

Annual Report 2003/04

Annual Report 2003/04 department of justice and constitutional development

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department of justice and constitutional development





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Part 1: General Information

1.1 TO MRS B.S. MABANDLA, MP, MINISTER FOR JUSTICE AND CONSTITUTIONAL DEVELOPMENT

I have pleasure in presenting to you the Annual Report of the Department of Justice and Constitutional Development for the period 1 April 2003 to 31 March 2004.

1.2 Introduction by the head of the institution

Ten years into democracy, we look back at our achievements with great pride. It's been a long and difficult road, but our successes stand as testimony to the commitment and determination of the Department and its people.

The attainment of an unqualified audit opinion on the vote account, for the first time in many years, is the result of diligent work by many within the Department. It will lay the foundation for our future approach to all matters financial. Reporting on the monies in trust remains one of my Department's key challenges, which we will tackle head-on and with the same commitment we have shown in all our endeavours.

The Department has made great strides in improving our service delivery during the past ten years and, specifically, the period under review. The following achievements highlight our sense of direction, as mapped out in our strategic framework:

- The e-Justice Programme, comprising the Court Processing System, the Digital Nervous System and the Financial Administration System is managed and implemented by the Information Systems Management Business Unit. This programme supports the fundamental reform necessary to establish a more fair, accessible and efficient system of justice.
- The Business Unit: Legislative and Constitutional Development has been prolific in advancing transformation of the legal system. Since 1994, 108 pieces of legislation have been enacted, which is more than any other government department. The breakdown of legislation passed since 1994 is as follows:
 - Transformation: 61%
 - Crime: 26%
 - Legal Reform: 13%

- The South African Law Reform Commission has the highest implementation rate of all Law Commissions worldwide.
- In terms of human resources, the relevant Business Unit has made progress in the areas of, among others, monitoring leave and eliminating fraud by implementation of an automated leave system, skills development and the implementation of a workplace skills plan.
- The Public Education and Communication Business Unit has made great strides in disseminating legal information to the public at large, and has been actively involved in projects such as Citizen's Advice Desks in Courts, Ministerial Izimbizo and Internet access. Flagship projects include constitutional education in all official languages and community outreach on issues such as maintenance, domestic violence, recognition of customary marriages, etc.
- The Court Services Business Unit is in the process of restructuring the court system (Re aga boswa – "we are rebuilding"), which entails the devolution of powers to individual court level, transformation of the Judiciary, etc.
- The Business Unit: State Legal Services has made significant progress in terms of skills development, in that a comprehensive training programme in legal drafting has been structured, which is widely recognised and used within the Public Service legal fraternity. Progress has also been made in respect of diversifying the Unit's scope of work, to the extent that they now also deal with issues pertaining to, among others, labour. The Unit is also one of the leading protagonists of transformation and employment equity.
- In an effort to identify and address the problems peculiar to the Master's Office, the Department has elevated this Office to one of its core business functions. This will ensure that the importance of the Master's Office is not overlooked, especially in view of their crucial role in the economy. In this regard various measures have already been taken to improve service delivery and combat fraud and corruption.

I have no doubt that, in spite of the challenges we still face, we have a team of dedicated and committed officials capable of leading our Department into the next decade - the decade of service excellence!



1.3 Information on the Ministry

The function of the Minister 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 institutions have been established to take care of certain areas within the framework of the environment covered by the Ministry:

- South African Human Rights Commission.
- Commission on Gender Equality.
- Office of the Public Protector.
- Office for the Control of Interception and Monitoring of Communications.
- Ministerial Co-ordinating Committee on the Directorate of Special Operations.
- Criminal Assets Recovery Committee.
- Judicial Service Commission.
- Magistrates Commission.
- South African Law Reform Commission.
- Legal Aid Board.
- National Prosecuting Authority.
- Special Investigating Unit.
- President's Fund.
- Represented Political Parties' Fund.
- Debt Collectors Council.
- Rules Board for Courts of Law.
- Board for Sheriffs.
- Equality Review Committee.
- Rules Board for the Labour Courts.

During the period of this report, a number of bills have been promoted in Parliament. The following were approved by Parliament and have already been implemented:

- Judicial Matters Amendment Act, 2003: This Act amended the Insolvency Act, 1936, the Companies Act, 1973, the Close Corporations Act, 1984, and the Administration of Estates Act, 1965. The main objects of the Bill are to provide for statutory recognition of a functionary called the Chief Master and to empower the Minister to determine policy regarding

the appointment of trustees and similar functionaries in insolvency-related matters.

- Republic of South Africa Constitution Amendment Act, 2003: This Act deals with "Crossing of the Floor" by members of the various legislatures.
- Criminal Procedure Amendment Act, 2003: This Act addresses a concern raised by the Constitutional Court in a judgment dealing with criminal appeals from the lower to the superior courts. The Act provides for a leave to appeal procedure, thereby ensuring that only appeals that stand a chance of success are channelled to the High Courts. This will address the present clogging of the High Courts with appeals that have no chance of success.
- Judicial Officers (Conditions of Service) Amendment Act, 2003: This Act extends the mandate of the Independent Commission on Public Officer Bearers to make recommendations on the remuneration of judicial officers, thereby enhancing judicial independence. It also amends the Judges' Remuneration and Conditions of Employment Act, 2001, giving same-sex partners of judges the same benefits as spouses of judges when judges die.
- Promotion of National Unity and Reconciliation Amendment Act, 2003: This Act makes provision for the payment of reparations to communities;
- Judicial Matters Second Amendment Act, 2003: This Act amends a number of Acts administered by the Department in order to address problems that have arisen in practice; and
- Prevention and Combating of Corrupt Activities Act, 2004: This Act is aimed at revising the Corruption Act, 1992 and deals with corruption in all its many manifestations.

In addition to the above, the following Bills were tabled in Parliament and are at different stages of the parliamentary process:

- Judicial Conduct Tribunals Bill.
- Judicial Service Commission Amendment Bill.
- Magistrates Amendment Bill.
- All three these Bills emanate from the Judicial Officers Amendment Bill, which was introduced into Parliament during the 2001 session of Parliament. They relate to the creation of a mechanism to deal with complaints against members of the Judiciary.
- Child Justice Bill: This Bill establishes a comprehensive new criminal justice system for children in trouble with the law, in line with South Africa's international obligations emanating from numerous international instruments to which South Africa is a party.

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- **Compulsory HIV-testing of Alleged Sexual Offenders Bill:** This Bill is intended to provide a victim of a sexual offence with the right to apply to court to have the alleged perpetrator tested regarding his or her HIV-status, so that the victim can make informed decisions about numerous aspects of her or his life.
- **Superior Courts Bill:** This Bill is intended to rationalise the structure and functioning of the superior courts in the country in order to bring them into line with the constitutional arrangements in respect of these courts.
- **Republic of South Africa Constitution Amendment Bill:** This Bill intends amending the Constitution in order to create a single High Court of South Africa with provincial divisions, in contrast to the present arrangement, which provides for various High Courts throughout the country. (This Bill, however, lapsed when Parliament dissolved for the elections in February 2004.
- **Criminal Law (Sexual Offences) Amendment Bill:** This Bill emanates from an investigation of the South African Law Reform Commission and is intended to revise our law relating to sexual offences, including the Sexual Offences Act, 1957. One of the objectives of the Bill is to bring this area of the law into line with the new constitutional dispensation.
- **Judicial Officers Amendment Bill:** This Bill deals with numerous aspects relating to judicial officers, dealing, among others, with their remuneration and cases of misconduct.
- **Amendments to the regulations relating to debt collectors** were published in the Gazette on 7 November 2003.
- **Amendments to the Regulations relating to Judicial Officers in the Lower Courts, 1994,** to address the issues raised in the *Van Rooyen* judgment of the Constitutional Court, were published in the Gazette on 26 September 2003.
- **Amendments to the Regulations relating to Judicial Officers in the Lower Courts, 1994,** to address the issues raised in the *Satchwell* judgment, were published in the Gazette on 31 October 2003.
- **The amount of R50 000 contemplated in section 18(3) of the Administration of Estates Act, 1965,** was increased to R125 000 with effect from 19 September 2003.
- **Amendments to the Regulations regarding the Promotion of Access to Information** were published in the Gazette on 22 September 2003.

The following pieces of subordinate legislation were promulgated during the same period:

- The provisions of sections 51 and 52 of the Criminal Law Amendment Act, 1997 (Act 107 of 1997), dealing with minimum sentences, were extended for two years with effect from 1 April 2003.
- Regulations facilitating the provisions of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000), regulating the prevention of unfair discrimination, were promulgated and came into operation on 16 June 2003.
- A proclamation in terms of the Special Investigating Units and Special Tribunals Act, 1996 (Act 74 of 1996), relating to the affairs of the Department, was published in the Gazette on 25 July 2003.
- Regulations in terms of section 27 of the Promotion of National Unity and Reconciliation Act, 1995, dealing with the once-off reparation grant of R30 000, were published in the Gazette on 12 November 2003.

During the course of this period the Minister had to attend to official duties abroad. The following countries were visited:

- London – Law Minister’s Group on the Latimer House Guidelines from 14 May 2003 - 17 May 2003.
- New Orleans – Annual Convention and Exhibits from 3 August 2003 - 10 August 2003.
- Washington DC – The Fight Against Terrorism: A Global Effort Conference from 10 August 2003 - 14 August 2003.
- The Hague, Netherlands – Accompanying the Deputy President on a study tour on the International Criminal Court, etc. from 21 September 2003 - 23 September 2003.
- India – State Visit from 14 October 2003 - 20 October 2003.
- Monaco, Monte Carlo – Crans Montana Forum from 21 October 2003 - 24 October 2003.
- London – Solidarity Conference from 24 October 2003 - 27 October 2003.
- Sweden – Preventing Genocide, Threats and Responsibilities Conference from 26 January 2004 - 28 January 2004.

The Deputy Minister, at the request of the Minister, visited the following countries:

- Australia – 13th Commonwealth Law Conference from 13 April 2003 – 17 April 2003.
- New York (UN) – Consultative Assembly of Parliamentarians for the International Criminal Court from 12 September 2003 – 13 September 2003.
- Ethiopia – Meeting of the Committee on Women and Development from 16 September 2003 – 17 September 2003.



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- New York (UN) – 48th Session of the Commission on the Status of Women from 1 March 2004 – 12 March 2004.

1.4 Mission statement

To facilitate the rendering of accessible, speedy and cost-effective Justice services in the interest of a safer and more secure South Africa.

1.5 Legislative mandate

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

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

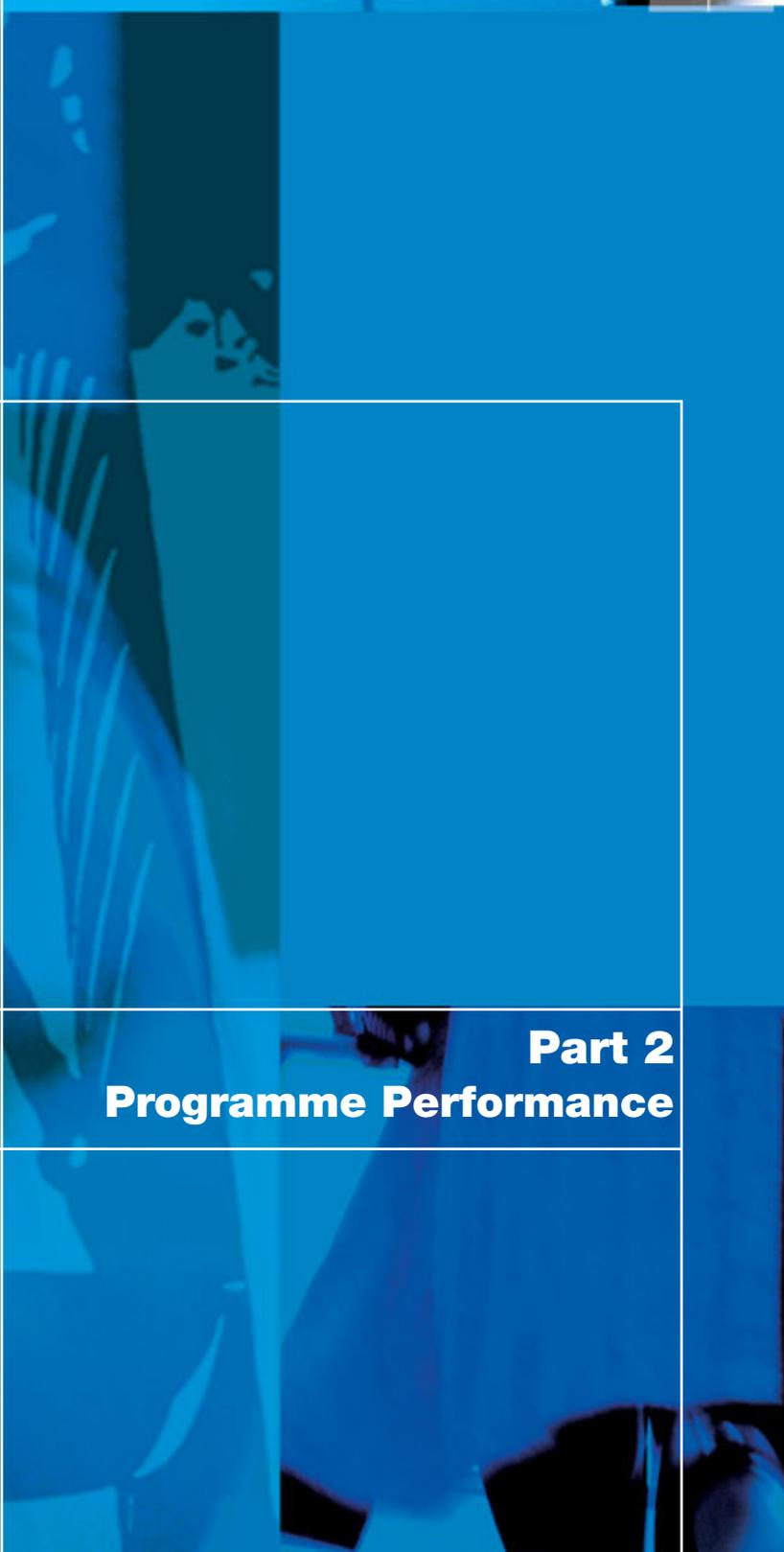
- maintain, improve and streamline a system of courts in which legal proceedings of a criminal, civil, family and administrative nature are processed efficiently and effectively;
- investigate certain crimes and prosecute all criminal offenders;
- provide legal services to Government and represent it in legal proceedings;
- 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.

The activities of the Department are organised into five programmes:

- Administration provides for the overall policy and organisational management of the Department.
- Administration of Courts establishes and maintains the system of courts and supports their management and administration.
- State Legal Services provides legal and legislative services to Government and facilitates constitutional amendments, as well as the administration of estates, liquidation of companies and the supervision of the administration of trusts and property of minors deposited in the Guardian's Fund and that of persons under curatorship.
- The National Prosecuting Authority provides a co-ordinated prosecutorial service, protects certain witnesses and investigates serious organised crime.
- Auxiliary and Associated Services renders a variety of auxiliary services associated with the Department's aims.

V P Pikoli

Director-General: Justice and Constitutional Development



Part 2
Programme Performance



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Part 2: Programme Performance

2.1 Voted funds

Appropriation	Main Appropriation	Adjusted Appropriation	Actual Amount Spent	Over/Under Expenditure
Amount appropriated	4 547 861 000	4 557 353 000	4 552 554 000	4 799 000
Statutory appropriation	166 278 000	166 278 000	195 327 000	(29 049 000)
Responsible Minister	Minister for Justice and Constitutional Development			
Administering Department	Justice and Constitutional Development			
Accounting Officer	Director-General: Justice and Constitutional Development			

2.2 Aim of the Vote

The aim of the Department of Justice and Constitutional Development 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 interest of a safer and more secure South Africa.

Summary of programmes:

The activities of the Department of Justice and Constitutional Development are organised in the following five programmes:

- Programme 1: Administration
- Programme 2: Court Services
- Programme 3: State Legal Services
- Programme 4: National Prosecuting Authority
- Programme 5: Auxiliary and Associated Services

2.3 Overview of the service delivery environment for 2003/04:

2.3.1. The Service Delivery Environment

All Government activities in the past year took place against the backdrop of General Elections, which were to be held at the end of the Financial Year. Yet another important aspect of this backdrop is the celebration of Ten Years of Democracy. Whilst the former concentrated on reflecting on the Department's performance in implementing the Government mandate - ensuring a better life for all - over the last five years, the latter reviewed the Department's contribution towards creating a new democratic dispensation in South Africa. The Department has reported extensively on these responsibilities.

The Department was also, over this period, consolidating its restructuring process. This process started with

the constitutional imperative to bring into existence the National Prosecuting Agency. This inspired the Department to create analogous institutions specialising in the delivery of specific key aspects of the mandate of the Department. These institutions comprise the Business Units (BUs) of the Department, which can be divided into two categories.

The first category of these institutions deals with the core activities of the Department. In addition to the National Prosecution Agency, which is a statutory body, the Department created the following Business Units: Court Services, the Master of the High Court, Legal Advisory Services and Legislative and Constitutional Development. The bulk of the Annual Report deals with the services these Business Units have rendered to the public (Section 2.3.2. of this Report).

The second category of institutions deals with support services or corporate services of the Department. These services enable the core activity Business Units to deliver optimally on their specialist areas of the departmental mandate. The support Business Units are the Office of the Chief Financial Officer, Human Resources, Public Education & Communication and Information & Systems Management. Each of these services reports under either sections dealing with Programme 1: Administration or Programme 5: Auxiliary and Associated Services.

The last category of institutional restructuring in the Department concerns the strategic management and co-ordination of departmental activities, to provide a synoptic vision across the Department, to synchronise all activities to eliminate duplication and competition and to enable synergic results through partnerships, co-operation and collaboration across the Business Units and

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Cluster Partners. This translated into strengthening of the Office of the Director-General. Pursuant to that two new Chief Directorates were created: one dealing with Strategic Management and Co-ordination and the other dealing with Policy Development and Co-ordination. It is this co-ordinative activity that will form the bulk of this subsection (Subsection 2.3.1.)

The first step of this strategic management and co-ordinative activity entailed consolidating all the strategic documents of the Department and Business Units into a coherent corpus to provide a synoptic vision throughout the Department. Out of this came what has now been adopted as the Strategic Plan of the Department for the next five years. This strategic plan is supplemented by three types of Tactical or Operational Plans.

The first type is the three-year Departmental Operational Plan or Medium-Term Strategic Framework (MTSF). This document, among other things, details the departmental priorities and how they relate to Business Units and the Chief Directorates of the Department, the resource implications (human, financial, technological, etc.) of these priorities, the risks their implementation entails, partnerships and use of consultants, etc.

The second type Tactical or Operational Plan is the three-year Business Plan of each Business Unit (BU). This plan is analogous to the departmental plan and is concerned with detailing how each Business Unit is going to deliver on both the Strategic Plan and the priorities of the MTSF, detailing expected deliverables for each year. It has a similar template to that of the MTSF. Both the MTSF and the Business Plans have obvious linkages to the budgeting process; both are monitored and evaluated through internal Makgotla.

The last type is the Annual Action Plan, in which is detailed the project in which each component of the Business Unit is implementing the priorities of the Business Plan, with timeframes, the resources the projects will consume and the expected outcomes/deliverables/outputs of each project. This is linked to three things: the Minister's annual Departmental Budget Vote Speech, the Performance Contracts of Senior Managers and the Annual Report. The Annual Action Plan is monitored through quarterly reports.

The Strategy of the Department provides for two Key Strategic Results Areas (KSRA). Each KSRA has its own Key Strategic Performance Areas (KSPA).

The first KSRA is Ensuring Access to Justice for All. This strategic result area hinges on the definition of "all", which has been defined as focusing on rural and township populations, on the poor, the uneducated and the vulnerable (women, children, the disabled and the aged). The KSPA are: Proximity (bringing services to rural areas and to townships in accordance with the ISRDS and Urban Renewal Programmes), Infrastructure Development (improving physical capacity, safety, health and security measures and utility for women and the disabled in existing service delivery points), Integrating our Service Offerings (into simpler affordable packages), and Communication (Marketing our Services, especially to the poor, the uneducated and the vulnerable).

The second KSRA concerns Transformation of the Administration of Justice under the KSPA of Equity, Modernisation (Efficiency), Quality Assurance (Effectiveness), Value Optimisation (Economy). Performance reports on equity will appear in the section of this report dealing with Human Resources, Modernisation in e-Justice, Quality in Service Improvement, and Value Optimisation in the section on Finance.

2.3.1.1 *Comment on Overall Performance*

Last year was the first year of experimenting with this new strategic institutional and management process model. The bulk of the time was spent on familiarisation and adaptations of these processes, as well as seeking to build the necessary capacity.

Workshops were convened to review flagship projects of the Department and to co-ordinate the involvement of all Business Units in the planning, budgeting and monitoring of these flagship projects. The Department of Justice and Constitutional Development flagship projects include the modernisation of Justice services through the e-Justice Project, Child Maintenance Project, the implementation of the verdict of the *Moseneke* case on succession, the transformation of the Judiciary, the transformation of the liquidation industry, the Management of Monies held in Trust, safeguarding the rights and the safety of vulnerable groups and transformation of Service Delivery through Court Services (*Re aga boswa*).

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Detailed reports on performance in delivering on these projects are given by Business Units in their reports on the programmes of the Departments. The reports will detail, among other things, the establishment of specialist courts, extension of service in the administration of estates and improvement of the administration of Child Maintenance Services. There would be reports on new court buildings, the improvement of existing court infrastructure, the strengthening of security provisions and technological innovation in delivering Justice services.

Reports on transformation, in addition to assessing the impact of the use of technology on systems, processes and procedure, will reflect on the implementation of a service delivery improvement plan, matters of equity, innovations in better financial management and human resource development. These transformation result areas are part of the improvement of access to Justice services.

Other aspects of transformation that the reports on the programmes touch on, include the transformation of the Judiciary and the optimisation of professional services offered by the National Prosecution Agency, the State Attorneys, State Law Advisers and Legal Draftsmen. The reports will show increased training to offer quality services, performance enhancement measures to enhance performance and the promulgation of legislation to transform the state and society in line with the democratic values embodied in our Constitution.

The reader will see that, whilst there has been a significant increase in the mandate of the Department without a corresponding increase in resources, the Department has endeavoured to consolidate both planned and emergent changes in the discharge of its mandate. The emergence of a strategic planning and management framework has had a discernible impact on improving service delivery and on matters of governance.

2.3.2 Services to the public

2.3.2.1 Training by Justice College:

Justice College is the official departmental training institution for magistrates, prosecutors, interpreters and other court officials, for both compulsory pre-appointment, as well as voluntary post-appointment training. In addition to providing functional legal training to officials of the Department, the approach of Justice College to the

development of a human rights culture in South Africa in the context of the formation of an independent Judiciary, has been to integrate reference to the Constitution, constitutional values, human rights and social context issues in all the courses offered.

During the financial year, 127 courses were planned and presented by the Justice College. These courses, in conjunction with the *ad hoc* training provided, reached 4 762 people.

2.3.2.2 Small Claims Courts:

In the financial year concerned 12 Small Claims Courts were established in rural areas in line with the departmental objective of increasing access to justice in rural areas (Calvinia, also incorporating the areas of Brandvlei, Nieuwoudtville and Loeriesfontein; Ngqeleni; Mkobola, also incorporating the areas of KwaMhlanga, Mbibana and Mdutjana; Lulekani, also incorporating the areas of Phalaborwa and Namakgale; Engcobo; Ekangala; Emzumbi; Bredasdorp; Hlanganani; Kudumane; Madikwe; and Idutywa). A total of 153 Small Claims Courts have been established to date. One-hundred-and-seventy-seven Commissioners for Small Claims and 79 Advisory Board members have been appointed.

To increase access to justice even further, the jurisdiction of such courts was increased from R3 000 to R7 000 with effect from 1 April 2004. The most recent information available indicates that 149 272 enquiries from the public relating to Small Claims Court matters were dealt with by the district courts. Furthermore, 31 117 litigants were referred for legal assistance, 205 115 summonses were issued and 29 678 hearings took place in Small Claims Courts across the country.

A conference with various stakeholders was held during November 2003 to consider proposed amendments and to improve the functioning of the entire Small Claims Court system. A Task Team was formed, which is investigating the following: legislative amendments, law students assisting in the Small Claims Courts, review of the Small Claims Courts manual, training for functionaries, communication, and decentralisation to rural areas.

2.3.2.3 Master's Office services:

The Master of the High Court interfaces directly with the public, especially in the regions where, justice takes place at office level. Through the Masters' services, the

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Unit contributes meaningfully to the government's efforts to better the lives of all our valued clients, the public at large.

The challenges facing the Business Unit are those relating to offering accessible, efficient and effective services to the public in terms of the *Batho Pele* ("People First") principles. The reasons for the existing inefficiencies are many and varied, but the most outstanding ones are those relating to the legacies of apartheid.

In order to reverse these legacies, whilst at the same time benchmarking the services, the Business Unit is continuing with its efforts to transform its people, processes and technologies to meet the expected needs of the improved service delivery.

The following are some of the key statutory functions of the Masters:

- Controlling the administration of Deceased and Curatorship Estates.
- Controlling the administration of Insolvent Estates and the Liquidation of Companies and Close Corporations.
- Controlling the registration and administration of both Testamentary and *Inter Vivos* Trusts.
- Management of the Guardian's Fund, which is entrusted with the funds of minors, mentally challenged persons, unknown and/or absent heirs and creditors for administration on their behalf.
- The assessment of Estate Duty and certain functions in regard thereto.
- The acceptance and custodianship of wills in deceased estates.
- Acting as an Office of Record.

Annually, approximately R18 billion circulates through the Offices of the Masters by means of Deceased and Insolvent Estates/Companies and Close Corporations in Liquidation, Trusts and minors/mentally challenged persons' funds. The economic engine of the country may be seriously affected if these funds are not administered expeditiously and efficiently.

Key strategic objectives undertaken to improve service delivery:

- The Unit expanded its operations by opening four new offices. These are the Johannesburg, Durban, Port Elizabeth and Polokwane Offices. This expansion

has been welcomed by both the public we serve, as well as the management and staff of the Department. These additional four offices bring the total of Masters' Offices in the country to four.

- In order to implement the Constitutional Court ruling in the case *Moseneke and Others v The Master and Another 2001 (1) SA 18 CC*, the *Mvedziso* project was launched during the 2002/03 financial year. 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 the South African people, without any form of discrimination or prejudice. A service level agreement was entered into between the Business Unit: Master of the High Court and the Business Unit: Court Services. This agreement has, to a certain degree, assisted the Business Unit: Master of the High Court in the implementation of the project through the existing Court Services resources and infrastructure.
- The programme, Master's Office Administration System (MOAS), which entails the computerisation of the Masters' Offices throughout the country, includes the Guardian's Fund, Master's Administration System for Estates, Trusts and Insolvencies (MASETI), as well as the website, among others. It is important to note that the various computerised systems being implemented are designed in such a way that they complement each other to bring about a revolution in information management. This in turn will bring about efficiency and effectiveness in delivering Masters' services.
- Phase one of three phases of the MASETI project was successfully completed and an audit/inspection to assess all sites to determine their state of readiness for phase two, has just been completed.
- The pilot Guardian's Fund System at the Bloemfontein Office has reached "maturity" and has proven to be working well. Preparations for a possible roll-out are under way. In this regard a site audit has been conducted to determine the extent of IT readiness of each office.
- The Master's website was launched during June 2002 and is up and running. According to the website

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statistics, 10 473 persons visited the website during the period 20 June 2002 (launch date) to 31 March 2004. The link can be accessed via the Department's website (www.doj.gov.za).

2.3.2.4 Lower Court:

The recording of case records is done by presiding officers in the district courts and by stenographers appointed by the Department, in the regional courts.

The transcription service for both the regional and district courts were outsourced to seventeen contractors. Serious delays in the transcribing of the records were experienced and several complaints regarding the quality of transcribed records were received. Meetings and discussions were held with the contractors and problems were ironed out. Subsequently a satisfactory service has been rendered. The contracts expire on 31 May 2005 and tenders for new contracts will be invited during 2004/2005.

2.3.2.5 Monies in Trust:

The Department receives approximately R2 billion in trust monies per annum through its 530 Lower Court cash halls countrywide. These monies are considered unauditible and a qualified audit report continues to be issued by the Office of the Auditor-General.

Fraud and corruption in a largely manual, paper-based transaction environment that is prone to human error, characterises the *status quo* across the payment system both outside and inside the Department. Cash halls lack the security required to protect monies and staff, as well as the systems required to accurately account for these financial transactions. Service delivery remains unacceptable and is largely limited to the physical presence of beneficiaries at their local Court.

Consistent with the aims of National Treasury, the Department is progressing a Public Private Partnership (PPP) project in collaboration with the National Treasury PPP Unit, whereby private sector skills and systems infrastructure is being assessed to leverage the gap between the current state and the required levels of service and accountability, as it relates to these monies held in trust. It is currently proposed that the private sector build, operate and transfer (over a ten-year period) skills and infrastructure required to close the gap that currently exists in financial transaction processing at the Department.

The proposed extension of the Transactional Footprint across Banks, Retailers and the Post Office for both banked and un-banked beneficiaries, will provide considerable benefits, notably in respect of flexibility, convenience and safety.

A National Call Centre will further enhance service delivery by eliminating the need for physical visits to the Courts and wasted phone calls by maintenance beneficiaries.

A centralised data warehouse is proposed to facilitate the ready production of exception reporting, highlighting (per court) the non-performance of maintenance orders. The proposed solution will result in traditional resources becoming more readily available to capacitate the Maintenance Investigation Unit and as a result, an improvement in performance of the provision of maintenance nationally off a currently low base, is certain.

Given that the above proposed and researched solution is affordable in terms of tenders to be issued in the new financial year, the solution may be implemented from as early as April 2005.

2.3.2.6 Family Courts:

A Family Court Blueprint was developed and is being implemented in order to strengthen the services to the public through a holistic family court concept. The family court concept has now been mainstreamed into the business of the Department, and is no longer considered to be a pilot project. The concept is in the process of being rolled out to other courts and in addition to the five main sites, three other magisterial districts, namely Bloemfontein, Upington and Kimberley, are also operating in that fashion, although fully fledged Family Court Centres have not been established there yet.

