



Department of Justice and Constitutional Development

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**18**

**ANNUAL REPORT**

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**the doj & cd**

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



A photograph of a wooden gavel and a pair of metal handcuffs resting on a dark wood surface. The gavel is positioned diagonally in the upper left, and the handcuffs are in the lower right. The word "contents" is overlaid in large white text in the center.

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**Department of Justice and Constitutional Development**

**Vote 21**

**2017/18 Financial Year**

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# PART A

# general information

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## List of Abbreviations/Acronyms/Definitions

ACAOSA	Association of Community Advice Offices of South Africa
ACCC	Anti-corruption Coordinating Committee
ACHPR	African Charter on Human and People's Rights
ACTT	Anti-corruption Task Team
ADR	Alternative dispute resolution
ADRM	Alternative dispute resolution mechanism
AFU	Asset Forfeiture Unit
AGSA	Auditor-General of South Africa
APP	Annual Performance Plan
ATD	Alternatives to Detention
AVR	Audio-visual Remand
BACSA	Business Against Crime South Africa
BCMI	Business Continuity Management Instruction
B-BBEE	Broad-Based Black Economic Empowerment
CAO	Community Advice Office
CARA	Criminal Assets Recovery Account
CAT	Convention against Torture and Other Cruel or Degrading Treatment or Punishment
CBO	Community-based Organisation
CCTV	Closed-circuit television
CFO	Chief Financial Officer
CJS	Criminal Justice System
CRT	Court recording technology
CSO	Civil Society Organisation
DIRCO	Department of International Relations and Cooperation
DoJ&CD	Department of Justice and Constitutional Development
DPME	Department of Planning, Monitoring and Evaluation
DPP	Director of Public Prosecutions
DPW	Department of Public Works
EE	Employment Equity
EHWP	Employee Health and Wellness Programme
EPM	Enterprise Performance Management
ERM	Enterprise Risk Management
EXCO	Executive Committee
FHR	Foundation for Human Rights
GRAP	Generally Recognised Accounting Practice
HR	Human Resource
HRD	Human Resource Development
HRP	Human Resource Plan
HRPRC	Human Resource Post Review Committee
ICCPR	International Convention on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Convention on Social and Cultural Rights
ICJS	Integrated Criminal Justice Strategy
ICMS	Integrated Case Management System

## General Information

ICT	Information and Communication Technology
IDT	Independent Development Trust
IJS	Integrated Justice System
IPID	Independent Police Investigative Directorate
ISCCJ	Intersectoral Committee on Child Justice
ISM	Information and System Management
JCPS	Justice, Crime Prevention and Security
JDAS	Justice Deposit Account System
KPI	Key Performance Indicator
Legal Aid SA	Legal Aid South Africa
LGBTI	Lesbian, Gay, Bisexual, Transgender and Intersex
MEC	Member of the Executive Council
MOVIT	Master's Own Verification Information Technology
MPTT	Missing Persons Task Team
MTEF	Medium-term Expenditure Framework
MTSF	Medium-term Strategic Framework
NADCAO	National Alliance for the Development of Community Advice Offices
NCOP	National Council of Provinces
NDP	National Development Plan
NDPP	National Director of Public Prosecutions
NGO	Non-governmental Organisation
NMRF	National Mechanism for Reporting and Follow-Up
NOC	National Operations Centre
NPA	National Prosecuting Authority
NPS	National Prosecutions Service
NRSO	National Register for Sex Offenders
OCJ	Office of the Chief Justice
OCSLA	Office of the Chief State Legal Advisor
OWP	Office for Witness Protection
PAIA	Promotion of Access to Information Act
PAJA	Promotion of Administrative Justice Act
PCLU	Priority Crimes Litigation Unit
PDI	Previously Disadvantaged Individual
PEAS	Paperless Estate Administration System
PEPUDA	Promotion of Equality and Prevention of Unfair Discrimination Act
PFMA	Public Finance Management Act
POCA	Prevention of Organised Crime Act
PP	Public Protector
PPPFR	Preferential Procurement Policy Framework Regulations
PSC	Public Service Commission
RMC	Risk Management Committee
SABC	South African Broadcasting Corporation
SADC	Southern African Development Community
SAHRC	South African Human Rights Commission
SALRC	South African Law Reform Commission
SAPS	South African Police Service



SARS	South African Revenue Service
SASSA	South Africa Social Security Agency
SASSETA	Safety and Security Sector Education and Training Authority
SCCU	Specialised Commercial Crime Unit
SCM	Supply Chain Management
SCOPA	Standing Committee on Public Accounts
SDIP	Service Delivery Improvement Plan
SHER	Safety, Health, Environmental and Risk Management
SIU	Special Investigating Unit
SMS	Senior Management Service
SOCA	Sexual Offences and Community Affairs
StatsSA	Statistics South Africa
TCC	Thuthuzela Care Centre
TPF	Third Party Funds
TRC	Truth and Reconciliation Commission
UNCITRAL	United Nations Commission on International Trade Law
UNICEF	United Nations Children's Fund
UPR	Universal Periodic Review
USAID	United States Agency for International Development



### 2. Mission, Vision, Values and Strategic Goals

#### 2.1 Vision

Justice for all in South Africa

#### 2.2 Mission

To administer an efficient and a responsive justice system

#### 2.3 Values

The Department has the following values:

1. Commitment to constitutional values and a culture of human rights
2. Rule of Law
3. Excellence
4. Responsiveness
5. Accountability
6. Good governance

#### 2.4 Strategic goals

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

### 3. Foreword by the Minister



The final stretch of the 2015-20 MTSF period entails the consolidation of initiatives in line with the transformation of the justice system within our country. This Annual Report therefore shows progress towards the finalisation of key transformative legislation, implementation of policies, as well as our response to government's programme of action.

The transformation of State Legal Services is one of the key initiatives that will enable government to build capacity and capability in state legal services and address organisational challenges within the State Attorney environment, in particular. The appointment of a Project Manager enabled the project to be fast-tracked and progress has been made in drafting a proposal for the establishment of State Legal Services as a government component. By the end of the 2017/18 financial year, discussions with relevant government stakeholders were completed and it is expected that this document will be submitted to Cabinet during the 2018/19 financial year.

With regards to the state litigation environment, policies that will drive this transformation have been developed and are expected to be submitted to Cabinet for endorsement by the end of the 2018/19 financial year. These policies include the Counsel Briefing, Tariff and Mediation policies and guidelines.

I am pleased that progress is being made on ongoing discussions regarding the implementation of the Legal Practice Act of 2014. I am encouraged by the robust discussions that the legal profession has been engaged in and am confident that the election of the Legal Practice Council is on track for finalisation by 30 October 2018, in line with the Legal Practice Amendment Act of 2017.

Other transformation initiatives where progress was made during the 2017/18 financial year include the Draft Policy on Judicial Governance on Court Administration, which will enable progress towards a judiciary-led administration of the courts. Engagement with key stakeholders is expected to continue in the 2018/19 financial year.

The Department continued with the roll-out of sexual offences courts. An additional 17 court rooms were adapted in line with the sexual offences model and this brought the total number of court rooms adapted to 75. As we continue to implement these specialised courts, emphasis will equally be placed on ensuring that these courts continue to operate optimally in line with specifications. With regards to child justice, 75% of preliminary enquiries for children were finalised within 90 days, against a target of 55%.

Ongoing projects to increase access to justice services in marginalised communities included the alignment of all magistrates' courts with municipal boundaries as well as high courts. During the 2017/18 financial year, magisterial districts were aligned in Kwa-Zulu Natal and Eastern Cape and those changes will be finalised during 2018/19. Furthermore, two divisions of the High Courts were aligned with provincial boundaries, namely Gauteng and North West.

The NPA continued to embrace government's initiatives in our commitment to the realization of the goals set by the NDP and in giving effect to the long-term vision of the JCPS Delivery Agreement by ensuring that all people in South Africa are and feel safe, by working with all the stakeholders and in giving effect to an integrated, collaborative and proactive effort in the fight against crime.

The NPA continued to provide a coordinated prosecution service, ensuring that justice is delivered to the victims of crime through general and specialized prosecutions; that profit is removed from crime and that witnesses and related persons are protected.

The period 2017/18 was characterized by excellent performance in many spheres of the organization, notwithstanding the budgetary and resource constraints, which remain a challenge. Increased focus in the fight against crime, especially government priorities, remained a focal point for the organization.

Great strides have been made to ensure that high conviction rates were maintained and improved on, in all court forums. Historically, the high courts have fluctuated from 91% in 2014/2015, 89.9% in 2015/2016, back to 91% in 2016/2017 and then to 91.7% for the period 2017/2018 against a target of 87%. The regional courts have also gradually increased from 76.6% in 2014/2015 to 78.4% in 2015/2016, 80% in 2016/2017 and 81% in 2017/2018 against a target of 74%. In the district courts, we have increased our performance from 94.2% in 2014/2015 to 94.7% and 95.6% in the years thereafter, with 96.1% in 2017/2018 against a target of 88%.

The performance of the 2017/18 financial year represents the best conviction rate performance over the last two decades. Notwithstanding this exceptional performance, the NPA acknowledge there are numerous areas in respect of which we can significantly improve on.

In order to better co-ordinate the fight against corruption, we embarked on a process of facilitating the entering into of memoranda of understanding and have either signed or are in the process of finalizing memoranda of understanding with, inter alia, the SIU, SARS, the PP, the B-BBEE Commission, the Competition Commission and IPID.

In line with the National Development Plan, the Department, through the courts and the National Prosecuting Authority, as part of the JCPS cluster and the government-wide ACTT put plans together to decisively deal with the scourge of corruption. 213 government officials were convicted for corruption or offences related to corruption against a target of 210, whilst 37 persons were convicted of corruption or offences related to corruption where the amount involved was more than R5 million.

A significant improvement was noted on the prosecution of specialised crime. The SCCU obtained a conviction rate of 94.1% in relation to complex commercial crime matters over the last year against a target of 93%. Special focus was once again placed on the prosecution of cybercrime cases to curb this growing international phenomenon. This is evident in the conviction rate of 98.5% in the prosecution of cybercrime cases which should be viewed against the nature and complexity of these crimes and the high level of technical evidence required in the prosecution of cybercrime cases.

Organised crime prosecution achieved a conviction rate of 93.8% and the number of convictions (346) exceeded the annual expectations of 269 convictions.

The AFU continued to play a critical role in the fight against corruption and has delivered significant returns in the past few years showing that crime does not pay. In the endeavour to curb the increase of corruption, the AFU obtained freezing orders to the value of R4.4 billion. An amount of R3.8 billion relating to corruption was frozen where the amount involved is more than R5 million. Recoveries in terms of the POCA to the value of R302.8 million were also recorded during the financial year. In line with its operational plan, the AFU has adopted a strategy that not only seeks to extend the footprint of asset forfeiture in the fight against crime, but one that also seeks to deliver maximum impact in several identified focus areas. An overall success rate of 99.1% was recorded in the AFU.

Increased focus was placed on sexual offences and gender based violence matters. The improved conviction rate in sexual offences of 72.7% is an all-time high, reflecting a firm commitment to deliver justice for the most vulnerable members of society: the victims of sexual offences and gender based violence. The SOCA unit established 55 operational TCC's, in support of the victims of crime, particularly the victims of sexual offences who are mainly women and children. Funds have been allocated from the CARA for the rollout of another 5 TCC's over the next 3 years. A remarkable conviction rate of 74.5%, with 1 899 convictions, was recorded in relation to TCC reported cases. Notwithstanding these results, we acknowledge that much improvement can still be made in the protection, defence and support of the most vulnerable, including addressing the scourge of femicide.

**“ The performance of the 2017/18 financial year represents the best conviction rate performance over the last two decades. ”**

The Office for Witness Protection maintained its performance record for the last 17 years in ensuring that no witnesses and related persons were harmed, threatened or killed whilst on the witness protection programme.

The implementation of the recommendations of the Truth and Reconciliation Commission remains one of the important initiatives that can help bring about healing and closure for crimes committed during apartheid. One of the key projects implemented, has been education assistance for the next-of-kin of TRC-identified victims. For the academic year of 2018, I am delighted that a total of 1 200 beneficiaries for basic education and 457 for higher education were positively verified and referred for payment of benefits.

The Pretoria Gallows Exhumation Project which started in 2016 continued into the 2017/18 financial year. Of the remains of 83 people identified for this project, 46 remains have been exhumed, with 32 of these completed in the 2017/18 financial year. The 32 of these included 15 UDF activists who were part of political turmoil in the Eastern Cape in 1985 and 1986. The Department intends to finalise the exhumation project in the 2018/19 financial year.

I am proud of the success we have had with the implementation of major projects to enhance operational efficiencies in the administration of justice. The replacement of the old TPF system with the new MojaPay system, from a technological perspective, is aimed at improving the turnaround time in the payment of maintenance beneficiaries and introducing effective financial controls for maintenance and other third party payments. This initiative enables beneficiaries of maintenance to receive money within a few days and avoids manual intervention by officials of the Department. By the end of the financial year, the solution was implemented in 8 provinces.

The Department embarked on a process to replace the ageing Digital Court Recording System with a modern and advanced CRT solution. This system enables the efficient recording and retrieval of court proceedings, improved quality of recordings and secures the storage of records at multiple locations. This solution has additional capabilities of measuring court hours and therefore assists in identifying areas of improvement within court operations. By the end of the financial year, this solution had been implemented at 2 145 fixed courtrooms country-wide. Furthermore, 47 mobile recorders for periodical courtrooms were implemented with an additional 108 envisaged to be implemented in the next financial year.

The audio visual remand project links Magistrates' Courts to correctional detention centres via CCTV. Under certain circumstances, cases can be postponed without the logistical arrangements and risks associated with transporting the accused to court. The business benefit of utilizing such technology has been reflected in the reduction of case delays and detentions to minimum periods. At the end of the year under review 48 Magistrates' Courts were linked to 23 correctional facilities and 17 271 criminal cases were remanded using this technology. This represents a 44% increase in the utilization of this technology.

It is with great pleasure that I present the Annual Report for 2017/18 for the DoJ&CD.



**TM Masutha, Adv (MP)**  
**Minister of Justice and Correctional Services**



#### 4. Foreword by the Deputy Minister



The Medium Term Strategic Framework for 2014 – 2019 is government’s plan for changing lives for the better and transforming our society and economy faster than has been the case since 1994. It is a five-year plan towards achieving the National Development Plan (NDP)’s Vision 2030.

As we near the end of the MTSF, we must assess how successful we have been in implementing policies and programmes to improve the lives of those who live in our country.

I am pleased that our Department has continued to make justice accessible to all, with a special emphasis on vulnerable members of society through legislative development and other key service delivery initiatives.

A key aspect of accessible justice is transformation and we have indeed made significant inroads in terms of appointing magistrates that broadly reflect the demographics of our country. In fact, if we compare the race and gender breakdown of the magistracy in 1998

with the position at the end of February 2018, there has been an increase of 163% of black magistrates and a 249% increase of women in our magistracy. The number of African female magistrates has increased from 62 in 1998 to 472 in 2018 – an increase of 661%. This is no small achievement.

**“ For the 2017/18 financial year, 6 new Small Claims Courts were established, bringing the total number to 411 Small Claims Courts**

The sheriffs’ profession plays an important part in justice service delivery because they serve court processes and execute warrants and orders of court. In July 2017, 33 sheriffs were appointed to serve a wide range of communities in our country. The newly appointed sheriffs enhance transformation of the profession as they reflect the demographics of the country in respect of race and gender. It is important that sheriffs perform their duties in a professional manner and continue to provide a reliable and effective service to the public, the legal profession and other role players in the justice system. The Department will continue to support and strengthen the sheriffs’ profession in order to ensure that justice is accessible to all.

Small Claims Courts offer members of the public a quicker and easier way of resolving disputes that involve amounts limited to R15 000 and they can do so without the need for a legal representative. The Department continued to support and

strengthen these Courts. For the 2017/18 financial year, 6 new Small Claims Courts were established, being Warden (FS), Colenso (KZN), Steynsrus (FS), Petrus Steyn (FS), Memel (FS) and Edenville (FS), bringing the total number to 411 Small Claims Courts countrywide by the end of the financial year. In addition, 9 inactive Small Claims Courts were revived between 1 April 2017 and 31 March 2018 and 14 inactive Advisory Boards were revived in the same period.

Some key pieces of legislation were finalised during the 2017/18 financial year. The Protected Disclosures Amendment Act was assented to in August 2017 and aims to give greater protection to whistle-blowers in the workplace by extending the application of the Protected Disclosures Act beyond the traditional employer and employee relationship. It also criminalises deliberate false disclosures.

The Courts of Law Amendment Act protects the poor from actions of unscrupulous persons in the debt collection industry. By aligning the 1944 Magistrates’ Courts Act with the requirements of a Constitutional Court judgment affecting emolument attachment orders (EAOs), the Courts of Law Amendment Act seeks to ensure that presiding officers considering issuing an EAO take account of factors such as the size of a debt, the circumstances in which it

arose, available alternative recovery options, a judgment debtor's income; the rights and needs of vulnerable people and children likely to be affected by an EAO and how much of the debtor's income is required to meet basic living expenses and those of his/her dependents.

The International Arbitration Act came into operation in December 2017. This Act incorporates the United Nations Commission on International Trade Law (UNCITRAL's) Model Law into South African law. The Model Law is the current international benchmark for arbitration laws developed by the UNCITRAL in order to address the wide divergence of approaches taken in international arbitration throughout the world and to provide a modern and easily adapted alternative to outdated national regimes. This Act ensures that South Africa, like its Commonwealth, African Union and SADC counterparts, has a reformed and modernised law on international arbitration. It is envisaged that the reforms contained in the Act will position the arbitration regime in South Africa at the forefront of international arbitration best practices.

The Justice Administered Fund Act creates a new Fund and provides a proper statutory framework for the management and accounting of monies held in trust on behalf of third parties, such as bail and maintenance payments.

Other legislative developments include the Criminal Procedure Amendment Act which clarifies the rights of persons with intellectual disabilities and responds to a Constitutional Court judgment in the matter of *De Vos v Minister of Justice and Constitutional Development*. The Act provides the courts with a wider range of options in respect of orders to be issued in cases of findings that accused persons are not capable of understanding criminal proceedings so as to make a proper defence, or that accused persons are, by reason of mental illness or mental defect, not criminally responsible for the offences they are charged with.

Sections 2, 11 and 13(b) of the Maintenance Amendment Act were put into operation in January 2018 and provide, amongst others, that parents who default on child maintenance will have their personal information submitted to credit bureaus and face being blacklisted. This will prevent maintenance defaulters from continuing to receive credit whilst owing maintenance.

The Judicial Matters Amendment Act which amends various different justice-related statutes in order to improve their application which, in turn, assists in the day to day activities of the administration of justice.

The Legal Practice Amendment Act extended the life of the National Forum on the Legal Profession which has a statutory mandate to pave the way for the new transformed regulatory bodies in the legal profession.

Further to the above, a number of key Bills have been introduced into Parliament such as the Cybercrimes and Cybersecurity Bill and the Prevention and Combating of Hate Crimes and Hate Speech Bill.

These are but some of the measures and initiatives that our Department has delivered over the period under review. We will continue to intensify our efforts to ensure accessible justice for all.



**John Jeffery, MP**  
**Deputy Minister, Justice and Constitutional Development**

**“ A number of key Bills have been introduced into Parliament such as the Cybercrimes and Cybersecurity Bill and the Prevention and Combating of Hate Crimes and Hate Speech Bill. ”**

### 5. Legislative and other Mandates

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

Specific provisions of the Bill of Rights in the Constitution furthermore gave rise to other pieces of legislation, which forms a significant part of the legislative mandate of the Minister: Section 9 (“Equality”), Section 12 (“Freedom and security of the person”), Section 14 (“Privacy”), Section 28 (“Children”), Section 32 (“Access to information”), Section 33 (“Just administrative action”), Section 34 (“Access to courts”) and Section 35 (“Arrested, detained and accused persons”). The legislative mandate of the Department flows from these constitutional provisions, all of which are aimed at advancing and sustaining constitutionalism and the Rule of Law.

The legislative mandate can be broadly categorised into Courts and the Administration of Justice, other legislation crucial to the administration of justice and legislation for the promotion, protection and enforcement of human rights.

#### Courts and the administration of justice

The Constitution 17th Amendment Act, 2012, affirms the Chief Justice as the Head of the Judiciary and assigns to him or her the responsibility to oversee the development and monitoring of norms and standards for the performance of all courts. Performance of courts is therefore the responsibility of the Office of the Chief Justice.

The following are pieces of legislation providing for the establishment and functioning of superior courts and lower courts, as well as other courts designated to deal with specialised cases that are both at the level of the High Court and the magistrates’ courts.





- Superior Courts Act, 2013 (Act 10 of 2013). This Act rationalised, consolidated and amended the laws relating to the Constitutional Court, the Supreme Court of Appeal and the High Court of South Africa. The Act also makes provision for the administration of the judicial functions of all courts and those administrative and budgetary matters relating to the superior courts. The Act provides for the assignment of certain functions to the OCJ, which, among others, includes support to the Heads of Courts, Judicial Service Commission and the Judicial Education Institute.
- The Magistrates' Courts Act, 1944 (Act 32 of 1944). This Act empowers the Minister to create various magistrates' court districts, regional divisions and sub-districts and to define the local limits, appoint magistrates, additional magistrates and regional court magistrates, as well as persons to act in those offices, when necessary and to determine various amounts and fees related to the monetary jurisdiction of the courts, witness fees and other matters.
- Small Claims Courts Act, 1984 (Act 61 of 1984). This Act empowers the Minister to establish small claims courts, determine the seats and areas of jurisdiction, appoint commissioners and determine an amount related to the jurisdiction of these courts.
- The Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act 32 of 2007). This Act aims to comprehensively and extensively review and amend all aspects of the laws and the implementation of the laws relating to sexual offences and to deal with all legal aspects of or relating to sexual offences in a single statute. This Act provides for the designation of courts to sit as sexual offences courts.
- The Promotion of Equality and Prevention of Unfair Discrimination Act, 2000 (Act 4 of 2000). This Act also provides for the designation of courts to sit as equality courts.

#### **Other legislation crucial to the administration of justice**

The following are key pieces of legislation within the administration of justice over which the Minister of Justice and Correctional Services has oversight and other responsibilities:

- The National Prosecuting Authority Act, 1998 (Act 32 of 1998). This Act provides for the establishment of a single national prosecuting authority in accordance with the provisions of section 179 of the Constitution. Provision is, among others, made for the structure and composition of a single national prosecuting authority, the appointment, remuneration and conditions of service of members of the prosecuting authority and the powers, duties and functions of such members.
- The Special Investigating Units and Special Tribunals Act, 1996 (Act 74 of 1996). This Act provides for the establishment, composition, functions and powers of special investigating units for the purpose of investigating serious malpractices or maladministration in connection with the administration of state institutions, state assets and public money, as well as any conduct that may seriously harm the interests of the public.
- The Prevention of Organised Crime Act, 1998 (Act 121 of 1998). This Act introduces measures to combat organised crime, money laundering and criminal gang activities. It also prohibits certain activities relating to racketeering activities. Provision is made for the prohibition of money laundering and for an obligation to report certain information. The Act also criminalises certain activities associated with gangs and provides, among others, for the recovery of the proceeds of an unlawful activity, the civil forfeiture of criminal assets that have been used to commit an offence or assets that are the proceeds of an unlawful activity and for the establishment of CARA.

#### **Legislation regulating to the provisioning of legal services to government departments**

- The State Attorney Act, 1957 (Act 56 of 1957). The Act makes provisions for the Minister to establish the Office of the State Attorney and the appointment of state attorneys and staff.
- The Legal Practice Act, 2014 (Act 28 of 2014). This Act aims to introduce a legislative framework for the transformation and restructuring of the legal profession in line with constitutional imperatives, in order to facilitate and enhance an independent legal profession that broadly reflects the diversity and demographics of the Republic of South Africa.

### **Legislation providing for the establishment of bodies responsible for law reform and rule making**

- The South African Law Reform Commission Act, 1973 (Act 19 of 1973)
- The Rules Board for Courts of Law Act, 1985 (Act 107 of 1985)

### **Legislation providing for the administration of estates**

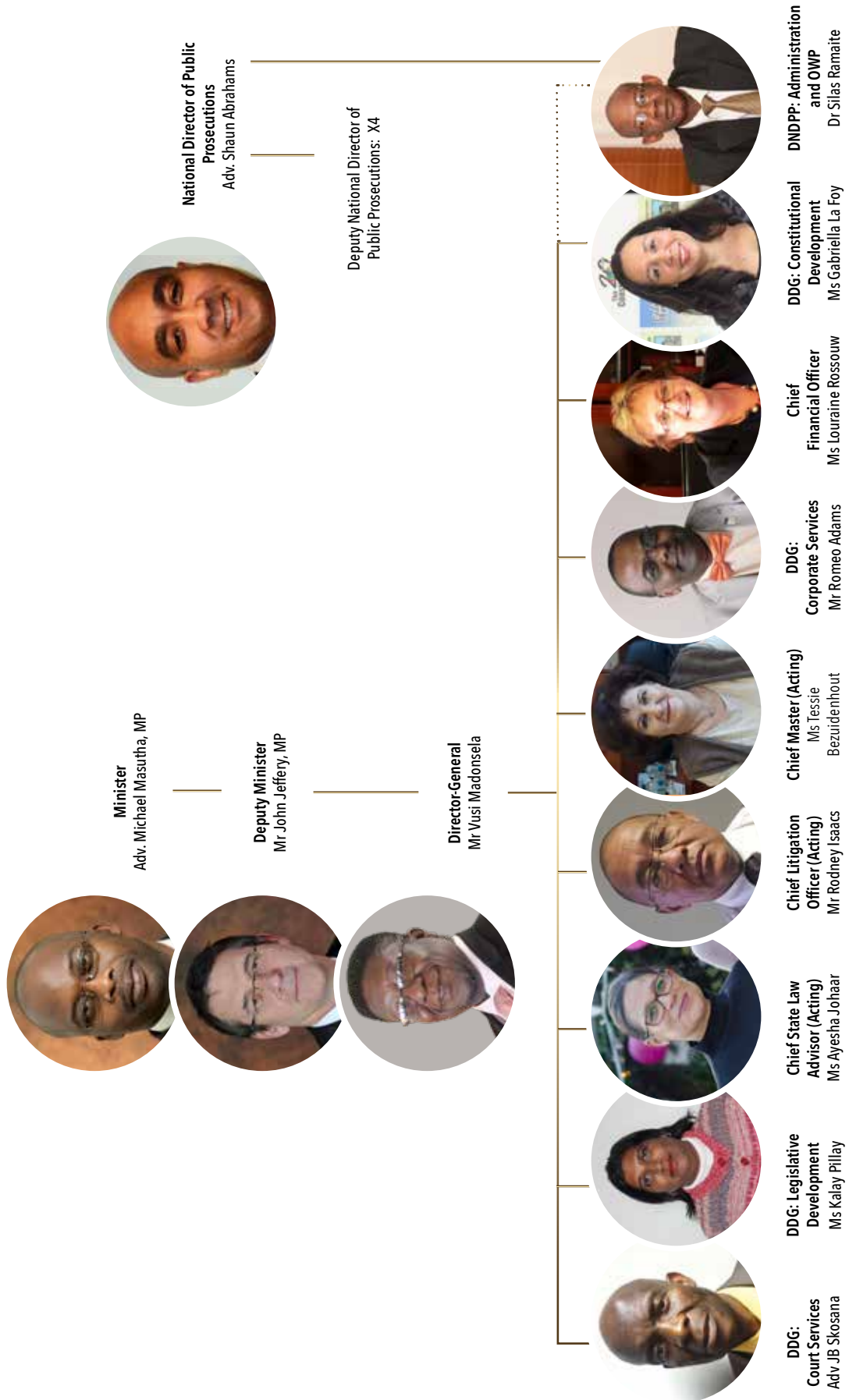
- The Administration of Estates Act, 1965 (Act 66 of 1965). This Act provides for the appointment of masters of the high courts and the administration of the Guardian's Fund and deceased estates (and the enacting of regulations prescribing the procedure to be observed in connection with insolvent estates. It also determines policy for the appointment of a curator bonis, trustee, provisional trustee or co-trustee by the Master of the High Court.
- The Insolvency Act, 1936 (Act 24 of 1936)

### **Legislation for the promotion, protection and enforcement of human rights**

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

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

## 6. Organisational Structure



## 7. Entities reporting to the Minister

The table below indicates the entities that report to the Minister of Justice and Correctional Services and are funded through the Department of Justice and Constitutional Development's Vote Account.

Name of entity	Legislative mandate	Financial relationship	Nature of operations
<b>Council for Debt Collectors</b>	Debt Collectors Act (Act 114 of 1998)	No financial relationship	Monitors the conduct and professionalism of debt collectors, promoting a culture of good governance and thus protecting the public and creditors.
<b>Legal Aid SA</b>	Legal Aid South Africa Act (Act 39 of 2014)	Transfer payment	Renders or makes available legal aid to indigent persons and provides legal representation at the state's expense.
<b>National Prosecuting Authority</b>	National Prosecuting Authority Act (Act 32 of 1998)	Part of the Vote of the Department	Renders prosecutorial services, as well as witness protection services and the forfeiture of ill-gotten assets.
<b>Rules Board for Courts of Law</b>	Rules Board for Courts of Law Act (Act 107 of 1985)	Part of the Vote of the Department in the Legislative Development and Law Reform Branch	Reviews existing rules of courts and, subject to the approval of the Minister, makes, amends or repeals rules for the Supreme Court of Appeal, the High Court and the lower courts.
<b>South African Board of Sheriffs</b>	Sheriffs Act (Act 90 of 1986)	No financial relationship	Monitors the services of the sheriffs and deputies and ensures that the services are executed in terms of the Code of Conduct for Sheriffs.
<b>South African Law Reform Commission</b>	South African Law Reform Commission Act (Act 19 of 1973)	Part of the Vote of the Department in the Legislative Development and Law Reform Branch	Conducts research regarding the development, improvement, modernisation or reform of all branches of the law of South Africa.
<b>Special Investigating Unit</b>	Special Investigating Units and Special Tribunals Act (Act 74 of 1996)	Transfer payment	Provides professional forensic investigations to all state institutions at national, provincial and local level.

## 8. Report of the Accounting Officer

### 8.1 General overview

The Department of Justice and Constitutional Development (DoJ&CD) is a non-current function department. Accordingly, it assumes full responsibility for policy development, programme design and direct delivery of its justice service offerings. Justifiably, in the year under review, a significant proportion of its R12 billion allocated budget, estimated at 73%, was spent on the compensation of employees whose responsibility it is to deliver services across the length and breadth of the country, in pursuance of the departmental mandate. These justice service offerings include the management of cases by the 15 Offices of the Master, covering deceased estates, insolvencies, the registration of trusts and payment of dependents' benefits being administered under the Guardian's Fund.

Other key day-to-day responsibilities include providing support to the judiciary in the lower courts, being magistrates in the regional and districts courts to ensure the smooth operation of the courts. Among others, the Department's staff bear the responsibility to provide court administration and management services such as language interpretation, court recording, clerical, witness support and intermediary services, all of which are essential for the proper and effective administration of justice. In addition, the department's staff is responsible for the day-to-day maintenance court building infrastructure and the design of processes and the provision of systems such as digital recording technology equipment which are constitute important elements of essential support the court and all its officers.

In addition, the Department also provides a wide range of legal services to various client departments and entities, across the three spheres of government. The Office of the State Attorney, which has a presence in 13 offices across the country, delivers state litigation services to all their clients, while the Office of the Chief state Law Advisor, which has a presence in both of the country's Administrative (Pretoria) and Legislative (Cape Town) Capitals, provides legal opinions on matters pertaining to the Constitution, drafts Bills and international and other legal instruments involving organs of the State. In addition, the Department drafts and submits to Parliament a number of Bills that contribute to the comprehensive transformation of our country's legal system in line with the imperatives of the Constitution, including the transformation of the legislative landscape, the judiciary and the legal profession.

Programme 4 of the Department relates to the delivery of prosecutorial services, which fall under functions delivered by the NPA.

The persistent budget cuts implemented from the 2015/16 financial year, up to the Medium-term Expenditure Framework (MTEF) period ending 2020/21, resulted in extended efforts to rationalise the activities of the Department in order to identify opportunities to optimise the departmental structure. Very special care was taken to ensure limited, if any, disruption of services at service delivery points.

Within the limited budget, the Department supported a number of projects to increase access to justice services. For example, during the period under review, 17 sexual offences courts were established. That has brought the number of sexual offences courts in the country to 75, including regional courts that were upgraded to sexual offences courts.

The Department rationalized the magisterial and municipal boundaries of KwaZulu-Natal and the Eastern Cape. That was seen as a positive step towards affording members of the public easier access to justice services. Another important initiative included the gazetting of 42 more courts to offer court-annexed mediation. Unlike in the past, court-annexed is expected to enable parties to finalise matters quicker and more cost effectively.

Lamentably, the Mpumalanga High Court and the Port Shepstone Magistrates' Court were not completed and contractors were granted further extensions of time to complete the work. Completed projects included the Cape Town Justitia, the Port Elizabeth High Court, the Welkom Magistrates' Court and the Oberholzer Magistrates' Court.



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

The Master's environment continued with the roll-out of the implementation of paperless initiatives to improve service delivery and curb fraudulent activities. During the 2017/18 financial year, the roll-out of the PEAS saw an increase in the utilisation of this system from 206 to 262 service points.

The implementation of MojaPay, which is a payment management system for maintenance beneficiaries and beneficiaries of other third-party funds, was rolled out to six (6) more provinces, bringing to eight (8) the number of provinces utilising this system. This system enables the Department to address control challenges on the one hand and improve the time taken for maintenance beneficiaries to receive their funds, on the other. In addition, Parliament finalised the Justice Managed Funds Act. This will further provide administrative guidance within the Third Party Funds (TPF) environment.

The Department's Annual Financial Statements were qualified on the basis of three issues; being employee benefits, intangible assets and contingent liabilities. The qualification on employee benefits related to inadequate procedures for the complete capturing and collation of the leave of magistrates. Although the Department has no direct supervisory role and responsibility over the magistracy which falls under the independent judicial arm of the State, the Department is nevertheless required to and will assist the Magistrates' Commission in putting leave procedures in place to ensure the capturing and collation of such leave. Notwithstanding the foregoing, the performance of the magistracy still falls under the Office of the Chief Justice, in line with the Constitution 17th Amendment Act.

Similarly, the Department will put controls will be put in place to ensure the management of an accurate account for contingent liabilities linked to claims made against Government.

With regard to assets, a number of posts have been identified to improve the management of assets. This will assist the Department in addressing asset-related issues.

Programme 2 (Court Services) and Programme 3 (State Legal Services) received a qualification on a number of indicators regarding the validation of performance information. The challenge regarding the incomplete capturing of data in the courts will be addressed through the inclusion of the management thereof into the job description of Office and Court Managers. In addition, the Department will introduce new management responsibilities and capacity in regional offices to oversee data capturing.

A number of initiatives will be put in place to assist the Office of the State Attorney to provide accurate financial and performance reports. This will include the introduction of MojaPay, as well as the implementation of the planned case management system

## 8.2 Overview of the financial results of the Department

### Departmental receipts

Departmental receipts	2017/18			2016/17		
	Estimate	Actual amount collected	(Over-)/under-collection	Estimate	Actual amount collected	(Over-)/under-collection
	R'000	R'000	R'000	R'000	R'000	R'000
Tax receipts	-	-	-	-	-	-
Casino taxes	-	-	-	-	-	-
Horse-racing taxes	-	-	-	-	-	-
Liquor licences	-	-	-	-	-	-
Motor vehicle licences	-	-	-	-	-	-
Sale of goods and services other than capital assets	67 464	50 630	16 834	63 912	53 698	10 214
Transfers received	6 980	9 693	(2 713)	112	485	(373)



Departmental receipts	2017/18			2016/17		
	Estimate	Actual amount collected	(Over-)/under-collection	Estimate	Actual amount collected	(Over-)/under-collection
	R'000	R'000	R'000	R'000	R'000	R'000
Fines, penalties and forfeits	241 321	228 373	12 948	318 490	254 374	64 116
Interest, dividends and rent on land	5 809	4 038	1 771	5 506	8 553	(3 047)
Sale of capital assets	2 226	2 575	(349)	2 110	56	2 054
Financial transactions in assets and liabilities	73 917	40 410	33 507	70 124	54 194	15 930
<b>Total</b>	<b>397 717</b>	<b>335 719</b>	<b>61 998</b>	<b>460 254</b>	<b>371 360</b>	<b>88 894</b>

The reason for the reduction in revenue is due to fewer sales of capital assets than estimated. The replacement of assets was limited to scrapped assets only, due to cost-containment measures. Further, fewer fines were issued and fewer forfeited funds were recognised than anticipated in the year. This was partly due to changes in the recognition criteria of revenue from TPF

#### Programme expenditure

Programme	2017/18			2016/17		
	Final appropriation	Actual expenditure	(Over-)/under-expenditure	Final appropriation	Actual expenditure	(Over-)/under-expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Administration	1 974 265	1 958 100	16 165	1 970 717	1 969 006	1 711
Court Services	6 436 550	6 340 628	95 922	6 272 604	6 272 604	-
State Legal Services	1 232 217	1 164 862	67 355	1 104 981	1 104 981	-
National Prosecuting Authority	3 743 041	3 742 915	126	3 554 576	3 554 576	-
Auxiliary and Associated Services	3 400 715	3 400 714	1	3 137 858	3 137 855	3
Programme Sub-total	16 786 788	16 607 219	179 569	16 040 736	16 039 022	1 714
Statutory appropriation: Magistrates' Salaries	2 040 520	1 933 468	107 052	2 010 162	1 845 713	164 449
<b>Total</b>	<b>18 827 308</b>	<b>18 540 686</b>	<b>286 621</b>	<b>18 050 898</b>	<b>17 884 735</b>	<b>166 163</b>

The underspending in the Vote Account is attributed to delays in the filling of vacant positions for both magistrates and departmental officials. As regards vacancies in respect of departmental officials, the underspending was the unintended consequence of the strict implementation of measures to reduce the Department's compensation bill to within the set compensation ceiling.



## General Information

As one of its key measures to address to ensure compliance with the compensation ceiling, the Department established the Human Resource Post Review Committee (HRPRC) to develop a set of criteria for the determination and identification of critical posts and to evaluate branch requests for requests for the filling of vacancies against it. In essence, part of the role of the HRPRC was to assess the risk in relation to vacancies and to recommend those positions that are critical for appointment. However, due to delays in the implementation of the recommendations of the HRPRC, the Department recorded an underspending under the compensation of employees.

Further, the leave gratuities estimated for magistrates also contributed to the Department's underspending, as payments were lower than anticipated.

### Virements

Request of virement approval in terms of section 43 of the Public Finance Management Act: 2017/18

From		To	
Programmes	Amount '000	Programmes	Amount '000
<b>Programme 1</b>	(34 534)	Programme 4	34 534
	(306)	Programme 5	306
	(4 800)	Programme 3	4 800
<b>Total</b>	<b>(39 640)</b>		<b>39 640</b>
<b>Programme 2</b>	(10 153)	Programme 1	10 153
	(25 060)	Programme 4	25 060
	(431)		431
	(135)	Programme 3	135
	(6 249)	Programme 3	6 249
	(2 793)		2 793
	(658)	Programme 5	658
	(5 662)	Programme 3	5 662
<b>Total</b>	<b>(51 141)</b>		<b>51 141</b>
<b>Programme 4</b>	(918)	Programme 3	918
	(377)	Programme 1	12
		Programme 2	93
		Programme 3	272
<b>Total</b>	<b>(1 319)</b>		<b>1 319</b>
<b>Total virements</b>	<b>(92 076)</b>		<b>92 076</b>

#### Programme 1: Administration

Savings amounting to R39.64 million were determined on compensation of employees, goods and services and payment for capital assets to defray excess expenditure of R34.534 million on compensation of employees in Programme 4, R306 000 on goods and services in Programme 5 and R4.8 million on payment for capital assets in Programme 3.

#### Programme 2: Court Services

Savings amounting to R168.141 million were determined on goods and services and payment for capital assets to defray excess expenditure. This was determined as follows:

R127.153 million for goods and services in Programme 1

- R14.839 million for goods and services, transfers and subsidies in payment for capital assets and payment for financial assets in Programme 3
- R25.491 million for goods and services and payment for financial assets in Programme 4
- R658 000 for goods and services in Programme 5

**Programme 3: State Legal Services**

Savings amounting to R20.888 million were determined in Programme 3 on goods and services and payment for capital assets that were utilised to defray excess expenditure on departmental agencies amounting to R15 million in Programme 5 and R5.888 million on goods and services in Programme 1.

**Programme 4: National Prosecuting Authority**

Savings amounting to R1.295 million were determined in Programme 4 on payment for capital assets and transfers and subsidies to defray excess expenditure on payment for capital assets in Programme 3 and transfers and subsidies to programmes 1, 2 and 3.

**Programme 5: Auxiliary Services**

Savings amounting to R93.999 million were determined in Programme 5 on payment for capital assets and goods and services to defray excess expenditure on goods and services in Programme 1.

**Irregular expenditure**

Irregular expenditure incurred is mainly due to the non-adherence to policies and procedures and is investigated by the Department to determine internal control weaknesses, which are then strengthened with appropriate corrective action. Consequence management is implemented to ensure that action is taken against officials who have caused the irregular expenditure concerned. During the 2017/18 financial year, irregular expenditure to the value of R1.293 million was condoned, while expenditure to the value of R54.865 million was confirmed as being not irregular and removed from the register.

**Fruitless and wasteful expenditure**

Fruitless and wasteful expenditure incurred by the Department is mostly due to cancelled bookings or no shows relating to transport and accommodation undertaken when travelling for official purposes. All cases identified as being potentially fruitless and wasteful expenditure are investigated and disciplinary action is taken where appropriate. Depending on the results of the investigation, monies are recovered from officials who are found to be liable. The aforementioned processes hold officials accountable.

**Public-private partnerships**

Not applicable

**Discontinued activities or activities to be discontinued**

Not applicable

**New or proposed activities**

There were no new or proposed new activities

**Supply chain management**

Due to the challenges experienced in relation to the increase in irregular and fruitless and wasteful expenditure, the following SCM processes and systems were put in place:

- The Department implemented independent (National Treasury) quality assurance processes for bid specifications and bid evaluations above R50 million to ensure improved bid outcomes in terms of fairness and value for money. The Department is, however, experiencing challenges in terms of quality assurance processes due to the technical nature of the services required. Capacitation of internal audit within the Department, as well as the National Treasury, is required to ensure that this process is effective.
- The inadequate alignment of DoJ&CD end-users, SCM and outside lead departments in providing timely business cases for services required and the development of capacity in the market in relation to these services has been put on the agenda of SCM meetings with the National Treasury to accelerate economic transformation. The critical gaps in the state of readiness of all departments to cooperate are currently a challenge which remains to be resolved.

The challenge for the Department and government as a whole remains the need for the SCM environment to be professionalised and adequately capacitated, due to the critical nature of its role as a catalyst for economic transformation, balanced against the high risk of litigation, based on case law versus existing practices and the recent amendment of procurement policy. The key areas of contract management, supplier performance monitoring and litigation risk mitigation require professional and highly specialised resources to mitigate the risk exposure of departments and to accelerate economic transformation. This is currently under consideration in the DoJ&CD.

## General Information

In terms of the PPPFR, the Department has implemented various empowerment strategies against its procurement requirements, such as regionalised or localised procurement and mandatory sub-contracting according to the seven segments as outlined in the PPPFR.

During the 2017/18 financial year, the Training and Standardisations Unit in the Chief Financial Officer Branch conducted focused SCM training and workshops nationally. The following information provides a statistical overview, nationally.

Location	Number of training sessions provided
National Office	162
Gauteng	117
Eastern Cape	75
North West	61
Western Cape	96
Mpumalanga	167
Limpopo	129
Free State	158
Northern Cape	85
KwaZulu-Natal	56

### Gifts and donations received in-kind from non-related parties

#### Donations received by the NPA

##### Various donations

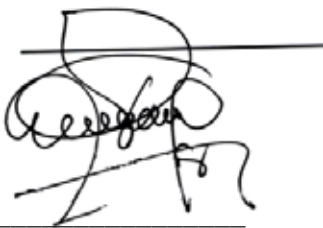
**R231 000**

#### Exemptions and deviations received from National Treasury

No exemptions were granted to the Department.

#### Events after the reporting date

There were no events after the reporting date that impact on the interpretation of the Annual Financial Statements.



Mr Vusi Madonsela  
Accounting Officer  
Department of Justice and Constitutional Development  
Date: 31 July 2018

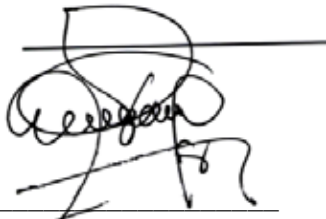
## 9. Statement of Responsibility and Confirmation of Accuracy for the Annual Report

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

- All information and amounts disclosed throughout the annual report are consistent.
- The annual report is complete, accurate and is free from any omissions.
- The annual report has been prepared in accordance with the guidelines on the annual report as issued by National Treasury.
- The Annual Financial Statements (Part D) have been prepared in accordance with the modified cash standard and the relevant frameworks and guidelines issued by National Treasury.
- The Accounting Officer is responsible for the preparation of the Annual Financial Statements and for the judgements made in this information.
- The Accounting Officer is responsible for establishing and implementing a system of internal control that has been designed to provide reasonable assurance as to the integrity and reliability of the performance information, the human resources information and the Annual Financial Statements.
- The external auditors are engaged to express an independent opinion on the Annual Financial Statements.

In my opinion, the annual report fairly reflects the operations, performance information, human resources information and financial affairs of the Department for the financial year ended 31 March 2018.

Yours faithfully

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

Accounting Officer  
Mr Vusi Madonsela  
Date: 31 July 2018



PART B

# performance information

## 1. Auditor-General's Report: Predetermined Objectives

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

Refer to page 135 of the Report of the Auditor-General, published as Part D: Financial Information.

## 2. Overview of Departmental Performance

### 2.1 Organisational Environment

The country's slow economic growth continued to affect the departmental budget in 2017/18. The situation was further exacerbated by the reprioritisation of spending towards tertiary education to assist middle-income families. The Department, together with entities that are part of the justice family (Legal Aid SA, the National Prosecuting Authority and the Special Investigating Unit, put plans in place to ensure the maximum use of available resources.

The Human Resources Post Review Committee continued to prioritise posts that are critical to service delivery. These included posts within magistrates' courts and other service points. Posts that were filled during the year under review included 48 senior magistrate posts. Posts that were in the process of being filled included heads of offices for the Office of the State Attorney. In addition, internal transfers were made to areas of critical need. The work of this Committee will continue to assist the Department to ensure that posts are filled in line with prevailing conditions.

Budget cuts meant that a number of projects could not be completed in line with departmental plans. These included the conversion of backlog courts to permanent courts. The Department will continue to implement those projects that will enable it to achieve efficiencies within its operations. These include the implementation of court-annexed mediation to reduce case rolls and the implementation of policies that will reduce litigation costs for the State.

Security services for judicial officers, public prosecutors and courts remain one of the key cost drivers for the Department. Although special care was taken to ensure that high-risk areas such as courts in violent environments were appropriately protected, there are areas where security could be improved if funds were available.

Following the announcement of the Commission on Allegations of State Capture, the Department assisted in the preparation and finalisation of regulations related to the Commission. Furthermore, the Department assisted with funds and provided capacity to assist in setting up the Commission. Funding remained an area of concern, given the existing budget challenges with which the Department is grappling. It is expected that the Department will provide support in the form of funds and personnel to assist in setting up the Commission. The Department's challenges regarding budget cuts continued and intensified during the 2017/18 financial year.

Reprioritisation of funds meant that a number of initiatives, such as court-annexed mediation could not be implemented at the expected pace. This resulted in a drop in performance from 85% in 2016/17 to 74% in the year under review.

### 2.2 Policy Update

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

#### 2.2.1 Policy Framework for the Lower Courts Bill

The development of a Lower Courts Bill and a Magistrates Bill boils down to a comprehensive revision and rewriting of the Magistrates' Courts Act, 1944, which deals, in the main, with the jurisdiction, structure and functioning of magistrates' courts, as well as the conduct of civil proceedings and the Magistrates Act, 1993, which deals, in the main, with the

establishment, constitution, objects and functions of the Magistrates Commission, the appointment and remuneration of and vacation of office by magistrates and the conditions of service of magistrates and other judicial officers.

The Bills and earlier versions of these Bills have been shared with the relevant stakeholders. It is envisaged that the Bills will be submitted to Cabinet for approval to introduce these into Parliament at the beginning of 2019.

### **2.2.2 Policy on Judicial Governance and Court Administration**

The Constitution 17th Amendment assigned the Chief Justice as the Head of the Judiciary and for the Chief Justice to exercise responsibility for judicial functions of all courts. A policy framework is necessary to further clarify the role of the Chief Justice in court administration versus the role of the cabinet member responsible to support the courts. Cabinet appointed an Inter-Ministerial Committee (IMC) in December 2015 to identify an appropriate model for judicial governance and court administration. The IMC appointed a technical task team (TTT) to conduct research and draft a policy framework. The Draft Policy on Judicial Governance and Court Administration was submitted to the Minister at the end of the 2017/18 financial year for further discussion en route to Cabinet.

### **2.2.3 Policy Framework on the Transformation of the Legal System (Renaissance Project)**

The objectives of the transformation of the legal system are to overhaul old-order legislation, policies and legal precedent which continue to perpetuate the legacy of apartheid and deprivation; to transform various branches of the law towards equal access and benefit; and to put measures in place to ensure access to justice for all.

Initiatives earmarked within this project include:

- Restructuring of Lower Courts to increase access to Justice as well as the overhaul of the outdated Magistrate Courts Act of 1944.
- Overhaul of the Criminal Procedure Act of 1977 and establish a victim-centred criminal justice system
- Reform the civil justice and family law towards a less adversarial civil justice system and institutionalise mediation as a mechanism to cut costs and time spent on litigation
- Increase access to Justice through the use of Paralegals/ Justice of the Peace by finalising appropriate policy and legislative frameworks.
- Transform the language of the courts to enhance access to justice, which includes foreign language policy and language of record in proceedings.
- Assessing the role of jurisprudence in guiding policies of government, e.g. Land Reform and the Land Claims Court.

The draft policy framework was submitted to the Minister for further engagement.

### **2.2.4 Utilisation of services of paralegals and professionalisation of the sector**

Crucial to the development of legislation for the regulation of the paralegal sector is the development of a funding model for the sustainability of community-based advice offices, which have largely been funded through donor funding. The sources of donor funding have been rapidly dwindling and a funding model is essential for the survival of this critical sector in enhancing access to justice for communities.

The DoJ&CD is working in collaboration with the National Alliance for the Development of Community Advice Offices (NADCAO) and the Association of Community Advice Office of South Africa (ACAOSA) to ensure the sustainability of community advice offices (CAOs) and to regulate the work of community-based paralegals. The CAO sector comprises small, non-profit, community-based organisations that provide free, basic legal advice, human rights information and dispute resolution and offer support mainly to the vulnerable and marginalised members of the community. Almost all CAOs are administered by community-based paralegals. These are volunteers who dedicate themselves to serve the affected people in their communities.



Work during 2017/18 commenced to explore a proper funding model that can be adopted by government to sustain the work of the sector. A discussion paper was being developed in this regard. The Department will engage other relevant departments and local government offices, as well as donors, to discuss and resolve the issue of funding.

### **2.2.5 Implementation of the recommendations of the Truth and Reconciliation Commission**

The Department is commissioned with implementing the recommendations of the TRC. The TRC interacts directly with the victims of human rights violations during apartheid, as well as their families. It is therefore very important for service delivery to provide much-needed support to those grossly affected by past atrocities.

Regulations in respect of basic education and higher education and training came into effect on 7 November 2014, following the approval of these regulations by the President. The regulations provide for monetary assistance to TRC-identified victims, their dependants and relatives in respect of their basic education and higher education and training needs. For the 2017 academic year, 1 200 applications were verified and referred to the Department of Basic Education for final processing and 457 were verified and referred to the Department of Higher Education and Training.

The Department has begun the process of conducting a needs analysis to verify the housing needs of TRC beneficiaries. This process was 75% complete in the year under review and will be completed in the next financial year. The needs analysis will inform a policy document that will be finalised in consultation with the Department of Human Settlements for purposes of implementing the housing recommendations.

The Directorate: Stakeholder, Information and Research Management coordinates stakeholder engagement activities. This includes convening and attending meetings to make presentations to various stakeholders and responding to requests from stakeholders, researchers and interested parties to provide relevant information on the implementation of approved TRC recommendations. In addition, the Directorate liaises with families affected by the disappearance of their loved ones and judicial executions in respect of exhuming and handing over the remains of the deceased victims for reburial. Furthermore, the Department liaises with local municipalities, as well as provincial and national spheres of government, to coordinate the implementation of the applicable recommendations of the TRC.

The Minister launched the Gallows Exhumation Project in March 2016, to commence with the exhumation of the remains of 83 hanged political activists who were still buried as paupers at the Mamelodi and Rebecca Street cemeteries. Out of approximately 130 political activists who had been hanged, the Directorate was tasked with coordinating the exhumation of 83 human remains as 42 had already been exhumed earlier. By the end of the financial year, 46 human remains had been exhumed in line with the Project. The exhumation of the remaining 37 human remains is expected to continue in the 2018/19 financial year. The Project is supported by the Regulations on the Exhumation, Reburial and Symbolic Burial of Deceased Victims.

### **2.2.6 Transformation of State Legal Services**

State Legal Services should provide professional legal services to the three spheres of the State (national, provincial and local government) that are efficient and cost-effective and deliver quality legal outcomes. In its current form of operation State Legal Services faces a number of challenges including the State losing money on cases that are lost as well as the State not optimising legal outcomes in favour of the State. It became clear that a change of the legal services business model was required.

During the 2017/18 financial year, the business case to consolidate the transformation of the delivery of State legal services to be effective, efficient and economical as well as produce quality legal outcomes to serve the needs of the State was being prepared. The business case provides an analysis of the current context of State Legal Services and its challenges, which informs the desired Outcomes to be achieved from a transformed service. This process included a file audit of all legal matters undertaken by the State Attorney, a skills audit of available skills within state legal services and policy development on the delivery of state legal services.

By the end of the financial year, consultations have been held with, amongst others, the staff of the Office of the State Attorney and Office of the Chief State Law Adviser, role-players in the Justice, Crime Prevention and Security Cluster, the Department of Public Service and Administration and National Treasury, to obtain comments on the proposal. The intention is to table the finalised business case and new legislation, namely, the State Legal Services Bill, to the Cabinet during the 2018/19 financial year.

### 2.3 Progress on the Development of Key Legislation

A number of pieces of legislation emanating from the DoJ&CD were finalised in Parliament, while others were in different stages of finalisation.

#### 2.3.1 Legislation finalised by Parliament

During the year under review, seven Acts of Parliaments were added to the Statute Book. Most of these new additions to the Statute Book deal with substantive issues that enhance the administration of justice in one way or another. Although these new Acts were dealt with in the annual report of the previous financial year when these were still at the Bill stage, it is expedient to recap the salient features of the new legislation.

The Justice Administered Fund Act, 2017 (Act 2 of 2017) introduces, for the first time, a proper statutory framework for the management and accounting of monies in trust, sometimes referred to as third-party funds, for instance bail and maintenance money.

The Criminal Procedure Amendment Act, 2017 (Act 4 of 2017) attests to the constitutional goal of ensuring that the rights of all persons in society are respected and promoted, particularly those persons who are vulnerable and are not in a position to fend for themselves. This new legislation looks after the rights of persons with intellectual disabilities and responds to a Constitutional Court judgment in the matter of *De Vos NO and Others v Minister of Justice and Constitutional Development and Others*. The Amendment Act gives the courts a wider range of options in respect of orders that can be issued in cases of findings that accused persons are not capable of understanding criminal proceedings.

The Protected Disclosures Amendment Act, 2017 (Act 5 of 2017), gives greater protection to whistleblowers and people who expose improprieties in the workplace. The act is applicable to a wider range of people, including contractors and agents and criminalises the disclosure of false information.

The Courts of Law Amendment Act, 2017 (Act 7 of 2017) has, as its main objective, the protection of the poor, often illiterate persons, who conclude credit agreements that push them into debt traps from which they can never escape, because of the actions of unscrupulous persons in the debt collection industry. This legislation puts a stop to abuses in the debt recovery processes, which are regulated by the Magistrates' Courts Act, 1944.

The Judicial Matters Amendment Act, 2017 (Act 8 of 2017), amends numerous justice-related acts of Parliament in order to improve the application thereof. This, in turn, assists in the day-to-day activities of the administration of justice.

The International Arbitration Act, 2017 (Act 15 of 2017), has the potential to attract foreign direct investment and to give greater legal protection to South African investments abroad. The main thrust of the act is the adoption of the United Nations Commission on International Trade Law (UNCITRAL) Model Law on International Arbitration as the cornerstone of the international arbitration regime in South Africa. The Model Law is intended to be adopted by individual countries and has been adopted by many Commonwealth-and other countries, including important trading partners of South Africa, both within the Southern African Development Community (SADC) and beyond. Of the 54 members of the African Union, more than half have modern arbitration legislation for international arbitration.

The Legal Practice Amendment Act, 2017 (Act 16 of 2017) will facilitate the implementation of the long-awaited Legal Practice Act, 2014 during the course of 2018. It extends the life of the National Forum on the Legal Profession, which has a statutory mandate to pave the way for the new transformed regulatory bodies in the legal profession.

#### 2.3.2 Legislation implemented

Sections 2, 11 and 13(b) of the Maintenance Amendment Act, 2015 (Act 9 of 2015), came into operation with effect from 5 January 2018. On the same day, regulations were promulgated that facilitated the submission of names of maintenance defaulters to credit bureaux. This will, in effect, prevent maintenance defaulters from continuing to receive credit while they owe maintenance and will hopefully be to the benefit of maintenance beneficiaries, who are mostly poor women and their children. This measure sends out a clear message to maintenance defaulters that their failure to support their dependants is indefensible.

### 2.3.3 Bills introduced into Parliament

In addition to the acts of Parliament referred to above, there are a few Bills that are receiving the attention of Parliament. These Bills deal with issues of significant importance and include the following:

- The Traditional Courts Bill to regulate the structure and functioning of traditional courts. Traditional courts are still regulated by very old colonial legislation, namely the Black Administration Act of 1927. This legislation falls short in many respects. The result is that traditional courts currently have no statutory basis for its structure, functions and powers. This lack of proper statutory regulation allows for all sorts of abuses and malpractices, bringing these important forums into disrepute. The Traditional Courts Bill is intended to address this vacuum.
- The Cybercrimes and Cybersecurity Bill to modernise our laws in order to fight cybercrimes and promote cybersecurity. This Bill will provide a comprehensive legislative framework in a single statute to prevent, detect and prosecute criminal activity in cyberspace. It also provides for cross-border or international cooperation since offences of this nature invariably extend beyond national boundaries. Cybersecurity breaches, many of which leave devastation and chaos in their wake are becoming more regular across the globe. This important legislation is geared to address these threats and ensure that capacity is put in place to deal with such events.
- The Prevention and Combating of Hate Crimes and Hate Speech Bill to combat offences related to hate crimes and hate speech. This Bill aims to put measures in place to prevent and combat offences related to hate crimes and hate speech. It intends to address violence against persons on the basis of prejudice. It will also give effect to South Africa's obligations in terms of international human rights instruments.

### 2.3.4 Important Bills receiving attention

In the remaining period of the fifth administration, there are some Bills that were being prioritised in 2017/18 for submission to Parliament:

- A State Liability Amendment Bill, which will amend the State Liability Act, 1957, in order to provide for periodic payments insofar as future medical expenses in connection with medico-legal claims are concerned.
- A Child Justice Bill, which will increase the age of criminal capacity of children from 10 to 12 years.
- A Criminal Procedure Amendment Bill, which will give effect to a court judgment relating to the prescription of certain sexual offences by the passage of time.
- A Constitution Amendment Bill, which will amend certain provincial boundaries.
- A State Legal Services Bill, which will establish a public entity to comprehensively regulate the provisioning of state legal services, including the provisioning of these services by the Office of the State Attorney.
- A Judicial Matters Amendment Bill, which will deal with numerous *ad hoc* amendments, to different acts of Parliament administered by the Justice Portfolio in order to address practical and technical challenges.
- A Prevention and Combating of Corrupt Activities Amendment Bill, which will address challenges with the implementation of the principal act and give effect to South Africa's international obligations.
- A Lower Courts Bill and accompanying Magistrates Bill, which will replace the Magistrates' Courts Act, 1944 and the Magistrates Act, 1993. The Lower Courts Bill will regulate the structure and functioning of the lower courts, while the Magistrates Bill will regulate the appointment, remuneration and conditions of service of judicial officers in the lower courts.

### 2.4 Performance Highlights

Highlights of performance in the financial year under review are discussed in two main areas: improved access to justice and improved administration in support of service delivery.

#### 2.4.1 Improved access to justice

##### 1. Alignment of magisterial districts with municipal boundaries

The project to align the magisterial districts in the Eastern Cape and KwaZulu-Natal with these provinces' municipal boundaries commenced during the year under review. Following consultations through regional consultative committees, proposals were made on the combination of small magisterial districts in line with the municipal demarcations to create viable magisterial districts. The process is continuing.

##### 2. Alignment of magisterial districts with the High Courts

The harmonisation of the courts' jurisdiction with municipal and provincial boundaries will ensure better coordination and integration of services within the three spheres of government, in particular within the Justice Crime Prevention and Security (JCPS) Cluster. It will promote cooperative governance among role players within the justice sector, thereby enabling it to coordinate activities.

A notice, excising certain magisterial districts from the area of jurisdiction of the Gauteng Division and the inclusion in the area of jurisdiction of the North West Division of the High Court, was published in the *Government Gazette* on 29 March 2018. This is part of aligning the jurisdictional areas of the High Courts with the provincial boundaries.

##### 3. Small claims courts

The departmental target of establishing at least one small claims court in each of the country's magisterial districts was reached during 2016/17. (There were 405 small claims courts on 31 March 2017.) The Department continued to support and strengthen these courts. Six new small claims courts were established during 2017/18, bringing the total number of small claims courts to 411 on 31 March 2018.

A total of 98 additional commissioners were appointed during 2017/18 to preside in the courts. In addition, 148 new Advisory Board members were appointed to assist with the functioning of the courts.

##### 4. Paperless Estates Administration System

The Paperless Estates Administration System, which computerises the administration process related to deceased estates, enables people to deal with deceased estates in both the offices of the Master of the High Court and the magistrates' courts. This system has been implemented to expand access to justice services and to enable the processing of small estates at the nearest magistrate's court as opposed to the 15 offices of the Master of the High Court, thus bringing justice services closer to the people. By the end of the financial year, the number of magistrates' courts implementing the PEAS was increased from 206 in 2016/17 to 237.

