



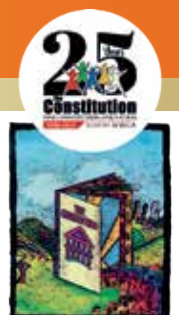
# ANNUAL REPORT 2020 | 21

*Department of Justice and Constitutional Development*



**the doj & cd**

Department:  
Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA



DEPARTMENT OF JUSTICE AND  
CONSTITUTIONAL DEVELOPMENT  
VOTE 21

ANNUAL REPORT  
2020/2021 FINANCIAL YEAR





# CONTENTS

|                                                                                   |           |                                                                                      |     |
|-----------------------------------------------------------------------------------|-----------|--------------------------------------------------------------------------------------|-----|
| <b>PART A: GENERAL INFORMATION</b>                                                | <b>5</b>  |                                                                                      |     |
| 1. DEPARTMENT GENERAL INFORMATION                                                 | 6         | 3. ACHIEVEMENT OF INSTITUTIONAL IMPACT AND OUTCOMES                                  | 39  |
| 2. LIST OF ABBREVIATIONS/ACRONYMS                                                 | 7         | 4. PROGRAMME PERFORMANCE INFORMATION                                                 | 42  |
| 3. FOREWORD BY THE MINISTER                                                       | 9         | REPORT AGAINST THE ORIGINALLY TABLED 2020/21 ANNUAL PERFORMANCE PLAN UNTIL JULY 2020 | 42  |
| 4. DEPUTY MINISTER STATEMENT                                                      | 11        | 4.1 Programme 1: Administration                                                      | 42  |
| 5. REPORT OF THE ACCOUNTING OFFICER                                               | 13        | 4.2 Programme 2: Court Services                                                      | 45  |
| 6. STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY FOR THE ANNUAL REPORT | 19        | 4.3 Programme 3: State Legal Services                                                | 49  |
| 7. STRATEGIC OVERVIEW                                                             | 20        | 4.4 Programme 5: Auxiliary and Associated                                            | 57  |
| 7.1. Vision                                                                       | 20        | REPORT AGAINST THE RE-TABLED 2020/21 ANNUAL PERFORMANCE PLAN IN JULY 2020            | 59  |
| 7.2. Mission                                                                      | 20        | 4.5 Programme 1: Administration                                                      | 59  |
| 7.3. Values                                                                       | 20        | 4.6 Programme 2: Court Services                                                      | 67  |
| 8. LEGISLATIVE AND OTHER MANDATES                                                 | 20        | 4.7 Programme 3: State Legal Services                                                | 77  |
| 9. ORGANISATIONAL STRUCTURE                                                       | 23        | 4.8 Programme 4: National Prosecuting Authority                                      | 95  |
| 10. ENTITIES REPORTING TO THE MINISTER                                            | 24        | 4.9 Programme 5: Auxiliary and Associated Services                                   | 105 |
|                                                                                   |           | 5. TRANSFER PAYMENTS                                                                 | 110 |
| <b>PART B: PERFORMANCE INFORMATION</b>                                            | <b>25</b> | 5.1. Transfer payments to public entities                                            | 110 |
| 1. AUDITOR GENERAL'S REPORT: PREDETERMINED OBJECTIVES                             | 26        | 5.2. Transfer payments to all organisations other than public entities               | 110 |
| 2. OVERVIEW OF DEPARTMENTAL PERFORMANCE                                           | 26        | 6. CONDITIONAL GRANTS                                                                | 111 |
| 2.1 Service Delivery Environment                                                  | 26        | 6.1. Conditional grants and earmarked funds paid                                     | 111 |
| 2.1.1 The Office of the Solicitor General                                         | 26        | 6.2. Conditional grants and earmarked funds received                                 | 111 |
| 2.1.2 Improvements in access to justice services                                  | 26        | 7. DONOR FUNDS                                                                       | 112 |
| 2.1.3 Improvements of administration in support of service delivery               | 28        | 7.1. Donor Funds Received                                                            | 112 |
| 2.1.4 The Office of the Family Advocate                                           | 29        | 8. CAPITAL INVESTMENT                                                                | 114 |
| 2.1.5 The Office of the Chief State Law Adviser                                   | 30        | 8.1. Capital investment, maintenance and asset management plan                       | 114 |
| 2.1.6 Extraditions and mutual legal assistance                                    | 30        |                                                                                      |     |
| 2.1.7 Expungements and Pardons                                                    | 31        |                                                                                      |     |
| 2.2 Service Delivery Improvement Plan                                             | 32        |                                                                                      |     |
| 2.3 Organisational environment                                                    | 34        |                                                                                      |     |
| 2.4 Key policy developments and legislative changes                               | 34        |                                                                                      |     |

## **PART C: GOVERNANCE** **119**

|                                                  |     |
|--------------------------------------------------|-----|
| 1. INTRODUCTION                                  | 120 |
| 2. RISK MANAGEMENT                               | 120 |
| 3. FRAUD AND CORRUPTION                          | 120 |
| 4. MINIMISING CONFLICT OF INTEREST               | 121 |
| 5. CODE OF CONDUCT                               | 121 |
| 6. HEALTH SAFETY AND ENVIRONMENTAL ISSUES        | 121 |
| 7. BUSINESS CONTINUITY MANAGEMENT                | 122 |
| 8. PORTFOLIO COMMITTEES                          | 123 |
| 9. SCOPA RESOLUTIONS                             | 134 |
| 10. PRIOR MODIFICATIONS TO AUDIT REPORTS         | 134 |
| 11. INTERNAL CONTROL UNIT                        | 135 |
| 12. INTERNAL AUDIT AND AUDIT COMMITTEES          | 135 |
| 13. AUDIT COMMITTEE REPORT                       | 136 |
| 14. B-BBEE COMPLIANCE PERFORMANCE<br>INFORMATION | 138 |

## **PART D: HUMAN RESOURCE MANAGEMENT** **139**

|                                          |     |
|------------------------------------------|-----|
| 1. LEGISLATION THAT GOVERN HR MANAGEMENT | 140 |
| 2. INTRODUCTION                          | 140 |

## **PART E: FINANCIAL INFORMATION** **173**

|                                  |     |
|----------------------------------|-----|
| 1. REPORT OF THE AUDITOR-GENERAL | 175 |
| 2. ANNUAL FINANCIAL STATEMENTS   | 182 |





**PART A**  
**GENERAL**  
**INFORMATION**

# 1. DEPARTMENT GENERAL INFORMATION

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**WEBSITE ADDRESS:** [www.justice.gov.za](http://www.justice.gov.za)

## 2. LIST OF ABBREVIATIONS/ACRONYMS

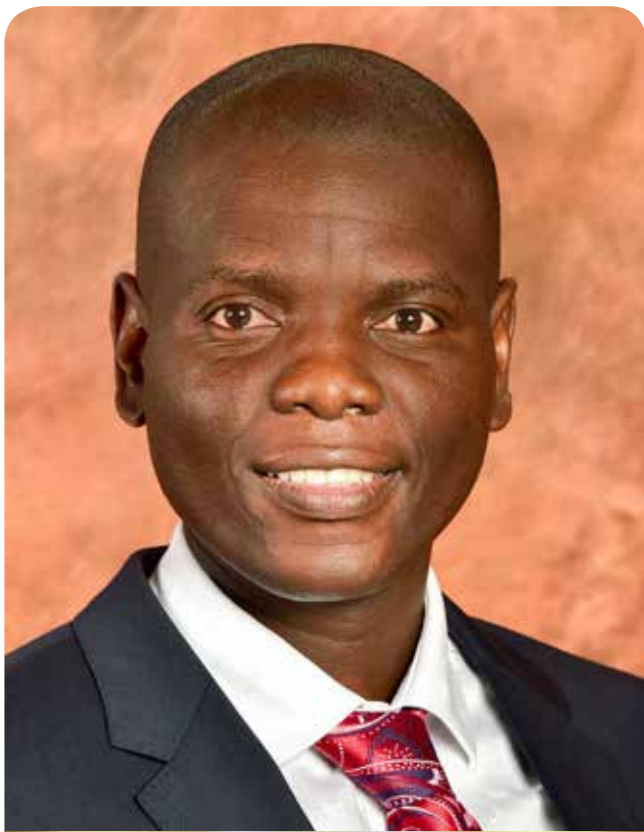
|                   |                                                            |               |                                                                                   |
|-------------------|------------------------------------------------------------|---------------|-----------------------------------------------------------------------------------|
| <b>ADR</b>        | Alternative Dispute Resolution                             | <b>DPWI</b>   | Department of Public Works & Infrastructure                                       |
| <b>ACTT</b>       | Anti-Corruption Task Team                                  | <b>DSD</b>    | Department of Social Development                                                  |
| <b>AFU</b>        | Asset Forfeiture Unit                                      | <b>DVA</b>    | Domestic Violence Amendment Bill                                                  |
| <b>AGSA</b>       | Auditor General South Africa                               | <b>DWYPD</b>  | Department of Women, Youth and Persons with Disabilities                          |
| <b>APP</b>        | Annual Performance Plan                                    | <b>EC</b>     | Eastern Cape                                                                      |
| <b>AVR</b>        | Audio-Visual Remand                                        | <b>EME</b>    | Exempted Micro Enterprise                                                         |
| <b>B-BBEE</b>     | Broad-based Black Economic Empowerment                     | <b>ERAP</b>   | Emergency Response Action Plan                                                    |
| <b>BCMI</b>       | Business Continuity Management Instruction                 | <b>ERM</b>    | Enterprise Risk Management                                                        |
| <b>BCSDI</b>      | Branch Coordination and Service Delivery Improvement       | <b>EWP</b>    | Employment Wellness Programme                                                     |
| <b>BEC</b>        | Bid Evaluation Committee                                   | <b>EXCO</b>   | Executive Management Committee                                                    |
| <b>BIA</b>        | Business Impact Analyses                                   | <b>FIC</b>    | Financial Intelligence Centre                                                     |
| <b>CARA</b>       | Criminal Assets Recovery Account                           | <b>GBV</b>    | Gender-Based Violence                                                             |
| <b>CAT</b>        | Convention Against Torture                                 | <b>GBVF</b>   | Gender-Based Violence and Femicide                                                |
| <b>CFO</b>        | Chief Financial Officer                                    | <b>GCIS</b>   | Government Communication and Information System                                   |
| <b>CJS</b>        | Criminal Justice System                                    | <b>HR</b>     | Human Resource                                                                    |
| <b>CLO</b>        | Chief Litigation Office                                    | <b>HRD</b>    | Human Resource Development                                                        |
| <b>COGTA</b>      | Department of Corporate Governance and Traditional Affairs | <b>HSRC</b>   | Human Sciences Research Council                                                   |
| <b>CPO</b>        | Court Preparation Officer                                  | <b>ICERD</b>  | International Convention on the Elimination of All Forms of Racial Discrimination |
| <b>CRMA</b>       | Criminal and Related Matters Amendment Act                 | <b>ICESCR</b> | International Covenant on Economic Social and Cultural Rights                     |
| <b>CTA</b>        | Certificate in the Theory of Accounting                    | <b>ICMS</b>   | Integrated Case Management System                                                 |
| <b>DBA</b>        | Doctor of Business Administration                          | <b>ICT</b>    | Information Communication and Technology                                          |
| <b>DBAC</b>       | Departmental Bid Adjudication Committee                    | <b>IDT</b>    | Independent Development Trust                                                     |
| <b>DCS</b>        | Department of Correctional Services                        | <b>IJS</b>    | Integrated Justice System                                                         |
| <b>DFI</b>        | Department of Justice Financial Instructions               | <b>ISM</b>    | Information System Management                                                     |
| <b>DG</b>         | Director-General                                           | <b>IT</b>     | Information Technology                                                            |
| <b>DHA</b>        | Department of Home Affairs                                 | <b>JCPS</b>   | Justice, Crime Prevention and Security                                            |
| <b>DIRCO</b>      | Department of International Relations and Cooperation      | <b>KPI</b>    | Key Performance Indicators                                                        |
| <b>DMP</b>        | Disaster Management Plan                                   | <b>KZN</b>    | KwaZulu-Natal                                                                     |
| <b>DoJ&amp;CD</b> | Department of Justice and Constitutional Development       | <b>LASA</b>   | Legal Aid South Africa                                                            |
| <b>DPCI</b>       | Directorate for Priority Crime Investigation               | <b>LERMS</b>  | Legal and Employee Relations Management Services                                  |
| <b>DPP</b>        | Director of Public Prosecutions                            | <b>LGBTI</b>  | Lesbian, Gay, Bisexual, Transgender and Intersex                                  |
| <b>DPSA</b>       | Department of Public Service and Administration            |               |                                                                                   |



|               |                                                       |
|---------------|-------------------------------------------------------|
| <b>LPA</b>    | Legal Practice Act                                    |
| <b>MBA</b>    | Master of Business Administration                     |
| <b>MEC</b>    | Member of Executive Council                           |
| <b>MMS</b>    | Middle Management Services                            |
| <b>MOVIT</b>  | Masters' Own Verification Technology                  |
| <b>MTSF</b>   | Medium Term Strategic Framework                       |
| <b>NAP</b>    | National Action Plan                                  |
| <b>NCOP</b>   | National Council of Provinces                         |
| <b>NDP</b>    | National Development Plan                             |
| <b>NDPP</b>   | National Director of Public Prosecutions              |
| <b>NEHAWU</b> | National Education, Health and Allied Workers' Union  |
| <b>NMDC</b>   | National Disaster Management Centre                   |
| <b>NOCIMT</b> | National Operation Centre Information Monitoring Tool |
| <b>NPA</b>    | National Prosecuting Authority                        |
| <b>NPS</b>    | National Prosecutions Service                         |
| <b>NRSO</b>   | National Register for Sexual Offenders                |
| <b>NSP</b>    | National Strategic Plan                               |
| <b>OCJ</b>    | Office of the Chief Justice                           |
| <b>OCM</b>    | Office of Chief Master                                |
| <b>OSA</b>    | Office of the State Attorney                          |
| <b>PAIA</b>   | Promotion of Access to Information Act                |
| <b>PDI</b>    | Previously Disadvantaged Individual                   |
| <b>PEAS</b>   | Paperless Estates Administration System               |
| <b>PEC</b>    | Public Education and Communications                   |
| <b>PFMA</b>   | Public Finance Management Act                         |
| <b>PIVA</b>   | Person Identification and Verification Application    |
| <b>POA</b>    | Programme of Action                                   |
| <b>POCA</b>   | Prevention of Organised Crime Act                     |
| <b>PPE</b>    | Personal Protective Equipment                         |
| <b>PPP</b>    | Public Private Partnership                            |
| <b>PPPFA</b>  | Preferential Procurement Policy Framework Act         |
| <b>PRVG</b>   | Promotion of the Rights of the Vulnerable Groups      |
| <b>PRVP</b>   | Protection of the Rights of Vulnerable Persons        |
| <b>QSE's</b>  | Qualifying Small Enterprises                          |

|               |                                                                      |
|---------------|----------------------------------------------------------------------|
| <b>RAP</b>    | Risk Adjusted Plan                                                   |
| <b>RDP</b>    | Reconstruction and Development Programme                             |
| <b>RICA</b>   | Regulation of Interception of Communications Act                     |
| <b>ROSC</b>   | Regional Operation Committee                                         |
| <b>SABC</b>   | South African Broadcasting Corporation                               |
| <b>SAHRC</b>  | South African Human Rights Commission                                |
| <b>SALRC</b>  | South African Law Reform Commission                                  |
| <b>SAPS</b>   | South African Police Service                                         |
| <b>SARS</b>   | South African Revenue Service                                        |
| <b>SASSA</b>  | South African Social Security Agency                                 |
| <b>SCA</b>    | Supreme Court of Appeal                                              |
| <b>SCC</b>    | Small Claims Court                                                   |
| <b>SCCCs</b>  | Specialised Commercial Crime Courts                                  |
| <b>SCM</b>    | Supply Chain Management                                              |
| <b>SCOPA</b>  | Standing Committee on Public Accounts                                |
| <b>SDPP</b>   | Special Director of Public Prosecutions                              |
| <b>SEJA</b>   | Socio-Economic Justice for All                                       |
| <b>SHERQ</b>  | Safety Health Environment Risk & Quality                             |
| <b>SIU</b>    | Special Investigating Unit                                           |
| <b>SMS</b>    | Senior Management Service                                            |
| <b>SOCA</b>   | Sexual Offences and Community Affairs                                |
| <b>SONA</b>   | State of the Nation Address                                          |
| <b>SOP</b>    | Standard Operating Procedure                                         |
| <b>SS</b>     | Support Services                                                     |
| <b>TCC</b>    | Thuthuzela Care Centre                                               |
| <b>TOR</b>    | Terms of Reference                                                   |
| <b>TRC</b>    | Truth and Reconciliation Commission                                  |
| <b>UNCRPD</b> | United Nations Convention on the Rights of Persons with Disabilities |
| <b>VPS</b>    | Virtual Platforms Solution                                           |
| <b>WLCT</b>   | Women's Legal Centre Trust                                           |
| <b>WSP</b>    | Workplace Skills Plan                                                |

### 3. FOREWORD BY THE MINISTER



**Mr. R. Lamola, MP**  
Minister of Justice and Correctional Services

For the financial year 2020/2021, the mandate of the Department of Justice and Constitutional Development remained, among other things, to enable the administration of justice and the promotion of constitutional development.

The Department's efforts to promote access to justice and the Constitution have involved a range of activities. Great strides have been made in establishing a total of six new Specialised Commercial Crime Courts in the provinces of Limpopo, Mpumalanga, North West and Northern Cape to reduce criminal case backlogs and promote the rule of law.

During the year under review, two new courts, Dimbaza Magistrate and Durban Point Family Court have been completed to increase access to justice.

The Asset Forfeiture Unit (AFU), a component of the National Prosecuting Authority (NPA), continues to make great strides in its endeavour to combat corruption by diverting gains earned through illicit means to programmes aimed at strengthening our criminal justice system.

The Department is in a process to overhaul the criminal justice system (CJS) in order to strengthen constitutional democracy. The terms of reference for CJS were developed for South African Law Reform Commission to commence with the review of CJS in the 2021/2022 financial year to accelerate the re-enactment of the Criminal Procedure Act.

Government has enacted victim-centric laws to fight gender-based violence and to protect citizens, especially vulnerable groups. South Africa remains unsafe for women and children. I have tabled the Domestic Violence Amendment Bill in Parliament. This Bill seeks to amend the provisions of the Domestic Violence Act, 1998 (Act No. 116 of 1998) (the Act), to address practical challenges, gaps and anomalies which have manifested themselves since the Act was put into operation in 1999. The Bill further proposes the introduction of online applications for domestic violence, among others.

In addition, the Criminal Law (Sexual Offences and Related Matters) Amendment Bill of 2020 was introduced in Parliament. The Bill proposes *inter alia*, to:

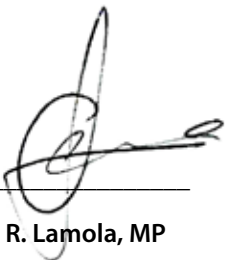
- expand the scope of the NRSO to include the particulars of all sex offenders. Currently, the NRSO registers sex offenders convicted of sex crimes against children and persons who are mentally disabled;
- expand the ambit to include other vulnerable persons, namely, female persons between the ages of 18 and 25, persons with physical, intellectual or mental disabilities and persons 60 years of age or older who, for example, receive community based care and support services; and
- increase the periods for which a sex offender's particulars must remain on the NRSO before they can be removed from the Register.

Steps to enhance the capacity of the Department are in progress. The appointment of the Director-General, Adv Doc Mashabane, happened during the time the Department was facing various challenges. I am optimistic that through his vast experience and leadership, the Department's performance and service delivery will improve in the next financial period.

The Department continues to implement rigorous measures in the medium and long term period to address these challenges, which include, but are not limited to the following:

- The rollout of programmes which will assist the Department to review the implementation of the constitution in so far as socioeconomic rights are concerned as well as systemic racism.
- Modernise and digitise South Africa's courts through the use of ICT that will enable the Department to improve access to justice services by making justice available through online channels and mobile applications.
- Strengthening the fight against fraud and corruption, by ensuring that the Specialised Commercial Crime Courts (SCCCs) are being extended to every province in the country which does not yet have a SCCC.
- The Department will strengthen its administrative capacity and practices and ensure that we improve our audit outcomes.

I would like to take this opportunity to thank Chief Justice Mogoeng Mogoeng and the entire judiciary, the Deputy Minister, Mr John Jeffrey, the Director-General, Adv Doc Mashabane and the staff of the Department, Adv Shamila Batohi and the staff of the NPA, the Chairperson and staff of Legal Aid South Africa, my Cabinet colleagues and members of the JCPS Cluster, the Portfolio Committee on Justice and Constitutional Development, the Chapter 9 institutions and all other stakeholders for their support.



**Mr. R. Lamola, MP**

Minister of Justice and Correctional Services

Date: 30 August 2021

## 4. DEPUTY MINISTER STATEMENT



**John Jeffery, MP**  
Deputy Minister of Justice and Correctional Services

It has been more than a year since we, as a nation, have had to grapple with the effects of the COVID-19 pandemic.

The pandemic has changed our daily lives in ways unimaginable and has also placed significant demands on the justice system to adapt and continue to function optimally under challenging conditions.

Our main focus remains the optimal functioning of our courts and the justice system as well as the protection of human rights and vulnerable groups in times of COVID-19.

We worked closely with the key stakeholders in our magistrates courts – the Chief Magistrates, the National Prosecuting Authority, Legal Aid SA, the Department of Correctional Services, the SAPS and the Department of Social Development to ensure that we finalise the maximum number of cases that we were able to, during this period under review.

The magistrates' courts continued to grapple with case backlogs which were already high even before the

pronouncement of the state of national disaster in March 2020. These backlogs increased during the hard lockdown. From the records kept by the Department, case backlogs stood at 53% and 48% in the regional courts and district courts respectively immediately before the announcement of the lockdown in March 2020.

By 31 March 2021, the backlogs had decreased to 48.87% and 14.14% in respect of the regional courts and the district courts respectively. This is because of the continued focus which the Department and our stakeholders have been putting on reducing the backlog cases and the prioritisation of matters involving Gender-Based Violence and Femicide, matters involving children as well as corruption-related matters. Matters where there were persons awaiting trial were also prioritised.

We continued with the implementation of measures to bring down the backlogs. As part of the measures underway, the Department has procured over 1 500 new laptops and the requisite data and IT equipment for use by magistrates. This yielded results as many cases, particularly civil matters, were dispensed with on virtual platforms during the hard lockdown. There were 37 572 matters where Audio-Visual Remand (AVR) was utilised as a virtual appearance method with the detainee in DCS custody in 2020/2021.

Our magistrates have to perform their duties at the very coalface of justice. The Department is presently refining a draft Magistrates Bill which is aimed at replacing the Magistrates Act of 1993, in order to engage with, and obtain the inputs of the interested role-players, including those of the superior courts' judiciary. We are also developing legislation, provisionally called the "Lower Courts Bill" that is aimed at replacing the Magistrates' Courts Act of 1944.

Progress has been made in this area of work which is intended to transform the statutory framework regulating the structure and functioning of the lower courts and enhancing the independence, impartiality, dignity, accessibility and effectiveness of the lower courts.

With regard to the sheriffs' profession, I want to convey my appreciation to the outgoing chairperson and members of the South African Board for Sheriffs for further enhancing the work of the sheriffs' profession and for the clean audits received during their term. I also want to welcome the new board and congratulate them on their appointment.



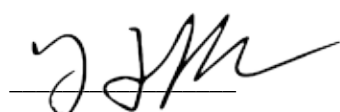
The year 2021 is an important year for the Information Regulator. In June last year, the President issued a proclamation to bring into effect a number of the remaining sections of the Protection of Personal Information Act 4 of 2013 (POPIA) on 1 July 2020. The last two sections, Sections 110 and 114(4), commenced on 30 June this year. In short, private and public bodies have had to ensure compliance with the Act by 1 July this year.

I would like to pay tribute to the various officials and magistrates who continue to serve the public and ensure access to justice for all during this pandemic. Sadly, many have passed away during the pandemic and we wish to convey our sincerest condolences to the families of these officials and magistrates.

As we celebrate the 25<sup>th</sup> Anniversary of our Constitution – a Constitution which has been lauded around the world as being one of the most progressive – it is an opportune time to reflect on how far we have come as a nation.

Over the past 24 years, our 1996 Constitution has enjoined us to the attainment of human rights for all and respect for the rule of law.

But there is still much more to be done. Poverty, inequality and discrimination stand in the way of the full attainment of the society we are trying to create – a society where every single person can claim freedom and human dignity as their own.



**John Jeffery, MP**

Deputy Minister of Justice and Correctional Services

Date: 30 August 2021

## 5. REPORT OF THE ACCOUNTING OFFICER



### Overview of the operations of the Department

It is my great honour and privilege to present the Department of Justice and Constitutional Development's 2020/21 Annual Report and to provide an overview of the operations of the Department. Our Constitutional mandate is to uphold and protect the Constitution and the rule of law. The two key strategic focuses of the Department are to modernise the justice system to increase access to justice services and the advancement of the Constitution, human rights and rule of law. The Department will be commemorating the 25th Anniversary of the Constitution in the coming financial year 2021/22.

In addition, the Department is committed to improving the overall administration in order to deliver services to the public and achieve an unqualified audit opinion for the Budget Vote and its pre-determined objectives.

The Department has been grappling with declining performance for the last three years in succession as a result of the many challenges it faces. Paramount were the delays experienced in filling critical vacant positions, unforeseeable operational issues, and the resultant audit qualifications. This has impacted on the overall performance. Being proactive, the Department developed a turnaround plan and determinedly implemented it to address these challenges.

The efforts put in place have begun to bear fruit as evidenced by the Department's improved performance, from 51% in 2019/2020 to 66% in the 2020/2021 financial period. We are cognizant of the fact that we will need to work at a fast pace and collectively as a team, and we are committed to doing so. I have no doubt that the Department's performance will improve significantly in 2021/2022.

The fight against the scourge of gender-based violence and femicide continues to be a priority. Three Bills, namely, the Criminal Law (Sexual Offences and Related Matters) Amendment Bill, 2020, the Criminal and Related Matters Amendment Bill, 2020 and the Domestic Violence Amendment Bill were introduced in Parliament to deal with issues relating to gender-based violence and femicide.

The Domestic Violence Bill introduces the modernisation of essential processes in a radical form. If passed, our Domestic Violence Bill will make it possible for one to apply for a protection order online. This represents a giant leap forward in the fight against gender-based violence and femicide. Already in January 2021, the Department introduced the SMS notification system for applications of domestic violence and harassment protection orders, in its efforts to facilitate and modernise processes for those at risk. The Department is currently monitoring the SMS service in terms of the volumes and the success rate of SMSes sent from the system.

The Department initiated the process of reviewing and amending the Criminal Procedure Act, legislated in 1977, to ensure that it meets the challenges and norms and standards of our current society.

During the financial year under review, the Department completed phase 3 of Femicide Watch, which is a special monitoring system to highlight and track violent crimes committed against women.

To advance Constitutionalism and human rights, our Department will be continuing with various Constitutional awareness and human rights education programmes, aimed at protecting the rights of LGBTQI+ persons. A total of 18 awareness sessions were conducted during the period under review. In addition, six anti-xenophobia campaigns were conducted in collaboration with key role-players to focus on the protection of the rights of migrants, refugees, asylum seekers and stateless persons in different communities and through virtual platforms.

By the end of the financial year, the Durban (Point) Family Branch Court in KwaZulu-Natal and the Dimbaza Magistrate's Court in Eastern Cape's new buildings were completed, thus increasing access to justice services.

The Department continues to play a crucial role in the fight against corruption, particularly through its implementation of the anti-corruption strategy. Part of the Department's responsibility in combating corruption, is ensuring the effective and optimal functioning of the Specialised Commercial Crime Courts (SCCCs) which the current MTFS envisages as being extended to every province in the country,

which does not yet have an SCCC. A total of six new SCCC's in the provinces of Limpopo (3), Mpumalanga (1), North West (1) and Northern Cape (1) were established. Every province now has SCCC's.

To improve the administration of the courts, the Cashless Court Solution was deployed to a total of 25 courts.

The retired Judge Sirajudien Desai was appointed as the Legal Services Ombud in terms of S 47 of the Legal Practice Act 28 of 2014 (LPA) to protect and promote the public interest in relation to the rendering of legal services.

## Overview of the financial results of the department:

### Departmental receipts

| Departmental receipts                                | 2020/21        |                         |                          | 2019/20        |                         |                          |
|------------------------------------------------------|----------------|-------------------------|--------------------------|----------------|-------------------------|--------------------------|
|                                                      | 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 | 106 050        | 118 949                 | (12 899)                 | 153 069        | 173 075                 | (20 006)                 |
| Transfers received                                   | -              | 1 422                   | (1 422)                  | -              | 6 525                   | (6 525)                  |
| Fines, penalties and forfeits                        | 172 383        | 191 246                 | (18 863)                 | 207 202        | 211 573                 | (4 371)                  |
| Interest, dividends and rent on land                 | 6 136          | 3 066                   | 3 070                    | 10 500         | 11 030                  | (530)                    |
| Sale of capital assets                               | -              | 282                     | (282)                    | 4 000          | 5 612                   | (1 612)                  |
| Financial transactions in assets and liabilities     | 29 906         | 22 370                  | 7 536                    | 13 312         | 15 713                  | (2 401)                  |
| <b>Total</b>                                         | <b>314 475</b> | <b>337 335</b>          | <b>(20 097)</b>          | <b>388 083</b> | <b>423 528</b>          | <b>(35 445)</b>          |

### Programme expenditure

| Programme name                                 | 2020/2021           |                    |                           | 2019/2020           |                    |                          |
|------------------------------------------------|---------------------|--------------------|---------------------------|---------------------|--------------------|--------------------------|
|                                                | 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                                 | 2 920 749           | 2 704 685          | 216 064                   | 2 589 469           | 2 537 688          | 51 781                   |
| Court Services                                 | 6 373 234           | 6 204 613          | 168 621                   | 6 595 401           | 6 428 654          | 166 747                  |
| State Legal Services                           | 1 454 823           | 1 374 690          | 80 133                    | 1 544 762           | 1 295 058          | 249 704                  |
| National Prosecuting Authority                 | 4 300 819           | 4 196 852          | 103 967                   | 4 134 650           | 4 009 197          | 125 453                  |
| Auxiliary & Associated Services                | 3 616 658           | 3 404 641          | 212 017                   | 3 917 224           | 3 917 223          | 1                        |
| <b>Programme Sub - Total</b>                   | <b>18 666 283</b>   | <b>17 885 481</b>  | <b>780 802</b>            | <b>18 781 506</b>   | <b>18 187 820</b>  | <b>593 686</b>           |
| Statutory appropriation: Magistrates' Salaries | 2 442 459           | 2 146 761          | 295 698                   | 2 263 695           | 2 100 166          | 163 529                  |
| <b>Total</b>                                   | <b>21 108 742</b>   | <b>20 032 242</b>  | <b>1 076 500</b>          | <b>21 045 201</b>   | <b>20 287 986</b>  | <b>757 215</b>           |

The Department's final expenditure for the financial year 2020/2021 amounted to R20.032 billion against the final appropriation amounting to R21.109 billion. This translates to an expenditure performance of 94.9 percent and the resultant underspending of R1.077 billion. The recorded performance is 1.5 percent below the previous financial year performance of 96.4 percent.

- Vacant posts across all programmes and the magistrates' salaries, delays in the implementation of the youth and aspirant prosecutors programme and lower than anticipated payment of performance bonuses;
- Proper management of private leases and expenditure in the Commission of Inquiry into the State Capture resulting in less than anticipated expenditure;

- Delays in the execution of planned procurement activities for justice modernisation;
- Lower than expected payment for leave gratuity resulting from natural attrition for magistrates;
- Underperformance of IJS/CJS member departments which have been seriously impacted by COVID-19 restrictions; and
- Slow progress by the Department of Public Works and Infrastructure in the implementation of planned court infrastructure projects due to COVID-19 regulations.

#### Virements/rollovers

The Department did not receive rollovers during the financial year 2020/2021.

The below table provides a summary of virements implemented at financial year-end.

| VIREMENT APPROVED IN TERMS OF SECTION 43: 2020/21 FINANCIAL YEAR |                  |             |                |
|------------------------------------------------------------------|------------------|-------------|----------------|
| From                                                             |                  | To          |                |
| Programmes                                                       | Amount '000      | Programmes  | Amount '000    |
| <b>Programme 2</b>                                               |                  |             |                |
| Virements/shifts between the programmes                          | (138 032)        | Programme 1 | 127,378        |
|                                                                  |                  | Programme 3 | 354            |
|                                                                  |                  | Programme 4 | 10,300         |
| <b>Total</b>                                                     | <b>(138,032)</b> |             | <b>138,032</b> |
| <b>Programme 3</b>                                               |                  |             |                |
| Virements/shifts between the programmes                          | (113)            | Programme 4 | 113            |
| <b>Total</b>                                                     | <b>(113)</b>     |             | <b>113</b>     |
| <b>Programme 5</b>                                               |                  |             |                |
| Virements/shifts between the programmes                          | (314,544)        | Programme 1 | 166,765        |
|                                                                  |                  | Programme 2 | 285            |
|                                                                  |                  | Programme 3 | 123,967        |
|                                                                  |                  | Programme 4 | 23 527         |
| <b>Total</b>                                                     | <b>(314,544)</b> |             | <b>314,544</b> |
| <b>Total Virements</b>                                           | <b>(452,689)</b> |             | <b>452,689</b> |

#### Reason for the virement

##### Programme 1

The programme's net underspending amounts to R216.1 million which is mainly on goods and services. The underspending is utilised as follows:

- Compensation of employees: a savings amounting to R2.7 million is shifted to defray excess expenditure on transfers and subsidies within the programme.
- Goods and services: a savings amounting to R7.2 million

is shifted to payments for capital assets to defray excess expenditure mainly caused by the procurement of additional server in the Commission of Inquiry into the Allegations of State Capture.

##### Programme 2

The programme's net underspending amounts to R168.6 million which is mainly on compensation of employees and payments for capital assets. The underspending is utilised as follows:



- Compensation of employees: a savings amounting to R7.8 million is shifted to defray excess expenditure on transfers and subsidies within the programme.
- Goods and services: a savings amounting to R10.7 million is shifted to defray excess expenditure on payments for financial assets within the programme.

Further, a savings of R23 million is shifted out of the programme as follows:

- Goods and services: a savings amounting to R9.9 million is shifted to goods and services on programme 3 (R354 thousand) to defray excess expenditure on legal costs, (R7.8 million) on programme 4 to defray excess expenditure on subscription fees as well as payment for financial assets (R1.7 million), still in the latter programme.
- Payment for capital assets: a savings amounting to R13 million is shifted to payments for capital assets in programme 1 (R12.4 million) to defray excess expenditure on procurement of laptops and (R671 thousand) to programme 4 to defray excess expenditure on same.
- Transfers and subsidies: a savings amounting to R119 thousand is shifted out of the programme to defray excess expenditure on transfers and subsidies in programme 4.

In total, the programme is shifting out an amount of R23 million.

### Programme 3

The programme's net underspending amounts to R80.1 million. The underspending is utilised as follows:

- Compensation of employees: a savings amounting to R353 thousand is shifted to defray excess expenditure on transfers and subsidies within the programme.
- Goods and services: a savings amounting to R601 thousand is shifted to defray excess expenditure on payments for financial assets within the programme.

A further saving on transfers and subsidies amounting to R113 thousand is shifted out of the programme to defray

excess expenditure on transfers and subsidies in programme 4.

In total, the programme is shifting out an amount of R113 thousand.

### Programme 4

The programme's net underspending amounts to R104 million.

- Compensation of employees: a savings amounting to R3 million is shifted to defray excess expenditure on transfers and subsidies within the programme.

### Programme 5

The programme's net underspending amounts to R212 million. The underspending is utilised as follows:

- Goods and services: a savings amounting to R1.3 million is shifted to defray excess expenditure on payment for capital assets within the programme.
- A further savings on goods and services amounting to R312 million is shifted out of the programme to defray excess expenditure on goods and services in programme 1 (R166.7 million), programme 3 (R123.3 million) and programme 4 (R22 million).

In total, the programme is shifting out an amount of R312 million.

### Irregular expenditure

The closing balance for the irregular expenditure as at 31 March 2021 amounted to R2.063 billion. During the period under review, a total of 34 new cases amounting to R75 million were detected and reported to National Treasury. In total, irregular expenditure increased by R401.6 million during the financial year 2020/2021.

The increase includes expenditure amounting to R140.3 million for the previous financial years incurred by the Department as per the table below:

| Year Award | Description                              | Description of Movement | Amount     | Reason Irregular                                                                                                  |
|------------|------------------------------------------|-------------------------|------------|-------------------------------------------------------------------------------------------------------------------|
| 2019/20    | Procurement of catering and stationary   | New                     | 15 646     | Non-adherence to Supply Chain Processes                                                                           |
|            | Local online and electronic publications | New                     | 963 354    | Prior approval to commit expenditure not obtained in contravention with section 8.2.1 of the Treasury Regulations |
|            | Lease Photocopiers                       | New                     | 70 976     | Non-compliance with RT3-2018                                                                                      |
|            | ICT Services                             | New                     | 17 592 568 | Declaration of Interest no Declared                                                                               |
|            | Travel and Accommodation                 | New                     | 21 823     | Prior approval to commit expenditure not obtained in contravention with section 8.2.1 of the Treasury Regulations |

| Year Award   | Description                                | Description of Movement | Amount             | Reason Irregular                                                                                                                          |
|--------------|--------------------------------------------|-------------------------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
|              | IJS Transversal skills resourcing services | New                     | 35 244 649         | Deviation to exceeds the 15% threshold not obtained from National Treasury                                                                |
|              | Appointment of Counsel                     | Increase                | 74 762 013         | Non-compliance with Section 2 of the PPPFA with the procurement of outsourced legal services (departure from competitive bidding process) |
|              | Renewal of software license - K2 License   | New                     | 11 624 771         | Prior approval from National Treasury to deviate not obtained                                                                             |
| <b>Total</b> |                                            |                         | <b>140 295 800</b> |                                                                                                                                           |

During the 2020/2021 financial year, nine cases of irregular expenditure to the value of R2.089 million were condoned by National Treasury where the Department implemented appropriate corrective action and consequence management. Seven cases to the value of R95.3 thousand were confirmed as not irregular and removed from the Department's lead schedule.

Irregular expenditure to the value of R667 million is currently under investigation by the Special Investigations Unit for possible fraud and collusion. Thirty-three cases to the value of R429 million are under disciplinary process by the Department.

Engagement meetings were held during February and March 2021 with various branches to address the root causes of the irregular expenditure and provide solutions in order to prevent future reoccurrences of irregular expenditure.

#### **Fruitless and wasteful expenditure**

The closing balance for the fruitless and wasteful expenditure as at 31 March 2021 amounted to R2,415 million. During the period under review, a total of 18 new cases amounting to R18 thousand were detected and reported to National Treasury. Eighty-Seven reported cases to the value of R65 thousand were written off where responsible officials either resigned, were witnesses from other entities or members of the public could not be traced by the Department. Expenditure to the value of R3 thousand was resolved as not fruitless or wasteful while R36 thousand was recovered from responsible officials.

#### **Strategic focus over the short to medium term period**

- Modernising and increasing access to justice services
- Commitment to build and deepen Constitutionalism, respect for human rights and rule of law
- Implementation of the National Action Plan to combat racism, racial discrimination, xenophobia and related intolerance in order to advance constitutionalism, human rights and the rule of law

- Addressing the scourge of gender-based violence and femicide (GBVF) against women and children
- Provision of facilities (offices/courts/service points) that are accessible to persons with disabilities as required by building regulations
- Transformation of state legal services to improve effectiveness and efficiency through the implementation of the State Attorney Amendment Act, 2014 (Act No. 13 of 2014)
- Transformation of the legal profession and improvement of the audit outcomes in respect of the vote account and pre-determined objectives.
- Improving the departmental performance
- Strengthening the fight against fraud and corruption by ensuring that the Specialised Commercial Crime Courts (SCCCs) are being extended to every province in the country which does not yet have a SCCC
- Reduction of case backlogs in the criminal justice system by developing solutions which will allow effective and optimal operation of the courts
- Implementation of an integrated education campaign that will profile justice services through the use of a variety of multimedia communication to improve citizens' experience of justice services

#### **Public-private partnerships**

None

#### **Discontinued key activities/activities to be discontinued**

None

#### **New or proposed key activities**

None

#### **Supply chain management (SCM)**

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

The Department has not concluded any unsolicited bid proposal agreements during the year under review.

#### **SCM processes and systems in place to prevent irregular expenditure:**

The Department has not concluded any unsolicited bid proposal agreements during the year under review.

#### **SCM processes and systems in place to prevent irregular expenditure:**

- Officials signing of code of conduct;
- Availability of vault for safeguard of tender documentations;
- Security personnel allocated at the entrance of the vault;
- Vault keys are being kept at the office of the acting CFO;
- SCM officials attending training at Palama or School of Government;
- Having incoming and outgoing register, both manually and electronically, for procurement less than R 500 000;
- Extension of contracts due to protracted procurement procedures to ensure tighter quality assurance processes for all procurement above R10 million; and
- Procurement systems has been put in place for ensure compliance with PFMA.

#### **Challenges experienced in SCM and how they were resolved**

- Resistance of some officials to participate in bid committees;
- Poor contract management processes and controls; and
- Poor security of bid records in the vault, resulting in a loss of records in some instances.

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

- Flowers from a client (Masters office EC) – R100.00
- Basket of biscuits from a client (Masters office EC) – R150.00
- Bottle of whiskey from a client (Masters office EC) – R150.00
- Perfume from Mrs Dickenson (retired magistrate) (KZN region) – R850.00

#### **Exemptions and deviations received from the National Treasury**

The Department requested the exemption from PFMA. Section 79 states that National Treasury may on good grounds approve a departure from treasury regulation or instructions or any conditions imposed in terms of PFMA

and must promptly inform the office of Auditor General in writing when it does so. The approval was granted to the office of State Attorney to depart from treasury regulations or instructions only as far as following a normal bidding process in procuring legal and ancillary services (any professional who may be called upon for the purpose of providing an expert opinion, report or appear as a witness in court proceedings) is concerned.

The approval to depart from a normal bidding process is effective from 20th of August 2019 until 31 March 2021 and subject to the following conditions:

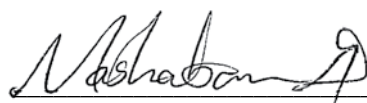
1. For legal and associate ancillary services, other than services for urgent court applications;
2. For services in respect of urgent court applications, a service provider may be appointed without obtaining three quotations; and
3. As far as possible, it must be endeavoured to appoint persons historically disadvantaged by unfair discrimination on the basis of race, gender or disability as envisaged in section 2(1)(d)(i) of the PPPFA.

National Treasury through the office of Chief Director: SCM Strategic procurement, will assist the Department to procure services providers for legal and ancillary services with whom the framework contracts will be entered into.

#### **Events after the reporting date**

None

In conclusion, the effects of the global pandemic presented us with unprecedented challenges. We had to find new ways of providing justice services to the public. My deepest gratitude goes to the Department of Justice and Constitutional Development staff, particularly those working at the front line of service delivery, for their continued, collective commitment to providing services to the public during this difficult period towards the achievement of our mandate and strategic outcomes.



**Adv. Doc Mashabane**

Accounting Officer

Date: 30 August 2021

## 6. STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY FOR THE ANNUAL REPORT

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

All information and amounts disclosed throughout the annual report are consistent.

The annual report is complete, accurate and is free from any omissions.

The annual report has been prepared in accordance with the guidelines on the annual report as issued by National Treasury.

The annual financial statements (Part E) have been prepared in accordance with the modified cash standard and the relevant frameworks and guidelines issued by the National Treasury.

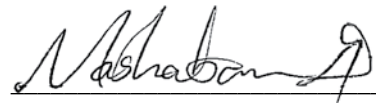
The accounting officer is responsible for the preparation of the annual financial statements and for the judgements made in this information.

The accounting officer is responsible for establishing and implementing a system of internal control that has been designed to provide reasonable assurance as to the integrity and reliability of the performance information, the human resources information and the annual financial statements.

The external auditors are engaged to express an independent opinion on the annual financial statements.

In my opinion, the annual report fairly reflects the operations, the performance information, the human resources information and the financial affairs of the Department for the financial year ended 31 March 2021.

Yours faithfully



**Adv. Doc Mashabane**

Accounting Officer

Date: 30 August 2021



## 7. STRATEGIC OVERVIEW

### 7.1. Vision

Enabling access to justice, advancement of constitutionalism, respect for human rights and the rule of law.

### 7.2. Mission

An accessible justice system in a vibrant and evolving constitutional democracy

### 7.3. Values

The Department has the following values:

- i. Commitment to constitutional values and a culture of human rights
- ii. Promotion of the rule of law
- iii. Batho Pele
- iv. Good governance
- v. Ubuntu
- vi. Professionalism and continuous improvement
- vii. Transparency

## 8. 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, namely, Section 9 on Equality; Section 12 on Freedom and Security of the person; Section 14 on Privacy; Section 28 on Children; Section 32 on Access to Information; Section 33 on Just Administrative Action; Section 34 on Access to Courts; and Section 35 on "Arrested, Detained and Accused Persons. The legislative mandate of the Department flows from these constitutional provisions, all of which are aimed at advancing and sustaining constitutionalism and the rule of law.

The legislative mandate can be broadly categorised into (i) Courts and the administration of justice; (ii) Other legislation

crucial to the administration of justice and (iii) Legislation for the promotion, protection and enforcement of human rights.

### Courts and administration of justice

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

The following are legislations providing for the establishment and functioning of superior courts and lower courts as well as other courts designated to deal with specialised cases which are both at the level of the High Court and Magistrates Courts:

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

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

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

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

- The National Prosecuting Authority Act, 1998 (Act 32 of 1998), provides for the establishment of a single national prosecuting authority in accordance with the provisions of Section 179 of the Constitution. Provision is, among others, made for the structure and composition of a single national prosecuting authority; the appointment, remuneration and conditions of service of members of the prosecuting authority; and the powers, duties and functions of such members.
- The Special Investigating Units and Special Tribunals Act, 1996 (Act 74 of 1996), provides for the establishment, composition, functions and powers of special investigating units for the purpose of investigating serious malpractices or maladministration in connection with the administration of state institutions, state assets and public money as well as any conduct which may seriously harm the interests of the public and for the establishment of special tribunals through which money owed to the state can be claimed.
- The Prevention of Organised Crime Act, 1998 (Act 121 of 1998), introduces measures to combat organised crime, money laundering and criminal gang activities and prohibits certain activities relating to racketeering activities. Provision is made for the prohibition of money laundering and for an obligation to report certain information. The Act also criminalises certain activities associated with gangs and provides, 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 a criminal assets recovery account.