The following family court matters were dealt with in the lower courts in the past year:

- Children's court enquiries – 28 332;
- Children found in need of care – 24 437;
- Children placed in foster care – 32 819;
- Maintenance complaints dealt with – 372 994;
- Maintenance enquiries held – 188 059;
- Maintenance cases prosecuted – 66 550;
- Cases finalised through mediation – 58 221;
- Applications for domestic violence interdicts received – 159 383;
- Interdicts granted – 117 473;



- Domestic violence cases that went to trial – 42 452; and
- Summonses prepared in divorce matters – 41 836.

A number of challenges were faced during the reporting period with respect to the further implementation of the Family Court Blueprint. These are all being addressed, but a few are mentioned hereunder to give an indication of the mammoth re-engineering process that is under way in this regard.

Challenges being addressed at Family Court Pilot centres, include:

- lack of human resources;
- poor spatial design;
- lack of resources such as furniture and equipment;
- maintenance payments are at times problematic as a result of IT challenges, as well as lack of co-operation from payees with regard to Electronic Funds Transfers and perceived poor customer service from staff;
- security risks, specifically at Domestic Violence Courts;
- lack of integration between the Maintenance, Domestic Violence and Children's Courts, and the Divorce Court;
- lack of an Employee Assistance Programme;
- processes that are antiquated and not user-friendly;
- insufficient training in respect of Performance Management;
- a lack of training of staff leading to poor service delivery;
- insufficient supervisory skills at all Family Courts; and
- Divorce Court Presiding Officers' appointments that were problematic due to the fact that the Judicial Matters Second Amendment Act did not come into operation as expected in July 2004.

Work Study investigations not completed timely resulted in non-appointment of permanent Family Court staff. The Implementation Team was also bogged down with addressing operational issues at the 5 main sites, due to a lack of inadequately equipped management at these sites.

Furthermore, in view of resource constraints, much reliance has to be placed on other BUs and sections such as Human Resources, Finance and Procurement, Accommodation and the Directorates of Child Justice and Specialised Courts, to perform tasks in relation to the implementation of the project.

Notwithstanding the above challenges, the performance of the Family Courts is incrementally improving and as a result of a specific focus on maintenance matters, service delivery at sites such as the Johannesburg Maintenance Court has improved dramatically.

2.3.2.7 Family Advocates:

The Family Advocate, assisted by Family Counsellors, reports to the court and make recommendations, which will serve the best interests of children in cases where there is litigation relating to children in divorce actions or applications for the variation of existing divorce orders.

The Family Advocates' services are to be extended to include domestic violence and maintenance matters; legislation in this regard has been promoted. 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 2003 to 31 March 2004, indicate the following:



Statistics for the Chief Family Advocate's Office

Function	Numbers
High Court documentation scrutinised	17 632
Divorce Court documentation	9 461
Settlement agreements scrutinised	8 580
Enquiry requested by parties	3 904
Enquiries initiated by Family Advocate	992
Enquiries by court order	1 082
Parties reconciled	424
Enquiries finalised	5 286
Enquiries pending	4 186
Incoming mail	27 522
Outgoing mail	36 235
Enquiries of Special Divorce Court	2 800
Follow-up enquiries	109
Supplementary reports	14
Parties settled	179

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, 1996 (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 Court. The statistics for such cases are as follows:

Applications for the return of children to signatory countries

Total Applications	32
Returns Applications	18
Access Application	14
Total cases Finalised	19
Total cases Pending	13

2.3.2.8 One-Stop Child Justice Centres and Child Justice Bill:

The Child Justice Bill empowers the Minister in consultation with other relevant Ministers, to establish and maintain One-Stop Child Justice Centres.

Funds were provided for the relocation of Stepping Stones One-Stop Child Justice Centre in Port Elizabeth, to Nerina Place of Safety, and planning has been done in order to roll out to at least one per province by 2007. At this point, three One-Stop Child Justice Centres have been established. Implementation planning for the Child Justice Bill has continued and the numbers of Children Awaiting Trial have been monitored and addressed where numbers are high (more than 2000 per month). The steps

taken include:

- Requesting the National Prosecution Authority (NPA) to prioritise the cases of all children awaiting trial, especially those awaiting trial for longer than three months.
- Visiting provinces intersectorally in order to address cases where children are awaiting trial for longer than three months.
- Preparing for the implementation of the Child Justice Bill.
- Emphasising diversion and Restorative Justice processes, so that children are diverted from the mainstream criminal justice system as much as possible.



2.3.2.9 Maintenance Investigators:

Remarkable progress has been made with addressing the maintenance backlog during the period under review. One of the success factors in this regard was the appointment of Maintenance Investigators in all nine provinces, as part of the implementation strategy for the Maintenance Act, 1998 (Act 99 of 1998). This was done to address the problems experienced in prior years in respect of the recovery of maintenance in terms of this Act.

Seventy-two Maintenance Investigators were appointed on contract at hotspot Maintenance Courts from 1 April 2003. Policy has since been approved for the appointment of Maintenance Investigators as Public Servants in Maintenance Courts, and funds have been obtained for their appointment during 2004/05. The number of Maintenance Investigators will be increased to 140 during the 2004/05 financial year. Training for Maintenance Prosecutors, Maintenance Officers and Maintenance Investigators was also concluded in all the provinces. Officials at National Office handled approximately 100 maintenance complaints per month.

Maintenance Investigators are assigned, among other duties, the following:

- Assisting Maintenance Prosecutors and Maintenance Officers with investigating maintenance complaints.
- Tracing of persons liable to pay maintenance.
- Tracing of maintenance defaulters.
- Gathering and securing of information relating to maintenance enquiries and maintenance defaulters, including the gathering of the necessary financial information.
- Taking statements under oath.
- Testifying in court.

There is no doubt that the appointment of these investigators has increased access to justice for women and children. The samples of statistics obtained so far, indicate an increased reduction of maintenance case backlogs compared to the period before the appointment of these officials. There has also been a gradual reduction of the cycle time for maintenance hearings. The maintenance matters under investigation were characterised by long delays of periods of up to a year. With the appointment of the 56 initial Maintenance Investigators in 2002/03,

this period was reduced to almost three months. The additional appointments of 72 Maintenance Investigators have seen the numbers being reduced further to a cycle time of two months.

Maintenance Officers and clerks have also been appointed on a temporary basis and more are in the process of being appointed. We hope that these appointments will be made permanent as soon as the Work Study processes are completed.

2.3.2.10 Domestic Violence:

A workshop for Western Cape Magistrates was funded to afford the Judiciary the opportunity to discuss the uniform and prioritised handling of domestic violence cases. A National Workshop for the Lower Court Judiciary was also held in conjunction with Justice College, in order to draft guidelines to ensure the uniform handling of such matters. Inter-sectoral Guidelines were workshopped and issued by the NPA and Non-Governmental Organisations (NGOs). The most recent information indicates that the Lower Courts received 159 383 applications for domestic violence interdicts during 2002, of which 117 473 were granted. Furthermore, 45 768 warrants of arrest were issued, 17 578 were executed and 42 452 domestic violence cases went to trial.

2.3.2.11 Sexual Offences Courts:

A Sexual Offences Courts Strategy and a Blueprint are in place in order to establish dedicated Sexual Offences Courts in a holistic and dedicated manner. A National Project Oversight Committee, supported by an Operational Committee, has furthermore been established in order to seek to reduce secondary victimisation and to ensure that victims or survivors of sexual offences are handled humanely and with dignity, and that their needs are responsively addressed by all relevant service providers. The NPA has issued guidelines to Sexual Offences Courts Prosecutors in this regard. Justice College has drafted an Inter-sectoral Child Law Manual, which includes sexual offences cases.

To ensure the prioritised prosecution and adjudication of sexual offences cases and also lessen secondary victimisation of such victims, 52 Sexual Offences Courts were established and are being upgraded. A further 25 venues for the establishment of such courts are being investigated.

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Four Contract Intermediaries were appointed in Pretoria, Bethlehem and Umtata, as well as a Project Manager to support Court Preparation Officials in 17 courts. Since the start of the Project, 25 000 witnesses have undergone the Court Preparation Programme. A Court Preparation Manual for Children, researched by the University of Port Elizabeth and funded by USAID, was also drafted.

2.3.2.12 Equality Courts:

Two-hundred-and-twenty Equality Courts have been designated and training and resources provided. At this stage 75 cases have been lodged with some of the designated courts.

More than 800 Magistrates have been trained. Training will also be carried out on an ongoing basis, until each and every Magistrate's Court has at least one trained Presiding Officer. Ninety percent of the designated courts have trained clerks, who are still at their respective posts.

The Equality Courts Implementation Project Team has also started a Briefing Sessions Programme, whereby Office Managers and Clerks receive a refresher course on the implementation process, as well as the completion of the necessary forms. This will further benefit mainly those Clerks from the already designated courts, to be able to assist complainants. The Department is committed to ongoing training.

Successful public awareness campaigns have been launched in various areas, including Vryburg (North West), Khayelitsha (Western Cape), Mapulaneng (Limpopo), Ngqeleni (Eastern Cape), Johannesburg (Gauteng) and Kwaggasfontein (Mpumalanga).

The following are some of the key statutory functions:

- Engaging in co-operative and visible partnership with all stakeholders.
- Supporting the democratic processes through the promotion of gender equality in all communities.
- Promoting, protecting, monitoring and evaluating gender equality in all social structures.
- Promoting the continued implementation of the Promotion of Equality and Prevention of Discrimination Act, 2000.

2.3.2.13 Implementation of Legislation:

An Inter-sectoral Committee for the Implementation

Planning and Costing of the Criminal Law Amendment (Sexual Offences) Bill, 2003, was established.

A Departmental Steering Committee on the Children's Bill was established as support structure for planning of implementation of the widened powers and jurisdiction of the Children's Courts Chapter of the Children's Bill. The Inter-sectoral Child Justice Steering Committee has also updated its planning and costing in terms of the rewritten Child Justice Bill, as well as planned for the implementation of the Bill, once passed by Parliament.

2.3.3 Details of adjustments to 2003 Estimate of National Expenditure:

2.3.3.1 Roll-overs (R1,748 million):

- R1,748 million was made available from roll-over funds for the 16 Days of Activism: No Violence Against Women and Children campaign.

2.3.3.2 Virement:

Details of savings realised on each programme:

- Programme 2: Court Services:
R19,682 million was saved because vacant posts were not filled.
R22,540 million was saved due to an allocation that was wrongly made to Personnel Expenditure on this programme, instead of on Programme 4: National Prosecuting Authority.
- Programme 3: State Legal Services:
R 7,365 million was saved due to an over-allocation of funds to personnel.
R21,060 million of the inflation adjustment amount was transferred to the NPA as their portion of the adjustment.
- Programme 4: National Prosecuting Authority:
R5,627 million was provided for the National Prosecuting Authority for the training of prosecutors. This training was done in Programme 1, so the funds were shifted to that programme.

Utilisation of savings to augment the above programmes:

- Programme 1: Administration:
R10,776 million was shifted to provide for the implementation of legislation.

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R5,627 million was shifted to fund the training of prosecutors at Justice College.

R5,0 million was re-allocated from Personnel Expenditure to Administrative Expenditure and Professional and Special Services to build capacity in the Public Education and Communication Unit.

- Programme 3: State Legal Services:
An amount of R3,906 million was shifted for expanding the South African Law Reform Commission.
- Programme 4: National Prosecuting Authority:
R7,365 was transferred to the National Prosecuting Authority for the improvement of conditions of service of prosecutors.
R21,060 million of the inflation adjustment amount was transferred to the National Prosecuting Authority as their portion of the adjustment.
R22,540 million was shifted to the National Prosecuting Authority to provide for improvement of conditions of service.

Shifting of funds within programmes:

- Programme 2: Court Services:
R58,521 million of the R120,0 million allocated for Vulnerable Groups and the Improvement of Court Efficiency relates to personnel expenditure. The full amount was allocated erroneously to other standard items.
R5,0 million of the R15,0 million allocated for physical security at courts under the standard item Professional and Special Services will be used to appoint more personnel to manage security at the Department and at courts.
R60,0 million has been re-allocated within the programme to provide for a personnel expenditure shortfall. This saving was realised through reprioritisation and curtailed expenditure in Professional and Special Services.
R6,105 million was shifted from Equipment to Professional and Special Services and Inventories.
- Programme 4: National Prosecuting Authority:
R28,278 million was re-allocated from personnel expenditure to provide for the rental of buildings as part of the Public Private Partnership initiative between the Department of Public Works and the National Prosecuting Authority. The shift was possible because of the late filling of vacancies.

Other adjustments (R7,744 million):

R7,744 million has been allocated to the Department to cover the costs of the higher than expected salary increase:

- Department: R7,542 million
- South African Human Rights Commission: R57 000
- Commission on Gender Equality: R30 000
- Public Protector: R115 000

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2.4 Overview of the organisational environment for 2003/04:

2.4.1 Programme structure vs Business Unit:

The following is an indication of the links between the Programme structure and the Business Unit structure.

Programme 1: Administration

Subprogramme:	Business Unit:
Minister Deputy Minister Management Corporate Services (General Administration and Regional Offices)	Ministry Deputy Minister CEO, CFO, PEC, ISM, HR, Legislative and Constitutional Development, State Legal Services, Master of the High Court, Court Services CEO, CFO, PEC, ISM, HR and Court Services

Programme 2: Administration of Courts

Subprogramme:	Business Unit:
Constitutional Court	Court Services
Supreme Court of Appeal	Court Services
High Court	Court Services
Specialised Courts (Labour and Labour Appeal Courts, the Land Claims Court, the Special Tribunal, and the Family Courts)	Court Services
Lower Courts	Court Services
Family Advocates	Court Services
Magistrates Commission	Court Services
Government Motor Transport	Court Services
Capital Works	Court Services

Programme 3: State Legal Services

Subprogramme:	Business Unit:
Legal Services to the State (State Attorney and State Law Advisers)	Legal Services
Legislative and Constitutional Development	Legislative and Constitutional Development (SA Law Reform Commission)
Master of the High Court	Master of the High Court

Programme 4: National Prosecuting Authority (NPA)

Subprogramme:	Business Unit:
Public Prosecutions	NPA
Witness Protection Programme	NPA
Special Operations	NPA



See Management Report, paragraph 13, Part 4 about the separate responsibility.

Programme 5: Auxiliary and Associated Services

Subprogramme:	Business Unit:
Judicial Service Commission	
Office for the Control of Interception and Monitoring of Communication	
The South African Human Rights Commission	Constitutional Institution
The Commission on Gender Equality	Constitutional Institution
The Special Investigating Unit	Public Entity
The Legal Aid Board	Public Entity
The Public Protector	Constitutional Institution
The National Crime Prevention Strategy	ISM
Represented Political Parties' Fund	Constitutional Institution
The President's Fund	

2.4.2 Financial management:

The attainment of an unqualified audit opinion for the first time in many years is a goal that is the result of diligent work by many within the Department. To the architects of this change and to those that implemented and rolled out the sound foundations mapped out by the Office of the CFO, the Department extends a warm word of thanks.

In the final International Federation of Accountance (IFAC) research report on budget reporting, reference is made to suggested best practice in the Department. The methodology developed as a part of the Performance Enhancement Programme (PEP) of the Office of the Chief Financial Officer (CFO) has been published as a case study by the International Consortium on Government Finance Management (ICGFM) in their International Public Fund Digest. The case study can be referenced at <http://www.icgfm.org/digest.htm> and the case study slides can be obtained at <http://www.icgfm.org/southafrica.html>

2.4.3 Structural underfunding:

The personnel budget of the Court Services Programme continues to be significantly underfunded, which, when taken together with the requirement to write off historical unrecoverable debt, requires the Department to cross-subsidise these matters by some R400 million from other activities. This requirement is of concern and impacts on service delivery.

2.4.4 Human Resources (HR):

The following key HR influences were experienced during the year:

- Due to the uncompleted restructuring of the Court Services' BU, 5 Chief Directors' posts have not yet been filled;
- Two Chief Directors in the HR BU have unfortunately resigned; and
- One Chief Director's post has not been filled in the Office of the CFO.

The target date to fill the key posts and other vacancies is towards the end of 2004.

Service delivery has been negatively impacted by the striking of interpreters and clerks because of service conditions. The salaries and service conditions of interpreters have been bettered and are being implemented. More administrative personnel are being appointed, in order to alleviate the shortage of personnel at court level, especially in terms of dedicated and Specialist Courts, such as Maintenance Courts, where Maintenance Investigators have been appointed, and Sexual Offences Courts, where intermediaries are in the process of being appointed on contract and where the Department is assisting in appointing Court Preparation Officials and Victim Assistants on contract.

The recruitment and selection of women and people with disabilities at senior positions have not taken place effectively. Instead, people with disabilities are still employed in lower level jobs. New recruitment targets aimed specifically at recruiting such groups, will address the matter.



2.4.5 Security

The frequency of theft, robberies, vandalism and destruction of government assets has resulted in the Department initiating an extensive campaign to provide and install effective safety and security measures in an attempt to prevent and counteract these negative acts. These measures included:

- One-hundred-and-eighty-seven offices were guarded by Private Security Companies.
- As part of the implementation of the Minimum Security Standards at Court Houses to minimise loss of trust funds, 196 offices are receiving Cash-In-Transit Services through the Cash Management Services from Private Security Companies.
- One-hundred-and-forty-five Offices have been equipped with Alarm Systems.
- Forty-six Courthouses have been provided with Physical Security infrastructure such as fencing, gates, lighting, etc.
- An integrated security system was installed at the National Office in the Momentum Centre;
- Security appraisals have been conducted at all the High Courts in the country to determine the type(s) of security measures which are required, with a view to enhance security measures in consultation with the SAPS Security Advisory Unit.
- A process of evaluating the private residences of Judges and Magistrates in the country is being conducted, with a view to determine the direct and indirect threats against them. The provision of protection packages and the installation of security measures will be based on the availability of funds and the approval of policy in respect of this protection service.

2.4.6 Court developments:

The Department has implemented the *Re aga boswa* Project ("We are rebuilding"), in order to take service delivery closer to the people. The pilot process has started in KwaZulu-Natal in 2003 and is being rolled out to National and Regional Offices during the rest of 2004. The Decentralised Court Service Delivery Model is taking some time to realise and this impacts on the number and morale of personnel available to do the work. A Change Management Process has been implemented to handle this issue.

Specialist and Dedicated Courts have been established in order to tackle high-priority crimes, such as 52 Sexual

Offences Courts, two Commercial Crime Courts, an Environmental Court, a Community Court and a Hi-jacking Court. Plans are under way to roll out these courts in a holistic, co-ordinated manner with all role-players, including the Judiciary, the NPA, Justice College and the Legal Aid Board.

Implementation of continued legislative imperatives (such as the implementation of the Domestic Violence Act, 1998, the Maintenance Act, 1998, the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, the Immigration Courts in terms of the Immigration Act, 2003, the Administrative Justice Courts in terms of the Administrative Justice Act, 2000), continues to be prioritised. Training regarding these new pieces of legislation takes place on a continuous basis, but the constraints are that Justice College has not received enough funds to train all the personnel members of courts, as well as the Judicial Officers.

Blueprints for the re-engineering of Maintenance Courts, as well as the Family Courts, have been developed and implementation is receiving attention.

Implementation of equality legislation and designation of 220 equality courts, including the 10 High Courts, received attention.

Saturday and additional courts were highly successful in helping to address the huge backlog of cases.

The Child Justice Bill was costed and an inter-sectoral implementation plan drafted and presented to the Portfolio Committee. At implementation, the legislation will increase diversion, more One-Stop Child Justice Centres will be established and children will be dealt with more effectively in the justice system. The main aim is to divert children as much as possible from the mainstream criminal justice system.

The Children's Courts Chapter in the Children's Bill was redrafted to be in line with the current restructuring process of the courts and the Constitution of 1996. The Chapter was presented to the Portfolio Committees on Justice and Constitutional Development and Social Development respectively. When implemented, the legislation will increase the powers of Children's Courts to protect exploited, neglected and abused children.



Costing of the Criminal Law Amendment (Sexual Offences) Bill, 2003 has commenced and an inter-sectoral implementation plan is in the process of being drafted and presented to the Portfolio Committee on Justice and Constitutional Development. When implemented, the legislation will protect vulnerable victims/survivors of rape and sexual offences and vulnerable witnesses, more effectively.

2.4.8 Training of Staff:

2.4.8.1 Human Resources:

A Skills Audit project was embarked upon last year in the Department as part of a process to identify the relevant skills required. Job profiles had to be developed so that skills gaps could be established versus skills audit results. The major reasons for conducting the skills audit, were to respond to Resolution 7 (redeployment of staff in the Public Service) and the development of a Workplace Skills Plan (WSP) as required by the Skills Development Act, for submission to POSLEC SETA.

Since a WSP was developed out of the identified skills gaps that prevail in the Department, relevant training interventions have taken place. For example, the Adult Basic Education and Training (ABET) project. One-hundred-and-sixty-four learners have taken part in this project. On completion the learner will acquire a General Education and Training Certificate that is equivalent to NQF level one. Phase II of this project will commence in the new financial year.

Three learnerships that are geared towards the core business of the Department have been identified and are at different stages of development. The Court Management learnership is at an advanced stage of implementation and positive results have already been experienced relating to service delivery. Funding for the development of the relevant unit standards for Family Law and Court Interpreting learnerships, has been sourced from POSLEC SETA.

Fifty-six Workplace Assessors were trained on quality assurance and application of learned skills, as required in terms of the Skills Development Act, 1998 (Act 97 of 1998). These Assessors will be used to assess learners for skills programmes or learnerships. The emphasis on application of learned skills through assessments will ensure that the Department benefits from investment in training and development.

The Skills Audit performed during the year has highlighted serious IT skills shortcomings for the entire Department. Through the DNS project a great number of end-users have been trained. This is an ongoing process. There has been a great improvement in service delivery, especially in areas where the necessary hardware has been installed.

Several Organisational Developments (OD) related interventions were embarked upon to align the HR Strategic Objectives with the new BU structure. For example, Change Management, Competency Assessments for HR staff and development of new Job profiles for the entire Department.

Due to the increased number of misconduct cases in the Department, the Labour Relations Directorate saw it fit to capacitate managers in handling misconduct cases. In the preceding financial year, capacity in terms of trained personnel for investigating and handling misconduct cases was increased to 80%. However, only about 50% of the newly trained personnel availed themselves to assist in conducting investigations and disciplinary hearings. The expected impact in terms of reduction in misconduct cases has not been as significant as expected. This year a great improvement is expected, since the Labour Relations Directorate has received an assurance from the managers in the Department that they will oblige when requested to avail themselves to handle misconduct cases. Twenty officials were trained in Alternative Dispute Resolutions (ADR).

Positive results are being realised as a result of the HR Lekgotla and team building exercise that took place last year in Krugersdorp. Following the Lekgotla, HR Management clarified the new HR Strategy and made sure that performance agreements, as well as operational plans that are geared towards the achievement of the HR Strategic objectives, are finalised. The team building exercise in particular has improved relations and made co-operation amongst HR staff members easy.

A new performance management system was introduced in the Department and a proactive approach was taken in terms of training officials to be able to understand what was expected of them in terms of key results areas and standards. Line Managers and Supervisors now understand how to handle unsatisfactory performance and identify training needs through performance appraisals. They are also able to focus on budget versus performance when conducting performance assessment.



A Balanced Scorecard was introduced in the Department, and HR Management was trained on how to apply it. A scorecard was necessary due to prior year organisational restructuring, which gave rise to the need to focus on achieving results, value creation, client-centricity and implementation of new strategies. The scorecard comprised four perspectives, namely Financial, Internal Business Processes, Learning and Growth and Customers. The introduction of the scorecard led to 90% completion of Performance Management Agreements (PMAs).

2.4.8.2 Court Services

The Programme for Specialised Services and Promotion of the Rights of Vulnerable Groups in the Court Services Business Unit, has facilitated the following:

- Training programmes for Maintenance and Domestic Violence Court Officials in all provinces in conjunction with the Tshwaranang Legal Advocacy Centre, in order to build capacity and training for Maintenance Investigators, Maintenance Clerks, Maintenance Prosecutors and Domestic Violence Staff.
- Two workshops for the Judicial Officer and the Child Witness, especially relating to sexual offences and child abuse cases.
- A workshop arranged by Justice College for the standardisation of training for intermediaries.
- Two Domestic Violence workshops.
- Restorative Justice training workshops for child justice magistrates and other service providers.

The Court Services BU has further done some change management training regarding the *Re aga boswa* ("We are rebuilding") Project in the provinces as preparation for roll-out.

2.4.8.3 Office of the Chief Financial Officer

At our request the University of Cape Town structured a part-time B.Com (Hons) in strategic costs and financial management. The degree is a one-year part-time programme with two full-time weeks at the Graduate School of Business. This programme equips executives in the public sector with appropriate financial management skills. The approach is interdisciplinary, with the emphasis on the development of conceptual knowledge and problem-solving ability in issues relating to strategic costs and financial management. At the end of the programme participants will be able to assess the financial implications of legislation on the public and, where appropriate, the private sector. The second class of 25 students have begun, while the first class of 16 students are concluding

their studies. This has been a highly successful capacity-building initiative.

A recent innovation has been the release of DVD training material, covering the entire vote account and monies in trust financial administration system in Xhosa, Zulu, English and Afrikaans. The use of this training material has been exceedingly well-received. Training was conducted in all the provinces and reached 2 027 financial staff members.

2.4.8.4 Information Systems Management (ISM)

Ninety percent of staff attended a total of five days' training on the MS Project and the EPM Project Management Tool and System. All attendees were issued with certificates.

2.4.8.5 State Legal Services

As a result of the inadequate funding for training, State Attorneys have embarked upon a training programme within clusters to alleviate the problem. Lectures/discussion sessions were held on a monthly basis. Staff are also sent on all available courses within the constraints of the budget.

We are in the process of appointing training officers in all offices. A Training Committee has been established at the first Board meeting of 2004 and will start with their activities in the near future.

Eighteen officials attended a course; they will form the nucleus of the future Disciplinary Unit.

The current manuals are not designed to be used in an attorney's office, and the use of a manual specially designed for an attorney's office, is long overdue. It has been decided that a representative from the State Attorney: Johannesburg and a representative from the State Attorney: Pretoria will be assisting the National Inspectorate in the drafting of the manual.

2.4.9 Case-flow management:

Regarding the Case-flow Management (CFM) Project, the following significant events took place:

- Management support was given to Johannesburg High Court CFM, Northern Regional Courts Division, North West Cluster and Joint Judicial KZN CFM.
- The BU participated in a process to procure the Criminal Record Management System (CRMS), which provides court management information.



- Judicial buy-in regarding the conversion of the Johannesburg High Court civil system, was obtained.
- Lower Court Management Committee and NPA agreements were obtained on the judicial monitoring of CFM implementation in lower courts.
- A Registrars' task team has been established, resourced & mandated and a draft report was submitted at the end of 2003.

During the 2003 calendar year the High Court Division:

- took on 2 074 new cases; and
- finalised 2 361 cases.

The outstanding number of case at year-end was 1 012.

During the 2003 calendar year the regional court:

- took on 83 817 new cases; and
- finalised with a verdict 46 189 cases.

The outstanding number of cases at year-end was 43 896.

The average court hours spent on each case were 4 hours and 2 minutes.

During the 2003 calendar year the District Court:

- took on 1 040 108 new cases; and
- finalised with a verdict 351 757 cases.

The outstanding number of case at year-end was 149 681.

The average court hours spent on each case were 4 hours and 17 minutes.

2.5 Strategic overview and key policy developments for the 2003/04 financial year:

2.5.1 Improving access to justice:

The most important policy decisions and strategic issues facing the Department are the phasing out of regional offices and re-diversion of the resources residing within the regional structures to the courts. The implementation of this policy is a very complex exercise, compounded by the fact that currently regional offices account for a major part of the Department's budget; there are huge staff and infrastructure investments deployed to the regions. Re-diverting both human and financial resources to the courts has its own complexities. The *Re aga boswa* project focuses on ensuring a smooth transition from a three-tier (national, regional and court level operations) to a two-tier (national and court level) operational strategy.

Some of the most significant events that have taken place in the past year with regard to the implementation of the new Decentralised Court Service Delivery model are:

- The finalisation of the KwaZulu-Natal pilot centre with complete design and organisational structures, Human Resource plan and staffing processes.
- The finalisation of the national office organisational structure. The filling thereof is receiving urgent attention and will be finalised soon.
- Delegations for Senior Court Mangers, Court Managers and Assistant Court Managers have been implemented in KwaZulu-Natal and incremental implementation to all other provinces is being prioritised.
- The Court Support Service Centre (CSSC) has been established and is operational in KwaZulu-Natal. Only physical accommodation is awaiting conversions after the necessary procurement procedures have been finalised.

2.5.2 Transformation of the Judiciary and the Courts:

The hierarchy of the High Courts, in terms of the interim Rationalisation of Jurisdiction of High Courts Act, 2002 (Act 41 of 2002), is being revisited. This rationalisation of the Courts was implemented on 5 August 2003. The latest rationalisation for the Eastern Cape and KwaZulu-Natal High Courts was implemented during November and December 2003. The Chief Justice led the process.

A new Superior Courts Bill is receiving attention and will be implemented in terms of the new provincial seats, once finalised. Hereafter the lower courts will receive further attention.

Closely related to this process is the re-demarcation of magisterial boundaries. This process was delayed by the process under way in the South African Police Services (SAPS) in 2003, but the process is being continued during 2004/05. The regional court boundaries are in the process of being re-aligned with provincial boundaries.

Restructuring of Regional Courts by the establishment of provincially based regional divisions were approved and signed by the Minister. This was implemented on 31 March 2004.

2.6 Departmental receipts:

The deviation from the targeted revenue receipts is due to:

- A recovery of R120 million from the Special Investigating Unit, relating to prior year surplus funds not surrendered to National Treasury.