##### 5. Guardian's Fund system

The Guardian's Fund has grown by approximately 45% over the past five financial years to over 800 000 beneficiaries. This has necessitated investment in systems and personnel to ensure the continued safeguarding and service delivery to beneficiaries. The use of the Master's Own Verification Information Technology (MOVIT) system in magistrates' courts increased from 183 in 2016/17 to 262 by the end of 2017/18. Completed applications for funds can be lodged directly at these offices, instead of travelling long distances to a handful of Master's offices.

#### 2.4.2 Improved administration in support of service delivery

A number of key information and communication technology (ICT)-based initiatives have been undertaken to improve the efficiency of administration in support of service delivery. For the year under review, these were largely focused within Court Services and the Integrated Justice System.

### 1. Third-party management system (MojaPay)

From a technological perspective, the replacement of the old TPF system with the new MojaPay system was aimed at improving the turnaround time in the payment of maintenance beneficiaries and introducing effective financial controls for maintenance and other third-party payments.

By the end of the financial year, the solution was implemented in eight provinces and fifteen offices of the State Attorney. Furthermore, efforts were underway to contact beneficiaries whose details had not yet been updated. In provinces where the system has been implemented, the turnaround time taken to pay maintenance beneficiaries improved to two working days in 93% of the beneficiaries paid.

### 2. Court recording technology

The Department embarked on a process to replace the aged digital court recording system with a modern and advanced court recording technology (CRT) solution. This system enabled the efficient recording and retrieval of court proceedings, an improved quality of recordings and the secured storage of records at multiple locations. This solution has the additional capability of measuring court hours and assists in identifying areas of improvement within court operations. By the end of the financial year, the solution had been implemented at 2 145 fixed courtrooms countrywide. 47 mobile recorders for periodical courtrooms were implemented, with an additional 108 envisaged to be implemented in the next financial year.

### 3. The audio-visual remand system

The Audio-visual Remand (AVR) project links magistrates' courts to correctional detention centres via closed-circuit television (CCTV). With this system, the accused person is not required to be physically brought before the court, but may appear before the court via an audio-visual link, unless the court, in the interests of justice, directs that he or she be physically brought before it. The business benefit of utilising such technology has been reflected in the reduction of case delays and detentions to minimum periods.

This initiative is continuously monitored and an investment was made to replace the obsolete equipment. In the year under review, 48 magistrates' courts were linked to 23 correctional facilities and 17 271 criminal cases were remanded using this technology. This represents a 44% increase in the utilisation of this technology.

## 2.5 Operational Performance

This report provides an overview on the operational information of the courts during the financial periods of 2016/17 and 2017/18 for equality courts, domestic violence, maintenance, children's matters and small claims courts matters.

In this section, the operational highlights from the service delivery environment are discussed. These include civil matters handled through the DoJ&CD, as well as criminal matters handled through the NPA.

### 1. Equality courts

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

The table below shows that during the period under review, nationally, there was a decrease of 50.8% in Equality Court matters reported, compared to those reported in the previous financial year.

#### Matters registered in the equality courts

2016/17	2017/18	Percentage change (2016/17 vs. 2017/18)
480	236	-50.8%

The table below shows that the dominant complaints registered between April 2017 and March 2018 related to unfair discrimination. This contributed to 45.3% of the total complaints registered.

### Complaints lodged in the equality courts

Complaint	2017/ 18	Percentage contribution
Dissemination and publication that unfairly discriminates	4	1.7
Harassment	15	6.36
Hate speech	83	35.17
Unfair discrimination	107	45.34
Unfair discrimination and dissemination and publication that unfairly discriminates	2	0.85
Unfair discrimination and hate speech	15	6.36
Unfair discrimination, hate speech and dissemination and publication that unfairly discriminates	2	0.85
Unfair discrimination, hate speech and harassment	8	3.39
<b>Grand total</b>	<b>236</b>	<b>100</b>

### 2. Domestic violence

Domestic violence means any physical abuse, sexual abuse, emotional, verbal and psychological abuse, economic abuse, intimidation, harassment, stalking, damage to property, trespassing where the parties do not share the same residence or any other controlling or abusive behaviour towards a complainant, where such conduct harms or may cause imminent harm to the safety, health or wellbeing of the complainant.

Based on 81% of the courts that had captured data on the integrated case management system (ICMS), a 47% decrease in abuse cases was reported, with emotional, verbal and psychological abuse as the most prevalent forms of domestic violence, contributing 50% to the overall number of cases received.

#### Domestic violence: civil process

2016/17	2017/18	Percentage change
395 628	209 920	-46.9%

#### Quarterly breakdown of types of abuse for 2017/18

Type of abuse (2017/18)	Total	Quarter 1	Quarter 2	Quarter 3	Quarter 4
Any controlling or abusive behaviour towards a complainant	27 457	5 793	7 218	7 611	6 835
Damage to property	3 522	792	910	913	907
Economic abuse	2 679	647	730	679	623
Emotional, verbal and psychological abuse	104 510	24 059	26 565	26 204	27 682
Harassment	12 861	2 652	3 005	3 549	3 655
Intimidation	11 257	2 514	2 783	2 949	3 011
Physical abuse	41 694	10 192	10 489	10 559	10 454
Sexual abuse	1 117	320	317	247	233
Stalking	712	167	156	209	180
Unauthorised entry	4 111	1 009	1 145	970	987
<b>Grand total</b>	<b>209 920</b>	<b>48 145</b>	<b>53 318</b>	<b>53 890</b>	<b>54 567</b>



The table below shows a 2.3% increase in criminal domestic violence cases in 2017/18 compared to 2016/17. A 17.8% decrease in guilty verdicts is noted for the 2017/18 reporting period.

**Summary of domestic violence criminal statistics: 2016/17 and 2017/18**

	Cases registered	Finalised cases			Cases removed from the roll					Cases disposed of	Outstanding cases
		Guilty	Not guilty	Other finalised	Other removed	Struck off the roll	Transferred	Warrant of arrest	Withdrawn		
2016/17	205 320	2 250	753	134	46	1 887	8	516	6 332	11 926	3 285
2017/18	210 067	1 850	639	112	28	1 548	10	611	5 351	10 149	3 355
<b>Percentage change</b>	<b>2.3</b>	<b>-17.8</b>	<b>-15.1</b>	<b>-16.4</b>	<b>-39.1</b>	<b>-18.0</b>	<b>25.0</b>	<b>18.4</b>	<b>-15.5</b>	<b>-14.9</b>	<b>2.1</b>

**3. Maintenance matters**

Maintenance is regulated under the Maintenance Act, 1998 (Act 99 of 1998). The tables below refer to the civil processes for maintenance matters. Once a court has granted a maintenance order and the respondent does not comply, it becomes a criminal matter (Section 31) handled through the NPA.

The table below shows a 228% increase in the number of orders by consent from 21 383 in 2016/17 to 70 088 in 2017/18. New applications decreased by 9.7% in the 2017/18 financial year.

**Maintenance matters: civil process**

Period	New applications received	Enquiries finalised	Orders granted	Orders by consent	Orders by default	Orders varied	Paternity disputes
April 2016 to March 2017	145 997	61 124	46 320	21 383	5 855	15 063	12 045
April 2017 to March 2018	131 791	54 501	41 548	70 088	5 829	12 254	10 443
<b>Percentage change</b>	<b>-9.7%</b>	<b>-10.8%</b>	<b>-10.3%</b>	<b>227.8%</b>	<b>-0.4%</b>	<b>-18.6%</b>	<b>-13.3%</b>

**4. Children’s matters**

Children’s matters refers to cases in terms of the Children’s Act, 2005 (Act 38 of 2005), for the wellbeing of children, as well as the Child Justice Act, 2008 (Act 75 of 2008), for those alleged in conflict with the law.

With regard to the Children’s Act, the DoJ&CD assists with the processing of adoptions. A total of 739 adoptions were registered between April 2017 and March 2018, the majority (327) being registered in Gauteng.

**Children’s Court: adoptions**

	Eastern Cape	Free State	Gauteng	KwaZulu-Natal	Limpopo	Mpumalanga	North West	Northern Cape	Western Cape	Grand total
2017/18	77	57	327	50	27	24	22	38	117	739
<b>Percentage contribution per region</b>	<b>10.4%</b>	<b>7.7%</b>	<b>44.2%</b>	<b>6.8%</b>	<b>3.7%</b>	<b>3.2%</b>	<b>3.0%</b>	<b>5.1%</b>	<b>15.8%</b>	<b>100.0%</b>



**5. Lower court civil matters**

The magistrates' courts are the lower courts that deal with less serious civil cases. It is divided into Regional Courts and District Courts

The table below depicts a 12.8% decrease in summonses issued, while new trials enrolled decreased by 5.5%. A significant decrease of 62.5% of section 57/58 issued cases is also highlighted in the table.

**Lower court: civil matters registered**

Period	Summonses issued for the month	New applications	New trials enrolled	Trials finalised with evidence	Trials finalised without evidence	Section 57/58 issued	Opposed applications: motion granted	Opposed applications: motion dismissed	Unopposed applications: motion granted	Unopposed applications: motion dismissed
2016/17	718 079	36 152	38 546	4 872	3 227	59 452	18 640	9 059	81 313	14 148
2017/18	636 793	34 099	36 533	3 984	3 933	36 586	17 468	7 149	71 339	15 572
% change	-12.8%	-6.0%	-5.5%	-22.3%	18.0%	-62.5%	-6.7%	-26.7%	-14.0%	9.1%

**6. Small claims court matters**

The section below shows the total number of registered cases finalised by cause of action and the outcome of the matter for 2016/17 and 2017/18.

The table below shows a decrease of 7% in small claims court matters finalised in 2017/18 compared to 2016/17.

**Total number of registered and finalised cases for 2016/17 compared to 2017/18**

Region	Registered	Disposed of
2016/17	48 665	36 150
2017/18	44 852	38 411
Percentage change	-7%	6%

**7. National Prosecuting Authority**

Notwithstanding the challenges encountered by the NPA during the period under review, it generally performed well in the achievement of its objectives. Maintaining high conviction rates is regarded as a measure of quality prosecutions. All courts, as part of the National Prosecutions Service (NPS), managed to obtain 317 475 convictions with a remarkable 94.7% conviction rate. Although not all annual targets as outlined in the Annual Performance Plan were achieved, concerted efforts were made by all prosecutors to ensure improved performance despite the various challenges experienced by the courts.

A total of 2 587 plea and sentence agreements in terms of section 105A of the Criminal Procedure Act, 1977 (Act 51 of 1977) were concluded, representing a 30.1% increase in the number of agreements concluded during the previous financial year.

Improved screening processes and the implementation of screening teams resulted in a reduction of 5.7% (5 728) in the number of cases withdrawn. Improved screening processes also contributed to the enrolment of mostly trial-ready matters.

In some performance areas, targets were exceeded. Of note is the result of the combined efforts of the criminal justice system against corruption. The Specialised Commercial Crime Unit (SCCU) exceeded its set target of 33 on the number of people convicted of corruption or offences related to corruption, where the amount involved per case is more than R5 million, by convicting 37 people. The Asset Forfeiture Unit (AFU) also performed well by obtaining recoveries

relating to corruption, where the amount involved is more than R5 million, to the value of R2.54 million by the end of the 2017/18 financial year.

The enhanced focus of the courts on serious crime, in line with the objectives set by the JCPS Cluster delivery agreement, resulted in an improved conviction rate in serious crime. The conviction rate in sexual offences ended at an all-time high of 72.7%, reflecting a firm commitment to deliver justice for the most vulnerable groups (victims of sexual offences and gender-based violence). The focused approach by the courts on the growing international phenomenon of cybercrime has reaped positive results, as the courts managed to maintain a remarkable 98.5% conviction rate with 330 convictions. The conviction rate in organised crime increased with approximately 4%, from 90.1% in the previous year to 93.8% in the current financial year.

The Sexual Offences and Community Affairs (SOCA) Unit exceeded its target during the year under review, by achieving a conviction rate in the prosecution of sexual offences reported at the Thuthuzela Care Centres (TCCs) of 74.5%, which is significantly higher than the target of 68% and the performance of the previous financial year of 71.1%.

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

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

The internationally recognised Office for Witness Protection (OWP), as a sub-programme of the NPA, continued its important work of protecting vulnerable witnesses. Over the last 16 years, no witness has been harmed, threatened or killed while on the programme.

## 8. The Office of the Chief State Law Advisor

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

The state law advisors do this by providing legal advice and guidance to the State on its proposals, legislation and international agreements and by ensuring that potential litigation against the State, on constitutional and other legal grounds, is considerably reduced. The state law advisors scrutinise, develop, draft and certify all primary legislation before it is introduced in Parliament. It is the responsibility of the state law advisors to ensure that legislation is compatible with the Constitution and other legal instruments and that it will withstand constitutional muster. In this way, the state law advisors make a significant contribution towards the development of the country's constitutional jurisprudence.

The table below indicates the number of requests that were handled through the Office of the Chief State Law Advisor in the 2017/18 financial year compared to 2016/17.

Financial year	Total number of cases received	Total cases finalised
<b>Legal opinions</b>		
2016/17	765	736
2017/18	612	549
<b>Preliminary opinions on draft Bills</b>		
2016/17	95	90
2017/18	90	80
<b>Certification of Bills and other legislative instruments</b>		
2016/17	204	187
2017/18	174	151

Financial year	Total number of cases received	Total cases finalised
<b>International agreements and accompanying legal opinions</b>		
2016/17	234	222
2017/18	189	167
<b>Translations into South African official languages</b>		
2016/17	278	256
2017/18	165	147

### Extraditions

The DoJ&CD is one of the government departments responsible for ensuring the successful implementation of extradition orders. In addition, foreign maintenance orders and the serving of processes for civil matters are undertaken. A total of 98 extraditions were processed for the year under review, which indicates a decrease in the number of cases finalised compared to the 2016/17 financial year.

With regard to the enforcement of foreign maintenance orders, 49 requests were handled in 2017/18, compared to 25 requests processed in 2016/17. The implementation of these requests will ensure that parents, whether in South Africa or in a foreign state, receive maintenance as determined in divorce orders.

The serving of processes in civil matters in-and outside of South Africa, is necessary for an effective judicial system in order to ensure that parties receive proper notice of civil actions. To this effect, the Department processed 117 requests for the serving of processes with the assistance of other government departments.

The table below shows the number of requests that were processed in 2017/18 compared to the 2016/17 financial year.

Financial year	Total extraditions processed
<b>Extradition and mutual legal assistance</b>	
2016/17	169
2017/18	98
<b>Foreign maintenance orders</b>	
2016/17	25
2017/18	49
<b>Serving of processes</b>	
2016/17	205
2017/18	117

## 9. Expungements and pardons

### Expungements

People convicted of certain categories of crimes may apply for the expungement of their criminal record in terms of sections 271(b) and 271(c) of the Criminal Procedure Act. This process enables people to be reintegrated into the socio-economic environment. During the year under review, 18 987 expungement applications were recorded, while 17 219 were finalised.

### Expungement cases handled

Financial year	Outstanding applications from the previous financial year	New applications received	Number of applications finalised
2016/17	3 753	21 183	19 155
2017/18	4 098	18 987	17 219
<b>Percentage change</b>	9%	(10%)	(10%)

## 10. Presidential pardons

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

### Presidential pardon cases

Financial year	Outstanding requests from the previous financial year	New requests received	Number of requests finalised	Number of requests carried forward to the next financial year	Matters forwarded to the Ministry	Number of pardons granted
2016/17	523	590	614	516	57	68
2017/18	516	503	489	530	65	7
<b>Percentage change</b>	(1%)	(15%)	(20%)	3%	14%	(90%)

## 2.6 Service Delivery Improvement Plan

The Department identified three key services for improvement. These are incorporated into the Departmental Service Delivery Improvement Plan (SDIP). Performance against service standards and progress against the implementation of the Complaints Management Framework will be discussed.

### 2.6.1 Performance against service standards

#### 1. Provision of maintenance services

Improving the quality of maintenance services and reducing the turnaround time in the management of maintenance matters are endeavours that are geared towards protecting and promoting the rights of children, women and other applicable beneficiaries.

Beneficiaries	Current/actual standard of service	Desired standard of service	Actual achievement
Children Minors Single parents Other parents Grandparents Siblings	Where the serving of processes has been done properly, 65% of maintenance orders will be issued within 90 days.	Where the serving of processes has been done properly, 65% of maintenance orders will be issued within 90 days.	79% achieved.  Over 90 days: 9 828 Within 90 days: 37 209 Total = 47 037 <sup>1</sup>

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

Current/actual arrangements	Desired arrangements	Actual achievements
<b>Consultation</b>	Customer satisfaction survey conducted in five offices	No customer satisfaction survey conducted
<b>Courtesy</b>	Wearing of name tags by 100% of officials	Number of officials: 8 511 Number wearing name tags: 6 873 (81%) <sup>2</sup>
<b>Access</b>	Two regions aligned with magisterial districts	Outstanding regions for alignment are KwaZulu-Natal and Limpopo

<sup>1</sup> Monitoring done in 99 courts across the country

<sup>2</sup> Monitored for Quarter 1 and Quarter 2 in six regions

Current/actual arrangements	Desired arrangements	Actual achievements
<b>Information</b>	Awareness sessions held across nine regions on maintenance services	Information sessions including radio interviews: 140
<b>Openness and transparency</b>	Publish annual Citizen's Report	To be reviewed in the next SDIP cycle
<b>Redress</b>	All complaints to be responded to and resolved within 30 days	Number of complaints received: 677 Number of complaints resolved within 30 days: 534 (79%)
<b>Value for money</b>	Implement 60% of Khaedu recommendations	Number of recommendations made: 280 Number of recommendations implemented: 224 (80%)

**2. Administration of estates**

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

Beneficiaries	Current/actual standard of service	Desired standard of service	Actual achievement
Orphans Legal guardians Heirs Creditors People who are incapable of managing their own affairs	A total of 96% of letters of appointment in deceased estates issued within 15 working days of receipt of all required documentation	A total of 97% of letters of appointment in deceased estates issued within 15 working days of receipt of all required documentation	Achieved: 95% Number of letters of application received: 152 540 Number of letters issued within 15 working days: 144 928

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

Current/actual arrangements	Desired arrangements	Actual achievements
<b>Consultation</b>	Customer satisfaction survey conducted in five offices	No customer satisfaction survey conducted
<b>Courtesy</b>	Wearing of name tags by 100% of officials	Achieved: 91% Number of officials in Master's offices: 1 141 Number of officials wearing name tags: 1 040
<b>Access</b>	A total of 100% of new estates registered on PEAS	Achieved: 99% Number of new estates received: 140 869 Number of new estates registered on PEAS: 139 874
<b>Information</b>	Seven information sessions on Master's services	Information sessions including radio interviews reaching over two million citizens:152
<b>Openness and transparency</b>	Publish annual Citizen's Report	To be reviewed in the next SDIP cycle
<b>Redress</b>	All complaints to be responded to and resolved within 30 days	Achieved: 83% Number of complaints received: 92 Number of complaints resolved within 30 days: 77

Current/actual arrangements	Desired arrangements	Actual achievements
<b>Value for money</b>	Implement 60% of Khaedu recommendations	No Khaedu visits conducted to the Master's offices in 2017/18

### 3. Litigation services

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

Beneficiaries	Current/actual standard of service	Desired standard of service	Actual achievement
Government departments Parliament Local government Other organs of state	Acknowledgement letter sent to the client within three working days of receipt of instruction	Acknowledgement letter sent to the client within three working days of receipt of instruction	Achieved: 42% Number of instructions received: 28 959 Number of acknowledgement letters sent within three working days: 12 223
	Process payment of invoices within 30 days of receipt of invoice	Process payment of invoices within 30 days of receipt of invoice	Achieved: 86% Number of invoices received: 41 078 Number of invoices paid within 30 days: 35 483

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

Batho Pele principles	Current/actual arrangements	Desired arrangements	Actual achievements
<b>Consultation</b>	Eight multi-regional stakeholder meetings	Eight multi-regional stakeholder meetings	A total of 31 multi-regional stakeholder meetings held across the regions
<b>Access</b>	Value of briefs allocated to previously disadvantaged counsel: 78%	Value of briefs allocated to previously disadvantaged counsel: 80%	Achieved: 85% Total value of briefs: R862 129 707,67 Value of briefs allocated to previously disadvantaged counsel: R734 417 251,44
		Briefs issued to female counsel: 40%	Achieved: 27% Total number of briefs issued: 9 199 Number of briefs allocated to female counsel: 2 573
<b>Information</b>	Publish procedure manual on the website	Publish procedure manual on the website	<sup>3</sup>
<b>Openness and transparency</b>	Publish the annual Citizen's Report	Publish the annual Citizen's Report	<sup>4</sup>
<b>Redress</b>	All complaints to be responded to within 30 days of receipt	All complaints to be responded to within 30 days of receipt	Achieved: 69% Number of complaints received: 48 Number of complaints responded to within 30 days: 33

<sup>3</sup> This activity will be included in the process of the service standards review.

<sup>4</sup> This activity will be included in the process of the service standards review.

Batho Pele principles	Current/actual arrangements	Desired arrangements	Actual achievements
<b>Value for money</b>	Implement 40% of Project Khaedu recommendations	Implement 60% of Project Khaedu recommendations	Achieved: 82% Number of recommendations received: 492 Number of recommendations implemented: 402

### 2.6.2 Management of service delivery complaints

In order to make a true commitment to the Batho Pele principle of redress, it is critical that complaints received from citizens are handled efficiently and effectively. The formal complaints mechanisms include the Presidential Hotline, as well as initiatives by the Service Delivery Unit and the Victim Support Unit. A number of complaints are, however, directed to the Minister, the Director-General and other high-profile officials of the Department. The Service Delivery Unit consolidates all the complaints and oversees follow-up actions towards the resolution of the lodged complaints.

Performance against the resolution of complaints is shown in the table below.

Current/actual complaints mechanism	Desired complaints mechanism	Actual achievements
Complaints platforms: Office of the Chief Justice Office of the Director-General Ministry Victims Support Unit Walk-ins Presidential Hotline Service Delivery Improvement Unit	All complaints will be resolved within 14 working days	Achieved: 56% Number of complaints received through all monitored departmental platforms: 2 500 Number of complaints resolved: 2 313 Number of complaints resolved within 14 working days: 1 410

## 3. Progress on the Achievement of Strategic Goals

The key mandate of the Department is to support the administration of justice in line with the Constitution. This is done by implementing effective and efficient court administration systems and the provision of effective and efficient legal services to the country. The Department provides effective support services that are in line with good governance. It also implements Government’s transformational agenda on matters relating to the access to justice and the empowerment of previously disadvantaged individuals (PDIs).

An overview of the Department’s performance against each strategic goal is outlined as follows:

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

The objective of the Department is committed to the principle of good governance by improving accountability, being transparent in delivering services, following the rule of law and being responsive to the needs and interests of the citizens of the Republic.

For the 2017/18 financial year, the Guardian’s Fund, CARA and the President’s Fund received a clean audit. The Vote and the Department’s predetermined objectives received qualified audit opinions. The audit opinion for the TPF improved from receiving a qualification in 2016/17 to receiving an unqualified audit opinion. Efforts that were put in place to address issues identified in the TPF bore fruit. These included daily and monthly reconciliations, the issuing of directives and the training of all relevant staff members.

The implementation of the new TPF system (MojaPay) began in the Office of the State Attorney and the court environment. By the end of the financial year, the system had been fully deployed in eight provinces. This system does not only enable beneficiaries to receive their funds timeously, but will go a long way towards addressing controls that were a constant challenge. In addition to maintenance funds, the system was successfully deployed in the Office of the State



Attorney for the effective management of funds within this environment. The Justice Administered Fund Act, which was finalised by Parliament during the year under review, will assist with the effective regulation, management, control and accountability in respect of the TPF. Accompanying regulations will enable the full implementation of the Act.

In response to persistent budget cuts, the Department undertook a process to review its organisational structure and identify posts that could be relocated to areas of need. This process was undertaken using natural attrition and with the cooperation of the affected units and individuals. Further opportunities will continue to be identified, in line with the availability of resources.

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

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

The roll-out of the new court recording technology began during the year under review. This system enables the efficient recording and retrieval of court proceedings, improved quality of audio recordings and secure backup of recordings at multiple locations. This solution has the additional capability of measuring court hours and therefore assists in identifying areas of improvement within court operations.

The implementation of the new TPF system (MojaPay) was completed in six additional provinces. This brought to eight the number of provinces in which this system was implemented. The turnaround time taken to pay maintenance beneficiaries improved to two working days in 93% of the beneficiaries paid. The system has radically improved the control environment and has lowered the risk of theft.

**Goal 3: Provision of quality legal services to strengthen the capacity of the state**

The Department continued with the transformation of its state legal services. This is one of the key components of the Department through which it is to succeed in providing quality legal services and strengthen the capacity of the state.

Several policies that will address issues of the effectiveness and efficiency of the Office of the State Attorney were prepared during the year under review. These included the Mediation Policy, the Tariff Policy, the Management of State Litigation Policy and the State Representation Policy. Although some of the principles in these policies are already being implemented, the policies are expected to be presented for Cabinet approval in the 2018/19 financial year.

Significant progress has been made with building the capability of the Office of the State Attorney to handle legal matters. During the year under review, state attorneys appeared in 467 matters in the High Court without the support of an advocate. This initiative decreases the cost of outsourcing, thereby reducing the Department's clients expenditure on legal costs and encouraging fiscal prudence.

In the Office of the Master of the High Court, the modernisation of service offerings continued in the year under review. By the end of the 2017/18 financial year, PEAS enabled the Department to improve the management of deceased estates. In addition to the 15 Master of the High Court offices countrywide, 237 magistrates' courts handled deceased estate matters on behalf of the Master of the High Court. This brought the services of the Master of the High Court closer to the people, particularly those in remote areas.

Progress has been made with the development of a number of items of legislation. Legislation that was finalised during the financial year included the Protected Disclosure Act and the Justice Administered Funds Bill. Legislation that was under consideration by the end of the 2017/18 financial year included the Traditional Courts Bill, the Prevention and Combating of Hate Crimes and Hate Speech Bill and the Cybercrimes and Cybersecurity Bill.

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

Progress was made in the implementation of the recommendations of the TRC to promote social justice and social cohesion. The implementation of projects will be undertaken jointly with other government departments. Finally, the next of kin of victims were assisted through bursaries for basic education, as well as funding for higher education and training. For the 2017 academic year, 754 applications for basic education and 450 applications for higher education and training were submitted to the respective departments for processing. These bursaries are paid through the President's Fund.

The Department, in partnership with the Foundation for Human Rights, continued to implement human rights awareness programmes and capacitated civil society and non-governmental organisations to work within marginalised communities.

The draft National Action Plan to combat Racism, Racial Discrimination, Xenophobia and Related Intolerance was submitted to Cabinet during 2015 for approval to publish the draft National Action Plan for input from members of the public. Cabinet granted this approval during December 2015. The Department submitted the Hate Crimes Bill for approval in Parliament, in an attempt to classify hate speech as a criminal offence.

### 3.1 Performance Information by Programme

#### 3.1.1 Programme 1: Administration

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

Programme 1 has the following sub-programmes:

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

#### Strategic objectives

The following strategic objective was identified for this programme:

#### Strategic Objective 1: Increased compliance with prescripts to achieve and sustain unqualified audit opinions

The objective of the Department to achieve its mandate of ensuring access to justice services. In discharging this mandate, it is imperative that the Department puts systems and processes in place for the effective management of the Department and adheres to principles of good governance. The Department set itself the objective of achieving unqualified audit opinions on all the funds under its management by the end of the 2014–2019 Medium-term Strategic Framework (MTSF) period.

Performance against this objective and its related key performance indicators are discussed below.

#### Strategic Objective 1: Increased compliance with prescripts to achieve and sustain unqualified audit opinions

Objective indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
1. Unqualified audit opinion achieved and sustained on financial statements	Vote: Qualified audit CARA: Clean audit Guardian's Fund: Clean audit TPF: Qualified audit President's Fund: Unqualified audit	Unqualified audit without significant findings for the Vote, the Guardian's Fund, CARA, the President's Fund and the pre-determined objectives; Unqualified audit for the TPF	Vote and pre-determined objectives: Qualified audit Guardian's Fund: Clean audit CARA: Clean audit TPF: Unqualified audit President's Fund: Clean audit	(33%)	Systems and processes challenges

**Performance indicato**

<b>Strategic Objective 1: Increased compliance with prescripts to achieve and sustain unqualified audit opinions</b>						
<b>Performance indicator</b>	<b>Actual achievement 2016/17</b>	<b>Planned target 2017/18</b>	<b>Actual achievement 2017/18</b>	<b>Deviation from planned target to actual achievement for 2017/18</b>	<b>Comment on deviations</b>	
1.1	Number of audit projects completed by Internal Audit	280	282	282	-	Target achieved
1.2	Percentage of significant findings resolved on specific key areas	77%	60%	78%	30%	Target exceeded. Monthly monitoring of interventions led to target being exceeded.

The objective of Internal Audit is to provide assurance on the effectiveness of risk management, strategic and operational controls and governance processes, to make recommendations that improve identified weaknesses and to regularly monitor the implementation of management's recommendations. During the year under review, Internal Audit completed 282 audit projects as planned.

The aim of the Department is to focus on significant key findings raised by Internal Audit and the Auditor-General to reduce the number of significant findings and to improve efficiencies and the effectiveness of internal control, that will eventually lead the Department to deliver on its strategic objectives. The approved post-audit action plan was monitored on a monthly basis. The following significant findings were addressed:

- Contingent liabilities
- Asset management
- Procurement management
- TPF
- Recovery of legal fees
- Reliability of performance information

As a result, the Department fully addressed 39 out of 50 of the audit findings that were raised in the 2016/17 financial period with the rest receiving attention.

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

The objective indicator was not achieved. More stringent monitoring and consequence management will be implemented

**Changes to planned targets**

There were no changes to planned targets during the 2017/18 financial year.

**Linking performance with budgets**

The under-spending was attributed to delays in filling vacant positions, as well as the transfer claim by the Safety and Security Sector Education and Training Authority (SASSETA) being less than anticipated.

**Sub-programme expenditure**

Sub-programme	2017/18			2016/17		
	Final appropriation	Actual expenditure	(Over-)/under-expenditure	Final appropriation	Actual expenditure	(Over-)/under expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Ministry	34 375	34 126	249	35 583	35 583	-
Management	50 237	50 237	-	153 719	153 719	-
Corporate Services	427 516	426 104	1 412	443 844	443 726	118
Financial Administration	220 264	217 621	2 643	178 129	176 536	1 593
Internal Audit	95 751	83 890	11 861	86 578	86 578	-
Office Accommodation	1 146 122	1 146 122	-	1 072 864	1 072 864	-
<b>Total</b>	<b>1 974 265</b>	<b>1 958 100</b>	<b>16 165</b>	<b>1 970 717</b>	<b>1 969 006</b>	<b>1 711</b>

**3.1.2 Programme 2: Court Services**

The purpose of this programme is to facilitate the resolution of criminal and civil cases, as well as family disputes, by providing accessible, efficient and quality administrative support to the courts and managing court facilities.

Programme 2 has the following sub-programmes:

- Lower Courts
- Family Advocate
- Magistrate’s Commission
- Government Motor Transport
- Facilities Management
- Administration of Courts

**Strategic objectives**

The following strategic objectives were identified for this programme.

**Strategic Objective 2:** An efficient and effective criminal justice system that contributes to the realisation of Outcome 3: “All people in South Africa are and feel safe”

**Strategic Objective 3:** An efficient and effective victim and witness support system

**Strategic Objective 4:** Enhanced and integrated Family Law services

**Strategic Objective 5:** Increased access to courts for historically marginalised communities

**Strategic Objective 6:** Efficient and effective civil justice system

**Strategic Objective 7:** Transformation of the South African legal system enhanced

Performance against these objectives and their related key performance indicators are discussed below.

**Strategic Objective 2: An efficient and effective criminal justice system that contributes to the realisation of outcome 3: “All people in South Africa are and feel safe”**

**Strategic Objective 2: An efficient and effective criminal justice system that contributes to the realisation of Outcome 3: “All people in South Africa are and feel safe”**

Objective indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target for 2017/18	Comment on deviations
2. Number of criminal cases on the backlog roll in lower courts	30 925	< 30 344	33 732	(11%)	Target not achieved. Performance depends on collaboration between all players in the criminal justice system.

The Department seeks to enhance the efficiency of and public confidence in the processes of the criminal justice system in conjunction with JCPS Cluster departments. The reduction of the backlog of criminal cases remains a priority countrywide. The deliverables in this regard have been integrated into the outputs of the delivery agreement of the JCPS Cluster departments and the MTSF. To improve on the target of reducing the backlog of criminal cases, effective leadership and coordination across the criminal justice system value chain is required to address the long delays before cases are finalised. The development and finalisation of the Integrated Criminal Justice Strategy (ICJS) will lead to better coordination and the realisation of the National Development Plan (NDP)’s Vision 2030.

During the period under review, there were 33 732 criminal backlog cases in the lower courts against a target of 30 344. Following the integration of the ICMS within the integrated justice system (IJS) transversal, a number of implementation challenges have been experienced and data could not be captured timeously. This resulted in more cases than usual being identified as backlog cases.

**Performance indicators**

**Strategic Objective 2: An efficient and effective criminal justice system that contributes to the realisation of Outcome 3: “All people in South Africa are and feel safe”**

Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
2.1 ICJS finalised by target date	-	31 March 2018	-	(100%)	Target not met due to the delays in identification of the officials who were requested to participate.
2.2 Percentage of criminal cases postponed due to unavailability of court administration staff	0.18%	<0.3%	0.23%	23%	Target exceeded due to effective monitoring of performance
2.3 Number of case backlog courts converted into permanent courts	-	17	-	(100%)	Target not achieved due to conversions not being undertaken because Magistrate support staff could not be appointed. This was a result of the cap in the compensation of employees.

Cabinet approved the ICJS approach on 29 March 2017. The aim is to address challenges and shortcoming across the criminal justice value chain and to strengthen the cooperation and integration of law enforcement agencies in realising the strategic objective of the NDP.

The JCPS Cluster approved the terms of reference for the ICJS. The briefing session for the ICJS was conducted with stakeholders. However, the broad framework, the governance model, the financial model and the involvement of all the relevant role players, including the Justice family entities, the Judiciary, the legal profession and the business community, had not been finalised.

The Department continued to ensure that the necessary administrative support that is required for the functioning of court proceedings is available. As at 31 March 2018, 344 of the 148 953 outstanding cases on the court roll were postponed due to the unavailability of administrative support. Although there had been an over-achievement of the target in the previous financial year, it was not adjusted due to the emphasis that had been identified on addressing audit queries.

Temporary case backlog courts were created as additional capacity to deal with the workload and reduce backlog cases. In order to sustain this initiative, the Department's approach was to convert temporary case backlog courts into permanent courts. During the 2017/18 financial year, the backlog courts were identified for conversion into permanent courts, but due to cost containment measures that directly affected the budget allocated to the contract posts that supported the project, the conversion was not completed.

In view of the budget cuts, the conversion of temporary backlog courts was put on hold so as to assess the possibility of continuing or discontinuing the conversion of temporary backlog courts into permanent courts.

### Strategic Objective 3: An efficient and effective victim and witness support system

Strategic Objective 3: An efficient and effective victim and witness support system						
Objective indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations	
3. Percentage of victims satisfied with the lower court-based support service	Baseline report	50%	-	(100%)	Target not achieved due to funding for the survey not being secured.	

The Department uses perception surveys to measure the impact of initiatives that had been undertaken with the aim to improve access to justice. It was anticipated that the survey would include the service of intermediaries, technologies used during proceedings and witness fees. However, the survey was not completed due to cost containment measures. The indicator target will be suspended in 2018/19 to allow engagements with Statistics South Africa (StatsSA) to include indicators on victim-support services offered by the courts.

### Performance indicators

Strategic Objective 3: An efficient and effective victim and witness support system						
Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations	
3.1 Number of courtrooms adapted in line with the sexual offences courts model	11	17	17	-	Target achieved	

Strategic Objective 3: An efficient and effective victim and witness support system					
Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
3.2 Percentage of child justice preliminary inquiries finalised within 90 days after first appearance	-	55%	96%	75%	Target exceeded. This was a new indicator without baseline information.

The Department's objective of re-establishing sexual offences courts is aimed at improving the prosecution and adjudication of sexual offences and preventing the secondary victimisation experienced by victims when they engage with the criminal justice system. During the period under review, 17 sexual offences courts were established. This brings to 75 the number of Regional Courts that were upgraded to sexual offences courts.

**The courts that were upgraded in line with the sexual offences courts model are as follows:**

Province	Regional Court	Number of courtrooms	Location	Model
Free State	Koffiefontein	1	Rural	Hybrid
	Botshabelo	1	Semi-urban	Hybrid
Gauteng	Tembisa	3	Semi-urban	Pure
KwaZulu-Natal	Madadeni	2	Semi-urban	Hybrid
	Scottsburgh	1	Semi-urban	Hybrid
	Umbumbulu	1	Rural	Hybrid
Limpopo	Nebo	1	Rural	Hybrid
	Grobliersdal	1	Rural	Hybrid
Northern Cape	De Aar	1	Rural	Hybrid
	Kathu	1	Rural	Hybrid
North West	Brits	1	Semi-urban	Hybrid
	Paarl	1	Urban	Hybrid
Western Cape	Mitchell's Plain	1	Semi-urban	Hybrid
	Cape Town	1	Urban	Pure

The classification of a hybrid or a "pure" model is informed by limited courtrooms and office infrastructure, which necessitated shared resources to dispense justice. The hybrid model prioritised sexual offence cases, but included other criminal matters, while the "pure" model only dealt with sexual offences matters on its roll.

The Child Justice Act, 2008 (Act 75 of 2008) came into operation on 1 April 2010. The Act aims to establish a child justice system that entrenches the principles of restorative justice, while ensuring children's responsibility and accountability for crimes committed, without necessarily criminalising their conduct. One of the new features in the child justice process implemented by the Act is the requirement of conducting preliminary inquiries in all child justice matters, with some exceptions.



The objectives of a preliminary inquiry are aimed at considering the assessment report of the probation officers, regarding the criminal capacity of the child if the child is 10 years or older, but under the age of 14 years. It assesses whether an evaluation of the criminal capacity of the child by a suitably qualified person is necessary and to recommend the process to be followed.

As at the end of the period under review, 10 786 child justice preliminary inquiries were conducted, while 10 357 were finalised within 90 days after the first appearance date, which translated to a 96% performance. Since this was a new indicator for 2017/18, the target was set using a limited sample for the baseline. The target will be adjusted based on a broader performance report.

### Strategic Objective 4: Enhanced and integrated Family Law services

Strategic Objective 4: Enhanced and integrated Family Law services					
Objective indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
4. Percentage of integrated Family Law matters finalised	-	50%	52%	4%	Target exceeded due to effective monitoring of performance

The Department, through the Office of the Chief Family Advocate, is mandated to promote and protect the best interests of children in legal disputes over parental responsibilities and rights. These are some of the benefits that have been realised through these services:

- Access to justice as families who cannot afford legal representation can now access the Family Advocate's services. New offices were established in Ntuzuma and Mitchell's Plain. These services were provided in previously disadvantaged areas at Phoenix, Inanda, Ntuzuma and KwaMashu.
- Congestion on court rolls was relieved by the Office of the Family Advocate offering Alternative Dispute Resolution (ADR) services.
- By settling matters before trial, parties are spared the emotional-and financial costs of the trial procedure.
- Unmarried fathers and mothers can access the services of the Family Advocate without first having to institute court proceedings.
- The public can obtain mediation services at an early stage of their dispute instead of having to institute court proceedings.

During the 2017/18 financial year, the Department recorded 126 138 family law matters, while 65 375 of those matters were finalised through Family Advocate interventions.

### Performance indicators

Strategic Objective 4: Enhanced and integrated Family Law services					
Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
4.1 Percentage of maintenance matters finalised within 90 days from date of proper service of process	82%	50%	80%	60%	The target was not adjusted higher due to the inclusion of new courts in the standard.

Strategic Objective 4: Enhanced and integrated Family Law services					
Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
4.2 Percentage of Family Advocate reports filed within six month from the date of opening the matter	-	50%	61%	22%	Target exceeded due to effective monitoring of performance.
4.3 Percentage of litigation and non-litigation backlog cases finalised	-	55%	73%	33%	Target exceeded due to effective monitoring of performance.
4.4 Percentage of maintenance backlog cases finalised	-	55%	66%	20%	Target exceeded due to effective monitoring of performance.

The Department continues to monitor performance standards for maintenance services at 99 sites across the country to ensure that beneficiaries of maintenance receive what is due to them within a reasonable period.

The Department processed 52 243 maintenance cases where defendants were served with proper service of process, whereas 41 697 of these maintenance cases were finalised within 90 days after the service of process. A total of 9 273 reports were filed at court, while 5 645 reports were finalised within six months from the date of opening the matter.

The Department monitors backlog cases in order to improve the finalisation of maintenance cases and non-litigation and litigation cases at Family Advocate offices. A total of 4 187 out of 5 762 backlog cases relating to litigation and non-litigation matters older than six months from the date of opening were finalised. Furthermore, the Department finalised 10 547 out of 15 903 maintenance backlog cases.

#### Strategic Objective 5: Increased access to courts for historically marginalised communities

Strategic Objective 5: Increased access to courts for historically marginalised communities					
Objective indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
5. Percentage of clients perceiving an increase in access to justice services	Baseline survey report	60%	-	(100%)	Target not achieved. The proclamations for new courts were completed. A decision was made to undertake the impact survey after a longer passage of time.

Access to justice is a fundamental universal human right as enshrined in the Constitution of South Africa. The rationalisation of courts aims to bring justice closer to the people without challenges and distress.

The survey on the impact of access to justice services in areas where magisterial districts were aligned to provincial boundaries was not undertaken during the financial year, due to the proclamation and implementation dates being in succeeding financial years. It was decided that the impact assessment should be undertaken after a reasonable passage of time.

### Performance indicators

Strategic Objective 5: Increased access to courts for historically marginalised communities						
Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations	
5.1	Number of provinces where magisterial districts are aligned with municipal boundaries	2	2	2	-	Target achieved
5.2	Number of new court buildings completed	-	2	0	(100%)	Target not achieved. The Mpumalanga High Court could not be handed over due to disputes regarding an access road. The Port Shepstone High Court was delayed by contractual issues.
5.3	Number of divisions of High Courts aligned with provincial boundaries	2	2	2	-	Target achieved

The rationalisation of courts is a constitutional imperative. The rationalisation of magisterial districts and divisions of High Courts form part of this initiative. The composition, structure and jurisdiction of the courts must be rationalised with a view to establishing a judicial system that is suited to the requirements of the Constitution.

During the 2017/18 financial year, maps showing the alignment of KwaZulu-Natal and Eastern Cape were completed for public comment. Furthermore, two divisions of the High Courts were aligned with provincial boundaries. These were the divisions of Gauteng and North West.

With regard to the completion of new court buildings, the two that were targeted for the year under review were not completed. For the Port Shepstone Magistrate's Court, there were outstanding activities in the administration building, the court building and external works (parking facilities, a pedestrian walkway and landscaping). The contractor was granted an extension until July 2018. The reason for the extension was due to rain, which resulted in delays.

The work at the Mpumalanga High Court commenced in January 2018 after a long-drawn variation order impasse. The outstanding activities included completion works in the administration building (the ground floor up to the fourth floor and roof), the court building (the lower ground floor up to the first floor and roof) and external works (the access road). An extension was granted until October 2018.

The progress of the overall building project for the Port Shepstone Magistrate’s Court and the Mpumalanga High Court was estimated at 94% and 96%, respectively, at the end of the financial period.

Although the above projects were not completed as anticipated, the following projects were completed during 2017/18:

- Cape Town *Justitia*
- Port Elizabeth High Court
- Welkom Magistrate’s Court
- Oberholzer Magistrate’s Court

**Strategic Objective 6: Efficient and effective civil justice system**

Strategic Objective 6: Efficient and effective civil justice system					
Objective indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
6. Percentage of annexed civil cases mediated	-	50%	-	(100%)	Target not achieved.  There was no data available for the proclaimed courts due to the high turnover of critical staff.

The mediation service provides an ADR mechanism that allows for a negotiated settlement between parties and alleviates litigation costs. When there is a dispute between parties, a mediator will facilitate discussions between them, assist in identifying issues and explore areas of compromise at a cheaper and fixed tariff.

During the 2017/18 financial year, no data was available for the proclaimed courts that will provide annexed mediation. This was due to the fact that the notice was only proclaimed in February 2018. As a result, the annexed mediation courts will be operational from 1 April 2018.

**Performance indicators**

Strategic Objective 6: Efficient and effective civil justice system					
Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
6.1 Number of courts providing court-annexed mediation	-	30	42	40%	Target exceeded.  To expand the mediation, services to be in line with the implementation of the rationalisation of magisterial districts

Strategic Objective 6: Efficient and effective civil justice system					
Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
6.2 Percentage of unopposed taxations processed within 14 working days from the date the matter is set down (District Courts)	99%	98%	86%	(13%)	Target not achieved.  The Department experienced system challenges.

During the period under review, the Minister approved 42 sites for annexed mediation. The Government Notice was published in the *Government Gazette* in February 2018.

The Department processed 6 023 unopposed taxations. While 5 170 were finalised within 14 working days from the date the matter was set down. The Department experienced system challenges during the reporting period.

**Strategic Objective 7: Transformation of the South African legal system enhanced**

Strategic Objective 7: Transformation of the South African legal system enhanced					
Objective indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
7. Number of transformational policies developed.	-	1. Draft Policy Framework on the Lower Court Reform 2. Draft Policy on Judicial Governance and Court Administration.	1. Draft Policy Framework on the Lower Court Reform 2. Draft Policy on Judicial Governance and Court Administration.	-	Target achieved

The Department developed policy frameworks on Judicial Governance, court administration and on the Lower Court Reform. These policy frameworks seek to advance the transformation discourse under the identified themes as mandated by the Constitution.

**Performance Indicators**

Strategic Objective 7: Transformation of the South African legal system enhanced					
Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
7.1 Draft Policy Framework on the Lower Court Reform submitted to the Minister by target date	-	Submission to the Minister by 31 March 2018	Submission to the Minister by 31 March 2018	-	Target achieved

Strategic Objective 7: Transformation of the South African legal system enhanced					
Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
7.2 Draft Policy on Judicial Governance and Court Administration submitted to the Minister by target date	-	Submission to the Minister by 31 March 2018	Submission to the Minister by 31 March 2018	-	Target achieved
7.3 Draft Policy Framework for the Overhaul of the South African legal system submitted to the Minister	-	Draft discussion on identified themes submitted to the Minister by March 2018	Draft discussion on identified themes submitted to the Minister by March 2018	-	Target achieved

During the period under review, the following policy frameworks were developed and submitted to the Minister:

- The Policy framework that forms the basis for the Lower Court Bill finalised
- The Policy Framework on Judicial Governance and Court Administration
- The draft Policy Framework on the Transformation of the Legal System (Renaissance Project) (concept with themes)

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

Indicator description	Reasons for under-performance	Strategy to overcome areas of under-performance
2. Number of criminal cases on the backlog roll in lower courts	Performance depends on collaboration between all players in the criminal justice system.	Effective, timeous and correct updating of the electronic case management systems in the Department is receiving focal attention with the continuation of regional task team engagements seeking to capacitate regional management on system capabilities and continuous consultation on system enhancements required. A new indicator on the usage of the ICMS is included in the 2018/19 application.
2.1 ICJS finalised by target date	People requested to participate were not provided by cluster departments.	Work Streams Committee established for all the 10 pillars to facilitate the arrangements for the Minister to make recommendations regarding the Panel of Experts to Cabinet. CARA funding request has been granted with an allocation of R12 million to appoint a temporary team.
2.3 Number of case backlog courts converted into permanent courts	Conversions were not undertaken because Magistrate support staff could not be appointed due to the cap in the compensation of employees	Where certain backlog courts were not accommodated in the first phase of the post review assessment, the regional heads were requested to motivate as a priority the resources required to sustain all the current backlog courts in Phase 2.

Indicator description	Reasons for under-performance	Strategy to overcome areas of under-performance
3. Percentage of victims satisfied with the lower court-based support service	Funding was not secured for the survey.	The indicator target will be suspended in 2018/19 to allow engagements with StatsSA to include indicators on victim-support services offered by the courts.
5. Percentage of clients perceiving an increase in access to justice services	Although proclamations for new courts were done, a decision was made to undertake the impact survey after a longer passage of time.	The indicator target will be suspended in 2018/19 to allow engagements with StatsSA to include indicators on access to justice services in areas where magisterial districts were aligned to provinces.
5.2 Number of new court buildings completed	The Mpumalanga High Court could not be handed over due to disputes regarding an access road. The completion of the Port Shepstone High Court was delayed by contractual issues.	Timely resolution of strategic matters related to projects. The unit is planning to capacitate both the National Office and the regions with technical capacity for better project planning, management and oversight. Feasibility studies for critical projects are conducted to improve project planning and to source funding to develop business cases.
6 Percentage of annexed civil cases mediated	No data was available for the proclaimed courts due to a high turnover of critical staff.	A data capturing tool will be introduced for the 2018/19 financial year.

**Changes to planned targets**

Indicator description before amendments	Indicator description after amendments	Planned target before amendments	New target	Reasons for amendments
2.2 Percentage of indicators on criminal justice system business plan achieved	-	100%	-	The indicator was removed as it had the same measure as another indicator in the current Annual Performance Plan (Indicator 2.1: ICJS finalised by target date).
4.3 Number of Family Law backlog cases finalised	4.3 Percentage of litigation and non-litigation backlog cases finalised	55%	55%	The indicator was split into two indicators for proper measurement since the data source is derived from different service points: the Family Advocate and Court Services.
	4.4 Percentage of maintenance backlog cases finalised		55%	



Indicator description before amendments		Indicator description after amendments	Planned target before amendments	New target	Reasons for amendments
7.1	Policy that forms the basis for the Lower Court Bill finalised	Draft Policy Framework on Lower Court Reform submitted to the Minister by target date	Minister's approval by 28 February 2018	Submission to the Minister by 31 March 2018	The amendments were made in line with the comments made by members of Parliamentary Portfolio Committee on Justice and Correctional Services during the 2017/18 Annual Performance Plan presentation.
7.2	Policy on the design of the Judicial and Court Administration Model finalised	Draft Policy on Judicial Governance and Court Administration submitted to Minister by target	Submission to Cabinet by 28 February 2018	Submission to the Minister by 31 March 2018	
7.3	Policy for the overhaul of the South African legal system finalised	Draft Policy Framework for the overhaul of the South African legal system submitted to Minister	Draft policy finalised by 28 February 2018	Draft discussion document identified themes submitted to the Minister by 31 March 2018	

### Linking performance with budgets

The Programme's overall expenditure for the year amounted to R6.341 billion against the budget of R6.437 billion, resulting in an under-spending of R95.9 million. The under-spending is attributed to delays in filling vacant positions as well as the implementation of the cost-containment measures.

### Sub-programme expenditure

Sub-programme	2017/18			2016/17		
	Final appropriation	Actual expenditure	(Over-)/under-expenditure	Final appropriation	Actual expenditure	(Over-)/under-expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Lower courts	4 625 060	4 585 863	39 197	4 399 994	4 399 994	-
Family Advocate	214 855	211 289	3 566	209 821	209 821	-
Magistrate's Commission	17 875	13 334	4 541	12 444	12 444	-
Facilities Management	994 237	994 233	4	1 100 978	1 100 978	-
Administration of Lower Courts	584 23	535 909	48 614	549 367	549 367	-
<b>Total</b>	<b>6 436 550</b>	<b>6 340 628</b>	<b>95 922</b>	<b>6 272 604</b>	<b>6 272 604</b>	<b>-</b>

### 3.1.3 Programme 3: State Legal Services

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

Programme 3 has the following sub-programmes:

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

#### Strategic objectives

The following strategic objectives for this programme are:

- Strategic Objective 8:** Increased efficiency in the provision of Master’s services to all beneficiaries
- Strategic Objective 9:** Improved state litigation services
- Strategic Objective 10:** A transformed legal profession
- Strategic Objective 11:** Provision of quality state legal advisory services that pass constitutional muster
- Strategic Objective 12:** Increased compliance with international treaty obligations by the Department
- Strategic Objective 13:** Development of legislative instruments that are consistent with the Constitution
- Strategic Objective 14:** Promotion of broad-based knowledge on and support for values of equality, human dignity and fundamental human rights and corresponding responsibilities

Performance against these objectives and the related key performance indicators are discussed below.

#### Strategic Objective 8: Increased efficiency in the provision of Master’s services to all beneficiaries

Strategic Objective 8: Increased efficiency in the provision of Master’s services to all beneficiaries						
Objective indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations	
8. Number of cases handled by the Master of the High Court	302 684	288 063	301 922	5%	Target exceeded	

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

- The regulation and supervision of the administration of deceased estates
- The regulation and supervision of insolvent estates (companies, close corporations, trusts and persons)
- The administration of the Guardian’s Fund
- The registration and supervision of trusts
- The supervision of curators, tutors and administrators (protection of minors and legally incapacitated persons)
- The appointment of impartial and capable persons as executors, trustees, curators and liquidators in the above instances.

The Department continues to monitor the cases relating to all functions provided to the public, in order to assess the number of beneficiaries that received services, in order to improve service delivery. During the 2017/18 financial year, 301 922 cases were handled by the Master of the High Court.

## Performance indicators

Strategic Objective 8: Increased efficiency in the provision of Master's services to all beneficiaries						
Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations	
8.1	Percentage of letters of appointment issued in deceased estates within 15 days from receipt of all required documents	96%	92%	95%	3%	Target exceeded due to effective monitoring of performance.
8.2	Percentage of liquidation and distribution accounts in large estates (>R250 000) examined within 15 days from receipt of all required documents	95%	93%	93%	-	Target achieved.
8.3	Percentage of beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian's Fund)	87%	92%	96%	4%	Target exceeded due to effective monitoring of performance.
8.4	Percentage of certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents	93%	91%	94%	3%	Target exceeded due to effective monitoring of performance.
8.5	Percentage of liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents	97%	95%	96%	1%	Target exceeded due to effective monitoring of performance.

Strategic Objective 8: Increased efficiency in the provision of Master's services to all beneficiaries						
Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations	
8.6	Percentage of letters of authority issued in trusts within 14 days from receipt of all required documents	90%	90%	83%	(8%)	The delays in retrieving the files from off-site storage and the unfilled vacancies also led to the target not being met.
8.7	Percentage of new deceased estates registered on PEAS in the Master's offices	98%	95%	99%	4%	Target exceeded due to improved monitoring of the utilisation of the system.

The livelihood of surviving spouses and other beneficiaries depends on the Office of the Master of the High Court, to appoint a person promptly to conclude the affairs of the deceased in a speedy manner so as not to disadvantage the beneficiaries. The Department has set service standards at which services should be performed.

During the year under review, 152 540 letters of appointment in deceased estates were issued, of which 144 928 appointments were issued within 15 days from receipt of all required documents.

Estates are only reported to the Master if the deceased left assets and/or a valid will. The speedy finalisation of letters of appointment issued in deceased estates and liquidation and distribution accounts has a positive impact on the economy, if the assets and funds can be ploughed back into the economy without delay. During the 2017/18 financial year, 51 837 accounts in large estates were examined. 48 004 of these accounts were examined within 15 days from receipt of all required documents.

The beneficiaries of the Guardian's Fund are almost all minors or persons incapable of managing their own affairs. Reaching the target has an enormous impact on the lives of these vulnerable beneficiaries, as they are dependent on funds paid out by the Master for their upbringing, schooling and livelihood. During the period under review, 50 750 beneficiaries of the Guardian's Fund were in receipt of services and 48 749 were in receipt of Guardian's Fund services within 40 days of receipt of all required documents.

During the year under review, 9 116 certificates of appointment in all bankruptcy matters were examined. 8 574 of these appointments were issued within 10 days from receipt of all the required documents. Furthermore, 7 673 liquidation and distribution accounts in bankruptcy matters were examined. 7 375 were examined within 15 days from receipt of all the required documents.

Trusts play an important role in the economy as these are commonly used instruments in financial planning in a regulated environment. The timely registration of trusts facilitates free and efficient economic activity. Since trusts impact on individual tax planning, the Department, through the Master's office and the South African Revenue Service (SARS) continue to work together in exchanging the information required by each organisation. In the year under review, 30 006 letters of authority in trusts were issued. 24 795 were issued within 14 days from receipt of all the required documents. This translated to a performance of 83% against a target of 90%. The delays in retrieving the files from off-site storage facilities and unfilled vacancies led to the target not being met.

The Department continues to develop business solutions in order to improve service delivery. One of these solutions is PEAS, which was implemented during the 2017/18 financial year. The computerised administration process related to deceased estates and has successfully been rolled out and is being used by all fifteen offices of the Master of the High Court countrywide, as well as 251 service points. During the year under review, the Department registered 140 869 new deceased estates, of which 139 874 were registered on PEAS.

### Strategic Objective 9: Improved state litigation services

Strategic Objective 9: Improved state litigation services					
Objective indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
9. Number of projects implemented to transform the state litigation services	-	6	3	(50%)	Target not achieved. Draft policies were held back pending finalisation of the draft State Legal Services Strategy for Cabinet.

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

The policy initiatives developed for the transformation of state legal services:

- The Tariff Policy, which is meant to standardise fee structures throughout the Office of the State Attorney and curb high litigation costs, was finalised.
- The State Legal Representation Policy was developed to guide policy on the legal representation of executive authorities, directors-general and other senior management in civil matters.
- The Management of State Litigation Policy was developed to ensure the cost-effective and efficient management of state litigation, clarify the roles, responsibilities and accountability of stakeholders in State Litigation and re-align the functions and processes in the management of State litigation.
- The Mediation Policy provides guidance to state attorneys and client departments on the approach to mediation, in order to minimise litigation costs where appropriate. This policy requires state attorneys and client departments to consider mediation as a first step or attempt in dispute resolution processes.

In line with the Department's broader transformation of state legal services, these policies seek to address the operational challenges within the state attorney environment. The projects planned for 2017/18 were established from the policies listed above. As a result, the Department achieved three out of six of its planned projects. The target was not met due to the reasons stated in the performance indicators on the next page.

Performance indicators

Strategic Objective 9: Improved state litigation services						
Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/2018	Comment on deviations	
9.1	Number of litigation cases settled through mediation	-	24	4	(83%)	Target not achieved. Efforts to mediate were not implemented consistently in client departments.
9.2	Percentage value of briefs allocated to PDIs	79%	80%	82%	3%	Target achieved.
9.3	Number of High Court matters in court by state attorneys	-	60	467	678%	Target exceeded. New indicator, so no baseline information
9.4	Reduction in capital amount paid in medical negligence and unlawful arrest claims	-	50%	87%	74%	Target exceeded. New indicator, so no baseline information
9.5	Percentage of briefs allocated to female counsel	-	40%	38%	(5%)	Target not achieved. Efforts to appoint women were not implemented consistently in client departments.
9.6	Percentage reduction in costs paid by the Office of the State Attorney	Baseline information report	5%	12% (increase)	(140%)	Target not achieved. The Department relied on persuasion while awaiting finalisation of key policies.

The Department, through the Office of the State Attorney, settled 4 litigation cases against a target of 24 through the mediation process. The Department is committed to the transformation of state legal services, which is a key priority in the Department’s strategic plan. The aim is to promote the equal distribution of briefs to previously disadvantaged counsel. The Department briefed counsel on matters to the value of R877 222 023. Out of the total amount paid in 2017/18, R719 117 234 was paid to previously disadvantaged counsel, which contributes 82%.

In an effort to reduce the costs of litigation, state attorneys appeared in High Court matters without sourcing the services of counsel. During the year under review, 467 litigation cases were presented by state attorneys in the High Court.



The empowerment of female counsel remains a priority for the Department in order to address the imbalances of the past. During the 2017/18 financial year, 6 249 briefs were allocated. 2 386 briefs were allocated to female counsel, which translated to 38% against a target of 40%. This was due to the fact that the general composition of the Bar consists mainly of male counsel, resulting in fewer briefs being allocated to female counsel.

The Department recorded 207 medical negligence and unlawful arrest litigation claims. 181 were finalised in favour of the State.

The Department's objective is to reduce litigation costs incurred by the State. Litigation costs incurred in the current (2017/18) and prior (2016/17) financial years were R1 796 961 303 and R1 602 696 821, respectively, which was an increase of 12%. The increase in litigation matters as a result of high living costs and cost orders against the State caused an increase in legal costs.

### Strategic Objective 10: A transformed legal profession

Strategic Objective 10: A transformed legal profession						
Objective and programme indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations	
10. Legal Practice Council function by target date	-	28 February 2018	-	(100%)	Target not achieved.	
10.1 Legal Practice Regulations published in the <i>Government Gazette</i>	-	31 July 2017	-	(100%)	Intense consultative engagements led to a delay in the finalisation of the regulations.	
10.2 Council members appointed by target date	-	31 December 2017	-	(100%)		
10.3 Transfer of assets from law societies to Legal Practice Council	-	28 February 2018	-	(100%)		

The transformation and restructuring of the legal profession seek to promote the values underpinning the Constitution and upholding the rule of law, access to justice, legal services and the profession and enhancing and maintaining the integrity, status and independence of the legal profession. The target was not met due to intense consultative engagements, which led to delays in finalising the regulations. Once the regulations have been approved by Parliament, Council members will be elected in terms of the regulations and the transfer of assets will take place.

**Strategic Objective 11: Provision of quality legal advisory services that pass constitutional muster**

Strategic Objective 11: Provision of quality legal advisory services that pass constitutional muster						
Objective indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations	
11. Percentage of legislative international agreements and legal opinions passed by Parliament and certified by the Office of the Chief State Legal Advisor (OCSLA) successfully challenged in court for constitutionality	0%	<5%	0%	-	Target achieved.	

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

The objective of the Department is to establish the percentage of legislative instruments (Acts and Regulations) and international agreements, certified and scrutinised from the 2010/11 financial year that were successfully challenged for unconstitutionality. During the year under review, the Constitutional Court did not find any legislative instruments or international agreements to be unconstitutional or legally unsound.

**Performance indicators**

Strategic Objective 11: Provision of quality legal advisory services that pass constitutional muster						
Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations	
11.1 Percentage of legal opinions finalised within 40 days from date of receipt of the instruction	96%	73%	90%	23%	Target exceeded due to number of urgent matters received.	
11.2 Percentage of preliminary opinions on draft Bills and subordinate legislation completed within 40 days from date of receipt of the instruction	95%	73%	89%	22%	Target exceeded due to number of urgent matters received.	

Strategic Objective 11: Provision of quality legal advisory services that pass constitutional muster						
Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations	
11.3	Percentage of suggested Bills and subordinate legislation finalised within 40 days from the date of receipt of the instruction	92%	73%	87%	19%	Target exceeded due to number of urgent matters received.
11.4	Percentage of international agreements and accompanying legal opinions finalised within 30 days from the date of receipt of the instruction	95%	73%	88%	21%	Target exceeded due to number of urgent matters received.
11.5	Percentage of draft Bills approved by Cabinet for introduction finalised within 40 days of receipt of the instruction	100%	76%	100%	32%	Target exceeded due to number of urgent matters received.
11.6	Percentage of translations finalised within 55 days from date of receipt	92%	85%	89%	5%	Target exceeded due to number of urgent matters received.