- Legislation regulating the provisioning of legal services to government departments. The State Attorney Amendment Act 13 of 2014 amended the State Attorney Act, 1957, to make provision for the establishment of offices of State Attorney; the appointment of a Solicitor-General and State Attorneys; the powers of the Minister relating to the functions of the offices of State Attorney; and provides for the powers and functions of the Solicitor-General; and matters connected therewith.
- The Legal Practice Act, 2014 (Act 28 of 2014) aims to introduce a legislative framework for the transformation and restructuring of the legal profession in line with constitutional imperatives so as to facilitate and enhance an independent legal profession that broadly reflects the diversity and demographics of the Republic.
- Legislation providing for the establishment of bodies responsible for law reform and rulemaking: The South African Law Reform Commission Act, 1973 (Act 19 of 1973) and the Rules Board for Courts of Law Act, 1985 (Act 107 of 1985).
- Legislation providing for the administration of estates: The Act provides for the appointment of masters of the High Court and the administration of the Guardian's Fund and deceased estates (the Administration of Estates Act, 1965 (Act 66 of 1965), and the making of regulations prescribing the procedure to be observed in connection with insolvent estates and determine policy for the appointment of a curator bonis, trustee, provisional trustee or co-trustee by the Master of the High Court (Insolvency Act, 1936 (Act 24 of 1936);

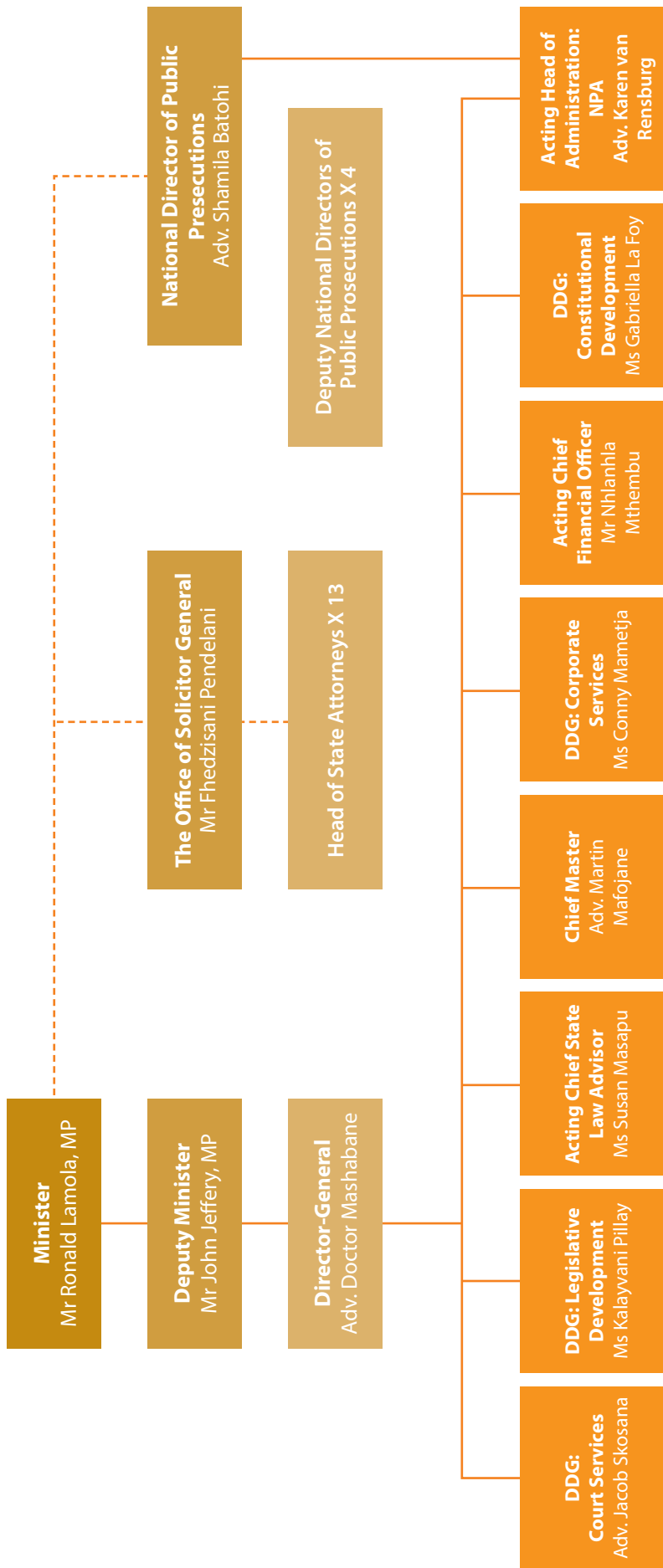
#### **Legislation for the promotion, protection and enforcement of human rights as derived from the Bill of Rights**

The following are 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), gives effect to Section 9 of the Constitution by providing for, among others, the equal enjoyment of all rights and freedoms by every person; the promotion of equality; the values of non-racialism and non-sexism contained in Section 1 of the Constitution; the prevention of unfair discrimination and protection of human dignity as contemplated in Sections 9 and 10 of the Constitution; and the prohibition of advocacy of hatred, based on race, ethnicity, gender

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

## 9. ORGANISATIONAL STRUCTURE

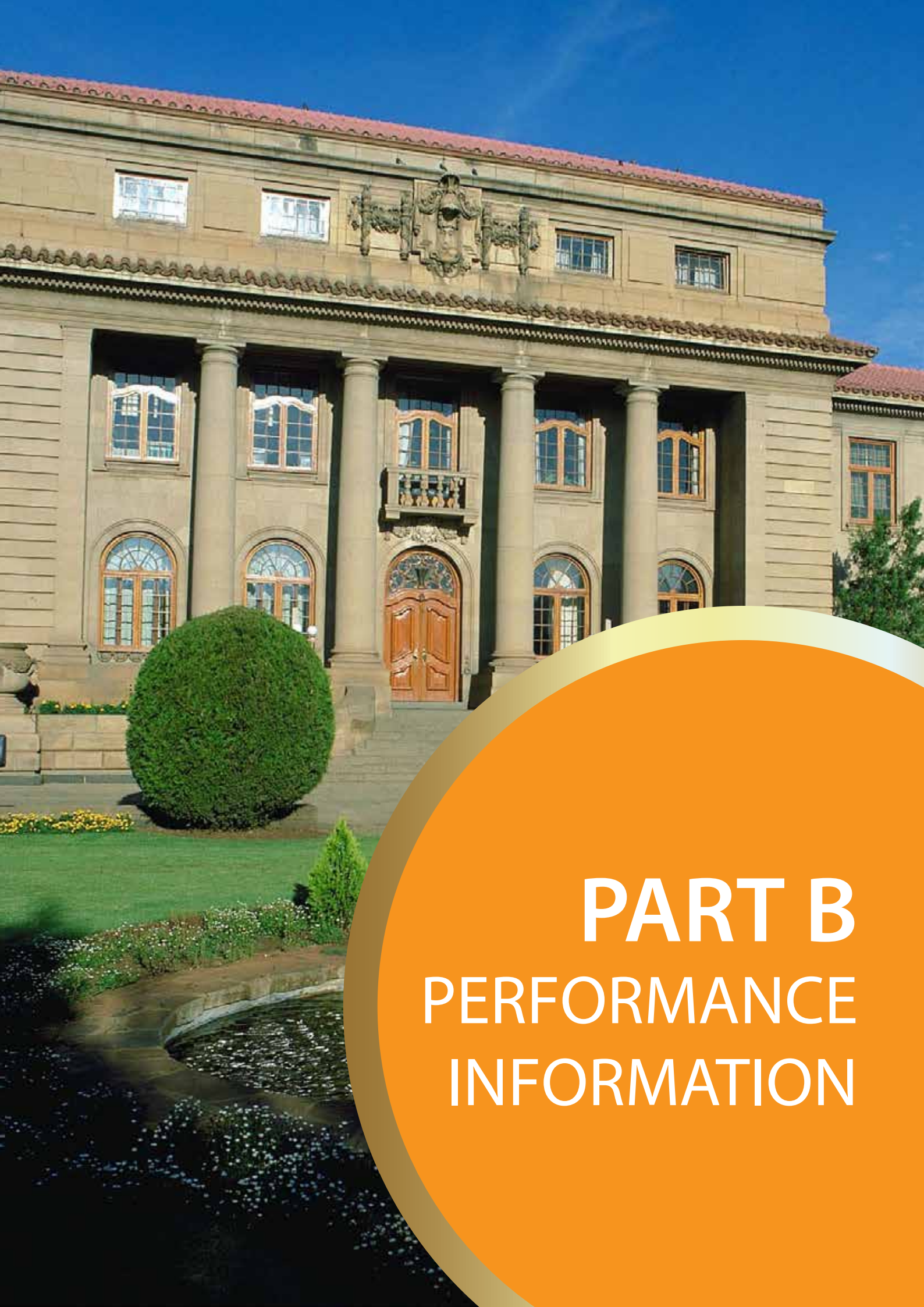


## 10. ENTITIES REPORTING TO THE MINISTER

The table below indicates the entities that report to the Minister of Justice and Correctional Services and funded through the Department of Justice and Constitutional Development vote account:

| Name of entity                              | Legislative mandate                                                       | Financial relationship                                                | Nature of operations                                                                                                                                                       |
|---------------------------------------------|---------------------------------------------------------------------------|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Council of Debt Collectors                  | Debt Collectors Act (Act No. 114 of 1998)                                 | No financial relationship                                             | Monitors the conduct and professionalism of debt collectors, promoting a culture of good governance and thus protecting the public and creditors.                          |
| Legal Aid South Africa (LASA)               | Legal Aid Act (Act No. 22 of 1969)                                        | Transfer payment                                                      | Renders or makes available legal aid to indigent persons and provides legal representation at the state's expense.                                                         |
| National Prosecuting Authority              | National Prosecuting Authority Act, Act No. 32 of 1998                    | Part of the vote of the Department                                    | Renders prosecutorial services as well as witness protection and forfeiture of ill-gotten assets.                                                                          |
| Rules Board for Courts of Law               | Rules Board for Courts of Law Act (Act No. 107 of 1985)                   | Part of the vote in the Legislative Development and Law Reform Branch | Reviews existing rules of courts and subject to the approval of the Minister, makes, amends or repeals rules for the Supreme Court of Appeal, High Court and lower courts. |
| South African Board of Sheriffs             | Sheriffs Act (Act No. 90 of 1986)                                         | No financial relationship                                             | Monitors services of the sheriffs and deputies and ensures that the services are executed in terms of the Code of Conduct for Sheriffs.                                    |
| South African Law Reform Commission (SALRC) | South African Law Reform Commission Act (Act No. 19 of 1973)              | Part of the vote in the Legislative Development and Law Reform Branch | Conducts research regarding the development, improvement, modernisation or reform of all branches of the law of South Africa.                                              |
| Special Investigating Unit (SIU)            | Special Investigating Unit and Special Tribunals Act (Act No. 74 of 1996) | Transfer payment                                                      | Provides professional forensic investigations and litigation services to all state institutions at national, provincial and local level.                                   |





**PART B**  
**PERFORMANCE**  
**INFORMATION**

# 1. AUDITOR GENERAL'S REPORT: PREDETERMINED OBJECTIVES

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

Refer to page 175 of the Report of the Auditor General, published as Part E: Financial information.

## 2. OVERVIEW OF DEPARTMENTAL PERFORMANCE

### 2.1 Service delivery environment

The 2020/2021 Annual Performance Plan (APP) was finalised during the peak of COVID-19, which brought uncertainties in delivering the services to the public and the impacts of the global pandemic are incredibly multi-faceted. The Department had to adjust how its services are provided to the public, which involved putting measures in place to ensure sustainable access to justice services.

Below are highlights and challenges of services delivery areas:

#### 2.1.1 The Office of the Solicitor General

The Office of the Solicitor General is tasked with overseeing the management of state litigation, develop and implement policies relating to the functions and operations of the State Attorney, develop mechanisms for management and reduction of state contingent liability in relation to litigation; and further assist in developing prescripts for transformation of the legal profession. The mandate is to revive the Office of the State Attorney to its glory and for the people to have trust in the Department. The appointment of Acting Solicitor-General, Mr Fhedzisani Pandelani was done on 15 March 2020 to oversee the running of all offices of the State Attorney.

In the 2020/2021 financial year, the office of the Solicitor-General embarked on a turnaround strategy which included appointing the heads of state attorneys in 11 offices,

countrywide. Thus far, there are eight heads of offices and five are yet to be appointed.

The Office of the Solicitor-General has finalised all three policies, namely, Mediation Policy, Management of State Litigation and State Legal Representation as per State Attorney's Amendment Act and they are expected to be taken to Cabinet in the 2021/2022 financial year.

The Office of the Solicitor-General has advocates for increased alternative dispute resolution (ADR). The advocacy for the ADR is informed by the high cost of litigation, and ADR will ensure that some of the cases should be resolved out of court. The state has experienced challenges in settling matters out of court and to mitigate against this, the Department will work to ensure that ADR is implemented in order to limit the extent of money being wasted by the state when caught in the wrong.

The Department wishes to see the reduction of the contingent liability and the proper management of state liability. It is necessary to educate citizens because law is changing almost every day. The intention is to turn the state attorney's image around and resource mobilisation will be key to fulfil this function.

#### 2.1.2 Improvements in access to justice services

##### (i) Gender-Based Violence

In March 2020, Cabinet approved the National Strategic Plan on Gender-Based Violence and Femicide (NSP: GBVF) which sets out roles, responsibilities and actions for government and civil society to speedily address this scourge. Pillar 3 of the NSP on GBVF *inter alia* requires the Department, SAPS, and the NPA to reduce backlog cases related to GBVF, which include cases of domestic violence.

The Department initiated the Justice 100 Days Rapid Results Challenge in March 2020 against Gender-based violence and femicide (GBVF), which is a pilot project to rapidly eliminate backlog cases of domestic violence and other GBVF related cases at piloted courts in five provinces, to introduce innovations to address challenges that often reduce the impact of domestic violence protection orders, and to improve support services offered by courts to survivors of domestic violence.

The project was halted during the COVID-19 National Lockdown which began on 26 March 2020. It was consequently re-launched on 25 November 2020 and the project was concluded on 4 March 2021. This project is

positively changing the court experience of court users impacted by domestic violence and abuse.

The NRSO is a national repository capturing the particulars of sex offenders convicted of sex crimes involving children and persons with mental disabilities. In November 2020, the Minister introduced to Parliament the Criminal Law (Sexual Offences and Related Matters) Amendment Bill which proposed the amendments which originated from the 24 demands made by the #TheTotalShutDown Movement. The Bill proposes the extension of this scope to ALL victims of sex crimes and increase the periods for which a sex offender's particulars must remain on the NRSO before they can be removed from the Register, among others.

The NRSO Registrar issues certificates for the vetting of employees working at service points having direct contact with children and persons with mental disabilities. The employers have an obligation to apply to the Registrar to determine whether or not their details of the existing employees or prospective employees are in the Register. This obligation is also applicable to applicants for foster care, kingship care-giving, temporary safe-care giving, and adoption of children or curatorship.

From April 2020 to March 2021, the NRSO received and processed 1 834 applications for clearance certificates and achieved the target of 100% of this work, as planned. The NRSO vetting carries the same indicator on Pillar 3 of the GBVF National Strategic Plan and performance reports were forwarded to the Presidency via the Department of Women, Youth and Persons with Disabilities (DWYPD) on weekly basis.

#### **(ii) Building of new courts**

By the end of the financial year, the Durban (Point) Family Branch Court in KwaZulu-Natal and Dimbaza Magistrate's Court in Eastern Cape new buildings were completed. In addition, the refurbishments and upgrading projects were completed in five magistrates' courts, namely, Groblershoop and Fraserburg in Northern Cape, Tabankulu, Indwe and Queenstown in Eastern Cape.

The courts will increase access to justice and bringing justice closer to the historically disadvantaged communities.

#### **(iii) Specialised Commercial Crimes Courts (SCCCs)**

A total of six new SCCC's in the provinces of Limpopo (3), Mpumalanga (1), North West (1) and Northern Cape (1) were established during the period under review. The establishment of new SCCC's will have a tremendous impact

on society as well as on the Department's ability to reduce criminal case backlogs and to improve the public's perception of justice and the rule of law.

#### **(iv) Masters services**

The Master's Branch has provided information on the internet on several areas of its activities, such as the forms to be used by public, information regarding the unclaimed funds in the Guardian's Fund, list of liquidators and further operational information, such as liquidation and distribution accounts received. Members of the public can obtain certain basic information themselves without needing to contact the relevant Master's Office. This initiative is regarded as a success and improves service delivery.

There is also a self-help aspect available on the Master's Portal where members of the public can obtain certain basic information on estates and trusts themselves without needing to contact the relevant Master's Office.

The availability of information on the website assists with lessening the pressure on Master's officials with regard to dealing with enquiries, and also assists the public as they can freely access the information they need if and when they need to, without needing to deal with frustrations such as travelling to offices, phoning offices and offices closed outside working hours.

In addition, the Department has developed trust and deceased online registration services which were at advanced stages during the period under review. It is envisaged that Trust online services will be implemented in the 2021/2022 year. This will streamline the Trust registration process and assist in curbing fraud as applicants will be able to lodge their applications online assisting with the workload of the Trust Sections as most information will be captured and scanned in by the applicants, freeing the Masters' hands to apply their minds thoroughly to the lodged documents and other clients.

The development of the deceased online system is currently in the development and testing phase. This approach will be a drastic move to reduce the influx of customers in the Master's offices or service points. This will enhance access to the Master's services in the country.

The Department has developed an intervention plan to transform the Guardian's Fund current administration and financial process to an automated full administration and financial system. The tender process has been done in the



2020/2021 financial year and it is envisaged that development will be finalised and the system rolled out in the 2022/2023 financial year.

### **2.1.3 Improvements in administration to support service delivery**

A number of key ICT-based initiatives have been undertaken to improve the efficiency of administration in support of service delivery. For the year under review, these were largely focused within court services and the integrated justice system. These initiatives are discussed below.

#### **i. Third party management system (MojaPay)**

The solution, among others, reduces the payment turnaround times of monies due to maintenance beneficiaries through a court order, from approximately 30 days to one or two days. By the end of the financial year, this solution had been implemented at 483 courts in nine regions. The remaining seven courts were rolled-out in the 2020/2021 financial year. The solution also caters for the administration of financial management processes at State Attorney Offices and has been implemented at all 12 State Attorney Offices countrywide.

#### **ii. SMS notifications**

The implementation of electronic notifications in the form of SMS notifications is aimed at optimising the tracking and communication on the processing of justice services, in that as court cases proceed through various stages, SMS messages will be sent to the parties to notify them of the status of their case as well as communicating court appearance dates. This alleviates the need for the parties of a case to telephonically contact or visit the courts to enquire about the status of their cases or their next court appearance dates. This capability has been implemented for domestic violence and family advocate services and will be implemented for other identified services in the next financial years.

#### **iii. Web information portal**

The implementation of a web information portal is aimed at optimising the tracking and communication on the processing of justice services, in that as court cases and service requests proceed through various stages, the web information portal will be updated accordingly. This will include the publication of court rolls as well as other public information on the portal and will alleviate the need for the parties of a court case to telephonically contact or visit the courts in order to enquire about next court appearance

dates. This capability has been developed and tested, with implementation earmarked for the next financial year.

The Master's web portal has been updated to include case information for insolvency matters (liquidations and sequestrations). This replaces the weekly manual update of spreadsheets, with insolvency information that was published on the Department's website. The insolvency information published on the portal includes appointments of liquidators and trustees, bond of security, meetings, etc.

#### **iv. Judiciary eWorkspace**

The Department has continued with the modernisation of the **Judiciary eWorkspace** over the past year, where the solution has been enhanced to cater for the automation of forms (e.g., J7) as well as its sign-off through digital signatures. These new features will be tested and implemented in the next financial year. These digitally signed electronic forms are envisaged to also be shared as part of the criminal justice system processes via the IJS (e.g., digitised J7 shared with DCS, thus improving the integrity and authenticity of the form).

#### **v. Integrated justice system**

The programme focuses on three priority areas: (1) Person management to empower the CJS to identify, verify, track, and where necessary, safeguard all persons moving through the criminal justice system, creating a holistic single view of a person, including accused persons and victims; (2) Case integration to facilitate the digitisation of the CJS for the efficient, seamless exchange of electronic case information between IJS member departments; and (3) System-based performance instrumentation and BI reporting on the health status of the South African CJS.

The following delivery highlights were achieved in 2020/2021 across these three priority areas:

##### **1. CJS person integration achievements**

The use of the Person Identification and Verification Application (PIVA) provides a critical person-related function at SAPS stations, enabling the identity of an arrested individual to be verified using their fingerprints and checked against DHA records. In addition, the SAPS officer is provided with immediate feedback as to whether the accused has a prior criminal record, and/or is wanted as a suspect for other police cases. This information about an accused is critical to assist NPA during a suspect's first court appearance to make relevant bail arguments.

In the 2020/2021 financial year, the solution was used to check more than 190,589 accused persons, and in near realtime it was determined that over 70 022 of these individuals (37%) have prior criminal records that could be referenced. Further, 4,502 (2.4%) wanted persons could be identified as linked to SAPS circulations as persons of interest for other cases. Given these successes in the identification of persons of interest, it is unfortunate that the utilisation of the solution has been adversely reduced by the impact of the COVID-19 pandemic on SAPS operations. This timeous information is assisting SAPS and NPA during the subsequent management of the accused and providing data to assist bail considerations.

## **2. IJS case integration achievements**

The IJS case integration work package seeks to realise a streamlined and efficient CJS process with effective case processing and fair outcomes. This is achieved by establishing a robust platform for managing inter-departmental information exchanges across the CJS. Further, CJS departmental capabilities will be enhanced to strengthen and improve the effectiveness of the South African CJS.

During the 2020/2021 financial year, 371,593 cases were electronically processed via the IJS Transversal Hub using IJS system integrations between the SAPS, NPA and the DoJ&CD. These electronic information exchanges include associated docket ready notifications, docket requests, electronic charge sheets, and electronic case outcome (postponement date & reasons) integrations.

The solution is in operation nationally with these integrations connecting 1,144 police stations linked to 509 courts across all nine provinces. These case integrations have significantly reduced time spent on data capturing and provided valuable business information for the management of the criminal justice system. There has also been extensive management focus on embedding the use of the system applications.

The IJS is actively engaging with the NPA senior management to promote the adoption of the electronic case management system, with the ultimate objective of ensuring docket screening functions are performed.

## **3. IJS performance instrumentation and business intelligence**

During the 2020/2021 financial year, IJS maintained the operations and 26 out of 28 KPI's have been responded to and are active. This provides the platform for reporting of 26 of the 28 KPIs based on available electronic data submitted by the SAPS, DoJ&CD and DCS.

Following the recommendation by United Nations Special Rapporteur on Violence against Women that South Africa establish a Femicide Watch, the IJS programme continued to work with DoJ&CD to prepare and refine the requirements for an interactive dashboard to support the department in analysing trends and profiles of offenders and victims.

The IJS programme provided the necessary technical expertise to complete the research and design of a femicide prototype, which refers to the identified areas that form part of the larger femicide project. One of the areas refers to the development of a monitoring tool in the form of the Femicide Watch dashboard, which acts as a common data repository. During the 2020/2021 financial year, Phase 3 of the Femicide Watch development was completed. The developed Femicide Watch dashboard is capable of utilising IJS data sourced from multiple member departments. It is anticipated that the platform will ultimately assist in the development of responsive and impactful policies, law, programmes and initiatives in this critical area.

### **2.1.4 The Office of the Family Advocate**

There are only 26 sub-offices of the Office of the Family Advocate servicing over 700 courts including the Maintenance Courts, Divorce Courts and Domestic Violence Courts. The office is also plagued by severe capacity constraints as there are only 96 family advocates, 46 family law assistants and 126 family counsellors to provide both the litigation and non-litigation services of the office. This situation still persists despite the growing demand of the services.

The Department, through the Office of the Family Advocate, continues to provide professional services to children in families with conflict and other difficulties. During the year under review, 8119 non-litigation matters were recorded while 6 485 matters were finalised. This has translated to 80% performance.

Target was achieved despite severe capacity constraints caused by the Department's failure to fully implement the recommendations of the costing report on the Children's Act, 2005 especially in relation to Chapter 2 of the Children's Act, 2005 regarding additional functions and responsibilities which were allocated to the Office of the Family Advocate.

As a result of this situation, the unit has only 46 family law assistants countrywide that are dealing with non-litigation matters, thus having to request family advocates and family counsellors to assist with such matters despite the high work load of litigation matters.



In addressing the aforesaid challenges, the Office of the Family Advocate is to be capacitated and strengthened by creating a family advocate ad hoc system in terms where suitably qualified persons can be employed on an ad hoc basis to perform the functions and responsibilities of the family advocates and family counsellors. Unemployed graduates will be recruited and trained through in-house service training and designated to perform limited functions within the office.

#### 2.1.5 The Office of the Chief State Law Adviser

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

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

The table below indicates the number of requests that were handled through this office in the 2020/2021 and 2019/2020 financial years

| Financial year                                                  | Total number of cases received | Total cases finalised |
|-----------------------------------------------------------------|--------------------------------|-----------------------|
| <b>Legal opinions</b>                                           |                                |                       |
| 2019/2020                                                       | 512                            | 492                   |
| 2020/2021                                                       | 465                            | 452                   |
| <b>Preliminary opinions on draft bills</b>                      |                                |                       |
| 2019/2020                                                       | 78                             | 71                    |
| 2020/2021                                                       | 78                             | 73                    |
| <b>Certification of bills and other legislative instruments</b> |                                |                       |
| 2019/2020                                                       | 186                            | 174                   |
| 2020/2021                                                       | 298                            | 288                   |
| <b>International agreements and accompanying legal opinions</b> |                                |                       |
| 2019/2020                                                       | 156                            | 138                   |
| 2020/2021                                                       | 60                             | 58                    |
| <b>Draft Bills approved by Cabinet</b>                          |                                |                       |
| 2019/2020                                                       | 15                             | 15                    |
| 2020/2021                                                       | 27                             | 27                    |
| <b>Translations into South African official languages</b>       |                                |                       |
| 2019/2020                                                       | 121                            | 116                   |
| 2020/2021                                                       | 102                            | 101                   |

#### 2.1.6 Extraditions and mutual legal assistance

The DoJ&CD is one of the departments responsible for ensuring successful implementation of extradition orders. In addition, foreign maintenance orders as well as service of process for civil matters are undertaken. The number of extraditions that were processed for the year under review was 97, which decreased by 2% as compared to cases processed in the 2019/2020 financial year.

With regard to enforcement of maintenance orders, a total of

16 requests were handled in 2020/2021 as compared to 58 requests processed in 2019/2020; this shows a 72% decrease.

The service of process in civil matters in and outside South Africa is necessary for an effective judicial system, in order to ensure that parties receive proper notice of civil actions. To this effect, the Department processed 72 requests for the service of process, with the assistance of other government departments. These requests were received from and submitted to the various High Court Registrars and are submitted through the diplomatic channel for service

abroad. The returns of service were received through the same channel whereafter relevant registrars were informed of the outcome.

Due to the COVID-19 pandemic, there was a substantial reduction in the number of requests received for foreign

maintenance orders and service of process. This is mainly due to the fact that the diplomatic bag was inactive.

The table below shows the number of requests that were processed in the 2019/2020 and 2020/2021 financial years:

| Financial year 2020/2021                       | Total processed |
|------------------------------------------------|-----------------|
| <b>Extradition and mutual legal assistance</b> |                 |
| 2019/2020                                      | 99              |
| 2020/2021                                      | 97              |
| <b>Foreign maintenance orders</b>              |                 |
| 2019/2020                                      | 58              |
| 2020/2021                                      | 16              |
| <b>Service of process</b>                      |                 |
| 2019/2020                                      | 168             |
| 2020/2021                                      | 72              |

### 2.1.7 Expungements and pardons

People convicted of certain categories of crimes may apply for expungement of their criminal records in terms of Section 271B and 271C of the Criminal Procedure Act. This process enables people to be re-integrated into the socio-

economic environment. During the year under review, 12 526 expungement applications were finalised. A total of 9 765 applications were issued with certificates of expungement.

#### 1. Expungement

##### Expungement cases

| Financial year | Outstanding applications from previous financial year | New applications received during | Number of applications finalised |
|----------------|-------------------------------------------------------|----------------------------------|----------------------------------|
| 2019/2020      | 7 858                                                 | 21 048                           | 19 362                           |
| 2020/2021      | 10 568                                                | 13 926                           | 12 526                           |
| % Change       | 34%                                                   | (33%)                            | (35%)                            |

#### 2. Presidential pardons

The President of the Republic may grant pardon to people convicted of crimes, based on issues such as circumstances of the case and public interest. There were 423 new requests for pardons received during the 2020/2021 financial year and

this brought the total cases on file to 1 267. Of these, 460 were finalised, 35 pardons were granted and 3 pardons were refused by the President.

##### Presidential pardon cases

| Financial year | Outstanding requests from previous financial year | New requests received | Number of requests finalised | Number of requests carried forward to next financial year | Matters forwarded to Ministry | Number of pardons granted by the President |
|----------------|---------------------------------------------------|-----------------------|------------------------------|-----------------------------------------------------------|-------------------------------|--------------------------------------------|
| 2019/2020      | 627                                               | 564                   | 311                          | 844                                                       | 40                            | 42                                         |
| 2020/2021      | 844                                               | 423                   | 460                          | 869                                                       | 83                            | 35                                         |
| % Change       | 34%                                               | (25%)                 | 47%                          | 2%                                                        | 107%                          | (17%)                                      |

## 2.2 Service delivery improvement plan

The department has completed a service delivery improvement plan. The tables below highlight the service delivery plan and achievements to date.

### Main services and standards

| Main services   | Beneficiaries                                                                              | Current/actual standard of service                                                                                                    | Desired standard of service                                                                                      | Actual achievement                                                                                                        |
|-----------------|--------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| Maintenance     | Children, minors, single parents, other parents, grandparents, siblings                    | Where there is proper service of process, 75% of maintenance orders will be finalised within ninety (90) days                         | Where there is proper service of process, 75% of maintenance orders will be finalised within ninety (90) days    | 85% (as at 28 Feb 21)                                                                                                     |
| Guardian's Fund | Orphans, legal guardians, heirs and people who are incapable of managing their own affairs | 94% of beneficiaries will receive services within 40 days of receipt of all required documents (Guardian's Fund)                      | 94% of beneficiaries will receive services within 40 days of receipt of all required documents (Guardian's Fund) | 89%                                                                                                                       |
| Litigation      | Government departments, Parliament, local government, other organs of state                | Acknowledgement letter will be sent to the client within 3 working days of receipt of instruction                                     | Acknowledgement letter will be sent to the client within 3 working days of receipt of instruction                | Instructions received = 17851<br>Letters issued within 3 days = 16489<br>92% - Note that 1 office did not report (Durban) |
| Prosecution     | Victims of crime and witnesses                                                             | Acquittals in High Court (8,3%)                                                                                                       | Not more than the acceptable rate between 0-10%                                                                  | 0,7%                                                                                                                      |
|                 |                                                                                            | Acquittals in Regional Court (20%)                                                                                                    | Not more than 0-25%                                                                                              | 1,4%                                                                                                                      |
|                 |                                                                                            | Acquittals in District Court (3,9%)                                                                                                   | Not more than 0-10%                                                                                              | 3,9%                                                                                                                      |
|                 |                                                                                            | 51,2% of victims/ witnesses consulted or having their memory refreshed by prosecutors as witnesses before they were called to testify | 70%                                                                                                              | 60%                                                                                                                       |
| OWP             | Victims of crime and Witnesses                                                             | 27% of victims of crime and witnesses have heard about the OWP                                                                        | 60% have heard about the OWP                                                                                     | 33%                                                                                                                       |
| EWP             | NPA staff                                                                                  | 32 sessions of trauma debriefing to boost prosecutors' morale                                                                         | 20 sessions                                                                                                      | 2 physical sessions were held, with 23 participants (Umlazi and Kuilsrivier magistrate office)                            |

## Batho Pele arrangements with beneficiaries (consultation access, etc.)

| Current/actual arrangements | Desired arrangements                                          | Actual achievements                                  |
|-----------------------------|---------------------------------------------------------------|------------------------------------------------------|
| Consultation                | Number of witnesses assisted by CPOs 104 720                  | 55 486                                               |
|                             | Fully operational TCCs 60                                     | 55 (2 additional TCC are already rendering services) |
|                             | 50 consultations planned                                      | No consultations done due to COVID-19                |
|                             | 50 consultations planned                                      |                                                      |
| Courtesy                    | Satisfaction level on treatment received from prosecutors 90% | 93%                                                  |
| Access                      | MOVIT rolled out to 15 offices                                | No roll out done due to COVID-19                     |
| Value for money             | 60000 fingerprints verifications planned                      | 2020/2021 was affected by COVID-19                   |

## Service delivery information tool

| Current/actual arrangements                           | Desired arrangements | Actual achievements        |
|-------------------------------------------------------|----------------------|----------------------------|
| <b>Information</b>                                    |                      |                            |
| Number of community outreach events and exhibitions   | 50                   | 282                        |
| Number of schools reached through outreach activities | 60                   | 11                         |
| <b>Value for money</b>                                |                      |                            |
| Conviction rate in high courts                        | 87%                  | 93,8%<br>(542/626)         |
| Conviction rate in regional courts                    | 74%                  | 82,6%<br>(13 352/16 169)   |
| Conviction rate in district courts                    | 88%                  | 95,9%<br>(116 230/121 213) |

## Complaints mechanism

| Current/actual complaints mechanism                                                                                                                                                                                          | Desired complaints mechanism                                                                                                                                                                                                 | Actual achievements                                                                             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>• Call centre</li> <li>• Presidential hotline</li> <li>• Walk-ins</li> <li>• Service delivery inbox</li> <li>• Office of the DG and Ministry</li> <li>• DoJ&amp;CD website</li> </ul> | <ul style="list-style-type: none"> <li>• Call centre</li> <li>• Presidential hotline</li> <li>• Walk-ins</li> <li>• Service delivery inbox</li> <li>• Office of the DG and Ministry</li> <li>• DoJ&amp;CD website</li> </ul> | <p>Total number of complaints received = 2315</p> <p>Total number resolved = 1598<br/>(69%)</p> |

## Redress complaints

| Current/actual complaints mechanism                                                                                         | Desired complaints mechanism | Actual achievements                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Develop an integrated complaints management framework                                                                       | % of complaints finalised    | 65,7% of representation files were finalised. A total of 1 162 representation files were opened during the reporting period; 763 files were finalised, and 399 files remained pending as of 31 March 2021. A total of 118 matters falling in the general stream of prosecutions were formally reviewed. In six instances, the decision of the DPP was overturned and/or not confirmed. |
| Enforcement of maintenance orders in terms of chapter 5 of the Maintenance Act (number of civil attachment orders obtained) | 19 718                       | Measured in Q1 and Q2 of the 2019/2020 financial year (9 824). Indicator was not included in the 2020/2021 NPS AOP. Will be measured again in the SOCA AOP during the 2021/2022 financial year (SDPP: SOCA was appointed).                                                                                                                                                             |

## 2.3 Organisational environment

An effective organisational structure and efficient business processes are essential as the Department continues to face the ongoing challenge of executing its statutory mandates within an increasingly constrained fiscal environment, growing population, challenging social ills and increasing demand for services. Key elements in this drive are cost effective improvements to its organisational structure, stringent cost containment measures, effective departmental governance systems, business processes and strategies to improve the delivery of its services.

The departmental overall vacancy rate excluding judiciary was sitting at 9.2% by the end of 31 March 2021. The SMS vacancy rate slightly decreased from 25.0% in the previous financial year to 22.5% on 31 March 2021. The Department filled 12 SMS posts during the 2020/2021 financial year. A critical achievement for the year under review was the successful filling of the posts of the Director-General, Deputy Director-General: Corporate Services and Chief Master which brought stability in these components in the Department. The Department is currently in the process of filling the remaining funded vacant posts within the approved departmental organisational structure.

The challenges faced by the Department in executing the functions, include the delays in filling of vacant posts, shortage of staff, grievances backlog and operational issues, among others.

In addition, Covid-19 restrictions and number of infections posed challenges to the Department's ability to deliver services. Since many officials were either in quarantine, working from home as a result of identified comorbidities, or in fact ill, convening meetings, albeit via online platforms, did provide some challenges. However, officials adapted quickly and work was able to continue.

Information Technology (IT) systems played a critical role in the efficient operation of the Department. To this end, the Department recognises the use of Information and Communication Technology (ICT) as a strategic resource and an enabler of operational effectiveness and efficiency, in line with the strategic focus of improving service delivery. In this regard, the Department commenced with an initiative to modernise processes which will improve the quality and speed of our services. The following are some of the key projects underway:

- **Audio-Visual Remand Solution (AVR)** - forms part of broader initiatives aimed at improving the overall criminal justice system in the country.
- **Guardian's Fund Management Solution** will be implemented to improve service delivery to the beneficiaries of the Guardian's Fund.
- **Online services channel** for the registration of new applications for deceased estates, trusts, civil and maintenance services. This online channel will, among others, enable the electronic submission of applications and associated documents through the web portal as well as the viewing of departmental processed documents and outcomes.
- **Video conferencing solution**

The challenges faced by the Department is inadequate human resources required to deliver and manage ICT objectives and lengthy procurement processes. The measures that were adopted by the Department to mitigate the impact of these challenges on delivery of services include setting up procurement progress meetings with SCM and other participating units, in order to monitor progress as well as manage risks and reorganise and optimise the use of existing human resources, including job enrichment, among others.

## 2.4 Key policy developments and legislative changes

### Progress on key legislations introduced in Parliament:

#### (a) GBV legislation

The following three Bills were introduced in Parliament:

1. The Criminal Law (Sexual Offences and Related Matters) Amendment Act Amendment Bill, 2020;
2. The Criminal and Related Matters Amendment Bill, 2020; and
3. The Domestic Violence Amendment Bill.

The nature and number of comments received from stakeholders during the consultation process of the Department and the Parliamentary hearings indicate that the people of South Africa are in dire need of greater protection as promised in Section 12 of the Constitution of the Republic of South Africa, 1996, which provides that everyone has the right to freedom and security. Following these consultation processes and in particular, Parliamentary hearings, diverse views were expressed by commentators which prolonged



the passage of the Bills through Parliament. The Criminal and Related Matters Amendment Bill has nevertheless been approved by the National Assembly and has been referred to the National Council of Provinces for processing.

### **(b) Cybercrimes Bill**

In addition to the above, the Department also ensured that some of the legislation that has already been introduced during the previous administration received attention to enable Parliament to finalise such legislation or making significant progress with the legislation. In this regard, in the area of transnational and electronic crimes, one cannot but refer to the Cybercrimes Bill which will go a long way in making a comprehensive contribution in the fight against cybercrime, which has a very negative impact on the economy of the Republic and its citizens. The Bill has been approved by Parliament and is awaiting assent by the President.

### **Bills implementing Constitutional Court judgements:**

The implementation of judgements of the Constitutional Court in relation to provisions of legislation which were declared unconstitutional is very critical to upholding the rule of law and to afford persons the protection provided for in the Constitution.

In this regard, the following are noteworthy:

- (aa) The President has signed into law the Judicial Matters Amendment Bill which is Act 12 of 2020 and which came into operation on the date of publication thereof –
  - i. correcting defects, as identified by the Constitutional Court, in respect of Section 7 of the Divorce Act, 1979 (regulating the division of assets and maintenance of parties on divorce);
  - ii. correcting defects identified by the Constitutional Court in respect of Section 12 of the National Prosecuting Authority Act, 1998 (removing the powers of the President to extend the term of office of the National Director of Public Prosecutions (the NDPP) or a deputy; limiting the period of suspension of a NDPP or a deputy; and
  - iii. pronouncing that these functionaries are entitled to full remuneration during suspension;
- (bb) The Prescription in Civil and Criminal Matters Amendment Act was also passed by Parliament and

assented to by the President. The significance of this Act is that –

- i. by amending Section 18 of the Criminal Procedure Act, 1977, all sexual offences never lapse; and
  - ii. civil remedies of complainants of all sexual offences do not prescribe in terms of the Prescription Act, 1969; and
- (cc) The Recognition of Customary Marriages Amendment Bill, 2020, has also been approved by the National Assembly during the period under review. The Bill was aimed at ensuring that women in polygamous customary marriages entered into before the commencement of the said Recognition of Customary Marriages Act no longer have to suffer unfair discrimination.

### **Progress on the development of key legislation**

During the 2020/2021 financial year, the department had numerous crucial and urgent Bills which were developed for submission to Parliament. The Bills are at various stages of development and received attention in the year under review:

#### **(a) The Land Court Bill:**

The broad purpose of the Bill is to enhance and promote access to land on an equitable basis, promote land reform as a means of redressing the effects of past discrimination and facilitate land justice, and for this purpose, the Bill aims to-

- i. establish a Land Court with jurisdiction to adjudicate land related matters;
- ii. establish a Land Court of Appeal to hear and determine appeals emanating from the judgements and orders of the Court; and
- iii. provide for court ordered mediation or arbitration.

The Bill therefore not only establishes a fully capacitated Land Court under its own founding legislation with jurisdiction to deal with matters currently dealt with by the Land Claims Court, but also aims to broaden its mandate to also adjudicate on matters in respect of other land-related legislation and the Bill incorporates mechanisms which encourage the use of alternative dispute resolution.

#### **(b) The Promotion of Equality and the Prevention of Unfair Discrimination Amendment Bill**

The purpose of this Bill is to afford greater protection to victims of discrimination by, among others, providing for joint and several liability and providing for prohibition of

retaliation. The main aim of the Amendment Bill is to ensure that nobody is discriminated against and that everyone has equal rights and access to resources, opportunities, benefits and advantages. An invitation to the public to comment on the Bill was published in the *Gazette* on 26 March 2021.

#### **(c) The Magistrates Bill and Lower Courts Bill**

The Magistrates Act, 1993, emanates from an era before the advent of the new constitutional dispensation in South Africa. The Magistrates' Courts Act, 1944, has been amended on various occasions but because it is still archaic, it is necessary to review the whole Act. The Department is preparing two separate Bills which are intended to transform the statutory framework regulating the structure and functioning of the lower courts and the conditions of employment of the lower courts.

#### **(d) The Extradition Bill**

The Extradition Act, 1962, is outdated and not in line with modern law and practices. This Act does not enable South Africa to comply with all its international obligations relating to extradition in an appropriate manner. A new Bill was prepared providing for the extradition of persons sought for extraditable offences to and from South Africa to requested States with whom South Africa has concluded agreements and for the surrender of persons sought by international entities having jurisdiction in respect of international crimes (genocide, war crimes and crimes against humanity). The Bill also seeks to clarify the roles and responsibilities of different functionaries and to put procedures in place to expedite extradition requests. This Bill is aimed at ensuring that South Africa is not a safe haven for criminals or to be said to act with impunity.

#### **(e) The Insolvency Bill**

The current Act was promulgated in 1936. It is imperative that the Act is reviewed and replaced. With the assistance of a task team representing relevant government departments, work towards reviewing the Bill has been finalised. Following the receipt of proposed internal inputs, the next stage in the process will be to approach Cabinet to approve that the Bill be published in the *Gazette* for public consultation.

#### **(f) Criminal Procedure Amendment Bill**

i. The Criminal Procedural Amendment Bill seeks to deal with, among others, the expungement of the criminal record of a person who is deemed to have been convicted and sentenced for an offence in respect of which an

admission of guilt fine has been paid and set a procedure and criteria to be taken into account to declare offences in respect of which an accused may pay a fine without appearing in court and which will not result in a previous conviction.

ii. The Criminal Procedure Amendment Bill which aims to amend Section 154(3) of the Criminal Procedure Act, 1977, has been approved by the Cabinet Committee on 13 April 2021. This Bill seeks to address the order of the Constitutional Court indicating that the section is unconstitutional to the extent that it does not give child victims adequate protection from the publication of their particulars and also to the extent that it does not extend the protection of anonymity beyond the age of 18 years.

#### **(g) The Drug and Drug Trafficking Amendment Bill:**

The Bill emphasises the importance of the constitutional principle of separation of powers, in this instance, between the Legislature and the National Executive, which is an important safeguard against the abuse of power by any arm of government. The Constitutional Court declared Section 63 of the Drug and Drug Trafficking Act unconstitutional since it delegates the power to amend the Schedules of the Act to the Minister, which is a function of the Legislature and not the Executive. Some other changes are also incorporated in the Bill to modernise it and remove obsolete and archaic provisions and references.

#### **(h) Amendment of Section 6 of the Constitution**

The Department has, following the adoption of a resolution by Parliament in 2016 and the pronouncement by the President during his SONA speech in 2020, that South African Sign Language must be recognised as an official language, taken a number of steps to give effect to this undertaking. This includes the preparation of an amendment to Section 6 of the Constitution, as provided for in the 19<sup>th</sup> Constitutional Amendment Bill, as well as the required notice in terms of Section 74(5) of the Constitution making known the intention to amend Section 6 and the reasons thereof. A few administrative steps still need to be taken before the relevant documents can be submitted to the Minister to approach Cabinet for approval to publish them for comments.

#### **(i) Colonial and Apartheid era legislation**

The Department has also prioritised apartheid era Acts which need to be repealed or repealed and replaced. In this regard, the following Acts are involved: The Trespass Act and the Riotous Assemblies Act.

## (j) RICA

The Department has long before the recent Constitutional Court judgement, started with the review of most of the provisions of the Act. Informal consultation with some of the key stakeholders in respect of some of the provisions has taken place. The Department is fully aware of the deadline in the recent court case. Much work in respect of the Bill is still required before the Bill may be consulted on.

## OPERATIONALISED LEGISLATION

### a) Promotion of Access to Information Amendment Act

The Department has put into operation the provisions of the Promotion of Access to Information Amendment Act which have been amended by the Political Parties Funding Act to regulate donations received from political parties which exceed a certain determined amount and which make provision for disclosure of such information. The amendments to the Promotion of Access to Information Act (PAIA) have been put into operation on 1 April 2021 and the changes to the regulations made thereunder were published on 3 April 2021.

### b) Protection of Personal Information Act

A proclamation fixing the date of commencement of this Act was also published during the period under review. This Act seeks to promote the protection of personal information processed by public and private parties and listing the conditions for lawful processing of personal information.

## PROMULGATION OF REGULATIONS

The following regulations have been promulgated during the period under review:

### (a) TRC

The two sets of Regulations providing for educational assistance to victims in respect of basic education and higher education and training had to be amended on short notice to deal with the implications of COVID-19, thereby ensuring that learners and students legally qualifying for TRC benefits were catered for in respect of certain issues flowing from COVID-19 and distance learning.

### (b) Prescribed rate of interest

Notices indicating the changes in the prescribed rate of interest are updated on a regular basis, as and when necessary, by publishing them in the *Gazette*.

## (c) Regulations under the Debt Collectors Act, 1998

Changes were also published in relation to the Regulations made under the Debt Collectors Act, 1998.

## HIGH PROFILE LITIGATION

### 1. CONSTITUTIONAL COURT JUDGEMENTS

#### ***Economic Freedom Fighters v Minister of Justice and Constitutional Development and Another CCT201/19 [2020] ZACC 25***

The applicant, the Economic Freedom Fighters, challenged the constitutionality of Section 18(2)(b) of the Riotous Assemblies Act, 1956 (Act No. 17 of 1956) ("the Act") after the National Prosecuting Authority pressed criminal charges against their President, Mr J Malema, for inciting other people to commit trespassing in contravention of the Act.

The Constitutional Court handed down judgement on 27 November 2020 and found that the wording of the said section was overbroad in that it limits the right to freedom of expression. The operation of Section 18(2)(b) was suspended for a period of 24 months to enable Parliament to rectify the defect. During this period, the court provided for a reading-in to cater for the offence of incitement in respect of serious crimes.

#### ***Smit v Minister of Justice and Correctional Services and Others [2020] ZACC 9***

The applicant, Mr J Smit, has challenged the constitutionality of Section 63 of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992) ("the Act"). Section 63 of the Act provides that the Minister of Justice may, by notice in the Gazette and after consultation with the Minister of Health, include any substance or plant in Schedule 1 and 2, delete any substance or plant included in that schedule, or otherwise amend that schedule.

The applicant also challenged the constitutionality of Section 5(1)(a) of the Extradition Act, 1962 (Act No. 67 of 1962) ("the Extradition Act"), to the extent that it empowers a magistrate to issue a warrant of arrest for a person upon receipt of a notification from the Minister of Justice that an extradition request has been received in respect of such person from a foreign state. The applicant argued that the magistrate does not exercise an independent discretion regarding the issuing of the warrant, but he or she is merely directed to do so by the Minister.

The Constitutional Court handed down judgement on 18 December 2020 and found that Section 63 of the Act is unconstitutional as it gives the Minister plenary legislative power since the schedules are essentially part of the Act and therefore the section delegates original power to amend the Act itself. It also held that the section was a complete delegation of original legislative power to the executive with no clear and binding framework for the exercise of the powers, which render the provision constitutionality invalid. The Constitutional Court further found that Section 5(1)(a) of the Extradition Act breaches the separation of powers principle as it requires a magistrate to issue a warrant of arrest upon receipt of a notification from the Minister, a member of the Executive. It makes it impossible for a magistrate to act as an independent arbiter and to exercise the kind of oversight that guarantees procedural safeguards. The Constitutional Court has suspended the declaration of invalidity for a period of 24 months to allow Parliament to cure the defect.

***AmaBhungane Centre for Investigative Journalism NPC and Another v Minister of Justice and Correctional Services and Others; Minister of Police v AmaBhungane Centre for Investigative Journalism NPC and Others [2021] ZACC3***

The applicants, AmaBhungane Centre for Investigative Journalism NPC and Mr S Sole, a journalist who had been subject to state surveillance, challenged the constitutionality of the Regulation of Interception of Communications and Provision of Communication-Related Information Act, 2002 (Act No. 70 of 2002) ("RICA"), to the extent that it fails to provide adequate safeguards to protect the right to privacy, as buttressed by the right of access to courts, freedom of expression and the media and legal privilege.

The Constitutional Court handed down judgement on 4 February 2021 and has declared RICA unconstitutional to the extent that:

- a. It fails to provide for safeguards to ensure that a judge designated in terms of Section 1 of the Act is sufficiently independent.
- b. It fails to provide for notifying the subject of surveillance of the fact of her or his surveillance as soon as notification can be given without jeopardising the purpose of surveillance after surveillance has been terminated.
- c. It fails to adequately provide safeguards to address the fact that interception directions are sought and obtained *ex parte*.

- d. It fails to adequately prescribe procedures to ensure that data obtained pursuant to the interception of communications is managed lawfully and not used or interfered with unlawfully, including prescribing procedures to be followed for examining, copying, sharing, sorting through, using, storing or destroying the data.
- e. It fails to provide adequate safeguards where the subject of surveillance is a practicing lawyer or journalist.

The declaration of unconstitutionality takes effect from the date of the judgement and is suspended for 36 months to afford Parliament an opportunity to cure the defect causing the invalidity.

## 2. SUPREME COURT OF APPEAL JUDGEMENTS

***President of the RSA and Another v Women's Legal Centre Trust and Others; Minister of Justice and Constitutional Development v Faro and Others; and Minister of Justice and Constitutional Development v Esau and Others (Case No 612/19) [2020] SASCA 177***

The applicant, the Women's Legal Centre Trust ("the WLCT") filed an application in the High Court Western Cape Division, Cape Town in which it contended that the State had failed to recognise and regulate marriages solemnised in accordance with the tenets of *Sharia* law and was consequently in breach of various sections of the Constitution. The WLCT argued that Section 7(2) of the Constitution obliged the State to prepare, initiate, introduce and bring into operation legislation recognising Muslim marriages and that the President and Cabinet failed to fulfil this obligation. In the alternative, the WLCT sought an order declaring the Marriage Act, 1961 (Act No. 25 of 1961) ("the Marriage Act") and the Divorce Act, 1979 (Act No. 70 of 1979) ("the Divorce Act"), unconstitutional insofar as they fail to recognise and provide for Muslim marriages.

The Supreme Court of Appeal ("the SCA") handed down judgement on 18 December 2021 and found, *inter alia*, that the Marriage Act and the Divorce Act are unconstitutional in that they fail to recognise marriages solemnised in accordance with *Sharia* law as valid marriages and to regulate the consequences of such marriages. The matter has been referred to the Constitutional Court for final determination of the constitutional defects.

### 3. HIGH COURT - WESTERN CAPE DIVISION, CAPE TOWN

#### ***Bwanya v Master of the High Court: Cape Town and Others (20357/18) [2020] ZAWEH 111***

The applicant, Ms J Bwanya, has challenged the constitutionality of the Intestate Succession Act, 1987 (Act No. 81 of 1987) (“the Intestate Succession Act”) and the Maintenance of Surviving Spouses Act, 1990 (Act No. 27 of 1990) insofar as her claims for a share of the estate of her deceased life partner are not provided for under these Acts.

