permanent presence in the DRC leading up to the elections scheduled for 2005. The DoJ and CD could not form part of the South African delegation to be permanently based in the DRC, due to financial constraints. However, the Directorate regularly attends meetings on the DRC. At the time of this Annual Report, the question of elections in the DRC was hanging in the balance.

Extradition and Mutual Legal Assistance

The Directorate drafted documentation for Parliament which assisted in the deliberations leading to the ratification of an extradition treaty between South Africa and India (ratified on 3 November 2004). The Directorate is in the process of making the necessary arrangements in order to bring the Treaty into force.

Extradition and Mutual Legal Assistance in Criminal Matters Treaties with the following countries entered into force during 2004:

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China, 17 November 2004; Egypt, 2 July 2004 and Lesotho. Although the latter Treaty entered into force on 23 December 2003, publication could only take place on 28 May 2004.

The Extradition and Mutual Legal Assistance Treaty with the Islamic Republic of Iran was signed on 31 August 2004. The Treaty has already been submitted to Parliament for ratification.

The Directorate is currently busy with the finalisation of Extradition and Mutual Legal Assistance Treaties with the following countries:

United Arab Emirates; Peru; Venezuela; Republic of Korea; Chile and Uruguay.

The Directorate has requested the Council of Europe to negotiate an invitation for South Africa to accede to the Council of Europe's Convention on Mutual Legal Assistance. A response is still awaited from the Council of Europe.

South Africa ratified the Protocol on the African Court of Justice on 14 February 2005. The Protocol has not yet entered into force. It is interesting to note that the Court of Justice will have overlapping jurisdiction with the African Court on Human and Peoples' Rights. The latter Protocol has entered into force and the African Commission is in the process of investigating the modalities for the operationalisation thereof. South Africa has already submitted the name of their candidate to serve on the Court.

Although South Africa has already signed the Council of Europe's Convention on Cyber Crime, the Minister was requested to seek the President's approval that SA also sign the Additional Protocol, whereafter the Instruments will be submitted to Parliament for ratification.

A request was also received from the Embassy of Italy to render legal assistance by obtaining evidence from witnesses in Pretoria and Cape Town. The evidence was to be used in an ongoing case in Palermo against the most wanted "mob" fugitive, Mr Vito Roberto Palazzolo.

The Directorate participated in the South African observer delegation to the trial of South African nationals who were tried for a coup plot in Equatorial Guinea. The case was finalised in 2004. The case record has now been submitted to the Department. The documents have to be translated from Spanish into English so as to afford the lawyers of the accused the opportunity to study the record and take whatever steps as instructed by their clients.

The Directorate was also requested by Equatorial Guinea to obtain statements from Mr Mark Thatcher and others in the abovementioned matter.

Human Rights Matters

The Initial South African Country Report on the United Nations International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) has been deposited with the United Nations. The date for the presentation of the report by the South African delegation will be announced at a later stage.

The Initial South African Country Report on the UN Convention against Torture was approved. It was submitted via Foreign Affairs to the UN Secretary-General. A date for presentation is awaited.

The Periodic Report on the African Charter on Human and Peoples' Rights was also approved and submitted via Foreign Affairs to the African Commission on Human and Peoples' Rights. The report is to be presented during the Sept/Oct Session of the African Commission.

The Ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment is before Parliament.

The Ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women has been presented to the Cabinet Committee.

The Draft Declaration between South Africa and Brazil on Cooperation in the Fight against Discrimination and the Promotion of Racial Equality has been concluded and will be signed in due course.

The Directorate participates in the negotiation of the International Convention on the Rights of Persons with a Disability.

Other Legal Matters

The signing of the International Convention on the Settlement of Investment Disputes between States and the Nationals of other States (ICSID 1965) is at an advanced stage, in that it is foreseen that the signing will take place as soon as the International Arbitration Bill has been enacted. The United Kingdom has been designated in terms of the Cross-Border Insolvency Act, 2000.

International Conferences/Meetings

First Conference of the Parties to the United Nations Convention against Trans-national Organised Crime held in Austria, Vienna from 28 June - 9 July 2004.

Meeting of Senior Officials on the Joint Permanent Commission for Cooperation between South Africa and Botswana held on 6 August. The meeting, *inter alia*, focused on the possibilities of negotiating and amending the old Treaty of 1969 between SA and Botswana. Furthermore, progress was discussed on stability and security on issues of outstanding extradition requests, mutual legal assistance, cross-border crime and illegal drivers' licences/SADC licences.



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The 3rd Session of the Assembly of State Parties (ASP) to the Rome Statute of the ICC in the Hague in September 2004, where the ASP elected a Gambian national as the second Deputy Prosecutor of the ICC. The ASP adopted the budget for 2005, but a debate was held around the establishment of the contingency fund. Delegates, in particular South Africa, were concerned that the ICC had a surplus from its previous financial year, which suggests inefficient financial management. The ASP was given a report on the Inter-session meeting on the definition of the crime of aggression and negotiations are continuing.

Meeting of Senior Officials of Commonwealth Law Ministries in London on 18 – 20 October 2004. The meeting exchanged experiences and discussed model laws and schemes on criminal law matters, in particular the capacity to combat terrorism, access to Justice matters, law and development issues, and human rights-related issues. In line with government policy, South Africa requested the extension of the Commonwealth sponsored Legal Drafting course to South African interns. The Minister has approved that a formal request be prepared in consultation with the Drafting Unit.

Secretariat: Rules Board for Courts of Law

The Secretariat of the Rules Board has been restructured by the appointment of one Principal State Law Adviser as Secretary to the Board. Five Senior State Law Advisers have been appointed to undertake the necessary research into the rules of court. The new staff appointments have led to greater compliance with the Employment Equity Act. Increased capacity will lead to the review of the Rules of Court to simplify court procedures and make courts more accessible.

Amendments to the tariffs to accommodate the increase of jurisdiction of the Small Claims Courts were published, which will result in more people using the Small Claims Courts.

Draft Rules in terms of the Promotion of Access to Information Act, 2000 were adopted by the Rules Board and sent to the Minister for approval. The adoption of these rules will promote the right of access to information.

Draft amendments to rules to accommodate the new criminal appeal procedure were approved by the Rules Board in November 2004. The amendments will result in more people exercising their right of appeal.

The Rules Board hosted a meeting of experts to discuss the rules to be drafted in terms of the Promotion of Administrative Justice Act, 2000.

The amendment to the Sheriffs Act, Act 90 of 1986 to provide that the Minister may appoint more than one sheriff in an area, necessitated consequential amendments to the Magistrates' Courts Act, Act 32 of

1944. The Rules Board Secretariat submitted draft amendments to the Rules Board for their approval.

The Secretariat has furthermore drafted amendments to Rule 45(1) of the High Court Rules to provide for judicial oversight over sales of immovable property as required by the Constitutional Court in the *Jafhta*-decision, for submission to the Rules Board for approval.

The Secretariat has submitted reports on representations received for the amendment of court rules to the Rules Board. Amendments to the rules will result in easier access to courts.

Chief Directorate: South African Law Reform Commission

Since the establishment of the new democratic order in South Africa and the enactment of the Constitution, as well as the development of completely new branches of the law, government has set high on its agenda the repeal of those statutes on the statute books that are either redundant, obsolete or in conflict with constitutional imperatives.

One such statute is the Black Administration Act 38 of 1927. The draft Bill proposed by the South African Law Reform Commission envisages an incremental repeal of the Black Administration Act, and sets in place a mechanism for such repeal, which would avoid an uncoordinated and piece-meal attempt at getting rid of the Black Administration Act as a whole.

The South African Law Reform Commission's report on customary law of succession contains draft legislation aimed at reforming the customary rule of male primogeniture that discriminates against women and children, in accordance with the principles of equality as enshrined in the Constitution.

An International Law Reform Conference took place in Cape Town from 15 - 17 March 2005, on the initiative of the Association of Law Reform Agencies of Eastern and Southern Africa. It was hosted by the South African Law Reform Commission. The theme of the conference was Law Reform in Action: Reviewing the Past, Reforming the Present, and Anticipating the Future. Developing constitutional democracies in Africa benefited greatly from interacting with law reform agencies that have for many years been operating in a constitutional democracy and have kept abreast with an intricate and rapidly changing social climate. Globalisation and the development of MODEL laws have brought legal systems closer together. In many respects the spotlight of the world has been turned on Africa and its emerging constitutional democracies, where there is a particularly strong need for law reform. The conference presented a unique opportunity to exchange and share ideas in this regard and to strengthen ties with law reform agencies in Africa, as well as with other Commonwealth countries.

Eight papers or reports were submitted to the South African Law Reform Commission Secretariat for approval, two short of the target

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of ten. This can be ascribed to the fact that two researchers at the Commission were involved full-time in assisting the Department of Social Development with the promotion of the Children's Bill. In addition, seven posts of Senior State Law Adviser were vacant during the reported year.

Details regarding the functioning of the South African Law Reform Commission and its law reform programme can be obtained from the Commission's Annual Report, which is published separately by the Commission.

Master of the High Court

The Administration of Estates Act 66 of 1965 has been amended to provide for the position of a Chief Master. The position will soon be filled permanently.

During this financial year, the Branch expanded its operations by opening four new offices, namely in Johannesburg, Port Elizabeth, Durban and Polokwane. This brings the total of Masters' Offices in the country to 14. The Mpumalanga Office is in an advanced stage of planning.

The Minister appointed a Committee of Inquiry to look into the various aspects of the Insolvency Industry. It included the appointment of liquidators, the need to regulate the industry, alleged corruption and "fronting", as well as factors which impede transformation of the Liquidation Industry. The report of the Committee has been submitted to the Minister for consideration. Following the report, an Interdepartmental Task Team was established between the DoJ and CD, the Department of Trade and Industry and the Treasury. The aim is to have a synergised approach to matters of joint interest and to advise Cabinet on the most suitable policy to be implemented.

The Constitutional Court has declared all discriminatory provisions in legislation dealing with the administration of deceased estates, unconstitutional. In order to implement the Constitutional Court rulings in the case of *Moseneke and Others v The Master and Another* 2001 (1) SA 18 CC, as well as *BHE v Magistrate Khayelitsha*, the *Mvledziso* Project was launched during the previous financial year and is ongoing. One of the main objectives of the project is to provide efficient and effective Masters' services relating to the administration of estates, and make them accessible to all South Africa's people, without any form of discrimination or prejudice. All magistrates' offices in the country have been designated as Service Delivery Points. The implementation of this project is done through the existing Court Services resources and infrastructure. When the personnel are taken over by the Masters Branch, a shift of expenditure from Programme 2 to Programme 3 will be necessary.

The Guardians' Funds of the former TBVC-states are still administered at the Grahamstown and Pretoria Masters' Offices. The return of these Guardians' Funds is under discussion. Preconditions for the

return of these Funds include the expansion of capacity and further systems development.

Although a computer solution has been developed and rolled out to all Masters' Offices with Guardians' Funds, it does not meet with all the required standards. In addition, all data has been captured but not verified yet. An estimated R40 million is required for this purpose.

A file management system and file-tracking system is in the planning phase. This will be done in conjunction with the Information Systems Management (ISM) Branch.

A risk management system has been put in place and people identified to perform these functions.

The Masters Branch's personnel structure at Head Office is inadequate to properly discharge all duties. The Directorate for Administration and the Guardian's Fund in particular rely heavily on contract employees, without whom it could not function. Several initiatives are undertaken at Masters Branch level. It includes the development of IT solutions such as the Masters Administration System for Estates, Trusts and Insolvencies (MASETI). The IADE project (Integrated Administration of Deceased Estates) and interaction with the German Technical Corporation (GTZ) are also administered at Branch level. About 20% of the budget allocated to the Masters Branch is kept at National Office level and initiatives are funded from that level.



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Service delivery achievements

2.10.3.2 Service delivery achievements:

Sub-programme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Legal Services to the State				
	Legal services.	Opinions, litigation matters, agreements and draft legislation finalised.	90% within a year.	
	Reduce private sector assistance to government departments.	Percentage change in requests for services.	4% decrease in 2004/05.	
	Directorate: Legal Process: Advise President, Minister and Director-General on applications for pardon or reprieve in terms of the Constitution.	To ensure minimum time delay in investigation, preparation and submission of applications.	1,071 applications were received.	734 applications were finalised.
	Advise the Minister on applications for exemption from the prohibition of military training and possession of arms in terms of the Criminal Law Second Amendment Act, 1992. Since the Chapter came into operation on 1 April 1999, 17 applications were received.	To ensure minimum time delay in investigation, preparation and submission of applications.	No applications were received.	
	Advise President, Minister and Director-General on the appointment of commissions of inquiry in terms of the Commissions Act, 1947 (Act 8 of 1947), when activities within the Department's area of responsibility need to be investigated.	To ensure that all legal requirements are met and commissions are appointed. To ensure timely advice to the relevant authorities.	The Directorate was involved in the appointment of 1 commission.	The Commission was successfully appointed.
	Advise the Minister on petitions received for re-opening of criminal proceedings on the basis of new evidence, in terms of section 327 of the Criminal Procedure Act, 1977 (Act 51 of 1977).	To ensure minimum delay in investigation, preparation and submission of petitions.	Five requests were received.	Two are still under consideration.
	Advise the Minister on requests to refer a question of law to the High Court of Appeal in terms of section 333 of the Criminal Procedure Act, 1977.	Ensure proper, well researched and drafted submissions to the Minister.	No request was received.	

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Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
	Advise the Minister on requests to refer a question of law in civil matters to the High Court of Appeal in terms of section 23 of the Supreme Court Act, 1959 (Act 59 of 1959).	Ensure proper, well researched and drafted submissions to the Minister.	One request was received.	The request is still under consideration.
	Advise the Minister regarding applications for exemption, in terms of the Debt Collectors Act, 1998 (Act 114 of 1998).	To ensure that all legal requirements are met and that proper and well researched recommendations are made to the Minister.	Eight requests were received.	The requests are still under consideration.
Master of the High Court				
	Supervision of the administration of deceased estates.	Establishing a computerised database for deceased estates by the implementation of the Masters Administration System for Estates, Trusts and Insolvencies (MASETI) at all Masters' Offices	By the end of April 2005.	Achieved
		Automation of the administration of deceased estates by the IADE (Integrated Administration of Deceased Estates) Project, as funded by the Irish Government.	End of September 2006.	Ongoing and on target.
	Supervision of the administration of liquidations.	A fully transformed liquidations industry, which provide access and equal opportunities to all by implementation of a policy document.	End of March 2006.	Ongoing
		Elimination of fraud and corruption were investigated by the Committee of Inquiry as appointed by the Minister.	Ongoing	Ongoing
	Supervision of the registration of trusts.	Establishing a computerised database for trusts by the implementation of the Masters Administration System for Estates, Trust and Insolvencies (MASETI) at all Masters' Offices.	End of April 2005.	Achieved



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Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
	Supervision of the administration of fiduciary estates.	Establishing a computerised database for fiduciary estates by the implementation of the Masters Administration System for Estates, Trust and Insolvencies (MASETI) at all Masters' Offices.	End of April 2005.	Achieved
		Compile a Practice and Procedure Manual to implement the Mental Health Care Act, 17 of 2002, which came into effect on 26 December 2004.	End of August 2005.	Ongoing
	Management of Guardian's Fund.	Automation of the Guardian's Fund administered by Masters' Offices. The solution has been developed and rolled out, but is not operational yet.	End of December 2006.	Ongoing refer to MMIT process.
	Rationalise the Guardian's Fund.	Ensure uniformity in the administration of the Guardian's Fund throughout the country in compliance with the Rationalisation Bill passed in June 2001.	End of March 2005.	Rationalisation of the former TBVC-states is completed.
		Return of Guardian's Funds to the offices of origin and establishment of Guardian's Funds at all new Masters' Offices.	End of 2006/2007 financial year.	Ongoing
	Provide web-based access to information for all stakeholders, role-players and interested parties.	Improvement of current static website into an interactive website to ensure that information is easily accessible.	Launched June 2002. Ongoing	Ongoing
	Reconciliation of funds invested with the Public Investment Commission (PIC).	Monthly reconciliation of invested funds at PIC.	End of March 2005.	Achieved
	Give effect to the <i>Moseneke</i> and subsequent <i>BHE</i> Judgement (Nov 2004).	Making the administration of estates conform with the Constitution. Making the administration of deceased estates accessible to previously disadvantaged groups, thereby eliminating any forms of discrimination.	All logistics in place end December 2006.	Legislation amended. All Magistrates' Offices have been designated as service points for the Master's Office. Work-study process currently running to determine adequate provision for resources at service points and Masters' Offices.
	Establish additional Masters' Offices.	Opening 4 new Masters' Offices in order to provide effective services to the community.	March 2004	Achieved in February 2004.

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Sub-programme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
		Opening of a Master's Office for Mpumalanga.	End December 2006.	Ongoing and on target.
	Create specialisation in the larger Masters' Offices.	The establishment of a highly specialised pool of expertise. Five competent, specialised, highly skilled and efficient Units established.	End of March 2004.	Achieved
	Streamline and align policies and directives.	Ensure uniformity regarding the operations in all Masters' Offices.	End of December 2006.	Ongoing

2.10.4 Programme 4: National Prosecuting Authority (NPA):

Purpose: To provide a coordinated prosecuting service, protect certain witnesses and investigate serious organised, unlawful conduct in an organised manner.

Measurable objective: To ensure the proper administration of Justice in criminal cases through the provision of prosecuting services that achieve an overall conviction rate that will serve as a deterrent.

Details regarding this Programme Performance can be obtained from the separate Annual Report published by the National Prosecuting Authority.

The Annual Financial Statements of the NPA are included in Part b of Part 4 of this report. Consolidated financial statements are included in Part C of Part 4.

2.10.5 Programme 5: Auxiliary and Associated Services

Purpose: To render a variety of auxiliary services associated with the Department's aims, and provide for transfer payments to constitutional institutions, the Legal Aid Board, the Special Investigating Unit, the Represented Political Parties' Fund and the President's Fund.

Measurable Objective: To support the National Crime Prevention Strategy (NCPS) and guarantee the independence and integrity of the administration of Justice, by providing vulnerable groups with additional legal services and advice, which meet public assistance and awareness campaign targets.

2.10.5.1 Service delivery objectives and indicators:

Information Systems Management (ISM) (National Crime Prevention Strategy)

E-Justice

The e-Justice Programme supports the fundamental reforms necessary to establish a fairer, accessible and efficient Justice System in South Africa.

The purpose of the e-Justice Programme is to reform and modernise the administration and delivery of Justice through re-engineering work processes by using technologies, strengthening strategic planning and management capacity, organisational development and human resource interventions.

The e-Justice Programme has evolved into the ISM Programme that includes a total of 25 projects in addition to the three main projects, i.e. Court Process Project, Digital Nervous System Project and Financial Administration System Project. The e-Justice Programme is funded mainly by the

The **e-Justice** Programme supports the **fundamental reforms** necessary to establish a **fairer, accessible and efficient** Justice System in **South Africa**



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Justice Vote Account, but is supplemented with donor funding from the European Union (EU) Commission, the Royal Netherlands Embassy and the Irish Embassy.

The multi-year Programme was launched in 2000 and comprises the following specialised projects:

Digital Nervous System (DNS)

The aim of this project is to deploy Information Technology (IT) infrastructure and related services to the Department.

Since the project's inception in 2000, more than 9 923 officials have been provided with basic IT infrastructure.

Court Process Project (CPP)

The CPP is one of the key projects of the e-Justice Programme. The CPP incorporates the flow of processes that affect Departments in the Integrated Justice System (IJS), namely the Departments of Safety and Security, Correctional Services, Social Development, Justice and Constitutional Development, as well as the NPA.

The CPP essentially seeks to re-engineer the way in which court services are delivered and is aimed at providing courts with the necessary tools to deal with both caseloads and general management in a more effective manner. This Project also links, for the first time, the police, prosecutors, courts, prisons and social welfare facilities at selected pilot sites.

The CPP will bring innumerable benefits to all Justice officials, as well as society at large. These include:

- Improved administration and tracking of dockets and case files
- Reduced delays leading up to trials
- Reduced duplication of data entry
- Improved access to information
- Timely notification of events
- Verification of identities
- Reduced number of lost case dockets
- Reduced postponement of cases due to misplaced files/exhibits
- Improved administration of prisoner admissions and releases
- Improved docket/exhibit administration.

The CPP, which was initiated in 2000, was the first project to deal with an integrated criminal case management system, as well as a civil solution. The Project was the first serious attempt to bring advanced IT functionality and support to the courts.

The CPP System has been moved back into the laboratory for possible rewriting and unpacking. However, certain modules of the current CPP system will be and have already been rolled out to identified sites, i.e. the e-Scheduler Solution.

Financial Administration System (FAS)

The FAS is tasked with automating and administering trust accounts in the Magistrates' Courts, the State Attorneys' Offices and the Guardian's Fund in the Masters' Offices. The FAS comprises a number of projects. The *Guardian's Fund* administers monies kept in trust for persons, including minors, state patients, unborn heirs and persons having usufructuary, fiduciary or fideicommissary interests. The *Justice Deposit Account System (JDAS)* administers monies received at court in lieu of maintenance, bail, admission of guilt, civil cases, contributions, court cases and estates. In addition, the *State Attorneys System* assists State Attorneys with registering and administering case files, collecting money and administering payments to applicable parties and the handling of litigation processes. The *Masters Administration System for Estates, Trusts and Insolvencies (MASETI)* enables officials to manage cases and track records. It has also resulted in better service delivery through quick and efficient response times to queries.

The programme supports the following government priority objectives:

- Improved access to court case files for all parties involved
- Effective case registration and mailing system in courts established and made operational
- Effective court management information system established and made operational
- Access to information database for all users of the Justice System established and made operational
- Effective planning and management of court administration development programme ensured.

The essence of the e-Justice Programme is to provide connectivity to the entire Justice System from a national to a local court level, thus ensuring the immediate availability of information relating to court cases, court administration, legal precedents, maintenance, summonses, prosecutions and financial administration, as well as enabling interoperability between the departments involved in the Integrated Justice Cluster. Digitising the Justice System will reduce the current backlogs that exist in South African courts, speed up processes undertaken by lawyers, improve communication within the cluster, improve management decision-making and ensure the ready availability of accurate statistics.

To date the e-Justice Programme has achieved the following:

- Successful completion of the DNS I project, which provided Information and Communication Technology (ICT) infrastructure, connectivity, ICT equipment (desktops, printers, etc.), e-mail and training to a total of 221 sites
- Computer-literacy training to an estimated 10 000 users
- Successful implementation of the MIS initiative - the departmental Intranet (DJINI)

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- Successful roll-out of the Guardian's Fund system to all Masters' Offices
- Successful roll-out of the MASETI to all Masters' Offices
- Development and implementation of a State Attorneys System
- Roll-out of the JDAS system to identified sites
- Roll-out of the e-Scheduler Solution (one of the modules of the CPP) to 46 identified sites
- Successful pilot of HR Service Benefits Solution and Leave On-line Solution
- Successful establishment and optimisation of a Programme Management Office, standardisation of the project management methodology and customisation of the Enterprise Project Management (EPM) System for effective online project management
- Development of a Monitoring and Evaluation (M&E) framework for DoJ & CD.

Integrated Justice System (IJS)

The collective efforts of the departments participating in the JCPS Cluster thus far established the foundation for an Integrated Justice System. Much has been achieved, but the challenge now is to "keep the momentum".

Each department is, first and foremost, responsible for improvement and maintenance of its own data processing, storage and transfer systems in support of its mission.

In order for each department to carry out its own Information Technology advancement, it must share Information Technology with all other entities in a collaborative effort. Each entity agrees to exercise due diligence in maintaining the integrity of both entity data and information system practices so that sharing of data and coordination of Information Technology among all entities will be facilitated to the maximum extent possible.

Significant amounts of information generated or processed by government entities is confidential by reason of privacy protections, security restrictions and various privileges. Subject to these considerations, each department agrees to understand and enforce appropriate privacy and security restrictions when accessing and sharing data. The agreed objective is to share information that can be shared with as little difficulty and duplication of input as possible.

Each department furthermore agrees to cooperate with other departments in an effort to develop and maintain an Integrated Justice System.

All entities recognise the need for continued monitoring and evaluation and agree to cooperate in an effort to develop and implement effective performance evaluation procedures and common standards to which performance may be measured.

A review of the IJS Programme was conducted at the end of January 2005. Although the IJS Vision and Mission, as well as high-level objectives remain intact, the approach to derive it has changed. The amended approach focuses more on line of business needs and developing departmental capacity.

In reviewing the progress of the IJS Programme to date, a number of issues were identified that were not being adequately addressed under the previous approach of the Programme. These were essentially departmental capacity issues resulting in poor departmental response to the needs of the Programme; differences in departmental strategic priorities in respect of system capacity acquisition and delivery, due to, among others, the varying levels of departmental infrastructure maturity; and unclear distinction in respect of the delivery responsibility between Programme and departments.

The current approach departs fundamentally from the previous approach in respect of the following areas:

- Architectural emphasis, which is now placed more on the integration and exchange of information between departments
- Execution Strategy, with the emphasis placed on departmental capability development and departmental capability delivery
- Division of responsibility and governance requirements.

Lead departments have been identified for different projects. In addressing some of the capacity problems, it was decided that at programme level, capacity will be limited to planning, coordination and architectural alignment. This component will consider commonalities such as standards, interoperability and connectivity, as well as infrastructure. Departmental capacity to implement the IJS initiatives will be strengthened. Available funds will be utilised to strengthen more disadvantaged departments and to focus on main governmental priorities.

Contributing to Interdepartmental and Cluster Coordination and Co-operation

The Development Committee has been mandated to gain strategic alignment of shared cluster objectives and activities. One of the priorities in this regard is to enhance cooperation and coordination of the cluster IJS activities. Clearly an integrated approach is required to address the key focus areas of the Development Committee.

An audit of existing IJS structures at all levels of government was completed during 2004. This was done by means of a questionnaire circulated at police station level. The results indicate that various forums currently exist. However, it is questionable whether these structures formally exist at all levels (and locations) of the Justice System and involve all cluster departments, and whether they are directed towards identifying common priorities and attaining objectives in a manner that supports a coordinated and collective approach.

To promote cooperation and coordination between cluster departments towards greater effectiveness and efficiency of the IJS, the



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need for interdepartmental coordinating committees has been identified at provincial (perhaps area) and definitely local levels.

An interdepartmental workshop achieved the following objectives:

- Understanding of government's integrated (cluster) approach and the structures involved in implementation
- Identified and agreed to the need to establish communication channels and alignment mechanisms from national to provincial and local levels
- Initiated the process of establishing or enhancing existing structures to ensure alignment of activities within the JCPS Cluster
- Delegates were afforded another opportunity to study the Terms of Reference and, with that in mind, propose a workable structure in their own unique circumstances.

The draft Terms of Reference proposes the following mandate and responsibilities for the Integrated Justice System Coordinating Committees (IJSCCs):

- Ensure the integration and implementation of the priorities and objectives of the Criminal Justice System (CJS) as translated by the Development Committee
- Identify and address local blockages and obstacles (practical problems) to effective and efficient Justice
- Ensure a collective (integrated) approach to planning
- Proactively and collectively manage mutual issues in support of effective and efficient Justice
- Ensure that prescribed processes and procedures are executed, and that factors that may have an adverse effect on projects and programmes are effectively managed
- Promote cooperation, coordination and participation of related IJS stakeholders
- Implement prescribed performance measures and management processes.

Development Committee members will now visit the provinces/areas/regions/local level structures to formally establish the IJSCCs. How they proceed in each event would depend on the unique circumstances of each one's unique circumstances. This is crucial, as it is clear that different structures exist: some functioning well, and others less effectively.



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Entities reporting to the Minister

Judicial Service Commission

Section 178(1) of the Constitution makes provision for the members of the Commission. The main objective of the Commission is to appoint judges and to make sure that the appointments respect the values enshrined in the Constitution.

The Commission may advise the national government on any matter relating to the Judiciary or the administration of Justice, including the preparation of a list of nominees to the Constitutional Court for submission to the President.

During the year under review, two nomination lists were submitted to the President. During the first session in 6-9 July 2004, nine judges were appointed; at the second session in October 2004, eight judges were appointed.

In order to compile a list of nominations, advertisements were placed in national newspapers and correspondence with the relevant Law Bodies was entered into.

For further details, kindly refer to the JSC's separate Annual Report.

Office for the Control of Interception and Monitoring of Communications

The Office for the Control of Interception and Monitoring of Communications mainly deals with applications submitted to the designated judge in terms of the provisions of the Interception and Monitoring Prohibition Act, 1992 (Act No. 127 of 1992).

Act No. 127 of 1992 provides for the interception of postal articles and communications and for the monitoring of conversations or communications in the case of a serious offence, or if the security of the Republic is threatened.

The South African Police Service (SAPS) is primarily, with reference to the South African Police Service Act, 1995 (Act No. 68 of 1995), responsible for investigating and combating serious offences (as defined in Schedule 1 to the Criminal Procedure Act, 1977 (Act No. 51 of 1977)). The Directorate of Special Operations (DSO) is responsible for investigating and combating specified offences as defined in the National Prosecuting Authority Act, 1998 (Act No. 38 of 1998). The National Intelligence Agency (NIA), South African Secret Service (SASS) and Military Intelligence (MI) are responsible for investigating offences relating to the security of the Republic.

The designated judge is responsible for considering applications submitted to the Office for the Control of Interception and Monitoring of Communications in terms of Act No. 127 of 1992.

The implementation of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002) will necessarily impact on the staffing, workload and operations of this Office. Law Enforcement Agencies have indicated that they foresee an increase of between 150% - 300% in applications submitted to this Office.

No provision was made on the budget of the Office for the Control of Interception and Monitoring for the Implementation of the Act in this financial year.

South African Human Rights Commission (Constitutional Institution)

The South African Human Rights Commission (SAHRC), the principal independent institution with the objective of protecting and promoting human rights, has continued to consolidate its work in delivering human rights to the broad cross-section of the South African community.

In the year under review the Commission opened a further provincial office in Mpumalanga and hopes to soon open its final provincial office in the North West Province.

Two significant public inquiries were conducted, the first focusing on the rights of the Khomani San, an indigenous community living in the far Northern Cape. The Commission also held public hearings into the use of boom gates and the human rights issues that flow from them. Both inquiries were concluded with the release of a report with recommendations.

The Commission's outreach to rural communities continues through its Omnibus Programmes, which essentially see the Commission visit a community and engage, educate and inform them about human rights in an interactive fashion over an extended period of time. It enables the SAHRC to reach and meaningfully impact on rural and impoverished communities.

This year saw the Commission launch a guide in terms of the Promotion of Access to Information Act, which enables the public to understand and use the provisions of the Act to access information relevant to them.

The SAHRC also continues to pioneer cases through the Equality Courts, developing a new jurisprudence and ensuring that these courts become functional and accessible to South Africans who experience diverse forms of discrimination.

The socio-economic rights monitoring mandate of the Commission saw it conduct visits to numerous local municipalities in order to assess the realisation and delivery of socio-economic rights. It is hoped that the reports from such visits will assist government and other role-players.



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At international level the Commission continues to work with similar structures on the continent, while internationally often acting as a resource and regularly hosting delegations from such international bodies.

Commission on Gender Equality (CGE) (Constitutional Institution)

In the CGE's strategic plan, eight streams relating to gender equality have been identified, namely: Gender-based violence; Democracy and citizenship; Good governance; HIV/AIDS; Poverty; Sexual orientation; Tradition, culture and religion; the implementation of the Equality Act and Employment Equity. In prioritising its activities, including research, the CGE focuses on groundbreaking and precedent-setting issues and activities. The objective is also to reach as many people as possible in each province, especially those in rural communities, for targeted public education, information and research.

The CGE undertook various research projects and legal interventions during this financial year, including conducting a survey on the implementation of the Domestic Violence Act in twenty Magistrates' Courts and Police Stations. In addition, the Commission completed research on whether the Magistrates' Courts were implementing the Maintenance Act properly. This study has added to the CGE's knowledge of how the maintenance system is working (or not working) for women in South Africa and, indirectly, for their children. In particular, it has increased our knowledge of what happens after the order is made, of how the maintenance amount (e.g. quote recommendation) is arrived at, and what factors might prevent women from using the maintenance system. The research also assessed the extent to which the recommendations of the Lund Committee Report had been implemented.

The Commission also ran provincial workshops on the involvement of men in the fight against gender-based violence. The need to include men in the fight against gender-based violence was part of the declaration that was made at the National Conference on Gender-based Violence in November 2003. The Commission opted to incorporate this quest into its review and celebrations of our ten years of democracy to ensure that whilst the project maps men's involvement, it also explores the past.

It is generally believed that there is an unconcealed gender-bias in the legal profession. This was verified by a survey conducted by the CGE within the legal profession. The survey was administered through a questionnaire, which was sent to all law firms.

The Annual Report Card (ARC) within municipalities is a tool that the CGE has devised to determine the degree of gender awareness within the public and private sectors, as well as in social development projects. Due to the poor response by the 283 municipalities to the questionnaires on the ARC in 2003, the questionnaire was refined and again circulated among them to check compliance of municipali-

ties to policies and programmes aimed at gender equality. Municipal managers were sent a questionnaire on internal structures, whilst heads of departments were asked about the gender dimension of community development projects.

Lastly, the CGE conducted research on Gender Analysis of Employment Equity in respect of practices in the private sector, which highlighted both positive developments, as well as concerns in terms of the status and experience of women at work. The CGE examined some of the employment equity plans submitted to the Department of Labour through the gender lens. The findings of these analyses would inform recommendations that will be forwarded to the Department of Labour, the Employment Equity Commission and other relevant bodies for future reporting purposes by employers.

Public Protector (Constitutional Institution)

The specific mandate of the Office of the Public Protector (OPP) is to strengthen constitutional democracy by: investigating any conduct by organs of state in any sphere of government, that is alleged or suspected to be improper or to result in impropriety or prejudice, to mediate, negotiate, conciliate, report and recommend remedial actions.

During the year under review, the emphasis was on identifying root cause investigations and ensuring non-recurrence of similar cases, thereby improving service delivery by recommending remedial action. Six systemic investigations were identified and project plans have been approved for finalisation during the 2005/06 financial year. The Office was also proactive by identifying four own-initiative investigations, which through the OPP's recommendations, assisted organs of state to improve service delivery. Twenty-thousand-seven-hundred-and-seventy (20770) new cases were received and 23824 cases were finalised. At the end of the reporting period, 6683 cases were carried forward to the next financial year.

To fulfil its constitutional mandate of being accessible to all and not only those closer to towns and cities, the Office of the Public Protector embarked upon an outreach programme. This programme enabled the Office to work in collaboration with other Chapter 9-Institutions to effectively and efficiently improve service delivery. The programme is also aimed at empowering all stakeholders by conducting public awareness campaigns. Forty-three (43) visiting points were established in remote areas and serviced once every month. Two regional offices have been identified and will be established in the 2005/06 financial years.

The staffing levels in both the administrative and investigative components had a great impact on the organisational ability to deliver on time, as the Office was not in a position to fill all critical identified posts to ensure the successful implementation of the Office of the Public Protector Strategic Plan.

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President's Fund

The Fund gives effect to the reparations policy flowing from the findings of the Truth and Reconciliation Commission (TRC). This Fund is not listed as a Public Entity in the PFMA schedule, as it is temporary in nature.

As stated in the previous report, phase one deals with the payment of the once-off individual grant of R30.000,00, whilst phase two will include the other forms of reparations approved by Parliament.

As at 31 March 2005, the Fund has paid out R443 million as individual grants to 14 757 beneficiaries. There are 1 703 persons who could not be paid. This was mainly due to the fact that victims/beneficiaries:

- could not be reached for their banking details due to poor addresses;
- relocated from previous addresses; or
- died after receiving interim reparation.

Measures such as the utilisation of the print and electronic media, as well as a door-to-door call in conjunction with the Government Communication and Information System (GCIS), have been taken to locate the outstanding payees.

Other forms of reparation in progress are:

- Clearing of criminal records of persons who were granted amnesty
- Re-admission of advocates and attorneys who were struck off the roll due to their political activities
- The location of the physical remains of missing persons and the restoration of these to the families concerned.

Consultations are continuing with the participating Departments (Education, Health, Social Development, Housing and Arts and Culture) with regard to the other aspects of the reparation package as approved by Parliament.

Represented Political Parties' Fund

In answer to section 236 of the Constitution, the Represented Political Parties' Fund was established by Act 103 of 1997 to provide for funding of political parties represented in Parliament and provincial legislatures.

Represented Political Parties appoint independent auditors to audit their books and records of account, and submit such audited statements to the Electoral Commission.

The Electoral Commission submits an audited report on the management and administration of the Fund, together with its audited financial statements and the report of the Auditor-General, to Parliament. The Chief Electoral Officer is the accounting officer and chief executive officer of the Fund.

The Fund allocated an amount of R 70,7 million to 12 different Represented Political Parties during the year under review.

Public Entities Reporting to the Minister

Special Investigating Unit

The Special Investigating Unit (SIU) is an independent, statutory body established to combat maladministration, corruption and fraud involving state assets and public money. The SIU was created in terms of the Special Investigating Units and Special Tribunals Act, 1996. The Unit is housed in the DoJ and CD and reports to the President and Parliament.

The SIU was first established by former President Nelson Mandela in 1997 and headed by Judge Heath. Judge Heath resigned in June 2001 after the Constitutional Court found that a judge was not able to head the Unit. The SIU then ceased to exist. President Mbeki established a new SIU by Proclamation R118 on 31 July 2001. This resulted in the re-emergence of the Special Investigating Unit as an anti-corruption agency, with Willie Hofmeyr as its new Head.

Role of the SIU

The SIU receives its mandate from the President, who refers cases to it by proclamation. The major function of the SIU is to investigate corruption, fraud and maladministration.

In addition to its role as an **enabler**, the **Department** acts as a **transforming agent** for the state, working in **partnership** with **other organs of state** and civil society



PART 2: PROGRAMME PERFORMANCE

It also takes civil action to correct any wrongdoing, for example to:

- compel persons to pay back any wrongful benefit they received;
- cancel contracts when the proper procedures were not followed; and
- stop transactions or other actions that were not properly authorised.

Although the focus of the SIU is the public sector, it may also deal with those in the private sector involved in corruption and fraud against the state. Its mandate further allows it to conduct investigations into the private sector actions that cause substantial harm to the interests of the public.

The SIU does not have powers of arrest. Where criminal wrongdoing is uncovered, it works jointly with the SAPS, the Directorate of Special Operations and the National Prosecuting Authority to ensure that the matter is prosecuted.

Services of the SIU

The SIU aims to provide a one-stop service to government departments by:

- conducting multi-disciplinary investigations involving lawyers, forensic analysts, forensic investigators and accountants to ensure a comprehensive investigation;

- using civil litigation to set aside contracts, recover state property or monies from officials guilty of causing losses to the state;
- preparing disciplinary inquiries and testifying at these inquiries;
- preparing court-ready dockets for the SAPS;
- assisting in speeding up prosecutions and assisting with prosecutions where necessary; and
- advising on systemic improvements when investigations reveal systemic weaknesses.

The SIU is committed to working with other bodies involved in the fight against fraud, corruption and maladministration. It has built strong relationships with the SAPS, the National Prosecuting Authority, the Directorate of Special Operations, the Asset Forfeiture Unit, the Office of the Auditor-General, the Public Protector, the Public Service Commission, the National Intelligence Agency, the South African Revenue Service and the Independent Complaints Directorate.

Achievements

During the past year, the SIU achieved a remarkable total of R3.539 billion in savings, preventions of loss and cash recoveries against a target of R530 million. The SIU has also set itself ambitious targets for the 2005/06 financial year, as reflected in the table below:

Performance Measures (R'000)	2003/04		2004/05		2005/06
	Target	Actual (Audited)	Target	Actual (Audited)	Target
Savings	70	372,8	500	92	1,000
Preventions*				3 435	
Cash Recoveries	50	13,7	30	12	40
Totals	120	386,5	530	3,539	1,040

*Preventions were separated from savings for the first time in the past financial year.

Budget and Staff

The SIU has focused on working together with government to fight corruption. During the past year, this resulted in agreements with a further five departments that will fund the SIU's investigation into the department concerned.

Because of such agreements, the SIU has increased its capacity rapidly over the past four years, growing from 67 staff members in 2001 to 207 in March 2005.

The agreements concluded in the past year will result in the SIU growing even faster - it will reach 550 staff members in late 2006.

The achievements of the SIU has also resulted in government doubling its budget over the past three years to its present level of R44 million.

The SIU has promoted greater efficiency and reduced backlogs through the introduction of the Balanced Scorecard approach to monitoring its strategy implementation within its management echelon. It has furthermore improved its representivity in terms of employment equity during its recruitment drives to meet the growing demand for SIU services. Equity has also been a critical consideration during the recruitment of trainee investigators and other development opportunities within the Unit.

PART 2: PROGRAMME PERFORMANCE

Legal Aid Board

The Legal Aid Board is an independent statutory body established to provide legal aid to the indigent. It derives its mandate from the Legal Aid Act of 1969 and the Constitution. In this context the Legal Aid Board provides legal representation in criminal matters and in certain specified civil matters. In criminal matters, in particular, the Legal Aid Board is enjoined to provide legal representation in instances where substantial injustice would otherwise result.

The Legal Aid Board delivers its services through a mixed model system of in-house legal practitioners based in Justice Centres (84%); Cooperation agreements with Non-Governmental Organisations (3%); and Judicare, a system of contractual arrangements with legal practitioners in private practice (13%).

The bulk of the Legal Aid Board's services are delivered through a national network of 58 Justice Centres, 35 satellite offices and 13 High Court Units. These are managed through four Regional Offices and a National Office situated in Johannesburg. The Legal Aid Board currently employs 1,142 legal practitioners who comprise 71% of the total staff complement.

The Legal Aid Board serves all courts in South Africa and has established links with all prisons holding awaiting-trial prisoners. The Legal Aid Board is currently running a pilot project to test a model for the extension of its services to police stations.

In the 2004/05 financial year the Legal Aid Board's approved budget was R464,681,210. In the same period the Legal Aid Board took on 306,654 new matters, compared with 300,139 in the previous financial year. Furthermore, in the same period, the Legal Aid Board also finalised 233,958 matters, 88% of which were criminal matters and the remaining 12% civil. With no increase in its budget, it is not envisaged that the number of legal matters handled can increase. Furthermore, a greater emphasis on quality legal services rendered to clients will result in a new balance between quantity (number of matters handled) and quality of legal services rendered.

The Legal Aid Board continues to seek mechanisms to enable South Africans, in particular the indigent, to access Justice.





PART 2: PROGRAMME PERFORMANCE

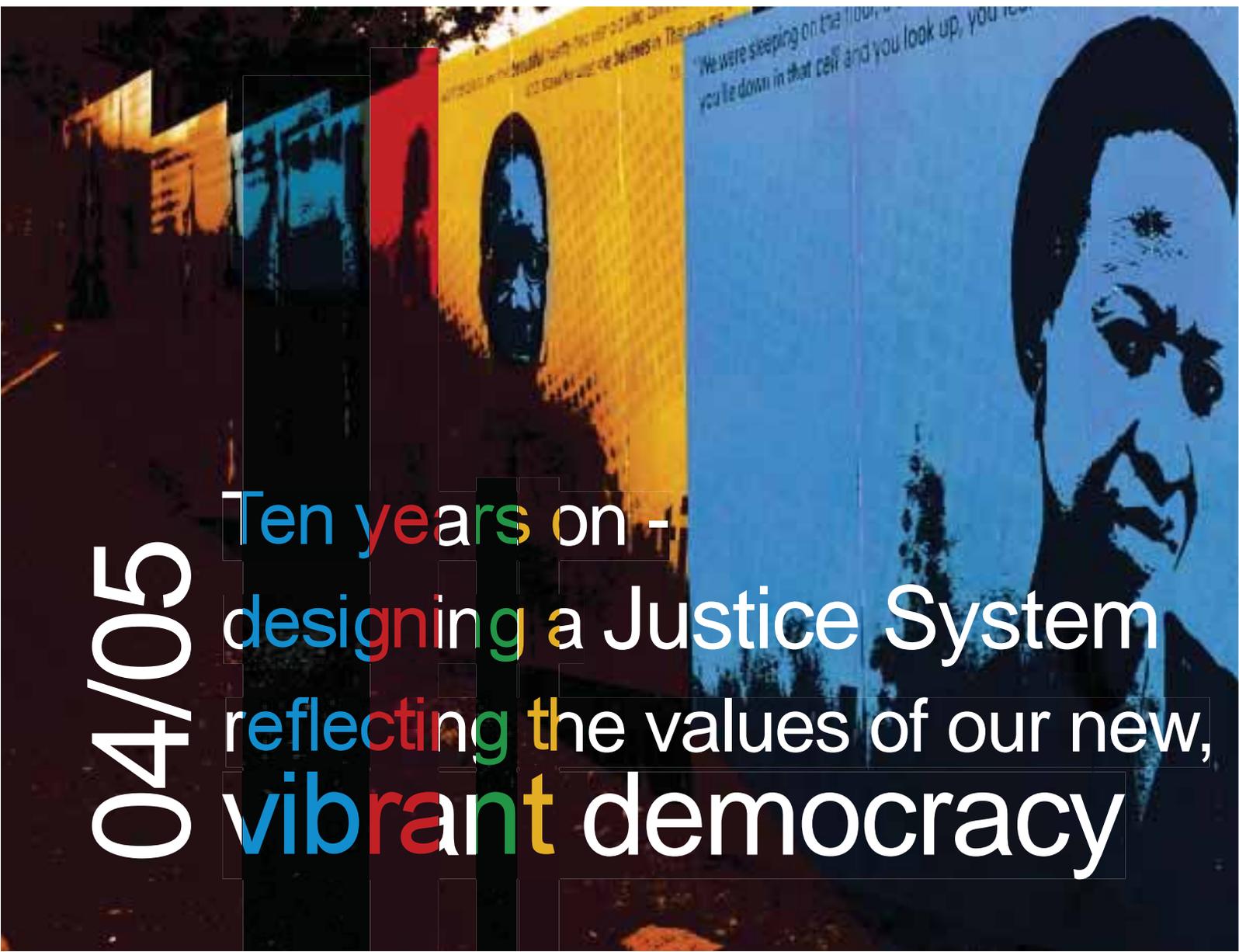
Service delivery achievements

2.10.5.2 Service delivery achievements:

Sub-programme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Judicial Service Commission				
	Appointment of judges.	Proportion of vacancies filled.	100% in 2004/05.	Achieved
Office for the Control of Interception and Monitoring of Communications				
	Control of interception and monitoring of communications.	Number of applications and directions considered.	300 in 2004/05.	Achieved
Commission on Gender Equality				
	Gender awareness programmes.	Number of individual complaints considered.		1 600 in 2004/05.
		Number of workshops, dialogues and seminars.		130 events in 2004/05.
		Number of interventions into legislation and policy formulation.		10 in 2004/05.
	Investigation of complaints.	Number of sectoral investigations.		10 in the private and public sectors in 2004/05.
Special Investigating Unit				
	Investigation of maladministration and corruption.	Evidence prepared for use in civil and criminal cases, disciplinary proceedings and other remedial action.		5 600 cases in 2004/05.
	Litigation to recover government property or money, or prevent losses.	Proportion of litigation finalised.		90% of litigation received in 2004/05.
Legal Aid Board				
	Legal representation to the indigent.	Number of cases finalised.		250 000 in 2004/05.
		Percentage decline in private sector assistance requested.		10% in 2004/05.
Public Protector				
	Investigation of complaints.	Number of investigations finalised per investigator.		National Office: 120 Regional Offices: 180
National Crime Prevention Strategy - Information Systems Management (ISM)				
	IT resources.	Number of users to receive infrastructure.	12 000 in 2004/05.	9 923 users received PCs; 8 000 users received computer-literacy training.
		Number of users connected to the network.	All users at implemented sites in 2004/05.	11 500 users are currently connected to the network.
President's Fund				
	TRC reparation payments.	Extent of reparation payments made.	Reparations paid to all victims by 31 March 2004.	Ongoing

04/05

Ten years on -
designing a Justice System
reflecting the values of our new,
vibrant democracy



Part 3:

Report of the Audit Committee



PART 3: REPORT OF THE AUDIT COMMITTEE

We are pleased to present our report for the financial year ended 31 March 2005.

Audit Committee members and attendance

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

Name of Member	Number of Meetings attended
S. A. Patterson (Chairperson)	6
K. Buthelezi (Retired 31 January 2005)	2
R. Lubisi	5
J. Noeth	6
P. Wilmot (resigned 3 December 2004)	5

Mr. Motsamai Karedi was appointed on 31 March 2005 to fill one of the vacancies arising on the Committee.

Audit Committee responsibility

The Audit Committee reports that it has complied with its responsibilities arising from Section 3(1)(a) of the PMFA and Treasury Regulation 3.1.13. The Audit Committee also reports that it has adopted appropriate formal terms of reference as its Audit Committee Charter, has regulated its affairs in compliance with this Charter and has discharged all its responsibilities as contained therein.

The effectiveness of internal control

Internal Audit functioned well during the year and generally met the objectives set out in its audit plan. The system of internal control was not entirely effective during the year under review. Common causes of significant findings reported by internal audit were:

- non-compliance with prescribed policies and procedures;
- over-riding of controls by management;
- lack of skills and use of temporary staff due to staff shortages; and
- lack of supervision and discipline, especially in the courts.

These weaknesses continue to be addressed by the Accounting Officer and his management team and a control self-assessment measure (management tool) is in the process of being introduced, designed to obviate weaknesses and monitor staff performances. Significant control weaknesses have been reported by the Auditor-General under emphasis of matter and in the management letter. In certain instances, the weaknesses reported previously have not been fully and satisfactorily addressed. The effect of these instances has been included in the Annual Financial Statements and the report of the Accounting Officer.

The quality of in-year management and monthly/quarterly reports submitted in terms of the Act and the Division of Revenue Act

The Audit Committee is satisfied with the content and quality of monthly and quarterly reports prepared and issued by the Accounting Officer and the Department during the year under review. Considerable progress continues to be made in the investigation of suspense accounts, which have built up over prior years. As a result significant irrecoverable amounts have been uncovered, which are in the process of being written off.

Evaluation of Financial Statements

The Audit Committee has reviewed and discussed with the Auditor-General and the Accounting Officer the audited Annual Financial Statements to be included in the Annual Report; and reviewed significant adjustments resulting from the audit.

The Audit Committee was unable to review the Auditor-General's management letter and management's response thereto as this was only presented to the Committee at the Audit Committee meeting held on 29 July 2005. The matters dealt with in the Auditor-General's report were, however, discussed and reviewed.

The Audit Committee concurs and accepts the conclusions of the Auditor-General on the Annual Financial Statements and is of the opinion that the audited Annual Financial Statements be accepted and read together with the report of the Auditor-General.

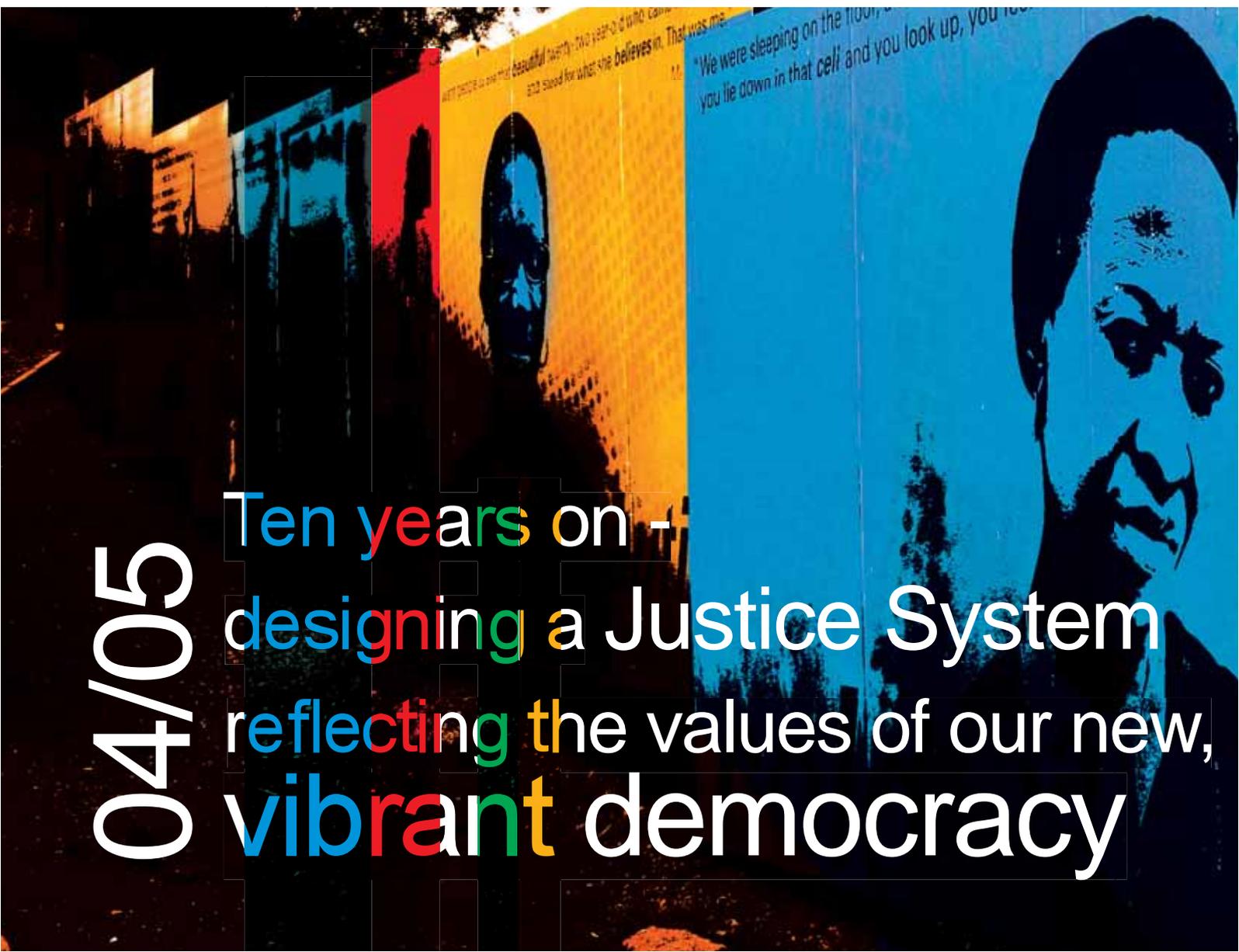


S A Patterson
Chairperson
of the Audit Committee
5 August 2005



04/05

Ten years on -
designing a Justice System
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vibrant democracy



Part 2:

Programme Performance



PART 2: PROGRAMME PERFORMANCE

2.1 Voted Funds

Appropriation	Main Appropriation	Adjusted Appropriation	Actual Amount Spent	Over/Under Expenditure
Amount Appropriated	5,054,417,000	5,054,417,000	5,005,643,000	48,774,000
Statutory Appropriation	177,083,000	177,083,000	242,093,000	-65,010,000
Responsible Minister	Minister for Justice and Constitutional Development			
Administering Department	Justice and Constitutional Development			
Accounting Officer	Director-General of Justice and Constitutional Development			

2.2 Aim of Vote

The aim of the Department of Justice and Constitutional Development (DoJ and CD) is to uphold and protect the Constitution and the rule of law and to render accessible, fair, speedy and cost-effective administration of Justice, in the interests of a safer and more secure South Africa.

2.3 Key Measurable Objectives, Programmes and Achievements

2.3.1 Key Measurable Objectives

The Department's key strategic objectives are capacitating and restructuring the courts, integrating the Justice System, catering for the needs of vulnerable groups and improving the maintenance system to relieve the pressure at the courts, thereby improving the standard of service delivery, broadening access to Justice and improving the efficiency of the NPA and its specialised Units.

2.3.2 Programmes

2.3.2.1 Programme 1: Administration

Administration concerns the development of departmental systems, strategies and policies. It includes human resource, communications and financial management and other central support services, as well as policy formulation by the Ministry and the head of the Department. This programme also provides for researching, preparing and promoting legislation related to the Department's functions. Included in this programme are advisory and drafting services to the relevant parliamentary committees dealing with changes to the Constitution and to Acts of Parliament, the administration of which is the Department's responsibility.

2.3.2.2 Programme 2: Court Services

Court Services provides for the range of services provided by all the various courts in terms of Chapter 8 of the Constitution.

2.3.2.3 Programme 3: State Legal Services

State Legal Services provides government with legal services and facilitates constitutional amendments. Activities include providing for the work of the State Attorney and State Law Advisers, as well as the Master of the High Court, and promoting, maintaining and developing the Constitution and its values by researching, developing and promoting appropriate legislation.

2.3.2.4 Programme 4: National Prosecuting Authority

The National Prosecuting Authority provides for prosecution services guided by the Bill of Rights, witness protection, particularly in serious criminal cases, and the investigation of serious, complex and organised crime.

2.3.2.5 Programme 5: Auxiliary and Associated Services

Auxiliary and Associated Services provides for services associated with the Department's aim through 11 sub-programmes. Of these, three are focused on the needs of constitutional institutions (the South African Human Rights Commission, the Commission on Gender Equality and the Public Protector) and two are Schedule 3A public entities (the Legal Aid Board and the Special Investigating Unit). The other sub-programmes advise government on the administration of Justice, give effect to the reparations policy flowing from the Truth and Reconciliation Commission, and make provision for funding political parties represented in Parliament and the provincial legislatures, among other activities.

2.3.3 Achievements

The following highlights can be reported for the year under review:

2.3.3.1 Court Services

Court Services achieved substantial successes with the continuation of the:



PART 2: PROGRAMME PERFORMANCE

- expansion of services to more rural areas and repair and maintenance of facilities;
- transforming the courts through the extension of the lay assessor system to provide for the participation of members of the community in the adjudication process; streamlining management and operations to enhance organisational efficiency in line with the *Re Aga Boswa* court management model; rationalisation of the High Courts to bring them in line with the constitutional dispensation; and the re-demarcation of magisterial boundaries to enhance access by bringing courts within the proximity of communities;
- improved monitoring and evaluation of the performance of all courts through the establishment of the Court Nerve Centre; improved case-flow management at all courts; the development of a model for a video postponement system; integration and cooperative governance on case-flow management; and automation of services at courts (connectivity, e-Scheduler, Justice Deposit Account System (JDAS), Jutastat);
- improved inter-sectoral coordination (within the JCPS and Social sector clusters);
- improved management of cases relating to specialised services to enhance court efficiency;
- improved services to the vulnerable and to women; Restorative Justice and victim assistance (through the implementation of the Service Charter for Victims of Crime); and rendering of extended family advocacy services regarding family law-related disputes; and
- rehabilitation of dilapidated infrastructure and upgrading of physical security.

Administrative support in respect of the appointment of judicial officers to the lower courts is provided by the Secretariat of the Magistrates Commission. One-hundred-and-thirty-three magistrates' posts were filled by the Minister on recommendation of the Magistrates Commission. The Secretariat dealt with 273 complaints against magistrates and 38 grievances laid by magistrates. Furthermore, 400 representations regarding service conditions were received, investigated and dealt with. The Secretariat also supported more than 30 meetings of the Magistrates Commission and its Committees, held to consider matters relating to the functioning of the Commission as prescribed in the Magistrates Act, 1993.

2.3.3.2 Information Systems Management (ISM)

The Digital Nervous System (DNS) I project has been completed successfully. The objective of this project was to provide users within the Department with the infrastructure, training and facilities to ensure departmental connectivity countrywide. Currently 11,500 users countrywide are connected to the DoJ & CD network, with e-mail, internet and legal research facilities, i.e. Jutastat.

Furthermore the DoJ & CD, in line with the statements made by the President, has standardised its project management methodology and implemented a project management and monitoring tool, namely the Enterprise Project Management (EPM) system. This project was undertaken by the ISM Branch and the system will be rolled out to National Office Branches during the 2005/06 and 2006/07 financial years.

2.3.3.3 Human Resources (HR)

Management & Leadership Development

Following the skills gap analysis survey conducted throughout the Department, basic management principles, i.e. Planning, Organising, Leading and Control, were found lacking across the spectrum of management and supervision echelons. Moreover the DoJ & CD is undergoing major transformation with regard to strategy and technology. This has therefore necessitated a new way of thinking in terms of management and leadership.

It is against this background that the DoJ & CD through its Human Resources Branch, and in particular the Learning and Development Directorate, identified a Management and Leadership Development Programme (MLDP) for its Senior/Executive Managers and Middle Managers.

Change Management Plan: R18,9 million

The purpose of this change management strategy is to assist employees to navigate through the myriad of changes that the Department is going through. In order to improve service excellence, it has become critical for the Department to align its strategy and structure. This would necessitate a Business Process Re-engineering exercise.

In terms of Resolution 7 of 2002, the Minister for Public Service and Administration has also dictated such processes of departmental restructuring. There is therefore a massive restructuring process taking place both within the Department and the Public Service as a whole. Thus the need for the development of a strategy and plan to manage the change process.

The vision of the change management programme is to assist employees to accept and embrace organisational transformation and to learn to anticipate and deal with any type of organisational restructuring without resisting it.

Modernisation of Human Resources

The strategy of the Customer Management Centre (CMC) as a support function, is to provide efficient and consistent HR administration and transactional services that meet the time and quality requirements of our clients and through this, move from a cost centre to a value entity contributing directly to the bottom-line of the organisation, where the focus is on measuring outputs and results.

PART 2: PROGRAMME PERFORMANCE

2.4 Overview of the service delivery environment for 2004/05

2.4.1 Court Services

2.4.1.1 The Service Delivery Environment

The primary responsibility of the Department is to ensure an efficient court system to enable every citizen to access Justice. Court Services manages more than 751 courts throughout the country, as well as a further 22 Justice Service Delivery Points for the delivery of specialised services relating to the State Attorney, Master of the High Court and Regional Offices, to streamline the management of the services provided at provincial and local level. The courts include the Constitutional Court, Supreme Court of Appeal, Labour Courts, Labour Appeal Court and 11 divisions of the High Court; as well as 751 Magistrates' District Court Centres (366 main offices, 51 detached offices, 104 branch courts and 230 periodical courts). Two-hundred-and-seventy (270) Regional Courts are also managed at the main offices.

In terms of access to District Courts, each of the above main, detached and branch courts serves, on average, 95,361 people. Furthermore, there is one court per 1,176 square kilometres. Providing Justice services to the people of South Africa implies:

- the establishment and maintenance of courts and other service delivery points;
- ensuring the provision of the appropriate human resource capital to the Justice Service Delivery Points, including judicial, prosecutorial and administrative staff;
- the provision of operational security; and
- effective management of the flow of cases through the court system.

One of the serious challenges facing the Department is the under funding of its personnel and crucial programmes, which makes it difficult to deliver optimum services to the public at all courts. To address this challenge, the Department has initiated a right-sizing project to properly cost the delivery of Justice for all. The process will enable the Minister to approach National Treasury to seek adequate funding to deliver optimal Justice services. Restorative Justice, including alternatives to imprisonment, is an area of transformation that remains a challenge.

The efficiency of the Justice System is dependent on a number of key factors. One of these is the ability of the courts to hear cases very quickly. The current average turn-around time for the finalisation of civil cases is 10 - 22 months. In respect of criminal cases, it is 157 days. The target in the next 3 years is 9-15 months. An effective Justice System requires that there be a significant improvement in these turn-around times.

The Department is working on a strategy to improve court efficiency. This strategy is aimed at improving the efficiency with which services

are delivered by officials in the various courts. The strategy is implemented through a programme which is referred to as *Re Aga Boswa* ("We are rebuilding"). Its focus includes the configuration of courts at district and area level to enhance access to court services and the identification of key competencies for each of the officials working in a court. Primarily, it aims at providing for dedicated court managers whose primary competence is the management of court processes. This would "free" the presiding officers from the burden of managing court processes. Instead, they will only be expected to preside over cases. The day-to-day management of court processes would be the responsibility of court managers. This would also apply to prosecutors who sometimes find themselves focusing on process management issues. The *Re Aga Boswa* programme has been implemented in KwaZulu-Natal over the last 18 months. The Department is currently evaluating the impact and benefit of the programme before its extension to other provinces. It is envisaged that the roll-out will commence in the current financial year and will be finalised during the 2007/08 financial year.

2.4.1.2 Overall Court Performance

Close on one million (996,215) new cases were placed on the District Court rolls and 81,822 on the Regional Court rolls during 2004/05. During this period, 649,284 cases were disposed of in the District Courts and 64,761 in the Regional Courts. Close on three-hundred-thousand (293,809) cases were withdrawn in the District Courts and 23,793 in the Regional Courts. At the end of March 2005 there were 185,671 cases on the outstanding court roll in the District Courts and 47,131 in the Regional Courts. Eighteen-thousand-eight-hundred-and-five (18,805) cases were diverted in the District Courts and 298 in the Regional Courts. The average conviction rate was 87% and 70% respectively.

The period under review showed an increase in the number of cases outstanding on the court rolls. For various reasons, cases are taking longer to finalise; for instance, an accused's right to legal aid leads to postponements when legal aid representatives have to be appointed; and cases involving forensic evidence have a particularly long cycle time, since there is an eight-month backlog in the finalisation of forensic analysis.

Outstanding court rolls in the District Courts increased from 139,459 cases (or 134 cases per court room) at the end of March 2004 to 158,120 (151 per court room) at the end of March 2005. Outstanding court rolls in the Regional Courts increased from 44,930 (98 per court room) as at the end of March 2004 to 46,889 (100 per court room) as at the end of March 2005.

Close on 2,400 (2,347) new cases were placed on the High Court rolls during the reporting period. On average, 72 High Courts sat every month, and a total of 1,418 trials were completed. A conviction rate of 85% was achieved, and the outstanding roll stood at 1,117 cases at



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the end of March 2005. Only 5% of High Court cases are older than 12 months.

2.4.1.3 Services to the Public

Small Claims Courts

In keeping with the departmental objective of increasing access to Justice in rural areas, three Small Claims Courts were established in rural areas in 2004/05, namely in Aliwal North (also incorporating the areas of Jamestown and Lady Grey), Idutywa (also incorporating the area of Willowvale) and Richmond in the Northern Cape. To date, a total of 156 Small Claims Courts have been established, while 129 Commissioners for Small Claims and 27 Advisory Board members have been appointed.

The increased jurisdiction from R3,000 to R7,000 effected from 1 April 2004 has led to more claims being brought to the Small Claims Courts. In excess of 113,000 enquiries from the general public relating to small claims were dealt with during 2004 by courts throughout the country. Furthermore, more than 12,800 litigants were referred for legal assistance, 26,114 summonses were issued and 23,424 trials took place in Small Claims Courts across the country.

The biggest challenge facing the Department is the attraction of more Commissioners to preside in Small Claims Courts in rural areas and townships. This is due to logistical problems such as inaccessibility of some areas and the long traveling distances involved. Insufficient funding has contributed to the slow pace in the roll-out of the Small Claims Courts and the inability to provide some form of a stipend for Commissioners, who provide the service as part of community service and on a voluntary basis.

The Law Society of South Africa is in the process of introducing the *pro bono* system for Small Claims Commissioners, in all nine provinces. The Cape Law Society, Law Society of the Northern Provinces and the KwaZulu-Natal Law Society have already indicated that their members will participate in the *pro bono* system by making themselves available for appointment as Commissioners for Small Claims.

Re-demarcation of magisterial districts

One of the key elements of access to Justice is the re-demarcation of the magisterial districts to align them with the service delivery points of the Departments within the Justice Crime Prevention and Security (JCPS) cluster. This will ensure that courts are aligned with police stations, prisons and social welfare centres, for purposes of coordination of services and proper management of cases. The re-demarcation process is also used to correct some of the pre-1994 demarcations of magisterial districts, which were drawn in accordance with the Homelands system and thereby denying access to certain courts to the majority of citizens, by virtue of the homeland citizenship. The process will result in some of the areas in the townships and rural areas to be proclaimed as seats of the main court within a particular district, to ensure equitable distribution of resources. Areas which will

be proclaimed as main seats of the district or sub-district of the main district, include Soweto and Mamelodi, which are traditionally served by main courts in their cities.

The re-demarcation of magisterial districts will have a huge impact on other Justice-related services. The establishment of main seats in the townships and rural areas will enhance access to private legal representation and sheriffs' services. As these practitioners will be forced to take services to those areas.

Monies in Trust

A separate Annual Report on Monies in Trust has been compiled and is tabled together with the Department's Annual Report.

Family Law-related matters

A Family Court Project has been initiated to address the following three broad aims, namely to:

- give wide and specialised protection and assistance to the family as the fundamental unit in society;
- bring about access to Justice for all in family disputes; and
- improve the quality and effectiveness of service delivery to citizens who have family law disputes.

Certain strategic priorities have been identified to give effect to the abovementioned aims, together with a practical implementation plan. The area of maintenance has been prioritised in the lower courts. Although there are still major challenges facing the delivery of services with regard to maintenance payments, there has been some improvement in certain respects. The automation of the maintenance processes and appointment of Maintenance Investigators have also brought some relief.

The greatest challenge to date is that of a lack of human resources: In a number of courts, family law matters are dealt with by temporary staff. The aim in the new financial year is to employ permanent staff.

In relation to the Children's Court component of family law, the duties and functions of the Children's Courts have been extended drastically to include various Restorative Justice options. The Department of Social Development has begun the process of costing the Children's Bill. Consultants appointed by the said Department are involving Justice officials who work in the Children's Courts in the process. Training of court officials will be a priority for the implementation of the Bill once it has been passed by Parliament.

The Family Advocate, assisted by family counsellors, report to the court, participate in litigation/mediation and make recommendations that will serve the best interests of minor/dependent children in cases where there are legal disputes regarding custody, access and guardianship.

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Following the promulgation of the Judicial Matters Second Amendment Act on 31 March 2005, the Family Advocates' services have been extended to include domestic violence and maintenance matters. Additional Family Advocates have been appointed in previously disadvantaged and rural areas. The statistics for the Chief Family Advocate's Office for the period 1 April 2004 to 31 March 2005 indicate the following:

Function	Numbers
High Court Documentation Scrutinised	26,040
Divorce Court Documentation	14,162
Settlement Agreements Scrutinised	10,331
Inquiry Requested By Parties	5,584
Inquiries Initiated by Family Advocate	1,030
Inquiries by Court Order	13,482
Parties reconciled	477
Inquiries finalised	7,625
Inquiries pending	7,488
Incoming mail	32,451
Outgoing mail	39,190
Inquiries of Special Divorce Court	4,017
Follow-up Inquiries	133
Supplementary Reports	37
Parties settled/mediations	194

The Chief Family Advocate has been designated as the Central Authority in International Child Abduction matters, in terms of the Hague Convention on the Civil Aspects of International Child Abduction, Act 72 of 1996. Applications for the return of children to signatory countries, as well as access applications are litigated by the Family Advocate with the assistance of the State Attorney in the various tiers of the High Courts of South Africa. The statistics for such cases are as follows:

Applications	Number
Total Applications	44
Return Applications	40
Access Applications	4
Total Cases Finalised	31
Total Cases Pending	13

Through ratification of the Hague Convention, the number of countries contracting with South Africa in respect of this Convention has increased to 30. A further seven countries contracted with South Africa through accession. (Mauritius will be added to this list during 2005.)

One-Stop Child Justice Centres and Child Justice Bill

The Child Justice Bill, 2002 (No. B49 of 2002) will empower the Minister, in consultation with other relevant Ministers, to establish and maintain One-Stop Child Justice Centres. As a parallel process, the Department has already started developing inter-sectoral coordination and monitoring of services to children accused of crimes and children awaiting trial, in order to divert them from the mainstream criminal justice system.

The Inter-sectoral Child Justice Steering Committee, under chair of the Department, is monitoring statistics on Children Awaiting Trial in order to facilitate the fast-tracking of such cases through the criminal justice system. This has resulted in the approximately 2 500 children awaiting trial in correctional centres in 1998 being reduced to 1 290 in June 2005. The National Prosecuting Authority has been requested to establish Case Review Task Teams to screen cases involving Children Awaiting Trial at places where there is overcrowding and to prioritise such cases, in particular those awaiting trial for longer than three months. The Western Cape has established a Child Justice Forum, which, amongst other things, monitors the issue of Children Awaiting Trial.

Three One-Stop Child Justice Centres are now operational. The two in Bloemfontein and Port Nolloth were established by the Department of Social Development, whilst for the one in Port Elizabeth, existing accommodation was refurbished by the DoJ and CD. Following a workshop held with all national and provincial role-players in February 2005, guidelines for the establishment of such centres are in the process of being finalised.

Funds were provided in the 2003/04 and 2004/05 financial years for the move of Stepping Stones One-Stop Child Justice Centre in Port Elizabeth, to Nerina Place of Safety, and for its refurbishment. The Department has requested roll-over of funds which could not be utilised in the 2004/05 financial year, to complete the refurbishment process in 2005/06. The site of the Centre in Port Elizabeth has been secured by the building of a three-metre perimeter wall.

Children accused of crimes and children awaiting trial need to be **diverted from the mainstream** criminal justice system



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Planning has been carried out for the roll-out of at least one centre for each province by 2007, once the policy for such centres has been developed and approved by the Ministry. Centres at Cape Town and Klerksdorp will be established during the next phase.

Maintenance Investigators

During the period under review considerable progress was made towards addressing the maintenance backlog. One of the success factors was the appointment of Maintenance Investigators in all nine provinces as part of the implementation strategy for the Maintenance Act, 1998 (Act No. 99 of 1998). One-hundred-and-fifty-four (154) permanent maintenance investigators have been appointed and trained. The policy for the appointment of Maintenance Investigators as Public Servants was approved by the Minister on 9 March 2004. Training for Maintenance Investigators, Maintenance Clerks and Maintenance Officers is ongoing. Maintenance Guidelines for Magistrates were developed in collaboration with the Lower Court Judiciary. To further assist with maintenance matters, 355 clerks were appointed on a temporary basis in the 2004/05, financial year, while the staff establishments of Family Courts are being finalised.

The positive impact of the appointment of Maintenance Investigators has increased access to Justice for women and children. Statistics indicate a reduction in maintenance case backlogs and a gradual reduction in cycle times for maintenance cases. Previously, the finalisation of maintenance matters under investigation was characterised by a long delay of up to a year. With the appointment of the initial 56 Investigators in 2003/04, this period was reduced to almost three months. The appointment of the additional 72 Maintenance Investigators has seen the cycle time being further reduced by two months. A further benefit has been the expedition of tracing of maintenance defaulters and the location of hidden assets.

District courts throughout the country dealt with in excess of 350,000 maintenance complaints in 2004. Close on 150,000 formal inquiries were held and more than 43,000 maintenance cases were prosecuted. A total of 57,000 orders to employers were made for the deduction of maintenance monies and 58,000 cases were finalised through mediation.

Domestic Violence

Various workshops for Magistrates were held to ensure uniformity in the implementation of the Domestic Violence Act. Inter-sectoral Guidelines were developed and issued by the National Prosecuting Authority and non-governmental organisations (NGOs).

Prioritisation of Sexual Offences Cases

Special measures have been introduced to improve the management of sexual offences cases, some of which include the strengthening of the Prosecution handling sexual offences and the installation of CCTVs in the courts where these matters are heard. Two well-trained prosecutors are assigned to every court dedicated to deal with sexual

offences cases and this has led to improved conviction rates for such offences.

Fifty-three courts have been dedicated to hear sexual offences cases and also to lessen secondary victimisation of victims of crime. The conviction rate in the Sexual Offences Courts has improved to an average of 64% as compared to 48% for similar cases heard in normal Regional Courts. Case turn-around times have decreased from an average of 285 days to 142 days. A strategy has been developed to extend the best case management practices learnt from the 53 dedicated Sexual Offences Courts to all other courts, to improve the quality of services of the courts. This will be preceded by an audit to find ways of sustaining the benefits derived from the measures. The main objective is to ensure that all Regional Courts are capacitated in terms of appropriately trained prosecutors and equipped facilities to handle prioritised cases.

A Court Preparation Manual for Children, researched by the University of Port Elizabeth and funded by USAID, was implemented in two pilot areas, namely Port Elizabeth and environs and Nelspruit. The Manual provides for the preparation of children appearing in sexual and child abuse cases and provides support to obtain testimony. The Manual was handed over to the Department, which is considering the roll-out of the Programme.

In the 53 courts dedicated for sexual offences, the efficiency of the courts has improved in that the conviction rate has increased to an average of 64% as compared to 48% for similar cases heard in normal Regional Courts. Case turn-around times have decreased from an average of 285 days to 142 days. The Department is working on a strategy to extend the best practices learnt from the 53 dedicated courts to all Regional Courts. This will be preceded by an audit to find ways of sustaining the benefits derived from the measures.

Additional accommodation has been provided in the form of mobile Units to enable Regional Courts to cope with the increasing workload at Witbank, Secunda, Port Shepstone, Mankweng, Alberton, Orlando and Lutzville.

Equality Courts

The Department is committed to continuously raise public awareness on the constitutional right to equality and human dignity, and the legal and constitutional remedies and instruments that are available for the realisation of those rights. This includes working in collaboration and cooperating with institutions supporting constitutional democracy, other state departments and local authorities, non-governmental and community-based organisations and other organs of civil society. To meet this objective, the Department aims to ensure that Equality Courts operate effectively and efficiently in redressing inequalities in society.

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Equality Courts have been designated at 220 Magistrates' Courts and more than 900 magistrates have received training on equality matters. Clerks at most of the designated courts have been trained on the completion of the necessary forms in order to assist complainants when they lay complaints. Resources such as furniture, equipment and stationery have also been provided to the 220 courts.

Implementation of the Service Charter for Victims of Crime

The Charter has been approved by government and an implementation plan has been developed by the Gender Directorate in the Office of the Director-General. The Charter is an outcome of contributions from a multiplicity of role-players. From the courts' perspective the Charter is a vital tool to respond to the needs of victims of any court or legal process. As part of the Service Charter, the front-line service staff are being trained to be sensitive to victims' needs and to adhere to *Batho Pele* principles in their day-to-day engagement with victims of crime. Toll-free numbers are being planned around provinces to respond promptly to enquiries from victims. The capacity of the courts is being reviewed as part of the *Re Aga Boswa* roll-out for the effective implementation of the Charter.

2.5 Overview of the organisational environment for 2004/05

2.5.1 Human Resources (HR)

The Department experienced only one major strike during the course of this financial year. The Court Interpreters (total 358) strike had an impact on the running of the courts, by creating a backlog on the court roll due to the fact that most of the cases had to be remanded. However, the Department implemented its contingency plan to temporarily substitute striking employees. The Department lost 358 working days amounting to R512,000.

The number of corruption cases involving Justice officials can be divided into sub-categories, namely 32 fraud, 46 theft and 9 corruption. The increased caseload impacts on the already overburdened court rolls. In some cases it means loss of state money. It also has a large impact on the operational costs regarding transport and subsistence. The Department is losing capacity and time in the investigation of these various cases and the image of the Department is further negatively perceived.

2.6 Strategic overview and key policy developments for the 2004/05 financial year

2.6.1 Court Services

A number of major policy and strategic developments were implemented in 2004/05 in the courts. In some instances, the policy changes are occasioned by legislative developments.

2.6.1.1 Review of the Criminal Justice System

This is a Justice Crime Prevention and Security cluster initiative and has as its objective:

- the identification of blockages and recommendation of remedial steps in the management of cases and accused persons from arrest, through to prosecution, adjudication, incarceration/diversion and reintegration into society;
- identification of capacity needs for an effective criminal justice system in relation to financial and human resources, coordination and cooperation mechanisms, and information;
- assessment of impact of legislation on the efficiency of the system such as overcrowding of prisons; and
- establishment of model for monitoring and evaluation of the effectiveness of the entire criminal justice system.

Cabinet has approved the terms of reference for the review and the identification of persons to conduct the review will be finalised shortly. It is envisaged that the review will be completed in the 2006/07 financial year.

2.6.1.2 Transformation of the Justice System

The Justice system is one of the most important pillars of our democracy. The courts and their proper functioning are therefore crucial to our society. Much still needs to be done for the Judiciary to reflect broadly the racial and gender composition of South African society. Of the 204 judges on the bench, 76 are black and 23 are women. In the Magistracy, of the 1,822 magistrates, 919 are black and 524 are women. Three judges and 16 magistrates have a disability. Judicial education is one of the critical tools for fast-tracking the transformation of the bench. The Department has provided funds to implement a special programme to fast-track the appointment of more women to the bench. The Chief Justice and Judges President have given their support for the programme, which will be implemented after its approval by the Heads of Courts at their meeting scheduled for October 2005.

In addition to the measures being undertaken to strengthen the Justice College, a special programme to fast-track the appointment of women to judicial positions will be introduced in the 2005/06 financial year. The programme will draw a number of women who will receive practical judicial training. After their successful completion of the programme, they will be eligible for appointment to the bench.

The Department has made some progress towards the establishment of a single Judiciary. This will result in judges and magistrates being regulated by uniform norms and standards, while preserving the hierarchical make-up of the High and lower courts. The promulgation of the Judicial Officers Amendment Act this financial year, which provides for the determination of salaries of magistrates by the President on the advice of the Independent Commission on the Remuneration of Public Office Bearers, has enhanced the independence of the Magistracy. From April 2005 salaries of magistrates, like that of judges, constitute a direct charge against National Revenue, separate from the budget of the Department. The Superior Courts Bill provides for the Chief



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Justice to assume the leadership role over the entire Judiciary, including magistrates. This will ensure judicial accountability.

The extension of the lay assessor system to some regional courts in Gauteng, the Western Cape and Eastern Cape continues to increase public participation in judicial processes. This initiative will narrow the bridge between the Judiciary and the community it serves and will demystify judicial processes for easy comprehension by the public at large.

2.6.1.3 Modernisation of the Courts

Significant progress has been made in terms of the technological modernisation of courts. The e-Scheduler forms part of the Court Roll Management Programme and is a tool to facilitate the scheduling of court rolls. It has been successfully rolled out to 46 identified sites. The system replaces the manual Case Roll Management System and 23 other courts have been targeted for deployment during this budget cycle.

The Court Nerve Centre is being capacitated to ensure effective information management. It will become the nodal point for information management within the cluster to give decision-support regarding regular interventions required at the courts, performance trends and budget allocation per court.

Video postponements (piloting in KwaZulu-Natal (KZN)): The development of this system will alleviate security risks in terms of escapes and danger to officials, as well as saving resources and relieving the administrative burden of transporting awaiting-trial detainees to and from courts. This system is scheduled to be up and running in the Durban and Pinetown Courts connected to Westville Prison during October 2005. It will be used for awaiting-trial cases and exclude juvenile cases. Local stakeholders in the province are on board.

2.7 Departmental revenue and expenditure, and other specific topics

2.7.1 Collection of departmental revenue (R'000)

	2001/02 Actual	2002/03 Actual	2003/04 Actual	2004/05 Target	2004/05 Actual	% deviation from target
Sale of goods and services produced by the Department (excl. capital assets)	1,504	2,291	2,864	2,550	11,161	338
Fines, penalties and forfeits	2,729	2,577	1,527	2,868	90,573	3,058
Interest, dividends and rent on land	54,717	52,643	23,361	58,593	29,080	(50)
Sales of capital assets (Capital Revenue)	179	99	303	110	5	(95)
Financial transactions (Recovery of loans and advances)	20,838	53,564	153,214	60,432	42,497	(30)
Total departmental receipts	79,967	111,174	181,269	124,553	173,316	39

2.7.2 Departmental expenditure (R'000)

Programmes	Voted for 2004/05	Roll-overs and adjustments	Virement	Total voted	Actual Expenditure	Variance
Programme 1: Administration	565,640	-	13,780	579,420	579,419	1
Programme 2: Court Services	2 363,571	-	-72,407	2,291,164	2,274,216	16,948
Programme 3: State Legal Services	225,037	-	-2,353	222,684	222,684	-
Programme 4: NPA	1,146,559	-	55,700	1,202,259	1,170,435	31,824
Programme 5: Auxiliary and Associated Services	753,610	-	5,280	758,890	758,889	-
Total	5,054,417	-	-	5,054,417	5,005,643	48,774

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2.7.3 Virement

Details of savings on programmes were as follows:

- Programme 2: Court Services
R16,948 million earmarked for capital expenditure, relating to the Rights of Vulnerable Groups and Upgrading of Infrastructure Projects, remained unspent at the financial year-end due to delays in the finalisation of these projects. The Department has submitted a request to National Treasury to roll over the unspent funds.
- Programme 4: National Prosecuting Authority
R31,824 million earmarked for Government Garage Travel and State Information Technology Agency (SITA) accounts, remained unspent at the financial year-end due to delays in the finalisation of these projects. The Department has submitted a request to National Treasury to roll over the unspent funds.

2.8 Transfer payments

Transfers were made to various entities listed below. These entities also receive income from other sources:

Entity	Amount Transferred R'000	Estimated Expenditure R'000
South African Human Rights Commission	37,653	37,653
Commission on Gender Equality	21,390	21,390
Special Investigating Unit	37,194	37,194
Legal Aid Board	390,525	390,525
Public Protector	49,160	49,160
President's Fund	1	1
Represented Political Parties' Fund	70,652	70,652
TOTAL	606,575	606,575

2.9 Capital investment, maintenance and asset management plan

2.9.1 Capital Investments

Court Services

An amount of R244 million was spent on capital projects during the year under review. This figure represents a 100% spending of the budget, which is the result of continuous careful planning.

There are currently 199 capital building projects in progress – the most significant of these are the following:

Project	Expected Completion date
• Benoni (additional accommodation)	30/08/05
• Madadeni (new court building)	30/06/06
• Motherwell (new court building)	01/12/06
• Nerina Place of Safety in PE (refurbishment of Child Court Centre)	31/03/06
• Randburg (new court building)	30/08/05
• Polokwane (refurbishment of old magistrate's court building as accommodation for permanent circuit of the High Court)	31/01/06
• Supreme Court of Appeal (additions)	01/06/08
• Ceres (additional accommodation)	30/08/05
• Pretoria North (new building)	30/07/05
• Atteridgeville (new building)	30/04/05



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The following projects are scheduled for tendering and commencement of construction during the next financial year:

- Daveyton (new court building)
- Tsakane (new court building)
- Kagiso (new court building)
- Colesberg (new court building)
- Ekangala (new court building)
- Stanger (additional court accommodation)
- Pietermaritzburg (additional court accommodation)
- Butterworth (additional court accommodation)
- Mitchells Plain (additional court accommodation)
- Pietermaritzburg (building for Master)
- Soekmeaar (alternative accommodation)
- Cape Town (accommodation for the Serious Commercial Crime Court)
- Klerksdorp (Child Court Centre)

The current maintenance backlog is due to the unavailability of funds and many years of neglect. The majority of the buildings in which the Department's offices are accommodated, especially the magistrates' offices, have not been properly maintained. The Department, in conjunction with the Department of Public Works (DPW), has developed a specialised approach for the repair and maintenance of these facilities. A Repair and Maintenance Programme (RAMP) was embarked upon in August 2001 to repair and maintain court buildings.

RAMP: Project progress as at 31 March 2005

Province	Projects in maintenance phase	Projects in repair phase	Projects on tender/in tender adjudication phase	Projects in planning/design phase	Status Quo surveys in progress	Other	Total
Eastern Cape	6	4	-	-	7	-	17
Free State	-	2	-	-	5	-	7
Gauteng	-	1	1	1	1	-	4
KwaZulu-Natal	11	5	-	2	5	3	26
Limpopo	3	2	-	3	6	1	15
Mpumalanga	1	3	-	-	6	1	11
Northern Cape	1	-	-	-	5	-	6
North West	4	3	1	-	7	3	18
Western Cape	-	-	-	1	1	-	2
TOTAL	26	20	2	7	43	8	106

Note:

1. The 40 projects in the *Status Quo* phase are to be funded from the R50 million allocation. In the next financial year a further 26 court buildings will be repaired and maintained. An additional amount of R50 million has been allocated to cater for another 40 court buildings, whilst additional allocations of R50 million in 2006/07 and R61 million in 2007/08 will greatly enhance the further implementation of the programme.
2. Developments in relation to the accessibility of all court buildings for the physically disabled are expected to impact on the Department's current expenditure. This is a national project driven by the Department of Public Works in collaboration with the Department. The programme is supposed to be funded by the Department of Public Works. However, if funds are not available, National Treasury will be approached for assistance.

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2.9.2 Maintenance

Court Services

The normal maintenance of court buildings is undertaken by the Department of Public Works (DPW) and funded from its budget for planned maintenance. An amount of R73,830,404 on DPW's budget was allocated to the Department for planned maintenance, of which an amount of R69,135,254 was spent – representing a 12,6% under-spending. In addition, an amount of R11 million was spent on minor, urgent repairs and day-to-day maintenance at sub-offices countrywide.