The Office of the State Law Advisor scrutinises, develops, drafts and certifies all primary legislation before it is introduced in Parliament. In addition, it is its responsibility to ensure that it is compatible with the Constitution and other legal instruments, in order to withstand constitutional muster. In this way, the state law advisors make a significant contribution towards the development of our constitutional jurisprudence.

During the year under review, the Department finalised 612 legal opinions, of which 549 were finalised within 40 days of receipt of the instruction. Furthermore, the Department finalised 90 preliminary opinions on draft bills for Cabinet's consideration. 80 of these matters were finalised within the prescribed time frame of 40 days from the date of instruction.

A total of 174 Bills, regulations and proclamations were received. 151 were finalised within the prescribed time frame of 40 days from the date of receipt of instruction. The Department received 189 international agreements and accompanying legal opinions. 167 of these were finalised within 30 days from the date of the receipt of the instruction.

During the 2017/18 financial year, the Department processed 28 draft Bills for introduction to Cabinet. These were finalised within 40 days of receipt of the instruction. A total of 165 translations were received during the year under review. 147 were finalised within 55 days from the date of receipt of the instruction. The target was exceeded, due to the nature and the urgency of some of the requests received from the Executive.

### Strategic Objective 12: Increased compliance with international treaty obligations by the Department

#### Strategic Objective 12: Increased compliance with international treaty obligations by the Department

Objective indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
12. Percentage of compliance with treaties and international obligations	Baseline information report completed	80%	80%	80%	Target achieved.

The Department strives to ensure that international treaty obligations by the Department are compliant with international conventions. The Department is the lead department for five international treaties and conventions in respect of submitting country reports or State responses. These are the International Covenant on Social and Cultural Rights (ICESCR), the African Charter on Human and Peoples' Rights (ACHPR), the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) and the Convention against Torture and Other Cruel or Degrading Treatment or Punishment (CAT).

In addition, a Universal Periodic Review (UPR) country report must be submitted under the auspices of the United Nations Human Rights Council. All these conventions require periodic reporting, with each period being specific to the Convention. For example, the UPR only requires reporting every five years. Each year's reporting obligations are determined by the periodic deadlines and the date of the last submission of a country report or State response.

The report on compliance with treaties and international obligations was completed during the 2017/18 financial year. The results show on 80% compliance.

#### Performance indicators

#### Strategic Objective 12: Increased compliance with international treaty obligations by the Department

Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
12.1 Number of country reports submitted to the Department of International Relations and Cooperation (DIRCO) for treaty bodies	0 country reports	4 country reports	4 country reports	---	Target achieved.

Strategic Objective 12: Increased compliance with international treaty obligations by the Department						
Performance indicator		Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
12.2	Percentage of valid requests for extradition and mutual legal assistance in criminal matters processed within 25 days of notification	67%	91%	89%	(2%)	Target not achieved.  Due to the complexity of some requests, it was not possible to process the requests within the prescribed period as consultations with various other role players are of the utmost importance.
12.3	Number of bilateral agreements on mutual legal assistance negotiated	0	2	0	(100%)	Target not achieved.  Negotiations took longer than anticipated.

Country reports provide a tool with which South Africa can measure its compliance with international human rights and fundamental freedom imperatives. It is through the process of writing the country report and undergoing the review process by the relevant international committee that Government is able to consider its compliance with international human rights and fundamental freedom imperatives, as well as being appraised of what still needs to be done. During the year under review, International Legal Relations compiled four country reports as follows:

### 1. International Covenant on Civil and Political Rights

Chapter 2 of the Constitution is premised on this covenant and its articles form part of the International Bill of Rights. The country report is required to detail the steps taken and the progress made to ensure that all people within South Africa enjoy civil-and political rights. South Africa, as a State party to the ICCPR since 10 December 1998, required the Department to submit the initial report to the United Nations Human Rights Council. South Africa's initial report to the United Nations Human Rights Council was submitted in 2014 and deliberated on in 2016 by the body of independent experts that monitors the implementation of the ICCPR by the State parties to this covenant. The Council considered the initial report and adopted a number of concluding observations, with the recommendations to which South Africa has to respond and the implementation of the recommendations. The State response was completed and approved by both the JCPS Cluster and the International Cooperation, Trade and Security Cluster and submitted to the ICCPR Committee in May 2017.

### 2. International Convention on the Elimination of All Forms of Racial Discrimination

The ICERD report outlined the progress made in eliminating all forms of racial discrimination, including xenophobia, in South Africa. South Africa submitted its country report in 2016 and was required to respond to the recommendations received in May 2017. The finalisation of the report required extensive engagement with all Government departments, as well as civil society organisations. The State response was submitted to the ICERD Committee in September 2017.

**3. International Covenant on Social, Economic and Cultural Rights**

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

**4. Universal Periodic Review Report**

The UPR report is one of the key reports required by the United Nations from member states and is meant to inform the United Nations Human Rights Council and the member states on the progress and development of the fulfilment of human rights and freedoms within the state under review. The report is submitted every five years. South Africa submitted the last report in February 2017. South Africa’s 2017 report was presented to the United Nations Human Rights Council in May 2017 and received 243 recommendations from member states. South Africa was required to prepare its response to the recommendations and submit it in September 2017. All government departments had to be consulted on the recommendations and responses thereto. The UPR Addendum was presented to the United Nations Human Rights Council and formally adopted in September 2017. Of the 243 recommendations received, 187 were accepted for implementation and 51 were noted.

The Department assists with extraditions and mutual legal assistance in line with Government’s obligations and policies by processing requests of such criminal matters within the 25 days turnaround period.

During the year under review, the Department processed 98 valid requests for extradition and mutual legal assistance in criminal matters. 87 were finalised within 25 days, translating to 89% performance. The target was not met, due to the complexity of the requests, which required a substantial amount of time to be finalised.

By the end of the financial year, the Department was awaiting the Botswana authorities’ conclusion of their internal processes in order to proceed to the signing of the Extradition Amendment Treaty. The amendments proposed to the extradition and mutual legal assistance treaties negotiated with Cuba were approved by the Cuban authorities during May 2017.

An extradition treaty was finalised with the Mozambican authorities and an opinion was received from the state law advisors, indicating that the treaty is in line with South Africa’s domestic law. By the end of the financial year, the treaties were being considered by DIRCO’s state law advisors.

The extradition treaty that was negotiated with Ethiopia in April 2017 was referred to the state law advisors to provide an opinion on the provision of terrorism. The proposed amendment was discussed with the Ethiopian authorities during March 2018. A counter-proposal was submitted to the Afghanistan authorities for a Memorandum of Understanding on legal cooperation.

Dependency on stakeholders and the lengthy period required to conclude a bilateral agreement resulted in the planned target not being achieved.

**Strategic Objective 13: Development of legislative instruments that are consistent with the Constitution**

Strategic Objective 13: Development of legislative instruments that are consistent with the Constitution					
Objective indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
13. Percentage of legislative instruments successfully challenged in court for constitutionality	0% successfully challenged	<5%	0% successfully challenged	-	Target achieved.



The Department has the responsibility of preparing and promoting primary and subordinate justice-related legislation in line with its mandate. To this end, legislative instruments are prepared and submitted to the Minister for consideration and approval, with a view to introduce a bill into Parliament, promulgate regulations, publish notices in the *Government Gazette* in terms of the law, prepare proclamations for the President’s signature for the purposes of putting acts of parliament into operation or referring improprieties in state institutions to the Special Investigating Unit (SIU) for investigation.

The Department strives, at all times, to ensure that legislative instruments developed and enacted are constitutionally sound. During the year under review, no legislative instruments were successfully challenged in court for unconstitutionality.

**Performance indicators**

<b>Strategic Objective 13: Development of legislative instruments that are consistent with the Constitution</b>						
<b>Performance indicator</b>		<b>Actual achievement 2016/17</b>	<b>Planned target 2017/18</b>	<b>Actual achievement 2017/18</b>	<b>Deviation from planned target to actual achievement for 2017/18</b>	<b>Comment on deviations</b>
13.1	Number of legislative instruments submitted to the Minister for approval	25	20	29	45%	Target exceeded due to more SIU proclamations being received than expected.
13.2	Number of research papers completed	15	15	16	7%	The target was exceeded. An urgent request was received in respect of a preliminary investigation.
13.3	Number of court rules completed	13	13	20	54%	Target exceeded due to additional rules on Judicial Case Flow Management referred by the Office of the Chief Justice.
13.4	Number of socio-economic impact assessments submitted to the Department of Planning, Monitoring and Evaluation (DPME) for sign-off	30	15	63	320%	Target exceeded due to increased number of policies and legislative amendments.

**During the 2017/18 financial year, the following legislative instruments were submitted to the Minister for approval:**

**Proclamations under the Special Investigating Units and Special Tribunals Act, 1996 relating to the following State institutions:**

- Department of Health Gauteng
- Department of Correctional Services and the Independent Development Trust
- Department of Transport and the Provincial Departments of Transport
- Department of Correctional Services
- North West Department of Public Works, Roads and Transport
- South African Broadcasting Corporation Limited
- Tshwane South Technical and Vocational Education and Training College
- Media, Information and Communication Technologies Sector Education and Training Authority
- Agriculture Sector Education and Training Authority
- Eskom and Transnet
- Tabling of Legal Aid South Africa Act, 2014 in Parliament
- Eastern Cape Provincial Government in respect of former President Mandela's funeral
- KwaZulu-Natal Provincial Treasury
- Limpopo Road Agency
- Raymond Mhlaba Local Municipality
- Amendment of Proclamation No. R59 of 2016: Elias Motsoaledi Local Municipality
- Alfred Nzo District Municipality
- Lesedi Local Municipality
- Mahikeng Local Municipality
- Amendment of existing Proclamation: National Department of Public Works
- Amendment of existing Proclamation: Mopani Local Municipality

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

- Draft amendments to the regulations relating to assistance to victims in respect of higher education and training: the Promotion of National Unity and Reconciliation Act, 1995
- Amendments to the TRC regulations in respect of higher education and training, dealing with assistance in relation to uncapped amounts for tuition fees and assistance in respect of assistive devices for persons with disabilities
- Amendment to the regulations relating to debt collectors, increasing the tariffs chargeable by debt collectors
- Regulations and notices increasing certain fees payable to witnesses in terms of the Criminal Procedure Act, 1977, the Magistrates' Courts Act, 1944, the Maintenance Act, 1998 and the Child Justice Act, 2008
- Proclamation for the commencement of sections 2, 3 and 6 of the Judicial Matters Amendment Act, 2014
- Proclamation for the commencement of certain provisions of the Maintenance Amendment Act, 2015 and its regulations
- Proclamation for the commencement of the Justice Administered Fund Act, 2017

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

- State Liability Amendment Bill: medico-legal claims

**During the year under review, 16 research papers were completed and submitted to the South African Law Reform Commission (SALRC) for consideration and approval. These papers fall under eight projects that are in the approved research programme of the SALRC. In addition thereto, four preliminary investigation research papers were also completed during the period under review:**

- Discussion Paper on Project 25: Statutory Law Revision: Review of Legislation Administered by the South African Police Services
- Draft report on Project 25: The Review of Legislation Administered by the Department of Public Service and Administration

- Draft report on Project 138: The Practice of Ukuthwala
- Draft report on Project 25: The Review of Legislation Administered by the Department of Social Development
- Draft report on Project 25: The Review of Legislation Administered by the Department of Trade and Industry
- Report on Project 25: Statutory Law Revision: Review of Legislation Administered by the Department of Arts and Culture
- Report on Project 137: Review of the Expungement of Certain Criminal Records
- Report on Project 139: Review of the Interpretation Act 33 of 1957
- Issue Paper on Project 140 on the Right to Knowledge of One's Own Biological Origins
- Issue Paper on Project 141 on Medico-legal Claims
- Issue Paper on Project 100: Review of Aspects of Matrimonial Property Law
- Proposal Paper on Project 143: Maternity and Paternity Benefits for Self-employed Workers
- Proposal Paper on Preliminary Investigation into the Regulatory, Compliance and Reporting Burden on Local Government
- Proposal Paper on Preliminary Investigation into the Position of Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons who are Incarcerated
- Proposal Paper on the Development of Criminal Sanctions for Breach of the Constitution
- Preliminary Investigation Proposal Paper on Judicial Interruption of Extinctive Prescription

The Secretariat for the Rules Board performs a supporting role, inclusive of research capacity, to the Rules Board. The Rules Board is comprised of 14 members appointed by the Minister of Justice and Correctional Services. Justice SA Majiedt of the Supreme Court of Appeal was the Chairperson of the Board during the period under review. The Board approves amendments mainly to rules relating to the procedures of the Superior Courts and Magistrates' Courts. The overall continuous review of the rules of the High Courts (Uniform Rules of High Court), practice directives of the various divisions, alignment of Magistrates' Courts Rules, where possible, with the High Court Rules and review of outdated terminology is a function that the Board undertakes as part of its overall mandate.

**During the year under review, the following High Court Rules were approved by the Board:**

- Uniform Rule 68, Item (5)(c): Tariffs for Sheriffs' Provisions for Sales in Execution of Immovable Property
- Uniform Rule 68: Urgent and After-hours Service
- Uniform Rule 43: Interim Relief in Matrimonial Matters
- Uniform Rule 35(5): Discovery
- Uniform Rule 30A: Non-compliance with Rules
- Uniform Rule 36: Inspections, Examinations and Expert Testimony
- Uniform Rule 37: Pre-trial Conference
- Uniform Rule 37A: Judicial Case Management
- Supreme Court of Appeal Rule 18, Uniform Rule 70 and Table A of Annexure 2 to the Magistrates' Court Rules: Harmonisation of Taxation Fees

**During the year under review, the following Magistrates' Court Rules were approved by the Board:**

- Magistrates' Court Rule Part II: Table C: Annexure 2 to the Magistrates' Court Rules: Tariffs for Sheriffs' Provisions for Sales in Execution of Immovable Property
- Magistrates' Court Rule 9(3)(g): Service Rules in General
- Magistrates' Court Rule 68: Oath of Office of Interpreters
- Magistrates' Court Rule 19: Exception and Application to Strike
- Magistrates' Court Rule Part II: Table C: Annexure 2 to Magistrates' Court Rules
- Repeal of Form 17A: Restitution Conjugal Rights
- Form 17: Notice in Terms of Rule 43
- Repeal of Form 4: Writ of Arrest
- Magistrates' Court Rule 52: On Representation of Parties in General
- Magistrates' Court Rule 55 and Form 1C: Mainly Concerning Interlocutory Applications
- Magistrates' Court Rule 34(2), Part II: Table C: Annexure 2 to the Magistrates' Court Rules and Uniform Rule 68

**During the year under review, the Department conducted 35 socio-economic impact assessments on Bills, draft regulations, rules of court and policies and submitted them to the DPME for sign-off. Furthermore, 28 exemption applications were submitted to the DPME for approval.**

- Magistrates' Court Rule 52A: Notice of Withdrawal, Appointment or Substitution as Attorney of Record
- Amendment to Magistrates' Court Rule 9(3)(g), dealing with service on organs of state and Executive members
- Pre-final socio-economic impact assessment: Magistrates' Court Rule 52: Representation of Parties
- Final socio-economic impact assessment: Magistrates' Court Rule 52: Representation of Parties
- Preliminary final socio-economic impact assessment: Magistrates' Court Rule 55 and Form 1: Applications
- Final socio-economic impact assessment: Magistrates' Court Rule 55 and Form 1: Applications
- Initial socio-economic impact assessment: Amendment of Regulations Relating to Assistance to Victims in Respect of Higher Education and Training: Promotion of National Unity and Reconciliation Act, 1995
- Preliminary final socio-economic impact assessment: Amendment of Regulations Relating to Assistance to Victims in Respect of Higher Education and Training: Promotion of National Unity and Reconciliation Act, 1995
- Final socio-economic impact assessment: Amendment of Regulations Relating to Assistance to Victims in Respect of Higher Education and Training: Promotion of National Unity and Reconciliation Act, 1995
- Initial socio-economic impact assessment: Amendment of Regulations Relating to Maintenance: Maintenance Act, 1998 (Act 99 of 1998)
- Final socio-economic impact assessment: Amendment of Regulations Relating to Maintenance: Maintenance Act, 1998
- Final socio-economic impact assessment: Uniform Rule 46: Execution Against Immovable Property
- Initial socio-economic impact assessment: Uniform Rule 68 Item 5(c)(iv) of the Tariff and Item 14(a) of Part II of Table C: Annexure 2 to the Magistrates' Court Rules: Upliftment of Attachment; Pre-auction; Auctions
- Final socio-economic impact assessment: Uniform Rule 68 Item 5(c)(iv) of the Tariff and Item 14(a) of Part II of Table C: Annexure 2 to the Magistrates' Court Rules: Upliftment of Attachment; Pre-auction; Auctions
- Uniform Rule 68 and Table C: Annexure 2 to the Magistrates' Court Rules: Sheriffs' Tariff Provision for Urgent and After-hours' Service
- Initial socio-economic impact assessment: Uniform Rules 35(12) and 35(14): Discovery, Inspection and Production of Documents
- Pre-final socio-economic impact assessment: Uniform Rules 35(12) and 35(14): Discovery, Inspection and Production of Documents
- Initial socio-economic impact assessment: Uniform Rule 32: Summary Judgment Procedure
- Final socio-economic impact assessment: Uniform Rule 32: Summary Judgment Procedure
- Initial socio-economic impact assessment: Table A: Annexure 2 to the Magistrates' Court Rules: Heads of Argument, Filing, etc.
- Final socio-economic impact assessment: Table A: Annexure 2 to the Magistrates' Court Rules: Heads of Argument, Filing, etc.
- Preliminary final socio-economic impact assessment: Regulations Relating to Community Rehabilitation: Promotion of National Unity and Reconciliation Act, 1995
- Initial socio-economic impact assessment: Regulations in Terms of Section 109 of the Legal Practice Act, 2014 (Act 28 of 2014)
- Preliminary final socio-economic impact assessment: Regulations in Terms of Section 109 of the Legal Practice Act, 2014
- South African Law Reform Commission Report on the Practice of Ukuthwala
- Regulation under South African Human Rights Commission Act, 2013: Staff of the South African Human Rights Commission
- Regulation 38 of the Regulations for Judicial Officers in the Lower Courts, 1993 dealing with the leave dispensation of magistrates
- Recognition of Customary Marriages Amendment Bill
- Child Justice Act, 2008 (Act 75 of 2008): National Policy Framework
- Final socio-economic impact assessment: Child Justice Amendment Bill

- Initial socio-economic impact assessment: State Liability Amendment Bill
- Preliminary socio-economic impact assessment: State Liability Amendment Bill
- State Legal Services Bill
- State Legal Representation Policy
- Management of State Litigation Policy

**Socio-economic impact assessment exemptions granted by the DPME:**

- Amendments to paragraphs 6 and 16 of Part I (General Provisions) and the repeal of the note to Item 21 of Part IV: Table A of Annexure 2 to the Magistrates' Court Rules
- Amendment of Determination of Persons or Category or Class of Persons who are Competent to be Appointed as Intermediaries in Terms of Section 170A(4) of the Criminal Procedure Act, 1977
- Amendment of Regulations Relating to the Debt Collectors Act, 2003
- Magistrates' Court Rule 43 amendments, plus incidental amendments: Execution Against Immovable Property
- Amendments to Uniform Rule 35(5): Discovery, Inspection and Production of Documents
- Magistrates' Court Rule 34(2); Uniform Rule 68 (paragraphs 12, 13 and 14 of The Tariff) and Part II of Table C of Annexure 2 to the Magistrates' Court Rules (paragraphs 28, 29 and 30)
- Amendments to the Regulations for Judicial Officers in the Lower Court, 1993, made in terms of section 16 of the Magistrates Act, 1993: Code of Conduct for Magistrates
- Amendments to paragraphs 1 and 2 of Section G of Rule 18 of the Supreme Court of Appeal Rules, Item E (Bills of Costs) of Uniform Rule 70 and Items 6 and 7 of Part IV (Other Matters) of Table A of Annexure 2 to the Magistrates' Court Rules
- Amendments to Magistrates' Court Rules 45, 46 and 49; Forms 5A, 5B and 38 and the insertions of Forms 5C and 38A
- Amendment of the Regulations Relating to Sheriffs, 1990, made in terms of section 62 of the Sheriffs Act, 1986
- Amendments to Uniform Rules 30A, 36, 37, new Rule 37A and new rule on super-annuation of civil cases
- Amendment to paragraph 1(b) of Part III: Table B: Annexure 2 to the Magistrates' Court Rules
- Amendment to paragraph 2(b) of Part I: Table A: Annexure 2 to the Magistrates' Court Rules
- Amendments to Magistrates' Court Rule 33(15) and (16) and proposed Form 58
- Amendment of Regulations made under section 103 of the Administration of Estates Act, 1965 (Act 66 of 1965)
- Amendment of Regulations Made in Terms of Legal Aid South Africa Act, 2014
- Amendment of Schedule 1 and 2 to Drugs and Drug Trafficking Act, 1992
- Amendments to Uniform Rules 1, 2, 4, 19, 23, 45A, 57 and 65
- Amendment to Uniform Rule 31 and new Forms 2B and 2C
- Amendments to Supreme Court of Appeal Rules 6 and 7
- Amendments to Uniform Rule 31(5)(e): Judgment Costs
- Amendment to Supreme Court of Appeal Rule 1
- Item 5(c)(iv) of The Tariff in Uniform Rule 68 and item 14(a) Part II of Table C of Annexure 2 to the Magistrates' Court Rules
- Protected Disclosures Act, 2000: Regulations Relating to Protected Disclosures
- South African Law Reform Commission Report on Project 25: Statutory Law Revision (Legislation Administered by the Department of Trade and Industry)
- Repeal of the Transkeian Penal Code Bill
- Criminal Procedure Amendment Bill
- Repeal of Appendix A of the Magistrates' Court Rules

## Strategic Objective 14: Promotion of broad-based knowledge on and support for values of equality, human dignity and fundamental human rights and corresponding responsibilities

### Performance indicators

Strategic Objective 14: Promotion of broad-based knowledge on and support for values of equality, human dignity and fundamental human rights and corresponding responsibilities						
Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations	
14.1	Number of people reached by multimedia campaigns to raise awareness and knowledge of the Constitution	2 million	7.9 million	295%	Target exceeded due to increase in media coverage.	
14.2	Number of programmes implemented to sustain increased awareness and knowledge of constitutional rights implemented	6	6	-	Target achieved.	
14.3	Number of sustainability grants awarded to civil society organisations working in the human rights sector	60	63	5%	Target achieved. There was budget surplus due to negotiation of contracts with civil society.	
14.4	Number of research programmes (including programme reviews and research outcomes) conducted on the implementation of socio-economic rights	2	2	-	Target achieved.	



Strategic Objective 14: Promotion of broad-based knowledge on and support for values of equality, human dignity and fundamental human rights and corresponding responsibilities					
Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
14.5 Number of platforms for policy dialogues held with stakeholders in the human rights sector	21	2	2	-	Target achieved.
14.6 Number of sustained and visible anti-xenophobia campaigns conducted	-	6	6	-	Target achieved.

The Department, in partnership with the Foundation for Human Rights (FHR), embarked on initiatives to promote awareness and knowledge of the Constitution and has implemented a multi-year programme called “Socio-Economic Justice for All”, which is funded by the European Union. The FHR provides support to civil society organisations and community advice offices through grants, to promote human rights and access to justice within marginalised communities. The FHR undertakes planned activities to meet the objectives of the programme as outlined below.

Informing people of the Constitution remains a high priority within departmental programmes. It conducted initiatives through radio stations, television and other media to promote awareness and knowledge of the Constitution. As a result, approximately 7 900 262 people were reached in the 2017/18 financial year. The target was exceeded, due to an increase in media coverage, which primarily focused on community media and media responses.

During the 2017/18 financial year, six programmes were implemented to increase awareness and knowledge of constitutional rights as set out in the table below:

Programme implemented	Objective of the programme
<b>Advancing the Rights of Women through the Implementation of Resolution 1325</b>	Establish a civil society steering committee and develop background documentation on Resolution 1325, as well as a series of five provincial consultative forums, and a communication and media strategy.
<b>Innovative Anti-xenophobia Strategies</b>	Facilitate anti-xenophobia discussions in Mamelodi and Rosettenville due to the violence against migrant communities.
<b>Business and Human Rights</b>	Promote partnerships between business and labour with a view to strengthen the accountability of business for human rights standards and norms.
<b>Land Rights Programme</b>	Under colonialism and apartheid, 87% of land was forcibly removed from indigenous people and reserved for white people. This was facilitated by racial laws, notably, the 1913 and 1936 Land Acts which dispossessed black people of their land and prevented them from owning land in certain areas. Government instituted the South African Land Reform Programme to address this legacy.

Programme implemented	Objective of the programme
<b>Promoting Constitutional Rights – Victims of Political Violations of the Past</b>	The reopening of the Ahmed Timol inquest exposed the violence that occurred at the notorious Security Branch during apartheid. The inquest generated a lot of interest from the public and a plea from families who wanted to find out what happened to their family members who had died in detention.
<b>National Schools Moot Court Competition</b>	Create awareness of the Constitution and the Bill of Rights in schools and communities in South Africa and the values that it embodies through active participatory democracy and encourage learners to consider pursuing a career in human right law.

Access to justice is enhanced by supporting civil society organisations (CSO's) and community-based organisations (CBO's) that provide advisory services to people who might not otherwise receive it. During the year under review, 62 grants were awarded to CSO's and community advice offices.

During the year under review, the following research reports on the implementation of socio-economic rights were completed.

- Monitoring the right to social security and appropriate social assistance in South Africa
- Research on innovative strategies to counter xenophobia

The interface between Government, civil society and beneficiary communities is the cornerstone of building a culture of human rights. This programme strengthens participatory democracy at all levels of government through public policy dialogues. The following policy dialogues were conducted during the 2017/18 financial year:

- A Report on the Sustainable Youth Platform
- Inaugural Human Rights Festival at Constitutional Hill

The Department embarked on campaigns to curb xenophobia and raise awareness of the challenges faced by refugees, which includes discrimination, xenophobia and related intolerances. During the 2017/18 financial year, the following anti-xenophobia campaigns were conducted:

- City of Tshwane's Heritage Day Celebration on 29 September 2017
- Anti-xenophobia school campaigns rolled-out in Limpopo and Gauteng on 2 October 2017
- A panel discussion on Afro-phobia in Roodepoort on 12 October 2017
- Two campaigns rolled-out in the Free State on 15 February 2018 and the Eastern Cape on 9 March 2018

### Strategy to overcome areas of underperformance

Indicator description	Reasons for underperformance	Strategy to overcome areas of underperformance
8.6 Percentage of letters of authority issued in trusts within 14 days from receipt of all required documents	The delays in retrieving the files from off-site storage and the unfilled vacancies also led to the target not being met.	The dispute with the previous service providers for off-site storage is being addressed with Legal Services who are attending to the matter as quickly as possible.  In order to address capacity issues, Human Resources has been requested to assist with the possible rightsizing of Master's offices. It is envisaged that this could be partly achieved by the movement of posts between larger offices and undercapacitated offices to ensure that adequate capacity is created where needed.
9. Number of projects implemented to transform state litigation services	Draft policies were held back pending finalisation of the draft State Legal Services Strategy for Cabinet.	Draft policies are expected to be submitted to Cabinet during the 2018/19 financial year.

Indicator description		Reasons for underperformance	Strategy to overcome areas of underperformance
9.1	Number of litigation cases settled through mediation	Efforts to mediate were not implemented consistently in client departments.	The finalisation of the Mediation Policy, its implementation and the training of attorneys and client departments' legal representatives will pave the way for its successful implementation, meaning that more cases will be referred to and finalised through mediation.
9.5	Percentage of briefs allocated to female counsel	Efforts to appoint women were not implemented consistently in client departments.	State attorneys to ensure that they have a final decision on the briefing of counsel and to consider briefing more females as opposed to their male counterparts.
9.6	Percentage reduction in costs paid by the Office of the State Attorney	The Department relied on persuasion while awaiting the finalisation of key policies.	As state attorneys appear in the High Court, legal costs will decrease and state attorneys will try to settle matters early rather than allow matters to reach trial stages to reach their finality. State attorneys will always try to settle out of court where possible to avert higher litigation costs.
10.	A transformed legal profession	Intense consultative engagements led to a delay in the finalisation of regulations.	The Legal Practice Amendment Act was promulgated in December 2017, which extended the life of the National Forum to 31 October 2019.
10.1	Legal Practice Regulations published in the <i>Government Gazette</i>		
10.2	Council members appointed by target date		
10.3	Transfer of assets from law societies to the Legal Practice Council		
12.2	Percentage of valid requests for extradition and mutual legal assistance in criminal matters processed within 25 days notification	Due to the complexity of some requests, it was not possible to process the requests within the prescribed period as consultations with various other role players are of the utmost importance.	The indicator and target have been revised to take into account dependencies on other role players.
12.3	Number of bilateral agreements on mutual legal assistance negotiated	Negotiations took longer than anticipated.	All communications submitted and received from foreign states for the finalisation of the above-mentioned treaties are submitted through the diplomatic channel, which has resulted in delays in finalising the treaties.  Since all documents must be submitted through the diplomatic channel, which involved a number of parties and institutions, various initiatives have been taken to enable treaty partners to communicate directly and then only copy foreign ministries and embassies. Meetings will be set up with the relevant embassies and high commissions to discuss ways to improve cooperation between South Africa and the state concerned.

**Changes to planned targets**

Indicator	Indicator description before amendments	Indicator description after amendments	Planned target before amendments	New target	Reasons for amendments
9.3	Number of High Court matters presented in court by state attorneys	Number of High Court matters presented by state attorneys	60	60	Amendments were made to address the gaps identified during the 2016/17 audit process and to clarify the indicator definitions.
9.4	Success rate in medical negligence unlawful arrest, immigration and labour-related matters	Reduction in capital amount paid in medical negligence and unlawful arrest claims	50%	50%	
12.3	Number of Memoranda of Understanding on mutual legal assistance signed	Number of Memoranda of Understanding on mutual legal assistance signed	2	2	The technical indicator description table was amended from number of Memoranda of Understanding on mutual legal assistance signed to number of bilateral agreements on mutual legal assistance negotiated.
14.1	Number of people reached by multimedia campaigns to raise awareness and knowledge of the Constitution	Number of people reached by multimedia campaigns to raise awareness and knowledge of the Constitution	2 million	1 million	The Quarter 2 target for the indicator was amended from 2 million to 1 million to correct the error.

**Linking performance with budget**

The Programme’s overall expenditure for the year amounted to R1.165 billion against a budget of R1.232 billion, resulting in an underspending of R67.4 million. The underspending is attributed to delays in filling vacant positions.

**Sub-programme expenditure**

Sub-programme	2017/2018			2017/2018		
	Final appropriation	Actual expenditure	(Over-)/under-expenditure	Final appropriation	Actual expenditure	(Over-)/under-expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
State Law Advisors	70 791	63 018	7 773	61 691	61 691	-
Litigation and Legal Services	487 977	457 833	30 144	447 408	447 408	-
Legislative Development and Law Reform	84 458	73 689	10 769	61 221	61 221	-
Master of the High Court	507 005	503 674	3 331	477 313	477 313	-
Constitutional Development	81 986	66 648	15 338	57 348	57 348	-
<b>Total</b>	<b>1 232 217</b>	<b>1 164 862</b>	<b>67 355</b>	<b>1 104 981</b>	<b>1 104 981</b>	<b>-</b>

### 3.1.4 Programme 4: National Prosecuting Authority

The purpose of this programme is to provide a coordinated prosecuting service that ensures that justice is delivered to the victims of crime through general and specialised prosecutions. Furthermore, to remove the profit from crime and to protect certain witnesses.

Programme 4 has the following sub-programmes:

- National Prosecutions Service
- Asset Forfeiture Unit
- Office for Witness Protection
- Support Services

#### Strategic objectives

The strategic objectives for this programme are:

**Strategic Objective 15:** Increased successful prosecution

**Strategic Objective 16:** Ensure that profit is removed from crime

**Strategic Objective 17:** Ensure that threatened witnesses and related persons are successfully protected

Performance against these objectives and the related key performance indicators are discussed below.

#### Strategic objective 15: Increased successful prosecution

Strategic Objective 15: Increased successful prosecution					
Strategic objective	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
15. Conviction rate in Hlgh Courts	91% (968)	87% (897)	91.7% (890)	5%	Target exceeded due to the commitment of the high court advocates on achieving successful prosecution in serious matters.
15. Conviction rate in Regional Courts	79.8% (25 209)	74% (25 528)	81% (24 976)	10%	Target exceeded due to a combination of factors which include:  Good planning and preparation, proper or adequate consultation with victims and witnesses Improved stakeholder relations Good cooperation of stakeholders, especially magistrates Increased prosecutor guided training

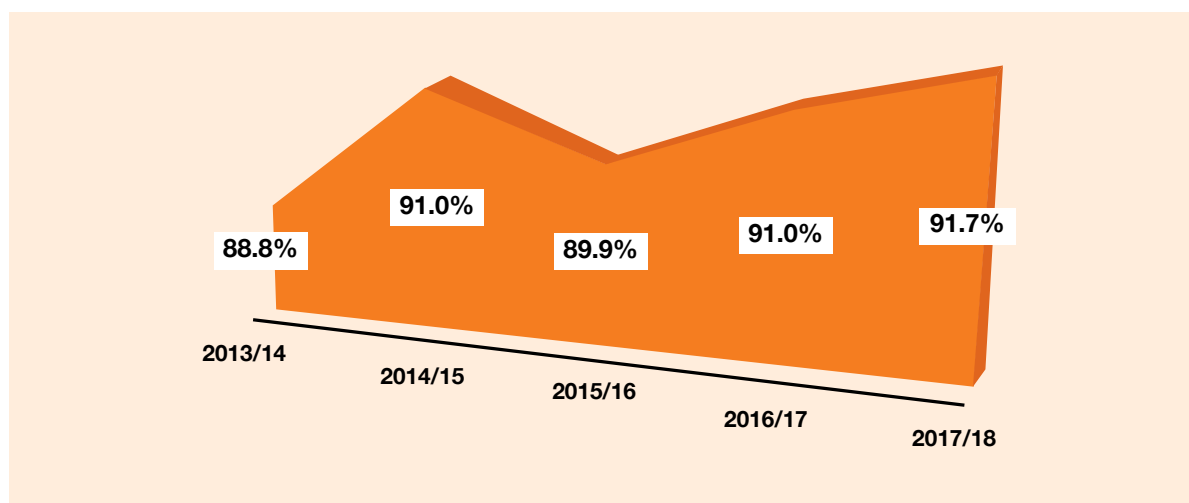
Strategic Objective 15: Increased successful prosecution					
Strategic objective	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
15 Conviction rate in District Courts	95.6% (295 013)	88% (248 301)	96.1% (291 609)	9%	Target exceeded due to a combination of factors which include:  Improved stakeholder relations Increased prosecutor guided training

**Conviction rate and progress of High Courts**

The High Courts received 988 new cases and finalised 971 cases, which is a decrease of 9% compared to the previous financial year. The decrease in the number of new cases received was mainly due to an increase in the number of long and intricate trials that are being conducted in the High Court. Notwithstanding the decrease in the number of cases finalised, 49 more new cases were received during the current financial year.

The conviction rate also increased from 91% to 91.7%, exceeding the target of 87% by 5%. A comparative analysis of the performance of previous years indicates an overall improvement in the conviction rates achieved by High Court advocates. This confirms their dedication to improve the level of service to the victims of serious crime. As depicted in the figure below, the High Court advocates improved the conviction rate with 3% from 88.8% obtained during 2013/14 to 91.7% during the period under review.

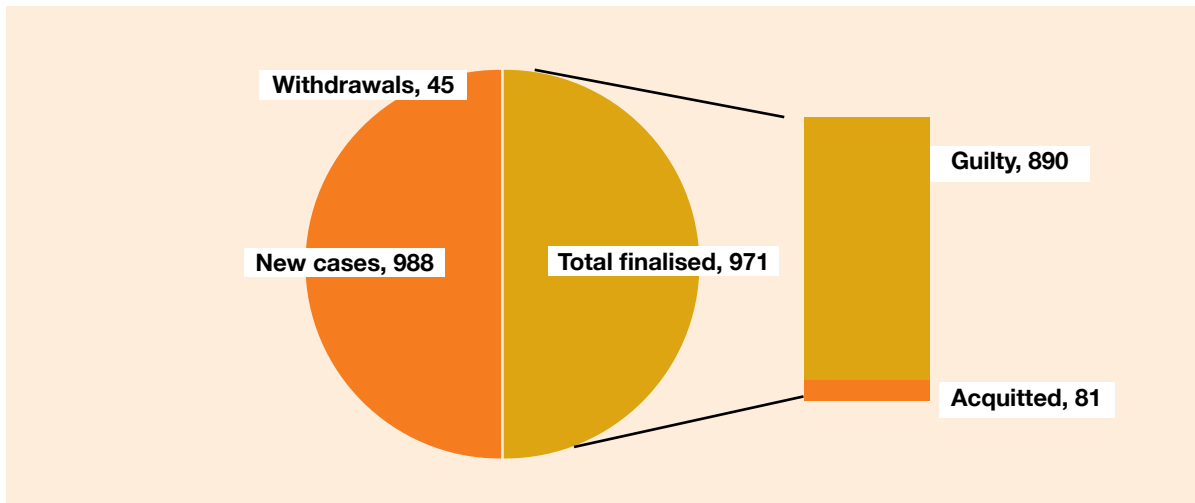
**Conviction rate by the High Courts**





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

**Cases finalised by the High Courts**



The number of formal bail applications in the High Courts decreased remarkably by 41% from 56 to 33. The reason for this decrease could mainly be attributed to the increase in bail applications in the lower courts before the cases are transferred to the High Courts.

**Appeals**

The High Courts also deal with appeals and motion applications emanating from criminal cases. There was a decrease in the number of appeals received and finalised as indicated in the table below. Appeals “unsuccessfully” finalised also decreased and only reflect appeals by accused as appellants that were rejected *in toto*. The number of appeals finalised decreased by 9% from 2 439 to 2 225 appeal cases finalised.

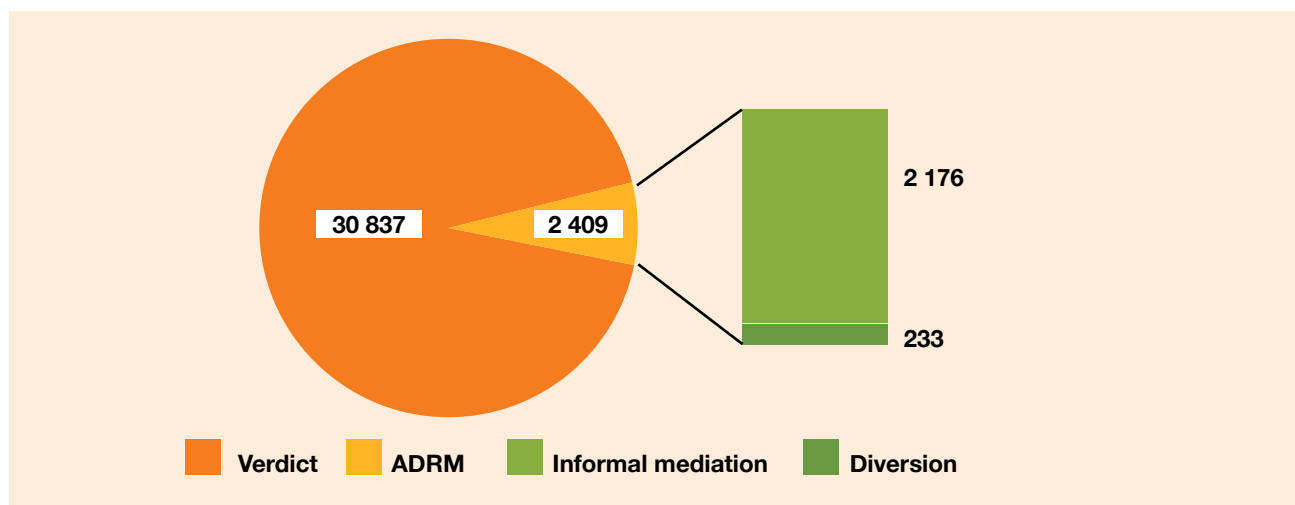
**Criminal appeals dealt with**

Financial year	Newly received appeals	Finalised	Appeals unsuccessful	Percentage unsuccessful
2011/12	1 328	1 922	645	34%
2012/13	2 249	2 418	791	33%
2013/14	2 762	2 422	878	36%
2014/15	2 651	2 423	899	37%
2015/16	3 065	2 520	944	38%
2016/17	2 520	2 439	941	39%
2017/18	2 495	2 225	781	35%

**Conviction rate and progress of the Regional Courts**

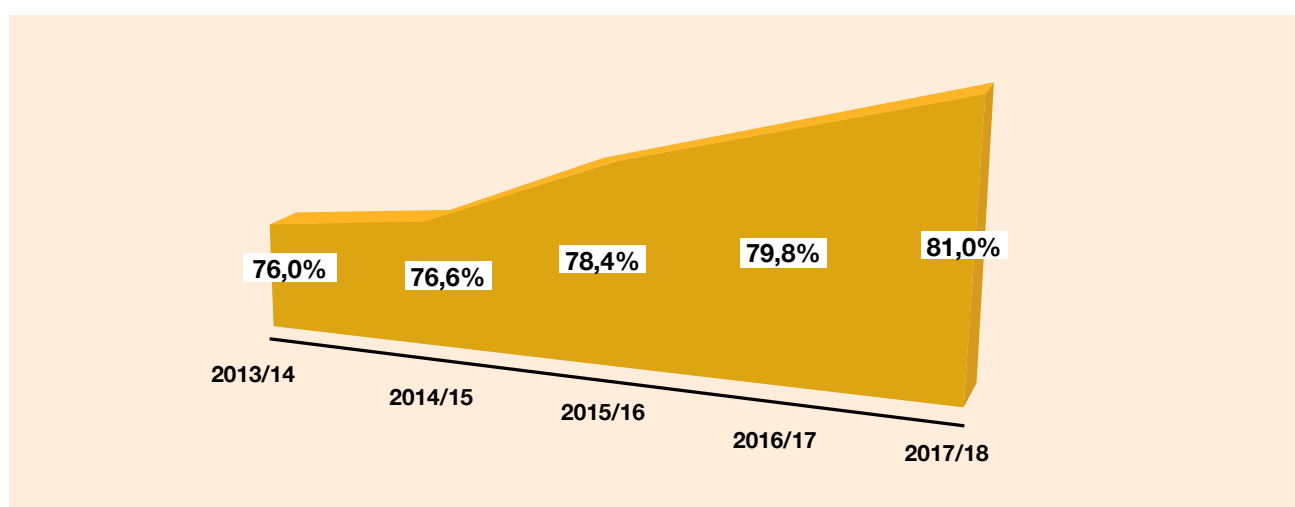
The Regional Courts enrolled 53 309 new cases during the period under review. Compared to the previous year, 2 241 (4%) fewer cases were enrolled compared to the 55 550 new cases enrolled during the previous financial year. Notwithstanding this decline in new cases received, the Regional Courts still effectively impacted on serious crime by finalising 33 246 cases, comprising 30 837 verdict cases and 2 409 alternate dispute resolution mechanism (ADRM) cases, as depicted in the figure below. This represents a finalisation rate of 0.6 cases per court per day.

Cases finalised by the Regional Courts



The Regional Courts consistently maintained a high conviction rate through effective stakeholder engagement and dedicated prosecutors. A comparative analysis with previous years, depicted in the figure below, indicates the year-on-year improvement on the conviction rates achieved by Regional Court public prosecutors. This year-on-year improvement confirms their dedication to improve the level of service to the victims of serious crime. The public prosecutors managed to improve the conviction rate with 7% from 76% obtained during the 2013/14 financial year to 81% during the period under review.

Conviction rate by Regional Courts



In addition to the cases finalised, including through ADRM, the public prosecutors in the Regional Courts finalised 7 158 court and criminal matters, which included a range of additional functions that take up valuable court time. From the list below, it is evident that formal bail applications (58.5%), coupled with applications for leave to appeal (30.7%), made up the largest number of finalised cases. During the period under review, 4 186 formal bail applications were dealt with, which represents a decrease of 6% from the total bail applications dealt with during the previous financial year (4 428).

Progress on court and criminal matters finalised

Court and criminal matters finalised	Total	Percentage of total
Suspended sentences	386	5.4%
Conversion of maintenance trial to enquiry	6	0.1%

Court and criminal matters finalised	Total	Percentage of total
Application for leave to appeal	2 198	30.7%
Committal to mental institution	248	3.5%
Conversion of sentence	114	1.6%
Formal inquests	3	0%
Criminal Justice Act: Preliminary inquiries	17	0.2%
Formal bail applications	4 186	58.5%
<b>Total matters finalised</b>	<b>7 158</b>	<b>100%</b>

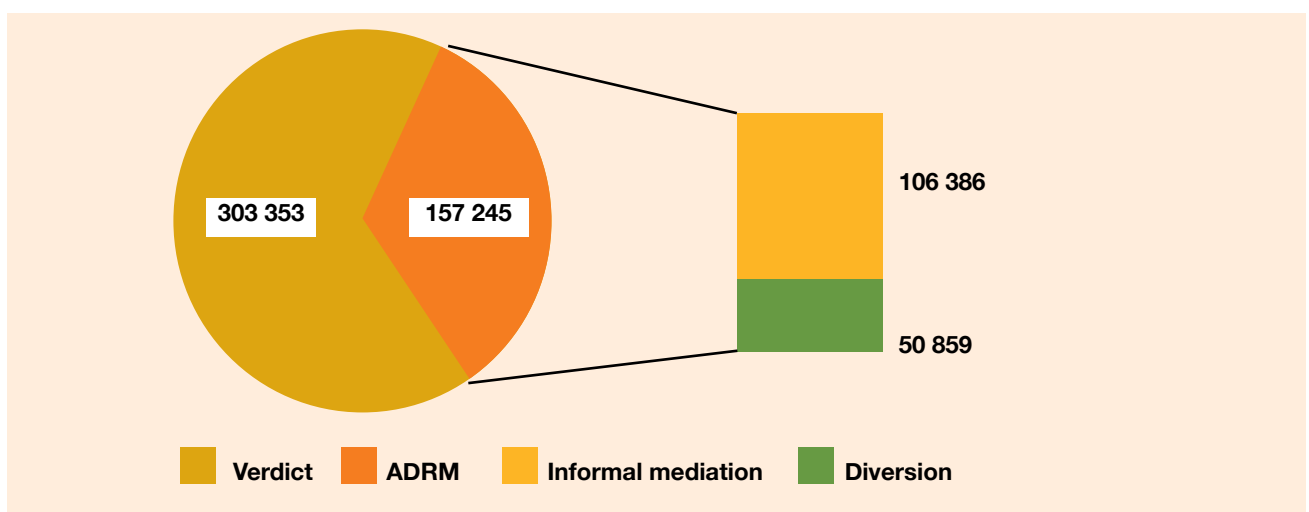
The victims of crime are also served through quality decision making outside the court. The Regional Court public prosecutors received 132 088 dockets for decision, which represents an increase of 12 854 (11%) compared to the 119 234 dockets that were received during the previous financial year. A positive clearance ratio was maintained by dealing with 131 973 decision dockets, 11% (12 492) more than the 119 481 dockets dealt with during the previous financial year.

While striving to increase successful prosecutions, enhanced screening processes that were implemented throughout the regions once again yielded positive results as 4% (384) fewer cases were withdrawn by the Regional Courts compared to the previous financial year. This decline in withdrawals reflects the commitment of the Regional Court public prosecutors to increase the quality of the prosecution of cases.

**Conviction rate and progress of the District Courts**

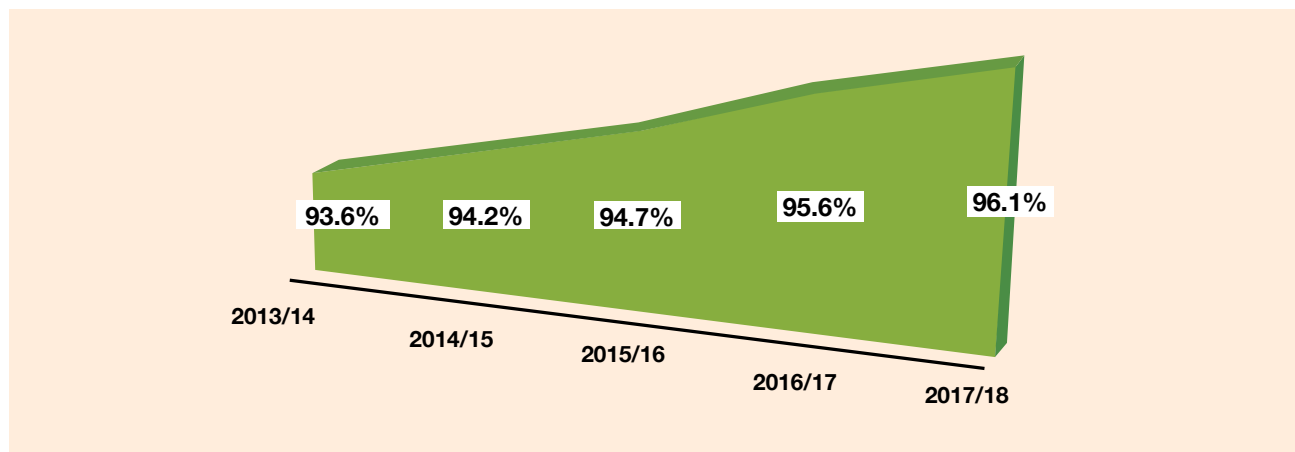
The District Courts enrolled 833 756 new cases, which is a 1% (6 157) increase compared to the 827 599 new cases enrolled in the previous financial year. The courts finalised 460 598 cases, comprising 303 353 verdict cases (66% of the total finalised cases) and 157 245 ADRM cases (34% of the total finalised cases). This represents a finalisation rate of 3.9 cases per court per day. Notwithstanding a decline in court utilisation, the prosecutors excelled during the period under review by not only exceeding the conviction rate target of 88% by 9%, but also obtaining 291 609 convictions. Effective stakeholder engagement, coupled with the aim of increasing successful prosecutions, contributed to the high conviction rates that were maintained by the District Court prosecutors.

**Cases finalised by the District Courts**



A comparative analysis with previous years indicates the year-on-year improvement in the conviction rates achieved by District Court public prosecutors. It confirms their dedication to improve the level of service to the victims of crime. The public prosecutors managed to improve the conviction rate with 3% from 93.6% obtained during the 2013/14 financial year to the 96.1% obtained during the period under review.

**Conviction rate by District Courts**



In addition to the cases finalised, including through ADRM, the public prosecutors in the District Courts finalised 66 973 court and criminal matters, which include a range of additional functions that take up valuable court time without the credit of a case being finalised (per definition). From the list below, it is evident that formal bail applications (76.7%), coupled with preliminary inquiries in terms of the Child Justice Act (15%), utilised the most court time. During the period under review, 51 370 formal bail applications were dealt with, which represents a decrease of 8% from the total number of bail applications (55 533) dealt with during the previous financial year.

**Progress on court and criminal matters finalised**

Court and criminal matters finalised	Total	Percentage of total
Suspended sentences	3 846	5.7%
Conversion of maintenance trial to enquiry	621	1.0%
Application for leave to appeal	213	0.3%
Committal to mental institution	534	0.8%
Conversion of sentence	202	0.4%
Formal inquests	121	0.2%
Child Justice Act: preliminary inquiries	10 066	15.0%
Formal bail applications	51 370	76.7%
<b>Total matters finalised</b>	<b>66 973</b>	<b>100.0%</b>

A total of 770 912 dockets for decision was received during the financial year, which represents a decrease of 1% compared to the 777 196 dockets received during the previous financial year.

Through quality decision making, the District Court public prosecutors ensured that a high level of service was delivered to the victims of crime. Enhanced screening processes implemented throughout the regions, yielded positive results, as 6% (5 328) fewer cases were withdrawn by the District Courts. This decline in withdrawals reflects the commitment of the District Court public prosecutors to increase the quality of the prosecution of cases. The high sentences imposed by the District Courts indicate the focus of the public prosecutors to ensure successful prosecutions while striving to provide justice to the victims of crime.

## Performance indicators

Strategic Objective 15: Increased successful prosecution						
Strategic objective		Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
15.1	Conviction rate in complex commercial crime	92.1% (793)	93% (928)	94.1% (911)	1%	Target exceeded due to: <ul style="list-style-type: none"> <li>Increased focus on prosecutor-guided investigations</li> <li>Improved stakeholder relations</li> </ul>
15.2	Conviction rate in organised crime	90.1% (383)	90% (269)	93,8% (346)	4%	Target exceeded due to: <ul style="list-style-type: none"> <li>Improved stakeholder engagements</li> </ul>
15.3	Conviction rate in sexual offences	71.7% (4 780)	69% (4 723)	72.7% (5 004)	5%	Target exceeded due to: <ul style="list-style-type: none"> <li>Creative interventions such as TCCs and court preparation officers' programme to provide counselling to the victims, thereby promoting a high degree of communication and increased consultation with victims and witnesses.</li> </ul>
15.4	Conviction rate in trio crimes	83.5% (1 552)	85% (1 552)	82.9% (1 723)	(3%)	Target not achieved due to: <ul style="list-style-type: none"> <li>Incomplete investigation and collection of evidence at the scene of the crime, as well as the absence of corroboratory evidence with regards to the identity of the offender.</li> </ul>
15.5	Conviction rate in violent protests and industrial action	56.3% (58)	74% (46)	68.8% (88)	(7%)	Target not achieved due to: <ul style="list-style-type: none"> <li>The reluctance of witnesses to testify, poor identification of perpetrators and their specific actions, as well as discrepancies between the evidence of state witnesses.</li> <li>Representations that can result in the withdrawal of cases.</li> </ul>

Strategic Objective 15: Increased successful prosecution						
Strategic objective	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations	
15.6	Number of persons convicted of corruption or offences related to corruption where the amount involved is more than R5 million	29	33 (106)	37	12%	Target exceeded due to: <ul style="list-style-type: none"> <li>Enhanced collaborated focus between all stakeholders during participation in the Anti-Corruption Task Team (ACTT) monitoring meetings.</li> </ul>
15.7	Number of government officials convicted for corruption or offences related to corruption	224	210 (1 168)	213	1%	Target exceeded due to: <ul style="list-style-type: none"> <li>An increased finalisation of cases as a result of a collective approach between all partners in the criminal justice value chain.</li> </ul>
15.8	Conviction rate in cybercrime prosecution	97% (289)	74% (256)	98,5% (330)	33%	Target exceeded due to: <ul style="list-style-type: none"> <li>Improved experience and training on the prosecution of cybercrime.</li> <li>Availability of qualitative evidence.</li> <li>Compliance with procedural guidelines to ensure that cases are trial ready.</li> </ul>
15.9	Number of operational TCCs	55	55	55	0%	Target achieved. Due to budgetary constraints, no additional TCCs were established, but the current TCCs were maintained.
15.10	Conviction rate at TCC reported cases	71.1% (1 659)	68% (1 511)	74.5% (1 899)	10%	Target exceeded due to: <ul style="list-style-type: none"> <li>Improved public awareness and/or increased confidence in the TCC model and the criminal justice system at large.</li> <li>Continuous efforts and cooperation with relevant stakeholders to ensure improvement of targets.</li> </ul>

### Conviction rate in complex commercial crime

The SCCU has achieved significant successes in its focus areas of corruption, cybercrime and money laundering. Key targets related to these types of crime were achieved or significantly exceeded. The impact on serious economic crime is also evident in the 968 verdict cases that were finalised, with 911 convictions. A conviction rate of 94.1% was achieved in

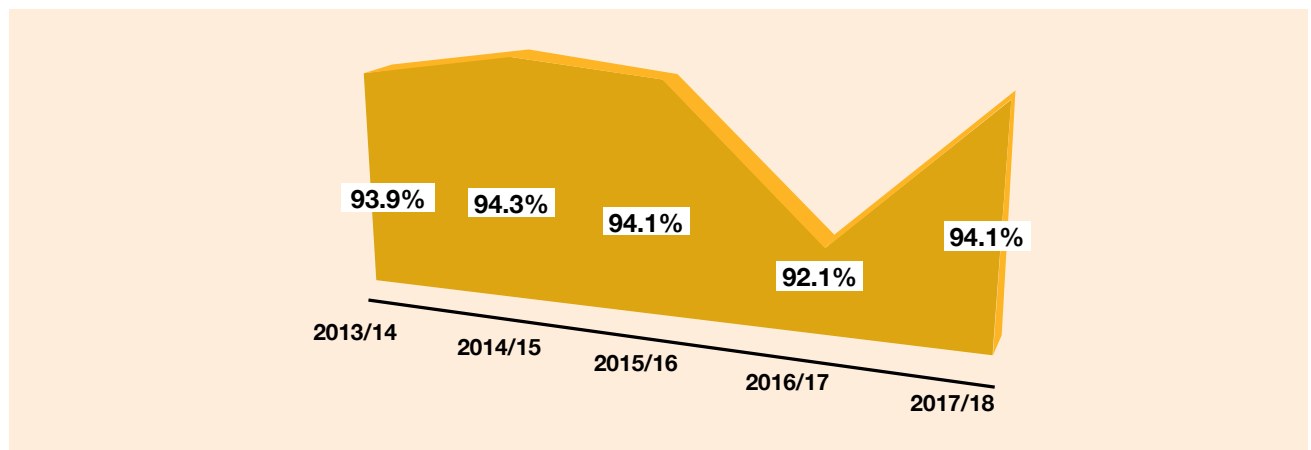


complex commercial crime cases during the financial year, exceeding the target of 93% by 1%. Compared to the previous year, an increase of 2% was noted in the conviction rate. This achievement should be viewed against serious resource constraints that are still being experienced in some offices.

**Progress of complex commercial crime conviction rates**

Financial years	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	Projected change over previous year	Change over the period 2012/13 to 2016/17
<b>Complex Commercial Crime</b>	91%	93.9%	94.3%	94.1%	92.1%	94.1%	2.2%	3.4%
<b>Convictions</b>	841	1 099	1 069	951	793	911	14.1%	8.3%
<b>Verdict</b>	922	1 170	1 134	1 011	861	968	12.4%	5.0%

**Progress of complex commercial crime conviction rates**



**Conviction rate in organised crime**

The NPA continued to focus specifically on organised crime during the current financial year. A concerted effort was made to identify the constraints and definitions related to organised crime. This contributed to the high conviction rate of 93.8% that was achieved, which is a 4.1% increase compared to the previous financial year, during which a 90.1% conviction rate was obtained. A total of 369 cases were finalised by all dedicated personnel dealing with organised crime, which is a decrease of 14 cases on the number of cases finalised during the previous financial year, as depicted in the table below.

Financial years	Guilty and sentenced	Conviction rate	Cases finalised with verdict
<b>2012/13</b>	273	90.7%	299
<b>2013/14</b>	394	88.9%	442
<b>2014/15</b>	474	92.2%	510
<b>2015/16</b>	359	88.9%	398
<b>2016/17</b>	386	92.1%	428
<b>2017/18</b>	346	93.8%	369

Specific focus was centralised around various areas, such as illegal precious metal, including copper, rhino-related offences, drug dealings, illicit mining and tax matters. The NPA finalised 149 specialised tax prosecutions by means of trials with an exceptional conviction rate of 97.3%, which is an increase of 3% compared to the previous year.

### Conviction rate in sexual offences matters

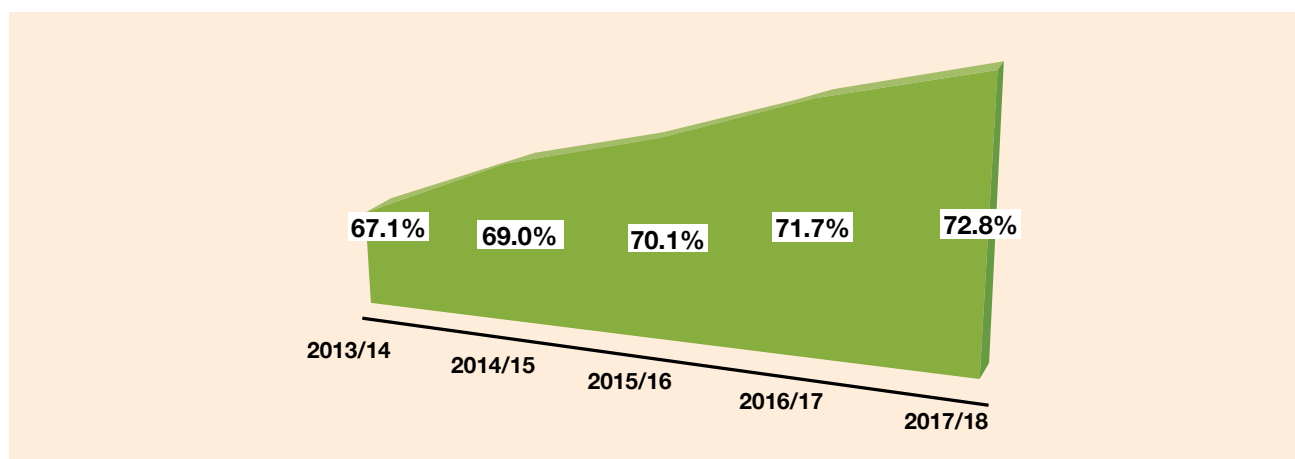
In accordance with the presidential directives to enhance the focus on sexual offence matters through the re-establishment of dedicated courts, the courts managed to exceed the conviction rate on sexual offences cases, albeit with its current stretched resources.

All public prosecutors indicated their commitment to curb the ongoing violence against women, children and the vulnerable by finalising 6 879 sexual offences cases with a verdict and obtaining 5 004 convictions. Not only did this performance exceed the set target of 69% by 5%, but it was also the highest conviction rate recorded in the past five years. The high conviction rate of 72.7% was a clear indication of the commitment of the public prosecutors to act decisively against the offenders and to strive to prevent sexual violence. The multi-disciplinary approach followed by the re-established provincial structures with stakeholders from the DoJ&CD, Legal Aid SA, the South African Police Service (SAPS), Department of Health and the NPA are clearly bearing fruit in the fight against violence. The upward trend in the conviction rate is indicated in the table and figure below:

#### Overview of sexual offences conviction rate

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	Projected change over the previous year	Change over the period 2012/13 to 2016/17
<b>Sexual Offences</b>	66%	67.1%	69%	70.1%	71.1%	72.7%	2%	10%
<b>Convictions</b>	4 670	5 484	5 084	4 978	4 780	5 004	5%	7%
<b>Verdict</b>	7 093	8 174	7 372	7 098	6 669	6 878	3%	-3%

#### Overview of sexual offences conviction rate



The enhanced focus of the regions to curb sexual violence and act decisively is evident from the number of the convictions obtained, coupled with the severe sentences imposed by the courts.