The applicant and her deceased partner were, at the time of the deceased’s death, partners in a permanent opposite-sex life partnership with the same or similar characteristics as a marriage in which they had undertaken reciprocal duties of support and had committed themselves to marrying each other.

The court ordered on 28 September 2020 that Section 1(1) of the Intestate Succession Act is unconstitutional and invalid insofar as it excludes the surviving life partner in a permanent opposite-sex life partnership from inheriting.

The matter was referred to the Constitutional Court for confirmation of the High Court’s order and was heard on 16 February 2021. Judgement was reserved.

### HIGH COURT - GAUTENG LOCAL DIVISION (JOHANNESBURG)

#### ***S V LM AND OTHERS (97/18; 98/18; 99/18; 100/18) [2020] ZAGPJHC 170***

The court has declared Section 4(b) of the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), inconsistent with the Constitution and invalid to the extent that it criminalises the use and/or possession of cannabis by a child.

Pending completion of the law reform process, no child may be arrested and/or prosecuted and/or diverted for the impugned provision. This moratorium does, however, not prevent and/or prohibit any person from making use of any civil process and/or procedure to ensure a child receives appropriate assistance and/or intervention for cannabis use dependency.

Children accused of a schedule 1 offence are further, under no circumstances, permitted to undergo diversion programmes involving a period of temporary residence.

The matter has been referred to the Constitutional Court for confirmation and further directions from the court are awaited.

## 3. ACHIEVEMENT OF INSTITUTIONAL IMPACTS AND OUTCOMES

| IMPACT STATEMENT                                                                             | OUTCOMES                                                                 | PROGRESS ON THE ACHIEVEMENT OF THE OUTCOMES                                                                                                                                                                                                                                                                                                                       |
|----------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Improved public perception, confidence in the justice system and respect for the rule of law | 1 Improved capability and capacity of the department and good governance | Although, 100% target to address the audit findings was not achieved, the Department continues to address audit findings by implementing interventions in order to achieve a positive audit outcome and turn the Department around. The Department continues to implement capacity building programmes. Fraud and corruption remain priorities in the Department. |
|                                                                                              | 2 Modernised and digitised justice services platforms                    | The Masters Web Portal has been updated to include case information for insolvency Matters (liquidations and sequestrations). The Department over the past year completed the development of an <b>Online Services Channel</b> for the registration of new applications for deceased estates, trusts, civil and maintenance services.                             |
|                                                                                              | 3 Increased access to justice services                                   | Increasing access to justice for all and enhancing the rule of law have been critical priorities for government. Two new court buildings were completed to increase access to justice and bringing justice closer to the disadvantaged communities.                                                                                                               |
|                                                                                              | 4 Transformed masters services                                           | Plans to effect legislation changes in the Trust Property Control Act and Administration of Estates Act to assist the transformation drive and the draft Insolvency Policy, on the Appointment of Provisional Liquidators/Trustees, is currently with the Minister for his consideration and inputs.                                                              |



| IMPACT STATEMENT | OUTCOMES                                                          | PROGRESS ON THE ACHIEVEMENT OF THE OUTCOMES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                  | 5 Transformed colonial/ apartheid era justice related legislation | <p>The Department finalised and submitted the following Bills to the Minister for approval in March 2021:</p> <ul style="list-style-type: none"> <li>• Insolvency Bill to replace the Act of 1936;</li> <li>• Magistrates Bill to replace the Act of 1992;</li> <li>• The Lower Courts Bill to replace the Act of 1944; and</li> <li>• The Extradition Bill to replace the Act of 1962.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                  | 6 Transformed state litigation services                           | <p>The State Attorney Office has finalised all three policies i.e., (Mediation Policy (ADR), Management of State Litigation and State Legal Representation) as per State Attorney's Amendment Act and will be taken to Cabinet before the end of this financial year. The office of the State Attorney also embarked on a turnaround strategy which included appointing the Heads of State Attorneys in 11 offices, countrywide. Thus far, there are eight heads of offices and five are yet to be appointed.</p> <p>A total of 121 high court matters were finalised, 94 of those matters were finalised by State Attorney (insourcing) without external assistance from any private legal practitioners. This translates to 78% of high court matters insourced.</p>                                                                                                                          |
|                  | 7 Transformed legal profession                                    | <p>The promotion of female counsel remains the priority for the Department in order to mitigate the imbalances of the past as women were excluded unintentionally. The Department accomplished paying the sum of R964 378 070.00 to legal practitioners, and of this amount, 29 percent (R278 689 399.82) was paid to female legal practitioners.</p> <p>President Cyril Ramaphosa appointed retired Justice Sirajudien Desai as the Legal Services Ombud in terms of S 47 of the Legal Practice Act 28 of 2014 (LPA). The Legal Services Ombud objective is to protect and promote the public interest in relation to the rendering of legal services as contemplated in the LPA. The interim organisational structure was approved by the Minister and department officials were seconded to assist and support Judge Sirajudien Desai: Legal Services Ombud, in establishing the office.</p> |
|                  | 8 Advanced constitutionalism, human rights and the rule of law    | <p>A high number of citizens throughout the country who are unable to access commercial radios were able to gain knowledge on the rights and promotion of the rights of LGBTQI+ people through the community radio stations in their own spoken languages. The valuable information shared and gained will ensure advanced constitutionalism and the promotion and protection of human rights. Awareness of LGBTI rights activities also contribute to the effective implementation of the National Intervention Strategy for Lesbian, Gay, Bisexual, Transgender and Intersex persons by the Department in partnership with relevant stakeholders from government and civil society.</p>                                                                                                                                                                                                       |

| IMPACT STATEMENT | OUTCOMES                                                     | PROGRESS ON THE ACHIEVEMENT OF THE OUTCOMES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                  | 9 Crime and corruption reduced through effective prosecution | In order to improve investor perception and confidence, the MTSF 2019-2024 identifies the establishment of new Specialised Commercial Crimes Courts (SCCC) as a measure which will impact positively on the perception of corruption in South Africa that prospective investors may have. As a target, the MTSF requires the Department of Justice and Constitutional Development to establish five new SCCC in five provinces during the 2019-2024 MTSF period. A National SCCC Steering Committee was established to identify the appropriate sites for the new SCCCs as well as to consider and approve proposed budgets from each of the provinces identified. The National SCCC Steering Committee decided to establish new SCCCs in those provinces which did not yet have an SCCC, namely, Limpopo, North West, Mpumalanga and Northern Cape. By 31 March 2021, SCCC courts had been established in these provinces with the three in Limpopo and the one in Mpumalanga becoming operational on 1 March 2021, the one in Northern Cape becoming operational on 15 March 2021 and the one in North West becoming operational as from 1 April 2021. The MTSF target of five new SCCCs by 2024 was exceeded by 31 March 2021. For the remainder of the MTSF, the Department of Justice and Constitutional Development will be enhancing existing SCCCs in order to improve the access to justice as well as to combat serious commercial crimes and corruption. |

| Outcomes                                                                             | Amended outcomes                                                                                |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|
| 1 Improved governance and accountability                                             | 1 Improved capability and capacity of the Department and good governance                        |
| 2 Modernised, accessible courts and people-centred services                          | 2 Modernised and digitised justice services platforms<br>3 Increased access to justice services |
| 3 Transformed Masters services                                                       | 4 Transformed Masters services                                                                  |
| 4 Colonial/apartheid era justice related legislation reviewed, repealed and replaced | 5 Transformed colonial/apartheid era justice related legislation                                |
| 5 Transformed state litigation services and the legal profession                     | 6 Transformed state litigation services<br>7 Transformed legal profession                       |
| 6 Advancement of constitutionalism, human rights and the rule of law                 | 8 Advanced constitutionalism, human rights and the rule of law                                  |
| 7 Crime and corruption significantly reduced through effective prosecution           | 9 Crime and corruption reduced through effective prosecution                                    |
| 8 Criminal justice system digitised and integrated                                   | N/A                                                                                             |

## 4. PROGRAMME PERFORMANCE INFORMATION

### REPORT AGAINST THE ORIGINALLY TABLED 2020/2021 ANNUAL PERFORMANCE PLAN UNTIL JULY 2020

#### 4.1 Programme 1: Administration

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

This programme comprises the following subprogrammes:

- i. **Ministry:** Provides leadership and policy direction to the DoJ&CD.
- ii. **Management:** Provides strategic leadership and overall management through the following subprogrammes: branch coordination and service delivery improvement (BCSDI) including the management of the complaint handling mechanism (call centre); policy development and coordination; and strategic planning, monitoring and evaluation.
- iii. **Corporate services:** Provides integrated business solutions in human resource management (HR) and human resource development (HRD); information and systems management (ISM) which is responsible for information and communication technology (ICT); the coordination of the DoJ&CD's legal and employee relations management services (LERMS); and public education and communications (PEC); and justice related training, practical legal training and empowerment programmes across the justice sector provided through the Justice College.

iv. **Financial administration:** Provides financial services to the DoJ&CD with respect to financial resource allocation and management to aid in the fulfilment of the Department's goals and objectives as well as supply chain management functions.

v. **Internal audit and risk management:** Assists the accounting officer in maintaining efficient and effective controls and evaluates those controls' ability to determine their effectiveness and efficiency, in order to develop recommendations with regard thereto as well as management of risks.

vi. **Office accommodation:** Provides for accommodation charges, lease agreements and municipal rates.

#### List of outcomes

The programme contributes to the following outcomes:

Outcome 1: Good governance and accountability; and

Outcome 7: Crime and corruption reduced significantly through effective prosecution.

## Outcome 1: Improved governance and accountability

| Outcome 1: Improved governance and accountability                         |                                                                                    |                                                  |                                                  |                                 |                                          |                                                                   |                                                                                            |                                                                                                                 |
|---------------------------------------------------------------------------|------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|---------------------------------|------------------------------------------|-------------------------------------------------------------------|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|
| Output                                                                    | Output Indicator                                                                   | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021 | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                     | Reasons for revisions to the outputs/output indicator/Annual Targets                                            |
| 1.3 Middle management services (MMS) posts occupied by Africans and women | 1.3.1 Percentage of MMS posts occupied by Africans and women                       | -                                                | -                                                | 65% Africans                    | 80% Africans                             | 23%                                                               | Due to COVID-19 lockdown, in the first quarter, there was no recruitment process conducted | Target reduced as a result of the reduction of the human resource capacity imposed by level 5, 4 and 3 lockdown |
|                                                                           |                                                                                    |                                                  |                                                  | 48% Women                       | 46% Women                                | (4%)                                                              |                                                                                            |                                                                                                                 |
| 1.4 People with disabilities appointed                                    | 1.4.1 Percentage of total workforce positions occupied by people with disabilities | -                                                | -                                                | 3%                              | 2.2%                                     | 27%                                                               | Due to COVID-19 lockdown, in the first quarter, there was no recruitment process finalised | Target reduced as a result of the reduction of the human resource capacity imposed by level 5, 4 and 3 lockdown |

### Output 1.3: Middle management services (MMS) posts occupied by Africans and women

By the end of the 2020/2021 first quarter, a total of 288 officials occupied MMS posts in the Department; 230 out of 288 (80%) were African while 133 (46%) were women. The 65% target for Africans was met but the 48% target for women was not achieved.

The targets were changed from 65% Africans and 48% women to 59% Africans and 45% women.

### Output 1.4: People with disability appointed

By the end of the 2020/2021 first quarter, 341 out of 15 850 of total workforce were occupied by people with disabilities, this has translated to 2.2% against a target of 3%. The target was changed from 3% to 2.2%

## Outcome 7: Crime and corruption reduced significantly through effective prosecution

| Outcome 7: Crime and corruption significantly reduced through effective prosecution |                                                                     |                                                  |                                                  |                                 |                                          |                                                                   |                                  |                                                                                                                 |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|---------------------------------|------------------------------------------|-------------------------------------------------------------------|----------------------------------|-----------------------------------------------------------------------------------------------------------------|
| Output                                                                              | Output Indicator                                                    | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021 | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations           | Reasons for revisions to the outputs/output indicator/Annual Targets                                            |
| 7.1 CARA allocated funds report                                                     | 7.1.1 Number of quarterly reports on allocated CARA funds completed | -                                                | -                                                | 4                               | 1                                        | 75%                                                               | Target for first quarter was met | Target reduced as a result of the reduction of the human resource capacity imposed by level 5, 4 and 3 lockdown |



### Output 7.1: CARA allocated funds report

The purpose of CARA report is to inform Cabinet, the Criminal Assets Recovery Committee and oversight bodies about the utilisation of CARA funds and assets. The report indicates the history and current status of the Criminal Assets Recovery Account. During the period under review, the CARA report was finalised.

The outcome was moved from outcome 7: crime and corruption significantly reduced through effective prosecution to outcome 1: improved capability and capacity of the Department and good governance. The target reduced from 4 to 2 due to COVID-19 restrictions.

### 4.2 Programme 2: Court services

The purpose of this programme is to twofold:

1. To facilitate the speedy resolution of criminal cases, civil and family law disputes by providing accessible, efficient and strategic court administration support functions in respect of the lower courts; and
2. The management of facilities and justice security services in respect of facilities for which DoJ&CD is responsible.

The programme consists of the following subprogrammes:

- i. **Lower courts:** Coordination and management of an effective and efficient criminal and civil justice systems; Protection of the Rights of Vulnerable Persons (PRVP) which is responsible for the establishment of sexual offences courts and the development and implementation of measures to reduce gender-based violence and femicide (GBVF) and the protection of children; Special Tribunals and Commissions of Inquiry which focuses on the facilitation and coordination of the Special Tribunals and Commissions of Inquiry appointed in terms of the Commissions of Inquiry Act, 1947 and other applicable legislation.

- ii. **Family Advocate:** Relates to services of the Office of the Family Advocate in respect of litigation and mediation services affecting children and child and spousal maintenance services.
- iii. **Magistrates Commission:** Established in terms of the Magistrates Act, 1993, and which regulates the appointment, tenure and discharge of magistrates.
- iv. **Facilities management:** Focuses on the provision and management of facilities in respect of the Ministry, the DoJ&CD, Office of the Chief Justice (OCJ), National Prosecuting Authority (NPA), courts and justice service points; Justice Security Services focuses on the provision and management of security services in respect of all offices of the DoJ&CD, Office of the Chief Justice, National Prosecuting Authority (NPA), courts and justice service points.
- v. **Administration of lower courts:** Focuses on the coordination of the administration of justice services at the nine regional offices of the department.

#### List of outcomes

The programme contributes to the following outcome:

Outcome 2: Modernised, accessible courts and people-centred services.

## Outcome 2: Modernised, accessible courts and people-centred services

### Outcome 2: Modernised, accessible courts and people-centred services

| Output                                                                           | Output Indicator                                                                                                                    | Audited Actual Achievement Performance 2018/2019                          | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021                          | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                            | Reasons for revisions to the outputs /output indicator/Annual Targets                                             |
|----------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|--------------------------------------------------|----------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| 2.1 Operational call centre                                                      | 2.1.1 Phase 1 of the call centre complaints management established: Help desk by target date                                        | -                                                                         | -                                                | Phase 1 completed: Helpdesk established by 31 March 2021 | Workflow design was completed            | (75%)                                                             | Deviation as a result of achievement being for the first quarter and compared to an annual target | Output indicator removed from the APP and will be monitored at branch operational level                           |
| 2.2 Audio Visual Remand Systems rolled out                                       | 2.2.1 Number of Audio Visual Remand Systems rolled out                                                                              | -                                                                         | -                                                | 10                                                       | -                                        | (100%)                                                            | Target not achieved. Due to COVID-19, targets revised to be delivered in third and fourth quarter | Due to COVID-19, targets revised to be delivered in the third and fourth quarter                                  |
| 2.3 Phase of Femicide Watch system                                               | 2.3.1 Phases of the Femicide Watch established, as required by article 15 of the Presidential Summit Declaration against GBVF, 2019 | Milestones towards the establishment of Phase 1 achieved by 31 March 2019 | Phase 2 of the Femicide Watch achieved           | Phase 3                                                  | -                                        | (100%)                                                            | There was no set target in first quarter                                                          | Target reduced as a result of the reduction of the human resource capacity imposed by levels 5, 4 and 3 lockdown. |
| 2.5 Criminal cases postponed due to unavailability of court administration staff | 2.5.1 Percentage of criminal cases postponed due to unavailability of court administration staff                                    | 0,25%                                                                     | 0,2%                                             | 0,3%                                                     | 0,2%                                     | 33%                                                               | Target exceeded due to effective monitoring of performance                                        | Target changed as a result of the reduction of the human resource capacity imposed by levels 5, 4 and 3 lockdown  |

**Outcome 2: Modernised, accessible courts and people-centred services**

| Output                                                                                                                                                 | Output Indicator                                                                                                                                                      | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021 | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                                        | Reasons for revisions to the outputs /output indicator/Annual Targets                                             |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|---------------------------------|------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| 2.9 New court buildings                                                                                                                                | 2.9.1 Number of new court buildings completed                                                                                                                         | 2                                                | 2                                                | 3                               | -                                        | (100%)                                                            | There was no set target in first quarter                                                                      | Target reduced as a result of the reduction of the human resource capacity imposed by levels 5, 4 and 3 lockdown. |
| 2.10 Term contracts for unplanned maintenance for facilities                                                                                           | 2.10.1 Number of facilities with term contracts for unplanned maintenance                                                                                             | -                                                | -                                                | 30                              | 0                                        | (100%)                                                            | Target not achieved. Delay from SCM to invite bid spec and bid evaluation committee members for term contract | Target reduced as a result of the reduction of the human resource capacity imposed by levels 5, 4 and 3 lockdown  |
| 2.11 Disability-related complaints and investigations where reasonable measures were provided (level of access to justice by sex, age, and disability) | 2.11.1 Percentage of disability-related complaints and investigations where reasonable measures were provided (level of access to justice by sex, age and disability) | -                                                | -                                                | 10%                             | -                                        | (100%)                                                            | There was no set target in the first quarter                                                                  | Target has been amended in the revised Annual Performance Plan                                                    |
| 2.12 Litigation matters finalised within 12 months from the date of opening the matter                                                                 | 2.12.1 Percentage of family litigation matters finalised within 12 months from the date of opening the matter                                                         | 69%                                              | 92%                                              | 82%                             | 0%                                       | (100%)                                                            | Target not achieved. Data was unavailable due to system challenges.                                           | Target reduced as a result of the reduction of the human resource capacity imposed by levels 5, 4 and 3 lockdown  |

Outcome 2: Modernised, accessible courts and people-centred services

| Output                                                                                               | Output Indicator                                                                                                             | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021                                                                                                               | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                         | Reasons for revisions to the outputs /output indicator/Annual Targets                                                                  |
|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| 2.13 Non-litigation matters finalised within 6 months from the date of opening the matter            | 2.13.1 Percentage of family non-litigation matters finalised within 6 months from the date of opening the matter             | 95%                                              | 92%                                              | 62%                                                                                                                                           | 0%                                       | (100%)                                                            | Target not achieved. Data was unavailable due to system challenges.                            | Target reduced as a result of the reduction of the human resource capacity imposed by levels 5, 4 and 3 lockdown                       |
| 2.15 Policy to Reformed Criminal justice system                                                      | 2.15.1 Terms of reference and policy framework for the review of the Criminal Procedure Act developed                        | -                                                | -                                                | Terms of reference and policy framework for the review of the Criminal Procedure Act to be submitted to the Minister by 31 March 2021         | -                                        | (100%)                                                            | Target not achieved. The consultation on terms of reference was a lengthy process              | Not applicable – The indicator and target remained the same in the re-tabled Annual Performance Plan                                   |
| 2.16 Draft Policy to Reform Civil and Family Law system                                              | 2.16.1 Terms of reference and policy framework developed for the review of the Civil Justice System developed by target date | -                                                | -                                                | Terms of reference and policy framework developed for the review of the Civil Justice System to be submitted to the Minister by 31 March 2021 | -                                        | (100%)                                                            | Target not achieved. The research and consultation on terms of reference was a lengthy process | Indicator removed from Annual Performance Plan. The indicator was rephrased with new targets in the re-tabled Annual Performance Plan. |
| 2.18 Magisterial districts and sub-districts with supplier database of foreign language interpreters | 2.18.1 Number of magisterial districts and sub-districts with a supplier database of foreign language interpreters           | -                                                | -                                                | 25                                                                                                                                            | -                                        | (100%)                                                            | There was no set target in first quarter.                                                      | The indicator has been removed due to the introduction of CAVS system planned under Outcome 2 which will have interpreting function    |

### **Output 2.1: Operational call centre**

The indicator was removed from the APP and will be monitored at branch operational level.

### **Output 2.2: Audio Visual Remand Systems rolled out**

The target was not achieved during the first quarter; this was due to COVID-19 restrictions. The target was revised to be delivered during the third and fourth quarter.

### **Output 2.3: Phase of Femicide Watch system**

There was no set target for the period under review. The target was amended from phase 3 to phase 3 (Femicide Watch Dashboard report published) completed by 31 March 2021.

### **Output 2.5: Criminal cases postponed due to unavailability of court administration staff**

The Department always strives to ensure that the necessary administrative support required for the functioning of the courts is available at all times. During the first quarter, 331 cases from the outstanding roll of 198 429 cases were postponed due to the unavailability of court administration staff, translating to 0.2%.

The target changed from 0.3% to  $\leq 1\%$  as a result of the reduction of the human resource capacity imposed by levels 5, 4 and 3 lockdown.

### **Output 2.9: New court buildings**

There was no set target for the period under review. The target reduced to 2 as a result of the reduction of the human resource capacity imposed by levels 5, 4 and 3 lockdown.

### **Output 2.10: Term contracts for unplanned maintenance for facilities**

During the period under review, there were delays from supply chain management (SCM) to invite bid specifications and bid evaluation committee members for term contracts.

The target reduced from 30 to 10 as a result of the reduction of the human resource capacity imposed by levels 5, 4 and 3 lockdown.

### **Output 2.11: Disability-related complaints and investigations where reasonable measures were provided (level of access to justice by sex, age, and disability)**

There was no target set during the first quarter. The target changed from 10% to policy framework on management

of disability complaints and investigations developed by 31 March 2021.

### **Output 2.12: Litigation matters finalised within 12 months from the date of opening the matter**

During the period under review, data for the indicator was unavailable due to system challenges.

The target was reduced from 82% to 40% as a result of the reduction of the human resource capacity imposed by levels 5, 4 and 3 lockdown.

### **Output 2.13: Non-litigation matters finalised within six months from the date of opening the matter**

During the period under review, data for the indicator was unavailable due to system challenges. The target reduced from 62% to 35% as a result of the reduction of the human resource capacity imposed by levels 5, 4 and 3 lockdown.

### **Output 2.15: Policy to reformed criminal justice system and Output 2.16: Draft Policy to reform civil and family law system**

During the period under review, the research and consultation with relevant stakeholders was undertaken on the policy framework for the review of the civil justice system.

### **Output 2.18: Magisterial districts and sub-districts with supplier database of foreign language interpreters**

There was no planned target during the first quarter, however, the database for foreign language interpreters was finalised for the courts to access it.

## **4.3 Programme 3: State legal services**

The aim of this programme is to provide legal and legislative services to the Department and government broadly; supervise the registration of trusts; the administration of deceased and insolvent estates and estates undergoing liquidation; manage the Guardian's Fund; facilitate constitutional development and undertake research.

The programme consists of the following subprogrammes:

- i. **State law advisory services:** Provides legal advisory services by the Office of the Chief State Law Adviser to the Executive, all state departments, state-owned enterprises and autonomous government bodies.
- ii. **Litigation and legal services:** Provides state litigation services which relates to the functions of the Solicitor-General and Offices of the State Attorney, including



conveyancing and notary services in respect of all government departments and other organs of state as may be determined in terms of the State Attorney Amendment Act.

- iii. **Legislative development and law reform:** Conducts research and prepares and promotes new legislation and amends existing legislation.
- iv. **Master of the High Court:** Is responsible for functions relating to the administration of deceased and insolvent estates, trusts, curatorship and the Guardian's Fund performed through the various offices of the Master countrywide.
- v. **Constitutional development:** Coordinates the implementation of constitutionally mandated legislation such as the Promotion of Equality and Prevention of Unfair Discrimination Act (2000) and the Promotion of Administrative Justice Act 2000; the preparation and

submission of country reports; coordination of the implementation of the National Action Plan (NAP) to combat racism, racial discrimination, xenophobia and related intolerance);and conducts research on various constitutional related matters.

#### List of outcomes

The programme contributes to the following outcomes:

Outcome 3: Transformed Masters services

Outcome 4: Colonial/apartheid era justice-related legislation reviewed and repealed/replaced

Outcome 5: Transformed state litigation services and the legal profession

Outcome 6: Advancement of constitutionalism, human rights and the rule of law



### Outcome 3: Transformed Masters services

| Outcome 3: Transformed Masters services                                                                                              |                                                                                                                                                      |                                                  |                                                  |                                 |                                          |                                                                   |                                                    |                                                                                                                        |  |
|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|---------------------------------|------------------------------------------|-------------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--|
| Output                                                                                                                               | Output Indicator                                                                                                                                     | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021 | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                             | Reasons for revisions to the outputs/output indicator/Annual Targets                                                   |  |
| 3.1 Liquidation and distribution accounts in large estates (>250 000) examined within 15 days from receipt of all required documents | 3.1.1 Percentage of liquidation and distribution accounts in large estates (>250 000) examined within 15 days from receipt of all required documents | 92%                                              | 90%                                              | 82%                             | 71%                                      | 13%                                                               | Due to lockdown restrictions and rotation of staff | Annual target reduced as a result of the reduction of the human resource capacity imposed by levels 5,4 and 3 lockdown |  |
| 3.2 Letters of appointment issued in deceased estates within 15 days from receipt of all required documents                          | 3.2.1 Percentage of letters of appointment issued in deceased estates within 15 days from receipt of all required documents                          | 92%                                              | 91%                                              | 83%                             | 75%                                      | (10%)                                                             | Due to lockdown restrictions and rotation of staff | Annual target reduced as a result of the reduction of the human resource capacity imposed by levels 5,4 and 3 lockdown |  |
| 3.4 Service points where PEAS and Masters' Own Verification Technology (MOVIT) were rolled out                                       | 3.4.1 Number of service points where PEAS and Masters' Own Verification Technology (MOVIT) were rolled out (excluding 15 Masters' offices)           | PEAS rolled out to 27 service points             | PEAS – 12                                        | 5                               | 0                                        | (100%)                                                            | Due to lockdown restrictions and rotation of staff | Output indicator removed from the Annual Performance Plan and then included in the branch operational plans            |  |
|                                                                                                                                      |                                                                                                                                                      | MOVIT rolled out to 17 service points            | MOVIT – 10                                       | 5                               | 0                                        |                                                                   |                                                    |                                                                                                                        |  |

**Outcome 3: Transformed Masters services**

| Output                                                                                                                         | Output Indicator                                                                                                                               | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021 | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                             | Reasons for revisions to the outputs /output indicator/Annual Targets                                                  |
|--------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|---------------------------------|------------------------------------------|-------------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| 3.5 Certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents         | 3.5.1 Percentage of certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents         | 91%                                              | 93%                                              | 82%                             | 87%                                      | 6%                                                                | Target achieved                                    | Annual target reduced as a result of the reduction of the human resource capacity imposed by levels 5,4 and 3 lockdown |
| 3.6 Liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents | 3.6.1 Percentage of liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents | 96%                                              | 96%                                              | 84%                             | 82%                                      | (2%)                                                              | Due to lockdown restrictions and rotation of staff | Annual target reduced as a result of the reduction of the human resource capacity imposed by levels 5,4 and 3 lockdown |
| 3.7 Letters of authority issued in trusts within 14 days from receipt of all required documents                                | 3.7.1 Percentage of letters of authority issued in trusts within 14 days from receipt of all required documents                                | 90%                                              | 85%                                              | 75%                             | 68%                                      | (9%)                                                              | Due to lockdown restrictions and rotation of staff | Annual target reduced as a result of the reduction of the human resource capacity imposed by levels 5,4 and 3 lockdown |

| Outcome 3: Transformed Masters services                                                                                         |                                                                                                                                                 |                                                  |                                                  |                                                                                                 |                                                                                  |                                                                   |                                                    |                                                                                                                        |  |
|---------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-------------------------------------------------------------------|----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--|
| Output                                                                                                                          | Output Indicator                                                                                                                                | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021                                                                 | Actual Achievement Performance 2020/2021                                         | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                             | Reasons for revisions to the outputs /output indicator/Annual Targets                                                  |  |
| 3.8 Letters of appointment issued in curatorship estates within 15 days from receipt of all required documents                  | 3.8.1 Percentage of letters of appointment issued in curatorship estates within 15 days from receipt of all required documents                  | -                                                | 97%                                              | 81%                                                                                             | 92%                                                                              | 14%                                                               | -                                                  | Annual target reduced as a result of the reduction of the human resource capacity imposed by levels 5,4 and 3 lockdown |  |
| 3.9 Liquidation and distribution accounts in curatorship estates examined within 30 days from receipt of all required documents | 3.9.1 Percentage of liquidation and distribution accounts in curatorship estates examined within 30 days from receipt of all required documents | -                                                | 92%                                              | 81%                                                                                             | 75%                                                                              | 7%                                                                | Due to lockdown restrictions and rotation of staff | Annual target reduced as a result of the reduction of the human resource capacity imposed by levels 5,4 and 3 lockdown |  |
| 3.10 Automated Masters administration processes.                                                                                | 3.10.1 Deceased estates back-office administration ICT solution implemented at Masters offices by target date                                   | -                                                | -                                                | Deceased estates services (Back-Office) system (ICMS) enhanced and piloted in 1 Masters Office. | ISM and OCM in the process of analysing existing back office system capabilities | (100%)                                                            | Due to lockdown restrictions and rotation of staff | Output indicator removed from the Annual Performance Plan and then included in the branch operational plans.           |  |

**Output 3.1: Liquidation and distribution accounts in large estates (>250 000) examined within 15 days from receipt of all required documents**

During the period under review, 5 868 liquidation and distribution accounts in large estates were examined of which 4 152 were examined within 15 days from receipt of all required documents. The target reduced from 82% to 75%.

**Output 3.2: Letters of appointment issued in deceased estates within 15 days from receipt of all required documents**

A total of 15 315 letters of appointments in deceased estates were issued, of which 12 636 were issued within 15 days from receipt of all required documents during the period under review. The target reduced from 83% to 75%.

**Output 3.4: Service points where PEAS and Masters' Own Verification Technology (MOVIT) were rolled out**

During the period under review, no MOVIT or PEAS was rolled out due to lockdown and travel restrictions. Output indicator removed from the Annual Performance Plan.

**Output 3.5: Certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents**

During the period under review, 561 certificates of appointments in all bankruptcy matters were issued and 486 of these were issued within 10 days from receipt of all required documents. The target reduced from 82% to 75%.

**Output 3.6: Liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents**

During the period under review, 531 liquidation and distribution accounts in bankruptcy matter were examined and 437 out of these were examined within 15 days from receipt of all required documents. The target reduced from 84% to 75%.

**Output 3.7: Letters of authority issued in trusts within 14 days from receipt of all required documents**

A total of 1 932 letters of authority were issued in trusts of which 1 321 of these were issued within 14 days from receipt of all required documents during the first quarter. The target reduced from 75% to 70%.

**Output 3.8: Letters of appointment issued in curatorship estates within 15 days from receipt of all required documents**

By the end of the first quarter, a total of 96 letters of appointments were issued in curatorship estates, of which 88 of these were issued within 15 days from receipt of all required documents. The target reduced from 81% to 75%.

**Output 3.9: Liquidation and distribution accounts in curatorship estates examined within 30 days from receipt of all required documents**

The Department examined 565 liquidation and distribution accounts in curatorship matters, of which 422 accounts were examined within 30 days from receipt of all required documents. The target reduced from 81% to 75%.

**Output 3.10: Automated Masters administration processes**

Information System Management (ISM) and Office of Chief Master (OCM) in the process of analysing existing back office system capabilities. Output indicator removed from the Annual Performance Plan and then included in the branch operational plans.



## Outcome 5: Transformed State Litigation Services and the legal profession

### Outcome 5: Transformed State Litigation Services and the legal profession

| Output                             | Output Indicator                                                                                                                            | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021 | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                 | Reasons for revisions to the outputs/output indicator/Annual Targets                                                   |
|------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|---------------------------------|------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| 5.7 Reduce capital amounts claimed | 5.7.1 Percentage of reduction in capital amounts claimed in medical negligence, unlawful arrest, malicious prosecution and detention claims | 97%                                              | 65%                                              | 75%                             | 80%                                      | 7%                                                                | Target achieved                                                        | Annual target reduced as a result of the reduction of the human resource capacity imposed by levels 5,4 and 3 lockdown |
| 5.8 Insource High Court matters    | 5.8.1 Percentage of High Court matters insourced                                                                                            | 907                                              | 505                                              | 10%                             | -                                        | (100%)                                                            | Target not achieved due to lockdown restrictions and rotation of staff | Annual target reduced as a result of the reduction of the human resource capacity imposed by levels 5,4 and 3 lockdown |

#### Output 5.7: Reduce capital amounts claimed

A total of 16 cases of medical negligence, unlawful arrest, malicious prosecution and detention were finalised during the first quarter. Claims from these cases amounted to R 12 833 550 and through the settlement of the above claims, it amounted to R 2 560 800, as a result, 80% of the claimed amount was saved. The target reduced from 75% to 60%.

#### Output 5.8 Insource High Court matters

During the first quarter, there was no data available to report. The target reduced from 10% to 3%.

## Outcome 6: Advancement of constitutionalism, human rights and the rule of law

| Outcome 6: Advancement of constitutionalism, human rights and the rule of law |                                                                                                                                |                                                  |                                                  |                                 |                                          |                                                                   |                                                                                          |                                                                                                                       |  |
|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|---------------------------------|------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|--|
| Output                                                                        | Output Indicator                                                                                                               | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021 | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                   | Reasons for revisions to the outputs/output indicator/Annual Targets                                                  |  |
| 6.4 Awareness sessions on vulnerable groups conducted                         | 6.4.1 Number of awareness sessions on vulnerable groups conducted (LGBTI rights, women, people with disabilities and children) | -                                                | 19                                               | 12                              | 0                                        | (100%)                                                            | No awareness sessions conducted due to COVID-19 restrictions.                            | Annual target reduced as a result of the reduction of the human resource capacity imposed by level 5,4 and 3 lockdown |  |
| 6.6 Trafficking in persons awareness campaigns                                | 6.6.1 Number of trafficking in persons campaigns conducted in collaboration with other departments and role-players            | -                                                | -                                                | 4                               | 0                                        | (100%)                                                            | Due to the COVID-19 epidemic lockdown, no activities were completed in the first quarter | Annual target reduced as a result of the reduction of the human resource capacity imposed by level 5,4 and 3 lockdown |  |

#### **Output 6.4 Awareness sessions on vulnerable groups conducted**

Given the current situation of COVID-19, no awareness sessions were conducted during the first quarter. The target reduced from 12 to 3.

#### **Output 6.6: Trafficking in persons awareness campaigns**

During the period under review, no activities were completed due to the COVID-19 pandemic. The target reduced from 4 to 3.

#### **4.4 Programme 5: Auxiliary and associated**

The purpose of this programme is to provide a variety of auxiliary services associated with the department's goals, fund transfer payments to the South African Human Rights Commission (SAHRC), the Office of the Public Protector, Legal Aid SA, the Special Investigating Unit (SIU) and the President's Fund.

The programme consists of the following components within the DoJ&CD:

- i. **Justice modernisation:** Designs and implements information technology (IT) infrastructure and networks, and re-engineers, automates and integrates business processes for the administration of civil and criminal justice in the integrated justice system.

#### **List of outcomes**

The programme contributes to the following outcomes:

Outcome 8: Criminal justice system digitised and integrated



## Outcome 8: Criminal justice system digitised and integrated

| Outcome 8: Criminal justice system digitised and integrated                               |                                                                                                              |                                                  |                                                  |                                 |                                          |                                                                   |                        |                                                                       |  |
|-------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|---------------------------------|------------------------------------------|-------------------------------------------------------------------|------------------------|-----------------------------------------------------------------------|--|
| Output                                                                                    | Output Indicator                                                                                             | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021 | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations | Reasons for revisions to the outputs/output indicator/Annual Targets  |  |
| 8.1 Sites of government departments and entities with Person Verification Services system | 8.1.1 Number of sites of government departments and entities where Person Verification Services are deployed | -                                                | -                                                | 700                             | 703                                      | 1%                                                                | Target achieved        | Target removed due to dependency on the South African Police Services |  |

## Sites of government departments and entities with Person Verification Services system

The IJS Person Identification and Verification Application (PIVA) provides a solution for IJS departments to verify the identity of an individual using their fingerprints which are checked against Department of Home Affairs (DHA) records, through the collaboration between SAPS, DHA and the IJS. In

addition to enabling the identity of an arrested individual to be verified using their fingerprints and checked against DHA records, the SAPS official is now provided with immediate feedback as to whether the accused has a prior criminal record, and/or is wanted as a suspect for other criminal cases. As at the end of the first quarter, PIVA was deployed at 703 sites. The output indicator has been removed from the Annual Performance Plan.

## Report against the Re-tabled 2020/21 Annual Performance Plan in July 2020

### 4.5 Programme 1: Administration

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

This programme comprises the following subprogrammes:

- i. Ministry:** Provides leadership and policy direction to the DoJ&CD.
- ii. Management:** Provides strategic leadership and overall management through the following subprogrammes: branch coordination and service delivery improvement (BCSDI) including the management of the complaint handling mechanism (call centre); policy development and coordination; and strategic planning, monitoring and evaluation.
- iii. Corporate services:** Provides integrated business solutions in human resource management (HRM) and human resource development (HRD); information and systems management (ISM) which is responsible for information and communication technology (ICT); the coordination of the DoJ&CD's legal and employee relations management services (LERMS); and public education and communications (PEC); and justice related training, practical legal training and empowerment programmes across the justice sector provided through the Justice College.

**iv. Financial administration:** Provides financial services to the DoJ&CD with respect to financial resource allocation and management to aid in the fulfilment of the Department's goals and objectives as well as supply chain management functions.

**v. Internal audit and risk management:** Assists the accounting officer in maintaining efficient and effective controls and evaluates those controls' ability to determine their effectiveness and efficiency, in order to develop recommendations with regard thereto as well as management of risks.

**vi. Office accommodation:** Provides for accommodation charges, lease agreements and municipal rates.

#### List of outcomes

The programme contributes to the following outcomes:

Outcome 1: Improved capability and capacity of the Department and good governance

Outcome 2: Modernised and digitised justice services platforms



## Improved capability and capacity of the Department and good governance

| Outcome 1: Improved capability and capacity of the Department and good governance |                                                                                                                                                    |                                                  |                                                  |                                 |                                          |                                                                   |                                                                                                                                                                                                                       |  |  |
|-----------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|---------------------------------|------------------------------------------|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| Output                                                                            | Output indicator                                                                                                                                   | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021 | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                                                                                                                                                |  |  |
| 1.1 Resolved findings on key specific areas                                       | 1.1.1 Percentage of significant findings on key specific areas resolved                                                                            | 50%                                              | 71%                                              | 100%                            | 25%                                      | (75%)                                                             | Target not achieved due to COVID-19 restrictions and operational challenges                                                                                                                                           |  |  |
| 1.2 Resolved incidents of corruption in the department                            | 1.2.1 Percentage of reported incidents of corruption resolved through the departmental Disciplinary Code and Procedure for the Public Service      | -                                                | -                                                | 70%                             | 27%                                      | (61%)                                                             | The target was not met due to the complexity of corruption cases and a postponement of disciplinary hearings                                                                                                          |  |  |
| 1.3 Middle management services (MMS) posts occupied by Africans and women         | 1.3.1 Percentage of total MMS posts occupied by Africans and women                                                                                 | -                                                | -                                                | 59% Africans                    | 81% Africans                             | 37%                                                               | Target not achieved due to the operation in Disaster Management Act that led to DPSA placing recruitment under strict guidance, hence recruitment process was slow and as a result, all vacant posts were not filled. |  |  |
|                                                                                   |                                                                                                                                                    |                                                  |                                                  | 46% Women                       | 45% Women                                | (2%)                                                              |                                                                                                                                                                                                                       |  |  |
| 1.4 People with disabilities appointed                                            | 1.4.1 Percentage of total workforce positions occupied by people with disabilities                                                                 | -                                                | -                                                | 2.2%                            | 2.1%                                     | (5%)                                                              | Target not achieved because 12 PWDs resigned and no appointments were made during the reporting period                                                                                                                |  |  |
| 1.5 Procurement allocated to EME and QES                                          | 1.5.1 Percentage of Rand value of discretionary procurement allocated to exempted micro enterprises (EMEs) and qualifying small enterprises (QSEs) | -                                                | -                                                | 30%                             | 71%                                      | 137%                                                              | Target exceeded                                                                                                                                                                                                       |  |  |

| Outcome 1: Improved capability and capacity of the Department and good governance |                                                                                            |                                                  |                                                  |                                                                          |                                                            |                                                                   |                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------|------------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Output                                                                            | Output Indicator                                                                           | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021                                          | Actual Achievement Performance 2020/2021                   | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                                                                                                                   |
| 1.6 Departmental reconfiguration and structure implemented                        | 1.6.1 Department's reconfigured macro structure implemented by 31 March 2021               | -                                                | -                                                | Department reconfigured macro structure to be finalised by 31 March 2021 | -                                                          | (100%)                                                            | Target not achieved. The new inputs were received from EXCO on the draft structure on 29 March 2021. Further consultation with labour/ bargaining chamber for inputs must be undertaken. |
| 1.7 Trained personnel                                                             | 1.7.1 Number of people trained as per the workplace skills plan (WSP)                      | -                                                | -                                                | 4 000                                                                    | 188                                                        | (95%)                                                             | Target not achieved. National lockdown and restriction measures in place prohibited/limited training                                                                                     |
| 1.8 Undisputed and valid invoices paid within 30 days                             | 1.8.1 Percentage of undisputed and valid invoices paid within 30 days from date of receipt | 99%                                              | 99%                                              | 100%                                                                     | 99%                                                        | (1%)                                                              | Target not achieved due to rotation of staff during COVID-19 lockdown and system challenges                                                                                              |
| 1.9 CARA allocated funds report                                                   | 1.9.1 Number of bi-annual reports on allocated CARA funds completed                        | -                                                | -                                                | 2                                                                        | 2                                                          | -                                                                 | Target achieved                                                                                                                                                                          |
| 1.10 COVID-19 risk adjusted plan implementation report                            | 1.10.1 Number of reports on the implementation of COVID-19 risk adjusted plan              | -                                                | -                                                | 2                                                                        | 2                                                          | -                                                                 | Target achieved                                                                                                                                                                          |
| 1.11 Approved security model                                                      | 1.11.1 Security model for courts and service points implemented by target date             | -                                                | -                                                | Security risk assessment report finalised by 31 March 2021               | Security risk assessment report finalised by 31 March 2021 | -                                                                 | Target achieved                                                                                                                                                                          |

### **Output 1.1 Resolved findings on key specific areas**

The Department strives to improve on good governance by implementing interventions that ensure that components follow established policies and processes. The audit action plan was developed to address the audit findings raised by internal and external auditors. During the year under review, the Department addressed (25 %) 11 out of 44 the audit findings.

### **Output 1.2 Resolved incidents of corruption in the department**

To address the scourge of fraud and corruption which continues to pose a risk within the public service which undermines the rule of law and impedes government's efforts to achieve its socio-economic development and service delivery objectives. The Department is committed to ensure that incidents involving fraud and corruption are investigated thoroughly with appropriate action taken. By the end of the 2020/2021 financial period, 11 (27%) out of 41 fraud and corruption cases registered were finalised.

### **Output 1.3 Middle management services (MMS) posts occupied by Africans and women**

To accelerate the empowerment of Africans as well as women remains a priority of the Department, to ensure their full participation in the economic, political and social development in the country. During the period under review, a total of 286 officials occupied MMS posts in the Department, 231 out of 286 (81%) were Africans while 130 out of 286 (45%) were women. The target for Africans (59%) was achieved, but the target for women (46%) was not achieved.

### **Output 1.4 People with disabilities appointed**

The Department continues to create an enabling environment to support the people with disabilities and contribute towards a more inclusive society. Furthermore, it is to ensure more diversity in the workforce. During the period under review, 330 out of 15 783 of total workforce were occupied by people with disability, this has translated to 2.10%.

### **Output 1.5 Procurement allocated to EME and QES**

One of government priorities is to accelerate economic transformation and job creation. To contribute to this priority, the Department supports small and medium businesses through participation in procurement allocation. During the period under review, the Department paid a total of R1 122 436 932.74 to contracts and request for quotation

suppliers of which R800 136 966.54 was paid over to Exempted Micro Enterprise (EME) and Qualifying Small Enterprise (QSE's) suppliers.

### **Output 1.6 Departmental reconfiguration and structure implemented**

The reconfiguration and development of macro structure as per departmental strategy is necessary to ensure that the intended impact is achieved. The Department presented the draft structure to EXCO on 29 March 2021.

### **Output 1.7 Trained personnel**

The workplace skills training plan was developed to train and capacitate the officials in relevant skills. A total of 188 officials were trained during the period under review.

### **Output 1.8 Undisputed and valid invoices paid within 30 days**

The payment of valid invoices within 30 days remains a priority to the Department because of the severe impact of the economy on small businesses. During the period under review, the Department processed 34 791 undisputed and valid invoices whilst 34 648 of these invoices were paid within 30 days.

### **Output 1.9 CARA allocated funds report**

The purpose of CARA report is to inform Cabinet, the Criminal Assets Recovery Committee and oversight bodies about the utilisation of CARA funds and assets. The report indicates the history and current status of the Criminal Assets Recovery Account. During the period under review, bi-annual CARA reports were completed.

### **Output 1.10 COVID-19 risk adjusted plan implementation report**

The purpose of the report is to provide an update of the rate of infections within the Department, effect on service delivery as well as outline progress in respect of measures taken by the Department to reduce the spread, contain and minimise the risk of exposing its personnel, contractors, service providers and members of the public to COVID-19.

During the period under review, the bi-annual reports on COVID-19 at service points were completed.

### **Output 1.11 Approved security model**

The Department had highlighted the necessity of efficient and effective security measures which must be informed by an extensive and comprehensive security model to

serve as a guideline on how the security measures should be implemented. The Department deemed it necessary to initiate this project as courts and offices are at times scenes of conflict, offenders who attempt to escape, spectators who take law into their own hands, or criminals who seek to avenge for verdict and volatile community protests. The Department conducted security risk assessment in 20 offices from various provinces which translated into security management model.

During the period under review, the security risk assessment report was completed. The outcome of the security model will be implemented incrementally over a period of three years, starting with the next financial year. The security risk model will have a positive impact on the effective and efficient security measures in courts and service points.



## Outcome 2: Modernised and digitised justice services platforms

### Outcome 2 Modernised and digitised justice services platforms

| Output                                              | Output Indicator                                                                              | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021                                                 | Actual Achievement Performance 2020/2021                                               | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                                                                                           |
|-----------------------------------------------------|-----------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|---------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.1 Modernisation of court administration processes | 2.1.1 Number of sites where Audio-visual Remand system is rolled out                          | -                                                | -                                                | 18                                                                              | 0                                                                                      | (100%)                                                            | Target not achieved. Concomitant indicator at DCS not yet established<br>The tender specification for CAVS will not be implemented in the current financial year |
| 2.1 Modernisation of court administration processes | 2.1.2 Number of sites where cashless court solution is deployed                               | -                                                | -                                                | 25                                                                              | 25                                                                                     | -                                                                 | Target achieved                                                                                                                                                  |
| 2.1 Modernisation of court administration processes | 2.1.3 E-Submissions solution deployed by 30 September 2020                                    | -                                                | -                                                | E-Submissions for memos and Parliamentary reports deployed by 30 September 2020 | The E-Submissions for memos and enhancements for Parliamentary questions were deployed | -                                                                 | Target achieved                                                                                                                                                  |
| 2.1 Modernisation of court administration processes | 2.1.4 Number of sites where Virtual Platforms Solution (VPS) (video conferencing) is deployed | -                                                | -                                                | 12 sites                                                                        | 1 site                                                                                 | (92%)                                                             | Target not achieved due to delays in procurement processes                                                                                                       |



## Output 2.1 Modernisation of court administration processes

The modernisation of the justice system remains a key strategic focus for the Department to ensure that access to justice is placed at the front and centre of the court modernisation project for the future. This will improve access to justice and efficiency of the courts. The interventions planned for the financial year under review were to roll out the audio-visual remand system link systems to additional courts and correctional centres and deploy cashless court solution.

The implementation of the **audio-visual remand system** forms part of broader initiatives aimed at improving the overall criminal justice system in the country. In the 2020/2021 financial year, the Department planned to roll out of this solution to a further 18 sites but due to the delays in the procurement process, the target to roll out this solution was not achieved. However, the procurement of the required equipment was completed and the rollout is envisaged early in the 2021/2022 financial year.

During the period under review, the cashless court solution was deployed to 25 courts as listed below table:

| Region        | Magistrate court                                                                                                                                                                                                                                                          |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Free State    | <ol style="list-style-type: none"> <li>1. Winburg</li> <li>2. Phuthaditjaba</li> <li>3. Vrede</li> <li>4. Botshabelo</li> <li>5. Thaba 'Nchu</li> <li>6. Brandfort</li> <li>7. Bultfontein</li> <li>8. Harrismith</li> <li>9. Viljoenskroon</li> </ol>                    |
| North West    | <ol style="list-style-type: none"> <li>10. Molopo (Mahikeng)</li> <li>11. Rustenburg</li> <li>12. Brits</li> <li>13. Potchefstroom</li> <li>14. Klerksdorp</li> <li>15. Moretele (Hammanskraal)</li> <li>16. Koster</li> <li>17. Zeerust</li> <li>18. Ottosdal</li> </ol> |
| Northern Cape | <ol style="list-style-type: none"> <li>19. Kimberley</li> <li>20. Galeshewe</li> <li>21. Warrenton</li> <li>22. Douglas</li> <li>23. Barkley West</li> <li>24. Hartswater</li> <li>25. Jan Kempdorp</li> </ol>                                                            |

In improving office productivity and acceding to the call for accelerated modernisation, brought about by the COVID-19 pandemic, the Department has implemented virtual collaboration technologies that enable internal virtual engagements and collaboration.