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- The reconciliation of the commercial bank accounts relating to monies in trust, was not performed on a timely basis. The result of this was that the interest earned on these accounts was not received in the vote account prior to year-end.
- It was established during the clearance of suspense accounts, that prior year debts were received and allocated to the revenue account and not cleared against the suspense account. Clearing of the suspense account led to the under-recovery of revenue against the target in the financial truncation target line.

	2000/2001 Actual R'000	2001/02 Actual R'000	2002/03 Actual R'000	2003/04 Target R'000	2003/04 Actual R'000	% deviation from target
Sale of goods and services produced by the Department (excl. capital assets)	1 477	1 504	2 291	2 417	2 864	18.49%
Fines, penalties and forfeits	2 817	2 729	2 577	2 719	1 527	(43.84%)
Interest, dividends and rent on land	15 544	54 717	52 643	55 538	23 361	(57.94%)
Sales of capital assets	254	179	99	104	303	191.35%
Financial transactions in assets and liabilities	26 936	20 838	53 564	57 281	153 214	167.48%
TOTAL DEPARTMENTAL RECEIPTS	47 028	79 967	111 174	118 059	181 269	51.66%

2.7 Departmental payments:

Programmes	Voted for 2003/04 R'000	Roll-overs and adjust- ments R'000	Virement R'000	Total voted R'000	Actual Expenditure R'000	Variance R'000
1. Administration	509 988	24 251	13 255	547 494	547 494	0
2. Court Services	2 066 528	(35 780)	30 276	2 061 024	2 056 226	4 798
3. State Legal Services	253 559	(24 519)	(18 323)	210 717	210 717	0
4. National Prosecuting Authority	1 020 682	45 338	(17 959)	1 048 061	1 048 061	0
5. Auxiliary and Associated Services	697 104	202	(7 249)	690 057	690 056	1
Total	4 547 861	9 492	0	4 557 353	4 552 554	4 799

The underfunding of R4 798m, relating to programme 2, is due to funds allocated for the upgrading of courts, not yet completely utilised as certain projects are not yet finalised. This had no material impact on service delivery.



2.8 Programme Performance

2.8.1 Programme 1: Administration

Purpose: Provide departmental management, develop strategies and policies, do research, improve legislation and make amendments to the Constitution.

Service delivery objectives and indicators:

2.8.1.1 *The Information Systems Management (ISM) Strategic Interventions Programme provides a home for all the programme management and cross-cutting activities of the e-Justice programme. Specific results in this area are:*

- I. The conceptual design document and functional specifications for the implementation of the Internet security and acceleration server project were completed and signed off. Planning and design have been completed. ISA implementation is in the process. This project will be completed utilising the phased approach in order to facilitate effective management of the project. Phase I was completed successfully within the target date. Phase II of the project will be completed in June 2004.
- II. Installation of Electronic Document and Records Management System to improve workflow and document management and to ensure the proper management of records according to archival rules and regulations. The project charter, plan and business needs assessment have been completed and approved. The BU is in the process of determining the functional and technical specifications content of the management strategy. As a result of the restructuring of functions within ISM, some of the process flows had to be revisited and streamlined. The team is currently busy with this activity and it is anticipated that the solution will be piloted within ISM and should be completed by the end of December 2004.
- III. The Information Worker Collaboration Project aims to facilitate collaboration between judges while preparing case judgments. The Department is in the process of obtaining acceptance from a visually impaired judge on the prototype. In addition, the required specifications are being obtained from the relevant business owners. Various aspects of the project are still incomplete and will receive attention in the coming year. The target date for the roll-out of the project was not met, since the

Constitutional Court has in the interim decided not to proceed with the solution being piloted at their site. Arrangements were then made with the SA Law Reform Commission to use their site. The project plan for the implementation of the solution at the Commission, is currently being prepared. All indications are that this pilot implementation will still take place within the 2004/05 financial year.

- IV. Development of the High Court System was done to replace the Magic System currently responsible for the unlocking of encrypted data. The system delivery specification is 90% complete. A completed rewrite of existing functionality, user-testing and minor changes have been completed. Data conversion to non-encrypted Alpha was tested with users. The testing is 75% complete. The development part of the project was completed within the target date. Implementation has been hampered by encrypted data which could not be easily migrated from the Legacy System to the new solution. Certain processes are to be verified in the Pretoria Office for consistency. It is anticipated that the implementation of the project will commence during August and September 2004.
- V. Phase 1 Initial evaluation and assessment and formulation of project governance and Phase 2 First cycle of Enterprise Agreement (EA) development resulting in IT Plan (ITP) and refined BU of the Information Technology plan enhancement initiative, have been completed within the current year. Phase 3 Second cycle of EA is to be completed by March 2005.
- VI. The development of the Change Management Strategy was completed on the target date. The annual review of the Change Management Strategy will be completed in conjunction with the HR BU by September 2004. Please note that the review of the Change Management Strategy will take place on an annual basis, so as to accommodate any changes which may arise from either the Department or HR strategy.
- VII. During the planning of the Change Management Strategy, an ISM Branding Quarterly Vanguard newsletter and quarterly brochures were distributed

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- to keep all personnel informed. This ensured that the role-players and personnel were kept up to date and problems were identified and dealt with in a timely manner.
- VIII. A Monitoring and Evaluation (ME) Strategy was developed during the year. This strategy initiative is awaiting finalisation of alignment of BUs' strategies to the Department's strategic plan. The expected completion date is December 2004.
- IX. The development and management of Service Level Agreements are in progress. Currently waiting for inputs from the various BUs to take this process further. The expected completion date is November 2004.
- X. The process to deliver Systems Management support for the development of management policy, standards and procedures, was delayed, as this process required a joint effort from ISM and the service providers. The service providers have submitted reports on the Incident Management. Configuration management policy and problem management are in progress. The expected completion date is December 2004.
- XI. Implementation of the Strategic Planning and Management Project was achieved.
- XII. A strategy was formulated to manage and administer the ISM finances by the targeted date of January 2004.
- XIII. A submission of the ITP as required by the Department of Public Service and Administration was submitted to them by the due date.
- II. A new computerised procurement system was developed and implemented during the year. The target was to implement the system at 52 offices by 31st March. However, with the roll-out of the *Re aga boswa* project, it came to the attention of the Department that implementation of the system should be aligned with this project. This led to the implementation at 75 offices.
- III. Similarly, a new computerised asset management system was developed and implemented during the year. The target was to implement the system at 52 offices by 31st March. However, with the roll-out of the *Re aga boswa* project, it came to the attention of the Department that implementation of the system should be aligned with this project. This led to the implementation at 75 offices.
- IV. It was a target of the Office of the CFO to obtain a vote account with no audit qualifications. This was achieved by the target date. For further details see Part 4, Paragraph 10 of this report.
- 2.8.1.3 *The significant achievements of the Human Resources BU were:*
- I. Leadership was developed by facilitating strategic dialogue among Senior Management Services (SMS), to improve service delivery. To this end, monthly breakfast seminars were held from March 2004.
- II. The departmental objective to reach an increased number of the population, when advertising for recruitment, was achieved by placing adverts in the media that are accessible by all. The effectiveness of the project can be seen by the increased number of enquiries and applications from persons from rural areas.
- III. In accordance with the Employment Equity Plan (EEP), focus was placed on the recruitment of women and people with disabilities into higher positions. This is to ensure that the Department is more representative of the population. The process was hampered due to a lack of support and commitment from senior managers.
- 2.8.1.2 *The significant achievements of the Office of the Chief Financial Officer were:*
- I. Part of the Financial Capacity-building programme was to re-engineer training material on Departmental Financial Instructions. This was achieved by compiling a video on all aspects of financial management, in Afrikaans, English, Xhosa and Zulu. This training material was provided to all the offices within the Department. The target was achieved by 31st March 2004.



2.8.1.4 *Court Services: Strategy and policy support:*

In order to obtain a transformed and single Judiciary the following were performed:

- I. A discussion about the uniform dispensation for magistrates and judges was held at the Judges' Symposium in July 2003.
- II. To ensure a problem-free merger of the Judicial Service Commission (JSC) and Magistrates Commission, a process of review of these Commissions was put in place. As part of this process a task team was established to facilitate the implementation of the single Judiciary concept. A discussion document on the position of the Department in relation to its support function to the Judiciary and the interface between the Judiciary and the executive (Department) is receiving attention.
- III. Consultations were held with the Chief Justice in relation to the restructuring of his Office. Support staff was appointed to his Office.
- IV. In 1994, of the 166 judges, 161 were white males, 2 white females, and 3 black males. There were no black female judges. A concerted effort was made to ensure that the courts were more representative of the population. Nine years later there are 61 black male judges, 12 black females, 13 white females and 128 white males. From being less than 2% black in 1994, the Judiciary is now 34% black. Since 1994, 53 new judges have been appointed, 89% of whom are black. Similarly, the magistracy is now nearly 50% black and 30% female. Although the target of complete representivity has not been reached, significant progress has been made and the Department is prioritising efforts to support the Judiciary in this regard.
- V. A Bill was needed to de-establish apartheid-based jurisdiction and align High Courts with provincial boundaries. A Superior Courts Bill that provides for the establishment of a seat of the High Court in every province, has been submitted to Parliament for consideration. Extensive consultations were held with the Judiciary regarding the rationalisation of the High Courts to ensure their buy-in into the project. Currently planning for the building of two extra High Courts is under way.
- VI. To ensure the judicial involvement in policy-making and the functioning of the courts, a Reconstituted Rules Board was established under the Chair of a Judge.
- VII. Consultations to compile an ADR policy were started in March 2004. A dedicated unit was established to deal with ADR. The target of the policy is to reduce the backlog of cases, as cases are settled outside of court by means of mediation. This should lead to increased public confidence in the judicial system.
- VIII. Simplified systems and processes at courts to enhance accessibility, improve court support services and service delivery to court clients, were needed. Through *Re aga boswa*, business processes at the BU level and court level are in the process of being re-engineered to streamline organisational structures with deliverable objectives. The implementation of a decentralised model has resulted in a leaner and focused national structure. At court level, an administrative structure under the leadership of Court Managers has been put in place to perform court operations to render administrative support to the Judiciary, the prosecution and other court users. A Court Services Support Centre (CSSC) has been established in KwaZulu-Natal to handle high volume transactions. KwaZulu-Natal Regional Office staff have been redeployed either to the CSSC or to the courts, with a 98% "success" rate.
- IX. Continuous research relating to the establishment of courts is being carried out. Following the receipt of requests for the establishment of a new court, a branch or a periodical court, including dedicated and specialised courts, an investigation into the needs and extensive consultations with all role-players are done. If the request is justified, the legal requirements for the declaration of new courts are met and Ministerial approval obtained.
- X. In order to improve strategic decision support, the following was done:
 - Co-operation agreement with the NPA for access to prosecution information and the Magistrates Commission for the capturing of the return of judicial work entered into;

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- Tool for the capturing and warehousing of judicial information developed;
- Indicators for measuring court performance (clearance rate, withdrawal rate, conviction rate etc.) developed;
- Various monthly reports on court performance and awaiting-trial detainees produced;
- GIS maps for the spatial presentation of court information produced; and
- A balanced scorecard for monitoring service delivery at criminal, civil and family courts is partly developed.

- XI. To ensure compliance with PFMA and other prescriptions, a Financial and Risk Management Office was established at National Office during 2004. They developed a Risk Management Plan.
- XII. Stakeholder interface was done by means of various partnership agreements with other Justice Crime Prevention and Security (JCPS) and Social Cluster Departments, such as SAPS, the NPA, Correctional Services, Education, the Office on the Rights of the Child and the Department of Social Development, as well as NGOs, such as Business Against Crime, the National Institute for Crime Prevention and Reintegration of Offenders (NICRO), Bee Courtwise and the Tshwaranang Legal Advocacy Centre. The Department also has regular interactions with members of the Public and Chapter 9-Institutions, such as the Public Protector, the South African Human Rights Commission and the Commission on Gender Equality.

2.8.1.5 Court Services: Court efficiency and performance

- I. Important Case-flow Management Developments:
- Implemented an Integrated Case-flow Management project to ensure that the Judiciary take the lead in case-flow management processes.
 - Redefinition of the role of registrars in courts and the introduction of a registrar's post at lower courts to focus on case processing, is receiving attention.
 - Forty-six Integrated Justice System Court Centres have been established.
 - Project governance was put in place, both nationally and locally.

However, serious delays in procurement of a Case Management System were experienced due to stringent tender requirements and SITA's refusal to allow a closed tender.

From the monthly statistics submitted by the NPA and the Judiciary and regular interactions in this regard, it is clear that Case-flow Management has led to reductions in case cycle times, increased court hours, increased numbers of cases finalised, reductions in awaiting-trial prisoners and reductions in outstanding rolls.

- II. A unit for interpretation services was established at national office, which aims to develop and monitor a comprehensive policy on language services. Specifically they ensure:
- contract appointments of foreign language services, when needed;
 - determination of entry level requirements for new recruits; and
 - establishing a code for interpreters.
- III. The Court Manager Development Programme is receiving attention through the *Re aga boswa* and Case-flow Management Projects and training and mentoring programmes are being developed in this regard.
- IV. A re-engineering programme was undertaken to enhance quality of services. During the year a Quality Management Office was established and ongoing consultations with all relevant role-players are being done.
- V. In order to increase the capacity of existing resources and with the ultimate goal to reduce the number of outstanding cases on the roll and to shorten the cycle time of cases in the court process, 72 courts participated in the Saturday and additional courts project.

Since the start of the Saturday and additional courts project in 2001, the courts led to the finalisation of:

- 14, 884 cases in 2001;
- 29,383 cases in 2002; and
- 23,836 cases in 2003.



This gives a total of 76,836 cases finalised in Saturday and additional courts. More courts are being encouraged to sit over weekends.

2.8.1.6 *Court Services: Vulnerable groups:*

- I. As indicated above, specialised court services such as Equality Courts and the Sexual Offences Courts were established. The conviction rate in these dedicated courts is currently 63%, compared with 47% for sexual offences crimes in the normal regional courts. Media trends indicate that sentences for sexual offences, especially rape, have become harsher. Use of intermediaries and closed-circuit cameras in the Sexual Offences Courts assists in eliminating secondary abuse of victims.
- II. We have started with the planning for the implementation of the Convention against Transnational Crime and the Optional Protocol against the Sale of Human Beings, Especially Women and Children.

We also took part in the establishment of an inter-sectoral Task Team to investigate interim Human Trafficking legislation, while awaiting finalisation of draft legislation by the South African Law Reform Commission, and to fast-track such cases through the criminal justice system.
- III. Developments in the Small Claims Courts are addressing access to justice needs in the civil law arena.
- IV. Developments in the specialised Commercial Crimes Courts include planning for the roll-out of such courts. The Pretoria and Johannesburg Commercial Crime Courts are working well, and the setting up of specialised courts in Cape Town, Port Elizabeth and Durban is receiving priority attention.
- V. Developments regarding Municipal Courts, specifically established to hear traffic-related cases, include that a court was launched in Tshwane Municipal Court in March 2004. The establishment of two other Municipal Courts in Potchefstroom and Nelspruit, is receiving priority attention.
- VI. Developments in Hi-jacking courts include that a court was dedicated in Wynberg (Alexandria) in October 2003, to prioritise the prosecution and adjudication of hi-jacking matters.
- VII. Planning for other priority courts is also receiving priority attention, such as the Environmental Courts. In this regard a court was launched in Hermanus Court in March 2004. The court provides for the effective and speedy prosecution of poaching syndicates and fast-tracking the trials of criminal offenders, particularly abalone poachers.
- VIII. Victim empowerment and Restorative Justice are receiving attention and will facilitate Social Justice and the promotion of the rights of vulnerable groups, which includes victims and survivors of crimes and vulnerable offenders, such as youthful offenders. Developments in this area include:
 - The Victims' Charter was finalised, is being planned for implementation and costing inter-sectorally and will be implemented by the end of the financial year 2004/05.
 - Framework for the development of a set of minimum standards for victim empowerment was agreed upon.
 - Mainstreaming Restorative Justice, Victim Empowerment and Social Justice in all programmes for Vulnerable Groups.
- IX. Developments in the integration, alignment and extension of the services of Family Advocates:
 - Judicial Matters Second Amendment Act was extended to include domestic violence and maintenance in the role of the Family Advocate.
 - New Family Advocate Offices were opened in previously disadvantaged communities.
 - Family Counsellors appointed on contract to assist Family Advocates in contentious issues.
- X. Developments in the Child Justice System:
 - Continued inter-sectoral planning for the implementation of the Child Justice Bill.
 - Three One-Stop Child Justice Centres have been established in Port Elizabeth, Bloemfontein and Port Nolloth; and Stepping Stones in Port Elizabeth is being moved to Nerina Place

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of Safety. It is planned to roll out to at least 1 centre per province by 2007.

- All Children Awaiting Trials (CATs) countrywide are monitored on a monthly basis and cases awaiting trial for more than 3 months are prioritised.
- Regular interaction regarding CATs are taking place with the Sexual Offences and Community Affairs Unit at the National Prosecution Authority and other inter-sectoral role-players, such as SAPS, Department of Correctional Services (DCS), Education and Social Development.
- Policy decision made by NPA to prioritise cases of CATs.
- The Sexual Offences and Community Affairs (SOCA) Unit of the NPA has been requested to promote the use of secure care facilities among prosecutors.
- An action plan has been drafted and implemented in conjunction with DCS and the Department of Education regarding the placement of children in reform schools.
- A workshop on diversion was held by the Department of Social Development, in conjunction with the NPA and the Department. The Department is in the process of drafting uniform standards.

XI. Developments to improve domestic violence services in courts:

- Guidelines were drafted for use by inter-sectoral groups, which were launched by the NPA.
- Guidelines for Magistrates have been drafted and have been discussed at a workshop for Magistrates on 7-9 June 2004. The guidelines will be finalised and launched soon.
- Domestic violence clerks were trained in all provinces.

XII. Developments to improve services in the Maintenance Courts and the appointment of Maintenance Investigators:

- The Department has prioritised funds for the appointment of Maintenance Investigators in courts and Family Court Centres. Administration staff have been appointed to assist with administration of maintenance to reduce backlogs of maintenance cases and to reduce the cycle time of maintenance hearings. This

enables the prosecution of defaulters for payment of arrear maintenance.

- Training was given to Maintenance Officers, Maintenance Prosecutors, Maintenance and Domestic Violence Clerks and Maintenance Investigators, in collaboration with the Tshwaranang Legal Advocacy Centre in all provinces. Conducted 3 national training workshops for Maintenance Investigators with Justice College, NPA, SOCA Unit and the HJN Training cc Private Investigators Training Group. Training in collaboration with Technikon Pretoria.
- Implementation of the Pilot Project for Information Desks in Wynburg Court (Alexandria), Alberton, Johannesburg Family Court and Kempton Park Court, in conjunction with Tshwaranang Legal Advocacy Centre, was done. The desks assist court users with information in court, directions to offices around courts and completion of maintenance and domestic violence forms.

XIII. Participated as lead Department in developing Learnership Programme for the Family Law officials in courts and new entrants in job market at courts and family law units in and outside Public Service.

XIV. Facilitated, chaired and played role of secretariat to the Maintenance Round Table Meetings, which is a body co-ordinating national maintenance services. The members comprise the Department, Commission on Gender Equality, Gender Directorate, NPA SOCA Unit, Legal Aid Board, Tshwaranang Legal Advocacy Centre and National Maintenance Forum.

XV. Developments to improve services to protect vulnerable, abused, neglected and exploited children in Children's Courts:

- The Department is in the process of planning for the improvement of resources, both human and financial, for these courts, both as part of the strategy for *Re aga boswa* of the Court Services BU; and the implementation planning of the Children's Courts Chapter of the Children's Bill.
- The Department is part of the National Task



Team to fight Child Abuse, Neglect and Exploitation chaired by the Department of Social Development.

- The abovementioned Task Team has drafted and consulted a National Child Protection Strategy, which is on the verge of being submitted to the Social Cluster for approval and implementation. Costing of the various needs in this regard, is also taking place under the leadership of the Department of Social Development. The National Strategy against Child Abuse, Neglect and Exploitation, will further form part of the Implementation Strategy for the implementation of the Children's Bill.
- Commissioners for Child Welfare (Magistrates in Children's Courts) are also involved in Child Care and Protection Forums at provincial and local level, in order to ensure that children in need of care and protection, do not fall through the gaps. In some areas, this is quite vigorous, as in KwaZulu-Natal, which has also developed an Action Plan for Orphaned and Vulnerable Children.
- The Department further forms part of the National Action Committee for Children Infected and Affected by HIV/AIDS, chaired by the Department of Social Development, which is addressing the needs of these children. A National Workshop for Co-ordinated Action was held in June 2003, which came with recommendations for holistic and co-ordinated action in this regard. Regular meetings are attended with this Committee, which further includes the provincial co-ordinators for HIV/AIDS. An implementation framework and a National Strategy to address the needs of Orphaned and Vulnerable Children, are in the process of being drafted.
- The Department hosted a National Workshop for Commissioners of Child Welfare for Children infected and affected by HIV/AIDS in March 2002, on request of the National Action Committee for Children infected and affected by HIV/AIDS (NACCA), with funds received from UNICEF and the Save the Children Fund (Sweden and United Kingdom), in order to sensitise Commissioners on the plight of such children. This workshop's results were

incorporated into Justice College's training workshops and seminars in the provinces for Commissioners of Child Welfare, and taken into consideration at the planning phases for the Children's Courts Chapter of the Children's Bill.

- The Department further forms part of the Steering Committee on the Children's Bill, chaired by the Department of Social Development.

2.8.1.7 *Court Services: Facilities management*

- I. The following new court buildings were completed in 2003/04: Constitutional Court in Johannesburg, Tembisa, Port Elizabeth, Sebokeng, De Aar, Bloemfontein, Tshidilamolomo, Centane, Boksburg, Melmoth, Nelspruit and Malmesbury .
- II. A further 16 court buildings are under construction at year-end. See paragraph 2.11.1 of this report for more details.
- III. Magistrates' Offices at Madadeni, Port St Johns, Nongoma, Cala, Ubombo, Zwelitsha, Motetema, Whittlesea, Ezibeleni, Brakpan, Boksburg and Thohoyandou High Court have been attended to under the Repair and Maintenance Programme.
- IV. Procurement of goods and services to the amount of R34 million for 153 prioritised needs at suboffices and 71 sexual offences courts (52 permanent courts and 19 additional courts) were done.
- V. In order to establish a minimum security standard, an audit on the security needs was completed. It identified:
 - hotspot courts; and
 - some security issues such as cash-in-transit and guarding services.

A request to National Treasury for funds in this regard, in terms of an Unfunded Priority Project, was made.

2.8.1.8 *Legislative and Constitutional Development: Chief Directorate Legislative Development*

- I. With a view to promote access for the poor, the vulnerable and rural populations, the following significant milestones were achieved:

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- The Superior Courts Bill, which is intended to rationalise the structure and functioning of our Superior Courts, was introduced to Parliament in August 2003.
 - A draft code of good administrative conduct contemplated in the Promotion of Administrative Justice Act, 2002, has been finalised and will be submitted to Parliament.
 - Regulations to the Promotion of Access to Information Act, 2000, were amended.
 - Draft regulations relating to the State's responsibility to promote equality have been formulated in accordance with the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000.
 - The provisions of the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000, relating to the prevention of unfair discrimination and the concomitant regulations came into operation on 16 June 2003.
 - In respect of the Maintenance Act, 1998, mention can be made of the fact that regulations dealing with maintenance investigators are being drafted, as are regulations on the civil execution of maintenance orders. In addition to this, various other "maintenance" regulations are being revisited with the view to streamline their application.
 - The implementation of the legislation regulating the use of Lay Assessors in criminal cases is receiving attention. Various magisterial districts in respect of which this legislation could be implemented as a pilot project, have been identified. The necessary regulations were finalised and have been submitted to Parliament. The Department is, however, in the process of addressing a number of logistical issues.
 - Tariffs payable in sensitive cases involving children were revised and these new tariffs were increased in June 2003.
- II. High on the agenda of the Department is the need to provide affordable legal advice and legal representation, thereby broadening access to legal services in all areas. In this regard mention can be made of the Department's intention to promote and promulgate legislation regulating the legal profession. Attempts have been made to achieve consensus between the various branches of the legal profession on areas of disagreement in the Legal Practice Bills, drafted by a task team appointed by the Minister. The Department has prepared a Bill, which has been submitted to the Minister for consideration, with the view to submit it to Cabinet.
- III. In order to ensure process and procedure simplification and acceleration, thereby reducing case backlogs, among others, the Department has prioritised the following legislative measures:
- The Criminal Procedure Amendment Act, 2003, addressing the problems identified by the Constitutional Court relating to the criminal appeals from the lower courts, has been approved by Parliament and implemented.
 - A Bill and Cabinet Memorandum to deal with legislation relating to the right of the NPA to appeal on questions of fact, have been prepared and will be submitted to the Minister.
 - A Bill revising the Extradition Act, has been prepared and has been submitted to role-players for comments.
- IV. In order to promote Alternative Dispute Resolution (ADR) mechanisms within the constitutional framework, an International Arbitration Bill, emanating from a report of the South African Law Reform Commission, has been submitted to and approved by Cabinet and is being prepared for introduction into Parliament.
- V. The Department must ensure bail affordability for minor crimes, to ease jail congestion and expedite social rehabilitation of offenders with minimum disruption to the labour market. In this regard two Judicial Matters Amendment Acts were approved by Parliament during the 2003 session of Parliament.
- VI. In order to improve legislative measures for the security of vulnerable social groups, the Department prioritised the following initiatives during the year:
- The Compulsory HIV-Testing of Sexual Offenders Bill was submitted to Parliament, where it was considered by the Portfolio Committee on Justice and Constitutional Development. The Committee instructed the Department to carry out further research.

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- Domestic Violence Regulations required revision. Amendments have been identified and will receive further attention;
 - The Criminal Law (Sexual Offences) Amendment Bill, revising the Sexual Offences Act, 1957, was introduced into Parliament and is receiving the attention of the Portfolio Committee on Justice and Constitutional Development. The Committee has instructed the Department to adapt numerous provisions thereof and to include a number of new provisions.
 - The Child Justice Bill, which has been introduced into Parliament, has reached an advanced stage in the Portfolio Committee on Justice and Constitutional Development, the Department having adapted the Bill in accordance with instructions of the Committee.
 - The Department has prepared a Prohibition of Hate Speech Bill, which was submitted to the Minister. The Minister has approved that the Bill be submitted to role-players for comments.
 - A Bill amending the Promotion of National Unity and Reconciliation Act, 1995, to facilitate the payment of reparations, was prepared by the Department and approved by Parliament during the 2003 session.
- VII. In order to facilitate the administration of deceased and insolvent estates, liquidation of companies and close corporations and the management of the Guardian's Fund, an Insolvency and Business Recovery Bill, emanating from a report of the South African Law Reform Commission and revising the Insolvency Act, 1936, were submitted to and approved by Cabinet and is being prepared for introduction into Parliament. The Judicial Matters Amendment Act, 2003, promoted by the Department in Parliament during 2003, provides for the appointment of a Chief Master and empowers the Minister to determine policy relating to the appointment of trustees and liquidators in insolvency related matters.
- VIII. In order to reduce incidents of organised crime and to increase success in prosecuting corruption, the Department has prioritised the following legislative initiatives:
- A Bill addressing all forms of corruption has been approved by Parliament.
 - A Bill amending legislation dealing with Special Investigating Units (SIU) is being prepared for submission to the Minister.
 - The implementation of complex legislation dealing with the monitoring and interception of communications where serious crime is involved, is receiving attention. Extensive consultations with role-players, as required in the legislation, are at an advanced stage and a number of directives for telecommunications service providers are being finalised. The process of establishing an interception centre is also nearing completion.
- IX. In keeping with the goal to exercise professional prudence in financial management without sacrificing the imperative to guarantee access to the poor and vulnerable, the Department is in the process of reviewing the prescribed fees and tariffs determined by legislation. During the year discussions were held between the Department and National Treasury with a view to formulate policy in this regard. Draft regulations dealing with witness fees have also been prepared and calculations are being made to determine the percentage increase, so as to ensure that the Department remains within its budget.
- X. The following legislative measures are intended to ensure that the Judiciary reflects the demographics and emerging jurisprudence, which are embedded in the social justice context and the Constitution, and have either been enacted or are receiving the Department's attention:
- The Judicial Officers (Amendment of Conditions of Service) Bill was approved by Parliament in 2003. It deals with the remuneration of members of the Judiciary, the appointment of magistrates in an acting or temporary capacity, the suspension of magistrates and payment of benefits to partners of members of the Judiciary upon a judge's death.
 - The Department is preparing legislation to further regulate the removal of judicial officers from office in the case of incapacity or misconduct and to further regulate the appointment of magistrates.



- The regulations governing judicial officers in the lower courts were amended in 2003 in order to give effect to the judgment of the Constitutional Court in the *Van Rooyen* case and to further regulate conditions of service.

- XI. The period of operation of the provisions relating to minimum sentences in the Criminal Law Amendment Act, 1997 (Act 105 of 1997), was extended for a further two years with effect from 1 May 2003.

2.8.1.9 *Legislative and Constitutional Development: Chief Directorate Law Reform*

- I. In order to promote access to courts for vulnerable groups, amendments to the limit in respect of the Small Claims Courts were published
- II. An increase in the tariff of the Attorneys and Sheriffs' fees was published during the year. This was done taking into account affordable legal advice and legal representation, as well as consumer needs.
- III. The BU's objective to simplify and reduce case backlogs, has been deprioritised by the Chairperson of the Board. During the year we have, however:
- drafted rules for Immigration Courts;
 - investigated and promoted proposals for the amendment of rules as received; and
 - received approval for the amendment of Form 38 of the Magistrates' Courts Rules dealing with the service of emolument attachment orders.
- IV. A new Rules Board was appointed in June 2003. The first meeting of the Board took place on 16 August 2003 and subsequent meetings were held on 14 October 2003, 20 January 2004 and 27 March 2004. During this period the various committees of the Board met several times to consider matters submitted to it and to make recommendations to the Board. The Board was also invited to a workshop hosted by the Department on Small Claims Courts; a workshop hosted by Justice College on the debtors' crisis and civil case management; and a conference on civil procedure hosted by the Rand Afrikaans University.