**Conviction rate in trio crimes**

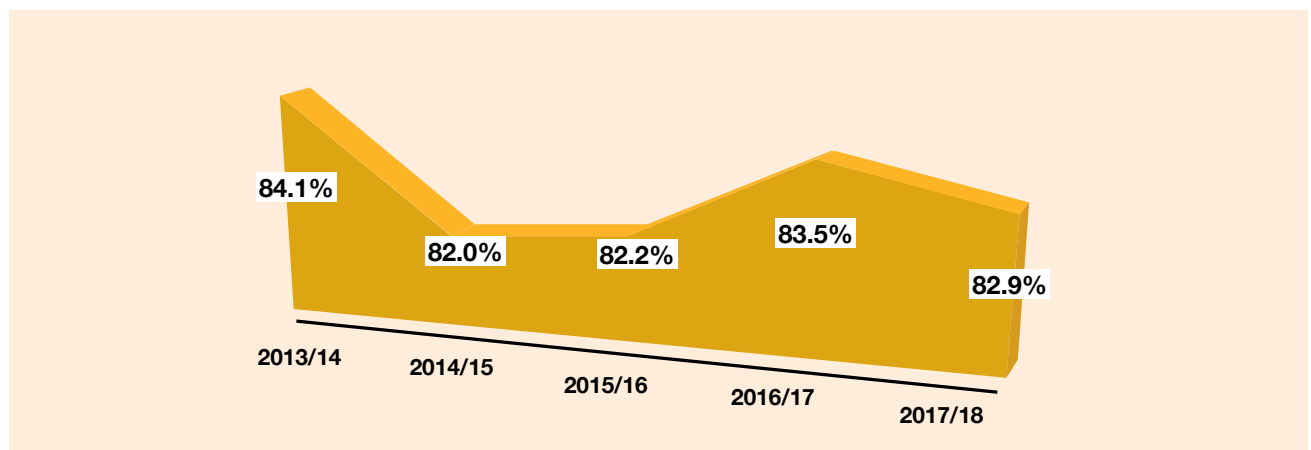
Trio crimes comprise vehicle robberies or hijacking, house robberies and business robberies. These are all crimes that have a direct impact on the community’s feeling of safety as envisaged in the MTSF. It is, therefore, of the utmost importance to ensure that all the members in the criminal justice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

The courts obtained a conviction rate of 82.9%, 3% below the target of 85%. Notwithstanding the non-achievement of the target, it should be viewed against the increase in successful prosecutions, as well as the improvement in the conviction rate, especially over the past three years. This reflects the ongoing efforts of public prosecutors to uphold quality in all trio crime prosecutions. During the reporting period, the public prosecutors excelled by finalising 2 078 trio cases with a verdict, the highest number of verdict cases in the past five years, obtaining 1 723 convictions. The performance is an improvement of 9% compared to the 1 899 verdict cases finalised during the 2013/14 financial year, as well as an improvement of 12% compared to the 1 858 verdict cases finalised during the last financial year, as depicted in the figures below. Closer cooperation between all role players contributed to the improved performance.

**Trend analysis in the trio crime conviction rate**

Financial year	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	Projected change over the previous year	Change over the period 2012/13 to 2016/17
Conviction rate	83%	84.1%	82%	82.2%	83.5%	82.9%	-1%	-0.1%
Convictions	1 274	1 597	1 453	1 391	1 552	1 723	11%	35%
Verdict	1 527	1 899	1 772	1 692	1 858	2 078	12%	36%

**Progress in trio crime conviction rate**



The total of 2 078 verdict cases comprised 2 314 trio counts (1 180 counts of house robbery, 673 counts of business robbery and 461 counts of vehicle robbery and hijacking). A breakdown of the categories indicates that high conviction rates were achieved in both house and business robberies, while vehicle robberies accounted for a conviction rate that is below the norm. The latter is mainly due to the poor quality of evidentiary material and the absence of witnesses.

### Breakdown of trio crime counts

2017/18	Convictions	Aquittals	Conviction rate
House Robberies	1 180	183	86.6%
Business Robberies	673	113	85.6%
Vehicle Robbery and Hijacking	461	99	82.3%
<b>Total</b>	<b>2 314</b>	<b>395</b>	<b>85.4%</b>

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

Political and/or domestic instability is a serious challenge that, if left unabated, will undermine our democracy, rule of law and development trajectory. Issues that contribute to this instability are violent industrial and service delivery-related protest actions, as well as disrespect for authority and for one another. It is therefore imperative to prevent and combat the violent crimes that accompanies what is otherwise legitimate industrial and protest action.

Challenges during the previous years resulted in the NPA achieving a low conviction rate in these types of crime. Factors that impact on the conviction rates and that are being addressed include the reluctance of witnesses to testify, the identification of perpetrators and discrepancies between the evidence of State witnesses. Training is provided to the police units attending to riots and marches, as well as to investigating officers in the detective branch of SAPS. Taking cognisance of the afore-mentioned challenges, it was evident that a focused approach was needed to address the conviction rate. Some regions assigned dedicated public prosecutors to deal with these cases. Public prosecutors in these cases were also assisted by advocates from the office of the Director of Public Prosecutions (DPP) and other experienced public prosecutors who monitored the progress and provided guidance. A conviction rate of 68.8% was achieved in violent protests and industrial action. Notwithstanding the non-achievement of the target, the conviction rate was significantly increased by 12.9% compared to the previous financial year, during which a conviction rate of only 55.9% was obtained. The number of convictions also increased from 57 convictions in the previous financial year to 88 convictions in the period under review.

### Number of persons convicted of corruption where the amount involved is more than R5 million

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

The SCCU participates in the Anti-corruption Task Team (ACTT), which was set up to focus on fast-tracking the investigation and prosecution of serious cases of corruption and to increase the success of the SCCU in fighting and preventing corruption in South Africa. Members of the unit were instrumental in crafting the draft strategic plan for the ACTT and its members actively participate in its secretariat.

Although there was an increase in corruption cases, only a few of these cases fall within the category of exceeding R5 million. Serious cases of corruption are also complex and take a long time to be finalised in both the investigation and prosecution phases. Notwithstanding the aforementioned challenges, the target to convict at least 33 people of corruption where the amount involved is more than R5 million was exceeded and 37 convictions were obtained. The number of convictions has gradually increased over the last four years, as depicted in the table below.

### Number of persons convicted of corruption of amounts more than R5 million

Financial year	Persons convicted of corruption where the amount involved is more than R5 million
2012/13	42
2013/14	34

Financial year	Persons convicted of corruption where the amount involved is more than R5 million
2014/15	23
2015/16	24
2016/17	29
2017/18	37

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

The MTSF and NDP identify fighting corruption as one of the key challenges facing South Africa and propose the building of a resilient anti-corruption system to deal with it. The NPA plays a key role in the fight against corruption by guiding the investigation and conducting the prosecution of people who have committed corruption, whether they are in the public or the private sectors.

The NPA secured the conviction of 213 government officials, exceeding the target of 210 government employees by 1%. Although the annual target was exceeded, fewer cases were finalised due to a reduction in the inflow of cases, coupled with a reduction in court utilisation. This resulted in a decrease in performance by 5% compared to the previous financial year. Due to the collective approach between all partners in the criminal justice value chain, the focus on crime and corruption was enhanced, which resulted in an increase in performance between 2013/14 and 2016/17.

### Number of government officials convicted of corruption

Financial year	Government officials convicted of corruption
2012/13	104
2013/14	73
2014/15	130
2015/16	206
2016/17	224
2017/18	213

### Conviction rate in cybercrime prosecutions

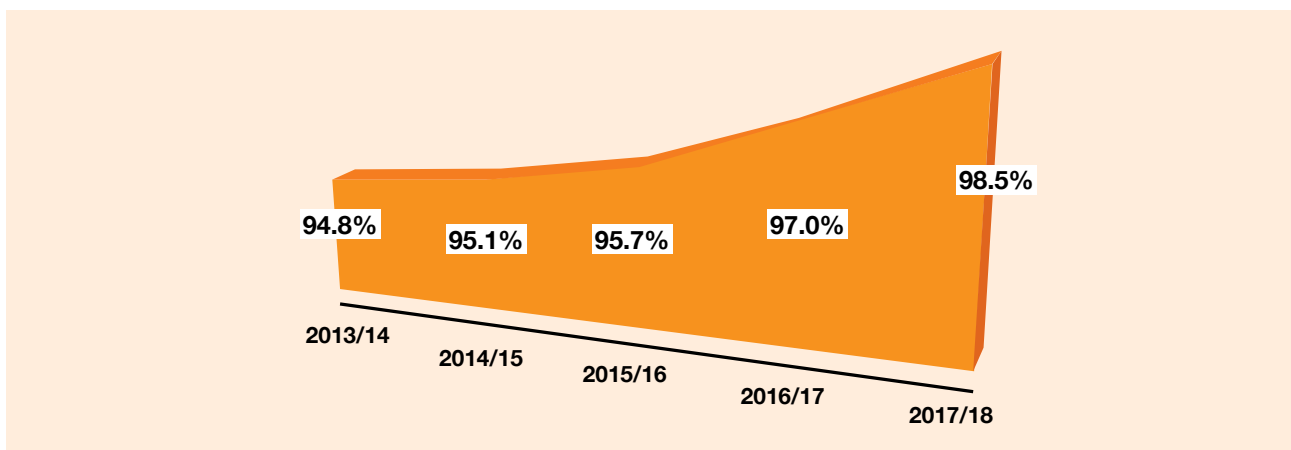
In line with the priorities set by the MTSF, special focus was again placed on the prosecution of cybercrime cases to curb this growing international phenomenon. Although new technologies create new criminal opportunities rather than new crime types, cybercrime is an extension of an ordinary crime committed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

The public prosecutors and advocates of the specialised unit excelled by finalising 335 verdict cases with 330 convictions, while ensuring quality prosecutions by maintaining a remarkable conviction rate of 98.5%. The target was not only exceeded by 33%, but an improvement of 2% was noted compared to the 97% achieved during the previous financial year. Compared to the previous year, the conviction rate of 98.5% is the highest achievement over the past five years, as depicted in the table and figure below. The increased finalisation of these cases in the trend analysis below reflects a focused approach and indicates the high level of quality prosecutions maintained by the public prosecutors.

**Trend analysis in cybercrime matters**

Financial year	2013/14	2014/15	2015/16	2016/17	2017/18	Projected change over the previous year	Change over the period 2012/13 to 2016/17
<b>Cybercrime</b>	94.8%	95.1%	95.7%	97.0%	98.5%	2%	4%
<b>Convictions</b>	200	232	244	289	330	14%	65%
<b>Verdict</b>	211	244	255	298	335	12%	59%

**Conviction rate in cybercrime matters**



**Number of operational TCC’s**

The matters reported at TCC sites increased by 5% compared to the previous financial year, during which 32 239 matters were reported. During the current financial year, 33 973 matters were reported at the 55 operational TCC sites currently providing services in line with the verification criteria. No new operational TCC’s were established due to budget constraints. The SOCA Unit focused in the interim on improving services at all sites, with the assistance of the relevant stakeholders.

**Conviction rate in TCC-reported cases**

The courts achieved a 74.5% conviction rate in sexual offences cases reported at TCCs, exceeding the annual target of 68% by 10%. This performance is a 5% improvement compared to the previous financial year. For the past three years, the SOCA Unit maintained a conviction rate exceeding 70% for TCC-reported cases, as depicted in the table below. Continuous efforts and cooperation with relevant stakeholders contributed to this excellent achievement.

**TCC cases finalised with a verdict and conviction rate**

Financial year	Verdict cases	Conviction rate
2012/13	2 248	61%
2013/14	2 357	65.9%
2014/15	2 285	68.4%
2015/16	2 340	71.8%
2016/17	2 334	71.1%
2017/18	2 549	74.5%

**Strategic objective 16: Ensure that profit is removed from crime**

Strategic Objective 16: Ensure that profit is removed from crime						
Objective indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2016/17	Comment on deviations	
16.a	Percentage of completed forfeiture cases	N/A (560)	96% (336/349)	167% (563)	74%	Target exceeded due to the completion of a large number of high - impact cases, using Section 18 of the Prevention of Organised Crime Act (POCA).
16.b	Value of completed forfeiture cases	R423.6 million	R600 million	R350.95 million	(42%)	Target not achieved due to delays in the finalisation of criminal trials and the increased opposition of Chapter 6 matters, specifically high-value matters.

**Percentage of completed forfeiture cases**

During the year under review, the NPA completed 563 forfeiture cases, representing 167% of completed forfeiture cases being obtained. The completion of a large number of high-impact cases using section 18 of POCA contributed to the target being significantly exceeded.

The table below depicts the annual comparison of performance for the number of completed forfeiture cases from the 2012/13 financial year to the 2017/18 financial year. It is evident that, despite the decrease in the 2015/16 financial year, performance improved significantly from the 2012/13 financial year, with the performance in 2017/18 being the best performance over the past six years.

**Annual comparison of performance: 2012/13 to 2017/18**

Indicator	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	Change over the previous year	Change over the period
<b>Number of completed forfeiture cases</b>	302	390	463	389	560	563	44%	86%

**Value of completed forfeiture cases**

The NPA obtained forfeiture and confiscation orders to the value of R350.95 million, 42% below the target of R600 million and 17% below the performance of the previous financial year. Delays in the finalisation of criminal trials, challenges experienced with the referral of cases and the increased opposition of Chapter 6 matters, specifically in high-value matters, contributed to the non-achievement of the target. It is imperative for the NPA to continue its focus on improved cooperation with partners and stakeholders to ensure that investigations are completed and criminal cases proceed. The respective managers will closely monitor the progress in high-value cases closely.



Annual comparison of value of completed forfeiture cases

Indicator	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	Change over the previous year	Change over the period
Value of completed forfeiture cases	R119 million	R296.4 million	R1.94 billion	R349.6 million	R423.6 million	R350.95 million	(17%)	195%
Target	R167 million	R170 million	R180 million	R210 million	R230 million	R600 million	161%	259%

Performance indicators

Strategic Objective 16: Ensure that profit is removed from crime

Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
16.1 Percentage of freezing orders	N/A (377)	100% (261)	125% (324)	25%	Target exceeded due to increased focus on Chapter 6 preservations.
16.2 Value of freezing orders	R1.194 billion	R1.2 billion	R4.4 billion	267%	Target exceeded due to completion of high-value cases with specific reference to the prioritisation of high-value corruption cases using Chapter 6.
16.3 Value of freezing orders obtained relating to corruption where the amount involved per case is more than R5 million	R627.3 million	R800 million	R3.8 billion	376%	Target exceeded due to increased focus on the completion of high-value cases using Chapter 6 and the prioritisation of state capture cases.
16.4 Value of recoveries in terms of POCA	R377.8 million	R300 million	R302.8 million	1%	Target exceeded due to increased focus on the completion of high-value cases using Chapter 6 and the prioritisation of state capture cases.

Strategic Objective 16: Ensure that profit is removed from crime						
Performance indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations	
16.5	Success rate 99% (560/562)	93% (312)	99,1% (557/562)	7%	Target exceeded due to case selection criteria and the proper screening of cases.	
16.6	Value of recoveries in relation to corruption where the amount involved is more than R5 million (proceeds of crime and government losses)	R220.6 million	R100 million	R2.54 million	(98%)	Target not achieved due to undue delays in the finalisation of criminal trials in the ACTT and the opposing of high-value Chapter 6 preservations, which could lead to recoveries.
16.7	Value of recoveries for government officials convicted of corruption and other related offences (proceeds of crime and government)	R1.17 million	R1 million	R410 000	(59%)	Target not achieved due to undue delays in the finalisation of criminal trials and the opposing of high-value Chapter 6 preservations, which could lead to recoveries.

### Percentage of freezing orders

The NPA continued to implement measures to increase productivity, improve coordination and resolve inhibiting factors with its partners by obtaining 324 freezing orders, representing 125% of freezing orders obtained. This performance exceeded the annual target of 100% by 25% due to an increased focus on Chapter 6 matters. Notwithstanding the over-achievement of the target, the number of freezing orders decreased by 14% (53 freezing orders) compared to the previous financial year.

### Annual comparison of number of freezing orders

Indicator	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	Change over the previous year	Change over period
Number of freezing orders	276	363	342	326	377	324	(14%)	17%

### Value of freezing orders

During the year under review, freezing orders to the value of R4.4 billion were obtained, exceeding the target of R1.2 billion by 267%. Performance improved significantly compared to the previous year, during which freezing orders to the value of R1.194 billion were obtained. The current year's performance was recorded as the best performance in the last six years as a result of the completion of high-value cases, with specific reference to the prioritisation of high-value corruption cases by making use of Chapter 6.

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

Indicator	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	Change over the previous year	Change over the period
Value of freezing orders	R518 million	R701 million	R2 756 million	R778.9 million	R1.194 billion	R4.4 billion	269%	749%
Target	R600 million	R710 million	R755 million	R1 billion	R1.1 billion	R1.2 billion	9%	100%

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

During the year under review, freezing orders (relating to corruption where the amount involved is more than R5 million) to the value of R3.8 billion were obtained, exceeding the target of R800 million by 376%. This performance is also a significant increase of 506% compared to the performance of the previous financial year, during which freezing orders to the value of R627.3 million were obtained. An increase in the finalisation of high-value cases contributed to this good performance.

### Value of recoveries in terms of POCA

Recoveries in terms of POCA to the value of R302.8 million were obtained, exceeding the target of R300 million by 1%. The performance also increased by 38% compared to the previous financial year. The focused strategies of the prioritisation of recoveries (especially victim payments) and the increased focus on the completion of high-value cases through Chapter 6 contributed to this success. It is important to consider the total payments to victims and the payments to the CARA, as it represents the total amount recovered by the AFU. The AFU deposited R107 million into CARA in 2017/18.

The table below reflects the performance of the AFU in the last six years in terms of the value of recoveries:

### The performance of the AFU from 2012/13 to 2017/18 in the value of recoveries

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18
Payments to victims	R28.6 million	R84.4 million	R1 658 million	R390.2 million	R149.4 million	R195.8 million
Payments into CARA	R34.8 million	R98.5 million	R58.2 million	R54.2 million	R69.1 million	R107 million
Value of recoveries in terms of POCA (Victims and CARA)	R63.4 million	R182.9 million	R1 716.2 million	R444.2 million	R219 million	R302.8 million

### Success rate

A success rate of 99.1% was achieved, exceeding the target of 93% by 7%. This performance also exceeded the performance of the previous financial year by 0.1%. The good performance can be attributed to a cautious approach being followed in case selection in big, complex cases being handled in terms of Chapter 5 and a more focused approach being followed in pursuing cases through Chapter 6.

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

Recoveries relating to corruption (where the amount benefitted is more than R5 million) to the value of R2.54 million were obtained, significantly below the target of R100 million by 98%. This performance is significantly below the performance of the previous financial year, during which recoveries to the value of R220.6 million were obtained. While the unit obtained several restraining orders involving complex high-value matters, only a few convictions were obtained for which confiscation orders could be secured.

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

Recoveries relating to government officials convicted of corruption and related offences to the value of R410 000 were made, which is significantly below the target of R1 million by 59%. While the unit obtained several restraining orders involving complex high-value matters, only a few convictions were obtained for which confiscation orders could be secured.

**Strategic objective 17: Ensure that threatened witnesses and related persons are successfully protected**

Strategic Objective 17: Ensure that threatened witnesses and related persons are successfully protected					
Objective indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
17. Number of witnesses and related persons harmed, threatened or killed while on the Witness Protection Programme	0	0	0	0%	Effective operations model and operations planning

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

During 2017/18, the Office for Witness Protection maintained its performance record for the last 16 years in ensuring that no witnesses and related persons were threatened or killed while on the Witnesses Protection Programme.

**Performance indicator**

Strategic Objective 17: Ensure that threatened witnesses and related persons are successfully protected					
Objective indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
17.1 Percentage of witnesses and related persons that walked off the Witness Protection Programme	0.5% (4/770)	1.5%	1.2% (9/722)	20%	Witness management through induction processes and continued interaction with the witnesses and their related persons

### Percentage of witnesses and related persons that quit the Witness Protection Programme

Seven witnesses and two related persons walked off the Witness Protection Programme, left the programme voluntarily and without notice. This is 1.2% of the total number of witnesses and related persons on the programme. In terms of the Witness Protection Act, witnesses and related persons must voluntarily agree to be admitted into the Witness Protection Programme and sign a protection agreement.

The NPA, guided by section 41 of the Constitution, has very high levels of cooperation with its partners and stakeholders. The outcome of this high-level cooperation is that 27 life terms and 719 sentences of direct imprisonment were imposed in cases in which witnesses on the Witness Protection Programme have testified.

During the year under review, 179 witnesses and 118 related persons joined the programme. A total of 425 witnesses and related persons were managed in witness protection during the period under review. This includes witnesses and related persons carried over from the 2016/17 financial year. Guided by the intentions of the Witness Protection Act and the values and ethos of the Constitution, 109 witnesses and 103 related persons were successfully discharged and resettled. A total of 96 witnesses and 78 related persons signed off on the Witness Protection Programme. Their reasons for signing off on the programme were recorded. No formal grievances were laid.

### Strategy to overcome areas of underperformance

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

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

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

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

### Changes to planned targets

No changes to planned targets were made.

### Linking performance with budgets

The NPA's expenditure contributed to the achievement of the outputs indicated above. Its primary focus was on public prosecution and 78.7% of the total allocation for 2017/18 was spent on the NPS. Support services provided centralised services such as security, fleet, facilities and IT services and spent 12.8% of the total allocation for 2017/18.

Sub-programme	2017/18			2016/17		
	Final appropriation	Actual expenditure	(Over-)/under-expenditure	Final appropriation	Actual expenditure	(Over-)/under-expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
National Prosecutions Service	2 946 254	2 946 254	-	2 776 285	2 776 285	-

Sub-programme	2017/18			2016/17		
	Final appropriation	Actual expenditure	(Over-)/under-expenditure	Final appropriation	Actual expenditure	(Over-)/under-expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Asset Forfeiture Unit	126 520	126 520	-	133 011	133 011	-
Office for Witness Protection	189 994	189 994	-	183 521	183 521	-
Support Services	480 273	480 147	126	461 759	461 759	-
<b>Total</b>	<b>3 743 041</b>	<b>3 742 915</b>	<b>126</b>	<b>3 554 576</b>	<b>3 554 576</b>	<b>-</b>

### 3.1.5 Programme 5: Auxiliary Services

The purpose of this programme is to provide a variety of auxiliary services associated with the Department's aim and to fund transfer payments to the South African Human Rights Commission (SAHRC), the Office of the Public Protector, Legal Aid SA, the SIU, the Represented Political Parties' Fund and the President's Fund. These entities report separately.

The Justice Modernisation sub-programme is responsible for the design and implementation of IT infrastructure for the integration of business processes within the criminal justice system. An amount of R810 690 in this sub-programme was allocated to the Department, to establish a programme management office and for the implementation of projects that will contribute to the integration of the criminal justice system.

#### Strategic objectives

The strategic objective for this sub-programme is:

**Strategic Objective 18:** A functional integrated electronic criminal justice system to monitor the performance of the criminal justice system established.

Performance against this objective and the related key performance indicators are discussed below.

#### Strategic Objective 18: Functional integrated electronic criminal justice system established to monitor the performance of the criminal justice system

##### Strategic Objective 18: Functional integrated electronic criminal justice system to monitor the performance of the criminal justice system

Objective indicator	Actual achievement 2016/17	Planned target 2017/18	Actual achievement 2017/18	Deviation from planned target to actual achievement for 2017/18	Comment on deviations
18. Number of key performance indicators reported on the ICJS	18	22	22	-	Target achieved.

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

The programme has five key priorities for the integration of ICT: the CJS single person identifier, the person identification verification application, including criminal record “fast check”, case management integration, a reporting dashboard for 28 key performance indicators (KPI’s) and a single transversal data store for the statistical requirements of the JCPS Cluster departments.

As at the end of the 2017/18 financial year, 22 out of 28 KPI’s for the reporting dashboard were completed. The benefit of the dashboard will be that it will provide an increasingly comprehensive view of the performance of the South African criminal justice system.

### Performance indicators

<b>Strategic Objective 18: Functional integrated electronic criminal justice system to monitor the performance of the criminal justice system established</b>						
<b>Objective indicator</b>	<b>Actual achievement 2016/17</b>	<b>Planned target 2017/18</b>	<b>Actual achievement 2017/18</b>	<b>Deviation from planned target to actual achievement for 2017/18</b>	<b>Comment on deviations</b>	
18.1 Number of government departments and entities exchanging information electronically	-	7	7	-	Target achieved.	
18.2 Number of KPIs’ data uploaded to the IJS data warehouse	18	22	22	-	Target achieved.	
18.3 Total number of IJS departmental applications that form part of integrated test lab process	-	3	3	-	Target achieved.	

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

Integral to the enabling inter-departmental integration, the successful implementation of the IJS transversal hub has provided a comprehensive integration architecture and platform on which the underlying criminal justice business process may be integrated. The JCPS Cluster was the first cluster within Government to pursue inter-operability. The hub already provides for electronic information exchange between its members.

**During the year under review, the departments and entities connected to the IJS transversal hub which were able to electronically exchange information as per signed control agreements were as follows:**

- SAPS
- NPA
- DoJ&CD
- Legal Aid SA
- Department of Home Affairs
- Department of Correctional Services
- Department of Social Development





The IJS transversal hub provides a technical integration platform for electronic information exchange between ICJS member departments

Business Against Crime South Africa (BACSA) was connected as a data source provider to SAPS to support crime intelligence-gathering efforts, while the South Africa Social Security Agency (SASSA) was also connected during the current financial year, for the purposes of verifying the identity of social grant beneficiaries and as a key mechanism to combat potential fraud.

During the period under review, in addition to the 18 KPIs that were completed in 2016/17, data was uploaded with regard to four additional KPI's, which brings the total number of KPI's to 22.

**The CJS performance dashboard now reports on the following additional KPI's:**

- KPI 14: Alternatives to Detention (ATD) Time
- KPI 16: Courtroom Utilisation Rate
- KPI 17: Trial Certainty Rate
- KPI 24: Incarceration Early Release Rate

Three of the IJS departments whose applications formed part of the integrated test lab process during the year under review are listed below:

Number	Department	Applications
1.	Department of Justice and Constitutional Development	ICMS J7 Project Court Scheduler, including mobile and web applications
2.	Department of Correctional Services	Integrated Inmate Management System J7 Project
3.	Department of Social Development	Probation Case Management Application, both web and mobile versions

**Strategy to overcome areas of underperformance**

No underperformance was reported under Programme 5.

**Changes to planned targets**

There were no changes to the planned targets during the 2017/18 financial year.

## Linking performance with budget

The underspending is attributed to delays in filling vacant positions.

Sub-programme	2017/18			2016/17		
	Final appropriation	Actual expenditure	(Over-)/under-expenditure	Final appropriation	Actual expenditure	(Over-)/under-expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Justice Modernisation	810 690	810 690	-	826 359	826 357	2
President's Fund	1	-	1	1	-	1
<b>Total</b>	<b>810 691</b>	<b>810 690</b>	<b>1</b>	<b>826 360</b>	<b>826 357</b>	<b>3</b>

## 4. Transfer Payments

### 4.1 Transfer payments to public entities

Name of public entity	Services rendered by the public entity	Amount transferred to the public entity	Amount spent by the public entity	Achievements of the public entity
Legal Aid South Africa	Fund Legal Aid SA, which provides legal aid to indigent people and legal representation at the state's expense, as set out in the Constitution	1 577 171	1 577 171	<ul style="list-style-type: none"> <li>In the year under review we took on a total of 426 617 new legal matters and finalised a total of 420 061 matters. The vast majority of matters that Legal Aid South Africa handles are criminal matters 371 202 (87%), with 55 415 (13%) being civil matters. This includes assistance given to 16 350 children, with 62% (10 141) being children in conflict with the law and 38% (6 209) being children needing assistance with civil legal matters. There were 25 new impact litigation matters identified and addressed during the financial year 2017/18. In the overall the quality of legal services offered by Legal Aid SA's legal practitioners remain above our acceptable targets.</li> <li>Of the total number of 305 239 people who received legal advice, 232 507 were assisted at Legal Aid SA Local and Satellite Offices; 24 869 awaiting trial and sentenced prisoners were assisted through visits by our Awaiting Trial Prisoners (ATP) Paralegals to prisons and 47 863 people were assisted by our Legal Aid SA Advice Line, having either called the Advice Line or sent a Please Call Me requesting contact. Legal Aid SA Advice Line assisted 6 086 (14.6%) more people in 2017-2018.</li> </ul>

Name of public entity	Services rendered by the public entity	Amount transferred to the public entity	Amount spent by the public entity	Achievements of the public entity
Legal Aid South Africa	Fund Legal Aid SA, which provides legal aid to indigent people and legal representation at the state's expense, as set out in the Constitution	1 577 171	1 577 171	<ul style="list-style-type: none"> <li>• Legal Aid South Africa has now, for the 2017/18 financial year, received the 17th consecutive unqualified audit opinion from the Auditor-General of South Africa and it is also a clean audit. Legal Aid SA have met more than 90% of the set targets in the Business Plan for 2017/18 and spending 98.7% of the approved budget.</li> <li>• Legal Aid SA's Staff establishment was reduced by 3.6% from 2 863 to 2 761 mainly due to budgetary constraints.</li> <li>• Legal Aid SA was named a Top Employer in South Africa for the ninth consecutive year, as well as Industry Leader in the Public Sector for the third consecutive year as a measure of excellence in people management.</li> </ul>
Special Investigating Unit	Fund the SIU, which provides professional forensic investigating and litigation services to all state institutions at national, provincial and local levels to combat maladministration, corruption and fraud and to protect state assets and public funds.	316 732	316 732	<ul style="list-style-type: none"> <li>• A total of 1 556 investigations closed out under a published proclamation.</li> <li>• 15 final investigation reports were submitted to the Presidency.</li> <li>• R 299 million of money and/or assets potentially recoverable.</li> <li>• R 34 million of money and/or assets actually recovered.</li> <li>• R 407 million of potential loss prevented.</li> <li>• The value of R 797 million of contract(s) and/or administrative decision(s)/ action(s) set aside or deemed invalid.</li> <li>• The value of R 2,7 billion of matters in respect of which evidence was referred for the institution or defence/opposition of civil proceedings (including arbitration or counter civil proceedings)</li> </ul>
Special Investigating Unit	Fund the SIU, which provides professional forensic investigating and litigation services to all state institutions at national, provincial and local levels to combat maladministration, corruption and fraud and to protect state assets and public funds.	316 732	316 732	<ul style="list-style-type: none"> <li>• 148 referrals made to the relevant Prosecuting Authority.</li> <li>• 319 referrals made for disciplinary, execution and/or administrative action.</li> </ul>

## 4.2 Transfer payments to all organisations other than public entities

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

Name of transferee	Type of organisation	Purpose for which the funds were used	Did the Department comply with section 38(1)(j) of the PFMA	Amount transferred (R'000)	Amount spent by the entity	Reasons for the funds unspent by the entity
PD: Vehicle licences	Municipal payments	Renewal of vehicle licences	N/A	634	634	-
Foreign government/ international organisation	Foreign government	Subscription fees	N/A	13 484	13 484	-
Television (TV) licence renewal	South African Broadcasting Corporation (SABC)	TV licence renewal	N/A	122	122	-
Households	Payments for leave gratuity and claims against the state	Payments for leave gratuity and claims against the state	N/A	40 832	40 382	-
Safety and Security, Sector Education and Training Authority	Payments for training in the public service	Payments for training in the public service	N/A	14 494	14 494	-
Public Protector South Africa	Constitutional institution	Fund the Public Protector South Africa, which investigates any alleged improper conduct in state affairs, public administration, or any sphere of government, as well as any conduct that results in any impropriety or prejudice.	N/A	264 108	264 108	-

## 5. Conditional Grants

### 5.1 Conditional grants and earmarked funds paid

There were no conditional grants paid by the Department.

### 5.2 Conditional grants and earmarked funds received

There were no conditional grants received by the Department.

## 6. Donor Funds

### 6.1 Donor funds received

#### 6.1.1 United States Agency for International Development

<b>Name of donor</b>	United States Agency for International Development (USAID)
<b>Full amount of the funding</b>	R12.1 million
<b>Period of the commitment</b>	2016 to 2019
<b>Purpose of the funding</b>	Improving case outcomes for sexual offences cases pilot project
<b>Expected outputs</b>	The Improving Case Outcomes for Sexual Offences Cases Pilot Project aims to improve case flow management, build capacity for improved services, especially for vulnerable groups and LGBTI persons and create evidence-based best practices for improved case outcomes in three pilot sexual offences courts: Durban, Soweto and Tonga.
<b>Actual outputs achieved</b>	<p>Baseline study was completed.</p> <p>Preliminary baseline study was completed and workshop conducted with all provincial and national stakeholders to validate data.</p> <p>The preliminary baseline report was reviewed by a panel of experts.</p> <p>Workshops and seminars</p> <p>The following training workshops and seminars were conducted with all stakeholders:</p> <p>Training that shared expert knowledge with court personnel and explored best practice, forensic evidence, litigation strategies and legal remedies, vicarious trauma, debriefing and supportive supervision and child development, preparing child witnesses for testimonies and providing expert evidence in the courtroom.</p> <p>A workshop on case flow management systems for sexual offences courts, which enabled participants to reflect on sexual offences case flow and best practices related to the same.</p>
<b>Amount received in the current period (R'000)</b>	R9 528 261,14 (technical assistance)
<b>Amount spent by the Department (R'000)</b>	R8 188 314,81
<b>Reasons for the funds unspent</b>	N/A
<b>Monitoring mechanism by the donor</b>	<p>The donor monitors the projects through the following structures:</p> <ul style="list-style-type: none"> <li>• Quarterly reports</li> <li>• Donor Coordination Quarterly Project Managers Forum</li> <li>• Provincial Stakeholder Forum</li> <li>• Advisory Committee</li> <li>• Project Steering Committee</li> </ul>

## 6.1.2 United Nations Children’s Fund

<b>Name of donor</b>	United Nations Children’s Fund (UNICEF)
<b>Full amount of the funding</b>	R1 272 000
<b>Period of the commitment</b>	2016 to 2019
<b>Purpose of the funding</b>	Strengthen capacity of state institutions to provide access to services and support systems that enhance social protection, safety and security in communities and justice for all and strengthen national institutions and systems to support South Africa’s contributions for a better Africa and a better world.
<b>Expected outputs</b>	Reduce the impact of sexual abuse on victims, especially women and children, by strengthening the capacity of the sexual offences courts to deliver victim-centered services.
<b>Actual outputs achieved</b>	<p>During the period under review the following outputs were achieved:</p> <ul style="list-style-type: none"> <li>• The reviewed draft of the National Policy Framework was developed.</li> <li>• The second victim satisfaction survey was conducted across 11 premier sexual offences courts among 221 people, including victims of sexual violence, parents and caregivers of affected children, legal representatives and court personnel. The survey reported a 69% victim satisfaction rate.</li> <li>• Draft minimum standards for sexual offences courts were developed.</li> </ul>
<b>Amount received in current period (R’000)</b>	R748 542,07 (technical assistance)
<b>Amount spend by the Department (R’000)</b>	R456 630,40
<b>Reasons for the funds unspent</b>	Donor support was received in-kind.
<b>Monitoring mechanism by the donor</b>	Donor assistance is managed through quarterly Project Managers’ Forum meetings and quarterly meetings between the Department, the donor and implementing partners.

## 6.1.3 European Union

<b>Name of donor</b>	European Union
<b>Full amount of the funding</b>	Technical assistance
<b>Period of the commitment</b>	2017/18
<b>Purpose of the funding</b>	Developing a National Mechanism for Reporting and Follow-Up (NMRF) for international treaty obligations.
<b>Expected outputs</b>	Development of the NMRF to facilitate South Africa’s compliance with treaty reporting obligations
<b>Actual outputs achieved</b>	The final report, with the proposed NMRF model and terms of reference, were developed and the technical assistance has since reached its conclusion.
<b>Amount received in current period (R’000)</b>	Technical support
<b>Amount spent by the Department (R’000)</b>	Technical support
<b>Reasons for the funds unspent</b>	N/A
<b>Monitoring mechanism by the donor</b>	Donor assistance is managed through quarterly Project Managers’ Forum meetings and quarterly meetings between the Department, the donor and implementing partners.

**6.1.4 European Union**

<b>Name of donor</b>	European Union
<b>Full amount of the funding</b>	Technical assistance
<b>Period of the commitment</b>	2017/18
<b>Purpose of the funding</b>	To develop a National Policy Framework for Promoting Active Citizen Participation at both national and local levels so as to streamline public participation across government.
<b>Expected outputs</b>	<ul style="list-style-type: none"> <li>• Inception report</li> <li>• Desktop analysis and review of existing programme and available laws</li> <li>• Draft National Policy Framework for Promoting Active Citizenry</li> </ul>
<b>Actual outputs achieved</b>	<ul style="list-style-type: none"> <li>• An inception report, which outlines the methodology, activities, responsibilities and time frames, was developed.</li> <li>• Review and analysis of programme documentation, available laws and programmes used by different levels of government were conducted.</li> <li>• No cost extension of project until November 2018 (2018/19) granted for completion of project.</li> </ul>
<b>Amount received in current period (R'000)</b>	Technical assistance
<b>Amount spent by the department (R'000)</b>	Technical assistance
<b>Reasons for the funds unspent</b>	N/A
<b>Monitoring mechanism by the donor</b>	Donor assistance is managed through quarterly Project Managers' Forum meetings and quarterly meetings between the Department, the donor and implementing partners.

**6.1.5 European Union**

<b>Name of donor</b>	European Union
<b>Full amount of the funding</b>	Technical assistance
<b>Period of the commitment</b>	2017/18 to 2018/19
<b>Purpose of the funding</b>	Analyse methods of data collection on incidents of racism, racial discrimination, xenophobia and related intolerance
<b>Expected outputs</b>	<ul style="list-style-type: none"> <li>• Inception report</li> <li>• A comparative study on best practices on the collection of data on discrimination</li> <li>• A report on the state of data collection on discrimination in South Africa</li> </ul>
<b>Actual outputs achieved</b>	<ul style="list-style-type: none"> <li>• The inception report, together with the terms of reference were developed</li> <li>• A comparative study of international best practices on the collection of data on discrimination was conducted and its report was developed and finalised during the period under review.</li> </ul>
<b>Amount received in current period (R'000)</b>	Technical support
<b>Amount spent by the Department (R'000)</b>	Technical support
<b>Reasons for the funds unspent</b>	N/A
<b>Monitoring mechanism by the donor</b>	Donor assistance is managed through quarterly Project Managers' Forum meetings and quarterly meetings between the Department, the donor and implementing partners.



## 6.1.6 European Union

<b>Name of donor</b>	European Union
<b>Full amount of the funding</b>	€25 million
<b>Period of the commitment</b>	2014 to 2019
<b>Purpose of the funding</b>	Support the Department to fulfil its mandate on the enhancement of socio-economic rights and strengthen partnership with civil society.
<b>Expected outputs</b>	<ul style="list-style-type: none"> <li>Improved awareness of constitutional rights, with an emphasis on socio-economic rights and on vulnerable groups</li> <li>Enhanced participatory democracy through public policy dialogues on constitutional rights</li> <li>Improved and sustained collaboration between government, chapter nine institutions, civil society and other stakeholders in terms of justice service delivery and socio-economic rights (including support for Community Advice Offices)</li> <li>Increased research on socio-economic rights and jurisprudence</li> <li>Improved sector coordination and policy design on constitutional development</li> <li>Strengthened capacity, engagement and participation of CSOs in the realisation of constitutional rights</li> </ul> <p>A total of 63 grants was awarded to CSOs and advice offices who are working in the human rights sector.</p> <p>The following policy dialogues were held:</p> <ul style="list-style-type: none"> <li>The Sustainable Youth Platform from 15 to 17 August 2017</li> <li>The Inaugural Human Rights Festival from 23 to 25 March 2018, where the FHR partnered with the Constitutional Hill to host the festival</li> <li>Two research studies were completed:</li> <li>Monitoring the right of access to social security and appropriate social assistance in South Africa, completed in September 2017</li> <li>The implementation of innovative strategies to counter xenophobia, completed in February 2018.</li> </ul>
<b>Actual outputs achieved</b>	<p>The FHR reached 7 900 262 people through its multimedia programmes, such as social media (Facebook and Twitter), human rights awareness event and Big Debate Series.</p> <p>The following programmes were implemented to increase awareness and knowledge of constitutional rights:</p> <ul style="list-style-type: none"> <li>Land Rights Programme</li> <li>Promoting Constitutional Rights: Victims of Political Violations of the Past</li> <li>Advancing the Rights of Women through the Implementation of Resolution 1325</li> <li>Anti-xenophobia Programme</li> <li>Business and Human Rights Programme</li> <li>National Schools Moot Court Competition</li> </ul>
<b>Amount received in current period (R'000)</b>	R68 733 983,94
<b>Amount spent by the Department (R'000)</b>	R55 379 461,91
<b>Reasons for the funds unspent</b>	N/A
<b>Monitoring mechanism by the donor</b>	Donor assistance is managed through quarterly Project Managers' Forum meetings and quarterly meetings between the Department, the donor and the FHR.

## 7. Capital Investment

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

Project	Progress	Status
<b>Eastern Cape: Port Elizabeth High Court: Additional accommodation and repairs and renovations</b>	The practical completion was reached at the end of September 2017.	100% completed
<b>Western Cape: Justitia Building: refurbishment of existing building</b>	The project was completed in December 2017.	100% completed
<b>Free State: Welkom Magistrate's Court: Family Advocate and additional accommodation</b>	Practical completion was taken on December 2017.	100% completed
<b>Gauteng: Oberholzer Magistrate's Office: security measures upgrade, including minor new works of sewerage pipes</b>	Practical completion was taken in July 2017.	100% completed
<b>Eastern Cape: Mqanduli burnt Magistrate's Office</b>	<p>Practical completion of the temporary accommodation was conducted and occupation took place on 1 July 2017.</p> <p>The main connection to the electrical supply is outstanding, but electricity is partially available.</p> <p>The regional office is to submit accommodation requirements for the construction of the new court.</p>	100% completed

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

Project description	Progress	Reasons for delays
<b>Limpopo High Court: construction of a new building, including additional parking</b>	<p>The building was completed and occupied in January 2016 and officially opened on 29 November 2016. A partial Occupation Certificate was issued pending completion of the visitors' parking. The DPW has indicated that they will not provide cleaning &amp; gardening services to new facilities of the DoJ&amp;CD. Currently the Regional DoJ&amp;CD is providing these services.</p> <p>Although the court is completed, the facility has not been transferred to DPW to implement the requisite maintenance. The task team appointed is meeting on 5 April 2018 to resolve the outstanding matters. The maintenance is currently being implemented by DoJ&amp;CD</p>	<p>Visitors' parking is under construction, with progress of 82% work completed. Technical opinion on VOs has been sought from DPW. The works resumed in January 2018 after being suspended due to non-payments. Most activities have picked some momentum and are on course.</p> <p>Expected completion date is August 2018.</p>

## Performance Information

Project description	Progress	Reasons for delays
<b>Mpumalanga High Court: construction of a new building</b>	<p>The project progress stands at 95%. Contractor is on site but work has stalled due to access road construction.</p> <p>DPW has provided the report on the variations and are in support of the variations and recommended that the Department should seek approval from NT.</p>	<p>The Municipality requires an additional secondary access to the facility as the Samora Machel access is a left-in-left out access as a condition to obtain the certificate of completion. Consultations are on-going between DPW, IDT, DoJ&amp;CD Developer and municipality in addressing the matter. The municipality requires a new proposal on the TIA. The IDT has issued an instruction to the contractor to proceed with the access road.</p> <p>Expected completion date is October 2018.</p>
<b>Gauteng: Palace of Justice: security measures upgrade</b>	<p>Project progress stands at 95%. The contractor was served with a second mora letter for fourteen days with effect from the 9th February 2018 and expired on the 13th March 2018.</p>	<p>The project will be re-advertised.</p> <p>The second mora letter from the contractor was received and DPW was evaluating it.</p>
<b>Eastern Cape: Mthatha High Court: additional accommodation and repairs and renovations</b>	<p>The progress stands at 10%.</p>	<p>Project Site hand over to the contractor was done on 18 July 2017 but Department of Labour delayed with the issuing of the construction permit, which was only issued end August 2017. Practical completion is expected in July 2019.</p>
<b>KwaZulu-Natal: Durban High Court: additional accommodation and refurbishment</b>	<p>Planning of the decanting is in progress. The DPW had another meeting in March 2018 to review alternative decanting options.</p>	<p>Project anticipated to be advertised in June 2018 on conclusion and funding of the decanting plan.</p>
<b>Free State: Heilbron burnt Magistrate's Office</b>	<p>The project was awarded and handed over to the successful contractor in January 2017.</p> <p>The project progress is at 66%.</p>	<p>Practical completion expected in September 2018</p>
<b>Gauteng: Pretoria Magistrate's Court: refurbishment of burnt building (funded by DPW)</b>	<p>The project progress stands at 35%. The roof is 95% complete.</p>	<p>The contractor is off site due to non-payment while discussion with DPW is still going on. There are indications that the contractor has financial challenges.</p> <p>DoJ&amp;CD had escalated the challenges experienced on this project to NDPW on the 8th March 2018 during the Client Liaison meeting.</p>
<b>North-West: Rustenburg Magistrate's Office</b>	<p>DoJ&amp;CD registered a refurbishment project with DPW, which is ready for tender, but DoJ&amp;CD has budget constraints.</p>	<p>Budget constraints.</p>

Project description	Progress	Reasons for delays
<b>Gauteng: Soweto Magistrate's Office: new office</b>	<p>The project has been registered with DPW but there has been lack of progress due to unavailability of suitable land for construction. In December 2016 new land parcels were identified by DPW and site visits for viewing done on 3 February 2017.</p> <p>Land availability statement is awaited from JPC. Status Quo remains.</p> <p>DoJ&amp;CD had escalated the challenges experienced on this project to NDPW on the 8th March 2018 during the Client Liaison meeting.</p>	Lack of progress due to unavailability of suitable land for construction
<b>Gauteng: Ga-Rankuwa Magistrate's Office</b>	Two projects have been registered with DPW for this court; Repairs & Renovations and the additional accommodation projects.	R&R Project ready for Sketch plan, date to be confirmed.
<b>Gauteng: Soshanguve Magistrate's Office</b>	The Department has registered an additional accommodation project with DPW. The project is ready for tender, but the DoJ&CD has financial constraints.	Budget constraints.
<b>Mpumalanga: Middelburg Local Seat</b>	<p>Phase 1</p> <p>The site was handed to the contractor on 02 February 2018 for minor works. SAPS in the Middelburg Magistrate Court have vacated the identified offices and court room to enable the contractors to proceed with the renovations. Occupation is estimated by June 2018.</p> <p>Phase 2</p> <p>DOJ&amp;CD National has sent a letter to DPW on 28 February 2018 requesting DPW to register Repair and Renovation project for the whole building.</p>	The project is anticipated to be completed at the end of June 2018.
<b>Mpumalanga: KwaMhlanga Local Seat</b>	<p>Site deployment was held on the 5th of February 2018 at KwaMhlanga. On the 22nd February 2018 KAM of DPW Regional Office wrote to SAPS Mpumalanga Supply Chain Management requesting that the KwaMhlanga interim maintenance need to commence without further delay.</p> <p>Long-term plan is to register Repair and Renovation project with DPW to renovate the whole building.</p>	The project was stalled due to the relocation of the Station Commander in one of the Judges' Chambers

## Performance Information

Project description	Progress	Reasons for delays
<b>Gauteng: Orange Farm land acquisition</b>	<p>The Department of Infrastructure Development has granted DPW a permission to occupy the portion of land in Orange Farm.</p> <p>In March 2018 a joint viewing of land was conducted by DPW and DoJ&amp;CD.</p>	<p>The land is available but there are illegal tenants on the land that might complicate occupation. DPW negotiations are underway.</p> <p>DoJ&amp;CD had escalated the challenges experienced on this project to NDPW on the 8th March 2018 during the Client Liaison meeting.</p>
<b>Gauteng: Justice College: refurbishment of the building</b>	<p>The DPW Bid Certification Committee (BCC) will be sitting for the second time to finalise the procurement strategy that was referred back to consultants. Upon recommendations, the bid is anticipated to be advertised end May 2018.</p> <p>The sketch plans for the project were requested from DPW for approval of the Deputy Minister.</p>	<p>Delays due to the finalisation of procurement strategy</p>
<b>KwaZulu-Natal: Port Shepstone Magistrate's Office: construction of a new building</b>	<p>The site was handed over on 8 October 2014. The overall progress to date is 95%.</p>	<p>The contractor is busy with finishes and installation of CRT Machines. Progress which has led to an inevitable extension of time.</p> <p>Project anticipated to be completed end July 2018</p>
<b>Gauteng: Mamelodi Magistrate's Office: construction of a new building</b>	<p>The project progress stands at 59%. The slow progress has been noticed and is being escalated to the national DPW for intervention.</p> <p>The land on which the court is being built was donated by the City of Tshwane. However, approval of the site development plans, as per the agreement with the City of Tshwane, is still pending. The status quo remains</p>	<p>The project is randomly delayed by community protests seeking employment and non- payments to the sub-contractors.</p> <p>DoJ&amp;CD had escalated the challenges experienced on this project to NDPW on the 8th March 2018 during the Client Liaison meeting.</p> <p>TBC.</p>
<b>Eastern Cape: Dimbaza Magistrate's Court: construction of a new building</b>	<p>The project progress stands at 85%. The project has exceeded its expected completion date of February 2018.</p>	<p>There were delays due to inclement weather. Variation for ICT requirements was considered.</p> <p>Expected completion is June 2018</p>
<b>Western Cape: Plettenberg Bay Magistrate's Office: construction of a new building</b>	<p>The project progress stands at 98%. The land swop process is posing a huge risk to timely completion.</p>	<p>The contractor is ready for practical completion but there is outstanding work on ISM and Telkom connection. The electricity on site will be switched to a permanent connection on another sub-station by the municipality in July 2018.</p> <p>Expected completion is July 2018</p>
<b>KwaZulu-Natal: Chatsworth Magistrate's Office: additional accommodation, including repairs</b>	<p>The project progress stands at 42% and is progressing well. The Department is closely monitoring the project.</p>	<p>Expected completion date is December 2018.</p>

Project description	Progress	Reasons for delays
<b>Eastern Cape: Bityi Magistrate's Court</b>	The project is ready for practical completion, but there is no permanent electrical connection to the facility. Electricity has been connected, but the contractor is busy with the snag list.	Expected completion date is June 2018.
<b>Gauteng: Booyens Magistrate's Court</b>	The project progress stands at 72%. The municipality has requested the registration of the servitude and both DPW and IDT are facilitating it.	Expected completion date is July 2018.
<b>KwaZulu-Natal: Pietermaritzburg NPA: rehabilitation of old DPW workshop.</b>	The project site handover took place on 9 December 2016.	Project was a Joint Venture with three contractors; one of them (main contractor) has been liquidated. Progress is 35%. DPW has resolved the matter and the two contractors are back on site. Expected completion date is December 2018.
<b>Mpumalanga: Evander Magistrate's Court: refurbishment and additional accommodation for the DPP, Judiciary and Administration</b>	The project site handover took place on 27 November 2016. The progress to date is 54%.	Expected completion date is December 2018.
<b>Western Cape: Group 1: Albertinia, Heidelberg, Mossel Bay: facilities for people with disabilities</b>	The project progress stands at 20%. The project site was handed over to the contractor on 14 September 2016.	The contract was cancelled in December 2016. Tenders closed and a commercial risk assessment (to complete the procurement process) is underway.
<b>Western Cape: Ladysmith Magistrate's Court: additional accommodation</b>	The project progress stands at 92%.	Contractor failed to meet Practical Completion date due to circumstances beyond their control. Application for extension of time has been submitted. A revised programme and completion date is expected.  Expected completion date is June 2018..
<b>KwaZulu-Natal: Vulamehlo Magistrate's Court: repairs and renovations to office buildings</b>	Progress to date is 75%.	The progress on site has been slow, Telkom is delaying to move the line to the renovated section so that the users can vacate the section not renovated to allow the contractor to start renovating and it's affecting progress on site.  Project delayed by forum group that is demanding subcontracting work from the contractor.  Extension of time is still under adjudication by the Principal Agent.  Expected completion date is September 2018.

## Performance Information

Project description	Progress	Reasons for delays
<b>Northern Cape: Fraserburg Magistrate's Court: construction of additional accommodation</b>	The project progress stands at 76%.	Extension of time awarded to contractor for reasons ranging from hard rock, stoppages due to court sittings and delayed site handover.  Expected completion is July 2018.
<b>KwaZulu-Natal: Umbumbulu Magistrate's Office: additional accommodation and alterations</b>	The project progress stands at 98%.	The project had a challenge with poor workmanship which resulted in roof leakages and a lot of repair work.  All challenges on site have been resolved. The contractor is finalising the snag list in preparation for practical completion.  The contractor is attending to client requests. Expected completion date is end June 2018.

Infrastructure projects	2017/18			2016/17		
	Final appropriation R'000	Actual expenditure R'000	(Over-)/under-expenditure R'000	Final appropriation R'000	Actual expenditure R'000	(Over-)/under-expenditure R'000
New and replacement assets	961 484	961 480	4			
Existing infrastructure assets						
Upgrades and additions	2 320	2 320	-			
Rehabilitation, renovations and refurbishments						
Maintenance and repairs	26 844	26 844	-			
Infrastructure transfer						
Current						
Capital						
<b>Total</b>	<b>990 648</b>	<b>990 644</b>	<b>4</b>			





PART C  
**governance**

### 1. Introduction

The Department is committed to managing risks and maintaining effective, efficient and transparent systems of finance, risk management and internal control. The Department ensures that efficient and effective controls are in place, followed by the continuous monitoring, review and evaluation of mechanisms aimed at mitigating identified strategic and operational risks. To further assist and enhance ethical values in the Department, risks are identified and managed throughout the whole Department. The objective is to minimise operational losses and optimise operational efficiency.

### 2. Risk Management

The Department has a risk management policy that was adopted in 2016. In addition, a risk management strategy was adopted in July 2017, which covers five financial years (2017 to 2022). The Enterprise Risk Management (ERM) Unit identifies risks related to strategic objectives, as well as operational risks on a regular basis. From time to time, emerging risks are identified and reported to the Risk Management Committee (RMC). In terms of the Department's strategic risks, the ERM Unit, in collaboration with the Executive Committee (EXCO), has prioritised the top risks that were monitored on a regular basis.

The RMC is chaired by an independent member and is constituted by representatives from different branches in the Department. During the year under review, the Committee met at least once a quarter. The Chairperson of the RMC attends Audit Committee meetings, and the Directorate of Enterprise-wide Risk Management frequently submits and presents reports to the Audit Committee.

### 3. Fraud and Corruption

The Department has a fraud prevention plan and progress has been made in implementing the plan. It was revised during the year under review, in order to deal with the challenges and requirements of the changing environment. Department-wide consultation on the revised fraud prevention plan is underway.

Mechanisms are in place to report fraud and corruption and how these operate, such as whistle blowing, which enables officials to make confidential disclosures on suspected fraud and corruption. Cases relating to fraud and corruption are reported through the National Fraud and Corruption hotline which is located at the Public Service Commission (PSC). Alleged cases of fraud and corruption are referred to the Forensic Unit, which investigates the allegations and recommends corrective action.

A total of 174 cases were reported to the Forensic Audit Unit during the period under review. Cases with substance were referred to the Labour Relations unit for disciplinary action. Cases with criminal elements were referred to the Hawks and the South African Police Service (SAPS) for criminal investigation. Cases with monetary value were referred to the Legal Liability unit for recovery.

### 4. Minimising Conflict of Interest

The Department has a disclosure system as the main tool for managing conflicts of interest. Senior Management Service (SMS) members disclose their interests on the disclosure system. The accuracy of the disclosures by SMS members is verified by the PSC. In cases where potential conflicts of interest are identified, the PSC advises the Minister, employees are engaged and where appropriate, standard disciplinary steps are taken against them in terms of the disciplinary code and procedures of the public service.

In cases where the Auditor-General detects actual conflicts of interest, the employee's manager is requested to take corrective action. If the manager fails to take corrective action, the matter is escalated to the next-level manager.

Another measure for managing conflicts of interest is to get participants in decision-making meetings to declare if they have other interests in the subject matter of the meeting other than that of the Department. When bidding to provide services to the Department, service providers are requested to indicate if any of their members or directors are employees of the State.

## 5. Code of Conduct

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

## 6. Health, Safety and Environmental Issues

The Department is committed to provide a safe and healthy working environment to all employees (including judiciary and prosecution members), stakeholders and members of the public, while they are on the Department's premises through a safety, health, environmental and risk (SHER) management system that is monitored and evaluated for continual improvement and for the effective control of workplace health and safety hazards.

The Department is able to monitor compliance on the implementation of its SHER policy and procedures at all service delivery points using several variables that are in line with Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended, through the National Operations Centre (NOC). The NOC validation process and internal audit processes are utilised to ensure that an effective, integrated SHER management system is realised. Nineteen validation reports were compiled by the Directorate: National Operations Centre.

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

## 7. Business Continuity Management

The Department is committed to ensuring the continuity of service delivery in the event of a disruption or disaster at service delivery points and offices. This objective was achieved by institutionalising the business continuity management function countrywide and at all service delivery points in the Department. The DoJ&CD established the Business Continuity Management Programme by developing, implementing, monitoring and maintaining the Business Continuity Management Instruction (BCMI), Circular 92 of 2013. This BCMI was approved in September 2013 to be implemented at all service delivery points within four months of its approval. The BCMI supports the overall departmental strategic plan, 2017–2020.

To establish a business continuity management system, various regions were visited to conduct awareness on the BCMI. Seventeen awareness sessions were held in which 241 officials were made aware of the BCMI. In order to assess the effectiveness of the business continuity management system for the programme, 15 service delivery points were sampled and assessed for compliance with the Circular and continuous improvement was recommended, where necessary.

In addition to the sampled service delivery points, 19 BCMI validations were conducted at service delivery points. A total of 34 service delivery points were jointly visited at intervals to measure the implementation of the BCMI during the 2017/18 financial year.

## 8. Portfolio Committee

The Portfolio Committee exercises an oversight role over the service delivery performance of the Department. Portfolio Committee of Justice and Correctional Services and the Portfolio Committee on Security and Justice are crucial in addressing the challenges experienced by the Department. The continuous support, advice and recommendations relating to service delivery issues and the budget are greatly appreciated by the Department.

The following table depicts engagements that were held with the Parliamentary Portfolio Committees during the 2017/18 financial year:

No.	Name of Committee	Date of the meeting	Purpose meeting	Matters raised by the Committee	Departmental responses addressing issues raised
1	Portfolio Committee on Justice and Correctional Services	4 May 2017	<p>(a) Briefing by the Department on the Legal Aid Regulations</p> <p>(b) Public hearings on the Judicial Matters Amendment Bill</p> <p>(c) Deliberations on the Criminal Procedure Amendment Bill</p>	<p>(a) The Portfolio Committee approved the Legal Aid Regulations on 4 May 2017 after clarifying certain aspects raised by members of the Committee.</p> <p>(b) The Department noted the submissions made during the public hearings.</p> <p>(c) The Portfolio Committee approved the Criminal Procedure Amendment Bill on 4 May 2017.</p>	<p>(a) The Department responded to the questions raised by members of the Portfolio Committee.</p> <p>(b) The Department, in a subsequent meeting of the Portfolio Committee, responded to the issues raised during the public hearings.</p> <p>(c) The Department responded to the questions raised by the members of the Portfolio Committee.</p>
2	Portfolio Committee on Justice and Correctional Services	10 May 2017	<p>Briefing by the Department on:</p> <p>(a) Courts of Law Amendment Bill</p> <p>(b) Legal Practice Amendment Bill</p>	<p>(a) The Portfolio Committee approved the Courts of Law Amendment Bill on 10 May 2017.</p> <p>(b) The Department briefed the Portfolio Committee on the Legal Practice Amendment Bill on 10 May 2017.</p>	<p>(a) The Department responded to the questions raised by members of the Portfolio Committee.</p> <p>(b) The Department responded to the questions asked by members of the Portfolio Committee pursuant to the briefing.</p>
3	Portfolio Committee on Justice and Correctional Services	23 May 2017	Responses by the Department to public hearings on the Judicial Matters Amendment Bill	The Department responded to the various issues raised during the public hearings on the Judicial Matters Amendment Bill.	The Department prepared amendments pursuant to the issues raised during the public hearings, for consideration by the Portfolio Committee, where required.

No.	Name of Committee	Date of the meeting	Purpose meeting	Matters raised by the Committee	Departmental responses addressing issues raised
4	Standing Committee on Public Accounts	23 May 2017	Briefing by the ACTT on pending cases	<p>(a) The Committee enquired on what cases the ACTT considers as State Capture cases and how they quantified the amounts involved. The committee's specific concern was on the Guptas, in terms of being the focal point of public perception on corruption in these matters.</p> <p>(b) The Committee questioned the ACTT's mandate and track record in dealing with serious corruption, including price fixing on government tenders and requested more details in this regard. The committee further enquired why there was a decline on AFU recoveries from the R216m in 2013/14 to R73m in 2015/16</p>	<p>(a) The National Director of Public Prosecutions (NDPP) explained that these were criminal matters emanating from the Public Protector's State of Capture report that was submitted to him, and that it was difficult to quantify the amounts and who the specific people involved were while the investigations were still underway.</p> <p>(b) NDPP explained that there was a major disjuncture between amounts reported by the AG and those that are investigated by the ACTT and recommended that the AG should be part of the ACTT.</p>
5	Portfolio Committee on Justice and Correctional Services	30 to 31 May 2017	Briefing by the Department on the Cybercrimes and Cybersecurity Bill	The Department briefed the Portfolio Committee on the Cybercrimes and Cybersecurity Bill on 30 and 31 May 2017.	The Department responded to the questions asked by members of the Portfolio Committee pursuant to the briefing.
6	Select Committee on Security and Justice	31 May 2017	<p>Briefing by the Department on:</p> <p>(a) Annual Performance Plan and Budget of the 2017/18 financial year</p> <p>(b) Draft Regulations: Legal Aid South Africa Act, 2014.</p>	<p>(a) The Annual Performance Plan presentation was accepted. The Portfolio Committee raised concerns regarding legal aid for land claims. It was indicated that the Department should continue to work with Legal Aid SA.</p> <p>(b) The Department briefed the Select Committee on the Bill on 31 May 2017.</p>	<p>(a) Not applicable</p> <p>(b) The Department responded to the questions asked by members of the Select Committee pursuant to the briefing.</p>



No.	Name of Committee	Date of the meeting	Purpose meeting	Matters raised by the Committee	Departmental responses addressing issues raised
7	Select Committee on Security and Justice	7 June 2017	Briefing by the Department on the Criminal Procedure Amendment Bill	The Department briefed the Select Committee on the Bill on 7 June 2017.	The Department responded to the questions asked by members of the Select Committee pursuant to the briefing.
8	Portfolio Committee on Justice and Correctional Services	14 June 2017	(a) NCOP Amendments on the Protected Disclosures Amendment Bill; and  (b) Briefing on the International Arbitration Bill.	(a) The Department briefed the Portfolio Committee on the amendments proposed by the NCOP in respect of the Protected Disclosures Amendment Bill on 14 June 2017.  (b) The Department briefed the Portfolio Committee on the International Arbitration Bill on 14 June 2017.	(a) The Department responded to the questions asked by members of the Portfolio Committee pursuant to the briefing.  (b) The Department responded to the questions asked by members of the Portfolio Committee pursuant to the briefing.
9	Select Committee on Security and Justice	14 June 2017	Briefing on the:  (a) Judicial Matters Amendment Bill;  (b) Courts of Law Amendment Bill; and  (c) Adoption of the Criminal Procedure Amendment Bill	(a) The Department briefed the Select Committee on the Judicial Matters Amendment Bill on 14 June 2017.  (b) The Department briefed the Select Committee on the Courts of Law Amendment Bill on 14 June 2017.  (c) The Department attended the meeting of the Select Committee when it adopted the Criminal Procedure Bill.	(a) The Department responded to the questions asked by members of the Select Committee pursuant to the briefing.  (b) The Department responded to the questions asked by members of the Select Committee pursuant to the briefing.  (c) The Department responded to a few questions members of the Select Committee asked prior to the adoption of the Bill.