The e-submissions enhancements for memoranda and Parliamentary questions were developed, tested and rolled out during the period under review.

Furthermore, 12 Virtual Platforms Solution (VPS) were targeted to be deployed, but due to procurement challenges, the VPS was installed in one site. For the 11 remaining sites, the equipment was procured and delivered. The deployment is envisaged to be completed in the 2021/2022 financial year.



## Strategy to overcome areas of under performance

| Output indicator description |                                                                                                                                         | Strategy to overcome areas of under performance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.1.1                        | Percentage of significant findings on key specific areas resolved                                                                       | Consequences measures will be implemented by Head of Branches to address the non-compliance by Branches and the resolution of audit findings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1.2.1                        | Percentage of reported incidents of corruption resolved through the departmental disciplinary code and procedure for the public service | Follow-up with employer representative to expedite and conclude the matter/s.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 1.3.1                        | Percentage of total MMS posts occupied by Africans and women                                                                            | Recruitment commenced for critical posts advertised.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 1.4.1                        | Percentage of total workforce positions occupied by people with disability                                                              | Recruitment commenced for critical posts advertised, other positions to be targeted as soon as DPSA issues further notice.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 1.6.1                        | Department's reconfiguration and structure implemented by target date                                                                   | Finalise the consultation processes and consolidate inputs from all stakeholders.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 1.7.1                        | Number of people trained as per the workplace skills plan (WSP)                                                                         | Training has commenced and will continue with adherence to the restriction measures that are in place.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 1.8.1                        | Percentage of undisputed and valid invoices paid within 30 days from date of receipt                                                    | <p>Circular 02 of 2021 for payment of invoices was approved and communicated to staff. The aim is to guide officials on what to do to ensure 30 days compliance during COVID-19 risk adjusted plan. Additional training was provided to all branches/regions/offices.</p> <p>Heads of offices, regional heads &amp; branch heads to take responsibility to ensure the performance is increased to 100%, this will be ensured by daily follow up that all payments are addressed.</p> <p>All officials/ supervisors/ managers that effect/supervise/manage payments must ensure that this function is included in the performance agreements with effect from the 2021/2022 performance period.</p> |
| 2.1.1                        | Number of sites where audio-visual remand system is rolled out                                                                          | ISM to embark on an alternative procurement process.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

### Linking performance with budgets

The programme's overall expenditure for the year amounted to R 2.705 billion against the budget of R 2.921 billion, resulting in an underspending of R 216 million.

The underspending is mainly attributed to delays in filling vacant posts, lower than anticipated payment of performance bonuses and less than anticipated expenditure in the commissions of inquiry into the state capture and private leases.

### Subprogramme expenditure

| SubProgramme Name        | 2020/2021           |                    |                          | 2019/2020           |                    |                          |
|--------------------------|---------------------|--------------------|--------------------------|---------------------|--------------------|--------------------------|
|                          | 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                 | 30 130              | 28 338             | 1 792                    | 39 960              | 39 960             | -                        |
| Management               | 54 935              | 47 783             | 7 152                    | 54 869              | 50 373             | 4 496                    |
| Corporate services       | 1 076 436           | 986 337            | 90 099                   | 851 764             | 851 655            | 109                      |
| Financial administration | 212 087             | 200 480            | 11 607                   | 207 691             | 203 477            | 4 214                    |
| Internal audit           | 88 989              | 84 484             | 4 505                    | 90 719              | 89 737             | 982                      |
| Office accommodation     | 1 458 172           | 1 357 263          | 100 909                  | 1 344 466           | 1 302 486          | 41 980                   |
| <b>Total</b>             | <b>2 920 749</b>    | <b>2 704 685</b>   | <b>216 064</b>           | <b>2 589 469</b>    | <b>2 537 688</b>   | <b>51 781</b>            |

## 4.6 Programme 2: Court services

The purpose of this programme is to twofold:

1. To facilitate the speedy resolution of criminal cases, civil and family law disputes by providing accessible, efficient and strategic court administration support functions in respect of the lower courts; and
2. The management of facilities and justice security services in respect of facilities for which DoJ&CD is responsible.

The programme consists of the following subprogrammes:

- i. Lower courts:** Coordination and management of an effective and efficient criminal and civil justice systems; protection of the rights of vulnerable persons (PRVP) which is responsible for the establishment of sexual offences courts and the development and implementation of measures to reduce gender-based violence and femicide (GBVF) and the protection of children; special tribunals and commissions of inquiry which focus on the facilitation and coordination of the special tribunals and commissions of inquiry appointed in terms of the Commissions of Inquiry Act, 1947 and other applicable legislation.
- ii. Family Advocate:** Relates to services of the Office of the Family Advocate in respect of litigation and mediation services affecting children and child and spousal maintenance services.

**iii. Magistrates Commission:** Established in terms of the Magistrates Act, 1993, and which regulates the appointment, tenure and discharge of magistrates.

**iv. Facilities management:** Focuses on the provision and management of facilities in respect of the Ministry, the DoJ&CD, Office of the Chief Justice (OCJ), National Prosecuting Authority (NPA), courts and justice service points. Justice security services focuses on the provision and management of security services in respect of all offices of the DoJ&CD, Office of the Chief Justice, National Prosecuting Authority (NPA), courts and justice service points.

**v. Administration of lower courts:** Focuses on the coordination of the administration of justice services at the nine regional offices of the department.

### List of outcomes

The programme consist of the following outcomes:

Outcome 3: Increased access to justice services

Outcome 9: Crime and corruption significantly reduced through effective prosecution

### Outcome 3: Increased access to justice services

| Outcome 3: Increased access to justice services                                                 |                                                                                                                                                                        |                                                                           |                                                  |                                                                                    |                                                                                        |                                                                   |                                                            |
|-------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------------|
| Output                                                                                          | Output Indicator                                                                                                                                                       | Audited Actual Achievement Performance 2018/2019                          | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021                                                    | Actual Achievement Performance 2020/2021                                               | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                     |
| 3.1 Phase of Femicide Watch system                                                              | 3.1.1 Phases of Femicide Watch completed as required by article 15 of Presidential Summit Declaration against GBVF, 2019 and the National Strategic Plan (NSP) on GBVF | Milestones towards the establishment of Phase 1 achieved by 31 March 2019 | Phase 2 of the Femicide Watch achieved           | Phase 3 (Femicide Watch Dashboard report published and completed by 31 March 2021) | Phase 3 of the Femicide Watch Dashboard report completed and published to stakeholders | -                                                                 | Target achieved                                            |
| 3.2 Updated criminal cases on ICMS: Criminal                                                    | 3.2.1 Number of "unreturned" criminal cases on the Integrated Case Management System (ICMS): Criminal                                                                  | 4245                                                                      | 6292                                             | <1 800                                                                             | <732                                                                                   | -                                                                 | Target achieved                                            |
| 3.3 Criminal cases postponed due to unavailability of court administration staff                | 3.3.1 Percentage of criminal cases postponed due to unavailability of court administration staff                                                                       | 0,25%                                                                     | 0,2%                                             | ≤1%                                                                                | 0,1%                                                                                   | -                                                                 | Target achieved                                            |
| 3.4 Finalised child justice preliminary inquiries within 90 days after date of first appearance | 3.4.1 Percentage of child justice preliminary inquiries finalised within 90 days after date of first appearance                                                        | 96%                                                                       | 94%                                              | 88%                                                                                | 90%                                                                                    | 2%                                                                | Target exceeded due to effective monitoring of performance |
| 3.5 NRSO clearance certificates issued to applicants                                            | 3.5.1 Percentage of NRSO clearance certificates issued to applicants                                                                                                   | -                                                                         | -                                                | 100%                                                                               | 100%                                                                                   | -                                                                 | Target achieved                                            |

| Outcome 3: Increased access to justice services                                                                                                       |                                                                                                                                                                                                                                             |                                                  |                                                  |                                                                            |                                                                                      |                                                                   |                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Output                                                                                                                                                | Output Indicator                                                                                                                                                                                                                            | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021                                            | Actual Achievement Performance 2020/2021                                             | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                                                                                                                                                                                                          |
| 3.6 Sexual Offences Courts designated in terms of Section 55(A) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007         | 3.6.1 Number of additional courts designated in terms of Section 55(A) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 for sexual offences in line with the 2018 Presidential Summit declaration against GBVF | -                                                | -                                                | 27                                                                         | 0                                                                                    | (100%)                                                            | Target not achieved. A list of courts identified to be designated in terms of section 55(A)(1) of the Criminal Law (Sexual Offences and Related Matters) were identified. A memorandum for designation was submitted to the Minister; however, the memo was not signed on time. |
| 3.7 New court building                                                                                                                                | 3.7.1 Number of new court buildings completed                                                                                                                                                                                               | 2                                                | 2                                                | 2<br>Dimbaza MC and Durban Family Court                                    | 2<br>Dimbaza MC and Durban Family Court                                              | -                                                                 | Target achieved                                                                                                                                                                                                                                                                 |
| 3.8 Term contracts for unplanned maintenance for facilities                                                                                           | 3.8.1 Number of facilities with term contracts for unplanned maintenance                                                                                                                                                                    | -                                                | -                                                | 10                                                                         | 0                                                                                    | (100%)                                                            | Target not achieved. Delay in getting approvals by DBAC. Non-availability of members to participate in BSC and BEC and lack of technical capacity.                                                                                                                              |
| 3.9 Disability-related complaints and investigations where reasonable measures were provided (level of access to justice by sex, age, and disability) | 3.9.1 Percentage of disability-related complaints and investigations where reasonable measures were provided (level of access to justice by sex, age and disability)                                                                        | -                                                | -                                                | Policy framework on management of disability complaints and investigations | Policy framework on management of disability complaints and investigations developed | -                                                                 | Target achieved                                                                                                                                                                                                                                                                 |

| Outcome 3: Increased access to justice services                                              |                                                                                                                                                                     |                                                  |                                                  |                                                                                                                                                    |                                                                                                                                                    |                                                                   |                                                             |
|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------|
| Output                                                                                       | Output Indicator                                                                                                                                                    | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021                                                                                                                    | Actual Achievement Performance 2020/2021                                                                                                           | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                      |
| 3.10 Litigation matters finalised within 12 months from the date of opening the matter       | 3.10.1 Percentage of Family Advocate litigation matters finalised within 12 months from the date of opening the matter                                              | 69%                                              | 92%                                              | 40%                                                                                                                                                | 85%                                                                                                                                                | 113%                                                              | Target exceeded due to effective monitoring of performance. |
| 3.11 Non-litigation matters finalised within 6 months from the date of opening the matter    | 3.11.1 Percentage of Family Advocate non-litigation matters finalised within 6 months from the date of opening the matter (Mediation, Conciliation and Negotiation) | 95%                                              | 92%                                              | 35%                                                                                                                                                | 81%                                                                                                                                                | 131%                                                              | Target exceeded due to effective monitoring of performance. |
| 3.12 Maintenance matters finalised within 90 days from the date of proper service of process | 3.12.1 Percentage of maintenance matters finalised within 90 days from the date of proper service of process                                                        | 82%                                              | 84%                                              | 72%                                                                                                                                                | 85%                                                                                                                                                | 18%                                                               | Target exceeded due to effective monitoring of performance. |
| 3.13 Policy to review criminal justice system                                                | 3.13.1 Policy recommendations for the review of the Criminal Procedure Act submitted to the Minister for approval by 31 March 2021                                  | -                                                | -                                                | Terms of reference and policy framework for the review of the Criminal Procedure Act to be submitted to the Minister for approval by 31 March 2021 | Terms of reference and policy framework for the review of the Criminal -Procedure Act were submitted to the Minister for approval by 31 March 2021 | -                                                                 | Target achieved                                             |

| Outcome 3: Increased access to justice services         |                                                                                                                                                          |                                                  |                                                  |                                                                                                                                                                    |                                                                                                                                                                                   |                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Output                                                  | Output Indicator                                                                                                                                         | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021                                                                                                                                    | Actual Achievement Performance 2020/2021                                                                                                                                          | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 3.14 Draft policy to reform civil and family law system | 3.14.1 Draft Policy Framework for the review of the Civil Justice System and Family Law Services submitted to the Minister for approval by 31 March 2021 | -                                                | -                                                | Terms of reference and policy framework for the review of the civil justice system and family law services submitted to the Minister for approval by 31 March 2021 | Terms of reference and policy framework developed for the review of the civil justice system and family law services were submitted to the Minister for approval by 31 March 2021 | -                                                                 | Target achieved                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 3.15 Finalised backlog cases                            | 3.15.1 Percentage of backlog cases on the priority roll finalised                                                                                        | -                                                | -                                                | 20%                                                                                                                                                                | 0%                                                                                                                                                                                | (100%)                                                            | Target not achieved. The Department does not have the list of priority roll cases, which is in the responsibility of the Judiciary, as yet. The matter is being discussed at the monthly court optimisation meetings chaired by the Deputy Minister of Justice and Constitutional Development. The Department now further plans to co-ordinate the development of the framework to work down backlog and priority cases during the 2021/2022 financial year. |



### **Output 3.1 Phase of Femicide Watch system**

The President has declared femicide a national crisis, in response to the country's intervention against the femicide pandemic. The Femicide Watch is a national repository of disaggregated data of reported GBV-related femicide cases. It is intended to assist the country in profiling cases of femicide to determine the appropriate and effective interventions.

The Department is establishing the Femicide Watch in phases. Phase one was established in 2018/2019 which included project scoping and definition and Femicide Watch technical design and application developed. Phase three was to ensure that a workable, functioning, accessible and user-friendly Femicide Watch dashboard is created to be utilised by identified internal departmental officials. With the assistance of IJS, the planned development was completed to include nine additional visualisations/metrics on the Femicide Watch dashboard.

The information was sourced from the IJS. Phase 3 data is submitted by the South African Police Service (SAPS) and the Department of Justice and Constitutional Development (DoJ&CD) for the Phase 3 implementation.

During the 2020/2021 financial year, the following were key milestones finalised to complete phase three of the Femicide Watch dashboard:

- Femicide Watch Phase 3 dashboard scoping document approved;
- The Femicide Watch Phase 3 metric definition sheets, which include the business rules used to calculate each metric displayed on the Femicide Watch dashboard;
- Femicide Watch dashboard Phase 3 status report, which contains an overview of the current available data, outstanding data requirements and potential system updates to be implemented in Phase 4; and
- Status report made available and published to the intersectoral-committee on domestic violence and femicide.

### **Output 3.2 Updated criminal cases on ICMS: Criminal**

The Department monitors the updating of cases on ICMS Criminal to ensure accuracy, completeness and that they are updated within five days from the date of last appearance in court. By the end of the 2020/2021 financial year, a total of 732 criminal cases were not updated on the system, hence classified as 'unreturned' cases.

### **Output 3.3 Criminal cases postponed due to unavailability of court administration staff**

The Department always strives to ensure that the necessary administrative support required for the functioning of the courts is available at all times. As at the end of March 2021, 212 cases from the outstanding roll of 165 817 cases were postponed due to the unavailability of court administration staff, translating to 0.1%.

### **Output 3.4 Finalised child justice preliminary inquiries within 90 days after date of first appearance**

The Child Justice Act, 2008 (Act 75 of 2008) (the Act), implemented on 1 April 2010 establishes a child justice system that ingrains the culture of restorative justice, while holding children accountable for their criminal conduct without necessarily treating them as criminals. It emphasises effective rehabilitation and reintegration of children back into their families and communities to prevent and reduce recidivism, whilst balancing the interests of children and those of society, with due regard to the rights of victims.

The Act provides a framework for various processes that seek to treat the child in a manner that takes into account of the child's age, and these include the evaluation of the child's criminal capacity, the use of restorative justice approaches, diversion programmes, and the consideration by court of pre-sentence reports and victim impact statements.

In complying with the guiding principles of the Child Justice Act and Regulations, the Department monitors the performance of child justice preliminary inquiries cases. In the 2020/2021 financial year, a total of 7 926 child justice preliminary inquiries were finalised and 7 157 of them were finalised within 90 days after the first appearance date.

### **Output 3.5 NRSO clearance certificates issued to applicants**

Chapter 6 of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32, of 2007 came into effect in 2009. The main requirement for the Department is to implement a National Register for Sexual Offenders (NRSO), wherein all the convicted sex offenders against children and mentally disabled persons are to be registered.

NRSO aims to stop the spate of incidents against children and mentally disabled people and to ensure that convicted offenders do not work with children or mentally disabled people.

During the 2020/2021 financial year, the NRSO Registrar received and processed 1 834 (100%) applications submitted by various institutions in respect of confirming particulars for individuals that would be in contact with children in the course of their employment.

### **Output 3.6 Sexual Offences Courts designated in terms of section 55(A) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007**

In February 2020, the Sexual Offences Courts (SOCs) were promulgated into law in terms of Section 55A of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 (Act No 32 of 2007). The aim is to create a justice system that is quick, responsive, caring and effective for victims of sexual offences.

The Department established a Task Team for the Designation of Sexual Offences Courts constituted by the Regional Court President (Limpopo), NPA (SOCA UNIT), Legal Aid SA, and Rape Crisis, Western Cape, and chaired by the CD: PRVG, to develop a Compact for the Designation of Courts as Sexual Offences Courts. The Compact was intended to set a roadmap to the implementation of the Regulations relating Sexual Offences Courts and the step-by-step process for the designation of courts as sexual offences courts in terms of section 55A of the Act.

The task team finalised the development of the Compact in February 2021 and it constituted of the Guidelines for Designation of Sexual Offences Courts and the Checklist for the Selection of Courts for Designation.

During the period under review, the Department planned to designate 27 Sexual Offences in regional courts as per the Sexual Offences Courts model. However, the memo was not signed. As a result, the issuing of the Gazette Notice for 27 Sexual Offences Courts could not be done to finalise the designation process, as required by the Act.

### **Output 3.7 New court building**

During the 2020/2021 financial year, the construction of Dimbaza Magistrate Court and Durban Point Family Court were completed. The final completion was taken on the 29<sup>th</sup> of October 2020 and on the 19<sup>th</sup> of January 2021 respectively. The Durban Family Court was officially opened by the Minister on 26 March 2021.

### **Output 3.8 Term contracts for unplanned maintenance for facilities**

During the period under review, the target to appoint term contract for unplanned maintenance relating to 10 planned facilities was not achieved. This was due to unavailability of members to participate in Bid Specifications and Bid Evaluation Committees and delays in getting approval from Departmental Bid Adjudication Committee (DBAC).

### **Output 3.9 Disability-related complaints and investigations where reasonable measures were provided (level of access to justice by sex, age, and disability)**

The purpose of the policy framework is to develop the minimum service standards and would enable victims and persons with disabilities in general to have equal access to courts in so far as the physical environment, facilities and services. During the period under review, The Policy Framework on Reasonable Accommodations for Persons with Disabilities was developed.

### **The Office of the Family Advocate**

The Office of the Family Advocate was created as a multidisciplinary component consisting of the family advocates and family counsellors after the promulgation of the Mediation in Certain Divorce Matters Act (Act No 24 of 1987) to protect the best interests of children. The services at the time of the establishment of the office were available to few privileged South Africans who could afford to litigate in the High Courts as prescribed in terms of the Divorce Act, 1979 as only children born of marriages and whose parents were parties in the divorce proceedings before the first four High Courts of the then Republic of South Africa were the beneficiaries of the services.

In 2008, the mandate of the office was exponentially extended by the implementation of various legislations such as Children's Act, 2005, Maintenance Act, 1998, Recognition of Customary Marriages Act, 1998 and the Domestic Violence Act, 1998 as well as by section 28 (2) of the Constitution of the Republic of South Africa, the African Charter. As a result of the said extension of the mandate the beneficiaries of the services of the office are no longer only children of married parents, but are all children affected by legal and administrative proceedings regardless of their parents' marital status.

### **Output 3.10 Litigation matters finalised within 12 months from the date of opening the matter**

The Department through the Office of the Family Advocate continues to provide professional legal and family related services to children in families with conflict and other difficulties. During the period under review, the Department recorded 6 914 family law litigation matters of which 5 859 matters were finalised within 12 months from date of opening the file.

### **Output 3.11 Non-litigation matters finalised within six months from the date of opening the matter**

With regards to non-litigation, a total of 6 485 were recorded of which 5 274 of these matters were finalised were finalised within six months from the date of opening the file.

### **Output 3.12 Maintenance matters finalised within 90 days from the date of proper service of process**

The Department has developed performance standards for maintenance services that were finalised at 240 courts across the country. The implementation of these performance standards ensured that beneficiaries of maintenance receive what is due to them within a reasonable period.

Within these sites, the Department processed 24 154 maintenance cases where defendants were served with proper service of process at sites selected for monitoring the 90-day service standard, while 20 434 of these maintenance cases were finalised within 90 days after proper service of process.

### **Output 3.13 Policy to review the criminal justice system**

The policy framework and terms of reference for the review of the criminal justice system submitted to the Minister for approval

### **Output 3.14 Draft policy to reform civil and family law system**

The policy framework and terms of reference for the review of the civil justice system and family law services submitted to the Minister for approval

### **Output 3.15 Finalised backlog cases**

The criminal case backlog reduction initiative was introduced as one of the various interventions to deal with case backlogs. The aim of the case backlog project is to achieve a reduction in criminal cases on the roll and to ensure that the inflow of new cases is balanced by matters concluded as well as greater court efficiency and effectiveness. The Department provided support to improve the all-round performance of the courts and continuously collaborate with stakeholders to implement and maintain case flow management at all courts.

During the period under review, there were no backlog cases on the priority roll finalised. The Department does not have the list of priority roll cases. The matter is being discussed at the monthly court optimisation meeting, chaired by the Deputy Minister of Justice and Constitutional Development. The Department will also now coordinate the development of the framework to work down backlog and priority cases, in the 2021/2022 financial year.

### Outcome 9: Crime and corruption significantly reduced through effective prosecution

| Outcome 9: Crime and corruption reduced through effective prosecution        |                                                                                                                                                |                                                  |                                                  |                                 |                                          |                                                                   |                                                                                                                                                       |
|------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|---------------------------------|------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| Output                                                                       | Output Indicator                                                                                                                               | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021 | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                                                                                |
| 9.1 Dedicated specialised commercial courts (serious economic crimes courts) | 9.1.1 Number of dedicated specialised commercial crime courts in five provinces (Limpopo, North West, Eastern Cape, Mpumalanga and Free State) | -                                                | -                                                | 2                               | 6                                        | 200%                                                              | Target exceeded. The Presidency requested that the establishment of SCCCs be accelerated so that the MTSF target of 5 could be achieved more rapidly. |

### Output 9.1 Dedicated specialised commercial courts (serious economic crimes courts)

The establishment of new SCCCs will have a tremendous impact on society as well as on the Department's ability to reduce criminal case backlogs and to improve the public's perception of justice and the rule of law. By establishing these new SCCCs, serious commercial criminal cases can now be removed from the ordinary court rolls, thus allowing for other matters such as urgent gender-violence and femicide matters to be heard and enrolled in specialised courts that are able to hear the matters sooner with specialised senior

judicial officers, legal aid practitioners and prosecutors. The public needs to see that those who are charged with serious commercial crimes, including state and private corruption, are brought before a judicial officer to adjudicate their matter, within a reasonable time. This in turn will strengthen the rule of law in our country and the understanding that those who act with impunity in looting state and private funds will be dealt with fairly and quickly.

During the period under review, the Department established a total of six new specialised commercial crime courts as per the table below:

| Region            | Place of sitting                                                                                                                       |
|-------------------|----------------------------------------------------------------------------------------------------------------------------------------|
| Limpopo (3)       | 1 Court at Stand 67 Unit BA, Main Road, Old Khensani Hospital, Giyani and 2 Courts at 36 Biccard Street, Polokwane Central, Polokwane. |
| North West (1)    | Mmabatho Regional Court, Cnr Sekame & Robert Sobukwe Road, Old Parliament Building, Mmabatho                                           |
| Northern Cape (1) | New Public Building, 1st Floor, Cnr Knight and Stead Street, Kimberley                                                                 |
| Mpumalanga (1)    | Nr 17 Bester Street, Mbombela                                                                                                          |

### Linking performance with budgets

The programme's overall expenditure for the year amounted to R 6.205 billion against the budget of R 6.373 billion, resulting in an underspending of R 169 million. The under

spending is due to delays in filling of vacant posts, lower than anticipated payment of performance bonuses and slow progress by the Department of Public Works in the implementation of planned court infrastructure projects due to COVID-19 regulations

### Strategy to overcome areas of under performance

| Output indicator description                                                                                                                                                                                            | Strategy to overcome areas of under performance                                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3.6.1 Number of additional courts designated in terms of Section 55(A) of the Criminal Law (Sexual Offences and Related Matters) Amendment Act, 2007 in line with the 2018 Presidential Summit declaration against GBVF | The issuing of the Gazette Notice will be prioritised to finalise the designation process, as required by the Act.                                                                                                                                                                                                                                   |
| 3.8.1 Number of facilities with term contracts for unplanned maintenance                                                                                                                                                | Facilities management has proposed the allocation of the budget on the procurement plan for approval to source professional services for the development of specifications which will address all other term contracts that the branch will implement in the 2021/2022 financial year.                                                               |
| 3.15.1 Percentage of backlog cases on the priority roll finalised                                                                                                                                                       | The Department is in the process of drafting the relevant framework with the support of all the relevant stakeholders for consultation, adoption, submission and resourcing during 2021/2022 financial year. The Department will continue to provide the secretariat and administrative support services to the monthly court optimisation meetings. |

## Subprogramme expenditure

| Sub Programme Name             | 2020/2021           |                    |                          | 2019/2020           |                    |                          |
|--------------------------------|---------------------|--------------------|--------------------------|---------------------|--------------------|--------------------------|
|                                | 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                   | 5 109 430           | 5 052 616          | 56 814                   | 5 260 593           | 5 230 090          | 30 503                   |
| Family advocate                | 246 193             | 236 702            | 9 491                    | 243 568             | 242 341            | 1 227                    |
| Magistrate's commission        | 17 328              | 13 417             | 3 911                    | 22 999              | 17 411             | 5 588                    |
| Facilities management          | 378 149             | 324 503            | 53 646                   | 378 645             | 355 983            | 22 662                   |
| Administration of lower courts | 622 134             | 577 375            | 44 759                   | 689 596             | 582 829            | 106 767                  |
| <b>Total</b>                   | <b>6 373 234</b>    | <b>6 204 613</b>   | <b>168 621</b>           | <b>6 595 401</b>    | <b>6 428 654</b>   | <b>166 747</b>           |

### 4.7 Programme 3: State legal services

The aim of this programme is to provide legal and legislative services to the Department and government broadly; supervise the registration of trusts; the administration of deceased and insolvent estates and estates undergoing liquidation; manage the Guardian's Fund; facilitate constitutional development and undertake research.

The programme consists of the following subprogrammes:

- i. State law advisory services:** Provides legal advisory services by the Office of the Chief State Law Adviser to the Executive, all state departments, state-owned enterprises and autonomous government bodies.
- ii. Litigation and legal services:** Provides state litigation services which relate to the functions of the Solicitor-General and Offices of the State Attorney, including conveyancing and notary services in respect of all government departments and other organs of state as may be determined in terms of the State Attorney Amendment Act.
- iii. Legislative development and law reform:** Conducts research and prepares and promotes new legislation and amends existing legislation.
- iv. Master of the High Court:** Is responsible for functions relating to the administration of deceased and insolvent estates, trusts, curatorship and the Guardian's Fund performed through the various offices of the Master countrywide.

- v. Constitutional development:** Coordinates the implementation of constitutionally mandated legislation such as the Promotion of Equality and Prevention of Unfair Discrimination Act (2000) and the Promotion of Administrative Justice Act 2000; the preparation and submission of country reports; coordination of the implementation of the National Action Plan (NAP) to combat racism, racial discrimination, xenophobia and related intolerance; and conducts research on various constitutional related matters.

#### List of outcomes

The programme consists of the following outcomes:

- Outcome 4: Transformed Masters services
- Outcome 5: Colonial/apartheid era justice-related legislation reviewed and repealed/replaced
- Outcome 6: Transformed state litigation services
- Outcome 7: Transformed legal profession
- Outcome 8: Advanced constitutionalism, human rights and the rule of law



## Outcome 4: Transformed Masters services

| Outcome 4: Transformed Masters services                                                                                              |                                                                                                                                                      |                                                  |                                                  |                                 |                                          |                                                                   |                                                             |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|---------------------------------|------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------|--|--|
| Output                                                                                                                               | Output Indicator                                                                                                                                     | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021 | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                      |  |  |
| 4.1 Liquidation and distribution accounts in large estates (>250 000) examined within 15 days from receipt of all required documents | 4.1.1 Percentage of Liquidation and distribution accounts in large estates (>250 000) examined within 15 days from receipt of all required documents | 93%                                              | 90%                                              | 75%                             | 77%                                      | 3%                                                                | Target exceeded due to effective monitoring of performance. |  |  |
| 4.2 Letters of appointment issued in deceased estates within 15 days from receipt of all required documents                          | 4.2.1 Percentage of letters of appointment issued in deceased estates within 15 days from receipt of all required documents                          | 95%                                              | 91%                                              | 75%                             | 85%                                      | 13%                                                               | Target exceeded due to effective monitoring of performance. |  |  |
| 4.3 Beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian's Fund)                     | 4.3.1 Percentage of beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian's Fund)                     | 96%                                              | 88%                                              | 83%                             | 89%                                      | 7%                                                                | Target exceeded due to effective monitoring of performance. |  |  |
| 4.4 Certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents               | 4.4.1 Percentage of certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents               | 91%                                              | 93%                                              | 75%                             | 93%                                      | 24%                                                               | Target exceeded due to effective monitoring of performance. |  |  |
| 4.5 Liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents       | 4.5.1 Percentage of liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents       | 93%                                              | 96%                                              | 75%                             | 87%                                      | 16%                                                               | Target exceeded due to effective monitoring of performance. |  |  |

| Outcome 4: Transformed Masters services                                                                                         |                                                                                                                                                 |                                                  |                                                  |                                 |                                          |                                                                   |                                                                      |  |  |
|---------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|---------------------------------|------------------------------------------|-------------------------------------------------------------------|----------------------------------------------------------------------|--|--|
| Output                                                                                                                          | Output Indicator                                                                                                                                | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021 | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                               |  |  |
| 4.6 Letters of authority issued in trusts within 14 days from receipt of all required documents                                 | 4.6.1 Percentage of letters of authority issued in trusts within 14 days from receipt of all required documents                                 | 90%                                              | 85%                                              | 70%                             | 67%                                      | (4%)                                                              | Target not achieved due to backlog created by lockdown restrictions. |  |  |
| 4.7 Letters of appointment issued in curatorship estates within 15 days from receipt of all required documents                  | 4.7.1 Percentage of letters of appointment issued in curatorship estates within 15 days from receipt of all required documents                  | 93%                                              | 97%                                              | 75%                             | 91%                                      | 21%                                                               | Target exceeded due to effective monitoring of performance.          |  |  |
| 4.8 Liquidation and distribution accounts in curatorship estates examined within 30 days from receipt of all required documents | 4.8.1 Percentage of liquidation and distribution accounts in curatorship estates examined within 30 days from receipt of all required documents | -                                                | 92%                                              | 75%                             | 83%                                      | 11%                                                               | Target exceeded due to effective monitoring of performance.          |  |  |
| 4.9 Revised policies submitted to the Minister                                                                                  | 4.9.1 Number of policies submitted to the Minister for approval by target date                                                                  | -                                                | -                                                | 1 by 31 March 2021              | Final draft was submitted to Minister    | -                                                                 | Target exceeded                                                      |  |  |

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

**Output 4.1 Liquidation and distribution accounts in large estates (>250 000) examined within 15 days from receipt of all required documents**

During the period under review, 39 524 liquidation and distribution accounts in large estates were examined and 30 468 of these accounts were examined within 15 days from receipt of all required documents.

**Output 4.2 Letters of appointment issued in deceased estates within 15 days from receipt of all required documents**

A total of 151 291 letters of appointments in deceased estates were issued, of which 128 522 appointments were issued within 15 days from receipt of all required documents during the period under review.

**Output 4.3 Beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian's Fund)**

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. In the period under review, 37 909 beneficiaries of Guardian's fund were in receipt of services while 30 672 received the Guardian's Fund services within 40 days of receipt of all required documents.

**Output 4.4 Certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents**

During the period under review, 6 718 certificates of appointments in all bankruptcy matters were issued and 6 219 of these appointments were issued within 10 days from receipt of all required documents.

**Output 4.5 Liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents**

During the period under review, 4 604 liquidation and distribution accounts in bankruptcy matters were examined and 4 026 out of these accounts were examined within 15 days from receipt of all required documents.

**Output 4.6 Letters of authority issued in trusts within 14 days from receipt of all required documents**

Trusts play an important role in the economy as they are a commonly used structure in financial planning in a regulated environment. Timely registration of trusts facilitates free and efficient economic activity. While it is no secret that trusts impact on individual tax planning, the Master and SARS are in full cooperation with regard to exchange of information needed. A total of 22 459 letters of authority were issued in trusts of which 15 094 were issued within 14 days from receipt of all required documents during the period under review.

**Output 4.7 Letters of appointment issued in curatorship estates within 15 days from receipt of all required documents**

By the end of the financial year, a total of 819 letters of appointments were issued in curatorship estates, of which 746 were issued within 15 days from receipt of all required documents.

**Output 4.8 Liquidation and distribution accounts in curatorship estates examined within 30 days from receipt of all required documents**

The department examined 3 658 liquidation and distribution accounts in curatorship matters, of which 3 033 accounts were examined within 30 days from receipt of all required documents.

**Output 4.9 Revised policies submitted to the Minister**

Insolvency policy draft was finalised by the end of the 2019/2020 financial year, however the draft was then submitted to the Ministry by the end of quarter one in the 2020/2021 financial year.

### Outcome 5: Colonial/apartheid era justice-related legislation reviewed and repealed/replaced

| Outcome 5: Colonial/apartheid era justice-related legislation reviewed and repealed/replaced |                                                                                                                         |                                                  |                                                  |                                 |                                          |                                                                   |                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|---------------------------------|------------------------------------------|-------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Output                                                                                       | Output Indicator                                                                                                        | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021 | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                                                                                                                                                                                                               |
| 5.1 Bills and Regulations                                                                    | 5.1.1 Number of Bills and Regulations submitted to the Minister for approval                                            | 9                                                | 9                                                | 5                               | 10                                       | 100%                                                              | Target exceeded despite the COVID-19 pandemic and the restrictions that were imposed. The officials overachieved due to the pressure of achieving priority projects and implementing Constitutional Court deadlines in respect of legislation that was found to be unconstitutional. |
| 5.2 Pre-1994 justice-related legislation repealed and replaced                               | 5.2.1 Number of apartheid/colonial era justice-related legislation submitted to the Minister for repeal and replacement | -                                                | -                                                | 3                               | 4                                        | 33%                                                               | Target exceeded as a result of work on the Extradition Bill, the Insolvency Bill and the Lower Courts Bill having been under discussion in the preceding years.                                                                                                                      |
| 5.3 Court rules                                                                              | 5.3.1 Number of Rules of Court submitted to the board for approval                                                      | 27                                               | 26                                               | 20                              | 23                                       | 15%                                                               | Target exceeded due to completion of urgent rules that needed to be finalised.                                                                                                                                                                                                       |
| 5.4 Research papers                                                                          | 5.4.1 Number of research papers submitted to the South African Law Reform Commission for approval                       | 13                                               | 11                                               | 11                              | 8                                        | (27%)                                                             | Target not achieved due to delays in appointing the advisory committees and received insufficient public comments.                                                                                                                                                                   |

## Output 5.1 Bills and regulations

During the 2020/2021 financial year, the following Regulations and Bills were submitted to the Minister for approval:

- Draft COVID-19 Amendments: Regulations relating to assistance to victims in respect of basic education: The promotion of National Unity and Reconciliation Act, 1995;
- Draft COVID-19 Amendments: Regulations relating to assistance to victims in respect of higher education and training: The Promotion of National Unity and Reconciliation Act, 1995;
- Promotion of Equality and Prevention of Unfair Discrimination Bill, 2020;
- The Land Court Bill;
- Domestic Violence Amendment Bill, 2020;
- Criminal and Related Matters Amendment Bill, 2020;
- Criminal Law (sexual offences and related matters) Amendment Bill;
- Cannabis for Private Purposes Bill, 2020;
- Promotion of Access to Information Act, 2000 (Act 2 of 2000): Amendment of Regulations; and
- International Cooperation in Criminal Matters Amendment Bill, 2021.

## Output 5.2 Pre-1994 justice-related legislation repealed and replaced

During the 2020/2021 financial year, the following Bills were submitted to the Minister for approval in March 2021:

- Insolvency Bill to replace the Act of 1936;
- Magistrates Bill to replace the Act of 1992;
- The Lower Courts Bill to replace the Act of 1944; and
- The Extradition Bill to replace the Act of 1962.

## Output 5.3 Court rules

During the 2020/2021 financial year, the following Rules of Court were submitted to the board for approval.

- High Court Rule 37 (Pre-trial conference/referees);
- High Court Rule 38A (Investigation by referees);
- High Court Rule 40 (In forma pauperis/indigent litigants);
- Supreme Court of Appeal Rule 15 (In forma pauperis/indigent litigants);
- Magistrates' Courts Rule 67(5A) (Criminal Appeals);
- Magistrates' Courts Rule 43 (Execution);
- Item 14 (a) of Table A and Item 11,23 and 25 of Table C (Annexure 2 to the Magistrates' Courts Rules) Annexure 2;

- Small Claims Courts Rule 11A and Form (Applications);
- Small Claims Courts Rule 12A (Service of summons);
- Small Claims Courts Rule 14B (Hearing);
- Small Claims Courts Rule 15A and Form (Offer by judgment debtor);
- Small Claims Courts Rules and Forms (Various amendments to the existing rules and provision of new forms);
- Uniform Rule 37B (Administrative archiving);
- Magistrates' Court Rule 54 (Actions by and against partnerships/other entities);
- Magistrates' Courts Form 3 (Summons containing a rent interdict);
- Magistrates' Courts Rule 67 (Criminal appeals);
- A set of Judicial Case-flow Management Rules and Forms (Magistrates' Courts);
- Uniform Rule 30A (Noncompliance with rules and court orders);
- Uniform Rule 6 (Applications);
- Uniform Rule 62 (Filing, preparation and inspection of documents);
- Uniform Rule 37B (Administrative archiving); and
- Small Claims Court Rule and Form for review of decisions.

## Output 5.4 Research papers

During the 2020/2021 financial year, the following research papers were submitted to the South African Law Reform Commission for approval:

- A proposal paper calling for removal of the prohibition against cultivating hemp for commercial and industrial purposes;
- Discussion Paper - Project 144: Single marriage statute;
- Issue Paper - Project 148: Domestication of the UNCRPD;
- Proposal paper on aspects falling under the umbrella Project 100: Domestic violence, identified for review – Domestic violence as a crime and strangulation: The case for a new offence;
- Discussion Paper – Project 100: Relocation of families with reference to abduction of children;
- First Draft Report - Project 127: Review of administration orders;
- Draft Report – Project 142: Legal fees; and
- Issue Paper – Project 145: Review of mechanisms of intergovernmental relations applicable to the social development sector.

## Outcome 6: Transformed state litigation services

| Outcome 6: Transformed state litigation services                                          |                                                                                                               |                                                  |                                                  |                                                                                   |                                          |                                                                   |                                                                                                         |  |  |
|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|-----------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|--|--|
| Output                                                                                    | Output Indicator                                                                                              | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021                                                   | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                                  |  |  |
| 6.1 Established Office of the Solicitor-General and aligned Offices of the State Attorney | 6.1.1 Office of the Solicitor-General strategy implemented                                                    | -                                                | -                                                | Draft strategy of the Solicitor-General approved by the Minister by 31 March 2021 | -                                        | (100%)                                                            | Target not achieved                                                                                     |  |  |
| 6.1 Established Office of the Solicitor-General and aligned Offices of the State Attorney | 6.1.2 Number of heads of offices of the State Attorney appointed                                              | -                                                | -                                                | 11                                                                                | 6                                        | (45%)                                                             | Target not achieved due to the job evaluation to be conducted for the remaining state attorney offices. |  |  |
| 6.2 Policies to implement the State Attorney Amendment Act                                | 6.2.1 Number of policies to implement the State Attorney Amendment Act submitted to the Minister for approval | -                                                | -                                                | 3 policies submitted to the Minister for approval                                 | -                                        | (100%)                                                            | Target not achieved                                                                                     |  |  |
| 6.3 Briefs allocated to PDI legal practitioners                                           | 6.3.1 Percentage of value of briefs allocated to PDI's legal practitioners                                    | 83%                                              | 82%                                              | 83%                                                                               | 80%                                      | (4%)                                                              | Target not achieved                                                                                     |  |  |
| 6.4 Briefs allocated to female legal practitioners                                        | 6.4.1 Percentage of value of briefs allocated to female legal practitioners                                   | 28%                                              | 27%                                              | 29%                                                                               | 29%                                      | -                                                                 | Target achieved                                                                                         |  |  |
| 6.5 State Attorney framework contract                                                     | 6.5.1 State Attorney framework contract implemented                                                           | -                                                | -                                                | State Attorney framework finalised by 31 March 2021                               | -                                        | (100%)                                                            | Target not achieved                                                                                     |  |  |



### Outcome 6: Transformed state litigation services

| Output                                                      | Output Indicator                                                                                                                                                   | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021 | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                                                                    |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|---------------------------------|------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 6.6 Reduce Capital amounts claimed                          | 6.6.1 Percentage of reduction of capital amounts claimed in medical negligence, unlawful arrest, malicious prosecution and detention claims                        | 97%                                              | 65%                                              | 60%                             | 66%                                      | 10%                                                               | Target exceeded due to effective monitoring of performance.                                                                               |
| 6.7 Insource High Court matters                             | 6.7.1 Percentage of High Court matters insourced                                                                                                                   | 907                                              | 505                                              | 3%                              | 78%                                      | 250%                                                              | Target exceeded due to effective monitoring of performance.                                                                               |
| 6.8 Settle litigation cases                                 | 6.8.1 Percentage of litigation cases settled                                                                                                                       | 62%                                              | 57%                                              | 53%                             | 61%                                      | 15%                                                               | Target exceeded due to effective monitoring of performance.                                                                               |
| 6.9 Legal opinions                                          | 6.9.1 Percentage of legal opinions finalised within 40 days from date of receipt of the instruction                                                                | 80%                                              | 96%                                              | 83%                             | 97%                                      | 17%                                                               | Target exceeded due to most of client requests received were on urgent basis and to meet the client's demand, lawyers worked extra hours. |
| 6.10 Preliminary opinions                                   | 6.10.1. Percentage of preliminary opinions on draft Bills and opinions on subordinate legislation completed within 40 days from date of receipt of the instruction | 80%                                              | 91%                                              | 83%                             | 94%                                      | 13%                                                               | Target exceeded due to most of client requests received were on urgent basis and to meet the client's demand, lawyers worked extra hours. |
| 6.11.1 Finalise suggested Bills and subordinate legislation | 6.11.1 Percentage of suggested Bills and subordinate legislation finalised within 40 days from the date of receipt of the instruction                              | 80%                                              | 94%                                              | 83%                             | 97%                                      | 17%                                                               | Target exceeded due to most of client requests received were on urgent basis and to meet the client's demand, lawyers worked extra hours. |

| Outcome 6: Transformed state litigation services                       |                                                                                                                                                    |                                                  |                                                  |                                 |                                          |                                                                   |                                                                                                                                           |
|------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|---------------------------------|------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| Output                                                                 | Output Indicator                                                                                                                                   | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021 | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                                                                    |
| 6.12 Finalise international agreements and accompanying legal opinions | 6.12.1 Percentage of international agreements and accompanying legal opinions finalised within 40 days from the date of receipt of the instruction | 85%                                              | 88%                                              | 85%                             | 97%                                      | 12%                                                               | Target exceeded due to most of client requests received were on urgent basis and to meet the client's demand, lawyers worked extra hours. |
| 6.13 Finalise draft Bills approved by Cabinet for introduction         | 6.13.1 Percentage of draft Bills approved by Cabinet for introduction finalised within 40 days of receipt of the instruction                       | 80%                                              | 100%                                             | 83%                             | 100%                                     | 20%                                                               | Target exceeded due to most of client requests received were on urgent basis and to meet the client's demand, lawyers worked extra hours. |
| 6.14 Finalise translations                                             | 6.14.1 Percentage of translations finalised within 55 days from the date of receipt                                                                | 86%                                              | 96%                                              | 86%                             | 99%                                      | 15%                                                               | Target exceeded due to most of client requests received were on urgent basis and to meet the client's demand, lawyers worked extra hours. |

### **Output 6.1 Established Office of the Solicitor-General and aligned Offices of the State Attorney**

The draft litigation structure was developed and circulated to the branch management for inputs.

A total of six heads of state attorney's offices were appointed during the financial period under review.

### **Output 6.2 Policies to implement the State Attorney Amendment Act**

Mediation Policy (ADR), Management of State Litigation and State Legal Representation policies were not submitted to the Minister for approval.

### **Output 6.3 Briefs allocated to PDI legal practitioners**

As at the end of 2020/2021, a total of R 964 378 070.00 was paid to legal practitioners and R 770 165 158.47 was paid to PDIs.

### **Output 6.4 Briefs allocated to female legal practitioners**

During the period under review, a total of R 964 378 070.00 was paid to legal practitioners, R 278 689 399.82 was paid to female legal practitioners, and this has translated to 29%.

### **Output 6.5 State Attorney framework contract**

A draft of the special conditions of contract was not developed and circulated for finalisation.

### **Output 6.6 Reduce capital amounts claimed**

A total of 74 cases of medical negligence, unlawful arrest, malicious prosecution and detention were finalised during the period under review. Claims from these cases amounted to R 335 659 335.34 and they were finalised at R222 675 572.11; this has translated to 66% savings.

### **Output 6.7 Insource High Court matters**

By the end of 2020/2021, a total of 121 High Court matters were finalised while 94 of these matters were finalised by State Attorney without assistance of any private legal practitioners. This translates to 78% of High Court matters insourced.

### **Output 6.8 Settle litigation cases**

As at the end of 2020/2021, a total number of 59 cases were finalised while 36 cases were finalised through settlement this translated to 61%.

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 Adviser further provides legal advice and guidance to the state on its proposals, legislation and international agreements and ensures that potential litigation against the state, on constitutional and other legal grounds, is considerably reduced. It provides legal advice and guidance with regard to the Constitution, other legal instruments and constitutional muster.

### **Output 6.9 Legal opinions**

During the period under review, the office of the Chief State Law Adviser finalised a total number of 465 requests for legal opinions, of which 452 were finalised within the set timeframe for delivery of the legal opinions within 40 days from the date of receipt.

### **Output 6.10 Preliminary opinions**

The office finalised a total number of 78 preliminary opinions relating to the constitutionality and quality of draft Bills for Cabinet's consideration, of which 73 were finalised within the set timeframe for delivery of the preliminary opinions within 40 days from the date of receipt.

### **Output 6.11.1 Finalise suggested Bills and subordinate legislation**

In terms of Bills and other legislative instruments, the office finalised 298 pieces of work, of which 288 were finalised within the set timeframe of 40 days from the date of receipt.

### **Output 6.12 Finalise international agreements and accompanying legal opinions**

The office finalised a total of 60 international agreements, of which 58 were finalised within the set timeframe of 40 days from the date of receipt.

### **Output 6.13 Finalise draft Bills approved by Cabinet for introduction**

The office handled a total of 27 draft Bills for introduction to Cabinet, of which 27 were finalised within the set timeframe of 40 days from the date of receipt.

### **Output 6.14 Finalise translations**

During the year under review, the office of the Chief State Law Adviser translated Bills into isiZulu, isiXhosa, Sepedi, Xitsonga, Sesotho, Tshivenda, SiSwati, isiNdebele, Setswana and Afrikaans. A total of 102 translations were finalised, of which 101 were finalised within the set timeframe of 55 days from date of receipt.

## Outcome 7: Transformed legal profession

| Outcome 7: Transformed legal profession                                    |                                                                                |                                                  |                                                  |                                                                                                                    |                                                                                                       |                                                                   |                                                |  |  |
|----------------------------------------------------------------------------|--------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|------------------------------------------------|--|--|
| Output                                                                     | Output Indicator                                                               | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021                                                                                    | Actual Achievement Performance 2020/2021                                                              | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                         |  |  |
| 7.1 Establish Legal Service Ombud                                          | 7.1.1 Legal Service Ombud established by 31 March 2021                         | -                                                | -                                                | 31 March 2021                                                                                                      | Legal Service Ombud established                                                                       | -                                                                 | Target achieved                                |  |  |
| 7.2 Policy guideline on the conferral of Senior Counsel status implemented | 7.2.1 Policy guideline on the conferral of Senior Counsel status implemented   | -                                                | -                                                | Policy guideline on the conferral of Senior Counsel status submitted to the Minister for approval by 31 March 2021 | Policy guideline on the conferral of Senior Counsel status was submitted to the Minister for approval | -                                                                 | Target achieved                                |  |  |
| 7.3 Legal Practice Act regulations                                         | 7.3.1 Number of Legal Practice Act set of regulations approved by the Minister | -                                                | -                                                | 2                                                                                                                  | 0                                                                                                     | (100%)                                                            | Target not achieved due to capacity constraint |  |  |

### **Output 7.1 Establish Legal Service Ombud**

During the financial period under review, President Cyril Ramaphosa appointed retired Justice Sirajudien Desai as the Legal Services Ombud in terms of S 47 of the Legal Practice Act 28 of 2014 (LPA). The Legal Services Ombud objective is to protect and promote the public interest in relation to the rendering of legal services as contemplated in the LPA. The interim organisational structure was approved by the Minister and department officials were seconded to assist and support Judge Sirajudien Desai: Legal Services Ombud, in establishing the office.