Good progress has been made in addressing the maintenance backlog during the year under review, with the backlog becoming smaller. However, more funds are needed so as to ensure that real progress is made and maintained.

2.9.3 Asset Management

The majority of the computer equipment was purchased to fulfil the needs of the various Information Systems Management (ISM) projects, especially the Digital Nervous System (DNS) project. A large number of computers and printers have also been procured for the roll-out of the procurement (JYP - Justice Yellow Pages), Basic Accounting System (BAS) and asset management programmes initiated by the Office of the Chief Financial Officer (CFO).

The increase in the furniture and office equipment account in the Annual Financial Statements is mainly due to the supply of equipment to the new and refurbished courts.

The Department undertook an Asset Management Project, which entailed the development of a new computerised system, namely Justice Asset Management (JAM). Details on assets that should be scrapped will only be available after the completion of the Asset Management Project. The new system is a comprehensive package and ensures compliance with laws and regulations, the grading of assets and suppliers; and alignment of physical assets and location with the financial records. Full implementation of the project is at an advanced stage, with all assets having been tagged with anodised aluminium barcode tags and the details having been captured to the system database. All records have been sent to all the offices nationally for final verification. The next step will be the assessment of fair value of all existing assets and the ongoing capture of new acquisitions.

The state of the Department's capital stock is part of the abovementioned project and will only be available after the completion of the project.

The implementation of commitment accounting and electronic authorisations will be taken forward to the next financial year on a national level.

No new projects for asset management are planned for the coming year. The development of an interface between the Asset Management System and the financial system has now been completed and has been signed off by the BAS section at National Treasury. The roll-out and implementation of these processes on a national level are under way and will be completed during the new financial year.

All purchase requests that will require a tendering process will automatically be triggered by the new Asset Management System, which will ensure compliance with tendering procedures.

2.10 Programme Performance

2.10.1 Programme 1: Administration

Purpose: To manage the Department, develop strategies and policies and do research, including improving legislation.

2.10.1.1 Service delivery objectives and indicators:

Office of the Director-General

The Office of the Director-General comprises the Chief Directorates whose main function is to give strategic support to the functioning of the Office in respect of departmental policies, strategy, security, risk management and governance processes and practices. The Chief Directorates constituting the Office of the Director-General are as follows:





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Policy, Research, Coordination and Monitoring

The main function of this component is to monitor the implementation of departmental policies to ensure observance to and compliance with national and international policies. The component is also responsible for maintaining transformation activities in the Department, including the advancement of gender equality. This function is driven by the Gender Unit, which is tasked with the development, implementation and review of gender equity policies and programmes.

In respect of Gender Affairs, a highlight was the convention of the Gender Indaba, which resulted in the constitution of a task team to advise on matters such as Coordination, Advocacy, Public Education, Research, Monitoring and Evaluation and Capacity-building. The task team will submit its first report during 2005/06.

This year also saw the development of the Service Charter for Victims of Crime and the Minimum Standards on Services for Victims of Crime. This Service Charter has been approved by Cabinet and is currently being implemented.

The Policy component also facilitated the development of the Equality Implementation Project. The project focused on the development of a model for the implementation of legislation, using the Promotion of Equality and Prevention of Unfair Discrimination Act as a blueprint. The model also focused on streamlining gender issues into all departmental activities.

Strategy, Monitoring and Evaluation

This component is responsible for the facilitation, coordination and monitoring of the departmental strategy management process to ensure the implementation of programmes and action plans at branch level, in order to achieve the strategic priorities of the Department.

The Strategic Scoping of the Department was based on a Strategic Plan that was developed, discussed, adopted and widely communicated within Branches over the preceding year. Discussions were predicated on the (then) two pillars of the Strategy: Access to Justice for All, and Transformation of Justice services. Another important discussion point was the strategic placing of Constitutional Development in the Department.

TECHCOM Oversight

In order to assist with and to ensure inclusivity on the strategic management (development, implementation, monitoring and evaluation) of the Department, the Chief Directorate created a Technical Committee (TECHCOM) to be a sub-committee of the Executive Committee (EXCO). Members were drawn from each Branch and were tasked with assisting the Deputy Directors-General (DDGs) with the Strategic Management of each Branch, inasmuch as the Chief Directorate: Strategy assisted the DG with the Strategic Management of the Department. TECHCOM assisted with decision support for the Senior

Management Forum, for EXCO and for other Strategic Forums of the Department. It was through TECHCOM that Business Plans, Action Plans and Performance Contracts were aligned. TECHCOM members were responsible for the compiling of Quarterly Reports within Branches and the management of Branch *Makgotla*.

Communicating the Strategy

The Chief Directorate (Strategy Unit) determined that a key aspect of the implementation of the strategy is its universal understanding by all employees of the Department. Consequently the Unit embarked upon a tour of communicating the strategy to the Department. In the previous year the emphasis was on Head Office and on the Key Strategic Forums of the Department. The following year (the year presently reported on) the emphasis shifted to regions. In the discussions there were three considerations, namely: communicating the Strategy; testing its correspondence to the everyday experience of officials; and elementary training on strategy development and on compiling Business and Action Plans, as well as Quarterly Reports.

Security and Protection Services

This component is responsible for providing security and protection services to offices and personnel and to ensure that the security measures within the Department comply with National Policy requirements. It is also responsible for formulating and implementing departmental security policies. The focus of the Unit is on providing guarding services to property, assets and personnel; to provide cash-in-transit services and to provide static security through the installation of security equipment, alarms and improvement on physical security infrastructure.

Internal Audit

The Department maintains an Internal Audit Unit and its main responsibility is to provide consulting and assurance services to management and the Audit Committee on risk management, controls and governance processes. The Unit has adopted a risk-based auditing approach and methodology and has a charter, a three-year strategic plan and an annual plan which drive its audit operations to ensure that all material risks which could impede the achievement of the Department's strategic objectives are mitigated on a continuous basis; and also ensuring that the Department receives adequate audit coverage.

The Unit reports administratively to the Accounting Officer and functionally to the Audit Committee. Throughout the year, the Audit Committee has relied on the assurance services provided by the Unit and this, together with the reviews done by the Office of the Auditor-General, has served as a basis for the Audit Committee in developing its report on the Annual Financial Statements of the Department.

Internal Audit Operations

The Unit's annual operations are based on the internal audit annual plan, which is developed with the objective to provide assurance on

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the identified areas of focus. During the year, internal audit was able to complete more than 98% of the annual audit plan as approved by the Audit Committee.

During the year the Unit provided advisory services to management on establishing a control self-assessment framework for Court Services, aimed at ensuring that all identified common risks and control weaknesses at courts are addressed on an integrated and structured basis. The Unit has also facilitated the implementation of risk management processes within the Department.

Internal Audit: Forensic Audit Unit

A forensic audit section was also established within the Unit during the year under review as one of the Department's instruments to prevent and fight fraud and corruption. Donor funds were secured to assist the Unit in ensuring capacity-building. Since establishment, it has investigated a variety of matters, some resolved and others in various stages of completion.

Justice College

The Justice College is the Department of Justice and Constitutional Development's official training institution for magistrates, prosecutors, interpreters and other court officials, for both compulsory pre-appointment, as well as voluntary post-appointment training. The Justice College ensures that departmental officials are well-trained, professional and sensitive to people's different cultural, race and gender experiences, and respectful of everybody's dignity and human rights.

In addition to providing functional legal training to officials of the Department, the approach of the Justice College to the development of a human rights culture in South Africa has been to integrate references

It is imperative that the **Judiciary** should benefit from a **broad transformation process**, starting with making it **more representative** in terms of gender, race and cultural traditions

to the Constitution of the Republic of South Africa, constitutional values, human rights and social context issues in all courses offered by the College.

The training programmes are designed on the basis of systematically identified training needs of magistrates, prosecutors, Master's Office personnel, clerks and other occupational groups within the Department.

During this financial year, 175 courses were presented by the Justice College. These courses, in conjunction with *ad hoc* training provided, reached 7,241 people. The distribution of courses provided and the number of people trained are as follows:

Course	Number Trained
Prosecutors	960
State Advocates	132
<i>Ad hoc</i> : Additional prosecutors, members of the South African Police Service (SAPS) and various other Departments	766
Acting Magistrates	87
Magistrates	488
Clerks of Civil Court	493
Acting Magistrates Seminar	87
Magistrates Decentralised Courses	176
Regional Magistrates Seminars	54
Acting Regional Magistrates Seminars	40
<i>Ad hoc</i> : Additional Courses presented to members of SAPS and other organisations	1,437
Family Law Training	841
Interpreters Courses	203
Interpreters In-service Training	878
Masters Training	516
Masters <i>Ad hoc</i> Training Courses	83
TOTAL	7,241



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In addition to the latter training activities, subject matter experts at the College (lecturers) render a telephone advisory service to a number of occupational groups in the Department, including (but not limited to) magistrates, prosecutors, clerks of the court and court interpreters.

This College also provides extra-departmental training in response to requests received from other government departments, and a number of Southern African Development Community (SADC) governments. No costs are incurred by the Department in this regard as these extra-departmental and cooperative training activities are financed by the relevant departments and governments.

Although adequate funds have been allocated to the Justice College to meet the travel, accommodation and subsistence costs of all delegates attending courses during the 2004/05 financial year, it is clear that there is an ever increasing demand for training.

The continued successful utilisation of the Justice College as the official training institute of the Department depends entirely upon the budgetary support received from the Department. Requests for more training interventions, *inter alia* due to the passing of new legislation, can successfully be addressed if the College continues to receive adequate financial support from the Department.

Part of the transformation of the Justice College is the extension of judicial education to all judicial officers (judges, aspirant judges and magistrates). This exercise will ensure that training is extended to other staff within the Justice family such as court managers, maintenance officers, State Attorneys, Family Advocates, Masters and Prosecutors. An audit of the College is being conducted to identify capacity needs and areas for improvement.

Legislative and Constitutional Development

Chief Directorate: Legislative Development

Mainly due to the elections held in April 2004 and the concomitant shortened parliamentary session, the legislation introduced into or passed by Parliament was limited. However, work continued on the preparation of primary and subordinate legislation during the year under discussion, and a number of Bills and sets of regulations have reached an advanced stage of preparation.

Six Bills deal with the rationalisation of the Superior Courts and the Judiciary, four of which are already before Parliament and have been the subject of intense deliberations in the Portfolio Committee on Justice and Constitutional Development. The Department has given effect to the numerous requests of the Portfolio Committee by amending some of these Bills considerably. However, because of the import of this draft legislation and the sensitivity relating to them, they have been subjected to further intensive consultation with role-players. Although it was planned to have them much further advanced in the parliamentary process at this stage, the slower than expected progress is justified in order to ensure their smooth implementation and application.

Secondly, the Criminal Law (Sexual Offences) Amendment Bill, the aim of which is to revise the law dealing with sexual offences, is also pending before the Portfolio Committee. It too has been the subject of intense deliberations in Parliament and has been amended considerably by the Department at the request of this Committee.

As with the above six Bills, the Department was unable to reach a more advanced stage in the parliamentary process as it had planned, but again every effort is being made to ensure that the Bill's eventual implementation and application will benefit the victims of sexual offences, particularly women and children. (The Compulsory HIV-Testing of Sexual Offenders Bill, which is also pending before the Committee, has been incorporated into the aforementioned Bill). The remarks in respect of this Bill apply equally to the Child Justice Bill, the aim of which is to establish a separate criminal justice system for children in trouble with the law.

Thirdly, the Judicial Matters Amendment Bill, amending numerous laws administered by the Department in order to streamline their application in practice and to promote the policies of the Department and government, has been approved by the National Assembly.

Furthermore, a Bill to repeal the discriminatory and obsolete Black Administration Act, 1927, has been introduced into Parliament.

Other legislative priorities receiving urgent attention include:

- Bills dealing with the Customary Law of Succession, bringing this aspect of the law in line with the Constitution and judgements of the Constitutional Court; traditional courts; the sale of immovable property (low-cost housing) in execution; contingency fee agreements between attorneys and their clients and extradition; and
- Subordinate legislation dealing with the promotion of equality; Administrative Justice; promotion of access to information; the appointment of maintenance investigators; reparations to victims of gross human rights violations; and debt collectors.

Virtually all the draft legislation (primary and subordinate) planned by the Department and contained in its lengthy legislative programme, can be categorised into two main themes, namely transformation or access to Justice and often both. Much of the legislation is aimed at the protection and enhancement of the lives of vulnerable groups, giving impetus to the Department's and government's policy of creating a better life for all.

Chief Directorate: Constitutional Development

Despite the challenges facing the Chief Directorate since its establishment, important strides have been made in strengthening relationships with the Chapter 9-Institutions. In this regard the following activities were performed by the Chief Directorate:

PART 2: PROGRAMME PERFORMANCE

- A draft Bill that seeks to regulate various matters relating to the South African Human Rights Commission was submitted to the Minister and returned with further instructions
- Coordinated inputs for budget vote briefings of relevant Chapter 9-Institutions (Public Protector, South African Human Rights Commission and the Commission on Gender Equality) at the Portfolio Committee on Justice and Constitutional Development. Coordinated inputs of the various Branches on issues raised in the Report on Human Rights Violations of Farm Workers. Comments submitted to the South African Human Rights Commission in this regard
- Conditions of service of the Public Protector amended, tabled in Parliament and finalised by the National Assembly. Public Protector informed of the outcome of the process
- Remuneration and conditions of service of the Deputy Public Protector tabled in Parliament
- Prepared and published invitation for nominations of candidates for appointment to the Commission on Gender Equality
- Undertook a comparative review of the remuneration and conditions of employment of the National Director of Public Prosecutions, Public Protector and the Commissioners of the South African Human Rights Commission and the Commission on Gender Equality.
- Report submitted to Minister on Chapter 9-Institutions, identifying problems being experienced by the Institutions, identifying areas of collaboration amongst the Institutions and the issue of a review of the performance of the Institutions.

In order to promote, implement, maintain and develop the Constitution and its values, the following were achieved:

- Outstanding legislation required by the Constitution to be enacted has been identified
- An Omnibus Constitution Amendment Bill that is intended to effect various amendments to the Constitution so as to, for example, further regulate various matters relating to the Superior Courts, was submitted to the Minister for consideration
- The Citation of Constitutional Laws Bill that is intended to, among others, change the manner of referring to the Constitution of the Republic of South Africa, 1996, and to laws amending it, was introduced into Parliament.

In order to facilitate the implementation of constitutionally mandated legislation, the following were achieved:

- Entered into a Memorandum of Understanding with the Public Service Commission and the German Technical Corporation (GTZ) relating to the monitoring of the implementation of the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000) (PAJA) in the Public Sector
- Developed a Programme of Action to facilitate the implementation of the PAJA; Rapid Assessment of the implementation of the PAJA conducted; Report on Audit of legislation in relation to the PAJA finalised.

Human Resources (HR)

Management & Leadership Development Programme (MLDP)

The Department has identified a gap in congruent Management and Leadership skills among its Senior/Executive Managers and Middle Managers. This gap has had a negative influence on fostering the desired culture and best practices among managers in respect of achieving the Department's targets. The expected value benefits include some level of attitude change; congruency in management style; synergy in philosophy; common frame of reference; improvement on decision-making turn-around time; improved relationships; reduction in complaints/grievances; and improved teamwork.

As a way of achieving the desired goals, HR completed Phase 4 of the MLDP. In addition, two modules were facilitated, namely Whole Leadership Parts 2 & 3 and Strategic Finance Parts 1 & 2, for which a 98% attendance rate was achieved. Assignments are currently being assessed and will be followed by an examination.

Change Management Plan: R18,9 million

The current state of services within the Department that are provided to both members of the public and staff do not add any value and can be described as unresponsiveness to the needs of internal and external clients; slow and long-winded to deliver results; ineffective and inefficient; utilising archaic systems; bureaucratic and rules-bound; and stifling creativity and innovation.

The expected value benefits generated by the Change Management Plan at organisational level include improved service delivery; better turn-around time; rendering cost-effective and efficient services; more satisfied customers; and improved audit reports.

On an individual level officials will perform more meaningful work, thus ensuring job satisfaction; increased technological skills; improvement of service delivery to clients; minimised bureaucratic red-tape; and skills development through training.

Changing the organisational culture will define and articulate the desired behaviours; induct new employees and re-socialise old employees; change the material artefacts; enable training and re-training to give employees new skills; and create new structures to drive the change process.

In order to achieve the above, HR embarked upon a change management strategy which involved:

- deploying Change, Readiness Assessment service providers in KwaZulu-Natal (KZN), Limpopo and the North West. HR is in the process of sourcing a service provider in the Western Cape and 60% of the work has been completed in the three provinces
- Purchasing Change Management material in the form of change management videos, a change management toolkit in the form of Prosci manuals and also a Harvard online Change Management



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- Programme for Directors and Deputy Directors for a period of 12 months
- Procurement of Psycho-Social services. A feedback session was held by all Employee Assistance Programme (EAP) service providers to present their findings from the workshops conducted, to HR Management
 - A Breakfast Seminar on Change was held for the Senior Management Service (SMS) structure at National Office
 - An impact assessment on change in KZN is as follows:

Major Deliverables	Status of Deliverables
Vision Document	Completed
Functional Specification	Completed
Technical Specification	Completed
Development (Milestone 1)	100%
Stabilisation	100%
Lab roll-out	100%
Pilot roll-out	100%
Sign-off (Milestone 1)	Not commenced
Development (Milestone 2)	75%
Stabilisation	10%
Sign-off project	Not commenced

In addition, questionnaires were distributed to all offices in KZN and the data collected was submitted to the HR Project Office for consolidation. The project close-out report was presented to the *Re Aga Boswa* project team for review and comment.

Modernisation of Human Resources

This is intended to create a solution for the DOJ and CD that provides an automated, real-time information flow within the Department and promotes operational efficiency and effective collaboration and information-sharing. The solution should provide the DOJ and CD with a competitive advantage in terms of managing its operations and automating business processes.

The system should be easy to use and provide users with an appropriate interface. The solution should also provide effective controls to proactively manage risks on the various initiatives and transactions undertaken by the Department.

The system should interact effectively with identified external systems, which excludes the roll-out of the solution.

Modernising human resources will provide an automated, **real-time information flow** within the Department and promote **operational efficiency** and effective collaboration and information-sharing

To this end HR has initiated a project called "My HR". This project has seen substantial progress, as depicted in the table (page 24), but is dependent on the Department's migration to the Virtual Private Network (VPN). Our deployment strategy is being planned around this project as our aim is to deploy to at least 8,000 users within the current financial year. The Department of Public Service and Administration (DPSA) has shown keen interest in standardising some of the models developed for broader government use and discussions are under way. Change Management remains a challenge and possibilities are being explored in this regard.



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The following modules are reflective of the steps taken towards modernising human resources:

Module	% Completed	Outstanding	Completion Date
MY HR			
Personal information	85	Testing and Stabilisation	20 July 2005
Dependants	85	Testing and Stabilisation	20 July 2005
Next of Kin	85	Testing and Stabilisation	20 July 2005
Qualifications	85	Testing and Stabilisation	20 July 2005
Performance Management	85	Testing and Stabilisation	20 July 2005
My Salary	85	Testing and Stabilisation	20 July 2005
IRP5	85	Testing and Stabilisation	20 July 2005
Overtime and Overtime Claims	85	Testing and Stabilisation	20 July 2005
Leave	85	Testing and Stabilisation	20 July 2005
Home Owners' Allowance	85	Testing and Stabilisation	20 July 2005
Renumerative Work outside the Department	85	Testing and Stabilisation	20 July 2005
Bursaries	85	Testing and Stabilisation	20 July 2005
Injury on Duty	85	Testing and Stabilisation	20 July 2005
Long Service Recognition	85	Testing and Stabilisation	20 July 2005
Motor Finance	85	Testing and Stabilisation	20 July 2005
Service Terminations	85	Testing and Stabilisation	20 July 2005
State Guarantees	85	Testing and Stabilisation	20 July 2005

Public Education and Communication (PEC)

Community outreach campaigns on various Justice-related matters were conducted on a continuous basis and reached previously disadvantaged communities in the most remote areas of the country.

PEC also participated in the first ever interdepartmental JCPS Cluster Fair, in terms of planning and coordination and production of a wide range of exhibition materials.

In addition, the Events Management Team handled numerous high-profile events, such as the Child Support Week, the Fatherhood Project, 16 Days of Activism on No Violence Against Women and Children Campaign, and the National Restorative Justice Initiative.

Throughout the period under review, dissemination of information took place on a large scale in the form of, among others, printed material, talks on community radio stations, magazine articles, etc. Media Services also reached its goal of developing and improving relationships with the media.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

2.10.1.2 Service delivery achievements:

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
Chief Directorate: Legislative Development				
	Enhance proximity of service points to rural and township communities (bring services closer to the people).	Broadened access to legal services in all areas.	Promote and promulgate legislation in order to rationalise the structures and functioning of the courts.	This Bill has been introduced into Parliament and has been adapted comprehensively in accordance with instructions received from the Portfolio Committee on Justice and Constitutional Development. It is undergoing further consultation with role-players.
			Publish a notice to provide for exemptions in terms of section 22(8) of the Promotion of Access to Information Act, 2000.	A notice has been drafted after consultation with role-players and will be published shortly.
			Amend the regulations made under the Promotion of Access to Information Act, 2000, dealing with offences and the tabling of a report on the contents of the training curriculum of presiding officers.	Draft regulations have been finalised and will be submitted to the Minister shortly.
			Audit the provisions on the statute books which promote access to information.	The matter is being investigated and role-players have been requested for inputs.
			Draft regulations and a code of practice dealing with the promotion of equality as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000.	Draft regulations were finalised and submitted to the Ministry. A further consultation process has been embarked upon.
			Draft regulations to provide for the appointment of maintenance investigators as contemplated in the Maintenance Act, 1998.	Draft regulations have been prepared and submitted to the State Law Advisers and are being finalised.
			Draft regulations to further streamline the application of the Maintenance Act, 1998.	Regulations are being prepared in conjunction with role-players.
			Implement legislation regulating the use of lay assessors in lower court criminal cases.	Draft regulations have been prepared and submitted to the Ministry.
			Promote and promulgate legislation regulating Traditional Courts anew.	This project was not in the Business Plan for the period under review, but has become urgent. A Bill is being prepared.
			Publish a code of good administrative conduct as contemplated in the Promotion of Administrative Justice Act, 2000.	A code was submitted to the Ministry and is being finalised in accordance with further instructions received.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Enhance services to special customer categories (vulnerable groups, the poor and the uneducated).	More people exercising their rights. Broadened access to legal services in all areas.	Introduce the Legal Practice Bill into Parliament, the aim of which is to rationalise the legal profession.	A Bill has been prepared and will be promoted as soon as circumstances permit.
		Greater protection for vulnerable groups.	Introduce the Customary Law of Succession into Parliament in order to bring it in line with the new constitutional dispensation.	A Bill has been prepared and will be submitted to Cabinet at the first available opportunity.
			Submit the Contingency Fee Amendment Bill to the Ministry, the aim of which is to put a stop to attorneys ignoring the provisions of the Contingency Fees Act and dealing with contingency fees in an irregular manner.	A Bill has been prepared and is to be submitted to role-players for comments.
			Introduce the Debt Collectors Amendment Bill into Parliament.	The Judicial Matters Amendment Bill, 2005, containing some amendments to the Debt Collectors Act, 1998, has been approved by the National Assembly. A Debt Collectors Amendment Bill to address further shortcomings in the Act is being prepared.
			Submit the Legal Aid Amendment Bill to the Ministry.	A Bill is being prepared. Inputs have been requested from the Legal Aid Board.
			Promote and promulgate the Compulsory HIV-Testing of Alleged Sexual Offences Bill, the aim of which is to allow victims of sexual offences to request that their assailants be tested for HIV and have the test results made available to them.	This Bill has been introduced into Parliament and has been adapted comprehensively in accordance with instructions received from the Portfolio Committee on Justice and Constitutional Development. It has been incorporated into the Criminal Law (Sexual Offences) Amendment Bill.
			Prepare amendments to the domestic violence legislation.	Some proposed amendments to the regulations have been identified and will be promoted as soon as circumstances permit.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
			Promote and promulgate the Criminal Law (Sexual Offences) Amendment Bill, the aim of which is to revise the law dealing with sexual offences.	This Bill has been introduced into Parliament and adapted comprehensively in accordance with instructions received from the Portfolio Committee on Justice and Constitutional Development.
			Promote and promulgate the Child Justice Bill, the aim of which is to establish a separate criminal justice system for children in trouble with the law.	This Bill has been introduced into Parliament and has been adapted comprehensively in accordance with instructions received from the Portfolio Committee on Justice and Constitutional Development.
			Submit the Prohibition of Hate Speech Bill to the Ministry.	A Bill has been prepared and submitted for comments, which are being evaluated.
			Draft regulations in terms of the Promotion of National Unity and Reconciliation Act, 1995, relating to reparations.	Inputs have been requested from various Departments, which are still awaited.
			Submit Bill to Ministry dealing with the publication of divorce proceedings.	A Bill has been prepared and will be submitted to the Judges President of the High Courts for comments.
			Introduce Bill into Parliament further regulating the sharing of pension benefits on divorce.	A Bill is being prepared for submission to Cabinet.
			Introduce the Criminalisation of Torture Bill into Parliament.	This Bill has been prepared and is in the consultation phase.
			Introduce into Parliament the Bill dealing with the African Charter on Human and Peoples' Rights.	This Bill has been prepared and is in the consultation phase.
			Promote and promulgate the Public Interest and Class Actions Bill, the aim of which is to regulate public interest and class actions.	Although this project was not reflected in the Business Plan for the period under review, a Bill has been prepared and submitted to the Ministry.
			Submit Bill to the Ministry dealing with Islamic Marriages.	Further consultation has taken place with role-players after the finalisation of the South African Law Reform Commission's report. A Bill is being prepared.
			Research the lawfulness of tracing agents in respect of the Guardian's Fund.	The matter is being investigated.
			Submit draft legislation to the Ministry protecting the rights of intersexual persons.	The Judicial Matters Amendment Bill, 2005, containing amendments to the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, has been approved by the National Assembly.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
			Amend the regulations made under the Mediation in Certain Divorce Matters Act, 1987.	A notice to facilitate the extension of the services of Family Advocates to maintenance and domestic violence inquiries was published. Draft amendments to the regulations to provide for increases in the remuneration and allowances of <i>ad hoc</i> Family Advocates and Family Counsellors will be submitted to the Ministry soon.
			Amend the Divorce Court Rules made under the Administration Amendment Act, 1929, to provide that a court can extend the period of time in which a summons lapses and to provide that a case can be transferred to a High Court without having to start the proceedings anew.	Amendments have been prepared and are in various stages of finalisation.
			Implement sections 12, 18 and 19 of the Judicial Matters Amendment Act, 2002, relating to mental health patients.	The provisions have been implemented.
			Implement the Judicial Matters Second Amendment Act, 2003. Amend the regulations in terms of the Attorneys Act, 1979, regarding the investment powers of the Fidelity Fund.	The provisions have been implemented. Regulations have been prepared and submitted to the Chief Justice.
	Promote compliance with equity imperatives (promoting diversity).	Increased representivity. Increased service delivery.	Develop and implement an Employment Equity Plan. Develop and implement a recruitment policy in line with the Employment Equity Plan.	Remaining vacancies have been filled in line with employment equity imperatives.
			Introduce legislation into Parliament dealing with the repeal of the Black Administration Act, 1927.	See remarks above relating to Customary Law. In addition, a Bill to repeal the Black Administration Act, 1927, has been approved by Cabinet.
			Develop and maintain training and empowerment policy. Develop competency-based assessments.	A training and empowerment policy is in the process of being developed. Competency and occupational-based assessments were used for the filling of vacancies.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Enhance the promotion of proficiency (modernising processes, procedures, policies and organisational culture).	Increased number of successful prosecutions. More cases being diverted from the formal courts of law.	Submit the Extradition Bill to the Ministry, the aim of which is to revise and modernise the current Extradition Act.	A Bill has been prepared and is being refined for purposes of submitting it to Cabinet.
			Submit various Criminal Procedure Amendment Bills to the Ministry, one dealing with audio-visual linkages for adjournments in criminal matters, another dealing with the right to silence, another dealing with the NPA's right to appeal on questions of fact, and another bringing the Criminal Procedure Act, 1977, in line with the Bill of Rights.	These Bills are in various stages of finalisation.
			Promote and promulgate the Magistrates' Courts Amendment Bill, the aim of which is to prohibit the disposal of immovable property of indigent persons in certain circumstances, e.g. sales in execution in respect of low-cost housing (RDP Houses).	A Bill has been prepared and will be submitted to Cabinet shortly.
			Submit Bill to Parliament dealing with international arbitration.	Because there is some uncertainty relating to Cabinet's decision on the introduction of the Bill into Parliament, Cabinet is to be approached again.
			Introduce legislation into Parliament dealing with the review of the Insolvency Act.	This Bill has been approved by Cabinet, but is being held in abeyance until the report of the Ministerial Committee of Inquiry into the Liquidations Industry is available.
			Promote and promulgate the Judicial Conduct Tribunals Bill, the aim of which is to create a Tribunal to deal with cases of incapacity, gross incompetence or gross misconduct on the part of judicial officers.	This Bill is before Parliament and has been adapted comprehensively in accordance with instructions received from the Portfolio Committee on Justice and Constitutional Development. It is undergoing further consultation with role-players.
			Promote and promulgate the Judicial Service Commission Amendment Bill, the aim being to create a procedure to deal with complaints against judges.	This Bill has been adapted comprehensively in accordance with instructions received from the Portfolio Committee on Justice and Constitutional Development. It is undergoing further consultation with role-players.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
			Promote and promulgate the Magistrates Amendment Bill, the aim of which is to create a procedure to deal with complaints against magistrates.	This Bill has been adapted comprehensively in accordance with instructions received from the Portfolio Committee on Justice and Constitutional Development. It is undergoing further consultation with role-players.
			Promote and promulgate the South African Justice College Training Bill, the aim of which is to restructure the Justice College into 3 faculties, one for the training of judicial officers as contemplated in section 180(a) of the Constitution.	A Bill has been prepared and is in an advanced stage of preparation.
			Amend the regulations made under the Judges' Remuneration and Conditions of Employment Act, 2001, dealing with subsistence and travel allowances and pension benefits for spouses and partners of deceased judges.	The required amendments have been published.
			Introduce the Judicial Matters Amendment Bill into Parliament, which contains a number of <i>ad hoc</i> technical amendments to various Acts of Parliament administered by the Department.	This Bill has been introduced into Parliament. It has already been approved by the National Assembly.
			Prepare amendments to the regulations relating to the sheriff's profession.	Regulations have been drafted and are being consulted on.
			Submit Guidelines in terms of section 10 of the Protected Disclosures Act, 2000, setting out how the Act works, to the Minister for approval.	After consultation with the Minister for the Department of Public Service and Administration (DPSA), guidelines have been prepared and submitted to the Ministry.
	Improve the effect on customers (quality standards and quality control).	Reduction in the incidence of organised crime and increased success in prosecuting corruption.	Promote and promulgate anti-corruption legislation.	The Prevention and Combating of Corrupt Activities Act, 2004, was finalised and has been put into operation.
			Submit proposals amending the legislation dealing with Special Investigating Units to the Ministry.	The Judicial Matters Amendment Bill, 2005, containing some amendments to the Special Investigating Units and Special Tribunals Act, 1996, has been approved by the National Assembly. A Bill to address further shortcomings in the Act is being considered.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
			Implement the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002.	The necessary documentation for the implementation of the Act has been submitted to the Ministry.
			Promote and promulgate legislation further regulating organised crime.	Amendments to the regulations have been prepared and are being consulted on. Amendments to the Act will be drafted after receipt of proposals by the NDPP.
			Extend the period of operation of the provisions of sections 51 and 52 of the Criminal Law Amendment Act, 1997, dealing with minimum sentences.	The period of operation was extended with effect from 1 May 2005.
			Introduce into Parliament legislation further regulating minimum sentences.	Role-players are in the process of discussing possible amendments to address practical problems.
	Promote economy (add value, ensuring value for money and complying with the PFMA).	Increase witness attendance (criminal trials).	Prepare regulations reviewing the prescribed amounts (fees and tariffs) determined in legislation.	The matter is currently under investigation.
			Prepare regulations reviewing current witness fees.	Amendments to the regulations have been prepared. Further consultation will take place.
			Compliance with the Public Finance Management Act.	Ongoing
Chief Directorate: Constitutional Development				
	Improve communicating Justice offerings (engaging customers and stakeholders).	Increased utilisation of the annotated version of the Constitution by professionals and Parliamentarians.	Determine a strategy for the annotation of the Constitution.	Meeting was held with role-players.
			Appoint consultant to update annotated version of the Constitution.	Appointment of a consultant is being considered.
		Increased understanding of the Constitution and its values by the public.	Assist with the development of material for awareness campaign.	Funded the initiative of publishing the simplified version of the Constitution in major newspapers countrywide for Human Rights Month.
	Promote compliance with equity imperatives (promoting diversity).	Increased representivity.	Develop Employment Equity Plan.	Vacancies have been filled in line with employment equity imperatives.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
			Implement recruitment policy in line with Employment Equity Plan.	Vacancies have been filled in line with employment equity imperatives.
		Increased service delivery.	Develop, implement and maintain training and empowerment policy.	Officials attended various training courses.
	Promote economy (adding value, ensuring value for money and complying with the PFMA).	Unqualified audit reports. No wasteful, fruitless or irregular expenditure.	Compliance with the Public Finance Management Act.	Monthly assessments conducted relating to the financial expenditure.
	Assist and protect state institutions strengthening constitutional democracy through legislative and other measures to ensure the independence, impartiality, dignity and effectiveness of these institutions.	Independence and effectiveness of Chapter 9-Institutions enhanced.	Introduce amending legislation regulating matters relating to the Commission on Gender Equality into Parliament.	A draft Bill has been prepared and will be submitted to the Minister for consideration.
			Introduce amending legislation regulating matters relating to the South African Human Rights Commission into Parliament.	A draft Bill was submitted to the Minister and returned with further instructions.
		Less complaints from Chapter 9-Institutions in terms of their budgetary and financial arrangements.	Provide assistance to the Chapter 9-Institutions in respect of their budgetary process.	Coordinated with National Treasury, Chapter 9-Institutions and the Office of the CFO regarding inputs made by Chapter 9-Institutions for the Ministerial Letter on the Medium-Term Expenditure Framework (MTEF).
				Documents were analysed and submitted to the Chairperson of the Portfolio Committee in preparation for public hearings of relevant Chapter 9-Institutions.
				Prepared and published invitation for nominations of candidates for appointment to the Commission on Gender Equality.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
		Conditions of service of the Public Protector and Deputy Public Protector approved by Parliament.	Develop a comparative document that sets out the conditions of service of a judge of a High Court and the Deputy Public Protector.	Conditions of service of the Public Protector amended, tabled in Parliament and finalised by the National Assembly. Public Protector informed of the outcome of the process.
				Remuneration and conditions of service of the Deputy Public Protector tabled in Parliament.
		Increased understanding of different conditions of service of commissioners of relevant Chapter 9-Institutions to be used as a benchmark.	Submission of report to Portfolio Committee three months after resolution is adopted.	Undertook a comparative review of the remuneration and conditions of employment of the NDPP, Public Protector and the Commissioners of the South African Human Rights Commission and the Commission on Gender Equality.
		Increased understanding between the Executive and Chapter 9-Institutions regarding their respective roles and responsibilities.	Submit a report to Cabinet on relationship between the Executive and relevant Chapter 9-Institutions.	Report submitted to Minister on Chapter 9-Institutions, identifying problems being experienced by the Institutions, areas of collaboration among the Institutions and the issue of a review of the performance of the Institutions.
				International comparative study conducted. Exchange held with Parliamentarians of the United Kingdom relating to Chapter 9-Institutions Supporting Constitutional Democracy.
				On 22 February 2005, the Cabinet Committee on Governance and Administration (as approved by Cabinet) noted that there are disparities in relation to stature, mandate and remuneration for Chapter 9-Institutions. There was a need identified that an overall review be done to address various aspects regarding Chapter 9-Institutions. The Cabinet recommended that the Minister for Public Service and Administration (DPSA) must conduct an overall review of Chapter 9-Institutions. Research has commenced regarding the Department's input to the DPSA.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
		More recommendations of Chapter 9-Institutions implemented.	Analysis of report four months after receipt of report from a Chapter 9-Institution.	Attended the workshop of the South African Human Rights Commission regarding the "Human Rights Ten-Year Review: First Decade of Democratic Governance" on 10-11 June 2004. Coordinated inputs of the various Branches and submitted inputs to the South African Human Rights Commission on the Paper relating to the Criminal Justice System.
		Increased understanding by Commissioners of Chapter 9-Institutions of their conditions of service.	Liaise with National Treasury regarding the conditions of service.	National Treasury informed the Department that a recommendation would be made to Cabinet that Phase 2 of the Manual on Public Office Bearers would also be made applicable to relevant Chapter 9-Institutions.
			Inform Commissioners of Chapter 9-Institutions regarding the outcome of the investigation by DPSA and National Treasury.	Informed the Commission on Gender Equality on the status of the investigation that aims to revise the Manual that governs their conditions of service and remuneration.
	Promote, implement, maintain and develop the Constitution and its values.	Appropriate structures and institutions established to promote and facilitate intergovernmental relations and facilitate settlements of intergovernmental disputes.	Approach Department of Provincial and Local Government (DPLG) to determine progress.	Attended a workshop held by DPLG.
		Improved implementation of the Constitution. Improved governance and improved service delivery to the public. More people exercising their constitutional rights.	Introduce a Constitution Amendment Bill that is intended to effect various amendments to the Constitution into Parliament.	An Omnibus Constitution Amendment Bill that is intended to, among others, further regulate various matters relating to the Superior Courts, was submitted to the Minister for consideration.
		Citation of Constitution and Constitution Amendment Acts being brought in line with international best practice.	Introduce legislation changing the manner of referring to the Constitution, and to laws amending it, into Parliament.	The Citation of Constitutional Laws Bill was introduced into Parliament.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
		More laws being brought in line with the Constitution.	Participate in Project 25 (Statute Law) of the South African Law Reform Commission dealing with, <i>inter alia</i> , the constitutionality of legislation.	Ongoing Will participate when approached by the SALRC.
		Improved systems and procedures relating to the registration and funding of political parties in line with “floor-crossing” legislation.	Introduce into Parliament amending legislation and table draft Amendment Regulations that are intended to, among others, further regulate the funding of political parties.	A draft Bill and Amendment Regulations have been prepared and will be submitted to the Minister for consideration.
		Improved evaluation and monitoring of the implementation of the Constitution.	Develop a mechanism to facilitate the implementation of the Constitution.	Draft Paper developed on the establishment of a Technical Constitutional Working Group (TCW).
		Improved procedure in respect of the promotion of constitutional amendments.	Submit a Cabinet memorandum seeking Cabinet’s approval for a uniform procedure for the promotion of constitutional amendments to the Minister.	A Cabinet memorandum has been prepared and will be submitted to the Minister for consideration.
		Increased implementation of the Constitution.	Identify outstanding legislation required by the Constitution to be enacted.	Outstanding legislation has been identified.
		Increased monitoring and implementation of the relevant legislation (Promotion of Administrative Justice Act, 2000 (PAJA)).	Establish and attend meetings of a Steering Committee to facilitate the implementation of PAJA.	Established Departmental Steering Committee and attended meetings.
				Developed a Programme of Action to facilitate the implementation of PAJA.
				Entered into a Memorandum of Understanding with the Public Service Commission and German Technical Corporation (GTZ) to develop a monitoring mechanism for PAJA.
				Interim monitoring tool developed. Letters written to provincial and national stakeholders requesting cooperation to undertake survey on the implementation of PAJA.
				Rapid Assessment of the implementation of PAJA conducted.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
		Increased compliance with decisions of the Constitutional Court.	Read and evaluate all Constitutional Court judgements and inform affected State Departments within two months after receipt of judgement.	Report on audit of legislation in relation to PAJA finalised.
				Discussion Paper submitted to the Office of the Chief State Law Adviser analysing the approach of the Constitutional Court in respect of cases pertaining to socio-economic rights.
				Input submitted to the Presidency in respect of the approach of the Constitutional Court in respect of cases pertaining to equality.
		Increased implementation of the Constitution.	Develop a mechanism to facilitate the implementation of the Constitution.	Draft Paper developed on the establishment of a Technical Constitutional Working Group (TCW).
				Co-hosted the Equality Indaba with the South African Human Rights Commission to evaluate the implementation of the equality provision as entrenched in the Constitution.
				Participated in the Programme of the Office on the Status of Disabled Persons in the Presidency to deliberate on a Draft International Convention on the Promotion and Protection of Rights of Persons with Disabilities.
				Entered into Memorandum of Understanding with the Public Service Commission and the German Technical Corporation (GTZ) relating to the monitoring of the implementation of PAJA in the Public Sector.
		More analysis conducted on constitutional development issues and trends.	Ongoing research to be conducted on reviewing the Constitution.	Submitted analysis to the Office of the Chief State Law Adviser on the approach of the Constitutional Court in respect of cases on socio-economic rights.
				Briefing document submitted to the Minister on racial equality.
				Submitted Discussion Paper to the Minister on the Review of Chapter 9-Institutions.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
		Increased understanding of international practices in respect of constitutional issues.	Visit different countries with similar Institutions and comparative Constitutions.	Accompanied the Minister to the United Kingdom and Geneva on human rights and constitutional issues.
				Exchange held with a senior delegation from Zambia regarding their Constitutional Review Process.
				Exchange held with a delegation from the United Kingdom regarding the review of National Human Rights Institutions in the UK.
		Increased cooperation between the Executive and Parliament.	Attend meetings of, and provide assistance to when so required, the Constitutional Review Committee and other Committees of Parliament.	Ongoing Attended the budget vote briefings of the Portfolio Committee on Justice and Constitutional Development relating to the inputs of the South African Human Rights Commission, Commission on Gender Equality and the Public Protector. Analysing inputs and preparing a document for the Portfolio Committee in this regard.
				Attended meetings of the Joint Rules Committee pertaining to the Report of Parliament on its oversight functions.
	Curriculum and Assessment Development and Learner Achievement. Improved access to early childhood development.	Number of ECD sites and learners.	300 000 sites and 200 000 learners.	310 000 sites and 195 000 learners.
	Basic literacy programmes.	Number of literacy programmes developed for learners and educators.	800 000 adult learners in literacy and ABET programmes.	825 000 adult learners in literacy and ABET programmes.
	Education Human Resources Development: Qualified and competent educators.	Policies and programmes for educator and staff development in place.	Finalise policy framework by May 2004.	Policy framework finalised by July 2004.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Special Programmes in Education: Policies on values, history, human rights, gender equity and youth development.	Policy guidelines developed and support available for educators and managers.	Develop 5 policy guidelines for use by March 2005.	7 policy guidelines developed by January 2005.
Secretariat: Rules Board for Courts of Law				
	Proximity of Service Point Infrastructure to Rural and Township Communities (bringing services closer to the people).	More people approaching the Magistrate's Court for relief.	Submit draft Rules for Immigration Courts to Rules Board for approval.	Section 37 of the Immigration Act, which provided that the Rules Board was to make rules, has been repealed.
	Integration of Justice Services (towards One-Stop shop services).	More people using the local courts to prevent organised crime.	Submit draft Rules in terms of the Prevention of Organised Crime Act, 1998 to Rules Board.	Amendments to Prevention of Organised Crime Act have not been finalised. Secretariat is presently conducting research and a comparative study of rules on this subject in other jurisdictions.
	Special Services to Special Customer Categories (vulnerable groups, the poor and the uneducated).	More people using the Small Claims Courts for relief.	Amend tariffs to accommodate increase of jurisdiction of Small Claims Courts.	Amendments published March 2004.
		More uniform procedures in the High Courts and Magistrates' Courts.	Submit proposal re the harmonisation of rules of court and general rule revision to Rules Board to ensure compliance with Constitution.	Coordinating Committee consisting of judges of all the High Courts was established to deal with this and therefore not taken further by the Secretariat.
		More indigent persons exercising their constitutional rights.	Submit draft Rules in terms of the Promotion of Access to Information Act, 2000 to Rules Board by June 2004. Consultation on draft rules: July 2004.	Draft rules submitted to Board in July 2004. Adopted by Board in April 2005.
			Submit draft Rules in terms of the Promotion of Administrative Justice Act, 2000 to Rules Board.	Draft rules submitted to the Board in March 2004. Board has not yet made a decision.
		More persons exercising their right of appeal.	Submit draft amendments to rules to accommodate new criminal appeal procedure to Rules Board: April 2004.	Further amendments required by judges. Approved by Board in October 2004. Submitted to Minister for approval in November 2004.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Compliance with equity imperatives (promoting equity).	Increased compliance with the Employment Equity Act.	Ensure that new staff appointments are made in accordance with the Employment Equity Act.	Appointments made in accordance with Employment Equity Act.
		Improved pre-trial procedures in Magistrates' Courts.	Draft proposed amendment of section 54 of the Magistrates' Courts Act, 1944.	Magistrates' Courts Committee presently attending to proposals in this regard.
		Improved case management in the High Courts and Magistrates' Courts.	Submit draft proposal to Rules Board for approval of appointment of committee to investigate case management.	Coordinating committee to deal with matter.
Human Resources				
Key Accounts Management.	Project Hub.	Project Management capability.	Establish component.	Ongoing
	Decentralised Key Accounts.	Efficient HR services delivered to clients.	Establishment of Key Accounts capacity.	75% Completed.
			Improved client relations.	Client relations have been established with Branches.
	Value-Added Services: Employment Relations.	Effective workplace relations.	Capacity-building of Misconduct Unit.	Presiding Officers and Investigating Officers are being trained.
			Alternative dispute resolution.	In progress.
	Business Process Improvement.	Optimised business processes.	Job Evaluation.	Court Interpreters, Legal Admin Officers, Personnel Officers, Masters and the Offices of the CFO, PEC, ISM
			Job Profiles.	Profiles developed for court cluster project (<i>Re Aga Boswa</i>) * See Stats Below
	Learning & Development.	A competent workforce empowered through skills development.	Develop HRD plan.	Ongoing
	Organisational Development.	Effective workforce planning.	Develop HRP plan.	In progress.
		Increased change management.	Develop Change Management Strategy.	Change agents have been identified and trained.
		Facilitated employee wellness programmes.	Tender to be awarded to suitable provider for EAP-Programmes.	Tender was awarded to various providers appointed in the various provinces.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Value-Added Services: Performance Management & Career Management.	Implemented Performance Management System.	Research the rewarding system.	Piloted a non-monetary reward project in December 2004.
			Create measures to monitor the performance budget.	Implemented control measures in Department to monitor performance budget payments.
			Develop generic performance agreements.	Developed 100 + generic agreements.
			Train systems users.	Trained at least 1000 officials.
			Build capacity for performance consultants.	Filled one vacant post.
		Career Management Employee Succession Management.	Capacity-building for Succession and Career Management.	Appointed one vacant post.
		Assessment centre.	Policy to be developed.	Research conducted.
	Customer Management Centre: Generalist Hub.	Leave automation, Pilot Project.		Ongoing
		Administrative Quick-Wins Project.		Ongoing
		Customer Relations Management.		Ongoing
		Service Benefits Policy & Procedure Development.		Ongoing
		Leave Audit process.		Ongoing
		Management of Branches' establishments.		Ongoing
	Specialist Hub.	Recruitment.	Improve turn-around time.	Outsource response handling.
		Bursaries Management.	Effective recruitment and selection process.	Ongoing
	Customer Management Centre.		Progress analysis on bursary holders.	Reduced the number of bursary holders and created R3m saving.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
Public Education and Communication (PEC)				
	Promotion of Access to Information: To effectively educate and communicate with internal staff with reference to the Promotion of Access to Information Act (PAIA) and how to deal with it.	Pamphlets. Posters. Written articles in professional magazines. Media/radio.	5 000 brochures distributed. 500 posters distributed. 10 articles in external publications. Radio talks on specific radio stations with public call-in.	Achieved
	Development of an electronic tracking and recording system to facilitate reporting and workflow.	Installation of an electronic system to facilitate reporting and workflow.	Compatible system to be used and subsequent training of staff members .	System installed, training under way.
	Applications for exemptions.	Exemption from submitting manual in terms of section 51 of PAIA.	186 applications received.	2 granted, 184 refused.
	Applications for access to records.	Applications/requests for access to records of a public body.	183 applications received.	77 granted, 39 denied, 18 transferred, 21 non-compliance, 4 withdrawn, 24 under search.
	Appeals.	Appeals made in terms of section 74(1) of PAIA.	6 appeals received.	1 in process.
	Section 32 report.	Prerequisite of the Act is that public bodies submit a detailed report to the SAHRC once a year.	1 report received.	Received from the DOJ & CD and already submitted to the SAHRC for the period 9 March 2004 to 8 March 2005.
	Section 15 list of voluntary information.	Prerequisite of the Act that public bodies submit the section 15 list to the Minister for publication in the Gov. Gazette.	5 section 15 lists received, published in the Gov. Gazette.	Achieved.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Corporate Affairs: Internal Communication: Communicate government and departmental programmes to staff, e.g. State of the Nation Address, <i>Re Aga Boswa</i> , Access to Information, Equality Courts, Maintenance, Domestic Violence, 16 Days of Activism for No Violence Against Women and Children.	Well-informed staff on government and departmental policies and programmes.	8 X Information Sessions	Achieved
	External Communication through marketing and promoting the Department.	Organising open court days.	7 X Court Openings, 1 X Presidential Imbizo, 4 X Ministerial Izimbizo, school visits and exhibitions.	Achieved
	Showcase of service delivery.	Organising functions for Official Opening of Courts.	8 X Court Openings and Open Court Days.	Achieved
	Events Management.	Organising of functions/activities as and when required.	9 launches on various topics (including Restorative Justice and Child Support Week).	Achieved
	Raising awareness on Justice-related matters.	Distribution of information to different individuals, organisations and tertiary institutions, as well as conducting information sessions.	Publication material and information sessions on, among others, the Constitution, Maintenance, Domestic Violence, etc.	Achieved
	Exhibitions: Justice Fair.	Inter-sectoral marketing of services of JCPS Cluster and stakeholders to members of the public.	2 fairs organised.	Achieved



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Media Services: Newspaper clipping service	News clippings daily.	Daily	Daily
	Media trends: Strategic analysis of media news with the objective of servicing our principals.	Information packaged and distributed to principals.	Monthly Informed principals on the consequences of media coverage, both positive and negative and advise on possible action.	Achieved
	Media enquiries: - Develop one-on-one relationships with members of the media.	Exchange of information with the media. Target a particular group of journalists who deal with Justice-related issues.	More coverage of Justice issues and empowered relationships with the media. More enquiries from the media handled effectively.	720 enquiries dealt with.
	Press statements, press conferences, seminars, radio and television interviews.	Improve on tailor-made packages for conferences and seminars.	More requests from the Department's customers for assistance.	108 press statements.
			Customers' knowledge of the Department's business.	9 media conferences.
			More enquiries from our external customers.	48 radio and television interviews dealt with.
	Feature Articles: Large penetration of the existing markets.	Submission of articles to various publications on a regular basis.	Develop our relationships with journalists to ensure placement of articles. Target magazine editors to ensure appearance of articles.	22 featured articles, 29 adverts/ advertorials placed.
	Publications (Electronic): Restructuring, maintaining and updating of website.	Constant updating of site with new and relevant information in user-friendly manner.	User-friendly website and improved number of hits on site.	Completed with additional sites for Equality Legislation, Courts, Family Advocates, ALRAESA and SALRC.
	Setting up of Intranet and design, drafting of further specifications.	Design of intranet web pages to facilitate and enhance free-flow of information. Compiling of Branch specifications.	Interactive Intranet site (DJINI).	Pilot Project rolled out to all active DNS sites.

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Publications (Printed): Annual Reports: DoJ and CD, SALRC, JSC, Monies in Trust, Guardian's Fund.	Copywriting, layout and publication and distribution to Parliament of attractive and user-friendly annual reports.	1 500 of each delivered.	Achieved
	Compilation of copy for SA Yearbook.	Copywriting of inputs and forwarding of information to GCIS for publication.	Input approved by GCIS.	Achieved
	Production of Departmental Calendars.	Compilation of information, design and layout and production of calendars.	1000 wall calendars. 10 000 desk calendars. Timely delivery.	Achieved
	Policy / other documents: - <i>Re Aga Boswa</i> - Gender Indaba Report - Service Charter for Victims of Crime and Minimum Standards.	Production of informative documents to keep public and officials abreast of developments and Justice products/ services.	Design, Layout and Editorial work completed.	Achieved
	Promotional material to enhance public awareness of days of national celebration and campaigns, e.g. Constitutional Learning Materials in all official languages and Braille, <i>Re Aga Boswa</i> , Service Charter for Victims of Crime, Equality Courts, Office of the Family Advocate, Maintenance and Child Support Week.	The design, layout and production of exhibition material, posters, pamphlets, flyers, banners, t-shirts and other promotional items, etc.	Printed and promotional material produced and distributed to identified stakeholders.	Achieved



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Corporate branding of all branches and other internal stakeholders.	Designing and printing of corporate stationery for Branches.	Printing and delivery of corporate stationery.	Achieved
	Public awareness of departmental initiatives and human rights issues.	Development and production of exhibition material for community outreach programmes.	Exhibitions on, e.g. Human Rights, Maintenance, etc.	Achieved
	Merchandising and production of material for conferences/workshops/symposia.	Development of artwork, printing and sourcing of merchandising and conference material. Delivery of all products to Events Management Team.	E.g. Lekgotla, ALREASA, International Judges' Conference, Judges' Colloquium, Restorative Justice Workshop.	Achieved
	Public Education and Liaison: Community Education with organisations to build public confidence in the administration of Justice by uplifting communities by educating members of the public on legal and constitutional matters and the services offered by the Department.	Workshops, information sessions, presentations, clinic visits, open court days on topics relating to the Constitution, legislation and services provided by this Department. Outreach conducted in the previously disadvantaged areas with the previously marginalised communities, eg. women, children, the rural poor, etc.	Conduct information sessions with NGOs. Present workshops organised by NGOs at their communities. Conduct monthly outreach sessions with previously marginalised communities.	Achieved

PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Community Education targeting the youth to build public confidence in the administration of Justice by uplifting communities through education on Justice-related matters and Children's Rights Awareness.	Workshops, information sessions, presentations, open court days, school visits, youth camps on topics relating to the Constitution, legislation and services provided by this Department,	Visits to schools to inform children of Maintenance and Domestic Violence procedures (Child Protection Week). Youth Camps, School visits conducted with children/youth (Primary and High school and Tertiary institutions).	Achieved Achieved
	Community Outreach: Marketing of Court Services through community involvement with court procedures to achieve an effective system of Justice. Raising awareness on Justice-related matters.	Arranging open court days to view: Intermediary services, Sexual Offences Courts and Family Courts. Hosting of and participating in events and ensuring community involvement to celebrate days of commemoration, e.g. Women's Day, Children's Day, Human Rights Day, International Human Rights Day and 16 Days of Activism for No Violence Against Women and Children, Child Protection Week and Child Support Week.	Open days. Events on 16 Days of Activism for No Violence Against Women and Children. 1 event per day of commemoration.	Train-the-trainer. Service Charter for Victims of Crime – 59 two-day sessions. Gauteng, Western Cape, Free State, North West, Mpumalanga, Eastern Cape, Limpopo. Celebrations: Women's Day Tsomo (EC) Child Protection Week activities at Tsolo (EC) Launch of <i>Re Aga Boswa</i> – Umlazi (KZN) World Aids Day celebrations- Estcourt (KZN) Women's March – Esiikhawini (KZN) Celebrations for 16 Days of activism campaign- Taung, Sekhing (NW) Men's March – Mabopane (NW) Launch of Thembisa Court (G) Open Court Excelsior (KZN) Klerksdorp (NW)



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
	Dissemination of information to the public following enquiries.	Day-to-day response on enquiries from members of the public on diverse topics such as: Maintenance, Domestic Violence, Recognition of Customary Marriages, Human Rights, Small Claims Courts, Family Courts, Sheriffs, Legal Aid, etc.	Topics researched, information collated and disseminated on demand.	Achieved
	Community Outreach. Informed communities utilising community radio programmes.	Education on court services, relevant legislation, etc.	Weekly, fortnightly and occasional Community radio slots.	Jozi FM Ligwalagwala FM Shoshanguve Community Radio Phalafala FM TNG FM Middelburg FM
	Administer donor funding: Ireland Aid Citizen's Advice Desks.	Utilisation of remaining funding for roll-out projects.	Partner with Tshwaranang Legal Advocacy Centre for volunteers to assist as information officers at courts.	33 Information Officers appointed for 6 months at Thembisa, Wynberg, Johannesburg, Pretoria and Alberton Magistrates' Offices.

The **capacitation of our courts**, specifically those in previously disadvantaged areas, remains one of our **biggest challenges**

PART 2: PROGRAMME PERFORMANCE

2.10.2 Programme 2: Court Services

Purpose: To provide and manage efficient court facilities and facilitate the resolution of criminal, civil and family law matters in South Africa.

Measurable Objective: To ensure that Justice proceedings are prompt by maintaining the court system in a way that leads to a reduction in backlogs.

2.10.2.1 Service delivery objectives and indicators:

Court Services

Case-flow Management

In order to improve Case-flow Management (CFM) the following initiatives were instituted during the year under review:

- The compilation of Case-flow Management Guidelines to assist presiding officers and other court officials to manage cases more efficiently
- Implementation of a performance management template, whereby court officials are assisted to use court information to assess court performance and institute improvements where necessary
- Development of an e-Scheduler software system to assist in the management of cases throughout the court system
- In addition to the e-Scheduler technology to support Case-flow Management, Court Management Skills Enhancement is receiving attention
- Ninety (90) court managers are enrolled in a learnership to improve the skills base in the courts. This learnership will run until December 2006. During 2005, 30 other court managers are set to graduate from a Certificate in Practical Management Programme
- Implementation of a new dispensation for Registrars to extend their role to quasi-judicial work relating to the management and finalisation of cases, such as the use of mediation and alternative dispute resolution mechanisms
- Development of a video postponement system, whereby cases are heard in courts that are established at correctional facilities and linked to magistrates' courts via video. The advantages of video postponements are reduced security risks associated with the transportation of prisoners, a saving in resources and a reduction in the administrative burden related to the transportation of awaiting-trial detainees.

Implementation of a new Court Management System

A Court Management Capacity Development Programme to address skills shortages in courts was instituted during 2004/05. The Programme includes the development of learnerships, the presentation of short courses for skills development and the holding of workshops on various topics relating to court management.

Dedicated Courts

Certain offences eroding our social fabric and requiring specific attention are being given focused attention by our courts. In this regard we

will continue to deal with offences relating to, for example, commercial crime, community-related issues and petty crimes, sexual offences and poaching of abalone, in a dedicated fashion. Specific court services relating to such offences will be continued with as part of the strategy to ensure that such courts focus on improved productivity and victim assistance in such crimes, as measurements of success. Our strategy is to deal with courts focusing on such offences as part of our court structure and to ensure that the other courts also receive additional attention and resources, so that all courts can deliver improved services.

Commercial Crime Offences: There are now four dedicated Court Centres where the growing phenomenon of serious and syndicated commercial crime receives specialised attention. This approach has proved to be highly effective.

Environmental matters: There are currently two courts (Port Elizabeth and Vredendal) focusing on such matters and they deal very successfully with syndicated crime such as poaching of abalone.

Hatfield-type community matters: There are at present a total of 14 such courts in operation, of which four have been formally approved and another ten are operating as pilot projects on existing resources. Approval of the pilots as full community courts will be considered after their feasibility has been confirmed. Part of the process is also to establish a framework for the mainstreaming of alternative dispute resolution into the court system and these courts.

"Hi-jacking" matters: Specific measures have been taken in Gauteng (due to the high incidence of such crimes in that province) in order to improve the combating and adjudication of "hi-jacking" matters. (This relates to armed robbery with aggravating circumstances cases.) Through local case-flow management principles, exercised under the guidance of the Regional Court President in question, such cases are being prioritised in certain Regional Courts (Johannesburg, Springs, Germiston, Krugersdorp and Vanderbijlpark) and placed before more experienced magistrates and prosecutors. They deal with these cases as part of their normal regional court rolls and therefore also with other matters. The "hi-jacking" cases are channelled to these specific courts for the purpose of coordination. As a result of improved investigations and a close working relationship between investigators and prosecutors, a conviction rate was achieved during the period under review of 85% for the 559 cases finalised in the eight dedicated courts in Gauteng.

Court Integrity Project

The project is located within the framework of the United Nations Office on Drugs and Crime (UNODC) Global Programme against Corruption and it aims to assist the Government of South Africa, and particularly the Judiciary, in enhancing the rule of law by strengthening the integrity and capacity of the courts. For this purpose, the project



PART 2: PROGRAMME PERFORMANCE

will assist the judicial system and the National Prosecuting Authority (NPA), as well as other relevant stakeholders, including court users, in developing an integrated National Action Plan to capacitate and empower the lower court, especially in providing satisfactory services to court users and to enhance the capacity of the judicial system to deal with corruption. The project is on track with surveys currently being conducted.

Improvements in Language Services at Courts

A learnership for court interpreters is being developed by POSLEC SETA (Policing, Private Security, Legal, Justice and Correctional Service Sector Education and Training Authority). A service provider, Cool Ideas, has been appointed to develop unit standards and register the standards with the South African Qualifications Authority (SAQA). Salaries for court interpreters have been reviewed to assist with the upgrading of the profession of court interpreter. The remuneration for

casual and foreign language interpreters is under review. In terms of the language of court, a language policy framework has been developed and was deliberated at the Ministerial/Judicial Colloquium held during April 2005.

Magistrates Commission

A three-month target for filling of vacancies is unrealistic, because advertisements run for one month. During the second month, profiles of all applicants are prepared for purposes of short-listing. Committees at provincial level meet during the third month to do short-listing and conduct interviews. Recommendations are submitted to the Magistrates Commission for consideration by the Appointments Committee. The Appointments Committee submits its recommendations to the Magistrates Commission. Once approved by the Commission, recommendations are submitted to the Minister for consideration. From the 1st day of an advertisement appearing until the filling of a post, the process takes approximately 6 – 8 months.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

2.10.2.2. Service delivery achievements:

Sub-programme	Outputs	Outputs performance measures / services delivery indicators	Actual performance against target	
			Target	Actual
Court Services				
	Constitutional Court: Case-flow management.	Number of cases finalised.	To be benchmarked in 2005/06.	57 cases were finalised.
		Court hours worked per day.	The Constitutional Court and the Supreme Court of Appeal are not courts of first instance that take cases to trial. The matters referred to both are either on appeal or are of a constitutional nature and as such require debate, the giving of oral argument and deliberation in Chambers and in court. This is followed by the giving of judgement. The courts do not have normal sittings; sittings can vary from a few minutes to eight hours, since in many instances cases are heard until they are completed (in view of the fact that the parties travel from all parts of the country). It is therefore not possible to speak of average court hours worked per day.	
	Supreme Court of Appeal: Case-flow management.	Number of cases finalised.	To be benchmarked in 2005/06.	Civil appeals: 166 Criminal appeals: 408 Criminal petitions: 152 Requests for leave to appeal – civil: 431 Requests for leave to appeal – criminal: 152
	High Courts: Case-flow management.	Number of cases finalised.	1,500 in 2004/05.	Cases finalised with a verdict: 1,418
		Court hours worked per day.	3:75 hours per court in 2004/05.	3:32
		Case cycle time.	75% of cases not older than 6 months.	95% of cases not older than 12 months.



PART 2: PROGRAMME PERFORMANCE

Service delivery achievements

Sub-programme	Outputs	Outputs performance measures / services delivery indicators	Actual performance against target	
			Target	Actual
	Specialised Courts: Case-flow management.	Number of cases finalised.	All cases on outstanding role at 31 March 2004, plus 50% of new cases received in 2004/05.	Courts dealing specifically with sexual offences: Cases finalised with a verdict: 5,727 Average Court hours: 4:03 Conviction rate: 64% 57% of cases not older than 6 months.
	Lower Courts: Case-flow management.	Number of cases finalised.	40 per month per District Court and 15 per month per Regional Court in 2004/05.	District: cases finalised with a verdict – 335,670, or 27 per court room. Regional: cases finalised with a verdict – 41,641, or 7 per court room.
		Court hours worked per day.	5 hours per District Court and 4 hours per Regional Court in 2004/05.	District: 4:12 Regional: 4:00
		Case cycle time.	75% of cases not older than 6 months.	District: 90% of cases not older than 6 months. Regional: 61% of cases not older than 6 months.
	Family Advocate: Assistance to the courts on issues relating to children in family matters.	Inquiries finalised. Inquiries of Special Divorce Courts finalised.	Increase number of inquiries finalised.	Inquiries finalised: 7,625 Inquiries of Special Divorce Court finalised: 4,027 Supplementary reports finalised: 37
	Family Advocates' recommendations to court.	Supplementary reports finalised. Inquiry cycle time.	Reduce inquiry cycle time to two months.	Inquiry cycle time: 6 months Mediations finalised: 194 Central Authority applications finalised: 31
	Mediation and settlement of disputes.	Mediations finalised.	Increase number of mediations finalised.	
	Execution of Central Authority mandate.	Applications finalised.		
		Number of inquiries finalised.	1,400 in 2004/05.	7,625 inquiries finalised.
	Magistrates Commission: Filling of vacant posts of magistrate (all levels).	133 posts advertised and filled by the Minister on recommendation by the Magistrates Commission.	90% of new matters received .	All requests for filling of posts dealt with, within available budget.
	Dealing with complaints against magistrates.	273 complaints dealt with.	90% of new matters received.	All matters dealt with.
	Dealing with grievances of magistrates.	38 grievances dealt with.	90% of matters received.	All matters dealt with.

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Service delivery achievements

Sub-programme	Outputs	Outputs performance measures / services delivery indicators	Actual performance against target	
			Target	Actual
	Representations regarding service conditions and general matters.	400 representations received, investigated and dealt with.	90% of matters received.	All matters received dealt with.
	Meetings of the Magistrates Commission and its Committees to consider matters relating to its objectives and functions as prescribed in the Magistrates Act, 1993.	30 meetings of the Commission and its Committees. The nine Provincial Judicial Committees convened on 33 occasions to short-list and interview candidates for positions of Magistrate (entry level).	Meeting of Magistrates Commission as per Magistrates Act.	All meetings held as scheduled.
	Magistrates Commission: Appointment of magistrates and related employment matters.	Number of matters dealt with: 133 posts advertised and filled.	90% of new matters received during 2004/05.	All requests for filling of posts dealt with within available budget.
		Recruitment and appointment cycle time.	3 months from vacancy advertisement to appointment.	Not possible to meet 3-month target.
Capital Works	Court accommodation.	Number of new courts. Number of courts upgraded.	10 in 2004/05 200 in 2004/05	10 new courts opened; 55 courts were upgraded.

Serving a developmental state, the Department is

needs-focused, striving to provide simpler, fast and cost-effective **quality** Justice services to all, including the poorest of the poor and the **vulnerable**



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2.10.3 Programme 3: State Legal Services

Purpose: To provide legal services to government and facilitate constitutional amendments through developing and promoting appropriate legislation.

Measurable Objective: To promote Justice and corporate governance through the provision of a legal system and legislative services to the state and the public, and by completing instructions received.

2.10.3.1 Service delivery objectives and indicators:

Legal Services to the State

Legal Advisory Services presently consists of the State Attorneys, State Law Advisers, Legislative Drafting Unit, Constitutional Litigation Unit, International Affairs, Legal Process and Law Enforcement, which resort directly under the Chief State Law Adviser who plays a broad supervisory role. The Unit operates a budget of ± R134m and consists of approximately 260 lawyers.

The Unit provides legal services to the Executive, all state departments (both national and provincial), parastatals and independent or autonomous bodies that may refer work to it. The Unit relies entirely on the state for work. It is well-known that legal costs in the private sector are very high. The Unit renders a cost-effective service to the state. However, every effort is made to reduce costs even further by increasing productivity, promoting a work ethic and utilising the services of private practitioners as seldom as reasonably possible.

It should be noted that one of the competitive advantages of the Unit is the cost advantage. The Unit is subjected to competitive forces by private practitioners and legal services within the client-departments that could substitute the services it renders. An audit has been conducted of all files in the State Attorneys' Offices at the end of 2002 in an effort to establish a benchmark as a basis for future comparisons, as well as the workload of individual attorneys.

State Law Advisers

The core functions of the State Law Advisers are the writing of opinions; scrutiny of all international agreements, including extradition agreements; and scrutiny of draft subordinate legislation, e.g. regulations.

In an attempt to extend the services so as to improve cost-effectiveness, the following services are also rendered by the State Law Advisers in addition to the core functions:

- One of the Principal State Law Advisers chairs the Veterinary Council
- A number of State Law Advisers assisted and are still assisting the Departments of Social Development, Communications and Home

Affairs and the SA Maritime Safety Authority with the drafting of Bills and regulations

- The Branch is represented and actively involved in the workings of the POSLEC SETA
- One State Law Adviser has on a continuous basis been involved in disciplinary investigations for various departments
- One Principal State Law Adviser was seconded to the UN's offices in New York for 2003 and 2004
- Some of the State Law Advisers assist departments in the negotiation of international agreements.

In 2004 the State Law Advisers received 699 requests for legal opinions, international agreements and regulations, i.e. 20 more than for 2003.

The State Attorneys now brief State Law Advisers to render opinions to client-departments (with their consent), which would normally be outsourced to private counsel. This exercise saves a considerable amount of money, which would otherwise be disbursed to private counsel.

Legislative Drafting Unit

The Legislative Drafting Unit has been established to peruse, develop, draft, scrutinise and certify all legislation. The Unit has embarked upon a training initiative and more than 120 officials from other Departments have received training to date. The key objective is to reduce costs and the state's dependence on private legislative drafters. During the period under review, the Unit scrutinised 43 Bills.

The core functions of the State Law Advisers (Legislative Drafting Unit) are to:

- draft legislation for National Departments;
- scrutinise and certify that Bills are, in its view, constitutional, prior to the Bills being tabled in Parliament;
- ensure that the policies of the government are properly and adequately reflected in legislation;
- prepare opinions;
- advise departments on various legal issues regarding Bills; and
- attend parliamentary committee meetings and provide legal advice to those committees.

National departments draft Bills for consideration by Cabinet. Once the Bills are approved by Cabinet, the Bills are submitted to the State Law Advisers for perusal and certification. During the certification process the Bills' provisions are checked against relevant domestic legislation, particularly the Constitution, relevant jurisprudence, both local and international, applicable conventions and other international instruments and legal publications.

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Comprehensive training is provided to all the State Law Advisers through in-house workshops, seminars, attending conferences, discussions and a system of teamwork. Checks and balances have been implemented to ensure that the drafting and certification processes are of a reasonable standard. The Unit has initiated a training programme in Legislative Drafting in an attempt to develop capacity amongst state employees to draft Bills. To date, approximately 250 officials from national and provincial departments have benefited from this initiative.

A high priority for the Office of the Chief State Law Adviser is the establishment of a Translation Services Unit in Cape Town to translate all certified Bills into official languages other than English. At present this function is being carried out on an *ad hoc* basis, i.e. when requested to do so by departments.

State Law Advisers also provide assistance to departments to ensure that the government's objectives are achieved. In this regard the Drafting Unit has provided consultancy services to:

- the Department of Minerals and Energy Affairs on the implementation of a bilateral agreement in light of the new Minerals and Petroleum Resources Development Act;
- the Department of Justice and Constitutional Development on business rescues;
- various departments for the purposes of translating legislation into official languages other than English;
- ensure that the DoJ and CD's J-Forms are updated and legally correct before printing, for supply to the departmental offices;
- the Department of Housing to improve existing policy so as to prevent the need for legislative amendments;
- the National Intelligence Agency in relation to intended legislation. (More specifically, the State Law Advisers identified the aspects of policy that required reconsideration);
- a joint task team to consider and draft possible legislation which may be necessary in respect of the 2010 Soccer World Cup; and
- various departments as presiding officers in disciplinary hearings from time to time.

During this reporting period the State Law Advisers dealt with approximately 43 Bills. Among those were the Immigration Amendment Bill, the Electoral Commission Amendment Bill, the Anti-Terrorism Bill, the National Payment System Amendment Bill, the Traditional Health Practitioners Bill, the Security Services Bill and the Children's Bill.

Constitutional Litigation Unit

The Unit has been operating under the supervision of the Chief State Law Adviser and in conjunction with the State Attorney Division on a variety of constitutional issues since May 2004. The Unit dealt with 103 matters during this financial year. In some matters the Unit played a monitoring role where constitutional issues were raised, while in

other matters the Unit was actively involved. However, all matters always involved the State Attorneys responsible therefor. In those cases the Unit drafted the papers collectively and sent them to the State Attorney responsible for filing.

The Unit was actively involved in various high-profile constitutional matters which dealt with, *inter alia*, social assistance; the constitutionality of the common law definition of marriage and the marriage formula as set out in the Marriage Act, 1961 (Act No. 25 of 1961); the right to privacy; "pre-trial" silence and separation of powers; the definition of "South African citizen" as provided in the Social Assistance Act, 1992 (Act No. 59 of 1992); the constitutionality of section 46(b) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000); the constitutionality of sections 31 and 32(2); and section 191(1), (2) and (4) of the Labour Relations Act, 1995. One of the high-profile cases in which the Unit was involved, was the well-known and newsworthy case of *Mark Thatcher v Minister of Justice and others*.

State Attorneys

The state's involvement in virtually all spheres of life attracts the attention of an increasing number of litigants. The State Attorney alone currently deals with approximately 82,000 matters on behalf of government. The State Attorneys worked a total of 314,171 hours during 2004/05, of which 25,967 hours were spent, without any remuneration, after hours. An amount of R82,127,700 was recovered on behalf of client-departments, as well as R9,011,961 towards costs.

Monthly timesheets are submitted by attorneys to indicate the time spent on various categories of professional work. Hypothetical bills of cost can be drawn to illustrate the value of the service to the state. It is clear that all offices can show that the state is saving millions of rands by utilising the services of the State Attorney instead of private attorneys. The saving is at least R280,000,000. This figure does not reflect the saving on counsels' fees with regard to opinions furnished by the State Law Advisers.

A total of 46,325 new matters, an increase of 39%, was received in 2004/05. The main categories were 57% High Court and 27% Magistrate's Court. The balance refers to other tribunals.

Prescriptions and default judgements have been declining dramatically, from 500 in 2002/03 to 71 in 2003/04 and 49 in 2004/05. The majority of these prescriptions and default judgements could not be attributed to the State Attorneys.

All attorneys in the division who qualify, have been enrolled (or are in the process of enrolling) to appear in the High Courts. During 2004 Attorneys appeared in at least 1,335 matters, compared to 581 in 2003.

A process to divorce administrative functions from professional functions in an effort to enhance the supervision and management of



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litigation matters has been embarked upon. State Attorneys have appointed office managers (from within their own ranks) to fulfil this very important function.

An amount of R9,012,260 was recovered in respect of legal costs and an amount of R82,127,700 was recovered on behalf of client-departments.

Briefing of Advocates and Payment of Advocates' Fees

A policy has been put in place to redress the imbalances of the past by giving preference to black and female advocates. The process is being monitored by the Chief State Law Adviser personally. The briefing policy also entails that no corruption in the briefing of advocates will be tolerated.

Statistics show that attempts to transform the briefing patterns have progressed a long way. The transformation is advantageous to Black males, as the briefs and payment they received are (percentage wise) on average double their representation at the Bar. Black males also earned the most money (on average) *per capita*. However, white females received (percentage wise) less than half their representation at the Bar, while black females received briefs and payments relative to their representation at the Bar. Although white males received the most money, the payments are relative to their representation at the Bar.

A concerted effort needs to be made to attract and retain more black advocates to the Bar.

International Affairs

The Directorate is responsible for a programme on the development of the National Action Plan (NAP) against Racism, as a follow-up to the World Conference against Racism held in Durban in August/September 2001. In July 2003 the Minister launched the National Forum against Racism (NFAR), comprising government, civil society organisations and other relevant stakeholders. The Secretariat, which is the technical arm of the NFAR, and the National Committee in particular could not be appointed as indicated in our previous report. The delay was due to a lack of suitable candidates for the position of Director. However, the Director has since been appointed and assumed duty on 1 April 2005. The NFAR should be convened during September 2005 and the NAP should be in place not later than 31 March 2006.

The Directorate is coordinating South Africa's participation in the UN Project on the establishment of the International Criminal Court. The Rome Statute of the International Criminal Court (ICC) has been ratified by 99 states, and came into force on 1 July 2002. The target is to have more than 150 State Parties to achieve universal application of the Statute.

Negotiation of the definition of the crime of aggression is still continuing under a Special Working Group established by the Assembly of

State Parties to the Rome Statute of the ICC. South Africa is participating in the negotiations and following discussions on other matters relating to the effective and efficient functioning of the ICC.

The Minister has, with the support of the Directorate, embarked upon a campaign for the training of judges by various international tribunals such as the ICC. Justice Moloto was recently appointed as judge of the International Criminal Tribunal for Yugoslavia (ICTY), following his nomination by the Minister. The Directorate facilitated the lobbying and election of Justice Moloto.

It was reported last year that the Directorate completed the process of ratification of the United Nations Convention against Trans-national Organised Crime and the Supplementary Protocols, i.e. Trafficking in Persons, Smuggling of Migrants and the Firearms Protocols. The Convention and the Trafficking in Persons and the Smuggling of Migrants Protocols have entered into force. Officials from International Affairs formed part of the South African delegation to Vienna in June-July 2004. On their return from Vienna an interdepartmental meeting was re-convened. A discussion took place on the preparations that will have to be undertaken for the second conference of the State Parties to be held in October 2005. A number of questionnaires were received from the UN on the implementation of the organised crime instruments. These have been completed so that the UN can monitor how the organised crime instruments are being implemented. Of further importance is the fact that technical assistance can be requested in areas where it is required.

The Directorate is still involved in the Democratic Republic of Congo (DRC) Project led by the Department of Foreign Affairs. The purpose of this project is to assist the DRC to deal with issues of governance, following the Sun City Talks leading to the establishment of the Government of National Unity. Government policy is that South Africa should have permanent presence in the DRC leading up to the elections scheduled for 2005. The DoJ and CD could not form part of the South African delegation to be permanently based in the DRC, due to financial constraints. However, the Directorate regularly attends meetings on the DRC. At the time of this Annual Report, the question of elections in the DRC was hanging in the balance.

Extradition and Mutual Legal Assistance

The Directorate drafted documentation for Parliament which assisted in the deliberations leading to the ratification of an extradition treaty between South Africa and India (ratified on 3 November 2004). The Directorate is in the process of making the necessary arrangements in order to bring the Treaty into force.

Extradition and Mutual Legal Assistance in Criminal Matters Treaties with the following countries entered into force during 2004:

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China, 17 November 2004; Egypt, 2 July 2004 and Lesotho. Although the latter Treaty entered into force on 23 December 2003, publication could only take place on 28 May 2004.

The Extradition and Mutual Legal Assistance Treaty with the Islamic Republic of Iran was signed on 31 August 2004. The Treaty has already been submitted to Parliament for ratification.

The Directorate is currently busy with the finalisation of Extradition and Mutual Legal Assistance Treaties with the following countries:

United Arab Emirates; Peru; Venezuela; Republic of Korea; Chile and Uruguay.

The Directorate has requested the Council of Europe to negotiate an invitation for South Africa to accede to the Council of Europe's Convention on Mutual Legal Assistance. A response is still awaited from the Council of Europe.

South Africa ratified the Protocol on the African Court of Justice on 14 February 2005. The Protocol has not yet entered into force. It is interesting to note that the Court of Justice will have overlapping jurisdiction with the African Court on Human and Peoples' Rights. The latter Protocol has entered into force and the African Commission is in the process of investigating the modalities for the operationalisation thereof. South Africa has already submitted the name of their candidate to serve on the Court.

Although South Africa has already signed the Council of Europe's Convention on Cyber Crime, the Minister was requested to seek the President's approval that SA also sign the Additional Protocol, whereafter the Instruments will be submitted to Parliament for ratification.

A request was also received from the Embassy of Italy to render legal assistance by obtaining evidence from witnesses in Pretoria and Cape Town. The evidence was to be used in an ongoing case in Palermo against the most wanted "mob" fugitive, Mr Vito Roberto Palazzolo.

The Directorate participated in the South African observer delegation to the trial of South African nationals who were tried for a coup plot in Equatorial Guinea. The case was finalised in 2004. The case record has now been submitted to the Department. The documents have to be translated from Spanish into English so as to afford the lawyers of the accused the opportunity to study the record and take whatever steps as instructed by their clients.

The Directorate was also requested by Equatorial Guinea to obtain statements from Mr Mark Thatcher and others in the abovementioned matter.

Human Rights Matters

The Initial South African Country Report on the United Nations International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) has been deposited with the United Nations. The date for the presentation of the report by the South African delegation will be announced at a later stage.

The Initial South African Country Report on the UN Convention against Torture was approved. It was submitted via Foreign Affairs to the UN Secretary-General. A date for presentation is awaited.

The Periodic Report on the African Charter on Human and Peoples' Rights was also approved and submitted via Foreign Affairs to the African Commission on Human and Peoples' Rights. The report is to be presented during the Sept/Oct Session of the African Commission.

The Ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment is before Parliament.

The Ratification of the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women has been presented to the Cabinet Committee.

The Draft Declaration between South Africa and Brazil on Cooperation in the Fight against Discrimination and the Promotion of Racial Equality has been concluded and will be signed in due course.

The Directorate participates in the negotiation of the International Convention on the Rights of Persons with a Disability.

Other Legal Matters

The signing of the International Convention on the Settlement of Investment Disputes between States and the Nationals of other States (ICSID 1965) is at an advanced stage, in that it is foreseen that the signing will take place as soon as the International Arbitration Bill has been enacted. The United Kingdom has been designated in terms of the Cross-Border Insolvency Act, 2000.

International Conferences/Meetings

First Conference of the Parties to the United Nations Convention against Trans-national Organised Crime held in Austria, Vienna from 28 June - 9 July 2004.

Meeting of Senior Officials on the Joint Permanent Commission for Cooperation between South Africa and Botswana held on 6 August. The meeting, *inter alia*, focused on the possibilities of negotiating and amending the old Treaty of 1969 between SA and Botswana. Furthermore, progress was discussed on stability and security on issues of outstanding extradition requests, mutual legal assistance, cross-border crime and illegal drivers' licences/SADC licences.



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The 3rd Session of the Assembly of State Parties (ASP) to the Rome Statute of the ICC in the Hague in September 2004, where the ASP elected a Gambian national as the second Deputy Prosecutor of the ICC. The ASP adopted the budget for 2005, but a debate was held around the establishment of the contingency fund. Delegates, in particular South Africa, were concerned that the ICC had a surplus from its previous financial year, which suggests inefficient financial management. The ASP was given a report on the Inter-session meeting on the definition of the crime of aggression and negotiations are continuing.

Meeting of Senior Officials of Commonwealth Law Ministries in London on 18 – 20 October 2004. The meeting exchanged experiences and discussed model laws and schemes on criminal law matters, in particular the capacity to combat terrorism, access to Justice matters, law and development issues, and human rights-related issues. In line with government policy, South Africa requested the extension of the Commonwealth sponsored Legal Drafting course to South African interns. The Minister has approved that a formal request be prepared in consultation with the Drafting Unit.

Secretariat: Rules Board for Courts of Law

The Secretariat of the Rules Board has been restructured by the appointment of one Principal State Law Adviser as Secretary to the Board. Five Senior State Law Advisers have been appointed to undertake the necessary research into the rules of court. The new staff appointments have led to greater compliance with the Employment Equity Act. Increased capacity will lead to the review of the Rules of Court to simplify court procedures and make courts more accessible.

Amendments to the tariffs to accommodate the increase of jurisdiction of the Small Claims Courts were published, which will result in more people using the Small Claims Courts.

Draft Rules in terms of the Promotion of Access to Information Act, 2000 were adopted by the Rules Board and sent to the Minister for approval. The adoption of these rules will promote the right of access to information.

Draft amendments to rules to accommodate the new criminal appeal procedure were approved by the Rules Board in November 2004. The amendments will result in more people exercising their right of appeal.

The Rules Board hosted a meeting of experts to discuss the rules to be drafted in terms of the Promotion of Administrative Justice Act, 2000.

The amendment to the Sheriffs Act, Act 90 of 1986 to provide that the Minister may appoint more than one sheriff in an area, necessitated consequential amendments to the Magistrates' Courts Act, Act 32 of

1944. The Rules Board Secretariat submitted draft amendments to the Rules Board for their approval.

The Secretariat has furthermore drafted amendments to Rule 45(1) of the High Court Rules to provide for judicial oversight over sales of immovable property as required by the Constitutional Court in the *Jaftha*-decision, for submission to the Rules Board for approval.

The Secretariat has submitted reports on representations received for the amendment of court rules to the Rules Board. Amendments to the rules will result in easier access to courts.

Chief Directorate: South African Law Reform Commission

Since the establishment of the new democratic order in South Africa and the enactment of the Constitution, as well as the development of completely new branches of the law, government has set high on its agenda the repeal of those statutes on the statute books that are either redundant, obsolete or in conflict with constitutional imperatives.

One such statute is the Black Administration Act 38 of 1927. The draft Bill proposed by the South African Law Reform Commission envisages an incremental repeal of the Black Administration Act, and sets in place a mechanism for such repeal, which would avoid an uncoordinated and piece-meal attempt at getting rid of the Black Administration Act as a whole.

The South African Law Reform Commission's report on customary law of succession contains draft legislation aimed at reforming the customary rule of male primogeniture that discriminates against women and children, in accordance with the principles of equality as enshrined in the Constitution.

An International Law Reform Conference took place in Cape Town from 15 - 17 March 2005, on the initiative of the Association of Law Reform Agencies of Eastern and Southern Africa. It was hosted by the South African Law Reform Commission. The theme of the conference was Law Reform in Action: Reviewing the Past, Reforming the Present, and Anticipating the Future. Developing constitutional democracies in Africa benefited greatly from interacting with law reform agencies that have for many years been operating in a constitutional democracy and have kept abreast with an intricate and rapidly changing social climate. Globalisation and the development of MODEL laws have brought legal systems closer together. In many respects the spotlight of the world has been turned on Africa and its emerging constitutional democracies, where there is a particularly strong need for law reform. The conference presented a unique opportunity to exchange and share ideas in this regard and to strengthen ties with law reform agencies in Africa, as well as with other Commonwealth countries.

Eight papers or reports were submitted to the South African Law Reform Commission Secretariat for approval, two short of the target

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of ten. This can be ascribed to the fact that two researchers at the Commission were involved full-time in assisting the Department of Social Development with the promotion of the Children's Bill. In addition, seven posts of Senior State Law Adviser were vacant during the reported year.

Details regarding the functioning of the South African Law Reform Commission and its law reform programme can be obtained from the Commission's Annual Report, which is published separately by the Commission.

Master of the High Court

The Administration of Estates Act 66 of 1965 has been amended to provide for the position of a Chief Master. The position will soon be filled permanently.

During this financial year, the Branch expanded its operations by opening four new offices, namely in Johannesburg, Port Elizabeth, Durban and Polokwane. This brings the total of Masters' Offices in the country to 14. The Mpumalanga Office is in an advanced stage of planning.

The Minister appointed a Committee of Inquiry to look into the various aspects of the Insolvency Industry. It included the appointment of liquidators, the need to regulate the industry, alleged corruption and "fronting", as well as factors which impede transformation of the Liquidation Industry. The report of the Committee has been submitted to the Minister for consideration. Following the report, an Interdepartmental Task Team was established between the DoJ and CD, the Department of Trade and Industry and the Treasury. The aim is to have a synergised approach to matters of joint interest and to advise Cabinet on the most suitable policy to be implemented.

The Constitutional Court has declared all discriminatory provisions in legislation dealing with the administration of deceased estates, unconstitutional. In order to implement the Constitutional Court rulings in the case of *Moseneke and Others v The Master and Another* 2001 (1) SA 18 CC, as well as *BHE v Magistrate Khayelitsha*, the *Mvledziso* Project was launched during the previous financial year and is ongoing. One of the main objectives of the project is to provide efficient and effective Masters' services relating to the administration of estates, and make them accessible to all South Africa's people, without any form of discrimination or prejudice. All magistrates' offices in the country have been designated as Service Delivery Points. The implementation of this project is done through the existing Court Services resources and infrastructure. When the personnel are taken over by the Masters Branch, a shift of expenditure from Programme 2 to Programme 3 will be necessary.