The Board considered the following matters submitted to it, but did not support the proposals:

- A proposal for the amendment of rule 10 or rule 27 of the Magistrates' Courts Rules to provide for a speedier dismissal of actions.
- A proposal for the insertion of identity numbers or company registration numbers on summonses.
- A proposal regarding the contents and form of replying affidavits.

The Board also resolved to refer a proposal for the amendment of rule 43(10) of the Magistrates' Courts Rules and rule 46(12) of the High Court Rules dealing with sales of immovable property in execution to the S A Law Reform Commission.

- V. In order to promote greater compliance with the Employment Equity Act, 1998, and the Skills Development Act, the following was performed during the year:
- The Superior Courts Bill was implemented to deal with the restructuring of the Rules Board.
 - Appointment of the Rules Board.
 - New rule-making body is in the process of being established for the purpose of remuneration revisions.
 - Discussions took place between the Chairpersons of the Board and the Portfolio Committee.
- VI. In order to ensure that the Department attract, train and retain the best minds in the legal profession, the restructuring of the Secretariat of the Rules Board was necessary. Posts that became available due to the restructuring, are in the process of being filled.
- VII. Draft rules in terms the Promotion of Administrative Justice Act, 2000, was submitted to Parliament. However, they raised concerns about the Act and are being reconsidered by the Committee of the new Board. In addition to this, draft rules on the Promotion of Access to Information Act, 2000 were submitted to Parliament. But in view of concerns raised on the first mentioned Act, the rules on the last mentioned Act would only be finalised when the first mentioned rules are finally approved by Parliament.

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2.8.1.10 *Legislative and Constitutional Development: Chief Directorate Constitutional Development*

- I. The Department will participate in the process and provide inputs to the Department of Provincial and Local Government to establish appropriate mechanisms contemplated in section 41(2) of the Constitution.
- II. In order to promote greater compliance with the Employment Equity Act, 1998, and the Skills Development Act, the following was performed during the year:
 - Advertisements were placed to recruit suitable candidates to comply with the Act
 - An Employment Equity Plan was developed.
- III. In order to attract, train and retain the best minds in the legal profession and management corps, especially from historically disadvantaged groups, a focused training programme, recruitment strategy and improved remuneration package will be implemented. This will receive attention in the next financial year. In addition to this, competency and occupational based assessments have been developed for the current vacancies.
- IV. The Department will participate in Project 25 (Statute Law) of the South African Law Reform Commission dealing with, *inter alia*, the constitutionality of legislation when approached by the South African Law Reform Commission (SALRC).
- V. In order to ensure less complaints from Chapter 9-Institutions in terms of their functioning and independence, a Public Protector Amendment Bill, providing for the appointment of the Deputy Public Protector and regulating other matters relating to the Office of the Public Protector, was passed by Parliament.
- VI. During the year the Department achieved the following in order to implement, maintain and develop the Constitution:
 - Participated in Department of Provincial and Local Government (DPLG) process relating to the alteration of provincial boundaries. A first draft Constitution Amendment Bill was prepared. Matter held in abeyance by DPLG.
 - A draft Cabinet memorandum and a Constitution Amendments Amendment Bill that seeks to change the citation of the Constitution and all Constitution Amendment Acts, were submitted to the Minister for his approval.
 - Meetings were held with DPLG to determine the need for the establishment of a national structure to facilitate the implementation of the Constitution.
 - The preparation of a Cabinet memorandum seeking Cabinet's approval for a uniform procedure for the promotion of constitutional amendments, has reached an advanced stage.
 - An audit of outstanding legislation required by the Constitution to be enacted, has reached an advanced stage.
 - In the process of considering the appointment of a consultant to update the annotated version of the Constitution.
 - The English version of the pocket size Constitution has been published.
 - Research of all laws pertaining to political parties consequent to the "Crossing-the-Floor" legislation that are administered by the Department has been finalised.
 - Research in respect of the President's power to pardon has been conducted and a report was submitted to the Minister and the Standing Committee on Private Members' Legislative Proposals and Special Petitions of Parliament.
 - Mechanisms for informing State Departments of decisions of the Constitutional Court affecting their line function activities, were considered.
 - Assistance was provided to the Constitutional Review Committee and other Committees of Parliament.
- VII. In order to enhance independence of relevant Chapter 9-Institutions, the following were performed:
 - A workshop was held with relevant Chapter 9-Institutions and National Treasury regarding the budgetary process, and budgetary allocations made to the relevant Institutions. Agreement was reached that there shall be greater consultations and co-operation between National



Treasury and the Institutions. Assistance was provided to the relevant Chapter 9-Institutions regarding their request for additional funding by making submissions to the Medium-Term Expenditure Committee on their behalf.

- Established a mechanism to deal with the reporting of Chapter 9-Institutions.
 - Entered into discussions with National Treasury regarding the Manual for Office-Bearers of certain statutory and other institutions, which stipulates conditions of service of Commissioners. The Manual is being reviewed by DPSA and National Treasury.
 - Amended the Conditions of Service of the Public Protector, tabled in Parliament and finalised by the National Assembly. Informed the Public Protector of the outcome of the process.
 - Prepared Conditions of Service of the Deputy Public Protector and submitted to the Minister for his approval.
 - A workshop was held with the relevant Chapter 9-Institutions relating to the functions of the Directorate. Also attended meetings of the Joint Rules Committee in Parliament regarding its Implementation Plan on the Report of the *Ad Hoc* Joint Sub-Committee on Oversight and Accountability. The investigation of the relationship between Chapter 9 Institutions and the Executive, was identified as a priority in the Business Plan 2004.
 - Communication channels were enhanced by way of meetings and providing assistance whenever requested.
 - Facilitated a workshop with constitutional experts to discuss the functions of constitutional development and to address issues pertaining to the manner in which these functions can be dealt with.
- Advises the Minister and President on the appointment of commissions of inquiry regarding the legal system in terms of the Commissions Act, 1947 (Act 8 of 1947).
 - Advises the Minister on applications in terms of section 327 of the Criminal Procedure Act, 1977 (Act 51 of 1977) – referral of matter back to trial court for further evidence.
 - Advises the Minister on exemption in terms of section 16C of the Criminal Law Second Amendment Act, 1992 (Act 126 of 1992).
 - Advises 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.
 - Investigates and advises on exemptions in terms of the Debt Collectors Act, 1998 (Act 114 of 1998).

ii. In 2003, 1 251 applications for pardons were received, which is a substantial increase from the 482 applications received in 2000. From these statistics it is evident that the workload has increased dramatically over the past 4 years. Notwithstanding this increase, no additional posts have been created within the BU.

Furthermore, it should be pointed out that approximately 645 applications for pardon with regard to alleged political offences were received. At the moment legislation is considered to deal with this type of applications.

iii. The President appoints commissions of inquiry on an *ad hoc* basis. As commissions are normally appointed to investigate matters of public concern at any given point in time, it is difficult to predict or estimate the number of commissions that may be required in future. During the year under review the Directorate dealt with one commission and also arranged for and assisted with administrative, financial and infrastructural support to the commission.

iv. The BU dealt with 5 requests for further evidence during the year 2003.

v. Discussions were held with the SAPS and the NPA with regard to the implementation of the Act.

2.8.1.11 *State Legal Services:*

i. Legal Process

The functions of the BU include the following:

- Considers applications in terms of section 84(2)(j) of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996) (pardon or reprieve in respect of convictions or sentences) and advises the Minister and President in this regard.



The Minister was advised comprehensively about possible policies that he would have to approve in concurrence with the Minister for Safety and Security. The Minister for Safety and Security was approached for his comment and suggestions regarding a proposed *modus operandi*. He agreed with the views expressed. Since the Chapter came into operation on 1 April 1999, 17 applications were received.

- vi. The Directorate handled one matter relating to a question of law during 2003.
- vii. The function of applying in the Debt Collection Act, was transferred to the Directorate during January 2004. Discussions were held with members of the Council regarding a way to deal with the applications. There are currently 3 applications that are receiving attention.

2.8.1.12 State Legal Services:

- i. Law enforcement
In essence, the BU:
 - advises the Minister and the DG on civil litigation and related matters on behalf of and against the Minister, the DG or officials of the Department;
 - collect departmental debts by handling the process from the *in mora* stage until finalisation;
 - advises the DG on the recovery or writing off of losses of State funds and property and finalisation of matters in terms of applicable delegations;
 - advises the DG and finalises matters in terms of applicable delegations regarding the determination of liability of officials for losses of State funds and property, as well as legal costs;
 - advises the Minister on the appointment of peace officers in terms of the Criminal Procedure Act, 1977;
 - advises the Minister on the exercise of his powers in respect of estates of deceased black persons in terms of the Black Administration Act, 1927;
 - advises the Minister on his power of approval of grants from the Attorneys Fidelity Fund in terms of the Attorneys Act, 1979; and

- designates a magistrate to hold an inquest in terms of the Inquest Act, 1959 (approves appointment of assessors to assist in an inquest).

2.8.1.13 State Legal Services:

- i. International affairs
The BU is responsible for a programme on the development of the National Action Plan Against Racism, as a follow-up to the 2001 Conference Against Racism. In July 2003 the Minister launched the National Forum Against Racism (NFAR), comprising Government, Civil Society Organisations and other relevant stakeholders. The NFAR is to convene its first meeting in April or May 2004. The Secretariat, which is the technical arm of the NFAR, the National Committee in particular, is to be appointed in April 2004.
- ii. The BU 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 92 States, and came into force on 1 July 2002 (requires 60 instruments of ratifications for it to come into force). The target is to have more than 150 State Parties to achieve universal application of the Statute.
- iii. The BU has entered the implementation stage of the Rome Statute of the ICC. The ICC was inaugurated in the Hague, Netherlands in March 2003. The prosecutor and deputy prosecutor have been appointed. The Court is building capacity in respect of support services of the Court, Office of the Prosecutor, Office of the Defence Counsel and Office of Victims. However, it is noted that national jurisdictions have the primary role to prosecute those serious offences contained in the Rome Statute. Therefore, State Parties are expected to develop national implementation legislation with provisions to establish jurisdiction over the said crimes (crime of genocide, war crimes and crimes against humanity). If they do not have such legal mechanisms (unable) or do have such mechanisms but choose not to prosecute (unwilling), the ICC will prosecute. The Parliament of South Africa has passed the implementation legislation (Implementation of the Rome Statute

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- of the International Criminal Court Act, 2002 (Act 27 of 2002).
- iv. It is noted that 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 is also following discussion on other matters relating to the effective and efficient functioning of the ICC.
 - v. The BU dealt with the ratification of the UN Convention against Transnational Organised Crime and the three Supplementary Protocols. An inter-departmental committee comprising all relevant stakeholders was set up to assist in drafting the relevant documents. A presentation was done before the JCPS cluster, which approved that ratification be proceeded with in respect of all four instruments. Further presentations were done before the Justice Portfolio Committee and the Select Committee on Security and Constitutional Affairs. Both the National Assembly and the National Council of Provinces approved ratification of all four instruments. The necessary documents were forwarded to Foreign Affairs to attend to the lodgement of the instruments of ratification with the UN Secretary-General. The depositing of the instruments of ratification should take place in the near future.
 - vi. The BU is 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 a Government of National Unity. Parliament and Cabinet are not functioning as they are supposed to, there is no revenue collection system and there is no administration. Furthermore, there is no population register, which should inform preparations around the forthcoming general elections. The BU has so far negotiated the Joint Bilateral Cooperation (JBC) Agreement signed by our President and his counterpart in Kinshasa.
 - vii. The BU has and continues to coordinate and write a country report on the basic UN human rights instruments, including the African Charter on Human and Peoples' Rights. The Report on the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) has been approved by Cabinet in January 2004, and same will be deposited with the UN soon and will be presented as and when required by the relevant Committee. The report on the Convention Against Torture or other Cruel, Inhumane or Degrading Treatment or Punishment (CAT) was presented to the Directors-General Justice Crime Prevention and Security Cluster (JCPS) on 4 November 2003. The cluster was impressed with the report and approved that the report be forwarded to Cabinet for approval. The Minister, however, requested that the final draft be forwarded to all Ministers for comments before proceeding to Cabinet. The 1st Periodic Report on the African Charter on Human and Peoples' Rights is being considered by the relevant Cabinet Committee. The report on the International Covenant on Civil and Political Rights is being finalised and will be submitted to the relevant Directors-General Cluster and Cabinet in the near future.
 - viii. The responsibility to write reports on human rights instruments rests with the Secretariat of the National Consultative Forum on Human Rights (NCFHR). The Secretariat is not yet in place, save for a consultancy of three officials serving on contractual basis, therefore our BU was requested to assist in the interim. Work Study has been requested to investigate the possibility of including the Secretariat, which is at Director's level, within the structure of the proposed Chief Directorate: International Affairs. This will make it easy to utilise skills already developed around report writing, apart from the decision of Cabinet that the Secretariat be located in International Affairs.
 - ix. The BU has played a role in the negotiation of the SADC Protocols on Extradition and Mutual Legal Assistance in Criminal Matters, which were signed by Summit on 3 October 2002. The Protocols were ratified on 16 June 2003.



- x. The BU has played a major role in processing South Africa's accession to the Council of Europe's Convention on Extradition. This Convention has entered into force on 13 May 2003 in respect of South Africa. A request has been directed to the Council of Europe that South Africa accede to the Convention on Mutual Legal Assistance.
- xi. The BU processed the designation of Namibia to allow their practising attorneys and advocates to practise in South Africa.
- xii. The BU received 31 requests for extradition for the year 2003. An extradition request from Germany was that of Mr William Geuking, which started in 1998. After many appeals to the Supreme High Court and the Constitutional Court, wherein Mr Geuking challenged the constitutionality of section 10(2) certificate required in terms of the Extradition Act 1962, Judge Goldstone made a ruling in favour of the State that section 10(2) certificate in terms of the Extradition Act 1962, is in accordance with the Constitution of South Africa. Mr Geuking is to be extradited very soon.
- A request was also received from the Embassy of Chile for the extradition of Mr Jaime Yovanovic Prieto. Chile was accusing him of acts of terrorism pertaining to the homicide of the former Premier of the Metropolitan of Santiago and his two bodyguards. The Minister refused that Mr Prieto be extradited to Chile, because the charge was of a political nature.
- xiii. The BU also received a host of requests on mutual legal assistance in criminal matters from different foreign countries. The more serious requests were those received from the United Kingdom and the United States of America. The requests were mainly on the gathering of evidence in South Africa for pending cases abroad on drug-trafficking and money laundering.
- xiv. There were also quite a number of processes that were to be served in foreign countries on civil matters. These matters were mainly divorce cases. A number of such requests was also received from other foreign countries to be served in South Africa. Many such requests were from Germany and were commercial law cases.

PROGRAMME 1: ADMINISTRATION

2.8.1.14 Public Education and Communication Services

The period under review was an exceptionally busy one for the Business Unit: Public Education and Communication. The period is marked by great successes in all areas pertaining to its mandate. Community outreach campaigns on various justice-related matters were conducted on a continuous basis, and reached disadvantaged communities in the most remote areas of the country. The Events Management Team handled numerous high-profile events, such as the 16 Days of Activism on No Violence Against Women and Children campaign. Throughout the period under review, dissemination of information took place on a large scale in the form of, among others, printed material, community radio stations, magazine articles, etc. Media Services also reached its goal of developing and improving relationships with the media.

2.8.1.15 Justice College:

- I. Apart from the 87 functional training courses that have been presented to magistrates, prosecutors, interpreters, clerks of the court and master's personnel by Justice College, the College has been involved with a number of special training projects funded by donors viz:
 - The Restructuring of the Judiciary Project: French Embassy
In terms of this project, 15 much needed legal textbooks that is frequently used by Judicial Officers and Prosecutors, were donated to 210 rural magistrates' offices countrywide.
 - Training of Interpreters (Tutor Programme): Government of the Kingdom of Denmark Funding received in terms of this project enabled nine training tutors, employed in the nine provinces, to present practical "in-service" training to a large number of interpreters stationed in rural magistrates' offices.
 - Fast-Track Training for Civil Magistrates: Government of the Kingdom of Denmark Through this project, the knowledge and skills of inexperienced magistrates presiding in civil cases have been increased and improved.
 - Canada-South Africa Justice Linkage Project
A large number of important training projects have been presented in terms of this project and a number of training manuals and publi-

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cations have been developed and distributed to especially Magistrates and Prosecutors.

- Criminal Justice Strengthening Programme (CJSP): USAID
Justice College embarked upon an Impact Assessment Project, a Tutor Training Project and a Magistrate's Mentoring Programme in an attempt to increase the effectiveness of not only Justice College in its training mission,

but also the effectiveness of judicial officers and members of the Prosecuting Authority.

- II. The principle for the restructuring of Justice College through the establishment of an independent Judicial Education faculty, headed by the Judiciary, was accepted. A project to facilitate the transitional phase was established.

Service delivery achievements:

Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
ISM Management	Internet Security & Acceleration Server	Implementation of Internet Security and Acceleration Server	ISA Implementation Phase I by 24 March 2004	Achieved
	Electronic Document & Records Management System	Implementation of Electronic Document & Records Management System	31 March 2004	Project 60% complete
	Information Worker Collaboration Project	Approval of the Information Worker Collaboration Project	23 February 2004	Implementation of the solution at the Constitutional Court was stopped upon request from the court
	High Court System	Implementation of the High Court System	31 March 2004	Project 70% complete
		Information Technology Plan Enhancement Initiative	Phase I and II: Targeted start date 01 September 2003 and end date 31 March 2004 Phase III: Ongoing	100% completed with ongoing maintenance
		Developed a Change Management Strategy	Targeted date September 2003	Achieved
		Implementation of the Change Management Strategy	From January 2003 - ongoing	Project in progress
		Communication on Strategy	September 2003	Achieved
		Communication Management Strategy being Implemented	Ongoing	Achieved and ongoing
	M&E Framework	M&E Framework developed and finalised	December 2003	Project 30% complete

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Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
		Develop and manage service level agreements with each Business Unit	December 2003	In progress. Waiting for inputs from BU
		Provide Systems Management Support	April 2004	Project 40% complete
		Implementation of Strategic Planning and Management	January 2003	Achieved
			Review Strategic Plan by 30 September 2003	Achieved
			Finalised and reviewed Programme Plan by end of February 2004	Achieved
			Develop Project and Operational Plans and Risk Management by the end of January 2003	Achieved
		Management of ISM Operations	Manage and administer ISM finance strategy document by the end of January 2004	Achieved
		Submit an IT plan on Business Architecture	March 2004	Achieved
Financial Management	Financial Capacity Building : Complete reengineering of training material on Departmental Financial Instructions	Completion of video-based training material on all aspects of financial management in Afrikaans, English, Xhosa and Zulu	31 March 2004	Achieved
	New computerised procurement system	A new, written computerised procurement system and implementation thereof	Implementation to commence on 31 March 2004 in 52 offices	Implemented in 75 offices
	New computerised asset management system	A new, written computerised asset management system and implementation thereof	Implementation to commence on 31 March 2004 in 52 offices	Implemented in 75 offices
	Vote Account unqualified audit report	No material deviations from Departmental Financial Instructions and an unqualified audit report	31 March 2004	Achieved

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Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Human Resources	Leadership Development	Strategic Dialogue amongst SMS to improve service delivery by hosting Breakfast Seminars	Once a month	Achieved
	Recruitment of suitable candidates	Adverts in the media that are accessible to all	Reaching of both urban and rural populations	Achieved
	Full compliance with the Employment Equity Plan	Select suitably qualified candidates to make the Department more representative and compliant with the EEP	More women and people with disabilities employed in higher positions	No progress made as there was a lack of commitment from senior management
Court services: Strategy and policy support	Transformed and Single Judiciary	Uniform dispensation for magistrates and judges	Discussions with stakeholders	Achieved
		Promoting discussions regarding the merger of the Judicial Service Commission (JSC) and the Magistrates Commission	Review of the JSC and Magistrates Commission	Achieved and ongoing
			Appointment of a task team for the development of policy to facilitate the implementation of a single Judiciary concept	Achieved and ongoing
			Draft policy document on the transformation of the Judiciary	Ongoing

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Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
		Restructuring of the Office of the Chief Justice Initiate programmes to attract and increase number of appointments of black and female candidates to the bench	Consultations with Chief Justice and appointment of support staff to Chief Justice	Achieved and ongoing
	Representative Judiciary		Judiciary: 40% black by March 2006	34%
			Magistracy: 50% black by March 2004	Nearly 50%
			Judiciary: 20% female by March 2005	12%
			Magistracy: 30% female by March 2004	Nearly 30%
	Alignment between jurisdiction of High Courts and provincial boundaries	Promulgation of the Superior Courts Bill to provide for the establishment of a seat of the High Courts in every province	Submission of Bill to Parliament	Achieved
			Consensus among role-players regarding High Court rationalisation	Achieved
	Judicial involvement in policy-making	Reconstitute Rules Board to ensure that the Judiciary plays an active role in policy-making on the functioning of the courts	Appointment of a Reconstituted Rules Board	Achieved
	Compile and implement an Alternative Dispute Resolution (ADR) policy	Compile a policy on ADR	Start consultations with all role-players regarding ADR by March 2004	Achieved
		Reduced backlogs as cases are settled outside court hearings and handled by means of mediation and ADR	Establish a dedicated unit to deal with ADR	Achieved
		Increased public confidence in judicial process	Increased public awareness campaigns and Imbizo's	Achieved

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Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
	Simplified systems and processes at courts to enhance accessibility, improve court support services and service delivery to court client	Implementation of <i>Re agaboswa</i> principles and approach	Implementation of <i>Re agaboswa</i> principles and approach in KwaZulu-Natal	Achieved
		Establishment of a Court Services Support Centre	Establishment of a Court Services Support Centre in KwaZulu-Natal	Achieved
		Redeployment of Regional Office staff	Redeployment of Regional Office staff	98% success rate
	Improved access to court services through the re-demarcation of magisterial boundaries	Proclamation of new boundaries	Extensive consultations with all stakeholders and role-players, at provincial and area level have taken place	Achieved
			Nine provincial reports produced	Achieved
			Digital (GIS) maps depicting all new boundaries and recommended changes	In an advanced stage of completion
		Implementation of new districts and establishment of recommended court structures	Extensive consultations with all role-players both before and after approval by the Minister for Justice and Constitutional Development	Achieved
	Establishment of courts	Appropriate proclamations	Ongoing, as need arises	Achieved and ongoing
	Improved Strategic decision-making and Support	Establishment and maintenance of a Court Nerve Centre	Ongoing	Achieved and ongoing
		Reports in support of the monitoring of strategic objectives	Monthly reports	Achieved
		Early identification of court performance risk areas	Develop a balanced scorecard for criminal, civil and family courts	Partly developed

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Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
			GIS maps depicting court performance information and resource distribution	Achieved
	Improved Financial and Risk management	Analysis and monitoring of financial (budget and expenditure) information	Establish Financial and Risk Management Office	Achieved
		Equitable distribution of financial resources	Regular planning by Senior Management and monthly reporting to Managing Director: Court Services BU	Achieved
		Identification of risk and development of risk management plan	Development of Risk Management Plan	Achieved
	Improved Stakeholder interface	Co-operation and interaction with partners in the criminal justice system	Active participation by Court Services in quarterly national IJS structures (IJS Development Committee, Awaiting-Trial Task Team)	Achieved
			Cluster co-operation at local, area and provincial level achieved through the governance structures of the IJ Court Centre project, and Court Services' representation on provincial IJS structures	Achieved
		Communication with stakeholders and customers	Dealing appropriately with complaints and petitions from the public submitted to the Minister, the Director-General and the Judiciary	Achieved
Court services: Court efficiency and performance	Improvement of Case-flow Management	Reduced case cycle times and case backlogs Increased court hours Increased number of cases finalised	Redefinition of the role of registrars	Ongoing
			Judicial control over flow of cases	Achieved

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Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
			Implementation of Integrated Justice Court Centres	46 Court Centres have been established
			Development of a culture of management through information	Ongoing
			Enhanced co-operation between Departments in the criminal justice cluster	Project governance firmly in place both nationally and locally
			<ul style="list-style-type: none"> - Procurement of a case management system within the 2003/04 financial year - Roll-out to a further 15 sites by the end of the 2003/04 financial year 	Serious delays experienced.
	Re-engineered delivering of interpretation services at courts in all official languages, foreign languages and sign language	Language policy	Establishment of unit for interpretation services at national office	Achieved
		Availability of a foreign language service	Appointments on contract, if needed	Ongoing
		Determination of entry level requirements for new recruits	Planning under way	Ongoing
		Establishing a code for interpreters	Planning under way	Ongoing
	Court Manager Development Programme	Development of learnership for Court Managers	Learnership programmes are being developed	Ongoing
	Quality enhancement	Re-engineering of the Inspectorate to implement new quality management function	Establish Quality Management Office	Achieved
		Development of Quality Management Manual	Consultation with all role-players	Ongoing

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Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
		Development programmes for redeployed Quality Managers and Quality Assurance Officers	Consultation and planning	Judicial Inspectorate has been redeployed to the Magistrates Commission. Administrative quality management receiving attention Hotline transferred to internal audit
	Saturday and additional courts	Increase the capacity of existing resources; reduce the number of outstanding cases on the roll; shorten the cycle time of cases in the court process	Reduction of case backlogs by 30%	72 Saturday and Additional Courts held during period, with total of 23,836 cases finalised in 2003
Court Services: Vulnerable groups	Specialised courts and Promotion of the Rights of Vulnerable Groups	Efficient and effective handling of sexual offences cases to assist to reduce the high incidence of sexual offences and violent crimes against women and children	Establish 50 dedicated Sexual Offences Courts	A blueprint for Sexual Offences Courts has been developed. 52 Sexual Offences courts have been established, 26 of which are blueprint-compliant
			Improved conviction rate for sexual offences cases	63% in dedicated Sexual Offences Courts, as compared to 47% for sexual crimes in normal regional courts
			Improve co-ordination between various role-players to ensure holistic and co-ordinated approach to establishing Sexual Offences Courts	Director-General established National Project Oversight Committee, consisting of all senior role-players who meet monthly on policy issues, supported by an Operational Committee, who meets more regularly regarding operational matters
			Reduced secondary victimisation of victims	Achieved



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Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
		Preparation for implementation of Criminal Law Amendment (Sexual Offences) Bill, 2003	Drafting implementation plan and costing for implementation of Criminal Law Amendment (Sexual Offences) Bill, 2003	Interdepartmental Steering Committee on the Sexual Offences Bill, under chair of Justice, established and preparation for implementation started through drafting of implementation plan and costing for all relevant Departments
			Implementation of non-legislative recommendations of SA Law Reform Commission's Report	Have started interrogating and implementing some non-legislative recommendations, such as the need for co-ordinated actions to address sexual crimes against women, children and the elderly by establishing co-ordination structures such as the National Sexual Offences Courts Project Oversight Committee and the Interdepartmental Management Team on the Anti-Rape Strategy
		Improved access to Small Claims Courts	Number of Small Claims Courts established in rural areas	Twelve Courts established in rural areas during the financial year
			Increased jurisdiction of Small Claims Courts to R7 000.	Achieved
		Establishment of Equality Courts	Number of Equality Courts established	220 designated Equality Courts throughout the country
			Number of equality cases	75 reported cases under the Equality Act
			Number of magistrates trained	More than 800 magistrates have been trained and 90% of the designated courts have trained clerks

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Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
			Development of education material	Achieved
			Provision of minimum court infrastructure for each designated Equality Court	Provided the existing 220 Equality Courts at magisterial courts with minimum resources
			Heightened all-round awareness public campaigns about Equality Courts, as well as the services and benefits which the public can get from these courts	Achieved
		Provision for and supply of support services to Equality Review Committee	Provision of Secretariat and support services to the Equality Review Committee	Achieved
		Establishment of Specialised Commercial Crime Courts to focus on fraud and complex commercial crime cases	Holistic and integrated planning in conjunction with the National Directorate of Public Prosecutions and the Regional Court Magistrates	Receiving priority attention
		Establishment of Municipal Courts to hear traffic cases, etc. to free criminal courts for core function	Holistic and integrated planning in conjunction with municipalities, the National Directorate of Public Prosecutions and the Regional Court Magistrates.	Tshwane Municipal Court launched in March 2004
		Establishment of Hi-jacking Courts (Holistic and integrated planning in conjunction with the National Directorate of Public Prosecutions; the Regional Court Magistrates; civil society and SAPS)	Launched a Hi-Jacking Court in October 2003	Achieved



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Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
		Establishment of Environmental Courts (Holistic and integrated planning in conjunction with the Department of Environmental Affairs, the National Directorate of Public Prosecutions; the Regional Court Magistrates; civil society and SAPS)	Launch of an Environmental Court in March 2004	Achieved
		Victim empowerment and Restorative Justice	Establishment of programme to support the promotion of the Rights of Vulnerable Groups	Achieved
			A framework for the development of a set of minimum standards for victim empowerment	Achieved
			Training of magistrates and prosecutors	Ongoing
			Restorative Justice video launched and copies distributed to all courts	Achieved
		The facilitation of Social Justice and promotion of the rights of vulnerable groups, which includes victims/survivors of crimes and vulnerable offenders, such as youthful offenders	Establishment of programme to support the promotion of the Rights of Vulnerable Groups	Achieved
	Efficient and effective family law services	Establish One-Stop Family Centres to address divorce, maintenance, children's courts and domestic violence	Strengthen existing five Family Courts and roll-out to 3 courts	Achieved
			Finalise draft Blueprint for Family Courts to include the roll-out of the functions of the Family Advocate to Family Courts and all lower courts	Judicial Matters Amendment Bill to extend civil jurisdiction to the Regional Courts, promoted; Bridging course for Regional Magistrates commenced