### **Output 7.2 Policy guideline on the conferral of Senior Counsel status implemented**

During the period under review, the policy guideline on the conferral of Senior Counsel status was submitted to the Minister for approval. The purpose of this guideline is to prescribe the manner of application, procedure and criteria to recognise candidates who qualify for conferment of Senior Counsel Honours.

### **Output 7.3 Legal Practice Act Regulations**

During the period under review, Legal Practice Act set of regulations were not completed and approved by the Minister.



## Outcome 8: Advanced constitutionalism, human rights and the rule of law

| Outcome 8: Advanced constitutionalism, human rights and the rule of law           |                                                                                                                                |                                                  |                                                  |                                                                                                |                                                                                             |                                                                   |                                                                                             |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------|
| Output                                                                            | Output Indicator                                                                                                               | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021                                                                | Actual Achievement Performance 2020/2021                                                    | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                      |
| 8.1 Implemented DoJ&CD activities from the NAP programme of action                | 8.1.1 Number of activities in the NAP programme of action applicable to DoJ&CD implemented                                     | -                                                | -                                                | 9 activities implemented                                                                       | 9 activities implemented                                                                    | -                                                                 | Target achieved                                                                             |
| 8.2 Support participatory democracy, human rights advocacy, platform and agencies | 8.2.1 Governance structure to lead and coordinate the implementation of NAP established                                        | -                                                | -                                                | NAP Governance structure to be established by 31 March 2021                                    | -                                                                                           | (100%)                                                            | Target not achieved due to additional inputs to be effected on the NAP governance structure |
| 8.2 Support participatory democracy, human rights advocacy, platform and agencies | 8.2.2 Funding model for the implementation of NAP developed by target date                                                     | -                                                | -                                                | Desktop analysis of existing funding models for the implementation of the NAP by 31 March 2021 | Desktop analysis of existing funding models for the implementation of the NAP was completed | -                                                                 | Target achieved                                                                             |
| 8.3 Sustained and visible anti-xenophobia campaigns conducted                     | 8.3.1 Number of anti-xenophobia campaigns conducted in collaboration with other departments and role-players                   | 6                                                | 6                                                | 6                                                                                              | 6                                                                                           | -                                                                 | Target achieved                                                                             |
| 8.4 Awareness sessions on vulnerable groups conducted                             | 8.4.1 Number of awareness sessions on vulnerable groups conducted (LGBTI rights, women, people with disabilities and children) | -                                                | 19                                               | 12                                                                                             | 18                                                                                          | 50%                                                               | Target exceeded due to effective monitoring of performance.                                 |



| Outcome 8: Advanced constitutionalism, human rights and the rule of law                   |                                                                                                                     |                                                  |                                                  |                                                                                                                  |                                                                                                 |                                                                   |                                                                               |
|-------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------------|
| Output                                                                                    | Output Indicator                                                                                                    | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021                                                                                  | Actual Achievement Performance 2020/2021                                                        | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                        |
| 8.5 Intersectoral integrated trafficking in persons information system                    | 8.5.1 Intersectoral integrated national information system on trafficking in persons established                    | -                                                | -                                                | Phase 1-6 of integrated data collection system to track trafficking in persons system developed by 31 March 2021 | Phase 1-6 of integrated data collection system to track trafficking in persons system developed | -                                                                 | Target achieved                                                               |
| 8.6 Trafficking in Persons awareness campaigns                                            | 8.6.1 Number of trafficking in persons campaigns conducted in collaboration with other departments and role-players | -                                                | -                                                | 3                                                                                                                | 4                                                                                               | 33%                                                               | Target exceeded due to effective monitoring of performance.                   |
| 8.7 25 years of Constitution commemorated                                                 | 8.7.1 Programmes to commemorate 25th anniversary of the Constitution implemented                                    | -                                                | -                                                | Programmes to commemorate 25th anniversary of the Constitution developed by 31 March 2021                        | -                                                                                               | (100%)                                                            | Target not achieved due to additional inputs to be effected on the programme. |
| 8.8 Revised various sets of regulations in line with TRC, parliament approved regulations | 8.8.1 Review of set of regulations (basic education, higher education and training)                                 | -                                                | -                                                | 2 (Basic education, higher education and training)                                                               | 2 Basic education, higher education and training                                                | -                                                                 | Target achieved                                                               |
| 8.9 Social compact concept developed                                                      | 8.9.1 Social compact between the Executive, Judiciary and Legislative tiers of government developed                 | -                                                | -                                                | Develop social compact concept document                                                                          | Social compact concept document developed                                                       | -                                                                 | Target achieved                                                               |

| Outcome 8: Advanced constitutionalism, human rights and the rule of law                                     |                                                                                                                                                                           |                                                  |                                                  |                                                                                              |                                          |                                                                   |                                                                                                            |
|-------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|----------------------------------------------------------------------------------------------|------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| Output                                                                                                      | Output Indicator                                                                                                                                                          | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021                                                              | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                                     |
| 8.10 Tabled treaty reports                                                                                  | 8.10.1 Number of country reports submitted to DIRCO for onward submission to treaty bodies                                                                                | 75%                                              | 0                                                | 2                                                                                            | 3                                        | 50%                                                               | Target exceeded due to ICERD Country Report, which was overdue from the previous financial year 2019-2020. |
| 8.11 Valid requests for extradition and mutual legal assistance in criminal matters processed and submitted | 8.11.1 Percentage of valid requests for extradition and mutual legal assistance processed and submitted to the central authority (DG) within 25 working days from receipt | 99%                                              | 91%                                              | 80%                                                                                          | 84%                                      | 5%                                                                | Target exceeded due to effective monitoring of performance.                                                |
| 8.12 Policy framework on extradition and mutual legal assistance developed                                  | 8.12.1 Number of policies submitted to the Minister for approval by 31 March 2021                                                                                         | -                                                | -                                                | 1 (Policy framework for extradition) submitted to the Minister for approval by 31 March 2021 | -                                        | (100%)                                                            | Target not achieved due to further consultation required                                                   |

### **Output 8.1 Implemented DoJ&CD activities from the NAP programme of action**

The period under review coincides with the second year of implementation of the five-year programme of action (POA) of the Cabinet approved National Action Plan to combat racism, racial discrimination, xenophobia and related intolerance (NAP). The DoJ&CD has continued to conduct various anti-discrimination initiatives in collaboration with relevant role-players in accordance with its MTSF commitments. In so doing, it has forged new and continued to strengthen existing partnerships to support and promote the implementation of the NAP. A total of nine activities planned were implemented during the 2020/2021 financial year.

### **Output 8.2 Support participatory democracy, human rights advocacy, platform and agencies**

The NAP governance structure will consist of both public and private sector representatives, including structures located at various levels of the state and civil society. This structure will serve as a channel for dialogue among governmental authorities, Chapter 9 institutions, civil society, different sectors and racially discriminated individuals and groups. Meaningful partnerships will contribute to the successful implementation of the NAP. The draft NAP governance structure was presented and discussed at Executive meeting in March 2021, however, there were concerns and comments raised which need to be effected on the structure, hence the structure was not established as planned.

A desktop analysis report on existing models for funding model for the implementation of the NAP was completed during the period under review and will form the basis of the NAP funding model to be finalised in the next financial year. The funding model will assist to fund the implementation of the NAP programmes by all role-players. The discussion document is in the process of being revised following receipt of stakeholder inputs and comments.

The Department finalised the development of an integrated government strategy on public education pertaining to anti-discrimination in support of the NAP implementation, which will contribute to an improved coordinated government-wide approach to public education on anti-discrimination issues.

In addition, we commissioned a baseline study in support of the NAP, to determine current levels of racism, racial discrimination, xenophobia and related intolerance through

an analysis of available disaggregated statistical data and information, including various other relevant reports and surveys, which was finalised by 31 March 2021. The recommendations from the baseline study will inform future planning and implementation of the NAP.

The DoJ&CD has created a NAP Virtual Repository, which is a single online portal hosted on the DoJ&CD's website, which provides open and free access to NAP documents, files, promotional material and other related information. It therefore serves as an online resource for all NAP related information directly available to the broader public, organisations, government and the private sector and will be updated and developed continuously.

### **Output 8.3 Sustained and visible anti-xenophobia campaigns conducted**

The DoJ&CD in collaboration with key role-players conducted six anti-xenophobia campaigns with a focus on the protection of the rights of migrants, refugees, asylum seekers and stateless persons in different communities and on virtual platforms. One of these campaigns included a webinar on anti-foreigner sentiment in the South African context, hosted during Human Rights Month on the 30<sup>th</sup> of March 2021, in collaboration with the HSRC, supported by GCIS.

### **Output 8.4 Awareness sessions on vulnerable groups conducted**

A total of 18 awareness sessions for vulnerable groups (LGBTI rights, women, people with disabilities and children) were conducted during the 2020/2021 financial year.

### **Output 8.5 Intersectoral integrated trafficking in persons information system**

Trafficking in persons remains a serious crime and a grave violation of human rights. The absence of reliable statistics means that there is no clarity on just how big the problem is. The Department developed an integrated data collection system to track trafficking in persons in order to respond to data challenges. It aims to collect data and focuses on important questions such as, for example, the total number of trafficking victims (suspected and/or confirmed) identified by the government during a specific reporting period, as well as an indication of the form of trafficking and the details of the victims and the perpetrators.

### **Output 8.6 Trafficking in persons awareness campaigns**

By the end of 2020/2021, a total of four trafficking in person's campaigns were conducted in collaboration with other departments and role players

### **Output 8.7 Twenty-fifth year of Constitution commemorated**

The concept paper and the implementation plan are at an advance stage. The plan was presented to EXCO for approval. Although the initial plan was to present a memo to the Minister for approval, the decision was taken to instead develop a cabinet memo for Cabinet's endorsement. A cabinet memo through the Minister's Office has been drafted to expedite the process to the Cabinet. The Department is currently consulting with the relevant government clusters before presenting the programme to the Cabinet.

### **Output 8.8 Revised various sets of regulations in line with TRC, parliament approved regulations**

The Department of Justice and Constitutional Development provides assistance in respect of basic education and higher education and training and skills development, to victims and relatives and dependants of TRC-identified victims of apartheid that were declared as such by the Truth and Reconciliation Commission. The purpose of these sets of regulations was to ensure that learners and students legally qualifying for TRC benefits were catered for in respect of certain issues flowing from COVID-19 and distance learning.

During the financial period under review, the review of regulations relating to assistance to victims in respect of basic education and higher education and training was finalised and published in Government Notice No. 1193 of 6 November 2020 and came into effect on 07 November 2020.

### **Output 8.9 Social compact concept developed**

One of the interventions relating to Priority 1: A capable, ethical and developmental state in MTSF 2019-24 is to coordinate engagements between leadership of the executive, legislature and judiciary to strengthen state governance and public accountability. The aim is to address poor performance in government towards building social compacts with key stakeholders on matters of national interest in order to create public value, build trust and stimulate the energy of the citizens via participatory governance mechanisms, dialogues and delivery of quality public services. The Department of Justice and Constitutional Development (DoJ&CD) is the lead department on this important work, with the Presidency and the Department of Monitoring and Evaluation as contributing and supporting the DoJ&CD.

During the period under review, the Department developed a social compact concept note with the purpose of strengthening the working relationship of the three branches of state through the development of a social compact suited to the three branches so as to give effect to the NDP's vision of building a capable, ethical and developmental state; and the constitutional commitment of branches of state upholding the values and ethos of the Constitution, a vision statement that has emerged through our constitutional jurisprudence.

### **Output 8.10 Tabled treaty reports**

The Department strives to ensure that international treaty obligations by the Department are compliant with international conventions. 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, the Department finalised the following country reports for onward submission to the United Nations as listed below:

- The drafting of the responses to concluding observations and recommendations on the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- The International Covenant on Economic Social and Cultural Rights (ICESCR).
- International Convention on the Elimination of all forms of Racial Discrimination (ICERD).

### **Output 8.11 Valid requests for extradition and mutual legal assistance in criminal matters processed and submitted**

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 97 valid requests for extradition and mutual legal assistance in criminal matters while 81 were finalised within 25 days, translating to 84% performance. Due to the COVID-19 pandemic, there was a marginal reduction in the number of requests received and finalised, this is mainly due to the fact that the diplomatic bag was inactive.

## Output 8.12 Policy framework on extradition and mutual legal assistance developed.

The draft policy was consulted with all role-players and circulation of the document for comments, a final policy on extradition was submitted to the Director General in March 2021 for the Minister's approval.

### Strategy to overcome areas of under performance

| Output indicator description |                                                                                                           | Strategy to overcome areas of under performance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4.6.1                        | Percentage of letters of authority issued in trusts within 14 days from receipt of all required documents | <ul style="list-style-type: none"> <li>An assessment of backlog is being made and a plan of action will be developed and implemented to deal with the backlog.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                      |
| 5.4.1                        | Number of research papers submitted to the South African Law Reform Commission for approval               | <ul style="list-style-type: none"> <li>Filling of all possible vacant posts with immediate effect;</li> <li>Enhance/upgrade the technology that is used for virtual meetings to reduce time lost due to bad connections;</li> <li>In order to ensure improved assistance by officials, specialisation in some areas should be investigated;</li> <li>Improved collaboration between internal units and external stakeholders to improve the quality of inputs;</li> <li>Clearly defined policy objectives to guide the development of legislation</li> </ul>   |
| 6.1.1                        | Office of the Solicitor-General strategy implemented                                                      | <ul style="list-style-type: none"> <li>The Litigation Strategy is planned to be submitted to Cabinet for noting during 2020/21.</li> <li>Once Cabinet has noted the Strategy, the plan is to identify 5% of the activities of the strategy to be implemented.</li> </ul>                                                                                                                                                                                                                                                                                       |
| 6.1.2                        | Number of heads of offices appointed                                                                      | <ul style="list-style-type: none"> <li>The recruitment process is underway to fill the remaining positions.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| 6.2.1                        | Number of policies to implement the State Attorney Amendment Act submitted to the Minister for approval   | <ul style="list-style-type: none"> <li>The three policies were approved by the Minister in April 2021 as listed below:                             <ol style="list-style-type: none"> <li>State Legal Representation Policy</li> <li>Management of State Litigation Policy</li> <li>Alternative Dispute Resolution (ADRM) State Mediation Policy</li> </ol> </li> <li>The consultation with key stakeholders is in progress.</li> </ul>                                                                                                                        |
| 6.3.1                        | Percentage of value of briefs allocated to PDIs legal practitioners                                       | <ul style="list-style-type: none"> <li>The business process for legal services and the standard operating procedure will be reviewed and approved in line with the State Attorney Amendment Act. Once implemented, they will standardise operation in the offices of State Attorney.</li> </ul>                                                                                                                                                                                                                                                                |
| 6.5.1                        | State Attorney framework contract implemented                                                             | <ul style="list-style-type: none"> <li>The process is underway to finalise the State Attorney Framework Agreement</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 8.2.1                        | Governance structure to lead and coordinate the implementation of NAP established                         | <ul style="list-style-type: none"> <li>Fill vacant posts on a priority basis; finalise macro-level organisational re-alignment process; review structure to ensure adequate capacity to execute mandate.</li> <li>Identify under-utilised internal resources and consider cross-transfers and deployments to match skills with job requirements and demands.</li> <li>Conduct skills audit and ensure capacitation of officials where required.</li> <li>All pending labour relations issues to be addressed and finalised in consultation with HR.</li> </ul> |
| 8.12.1                       | Number of policies submitted to the Minister for approval by 31 March 2021                                | <ul style="list-style-type: none"> <li>The consultation with key stakeholders is expected during 2021/22 financial year.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                            |

## Linking performance with budgets

The programme's overall expenditure for the year amounted to R 1.374 billion against the budget of R 1.454 billion, resulting to an underspending of R 80 million. The underspending is

mainly due to delays in filling of vacant posts and lower than anticipated payment of performance bonuses.

## Subprogramme expenditure

| Subprogramme Name                      | 2020/2021           |                    |                          | 2019/2020           |                    |                          |
|----------------------------------------|---------------------|--------------------|--------------------------|---------------------|--------------------|--------------------------|
|                                        | 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                     | 77 480              | 67 759             | 9 721                    | 79 763              | 70 261             | 9 502                    |
| Litigation and legal services          | 658 067             | 635 444            | 22 623                   | 726 995             | 533 841            | 193 154                  |
| Legislative development and law reform | 111 164             | 89 577             | 21 587                   | 99 669              | 89 632             | 10 037                   |
| Master of the high court               | 539 052             | 517 816            | 21 236                   | 553 022             | 532 020            | 21 002                   |
| Constitutional development             | 68 354              | 63 388             | 4 966                    | 85 313              | 69 304             | 16 009                   |
| <b>Total</b>                           | <b>1 454 117</b>    | <b>1 373 984</b>   | <b>80 133</b>            | <b>1 544 762</b>    | <b>1 295 058</b>   | <b>249 704</b>           |

## 4.8 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, removes profit from crime, and protects witnesses where necessary.

The programme consists of the following subprogrammes:

- i. National Prosecutions Service (NPS):** Primarily responsible for general and specialised prosecutions and the appeals that might follow, which include resolving criminal matters outside of the formal trial process through alternative dispute resolution mechanisms, settling admissions of guilt for minor offences and considering dockets brought by the police where persons have not been charged. This subprogramme further deals with priority crimes litigation, sexual offences, community affairs and specialised commercial crime.
- ii. Asset Forfeiture Unit (AFU):** Seizes assets that are acquired from the proceeds of crime or have been part of an offence through a criminal civil process.

**iii. Office for Witness Protection (OWP):** Provides for temporary protection, support and related services to vulnerable and intimidated witnesses and related persons in judicial proceedings in terms of the Witness Protection Act (1998).

**iv. Support services (SS):** Provides support services to the National Prosecuting Authority in terms of finance, human resources, ICT, strategy support, integrity, ethics, security, communications and risk management.

### List of outcomes

The programme contributes to the following outcomes:

Outcome 3: Increased access to justice services

Outcome 9: Crime and corruption reduced through effective prosecution



### Outcome 3: Increased access to justice services

| Outcome 3: Increased access to justice services |                                                      |                                      |                                      |                                 |                                          |                                                                   |                                                                                                                                                                                   |                                                                      |  |
|-------------------------------------------------|------------------------------------------------------|--------------------------------------|--------------------------------------|---------------------------------|------------------------------------------|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|--|
| Output                                          | Output Indicator                                     | Audited Actual Performance 2018/2019 | Audited Actual Performance 2019/2020 | Planned Annual Target 2020/2021 | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                                                                                                            | Reasons for revisions to the outputs/output indicator/Annual Targets |  |
| 3.16 Victim-centric services enhanced           | 3.16.1 Number of operational TCCs in place           | 55                                   | 55                                   | 58                              | 55                                       | (5%)                                                              | Target not achieved due to non-availability of essential service providers because of COVID-19                                                                                    | n/a                                                                  |  |
|                                                 | 3.16.2 Conviction rate in sexual offences            | 74,4% (4 724)                        | 75,2% (4 098)                        | 70%                             | 75,8% (2 539)                            | 6%                                                                | Target exceeded due to cases continuously screened from enrolment to ensure prosecutor guided investigations and consultations with victims conducted at the earliest opportunity | n/a                                                                  |  |
|                                                 | 3.16.3 Number of public awareness sessions conducted | n/a                                  | n/a                                  | 140                             | 293                                      | 109%                                                              | Public awareness sessions conducted through webinars                                                                                                                              | n/a                                                                  |  |

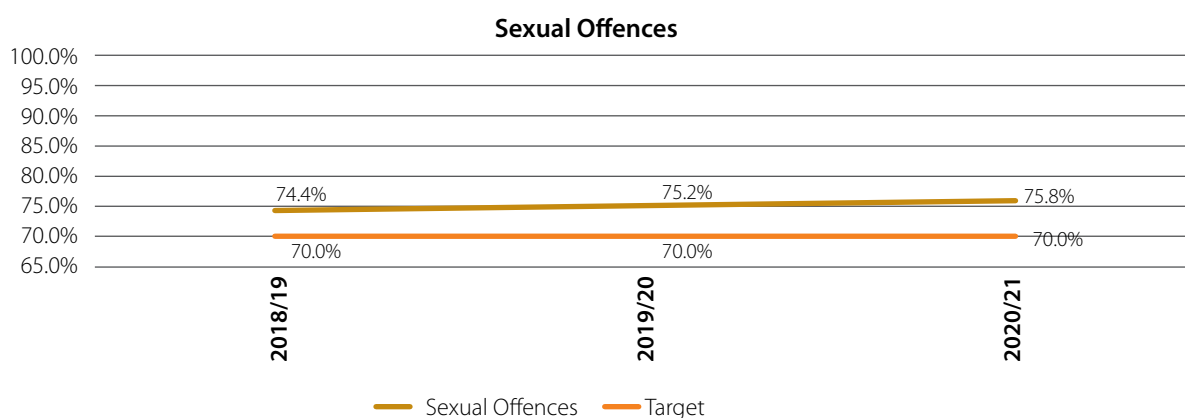
### Output 3.16 Victim-centric services enhanced

#### Output 3.16.1: Number of operational TCCs in place

The lack of service providers due to the COVID-19 pandemic hampered the NPA's efforts to establish additional TCCs resulting in a 5% underperformance against the set target of 58 operational TCCs. The 55 TCCs continued to be fully operational providing a victim-centric service in an effort to reduce the trauma associated with sexual offences. Significant progress was, however, made in establishing two additional sites in Cradock (EC) and the Paarl (WC) where services commenced despite them not being fully operational. A 16,6% reduction in matters reported at the TCCs was noted which is ascribed to the impact of the COVID-19 pandemic. During the year under review, 29 593 victims were assisted at the 55 TCCs, of which 26 281 (89%) were victims of sexual offences. For the past four years, the TCCs delivered services to 133 593 victims, 89,5% of which were specifically victims of sexual offences while 57,6% of these were children.

The TCCs referred cases to the courts for prosecution and 734 convictions in the 993 cases finalised with a verdict (73,9% conviction rate) were obtained. The conviction rate

#### Overview of sexual offences conviction rate



The NPA continues to participate extensively in the Presidential Emergency Response Action Plan (ERAP) and ultimately the National Strategic Plan (NSP) as facilitated by the Department of Women in relation to GBVF.

decreased by 1% from that obtained in the previous financial year. It was also noted that over the last two financial years the courts have imposed more severe sentences. Eighteen percent (18,1%) of all accused convicted of rape were sentenced to life imprisonment, while 50,5% of the accused received sentenced of long-term imprisonment in line with the Minimum Sentences Legislation. Despite this, the scourge of sexual offences and related offences is not abating and is becoming a national crisis.

#### Output 3.16.2: Conviction rate in sexual offences

The NPA has a special focus on prosecuting sexual offences and gender-based violence to contribute to combating and preventing violence against women and children in line with the Presidential directives. The NPA finalised 3 349 sexual offences cases with a verdict and there were convictions in 2 539 cases. The target for the conviction rate in sexual offences cases was exceeded by 5%. The conviction rate of 75,8% is the highest conviction rate recorded in the past nine years and is a clear indication of the commitment of the NPA to act decisively in these cases. The upward trend in the conviction rate is indicated in the graph below:

#### Output 3.16.3: Number of public awareness sessions conducted

The NPA responded to the COVID-19 pandemic and the subsequent limitations imposed on gatherings and movement by conducting virtual awareness sessions. This resulted in the NPA conducting 293 public awareness sessions, exceeding the target of 140 by 109%.

## Outcome 9: Crime and corruption reduced through effective prosecution

| Outcome 9: Crime and corruption reduced through effective prosecution |                                                                                                                      |                                      |                                      |                                 |                                          |                                                                   |                                                                                                                                                           |                                                                        |  |
|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|--------------------------------------|--------------------------------------|---------------------------------|------------------------------------------|-------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|--|
| Output                                                                | Output Indicator                                                                                                     | Audited Actual Performance 2018/2019 | Audited Actual Performance 2019/2020 | Planned Annual Target 2020/2021 | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                                                                                    | Reasons for revisions to the outputs /output indicator/ Annual Targets |  |
| 9.2 Effective prosecutions conducted                                  | 9.2.1 Conviction rate in High Court                                                                                  | 90% (869)                            | 90,9% (782)                          | 87%                             | 93,8% (542)                              | 7%                                                                | Target exceeded due to early consultation with witnesses                                                                                                  | n/a                                                                    |  |
|                                                                       | 9.2.2 Conviction rate in Regional Court                                                                              | 81,7% (22 882)                       | 82,5% (21 246)                       | 74%                             | 82,6% (13 352)                           | 9%                                                                | Target exceeded due to effective stakeholder engagement with the aim of increasing successful prosecutions                                                | n/a                                                                    |  |
|                                                                       | 9.2.3 Conviction rate in District Court                                                                              | 95,7% (236 705)                      | 95,3% (195 439)                      | 88%                             | 95,9% (116 230)                          | 8%                                                                | Target exceeded due to cases continuously screened from enrolment                                                                                         | n/a                                                                    |  |
|                                                                       | 9.2.4 Level of quality in prosecution                                                                                | n/a                                  | n/a                                  | Baseline                        | Survey conducted with magistrates        | 0%                                                                | New indicator. COVID-19 prevented the NPA from conducting a full survey. Pilot was undertaken                                                             | n/a                                                                    |  |
|                                                                       | 9.2.5 Number of witnesses and related persons threatened, harmed or killed while on the witness protection programme | 0                                    | 0                                    | 0                               | 0                                        | 0%                                                                | Target achieved due to the effective operational model planning                                                                                           | n/a                                                                    |  |
| 9.3 Fraud and corruption dealt with                                   | 9.3.1 Conviction rate in complex commercial crime                                                                    | 95% (760)                            | 92,3% (599)                          | 93%                             | 90,2% (277)                              | (3%)                                                              | Target not achieved due to the totality of evidence not accepted by the court in an unanticipated number of cases there were various contributing factors | n/a                                                                    |  |

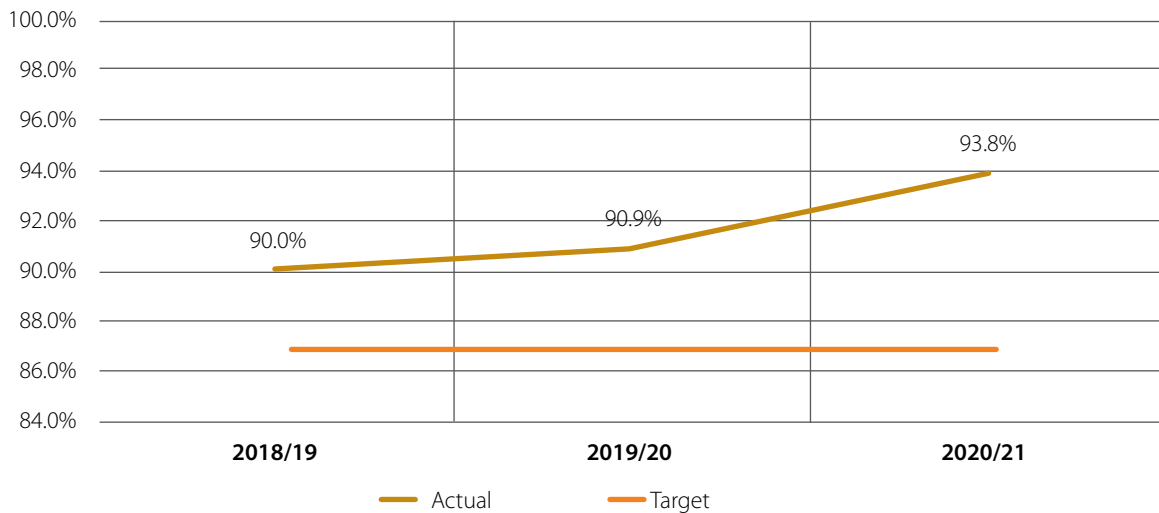
| Outcome 9: Crime and corruption reduced through effective prosecution |                                                                                                    |                                      |                                      |                                 |                                          |                                                                   |                                                                                                                              |                                                                       |  |
|-----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|--------------------------------------|--------------------------------------|---------------------------------|------------------------------------------|-------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------|--|
| Output                                                                | Output Indicator                                                                                   | Audited Actual Performance 2018/2019 | Audited Actual Performance 2019/2020 | Planned Annual Target 2020/2021 | Actual Achievement Performance 2020/2021 | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                                                       | Reasons for revisions to the outputs/output indicator/ Annual Targets |  |
|                                                                       | 9.3.2 Number of persons convicted of private sector corruption                                     | 143                                  | 233                                  | 150                             | 147                                      | (2%)                                                              | Target not achieved due to the impact of the COVID-19 pandemic resulting in fewer cases finalised and fewer trials conducted | n/a                                                                   |  |
|                                                                       | 9.3.3 Number of government officials convicted of corruption and/or offences related to corruption | 210                                  | 183                                  | 220                             | 86                                       | (61%)                                                             | Target not achieved due to the impact of the COVID-19 pandemic resulting in fewer cases finalised and fewer trials conducted | n/a                                                                   |  |
|                                                                       | 9.3.4 Number of cases involving money laundering                                                   | n/a                                  | n/a                                  | 90                              | 44                                       | (51%)                                                             | Target not achieved due to the impact of the COVID-19 pandemic resulting in fewer cases finalised and fewer trials conducted | n/a                                                                   |  |
| 9.4 Freezing of money and assets that are the proceeds of crime       | 9.4.1 Value of freezing orders obtained for corruption or offences relating to corruption          | R262m                                | R1.6bn                               | R2.4bn                          | R611m                                    | (75%)                                                             | Target not achieved due to delays in the finalisation of the investigation into high value cases                             | n/a                                                                   |  |
| 9.5 Recovery of money and assets that are the proceeds of crime       | 9.5.1 Value of recoveries relating to corruption or related offences                               | R2.84bn                              | R3m                                  | R1.4bn                          | R3m                                      | (99%)                                                             | Target not achieved due to delays in the finalisation of trials and obtaining freezing orders in high value cases            | n/a                                                                   |  |

## Output 9.2 Effective prosecutions conducted

The number of new cases enrolled in the high court decreased and 204 fewer cases were enrolled compared to the previous year (25% reduction). Of the 626 cases enrolled, 542 were finalised, which is a 31% decrease compared to the previous year. The decreases are ascribed to the impact the COVID-19 pandemic had on the operations of the criminal justice system as a whole. This impact is noted in all forums.

The conviction rate in the high court has remained exceptional as the trend analysis of the past three years set out in the figure below demonstrates. The conviction rate increased from 90,9% in the previous financial year to 93,8% in the current financial year. This confirms the dedication of the high court advocates to ensure that justice is delivered to the victims of crime.

### Conviction rate by the high courts



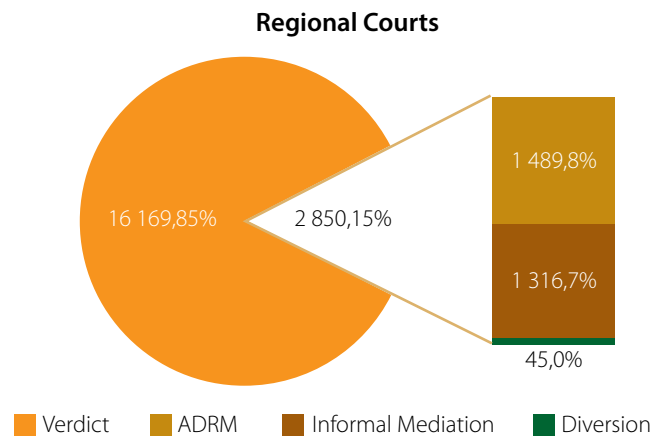
Despite the country moving to lower COVID-19 alert levels, the effect on the operational efficiency of the CJS is evident. The outstanding court rolls in the high court have increased from 961 at the end of March 2020 to 1 073 at the end of March 2021) and backlog cases from 275 to 393, with most of the accused in detention. The NPS leadership will explore solutions during the National Operational Management Meeting (NOMM). The COVID-19 pandemic impacts all the JCPS stakeholders, therefore each of the DPPs is engaging the Judge President within their respective regions to collectively find interventions that will improve the finalisation rate.

The NPA withdrew 76 high court cases during the current reporting period, 11 fewer than the previous financial year during which 85 were withdrawn.

### Output 9.2.2 Conviction rate in regional courts

Serious crime cases are enrolled in the regional courts and these courts were also negatively impacted by COVID-19. Only 39 152 new cases were enrolled, 11 815 (23%) less than the previous year. The regional court prosecutors still effectively impacted on serious crime by finalising 17 658 cases, of which 16 169 were by way of a verdict and 1 489 through alternative dispute resolution mechanisms (ADRM), as depicted in the figure below. A total of 13 352 convictions were obtained.

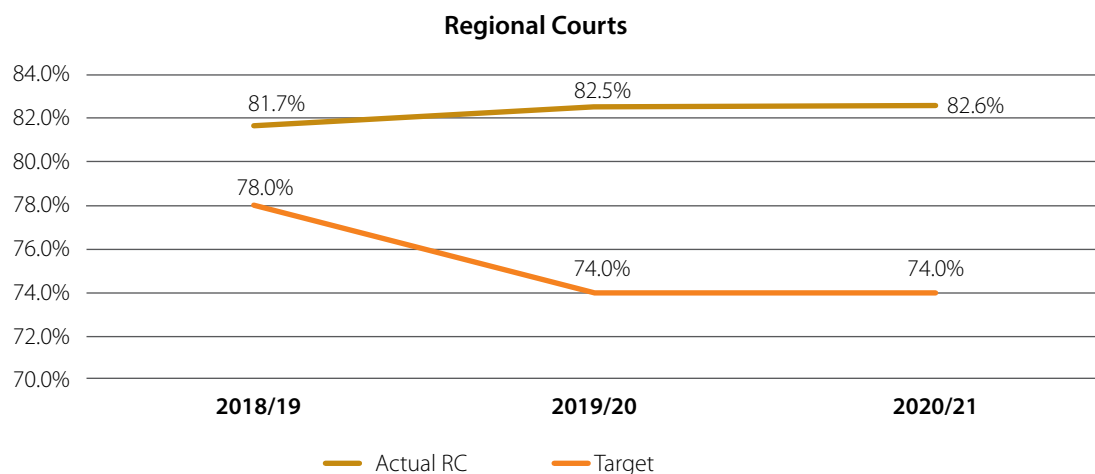
## Cases finalised by the regional courts



A similar trend as seen in the high court is found in the conviction rates achieved by the regional courts. A comparative analysis, depicted in the figure below, indicates the year-on-year improvement in the conviction rates

achieved. The conviction rate has progressively improved by almost 1% from the 81,7% obtained in 2018/2019 to 82,6% in the current year.

## Conviction rate by the regional courts



The regional court prosecutors are required to not only prosecute cases, but also deal with other processes related to prosecuting that take up their time and resources. The table below sets out how 3 788 court and criminal matters were finalised through the execution of these

additional functions. Formal bail applications (76,6%) and the applications for leave to appeal (15,5%) utilised the most court time. During the past year, 28% (2 901) fewer formal bail applications were dealt with compared to the 4 053 dealt with during the previous financial year.

## Progress on court/criminal matters finalised

| Court/criminal matters finalised           | Total        | Percentage of total |
|--------------------------------------------|--------------|---------------------|
| Suspended sentences                        | 158          | 4,2%                |
| Conversion of maintenance trial to enquiry | 2            | 0,1%                |
| Application for leave to appeal            | 586          | 15,5%               |
| Committal to mental institution            | 101          | 2,6%                |
| Conversion of sentence                     | 22           | 0,6%                |
| Formal inquests                            | 5            | 0,1%                |
| CJA: Preliminary inquiries                 | 13           | 0,3%                |
| Formal bail applications                   | 2 901        | 76,6%               |
| <b>Total matters finalised</b>             | <b>3 788</b> | <b>100%</b>         |



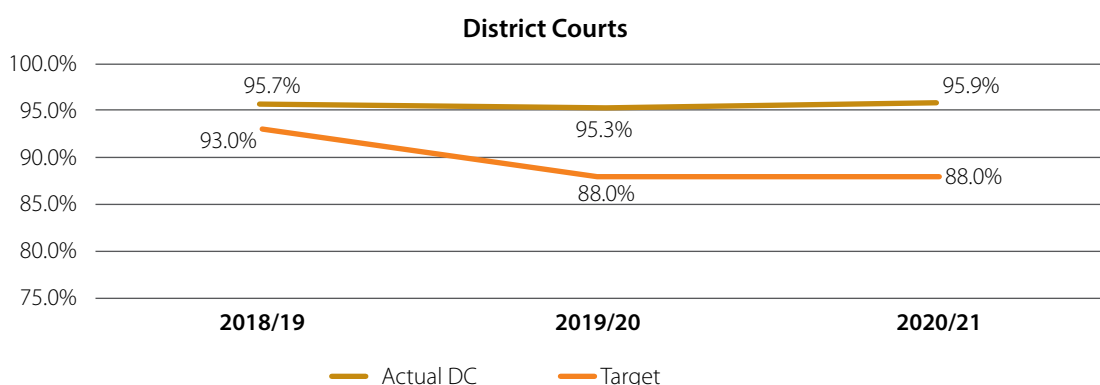
Fewer cases were withdrawn in the regional courts, 8 863 cases were withdrawn which is 22,4% (2 554) fewer than the previous year.

### Output 9.2.3 Conviction rate in district courts

The COVID-19 pandemic also had a negative impact on the performance of the district courts. There was a significant decrease of 26% (175 168) in the number of new cases enrolled which was 487 639. The courts finalised 202 049 cases, 60% of which were finalised with a verdict (121 213) and 80 836 by means of ADRM (40%).

Despite the decrease in finalised cases, effective stakeholder engagement, aimed at increasing successful prosecutions contributed to the high conviction rates achieved. The trend observed in the increase in the conviction rate was also detected in the district courts. An exceptional conviction rate of 95,9% was achieved - 116 230 convictions - which is a slight improvement of 0,6% compared to the previous year, exceeding the target of 88% by 8%.

### Conviction rate by the district courts



District court prosecutors are also required to perform additional functions that take up court time. A total of 50 675 court and criminal matters were finalised as set out in the table below. Formal bail applications (43 506) once again take

up the most time followed by preliminary inquiries in terms of the Child Justice Act (4 506). The number of formal bail applications decreased by 18% from the 53 306 dealt with during the previous year.

### Progress on court/criminal matters finalised

| Court/criminal matters finalised           | Total         | Percentage of total |
|--------------------------------------------|---------------|---------------------|
| Suspended sentences                        | 1 787         | 3,5%                |
| Conversion of maintenance trial to enquiry | 348           | 0,7%                |
| Application for leave to appeal            | 72            | 0,1%                |
| Committal to mental institution            | 261           | 0,5%                |
| Conversion of sentence                     | 36            | 0,1%                |
| Formal inquests                            | 159           | 0,3%                |
| Child Justice Act: preliminary inquiries   | 4 506         | 8,9%                |
| Formal bail applications                   | 43 506        | 85,9%               |
| <b>Total matters finalised</b>             | <b>50 675</b> | <b>100%</b>         |

The number of cases withdrawn decreased by 6,7% (6 592) compared to the 98 747 during the previous year.

### Decision dockets finalised

There was a decrease in the number of dockets referred to the NPA for decision as only 780 435 dockets were received, which is 12% less than the 883 470 dockets received during the previous year. The prosecutors finalised 415 560 of the decision dockets.

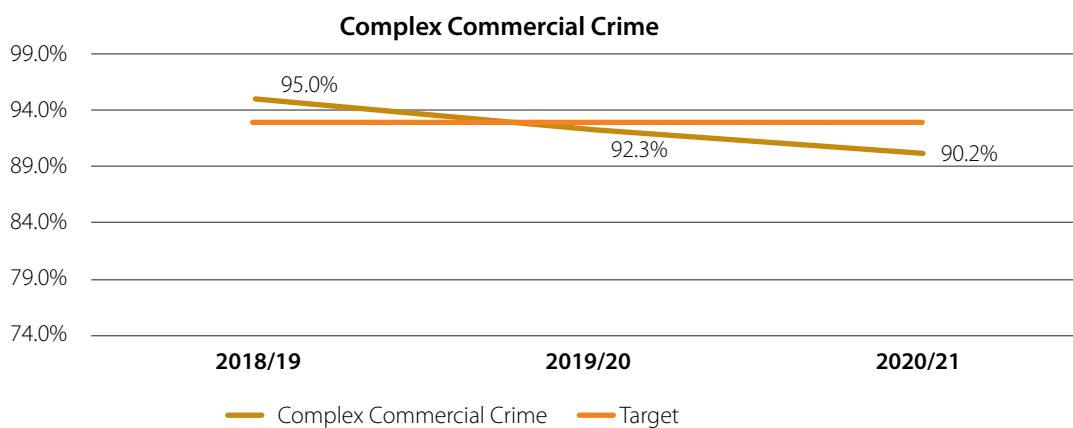
### Output 9.2.4 Level of quality prosecution

This is a new indicator and the NPA planned to determine a baseline in the year under review. The indicator measures the quality of the work of the lower court prosecutors through a survey. The respondents were to be the investigators, defence counsel, and magistrates and six measures of quality were to be utilised. The survey methodology was adapted as a result of COVID-19 and took the form of a pilot. Two measures of quality were used and the only respondents were magistrates, who rated the quality of prosecutions at 75%. The NPA aims to conduct the survey with other participants in the coming years (2021-2023) in a comprehensive survey.

### Output 9.2.5 Number of witnesses and related persons threatened, harmed or killed while on the witness protection programme

The OWP maintained its performance record for the last

### Progress on complex commercial crime conviction rates



In order to improve performance, six dedicated courts were established bringing justice to the people in areas where there previously were no dedicated courts. Apart from those cases on the ACTT priority case list, cases relating to various vulnerable groups are also being monitored. Significant progress has been made on these cases, which include cases in respect of municipalities (especially from the North

19 years in ensuring that no witnesses and related persons were threatened, harmed or killed while on the witnesses protection programme.

### Output 9.3 Fraud and corruption

High corruption levels disrupt society's ability to operate fairly and efficiently, as well as the state's ability to deliver on its development mandate. The National Development Plan (NDP) identifies corruption as one of the key challenges facing South Africa, and proposes the building of a resilient anti-corruption system. The NPA plays a critical role in the fight against corruption by prosecuting those who have committed corruption in the public or private sectors.

### Output 9.3.1 Conviction rate in complex commercial crime

Complex commercial crime cases require a multi-disciplinary approach to investigate and successfully prosecute. As with other cases, COVID-19 negatively impacted on the number of cases finalised. The NPA finalised 307 cases with a verdict, which is 342 fewer than the previous year, obtaining 277 convictions. A conviction rate of 90,2% was achieved, marginally (2,8%) below the target of 93%. The conviction rate in the prosecution of these cases has remained exceptional even though a slight decrease is detected in the last three years.

West Inter-Ministerial Intervention), national and provincial government departments, foreign bribery, SOEs and Fusion Centre cases on COVID-19-related corruption. The NPA continues to guide investigations to ensure that evidence is court directed and admissible.

### Output 9.3.2 Number of persons convicted of private sector corruption

Corruption in the private sector remains rife and the NPA managed to convict 147 persons which is slightly below the target of 150 persons. Once again, the COVID-19 pandemic affected the output in this area and the number of persons convicted decreased by 37% (233 persons) from the number convicted in the previous year. The NPA, in collaboration with all partners and stakeholders, will prioritise the finalisation of these cases and closely monitor progress.

### Output 9.3.3 Number of government officials convicted of corruption and/or offences related to corruption

Despite the NPA having a focused approach in dealing with public sector corruption, only 86 government officials were convicted, 61% below the target of 220. The impact of COVID-19 on court operations was the main reason for the decline in performance as set out in the table below.

#### Progress on number of government officials convicted of corruption in the past three years

| Financial year | Government officials convicted of corruption |
|----------------|----------------------------------------------|
| 2018/2019      | 210                                          |
| 2019/2020      | 183                                          |
| 2020/2021      | 86                                           |

### Output 9.3.4 Number of cases involving money laundering

Forty-four (44) cases involving money laundering were finalised with a 100% conviction rate. This is 46 less than the annual target of 90. Cases involving money laundering usually consist of several charges and intricate financial investigations are required which impact on the finalisation of these cases. The specialised tax component has 32 cases on the court roll and the organised crime component has nine partly heard cases that need to be finalised.

### Output 9.4 Freezing of money and assets that are the proceeds of crime

#### Output 9.4.1 Value of freezing orders obtained for corruption or offences relating to corruption

In the period, freezing orders to the value of R611 million were obtained, 75% below the target of R2.4 billion. This performance is significantly below the performance (62%) of the previous financial year, during which freezing orders to the value of R1.6 billion were obtained. The following factors contributed to the inability of the AFU to achieve the target:

- Under hard lockdown levels, no forfeiture orders could be obtained and the recruitment processes were delayed. The lockdown also impacted on the investigation of cases as the movement restrictions limited meetings with witnesses or obtaining affidavits.
- State capture and other serious corruption cases are highly complex in nature and therefore require dedicated resources to finalise.
- The AFU is dependent on other stakeholders to finalise criminal investigations and to draw up charge sheets or indictments before the unit can proceed with confiscations or forfeitures. Even in non-conviction-based forfeitures or civil forfeitures (Chapter 6 of POCA), the AFU is dependent on the investigation process before a forfeiture application can be drafted.
- High value cases are diligently opposed and litigated.

### Output 9.5 Recovery of money and assets that are the proceeds of crime

#### Output 9.5.1 Value of recoveries relating to corruption or related offences

Despite not achieving the target for the value of recoveries, the recovery of R12.3 million is significantly better than the R3m in the previous year. The same factors as set out under the value of freezing orders applies to this indicator as the recovery process follows after freezing orders have been obtained.

In order to improve performance, the AFU has implemented the following interventions:

- Commissioning a staff survey to identify challenges and opportunities for reform and improvement.
- Securing additional funds to fill vacant posts, including senior management posts such as the Special Director of Public Prosecutions, which was filled on 1 February 2021.
- Securing authorisation to appoint investigators and lawyers on contract to assist with the high-value cases currently being investigated.
- Spearheading a number of priority initiatives, the most notable of which include the AFU/DPCI Top 10 Priority Case list and joint target setting and prioritisation with AFU partners.
- Motivating for the co-location of DPCI investigators with the AFU for improved collaboration and efficiency.

- Representing the NPA in the process to create specialist forensic investigative capacity within the JCPS cluster to deal with serious corruption cases.
- Participating in the establishment of the fusion centre within the FIC and providing dedicated AFU resources for the initiative.
- Initiating the process of establishing an MoU with the Auditor-General (AG) to capitalise on the new powers bestowed on the AG.

The aforementioned interventions were put in place to address the non-achievement of both AFU targets. The NPA is confident that the AFU targets will be achieved in the next financial year.

#### 4.9 Programme 5: Auxiliary and associated services

The purpose of this programme is to provide a variety of auxiliary services associated with the Department's goals, fund transfer payments to the South African Human Rights Commission (SAHRC), the Office of the Public Protector, Legal Aid SA, the Special Investigating Unit (SIU) and the President's Fund.

The programme consists of the following components within the DoJ& CD:

- Justice modernisation: Designs and implements information technology (IT) infrastructure and networks, and re-engineers, automates and integrates business processes for the administration of civil and criminal justice in the integrated justice system.

##### List of outcomes

The programme consists of the following outcome:

Outcome 2: Modernised and digitised justice services platforms



## Outcome 2: Modernised and digitised justice services platforms

### Outcome 2: Modernised and digitised justice services platforms

| Output                                               | Output Indicator                                                                                                                | Audited Actual Achievement Performance 2018/2019 | Audited Actual Achievement Performance 2019/2020 | Planned Annual Target 2020/2021                    | Actual Achievement Performance 2020/2021               | Deviation from planned target to Actual Achievement for 2020/2021 | Reasons for deviations                                                                                                        |
|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|--------------------------------------------------|----------------------------------------------------|--------------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| 2.2 IJS Governance structure                         | 2.2.1 Revised IJS programme structure implemented                                                                               | -                                                | -                                                | IJS governance structure approved by 31 March 2021 | IJS Governance structure was approved by 31 March 2021 | -                                                                 | Target achieved                                                                                                               |
| 2.3 Inter-departmental information exchange platform | 2.3.1 Number of government departments and entities connected to transversal platform and exchanging information electronically | 8                                                | 8                                                | 9                                                  | 9                                                      | -                                                                 | Target achieved                                                                                                               |
| 2.4 IJS Assessment report                            | 2.4.1 IJS Assessment report implemented                                                                                         | -                                                | -                                                | IJS Assessment report finalised by 31 March 2021   | -                                                      | (100%)                                                            | Target not achieved due to the fact that the external service provider was not appointed to review the IJS evaluation report. |



The integrated justice system (IJS) programme is a government initiative that is aimed at improving the efficiency and effectiveness of the South African criminal justice process. The primary objective of the IJS is to transform South Africa's criminal justice system (CJS) into a modern, efficient, effective and integrated system by:

- Electronically enabling and integrating the end-to-end criminal justice business processes, from the report of a crime to the release of a convicted person, through technology solutions; and
- Managing the related inter-departmental information exchanges across the CJS.

It is an effort to increase the probability of successful investigation, prosecution, punishment, and ultimately the rehabilitation of offenders and their restoration back into society to realise a national objective that all South Africans feel and are safe.