No.	Name of Committee	Date of the meeting	Purpose meeting	Matters raised by the Committee	Departmental responses addressing issues raised
10	Standing Committee on Public Accounts	14 June 2017	Briefing by the Department on the Criminal Assets Recovery Account (CARA)	The Department briefed the Committee on the processes and procedure for the allocation of funds from CARA by Cabinet. The Department further indicated that the last allocation was made in 2011 and that processes were under way to recommend to Cabinet to approve the utilisation of funds from CARA for priority areas including the strengthening of the fight against corruption.	The Department responded to all questions raised by members of the Committee and made firm commitments that the allocation of funds from CARA would be submitted to Cabinet before the end of the 2017.
11	Select Committee on Security and Justice	21 June 2017	Adoption of the Judicial Matters Amendment Bill and the Courts of Law Amendment Bill.	On 21 June 2017, the Department participated in the further deliberations of the Select Committee on the Judicial Matters Amendment Bill and the Courts of Law Amendment when both Bills were approved by the Select Committee.	The Department responded to some questions raised by members of the Select Committee.
12	Portfolio Committee on Justice and Correctional Services	15 August 2017	Briefing by the Department on the progress report on paralegals and community courts legislation	The Department briefed the Portfolio Committee on 15 August 2017 on progress with the regulation of paralegals and community courts legislation.	Numerous questions were raised by members of the Portfolio Committee, with particular reference to a funding model for the proposed legislation, and the Department responded to the questions raised.
13	Portfolio Committee on Justice and Correctional Services	16 August 2017	Briefing by the Department on the progress report on TRC regulations and community rehabilitation	The Department briefed the Portfolio Committee on 16 August 2017 on progress in respect of the TRC regulations on community rehabilitation. The Committee raised its concern about the apparent lack of progress.	The Department responded to the questions raised by members of the Portfolio Committee.
14	Portfolio Committee on Justice and Correctional Services	22 August 2017	Briefing by the Department on its first quarter performance report	The Department presented its progress report and indicated areas of improvement in performance. The Portfolio Committee indicated that additional matters would be raised with the Department in writing.	Not applicable



No.	Name of Committee	Date of the meeting	Purpose meeting	Matters raised by the Committee	Departmental responses addressing issues raised
15	Portfolio Committee on Justice and Correctional Services	6 September 2017	Briefing by the National Prosecuting Authority on its first quarter performance report	<p>(a) MPs sought clarity on the status of a number of cases including (1) those relating to state capture allegations; (2) the handling of the docket on the charges of corruption in the Nkandla; (3) the criminal matter of the SAPS National Commissioner Phahlane; and (4) the status of prosecuting cases of the Zama-Zama miners.</p> <p>(b) Members of Parliament raised concerns about the functionality of the criminal justice system (court hours, case backlogs, etc.) and enquired on the strategy to address these. They proposed that the NEEC should introduce accountability measures that would make them accountable to the Portfolio Committee.</p> <p>(c) Committee raised concerns about the discontinued Aspirant Prosecutor Programme (APP).</p>	<p>(a) The NDPP provided updates on all the matters raised.</p> <p>(b) The NDPP indicated that key discussions were held in the NEEC about specific strategies, and advised that the NPA would nevertheless report on progress in future, notwithstanding the fact that the process was being led by the Office of the Chief Justice as the Judiciary was responsible for case flow management in terms of the norms and standards issued by the Chief Justice.</p> <p>(c) NDPP advised that the APP had been discontinued as a result of financial constraints and that the NPA was in the process of establishing a NPA Training Academy which would incorporate the Aspirant Prosecutor Programme and all other training within the NPA, which will come into being as from 1 April 2018.</p>

No.	Name of Committee	Date of the meeting	Purpose meeting	Matters raised by the Committee	Departmental responses addressing issues raised
15	Portfolio Committee on Justice and Correctional Services	6 September 2017	Briefing by the National Prosecuting Authority on its first quarter performance report	(d) The Committee raised concerns about the salaries of prosecutors and how they were related to the NDPP.	(d) The NDPP informed the Committee that the NPA had created a framework for linking prosecutors' salaries to the NDPP and that this would be discussed with the Minister of Justice and Correctional Services, who would have to consult with the ministers of Finance and Public Service.
16	Portfolio Committee on Justice and Correctional Services	12 September 2017	Public hearings on public submissions received by the Committee on:  (a) Legal Practice Amendment Bill; and  (b) International Arbitration Bill	(a) The Department attended the public hearings on the Legal Practice Amendment Bill on 12 September 2017 and noted the issues raised.  (b) The Department attended the public hearings on the International Arbitration Bill on 12 September 2017 and noted the issues raised.	(a) The Department prepared amendments pursuant to the issues raised during the public hearings for consideration by the Portfolio Committee, where required.  (b) The Department prepared amendments pursuant to the issues raised during the public hearings, for consideration by the Portfolio Committee, where required.
17	Portfolio Committee on Justice and Correctional Services	13 to 14 September 2017	Public hearings on the public submissions received by the Committee on the Cybercrimes and Cybersecurity Bill	The Department attended the public hearings on the Cybercrimes and Cybersecurity Bill on 13 and 14 September 2017 and noted the issues raised.	The Department prepared amendments pursuant to the issues raised during the public hearings, for consideration by the Portfolio Committee, where required.

No.	Name of Committee	Date of the meeting	Purpose meeting	Matters raised by the Committee	Departmental responses addressing issues raised
18	Portfolio Committee on Justice and Correctional Services	4 October 2017	(a) Briefing by the Department on its 2016/17 Annual Report	<p>(a) The Portfolio Committee raised concerns regarding a number of policy initiatives such as the language policy and other transformational areas that were not yet finalised.</p> <p>(b) The Committee enquired on capacitation of the Mpumalanga and Limpopo offices.</p> <p>(c) Committee enquired about progress on the State Capture matters.</p>	<p>(a) Feedback and progress was provided in subsequent meetings.</p> <p>(b) NDPP responded that staff, from the previous satellite offices of DPP Pretoria that were servicing those areas, were moved to the two provincial DPPs. However, more staff would be needed.</p> <p>(c) NDPP provided progress on the matters, that the investigations were at an advanced stage and firm outcomes would be seen in the near future.</p>
19	Portfolio Committee on Justice and Correctional Services	11 October 2017	Deliberations on the International Arbitration Bill with the Deputy Minister	On 11 October 2017, the Department gave responses to the issues raised during the public hearings on the International Arbitration Bill.	The Department prepared amendments pursuant to the issues raised during the public hearings, for consideration by the Portfolio Committee, where required.
20	Portfolio Committee on Justice and Correctional Services	17 October 2017	<p>(a) Response by the Department on public submissions made on the Legal Practice Amendment Bill; and</p> <p>(b) Adoption of the International Arbitration Bill</p>	<p>(a) On 17 October 2017, the Department gave responses to the issues raised during the public hearings on the Legal Practice Bill.</p> <p>(b) The Department attended the meeting of the Portfolio Committee on 17 October 2017 to respond to any questions raised prior to voting on the International Arbitration Bill.</p>	<p>(a) The Department prepared amendments pursuant to the issues raised during the public hearings, for consideration by the Portfolio Committee, where required.</p> <p>(b) The Department responded to a few questions raised by some members of the Portfolio Committee prior to the voting on the Bill.</p>

No.	Name of Committee	Date of the meeting	Purpose meeting	Matters raised by the Committee	Departmental responses addressing issues raised
21	Select Committee on Security and Justice	18 October 2017	Briefing by the Deputy Minister and Magistrate's Commission on the suspension of magistrates	The Committee asked to be provided with a report on the expenses incurred in respect of misconduct inquiries held against Magistrates and related financial implications	The Magistrates Commission does not have access to the requested information since the Department deals with all financial issues and expenses incurred. This has been explained to the Office of the Deputy Minister.
22	Portfolio Committee on Justice and Correctional Services	24 October 2017	Briefing by the National Forum and the Deputy Minister on the legal profession	(a) The Department attended the meeting of the Portfolio Committee when the National Forum on the Legal Profession briefed the Committee on progress in implementing its statutory mandate as provided for in the Legal Practice Act, 2014. No questions were put to the Department.	(a) Not applicable.
23	Portfolio Committee on Justice and Correctional Services	31 October 2017	Departmental responses to public hearings on the Legal Practice Amendment Bill.	On 31 October 2017, the Department participated in the deliberations of the Portfolio Committee on the Legal Practice Amendment Bill.	The Legal Practice Amendment Bill was approved by the Portfolio Committee on 31 October 2017.
24	Portfolio Committee on Justice and Correctional Services	1 November 2017	Adoption of the Legal Practice Amendment Bill	The Department attended the meeting of the Portfolio Committee on 1 November 2017 to respond to any questions raised prior to voting on the Legal Practice Amendment Bill.	The Department responded to a few questions raised by some members of the Portfolio Committee prior to the voting on the Bill.
25	Select Committee on Security and Justice	1 November 2017	Briefing by the Department on the International Arbitration Bill	The Department briefed the Select Committee on the International Arbitration Bill on 1 November 2017	The Department responded to the questions asked by members of the Select Committee pursuant to the briefing.
26	Portfolio Committee on Justice and Correctional Services	7 and 8 November 2017	Departmental responses to public hearings and comments made to the Committee on the Cybercrimes and Cybersecurity	On 7 and 8 November 2017, the Department gave responses to the issues raised during the public hearings on the Cybercrime and Cybersecurity Bill.	The Department prepared amendments pursuant to the issues raised during the public hearings, for consideration by the Portfolio Committee, where required.

No.	Name of Committee	Date of the meeting	Purpose meeting	Matters raised by the Committee	Departmental responses addressing issues raised
27	Select Committee on Security and Justice	8 November 2017	Briefing by the Deputy Minister and Department on the Legal Practice Amendment Bill	The Deputy Minister and the Department briefed the Select Committee on the Legal Practice Amendment Bill on 8 November 2017	The Department responded to the questions asked by members of the Select Committee pursuant to the briefing.
28	Portfolio Committee on Justice and Correctional Services	14 and 15 November 2017	Departmental responses to public hearings and comments made to the Committee on the Cybercrimes and Cybersecurity Bill	On 14 and 15 November 2017, the Department gave responses to the issues raised during the public hearings on the Cybercrime and Cybersecurity Bill.	The Department prepared amendments pursuant to the issues raised during the public hearings, for consideration by the Portfolio Committee, where required.
29	Select Committee on Security and Justice	22 November 2017	Adoption of the International Arbitration Bill and Legal Practice Amendment Bill	The Department attended the meeting of the Select Committee on 22 November 2017 to respond to any questions raised prior to voting on the International Arbitration Bill and the Legal Practice Amendment Bill.	The Department responded to a few questions raised by some members of the Portfolio Committee prior to the voting on the Bills.
30	Portfolio Committee on Justice and Correctional Services	13 February 2018	Briefing by the Interdepartmental Coordination Departments on the Cybercrimes and Cybersecurity Bill	The South African Police Service, the National Prosecuting Authority, the State Security Agency, the Department of Telecommunications and Postal Services and the Department of Defence briefed the Committee on the Bill insofar as the Bill relates to each of them on 13 February 2018.	The Department responded to questions by members of the Portfolio Committee arising from the briefing.
31	Portfolio Committee on Justice and Correctional Services	28 February 2018	Briefing by the Department on the proposed amendments in the Cybercrimes and Cybersecurity Bill	The Department participated in the deliberations of the Portfolio Committee on 28 February 2018 on the Bill.	The Department responded to questions raised by members of the Portfolio Committee.
32	Portfolio Committee on Justice and Correctional Services	13, 14 and 20 March 2018	Public Hearings on the Traditional Courts Bill	The Department noted the submissions made during the public hearings.	The Department is still to respond to the issues raised during the public hearings.

No.	Name of Committee	Date of the meeting	Purpose meeting	Matters raised by the Committee	Departmental responses addressing issues raised
33	Standing Committee on Public Accounts	14 March 2018	Briefing by the NPA on its cases: National Director's progress report	<p>(a) The Committee asked the NDPP to assign an individual from the NPA to advise it on how certain matters which are deemed of a criminal nature should be addressed.</p> <p>(b) The Committee heard that there was a list of cases of money laundering in government departments and state institutions that were referred to the NPA.</p> <p>(c) The Committee raised concerns about the delayed action in the Estina matter in the Free State and the subsequent unavailability of the Guptas who are out of the country, to appear before court. It appeared that the NPA was not interested in dealing with the matter since it is from 2013.</p> <p>(d) The Committee was also interested in what action was being taken against Steinhoff, if any.</p> <p>(e) The Committee requested a written response to all matters raised in the session, within two weeks of the briefing.</p>	<p>(a) The NDPP agreed to the request and would assign an NPA official to attend all SCOPA briefings.</p> <p>(b) NDPP requested the list to be provided for him to follow up on and provide a response in writing.</p> <p>(c) Acting Special Director of Public Prosecutions (SDPP) of SCCU advised that investigations had to be first conducted before arrests could be effected.</p> <p>(d) Acting SCCU head had established a prosecutorial team to deal with the matter.</p>
34	Select Committee on Security and Justice	28 March 2018	Briefing by the Magistrates Commission on the suspension of magistrates/ removal from office and withholding remuneration	None other than those adequately dealt with during the briefing	Not applicable

## 9. Scopa Resolution

Resolution	Subject	Details	Response by the Department	Resolved (Yes/No)
Resolution 3 of 9 September 2015	New financial system for TPF	The Committee recommends that the Accounting Officer fast-track the implementation of a new accounting system to replace the Justice Deposit Accounting Systems (JDAS) to ensure complete, accurate and reliable financial information and reporting.	<p>The analysis and design phases of the new system were finalised on 31 March 2015. System configuration, testing, quality assurance and piloting were concluded on 31 July 2016.</p> <p>The new system will be fully automated and will operate on a reduced number of central bank accounts, which will eradicate the need for office-level staff to perform monthly bank reconciliations and perform repetitive manual transactions on a daily, weekly and monthly basis.</p> <p>The Department started with solution deployment in the Northern Cape, Free State and the North West during 2016/17.</p> <p>Solution deployment is complete in the Northern Cape and North West. Solution deployment in Gauteng, the Eastern Cape, KwaZulu-Natal, Mpumalanga and Limpopo commenced in 2017/18 and is set to be finalised during 2018/19. The Western Cape is scheduled to start deployment in 2018/19 and should also be finalised during 2018/19.</p>	The implementation of the resolution is in progress with a planned finalisation date of 31 December 2018.



## 10. Prior Modifications to Audit Reports

Nature of qualification, disclaimer, adverse opinion and matters of non-compliance	Financial year in which it first arose	Progress made in clearing or resolving the matter
Ring-fenced amounts in the TPF	2015/16	The Department received an unqualified audit opinion in the 2017/18 financial year
<p><b>Immovable tangible capital assets</b></p> <p>The Department did not properly account for the immovable tangible capital assets as disclosed in Note 41 to the Annual Financial Statements in accordance with the disclosure requirements for capital assets in terms of the Modified Cash Standard prescribed by National Treasury, as the Department did not have adequate systems in place to record capital work in progress. The Accounting Officer was unable to determine the full extent of the understatement of immovable tangible capital assets as it was impracticable to do so.</p>	2016/17	<p>This matter was resolved.</p> <p>The National Treasury resolved that all immovable property (Capital Works In Progress) under the DPW entity (PMTE), be disclosed by the DPW only. Only immovable property projects under IDT should be accounted for and disclosed in the DOJ&amp;CD books.</p>
<p><b>Indicator 6.2: Percentage of convictions recorded electronically on the National Register for Sex Offenders (NRSO)</b></p> <p>The reported achievement for indicator 6.2 was misstated as the evidence provided indicated a value of 2 533 convictions and not 3 042 as reported.</p>	2016/17	<p>An engagement with all relevant Stakeholders was undertaken to address the challenges with regard to NRSO register.</p> <p>The NRSO system was enhanced to address challenges identified.</p> <p>The NRSO Unit was temporarily capacited with five officials from different branches in the Department.</p> <p>The validation of data reported is underway.</p>

## 11. Internal Control Unit

The Internal Control unit is responsible for the detection of non-compliance and internal control weaknesses through the verification of payments. During the 2017/18 financial year, the Internal Control Unit performed the following responsibilities:

- A total of 14 622 payments were verified, which is approximately 39% of all payments made.
- All possible irregular expenditure cases were investigated, and if confirmed to be irregular, were submitted to the condoning authority for condonement, as well as the implementation of corrective action and consequence management.
- A total of 142 investigations of irregular expenditure cases were finalised, of which 131 cases to the value of R1 303 million were condoned. Two cases were not condoned and referred for a determination of legal liability, while nine cases to the value of R49,582 million were confirmed not to be irregular and removed from the register.
- The Internal Control unit reported all the new cases of fruitless and wasteful cases to National Treasury monthly. All new cases are referred to the Legal Services unit for investigation and a determination of legal liability. The investigation process is monitored to ensure that cases are resolved and corrective action and consequence management are implemented where necessary. A total of 1 795 fruitless and wasteful cases were resolved, written-off or recovered by the Department.

## 12. Internal Audit and Audit Committees

The Department has an Internal Audit unit, which is an independent assurance function within the Department that follows a risk-based approach in providing members of management and the Audit Committee with assurance on the adequacy and effectiveness of governance, performance, risk management and internal control processes.

The Internal Audit unit is guided by an Internal Audit Charter approved by the Audit Committee and performs its functions as provided for in the Public Finance Management Act (PFMA) Framework and the Internal Audit Charter.

The head of Internal Audit reports functionally to the Audit Committee and administratively to the Accounting Officer. The unit also participates in the strategic committees of both the Department and the NPA. On an annual basis, the unit prepares a risk-based three-year plan and annual plan after taking into consideration the risks facing the Department, mandates, strategic objectives, audit issues and inputs from management members and the Audit Committee.

The unit approved operational plan for the year under review comprised 282 audit projects and all were completed. In addition, seven *ad hoc* assignments were conducted and reports issued accordingly.

The purpose of the Department's Audit Committee is to provide oversight on financial reporting, audit processes, risk management, controls, performance and governance processes, and to direct the functioning of the unit within the Department. The Audit Committee operates in terms of its Audit Charter as provided for in the Public Finance Framework. As a result of the Audit Committee's role and assurance providers, the Department's environment has witnessed a significant improvement over the years.

During the year under review, six meetings were held at which the Audit Committee, among others, reviewed, advised and recommended to the Accounting Officer and management members on matters that fell within the scope of its responsibilities.

**The table below shows relevant information on the Audit Committee members and their attendance of meetings:**

Name	Qualifications	Internal or external	Date appointed	Number of meetings attended
Mr Motsamai Karedi (Chairperson)	BCompt (Hons) Certificate in Management	External	Reappointed 25 November 2015	6
Mr Cedric Boltman	Master of Business Administration, Certificate Programme in the Principles of Business and Management, Microsoft Certified Product Specialist and Stock Control	External	Reappointed 25 November 2015	4
Ms Besky Ngunjiri	BCompt (Hons) Certificate in the Theory of Accounting (CTA), Certified Internal Auditor (CIA), Certified Control Self Assessor (CCSA)	External	Reappointed March 2015	5
Mr Wilson Ramabulana	BCompt, Diploma in State Finance and Project Management	External	Reappointed 25 November 2015	6
Mr Andrew Sello	National Diploma: Accounting; ACIS; FCIS Management Advancement Programme (MAP) 1996	External	Reappointed 25 November 2015	6

## 13. Audit Committee Report

### 13.1. Report of the Audit Committee

We are pleased to present our report for the financial year ended 31 March 2018.

The responsibility of the Audit Committee is to provide oversight on the Department of Justice and Constitutional Development's compliance with applicable laws and regulations, risks, governance processes, financial reporting, performance. It directs the functions of the Internal Audit Unit.

#### 1.1 Audit Committee Members and Attendance

Name of members	Numbers of meetings attended	Number of special meetings attended	Status
Mr. Motsamai Karedi (Chairperson)	5	1	Re-appointed- 25 November 2015
Mr. Cedric Boltman	3	1	Re-appointed- 25 November 2015
Ms. Besky Ngunjiri	4	1	Re-appointed - March 2015
Mr. Wilson Ramabulana	5	1	Re-appointed- 25 November 2015
Mr Andrew Sello	5	1	Re-appointed- 25 November 2015

#### 13.2 Audit Committee Responsibility

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

#### 13.3 The effectiveness of internal controls

The Accounting Officer and Management members are responsible for designing and implementing an effective system of internal controls to mitigate risks and control deficiencies.

The system of internal controls was designed to provide cost effective assurance for the achievement of organization's objectives and these controls are required to be effective throughout the year.

The Audit Committee is concerned about a breakdown of key controls, as well as the failure of management members to adequately strengthen controls related to certain previously reported findings. The deficiencies contributed to a negative audit outcome. The deficiencies were also brought to the attention of management. There was however, slow progress in attending to and resolving these and applying the consequence management, where appropriate.

#### 1.4 Internal Audit

The Internal Audit unit has provided the Audit Committee and management members with an independent assurance and advice on the effectiveness of the controls. We are satisfied that the unit has discharged its responsibilities as per the Internal Audit plan informed by the risk assessment.

### 1.5 Auditor-General South Africa

The Audit Committee accepts the audit outcome of the AGSA on the Annual Financial Statements of the Department of Justice and Constitutional Development for the year ended 31 March 2018.

### 1.6 Reports

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

Although there are areas of improvement, we are satisfied with the content and quality of the monthly and quarterly reports prepared by the Accounting Officer of the Department during the year under review.

#### 1.6.2 Evaluation of financial statements

We have reviewed and discussed the audited annual financial statements with management and also reviewed the Department's compliance with legal and regulatory provisions. The Audit Committee is concerned at the pace that new accounting prescripts and standards are incorporated and implemented in the Department.

We have also reviewed the Auditor-General South Africa's final management letter and the audit report and also management's responses. The Audit Committee will monitor the implementation of corrective measures proposed by Management and ensure that the audit findings as well as the root causes are met firstly.



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**M Karedi**  
**Chairperson of the Audit Committee**  
**Department of Justice and Constitutional Development**  
**16/08/2018**

PART D

# financial information

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## 1. Report of the auditor-general to Parliament on vote no.21: Department of Justice and Constitutional Development

### Report on the audit of the financial statements

#### Qualified opinion

1. I have audited the financial statements of the Department of Justice and Constitutional Development set out on pages 144 to 224, which comprise the appropriation statement, the statement of financial position as at 31 March 2018, the statement of financial performance, statement of changes in net assets and cash flow statement for the year then ended, as well as the notes to the financial statements, including a summary of significant accounting policies.
2. In my opinion, except for the effects of the matters described in the basis for qualified opinion section of this report, the financial statements present fairly, in all material respects, the financial position of the Department of Justice and Constitutional Development as at 31 March 2018, and its financial performance and cash flows for the year then ended in accordance with the Modified Cash Standard (MCS) prescribed by the National Treasury and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No. 1 of 1999) (PFMA).

#### Basis for qualified opinion

##### Contingent liabilities

3. Included in contingent liabilities is R2 254 795 000 (2017: R2 062 380 000) for claims against the department. The department did not have adequate internal controls to estimate the likely settlement amounts for claims against the state disclosed in note 25 to the financial statements. As a consequence, I was unable to determine the full extent of the overstatement of contingent liabilities as it was impractical to do so.

##### Leave entitlement magistrates

4. I was unable to obtain sufficient appropriate audit evidence that all leave transactions of magistrates had been recorded, as the department did not have adequate systems and I could not confirm this by alternative means. Consequently, I was unable to determine whether any further adjustments were necessary to leave entitlement - magistrates stated at R747 379 000 (2017: R725 039 000) in note 28 to the financial statements.

##### Intangible assets

5. I was unable to obtain sufficient appropriate audit evidence that all intangible assets had been recorded, as the department did not have adequate systems and I could not confirm this by alternative means. Consequently, I was unable to determine whether any further adjustments were necessary to intangible assets stated at R 73 480 000 (2017: R77 923 000) in note 40 to the financial statements.



### Context for the opinion

6. I conducted my audit in accordance with the International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the auditor-general's responsibilities for the audit of the financial statements section of this auditor's report.
7. I am independent of the department in accordance with the International Ethics Standards Board for Accountants' *Code of ethics for professional accountants* (IESBA code) and the ethical requirements that are relevant to my audit in South Africa. I have fulfilled my other ethical responsibilities in accordance with these requirements and the IESBA code.
8. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my qualified opinion.

### Emphasis of matter

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

### Restatement of corresponding figures

10. As disclosed in note 15 to the financial statements, the corresponding figures for 31 March 2017 were restated as a result of an error in the financial statements of the department at, and for the year ended, 31 March 2018.

### Other matter

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

### Unaudited supplementary schedules

12. The supplementary information set out on pages 225 to 241 does not form part of the financial statements and is presented as additional information. I have not audited these schedules and, accordingly, I do not express an opinion on them.

### Responsibilities of the accounting officer for the financial statements

13. The accounting officer is responsible for the preparation and fair presentation of the financial statements in accordance with the MCS and the requirements of the PFMA, and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.
14. In preparing the financial statements, the accounting officer is responsible for assessing the Department of Justice and Constitutional Development's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the accounting officer either intends to liquidate the department or to cease operations, or has no realistic alternative but to do so.

### Auditor-general's responsibilities for the audit of the financial statements

15. My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.
16. A further description of my responsibilities for the audit of the financial statements is included in the annexure to this auditor's report.

### Report on the audit of the annual performance report

#### Introduction and scope

17. In accordance with the Public Audit Act of South Africa, 2004 (Act No. 25 of 2004) (PAA) and the general notice issued in terms thereof, I have a responsibility to report material findings on the reported performance information against predetermined objectives for selected programmes presented in the annual performance report. I performed procedures to identify findings but not to gather evidence to express assurance.
18. My procedures address the reported performance information, which must be based on the approved performance planning documents of the department. I have not evaluated the completeness and appropriateness of the performance indicators included in the planning documents. My procedures also did not extend to any disclosures or assertions relating to planned performance strategies and information in respect of future periods that may be included as part of the reported performance information. Accordingly, my findings do not extend to these matters.
19. I evaluated the usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework, as defined in the general notice, for the following selected programmes presented in the annual performance report of the department for the year ended 31 March 2018.

Programmes	Pages in the annual performance report
Programme 2 – Court Services	154 – 157
Programme 3 – State Legal Services	158 – 160
Programme 4 – National Prosecuting Authority	161 – 163
Programme 5 – Auxiliary Services	164 – 165

20. I performed procedures to determine whether the reported performance information was properly presented and whether performance was consistent with the approved performance

planning documents. I performed further procedures to determine whether the indicators and related targets were measurable and relevant, and assessed the reliability of the reported performance information to determine whether it was valid, accurate and complete.

21. The material findings in respect of the usefulness and reliability of the selected programmes are as follows:

### Programme 2 – Court Services

Various indicators

22. I was unable to obtain sufficient appropriate audit evidence to validate the existence of a system and processes that enable reliable reporting of actual achievements against the indicators listed below.
23. Sufficient appropriate audit evidence could not be provided in some instances, while in other cases the supporting evidence provided did not agree with the reported achievements in the annual performance report. Based on the supporting evidence provided, the achievement differed from those reported in the annual performance report, but I was unable to further confirm the reasons for variances and the reported achievements by alternative means. Consequently, I was unable to determine whether any adjustments were required to the reported achievements of the indicators listed below.

Indicator description	Reported achievement
Number of criminal cases on the backlog roll in lower courts	33 732
Percentage of criminal cases postponed due to unavailability of court administration staff	0,23%
Percentage of child justice preliminary inquiries finalised within 90 days after first appearance	96%
Percentage of maintenance matters finalized within 90 days from date of proper services of process	80%
Percentage of litigation and non-litigation backlog cases finalised	73%
Percentage of maintenance backlog cases finalised	66%
Percentage of unopposed taxations processed within 14 working days from the date the matter is set down (district courts)	86%

### Programme 3 – State Legal Services

Various indicators

24. The department did not have an adequate record keeping system to enable reliable reporting on the achievement of the indicators listed below. As a result, I was unable to obtain sufficient appropriate audit evidence in some instances, while in other cases the supporting evidence provided did not agree with the reported achievements. Based on the supporting evidence that was provided, the achievement of these indicators differed from the reported achievement in the annual performance report. I was also unable to further confirm the reported achievements by alternative means. Consequently, I was unable to determine whether any further adjustments were required to the reported achievements of the indicators listed below.

Indicator description	Reported achievement
Number of high court appearances by the state attorney	467
Reduction in capital amount paid in medical negligence and unlawful arrest	87%

25. I did not raise any material findings on the usefulness and reliability of the reported performance information for the following programmes:

- Programme 4 – National Prosecuting Authority
- Programme 5 – Auxiliary Services.

### Other matters

26. I draw attention to the matters below.

### Achievement of planned targets

27. Refer to the annual performance report on pages 26 to 104 for information on the achievement of planned targets for the year and explanations provided for the under and over achievement of a number of targets. This information should be considered in the context of the material findings on the usefulness and reliability of the reported performance information in paragraphs 23 to 27 of this report.

### Adjustment of material misstatements

28. I identified material misstatements in the annual performance report submitted for auditing. These material misstatements were on the reported performance information of programme 2 – Court Services and programme 3 – State Legal Services. As management subsequently corrected only some of the misstatements, I raised material findings on the usefulness and reliability of the reported performance information. Those that were not corrected are reported above.

### Report on the audit of compliance with legislation

#### Introduction and scope

29. In accordance with the PAA and the general notice issued in terms thereof, I have a responsibility to report material findings on the compliance of the department with specific matters in key legislation. I performed procedures to identify findings but not to gather evidence to express assurance.
30. The material findings on compliance with specific matters in key legislations are as follows:

#### Annual financial statements, performance and annual report

31. The financial statements submitted for auditing were not prepared in accordance with the prescribed financial reporting framework and supported by full and proper records, as required by section 40(1) (a) and (b) of the PFMA. Material misstatements of disclosure items identified by the auditors in the submitted financial statements were corrected and the supporting records were provided subsequently, but the uncorrected material misstatements and supporting records that could not be provided resulted in the financial statements receiving a qualified opinion.

#### Expenditure management

32. Effective and appropriate steps were not taken to prevent irregular expenditure, as required by section 38(1)(c)(ii) of the PFMA and treasury regulation 9.1.1. The value, as disclosed in note 31 to the financial statements, is not complete as management was still in the process of quantifying the full extent of the irregular expenditure. The majority of the irregular expenditure disclosed in the financial statements was caused by non-compliance with supply chain management legislation in the awarding of contracts for security services.
33. Payments were not made within 30 days or an agreed period after receipt of an invoice, as required by treasury regulation 8.2.3.
34. Effective steps were not taken to prevent fruitless and wasteful expenditure of R52 695 000 disclosed in note 32 to the annual financial statements, as required by section 38(1)(c)(ii) of the PFMA and treasury regulation 9.1.1. The majority of the fruitless and wasteful expenditure was a result of curator fees paid by the Asset Forfeiture Unit, which could have been avoided.

#### Procurement and contract management

35. Some contracts were extended or modified without the approval of a properly delegated official as required by section 44 of the PFMA and treasury regulations 8.1 and 8.2.
36. Some goods and services with a transaction value above R500 000 were procured without inviting competitive bids and deviations were approved by the accounting officer although it was practical to invite competitive bids, as required by treasury regulations 16A6.1 and 16A6.4.
37. Some of the goods and services with a transaction value below R500 000 were procured without obtaining the required price quotations, as required by treasury regulation 16A6.1

### Revenue management

38. I was unable to obtain sufficient appropriate audit evidence that effective and appropriate steps were taken to collect all money due, as required by section 38(1)(c)(i) of the PFMA.

### Strategic planning and performance management

39. Procedures for facilitating effective performance monitoring, evaluation and corrective action through quarterly reports were not established, as required by treasury regulation 5.3.1.

### Other information

40. The accounting officer is responsible for the other information. The other information comprises the information included in the annual report. The other information does not include the financial statements, the auditor's report and those selected programmes presented in the annual performance report that have been specifically reported in this auditor's report.

41. My opinion on the financial statements and findings on the reported performance information and compliance with legislation do not cover the other information and I do not express an audit opinion or any form of assurance conclusion thereon.

42. In connection with my audit, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and the selected programmes presented in the annual performance report, or my knowledge obtained in the audit, or otherwise appears to be materially misstated.

43. If, based on the work I have performed, I conclude that there is a material misstatement in this other information, I am required to report that fact. I have nothing to report in this regard.

### Internal control deficiencies

44. I considered internal control relevant to my audit of the financial statements, reported performance information and compliance with applicable legislation; however, my objective was not to express any form of assurance on it. The matters reported below are limited to the significant internal control deficiencies that resulted in the basis for the qualified opinion, the findings on the annual performance report and the findings on compliance with legislation included in this report.

### Leadership

45. The accounting officer did not effectively oversee financial and performance reporting and compliance as well as related internal controls.

46. Management did not adequately monitor the implementation of action plans to address internal control deficiencies.

### Financial and performance management

47. Management did not implement proper record keeping in a timely manner to ensure that complete, relevant and accurate information is accessible and available to support financial and performance reporting.
48. Management did not implement controls over daily and monthly processing and reconciling of leave transactions.
49. Management did not prepare regular, accurate and complete financial and performance reports that are supported and evidenced by reliable information.
50. Management did not adequately review and monitor compliance with applicable legislation.
51. Management did not design and implement formal controls over information technology systems to ensure the reliability of the systems and the availability, accuracy and protection of information.

*Auditor General*

Pretoria

31 July 2018



AUDITOR - GENERAL  
SOUTH AFRICA

*Auditing to build public confidence*



## Annexure – Auditor-general’s responsibility for the audit

1. As part of an audit in accordance with the ISAs, I exercise professional judgement and maintain professional scepticism throughout my audit of the financial statements, and the procedures performed on reported performance information for selected programmes and on the department’s compliance with respect to the selected subject matters.

### Financial statements

2. In addition to my responsibility for the audit of the financial statements as described in this auditor’s report, I also:
  - identify and assess the risks of material misstatement of the financial statements whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control
  - obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the department’s internal control
  - evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the accounting officer.
  - conclude on the appropriateness of the accounting officer’s use of the going concern basis of accounting in the preparation of the financial statements. I also conclude, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the Department of Justice and Constitutional Development’s ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor’s report to the related disclosures in the financial statements about the material uncertainty or, if such disclosures are inadequate, to modify the opinion on the financial statements. My conclusions are based on the information available to me at the date of this auditor’s report. However, future events or conditions may cause a department to cease continuing as a going concern
  - evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

### Communication with those charged with governance

3. I communicate with the accounting officer regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.
4. I also confirm to the accounting officer that I have complied with relevant ethical requirements regarding independence, and communicate all relationships and other matters that may reasonably be thought to have a bearing on my independence and, where applicable, related safeguards.

**2. Appropriation Statement**

Appropriation per programme									
	2017/18					2016/17			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Programme</b>									
1. Administration	1 786 853		187 412	1 974 265	1 958 100	16 165	99.2%	1 970 717	1 969 006
2. Court Services	6 604 598		(168 048)	6 436 550	6 340 628	95 922	98.5%	6 272 604	6 272 604
3. State Legal Services	1 232 276		(59)	1 232 217	1 164 862	67 355	94.5%	1 104 981	1 104 981
4. National Prosecuting Authority	3 684 311		58 730	3 743 041	3 742 915	126	100.0%	3 554 576	3 554 576
5. Auxiliary and Associated Services	3 478 750		(78 035)	3 400 715	3 400 714	1	100.0%	3 137 858	3 137 855
<b>Subtotal</b>	<b>16 786 788</b>			<b>16 786 788</b>	<b>16 607 219</b>	<b>179 569</b>	<b>98.9%</b>	<b>16 040 736</b>	<b>16 039 022</b>
<b>Statutory appropriation</b>	<b>2 040 520</b>			<b>2 040 520</b>	<b>1 933 468</b>	<b>107 052</b>	<b>94.8%</b>	<b>2 010 162</b>	<b>1 845 713</b>
Judges' and magistrates' salaries	2 040 520			2 040 520	1 933 468	107 052	94.8%	2 010 162	1 845 713
<b>Total</b>	<b>18 827 308</b>			<b>18 827 308</b>	<b>18 540 687</b>	<b>286 621</b>	<b>98.5%</b>	<b>18 050 898</b>	<b>17 884 735</b>

	2017/18				2016/17	
	Final appropriation	Actual expenditure			Final appropriation	Actual expenditure
<b>Total (brought forward)</b>						
<b>Reconciliation with Statement of Financial Performance</b>						
<b>Add</b>						
Departmental receipts	339 048				371 360	
National Revenue Fund (NRF) receipts	-					
Aid assistance	3 290					
<b>Actual amounts per Statement of Financial Performance (total revenue)</b>	<b>19 169 646</b>				<b>18 422 258</b>	
<b>Add</b>						
Aid assistance		1 416				7 028
Prior-year unauthorised expenditure approved without funding						
<b>Actual amounts per Statement of Financial Performance (total expenditure)</b>		<b>18 542 103</b>				<b>17 891 763</b>

Appropriation per economic classification

	2017/18						2016/17		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Economic classification</b>									
<b>Current payments</b>	<b>14 600 859</b>	<b>(11 643)</b>	<b>279 341</b>	<b>14 868 557</b>	<b>14 625 025</b>	<b>243 532</b>	<b>98.4%</b>	<b>14 207 200</b>	<b>14 085 788</b>
<b>Compensation of employees</b>	10 635 040			10 635 040	10 392 205	242 835	97.7%	10 115 244	9 995 427
Salaries and wages	9 449 040	(68 926)	(182 110)	9 198 004	9 032 612	165 392	98.2%	8 739 523	8 702 954
Social contributions	1 186 000	68 926	182 110	1 437 036	1 359 593	77 443	94.6%	1 375 721	1 292 473
<b>Goods and services</b>	3 965 819	(11 643)	279 341	4 233 517	4 232 820	697	100.0%	4 091 956	4 090 361
Administrative fees	31 212	325	(1 564)	29 973	29 973		100.0%	30 638	30 615
Advertising	34 095	(18 475)	1 747	17 367	17 367		100.0%	23 649	23 649
Minor assets	65 385	(29 220)	(4 867)	31 298	31 298		100.0%	37 772	36 202
Audit costs: External	46 072	(2 383)		43 689	43 689		100.0%	37 535	37 535
Bursaries: Employees	6 237	(1 599)	556	5 194	5 194		100.0%	3 060	3 060
Catering: Departmental activities	10 626	(1 812)	(1 865)	6 949	6 949		100.0%	10 160	10 160
Communication	154 351	(12 612)	167	141 906	141 906		100.0%	143 741	143 741
Computer services	627 471	63 010	80 742	771 223	771 223		100.0%	731 773	731 771
Consultants: Business and advisory services	63 408	(20 918)	(1 988)	40 502	40 502		100.0%	50 310	50 310
Laboratory services	1 746	(778)		968	968		100.0%	955	955
Scientific and technological services	2 573	(2 573)							
Legal services	106 450	8 109	17 881	132 440	132 440		100.0%	123 979	123 979

## Appropriation per economic classification

	2017/18					2016/17			
	Adjusted appropriation R'000	Shifting of funds R'000	Virement R'000	Final appropriation R'000	Actual expenditure R'000	Variance R'000	Expenditure as a percentage of final appropriation %	Final appropriation R'000	Actual expenditure R'000
Contractors	66 934	75 788	(3 372)	139 350	139 350		100.0%	187 524	187 524
Agency and support/ outsourced services	234 059	(46 508)	198	187 749	187 749		100.0%	196 213	196 213
Entertainment	8	(7)		1	1		100.0%		1
Fleet services	79 834	(12 754)	1 580	68 660	68 660		100.0%	62 468	62 468
Consumable supplies	13 595	(3 521)	(2 106)	7 968	7 968		100.0%	18 572	18 572
Consumable: Stationery, printing and office supplies	175 928	11 036	19 797	206 761	206 761		100.0%	192 415	192 415
Operating leases	633 233	(61 508)	197 801	769 526	769 526		100.0%	842 881	842 881
Property payments	970 535	115 141	(5 450)	1 080 226	1 080 226		100.0%	811 397	811 397

Appropriation per economic classification

	2017/18						2016/17		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Transport provided:	1 352	(1 345)	3	10	10		100.0%	112	112
Departmental activity									
Travel and subsistence	350 038	37 138	(6 858)	380 318	379 621	697	99.8%	384 552	384 552
Training and development	32 248	(20 932)	(1 221)	10 095	10 095		100.0%	5 825	5 825
Operating payments	245 521	(86 381)	(11 727)	147 413	147 413		100.0%	176 413	176 413
Venues and facilities	9 489	2 664	(137)	12 016	12 016		100.0%	16 056	16 056
Rental and hiring	3 419	(1 528)	24	1 915	1 915		100.0%	3 955	3 955
<b>Transfers and subsidies</b>	<b>2 724 402</b>	<b>259</b>	<b>17 793</b>	<b>2 742 454</b>	<b>2 699 369</b>	<b>43 085</b>	<b>98.4%</b>	<b>2 463 148</b>	<b>2 418 397</b>
Provinces and municipalities	651			651	651		100.0%	634	634
<b>Municipalities</b>	<b>651</b>			<b>651</b>	<b>651</b>		<b>100.0%</b>	<b>634</b>	<b>634</b>
Municipal bank accounts	651			651	651		100.0%	634	634
<b>Departmental agencies and accounts</b>	<b>2 599 631</b>	<b>(6)</b>	<b>15 000</b>	<b>2 614 625</b>	<b>2 614 328</b>	<b>297</b>	<b>100.0%</b>	<b>2 334 844</b>	<b>2 334 725</b>

Appropriation per economic classification										
	2017/18					2016/17				
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure	
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	
Foreign governments and international organisations	16 000		(1 594)	14 406	14 406		100.0%	13 484	13 484	
<b>Households</b>	108 120	265	4 387	112 772	69 984	42 788	62.1%	114 187	69 555	
Social benefits	105 237	720	1 500	107 457	64 669	42 788	60.2%	104 310	59 678	
Other transfers to households	2 883	(455)	2 887	5 315	5 315		100.0%	9 877	9 877	
<b>Payments for capital assets</b>	<b>1 501 808</b>		<b>(307 853)</b>	<b>1 193 955</b>	<b>1 193 951</b>	<b>4</b>	<b>100.0%</b>	<b>1 370 957</b>	<b>1 370 957</b>	
<b>Buildings and other fixed structures</b>	1 078 557	2 247	(117 000)	963 804	963 800	4	100.0%	1 023 045	1 023 045	
Buildings	1 078 557	2 247	(117 000)	963 804	963 800	4	100.0%	1 023 045	1 023 045	
Other fixed structures										
<b>Machinery and equipment</b>	423 251	(16 742)	(190 853)	215 656	215 656		100.0%	347 727	347 727	
Transport equipment	74 497	(10 747)	(1 020)	62 730	62 730		100.0%	94 537	94 537	
Other machinery and equipment	348 754	(5 995)	(189 833)	152 926	152 926		100.0%	253 190	253 190	
Intangible assets		14 495		14 495	14 495		100.0%	185	185	
<b>Payments for financial assets</b>	<b>239</b>	<b>11 384</b>	<b>10 719</b>	<b>22 342</b>	<b>22 342</b>		<b>100.0%</b>	<b>9 592</b>	<b>9 592</b>	
	<b>18 827 308</b>			<b>18 827 308</b>	<b>18 540 687</b>	<b>286 621</b>	<b>98.5%</b>	<b>18 050 898</b>	<b>17 884 735</b>	



Programme 1: Administration

2017/18	Programme 1: Administration						2016/17		
	Adjusted appropriation R'000	Shifting of funds R'000	Virement R'000	Final appropriation R'000	Actual expenditure R'000	Variance R'000	Expenditure as a percentage of final appropriation %	Final appropriation R'000	Actual expenditure R'000
<b>Subprogramme</b>									
1. Ministry	34 606	673	(904)	34 375	34 126	249	99.3%	35 583	35 583
2. Management	49 455	1 074	(292)	50 237	50 237		100.0%	153 719	153 719
3. Corporate Services	458 680	(7 537)	(23 627)	427 516	426 104	1 412	99.7%	443 844	443 726
4. Financial Administration	221 324	3 336	(4 396)	220 264	217 621	2 643	98.8%	178 129	176 536
5. Internal Audit	94 166	1 841	(256)	95 751	83 890	11 861	87.6%	86 578	86 578
6. Office Accommodation	928 622	613	216 887	1 146 122	1 146 122		100.0%	1 072 864	1 072 864
<b>Total for subprogrammes</b>	<b>1 786 853</b>		<b>187 412</b>	<b>1 974 265</b>	<b>1 958 100</b>	<b>16 165</b>	<b>99.2%</b>	<b>1 970 717</b>	<b>1 969 006</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>1 754 256</b>	<b>(4 121)</b>	<b>182 047</b>	<b>1 932 182</b>	<b>1 916 187</b>	<b>15 995</b>	<b>99.2%</b>	<b>1 944 042</b>	<b>1 942 449</b>
Compensation of employees	566 947		(34 534)	532 413	516 418	15 995	97.0%	537 972	537 972
Salaries and wages	495 564	2 146	(31 050)	466 660	452 526	14 134	97.0%	475 364	475 364
Social contributions	71 383	(2 146)	(3 484)	65 753	63 892	1 861	97.2%	62 608	62 608
Goods and services	1 187 309	(4 121)	216 581	1 399 769	1 399 769		100.0%	1 406 070	1 404 477
Administrative fees	8 964	(1 483)	(1)	7 480	7 480		100.0%	8 071	8 048
Advertising	15 574	(1 283)	(301)	13 990	13 990		100.0%	18 614	18 614
Minor assets	3 299	(2 275)		1 024	1 024		100.0%	4 105	2 535
Audit costs: External	46 072	(2 418)		43 654	43 654		100.0%	37 535	37 535
Bursaries: Employees	5 639	(1 599)		4 040	4 040		100.0%	2 029	2 029
Catering: Departmental activities	3 885	(313)		3 572	3 572		100.0%	4 270	4 270
Communication	15 283	315		15 598	15 598		100.0%	14 146	14 146

Programme 1: Administration

2017/18	Adjusted appropriation		Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	2016/17	
	R'000	R'000							R'000	R'000
Computer services	15 722	4 796			20 518	20 518		100.0%	44 056	44 056
Consultants: Business and advisory services	5 659	(2 033)			3 626	3 626		100.0%	4 725	4 725
Laboratory services										3
Scientific and technological services	2 573	(2 573)								
Legal services	14 030	(5 873)			8 157	8 157		100.0%	32 426	32 426
Contractors	6 236	50	(3)		6 283	6 283		100.0%	30 222	30 222
Agency and support/ outsourced services	6 604	(6 596)			8	8		100.0%	11 065	11 065
Entertainment	8	(7)			1	1		100.0%	1	1
Fleet services	3 989	(1 590)			2 399	2 399		100.0%	2 127	2 127
Consumable supplies	622	(370)			252	252		100.0%	521	521
Consumable: stationery, printing and office supplies	12 280	650	(1)		12 929	12 929		100.0%	11 200	11 200
Operating leases	606 167	(62 284)		188 722	732 605	732 605		100.0%	805 021	805 021
Property payments	324 707	61 612		28 165	414 484	414 484		100.0%	269 370	269 370
Transport provided: Departmental activity	100	(100)							8	8
Travel and subsistence	73 662	20 588			94 250	94 250		100.0%	92 009	92 009
Training and development	2 135	430			2 565	2 565		100.0%	1 778	1 778
Operating payments	7 383	(1 677)			5 706	5 706		100.0%	5 728	5 728
Venues and facilities	4 812	1 708			6 520	6 520		100.0%	4 772	4 772
Rental and hiring	1 904	(1 796)			108	108		100.0%	2 268	2 268

Programme 1: Administration

2017/18	Adjusted appropriation R'000	Shifting of funds R'000	Virement R'000	Final appropriation R'000	Actual expenditure R'000	Variance R'000	Expenditure as a percentage of final appropriation %	2016/17	
								Final appropriation R'000	Actual expenditure R'000
<b>Transfers and subsidies</b>	<b>17 630</b>	<b>211</b>	<b>12</b>	<b>17 853</b>	<b>17 683</b>	<b>170</b>	<b>99.0%</b>	<b>17 304</b>	<b>17 186</b>
Provinces and municipalities	48	(14)		34	34		100.0%	32	32
Provinces									
<b>Municipalities</b>	<b>48</b>	<b>(14)</b>		<b>34</b>	<b>34</b>		<b>100.0%</b>	<b>32</b>	<b>32</b>
Municipal bank accounts	48	(14)		34	34		100.0%	32	32
<b>Departmental agencies and accounts</b>	<b>15 558</b>	<b>(19)</b>		<b>15 539</b>	<b>15 369</b>	<b>170</b>	<b>98.9%</b>	<b>14 630</b>	<b>14 512</b>
Departmental agencies and accounts	15 558	(19)		15 539	15 369	170	98.9%	14 630	14 512
<b>Households</b>	<b>2 024</b>	<b>244</b>	<b>12</b>	<b>2 280</b>	<b>2 280</b>		<b>100.0%</b>	<b>2 642</b>	<b>2 642</b>
Social benefits	2 024	244	12	2 280	2 280		100.0%	2 520	2 520
Other transfers to households								122	122
<b>Payments for capital assets</b>	<b>14 823</b>		<b>(4 800)</b>	<b>10 023</b>	<b>10 023</b>		<b>100.0%</b>	<b>8 531</b>	<b>8 531</b>

## Programme 1: Administration

		2017/18						2016/17	
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Machinery and equipment</b>	14 823		(4 800)	10 023	10 023		100.0%	8 531	8 531
Transport equipment	3 661	(2 138)		1 523	1 523		100.0%	326	326
Other machinery and equipment	11 162	2 138	(4 800)	8 500	8 500		100.0%	8 205	8 205
<b>Payments for financial assets</b>	<b>144</b>	<b>3 910</b>	<b>10 153</b>	<b>14 207</b>	<b>14 207</b>		<b>100.0%</b>	<b>840</b>	<b>840</b>
	<b>1 786 853</b>		<b>187 412</b>	<b>1 974 265</b>	<b>1 958 100</b>	<b>16 165</b>	<b>99.2%</b>	<b>1 970 717</b>	<b>1 969 006</b>

Programme 2: Court Services

		2017/18						2016/17	
Subprogramme	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1. Lower Courts	4 611 358	13 702		4 625 060	4 585 863	39 197	99.2%	4 399 994	4 399 994
2. Family Advocate	224 234	(9 379)		214 855	211 289	3 566	98.3%	209 821	209 821
3. Magistrate's Commission	17 770	105		17 875	13 334	4 541	74.6%	12 444	12 444
4. Facilities Management	1 157 106	(231)	(162 638)	994 237	994 233	4	100.0%	1 100 978	1 100 978
5. Administration of Courts	594 130	(4 197)	(5 410)	584 523	535 909	48 614	91.7%	549 367	549 367
<b>Total for subprogrammes</b>	<b>6 604 598</b>		<b>(168 048)</b>	<b>6 436 550</b>	<b>6 340 628</b>	<b>95 922</b>	<b>98.5%</b>	<b>6 272 604</b>	<b>6 272 604</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>5 381 450</b>	<b>(7 498)</b>	<b>(8 448)</b>	<b>5 365 504</b>	<b>5 269 586</b>	<b>95 918</b>	<b>98.2%</b>	<b>3 667 257</b>	<b>3 667 257</b>
Compensation of employees	3 878 819			3 878 819	3 783 598	95 221	97.5%	3 078 877	3 078 877
Salaries and wages	3 343 780	(90 844)		3 252 936	3 162 189	90 747	97.2%	588 380	588 380
Social contributions	535 039	90 844		625 883	621 409	4 474	99.3%	1 438 329	1 438 329
Goods and services	1 502 631	(7 498)	(8 448)	1 486 685	1 485 988	697	100.0%	5 474	5 474
Administrative fees	5 350	1 682	(76)	6 956	6 956		100.0%	3 412	3 412
Advertising	15 929	(17 047)	3 030	1 912	1 912		100.0%	24 103	24 103
Minor assets	45 799	(22 994)	(170)	22 635	22 635		100.0%		
Bursaries: Employees								3 993	3 993
Catering: Departmental activities	4 056	(1 374)	(96)	2 586	2 586		100.0%	100 992	100 992
Communication	104 768	(15 544)	(346)	88 878	88 878		100.0%	2 172	2 172

Programme 2: Court Services

	2017/18						2016/17		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Computer services	1 482	2 763	(15)	4 230	4 230		100.0%	27 777	27 777
Consultants: Business and advisory services	44 865	(16 418)		28 447	28 447		100.0%		
Infrastructure and planning services								907	907
Laboratory services	1 746	(778)		968	968		100.0%		
Scientific and technological services								27 356	27 356
Legal services	31 306	(981)		30 325	30 325		100.0%	132 262	132 262
Contractors	47 988	75 658	(48)	123 598	123 598		100.0%	162 920	162 920
Agency and support/outsourced services	102 365	19 514	(29)	121 850	121 850		100.0%		
Entertainment								45 312	45 312
Fleet services	58 126	(9 867)	(207)	48 052	48 052		100.0%	45 312	45 312
Consumable supplies	8 128	(1 952)	(122)	6 054	6 054		100.0%	9 889	9 889
Consumable: stationery, printing and office supplies	115 825	15 227	10 950	142 002	142 002		100.0%	138 173	138 173
Operating leases	345	960		1 305	1 305		100.0%	761	761
Property payments	557 618	54 781	(19 397)	593 002	593 002		100.0%	477 787	477 787
Transport provided: Departmental activity	205	(198)	(7)					100	100
Travel and subsistence	181 335	8 950	(1 581)	188 704	188 007	697	99.6%	188 256	188 256
Training and development	19 890	(16 997)	(1)	2 892	2 892		100.0%	1 834	1 834
Operating payments	151 343	(83 762)	(22)	67 559	67 559		100.0%	75 473	75 473
Venues and facilities	3 262	254	(302)	3 214	3 214		100.0%	7 936	7 936
Rental and hiring	900	625	(9)	1 516	1 516		100.0%	1 440	1 440



Programme 2: Court Services

		2017/18						2016/17	
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Transfers and subsidies</b>	<b>27 457</b>	<b>25</b>	<b>93</b>	<b>27 575</b>	<b>27 575</b>		<b>100.0%</b>	<b>24 556</b>	<b>24 556</b>
Provinces and municipalities	573	24		597	597		100.0%	578	578
Provinces									
<b>Municipalities</b>	<b>573</b>	<b>24</b>		<b>597</b>	<b>597</b>		<b>100.0%</b>	<b>578</b>	<b>578</b>
Municipal bank accounts	573	24		597	597		100.0%	578	578
Municipal agencies and funds									
Departmental agencies and accounts	52	(12)		40	40		100.0%	101	101
Social security funds									
Departmental agencies and accounts	52	(12)		40	40		100.0%	101	101
<b>Households</b>	<b>26 832</b>	<b>13</b>	<b>93</b>	<b>26 938</b>	<b>26 938</b>		<b>100.0%</b>	<b>23 878</b>	<b>23 878</b>
Social benefits	25 749	515	93	26 357	26 357		100.0%	23 856	23 856
Other transfers to households	1 083	(502)		581	581		100.0%	22	22
<b>Payments for capital assets</b>	<b>1 195 631</b>		<b>(159 693)</b>	<b>1 035 938</b>	<b>1 035 934</b>	<b>4</b>	<b>100.0%</b>	<b>1 136 301</b>	<b>1 136 301</b>
<b>Buildings and other fixed structures</b>	<b>1 078 557</b>	<b>2 247</b>	<b>(117 000)</b>	<b>963 804</b>	<b>963 800</b>	<b>4</b>	<b>100.0%</b>	<b>1 023 045</b>	<b>1 023 045</b>
Buildings	1 078 557	2 247	(117 000)	963 804	963 800	4	100.0%	1 023 045	1 023 045



## Programme 2: Court Services

	2017/18					2016/17			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Other fixed structures	117 074	(2 247)	(42 693)	72 134	72 134		100.0%	113 081	113 081
<b>Machinery and equipment</b>	46 660	(10 218)	(1 674)	34 768	34 768		100.0%	63 693	63 693
Transport equipment	70 414	7 971	(41 019)	37 366	37 366		100.0%	49 388	49 388
Other machinery and equipment									
Intangible assets								175	175
<b>Payments for financial assets</b>	<b>60</b>	<b>7 473</b>		<b>7 533</b>	<b>7 533</b>		<b>100.0%</b>	<b>6 160</b>	<b>6 160</b>
	<b>6 604 598</b>		<b>(168 048)</b>	<b>6 436 550</b>	<b>6 340 628</b>	<b>95 922</b>	<b>98.5%</b>	<b>6 272 604</b>	<b>6 272 604</b>

Programme 3: State Legal Services

		2017/18						2016/17	
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Subprogramme</b>									
1. State Law Advisors	71 910	(1 031)	(88)	70 791	63 018	7 773	89.0%	61 691	61 691
2. Litigation and Legal Services	474 836	5 504	7 637	487 977	457 833	30 144	93.8%	447 408	447 408
3. Legislative Development and Law Reform	89 499	1 331	(6 372)	84 458	73 689	10 769	87.2%	61 221	61 221
4. Master of the High Court	504 124	2 251	630	507 005	503 674	3 331	99.3%	477 313	477 313
5. Constitutional Development	91 907	(8 055)	(1 866)	81 986	66 648	15 338	81.3%	57 348	57 348
<b>Total for subprogrammes</b>	<b>1 232 276</b>		<b>(59)</b>	<b>1 232 217</b>	<b>1 164 862</b>	<b>67 355</b>	<b>94.5%</b>	<b>1 104 981</b>	<b>1 104 981</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>1 194 296</b>	<b>(24)</b>	<b>2 727</b>	<b>1 196 999</b>	<b>1 129 644</b>	<b>67 355</b>	<b>94.4%</b>	<b>1 060 199</b>	<b>1 060 199</b>
Compensation of employees	1 046 829			1 046 829	979 474	67 355	93.6%	922 998	922 998
Salaries and wages	904 546	2 523		907 069	846 558	60 511	93.3%	797 694	797 694
Social contributions	142 283	(2 523)		139 760	132 916	6 844	95.1%	125 304	125 304
Goods and services	147 467	(24)	2 727	150 170	150 170		100.0%	137 201	137 201
Administrative fees	1 651	143		1 794	1 794		100.0%	1 389	1 389
Advertising	1 354	(145)		1 209	1 209		100.0%	681	681
Minor assets	6 855	(1 896)		4 959	4 959		100.0%	5 068	5 068
Audit costs: External		35		35	35		100.0%		
Bursaries: Employees									
Catering: Departmental activities	629	(131)		498	498		100.0%	254	254

Programme 3: State Legal Services

	2017/18						2016/17		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Communication	15 414	(4 360)	1 141	12 195	12 195		100.0%	14 069	14 069
Computer services	230	(201)		29	29		100.0%	12	12
Consultants: Business and advisory services	174	469		643	643		100.0%	86	86
Laboratory services								45	45
Legal services	39 666	14 963	5 062	59 691	59 691		100.0%	51 297	51 297
Contractors	1 051	(355)		696	696		100.0%	596	596
Agency and support/ outsourced services	4 293	(2 395)		1 898	1 898		100.0%	113	113
Entertainment									
Fleet services	3 784	(1 297)		2 487	2 487		100.0%	2 548	2 548
Consumable supplies	1 452	(912)		540	540		100.0%	1 102	1 102
Consumable: stationery, printing and office supplies	19 131	(5 229)		13 902	13 902		100.0%	14 105	14 105
Operating leases	653	(184)		469	469		100.0%	436	436
Property payments	1 500	(1 252)		248	248		100.0%	538	538
Transport provided: Departmental activity	1 047	(1 047)							
Travel and subsistence	29 276	7 560	(3 476)	33 360	33 360		100.0%	34 421	34 421
Training and development	5 574	(3 819)		1 755	1 755		100.0%	641	641
Operating payments	11 714	(316)		11 398	11 398		100.0%	7 794	7 794
Venues and facilities	1 415	702		2 117	2 117		100.0%	1 874	1 874
Rental and hiring	604	(357)		247	247		100.0%	132	132

Programme 3: State Legal Services

	2017/18					2016/17			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Transfers and subsidies</b>	<b>21 061</b>	<b>23</b>	<b>3 065</b>	<b>24 149</b>	<b>24 149</b>		<b>100.0%</b>	<b>27 823</b>	<b>27 823</b>
Provinces and municipalities	30	(10)		20	20		100.0%	24	24
<b>Municipalities</b>	<b>30</b>	<b>(10)</b>		<b>20</b>	<b>20</b>		<b>100.0%</b>	<b>24</b>	<b>24</b>
Municipal bank accounts	30	(10)		20	20		100.0%	24	24
Departmental agencies and accounts	3	1		4	4		100.0%	3	3
Departmental agencies and accounts	3	1		4	4		100.0%	3	3
Foreign governments and international organisations	16 000		(1 594)	14 406	14 406		100.0%	13 484	13 484
<b>Households</b>	<b>5 028</b>	<b>32</b>	<b>4 659</b>	<b>9 719</b>	<b>9 719</b>		<b>100.0%</b>	<b>14 312</b>	<b>14 312</b>
Social benefits	3 228	(15)	1 772	4 985	4 985		100.0%	4 692	4 692
Other transfers to households	1 800	47	2 887	4 734	4 734		100.0%	9 620	9 620
<b>Payments for capital assets</b>	<b>16 918</b>		<b>(5 986)</b>	<b>10 932</b>	<b>10 932</b>		<b>100.0%</b>	<b>15 599</b>	<b>15 599</b>
<b>Machinery and equipment</b>	<b>16 918</b>		<b>(5 986)</b>	<b>10 932</b>	<b>10 932</b>		<b>100.0%</b>	<b>15 589</b>	<b>15 589</b>
Transport equipment	2 018	1 609	(6)	3 621	3 621		100.0%	3 754	3 754
Other machinery and equipment	14 900	(1 609)	(5 980)	7 311	7 311		100.0%	11 835	11 835
Intangible assets								10	10
<b>Payments for financial assets</b>	<b>1</b>	<b>1</b>	<b>135</b>	<b>137</b>	<b>137</b>		<b>100.0%</b>	<b>1 360</b>	<b>1 360</b>
	<b>1 232 276</b>		<b>(59)</b>	<b>1 232 217</b>	<b>1 164 862</b>	<b>67 355</b>	<b>94.5%</b>	<b>1 104 981</b>	<b>1 104 981</b>