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Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
	Implementation of the Family Court Model	Addressing service delivery deficiencies at Pilot Family Courts	Implementation of draft Interim Implementation Strategy with specific emphasis on Durban and Johannesburg pilot sites	Ongoing
	Integration, alignment and extension of the services of Family Advocates	Extended services to all Family Courts and previously disadvantaged areas	Extended Family Advocates' services to all family-related disputes and extension of services to at least Family Court Pilot sites	Achieved and ongoing
	Establishment of a child justice system	Adoption of Child Justice Bill by Parliament	<ul style="list-style-type: none"> - Implementation planning and costing for implementation of Bill once passed by Parliament - Oversee the formation of Local Child Justice Steering Committees - Interim Protocol to handle Children Awaiting Trial, implemented 	Intersectoral planning for the implementation of the Child Justice Bill, continues; provincial visits are taking place and intersectoral protocol, implemented
		Establishment and planning for One-Stop Child Justice Centres	Initial Intersectoral workshop to adopt Guidelines for One-Stop Child Justice Centres	Achieved
			Establish sites for one centre in each province	Three One-Stop Child Justice Centres established
		Uniform standards for diversion	Establish standardised programmes for diversion, as well as access to diversion programmes countrywide	Intersectoral Task Team has started work in this regard. First report expected in November 2004.
		Children in secure care facilities rather than prisons	All CATs countrywide are monitored on a monthly basis and cases awaiting trial for more than 3 months, prioritised	Achieved
	Improved domestic violence services in the courts	Number of court officials trained	Domestic Violence Clerks trained	Achieved and ongoing

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
			Discussions with Judiciary regarding Guidelines, begun	Achieved and ongoing
		Guidelines on service delivery relating to domestic violence (protocols)	Drafted guidelines	Achieved
	Efficient and effective maintenance services	Permanent appointment of maintenance investigators	Contract appointment of 72 Maintenance Investigators by October 2003.	Achieved
		Efficient management of Monies in Trust	Fast-tracking of Public Private Partnership by Office of CFO	Tender by CFO's Office
		Reduced cycle time for processing maintenance applications and holding hearings	Reduce cycle time and backlogs by 30%	Cycle time decreased from 1 year to 2 months and backlogs are decreasing However, more cases are being submitted with the result that court case rolls are still very busy
		Improved maintenance investigations	Conducting of training to Maintenance Officers, Maintenance Prosecutors, Maintenance and Domestic Violence Clerks and Maintenance Investigators	Achieved and ongoing
	Improved services to protect children in Children's Courts	Implementation planning for Children's Courts Chapter of Children's Bill	Planned implementation of the Children's Courts Chapter of Children's Bill	Achieved and ongoing
			Involvement of the Commissioners for Child Welfare (Magistrates in Children's Courts) in Child Care and Protection Forums at provincial and local level	Achieved and ongoing

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
			Host a National Workshop for Commissioners of Child Welfare for Children infected and affected by HIV/AIDS	Achieved
			Establish a task Team on the Children's Bill	Achieved
Court Services: Facilities management	Enhanced access to court services through the provision of suitable court accommodation	Number of court buildings in rural and under-developed areas built and/or upgraded	12 new court buildings and major additions to existing court buildings	Achieved
			12 courts to be refurbished	Achieved
		Continuous identification of deficiencies and needs at court and office buildings, with emphasis on requirements of the physically challenged and other vulnerable groups	Ongoing	Ongoing
		Adherence to occupational health and safety legislation and policies at all buildings	Ongoing	Ongoing
		Provision of specialised infrastructure (such as intermediary rooms, CCTV systems and playrooms for children) and security at dedicated and specialised courts for sexual offences	Ongoing	Ongoing
	Provide appropriate and sufficient infrastructure	Audit of infrastructure	Perform audit of infrastructure	Achieved
		Upgrading of infrastructure as identified in the audit	Procurement of goods and services for prioritised needs at sub-offices and sexual offences courts as identified in the infrastructure audit	88% completed

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
	Provision of physical security, access control and VIP protection	Manage and oversee the provision of minimum security standards at delivery points	Ongoing	Ongoing
	Implementation of an integrated vetting management system	Number of courts and other departmental buildings, where integrated vetting management system has been implemented	Ongoing	Ongoing
Legislative and Constitutional Development – CD Legislative Development	Increase access for the poor, the vulnerable and the indigent and for the rural and township populations	More people exercising their constitutional rights	Promote and promulgate legislation in order to rationalise the structures and functioning of the courts	The Superior Courts Bill was introduced into Parliament
			Promote subordinate legislation relating to the right of access to information - exemption in terms of section 22(8) of the Promotion of Access to Information Act, 2000 and - amendments of the regulations to the Act	In process Achieved
			Develop a code of good administrative conduct	In process
			Implement legislation giving effect to the right to equality: - finalise regulations on the promotion of equality as contemplated in the Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 ; - finalise regulations on prevention of unfair discrimination; and - put Act into operation	Draft regulations have been formulated Achieved

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
			Further implement Maintenance Act, 1998: - Finalise regulations on maintenance investigators; - Finalise regulations on the civil execution of maintenance orders - revise all maintenance regulations	Regulations are being drafted In process In process
			Implement legislation regulating the use of lay assessors in lower court criminal cases	The Department is in the process of addressing a number of logistical issues
			Review the tariffs payable to intermediaries in cases dealing with children	Achieved
			Establish a mechanism to increase access to subordinate legislation	In process
	Guarantee affordable legal advice and legal representation, as well as consumer protection and comprehensible language of process and legal documentation	Broadened access to legal services in all areas	Promote and promulgate legislation regulating the legal profession	The Department has prepared a Bill, which has been submitted to the Minister for consideration
	Ensure process and procedure simplification and acceleration	Reduced case backlogs and more cases disposed of	Promote and promulgate legislation dealing with criminal appeals from the lower courts	Achieved
			Promote and promulgate legislation relating to the right of the National Prosecuting Authority to appeal on questions of fact	A Bill and Cabinet Memorandum have been prepared and will be submitted to the new Minister
			Promote and promulgate amending legislation relating to extradition	A Bill revising the Extradition Act has been prepared and has been submitted to role-players for comments

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
	Provide alternative dispute resolution mechanisms within the constitutional framework	More cases being diverted from the formal courts of law	Promote and promulgate legislation dealing with international arbitration	A Bill has been approved by Cabinet
	Ensure bail affordability for minor crimes to ease jail congestion and expedite social rehabilitation of offenders with minimum disruption to the labour market	Reduced number of awaiting-trial prisoners	Promote and promulgate Judicial Matters Amendment Bill dealing, <i>inter alia</i> , with provisions on bail	Two Judicial Matters Amendment Bills were approved by Parliament in 2003, one containing provisions on bail
	Promotion of safety measures for the security of vulnerable social groups	Improved application of legislation in respect of vulnerable groups	Promote and promulgate legislation dealing with HIV-testing of sexual offenders	In process
			Revise domestic violence regulations	In process
			Promote and promulgate Sexual Offences Bill	A Bill has been introduced into Parliament
			Promote and promulgate Child Justice Bill	A Bill has been introduced into Parliament
			Promote and promulgate legislation dealing with the prohibition of hate speech	In process
			Promotion of regulations in terms of the Promotion of National Unity and Reconciliation Act, 1995 relating to reparations	In process

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
	Facilitate the administration of deceased and insolvent estates; the liquidation of companies and close corporations, the registration of trusts and the management of the Guardian's Fund	More equitable and effective system dealing with the administration of justice	Promote and promulgate legislation dealing with the review of insolvency laws Promote and promulgate legislation empowering the Minister to determine policy in respect of the appointment of trustees and liquidators in insolvency-related matters	In process Achieved
	Combat all forms of organised crime (including terrorism and espionage) and corruption	Reduction in incidents of organised crime and increased success in prosecuting corruption	Promote and promulgate anti-corruption legislation	Achieved
			Promote and promulgate amending legislation dealing with Special Investigating Units	In process
			Implement the newly enacted legislation dealing with the monitoring and interception of communications	In process
	Exercise professional prudence in financial management, without sacrificing the imperative to guarantee access to the poor, the vulnerable and the indigent	Unqualified audit reports	Review the prescribed amounts (fees and tariffs) determined by legislation	In process
			Review current witness fees	In process
			Further implement two Constitutional Amendment Acts	Achieved

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
	Ensure that the Judiciary, the magistracy and the legal profession are sensitive to the needs of the consumers of justice products and that they reflect demographics and the emerging jurisprudence embedded in the social justice context and the Constitution	Enhanced public confidence in the Judiciary and comprehensive complaints mechanism in respect of the Judiciary is in place	Promote and promulgate legislation dealing with service benefits of the Judiciary: - complaints mechanism; - conditions of employment; and - appointments mechanism	In process Achieved In process
			Review regulations relating to the Judiciary of lower courts: - Amend regulations to give effect to the judgment of the Constitutional Court in the <i>Van Rooyen</i> case; and - amend regulations to further regulate the conditions of service of members of the Judiciary	Achieved Achieved
	Sentencing to be corrective and to reflect the emerging concept of Restorative Justice	Increased Restorative Justice measures and diversion programmes in place	Extend the period of operation of the provisions relating to minimum sentences in the Criminal Law Amendment Act, 1997 (Act 105 of 1997)	Achieved
	Statutory law to conform with constitutional imperatives and with customs and mores of citizens of the land	More laws being brought into line with the Constitution	Bring outdated regulations in line with the Constitution	Ongoing

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Legislative and Constitutional Development – CD Law Reform	Increase access for the poor, the vulnerable and the indigent and for the rural and township populations	More people exercising their constitutional rights	Amend tariffs of the Magistrates' Courts to accommodate increase of jurisdictional limit of the Small Claims Courts	Achieved
	Guarantee affordable legal advice and legal representation, as well as consumer protection and comprehensible language of process and legal documentation	Broadened access to legal services in all areas	Hold Lekgotla with all stakeholders on cost of litigation	Costs Committee to consider – had to deal with other priorities first
			Promote increase of attorneys' fees in the High Court tariff	Achieved
			Promote increase of sheriffs' fees in the High Court tariff and Magistrates' Courts tariff	Achieved
	Ensure process and procedure simplification and acceleration	Reduced case backlogs and more cases disposed of	Take harmonisation of rules project of the Board further	Chairperson has other initiatives
			Draft rules for Immigration Courts	In process
			Investigate role of sheriffs in court processes	Chairperson of the Board indicated that matter should not be pursued further
			Investigate and promote proposals for the amendment of rules as received	Ongoing
			Amendment of Form 38 of the Magistrates' Courts Rules dealing with the service of emolument attachment orders	In process

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
	Be an organisation that has a diverse (culture, race and gender) and highly professional workforce, that is responsive to both customer and employee needs and that guarantees excellence by empowering its employees with professional development opportunities	Greater compliance with the Employment Equity Act, 1998, and the Skills Development Act	Promote the restructuring of the Rules Board	Now being dealt with in the Superior Courts Bill as a new rule-making body is envisaged
			Promote the appointment of a new Rules Board	Achieved
			Promote the upgrading of the category of the Rules Board for purposes of remuneration	In process
			Promote linkage between Parliament and the Rules Board	Achieved
	Attract, train and retain the best minds in the legal profession and management corps – especially from groups historically discriminated against	Greater focus on training programmes, recruitment strategies and improved remuneration package	Promote the restructuring of the Secretariat of the Rules Board	In process
	Statutory law to conform with constitutional imperatives and with customs and mores of citizens of the land	More laws being brought in line with the Constitution	Draft rules in terms of the Promotion of Access to Information Act, 2000	In process
			Draft rules in terms of the Promotion of Administrative Justice Act, 2000	In process

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Legislative and Constitutional Development – CD Constitutional Development	Provide Alternative Dispute Resolution Mechanism within the Constitutional Framework	Appropriate mechanisms contemplated in section 41(2) of the Constitution established	Facilitate the establishment of appropriate mechanisms contemplated in section 41(2) of the Constitution	Ongoing
	Be an organisation that has a diverse (culture, race and gender) and highly professional workforce that is responsive to both customer and employee needs and that guarantees excellence by empowering its employees with professional development opportunities	Compliance with the Employment Equity Act and the Skills Development Act	Fill remaining vacancies with suitable candidates	In process
			Compliance with Employment Equity Act and Skills Development Act	Achieved
	Attract, train and retain the best minds in the legal profession and management corps – especially from groups historically discriminated against	Focused training programme, recruitment strategy and improved remuneration package implemented	Develop and maintain training and empowerment policy	In process
			Develop competency-based assessments	Achieved
	Statutory Law to conform with constitutional imperatives and with customs and mores of the citizens of the land	All legislation are consistent with the Constitution	Review constitutionality of all legislation	Ongoing

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
	Assist and protect state institutions strengthening constitutional democracy through legislative and other measures to ensure the independence, impartiality, dignity and effectiveness of these institutions	Less complaints from Chapter 9-Institutions in terms of their functioning and independence	Promote and promulgate the Public Protector Amendment Bill	Achieved
	Implement, maintain and develop the Constitution and its values	Full implementation of the Constitution	Investigate, evaluate and promote proposed amendments to the Constitution	Ongoing
			Review a need for the establishment of a structure to facilitate and manage the implementation of the Constitution	In process
			Establish a uniform procedure for the promotion of constitutional amendments	In process
			Facilitate and manage the implementation of the Constitution	Ongoing
			Publication of updated annotated version of the Constitution	In process
			Research all laws pertaining to political parties consequent to the "Crossing-the-Floor" legislation that are administrated by the Department	Achieved
			Review Constitution to accommodate new developments	Ongoing

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
			Inform and advise State Departments on decisions of the Constitutional Court affecting their line function activities	Ongoing
			Provide assistance to the Constitutional Review Committee of Parliament	Ongoing
	Assist and protect state institutions, strengthening constitutional democracy through legislative and other measures to ensure the independence, impartiality, dignity and effectiveness of these institutions	Enhanced independence of relevant Chapter 9-Institutions	Review and evaluate existing budget and financial arrangements	Ongoing
			Facilitate the establishment of a mechanism to deal with reports of Chapter 9-Institutions	Ongoing
			Facilitate the review of conditions of service of commissioners of Chapter 9-Institutions	In process
			Conditions of service of the Public Protector	Achieved
			Facilitate a workshop on recommendations of the Corder Report	In process
			Communication channels established with Chapter 9-Institutions	Ongoing
			International Comparative Study on the development of the Constitution	In process

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
			Mainstream Constitutional Development in the Department	Ongoing
State Legal Services: Legal Process	Facilitate the pardoning and reprieve of offenders	Number of cases dealt with	To be benchmarked in 2004/05	Ongoing
State Legal Services: Law Enforcement	Facilitate the recuperation of debt and writing off of state monies and properties	Number of cases dealt with	To be benchmarked in 2004/05	Ongoing
State Legal Services: International Affairs	Facilitate the negotiation of extradition, mutual assistance requests and maintenance orders	Number of matters finalised	To be benchmarked in 2004/05	Ongoing
Public Education and Communication Services: Promotion of Access to Information Act	To effectively educate and communicate with internal staff with reference to the Promotion of Access to Information Act and how to deal with it	<ul style="list-style-type: none"> • Pamphlets • Posters • Written articles in professional magazines • Media/radio 	1 000 brochures distributed 100 posters distributed 12 articles in external publications Radio talks on specific radio stations, public requested to call in	Achieved
	Effective user-friendly system that is adapted to our needs	Installation of an electronic and track record system, which will facilitate reporting progress	Compatible system in place that can be utilised with confidence Trained staff	System under construction
	Applications for exemptions	Receiving applications for exemption from submitting a manual to SAHRC from Private Bodies	186 applications received	2 granted 179 refused 5 pending
	Applications for access to records	Receiving applications/requests for access to records from public and personnel	71 applications received	21 granted, 25 denied 21 under search instructions 8 transferred
	Appeals	Appeal structure in place to ensure that the remedy is available to the requestor when access to records is denied	Appeals received	In process

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
	Section 32 report	Prerequisite of the Act is that public bodies submit a detailed report to the SAHRC once a year	1 report submitted to the SAHRC	Achieved
	Section 15 list of voluntary information	Prerequisite of the Act that public bodies submit the section 15 list to the Minister for publishing in the Gov. Gazette	6 section 15 lists received, published in the Gov. Gazette	Achieved
PEC: Corporate Affairs		Well-informed staff on government and departmental policies and programmes	Monthly information sessions	Achieved
	Marketing and promoting the Department	Organise open court days	Court Openings, Presidential Imbizo, Ministerial Izimbizo, school visits and exhibitions	Achieved
	Showcase of service delivery	Organising functions for Official Opening of Courts	Court Openings and Open Court Days	Achieved
	Events Management	Organising of functions /activities as & when required	Various Launches on Maintenance, Domestic Violence, etc.	Achieved
	Raising awareness on Justice-related matters	Distribution of Information to different individuals, organisations and tertiary institutions and information sessions	Publication material and information sessions on, among others, the Constitution, Maintenance, Domestic Violence, etc.	Achieved
PEC: Subdirectorate: Community Legal Education	Community outreach programmes in all provinces	Conduct information sessions and workshops with NGOs, school visits, presentations at labour meetings etc. to inform the community of Justice offerings	Three presentations per province per month	Achieved
	Visually stimulated and educated communities eager to take part in court proceedings	Develop and distribute informational videos	Developing of two new videos: Domestic Violence and Court Procedure	Achieved
	Creation of CITIZEN'S ADVICE DESKS at courts	Desks installed and functional audits completed	Additional two Citizen's Advice Desks per province	Achieved
	Informed communities Utilise community radio programmes	Education on court services, relevant legislation, etc.	Lesedi, Legwalagwala Phalaphala and PM Live, etc.	Achieved

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
PEC: Media Services	Newspaper clipping service	News clippings daily	Daily	Daily
	Media trends: Strategic analysis of media news with the objective of servicing our principals	Repackage publications and improve on the design in line with our new logo	Informed principals on the consequences of media coverage, both positive and negative and advise on possible action; weekly.	Achieved and ongoing
	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 our issues and empowered relationships with the media More enquiries from the media handled effectively	Achieved and ongoing
	Press statements, press conferences, seminars, radio and television interviews	Improve on tailor-made packages for conferences and seminars	More requests from our customers for assistance Customers' knowledge of our business More enquiries from our external customers	Achieved and ongoing
	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 placement of articles	5 promotional articles 10 Adverts
PEC: Other Activities	Information dissemination to the public through the media	Package fact sheets in a user-friendly way and share with the media	Accurate and effective reflection of departmental activities	Achieved and ongoing
PEC: Directorate: Publications	Restructuring, maintaining and updating of web site	Constant updating of site with new and relevant information in user-friendly manner	User-friendly website; improved hits on site	Completed and ongoing
	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 BU specifications	First phase to be presented to role-players An intranet contact person for BU to specify requirements for intranet	Achieved
	Annual Reports: DoJCD, SALC, JSC, Monies in trust – Master's Business Unit	Copy-writing, layout and publication and distribution to Parliament of attractive and user-friendly annual reports	1 500 delivered in all instances	Achieved

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
	Compilation of copy for SA Yearbook and Statesmen's Yearbook	Copy-writing 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
	Training manuals - State Law Advisers (Reprint)	Production of quality manuals to inform officials of new procedures	Delivery of: 200 Legislative drafting manuals	Achieved
	Promotional material to enhance public awareness of days of national celebration and campaigns	The design, layout and production of posters, pamphlets, flyers, banners, t-shirts and other promotional items for departmental activities such as Human Rights Day, etc.	Printed and promotional material produced and distributed to identified stakeholders	Achieved
	Corporate branding of Business Units, eg. Justice College, S A Law Reform Commission	Design and printing of corporate stationery for Business Units	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	Achieved
PEC: Constitutional Education	An informed and knowledgeable education sector and teacher constituency	Facilitating a seminar with education sector	Material developed and packaged and teachers trained to implement	Achieved

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
	Informed and motivated communities, specifically on constitutional matters	<p>Presentations at Workshops on Constitutional Education Matters to target audiences such as:</p> <ul style="list-style-type: none"> • Government Departments • Paralegals • Unions • Tertiary Institutions, etc. 	One presentation per identified target audience	Achieved
PEC: Directorate: Public Education And Liaison Services Community Education with organisations	To build public confidence in the administration of justice by uplifting communities by educating the public on legal and constitutional matters and the services offered by the Department	<p>Workshops, information sessions, presentations, youth camps on topics relating to the Constitution, legislation and services provided by this Department</p> <p>Outreach to be conducted in the previously disadvantaged areas with the marginalised communities, eg. women, children, the rural poor, etc.</p>	<p>Conduct information sessions with the NGOs</p> <p>Present workshops organised by NGOs at their communities</p>	Workshops conducted with various NGOs
Community Education With youth	<p>To build public confidence in the administration of justice by uplifting communities through education on Justice-related matters</p> <p>Children aware of rights and procedures; to assist guardians to enforce their rights</p>	<p>Workshops, information sessions, presentations, open court days, school visits, youth camps on topics relating to the Constitution, legislation and services provided by this Department</p> <p>Outreach to be conducted in the previously disadvantaged areas with the marginalised communities, eg. women, children, the rural poor, etc.</p>	<p>Visits to schools to inform children of Maintenance and Domestic Violence procedures (Child Protection Week)</p> <p>Three presentations per province per month</p>	Workshops conducted with children/youth (Primary and High school and Tertiary institutions)

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
<p>Community Outreach</p> <p>Court visits and Youth Camps</p> <p>Activism Campaigns</p>	<p>Marketing of Court Services:</p> <p>Community involvement with court procedures to achieve an effective system of justice</p> <p>Raising awareness on Justice related-matters</p>	<p>Arranging open court days to view:</p> <p>Intermediary services, Sexual Offences Courts and Family Courts</p> <p>Host youth camps to workshop Justice issues</p> <p>Hosting and participating in events and ensuring community involvement to celebrate commemoration days</p>	<p>Five open days per year</p> <p>One youth camp in July holiday</p> <p>Human Rights Day Youth Day, National Women's Day, etc.</p>	<p>Open court days hosted for Primary schools North West area: Lhurutshi Brits</p> <p>Activism campaigns Human Rights Day 16 Days of Activism against No Violence against Women Child Protection Week</p>
<p>Constitutional education</p>	<p>An informed and knowledgeable education sector and teacher constituency</p> <p>Informed and motivated communities, specifically on constitutional matters</p>	<p>Facilitating a seminar with education sector</p> <p>Presentations at Workshops on Constitutional Education Matters to the following target audiences:</p> <ul style="list-style-type: none"> • Government Departments • Paralegals • Unions • Tertiary Institutions, etc. 	<p>Material developed and packaged and teachers trained to implement</p> <p>One presentation per identified target audience</p>	<p>"Respect" project with Mpumalanga Premier's Office</p> <p>Workshops held with Law graduates, Government officials, Municipal officials</p> <p>Workshops held with community leaders</p>
<p>Knowledge-base building</p>	<p>Legal information in user-friendly language and other languages, so as to uplift them and secure their participation in the process of justice</p>	<p>Updating the database on legal information, in many official languages, of the Department's priorities:</p> <p>Maintenance, Domestic violence, Recognition of Customary Marriages, Human Rights, Small Claims Courts, Family Courts, Sheriffs, Legal Aid, etc.</p>	<p>Topics researched, information collated, written down and available on demand</p>	<p>Achieved</p>

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Video Productions	Visually stimulated and educated communities to not be afraid to take part in court proceedings, which will lead to more effective trials and an effective justice system	Develop and distribute informational videos	Develop new Criminal Court Procedure and distribute existing topics: Human Rights Maintenance Domestic Violence	Achieved

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target			
			Target	Actual		
			Actual performance against target			
			Target	Courses planned	Courses presented	Number trained
Justice college	<p>To develop and to implement effective entry level and continuous training programmes for magistrates, prosecutors, masters, interpreters and clerks of the court.</p> <p>Through continuous consultations, redesign the existing training programmes for all occupational groups within the Department to ensure that the training needs of our customers are addressed</p> <p>To develop a human rights culture within the ranks of our departmental officials To reach this goal, we integrate reference to the Constitution, constitutional values and human rights in all courses offered by the College</p>	<p>To ensure that departmental officials are:</p> <ul style="list-style-type: none"> - Well-trained - Professional - Sensitive to people's different cultural experiences - Sensitive to people's different race and gender experiences, and - Respectful of everybody's dignity and human rights. 	Master's Courses	16	16	409
			<i>Ad hoc</i> training interventions			114
			Prosecutor's Courses	6	6	147
			Magistrates Civil Court Training	12	12	329
			Magistrates Criminal Court Training	16	16	314
			<i>Ad hoc</i> Training			588
			Family Law, Quasi-Judicial Training and Clerks training	29	29	683

Department of Justice and Constitutional Development



Subprogrammes	Outputs	Outputs performance measures/service delivery indicators	Actual performance against target			
			Target		Actual	
	<p>To facilitate and to sensitise officials to issues of social context, race and gender, we include these topics in all courses offered by the College.</p> <p>To afford officials the opportunity to attend short, intensive workshops that deal specifically with domestic violence, maintenance and child law issues</p>					

2.8.2 Programme 2: Court Services

Purpose: Supports the management and administration of all courts in South Africa.

Measurable objective: To establish and maintain the system of courts to ensure that proceedings are prompt and efficient, focusing especially on fairness towards vulnerable and previously disadvantaged groups.

Service delivery objectives and indicators: During the year it came to light that benchmarking the different courts purely on the number of cases finalised and court hours worked, is an intricate task and not a true reflection of the actual performance. To this matter, the Chief Justice will perform benchmarking in the next financial year. All courts are moving towards a balanced score card measurement of performance. This is being developed in consultation with the relevant role-players and will take some time.

2.8.2.1 In order to approve the Case-flow Management in the Constitutional Court the following were performed:

- I. Support has been given to the Chief Justice for the establishment of a support structure for his Office.

- II. Support has been given to the Chief Justice regarding the discussions of the transformation of the Judiciary.

- III. Constitutional Court orders have been prioritised.

2.8.2.2 The Supreme Court of Appeal has been supported with regards to Commissions of Inquiry.

2.8.2.3 In order to approve the Case-flow Management in the High Courts, the following were performed:

- I. The Superior Courts Bill has been promoted at Parliament, which aims to establish one seat of the High Court per province in terms of the Constitution, 1996.
- II. Planning is under way to build two extra High Courts.

2.8.2.4 In order to approve the Case-flow Management in the Specialised Court, the following were performed:

- I. Fifty-two Sexual Offences Courts have been established.
- II. Five Family Courts have been strengthened and roll-out has taken place to three Districts.



- III. Twelve Small Claims Courts have been established.
- IV. Two-hundred-and-twenty Equality Courts have been designated.
- V. Two Commercial Crime Courts are working well and roll-out to three Districts is in process.
- VI. Tshwane Municipal Court launched in March 2004 and discussions with other municipalities, are taking place.
- VII. Wynberg (Alexandra) Hi-jacking Court launched in October 2003 and discussions regarding establishment of further priority courts are taking place.
- VIII. Hermanus Environmental Court launched in March 2004 and a needs assessment has been started for further priority courts such as this one.
- IX. Three One-Stop Child Justice Centres have been established and planning for one One-Stop Child Justice Centre in each province by at least 2007, has taken place.

2.8.2.5 *In order to approve the Case-flow Management in the Lower Court, the following were performed:*

- I. Re-demarcation of magisterial boundaries has been prioritised and all nine provinces' reports have been received. The process of SAPS in this regard delayed the process, but finalisation is expected in 2004/05.
- II. Re-demarcation of the Regional Court boundaries has taken place with effect from 1 April 2004.
- III. The need for the establishment of Lower Courts is investigated and submitted to the Minister for approval and final establishment, on a regular basis.

2.8.2.6 In order to enhance the Family Advocate's assistance to the Courts regarding children and family matters, the following were performed:

- I. Extension of the services of the Family Advocate to previously disadvantaged areas.
- II. Extension of the services of the Family Advocates to Domestic Violence and Maintenance matters and other family court matters.

- III. Administration of the Hague Convention On the Civil Aspects of International Child Abduction.
- IV. Family Counsellors have been appointed on contract by the Family Advocates, in order to assist the Family Advocates to submit reports to the Courts, which are in the best interest of the children involved in these matters.

2.8.2.7 *In order to ensure the effective operation of the courts, all vacancies are filled expeditiously. To this matter, the Minister made the following appointments after consultation with the Magistrates Commission:*

- I. Two Regional Court Presidents.
- II. Three Regional Magistrates.
- III. One Chief Magistrate.
- IV. Nine Senior Magistrates.
- V. One-hundred-and-nine Magistrates.

All vacancies are advertised on a continuous basis to ensure posts are filled as soon as possible.

2.8.2.8 *Government Motor Transport is used by staff to travel between Branches, Periodical Courts and other Courts for official business. The shortage of reliable vehicles has resulted in the Department requesting funds for an Unfunded Priority Project in this regard. R19 million was spent to acquire and implement a Fleet Management System.*

2.8.2.9 *The judicial system must be accessible to all and this can partly be achieved through the provision of adequate infrastructure, of which the construction of functional court buildings is most essential. In order to achieve this goal, numerous Capital Works Projects were undertaken to construct, renovate and expand courts.*

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Service delivery achievements:

Sub-programmes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Constitutional Court	Case-flow management	Number of cases finalised	5 % increase in 2003/04	Benchmarking to be done by Chief Justice in 2004/05
		Court hours worked per day	To be benchmarked in 2003/04	Benchmarking to be done by Chief Justice in 2004/05
Supreme Court of Appeal	Case-flow management	Number of cases finalised	5 % increase in 2003/04	Benchmarking to be done by Chief Justice in 2004/05
		Court hours worked per day	To be benchmarked in 2003/04	Benchmarking to be done by Chief Justice in 2004/05
High Courts	Case-flow management	Number of cases finalised	1 000 cases in 2003/04	Information for the financial period is not available. However, for the 2003 calendar year 2 361 cases were finalised. Every attempt will be made to obtain this information for the next financial year
		Court hours worked per day	4 hours per day per court in 2003/04	Information for the financial period is not available. Every attempt will be made to obtain this information for the next financial year
Specialised Courts	Case-flow management	Number of cases finalised	All cases in 2003/04	Information for the financial period is not available. Every attempt will be made to obtain this information for the next financial year
Lower Courts	Case-flow management	Number of cases finalised	40 cases per month per District Court and 15 cases per month per Regional Court in 2003/04	Information for the financial period is not available. Every attempt will be made to obtain this information for the next financial year

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Sub-programmes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
		Court hours worked per day	5 hours per District Court and 4 hours per Regional Court per day in 2003/04	Information for the financial period is not available. Every attempt will be made to obtain this information for the next financial year
Family Advocates	Assistance to the Courts regarding issues relating to children in family matters Extension of services	Number of cases assisted with Percentage of family court centres at which services are provided	To be benchmarked in 2003/04 100% in 2003/04	Information for the financial period is not available. Every attempt will be made to obtain this information for the next financial year
Magistrates Commission	Appointment of Magistrates and related employment matters	Number of matters dealt with	All vacancies are advertised on a continuous basis to ensure posts are filled as soon as possible	Achieved and ongoing
Government Motor Transport	Fleet management	Cost management of fleet	Fleet management system implemented in 2004	Achieved
Capital Works	Court accommodation	Access for previously disadvantaged communities	All courts accessible in 2004	Six contractors were liquidated on two projects and therefore the target could not be reached.