### Output 2.2 IJS Governance structure

The revision of the IJS governance framework seeks to clarify and strengthen the roles of the Director General (DG) as the accounting officer of the programme, and that of the Minister of Justice and Correctional Services as the executive authority of the programme. The consultation on the IJS governance framework involved different JCPS governance structures were conducted with the intent of socialising and obtaining

buy-in on the proposed IJS programme governance structure. The Ministerial memorandum on IJS revised governance framework was approved by both the DG and the Minister of the Department of Justice and Constitutional Development in March 2021. The IJS governance structure is expected to be tabled in Cabinet in 2021/2022 financial period for approval and implementation.

### Output 2.3 Interdepartmental information exchange platform

Integral to the enabling interdepartmental 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 that pursued interoperability, and the hub already provides for the electronic exchange of information between its members.

As at 31 March 2021, nine (9) government departments/entities were connected to the IJS hub and able to electronically exchange information. These information exchanges are implemented by means of signed interface control definitions. The integrated departments include: The SAPS, the NPA, the DoJ&CD, Legal Aid SA, DHA, OCJ, DCS (in pilot) and DSD. In addition, SASSA is also connected for the purposes of the person identity verification against the DHA database.



The 2020/2021 APP target was for nine (9) member departments/entities connected to the IJS Transversal Hub, with the Office of the Chief Justice (OCJ) as the new addition. This target was achieved.

Maintaining connectivity with the nine entities enables the electronic integration of case management systems to

improve the efficiency of the CJS. All pertinent information needs to be captured only once, at the source department, while all the other authorised role players automatically receive the information as and when they require it. This has resulted in the elimination of duplicate capture and recapture of activities by each department, and improved



information availability. This also means that the CJS member departments are finally closer to having a single view of a case, its current status and the outcomes thereof, a view that is common across the CJS.

#### Output 2.4 IJS Assessment report

The Department in partnership with DPME appointed **Human Sciences Research Council (HSRC)**, to assess the effectiveness and efficiency of the implementation of the IJS

programme in 2016. The target for the financial year under review was to finalise IJS assessment report by the 31 March 2021. The target was not met due to the fact that no external service provider was appointed to review the IJS evaluation report compiled by the DPME. IJS internally probed the DPME report and took a resolution to make use of its comprehensive content. As a result, in 2020/2021 no further IJS assessment was conducted.

#### Strategy to overcome areas of under performance

| Output indicator description |                                   | Strategy to overcome areas of under performance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.4.1                        | IJS assessment report implemented | <p>The following activities are planned to ensure the implementation of the recommendations contained in the evaluation report during the 2021/2022 financial year:</p> <ul style="list-style-type: none"> <li>• Implementation of 7 recommendations as set out in the evaluation report in the 2021/2022 financial year.</li> <li>• Craft a clear and comprehensive plan of action outlining the activities to be undertaken to ensure that activities are assigned to resources/individuals who will be responsible for execution.</li> <li>• Monitor the progress on the implementation of the recommendations.</li> </ul> |

#### Linking performance with budgets

The programme expenditure for the year amounted to R 3.405 billion against the budget allocation of R 3.617 billion resulting in an underspending of R 213 million. The underspending is due to delays in the execution of planned

procurement activities for justice modernisation and underperformance of IJS/CJS member departments which have been seriously impacted by COVID-19 restrictions.

#### Subprogramme expenditure

| Sub programme Name                    | 2020/2021           |                    |                          | 2019/2020           |                    |                          |
|---------------------------------------|---------------------|--------------------|--------------------------|---------------------|--------------------|--------------------------|
|                                       | 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                    |
| Legal Aid South Africa                | 1 958 883           | 1 958 883          | -                        | 1 970 973           | 1 970 973          | -                        |
| Special Investigating Unit            | 421 662             | 421 662            | -                        | 363 023             | 363 023            | -                        |
| Public Protector of South Africa      | 353 494             | 353 494            | -                        | 342 030             | 342 030            | -                        |
| South African Human Rights Commission | 191 739             | 191 739            | -                        | 190 005             | 190 005            | -                        |
| Justice Modernisation                 | 691 586             | 478 863            | 212 723                  | 1 051 192           | 1 051 192          | -                        |
| <b>Total</b>                          | <b>3 617 364</b>    | <b>3 404 641</b>   | <b>212 723</b>           | <b>3 917 224</b>    | <b>3 917 223</b>   | <b>1</b>                 |

## **Reporting on the institutional response to the COVID-19 pandemic**

The COVID-19 pandemic continues to evolve, and the Department has been profoundly affected by the global pandemic, and this has posed a threat to the Department's operations as well as the wellbeing of officials. Section 8 of the Occupational Health and Safety Act (OHSA), 1993, as amended, states that the employer, where necessarily practicable, shall provide and maintain a safe, healthy working environment that is without risk to employees. Similarly, Regulation 53 of the Public Service Regulations, 2016, provides that a head of a department, shall establish and maintain a safe and healthy working environment for employees of the Department and a healthy service delivery environment for members of the public.

The measures taken by the Department to reduce the spread, contain and minimise the risk of exposing its personnel, contractors, service providers and members of the public to COVID-19 are as stated below:

### **1. Appointment of a COVID-19 steering committee**

A steering committee, operating as Justice Operational Steering Committee COVID-19 (JOSCOVID-19) was established. The committee is composed of: court services; Master of the High Courts; legal services; organised labour (NEHAWU, PSA); Office of the DG (safety, health, environment, risk and quality; enterprise-wide risk management and service delivery), office of the CFO, facilities management, human resources and public education and communication.

### **2. Designation of compliance officers**

In terms of Regulation 6(a), the Department has designated the Director: Service Delivery Improvement as the chief compliance officer. Each courthouse, service point and facility has designated compliance officers to oversee the implementation of the RAP and ensure adherence to the health protocols and standards of hygiene relating to COVID-19 in the workplace. A compliance officer refers to a compliance officer designated in terms of the regulations issued by the Minister of Cooperative Governance and Traditional Affairs (published in the Government Gazette no. 480 of 29 April 2020).

### **3. Access control, screening and tracking protocols**

The Department has implemented "access control forms" in all offices for officials, stakeholders, members of the public, contractors and service providers. The access control form is part of the Departmental screening protocols alongside temperature measurements. Protocols and process were developed to guide access to Departmental access. There have been instances where persons seeking to gain access to our premises were not willing to complete the access control form. Such cases are referred to the compliance officer as per the protocol. A web-based functionality for employees to access and completes the access control form instead of the paper-based system has been developed and currently piloted at national office.

### **4. Provision of personal protective equipment**

- Sanitizers are currently made available at entrances and there are plans underway to ensure sanitizers are also made available at strategic areas of service points and courthouses not only at entrances;
- Washable face masks were issued to employees;
- Face visors issued to frontline employees; and
- Hand gloves issued to employees working with documentation received from public etc.

### **5. Risk management**

Each region, service point, facility and courthouse has developed its risk mitigating strategy in respect of COVID-19. The risks are reviewed as the need arises especially when there's a positive case or in line with the different alert levels. The identification of officials with comorbidities is currently underway and those cases are managed on a case by case basis based on Department of Health guidelines.

## 5. TRANSFER PAYMENTS

### 5.1. Transfer payments to public entities

| Name of public entity      | Key outputs of the public entity                                                                                                          | Amount transferred to the public entity | Amount spent by the public entity | Achievements of the public entity                                                                                                                                                                                                                                                                                                                          |
|----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Legal Aid South Africa     | Civil and other legal proceedings to recover cash assets and set aside contracts and administrative actions that are deemed to be invalid | 1 958 883                               | 1 958 883                         | <ul style="list-style-type: none"> <li>• R818,6 million of potential cash and/or assets to be recovered.</li> <li>• R1,8 billion of actual cash and/or assets recovered.</li> <li>• R7,169 billion of contract(s) and/or administrative decision(s)/ action(s) set aside or deemed invalid.</li> <li>• R2,7 billion of potential loss prevented</li> </ul> |
| Special Investigating Unit | Indigent and vulnerable people provided with legal representation & legal advice                                                          | 421 662                                 | 421 662                           | 372,830 people were provided with legal representation & legal advice                                                                                                                                                                                                                                                                                      |

### 5.2. Transfer payments to all organisations other than public entities

The table below reflects the transfer payments made for the period 1 April 2020 to 31 March 2021

| Name of transferee                | Type of organisation  | Purpose for which the funds were used                                                                                                                                                                                            | Did the dept. comply with S 38 (1) (j) of the PFMA | Amount transferred (R'000) | Amount spent by the entity (R'000) | Reasons for the funds unspent by the entity |
|-----------------------------------|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|----------------------------|------------------------------------|---------------------------------------------|
| The Public Protector South Africa | Constitutional entity | 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 of prejudice | N/A                                                | 353 494                    | 353 494                            | N/A                                         |

| Name of transferee                                         | Type of organisation                                   | Purpose for which the funds were used                                                                                                                                         | Did the dept. comply with S 38 (1) (j) of the PFMA | Amount transferred (R'000) | Amount spent by the entity (R'000) | Reasons for the funds unspent by the entity |
|------------------------------------------------------------|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|----------------------------|------------------------------------|---------------------------------------------|
| The South African Human Rights Commission                  | Constitutional entity                                  | To support constitutional democracy through promoting, protecting and monitoring the attainment of everyone's human rights in South Africa without fear, favour or prejudice. | N/A                                                | 191 739                    | 191 739                            | N/A                                         |
| PD: Vehicle licences                                       | Municipal payments                                     | Renewal of vehicle licences                                                                                                                                                   | N/A                                                | 676                        | 676                                | N/A                                         |
| PD: Fines & penalties                                      | Municipal payments                                     | Subscription fees                                                                                                                                                             | N/A                                                | 37                         | 37                                 | N/A                                         |
| Foreign government/ international organisation             | Foreign government                                     | Subscription fees                                                                                                                                                             | N/A                                                | 14 498                     | 14 498                             | N/A                                         |
| TV licence renewal                                         | SABC                                                   | TV licence renewal                                                                                                                                                            | N/A                                                | 89                         | 89                                 | N/A                                         |
| Households                                                 | Payments for leave gratuity & claims against the state | Payments for leave gratuity & claims against the state                                                                                                                        | N/A                                                | 63 496                     | 63 496                             | N/A                                         |
| Safety and Security, Sector Education & Training Authority | Payments for training in the public service            | Payments for training in the public service                                                                                                                                   | N/A                                                | 29 773                     | 29 773                             | N/A                                         |

## 6. CONDITIONAL GRANTS

### 6.1. Conditional grants and earmarked funds paid

None

### 6.2. Conditional grants and earmarked funds received

None

## 7. DONOR FUNDS

### 7.1. Donor funds received

#### 7.1.1 European Union

|                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Name of donor</b>                             | European Union                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Full amount of the funding</b>                | Euros 25 million                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Period of the commitment</b>                  | 2014- 2021                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Purpose of the funding</b>                    | To support the Department fulfil its mandate on the enhancement of socio-economic rights and strengthen partnership with civil society.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Expected outputs</b>                          | <p>Improved awareness of constitutional rights, with an emphasis on socio-economic rights and on vulnerable groups</p> <p>Enhanced participatory democracy through public policy dialogues on constitutional rights</p> <p>Improved and sustained collaboration between government, chapter nine institutions, civil society and other stakeholders in terms of justice service delivery and socio-economic rights (including support for community advice offices)</p> <p>Increased research on socio-economic rights and jurisprudence</p> <p>Improved sector coordination and policy design on constitutional development</p> <p>Strengthened capacity, engagement and participation of CSOs in the realisation of constitutional rights</p> |
| <b>Actual outputs achieved</b>                   | The project has completed all targets according to its project work plan and it is on the evaluation phase, wherein final terms of reference were approved and advertised for suitable service provider to apply for SEJA evaluation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Amount received in current period (R'000)</b> | R27 952 548                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Amount spent by the department (R'000)</b>    | R18 802 580                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <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, quarterly meetings between the Department, donor and Foundation for Human Rights.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

## 7.1.2 European Union (GBS funding)

|                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Name of donor</b>                             | <b>European Union (GBS funding)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Full amount of the funding</b>                | <b>R12 587 463</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Period of the commitment</b>                  | <b>2019 - 2021</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Purpose of the funding</b>                    | <b>Investigation into legal fees</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Expected outputs</b>                          | <p>To investigate and report back to the Minister with recommendations on the following:</p> <ul style="list-style-type: none"> <li>• Manner in which to address the circumstances giving rise to legal fees that are unattainable for most people;</li> <li>• Legislative and other interventions in order to improve access to justice by members of the public;</li> <li>• The desirability of establishing a mechanism which will be responsible for determining fees and tariffs payable to legal practitioners;</li> <li>• The composition of the mechanism and the process it should follow in determining fees or tariffs;</li> <li>• The desirability of giving users of legal services the option of voluntarily agreeing to pay for fees less or in excess of any amount that may be set by the mechanism; and</li> <li>• The obligation by a legal practitioner to conclude a mandatory fee arrangement with a client when that client secures that legal practitioner's services.</li> </ul> |
| <b>Actual outputs achieved</b>                   | <ol style="list-style-type: none"> <li>1. Discussion paper was approved and published for general comments in September 2020</li> <li>2. Nine provincial community workshops were held as follows: <ul style="list-style-type: none"> <li>- Mpumalanga Main Hall, Unit 3 KwaMagaba, KZN</li> <li>- Mabopane Skills Centre, Gauteng</li> <li>- Ga-Matlala Village Community Hall, Tibanefontein paypoint, Limpopo</li> <li>- Bethlehem town hall, Free State</li> <li>- VGK Church, Coastesville, Stellenbosch, Western Cape</li> <li>- Phatsima Community Centre, North west</li> <li>- House of Praise, Embalenhle, Mpumalanga</li> <li>- Tombo PCC Port St Johns Community Hall, Eastern cape</li> <li>- Gugulethu Community Court, Western Cape</li> </ul> </li> </ol> <ul style="list-style-type: none"> <li>• Request for extension of this project was granted by National Treasury.</li> </ul>                                                                                                     |
| <b>Amount received in current period (R'000)</b> | R1 905 083                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Amount spent by the Department (R'000)</b>    | R761 165                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Reasons for the funds unspent</b>             | The project start was delayed due to National Treasury delay in transferring the money from RDP account into the departmental account                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|                                                  | Donor assistance is managed through quarterly project managers' forum meetings and quarterly meetings between the departments. The project manager also reports directly to National Treasury on quarterly basis.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Monitoring mechanism by the donor</b>         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |



## 8 CAPITAL INVESTMENT

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

#### Progress made on implementing the capital investment and asset management plan:

1. The Department of Justice and Constitutional Development (DoJ&CD) through the facilities management unit, is responsible for the provision of office and courts accommodation and maintenance thereof. This is done through infrastructure management by building of new courts and expansion of existing facilities or through property management by leasing of office accommodation or facilities. All these services are executed by the Department of Public Works & Infrastructure (DPWI), as the custodian of government facilities and the Independent Development Trust (IDT) as the other implementing agent. The DoJ&CD is the fund holder of capital projects.
2. The maintenance of all government facilities is the responsibility of Department of Public Works and Infrastructure (DPWI) and also the fund holder. The maintenance budget has been reduced over the years and impacts negatively as government facilities are not maintained as required.
3. The 2020/2021 capital budget allocation was originally R902 696 million but reduced to R874 435 million. Following the COVID-19 pandemic, National Treasury requested all departments to further reduce the budgets. The Capex budget was reduced to R518 995 million. In November 2020, the budget was further reduced to R455 995 million. The budget is split between Department of Public Works and Infrastructure and Independent Development Trust, as the implementing agents for the infrastructure portfolio.

#### Infrastructure projects which have been completed in the current year:

| Project description                                                                | Completion date                                                                                                                                                                                                                                                                             |
|------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| KZN: Durban (Point) Family Branch Court:                                           | The site was handed over to the contractor on 18 January 2018. The tender was awarded to Enza Construction at the contract amount of R151, 864 million. The project reached practical completion on 19 January 2021. The court was officially opened by the Minister on 26 March 2021.      |
| EC: Dimbaza Magistrate's Court: Construction of a new building:                    | The site was handed over to the contractor in December 2014. The tender was awarded to Transtruct (Pty) LTD at the contract amount of R81, 750 million. The project reached completion on 29 October 2020. The court is scheduled for opening by the Minister on a date to be communicated. |
| Fraserburg Magistrate Court                                                        | The project was completed on 15 June 2020                                                                                                                                                                                                                                                   |
| Mqanduli Magistrate Court: Phase 1: Demolition of existing fire damaged buildings: | The project was completed on 21 August 2020                                                                                                                                                                                                                                                 |
| Indwe Magistrate Court:                                                            | The project was completed on 2 October 2020                                                                                                                                                                                                                                                 |
| Groblershoop Magistrate Court:                                                     | The project was completed on 30 October 2020                                                                                                                                                                                                                                                |
| Queenstown Magistrate Court:                                                       | The project was completed on 6 November 2020                                                                                                                                                                                                                                                |
| Ntabankulu Magistrate Court:                                                       | The project was completed on 15 December 2020                                                                                                                                                                                                                                               |
| Mmabatho High Court:                                                               | The project was completed on 2 February 2021                                                                                                                                                                                                                                                |

## Infrastructure projects that are currently in progress and expected to be completed:

| Project description                                                  | Progress, challenges & mitigations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. MP: Mpumalanga High Court: Construction of a new building         | <p>The High Court was completed in May 2019 with secondary access on Samora Machel Drive. The High Court was officially opened on 8 November 2019 by the President. The main contractor, Group 5 is under business rescue.</p> <p>The primary access road tender was awarded to Thenjwa Engineering &amp; Projects at a tender amount of R13, 633 million. Original contract period was 20 months. Project start date was 29 November 2019. Overall progress to date is 75%. Original project end date was 01 June 2020. An extension of time for 59 working days was awarded due to COVID-19 lockdown. The revised projected completion date is for 30 June 2021.</p>                                                                                                                                                                                                                                                  |
| 2. GP: The Palace of Justice: Security measures upgrade              | <p>The first contract was terminated due to poor performance. The remaining scope of work was increased to include the additional accommodation of conversion of the boardrooms.</p> <p>The tender was advertised on 23 October 2020 and closed on 17 November 2020. Suspense account funding was approved on 10 February 2021.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 3. LP: Polokwane burnt Magistrate's Office                           | <p>The project is co-funded by both DoJ&amp;CD and DPWI. The bid was awarded to Musan Trading Enterprise CC at the tender amount of R82, 878 million. The Contractor was handed over the site on 25 October 2019 over a period of 24 months. Project progress is 60%. Practical completion expected date is 25 October 2021.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 4. EC: Mqanduli burnt Magistrate's Office                            | <p>Project managed by Coega through DPWI.</p> <p>Demolition of burnt building tender was advertised in December 2019, briefing held in January 2020 and tender closed in January 2020. Tender was awarded and contractor was appointed for demolition of burnt building in June 2020. Project started on 22 July 2020.</p> <p>The contractor managed to demolish the burnt court building and successfully removed all the building rubble from site as per project scope. The relocation of the four park homes from Bityi Magistrate's Office to the Mqanduli temporary court site was successful and the compliance certificates for plumbing and electrical connections were issued. Project practical completion date was on 29 August 2020.</p> <p>New accommodation:</p> <p>The need certificate for the construction of a new court was submitted to DPWI. The site clearance by DPWI is still outstanding.</p> |
| 5. GP: Pretoria Magistrate's Court: Refurbishment of burned building | <p>The project was awarded but delayed by the black mould which had to be removed by specialists. On completion of the black mould removal, the appointed contractor experienced cash flow challenges until the appointment was terminated due to poor performance. The project progress stands at 37%. The replacement tender was advertised in November 2020 and DPWI is awaiting confirmation of funds to proceed with the project.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| 6. MP: Middelburg Local Seat                                         | <p>The renovations of the facility are executed in phases. Phase one was completed in May 2019 and the two court rooms are operating. Phase two was also completed. Below is the progress report for phase three.</p> <p>Briefing session was held on 20 April 2021 for the relocation of drywall to create court room and Judges Chamber, painting of internal walls and doors, supply and installation of carpets and blinds, create judges ablution facilities, installation of toilet sets and drinking fountains in holding cells, tiling of floors in the kitchenette and ablution facilities, replacement of kitchen cupboard, sink and taps.</p>                                                                                                                                                                                                                                                                |
| 7. MP: Kwa-Mhlanga Local Seat                                        | <p>The contractor was deployed on site on 10 February 2021. Work is in progress and attending to the supply and installation of Trelli-door to separate OCJ and SAPS, renovation of ablution facilities and reception area, breaking-up and closing back to re-position the door.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 8. GP: Justice College: Refurbishment project                        | <p>The project of repair and renovations was registered by DPWI and the tenants moved to a leased building. The project was advertised in June 2018 and closed in July 2018. Tender was awarded to Clear Choice Builders at a tender amount of R196, 433 million. The site was handed over to the contractor on 26 April 2019, over a period of 24 months. DoJ&amp;CD is expected to fund the capital items which include security and ICT equipment. The contractor has completed reconstruction of the perimeter fencing and site establishment. The project is 99 days behind schedule due to fence installation, appointment of CLO and industrial work stoppage. Progress is 35% complete.</p>                                                                                                                                                                                                                     |

| Project description                                                                | Progress, challenges & mitigations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9. KZN: Port Shepstone Magistrate's Office: Construction of a new building         | The original contract with Basil Read amounting to R285,524 million has been cancelled and is currently following a legal process. The current overall progress is 96%. A new procurement strategy was approved on 25 January 2021 for re-tendering.                                                                                                                                                                                                                                                                                                                   |
| 10. GP: Mamelodi Magistrate's Office: Construction of a new building               | The project started in June 2014. The original contract period was 18 months. Original completion date was May 2015. The project progress has from the beginning been delayed by community protests, appointment of the CLO and delayed payments. DPWI excluded the scope of the DoJ&CD nominated subcontractors from the project. DPWI has now requested National Treasury to approve the variations. The project progress stands at 73%.                                                                                                                             |
| 11. GP: Soshanguve Magistrate's Office                                             | The Department has registered a repairs and additional accommodation project with DPWI. The tender was advertised on 02 August 2019 and closed on 10 September 2019. The tender was awarded to Musan Trading Enterprises CC at a tender amount of R339,866 million. The site was handed over to the contractor on 12 December 2019, over a duration of 36 months. Original contractual completion date was 03 December 2022 but now revised to 8 February 2023. Progress is 24% complete.                                                                              |
| 12. KZN: Vulamehlo Magistrate's Court: Repairs and Renovations to office buildings | The project commenced in March 2015 at a tender amount of R19,530 million, over a period of 24 months. Original completion date was March 2017 but anticipated project completion is now December 2021. The project has been interrupted several times by the business forums demanding 30% of subcontracting work. Contractor was placed on terms by DPWI for non-performance with the intention of cancellation. The matter was taken to the lawyers by the contractor. The contractor is currently not back on site. Construction progress on site is 92% complete. |

#### Progress made on the maintenance of infrastructure:

1. The Department of Justice and Constitutional Development (DoJ&CD) through facilities management unit is responsible for the maintenance of service points/offices and court buildings. In the facilities where we are leasing, the maintenance becomes the responsibility of the landlord as per the lease agreements.
2. There are two types of maintenance that the Department embarks on in maintaining facilities; day-to-day maintenance and planned maintenance. The day-to-day maintenance is executed by the regional offices of the Department and the planned maintenance is executed by the Department of Public Works and Infrastructure (DPWI).
3. On a yearly basis, regions of DoJ&CD are allocated funding to execute day-to-day maintenance. The threshold for this day-to-day maintenance is R100k as per the delegation from DPWI. The day-to-day maintenance allocation addresses incidents relating to daily breakdowns. Day-to-day maintenance refers to maintenance of an unforeseen nature, e.g., blocked pipes, toilets, burst water pipes, broken window panes etc.
4. The regional allocations for day-to-day maintenance for 2020/2021 are as follows:

| No. | Region        | Allocation amount |
|-----|---------------|-------------------|
| 1.  | Eastern Cape  | R6 522 000.00     |
| 2.  | Gauteng       | R7 986 000.00     |
| 3.  | KwaZulu-Natal | R3 932 000.00     |
| 4.  | Mpumalanga    | R825 000.00       |
| 5.  | Western Cape  | R2 131 000.00     |
| 6.  | North West    | R5 242 000.00     |
| 7.  | Northern Cape | R1 805 000.00     |
| 8.  | Free State    | R2 000 000.00     |
| 9.  | Limpopo       | R3 932 000.00     |

The 2021/22 Capex allocation is R702, 578 million. The budget will be used for the planning, monitoring, implementation and completion of current projects under construction. There are 467 projects currently registered with DPWI at different project stages. Projects currently under construction will proceed in the current financial year.

Projects recently awarded include the refurbishment and additional accommodation of the Durban High Court.

Projects advertised include the refurbishment of the Rustenburg Magistrate Court, Klerksdorp/Jouberton MO. Other projects planned for tender in the current financial year include the Thohoyandou HC, Jan Kempdorp MO, Keimoes MO, Poffadder MO and East London Old SARS Building

## Major maintenance projects that have been undertaken during the period under review

In addition to the seven maintenance projects achieved, the table below is for other maintenance projects under construction:

| Project description                                                                                                                                                 | Progress, challenges & mitigations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. EC: Mount Frere Magistrate's Office: Condition based maintenance                                                                                                 | The first contractor was appointed in February 2016 but the contract was terminated due to non-performance. The second contractor was appointed in August 2017. DPWI has also terminated the contract due to non-performance. The project progress stands at 68%.                                                                                                                                                                                                                                                                                                                      |
| 2. KZN: Umlazi Heritage: Repair and renovation to office building                                                                                                   | The bid was awarded to Afriscan Construction at a tender amount of R88,957 million. The project commenced in September 2016, over a period of 36 months. Original completion date was May 2019 but now anticipated in September 2021. Phase 1 and 2A have been completed and beneficial occupation granted to the user.<br><br>Phase 2B and 3 delayed by COVID-19 related lockdown restrictions.<br><br>Extension of time for 90 working days is currently being reviewed by DPWI.                                                                                                     |
| 3. KZN: Hlabisa Magistrate's office: Various building repairs                                                                                                       | The first contractor was appointed in September 2016. The contract was terminated due to poor performance. The second contractor was also appointed but contract was also terminated due to poor performance. The third appointed contractor is currently on site. There is progress on site at the current stage and progress is 81% complete. Project is anticipated to be completed in May 2021.                                                                                                                                                                                    |
| 4. LP: Seshego Magistrate's office: Repair and renovations                                                                                                          | The project was awarded at R7,739 million. The project commenced on 12 September 2019, over a period of 12 months. The original completion date was 15 August 2020. The project is progressing very slowly due to lack of accommodation. An additional variation for removal of leaking asbestos roof was added. The contractor is waiting for the approval of the VO for the removal of the asbestos roofing and replacement with new roof tiles. National Treasury has disapproved the initial VO but the project manager submitted additional motivation. Progress is 96% complete. |
| 5. LP: Giyani Magistrate's Office: Repair and renovations                                                                                                           | The initial contract was terminated on 12 March 2019 due to lack of progress. Evaluation of tender was held on 28 February 2020, however was disapproved. External auditors still to audit the tender evaluation report. Progress is 36% complete.                                                                                                                                                                                                                                                                                                                                     |
| 6. LP: Mussina Magistrate's Office: Repair and renovations, installation of fire equipment to comply with building regulations, drilling and equipment for borehole | Termination letter was served to the first contractor on 24 January 2019 due to poor performance. The terminated contractor has taken DPWI to court. Legal services advised that SCM process should continue until ordered otherwise. Process to re-advertise will start once final account and outstanding scope is compiled.                                                                                                                                                                                                                                                         |
| 7. LP: Groblersdal Magistrate's Office: Repair and renovations of building                                                                                          | The initial contract was awarded at the amount of R5,267 million. The site was handed over to the contractor on 29 March 2018, for a duration of 12 months. Partial completion was achieved on 25 October 2018. The contractor was terminated in May 2019. DPWI is preparing the final account and completion scope for appointment of second contractor in 2021/2022 financial year.                                                                                                                                                                                                  |
| 8. EC: Lusikisiki Magistrate's Office: Condition based maintenance                                                                                                  | The contractor has encountered delays due to financial constraint, appointment of ICT service provider and the community unrest emanating from the 30% compulsory subcontracting. The contractor was penalised, however was terminated on 12 February 2020. Consultants are busy with final account and to determine the completion scope of work which is yet to be submitted. The progress on site is at 43% complete.                                                                                                                                                               |
| 9. EC: Mt Fletcher Magistrate's Office: Repairs                                                                                                                     | The project was handed over to the contractor on 05 May 2018 at the amount of R21,883 million. The contractor encountered delays due to the appointed of an ICT subcontractor. Extension of time was approved to 30 September 2019. The contractor has been put on terms and a recovery plan has been approved, including the extension of time, and performance is being monitored accordingly. The expected completion date was November 2020. The project manager is attending to issues relating to Eskom upgrade variations. The progress on site is at 82% complete.             |

| Project description                                        | Progress, challenges & mitigations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10. LP: Nebo Magistrate's Office: Repairs and Maintenance  | The contractor was served with a Mora letter in September 2019 due to non-performance. The contractor was on Mora till 29 January 2020, but now he is back on site. He has so far completed the Heritage block. First delivery meeting was scheduled for 12 February 2021 but feedback is still being awaited. Progress on work done is at 40%.                                                                                                                                                                                                                                                                                                                                                                                                     |
| 11. EC: Mthatha Magistrate Office: Repairs and renovations | Project was advertised on 19 July 2019 with briefing meeting on 26 July 2019, and closed on 12 August 2019. The tender was awarded to Enza Construction (PTY) LTD on 18 October 2019 at the amount of R73,192 million. The contractor was on site in November 2019 for mobilisation and started with implementation on 9 January 2020. Project progress is at 30%. There were challenges raised by the Department about the new security system proposed for the court. There are currently challenges with appointment of nominated subcontractors for security, IT and CRT. A report citing proposed recommendations for a new security system has been submitted for consideration as the existing system on site has surpassed its usable life. |

### Progress made in addressing the maintenance backlog during the period under review:

Due to the increased maintenance budget cuts, DPWI is unable to keep up with the maintenance demands backlog. In assisting the regions to respond timeously to the day-to-day maintenance incidents at court level, the Department is embarking on the term contracts approach for three key disciplines: general building, wet works (plumbing) and fire services. The fire services term contract will primarily focus on provision and servicing of fire-fighting equipment. This is a focus area given recent burning of courtrooms and buildings in general. A major contributing factor in these incidents is the equipment that is not working and not being serviced. The term contracts will be piloted in one cluster in few provinces.

The planned maintenance focuses on major repairs and refurbishments. The programme is implemented on our behalf by DPWI, who in turn utilise services of other agents such as the Development Bank of SA, Coega Development Corporation and the Independent Development Trust (IDT) to implement these projects.

DoJ&CD is funding a portion of the planned maintenance through the accommodation charges devolved budget. In the 2020/2021 financial year, an amount of R2 770 661 000.00 was set aside for planned maintenance projects by DPWI. DoJ&CD was previously using its budget to assist DPWI in carrying out the maintenance requirements. Because of the budget cuts, DoJ&CD is experiencing budget shortfall and unable to effect planned maintenance on all of the facilities.

| Infrastructure projects                          | 2020/2021           |                    |                          | 2019/2020           |                    |                          |
|--------------------------------------------------|---------------------|--------------------|--------------------------|---------------------|--------------------|--------------------------|
|                                                  | 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                    |
| New and replacement assets                       | 341 667             | 288 925            | 52 742                   | 321 743             | 299 081            | 22 662                   |
| Existing infrastructure assets                   | 23 524              | 23 524             | -                        | 43 706              | 43 706             | -                        |
| - Upgrades and additions                         | 1 736               | 1 736              | -                        | 6 276               | 6 276              | -                        |
| - Rehabilitation, renovations and refurbishments |                     |                    |                          |                     |                    |                          |
| - Maintenance and repairs                        | 21 787              | 21 787             | -                        | 37 430              | 37 430             | -                        |
| Infrastructure transfer                          |                     |                    |                          |                     |                    |                          |
| - Current                                        |                     |                    |                          |                     |                    |                          |
| - Capital                                        |                     |                    |                          |                     |                    |                          |
| <b>Total</b>                                     | <b>388 714</b>      | <b>335 972</b>     | <b>52 742</b>            | <b>535 749</b>      | <b>342 787</b>     | <b>22 662</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 controls. The Department ensures that efficient and effective controls are in place, followed by the continuous monitoring, reviewing and evaluation of mechanisms aimed at mitigating identified strategic and operational risks. To further assist and enhance the ethical values in the Department, risks are identified and managed throughout the whole Department. The objective is to minimise operational losses and optimising operational efficiency.

## 2. RISK MANAGEMENT

The enterprise risk management directorate has an existing risk management policy, and its annual strategy was reviewed during the 2020/2021 financial year. This was to ensure that the Department commits to sound risk management processes, practices and outlines different roles and responsibilities to be carried out to ensure effective implementation of risk management processes.

The country was faced with an unprecedented pandemic of COVID-19 since the beginning of the 2020/2021 financial year. In ensuring that the Department of Justice and Constitutional Development addresses the emerging risk of COVID-19, ERM conducted COVID-19 risk assessments across the Department. The Department continuously reviewed and updated the emerging risks of COVID-19 as and when the different alert levels of COVID-19 lockdown were introduced.

In addition, the enterprise risk management directorate conducted operational risk assessments in the regions and national office units as part of its annual risk management strategy for the 2020/2021 financial year. This process included the identification of strategic risks for the department whereby they were approved by both the risk management committee and executive management committee (EXCO).

The department has an existing risk management committee that advises management on the overall system of risk management. To ensure the effectiveness of the risk management committee, the Department appointed a new risk management committee independent chairperson and deputy chairperson in June 2020 following the expiration of the contract of the previous chairperson. This was further augmented by the appointment of seven non-independent

members made up of deputy director generals or heads of the branches. These appointments were in line with the reviewed terms of reference for the risk management committee. The committee sits four (4) times in a year to discuss risk related matters and ensuring that management accounts on the mitigation of identified risks.

The enterprise risk management regularly updates the audit committee on the status of the mitigation measures on the strategic risks and emerging risks.

The internal audit, on a regular basis, reviews the system of risk management to ensure its effectiveness and reports its findings to the audit committee. The audit committee, on a continuous basis, sits with EXCO to discuss the findings of the audit regarding the effectiveness of the risk management system.

There is significant improvement in the mitigation of strategic risks. The Department has made progress in filling key vacancy positions which included the position of the Director-General. The identification and monitoring of COVID-19 risks by enterprise risk management has assisted the branches in implementing and monitoring COVID-19 protocols in the workplace. It has assisted the Department in noting the areas of non-compliance and ensuring prompt remedial actions. Monitoring of COVID-19 risks ensured that the rate of infections in the workplace did not affect the Department's performance and service delivery.

## 3. FRAUD AND CORRUPTION

The Department has an ethics management strategy that addresses ethical issues in terms of the new Public Service Regulations of 2016. The ethics management strategy provides an overall mechanism to deal with fraud, corruption, irregularities, improprieties and unethical conduct such as conflict of interests, nepotism and favouritism. The ethics management strategy is guided by the Department's anti-corruption and ethics management policy.

The following progress has been made up to so far:

- The Departmental delegations were reviewed to align with the latest amendments of legislation and the Acting Director-General approved the reviewed delegations in November 2020.
- The SCM register for monitoring abuse of SCM processes is up to date and there were no incidents reported to National Treasury for the 2020/2021 financial year.

- Financial interests disclosure compliance of designated employees: 97% of SMS members complied, 100% of Family Advocate heads of offices (LP9 and LP10) complied, 71% of State Attorney heads of offices (LP10) complied, 100% State Law Advisory heads of offices (LP10) complied, 69% of other OSD salary 12, 81% of MMS12, 76% of MMS 11, 63% of finance and SCM officials, 100% of ethics officers.
- In terms of ensuring integrity of recruitment and selection of candidates as well as compliance regarding information security, 367 Pre-employment screening requests were received from HR during 2020/2021 and properly processed, 75.67 % SMS has complied with the vetting requirements, and security threat risk assessment was conducted in 20 offices to prevent security breaches.

National office hosted an international anti-corruption day seminar on 09 December 2020 with strict observance of the COVID-19 regulations for level 1. For the most part of the financial year, ethics awareness workshops were halted due to COVID-19.

#### **Mechanisms put in place to report fraud and corruption**

The Department has the whistle blowing policy that protects officials who report allegations of fraud and corruption to the forensic audit unit. The national anti-corruption hotline is used by officials to anonymously report allegations of fraud and corruption as well as any unethical conduct where there is suspicion of fraud and corruption that is being committed. Currently, the Public Service Commission's national anti-corruption hotline is available to all employees and outside stakeholders. A reviewed whistle blowing policy has been internally consulted and submitted in March 2021 for adoption by the EXCO.

The reported allegations are handled internally by the forensic audit unit, where they are investigated, and recommendations submitted to HR labour relations office for a disciplinary process or to the South African Police in circumstances where there is a strong suspicion that a crime may have been committed.

## **4. MINIMISING CONFLICT OF INTEREST**

The Departmental financial instructions require that all the role players in the supply chain management process must read and sign the code of conduct before they are permitted

to perform activities in the different committees they are appointed in.

## **5. CODE OF CONDUCT**

Currently, the Department is using the code of conduct as stated under chapter 2 (regulations 11 to 14) of the Public Service Regulations of 2016. The existing departmental code of conduct will still be reviewed in order to align it with the Public Service Regulations of 2016. Once there is contravention of the code of conduct, the matter is handled through the departmental disciplinary processes.

## **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*), stakeholders and members of the public, while they are within the Department's premises through a SHER management system that is monitored and evaluated for continual improvement and for effective control of workplace health and safety hazards.

The Department is able to monitor compliance on the implementation of SHER policy and procedures at all service delivery points/offices, which is in line with Occupational Health and Safety Act, 85 of 1993 and Regulations, as amended through the National Operation Centre Information Monitoring Tool (NOCIMT). Reports on the status of compliance of all service delivery points/countrywide can be generated and are available on the DJINI.

The Department continues to manage workplace hazards through SHER inspections conducted by the national office and regional offices. Due to COVID-19 lockdown regulations, visits to the respective service delivery points/offices for SHER inspections and SHER awareness sessions were restricted. However, the Directorate: SHERQ continued to ensure that the Department complies with all the Department of Health's COVID-19 regulations, DPSA guidelines related to COVID-19 as well as directives issued by the Department of Labour and Employment. The Department of Labour and Employment reported that the DoJ&CD achieved 94% compliance (*54 service delivery points/offices inspected, 51 compliant and 3 did not comply fully*) during their inspections conducted after April 2020.

The Department continued to give support to employees during difficult times of the COVID-19 pandemic. During April 2020, internal protocols for access to premises were drafted and circulated to all heads of offices at service delivery points/office to ensure that a uniform process was followed to access premises of the DoJ&CD, in line with the COVID-19 regulations.

After a ministerial and EXCO meeting in April 2020, it was initiated that a centralised procurement of personal protective equipment (PPE) for the Department be effected, as an emergency procurement of PPEs in response of a National State of Disaster to assist the employees of the Department to continue with service delivery. Supply chain management (SCM) at national office procured the identified PPEs to ensure that critical services continued during the lockdown in April 2020 in the Department. The purchased PPEs were then distributed to the respective regional offices and the regional offices distributed the PPEs to their service delivery points/offices in their respective regions.

The Department continues to instil a culture of safe and healthy working environment to all employees by communicating and advocating applicable information through internal communication.

## 7. BUSINESS CONTINUITY MANAGEMENT

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

This objective could be achieved by institutionalising the business continuity management function countrywide and at all service delivery points in the Department. The DoJ&CD established the business continuity management programme through developing, implementing, monitoring and maintaining the business continuity management instruction (BCMI), Circular 92 of 2013. The said BCMI, Circular 92 of 2013 was approved in September 2013, to be implemented at all service delivery points within four (4) months after its approval. The BCMI supports the overall departmental strategic plan, 2017 - 2020.

To promote and maintain the business continuity management culture, the Department continued to monitor the established business continuity system with the aim of sustaining resilience and continuity of services in the event of a disruption and/or disaster.

To maintain an oversight of the business continuity management system, Deputy Directors: Security and Risk Management of the regions underwent an awareness programme on the BCMI's NOCIMT, in terms of Circular 03 of 2020, and in turn passed the knowledge through awareness to all heads of offices of their respective service delivery points/offices.

The Department remained resilient during the COVID-19 pandemic, through identification and deployment of the critical functions and critical staff, which was advocated countrywide, to form part of the big picture of the departmental prescripts and directives that were implemented to prevent the spread of COVID-19. The importance of the business continuity of the government departments has been emphasised by the DPSA directives and has been adopted in departmental oversight structures, i.e. Joint Operation Committee (JOSC) at National Office and Regional Operation Committee (ROSC) to ensure implementation of business continuity at service delivery points/offices respectively.

The Department adhered to the due processes in maintaining the business continuity through aligning with the Disaster Management Act, 52 of 2002 and Regulations issued by the Department of Corporate Governance and Traditional Affairs (COGTA), as amended. This adherence included the directives issued by the National Department of Health, Department of Public Service and Administration (DPSA), Department of Labour and Employment Service, Department of Transport, Department of Home Affairs and South African Police Service, Business Impact Analyses (BIA), Risk Adjusted Plan (RAP) and decision by the President of the Republic of South Africa to honour COVID-19 lockdown regulations, as amended from time to time.

The Department continued to support the effort by the National Disaster Management Centre (NMDC) through taking part in their organised meeting(s) on site and virtually. NMDC is also in a process to institutionalise the development of the disaster management plan (DMP) by national departments countrywide, through developing the draft DoJ&CD's DMP to be aligned with the applicable legislation framework to be approved by the Director-General, after finalisation of the draft DMP. The disaster management plan programme will be rolled out countrywide for implementation, after approval by the Director-General.

## 8. PORTFOLIO COMMITTEES

The Department of Justice and Constitutional Development appeared before the following Parliamentary Committees to brief Parliament on various issues during April 2020 and March 2021. The table below includes briefings relating to the Department of Justice and Constitutional Development and National Prosecuting Authority.

| Name of Committee                                           | Date of the Meeting | Purpose of the Meeting                                                                                                                | Matters raised by the Committee                                                                                                                                                                            | Departmental responses addressing issues raised                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------|---------------------|---------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1) Portfolio Committee on Justice and Correctional Services | 22 May 2020         | (a) Briefing by the Department of Justice and Constitutional Development on its strategic plan and annual performance plan of 2020/21 | The committee raised various issues that the department needed to clarify. Others were dealt with during the meeting and most needed return responses.                                                     | The Department responded to all questions asked by the committee members.                                                                                                                                                                                                                                                                                    |
|                                                             |                     | (b) Briefing by the National Prosecuting Authority on its strategic plan and annual performance plan of 2020/21                       | The committee enquired if a strategy around COVID-19 was considered, what impact it expected the pandemic to have on operations, and what interventions were being put in place to deal with this reality. | Adv Batohi explained that the impact of COVID-19 was not in the strategic plan because it had been set up prior to the pandemic. However, a COVID-19 task team of officials from the various divisions within the NPA had been formed to look at operations, employee wellness and communication, etc., in order to develop a holistic response to COVID-19. |
| 2) Portfolio Committee on Justice and Correctional Services | 27 May 2020         | Briefing by the Department on the extradition and mutual legal assistance in criminal matters treaties with the United Mexican States | The Committee raised a concern about the non-submission of signed treaties in Parliament after the Minister signed in 2014, this indicates that the Department does not have proper tracking system.       | The Deputy Minister added that the delay was problematic and his office would go into it to ensure that the Ministry had better systems that would prevent a similar occurrence.                                                                                                                                                                             |
| 3) Select Committee on Security and Justice                 | 29 May 2020         | a) Briefing by the Deputy Minister and Department on the Judicial Matters Amendment Bill [B13B-2019]                                  | No issues were raised.<br>The Committee did not have any questions or remarks for the Department                                                                                                           | Not applicable                                                                                                                                                                                                                                                                                                                                               |
| 4) Select Committee on Security and Justice                 | 10 June 2020        | Briefing by the Deputy Minister and Department to the proposed amendments on the Cybercrimes Bill                                     | No issues were raised.                                                                                                                                                                                     | Not applicable                                                                                                                                                                                                                                                                                                                                               |
| 5) Select Committee on Security and Justice                 | 11 June 2020        | Briefing by the Deputy Minister on the Regulations for Judicial Officers in Lower Courts: Amendment to Section 16 of Magistrates Act  | No concerns raised.                                                                                                                                                                                        | Not applicable                                                                                                                                                                                                                                                                                                                                               |

| Name of Committee                                           | Date of the Meeting | Purpose of the Meeting                                                                                                                                                                                              | Matters raised by the Committee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Departmental responses addressing issues raised                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| 6) Portfolio Committee on Justice and Correctional Services | 17 June 2020        | <p>(a) Briefing by the Deputy Minister and Magistrates Commission on disciplinary matters and systematic issues</p> <p>(b) Briefing by the Deputy Minister on Regulations for Judicial Officers in lower courts</p> | <p>The Committee raised a number of concerns, inter alia, relating to the delay in concluding misconduct inquiries against magistrates, the appointment of magistrates, the lack of vision and mission of the Commission etc.</p> <p>(c) (i) Adv Mohamed supported the recommendation with the understanding that the leave of a magistrate would be administered better.</p> <p>(ii) Mr Swart asked for clarity on the concession from the Magistrates Commission. Had there been buy-in from the magistrates?</p> <p>(iii) Adv Mohamed asked whether the capped leave – leave that had been accumulated before the new process came into effect – that would still be paid in cash value in accordance with Regulation 38H, was unused leave.</p> <p>The Chairperson said there had been a proposal that Members agree to these regulations.</p> <p>Mr Swart seconded the proposal.</p> | <p>The Magistrates Commission held a planning workshop on 05 November 2020 at which the various issues were dealt with. The matter was thereafter referred to the Commission which, at its meeting held on 26 February 2021, appointed a task team to deal with all the issues raised at the planning workshop and to draft an action plan for implementation. The task team met on 12 March 2021 and resolved to draft a strategic plan to deal with all issues. The matter is monitored by the Commission.</p> <p>i. Noted.</p> <p>ii. Mr Prinsloo responded by referring to the history of the regulation drafting process and the involvement of the Magistrates Commission. It could be safely said that the magistracy was part of the process. The regulations had been submitted to all magistrates for comment before they were approved by the Commission.</p> <p>iii. Mr Prinsloo agreed that the accumulated leave that Magistrates had in their credit on 31 December 2019 was capped, and converted in terms of regulation 38(1) into capped leave. The leave was first audited by the Department. The results were communicated to each magistrate, and it was then approved as part of the capped leave. The gratuity, which was payable to magistrates when they vacated office for any reason, was the capped leave. The cash value was calculated in terms of regulation 38H, plus the leave the magistrate had accumulated over the last year. However, magistrates could not accumulate any other leave for the rest of their career. If they did not take their leave after three years, they would forfeit untaken leave.</p> |

| Name of Committee                                           | Date of the Meeting | Purpose of the Meeting                                                                                        | Matters raised by the Committee                                                                                                                                                                                                                                           | Departmental responses addressing issues raised                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
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| 7) Select Committee on Security and Justice                 | 23 June 2020        | Briefing by the Department on the Recognition of Customary Marriages Amendment Bill                           | The Bill needs to define the terms "marital property", "house property", "family property" and "personal"property" that are used in the Bill.                                                                                                                             | The terms cannot be defined without the benefit of extensive consultation.<br><br>It would be best to define the terms after the consultation to be undertaken by the Department of Home Affairs when the South African marital regime is being investigated.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|                                                             |                     | Briefing by the Department on the Prescription in Civil and Criminal Matters (Sexual Offences) Amendment Bill | Committee requested the Department to clarify whether Section 18 of the Criminal Procedure Act, 1977, will apply retrospectively.                                                                                                                                         | It was proposed that a provision should be inserted in Section 18 to clarify that if any right to institute has lapsed before the amendment of Section 18, it should be regarded as revived after the amendment.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 8) Portfolio Committee on Justice and Correctional Services | 24 June 2020        | Briefing by the Minister and Department on lockdown court case backlogs                                       | The Committee members were concerned about the increasing court case backlogs and asked clarity around how to manage such.                                                                                                                                                | The Minister informed the Committee that a Court optimisation Committee had been established under the chair of the Deputy Minister of Justice and Constitutional Development, which holds multi-stakeholder meetings on a regular basis, to unblock blockages identified.<br><br>Further, the modernisation of the court processes through audio-visual means, as the plan for 2020/2021, will also assist to work on said backlogs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 9) Portfolio Committee on Justice and Correctional Services | 30 June 2020        | (a) Briefing on the mechanisms to facilitate cooperation between NPA and SIU                                  | Members asked whether the two agencies had the capacity and resources to perform their tasks. How were the Hawks going to assist when they were under-resourced and under-capacitated? Members expressed concern about the impact of potential budget cuts on operations. | The NDPP said that when she had taken over the NPA, the relationship between the NPA and the SIU had not been satisfactory. Over 600 referrals from the SIU had not been attended to by the NPA, but there had been a lot of engagements to enhance cooperation. There had been a re-look at the referral process. The SIU Act directs that matters must be referred to the NPA, but the NPA is not an investigative entity and so it was the Hawks that would conduct criminal investigations first. The tri-partite agreement should resolve some of those issues. The justice cluster was examining various ways for the law enforcement agencies to work together.<br><br>She was grateful for the additional budget given to the NPA, but it would not address all the vacancies. Nevertheless, it was a big improvement and had enabled the NPA to address matters of corruption. She made a plea that the budget of the Hawks not be cut, as the work of the NPA relied heavily on them. Without a fully functional DPCI, the NPA would not be able to perform its function in respect of corruption. |