The Guardians' Funds of the former TBVC-states are still administered at the Grahamstown and Pretoria Masters' Offices. The return of these Guardians' Funds is under discussion. Preconditions for the

return of these Funds include the expansion of capacity and further systems development.

Although a computer solution has been developed and rolled out to all Masters' Offices with Guardians' Funds, it does not meet with all the required standards. In addition, all data has been captured but not verified yet. An estimated R40 million is required for this purpose.

A file management system and file-tracking system is in the planning phase. This will be done in conjunction with the Information Systems Management (ISM) Branch.

A risk management system has been put in place and people identified to perform these functions.

The Masters Branch's personnel structure at Head Office is inadequate to properly discharge all duties. The Directorate for Administration and the Guardian's Fund in particular rely heavily on contract employees, without whom it could not function. Several initiatives are undertaken at Masters Branch level. It includes the development of IT solutions such as the Masters Administration System for Estates, Trusts and Insolvencies (MASETI). The IADE project (Integrated Administration of Deceased Estates) and interaction with the German Technical Corporation (GTZ) are also administered at Branch level. About 20% of the budget allocated to the Masters Branch is kept at National Office level and initiatives are funded from that level.



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Service delivery achievements

2.10.3.2 Service delivery achievements:

Sub-programme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Legal Services to the State				
	Legal services.	Opinions, litigation matters, agreements and draft legislation finalised.	90% within a year.	
	Reduce private sector assistance to government departments.	Percentage change in requests for services.	4% decrease in 2004/05.	
	Directorate: Legal Process: Advise President, Minister and Director-General on applications for pardon or reprieve in terms of the Constitution.	To ensure minimum time delay in investigation, preparation and submission of applications.	1,071 applications were received.	734 applications were finalised.
	Advise the Minister on applications for exemption from the prohibition of military training and possession of arms in terms of the Criminal Law Second Amendment Act, 1992. Since the Chapter came into operation on 1 April 1999, 17 applications were received.	To ensure minimum time delay in investigation, preparation and submission of applications.	No applications were received.	
	Advise President, Minister and Director-General on the appointment of commissions of inquiry in terms of the Commissions Act, 1947 (Act 8 of 1947), when activities within the Department's area of responsibility need to be investigated.	To ensure that all legal requirements are met and commissions are appointed. To ensure timely advice to the relevant authorities.	The Directorate was involved in the appointment of 1 commission.	The Commission was successfully appointed.
	Advise the Minister on petitions received for re-opening of criminal proceedings on the basis of new evidence, in terms of section 327 of the Criminal Procedure Act, 1977 (Act 51 of 1977).	To ensure minimum delay in investigation, preparation and submission of petitions.	Five requests were received.	Two are still under consideration.
	Advise the Minister on requests to refer a question of law to the High Court of Appeal in terms of section 333 of the Criminal Procedure Act, 1977.	Ensure proper, well researched and drafted submissions to the Minister.	No request was received.	

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Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
	Advise the Minister on requests to refer a question of law in civil matters to the High Court of Appeal in terms of section 23 of the Supreme Court Act, 1959 (Act 59 of 1959).	Ensure proper, well researched and drafted submissions to the Minister.	One request was received.	The request is still under consideration.
	Advise the Minister regarding applications for exemption, in terms of the Debt Collectors Act, 1998 (Act 114 of 1998).	To ensure that all legal requirements are met and that proper and well researched recommendations are made to the Minister.	Eight requests were received.	The requests are still under consideration.
Master of the High Court				
	Supervision of the administration of deceased estates.	Establishing a computerised database for deceased estates by the implementation of the Masters Administration System for Estates, Trusts and Insolvencies (MASETI) at all Masters' Offices	By the end of April 2005.	Achieved
		Automation of the administration of deceased estates by the IADE (Integrated Administration of Deceased Estates) Project, as funded by the Irish Government.	End of September 2006.	Ongoing and on target.
	Supervision of the administration of liquidations.	A fully transformed liquidations industry, which provide access and equal opportunities to all by implementation of a policy document.	End of March 2006.	Ongoing
		Elimination of fraud and corruption were investigated by the Committee of Inquiry as appointed by the Minister.	Ongoing	Ongoing
	Supervision of the registration of trusts.	Establishing a computerised database for trusts by the implementation of the Masters Administration System for Estates, Trust and Insolvencies (MASETI) at all Masters' Offices.	End of April 2005.	Achieved



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Service delivery achievements

Sub-programme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
	Supervision of the administration of fiduciary estates.	Establishing a computerised database for fiduciary estates by the implementation of the Masters Administration System for Estates, Trust and Insolvencies (MASETI) at all Masters' Offices.	End of April 2005.	Achieved
		Compile a Practice and Procedure Manual to implement the Mental Health Care Act, 17 of 2002, which came into effect on 26 December 2004.	End of August 2005.	Ongoing
	Management of Guardian's Fund.	Automation of the Guardian's Fund administered by Masters' Offices. The solution has been developed and rolled out, but is not operational yet.	End of December 2006.	Ongoing refer to MMIT process.
	Rationalise the Guardian's Fund.	Ensure uniformity in the administration of the Guardian's Fund throughout the country in compliance with the Rationalisation Bill passed in June 2001.	End of March 2005.	Rationalisation of the former TBVC-states is completed.
		Return of Guardian's Funds to the offices of origin and establishment of Guardian's Funds at all new Masters' Offices.	End of 2006/2007 financial year.	Ongoing
	Provide web-based access to information for all stakeholders, role-players and interested parties.	Improvement of current static website into an interactive website to ensure that information is easily accessible.	Launched June 2002. Ongoing	Ongoing
	Reconciliation of funds invested with the Public Investment Commission (PIC).	Monthly reconciliation of invested funds at PIC.	End of March 2005.	Achieved
	Give effect to the <i>Moseneke</i> and subsequent <i>BHE</i> Judgement (Nov 2004).	Making the administration of estates conform with the Constitution. Making the administration of deceased estates accessible to previously disadvantaged groups, thereby eliminating any forms of discrimination.	All logistics in place end December 2006.	Legislation amended. All Magistrates' Offices have been designated as service points for the Master's Office. Work-study process currently running to determine adequate provision for resources at service points and Masters' Offices.
	Establish additional Masters' Offices.	Opening 4 new Masters' Offices in order to provide effective services to the community.	March 2004	Achieved in February 2004.

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Sub-programme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
		Opening of a Master's Office for Mpumalanga.	End December 2006.	Ongoing and on target.
	Create specialisation in the larger Masters' Offices.	The establishment of a highly specialised pool of expertise. Five competent, specialised, highly skilled and efficient Units established.	End of March 2004.	Achieved
	Streamline and align policies and directives.	Ensure uniformity regarding the operations in all Masters' Offices.	End of December 2006.	Ongoing

2.10.4 Programme 4: National Prosecuting Authority (NPA):

Purpose: To provide a coordinated prosecuting service, protect certain witnesses and investigate serious organised, unlawful conduct in an organised manner.

Measurable objective: To ensure the proper administration of Justice in criminal cases through the provision of prosecuting services that achieve an overall conviction rate that will serve as a deterrent.

Details regarding this Programme Performance can be obtained from the separate Annual Report published by the National Prosecuting Authority.

The Annual Financial Statements of the NPA are included in Part b of Part 4 of this report. Consolidated financial statements are included in Part C of Part 4.

2.10.5 Programme 5: Auxiliary and Associated Services

Purpose: To render a variety of auxiliary services associated with the Department's aims, and provide for transfer payments to constitutional institutions, the Legal Aid Board, the Special Investigating Unit, the Represented Political Parties' Fund and the President's Fund.

Measurable Objective: To support the National Crime Prevention Strategy (NCPS) and guarantee the independence and integrity of the administration of Justice, by providing vulnerable groups with additional legal services and advice, which meet public assistance and awareness campaign targets.

2.10.5.1 Service delivery objectives and indicators:

Information Systems Management (ISM) (National Crime Prevention Strategy)

E-Justice

The e-Justice Programme supports the fundamental reforms necessary to establish a fairer, accessible and efficient Justice System in South Africa.

The purpose of the e-Justice Programme is to reform and modernise the administration and delivery of Justice through re-engineering work processes by using technologies, strengthening strategic planning and management capacity, organisational development and human resource interventions.

The e-Justice Programme has evolved into the ISM Programme that includes a total of 25 projects in addition to the three main projects, i.e. Court Process Project, Digital Nervous System Project and Financial Administration System Project. The e-Justice Programme is funded mainly by the

The **e-Justice** Programme supports the **fundamental reforms** necessary to establish a **fairer, accessible and efficient** Justice System in South Africa



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Justice Vote Account, but is supplemented with donor funding from the European Union (EU) Commission, the Royal Netherlands Embassy and the Irish Embassy.

The multi-year Programme was launched in 2000 and comprises the following specialised projects:

Digital Nervous System (DNS)

The aim of this project is to deploy Information Technology (IT) infrastructure and related services to the Department.

Since the project's inception in 2000, more than 9 923 officials have been provided with basic IT infrastructure.

Court Process Project (CPP)

The CPP is one of the key projects of the e-Justice Programme. The CPP incorporates the flow of processes that affect Departments in the Integrated Justice System (IJS), namely the Departments of Safety and Security, Correctional Services, Social Development, Justice and Constitutional Development, as well as the NPA.

The CPP essentially seeks to re-engineer the way in which court services are delivered and is aimed at providing courts with the necessary tools to deal with both caseloads and general management in a more effective manner. This Project also links, for the first time, the police, prosecutors, courts, prisons and social welfare facilities at selected pilot sites.

The CPP will bring innumerable benefits to all Justice officials, as well as society at large. These include:

- Improved administration and tracking of dockets and case files
- Reduced delays leading up to trials
- Reduced duplication of data entry
- Improved access to information
- Timely notification of events
- Verification of identities
- Reduced number of lost case dockets
- Reduced postponement of cases due to misplaced files/exhibits
- Improved administration of prisoner admissions and releases
- Improved docket/exhibit administration.

The CPP, which was initiated in 2000, was the first project to deal with an integrated criminal case management system, as well as a civil solution. The Project was the first serious attempt to bring advanced IT functionality and support to the courts.

The CPP System has been moved back into the laboratory for possible rewriting and unpacking. However, certain modules of the current CPP system will be and have already been rolled out to identified sites, i.e. the e-Scheduler Solution.

Financial Administration System (FAS)

The FAS is tasked with automating and administering trust accounts in the Magistrates' Courts, the State Attorneys' Offices and the Guardian's Fund in the Masters' Offices. The FAS comprises a number of projects. The *Guardian's Fund* administers monies kept in trust for persons, including minors, state patients, unborn heirs and persons having usufructuary, fiduciary or fideicommissary interests. The *Justice Deposit Account System (JDAS)* administers monies received at court in lieu of maintenance, bail, admission of guilt, civil cases, contributions, court cases and estates. In addition, the *State Attorneys System* assists State Attorneys with registering and administering case files, collecting money and administering payments to applicable parties and the handling of litigation processes. The *Masters Administration System for Estates, Trusts and Insolvencies (MASET)* enables officials to manage cases and track records. It has also resulted in better service delivery through quick and efficient response times to queries.

The programme supports the following government priority objectives:

- Improved access to court case files for all parties involved
- Effective case registration and mailing system in courts established and made operational
- Effective court management information system established and made operational
- Access to information database for all users of the Justice System established and made operational
- Effective planning and management of court administration development programme ensured.

The essence of the e-Justice Programme is to provide connectivity to the entire Justice System from a national to a local court level, thus ensuring the immediate availability of information relating to court cases, court administration, legal precedents, maintenance, summonses, prosecutions and financial administration, as well as enabling interoperability between the departments involved in the Integrated Justice Cluster. Digitising the Justice System will reduce the current backlogs that exist in South African courts, speed up processes undertaken by lawyers, improve communication within the cluster, improve management decision-making and ensure the ready availability of accurate statistics.

To date the e-Justice Programme has achieved the following:

- Successful completion of the DNS I project, which provided Information and Communication Technology (ICT) infrastructure, connectivity, ICT equipment (desktops, printers, etc.), e-mail and training to a total of 221 sites
- Computer-literacy training to an estimated 10 000 users
- Successful implementation of the MIS initiative - the departmental Intranet (DJINI)

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- Successful roll-out of the Guardian's Fund system to all Masters' Offices
- Successful roll-out of the MASETI to all Masters' Offices
- Development and implementation of a State Attorneys System
- Roll-out of the JDAS system to identified sites
- Roll-out of the e-Scheduler Solution (one of the modules of the CPP) to 46 identified sites
- Successful pilot of HR Service Benefits Solution and Leave On-line Solution
- Successful establishment and optimisation of a Programme Management Office, standardisation of the project management methodology and customisation of the Enterprise Project Management (EPM) System for effective online project management
- Development of a Monitoring and Evaluation (M&E) framework for DoJ & CD.

Integrated Justice System (IJS)

The collective efforts of the departments participating in the JCPS Cluster thus far established the foundation for an Integrated Justice System. Much has been achieved, but the challenge now is to "keep the momentum".

Each department is, first and foremost, responsible for improvement and maintenance of its own data processing, storage and transfer systems in support of its mission.

In order for each department to carry out its own Information Technology advancement, it must share Information Technology with all other entities in a collaborative effort. Each entity agrees to exercise due diligence in maintaining the integrity of both entity data and information system practices so that sharing of data and coordination of Information Technology among all entities will be facilitated to the maximum extent possible.

Significant amounts of information generated or processed by government entities is confidential by reason of privacy protections, security restrictions and various privileges. Subject to these considerations, each department agrees to understand and enforce appropriate privacy and security restrictions when accessing and sharing data. The agreed objective is to share information that can be shared with as little difficulty and duplication of input as possible.

Each department furthermore agrees to cooperate with other departments in an effort to develop and maintain an Integrated Justice System.

All entities recognise the need for continued monitoring and evaluation and agree to cooperate in an effort to develop and implement effective performance evaluation procedures and common standards to which performance may be measured.

A review of the IJS Programme was conducted at the end of January 2005. Although the IJS Vision and Mission, as well as high-level objectives remain intact, the approach to derive it has changed. The amended approach focuses more on line of business needs and developing departmental capacity.

In reviewing the progress of the IJS Programme to date, a number of issues were identified that were not being adequately addressed under the previous approach of the Programme. These were essentially departmental capacity issues resulting in poor departmental response to the needs of the Programme; differences in departmental strategic priorities in respect of system capacity acquisition and delivery, due to, among others, the varying levels of departmental infrastructure maturity; and unclear distinction in respect of the delivery responsibility between Programme and departments.

The current approach departs fundamentally from the previous approach in respect of the following areas:

- Architectural emphasis, which is now placed more on the integration and exchange of information between departments
- Execution Strategy, with the emphasis placed on departmental capability development and departmental capability delivery
- Division of responsibility and governance requirements.

Lead departments have been identified for different projects. In addressing some of the capacity problems, it was decided that at programme level, capacity will be limited to planning, coordination and architectural alignment. This component will consider commonalities such as standards, interoperability and connectivity, as well as infrastructure. Departmental capacity to implement the IJS initiatives will be strengthened. Available funds will be utilised to strengthen more disadvantaged departments and to focus on main governmental priorities.

Contributing to Interdepartmental and Cluster Coordination and Co-operation

The Development Committee has been mandated to gain strategic alignment of shared cluster objectives and activities. One of the priorities in this regard is to enhance cooperation and coordination of the cluster IJS activities. Clearly an integrated approach is required to address the key focus areas of the Development Committee.

An audit of existing IJS structures at all levels of government was completed during 2004. This was done by means of a questionnaire circulated at police station level. The results indicate that various forums currently exist. However, it is questionable whether these structures formally exist at all levels (and locations) of the Justice System and involve all cluster departments, and whether they are directed towards identifying common priorities and attaining objectives in a manner that supports a coordinated and collective approach.

To promote cooperation and coordination between cluster departments towards greater effectiveness and efficiency of the IJS, the



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need for interdepartmental coordinating committees has been identified at provincial (perhaps area) and definitely local levels.

An interdepartmental workshop achieved the following objectives:

- Understanding of government's integrated (cluster) approach and the structures involved in implementation
- Identified and agreed to the need to establish communication channels and alignment mechanisms from national to provincial and local levels
- Initiated the process of establishing or enhancing existing structures to ensure alignment of activities within the JCPS Cluster
- Delegates were afforded another opportunity to study the Terms of Reference and, with that in mind, propose a workable structure in their own unique circumstances.

The draft Terms of Reference proposes the following mandate and responsibilities for the Integrated Justice System Coordinating Committees (IJSCCs):

- Ensure the integration and implementation of the priorities and objectives of the Criminal Justice System (CJS) as translated by the Development Committee
- Identify and address local blockages and obstacles (practical problems) to effective and efficient Justice
- Ensure a collective (integrated) approach to planning
- Proactively and collectively manage mutual issues in support of effective and efficient Justice
- Ensure that prescribed processes and procedures are executed, and that factors that may have an adverse effect on projects and programmes are effectively managed
- Promote cooperation, coordination and participation of related IJS stakeholders
- Implement prescribed performance measures and management processes.

Development Committee members will now visit the provinces/areas/regions/local level structures to formally establish the IJSCCs. How they proceed in each event would depend on the unique circumstances of each one's unique circumstances. This is crucial, as it is clear that different structures exist: some functioning well, and others less effectively.



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Entities reporting to the Minister

Judicial Service Commission

Section 178(1) of the Constitution makes provision for the members of the Commission. The main objective of the Commission is to appoint judges and to make sure that the appointments respect the values enshrined in the Constitution.

The Commission may advise the national government on any matter relating to the Judiciary or the administration of Justice, including the preparation of a list of nominees to the Constitutional Court for submission to the President.

During the year under review, two nomination lists were submitted to the President. During the first session in 6-9 July 2004, nine judges were appointed; at the second session in October 2004, eight judges were appointed.

In order to compile a list of nominations, advertisements were placed in national newspapers and correspondence with the relevant Law Bodies was entered into.

For further details, kindly refer to the JSC's separate Annual Report.

Office for the Control of Interception and Monitoring of Communications

The Office for the Control of Interception and Monitoring of Communications mainly deals with applications submitted to the designated judge in terms of the provisions of the Interception and Monitoring Prohibition Act, 1992 (Act No. 127 of 1992).

Act No. 127 of 1992 provides for the interception of postal articles and communications and for the monitoring of conversations or communications in the case of a serious offence, or if the security of the Republic is threatened.

The South African Police Service (SAPS) is primarily, with reference to the South African Police Service Act, 1995 (Act No. 68 of 1995), responsible for investigating and combating serious offences (as defined in Schedule 1 to the Criminal Procedure Act, 1977 (Act No. 51 of 1977)). The Directorate of Special Operations (DSO) is responsible for investigating and combating specified offences as defined in the National Prosecuting Authority Act, 1998 (Act No. 38 of 1998). The National Intelligence Agency (NIA), South African Secret Service (SASS) and Military Intelligence (MI) are responsible for investigating offences relating to the security of the Republic.

The designated judge is responsible for considering applications submitted to the Office for the Control of Interception and Monitoring of Communications in terms of Act No. 127 of 1992.

The implementation of the Regulation of Interception of Communications and Provision of Communication-related Information Act, 2002 (Act No. 70 of 2002) will necessarily impact on the staffing, workload and operations of this Office. Law Enforcement Agencies have indicated that they foresee an increase of between 150% - 300% in applications submitted to this Office.

No provision was made on the budget of the Office for the Control of Interception and Monitoring for the Implementation of the Act in this financial year.

South African Human Rights Commission (Constitutional Institution)

The South African Human Rights Commission (SAHRC), the principal independent institution with the objective of protecting and promoting human rights, has continued to consolidate its work in delivering human rights to the broad cross-section of the South African community.

In the year under review the Commission opened a further provincial office in Mpumalanga and hopes to soon open its final provincial office in the North West Province.

Two significant public inquiries were conducted, the first focusing on the rights of the Khomani San, an indigenous community living in the far Northern Cape. The Commission also held public hearings into the use of boom gates and the human rights issues that flow from them. Both inquiries were concluded with the release of a report with recommendations.

The Commission's outreach to rural communities continues through its Omnibus Programmes, which essentially see the Commission visit a community and engage, educate and inform them about human rights in an interactive fashion over an extended period of time. It enables the SAHRC to reach and meaningfully impact on rural and impoverished communities.

This year saw the Commission launch a guide in terms of the Promotion of Access to Information Act, which enables the public to understand and use the provisions of the Act to access information relevant to them.

The SAHRC also continues to pioneer cases through the Equality Courts, developing a new jurisprudence and ensuring that these courts become functional and accessible to South Africans who experience diverse forms of discrimination.

The socio-economic rights monitoring mandate of the Commission saw it conduct visits to numerous local municipalities in order to assess the realisation and delivery of socio-economic rights. It is hoped that the reports from such visits will assist government and other role-players.



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At international level the Commission continues to work with similar structures on the continent, while internationally often acting as a resource and regularly hosting delegations from such international bodies.

Commission on Gender Equality (CGE) (Constitutional Institution)

In the CGE's strategic plan, eight streams relating to gender equality have been identified, namely: Gender-based violence; Democracy and citizenship; Good governance; HIV/AIDS; Poverty; Sexual orientation; Tradition, culture and religion; the implementation of the Equality Act and Employment Equity. In prioritising its activities, including research, the CGE focuses on groundbreaking and precedent-setting issues and activities. The objective is also to reach as many people as possible in each province, especially those in rural communities, for targeted public education, information and research.

The CGE undertook various research projects and legal interventions during this financial year, including conducting a survey on the implementation of the Domestic Violence Act in twenty Magistrates' Courts and Police Stations. In addition, the Commission completed research on whether the Magistrates' Courts were implementing the Maintenance Act properly. This study has added to the CGE's knowledge of how the maintenance system is working (or not working) for women in South Africa and, indirectly, for their children. In particular, it has increased our knowledge of what happens after the order is made, of how the maintenance amount (e.g. quote recommendation) is arrived at, and what factors might prevent women from using the maintenance system. The research also assessed the extent to which the recommendations of the Lund Committee Report had been implemented.

The Commission also ran provincial workshops on the involvement of men in the fight against gender-based violence. The need to include men in the fight against gender-based violence was part of the declaration that was made at the National Conference on Gender-based Violence in November 2003. The Commission opted to incorporate this quest into its review and celebrations of our ten years of democracy to ensure that whilst the project maps men's involvement, it also explores the past.

It is generally believed that there is an unconcealed gender-bias in the legal profession. This was verified by a survey conducted by the CGE within the legal profession. The survey was administered through a questionnaire, which was sent to all law firms.

The Annual Report Card (ARC) within municipalities is a tool that the CGE has devised to determine the degree of gender awareness within the public and private sectors, as well as in social development projects. Due to the poor response by the 283 municipalities to the questionnaires on the ARC in 2003, the questionnaire was refined and again circulated among them to check compliance of municipali-

ties to policies and programmes aimed at gender equality. Municipal managers were sent a questionnaire on internal structures, whilst heads of departments were asked about the gender dimension of community development projects.

Lastly, the CGE conducted research on Gender Analysis of Employment Equity in respect of practices in the private sector, which highlighted both positive developments, as well as concerns in terms of the status and experience of women at work. The CGE examined some of the employment equity plans submitted to the Department of Labour through the gender lens. The findings of these analyses would inform recommendations that will be forwarded to the Department of Labour, the Employment Equity Commission and other relevant bodies for future reporting purposes by employers.

Public Protector (Constitutional Institution)

The specific mandate of the Office of the Public Protector (OPP) is to strengthen constitutional democracy by: investigating any conduct by organs of state in any sphere of government, that is alleged or suspected to be improper or to result in impropriety or prejudice, to mediate, negotiate, conciliate, report and recommend remedial actions.

During the year under review, the emphasis was on identifying root cause investigations and ensuring non-recurrence of similar cases, thereby improving service delivery by recommending remedial action. Six systemic investigations were identified and project plans have been approved for finalisation during the 2005/06 financial year. The Office was also proactive by identifying four own-initiative investigations, which through the OPP's recommendations, assisted organs of state to improve service delivery. Twenty-thousand-seven-hundred-and-seventy (20770) new cases were received and 23824 cases were finalised. At the end of the reporting period, 6683 cases were carried forward to the next financial year.

To fulfil its constitutional mandate of being accessible to all and not only those closer to towns and cities, the Office of the Public Protector embarked upon an outreach programme. This programme enabled the Office to work in collaboration with other Chapter 9-Institutions to effectively and efficiently improve service delivery. The programme is also aimed at empowering all stakeholders by conducting public awareness campaigns. Forty-three (43) visiting points were established in remote areas and serviced once every month. Two regional offices have been identified and will be established in the 2005/06 financial years.

The staffing levels in both the administrative and investigative components had a great impact on the organisational ability to deliver on time, as the Office was not in a position to fill all critical identified posts to ensure the successful implementation of the Office of the Public Protector Strategic Plan.

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President's Fund

The Fund gives effect to the reparations policy flowing from the findings of the Truth and Reconciliation Commission (TRC). This Fund is not listed as a Public Entity in the PFMA schedule, as it is temporary in nature.

As stated in the previous report, phase one deals with the payment of the once-off individual grant of R30.000,00, whilst phase two will include the other forms of reparations approved by Parliament.

As at 31 March 2005, the Fund has paid out R443 million as individual grants to 14 757 beneficiaries. There are 1 703 persons who could not be paid. This was mainly due to the fact that victims/beneficiaries:

- could not be reached for their banking details due to poor addresses;
- relocated from previous addresses; or
- died after receiving interim reparation.

Measures such as the utilisation of the print and electronic media, as well as a door-to-door call in conjunction with the Government Communication and Information System (GCIS), have been taken to locate the outstanding payees.

Other forms of reparation in progress are:

- Clearing of criminal records of persons who were granted amnesty
- Re-admission of advocates and attorneys who were struck off the roll due to their political activities
- The location of the physical remains of missing persons and the restoration of these to the families concerned.

Consultations are continuing with the participating Departments (Education, Health, Social Development, Housing and Arts and Culture) with regard to the other aspects of the reparation package as approved by Parliament.

Represented Political Parties' Fund

In answer to section 236 of the Constitution, the Represented Political Parties' Fund was established by Act 103 of 1997 to provide for funding of political parties represented in Parliament and provincial legislatures.

Represented Political Parties appoint independent auditors to audit their books and records of account, and submit such audited statements to the Electoral Commission.

The Electoral Commission submits an audited report on the management and administration of the Fund, together with its audited financial statements and the report of the Auditor-General, to Parliament. The Chief Electoral Officer is the accounting officer and chief executive officer of the Fund.

The Fund allocated an amount of R 70,7 million to 12 different Represented Political Parties during the year under review.

Public Entities Reporting to the Minister

Special Investigating Unit

The Special Investigating Unit (SIU) is an independent, statutory body established to combat maladministration, corruption and fraud involving state assets and public money. The SIU was created in terms of the Special Investigating Units and Special Tribunals Act, 1996. The Unit is housed in the DoJ and CD and reports to the President and Parliament.

The SIU was first established by former President Nelson Mandela in 1997 and headed by Judge Heath. Judge Heath resigned in June 2001 after the Constitutional Court found that a judge was not able to head the Unit. The SIU then ceased to exist. President Mbeki established a new SIU by Proclamation R118 on 31 July 2001. This resulted in the re-emergence of the Special Investigating Unit as an anti-corruption agency, with Willie Hofmeyr as its new Head.

Role of the SIU

The SIU receives its mandate from the President, who refers cases to it by proclamation. The major function of the SIU is to investigate corruption, fraud and maladministration.

In addition to its role as an **enabler**, the **Department** acts as a **transforming agent** for the state, working in **partnership** with **other organs of state** and civil society



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It also takes civil action to correct any wrongdoing, for example to:

- compel persons to pay back any wrongful benefit they received;
- cancel contracts when the proper procedures were not followed; and
- stop transactions or other actions that were not properly authorised.

Although the focus of the SIU is the public sector, it may also deal with those in the private sector involved in corruption and fraud against the state. Its mandate further allows it to conduct investigations into the private sector actions that cause substantial harm to the interests of the public.

The SIU does not have powers of arrest. Where criminal wrongdoing is uncovered, it works jointly with the SAPS, the Directorate of Special Operations and the National Prosecuting Authority to ensure that the matter is prosecuted.

Services of the SIU

The SIU aims to provide a one-stop service to government departments by:

- conducting multi-disciplinary investigations involving lawyers, forensic analysts, forensic investigators and accountants to ensure a comprehensive investigation;

- using civil litigation to set aside contracts, recover state property or monies from officials guilty of causing losses to the state;
- preparing disciplinary inquiries and testifying at these inquiries;
- preparing court-ready dockets for the SAPS;
- assisting in speeding up prosecutions and assisting with prosecutions where necessary; and
- advising on systemic improvements when investigations reveal systemic weaknesses.

The SIU is committed to working with other bodies involved in the fight against fraud, corruption and maladministration. It has built strong relationships with the SAPS, the National Prosecuting Authority, the Directorate of Special Operations, the Asset Forfeiture Unit, the Office of the Auditor-General, the Public Protector, the Public Service Commission, the National Intelligence Agency, the South African Revenue Service and the Independent Complaints Directorate.

Achievements

During the past year, the SIU achieved a remarkable total of R3.539 billion in savings, preventions of loss and cash recoveries against a target of R530 million. The SIU has also set itself ambitious targets for the 2005/06 financial year, as reflected in the table below:

Performance Measures (R'000)	2003/04		2004/05		2005/06
	Target	Actual (Audited)	Target	Actual (Audited)	Target
Savings	70	372,8	500	92	1,000
Preventions*				3 435	
Cash Recoveries	50	13,7	30	12	40
Totals	120	386,5	530	3,539	1,040

*Preventions were separated from savings for the first time in the past financial year.

Budget and Staff

The SIU has focused on working together with government to fight corruption. During the past year, this resulted in agreements with a further five departments that will fund the SIU's investigation into the department concerned.

Because of such agreements, the SIU has increased its capacity rapidly over the past four years, growing from 67 staff members in 2001 to 207 in March 2005.

The agreements concluded in the past year will result in the SIU growing even faster - it will reach 550 staff members in late 2006.

The achievements of the SIU has also resulted in government doubling its budget over the past three years to its present level of R44 million.

The SIU has promoted greater efficiency and reduced backlogs through the introduction of the Balanced Scorecard approach to monitoring its strategy implementation within its management echelon. It has furthermore improved its representivity in terms of employment equity during its recruitment drives to meet the growing demand for SIU services. Equity has also been a critical consideration during the recruitment of trainee investigators and other development opportunities within the Unit.

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Legal Aid Board

The Legal Aid Board is an independent statutory body established to provide legal aid to the indigent. It derives its mandate from the Legal Aid Act of 1969 and the Constitution. In this context the Legal Aid Board provides legal representation in criminal matters and in certain specified civil matters. In criminal matters, in particular, the Legal Aid Board is enjoined to provide legal representation in instances where substantial injustice would otherwise result.

The Legal Aid Board delivers its services through a mixed model system of in-house legal practitioners based in Justice Centres (84%); Cooperation agreements with Non-Governmental Organisations (3%); and Judicare, a system of contractual arrangements with legal practitioners in private practice (13%).

The bulk of the Legal Aid Board's services are delivered through a national network of 58 Justice Centres, 35 satellite offices and 13 High Court Units. These are managed through four Regional Offices and a National Office situated in Johannesburg. The Legal Aid Board currently employs 1,142 legal practitioners who comprise 71% of the total staff complement.

The Legal Aid Board serves all courts in South Africa and has established links with all prisons holding awaiting-trial prisoners. The Legal Aid Board is currently running a pilot project to test a model for the extension of its services to police stations.

In the 2004/05 financial year the Legal Aid Board's approved budget was R464,681,210. In the same period the Legal Aid Board took on 306,654 new matters, compared with 300,139 in the previous financial year. Furthermore, in the same period, the Legal Aid Board also finalised 233,958 matters, 88% of which were criminal matters and the remaining 12% civil. With no increase in its budget, it is envisaged that the number of legal matters handled can increase. Furthermore, a greater emphasis on quality legal services rendered to clients will result in a new balance between quantity (number of matters handled) and quality of legal services rendered.

The Legal Aid Board continues to seek mechanisms to enable South Africans, in particular the indigent, to access Justice.





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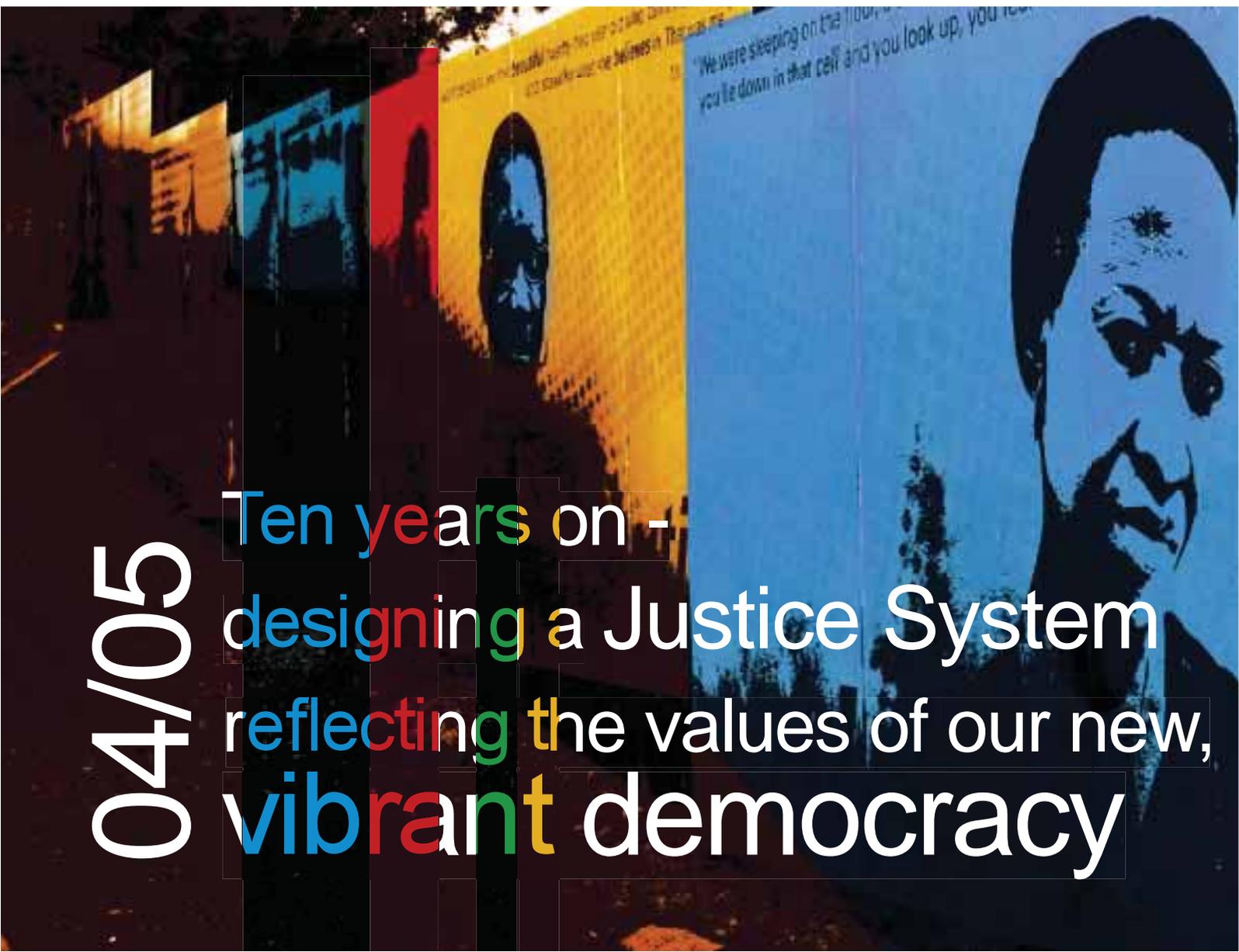
Service delivery achievements

2.10.5.2 Service delivery achievements:

Sub-programme	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Judicial Service Commission				
	Appointment of judges.	Proportion of vacancies filled.	100% in 2004/05.	Achieved
Office for the Control of Interception and Monitoring of Communications				
	Control of interception and monitoring of communications.	Number of applications and directions considered.	300 in 2004/05.	Achieved
Commission on Gender Equality				
	Gender awareness programmes.	Number of individual complaints considered.		1 600 in 2004/05.
		Number of workshops, dialogues and seminars.		130 events in 2004/05.
		Number of interventions into legislation and policy formulation.		10 in 2004/05.
	Investigation of complaints.	Number of sectoral investigations.		10 in the private and public sectors in 2004/05.
Special Investigating Unit				
	Investigation of maladministration and corruption.	Evidence prepared for use in civil and criminal cases, disciplinary proceedings and other remedial action.		5 600 cases in 2004/05.
	Litigation to recover government property or money, or prevent losses.	Proportion of litigation finalised.		90% of litigation received in 2004/05.
Legal Aid Board				
	Legal representation to the indigent.	Number of cases finalised.		250 000 in 2004/05.
		Percentage decline in private sector assistance requested.		10% in 2004/05.
Public Protector				
	Investigation of complaints.	Number of investigations finalised per investigator.		National Office: 120 Regional Offices: 180
National Crime Prevention Strategy - Information Systems Management (ISM)				
	IT resources.	Number of users to receive infrastructure.	12 000 in 2004/05.	9 923 users received PCs; 8 000 users received computer-literacy training.
		Number of users connected to the network.	All users at implemented sites in 2004/05.	11 500 users are currently connected to the network.
President's Fund				
	TRC reparation payments.	Extent of reparation payments made.	Reparations paid to all victims by 31 March 2004.	Ongoing

04/05

Ten years on -
designing a Justice System
reflecting the values of our new,
vibrant democracy



Part 3:

Report of the Audit Committee



PART 3: REPORT OF THE AUDIT COMMITTEE

We are pleased to present our report for the financial year ended 31 March 2005.

Audit Committee members and attendance

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

Name of Member	Number of Meetings attended
S. A. Patterson (Chairperson)	6
K. Buthelezi (Retired 31 January 2005)	2
R. Lubisi	5
J. Noeth	6
P. Wilmot (resigned 3 December 2004)	5

Mr. Motsamai Karedi was appointed on 31 March 2005 to fill one of the vacancies arising on the Committee.

Audit Committee responsibility

The Audit Committee reports that it has complied with its responsibilities arising from Section 3(1)(a) of the PMFA and Treasury Regulation 3.1.13. The Audit Committee also reports that it has adopted appropriate formal terms of reference as its Audit Committee Charter, has regulated its affairs in compliance with this Charter and has discharged all its responsibilities as contained therein.

The effectiveness of internal control

Internal Audit functioned well during the year and generally met the objectives set out in its audit plan. The system of internal control was not entirely effective during the year under review. Common causes of significant findings reported by internal audit were:

- non-compliance with prescribed policies and procedures;
- over-riding of controls by management;
- lack of skills and use of temporary staff due to staff shortages; and
- lack of supervision and discipline, especially in the courts.

These weaknesses continue to be addressed by the Accounting Officer and his management team and a control self-assessment measure (management tool) is in the process of being introduced, designed to obviate weaknesses and monitor staff performances. Significant control weaknesses have been reported by the Auditor-General under emphasis of matter and in the management letter. In certain instances, the weaknesses reported previously have not been fully and satisfactorily addressed. The effect of these instances has been included in the Annual Financial Statements and the report of the Accounting Officer.

The quality of in-year management and monthly/quarterly reports submitted in terms of the Act and the Division of Revenue Act

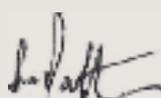
The Audit Committee is satisfied with the content and quality of monthly and quarterly reports prepared and issued by the Accounting Officer and the Department during the year under review. Considerable progress continues to be made in the investigation of suspense accounts, which have built up over prior years. As a result significant irrecoverable amounts have been uncovered, which are in the process of being written off.

Evaluation of Financial Statements

The Audit Committee has reviewed and discussed with the Auditor-General and the Accounting Officer the audited Annual Financial Statements to be included in the Annual Report; and reviewed significant adjustments resulting from the audit.

The Audit Committee was unable to review the Auditor-General's management letter and management's response thereto as this was only presented to the Committee at the Audit Committee meeting held on 29 July 2005. The matters dealt with in the Auditor-General's report were, however, discussed and reviewed.

The Audit Committee concurs and accepts the conclusions of the Auditor-General on the Annual Financial Statements and is of the opinion that the audited Annual Financial Statements be accepted and read together with the report of the Auditor-General.

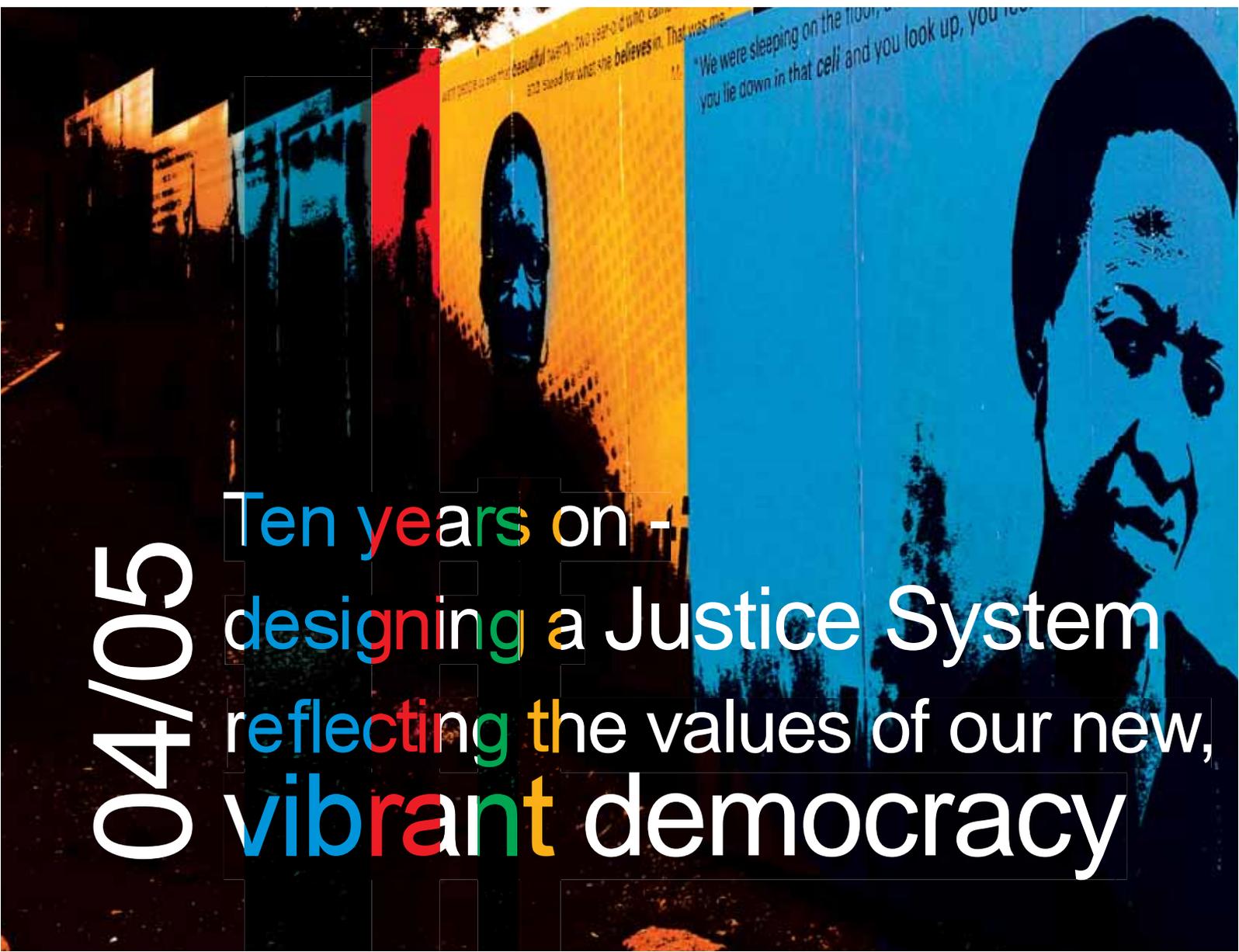


S A Patterson
Chairperson
of the Audit Committee
5 August 2005



04/05

Ten years on -
designing a Justice System
reflecting the values of our new,
vibrant democracy



Part 4:

Annual Financial Statements





Part 4 A:

DOJ & CD
Financial Statements
Vote 24

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

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

1. General review of the state of financial affairs

The following is a comparison between the previous and the current financial year's financial performance:

A. VOTED FUNDS RECEIVED BY THE DEPARTMENT (Excluding National Prosecuting Authority)

	2004/05 R '000	2003/04 R '000
Appropriated amount	3 907 858	3 491 333
Virement (NPA)	(55 700)	17 959
Total amount appropriated	3 852 158	3 509 292
Less total expenditure	3 835 208	3 504 493
Surplus / (Excess) to be surrendered	16 950	4 799

The Department faced a need to generate savings out of operations to:

- write off irrecoverable amounts of R87 million relating to suspense accounts. The balance of the write-off (R8,5 million) will be effected in the next financial year;
- enable a R40 million virement to the National Prosecuting Authority that would enable them to apply for a roll-over of funds to clear accumulated financial obligations relating to a number of prior years; and
- meet a roll-over application to meet capital commitments of R14 million.

B. STATUTORY APPROPRIATION (Judges' salaries and allowances)

	2004/05 R '000	2003/04 R '000
Appropriated amount	177 083	166 278
Total amount appropriated	177 083	166 278
Less total expenditure	242 093	195 327
Over-expenditure to be funded by National Treasury	(65 010)	(29 049)

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The Statutory Division within the Department requested National Treasury that the Statutory Grant be increased.

C. FOREIGN AID ASSISTANCE (Including RDP funds)

	2004/05 R '000	2003/04 R '000
Assistance rolled over from previous year	24 972	90 921
Grants received during the financial year	160 672	6 976
Total amount received	185 644	97 897
Less amount repaid to donor	0	1 332
Less total expenditure	140 095	71 593
Closing balance	45 549	24 972

D. REVENUE

	2004/05 R '000	2003/04 R '000
Opening balance	8 758	8 725
Revenue generated	175 728	190 646
Total revenue generated	184 486	199 371
Less revenue paid to SARS	163 076	190 613
Surplus to be surrendered to SARS	21 410	8 758

During the year under review the finalisation of the audit in respect of the 2003/04 financial year saw the Office of the Auditor-General issue an unqualified audit report on our Vote Account Financial Statements. This was an exciting moment for the Department and we salute the efforts of the former Director-General, Adv Vusi Pikoli; and the CFO, Alan Mackenzie who together with Sandra Gomm and the rest of our staff made this significant achievement possible.

The progression of the PPP to enhance our capacity to adequately manage our responsibilities in respect of the management of monies held in trust by the Department saw us achieve Treasury Approval I on 20 September 2004. The short-listing of potential private sector consortium partners have been finalised and the completion of deliberations will be expedited in the year ahead by working together with National Treasury to ensure that the Department is capacitated to meet the obligations required by the PFMA.

The payment of Phase 1 reparations awarded by the Truth and Reconciliation Commission (TRC) has been largely concluded with outstanding payments relating to cases where delays relate to the finalisation of deceased estates and persons that have moved without notification of forwarding addresses.

The Department migrated from the Financial Management System (FMS) to the Basic Accounting System (BAS) on 1 April 2004. The migration has caused significant difficulties as the Department has not enjoyed reliable

network connectivity to support this general ledger system, as well as the new procurement system.

The provision of access to computer equipment was enhanced such that some 10 000 judges, magistrates, prosecutors and administrative personnel now have internet access, which will greatly enhance vital legal research.

In respect of the Transformation of the Judiciary, the government and the Judiciary are engaged in meaningful dialogue about proposed legislation to improve the functioning, accessibility and transformation of the courts in line with the dictates of our Constitution.

A decision was taken whereby the salaries of Magistrates are to be accounted for as a direct charge against the National Revenue Fund from 1 April 2005.

The removal of administrative functions previously performed by Magistrates as a result of the *Van Rooyen* Judgement caused a serious vacuum in administrative management capacity at a court level. Significant personnel cost increases will need to be funded to address this matter, which has the potential of significantly affecting service delivery. The implementation of the Management of Monies in Trust PPP has the potential to alleviate some of the above capacity constraints.

The National Department of Public Works, as custodian of all immovable state assets, and therefore responsible for the upkeep of court buildings,

PART 4 A: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

was not in a position to effectively address the full routine building maintenance needs of the Department. The impact of this position affected morale, as well as infrastructure deterioration. A programme was established to deal with this problem, but it could not meet priority needs as a result of a lack of funding.

A lack of funds saw service delivery negatively affected in respect of the delivery of guarding, cash-in-transit services and general physical security.

The extension of services by the Justice College to prospective and serving judges, amongst others, was hampered by a lack of funds, which matter will need to be addressed as a component of the transformation programme of the Department to deal with the needs of the judicial, prosecutorial, legal administration and financial branches.

As part of the *Re Aga Boswa* initiative, a new court management system was designed, tested and refined in KwaZulu-Natal from August 2002 to November 2004 to address the challenges identified above. The following elements are the main features of the new court management model:

- The capacitation of local courts to deliver basic court services and the strengthening of the hub courts at area/sub-cluster level to become centres of excellence to enhance accessibility of basic and specialised services to all sectors of the community, especially in rural and former black townships.
- The alignment of the service delivery points within the JCPS cluster in accordance with the re-demarcated municipal boundaries to the extent that this is possible, taking into consideration the population served by each court and travelling distances to and from the courts.
- The appointment of professional court managers and the development of appropriate management and administrative skills for court staff to relieve judicial officers and prosecutors of administrative duties, to focus on their key judicial and prosecutorial functions.
- The implementation of an effective case-flow management system, including the redefinition of the roles of Registrars of the Court to perform quasi-judicial functions at High and lower courts.
- The improvement of the court interpretation service and the implementation of effective disciplinary measures to rid the interpretation service of unprofessional and unbecoming conduct, which tends to compromise the efficiency of the courts.
- The development of integrated performance measures and performance targets in terms of which the outputs of the courts can be measured and monitored.
- The development of an effective court information management system to ensure proper planning and budgeting processes to promote the implementation of appropriate interventions to improve court efficiency.
- The establishment of an effective quality assurance system to ensure delivery of acceptable standards of services informed by customer needs.

- The strengthening of the monitoring and evaluation mechanism to ensure value for money.

The **e-Justice Programme** is a multi-year programme which commenced in 2000 with the awarding of the very first tender to support the achievement of deliverables under the programme. The programme is funded primarily by the South African Government through the Department of Justice and Constitutional Development, with complimentary financial support received from the European Commission and the Netherlands Government.

The e-Justice Programme has five (5) Key Result Areas (KRAs), namely:

- (a) **A Digital Nervous System (DNS)**, which will provide Justice officials with computers, networking and internet facilities, e-mail and a help desk, as well as basic computer-literacy training;

Status

As at end of this financial year, we have deployed basic infrastructure to 370 sites. A total of approximately 10,000 users and a total of 9,500 users received computer-literacy training. A total of 85 officials received "Train-the-trainer" training.

- (b) **Management Information Systems (MIS)**, which will be largely facilitated through an intranet facility. (This has now been incorporated into the DNS Project.)

Status

Eighty percent integration of MIS incorporated into the FAS & CPS systems. The departmental Intranet, known as DJINI, was also established and is available to all users. The Automated Leave on-line Solution was also developed and piloted during this financial year.

- (c) **Financial Administration System (FAS)**, which will computerise the Guardian's Fund, the State Attorneys System, the Justice Deposit Account System and the Maintenance System. (The Maintenance system has now been incorporated into JDAS.)

Status

JDAS V3 is installed at 14 sites. The further roll-out has been suspended pending the finalisation of the re-write of the JDAS solution onto a new platform and i.t.o. Service-Oriented Architecture, which the Department has adopted as a standard for all new systems. The re-write and the pilot site implementation has been scheduled for completion during the second quarter of the 2005/06 financial year.

The Guardian's Fund Solution has been deployed to all Masters' Offices identified for roll-out and this was completed by 31 March 2005. Changes to the financial module as requested by the CFO have been scheduled for the 2005-2006 financial year.

The JDAS Data Stabilisation (verification of take-one data) project are as follows:

Cape Town Magistrate's Court	- 80%
Johannesburg Magistrate's Court	- 70%



PART 4 A: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

Pretoria Magistrate's Court	- 75%
Durban Magistrate's Court	- 55%

- (d) **Court Process Pilot (CPP)** project, which is piloting a work process re-engineering project and electronic filing of documents and dockets in two large Magistrates' Courts.

Status

The CPS solution, which is implemented at the Durban Magistrate's Court is operational and is in "maintenance mode". To date 95% of the cases at the Durban Magistrate's Court has been captured onto the system and the dockets have been scanned into the system.

During this reporting period, the ISM also undertook an evaluation of the system (Unpacking of CPS) and based on recommendations made by the Donor Mid-Term Review Committee and the strategy of the Department, we have decided to roll out functional modules, e.g. e-Scheduler of the CPS instead of the total CPS solution as it is in its current form. In this regard, we have already customised the Scheduling portion of CPS and rolled it out to 46 sites countrywide during this reporting period.

- (e) **Cross-cutting interventions** that include training, communication, change management and project management (Strategic Interventions) through a Programme Support Office.

Status

The e-Justice (ISM) Programme Management Office has been optimised and the EPM V1 solution has been developed and implemented to assist with the Monitoring of the e-Justice Programme. Additional functionality which has been identified during the stabilisation period has been incorporated into the EPM V1 and the enhanced version is currently in the stabilisation phase.

The HR and ISM Branches have drafted a joint Change Management Strategy for the e-Justice Programme initiatives. The HR Branch has appointed Change Agents (departmental staff) in each region to also assist with the communication activities.

The ISM Branch went out on tender to procure the services of a Communication & Public Relations service provider to assist with the implementation of the e-Justice Communication Strategy. This was done in conjunction with the PEC Branch, which cannot assist at this stage due to the current lack of capacity within their Branch.

During this reporting period ISM, in a joint venture with the HR Branch, developed the HR Service Benefits Solution and it was also piloted in two Branches within the Do and JCD. The roll-out of this solution is scheduled for the 2005-2006 financial year, after the Do and JCD Virtual Private Network (VPN) migration from SITA to Telkom. Additional functionality has been identified by HR for inclusion in the HR Service Benefits and development thereof is scheduled for the 2005-2006 financial year.

2. Services rendered by the Department

Tariff policy:

The Department's services and related charges are all fixed by law and the Chief Directorate: Legislative Development is responsible for the promulgation of certain subordinate legislation administered by the Department in terms of which fees, charges, rates, scales or tariffs of fees are prescribed and reviewed on a regular basis.

Free services:

The Department benefits from services being provided free of charge for which we are indebted to a number of role-players. The administration of Monies in Trust is currently being done free of charge. Should a fee be charged, it would yield significant revenue. In addition, the Presiding Officer of the Small Claims Court is normally a lawyer or retired magistrate or law lecturer who renders a free service at a magistrate's court.

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

- Estate Duty Taxation
- Administration Services
- Archive Services
- Inspection Services

Various legal and financial services are rendered by the Department on behalf of other government departments (all spheres of government) in terms of the cooperative requirements of the Constitution of South Africa. Legal services include scrutiny of international agreements, including extradition agreements, scrutiny of draft subordinate legislation, writing of legal opinions and secondment of staff on a part-time basis to assist other departments.

Transcription records are provided free of charge to litigants for purposes of challenging the outcome of cases. Should a fee be charged, it would yield significant revenue.

Legal advice, counseling and mediation services are offered at family courts by Family Advocates, Family Counsellors, Maintenance Investigators.

3. Capacity constraints

Vacant posts and skills shortages covering a broad spectrum of specialisation in the various Branches and selected inadequate funding at court level have continued to affect the Department's operations and have adversely affected the service delivery capacity of the Department.

This lack of human capacity and funding resulted in considerable backlogs in Masters' Offices and court rolls have increased drastically with an average of:

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Inventories

Province	Amount	Domestic Consumables	Other Consumables	Stationery and Printing
Eastern Cape	282,502.51	320.00	2,391.00	279,791.51
Gauteng	399,956.71	5,000.00		394,956.71
Kwazulu-Natal	1,259,295.15	6,881.04	52,418.75	1,199,995.36
Limpopo	817,387.64			817,387.64
Free State	234,416.83	10,512.20	2,000.00	221,904.63
Western Cape	595,285.90	2,901.00		592,384.90
Northern Cape	287,357.31	890.00		286,467.31
Mpumalanga	244,870.24	12,950.00	16,937.41	214,982.83
North West	927,016.00			927,016.00
National Office	725,448.84			725,448.84
	5,773,537.13	39,454.24	73,747.16	5,660,335.73

The costing method used by the Department is FIFO (First-In-First-Out)

- 151 backlogs in every district court;
- 107 backlogs in every regional court; and
- 139 backlogs in every high court.

A backlog in construction of new court buildings has developed due to inheritances of the past and inadequate budget allocations. This backlog is also applicable to the provision of court and office accommodation at existing buildings, including Masters' Offices.

Inadequate funding to upgrade physical security measures relating to our courthouses continued to be a critical risk within the Department.

The lack of human capacity within the Information Systems Management (ISM) Branch brought about heavy workloads and long hours to the ISM officials and have adversely affected the quality of service which they would like to render to other Branches.

The Department had to continue to outsource services to consultants to assist with the roll-out of programmes. Hence, much reliance was placed on temporary staff, contractors and consultants for the completion of programmes.

4. Utilisation of donor funds

Apart from voted funds, the Department also depends heavily on donor funding to fund some of its core projects. These funds are normally utilised for once-off projects and for projects that will eventually be funded through the vote account. The intention is to ensure that projects become sustainable after donor funding is withdrawn or has come to an end.

Projects funded through donations during the financial year under review are as follows:

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for the year ended 31 March 2005

Donor	Project	Short Description	Analysis of factors contributing to effective / ineffective utilisation thereof
USAID (funds administered by Business Against Crime)	Criminal Justice Strengthening Programme (CJSP) funded through the USAID which encapsulates 21 projects, including <i>Re Aga Boswa</i> and Case-flow Management.	<i>Re Aga Boswa</i> seeks to establish a professional court management model to relieve judges and magistrates of administrative functions to invest their time in their core judicial work, thereby resulting in increased court hours and quality judgements.	Management capacity established at the courts with appropriate levels of delegations for the operations at courts.
		Case-flow Management project that seeks to develop a culture of managing cases through the system needs to be promoted and established at court level. This will include information and performance management, as well as the development and implementation of a home-grown system to achieve early intervention and to ensure the disposition of cases in the shortest possible time-frame.	Case-flow management guidelines developed. Case-flow management (e-Scheduler currently under development).
Ireland	Master's Office Project.	To support the Department of Justice and Constitutional Development in its efforts to re-engineer all of the business processes in the Masters' Offices and in a selection of Magistrates' Courts to ensure access to Justice for the disadvantaged.	This project was used to fund the IADE (Integrated Administration of Deceased Estates). This was as a direct result of the <i>Moseneki</i> Judgement, which decided that the Master's Office should not only deal with the standard estates, but also take into account customary marriages. During this reporting period Phase I, which was a process analysis, was performed and signed off by the Masters Branch. Phase II (design and development of a solution) will kick off in the 2005-2006 financial year.
Danish Government	Training of court interpreters.	The situation in South Africa with regard to court interpreters has long been invidious. Court interpreters did not have access to a formal qualification and hence it is impossible for them to work towards proper career-pathing and commensurate remuneration and professional recognition. The Diploma in Legal Interpreting is presented at various academic institutions and it is incumbent on the Justice College to look to and provide practical/functional training for court interpreters.	The programme was finalised at the end of February 2005. The programme was very successful and had a far-reaching impact. Nine tutors presented practical in-service training in the respective provinces. A total of 878 interpreters countrywide have been observed, trained, supported, coached and advised by the tutors. Amongst this number are 322 females interpreters who received training in this previously male-dominated profession. The Royal Danish Embassy has been approached and requested to fund a similar project in future to commence during the second half of 2005.
	Training on the contents of the Domestic Violence Act.	To promote the effective implementation of the Domestic Violence Act through the facilitation of an effective training programme for magistrates, prosecutors and clerks.	Some training was done during 2003, but the focus on the training for the Domestic Violence Act is 2005. All provinces will be visited and all occupational groups will receive thorough training on this subject. The project was extended to the end of June 2005, but due to demand, an extension was requested till the end of July 2005. In principle there was no problem to extend the project.
	Training of Maintenance Officers on the contents of the Maintenance Act.	This Unit was established to train all occupational groups in the Department, dealing with maintenance matters on a daily basis, in order to enhance efficiency; develop the skills, expand the knowledge and change the attitudes of those working within the context of the South African Maintenance System; and promote a culture of service delivery.	Training on this project commenced in April 2003 and was concluded in December 2004. 598 officers were trained during this period. Training was done on a decentralised basis, which had the effect that training was done throughout the country. All occupational groups (magistrates, prosecutors, clerks and maintenance investigators) received training.

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Donor	Project	Short Description	Analysis of factors contributing to effective / ineffective utilisation thereof
Government of Sweden – SIDA	<p>Capacity-building in the field of Children and Justice – Budget Outreach Programme</p> <p>Budget Implementation of Legislation pertaining to Children</p> <p>Budget Preliminary Inquiry</p> <p>Budget One-Stop Service Centres</p>	<p>The purpose of this programme is to provide assistance to the Department with the improvement of the Criminal Justice System in relation to children's issues, and to develop adequate responses to young offenders with a view to ensuring that the best interests of the child are protected.</p>	<p>Budget One-Stop Child Justice Centres: R2 million received for the implementation of the Child Justice Bill over a period of 3 years.</p>
Netherlands Government	Sectoral Budget Support	<p>The long-term objective of the programme is to contribute to the democratic development of South African society, as well as towards poverty alleviation within the marginalised groups of our society.</p>	<p>Both the Dutch and EU funded the following projects during this reporting period:</p> <p>DNS Project : Deployment of basic ICT infrastructure (e-mail, internet access to selected users, word processing facilities, access to the Juta Law Libraries to selected users) to 370 of the 705 sites of the DoJ&CD. Approximately 10,000 users can now communicate electronically and make use of word processing facilities instead of typewriters. The roll-out of this basic ICT infrastructure to these offices also enables us to now deploy solutions to these sites.</p> <p>The e-Scheduler module of the CPS was customised to allow for a more rapid deployment of the solution. This solution was deployed at 46 courts during the reporting period.</p> <p>FAS Project: The take-on data from the manual cards to the automated solution for 20 sites have been embarked upon for both the Guardian's Fund solution and the JDAS solution. The verification of the take-on data of the Johannesburg, Durban, Pretoria and Durban Magistrates' Courts was also undertaken and the project is almost complete. The Guardian's Fund solution was also deployed to all the Masters' Offices during this reporting period.</p> <p>CPP Project: The final amendments to the CPS (Court Process Solution) was incorporated and the necessary hardware required was procured during this period.</p>

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Donor	Project	Short Description	Analysis of factors contributing to effective / ineffective utilisation thereof
<p>Commission of European Community</p>	<p>Sectoral Budget Support</p>	<p>The long-term objective of the programme is to contribute to the democratic development of South African society, as well as towards poverty alleviation within the marginalised groups of our society.</p>	<p>Both the Dutch and EU funded the following projects during this reporting period:</p> <p>DNS Project : Deployment of basic ICT infrastructure (e-mail, internet access to selected users, word processing facilities, access to the Juta Law Libraries to selected users) to 370 of the 705 sites of the DoJ&CD. Approximately 10,000 users can now communicate electronically and make use of word processing facilities instead of typewriters. The roll-out of this basic ICT infrastructure to these offices also enables us to now deploy solutions to these sites. The e-Scheduler module of the CPS was customised to allow for a more rapid deployment of the solution. This solution was deployed at 46 courts during the reporting period.</p> <p>FAS Project: The take-on data from the manual cards to the automated solution for 20 sites have been embarked upon for both the Guardian's Fund solution and the JDAS solution. The verification of the take-on data of the Johannesburg, Durban, Pretoria and Durban Magistrates' Courts was also undertaken and the project is almost complete. The Guardian's Fund solution was also deployed to all the Masters' Offices during this reporting period.</p> <p>CPP Project: The final amendments to the CPS (Court Process Solution) was incorporated and the necessary hardware required was procured during this period.</p> <p>HR Initiatives: The Management & Leadership Development Programme (MLDP) was embarked upon for all Deputy Directors and Senior Managers countrywide. The Employee Assistance Programme (EAP), where HR sourced the services to perform an assessment of the Psycho-Social needs of employees countrywide, was introduced. Another initiative was to provide specialised IT equipment to staff members with disabilities and a service provider was sourced to perform an assessment of the ICT needs of disabled persons and their different disabilities. Change Readiness Assessments were conducted in 3 provinces and the other remaining 6 provinces will be dealt with within the 2005-2006 financial year. The HR Leave On-line Solution and HR Service Benefits Solution was designed and developed and piloted during the reporting period.</p> <p>Gender Initiatives: The business process models for the Family Courts were completed during this financial year. Phase II of this project (design and development of a solution) is to kick off during the 2005-2006 financial year. Laptops (with Internet and e-mail access) for all female judges were procured during this financial year, to enable them to work from home instead of spending long hours at work.</p>

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Donor	Project	Short Description	Analysis of factors contributing to effective / ineffective utilisation thereof
British High Commission	Development of a training programme for magistrates in South Africa on international human rights standards and principles.	While judges at the level of Constitutional Court and the High Court have received a considerable amount of training on the importance of applying international human rights standards in their adjudication, this has not yet been systematically extended to the Magistracy. This is a serious gap since most South Africans experience law at work in the Magistrates' Courts. This project seeks to begin remedying this weakness in the South African judicial system.	The project was funded by the Global Opportunities Fund: Rule of Law Projects, through the British High Commission. The project commenced on 1 June 2004 and ended in March 2005. Two-day pilot training course was conducted on 16 and 17 March 2005. Participants included Chief Magistrates, Regional Court Presidents, Regional Magistrates and District Magistrates. Dynamic discussion took place in all the sessions and valuable input was obtained from the delegates with regard to the draft manual. Application will be made to utilise the unspent funding for the completion of the Manual and the printing of 2,000 copies of the manual, so that a copy can be supplied to each magistrate presently in service and new magistrates who are appointed over the next year or two (presently approximately 1,820 magistrates are in the services of the Department).
Government of the Republic of France	Assistance for restructuring the Judiciary.	The South African Government has given priority to reforming and restructuring the Judiciary. This measure stems from the need to establish equal access to Justice at all levels and to promote a Judiciary broadly representative of South African society. The project consists of three components, namely: <ul style="list-style-type: none"> • Support for human resource management • Support for the development of community resources: Contribution to Magistrates' Courts in rural areas and low density zones • Development of legal aid and disadvantaged jurisdictions. 	The aim of this donation was <i>inter alia</i> to provide a number of legal textbooks to disadvantaged rural Magistrates' Offices and to arrange a series of judicial conferences on important aspects of the South African Criminal Procedure as part of the ongoing training initiatives of the Justice College. 15 important legal textbooks, that are frequently used and needed by court officials, have been purchased and these sets of books have been distributed to 210 Magistrates' Offices countrywide.
Finland	Court Management Development.	To support and enhance the Independence of the Judiciary by Court Management Development through Skills Programmes, short courses and Learnerships.	56 Court Managers at Cluster level and Registrars received Court Managers training offered by the National Centre of State Courts of the USA.

5. Trading entities / Public entities

The following Public Entities are part of this budget vote:

a. Legal Aid Board (Schedule 3 – National Public Entity) - Established under the Legal Aid Board Act, No 22 of 1969.

The Legal Aid Board (LAB) provides legal representation to the indigent. It carries out government's obligation to ensure that the constitutional rights of accused persons in criminal cases are secured. The method of delivery of legal aid services has proved to be unacceptably expensive and cumbersome to administer. For this reason, the briefing of legal professionals has been scaled down and replaced with the delivery of services by salaried employees in legal aid clinics, advice offices and public defender offices. With effect from 31 May 2001 there has no longer been a filter mechanism between Lower Courts and the High Courts in respect of criminal appeals. Every accused person convicted in a Magistrate's Court has an automatic right of appeal to the High Court. It is estimated that in excess of 100,000 people qualify for legal aid for a criminal appeal per year. The Legal Aid Board renders legal aid in terms of the Constitution.

The Chairperson of the Legal Aid Board is Judge D Mlambo and the Accounting Officer (CEO) is Ms V Vedalankar.

b. Special Investigating Unit - Established under the Special Investigating Units and Special Tribunals Act, No 74 of 1996.

The Unit investigates cases of corruption, fraud and maladministration that have been referred to it by the President. Upon completion of an investigation, the Unit can institute civil action in the Special Tribunal in order to recover, protect or save state assets and state monies that have been, or could be, misappropriated or misused.

The Unit works closely with all other bodies, both national and provincial, such as the South African Police Service, the Public Protector, the Investigating Directorate: Serious Economic Offences, the National Prosecuting Authority, the Office of the Auditor-General, the Public Service Commission, the National Intelligence Agency, South African Revenue Service and the Independent Complaints Directorate. In addition to this the Unit also has close links with NGOs and international organisations, while also providing information and assistance to international law enforcement agencies.



PART 4 A: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

Mr. Willie Hofmeyr is the Accounting Officer and the Head of the Unit.

The Department effects transfer payments to these Public Entities, which maintain their own financial records. They are responsible for their own annual report (including audited annual financial statements), which must be submitted to the Executive Authority for tabling in the National Assembly.

6. Other organisations to whom transfer payments have been made

a. Commission on Gender Equality (Constitutional Institution)

- The Commission promotes gender equality.

b. Public Protector (Constitutional Institution)

- The Public Protector promotes investigations to expose, counteract or rectify maladministration, abuse of power, improper prejudice occasioned by administrative decisions and improper use of, or corruption, in respect of state funds.

c. South African Human Rights Commission (Constitutional Institution)

- The Commission promotes compliance with the Bill of Rights.

d. President's Fund

- The fund gives effect to the reparations policy flowing from the work of the Truth and Reconciliation Committee. This Fund is not listed in the PFMA schedules, as it is temporary in nature.

e. Represented Political Parties' Fund (Independent Electoral Commission)

- The Fund makes provision for the funding of political parties participating in Parliament and provincial legislatures; to provide for the management of that Fund by the Electoral Commission and for accountability regarding that Fund; to regulate the allocation of moneys from that Fund and the purpose for which allocated moneys may be used by political parties; and to provide for incidental matters.

The above institutions report on their financial results independently from the Department of Justice and Constitutional Development.

7. Public/Private Partnership (PPP) - Management of Monies in Trust (MMT) (Bail, Maintenance, Court Fines, Payments into Court, Estates and Guardian's Fund)

The PPP project is at the stage of issuing non-obligatory tenders for the finalisation of pricing attached to established options. The conclusion of this phase will enable an assessment of affordability before the decision to implement the PPP is taken. The essence of the recommended option sees the appointment of receiving agents (conven-

tional banks, retail stores, ATMs, etc.) to collect money on behalf of beneficiaries. These monies are proposed to be directed to payment agents (again banks, stores, etc.) who pay the money to the beneficiaries. A free-of-bank-charges option is to be available to beneficiaries, as is the option to use own banking arrangements at own cost. Thus beneficiaries elect whether or not they want own services at own cost or arranged free services. Queries from the public are proposed to be dealt with by a national call centre that is to be informed by a database. The database is informed by information transferred by all courts, as well as by all receiving and payment agents. In terms of the proposed solution, the call centre and database functionality is to be transferred back to the Department over time.

The implementation of this project does not project job losses, but does project a refocus of available capacity to meet judicial administrative needs in respect of maintenance investigation and the vacuum caused by the *Van Rooyen* - judgement discussed above.

Financial statements will be issued for all monies held in trust at court level (Bail, Maintenance, Court Fines, Payments into Courts and Estates). The Guardian's Fund is also reported upon separately.

The latest strategic framework prepared and approved by the Department details the management of Monies in Trust as a strategic priority. With this reconfirmation of the importance of this matter, it is now expected that the MMT PPP will be expedited towards finalising PPP stage TAIL.

8. Corporate governance arrangements

Fraud Policies

The Department maintains an integrated anti-corruption and fraud prevention plan based on a fraud risk assessment. Every Branch in the Department individually and collectively plays a role in identifying, evaluating and mitigating the risks of fraud. The Department also maintains systems and processes to deal with matters of fraud and corruption and continues to take a zero tolerance approach on these matters. The management of Monies in Trust PPP has the potential of significantly enhancing the capacity of the Department to deal with fraud through the replacement of old, weak systems with modern banking technology.

The Department's anti-fraud and corruption plan is integrated with governance, management policies and procedures, as well as other measures designed to mitigate fraud. The establishment of a forensic investigating capacity has been initiated.

Internal Audit and Audit Committee

The Department's Internal Audit Chief Directorate operates in accordance with the PFMA and the applicable Treasury Regulations. The

PART 4 A: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

Internal Audit Chief Directorate conducts the Unit's business in accordance with the standards of professional practice pronounced by the Institute of Internal Auditors.

Internal Audit focuses mainly on providing assurances and advice to the Department on matters pertaining to governance, risk management and control processes. The internal auditors report to the Audit Committee on a quarterly basis. The Audit Committee comprises members drawn from outside the Public Service. They place reliance on the work done by internal audit. The Audit Committee meets regularly and has unrestricted access to both information and personnel within the Department.

Risk Management Strategy

The Department has on a continuous basis conducted risk assessments to identify, evaluate, prioritise and develop measures to mitigate risks. Business processes, systems and technology, together with human resources, are evaluated and measures are implemented to ensure that priority risk areas are addressed.

Other Committees

The Department has the following Committees:

- A Justice Advisory Board
- An Executive Management Committee
- A Budget Review Committee

9. Events after the reporting date

No events have taken place between the date of the financial year-end and the date of the approval of the report, which could materially affect the state of the financial affairs of the Department.

10. New/Proposed activities

Court Services Branch:

Victim Support Service: The Service Charter for Victims of Crime was approved by Cabinet in November 2004. The Unit is required to implement the provisions of the Charter at all courts. The Charter will improve service delivery and the attitude of court personnel towards the public. The Department is in the process of determining the financial implications of the related activities, namely the installation of Toll-Free lines at Cluster areas and the training of staff on the Charter, Customer Service, Alternative Dispute Resolution Techniques and Basic Counselling Skills.

Masters' Offices Branch

The implementation of the Mental Health Care Act (Act No. 17 of 2002), which became operational on 15 December 2004, will introduce additional responsibilities upon Masters' Offices. The Department is in the process of determining the impact on operations, as well as the financial implications to enable successful implementation of this new activity.

11. Progress with financial management improvements

- Financial management capacity was enhanced through the enrollment of a further 25 staff members for post graduate finance degrees, as well as 55 staff members for post graduate diplomas. At court level some 3,500 people were presented with one-week training modules that were supported by in-house video training footage in the Afrikaans, English, Xhosa and Zulu languages. Our thanks to Christo Fourie and his team for the development of a wide range of training aids.
- Budget management continued to be hampered by long-standing critical vacancies. Our thanks to Nico van Harmelen who undertook the duties of Court Services budget coach in addition to his regional finance management duties, and consequently was forced to spend a significant amount of time away from home. The Justice Footprint budget right-sizing initiative is to receive priority attention in the current year and Mams Nyubuse has been appointed as an Acting Chief Director to specifically progress this matter. This means that budgets at court level which, in a large number of instances, are unrealistic, will be addressed, thereby ensuring that budgetary control is exercised. Monthly Management Accounts were produced timely each month and Hanika Oosthuizen mentored Tozama Maphanga to take over this function. Hanika has moved to head the production of monthly management budget reports. The Office of the CFO believes that after the appointment of a budget coach to Court Services, the functionality of budget administration will have been significantly improved.
- The responsibility for legislative costing has been transferred to the Office of the CFO under the direction of Gordon Hollamby.
- No financial information has ever been generated on the nature or extent of financial transactions concluded in respect of the management of Monies in Trust. Through the dedication and commitment of Finance Operations Managers, together with the support of Regional Financial Directors and their Deputies, as well as the coordination of staff under Karin Visagie in the Transaction Process Monitoring Unit (TPMU), the Office of the CFO has scanned with the help of finance staff at court level all books of primary entry relating to the management of monies held in trust.
- The Office of the CFO established an initiative that is progressing well towards the accreditation of all finance training by the relevant SETAs. In this respect our thanks go to Paul Mtshali and Nosisi Olivia Mgodlwa for their pioneering work.

12. Performance information

The Department has prioritised the need to devote dedicated capacity to this end and will develop a competency in this respect under the leadership of the newly appointed Chief Operations Officer (COO), Dr Khotso De Wee.



PART 4 A: MANAGEMENT REPORT AND APPROVAL for the year ended 31 March 2005

13. National Prosecuting Authority (NPA – Programme 4) - Separate responsibility

The NPA assumed separate responsibility with effect from 1 April 2001 for all support services previously rendered by the Department. The NPA has since this date been responsible for their own accounting systems and therefore separate financial statements have, as was the case last year, been prepared for the NPA as a whole. These financial statements are incorporated into the Department's consolidated financial statements by agreement with the National Treasury, the Office of the Auditor-General and the Department.

14. Progress with previously reported matters and Standing Committee on Public Accounts (SCOPA) Resolutions

The Department has reacted favourably to SCOPA resolutions. However, corrective action to resolve the issues may take longer than one year. For more detail refer to Annexure A.

The Annual Financial Statements set out on pages 15 to 49 have been approved by the Accounting Officer.

Dr K De Wee
Chief Operations Officer
Department of Justice and Constitutional Development
31/05/2005

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

Reference to previous Audit Report and Scopa resolutions	Subject/Details of audit finding	Progress report
Audit Report: Par. 4.1 Scopa resolution – First report, 2002	Fixed Assets	<ul style="list-style-type: none"> • Asset and Inventory registers are in the process of being updated • Assets are uniquely marked using anodised aluminium barcode tags • The Department is in the process of rolling out the Justice Yellow Pages and Justice Asset Management System to all its 751 offices nationally and it is envisaged that this process will be completed by December 2005.
Audit Report: Par. 4.2 Scopa resolution – First report, 2002	Suspense Accounts – Age analysis and Service Level Agreements (Agency Services)	<p>Age analysis: All amounts in suspense and disallowance accounts are followed up on a daily basis and monthly reconciliations are being performed as envisaged per the PFMA and National Treasury Regulations. The clearance process is however, hampered by the fact that client-departments (Agency Services) do not reimburse this department within the prescribed period.</p> <p>Service Level Agreements (SLA): Although a draft SLA had been developed and referred to client-departments for inputs, no such agreements have been finalised. The Office of the Accountant-General has issued a draft Practice Note on Inter-entity transactions which have been adopted for use in the Department for these various payments made on behalf of other departments. Agency services include the following:</p> <p>Department of Public Works – Unplanned and urgent repairs and maintenance The Department of Public Works has offered the Department an amount of R6 million, should the Department agree, to take over/take back the function of day-to-day maintenance. The Department is in the process of formalising these negotiations, including the transfer of funds during the Adjustments Estimate.</p> <p>Payments on behalf of the Department of Social Development: These services are rendered in Gauteng, Western Cape, Free State and Mpumalanga. Negotiations are still under way to transfer agency service back to the Department of Social Development/terminate agency services.</p> <p>Payments on behalf of the Department of Health in terms of the Mental Health Care Act, Act No. 17 of 2002: An agreement has been reached with the Department of Health that the agency service will terminate upon the establishment of this health facilities as envisaged by the mentioned Act. Timelines are awaited from the Department of Health.</p> <p>State Attorney – Legal Services to all departments These services are rendered by the State Attorney's Offices. Investigations are under way to determine a feasible solution to account for these transactions via an integrated debtors system.</p>
Audit Report: Par. 4.3 Scopa resolution – First report, 2002	Disclosure Notes to the Annual Financial Statements <ul style="list-style-type: none"> • Leave entitlement: • Contingent Liabilities – Housing Guarantees 	<p>Leave entitlement The pilot project on leave automation has been finalised and roll-out of this solution is scheduled for the 2005/06 financial year, after the Department's Virtual Private Network (VPN) migration from SITA to Telkom.</p> <p>Housing Guarantees: The Office of the CFO has requested Financial Institutions to confirm the financial guarantees recorded on ERSAL. Confirmations are awaited.</p>
Audit Report: Par. 4.4 Scopa resolution – First report, 2002	Financial management <ul style="list-style-type: none"> • Invoices not paid within 30 days • Documentation not submitted for audit purposes 	Managers have again been reminded to comply to control measures implemented during previous financial years.
Audit Report: Par. 4.5 Scopa resolution – First report, 2002	Donor funding <ul style="list-style-type: none"> • Project management shortcomings – e-Justice Programme 	The reported weaknesses have been addressed.



PART 4 A: REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS OF (VOTE 24) - DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

for the year ended 31 March 2005

1. AUDIT ASSIGNMENT

The financial statements as set out on pages 95 to 129, for the year ended 31 March 2005, have been audited in terms of section 188 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), read with sections 4 and 20 of the Public Audit Act, 2004 (Act No. 25 of 2004). These financial statements, the maintenance of effective control measures and compliance with relevant laws and regulations are the responsibility of the accounting officer. My responsibility is to express an opinion on these financial statements, based on the audit.

2. NATURE AND SCOPE

The audit was conducted in accordance with Statements of South African Auditing Standards. Those standards require that I plan and perform the audit to obtain reasonable assurance that the financial statements are free of material misstatement.

An audit includes:

- examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements,
- assessing the accounting principles used and significant estimates made by management, and
- evaluating the overall financial statement presentation.

Furthermore, an audit includes an examination, on a test basis, of evidence supporting compliance in all material respects with the relevant laws and regulations which came to my attention and are applicable to financial matters.

The audit was completed in accordance with Auditor-General Directive No. 1 of 2005.

I believe that the audit provides a reasonable basis for my opinion.

3. AUDIT OPINION

In my opinion, the financial statements fairly present, in all material respects, the financial position of the Department of Justice and Constitutional Development at 31 March 2005 and the results of its operations and cash flows for the year then ended, in accordance with prescribed accounting practice and in the manner required by the Public Finance Management Act, 1999 (Act No. 1 of 1999).

4. EMPHASIS OF MATTER

Without qualifying the audit opinion expressed above, attention is drawn to the following matters:

4.1 Fixed assets

The asset management policies and procedures were not effectively implemented by the department. The following shortcomings were identified:

- The department did not have complete asset and inventory registers which existed throughout the year and the first draft asset register was only completed on 31 March 2005. There-

fore the department was unable to track and update details of disposals, transfers, purchases, damaged assets and obsolete items during the whole year.

- Asset counts are not always performed regularly.
- Assets are not always uniquely marked, resulting in an inability to identify specific assets for verification purposes.

4.2 Suspense accounts

In the past, the department experienced difficulty in recovering long-outstanding balances. As reflected in note 13 to the financial statements, transactions totalling R117,500 million are long outstanding and have been uncleared for more than a year, resulting in non-compliance with Treasury Regulation 17.1. Included in this balance is an amount of R102,396 million which relates to agency services. The department has not entered into service level agreements with the client departments to ensure that all obligations and responsibilities relating to cost implications, repayment period and limitations on the extent of the services are confirmed prior to the service being rendered. As the department had to effect payments on behalf of client department for which it received no budget, this has negatively impacted on the cash flow of the entity, with the result that the department's bank balance has been in overdraft for more than three years.

4.3 Contingent liabilities - Monies in Trust

As disclosed in note 21 to the financial statements, the department is exposed to a contingent liability of R44 million in respect of Monies in Trust. Due to the lack of an effective and efficient financial management system over Monies in Trust, the department could not substantiate the basis for calculating this amount.

4.4 Human Resource Management

A lack of effective communication, as well as monitoring and reconciliation of documentation between the Human Resource, Registry and Payroll Sections of the department has resulted in the following deficiencies:

- Inadequate and incomplete documentation in personnel files
- Approval of temporary staff appointments after commencement of duties
- Pay sheets not always approved timeously by properly delegated officials
- Data on PERSAL not always updated

4.5 Inability to confirm compliance with Treasury Regulation 8.2.3

Treasury Regulation 8.2.3 requires payments to service providers to be made within 30 days of receipt of invoice. The department has no control in place to record the date of receipt of invoices, with the result that the department's compliance with this requirement could not be verified.

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS OF (VOTE 24) - DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT for the year ended 31 March 2005

5. APPRECIATION

The assistance rendered by the staff of the Department of Justice and Constitutional Development during the audit is sincerely appreciated.

S. A. Fake

Auditor-General

Pretoria

Date: 31/07/2005



A U D I T O R - G E N E R A L



PART 4 A: ACCOUNTING POLICIES

for the year ended 31 March 2005

The Annual Financial Statements have been prepared in accordance with the following policies, which have been applied consistently in all material aspects, unless otherwise indicated. However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the Annual Financial Statements and to comply with the statutory requirements of the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999), the Treasury Regulations for Departments and Constitutional Institutions issued in terms of the Act. The following issued, but not yet effective Standards of Generally Recognised Accounting Practice have not been fully complied with in the Annual Financial Statements: GRAP 1, 2 and 3.

1. Basis of preparation

The Annual Financial Statements have been prepared on a modified cash basis of accounting, except where stated otherwise. The modified cash basis constitutes the cash basis of accounting supplemented with additional disclosure items. Under the cash basis of accounting transactions and other events are recognised when cash is received or paid. Under the accrual basis of accounting transactions and other events are recognised when incurred and not when cash is received or paid.

2. Revenue

Appropriated funds

Voted funds are the amounts appropriated to a department in accordance with the final budget known as the Adjusted Estimates of National/Provincial Expenditure. Unexpended voted funds are surrendered to the National/Provincial Revenue Fund, unless otherwise stated.

Departmental revenue

Sale of goods and services other than capital assets

This comprises the proceeds from the sale of goods and/or services produced by the entity. Revenue is recognised in the statement of financial performance on receipt of the funds.

Fines, penalties and forfeits

Fines, penalties and forfeits are compulsory receipts imposed by court or quasi-judicial body. Revenue is recognised in the statement of financial performance on receipt of the funds.

Interest, dividends and rent on land

Interest and dividends received are recognised upon receipt of the funds, and no provision is made for interest or dividends receivable from the last receipt date to the end of the reporting period. They are recognised as revenue in the Statement of Financial Performance of the department and then transferred to the National/Provincial Revenue Fund.

Sale of capital assets

The proceeds from the sale of capital assets is recognised as revenue in the statement of financial performance on receipt of the funds.

Financial transactions in assets and liabilities

Repayments of loans and advances previously extended to employees and public corporations for policy purposes are recognised as revenue in the statement of financial performance on receipt of the funds.

Cheques issued in previous accounting periods that expire before being banked are recognised as revenue in the statement of financial performance when the cheque becomes stale. When the cheque is reissued the payment is made from Revenue.

Local and foreign aid assistance

Local and foreign aid assistance is recognised in the statement of financial performance on receipt of funds. Where amounts are expensed before funds are received, a receivable is raised. Where amounts have been inappropriately expensed using Local and Foreign aid assistance, a payable is raised. In the situation where the department is allowed to retain surplus funds, these funds are shown as a reserve.

3. Expenditure

Compensation of employees

Salaries and wages comprise payments to employees. Salaries and wages are recognised as an expense in the statement of financial performance when the payment is made. The expenditure is classified as capital where the employees were involved, on a full time basis, on capital projects during the financial year. All other payments are classified as current expense.

Social contributions include the entities' contribution to social insurance schemes paid on behalf of the employee. Social contributions are recognised as an expense in the Statement of Financial Performance when the payment is made.

Short-term employee benefits

The cost of short-term employee benefits is expensed in the Statement of Financial Performance in the reporting period when the payment is made. Short-term employee benefits, that give rise to a present legal or constructive obligation are disclosed as a disclosure note to the Annual Financial Statements and are not recognised in the Statement of Financial Performance.

Long-term employee benefits and other post employment benefits

Termination benefits

Termination benefits are recognised and expensed only when the payment is made.

Medical benefits

The department provides medical benefits for its employees through defined benefit plans. Employer contributions to the fund are incurred when money is paid to the fund. No provision is made for medical benefits in the Annual Financial Statements of the department.