2.8.3 Programme 3: State Legal Services

Purpose: Provides legal services to Government and facilitates constitutional amendments through research, development and the promotion of appropriate legislation.

Measurable objective: To modernise and restructure the legal and legislative services provided to the state and the public, in order to promote justice and corporate governance.

Service delivery objectives and indicators:

- 2.8.3.1 *State Legal Services 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 BU relies entirely on the State for work. If the State should decide for whatever reason not to use the services offered, the BU will close. It is well-known that legal costs in the private sector are very*

high. The BU renders a cost-effective service to the State. Every effort is made, however, to reduce costs even further, by increasing productivity, promoting a work ethic and utilising the services of private practitioners as seldom as reasonably possible.

The division presently consists of State Attorneys, State Law Advisers, Legislative Drafting Unit, Constitutional Litigation Unit, Translation Services, International Affairs, Legal Process and Law Enforcement. The division consists of approximately 260 lawyers, which renders it the biggest law firm on the African continent. In order to achieve the strategic objectives of the BU, the following was performed during the year:

- I. 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 comparisons for future periods, as well as the workload of individual

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attorneys'. Since January 2003 all units within Legal Advisory Services supply the Secretariat with daily statistics regarding new and closed matters.

- II. The restructuring process is well under way to achieve the goals set out above. Many meetings were held with all units and we can now report that the division is firmly under the control and supervision of the Chief State Law Adviser and all units report to him.
- III. The Second Annual General Meeting was held to account to the customers and stakeholders about its performance, constraints and successes it has achieved during its period of operation for transparency and accountability. The meeting enabled the Chief State Law Adviser to report to the division as a whole and also to client-departments. Ways of improving our services, reducing costs, difficulties and accountability of state lawyers were discussed, among others. Commissions were set up and six task teams were appointed to investigate and report on a wide variety of issues. The task teams made good progress and presented their reports for discussion.
- IV. Eight new commissions were set up to investigate and report on a variety of issues, of which the finalisation of the draft Attorney-General's Bill will be the most important, as it will have a significant impact on Legal Advisory Services.
- V. A dedicated legislative drafting unit has been established to peruse, develop, draft, scrutinise and certify all legislation and regulations. During 2003 the unit scrutinised 76 bills. The Unit has embarked upon a training initiative and 127 officials from other departments have received training. The key objective is to reduce costs and the State's dependence on private legislative drafters.
- VI. The establishment of a Constitutional Litigation Unit has been approved and we are in the process to identify and fill the positions. A tender was awarded for the appointment of a head for the Unit on a 2-year contract. The Director-General has approved funding to fill the remaining positions.
- VII. Recommendation to establish a Translation Service Unit with the objective to translate English versions of Bills into other official languages, have been made. At present there is one person in the Unit, but steps are under way to fill the posts as soon as funds are available.
- VIII. 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, which would otherwise be disbursed to private counsel. We are in the process of extending the keeping of accurate timesheets pioneered at the State Attorneys to the State Law Advisers and Drafting Unit from January 2004.
- IX. An Executive Board consisting of all office heads has been established. The Board met monthly to discuss issues of concern, formulate policies, give guidance and implement all necessary steps to enhance the work performance and image of the division.
- X. The occurrence of prescription and default judgments has dramatically declined during 2003. It has declined from 500 in 2002 to 71 at end of 2003. The majority of these occurrences cannot be attributed to the State Attorneys.
- XI. A policy has been put in place to redress the imbalances of the past by giving preference to black advocates and female advocates. The Chief State Law Adviser is monitoring the process personally and all offices report on a monthly basis to the Secretariat on the briefing patterns and payments made. Inspections of all payments made to advocates during the past year have indicated that rumours that particular advocates are being favoured, are untrue. The briefing policy also entails that no corruption in the briefing of advocates will be tolerated.
- XII. All attorneys in the division who qualify, have been enrolled (or are in the process to be enrolled) to appear in the High Courts. Attorneys are appearing in increasing numbers in matters in the High Courts, ranging from urgent applications to noting of judgments and postponements. A schedule detailing the number of appearances is annexed hereto.



XIII. We have embarked upon a process to divorce administrative functions from professional functions in an effort to enhance the supervision and management of litigation matters. Offices are in the process to appoint office managers (from within their own ranks) to fulfil this very important function.

2.8.3.2 *The transformation of the legal system has offered great challenges in the area of law reform for the Legislative and Constitutional Development BU (South African Law Reform Commission) (SALRC). This has necessitated the reprioritising of projects relating to the transformation of the legal system and the dedicated focusing of resources to this area. As a result, the target set for the enactment of the legislation (the SALRC submits draft legislation to the Minister) regarding the legal process transformation, was exceeded, whereas the target in respect of enacting legislation for access to Justice, was not met.*

Details regarding the functioning of the Commission can be obtained from its Annual Report, which is separately published.

2.8.3.3 *In order to improve the services of the Master of the High Court and to achieve its objectives, focus was placed on both specific targets and holistic overview. To this matter the following developments occurred:*

- I. To expand operations a total of 4 new offices were opened during the year. This expansion of our operations is still inadequate and finance remains the major impediment.
- II. For the first time in the history of the BU, a Risk Management Framework is being implemented. A Risk Officer was appointed in each office. These Risk Officers are to report to the Chief Risk Officer of the BU on a timely basis. Strategic Risk Management documents profiling the top 19 risks were compiled and are available for further details.
- III. Fraudulent document detectors were bought and are in use in all Masters' Offices. There have already been some breakthroughs, which have, to some extent, been a deterrent to many potential fraudsters. A number of staff have been trained to use these machines.
- IV. The Master's website, which was launched on 20 June 2002, is continuously updated with new information.

Contact details of senior officials have been made available on the website, to improve assistance to the public.

- V. In order for the BU to contribute meaningfully to this national call for boosting our economy through services to our people, we find it absolutely necessary to take services to the people, targeting not only the urban areas, but also the rural masses of this country. Some of our valued clients are the minors, the elderly, the poor, the illiterate and the physically disabled. Undoubtedly, the majority of these people live in rural areas. Access to our services by the majority of our current and potential clients is critical and therefore a priority.
- VI. In order to improve our services, we need a partnership with an institution that will give effect to processes that are speedy, secure, accessible, measurable, cost-effective and value-adding to both the Department and the public. The partnerships will facilitate the payment application documentation to be made available at all service outlets to ensure that the services reach all targeted groups.
- VII. The target for new deceased estates registered, was exceeded by 21 916, due to the fact that the estates of black people are now sent from the Magistrates' Offices to the Masters' Offices. The decrease in the number of wills registered (13 521) could be ascribed to better control over revoked wills by the Deceased Estate Industry and / or fewer people dying testate.
- VIII. The substantial increase in the number of appointments of liquidators (13 877) could be ascribed to the fact that a concerted effort has been made to diversify and transform the Liquidation Industry. The decline in the sale of estate assets (1 043) could be ascribed to a policy decision not to sell assets indiscriminately, but to attempt a business rescue approach.
- IX. The decline in the number of Trusts (27 521) registered could be ascribed to the changes in Income Tax legislation, which reduced the attraction to trusts as a tax planning vehicle.
- X. The increase of Curatorship Estates (81) is due to more reported cases in this area. The fact that a nil report had been filed i.r.o. annual accounts audited,

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could be as a result of incorrect information in the document.

- XI. The increase in the Guardian's Fund payments (4 864) is a result of a massive growth in funds we receive for minors. In addition to this, an effort to standardise the Masters' services in relation to the Guardian's Fund was made, as this will not only encourage uniformity within the BU, but will also enhance financial reporting as a process. The automation of the BU undoubtedly enforces compliance with the relevant business rules, laws, regulations and best practices which are built-in

during the system development phase. The overriding objective of the standardisation is the reduction in the turn-around time relating to the payment cycle of monies to our clients.

Further discussions were held with the South African Reserve Bank, who undertook to relax some of the foreign exchange restrictions on payments. An annual limit has been proposed and agreed upon in principle by the Reserve Bank. Once all requirements have been complied with, turn-around time to process foreign payments will be reduced.

Service delivery achievements:

Sub-programmes	Outputs	Output performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
Legal Services to the State	Provide opinions and scrutinise international agreements and draft legislation	Number of opinions, laws and international agreements finalised	To be benchmarked in 2003/04	Achieved
	Reduction in private sector assistance to Government Departments	Percentage change in requests for services	10 % increase in 2003/04	11% increase
Legislative and Constitutional Development (SA Law Reform Commission)	Implementation of the Constitution and its values	Proportion of relevant draft legislation enacted	75 % in 2003/04	Achieved
	Transformation of the legal system	Proportion of relevant draft legislation enacted	42 % in 2003/04	75%
	Transformation and improvement of the criminal justice system	Proportion of relevant draft legislation enacted	100 % in 2003/04	Achieved
	Access to Justice	Proportion of relevant draft legislation enacted	100 % in 2003/04	50% %
Master of the High Court	Administration of deceased estates	Number of new deceased estates registered	60 000 in 2003/04	81 916
		Number of wills considered	45 000 in 2003/04	31 479
	Administration of Insolvent Estates and Companies and Close Corporations in Liquidation	Number of liquidators appointed	7 000 in 2003/04	20 877

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Sub-programmes	Outputs	Output performance measures/ service delivery indicators	Actual performance against target	
			Target	Actual
		Number of Authorisations granted for sale of estate property	2 500 in 2003/04	1 457
	Administration of Trusts	Number of trusts registered	47 000 in 2003/04	19 479
	Administration of property of persons	Number of curators / tutors appointed	600 in 2003/04	681
		Number of annual accounts audited	1200 in 2003/04	Nil The fact that a nil report had been filed i.r.o. annual accounts audited, could be as a result of incorrect information in the document
	Administration of the Guardian's Fund	Number of Maintenance payments	32 000 in 2003/04	36 864

2.8.4 Programme 4: National Prosecuting Authority (NPA):

Purpose: Provides a coordinated prosecutorial service, protects certain witnesses and investigates serious unlawful conduct committed in an organised manner.

Measurable objective: Provides a coordinated prosecutorial service, protects certain witnesses and investigates serious unlawful conduct committed in an organised manner.

Details regarding this Programme Performance can be obtained from the separate Annual Report published for the NPA.

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.

2.8.5 Programme 5: Auxiliary and Associated Services

Purpose: Render a variety of auxiliary services associated with the Department's aims and provide for transfers 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 provision of additional legal service, the right to which is enshrined in the Constitution, to guarantee independence of the administration of justice.

Service delivery objectives and indicators:

2.8.5.1 *Judicial Service Commission*

- I. 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 April 2003, 10 judges were appointed out of a possible 12 vacancies; at the second session in October 2003, eight judges were appointed out of a possible 10 vacancies. This refers to High Court appointments only.



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

Details regarding the Commission can be obtained from the separate Annual Report published.

2.8.5.2 South African Human Rights Commission (SAHRC)

- I. Significant achievements of the SAHRC were:
- Launched an inquiry into human rights violations in the farming communities.
 - Made submissions on the Immigration Bill and hosted a workshop on the Bill with various stakeholders.
 - Monitored the Lindela Repatriation Centre to promote the observance of human rights of detained non-nationals.
 - Presentations on the development of a United Nations Convention on the Rights of Persons with Disabilities.
 - Conducted training on the Promotion of Equality and Prevention of Unfair Discrimination Act, that was primarily aimed at judicial officers.
 - Established a Media and Communications Unit to deal with the internal and external communication functions. The Unit ensured public access to information regarding the SAHRC, through the website and the media.
 - Distributed various publications, posters and reports of the SAHRC to members of the public, NGOs and Government Departments.
 - Implemented a Case Manager System to track complaints more effectively.
 - Resolved cases, including access to a courtroom for wheelchair users and the right to vote for certain categories of South African citizens living abroad.
 - Launched the Fourth Economic and Social Rights Report in all provinces.
 - Hosted a workshop on Traditional Leaders and Economic and Social Rights.
 - Established Public Access to Information Act Committee to oversee its activities.
 - Established an Equality Unit with a legislative objective of overseeing the effective implementation of the Promotion of Equality and Prevention of Unfair Discrimination Act.

- Released two educational publications relating to the formal education system.
- The Standards Generating Body on Human Rights, Democracy and Peace Education developed standards for registration on the National Qualifications Framework.
- Hosted more than 15 workshops and visits to a variety of institutions and communities during Human Rights Week.

- II. As a result of the internal restructuring, added priority was given to the Public Education and Outreach Project. This led to the increased involvement of the regions in the hosting of workshops and seminars. Due to their involvement and the reprioritising of Project Funds, the SAHRC was able to exceed the targeted workshops and people reached. This gave rise to a greater awareness of Human Rights and led to an increased number of complaints received.

Details regarding the Commission can be obtained from the separate Annual Report published.

2.8.5.3 Commission on Gender Equality (CGE)

Significant achievements that fall within the Plan of Action in 2003/ 20004:

- I. Among others, Projects that were initiated and finalised focusing on gender and poverty are:
- Exploratory Study on Lived Gendered Nature of Poverty among the Elderly.
 - Spatial Development Initiatives, which is a study of whether gender is factored in at the three Initiatives (Coega, Phalaborwa and Richards Bay) and whether empowerment includes women.
 - Implementation of Maintenance Act was monitored in nine magistrates' courts, with special focus on women who rely on others for the support of their children.
 - Monitoring of Implementation of Prevention of Domestic Violence Act was concluded and there is still a need for personnel charged with implementation of the Act to be sensitised of their respective tasks;
 - A national conference was held following provincial consultative meetings on gender-based violence.
 - A pilot study of Access to Social Security in the Eastern Cape was completed.



- II. A few of the projects finalised on Gender and Good Governance are:
- The Gender Budgeting in Local Government found that in most municipalities, gender is hardly a consideration when it comes to budgeting.
 - Annual Report Card at Local Government could not be finalised due to almost similar problems as Gender Budget. People at local government still need education in gender first, before their performance on gender can be monitored and evaluated.
 - A study on the Experiences of Women Attorneys was concluded and confirmed the cynicism that there is still gender discrimination; hence there are fewer women in higher positions in the profession, which leads to a smaller pool from which consideration for appointment of judges and other higher legal positions, can be made.
- III. Submissions and contributions into law-making process we accomplished in thirteen processes, among others: -
- The alteration of Sex Description and Sex Status Bill; Traditional Leadership and Governance Framework Bill; Communal Land Rights Bill; National Health Bill; Preferential Procurement Policy Framework Act; Property Rates Bill; Sexual Offences Bill; Older Persons Bill; Islamic Marriages Draft Bill; Unemployment Insurance Fund Amendment Bill and Report of the Committee of Enquiry into Comprehensive Systems of Social Security.
- IV. Education and Information programmes were conducted in all nine provinces. These were centred around the four themes of Gender and Poverty; Gender and Good Governance; Gender-based Violence and finally Gender, Culture, Religion and Tradition. The total number of workshops, seminars and dialogue exceeded 130. Information was also shared with communities through the SABC radio station slots and some of the local Community Radio Stations, reaching more than 20 million of the population. Educational materials were also distributed throughout the country from the regional offices.
- V. On investigation of complaints, the total number received is 942 and those that are concluded in the reporting year constitutes 45%; 33% have been referred to appropriate institutions and those that are still pending are 22%. Sixty-eight percent of complaints attended to are from women and only 32% are from men.
- VI. The CGE hosted an international conference that explored the clauses on the Draft Protocol to the African Charter on Human and Peoples' Rights on Rights of Women in Africa. The recommendation from this conference was submitted for consideration by the relevant State Ministers in finalisation of the Protocol before adoption in July 2004 by Heads of African States.
- These activities have made inroads into the realisation of the implementation of the CGE's priorities on its broader mandate and the Government's on elimination of unfair gender discrimination in all spheres. There are a lot more people approaching the CGE, irrespective of sex, on complaints of various natures and educational requests. These are attended to or referred to other organisations if appropriate.
- The only target that was not achieved, was development of packages on simplified and uniform educational material. This was due to inadequate human resources. A strategy has been devised to implement this activity in the 2004/2005 year.
- Details regarding the Commission can be obtained from the separate Annual Report published.
- 2.8.5.4 Public Protector*
- I. In an effort to reduce the time it takes for the Office to finalise investigations, special attention was given to all those matters under investigation for a period longer than two years. The following measures were put in place during the course of the reporting period in order to prioritise certain complaints:
- A list of all such cases was compiled, and is updated quarterly to include those cases which have since become older than two years.
 - Chief Investigators / Provincial Representatives hold monthly meetings with each investigator to discuss the progress in such cases, to determine the reasons for delays, and to advise the investigator on how to expedite the investigation, and report on a monthly basis to the Control Investigator on the current situation.
 - The Control Investigator gives a monthly statistical report to the Public Protector on the progress made with finalising such cases.

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At the end of the reporting period, including the cases that became older than two years on 31 March 2004, a total of 471 cases have been under investigation for longer than two years. This represents 5.7% of all open cases. The Office intends to make a concerted effort to bring down the number of such cases in the next financial year.

Details regarding the Public Protector can be obtained from the separate Annual Report published.

2.8.5.5 The IT resources for the National Crime Prevention Strategy were divided into the following projects

- I. Digital Nervous System (DNS) Project: The object of the project was to provide network infrastructure and training to enable connectivity and ease the flow of information within the Department, and also to allow for the flow of data within the integrated Justice system. During the year:
 - infrastructure at 85 sites were completed, covering approximately 5 000 users of the 11 000 user community; and
 - training was provided to 3 236 users in basic computer-literacy.

The network set-up and training for the remaining sites and users should be completed by 31st October 2004.

- II. Financial Administration Systems (FAS)-Project: The Department has embarked upon an exercise to automate the administration and management

of trust funds within its Magistrates' Offices, State Attorneys and Masters' Offices. The FAS system is divided into three subprojects, namely the Justice Deposit Account System (JDAS), the State Attorney System (SAS) and the Guardian's Fund System.

- The evaluation of the Guardian's Fund System has been completed and State Information Technology Agency (SITA) is busy with the roll-out documentation. The pilot site Bloemfontein has been signed off and the Business Readiness Investigation has been completed for the national roll-out plan.
 - The development application of the JDAS system has been completed and 19 sites identified for the roll-out of phase 2. Obtained sign-off on the JDAS Data Stabilisation Certification Modules. The targeted completion date for the JDAS Technology Rewrite Bail Module is November 2004.
- III. Court Process Project (CPP-Project): This project involves all four Departments in the integrated justice system cluster, namely SAPS, the Department, Department of Social Development and the Department of Correctional Services. The cluster deals with a case from its inception through to finalisation. The project will pilot a streamlined court and case management process through the use of IT and business process re-engineering. The stabilisation project was finalised on 30 June 2004 and the project is currently under review.

Service delivery achievements:

Sub-programmes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Judicial Service Commission	Appointment of Judges	Proportion of vacancies filled	100 % in 2003/04	81.8%
		Proportion of the population reached through publications and promotional materials	20 % in 2003/04	Achieved

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Sub-programmes	Outputs	Output performance measures/service delivery indicators	Actual performance against target	
			Target	Actual
Human Rights Commission	Awareness effectiveness of publications and events	Distribution of publications	Increase human rights awareness by at least 10%, especially in rural communities in 2003/04	Achieved
		Number of workshops and seminars	84 workshops reaching 2 520 people in 2003/04 6 seminars reaching 420 professionals in 2003/04	422 workshops reaching 41 812 people 97 seminars with 4 502
	Investigation of complaints	Number of complaints/ investigations	20 % increase in 2003/04	79 % increase
Commission on Gender Equality	Awareness effectiveness of publications and events	Number of publications distributed	35 000 Posters in 2003/04 70 000 Pamphlets in 2003/04 2 000 Annual Reports in 2003/04	30 000 80 000 2 000
		Number of workshops, dialogues and seminars	130 events in 2003/04	Exceeded
		Number of interventions into legislation and policy formulation	10 in 2003/04	13
	Investigation of complaints	Number of complaints/ investigations	10 Investigations in the Private and Public Sectors in 2003/04	942 compliance received. 45% concluded and 33% referred
Public Protector	Investigation of complaints	Number of investigations finalised per investigator	National Office: 120 North West Regional Office: 228 Other regional offices: 180	National Office: 192 North West Regional Office: 245 Other regional offices: 198
National Crime Prevention Strategy	IT Resources	Number of users to receive infrastructure	12 000 in 2003/04	5 000 users
		Number of users connected to the network	All users at implemented sites	Achieved



2.9 Public entities reporting to the Minister

2.9.1 Special Investigating Unit (SIU)

The SIU is specifically designed to combat maladministration, corruption and fraud involving state assets and public money. It can institute civil action in the Special Tribunal to recover, protect or save state assets or monies. The Unit, as part of the government's anti-corruption strategy, is focused on providing the state with an in-house high quality, professional forensic investigation and litigation service at national, provincial and local levels.

During 2003/04, the SIU continued to increase its capacity, promote greater efficiency, eliminate backlogs, receive new investigations by way of proclamation, improve its representivity in terms of employment equity, establish a national presence and build partnerships with government and law enforcement agencies. The SIU has highlighted the benefits of the multi-disciplinary approach through its work with bodies such as the Asset Forfeiture Unit, the South African Police Service and the Directorate of Special Operations.

2.9.2 Legal Aid Board

The Legal Aid Board provides legal aid to South Africa's poor and to certain vulnerable groups in terms of the Constitution. These services are primarily made available by attorneys, advocates and candidate attorneys employed by the Legal Aid Board at its Justice Centres.

During 2003/04 the Legal Aid Board achieved its target of providing a national network of 58 offices (called Justice Centres), 27 satellite offices, and 13 high court units serving its client base. The Legal Aid Board now serves all courts, as well as all prisons holding awaiting-trial prisoners. Ninety percent of posts have been filled and all full-time staff members have incentive-based performance contracts.

In this period, the Legal Aid Board was appointed to 300 139 new cases, compared with 214 480 in the previous year: a service delivery increase of 40%. This was achieved without an increase in base-funding from the previous year.

Twenty-seven-thousand-two-hundred-and-eighty civil cases are included in these figures.

2.10 Transfer payments

2.10.1 South African Human Rights Commission (Constitutional Institution)

The main goal of the SAHRC is to promote compliance with the Bill of Rights. In order to achieve this objective various programmes were undertaken during the year, including:

- The promotion of public awareness in terms of the Bill of Rights. The awareness level is indicated by an increased number of complaints received and the number of people trained during workshops and seminars. The SAHRC plans, funds permitting, to conduct public surveys on at least an annual basis as another tool to establish the levels of awareness on the Bill of Rights and the work of the SAHRC.
- To improve the quality of the Economic and Social Rights Report which is in the main a gathering tool for obtaining information on Economic and Social Rights. The verification of information received by the SAHRC from relevant organs of State, more background research including case studies and soliciting of comments from key stakeholders, are additional measures the SAHRC will adopt in order to improve the quality of the economic and social rights monitoring process. These measures will certainly contribute to the realisation of economic and social rights.
- Improving the outcome of its economic and social rights awareness workshops and seminars, the SAHRC will consider a new methodology based on the evaluation of previous workshops conducted by the SAHRC during 2002/3.
- Monitoring the right of equality.
- Monitoring the right of access to information.
- The facilitation of various public outreach projects, including the distribution of information, and the Omnibus training.

Various challenges were faced during the year by the SAHRC. In this regard, the restructuring had the biggest financial impact. However, other savings directly generated by the process funded the costs for the restructuring.



2.10.2 Commission on Gender Equality (Constitutional Institution)

The CGE represents the major mechanism for addressing gender issues in South Africa. Its goal is the promotion and protection of gender equality as part of the pursuit of social justice and democracy. This will be achieved by carrying out the functions spelt out in the Act.

The CGE performed well during the financial period, despite having a total budget of only R17,3 million. The total expenditure was R19,2 million, where the difference was financed through donor-funding.

The current year's funding has improved and this will enable the CGE to open up two more offices and improve on service delivery.

2.10.3 Special Investigating Unit

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 Services, 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 Services and the Independent Complaints Directorate. In addition to this, the Unit also has close links to NGOs and international organisations, while also providing information and assistance to international law enforcement agencies.

Legal Aid Board Income Statement 2003/4

	Budget R000	Actual R000	Variance R000
Transfer payment	367 864	367 864	-
Legal Services Rendered	(299 542)	(286 580)	(12 962)
Administrative expenses	(115 483)	(112 370)	(3 113)
Finance income	10 000	26 434	(16 434)
Net deficit for the year*	(37 161)	(4 652)	(32 509)

*National Treasury gave the Legal Aid Board permission to budget for this deficit.

The SIU performed exceptionally well during the year by achieving total recoveries and savings of R386 million against a total target of R120 million. However, the actual cash component fell short of the target of R50 million.

The savings were mainly from a huge reduction in claims against the medical aid fund of the Department, after the SIU and others launched an investigation into fraudulent claims.

The SIU set a range of new targets in the year relating to other outcomes of its work. It significantly exceeded its targets for evidence prepared for its own litigation and for other forms of remedial action. However, it fell short of the ambitious targets for evidence prepared for use in criminal and disciplinary cases. These targets will need to be refined for future years, based on its actual experience.

2.10.4 Legal Aid Board

The Legal Aid Board (LAB) exists to protect and defend the rights of indigent South Africans as guaranteed in the Constitution. It does this primarily by providing legal assistance and representation in cases where substantial injustice would otherwise result.

The rights of the criminal accused are protected by the Constitution and 88% of the Legal Aid Board's caseload comprises public defence for the accused in criminal cases. This includes criminal appeals.

Service delivery is effected through a mixed system of in-house staff (75%), co-operation agreements with outside organisations (5%) and the use of private lawyers on a contract basis (20%).



2.10.5 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.

During the year under review, 17 295 new cases were received and 15 946 cases were finalised. At the end of the reporting period, 8 280 cases were carried forward to the next financial year. Considering that the Office had 74 filled posts on the rank of Investigator and Senior Investigator at the end of the reporting period, it means that on average each investigator has 111 cases under investigation on his or her table. It is considered that the ideal would be to have a workload of between 20 and 100 live cases per investigator. Thus a caseload of 111 is still manageable, although too high.

It has been a concern that some cases take too long to finalise, with the result that the relevancy of whatever comes out of such an investigation may be water under the bridge by the time such complaints are concluded. It has been recognised that, although it is not always the fault of the investigators that cases take too long, there is much that can be done to try and reduce the time it takes to finalise cases.

2.10.6 President's Fund

The Fund gives effect to the reparations policy flowing from the work of the Truth and Reconciliation Committee (TRC). This Fund is not listed in the PFMA schedules, as it is temporary in nature.

On 15 April 2003 the President tabled the final report of the TRC and made his own recommendations, which was a legislative requirement. The *ad hoc* Joint Committee on Reparations identified four key recommendations, namely:

- symbols and monuments;
- rehabilitation of communities;
- medical benefits and other forms of social assistance; and
- once-off individual grant of R30 000 to those individuals or survivors designated by the TRC.

These recommendations were approved by Parliament on 25 June 2003.

Reparations are being dealt with in two phases. Phase one deals with the payment of the once-off individual grant and phase two will include the other reparations approved by Parliament. Regulations directing phase one was promulgated on 12 November 2003.

Although the TRC identified 21 769 individual victims, 15 474 files were opened. This was mainly due to the fact that a single survivor was identified to receive reparation for more than one deceased victim within the family, killed in the same incident. There are also victims on the database who did not want to claim reparations or could not be reached by the TRC. Payments commenced on 17 November 2003.

As at 31 March 2004, 12 644 beneficiaries have been paid. The 2 830 persons who could not be paid, are due to them not having supplied banking details or payments being returned by banks due to inactive accounts being automatically closed, or movement of victims/beneficiaries from the last known address. The President's Fund will continue pursuing the outstanding payees.

With regard to phase two, consultations are taking place with the Directors-General of the participating Departments, prior to regulations being developed.

2.10.7 Represented Political Parties' Fund

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 monies from that Fund and the purpose for which allocated monies may be used by political parties; and to provide for incidental matters.

The Fund transferred an amount of R 66,2 million to 20 different Represented Political Parties during the year. The remainder of the funds transferred from the Department to the Fund, was used for administrative expenses.

Details regarding the Fund can be obtained from the separate Annual Report published.

The Department has not monitored the spending of the transfers on a monthly basis. Public Entities and Constitutional Institutions submitted compliance certificates according to section 38(1)(j) of the PFMA in the beginning of

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the financial year. The following new reporting procedures have been put in place by the Department:

- Regular reporting by the Public Entities on a quarterly basis on activities by means of a written report, and if required, a detailed discussion.
- Regular monitoring of Public Entities by reviewing, and if required, discussing their quarterly accounts.
- Any further actions that would be required, as deemed necessary.

Name Of Institution	Amount Transferred R'000	Estimate Expenditure R'000
South African Human Rights Commission	32 785	30 464
Commission on Gender Equality	17 330	19 076
Special Investigating Unit	25 535	41 165
Legal Aid Board	367 864	390 888
Public Protector	43 519	43 115
President's Fund	1	0
Represented Political Parties	66 653	66 604
TOTAL	553 687	591 332

Note: These Institutions also receive income from other sources.

2.11 Capital investment, maintenance and asset management plan

2.11.1 Capital investments

I. As part of the Department's Capital Investment Project, the following new court buildings are under construction:

- Atteridgeville
- Atamelang
- Bothithong
- Randburg
- Sasolburg
- Benoni
- Scottburgh
- Pretoria North
- Supreme Court of Appeal in Bloemfontein
- Colesberg
- Ceres
- Specialised Commercial Crime Courts in Durban and Port Elizabeth
- Tembisa (revamp of old part)
- Port Elizabeth (revamp of old part)
- Pietermaritzburg (both Magistrate's Office and Master's Office)
- National Office
- Completion is expected during the 2004/2005 financial year.