| Name of Committee                                            | Date of the Meeting | Purpose of the Meeting                                                                                                        | Matters raised by the Committee                                                                                                                                                                                     | Departmental responses addressing issues raised                                                                                                                                                                                                                                                                                     |
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| 10) KwaZulu-Natal Provincial Legislature                     | 7 July 2020         | (a) Briefing the KZN Provincial Legislature on the Recognition of Customary Marriages Amendment Bill                          | Concerns raised regarding mandatory reporting of acts of domestic violence against an adult.                                                                                                                        | There is a concern from many role-players against the mandatory reporting and the Department has decided to delete the provision.                                                                                                                                                                                                   |
| 11) Portfolio Committee on Justice and Correctional Services | 8 July 2020         | (b) Briefing by Department of Justice and Constitutional Development on its adjusted budget and APP of 2020/2021              | The committee raised various issues that the department needed to clarify. Others were dealt with during the meeting and most needed return responses.                                                              | The Department responded to all questions asked by the committee members.                                                                                                                                                                                                                                                           |
|                                                              |                     | (c) Briefing by the NPA on its adjusted budget and APP of 2020/2021                                                           | Members enquired about the cuts from the original plan to recruit 400 aspirant prosecutors, but this plan was adjusted downward to 200. How would this impact the NPA's strategy to enhance capacity going forward? | The NDPP assured the Committee that although the NPA thought it had to reduce the amount by 50%, she believed that it may still be able recruit close to the 400 if not the full amount because it recognised the need to bring in fresh capacity at the entry level of the NPA and the budget could accommodate the larger intake. |
|                                                              |                     |                                                                                                                               | Committee asked what the DoJ&CD and the NPA were concretely going to do about both GBV and the killing of children, which seemed to be escalating.                                                                  | Adv Batohi said the killing of children was a focus area, but when we have a society that kills children, it was something which the NPA as the reactive part of the justice could not address proactively. She also urged for the problem to be seen as reflecting on the moral fibre of society that kills children.              |
| 12) Select Committee on Security and Justice                 | 15 July 2020        | Department's response to the public submissions on the Judicial Matters Amendment Bill                                        | No issues were raised. The Committee indicated that the responses by the Department on the submissions made were straight forward.                                                                                  | No issues were raised; there was no need for the Department to respond. The Committee resolved to table the Bill for adoption at its next meeting.                                                                                                                                                                                  |
| 13) Mpumalanga Provincial Legislature                        | 16 July 2020        | Briefing the Mpumalanga Provincial Legislature on the Recognition of Customary Marriages Amendment Bill                       | Concern raised on the failure to define marital property, house property, family property and personal property in the Bill.                                                                                        | The terms cannot be defined without having conducted an extensive consultation. To attempt to define these terms without such extensive consultation could lead to unintended consequences.                                                                                                                                         |
| 14) North West Provincial Legislature                        | 16 July 2020        | Briefing by Ms Theresa Ross of the North West Provincial Legislature on the Recognition of Customary Marriages Amendment Bill | No concerns were raised as the presentation responded to potential concerns that could be raised.                                                                                                                   | Not applicable                                                                                                                                                                                                                                                                                                                      |

| Name of Committee                                            | Date of the Meeting | Purpose of the Meeting                                                                                                          | Matters raised by the Committee                                                                                                                             | Departmental responses addressing issues raised                                                                                                                                                                                      |
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| 15) Eastern Cape Provincial Legislature                      | 16 July 2020        | Briefing by Ms Theresa Ross of the Eastern Cape Provincial Legislature on the Recognition of Customary Marriages Amendment Bill | No issues were raised.                                                                                                                                      | Not applicable                                                                                                                                                                                                                       |
| 16) Western Cape Provincial Legislature                      | 16 July 2020        | Briefing by Ms Theresa Ross of the Western Cape Provincial Legislature on the Recognition of Customary Marriages Amendment Bill | How are the wives in polygamous marriages protected in relation to property when the husband takes another wife?                                            | The current Section 7(6) of the Recognition of Customary Marriages Act already provides that the husband must apply to the court to approve the contract that will regulate the future matrimonial property system of his marriages. |
| 17) Free State Provincial Legislature                        | 17 July 2020        | Briefing the Free State Provincial Legislature on the Recognition of Customary Marriages Amendment Bill                         | No issues were raised.                                                                                                                                      | Not applicable                                                                                                                                                                                                                       |
| 18) Limpopo Provincial Legislature                           | 17 July 2020        | Briefing by Ms Theresa Ross of the Limpopo Provincial Legislature on the Recognition of Customary Marriages Amendment Bill      | No issues were raised.                                                                                                                                      | Not applicable                                                                                                                                                                                                                       |
| 19) Gauteng Provincial Legislature                           | 13 August 2020      | Briefing by Ms Theresa Ross of the Gauteng Provincial Legislature on the Recognition of Customary Marriages Amendment Bill      | No issues were raised.                                                                                                                                      | Not applicable                                                                                                                                                                                                                       |
| 20) Portfolio Committee on Justice and Correctional Services | 19 August 2020      | Briefing by the Department on the Cybercrimes Bill: NCOP amendments                                                             | No issues were raised.                                                                                                                                      | Not applicable                                                                                                                                                                                                                       |
| 21) Select Committee on Security and Justice                 | 26 August 2020      | Consideration to written submissions on the Prescription in Civil and Criminal Matters (Sexual Offences)                        | Women's Legal Centre raised the issue of whether Section 18 of the Criminal Procedure Act, 1977, will apply retrospectively.                                | Inserted a provision to ensure that it is clear that the amendments to Section 18 apply retrospectively.                                                                                                                             |
| 22) Portfolio Committee on Justice and Correctional Services | 1 September 2020    | Briefing on the GBV Bills:<br>(a) Criminal Law (Sexual Offences and Related Matters) Amendment Bill                             | (a) Committee members raised the following questions:<br>(i) Proposed amendment of Section 12 (incest) whether a reasonable child test could be introduced; | The Department responded as follows:<br>(i) Cautioned against such an approach and expressed the view that such an amendment might overlap with other offences in the principal Act;                                                 |

| Name of Committee | Date of the Meeting | Purpose of the Meeting                          | Matters raised by the Committee                                                                                                                                                                                                                                                                                                                                                                                           | Departmental responses addressing issues raised                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
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|                   |                     |                                                 | <p>(ii) whether the Minister could be empowered to extend the definition of “vulnerable persons” by means of regulations;</p> <p>(iii) whether the functions of the NRSO could be transferred to the SAPS Criminal Record Centre.</p>                                                                                                                                                                                     | <p>(ii) expressed the view that the Minister (as member of the Executive) cannot be empowered to take over the functions of Parliament;</p> <p>(iii) Responded by indicating that such a decision will be a policy decision, but indicated that such a decision will require extensive amendments to Chapter 6 of the principal Act.</p>                                                                                                                                                                                                                                                                                  |
|                   |                     | (b) Domestic Violence Amendment Bill            | <p>(b) Adv. Dellene Clark briefed the Portfolio Committee on the Bill. Portfolio Committee raised issues on the exposure of children to acts of domestic violence and the need for criminalisation of domestic violence. There is a concern of police not responding to incidents of domestic violence. There is a concern that complainants withdraw cases due to pressure from family members.</p>                      | <p>(b) The responses were that there is a compulsory requirement of reporting of a child who is exposed to acts of domestic violence and a failure to do so is a criminal offence. Most of the acts of domestic violence such as assault are in any event criminal offences. The national instructions of the police guide the police on how to act on certain cases and failure by the police to act constitutes misconduct. If the complainant wants to withdraw a case, the prosecution may decline to withdraw, but the complainant will have to be called in to testify and may be treated as a hostile witness.</p> |
|                   |                     | (c) Criminal and Related Matters Amendment Bill | <p>(c) The Committee requested clarity on the proposed amendments to the Criminal Law Amendment Act, 1997 relating to sentencing for assault with intent to do grievous bodily harm where the victim is 16 or 17 years old, and the person convicted of the assault is not more than four years older than the victim. The Bill provides that the prescribed minimum sentence should not be applicable in such cases.</p> | <p>(c) The Department explained that the aim is to avoid unintended consequences where the victim and the perpetrator are young people within the same age group. It is suggested that there should not be consequences in such cases, but the application of the prescribed minimum sentence would be too harsh.</p>                                                                                                                                                                                                                                                                                                     |

| Name of Committee                                            | Date of the Meeting | Purpose of the Meeting                                                     | Matters raised by the Committee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Departmental responses addressing issues raised                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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|                                                              |                     |                                                                            | (b) A concern was raised about the constitutionality of amendments to the provisions in the Criminal Procedure Act which regulate the granting of bail, specifically the proposal that police and prosecutors bail should not be granted to persons accused of gender-based violence related offences and the so-called reverse onus principle. The Committee suggested that a balance could be struck by making courts available to hear bail applications on weekends and public holidays as the system could be abused on Saturdays and Sundays, and this could result in the infringement of the rights of persons that have been wrongly accused. | (b) The Deputy Minister informed the Committee that Bills are certified by the Office of the State Law Advisers before they are introduced into Parliament. There could be a lot of debate around what is interpreted as constitutional and unconstitutional, having regard to the fact that often the Constitutional Court overturns the decisions of the Supreme Court of Appeal and the High Court on issues of constitutionality. The decision lies with Parliament. With regards to the issue of reverse onus, the Department informed the Committee that the principle is already provided for in the Criminal Procedure Act in cases where a person is charged with a Schedule 5 offence (sSection 60(11)). If the concern relates to offences related to protection orders, the Department is of the view that if a person breaches a protection order it is not too onerous to require him or her to prove to the court that he would not continue breaching the order. The reverse onus is justifiable in such cases. |
| 23) Portfolio Committee on Justice and Correctional Services | 4 September 2020    | Briefing on the Cannabis for Private Purposes Bill, 2020 (Bill 19 of 2020) | The appropriateness of the Bill to regulate cannabis was raised.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Department submitted research on the international position to the Committee.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 24) Portfolio Committee on Justice and Correctional Services | 7 October 2020      | Briefing by the NPA on its quarterly performance report                    | Although the overall performance of the NPA declined from the previous year, the Committee noted the progress being made but expressed concern about the high vacancy rates.<br><br>The Committee assured the NPA that it will do everything in its power to ensure it remains properly resourced.                                                                                                                                                                                                                                                                                                                                                     | Adv Batohi informed the Committee that the NPA has wisely invested the additional allocation in the AENE. This enabled the biggest recruitment drive in the NPA's history, the largest intake of aspirants and laptops for everyone. The proposed MTEF budget cuts will undo these gains and undermine the President's commitment to rebuild the NPA. Fighting corruption is a priority for the NPA and needs a huge investment and commitment from government.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Name of Committee                                            | Date of the Meeting                | Purpose of the Meeting                                                                                   | Matters raised by the Committee                                                                                                                                                                                                                                                                                                                                                                                                                                            | Departmental responses addressing issues raised                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
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|                                                              |                                    |                                                                                                          | <p>The committee raised concerns about prosecutors' complaints about abuses, racism and nepotism within the organisation. The NPA was requested to provide a breakdown on the staff complement based on gender, race and disability so that the Committee can make its own assessment.</p> <p>Committee asked whether in terms of its planning and training, the NPA has prepared itself to be able to implement the GBV Bills if they become Acts in the near future.</p> | <p>The NDPP confirmed that there were those allegations. The NPA appointed an independent investigator - Adv Luvuyo Bono- who prepared a report and recommendations for the NPA. The report has since been received; interventions have been put in place.</p> <p>The NPA is currently reviewing its training material and is including the GBV laws into its training. The regulations promulgated on 7 February 2020 gave the Minister the power to designate certain courts as sexual offences courts. These regulations require that the NPA and other stakeholders must amend its policy directives in line with this and is currently in the process of doing so.</p> |
| 25) Portfolio Committee on Justice and Correctional Services | 13 October 2020                    | Briefing by the Department of Justice and Constitutional Development on its quarterly performance report | The committee raised various issues that the department needed to clarify. Others were dealt with during the meeting and most needed return responses.                                                                                                                                                                                                                                                                                                                     | The Department responded to all questions asked by the committee members.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 26) Portfolio Committee on Justice and Correctional Services | 20, 21, 22, 23 and 28 October 2020 | Public Hearings on Gender-Based Violence Amendment Bills                                                 | The engagements were between the Portfolio Committee and the public representatives who were invited to make presentations to the Portfolio Committee.                                                                                                                                                                                                                                                                                                                     | The Department did not engage with the public hearings.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 27) Select Committee on Security and Justice                 | 21 October 2020                    | Department's response to the negotiating mandates on the Traditional Courts Bill                         | The Committee raised the question whether the monitoring function by the Commission for Gender Equality should not be broadened to cover other vulnerable groups, other than women's rights. Regarding the regulations on the Bill, the Select Committee enquired about the timeframe for the finalisation thereof.                                                                                                                                                        | <p>The Department undertook to consider the suggestions in depth and revert to the Committee with the options. The drafting of regulations has commenced. The development of regulations was meant to run parallel with the promotion of the Bill, however, because of the lack of certainty on how the final make-up of the Bill will be, there was a need to wait for some level of certainty.</p> <p>The regulations were being fast-tracked. The Department will adapt the Bill in line with inputs from the negotiating mandates received from the provinces.</p>                                                                                                      |

| Name of Committee                                            | Date of the Meeting | Purpose of the Meeting                                                                                        | Matters raised by the Committee                                                                                                                                                                                                                                                                                            | Departmental responses addressing issues raised                                                                                                                                                                                                                                                                                                                                                                                 |
|--------------------------------------------------------------|---------------------|---------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 28) Multiparty Women's Caucus                                | 29 October 2020     | Briefing by the Deputy Minister of Justice and Constitutional Development on GBV Bills                        | <p><b>Criminal and Related Matters Amendment Bill</b></p> <p>The Caucus stated that it has always been clear on its stance about no bail for perpetrators of gender-based violence related offences.</p> <p>Committee members raised questions that were similar to those that were raised in the Portfolio Committee.</p> | <p>The response of the Department was that the Constitution would have to be amended as currently Section 35(1)(f) provides that every person arrested for the alleged commission of an offence has a right to be released from detention if the interests of justice permit, subject to reasonable conditions.</p> <p>The Department's responses were similar to the responses that were given to the Portfolio Committee.</p> |
| 29) Portfolio Committee on Justice and Correctional Services | 3 November 2020     | Update on the Cybercrimes Bill                                                                                | No issues were raised. However, the Committee made it clear that it is necessary to implement the Bill as soon as possible.                                                                                                                                                                                                | Consultative meetings with the SAPS and a representative appointed by the Council of Europe took place to facilitate the drafting of subordinate legislation necessary for the implementation of the Bill. The Department has started with the drafting of subordinate legislation. Awaiting assent to and signature of the Bill by the President.                                                                              |
| 30) Select Committee on Security and Justice                 | 3 November 2020     | Consideration of the Traditional Courts Bill                                                                  | The amendments to the Bill were presented to the Committee. No issues were raised by the Committee.                                                                                                                                                                                                                        | There was no need for the Department to respond as the Committee was satisfied with the amendments                                                                                                                                                                                                                                                                                                                              |
| 31) Portfolio Committee on Justice and Correctional Services | 4 November 2020     | Presentation on the updated/amended Cybercrimes Bill                                                          | No issues were raised.                                                                                                                                                                                                                                                                                                     | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                  |
| 32) Portfolio Committee on Justice and Correctional Services | 6 November 2020     | Briefing by role playing departments on the state's readiness for Gender-Based Violence (GBV) Amendment Bills | <p>Criminal and Related Matters Amendment Bill (CRMA)</p> <p>Domestic Violence Amendment Bill (DVA)</p> <p>No issues were raised in respect of the Bills.</p> <p>Court Services made a presentation. The Committee did not engage with legislative development on the subject of the implementation of the GBV Bills.</p>  | Not applicable                                                                                                                                                                                                                                                                                                                                                                                                                  |



| Name of Committee                                            | Date of the Meeting | Purpose of the Meeting                                                 | Matters raised by the Committee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Departmental responses addressing issues raised                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------|---------------------|------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 33) Portfolio Committee on Justice and Correctional Services | 10 November 2020    | Departmental response to public submissions on the GBV Amendment Bills | <p>DVA – Mandatory reporting of acts of domestic violence was in light of the comments received, regarded as something that must be reconsidered.</p> <p>The Portfolio Committee raised concern that options are not provided to members on the Domestic Violence Amendment Bill, and the Department was directed to present options the next day.</p>                                                                                                                                                                                                                                                                                                                  | <p>The Department agreed to remove this clause from the Bill where it pertains to adults.</p> <p>The Department will prepare options for consideration by the Portfolio Committee.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                                              |                     |                                                                        | <p><b>Criminal and Related Matters Amendment Bill</b></p> <p>Interested parties raised the following concerns:</p> <p>(i) Technical concern with regard to the proposed new provision dealing with “sexual intimidation”, the question was raised why “indirect threat” should be a requirement;</p> <p>(ii) The question was also raised whether reference to a “third party” in the proposed new offence of “sexual intimidation” is not too vague;</p> <p>(iii) The proposed definition of “vulnerable persons” for purposes of Chapter 6 is too wide;</p> <p>(iv) the retrospective application of the amendments to Chapter 6 was raised as a serious concern;</p> | <p><b>Criminal and Related Matters Amendment Bill</b></p> <p>The Department summarised the submissions and responded as follows:</p> <p>(i) Conceded that “indirect threat” should not be an element of the proposed new offence and recommended that the phrase should be deleted from the provision;</p> <p>(ii) conceded that the phrase might be vague and recommended that the same meaning should be used as in the Cyber Crimes Bill;</p> <p>(iii) explained the practical implications for the Committee and recommended that a few options should be prepared for the Committee to consider;</p> <p>(iv) undertook to prepare a draft provision for the Committee to consider;</p> <p>(v) conceded that the type of personal information to be made available could be reduced;</p> <p>(vi) undertook to prepare a draft provision for the Committee to consider;</p> <p>(vii) explained to the Committee that it would require extensive amendments to Chapter 6 of the principal Act and undertook to prepare draft amendments for the Committee to consider;</p> <p>(viii) Undertook to prepare a draft provision for the Committee to consider.</p> |

| Name of Committee                                            | Date of the Meeting | Purpose of the Meeting                                                                        | Matters raised by the Committee                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Departmental responses addressing issues raised |
|--------------------------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
|                                                              |                     |                                                                                               | <p>(v) too much personal information of persons whose particulars have been included in the NRSO will be made publicly available;</p> <p>(vi) SAPS indicated that they would require access to the Register in order to be able to comply with Section 15A(2) of the SAPS Act;</p> <p>(vii) numerous interested parties advocated for the NRSO to be dissolved and that employees should be required to apply for police clearance certificates from the SAPS Criminal record Centre;</p> <p>(viii) a transitional provision should be provided for in respect of persons who have qualified to have their particulars removed from the NRSO before the amendment of Chapter 6 of the principal Act.</p> |                                                 |
| 34) Select Committee on Security and Justice                 | 10 November 2020    | Response to the negotiating mandates on the Recognition of Customary Marriages Amendment Bill | The Department presented the summary of negotiating mandates submissions on the Bill and the Committee did not raise any issues.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | No issues were raised by the Select Committee.  |
| 35) Portfolio Committee on Justice and Correctional Services | 11 November 2020    | Departmental response to public submissions on the GBV Amendment Bills                        | The Portfolio Committee was satisfied with the options presented by the Department.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Not applicable                                  |

## 9. SCOPA RESOLUTIONS

There are no SCOPA resolutions to the Vote for the financial year under review.

## 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 / resolving the matter                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>21. Receivables:</p> <ul style="list-style-type: none"> <li>• <b>Indicator 12.3</b> Percentage of Litigation cases settled (Pretoria, Johannesburg &amp; East London).</li> <li>• Differences in amount claimed and amounts finalised as per the supporting documents and in the file as per register were noted.</li> </ul>                                                                                                                                                                                                                            | 19/20                                  | <ul style="list-style-type: none"> <li>• The SOP was reviewed and distributed to all the OSA.</li> <li>• The first training was provided to officials in the following offices of the State Attorney: Thohoyandou, Durban, Polokwane, Gauteng, Nelspruit and Bloemfontein.</li> <li>• Office managers and heads of state attorneys were trained to train other attorneys and secretaries in the remaining regions.</li> </ul>                                                                                                                                                  |
| <p>22. Receivables (cont.)</p> <ul style="list-style-type: none"> <li>• <b>Indicator 12.3:</b> percentage of litigation cases settled amount as per register doesn't agree to the amount as per sundry payment.</li> <li>• <b>Indicator 12.1:</b> Percentage reduction in capital amount claimed in medical negligence, unlawful arrest and detention claims - amounts as per the register and cases files do not agree.</li> <li>• Matter was finalised in the prior years and should not have been included in the register for current year.</li> </ul> | 19/20                                  | <ul style="list-style-type: none"> <li>• Information was checked and verified by the supervisors.</li> <li>• The S-drive was developed and few documents were loaded because of the network problems. The branch decided to stop using the S-drive, but make physical documents available.</li> <li>• The branch stats committee has not yet started with this function as its TOR are not approved yet.</li> <li>• Statistics and files inspection is done by the supervisors to ensure that the information submitted is accurate and there are source documents.</li> </ul> |
| <p>23. Findings relating to the register:</p> <ul style="list-style-type: none"> <li>• Amount as per the register and case files does not agree.</li> <li>• Percentage of litigation cases settled: Some cases could not be traced to the register for <b>Indicator 11.3</b>.</li> <li>• Percentage of briefs allocated to female counsel and some cases could not be traced to the register for <b>Indicator 11.1</b>.</li> </ul>                                                                                                                         | 19/20                                  | <ul style="list-style-type: none"> <li>• Statistics and files inspection is done by the supervisors to ensure that the information submitted is accurate and there are source documents.</li> <li>• The offices have checked and made sure that supporting documents for all briefed advocates are available.</li> </ul>                                                                                                                                                                                                                                                       |
| <p>24. There was no evidence of reviews of monthly spreadsheet/register on state attorney indicators.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 19/20                                  | <ul style="list-style-type: none"> <li>• The branch stats committee has not yet started with this function as its TOR are not approved yet.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                         |

## 11. INTERNAL CONTROL UNIT

## 12. INTERNAL AUDIT AND AUDIT COMMITTEES

The internal audit function is responsible for providing independent assurance to the audit committee regarding the adequacy, efficiency, economy and effectiveness of the network of risk management, internal controls, and governance processes as designed and implemented by Departmental management, that they are adequate and functioning effectively with regard to the achievement of objectives.

Internal audit operates in terms of internal audit charter and follows approved risk based audit plan which is approved by the audit committee. During the reporting period, internal audit completed the audit plan as approved by

the audit committee. Significant findings were reported to management and audit committee respectively.

The audit committee provided oversight on the Department and also advised the Accounting Officer and management to ensure that significant risks which may impact on the department are mitigated at an acceptable level.

The audit committee also directs the functioning of internal audit through ensuring that the function provides effective assurance.

The table below discloses relevant information on the audit committee members:

| Name                     | Qualifications                                                                                                                                                                                                                                                                                                                                                                                      | Internal or external | If internal, position in the department | Date appointed               | Date resigned   | No. of meetings attended |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------|------------------------------|-----------------|--------------------------|
| Besky Maluleka-Ngunjiri  | Bcompt-Honors, Certificate in the Theory of Accounting (CTA) and Bcompt                                                                                                                                                                                                                                                                                                                             | External             | N/A                                     | Reappointed 24 February 2020 | N/A             | 8 meetings               |
| Ephriam Bhekifa Mkhabela | BCompt (Accounting) degree and Bcom (Honours) (Accounting)-CTA                                                                                                                                                                                                                                                                                                                                      | External             | N/A                                     | 24 February 2020             | N/A             | 8 meetings               |
| Dr Linda Meyer           | Certificates in Marketing and Project Management, Advanced Certificate in Labour Law, Higher Certificates in Personnel Practice, National Certificate in Industrial Relations, National Diploma in Personnel Practice, National Diploma Industrial Relations, Bachelor of Administration, Master of Business Administration (MBA), Doctor of Business Administration (DBA) and Doctor of Philosophy | External             | N/A                                     | 24 February 2020             | N/A             | 8 meetings               |
| Cedric Douglas Boltman   | MBA and Certificate in the Principles of Business & Management                                                                                                                                                                                                                                                                                                                                      | External             | N/A                                     | Reappointed 24 February 2020 | N/A             | 8 meetings               |
| Ailwei Freddy Sinthumule | Diploma in Finance and Auditing, B. Com Accounting and MBA with specialisation in project management on PFMA.                                                                                                                                                                                                                                                                                       | External             | N/A                                     | Appointed 24 February 2020   | 01 October 2020 | 8 meetings               |

## 13. REPORT OF THE AUDIT COMMITTEE

We are pleased to present our report for the financial year ended 31 March 2021.

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 and directing the functions of the Internal Audit Unit.

### 13.1 AUDIT COMMITTEE MEMBERS AND ATTENDANCE

The Audit Committee consists of the members listed below and is required to meet at least four times per annum as per its approved terms of reference. Unlike in the past, the audit committee held a number of special and extended audit committee meetings in an attempt to support the drive to repair the challenges the department was and is still facing. During the year six (6) meetings and two (2) special meetings were held as indicated below.

| Name of members                            | Numbers of meetings attended | Number of special meetings attended | Status                        |
|--------------------------------------------|------------------------------|-------------------------------------|-------------------------------|
| Ms. Besky Maluleka- Ngunjiri (Chairperson) | 6                            | 2                                   | Reappointed- 18 March 2021    |
| Mr. Cedric Boltman                         | 6                            | 2                                   | Reappointed- 18 March 2021    |
| Mr Freddy Sinthumule                       | 3                            | 2                                   | Resigned- 01 October 2020     |
| Mr Bheki Mkhabela                          | 6                            | 2                                   | Reappointed- 24 February 2020 |
| Ms Linda Meyer                             | 6                            | 2                                   | Reappointed- 24 February 2020 |

### 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 CONTROL

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

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

The Audit Committee has noted concerted effort to reverse the qualifications of the past; although there was great momentum built from March 2021, it fell short of the required level to eliminate the items which the Auditor General had qualified in the previous financial year/s. The Audit Committee believes that through the strengthening of

key controls relating to contingent liabilities and other areas such as performance information the qualifications can be overcome soon even in the next financial year. The Audit Committee has also advised management to prioritize the appointment of a Chief Financial Officer which will go a long way in addressing these control weaknesses.

### 13.4 THE OFFICE OF THE ACCOUNTING OFFICER

One of the ongoing challenges of the department was succession planning in that when the previous Accounting Officer left, there was an extended period of acting leadership. This created instability as most of the executive management committee members were also in acting positions. In addition, the Chief Financial Officer position has become vacant and remains acting to date and so it was the case throughout the current financial year and parts of the previous one.

As a result, the Audit Committee welcomed the appointment of Advocate D. Mashabane as the Accounting Officer. Although the appointment was effective from the beginning of March 2021 which is also the last month of the financial year; the committee still viewed it as a step in the right direction towards the stabilization of the department and strengthening of the much-weakened control environment.

## 13.5 INTERNAL AUDIT

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

## 13.6 AUDITOR-GENERAL SOUTH AFRICA

The Audit committee accepts the audit outcome of the AGSA on the Annual Financial Statements of Department of Justice and Constitutional Development for the year ended 31 March 2021. We encourage management to work on the final steps required to address the main qualification in respect of contingent liabilities.

## 13.7 REPORTS

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

We are satisfied with the content and quality of monthly and quarterly reports prepared by the Accounting Officer of the Department during the year under review. However, we have noted that improvement needed to be made on certain areas as discussed with management.

### 13.7.2 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.

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 continue to monitor the implementation of corrective measures proposed by management and to ensure that they firstly address the audit findings as well as the root causes.



**B Maluleka- Ngunjiri**

Chairperson of the Audit Committee

Date: 30 August 2021



## 14. B-BBEE COMPLIANCE PERFORMANCE INFORMATION

The following table has been completed in accordance with the compliance to the B-BBEE requirements of the B-BBEE Act of 2013 and as determined by the Department of Trade and Industry.

| Has the Department/Public Entity applied any relevant Code of Good Practice (B-BBEE Certificate Levels 1 – 8) with regards to the following:             |                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Criteria                                                                                                                                                 | Response<br>Yes / No | Discussion<br>(include a discussion on your response and indicate what measures have been taken to comply)                                                                                                                                                                                                                                                                                                                                                                                           |
| Determining qualification criteria for the issuing of licences, concessions or other authorisations in respect of economic activity in terms of any law? | No                   | This requirement is not applicable to the Department of Justice and Constitutional Development as it does not issue any licences, concessions or other authorisations in respect of economic activity in terms of any law.                                                                                                                                                                                                                                                                           |
| Developing and implementing a preferential procurement policy?                                                                                           | Yes                  | The Department has developed an internal preferential procurement circular and DFI which is regulated by the Preferential Procurement Regulations of 2017 issued by National Treasury guiding the Department on how to use B-BBEE status level in terms of empowering emerging entities through bidding process.<br><br>Further, during the drafting of the specification/terms of reference, the Department also use B-BBEE status levels as a measuring tool to empower certain designated groups. |
| Determining qualification criteria for the sale of state-owned enterprises?                                                                              | Yes                  | When the Department procures services from state-owned enterprises .i.e., SITA, it does not use B-BBEE status as qualification criteria, however, it is mandatory to comply with the B-BBEE status as defined in the implementation guide where it states that... <i>"Public entities and tertiary institutions must also submit B-BBEE Status Level Verification Certificates together with their tenders"</i> .                                                                                    |
| Developing criteria for entering into partnerships with the private sector?                                                                              | No                   | However, the Department relies on the National Treasury Private-Public Partnership Policy for implementation of PPP projects.                                                                                                                                                                                                                                                                                                                                                                        |
| Determining criteria for the awarding of incentives, grants and investment schemes in support of Broad Based Black Economic Empowerment?                 | No                   | This requirement is not applicable to the Department of Justice and Constitutional Development.                                                                                                                                                                                                                                                                                                                                                                                                      |



INKUNDLA YOMGAOOSISEKO  
KANTOLO YOMTHEHOSISEKELO  
KHOTO YA VUMBEWA  
KANTOLO YEMTSETFOSISEKELO  
KGOROTSEKO YA MOLAOTHEO  
KHOTHO YOMTHEHOSISEKELO  
CONSTITUTIONAL COURT  
LA LA DINYEWE LA MOLAOTHEO  
KHOTHE YA NDAYOTSWA  
KONSTITUSIONELE HOE  
KANTOLO YA MOLAOTHEO

# PART D

## HUMAN RESOURCE MANAGEMENT

# 1. LEGISLATION THAT GOVERN HR MANAGEMENT

The information provided in this part is prescribed by the Minister for the Public Service and Administration for all departments in the public service.

## 2. INTRODUCTION

The management of human resources is strategically placed at an executive level through the Office of the Deputy Director General: Corporate Services. At operational level, human resources services are rendered through the Chief Directorates: Human Resource Strategy and Policy, Customer Management Centre and Justice College. In addition, the National Prosecuting Authority [NPA] has a separate Chief Directorate that provides a full range of HR functions.

### 2.1 Overview of HR matters at the department

The following focus areas were identified during the 2020/21 period:

- Creating a sound employer-employee relationship
- Providing opportunities for a balanced and healthy workforce through employee health and wellness programmes
- Post establishment and vacancy review
- Provide policy guidance and strategic direction to deliver on human resource management
- Organisation development and design as an enabler to deliver on the department annual performance plan and strategic objective.
- The NPA pursued the same areas but additionally, an investigation and creation of commercial crime capacity from the perspective of increasing the number of prosecutors but also focusing on designing training programmes that enhance the organisational capacity to deal with commercial crimes.

### 2.2 Human resources priorities

| No | HR sub-programmes                                                                         | Impact in the Department and NPA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|----|-------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Review and alignment of the organisational structure of the five sub-structure (branches) | <ul style="list-style-type: none"> <li>• Stabilise and set the hierarchy of responsibility</li> <li>• Streamline functions across the branches</li> <li>• Enable streamlining of processes, systems and procedures to provide citizens with access to departmental services</li> </ul>                                                                                                                                                                                                                             |
| 2. | Improve compliance with PMDS                                                              | The Department has developed a plan to enforce the implementation of an effective performance management system that promotes the alignment of individual performance to the strategic plan, APP and operational plan                                                                                                                                                                                                                                                                                              |
| 3. | Improve compliance with employment practices                                              | <ul style="list-style-type: none"> <li>• In collaboration with ISM, HR introduced:               <ul style="list-style-type: none"> <li>- the online email system to receive recruitment applications</li> <li>- the submission of leave applications on ITIRELE has been rolled-out throughout the Department</li> </ul> </li> </ul> <p>The submission of performance agreements and performance assessments as well as mid-term reviews for SMS and middle management levels are done online through ITIRELE</p> |
| 4. | Implement HRD strategy                                                                    | <ul style="list-style-type: none"> <li>• Skilled and capacitated workforce to meet the demands of our current and emerging skills for improved service delivery</li> <li>• Employment creation and poverty alleviation through youth development programmes</li> <li>• To ensure access to training opportunities in literacy and AET</li> </ul>                                                                                                                                                                   |
| 5. | Enhance change management programmes                                                      | Interventions aimed at improving employee morale, participation, well-being, perceptions and attitudes about the work environment in order to improve productivity and achieve organisational goals                                                                                                                                                                                                                                                                                                                |

| No | HR sub-programmes                                                                    | Impact in the Department and NPA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|----|--------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6. | Enhance EHWP services                                                                | <ul style="list-style-type: none"> <li>Health and wellness service delivery model was realigned to enable continued provision of services under the COVID-19 “new normal” way of doing things.</li> <li>Provision of remedial and proactive psychosocial services were rendered to those who requested such.</li> <li>Continuation of the utilisation of in-house professionals as well as external linkages has minimised total disruption of critical employee wellness services whilst awaiting the appointment of a contracted service provider.</li> </ul> |
| 7. | Monitor effective functioning of employee relations in line with relevant prescripts | <ul style="list-style-type: none"> <li>The Department has established the appeals committee to expedite the handling of appeals which was a challenge in the past and costly in terms of litigation</li> </ul>                                                                                                                                                                                                                                                                                                                                                  |

### 2.3 Workforce planning framework and key strategies to attract and recruit a skilled and capable workforce

By the end of March 2021, the Department had a total workforce (excluding magistrates) of 15776. The analysis of the workforce showed the following results:

- A total of 12366 (78.38%) of employees are concentrated in Programme 2 (Court Services), which is the Department’s core business. Of these, 3078 (24.9%) fall in the youth category (aged 21-35);
- A total of 1410 (8.94%) of the workforce is in the retirement age category (between 55 and 64 years). Of these, 1138 (80.71%) is concentrated in Programme 2 (Court Services);
- A total of 26.38% of members of the SMS are in the retirement age category (between 55 and 64 years);
- A total of 58.58% of the workforce is concentrated at salary level 5, which is the entry level. Of these, 31.68% fall in the youth category (aged 21 to 35 years).

With regard to the NPA workforce, the following can be highlighted:

The NPA has maintained its trend in the population age with the majority in the age category of 40 – 49, 2021 (45%) and followed by 30 -39 with 1222 (27%). The 50-59 category has 978 (22%); 20-29 has 138 (3%) and 60-65 has (131) 2.91% employees. The category is also considered a low risk to the organisation since they are not approaching the retirement age and also at a medium risk of changing jobs. This therefore means NPA has a stable workforce.

### 2.4 Employee performance management

The following can be highlighted in terms of employee performance management:

- The DoOJ&CD concluded 92% of SMS members’ performance agreements for the 2020/2021 performance

cycle with 99% signing of performance agreements by the NPA.

- Training interventions were conducted at one office where eight officials received training. During the 2020/2021 financial year, it was not possible to conduct more training interventions due to the national lockdown restrictions and social distancing.

### 2.5 Employee wellness programme

The COVID-19 pandemic has had a profound effect on all context of society including the mental health and physical health of the general population. The mental health implications such as stress, fear and uncertainty among others, can be devastating on our employees. The Department, in its endeavour to address those kinds of challenges, realigned its health and wellness service delivery model to enable continued provision of services under the “new normal” way of doing things.

In the year under review, the following can be reported:

- A total of 23 information sessions on stress trauma management in the context of COVID-19 pandemic were conducted
- Four workshops were conducted where 130 court interpreters, clerks and intermediaries were empowered on management of trauma
- A total of nine managers/supervisors were empowered through EAP supervisory training workshop
- Received 361 cases which were all attended to and finalised
- Held 330 face-to-face sessions
- Tele-counselling sessions conducted were 378
- Conducted eight trauma debriefing sessions
- A total of 1500 cases were submitted to the health risk manager for assessment, with 1230 being finalised



In addition, for the NPA, a number of webinars were conducted on various topics to assist employees cope with COVID-19 and lockdown environment. Topics such as coping with death and trauma as well as building resilience were explored.

## 2.6 Other highlights of achievements

- The Department reviewed and consulted the employment equity plan for the period 2020 – 2025 and approval was obtained on 13 October 2020.
- The departmental human resource plan was reviewed, consulted and submitted to the DPSA within the prescribed timeline on 31 August 2020.

The NPA conducted two staff surveys between 2019 and 2020. The findings have provided information on what areas of staff morale and engagement interventions can be designed. One of the interventions already underway is the cultural enhancement project.

A major recruitment drive was undertaken and although affected by the pandemic, there are still some highlights worth mentioning as these were achieved under difficult circumstances of the pandemic and lockdowns.

- The aspirant prosecutor training programme had an intake of 425 aspirant prosecutors for 2021 after it was previously terminated due to budget issues.
- During the financial year, more than 700 posts were advertised. The NPA made more than 900 permanent appointments during this period, of which more than 400 were external appointments. Over the same period, the NPA appointed more than 200 contract employees.
- The filling of vacancies was targeted and with that the reduction in the vacancy rate. The prosecutions vacancy rate was 24% at the start of the financial year and the target was to reduce it to 20% at the end of March 2021. This target was achieved even though a large number of new prosecutorial vacancies were created and terminations occurred during the same period. The overall vacancy rate was at 27% at the beginning of the financial year. The target was to reduce the overall vacancy rate to 24% over the period. The achieved overall vacancy rate as at 31 March 2021 was 25%.

## 2.7 Challenges faced by the Department

The 2020/2021 performance cycle was not an easy year especially in areas such as management of leave, labour

relations and planned training as tabled in the workplace skill plan.

The human resources unit has developed recruitment strategies during the previous financial year to accelerate the maintenance of the vacancy rate at 10%. Among these was the introduction of email applications to support operations and responsiveness to COVID-19. The Departmental overall vacancy rate has increased from 6.5% as at 31 March 2020 to 9% as at 31 March 2021 (excluding Judiciary). Although the SMS vacancy rate decreased from 25% to 22.5% between March 2020 and March 2021, it remains high, above the 10% target rate.

The Departmental HR continued to monitor the leave management with the main focus on the achievement of the leave compliancy rate of 80%. It has been observed throughout the period under review that this was not achieved due to the National State of Disaster which impacted negatively on the compliance rate, where employees responsible for capturing of leave on the Leave Tracking Tool were not available for most of the period.

### EE TARGETS

- The targets of women on SMS level have slightly increased from 47.7% on 31 March 2020 to 48.5% on 31 March 2021. This is, however less than the set target of 50% by 1.5%.
- The 2.2% PWD target was not achieved. The Department maintained 2.1% of PWD for both financial years of 2019/2020 and 2020/2021. The non-achievement of EE targets is attributed to the restrictions that were provided through COVID-19 regulations on the filling of vacancies.

**ER related targets** were not met due to capacity challenges (inadequate number of experienced presiding officers, initiators or employer representatives); delays or postponements in misconduct hearings and prolonged investigations and non-compliance to prescribed timelines to finalise cases.

## 2.8 Future HR plans /goals

Human resources is currently in the process of reviewing nine internal policies and developing one new policy with the aim to improve internal compliance and enhance effectiveness and efficiency within the organisation.

The Department further plans to finalise the review of the macro structure in 2021/2022 and to commence with the implementation of the structure review. The review of the

macro structure coincides with the development of a staffing module at lower courts and alignment of the regional offices to the macro structure. This review and work-study would enable the Department to provide for a five-year strategy on capacitation of service delivery points and to present a business case.

Human resources further aims to review the HRD strategy to give full effect to the capacitation of employees and to harmonise the interconnective collaboration between the directorate human resource development and Justice College.

The NPA envisages continuing with the cultural enhancement project and capacitating for commercial/corruption prosecutions.

### 3.1 Personnel related expenditure

The following tables summarise the final audited personnel related expenditure by programme and salary bands. In particular, it provides an indication of the following:

- Amount spent on personnel
- Amount spent on salaries, overtime, homeowner's allowance and medical aid

**Table 3.1.1 – Personnel expenditure by programme for the period 1 April 2020 to 31 March 2021**

| Programme                                    | Total expenditure (R'000) | Personnel expenditure (R'000) | Training expenditure (R'000) | Professional and special services (R'000) | Personnel expenditure as percent of total expenditure | Average personnel cost per employee (R'000) |
|----------------------------------------------|---------------------------|-------------------------------|------------------------------|-------------------------------------------|-------------------------------------------------------|---------------------------------------------|
| National Prosecuting Authority               | 4196852                   | 3552695                       | 0.00                         | 0.00                                      | 84.70                                                 | 691                                         |
| Administration                               | 2633363                   | 571858                        | 0.00                         | 0.00                                      | 21.70                                                 | 418                                         |
| Auxiliary & associated services              | 3458701                   | 0                             | 0.00                         | 0.00                                      | 0.00                                                  | 0                                           |
| Court services                               | 6208670                   | 4217461                       | 0.00                         | 0.00                                      | 67.90                                                 | 318                                         |
| Direct charges                               | 2147070                   | 2104798                       | 0.00                         | 0.00                                      | 98.00                                                 | 1036                                        |
| State legal services                         | 1210235                   | 1079625                       | 0.00                         | 0.00                                      | 89.20                                                 | 500                                         |
| <b>Z=Total as on Financial Systems (BAS)</b> | <b>15658039</b>           | <b>11526437</b>               | <b>0.00</b>                  | <b>0.00</b>                               | <b>73.60</b>                                          | <b>424</b>                                  |

**Table 3.1.2 – Personnel costs by salary bands for the period 1 April 2020 to 31 March 2021**

| Salary band                              | Personnel expenditure including transfers (R'000) | % of total personnel cost | No of employees | Average personnel cost per employee (R) |
|------------------------------------------|---------------------------------------------------|---------------------------|-----------------|-----------------------------------------|
| Lower skilled (Levels 1-2)               | 0                                                 | 0.00                      | 10              | 0.00                                    |
| Skilled (Levels 3-5)                     | 3838304                                           | 33.30                     | 10224           | 375 421.00                              |
| Highly skilled production (Levels 6-8)   | 2178497                                           | 18.90                     | 4472            | 487 141.00                              |
| Highly skilled supervision (Levels 9-12) | 2017126                                           | 17.50                     | 4834            | 417 279.00                              |
| Senior management (Levels >= 13)         | 2985347                                           | 25.90                     | 1979            | 1 508 513.00                            |
| Other                                    | 11526                                             | 0.10                      | 262             | 43 994.00                               |
| Contract (Levels 3-5)                    | 23053                                             | 0.20                      | 591             | 39 007.00                               |
| Contract (Levels 6-8)                    | 11526                                             | 0.10                      | 166             | 69 436.00                               |
| Contract (Levels 9-12)                   | 46106                                             | 0.40                      | 154             | 299 388.00                              |
| Contract (Levels >= 13)                  | 46106                                             | 0.40                      | 34              | 1 356 051.00                            |
| Contract (Other)                         | 334267                                            | 2.90                      | 568             | 588 498.00                              |
| Periodical remuneration                  | 34579                                             | 0.30                      | 668             | 51 785.00                               |
| <b>TOTAL</b>                             | <b>11526437</b>                                   | <b>100.00</b>             | <b>23962</b>    | <b>481 035.00</b>                       |



**Table 3.1.3– Salaries, overtime, homeowners allowance and medical aid by programme for the period 1 April 2020 to 31 March 2021**

| Programme                      | Salaries       |                                    | Overtime       |                                    | Homeowners allowance |                               | Medical aid    |                                      |
|--------------------------------|----------------|------------------------------------|----------------|------------------------------------|----------------------|-------------------------------|----------------|--------------------------------------|
|                                | Amount (R'000) | Salaries as a % of personnel costs | Amount (R'000) | Overtime as a % of personnel costs | Amount (R'000)       | HOA as a % of personnel costs | Amount (R'000) | Medical aid as a % of personnel cost |
| National Prosecuting Authority | 3097050        | 86.80                              | 2853           | 0.10                               | 35210                | 1.00                          | 94968          | 2.70                                 |
| Administration                 | 478675         | 83.70                              | 227            | 0.00                               | 16873                | 3.00                          | 25121          | 4.40                                 |
| Court services                 | 3314499        | 78.60                              | 3396           | 0.10                               | 192611               | 4.60                          | 358111         | 8.50                                 |
| Direct charges                 | 1900379        | 90.30                              | 0              | 0.00                               | 19178                | 0.90                          | 17213          | 0.80                                 |
| State legal services           | 856568         | 79.30                              | 2644           | 0.20                               | 28753                | 2.70                          | 51284          | 4.80                                 |
| <b>TOTAL</b>                   | <b>9647171</b> | <b>83.60</b>                       | <b>6267</b>    | <b>0.10</b>                        | <b>257415</b>        | <b>2.20</b>                   | <b>451730</b>  | <b>3.90</b>                          |

**Table 3.1.4 Salaries, overtime, homeowners allowance and medical aid by salary bands for the period 1 April 2020 to 31 March 2021**

|                                             | Amount (R'000) | Salaries as a % of personnel cost | Amount (R'000) | Overtime as a % of personnel cost | Amount (R'000) | HOA as a % of personnel cost | Amount (R'000) | Medical aid as a % of personnel cost |
|---------------------------------------------|----------------|-----------------------------------|----------------|-----------------------------------|----------------|------------------------------|----------------|--------------------------------------|
| 01 Lower skilled (Levels 1-2)               | 1297           | 0.00                              | 0              | 0.00                              | 7              | 0.00                         | 0              | 0.00                                 |
| 02 Skilled (Levels 3-5)                     | 2066714        | 53.80                             | 3002           | 0.10                              | 150916         | 3.90                         | 287446         | 7.50                                 |
| 03 Highly skilled production (Levels 6-8)   | 1465864        | 67.30                             | 2192           | 0.10                              | 57025          | 2.60                         | 103130         | 4.70                                 |
| 04 Highly skilled supervision (Levels 9-12) | 3564383        | 176.70                            | 1072           | 0.10                              | 25702          | 1.30                         | 42188          | 2.10                                 |
| 05 Senior management (Levels >= 13)         | 2063182        | 69.10                             | 0              | 0.00                              | 22972          | 0.80                         | 18885          | 0.60                                 |
| 09 Other                                    | 4201           | 36.40                             | 0              | 0.00                              | 13             | 0.10                         | 39             | 0.30                                 |
| 11 Contract (Levels 3-5)                    | 45254          | 196.30                            | 0              | 0.00                              | 0              | 0.00                         | 0              | 0.00                                 |
| 12 Contract (Levels 6-8)                    | 26046          | 226.00                            | 0              | 0.00                              | 0              | 0.00                         | 0              | 0.00                                 |
| 13 Contract (Levels 9-12)                   | 113282         | 245.70                            | 0              | 0.00                              | 360            | 0.80                         | 0              | 0.00                                 |
| 14 Contract (Levels >= 13)                  | 41509          | 90.00                             | 0              | 0.00                              | 420            | 0.90                         | 41             | 0.10                                 |
| 18 Contract (Other)                         | 227100         | 67.90                             | 0              | 0.00                              | 0              | 0.00                         | 0              | 0.00                                 |
| 19 Periodical remuneration                  | 28338          | 82.00                             | 0              | 0.00                              | 0              | 0.00                         | 0              | 0.00                                 |
| <b>TOTAL</b>                                | <b>9647170</b> | <b>83.60</b>                      | <b>6267</b>    | <b>0.10</b>                       | <b>257415</b>  | <b>2.20</b>                  | <b>451730</b>  | <b>3.90</b>                          |

## 3.2 Employment and vacancies

The tables in this section summarise the position with regard to employment and vacancies.

The following tables summarise the number of posts on the establishment, the number of employees, the vacancy rate, and whether there are any staff that are additional to the establishment.