PART 4 A: ACCOUNTING POLICIES

for the year ended 31 March 2005

Post employment retirement benefits

The department provides retirement benefits for certain of its employees through a defined benefit plan for government employees. These benefits are funded by both employer and employee contributions. Employer contributions to the fund are expensed when money is paid to the fund. No provision is made for retirement benefits in the Annual Financial Statements of the department. Any potential liabilities are disclosed in the Annual Financial Statements of the National/Provincial Revenue Fund and not in the Annual Financial Statements of the employer department.

Other employee benefits

Obligations arising from leave entitlement, thirteenth cheque and performance bonus that are reflected in the disclosure notes have not been paid for at year-end.

Goods and services

Payments made for goods and/or services are recognised as an expense in the Statement of Financial Performance when the payment is made. The expense is classified as capital if the goods and services was used on a capital project.

Interest and rent on land

Interest and rental payments resulting from the use of land, are recognised as an expense in the Statement of Financial Performance when the payment is made. This item excludes rental on the use of buildings or other fixed structures.

Financial transactions in assets and liabilities

Financial transactions in assets and liabilities include bad debts written off. Debts are written off when identified as irrecoverable. Debts written-off are limited to the amount of savings and/or underspending available to the department. The write off occurs at year-end or when funds are available. No provision is made for irrecoverable amounts.

Unauthorised expenditure

Unauthorised expenditure is defined as:

- The overspending of a vote or a main division within a vote, or
- Expenditure that was not made in accordance with the purpose of a vote or, in the case of a main division, not in accordance with the purpose of the main division.

Such expenditure is treated as a current asset in the Statement of Financial Position until such expenditure is approved by the relevant authority, recovered or written off as irrecoverable.

Irregular expenditure

Irregular expenditure is defined as:

expenditure, other than unauthorised expenditure, incurred in contravention or not in accordance with a requirement of any applicable legislation, including:

- the Public Finance Management Act
- the State Tender Board Act, or any regulations made in terms of this act, or
- any provincial legislation providing for procurement procedures in that provincial government.

It is treated as expenditure in the Statement of Financial Performance. If such expenditure is not condoned and it is possibly recoverable it is disclosed as receivable in the Statement of Financial Position at year-end.

Fruitless and wasteful expenditure

Fruitless and wasteful expenditure, is defined as: expenditure that was made in vain and would have been avoided had reasonable care been exercised, therefore

- * it must be recovered from a responsible official (a debtor account should be raised), or
- the vote. (If responsibility cannot be determined.)

Such expenditure is treated as a current asset in the Statement of Financial Position until such expenditure is recovered from the responsible official or written off as irrecoverable.

4. Transfers and subsidies

Transfers and subsidies include all irrecoverable payments made by the entity. Transfers and subsidies are recognised as an expense when the payment is made.

5. Expenditure for capital assets

Capital assets are assets that can be used repeatedly and continuously in production for more than one year. Payments made for capital assets are recognised as an expense in the Statement of Financial Performance when the payment is made. Assets less than R5000 are considered current expenditure under goods and service.

6. Receivables

Receivables are not normally recognised under the modified cash basis of accounting. However, receivables included in the Statement of Financial Position arise from cash payments that are recoverable from another party, when the payments are made.

Receivables for services delivered are not recognised in the Statement of Financial Position as a current asset or as income in the Statement of Financial Performance, as the Annual Financial Statements are prepared on a modified cash basis of accounting, but are disclosed separately as part



PART 4 A: ACCOUNTING POLICIES

for the year ended 31 March 2005

of the disclosure notes to enhance the usefulness of the Annual Financial Statements.

8. Cash and cash equivalents

Cash and cash equivalents consists of cash on hand and balances with banks, short term investments in money market instruments and demand deposits. Cash equivalents are short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

9. Payables

Payables are not normally recognised under the modified cash basis of accounting. However, payables included in the Statement of Financial Position arise from advances received that are due to the Provincial/National Revenue Fund or another party.

10. Lease commitments

Lease commitments for the period remaining from the reporting date until the end of the lease contract are disclosed as part of the disclosure notes to the Annual Financial Statements. These commitments are not recognised in the Statement of Financial Position as a liability or as expenditure in the Statement of Financial Performance as the Annual Financial Statements are prepared on the cash basis of accounting.

Operating lease expenditure is expensed when the payment is made.

Finance lease expenditure is expensed when the payment is made, but results in the acquisition of the asset under the lease agreement. A finance lease is not allowed in terms of the Public Finance Management Act.

11. Accruals

This amount represents goods/services that have been received, but no invoice has been received from the supplier at the reporting date, OR an invoice has been received but remains unpaid at the reporting date. These amounts are not recognised in the Statement of Financial Position as a liability or as expenditure in the Statement of Financial Performance as the Annual Financial Statements are prepared on a modified cash basis of accounting, but are however disclosed as part of the disclosure notes.

12. Contingent liability

This is a possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the department; or

a present obligation that arises from past events but is not recognised because:

- it is not probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; or

- the amount of the obligation cannot be measured with sufficient reliability

Contingent liabilities are not recognised in the Statement of Financial position, but the information is disclosed as part of the disclosure notes.

13. Commitments

This amount represents goods/services that have been approved and/or contracted, but no delivery has taken place at the reporting date. These amounts are not recognised in the Statement of financial position as a liability or as expenditure in the Statement of Financial Performance as the Annual Financial Statements are prepared on a modified cash basis of accounting, but are however disclosed as part of the disclosure notes.

14. Capitalisation reserve

The capitalisation reserve represents an amount equal to the value of the investment and/or loans capitalised. On disposal, repayment or recovery, such amounts are transferred to the Revenue Fund.

15. Recoverable revenue

Recoverable revenue represents payments made and recognised in the Statement of Financial Performance as an expense in previous years due to non-performance in accordance with an agreement, which have now become recoverable from a debtor. Repayments are transferred to the Revenue Fund as and when the repayment is received.

16. Comparative figures

Where necessary, comparative figures have been restated to conform to the changes in the presentation in the current year. The comparative figures shown in these Annual Financial Statements are limited to the figures shown in the previous year's audited Annual Financial Statements and such other comparative figures that the department may reasonably have available for reporting. Reclassification of expenditure has occurred due to the implementation of the Standard Chart of Accounts. It is not practical to present comparative amounts in the Cash Flow Statements as this would involve reclassification of amounts dating back to the 2002/03 year-end.



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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: APPROPRIATION STATEMENT

for the year ended 31 March 2005

APPROPRIATION PER PROGRAMME

	2004/05						2003/04		
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Expenditure R'000	Variance R'000	Expenditure as % of final appropriation %	Final Appropriation R'000	Actual Expenditure R'000
1. Administration									
Current payment	543,626	(10,287)	(4,666)	528,673	528,672	1	100.0%	515,342	515,342
Transfers and subsidies	3,112	869	(2,515)	1,466	1,466	-	100.0%	4,591	4,591
Expenditure for capital assets	27,329	991	20,961	49,281	49,281	-	100.0%	27,561	27,561
2. Court Services									
Current payment	2,010,686	(4)	(58,001)	1,952,681	1,952,513	168	100.0%	1,758,558	1,758,558
Transfers and subsidies	4,466	4	8,662	13,132	13,132	-	100.0%	15,191	15,191
Expenditure for capital assets	348,419	-	(23,068)	325,351	308,571	16,780	94.8%	287,275	282,477
3. State Legal Services									
Current payment	211,804	8,172	(183)	219,793	219,793	-	100.0%	207,788	207,788
Transfers and subsidies	492	255	182	929	929	-	100.0%	1,011	1,011
Expenditure for capital assets	4,314	-	(2,352)	1,962	1,962	-	100.0%	1,918	1,918
4. Auxiliary and Associated Services									
Current payment	112,684	-	(11,700)	100,984	100,984	-	100.0%	105,127	105,127
Transfers and subsidies	606,577	-	4	606,581	606,580	1	100.0%	553,697	553,696
Expenditure for capital assets	34,349	-	16,976	51,325	51,325	-	100.0%	31,233	31,233
Subtotal	3,907,858	-	(55,700)	3,852,158	3,835,208	16,950	99.6%	3,509,292	3,504,493
Statutory Appropriation									
Current payments	177,083			177,083	242,093	(65,010)	136.7%	166,278	195,327
Total	4,084,941	-	(55,700)	4,029,241	4,077,301	(48,060)	101.2%	3,675,570	3,699,820
Reconciliation with Statement of Financial Performance									
Prior year unauthorised expenditure approved with funding				-				-	
Departmental receipts				175,728				190,646	
Local and foreign aid assistance				160,672				6,976	
Actual amounts per Statement of Financial Performance (Total Revenue)				4,365,641				3,873,192	
Investments acquired and capitalised during the financial year, but expensed for appropriation purposes									
Other payments in Appropriation Statement, not accounted for in the Statement of Financial Performance									
Local and foreign aid assistance					140,095				71,593
Prior year unauthorised expenditure approved									
Prior year fruitless and wasteful expenditure condoned									
Actual amounts per Statement of Financial Performance Expenditure					4,217,396				3,771,413

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2004/05 FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: APPROPRIATION STATEMENT

for the year ended 31 March 2005

APPROPRIATION PER ECONOMIC CLASSIFICATION

	2004/05						2003/04		
	Original Budget	Adjustments Estimates R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
Current payments									
Compensation to employees	1,871,314	77,645	(38,598)	1,910,361	1,910,361	-	100.0%	1,718,030	1,718,030
Goods and services	1,009,486	(81,764)	(128,456)	799,266	799,266	-	100.0%	730,657	730,657
Financial transactions in assets and liabilities	-	-	92,502	92,502	92,333	169	99.8%	138,128	138,128
Transfers & subsidies									
Provinces & municipalities	5,772	305	(101)	5,976	5,976	-	100.0%	5,910	5,910
Departmental agencies & accounts	606,575	-	-	606,575	606,574	1	100.0%	553,687	553,686
Foreign governments & international organisations	2,300	823	(2,961)	162	162	-	100.0%	333	333
Households	-	-	9,396	9,396	9,396	-	100.0%	14,549	14,549
Gifts and donations	-	-	-	-	-	-	0.0%	11	11
Payment on capital assets									
Buildings & other fixed structures	243,523	-	11,424	254,947	254,947	-	100.0%	243,805	243,805
Machinery & equipment	167,041	2,921	(6,702)	163,260	146,480	16,780	88.6%	104,182	99,384
Software & other intangible assets	1,847	70	(7,796)	9713	9713	-	100.0%	-	-
Total	3,907,858	-	(55,700)	3,852,158	3,835,208	16,950	99.6%	3,509,292	3,504,493

STATUTORY APPROPRIATION

	2004/05						2003/04		
	Original Budget R'000	Adjustments Estimates	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
Direct charge against National Revenue Fund									
Judges salaries	177,083	-	-	177,083	242,093	(65,010)	136.7%	166,278	195,327
Total	177,083	-	-	177,083	242,093	(65,010)	136.7%	166,278	195,327

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: APPROPRIATION STATEMENT

for the year ended 31 March 2005

DETAIL PER PROGRAMME I: [ADMINISTRATION](#)

PROGRAMME PER SUB-PROGRAMME

Programme per sub-programme	2004/05						2003/04		
	Original Budget R'000	Adjustments Estimates R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
1.1 Minister									
Current payment	791		139	930	930	-	100.0%	746	746
1.2 Deputy Minister									
Current payment	614		62	676	676	-	100.0%	579	579
1.3 Management									
Current payment	55,394		(15,330)	40,064	40,064	-	100.0%	30,806	30,806
Transfers and subsidies	22		49	71	71	-	100.0%	357	357
Expenditure for capital assets	1,320		1,393	2,713	2,713	-	100.0%	735	735
1.4 Corporate Services									
Current payment	486,827	(10,287)	(27,890)	448,650	448,649	1	100.0%	424,830	424,830
Transfers and subsidies	3,090	869	(2,564)	1,395	1,395	-	100.0%	4,234	4,234
Expenditure for capital assets	26,009	991	19,568	46,568	46,568	-	100.0%	26,826	26,826
1.5 Special Function : Authorised Losses									
Current payment			38,353	38,353	38,353	-	100.0%	58,381	58,381
Total	574,067	(8,427)	13,780	579,420	579,419	1	100.0%	547,494	547,494

DETAIL PER PROGRAMME I: [ADMINISTRATION](#)

ECONOMIC CLASSIFICATION

Economic Classification	2004/05						2003/04		
	Original Budget R'000	Adjustments Estimates R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
Current payments									
Compensation to employees	282,190	13,212	(21,036)	274,366	274,366	-	100.0%	262,311	262,311
Goods and services	261,436	(23,499)	(21,983)	215,954	215,954	-	100.0%	194,650	194,650
Financial transactions in assets and liabilities			38,354	38,354	38,353	1	100.0%	58,381	58,381
Transfers & subsidies									
Provinces & municipalities	812	46	2	860	860	-	100.0%	1,110	1,110
Foreign governments & international organisations	2,300	823	(2,961)	162	162	-	100.0%	-	-
Households			444	444	444	-	100.0%	3,481	3,481
Payments for capital assets									
Buildings & other fixed structures			402	402	402	-	100.0%	-	-
Machinery & equipment	25,707	921	22,017	48,645	48,645	-	100.0%	27,561	27,561
Software & other intangible assets	1,622	70	(1,459)	233	233	-	100.0%	-	-
Total	574,067	(8,427)	13,780	579,420	579,419	1	100.0%	547,494	547,494

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2004/05 FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: APPROPRIATION STATEMENT

for the year ended 31 March 2005

DETAIL PER PROGRAMME 2: COURT SERVICES

PROGRAMME PER SUB-PROGRAMME

Programme per sub-programme	2004/05							2003/04	
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
2.1 Constitutional Court									
Current payment	17,303		(3,215)	14,088	14,088	-	100.0%	16,683	16,683
Transfers and subsidies	6		31	37	37	-	100.0%	49	49
Expenditure for capital assets	263		508	771	771	-	100.0%	590	590
2.2 Supreme Court of Appeal									
Current payment	11,882		(1,122)	10,760	10,760	-	100.0%	10,686	10,686
Transfers and subsidies	94		(54)	40	40	-	100.0%	105	105
Expenditure for capital assets	250		(85)	165	165	-	100.0%	222	222
2.3 High Courts									
Current payment	126,753		52,838	179,591	179,591	-	100.0%	167,051	167,051
Transfers and subsidies	355		1,760	2,115	2,115	-	100.0%	1,338	1,338
Expenditure for capital assets	3,413		(311)	3,102	3,102	-	100.0%	1,659	1,659
2.4 Specialised Courts									
Current payment	23,243		(6,669)	16,574	16,574	-	100.0%	18,886	18,886
Transfers and subsidies	55		20	75	75	-	100.0%	59	59
Expenditure for capital assets	957		(827)	130	130	-	100.0%	144	144
2.5 Lower Courts									
Current payment	1,802,598	(4)	(152,506)	1,650,088	1,649,920	168	100.0%	1,464,942	1,464,942
Transfers and subsidies	3,917	4	6,822	10,743	10,743	-	100.0%	13,233	13,233
Expenditure for capital assets	78,701		(11,968)	66,733	49,953	16,780	74.9%	24,067	19,269
2.6 Family Advocate									
Current payment	16,824		9,693	26,517	26,517	-	100.0%	19,662	19,662
Transfers and subsidies	23		70	93	93	-	100.0%	398	398
Expenditure for capital assets	153		1,689	1,842	1,842	-	100.0%	974	974
2.7 Magistrate's Commission									
Current payment	12,083		(1,282)	10,801	10,801	-	100.0%	5,377	5,377
Transfers and subsidies	16		13	29	29	-	100.0%	9	9
Expenditure for capital assets	159		(30)	129	129	-	100.0%	65	65
2.8 Government Motor Transport									
Expenditure for capital assets	21,000		(12,044)	8,956	8,956	-	100.0%	15,749	15,749
2.9 Capital Works									
Current payment				-	-	-	0.0%	934	934
Expenditure for capital assets	243,523			243,523	243,523	-	100.0%	243,805	243,805
2.10 Special Function: Authorised Losses									
Current payment			44,263	44,263	44,263	-	100.0%	54,337	54,337
Expenditure for capital assets				-	-	-	0.0%	-	-
Total	2,363,571	-	(72,407)	2,291,164	2,274,216	16,948	99.3%	2,061,024	2,056,226

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: APPROPRIATION STATEMENT

for the year ended 31 March 2005

DETAIL PER PROGRAMME 2: COURT SERVICES

ECONOMIC CLASSIFICATION

Economic classification	2004/05							2003/04	
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
Current									
Compensation to employees	1,412,157	60,000	(14,049)	1,458,108	1,458,108	-	100.0%	1,299,611	1,299,611
Goods and services	598,529	(60,004)	(88,387)	450,138	450,138	-	100.0%	404,610	404,610
Interest and rent on land				-		-	0.0%		
Financial transactions in assets and liabilities			44,431	44,431	44,263	168	99.6%	54,337	54,337
Transfers & subsidies									
Provinces and municipalities	4,466	4	106	4,576	4,576	-	100.0%	4,328	4,328
Foreign governments & international organisations				-		-	0.0%	333	333
Households			8,556	8,556	8,556	-	100.0%	10,519	10,519
Gifts and donations	-	-	-	-	-	-	0.0%	11	11
Capital									
Buildings & other fixed structures	243,523		11,022	254,545	254,545	-	100.0%	243,805	243,805
Machinery & equipment	104,671		(33,959)	70,712	53,932	16,780	76.3%	43,470	38,672
Biological or Cultivated assets				-		-	0.0%		
Software & other intangible assets	225		(127)	98	98	-	100.0%		
Land & subsoil assets				-		-	0.0%		
Total	2,363,571	-	(72,407)	2,291,164	2,274,216	16,948	99.3%	2,061,024	2,056,226

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: APPROPRIATION STATEMENT

for the year ended 31 March 2005

DETAIL PER PROGRAMME 3: STATE LEGAL SERVICES

PROGRAMME PER SUB-PROGRAMME

Programme per sub-programme	2004/05						2003/04		
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
3.1 Legal Services to the State									
Current payment	115,288	8,172	(6,543)	116,917	116,917	-	100.0%	103,002	103,002
Transfers and subsidies	271	255	(111)	415	415	-	100.0%	570	570
Expenditure for capital assets	330		487	817	817	-	100.0%	1,028	1,028
3.2 Legislation and Constitutional Development									
Current payment	15,618		(3,784)	11,834	11,834	-	100.0%	11,914	11,914
Transfers and subsidies	30		(3)	27	27	-	100.0%	42	42
Expenditure for capital assets	926		(248)	678	678	-	100.0%	548	548
3.3 Master of the High Court									
Current payment	80,898		10,107	91,005	91,005	-	100.0%	67,462	67,462
Transfers and subsidies	191		296	487	487	-	100.0%	399	399
Expenditure for capital assets	3,058		(2,591)	467	467	-	100.0%	342	342
3.4 Special Function : Authorised Losses									
Current payment			37	37	37	-	100.0%	25,410	25,410
Total	216,610	8,427	(2,353)	222,684	222,684	-	100.0%	210,717	210,717

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2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: APPROPRIATION STATEMENT

for the year ended 31 March 2005

DETAIL PER PROGRAMME 3: STATE LEGAL SERVICES

ECONOMIC CLASSIFICATION

Economic classification	2004/05							2003/04	
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
Current									
Compensation to employees	176,713	4,433	(4,042)	177,104	177,104	-	100.0%	156,101	156,101
Goods and services	35,091	3,739	(5,857)	32,973	32,973	-	100.0%	26,277	26,277
Interest and rent on land				-		-	0.0%		
Financial transactions in assets and liabilities			9,717	9,717	9,717	-	100.0%	25,410	25,410
Transfers & subsidies									
Provinces & municipalities	492	255	(209)	538	538	-	100.0%	472	472
Households			391	391	391	-	100.0%	539	539
Capital									
Machinery & equipment	4,314		(2,373)	1,941	1,941	-	100.0%	1,918	1,918
Biological or Cultivated assets				-		-	0.0%		
Software & other intangible assets			20	20	20	-	100.0%		
Land & subsoil assets				-		-	0.0%		
Total	216,610	8,427	(2,353)	222,684	222,684	-	100.0%	210,717	210,717

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2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: APPROPRIATION STATEMENT

for the year ended 31 March 2005

DETAIL PER PROGRAMME 4: AUXILIARY AND ASSOCIATED SERVICES

PROGRAMME PER SUB-PROGRAMME

Programme per sub-programme	2004/05						2003/04		
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
4.1 Judicial Service Commission									
Current payment	983	-	(143)	840	840	-	100.0%	657	657
Expenditure for capital assets	22	-	(22)	-	-	-	0.0%	-	-
4.2 Office for the Control of Interception and Monitoring of Communication									
Current payment	317	-	(79)	238	238	-	100.0%	118	118
Transfers and subsidies	2	-	(2)	-	-	-	0.0%	-	-
4.3 South African Human Rights Commission									
Transfers and subsidies	37,653			37,653	37,653	-	100.0%	32,785	32,785
4.4 Commission on Gender Equality									
Transfers and subsidies	21,390			21,390	21,390	-	100.0%	17,330	17,330
4.5 Special Investigating Unit									
Transfers and subsidies	37,194			37,194	37,194	-	100.0%	25,535	25,535
4.6 Legal Aid Board									
Transfers and subsidies	390,525			390,525	390,525	-	100.0%	367,864	367,864
4.7 Public Protector									
Current payment			802	802	802	-	100.0%	6	6
Transfers and subsidies	49,160		6	49,166	49,166	-	100.0%	43,529	43,529
4.8 National Crime Prevention Strategy									
Current payment	111,384		(12,281)	99,103	99,103	-	100.0%	104,346	104,346
Expenditure for capital assets	34,327		16,998	51,325	51,325	-	100.0%	31,233	31,233
4.9 President's Fund									
Current payment			1	1	1	-	100.0%		
Transfers and subsidies	1			1		1	0.0%	1	
4.10 Represented Political Parties Fund									
Transfers and subsidies	70,652			70,652	70,652	-	100.0%	66,653	66,653
Total	753,610	-	5,280	758,890	758,889	1	100.0%	690,057	690,056

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2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: APPROPRIATION STATEMENT

for the year ended 31 March 2005

DETAIL PER PROGRAMME 4: AUXILIARY AND ASSOCIATED SERVICES

ECONOMIC CLASSIFICATION

Economic classification	2004/05							2003/04	
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
Current									
Compensation to employees	254		529	783	783	-	100.0%	7	7
Goods and services	114,430	(2,000)	(12,229)	100,201	100,201	-	100.0%	105,120	105,120
Interest and rent on land				-		-	0.0%		
Financial transactions in assets and liabilities				-		-	0.0%		
Transfers & subsidies									
Provinces & municipalities	2			2	2	-	100.0%	-	-
Dept agencies & accounts	606,575			606,575	606,574	1	100.0%	553,687	553,686
Households			5	5	5	-	100.0%	10	10
Capital									
Machinery & equipment	32,349	2,000	7,613	41,962	41,962	-	100.0%	31,233	31,233
Biological or Cultivated assets				-		-	0.0%		
Software & other intangible assets			9,362	9,362	9,362	-	100.0%		
Land & subsoil assets				-		-	0.0%		
Total	753,610	-	5,280	758,890	758,889	1	100.0%	690,057	690,056

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2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: NOTES TO THE APPROPRIATION STATEMENT

for the year ended 31 March 2005

1. Detail of transfers and subsidies as per Appropriation Act (after Virement):

Detail of these transactions can be viewed in note 10 (Transfers and subsidies) and Annexure 1 (A-K) to the annual financial statements.

2. Detail of specifically and exclusively appropriated amounts voted (after Virement):

Detail of these transactions can be viewed in note 1 (Annual Appropriation) to the annual financial statements.

3. Detail on financial transactions in assets and liabilities

Detail of these transactions per programme can be viewed in note 7 (Details of special functions (theft and losses)) to the annual financial statements.

4. Explanations of material variances from Amounts Voted (after virement):

4.1 Per programme: Programme 2 - Court Services

	Voted Funds after virement	Actual Expenditure	R'000	%
Court Services	2,291,164	2,274,216	16,948	1%

The earmarked funding allocated for capital expenditure (relating to the Rights of Vulnerable Groups and Upgrading of Infrastructure Projects), remained unspent at financial year-end due to delays in the finalisation of these projects. The Department has submitted a request to National Treasury to roll-over the unspent funds.

4.2 Per economic classification:

Payments for capital assets
Machinery and equipment

R'000
16,948

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2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: STATEMENT OF FINANCIAL PERFORMANCE

for the year ended 31 March 2005

	Note	2004/05 R'000	2003/04 R'000
REVENUE			
Annual appropriation	1.	3,852,158	3,509,292
Statutory appropriation	2.	177,083	166,278
Departmental revenue	3.	175,728	190,646
Local and foreign aid assistance	4.	160,672	6,976
TOTAL REVENUE		4,365,641	3,873,192
EXPENDITURE			
Current expenditure			
Compensation of employees	5.	2,128,657	1,913,357
Goods and services	6.	799,266	730,657
Financial transactions in assets and liabilities	7.	92,333	138,128
Local and foreign aid assistance	4.	108,247	55,793
Unauthorised expenditure approved	8.	-	-
Total current expenditure		3,128,503	2,837,935
Transfers and subsidies	10.	645,905	574,489
Expenditure for capital assets			
Buildings and other fixed structures	11.	254,947	243,805
Machinery and Equipment	11.	146,480	99,384
Software and other intangible assets	11.	9,713	-
Local and foreign aid assistance	4.	31,848	15,800
Total expenditure for capital assets		442,988	358,989
TOTAL EXPENDITURE		4,217,396	3,771,413
NET SURPLUS/(DEFICIT)		148,245	101,779
NET SURPLUS/(DEFICIT) FOR THE YEAR		148,245	101,779
Reconciliation of Net Surplus/(Deficit) for the year			
Voted Funds to be surrendered to the Revenue Fund	15.	(48,060)	(24,250)
Departmental revenue to be surrendered to revenue fund	16.	175,728	190,646
Local and foreign aid assistance	4.	20,577	(64,617)
NET SURPLUS/(DEFICIT) FOR THE YEAR		148,245	101,779

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: STATEMENT OF FINANCIAL POSITION

as at 31 March 2005

	Note	2004/05 R'000	2003/04 R'000
ASSETS			
Current assets			
Unauthorised expenditure	8.	514,481	612,433
Fruitless and wasteful expenditure	9.	185,617	185,617
Cash and cash equivalents	12.	157	157
Prepayments and advances	13.	2,285	1,781
Receivables	14.	265,673	390,553
Local and foreign aid assistance receivable	4.	60,749	33,958
		-	367
TOTAL ASSETS		514,481	612,433
LIABILITIES			
Current liabilities			
Voted funds to be surrendered to the Revenue Fund	15.	506,031	602,503
Departmental revenue to be surrendered to the Revenue Fund	16.	(48,060)	(24,250)
Bank overdraft	17.	21,410	8,758
Payables	18.	453,847	578,099
Local and foreign aid assistance unutilised	4.	33,285	14,557
		45,549	25,339
TOTAL LIABILITIES		506,031	602,503
NET ASSETS		8,450	9,930
Represented by:			
Recoverable revenue		8,450	9,930
TOTAL		8,450	9,930

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: STATEMENT OF CHANGES IN NET ASSETS

for the year ended 31 March 2005

	Note	2004/05 R'000	2003/04 R'000
Recoverable revenue			
Opening balance		9,930	12,807
Debts written off	7.6	-	(5,243)
Debts recovered (included in departmental receipts)		(986)	
Debts raised		(494)	2,366
Prior year adjustment			
Closing balance		8,450	9,930
TOTAL		8,450	9,930

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: CASH FLOW STATEMENT

for the year ended 31 March 2005

	Note	2004/05 R'000
CASH FLOWS FROM OPERATING ACTIVITIES		
Receipts		4,463,725
Annual appropriated funds received		3,852,158
Statutory appropriated funds received		177,083
Departmental revenue received		175,723
Local and foreign aid assistance received	4.	160,672
Net (increase)/decrease in working capital		98,089
Surrendered to Revenue Fund		(138,826)
Current payments		(3,109,775)
Transfers and subsidies paid		(645,905)
Net cash flow available from operating activities	19.	569,219
CASH FLOWS FROM INVESTING ACTIVITIES		
Payments for capital assets		(442,988)
Proceeds from sale of capital assets	3.	5
Net cash flows from investing activities		(442,983)
CASH FLOWS FROM FINANCING ACTIVITIES		
Increase/(decrease) in loans received		(1,480)
Net cash flows from financing activities		(1,480)
Net increase/(decrease) in cash and cash equivalents		124,756
Cash and cash equivalents at beginning of period		(576,318)
Cash and cash equivalents at end of period		(451,562)

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

1. Annual Appropriation

1.1 Annual Appropriation

Included are funds appropriated in terms of the Appropriation Act for National Departments (Voted Funds)

	Final Appropriation R'000	Actual Funds Received R'000	Variance over/(under) R'000	Total Appropriation 2003/04 R'000
Administration	579,420	579,419	1	547,494
Court Services	2,291,164	2,274,216	16,948	2,061,024
State Legal Services	222,684	222,684	-	210,717
Auxiliary and Associated Services	758,890	758,889	1	690,057
Total	3,852,158	3,835,208	16,950	3,509,292

Explanation of material variances including whether or not application will be made for a rollover.

The earmarked funding allocated for capital expenditure (relating to the Rights of Vulnerable Groups and Upgrading of Infrastructure Projects), remained unspent at financial year-end due to delays in the finalisation of these projects. The Department has submitted a request to National Treasury to roll-over the unspent funds.

2. Statutory Appropriation

Judges salaries

Note	2004/05 R'000	2003/04 R'000
	177,083	166,278
	177,083	166,278
	11,161	2,356
	90,573	2,177
	29,080	26,610
	5	303
3.1	42,497	147,604
	2,412	11,596
	2,412	11,596
	175,728	190,646
	175,728	190,646

3. Departmental revenue to be surrendered to revenue fund

Description

Sales of goods and services other than capital assets

Fines, penalties and forfeits

Interest, dividends and rent on land

Sales of capital assets

Financial transactions in assets and liabilities

Transfers received consist of:

Other transfers

Total revenue collected

Departmental revenue collected

National Treasury implemented new procedures regarding the handling and classification of revenue income on 1 October 2004. Previously, revenue accruing in the Monies in Trust accounts held by Courts, State Attorney and Masters Offices, were paid over directly to the Receiver of Revenue. These revenues were not classified as Department of Justice and Constitutional Development revenue by SARS. As from 1 October 2004, all departmental revenue received in the Department, irrespective of the account to which it is received, has been deposited into the National Revenue Fund account controlled by National Treasury.

3.1 Financial transactions in assets and liabilities

Nature of loss recovered

Cheques written back

Material losses recovered

Other

	2004/05 R'000	2003/04 R'000
	451	1,729
	19,357	19,056
	22,689	126,819
	42,497	147,604

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: NOTES TO THE ANNUAL FINANCIAL STATEMENTS for the year ended 31 March 2005

	2004/05 R'000	2003/04 R'000
Foreign		
Canada: SA Justice Linkage Project - furniture and equipment donated to Justice College	-	184
	-	184
Total local and foreign aid assistance received in kind	40,308	24,988

5. Compensation of employees

Note	2004/05 R'000	2003/04 R'000
5.1 Salaries and wages		
Basic salary	1,547,917	1,405,426
Performance award	46,698	28,287
Service Based	5,956	739
Compensative/circumstantial	18,090	7,932
Periodic payments	17,030	(101)
Other non-pensionable allowances	219,605	216,770
	1,855,296	1,659,053
5.2 Social contributions		
5.2.1 Short term employee benefits		
Pension	186,455	170,829
Medical	86,548	83,188
UIF	7	49
Official unions and associations	-	-
Insurance	1	-
	273,361	254,304
Total compensation of employees	2,128,657	1,913,357
Average number of employees	15,046	13,909

Comparatives in the 2003/04 financial year have been restated to conform to the new Standard Chart of Accounts (SCOA) and are limited to the information that the department has available. Performance Awards are paid in terms of the Department of Public Service and Administration Guideline which has been exceeded in the current year by R 15 718 (51%).

6. Goods and services

	2004/05 R'000	2003/04 R'000
Advertising	5,386	1,999
Attendance fees (including registration fees)	2,891	8,270
Bank charges and card fees	903	1,177
Bursaries (employees)	5,819	7,198
Communication	84,335	80,361
Computer services	44,393	55,943
Commission	-	-
Consultants, contractors and special services	180,902	146,579
Courier and delivery services	1,066	254
Tracing agents & debt collections	29	-
Drivers licences and permits	147	-
Entertainment	2,320	1,776
External audit fees	12,122	11,491

6.1

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

	Note	2004/05 R'000	2003/04 R'000
Equipment less than R5 000		1,873	81
Freight service		210	-
Honoraria (Voluntary workers)		2	-
Inventory	6.2	49,257	46,479
Land reform/restitution		-	-
Leaverships		-	-
Legal fees		36,861	27,509
Licence agency fees		-	-
Housing		-	-
Maintenance, repair and running costs		8,677	6,272
Medical services		26,370	25,510
Operating leases		17,475	15,469
Mint of decorations/medals		-	-
Personnel agency fees		17	-
Photographic services		106	-
Plant flowers and other decorations		206	-
Printing and publications		11,018	5,315
Professional bodies and membership fees		3,721	3,126
Resettlement costs		7,156	7,514
Subscriptions		269	-
Storage of furniture		3	-
Taking over of contractual obligations		381	-
Owned and leasehold property expenditure		31,238	34,188
Translations and transcriptions		43,610	43,762
Transport provided as part of the departmental activities		12	-
Travel and subsistence	6.3	179,765	165,019
Venues and facilities		3,977	-
Protective, special clothing & uniforms		530	-
Training & staff development		2,171	-
Witness and related fees		34,048	35,365
Previous years unallocated items			
Total Inventory		799,266	730,657
Comparatives in the 2003/04 financial year have been restated to conform to the new Standard Chart of Accounts (SCOA) and are limited to the information that the department has available. Included in Consultants, contractors and special services is an amount of R 112 888 (2003/04: R 78 387) that relates to the outsourcing of Information Technology services.			
6.1 External audit fees			
Regulatory audits		11,872	10,802
Performance audits		-	486
Other audits		250	203
Total external audit fees		12,122	11,491
6.2 Inventory			
Domestic Consumables		600	627
Food and Food supplies		125	-
Fuel, oil and gas		16	-
Other consumables		358	1
Parts and other maint mat		315	17
Sport and recreation		9	-
Stationery and Printing		47,834	45,834
Total Inventory		49,257	46,479

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

Comparatives in the 2003/04 financial year have been restated to conform to the new Standard Chart of Accounts (SCOA) and are limited to the information that the department has available.

6.3 Travel and subsistence

Local

Foreign

Total travel and subsistence

7. Financial transactions in assets and liabilities

Material losses through criminal conduct

Other material losses written off

Debts written off

7.1 Material losses through criminal conduct

Nature of losses

(Group major categories, but list material items)

Theft by employees

Burglaries, robbery, theft by third parties

7.2 Other material losses written off in Statement of Financial

Performance

Nature of losses

(Group major categories, but list material items)

State Money - Armed robberies and shortages

Arbitration - Civil Actions

Irrecoverable losses

Other

Irrecoverable losses include the approved suspense account write-offs totalling R 87 000. (2003/04 - R101 000)

7.3 Bad debts written off

Nature of debts written off

Transfer to debts written off

(Group major categories, but list material items)

Staff debts (Prescribed staff debts)

7.4 Details of theft and losses

(Group major categories, but list material items)

Programme 1 : Administration

Programme 2 : Court Services

Programme 3 : State Legal Services

7.5 Recoverable revenue debts written off

(Group major categories, but list material items)

Debts written off

Note	2004/05 R'000	2003/04 R'000
	177,341	162,132
	2,424	2,887
	179,765	165,019
	2004/05 R'000	2003/04 R'000
7.1	307	766
7.2	91,733	128,356
7.4	293	9,006
	92,333	138,128
7.1		
	33	60
	274	706
	307	766
7.2		
	850	142
	16	392
	89,860	127,822
	1,007	-
	91,733	128,356
7.3		
	293	9,006
	293	9,006
7.4		
	38,407	58,381
	44,246	54,337
	9,680	25,410
	92,333	138,128
7.5		
	-	(5,243)
	-	(5,243)

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

8. Unauthorised expenditure

8.1 Reconciliation of unauthorised expenditure

Opening Balance		185,617	185,617
Unauthorised expenditure awaiting authorisation		185,617	185,617

8.2 Unauthorised expenditure

Note	2004/05 R'000	2003/04 R'000
Incident		Total
Disciplinary steps taken/criminal proceedings		43,521
Additional details forwarded to Parliament on 04 October 2004. Awaiting feedback.		
Excess on voted funds		2,294
Additional details forwarded to Parliament on 04 October 2004. Awaiting feedback.		
Non-compliance with State Tender Board Directives (Appointment of consultants for OSEO)		117
Additional details forwarded to Parliament on 04 October 2004. Awaiting feedback.		
Donor funds accounted for against vote		109
Additional details forwarded to Parliament on 04 October 2004. Awaiting feedback.		
Non-compliance with State Tender Board Directives		5,200
Additional details forwarded to Parliament on 04 October 2004. Awaiting feedback.		
Virement approval not obtained		844
Additional details forwarded to Parliament on 04 October 2004. Awaiting feedback.		
NPA prior April 2001 unauthorised expenditure (Non compliance with State Tender Board Directives)		523
Additional details forwarded to Parliament on 04 October 2004. Awaiting feedback.		
NPA prior April 2001 unauthorised expenditure (Non compliance with State Tender Board Directives Programme 2 : Administration of Courts - Personnel overspending)		23,885
Additional details forwarded to Parliament on 04 October 2004. Awaiting feedback.		
Excess on voted funds		109,124
Additional details forwarded to Parliament on 04 October 2004. Awaiting feedback.		
		185,617

9. Fruitless and wasteful expenditure

9.1 Reconciliation of fruitless and wasteful expenditure

Opening balance		157	157
Fruitless and wasteful expenditure awaiting condonement		157	157

Fruitless and wasteful expenditure

Incident	Disciplinary steps taken/criminal proceedings		
SARS - Fines	Still under investigation		157
			157

The Department disputes penalties and interest levied by SARS in certain instances. Proof of timeous payment in this regard has been forwarded to SARS. In instances where the Department concurs with SARS the cases have been referred to our Legal Division to determine liability.

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PART 4 A: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

Note	2004/05 R'000	2003/04 R'000
14.1 Staff debtors		
(Group major categories, but list material items)		
In - Service Debt	7,278	9,730
Out of Service Debt	16,182	7,765
	23,460	17,495
14.2 Clearing accounts		
(Group major categories, but list material items)		
VAT Clearing account	19,402	-
	19,402	-
14.3 Other debtors		
Nature of advances		
(Group major categories, but list material items)		
Disallowance accounts	17,794	16,463
Salary Suspense	18	-
Debt Suspense	75	-
	17,887	16,463
15. Voted Funds to be surrendered to the Revenue Fund		
Opening balance	(24,250)	28,093
Transfer from Statement of Financial Performance	(48,060)	(24,250)
Voted funds not requested/not received	-	-
Paid during the year	24,250	(28,093)
Closing balance	(48,060)	(24,250)
2003/04 - Closing balance (R24,250) is made up of the Judges overspending (R29,049) and the Department's saving of R4,779. (R29,049) was requested from National Treasury on 2004/05 - Closing balance.		
16. Departmental revenue to be surrendered to revenue fund		
Opening balance	8,758	8,725
Transfer from Statement of Financial Performance	175,728	190,646
Paid during the year	(163,076)	(190,613)
Closing balance	21,410	8,758
17. Bank overdraft		
Paymaster General Account	453,847	578,099
	453,847	578,099

The overdrawn PMG Account is a result of the Department rendering Agency Services on behalf of other Departments as well as previous years unauthorised expenditure awaiting authorisation.

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: NOTES TO THE ANNUAL FINANCIAL STATEMENTS for the year ended 31 March 2005

	Note	30 Days	30+ Days	2004/05 Total	2003/04 Total
18. Payables – current					
Description					
Advances received	18.1	-	-	-	119
Clearing accounts	18.2	33,884	(599)	33,285	14,438
		33,884	(599)	33,285	14,557
18.1 Advances received					
Identify major categories, but list material items					
Arrive Alive Campaign				-	119
				-	119
18.2 Clearing accounts					
Description					
(Identify major categories, but list material amounts)					
Salary Control Accounts				992	1,776
Overseas maintenance				86	76
Other				32,207	12,586
				33,285	14,438
"Other" (2004/05) includes additional funds of R32 200 payable to the National Prosecuting Authority (NPA) as a result of an approved virement.					

	Note	2004/05 R'000	2003/04 R'000
19. Reconciliation of net cash flow from operating activities to surplus/(deficit)			
Net surplus/(deficit) as per Statement of Financial Performance		148,245	
Non-cash movements			
(Increase)/decrease in receivables – current		(26,791)	
(Increase)/decrease in prepayments and advances		124,880	
Increase/(decrease) in payables – current		18,728	
Proceeds from sale of equipment		(5)	
Surrenders		(138,826)	
Capital expenditure		403,597	
Other non cash items		-	
Net cash flow generated by operating activities		529,828	
20. Appropriated funds and departmental revenue surrendered			
Appropriated funds surrendered		(24,250)	28,093
Departmental revenue surrendered		163,076	190,613
		138,826	218,706

These amounts are not recognised in the financial statements and are disclosed to enhance the usefulness of the financial statements.

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

23 Accruals

By economic classification

Note	30 Days	30+ Days	2004/05 R'000	2003/04 R'000
	71	37	108	109
Compensation of employees				
Goods and services	22,380	26,260	48,640	41,152
Buildings and other fixed structures	24	-	24	109
Machinery and Equipment	1,735	190	1,925	4,522
			50,697	45,892

Listed by programme level

Programme 1: Administration	-	-	-	21,383
Programme 2: Administration of Court	-	-	-	9,610
Programme 3: State Legal Services	-	-	-	3,251
Programme 4: Auxiliary and Associated Services	-	-	-	11,648
	-	-	-	45,892

Included in Goods and Services, 30+ days is R 9 151 relating to Guardian's Fund shortfall. The Department is liable to make good this shortfall. Information on accruals listed by Programme level is not available.

24 Employee benefits

Leave entitlement			9,876	13,237
Thirteenth cheque			64,460	57,407
Performance awards			46,698	25,898
			121,034	96,542

25 Leases

25.1 Operating leases

	Buildings & other fixed structures	Machinery and equipment	2004/05 R'000	2003/04 R'000
Not later than 1 year	-	13,379	13,379	11,570
Later than 1 year and not later than 3 years	-	20,181	20,181	18,256
Later than three years	-	8,210	8,210	7,295
Total present value of lease liabilities	-	41,770	41,770	37,121

These operating leases may fulfill some of the criteria for finance leases but has been disclosed as operating leases due to the fact that they were entered into under the auspices of the contracts being operating leases. Included in these leases are photocopiers, PABX boards, facsimile machines and other similar office equipment where the lease terms is for major part of economic life of the asset. The legal form of the lease agreement is that the lessee may not acquire legal title to these assets but the substance of financial reality is that the lessee acquire the economic benefits or service potential of the use of the leased asset for the obligation to pay for that right an amount approximating to the fair value of the asset. This departure do not have any financial implications on the Department as payment made for assets are recognised as an expense in the Statement of Financial Performance when payment is made. The Department will continue working with the National Treasury in finding an amicable solution.

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

		2004/05 R'000	2003/04 R'000
26	Receivables for service delivered		
	Nature of service (Group major categories, but list material items)		
	VAT Receivable (Donor Funding)	-	20,396
		-	20,396
27	Irregular expenditure		
27.1	Reconciliation of irregular expenditure		
	Opening Balance	54,360	54,360
	Irregular expenditure awaiting condonement	54,360	54,360
	Analysis		
	Current	-	-
	Prior years	-	54,360
		-	54,360
	In addition to the R 54 360 is an amount of R 19 519 relating to prior year irregular expenditure that remains under investigation at year end.		

		2004/05 R'000	2003/04 R'000
28	Senior management personnel		
	The aggregate compensation of the senior management of the department and the number of individuals determined on a full time equivalent basis receiving compensation within this category, showing separately major classes of key management personnel and including a description of each class for the current period and the comparative period. Detail on each type of compensation should be disclosed.		
	- The Minister, Deputy Ministers, Director-General	3	2,327
	- Deputy Director Generals	9	5,145
		8,067	7,472

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: ANNEXURES

for the year ended 31 March 2005

ANNEXURE IC

STATEMENT OF CONDITIONAL GRANTS PAID TO MUNICIPALITIES

Name Of Municipality	Grant Allocation				Transfer		Spent			2003/04
	Division of Revenue Act R'000	Roll Overs R'000	Adjustments R'000	Total Available R'000	Actual Transfer R'000	% of Available Funds Transferred %	Amount received by municipality R'000	Amount spent by municipality R'000	% of available funds spent by municipality %	Division of Revenue Act R'000
Regional Services Council Levies	-	-	-	-	6,684	0.0%	-	-	0.0%	5,910
	-	-	-	-	6,684		-	-		5,910

ANNEXURE ID

STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS

Agency/Account	Transfer Allocation				Transfer		2003/04
	Adjusted Appropriation Act R'000	Roll Overs R'000	Adjustments R'000	Total Available R'000	Actual Transfer R'000	% of Available Funds Transferred %	Final Appropriation Act R'000
Human Rights Commission	37,653	-	-	37,653	37,653	100.0%	32,785
Legal Aid Board	390,525	-	-	390,525	390,525	100.0%	367,864
Special Investigating Unit	37,194	-	-	37,194	37,194	100.0%	25,535
Commission on Gender Equality	21,390	-	-	21,390	21,390	100.0%	17,330
Public Protector	49,160	-	-	49,160	49,160	100.0%	43,519
Represented Political Parties Fund	70,652	-	-	70,652	70,652	100.0%	66,653
President's Fund	1	-	-	1	-	0.0%	-
	606,575	-	-	606,575	606,574		553,686

ANNEXURE IG

STATEMENT OF TRANSFERS/SUBSIDIES TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANISATIONS

Foreign Government/ International Organisation	Transfer Allocation				Expenditure		2003/04
	Adjusted Appropriation Act R'000	Roll Overs R'000	Adjustments R'000	Total Available R'000	Actual Transfer R'000	% of Available Funds Transferred %	Final Appropriation Act R'000
Transfers							
SUB FEES: UNIDROIT	162	-	-	162	162	0.0%	333
	162	-	-	162	162		333

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: ANNEXURES

for the year ended 31 March 2005

ANNEXURE II

STATEMENT OF TRANSFERS/SUBSIDIES TO HOUSEHOLDS

Non Profit Organisation	Transfer Allocation			Expenditure		2003/04	
	Adjusted Appropriation Act R'000	Roll Overs R'000	Adjustments R'000	Total Available R'000	Actual Transfer R'000	% of Available Funds Transferred %	Final Appropriation Act R'000
Transfers							
Household: Employee Social Benefit	32,227	-	-	32,227	32,227	100.0%	12,527
Households: Claims against the State	140	-	-	140	140	100.0%	1,949
Household: Ex Gratia Payments	59	-	-	59	59	100.0%	73
Household: State Vehicle and Car Rental	59	-	-	59	59	100.0%	
	32,485	-	-	32,485	32,485		14,549

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2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: ANNEXURES

for the year ended 31 March 2005

ANNEXURE 3

STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2005 - LOCAL AND ACCOUNTS

Guarantor institution	Guarantee in respect of Motor Vehicles	Original Guaranteed capital amount R'000	Opening Balance 01/04/2004 R'000	Guarantees issued during the year R'000	Guarantees Released during the year R'000	Guaranteed interest outstanding as at 31 March 2005 R'000	Closing Balance 31/03/2005 R'000	Realised losses i.r.o. claims paid out R'000
Stannic	Motor Vehicle guarantee		662	301			963	
		-	662	301	-	-	963	-
	Housing							
ABSA	Housing loan guarantee		8,122	626	622		8,126	
Standard Bank	Housing loan guarantee		3,723	231	310		3,644	
Old Mutual Bank	Housing loan guarantee		3,176	133	214		3,095	
Peoples Bank Incorporating	Housing loan guarantee		2,051	13	212		1,852	
First Rand Bank Ltd (FNB- Former)	Housing loan guarantee		1,813	38	103		1,748	
Nedbank Limited	Housing loan guarantee		2,278	167	136		2,309	
Peoples Bank Limited (Former FBC)	Housing loan guarantee		789	-	25		764	
First Rand Bank:FNB	Housing loan guarantee		2,930	149	197		2,882	
Other	Housing loan guarantee		1,185	276	22		1,439	
		-	26,067	1,633	1,841	-	25,859	-
	Total	-	26,729	1,934	1,841	-	26,822	-

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: ANNEXURES

for the year ended 31 March 2005

ANNEXURE 4

PHYSICAL ASSET MOVEMENT SCHEDULE AS AT 31 MARCH 2005

	Opening Balance R'000	Additions R'000	Disposals R'000	Transfers in R'000	Transfers Out R'000	Closing Balance R'000
Buildings And Other Fixed Structures	243,805	254,947	-	-	-	498,752
Non-residential buildings	243,805	254,947	-	-	-	498,752
Machinery And Equipment	99,384	146,480	-	31,848	-	277,712
Computer equipment	38,515	-	-	31,837	-	70,352
Furniture and office equipment	28,092	-	-	-	-	28,092
Other machinery and equipment	4,628	122,829	-	11	-	127,468
Specialised military assets	-	-	-	-	-	-
Transport assets	28,149	23,651	-	-	-	51,800
	343,189	401,427	-	31,848	-	776,464

ANNEXURE 4 (CONTINUED)

PHYSICAL ASSET MOVEMENT SCHEDULE AS AT 31 MARCH 2005

	Opening Balance R'000	Additions R'000	Disposals R'000	Transfers in R'000	Transfers Out R'000	Closing Balance R'000
Buildings And Other Fixed Structures	-	243,805	-	-	-	243,805
Dwellings						-
Non-residential buildings		243,805	-	-	-	243,805
Machinery And Equipment	-	99,384	-	-	-	99,384
Computer equipment		38,515	-	-	-	38,515
Furniture and office equipment		28,092	-	-	-	28,092
Other machinery and equipment		4,628	-	-	-	4,628
Specialised military assets		-	-	-	-	-
Transport assets		28,149	-	-	-	28,149
	-	343,189	-	-	-	343,189

This is a movement schedule as at 31 March 2004

Disposals only relate to amounts included in the opening balances and the additions columns. If you have a disposal, the amount written off should be equivalent to the carrying value of the asset.

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: ANNEXURES

for the year ended 31 March 2005

ANNEXURE 5

SOFTWARE AND OTHER INTANGIBLE ASSET MOVEMENT SCHEDULE AS AT 31 MARCH 2005

	Opening Balance R'000	Additions R'000	Disposals R'000	Transfers in R'000	Transfers Out R'000	Closing Balance R'000
Computer software	-	9,713	-	-	-	9,713
	-	9,713	-	-	-	9,713

ANNEXURE 7

INTER-DEPARTMENTAL PAYABLES - CURRENT

Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding	
	31/03/2005 R'000	31/03/2004 R'000	31/03/2005 R'000	31/03/2004 R'000
Department				
Amounts not included in Statement of financial position				
Current				
Agriculture			106	104
Health			-	11
Public Works			-	20,588
SA Police			-	135
SA Management Development Inst			-	66
National Treasury			9	-
Public Service and Administration			6	-
SA Defence Force			7	-
Transport			7	-
PROVINCIAL DEPARTMENTS				
Eastern Cape Provincial Government			-	-
Provincial Administration Eastern Cape			-	513
Gauteng Provincial Government			-	-
Transport (GG)			27,030	11,000
Health			-	3
Western Cape Provincial Government			-	-
Health			9	3
Housing			-	8
Transport			2,597	-
Free State Provincial Government			-	-
Health			-	1
Subtotal	-	-	29,771	32,432
Total	-	-	29,771	32,432



Part 4 B:

The National Prosecuting
Authority
included in Vote 24

NATIONAL PROSECUTING AUTHORITY (included in Vote 24)

Annual Financial Statements for the year ended 31 March 2005

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THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

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

1. General Review of the State of Financial Affairs

The structure of the National Prosecuting Authority (NPA) consists of the following Units:

National Prosecuting Service (NPS)
 Directorate of Special Operations (DSO)
 Asset Forfeiture Unit (AFU)
 Auxiliary Services consisting of: Sexual Offences and Community Affairs Unit (SOCA), Specialised Commercial Crimes Unit (SCCU), Witness Protection Unit (WPU) and the Priority Crimes Litigation Unit (PCLU)
 Corporate Services (CS).

Highlights of the Financial Position:

	2004/05 R '000	2003/04 R '000
Adjusted Appropriation	1,146,559	1,066,020
Virement to Department of Justice and Constitutional Development (DoJ and CD)	55,701	(17,959)
Final Appropriation	1,202,260	1,048,061
Less: Total Expenditure	1,170,435	1,048,061
Variance	31,825	-

The variance represents funds for which an application was made via DoJ and CD to National Treasury for a roll-over of funds. National Treasury has subsequently approved this application.

With respect to budgetary matters, the NPA does not administer the full budget for lower court prosecutors. The NPA budget has only the personnel budget for lower court prosecutors. The non-personnel budget remains with the DoJ and CD.

The under spending is attributed to an amount of R16, 5 million for unpaid invoices to a service provider because of the current dispute between the service provider and the NPA and an amount of R15,5 million as a result of delayed payments for SITA invoices being submitted late and only received in the 2005/06 financial year for processing, less an amount of R175,000 being fruitless expenditure incurred in 2004/05 and condoned in the current year.

The Criminal Asset Recovery Account (CARA) has not been included in the financial statements for the reasons given below:

- The CARA was only delegated officially to the NPA on the 10th of June 2005
- Work only started on CARA in the middle of January 2005 because the decision to locate CARA in the NPA was only taken in mid-December 2004

The NPA has continued to operate on the same basis with respect to its relationship with the DOJ and CD. This means that, with respect to all NPA business units, excluding the DSO, the CEO of the NPA operates as the Accounting Officer on the basis of a delegation of authority from the Director-General. With respect to the DSO, the CEO of the NPA operates as the Accounting Officer as stipulated in the NPA Act.

These financial statements are the fourth set of financial statements produced by the NPA, separately from the DOJ and CD. These financial statements, whilst being separately audited by the Auditor-General, will be consolidated with the financial statements of the DOJ and CD. These arrangements are by agreement with the DOJ and CD, National Treasury and the Office of the Accountant-General.

- No additional resources were provided to the NPA until March 2005
- The NPA was not provided with any budget allocation for CARA until the 2005/06 financial year
- The figures for CARA are not fully substantiated as at date hereof.

A decision was taken in conjunction with officials from DoJ and CD and the Auditor-General's Office to remove CARA from these financial statements and to prepare a set of financial statements exclusively for CARA. This will be ready and completed by the 31st of August 2005 and handed to the Auditor-General at that time.

The only major project was the acquisition of Innes Chambers Building on the 16th of December 2004. To date tenders have been issued and three suppliers have been pre-qualified for the refurbishment of the Innes Chambers Building. The NPA is currently in discussion with DPW to raise capital funding for the refurbishment of the building.

2. Services Rendered by the NPA

"Justice in our society so that people can live in freedom and security" is the vision of the NPA. The mission statement of the NPA is to provide an effective prosecution service that is prompt, vigorous and fearless, in the public interest, guided by the Constitution and Bill of Rights, where all are treated with humanity and sensitivity.



PART 4 B: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

- Public Prosecutions coordinates and assists prosecutions in the Office of the Director of Public Prosecutions and lower courts
- Witness Protection Programme coordinates the safekeeping and protection of witnesses in certain serious cases
- Special Operations, comprising the Directorate of Special Operations (also known as the Scorpions) and the Asset Forfeiture Unit, deal with serious organised crime and its proceeds
- Corporate Services renders the following services to other operational units:
 - i) Supply Chain Management Services
 - ii) Human Resource Management Services
 - iii) Financial Operation Services
 - iv) Contract Management Services
 - v) Fleet Management Services
 - vi) Security Services
 - vii) Integrity Management Services
 - viii) Library Services.

2.1 Inventories

Stock-taking for the year-end closure was delayed to 19 April 2005 due to changes in the location of the warehouse in respect of lines of accountability and changes in the management of the section. The value of the stock taken on 19 April was R98,541.40 and the valuation was at invoice cost.

Corporate Services has supplied prosecutors with cell phones, gowns, pilot cases, law books and stationery packs in order for them to render an effective and efficient service. The utilisation of the materials relieved a lot of the working constraints and also provided better communication across the Justice sector. The NPA has embarked upon a system whereby all furniture and IT equipment and other assets will be bar-coded and recorded in a composite asset register.

3. Capacity Constraints

3.1 Corporate Services

a) Human Resources

The Executive Manager: Human Resource Management and Development (HRMD) that was recruited on contract in July 2003 to address concerns that were raised about lack of service delivery, resigned in January 2005. This position has not yet been filled.

An outside service provider has been engaged to undertake a file audit of all HR files. This audit is currently running at six files per day and there are approximately 3850 files to be completed. Approximately 140 files have been completed thus far.

b) Procurement

A Senior Manager: Procurement was recruited in November 2004 to address concerns about lack of delivery in the procurement department and to implement Supply Chain Management fully.

c) Internal Audit

The Internal Audit Unit made several appointments and the unit is fully operational.

c) General

The high turnover of staff in Corporate Services and a lack of funds have impacted negatively on performance.

3.2 Other Units

As in previous years, the NPA's non-personnel budget remains under pressure in view of the growth in numbers of personnel over the years. This is exacerbated due to the NPA's efforts to supplement some of the efforts of the DoJ and CD in meeting resource needs of lower courts prosecutors, despite the fact that it does not have a non-personnel budget for lower court prosecutors.

Specific areas of the non-personnel budget that are under pressure include witness fees, Information Technology, infrastructure, fleet services and security services, with the DSO being under pressure to counter these budget constraints with the drop in overall morale caused by the commission appointed to look at the relocation of the DSO. (See also Note 6 below.)

Personnel budgets of all Units are under pressure due to the level of budget increases allocated to the NPA not being aligned to the growth of the NPA.

3.3 Legislative Constraints

The legislative framework for the NPA continues to present difficulties. The arrangement reached between the NPA and DoJ and CD regarding the responsibilities of both Accounting Officers, the CEO and the Director-General, are working well. However, all parties are in agreement that the arrangement does not lend itself to good corporate governance. These governance issues, together with all other governance issues, will be addressed by the transformation team that is currently working on the design phase of the transformation of the NPA.

4. Utilisation of Donor Funds

Below is an exposition of projects funded through donations during the financial year under review:

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2004/05 THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

Donor	Project	Short Description
USAID	Specialist Prosecutors	To empower prosecutors and other role-players with specialised knowledge and skills to better handle cases of sexual and domestic violence through multidisciplinary training, community outreach and research programmes.
WK Kellogg Foundation	Thuthuzela Project	To manage care centres for victims of child abuse and rape, training and development and public education.
UNICEF	Sexual Offences Courts	To manage care centres for victims of child abuse and rape, training and development and public education.
Vodacom	Thuthuzela Project	To establish, renovate and launch sexual offences courts.
SARS	SARS Unit	To assist the NPA in establishing a Tax Unit.
BAC	RJ Hillhouse	To collaborate and coordinate in the preparation for prosecutions.
Greece	Thuthuzela Project	To manage care centres for victims of child abuse and rape, training and development and public education.
Woolworths	Sexual Offences Courts	To develop a child-friendly court environment.

5. Corporate governance arrangements

5.1 Governance

Governance has been identified as an area requiring major improvement and the establishment of a governance centre has already been proposed. Considerable work has been done to improve governance, including:

- The development of a governance model that will guide the implementation of governance in the NPA in a sustainable and consistent manner.
- The development and administration of a governance index for the NPA to assess governance effectiveness.
- Recommendations for improving governance.
- The development of a set of 21 governance processes to embed governance in the NPA.

5.2 Transformation

A comprehensive transformation team, consisting of an outside consortium and a number of NPA officials assigned to transformation, has been engaged to design and implement a transformation programme for the entire NPA. The understanding phase of this programme was completed in February 2005 and the team has commenced on the design phase. Implementation is scheduled to begin in February 2007.

5.3 Internal Audit

The Audit Committee continues to hold quarterly meetings with the NPA EXCO on issues of internal audit. The Executive Manager: Internal Audit, after completing a year's service, failed to have her probation confirmed

and this position has not yet been filled. The position is currently occupied by the Manager from DoJ and CD in an acting position.

The Audit Committee meets every quarter and reviews and monitors the work plan of the internal and external auditors. The NPA EXCO attends these meetings and is therefore fully informed on all matters brought to the attention of the Audit Committee.

5.4 Enterprise Risk Management

The Executive Manager: Strategy and Risk was recruited in September 2004. An Enterprise Risk Management Guideline was developed for the NPA and adopted by the NPA EXCO in February 2005. The NPA commenced with the process of building its risk register, with a Top Ten NPA risk register as first priority for finalisation.

A draft policy on Fraud Prevention is currently in place. The NPA EXCO is considering appointing a consultant to finalise the policy for consideration and approval by the NPA EXCO.

5.5 Integrity Management Unit

The draft NPA Integrity Promotion Strategy, which was approved by the NPA EXCO as a working document, has been piloted in the NPA to solicit input, raise awareness and get the buy-in of all stakeholders. To this end, the education and awareness programme has been implemented and various mechanisms implemented, including a gift register which has been distributed to managers in the NPA. The Unit has developed its strategy and structure and is currently improving its capacity.



PART 4 B: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

6. Events after the reporting date

The question of the location of the DSO has come under the spotlight and is the subject of a separate commission appointed by the President. The findings of this commission will guide the President and he will make a decision later this year on whether the DSO will remain within the NPA and what, if any, changes need to be made. This will obviously have a large impact on the NPA.

7. Public / Private Partnerships (PPP)

Details of existing and new PPPs are contained in the Disclosure Note 25 of the financial statements.

8. Performance

8.1 Budget Control

The NPA EXCO held quarterly budget review meetings with all heads of Units. During these reviews, heads of business units presented their budget performance and provided reasons for either under or over spending. The reviews allow the business units the opportunity to explain to the budget committee why certain funds projected for certain major projects were not spent. It allows management to reprioritise funding on certain projects during the financial year.

In general the budget spending patterns as per the sub-programme was fairly consistent with the projected expenditure per quarter for the 2004/05 financial year.

8.2 NPA Policies and Other Legislative Documents

In terms of section 38(1)(a) of the Public Finance Management Act, the NPA EXCO has established a policy committee task team to fast-track the implementation of all policies in the NPA. The NPA EXCO has since approved several policies and these policies have been implemented.

In terms of the PFMA, the NPA has produced a set of Financial Delegations, which was approved by the Director-General of DoJ and CD on 26 April 2005.

In terms of section 76(4)(c) of the Public Finance Management Act, Corporate Services has implemented a framework for the implementation of the Supply Chain Management Systems. The appropriate staff in Finance and Procurement has been trained and several training sessions with other Units have been conducted.

9. SCOPA

During the 2004/05 financial year the NPA did not receive any SCOPA resolutions and the NPA has not been notified by SCOPA of any related queries to be addressed.

10. Approval

The Annual Financial Statements set out pages 58 to 83 have been approved by the CEO of the NPA and the Accounting Officer.

Ms M Sparg
Chief Executive Officer
National Prosecuting Authority
29/07/2005

Adv M Simelane
Director-General
Department of Justice and Constitutional Development
29/07/2005

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THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS OF THE NATIONAL PROSECUTING AUTHORITY (NPA) (INCLUDED IN VOTE 24)

for the year ended 31 March 2005

1. AUDIT ASSIGNMENT

The financial statements as set out on pages 138 to 163 for the year ended 31 March 2005, have been audited in terms of section 188 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), read with sections 4 and 20 of the Public Audit Act, 2004 (Act No. 25 of 2004). These financial statements, the maintenance of effective control measures and compliance with relevant laws and regulations are the responsibility of the accounting officer. My responsibility is to express an opinion on these financial statements, based on the audit.

2. NATURE AND SCOPE

The audit was conducted in accordance with Statements of South African Auditing Standards. Those standards require that I plan and perform the audit to obtain reasonable assurance that the financial statements are free of material misstatement.

An audit includes:

- examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements;
- assessing the accounting principles used and significant estimates made by management; and
- evaluating the overall financial statement presentation.

Furthermore, an audit includes an examination, on a test basis, of evidence supporting compliance in all material respects with the relevant laws and regulations which came to my attention and are applicable to financial matters.

The audit was completed in accordance with Auditor-General Directive No. 1 of 2005.

I believe that the audit provides a reasonable basis for my opinion.

3. AUDIT OPINION

In my opinion, the financial statements fairly present, in all material respects, the financial position of the NPA at 31 March 2005 and the results of its operations and cash flows for the year then ended, in accordance with prescribed accounting practice and in the manner required by the Public Finance Management Act, 1999 (Act No. 1 of 1999).

4. EMPHASIS OF MATTER

Without qualifying the audit opinion expressed above, attention is drawn to the following matters:

4.1 Asset Management

Various shortcomings in the control over assets had been identified and the following matters resulted in an inability to verify the existence and completeness of assets and inventory:

- An asset register was not maintained by the NPA
- No stock-taking took place for inventory and equipment during the financial year
- Not all assets were uniquely marked
- The tender process was not always followed for the acquisition of certain assets
- LOGIS was not always updated accurately and on time
- The annexure for physical asset movement was incomplete as transfers and disposals were not indicated
- The NPA did not maintain an adequate loss register which was reviewed and updated on a regular basis. The status of cases (some dating back to 2001) could not be determined.

4.2 Dept Management

The lack of monitoring and reconciliation of debtors by management resulted in the following weaknesses:

- PERSAL was not always timely and accurately updated with addresses of debtors, resulting in an inability by management to forward monthly statements and recovering amounts due
- Debtors' reconciliations were not performed for the financial year. Furthermore, the list of debts, the detail dept report and the age analysis did not reconcile at year-end
- Debtors' files were not always updated and were, in some cases incomplete.

4.3 Accountability and governance status of the NPA

Interim approval has been granted by the Accountant-General for the NPA to prepare their own set of financial statements since the 2002 financial year. No finality has been reached on the following critical matters, affecting the accountability and governance status of the NPA:



PART 4 B: REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS OF THE NATIONAL PROSECUTING AUTHORITY (NPA) (INCLUDED IN VOTE 24)

for the year ended 31 March 2005

- Clear definition of the accounting officer of the NPA
- The listing of the NPA as an entity in terms of the Public Finance Management Act
- The mechanism of funding for the NPA

4.4 Internal Audit

Internal audit reports relating to any assignment performed had either not been completed or not reviewed, which prevented any utilisation thereof for external audit purposes. Therefore the audit performed for the year under review was performed without reliance on the work performed by the internal audit unit.

4.5 Policies not approved

Treasury Regulations stipulate that formalised and approved policies should be implemented for effective financial management. It was identified that approved and formalised policies were not implemented for the following areas, which constituted non-compliance with the Treasury Regulations:

- Risk assessment thus leading to the non-availability of the internal audit plan, as this plan is based on the outcomes of risk assessment
- Fraud prevention plan
- Business continuity plans and backup policies/disaster recovery plan
- Policy for disciplinary action
- Delegations of authority.

4.6 Annual Financial Statements

4.6.1 Non-compliance with the PFMA

Section 40 of the PFMA stipulates that the accounting officer must submit financial statements within two months after the end of the financial year to the Auditor-General for auditing and to the relevant Treasury to enable that Treasury to prepare consolidated financial statements.

The financial statements of the NPA were submitted on 31 May 2005. However, the Criminal Asset Recovery Account (CARA) was delegated to the NPA on 10 June 2005 for operational and accounting purposes and the delegation was required to be included in the NPA's financial statements for the 2004/5 financial year. Therefore the financial statements were re-submitted on 15 June 2005, including the CARA information.

Due to the late delegation and the fact that CARA figures could not be substantiated, the NPA withdrew the financial statements to exclude the CARA information and re-submitted financial statements on 22 July 2005. A subsequent material change resulted in another re-submission on 29 July 2005.

Management indicated that separate financial statements for CARA would be submitted for audit by 31 August 2005.

4.6 Donor funds

Donations from a foreign donor was not received via the RDP fund as required by the Official Development Assistance Guideline (Annexure A, paragraph 2.2)

5. APPRECIATION

The assistance rendered by the staff of the NPA during the audit is sincerely appreciated.

C Benjamin
for Auditor-General
Pretoria
30/07/2005



Annual Financial Statements

2004/05

THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: ACCOUNTING POLICIES

for the year ended 31 March 2005

The Annual Financial Statements have been prepared in accordance with the following policies, which have been applied consistently in all material aspects, unless otherwise indicated. However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the Annual Financial Statements and to comply with the statutory requirements of the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999), and the Treasury Regulations for Departments and Constitutional Institutions issued in terms of the Act. The following issued but not yet effective standards of generally recognised accounting practice have not been fully compiled within the Annual Financial Statements: GRAP 1,2 AND 3.

1. Basis of preparation

The Annual Financial Statements have been prepared on a modified cash basis of accounting, except where stated otherwise. The modified cash basis constitutes the cash basis of accounting supplemented with additional disclosure items. Under the cash basis of accounting transactions and other events are recognised when cash is received or paid. Under the accrual basis of accounting transactions and other events are recognised when incurred and not when cash is received or paid.

2. Revenue

Appropriated funds

Voted funds are the amounts appropriated to a department in accordance with the final budget known as the Adjusted Estimates of National/Provincial Expenditure. Unexpended voted funds are surrendered to the National Revenue Fund, unless otherwise stated.

Departmental revenue

Sale of goods and services other than capital assets

This comprises the proceeds from the sale of goods and/or services produced by the entity. Revenue is recognised in the statement of financial performance on receipt of the funds.

Interest, dividends

Interest and dividends received are recognised upon receipt of the funds, and no provision is made for interest or dividends receivable from the last receipt date to the end of the reporting period. They are recognised as revenue in the Statement of Financial Performance of the NPA and then transferred to the National Revenue Fund.

Sale of capital assets

The proceeds from the sale of capital assets are recognised as revenue in the statement of financial performance on receipt of the funds.

Financial transactions in assets and liabilities

Repayments of loans and advances previously extended to employees and public corporations for policy purposes are recognised as revenue in the statement of financial performance on receipt of the funds.

Cheques issued in previous accounting periods that expire before being banked are recognised as revenue in the statement of financial perfor-

mance when the cheque becomes stale. When the cheque is reissued the payment is made from Revenue.

Local and foreign aid assistance

Local and foreign aid assistance is recognised in the statement of financial performance on receipt of funds. Where amounts are expensed before funds are received, a receivable is raised. Where amounts have been inappropriately expensed using Local and Foreign aid assistance, a payable is raised. In the situation where the NPA is allowed to retain surplus funds, these funds are shown as a reserve.

3. Expenditure

Compensation of employees

Salaries and wages comprise payments to employees. Salaries and wages are recognised as an expense in the statement of financial performance when the final authorisation for payment is effected on the system. The expenditure is classified as capital where the employees were involved, on a full time basis, on capital projects during the financial year. All other payments are classified as current expense.

Social contributions include the entities' contribution to social insurance schemes paid on behalf of the employee. Social contributions are recognised as an expense in the Statement of Financial Performance when the final authorisation for payment is effected on the system.

Short-term employee benefits

The cost of short-term employee benefits is expensed in the Statement of Financial Performance in the reporting period when the final authorisation for payment is effected on the system. Short-term employee benefits, that give rise to a present legal or constructive obligation are disclosed as a disclosure note to the Annual Financial Statements and are not recognised in the Statement of Financial Performance.

Long-term employee benefits and other post employment benefits

Termination benefits

Termination benefits are recognised and expensed only when the final authorisation for payment is effected on the system.

Medical benefits

The NPA provides medical benefits for its employees through defined benefit plans. Employer contributions to the fund are incurred when the final authorisation for payment is effected on the system. No provision is made for medical benefits in the Annual Financial Statements of the NPA.

Post employment retirement benefits

The department provides retirement benefits for certain of its employees through a defined benefit plan for government employees. These benefits are funded by both employer and employee contributions. Employer contributions to the fund are expensed when the final authorisation for payment to the fund is effected on the system. No provision is made for retirement benefits in the Annual Financial Statements of the department. Any po-



PART 4 B: ACCOUNTING POLICIES

for the year ended 31 March 2005

tential liabilities are disclosed in the Annual Financial Statements of the National Revenue Fund and not in the Annual Financial Statements of the employer department.

Other employee benefits

Obligations arising from leave entitlement, thirteenth cheque and performance bonus that are reflected in the disclosure notes have not been paid for at year-end.

Goods and services

Payments made for goods and/or services are recognised as an expense in the Statement of Financial Performance when the final authorisation for payment is effected on the system. The expense is classified as capital if the goods and services were used on a capital project.

Financial transactions in assets and liabilities

Financial transactions in assets and liabilities include the write-off for debts less than R100. Debts are written off when identified as irrecoverable. Debts written-off are limited to the amount of savings and/or underspending available to the NPA. The write off occurs at year-end or when funds are available. No provision is made for irrecoverable amounts.

Unauthorised expenditure

Unauthorised expenditure, is defined as:

- The overspending of a vote or a main division within a vote, or
- Expenditure that was not made in accordance with the purpose of a vote or, in the case of a main division, not in accordance with the purpose of the main division.

Such expenditure is treated as a current asset in the Statement of Financial Position until such expenditure is approved by the relevant authority, recovered or written off as irrecoverable.

Irregular expenditure

Irregular expenditure, is defined as:

expenditure, other than unauthorised expenditure, incurred in contravention or not in accordance with a requirement of any applicable legislation, including:

- The Public Finance Management Act
- The State Tender Board Act, or any regulations made in terms of this act, or
- Any provincial legislation providing for procurement procedures in that provincial government.

It is treated as expenditure in the Statement of Financial Performance. If such expenditure is not condoned and it is possibly recoverable it is disclosed as receivable in the Statement of Financial Position at year-end.

Fruitless and wasteful expenditure

Fruitless and wasteful expenditure, is defined as:

expenditure that was made in vain and would have been avoided had rea-

sonable care been exercised, therefore

- it must be recovered from a responsible official (a debtor account should be raised), or
- the vote. (If responsibility cannot be determined.)

Such expenditure is treated as a current asset in the Statement of Financial Position until such expenditure is recovered from the responsible official or written off as irrecoverable.

4. Transfers and subsidies

Transfers and subsidies include all irrecoverable payments made by the entity. Transfers and subsidies are recognised as an expense when the final authorisation for payment is effected on the system.

5. Expenditure for capital assets

Capital assets are assets that can be used repeatedly and continuously in production for more than one year. Payments made for capital assets are recognised as an expense in the Statement of Financial Performance when the final authorisation for payment is effected on the system.

6. Receivables

Receivables are not normally recognised under the modified cash basis of accounting. However, receivables included in the Statement of Financial Position arising from cash payments that are recoverable from another party, when the payments are made.

Receivables for services delivered are not recognised in the Statement of Financial Position as a current asset or as income in the Statement of Financial Performance, as the Annual Financial Statements are prepared on a modified cash basis of accounting, but are disclosed separately as part of the disclosure notes to enhance the usefulness of the Annual Financial Statements.

7. Cash and cash equivalents

Cash and cash equivalents consists of cash on hand and balances with banks, short term investments in money market instruments and demand deposits. Cash equivalents are short-term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

8. Payables

Payables are not normally recognised under the modified cash basis of accounting. However, payables included in the Statement of Financial Position arise from advances received that are due to the NPA Revenue Fund or another party.

9. Lease commitments

Lease commitments for the period remaining from the reporting date until the end of the lease contract are disclosed as part of the disclosure notes

PART 4 B: ACCOUNTING POLICIES

for the year ended 31 March 2005

to the Annual Financial Statements. These commitments are not recognised in the Statement of Financial Position as a liability or as expenditure in the Statement of Financial Performance as the Annual Financial Statements are prepared on the cash basis of accounting.

Operating lease expenditure is expensed when the payment is made. Finance lease expenditure is expensed when the payment is made, but results in the acquisition of the asset under the lease agreement. A finance lease is not allowed in terms of the Public Finance Management Act.

10. Accruals

This amount represents goods/services that have been received, but no invoice has been received from the supplier at the reporting date, OR an invoice has been received but final authorisation for payment has not been effected on the system. These amounts are not recognised in the Statement of Financial Position as a liability or as expenditure in the Statement of Financial Performance as the Annual Financial Statements are prepared on a modified cash basis of accounting, but are however disclosed as part of the disclosure notes.

11. Contingent liability

This is a possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the department; or

A present obligation that arises from past events but is not recognised because:

- it is not probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; or
- the amount of the obligation cannot be measured with sufficient reliability

Contingent liabilities are not recognised in the Statement of Financial Position, but the information is disclosed as part of the disclosure notes.

12. Commitments

This amount represents goods/services that have been approved and/or contracted, but no delivery has taken place at the reporting date. These amounts are not recognised in the Statement of financial position as a liability or as expenditure in the Statement of Financial Performance as the Annual Financial Statements are prepared on a modified cash basis of accounting, but are however disclosed as part of the disclosure notes.

13. Capitalisation reserve

The capitalisation reserve represents an amount equal to the value of the investment and/or loans capitalised. On disposal, repayment or recovery, such amounts are transferred to the Revenue Fund.

14. Recoverable revenue

Recoverable revenue represents payments made and recognised in the Statement of Financial Performance as an expense in previous years due to non-performance in accordance with an agreement, which have now become recoverable from a debtor. Repayments are transferred to the Revenue Fund as and when the repayment is received.

15. Comparative figures

Where necessary, comparative figures have been restated to conform to the changes in the presentation in the current year. The comparative figures shown in these Annual Financial Statements are limited to the figures shown in the previous year's audited Annual Financial Statements and such other comparative figures that the NPA may reasonably have available for reporting. Reclassification of expenditure has occurred due to the implementation of the Standard Chart of Accounts. It is not practical to present comparative amounts in the Cash Flow Statements, as this would involve reclassification of amounts dating back to the 2002/03 year-end.

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THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24



PART 4 B: APPROPRIATION STATEMENT

for the year ended 31 March 2005

Appropriation per programme

	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1. Programme 4									
Current payment	1,137,895		22,777	1,160,672	1,128,847	31,825	97,3%	1,021,843	1,021,843
Transfers and subsidies	1,225		4,695	5,920	5,920		100,0%	4,095	4,095
Payment for capital assets	7,439		28,229	35,668	35,668		100,0%	22,123	22,123
Subtotal	1,146,559		55,701	1,202,260	1,170,435	31,825	97,4%	1,048,061	1,048,061
Statutory Appropriation									
TOTAL	1,146,559		55,701	1,202,260	1,170,435	31,825		1,048,061	
Reconciliation with Statement of Financial Performance									
Departmental revenue received				1,915				2,219	
Local and foreign aid assistance received				1,438				14,010	
Actual amounts per Statements of Financial Performance (Total revenue)				1,205,613				1,064,290	
Local and foreign aid assistance					6,618				7,511
Actual amounts per Statements of Financial Performance (Total expenditure)					1,177,053				1,055,572

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THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: APPROPRIATION STATEMENT

for the year ended 31 March 2005

Appropriation per economic classification

	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payment									
Compensation of employees	808,779		8,392	817,171	817,171		100,0%	751,789	751,789
Goods and services	329,114		14,385	343,499	311,674	31,825	90,7%	269,816	269,816
Financial transactions in assets and liabilities	2			2	2		100,0%	237	237
Transfers and subsidies to:									
Provinces and municipalities	1,203		1,301	2,504	2,504		100,0%	4,012	4,012
Departmental agencies and accounts	22		240	262	262		100,0%		
Households			3,154	3,154	3,154		100,0%		
Gifts and Donations							0,0%	84	84
Payment for capital assets									
Buildings and other fixed structures			15,536	15,536	15,536		100,0%		
Machinery and equipment	7,439		12,693	20,132	20,132		100,0%	22,123	22,123
Total	1,146,559		55,701	1,202,260	1,170,435	31,825	97,4%	1,048,061	1,048,061

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THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24



PART 4 B: DETAIL PER PROGRAMME 4

for the year ended 31 March 2005

Programme per subprogramme	2004/05							2003/04	
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
1.1 Public Prosecutions									
Current payment	902,556		14,735	917,291	885,466	31,825	96,5%	722,707	722,707
Transfers and subsidies	1,225		3,600	4,825	4,825		100,0%	3,294	3,294
Payment for capital assets	1,865		29,232	31,097	31,097		100,0%	14,988	14,988
1.2 Special Operations									
Current payment	202,087		-1,001	201,086	201,086		100,0%	261,396	261,396
Transfers and subsidies	-		1,079	1,079	1,079		100,0%	775	775
Payment for capital assets	5,164		-606	4,558	4,558		100,0%	3,020	3,020
1.3 Witness Protection									
Current payment	33,252		9,043	42,295	42,295		100,0%	37,740	37,740
Transfers and subsidies	-		16	16	16		100,0%	26	26
Payment for capital assets	410		-397	13	13		100,0%	4,115	4,115
TOTAL	1,146,559		55,701	1,202,260	1,170,435	31,825	97,4%	1,048,061	1,048,061

Economic Classification	2004/05							2003/04	
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
Current payment									
Compensation of employees	808,779		8,392	817,171	817,171		100,0%	751,789	751,789
Goods and services	329,114		14,385	343,499	311,674	31,825	90,7%	269,816	269,816
Financial transactions in assets and liabilities	2			2	2		100,0%	237	237
Transfers and subsidies to:									
Departmental agencies and accounts	1,203		1,301	2,504	2,504		100,0%	4,012	4,012
Households	22		240	262	262		100,0%		
Gifts and donations			3,154	3,154	3,154		100,0%	84	84
Payment for capital assets									
Buildings and other fixed structures			15,536	15,536	15,536				
Machinery and equipment	7,439		12,693	20,132	20,132		100,0%	22,123	22,123
TOTAL	1,146,559		55,701	1,202,260	1,170,435	31,825	97,4%	1,048,061	1,048,061

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THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: NOTES TO THE APPROPRIATION STATEMENT

for the year ended 31 March 2005

Note:

1. Detail of transfers and subsidies as per Appropriation Act (after virement), Refer to note 8.
2. Detail of specifically and exclusively appropriated amounts voted (after virement) Refer to note 1.
3. Detail of financial transactions in assets and liabilities. Refer to note 6.

4. Explanations of material variances from Amounts Voted (after Virement):

4.1 Per Programme	Voted Funds after virement	Actual Expenditure	R'000	%
Programme 4	1,202,260	1,170,260	31,825	97,4

The saving to the amount of R31

submission of invoices for SITA payments; less an amount of R175,000 being fruitless expenditure incurred in 2004/05 and awaiting condonement in the current year. Application has been made to National Treasury for a rollover of savings of R32, 000 million which has been approved. This application went via DOJCD.

4.2 Per Economic classification	R'000
Current payment:	
Goods and services	R31, 825

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THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24



PART 4 B: STATEMENT OF FINANCIAL PERFORMANCE

for the year ended 31 March 2005

	Note	2004/05 R'000	2003/04 R'000
REVENUE			
Annual appropriation	1	1,202,260	1,048,061
Departmental revenue	2	1,915	2,219
Local and foreign aid assistance	3	1,438	14,010
TOTAL REVENUE		1,205,613	1,064,290
EXPENDITURE			
Current expenditure			
Compensation of employees	4	817,171	751,789
Goods and services	5	311,674	269,816
Financial transactions in assets and liabilities	6	2	237
Local and foreign aid assistance	3	5,732	6,154
Total current expenditure		1,134,579	1,027,996
Transfers and subsidies	8	5,920	4,096
Expenditure for capital assets			
Buildings and other fixed structures	9	15,536	-
Machinery and Equipment	9	20,132	22,123
Local and foreign aid assistance	3	886	1,357
Total expenditure for capital assets		36,554	23,480
TOTAL EXPENDITURE		1,177,053	1,055,572
NET SURPLUS		28,560	8,718
Add back fruitless and wasteful expenditure	7.1	175	1,596
NET SURPLUS FOR THE YEAR		28,735	10,314
Reconciliation of Net Surplus/(Deficit) for the year			
Voted Funds to be surrendered to the Revenue Fund/unutilised	13	32,000	1,596
Departmental receipts to be surrendered to the Revenue Fund	2	1,915	2,219
Local and foreign aid assistance	3	(5,180)	6,499
NET SURPLUS FOR THE YEAR		28,735	10,314

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THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: STATEMENT OF FINANCIAL POSITION

as at 31 March 2005

	Note	2004/05 R'000	2003/04 R'000
ASSETS			
Current assets		50,827	33,297
Fruitless and wasteful expenditure	7	2,259	2,084
Cash and cash equivalents	10	4,881	8,240
Prepayments and advances	11	2,359	16,898
Receivables	12	41,328	6,075
TOTAL ASSETS		50,827	33,297
LIABILITIES			
Current liabilities			
Voted funds to be surrendered to the Revenue Fund	13	32,000	1,596
Departmental revenue to be surrendered to the Revenue Fund	14	1,915	1,044
Payables	15	12,010	20,575
Local and foreign aid assistance unutilised	3	4,902	10,082
Non-current liabilities			
TOTAL LIABILITIES		50,827	33,297
NET ASSETS			
Represented by:			
Capitalisation reserve		-	-
Recoverable revenue		-	-
TOTAL		-	-
Statement of changes in net assets for the year ended 31 March 2005			
Capitalisation reserve		-	-
Recoverable revenue		-	-
TOTAL		-	-

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THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24



PART 4 B: CASH FLOW STATEMENT

for the year ended 31 March 2005

	Note	2004/05 R'000
CASH FLOWS FROM OPERATING ACTIVITIES		
Receipts		1,184,899
Annual appropriated funds received		1,202,260
Departmental revenue received		1,915
Local and foreign aid assistance received	3	1,438
Net (increase)/decrease in working capital		(20,714)
Surrendered to Revenue Fund		(2,640)
Current payments		(1,143,144)
Transfers and subsidies paid		(5,920)
Net cash flow available from operating activities		33,195
CASH FLOWS FROM INVESTING ACTIVITIES		
Payments for capital assets		(36,554)
Net cash flows used in investing activities		36,554
CASH FLOWS FROM FINANCING ACTIVITIES		
Increase/(decrease) in loans received		
Net cash flows from financing activities		
Net increase/(decrease) in cash and cash equivalents		(3,359)
Cash and cash equivalents at the beginning of the period		8,240
Cash and cash equivalents at end of period	10	4,881

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2004/05 THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

1. Annual Appropriation

1.1 Included are funds appropriated in terms of the Appropriation Act for National Prosecuting Authority:

	Final Appropriation R'000	Actual Funds Received R'000	Variance over/(under) R'000	Total Appropriation 2003/04 R'000
Programme 4	1,202,260	1,170,435	31,825	1,048,061
Total	1,202,260	1,170,435	31,825	1,048,061

2. Departmental revenue to be surrendered to revenue fund

Description

	Notes	2004/05 R'000	2003/04 R'000
Sale of goods and services other than capital assets		848	442
Interest, dividends and rent on land		99	514
Financial transactions in assets and liabilities	2.1	918	951
Transfer received consists of:		50	312
Other transfers		50	312
Total revenue collected		1,915	2,219
Less: Departmental Revenue Budgeted		-	-
Departmental revenue collected		1,915	2,219

2.1 Financial transactions in assets and liabilities

Nature of loss recovered

Cheques written back	-	228
Other	918	723
	918	951

3. Local and foreign aid assistance

3.1 Assistance received in cash/ Name of donor and purpose/ Local	Opening Balance	Revenue	Expenditure	Closing Balance
Vodacom – Thutuzela C.C.	2,836	655	1,717	1,774
SARS – SARS Tax Unit	4,098	-	4,098	-
Woolworths – Child Courts	254	-	75	179
BAC – Payment for JR Hillhouse to collaborate and coordinate in preparation of cases for prosecution.	-	50	36	14
Foreign				
WK Kellog – Thutuzele training	1,858	-	193	1,665
UNICEF- SOCA C.C. TV's	743	-	499	244
USAID – Child Sex Offenders	293	-	-	293
Greece – Thutuzele	-	733	-	733
TOTAL	10,082	1,438	6,618	4,902

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2004/05

THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24



PART 4 B: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

Notes	2004/05 R'000	2003/04 R'000
Analysis of balance		
Local and foreign aid unutilised	4,902	10,082
Closing balance	4,902	10,082
4 Compensation of employees		
4.1 Salaries and Wages		
Basic salary	611,127	549,179
Performance award	34,502	4,303
Service Based	888	2,457
Compensative/circumstantial	4,204	5,313
Periodic payments	10	98
Other non-pensionable allowances	49,764	85,938
	700,495	647,288
4.2 Social contributions		
4.2.1 Short-term employee benefits		
Pension	87 941	77,357
Medical	28 600	26,938
UIF	14	92
Bargaining council	121	17
Official unions and associations	-	97
	116,676	104,501
Total compensation of employees	817,171	751,789
Average number of employees	4,218	3,846

5. Goods and services

	2004/05 R'000	2003/04 R'000
Advertising	4,352	1,925
Bank charges and card fees	567	98
Bursaries (employees)	1,087	1,199
Communication	27,154	25,710
Computer services	32,978	30,445
Consultants, contractors and special services	41,928	37,308
Courier and delivery services	1,058	458
Entertainment	734	829

Annual Financial Statements

2004/05 THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

	Notes	2004/05 R'000	2003/04 R'000
External audit fees	5.1	852	1,981
Equipment less than R5000		640	302
Government motor transport		-	320
Inventory	5.2	15 624	14,806
Legal fees		17,911	7,032
Maintenance, repairs and running cost		2,795	10,509
Medical Services		12	8
Operating leases		49,005	14,897
Personnel agency fees		135	-
Photographic services		68	-
Plant flowers and other decorations		11	2,851
Printing and publications		336	-
Professional bodies and membership fees		24	-
Resettlement cost		3,454	1,630
Subscriptions		3,081	491
Owned leasehold property expenditure		9,775	15,245
Translations and transcriptions		897	994
Transport provided as part of the departmental activities		167	-
Travel and subsistence	5.3	40,844	60,044
Venues and facilities		3,292	-
Protective, special clothing & uniforms		2,490	-
Training & staff development		10,440	6,445
Witness and related fees		39,963	34,289
		311,674	269,816
5.1 External audit fees			
Other audits		852	1,981
Total external audit fees		852	1,981
5.2 Inventory (purchased during the year)			
Other inventory		-	1,051
Learning and teaching support material		1,062	101
Food and Food supplies		2	-
Other consumables		724	1
Parts and other maintenance material		20	-
Stationery and printing		13,761	13,653
Weapons and armaments		55	-
		15,624	14,806

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THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24



PART 4 B: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

Notes	2004/05 R'000	2003/04 R'000
5.3 Travel and subsistence	38,796	43,060
Local		
Foreign	2,048	16,984
Total travel and subsistence	40,844	60,044

6. Financial transactions in assets and liabilities

Writing off debts less than R100	2	237
	2	237

7. Fruitless and wasteful expenditure

7.1 Reconciliation of fruitless and wasteful expenditure

Opening balance	2,084	696
Fruitless and wasteful expenditure – current year	175	1,596
Transfer to receivables for recovery	-	(-208)
Fruitless and wasteful expenditure awaiting condonement	2,259	2,084

7.2 Fruitless and wasteful expenditure

Incident	Disciplinary steps taken/criminal proceedings	
Cell Phone subscription	Matter still pending finalization of investigation	405
Interest on Telephone	Matter still pending finalization of investigation	69
Interest on PAYE	Matter still pending finalization of investigation	427
Legal Cost on S&T	Letters sent to officials to accept responsibility – matter still pending.	21
Hotel Non-arrivals	Under investigation – letters sent to officials to obtain explanations	1,337
		2,259

8. Transfers and subsidies

Provinces and municipalities	Annex 1	2,504	4,012
Departmental agencies and accounts	Annex 2	262	-
Households	Annex 3	3,154	-
Gifts and donations	Annex 4	-	84
		5,920	4,096

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2004/05 THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

	Notes	2004/05 R'000	2003/04 R'000
9. Expenditure for capital assets			
Buildings and other fixed structures	Annex 6	15,536	-
Machinery and equipment	Annex 6	20,132	22,123
Total		35,668	22,123

10. Cash and cash equivalents

Consolidated Paymaster General Account		4,854	21,637
Cash receipts		6	-
Disbursements		-	(13,439)
Cash on hand		21	-
Cash in transit		-	42
		4,881	8,240

11. Prepayments and advances

Description

Travel and subsistence		1,570	450
Prepayments		-	15,500
Claims recoverable		789	948
		2,359	16,898

12. Receivables

	Notes	Less than one year	One to three years	Older than three years	2004/05 R'000	2003/04 R'000
Staff debtors	12.1	4,059	1,458	2,300	7,817	4,131
Clearing accounts	12.2	(82)	-	-	(82)	1,299
Other debtors	12.3	33,031	-	562	33,593	645
		37,008	1,458	2,862	41,328	6,075

Amounts of R 3 Performance

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2004/05

THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24



PART 4 B: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

12.1 Staff debtors

(Group major categories, but list material items)

Notes	2004/05 R'000	2003/04 R'000
Sal: Deduction Disall Acc: CA	272	193
Sal: Disallowance Account: CA	2,226	(84)
Sal: Tax Debt	227	166
Debt Account: CA	5,456	3,939
Debt Receivable Interest: CA	(364)	(83)
	7,817	4,131

12.2 Clearing accounts

(Group major categories, but list material items)

Sal: ACB Recalls	(82)	-
Sal: Reversal Control	-	1,299
	(82)	1,299

12.3 Other debtors

(Group major categories, but list material items)

Disallowance Miscellaneous	263	232
Disallowance Dishonoured Cheques	1	-
Penalty Charges	2	-
Private Telephone	1,327	413
DOJCD	32,000	-
	33,593	645

13. Voted funds to be surrendered to the Revenue Fund

Opening balance	1,596	13,553
Transfer from Statement of Financial Performance	32,000	1,596
Paid during the year	(1,596)	(13,553)
Closing balance	32,000	1,596

The amount of R32, 000 million has been approved by National Treasury for rollover funds. See also note 12.3 above.