## Programme 4: National Prosecuting Authority

	2017/18					2016/17			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
Subprogramme	R'000	R'000			R'000	R'000	%	R'000	R'000
1. National Prosecutions Service	2 913 510		32 744	2 946 254	2 946 254		100.0%	2 776 285	2 776 285
2. Assets Forfeiture Unit	131 909		(5 389)	126 520	126 520		100.0%	133 011	133 011
3. Office for Witness Protection	181 683		8 311	189 994	189 994		100.0%	183 521	183 521
4. Support Services	457 209		23 064	480 273	480 147	126	100.0%	461 759	461 759
<b>Total for subprogrammes</b>	<b>3 684 311</b>		<b>58 730</b>	<b>3 743 041</b>	<b>3 742 915</b>	<b>126</b>	<b>100.0%</b>	<b>3 554 576</b>	<b>3 554 576</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>3 638 694</b>		<b>59 594</b>	<b>3 698 288</b>	<b>3 698 288</b>		<b>100.0%</b>	<b>3 502 654</b>	<b>3 502 654</b>
Compensation of employees	3 168 219		34 534	3 202 753	3 202 753		100.0%	3 039 993	3 039 993
Salaries and wages	2 974 772		(151 060)	2 823 712	2 823 712		100.0%	2 684 765	2 684 765
Social contributions	193 447		185 594	379 041	379 041		100.0%	355 228	355 228
Goods and services	470 475		25 060	495 535	495 535		100.0%	462 661	462 661
Administrative fees	15 225		(1 487)	13 738	13 738		100.0%	13 444	13 444
Advertising	1 238		(982)	256	256		100.0%	942	942
Minor assets	7 293		(4 697)	2 596	2 596		100.0%	2 128	2 128
Bursaries: Employees	598		556	1 154	1 154		100.0%	1 031	1 031
Catering: Departmental activities	2 056		(1 769)	287	287		100.0%	1 643	1 643
Communication	18 875		(628)	18 247	18 247		100.0%	14 534	14 534
Computer services	74 352		37 336	111 688	111 688		100.0%	74 360	74 360

Programme 4: National Prosecuting Authority

	2017/18						2016/17		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Consultants: Business and advisory services	6 710		(1 988)	4 722	4 722		100.0%	7 573	7 573
Legal services	21 448		12 819	34 267	34 267		100.0%	12 900	12 900
Contractors	11 298		(3 321)	7 977	7 977		100.0%	24 178	24 178
Agency and support/ outsourced services	11 669		227	11 896	11 896		100.0%	13 122	13 122
Fleet services	13 935		1 787	15 722	15 722		100.0%	12 481	12 481
Consumable supplies	2 893		(1 984)	909	909		100.0%	3 973	3 973
Consumable: stationery, printing and office supplies	26 513		8 848	35 361	35 361		100.0%	20 069	20 069
Operating leases	26 068		9 079	35 147	35 147		100.0%	36 663	36 663
Property payments	86 710		(14 218)	72 492	72 492		100.0%	63 683	63 683
Transport provided: Departmental activity			10	10	10		100.0%	4	4
Travel and subsistence	65 693		(1 801)	63 892	63 892		100.0%	69 433	69 433
Training and development	3 910		(1 220)	2 690	2 690		100.0%	1 572	1 572
Operating payments	73 980		(11 705)	62 275	62 275		100.0%	87 356	87 356
Venues and facilities			165	165	165		100.0%	1 457	1 457
Rental and hiring	11		33	44	44		100.0%	115	115



## Programme 4: National Prosecuting Authority

	2017/18					2016/17			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Rent on land									
<b>Transfers and subsidies</b>	<b>16 935</b>		<b>(377)</b>	<b>16 558</b>	<b>16 432</b>	<b>126</b>	<b>99.2%</b>	<b>18 828</b>	<b>18 828</b>
Departmental agencies and accounts	8 993	24		9 017	8 891	126	98.6%	8 611	8 611
Departmental agencies and accounts	8 993	24		9 017	8 891	126	98.6%	8 611	8 611
<b>Households</b>	<b>7 942</b>	<b>(24)</b>		<b>7 541</b>	<b>7 541</b>		<b>100.0%</b>	<b>10 217</b>	<b>10 217</b>
Social benefits	7 942	(24)	(377)	7 541	7 541		100.0%	10 104	10 104
Other transfers to households								113	113
<b>Payments for capital assets</b>	<b>28 648</b>		<b>(918)</b>	<b>27 730</b>	<b>27 730</b>		<b>100.0%</b>	<b>31 862</b>	<b>31 862</b>
<b>Machinery and equipment</b>	<b>28 648</b>		<b>(918)</b>	<b>27 730</b>	<b>27 730</b>		<b>100.0%</b>	<b>31 862</b>	<b>31 862</b>
Transport equipment	22 158		660	22 818	22 818		100.0%	22 944	22 944
Other machinery and equipment	6 490		(1 578)	4 912	4 912		100.0%	8 918	8 918
<b>Payments for financial assets</b>	<b>34</b>		<b>431</b>	<b>465</b>	<b>465</b>		<b>100.0%</b>	<b>1 232</b>	<b>1 232</b>
	<b>3 684 311</b>		<b>58 730</b>	<b>3 743 041</b>	<b>3 742 915</b>	<b>126</b>	<b>100.0%</b>	<b>3 554 576</b>	<b>3 554 576</b>



Programme 5: Auxiliary and Associated Services

	2017/18						2016/17		
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
<b>Subprogramme</b>				<b>1 754 394</b>					
1. Legal Aid South Africa	1 754 394			346 177	1 754 394		100.0%	1 577 171	1 577 171
2. Special Investigation Unit	346 177			316 093	346 177		100.0%	316 732	316 732
3. Public Protector of South Africa	301 093		15 000		316 093		100.0%	264 108	264 108
4. South African Human Rights Commission	173 360			173 360	173 360		100.0%	153 487	153 487
5. Justice Modernisation	903 725		(93 035)	810 690	810 690		100.0%	826 359	826 357
6. President's Fund	1			1	1			1	
<b>Total for subprogrammes</b>	<b>3 478 750</b>		<b>(78 035)</b>	<b>3 400 715</b>	<b>3 400 714</b>	<b>1</b>	<b>100.0%</b>	<b>3 137 858</b>	<b>3 137 855</b>
<b>Economic classification</b>									
<b>Current payments</b>	<b>657 937</b>		<b>43 421</b>	<b>701 358</b>	<b>701 358</b>		<b>100.0%</b>	<b>647 695</b>	<b>647 693</b>
Goods and services	657 937		43 421	701 358	701 358		100.0%	647 695	647 693
Administrative fees	22	(17)		5	5		100.0%	2 260	2 260
Advertising									
Minor assets	2 139	(2 055)		84	84		100.0%	2 368	2 368
Catering: Departmental activities			6	6	6		100.0%		
Communication	11	6 977		6 988	6 988		100.0%		
Computer services	535 685	55 652	43 421	634 758	634 758		100.0%	611 173	611 171
Consultants: Business and advisory services	6 000	(2 936)		3 064	3 064		100.0%	10 149	10 149
Contractors	361	435		796	796		100.0%	266	266
Agency and support/outsourced services	109 128	(57 031)		52 097	52 097		100.0%	8 993	8 993

## Programme 5: Auxiliary and Associated Services

	2017/18					2016/17			
	Adjusted appropriation	Shifting of funds	Virement	Final appropriation	Actual expenditure	Variance	Expenditure as a percentage of final appropriation	Final appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Consumable supplies	500	(287)		213	213		100.0%	3 087	3 087
Consumable: Stationery, printing and office supplies	2 179	388		2 567	2 567		100.0%	8 868	8 868
Property payments								19	19
Travel and subsistence	72	40		112	112		100.0%	433	433
Training and development	739	(546)		193	193		100.0%		
Operating payments	1 101	(626)		475	475		100.0%	62	62
Venues and facilities								17	17
<b>Transfers and subsidies</b>	<b>2 575 025</b>		<b>15 000</b>	<b>2 590 025</b>	<b>2 590 024</b>	<b>1</b>	<b>100.0%</b>	<b>2 311 499</b>	<b>2 311 498</b>
Departmental agencies and accounts	2 575 025		15 000	2 590 025	2 590 024	1	100.0%	2 311 499	2 311 498
Departmental agencies and accounts	2 575 025		15 000	2 590 025	2 590 024	1	100.0%	2 311 499	2 311 498
<b>Payments for capital assets</b>	<b>245 788</b>		<b>(136 456)</b>	<b>109 332</b>	<b>109 332</b>		<b>100.0%</b>	<b>178 664</b>	<b>178 664</b>
<b>Machinery and equipment</b>	<b>245 788</b>	<b>(14 495)</b>	<b>(136 456)</b>	<b>94 837</b>	<b>94 837</b>		<b>100.0%</b>	<b>178 664</b>	<b>178 664</b>
Transport equipment								3 820	3 820
Other machinery and equipment	245 788	(14 495)	(136 456)	94 837	94 837		100.0%	174 844	174 844
Intangible assets		14 495		14 495	14 495		100.0%		
	<b>3 478 750</b>		<b>(78 035)</b>	<b>3 400 715</b>	<b>3 400 714</b>	<b>1</b>	<b>100.0%</b>	<b>3 137 858</b>	<b>3 137 855</b>

### 3. Notes to the Appropriation Statement

**1. Detail of transfers and subsidies as per Appropriation Act (after Virement):**

Detail of these transactions can be viewed in the note on transfers and subsidies, disclosure notes and Annexure 1 (A–H) to the Annual Financial Statements.

**2. Detail of specifically and exclusively appropriated amounts voted (after Virement):**

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

**3. Detail on payments for financial assets**

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

**4. Explanations of material variances from amounts voted (after Virement):**

4.1 Per programme	Final appropriation	Actual expenditure	Variance R'000	Variance as a percentage of final appropriation
Administration	1 974 265	1 958 100	16 165	99%
Court Services	6 436 550	6 340 628	95 922	99%
State Legal Services	1 232 217	1 164 862	67 355	95%

The underspending is mainly attributed to delays in the filling of vacant posts.

4.2 Per economic classification	Final appropriation	Actual expenditure	Variance	Variance as a percentage of final appropriation
	R'000	R'000	R'000	R'000
<b>Current payments</b>				
Compensation of employees	8 660 814	8 482 243	178 571	98%
Goods and services	4 233 517	4 232 820	679	100%
<b>Transfers and subsidies</b>				
Provinces and municipalities	651	651		100%
Departmental agencies and accounts	2 614 625	2 614 328	297	100%
Foreign governments and international organisations	14 406	14 406		100%
Households	46 455	46 455		100%
<b>Payments for capital assets</b>				
Buildings and other fixed structures	963 804	963 800	4	100%
Machinery and equipment	215 656	215 656		100%
Intangible assets	14 495	14 495		100%
<b>Payments for financial assets</b>	22 342	22 342		100%

The underspending is mainly attributed to delays in the filling of vacant posts.

## 4. Statement of Financial Performance

	<i>Note</i>	<b>2017/18</b> R'000	<b>2016/17</b> R'000
<b>REVENUE</b>			
Annual appropriation	<u>1</u>	16 786 788	16 040 736
Statutory appropriation	<u>2</u>	2 040 520	2 010 162
Departmental revenue	<u>3</u>	339 060	371 360
Aid assistance	<u>4</u>	3 290	
<b>Total revenue</b>		<b>19 169 658</b>	<b>18 422 258</b>
<b>EXPENDITURE</b>			
<b>Current expenditure</b>			
Compensation of employees	<u>5</u>	10 392 205	9 995 427
Goods and services	<u>6</u>	4 232 819	4 090 361
Interest and rent on land	<u>7</u>		
Aid assistance	<u>4</u>	1 416	7 028
<b>Total current expenditure</b>		<b>14 626 440</b>	<b>14 092 816</b>
<b>Transfers and subsidies</b>			
Transfers and subsidies	<u>9</u>	2 699 369	2 418 398
Aid assistance	<u>4</u>		
<b>Total transfers and subsidies</b>		<b>2 699 369</b>	<b>2 418 398</b>
<b>Expenditure for capital assets</b>			
Tangible assets	<u>10</u>	1 179 458	1 370 772
Intangible assets	<u>10</u>	14 495	185
<b>Total expenditure for capital assets</b>		<b>1 193 953</b>	<b>1 370 957</b>
Unauthorised expenditure approved without funding	<u>11</u>		
<b>Payments for financial assets</b>	<u>8</u>	22 341	9 592
<b>Total expenditure</b>		<b>18 542 103</b>	<b>17 891 763</b>
<b>Surplus/(deficit) for the year</b>		<b>627 555</b>	<b>530 495</b>
<b>Reconciliation of net surplus/(deficit) for the year</b>			
Voted funds		286 621	<b>166 163</b>
Departmental revenue and NRF receipts	<u>19</u>	339 060	371 360
Aid assistance	<u>4</u>	1 874	(7 028)
<b>Surplus/(deficit) for the year</b>		<b>627 555</b>	<b>530 495</b>

## 5. Statement of Financial Position

	<i>Note</i>	2017/18 R'000	2016/17 R'000
<b>ASSETS</b>			
<b>Current assets</b>		<b>1 603 963</b>	<b>1 212 631</b>
Unauthorised expenditure	<u>11</u>		
Cash and cash equivalents	<u>12</u>	7 095	5 009
Prepayments and advances	<u>14</u>	10 425	10 298
Receivables	<u>15</u>	1 586 443	1 197 324
<b>Non-current assets</b>			
Receivables	<u>15</u>		
<b>Total assets</b>		<b>1 603 963</b>	<b>1 212 631</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>		<b>1 582 521</b>	<b>1 194 411</b>
Voted funds to be surrendered to the Revenue Fund	<u>18</u>	286 625	166 167
Departmental revenue and NRF receipts to be surrendered to the Revenue Fund	<u>19</u>	34 141	26 683
Bank overdraft	<u>20</u>	1 240 390	985 318
Payables	<u>21</u>	9 926	6 678
Aid assistance repayable	<u>4</u>		
Aid assistance unutilised	<u>4</u>	11 439	9 565
<b>Non-current liabilities</b>			
Payables	<u>22</u>		
<b>Total liabilities</b>		<b>1 582 521</b>	<b>1 194 411</b>
<b>Net assets</b>		<b>21 442</b>	<b>18 220</b>
<b>Represented by:</b>			
Capitalisation reserve		21 442	18 220
Revaluation reserves			
<b>Total</b>		<b>21 442</b>	<b>18 220</b>

## 6. Statement of Changes in Net Assets

	<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
		<b>R'000</b>	<b>R'000</b>
<b>Recoverable revenue</b>			
Opening balance		18 220	15 894
Transfers:		<b>3 222</b>	<b>2 326</b>
Irrecoverable amounts written off	<u>8.3</u>	(347)	(1 528)
Debts revised		(8 855)	(7 006)
Debts recovered (included in departmental receipts)		12 424	10 860
Closing balance		<b>21 442</b>	<b>18 220</b>
<b>Total</b>		<b>21 442</b>	<b>18 220</b>

## 7. Cash Flow Statement

	<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
		<b>R'000</b>	<b>R'000</b>
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
Receipts		<b>19 167 071</b>	<b>18 422 202</b>
Annual appropriated funds received	<u>1.1</u>	16 786 788	16 040 736
Statutory appropriated funds received	<u>2</u>	2 040 520	2 010 162
Departmental revenue received	<u>3</u>	324 354	362 751
Interest received	<u>3.3</u>	12 119	8 553
NRF receipts			
Aid assistance received	<u>4</u>	3 290	
Net (increase)/decrease in working capital		(385 998)	(409 922)
Surrendered to Revenue Fund		(497 753)	(524 348)
Surrendered to Reconstruction and Development Programme (RDP) Fund/donor			(4 195)
Current payments		(14 626 464)	(14 092 816)
Interest paid	<u>7</u>		
Payments for financial assets		(22 341)	(9 592)
Transfers and subsidies paid		(2 699 345)	(2 418 398)
<b>Net cash flow available from operating activities</b>	<u>23</u>	<b>935 170</b>	<b>962 931</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Payments for capital assets	<u>10</u>	(1 193 953)	(1 370 957)
Proceeds from sale of capital assets	<u>3.4</u>	2 575	56
(Increase)/decrease in loans			
<b>Net cash flows from investing activities</b>		<b>(1 191 378)</b>	<b>(1 370 901)</b>
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
Increase/(decrease) in net assets		3 222	2 326
Increase/(decrease) in non-current payables			
<b>Net cash flows from financing activities</b>		<b>3 222</b>	<b>2 326</b>
Net increase/(decrease) in cash and cash equivalents		(252 986)	(405 644)
Cash and cash equivalents at beginning of period		(980 309)	(574 665)
Unrealised gains and losses within cash and cash equivalents			
<b>Cash and cash equivalents at end of period</b>	<u>24</u>	<b>(1 233 295)</b>	<b>(980 309)</b>



## 8. Notes to the Annual Financial Statements (including Accounting Policies)

### Summary of significant accounting policies

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

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

Where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the financial statements and to comply with the statutory requirements of the Public Finance Management Act (PFMA), Act 1 of 1999 (as amended by Act 29 of 1999), and the Treasury Regulations issued in terms of the PFMA and the annual Division of Revenue Act (DoRA).

<b>1.</b>	<b>Basis of preparation</b>
	The financial statements have been prepared in accordance with the Modified Cash Standard.
<b>2.</b>	<b>Going concern</b>
	The financial statements have been prepared on a going-concern basis
	The overdraft is caused by the delivery of legal services through the Office of the State Attorney. In terms of the State Attorney Act, 1957, the State Attorney is the attorney of record for all national and provincial departments. By virtue of the Minister of Justice and Constitutional Development being the Executive Authority over the Office of the State Attorney, the Department is responsible to settle all accounts in the course of defending the state. Claims recoverable are reflected in Note 15, and the overdraft is reflected in Note 20.
<b>3.</b>	<b>Presentation currency</b>
	Amounts have been presented in the currency of the South African rand (R), which is also the functional currency of the Department.
<b>4.</b>	<b>Rounding</b>
	Unless otherwise stated, financial figures have been rounded to the nearest one thousand rand (R'000).
<b>5.</b>	<b>Cash flows arising from foreign currency transactions are translated into South African rands using the spot exchange rates prevailing at the date of payment or receipt.</b>
<b>6.</b>	<b>Comparative information</b>
<b>6.1</b>	<b>Prior-period comparative information</b>
	Prior-period comparative information has been presented in the current year's financial statements. Where necessary, figures included in the prior-period financial statements have been reclassified to ensure that the format in which the information is presented is consistent with the format of the current year's financial statements.
<b>6.2</b>	<b>Current-year comparison with budget</b>
	A comparison between the approved, final budget and actual amounts for each programme and economic classification is included in the Appropriation Statement.

<b>7.</b>	<b>Revenue</b>
<b>7.1</b>	<b>Appropriated funds</b>
	<p>Appropriated funds comprise of departmental allocations, as well as direct charges against the Revenue Fund (i.e. statutory appropriation).</p> <p>Appropriated funds are recognised in the Statement of Financial Performance on the date the appropriation becomes effective. Adjustments made in terms of the adjustments budget process are recognised in the Statement of Financial Performance on the date the adjustments become effective.</p> <p>The net amount of any appropriated funds due to or from the relevant revenue fund at the reporting date is recognised as a payable or receivable in the Statement of Financial Position.</p>
<b>7.2</b>	<b>Departmental revenue</b>
	<p>Departmental revenue is recognised in the Statement of Financial Performance when received and is subsequently paid into the relevant revenue fund, unless stated otherwise.</p> <p>Any amount owing to the relevant revenue fund at the reporting date is recognised as a payable in the Statement of Financial Position.</p>
<b>7.3</b>	<b>Accrued departmental revenue</b>
	<p>Accruals in respect of departmental revenue (excluding tax revenue) are recorded in the Notes to the Financial Statements when:</p> <ul style="list-style-type: none"> <li>• it is probable that the economic benefits or service potential associated with the transaction will flow to the Department; and</li> <li>• the amount of revenue can be measured reliably.</li> </ul> <p>The accrued revenue is measured at the fair value of the consideration receivable.</p> <p>Accrued tax revenue (and related interest and/or penalties) is measured at amounts receivable from collecting agents.</p> <p>Write-offs are made according to the Department's debt write-off policy</p>
<b>8.</b>	<b>Expenditure</b>
<b>8.1</b>	<b>Compensation of employees</b>
<b>8.1.1</b>	<b>Salaries and wages</b>
	Salaries and wages are recognised in the Statement of Financial Performance on the date of payment.
<b>8.1.2</b>	<b>Social contributions</b>
	<p>Social contributions made by the Department in respect of current employees are recognised in the Statement of Financial Performance on the date of payment.</p> <p>Social contributions made by the Department in respect of former employees are classified as transfers to households in the Statement of Financial Performance on the date of payment.</p>
<b>8.2</b>	<b>Other expenditure</b>
	Other expenditure (such as goods and services, transfers, and subsidies and payments for capital assets) is recognised in the Statement of Financial Performance on the date of payment. The expense is classified as a capital expense if the total consideration paid is more than the capitalisation threshold.
<b>8.3</b>	<b>Accruals and payables not recognised</b>
	Accruals and payables not recognised are recorded in the Notes to the Financial Statements at cost at the reporting date.

<b>8.4</b>	<b>Leases</b>
<b>8.4.1</b>	<b>Operating leases</b>
	Operating lease payments made during the reporting period are recognised as current expenditure in the Statement of Financial Performance on the date of payment.
	The operating lease commitments are recorded in the Notes to the Financial Statements.
<b>8.4.2</b>	<b>Finance leases</b>
	Finance lease payments made during the reporting period are recognised as capital expenditure in the Statement of Financial Performance on the date of payment.
	The finance lease commitments are recorded in the Notes to the Financial Statements and are not apportioned between the capital and interest portions.
	Finance lease assets acquired at the end of the lease term are recorded and measured at the lower of:
	<ul style="list-style-type: none"> <li>• cost, being the fair value of the asset; or</li> <li>• the sum of the minimum lease payments made, including any payments made to acquire ownership at the end of the lease term, excluding interest.</li> </ul>
<b>9.</b>	<b>Aid assistance</b>
<b>9.1</b>	<b>Aid assistance received</b>
	Aid assistance received in cash is recognised in the Statement of Financial Performance when received. In-kind aid assistance is recorded in the Notes to the Financial Statements on the date of receipt and is measured at fair value.
	Aid assistance not spent for the intended purpose and any unutilised funds from aid assistance that are required to be refunded to the donor are recognised as a payable in the Statement of Financial Position.
<b>9.2</b>	<b>Aid assistance paid</b>
	Aid assistance paid is recognised in the Statement of Financial Performance on the date of payment. Aid assistance payments made prior to the receipt of funds are recognised as a receivable in the Statement of Financial Position.
<b>10.</b>	<b>Cash and cash equivalents</b>
	Cash and cash equivalents are stated at cost in the Statement of Financial Position.
	Bank overdrafts are shown separately on the face of the Statement of Financial Position as a current liability.
	For the purposes of the Cash Flow Statement, cash and cash equivalents comprise cash on hand, deposits held, other short-term highly liquid investments and bank overdrafts.
<b>11.</b>	<b>Prepayments and advances</b>
	Prepayments and advances are recognised in the Statement of Financial Position when the Department receives or disburses the cash.
	Prepayments and advances are initially and subsequently measured at cost.
<b>12.</b>	<b>Loans and receivables</b>
	Loans and receivables are recognised in the Statement of Financial Position at cost plus accrued interest, where interest is charged, less amounts already settled or written-off. Write-offs are made according to the Department's write-off policy.

<b>13.</b>	<b>Investments</b>
	Investments are recognised in the Statement of Financial Position at cost.
<b>14.</b>	<b>Financial assets</b>
<b>14.1</b>	<b>Financial assets (not covered elsewhere)</b>
	A financial asset is recognised initially at its cost plus transaction costs that are directly attributable to the acquisition or issue of the financial asset.
	At the reporting date, a department shall measure its financial assets at cost, less amounts already settled or written-off, except for recognised loans and receivables, which are measured at cost plus accrued interest, where interest is charged, less amounts already settled or written-off.
<b>14.2</b>	<b>Impairment of financial assets</b>
	Where there is an indication of impairment of a financial asset, an estimation of the reduction in the recorded carrying value, to reflect the best estimate of the amount of the future economic benefits expected to be received from that asset, is recorded in the Notes to the Financial Statements.
<b>15.</b>	<b>Payables</b>
	Payables recognised in the Statement of Financial Position are recognised at cost.
<b>16.</b>	<b>Capital assets</b>
<b>16.1</b>	<b>Immovable capital assets</b>
	Immovable assets reflected in the Asset Register of the Department are recorded in the Notes to the Financial Statements at cost or fair value where the cost cannot be determined reliably. Immovable assets acquired in a non-exchange transaction are recorded at fair value at the date of acquisition. Immovable assets are subsequently carried in the Asset Register at cost and are not currently subject to depreciation or impairment.
	Subsequent expenditure of a capital nature forms part of the cost of the existing asset when ready for use.
	Additional information on immovable assets not reflected in the Asset Register is provided in the Notes to the Financial Statements.
<b>16.2</b>	<b>Movable capital assets</b>
	Movable capital assets are initially recorded in the Notes to the Financial Statements at cost. Movable capital assets acquired through a non-exchange transaction is measured at fair value as at the date of acquisition.
	Where the cost of movable capital assets cannot be determined reliably, the movable capital assets are measured at fair value, and where fair value cannot be determined, the movable assets are measured at R1.
	All assets acquired prior to 1 April 2002 (or a later date as approved by the Office of the Auditor-General) may be recorded at R1.
	Movable capital assets are subsequently carried at cost and are not subject to depreciation or impairment.
	Subsequent expenditure that is of a capital nature is added to the cost of the asset at the end of the capital project unless the movable asset is recorded by another department or entity, in which case the completed project costs are transferred to that department.

<b>16.3</b>	<p><b>Intangible assets</b></p> <p>Intangible assets are initially recorded in the Notes to the Financial Statements at cost. Intangible assets acquired through a non-exchange transaction are measured at fair value as at the date of acquisition.</p> <p>Internally generated intangible assets are recorded in the Notes to the Financial Statements when the Department commences the development phase of the project.</p> <p>Where the cost of intangible assets cannot be determined reliably, the intangible capital assets are measured at fair value, and where fair value cannot be determined, the intangible assets are measured at R1.</p> <p>All assets acquired prior to 1 April 2002 (or a later date as approved by the Office of the Auditor-General) may be recorded at R1.</p> <p>Intangible assets are subsequently carried at cost and are not subject to depreciation or impairment.</p> <p>Subsequent expenditure of a capital nature forms part of the cost of the existing asset when ready for use.</p>
<b>16.4</b>	<p><b>Project costs: work-in-progress</b></p> <p>Expenditure of a capital nature relating to consultants and contractors is initially recognised in the Statement of Financial Performance at cost of the claim of the implementation agent when paid.</p> <p>Amounts paid towards capital projects are separated from the amounts recognised and accumulated in work-in-progress until the underlying asset is ready for use. Once ready for use, the total accumulated payments are recorded in an asset register. Subsequent payments to complete the project are added to the capital asset in the Asset Register.</p> <p>Where the Department is not the custodian of the completed project asset, the asset is transferred to the custodian subsequent to completion.</p>
<b>17.</b>	<p><b>Provisions and contingents</b></p>
<b>17.1</b>	<p><b>Provisions</b></p> <p>Provisions are recorded in the Notes to the Financial Statements when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources that embody economic benefits or service potential will be required to settle the obligation, and a reliable estimate of the obligation can be made. The provision is measured as the best estimate of the funds required to settle the present obligation at the reporting date.</p>
<b>17.2</b>	<p><b>Contingent liabilities</b></p> <p>Contingent liabilities are recorded in the Notes to the Financial Statements when there is a possible obligation that arises from past events, and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not within the control of the Department or when there is a present obligation that is not recognised because it is not probable that an outflow of resources will be required to settle the obligation, or the amount of the obligation cannot be measured reliably.</p>
<b>17.3</b>	<p><b>Contingent assets</b></p> <p>Contingent assets are recorded in the Notes to the Financial Statements when a possible asset arises from past events, and whose existence will be confirmed by the occurrence or non-occurrence of one or more uncertain future events not within the control of the Department.</p>
<b>17.4</b>	<p><b>Commitments</b></p> <p>Commitments (other than for transfers and subsidies) are recorded at cost in the Notes to the Financial Statements when there is a contractual arrangement or an approval by management in a manner that raises a valid expectation that the Department will discharge its responsibilities, thereby incurring future expenditure that will result in the outflow of cash.</p>

### 18. Unauthorised expenditure

Unauthorised expenditure is recognised in the Statement of Financial Position until such time as the expenditure is either:

- approved by Parliament or the Provincial Legislature with funding and the related funds are received; or
- approved by Parliament or the Provincial Legislature without funding and is written off against the appropriation in the Statement of Financial Performance;
- transferred to receivables for recovery.

Unauthorised expenditure is measured at the amount of the confirmed unauthorised expenditure.

### 19. Fruitless and wasteful expenditure

Fruitless and wasteful expenditure is recorded in the Notes to the Financial Statements when confirmed. The amount recorded is equal to the total value of the fruitless and/or wasteful expenditure incurred.

Fruitless and wasteful expenditure is removed from the Notes to the Financial Statements when it is resolved or transferred to receivables for recovery.

Fruitless and wasteful expenditure receivables are measured at the amount that is expected to be recoverable and are derecognised when settled or subsequently written-off as irrecoverable.

### 20. Irregular expenditure

Irregular expenditure is recorded in the Notes to the Financial Statements when confirmed. The amount recorded is equal to the value of the irregular expenditure incurred, unless it is impracticable to determine, in which case reasons for the irregular expenditure are provided in the note.

Irregular expenditure is removed from the note when it is condoned by the relevant authority, transferred to receivables for recovery or not condoned and not recoverable.

Irregular expenditure receivables are measured at the amount that is expected to be recoverable and are derecognised when settled or subsequently written off as irrecoverable.

### 21. Changes in accounting policies, accounting estimates and errors

Changes in accounting policies that are effected by management have been applied retrospectively in accordance with Modified Cash Standard requirements, except to the extent that it is impracticable to determine the period, specific effects or the cumulative effect of the change in policy. In such instances, the Department shall restate the opening balances of assets, liabilities and net assets for the earliest period for which retrospective restatement is practicable.

Changes in accounting estimates are applied prospectively in accordance with Modified Cash Standard requirements.

Correction of errors is applied retrospectively in the period in which the error has occurred in accordance with Modified Cash Standard requirements, except to the extent that it is impracticable to determine the period, specific effects or the cumulative effect of the error. In such cases, the Department shall restate the opening balances of assets, liabilities and net assets for the earliest period for which retrospective restatement is practicable.

### 22. Events after the reporting date

Events after the reporting date that are classified as adjusting events have been accounted for in the financial statements. The events after the reporting date that are classified as non-adjusting events after the reporting date have been disclosed in the Notes to the Financial Statements.

### 23. Principal agent arrangements

The Department is party to a principal-agent arrangement for [include details here]. In terms of the arrangement, the Department is the [principal / agent] and is responsible for [include details here]. All related revenues, expenditures, assets and liabilities have been recognised or recorded in terms of the relevant policies listed herein. Additional disclosures have been provided in the Notes to the Financial Statements where appropriate.

<b>24.</b>	<p><b>Departures from the Modified Cash Standard requirements</b></p> <p><i>[Insert information on the following: that management has concluded that the financial statements present fairly the department's primary and secondary information; that the department complied with the Standard except that it has departed from a particular requirement to achieve fair presentation; and the requirement from which the department has departed, the nature of the departure and the reason for departure.]</i></p>
<b>25.</b>	<p><b>Capitalisation reserve</b></p> <p>The capitalisation reserve comprises financial assets and/or liabilities originating in a prior reporting period, but which are recognised in the Statement of Financial Position for the first time in the current reporting period. Amounts are recognised in the capitalisation reserves when identified in the current period and are transferred to the National or Provincial Revenue Fund when the underlying asset is disposed of and the related funds are received.</p>
<b>26.</b>	<p><b>Recoverable revenue</b></p> <p>Amounts are recognised as recoverable revenue when a payment made in a previous financial year becomes recoverable from a debtor in the current financial year. Amounts are either transferred to the National or the Provincial Revenue Fund when recovered or are transferred to the Statement of Financial Performance when written off.</p>
<b>27.</b>	<p><b>Related-party transactions</b></p> <p>A related-party transaction is a transfer of resources, services or obligations between the reporting entity and a related party. Related-party transactions within the portfolio of the Minister or the Member of the Executive Committee (MEC) are recorded in the Notes to the Financial Statements when the transaction is not at arm's length.</p> <p>Key management personnel are those persons that have the authority and responsibility for planning, directing and controlling the activities of the Department. The number of individuals and their full compensation are recorded in the Notes to the Financial Statements.</p>
<b>28.</b>	<p><b>Inventories</b> <i>(effective from the date determined in a treasury instruction)</i></p> <p>At the date of acquisition, inventories are recorded at cost price in the Statement of Financial Performance.</p> <p>Where inventories are acquired as part of a non-exchange transaction, the cost of inventory is its fair value at the date of acquisition.</p> <p>Inventories are subsequently measured at the lower of cost and net realisable value or the lower of cost and current replacement value.</p> <p>Subsequent measurement of the cost of inventory is determined on the weighted average basis.</p>
<b>29.</b>	<p><b>Public-private partnerships</b></p> <p>Public-private partnerships are accounted for based on the nature and/or the substance of the partnership. The transaction is accounted for in accordance with the relevant accounting policies.</p> <p>A summary of the significant terms of the public-private partnership agreement, the parties to the agreement and the date of commencement thereof, together with the description and nature of the concession fees received, the unitary fees paid, and the rights and obligations of the Department are recorded in the Notes to the Financial Statements.</p>
<b>30.</b>	<p><b>Employee benefits</b></p> <p>The value of each major class of employee benefit obligation (accruals, payables not recognised and provisions) is disclosed in the note on employee benefits.</p>



## Annual appropriation

### 1.1 Annual appropriation

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

Programme	2017/18			2016/17	
	Final appropriation	Actual funds received	Funds not requested/not received	Final appropriation	Appropriation received
	R'000	R'000	R'000	R'000	R'000
Administration	1 974 265	1 786 853	187 412	1 970 717	2 130 934
Court Services	6 436 550	6 604 598	(168 048)	6 272 605	6 061 588
State Legal Services	1 232 217	1 232 276	(59)	1 104 981	1 129 469
National Prosecuting Authority	3 743 041	3 684 311	58 730	3 554 576	3 557 505
Auxiliary and Associated Services	3 400 715	3 478 750	(78 035)	3 137 857	3 161 240
<b>Total</b>	<b>16 786 788</b>	<b>16 786 788</b>		<b>16 040 736</b>	<b>16 040 736</b>

### 2. Statutory appropriation

	2017/18	2016/17
	R'000	R'000
Judges/magistrates' salaries	2 040 520	2 010 162
<b>Total</b>	<b>2 040 520</b>	<b>2 010 162</b>
Actual statutory appropriation received	<b>2 040 520</b>	<b>2 010 162</b>

### 3. Departmental revenue

	Note	2017/18	2016/17
		R'000	R'000
Tax revenue			
Sales of goods and services other than capital assets	3.1	50 077	53 698
Fines, penalties and forfeits	3.2	228 439	254 374
Interest, dividends and rent on land	3.3	12 119	8 553
Sales of capital assets	3.4	2 575	56
Transactions in financial assets and liabilities	3.5	36 157	54 194
Transfer received	3.6	9 693	485
Total revenue collected		<b>339 060</b>	<b>371 360</b>
Less: Own revenue included in appropriation	19		
<b>Departmental revenue collected</b>		<b>339 060</b>	<b>371 360</b>

**3.1 Sale of goods and services other than capital assets**

	Note 3	2017/18 R'000	2016/17 R'000
Sale of goods and services produced by the Department		49 943	53 698
Sales by market establishment		4 077	4 513
Administrative fees		7	
Other sales		45 859	49 125
Sale of scrap, waste and other used current goods		134	60
<b>Total</b>		<b>50 077</b>	<b>53 698</b>

*The figure recorded under "other sales" comprises mainly services rendered for insolvent estates through the Master's Office, which amounts to R32 002 669,15.*

**3.2 Fines, penalties and forfeits**

	Note 3	2017/18 R'000	2016/17 R'000
Fines		193 990	213 169
Penalties		490	1 205
Forfeits		33 959	40 000
<b>Total</b>		<b>228 439</b>	<b>254 374</b>

**3.3 Interest, dividends and rent on land**

	Note 3	2017/18 R'000	2016/17 R'000
Interest		12 119	8 553
Dividends			
Rent on land			
<b>Total</b>		<b>12 119</b>	<b>8 553</b>

**3.4 Sale of capital assets**

	Note 3	2017/18 R'000	2016/17 R'000
<b>Tangible assets</b>		<b>2 575</b>	<b>56</b>
Buildings and other fixed structures	41		
Machinery and equipment	39	2 575	56
<b>Intangible assets</b>			
Software	40		
<b>Total</b>		<b>2 575</b>	<b>56</b>

## 3.5 Transactions in financial assets and liabilities

	Note 3	2017/18 R'000	2016/17 R'000
Loans and advances			
Receivables		8 190	5 415
Stale cheques written back		15	158
Other receipts including recoverable revenue		27 952	48 621
<b>Total</b>		<b>36 157</b>	<b>54 194</b>

*The figure recorded under "other receipts" includes revenue related to unallocated credits (TPF) and revenue recovered from previous-year expenditure for various debts.*

## 3.6 Transfers received

	Note 3	2017/18 R'000	2016/17 R'000
Public corporations and private enterprises		9 693	485
<b>Total</b>		<b>9 693</b>	<b>485</b>

*The Department received donations from various municipalities during the 2017/18 financial year relating to auxiliary costs associated with court operations.*

## 4. Aid assistance

	Note 4	2017/18 R'000	2016/17 R'000
Opening balance		9 565	20 788
Prior-period error			
As restated		<b>9 565</b>	<b>20 788</b>
Transferred from Statement of Financial Performance		1 874	(7 028)
Transfers to or from retained funds			
Paid during the year			(4 195)
<b>Closing balance</b>		<b>11 439</b>	<b>9 565</b>

### 4.1 Analysis of balance by source

	Note 4	2017/18 R'000	2016/17 R'000
Aid assistance from RDP			
Aid assistance from other sources			
CARA		11 439	9 565
<b>Closing balance</b>		<b>11 439</b>	<b>9 565</b>

#### 4.2 Analysis of balance

		2017/18	2016/17
	Note	R'000	R'000
Aid assistance prepayments (not expensed)	4		
Aid assistance unutilised	4	11 439	9 565
Aid assistance repayable	4		
<b>Closing balance</b>		<b>11 439</b>	<b>9 565</b>
Aid assistance not requested/not received			

#### 4.3 Prior-period error

	Note	2016/17
		R'000
<b>Nature of prior period error</b>		
Relating to 2015/16		
Total prior period errors		

#### 4.4 Aid assistance expenditure per economic classification

	Note	2017/18	2016/17
		R'000	R'000
Current		1 416	
Capital			
Transfers and subsidies			
<b>Total aid assistance expenditure</b>		<b>1 416</b>	

### 5. Compensation of employees

#### 5.1 Salaries and wages

	Note	2017/18	2016/17
		R'000	R'000
Basic salary		7 425 899	7 125 341
Performance award		81 845	82 246
Service-based		14 777	10 037
Compensative/circumstantial		16 739	38 993
Periodic payments		16 999	14 858
Other non-pensionable allowances		1 476 351	1 431 479
<b>Total</b>		<b>9 032 610</b>	<b>8 702 954</b>

## 5.2 Social contributions

	<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
		<b>R'000</b>	<b>R'000</b>
<b>Employer contributions</b>			
Pension		911 580	868 640
Medical aid		446 458	422 328
Unemployment Insurance Fund contribution			2
Bargaining Council		1 557	1 503
<b>Total</b>		<b>1 359 595</b>	<b>1 292 473</b>
<b>Total compensation of employees</b>			
		<b>10 392 205</b>	<b>9 995 427</b>
Average number of employees		<b>23 516</b>	<b>24 890</b>

## 6. Goods and services

	<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
		<b>R'000</b>	<b>R'000</b>
Administrative fees		29 973	30 615
Advertising		17 367	23 649
Minor assets	6.1	31 296	36 202
Bursaries (employees)		5 194	3 060
Catering		6 949	10 160
Communication		141 906	143 741
Computer services	6.2	771 222	731 771
Consultants: Business and advisory services		40 502	50 310
Laboratory services		968	955
Scientific and technological services			
Legal services		132 440	123 979
Contractors		139 350	187 524
Agency and support/outsourced services		187 749	196 213
Entertainment		1	1
Audit cost – external	6.3	43 689	37 535
Fleet services		68 660	62 468
Inventory	6.4		
Consumables	6.5	214 729	210 988
Housing			
Operating leases		769 526	842 881
Property payments	6.6	1 080 226	811 397
Rental and hiring		1 915	3 955
Transport provided as part of the departmental activities		10	112
Travel and subsistence	6.7	379 620	384 552

Venues and facilities		12 017	16 056
Training and development		10 095	5 824
Other operating expenditure	6.8	147 415	176 413
<b>Total</b>		<b>4 232 819</b>	<b>4 090 361</b>

The figure recorded under "contractors" relates mainly to day-to-day maintenance.

"Other operating expenditure" comprises mainly printing and publication services (R13.2 million), storage services (R13.9 million), witness fees (R49.8 million), protect custody of witnesses (R58.3 million), as well as courier and delivery services (R1.8 million).

Included in the figure for "operating leases" is an amount of R9 433 640 relating to the accommodation lease payments paid by the Department on behalf of the Office of Chief Justice.

### 6.1 Minor assets

	Note	2017/18	2016/17
	6	R'000	R'000
<b>Tangible assets</b>		<b>31 296</b>	<b>36 202</b>
Buildings and other fixed structures			
Machinery and equipment		31 296	36 202
<b>Intangible assets</b>			
Software			
<b>Total</b>		<b>31 296</b>	<b>36 202</b>

### 6.2 Computer services

	Note	2017/18	2016/17
	6	R'000	R'000
State Information Technology Agency computer services		362 183	318 877
External computer service providers		409 039	412 894
<b>Total</b>		<b>771 222</b>	<b>731 771</b>

### 6.3 Audit cost – External

	Note	2017/18	2016/17
	6	R'000	R'000
Regularity audits		43 689	37 535
Computer audits			
<b>Total</b>		<b>43 689</b>	<b>37 535</b>

### 6.4 Inventory

	Note	2017/18	2016/17
	6	R'000	R'000
Clothing material and accessories			
Other supplies	6.4.1		
<b>Total</b>			

## 6.4.1 Other supplies

	Note	2017/18	2016/17
	6.4	R'000	R'000
Ammunition and security supplies			
Assets for distribution			
Machinery and equipment			
Other			
<b>Total</b>			

## 6.5 Consumables

	Note	2017/18	2016/17
	6	R'000	R'000
Consumable supplies		7 986	18 573
Uniform and clothing		496	1 399
Household supplies		3 627	3 365
Building material and supplies		1 186	8 107
Communication accessories		128	119
IT consumables		1 644	1 497
Other consumables		905	4 086
Stationery, printing and office supplies		206 743	192 415
<b>Total</b>		<b>214 729</b>	<b>210 988</b>

*Other consumables comprises mainly fuel supplies (R313 000), medical kits (R123 000), security access consumables (R97 000), as well as tents, flags and accessories (R95 000).*

## 6.6 Property payments

	Note	2017/18	2016/17
	6	R'000	R'000
Municipal services		395 246	257 193
Property management fees			
Property maintenance and repairs			
Other		684 980	554 204
<b>Total</b>		<b>1 080 226</b>	<b>811 397</b>

*The figure recorded under "other" comprises mainly payments relating to security services (R565.4 million), property maintenance (R25.5 million), Commission Municipal Services (R19.7 million) and management fees (R60.5 million).*

## 6.7 Travel and subsistence

	Note	2017/18	2016/17
	6	R'000	R'000
Local		373 490	375 281
Foreign		6 130	9 271
<b>Total</b>		<b>379 620</b>	<b>384 552</b>



## 6.8 Other operating expenditure

	Note	2017/18	2016/17
	6	R'000	R'000
Professional bodies, membership and subscription fees		1 156	16 571
Resettlement costs		4 037	11 632
Other		142 222	148 210
<b>Total</b>		<b>147 415</b>	<b>176 413</b>

"Other operating expenditure" comprises mainly printing and publication services (R13.2 million), storage services (R13.9 million), witness fees (R49.8 million), protect custody of witnesses (R58.3 million), as well as courier and delivery services (R1.8 million).

## 7. Interest and rent on land

	Note	2017/18	2016/17
		R'000	R'000
Interest paid			
Rent on land			
<b>Total</b>			

## 8. Payments for financial assets

	Note	2017/18	2016/17
		R'000	R'000
Material losses through criminal conduct		599	1 526
Theft	8.4	599	1 526
Other material losses	8.1		
Purchase of equity			
Extension of loans for policy purposes			
Other material losses written off	8.2	7 705	3 385
Debts written off	8.3	14 037	4 681
Forex losses	8.5		
<b>Total</b>		<b>22 341</b>	<b>9 592</b>

### 8.1 Other material losses

	Note	2017/18	2016/17
	8	R'000	R'000
<b>Nature of other material losses</b>			
<b>Total</b>			

## 8.2 Other material losses written off

	Note 8	2017/18 R'000	2016/17 R'000
<b>Nature of losses</b>			
Irrecoverable losses (DoJ&CD)		7 147	3 162
Civil action			
Damages to vehicle (DoJ&CD and NPA)		248	87
Losses and damages (NPA)		90	112
Damage to property (NPA)		6	
Loss of damaged goods (NPA)		3	
Uneconomical and prescribed salary-related debt (NPA)		198	
Fruitless			
Loss of library books			4
Loss of official firearm (NPA)			3
Other and no-show (NPA)		13	17
		<b>7 705</b>	<b>3 385</b>

*Irrecoverable losses relate to the ring-fenced TPF that have been written off.*

## 8.3 Debts written off

	Note 8	2017/18 R'000	2016/17 R'000
<b>Nature of debts written off</b>			
Recoverable revenue written off			
<b>Total</b>			
Other debt written off			
Staff debts (out of services)		14 037	4 681
<b>Total</b>		14 037	4 681
<b>Total debt written off</b>		<b>14 037</b>	<b>4 681</b>

*The out-of-services staff debts relate to old debts that could not be recovered by the debt recovery agencies.*

## 8.4 Details of theft

	Note 8	2017/18 R'000	2016/17 R'000
<b>Nature of theft</b>			
Burglaries		20	231
Theft		579	1 295
<b>Total</b>		<b>599</b>	<b>1 526</b>

## 8.5 Forex losses

	Note	2017/18	2016/17
	8	R'000	R'000
<b>Nature of losses</b>			
Forex losses			
<b>Total</b>			

## 9. Transfers and subsidies

	Note	2017/18	2016/17
		R'000	R'000
Provinces and municipalities	48, 49	651	634
Departmental agencies and accounts	Annex 1B	2 614 327	2 334 725
Foreign governments and international organisations	Annex 1E	14 406	13 484
Households	Annex 1G	69 961	69 555
<b>Total</b>		<b>2 699 345</b>	<b>2 418 398</b>

## 10. Expenditure for capital assets

	Note	2017/18	2016/17
		R'000	R'000
<b>Tangible assets</b>		<b>1 179 458</b>	<b>1 370 772</b>
Buildings and other fixed structures	40	963 800	1 023 045
Heritage assets	39, 41		
Machinery and equipment	39	215 658	347 727
<b>Intangible assets</b>		14 495	185
Software	40	14 495	185
Mastheads and publishing titles	40		
<b>Total</b>		<b>1 193 953</b>	<b>1 370 957</b>

## 10.1 Analysis of funds utilised to acquire capital assets – 2017/18

	Voted funds	Aid assistance	Total
	R'000	R'000	R'000
<b>Tangible assets</b>	<b>1 179 458</b>		<b>1 179 458</b>
Buildings and other fixed structures	963 800		963 800
Heritage assets			
Machinery and equipment	215 658		215 658

	Voted funds	Aid assistance	Total
	R'000	R'000	R'000
<b>Intangible assets</b>	<b>14 495</b>		<b>14 495</b>
Software	14 495		14 495
Mastheads and publishing titles			
<b>Total</b>	<b>1 193 953</b>		<b>1 193 953</b>

**10.2 Analysis of funds utilised to acquire capital assets – 2016/17**

	Voted funds	Aid assistance	Total
	R'000	R'000	R'000
<b>Tangible assets</b>	<b>1 370 772</b>		<b>1 370 772</b>
Buildings and other fixed structures	1 023 045		1 023 045
Heritage assets			
Machinery and equipment	347 727		347 727
<b>Intangible assets</b>	<b>185</b>		<b>185</b>
Software	185		185
Mastheads and publishing titles			
<b>Total</b>	<b>1 370 957</b>		<b>1 370 957</b>

**10.3 Finance lease expenditure included in expenditure for capital assets**

	Note	2017/18	2016/17
		R'000	R'000
<b>Tangible assets</b>			
Buildings and other fixed structures			
Heritage assets			
Machinery and equipment		81 470	79 766
<b>Total</b>		<b>81 470</b>	<b>79 766</b>

**11. Unauthorised expenditure**

**11.1 Reconciliation of unauthorised expenditure**

	Note	2017/18	2016/17
		R'000	R'000
Opening balance			
<b>Closing balance</b>			

**12. Cash and cash equivalents**

<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
	<b>R'000</b>	<b>R'000</b>
Consolidated Paymaster-General Account		
Cash receipts	1 199	(622)
Disbursements		
Cash on hand	5 896	5 631
<b>Total</b>	<b>7 095</b>	<b>5 009</b>

**13. Other financial assets**

<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
	<b>R'000</b>	<b>R'000</b>
<b>Current</b>		
<b>Local</b>		

**14. Prepayments and advances**

<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
	<b>R'000</b>	<b>R'000</b>
Staff advances		
Travel and subsistence	72	176
Prepayments (not expensed)	14.2 1 227	1 238
Advances paid (not expensed)	14.1 9 126	8 884
<b>Total</b>	<b>10 425</b>	<b>10 298</b>

**14.1 Advances paid (not expensed)**

<i>Note</i>	<b>Balance as at</b>	<b>Less: Amount</b>	<b>Add: Current</b>	<b>Balance as at</b>
<i>14</i>	<b>1 April 2017</b>	<b>expensed in</b>	<b>Year prepay-</b>	<b>31 March 2018</b>
	<b>R'000</b>	<b>current year</b>	<b>ments</b>	<b>R'000</b>
	<b>R'000</b>	<b>R'000</b>	<b>R'000</b>	<b>R'000</b>
National departments	8 738	18 261	18 503	9 126
Provincial departments				
Public entities	135			
Other institutions	11			
<b>Total</b>	<b>8 884</b>	<b>18 261</b>	<b>18 503</b>	<b>9 126</b>

**14.2 Prepayments (not expensed)**

<i>Note</i> 14	Balance as at 1 April 2017	Less: Amount expensed in current year	Add: Current-year prepayments	Balance as at 31 March 2018
	R'000	R'000	R'000	R'000
Goods and services	1 238	11		1 227
Interest and rent on land				
<b>Total</b>	<b>1 238</b>	<b>11</b>		<b>1 227</b>

**15. Receivables**

	<i>Note</i>	2017/18			2016/17		
		Current	Non-current	Total	Current	Non-current	Total
		R'000	R'000	R'000	R'000	R'000	R'000
Claims recoverable (legal fees)	15.1	1 540 201		1 540 201	1 044 640		1 044 640
Trade receivables	15.2	623		623	1 398		1 398
Recoverable expenditure	15.3	2		2	2		2
Staff debt	15.4	33 692		33 692	39 041		39 041
Fruitless and wasteful expenditure	15.6						
Other debtors	15.5	11 925		11 925	112 243		112 243
<b>Total</b>		<b>1 586 443</b>		<b>1 586 443</b>	<b>1 197 324</b>		<b>1 197 324</b>

**15.1 Claims recoverable (legal fees)**

	<i>Note</i> 15 and Annex 4	2017/18 R'000	2016/17 R'000
National departments		597 692	428 388
Provincial departments		942 509	616 252
Local governments			
<b>Total</b>		<b>1 540 201</b>	<b>1 044 640</b>

**15.2 Trade receivables**

	<i>Note</i> 15	2017/18 R'000	2016/17 R'000
Trade receivables		623	1 398
<b>Total</b>		<b>623</b>	<b>1 398</b>

**15.3 Recoverable expenditure (disallowance accounts)**

	Note	2017/18	2016/17
	15	R'000	R'000
Fruitless expenditure		2	2
National Pace reports			
<b>Total</b>		<b>2</b>	<b>2</b>

**15.4 Staff debt**

	Note	2017/18	2016/17
	15	R'000	R'000
In-services debt		12 868	7 820
Out-of-service debt		20 824	31 221
<b>Total</b>		<b>33 692</b>	<b>39 041</b>

*The increase for in-service debts relates mainly to bursary debts.*

**15.5 Other debtors**

	Note	2017/18	2016/17
	15	R'000	R'000
Disallowance accounts		10 136	111 162
Salary suspense accounts		1 633	951
Damages and vehicles		156	130
<b>Total</b>		<b>11 925</b>	<b>112 243</b>

**15.6 Fruitless and wasteful expenditure**

	Note	2017/18	2016/17
	15	R'000	R'000
Opening balance			
Less amounts recovered		12	155
Less amounts written off			568
Transfers from Note 32 on fruitless and wasteful expenditure		(12)	(723)
Interest			
<b>Total</b>			

**15.6 Impairment of receivables**

	Note	2017/18	2016/17
		R'000	R'000
Impairment of receivables		10 108	23 354
Impairment of claims receivable (agency services)		908 351	574 824
<b>Total</b>		<b>918 459</b>	<b>598 178</b>

*The impairment of claims receivable amounting to R908 350 689 relates to long-outstanding balances owed by various client departments for legal fees paid through the state attorney offices on their behalf. These balances have been impaired after taking into consideration the payment history and financial situation of each client department.*



## 16. Investments

	<i>Note</i>	2017/18 R'000	2016/17 R'000
<b>Non-current</b>			
<b>Shares and other equity</b>			
<b>Total</b>			

## 17. Loans

	<i>Note</i>	2017/18 R'000	2016/17 R'000
Public corporations			
Staff loans			
<b>Total</b>			

## 18. Voted funds to be surrendered to the Revenue Fund

	<i>Note</i>	2017/18 R'000	2016/17 R'000
Opening balance		166 167	147 973
Prior-period error			
As restated		166 167	147 973
Transfer from Statement of Financial Performance (as restated)		286 621	166 163
Add: Unauthorised expenditure for current year	11		
Voted funds not requested/not received	1.1		
Paid during the year		(166 163)	(147 969)
<b>Closing balance</b>		<b>286 625</b>	<b>166 167</b>

## 19. Departmental revenue and NRF receipts to be surrendered to the Revenue Fund

	<i>Note</i>	2017/18 R'000	2016/17 R'000
Opening balance		26 683	31 702
Prior-period error	19.1		
As restated		26 683	31 702
Transfer from Statement of Financial Performance (as restated)		339 048	371 360
Own revenue included in appropriation			
Transfer from aid assistance	4		
Transfer to voted funds to defray expenditure (Parliament/ legislatures only)	18.1		
Paid during the year		(331 602)	(376 379)
<b>Closing balance</b>		<b>34 129</b>	<b>26 683</b>

**19.1 Prior-period error**

	<i>Note</i>	2016/17 R'000
<b>Nature of prior-period error</b>		
Relating to 2016/17 (affecting the opening balance)		
Relating to 2016/17		
<b>Total prior period errors</b>		

**20. Bank overdraft**

	<i>Note</i>	2017/18 R'000	2016/17 R'000
Consolidated Paymaster-General account		1 240 035	985 245
Overdraft with commercial banks (local)		355	73
<b>Total</b>		<b>1 240 390</b>	<b>985 318</b>

See Note 2 of Accounting Policies

**21. Payables – current**

	<i>Note</i>	2017/18 R'000	2016/17 R'000
Amounts owing to other entities			
Advances received	21.1		
Clearing accounts	21.2	2 880	1 569
Other payables	21.3	7 046	5 109
<b>Total</b>		<b>9 926</b>	<b>6 678</b>

Refer to sub-note 21.3 for details relating to "other payables".