II. The court building in Sekgosese will be closed down as soon as alternative facilities at Soekmekaar have been established.

There are no other plans to close or grade down facilities or courts.

III. A maintenance backlog currently exists at the following offices:

- Kwamsane
- Dukuza
- Naphuno
- Melebogo
- Mid-Ilovo periodical court
- Tsineng
- Sekhukhune
- Saselemani
- Thabamooopo
- Ditsobotla
- Johannesburg Magistrate's Office
- Bloemfontein
- Umtata
- Pretoria High Court
- Ingwavuma
- Koster
- Bisho



- Johannesburg High Court
- Durban High Court
- Durban Magistrate's Office
- Mount Ayliff

IV. The total appropriated budget of R229,7 million received by the Department for capital works, was transferred to the Department of Public Works. They are responsible for the construction of new court buildings, as well as the maintenance of all justice buildings. Therefore, the funds are available to complete the abovementioned outstanding capital work projects. .

2.11.2 Asset management

I. The majority of the computer equipment was purchased to fulfil the needs of the various ISM projects, especially the DNS project.

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.

Details on assets that should be scrapped will only be available after the completion of the Asset Management Project.

II. The Department undertook an Asset Management Project, which entailed the development of a new computerised system, Justice Asset Management (JAM). The new system will be a comprehensive package and will facilitate compliance with laws and regulations, the grading of assets and

suppliers; and to align physical assets and location with the financial records. Full implementation of the project is expected in the next financial year.

III. 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.

IV. The Asset Management Project will be taken forward to the next financial year. No other projects are envisioned to be undertaken.

V. No new projects for asset management are planned for the coming year. There are, however, extensions in the project currently in progress, such as the development of an interface between the Asset Management System and the financial system.

VI. 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.

VII. Major projects in planning phase: Motherwell, Tsakane, Daveyton, Madadeni, Ekangala, Vredendal, Polokwane (High Court).

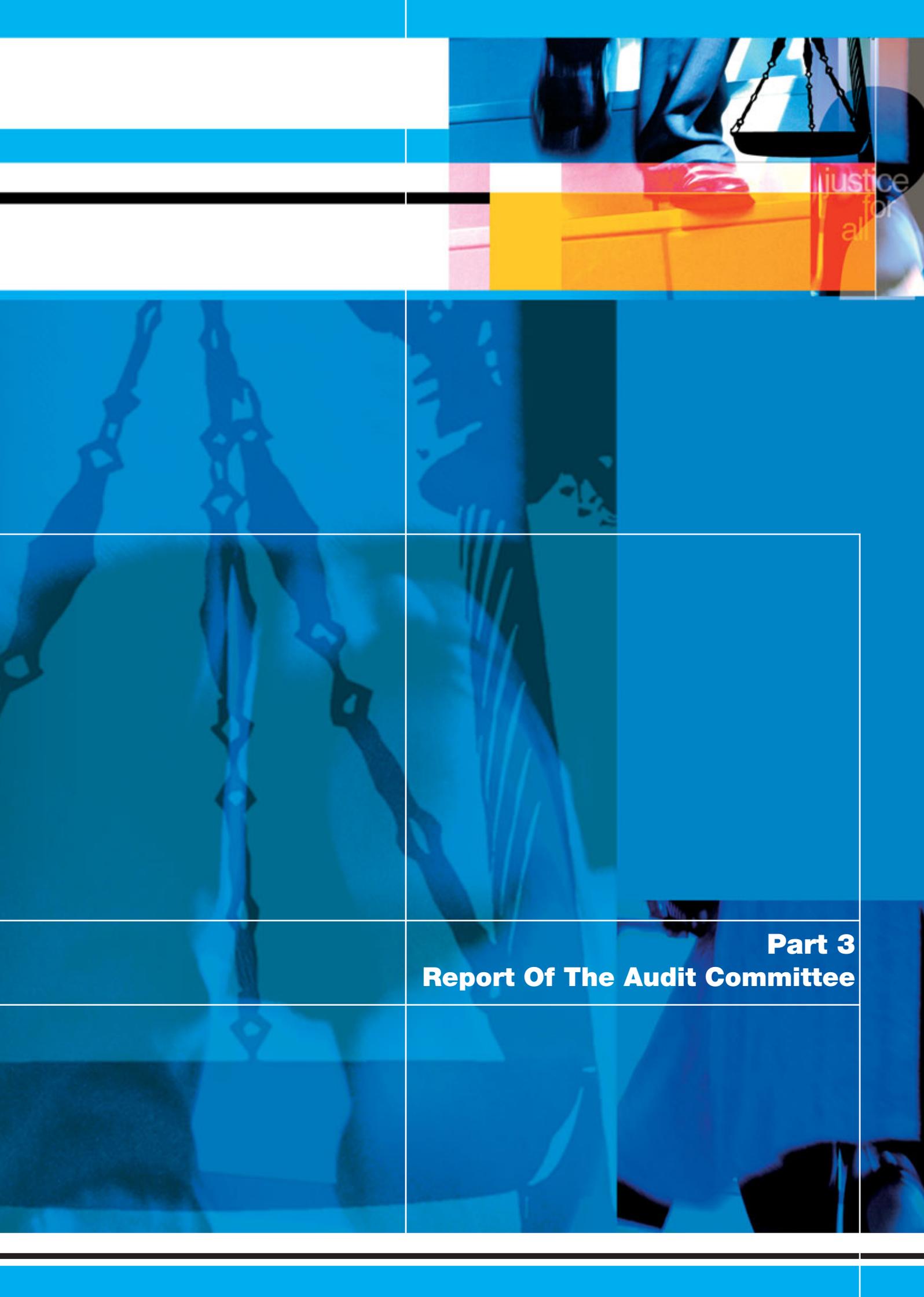
2.12.3 Maintenance

Progress with projects under the repair and maintenance programme (RAMP):

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Buildings in Maintenance Phase, after Completion of Repair Work	Buildings in Repair Phase	Buildings in Planning Phase		
<ol style="list-style-type: none"> 1. Durban High Court 2. Potchefstroom 3. Klerksdorp 4. Ongoye 5. Mahlabatini 6. Melmoth 7. Msinga 8. Malamulele 9. Madadeni 10. Nongoma 11. Cala 12. Ubombo 13. Zwelitsha 14. Izingolweni 15. Motetema Branch Court 16. Whittlesea 17. Ezibeleni 	<ol style="list-style-type: none"> 1. Umzinkulu 2. Port St Johns 3. Inkanyezi 4. Mothibistadt 5. Kakamas 6. Nsikazi 	<ol style="list-style-type: none"> 1. Praktiseer 2. Impendle 3. Mmabatho High Court 4. Tseseng 5. Mkbola 6. Lehurutshe 7. Madikwe 8. Mbibane 9. Eerstehoek 10. Dukuzi 11. Mapumulo 12. KwaMsane 13. Elliot 14. Emnambithi 15. KwaMhlanga 16. Naphuno 17. Bochum 18. Malebogo Branch Court 19. Mid-Illovo Periodical Court 20. Tsineng Periodical Court 21. Sekhukhune 22. Saselamani Periodical Court 	<ol style="list-style-type: none"> 23. Thabamooopo 24. Ditsobotla 25. Johannesburg 26. Bloemfontein High Court 27. Umtata High Court 28. Pretoria High Court 29. Ingwavuma 30. Koster 31. Bisho High Court 32. Johannesburg High Court 33. Durban 34. Mount Ayliff 35. Mokopane 36. Moretele 37. Bafokeng 38. Pampierstad 39. Nietverdiend Periodical Court 40. Groot Marico 41. Mmabatho 42. Mankwe 43. Vuwani 44. Tshitale 	<ol style="list-style-type: none"> 45. Mutale 46. Kriel 47. Nkomazi 48. Amsterdam 49. Mdtjana 50. Colenso 51. Port Shepstone 52. Lusikisiki 53. Keiskammahoek 54. King Williams Town 55. Butterworth 56. Hanover 57. Sutherland 58. Richmond 59. Hopetown 60. Soweto (Protea) Branch Court Magistrate: Johannesburg) 61. Hoopstad 62. Bultfontein 63. Tweeling Periodical Court 64. Lindley 65. Cape Town High Court



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Part 3
Report Of The Audit Committee



We are pleased to present our report for the financial year ended 31 March 2004.

Audit Committee members and attendance

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

Name of Member:	Number of meetings attended
S.A. Patterson (Chairperson)	3
K. Buthelezi	4
R. Lubisi	3
J. Noeth	4
P. Wilmot	2

Audit Committee responsibility

The Audit Committee reports that it has complied with its responsibilities arising from Section 38 (l)(a) of the PFMA 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 I has regulated its affairs in compliance with this charter and has discharged all its responsibilities as contained therein.

The effectiveness of internal control

The Department continues to have significant vacancies in the financial division. Control weaknesses also continue to be reported through internal audit reports, but to a limited extent, due to a lack of compliance with prescribed policies and procedures. Inadequate management, lack of supervision, discipline, accountability and responsibility at court level, as well as financial management capacity, continue to be major factors contributing to internal control weaknesses. These weaknesses are being addressed by the Accounting Officer and his management team, and a significant increase in training has taken place during the past year. The Auditor-General has for the first time been able to take into account the work performed by Internal Audit in relation to his external audit. Despite the weaknesses mentioned above, the Department has achieved a milestone in that the financial statements for the year have been unqualified for the first time in a number of years.

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 investigation of suspense accounts, which have built up over prior years. As a result, significant irrecoverable amounts have been uncovered, which require to be dealt with. In the current year R101 million has been written off and there is a plan to expense the remaining amount of R95 million over future years, depending on surpluses arising.

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;
- reviewed the Auditor-General's management letter and management response; and
- reviewed significant adjustments resulting from the audit.

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.

Chairperson of the Audit Committee

Date: 6 August 2004



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Part 5
Human Resource Management
(Oversight Report)



Part 5

Human Resource Management (Oversight Report)

The statistics and information published in this part of the Annual Report are required in terms of Chapter 1, Part III J.3 of Public Service Regulations, 2001 and have been prescribed by the Minister for Public Service and Administration for all departments within the Public Service.

The statistical tables provide high-level information on key human resource issues. The information aims to empower legislatures, the media, the public and other key stakeholders to monitor whether departments:-

- are exercising the powers granted under Public Service and Public

Finance legislation in a responsible manner; and

- are achieving national transformation priorities established by the Cabinet, for example, affirmative action.

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 Business Units	All Business Units	According to SLA	Deliverables According to SLA
Customer Management Centre	All Business Units	All Business Units	According to SLA	Deliverables According to SLA
Key Accounts	All Business Units	All Business Units	According to SLA	Deliverables According to SLA

TABLE 1.2 - Consultation arrangements with customers

Type of Arrangement	Actual Customer	Potential Customer	Actual Achievements
Service Level Agreement	Business Units	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 & transformation values of the Human Resource Business Unit. Maximising the speed & 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.	In Progress
Transactional Strategy: We offer efficient and consistent Human Resources administration services that meet time and quality requirements of end-users.	In Progress

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TABLE 1.4 - Service information tool

Type of Information Tool	Actual Achievements
Public Folders	Successful
Newsletters	Informative
HR Assistance Package	Helpful

TABLE 1.5 - Complaints mechanism

Complaints Mechanism	Actual Achievements
Hotline	High succes rate
Open door policy	High succes rate
Regular meetings	High succes rate

2. Expenditure

Departments budget in terms of clearly defined programmes. 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, 2003/04

Programme	Total Expenditure (R'000)	Personnel Expenditure (R'000)	Training Expenditure (R'000)	Professional and Special Services (R'000)	Personnel cost as percentage of Total Expenditure	Average personnel cost per employee (R '000)	Employment
Prog 1: Administration	547,494	263,831	0	74,028	48.19%	131	2,017
Prog 2: Court Services	2,056,226	1,310,072	0	131,580	63.71%	141	9,322
Prog 3: State Legal Services	210,717	156,638	0	8,565	74.34%	128	1,222
Prog 4: Auxiliary and Associated Services	690,056	16	0	59,995	0.00%	1	26
TOTAL	3,504 493	1,730 557	0	274,168	49.38%	137	12,587

Department of Justice and Constitutional Development



TABLE 2.2 - Personnel costs by salary band, 2003/04

Salary Bands	Personnel Expenditure (R'000)	% of total personnel cost	Average personnel cost per employee	Total Personnel Expenditure	Number of Employees
Lower skilled (Levels 1-2)	110,893	6.41%	73,245	1,730,557	1,514
Skilled (Levels 3-5)	271,564	15.69%	63,346	1,730,557	4,287
Highly skilled production (Levels 6-8)	422,642	24.42%	106,917	1,730,557	3,953
Highly skilled supervision (Levels 9-12)	679,195	39.25%	280,427	1,730,557	2,422
Senior management (Levels 13-16)	246,172	14.23%	598,959	1,730,557	411
Other	91	0.01%	0	1,730,557	0
TOTAL	1,730,557	100.00%	137,488	1,730,557	12,587

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.

TABLE 2.3 - Salaries, Overtime, Home Owners Allowance and Medical Aid by programme, 2003/04

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	184,279	0.61%	8,281	3.1%	3,825	0.2%	10,064	0.6%	263,831
Prog 2: Court Services	949,594	54.9%	1,136	0.1%	20,295	1.2%	61,680	3.6%	1,310,072
Prog 3: State Legal Services	110,829	6.4%	2,221	1.4%	2,713	0.2%	6,678	0.4%	156,638
Prog 4: Auxiliary and Associated Services	125	0%	0	0.0%	-112	0%	-12	0%	16
TOTAL	1,244 827	71.9%	11,638	0.7%	26,721	1.5%	78,410	4.5%	1,730,557

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TABLE 2.4 - Salaries, Overtime, Home Owners Allowance and Medical Aid by salary band, 2003/04

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	
Lower skilled (Levels 1-2)	80,654	4.7%	368	0.3%	629	0.6%	5,643	5.1%	110,893
Skilled (Levels 3-5)	225,157	13.0%	2,374	0.9%	4,350	1.6%	18,994	7.0%	271,564
Highly skilled production (Levels 6-8)	335,325	19.3%	2,682	0.6%	10,924	2.6%	28,256	6.7%	422,642
Highly skilled supervision (Levels 9-12)	398,559	23.0%	5,757	0.8%	9,585	1.4%	16,882	2.5%	679,195
Senior management (Levels 13-16)	205,045	11.8%	457	0.2%	1,233	0.5%	8,635	3.5%	246,172
Other	87	0%	0	0.0%	0	0.0%	0	0.0%	91
TOTAL	1,244,827	71.9%	11,638	0.6%	26,721	1.6%	78,410	4.5%	1,730,557

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). The Department has 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 2004

Programme	Number of posts	Number of posts filled	Vacancy Rate as a %	Number of posts filled additional to the establishment
Prog 1: Administration	2,640	1,716	30.0%	6
Prog 2: Court Services	11,675	9,681	17.1%	20
Prog 3: State Legal Services	1,511	1,163	23.0%	2
Prog 5: Auxiliary and Associated Services	29	27	6.9%	-
TOTAL	15,855	12,587	20.6%	28

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TABLE 3.2 - Employment and vacancies by salary band, 31 March 2004

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)	1,480	1,152	22.2%	-
Skilled (Levels 3-5)	6,324	4,734	25.1%	2
Highly skilled production (Levels 6-8)	4,418	3,885	12.1%	22
Highly skilled supervision (Levels 9-12)	2,872	2,408	16.2%	2
Senior management (Levels 13-16)	761	408	46.4%	2
TOTAL	15,855	12,587	20.6%	28

TABLE 3.3 - Employment and vacancies by critical occupation, 31 March 2004

Salary Band	Number of posts	Number of posts filled	Vacancy Rate as a %	Number of posts filled additional to the establishment
Administrative related, Permanent *	130	113	13.1%	1
Administrative related, Temporary *	5	5	0%	-
Advocates, Permanent	54	41	24.1%	-
Advocates, Temporary	1	1	0%	-
Attorneys, Permanent	164	135	17.8%	-
Attorneys, Temporary	5	5	0%	-
Building and other property caretakers, Permanent	24	22	8.3%	-
Bus and heavy vehicle drivers, Permanent	6	5	16.7%	-
Cleaners in offices, workshops, hospitals, etc, Permanent	323	292	9.6%	-
Cleaners in offices, workshops, hospitals, etc, Temporary	4	4	0%	-
Client information clerks, Permanent	99	76	23.2%	-
Client information clerks, Temporary	5	5	0%	-
Communication and information-related, Permanent	12	9	25.0%	1
Communication and information-related, Temporary	4	4	0%	-
Computer programmers., Permanent	1	1	0%	-
Diplomats, Permanent	1	-	100%	-
Finance and economics related, Permanent	137	113	17.5%	-
Finance and economics related, Temporary	3	3	0%	-
Financial and related professionals, Permanent	124	88	29.0%	-
Financial and related professionals, Temporary	21	21	0%	-
Financial clerks and credit controllers, Permanent	245	120	51.0%	-
Financial clerks and credit controllers, Temporary	71	71	0%	-
Food services aids and waiters, Permanent	13	11	15.4%	-
Food services aids and waiters, Temporary	3	3	0%	-
General legal administration and related professionals, Permanent	395	251	36.5%	2
General legal administration and related professionals, Temporary	100	100	0%	-
Head of Department /Chief Executive Officer, Permanent	1	1	0%	-
Historians and political scientists, Permanent	1	1	0%	-
Household and laundry workers, Permanent	1	1	0%	-

* "Permanent" and "Temporary" refer to permanent or temporary official(s).

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TABLE 3.3 - Employment and vacancies by critical occupation, 31 March 2004 (continued)

Programme	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Human resources and organisational development and related professionals, Permanent	50	38	24.0%	2
Human resources and organisational development and related professionals, Temporary	13	13	0%	-
Human resources clerks, Permanent	243	200	187.7%	-
Human resources clerks, Temporary	4	4	0%	-
Human resources related, Permanent	46	40	13.0%	-
Human resources related, Temporary	3	3	0%	-
Information technology related, Permanent	5	5	0%	-
Judges, Permanent	597	258	576.8%	-
Language practitioners, interpreters and other communicators, Permanent	168	156	7.1%	-
Language practitioners, interpreters and other communicators, Temporary	11	11	0%	-
Legal-related, Permanent	101	96	5.0%	-
Legal-related, Temporary	1	1	0%	-
Librarians and related professionals, Permanent	15	15	0%	-
Librarians and related professionals, Temporary	1	1	0%	-
Library, mail and related clerks, Permanent	416	219	47.4%	1
Library, mail and related clerks, Temporary	361	361	0%	-
Light vehicle drivers, Permanent	20	17	15.0%	-
Light vehicle drivers, Temporary	2	2	0%	-
Logistical support personnel, Permanent	35	31	11.4%	-
Magistrates, Permanent	2,029	1,701	16.2%	-
Magistrates, Temporary	30	30	0%	-
Material-recording and transport clerks, Permanent	69	60	13.0%	-
Material-recording and transport clerks, Temporary	2	2	0%	-
Messengers, porters and deliverers, Permanent	412	338	18.0%	-
Messengers, porters and deliverers, Temporary	32	32	0%	-
Other administrative and related clerks and organisers, Permanent	4,564	3,614	20.8%	4
Other administrative and related clerks and organisers, Temporary	332	332	0%	1
Other administrative policy and related officers, Permanent	660	516	21.8%	13
Other administrative policy and related officers, Temporary	10	10	0%	-
Other information technology personnel, Permanent	2	2	0%	-
Other occupations, Permanent	29	11	62.1%	-
Prosecutor, Permanent	5	3	40.0%	-
Risk management and security services, Permanent	9	8	11.1%	-
Secretaries and other keyboard operating clerks, Permanent	1,011	761	24.7%	1
Secretaries and other keyboard operating clerks, Temporary	184	184	0%	-
Security guards, Permanent	101	81	19.8%	-

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TABLE 3.3 - Employment and vacancies by critical occupation, 31 March 2004 (continued)

Programme	Number of posts	Number of posts filled	Vacancy Rate	Number of posts filled additional to the establishment
Security guards, Temporary	5	5	0%	-
Security officers, Permanent	474	401	15.4%	-
Security officers, Temporary	44	44	0%	-
Senior managers, Permanent	160	144	10.0%	2
Senior managers, Temporary	4	4	0%	-
Statisticians and related professionals, Permanent	1	-	100%	-
Translators and air traffic communicators, Permanent	1,444	1,134	21.5%	-
Translators and air traffic communicators, Temporary	197	197	0%	-
TOTAL	15,855	12,587	20.6%	28

The information in each case reflects the situation as at 31 March 2003. For an indication of changes in staffing patterns over the year under review, please refer to section 5 of this report.

4. Job Evaluation

The Public Service Regulations, 1999 introduced job evaluation as a way of ensuring that work of equal value is remunerated equally. Within a nationally determined framework, executing authorities may evaluate or re-evaluate any job in his or her organisation. In terms of the Regulations all vacancies on salary levels 9 and higher must be evaluated before they are filled. This was complemented by a decision by the Minister for Public Service and Administration that all SMS jobs must be evaluated before 31 December 2002.

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 2003 to 31 March 2004

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)	1,480	-	0.00%	-	0.00%	-	0.00%
Skilled (Levels 3-5)	6,326	682	10.78%	707	103.67%	4	0.59%
Highly skilled production (Levels 6-8)	4,418	48	1.09%	123	256.25%	-	0.00%
Highly skilled supervision (Levels 9-12)	2,870	16	0.56%	46	287.50%	-	0.00%
Senior Management Service Band A	120	-	0.00%	1	0.00%	-	0.00%
Senior Management Service Band B	37	2	5.41%	1	50.00%	-	0.00%
Senior Management Service Band C	603	-	0.00%	0	0.00%	-	0.00%
Senior Management Service Band D	1	-	0.00%	0	0.00%	-	0.00%
TOTAL	15,855	748	4.7	878	117.38%	4	0.53%

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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 2003 to 31 March 2004

Beneficiaries	African	Asian	Coloured	White	Total
Female	449	-	14	9	472
Male	847	-	8	1	856
TOTAL	1,296	0	22	10	1,328
Employees with a Disability	-	-	-	-	-

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 grade determined by job evaluation, 1 April 2003 to 31 March 2004 (in terms of PSR 1.V.C.3)

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for Deviation
Chief Director level 14	2	13	14	Upgrading of official was approved by the Director-General as indicated in the delegations
TOTAL	2			

Table 4.4 summarises the beneficiaries of the above in terms of race, gender and disability.

TABLE 4.4 - Profile of employees whose salary level exceeded the grade determined by job evaluation, 1 April 2003 to 31 March 2004 (in terms of PSR 1.V.C.3)

Beneficiaries	African	Asian	Coloured	White	Total
Female	1	1	-	-	2
Male	-	-	-	-	-
TOTAL	1	1	0	0	2
Employees with a Disability	-	-	-	-	-

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5. Employment Changes

This section provides information on changes in employment over the financial year.

Turnover rates provide an indication of trends in the employment profile of the Department. The following tables provide a summary of turnover rates by salary band (Table 5.1) and by critical occupations (Table 5.2).

TABLE 5.1 - Annual turnover rates by salary band for the period 1 April 2003 to 31 March 2004

Salary Band	Number of employees per band as on 1 April 2003	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Lower skilled (Levels 1-2)	1,439	1,598	1,662	54.73%
Skilled (Levels 3-5)	4,669	6,787	7,297	63.70%
Highly skilled production (Levels 6-8)	4,001	626	835	18.05%
Highly skilled supervision (Levels 9-12)	2,176	807	1,007	33.76%
Senior Management Service Band A	405	30	56	12.87%
Senior Management Service Band B	30	74	73	70.19%
Senior Management Service Band C	217	317	283	53.00%
Senior Management Service Band D	1	-	-	0.00%
TOTAL	12,938	10,239	11,213	48.38%

TABLE 5.2 - Annual turnover rates by critical occupation for the period 1 April 2003 to 31 March 2004

Occupation	Number of employees per band as on 1 April 2003	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Administrative related, Permanent	89	2	9	9.89%
Administrative related, Temporary	4	8	8	66.67%
Advocates, Permanent	55	-	2	3.64%
Advocates, Temporary	2	8	8	80.00%
Attorneys, Permanent	98	20	12	10.17%
Attorneys, Temporary	8	39	50	106.38%
Building and other property caretakers, Permanent	25	-	2	8.00%
Bus and heavy vehicle drivers, Permanent	12	-	-	0.00%
Cashiers, tellers and related clerks, Permanent	-	-	1	0.00%
Cashiers, tellers and related clerks, Temporary	-	1	1	100.00%
Cleaners in offices, workshops, hospitals, etc, Permanent	314	1	23	7.30%
Cleaners in offices, workshops, hospitals, etc, Temporary	6	87	91	97.85%
Client information clerks, Permanent	75	5	4	5.00%
Client information clerks, Temporary	9	70	74	93.67%
Communication and information-related, Permanent	11	-	2	18.18%
Communication and information-related, Temporary	4	4	4	50.00%
Computer programmers, Permanent	1	-	-	0.00%

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TABLE 5.2 - Annual turnover rates by critical occupation for the period 1 April 2003 to 31 March 2004

Occupation	Number of employees per band as on 1 April 2003	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Diplomats, Temporary	-	1	1	100.00%
Finance and economics related, Permanent	107	8	3	2.61%
Finance and economics related, Temporary	7	7	14	100.00%
Financial and related professionals, Permanent	70	2	2	2.78%
Financial and related professionals, Temporary	23	127	131	87.33%
Financial clerks and credit controllers, Permanent	133	3	4	2.94%
Financial clerks and credit controllers, Temporary	57	423	449	93.54%
Food services aids and waiters, Permanent	13	-	1	7.69%
Food services aids and waiters, Temporary	2	8	7	70.00%
General legal administration and related professionals, Permanent	260	24	30	10.56%
General legal administration and related professionals, Temporary	62	215	195	70.40%
Geologists, geophysicists, hydrologists and related professionals, Permanent	1	-	-	0.00%
Head of Department / Chief Executive Officer, Permanent	1	-	-	0.00%
Human resources and organisational development and related professionals, Permanent	37	-	-	0.00%
Human resources and organisational development and related professionals, Temporary	2	1	7	233.33%
Human resources clerks, Permanent	202	3	7	3.41%
Human resources clerks, Temporary	13	63	74	97.37%
Human resources related, Permanent	43	1	2	4.55%
Human resources related, Temporary	15	9	23	95.83%
Information technology related, Permanent	5	-	-	0.00%
Judges, Permanent	217	387	364	60.27%
Language practitioners, interpreters and other communicators, Permanent	225	-	14	6.22%
Language practitioners, interpreters and other communicators, Temporary	5	11	8	50.00%
Legal-related, Permanent	91	1	5	5.43%
Legal-related, Temporary	-	1	-	0.00%
Librarians and related professionals, Permanent	17	-	-	0.00%
Librarians and related professionals, Temporary	1	-	-	0.00%
Library, mail and related clerks, Permanent	240	3	9	3.70%
Library, mail and related clerks, Temporary	336	494	477	57.47%
Light vehicle drivers, Permanent	11	1	-	0.00%
Light vehicle drivers, Temporary	2	20	21	95.45%
Logistical support personnel, Permanent	30	-	1	3.33%

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TABLE 5.2 - Annual turnover rates by critical occupation for the period 1 April 2003 to 31 March 2004 (continued)

Occupation	Number of employees per band as on 1 April 2003	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Magistrates, Permanent	1,605	26	49	3.00%
Magistrates, Temporary	128	694	851	103.53%
Material-recording and transport clerks, Permanent	60	-	2	3.33%
Material-recording and transport clerks, Temporary	5	19	22	91.67%
Messengers, porters and deliverers, Permanent	352	25	31	8.22%
Messengers, porters and deliverers, Temporary	55	265	297	92.81%
Other administrative and related clerks and organisers, Permanent	3,675	167	171	4.45%
Other administrative and related clerks and organisers, Temporary	563	4,247	4,708	97.88%
Other administrative policy and related officers, Permanent	535	1	18	3.36%
Other administrative policy and related officers, Temporary	9	130	156	112.23%
Other information technology personnel, Permanent	1	1	-	0.00%
Other occupations, Permanent	87	1	3	3.41%
Other occupations, Temporary	1	-	-	0.00%
Prosecutor, Permanent	25	-	9	36.00%
Risk management and security services, Permanent	7	-	-	0.00%
Secretaries and other keyboard operating clerks, Permanent	793	26	35	4.27%
Secretaries and other keyboard operating clerks, Temporary	137	731	723	83.30%
Security guards, Permanent	82	1	5	6.02%
Security guards, Temporary	8	82	94	104.44%
Security officers, Permanent	421	18	17	3.87%
Security officers, Temporary	48	289	308	91.39%
Senior managers, Permanent	141	5	6	4.11%
Senior managers, Temporary	6	9	12	80.00%
Statisticians and related professionals, Permanent	1	-	-	0.00%
Trade / industry advisers and other related professions, Permanent	1	-	-	0.00%
Translators and air traffic communicators, Permanent	1,059	38	35	3.19%
Translators and air traffic communicators, Temporary	192	1,406	1,521	95.18%
TOTAL	12,938	10,239	11,213	48.38%

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Table 5.3 identifies the major reasons why staff left the Department.