14. Departmental receipts to be surrendered to the Revenue Fund

Opening balance	1,044	64
Transfer from Statement of Financial Performance	1,915	2,219
Paid during the year	(1,044)	(1,239)
Closing balance	1,915	1,044

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THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

Notes	30 Days	30+ Days	2004/05 Total	2003/04 Total
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15 Payables – current

Description

Clearing accounts	15.2	11,993	17	12,010	20,575
		11,993	17	12,010	20,575

15.2 Clearing accounts

Description

(Identify major categories, but list material amounts)

Sal: Regional Service Council			46	44
Sal: Pension Fund			19	25
Sal: Medical Aid			(35)	(21)
Sal: Income Tax			11,883	2,515
Sal: Housing			5	26
Sal: Official Unions			73	85
Sal: Garnishee Order			7	4
Sal: Fin. Institutions Study Loans			(9)	(8)
Sal: Insurance Deductions			(264)	7
Sal: Personnel Club Deductions			(1)	-
Sal: Bargaining Councils			-	(61)
Telephone Control Account			250	-
Telephone Erroneous Interface Account			36	-
Advance payable to DOJCD (Virement)			-	17,959
			12,010	20,575

R'000

16. Reconciliation of net cash flow from operating activities to surplus/(deficit)

Net surplus/(deficit) as per Statement of Financial Performance	28,735
(Increase)/decrease in receivables – current	(35,253)
(Increase)/decrease in prepayments and advances	14,539
(Increase)/decrease in other current assets	(175)
Increase/(decrease) in payables – current	(8,565)
Surrenders	(2,640)
Capital expenditure	36,554
Net cash flow generated by operating activities	33,195

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2004/05

THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24



PART 4 B: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

17. Appropriated funds and departmental revenue surrendered

Notes	2004/05 R'000	2003/04 R'000
Appropriated funds surrendered	1,596	13,553
Departmental revenue surrendered	1,044	1,239
	2,640	14,792

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2004/05

THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

These amounts are not recognised in the Annual Financial Statements and are disclosed to enhance the usefulness of the Annual Financial Statements.

18. Contingent liabilities

Liable to	Nature			
Motor vehicle guarantees	Employees	Annex 5	2,302	1,267
Housing loan guarantees	Employees	Annex 5	5,686	5,318
Claims: (Refer below)			80,000	-
			87,988	6,585

Dispute with a service provider over compliance issues. The amount reflects the total estimated claim against the NPA. An independent firm was appointed by the NPA to conduct a forensic investigation into the account of the service provider. A preliminary report is expected by the end of July 2005. Aspects of inter alia contract compliance are also being pursued by the National Department of Transport and Senior Counsel.

19. Commitments per programme

Current expenditure

Approved and contracted	57,287	-
Approved but not yet contracted	-	39,748
	57,287	39,748

Capital expenditure

Approved and contracted	4,108	-
Approved but not yet contracted	-	2,558
	4,108	2,558

Total Commitments	61,395	42,306
--------------------------	---------------	---------------

30 Days	30+ Days	2004/05 R'000	2003/04 R'000
---------	----------	------------------	------------------

20. Accruals

Listed by economic classification

Compensation of employees	-	46	46	34
Goods and services	12,499	49,454	61,953	28,866
Machinery and equipment	-	260	260	372
	12,499	49,760	62,259	29,272

Listed by programme level

Public Prosecution	41,767	19,461
Special Operations	13,120	7,659
Witness Protection	7,372	2,152
	62,259	29,272

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PART 4 B: DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

21. Employee benefits

Leave entitlement	94,377	90,767
Thirteenth cheque	43,844	22,827
Performance bonus	35,000	12,120
	173,221	125,714

22. Lease Commitments

22.1 Operating leases

	Buildings and other fixed structures	Machinery and equipment	2004/05 R'000	2003/04 R'000
Not later than 1 year	1,065	43,015	44,080	45,372
Later than 1 year and not later than 3 years	1,542	86,030	87,572	84,243
Later than three years	46,500	473,163	519,663	421,160
Present value of lease liabilities	49,107	602,208	651,315	550,775
Total present value of lease liabilities	49,107	602,208	651,315	550,775

Notes	2004/05 R'000	2003/04 R'000
-------	------------------	------------------

23. Irregular expenditure

23.1 Reconciliation of irregular expenditure

Opening balance	16,647	7,770
Irregular expenditure – current year	114	15,500
Transfer to Statement of Financial Performance – authorised losses (Condoned)	-	(6,623)
Transfer to receivables for recovery (Not condoned)	(15,614)	-
Irregular expenditure awaiting condonement	1,147	16,647

Analysis

Current	-	15,500
Adjustments	-	(6,623)
Prior years	1,147	7,770
	1,147	16,647

The amount of R114 000 for irregular expenditure (current year) is still under investigation. Tender Board for an expo-facto approval and the result thereon is still pending.

24. Related party transactions

Related Party Transactions Nil

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PART 4 B: DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

25. Senior management personnel

National Director, Deputy National Directors, CEO	5,028	4,770
DCEO	834	611
CFO	534	504
Other Key Management	12,454	13,815
	18,850	19,700

26. Public Private Partnership

Headquarters Facilities Management: Victoria and Griffiths Mxenge Building

In October 2001, the NPA commenced with a process to secure new premises to accommodate all head office personnel. At the time, the NPA had operated from seven buildings in and around Pretoria, with most of the leases nearing expiry dates. The NPA was advised by the Public/ Private Partnerships (PPP) unit of the National Treasury that a typical PPP processes would take up to eighteen months to complete before even construction could commence.

The NPA then decided to embark on PPP aligned process to ensure that the basic principles of PPP are complied with (i.e. User needs met, Affordability and Value for Money), whilst still using traditional tender processes and the department of public works (DPW). After serious consultation with the PPP unit, National Treasury, DPW and DO JCD, a clear and transparent process of identifying the needs of users was developed and kept out to secure the new premises.

The NPA moved into its new facility on 1st October 2002. Provision of the facility is through the following contract:

Base lease and hard services

Lease agreement has been established by DPW with the building owner for the rental of the building over a 15-year period. The agreement is managed by DPW on behalf of the NPA.

Facilities management and soft services

The entire facility is managed through a Service Level Agreement between Corporate Facilities Managers, the building owner and the NPA. The services are procured through government-aligned tenders, which have stringent empowerment capacity-building requirements.

VGM PROJECT

THE DESCRIPTION OF THE ARRANGEMENT

All arrangements between the NPA and private partners are governed by the Contract on Soft Services as a Best Practice to Public Private Partnership Agreement-Treasury Approval 3 - Project SABC& VGM.

The National Prosecuting Authority has adopted a PPP model to procure the Head Office Accommodation, on the basis of deliberations and prior approvals by the State Tender Board through the recommendations of the National Treasury's PPP Unit.

The agreement assumes three basic principles of a PPP: (a) Value for money, where the payment mechanism has a performance element, (b) Risk Transfer, where compliance is ensured, and (c) Affordability, where a Base Line option of combining soft and hard services, was chosen.

SIGNIFICANT TERMS OF ARRANGEMENT

AMOUNT

From the effective date of the Facilities Management Agreement 23 services were rendered at the agreed Service Provision Fee as reflected in the Financial Statements.

TIMING

The duration of this Agreement shall commence on the effective date and subject to the rights of termination stipulated herein, shall continue as long as the Lease Agreement.

CERTAINTY OF FUTURE CASH FLOWS

Benchmarking (page 12 clause 16 of the Facilities Management Agreement) of the cost, nature, scope and level of services is conducted on a yearly basis by both parties to ensure industry norms and standards. Responsibility is passed onto the private partner whom in turn takes full responsibility of all services.

NATURE AND EXTENT OF:

1. Rights to use specified assets

The nature of the assets used by the NPA includes premises as specified in the signed Lease Agreement as well as the equipment and fittings such as cabling and IT equipment, furniture and technical security equipment. These items were acquired in terms of an agreement between the National Prosecuting Authority and Leopont 444 (Pty) Ltd.

The extent of the rights to use the equipment is for the sole benefit of the National Prosecuting Authority for the duration of the Agreement.



PART 4 B: DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS for the year ended 31 March 2005

2. Obligations to provide or right to expect provisions of services

The service provider is obligated to provide the highest level of service to the NPA in terms of the Facilities Management Agreement. The standard of services for the 23 services is set out in detail in the Service Level Schedules. The rights and obligations of the NPA are also entrenched in this agreement.

3. Obligations to acquire or build items of property, plant and equipment

No obligations to acquire or build items of property, plant and equipment exist on the side of the NPA. However, should the NPA require additional accommodation, equipment etc. during its growth period, both the Lessor and the service provider will provide these after the normal channels for approval have been followed.

4. Obligations to deliver or rights to receive specified assets at the end of the concession period

The NPA is under no obligation to deliver any monetary or physical performance in exchange for the use of any buildings or equipment at the end of the concession period. The NPA will also have no right to any property, furniture or equipment at the end of the concession period.

5. Renewal and termination options

All subsections of the main Agreement between the NPA and other contracting parties make provision for the renewal of the different agreements. They also contain termination options in the case (where one of the parties does not comply with its obligations).

6. Other rights and obligations

The rights of the NPA in terms of maintaining the premises and services used by the National Prosecuting Authority are also entrenched in the different subsections of the main Agreement. These include continuous maintenance of the premises to ensure that the employees of the NPA will be provided with a first class working environment. Furniture and equipment will also be upgraded to ensure their functionality remains at a first class level.

CHANGES IN THE ARRANGEMENT OCCURRING DURING THE PERIOD

It is stipulated in the agreement that it is fundamental for the success of the Agreement and the parties' ongoing relationship, that, the Agreement reflects and continues to reflect their prevailing business imperatives and capabilities. Therefore provision is made for an annual review of the arrangement between the parties.

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THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: ANNEXURES

for the year ended 31 March 2005

ANNEXURE 1

REGIONAL SERVICES COUNCIL LEVIES

NAME OF MUNICIPALITY	GRANT ALLOCATION				TRANSFER		SPENT			2003/04
	Division of Revenue Act	Roll Overs	DORA Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	Amount received by municipality	Amount spent by municipality	% of available funds spent by municipality	Division of Revenue Act
	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	%	R'000
Regional Council Service Levies					2,504					
TOTAL					2,504					

ANNEXURE 2

STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS

AGENCY/ACCOUNT	TRANSFER ALLOCATION				TRANSFER		2003/04
	Appropriation Act	Roll Overs	Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	Appropriation Act
	R'000	R'000	R'000	R'000	R'000	%	R'000
Act of Grace					262		
TOTAL					262		

ANNEXURE 3

STATEMENT OF TRANSFERS TO HOUSEHOLDS

HOUSEHOLDS	TRANSFER ALLOCATION				EXPENDITURE		2003/04
	Appropriation Act	Roll Overs	Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	Appropriation Act
	R'000	R'000	R'000	R'000	R'000	%	R'000
Subsidies							
Social Benefits					3,154		
TOTAL					3,154		

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THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24



PART 4 B: ANNEXURES

for the year ended 31 March 2005

ANNEXURE 4

STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2004/05 R'000	2003/04 R'000
Received in cash			
	Purchase of promotional items for national and international guests		84
			84
Received in kind			
Telkom	Pennual Maduna Golf Classic		30
Auto & General	Two Vehicles		229
Kumba Resources	Pennual Maduna Golf Classic		50
Impumelelo Innovation Award	Gold Award		50
Vodacom	T-shirts & caps		3
Subtotal			362
TOTAL			446

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2004/05 THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: ANNEXURES

for the year ended 31 March 2005

ANNEXURE 5

STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2005 – LOCAL

Guarantor institution	Guarantee in respect of	Original guaranteed capital amount	Opening balance 1 April 2004	Guarantees issued during the year	Guarantees released during the year	Guaranteed interest for year ended 31 March 2005	Closing balance 31 March 2005	Realised losses i.r.o. claims paid out	
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	
Stannic	Motor vehicles		1,267	1,035			2,302		
			1,267	1,035			2,302		
Standard Bank Nedbank Limited First Rand Bank Absa Old Mutual Finance Limited Peoples Bank NBS First Rand Bank Free State Development Corporation Old Mutual Bank VBS Mutual Bank	Housing		1,320	199	174		1,345		
	Housing		553	152			705		
	Housing		572	95			667		
	Housing		1,854	214	92		1,976		
	Housing		-4				-4		
	Housing		66	-	26	-	40		
	Housing		400				400		
	Housing		282				282		
	Housing		10				10		
	Housing		223				223		
	Housing		42				42		
				5,318	660	292		5,686	
	TOTAL			6,585	1,695	292		7,988	



PART 4 B: ANNEXURES

for the year ended 31 March 2005

ANNEXURE 6

PHYSICAL ASSET MOVEMENT SCHEDULE FOR THE YEAR ENDED 31 MARCH 2005

	Opening Balance R'000	Additions R'000	Disposals R'000	Transfers in R'000	Transfers out R'000	Closing balance R'000
BUILDINGS AND OTHER FIXED STRUCTURES		15,536				15,536
Other structures (Infrastructure assets)		15,536				15,536
MACHINERY AND EQUIPMENT	44,676	20,132				64,808
Computer equipment	9,562	1,903				11,465
Furniture and office equipment	16,153	6,075				22,228
Other machinery and equipment	18,961	12,154				31,115
	44,676	35,668				80,344

ANNEXURE 7

PHYSICAL ASSET MOVEMENT SCHEDULE FOR THE YEAR ENDED 31 MARCH 2004

	Opening Balance R'000	Additions R'000	Disposals R'000	Transfers in R'000	Transfers out R'000	Closing balance R'000
MACHINERY AND EQUIPMENT	22,553	22,123	-	-	-	44,676
Computer equipment	5,071	4,491	-	-	-	9,562
Furniture and office equipment	9,029	7,124	-	-	-	16,153
Other machinery and equipment	8,453	10,508	-	-	-	18,961
	22,553	22,123	-	-	-	44,676



Part 4 C:

Consolidated
Financial Statements

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Approval of Consolidated Statements

The Consolidated Statements of the Department of Justice and Constitutional Development and NPA have been approved by the Accounting Officer.

Adv M Simelane
Director-General
Department of Justice and Constitutional Development
29/07/2005

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24

Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT for the year ended 31 March 2005

Appropriation per Programme

	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Payments as % of final appropriation	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1. Administration									
Current payment	543,626	(10,287)	(4,666)	528,673	528,672	1	100.0%	515,342	515,342
Transfers and subsidies	3,112	869	(2,515)	1,466	1,466	-	100.0%	4,591	4,591
Expenditure for capital assets	27,329	991	20,961	49,281	49,281	-	100.0%	27,561	27,561
2. Court Services									
Current payment	2,010,686	(4)	(58,001)	1,952,681	1,952,513	168	100.0%	1,758,558	1,758,558
Transfers and subsidies	4,466	4	8,662	13,132	13,132	-	100.0%	15,191	15,191
Expenditure for capital assets	348,419	-	(23,068)	325,351	308,571	16,780	94.8%	287,275	282,477
3. State Legal Services									
Current payment	211,804	8,172	(183)	219,793	219,793	-	100.0%	207,788	207,788
Transfers and subsidies	492	255	182	929	929	-	100.0%	1,011	1,011
Expenditure for capital assets	4,314	-	(2,352)	1,962	1,962	-	100.0%	1,918	1,918
4. National Prosecuting Authority									
Current payment	1,137,895	-	22,777	1,160,672	1,128,847	31,825	97.3%	1,021,843	1,021,843
Transfers and subsidies	1,225	-	4,695	5,920	5,920	-	100.0%	4,095	4,095
Expenditure for capital assets	7,439	-	28,229	35,668	35,668	-	100.0%	22,123	22,123
5. Auxilliary and Associated Services									
Current payment	112,684	-	(11,700)	100,984	100,984	-	100.0%	105,127	105,127
Transfers and subsidies	606,577	-	4	606,581	606,580	1	100.0%	553,697	553,696
Expenditure for capital assets	34,349	-	16,976	51,325	51,325	-	100.0%	31,233	31,233
Subtotal	5,054,417	-	1	5,054,418	5,005,643	48,775	99.0%	4,557,353	4,552,554
Statutory Appropriation									
Current payments	177,083			177,083	242,093	(65,010)	136.7%	166,278	195,327
Total	5,231,500	-	1	5,231,501	5,247,736	(16,235)	100.3%	4,723,631	4,747,881
Reconciliation with Statement of Financial Performance									
Prior year unauthorised expenditure approved with funding				-				-	
Departmental receipts				172,719				192,865	
Local and foreign aid assistance				162,110				20,986	
Actual amounts per Statement of Financial Performance (Total Revenue)				5,566,330				4,937,482	
Local and foreign aid assistance					146,713				79,104
Prior year unauthorised expenditure approved									
Prior year fruitless and wasteful expenditure condoned									
Actual amounts per Statement of Financial Performance Expenditure					5,394,449				4,826,985

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24



Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT

for the year ended 31 March 2005

Appropriation per Economic classification

	2004/05						2003/04		
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payments									
Compensation to employees	2,680,093	77,645	(30,206)	2,727,532	2,727,532	-	100.0%	2,469,819	2,469,819
Goods and services	1,338,600	(81,764)	(114,071)	1,142,765	1,110,940	31,825	97.2%	1,000,473	1,000,473
Interest and rent on land	-	-	-	-	-	-	0.0%	-	-
Financial transactions in assets and liabilities	2	-	92,502	92,504	92,335	169	99.8%	138,365	138,365
Transfers & subsidies									
Provinces & municipalities	6,975	305	1,200	8,480	8,480	-	100.0%	9,922	9,922
Departmental agencies & accounts	606,597	-	240	606,837	606,836	1	100.0%	553,687	553,686
Universities & technikons	-	-	-	-	-	-	0.0%	-	-
Foreign governments & international organisations	2,300	823	(2,961)	162	162	-	100.0%	333	333
Public corporations & private enterprises	-	-	-	-	-	-	0.0%	-	-
Non-profit institutions	-	-	-	-	-	-	0.0%	-	-
Households	-	-	12,550	12,550	12,550	-	100.0%	14,549	14,549
Gifts and donations	-	-	-	-	-	-	0.0%	11	11
Payment on capital assets									
Buildings & other fixed structures	243,523	-	26,960	270,483	270,483	-	100.0%	243,805	243,805
Machinery & equipment	174,480	2,921	5,991	183,392	166,612	16,780	90.9%	126,305	121,507
Software & other intangible assets	1,847	70	7,796	9,713	9,713	-	100.0%	-	-
Total	5,054,417	-	1	5,054,418	5,005,643	48,775	99.0%	4,557,269	4,552,470

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24

Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT for the year ended 31 March 2005

Statutory Appropriation

Direct change against National Revenue fund	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Judges salaries	177,083			177,083	242,093	(65,010)	136.7%	166,278	195,327
Total	177,083	-	-	177,083	242,093	(65,010)	136.7%	166,278	195,327

Detailed per Programme 1 - Administration

Programme per sub-programme	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1.1 Minister									
Current payment	791		139	930	930	-	100.0%	746	746
1.2 Deputy Minister									
Current payment	614		62	676	676	-	100.0%	579	579
1.3 Management									
Current payment	55,394		(15,330)	40,064	40,064	-	100.0%	30,806	30,806
Transfers and subsidies	22		49	71	71	-	100.0%	357	357
Expenditure for capital assets	1,320		1,393	2,713	2,713	-	100.0%	735	735
1.4 Corporate Services									
Current payment	486,827	(10,287)	(27,890)	448,650	448,649	1	100.0%	424,830	424,830
Transfers and subsidies	3,090	869	(2,564)	1,395	1,395	-	100.0%	4,234	4,234
Expenditure for capital assets	26,009	991	19,568	46,568	46,568	-	100.0%	26,826	26,826
1.5 Special Function : Authorised Losses									
Current payment			38,353	38,353	38,353	-	100.0%	58,381	58,381
Total	574,067	(8,427)	13,780	579,420	579,419	1	100.0%	547,494	547,494

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24



Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT

for the year ended 31 March 2005

Detailed per Programme 1 - Administration

Economic classification	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payments									
Compensation to employees	282,190	13,212	(21,036)	274,366	274,366	-	100.0%	262,311	262,311
Goods and services	261,436	(23,499)	(21,983)	215,954	215,954	-	100.0%	194,650	194,650
Interest and rent on land				-		-	0.0%		
Financial transactions in assets and liabilities			38,354	38,354	38,353	1	100.0%	58,381	58,381
Transfers & subsidies									
Provinces & municipalities	812	46	2	860	860	-	100.0%	1,110	1,110
Foreign governments & international organisations	2,300	823	(2,961)	162	162	-	100.0%	-	-
Households			444	444	444	-	100.0%	3,481	3,481
Gifts and donations				-		-	0.0%		
Payments for capital assets									
Buildings & other fixed structures			402	402	402	-	100.0%	-	-
Machinery & equipment	25,707	921	22,017	48,645	48,645	-	100.0%	27,561	27,561
Software & other intangible assets	1,622	70	(1,459)	233	233	-	100.0%		
Total	574,067	(8,427)	13,780	579,420	579,419	1	100.0%	547,494	547,494

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24

Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT

for the year ended 31 March 2005

Detailed per Programme 2 - Court Services

Programme per sub-programme	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
2.1 Constitutional Court									
Current payment	17,303		(3,215)	14,088	14,088	-	100.0%	16,683	16,683
Transfers and subsidies	6		31	37	37	-	100.0%	49	49
Expenditure for capital assets	263		508	771	771	-	100.0%	590	590
2.2 Supreme Court of Appeal									
Current payment	11,882		(1,122)	10,760	10,760	-	100.0%	10,686	10,686
Transfers and subsidies	94		(54)	40	40	-	100.0%	105	105
Expenditure for capital assets	250		(85)	165	165	-	100.0%	222	222
2.3 High Courts									
Current payment	126,753		52,838	179,591	179,591	-	100.0%	167,051	167,051
Transfers and subsidies	355		1,760	2,115	2,115	-	100.0%	1,338	1,338
Expenditure for capital assets	3,413		(311)	3,102	3,102	-	100.0%	1,659	1,659
2.4 Specialised Courts									
Current payment	23,243		(6,669)	16,574	16,574	-	100.0%	18,886	18,886
Transfers and subsidies	55		20	75	75	-	100.0%	59	59
Expenditure for capital assets	957		(827)	130	130	-	100.0%	144	144
2.5 Lower Courts									
Current payment	1,802,598	(4)	(152,506)	1,650,088	1,649,920	168	100.0%	1,464,942	1,464,942
Transfers and subsidies	3,917	4	6,822	10,743	10,743	-	100.0%	13,233	13,233
Expenditure for capital assets	78,701		(11,968)	66,733	49,953	16,780	74.9%	24,067	19,269
2.6 Family Advocate									
Current payment	16,824		9,693	26,517	26,517	-	100.0%	19,662	19,662
Transfers and subsidies	23		70	93	93	-	100.0%	398	398
Expenditure for capital assets	153		1,689	1,842	1,842	-	100.0%	974	974
2.7 Magistrates Commission									
Current payment	12,083		(1,282)	10,801	10,801	-	100.0%	5,377	5,377
Transfers and subsidies	16		13	29	29	-	100.0%	9	9
Expenditure for capital assets	159		(30)	129	129	-	100.0%	65	65

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24



Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT

for the year ended 31 March 2005

Detailed per Programme 2 - Court Services

Programme per sub-programme	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
2.8 Government Motor Transport									
Expenditure for capital assets	21,000		(12,044)	8,956	8,956	-	100.0%	15,749	15,749
2.9 Capital Works									
Current payment				-		-	0.0%	934	934
Expenditure for capital assets	243,523			243,523	243,523	-	100.0%	243,805	243,805
2.10 Special Function: Authorised Losses									
Current payment			44,263	44,263	44,263	-	100.0%	54,337	54,337
Total	2,363,571	-	(72,407)	2,291,164	2,274,216	16,948	99.3%	2,061,024	2,056,226

Economic classification

Current									
Compensation to employees	1,412,157	60,000	(14,049)	1,458,108	1,458,108	-	100.0%	1,299,611	1,299,611
Goods and services	598,529	(60,004)	(88,387)	450,138	450,138	-	100.0%	404,610	404,610
Financial transactions in assets and liabilities			44,431	44,431	44,263	168	99.6%	54,337	54,337
Transfers & subsidies									
Provinces & municipalities	4,466	4	106	4,576	4,576	-	100.0%	4,328	4,328
Foreign governments & international organisations				-		-	0.0%	333	333
Households			8,556	8,556	8,556	-	100.0%	10,519	10,519
Gifts and donations	-	-	-	-	-	-	0.0%	11	11
Capital									
Buildings & other fixed structures	243,523		11,022	254,545	254,545	-	100.0%	243,805	243,805
Machinery & equipment	104,671		(33,959)	70,712	53,932	16,780	76.3%	43,470	38,672
Software & other intangible assets	225		(127)	98	98	-	100.0%		
Land & subsoil assets				-		-	0.0%		
Total	2,363,571	-	(72,407)	2,291,164	2,274,216	16,948	99.3%	2,061,024	2,056,226

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24

Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT

for the year ended 31 March 2005

Detail per programme 3 - State Legal Services

Programme per sub-programme	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
3.1 Legal Services to the State									
Current payment	115,288	8,172	(6,543)	116,917	116,917	-	100.0%	103,002	103,002
Transfers and subsidies	271	255	(111)	415	415	-	100.0%	570	570
Expenditure for capital assets	330		487	817	817	-	100.0%	1,028	1,028
3.2 Legislation and Constitutional Development									
Current payment	15,618		(3,784)	11,834	11,834	-	100.0%	11,914	11,914
Transfers and subsidies	30		(3)	27	27	-	100.0%	42	42
Expenditure for capital assets	926		(248)	678	678	-	100.0%	548	548
3.3 Master of the High Court									
Current payment	80,898		10,107	91,005	91,005	-	100.0%	67,462	67,462
Transfers and subsidies	191		296	487	487	-	100.0%	399	399
Expenditure for capital assets	3,058		(2,591)	467	467	-	100.0%	342	342
3.4 Special Function: Authorised Losses									
Current payment			37	37	37	-	100.0%	25,410	25,410
Total	216,610	8,427	(2,353)	222,684	222,684	-	100.0%	210,717	210,717

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24



Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT

for the year ended 31 March 2005

Detail per programme 3 - State Legal Services

Economic classification	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current									
Compensation to employees	176,713	4,433	(4,042)	177,104	177,104	-	100.0%	156,101	156,101
Goods and services	35,091	3,739	(5,857)	32,973	32,973	-	100.0%	26,277	26,277
Interest and rent on land				-		-	0.0%		
Financial transactions in assets and liabilities			9,717	9,717	9,717	-	100.0%	25,410	25,410
Transfers & subsidies									
Provinces & municipalities	492	255	(209)	538	538	-	100.0%	472	472
Non-profit institutions				-		-	0.0%		
Households			391	391	391	-	100.0%	539	539
Gifts and donations				-		-	0.0%		
Capital									
Machinery & equipment	4,314		(2,373)	1,941	1,941	-	100.0%	1,918	1,918
Software & other intangible assets			20	20	20	-	100.0%		
Total	216,610	8,427	(2,353)	222,684	222,684	-	100.0%	210,717	210,717

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24

Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT for the year ended 31 March 2005

Detail per programme 4 - National Prosecuting Authority

Programme per sub-programme	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
4.1 Public Prosecutions									
Current payment	902,556		14,735	917,291	885,466	31,825	96.5%	722,707	722,707
Transfers and subsidies	1,225		3,600	4,825	4,825	-	100.0%	3,294	3,294
Expenditure for capital assets	1,865		29,232	31,097	31,097	-	100.0%	14,988	14,988
4.2 Special Operations									
Current payment	202,087		(1,001)	201,086	201,086	-	100.0%	261,396	261,396
Transfers and subsidies	-		1,079	1,079	1,079	-	100.0%	775	775
Expenditure for capital assets	5,164		(606)	4,558	4,558	-	100.0%	3,020	3,020
4.3 Witness Protection Services									
Current payment	33,252		9,043	42,295	42,295	-	100.0%	37,740	37,740
Transfers and subsidies	-		16	16	16	-	100.0%	26	26
Expenditure for capital assets	410		(397)	13	13	-	100.0%	4,115	4,115
Total	1,146,559	-	55,701	1,202,260	1,170,435	31,825	97.4%	1,048,061	1,048,061

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24



Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT

for the year ended 31 March 2005

Detail per programme 4 - National Prosecuting Authority

Economic classification	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current									
Compensation to employees	808,779		8,392	817,171	817,171	-	100.0%	751,789	751,789
Goods and services	329,114		14,385	343,499	311,674	31,825	90.7%	269,816	269,816
Financial transactions in assets and liabilities	2			2	2	-	100.0%	237	237
Transfers & subsidies									
Provinces & municipalities	1,203		1,301	2,504	2,504	-	100.0%	4,012	4,012
Dept agencies & accounts	22		240	262	262	-	100.0%		
Households			3,154	3,154	3,154	-	100.0%		
Gifts and donations				-		-	0.0%	84	84
Capital									
Buildings & other fixed structures			15,536	15,536	15,536	-	100.0%		
Machinery & equipment	7,439		12,693	20,132	20,132	-	100.0%	22,123	22,123
Total	1,146,559	-	55,701	1,202,260	1,170,435	31,825	90.7%	1,048,061	1,048,061

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24

Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT

for the year ended 31 March 2005

Detail per programme 5 - Auxilliary and Associated Services

Programme per sub-programme	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
5.1 Judicial Service Commission									
Current payment	983	-	(143)	840	840	-	100.0%	657	657
Expenditure for capital assets	22	-	(22)	-	-	-	0.0%	-	-
5.2 Office for the Control of Interception and Monitoring of Communications									
Current payment	317	-	(79)	238	238	-	100.0%	118	118
Transfers and subsidies	2	-	(2)	-	-	-	0.0%	-	-
5.3 South African Human Rights Commission									
Transfers and subsidies	37,653			37,653	37,653	-	100.0%	32,785	32,785
Expenditure for capital assets				-	-	-	0.0%	-	-
5.4 Commission on Gender Equality									
Current payment				-	-	-	0.0%	-	-
Transfers and subsidies	21,390			21,390	21,390	-	100.0%	17,330	17,330
5.5 Special Investigating Unit									
Current payment				-	-	-	0.0%	-	-
Transfers and subsidies	37,194			37,194	37,194	-	100.0%	25,535	25,535
5.6 Legal Aid Board									
Transfers and subsidies	390,525			390,525	390,525	-	100.0%	367,864	367,864
5.7 Public Protector									
Current payment			802	802	802	-	100.0%	6	6
Transfers and subsidies	49,160		6	49,166	49,166	-	100.0%	43,529	43,529
5.8 National Crime Prevention Strategy									
Current payment	111,384		(12,281)	99,103	99,103	-	100.0%	104,346	104,346

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24



Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT for the year ended 31 March 2005

Detail per programme 5 - Auxilliary and Associated Services

Programme per sub-programme	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Expenditure for capital assets	34,327		16,998	51,325	51,325	-	100.0%	31,233	31,233
5.9 President's Fund									
Current payment			1	1	1	-	100.0%		-
Transfers and subsidies	1			1		1	0.0%	1	-
5.10 Represented Political Parties Fund									
Transfers and subsidies	70,652			70,652	70,652	-	100.0%	66,653	66,653
Total	753,610	-	5,280	758,890	758,889	1	100.0%	690,057	690,056

Economic classification

Current									
Compensation to employees	254		529	783	783	-	100.0%	7	7
Goods and services	114,430	(2,000)	(12,229)	100,201	100,201	-	100.0%	105,120	105,120
Transfers & subsidies									
Provinces & municipalities	2			2	2	-	100.0%	-	-
Dept agencies & accounts	606,575			606,575	606,574	1	100.0%	553,687	553,686
Households			5	5	5	-	100.0%	10	10
Capital									
Machinery & equipment	32,349	2,000	7,613	41,962	41,962	-	100.0%	31,233	31,233
Software & other intangible assets			9,362	9,362	9,362	-	100.0%		
Total	753,610	-	5,280	758,890	758,889	1	100.0%	690,057	690,056

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24

Part 4 C: CONSOLIDATED STATEMENT OF FINANCIAL PERFORMANCE for the year ended 31 March 2005

	2004/05 R'000	2003/04 R'000
REVENUE		
Annual appropriation	5,054,418	4,557,353
Statutory appropriation	177,083	166,278
Appropriation for unauthorised expenditure approved	-	-
Departmental revenue	177,643	192,865
Local and foreign aid assistance	162,110	20,986
TOTAL REVENUE	5,571,254	4,937,482
EXPENDITURE		
Current expenditure		
Compensation of employees	2,945,828	2,665,146
Goods and services	1,110,940	1,000,473
Interest and rent on land	-	-
Financial transactions in assets and liabilities	92,335	138,365
Local and foreign aid assistance	113,979	61,947
Unauthorised expenditure approved	-	-
Total current expenditure	4,263,082	3,865,931
Transfers and subsidies	651,825	578,585
Expenditure for capital assets		
Buildings and other fixed structures	270,483	243,805
Machinery and Equipment	166,612	121,507
Biological or cultivated assets	-	-
Software and other intangible assets	9,713	-
Land and subsoil assets	-	-
Local and foreign aid assistance	32,734	17,157
Unauthorised expenditure approved	-	-
Total expenditure for capital assets	479,542	382,469
TOTAL EXPENDITURE	5,394,449	4,826,985
NET SURPLUS/(DEFICIT)	176,805	110,497
Add back unauthorised expenditure	-	-
Add back fruitless and wasteful expenditure	175	1,596
NET SURPLUS/(DEFICIT) FOR THE YEAR	176,980	112,093
Reconciliation of Net Surplus/(Deficit) for the year		
Voted funds to be surrendered to the Revenue Fund	-16,060	-22,654
Departmental revenue to be surrendered to revenue fund	177,643	192,865
Local and foreign aid assistance	15,397	-58,118
NET SURPLUS/(DEFICIT) FOR THE YEAR	176,980	112,093

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24



Part 4 C: CONSOLIDATED STATEMENT OF FINANCIAL POSITION

as at 31 March 2005

	2004/05 R'000	2003/04 R'000
ASSETS		
Current assets	565,308	645,730
Unauthorised expenditure	185,617	185,617
Fruitless and wasteful expenditure	2,416	2,241
Cash and cash equivalents	7,166	10,021
Loans	-	-
Other financial assets	-	-
Prepayments and advances	268,032	407,451
Receivables	102,077	40,033
Local and foreign aid assistance receivable	-	367
Non-current assets	-	-
Investments	-	-
Loans	-	-
Other financial assets	-	-
TOTAL ASSETS	565,308	645,730
LIABILITIES		
Current liabilities	556,858	635,800
Voted funds to be surrendered to the Revenue Fund	-16,060	-22,654
Departmental revenue to be surrendered to the Revenue Fund	23,325	9,802
Bank overdraft	453,847	578,099
Payables	45,295	35,132
Local and foreign aid assistance repayable	-	-
Local and foreign aid assistance unutilised	50,451	35,421
Non-current liabilities		
Payables	-	-
TOTAL LIABILITIES	556,858	635,800
NET ASSETS	8,450	9,930
Represented by:		
Capitalisation reserve	-	-
Recoverable revenue	8,450	9,930
TOTAL	8,450	9,930

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24

Part 4 C: CONSOLIDATED STATEMENT OF CHANGES IN NET ASSETS for the year ended 31 March 2005

	2004/05 R'000	2003/04 R'000
Capitalisation reserve		
Opening balance	-	-
Transfers		
Closing balance	-	-
Recoverable revenue		
Opening balance	9,930	12,807
Debts written off	-	-5,243
Debts recovered (included in departmental receipts)	-986	
Debts raised	-494	2,366
Prior year adjustment		
Closing balance	8,450	9,930
TOTAL	8,450	9,930

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24

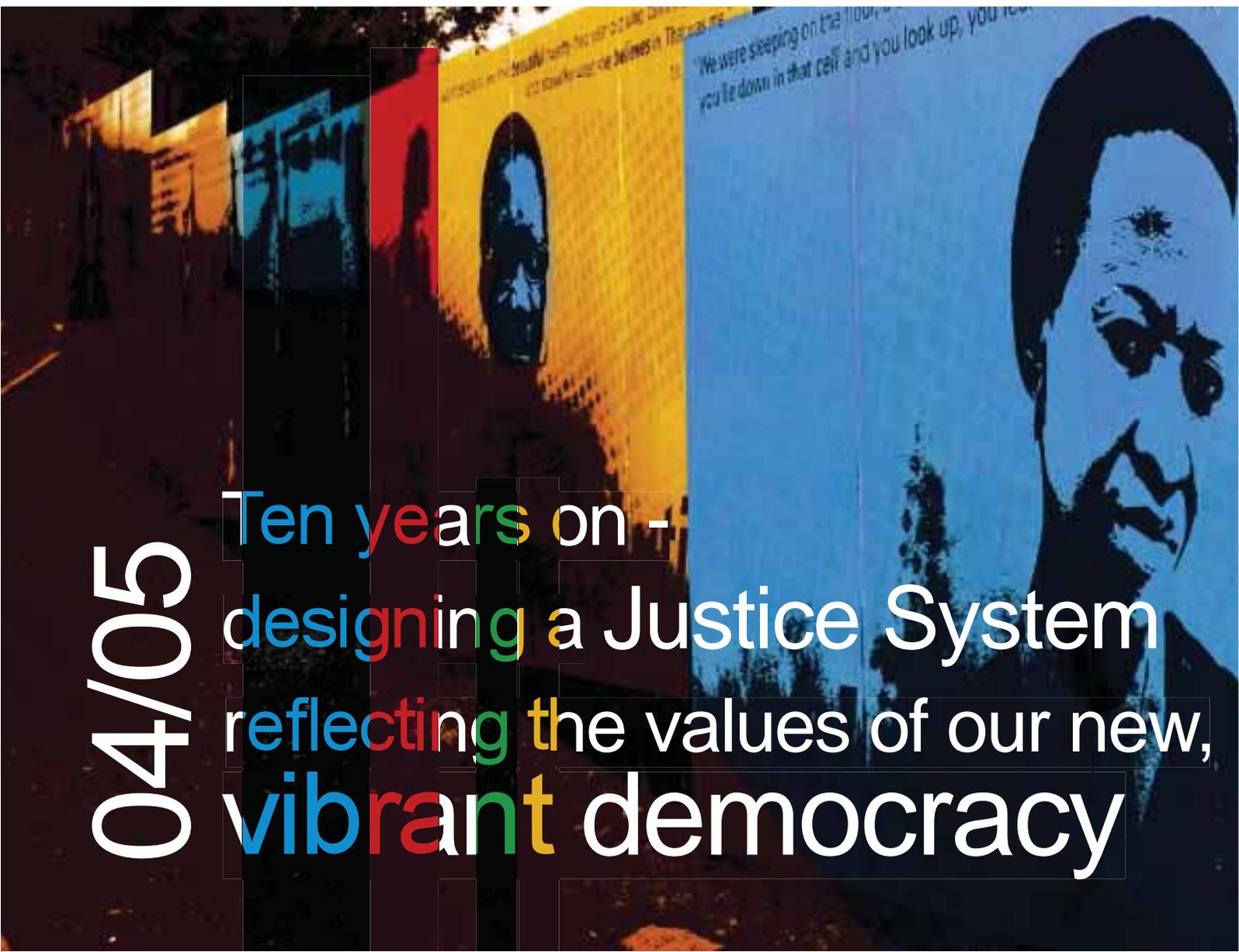


CONSOLIDATED CASH FLOW STATEMENT for the year ended 31 March 2005

	2004/05 R'000
CASH FLOWS FROM OPERATING ACTIVITIES	
Receipts	5,648,624
Annual appropriated funds received	5,054,418
Statutory appropriated funds received	177,083
Appropriation for unauthorised expenditure received	-
Departmental revenue received	177,638
Local and foreign aid assistance received	162,110
Net (increase)/decrease in working capital	77,375
Surrendered to Revenue Fund	136,186
Current payments	-4,252,919
Transfers and subsidies paid	-645,905
Net cash flow available from operating activities	885,986
CASH FLOWS FROM INVESTING ACTIVITIES	
Payments for capital assets	-479,542
Proceeds from sale of capital assets	5
Proceeds from sale of investments	-
Proceeds from sale of other financial assets	-
(Increase)/ decrease in loans granted	-
Net cash flows from investing activities	-479,537
CASH FLOWS FROM FINANCING ACTIVITIES	
Distribution/dividend to government	-
Increase/(decrease) in loans received	-1,480
Net cash flows from financing activities	-1,480
Net increase/(decrease) in cash and cash equivalents	121,397
Cash and cash equivalents at beginning of period	-568,078
Cash and cash equivalents at end of period	-446,681

04/05

Ten years on -
designing a Justice System
reflecting the values of our new,
vibrant democracy



Part 5:

Human Resource Development



PART 5: HUMAN RESOURCE DEVELOPMENT

1. Service Delivery

All departments are required to develop a Service Delivery Improvement (SDI) Plan. The following tables reflect the components of the SDI plan, as well as progress made in the implementation of the plans.

Table 1.1 – Main services provided and standards

Main Services	Actual Customers	Potential Customers	Standard of Service	Actual achievement against standards
Value-Added Services	All Branches	All Branches	According to SLA	Deliverables according to SLA
Customer Management Centre	All Branches	All Branches	According to SLA	Deliverables according to SLA
Key Accounts	All Branches	All Branches	According to SLA	Deliverables according to SLA

Table 1.2 – Consultation arrangements with customers

Type of Arrangement	Actual Customers	Potential Customers	Actual Achievements
Service Level Agreement	Branches	Chapter 9-Institutions	According to the needs identified

Table 1.3 – Service delivery access strategy

Access Strategy	Actual Achievements
Value-Added Services: Will offer efficient and consistent HR administration services that meet the time and quality requirements of our clients	Effective and Sufficient Services
Customer-Manager Centre: Will offer efficient and consistent HR administration devices that meet the time and quality requirements of our clients	Effective and Sufficient Services
Key Accounts: Upholding the vision, mission and transformation values of the Human Resource Branch. Maximising the speed and quality of HR services. Forging mutually beneficial partnerships. Aligning processes and systems with the Corporate Strategy	Sound Partnerships
HR Transformation Strategy: We offer enabling, Value-Added, Sustainable, Human Capital services which drive strategic business projects	
Transactional Strategy: We offer efficient and consistent Human Resource administration services that meet time and quality requirements of end-users	

Table 1.4 – Service information tool

Types of information tool	Actual achievements
Public Folders	Successful
HR Assistance Package	Helpful
My HR	Informative, Enhance work performance, Assistance i.r.o. Human Resource information Act/Policies/Circulars
DJINI Intranet Portal	Latest HR information

Table 1.5 – Complaints mechanism

Complaints Mechanism	Actual achievements
Hotline	High success rate
Open door policy	High success rate
Regular meetings	High success rate
Grievances	High success rate



PART 5: HUMAN RESOURCE DEVELOPMENT

2. Expenditure

The following tables summarise final audited expenditure by programme (Table 2.1) and by salary bands (Table 2.2). In particular, it provides an indication of the amount spent on personnel costs in terms of each of the programmes or salary bands within the Department.

TABLE 2.1 – Personnel costs by programme, 2004/05

Programme	Total Expenditure (R'000)	Personnel Expenditure (R'000)	Training Expenditure (R'000)	Professional and Special Services (R'000)	Personnel cost as a % of total expenditure %	Average personnel cost per employee (R'000)	Employment
Prog 1: Administration	579,419	274,339	-	-	50.7	18	15,044
Prog 2: Court Services	2,274,216	1,458,098	-	-	65.4	97	15,044
Prog 3: State Legal Services	222,684	177,104	-	-	83.1	12	15,044
Prog 4: National Prosecuting Authority	-	-	-	-	-	-	15,044
Prog 5: Auxiliary & Associated Services	758,889	783	-	-	-	-	15,044
TOTAL	3,835,208	1,910,361	-	-	50	126,985	15,044

TABLE 2.2 – Personnel costs by salary bands, 2004/05

Salary bands	Personnel Expenditure (R'000)	% of total personnel cost %	Average personnel cost per employee (R)	Total Personnel Expenditure (R)	Number of Employees
Lower skilled (Levels 1-2)	129,917	7	69,400	1,910,361	1,872
Skilled (Levels 3-5)	337,616	18	60,031	1,910,361	5,624
Highly skilled production (Levels 6-8)	415,699	22	94,843	1,910,361	4,383
Highly skilled supervision (Levels 9-12)	755,304	39	275,257	1,910,361	2,744
Senior management (Levels 13-16)	271,825	14	645,665	1,910,361	421
TOTAL	1,910,361	100	126,985	1,910,361	15,044

The following tables provide a summary per programme (Table 2.3) and salary bands (Table 2.4) of expenditure incurred as a result of salaries, overtime, home owners' allowance and medical assistance. In each case, the table provides an indication of the percentage of the personnel budget that was used for these items.

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TABLE 2.3 – Salaries, Overtime, Home Owners' Allowance (HOA) and Medical Assistance by programme, 2004/05

Programme	Salaries		Overtime		Home Owners' Allowance		Medical Assistance		Total Personnel Cost (R'000)
	Amount	Salaries as a % of personnel cost	Amount	Overtime as a % of personnel cost	Amount	HOA as a % of personnel cost	Amount	Medical Assistance as a % of personnel cost	
	(R'000)	%	(R'000)	%	(R'000)	%	(R'000)	%	
Prog 1: Administration	241,513	88	1,029	-	2,083	1	17,008	6	274,366
Prog 2: Court Services	992,729	68	5,813	-	12,678	1	61,201	4	1,458,108
Prog 3: State Legal Services	143,713	81	1,060	1	1,584	1	7,636	4	177,104
Prog 4: Auxiliary and associated services	88	11	6	1	-	-	-	-	783
TOTAL	1,378,043	72	7,908	-	16,345	1	85,845	4	1,910,361

TABLE 2.4 – Salaries, Overtime, Home Owners' Allowance and Medical Assistance by salary bands, 2004/05

Salary Bands	Salaries		Overtime		Home Owners' Allowance		Medical Assistance		Total Personnel Cost (R'000)
	Amount	Salaries as a % of personnel cost	Amount	Overtime as a % of personnel cost	Amount	HOA as a % of personnel cost	Amount	Medical Assistance as a % of personnel cost	
	(R'000)	%	(R'000)	%	(R'000)	%	(R'000)	%	
Lower skilled (Levels 1-2)	55,584	39	426	-	442	-	6,314	5	129,917
Skilled (Levels 3-5)	256,912	75	1,708	1	2,889	1	19,425	6	337,616
Highly skilled production (Levels 6-8)	381,562	71	1,981	-	70	1	28,369	7	415,699
Highly skilled supervision (Levels 9-12)	632,676	72	3,698	-	6,442	1	22,856	3	755,304
Senior Management (Levels 13-16)	222,814	74	57	-	2	-	8,881	3	271,825
TOTAL	1,549,548	70	7,870	0	16,370	1	85,845	4	1,910,361



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3. Employment and vacancies

The following tables summarise the number of posts on the establishment, the number of employees, the vacancy rate, and whether there are any staff that are additional to the establishment. This information is presented in terms of three key variables: - programme (Table 3.1), salary band (Table 3.2) and critical occupations (Table 3.3). Departments have identified critical occupations that need to be monitored. Table 3.3 provides establishment and vacancy information for the key critical occupations of the Department.

The vacancy rate reflects the percentage of posts that are not filled.

TABLE 3.1 – Employment and vacancies by programme, 31 March 2005

Programme	Number of posts	Number of posts filled	Vacancy Rate as a %	Number of posts filled additional to the establishment
Administration of Justice, Permanent	9,282	8,660	7	14
Administration of Justice, Temporary	757	757	-	-
Administration of law, Permanent	1,440	1,327	8	1
Administration of law, Temporary	7	7	-	-
Administration, Permanent	5,803	4,262	27	7
Administration, Temporary	13	13	-	-
Auxiliary and associated services, Permanent	1	1	-	-
Legal aid, Permanent	18	17	6	-
TOTAL	17,321	15,044	13	22

TABLE 3.2 – Employment and vacancies by salary bands, 31 March 2005

Salary band	Number of posts	Number of posts filled	Vacancy Rate as a %	Number of posts filled additional to the establishment
Lower skilled (Levels 1-2), Permanent	1,230	1,130	8	-
Lower skilled (Levels 1-2), Temporary	117	117	-	-
Skilled (Levels 3-5), Permanent	6,271	5,737	9	1
Skilled (Levels 3-5), Temporary	432	432	-	-
Highly skilled production (Levels 6-8), Permanent	4,480	4,245	5	16
Highly skilled production (Levels 6-8), Temporary	223	223	-	-
Highly skilled supervision (Levels 9-12), Permanent	3,170	2,744	13	2
Highly skilled supervision (Levels 9-12), Temporary	2	2	-	-
Senior Management (Levels 13-16), Permanent	1,393	411	70	3
Senior Management (Levels 13-16), Temporary	2	2	-	-
Other, Temporary	1	1	-	-
TOTAL	17,321	15,044	13	22

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TABLE 3.3 – Employment and vacancies by critical occupation, 31 March 2005

Critical occupations	Number of posts	Number of posts filled	Vacancy Rate as a %	Number of posts filled additional to the establishment
Administrative related, Permanent	138	126	9	1
Advocates, Permanent	51	51	-	-
Advocates, Temporary	1	1	-	-
Attorneys, Permanent	212	156	26	-
Building and other property caretakers, Permanent	20	20	-	-
Bus and heavy vehicle drivers, Permanent	6	6	-	-
Cleaners in offices, workshops, hospitals, etc, Permanent	293	293	-	-
Cleaners in offices, workshops, hospitals, etc, Temporary	2	2	-	-
Client information clerks (switchboard and reception information clerks), Permanent	94	91	3	-
Communication and information related, Permanent	15	12	20	1
Finance and economics related, Permanent	138	137	1	-
Financial and related professionals, Permanent	140	102	27	-
Financial and related professionals, Temporary	198	198	-	-
Financial clerks and credit controllers, Permanent	663	500	25	-
Food services aids and waiters, Permanent	20	19	5	-
General legal administration & related professionals, Permanent	459	430	6	2
Historians and political scientists, Permanent	1	1	-	-
Household and laundry workers, Permanent	1	1	-	-
Human Resources & organisat. developm. & related professionals, Permanent	35	34	3	1
Human Resources & organisat. developm. & related professionals, Temporary	19	19	-	-
Human Resources clerks, Permanent	217	204	6	-
Human Resources related, Permanent	73	65	11	-
Information Technology related, Permanent	6	6	-	-
Judges, Permanent	1,203	236	80	-
Language practitioners, interpreters & other communicators, Permanent	200	188	6	-
Legal related, Permanent	101	97	4	-
Librarians and related professionals, Permanent	16	14	13	-
Library, mail and related clerks, Permanent	411	350	15	-
Library, mail and related clerks, Temporary	308	308	-	-
Light vehicle drivers, Permanent	19	19	-	-
Logistical support personnel, Permanent	28	28	-	-
Magistrates, Permanent	2,164	1,837	15	-
Magistrates, Temporary	1	1	-	-
Material-recording and transport clerks, Permanent	55	52	5	-
Messengers, porters and deliverers, Permanent	416	390	6	-
Messengers, porters and deliverers, Temporary	10	10	-	-
Other administration & related clerks and organisers, Permanent	5,430	5,135	5	3
Other administration & related clerks and organisers, Temporary	7	7	-	-



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Critical occupations	Number of posts	Number of posts filled	Vacancy Rate as a %	Number of posts filled additional to the establishment
Other administrative policy and related officers, Permanent	673	620	8	10
Other Information Technology personnel., Permanent	2	2	-	-
Other occupations, Permanent	19	15	21	-
Prosecutor, Permanent	6	5	17	-
Risk Management and Security Services, Permanent	8	8	-	-
Secretaries & other keyboard operating clerks, Permanent	998	954	4	1
Secretaries & other keyboard operating clerks, Temporary	122	122	-	-
Security guards, Permanent	84	83	1	-
Security guards, Temporary	1	1	-	-
Security officers, Permanent	440	427	3	-
Security officers, Temporary	2	2	-	-
Senior managers, Permanent	189	177	6	3
Senior managers, Temporary	4	4	-	-
Statisticians and related professionals, Permanent	1	1	-	-
Translators and air traffic communicators, Permanent	1,499	1,375	8	-
Translators and air traffic communicators, Temporary	102	102	-	-
TOTAL	17,321	15,044	13	22

The information in each case reflects the situation as at 31 March 2005. For an indication of changes in staffing patterns over the year under review, please refer to section 5 of this report.

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4. Job evaluation

The following table (Table 4.1) summarises the number of jobs that were evaluated during the year under review. The table also provides statistics on the number of posts that were upgraded or downgraded.

TABLE 4.1 – Job Evaluation, 1 April 2004 to 31 March 2005

Salary band	Number of posts	Number of Jobs Evaluated	% of posts evaluated by salary bands	Posts Upgraded		Posts downgraded	
				Number	% of posts evaluated	Number	% of posts evaluated
Lower skilled (Levels 1-2)	1,347	-	-	-	-	-	-
Skilled (Levels 3-5)	6,703	1	-	3	300	1	100
Highly skilled production (Levels 6-8)	4,703	3	-	9	300	16	533
Highly skilled supervision (Levels 9-12)	3,172	183	6	145	79	-	-
Senior Management Service Band A	147	-	-	1	-	-	-
Senior Management Service Band B	37	-	-	-	-	-	-
Senior Management Service Band C	1,211	-	-	-	-	-	-
Other	1	-	-	-	-	-	-
TOTAL	17,321	187	1	158	84	17	9

The following table provides a summary of the number of employees whose salary positions were upgraded due to their posts being upgraded. The number of employees might differ from the number of posts upgraded since not all employees are automatically absorbed into the new posts and some of the posts upgraded could also be vacant.

TABLE 4.2 – Profile of employees whose salary positions were upgraded due to their posts being upgraded, 1 April 2004 to 31 March 2005

Beneficiaries	African	Asian	Coloured	White	Total
Female	73	15	12	51	151
Male	90	8	4	20	122
TOTAL	163	23	16	71	273



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The following table summarises the number of cases where remuneration levels exceeded the grade determined by job evaluation. Reasons for the deviation are provided in each case.

TABLE 4.3 – Employees whose salary level exceeded the grades determined by job evaluation, 1 April 2004 to 31 March 2005 (in terms of PSR 1.V.C.3)

Total Number of Employees whose salaries exceeded the grades determined by job evaluation in 2004/05	None
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5. Employment changes

Turnover rates provide an indication of trends in the employment profile of the Department. The following tables provide a summary of turnover rates by salary band (Table 5.1) and by critical occupations (Table 5.2).

TABLE 5.1 – Annual turnover rates by salary band for the period 1 April 2004 to 31 March 2005

Salary Band	Number of employees per band as on 1 April 2004	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate %
Lower skilled (Levels 1-2), Permanent	1,029	1,844	1,729	60
Lower skilled (Levels 1-2), Temporary	500	403	389	43
Skilled (Levels 3-5), Permanent	4,282	6,506	6,335	59
Highly skilled production (Levels 6-8), Permanent	3,941	1,224	1,135	22
Highly skilled production (Levels 6-8), Temporary	1	3	3	75
Highly skilled supervision (Levels 9-12), Permanent	2,420	810	872	27
Highly skilled supervision (Levels 9-12), Temporary	2	-	-	-
Senior Management Service Band A, Permanent	111	70	72	40
Senior Management Service Band B, Permanent	32	5	4	11
Senior Management Service Band C, Permanent	267	388	443	68
Senior Management Service Band D, Permanent	1	-	-	-
TOTAL	12,586	11,253	10,982	46

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TABLE 5.2 – Annual turnover rates by critical occupation for the period 1 April 2004 to 31 March 2005

Occupation	Number of employees per occupation as on 1 April 2004	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate %
Administrative related, Permanent	112	11	10	8
Advocates, Permanent	47	14	12	20
Advocates, Temporary	2	-	-	-
Attorneys, Permanent	126	82	68	33
Building and other property caretakers, Permanent	22	-	2	9
Bus and heavy vehicle drivers, Permanent	12	-	-	-
Cashiers, tellers and related clerks, Permanent	-	4	4	100
Cleaners in offices, workshops, hospitals etc, Permanent	294	60	69	19
Cleaners in offices, workshops, hospitals etc, Temporary	2	-	-	-
Client information clerks (switchboard and reception information clerks), Permanent	80	71	64	42
Communication and information related, Permanent	13	5	5	28
Computer programmers., Permanent	1	-	1	100
Diplomats, Permanent	-	1	1	100
Finance and economics related, Permanent	103	10	13	12
Financial and related professionals, Permanent	78	91	80	47
Financial and related professionals, Temporary	18	240	172	67
Financial clerks and credit controllers, Permanent	193	1,367	1,272	82
Food services aids and waiters, Permanent	17	8	6	24
General legal administration & related professionals, Permanent	350	371	338	47
General legal administration & related professionals, Temporary	-	-	1	-
Head of Department/Chief Executive Officer, Permanent	1	-	-	-
Human Resources & organisat. developm. & related professionals, Permanent	37	6	4	9
Human Resources & organisat. developm. & related professionals, Temporary	13	2	10	67
Human Resources clerks, Permanent	195	83	77	28
Human Resources related, Permanent	44	11	7	13
Information Technology related, Permanent	5	1	-	-
Judges, Permanent	258	387	441	68
Language practitioners, interpreters & other communicators, Permanent	227	16	33	14
Legal related, Permanent	95	1	4	4
Legal related, Temporary	-	1	1	100
Librarians and related professionals, Permanent	18	2	3	15
Librarians and related professionals, Temporary	-	1	1	100
Library, mail and related clerks, Permanent	297	461	428	56
Library, mail and related clerks, Temporary	283	49	99	30
Light vehicle drivers, Permanent	13	2	1	7
Logistical support personnel, Permanent	29	-	1	3
Magistrates, Permanent	1,659	726	781	33



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Occupation	Number of employees per occupation as on 1 April 2004	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate %
Magistrates, Temporary	2	-	2	100
Material-recording and transport clerks, Permanent	60	14	13	18
Messengers, porters and deliverers, Permanent	361	272	244	39
Messengers, porters and deliverers, Temporary	9	5	6	43
Other administrat. & related clerks and organisers, Permanent	3,946	4,335	4,291	52
Other administrat. & related clerks and organisers, Temporary	6	7	9	69
Other administrative policy and related officers, Permanent	520	355	324	37
Other Information Technology personnel., Permanent	2	-	-	-
Other occupations, Permanent	86	4	5	6
Prosecutor, Permanent	21	-	-	-
Rank: Unknown, Permanent	37	-	-	-
Risk Management and Security Services, Permanent	8	-	-	-
Secretaries & other keyboard operating clerks, Permanent	860	711	656	42
Secretaries & other keyboard operating clerks, Temporary	80	40	32	27
Security guards, Permanent	76	32	34	31
Security guards, Temporary	2	-	1	50
Security officers, Permanent	457	227	262	38
Security officers, Temporary	2	-	-	-
Senior managers, Permanent	145	32	17	10
Senior managers, Temporary	1	5	3	50
Statisticians and related professionals, Permanent	-	1	-	-
Translators and air traffic communicators, Permanent	1,178	1,073	1,019	45
Translators and air traffic communicators, Temporary	83	56	55	40
TOTAL	12,586	11,253	10,982	40

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Table 5.3 – Reasons why staff are leaving the Department

Termination Type	Number	% of Total Resignations	% of Total Employment	Total	Total Employment
Death, Permanent	78	1	1	10,982	12,586
Death, Temporary	2	-	-	10,982	12,586
Resignation, Permanent	567	5	5	10,982	12,586
Resignation, Temporary	17	-	-	10,982	12,586
Expiry of contract, Permanent	9,790	89	78	10,982	12,586
Expiry of contract, Temporary	330	3	3	10,982	12,586
Dismissal - operational changes, Permanent	26	-	-	10,982	12,586
Discharged due to ill health, Permanent	40	-	-	10,982	12,586
Dismissal - misconduct, Permanent	9	-	-	10,982	12,586
Retirement, Permanent	63	1	1	10,982	12,586
Retirement, Temporary	1	-	-	10,982	12,586
Other, Permanent	17	-	-	10,982	12,586
Other, Temporary	42	-	-	10,982	12,586
TOTAL	10,982	100	87	10,982	12,586

Table 5.4 – Promotions by critical occupation

Occupation	Employees as at 1 April 2004	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a % of employees by occupation
Administrative related	112	8	7	74	66
Advocates	49	10	20	10	20
Attorneys	126	16	13	41	33
Building and other property caretakers	22	-	-	20	91
Bus and heavy vehicle drivers	12	-	-	9	75
Cleaners in offices, workshops, hospitals, etc.	296	-	-	251	85
Client information clerks (switchboard and reception information clerks)	80	-	-	59	74
Communication and information related	13	2	15	6	46
Computer programmers	1	-	-	-	-
Finance and economics related	103	11	11	59	57
Financial and related professionals	96	5	5	38	40
Financial clerks and credit controllers	193	1	1	98	51
Food services aids and waiters	17	-	-	14	82
General legal administration & related professionals	350	2	1	101	29
Head of Department/Chief Executive Officer	1	-	-	-	-
Human Resources & organisat. developm. & related professionals	50	3	6	33	66



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Occupation	Employees as at 1 April 2004	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a % of employees by occupation
Human Resources clerks	195	7	4	162	83
Human Resources related	44	19	43	28	64
Information Technology related	5	-	-	3	60
Judges	258	-	-	-	-
Language practitioners, interpreters & other communicators	227	7	3	18	8
Legal related	95	4	4	45	47
Librarians and related professionals	18	-	-	16	89
Library, mail and related clerks	580	2	-	159	27
Light vehicle drivers	13	-	-	11	85
Logistical support personnel	29	-	-	23	79
Magistrates	1,661	32	2	9	1
Material-recording and transport clerks	60	-	-	45	75
Messengers, porters and deliverers	370	1	-	247	67
Other administrat. & related clerks and organisers	3,952	6	-	2,907	74
Other administrative policy and related officers	520	10	2	378	73
Other Information Technology personnel	2	-	-	1	50
Other occupations	86	7	8	22	26
Prosecutor	21	2	10	-	-
Rank: Unknown	37	-	-	-	-
Risk Management and Security Services	8	-	-	8	100
Secretaries & other keyboard operating clerks	940	5	1	583	62
Security guards	78	-	-	63	81
Security officers	459	2	-	341	74
Senior managers	146	15	10	7	5
Translators and air traffic communicators	1,261	-	-	68	5
TOTAL	12,586	177	1	5,957	47

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Table 5.5 – Promotions by salary band

Salary Band	Employees 1 April 2004	Promotions to another salary level	Salary bands promotions as a % of employees by salary level	Progressions to another notch within a salary level	Notch progres- sions as a % of employees by salary band
Lower skilled (Levels 1-2), Permanent	1,029	2	0	1,068	104
Lower skilled (Levels 1-2), Temporary	500	-	-	4	1
Skilled (Levels 3-5), Permanent	4,282	6	0	2,094	49
Highly skilled production (Levels 6-8), Permanent	3,941	45	1	2,492	63
Highly skilled production (Levels 6-8), Temporary	1	-	-	-	-
Highly skilled supervision (Levels 9-12), Permanent	2,420	103	4	293	12
Highly skilled supervision (Levels 9-12), Temporary	2	-	-	-	-
Senior Management (Levels 13-16), Permanent	411	21	5	6	1
TOTAL	12,586	177	1	5,957	47

6. Employment equity

The tables in this section are based on the formats prescribed by the Employment Equity Act, 55 of 1998.

Table 6.1 – Total number of employees (including employees with disabilities) in each of the following occupational categories as on 31 March 2005

Occupational Bands	Male					Female					Total
	African	Coloured	Indian	Total Blacks	White	African	Coloured	Indian	Total Blacks	White	
Legislators, senior officials and managers, Permanent	45	8	10	63	55	27	4	5	36	12	166
Legislators, senior officials and managers, Temporary	8	-	-	8	1	2	-	-	2	-	11
Professionals, Permanent	1,406	126	106	1,638	957	762	126	143	1,031	613	4,239
Professionals, Temporary	96	3	9	108	9	77	3	4	84	11	212
Clerks, Permanent	2,341	205	77	2,623	171	3,379	589	194	4,162	1,536	8,492
Clerks, Temporary	105	11	1	117	10	148	52	22	222	190	539
Service and sales workers, Permanent	236	59	21	316	123	55	5	2	62	16	517
Service and sales workers, Temporary	3	-	-	3	-	-	-	-	-	-	3
Plant and machine operators and assemblers, Permanent	24	2	1	27	-	-	-	-	-	-	27
Elementary occupations, Permanent	292	35	11	338	31	370	27	10	407	30	806
Elementary occupations, Temporary	4	-	-	4	2	5	1	-	6	-	12
Other, Permanent	3	1	-	4	1	9	2	-	11	4	20
TOTAL	4,563	450	236	5,249	1,360	4,834	809	380	6,023	2,412	15,044
Employees with disabilities	14	4	-	18	8	10	-	-	10	4	40



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TABLE 6.2 – Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2005

Occupational Bands	Male					Female					Total
	African	Coloured	Indian	Total Blacks	White	African	Coloured	Indian	Total Blacks	White	
Top Management, Permanent	55	10	14	79	139	12	2	5	19	14	251
Senior Management, Permanent	45	6	8	59	58	29	5	7	41	12	170
Professionally qualified and experienced specialists and mid-management, Permanent	848	92	88	1,028	795	427	83	120	630	488	2,941
Professionally qualified and experienced specialists and mid-management, Temporary	-	-	-	-	-	-	-	-	-	1	1
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	1,345	68	33	1,446	177	1,197	129	69	1,395	1,167	4,185
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Temporary	-	-	-	-	-	-	-	-	-	2	2
Semi-skilled and discretionary decision-making, Permanent	1,737	198	66	2,001	140	2,662	491	145	3,298	504	5,943
Unskilled and defined decision-making, Permanent	314	62	17	393	28	270	42	8	320	24	765
Unskilled and defined decision-making, Temporary	216	14	10	240	22	232	56	26	314	198	774
Not Available, Permanent	3	-	-	3	1	5	1	-	6	2	12
TOTAL	4,563	450	236	5,249	1,360	4,834	809	380	6,023	2,412	15,044

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Table 6.3 – Recruitment for the period 1 April 2004 to 31 March 2005

Occupational Bands	Male					Female					Total
	African	Coloured	Indian	Total Blacks	White	African	Coloured	Indian	Total Blacks	White	
Top Management, Permanent	66	39	18	123	256	8	5	10	23	38	440
Senior Management, Permanent	16	1	-	17	46	11	-	-	11	1	75
Professionally qualified and experienced specialists and mid-management, Permanent	253	23	57	333	220	97	72	6	175	93	821
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	484	28	16	528	34	406	53	17	476	194	1,232
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Temporary	-	-	-	-	-	1	-	-	1	2	3
Semi-skilled and discretionary decision-making, Permanent	1,963	197	48	2,208	95	3,131	482	98	3,711	600	6,614
Unskilled and defined decision-making, Permanent	568	89	17	674	59	846	165	19	1,030	91	1,854
Unskilled and defined decision-making, Temporary	211	53	4	268	7	105	22	1	128	46	449
TOTAL	3,561	430	160	4,151	717	4,605	799	151	5,555	1,065	11,488

Employees with disabilities	-	1	-	1	-	3	-	-	3	-	4
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Table 6.4 – Promotions for the period 1 April 2004 to 31 March 2005

Occupational Bands	Male					Female					Total
	African	Coloured	Indian	Total Blacks	White	African	Coloured	Indian	Total Blacks	White	
Top Management, Permanent	-	-	-	-	-	-	-	1	1	-	1
Senior Management, Permanent	5	2	1	8	4	10	1	1	12	3	27
Professionally qualified and experienced specialists and mid-management, Permanent	106	10	13	129	69	77	12	11	100	71	369
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	576	42	25	643	140	712	77	59	848	931	2,562
Semi-skilled and discretionary decision-making, Permanent	521	72	32	625	74	781	220	81	1082	319	2,100
Unskilled and defined decision-making, Permanent	376	45	16	437	38	431	42	19	492	35	1,002



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Occupational Bands	Male					Female					Total
	African	Coloured	Indian	Total Blacks	White	African	Coloured	Indian	Total Blacks	White	
Unskilled and defined decision-making, Temporary	1	-	-	1	-	3	-	-	3	-	4
TOTAL	1,585	171	87	1,843	325	2,014	352	172	2,538	1,359	6,065

Employees with disabilities	10	2	-	12	4	7	-	-	7	2	25
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Table 6.5 – Terminations for the period 1 April 2004 to 31 March 2005

Occupational Bands	Male					Female					Total
	African	Coloured	Indian	Total Blacks	White	African	Coloured	Indian	Total Blacks	White	
Top Management, Permanent	62	37	30	129	290	9	5	11	25	38	482
Senior Management, Permanent	18	2	-	20	44	9	-	-	9	1	74
Professionally qualified and experienced specialists and mid-management, Permanent	258	25	47	330	244	82	63	5	150	86	810
Professionally qualified and experienced specialists and mid-management, Temporary	-	-	-	-	-	-	-	-	-	1	1
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	355	27	15	397	39	311	51	10	372	243	1,051
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Temporary	-	-	-	-	-	1	-	-	1	1	2
Semi-skilled and discretionary decision-making, Permanent	1,719	166	39	1,924	85	2,464	402	73	2,939	544	5,492
Unskilled and defined decision-making, Permanent	506	94	14	614	58	746	151	14	911	90	1,673
Unskilled and defined decision-making, Temporary	166	53	-	219	6	100	28	-	128	42	395
TOTAL	3,084	404	145	3,633	766	3,722	700	113	4,535	1,046	9,980

Employees with disabilities	-	1	-	1	-	3	-	-	3	-	4
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Table 6.6 – Disciplinary action for the period 1 April 2004 to 31 March 2005

Occupational Bands	Male					Female					Total
	African	Coloured	Indian	Total Blacks	White	African	Coloured	Indian	Total Blacks	White	
Disciplinary action	121	13	3	136	6	35	7	1	43	12	198

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Table 6.7 – Skills development for the period 1 April 2004 to 31 March 2005

Occupational Bands	Male					Female					Total
	African	Coloured	Indian	Total Blacks	White	African	Coloured	Indian	Total Blacks	White	
Legislators, senior officials and managers	86	6	10	102	57	29	5	5	39	25	223
Professionals	2,345	188	144	2,677	1,224	1,192	197	206	1,595	991	6,487
Technicians and associate professionals	1,789	46	6	1,841	67	867	28	5	900	78	2,886
Clerks	4,171	433	175	4,779	728	5,435	1,115	495	7,045	3,495	16,047
Service and sales workers	41	4	2	47	17	9	-	-	9	2	75
Skilled agriculture and fishery workers	-	-	-	-	-	-	-	-	-	-	-
Craft and related trades workers	-	-	-	-	-	-	-	-	-	-	-
Plant and machine operators and assemblers	24	1	-	25	6	73	24	14	111	23	165
Elementary occupations	184	41	10	235	44	122	6	-	128	3	410
Other Departments	42	1	1	44	6	61	1	1	63	5	118
TOTAL	8,682	720	348	9,750	2,149	7,788	1,376	726	9,890	4,622	26,411

Employees with disabilities	9	1	-	10	1	6	1	-	7	1	19
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7. Performance rewards

To encourage good performance, the Department has granted the following performance rewards during the year under review. The information is presented in terms of race, gender, and disability (Table 6.1), salary bands (table 6.2) and critical occupations (Table 6.3).

TABLE 7.1 – Performance Rewards by race, gender and disability, 1 April 2004 to 31 March 2005

	Beneficiary Profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group %	Cost (R'000)	Average cost per employee
African, Female	1,571	4,824	33	8,617	5,485
African, Male	1,505	4,549	33	10,407	6,915
Asian, Female	149	380	39	1,594	10,698
Asian, Male	74	236	31	918	12,405
Coloured, Female	211	809	26	1,318	6,246
Coloured, Male	109	446	24	811	7,440
Total Blacks, Female	1,931	6,013	32	11,529	5,970
Total Blacks, Male	1,688	5,231	32	12,136	7,190
White, Female	1,123	2,408	47	12,615	11,233
White, Male	410	1,352	30	8,829	21,534
Employees with a disability	16	40	40	123	7,688
TOTAL	5,168	15,044	34	45,232	8,752



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TABLE 7.2 – Performance Rewards by salary bands for personnel below Senior Management Service, 1 April 2004 to 31 March 2005

Salary Bands	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within salary bands %	Total Cost (R'000)	Average cost per employee
Lower skilled (Levels 1-2)	464	1,872	25	1,049	2,261
Skilled (Levels 3-5)	1,492	5,624	27	6,488	4,349
Highly skilled production (Levels 6-8)	2,394	4,383	55	17,501	7,310
Highly skilled supervision (Levels 9-12)	761	2,744	28	18,306	24,055
TOTAL	5,111	14,623	35	43,344	8,481

TABLE 7.3 – Performance Rewards by critical occupations, 1 April 2004 to 31 March 2005

Critical Occupations	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation %	Total Cost (R'000)	Average cost per employee
Administrative related	87	123	71	1,666	19,149
Advocates	22	57	39	570	25,909
Attorneys	26	145	18	498	19,154
Building and other property caretakers	18	20	90	25	1,389
Bus and heavy vehicle drivers	2	12	17	6	3,000
Cleaners in offices, workshops, hospitals, etc.	192	292	66	283	1,474
Client information clerks (switchboard and reception information clerks)	28	90	31	118	4,214
Communication and information related	9	11	82	254	28,222
Finance and economics related	54	130	42	858	15,889
Financial and related professionals	38	309	12	323	8,500
Financial clerks and credit controllers	54	503	11	338	6,259
Food services aids and waiters	5	22	23	20	4,000
General legal administration & related professionals	133	438	30	1,806	13,579
Human Resources & organisat developm. & related professionals	23	47	49	346	15,043
Human Resources clerks	161	199	81	1,409	8,752
Human Resources related	45	64	70	990	22,000
Information Technology related	5	6	83	151	30,200
Judges	-	236	-	-	-
Language practitioners, interpreters & other communicators	195	298	65	1,159	5,944
Legal related	62	92	67	1,760	28,387
Librarians and related professionals	14	17	82	195	13,929
Library, mail and related clerks	109	661	17	594	5,450
Light vehicle drivers	9	15	60	28	3,111

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Critical Occupations	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation %	Total Cost (R'000)	Average cost per employee
Logistical support personnel	15	26	58	157	10,467
Magistrates	320	1,761	18	9,441	29,503
Material-recording and transport clerks	34	55	62	149	4,382
Messengers, porters and deliverers	146	395	37	432	2,959
Other administration & related clerks and organisers	1,964	5,103	38	11,166	5,685
Other administrative policy and related officers	322	661	49	2,744	8,522
Other Information Technology personnel	2	2	100	20	10,000
Other occupations	19	92	21	391	20,579
Prosecutor	1	27	4	17	17,000
Rank: Unknown	-	20	-	-	-
Risk Management and Security Services	8	9	89	90	11,250
Secretaries & other keyboard operating clerks	403	1,060	38	2,704	6,710
Security guards	43	77	56	90	2,093
Security officers	165	434	38	800	4,848
Senior managers	56	174	32	1,841	32,875
Statisticians and related professionals	-	1	-	-	-
Translators and air traffic communicators	379	1,360	28	1,792	4,728
TOTAL	5,168	15,044	34	45,231	8,752

TABLE 7.4 – Performance related rewards (cash bonus), by salary band, for Senior Management Service

Salary Band	Beneficiary Profile			Total Cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure %	Personnel Cost SMS (R'000)
	Number of beneficiaries	Number of employees	% of total within band %				
Band A	105	95	111	3,500	33,333	5	69,096
Band B	19	75	25	653	34,368	3	22,680
Band C	1	251	0	43	43,000	-	207,540
TOTAL	125	421	30	4,196	33,568	1	299,316



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8. Foreign workers

The tables below summarise the employment of foreign nationals in the Department in terms of salary bands and by major occupation. The tables also summarise changes in the total number of foreign workers in each salary band and by each major occupation.

TABLE 8.1 – Foreign Workers, 1 April 2004 to 31 March 2005, by salary band

Salary Band	Employment at Beginning Period	% of Total	Employment at End of Period	% of Total	Change in Employment	% of Total
Lower skilled (Levels 1-2)	24	57	47	69	23	88
Skilled (Levels 3-5)	5	12	5	7	-	-
Highly skilled production (Levels 6-8)	5	12	6	9	1	4
Highly skilled supervision (Levels 9-12)	6	14	4	6	-2	-7
Senior management (Levels 13-16)	2	5	6	9	4	15
TOTAL	42	100	68	100	26	100

TABLE 8.2 – Foreign Workers, 1 April 2004 to 31 March 2005, by major occupation

Salary Band	Employment at Beginning Period	% of Total	Employment at End of Period	% of Total	Change in Employment	% of Total
Administrative office workers	32	76	45	66	13	50
Other occupations	1	2	1	2	-	-
Professionals and managers	9	22	22	32	13	50
TOTAL	42	100	68	100	26	100

9. Leave utilisation for the period 1 January 2004 to 31 December 2004

The following tables provide an indication of the use of sick leave (Table 9.1) and disability leave (Table 9.2). In both cases, the estimated cost of the leave is also provided.

TABLE 9.1 – Sick leave, 1 January 2004 to 31 December 2004

Salary Band	Total days	Total number of days with medical certificate	% days with medical certification %	Number of Employees using sick leave	% of total employees using sick leave %	Average days per employee using sick leave	Estimated Cost (R'000)	Total number of employees using sick leave
Lower skilled (Levels 1-2)	6,551	5,547	85	655	8	10	902	8,590
Skilled (Levels 3-5)	26,878	21,336	79	3,172	37	8	5,096	8,590
Highly skilled production (Levels 6-8)	28,205	23,487	83	2,946	34	10	8,731	8,590
Highly skilled supervision (Levels 9-12)	16,776	13,802	82	1,693	20	10	11,114	8,590
Senior Management (Levels 13-16)	732	577	79	100	1	7	1,215	8,590
Other	1	1	100	1	-	1	1	8,590
Not Available	191	177	93	23	0	8	127	8,590
TOTAL	79,334	64,927	82	8,590	100	9	27,186	8,590

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TABLE 9.2 – Disability leave (temporary and permanent), 1 January 2004 to 31 December 2004

Salary Band	Total days	Total number of days with medical certificate	% days with medical certification %	Number of Employees using disability leave	% of total employees using disability leave %	Average days per employee using sick leave	Estimated Cost (R'000)	Total number of employees using disability leave
Lower skilled (Levels 1-2)	853	853	100	17	11	50	120	152
Skilled (Levels 3-5)	2,127	2,127	100	42	28	51	441	152
Highly skilled production (Levels 6-8)	4,093	4,072	99	85	56	48	1,278	152
Highly skilled supervision (Levels 9-12)	326	326	100	5	3	65	161	152
Senior management (Levels 13-16)	41	41	100	3	2	14	72	152
TOTAL	7,440	7,419	100	152	100	49	2,072	152

Table 9.3 summarises the utilisation of annual leave. The wage agreement concluded with trade unions in the PSCBC in 2000 requires management of annual leave to prevent high levels of accrued leave being paid at the time of termination of service.

TABLE 9.3 – Annual Leave, 1 January 2004 to 31 December 2004

Salary Bands	Total days taken	Average per employee	Employment
Skilled (Levels 1-2)	19,480	20	986
Skilled (Levels 3-5)	67,345	16	4,126
Highly skilled production (Levels 6-8)	93,351	22	4,177
Highly skilled supervision (Levels 9-12)	66,535	26	2,608
Senior Management (Levels 13-16)	3,971	22	184
Other	2	2	1
Not Available	266	7	39
TOTAL	250,950	21	12,121

TABLE 9.4 – Capped leave, 1 January 2004 to 31 December 2004

Salary Bands	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2004	Number of Employees	Total number of capped leave available at 31 December 2004	Number of Employees as at 31 December 2004
Lower skilled (Levels 1-2)	424	5	84	92	56,599	674
Skilled (Levels 3-5)	1,393	5	35	306	70,454	2,006
Highly skilled production (Levels 6-8)	3,600	7	94	551	349,918	3,729
Highly skilled supervision (Levels 9-12)	642	6	71	101	44,032	624
Senior Management (Levels 13-16)	100	5	97	19	13,406	138
Not Available	19	10	-	2	-	-
TOTAL	6,178	6	75	1,071	534,409	7,171



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TABLE 9.5 – Leave payouts for the period 1 April 2004 to 31 March 2005

The following table summarises payments made to employees as a result of leave that was not taken.

REASON	Total Amount (R'000)	Number of Employees	Average payment per employee
Leave payout for 2004/05 due to non-utilisation of leave for the previous cycle	211	38	5,553
Capped leave payouts on termination of service for 2004/05	2,097	367	5,714
Current leave payout on termination of service for 2004/05	272	101	2,693
TOTAL	2,580	506	5,099

10. HIV/AIDS & health promotion programmes

TABLE 10.1 – Steps taken to reduce the risk of occupational exposure

Units/categories of employees identified to be at high risk of contracting HIV & related diseases (if any)	Key steps taken to reduce the risk
Low risk	Awareness campaign on the risk of contracting HIV and related diseases - condom distribution, Draft Policy

TABLE 10.2 – Details of Health Promotion and HIV and AIDS Programmes (tick the applicable boxes and provide the required information)

Question	Yes	No	Details, if yes
1. Has the Department designated a member of the SMS to implement the provisions contained in Part VI E of Chapter 1 of the Public Service Regulations, 2001? If so, provide her/his name and position.	Yes		Tsiestie Malema, Director
2. Does the Department have a dedicated Unit or has it designated specific staff members to promote the health and well-being of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	Yes		Employee Assistance Programme (EAP)-Deputy Director, Assistant Director, Administrative Officer; budget allocated R 600,000.00
3. Has the Department introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of this Programme.	Yes		The Department has established the EAP Directorate that will roll out a number of programmes that will attend to matters regarding HIV/AIDS. Committees have been formed in the Provinces
4. Has the Department established (a) committee(s) as contemplated in Part VI E.5 (e) of Chapter 1 of the Public Service Regulations, 2001? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.	Yes		HIV Forums have been reviewed and put in place
5. Has the Department reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed.	Yes		All HR policies have been reviewed to be in line with the Employment Equity Act and a draft Policy has been compiled
6. Has the Department introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of these measures.	Yes		Awareness Campaigns. These included the following topics: Contraction of HIV myths, HIV employees living with HIV
7. Does the Department encourage its employees to undergo Voluntary Counseling and Testing? If so, list the results that you have achieved.	Yes		To know their status and live accordingly and to be in a position to go for counselling. The results are not too impressive due to the fact that people see it as a private and confidential matter

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Question	Yes	No	Details, if yes
8. Has the Department developed measures/indicators to monitor & evaluate the impact of its health promotion programme? If so, list these measures/indicators.	Yes		The Department went out on tender in the various provinces to obtain a Service Provider. This was done for easy access. These Providers will also develop a programme to assist officials with HIV/AIDS. A survey was done to establish the reasons for sick leave and the result will be utilised to conduct a number of workshops and training

11. Labour relations

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

TABLE 11.1 – Collective agreements, 1 April 2004 to 31 March 2005

Subject Matter	Date
Government Transport between Residence and Workplace	3/7/2005
Special Leave	3/7/2005

The following table summarises the outcome of disciplinary hearings conducted within the Department for the year under review.