**21.1 Advances received**

	<i>Note</i>	2017/18 R'000	2016/17 R'000
National departments			
Provincial departments			
Public entities			
Other institutions			
<b>Total</b>			

## 21.2 Clearing accounts

	<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
	<i>21</i>	<b>R'000</b>	<b>R'000</b>
Salary control accounts		2 880	1 569
<b>Total</b>		<b>2 880</b>	<b>1 569</b>

## 21.3 Other payables

	<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
	<i>21</i>	<b>R'000</b>	<b>R'000</b>
National Pace (NPA)		3 306	255
Salary ACB recalls		152	81
TPF revenue erroneously paid over to the Vote		3 588	4 773
<b>Total</b>		<b>7 046</b>	<b>5 109</b>

## 22. Payables – non-current

	<i>Note</i>	<b>2017/18</b>				<b>2016/17</b>
		<b>R'000</b>	<b>R'000</b>	<b>R'000</b>	<b>R'000</b>	<b>R'000</b>
		<b>One to two years</b>	<b>Two to three years</b>	<b>More than three years</b>	<b>Total</b>	<b>Total</b>
Advances received	22.1					
Other payables	22.2					
<b>Total</b>						

### 22.1 Advances received

	<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
	<i>22</i>	<b>R'000</b>	<b>R'000</b>
National departments			
Provincial departments			
<b>Total</b>			

### 22.2 Other payables

	<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
	<i>22</i>	<b>R'000</b>	<b>R'000</b>
Description			
<b>Total</b>			

## 23. Net cash flow available from operating activities

	<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
		<b>R'000</b>	<b>R'000</b>
Net surplus/(deficit) as per Statement of Financial Performance		627 543	530 495
Add back non-cash/cash movements not deemed operating activities		307 627	432 436
(Increase)/decrease in receivables – current		(389 119)	(384 085)
(Increase)/decrease in prepayments and advances		(127)	9 165

(Increase)/decrease in other current assets		
Increase/(decrease) in payables – current	3 248	(35 002)
Proceeds from sale of capital assets	(2 575)	(56)
Proceeds from sale of investments		
(Increase)/decrease in other financial assets		
Expenditure on capital assets	1 193 953	1 370 957
Surrenders to Revenue Fund	(497 753)	(524 348)
Surrenders to RDP Fund/donor		(4 195)
<b>Net cash flow generated by operating activities</b>	<b>935 170</b>	<b>962 931</b>

## 24. Reconciliation of cash and cash equivalents for cash flow purposes

	<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
		<b>R'000</b>	<b>R'000</b>
Consolidated Paymaster-General account		(1 240 035)	(985 245)
Fund requisition account			
Cash receipts		1 199	(622)
Disbursements			
Cash on hand		5 896	5 631
Cash with commercial banks (local)		(355)	(73)
Cash with commercial banks (foreign)			
<b>Total</b>		<b>(1 233 295)</b>	<b>(980 309)</b>

## 25. Contingent liabilities and contingent assets

### 25.1 Contingent liabilities

		<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
			<b>R'000</b>	<b>R'000</b>
<b>Liable to</b>	<b>Nature</b>			
Housing loan guarantees	Employees	<i>Annex 3A</i>	394	413
Other guarantees		<i>Annex 3A</i>		
Claims against the Department		<i>Annex 3B</i>	2 254 795	2 062 380
Intergovernmental payables (unconfirmed balances)		<i>Annex 5</i>	167 582	20 144
Other		<i>Annex 3B</i>	17 244	36 583
<b>Total</b>			<b>2 440 015</b>	<b>2 119 520</b>

*Contingent liabilities mainly consist of summonses (claims against the Department) received by the Department of which the outcome and timing is uncertain.*

*The contingent liability disclosed is based on management's estimate of the Department's financial exposure.*

*Management based the calculation of the claims for malicious prosecutions at 5% of the summons amount.*

*Contingent liabilities include costs and disbursements that emanate from legal claims and litigations against the Department.*

**26. Commitments**

<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
	<b>R'000</b>	<b>R'000</b>
<b>Current expenditure</b>		
Approved and contracted	2 278 181	3 295 197
Approved but not yet contracted	73 728	108 708
	<b>2 351 909</b>	<b>3 403 905</b>
<b>Capital expenditure</b>		
Approved and contracted	13 144	2 880
Approved but not yet contracted		
	<b>13 144</b>	<b>2 880</b>
<b>Total commitments</b>	<b>2 365 053</b>	<b>3 406 785</b>

**27. Accruals and payables not recognised**

**27.1 Accruals**

			<b>2017/18</b>	<b>2016/17</b>
			<b>R'000</b>	<b>R'000</b>
<b>Listed by economic classification</b>				
	<b>30 days</b>	<b>30+ days</b>	<b>Total</b>	<b>Total</b>
Goods and services	53 996	3 701	<b>57 697</b>	15 068
Transfers and subsidies				
Capital assets	45 464	142	<b>45 606</b>	581
Other	12		<b>12</b>	24
<b>Total</b>	<b>99 472</b>	<b>3 843</b>	<b>103 315</b>	<b>15 068</b>

<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
	<b>R'000</b>	<b>R'000</b>
<b>Listed by programme level</b>		
Programme 1: Administration	26 710	3 666
Programme 2: Court Services	47 033	3 032
Programme 3: State Legal Services	785	179
Programme 5: Auxiliary and Associated Services	1 382	6 365
Programme 4: NPA	27 405	2 431
<b>Total</b>	<b>103 315</b>	<b>15 673</b>

## 27.2 Payables not recognised

			2017/18	2016/17
			R'000	R'000
<b>Listed by economic classification</b>				
	<b>30 days</b>	<b>30+ days</b>	<b>Total</b>	<b>Total</b>
Goods and services	21 335	8 723	<b>30 058</b>	238 502
Transfers and subsidies				
Capital assets	81 980	55 592	<b>137 572</b>	15 485
Other				47
<b>Total</b>	<b>103 315</b>	<b>64 315</b>	<b>167 630</b>	<b>254 034</b>

		2017/18	2016/17
	Note	R'000	R'000
<b>Listed by programme level</b>			
Programme 1: Administration			28 500
Programme 2: Court Services		140 731	67 015
Programme 3: State Legal Services			2 284
Programme 5: Auxiliary and Associated Services			80 400
Programme 4: NPA		26 899	75 835
<b>Total</b>		<b>167 630</b>	<b>254 034</b>

	Note	2017/18	2016/17
		R'000	R'000
<i>Included in the above totals are the following:</i>			
Confirmed balances with other departments	Annex 5	61 692	9 588
Confirmed balances with other government entities	Annex 5	129 480	
<b>Total</b>		<b>191 172</b>	<b>9 588</b>

## 28. Employee benefits

	Note	2017/18	2016/17
		R'000	R'000
Leave entitlement – employees		360 431	339 571
Leave entitlement – magistrates		747 379	725 039
Service bonus (13th cheque)		281 111	268 308
Performance awards		216 051	200 029
Capped leave commitments		319 490	331 874
Other		62 877	21 730
<b>Total</b>		<b>1 987 339</b>	<b>1 886 551</b>

*Included in the "leave entitlement" is an amount of R13 031 379.73, which represents negative leave credits. This is due to the timing difference between leave accrual periods and actual leave periods per policy.*

## 29. Lease commitments

### 29.1 Operating leases

	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
<b>2017/18</b>					
Not later than 1 year			5 803		5 803
Later than 1 year and not later than 5 years			15 470		15 470
Later than five years					
<b>Total lease commitments</b>			<b>21 273</b>		<b>21 273</b>

	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
<b>2016/17</b>					
Not later than 1 year			5 147		5 147
Later than 1 year and not later than 5 years					
<b>Total lease commitments</b>			<b>5 147</b>		<b>5 147</b>

*Operating leases relates to buildings and other fixed structures leased by the NPA.*

### 29.2 Finance leases \*

	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
<b>2017/18</b>					
Not later than 1 year				37 276	37 276
Later than 1 year and not later than 5 years				15 287	15 287
Later than five years					
<b>Total lease commitments</b>				<b>52 563</b>	<b>52 563</b>

	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
<b>2016/17</b>					
Not later than 1 year				67 808	67 808
Later than 1 year and not later than 5 years				39 758	39 758
<b>Total lease commitments</b>				<b>107 566</b>	<b>107 566</b>



**30. Accrued departmental revenue**

	<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
		<b>R'000</b>	<b>R'000</b>
Tax revenue			
Sales of goods and services other than capital assets			
Fines, penalties and forfeits		23 400	21 444
Interest, dividends and rent on land		10 832	6 252
Transfers received			
Other		5 270	4 341
<b>Total</b>		<b>39 502</b>	<b>32 005</b>

*The amounts recorded above relate to the TPF and the Guardian's Fund.*

**30.1 Analysis of accrued departmental revenue**

	<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
		<b>R'000</b>	<b>R'000</b>
Opening balance		32 005	9 119
Less: amounts received			
Add: amounts recorded		7 497	16 634
Less: amounts written-off/reversed as irrecoverable			
<b>Closing balance</b>		<b>39 502</b>	<b>32 005</b>

**31. Irregular expenditure****31.1 Reconciliation of irregular expenditure**

	<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
		<b>R'000</b>	<b>R'000</b>
Opening balance		170 471	143 871
Prior-period error			
As restated		170 471	143 871
Add: Irregular expenditure – relating to prior year		14 484	676
Add: Irregular expenditure – relating to current year		116 352	29 306
Less: Prior year amounts condoned		(5 588)	(557)
Less: Current year amounts condoned		(80)	(1 655)
Less: Amounts not condoned and recoverable	15		
Less: Amounts not condoned and not recoverable		(55 405)	(1 170)
<b>Closing balance</b>		<b>240 234</b>	<b>170 471</b>

	<i>Note</i>	2017/18 R'000	2016/17 R'000
<b>Analysis of awaiting condonation per age classification</b>			
Current year		116 272	27 651
Prior years		123 962	142 820
<b>Total</b>		<b>240 234</b>	<b>170 471</b>

**31.2 Details of irregular expenditure – added current year (relating to current and prior years)**

Incident	Disciplinary steps taken/criminal proceedings	2017/18 R'000
Non-compliance with Preferential Procurement Regulation as prescribed by National Treasury	Cases currently under investigation and disciplinary procedures to be followed (security)	129 275
Departmental procedure, policies and procedure not followed	Cases currently under investigation and disciplinary procedures to be followed	1 561
<b>Total</b>		<b>130 836</b>

**31.3 Details of irregular expenditure condoned**

Incident	Condoned by (condoning authority)	2017/18 R'000
Procurement policies and procedures not followed	Condoned by the Regional Control Committee	321
Procurement policies and procedures not followed	Condoned by other delegated authority	1 019
Accommodation lease (NPA)	Condoned by Director of NDPP	4 328
<b>Total</b>		<b>5 668</b>

**31.4 Details of irregular expenditure recoverable (not condoned)**

Incident	2017/18 R'000
<b>Total</b>	<b>55 405</b>

**31.5 Details of irregular expenditure not recoverable (not condoned)**

Incident	Not condoned by (condoning authority)	2017/18 R'000
Confirmed not irregular	Confirmed not irregular	55 405
<b>Total</b>		<b>55 405</b>

**31.6 Details of irregular expenditures under investigation (not included in the main vote)**

Incident		2017/18 R'000
SCM bid policies and procedures not followed	Under investigation to determine if irregular (mobile homes)	75 617
Variation orders not approved	Construction of high court in Mpumalanga by IDT	287 667
Deliberate split of procurement to avoid tender process	Under investigation regarding procurement of fingerprint scanners	985
<b>Total</b>		<b>364 269</b>

*The State Attorney outsources legal services on behalf of government as prescribed in the State Attorney Amendment Act. However, the process to appoint legal counsel does not fall within the ambit of the PPPFA. A tendering system for legal briefs issued by the state attorney cannot be implemented due to the nature of the work performed.*

*The Department has an internal process in place for rotating advocates and law firms, which ensures that the process of appointing and briefing counsel is fair, transparent, equitable, cost-effective, and allows for competitiveness. Exemption is granted to deviate from normal procurement procedures in terms of the PPPFA when outsourcing legal services have been requested from National Treasury.*

**31.7 Prior-period error**

Nature of prior-period error	Note	2016/17 R'000
Relating to 2016/17 (affecting the opening balance)		164
Relating to 2016/17		10
Duplicate cases 610,622A,627R		154
This amount was updated on Excel template, but not on the published Word document		164
<b>Total prior-period errors</b>		<b>164</b>

**31.8 Details of the non-compliance where an institution was not represented in a bid committee for contracts arranged by other institutions**

Incident	2017/18 R'000
<b>Total</b>	<b>164</b>

**32. Fruitless and wasteful expenditure**

**32.1 Reconciliation of fruitless and wasteful expenditure**

	<i>Note</i>	<b>2017/18</b>	<b>2016/17</b>
		<b>R'000</b>	<b>R'000</b>
Opening balance		13 817	12 898
Prior-period error			
As restated		13 817	12 898
Fruitless and wasteful expenditure – relating to prior year		43 892	281
Fruitless and wasteful expenditure – relating to current year		3 919	1 376
Less: Amounts resolved		(8 921)	(15)
Less: Amounts transferred to receivables for recovery	15.6	(12)	(723)
<b>Closing balance</b>		<b>52 695</b>	<b>13 817</b>

*The fruitless and wasteful expenditure of R43 892 000 relates to the Asset Forfeiture curator fees.*

**32.2 Analysis of awaiting resolution per economic classification**

	<b>2017/18</b>	<b>2016/17</b>
	<b>R'000</b>	<b>R'000</b>
Current	52 695	13 817
Capital		
Transfers and subsidies		
<b>Total</b>	<b>52 695</b>	<b>13 817</b>

**32.3 Analysis of current year's (relating to current and prior years) fruitless and wasteful expenditure**

<b>Incident</b>	<b>Disciplinary steps taken/criminal proceedings</b>	<b>2017/18</b>
		<b>R'000</b>
No shows	Cases are being investigated for possible determination of liability	87
Penalty or interest of late payment of accounts	Cases are being investigated for possible determination of liability	8
Overpayment of account	Cases are being investigated for possible determination of liability	9
Fees charged for cancelled tickets	Cases are being investigated for possible determination of liability	376
Towing fees: G-fleet		2
Curator fees and expenditure (NPA)		47 329
<b>Total</b>		<b>47 811</b>

**32.4 Prior-period error**

	<i>Note</i>	2016/17 R'000
<b>Nature of prior-period error</b>		
Relating to 2014/15 (affecting the opening balance)		
Relating to 2016/17		
<b>Total prior-period errors</b>		

**32.5 Details of fruitless and wasteful expenditures under investigation (not included in the main vote)**

Incident		2017/18 R'000
Construction of High Court in Polokwane and Mpumalanga by IDT	Under investigation to determine whether it is fruitless and wasteful	16 176
Construction of High Court in Polokwane and Mpumalanga by IDT	Under investigation to determine whether it is fruitless and wasteful	80 734
<b>Total</b>		96 909

**33. Related-party transactions**

Revenue received	<i>Note</i>	2017/18 R'000	2016/17 R'000
Tax revenue			
<b>Total</b>			

Payments made	<i>Note</i>	2017/18 R'000	2016/17 R'000
Goods and services			
<b>Total</b>			

**Related-party relationships**

- Guardian's Fund
- Legal Aid Board
- President's Fund
- Special Investigating Unit
- South African Human Rights Commission
- Public Protector
- Third Party Fund
- Criminal Asset Recovery Account
- Department of Correctional Services
- Office of the Chief Justice and Judicial Administration

*It should be noted that, in terms of retained functions in the DoJ&CD, as well as shared services, the DoJ&CD carries the cost on behalf of the Office of the Chief Justice in relation to the following:*

- Infrastructure-related cost
- Provision of security services
- Provision of virtual libraries

## 34. Key management personnel

	Number of Individuals	2017/18 R'000	2016/17 R'000
Political office bearers (provide detail below)			
Officials:			
Level 15 to 16	34	54 163	56 217
Level 14 (including Chief financial officer (CFO) if at a lower level)	47	56 672	59 717
Family members of key management personnel	7	4800	5 677
<b>Total</b>		<b>115 635</b>	<b>121 611</b>

## 35. Public-private partnership

	Note	2017/18 R'000	2016/17 R'000
<b>Concession fee received</b>			

*Any guarantees issued by the Department are disclosed in Note 25.1*

## 36. Impairment (other than receivables, accrued departmental revenue, loans and investments)

	Note	2017/18 R'000	2016/17 R'000
Please specify			
<b>Total</b>			

## 37. Provisions

	Note	2017/18 R'000	2016/17 R'000
Curator expenses		143 252	138 234
<b>Total</b>		<b>143 252</b>	<b>138 234</b>

### 37.1 Reconciliation of movement in provisions – 2017/18

	Curator expenditure R'000	Total provisions R'000
Opening balance	138 234	<b>138 234</b>
Increase in provision	14 084	<b>14 084</b>
Settlement of provision	(4 889)	<b>(4 394)</b>
Unused amount reversed		

Change in provision due to change in estimation of inputs	(4 177)	(2 755)
<b>Closing balance</b>	<b>143 252</b>	<b>145 169</b>

**Reconciliation of movement in provisions – 2016/17**

	Curator expenditure R'000	Total provisions R'000
Opening balance	99 904	99 904
Increase in provision	3 216	3 216
Settlement of provision	(15 770)	(15 770)
Unused amount reversed		
Change in provision due to change in estimation of inputs	50 884	50 884
<b>Closing balance</b>	<b>138 234</b>	<b>138 234</b>

**38. Non-adjusting events after reporting date**

Nature of event	2017/18 R'000
<b>Total</b>	

On 3 April 2018, a group of community protestors in North West set fire to a portion of the Ganyesa Magistrate's Court, which resulted in service delivery disruptions at the court. An estimate of the financial effect of this subsequent non-adjusting event cannot be made at the stage.

**39. Movable tangible capital assets**

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2018					
	Opening balance R'000	Value adjustments R'000	Additions R'000	Disposals R'000	Closing balance R'000
<b>HERITAGE ASSETS</b>	458				458
Heritage assets	458				458
<b>MACHINERY AND EQUIPMENT</b>	1 700 447		107 458	(29 014)	1 778 891
Transport assets	138 719		3 126	(6 223)	135 622
Computer equipment	567 682		24 250	(2 567)	589 365
Furniture and office equipment	390 627		17 131	(6 761)	400 997
Other machinery and equipment	603 419		62 951	(13 463)	652 907
<b>SPECIALISED MILITARY ASSETS</b>					
Specialised military assets					



<b>TOTAL MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>1 700 905</b>	<b>107 458</b>	<b>(29 014)</b>	<b>1 779 349</b>
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**Movable tangible capital assets under investigation**

	<b>Number</b>	<b>Value R'000</b>
Included in the above total of the movable tangible capital assets per the asset register are assets that are under investigation:		
Heritage assets		
Machinery and equipment	527	7126

*This relates to assets verification discrepancies under investigation.*

**39.1 Additions**

**ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER  
FOR THE YEAR ENDED 31 MARCH 2018**

	<b>Cash*</b>	<b>Non-cash**</b>	<b>(Capital work in progress current costs and finance lease payments)</b>	<b>Received current, not paid (paid current year, received prior year)</b>	<b>Total</b>
	<b>R'000</b>	<b>R'000</b>	<b>R'000</b>	<b>R'000</b>	<b>R'000</b>

**HERITAGE ASSETS**

Heritage assets					
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**MACHINERY AND EQUIPMENT**

	215 658		(81 470)	(26 633)	107 555
Transport assets	62 730		(59 604)		3 126
Computer equipment	39 669			(15 401)	24 268
Furniture and office equipment	19 984			(2 923)	17 061
Other machinery and equipment	93 275		(21 866)	(8 309)	63 100

**SPECIALISED MILITARY ASSETS**

Specialised military assets					
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**TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS**

	<b>215 658</b>		<b>(81 470)</b>	<b>(26 633)</b>	<b>107 555</b>
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## 39.2 Disposals

DISPOSALS OF MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2018				
	Sold for cash	Non-cash disposal	Total disposals	Cash received actual
	R'000	R'000	R'000	R'000
<b>HERITAGE ASSETS</b>				
Heritage assets				
<b>MACHINERY AND EQUIPMENT</b>				
	28 760	254	29 014	2 575
Transport assets	6 223		6 223	2 575
Computer equipment	2 567		2 567	
Furniture and office equipment	6 700	61	6 761	
Other machinery and equipment	13 270	193	13 463	
<b>SPECIALISED MILITARY ASSETS</b>				
Specialised military assets				
<b>TOTAL DISPOSAL OF MOVABLE TANGIBLE CAPITAL ASSETS</b>				
	<b>28 760</b>	<b>254</b>	<b>29 014</b>	<b>2 575</b>

## 39.3 Movement for 2016/17

MOVEMENT IN TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2017					
	Opening balance	Prior period error	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
<b>HERITAGE ASSETS</b>					
Heritage assets	455	3			458
<b>MACHINERY AND EQUIPMENT</b>					
	<b>1 458 443</b>	<b>1 150</b>	<b>270 802</b>	<b>(29 948)</b>	<b>1 700 447</b>
Transport assets	139 905	(102)	1 415	(2 499)	138 719
Computer equipment	535 950	(4,575)	44 928	(8 621)	567 682

**MOVEMENT IN TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2017**

	Opening balance	Prior period error	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
Other machinery and equipment	430 690	4 473	181 835	(13 579)	603 419
<b>TOTAL MOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>1 458 898</b>	<b>1 153</b>	<b>270 802</b>	<b>(29 948)</b>	<b>1 700 905</b>

**39.3.1 Prior-period error**

	Note	2016/17 R'000
<b>Nature of prior-period error</b>		
Relating to 2015/16 (affecting the opening balance)		1 153
Assets verified		1 150
Revaluation		3
Relating to 2016/17		
<b>Total prior-period errors</b>		<b>1 153</b>

**39.4 Minor assets**

**MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2018**

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000	R'000
Opening balance	36	211		848 763		849 010
Value adjustments				276		276
Additions				20 086		20 086
Disposals				(21 010)		(21 010)
<b>TOTAL MINOR ASSETS</b>	<b>36</b>	<b>211</b>		<b>848 115</b>		<b>848 362</b>

## MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2018

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000	R'000
Number of R1 minor assets			6 102	353 105		359 207
Number of minor assets at cost		15	63	682 348		682 426
<b>TOTAL NUMBER OF MINOR ASSETS</b>		<b>15</b>	<b>6 165</b>	<b>1 035 453</b>		<b>1 041 633</b>

## Minor capital assets under investigation

	Number	Value R'000
Included in the above total of the minor capital assets per the Asset Register are assets that are under investigation:		
Heritage assets		
Machinery and equipment	2 475	3 468
Biological assets		

*This relates to asset verification discrepancies under investigation.*

MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER  
FOR THE YEAR ENDED AS AT 31 MARCH 2017

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000	R'000
Opening balance		36	211	841 419		841 666
Prior-period error				2 544		2 544
Additions				27 799		27 799
Disposals				22 999		22 999
<b>TOTAL MINOR ASSETS</b>		<b>36</b>	<b>211</b>	<b>848 763</b>		<b>849 010</b>
Number of R1 minor assets			6 102	397 800		403 902
Number of minor assets at cost		15	63	697 696		697 774
<b>TOTAL NUMBER OF MINOR ASSETS</b>		<b>15</b>	<b>6 165</b>	<b>1 095 496</b>		<b>1 101 676</b>

39.4.1 Prior-period error

	<i>Note</i>	2016/17 R'000
<b>Nature of prior period error</b>		
Relating to 2015/16 (affecting the opening balance)		2 544
Assets verified		2 544
Relating to 2016/17		
<b>Total prior-period errors</b>		<b>2 544</b>

39.5 Movable assets written off

MOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED AS AT 31 MARCH 2018						
	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000	R'000
Assets written off				17 504		17 504
<b>TOTAL MOVABLE ASSETS WRITTEN OFF</b>				<b>17 504</b>		<b>17 504</b>

MOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED AS AT 31 MARCH 2017						
	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000	R'000
Assets written off				25 933		25 933
<b>TOTAL MOVABLE ASSETS WRITTEN OFF</b>				<b>25 933</b>		<b>25 933</b>

39.6 S42 Movable capital assets

MAJOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA – 31 MARCH 2018						
	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
Number of assets						
Value of the assets (R'000)						

## MINOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA – 31 MARCH 2018

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
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Number of assets

Value of the assets (R'000)

## MAJOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA – 31 MARCH 2017

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000	R'000

Number of assets

684

684

Value of the assets (R'000)

11 281

11 281

## MINOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA – 31 MARCH 2017

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000	R'000

Number of assets

37 876

37 876

Value of the assets (R'000)

6 814

6 814

**40. Intangible capital assets**

## MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2018

	Opening balance	Value adjustments	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
<b>SOFTWARE</b>	74 997	(8 347)	22 041	(15 211)	73 480
<b>TOTAL INTANGIBLE CAPITAL ASSETS</b>	<b>74 997</b>	<b>(8 347)</b>	<b>22 041</b>	<b>(15 211)</b>	<b>73 480</b>

**40.1 Additions**

**ADDITIONS TO INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED  
31 MARCH 2018**

	Cash	Non-cash	(Develop- ment work in progress – current costs)	Received current year, not paid (paid current year, received prior year)	Total
	R'000	R'000	R'000	R'000	R'000
<b>SOFTWARE</b>	14 495	7 546			22 041
<b>TOTAL ADDITIONS TO INTANGIBLE CAPITAL ASSETS</b>	<b>14 495</b>	<b>7 546</b>			<b>22 041</b>

**40.2 Disposals**

**DISPOSALS OF INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2018**

	Sold for cash	Non-cash disposal	Total disposals		Cash received actual
	R'000	R'000	R'000		R'000
<b>SOFTWARE</b>		15 211	15 211		
<b>TOTAL DISPOSALS OF INTANGIBLE CAPITAL ASSETS</b>		<b>15 211</b>	<b>15 211</b>		

**40.3 Movement for 2016/17**

**MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2017**

	Opening balance	Prior period error	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
<b>SOFTWARE</b>	74 812		3 111		77 923
<b>TOTAL INTANGIBLE CAPITAL ASSETS</b>	<b>74 812</b>		<b>3 111</b>		<b>77 923</b>



## 41. Immovable tangible capital assets

MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31  
MARCH 2018

	Opening balance	Value adjustments	Additions	Disposals	Closing balance
	R'000		R'000	R'000	R'000
<b>BUILDINGS AND OTHER FIXED STRUCTURES</b>	<b>13 425</b>	<b>(13 425)</b>			
Dwellings					
Non-residential buildings					
Other fixed structures	13 425	(13 425)			
<b>HERITAGE ASSETS</b>					
Heritage assets					
<b>LAND AND SUBSOIL ASSETS</b>					
Land					
Mineral and similar non- regenerative resources					
<b>TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>13 425</b>	<b>(13 425)</b>			

## Immovable tangible capital assets under investigation

Number	Value R'000
--------	----------------

Included in the above total of the immovable tangible capital assets per the Asset Register are assets that are under investigation:

Buildings and other fixed structures  
Heritage assets  
Land and subsoil assets

**41.1 Additions**

**ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER  
FOR THE YEAR ENDED 31 MARCH 2018**

	Cash	Non-cash	(Capital work in progress current costs and finance lease payments)	Received current, not paid (paid current year, received prior year)	Total
	R'000	R'000	R'000	R'000	R'000
<b>BUILDING AND OTHER FIXED STRUCTURES</b>	963 800		(963 800)		
Dwellings					
Non-residential buildings	963 800		(963 800)		
Other fixed structures					
<b>HERITAGE ASSETS</b>					
Heritage assets					
<b>LAND AND SUBSOIL ASSETS</b>					
Land					
<b>TOTAL ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>963 800</b>		<b>(963 800)</b>		

**41.2 Disposals**

**DISPOSALS OF IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2018**

	Sold for cash	Non-cash disposal	Total disposals	Cash received actual
	R'000	R'000	R'000	R'000
<b>BUILDINGS AND OTHER FIXED STRUCTURES</b>				
Dwellings				
Non-residential buildings				
Other fixed structures				
<b>TOTAL DISPOSALS OF IMMOVABLE TANGIBLE CAPITAL ASSETS</b>				

## 41.3 Movement for 2016/17

## MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2017

	Opening balance	Prior period error	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000	R'000
<b>BUILDINGS AND OTHER FIXED STRUCTURES</b>	<b>13 425</b>				<b>13 425</b>
Dwellings					
Non-residential buildings					
Other fixed structures	13 425				13 425
<b>HERITAGE ASSETS</b>					
Heritage assets					
<b>LAND AND SUBSOIL ASSETS</b>					
Land					
Mineral and similar non-regenerative resources					
<b>TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS</b>	<b>13 425</b>				<b>13 425</b>

## 41.4 Capital work-in-progress

## CAPITAL WORK-IN-PROGRESS AS AT 31 MARCH 2018

	Opening balance 1 April 2017	Current- year work in progress	Ready for use (assets to the Asset Register) or contracts terminated	Closing balance 31 March 2018
<i>Note</i>	R'000	R'000	R'000	R'000
Heritage assets				
Buildings and other fixed structures	2 242 058	370 402		2 612 460
Machinery and equipment				
Intangible assets				
<b>TOTAL</b>	<b>2 242 058</b>	<b>370 402</b>		<b>2 612 460</b>

**Accruals and payables not recognised relating to capital work in progress**

Note	2017/18	2016/17
	R'000	R'000
	121 111	
<b>Total</b>	<b>121 111</b>	

*[Amounts relating to progress certificates received but not paid at year end and therefore not included in capital work-in-progress]*

**CAPITAL WORK IN PROGRESS AS AT 31 MARCH 2017**

	Note	Opening balance	Prior period error	Current-year work in progress	Ready for use (assets to the Asset Register) or contracts terminated	Closing balance 31 March 2017
	<i>Annexure 7</i>	R'000	R'000	R'000	R'000	R'000
Heritage assets						
Buildings and other fixed structures		1 735 465		506 593		2 242 058
Machinery and equipment						
<b>Total</b>		<b>1 735 465</b>		<b>506 593</b>		<b>2 242 058</b>

**41.5 Immovable assets written off**

**IMMOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED AS AT 31 MARCH 2018**

	Buildings and other fixed structures	Heritage assets	Land and subsoil assets	Total
	R'000	R'000	R'000	R'000
Assets written off				
<b>TOTAL IMMOVABLE ASSETS WRITTEN OFF</b>				

**IMMOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED AS AT 31 MARCH 2017**

	Buildings and other fixed structures	Heritage assets	Land and subsoil assets	Total
	R'000	R'000	R'000	R'000
Assets written off				
<b>TOTAL IMMOVABLE ASSETS WRITTEN OFF</b>				

**41.6 S42 Immovable assets**

**Assets subjected to transfer in terms of S42 of the PFMA – 2017/18**

	Number of assets	Value of assets R'000
<b>BUILDINGS AND OTHER FIXED STRUCTURES</b>		
Dwellings		
Non-residential buildings		
Other fixed structures		
<b>HERITAGE ASSETS</b>		
Heritage assets		
<b>LAND AND SUBSOIL ASSETS</b>		
Land		
Mineral and similar non-regenerative resources		
<b>Total</b>		

**Assets subjected to transfer in terms of S42 of the PFMA – 2016/17**

	Number of assets	Value of assets R'000
<b>BUILDINGS AND OTHER FIXED STRUCTURES</b>		
Dwellings		
Non-residential buildings		
Other fixed structures		
<b>HERITAGE ASSETS</b>		
Heritage assets		
<b>Total</b>		

## 42. Principal-agent arrangements

### 42.1 Department acting as agent: State Attorney (2017/18)

#### 42.1.1 Revenue received for agency activities

		2017/18
		R'000
State Attorney Monies: – Money collected by the State Attorney on behalf of government institutions. The State Attorney also collects commission on debt collections which are paid over to NRF.	- Conveyance	4 147
	- Debt Collection	195 676
	- Unclassified monies	77 095
	- Commission	101
	- Provisional Asset Forfeiture	275 910
<b>Total</b>		<b>552 929</b>

*Due to the inadequacies of the Basic Accounting System (BAS) to administer the quantity of transactions in relation to revenue generated by the Office on the State Attorney, the systems of the TPF are utilised for this purpose. Please see the TPF audited financial statements for context in this regard.*

#### 42.1.2 Reconciliation of agency funds and disbursements – 2017/18

Name of principal entity	Total agency funds received	Amount remitted to the principal	Variance between amounts received and amounts remitted	Explanation for variance
	R'000	R'000	R'000	
State organisations -Conveyance	4 147	18 364	(14 217)	Payments exceed payments received as a result of collections in prior year paid in the financial year under review
State organisation debt collection	195 676	490 851	(295 175)	Payments exceed payments received as a result of collections in prior year paid in the financial year under review
Unclassified monies	77 095	29 926	47 170	Receipts that still need to be investigated and allocated as at the end of the financial year
NRF commission	101	101		
Provisional asset forfeiture	275 910		275 910	
				Cases not yet finalised
<b>Total</b>	<b>552 929</b>	<b>539 241</b>	<b>(13 688)</b>	

## 42.2 Department acting as agent: State Attorney (2016/17)

### 42.2.1 Revenue received for agency activities

		2016/17
		R'000
State attorney monies – money collected by the State Attorney on behalf of government institutions. The State Attorney also collects commission on debt collections that are paid over to the NRF.	- Conveyance	28 918
	- Debt collection	144 167
	- Unclassified monies	148 439
	- Commission	166
	- Provisional asset forfeiture	25 785
<b>Total</b>		<b>347 475</b>

### 42.2.2 Reconciliation of agency funds and disbursements – 2016/17

Name of principal entity	Total agency funds received	Amount remitted to the principal	Variance between amounts received and amounts remitted	Explanation for variance
	R'000	R'000	R'000	
- State organisations – Conveyance	28 918	78 914	(49 996)	Payments exceed payments received as a result of collections in prior year paid in the financial year under review
Name of principal entity	Total agency funds received	Amount remitted to the principal	Variance between amounts received and amounts remitted	Explanation for variance
	R'000	R'000	R'000	
- State organisation debt collection	144 167	180 213	(36 046)	Payments due to beneficiaries still in progress
- Unclassified monies	148 439	84 237	64 202	Receipts that still need to be investigated and allocated as at the end of the financial year
- NRF commission	166	166	0	
- Provisional asset forfeiture	25 785		25 785	Cases not yet finalised
<b>Total</b>	<b>347 475</b>	<b>343 530</b>	<b>3 945</b>	

## 42.3 Department acting as the agent

### 42.3.1 Revenue received for agency activities

		2017/18
		R'000
NRF – CARA with oversight and disbursement approving authority resides in the Criminal Asset Recovery Committee (CARC)	CARA receives proceeds in cash, property, motor vehicles, equipment and other assets from the enforcement of court orders granted in terms of the Prevention of Organised Crime Act (Act 121 of 1998), as amended, and the Financial Intelligence Act (Act 38 of 2001). The proceeds are deposited into CARA, which is an account in the NRF.	130 515
<b>Total</b>		<b>130 515</b>

### 42.3.2 Reconciliation of funds and disbursements – 2017/18

Name of principal entity	Total agency funds received	Amount re-mitted to the principal	Variance between amounts received and amounts re-mitted	Explanation of variance
	R'000	R'000	R'000	
NRF (CARA)	130 515	130 515	0	
<b>Total</b>	<b>130 515</b>	<b>130 515</b>	<b>R'000</b>	

### 42.3.3 Reconciliation of carrying amount of receivables and payables – 2017/18

#### Receivables

CARA	2017/18
Opening balance CARA	598 447 000
Plus cash received during the year	130 515 000
Less cash paid out	(10 511 000)
Cash on hand (CARA – SARB)	<b>718 451 000</b>
Contingent assets	4 168 000
Inventory	6 534 000
Receivables	198 602 000
Provisions	452 000 000

Cash and cash equivalents comprise cash at the South African Reserve bank (SARB) managed by the NRF in National Treasury. All monies deposited into the SARB for the CARA represents the net proceeds of cases after related expenses are deducted from the proceeds by curators in charge of each case where applicable.

Receivables amounting to R198 million at 31 March 2018 consist of the gross value of confiscation orders and gross value of forfeited cash held by curators and custodians pending the approval of their fees and expenses by the Master's office. Also included in receivables is cash held by curators after realisation of forfeited property before funds are deposited into CARA.



Contingent assets of R3.8 million are those assets such as motor vehicles, property furniture and equipment that have been forfeited to the state in accordance with the Prevention of Organised Crime Act. During the objection period as per the court order (usually 45 days), the assets attached are treated as contingent assets. Where the value of the assets cannot be determined, a nominal value of R1 is allocated to the item.

Forfeited assets valued at R6.5 million at 31 March 2018 are classified as inventory as they will be realised and the net proceed after the deduction of curator or fees and expenses will be deposited into CARA.

### Inventory

	2017/18			
	Motor vehicles	Land and buildings	Other	Total
	R'000	R'000	R'000	R'000
Opening balance (1 April 2017)	3 227	1 144	488	4 859
Adjustments	(959)	103	(43)	(899)
Additions	3 823	288	91	4 202
Disposals	(1 221)	(376)	(31)	(1 628)
<b>Closing balance (31 March 2018)</b>	<b>4 870</b>	<b>1 159</b>	<b>505</b>	<b>6 534</b>

### Provisions

Provisions are disclosed when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic benefits will be required to settle the obligation and a reliable estimate of the obligation can be made. Provisions amounted to R452 million at 31 March 2018.

	2017/18 R'000
CARA allocations	452 000
National Prosecuting Authority	157 000
Department of Home Affairs	70 000
Department of Justice and Constitutional Development	62 000
Department of Social Development	50 000
Financial Intelligence Centre	50 000
Anti-corruption Task Team	42 000
Department of Correctional Services	11 000
Department of Environmental Affairs	10 000
<b>Total</b>	<b>452 000</b>

## 42.4 Department acting as the agent (2016/2017)

### 42.4.1 Revenue received for agency activities

		2016/17
		R'000
NRF – CARA with oversight and disbursement approving authority resides in the CARC	CARA receives proceeds in cash, property, motor vehicles equipment and other assets from the enforcement of court orders granted in terms of the Prevention of Organised Crime Act (Act 121 of 1998) as amended, and the Financial Intelligence Act (Act 38 of 2001). The proceeds are deposited into CARA, which is an account in the NRF.	114 169
<b>Total</b>		<b>114 169</b>

### 42.4.2 Reconciliation of agency funds and disbursements – 2016/17

Name of principal entity	Total agency funds received	Amount re-mitted to the principal	Variance between amounts received and amounts re-mitted	Explanation of variance
	R'000	R'000	R'000	
NRF (CARA)	R114 169	R114 169	0	
<b>Total</b>	<b>R114 169</b>	<b>R114 169</b>	<b>R'000</b>	

CARA	2016/17
Opening balance CARA	486 853 000
Plus cash received during the year	114 169 000
Less cash paid out	2 575 000
Cash on hand (CARA – SARB)	<b>598 447 000</b>
Contingent assets	1 274 000
Inventory	4 895 000
Receivables	244 886 000
Provisions	9 490 000

Cash and cash equivalents comprise cash at the SARB managed by the NRF in National Treasury. All monies deposited into the SARB for the CARA represents the net proceeds of cases after related expenses are deducted from the proceeds by curators in charge of each case where applicable.

Receivables amounting to R245 million at 31 March 2017 consist of the gross value of confiscation orders and gross value of forfeited cash held by curators and custodians pending the approval of their fees and expenses by the Master's office.

Also included in receivables is cash held by curators after realisation of forfeited property before funds are deposited into CARA.

Contingent assets of R1 274 000 are those assets such as motor vehicles, property furniture and equipment that have been forfeited to the state in accordance with Chapter 6 of the Prevention of Organised Crime Act. During the objection period as per the court order (usually 45 days), the assets attached are treated as contingent assets. Where the value of the assets cannot be determined, a nominal value of R1 is allocated to the item.

Forfeited assets valued at R4.9 million at 31 March 2017 are classified as inventory as they will be realised and the net proceed after deduction of curator fees and expenses will be deposited into CARA.

**Inventory**

	2016/17			
	Motor vehicles	Land and buildings	Other	Total
	R'000	R'000	R'000	R'000
Opening balance (1 April 2016)	697	4 227	428	5 352
Adjustments	377	558	(1)	934
Additions	2 586	473	264	3 323
Disposals	(397)	(4 114)	(203)	(4 714)
<b>Closing balance (31 March 2017)</b>	<b>3 263</b>	<b>1 144</b>	<b>488</b>	<b>4 895</b>

**Provisions**

Provisions are disclosed when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources that embody economic benefits will be required to settle the obligation and a reliable estimate of the obligation can be made. Provisions amounted to R9.490 million at 31 March 2017.

	2016/17 R'000
CARA allocations	9 490
Anti-corruption Task Team	6 200
Department of Justice and Constitutional Development	3 290
<b>Total</b>	<b>9 490</b>

**43. Prior-period errors****43.1 Correction of prior period errors**

Note	Amount before error correction	Prior period error	Restated amount	
	2016/17	2016/17	2016/17	
	R'000	R'000	R'000	
<b>Assets:</b>				
Revenue re-evaluated	30	4 341	(32)	4 309
<b>Net effect</b>		<b>4 341</b>	<b>(32)</b>	<b>4 309</b>

Note	Amount before error correction	Prior period error	Restated amount
	2016/17	2016/17	2016/17
	R'000	R'000	R'000
<b>Other:</b>			
Irregular expenditure	31	170 625	(154)
			<b>170 471</b>
Impairment of claims recoverable (agency services)	15	23 354	574 824
			<b>598 178</b>
Commitment	26	3 357 645	(62 448)
			<b>3 295 197</b>
Contingent liabilities	25	7 363 482	(5 301 102)
			<b>2 062 380</b>
<b>Net effect</b>		<b>10 915 106</b>	<b>(4 788 880)</b>
			<b>6 126 226</b>

#### Restatement of corresponding figures for 31 March 2017

*Contingent liabilities have been restated due to the summons amount overstated.*

*Accrued revenue is restated due to the Guardian's Fund amount paid during the year understated.*

*Commitment is restated due to the remaining balance of the expired contract.*

*Irregular expenditure is restated due to duplication of cases.*

#### 44. Inventories (effective from date determined in a treasury instruction)

	Note	2017/18	2016/17
	Annexure 6	R'000	R'000
Opening balance		172	191
Add/(less): Adjustments to prior-year balances			
Add: Additions/purchases – cash			
Add: Additions – non-cash		289	
(Less): Disposals			
(Less): Issues		(11)	(19)
Add/(Less): Adjustments			
<b>Closing balance</b>		<b>450</b>	<b>172</b>

*The figures recorded in this note relate to inventory for the NPA. The prior-year figures have been restated to reflect only items that meet the definition of inventory.*

**9. Annexures**  
**Annexure 1A**  
**Statement of conditional grants and other transfers paid to municipalities**

NAME OF MUNICIPALITY	GRANT ALLOCATION			TRANSFER			SPENT			2016/17			
	DoRA and other transfers R'000	Roll-overs R'000	Adjustments R'000	Total available R'000	Actual transfer R'000	Funds withheld R'000	Re-allocations by National Treasury or national department %	Amount received by municipality R'000	Amount spent by municipality R'000		Unspent funds R'000	Percentage of available funds spent by municipality %	Division of Revenue Act R'000
Municipal vehicles licences	613		38	651	651							634	
<b>TOTAL</b>	<b>613</b>		<b>38</b>	<b>651</b>	<b>651</b>							<b>634</b>	

*National Departments are reminded of the DoRA requirements to indicate any re-allocations by the National Treasury or the transferring department, certify that all transfers in terms of this Act were deposited into the primary bank account of a province or, where appropriate, into the CPD account of a province as well as indicate the funds utilised for the administration of the receiving officer.*

**Annexure 1B**  
**Statement of transfers to departmental agencies and accounts**

DEPARTMENTAL AGENCY/ ACCOUNT	TRANSFER ALLOCATION				TRANSFER		2016/17 Final appropriation R'000
	Adjusted appropriation R'000	Roll-overs R'000	Adjustments R'000	Total available R'000	Actual transfer R'000	Percentage of available funds transferred Percentage	
	R'000	R'000	R'000	R'000	R'000	Percentage	
Legal Aid South Africa	1 754 394			1 754 394	1 754 394	100%	3 154 342
Special Investigating Unit	346 177			346 177	346 177	100%	633 464
Public Protector of South Africa	301 093		15 000	316 093	316 093	100%	528 216
South African Human Rights Commission	173 360			173 360	173 360	100%	306 974
President's Fund	1			1		0%	2
Communication Licences	75		(6)	69	69	100%	162
SASSETA	24 531			24 531	24 234	99%	23 183
<b>Total</b>	<b>2 599 631</b>		<b>14 994</b>	<b>2 614 625</b>	<b>2 614 327</b>		<b>4 646 343</b>

**Annexure 1E**  
**Statement of transfers to foreign government and international organisations**

	TRANSFER ALLOCATION				EXPENDITURE		2016/17 Final appropriation R'000
	Adjusted appropriation Act R'000	Roll-overs R'000	Adjust-ments R'000	Total available R'000	Actual transfer R'000	Percentage of available funds transferred %	
<b>FOREIGN GOVERNMENT/ INTERNATIONAL ORGANISATION</b>							
<b>Transfers</b>							
International Criminal Court			1 689	1 689	1 689	100%	12 162
International Institutional Unification	16 000		(3 283)	12 717	12 717	100%	337
Hague Conference International Law							985
	<b>16 000</b>		<b>(1 594)</b>	<b>14 406</b>	<b>14 406</b>		<b>13 484</b>
<b>Subsidies</b>							
<b>Total</b>	<b>16 000</b>		<b>(1 594)</b>	<b>14 406</b>	<b>14 406</b>		<b>13 484</b>

**Annexure 1G  
Statement of transfers to households**

	TRANSFER ALLOCATION				EXPENDITURE		2016/17 Final appropriation R'000
	Adjusted appropriation Act	Roll-overs	Adjust-ments	Total available	Actual transfer	Percentage of available funds transferred	
	R'000	R'000	R'000	R'000	R'000	Percentage	
<b>HOUSEHOLDS</b>							
<b>Transfers</b>							
Employee social benefits	105 237		2 220	107 457	64 669	60%	104 309
Claims against the state	2 883		2 409	5 292	5 315	100%	9 877
	<b>108 120</b>		<b>4 629</b>	<b>112 749</b>	<b>69 985</b>		<b>114 186</b>
<b>Subsidies</b>							
<b>Total</b>	<b>108 120</b>		<b>4 629</b>	<b>112 749</b>	<b>69 985</b>		<b>114 186</b>



**Annexure 1H**  
**Statement of gifts, donations and sponsorships received**

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2017/18	2016/17
		R'000	R'000
<b>Received in cash</b>			
<b>Subtotal</b>			
<b>Received in kind</b>			
Donations received by NPA	Various donations	231	25
<b>Subtotal</b>		<b>231</b>	<b>25</b>
<b>Total</b>		<b>231</b>	<b>25</b>

**Annexure 11  
Statement of aid assistance received**

NAME OF DONOR	PURPOSE	OPENING BALANCE R'000	REVENUE R'000	EXPEN- DI-TURE R'000	PAID BACK ON/BY 31 MARCH R'000	CLOSING BALANCE R'000
<b>Received in cash</b>						
European Union	Sectorial budget support					
Swiss	Small claims court	17	3 290	(942)		2 365
CARA	Domestic violence			(474)		9 074
CARA NPA	Various projects	9 548				
Transfer to FHR	Projects Human Rights Commission		62 936	(62 936)		
<b>Subtotal</b>		<b>9 565</b>	<b>66 226</b>	<b>(64 352)</b>		<b>11 439</b>
<b>Received in kind</b>						
<b>Subtotal</b>						
<b>Total</b>		<b>9 565</b>	<b>66 226</b>	<b>(64 352)</b>		<b>11 439</b>

**Annexure 3a**  
**Statement of financial guarantees issued as at 31 march 2014 – local**

Guarantor institution	Guarantee in respect of	Original guaranteed capital amount R'000	Opening balance 1 April 2017 R'000	Guarantees draw downs during the year R'000	Guarantees repayments cancelled, reduced or released during the year R'000	Revaluations R'000	Closing balance 31 March 2018 R'000	Guaranteed interest for year ended 31 March 2018 R'000	Realised losses not recoverable i.e. claims paid out R'000
	Housing								
Standard Bank			241				241		
Absa			107		90		17		
NP				111			111		
Green Start			25				25		
FNB			40		40				
	<b>Total</b>		<b>413</b>	<b>111</b>	<b>130</b>		<b>394</b>		

**Annexure 3B**  
**Statement of contingent liabilities as at 31 march 2018**

Nature of liability	Opening balance		Liabilities incurred during the year	Liabilities paid, cancelled or reduced during the year	Liabilities recoverable)	Closing balance	
	1 April 2017					31 March 2018	
	R'000	R'000				R'000	R'000
<b>Claims against the Department</b>							
Summonses	1 815 484		788 993	(554 909)			2 049 568
Supplier discrepancies	53 646			(53 567)			79
Theft and losses	15 168		7 374	(429)			22 113
PPP cancellation	11 681						11 681
Property management fees	77 084						77 084
Human resource management	89 317		4 953				94 270
<b>Subtotal</b>	<b>2 062 380</b>		<b>801 320</b>	<b>(608 905)</b>			<b>2 254 795</b>
<b>Environmental liability</b>							
<b>Subtotal</b>							
<b>Other</b>							
Third-party theft, losses and dishonoured cheques		36 583		19 339			17 244
<b>Subtotal</b>		<b>36 583</b>		<b>19 339</b>			<b>17 244</b>
<b>Total</b>	<b>2 098 963</b>		<b>801 320</b>	<b>628 244</b>			<b>2 272 039</b>

## Annexure 4 Claims recoverable

Government entity	Confirmed balance out-standing		Unconfirmed balance out-standing		Total		Cash in transit at year end 2017/18 *	
	31 March 2018	31 March 2017	31 March 2018	31 March 2017	31 March 2018	31 March 2017	Receipt date up to six working days after year end	Amount
	R'000	R'000	R'000	R'000	R'000	R'000		R'000
<b>Department:</b>								
National departments	144 459	283 450	449 645	140 165	594 104	423 615		68 972
Limpopo		85 935	94 798	2 286	94 798	88 221		
Mpumalanga		15 269	14 243	1 821	14 243	17 090		
KwaZulu-Natal		15 229	19 432	1 574	19 432	16 803		
Gauteng		59 943	323 066	139 534	323 066	199 477		
North West	445	8 554	90 125	48 084	90 570	56 638		
Free State		2 835	24 948	11 703	24 948	14 538		
Western Cape		1 007	16 267	5 791	16 267	6 798		
Eastern Cape	56 994	169 009	341 432	94 191	398 426	263 200		
Northern Cape		1 218	8 570	7 313	8 570	8 531		
Agency Services Control Account			6 353	6 898	6 353	6 898		
Pace	1 880	1 644			1 880	1 644		
Salary Recoverable Account			3 655	4 099	3 655	4 099		
National Treasury			3 588	4 773	3 588	4 773		
Office of the Chief Justice			9 273	11 889	9 273	11 889		
<b>Total</b>	<b>203 778</b>	<b>644 093</b>	<b>1 405 395</b>	<b>480 121</b>	<b>1 609 173</b>	<b>1 124 214</b>		<b>68 972</b>

**Annexure 5**  
**Inter-government payables**

GOVERNMENT ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		TOTAL		Cash in transit at year end 2017/18 *	
	31 March 2018	31 March 2017	31 March 2018	31 March 2017	31 March 2018	31 March 2017	Payment date up to six working days before year end	Amount
	R'000	R'000	R'000	R'000	R'000	R'000		R'000
<b>DEPARTMENTS</b>								
<b>Current</b>								
Correctional Services		18 144			18 144			
South African Police Service	39		13		52			
Education Free State		8		8				
Government Printing Works		410	340		340			
Health Gauteng								
Health Northern Cape		10		10				
Health North West								
KwaZulu-Natal Department of Education		19						
National Prosecuting Authority			20		20			
National School of Government			43		43			
Office of the Chief Justice		145	145		145			145
Public Works	61 653		166 998		228 651			1 425
Social Development Northern Cape		2		2				
<b>Subtotal</b>	<b>61 692</b>	<b>19</b>	<b>167 582</b>	<b>20 144</b>	<b>229 274</b>	<b>20 163</b>		
<b>OTHER GOVERNMENT ENTITY</b>								
<b>Current</b>								
TPF	8 369	9 569			8 369			9 569
IDT	121 111		3 857		124 968			
<b>Total</b>	<b>191 172</b>	<b>9 588</b>	<b>171 439</b>	<b>20 144</b>	<b>362 611</b>	<b>29 732</b>		

## Annexure 6 Inventories

Inventories (per major category)	Note	Quantity	2017/18	Quantity	2016/17
			R'000		R'000
Opening balance		8 616	172	72 535	191
Add/(less): Adjustments to prior-year balance		55 303			
Add: Additions/purchases – cash		120 628	289		
Add: Additions – non-cash					
(Less): Disposals		(5 751)	(11)	(63 919)	(19)
(Less): Issues					
Add/(less): Adjustments					
		8 616	172	72 535	191
<b>Closing balance</b>		<b>178 796</b>	<b>450</b>	<b>8 616</b>	<b>172</b>

The figures recorded in this note relate to inventory for the NPA. The prior-year figures have been restated to reflect only items that meet the definition of inventory.

**Annexure 7**  
**Movement in capital work in progress**

MOVEMENT IN CAPITAL WORK IN PROGRESS FOR THE YEAR ENDED 31 MARCH 2018				
	Opening balance	Current-year capital work in progress	Ready for use (Asset Register) or contract terminated	Closing balance
	R'000	R'000	R'000	R'000
<b>HERITAGE ASSETS</b>				
Heritage assets				
<b>MACHINERY AND EQUIPMENT</b>				
Transport assets				
Computer equipment				
Furniture and office equipment				
Other machinery and equipment				
<b>SPECIALISED MILITARY ASSETS</b>				
Specialised military assets				
<b>BIOLOGICAL ASSETS</b>				
Biological assets				
<b>BUILDINGS AND OTHER FIXED STRUCTURES</b>				
Dwellings	2 242 058	370 402		2 612 460
Non-residential buildings	2 242 058	370 402		2 612 460



Other fixed structures		
<b>LAND AND SUBSOIL ASSETS</b>		
Land		
Mineral and similar non-regenerative resources		
<b>SOFTWARE</b>		
Software		
<b>MASTHEADS AND PUBLISHING TITLES</b>		
Mastheads and publishing titles		
<b>PATENTS, LICENCES, COPYRIGHT, BRAND NAMES, TRADEMARKS</b>		
Patents, licences, copyright, brand names and trademarks		
<b>RECIPES, FORMULAE, PROTOTYPES, DESIGNS, MODELS</b>		
Recipes, formulae, prototypes, designs, models		
<b>SERVICES AND OPERATING RIGHTS</b>		
Services and operating rights		
<b>Total</b>	<b>2 242 058</b>	<b>370 402</b>
		<b>2 612 460</b>

Age analysis on ongoing projects	Number of projects		2017/18 Total R'000
	Planned, construction not started	Planned, construction started	
0 to 1 years			
1 to 3 years			
3 to 5 years			
Longer than 5 years			
<b>Total</b>			

*Include discussion on projects longer than 5 years in Capital WIP*

MOVEMENT IN CAPITAL WORK IN PROGRESS FOR THE YEAR ENDED 31 MARCH 2017					
	Opening balance R'000	Prior- period error R'000	Current-year capital work in progress R'000	Ready for use (Asset Register) or contract terminated R'000	Closing balance R'000
<b>HERITAGE ASSETS</b>					
Heritage assets					
<b>MACHINERY AND EQUIPMENT</b>					
Transport assets					
Computer equipment					
Furniture and office equipment					
Other machinery and equipment					
<b>SPECIALISED MILITARY ASSETS</b>					
Specialised military assets					

MOVEMENT IN CAPITAL WORK IN PROGRESS FOR THE YEAR ENDED 31 MARCH 2017					
	Opening balance R'000	Prior- period error R'000	Current-year capital work in progress R'000	Ready for use (Asset Register) or contract terminated R'000	Closing balance R'000
<b>BIOLOGICAL ASSETS</b>					
Biological assets					
<b>BUILDINGS AND OTHER FIXED STRUCTURES</b>					
Dwellings					
Non-residential buildings					
Other fixed structures					
<b>LAND AND SUBSOIL ASSETS</b>					
Land					
Mineral and similar non-regenerative resources					
<b>SOFTWARE</b>					
Software					
<b>MASTHEADS AND PUBLISHING TITLES</b>					
Mastheads and publishing titles					
<b>PATENTS, LICENCES, COPYRIGHT, BRAND NAMES, TRADEMARKS</b>					
Patents, licences, copyright, brand names and trademarks					
<b>RECIPES, FORMULAE, PROTOTYPES, DESIGNS, MODELS</b>					
Recipes, formulae, prototypes, designs, models					
<b>SERVICES AND OPERATING RIGHTS</b>					
Services and operating rights					
<b>Total</b>					

**Annexure 8A**  
**Inter-entity advances paid (note 14)**

Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31 March 2018	31 March 2017	31 March 2018	31 March 2017	31 March 2018	31 March 2017
	R'000	R'000	R'000	R'000	R'000	R'000
<b>National departments</b>						
Government Communication Information Service		5 940	5 986		5 986	5 940
Department of International Relations and Cooperation			3 140	2 798	3 140	2 798
<b>Subtotal</b>		<b>5 940</b>	<b>9 126</b>	<b>2 798</b>	<b>9 126</b>	<b>8 738</b>
<b>Public entities</b>						
IDT				135		135
<b>Subtotal</b>				<b>135</b>		<b>135</b>
<b>Other institutions</b>						
Travel with Flair				11		11
<b>Subtotal</b>				<b>11</b>		<b>11</b>
<b>Total</b>		<b>5 940</b>	<b>9 126</b>	<b>2 944</b>	<b>9 126</b>	<b>8 884</b>

## Annexure 9

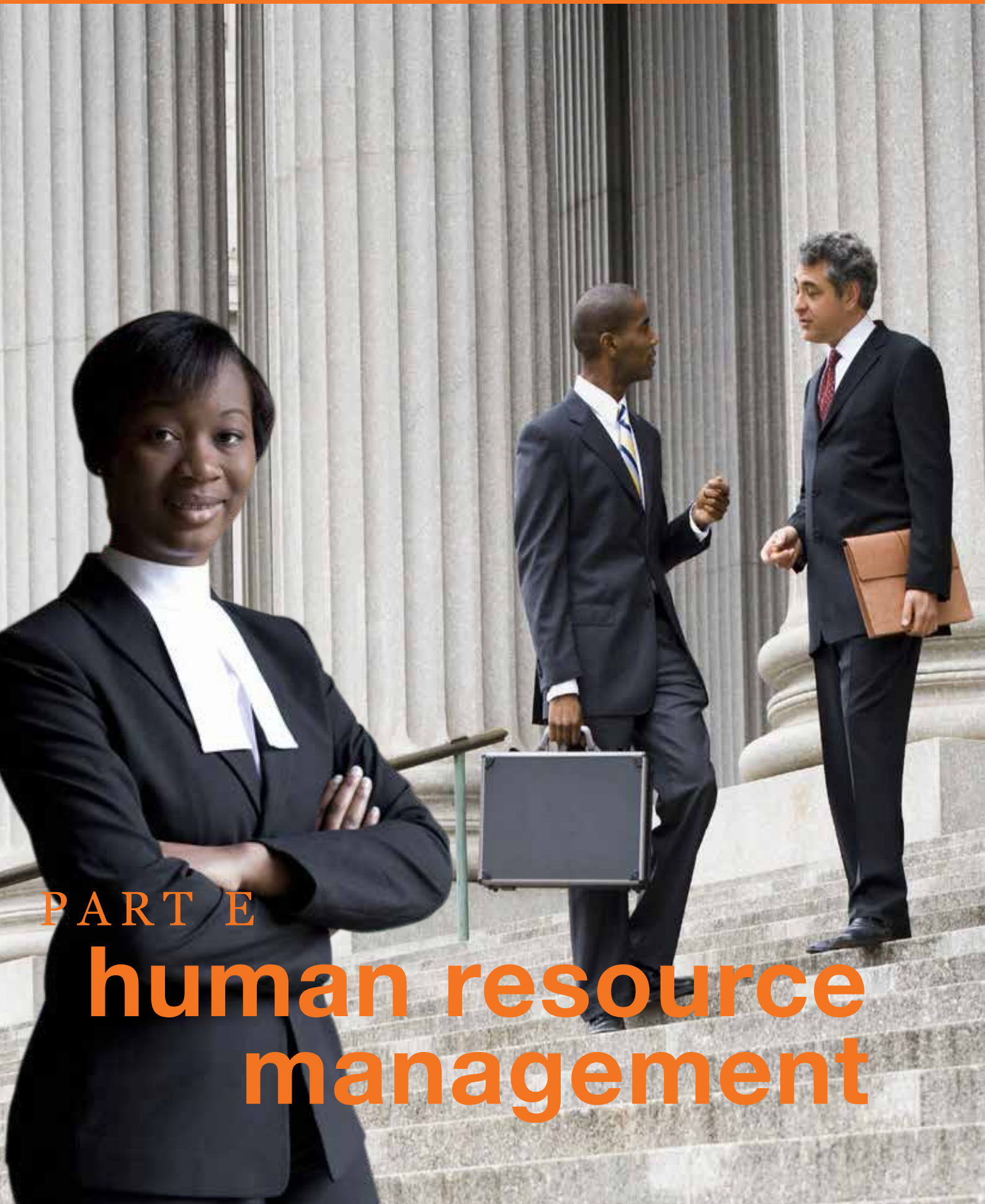
### Additional information on immovable assets

*The detail for Note 41.7 may be included in this annexure.*

Wording to suit their specific circumstances in order to comply with the Immoveable Asset Guide can be inserted here.

*In addition to the detail for Note 41.7 the Department should address the information regarding:*

1. *Surveyed but unregistered land parcels*
2. *Contingent assets*



PART E

human resource management

## 1. Legislation that Governs Human Resources Management

The information provided in this part of the annual report is prescribed by the Minister for Public Service and Administration for all departments in the public service.

## 2. Introduction

The management of human resources (HR) is strategically placed at an executive level through the Office of the Deputy Director-General: Corporate Services, supported by two Chief Directorates: Human Resource Strategy and Policy, and Customer Management Centre. In addition, the NPA has a separate Chief Directorate that provides a full range of HR functions.

### 2.1 Overview of human resources matters in the Department

The following focus areas were identified during the 2017/18 period:

- Aligning the organisational structure with the Department's strategy
- Ensuring the maintenance of compliance with the applicable public service regulatory framework and departmental policies
- Creating a sound employer-employee relationship
- Providing opportunities for a balanced and healthy workforce through employee health and wellness programmes
- Finalising of the performance management policy
- Finalising of the Human Resources Development Strategy

### 2.2 Human resources priorities

No	Human Resources subprogrammes	Impact in the Department and the NPA
1.	Reorganisation of the departmental structure	<ul style="list-style-type: none"> <li>• In 2016, the Department established a Human Resources Post Review Committee that would assess and scrutinise all vacant posts to determine the critical posts that needed to be filled. This was done to ensure that the Department remains within its capped compensation of employees' budget in line with the directive of National Treasury. The Committee has since recommended 326 permanent and 537 contract posts as critical and has approved these posts. As at 31 March 2018, 537 contract and 153 permanent positions were filled. Therefore, the total number of positions filled is 690. This exercise resulted in the Department being able to contain its wage bill.</li> <li>• The process of reviewing the organisational structure is still underway and proposals of various structure models were developed based on the following processes:               <ul style="list-style-type: none"> <li>– Benchmarking with departments that have national competency</li> <li>– Reviewing the justice cluster value chain and its interrelatedness</li> <li>– Conceptualisation of a service delivery business model for the Department</li> <li>– Conducting business process mapping of the services offered in the courts</li> </ul> </li> </ul>

No	Human Resources subprogrammes	Impact in the Department and the NPA																
2.	Appointment of a service provider to address challenges related to the occupational-specific dispensation (OSD)	<p>A service provider has been appointed to provide the Department with expert solutions with norms and standards for OSD job categories for legally qualified professionals in the following areas:</p> <ul style="list-style-type: none"> <li>• Production supervision (LP 9)</li> <li>• Production specialist (LP 10)</li> </ul> <p>The following milestones in the Office of the Family Advocate, the Office of the State Attorney, Constitutional Development, Legislative Development and the Office of the State Law Advisor were achieved by the end of March 2018:</p> <ul style="list-style-type: none"> <li>• Data gathering, analysis and the verification of findings to determine norms and standards</li> <li>• The development of job descriptions</li> <li>• A draft proposed implementation manual: OSD for Legally Qualified Professionals</li> </ul>																
	Ensure compliance with employment practices	<p>Significant progress has been made towards the achievement of employment equity (EE) targets as indicated in the table below. As such, the Department exceeded its target of persons with disabilities by 0.2%, while its target for women was improved by 0.55 from the previous year.</p> <table border="1" data-bbox="580 965 1366 1245"> <thead> <tr> <th></th> <th>Government target %</th> <th>DoJ&amp;CD %</th> <th>NPA %</th> </tr> <tr> <th></th> <th></th> <th>2017/18</th> <th>2017/18</th> </tr> </thead> <tbody> <tr> <td>Female</td> <td>50</td> <td>46.7</td> <td>52</td> </tr> <tr> <td>Persons with disabilities</td> <td>2</td> <td>2.2</td> <td>0.4</td> </tr> </tbody> </table>		Government target %	DoJ&CD %	NPA %			2017/18	2017/18	Female	50	46.7	52	Persons with disabilities	2	2.2	0.4
	Government target %	DoJ&CD %	NPA %															
		2017/18	2017/18															
Female	50	46.7	52															
Persons with disabilities	2	2.2	0.4															
	Improved Human Resources Development (HRD) strategy	<p>The Department drafted an HRD strategy, which is aligned to the departmental strategy and intends to coordinate HRD activities. Intensive consultation with relevant stakeholders (labour) was conducted in November 2017 and is awaiting approval.</p> <p>The other key activities under this priority included the following:</p> <ul style="list-style-type: none"> <li>• The identification of a training programme to address skills gaps, such as training on legislative drafting and occupational-directed education, training and development</li> <li>• The awarding of a 25 bursary to employees without Grade 12.</li> <li>• The appointment of unemployed youth under the Youth Development Programme: 338 technical and vocational education and training (TVET) colleges, 100 paralegals (18.1%), 93 paralegal (18.2%), 200 legal interpreting (18.1%), 76 legal interpreting(18.2),106 graduates, and 58 candidate attorneys</li> </ul>																



No	Human Resources subprogrammes	Impact in the Department and the NPA
	Effective functioning of employee relations in line with the relevant prescripts	<p>Employee Relations, in its endeavour to harmonise the work environment, trained 276 employees on the Code of Conduct, and 67 officials as investigations and presiding officers.</p> <p>Furthermore the following labour-related matters were attended to:</p> <ul style="list-style-type: none"> <li>• A total of 372 misconduct cases were attended to from 1 April 2017 to 31 March 2018, of which 96 (26%) were not finalised, and 276 (74%) were finalised.</li> <li>• A total of 372 grievance cases were attended to from 1 April 2017 to 31 March 2018, of which 111 (30%) were not finalised, and 261 (70%) were finalised.</li> </ul> <p>With regard to the NPA, 352 matters were finalised during the period under review, of which 317 were successfully finalised in favour of the NPA. These were as follows:</p> <ul style="list-style-type: none"> <li>• 28 conciliations and arbitrations</li> <li>• 7 court matters</li> <li>• 23 misconduct or incapacity investigations</li> <li>• 152 misconduct or incapacity enquiries</li> <li>• 107 grievances</li> </ul> <p>The above gives a final success rate of 90 on all Employee Relations matters.</p>

### 2.3 Workforce Planning Framework and key strategies to attract and recruit a skilled and capable workforce

By the end of 31 March 2018, the Department had a total workforce (excluding magistrates) of 16 019. The analysis of the workforce showed the following results:

- A total of 12 912 (80.6%) employees are concentrated in Programme 2 (Court Services), which is the Department’s core business. Of these, 4 377 (27.3%) fall in the youth category (aged 21 to 35).
- A total of 1 102 (6.9%) of the workforce is in the retirement age category (between 55 and 64 years). Of these, 82% is concentrated in Programme 2 (Court Services).
- Some 17.1% of members of the SMS are in the retirement age category (between 55 and 64 years).
- Some 58.5% of the workforce is concentrated at salary level 5, which is the entry level. Of these, 43.3% fall in the youth category (aged 21 to 35 years).
- The highest percentage (25.4%) of middle management employees (505 members) are aged between 40 and 44 years.