TABLE 5.3 - Reasons why staff are leaving the Department

Termination Type	Number	% of total
Death, Permanent	79	0.70%
Death, Temporary	6	0.05%
Resignation, Permanent	236	2.10%
Resignation, Temporary	139	1.24%
Expiry of contract, Permanent	367	3.27%
Expiry of contract, Temporary	10,124	90.29%
Dismissal-operational changes, Permanent	29	0.26%
Dismissal-operational changes, Temporary	3	0.03%
Discharged due to ill health, Permanent	52	0.46%
Discharged due to ill health, Temporary	2	0.02%
Dismissal-misconduct, Permanent	24	0.21%
Dismissal-misconduct, Temporary	2	0.02%
Retirement, Permanent	87	0.78%
Retirement, Temporary	3	0.03%
Other, Permanent	4	0.04%
Other, Temporary	56	0.50%
TOTAL	11,213	100.00%

Total number of employees who left as a % of the total employment

86.67%

TABLE 5.4 - Promotions by critical occupation

Occupation	Employees as at 1 April 2003	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within salary level	Notch progressions as a % of employees by occupation
Administrative related	93	17	18.28%	49	52.69%
Advocates	57	1	1.75%	36	63.16%
Attorneys	106	2	1.89%	29	27.36%
Building and other property caretakers	25	-	0.00%	22	88.00%
Bus and heavy vehicle drivers	12	-	0.00%	10	83.33%
Cashiers, tellers and related clerks	-	-	0.00%	1	0.00%
Cleaners in offices, workshops, hospitals, etc.	320	-	0.00%	268	83.75%
Client inform clerks (switchboard, receipt, inform clerks)	84	-	0.00%	48	57.14%
Communication and information-related	15	-	0.00%	8	53.33%
Computer programmers	1	-	0.00%	1	100.00%
Finance and economics related	114	10	8.77%	32	28.07%
Financial and related professionals	93	2	2.15%	28	30.11%
Financial clerks and credit controllers	190	7	3.68%	69	36.32%
Food services aids and waiters	15	-	0.00%	14	93.33%
General legal administration and related professionals	322	15	4.66%	176	54.66%

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TABLE 5.4 - Promotions by critical occupation (continued)

Occupation	Employees as at 1 April 2003	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within salary level	Notch progressions as a % of employees by occupation
Geologists, geophysicists, hydrologists and related professionals	1	-	0.00%	-	0.00%
Head of Department / Chief Executive Officer	1	-	0.00%	-	0.00%
Human resources and organisational development and related professionals	39	1	2.56%	24	61.54%
Human resources clerks	215	2	0.93%	137	63.72%
Human resources related	58	1	1.72%	35	60.34%
Information technology related	5	-	0.00%	1	20.00%
Judges	217	-	0.00%	-	0.00%
Language practitioners, interpreters and other communicators	230	11	4.78%	196	85.22%
Legal-related	91	7	7.69%	74	81.32%
Librarians and related professionals	18	-	0.00%	11	61.11%
Library, mail and related clerks	576	1	0.17%	158	27.43%
Light vehicle drivers	13	-	0.00%	9	69.23%
Logistical support personnel	30	-	0.00%	25	83.33%
Magistrates	1,733	18	1.04%	-	0.00%
Material-recording and transport clerks	65	1	1.54%	38	58.46%
Messengers, porters and deliverers	407	-	0.00%	225	55.28%
Other administrative and related clerks and organisers	4,238	2	0.05%	2,738	64.61%
Other administrative policy and related officers	544	3	0.55%	375	68.93%
Other information technology personnel	1	-	0.00%	1	100.00%
Other occupations	88	1	1.14%	18	20.45%
Prosecutor	25	-	0.00%	-	0.00%
Risk management and security services	7	-	0.00%	6	85.71%
Secretaries and other keyboard operating clerks	930	4	0.43%	474	50.97%
Security guards	90	-	0.00%	63	70.00%
Security officers	469	-	0.00%	291	62.05%
Senior managers	147	6	4.08%	6	4.08%
Statisticians and related professionals	1	-	0.00%	1	100.00%
Trade / industry advisers and other related professionals	1	-	0.00%	-	0.00%
Translators and air traffic communicators	1,251	10	0.80%	733	58.59%
TOTAL	12,938	122	0.94%	6,430	49.70%

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TABLE 5.5 - Promotions by salary band

Occupation	Employees as at 1 April 2003	Promotions to another salary level	Salary level promotions as a % of employees by salary level	Progressions to another notch within salary level	Notch progressions as a % of employees by salary band
Lower skilled (Levels 1-2), Permanent	996	-	0.00%	724	72.69%
Lower skilled (Levels 1-2), Temporary	443	-	0.00%	21	4.74%
Skilled (Levels 3-5), Permanent	3,719	12	0.32%	2,316	62.27%
Skilled (Levels 3-5), Temporary	950	-	0.00%	23	2.42%
Highly skilled production (Levels 6-8), Permanent	3,877	29	0.75%	2,965	76.48%
Highly skilled production (Levels 6-8), Temporary	124	-	0.00%	23	18.55%
Highly skilled supervision (Levels 9-12), Permanent	2,005	61	3.04%	351	17.51%
Highly skilled supervision (Levels 9-12), Temporary	171	-	0.00%	-	0.00%
Senior management (Levels 13-16), Permanent	631	18	2.85%	7	1.11%
Senior management (Levels 13-16), Temporary	22	2	9.09%	-	0.00%
TOTAL	12,938	122	0.94%	6,430	49.70%

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 2004

Occupational Categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers, Permanent	43	6	10	52	16	2	5	12	146
Legislators, senior officials and managers, Temporary	2	-	-	1	1	-	-	-	4
Professionals, Permanent	1,145	102	94	964	501	79	121	565	3,571
Professionals, Temporary	79	10	8	17	55	15	7	18	209
Clerks, Permanent	1,723	137	49	132	2,068	417	161	1,422	6,109
Clerks, Temporary	273	25	9	33	428	98	29	259	1,154
Service and sales workers, Permanent	224	55	20	124	46	8	2	17	496
Service and sales workers, Temporary	16	5	2	13	12	-	1	-	49
Plant and machine operators and assemblers, Permanent	21	1	1	-	-	-	-	-	23
Plant and machine operators and assemblers, Temporary	1	1	-	-	-	-	-	-	2
Elementary occupations, Permanent	262	28	10	28	358	21	10	31	748
Elementary occupations, Temporary	17	3	1	6	13	-	-	-	40
Other, Permanent	14	1	-	2	17	-	-	2	36
TOTAL	3,820	374	204	1,372	3,515	640	336	2,326	12,587

Employees with disabilities	13	3	-	7	9	-	-	4	36
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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 2004

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management, Permanent	49	7	16	164	12	2	5	13	268
Senior Management, Permanent	40	4	9	53	13	2	5	12	138
Senior Management, Temporary	2	-	-	-	2	-	-	-	4
Professionally qualified and experienced specialists and mid-management, Permanent	660	75	67	754	257	50	98	381	2,342
Professionally qualified and experienced specialists and mid-management, Temporary	27	5	2	12	13	3	5	12	79
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	1,087	60	36	197	982	103	71	1,240	3,776
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Temporary	53	2	2	13	41	13	2	38	164
Semi-skilled and discretionary decision-making, Permanent	1,221	128	39	86	1,353	335	111	375	3,648
Semi-skilled and discretionary decision-making, Temporary	175	23	9	20	268	56	7	63	621
Unskilled and defined decision-making, Permanent	361	55	17	46	372	35	9	26	921
Unskilled and defined decision-making, Temporary	131	14	7	25	185	41	23	164	590
Not Available, Permanent	14	1	-	2	17	-	-	2	36
TOTAL	3,820	374	204	1,372	3,515	640	336	2,326	12,587

TABLE 6.3 - Recruitment for the period 1 April 2003 to 31 March 2004

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management, Permanent	33	5	17	120	5	2	2	11	195
Senior Management, Permanent	45	-	9	123	4	-	2	14	197
Senior Management, Temporary	1	-	-	-	4	-	-	-	5
Professionally qualified and experienced specialists and mid-management, Permanent	16	3	6	6	11	2	2	8	54
Professionally qualified and experienced specialists and mid-management, Temporary	221	42	24	326	34	36	14	64	761
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	15	-	2	5	9	5	2	6	44
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Temporary	158	11	6	16	126	37	14	138	506

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TABLE 6.3 - Recruitment for the period 1 April 2003 to 31 March 2004 (continued)

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Unskilled and defined decision-making, Permanent	20	8	2	6	9	3	-	-	48
Unskilled and defined decision-making, Temporary	924	144	32	162	1,150	285	27	267	2,991
Not Available, Permanent	-	-	-	-	-	-	-	1	1
TOTAL	2,978	416	139	849	3,653	861	168	1,175	10,239
Employees with disabilities	-	1	-	1	1	-	-	-	3

TABLE 6.4 - Promotions for the period 1 April 2003 to 31 March 2004

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management, Temporary	-	-	-	-	1	-	-	-	1
Senior Management, Permanent	-	-	1	4	6	-	-	2	13
Professionally qualified and experienced specialists and mid-management, Permanent	109	11	6	107	77	11	13	84	418
Professionally qualified and experienced specialists and mid-management, Temporary	-	-	-	-	1	-	-	-	1
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	910	40	16	146	780	67	44	995	2,998
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Temporary	7	1	-	3	4	-	-	8	23
Semi-skilled and discretionary decision-making, Permanent	808	71	24	61	815	212	71	265	2,327
Semi-skilled and discretionary decision-making, Temporary	4	-	1	5	8	-	-	5	23
Unskilled and defined decision-making, Permanent	281	31	8	43	312	25	5	22	727
Unskilled and defined decision-making, Temporary	3	-	-	7	4	1	-	6	21
TOTAL	2,122	154	56	376	2,008	316	133	1,387	6,552
Employees with disabilities	12	2	-	2	6	-	-	3	25

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TABLE 6.5 - Terminations for the period 1 April 2003 to 31 March 2004

Occupational Bands	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management, Permanent	32	4	19	103	2	1	2	11	174
Top Management, Temporary	-	-	-	-	2	-	-	-	2
Senior Management, Permanent	41	-	7	114	9	-	1	13	185
Senior Management, Temporary	2	1	-	-	2	-	-	-	5
Professionally qualified and experienced specialists and mid-management, Permanent	38	8	1	26	7	3	4	11	98
Professionally qualified and experienced specialists and mid-management, Temporary	269	50	30	424	37	35	15	78	938
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent	51	5	1	10	32	2	4	69	174
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Temporary	175	15	9	22	148	42	18	164	593
Semi-skilled and discretionary decision-making, Permanent	65	7	3	5	31	9	3	39	162
Semi-skilled and discretionary decision-making, Temporary	1,544	205	40	79	2,300	488	100	709	5,465
Unskilled and defined decision-making, Permanent	26	5	-	25	23	1	-	4	84
Unskilled and defined decision-making, Temporary	1,006	179	34	171	1,279	362	34	267	3,332
Not Available, Permanent	-	-	-	-	-	-	-	1	1
TOTAL	3,249	479	144	979	3,872	943	181	1,366	11,213

Employees with disabilities	-	1	-	-	-	-	-	1	2
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TABLE 6.6 - Disciplinary action for the period 1 April 2003 to 31 March 2004

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
TOTAL	36	6	0	3	7	1	0	1	54

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TABLE 6.7 - Skills development for the period 1 April 2003 to 31 March 2004

Occupational Categories	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, Senior Officials and Managers	32	5	-	28	21	-	3	7	96
Professionals	258	11	13	58	141	9	17	76	583
Technicians and Associate Professionals	163	5	-	9	101	13	5	19	315
Clerks	536	48	57	61	767	101	117	536	2,223
Service and Sales Workers	33	11	-	21	99	9	5	21	199
Skilled Agriculture and Fishery Workers	-	-	-	-	-	-	-	-	-
Craft and related Trades Workers	-	-	-	-	-	-	-	-	-
Plant and Machine Operators and Assemblers	-	-	-	-	1	3	-	-	4
Elementary Occupations	16	-	-	3	7	-	-	-	26
TOTAL	1,038	80	70	180	1,137	135	147	659	3,446

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 7.1), salary bands (Table 7.2) and critical occupations (Table 7.3).

TABLE 7.1 - Performance Rewards by race, gender and disability, 1 April 2003 to 31 March 2004

	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	659	3,506	18.80%	4,454	6,759
African, Male	696	3,807	18.28%	6,516	9,361
Asian, Female	84	336	25.00%	600	7,144
Asian, Male	53	204	25.98%	548	10,343
Coloured, Female	120	640	18.75%	823	6,862
Coloured, Male	46	371	12.40%	490	10,654
White, Female	717	2,322	30.88%	7,576	10,566
White, Male	323	1,365	23.66%	6,381	19,755
Employees with a disability	7	36	19.44%	64	9,164
TOTAL	2,705	12,587	21.49%	27,452	10,149

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TABLE 7.2 - Performance Rewards by salary band for personnel below Senior Management Service, 1 April 2003 to 31 March 2004

Salary Bands	Beneficiary Profile			Cost		
	Number of beneficiaries	Number of employees	% of total within salary band	Cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure
Lower skilled (Levels 1-2)	199	1,152	17.27%	622	3,126	0.56%
Skilled (Levels 3-5)	783	4,734	16.54%	3,682	4,702	1.36%
Highly skilled production (Levels 6-8)	1,139	3,885	29.32%	9,760	8,569	2.31%
Highly skilled supervision (Levels 9-12)	456	2,408	18.94%	11,216	24,596	1.65%
TOTAL	2,577	12,179	21.16%	25,280	9,810	1.70%

TABLE 7.3 - Performance Rewards by critical occupation, 1 April 2003 to 31 March 2004

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	32	118	27.12%	573	17,906
Advocates	24	42	57.14%	580	24,167
Attorneys	19	140	13.57%	331	17,421
Building and other property caretakers	6	22	27.27%	17	2,833
Cleaners in offices, workshops, hospitals	76	301	25.25%	252	3,316
Client information clerks (switchboard reception, information clerks)	20	81	24.69%	137	6,850
Communication and information-related	1	13	7.69%	11	11,000
Finance and economics related	20	117	17.09%	326	16,300
Financial and related professionals	11	109	10.09%	133	12,091
Financial clerks and credit controllers	28	191	14.66%	204	7,286
Food services aids and waiters	5	14	35.71%	14	2,800
General legal administration and related professionals	95	351	27.07%	1,214	12,779
Human resources and organisational development and related professionals	19	54	35.19%	202	10,632
Human resources clerks	124	204	60.78%	1,141	9,202
Human resources related	25	43	58.14%	714	28,560
Information technology related	1	5	20.00%	39	39,000
Judges	-	258	0.00%	-	-
Language practitioners, interpreters and other communicators	70	167	41.92%	721	10,300
Legal-related	31	97	31.96%	860	27,742
Librarians and related professionals	9	16	56.25%	109	12,111
Library, mail and related clerks	96	580	16.55%	566	5,896
Light vehicle drivers	2	19	10.53%	8	4,000
Logistical support personnel	13	31	41.94%	114	8,769
Magistrates	245	1,731	14.15%	6,653	27,155

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TABLE 7.3 - Performance Rewards by critical occupation, 1 April 2003 to 31 March 2004 (continued)

Critical Occupations	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Cost (R'000)	Average cost per employee
Material-recording and transport clerks	25	62	40.32%	108	4,320
Other administrative policy and related officers	134	526	25.48%	1,429	10,664
Other occupations	12	13	92.31%	270	22,500
Prosecutor	3	3	100.00%	34	11,333
Risk management and security services	5	8	62.50%	44	8,800
Secretaries and other keyboard operating clerks	232	945	24.55%	1,476	6,362
Security guards	10	86	11.63%	27	2,700
Security officers	79	445	17.75%	471	5,962
Senior managers	117	148	79.05%	2,047	17,496
Translators and air traffic communicators	156	1,331	11.72%	831	5,327
TOTAL	2,698	12,587	21.43%	27,389	10,152

TABLE 7.4 - Performance related rewards (cash bonus) by salary band, for Senior Management Service

Critical Occupations	Beneficiary Profile			Total Cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure
	Number of beneficiaries	Number of employees	% of total within band			
Band A	103	111	92.79%	2,914	28,291	3.50%
Band B	30	32	93.75%	527	17,567	1.00%
Band C	8	267	3.00%	170	21,250	0.10%
TOTAL	141	410	34.39%	3,611	25,610	1.30%

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 2003 to 31 March 2004, by salary band

Salary Band	1 April 2003		31 March 2004		Change	
	Number	% of Total	Number	% of Total	Number	% of Total
Lower skilled (Levels 1-2)	12	41.38%	23	53.49%	11	91.67%
Skilled (Levels 3-5)	5	17.24%	5	11.63%	-	0.00%
Highly skilled production (Levels 6-8)	3	10.34%	4	9.30%	1	33.33%
Highly skilled supervision (Levels 9-12)	7	24.14%	8	18.60%	1	14.29%
Senior management (Levels 13-16)	2	6.90%	3	6.98%	1	50.00%
TOTAL	29	100.00%	43	100.00%	14	48.28%



TABLE 8.2 - Foreign Workers, 1 April 2003 to 31 March 2004, by major occupation

Salary Band	1 April 2003		31 March 2004		Change	
	Number	% of Total	Number	% of Total	Number	% of Total
Administrative office workers	17	58.62%	30	69.77%	13	76.47%
Other occupations	1	3.45%	1	2.33%	-	0.00%
Professionals and managers	11	37.93%	12	27.91%	1	9.09%
TOTAL	29	100.00%	43	100.00%	14	48.28%

9. Leave utilisation for the period 1 January 2003 to 31 December 2003

The Public Service Commission identified the need for careful monitoring of sick leave within the Public Service. The following tables provide an indication of the use of sick leave (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 2003 to 31 December 2003

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	Estimated Cost (R'000)
Lower skilled (Levels 1-2)	4,284	3,581	83.59%	604	7.84%	7	555
Skilled (Levels 3-5)	19,393	15,283	78.81%	2,988	38.77%	7	3,320
Highly skilled production (Levels 6-8)	17,577	14,452	82.22%	2,559	33.20%	7	5,178
Highly skilled supervision (Levels 9-12)	13,997	11,738	83.86%	1,482	19.23%	9	8,803
Senior management (Levels 13-16)	426	310	72.77%	73	0.95%	6	682
Other	1	1	100.00%	1	0.01%	1	1
TOTAL	55,678	45,365	81.48%	7,707	100.00%	7	18,539

TABLE 9.2 - Disability leave (temporary and permanent), 1 January 2003 to 31 December 2003

Salary Band	Total days taken	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	Estimated Cost (R'000)
Lower skilled (Levels 1-2)	2,246	2,240	99.73%	81	11.71%	28	291
Skilled (Levels 3-5)	4,481	4,465	99.64%	278	40.17%	16	805
Highly skilled production (Levels 6-8)	8,158	8,151	99.91%	299	43.21%	27	2,334
Highly skilled supervision (Levels 9-12)	699	697	99.71%	26	3.76%	27	402
Senior management (Levels 13-16)	220	220	100.00%	8	1.16%	28	383
TOTAL	15,804	15,773	99.80%	692	100.00%	23	4,215

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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 2003 to 31 December 2003

Salary Band	Total Days Taken	Average per Employee
Lower skilled (Levels 1-2)	19,982	20
Skilled (Levels 3-5)	75,470	18
Highly skilled production (Levels 6-8)	88,834	23
Highly skilled supervision (Levels 9-12)	61,896	26
Senior management (Levels 13-16)	3,247	21
Other	3	3
TOTAL	249,432	22

TABLE 9.4 - Capped leave, 1 January 2003 to 31 December 2003

	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2003
Lower skilled (Levels 1-2)	545	4	84
Skilled (Levels 3-5)	2,842	5	38
Highly skilled production (Levels 6-8)	4,491	8	100
Highly skilled supervision (Levels 9-12)	621	13	82
Senior management (Levels 13-16)	249	16	105
TOTAL	8,748	7	76

The following table summarises payments made to employees as a result of leave that was not taken.

TABLE 9.5 - Leave payouts, 1 January 2003 to 31 December 2003

Reason	Total Amount (R'000)	Number of Employees	Average Payment per Employee (R)
Leave payout for 2003/04 due to non-utilisation of leave for the previous cycle	112	32	3,500
Capped leave payouts on termination of service for 2003/04	7,453	128	58,227
Current leave payout on termination of service for 2003/04	243	99	2,455
TOTAL	7,808	259	30,147



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/AIDS & related diseases (if any)	Key steps taken to reduce the risk
Low risk	Awareness campaign on the risk of contracting HIV/AIDS and related diseases - condom distribution

TABLE 10.2 - Details of Health Promotion and HIV/AIDS Programmes

Question	Yes	No	Details, if yes
1. Has the Department designated a member of the SMS to implement the provisions contained in Part VI E of Chapter 1 of the Public Service Regulations, 2001? If so, provide her/his name and position.	Yes		Tsiestie Malema, Director
2. Does the Department have a dedicated unit or have you designated specific staff members to promote 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		EAP-Deputy Director, Assistant Director, Administrative Officer, budget allocated R 2.9million
3. Has the Department introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of the programme.	Yes		The Department is currently busy establishing the EAP Directorate that will roll out a number of programmes that will attend to matters regarding HIV/AIDS.
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/AIDS Forums. The Department is reviewing these forums
5. Has the Department reviewed the employment policies and practices of your department 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
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 of HIV, Employees living with HIV
7. Does the Department encourage its employees to undergo Voluntary Counselling 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
8. Has the Department developed measures/indicators to monitor & evaluate the impact of your health promotion programme? If so, list these measures/indicators.		No	The Department is in the process of addressing this issue and will in the course of this financial year establish the necessary health promotion programme



11. Labour Relations

The following collective agreements were entered into with trade unions within the Department.

TABLE 11.1 - Collective agreements, 1 April 2003 to 31 March 2004

Subject Matter	Date
Performance Management Policy	20/8/2003

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 2003 to 31 March 2004

Outcomes of disciplinary hearings	Number	% of total
Dismissal	24	21.24%
Withdrawn	24	21.24%
Resigned	12	10.62%
Final Written Warning	9	7.96%
Verbal Warning	9	7.96%
Written Warning	9	7.96%
Suspension without pay	7	6.19%
Not Guilty	6	5.31%
Counselling	3	2.65%
Demotion	3	2.65%
Abscondment	2	1.77%
Leave without pay	2	1.77%
Deceased	1	0.89%
Medical Boarding	1	0.89%
Transfer	1	0.89%
TOTAL	113	100.00%

TABLE 11.3 - Types of misconduct addressed at disciplinary hearings

Type of misconduct	Number	% of total
Theft	30	22.90%
Unauthorised Absence	17	12.98%
Fraud	16	12.21%
Unprotected strike	8	6.11%
Corruption	6	4.58%
Loss of State Money	6	4.58%
Poor Performance	5	3.82%
Alcohol Abuse	4	3.05%
Unbecoming Behaviour	7	5.34%
Attempted break-in	2	1.53%
Incompetence	2	1.53%
Insolence	2	1.53%

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TABLE 11.3 - Types of misconduct addressed at disciplinary hearings (continued)

Type of misconduct	Number	% of total
Sexual Harassment	2	1.53%
Assault	1	0.76%
Attempting to defeat the ends of Justice	1	0.76%
Bribery	1	0.76%
Damage to State property	1	0.76%
Destroying Office Correspondence	1	0.76%
Drunken driving	1	0.76%
Failing to comply with prescripts	1	0.76%
Failure to carry out lawful instructions	1	0.76%
Family working relationships	1	0.76%
Housebreaking	1	0.76%
Impoundment of government vehicle	1	0.76%
Inefficiency	1	0.76%
Insubordination	1	0.76%
Irregular conduct	1	0.76%
Misappropriation	1	0.76%
Misuse of government vehicle	1	0.76%
Misuse of Internet	1	0.76%
Non-compliance with financial prescripts	1	0.76%
Non-declaration of previous convictions	1	0.76%
Unauthorised use of state vehicle	1	0.76%
Unprofessional conduct	1	0.76%
Work for additional remuneration privately	1	0.76%
TOTAL	131	100.00%

TABLE 11.4 - Grievances lodged for the period 1 April 2003 to 31 March 2004

Number of grievances addressed	Number	% of total
Resolved	43	54.43%
Not resolved	36	45.57%
TOTAL	79	100%

TABLE 11.5 - Disputes lodged with Councils for the period 1 April 2003 to 31 March 2004

Number of disputes addressed	Number	% of total
Upheld	23	69.70%
Dismissed	10	30.30%
TOTAL	33	100.00%

TABLE 11.6 - Strike actions for the period 1 April 2003 to 31 March 2004

Total number of person working days lost	866
Total cost (R' 000) of working days lost	137
Amount (R' 000) recovered as a result of no work, no pay	137

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TABLE 11.7 - Precautionary suspensions for the period 1 April 2003 to 31 March 2004

Number of people suspended	54
Number of people whose suspension exceeded 30 days	54
Average number of days suspended	805
Cost (R' 000) of suspensions	9,497

12. Skills development

This section highlights the efforts of the Department with regard to skills development.

TABLE 12.1 - Training needs identified, 1 April 2003 to 31 March 2004

Occupational Categories	Gender	Number of employees as at 1 April 2003	Training needs identified at start of reporting period			
			Learnership	Skills Programmes & other short courses	Other forms of training	Total
1. Legislators, senior officials and managers	Female	65		X		65
	Male	203		X		203
2. Professionals	Female	2,147		X		2,147
	Male	2,677		X		2,677
3. Technicians and associate professionals	Female	-				-
	Male	-				-
4. Clerks	Female	2,757		X		2,757
	Male	2,640		X		2,640
5. Service and sales workers	Female	-				-
	Male	-				-
6. Skilled agriculture and fishery workers	Female	-				-
	Male	-				-
7. Craft and related trades workers	Female	-				-
	Male	-				-
8. Plant and Machine operators and assemblers	Female	-				-
	Male	-				-
9. Elementary occupations	Female	185		X		185
	Male	195		X		195
Gender subtotals	Female	5,154				5,154
	Male	5,715				5,715
TOTAL		10,869				10,869

NOTE:

- Legislators = DG, State Advocate, Director upwards, Principal State Law Adviser
- Professionals = Magistrate Senior / Chief / Regional, Registrar, Master, Prosecutor Senior / Chief
- Clerks = Administration clerk / officer, Senior, Personnel Officers Senior / Principal / Chief / Control, Provisioning Administration Clerk / Senior, Typist, Registration Clerk, Assistant Director, Deputy Director, Interpreter Senior / Principal
- Elementary occupations = Messengers, Drivers, Cleaners, General Workers

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*Within the 1st & 2nd categories, Legislators, senior officials and managers groups, the Skills Audit captured 3 Males + 2 Females, In Professionals category the Skills Audit captured 163 Males + 166 Females, but training had to be provided for Magistrates, Prosecutors and Judges in computers and Justice College (Technical Skills), who were not captured in the Workplace Skills Plan and were not Skills Audited. That is the reason for the disparities that may be found in the figures previously given and present training figures.

TABLE 12.2 – Training provided, 1 April 2003 to 31 March 2004

Occupational Categories	Gender	Number of employees as at 1 April 2003	Training provided within the reporting period			
			Learnership	Skills Programmes & other short courses	Other forms of training	Total
1. Legislators, senior officials and managers	Female	65		X		65
	Male	203		X		203
2. Professionals	Female	2,147		X		2,147
	Male	2,677		X		2,677
3. Technicians and associate professionals	Female	-				-
	Male	-				-
4. Clerks	Female	8,096		X		8,096
	Male	4,796		X		4,796
5. Service and sales workers	Female	-				-
	Male	-				-
6. Skilled agriculture and fishery workers	Female	-				-
	Male	-				-
7. Craft and related trades workers	Female	-				-
	Male	-				-
8. Plant and Machine operators and assemblers	Female	-				-
	Male	-				-
9. Elementary occupations	Female	178		X		178
	Male	210		X		210
Gender subtotals	Female	10,486				10,486
	Male	7,886				7,886
TOTAL		18,372				18,372

NOTE:

1. Legislators = DG, State Advocate, Director upwards, Principal State Law Adviser
2. Professionals = Magistrate Senior / Chief / Regional, Registrar, Master, Prosecutor Senior / Chief
4. Clerks = Administration clerk / officer, Senior, Personnel Officers Senior / Principal / Chief / Control, Provisioning Administration Clerk / Senior, Typist, Registration Clerk, Assistant Director, Deputy Director, Interpreter Senior / Principal
9. Elementary occupations = Messengers, Drivers, Cleaners, General Workers

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13. Injury on duty

The following tables provide basic information on injury on duty.

TABLE 13.1 - Injury on duty, 1 April 2003 to 31 March 2004

Nature of injury on duty	Number	% of total
Required basic medical attention only	-	0
Temporary Total Disablement	-	0
Permanent Disablement	-	0
Fatal	-	0
TOTAL	0	0%

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
CMC: Client Relations	1	3	R 49,590.00
VAS: Arbitration Training	Numerous	180	R 218,000.00
AM Nel's Transport cc (Re-allocation of National Office)	22	60	R 1,602,986.00
AST (ISM)	*	*	R 43,905,313.00
Build for Africa Constructions (Finance, Procurement)	7	5	R 40,869.00
Business Connexion (Office of the CFO)	3	105	R 19,486,983.53
Business Connexion (ISM)	161		R 16,187,079.00
CS Holdings (ISM)	*	*	R 5,174,715.00
Refurbishment of the One-Stop Child Justice Centre by the Department of Public Works	*	*	R 8,533,099.43
Microsoft Services (ISM)	36		R 12,594,483.00
Phambili IT (ISM)	10		R 6,904,889.00
Forensic Audits (SIU)	*	*	R 5,000,000.00
System Crafters Guild (Office of the CFO)	43	5695	R 15,052,170.69
System Crafters Guild (ISM)	32		R 5,891,485.00

Total number of projects	Total individual consultants	Total duration: Work days	Total contract value in Rand
Fourteen	315	6048	R 140,641,662.65

* Consultants for these projects are managed by the different business institutions. Details regarding the number of consultants, as well as hours worked, are not available.



TABLE 14.2 - Analysis of consultant appointments using appropriated funds, in terms of Historically Disadvantaged Individuals (HDIs)

Project Title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of Consultants from HDI groups that worked on the project
E-Justice	92.30%	56.30%	162

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
System Crafters Guild (ISM)	25	-	R516,323.00
Business Connexion (ISM)	161	-	R1,100,347.00
AST (ISM)	*	*	R41,465,010.16

Total number of projects	Total individual consultants	Total duration: Work days	Total contract value in Rand
Three	186	-	R41,465,010.16

* Consultants for these projects are managed by the different business institutions. Details regarding the number of consultants, as well as hours worked, are not available.