TABLE 11.2 – Misconduct and disciplinary hearings finalised, 1 April 2004 to 31 March 2005

Outcomes of disciplinary hearings	Number	% of total
Abscondment	4	2
Contract expired	1	1
Counselling	1	1
Demotion	13	7
Died	3	2
Dismissal	25	13
Final Written Warning	25	13
Medically boarded	4	2
Not guilty	13	7
Resigned	20	10
Suspension without pay	8	4
Training	1	1
Verbal warning	7	4
Withdrawn	64	32
Written Warning	9	5
TOTAL	198	100



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TABLE 11.3 – Types of misconduct addressed at disciplinary hearings

Type of misconduct	Number	% of total
Abuse of Government Vehicle	9	5
Abuse of State Property	2	1
Alcohol on duty	3	2
Assault	1	1
Closure of Magistrate's Office gates	1	1
Complaint	2	1
Constructive dismissal	1	1
Corruption	9	5
Damage of state property	1	1
Defeating ends of justice	1	1
Dereliction of duties	1	1
Disciplinary issues of security personnel	1	1
Displaying insolent behaviour	2	1
Disregard for financial regulations	1	1
Failure to obey instruction	1	1
False S&T claims	2	1
Falsification of Traffic Fines	1	1
Forgery	1	1
Fraud	32	16
Insubordination	7	4
Irregular appointment	2	1
Loss of Maintenance File & Cheque	1	1
Loss of face value forms	1	1
Loss of State Money	9	5
Maladministration	1	1
Mismanagement	3	2
Misrepresentation	1	2
Negligence	11	6
Nepotism	1	1
Non-compliance with financial prescripts	1	1
Poor work performance	5	3
Possession of stolen goods	1	1
Racism	3	2
Robbery	1	1
Sexual harassment	2	1
Theft	46	23
Unauthorised Absence	12	6
Unauthorised Overtime	1	1
Unbecoming Behaviour	12	6
Unethical Behaviour	5	2
TOTAL	198	100

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TABLE 11.4 – Grievances lodged for the period 1 April 2004 to 31 March 2005

	Number	% of Total
Resolved	63	43
Not resolved	85	57
TOTAL	148	100

TABLE 11.5 – Disputes lodged with Councils for the period 1 April 2004 to 31 March 2005

	Number	% of Total
Upheld	13	28
Dismissed	34	72
TOTAL	47	100

TABLE 11.6 – Strike actions for the period 1 April 2004 to 31 March 2005

Total number of person working days lost	358
Total cost (R'000) of working days lost	512
Amount (R'000) recovered as a result of "no work no pay"	80,650

TABLE 11.7 – Precautionary suspensions for the period 1 April 2004 to 31 March 2005

Number of people suspended	35
Number of people whose suspension exceeded 30 days	34
Average number of days suspended	810
Cost (R'000) of suspensions	7,967

12. Skills development

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

Table 12.1 – Training needs identified 1 April 2004 to 31 March 2005

Occupational Categories	Gender	Number of employees as at 1 April 2004	Training needs identified at start of reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	51	-	Skills Prog.	-	51
	Male	140	-	Skills Prog.	-	140
Professionals	Female	1,245	-	Skills Prog.	-	1,245
	Male	2,146	-	Skills Prog.	-	2,146
Technicians and associate professionals	Female	2,643	-	Skills Prog.	-	2,643
	Male	3,813	-	Skills Prog.	-	3,813
Clerks	Female	10,067	-	Skills Prog.	-	10,067
	Male	5,338	-	Skills Prog.	-	5,338
Service and sales workers	Female	8	-	Skills Prog.	-	8
	Male	32	-	Skills Prog.	-	32



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Occupational Categories	Gender	Number of employees as at 1 April 2004	Training needs identified at start of reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Plant and machine operators and assemblers	Female	132	-	Skills Prog	-	132
	Male	48	-	Skills Prog	-	48
Elementary occupations	Female	265	-	Skills Prog	-	265
	Male	429	-	Skills Prog	-	429
Subtotal	Female	14,411	-		-	14,411
	Male	11,946	-		-	11,946
TOTAL		26 357	-		-	26 357

Table 12.2 – Training provided 1 April 2004 to 31 March 2005

Occupational Categories	Gender	Number of employees as at 1 April 2004	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
JUSTICE COLLEGE						
Interpreters Beginners	Female	53	-	Skills Prog	-	53
	Male	71	-	Skills Prog	-	71
Interpreters Advanced	Female	20	-	Skills Prog	-	20
	Male	42	-	Skills Prog	-	42
Administration of Deceased Estate	Female	194	-	Skills Prog	-	194
	Male	148	-	Skills Prog	-	148
Aspirant Assistant Master	Female	11	-	Skills Prog	-	11
	Male	11	-	Skills Prog	-	11
Clerks of the Master's Division	Female	19	-	Skills Prog	-	19
	Male	7	-	Skills Prog	-	7
Estate Duty	Female	18	-	Skills Prog	-	18
	Male	9	-	Skills Prog	-	9
Administration of Insolvent Estates	Female	10	-	Skills Prog	-	10
	Male	12	-	Skills Prog	-	12
Guardian's Fund	Female	17	-	Skills Prog	-	17
	Male	11	-	Skills Prog	-	11
Administration of Estates under Tutor/ Curatorship	Female	3	-	Skills Prog	-	3
	Male	5	-	Skills Prog	-	5
Administration of Deceased Estates for Master's Office	Female	16	-	Skills Prog	-	16
	Male	16	-	Skills Prog	-	16

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Occupational Categories	Gender	Number of employees as at 1 April 2004	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Train-the-Trainer for service points coordinators of the Master	Female	4	-	Skills Prog	-	4
	Male	13	-	Skills Prog	-	13
Equality Courts	Female	181	-	Skills Prog	-	181
	Male	178	-	Skills Prog	-	178
Child Law	Female	21	-	Skills Prog	-	21
	Male	30	-	Skills Prog	-	30
Magistrates Criminal Decentralised	Female	29	-	Skills Prog	-	29
	Male	71	-	Skills Prog	-	71
Acting Magistrate Criminal	Female	47	-	Skills Prog	-	47
	Male	40	-	Skills Prog	-	40
Acting Regional Magistrate	Female	21	-	Skills Prog	-	21
	Male	18	-	Skills Prog	-	18
Regional Magistrate Refresher	Female	14	-	Skills Prog	-	14
	Male	40	-	Skills Prog	-	40
Introduction Course for newly appointed Regional Magistrate	Female	4	-	Skills Prog	-	4
	Male	3	-	Skills Prog	-	3
Magistrate – Delict	Female	5	-	Skills Prog	-	5
	Male	17	-	Skills Prog	-	17
Law of Contract	Female	7	-	Skills Prog	-	7
	Male	12	-	Skills Prog	-	12
Costs and Taxation	Female	7	-	Skills Prog	-	7
	Male	22	-	Skills Prog	-	22
Magistrate Fast-track	Female	7	-	Skills Prog	-	7
	Male	18	-	Skills Prog	-	18
Promotion. Admin of Justice & Access to Info Act	Female	4	-	Skills Prog	-	4
	Male	14	-	Skills Prog	-	14
Electronic Communications & Transaction Act	Female	14	-	Skills Prog	-	14
	Male	19	-	Skills Prog	-	19
Acting Magistrate Civil	Female	15	-	Skills Prog	-	15
	Male	17	-	Skills Prog	-	17
International Human Rights	Female	5	-	Skills Prog	-	5
	Male	23	-	Skills Prog	-	23
Commissioner of Child Welfare	Female	21	-	Skills Prog	-	21
	Male	39	-	Skills Prog	-	39
Family Law	Female	152	-	Skills Prog	-	152
	Male	128	-	Skills Prog	-	128



PART 5: HUMAN RESOURCE DEVELOPMENT

Occupational Categories	Gender	Number of employees as at 1 April 2004	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Clerks Cost and Taxation (Module 1)	Female	16	-	Skills Prog	-	16
	Male	12	-	Skills Prog	-	12
Clerks Cost and Taxation (Module 2)	Female	41	-	Skills Prog	-	41
	Male	20	-	Skills Prog	-	20
Clerks Cost and Taxation (Module 3)	Female	20	-	Skills Prog	-	20
	Male	14	-	Skills Prog	-	14
Clerks Small Claims	Female	10	-	Skills Prog	-	10
	Male	14	-	Skills Prog	-	14
Clerks Criminal Court	Female	105	-	Skills Prog	-	105
	Male	50	-	Skills Prog	-	50
Children's Court Assistants	Female	36	-	Skills Prog	-	36
	Male	11	-	Skills Prog	-	11
Family Advocate	Female	55	-	Skills Prog	-	55
	Male	23	-	Skills Prog	-	23
Intermediaries	Female	32	-	Skills Prog	-	32
	Male	1	-	Skills Prog	-	1
Human Rights	Female	49	-	Skills Prog	-	49
TOTAL JUSTICE COLLEGE		2517	-		-	2517
DNS - COMPUTER PROJECT						
Introduction to PC & Windows	Female	1,176	-	Skills Prog	-	1,176
	Male	1,084	-	Skills Prog	-	1,084
Internet Explorer & Jutastat	Female	1,173	-	Skills Prog	-	1,173
	Male	1,069	-	Skills Prog	-	1,069
Ms Word XP Introduction & Intermediate	Female	1,671	-	Skills Prog	-	1,671
	Male	1,400	-	Skills Prog	-	1,400
Ms Word XP Basic	Female	1,170	-	Skills Prog	-	1,170
	Male	1,069	-	Skills Prog	-	1,069
Ms Word XP Advanced	Female	89	-	Skills Prog	-	89
	Male	31	-	Skills Prog	-	31
Ms Excel Introduction & Intermediate	Female	1,631	-	Skills Prog	-	1,631
	Male	1,350	-	Skills Prog	-	1,350
Ms Excel Advanced	Female	89	-	Skills Prog	-	89
	Male	32	-	Skills Prog	-	32
Ms Outlook XP Basic	Female	1,174	-	Skills Prog	-	1,174
	Male	1,080	-	Skills Prog	-	1,080

PART 5: HUMAN RESOURCE DEVELOPMENT

Occupational Categories	Gender	Number of employees as at 1 April 2004	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Ms Outlook XP Intermediate	Female	1,593	-	Skills Prog	-	1,593
	Male	1,308	-	Skills Prog	-	1,308
TOTAL DNS - Computer Project		18189	-		-	18189
HR						
EAP	Female	803	-	Skills Prog	-	803
	Male	493	-	Skills Prog	-	493
Service Charter for Victims of Crime	Female	223	-	Skills Prog	-	223
	Male	149	-	Skills Prog	-	149
Conflict in the Workplace	Female	11	-	Skills Prog	-	11
	Male	4	-	Skills Prog	-	4
<i>Re Aga Boswa</i>	Female	1	-	Skills Prog	-	1
	Male	-	-	Skills Prog	-	-
Basic PC	Female	14	-	Skills Prog	-	14
	Male	5	-	Skills Prog	-	5
Customer Service	Female	10	-	Skills Prog	-	10
	Male	12	-	Skills Prog	-	12
Change Management	Female	50	-	Skills Prog	-	50
	Male	31	-	Skills Prog	-	31
Case-flow - Court Services	Female	6	-	Skills Prog	-	6
	Male	7	-	Skills Prog	-	7
Delegation	Female	5	-	Skills Prog	-	5
	Male	4	-	Skills Prog	-	4
Labour Relations	Female	12	-	Skills Prog	-	12
	Male	22	-	Skills Prog	-	22
Performance Management	Female	48	-	Skills Prog	-	48
	Male	66	-	Skills Prog	-	66
MLDP	Female	75	-	Skills Prog	-	75
	Male	153	-	Skills Prog	-	153
TOTAL HR		2204	-		-	2204
CFO						
Cash Hall	Female	299	-	Skills Prog	-	299
	Male	176	-	Skills Prog	-	176
JYP	Female	257	-	Skills Prog	-	257
	Male	154	-	Skills Prog	-	154
BAS	Female	582	-	Skills Prog	-	582
	Male	355	-	Skills Prog	-	355



PART 5: HUMAN RESOURCE DEVELOPMENT

Occupational Categories	Gender	Number of employees as at 1 April 2004	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Governor Brown	Female	694	-	Skills Prog	-	694
	Male	473	-	Skills Prog	-	473
MMT	Female	45	-	Skills Prog	-	45
	Male	40	-	Skills Prog	-	40
Other Budget	Female	23	-	Skills Prog	-	23
	Male	26	-	Skills Prog	-	26
Procurement & Asset Management	Female	22	-	Skills Prog	-	22
	Male	5	-	Skills Prog	-	5
TOTAL CFO		3151	-		-	3151
OTHER						
Training for Paralegals	Female	-	-	Skills Prog	-	-
	Male	4	-	Skills Prog	-	4
Job Evaluation	Female	3	-	Skills Prog	-	3
	Male	5	-	Skills Prog	-	5
Child Protection	Female	9	-	Skills Prog	-	9
	Male	9	-	Skills Prog	-	9
Learnership Capacity-building	Female	4	-	Skills Prog	-	4
	Male	7	-	Skills Prog	-	7
Salary Administration	Female	1	-	Skills Prog	-	1
	Male	4	-	Skills Prog	-	4
PERSAL	Female	-	-	Skills Prog	-	-
	Male	1	-	Skills Prog	-	1
PERSAL Tax	Female	-	-	Skills Prog	-	-
	Male	1	-	Skills Prog	-	1
PERSAL Leave	Female	5	-	Skills Prog	-	5
	Male	1	-	Skills Prog	-	1
PERSAL Leave Administration	Female	1	-	Skills Prog	-	1
	Male	-	-	Skills Prog	-	-
PERSAL Establishment	Female	3	-	Skills Prog	-	3
	Male	-	-	Skills Prog	-	-
PERSAL Administration	Female	-	-	Skills Prog	-	-
	Male	1	-	Skills Prog	-	1
Fleet Management	Female	4	-	Skills Prog	-	4
	Male	5	-	Skills Prog	-	5
Record Management	Female	1	-	Skills Prog	-	1
	Male	1	-	Skills Prog	-	1

PART 5: HUMAN RESOURCE DEVELOPMENT

Occupational Categories	Gender	Number of employees as at 1 April 2004	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Registry Management	Female	1	-	Skills Prog	-	1
	Male	1	-	Skills Prog	-	1
TOTAL OTHER		72	-		-	72
OUTSOURCED TRAINING						
Balanced Scorecard	Female	15	-	Skills Prog	-	15
	Male	12	-	Skills Prog	-	12
Advanced Computer Training for Judges Secretaries	Female	5	-	Skills Prog	-	5
	Male	1	-	Skills Prog	-	1
Human Rights Approach Workshop	Female	4	-	Skills Prog	-	4
	Male	1	-	Skills Prog	-	1
Practical Supervision (Family Court)	Female	13	-	Skills Prog	-	13
	Male	5	-	Skills Prog	-	5
Security Management Update	Female	-	-	Skills Prog	-	-
	Male	2	-	Skills Prog	-	2
Fire Fighting	Female	7	-	Skills Prog	-	7
	Male	12	-	Skills Prog	-	12
HIV/AIDS	Female	2	-	Skills Prog	-	2
	Male	-	-	Skills Prog	-	-
The SA Professional Society on the Abuse of Children (SAPSAC) 5th Annual Conference	Female	1	-	Skills Prog	-	1
	Male	-	-	Skills Prog	-	-
Bin Commerce (Honours) Cost Management	Female	1	-	Skills Prog	-	1
	Male	1	-	Skills Prog	-	1
Legal Writing	Female	-	-	Skills Prog	-	-
	Male	1	-	Skills Prog	-	1
High Impact Leadership Skills for the Public Sector	Female	-	-	Skills Prog	-	-
	Male	2	-	Skills Prog	-	2
Strategic Planning	Female	1	-	Skills Prog	-	1
	Male	-	-	Skills Prog	-	-
Asset Management in Public Sector	Female	3	-	Skills Prog	-	3
	Male	-	-	Skills Prog	-	-
Research	Female	1	-	Skills Prog	-	1
	Male	-	-	Skills Prog	-	-
Public Finance Management Based on Public Finance Management Act	Female	2	-	Skills Prog	-	2
	Male	-	-	Skills Prog	-	-
MBA	Female	1	-	Skills Prog	-	1
	Male	-	-	Skills Prog	-	-



PART 5: HUMAN RESOURCE DEVELOPMENT

Occupational Categories	Gender	Number of employees as at 1 April 2004	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Workshop - Child Act	Female	2	-	Skills Prog	-	2
	Male	-	-	Skills Prog	-	-
Purpose of Child Act	Female	2	-	Skills Prog	-	2
	Male	-	-	Skills Prog	-	-
Certificate in Practical Management Development Programme	Female	2	-	Skills Prog	-	2
	Male	2	-	Skills Prog	-	2
ABET	Female	63	-	Skills Prog	-	63
	Male	45	-	Skills Prog	-	45
TOTAL OUTSOURCED TRAINING		224	-		-	224
Subtotal Training All Categories	Female	14,411	-		-	14,411
	Male	11,946	-		-	11,946
TOTAL		26,357	-		-	26,357

13. Injury on duty

The following tables provide basic information on injury on duty.

TABLE 13.1 – Injury on duty, 1 April 2004 to 31 March 2005

Nature of injury on duty	Number	% of total
Required basic medical attention only	6	27
Pending Investigation	15	68
Temporary Total Disablement	-	-
Permanent Disablement	-	-
Fatal	1	5
TOTAL	22	100

PART 5: HUMAN RESOURCE DEVELOPMENT

14. Utilisation of consultants

Table 14.1 – Report on consultant appointments using appropriated funds

Project Title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand
Master's Workstudy	One	Six months	R 250 000
e-Scheduler development; development and roll-out of Video remand system; Case-flow management aspects	One	12 months	R 581 000
Court management development	Two	16 months	R 104 000
Support to the Transformation of the Judiciary project	One	Intermittent	R 3500 per day
e-Justice	92	12 months	R20 million
IJS	5	12 months	
Total number of projects	Total individual consultants	Total duration: Work days	Total contract value in Rand
Six	102	58 months	R20,935,000

Table 14.2 – Analysis of consultant appointments using appropriated funds, in terms of Historically Disadvantaged Individuals (HDIs)

Project Title	% ownership by HDI groups	% management by HDI groups	Number of Consultants from HDI groups that worked on the project
Court management development	62	78	Two
Support to the Transformation of the Judiciary project	100	100	One
e-Justice	65	65	60
IJS	40	40	Two

Table 14.3 – Report on consultant appointments using donor funds

Project Title	Total Number of consultants that worked on the project	Duration: Work days	Donor and Contract value in Rand
Child Law legislation	One	11 months	R450 000
Family Law Improvement Plan Johannesburg	One	12 months	R600 000
Family Law Centres	Two	12 months	R1m
<i>Re Aga Boswa</i>	Two	12 months	R400 000
Colloquium Report	One	2 days	R3500 per day
Total number of projects	Total individual consultants	Total duration: Work days	Total contract value in Rand
Five	Seven	47 months, 2 days	2 457 000

Table 14.4 – Analysis of consultant appointments using donor funds, in terms of Historically Disadvantaged Individuals (HDIs)

Project Title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of Consultants from HDI groups that work on the project
<i>Re Aga Boswa</i>	100%	100%	One
Colloquium Report	100%	100%	One

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Part 4 A:

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PART 4 A: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

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

1. General review of the state of financial affairs

The following is a comparison between the previous and the current financial year's financial performance:

A. VOTED FUNDS RECEIVED BY THE DEPARTMENT (Excluding National Prosecuting Authority)

	2004/05 R '000	2003/04 R '000
Appropriated amount	3 907 858	3 491 333
Virement (NPA)	(55 700)	17 959
Total amount appropriated	3 852 158	3 509 292
Less total expenditure	3 835 208	3 504 493
Surplus / (Excess) to be surrendered	16 950	4 799

The Department faced a need to generate savings out of operations to:

- write off irrecoverable amounts of R87 million relating to suspense accounts. The balance of the write-off (R8,5 million) will be effected in the next financial year;
- enable a R40 million virement to the National Prosecuting Authority that would enable them to apply for a roll-over of funds to clear accumulated financial obligations relating to a number of prior years; and
- meet a roll-over application to meet capital commitments of R14 million.

B. STATUTORY APPROPRIATION (Judges' salaries and allowances)

	2004/05 R '000	2003/04 R '000
Appropriated amount	177 083	166 278
Total amount appropriated	177 083	166 278
Less total expenditure	242 093	195 327
Over-expenditure to be funded by National Treasury	(65 010)	(29 049)

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The Statutory Division within the Department requested National Treasury that the Statutory Grant be increased.

C. FOREIGN AID ASSISTANCE (Including RDP funds)

	2004/05 R '000	2003/04 R '000
Assistance rolled over from previous year	24 972	90 921
Grants received during the financial year	160 672	6 976
Total amount received	185 644	97 897
Less amount repaid to donor	0	1 332
Less total expenditure	140 095	71 593
Closing balance	45 549	24 972

D. REVENUE

	2004/05 R '000	2003/04 R '000
Opening balance	8 758	8 725
Revenue generated	175 728	190 646
Total revenue generated	184 486	199 371
Less revenue paid to SARS	163 076	190 613
Surplus to be surrendered to SARS	21 410	8 758

During the year under review the finalisation of the audit in respect of the 2003/04 financial year saw the Office of the Auditor-General issue an unqualified audit report on our Vote Account Financial Statements. This was an exciting moment for the Department and we salute the efforts of the former Director-General, Adv Vusi Pikoli; and the CFO, Alan Mackenzie who together with Sandra Gomm and the rest of our staff made this significant achievement possible.

The progression of the PPP to enhance our capacity to adequately manage our responsibilities in respect of the management of monies held in trust by the Department saw us achieve Treasury Approval I on 20 September 2004. The short-listing of potential private sector consortium partners have been finalised and the completion of deliberations will be expedited in the year ahead by working together with National Treasury to ensure that the Department is capacitated to meet the obligations required by the PFMA.

The payment of Phase 1 reparations awarded by the Truth and Reconciliation Commission (TRC) has been largely concluded with outstanding payments relating to cases where delays relate to the finalisation of deceased estates and persons that have moved without notification of forwarding addresses.

The Department migrated from the Financial Management System (FMS) to the Basic Accounting System (BAS) on 1 April 2004. The migration has caused significant difficulties as the Department has not enjoyed reliable

network connectivity to support this general ledger system, as well as the new procurement system.

The provision of access to computer equipment was enhanced such that some 10 000 judges, magistrates, prosecutors and administrative personnel now have internet access, which will greatly enhance vital legal research.

In respect of the Transformation of the Judiciary, the government and the Judiciary are engaged in meaningful dialogue about proposed legislation to improve the functioning, accessibility and transformation of the courts in line with the dictates of our Constitution.

A decision was taken whereby the salaries of Magistrates are to be accounted for as a direct charge against the National Revenue Fund from 1 April 2005.

The removal of administrative functions previously performed by Magistrates as a result of the *Van Rooyen* Judgement caused a serious vacuum in administrative management capacity at a court level. Significant personnel cost increases will need to be funded to address this matter, which has the potential of significantly affecting service delivery. The implementation of the Management of Monies in Trust PPP has the potential to alleviate some of the above capacity constraints.

The National Department of Public Works, as custodian of all immovable state assets, and therefore responsible for the upkeep of court buildings,

PART 4 A: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

was not in a position to effectively address the full routine building maintenance needs of the Department. The impact of this position affected morale, as well as infrastructure deterioration. A programme was established to deal with this problem, but it could not meet priority needs as a result of a lack of funding.

A lack of funds saw service delivery negatively affected in respect of the delivery of guarding, cash-in-transit services and general physical security.

The extension of services by the Justice College to prospective and serving judges, amongst others, was hampered by a lack of funds, which matter will need to be addressed as a component of the transformation programme of the Department to deal with the needs of the judicial, prosecutorial, legal administration and financial branches.

As part of the *Re Aga Boswa initiative*, a new court management system was designed, tested and refined in KwaZulu-Natal from August 2002 to November 2004 to address the challenges identified above. The following elements are the main features of the new court management model:

- The capacitation of local courts to deliver basic court services and the strengthening of the hub courts at area/sub-cluster level to become centres of excellence to enhance accessibility of basic and specialised services to all sectors of the community, especially in rural and former black townships.
- The alignment of the service delivery points within the JCPS cluster in accordance with the re-demarcated municipal boundaries to the extent that this is possible, taking into consideration the population served by each court and travelling distances to and from the courts.
- The appointment of professional court managers and the development of appropriate management and administrative skills for court staff to relieve judicial officers and prosecutors of administrative duties, to focus on their key judicial and prosecutorial functions.
- The implementation of an effective case-flow management system, including the redefinition of the roles of Registrars of the Court to perform quasi-judicial functions at High and lower courts.
- The improvement of the court interpretation service and the implementation of effective disciplinary measures to rid the interpretation service of unprofessional and unbecoming conduct, which tends to compromise the efficiency of the courts.
- The development of integrated performance measures and performance targets in terms of which the outputs of the courts can be measured and monitored.
- The development of an effective court information management system to ensure proper planning and budgeting processes to promote the implementation of appropriate interventions to improve court efficiency.
- The establishment of an effective quality assurance system to ensure delivery of acceptable standards of services informed by customer needs.

- The strengthening of the monitoring and evaluation mechanism to ensure value for money.

The **e-Justice Programme** is a multi-year programme which commenced in 2000 with the awarding of the very first tender to support the achievement of deliverables under the programme. The programme is funded primarily by the South African Government through the Department of Justice and Constitutional Development, with complimentary financial support received from the European Commission and the Netherlands Government.

The e-Justice Programme has five (5) Key Result Areas (KRAs), namely:

- (a) **A Digital Nervous System (DNS)**, which will provide Justice officials with computers, networking and internet facilities, e-mail and a help desk, as well as basic computer-literacy training;

Status

As at end of this financial year, we have deployed basic infrastructure to 370 sites. A total of approximately 10,000 users and a total of 9,500 users received computer-literacy training. A total of 85 officials received "Train-the-trainer" training.

- (b) **Management Information Systems (MIS)**, which will be largely facilitated through an intranet facility. (This has now been incorporated into the DNS Project.)

Status

Eighty percent integration of MIS incorporated into the FAS & CPS systems. The departmental Intranet, known as DJINI, was also established and is available to all users. The Automated Leave on-line Solution was also developed and piloted during this financial year.

- (c) **Financial Administration System (FAS)**, which will computerise the Guardian's Fund, the State Attorneys System, the Justice Deposit Account System and the Maintenance System. (The Maintenance system has now been incorporated into JDAS.)

Status

JDAS V3 is installed at 14 sites. The further roll-out has been suspended pending the finalisation of the re-write of the JDAS solution onto a new platform and i.t.o. Service-Oriented Architecture, which the Department has adopted as a standard for all new systems. The re-write and the pilot site implementation has been scheduled for completion during the second quarter of the 2005/06 financial year.

The Guardian's Fund Solution has been deployed to all Masters' Offices identified for roll-out and this was completed by 31 March 2005. Changes to the financial module as requested by the CFO have been scheduled for the 2005-2006 financial year.

The JDAS Data Stabilisation (verification of take-one data) project are as follows:

Cape Town Magistrate's Court	- 80%
Johannesburg Magistrate's Court	- 70%



PART 4 A: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

Pretoria Magistrate's Court	- 75%
Durban Magistrate's Court	- 55%

- (d) **Court Process Pilot (CPP)** project, which is piloting a work process re-engineering project and electronic filing of documents and dockets in two large Magistrates' Courts.

Status

The CPS solution, which is implemented at the Durban Magistrate's Court is operational and is in "maintenance mode". To date 95% of the cases at the Durban Magistrate's Court has been captured onto the system and the dockets have been scanned into the system.

During this reporting period, the ISM also undertook an evaluation of the system (Unpacking of CPS) and based on recommendations made by the Donor Mid-Term Review Committee and the strategy of the Department, we have decided to roll out functional modules, e.g. e-Scheduler of the CPS instead of the total CPS solution as it is in its current form. In this regard, we have already customised the Scheduling portion of CPS and rolled it out to 46 sites countrywide during this reporting period.

- (e) **Cross-cutting interventions** that include training, communication, change management and project management (Strategic Interventions) through a Programme Support Office.

Status

The e-Justice (ISM) Programme Management Office has been optimised and the EPM V1 solution has been developed and implemented to assist with the Monitoring of the e-Justice Programme. Additional functionality which has been identified during the stabilisation period has been incorporated into the EPM V1 and the enhanced version is currently in the stabilisation phase.

The HR and ISM Branches have drafted a joint Change Management Strategy for the e-Justice Programme initiatives. The HR Branch has appointed Change Agents (departmental staff) in each region to also assist with the communication activities.

The ISM Branch went out on tender to procure the services of a Communication & Public Relations service provider to assist with the implementation of the e-Justice Communication Strategy. This was done in conjunction with the PEC Branch, which cannot assist at this stage due to the current lack of capacity within their Branch.

During this reporting period ISM, in a joint venture with the HR Branch, developed the HR Service Benefits Solution and it was also piloted in two Branches within the Do and JCD. The roll-out of this solution is scheduled for the 2005-2006 financial year, after the Do and JCD Virtual Private Network (VPN) migration from SITA to Telkom. Additional functionality has been identified by HR for inclusion in the HR Service Benefits and development thereof is scheduled for the 2005-2006 financial year.

2. Services rendered by the Department

Tariff policy:

The Department's services and related charges are all fixed by law and the Chief Directorate: Legislative Development is responsible for the promulgation of certain subordinate legislation administered by the Department in terms of which fees, charges, rates, scales or tariffs of fees are prescribed and reviewed on a regular basis.

Free services:

The Department benefits from services being provided free of charge for which we are indebted to a number of role-players. The administration of Monies in Trust is currently being done free of charge. Should a fee be charged, it would yield significant revenue. In addition, the Presiding Officer of the Small Claims Court is normally a lawyer or retired magistrate or law lecturer who renders a free service at a magistrate's court.

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

- Estate Duty Taxation
- Administration Services
- Archive Services
- Inspection Services

Various legal and financial services are rendered by the Department on behalf of other government departments (all spheres of government) in terms of the cooperative requirements of the Constitution of South Africa. Legal services include scrutiny of international agreements, including extradition agreements, scrutiny of draft subordinate legislation, writing of legal opinions and secondment of staff on a part-time basis to assist other departments.

Transcription records are provided free of charge to litigants for purposes of challenging the outcome of cases. Should a fee be charged, it would yield significant revenue.

Legal advice, counseling and mediation services are offered at family courts by Family Advocates, Family Counsellors, Maintenance Investigators.

3. Capacity constraints

Vacant posts and skills shortages covering a broad spectrum of specialisation in the various Branches and selected inadequate funding at court level have continued to affect the Department's operations and have adversely affected the service delivery capacity of the Department.

This lack of human capacity and funding resulted in considerable backlogs in Masters' Offices and court rolls have increased drastically with an average of:

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PART 4 A: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

Inventories

Province	Amount	Domestic Consumables	Other Consumables	Stationery and Printing
Eastern Cape	282,502.51	320.00	2,391.00	279,791.51
Gauteng	399,956.71	5,000.00		394,956.71
Kwazulu-Natal	1,259,295.15	6,881.04	52,418.75	1,199,995.36
Limpopo	817,387.64			817,387.64
Free State	234,416.83	10,512.20	2,000.00	221,904.63
Western Cape	595,285.90	2,901.00		592,384.90
Northern Cape	287,357.31	890.00		286,467.31
Mpumalanga	244,870.24	12,950.00	16,937.41	214,982.83
North West	927,016.00			927,016.00
National Office	725,448.84			725,448.84
	5,773,537.13	39,454.24	73,747.16	5,660,335.73

The costing method used by the Department is FIFO (First-In-First-Out)

- 151 backlogs in every district court;
- 107 backlogs in every regional court; and
- 139 backlogs in every high court.

A backlog in construction of new court buildings has developed due to inheritances of the past and inadequate budget allocations. This backlog is also applicable to the provision of court and office accommodation at existing buildings, including Masters' Offices.

Inadequate funding to upgrade physical security measures relating to our courthouses continued to be a critical risk within the Department.

The lack of human capacity within the Information Systems Management (ISM) Branch brought about heavy workloads and long hours to the ISM officials and have adversely affected the quality of service which they would like to render to other Branches.

The Department had to continue to outsource services to consultants to assist with the roll-out of programmes. Hence, much reliance was placed on temporary staff, contractors and consultants for the completion of programmes.

4. Utilisation of donor funds

Apart from voted funds, the Department also depends heavily on donor funding to fund some of its core projects. These funds are normally utilised for once-off projects and for projects that will eventually be funded through the vote account. The intention is to ensure that projects become sustainable after donor funding is withdrawn or has come to an end.

Projects funded through donations during the financial year under review are as follows:

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Donor	Project	Short Description	Analysis of factors contributing to effective / ineffective utilisation thereof
USAID (funds administered by Business Against Crime)	Criminal Justice Strengthening Programme (CJSP) funded through the USAID which encapsulates 21 projects, including <i>Re Aga Boswa</i> and Case-flow Management.	<i>Re Aga Boswa</i> seeks to establish a professional court management model to relieve judges and magistrates of administrative functions to invest their time in their core judicial work, thereby resulting in increased court hours and quality judgements.	Management capacity established at the courts with appropriate levels of delegations for the operations at courts.
		Case-flow Management project that seeks to develop a culture of managing cases through the system needs to be promoted and established at court level. This will include information and performance management, as well as the development and implementation of a home-grown system to achieve early intervention and to ensure the disposition of cases in the shortest possible time-frame.	Case-flow management guidelines developed. Case-flow management (e-Scheduler currently under development).
Ireland	Master's Office Project.	To support the Department of Justice and Constitutional Development in its efforts to re-engineer all of the business processes in the Masters' Offices and in a selection of Magistrates' Courts to ensure access to Justice for the disadvantaged.	This project was used to fund the IADE (Integrated Administration of Deceased Estates). This was as a direct result of the <i>Moseneki</i> Judgement, which decided that the Master's Office should not only deal with the standard estates, but also take into account customary marriages. During this reporting period Phase I, which was a process analysis, was performed and signed off by the Masters Branch. Phase II (design and development of a solution) will kick off in the 2005-2006 financial year.
Danish Government	Training of court interpreters.	The situation in South Africa with regard to court interpreters has long been invidious. Court interpreters did not have access to a formal qualification and hence it is impossible for them to work towards proper career-pathing and commensurate remuneration and professional recognition. The Diploma in Legal Interpreting is presented at various academic institutions and it is incumbent on the Justice College to look to and provide practical/functional training for court interpreters.	The programme was finalised at the end of February 2005. The programme was very successful and had a far-reaching impact. Nine tutors presented practical in-service training in the respective provinces. A total of 878 interpreters countrywide have been observed, trained, supported, coached and advised by the tutors. Amongst this number are 322 females interpreters who received training in this previously male-dominated profession. The Royal Danish Embassy has been approached and requested to fund a similar project in future to commence during the second half of 2005.
	Training on the contents of the Domestic Violence Act.	To promote the effective implementation of the Domestic Violence Act through the facilitation of an effective training programme for magistrates, prosecutors and clerks.	Some training was done during 2003, but the focus on the training for the Domestic Violence Act is 2005. All provinces will be visited and all occupational groups will receive thorough training on this subject. The project was extended to the end of June 2005, but due to demand, an extension was requested till the end of July 2005. In principle there was no problem to extend the project.
	Training of Maintenance Officers on the contents of the Maintenance Act.	This Unit was established to train all occupational groups in the Department, dealing with maintenance matters on a daily basis, in order to enhance efficiency; develop the skills, expand the knowledge and change the attitudes of those working within the context of the South African Maintenance System; and promote a culture of service delivery.	Training on this project commenced in April 2003 and was concluded in December 2004. 598 officers were trained during this period. Training was done on a decentralised basis, which had the effect that training was done throughout the country. All occupational groups (magistrates, prosecutors, clerks and maintenance investigators) received training.

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PART 4 A: MANAGEMENT REPORT AND APPROVAL

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Donor	Project	Short Description	Analysis of factors contributing to effective / ineffective utilisation thereof
Government of Sweden – SIDA	<p>Capacity-building in the field of Children and Justice – Budget Outreach Programme</p> <p>Budget Implementation of Legislation pertaining to Children</p> <p>Budget Preliminary Inquiry</p> <p>Budget One-Stop Service Centres</p>	<p>The purpose of this programme is to provide assistance to the Department with the improvement of the Criminal Justice System in relation to children's issues, and to develop adequate responses to young offenders with a view to ensuring that the best interests of the child are protected.</p>	<p>Budget One-Stop Child Justice Centres: R2 million received for the implementation of the Child Justice Bill over a period of 3 years.</p>
Netherlands Government	Sectoral Budget Support	<p>The long-term objective of the programme is to contribute to the democratic development of South African society, as well as towards poverty alleviation within the marginalised groups of our society.</p>	<p>Both the Dutch and EU funded the following projects during this reporting period:</p> <p>DNS Project : Deployment of basic ICT infrastructure (e-mail, internet access to selected users, word processing facilities, access to the Jura Law Libraries to selected users) to 370 of the 705 sites of the DoJ&CD. Approximately 10,000 users can now communicate electronically and make use of word processing facilities instead of typewriters. The roll-out of this basic ICT infrastructure to these offices also enables us to now deploy solutions to these sites.</p> <p>The e-Scheduler module of the CPS was customised to allow for a more rapid deployment of the solution. This solution was deployed at 46 courts during the reporting period.</p> <p>FAS Project: The take-on data from the manual cards to the automated solution for 20 sites have been embarked upon for both the Guardian's Fund solution and the JDAS solution. The verification of the take-on data of the Johannesburg, Durban, Pretoria and Durban Magistrates' Courts was also undertaken and the project is almost complete. The Guardian's Fund solution was also deployed to all the Masters' Offices during this reporting period.</p> <p>CPP Project: The final amendments to the CPS (Court Process Solution) was incorporated and the necessary hardware required was procured during this period.</p>

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Donor	Project	Short Description	Analysis of factors contributing to effective / ineffective utilisation thereof
<p>Commission of European Community</p>	<p>Sectoral Budget Support</p>	<p>The long-term objective of the programme is to contribute to the democratic development of South African society, as well as towards poverty alleviation within the marginalised groups of our society.</p>	<p>Both the Dutch and EU funded the following projects during this reporting period:</p> <p>DNS Project : Deployment of basic ICT infrastructure (e-mail, internet access to selected users, word processing facilities, access to the Juta Law Libraries to selected users) to 370 of the 705 sites of the DoJ&CD. Approximately 10,000 users can now communicate electronically and make use of word processing facilities instead of typewriters. The roll-out of this basic ICT infrastructure to these offices also enables us to now deploy solutions to these sites. The e-Scheduler module of the CPS was customised to allow for a more rapid deployment of the solution. This solution was deployed at 46 courts during the reporting period.</p> <p>FAS Project: The take-on data from the manual cards to the automated solution for 20 sites have been embarked upon for both the Guardian's Fund solution and the JDAS solution. The verification of the take-on data of the Johannesburg, Durban, Pretoria and Durban Magistrates' Courts was also undertaken and the project is almost complete. The Guardian's Fund solution was also deployed to all the Masters' Offices during this reporting period.</p> <p>CPP Project: The final amendments to the CPS (Court Process Solution) was incorporated and the necessary hardware required was procured during this period.</p> <p>HR Initiatives: The Management & Leadership Development Programme (MLDP) was embarked upon for all Deputy Directors and Senior Managers countrywide. The Employee Assistance Programme (EAP), where HR sourced the services to perform an assessment of the Psycho-Social needs of employees countrywide, was introduced. Another initiative was to provide specialised IT equipment to staff members with disabilities and a service provider was sourced to perform an assessment of the ICT needs of disabled persons and their different disabilities. Change Readiness Assessments were conducted in 3 provinces and the other remaining 6 provinces will be dealt with within the 2005-2006 financial year. The HR Leave On-line Solution and HR Service Benefits Solution was designed and developed and piloted during the reporting period.</p> <p>Gender Initiatives: The business process models for the Family Courts were completed during this financial year. Phase II of this project (design and development of a solution) is to kick off during the 2005-2006 financial year. Laptops (with Internet and e-mail access) for all female judges were procured during this financial year, to enable them to work from home instead of spending long hours at work.</p>

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Donor	Project	Short Description	Analysis of factors contributing to effective / ineffective utilisation thereof
British High Commission	Development of a training programme for magistrates in South Africa on international human rights standards and principles.	While judges at the level of Constitutional Court and the High Court have received a considerable amount of training on the importance of applying international human rights standards in their adjudication, this has not yet been systematically extended to the Magistracy. This is a serious gap since most South Africans experience law at work in the Magistrates' Courts. This project seeks to begin remedying this weakness in the South African judicial system.	The project was funded by the Global Opportunities Fund: Rule of Law Projects, through the British High Commission. The project commenced on 1 June 2004 and ended in March 2005. Two-day pilot training course was conducted on 16 and 17 March 2005. Participants included Chief Magistrates, Regional Court Presidents, Regional Magistrates and District Magistrates. Dynamic discussion took place in all the sessions and valuable input was obtained from the delegates with regard to the draft manual. Application will be made to utilise the unspent funding for the completion of the Manual and the printing of 2,000 copies of the manual, so that a copy can be supplied to each magistrate presently in service and new magistrates who are appointed over the next year or two (presently approximately 1,820 magistrates are in the services of the Department).
Government of the Republic of France	Assistance for restructuring the Judiciary.	The South African Government has given priority to reforming and restructuring the Judiciary. This measure stems from the need to establish equal access to Justice at all levels and to promote a Judiciary broadly representative of South African society. The project consists of three components, namely: <ul style="list-style-type: none"> • Support for human resource management • Support for the development of community resources: Contribution to Magistrates' Courts in rural areas and low density zones • Development of legal aid and disadvantaged jurisdictions. 	The aim of this donation was <i>inter alia</i> to provide a number of legal textbooks to disadvantaged rural Magistrates' Offices and to arrange a series of judicial conferences on important aspects of the South African Criminal Procedure as part of the ongoing training initiatives of the Justice College. 15 important legal textbooks, that are frequently used and needed by court officials, have been purchased and these sets of books have been distributed to 210 Magistrates' Offices countrywide.
Finland	Court Management Development.	To support and enhance the Independence of the Judiciary by Court Management Development through Skills Programmes, short courses and Learnerships.	56 Court Managers at Cluster level and Registrars received Court Managers training offered by the National Centre of State Courts of the USA.

5. Trading entities / Public entities

The following Public Entities are part of this budget vote:

a. Legal Aid Board (Schedule 3 – National Public Entity) - Established under the Legal Aid Board Act, No 22 of 1969.

The Legal Aid Board (LAB) provides legal representation to the indigent. It carries out government's obligation to ensure that the constitutional rights of accused persons in criminal cases are secured. The method of delivery of legal aid services has proved to be unacceptably expensive and cumbersome to administer. For this reason, the briefing of legal professionals has been scaled down and replaced with the delivery of services by salaried employees in legal aid clinics, advice offices and public defender offices. With effect from 31 May 2001 there has no longer been a filter mechanism between Lower Courts and the High Courts in respect of criminal appeals. Every accused person convicted in a Magistrate's Court has an automatic right of appeal to the High Court. It is estimated that in excess of 100,000 people qualify for legal aid for a criminal appeal per year. The Legal Aid Board renders legal aid in terms of the Constitution.

The Chairperson of the Legal Aid Board is Judge D Mlambo and the Accounting Officer (CEO) is Ms V Vedalankar.

b. Special Investigating Unit - Established under the Special Investigating Units and Special Tribunals Act, No 74 of 1996.

The Unit investigates cases of corruption, fraud and maladministration that have been referred to it by the President. Upon completion of an investigation, the Unit can institute civil action in the Special Tribunal in order to recover, protect or save state assets and state monies that have been, or could be, misappropriated or misused.

The Unit works closely with all other bodies, both national and provincial, such as the South African Police Service, the Public Protector, the Investigating Directorate: Serious Economic Offences, the National Prosecuting Authority, the Office of the Auditor-General, the Public Service Commission, the National Intelligence Agency, South African Revenue Service and the Independent Complaints Directorate. In addition to this the Unit also has close links with NGOs and international organisations, while also providing information and assistance to international law enforcement agencies.



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for the year ended 31 March 2005

Mr. Willie Hofmeyr is the Accounting Officer and the Head of the Unit.

The Department effects transfer payments to these Public Entities, which maintain their own financial records. They are responsible for their own annual report (including audited annual financial statements), which must be submitted to the Executive Authority for tabling in the National Assembly.

6. Other organisations to whom transfer payments have been made

a. Commission on Gender Equality (Constitutional Institution)

- The Commission promotes gender equality.

b. Public Protector (Constitutional Institution)

- The Public Protector promotes investigations to expose, counteract or rectify maladministration, abuse of power, improper prejudice occasioned by administrative decisions and improper use of, or corruption, in respect of state funds.

c. South African Human Rights Commission (Constitutional Institution)

- The Commission promotes compliance with the Bill of Rights.

d. President's Fund

- The fund gives effect to the reparations policy flowing from the work of the Truth and Reconciliation Committee. This Fund is not listed in the PFMA schedules, as it is temporary in nature.

e. Represented Political Parties' Fund (Independent Electoral Commission)

- The Fund makes provision for the funding of political parties participating in Parliament and provincial legislatures; to provide for the management of that Fund by the Electoral Commission and for accountability regarding that Fund; to regulate the allocation of moneys from that Fund and the purpose for which allocated moneys may be used by political parties; and to provide for incidental matters.

The above institutions report on their financial results independently from the Department of Justice and Constitutional Development.

7. Public/Private Partnership (PPP) - Management of Monies in Trust (MMT) (Bail, Maintenance, Court Fines, Payments into Court, Estates and Guardian's Fund)

The PPP project is at the stage of issuing non-obligatory tenders for the finalisation of pricing attached to established options. The conclusion of this phase will enable an assessment of affordability before the decision to implement the PPP is taken. The essence of the recommended option sees the appointment of receiving agents (conven-

tional banks, retail stores, ATMs, etc.) to collect money on behalf of beneficiaries. These monies are proposed to be directed to payment agents (again banks, stores, etc.) who pay the money to the beneficiaries. A free-of-bank-charges option is to be available to beneficiaries, as is the option to use own banking arrangements at own cost. Thus beneficiaries elect whether or not they want own services at own cost or arranged free services. Queries from the public are proposed to be dealt with by a national call centre that is to be informed by a database. The database is informed by information transferred by all courts, as well as by all receiving and payment agents. In terms of the proposed solution, the call centre and database functionality is to be transferred back to the Department over time.

The implementation of this project does not project job losses, but does project a refocus of available capacity to meet judicial administrative needs in respect of maintenance investigation and the vacuum caused by the *Van Rooyen* - judgement discussed above.

Financial statements will be issued for all monies held in trust at court level (Bail, Maintenance, Court Fines, Payments into Courts and Estates). The Guardian's Fund is also reported upon separately.

The latest strategic framework prepared and approved by the Department details the management of Monies in Trust as a strategic priority. With this reconfirmation of the importance of this matter, it is now expected that the MMT PPP will be expedited towards finalising PPP stage TAIL.

8. Corporate governance arrangements

Fraud Policies

The Department maintains an integrated anti-corruption and fraud prevention plan based on a fraud risk assessment. Every Branch in the Department individually and collectively plays a role in identifying, evaluating and mitigating the risks of fraud. The Department also maintains systems and processes to deal with matters of fraud and corruption and continues to take a zero tolerance approach on these matters. The management of Monies in Trust PPP has the potential of significantly enhancing the capacity of the Department to deal with fraud through the replacement of old, weak systems with modern banking technology.

The Department's anti-fraud and corruption plan is integrated with governance, management policies and procedures, as well as other measures designed to mitigate fraud. The establishment of a forensic investigating capacity has been initiated.

Internal Audit and Audit Committee

The Department's Internal Audit Chief Directorate operates in accordance with the PFMA and the applicable Treasury Regulations. The

PART 4 A: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

Internal Audit Chief Directorate conducts the Unit's business in accordance with the standards of professional practice pronounced by the Institute of Internal Auditors.

Internal Audit focuses mainly on providing assurances and advice to the Department on matters pertaining to governance, risk management and control processes. The internal auditors report to the Audit Committee on a quarterly basis. The Audit Committee comprises members drawn from outside the Public Service. They place reliance on the work done by internal audit. The Audit Committee meets regularly and has unrestricted access to both information and personnel within the Department.

Risk Management Strategy

The Department has on a continuous basis conducted risk assessments to identify, evaluate, prioritise and develop measures to mitigate risks. Business processes, systems and technology, together with human resources, are evaluated and measures are implemented to ensure that priority risk areas are addressed.

Other Committees

The Department has the following Committees:

- A Justice Advisory Board
- An Executive Management Committee
- A Budget Review Committee

9. Events after the reporting date

No events have taken place between the date of the financial year-end and the date of the approval of the report, which could materially affect the state of the financial affairs of the Department.

10. New/Proposed activities

Court Services Branch:

Victim Support Service: The Service Charter for Victims of Crime was approved by Cabinet in November 2004. The Unit is required to implement the provisions of the Charter at all courts. The Charter will improve service delivery and the attitude of court personnel towards the public. The Department is in the process of determining the financial implications of the related activities, namely the installation of Toll-Free lines at Cluster areas and the training of staff on the Charter, Customer Service, Alternative Dispute Resolution Techniques and Basic Counselling Skills.

Masters' Offices Branch

The implementation of the Mental Health Care Act (Act No. 17 of 2002), which became operational on 15 December 2004, will introduce additional responsibilities upon Masters' Offices. The Department is in the process of determining the impact on operations, as well as the financial implications to enable successful implementation of this new activity.

11. Progress with financial management improvements

- Financial management capacity was enhanced through the enrollment of a further 25 staff members for post graduate finance degrees, as well as 55 staff members for post graduate diplomas. At court level some 3,500 people were presented with one-week training modules that were supported by in-house video training footage in the Afrikaans, English, Xhosa and Zulu languages. Our thanks to Christo Fourie and his team for the development of a wide range of training aids.
- Budget management continued to be hampered by long-standing critical vacancies. Our thanks to Nico van Harmelen who undertook the duties of Court Services budget coach in addition to his regional finance management duties, and consequently was forced to spend a significant amount of time away from home. The Justice Footprint budget right-sizing initiative is to receive priority attention in the current year and Mams Nyubuse has been appointed as an Acting Chief Director to specifically progress this matter. This means that budgets at court level which, in a large number of instances, are unrealistic, will be addressed, thereby ensuring that budgetary control is exercised. Monthly Management Accounts were produced timely each month and Hanika Oosthuizen mentored Tozama Maphanga to take over this function. Hanika has moved to head the production of monthly management budget reports. The Office of the CFO believes that after the appointment of a budget coach to Court Services, the functionality of budget administration will have been significantly improved.
- The responsibility for legislative costing has been transferred to the Office of the CFO under the direction of Gordon Hollamby.
- No financial information has ever been generated on the nature or extent of financial transactions concluded in respect of the management of Monies in Trust. Through the dedication and commitment of Finance Operations Managers, together with the support of Regional Financial Directors and their Deputies, as well as the coordination of staff under Karin Visagie in the Transaction Process Monitoring Unit (TPMU), the Office of the CFO has scanned with the help of finance staff at court level all books of primary entry relating to the management of monies held in trust.
- The Office of the CFO established an initiative that is progressing well towards the accreditation of all finance training by the relevant SETAs. In this respect our thanks go to Paul Mtshali and Nosisi Olivia Mgodlwa for their pioneering work.

12. Performance information

The Department has prioritised the need to devote dedicated capacity to this end and will develop a competency in this respect under the leadership of the newly appointed Chief Operations Officer (COO), Dr Khotso De Wee.



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13. National Prosecuting Authority (NPA – Programme 4) - Separate responsibility

The NPA assumed separate responsibility with effect from 1 April 2001 for all support services previously rendered by the Department. The NPA has since this date been responsible for their own accounting systems and therefore separate financial statements have, as was the case last year, been prepared for the NPA as a whole. These financial statements are incorporated into the Department's consolidated financial statements by agreement with the National Treasury, the Office of the Auditor-General and the Department.

14. Progress with previously reported matters and Standing Committee on Public Accounts (SCOPA) Resolutions

The Department has reacted favourably to SCOPA resolutions. However, corrective action to resolve the issues may take longer than one year. For more detail refer to Annexure A.

The Annual Financial Statements set out on pages 15 to 49 have been approved by the Accounting Officer.

Dr K De Wee
Chief Operations Officer
Department of Justice and Constitutional Development
31/05/2005

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Reference to previous Audit Report and Scopa resolutions	Subject/Details of audit finding	Progress report
Audit Report: Par. 4.1 Scopa resolution – First report, 2002	Fixed Assets	<ul style="list-style-type: none"> • Asset and Inventory registers are in the process of being updated • Assets are uniquely marked using anodised aluminium barcode tags • The Department is in the process of rolling out the Justice Yellow Pages and Justice Asset Management System to all its 751 offices nationally and it is envisaged that this process will be completed by December 2005.
Audit Report: Par. 4.2 Scopa resolution – First report, 2002	Suspense Accounts – Age analysis and Service Level Agreements (Agency Services)	<p>Age analysis: All amounts in suspense and disallowance accounts are followed up on a daily basis and monthly reconciliations are being performed as envisaged per the PFMA and National Treasury Regulations. The clearance process is however, hampered by the fact that client-departments (Agency Services) do not reimburse this department within the prescribed period.</p> <p>Service Level Agreements (SLA): Although a draft SLA had been developed and referred to client-departments for inputs, no such agreements have been finalised. The Office of the Accountant-General has issued a draft Practice Note on Inter-entity transactions which have been adopted for use in the Department for these various payments made on behalf of other departments. Agency services include the following:</p> <p>Department of Public Works – Unplanned and urgent repairs and maintenance The Department of Public Works has offered the Department an amount of R6 million, should the Department agree, to take over/take back the function of day-to-day maintenance. The Department is in the process of formalising these negotiations, including the transfer of funds during the Adjustments Estimate.</p> <p>Payments on behalf of the Department of Social Development: These services are rendered in Gauteng, Western Cape, Free State and Mpumalanga. Negotiations are still under way to transfer agency service back to the Department of Social Development/terminate agency services.</p> <p>Payments on behalf of the Department of Health in terms of the Mental Health Care Act, Act No. 17 of 2002: An agreement has been reached with the Department of Health that the agency service will terminate upon the establishment of this health facilities as envisaged by the mentioned Act. Timelines are awaited from the Department of Health.</p> <p>State Attorney – Legal Services to all departments These services are rendered by the State Attorney's Offices. Investigations are under way to determine a feasible solution to account for these transactions via an integrated debtors system.</p>
Audit Report: Par. 4.3 Scopa resolution – First report, 2002	Disclosure Notes to the Annual Financial Statements <ul style="list-style-type: none"> • Leave entitlement: • Contingent Liabilities – Housing Guarantees 	<p>Leave entitlement The pilot project on leave automation has been finalised and roll-out of this solution is scheduled for the 2005/06 financial year, after the Department's Virtual Private Network (VPN) migration from SITA to Telkom.</p> <p>Housing Guarantees: The Office of the CFO has requested Financial Institutions to confirm the financial guarantees recorded on ERSAL. Confirmations are awaited.</p>
Audit Report: Par. 4.4 Scopa resolution – First report, 2002	Financial management <ul style="list-style-type: none"> • Invoices not paid within 30 days • Documentation not submitted for audit purposes 	Managers have again been reminded to comply to control measures implemented during previous financial years.
Audit Report: Par. 4.5 Scopa resolution – First report, 2002	Donor funding <ul style="list-style-type: none"> • Project management shortcomings – e-Justice Programme 	The reported weaknesses have been addressed.



PART 4 A: REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS OF (VOTE 24) - DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

for the year ended 31 March 2005

1. AUDIT ASSIGNMENT

The financial statements as set out on pages 95 to 129, for the year ended 31 March 2005, have been audited in terms of section 188 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), read with sections 4 and 20 of the Public Audit Act, 2004 (Act No. 25 of 2004). These financial statements, the maintenance of effective control measures and compliance with relevant laws and regulations are the responsibility of the accounting officer. My responsibility is to express an opinion on these financial statements, based on the audit.

2. NATURE AND SCOPE

The audit was conducted in accordance with Statements of South African Auditing Standards. Those standards require that I plan and perform the audit to obtain reasonable assurance that the financial statements are free of material misstatement.

An audit includes:

- examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements,
- assessing the accounting principles used and significant estimates made by management, and
- evaluating the overall financial statement presentation.

Furthermore, an audit includes an examination, on a test basis, of evidence supporting compliance in all material respects with the relevant laws and regulations which came to my attention and are applicable to financial matters.

The audit was completed in accordance with Auditor-General Directive No. 1 of 2005.

I believe that the audit provides a reasonable basis for my opinion.

3. AUDIT OPINION

In my opinion, the financial statements fairly present, in all material respects, the financial position of the Department of Justice and Constitutional Development at 31 March 2005 and the results of its operations and cash flows for the year then ended, in accordance with prescribed accounting practice and in the manner required by the Public Finance Management Act, 1999 (Act No. 1 of 1999).

4. EMPHASIS OF MATTER

Without qualifying the audit opinion expressed above, attention is drawn to the following matters:

4.1 Fixed assets

The asset management policies and procedures were not effectively implemented by the department. The following shortcomings were identified:

- The department did not have complete asset and inventory registers which existed throughout the year and the first draft asset register was only completed on 31 March 2005. There-

fore the department was unable to track and update details of disposals, transfers, purchases, damaged assets and obsolete items during the whole year.

- Asset counts are not always performed regularly.
- Assets are not always uniquely marked, resulting in an inability to identify specific assets for verification purposes.

4.2 Suspense accounts

In the past, the department experienced difficulty in recovering long-outstanding balances. As reflected in note 13 to the financial statements, transactions totalling R117,500 million are long outstanding and have been uncleared for more than a year, resulting in non-compliance with Treasury Regulation 17.1. Included in this balance is an amount of R102,396 million which relates to agency services. The department has not entered into service level agreements with the client departments to ensure that all obligations and responsibilities relating to cost implications, repayment period and limitations on the extent of the services are confirmed prior to the service being rendered. As the department had to effect payments on behalf of client department for which it received no budget, this has negatively impacted on the cash flow of the entity, with the result that the department's bank balance has been in overdraft for more than three years.

4.3 Contingent liabilities - Monies in Trust

As disclosed in note 21 to the financial statements, the department is exposed to a contingent liability of R44 million in respect of Monies in Trust. Due to the lack of an effective and efficient financial management system over Monies in Trust, the department could not substantiate the basis for calculating this amount.

4.4 Human Resource Management

A lack of effective communication, as well as monitoring and reconciliation of documentation between the Human Resource, Registry and Payroll Sections of the department has resulted in the following deficiencies:

- Inadequate and incomplete documentation in personnel files
- Approval of temporary staff appointments after commencement of duties
- Pay sheets not always approved timeously by properly delegated officials
- Data on PERSAL not always updated

4.5 Inability to confirm compliance with Treasury Regulation 8.2.3

Treasury Regulation 8.2.3 requires payments to service providers to be made within 30 days of receipt of invoice. The department has no control in place to record the date of receipt of invoices, with the result that the department's compliance with this requirement could not be verified.

Annual Financial Statements 2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS OF (VOTE 24) - DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT for the year ended 31 March 2005

5. APPRECIATION

The assistance rendered by the staff of the Department of Justice and Constitutional Development during the audit is sincerely appreciated.

S. A. Fake

Auditor-General

Pretoria

Date: 31/07/2005



A U D I T O R - G E N E R A L



PART 4 A: ACCOUNTING POLICIES

for the year ended 31 March 2005

The Annual Financial Statements have been prepared in accordance with the following policies, which have been applied consistently in all material aspects, unless otherwise indicated. However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the Annual Financial Statements and to comply with the statutory requirements of the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999), the Treasury Regulations for Departments and Constitutional Institutions issued in terms of the Act. The following issued, but not yet effective Standards of Generally Recognised Accounting Practice have not been fully complied with in the Annual Financial Statements: GRAP 1, 2 and 3.

1. Basis of preparation

The Annual Financial Statements have been prepared on a modified cash basis of accounting, except where stated otherwise. The modified cash basis constitutes the cash basis of accounting supplemented with additional disclosure items. Under the cash basis of accounting transactions and other events are recognised when cash is received or paid. Under the accrual basis of accounting transactions and other events are recognised when incurred and not when cash is received or paid.

2. Revenue

Appropriated funds

Voted funds are the amounts appropriated to a department in accordance with the final budget known as the Adjusted Estimates of National/Provincial Expenditure. Unexpended voted funds are surrendered to the National/Provincial Revenue Fund, unless otherwise stated.

Departmental revenue

Sale of goods and services other than capital assets

This comprises the proceeds from the sale of goods and/or services produced by the entity. Revenue is recognised in the statement of financial performance on receipt of the funds.

Fines, penalties and forfeits

Fines, penalties and forfeits are compulsory receipts imposed by court or quasi-judicial body. Revenue is recognised in the statement of financial performance on receipt of the funds.

Interest, dividends and rent on land

Interest and dividends received are recognised upon receipt of the funds, and no provision is made for interest or dividends receivable from the last receipt date to the end of the reporting period. They are recognised as revenue in the Statement of Financial Performance of the department and then transferred to the National/Provincial Revenue Fund.

Sale of capital assets

The proceeds from the sale of capital assets is recognised as revenue in the statement of financial performance on receipt of the funds.

Financial transactions in assets and liabilities

Repayments of loans and advances previously extended to employees and public corporations for policy purposes are recognised as revenue in the statement of financial performance on receipt of the funds.

Cheques issued in previous accounting periods that expire before being banked are recognised as revenue in the statement of financial performance when the cheque becomes stale. When the cheque is reissued the payment is made from Revenue.

Local and foreign aid assistance

Local and foreign aid assistance is recognised in the statement of financial performance on receipt of funds. Where amounts are expensed before funds are received, a receivable is raised. Where amounts have been inappropriately expensed using Local and Foreign aid assistance, a payable is raised. In the situation where the department is allowed to retain surplus funds, these funds are shown as a reserve.

3. Expenditure

Compensation of employees

Salaries and wages comprise payments to employees. Salaries and wages are recognised as an expense in the statement of financial performance when the payment is made. The expenditure is classified as capital where the employees were involved, on a full time basis, on capital projects during the financial year. All other payments are classified as current expense.

Social contributions include the entities' contribution to social insurance schemes paid on behalf of the employee. Social contributions are recognised as an expense in the Statement of Financial Performance when the payment is made.

Short-term employee benefits

The cost of short-term employee benefits is expensed in the Statement of Financial Performance in the reporting period when the payment is made. Short-term employee benefits, that give rise to a present legal or constructive obligation are disclosed as a disclosure note to the Annual Financial Statements and are not recognised in the Statement of Financial Performance.

Long-term employee benefits and other post employment benefits

Termination benefits

Termination benefits are recognised and expensed only when the payment is made.

Medical benefits

The department provides medical benefits for its employees through defined benefit plans. Employer contributions to the fund are incurred when money is paid to the fund. No provision is made for medical benefits in the Annual Financial Statements of the department.

PART 4 A: ACCOUNTING POLICIES

for the year ended 31 March 2005

Post employment retirement benefits

The department provides retirement benefits for certain of its employees through a defined benefit plan for government employees. These benefits are funded by both employer and employee contributions. Employer contributions to the fund are expensed when money is paid to the fund. No provision is made for retirement benefits in the Annual Financial Statements of the department. Any potential liabilities are disclosed in the Annual Financial Statements of the National/Provincial Revenue Fund and not in the Annual Financial Statements of the employer department.

Other employee benefits

Obligations arising from leave entitlement, thirteenth cheque and performance bonus that are reflected in the disclosure notes have not been paid for at year-end.

Goods and services

Payments made for goods and/or services are recognised as an expense in the Statement of Financial Performance when the payment is made. The expense is classified as capital if the goods and services was used on a capital project.

Interest and rent on land

Interest and rental payments resulting from the use of land, are recognised as an expense in the Statement of Financial Performance when the payment is made. This item excludes rental on the use of buildings or other fixed structures.

Financial transactions in assets and liabilities

Financial transactions in assets and liabilities include bad debts written off. Debts are written off when identified as irrecoverable. Debts written-off are limited to the amount of savings and/or underspending available to the department. The write off occurs at year-end or when funds are available. No provision is made for irrecoverable amounts.

Unauthorised expenditure

Unauthorised expenditure is defined as:

- The overspending of a vote or a main division within a vote, or
- Expenditure that was not made in accordance with the purpose of a vote or, in the case of a main division, not in accordance with the purpose of the main division.

Such expenditure is treated as a current asset in the Statement of Financial Position until such expenditure is approved by the relevant authority, recovered or written off as irrecoverable.

Irregular expenditure

Irregular expenditure is defined as:

expenditure, other than unauthorised expenditure, incurred in contravention or not in accordance with a requirement of any applicable legislation, including:

- the Public Finance Management Act
- the State Tender Board Act, or any regulations made in terms of this act, or
- any provincial legislation providing for procurement procedures in that provincial government.

It is treated as expenditure in the Statement of Financial Performance. If such expenditure is not condoned and it is possibly recoverable it is disclosed as receivable in the Statement of Financial Position at year-end.

Fruitless and wasteful expenditure

Fruitless and wasteful expenditure, is defined as: expenditure that was made in vain and would have been avoided had reasonable care been exercised, therefore

- * it must be recovered from a responsible official (a debtor account should be raised), or
- the vote. (If responsibility cannot be determined.)

Such expenditure is treated as a current asset in the Statement of Financial Position until such expenditure is recovered from the responsible official or written off as irrecoverable.

4. Transfers and subsidies

Transfers and subsidies include all irrecoverable payments made by the entity. Transfers and subsidies are recognised as an expense when the payment is made.

5. Expenditure for capital assets

Capital assets are assets that can be used repeatedly and continuously in production for more than one year. Payments made for capital assets are recognised as an expense in the Statement of Financial Performance when the payment is made. Assets less than R5000 are considered current expenditure under goods and service.

6. Receivables

Receivables are not normally recognised under the modified cash basis of accounting. However, receivables included in the Statement of Financial Position arise from cash payments that are recoverable from another party, when the payments are made.

Receivables for services delivered are not recognised in the Statement of Financial Position as a current asset or as income in the Statement of Financial Performance, as the Annual Financial Statements are prepared on a modified cash basis of accounting, but are disclosed separately as part



PART 4 A: ACCOUNTING POLICIES

for the year ended 31 March 2005

of the disclosure notes to enhance the usefulness of the Annual Financial Statements.

8. Cash and cash equivalents

Cash and cash equivalents consists of cash on hand and balances with banks, short term investments in money market instruments and demand deposits. Cash equivalents are short term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

9. Payables

Payables are not normally recognised under the modified cash basis of accounting. However, payables included in the Statement of Financial Position arise from advances received that are due to the Provincial/National Revenue Fund or another party.

10. Lease commitments

Lease commitments for the period remaining from the reporting date until the end of the lease contract are disclosed as part of the disclosure notes to the Annual Financial Statements. These commitments are not recognised in the Statement of Financial Position as a liability or as expenditure in the Statement of Financial Performance as the Annual Financial Statements are prepared on the cash basis of accounting.

Operating lease expenditure is expensed when the payment is made.

Finance lease expenditure is expensed when the payment is made, but results in the acquisition of the asset under the lease agreement. A finance lease is not allowed in terms of the Public Finance Management Act.

11. Accruals

This amount represents goods/services that have been received, but no invoice has been received from the supplier at the reporting date, OR an invoice has been received but remains unpaid at the reporting date. These amounts are not recognised in the Statement of Financial Position as a liability or as expenditure in the Statement of Financial Performance as the Annual Financial Statements are prepared on a modified cash basis of accounting, but are however disclosed as part of the disclosure notes.

12. Contingent liability

This is a possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the department; or

a present obligation that arises from past events but is not recognised because:

- it is not probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; or

- the amount of the obligation cannot be measured with sufficient reliability

Contingent liabilities are not recognised in the Statement of Financial position, but the information is disclosed as part of the disclosure notes.

13. Commitments

This amount represents goods/services that have been approved and/or contracted, but no delivery has taken place at the reporting date. These amounts are not recognised in the Statement of financial position as a liability or as expenditure in the Statement of Financial Performance as the Annual Financial Statements are prepared on a modified cash basis of accounting, but are however disclosed as part of the disclosure notes.

14. Capitalisation reserve

The capitalisation reserve represents an amount equal to the value of the investment and/or loans capitalised. On disposal, repayment or recovery, such amounts are transferred to the Revenue Fund.

15. Recoverable revenue

Recoverable revenue represents payments made and recognised in the Statement of Financial Performance as an expense in previous years due to non-performance in accordance with an agreement, which have now become recoverable from a debtor. Repayments are transferred to the Revenue Fund as and when the repayment is received.

16. Comparative figures

Where necessary, comparative figures have been restated to conform to the changes in the presentation in the current year. The comparative figures shown in these Annual Financial Statements are limited to the figures shown in the previous year's audited Annual Financial Statements and such other comparative figures that the department may reasonably have available for reporting. Reclassification of expenditure has occurred due to the implementation of the Standard Chart of Accounts. It is not practical to present comparative amounts in the Cash Flow Statements as this would involve reclassification of amounts dating back to the 2002/03 year-end.



Annual Financial Statements

2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: APPROPRIATION STATEMENT

for the year ended 31 March 2005

APPROPRIATION PER PROGRAMME

	2004/05						2003/04		
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Expenditure R'000	Variance R'000	Expenditure as % of final appropriation %	Final Appropriation R'000	Actual Expenditure R'000
1. Administration									
Current payment	543,626	(10,287)	(4,666)	528,673	528,672	1	100.0%	515,342	515,342
Transfers and subsidies	3,112	869	(2,515)	1,466	1,466	-	100.0%	4,591	4,591
Expenditure for capital assets	27,329	991	20,961	49,281	49,281	-	100.0%	27,561	27,561
2. Court Services									
Current payment	2,010,686	(4)	(58,001)	1,952,681	1,952,513	168	100.0%	1,758,558	1,758,558
Transfers and subsidies	4,466	4	8,662	13,132	13,132	-	100.0%	15,191	15,191
Expenditure for capital assets	348,419	-	(23,068)	325,351	308,571	16,780	94.8%	287,275	282,477
3. State Legal Services									
Current payment	211,804	8,172	(183)	219,793	219,793	-	100.0%	207,788	207,788
Transfers and subsidies	492	255	182	929	929	-	100.0%	1,011	1,011
Expenditure for capital assets	4,314	-	(2,352)	1,962	1,962	-	100.0%	1,918	1,918
4. Auxiliary and Associated Services									
Current payment	112,684	-	(11,700)	100,984	100,984	-	100.0%	105,127	105,127
Transfers and subsidies	606,577	-	4	606,581	606,580	1	100.0%	553,697	553,696
Expenditure for capital assets	34,349	-	16,976	51,325	51,325	-	100.0%	31,233	31,233
Subtotal	3,907,858	-	(55,700)	3,852,158	3,835,208	16,950	99.6%	3,509,292	3,504,493
Statutory Appropriation									
Current payments	177,083			177,083	242,093	(65,010)	136.7%	166,278	195,327
Total	4,084,941	-	(55,700)	4,029,241	4,077,301	(48,060)	101.2%	3,675,570	3,699,820
Reconciliation with Statement of Financial Performance									
Prior year unauthorised expenditure approved with funding				-				-	
Departmental receipts				175,728				190,646	
Local and foreign aid assistance				160,672				6,976	
Actual amounts per Statement of Financial Performance (Total Revenue)				4,365,641				3,873,192	
Investments acquired and capitalised during the financial year, but expensed for appropriation purposes									
Other payments in Appropriation Statement, not accounted for in the Statement of Financial Performance									
Local and foreign aid assistance					140,095				71,593
Prior year unauthorised expenditure approved									
Prior year fruitless and wasteful expenditure condoned									
Actual amounts per Statement of Financial Performance Expenditure					4,217,396				3,771,413

Annual Financial Statements

2004/05 FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: APPROPRIATION STATEMENT

for the year ended 31 March 2005

APPROPRIATION PER ECONOMIC CLASSIFICATION

	2004/05						2003/04		
	Original Budget	Adjustments Estimates R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
Current payments									
Compensation to employees	1,871,314	77,645	(38,598)	1,910,361	1,910,361	-	100.0%	1,718,030	1,718,030
Goods and services	1,009,486	(81,764)	(128,456)	799,266	799,266	-	100.0%	730,657	730,657
Financial transactions in assets and liabilities	-	-	92,502	92,502	92,333	169	99.8%	138,128	138,128
Transfers & subsidies									
Provinces & municipalities	5,772	305	(101)	5,976	5,976	-	100.0%	5,910	5,910
Departmental agencies & accounts	606,575	-	-	606,575	606,574	1	100.0%	553,687	553,686
Foreign governments & international organisations	2,300	823	(2,961)	162	162	-	100.0%	333	333
Households	-	-	9,396	9,396	9,396	-	100.0%	14,549	14,549
Gifts and donations	-	-	-	-	-	-	0.0%	11	11
Payment on capital assets									
Buildings & other fixed structures	243,523	-	11,424	254,947	254,947	-	100.0%	243,805	243,805
Machinery & equipment	167,041	2,921	(6,702)	163,260	146,480	16,780	88.6%	104,182	99,384
Software & other intangible assets	1,847	70	(7,796)	9713	9713	-	100.0%	-	-
Total	3,907,858	-	(55,700)	3,852,158	3,835,208	16,950	99.6%	3,509,292	3,504,493

STATUTORY APPROPRIATION

	2004/05						2003/04		
	Original Budget R'000	Adjustments Estimates	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
Direct charge against National Revenue Fund									
Judges salaries	177,083	-	-	177,083	242,093	(65,010)	136.7%	166,278	195,327
Total	177,083	-	-	177,083	242,093	(65,010)	136.7%	166,278	195,327

Annual Financial Statements

2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: APPROPRIATION STATEMENT

for the year ended 31 March 2005

DETAIL PER PROGRAMME I: [ADMINISTRATION](#)

PROGRAMME PER SUB-PROGRAMME

Programme per sub-programme	2004/05						2003/04		
	Original Budget R'000	Adjustments Estimates R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
1.1 Minister									
Current payment	791		139	930	930	-	100.0%	746	746
1.2 Deputy Minister									
Current payment	614		62	676	676	-	100.0%	579	579
1.3 Management									
Current payment	55,394		(15,330)	40,064	40,064	-	100.0%	30,806	30,806
Transfers and subsidies	22		49	71	71	-	100.0%	357	357
Expenditure for capital assets	1,320		1,393	2,713	2,713	-	100.0%	735	735
1.4 Corporate Services									
Current payment	486,827	(10,287)	(27,890)	448,650	448,649	1	100.0%	424,830	424,830
Transfers and subsidies	3,090	869	(2,564)	1,395	1,395	-	100.0%	4,234	4,234
Expenditure for capital assets	26,009	991	19,568	46,568	46,568	-	100.0%	26,826	26,826
1.5 Special Function : Authorised Losses									
Current payment			38,353	38,353	38,353	-	100.0%	58,381	58,381
Total	574,067	(8,427)	13,780	579,420	579,419	1	100.0%	547,494	547,494

DETAIL PER PROGRAMME I: [ADMINISTRATION](#)

ECONOMIC CLASSIFICATION

Economic Classification	2004/05						2003/04		
	Original Budget R'000	Adjustments Estimates R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
Current payments									
Compensation to employees	282,190	13,212	(21,036)	274,366	274,366	-	100.0%	262,311	262,311
Goods and services	261,436	(23,499)	(21,983)	215,954	215,954	-	100.0%	194,650	194,650
Financial transactions in assets and liabilities			38,354	38,354	38,353	1	100.0%	58,381	58,381
Transfers & subsidies									
Provinces & municipalities	812	46	2	860	860	-	100.0%	1,110	1,110
Foreign governments & international organisations	2,300	823	(2,961)	162	162	-	100.0%	-	-
Households			444	444	444	-	100.0%	3,481	3,481
Payments for capital assets									
Buildings & other fixed structures			402	402	402	-	100.0%	-	-
Machinery & equipment	25,707	921	22,017	48,645	48,645	-	100.0%	27,561	27,561
Software & other intangible assets	1,622	70	(1,459)	233	233	-	100.0%	-	-
Total	574,067	(8,427)	13,780	579,420	579,419	1	100.0%	547,494	547,494

Annual Financial Statements

2004/05 FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: APPROPRIATION STATEMENT

for the year ended 31 March 2005

DETAIL PER PROGRAMME 2: COURT SERVICES

PROGRAMME PER SUB-PROGRAMME

Programme per sub-programme	2004/05							2003/04	
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
2.1 Constitutional Court									
Current payment	17,303		(3,215)	14,088	14,088	-	100.0%	16,683	16,683
Transfers and subsidies	6		31	37	37	-	100.0%	49	49
Expenditure for capital assets	263		508	771	771	-	100.0%	590	590
2.2 Supreme Court of Appeal									
Current payment	11,882		(1,122)	10,760	10,760	-	100.0%	10,686	10,686
Transfers and subsidies	94		(54)	40	40	-	100.0%	105	105
Expenditure for capital assets	250		(85)	165	165	-	100.0%	222	222
2.3 High Courts									
Current payment	126,753		52,838	179,591	179,591	-	100.0%	167,051	167,051
Transfers and subsidies	355		1,760	2,115	2,115	-	100.0%	1,338	1,338
Expenditure for capital assets	3,413		(311)	3,102	3,102	-	100.0%	1,659	1,659
2.4 Specialised Courts									
Current payment	23,243		(6,669)	16,574	16,574	-	100.0%	18,886	18,886
Transfers and subsidies	55		20	75	75	-	100.0%	59	59
Expenditure for capital assets	957		(827)	130	130	-	100.0%	144	144
2.5 Lower Courts									
Current payment	1,802,598	(4)	(152,506)	1,650,088	1,649,920	168	100.0%	1,464,942	1,464,942
Transfers and subsidies	3,917	4	6,822	10,743	10,743	-	100.0%	13,233	13,233
Expenditure for capital assets	78,701		(11,968)	66,733	49,953	16,780	74.9%	24,067	19,269
2.6 Family Advocate									
Current payment	16,824		9,693	26,517	26,517	-	100.0%	19,662	19,662
Transfers and subsidies	23		70	93	93	-	100.0%	398	398
Expenditure for capital assets	153		1,689	1,842	1,842	-	100.0%	974	974
2.7 Magistrate's Commission									
Current payment	12,083		(1,282)	10,801	10,801	-	100.0%	5,377	5,377
Transfers and subsidies	16		13	29	29	-	100.0%	9	9
Expenditure for capital assets	159		(30)	129	129	-	100.0%	65	65
2.8 Government Motor Transport									
Expenditure for capital assets	21,000		(12,044)	8,956	8,956	-	100.0%	15,749	15,749
2.9 Capital Works									
Current payment				-	-	-	0.0%	934	934
Expenditure for capital assets	243,523			243,523	243,523	-	100.0%	243,805	243,805
2.10 Special Function: Authorised Losses									
Current payment			44,263	44,263	44,263	-	100.0%	54,337	54,337
Expenditure for capital assets				-	-	-	0.0%	-	-
Total	2,363,571	-	(72,407)	2,291,164	2,274,216	16,948	99.3%	2,061,024	2,056,226

Annual Financial Statements

2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: APPROPRIATION STATEMENT

for the year ended 31 March 2005

DETAIL PER PROGRAMME 2: COURT SERVICES

ECONOMIC CLASSIFICATION

Economic classification	2004/05							2003/04	
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
Current									
Compensation to employees	1,412,157	60,000	(14,049)	1,458,108	1,458,108	-	100.0%	1,299,611	1,299,611
Goods and services	598,529	(60,004)	(88,387)	450,138	450,138	-	100.0%	404,610	404,610
Interest and rent on land				-		-	0.0%		
Financial transactions in assets and liabilities			44,431	44,431	44,263	168	99.6%	54,337	54,337
Transfers & subsidies									
Provinces and municipalities	4,466	4	106	4,576	4,576	-	100.0%	4,328	4,328
Foreign governments & international organisations				-		-	0.0%	333	333
Households			8,556	8,556	8,556	-	100.0%	10,519	10,519
Gifts and donations	-	-	-	-	-	-	0.0%	11	11
Capital									
Buildings & other fixed structures	243,523		11,022	254,545	254,545	-	100.0%	243,805	243,805
Machinery & equipment	104,671		(33,959)	70,712	53,932	16,780	76.3%	43,470	38,672
Biological or Cultivated assets				-		-	0.0%		
Software & other intangible assets	225		(127)	98	98	-	100.0%		
Land & subsoil assets				-		-	0.0%		
Total	2,363,571	-	(72,407)	2,291,164	2,274,216	16,948	99.3%	2,061,024	2,056,226

Annual Financial Statements

2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: APPROPRIATION STATEMENT

for the year ended 31 March 2005

DETAIL PER PROGRAMME 3: STATE LEGAL SERVICES

PROGRAMME PER SUB-PROGRAMME

Programme per sub-programme	2004/05						2003/04		
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
3.1 Legal Services to the State									
Current payment	115,288	8,172	(6,543)	116,917	116,917	-	100.0%	103,002	103,002
Transfers and subsidies	271	255	(111)	415	415	-	100.0%	570	570
Expenditure for capital assets	330		487	817	817	-	100.0%	1,028	1,028
3.2 Legislation and Constitutional Development									
Current payment	15,618		(3,784)	11,834	11,834	-	100.0%	11,914	11,914
Transfers and subsidies	30		(3)	27	27	-	100.0%	42	42
Expenditure for capital assets	926		(248)	678	678	-	100.0%	548	548
3.3 Master of the High Court									
Current payment	80,898		10,107	91,005	91,005	-	100.0%	67,462	67,462
Transfers and subsidies	191		296	487	487	-	100.0%	399	399
Expenditure for capital assets	3,058		(2,591)	467	467	-	100.0%	342	342
3.4 Special Function : Authorised Losses									
Current payment			37	37	37	-	100.0%	25,410	25,410
Total	216,610	8,427	(2,353)	222,684	222,684	-	100.0%	210,717	210,717

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: APPROPRIATION STATEMENT

for the year ended 31 March 2005

DETAIL PER PROGRAMME 3: STATE LEGAL SERVICES

ECONOMIC CLASSIFICATION

Economic classification	2004/05							2003/04	
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
Current									
Compensation to employees	176,713	4,433	(4,042)	177,104	177,104	-	100.0%	156,101	156,101
Goods and services	35,091	3,739	(5,857)	32,973	32,973	-	100.0%	26,277	26,277
Interest and rent on land				-		-	0.0%		
Financial transactions in assets and liabilities			9,717	9,717	9,717	-	100.0%	25,410	25,410
Transfers & subsidies									
Provinces & municipalities	492	255	(209)	538	538	-	100.0%	472	472
Households			391	391	391	-	100.0%	539	539
Capital									
Machinery & equipment	4,314		(2,373)	1,941	1,941	-	100.0%	1,918	1,918
Biological or Cultivated assets				-		-	0.0%		
Software & other intangible assets			20	20	20	-	100.0%		
Land & subsoil assets				-		-	0.0%		
Total	216,610	8,427	(2,353)	222,684	222,684	-	100.0%	210,717	210,717

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: APPROPRIATION STATEMENT

for the year ended 31 March 2005

DETAIL PER PROGRAMME 4: AUXILIARY AND ASSOCIATED SERVICES

PROGRAMME PER SUB-PROGRAMME

Programme per sub-programme	2004/05						2003/04		
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
4.1 Judicial Service Commission									
Current payment	983	-	(143)	840	840	-	100.0%	657	657
Expenditure for capital assets	22	-	(22)	-	-	-	0.0%	-	-
4.2 Office for the Control of Interception and Monitoring of Communication									
Current payment	317	-	(79)	238	238	-	100.0%	118	118
Transfers and subsidies	2	-	(2)	-	-	-	0.0%	-	-
4.3 South African Human Rights Commission									
Transfers and subsidies	37,653			37,653	37,653	-	100.0%	32,785	32,785
4.4 Commission on Gender Equality									
Transfers and subsidies	21,390			21,390	21,390	-	100.0%	17,330	17,330
4.5 Special Investigating Unit									
Transfers and subsidies	37,194			37,194	37,194	-	100.0%	25,535	25,535
4.6 Legal Aid Board									
Transfers and subsidies	390,525			390,525	390,525	-	100.0%	367,864	367,864
4.7 Public Protector									
Current payment			802	802	802	-	100.0%	6	6
Transfers and subsidies	49,160		6	49,166	49,166	-	100.0%	43,529	43,529
4.8 National Crime Prevention Strategy									
Current payment	111,384		(12,281)	99,103	99,103	-	100.0%	104,346	104,346
Expenditure for capital assets	34,327		16,998	51,325	51,325	-	100.0%	31,233	31,233
4.9 President's Fund									
Current payment			1	1	1	-	100.0%		
Transfers and subsidies	1			1		1	0.0%	1	
4.10 Represented Political Parties Fund									
Transfers and subsidies	70,652			70,652	70,652	-	100.0%	66,653	66,653
Total	753,610	-	5,280	758,890	758,889	1	100.0%	690,057	690,056

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: APPROPRIATION STATEMENT

for the year ended 31 March 2005

DETAIL PER PROGRAMME 4: **AUXILIARY AND ASSOCIATED SERVICES**

ECONOMIC CLASSIFICATION

Economic classification	2004/05							2003/04	
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
Current									
Compensation to employees	254		529	783	783	-	100.0%	7	7
Goods and services	114,430	(2,000)	(12,229)	100,201	100,201	-	100.0%	105,120	105,120
Interest and rent on land				-		-	0.0%		
Financial transactions in assets and liabilities				-		-	0.0%		
Transfers & subsidies									
Provinces & municipalities	2			2	2	-	100.0%	-	-
Dept agencies & accounts	606,575			606,575	606,574	1	100.0%	553,687	553,686
Households			5	5	5	-	100.0%	10	10
Capital									
Machinery & equipment	32,349	2,000	7,613	41,962	41,962	-	100.0%	31,233	31,233
Biological or Cultivated assets				-		-	0.0%		
Software & other intangible assets			9,362	9,362	9,362	-	100.0%		
Land & subsoil assets				-		-	0.0%		
Total	753,610	-	5,280	758,890	758,889	1	100.0%	690,057	690,056

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: NOTES TO THE APPROPRIATION STATEMENT

for the year ended 31 March 2005

1. Detail of transfers and subsidies as per Appropriation Act (after Virement):

Detail of these transactions can be viewed in note 10 (Transfers and subsidies) and Annexure 1 (A-K) to the annual financial statements.

2. Detail of specifically and exclusively appropriated amounts voted (after Virement):

Detail of these transactions can be viewed in note 1 (Annual Appropriation) to the annual financial statements.

3. Detail on financial transactions in assets and liabilities

Detail of these transactions per programme can be viewed in note 7 (Details of special functions (theft and losses)) to the annual financial statements.

4. Explanations of material variances from Amounts Voted (after virement):

4.1 Per programme: Programme 2 - Court Services

	Voted Funds after virement	Actual Expenditure	R'000	%
Court Services	2,291,164	2,274,216	16,948	1%

The earmarked funding allocated for capital expenditure (relating to the Rights of Vulnerable Groups and Upgrading of Infrastructure Projects), remained unspent at financial year-end due to delays in the finalisation of these projects. The Department has submitted a request to National Treasury to roll-over the unspent funds.