With regard to the NPA’s workforce, the following can be highlighted:

- A total of 3 967 (85%) of the total workforce resides in the NPS, which is the core function of the NPA. Of this total, 779 (19.6%) fall in the youth category (aged 20 to 34). Furthermore, of the NPA’s total workforce of 4 626, a total of 365 (18.4%) fall in the youth category.
- The biggest concentration of staff members (1 757 or 38.0%) lies on salary level 11 and 12 in terms of the appointment levels of the Public Service Act.
- A total of 75 of the 205 SMS members (32.1%) are in the retirement category (from 55 to 64 years).

## 2.4 Employee performance management

The following can be highlighted in terms of employee performance management:

- The DoJ&CD concluded 98% of SMS members' performance agreements for the 2017/18 performance cycle.
- The delegated authority revised and approved the performance management and development system (PMDS) policy for employees who are below the level of SMS on 16 March 2018.
- Training interventions were conducted at 29 offices in which 878 officials received training.
- For the NPA, 99% of all employees signed performance agreements, except for employees that are on secondment outside the country.
- Due to the limitations placed on expenditure, only six training sessions were conducted in the NPA. The focus was on standardising work plans to improve compliance and the level of measuring performance.

## 2.5 Employee Wellness Programme

In its endeavour to create a balanced and healthy workforce, the Department has continued to optimise its Employee Health and Wellness Programme. During the period under review, 3 303 employees were reached through sessions to market the Employee Assistance Programme. Furthermore, disability awareness was raised among 420 employees through disability month events, such as the International Day of People with Disabilities. A total of 2 741 employees attended proactive psychosocial services, and 119 supervisors were trained.

Due to the reduced human resources capacity in the NPA to align the organisation with the budget shortfall, more wellness sessions that focus primarily on dealing with stress and other psychosocial interventions were conducted. A total of 63 preventative interventions were offered in addition to counselling and other support interventions for individuals and groups.

## 2.6 Other highlights and achievements

- The national target of 2 for persons with disabilities was exceeded by 0.2%.
- A usage rate of 90% of online leave submissions was recorded, although this is still experiencing problems.

## 2.7 Challenges faced by the Department

- During the implementation of the OSD project, affected officials declared a dispute against the Department, citing that the outcome of the exercise might cause them to forfeit the OSD salary levels at which they were being paid. As such, it became difficult to gather information, and in some cases, organised labour interfered to support their members. This delayed the completion of the project as initially anticipated, hence the project will continue into the 2018/19 year.
- A moratorium was placed on the filling of vacant posts due to the National Treasury directive on compensation cost containment, which resulted in the following:
  - The non-filling of vacancies within the prescribed turnaround time led to an increase in the vacancy rate to 13.2% (excluding magistrates) of the Department.
  - Not appointing lower-level staff at service points affected service delivery.
  - The finalisation of PMDS appeal cases was delayed.
- The biggest challenge facing Human Resources Management and Development in the NPA is related to the shortfall in the compensation of employees' budget, which overflows into any other programme that is being offered. This will continue in the coming financial years until the headcount reduction is aligned to the budget or more allocations are received. It must be noted that the NPA's compensation of employees' ratio to the total budget is 85%, which leaves little room for manoeuvring.

## 2.8 Future human resources plans and goals

The following plans and goals are identified:

- Fast-track the process of identifying critical posts
- The effective implementation of the priorities of the Department's Human Resources Plan (HRP)
- The decentralisation of the PMDS appeal committees

## 2.9 Personnel-related expenditure

The following tables summarise the final audited personnel-related expenditure by programme and by salary band. In particular, it provides an indication of the following:

- Amount spent on personnel
- Amount spent on salaries, overtime, homeowners' allowance (HOA) and medical aid

## 3. Human resources oversight statistics

### 3.1 Expenditure on remuneration

**Table 3.1.1: Personnel expenditure by programme for the period 1 April 2017 to 31 March 2018**

Programme	Total expenditure (R'000)	Personnel expenditure (R'000)	Training expenditure (R'000)	Professional and special services (R'000)	Personnel expenditure as a percentage of total expenditure	Average personnel cost per employee (R'000)
Administration	1 958 100	532 413	0	0	27.2	23
Auxiliary and Associated Services	3 400 714	0	0	0	0.0	0
Court Services	6 340 628	3 783 598	0	0	59.7	162
Direct charge against the National Revenue Fund	1 933 468	1 909 626	0	0	98.9	82
State Legal Services	1 164 862	979 474	0	0	84.1	42
National Prosecuting Authority	3 745 915	3 202 753	0	0	85.5	137
<b>Total as on financial system (BAS)</b>	<b>18 543 687</b>	<b>10 407 864</b>	<b>0</b>	<b>0</b>	<b>48.7</b>	<b>445</b>

**Table 3.1.2: Personnel costs by salary bands for the period 1 April 2017 to 31 March 2018**

Salary bands	Compensation of employees cost including transfers (R'000)	Percentage of total personnel cost for Department	Average compensation cost per employee (R)	Number of employees
Lower skilled (levels 1–2)	0	0.0	0	10
Skilled (levels 3–5)	3 351 332	32.2	323 269	10 367
Highly skilled production (levels 6–8)	1 977 494	19.0	399 010	4 956
Highly skilled supervision (levels 9–12)	3 101 543	29.8	788 394	3 934
Senior management (levels 13–16)	1 311 391	12.6	460 622	2 847
Other	10 408	0.1	0	0
Contract (levels 3–5)	62 447	0.6	487 869	128
Contract (levels 6–8)	41 631	0.4	730 376	57

Salary bands	Compensation of employees cost including transfers (R'000)	Percentage of total personnel cost for Department	Average compensation cost per employee (R)	Number of employees
Contract (levels 9–12)	478 762	4.6	13 298 937	36
Contract (levels 13–16)	41 631	0.4	1 486 838	28
Contract other	10 408	0.1	0	0
Periodical remuneration	20 816	0.2	20 015	1 040
<b>Total</b>	<b>10 407 864</b>	<b>100.0</b>	<b>444 723</b>	<b>23 403</b>

**Table 3.1.3: Salaries, overtime, home owners' allowance (HOA) and medical aid by programme for the period 1 April 2017 to 31 March 2018**

Programme	Salaries		Overtime		HOA		Medical aid	
	Amount (R'000)	Salaries as a percentage of personnel costs	Amount (R'000)	Overtime as a percentage of personnel costs	Amount (R'000)	HOA as a percentage of personnel costs	Amount (R'000)	Medical aid as a percentage of personnel cost
Administration	442 647	83.1	602	0.1	14 662	2.8	21 239	4.0
Court Services	3 019 448	79.8	3163	0.1	169760	4.5	279296	7.4
Direct charges	1 736 366	90.9	0	0.0	12 890	0.7	18 359	1.0
State Legal Services	783 854	80.0	1 194	0.1	23 973	2.4	41 550	4.2
Administration of Law	77 585	80.6	3 013	3.1	1 854	1.9	4 113	4.3
National Prosecuting Authority	2 702 442	86.3	813	0.0	31 665	1.0	81 647	2.6
<b>Total</b>	<b>8 762 342</b>	<b>84.00</b>	<b>8 785</b>	<b>0.1</b>	<b>254 804</b>	<b>2.40</b>	<b>446 204</b>	<b>4.3</b>

**Table 3.1.4: Salaries, overtime, home owners' allowance and medical aid by salary bands for the period 1 April 2017 to 31 March 2018**

	Amount (R'000)	Salaries as a percentage of personnel cost	Amount (R'000)	Overtime as a percentage of personnel cost	Amount (R'000)	HOA as a percentage of personnel cost	Amount (R'000)	Medical aid as a percentage of personnel cost
Lower skilled (levels 1–2)	3 642	0.0	0	0.0	407	0.0	597	0.0
Skilled (levels 3–5)	1 809 176	0.5	2 400	0.0	136 994	0.0	227 286	0.0

	Amount (R'000)	Salaries as a percentage of personnel cost	Amount (R'000)	Over-time as a percentage of personnel cost	Amount (R'000)	HOA as a percentage of personnel cost	Amount (R'000)	Medical aid as a percentage of personnel cost
Highly skilled production (levels 6–8)	1 448 147	0.7	1 951	0.0	62 538	0.0	106 996	0.0
Highly skilled supervision (levels 9–12)	3 062 785	0.9	4 217	0.0	44 852	0.0	85 474	0.0
Senior management (levels 13–16)	1 953 941	1.4	117	0.0	9 740	0.0	25 494	0.0
Other	5 192	0.5	0	0.0	0	0.0	0	0.0
Contract (levels 3–5)	48 011	0.7	28	0.0	0	0.0	0	0.0
Contract (levels 6–8)	41 850	1.0	37	0.0	0	0.0	0	0.0
Contract (levels 9–12)	337 255	0.7	34	0.0	74	0.0	71	0.0
Contract (levels 13–16)	35 791	0.8	0	0.0	199	0.0	287	0.0
Contract other	5 399	0.5	1	0.0	0	0.0	0	0.0
Periodical remuneration	11 153	0.5	0	0.0	0	0.0	0	0.0
<b>Total</b>	<b>8 762 342</b>	<b>0.8</b>	<b>8 785</b>	<b>0.0</b>	<b>254 804</b>	<b>0.0</b>	<b>446 205</b>	<b>0.0</b>

### 3.2 Employment and vacancies

The following tables summarise the number of posts on the establishment, the number of employees, the vacancy rate and the number of employees that are additional to the establishment. This information is presented in terms of three key variables:

- Programme
- Salary band
- Occupations

**Table 3.2.1: Employment and vacancies by programme, 31 March 2018**

Programme	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of employees additional to the establishment
Administration of Law	152	152	0	1

Programme	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of employees additional to the establishment
National Prosecuting Authority	4 476	4 474	0	41
Administration	1 276	1 066	16.5	3
Court Services	14 790	12 912	12.7	30
State Legal Services	2 391	2 041	14.6	6
<b>Subtotal: excluding Judiciary</b>	<b>23 085</b>	<b>20 645</b>	<b>10.6</b>	<b>81</b>
Magistrates	2 277	1 902	16.5	0
<b>Total (including Judiciary)</b>	<b>25362</b>	<b>22547</b>	<b>11.1</b>	<b>81</b>

**Table 3.2.2 Employment and vacancies by salary band, 31 March 2018**

Salary band	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Lower skilled (levels 1–2) including Interns	13	13	0.0	1
Skilled (levels 3–5)	11 725	10 474	10.7	46
Highly skilled production (levels 6–8)	5 682	5 000	12.0	21
Highly skilled supervision (levels 9–12)	4 409	3 954	10.3	10
Senior management (levels 13–16)	1 256	1 204	4.1	3
Magistrates	2 277	1 902	16.5	0
<b>Total</b>	<b>25 362</b>	<b>22 547</b>	<b>11.1</b>	<b>81</b>

**Table 3.2.3: Employment and vacancies by occupation, 31 March 2018**

Occupations	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Administrative-related	1 077	941	12.6	14
Advocates	667	638	4.3	2
Attorneys	373	301	19.3	0
Building and other property caretakers	4	3	25.0	0
Bus and heavy vehicle drivers	11	8	27.3	0
Cleaners in offices, workshops, hospitals, etc.	128	85	33.6	1
Client information clerks (switchboard, receptionists and information clerks)	143	125	12.6	0
Communication and information-related	43	38	11.6	0

Occupations	Number of posts on approved establishment	Number of posts filled	Vacancy rate	Number of posts filled additional to the establishment
Computer programmers	2	2	0.0	0
Crime investigators	41	41	0.0	1
Finance and economics-related	300	252	16.0	0
Financial and related professionals	343	285	16.9	1
Financial clerks and credit controllers	486	420	13.6	1
Food services aids and waiters	18	16	11.1	0
General legal administration and related professionals	923	771	16.5	1
Head of Department/Chief Executive Officer	2	2	0.0	0
Human resources and organisational development and related professions	71	62	12.7	0
Human resources clerks	306	261	14.7	1
Human resources-related	212	184	13.2	0
Information technology-related	51	47	7.8	0
Language practitioners interpreters and other communication	565	410	27.4	0
Legal-related	246	187	24.0	0
Librarians and related professionals	25	19	24.0	0
Library mail and related clerks	344	302	12.2	1
Light vehicle drivers	9	6	33.3	0
Logistical support personnel	58	55	5.2	0
Magistrates	2 277	1902	16.5	0
Material-recording and transport clerks	92	81	12.0	0
Messengers, porters and deliverers	348	305	12.4	0
Other administrative and related clerks and organisers	9 137	8344	8.7	47
Other administrative policy and related officers	1 012	876	13.4	3
Other information technology personnel	25	20	20.0	0
Prosecutor	2 520	2519	0.0	1
Protection services	98	98	0.0	0
Risk management and security services	28	23	17.9	0
Secretaries and other keyboard-operating clerks	708	638	9.9	3
Security guards	21	14	33.3	0
Security officers	312	265	15.1	2
Senior managers	411	353	14.1	1
Social sciences-related	1	1	0.0	0
Social work and related professionals	154	113	26.6	0
Translators and air traffic communicators	1 770	1534	13.3	1
<b>Total</b>	<b>25 362</b>	<b>22547</b>	<b>11.1</b>	<b>81</b>

## 3.3 Filling of SMS posts

The tables in this section provide information on employment and vacancies as they relate to members of the SMS by salary levels. They also provide information on advertising and the filling of SMS posts, reasons for not complying with prescribed timeframes and disciplinary steps taken.

**Table 3.3.1: Information on SMS posts as on 31 March 2018**

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	Percentage of SMS posts filled	Total number of SMS posts vacant	Percentage of SMS posts vacant
Director-General/Head of Department	1	1	100.0	0	0.0
Salary level 16, but not Head of Department	7	7	100.0	0	0.0
Salary level 15	27	19	70.4	8	29.6
Salary level 14	239	176	73.6	63	26.4
Salary level 13	185	151	81.6	34	18.4
<b>Total</b>	<b>459</b>	<b>354</b>	<b>77.1</b>	<b>105</b>	<b>22.9</b>

**Table 3.3.2: SMS posts information as on 30 September 2017**

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	Percentage of SMS posts filled	Total number of SMS posts vacant	Percentage of SMS posts vacant
Director-General/Head of Department	1	1	100.0	0	0.0
Salary level 16, but not Head of Department	6	6	100.0	0	0.0
Salary level 15	27	39	144.4	6	22.2
Salary level 14	242	185	76.4	57	23.6
Salary level 13	187	155	82.9	32	17.1
<b>Total</b>	<b>481</b>	<b>386</b>	<b>80.2</b>	<b>95</b>	<b>19.8</b>

**Table 3.3.3: Advertising and filling of SMS posts for the period 1 April 2017 to 31 March 2018**

SMS	Advertising	Filling of posts	
	Number of vacancies per level advertised within six months of the post becoming vacant	Number of vacancies per level filled within six months of the post becoming vacant	Number of vacancies per level not filled within six months of the post becoming vacant, but filled within 12 months
Director-General/Head of Department	-	-	-
Salary level 16	-	-	-
Salary level 15	-	-	-
Salary level 14	3	-	-
Salary level 13	4	-	-
<b>Total</b>	<b>7</b>	<b>-</b>	<b>-</b>



**Table 3.3.4: Reasons for not having complied with the filling of funded vacant SMS posts advertised within six months and filled within 12 months after becoming vacant for the period 1 April 2017 to 31 March 2018**

Reasons for vacancies not advertised within six months:	
1.	Departmental restructuring
2.	Moratorium due to cost-containment measures
3.	Due to financial constraints experienced by the NPA, SMS vacancies are not funded and could therefore not be advertised and filled
Reasons for vacancies not filled within 12 months:	
1.	Departmental restructuring
2.	Moratorium due to cost-containment measures
3.	Due to financial constraints experienced by the NPA, SMS vacancies are not funded and could therefore not be advertised and filled

**Table 3.3.5: Disciplinary steps taken for not complying with the prescribed time frames for filling SMS posts within 12 months for the period 1 April 2017 to 31 March 2018**

None

### 3.4 Job evaluation

Within a nationally determined framework, executing authorities may evaluate or re-evaluate any job in their organisation. In terms of the regulations, all vacancies on salary levels 9 and higher must be evaluated before they are filled. The following table summarises the total number of jobs that were evaluated during the year under review. It also provides statistics on the number of posts that were upgraded or downgraded.

**Table 3.4.1: Job evaluation by salary band**

Salary band	Number of posts on approved establishment	Number of jobs evaluated	Percentage of posts evaluated by salary band	Posts upgraded		Posts downgraded	
				Number	Percentage of posts evaluated	Number	Percentage of posts evaluated
Lower skilled (levels 1–2)	13	0	0.0	0	0	0	0
Skilled (levels 3–5)	11 725	0	0.0	0	0	0	0
Highly skilled production (levels 6–8)	5 682	0	0.0	0	0	0	0
Highly skilled supervision (levels 9–12)	4 409	3	0.1	0	0	0	0
SMS Band A	569	0	0.0	0	0	0	0
SMS Band B	597	0	0.0	0	0	0	0
SMS Band C	70	0	0.0	0	0	0	0
SMS Band D	20	0	0.0	0	0	0	0
<b>Total</b>	<b>23085</b>	<b>3</b>	<b>0.1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

The following table provides a summary of the number of employees whose salary positions were upgraded due to their posts being upgraded. The number of employees might differ from the number of posts upgraded since not all employees are automatically absorbed into the new posts and some of the posts upgraded could also be vacant.

**Table 3.4.2: Profile of employees whose salary positions were upgraded due to their posts being upgraded for the period 1 April 2017 to 31 March 2018**

Beneficiaries	African	Asian	Coloured	White	Total
Female	4	0	0	0	4
Male	1	0	0	0	1
Total	5	0	0	0	5
<b>Employees with a disability</b>					<b>0</b>

The following table summarises the number of cases where remuneration levels exceeded the grade determined by the job evaluation. Reasons for the deviation are provided in each case.

**Table 3.4.3: Employees with salary levels higher than those determined by the job evaluation by occupation for the period 1 April 2017 to 31 March 2018**

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Accounting Clerk	1	5	6	Resolution 3 of 2009: grade progression
Accounting Clerk	2	5	7	Resolution 3 of 2009: grade progression
Chief Accounting Clerk	9	7	8	Resolution 3 of 2009: grade progression
Chief Accounting Clerk	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Administration Clerk	73	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Administration Clerk	39	5	6	Department of Public Service and Administration clerks coordination
Administration Clerk	99	5	6	Resolution 3 of 2009: grade progression
Administration Clerk	2	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Administration Clerk	1	6	7	Resolution 3 of 2009: grade progression
Administration Clerk	7	5	7	Resolution 3 of 2009: grade progression
Chief Administration Clerk	5	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Chief Administration Clerk	28	7	8	Resolution 3 of 2009: grade progression
Administrative Officer/Senior	12	7	8	Resolution 3 of 2009: grade progression
Administrative Officer/Senior	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Administration heads	1	9	10	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Assistant Director	10	9	10	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Assistant Director	11	9	10	Resolution 3 of 2009: grade progression
Assistant Director	1	9	10	Transferred to a lower-level post
Deputy Director	11	11	12	Resolution 3 of 2009: grade progression
Deputy Director	6	11	12	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Deputy Director	1	9	11	Employee retained in lower level post in terms of PSR V.C.3
Deputy Director	1	11	12	Transferred to a lower-level post
Deputy Director: Information Technology	4	12	13	Translation in rank
Senior Specialist PIM	2	11	12	Transferred to a lower-level post
Court Interpreter	1	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Court Interpreter	2	5	6	Resolution 3 of 2009: grade progression
Senior Court Interpreter	8	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Deputy Director General	1	15	16	Employee seconded to Office of the President on a higher salary level
Court Manager	2	9	10	Resolution 3 of 2009: grade progression
E-scheduler Clerk	1	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Executive Administrative Assistant	1	7	9	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Executive Administrative Assistant	1	9	10	Resolution 3 of 2009: grade progression
Finance Clerk	7	5	6	Department of Public Service and Administration clerks coordination
Human Resource Clerk	11	5	6	Department of Public Service and Administration clerks coordination

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Human Resource Officer/ Senior	34	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Human Resource Officer/ Senior	2	5	6	Resolution 3 of 2009: grade progression
Human Resource Officer/ Senior	3	7	8	Resolution 3 of 2009: grade progression
Human Resource Officer/ Senior	8	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Chief Personnel Officer	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Human Resource Practitioner	2	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Human Resource Practitioner	1	7	8	Protected promotion
Human Resource Practitioner	1	7	8	Resolution 3 of 2009: grade progression
Labour Relations Officer	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Legal secretaries	3	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Legal secretaries	3	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Legislative language practitioners	6	7	10	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Library Assistant	2	5	6	Department of Public Service and Administration clerks coordination
Library Assistant	1	5	7	Resolution 3 of 2009: grade progression
Maintenance Coordinator	1	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Chief Messenger	1	4	5	Resolution 3 of 2009: grade progression
Office Manager	1	9	10	Resolution 3 of 2009: grade progression
Personal Assistant	2	5	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Personal Assistant	3	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Personal Assistant	6	7	8	Circular 25 of 2009
Personal Assistant	6	7	9	Circular 25 of 2009
Provisioning Administration Clerk	1	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Provisioning Administration Clerk	2	5	6	Resolution 3 of 2009: grade progression
Provisioning Administration Officer/ Senior	3	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Provisioning Administration Officer/ Senior	1	7	8	Resolution 3 of 2009: grade progression
Registry Clerk	4	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Registry Clerk	3	5	6	Resolution 3 of 2009: grade progression
Registry Clerk	21	5	6	Department of Public Service and Administration clerks coordination
Senior Registry Clerk	3	6	7	Resolution 3 of 2009: grade progression
Chief Registry Clerk	2	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Senior Registrars Clerk	1	3	4	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Supply Chain Clerk	4	5	6	Department of Public Service and Administration clerks coordination
Secretary	1	5	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Secretary	1	5	6	Resolution 3 of 2009: grade progression
Secretary	2	5	7	Resolution 3 of 2009: grade progression
Secretary	5	5	7	Circular 25 of 2009
Secretary	1	5	6	Circular 25 of 2009
Secretary	6	5	7	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation

Occupation	Number of employees	Job evaluation level	Remuneration level	Reason for deviation
Secretary	1	5	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Secretary	2	7	8	Resolution 3 of 2009: grade progression
Security Officer	2	3	6	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Security Officer	1	3	5	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Senior Auditor	1	9	10	Resolution 3 of 2009: grade progression
Senior Auditor	9	9	10	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
State Accountant/ Senior	4	7	8	Resolution 3 of 2009: grade progression
State Accountant/ Senior	5	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
System Administrator	1	7	8	Resolution 3 of 2009: grade progression
Telecom Operator	1	7	8	Resolution 3 of 2009: grade progression
Principal Telecom Operator	1	7	8	Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation
Senior Telecom Operator	1	5	6	Resolution 3 of 2009: grade progression
Chief Work Study Officer	2	9	10	Resolution 3 of 2009: grade progression
<b>Total number of employees whose salaries exceeded the level determined by the job evaluation in 2017/18</b>				<b>543</b>
<b>Percentage of total employed</b>				<b>2.4</b>

The following table summarises the beneficiaries of the above in terms of race, gender and disability.

**Table 3.4.4: Profile of employees who have salary levels higher than those determined by the job evaluation for the period 1 April 2017 to 31 March 2018**

Beneficiaries	African	Asian	Coloured	White	Total
Female	211	21	41	118	391
Male	108	9	13	22	152
<b>Total</b>	<b>319</b>	<b>30</b>	<b>54</b>	<b>140</b>	<b>543</b>
<b>Employees with a disability</b>	<b>11</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>14</b>

### 3.5 Employment changes

This section provides information on changes in employment over the financial year. Turnover rates provide an indication of trends in the employment profile of the Department. The following tables provide a summary of turnover rates by salary band and occupations. It should be noted that these tables do not take into account upgrades or downgrades of posts or the movement of employees between levels (promotion) or translation to another rank without a change in salary level.

A total of 153 employees were promoted to higher salary levels, and 543 employees are carried out of adjustment against lower posts (refer to Table 3.4.3 above). The personnel movement regarding appointments and terminations do not reflect the changes mentioned

**Table 3.5.1: Annual turnover rates by salary band for the period 1 April 2017 to 31 March 2018**

Salary band	Number of employees at the beginning of the period (April 2017)	Appointments and transfers into the department	Terminations and transfers out of the Department	Turnover rate
Lower skilled (levels 1–2), permanent	13	0	1	0.0
Skilled (levels 3–5), permanent	10 806	116	381	3.5
Highly skilled production (levels 6–8), permanent	5305	106	327	6.2
Highly skilled supervision (levels 9–12), permanent	4 779	30	256	5.4
SMS Band A	145	1	11	7.6
SMS Band B	185	0	15	8.1
SMS Band C	20	0	3	15.0
SMS Band D	6	0	0	0.0
Magistrates	1 561	157	69	4.4
<b>Subtotal: permanent employees</b>	<b>22 820</b>	<b>410</b>	<b>1 063</b>	<b>4.7</b>
Contracts (including interns)	675	1 222	1 375	72.5
<b>Subtotal: contract employees</b>	<b>675</b>	<b>1 222</b>	<b>1 375</b>	<b>72.5</b>
<b>Total</b>	<b>23 495</b>	<b>1 632</b>	<b>2 438</b>	<b>10.4</b>

**Table 3.5.2: Annual turnover rates by occupation for the period 1 April 2017 to 31 March 2018**

Occupations	Number of employees at the beginning of the period (April 2017)	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Administrative-related	1 024	12	69	6.7
Advocates	675	2	33	4.9
Attorneys	320	2	22	6.9
Building and other property caretakers	3	0	0	0.0
Bus and heavy vehicle drivers	10	0	2	20.0
Cleaners in offices, workshops, hospitals, etc.	93	0	8	8.6
Client information clerks (switchboard, reception, information clerks)	129	1	5	3.9
Communication and information-related	37	0	0	0.0
Crime investigators	42	2	1	2.4
Finance and economics-related	260	4	16	6.2
Financial and related professionals	297	4	19	6.4
Financial clerks and credit controllers	426	12	20	4.7
Food services aids and waiters	17	0	1	5.9
General legal administration and related professionals	763	18	30	3.9
Human resources and organisational development and related professionals	65	0	4	6.2
Human resources clerks	277	1	17	6.1
Human resources-related	182	1	10	5.5
Information technology-related	17	12	2	11.8
Language practitioners, interpreters and other communication	432	8	30	6.9
Legal-related	205	0	16	7.8
Librarians and related professionals	20	0	1	5.0
Library mail and related clerks	321	0	20	6.2
Light vehicle drivers	6	0	0	0.0
Logistical support personnel	58	0	2	3.4
Magistrates	1 561	157	69	4.4
Material-recording and transport clerks	77	0	1	1.3
Messengers, porters and deliverers	319	0	14	4.4
Other administrative and related clerks and organisers	8 560	39	317	3.7



Occupations	Number of employees at the beginning of the period (April 2017)	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover rate
Other administrative policy and related officers	913	2	65	7.1
Other information technology personnel	27	0	2	7.4
Prosecutor	2 618	61	129	4.9
Protection services	97	0	0	0.0
Risk management and security services	24	0	1	4.2
Secretaries and other keyboard-operating clerks	685	2	21	3.1
Security guards	21	0	3	14.3
Security officers	271	0	5	1.8
Senior managers	357	0	29	8.1
Social sciences-related	1	0	0	0.0
Social work and related professionals	124	3	13	10.5
Translators and air traffic communicators	1 486	67	66	4.4
Contracts	675	1222	1375	72.5
<b>Total</b>	<b>23 495</b>	<b>1 632</b>	<b>2 438</b>	<b>10.4</b>

The table below identifies the major reasons why staff left the department.

**Table 3.5.3: Reasons why staff left the Department for the period 1 April 2017 to 31 March 2018**

Termination type	Number	Percentage of total resignations
Death	83	3.4
Resignation	591	24.2
Expiry of contracts	1 361	55.8
Retirement due to ill health	29	1.2
Dismissal – misconduct	49	2.0
Dismissal – incapacity	1	0.0
Retirement	206	8.4
Dismissal operational requirement (severance package)	1	0.0
Transfer to other public service departments	117	4.8
<b>Total</b>	<b>2 438</b>	<b>100.0</b>

**Table 3.5.4: Promotions by occupation for the period 1 April 2017 to 31 March 2018**

Occupation	Employees as at 1 April 2017	Promotions to another salary level	Salary level promotions as a percentage of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a percentage of employees by occupation
Administrative-related	1 030	8	0.8	687	66.7
Advocates	675	3	0.4	546	80.9
Attorneys	320	1	0.3	181	56.6
Building and other property caretakers	3	0	0.0	3	100.0
Bus and heavy vehicle drivers	10	0	0.0	5	50.0
Cleaners in offices, workshops, hospitals, etc.	93	0	0.0	75	80.6
Client information clerks (switchboard, reception, information clerks)	130	0	0.0	81	62.3
Communication and information-related	38	0	0.0	30	78.9
Computer programmers	3	0	0.0	3	100.0
Crime investigators	42	0	0.0	29	69.0
Finance and economics-related	266	3	1.1	211	79.3
Financial and related professionals	300	2	0.7	233	77.7
Financial clerks and credit controllers	429	2	0.5	339	79.0
Food services aids and waiters	17	0	0.0	13	76.5
General legal administration and related professionals	769	2	0.3	523	68.0
Human resources and organisational development and related professionals	65	0	0.0	53	81.5
Human resources clerks	277	0	0.0	174	62.8
Human resources-related	182	0	0.0	128	70.3
Information technology-related	44	0	0.0	24	54.5
Language practitioners, interpreters and other communication	432	1	0.2	182	42.1
Legal-related	205	1	0.5	124	60.5
Librarians and related professionals	20	0	0.0	17	85.0
Library mail and related clerks	322	0	0.0	226	70.2
Light vehicle drivers	6	0	0.0	6	100.0
Logistical support personnel	60	0	0.0	39	65.0
Magistrates	1869	64	3.4	0	0.0
Material-recording and transport clerks	84	0	0.0	58	69.0

Occupation	Employees as at 1 April 2017	Promotions to another salary level	Salary level promotions as a percentage of employees by occupation	Progressions to another notch within a salary level	Notch progressions as a percentage of employees by occupation
Messengers, porters and deliverers	555	0	0.0	222	40.0
Other administration and related clerks and organisers	8 578	17	0.2	6 613	77.1
Other administrative policy and related officers	918	16	1.7	626	68.2
Other information technology personnel	29	0	0.0	18	62.1
Prosecutors	2 618	24	0.9	1 915	73.1
Protection services	97	0	0.0	81	83.5
Risk management and security services	24	0	0.0	19	79.2
Secretaries and other keyboard-operating clerks	693	0	0.0	395	57.0
Security guards	21	0	0.0	14	66.7
Security officers	271	0	0.0	142	52.4
Senior managers	386	2	0.5	181	46.9
Social sciences-related	1	0	0.0	1	100.0
Social work and related professionals	124	0	0.0	25	20.2
Translators and air traffic communicators	1489	7	0.5	1 021	68.6
<b>Total</b>	<b>23 495</b>	<b>153</b>	<b>0.7</b>	<b>15 263</b>	<b>65.05</b>

Table 3.5.5: Promotions by salary band for the period 1 April 2017 to 31 March 2018

Salary band	Employees 1 April 2017	Promotions to another salary level	Salary band promotions as a percentage of employees by salary level	Progressions to another notch within a salary level	Notch progression as a percentage of employees by salary band
Lower skilled (levels 1–2) (including interns)	246	0	0.0	3	1.2
Skilled (levels 3–5)	10 844	10	0.1	8 543	78.8
Highly skilled production (levels 6–8)	5 329	34	0.6	2 689	50.5
Highly skilled supervision (levels 9–12)	4 822	43	0.9	3 741	77.6
SMS (levels 13–16)	385	2	0.5	287	74.5
Magistrates	1 869	64	3.4	0	0.0
<b>Total</b>	<b>23 495</b>	<b>153</b>	<b>0.7</b>	<b>15 263</b>	<b>65.0</b>

### 3.6 Employment equity

The tables in this section are based on the formats prescribed by the Employment Equity Act, Act 55 of 1998.

**Table 3.6.1: Total number of employees (including employees with disabilities) in each of the following occupational categories as on 31 March 2018**

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	107	24	21	51	79	14	25	34	355
Professionals	2 200	190	93	384	1 844	317	240	582	5 850
Clerks	3274	335	108	95	6124	869	229	671	11705
Service and sales workers	189	42	9	79	89	13	5	15	441
Plant and machine operators and assemblers	10	2	1	1	0	0	0	0	14
Labourers and related workers	241	32	2	6	118	5	1	4	409
Technical and associated professions, permanent	570	59	21	44	893	111	37	136	1871
<b>Total</b>	<b>6 591</b>	<b>684</b>	<b>255</b>	<b>660</b>	<b>9 147</b>	<b>1329</b>	<b>537</b>	<b>1 442</b>	<b>20 645</b>
<b>Employees with disabilities</b>	142	17	5	22	134	15	11	37	383

Magistrates are excluded from this table due to the provisions of the Employment Equity Act, Act 55 of 1998

**Table 3.6.2: Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2018**

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	11	4	1	2	7	1	1	1	28
Senior Management	97	20	20	49	71	13	24	33	327
Professionally qualified and experienced specialists and mid-management	1 522	174	83	407	1 017	201	181	542	4 127
Skilled technical and academically qualified workers, junior management, supervisors, foremen	1 795	143	60	114	2 517	346	149	549	5 673
Semi-skilled and discretionary decision making	3 165	343	91	88	5 523	768	182	317	10 477

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Unskilled and defined decision making	1	0	0	0	12	0	0	0	13
<b>Total</b>	<b>6 591</b>	<b>684</b>	<b>255</b>	<b>660</b>	<b>9 147</b>	<b>1329</b>	<b>537</b>	<b>1 442</b>	<b>20 645</b>

Magistrates are excluded from this table due to the provisions of the Employment Equity Act, Act 55 of 1998

**Table 3.6.3: Recruitment for the period 1 April 2017 to 31 March 2018**

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	48	9	4	6	58	8	9	15	157
Top Management	1	0	0	0	0	0	0	0	1
Senior Management	6	0	0	0	3	0	0	0	9
Professionally qualified and experienced specialists and mid-management	280	34	16	100	147	35	33	86	731
Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents	100	13	1	2	97	24	2	9	248
Semi-skilled and discretionary decision making	161	30	0	1	226	11	3	6	438
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0
Interns	9	2	0	0	35	2	0	0	48
<b>Total</b>	<b>605</b>	<b>88</b>	<b>21</b>	<b>109</b>	<b>566</b>	<b>80</b>	<b>47</b>	<b>116</b>	<b>1 632</b>
<b>Employees with disabilities</b>	4	0	0	0	3	1	0	0	8

**Table 3.6.4: Promotions for the period 1 April 2017 to 31 March 2018**

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Magistrates	20	5	4	0	19	8	7	1	64
Top Management	0	0	0	0	0	0	0	0	0
Senior Management	2	0	0	0	0	0	0	0	2
Professionally qualified and experienced specialists and mid-management	21	2	2	1	11	1	0	4	42

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Skilled technical and academically qualified workers, junior management, supervisors, foremen	16	1	1	1	11	1	0	4	35
Semi-skilled and discretionary decision making	8	0	0	0	2	0	0	0	10
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>67</b>	<b>8</b>	<b>7</b>	<b>2</b>	<b>43</b>	<b>10</b>	<b>7</b>	<b>9</b>	<b>153</b>
<b>Employees with disabilities</b>	0	0	0	1	0	0	0	0	1

**Table 3.6.5: Terminations for the period 1 April 2017 to 31 March 2018**

Occupational band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	0	0	0	1	0	0	0	0	1
Senior Management	12	2	1	6	9	0	0	0	30
Magistrates	18	0	1	25	14	2	2	7	69
Professionally qualified and experienced specialists and mid-management	309	39	17	104	174	42	32	94	811
Skilled technical and academically qualified workers, junior management, supervisors, foremen	157	16	2	1	159	28	4	41	408
Semi-skilled and discretionary decision making	219	40	4	4	291	46	10	19	633
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0
Interns	61	2	0	0	176	3	0	1	243
<b>Total</b>	<b>776</b>	<b>99</b>	<b>25</b>	<b>141</b>	<b>823</b>	<b>121</b>	<b>48</b>	<b>162</b>	<b>2 195</b>
Employees with disabilities	8	3	0	2	6	2	0	5	26

**Table 3.6.6: Disciplinary action for the period 1 April 2017 to 31 March 2018 (new cases lodged in the period)**

Disciplinary action	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
	352	31	5	26	183	21	15	33	666

**Table 3.6.7: Skills development for the period 1 April 2017 to 31 March 2018**

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	15	1	4	9	12	2	4	7	54
Professionals	555	76	22	82	469	111	78	136	1 529
Technicians and associate professionals	789	84	17	18	1 024	154	13	76	2 175
Clerks	1 266	206	26	28	2 316	346	32	153	4 373
Service and sales workers	8	4	0	6	5	3	2	4	32
Plant and machine operators and assemblers	0	0	0	0	0	0	0	0	0
Elementary occupations	327	7	4	2	251	20	6	11	628
<b>Total</b>	<b>2 960</b>	<b>378</b>	<b>73</b>	<b>145</b>	<b>4 077</b>	<b>636</b>	<b>135</b>	<b>387</b>	<b>8 791</b>
<b>Employees with disabilities</b>	4	0	0	0	2	0	0	3	9

### 3.7 Signing of performance agreements by SMS members

All members of the SMS are required to conclude and sign performance agreements by 31 May. The reasons for non-compliance with the prescribed time frames and disciplinary steps taken are presented below.

**Table 3.7.1: Signing of performance agreements by SMS members as on 31 May 2017**

SMS level	Total number of funded SMS posts per level	Total number of SMS members per level	Total number of signed performance agreements per level	Signed performance agreements as a percentage of total number of SMS members per level
NDPP	1	1	1	100.0
Salary level 16	1	1	1	100.0
Salary level 16 (not Head of Department)	5	5	3	60.0
Salary level 15	25	19	18	94.7
Salary level 14	243	193	180	93.3
Salary level 13	193	165	156	94.5
<b>Total</b>	<b>468</b>	<b>384</b>	<b>359</b>	<b>93.5</b>

**Table 3.7.2: Reasons for non compliance with PMDS requirements**

One official was seconded to the Presidency and 20 SMS members could not finalise and submit their performance agreement on time due to disagreements emanating from the content of their performance agreements. At the NPA, two SMS members were on special leave and one suspended.

**Table 3.7.3 Disciplinary steps taken against SMS members for not having concluded performance agreements as on 31 May 2017**

SMS members who signed performance agreements late forfeited the right to a performance incentive.

### 3.8 Performance rewards

The Department granted the following performance rewards during the year under review. The information is presented in terms of race, gender, disability status, salary bands and critical occupations.

**Table 3.8.1: Performance rewards by race, gender and disability for the period 1 April 2017 to 31 March 2018**

	Beneficiary profile			Cost	
	Number of beneficiaries	Total number of employees	Percentage of total within group	Cost (R'000)	Average cost per employee
<b>African</b>	3 392	15 462	21.9	<b>47 859</b>	14 109.50
Male	1 366	6 449	21.2	23 448	17 165.70
Female	2 026	9 013	22.5	24 411	12 048.90
<b>Asian</b>	161	776	20.7	<b>4 741</b>	29 444.80
Male	45	250	18.0	1 660	36 891.40
Female	116	526	22.1	3 080	26 556.00
<b>Coloured</b>	472	1 981	23.8	<b>8 519</b>	18 049.60
Male	150	667	22.5	3 544	23 629.70
Female	322	1 314	24.5	4 975	15 450.10
<b>White</b>	625	2 043	30.6	<b>17 333</b>	27 732.90
Male	148	638	23.2	6 401	43 249.90
Female	477	1 405	34.0	10 932	22 918.40
<b>Employees with disabilities</b>	70	383	18.3	1 051	15 018.90
<b>Total</b>	<b>4 720</b>	<b>20 645</b>	<b>22.9</b>	<b>79 180</b>	<b>16 775.40</b>

**Table 3.8.2: Performance rewards by salary bands for personnel below SMS for the period 1 April 2017 to 31 March 2018**

Salary bands	Beneficiary profile			Cost		Total cost as a percentage of the total personnel expenditure
	Number of beneficiaries	Number of employees	Percentage of total within salary bands	Total cost (R'000)	Average cost per employee	
Lower skilled (levels 1–2)	3	13	23.1	28	9 492.00	0.1
Skilled (levels 3–5)	2 267	10 474	21.6	15 984	7 050.73	0.1
Highly skilled production (levels 6–8)	2 682	5 000	53.6	18 244	6 802.39	0.1
Highly skilled supervision (levels 9–12)	871	3 951	22.0	27 022	31 024.11	0.3
<b>Total</b>	<b>5 823</b>	<b>19 438</b>	<b>30.0</b>	<b>61 278</b>	<b>10 523.44</b>	<b>0.1</b>



**Table 3.8.3: Performance rewards by occupations**

Critical occupation	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	Percentage of total within occupation	Total cost (R'000)	Average cost per employee
Administrative-related	228	549	41.5	5 649	24 780.40
Advocates	114	637	17.9	8 629	75 695.83
Attorneys	64	302	21.2	1 740	27 185.37
Building and other property caretakers	1	3	33.3	4	4 332.72
Bus and heavy vehicle drivers	0	8	0.0	0	0.00
Cleaners in offices, workshops, hospitals, etc.	11	85	12.9	66	6 053.59
Client information clerks (switchboard, receptionists, information clerks)	38	125	30.4	236	6 215.38
Communication and information-related	12	38	31.6	236	19 701.60
Computer programmers	1	2	50.0	15	15 230.88
Crime investigators	9	41	22.0	482	53 596.00
Finance and economics-related	99	252	39.3	1 967	19 864.09
Financial and related professionals	80	285	28.1	1247	15 587.97
Financial clerks and credit controllers	146	420	34.8	1 139	7 802.36
Food services aids and waiters	11	16	68.8	60	5 453.78
General legal administration and related professionals	232	771	30.1	4321	18 622.86
Head of Department/Chief Executive Officer	0	2	0.0	0	0.00
Human resources and organisational development and related professionals	18	62	29.0	250	13 881.71
Human resources clerks	98	261	37.5	1 087	11 094.39
Human resources-related	62	184	33.7	1 634	26 356.36
Information technology-related	13	47	27.7	391	30 043.52
Language practitioners, interpreters and other communication	94	410	22.9	1147	12 202.17
Legal related	48	187	25.7	1210	25 211.50
Librarians and related professionals	6	19	31.6	83	13 781.65
Library mail and related clerks	120	302	39.7	891	7 426.84
Light vehicle drivers	2	6	33.3	14	6 881.22
Logistical support personnel	22	55	40.0	750	34 097.15
Material-recording and transport clerks	22	81	27.2	156	7 105.04
Messengers, porters and deliverers	102	305	33.4	640	6 278.22

Critical occupation	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	Percentage of total within occupation	Total cost (R'000)	Average cost per employee
Other administration and related clerks and organisers	1 811	8 344	21.7	14 200	7 841.16
Other administrative policy and related officers	263	876	30.0	3 325	12 642.45
Other information technology personnel.	7	20	35.0	111	15 828.19
Prosecutor	383	2 518	15.2	18 332	47 864.64
Protection services	12	98	12.2	552	46 040.42
Risk management and security services	4	23	17.4	121	30 165.03
Secretaries and other keyboard operating clerks	212	638	33.2	2 649	12 494.59
Security guards	6	14	42.9	27	4 433.60
Security officers	68	265	25.7	494	7 257.99
Senior managers	59	354	16.7	3 738	63 353.40
Social sciences-related	0	1	0.0	0	0.00
Social work and related professionals	20	113	17.7	322	16 097.51
Translators and air traffic communicators	222	1 534	14.5	1 704	7 675.14
<b>Total</b>	<b>4 720</b>	<b>20 253</b>	<b>23.3</b>	<b>75 605</b>	<b>16 018.06</b>

**Table 3.8.4: Performance-related rewards (cash bonus) by salary band for SMS for the period 1 April 2017 to 31 March 2018**

Salary band	Beneficiary profile			Cost		
	Number of beneficiaries	Number of employees	Percentage of total within band	Total cost (R'000)	Average cost per employee	Total cost as a percentage of the total personnel expenditure
Band A	100	541	18.5	65 234	65 233.98	0.6
Band B	115	576	20.0	9 299	80 863.66	0.1
Band C	15	67	22.4	1 396	93 046.60	0.0
Band D	8	20	40.0	681	85 106.75	0.0
<b>Total</b>	<b>238</b>	<b>1 204</b>	<b>19.8</b>	<b>76 610</b>	<b>75 207.03</b>	<b>0.7</b>

\*The number includes OSD employees whose salary is in the SMS band

### 3.9 Foreign workers

The tables below summarise the employment of foreign nationals in the Department in terms of salary bands and by occupation.

**Table 3.9.1: Foreign workers by salary band for the period 1 April 2017 to 31 March 2018**

Salary band	1 April 2017		31 March 2018		Change	
	Number	Percentage of total	Number	Percentage of total	Number	Percentage change
Skilled (levels 3–5)	12	9.4	7	4.6	- 5.00	-20.8
Highly skilled production (levels 6–8)	3	2.4	1	0.7	- 2.00	-8.3
Highly skilled supervision (levels 9–12)	5	3.9	7	4.6	2.00	8.3
Other	106	83.5	136	90.1	30.00	125.0
SMS (levels 13–16)	1	0.8	0	0.0	- 1.00	-4.2
<b>Total</b>	<b>127</b>	<b>100.0</b>	<b>151</b>	<b>100.0</b>	<b>24.00</b>	<b>100.0</b>

**Table 3.9.2: Foreign worker by major occupation for the period 1 April 2017 to 31 March 2018**

Major occupation	1 April 2017		31 March 2018		Change	
	Number	Percentage of total	Number	Percentage of total	Number	Percentage change
Administrative office workers	115	90.6	141	93.4	26.00	108.3
Elementary occupations	1	0.8	0	0.0	- 1.00	-4.2
Professionals and managers	11	8.7	10	6.6	- 1.00	-4.2
<b>Total</b>	<b>127</b>	<b>100.0</b>	<b>151</b>	<b>100.0</b>	<b>24.00</b>	<b>100.0</b>

### 3.10 Leave utilisation

The following tables provide an indication of the use of sick leave and incapacity leave. In both cases, the estimated cost of the leave is also provided.

**Table 3.10.1: Sick leave for the period 1 January 2017 to 31 December 2017**

Salary band	Total days	Percentage days with medical certification	Number of employees using sick leave	Percentage of total employees using sick leave	Average days per employee	Estimated cost (R'000)
Lower skilled (levels 1–2)	210	89.0	51	0.3	4	113
Skilled (levels 3–5)	83 542	78.5	9 666	48.6	9	67 193
Highly skilled production (levels 6–8)	36 985	77.4	4 608	23.2	8	48 228
Highly skilled supervision (levels 9–12)	34 688	82.2	4 048	20.3	9	84 518
Top and senior management (levels 13–16)	11 367	81.4	1 412	7.1	8	44 577
Contract (other)	304	53.3	112	0.6	3	77
<b>Total</b>	<b>167 096</b>	<b>79.2</b>	<b>19 897</b>	<b>100.0</b>	<b>8</b>	<b>244 706</b>

**Table 3.10.2: Incapacity leave (temporary and permanent) for the period 1 January 2017 to 31 December 2017**

Salary band	Total days	Percentage days with medical certification	Number of employees using disability leave	Percentage of total employees using disability leave	Average days per employee	Estimated cost (R'000)
Skilled (levels 3–5)	12 799	99.9	502	54.2	25	10 484
Highly skilled production (levels 6–8)	6 325	100.0	227	24.5	28	8 151
Highly skilled supervision (levels 9–12)	5 149	99.6	129	13.9	40	12 717
Senior management (levels 13–16)	2 777	99.9	69	7.4	40	11 724
<b>Total</b>	<b>27 050</b>	<b>99.9</b>	<b>927</b>	<b>100.0</b>	<b>29</b>	<b>43 076</b>

The table below summarises the utilisation of annual leave. The wage agreement concluded with trade unions in the Public Service Coordinating Bargaining Council (PSCBC) in 2000 requires the management of annual leave to prevent high levels of accrued leave being paid at the time of termination of service.

**Table 3.10.3: Annual leave for the period 1 January 2017 to 31 December 2017**

Salary band	Total days taken	Average days per employee	Number of employees who took leave
Lower skilled (levels 1–2)	987	7	148
Skilled (levels 3–5)	239 127	22	11 094
Highly skilled production (levels 6–8)	127 734	22	5 737
Highly skilled supervision (levels 9–12)	122 927	23	5 315
Senior management (levels 13–16)	48 252	25	1 952
Contract other	1 544	6	248
<b>Total</b>	<b>540 571</b>	<b>22</b>	<b>24 494</b>

**Table 3.10.4: Capped leave for the period 1 January 2017 to 31 December 2017**

Salary band	Total days of capped leave taken	Average number of days taken per employee	Average capped leave per employee as at 31 December 2016	Number of employees who took capped leave
Lower skilled (levels 1–2)	0	0	0	0
Skilled (levels 3–5)	171	5	41	33
Highly skilled production (levels 6–8)	682	7	64	103
Highly skilled supervision (levels 9–12)	298	5	62	57
Senior management (levels 13–16)	638	12	45	54
<b>Total</b>	<b>1 789</b>	<b>7</b>	<b>52</b>	<b>247</b>

**Table 3.10.5: Leave payouts for the period 1 April 2017 to 31 March 2018**

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

Reason	Total amount (R'000)	Number of employees	Average per employee (R'000)
Capped leave payouts on termination of service for 2017/18	52 318	604	86 619.00
Current leave payout on termination of service for 2017/18	1 238	73	16 959.00
<b>Total</b>	<b>53 556</b>	<b>677</b>	<b>79 108.00</b>

### 3.11 HIV/Aids and health promotion programmes

**Table 3.11.1: Steps taken to reduce the risk of occupational exposure**

Units or categories of employees identified to be at high risk of contracting HIV and related diseases (if any)	Key steps taken to reduce the risk
<p>The Department does not have categories of employees identified to be at risk of being exposed to HIV infection due to the nature of their occupations.</p> <p>At the NPA, women, as extrapolated from the National Strategic Plan 2017–2022 and from Government Employees' Medical Scheme (GEMS) HIV counselling and testing (HCT) analysis reports.</p>	<p>Proactive general awareness sessions are conducted to empower employees on the implications of HIV and related diseases.</p> <p>The NPA organised activities during the 16 Days of Activism against Women and Children to create awareness.</p>

**Table 3.11.2: Details of health promotion and HIV and AIDS programmes (tick the applicable boxes and provide the required information)**

Question	Yes	No	Details, if yes
1. Has the Department designated a member of the SMS to implement the provisions contained in Section 55 of the Public Service Regulations, 2016? If so, provide his or her name and position.	Yes		Kedibone Tsolo: Director: employee Health and Wellness (EHWP) NPA: Ms Licky Dlodla: Director: HR Transformation
2. Does the Department have a dedicated unit or has it designated specific staff members to promote the health and wellbeing of its 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		The Directorate: EHWP with eight employees including the manager Budget: R14 000 000 <b>NPA</b> Three staff members and an external service provider with a national footprint.
3. Has the Department introduced an Employee Assistance or Health Promotion Programme for its employees? If so, indicate the key elements or services of this programme.	Yes		Proactive counselling, face-to-face counselling, stress management, financial management, trauma debriefing, health screening, supervisors' training <b>NPA</b> 1. Psychosocial Counselling and Support Services 2. Health Screening, Education and Awareness Programmes 3. Sport and Recreation Programme 4. Stress Trauma Management Programme 5. HIV Management Programme

Question	Yes	No	Details, if yes
4. Has the Department established (a) committee(s) as contemplated in Section 55(6)(d) of the Public Service Regulations, 2016? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.	Yes		<p>Isaac Koto: Employee Assistance programme (EAP)                      Kedibone Tsolo: Director: EHWP                      Rosemary Toka: Quality of Work Life                      Linda Malatsi: Safety, Health, Environment, Risk Management and Quality (SHERQ)</p> <p><b>NPA</b>                      FP Semanya: EHWP                      Nanki Shihlane, Khensani Manganyi: South Gauteng                      Bernard Masobela: North West                      Motshabi Mokonyane: North Gauteng                      Mfumaneke Mkela: Northern Cape</p>
5. Has the Department reviewed its employment policies and practices to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed.	Yes		<p>EAP                      HIV/AIDS                      EE Policy</p> <p><b>NPA</b>                      No policy review was conducted during the 2017/18 financial year.</p>
6. Has the Department introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of these measures.	Yes		<p>The information sessions conducted on HIV/Aids awareness are all-inclusive, irrespective of the status of employees</p> <p><b>NPA</b></p> <ol style="list-style-type: none"> <li>1. The Department has a policy statement to the effect that discrimination against employees on the basis of their HIV statement is prohibited in the Department.</li> <li>2. The Department offers awareness and dialogue sessions on HIV and Aids.</li> <li>3. Provision of on-site confidential HCT and health screening sessions to change the employee's negative attitude towards HIV and to minimise discrimination against HIV- positive employees.</li> </ol>
7. Does the Department encourage its employees to undergo voluntary counselling and testing? If so, list the results that you have you achieved.	Yes		<p>Those who wish to receive reasonable departmental accommodation report back after their results, but we do encourage everyone to utilise the support</p> <p><b>NPA</b>                      Provision of on-site counselling and testing clinics. A total of 754 staff members underwent voluntary counselling and testing.</p>

Question	Yes	No	Details, if yes
8. Has the Department developed measures or indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures/indicators.	Yes		<p>The report received from the service provider who conducts health screening is used as a monitoring and evaluation tool</p> <p><b>NPA</b> The NPA implements the DPSA's monitoring and evaluation tools of the Department, and of the Department of Public Service and Administration (DPSA): monthly and quarterly performance overview reports, DPSA's annual Integrated Employee Health and Wellness Reporting Tool. GEMS's incident report is compiled to measure service utilisation and risk analysis.</p>

### 3.12 Labour relations

**Table 3.12.1: Collective agreements for the period 1 April 2017 to 31 March 2018**

<b>Total collective agreements</b>	0
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The following table summarises the outcome of disciplinary hearings conducted within the Department for the year under review.

**Table 3.12.2: Misconduct and disciplinary hearings finalised for the period 1 April 2017 to 31 March 2018**

Outcomes of disciplinary hearings	Number	Percentage of total
Acquittal	23	7.6
Corrective counselling	1	0.3
Demotion	5	1.7
Deceased	2	0.7
Dismissal	53	17.5
Resignation	11	3.6
Suspended	56	18.5
Verbal warning	7	2.3
Not guilty	2	0.7
Written warning	52	17.2
Final warning	66	21.9
Set aside	1	0.3
Withdrawn	23	7.6
<b>Total</b>	<b>302</b>	<b>100.0</b>

**Table 3.12.3: Types of misconduct addressed at disciplinary actions and hearings for the period 1 April 2017 to 31 March 2018**

Type of misconduct	Number	Percentage of total
Absenteeism	2	0.5
Abscondment	5	1.2
Abuse of leave	18	4.3
Abuse of state property	11	2.6
Alcohol abuse	4	1.0
Assault	8	1.9
Bribery	2	0.5
Bringing the name of the NPA into disrepute	2	0.5
Corruption	21	5.0
Damage to state property	5	1.2
Defeating the ends of justice	2	0.5
Dereliction of duty	1	0.2
Discrimination	1	0.2
Dishonesty	32	7.7
Falsification of documents	1	0.2
Fraud	29	7.0
Incapacity due to ill health	1	0.2
Insubordination	48	11.5
Improper conduct	9	2.2
Influence of alcohol	2	0.5
Loss of state money	6	1.4
Maladministration	3	0.7
Misrepresentation	5	1.2
Misuse of state vehicle	3	0.7
Negligence	54	13.0
Poor performance	6	1.4
Sexual harassment	3	0.7
Theft	31	7.5
Unauthorised absence	40	9.6
Unethical behaviour	59	14.2
Withdrawal of matters	2	0.5
<b>Total</b>	<b>416</b>	<b>100.0</b>

**Table 3.12.4: Grievances lodged for the period 1 April 2017 to 31 March 2018 (overall cases)**

Grievances	Number	Percentage of total
Number of grievances resolved	307	78.9
Number of grievances not resolved	82	21.1
<b>Total number of grievances (finalised)</b>	<b>389</b>	<b>100</b>



**Table 3.12.5: Disputes lodged with councils for the period 1 April 2017 to 31 March 2018**

Number of dispute outcome	Number	Percentage of total
Number of disputes upheld	79	44.6
Number of disputes dismissed	98	55.4
Disputes (finalised)	177	100.0

**Table 3.12.6: Strike actions for the period 1 April 2017 to 31 March 2018**

Total number of person working days lost	0
Total cost (R'000) of working days lost	0
Amount (R'000) recovered as a result of no work no pay	0

**Table 3.12.7: Precautionary suspensions for the period 1 April 2017 to 31 March 2018**

Number of people suspended	50
Number of people whose suspension exceeded 30 days	45
Average number of days suspended (all cases)	608
Average number of days suspended (finalised cases)	632
Cost of suspension (R'000) (finalised cases)	R12 358
Cost of suspension (R'000) (all cases)	R14 591

### 3.13 Skills development

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

**Table 3.13.1: Training needs identified 1 April 2017 to 31 March 2018**

Occupational category	Gender	Number of employees as at 1 April 2017	Training needs identified at start of the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	150	0	45	27	72
Legislators, senior officials and managers	Male	209	0	40	35	75
Professionals	Female	3 112	0	759	85	844
Professionals	Male	2 999	0	995	0	995
Technicians and associate professionals	Female	1 254	21	946	8	975
Technicians and associate professionals	Male	755	85	695	7	787
Clerks	Female	8 101	223	1 620	35	1 878
Clerks	Male	3 897	200	1 266	0	1 466

Occupational category	Gender	Number of employees as at 1 April 2017	Training needs identified at start of the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Service and sales workers	Female	122	9	113	0	122
Service and sales workers	Male	332	5	185	0	190
Plant and machine operators and assemblers	Female	16	0	0	0	0
Plant and machine operators and assemblers	Male	292	0	0	0	0
Elementary occupations	Female	14	0	0	0	0
Elementary occupations	Male	24	0	0	0	0
Labour and related workers	Female	292	0	19	250	269
Labour and related workers	Male	338	0	19	250	269
<b>Gender subtotals</b>	<b>Female</b>	<b>13 045</b>	<b>253</b>	<b>3 502</b>	<b>405</b>	<b>4 160</b>
<b>Gender subtotals</b>	<b>Male</b>	<b>8 570</b>	<b>290</b>	<b>3 200</b>	<b>292</b>	<b>3 782</b>
<b>Total</b>		<b>21 907</b>	<b>543</b>	<b>6 702</b>	<b>697</b>	<b>7 942</b>

**Table 3.13.2: Training provided 1 April 2017 to 31 March 2018**

Occupational category	Gender	Number of employees as at 1 April 2017	Training provided within the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	150	0	31	0	31
Legislators, senior officials and managers	Male	209	0	27	0	27
Professionals	Female	3 112	0	171	0	171
Professionals	Male	2 999	0	111	0	111
Technicians and associate professionals	Female	1 254	0	1 215	0	1 215
Technicians and associate professionals	Male	755	0	905	0	905
Clerks	Female	8 101	297	2 506	0	2 803
Clerks	Male	3 897	133	1 386	0	1 519
Service and sales workers	Female	122	0	2	0	2
Service and sales workers	Male	332	0	3	0	3
Skilled agriculture and fishery workers	Female	0	0	0	0	0

Occupational category	Gender	Number of employees as at 1 April 2017	Training provided within the reporting period			
			Learner-ships	Skills programmes and other short courses	Other forms of training	Total
Craft and related trades workers	Female	0	0	0	0	0
Craft and related trades workers	Male	0	0	0	0	0
Plant and machine operators and assemblers	Female	16	0	0	0	0
Plant and machine operators and assemblers	Male	292	0	0	0	0
Elementary occupations	Female	14	0	0	0	0
Elementary occupations	Male	24	0	0	0	0
Labour and related workers	Female	292	0	38	241	279
Labour and related workers	Male	338	0	79	256	335
Gender subtotals	Female	13 061	297	3 963	241	4 501
Gender subtotals	Male	8 846	133	2 511	256	2 900
<b>Total</b>		<b>21 907</b>	<b>430</b>	<b>6 474</b>	<b>497</b>	<b>7 401</b>

### 3.14 Injury on duty

The following tables provide basic information on injury on duty.

**Table 3.14.1: Injury on duty for the period 1 April 2017 to 31 March 2018**

Nature of injury on duty	Number	Percentage of total
Required basic medical attention only	36	80
Pending investigation	0	0
Temporary total disablement	9	20
Permanent disablement	0	0
Fatal	0	0
<b>Total</b>	<b>45</b>	<b>100</b>

### 3.15 Utilisation of consultants

The following table relates to information on the utilisation of consultants in the Department.

In terms of the Public Service Regulations, “consultant” means a natural or juristic person or a partnership who or which provides, in terms of a specific contract, on an ad hoc basis, any of the following professional services to a Department against remuneration received from any source:

- The rendering of expert advice
- The drafting of proposals for the execution of specific tasks
- The execution of a specific task that is of a technical or intellectual nature, but excludes an employee of the Department.

**Table 3.15.1: Report on consultant appointments using appropriated funds for the period 1 April 2017 to 31 March 2018**

Project title	Total number of consultants that worked on the project	Duration: work days	Contract value in rand
RFB 2017 02: Appointment of a suitably qualified service provider to conduct research on the impact of the Child Justice Act, 2008 (Act 75 of 2008) since its implementation on 1 April 2010 until 31 March 2017 for a period of nine months.	4	188 work days nine months (1 February 2018 to 31 October 2018)	R2 757 888.00
<b>Total number of projects</b>	<b>Total individual consultants</b>	<b>Total duration: work days</b>	<b>Total contract value in rand</b>
1	4	188 work days nine months (1 February 2018 to 31 October 2018)	R2 757 888.00

**Table 3.15.2: Analysis of consultant appointments using appropriated funds, in terms of historically disadvantaged individuals for the period 1 April 2017 to 31 March 2018**

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that worked on the project
-	-	-	-

**Table 3.15.3: Report on consultant appointments using donor funds for the period 1 April 2017 to 31 March 2018**

Project title	Total number of consultants that worked on the project	Duration: work days	Contract value in rand
-	-	-	-
	Total individual consultants	Total duration: work days	Total contract value in rand
-	-	-	-

**Table 3.15.4: Report on consultant appointments using donor funds, in terms of HDIs for the period 1 April 2017 to 31 March 2018**

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that work on the project
-	-	-	-

### 3.16 Severance packages

**Table 3.16.1: Granting of employee initiated severance packages for the period 1 April 2017 to 31 March 2018**

Salary band	Number of applications received	Number of applications approved	Number of applications supported by the Minister of Public Service and Administration (MPSA)	Number of packages approved by Department
Lower skilled (levels 1–2)	0	0	0	0
Skilled (levels 3–5)	0	0	0	0
Highly skilled production (levels 6–8)	0	0	0	0
Highly skilled supervision (levels 9–12)	0	0	0	0
Senior management (levels 13–16)	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

RP403/2018

ISBN: 978-0-621-46839-7

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