4.2 Per economic classification:

Payments for capital assets
Machinery and equipment

R'000
16,948

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: STATEMENT OF FINANCIAL PERFORMANCE

for the year ended 31 March 2005

	Note	2004/05 R'000	2003/04 R'000
REVENUE			
Annual appropriation	1.	3,852,158	3,509,292
Statutory appropriation	2.	177,083	166,278
Departmental revenue	3.	175,728	190,646
Local and foreign aid assistance	4.	160,672	6,976
TOTAL REVENUE		4,365,641	3,873,192
EXPENDITURE			
Current expenditure			
Compensation of employees	5.	2,128,657	1,913,357
Goods and services	6.	799,266	730,657
Financial transactions in assets and liabilities	7.	92,333	138,128
Local and foreign aid assistance	4.	108,247	55,793
Unauthorised expenditure approved	8.	-	-
Total current expenditure		3,128,503	2,837,935
Transfers and subsidies	10.	645,905	574,489
Expenditure for capital assets			
Buildings and other fixed structures	11.	254,947	243,805
Machinery and Equipment	11.	146,480	99,384
Software and other intangible assets	11.	9,713	-
Local and foreign aid assistance	4.	31,848	15,800
Total expenditure for capital assets		442,988	358,989
TOTAL EXPENDITURE		4,217,396	3,771,413
NET SURPLUS/(DEFICIT)		148,245	101,779
NET SURPLUS/(DEFICIT) FOR THE YEAR		148,245	101,779
Reconciliation of Net Surplus/(Deficit) for the year			
Voted Funds to be surrendered to the Revenue Fund	15.	(48,060)	(24,250)
Departmental revenue to be surrendered to revenue fund	16.	175,728	190,646
Local and foreign aid assistance	4.	20,577	(64,617)
NET SURPLUS/(DEFICIT) FOR THE YEAR		148,245	101,779

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: STATEMENT OF FINANCIAL POSITION

as at 31 March 2005

	Note	2004/05 R'000	2003/04 R'000
ASSETS			
Current assets		514,481	612,433
Unauthorised expenditure	8.	185,617	185,617
Fruitless and wasteful expenditure	9.	157	157
Cash and cash equivalents	12.	2,285	1,781
Prepayments and advances	13.	265,673	390,553
Receivables	14.	60,749	33,958
Local and foreign aid assistance receivable	4.	-	367
TOTAL ASSETS		514,481	612,433
LIABILITIES			
Current liabilities		506,031	602,503
Voted funds to be surrendered to the Revenue Fund	15.	(48,060)	(24,250)
Departmental revenue to be surrendered to the Revenue Fund	16.	21,410	8,758
Bank overdraft	17.	453,847	578,099
Payables	18.	33,285	14,557
Local and foreign aid assistance unutilised	4.	45,549	25,339
TOTAL LIABILITIES		506,031	602,503
NET ASSETS		8,450	9,930
Represented by:			
Recoverable revenue		8,450	9,930
TOTAL		8,450	9,930

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: STATEMENT OF CHANGES IN NET ASSETS

for the year ended 31 March 2005

	Note	2004/05 R'000	2003/04 R'000
Recoverable revenue			
Opening balance		9,930	12,807
Debts written off	7.6	-	(5,243)
Debts recovered (included in departmental receipts)		(986)	
Debts raised		(494)	2,366
Prior year adjustment			
Closing balance		8,450	9,930
TOTAL		8,450	9,930

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: CASH FLOW STATEMENT

for the year ended 31 March 2005

	Note	2004/05 R'000
CASH FLOWS FROM OPERATING ACTIVITIES		
Receipts		4,463,725
Annual appropriated funds received		3,852,158
Statutory appropriated funds received		177,083
Departmental revenue received		175,723
Local and foreign aid assistance received	4.	160,672
Net (increase)/decrease in working capital		98,089
Surrendered to Revenue Fund		(138,826)
Current payments		(3,109,775)
Transfers and subsidies paid		(645,905)
Net cash flow available from operating activities	19.	569,219
CASH FLOWS FROM INVESTING ACTIVITIES		
Payments for capital assets		(442,988)
Proceeds from sale of capital assets	3.	5
Net cash flows from investing activities		(442,983)
CASH FLOWS FROM FINANCING ACTIVITIES		
Increase/(decrease) in loans received		(1,480)
Net cash flows from financing activities		(1,480)
Net increase/(decrease) in cash and cash equivalents		124,756
Cash and cash equivalents at beginning of period		(576,318)
Cash and cash equivalents at end of period		(451,562)

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

1. Annual Appropriation

1.1 Annual Appropriation

Included are funds appropriated in terms of the Appropriation Act for National Departments (Voted Funds)

	Final Appropriation R'000	Actual Funds Received R'000	Variance over/(under) R'000	Total Appropriation 2003/04 R'000
Administration	579,420	579,419	1	547,494
Court Services	2,291,164	2,274,216	16,948	2,061,024
State Legal Services	222,684	222,684	-	210,717
Auxiliary and Associated Services	758,890	758,889	1	690,057
Total	3,852,158	3,835,208	16,950	3,509,292

Explanation of material variances including whether or not application will be made for a rollover.

The earmarked funding allocated for capital expenditure (relating to the Rights of Vulnerable Groups and Upgrading of Infrastructure Projects), remained unspent at financial year-end due to delays in the finalisation of these projects. The Department has submitted a request to National Treasury to roll-over the unspent funds.

2. Statutory Appropriation

Judges salaries

Note	2004/05 R'000	2003/04 R'000
	177,083	166,278
	177,083	166,278
	11,161	2,356
	90,573	2,177
	29,080	26,610
	5	303
3.1	42,497	147,604
	2,412	11,596
	2,412	11,596
	175,728	190,646
	175,728	190,646

3. Departmental revenue to be surrendered to revenue fund

Description

Sales of goods and services other than capital assets

Fines, penalties and forfeits

Interest, dividends and rent on land

Sales of capital assets

Financial transactions in assets and liabilities

Transfers received consist of:

Other transfers

Total revenue collected

Departmental revenue collected

National Treasury implemented new procedures regarding the handling and classification of revenue income on 1 October 2004. Previously, revenue accruing in the Monies in Trust accounts held by Courts, State Attorney and Masters Offices, were paid over directly to the Receiver of Revenue. These revenues were not classified as Department of Justice and Constitutional Development revenue by SARS. As from 1 October 2004, all departmental revenue received in the Department, irrespective of the account to which it is received, has been deposited into the National Revenue Fund account controlled by National Treasury.

3.1 Financial transactions in assets and liabilities

Nature of loss recovered

Cheques written back

Material losses recovered

Other

	2004/05 R'000	2003/04 R'000
	451	1,729
	19,357	19,056
	22,689	126,819
	42,497	147,604

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: NOTES TO THE ANNUAL FINANCIAL STATEMENTS for the year ended 31 March 2005

	2004/05 R'000	2003/04 R'000
Foreign		
Canada: SA Justice Linkage Project - furniture and equipment donated to Justice College	-	184
	-	184
Total local and foreign aid assistance received in kind	40,308	24,988

5. Compensation of employees

Note	2004/05 R'000	2003/04 R'000
5.1 Salaries and wages		
Basic salary	1,547,917	1,405,426
Performance award	46,698	28,287
Service Based	5,956	739
Compensative/circumstantial	18,090	7,932
Periodic payments	17,030	(101)
Other non-pensionable allowances	219,605	216,770
	1,855,296	1,659,053
5.2 Social contributions		
5.2.1 Short term employee benefits		
Pension	186,455	170,829
Medical	86,548	83,188
UIF	7	49
Official unions and associations	-	-
Insurance	1	-
	273,361	254,304
Total compensation of employees	2,128,657	1,913,357
Average number of employees	15,046	13,909

Comparatives in the 2003/04 financial year have been restated to conform to the new Standard Chart of Accounts (SCOA) and are limited to the information that the department has available. Performance Awards are paid in terms of the Department of Public Service and Administration Guideline which has been exceeded in the current year by R 15 718 (51%).

6. Goods and services

	2004/05 R'000	2003/04 R'000
Advertising	5,386	1,999
Attendance fees (including registration fees)	2,891	8,270
Bank charges and card fees	903	1,177
Bursaries (employees)	5,819	7,198
Communication	84,335	80,361
Computer services	44,393	55,943
Commission	-	-
Consultants, contractors and special services	180,902	146,579
Courier and delivery services	1,066	254
Tracing agents & debt collections	29	-
Drivers licences and permits	147	-
Entertainment	2,320	1,776
External audit fees	12,122	11,491

6.1

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

	Note	2004/05 R'000	2003/04 R'000
Equipment less than R5 000		1,873	81
Freight service		210	-
Honoraria (Voluntary workers)		2	-
Inventory	6.2	49,257	46,479
Land reform/restitution		-	-
Leaverships		-	-
Legal fees		36,861	27,509
Licence agency fees		-	-
Housing		-	-
Maintenance, repair and running costs		8,677	6,272
Medical services		26,370	25,510
Operating leases		17,475	15,469
Mint of decorations/medals		-	-
Personnel agency fees		17	-
Photographic services		106	-
Plant flowers and other decorations		206	-
Printing and publications		11,018	5,315
Professional bodies and membership fees		3,721	3,126
Resettlement costs		7,156	7,514
Subscriptions		269	-
Storage of furniture		3	-
Taking over of contractual obligations		381	-
Owned and leasehold property expenditure		31,238	34,188
Translations and transcriptions		43,610	43,762
Transport provided as part of the departmental activities		12	-
Travel and subsistence	6.3	179,765	165,019
Venues and facilities		3,977	-
Protective, special clothing & uniforms		530	-
Training & staff development		2,171	-
Witness and related fees		34,048	35,365
Previous years unallocated items			
Total Inventory		799,266	730,657
Comparatives in the 2003/04 financial year have been restated to conform to the new Standard Chart of Accounts (SCOA) and are limited to the information that the department has available. Included in Consultants, contractors and special services is an amount of R 112 888 (2003/04: R 78 387) that relates to the outsourcing of Information Technology services.			
6.1 External audit fees			
Regulatory audits		11,872	10,802
Performance audits		-	486
Other audits		250	203
Total external audit fees		12,122	11,491
6.2 Inventory			
Domestic Consumables		600	627
Food and Food supplies		125	-
Fuel, oil and gas		16	-
Other consumables		358	1
Parts and other maint mat		315	17
Sport and recreation		9	-
Stationery and Printing		47,834	45,834
Total Inventory		49,257	46,479

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

Comparatives in the 2003/04 financial year have been restated to conform to the new Standard Chart of Accounts (SCOA) and are limited to the information that the department has available.

6.3 Travel and subsistence

Local

Foreign

Total travel and subsistence

7. Financial transactions in assets and liabilities

Material losses through criminal conduct

Other material losses written off

Debts written off

7.1 Material losses through criminal conduct

Nature of losses

(Group major categories, but list material items)

Theft by employees

Burglaries, robbery, theft by third parties

7.2 Other material losses written off in Statement of Financial

Performance

Nature of losses

(Group major categories, but list material items)

State Money - Armed robberies and shortages

Arbitration - Civil Actions

Irrecoverable losses

Other

Irrecoverable losses include the approved suspense account write-offs totalling R 87 000. (2003/04 - R101 000)

7.3 Bad debts written off

Nature of debts written off

Transfer to debts written off

(Group major categories, but list material items)

Staff debts (Prescribed staff debts)

7.4 Details of theft and losses

(Group major categories, but list material items)

Programme 1 : Administration

Programme 2 : Court Services

Programme 3 : State Legal Services

7.5 Recoverable revenue debts written off

(Group major categories, but list material items)

Debts written off

Note	2004/05 R'000	2003/04 R'000
	177,341	162,132
	2,424	2,887
	179,765	165,019
	2004/05 R'000	2003/04 R'000
7.1	307	766
7.2	91,733	128,356
7.4	293	9,006
	92,333	138,128
7.1		
	33	60
	274	706
	307	766
7.2		
	850	142
	16	392
	89,860	127,822
	1,007	-
	91,733	128,356
7.3		
	293	9,006
	293	9,006
7.4		
	38,407	58,381
	44,246	54,337
	9,680	25,410
	92,333	138,128
7.5		
	-	(5,243)
	-	(5,243)

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

		Note	2004/05 R'000	2003/04 R'000
8. Unauthorised expenditure				
8.1 Reconciliation of unauthorised expenditure				
Opening Balance			185,617	185,617
Unauthorised expenditure awaiting authorisation			185,617	185,617
8.2 Unauthorised expenditure				
Incident	Disciplinary steps taken/criminal proceedings			Total
Excess on voted funds	Additional details forwarded to Parliament on 04 October 2004. Awaiting feedback.			43,521
Non-compliance with State Tender Board Directives (Appointment of consultants for OSEO)	Additional details forwarded to Parliament on 04 October 2004. Awaiting feedback.			2,294
Donor funds accounted for against vote	Additional details forwarded to Parliament on 04 October 2004. Awaiting feedback.			117
Non-compliance with State Tender Board Directives	Additional details forwarded to Parliament on 04 October 2004. Awaiting feedback.			109
Virement approval not obtained	Additional details forwarded to Parliament on 04 October 2004. Awaiting feedback.			5,200
NPA prior April 2001 unauthorised expenditure (Non compliance with State Tender Board Directives	Additional details forwarded to Parliament on 04 October 2004. Awaiting feedback.			844
NPA prior April 2001 unauthorised expenditure (Non compliance with State Tender Board Directives	Additional details forwarded to Parliament on 04 October 2004. Awaiting feedback.			523
Programme 2 : Administration of Courts - Personnel overspending	Additional details forwarded to Parliament on 04 October 2004. Awaiting feedback.			23,885
Excess on voted funds	Additional details forwarded to Parliament on 04 October 2004. Awaiting feedback.			109,124
				185,617
9. Fruitless and wasteful expenditure				
9.1 Reconciliation of fruitless and wasteful expenditure				
Opening balance			157	157
Fruitless and wasteful expenditure awaiting condonement			157	157
Fruitless and wasteful expenditure				
Incident	Disciplinary steps taken/criminal proceedings			157
SARS - Fines	Still under investigation			
				157
<p>The Department disputes penalties and interest levied by SARS in certain instances. Proof of timeous payment in this regard has been forwarded to SARS. In instances where the Department concurs with SARS the cases have been referred to our Legal Division to determine liability.</p>				

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FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

Note	2004/05 R'000	2003/04 R'000
14.1 Staff debtors		
(Group major categories, but list material items)		
In - Service Debt	7,278	9,730
Out of Service Debt	16,182	7,765
	23,460	17,495
14.2 Clearing accounts		
(Group major categories, but list material items)		
VAT Clearing account	19,402	-
	19,402	-
14.3 Other debtors		
Nature of advances		
(Group major categories, but list material items)		
Disallowance accounts	17,794	16,463
Salary Suspense	18	-
Debt Suspense	75	-
	17,887	16,463
15. Voted Funds to be surrendered to the Revenue Fund		
Opening balance	(24,250)	28,093
Transfer from Statement of Financial Performance	(48,060)	(24,250)
Voted funds not requested/not received	-	-
Paid during the year	24,250	(28,093)
Closing balance	(48,060)	(24,250)
2003/04 - Closing balance (R24,250) is made up of the Judges overspending (R29,049) and the Department's saving of R4,779. (R29,049) was requested from National Treasury on 2004/05 - Closing balance.		
16. Departmental revenue to be surrendered to revenue fund		
Opening balance	8,758	8,725
Transfer from Statement of Financial Performance	175,728	190,646
Paid during the year	(163,076)	(190,613)
Closing balance	21,410	8,758
17. Bank overdraft		
Paymaster General Account	453,847	578,099
	453,847	578,099

The overdrawn PMG Account is a result of the Department rendering Agency Services on behalf of other Departments as well as previous years unauthorised expenditure awaiting authorisation.

Annual Financial Statements 2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: NOTES TO THE ANNUAL FINANCIAL STATEMENTS for the year ended 31 March 2005

	Note	30 Days	30+ Days	2004/05 Total	2003/04 Total
18. Payables – current					
Description					
Advances received	18.1	-	-	-	119
Clearing accounts	18.2	33,884	(599)	33,285	14,438
		33,884	(599)	33,285	14,557
18.1 Advances received					
Identify major categories, but list material items					
Arrive Alive Campaign				-	119
				-	119
18.2 Clearing accounts					
Description					
(Identify major categories, but list material amounts)					
Salary Control Accounts				992	1,776
Overseas maintenance				86	76
Other				32,207	12,586
				33,285	14,438
"Other" (2004/05) includes additional funds of R32 200 payable to the National Prosecuting Authority (NPA) as a result of an approved virement.					

	Note	2004/05 R'000	2003/04 R'000
19. Reconciliation of net cash flow from operating activities to surplus/(deficit)			
Net surplus/(deficit) as per Statement of Financial Performance		148,245	
Non-cash movements			
(Increase)/decrease in receivables – current		(26,791)	
(Increase)/decrease in prepayments and advances		124,880	
Increase/(decrease) in payables – current		18,728	
Proceeds from sale of equipment		(5)	
Surrenders		(138,826)	
Capital expenditure		403,597	
Other non cash items		-	
Net cash flow generated by operating activities		529,828	
20. Appropriated funds and departmental revenue surrendered			
Appropriated funds surrendered		(24,250)	28,093
Departmental revenue surrendered		163,076	190,613
		138,826	218,706

These amounts are not recognised in the financial statements and are disclosed to enhance the usefulness of the financial statements.

Annual Financial Statements

2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

23 Accruals

By economic classification

Note	30 Days	30+ Days	2004/05 R'000	2003/04 R'000
	71	37	108	109
Compensation of employees				
Goods and services	22,380	26,260	48,640	41,152
Buildings and other fixed structures	24	-	24	109
Machinery and Equipment	1,735	190	1,925	4,522
			50,697	45,892

Listed by programme level

Programme 1: Administration	-	-	-	21,383
Programme 2: Administration of Court	-	-	-	9,610
Programme 3: State Legal Services	-	-	-	3,251
Programme 4: Auxiliary and Associated Services	-	-	-	11,648
	-	-	-	45,892

Included in Goods and Services, 30+ days is R 9 151 relating to Guardian's Fund shortfall. The Department is liable to make good this shortfall. Information on accruals listed by Programme level is not available.

24 Employee benefits

Leave entitlement			9,876	13,237
Thirteenth cheque			64,460	57,407
Performance awards			46,698	25,898
			121,034	96,542

25 Leases

25.1 Operating leases

	Buildings & other fixed structures	Machinery and equipment	2004/05 R'000	2003/04 R'000
Not later than 1 year	-	13,379	13,379	11,570
Later than 1 year and not later than 3 years	-	20,181	20,181	18,256
Later than three years	-	8,210	8,210	7,295
Total present value of lease liabilities	-	41,770	41,770	37,121

These operating leases may fulfill some of the criteria for finance leases but has been disclosed as operating leases due to the fact that they were entered into under the auspices of the contracts being operating leases. Included in these leases are photocopiers, PABX boards, facsimile machines and other similar office equipment where the lease terms is for major part of economic life of the asset. The legal form of the lease agreement is that the lessee may not acquire legal title to these assets but the substance of financial reality is that the lessee acquire the economic benefits or service potential of the use of the leased asset for the obligation to pay for that right an amount approximating to the fair value of the asset. This departure do not have any financial implications on the Department as payment made for assets are recognised as an expense in the Statement of Financial Performance when payment is made. The Department will continue working with the National Treasury in finding an amicable solution.

Annual Financial Statements

2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

		2004/05 R'000	2003/04 R'000
26	Receivables for service delivered		
	Nature of service (Group major categories, but list material items)		
	VAT Receivable (Donor Funding)	-	20,396
		-	20,396
27	Irregular expenditure		
27.1	Reconciliation of irregular expenditure		
	Opening Balance	54,360	54,360
	Irregular expenditure awaiting condonement	54,360	54,360
	Analysis		
	Current	-	-
	Prior years	-	54,360
		-	54,360
	In addition to the R 54 360 is an amount of R 19 519 relating to prior year irregular expenditure that remains under investigation at year end.		

		2004/05 R'000	2003/04 R'000
28	Senior management personnel		
	The aggregate compensation of the senior management of the department and the number of individuals determined on a full time equivalent basis receiving compensation within this category, showing separately major classes of key management personnel and including a description of each class for the current period and the comparative period. Detail on each type of compensation should be disclosed.		
	- The Minister, Deputy Ministers, Director-General	3	2,327
	- Deputy Director Generals	9	5,145
		8,067	7,472

Annual Financial Statements

2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: ANNEXURES

for the year ended 31 March 2005

ANNEXURE IC

STATEMENT OF CONDITIONAL GRANTS PAID TO MUNICIPALITIES

Name Of Municipality	Grant Allocation				Transfer		Spent			2003/04
	Division of Revenue Act R'000	Roll Overs R'000	Adjustments R'000	Total Available R'000	Actual Transfer R'000	% of Available Funds Transferred %	Amount received by municipality R'000	Amount spent by municipality R'000	% of available funds spent by municipality %	Division of Revenue Act R'000
Regional Services Council Levies	-	-	-	-	6,684	0.0%	-	-	0.0%	5,910
	-	-	-	-	6,684		-	-		5,910

ANNEXURE ID

STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS

Agency/Account	Transfer Allocation				Transfer		2003/04
	Adjusted Appropriation Act R'000	Roll Overs R'000	Adjustments R'000	Total Available R'000	Actual Transfer R'000	% of Available Funds Transferred %	Final Appropriation Act R'000
Human Rights Commission	37,653	-	-	37,653	37,653	100.0%	32,785
Legal Aid Board	390,525	-	-	390,525	390,525	100.0%	367,864
Special Investigating Unit	37,194	-	-	37,194	37,194	100.0%	25,535
Commission on Gender Equality	21,390	-	-	21,390	21,390	100.0%	17,330
Public Protector	49,160	-	-	49,160	49,160	100.0%	43,519
Represented Political Parties Fund	70,652	-	-	70,652	70,652	100.0%	66,653
President's Fund	1	-	-	1	-	0.0%	-
	606,575	-	-	606,575	606,574		553,686

ANNEXURE IG

STATEMENT OF TRANSFERS/SUBSIDIES TO FOREIGN GOVERNMENTS AND INTERNATIONAL ORGANISATIONS

Foreign Government/ International Organisation	Transfer Allocation				Expenditure		2003/04
	Adjusted Appropriation Act R'000	Roll Overs R'000	Adjustments R'000	Total Available R'000	Actual Transfer R'000	% of Available Funds Transferred %	Final Appropriation Act R'000
Transfers							
SUB FEES: UNIDROIT	162	-	-	162	162	0.0%	333
	162	-	-	162	162		333

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2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: ANNEXURES

for the year ended 31 March 2005

ANNEXURE II

STATEMENT OF TRANSFERS/SUBSIDIES TO HOUSEHOLDS

Non Profit Organisation	Transfer Allocation			Expenditure		2003/04	
	Adjusted Appropriation Act R'000	Roll Overs R'000	Adjustments R'000	Total Available R'000	Actual Transfer R'000	% of Available Funds Transferred %	Final Appropriation Act R'000
Transfers							
Household: Employee Social Benefit	32,227	-	-	32,227	32,227	100.0%	12,527
Households: Claims against the State	140	-	-	140	140	100.0%	1,949
Household: Ex Gratia Payments	59	-	-	59	59	100.0%	73
Household: State Vehicle and Car Rental	59	-	-	59	59	100.0%	
	32,485	-	-	32,485	32,485		14,549

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2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: ANNEXURES

for the year ended 31 March 2005

ANNEXURE 3

STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2005 - LOCAL AND ACCOUNTS

Guarantor institution	Guarantee in respect of Motor Vehicles	Original Guaranteed capital amount R'000	Opening Balance 01/04/2004 R'000	Guarantees issued during the year R'000	Guarantees Released during the year R'000	Guaranteed interest outstanding as at 31 March 2005 R'000	Closing Balance 31/03/2005 R'000	Realised losses i.r.o. claims paid out R'000
Stannic	Motor Vehicle guarantee		662	301			963	
							-	
							-	
		-	662	301	-	-	963	-
	Housing							
ABSA	Housing loan guarantee		8,122	626	622		8,126	
Standard Bank	Housing loan guarantee		3,723	231	310		3,644	
Old Mutual Bank	Housing loan guarantee		3,176	133	214		3,095	
Peoples Bank Incorporating	Housing loan guarantee		2,051	13	212		1,852	
First Rand Bank Ltd (FNB- Former)	Housing loan guarantee		1,813	38	103		1,748	
Nedbank Limited	Housing loan guarantee		2,278	167	136		2,309	
Peoples Bank Limited (Former FBC)	Housing loan guarantee		789	-	25		764	
First Rand Bank:FNB	Housing loan guarantee		2,930	149	197		2,882	
Other	Housing loan guarantee		1,185	276	22		1,439	
							-	
		-	26,067	1,633	1,841	-	25,859	-
	Total	-	26,729	1,934	1,841	-	26,822	-

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2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24

PART 4 A: ANNEXURES

for the year ended 31 March 2005

ANNEXURE 4

PHYSICAL ASSET MOVEMENT SCHEDULE AS AT 31 MARCH 2005

	Opening Balance R'000	Additions R'000	Disposals R'000	Transfers in R'000	Transfers Out R'000	Closing Balance R'000
Buildings And Other Fixed Structures	243,805	254,947	-	-	-	498,752
Non-residential buildings	243,805	254,947	-	-	-	498,752
Machinery And Equipment	99,384	146,480	-	31,848	-	277,712
Computer equipment	38,515	-	-	31,837	-	70,352
Furniture and office equipment	28,092	-	-	-	-	28,092
Other machinery and equipment	4,628	122,829	-	11	-	127,468
Specialised military assets	-	-	-	-	-	-
Transport assets	28,149	23,651	-	-	-	51,800
	343,189	401,427	-	31,848	-	776,464

ANNEXURE 4 (CONTINUED)

PHYSICAL ASSET MOVEMENT SCHEDULE AS AT 31 MARCH 2005

	Opening Balance R'000	Additions R'000	Disposals R'000	Transfers in R'000	Transfers Out R'000	Closing Balance R'000
Buildings And Other Fixed Structures	-	243,805	-	-	-	243,805
Dwellings						-
Non-residential buildings		243,805	-	-	-	243,805
Machinery And Equipment	-	99,384	-	-	-	99,384
Computer equipment		38,515	-			38,515
Furniture and office equipment		28,092	-			28,092
Other machinery and equipment		4,628	-			4,628
Specialised military assets						-
Transport assets		28,149	-			28,149
	-	343,189	-	-	-	343,189

This is a movement schedule as at 31 March 2004

Disposals only relate to amounts included in the opening balances and the additions columns. If you have a disposal, the amount written off should be equivalent to the carrying value of the asset.

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2004/05

FOR THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT (excl NPA) - VOTE 24



PART 4 A: ANNEXURES

for the year ended 31 March 2005

ANNEXURE 5

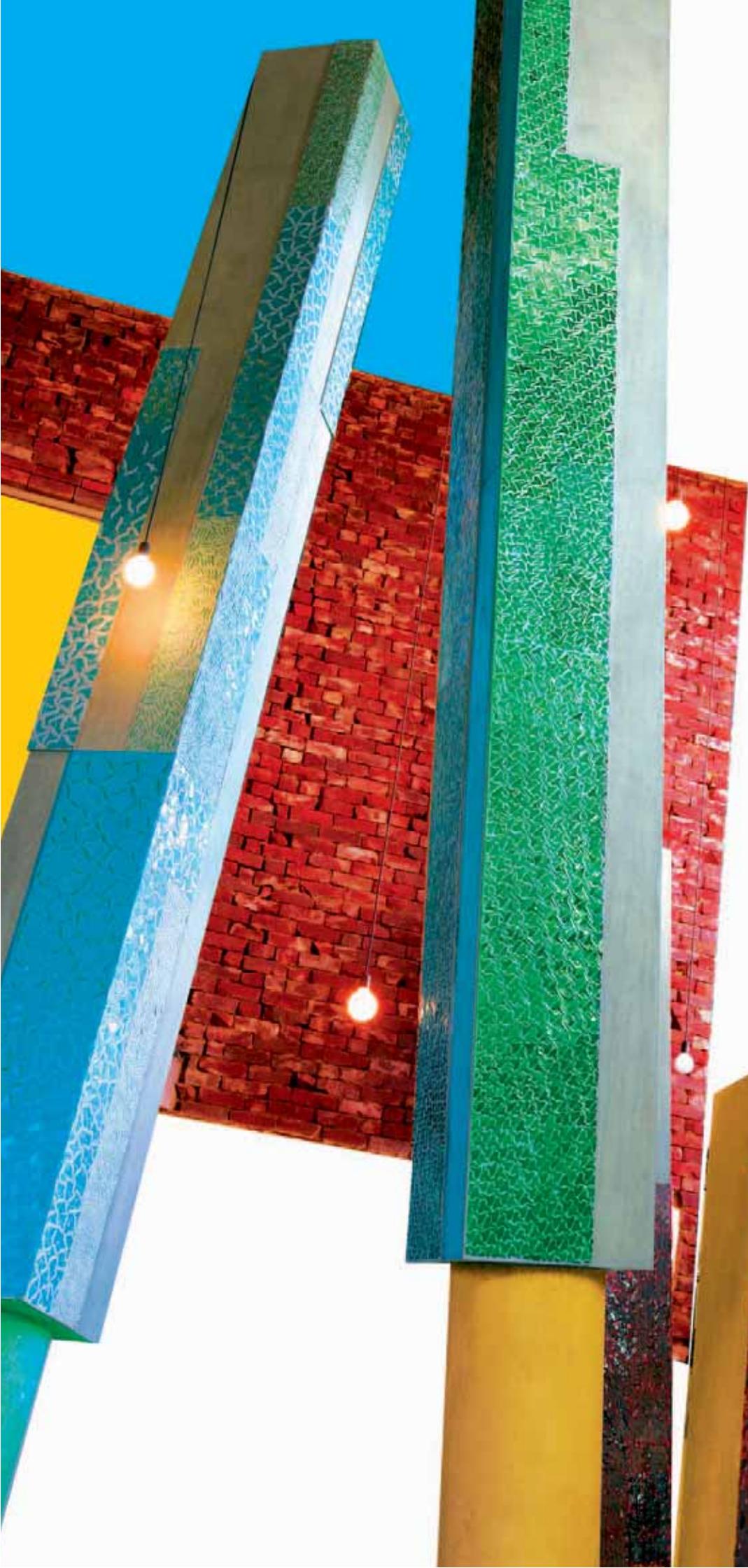
SOFTWARE AND OTHER INTANGIBLE ASSET MOVEMENT SCHEDULE AS AT 31 MARCH 2005

	Opening Balance R'000	Additions R'000	Disposals R'000	Transfers in R'000	Transfers Out R'000	Closing Balance R'000
Computer software	-	9,713	-	-	-	9,713
	-	9,713	-	-	-	9,713

ANNEXURE 7

INTER-DEPARTMENTAL PAYABLES - CURRENT

Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding	
	31/03/2005 R'000	31/03/2004 R'000	31/03/2005 R'000	31/03/2004 R'000
Department				
Amounts not included in Statement of financial position				
Current				
Agriculture			106	104
Health			-	11
Public Works			-	20,588
SA Police			-	135
SA Management Development Inst			-	66
National Treasury			9	-
Public Service and Administration			6	-
SA Defence Force			7	-
Transport			7	-
PROVINCIAL DEPARTMENTS				
Eastern Cape Provincial Government			-	-
Provincial Administration Eastern Cape			-	513
Gauteng Provincial Government			-	-
Transport (GG)			27,030	11,000
Health			-	3
Western Cape Provincial Government			-	-
Health			9	3
Housing			-	8
Transport			2,597	-
Free State Provincial Government			-	-
Health			-	1
Subtotal	-	-	29,771	32,432
Total	-	-	29,771	32,432



Part 4 B:

The National Prosecuting
Authority
included in Vote 24

NATIONAL PROSECUTING AUTHORITY (included in Vote 24)

Annual Financial Statements for the year ended 31 March 2005

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2004/05

THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

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

1. General Review of the State of Financial Affairs

The structure of the National Prosecuting Authority (NPA) consists of the following Units:

National Prosecuting Service (NPS)
 Directorate of Special Operations (DSO)
 Asset Forfeiture Unit (AFU)
 Auxiliary Services consisting of: Sexual Offences and Community Affairs Unit (SOCA), Specialised Commercial Crimes Unit (SCCU), Witness Protection Unit (WPU) and the Priority Crimes Litigation Unit (PCLU)
 Corporate Services (CS).

Highlights of the Financial Position:

	2004/05 R '000	2003/04 R '000
Adjusted Appropriation	1,146,559	1,066,020
Virement to Department of Justice and Constitutional Development (DoJ and CD)	55,701	(17,959)
Final Appropriation	1,202,260	1,048,061
Less: Total Expenditure	1,170,435	1,048,061
Variance	31,825	-

The variance represents funds for which an application was made via DoJ and CD to National Treasury for a roll-over of funds. National Treasury has subsequently approved this application.

With respect to budgetary matters, the NPA does not administer the full budget for lower court prosecutors. The NPA budget has only the personnel budget for lower court prosecutors. The non-personnel budget remains with the DoJ and CD.

The under spending is attributed to an amount of R16, 5 million for unpaid invoices to a service provider because of the current dispute between the service provider and the NPA and an amount of R15,5 million as a result of delayed payments for SITA invoices being submitted late and only received in the 2005/06 financial year for processing, less an amount of R175,000 being fruitless expenditure incurred in 2004/05 and condoned in the current year.

The Criminal Asset Recovery Account (CARA) has not been included in the financial statements for the reasons given below:

- The CARA was only delegated officially to the NPA on the 10th of June 2005
- Work only started on CARA in the middle of January 2005 because the decision to locate CARA in the NPA was only taken in mid-December 2004

The NPA has continued to operate on the same basis with respect to its relationship with the DOJ and CD. This means that, with respect to all NPA business units, excluding the DSO, the CEO of the NPA operates as the Accounting Officer on the basis of a delegation of authority from the Director-General. With respect to the DSO, the CEO of the NPA operates as the Accounting Officer as stipulated in the NPA Act.

These financial statements are the fourth set of financial statements produced by the NPA, separately from the DOJ and CD. These financial statements, whilst being separately audited by the Auditor-General, will be consolidated with the financial statements of the DOJ and CD. These arrangements are by agreement with the DOJ and CD, National Treasury and the Office of the Accountant-General.

- No additional resources were provided to the NPA until March 2005
- The NPA was not provided with any budget allocation for CARA until the 2005/06 financial year
- The figures for CARA are not fully substantiated as at date hereof.

A decision was taken in conjunction with officials from DoJ and CD and the Auditor-General's Office to remove CARA from these financial statements and to prepare a set of financial statements exclusively for CARA. This will be ready and completed by the 31st of August 2005 and handed to the Auditor-General at that time.

The only major project was the acquisition of Innes Chambers Building on the 16th of December 2004. To date tenders have been issued and three suppliers have been pre-qualified for the refurbishment of the Innes Chambers Building. The NPA is currently in discussion with DPW to raise capital funding for the refurbishment of the building.

2. Services Rendered by the NPA

"Justice in our society so that people can live in freedom and security" is the vision of the NPA. The mission statement of the NPA is to provide an effective prosecution service that is prompt, vigorous and fearless, in the public interest, guided by the Constitution and Bill of Rights, where all are treated with humanity and sensitivity.



PART 4 B: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

- Public Prosecutions coordinates and assists prosecutions in the Office of the Director of Public Prosecutions and lower courts
- Witness Protection Programme coordinates the safekeeping and protection of witnesses in certain serious cases
- Special Operations, comprising the Directorate of Special Operations (also known as the Scorpions) and the Asset Forfeiture Unit, deal with serious organised crime and its proceeds
- Corporate Services renders the following services to other operational units:
 - i) Supply Chain Management Services
 - ii) Human Resource Management Services
 - iii) Financial Operation Services
 - iv) Contract Management Services
 - v) Fleet Management Services
 - vi) Security Services
 - vii) Integrity Management Services
 - viii) Library Services.

2.1 Inventories

Stock-taking for the year-end closure was delayed to 19 April 2005 due to changes in the location of the warehouse in respect of lines of accountability and changes in the management of the section. The value of the stock taken on 19 April was R98,541.40 and the valuation was at invoice cost.

Corporate Services has supplied prosecutors with cell phones, gowns, pilot cases, law books and stationery packs in order for them to render an effective and efficient service. The utilisation of the materials relieved a lot of the working constraints and also provided better communication across the Justice sector. The NPA has embarked upon a system whereby all furniture and IT equipment and other assets will be bar-coded and recorded in a composite asset register.

3. Capacity Constraints

3.1 Corporate Services

a) Human Resources

The Executive Manager: Human Resource Management and Development (HRMD) that was recruited on contract in July 2003 to address concerns that were raised about lack of service delivery, resigned in January 2005. This position has not yet been filled.

An outside service provider has been engaged to undertake a file audit of all HR files. This audit is currently running at six files per day and there are approximately 3850 files to be completed. Approximately 140 files have been completed thus far.

b) Procurement

A Senior Manager: Procurement was recruited in November 2004 to address concerns about lack of delivery in the procurement department and to implement Supply Chain Management fully.

c) Internal Audit

The Internal Audit Unit made several appointments and the unit is fully operational.

c) General

The high turnover of staff in Corporate Services and a lack of funds have impacted negatively on performance.

3.2 Other Units

As in previous years, the NPA's non-personnel budget remains under pressure in view of the growth in numbers of personnel over the years. This is exacerbated due to the NPA's efforts to supplement some of the efforts of the DoJ and CD in meeting resource needs of lower courts prosecutors, despite the fact that it does not have a non-personnel budget for lower court prosecutors.

Specific areas of the non-personnel budget that are under pressure include witness fees, Information Technology, infrastructure, fleet services and security services, with the DSO being under pressure to counter these budget constraints with the drop in overall morale caused by the commission appointed to look at the relocation of the DSO. (See also Note 6 below.)

Personnel budgets of all Units are under pressure due to the level of budget increases allocated to the NPA not being aligned to the growth of the NPA.

3.3 Legislative Constraints

The legislative framework for the NPA continues to present difficulties. The arrangement reached between the NPA and DoJ and CD regarding the responsibilities of both Accounting Officers, the CEO and the Director-General, are working well. However, all parties are in agreement that the arrangement does not lend itself to good corporate governance. These governance issues, together with all other governance issues, will be addressed by the transformation team that is currently working on the design phase of the transformation of the NPA.

4. Utilisation of Donor Funds

Below is an exposition of projects funded through donations during the financial year under review:

Annual Financial Statements

2004/05 THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

Donor	Project	Short Description
USAID	Specialist Prosecutors	To empower prosecutors and other role-players with specialised knowledge and skills to better handle cases of sexual and domestic violence through multidisciplinary training, community outreach and research programmes.
WK Kellogg Foundation	Thuthuzela Project	To manage care centres for victims of child abuse and rape, training and development and public education.
UNICEF	Sexual Offences Courts	To manage care centres for victims of child abuse and rape, training and development and public education.
Vodacom	Thuthuzela Project	To establish, renovate and launch sexual offences courts.
SARS	SARS Unit	To assist the NPA in establishing a Tax Unit.
BAC	RJ Hillhouse	To collaborate and coordinate in the preparation for prosecutions.
Greece	Thuthuzela Project	To manage care centres for victims of child abuse and rape, training and development and public education.
Woolworths	Sexual Offences Courts	To develop a child-friendly court environment.

5. Corporate governance arrangements

5.1 Governance

Governance has been identified as an area requiring major improvement and the establishment of a governance centre has already been proposed. Considerable work has been done to improve governance, including:

- The development of a governance model that will guide the implementation of governance in the NPA in a sustainable and consistent manner.
- The development and administration of a governance index for the NPA to assess governance effectiveness.
- Recommendations for improving governance.
- The development of a set of 21 governance processes to embed governance in the NPA.

5.2 Transformation

A comprehensive transformation team, consisting of an outside consortium and a number of NPA officials assigned to transformation, has been engaged to design and implement a transformation programme for the entire NPA. The understanding phase of this programme was completed in February 2005 and the team has commenced on the design phase. Implementation is scheduled to begin in February 2007.

5.3 Internal Audit

The Audit Committee continues to hold quarterly meetings with the NPA EXCO on issues of internal audit. The Executive Manager: Internal Audit, after completing a year's service, failed to have her probation confirmed

and this position has not yet been filled. The position is currently occupied by the Manager from DoJ and CD in an acting position.

The Audit Committee meets every quarter and reviews and monitors the work plan of the internal and external auditors. The NPA EXCO attends these meetings and is therefore fully informed on all matters brought to the attention of the Audit Committee.

5.4 Enterprise Risk Management

The Executive Manager: Strategy and Risk was recruited in September 2004. An Enterprise Risk Management Guideline was developed for the NPA and adopted by the NPA EXCO in February 2005. The NPA commenced with the process of building its risk register, with a Top Ten NPA risk register as first priority for finalisation.

A draft policy on Fraud Prevention is currently in place. The NPA EXCO is considering appointing a consultant to finalise the policy for consideration and approval by the NPA EXCO.

5.5 Integrity Management Unit

The draft NPA Integrity Promotion Strategy, which was approved by the NPA EXCO as a working document, has been piloted in the NPA to solicit input, raise awareness and get the buy-in of all stakeholders. To this end, the education and awareness programme has been implemented and various mechanisms implemented, including a gift register which has been distributed to managers in the NPA. The Unit has developed its strategy and structure and is currently improving its capacity.



PART 4 B: MANAGEMENT REPORT AND APPROVAL

for the year ended 31 March 2005

6. Events after the reporting date

The question of the location of the DSO has come under the spotlight and is the subject of a separate commission appointed by the President. The findings of this commission will guide the President and he will make a decision later this year on whether the DSO will remain within the NPA and what, if any, changes need to be made. This will obviously have a large impact on the NPA.

7. Public / Private Partnerships (PPP)

Details of existing and new PPPs are contained in the Disclosure Note 25 of the financial statements.

8. Performance

8.1 Budget Control

The NPA EXCO held quarterly budget review meetings with all heads of Units. During these reviews, heads of business units presented their budget performance and provided reasons for either under or over spending. The reviews allow the business units the opportunity to explain to the budget committee why certain funds projected for certain major projects were not spent. It allows management to reprioritise funding on certain projects during the financial year.

In general the budget spending patterns as per the sub-programme was fairly consistent with the projected expenditure per quarter for the 2004/05 financial year.

8.2 NPA Policies and Other Legislative Documents

In terms of section 38(1)(a) of the Public Finance Management Act, the NPA EXCO has established a policy committee task team to fast-track the implementation of all policies in the NPA. The NPA EXCO has since approved several policies and these policies have been implemented.

In terms of the PFMA, the NPA has produced a set of Financial Delegations, which was approved by the Director-General of DoJ and CD on 26 April 2005.

In terms of section 76(4)(c) of the Public Finance Management Act, Corporate Services has implemented a framework for the implementation of the Supply Chain Management Systems. The appropriate staff in Finance and Procurement has been trained and several training sessions with other Units have been conducted.

9. SCOPA

During the 2004/05 financial year the NPA did not receive any SCOPA resolutions and the NPA has not been notified by SCOPA of any related queries to be addressed.

10. Approval

The Annual Financial Statements set out pages 58 to 83 have been approved by the CEO of the NPA and the Accounting Officer.

Ms M Sparg
Chief Executive Officer
National Prosecuting Authority
29/07/2005

Adv M Simelane
Director-General
Department of Justice and Constitutional Development
29/07/2005

Annual Financial Statements 2004/05

THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS OF THE NATIONAL PROSECUTING AUTHORITY (NPA) (INCLUDED IN VOTE 24)

for the year ended 31 March 2005

1. AUDIT ASSIGNMENT

The financial statements as set out on pages 138 to 163 for the year ended 31 March 2005, have been audited in terms of section 188 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996), read with sections 4 and 20 of the Public Audit Act, 2004 (Act No. 25 of 2004). These financial statements, the maintenance of effective control measures and compliance with relevant laws and regulations are the responsibility of the accounting officer. My responsibility is to express an opinion on these financial statements, based on the audit.

2. NATURE AND SCOPE

The audit was conducted in accordance with Statements of South African Auditing Standards. Those standards require that I plan and perform the audit to obtain reasonable assurance that the financial statements are free of material misstatement.

An audit includes:

- examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements;
- assessing the accounting principles used and significant estimates made by management; and
- evaluating the overall financial statement presentation.

Furthermore, an audit includes an examination, on a test basis, of evidence supporting compliance in all material respects with the relevant laws and regulations which came to my attention and are applicable to financial matters.

The audit was completed in accordance with Auditor-General Directive No. 1 of 2005.

I believe that the audit provides a reasonable basis for my opinion.

3. AUDIT OPINION

In my opinion, the financial statements fairly present, in all material respects, the financial position of the NPA at 31 March 2005 and the results of its operations and cash flows for the year then ended, in accordance with prescribed accounting practice and in the manner required by the Public Finance Management Act, 1999 (Act No. 1 of 1999).

4. EMPHASIS OF MATTER

Without qualifying the audit opinion expressed above, attention is drawn to the following matters:

4.1 Asset Management

Various shortcomings in the control over assets had been identified and the following matters resulted in an inability to verify the existence and completeness of assets and inventory:

- An asset register was not maintained by the NPA
- No stock-taking took place for inventory and equipment during the financial year
- Not all assets were uniquely marked
- The tender process was not always followed for the acquisition of certain assets
- LOGIS was not always updated accurately and on time
- The annexure for physical asset movement was incomplete as transfers and disposals were not indicated
- The NPA did not maintain an adequate loss register which was reviewed and updated on a regular basis. The status of cases (some dating back to 2001) could not be determined.

4.2 Dept Management

The lack of monitoring and reconciliation of debtors by management resulted in the following weaknesses:

- PERSAL was not always timely and accurately updated with addresses of debtors, resulting in an inability by management to forward monthly statements and recovering amounts due
- Debtors' reconciliations were not performed for the financial year. Furthermore, the list of debts, the detail dept report and the age analysis did not reconcile at year-end
- Debtors' files were not always updated and were, in some cases incomplete.

4.3 Accountability and governance status of the NPA

Interim approval has been granted by the Accountant-General for the NPA to prepare their own set of financial statements since the 2002 financial year. No finality has been reached on the following critical matters, affecting the accountability and governance status of the NPA:



PART 4 B: REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON THE FINANCIAL STATEMENTS OF THE NATIONAL PROSECUTING AUTHORITY (NPA) (INCLUDED IN VOTE 24)

for the year ended 31 March 2005

- Clear definition of the accounting officer of the NPA
- The listing of the NPA as an entity in terms of the Public Finance Management Act
- The mechanism of funding for the NPA

4.4 Internal Audit

Internal audit reports relating to any assignment performed had either not been completed or not reviewed, which prevented any utilisation thereof for external audit purposes. Therefore the audit performed for the year under review was performed without reliance on the work performed by the internal audit unit.

4.5 Policies not approved

Treasury Regulations stipulate that formalised and approved policies should be implemented for effective financial management. It was identified that approved and formalised policies were not implemented for the following areas, which constituted non-compliance with the Treasury Regulations:

- Risk assessment thus leading to the non-availability of the internal audit plan, as this plan is based on the outcomes of risk assessment
- Fraud prevention plan
- Business continuity plans and backup policies/disaster recovery plan
- Policy for disciplinary action
- Delegations of authority.

4.6 Annual Financial Statements

4.6.1 Non-compliance with the PFMA

Section 40 of the PFMA stipulates that the accounting officer must submit financial statements within two months after the end of the financial year to the Auditor-General for auditing and to the relevant Treasury to enable that Treasury to prepare consolidated financial statements.

The financial statements of the NPA were submitted on 31 May 2005. However, the Criminal Asset Recovery Account (CARA) was delegated to the NPA on 10 June 2005 for operational and accounting purposes and the delegation was required to be included in the NPA's financial statements for the 2004/5 financial year. Therefore the financial statements were re-submitted on 15 June 2005, including the CARA information.

Due to the late delegation and the fact that CARA figures could not be substantiated, the NPA withdrew the financial statements to exclude the CARA information and re-submitted financial statements on 22 July 2005. A subsequent material change resulted in another re-submission on 29 July 2005.

Management indicated that separate financial statements for CARA would be submitted for audit by 31 August 2005.

4.6 Donor funds

Donations from a foreign donor was not received via the RDP fund as required by the Official Development Assistance Guideline (Annexure A, paragraph 2.2)

5. APPRECIATION

The assistance rendered by the staff of the NPA during the audit is sincerely appreciated.

C Benjamin
for Auditor-General
Pretoria
30/07/2005



Annual Financial Statements

2004/05

THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: ACCOUNTING POLICIES

for the year ended 31 March 2005

The Annual Financial Statements have been prepared in accordance with the following policies, which have been applied consistently in all material aspects, unless otherwise indicated. However, where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the Annual Financial Statements and to comply with the statutory requirements of the Public Finance Management Act, Act 1 of 1999 (as amended by Act 29 of 1999), and the Treasury Regulations for Departments and Constitutional Institutions issued in terms of the Act. The following issued but not yet effective standards of generally recognised accounting practice have not been fully compiled within the Annual Financial Statements: GRAP 1,2 AND 3.

1. Basis of preparation

The Annual Financial Statements have been prepared on a modified cash basis of accounting, except where stated otherwise. The modified cash basis constitutes the cash basis of accounting supplemented with additional disclosure items. Under the cash basis of accounting transactions and other events are recognised when cash is received or paid. Under the accrual basis of accounting transactions and other events are recognised when incurred and not when cash is received or paid.

2. Revenue

Appropriated funds

Voted funds are the amounts appropriated to a department in accordance with the final budget known as the Adjusted Estimates of National/Provincial Expenditure. Unexpended voted funds are surrendered to the National Revenue Fund, unless otherwise stated.

Departmental revenue

Sale of goods and services other than capital assets

This comprises the proceeds from the sale of goods and/or services produced by the entity. Revenue is recognised in the statement of financial performance on receipt of the funds.

Interest, dividends

Interest and dividends received are recognised upon receipt of the funds, and no provision is made for interest or dividends receivable from the last receipt date to the end of the reporting period. They are recognised as revenue in the Statement of Financial Performance of the NPA and then transferred to the National Revenue Fund.

Sale of capital assets

The proceeds from the sale of capital assets are recognised as revenue in the statement of financial performance on receipt of the funds.

Financial transactions in assets and liabilities

Repayments of loans and advances previously extended to employees and public corporations for policy purposes are recognised as revenue in the statement of financial performance on receipt of the funds.

Cheques issued in previous accounting periods that expire before being banked are recognised as revenue in the statement of financial perfor-

mance when the cheque becomes stale. When the cheque is reissued the payment is made from Revenue.

Local and foreign aid assistance

Local and foreign aid assistance is recognised in the statement of financial performance on receipt of funds. Where amounts are expensed before funds are received, a receivable is raised. Where amounts have been inappropriately expensed using Local and Foreign aid assistance, a payable is raised. In the situation where the NPA is allowed to retain surplus funds, these funds are shown as a reserve.

3. Expenditure

Compensation of employees

Salaries and wages comprise payments to employees. Salaries and wages are recognised as an expense in the statement of financial performance when the final authorisation for payment is effected on the system. The expenditure is classified as capital where the employees were involved, on a full time basis, on capital projects during the financial year. All other payments are classified as current expense.

Social contributions include the entities' contribution to social insurance schemes paid on behalf of the employee. Social contributions are recognised as an expense in the Statement of Financial Performance when the final authorisation for payment is effected on the system.

Short-term employee benefits

The cost of short-term employee benefits is expensed in the Statement of Financial Performance in the reporting period when the final authorisation for payment is effected on the system. Short-term employee benefits, that give rise to a present legal or constructive obligation are disclosed as a disclosure note to the Annual Financial Statements and are not recognised in the Statement of Financial Performance.

Long-term employee benefits and other post employment benefits

Termination benefits

Termination benefits are recognised and expensed only when the final authorisation for payment is effected on the system.

Medical benefits

The NPA provides medical benefits for its employees through defined benefit plans. Employer contributions to the fund are incurred when the final authorisation for payment is effected on the system. No provision is made for medical benefits in the Annual Financial Statements of the NPA.

Post employment retirement benefits

The department provides retirement benefits for certain of its employees through a defined benefit plan for government employees. These benefits are funded by both employer and employee contributions. Employer contributions to the fund are expensed when the final authorisation for payment to the fund is effected on the system. No provision is made for retirement benefits in the Annual Financial Statements of the department. Any po-



PART 4 B: ACCOUNTING POLICIES

for the year ended 31 March 2005

tential liabilities are disclosed in the Annual Financial Statements of the National Revenue Fund and not in the Annual Financial Statements of the employer department.

Other employee benefits

Obligations arising from leave entitlement, thirteenth cheque and performance bonus that are reflected in the disclosure notes have not been paid for at year-end.

Goods and services

Payments made for goods and/or services are recognised as an expense in the Statement of Financial Performance when the final authorisation for payment is effected on the system. The expense is classified as capital if the goods and services were used on a capital project.

Financial transactions in assets and liabilities

Financial transactions in assets and liabilities include the write-off for debts less than R100. Debts are written off when identified as irrecoverable. Debts written-off are limited to the amount of savings and/or underspending available to the NPA. The write off occurs at year-end or when funds are available. No provision is made for irrecoverable amounts.

Unauthorised expenditure

Unauthorised expenditure, is defined as:

- The overspending of a vote or a main division within a vote, or
- Expenditure that was not made in accordance with the purpose of a vote or, in the case of a main division, not in accordance with the purpose of the main division.

Such expenditure is treated as a current asset in the Statement of Financial Position until such expenditure is approved by the relevant authority, recovered or written off as irrecoverable.

Irregular expenditure

Irregular expenditure, is defined as:

expenditure, other than unauthorised expenditure, incurred in contravention or not in accordance with a requirement of any applicable legislation, including:

- The Public Finance Management Act
- The State Tender Board Act, or any regulations made in terms of this act, or
- Any provincial legislation providing for procurement procedures in that provincial government.

It is treated as expenditure in the Statement of Financial Performance. If such expenditure is not condoned and it is possibly recoverable it is disclosed as receivable in the Statement of Financial Position at year-end.

Fruitless and wasteful expenditure

Fruitless and wasteful expenditure, is defined as:

expenditure that was made in vain and would have been avoided had rea-

sonable care been exercised, therefore

- it must be recovered from a responsible official (a debtor account should be raised), or
- the vote. (If responsibility cannot be determined.)

Such expenditure is treated as a current asset in the Statement of Financial Position until such expenditure is recovered from the responsible official or written off as irrecoverable.

4. Transfers and subsidies

Transfers and subsidies include all irrecoverable payments made by the entity. Transfers and subsidies are recognised as an expense when the final authorisation for payment is effected on the system.

5. Expenditure for capital assets

Capital assets are assets that can be used repeatedly and continuously in production for more than one year. Payments made for capital assets are recognised as an expense in the Statement of Financial Performance when the final authorisation for payment is effected on the system.

6. Receivables

Receivables are not normally recognised under the modified cash basis of accounting. However, receivables included in the Statement of Financial Position arising from cash payments that are recoverable from another party, when the payments are made.

Receivables for services delivered are not recognised in the Statement of Financial Position as a current asset or as income in the Statement of Financial Performance, as the Annual Financial Statements are prepared on a modified cash basis of accounting, but are disclosed separately as part of the disclosure notes to enhance the usefulness of the Annual Financial Statements.

7. Cash and cash equivalents

Cash and cash equivalents consists of cash on hand and balances with banks, short term investments in money market instruments and demand deposits. Cash equivalents are short-term highly liquid investments that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value.

8. Payables

Payables are not normally recognised under the modified cash basis of accounting. However, payables included in the Statement of Financial Position arise from advances received that are due to the NPA Revenue Fund or another party.

9. Lease commitments

Lease commitments for the period remaining from the reporting date until the end of the lease contract are disclosed as part of the disclosure notes

PART 4 B: ACCOUNTING POLICIES

for the year ended 31 March 2005

to the Annual Financial Statements. These commitments are not recognised in the Statement of Financial Position as a liability or as expenditure in the Statement of Financial Performance as the Annual Financial Statements are prepared on the cash basis of accounting.

Operating lease expenditure is expensed when the payment is made. Finance lease expenditure is expensed when the payment is made, but results in the acquisition of the asset under the lease agreement. A finance lease is not allowed in terms of the Public Finance Management Act.

10. Accruals

This amount represents goods/services that have been received, but no invoice has been received from the supplier at the reporting date, OR an invoice has been received but final authorisation for payment has not been effected on the system. These amounts are not recognised in the Statement of Financial Position as a liability or as expenditure in the Statement of Financial Performance as the Annual Financial Statements are prepared on a modified cash basis of accounting, but are however disclosed as part of the disclosure notes.

11. Contingent liability

This is a possible obligation that arises from past events and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not wholly within the control of the department; or

A present obligation that arises from past events but is not recognised because:

- it is not probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; or
- the amount of the obligation cannot be measured with sufficient reliability

Contingent liabilities are not recognised in the Statement of Financial position, but the information is disclosed as part of the disclosure notes.

12. Commitments

This amount represents goods/services that have been approved and/or contracted, but no delivery has taken place at the reporting date. These amounts are not recognised in the Statement of financial position as a liability or as expenditure in the Statement of Financial Performance as the Annual Financial Statements are prepared on a modified cash basis of accounting, but are however disclosed as part of the disclosure notes.

13. Capitalisation reserve

The capitalisation reserve represents an amount equal to the value of the investment and/or loans capitalised. On disposal, repayment or recovery, such amounts are transferred to the Revenue Fund.

14. Recoverable revenue

Recoverable revenue represents payments made and recognised in the Statement of Financial Performance as an expense in previous years due to non-performance in accordance with an agreement, which have now become recoverable from a debtor. Repayments are transferred to the Revenue Fund as and when the repayment is received.

15. Comparative figures

Where necessary, comparative figures have been restated to conform to the changes in the presentation in the current year. The comparative figures shown in these Annual Financial Statements are limited to the figures shown in the previous year's audited Annual Financial Statements and such other comparative figures that the NPA may reasonably have available for reporting. Reclassification of expenditure has occurred due to the implementation of the Standard Chart of Accounts. It is not practical to present comparative amounts in the Cash Flow Statements, as this would involve reclassification of amounts dating back to the 2002/03 year-end.

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2004/05

THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24



PART 4 B: APPROPRIATION STATEMENT

for the year ended 31 March 2005

Appropriation per programme

	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1. Programme 4									
Current payment	1,137,895		22,777	1,160,672	1,128,847	31,825	97,3%	1,021,843	1,021,843
Transfers and subsidies	1,225		4,695	5,920	5,920		100,0%	4,095	4,095
Payment for capital assets	7,439		28,229	35,668	35,668		100,0%	22,123	22,123
Subtotal	1,146,559		55,701	1,202,260	1,170,435	31,825	97,4%	1,048,061	1,048,061
Statutory Appropriation									
TOTAL	1,146,559		55,701	1,202,260	1,170,435	31,825		1,048,061	
Reconciliation with Statement of Financial Performance									
Departmental revenue received				1,915				2,219	
Local and foreign aid assistance received				1,438				14,010	
Actual amounts per Statements of Financial Performance (Total revenue)				1,205,613				1,064,290	
Local and foreign aid assistance					6,618				7,511
Actual amounts per Statements of Financial Performance (Total expenditure)					1,177,053				1,055,572

Annual Financial Statements

2004/05

THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: APPROPRIATION STATEMENT

for the year ended 31 March 2005

Appropriation per economic classification

	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payment									
Compensation of employees	808,779		8,392	817,171	817,171		100,0%	751,789	751,789
Goods and services	329,114		14,385	343,499	311,674	31,825	90,7%	269,816	269,816
Financial transactions in assets and liabilities	2			2	2		100,0%	237	237
Transfers and subsidies to:									
Provinces and municipalities	1,203		1,301	2,504	2,504		100,0%	4,012	4,012
Departmental agencies and accounts	22		240	262	262		100,0%		
Households			3,154	3,154	3,154		100,0%		
Gifts and Donations							0,0%	84	84
Payment for capital assets									
Buildings and other fixed structures			15,536	15,536	15,536		100,0%		
Machinery and equipment	7,439		12,693	20,132	20,132		100,0%	22,123	22,123
Total	1,146,559		55,701	1,202,260	1,170,435	31,825	97,4%	1,048,061	1,048,061

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2004/05

THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24



PART 4 B: DETAIL PER PROGRAMME 4

for the year ended 31 March 2005

Programme per subprogramme	2004/05							2003/04	
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
1.1 Public Prosecutions									
Current payment	902,556		14,735	917,291	885,466	31,825	96,5%	722,707	722,707
Transfers and subsidies	1,225		3,600	4,825	4,825		100,0%	3,294	3,294
Payment for capital assets	1,865		29,232	31,097	31,097		100,0%	14,988	14,988
1.2 Special Operations									
Current payment	202,087		-1,001	201,086	201,086		100,0%	261,396	261,396
Transfers and subsidies	-		1,079	1,079	1,079		100,0%	775	775
Payment for capital assets	5,164		-606	4,558	4,558		100,0%	3,020	3,020
1.3 Witness Protection									
Current payment	33,252		9,043	42,295	42,295		100,0%	37,740	37,740
Transfers and subsidies	-		16	16	16		100,0%	26	26
Payment for capital assets	410		-397	13	13		100,0%	4,115	4,115
TOTAL	1,146,559		55,701	1,202,260	1,170,435	31,825	97,4%	1,048,061	1,048,061

Economic Classification	2004/05							2003/04	
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Payment R'000	Variance R'000	Payment as % of final appropriation %	Final Appropriation R'000	Actual Payment R'000
Current payment									
Compensation of employees	808,779		8,392	817,171	817,171		100,0%	751,789	751,789
Goods and services	329,114		14,385	343,499	311,674	31,825	90,7%	269,816	269,816
Financial transactions in assets and liabilities	2			2	2		100,0%	237	237
Transfers and subsidies to:									
Departmental agencies and accounts	1,203		1,301	2,504	2,504		100,0%	4,012	4,012
Households	22		240	262	262		100,0%		
Gifts and donations			3,154	3,154	3,154		100,0%	84	84
Payment for capital assets									
Buildings and other fixed structures			15,536	15,536	15,536				
Machinery and equipment	7,439		12,693	20,132	20,132		100,0%	22,123	22,123
TOTAL	1,146,559		55,701	1,202,260	1,170,435	31,825	97,4%	1,048,061	1,048,061

Annual Financial Statements

2004/05

THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: NOTES TO THE APPROPRIATION STATEMENT

for the year ended 31 March 2005

Note:

1. Detail of transfers and subsidies as per Appropriation Act (after virement), Refer to note 8.
2. Detail of specifically and exclusively appropriated amounts voted (after virement) Refer to note 1.
3. Detail of financial transactions in assets and liabilities. Refer to note 6.

4. Explanations of material variances from Amounts Voted (after Virement):

4.1 Per Programme	Voted Funds after virement	Actual Expenditure	R'000	%
Programme 4	1,202,260	1,170,260	31,825	97,4

The saving to the amount of R3

submission of invoices for SITA payments; less an amount of R175,000 being fruitless expenditure incurred in 2004/05 and awaiting condonement in the current year. Application has been made to National Treasury for a rollover of savings of R32, 000 million which has been approved. This application went via DOJCD.

4.2 Per Economic classification	R'000
Current payment:	
Goods and services	R31, 825

Annual Financial Statements

2004/05

THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24



PART 4 B: STATEMENT OF FINANCIAL PERFORMANCE

for the year ended 31 March 2005

	Note	2004/05 R'000	2003/04 R'000
REVENUE			
Annual appropriation	1	1,202,260	1,048,061
Departmental revenue	2	1,915	2,219
Local and foreign aid assistance	3	1,438	14,010
TOTAL REVENUE		1,205,613	1,064,290
EXPENDITURE			
Current expenditure			
Compensation of employees	4	817,171	751,789
Goods and services	5	311,674	269,816
Financial transactions in assets and liabilities	6	2	237
Local and foreign aid assistance	3	5,732	6,154
Total current expenditure		1,134,579	1,027,996
Transfers and subsidies	8	5,920	4,096
Expenditure for capital assets			
Buildings and other fixed structures	9	15,536	-
Machinery and Equipment	9	20,132	22,123
Local and foreign aid assistance	3	886	1,357
Total expenditure for capital assets		36,554	23,480
TOTAL EXPENDITURE		1,177,053	1,055,572
NET SURPLUS		28,560	8,718
Add back fruitless and wasteful expenditure	7.1	175	1,596
NET SURPLUS FOR THE YEAR		28,735	10,314
Reconciliation of Net Surplus/(Deficit) for the year			
Voted Funds to be surrendered to the Revenue Fund/unutilised	13	32,000	1,596
Departmental receipts to be surrendered to the Revenue Fund	2	1,915	2,219
Local and foreign aid assistance	3	(5,180)	6,499
NET SURPLUS FOR THE YEAR		28,735	10,314

Annual Financial Statements

2004/05

THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: STATEMENT OF FINANCIAL POSITION

as at 31 March 2005

	Note	2004/05 R'000	2003/04 R'000
ASSETS			
Current assets		50,827	33,297
Fruitless and wasteful expenditure	7	2,259	2,084
Cash and cash equivalents	10	4,881	8,240
Prepayments and advances	11	2,359	16,898
Receivables	12	41,328	6,075
TOTAL ASSETS		50,827	33,297
LIABILITIES			
Current liabilities			
Voted funds to be surrendered to the Revenue Fund	13	32,000	1,596
Departmental revenue to be surrendered to the Revenue Fund	14	1,915	1,044
Payables	15	12,010	20,575
Local and foreign aid assistance unutilised	3	4,902	10,082
Non-current liabilities			
TOTAL LIABILITIES		50,827	33,297
NET ASSETS			
Represented by:			
Capitalisation reserve		-	-
Recoverable revenue		-	-
TOTAL		-	-
Statement of changes in net assets for the year ended 31 March 2005			
Capitalisation reserve		-	-
Recoverable revenue		-	-
TOTAL		-	-

Annual Financial Statements

2004/05

THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24



PART 4 B: CASH FLOW STATEMENT

for the year ended 31 March 2005

	Note	2004/05 R'000
CASH FLOWS FROM OPERATING ACTIVITIES		
Receipts		1,184,899
Annual appropriated funds received		1,202,260
Departmental revenue received		1,915
Local and foreign aid assistance received	3	1,438
Net (increase)/decrease in working capital		(20,714)
Surrendered to Revenue Fund		(2,640)
Current payments		(1,143,144)
Transfers and subsidies paid		(5,920)
Net cash flow available from operating activities		33,195
CASH FLOWS FROM INVESTING ACTIVITIES		
Payments for capital assets		(36,554)
Net cash flows used in investing activities		36,554
CASH FLOWS FROM FINANCING ACTIVITIES		
Increase/(decrease) in loans received		
Net cash flows from financing activities		
Net increase/(decrease) in cash and cash equivalents		(3,359)
Cash and cash equivalents at the beginning of the period		8,240
Cash and cash equivalents at end of period	10	4,881

Annual Financial Statements

2004/05 THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

1. Annual Appropriation

1.1 Included are funds appropriated in terms of the Appropriation Act for National Prosecuting Authority:

	Final Appropriation R'000	Actual Funds Received R'000	Variance over/(under) R'000	Total Appropriation 2003/04 R'000
Programme 4	1,202,260	1,170,435	31,825	1,048,061
Total	1,202,260	1,170,435	31,825	1,048,061

2. Departmental revenue to be surrendered to revenue fund

Description

	Notes	2004/05 R'000	2003/04 R'000
Sale of goods and services other than capital assets		848	442
Interest, dividends and rent on land		99	514
Financial transactions in assets and liabilities	2.1	918	951
Transfer received consists of:		50	312
Other transfers		50	312
Total revenue collected		1,915	2,219
Less: Departmental Revenue Budgeted		-	-
Departmental revenue collected		1,915	2,219

2.1 Financial transactions in assets and liabilities

Nature of loss recovered

Cheques written back	-	228
Other	918	723
	918	951

3. Local and foreign aid assistance

3.1 Assistance received in cash/ Name of donor and purpose/ Local	Opening Balance	Revenue	Expenditure	Closing Balance
Vodacom – Thutuzela C.C.	2,836	655	1,717	1,774
SARS – SARS Tax Unit	4,098	-	4,098	-
Woolworths – Child Courts	254	-	75	179
BAC – Payment for JR Hillhouse to collaborate and coordinate in preparation of cases for prosecution.	-	50	36	14
Foreign				
WK Kellog – Thutuzele training	1,858	-	193	1,665
UNICEF- SOCA C.C. TV's	743	-	499	244
USAID – Child Sex Offenders	293	-	-	293
Greece – Thutuzele	-	733	-	733
TOTAL	10,082	1,438	6,618	4,902

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2004/05

THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24



PART 4 B: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

Notes	2004/05 R'000	2003/04 R'000
Analysis of balance		
Local and foreign aid unutilised	4,902	10,082
Closing balance	4,902	10,082
4 Compensation of employees		
4.1 Salaries and Wages		
Basic salary	611,127	549,179
Performance award	34,502	4,303
Service Based	888	2,457
Compensative/circumstantial	4,204	5,313
Periodic payments	10	98
Other non-pensionable allowances	49,764	85,938
	700,495	647,288
4.2 Social contributions		
4.2.1 Short-term employee benefits		
Pension	87 941	77,357
Medical	28 600	26,938
UIF	14	92
Bargaining council	121	17
Official unions and associations	-	97
	116,676	104,501
Total compensation of employees	817,171	751,789
Average number of employees	4,218	3,846
5. Goods and services		
	2004/05 R'000	2003/04 R'000
Advertising	4,352	1,925
Bank charges and card fees	567	98
Bursaries (employees)	1,087	1,199
Communication	27,154	25,710
Computer services	32,978	30,445
Consultants, contractors and special services	41,928	37,308
Courier and delivery services	1,058	458
Entertainment	734	829

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2004/05 THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

	Notes	2004/05 R'000	2003/04 R'000
External audit fees	5.1	852	1,981
Equipment less than R5000		640	302
Government motor transport		-	320
Inventory	5.2	15 624	14,806
Legal fees		17,911	7,032
Maintenance, repairs and running cost		2,795	10,509
Medical Services		12	8
Operating leases		49,005	14,897
Personnel agency fees		135	-
Photographic services		68	-
Plant flowers and other decorations		11	2,851
Printing and publications		336	-
Professional bodies and membership fees		24	-
Resettlement cost		3,454	1,630
Subscriptions		3,081	491
Owned leasehold property expenditure		9,775	15,245
Translations and transcriptions		897	994
Transport provided as part of the departmental activities		167	-
Travel and subsistence	5.3	40,844	60,044
Venues and facilities		3,292	-
Protective, special clothing & uniforms		2,490	-
Training & staff development		10,440	6,445
Witness and related fees		39,963	34,289
		311,674	269,816
5.1 External audit fees			
Other audits		852	1,981
Total external audit fees		852	1,981
5.2 Inventory (purchased during the year)			
Other inventory		-	1,051
Learning and teaching support material		1,062	101
Food and Food supplies		2	-
Other consumables		724	1
Parts and other maintenance material		20	-
Stationery and printing		13,761	13,653
Weapons and armaments		55	-
		15,624	14,806

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PART 4 B: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

Notes	2004/05 R'000	2003/04 R'000
5.3 Travel and subsistence	38,796	43,060
Local		
Foreign	2,048	16,984
Total travel and subsistence	40,844	60,044

6. Financial transactions in assets and liabilities

Writing off debts less than R100	2	237
	2	237

7. Fruitless and wasteful expenditure

7.1 Reconciliation of fruitless and wasteful expenditure

Opening balance	2,084	696
Fruitless and wasteful expenditure – current year	175	1,596
Transfer to receivables for recovery	-	(-208)
Fruitless and wasteful expenditure awaiting condonement	2,259	2,084

7.2 Fruitless and wasteful expenditure

Incident	Disciplinary steps taken/criminal proceedings	
Cell Phone subscription	Matter still pending finalization of investigation	405
Interest on Telephone	Matter still pending finalization of investigation	69
Interest on PAYE	Matter still pending finalization of investigation	427
Legal Cost on S&T	Letters sent to officials to accept responsibility – matter still pending.	21
Hotel Non-arrivals	Under investigation – letters sent to officials to obtain explanations	1,337
		2,259

8. Transfers and subsidies

Provinces and municipalities	Annex 1	2,504	4,012
Departmental agencies and accounts	Annex 2	262	-
Households	Annex 3	3,154	-
Gifts and donations	Annex 4	-	84
		5,920	4,096

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2004/05 THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

	Notes	2004/05 R'000	2003/04 R'000
9. Expenditure for capital assets			
Buildings and other fixed structures	Annex 6	15,536	-
Machinery and equipment	Annex 6	20,132	22,123
Total		35,668	22,123

10. Cash and cash equivalents

Consolidated Paymaster General Account		4,854	21,637
Cash receipts		6	-
Disbursements		-	(13,439)
Cash on hand		21	-
Cash in transit		-	42
		4,881	8,240

11. Prepayments and advances

Description

Travel and subsistence		1,570	450
Prepayments		-	15,500
Claims recoverable		789	948
		2,359	16,898

12. Receivables

	Notes	Less than one year	One to three years	Older than three years	2004/05 R'000	2003/04 R'000
Staff debtors	12.1	4,059	1,458	2,300	7,817	4,131
Clearing accounts	12.2	(82)	-	-	(82)	1,299
Other debtors	12.3	33,031	-	562	33,593	645
		37,008	1,458	2,862	41,328	6,075

Amounts of R 3 Performance

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PART 4 B: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

12.1 Staff debtors

(Group major categories, but list material items)

Notes	2004/05 R'000	2003/04 R'000
Sal: Deduction Disall Acc: CA	272	193
Sal: Disallowance Account: CA	2,226	(84)
Sal: Tax Debt	227	166
Debt Account: CA	5,456	3,939
Debt Receivable Interest: CA	(364)	(83)
	7,817	4,131

12.2 Clearing accounts

(Group major categories, but list material items)

Sal: ACB Recalls	(82)	-
Sal: Reversal Control	-	1,299
	(82)	1,299

12.3 Other debtors

(Group major categories, but list material items)

Disallowance Miscellaneous	263	232
Disallowance Dishonoured Cheques	1	-
Penalty Charges	2	-
Private Telephone	1,327	413
DOJCD	32,000	-
	33,593	645

13. Voted funds to be surrendered to the Revenue Fund

Opening balance	1,596	13,553
Transfer from Statement of Financial Performance	32,000	1,596
Paid during the year	(1,596)	(13,553)
Closing balance	32,000	1,596

The amount of R32, 000 million has been approved by National Treasury for rollover funds. See also note 12.3 above.

14. Departmental receipts to be surrendered to the Revenue Fund

Opening balance	1,044	64
Transfer from Statement of Financial Performance	1,915	2,219
Paid during the year	(1,044)	(1,239)
Closing balance	1,915	1,044

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PART 4 B: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

Notes	30 Days	30+ Days	2004/05 Total	2003/04 Total
-------	---------	----------	------------------	------------------

15 Payables – current

Description

Clearing accounts	15.2	11,993	17	12,010	20,575
		11,993	17	12,010	20,575

15.2 Clearing accounts

Description

(Identify major categories, but list material amounts)

Sal: Regional Service Council			46	44
Sal: Pension Fund			19	25
Sal: Medical Aid			(35)	(21)
Sal: Income Tax			11,883	2,515
Sal: Housing			5	26
Sal: Official Unions			73	85
Sal: Garnishee Order			7	4
Sal: Fin. Institutions Study Loans			(9)	(8)
Sal: Insurance Deductions			(264)	7
Sal: Personnel Club Deductions			(1)	-
Sal: Bargaining Councils			-	(61)
Telephone Control Account			250	-
Telephone Erroneous Interface Account			36	-
Advance payable to DOJCD (Virement)			-	17,959
			12,010	20,575

R'000

16. Reconciliation of net cash flow from operating activities to surplus/(deficit)

Net surplus/(deficit) as per Statement of Financial Performance	28,735
(Increase)/decrease in receivables – current	(35,253)
(Increase)/decrease in prepayments and advances	14,539
(Increase)/decrease in other current assets	(175)
Increase/(decrease) in payables – current	(8,565)
Surrenders	(2,640)
Capital expenditure	36,554
Net cash flow generated by operating activities	33,195

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PART 4 B: NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

17. Appropriated funds and departmental revenue surrendered

Notes	2004/05 R'000	2003/04 R'000
Appropriated funds surrendered	1,596	13,553
Departmental revenue surrendered	1,044	1,239
	2,640	14,792

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2004/05 THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

These amounts are not recognised in the Annual Financial Statements and are disclosed to enhance the usefulness of the Annual Financial Statements.

18. Contingent liabilities

Liable to	Nature			
Motor vehicle guarantees	Employees	Annex 5	2,302	1,267
Housing loan guarantees	Employees	Annex 5	5,686	5,318
Claims: (Refer below)			80,000	-
			87,988	6,585

Dispute with a service provider over compliance issues. The amount reflects the total estimated claim against the NPA. An independent firm was appointed by the NPA to conduct a forensic investigation into the account of the service provider. A preliminary report is expected by the end of July 2005. Aspects of inter alia contract compliance are also being pursued by the National Department of Transport and Senior Counsel.

19. Commitments per programme

Current expenditure

Approved and contracted	57,287	-
Approved but not yet contracted	-	39,748
	57,287	39,748

Capital expenditure

Approved and contracted	4,108	-
Approved but not yet contracted	-	2,558
	4,108	2,558
Total Commitments	61,395	42,306

30 Days	30+ Days	2004/05 R'000	2003/04 R'000
---------	----------	------------------	------------------

20. Accruals

Listed by economic classification

Compensation of employees	-	46	46	34
Goods and services	12,499	49,454	61,953	28,866
Machinery and equipment	-	260	260	372
	12,499	49,760	62,259	29,272

Listed by programme level

Public Prosecution	41,767	19,461
Special Operations	13,120	7,659
Witness Protection	7,372	2,152
	62,259	29,272

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PART 4 B: DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

21. Employee benefits

Leave entitlement	94,377	90,767
Thirteenth cheque	43,844	22,827
Performance bonus	35,000	12,120
	173,221	125,714

22. Lease Commitments

22.1 Operating leases

	Buildings and other fixed structures	Machinery and equipment	2004/05 R'000	2003/04 R'000
Not later than 1 year	1,065	43,015	44,080	45,372
Later than 1 year and not later than 3 years	1,542	86,030	87,572	84,243
Later than three years	46,500	473,163	519,663	421,160
Present value of lease liabilities	49,107	602,208	651,315	550,775
Total present value of lease liabilities	49,107	602,208	651,315	550,775

Notes	2004/05 R'000	2003/04 R'000
-------	------------------	------------------

23. Irregular expenditure

23.1 Reconciliation of irregular expenditure

Opening balance	16,647	7,770
Irregular expenditure – current year	114	15,500
Transfer to Statement of Financial Performance – authorised losses (Condoned)	-	(6,623)
Transfer to receivables for recovery (Not condoned)	(15,614)	-
Irregular expenditure awaiting condonement	1,147	16,647

Analysis

Current	-	15,500
Adjustments	-	(6,623)
Prior years	1,147	7,770
	1,147	16,647

The amount of R114 000 for irregular expenditure (current year) is still under investigation. Tender Board for an expo-facto approval and the result thereon is still pending.

24. Related party transactions

Related Party Transactions Nil

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PART 4 B: DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

25. Senior management personnel

National Director, Deputy National Directors, CEO	5,028	4,770
DCEO	834	611
CFO	534	504
Other Key Management	12,454	13,815
	18,850	19,700

26. Public Private Partnership

Headquarters Facilities Management: Victoria and Griffiths Mxenge Building

In October 2001, the NPA commenced with a process to secure new premises to accommodate all head office personnel. At the time, the NPA had operated from seven buildings in and around Pretoria, with most of the leases nearing expiry dates. The NPA was advised by the Public/ Private Partnerships (PPP) unit of the National Treasury that a typical PPP processes would take up to eighteen months to complete before even construction could commence.

The NPA then decided to embark on PPP aligned process to ensure that the basic principles of PPP are complied with (i.e. User needs met, Affordability and Value for Money), whilst still using traditional tender processes and the department of public works (DPW). After serious consultation with the PPP unit, National Treasury, DPW and DO JCD, a clear and transparent process of identifying the needs of users was developed and kept out to secure the new premises.

The NPA moved into its new facility on 1st October 2002. Provision of the facility is through the following contract:

Base lease and hard services

Lease agreement has been established by DPW with the building owner for the rental of the building over a 15-year period. The agreement is managed by DPW on behalf of the NPA.

Facilities management and soft services

The entire facility is managed through a Service Level Agreement between Corporate Facilities Managers, the building owner and the NPA. The services are procured through government-aligned tenders, which have stringent empowerment capacity-building requirements.

VGM PROJECT

THE DESCRIPTION OF THE ARRANGEMENT

All arrangements between the NPA and private partners are governed by the Contract on Soft Services as a Best Practice to Public Private Partnership Agreement-Treasury Approval 3 - Project SABC& VGM.

The National Prosecuting Authority has adopted a PPP model to procure the Head Office Accommodation, on the basis of deliberations and prior approvals by the State Tender Board through the recommendations of the National Treasury's PPP Unit.

The agreement assumes three basic principles of a PPP: (a) Value for money, where the payment mechanism has a performance element, (b) Risk Transfer, where compliance is ensured, and (c) Affordability, where a Base Line option of combining soft and hard services, was chosen.

SIGNIFICANT TERMS OF ARRANGEMENT

AMOUNT

From the effective date of the Facilities Management Agreement 23 services were rendered at the agreed Service Provision Fee as reflected in the Financial Statements.

TIMING

The duration of this Agreement shall commence on the effective date and subject to the rights of termination stipulated herein, shall continue as long as the Lease Agreement.

CERTAINTY OF FUTURE CASH FLOWS

Benchmarking (page 12 clause 16 of the Facilities Management Agreement) of the cost, nature, scope and level of services is conducted on a yearly basis by both parties to ensure industry norms and standards. Responsibility is passed onto the private partner whom in turn takes full responsibility of all services.

NATURE AND EXTENT OF:

1. Rights to use specified assets

The nature of the assets used by the NPA includes premises as specified in the signed Lease Agreement as well as the equipment and fittings such as cabling and IT equipment, furniture and technical security equipment. These items were acquired in terms of an agreement between the National Prosecuting Authority and Leopont 444 (Pty) Ltd.

The extent of the rights to use the equipment is for the sole benefit of the National Prosecuting Authority for the duration of the Agreement.



PART 4 B: DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2005

2. Obligations to provide or right to expect provisions of services

The service provider is obligated to provide the highest level of service to the NPA in terms of the Facilities Management Agreement. The standard of services for the 23 services is set out in detail in the Service Level Schedules. The rights and obligations of the NPA are also entrenched in this agreement.

3. Obligations to acquire or build items of property, plant and equipment

No obligations to acquire or build items of property, plant and equipment exist on the side of the NPA. However, should the NPA require additional accommodation, equipment etc. during its growth period, both the Lessor and the service provider will provide these after the normal channels for approval have been followed.

4. Obligations to deliver or rights to receive specified assets at the end of the concession period

The NPA is under no obligation to deliver any monetary or physical performance in exchange for the use of any buildings or equipment at the end of the concession period. The NPA will also have no right to any property, furniture or equipment at the end of the concession period.

5. Renewal and termination options

All subsections of the main Agreement between the NPA and other contracting parties make provision for the renewal of the different agreements. They also contain termination options in the case (where one of the parties does not comply with its obligations).

6. Other rights and obligations

The rights of the NPA in terms of maintaining the premises and services used by the National Prosecuting Authority are also entrenched in the different subsections of the main Agreement. These include continuous maintenance of the premises to ensure that the employees of the NPA will be provided with a first class working environment. Furniture and equipment will also be upgraded to ensure their functionality remains at a first class level.

CHANGES IN THE ARRANGEMENT OCCURRING DURING THE PERIOD

It is stipulated in the agreement that it is fundamental for the success of the Agreement and the parties' ongoing relationship, that, the Agreement reflects and continues to reflect their prevailing business imperatives and capabilities. Therefore provision is made for an annual review of the arrangement between the parties.

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THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: ANNEXURES

for the year ended 31 March 2005

ANNEXURE 1

REGIONAL SERVICES COUNCIL LEVIES

NAME OF MUNICIPALITY	GRANT ALLOCATION				TRANSFER		SPENT			2003/04
	Division of Revenue Act	Roll Overs	DORA Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	Amount received by municipality	Amount spent by municipality	% of available funds spent by municipality	Division of Revenue Act
	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	%	R'000
Regional Council Service Levies					2,504					
TOTAL					2,504					

ANNEXURE 2

STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS

AGENCY/ACCOUNT	TRANSFER ALLOCATION				TRANSFER		2003/04
	Appropriation Act	Roll Overs	Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	Appropriation Act
	R'000	R'000	R'000	R'000	R'000	%	R'000
Act of Grace					262		
TOTAL					262		

ANNEXURE 3

STATEMENT OF TRANSFERS TO HOUSEHOLDS

HOUSEHOLDS	TRANSFER ALLOCATION				EXPENDITURE		2003/04
	Appropriation Act	Roll Overs	Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	Appropriation Act
	R'000	R'000	R'000	R'000	R'000	%	R'000
Subsidies							
Social Benefits					3,154		
TOTAL					3,154		

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THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24



PART 4 B: ANNEXURES

for the year ended 31 March 2005

ANNEXURE 4

STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2004/05 R'000	2003/04 R'000
Received in cash			
	Purchase of promotional items for national and international guests		84
			84
Received in kind			
Telkom	Pennual Maduna Golf Classic		30
Auto & General	Two Vehicles		229
Kumba Resources	Pennual Maduna Golf Classic		50
Impumelelo Innovation Award	Gold Award		50
Vodacom	T-shirts & caps		3
Subtotal			362
TOTAL			446

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2004/05 THE NATIONAL PROSECUTING AUTHORITY INCLUDED IN VOTE 24

PART 4 B: ANNEXURES

for the year ended 31 March 2005

ANNEXURE 5

STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2005 – LOCAL

Guarantor institution	Guarantee in respect of	Original guaranteed capital amount	Opening balance 1 April 2004	Guarantees issued during the year	Guarantees released during the year	Guaranteed interest for year ended 31 March 2005	Closing balance 31 March 2005	Realised losses i.r.o. claims paid out	
		R'000	R'000	R'000	R'000	R'000	R'000	R'000	
Stannic	Motor vehicles		1,267	1,035			2,302		
			1,267	1,035			2,302		
Standard Bank Nedbank Limited First Rand Bank Absa Old Mutual Finance Limited Peoples Bank NBS First Rand Bank Free State Development Corporation Old Mutual Bank VBS Mutual Bank	Housing		1,320	199	174		1,345		
	Housing		553	152			705		
	Housing		572	95			667		
	Housing		1,854	214	92		1,976		
	Housing		-4				-4		
	Housing		66	-	26	-	40		
	Housing		400				400		
	Housing		282				282		
	Housing		10				10		
	Housing		223				223		
	Housing		42				42		
				5,318	660	292		5,686	
	TOTAL			6,585	1,695	292		7,988	



PART 4 B: ANNEXURES

for the year ended 31 March 2005

ANNEXURE 6

PHYSICAL ASSET MOVEMENT SCHEDULE FOR THE YEAR ENDED 31 MARCH 2005

	Opening Balance R'000	Additions R'000	Disposals R'000	Transfers in R'000	Transfers out R'000	Closing balance R'000
BUILDINGS AND OTHER FIXED STRUCTURES		15,536				15,536
Other structures (Infrastructure assets)		15,536				15,536
MACHINERY AND EQUIPMENT	44,676	20,132				64,808
Computer equipment	9,562	1,903				11,465
Furniture and office equipment	16,153	6,075				22,228
Other machinery and equipment	18,961	12,154				31,115
	44,676	35,668				80,344

ANNEXURE 7

PHYSICAL ASSET MOVEMENT SCHEDULE FOR THE YEAR ENDED 31 MARCH 2004

	Opening Balance R'000	Additions R'000	Disposals R'000	Transfers in R'000	Transfers out R'000	Closing balance R'000
MACHINERY AND EQUIPMENT	22,553	22,123	-	-	-	44,676
Computer equipment	5,071	4,491	-	-	-	9,562
Furniture and office equipment	9,029	7,124	-	-	-	16,153
Other machinery and equipment	8,453	10,508	-	-	-	18,961
	22,553	22,123	-	-	-	44,676



Part 4 C:

Consolidated
Financial Statements

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24

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Approval of Consolidated Statements

The Consolidated Statements of the Department of Justice and Constitutional Development and NPA have been approved by the Accounting Officer.

Adv M Simelane
Director-General
Department of Justice and Constitutional Development
29/07/2005

Annual Financial Statements

2004/05

THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24

Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT for the year ended 31 March 2005

Appropriation per Programme

	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Payments as % of final appropriation	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1. Administration									
Current payment	543,626	(10,287)	(4,666)	528,673	528,672	1	100.0%	515,342	515,342
Transfers and subsidies	3,112	869	(2,515)	1,466	1,466	-	100.0%	4,591	4,591
Expenditure for capital assets	27,329	991	20,961	49,281	49,281	-	100.0%	27,561	27,561
2. Court Services									
Current payment	2,010,686	(4)	(58,001)	1,952,681	1,952,513	168	100.0%	1,758,558	1,758,558
Transfers and subsidies	4,466	4	8,662	13,132	13,132	-	100.0%	15,191	15,191
Expenditure for capital assets	348,419	-	(23,068)	325,351	308,571	16,780	94.8%	287,275	282,477
3. State Legal Services									
Current payment	211,804	8,172	(183)	219,793	219,793	-	100.0%	207,788	207,788
Transfers and subsidies	492	255	182	929	929	-	100.0%	1,011	1,011
Expenditure for capital assets	4,314	-	(2,352)	1,962	1,962	-	100.0%	1,918	1,918
4. National Prosecuting Authority									
Current payment	1,137,895	-	22,777	1,160,672	1,128,847	31,825	97.3%	1,021,843	1,021,843
Transfers and subsidies	1,225	-	4,695	5,920	5,920	-	100.0%	4,095	4,095
Expenditure for capital assets	7,439	-	28,229	35,668	35,668	-	100.0%	22,123	22,123
5. Auxilliary and Associated Services									
Current payment	112,684	-	(11,700)	100,984	100,984	-	100.0%	105,127	105,127
Transfers and subsidies	606,577	-	4	606,581	606,580	1	100.0%	553,697	553,696
Expenditure for capital assets	34,349	-	16,976	51,325	51,325	-	100.0%	31,233	31,233
Subtotal	5,054,417	-	1	5,054,418	5,005,643	48,775	99.0%	4,557,353	4,552,554
Statutory Appropriation									
Current payments	177,083			177,083	242,093	(65,010)	136.7%	166,278	195,327
Total	5,231,500	-	1	5,231,501	5,247,736	(16,235)	100.3%	4,723,631	4,747,881
Reconciliation with Statement of Financial Performance									
Prior year unauthorised expenditure approved with funding				-				-	
Departmental receipts				172,719				192,865	
Local and foreign aid assistance				162,110				20,986	
Actual amounts per Statement of Financial Performance (Total Revenue)				5,566,330				4,937,482	
Local and foreign aid assistance					146,713				79,104
Prior year unauthorised expenditure approved									
Prior year fruitless and wasteful expenditure condoned									
Actual amounts per Statement of Financial Performance Expenditure					5,394,449				4,826,985

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Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT

for the year ended 31 March 2005

Appropriation per Economic classification

	2004/05						2003/04		
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payments									
Compensation to employees	2,680,093	77,645	(30,206)	2,727,532	2,727,532	-	100.0%	2,469,819	2,469,819
Goods and services	1,338,600	(81,764)	(114,071)	1,142,765	1,110,940	31,825	97.2%	1,000,473	1,000,473
Interest and rent on land	-	-	-	-	-	-	0.0%	-	-
Financial transactions in assets and liabilities	2	-	92,502	92,504	92,335	169	99.8%	138,365	138,365
Transfers & subsidies									
Provinces & municipalities	6,975	305	1,200	8,480	8,480	-	100.0%	9,922	9,922
Departmental agencies & accounts	606,597	-	240	606,837	606,836	1	100.0%	553,687	553,686
Universities & technikons	-	-	-	-	-	-	0.0%	-	-
Foreign governments & international organisations	2,300	823	(2,961)	162	162	-	100.0%	333	333
Public corporations & private enterprises	-	-	-	-	-	-	0.0%	-	-
Non-profit institutions	-	-	-	-	-	-	0.0%	-	-
Households	-	-	12,550	12,550	12,550	-	100.0%	14,549	14,549
Gifts and donations	-	-	-	-	-	-	0.0%	11	11
Payment on capital assets									
Buildings & other fixed structures	243,523	-	26,960	270,483	270,483	-	100.0%	243,805	243,805
Machinery & equipment	174,480	2,921	5,991	183,392	166,612	16,780	90.9%	126,305	121,507
Software & other intangible assets	1,847	70	7,796	9,713	9,713	-	100.0%	-	-
Total	5,054,417	-	1	5,054,418	5,005,643	48,775	99.0%	4,557,269	4,552,470

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Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT for the year ended 31 March 2005

Statutory Appropriation

Direct change against National Revenue fund	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Judges salaries	177,083			177,083	242,093	(65,010)	136.7%	166,278	195,327
Total	177,083	-	-	177,083	242,093	(65,010)	136.7%	166,278	195,327

Detailed per Programme 1 - Administration

Programme per sub-programme	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1.1 Minister									
Current payment	791		139	930	930	-	100.0%	746	746
1.2 Deputy Minister									
Current payment	614		62	676	676	-	100.0%	579	579
1.3 Management									
Current payment	55,394		(15,330)	40,064	40,064	-	100.0%	30,806	30,806
Transfers and subsidies	22		49	71	71	-	100.0%	357	357
Expenditure for capital assets	1,320		1,393	2,713	2,713	-	100.0%	735	735
1.4 Corporate Services									
Current payment	486,827	(10,287)	(27,890)	448,650	448,649	1	100.0%	424,830	424,830
Transfers and subsidies	3,090	869	(2,564)	1,395	1,395	-	100.0%	4,234	4,234
Expenditure for capital assets	26,009	991	19,568	46,568	46,568	-	100.0%	26,826	26,826
1.5 Special Function : Authorised Losses									
Current payment			38,353	38,353	38,353	-	100.0%	58,381	58,381
Total	574,067	(8,427)	13,780	579,420	579,419	1	100.0%	547,494	547,494

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24



Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT

for the year ended 31 March 2005

Detailed per Programme 1 - Administration

Economic classification	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current payments									
Compensation to employees	282,190	13,212	(21,036)	274,366	274,366	-	100.0%	262,311	262,311
Goods and services	261,436	(23,499)	(21,983)	215,954	215,954	-	100.0%	194,650	194,650
Interest and rent on land				-		-	0.0%		
Financial transactions in assets and liabilities			38,354	38,354	38,353	1	100.0%	58,381	58,381
Transfers & subsidies									
Provinces & municipalities	812	46	2	860	860	-	100.0%	1,110	1,110
Foreign governments & international organisations	2,300	823	(2,961)	162	162	-	100.0%	-	-
Households			444	444	444	-	100.0%	3,481	3,481
Gifts and donations				-		-	0.0%		
Payments for capital assets									
Buildings & other fixed structures			402	402	402	-	100.0%	-	-
Machinery & equipment	25,707	921	22,017	48,645	48,645	-	100.0%	27,561	27,561
Software & other intangible assets	1,622	70	(1,459)	233	233	-	100.0%		
Total	574,067	(8,427)	13,780	579,420	579,419	1	100.0%	547,494	547,494

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24

Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT

for the year ended 31 March 2005

Detailed per Programme 2 - Court Services

Programme per sub-programme	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
2.1 Constitutional Court									
Current payment	17,303		(3,215)	14,088	14,088	-	100.0%	16,683	16,683
Transfers and subsidies	6		31	37	37	-	100.0%	49	49
Expenditure for capital assets	263		508	771	771	-	100.0%	590	590
2.2 Supreme Court of Appeal									
Current payment	11,882		(1,122)	10,760	10,760	-	100.0%	10,686	10,686
Transfers and subsidies	94		(54)	40	40	-	100.0%	105	105
Expenditure for capital assets	250		(85)	165	165	-	100.0%	222	222
2.3 High Courts									
Current payment	126,753		52,838	179,591	179,591	-	100.0%	167,051	167,051
Transfers and subsidies	355		1,760	2,115	2,115	-	100.0%	1,338	1,338
Expenditure for capital assets	3,413		(311)	3,102	3,102	-	100.0%	1,659	1,659
2.4 Specialised Courts									
Current payment	23,243		(6,669)	16,574	16,574	-	100.0%	18,886	18,886
Transfers and subsidies	55		20	75	75	-	100.0%	59	59
Expenditure for capital assets	957		(827)	130	130	-	100.0%	144	144
2.5 Lower Courts									
Current payment	1,802,598	(4)	(152,506)	1,650,088	1,649,920	168	100.0%	1,464,942	1,464,942
Transfers and subsidies	3,917	4	6,822	10,743	10,743	-	100.0%	13,233	13,233
Expenditure for capital assets	78,701		(11,968)	66,733	49,953	16,780	74.9%	24,067	19,269
2.6 Family Advocate									
Current payment	16,824		9,693	26,517	26,517	-	100.0%	19,662	19,662
Transfers and subsidies	23		70	93	93	-	100.0%	398	398
Expenditure for capital assets	153		1,689	1,842	1,842	-	100.0%	974	974
2.7 Magistrates Commission									
Current payment	12,083		(1,282)	10,801	10,801	-	100.0%	5,377	5,377
Transfers and subsidies	16		13	29	29	-	100.0%	9	9
Expenditure for capital assets	159		(30)	129	129	-	100.0%	65	65

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Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT

for the year ended 31 March 2005

Detailed per Programme 2 - Court Services

Programme per sub-programme	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
2.8 Government Motor Transport									
Expenditure for capital assets	21,000		(12,044)	8,956	8,956	-	100.0%	15,749	15,749
2.9 Capital Works									
Current payment				-		-	0.0%	934	934
Expenditure for capital assets	243,523			243,523	243,523	-	100.0%	243,805	243,805
2.10 Special Function: Authorised Losses									
Current payment			44,263	44,263	44,263	-	100.0%	54,337	54,337
Total	2,363,571	-	(72,407)	2,291,164	2,274,216	16,948	99.3%	2,061,024	2,056,226

Economic classification

Current									
Compensation to employees	1,412,157	60,000	(14,049)	1,458,108	1,458,108	-	100.0%	1,299,611	1,299,611
Goods and services	598,529	(60,004)	(88,387)	450,138	450,138	-	100.0%	404,610	404,610
Financial transactions in assets and liabilities			44,431	44,431	44,263	168	99.6%	54,337	54,337
Transfers & subsidies									
Provinces & municipalities	4,466	4	106	4,576	4,576	-	100.0%	4,328	4,328
Foreign governments & international organisations				-		-	0.0%	333	333
Households			8,556	8,556	8,556	-	100.0%	10,519	10,519
Gifts and donations	-	-	-	-	-	-	0.0%	11	11
Capital									
Buildings & other fixed structures	243,523		11,022	254,545	254,545	-	100.0%	243,805	243,805
Machinery & equipment	104,671		(33,959)	70,712	53,932	16,780	76.3%	43,470	38,672
Software & other intangible assets	225		(127)	98	98	-	100.0%		
Land & subsoil assets				-		-	0.0%		
Total	2,363,571	-	(72,407)	2,291,164	2,274,216	16,948	99.3%	2,061,024	2,056,226

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24

Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT

for the year ended 31 March 2005

Detail per programme 3 - State Legal Services

Programme per sub-programme	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
3.1 Legal Services to the State									
Current payment	115,288	8,172	(6,543)	116,917	116,917	-	100.0%	103,002	103,002
Transfers and subsidies	271	255	(111)	415	415	-	100.0%	570	570
Expenditure for capital assets	330		487	817	817	-	100.0%	1,028	1,028
3.2 Legislation and Constitutional Development									
Current payment	15,618		(3,784)	11,834	11,834	-	100.0%	11,914	11,914
Transfers and subsidies	30		(3)	27	27	-	100.0%	42	42
Expenditure for capital assets	926		(248)	678	678	-	100.0%	548	548
3.3 Master of the High Court									
Current payment	80,898		10,107	91,005	91,005	-	100.0%	67,462	67,462
Transfers and subsidies	191		296	487	487	-	100.0%	399	399
Expenditure for capital assets	3,058		(2,591)	467	467	-	100.0%	342	342
3.4 Special Function: Authorised Losses									
Current payment			37	37	37	-	100.0%	25,410	25,410
Total	216,610	8,427	(2,353)	222,684	222,684	-	100.0%	210,717	210,717

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Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT

for the year ended 31 March 2005

Detail per programme 3 - State Legal Services

Economic classification	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current									
Compensation to employees	176,713	4,433	(4,042)	177,104	177,104	-	100.0%	156,101	156,101
Goods and services	35,091	3,739	(5,857)	32,973	32,973	-	100.0%	26,277	26,277
Interest and rent on land				-		-	0.0%		
Financial transactions in assets and liabilities			9,717	9,717	9,717	-	100.0%	25,410	25,410
Transfers & subsidies									
Provinces & municipalities	492	255	(209)	538	538	-	100.0%	472	472
Non-profit institutions				-		-	0.0%		
Households			391	391	391	-	100.0%	539	539
Gifts and donations				-		-	0.0%		
Capital									
Machinery & equipment	4,314		(2,373)	1,941	1,941	-	100.0%	1,918	1,918
Software & other intangible assets			20	20	20	-	100.0%		
Total	216,610	8,427	(2,353)	222,684	222,684	-	100.0%	210,717	210,717

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24

Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT

for the year ended 31 March 2005

Detail per programme 4 - National Prosecuting Authority

Programme per sub-programme	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
4.1 Public Prosecutions									
Current payment	902,556		14,735	917,291	885,466	31,825	96.5%	722,707	722,707
Transfers and subsidies	1,225		3,600	4,825	4,825	-	100.0%	3,294	3,294
Expenditure for capital assets	1,865		29,232	31,097	31,097	-	100.0%	14,988	14,988
4.2 Special Operations									
Current payment	202,087		(1,001)	201,086	201,086	-	100.0%	261,396	261,396
Transfers and subsidies	-		1,079	1,079	1,079	-	100.0%	775	775
Expenditure for capital assets	5,164		(606)	4,558	4,558	-	100.0%	3,020	3,020
4.3 Witness Protection Services									
Current payment	33,252		9,043	42,295	42,295	-	100.0%	37,740	37,740
Transfers and subsidies	-		16	16	16	-	100.0%	26	26
Expenditure for capital assets	410		(397)	13	13	-	100.0%	4,115	4,115
Total	1,146,559	-	55,701	1,202,260	1,170,435	31,825	97.4%	1,048,061	1,048,061

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24



Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT for the year ended 31 March 2005

Detail per programme 4 - National Prosecuting Authority

Economic classification	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Current									
Compensation to employees	808,779		8,392	817,171	817,171	-	100.0%	751,789	751,789
Goods and services	329,114		14,385	343,499	311,674	31,825	90.7%	269,816	269,816
Financial transactions in assets and liabilities	2			2	2	-	100.0%	237	237
Transfers & subsidies									
Provinces & municipalities	1,203		1,301	2,504	2,504	-	100.0%	4,012	4,012
Dept agencies & accounts	22		240	262	262	-	100.0%		
Households			3,154	3,154	3,154	-	100.0%		
Gifts and donations				-		-	0.0%	84	84
Capital									
Buildings & other fixed structures			15,536	15,536	15,536	-	100.0%		
Machinery & equipment	7,439		12,693	20,132	20,132	-	100.0%	22,123	22,123
Total	1,146,559	-	55,701	1,202,260	1,170,435	31,825	90.7%	1,048,061	1,048,061

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24

Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT

for the year ended 31 March 2005

Detail per programme 5 - Auxilliary and Associated Services

Programme per sub-programme	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
5.1 Judicial Service Commission									
Current payment	983	-	(143)	840	840	-	100.0%	657	657
Expenditure for capital assets	22	-	(22)	-	-	-	0.0%	-	-
5.2 Office for the Control of Interception and Monitoring of Communications									
Current payment	317	-	(79)	238	238	-	100.0%	118	118
Transfers and subsidies	2	-	(2)	-	-	-	0.0%	-	-
5.3 South African Human Rights Commission									
Transfers and subsidies	37,653			37,653	37,653	-	100.0%	32,785	32,785
Expenditure for capital assets				-	-	-	0.0%	-	-
5.4 Commission on Gender Equality									
Current payment				-	-	-	0.0%	-	-
Transfers and subsidies	21,390			21,390	21,390	-	100.0%	17,330	17,330
5.5 Special Investigating Unit									
Current payment				-	-	-	0.0%	-	-
Transfers and subsidies	37,194			37,194	37,194	-	100.0%	25,535	25,535
5.6 Legal Aid Board									
Transfers and subsidies	390,525			390,525	390,525	-	100.0%	367,864	367,864
5.7 Public Protector									
Current payment			802	802	802	-	100.0%	6	6
Transfers and subsidies	49,160		6	49,166	49,166	-	100.0%	43,529	43,529
5.8 National Crime Prevention Strategy									
Current payment	111,384		(12,281)	99,103	99,103	-	100.0%	104,346	104,346

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24



Part 4 C: CONSOLIDATED APPROPRIATION STATEMENT for the year ended 31 March 2005

Detail per programme 5 - Auxilliary and Associated Services

Programme per sub-programme	2004/05							2003/04	
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Payment	Variance	Payments as % of final appropriation	Final Appropriation	Actual Payment
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Expenditure for capital assets	34,327		16,998	51,325	51,325	-	100.0%	31,233	31,233
5.9 President's Fund									
Current payment			1	1	1	-	100.0%		-
Transfers and subsidies	1			1		1	0.0%	1	-
5.10 Represented Political Parties Fund									
Transfers and subsidies	70,652			70,652	70,652	-	100.0%	66,653	66,653
Total	753,610	-	5,280	758,890	758,889	1	100.0%	690,057	690,056

Economic classification

Current									
Compensation to employees	254		529	783	783	-	100.0%	7	7
Goods and services	114,430	(2,000)	(12,229)	100,201	100,201	-	100.0%	105,120	105,120
Transfers & subsidies									
Provinces & municipalities	2			2	2	-	100.0%	-	-
Dept agencies & accounts	606,575			606,575	606,574	1	100.0%	553,687	553,686
Households			5	5	5	-	100.0%	10	10
Capital									
Machinery & equipment	32,349	2,000	7,613	41,962	41,962	-	100.0%	31,233	31,233
Software & other intangible assets			9,362	9,362	9,362	-	100.0%		
Total	753,610	-	5,280	758,890	758,889	1	100.0%	690,057	690,056

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24

Part 4 C: CONSOLIDATED STATEMENT OF FINANCIAL PERFORMANCE for the year ended 31 March 2005

	2004/05 R'000	2003/04 R'000
REVENUE		
Annual appropriation	5,054,418	4,557,353
Statutory appropriation	177,083	166,278
Appropriation for unauthorised expenditure approved	-	-
Departmental revenue	177,643	192,865
Local and foreign aid assistance	162,110	20,986
TOTAL REVENUE	5,571,254	4,937,482
EXPENDITURE		
Current expenditure		
Compensation of employees	2,945,828	2,665,146
Goods and services	1,110,940	1,000,473
Interest and rent on land	-	-
Financial transactions in assets and liabilities	92,335	138,365
Local and foreign aid assistance	113,979	61,947
Unauthorised expenditure approved	-	-
Total current expenditure	4,263,082	3,865,931
Transfers and subsidies	651,825	578,585
Expenditure for capital assets		
Buildings and other fixed structures	270,483	243,805
Machinery and Equipment	166,612	121,507
Biological or cultivated assets	-	-
Software and other intangible assets	9,713	-
Land and subsoil assets	-	-
Local and foreign aid assistance	32,734	17,157
Unauthorised expenditure approved	-	-
Total expenditure for capital assets	479,542	382,469
TOTAL EXPENDITURE	5,394,449	4,826,985
NET SURPLUS/(DEFICIT)	176,805	110,497
Add back unauthorised expenditure	-	-
Add back fruitless and wasteful expenditure	175	1,596
NET SURPLUS/(DEFICIT) FOR THE YEAR	176,980	112,093
Reconciliation of Net Surplus/(Deficit) for the year		
Voted funds to be surrendered to the Revenue Fund	-16,060	-22,654
Departmental revenue to be surrendered to revenue fund	177,643	192,865
Local and foreign aid assistance	15,397	-58,118
NET SURPLUS/(DEFICIT) FOR THE YEAR	176,980	112,093

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24



Part 4 C: CONSOLIDATED STATEMENT OF FINANCIAL POSITION

as at 31 March 2005

	2004/05 R'000	2003/04 R'000
ASSETS		
Current assets	565,308	645,730
Unauthorised expenditure	185,617	185,617
Fruitless and wasteful expenditure	2,416	2,241
Cash and cash equivalents	7,166	10,021
Loans	-	-
Other financial assets	-	-
Prepayments and advances	268,032	407,451
Receivables	102,077	40,033
Local and foreign aid assistance receivable	-	367
Non-current assets	-	-
Investments	-	-
Loans	-	-
Other financial assets	-	-
TOTAL ASSETS	565,308	645,730
LIABILITIES		
Current liabilities	556,858	635,800
Voted funds to be surrendered to the Revenue Fund	-16,060	-22,654
Departmental revenue to be surrendered to the Revenue Fund	23,325	9,802
Bank overdraft	453,847	578,099
Payables	45,295	35,132
Local and foreign aid assistance repayable	-	-
Local and foreign aid assistance unutilised	50,451	35,421
Non-current liabilities		
Payables		-
TOTAL LIABILITIES	556,858	635,800
NET ASSETS	8,450	9,930
Represented by:		
Capitalisation reserve	-	-
Recoverable revenue	8,450	9,930
TOTAL	8,450	9,930

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24

Part 4 C: CONSOLIDATED STATEMENT OF CHANGES IN NET ASSETS for the year ended 31 March 2005

	2004/05 R'000	2003/04 R'000
Capitalisation reserve		
Opening balance	-	-
Transfers		
Closing balance	-	-
Recoverable revenue		
Opening balance	9,930	12,807
Debts written off	-	-5,243
Debts recovered (included in departmental receipts)	-986	
Debts raised	-494	2,366
Prior year adjustment		
Closing balance	8,450	9,930
TOTAL	8,450	9,930

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THE DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT and NPA - VOTE 24

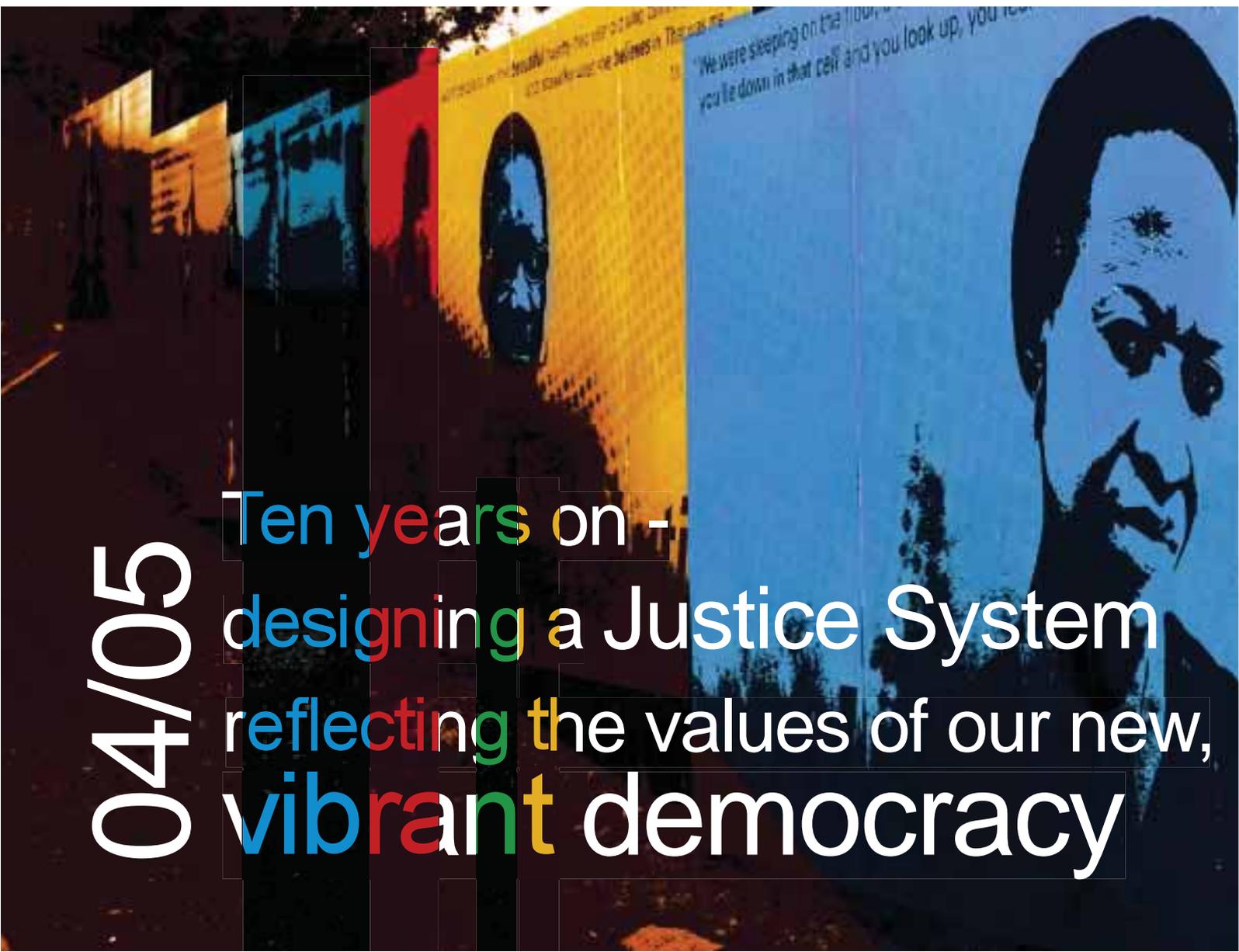


CONSOLIDATED CASH FLOW STATEMENT for the year ended 31 March 2005

	2004/05 R'000
CASH FLOWS FROM OPERATING ACTIVITIES	
Receipts	5,648,624
Annual appropriated funds received	5,054,418
Statutory appropriated funds received	177,083
Appropriation for unauthorised expenditure received	-
Departmental revenue received	177,638
Local and foreign aid assistance received	162,110
Net (increase)/decrease in working capital	77,375
Surrendered to Revenue Fund	136,186
Current payments	-4,252,919
Transfers and subsidies paid	-645,905
Net cash flow available from operating activities	885,986
CASH FLOWS FROM INVESTING ACTIVITIES	
Payments for capital assets	-479,542
Proceeds from sale of capital assets	5
Proceeds from sale of investments	-
Proceeds from sale of other financial assets	-
(Increase)/ decrease in loans granted	-
Net cash flows from investing activities	-479,537
CASH FLOWS FROM FINANCING ACTIVITIES	
Distribution/dividend to government	-
Increase/(decrease) in loans received	-1,480
Net cash flows from financing activities	-1,480
Net increase/(decrease) in cash and cash equivalents	121,397
Cash and cash equivalents at beginning of period	-568,078
Cash and cash equivalents at end of period	-446,681

04/05

Ten years on -
designing a Justice System
reflecting the values of our new,
vibrant democracy



Part 5:

Human Resource Development



PART 5: HUMAN RESOURCE DEVELOPMENT

1. Service Delivery

All departments are required to develop a Service Delivery Improvement (SDI) Plan. The following tables reflect the components of the SDI plan, as well as progress made in the implementation of the plans.

Table 1.1 – Main services provided and standards

Main Services	Actual Customers	Potential Customers	Standard of Service	Actual achievement against standards
Value-Added Services	All Branches	All Branches	According to SLA	Deliverables according to SLA
Customer Management Centre	All Branches	All Branches	According to SLA	Deliverables according to SLA
Key Accounts	All Branches	All Branches	According to SLA	Deliverables according to SLA

Table 1.2 – Consultation arrangements with customers

Type of Arrangement	Actual Customers	Potential Customers	Actual Achievements
Service Level Agreement	Branches	Chapter 9-Institutions	According to the needs identified

Table 1.3 – Service delivery access strategy

Access Strategy	Actual Achievements
Value-Added Services: Will offer efficient and consistent HR administration services that meet the time and quality requirements of our clients	Effective and Sufficient Services
Customer-Manager Centre: Will offer efficient and consistent HR administration devices that meet the time and quality requirements of our clients	Effective and Sufficient Services
Key Accounts: Upholding the vision, mission and transformation values of the Human Resource Branch. Maximising the speed and quality of HR services. Forging mutually beneficial partnerships. Aligning processes and systems with the Corporate Strategy	Sound Partnerships
HR Transformation Strategy: We offer enabling, Value-Added, Sustainable, Human Capital services which drive strategic business projects	
Transactional Strategy: We offer efficient and consistent Human Resource administration services that meet time and quality requirements of end-users	

Table 1.4 – Service information tool

Types of information tool	Actual achievements
Public Folders	Successful
HR Assistance Package	Helpful
My HR	Informative, Enhance work performance, Assistance i.r.o. Human Resource information Act/Policies/Circulars
DJINI Intranet Portal	Latest HR information

Table 1.5 – Complaints mechanism

Complaints Mechanism	Actual achievements
Hotline	High success rate
Open door policy	High success rate
Regular meetings	High success rate
Grievances	High success rate



PART 5: HUMAN RESOURCE DEVELOPMENT

2. Expenditure

The following tables summarise final audited expenditure by programme (Table 2.1) and by salary bands (Table 2.2). In particular, it provides an indication of the amount spent on personnel costs in terms of each of the programmes or salary bands within the Department.

TABLE 2.1 – Personnel costs by programme, 2004/05

Programme	Total Expenditure (R'000)	Personnel Expenditure (R'000)	Training Expenditure (R'000)	Professional and Special Services (R'000)	Personnel cost as a % of total expenditure %	Average personnel cost per employee (R'000)	Employment
Prog 1: Administration	579,419	274,339	-	-	50.7	18	15,044
Prog 2: Court Services	2,274,216	1,458,098	-	-	65.4	97	15,044
Prog 3: State Legal Services	222,684	177,104	-	-	83.1	12	15,044
Prog 4: National Prosecuting Authority	-	-	-	-	-	-	15,044
Prog 5: Auxiliary & Associated Services	758,889	783	-	-	-	-	15,044
TOTAL	3,835,208	1,910,361	-	-	50	126,985	15,044

TABLE 2.2 – Personnel costs by salary bands, 2004/05

Salary bands	Personnel Expenditure (R'000)	% of total personnel cost %	Average personnel cost per employee (R)	Total Personnel Expenditure (R)	Number of Employees
Lower skilled (Levels 1-2)	129,917	7	69,400	1,910,361	1,872
Skilled (Levels 3-5)	337,616	18	60,031	1,910,361	5,624
Highly skilled production (Levels 6-8)	415,699	22	94,843	1,910,361	4,383
Highly skilled supervision (Levels 9-12)	755,304	39	275,257	1,910,361	2,744
Senior management (Levels 13-16)	271,825	14	645,665	1,910,361	421
TOTAL	1,910,361	100	126,985	1,910,361	15,044

The following tables provide a summary per programme (Table 2.3) and salary bands (Table 2.4) of expenditure incurred as a result of salaries, overtime, home owners' allowance and medical assistance. In each case, the table provides an indication of the percentage of the personnel budget that was used for these items.

PART 5: HUMAN RESOURCE DEVELOPMENT

TABLE 2.3 – Salaries, Overtime, Home Owners' Allowance (HOA) and Medical Assistance by programme, 2004/05

Programme	Salaries		Overtime		Home Owners' Allowance		Medical Assistance		Total Personnel Cost (R'000)
	Amount (R'000)	Salaries as a % of personnel cost %	Amount (R'000)	Overtime as a % of personnel cost %	Amount (R'000)	HOA as a % of personnel cost %	Amount (R'000)	Medical Assistance as a % of personnel cost %	
Prog 1: Administration	241,513	88	1,029	-	2,083	1	17,008	6	274,366
Prog 2: Court Services	992,729	68	5,813	-	12,678	1	61,201	4	1,458,108
Prog 3: State Legal Services	143,713	81	1,060	1	1,584	1	7,636	4	177,104
Prog 4: Auxiliary and associated services	88	11	6	1	-	-	-	-	783
TOTAL	1,378,043	72	7,908	-	16,345	1	85,845	4	1,910,361

TABLE 2.4 – Salaries, Overtime, Home Owners' Allowance and Medical Assistance by salary bands, 2004/05

Salary Bands	Salaries		Overtime		Home Owners' Allowance		Medical Assistance		Total Personnel Cost (R'000)
	Amount (R'000)	Salaries as a % of personnel cost %	Amount (R'000)	Overtime as a % of personnel cost %	Amount (R'000)	HOA as a % of personnel cost %	Amount (R'000)	Medical Assistance as a % of personnel cost %	
Lower skilled (Levels 1-2)	55,584	39	426	-	442	-	6,314	5	129,917
Skilled (Levels 3-5)	256,912	75	1,708	1	2,889	1	19,425	6	337,616
Highly skilled production (Levels 6-8)	381,562	71	1,981	-	70	1	28,369	7	415,699
Highly skilled supervision (Levels 9-12)	632,676	72	3,698	-	6,442	1	22,856	3	755,304
Senior Management (Levels 13-16)	222,814	74	57	-	2	-	8,881	3	271,825
TOTAL	1,549,548	70	7,870	0	16,370	1	85,845	4	1,910,361



PART 5: HUMAN RESOURCE DEVELOPMENT

3. Employment and vacancies

The following tables summarise the number of posts on the establishment, the number of employees, the vacancy rate, and whether there are any staff that are additional to the establishment. This information is presented in terms of three key variables: - programme (Table 3.1), salary band (Table 3.2) and critical occupations (Table 3.3). Departments have identified critical occupations that need to be monitored. Table 3.3 provides establishment and vacancy information for the key critical occupations of the Department.

The vacancy rate reflects the percentage of posts that are not filled.

TABLE 3.1 – Employment and vacancies by programme, 31 March 2005

Programme	Number of posts	Number of posts filled	Vacancy Rate as a %	Number of posts filled additional to the establishment
Administration of Justice, Permanent	9,282	8,660	7	14
Administration of Justice, Temporary	757	757	-	-
Administration of law, Permanent	1,440	1,327	8	1
Administration of law, Temporary	7	7	-	-
Administration, Permanent	5,803	4,262	27	7
Administration, Temporary	13	13	-	-
Auxiliary and associated services, Permanent	1	1	-	-
Legal aid, Permanent	18	17	6	-
TOTAL	17,321	15,044	13	22

TABLE 3.2 – Employment and vacancies by salary bands, 31 March 2005

Salary band	Number of posts	Number of posts filled	Vacancy Rate as a %	Number of posts filled additional to the establishment
Lower skilled (Levels 1-2), Permanent	1,230	1,130	8	-
Lower skilled (Levels 1-2), Temporary	117	117	-	-
Skilled (Levels 3-5), Permanent	6,271	5,737	9	1
Skilled (Levels 3-5), Temporary	432	432	-	-
Highly skilled production (Levels 6-8), Permanent	4,480	4,245	5	16
Highly skilled production (Levels 6-8), Temporary	223	223	-	-
Highly skilled supervision (Levels 9-12), Permanent	3,170	2,744	13	2
Highly skilled supervision (Levels 9-12), Temporary	2	2	-	-
Senior Management (Levels 13-16), Permanent	1,393	411	70	3
Senior Management (Levels 13-16), Temporary	2	2	-	-
Other, Temporary	1	1	-	-
TOTAL	17,321	15,044	13	22

PART 5: HUMAN RESOURCE DEVELOPMENT

TABLE 3.3 – Employment and vacancies by critical occupation, 31 March 2005

Critical occupations	Number of posts	Number of posts filled	Vacancy Rate as a %	Number of posts filled additional to the establishment
Administrative related, Permanent	138	126	9	1
Advocates, Permanent	51	51	-	-
Advocates, Temporary	1	1	-	-
Attorneys, Permanent	212	156	26	-
Building and other property caretakers, Permanent	20	20	-	-
Bus and heavy vehicle drivers, Permanent	6	6	-	-
Cleaners in offices, workshops, hospitals, etc, Permanent	293	293	-	-
Cleaners in offices, workshops, hospitals, etc, Temporary	2	2	-	-
Client information clerks (switchboard and reception information clerks), Permanent	94	91	3	-
Communication and information related, Permanent	15	12	20	1
Finance and economics related, Permanent	138	137	1	-
Financial and related professionals, Permanent	140	102	27	-
Financial and related professionals, Temporary	198	198	-	-
Financial clerks and credit controllers, Permanent	663	500	25	-
Food services aids and waiters, Permanent	20	19	5	-
General legal administration & related professionals, Permanent	459	430	6	2
Historians and political scientists, Permanent	1	1	-	-
Household and laundry workers, Permanent	1	1	-	-
Human Resources & organisat. developm. & related professionals, Permanent	35	34	3	1
Human Resources & organisat. developm. & related professionals, Temporary	19	19	-	-
Human Resources clerks, Permanent	217	204	6	-
Human Resources related, Permanent	73	65	11	-
Information Technology related, Permanent	6	6	-	-
Judges, Permanent	1,203	236	80	-
Language practitioners, interpreters & other communicators, Permanent	200	188	6	-
Legal related, Permanent	101	97	4	-
Librarians and related professionals, Permanent	16	14	13	-
Library, mail and related clerks, Permanent	411	350	15	-
Library, mail and related clerks, Temporary	308	308	-	-
Light vehicle drivers, Permanent	19	19	-	-
Logistical support personnel, Permanent	28	28	-	-
Magistrates, Permanent	2,164	1,837	15	-
Magistrates, Temporary	1	1	-	-
Material-recording and transport clerks, Permanent	55	52	5	-
Messengers, porters and deliverers, Permanent	416	390	6	-
Messengers, porters and deliverers, Temporary	10	10	-	-
Other administration & related clerks and organisers, Permanent	5,430	5,135	5	3
Other administration & related clerks and organisers, Temporary	7	7	-	-



PART 5: HUMAN RESOURCE DEVELOPMENT

Critical occupations	Number of posts	Number of posts filled	Vacancy Rate as a %	Number of posts filled additional to the establishment
Other administrative policy and related officers, Permanent	673	620	8	10
Other Information Technology personnel., Permanent	2	2	-	-
Other occupations, Permanent	19	15	21	-
Prosecutor, Permanent	6	5	17	-
Risk Management and Security Services, Permanent	8	8	-	-
Secretaries & other keyboard operating clerks, Permanent	998	954	4	1
Secretaries & other keyboard operating clerks, Temporary	122	122	-	-
Security guards, Permanent	84	83	1	-
Security guards, Temporary	1	1	-	-
Security officers, Permanent	440	427	3	-
Security officers, Temporary	2	2	-	-
Senior managers, Permanent	189	177	6	3
Senior managers, Temporary	4	4	-	-
Statisticians and related professionals, Permanent	1	1	-	-
Translators and air traffic communicators, Permanent	1,499	1,375	8	-
Translators and air traffic communicators, Temporary	102	102	-	-
TOTAL	17,321	15,044	13	22

The information in each case reflects the situation as at 31 March 2005. For an indication of changes in staffing patterns over the year under review, please refer to section 5 of this report.

PART 5: HUMAN RESOURCE DEVELOPMENT

4. Job evaluation

The following table (Table 4.1) summarises the number of jobs that were evaluated during the year under review. The table also provides statistics on the number of posts that were upgraded or downgraded.

TABLE 4.1 – Job Evaluation, 1 April 2004 to 31 March 2005

Salary band	Number of posts	Number of Jobs Evaluated	% of posts evaluated by salary bands	Posts Upgraded		Posts downgraded	
				Number	% of posts evaluated	Number	% of posts evaluated
Lower skilled (Levels 1-2)	1,347	-	-	-	-	-	-
Skilled (Levels 3-5)	6,703	1	-	3	300	1	100
Highly skilled production (Levels 6-8)	4,703	3	-	9	300	16	533
Highly skilled supervision (Levels 9-12)	3,172	183	6	145	79	-	-
Senior Management Service Band A	147	-	-	1	-	-	-
Senior Management Service Band B	37	-	-	-	-	-	-
Senior Management Service Band C	1,211	-	-	-	-	-	-
Other	1	-	-	-	-	-	-
TOTAL	17,321	187	1	158	84	17	9

The following table provides a summary of the number of employees whose salary positions were upgraded due to their posts being upgraded. The number of employees might differ from the number of posts upgraded since not all employees are automatically absorbed into the new posts and some of the posts upgraded could also be vacant.

TABLE 4.2 – Profile of employees whose salary positions were upgraded due to their posts being upgraded, 1 April 2004 to 31 March 2005

Beneficiaries	African	Asian	Coloured	White	Total
Female	73	15	12	51	151
Male	90	8	4	20	122
TOTAL	163	23	16	71	273



PART 5: HUMAN RESOURCE DEVELOPMENT

The following table summarises the number of cases where remuneration levels exceeded the grade determined by job evaluation. Reasons for the deviation are provided in each case.

TABLE 4.3 – Employees whose salary level exceeded the grades determined by job evaluation, 1 April 2004 to 31 March 2005 (in terms of PSR 1.V.C.3)

Total Number of Employees whose salaries exceeded the grades determined by job evaluation in 2004/05	None
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5. Employment changes

Turnover rates provide an indication of trends in the employment profile of the Department. The following tables provide a summary of turnover rates by salary band (Table 5.1) and by critical occupations (Table 5.2).

TABLE 5.1 – Annual turnover rates by salary band for the period 1 April 2004 to 31 March 2005

Salary Band	Number of employees per band as on 1 April 2004	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate %
Lower skilled (Levels 1-2), Permanent	1,029	1,844	1,729	60
Lower skilled (Levels 1-2), Temporary	500	403	389	43
Skilled (Levels 3-5), Permanent	4,282	6,506	6,335	59
Highly skilled production (Levels 6-8), Permanent	3,941	1,224	1,135	22
Highly skilled production (Levels 6-8), Temporary	1	3	3	75
Highly skilled supervision (Levels 9-12), Permanent	2,420	810	872	27
Highly skilled supervision (Levels 9-12), Temporary	2	-	-	-
Senior Management Service Band A, Permanent	111	70	72	40
Senior Management Service Band B, Permanent	32	5	4	11
Senior Management Service Band C, Permanent	267	388	443	68
Senior Management Service Band D, Permanent	1	-	-	-
TOTAL	12,586	11,253	10,982	46

PART 5: HUMAN RESOURCE DEVELOPMENT

TABLE 5.2 – Annual turnover rates by critical occupation for the period 1 April 2004 to 31 March 2005

Occupation	Number of employees per occupation as on 1 April 2004	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate %
Administrative related, Permanent	112	11	10	8
Advocates, Permanent	47	14	12	20
Advocates, Temporary	2	-	-	-
Attorneys, Permanent	126	82	68	33
Building and other property caretakers, Permanent	22	-	2	9
Bus and heavy vehicle drivers, Permanent	12	-	-	-
Cashiers, tellers and related clerks, Permanent	-	4	4	100
Cleaners in offices, workshops, hospitals etc, Permanent	294	60	69	19
Cleaners in offices, workshops, hospitals etc, Temporary	2	-	-	-
Client information clerks (switchboard and reception information clerks), Permanent	80	71	64	42
Communication and information related, Permanent	13	5	5	28
Computer programmers., Permanent	1	-	1	100
Diplomats, Permanent	-	1	1	100
Finance and economics related, Permanent	103	10	13	12
Financial and related professionals, Permanent	78	91	80	47
Financial and related professionals, Temporary	18	240	172	67
Financial clerks and credit controllers, Permanent	193	1,367	1,272	82
Food services aids and waiters, Permanent	17	8	6	24
General legal administration & related professionals, Permanent	350	371	338	47
General legal administration & related professionals, Temporary	-	-	1	-
Head of Department/Chief Executive Officer, Permanent	1	-	-	-
Human Resources & organisat. developm. & related professionals, Permanent	37	6	4	9
Human Resources & organisat. developm. & related professionals, Temporary	13	2	10	67
Human Resources clerks, Permanent	195	83	77	28
Human Resources related, Permanent	44	11	7	13
Information Technology related, Permanent	5	1	-	-
Judges, Permanent	258	387	441	68
Language practitioners, interpreters & other communicators, Permanent	227	16	33	14
Legal related, Permanent	95	1	4	4
Legal related, Temporary	-	1	1	100
Librarians and related professionals, Permanent	18	2	3	15
Librarians and related professionals, Temporary	-	1	1	100
Library, mail and related clerks, Permanent	297	461	428	56
Library, mail and related clerks, Temporary	283	49	99	30
Light vehicle drivers, Permanent	13	2	1	7
Logistical support personnel, Permanent	29	-	1	3
Magistrates, Permanent	1,659	726	781	33



PART 5: HUMAN RESOURCE DEVELOPMENT

Occupation	Number of employees per occupation as on 1 April 2004	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate %
Magistrates, Temporary	2	-	2	100
Material-recording and transport clerks, Permanent	60	14	13	18
Messengers, porters and deliverers, Permanent	361	272	244	39
Messengers, porters and deliverers, Temporary	9	5	6	43
Other administrat. & related clerks and organisers, Permanent	3,946	4,335	4,291	52
Other administrat. & related clerks and organisers, Temporary	6	7	9	69
Other administrative policy and related officers, Permanent	520	355	324	37
Other Information Technology personnel., Permanent	2	-	-	-
Other occupations, Permanent	86	4	5	6
Prosecutor, Permanent	21	-	-	-
Rank: Unknown, Permanent	37	-	-	-
Risk Management and Security Services, Permanent	8	-	-	-
Secretaries & other keyboard operating clerks, Permanent	860	711	656	42
Secretaries & other keyboard operating clerks, Temporary	80	40	32	27
Security guards, Permanent	76	32	34	31
Security guards, Temporary	2	-	1	50
Security officers, Permanent	457	227	262	38
Security officers, Temporary	2	-	-	-
Senior managers, Permanent	145	32	17	10
Senior managers, Temporary	1	5	3	50
Statisticians and related professionals, Permanent	-	1	-	-
Translators and air traffic communicators, Permanent	1,178	1,073	1,019	45
Translators and air traffic communicators, Temporary	83	56	55	40
TOTAL	12,586	11,253	10,982	40

PART 5: HUMAN RESOURCE DEVELOPMENT

Table 5.3 – Reasons why staff are leaving the Department

Termination Type	Number	% of Total Resignations	% of Total Employment	Total	Total Employment
Death, Permanent	78	1	1	10,982	12,586
Death, Temporary	2	-	-	10,982	12,586
Resignation, Permanent	567	5	5	10,982	12,586
Resignation, Temporary	17	-	-	10,982	12,586
Expiry of contract, Permanent	9,790	89	78	10,982	12,586
Expiry of contract, Temporary	330	3	3	10,982	12,586
Dismissal - operational changes, Permanent	26	-	-	10,982	12,586
Discharged due to ill health, Permanent	40	-	-	10,982	12,586
Dismissal - misconduct, Permanent	9	-	-	10,982	12,586
Retirement, Permanent	63	1	1	10,982	12,586
Retirement, Temporary	1	-	-	10,982	12,586
Other, Permanent	17	-	-	10,982	12,586
Other, Temporary	42	-	-	10,982	12,586
TOTAL	10,982	100	87	10,982	12,586

Table 5.4 – Promotions by critical occupation

Occupation	Employees as at 1 April 2004	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a % of employees by occupation
Administrative related	112	8	7	74	66
Advocates	49	10	20	10	20
Attorneys	126	16	13	41	33
Building and other property caretakers	22	-	-	20	91
Bus and heavy vehicle drivers	12	-	-	9	75
Cleaners in offices, workshops, hospitals, etc.	296	-	-	251	85
Client information clerks (switchboard and reception information clerks)	80	-	-	59	74
Communication and information related	13	2	15	6	46
Computer programmers	1	-	-	-	-
Finance and economics related	103	11	11	59	57
Financial and related professionals	96	5	5	38	40
Financial clerks and credit controllers	193	1	1	98	51
Food services aids and waiters	17	-	-	14	82
General legal administration & related professionals	350	2	1	101	29
Head of Department/Chief Executive Officer	1	-	-	-	-
Human Resources & organisat. developm. & related professionals	50	3	6	33	66



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Occupation	Employees as at 1 April 2004	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a % of employees by occupation
Human Resources clerks	195	7	4	162	83
Human Resources related	44	19	43	28	64
Information Technology related	5	-	-	3	60
Judges	258	-	-	-	-
Language practitioners, interpreters & other communicators	227	7	3	18	8
Legal related	95	4	4	45	47
Librarians and related professionals	18	-	-	16	89
Library, mail and related clerks	580	2	-	159	27
Light vehicle drivers	13	-	-	11	85
Logistical support personnel	29	-	-	23	79
Magistrates	1,661	32	2	9	1
Material-recording and transport clerks	60	-	-	45	75
Messengers, porters and deliverers	370	1	-	247	67
Other administrat. & related clerks and organisers	3,952	6	-	2,907	74
Other administrative policy and related officers	520	10	2	378	73
Other Information Technology personnel	2	-	-	1	50
Other occupations	86	7	8	22	26
Prosecutor	21	2	10	-	-
Rank: Unknown	37	-	-	-	-
Risk Management and Security Services	8	-	-	8	100
Secretaries & other keyboard operating clerks	940	5	1	583	62
Security guards	78	-	-	63	81
Security officers	459	2	-	341	74
Senior managers	146	15	10	7	5
Translators and air traffic communicators	1,261	-	-	68	5
TOTAL	12,586	177	1	5,957	47

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Table 5.5 – Promotions by salary band

Salary Band	Employees 1 April 2004	Promotions to another salary level	Salary bands promotions as a % of employees by salary level	Progressions to another notch within a salary level	Notch progres- sions as a % of employees by salary band
Lower skilled (Levels 1-2), Permanent	1,029	2	0	1,068	104
Lower skilled (Levels 1-2), Temporary	500	-	-	4	1
Skilled (Levels 3-5), Permanent	4,282	6	0	2,094	49
Highly skilled production (Levels 6-8), Permanent	3,941	45	1	2,492	63
Highly skilled production (Levels 6-8), Temporary	1	-	-	-	-
Highly skilled supervision (Levels 9-12), Permanent	2,420	103	4	293	12
Highly skilled supervision (Levels 9-12), Temporary	2	-	-	-	-
Senior Management (Levels 13-16), Permanent	411	21	5	6	1
TOTAL	12,586	177	1	5,957	47

6. Employment equity

The tables in this section are based on the formats prescribed by the Employment Equity Act, 55 of 1998.

Table 6.1 – Total number of employees (including employees with disabilities) in each of the following occupational categories as on 31 March 2005

Occupational Bands	Male					Female					Total
	African	Coloured	Indian	Total Blacks	White	African	Coloured	Indian	Total Blacks	White	
Legislators, senior officials and managers, Permanent	45	8	10	63	55	27	4	5	36	12	166
Legislators, senior officials and managers, Temporary	8	-	-	8	1	2	-	-	2	-	11
Professionals, Permanent	1,406	126	106	1,638	957	762	126	143	1,031	613	4,239
Professionals, Temporary	96	3	9	108	9	77	3	4	84	11	212
Clerks, Permanent	2,341	205	77	2,623	171	3,379	589	194	4,162	1,536	8,492
Clerks, Temporary	105	11	1	117	10	148	52	22	222	190	539
Service and sales workers, Permanent	236	59	21	316	123	55	5	2	62	16	517
Service and sales workers, Temporary	3	-	-	3	-	-	-	-	-	-	3
Plant and machine operators and assemblers, Permanent	24	2	1	27	-	-	-	-	-	-	27
Elementary occupations, Permanent	292	35	11	338	31	370	27	10	407	30	806
Elementary occupations, Temporary	4	-	-	4	2	5	1	-	6	-	12
Other, Permanent	3	1	-	4	1	9	2	-	11	4	20
TOTAL	4,563	450	236	5,249	1,360	4,834	809	380	6,023	2,412	15,044
Employees with disabilities	14	4	-	18	8	10	-	-	10	4	40



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TABLE 6.2 – Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2005

Occupational Bands	Male					Female					Total
	African	Coloured	Indian	Total Blacks	White	African	Coloured	Indian	Total Blacks	White	
Top Management, Permanent	55	10	14	79	139	12	2	5	19	14	251
Senior Management, Permanent	45	6	8	59	58	29	5	7	41	12	170
Professionally qualified and experienced specialists and mid-management, Permanent	848	92	88	1,028	795	427	83	120	630	488	2,941
Professionally qualified and experienced specialists and mid-management, Temporary	-	-	-	-	-	-	-	-	-	1	1
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	1,345	68	33	1,446	177	1,197	129	69	1,395	1,167	4,185
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Temporary	-	-	-	-	-	-	-	-	-	2	2
Semi-skilled and discretionary decision-making, Permanent	1,737	198	66	2,001	140	2,662	491	145	3,298	504	5,943
Unskilled and defined decision-making, Permanent	314	62	17	393	28	270	42	8	320	24	765
Unskilled and defined decision-making, Temporary	216	14	10	240	22	232	56	26	314	198	774
Not Available, Permanent	3	-	-	3	1	5	1	-	6	2	12
TOTAL	4,563	450	236	5,249	1,360	4,834	809	380	6,023	2,412	15,044

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Table 6.3 – Recruitment for the period 1 April 2004 to 31 March 2005

Occupational Bands	Male					Female					Total
	African	Coloured	Indian	Total Blacks	White	African	Coloured	Indian	Total Blacks	White	
Top Management, Permanent	66	39	18	123	256	8	5	10	23	38	440
Senior Management, Permanent	16	1	-	17	46	11	-	-	11	1	75
Professionally qualified and experienced specialists and mid-management, Permanent	253	23	57	333	220	97	72	6	175	93	821
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	484	28	16	528	34	406	53	17	476	194	1,232
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Temporary	-	-	-	-	-	1	-	-	1	2	3
Semi-skilled and discretionary decision-making, Permanent	1,963	197	48	2,208	95	3,131	482	98	3,711	600	6,614
Unskilled and defined decision-making, Permanent	568	89	17	674	59	846	165	19	1,030	91	1,854
Unskilled and defined decision-making, Temporary	211	53	4	268	7	105	22	1	128	46	449
TOTAL	3,561	430	160	4,151	717	4,605	799	151	5,555	1,065	11,488

Employees with disabilities	-	1	-	1	-	3	-	-	3	-	4
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Table 6.4 – Promotions for the period 1 April 2004 to 31 March 2005

Occupational Bands	Male					Female					Total
	African	Coloured	Indian	Total Blacks	White	African	Coloured	Indian	Total Blacks	White	
Top Management, Permanent	-	-	-	-	-	-	-	1	1	-	1
Senior Management, Permanent	5	2	1	8	4	10	1	1	12	3	27
Professionally qualified and experienced specialists and mid-management, Permanent	106	10	13	129	69	77	12	11	100	71	369
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	576	42	25	643	140	712	77	59	848	931	2,562
Semi-skilled and discretionary decision-making, Permanent	521	72	32	625	74	781	220	81	1082	319	2,100
Unskilled and defined decision-making, Permanent	376	45	16	437	38	431	42	19	492	35	1,002



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Occupational Bands	Male					Female					Total
	African	Coloured	Indian	Total Blacks	White	African	Coloured	Indian	Total Blacks	White	
Unskilled and defined decision-making, Temporary	1	-	-	1	-	3	-	-	3	-	4
TOTAL	1,585	171	87	1,843	325	2,014	352	172	2,538	1,359	6,065

Employees with disabilities	10	2	-	12	4	7	-	-	7	2	25
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Table 6.5 – Terminations for the period 1 April 2004 to 31 March 2005

Occupational Bands	Male					Female					Total
	African	Coloured	Indian	Total Blacks	White	African	Coloured	Indian	Total Blacks	White	
Top Management, Permanent	62	37	30	129	290	9	5	11	25	38	482
Senior Management, Permanent	18	2	-	20	44	9	-	-	9	1	74
Professionally qualified and experienced specialists and mid-management, Permanent	258	25	47	330	244	82	63	5	150	86	810
Professionally qualified and experienced specialists and mid-management, Temporary	-	-	-	-	-	-	-	-	-	1	1
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	355	27	15	397	39	311	51	10	372	243	1,051
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Temporary	-	-	-	-	-	1	-	-	1	1	2
Semi-skilled and discretionary decision-making, Permanent	1,719	166	39	1,924	85	2,464	402	73	2,939	544	5,492
Unskilled and defined decision-making, Permanent	506	94	14	614	58	746	151	14	911	90	1,673
Unskilled and defined decision-making, Temporary	166	53	-	219	6	100	28	-	128	42	395
TOTAL	3,084	404	145	3,633	766	3,722	700	113	4,535	1,046	9,980

Employees with disabilities	-	1	-	1	-	3	-	-	3	-	4
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Table 6.6 – Disciplinary action for the period 1 April 2004 to 31 March 2005

Occupational Bands	Male					Female					Total
	African	Coloured	Indian	Total Blacks	White	African	Coloured	Indian	Total Blacks	White	
Disciplinary action	121	13	3	136	6	35	7	1	43	12	198

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Table 6.7 – Skills development for the period 1 April 2004 to 31 March 2005

Occupational Bands	Male					Female					Total
	African	Coloured	Indian	Total Blacks	White	African	Coloured	Indian	Total Blacks	White	
Legislators, senior officials and managers	86	6	10	102	57	29	5	5	39	25	223
Professionals	2,345	188	144	2,677	1,224	1,192	197	206	1,595	991	6,487
Technicians and associate professionals	1,789	46	6	1,841	67	867	28	5	900	78	2,886
Clerks	4,171	433	175	4,779	728	5,435	1,115	495	7,045	3,495	16,047
Service and sales workers	41	4	2	47	17	9	-	-	9	2	75
Skilled agriculture and fishery workers	-	-	-	-	-	-	-	-	-	-	-
Craft and related trades workers	-	-	-	-	-	-	-	-	-	-	-
Plant and machine operators and assemblers	24	1	-	25	6	73	24	14	111	23	165
Elementary occupations	184	41	10	235	44	122	6	-	128	3	410
Other Departments	42	1	1	44	6	61	1	1	63	5	118
TOTAL	8,682	720	348	9,750	2,149	7,788	1,376	726	9,890	4,622	26,411

Employees with disabilities	9	1	-	10	1	6	1	-	7	1	19
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7. Performance rewards

To encourage good performance, the Department has granted the following performance rewards during the year under review. The information is presented in terms of race, gender, and disability (Table 6.1), salary bands (table 6.2) and critical occupations (Table 6.3).

TABLE 7.1 – Performance Rewards by race, gender and disability, 1 April 2004 to 31 March 2005

	Beneficiary Profile			Cost	
	Number of beneficiaries	Total number of employees in group	% of total within group %	Cost (R'000)	Average cost per employee
African, Female	1,571	4,824	33	8,617	5,485
African, Male	1,505	4,549	33	10,407	6,915
Asian, Female	149	380	39	1,594	10,698
Asian, Male	74	236	31	918	12,405
Coloured, Female	211	809	26	1,318	6,246
Coloured, Male	109	446	24	811	7,440
Total Blacks, Female	1,931	6,013	32	11,529	5,970
Total Blacks, Male	1,688	5,231	32	12,136	7,190
White, Female	1,123	2,408	47	12,615	11,233
White, Male	410	1,352	30	8,829	21,534
Employees with a disability	16	40	40	123	7,688
TOTAL	5,168	15,044	34	45,232	8,752



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TABLE 7.2 – Performance Rewards by salary bands for personnel below Senior Management Service, 1 April 2004 to 31 March 2005

Salary Bands	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within salary bands %	Total Cost (R'000)	Average cost per employee
Lower skilled (Levels 1-2)	464	1,872	25	1,049	2,261
Skilled (Levels 3-5)	1,492	5,624	27	6,488	4,349
Highly skilled production (Levels 6-8)	2,394	4,383	55	17,501	7,310
Highly skilled supervision (Levels 9-12)	761	2,744	28	18,306	24,055
TOTAL	5,111	14,623	35	43,344	8,481

TABLE 7.3 – Performance Rewards by critical occupations, 1 April 2004 to 31 March 2005

Critical Occupations	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation %	Total Cost (R'000)	Average cost per employee
Administrative related	87	123	71	1,666	19,149
Advocates	22	57	39	570	25,909
Attorneys	26	145	18	498	19,154
Building and other property caretakers	18	20	90	25	1,389
Bus and heavy vehicle drivers	2	12	17	6	3,000
Cleaners in offices, workshops, hospitals, etc.	192	292	66	283	1,474
Client information clerks (switchboard and reception information clerks)	28	90	31	118	4,214
Communication and information related	9	11	82	254	28,222
Finance and economics related	54	130	42	858	15,889
Financial and related professionals	38	309	12	323	8,500
Financial clerks and credit controllers	54	503	11	338	6,259
Food services aids and waiters	5	22	23	20	4,000
General legal administration & related professionals	133	438	30	1,806	13,579
Human Resources & organisat developm. & related professionals	23	47	49	346	15,043
Human Resources clerks	161	199	81	1,409	8,752
Human Resources related	45	64	70	990	22,000
Information Technology related	5	6	83	151	30,200
Judges	-	236	-	-	-
Language practitioners, interpreters & other communicators	195	298	65	1,159	5,944
Legal related	62	92	67	1,760	28,387
Librarians and related professionals	14	17	82	195	13,929
Library, mail and related clerks	109	661	17	594	5,450
Light vehicle drivers	9	15	60	28	3,111

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Critical Occupations	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation %	Total Cost (R'000)	Average cost per employee
Logistical support personnel	15	26	58	157	10,467
Magistrates	320	1,761	18	9,441	29,503
Material-recording and transport clerks	34	55	62	149	4,382
Messengers, porters and deliverers	146	395	37	432	2,959
Other administration & related clerks and organisers	1,964	5,103	38	11,166	5,685
Other administrative policy and related officers	322	661	49	2,744	8,522
Other Information Technology personnel	2	2	100	20	10,000
Other occupations	19	92	21	391	20,579
Prosecutor	1	27	4	17	17,000
Rank: Unknown	-	20	-	-	-
Risk Management and Security Services	8	9	89	90	11,250
Secretaries & other keyboard operating clerks	403	1,060	38	2,704	6,710
Security guards	43	77	56	90	2,093
Security officers	165	434	38	800	4,848
Senior managers	56	174	32	1,841	32,875
Statisticians and related professionals	-	1	-	-	-
Translators and air traffic communicators	379	1,360	28	1,792	4,728
TOTAL	5,168	15,044	34	45,231	8,752

TABLE 7.4 – Performance related rewards (cash bonus), by salary band, for Senior Management Service

Salary Band	Beneficiary Profile			Total Cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure %	Personnel Cost SMS (R'000)
	Number of beneficiaries	Number of employees	% of total within band %				
Band A	105	95	111	3,500	33,333	5	69,096
Band B	19	75	25	653	34,368	3	22,680
Band C	1	251	0	43	43,000	-	207,540
TOTAL	125	421	30	4,196	33,568	1	299,316



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8. Foreign workers

The tables below summarise the employment of foreign nationals in the Department in terms of salary bands and by major occupation. The tables also summarise changes in the total number of foreign workers in each salary band and by each major occupation.

TABLE 8.1 – Foreign Workers, 1 April 2004 to 31 March 2005, by salary band

Salary Band	Employment at Beginning Period	% of Total	Employment at End of Period	% of Total	Change in Employment	% of Total
Lower skilled (Levels 1-2)	24	57	47	69	23	88
Skilled (Levels 3-5)	5	12	5	7	-	-
Highly skilled production (Levels 6-8)	5	12	6	9	1	4
Highly skilled supervision (Levels 9-12)	6	14	4	6	-2	-7
Senior management (Levels 13-16)	2	5	6	9	4	15
TOTAL	42	100	68	100	26	100

TABLE 8.2 – Foreign Workers, 1 April 2004 to 31 March 2005, by major occupation

Salary Band	Employment at Beginning Period	% of Total	Employment at End of Period	% of Total	Change in Employment	% of Total
Administrative office workers	32	76	45	66	13	50
Other occupations	1	2	1	2	-	-
Professionals and managers	9	22	22	32	13	50
TOTAL	42	100	68	100	26	100

9. Leave utilisation for the period 1 January 2004 to 31 December 2004

The following tables provide an indication of the use of sick leave (Table 9.1) and disability leave (Table 9.2). In both cases, the estimated cost of the leave is also provided.

TABLE 9.1 – Sick leave, 1 January 2004 to 31 December 2004

Salary Band	Total days	Total number of days with medical certificate	% days with medical certification %	Number of Employees using sick leave	% of total employees using sick leave %	Average days per employee using sick leave	Estimated Cost (R'000)	Total number of employees using sick leave
Lower skilled (Levels 1-2)	6,551	5,547	85	655	8	10	902	8,590
Skilled (Levels 3-5)	26,878	21,336	79	3,172	37	8	5,096	8,590
Highly skilled production (Levels 6-8)	28,205	23,487	83	2,946	34	10	8,731	8,590
Highly skilled supervision (Levels 9-12)	16,776	13,802	82	1,693	20	10	11,114	8,590
Senior Management (Levels 13-16)	732	577	79	100	1	7	1,215	8,590
Other	1	1	100	1	-	1	1	8,590
Not Available	191	177	93	23	0	8	127	8,590
TOTAL	79,334	64,927	82	8,590	100	9	27,186	8,590

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TABLE 9.2 – Disability leave (temporary and permanent), 1 January 2004 to 31 December 2004

Salary Band	Total days	Total number of days with medical certificate	% days with medical certification %	Number of Employees using disability leave	% of total employees using disability leave %	Average days per employee using sick leave	Estimated Cost (R'000)	Total number of employees using disability leave
Lower skilled (Levels 1-2)	853	853	100	17	11	50	120	152
Skilled (Levels 3-5)	2,127	2,127	100	42	28	51	441	152
Highly skilled production (Levels 6-8)	4,093	4,072	99	85	56	48	1,278	152
Highly skilled supervision (Levels 9-12)	326	326	100	5	3	65	161	152
Senior management (Levels 13-16)	41	41	100	3	2	14	72	152
TOTAL	7,440	7,419	100	152	100	49	2,072	152

Table 9.3 summarises the utilisation of annual leave. The wage agreement concluded with trade unions in the PSCBC in 2000 requires management of annual leave to prevent high levels of accrued leave being paid at the time of termination of service.

TABLE 9.3 – Annual Leave, 1 January 2004 to 31 December 2004

Salary Bands	Total days taken	Average per employee	Employment
Skilled (Levels 1-2)	19,480	20	986
Skilled (Levels 3-5)	67,345	16	4,126
Highly skilled production (Levels 6-8)	93,351	22	4,177
Highly skilled supervision (Levels 9-12)	66,535	26	2,608
Senior Management (Levels 13-16)	3,971	22	184
Other	2	2	1
Not Available	266	7	39
TOTAL	250,950	21	12,121

TABLE 9.4 – Capped leave, 1 January 2004 to 31 December 2004

Salary Bands	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2004	Number of Employees	Total number of capped leave available at 31 December 2004	Number of Employees as at 31 December 2004
Lower skilled (Levels 1-2)	424	5	84	92	56,599	674
Skilled (Levels 3-5)	1,393	5	35	306	70,454	2,006
Highly skilled production (Levels 6-8)	3,600	7	94	551	349,918	3,729
Highly skilled supervision (Levels 9-12)	642	6	71	101	44,032	624
Senior Management (Levels 13-16)	100	5	97	19	13,406	138
Not Available	19	10	-	2	-	-
TOTAL	6,178	6	75	1,071	534,409	7,171



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TABLE 9.5 – Leave payouts for the period 1 April 2004 to 31 March 2005

The following table summarises payments made to employees as a result of leave that was not taken.

REASON	Total Amount (R'000)	Number of Employees	Average payment per employee
Leave payout for 2004/05 due to non-utilisation of leave for the previous cycle	211	38	5,553
Capped leave payouts on termination of service for 2004/05	2,097	367	5,714
Current leave payout on termination of service for 2004/05	272	101	2,693
TOTAL	2,580	506	5,099

10. HIV/AIDS & health promotion programmes

TABLE 10.1 – Steps taken to reduce the risk of occupational exposure

Units/categories of employees identified to be at high risk of contracting HIV & related diseases (if any)	Key steps taken to reduce the risk
Low risk	Awareness campaign on the risk of contracting HIV and related diseases - condom distribution, Draft Policy

TABLE 10.2 – Details of Health Promotion and HIV and AIDS Programmes (tick the applicable boxes and provide the required information)

Question	Yes	No	Details, if yes
1. Has the Department designated a member of the SMS to implement the provisions contained in Part VI E of Chapter 1 of the Public Service Regulations, 2001? If so, provide her/his name and position.	Yes		Tsiestie Malema, Director
2. Does the Department have a dedicated Unit or has it designated specific staff members to promote the health and well-being of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	Yes		Employee Assistance Programme (EAP)-Deputy Director, Assistant Director, Administrative Officer; budget allocated R 600,000.00
3. Has the Department introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of this Programme.	Yes		The Department has established the EAP Directorate that will roll out a number of programmes that will attend to matters regarding HIV/AIDS. Committees have been formed in the Provinces
4. Has the Department established (a) committee(s) as contemplated in Part VI E.5 (e) of Chapter 1 of the Public Service Regulations, 2001? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.	Yes		HIV Forums have been reviewed and put in place
5. Has the Department reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed.	Yes		All HR policies have been reviewed to be in line with the Employment Equity Act and a draft Policy has been compiled
6. Has the Department introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of these measures.	Yes		Awareness Campaigns. These included the following topics: Contraction of HIV myths, HIV employees living with HIV
7. Does the Department encourage its employees to undergo Voluntary Counseling and Testing? If so, list the results that you have achieved.	Yes		To know their status and live accordingly and to be in a position to go for counselling. The results are not too impressive due to the fact that people see it as a private and confidential matter

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Question	Yes	No	Details, if yes
8. Has the Department developed measures/indicators to monitor & evaluate the impact of its health promotion programme? If so, list these measures/indicators.	Yes		The Department went out on tender in the various provinces to obtain a Service Provider. This was done for easy access. These Providers will also develop a programme to assist officials with HIV/AIDS. A survey was done to establish the reasons for sick leave and the result will be utilised to conduct a number of workshops and training

11. Labour relations

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

TABLE 11.1 – Collective agreements, 1 April 2004 to 31 March 2005

Subject Matter	Date
Government Transport between Residence and Workplace	3/7/2005
Special Leave	3/7/2005

The following table summarises the outcome of disciplinary hearings conducted within the Department for the year under review.

TABLE 11.2 – Misconduct and disciplinary hearings finalised, 1 April 2004 to 31 March 2005

Outcomes of disciplinary hearings	Number	% of total
Abscondment	4	2
Contract expired	1	1
Counselling	1	1
Demotion	13	7
Died	3	2
Dismissal	25	13
Final Written Warning	25	13
Medically boarded	4	2
Not guilty	13	7
Resigned	20	10
Suspension without pay	8	4
Training	1	1
Verbal warning	7	4
Withdrawn	64	32
Written Warning	9	5
TOTAL	198	100



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TABLE 11.3 – Types of misconduct addressed at disciplinary hearings

Type of misconduct	Number	% of total
Abuse of Government Vehicle	9	5
Abuse of State Property	2	1
Alcohol on duty	3	2
Assault	1	1
Closure of Magistrate's Office gates	1	1
Complaint	2	1
Constructive dismissal	1	1
Corruption	9	5
Damage of state property	1	1
Defeating ends of justice	1	1
Dereliction of duties	1	1
Disciplinary issues of security personnel	1	1
Displaying insolent behaviour	2	1
Disregard for financial regulations	1	1
Failure to obey instruction	1	1
False S&T claims	2	1
Falsification of Traffic Fines	1	1
Forgery	1	1
Fraud	32	16
Insubordination	7	4
Irregular appointment	2	1
Loss of Maintenance File & Cheque	1	1
Loss of face value forms	1	1
Loss of State Money	9	5
Maladministration	1	1
Mismanagement	3	2
Misrepresentation	1	2
Negligence	11	6
Nepotism	1	1
Non-compliance with financial prescripts	1	1
Poor work performance	5	3
Possession of stolen goods	1	1
Racism	3	2
Robbery	1	1
Sexual harassment	2	1
Theft	46	23
Unauthorised Absence	12	6
Unauthorised Overtime	1	1
Unbecoming Behaviour	12	6
Unethical Behaviour	5	2
TOTAL	198	100

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TABLE 11.4 – Grievances lodged for the period 1 April 2004 to 31 March 2005

	Number	% of Total
Resolved	63	43
Not resolved	85	57
TOTAL	148	100

TABLE 11.5 – Disputes lodged with Councils for the period 1 April 2004 to 31 March 2005

	Number	% of Total
Upheld	13	28
Dismissed	34	72
TOTAL	47	100

TABLE 11.6 – Strike actions for the period 1 April 2004 to 31 March 2005

Total number of person working days lost	358
Total cost (R'000) of working days lost	512
Amount (R'000) recovered as a result of "no work no pay"	80,650

TABLE 11.7 – Precautionary suspensions for the period 1 April 2004 to 31 March 2005

Number of people suspended	35
Number of people whose suspension exceeded 30 days	34
Average number of days suspended	810
Cost (R'000) of suspensions	7,967

12. Skills development

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

Table 12.1 – Training needs identified 1 April 2004 to 31 March 2005

Occupational Categories	Gender	Number of employees as at 1 April 2004	Training needs identified at start of reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	51	-	Skills Prog.	-	51
	Male	140	-	Skills Prog.	-	140
Professionals	Female	1,245	-	Skills Prog.	-	1,245
	Male	2,146	-	Skills Prog.	-	2,146
Technicians and associate professionals	Female	2,643	-	Skills Prog.	-	2,643
	Male	3,813	-	Skills Prog.	-	3,813
Clerks	Female	10,067	-	Skills Prog.	-	10,067
	Male	5,338	-	Skills Prog.	-	5,338
Service and sales workers	Female	8	-	Skills Prog.	-	8
	Male	32	-	Skills Prog.	-	32



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Occupational Categories	Gender	Number of employees as at 1 April 2004	Training needs identified at start of reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Plant and machine operators and assemblers	Female	132	-	Skills Prog	-	132
	Male	48	-	Skills Prog	-	48
Elementary occupations	Female	265	-	Skills Prog	-	265
	Male	429	-	Skills Prog	-	429
Subtotal	Female	14,411	-		-	14,411
	Male	11,946	-		-	11,946
TOTAL		26 357	-		-	26 357

Table 12.2 – Training provided 1 April 2004 to 31 March 2005

Occupational Categories	Gender	Number of employees as at 1 April 2004	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
JUSTICE COLLEGE						
Interpreters Beginners	Female	53	-	Skills Prog	-	53
	Male	71	-	Skills Prog	-	71
Interpreters Advanced	Female	20	-	Skills Prog	-	20
	Male	42	-	Skills Prog	-	42
Administration of Deceased Estate	Female	194	-	Skills Prog	-	194
	Male	148	-	Skills Prog	-	148
Aspirant Assistant Master	Female	11	-	Skills Prog	-	11
	Male	11	-	Skills Prog	-	11
Clerks of the Master's Division	Female	19	-	Skills Prog	-	19
	Male	7	-	Skills Prog	-	7
Estate Duty	Female	18	-	Skills Prog	-	18
	Male	9	-	Skills Prog	-	9
Administration of Insolvent Estates	Female	10	-	Skills Prog	-	10
	Male	12	-	Skills Prog	-	12
Guardian's Fund	Female	17	-	Skills Prog	-	17
	Male	11	-	Skills Prog	-	11
Administration of Estates under Tutor/ Curatorship	Female	3	-	Skills Prog	-	3
	Male	5	-	Skills Prog	-	5
Administration of Deceased Estates for Master's Office	Female	16	-	Skills Prog	-	16
	Male	16	-	Skills Prog	-	16

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Occupational Categories	Gender	Number of employees as at 1 April 2004	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Train-the-Trainer for service points coordinators of the Master	Female	4	-	Skills Prog	-	4
	Male	13	-	Skills Prog	-	13
Equality Courts	Female	181	-	Skills Prog	-	181
	Male	178	-	Skills Prog	-	178
Child Law	Female	21	-	Skills Prog	-	21
	Male	30	-	Skills Prog	-	30
Magistrates Criminal Decentralised	Female	29	-	Skills Prog	-	29
	Male	71	-	Skills Prog	-	71
Acting Magistrate Criminal	Female	47	-	Skills Prog	-	47
	Male	40	-	Skills Prog	-	40
Acting Regional Magistrate	Female	21	-	Skills Prog	-	21
	Male	18	-	Skills Prog	-	18
Regional Magistrate Refresher	Female	14	-	Skills Prog	-	14
	Male	40	-	Skills Prog	-	40
Introduction Course for newly appointed Regional Magistrate	Female	4	-	Skills Prog	-	4
	Male	3	-	Skills Prog	-	3
Magistrate – Delict	Female	5	-	Skills Prog	-	5
	Male	17	-	Skills Prog	-	17
Law of Contract	Female	7	-	Skills Prog	-	7
	Male	12	-	Skills Prog	-	12
Costs and Taxation	Female	7	-	Skills Prog	-	7
	Male	22	-	Skills Prog	-	22
Magistrate Fast-track	Female	7	-	Skills Prog	-	7
	Male	18	-	Skills Prog	-	18
Promotion. Admin of Justice & Access to Info Act	Female	4	-	Skills Prog	-	4
	Male	14	-	Skills Prog	-	14
Electronic Communications & Transaction Act	Female	14	-	Skills Prog	-	14
	Male	19	-	Skills Prog	-	19
Acting Magistrate Civil	Female	15	-	Skills Prog	-	15
	Male	17	-	Skills Prog	-	17
International Human Rights	Female	5	-	Skills Prog	-	5
	Male	23	-	Skills Prog	-	23
Commissioner of Child Welfare	Female	21	-	Skills Prog	-	21
	Male	39	-	Skills Prog	-	39
Family Law	Female	152	-	Skills Prog	-	152
	Male	128	-	Skills Prog	-	128



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Occupational Categories	Gender	Number of employees as at 1 April 2004	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Clerks Cost and Taxation (Module 1)	Female	16	-	Skills Prog	-	16
	Male	12	-	Skills Prog	-	12
Clerks Cost and Taxation (Module 2)	Female	41	-	Skills Prog	-	41
	Male	20	-	Skills Prog	-	20
Clerks Cost and Taxation (Module 3)	Female	20	-	Skills Prog	-	20
	Male	14	-	Skills Prog	-	14
Clerks Small Claims	Female	10	-	Skills Prog	-	10
	Male	14	-	Skills Prog	-	14
Clerks Criminal Court	Female	105	-	Skills Prog	-	105
	Male	50	-	Skills Prog	-	50
Children's Court Assistants	Female	36	-	Skills Prog	-	36
	Male	11	-	Skills Prog	-	11
Family Advocate	Female	55	-	Skills Prog	-	55
	Male	23	-	Skills Prog	-	23
Intermediaries	Female	32	-	Skills Prog	-	32
	Male	1	-	Skills Prog	-	1
Human Rights	Female	49	-	Skills Prog	-	49
TOTAL JUSTICE COLLEGE		2517	-		-	2517
DNS - COMPUTER PROJECT						
Introduction to PC & Windows	Female	1,176	-	Skills Prog	-	1,176
	Male	1,084	-	Skills Prog	-	1,084
Internet Explorer & Jutastat	Female	1,173	-	Skills Prog	-	1,173
	Male	1,069	-	Skills Prog	-	1,069
Ms Word XP Introduction & Intermediate	Female	1,671	-	Skills Prog	-	1,671
	Male	1,400	-	Skills Prog	-	1,400
Ms Word XP Basic	Female	1,170	-	Skills Prog	-	1,170
	Male	1,069	-	Skills Prog	-	1,069
Ms Word XP Advanced	Female	89	-	Skills Prog	-	89
	Male	31	-	Skills Prog	-	31
Ms Excel Introduction & Intermediate	Female	1,631	-	Skills Prog	-	1,631
	Male	1,350	-	Skills Prog	-	1,350
Ms Excel Advanced	Female	89	-	Skills Prog	-	89
	Male	32	-	Skills Prog	-	32
Ms Outlook XP Basic	Female	1,174	-	Skills Prog	-	1,174
	Male	1,080	-	Skills Prog	-	1,080

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Occupational Categories	Gender	Number of employees as at 1 April 2004	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Ms Outlook XP Intermediate	Female	1,593	-	Skills Prog	-	1,593
	Male	1,308	-	Skills Prog	-	1,308
TOTAL DNS - Computer Project		18189	-		-	18189
HR						
EAP	Female	803	-	Skills Prog	-	803
	Male	493	-	Skills Prog	-	493
Service Charter for Victims of Crime	Female	223	-	Skills Prog	-	223
	Male	149	-	Skills Prog	-	149
Conflict in the Workplace	Female	11	-	Skills Prog	-	11
	Male	4	-	Skills Prog	-	4
<i>Re Aga Boswa</i>	Female	1	-	Skills Prog	-	1
	Male	-	-	Skills Prog	-	-
Basic PC	Female	14	-	Skills Prog	-	14
	Male	5	-	Skills Prog	-	5
Customer Service	Female	10	-	Skills Prog	-	10
	Male	12	-	Skills Prog	-	12
Change Management	Female	50	-	Skills Prog	-	50
	Male	31	-	Skills Prog	-	31
Case-flow - Court Services	Female	6	-	Skills Prog	-	6
	Male	7	-	Skills Prog	-	7
Delegation	Female	5	-	Skills Prog	-	5
	Male	4	-	Skills Prog	-	4
Labour Relations	Female	12	-	Skills Prog	-	12
	Male	22	-	Skills Prog	-	22
Performance Management	Female	48	-	Skills Prog	-	48
	Male	66	-	Skills Prog	-	66
MLDP	Female	75	-	Skills Prog	-	75
	Male	153	-	Skills Prog	-	153
TOTAL HR		2204	-		-	2204
CFO						
Cash Hall	Female	299	-	Skills Prog	-	299
	Male	176	-	Skills Prog	-	176
JYP	Female	257	-	Skills Prog	-	257
	Male	154	-	Skills Prog	-	154
BAS	Female	582	-	Skills Prog	-	582
	Male	355	-	Skills Prog	-	355



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Occupational Categories	Gender	Number of employees as at 1 April 2004	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Governor Brown	Female	694	-	Skills Prog	-	694
	Male	473	-	Skills Prog	-	473
MMT	Female	45	-	Skills Prog	-	45
	Male	40	-	Skills Prog	-	40
Other Budget	Female	23	-	Skills Prog	-	23
	Male	26	-	Skills Prog	-	26
Procurement & Asset Management	Female	22	-	Skills Prog	-	22
	Male	5	-	Skills Prog	-	5
TOTAL CFO		3151	-		-	3151
OTHER						
Training for Paralegals	Female	-	-	Skills Prog	-	-
	Male	4	-	Skills Prog	-	4
Job Evaluation	Female	3	-	Skills Prog	-	3
	Male	5	-	Skills Prog	-	5
Child Protection	Female	9	-	Skills Prog	-	9
	Male	9	-	Skills Prog	-	9
Learnership Capacity-building	Female	4	-	Skills Prog	-	4
	Male	7	-	Skills Prog	-	7
Salary Administration	Female	1	-	Skills Prog	-	1
	Male	4	-	Skills Prog	-	4
PERSAL	Female	-	-	Skills Prog	-	-
	Male	1	-	Skills Prog	-	1
PERSAL Tax	Female	-	-	Skills Prog	-	-
	Male	1	-	Skills Prog	-	1
PERSAL Leave	Female	5	-	Skills Prog	-	5
	Male	1	-	Skills Prog	-	1
PERSAL Leave Administration	Female	1	-	Skills Prog	-	1
	Male	-	-	Skills Prog	-	-
PERSAL Establishment	Female	3	-	Skills Prog	-	3
	Male	-	-	Skills Prog	-	-
PERSAL Administration	Female	-	-	Skills Prog	-	-
	Male	1	-	Skills Prog	-	1
Fleet Management	Female	4	-	Skills Prog	-	4
	Male	5	-	Skills Prog	-	5
Record Management	Female	1	-	Skills Prog	-	1
	Male	1	-	Skills Prog	-	1

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Occupational Categories	Gender	Number of employees as at 1 April 2004	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Registry Management	Female	1	-	Skills Prog	-	1
	Male	1	-	Skills Prog	-	1
TOTAL OTHER		72	-		-	72
OUTSOURCED TRAINING						
Balanced Scorecard	Female	15	-	Skills Prog	-	15
	Male	12	-	Skills Prog	-	12
Advanced Computer Training for Judges Secretaries	Female	5	-	Skills Prog	-	5
	Male	1	-	Skills Prog	-	1
Human Rights Approach Workshop	Female	4	-	Skills Prog	-	4
	Male	1	-	Skills Prog	-	1
Practical Supervision (Family Court)	Female	13	-	Skills Prog	-	13
	Male	5	-	Skills Prog	-	5
Security Management Update	Female	-	-	Skills Prog	-	-
	Male	2	-	Skills Prog	-	2
Fire Fighting	Female	7	-	Skills Prog	-	7
	Male	12	-	Skills Prog	-	12
HIV/AIDS	Female	2	-	Skills Prog	-	2
	Male	-	-	Skills Prog	-	-
The SA Professional Society on the Abuse of Children (SAPSAC) 5th Annual Conference	Female	1	-	Skills Prog	-	1
	Male	-	-	Skills Prog	-	-
Bin Commerce (Honours) Cost Management	Female	1	-	Skills Prog	-	1
	Male	1	-	Skills Prog	-	1
Legal Writing	Female	-	-	Skills Prog	-	-
	Male	1	-	Skills Prog	-	1
High Impact Leadership Skills for the Public Sector	Female	-	-	Skills Prog	-	-
	Male	2	-	Skills Prog	-	2
Strategic Planning	Female	1	-	Skills Prog	-	1
	Male	-	-	Skills Prog	-	-
Asset Management in Public Sector	Female	3	-	Skills Prog	-	3
	Male	-	-	Skills Prog	-	-
Research	Female	1	-	Skills Prog	-	1
	Male	-	-	Skills Prog	-	-
Public Finance Management Based on Public Finance Management Act	Female	2	-	Skills Prog	-	2
	Male	-	-	Skills Prog	-	-
MBA	Female	1	-	Skills Prog	-	1
	Male	-	-	Skills Prog	-	-



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Occupational Categories	Gender	Number of employees as at 1 April 2004	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Workshop - Child Act	Female	2	-	Skills Prog	-	2
	Male	-	-	Skills Prog	-	-
Purpose of Child Act	Female	2	-	Skills Prog	-	2
	Male	-	-	Skills Prog	-	-
Certificate in Practical Management Development Programme	Female	2	-	Skills Prog	-	2
	Male	2	-	Skills Prog	-	2
ABET	Female	63	-	Skills Prog	-	63
	Male	45	-	Skills Prog	-	45
TOTAL OUTSOURCED TRAINING		224	-		-	224
Subtotal Training All Categories	Female	14,411	-		-	14,411
	Male	11,946	-		-	11,946
TOTAL		26,357	-		-	26,357

13. Injury on duty

The following tables provide basic information on injury on duty.

TABLE 13.1 – Injury on duty, 1 April 2004 to 31 March 2005

Nature of injury on duty	Number	% of total
Required basic medical attention only	6	27
Pending Investigation	15	68
Temporary Total Disablement	-	-
Permanent Disablement	-	-
Fatal	1	5
TOTAL	22	100

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14. Utilisation of consultants

Table 14.1 – Report on consultant appointments using appropriated funds

Project Title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand
Master's Workstudy	One	Six months	R 250 000
e-Scheduler development; development and roll-out of Video remand system; Case-flow management aspects	One	12 months	R 581 000
Court management development	Two	16 months	R 104 000
Support to the Transformation of the Judiciary project	One	Intermittent	R 3500 per day
e-Justice	92	12 months	R20 million
IJS	5	12 months	
Total number of projects	Total individual consultants	Total duration: Work days	Total contract value in Rand
Six	102	58 months	R20,935,000

Table 14.2 – Analysis of consultant appointments using appropriated funds, in terms of Historically Disadvantaged Individuals (HDIs)

Project Title	% ownership by HDI groups	% management by HDI groups	Number of Consultants from HDI groups that worked on the project
Court management development	62	78	Two
Support to the Transformation of the Judiciary project	100	100	One
e-Justice	65	65	60
IJS	40	40	Two

Table 14.3 – Report on consultant appointments using donor funds

Project Title	Total Number of consultants that worked on the project	Duration: Work days	Donor and Contract value in Rand
Child Law legislation	One	11 months	R450 000
Family Law Improvement Plan Johannesburg	One	12 months	R600 000
Family Law Centres	Two	12 months	R1m
<i>Re Aga Boswa</i>	Two	12 months	R400 000
Colloquium Report	One	2 days	R3500 per day
Total number of projects	Total individual consultants	Total duration: Work days	Total contract value in Rand
Five	Seven	47 months, 2 days	2 457 000

Table 14.4 – Analysis of consultant appointments using donor funds, in terms of Historically Disadvantaged Individuals (HDIs)

Project Title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of Consultants from HDI groups that work on the project
<i>Re Aga Boswa</i>	100%	100%	One
Colloquium Report	100%	100%	One





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