This information is presented in terms of three key variables:

- programme
- salary band
- critical occupations

**Table 3.2.1 Employment and vacancies by programme, 31 March 2021**

| Programme                             | Number of posts on approved establishment | Number of posts filled | Vacancy rate | Number of employees additional to the establishment |
|---------------------------------------|-------------------------------------------|------------------------|--------------|-----------------------------------------------------|
| Administration of law                 | 143                                       | 136                    | 4.9          | 0                                                   |
| National Prosecuting Authority        | 5567                                      | 5008                   | 10.0         | 643                                                 |
| Administration                        | 1482                                      | 1318                   | 11.1         | 1                                                   |
| Court services                        | 13451                                     | 12366                  | 8.1          | 23                                                  |
| State legal services                  | 2398                                      | 2092                   | 12.8         | 3                                                   |
| <b>SUB-TOTAL: EXCLUDING JUDICIARY</b> | <b>23041</b>                              | <b>20920</b>           | <b>9.2</b>   | <b>670</b>                                          |
| Magistrates                           | 2369                                      | 1911                   | 19.3         | 0                                                   |
| <b>TOTAL (INCLUDING JUDICIARY)</b>    | <b>25410</b>                              | <b>22831</b>           | <b>10.1</b>  | <b>670</b>                                          |

**Table 3.2.2 Employment and vacancies by salary band, 31 March 2021**

| Salary band                              | Number of posts on approved establishment | Number of posts filled | Vacancy rate | Number of posts filled additional to the establishment |
|------------------------------------------|-------------------------------------------|------------------------|--------------|--------------------------------------------------------|
| Lower skilled (Levels 1-2) (Interns)     | 131                                       | 131                    | 0.0          | 21                                                     |
| Skilled (Levels 3-5)                     | 11529                                     | 10799                  | 6.3          | 473                                                    |
| Highly skilled production (Levels 6-8)   | 5310                                      | 4657                   | 12.3         | 56                                                     |
| Highly skilled supervision (Levels 9-12) | 5654                                      | 4975                   | 12.0         | 112                                                    |
| Senior management (Levels 13-16)         | 417                                       | 358                    | 14.1         | 8                                                      |
| Magistrates                              | 2369                                      | 1911                   | 19.3         | 0                                                      |
| <b>TOTAL</b>                             | <b>25410</b>                              | <b>22831</b>           | <b>10.1</b>  | <b>670</b>                                             |

**Table 3.2.3 Employment and vacancies by critical occupation, 31 March 2021**

| Occupations                                     | Number of posts on approved establishment | Number of posts filled | Vacancy rate | Number of posts filled additional to the establishment |
|-------------------------------------------------|-------------------------------------------|------------------------|--------------|--------------------------------------------------------|
| Administrative related                          | 1071                                      | 921                    | 14.0         | 30                                                     |
| Advocates                                       | 729                                       | 640                    | 12.2         | 44                                                     |
| Attorneys                                       | 386                                       | 343                    | 11.1         | 0                                                      |
| Building and other property caretakers          | 2                                         | 1                      | 50.0         | 0                                                      |
| Bus and heavy vehicle drivers                   | 8                                         | 6                      | 25.0         | 0                                                      |
| Cleaners in offices, workshops, hospitals, etc. | 74                                        | 58                     | 21.6         | 0                                                      |

| Occupations                                                              | Number of posts on approved establishment | Number of posts filled | Vacancy rate | Number of posts filled additional to the establishment |
|--------------------------------------------------------------------------|-------------------------------------------|------------------------|--------------|--------------------------------------------------------|
| Client information clerks (switchboard, reception, information clerks)   | 132                                       | 116                    | 12.1         | 0                                                      |
| Communication and information related                                    | 44                                        | 43                     | 2.3          | 1                                                      |
| Computer programmers                                                     | 1                                         | 1                      | 0.0          | 0                                                      |
| Crime investigators                                                      | 77                                        | 72                     | 6.5          | 35                                                     |
| Finance and economics related                                            | 293                                       | 257                    | 12.3         | 0                                                      |
| Financial and related professionals                                      | 333                                       | 283                    | 15.0         | 5                                                      |
| Financial clerks and credit controllers                                  | 475                                       | 418                    | 12.0         | 2                                                      |
| Food services aids and waiters                                           | 18                                        | 18                     | 0.0          | 0                                                      |
| General legal administration & related professionals                     | 862                                       | 723                    | 16.1         | 0                                                      |
| Human resources & organisational development & related professionals     | 67                                        | 57                     | 14.9         | 0                                                      |
| Human resources clerks                                                   | 295                                       | 273                    | 7.5          | 7                                                      |
| Human resources related                                                  | 207                                       | 191                    | 7.7          | 1                                                      |
| Information technology related                                           | 49                                        | 43                     | 12.2         | 0                                                      |
| Language practitioners, interpreters & other communication professionals | 454                                       | 397                    | 12.6         | 0                                                      |
| Legal related                                                            | 225                                       | 179                    | 20.4         | 0                                                      |
| Librarians and related professionals                                     | 39                                        | 33                     | 15.4         | 0                                                      |
| Library mail and related clerks                                          | 299                                       | 270                    | 9.7          | 1                                                      |
| Light vehicle drivers                                                    | 6                                         | 6                      | 0.0          | 0                                                      |
| Logistical support personnel                                             | 53                                        | 47                     | 11.3         | 0                                                      |
| Magistrates                                                              | 2369                                      | 1911                   | 19.3         | 0                                                      |
| Material-recording and transport clerks                                  | 86                                        | 81                     | 5.8          | 0                                                      |
| Messengers, porters and deliverers                                       | 611                                       | 565                    | 7.5          | 0                                                      |
| Other admin & related clerks and organisers                              | 8653                                      | 8181                   | 5.5          | 36                                                     |
| Other administrative policy and related officers                         | 925                                       | 789                    | 14.7         | 1                                                      |
| Other information technology personnel                                   | 21                                        | 21                     | 0.0          | 0                                                      |
| Prosecutors                                                              | 3361                                      | 3003                   | 10.7         | 492                                                    |
| Protection services                                                      | 89                                        | 86                     | 3.4          | 0                                                      |
| Risk management and security services                                    | 23                                        | 23                     | 0.0          | 0                                                      |
| Secretaries & other keyboard operating clerks                            | 653                                       | 579                    | 11.3         | 5                                                      |
| Security guards                                                          | 9                                         | 9                      | 0.0          | 0                                                      |
| Security officers                                                        | 258                                       | 223                    | 13.6         | 1                                                      |
| Senior managers                                                          | 417                                       | 358                    | 14.1         | 8                                                      |
| Social sciences related                                                  | 1                                         | 1                      | 0.0          | 0                                                      |
| Social work and related professionals                                    | 137                                       | 121                    | 11.7         | 0                                                      |
| Translators and air traffic communicators                                | 1598                                      | 1484                   | 7.1          | 1                                                      |
| <b>TOTAL</b>                                                             | <b>25410</b>                              | <b>22831</b>           | <b>10.1</b>  | <b>670</b>                                             |

### 3.3 Filling of SMS posts

The tables in this section provide information on employment and vacancies as it relates to members of the senior management service by salary levels. It also provides information on advertising and filling of SMS posts, reasons for not complying with prescribed timeframes and disciplinary steps taken.

**Table 3.3.1 SMS posts information as at 31 March 2021**

| SMS level                           | Total number of funded SMS posts | Total number of SMS posts filled | % of SMS posts filled | Total number of SMS posts vacant | % of SMS posts vacant |
|-------------------------------------|----------------------------------|----------------------------------|-----------------------|----------------------------------|-----------------------|
| Director-General/Head of Department | 2                                | 2                                | 100.0                 | 0                                | 0.0                   |
| Salary level 16, but not HOD        | 7                                | 7                                | 100.0                 | 0                                | 0.0                   |
| Salary level 15                     | 32                               | 21                               | 65.6                  | 11                               | 34.4                  |
| Salary level 14                     | 255                              | 166                              | 65.1                  | 89                               | 34.9                  |
| Salary level 13                     | 183                              | 162                              | 88.5                  | 21                               | 11.5                  |
| <b>Total</b>                        | <b>479</b>                       | <b>358</b>                       | <b>74.7</b>           | <b>121</b>                       | <b>25.3</b>           |

**Table 3.3.2 SMS posts information as at 30 September 2020**

| SMS level                           | Total number of funded SMS posts | Total number of SMS posts filled | % of SMS posts filled | Total number of SMS posts vacant | % of SMS posts vacant |
|-------------------------------------|----------------------------------|----------------------------------|-----------------------|----------------------------------|-----------------------|
| Director-General/Head of Department | 3                                | 2                                | 66.7                  | 1                                | 33.3                  |
| Salary level 16, but not HOD        | 8                                | 7                                | 87.5                  | 1                                | 12.5                  |
| Salary level 15                     | 31                               | 20                               | 64.5                  | 11                               | 35.5                  |
| Salary level 14                     | 254                              | 162                              | 63.8                  | 92                               | 36.2                  |
| Salary level 13                     | 173                              | 146                              | 84.4                  | 27                               | 15.6                  |
| <b>Total</b>                        | <b>469</b>                       | <b>337</b>                       | <b>71.9</b>           | <b>132</b>                       | <b>28.1</b>           |

**Table 3.3.3 Advertising and filling of SMS posts for the period 1 April 2020 to 31 March 2021**

| SMS                                 | Advertising                                                                 |                                                                         | Filling of posts                                                                     |  |
|-------------------------------------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------|--------------------------------------------------------------------------------------|--|
|                                     | Number of vacancies per level advertised within 6 months of becoming vacant | Number of vacancies per level filled within 6 months of becoming vacant | Number of vacancies per level not filled within 6 months but filled within 12 months |  |
| Director-General/Head of Department | 1                                                                           | 0                                                                       | 0                                                                                    |  |
| Salary level 16                     | 0                                                                           | 0                                                                       | 0                                                                                    |  |
| Salary level 15                     | 0                                                                           | 0                                                                       | 0                                                                                    |  |
| Salary level 14                     | 7                                                                           | 0                                                                       | 0                                                                                    |  |
| Salary level 13                     | 4                                                                           | 0                                                                       | 1                                                                                    |  |
| <b>Total</b>                        | <b>12</b>                                                                   | <b>0</b>                                                                | <b>1</b>                                                                             |  |

**Table 3.3.4 Reasons for not having complied with the filling of funded vacant SMS – Advertised within 6 months and filled within 12 months after becoming vacant for the period 1 April 2020 to 31 March 2021**

| Reasons for vacancies not advertised within six months:                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------|
| 1. Departmental restructuring                                                                                                    |
| 2. Post not job evaluated and non-responsive line managers to submit request to advertise                                        |
| 3. Unavailability of JE panel members                                                                                            |
| 4. Employment equity issues. Candidates not accepting offers. Salary issues. Workload. Capacity constraints. Impact of COVID-19. |
| Reasons for vacancies not filled within 12 months:                                                                               |
| 1. Departmental restructuring                                                                                                    |
| 2. Unavailability of JE panel members                                                                                            |
| 3. Post not job evaluated and non-responsive line managers to submit request to advertise                                        |
| 4. Employment equity issues. Candidates not accepting offers. Salary issues. Workload. Capacity constraints. Impact of COVID-19. |

**Table 3.3.5 Disciplinary steps taken for not complying with the prescribed timeframes for filling SMS posts within 12 months for the period 1 April 2020 to 31 March 2021**

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. The table also provides statistics on the number of posts that were upgraded or downgraded.

**Table 3.4.1 Job Evaluation by salary band**

| Salary band                              | Number of posts on approved establishment | Number of jobs evaluated | % of posts evaluated by salary band | Posts upgraded |                      | Posts downgraded |                      |
|------------------------------------------|-------------------------------------------|--------------------------|-------------------------------------|----------------|----------------------|------------------|----------------------|
|                                          |                                           |                          |                                     | Number         | % of posts evaluated | Number           | % of posts evaluated |
| Lower skilled (Levels 1-2)               | 110                                       | 0                        | 0.0                                 | 0              | 0.0                  | 0                | 0.0                  |
| Skilled (Levels 3-5)                     | 11528                                     | 0                        | 0.0                                 | 0              | 0.0                  | 0                | 0.0                  |
| Highly skilled production (Levels 6-8)   | 5310                                      | 0                        | 0.0                                 | 0              | 0.0                  | 0                | 0.0                  |
| Highly skilled supervision (Levels 9-12) | 5654                                      | 3                        | 0.1                                 | 0              | 0.0                  | 0                | 0.0                  |
| SMS Band A                               | 180                                       | 2                        | 1.1                                 | 0              | 0.0                  | 0                | 0.0                  |
| SMS Band B                               | 200                                       | 2                        | 1.0                                 | 0              | 0.0                  | 0                | 0.0                  |
| SMS Band C                               | 29                                        | 0                        | 0.0                                 | 0              | 0.0                  | 0                | 0.0                  |
| SMS Band D                               | 8                                         | 1                        | 12.5                                | 0              | 0.0                  | 0                | 0.0                  |
| Other                                    | 22                                        | 0                        | 0.0                                 | 0              | 0.0                  | 0                | 0.0                  |
| <b>TOTAL</b>                             | <b>23041</b>                              | <b>8</b>                 | <b>0.0</b>                          | <b>0</b>       | <b>0.0</b>           | <b>0</b>         | <b>0.0</b>           |

The following table provides a summary of the number of employees whose salary positions were upgraded due to their posts being upgraded. The number of employees might differ from the number of posts upgraded since not all employees are automatically absorbed into the new posts and some of the posts upgraded could also be vacant.

**Table 3.4.2 Profile of employees whose posts were upgraded for the period 1 April 2020 to 31 March 2021**

| Beneficiaries                      | African | Asian | Coloured | White | Total    |
|------------------------------------|---------|-------|----------|-------|----------|
| Female                             | 0       | 0     | 0        | 0     | 0        |
| Male                               | 0       | 0     | 0        | 0     | 0        |
| Total                              | 0       | 0     | 0        | 0     | 0        |
| <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 job evaluation. Reasons for the deviation are provided in each case.

**Table 3.4.3 Employees with salary levels higher than those determined by job evaluation by occupation for the period 1 April 2020 to 31 March 2021**

| Occupation                      | Number of employees | Job evaluation level | Remuneration level | Reason for deviation                                                                                                |
|---------------------------------|---------------------|----------------------|--------------------|---------------------------------------------------------------------------------------------------------------------|
| Accounting Clerk                | 1                   | 5                    | 6                  | Resolution 3 of 2009: Grade progression                                                                             |
| Accounting Clerk                | 1                   | 5                    | 7                  | Resolution 3 of 2009: Grade progression                                                                             |
| Accounting Clerk                | 1                   | 5                    | 6                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Finance Clerk Supervisor        | 5                   | 5                    | 6                  | Clerks Co-ordination                                                                                                |
| Finance Clerk                   | 5                   | 5                    | 6                  | Clerks Co-ordination                                                                                                |
| Chief Accounting Clerk          | 7                   | 7                    | 8                  | Resolution 3 of 2009: Grade progression                                                                             |
| Chief Accounting Clerk          | 2                   | 7                    | 8                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Administration Clerk            | 39                  | 5                    | 6                  | Clerks Co-ordination                                                                                                |
| Administration Clerk            | 30                  | 5                    | 6                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Administration Clerk            | 2                   | 5                    | 7                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Administration Clerk            | 132                 | 5                    | 6                  | Resolution 3 of 2009: Grade progression                                                                             |
| Administration Clerk            | 6                   | 5                    | 7                  | Resolution 3 of 2009: Grade progression                                                                             |
| Administration Clerk            | 3                   | 5                    | 6                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Administrative Clerk Supervisor | 11                  | 7                    | 8                  | Clerks Co-ordination                                                                                                |
| Chief Administration Clerk      | 1                   | 5                    | 7                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Chief Administration Clerk      | 1                   | 7                    | 8                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Chief Administration Clerk      | 17                  | 7                    | 8                  | Resolution 3 of 2009: Grade progression                                                                             |
| Administration Head             | 1                   | 9                    | 10                 | 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                                                                                                |
|------------------------------------|---------------------|----------------------|--------------------|---------------------------------------------------------------------------------------------------------------------|
| Administrative Officer             | 1                   | 5                    | 8                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Administrative Officer             | 1                   | 6                    | 8                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Administrative Officer             | 1                   | 7                    | 8                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Administrative Officer             | 13                  | 7                    | 8                  | Resolution 3 of 2009: Grade progression                                                                             |
| Snr Administrative Officer         | 2                   | 7                    | 8                  | Resolution 3 of 2009: Grade progression                                                                             |
| Area Court Manager                 | 3                   | 11                   | 12                 | Resolution 3 of 2009: Grade progression                                                                             |
| Assistant Director                 | 17                  | 9                    | 10                 | Circular 17 of 2006                                                                                                 |
| Assistant Director                 | 6                   | 9                    | 10                 | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Assistant Director                 | 19                  | 9                    | 10                 | Resolution 3 of 2009: Grade progression                                                                             |
| Assistant Director                 | 1                   | 9                    | 10                 | Post downgrade                                                                                                      |
| Assistant Director                 | 1                   | 9                    | 10                 | Lowering in rank                                                                                                    |
| Court Interpreter                  | 127                 | 5                    | 6                  | Resolution 3 of 2009: Grade progression                                                                             |
| Assistant Director                 | 1                   | 9                    | 11                 | Employee retained in lower level post in terms of PSR V.C.R                                                         |
| Deputy Director                    | 6                   | 11                   | 12                 | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Deputy Director                    | 12                  | 11                   | 12                 | Resolution 3 of 2009: Grade progression                                                                             |
| Driver                             | 1                   | 4                    | 5                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Deputy Director                    | 3                   | 11                   | 12                 | Translation in rank                                                                                                 |
| Deputy Director                    | 4                   | 11                   | 12                 | Transfer to lower level post                                                                                        |
| E-Scheduler Clerk                  | 1                   | 5                    | 7                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| E-Scheduler Clerk                  | 3                   | 5                    | 6                  | Resolution 3 of 2009: Grade progression                                                                             |
| Executive Administrative Assistant | 1                   | 9                    | 10                 | Resolution 3 of 2009: Grade progression                                                                             |
| Human Resource Clerk               | 9                   | 5                    | 6                  | Clerks Co-ordination                                                                                                |
| Human Resource Clerk Supervisor    | 8                   | 7                    | 8                  | Clerks Co-ordination                                                                                                |
| Human Resource Officer             | 24                  | 5                    | 6                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Human Resource Officer             | 9                   | 5                    | 6                  | Resolution 3 of 2009: Grade progression                                                                             |
| Human Resource Practitioner        | 1                   | 7                    | 9                  | 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                                                                                                 |

| Occupation                              | Number of employees | Job evaluation level | Remuneration level | Reason for deviation                                                                                                |
|-----------------------------------------|---------------------|----------------------|--------------------|---------------------------------------------------------------------------------------------------------------------|
| Human Resource Practitioner             | 2                   | 7                    | 8                  | Resolution 3 of 2009: Grade progression                                                                             |
| Human Resource Practitioner             | 1                   | 7                    | 9                  | Resolution 3 of 2009: Grade progression                                                                             |
| Law Lecturers                           | 4                   | 10                   | 12                 | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Legal Secretary                         | 2                   | 5                    | 7                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Legal Secretary                         | 2                   | 5                    | 6                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Legislative Language Practitioner       | 5                   | 7                    | 10                 | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Library Assistant                       | 1                   | 5                    | 6                  | Clerks Co-ordination                                                                                                |
| Library Assistant                       | 1                   | 5                    | 7                  | Resolution 3 of 2009: Grade progression                                                                             |
| Senior Library Assistant                | 1                   | 4                    | 5                  | Resolution 3 of 2009: Grade progression                                                                             |
| Maintenance Investigator                | 7                   | 7                    | 8                  | Resolution 3 of 2009: Grade progression                                                                             |
| Chief Messenger                         | 1                   | 4                    | 5                  | Resolution 3 of 2009: Grade progression                                                                             |
| Office Manager                          | 1                   | 9                    | 10                 | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Office Administrator                    | 1                   | 7                    | 8                  | Circular 25 of 209                                                                                                  |
| Office Administrator                    | 1                   | 7                    | 9                  | Circular 25 of 2009                                                                                                 |
| Personal Assistant                      | 3                   | 5                    | 8                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Personal Assistant                      | 1                   | 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 |
| Provisioning Administration Clerk       | 1                   | 5                    | 6                  | Resolution 3 of 2009: Grade progression                                                                             |
| Provisioning Administration Officer     | 1                   | 7                    | 8                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Provisioning Administration Officer     | 1                   | 7                    | 8                  | Resolution 3 of 2009: Grade progression                                                                             |
| Snr Provisioning Administration Officer | 1                   | 7                    | 8                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Snr Provisioning Administration Officer | 2                   | 7                    | 8                  | Resolution 3 of 2009: Grade progression                                                                             |
| Registry Clerk                          | 14                  | 5                    | 6                  | Clerks Co-ordination                                                                                                |
| Registry Clerk Supervisor               | 2                   | 7                    | 8                  | Clerks Co-ordination                                                                                                |

| Occupation                      | Number of employees | Job evaluation level | Remuneration level | Reason for deviation                                                                                                |
|---------------------------------|---------------------|----------------------|--------------------|---------------------------------------------------------------------------------------------------------------------|
| Registry Clerk                  | 2                   | 5                    | 6                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Registry Clerk                  | 5                   | 5                    | 6                  | Resolution 3 of 2009: Grade progression                                                                             |
| Chief Registry Clerk            | 3                   | 7                    | 8                  | Resolution 3 of 2009: Grade progression                                                                             |
| Secretary                       | 5                   | 5                    | 7                  | 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                       | 1                   | 7                    | 8                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Secretary                       | 1                   | 5                    | 6                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Secretary                       | 2                   | 5                    | 8                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Secretary                       | 3                   | 5                    | 7                  | Circular 25 of 2009                                                                                                 |
| Secretary                       | 1                   | 5                    | 6                  | Circular 25 of 2009                                                                                                 |
| Personal Assistant              | 5                   | 7                    | 8                  | Circular 25 of 2009                                                                                                 |
| Personal Assistant              | 5                   | 7                    | 9                  | Circular 25 of 2009                                                                                                 |
| Security Officer                | 1                   | 3                    | 5                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Security Officer                | 2                   | 3                    | 6                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Chief Security Officer          | 3                   | 7                    | 8                  | Resolution 3 of 2009: Grade progression                                                                             |
| Senior Auditor                  | 8                   | 9                    | 10                 | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Snr Court Interpreter           | 3                   | 5                    | 7                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Snr Court Interpreter           | 1                   | 5                    | 8                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Snr Court Interpreter           | 4                   | 5                    | 8                  | Resolution 3 of 2009: Grade progression                                                                             |
| Snr Court Interpreter           | 1                   | 7                    | 8                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Snr Court Interpreter           | 140                 | 7                    | 8                  | Resolution 3 of 2009: Grade progression                                                                             |
| Snr Human Resource Officer      | 2                   | 7                    | 8                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Snr Human Resource Officer      | 12                  | 7                    | 8                  | Resolution 3 of 2009: Grade progression                                                                             |
| Snr Human Resource Practitioner | 1                   | 7                    | 8                  | Resolution 3 of 2009: Grade progression                                                                             |

| Occupation                    | Number of employees | Job evaluation level | Remuneration level | Reason for deviation                                                                                                |
|-------------------------------|---------------------|----------------------|--------------------|---------------------------------------------------------------------------------------------------------------------|
| Snr Registry Clerk            | 3                   | 5                    | 7                  | Resolution 3 of 2009: Grade progression                                                                             |
| State Accountant/ Snr         | 1                   | 5                    | 7                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| State Accountant/ Snr         | 1                   | 7                    | 8                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| State Accountant/ Snr         | 7                   | 7                    | 8                  | Resolution 3 of 2009: Grade progression                                                                             |
| Supply Chain Clerk            | 4                   | 5                    | 6                  | Clerks Co-ordination                                                                                                |
| Supply Chain Clerk Supervisor | 1                   | 7                    | 8                  | Clerks Co-ordination                                                                                                |
| System Administrator          | 1                   | 7                    | 9                  | Circular 25 of 2009                                                                                                 |
| Telecom Operator              | 1                   | 3                    | 4                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Telecom Operator              | 1                   | 4                    | 5                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Telecom Operator              | 3                   | 4                    | 5                  | Resolution 3 of 2009: Grade progression                                                                             |
| Telecom Operator              | 1                   | 7                    | 8                  | Provisions of previous dispensation placed employee on higher level than the new level determined by job evaluation |
| Telecom Operator              | 1                   | 5                    | 6                  | Resolution 3 of 2009: Grade progression                                                                             |
| Vetting Administrator         | 1                   | 7                    | 8                  | Resolution 3 of 2009: Grade progression                                                                             |
| Chief Workstudy Officer       | 2                   | 9                    | 10                 | Resolution 3 of 2009: Grade progression                                                                             |
| <b>TOTAL</b>                  | <b>838</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 job evaluation for the period 1 April 2020 to 31 March 2021**

| Beneficiaries             | African    | Asian     | Coloured  | White      | Total      |
|---------------------------|------------|-----------|-----------|------------|------------|
| Female                    | 349        | 23        | 51        | 108        | 531        |
| Male                      | 257        | 8         | 17        | 25         | 307        |
| <b>Total</b>              | <b>606</b> | <b>31</b> | <b>68</b> | <b>133</b> | <b>838</b> |
| Employees with disability | 17         | 1         | 0         | 3          | 21         |

### 3.5 Employment changes

This section provides information on changes in employment over the financial year. Turnover rates provide an indication of trends in the employment profile of the department. The following tables provide a summary of turnover rates by salary band and critical occupations. It should be noted that these tables do not take into account upgrade/downgrade of posts/movement of employees between levels (promotion), translation to another rank without a change in salary level.

A total of 661 employees were promoted to a higher salary level, and 838 employees were carried out of adjustment against another post (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 2020 to 31 March 2021**

| Salary Band                                         | Number of employees at beginning of period - April 2020 | Appointments and transfers into the Department | Terminations and transfers out of the Department | Turnover rate |
|-----------------------------------------------------|---------------------------------------------------------|------------------------------------------------|--------------------------------------------------|---------------|
| Lower skilled (Levels 1-2), Permanent               | 8                                                       | 3                                              | 0                                                | 0.0           |
| Skilled (Levels 3-5), Permanent                     | 10251                                                   | 880                                            | 359                                              | 3.5           |
| Highly skilled production (Levels 6-8), Permanent   | 4596                                                    | 379                                            | 442                                              | 9.6           |
| Highly skilled supervision (Levels 9-12), Permanent | 4804                                                    | 253                                            | 247                                              | 5.1           |
| Senior Management Service Band A                    | 135                                                     | 16                                             | 5                                                | 3.7           |
| Senior Management Service Band B                    | 157                                                     | 7                                              | 8                                                | 5.1           |
| Senior Management Service Band C                    | 18                                                      | 4                                              | 2                                                | 11.1          |
| Senior Management Service Band D                    | 2                                                       | 2                                              | 0                                                | 0.0           |
| Magistrates                                         | 1739                                                    | 1                                              | 97                                               | 5.6           |
| Other                                               | 0                                                       | 34                                             | 14                                               | 0.0           |
| <b>SUB-TOTAL: PERMANENT EMPLOYEES</b>               | <b>21710</b>                                            | <b>1579</b>                                    | <b>1174</b>                                      | <b>5.4</b>    |
| Contracts (including interns)                       | 377                                                     | 926                                            | 619                                              | 47.5          |
| <b>SUB-TOTAL: CONTRACT EMPLOYEES</b>                | <b>377</b>                                              | <b>926</b>                                     | <b>619</b>                                       | <b>47.5</b>   |
| <b>TOTAL</b>                                        | <b>22087</b>                                            | <b>2505</b>                                    | <b>1793</b>                                      | <b>8.1</b>    |

**Table 3.5.2 Annual turnover rates by critical occupation for the period 1 April 2020 to 31 March 2021**

| Occupations                                                            | Number of employees at beginning of period – April 2020 | Appointments and transfers into the Department | Terminations and transfers out of the Department | Turnover rate |
|------------------------------------------------------------------------|---------------------------------------------------------|------------------------------------------------|--------------------------------------------------|---------------|
| Administrative related                                                 | 882                                                     | 73                                             | 65                                               | 7.4           |
| Advocates                                                              | 600                                                     | 80                                             | 48                                               | 8.0           |
| Attorneys                                                              | 314                                                     | 10                                             | 5                                                | 1.6           |
| Building and other property caretakers                                 | 2                                                       | 0                                              | 1                                                | 50.0          |
| Bus and heavy vehicle drivers                                          | 8                                                       | 0                                              | 0                                                | 0.0           |
| Cleaners in offices, workshops, hospitals, etc.                        | 65                                                      | 2                                              | 9                                                | 13.8          |
| Client information clerks (switchboard, reception, information clerks) | 117                                                     | 8                                              | 7                                                | 6.0           |
| Communication and information related                                  | 37                                                      | 6                                              | 2                                                | 5.4           |
| Crime investigators                                                    | 43                                                      | 35                                             | 5                                                | 11.6          |

| Occupations                                                          | Number of employees at beginning of period – April 2020 | Appointments and transfers into the Department | Terminations and transfers out of the Department | Turnover rate |
|----------------------------------------------------------------------|---------------------------------------------------------|------------------------------------------------|--------------------------------------------------|---------------|
| Finance and economics related                                        | 250                                                     | 10                                             | 10                                               | 4.0           |
| Financial and related professionals                                  | 286                                                     | 12                                             | 20                                               | 7.0           |
| Financial clerks and credit controllers                              | 425                                                     | 13                                             | 22                                               | 5.2           |
| Food services aids and waiters                                       | 17                                                      | 0                                              | 0                                                | 0.0           |
| General legal administration & related professionals                 | 742                                                     | 25                                             | 51                                               | 6.9           |
| Human resources & organisational development & related professionals | 58                                                      | 3                                              | 3                                                | 5.2           |
| Human resources clerks                                               | 254                                                     | 35                                             | 11                                               | 4.3           |
| Human resources related                                              | 178                                                     | 13                                             | 6                                                | 3.4           |
| Information technology related                                       | 20                                                      | 1                                              | 3                                                | 15.0          |
| Language practitioners, interpreters & other communicators           | 417                                                     | 3                                              | 33                                               | 7.9           |
| Legal related                                                        | 186                                                     | 2                                              | 9                                                | 4.8           |
| Librarians and related professionals                                 | 19                                                      | 0                                              | 0                                                | 0.0           |
| Library mail and related clerks                                      | 287                                                     | 9                                              | 11                                               | 3.8           |
| Light vehicle drivers                                                | 6                                                       | 0                                              | 0                                                | 0.0           |
| Logistical support personnel                                         | 51                                                      | 0                                              | 4                                                | 7.8           |
| Magistrates                                                          | 1739                                                    | 1                                              | 97                                               | 5.6           |
| Material-recording and transport clerks                              | 75                                                      | 6                                              | 0                                                | 0.0           |
| Messengers, porters and deliverers                                   | 291                                                     | 24                                             | 15                                               | 5.2           |
| Other administrative & related clerks and organisers                 | 8261                                                    | 277                                            | 370                                              | 4.5           |
| Other administrative policy and related officers                     | 841                                                     | 8                                              | 91                                               | 10.8          |
| Other information technology personnel                               | 21                                                      | 1                                              | 0                                                | 0.0           |
| Prosecutors                                                          | 2337                                                    | 787                                            | 136                                              | 5.8           |
| Protection services                                                  | 88                                                      | 0                                              | 4                                                | 4.5           |
| Risk management and security services                                | 21                                                      | 0                                              | 0                                                | 0.0           |
| Secretaries & other keyboard operating clerks                        | 600                                                     | 15                                             | 20                                               | 3.3           |
| Security guards                                                      | 8                                                       | 2                                              | 1                                                | 12.5          |
| Security officers                                                    | 238                                                     | 11                                             | 14                                               | 5.9           |
| Senior managers                                                      | 310                                                     | 29                                             | 15                                               | 4.8           |
| Social sciences related                                              | 1                                                       | 0                                              | 0                                                | 0.0           |
| Social work and related professionals                                | 120                                                     | 5                                              | 5                                                | 4.2           |
| Translators and air traffic communicators                            | 1494                                                    | 73                                             | 81                                               | 5.4           |
| Contracts                                                            | 378                                                     | 926                                            | 619                                              | 47.5          |
| <b>TOTAL</b>                                                         | <b>22087</b>                                            | <b>2505</b>                                    | <b>1793</b>                                      | <b>8.1</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 2020 to 31 March 2021**

| Termination type                                                     | Number      | % of total resignations |
|----------------------------------------------------------------------|-------------|-------------------------|
| Death                                                                | 177         | 9.9                     |
| Resignation                                                          | 420         | 23.4                    |
| Expiry of contracts                                                  | 699         | 39.0                    |
| Retirement due to ill health                                         | 25          | 1.4                     |
| Dismissal-misconduct                                                 | 22          | 1.2                     |
| Retirement                                                           | 359         | 20.0                    |
| Transfer to other public service departments                         | 91          | 5.1                     |
| <b>TOTAL</b>                                                         | <b>1793</b> | <b>100.0</b>            |
| <b>Total number of employees who left as a % of total employment</b> | <b>8.7%</b> |                         |

**Table 3.5.4 Promotions by critical occupation for the period 1 April 2020 to 31 March 2021**

| Occupation                                                             | Employees as at 1 April 2020 | Promotions to another salary level | Salary level promotions as a % of employees by occupation | Progressions to another notch within a salary level | Notch progressions as a % of employees by occupation |
|------------------------------------------------------------------------|------------------------------|------------------------------------|-----------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------|
| Administrative related                                                 | 891                          | 37                                 | 4.2                                                       | 512                                                 | 57.5                                                 |
| Advocates                                                              | 600                          | 68                                 | 11.3                                                      | 400                                                 | 66.7                                                 |
| Attorneys                                                              | 314                          | 1                                  | 0.3                                                       | 146                                                 | 46.5                                                 |
| Building and other property caretakers                                 | 2                            | 0                                  | 0.0                                                       | 1                                                   | 50.0                                                 |
| Bus and heavy vehicle drivers                                          | 8                            | 0                                  | 0.0                                                       | 5                                                   | 62.5                                                 |
| Cleaners in offices, workshops, hospitals, etc.                        | 65                           | 0                                  | 0.0                                                       | 35                                                  | 53.8                                                 |
| Client information clerks (switchboard, reception, information clerks) | 117                          | 2                                  | 1.7                                                       | 66                                                  | 56.4                                                 |
| Communication and information related                                  | 38                           | 1                                  | 2.6                                                       | 26                                                  | 68.4                                                 |
| Computer programmers                                                   | 1                            | 0                                  | 0.0                                                       | 0                                                   | 0.0                                                  |
| Crime investigators                                                    | 43                           | 0                                  | 0.0                                                       | 14                                                  | 32.6                                                 |
| Finance and economics related                                          | 257                          | 4                                  | 1.6                                                       | 156                                                 | 60.7                                                 |
| Financial and related professionals                                    | 289                          | 3                                  | 1.0                                                       | 196                                                 | 67.8                                                 |
| Financial clerks and credit controllers                                | 430                          | 2                                  | 0.5                                                       | 301                                                 | 70.0                                                 |
| Food services aids and waiters                                         | 18                           | 0                                  | 0.0                                                       | 15                                                  | 83.3                                                 |
| General legal administration & related professionals                   | 747                          | 6                                  | 0.8                                                       | 388                                                 | 51.9                                                 |
| Head of department/chief executive officer                             | 1                            | 0                                  | 0.0                                                       | 0                                                   | 0.0                                                  |
| Human resources & organisational development & related professionals   | 60                           | 2                                  | 3.3                                                       | 39                                                  | 65.0                                                 |
| Human resources clerks                                                 | 254                          | 3                                  | 1.2                                                       | 163                                                 | 64.2                                                 |
| Human resources related                                                | 182                          | 7                                  | 3.8                                                       | 110                                                 | 60.4                                                 |
| Information technology related                                         | 46                           | 0                                  | 0.0                                                       | 13                                                  | 28.3                                                 |
| Language practitioners, interpreters & other communicators             | 417                          | 8                                  | 1.9                                                       | 278                                                 | 66.7                                                 |
| Legal related                                                          | 188                          | 1                                  | 0.5                                                       | 56                                                  | 29.8                                                 |
| Librarians and related professionals                                   | 19                           | 0                                  | 0.0                                                       | 14                                                  | 73.7                                                 |
| Library mail and related clerks                                        | 290                          | 1                                  | 0.3                                                       | 199                                                 | 68.6                                                 |

| Occupation                                           | Employees as at 1 April 2020 | Promotions to another salary level | Salary level promotions as a % of employees by occupation | Progressions to another notch within a salary level | Notch progressions as a % of employees by occupation |
|------------------------------------------------------|------------------------------|------------------------------------|-----------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------|
| Light vehicle drivers                                | 6                            | 0                                  | 0.0                                                       | 4                                                   | 66.7                                                 |
| Logistical support personnel                         | 51                           | 0                                  | 0.0                                                       | 30                                                  | 58.8                                                 |
| Magistrates                                          | 1949                         | 50                                 | 2.6                                                       | 0                                                   | 0.0                                                  |
| Material-recording and transport clerks              | 83                           | 0                                  | 0.0                                                       | 61                                                  | 73.5                                                 |
| Messengers, porters and deliverers                   | 310                          | 1                                  | 0.3                                                       | 149                                                 | 48.1                                                 |
| Other administrative & related clerks and organisers | 8279                         | 18                                 | 0.2                                                       | 5859                                                | 70.8                                                 |
| Other administrative, policy and related officers    | 846                          | 34                                 | 4.0                                                       | 501                                                 | 59.2                                                 |
| Other information technology personnel               | 22                           | 0                                  | 0.0                                                       | 12                                                  | 54.5                                                 |
| Prosecutor                                           | 2337                         | 386                                | 16.5                                                      | 1546                                                | 66.2                                                 |
| Protection services                                  | 88                           | 0                                  | 0.0                                                       | 27                                                  | 30.7                                                 |
| Risk management and security services                | 21                           | 0                                  | 0.0                                                       | 11                                                  | 52.4                                                 |
| Secretaries & other keyboard operating clerks        | 608                          | 3                                  | 0.5                                                       | 352                                                 | 57.9                                                 |
| Security guards                                      | 8                            | 0                                  | 0.0                                                       | 7                                                   | 87.5                                                 |
| Security officers                                    | 238                          | 0                                  | 0.0                                                       | 133                                                 | 55.9                                                 |
| Senior managers                                      | 335                          | 16                                 | 4.8                                                       | 75                                                  | 22.4                                                 |
| Social sciences related                              | 1                            | 0                                  | 0.0                                                       | 1                                                   | 100.0                                                |
| Social work and related professionals                | 121                          | 0                                  | 0.0                                                       | 28                                                  | 23.1                                                 |
| Translators and air traffic communicators            | 1507                         | 7                                  | 0.5                                                       | 916                                                 | 60.8                                                 |
| <b>TOTAL</b>                                         | <b>22087</b>                 | <b>661</b>                         | <b>3.0</b>                                                | <b>12845</b>                                        | <b>58.2</b>                                          |

**Table 3.5.5 Promotions by salary band for the period 1 April 2020 to 31 March 2021**

| Salary Band                                    | Employees 1 April 2020 | Promotions to another salary level | Salary bands promotions as a % of employees by salary level | Progressions to another notch within a salary level | Notch progression as a % of employees by salary band |
|------------------------------------------------|------------------------|------------------------------------|-------------------------------------------------------------|-----------------------------------------------------|------------------------------------------------------|
| Lower skilled (Levels 1-2) (including interns) | 18                     | 0                                  | 0.0                                                         | 1                                                   | 5.6                                                  |
| Skilled (Levels 3-5)                           | 10310                  | 19                                 | 0.2                                                         | 7528                                                | 73.0                                                 |
| Highly skilled production (Levels 6-8)         | 4618                   | 97                                 | 2.1                                                         | 2332                                                | 50.5                                                 |
| Highly skilled supervision (Levels 9-12)       | 4855                   | 479                                | 9.9                                                         | 2909                                                | 59.9                                                 |
| Senior Management Service (Level 13 – 16)      | 337                    | 16                                 | 4.7                                                         | 75                                                  | 22.3                                                 |
| Magistrates                                    | 1949                   | 50                                 | 2.6                                                         | 0                                                   | 0.0                                                  |
| <b>TOTAL</b>                                   | <b>22087</b>           | <b>661</b>                         | <b>3.0</b>                                                  | <b>12845</b>                                        | <b>58.2</b>                                          |

### 3.6 Employment equity

The tables in this section are based on the formats prescribed by the Employment Equity Act, 55 of 1998.

**Table 3.6.1 Total number of employees (including employees with disabilities) in each of the following occupational categories as at 31 March 2021**

| Occupational category                           | Male        |            |            |            | Female       |             |            |             | Total        |
|-------------------------------------------------|-------------|------------|------------|------------|--------------|-------------|------------|-------------|--------------|
|                                                 | African     | Coloured   | Indian     | White      | African      | Coloured    | Indian     | White       |              |
| Magistrates                                     | 483         | 114        | 82         | 281        | 471          | 113         | 124        | 243         | 1911         |
| Legislators, senior officials and managers      | 113         | 19         | 19         | 43         | 86           | 16          | 23         | 36          | 355          |
| Professionals                                   | 2317        | 216        | 93         | 363        | 2109         | 404         | 248        | 575         | 6325         |
| Clerks                                          | 3176        | 331        | 95         | 85         | 6191         | 807         | 209        | 525         | 11419        |
| Service and sales workers                       | 174         | 33         | 10         | 74         | 88           | 13          | 6          | 14          | 412          |
| Plant and machine operators and assemblers      | 8           | 2          | 1          | 1          | 0            | 0           | 0          | 0           | 12           |
| Labourers and related workers                   | 290         | 30         | 2          | 7          | 292          | 18          | 0          | 3           | 642          |
| Technical and associated professions, permanent | 544         | 57         | 19         | 34         | 859          | 107         | 33         | 102         | 1755         |
| <b>TOTAL</b>                                    | <b>7105</b> | <b>802</b> | <b>321</b> | <b>888</b> | <b>10096</b> | <b>1478</b> | <b>643</b> | <b>1498</b> | <b>22831</b> |
| Employees with disabilities                     | 131         | 18         | 5          | 17         | 125          | 14          | 8          | 33          | 351          |

**Table 3.6.2 Total number of employees (including employees with disabilities) in each of the following occupational bands as at 31 March 2021**

| Occupational band                                                                             | Male        |            |            |            | Female       |             |            |             | Total        |
|-----------------------------------------------------------------------------------------------|-------------|------------|------------|------------|--------------|-------------|------------|-------------|--------------|
|                                                                                               | African     | Coloured   | Indian     | White      | African      | Coloured    | Indian     | White       |              |
| Magistrates                                                                                   | 483         | 114        | 82         | 281        | 471          | 113         | 124        | 243         | 1911         |
| Top management                                                                                | 10          | 2          | 1          | 1          | 9            | 4           | 4          | 2           | 33           |
| Senior management                                                                             | 105         | 17         | 19         | 42         | 78           | 12          | 19         | 34          | 326          |
| Professionally qualified and experienced specialists and mid-management                       | 1583        | 188        | 81         | 385        | 1130         | 237         | 181        | 539         | 4324         |
| Skilled technical and academically qualified workers, junior management, supervisors, foremen | 1688        | 127        | 48         | 91         | 2486         | 349         | 127        | 393         | 5309         |
| Semi-skilled and discretionary decision making                                                | 3202        | 353        | 90         | 88         | 5827         | 763         | 188        | 287         | 10798        |
| Unskilled and defined decision making                                                         | 0           | 0          | 0          | 0          | 10           | 0           | 0          | 0           | 10           |
| Interns                                                                                       | 34          | 1          | 0          | 0          | 85           | 0           | 0          | 0           | 120          |
| <b>TOTAL</b>                                                                                  | <b>7105</b> | <b>802</b> | <b>321</b> | <b>888</b> | <b>10096</b> | <b>1478</b> | <b>643</b> | <b>1498</b> | <b>22831</b> |

**Table 3.6.3 Recruitment for the period 1 April 2020 to 31 March 2021**

| Occupational band | Male    |          |        |       | Female  |          |        |       | Total |
|-------------------|---------|----------|--------|-------|---------|----------|--------|-------|-------|
|                   | African | Coloured | Indian | White | African | Coloured | Indian | White |       |
| Magistrates       | 160     | 17       | 8      | 52    | 104     | 32       | 16     | 51    | 440   |
| Top management    | 5       | 0        | 0      | 1     | 2       | 0        | 0      | 0     | 8     |
| Senior management | 21      | 1        | 2      | 2     | 12      | 0        | 1      | 3     | 42    |

| Occupational band                                                                                                 | Male       |           |           |            | Female      |            |           |            | Total       |
|-------------------------------------------------------------------------------------------------------------------|------------|-----------|-----------|------------|-------------|------------|-----------|------------|-------------|
|                                                                                                                   | African    | Coloured  | Indian    | White      | African     | Coloured   | Indian    | White      |             |
| Professionally qualified and experienced specialists and mid-management                                           | 105        | 12        | 2         | 29         | 94          | 12         | 12        | 32         | 298         |
| Skilled technical and academically qualified workers, junior management, supervisors, foreman and superintendents | 143        | 18        | 4         | 6          | 210         | 43         | 6         | 15         | 445         |
| Semi-skilled and discretionary decision making                                                                    | 358        | 32        | 8         | 10         | 488         | 61         | 17        | 19         | 993         |
| Unskilled and defined decision making                                                                             | 1          | 0         | 0         | 0          | 2           | 0          | 0         | 0          | 3           |
| Interns                                                                                                           | 61         | 2         | 0         | 0          | 172         | 13         | 0         | 0          | 248         |
| <b>Total</b>                                                                                                      | <b>854</b> | <b>82</b> | <b>24</b> | <b>100</b> | <b>1084</b> | <b>161</b> | <b>52</b> | <b>120</b> | <b>2477</b> |
| Employees with disabilities                                                                                       | 2          | 1         | 0         | 1          | 4           | 0          | 0         | 0          | 8           |

**Table 3.6.4 Promotions for the period 1 April 2020 to 31 March 2021**

| Occupational band                                                                             | Male        |            |            |            | Female      |            |            |            | Total        |
|-----------------------------------------------------------------------------------------------|-------------|------------|------------|------------|-------------|------------|------------|------------|--------------|
|                                                                                               | African     | Coloured   | Indian     | White      | African     | Coloured   | Indian     | White      |              |
| Magistrates                                                                                   | 0           | 1          | 0          | 0          | 1           | 1          | 1          | 0          | 4            |
| Top management                                                                                | 34          | 3          | 2          | 13         | 22          | 3          | 4          | 6          | 87           |
| Senior management                                                                             | 18          | 1          | 2          | 2          | 16          | 2          | 0          | 9          | 50           |
| Professionally qualified and experienced specialists and mid-management                       | 1324        | 136        | 59         | 216        | 953         | 202        | 131        | 365        | 3386         |
| Skilled technical and academically qualified workers, junior management, supervisors, foremen | 767         | 55         | 19         | 30         | 1247        | 153        | 53         | 106        | 2430         |
| Semi-skilled and discretionary decision making                                                | 2116        | 223        | 78         | 59         | 4141        | 567        | 149        | 215        | 7548         |
| Unskilled and defined decision making                                                         | 0           | 0          | 0          | 0          | 1           | 0          | 0          | 0          | 1            |
| <b>TOTAL</b>                                                                                  | <b>4259</b> | <b>419</b> | <b>160</b> | <b>320</b> | <b>6381</b> | <b>928</b> | <b>338</b> | <b>701</b> | <b>13506</b> |
| Employees with disabilities                                                                   | 102         | 11         | 5          | 10         | 101         | 9          | 4          | 22         | 264          |

**Table 3.6.5 Terminations for the period 1 April 2020 to 31 March 2021**

| Occupational band                                                                             | Male    |          |        |       | Female  |          |        |       | Total |
|-----------------------------------------------------------------------------------------------|---------|----------|--------|-------|---------|----------|--------|-------|-------|
|                                                                                               | African | Coloured | Indian | White | African | Coloured | Indian | White |       |
| Top management                                                                                | 4       | 0        | 0      | 0     | 2       | 0        | 0      | 0     | 6     |
| Senior management                                                                             | 17      | 1        | 3      | 3     | 7       | 0        | 2      | 1     | 34    |
| Magistrates                                                                                   | 193     | 25       | 10     | 84    | 107     | 36       | 21     | 60    | 536   |
| Professionally qualified and experienced specialists and mid-management                       | 121     | 5        | 4      | 27    | 83      | 9        | 10     | 30    | 289   |
| Skilled technical and academically qualified workers, junior management, supervisors, foremen | 142     | 11       | 5      | 7     | 190     | 22       | 7      | 64    | 448   |

| Occupational band                              | Male       |           |           |            | Female     |           |           |            | Total       |
|------------------------------------------------|------------|-----------|-----------|------------|------------|-----------|-----------|------------|-------------|
|                                                | African    | Coloured  | Indian    | White      | African    | Coloured  | Indian    | White      |             |
| Semi-skilled and discretionary decision making | 156        | 11        | 4         | 6          | 201        | 27        | 9         | 22         | 436         |
| Unskilled and defined decision making          | 0          | 0         | 0         | 0          | 0          | 0         | 0         | 0          | 0           |
| Interns                                        | 8          | 0         | 0         | 7          | 13         | 0         | 0         | 0          | 28          |
| <b>TOTAL</b>                                   | <b>641</b> | <b>53</b> | <b>26</b> | <b>134</b> | <b>603</b> | <b>94</b> | <b>49</b> | <b>177</b> | <b>1777</b> |
| Employees with disabilities                    | 8          | 1         | 0         | 2          | 9          | 4         | 1         | 2          | 27          |

**Table 3.6.6 Disciplinary action for the period 1 April 2020 to 31 March 2021**

| Disciplinary action | Male    |          |        |       | Female  |          |        |       | Total |
|---------------------|---------|----------|--------|-------|---------|----------|--------|-------|-------|
|                     | African | Coloured | Indian | White | African | Coloured | Indian | White |       |
| Disciplinary action | 165     | 10       | 6      | 3     | 113     | 15       | 8      | 8     | 328   |

**Table 3.6.7 Skills development for the period 1 April 2020 to 31 March 2021**

| Occupational category                      | Male       |            |           |           | Female     |            |           |            | Total       |
|--------------------------------------------|------------|------------|-----------|-----------|------------|------------|-----------|------------|-------------|
|                                            | African    | Coloured   | Indian    | White     | African    | Coloured   | Indian    | White      |             |
| Legislators, senior officials and managers | 16         | 0          | 7         | 10        | 7          | 2          | 1         | 5          | 48          |
| Professionals                              | 126        | 20         | 11        | 43        | 95         | 22         | 15        | 68         | 400         |
| Technicians and associate professionals    | 77         | 6          | 3         | 0         | 114        | 11         | 0         | 6          | 217         |
| Clerks                                     | 195        | 81         | 12        | 7         | 289        | 118        | 9         | 25         | 736         |
| Service and sales workers                  | 28         | 12         | 2         | 25        | 6          | 3          | 1         | 10         | 87          |
| Plant and machine operators and assemblers | 1          | 0          | 0         | 0         | 0          | 0          | 0         | 0          | 1           |
| Labourers and related workers              | 0          | 0          | 0         | 0         | 0          | 0          | 0         | 0          | 0           |
| Elementary occupations                     | 1          | 0          | 0         | 0         | 0          | 0          | 0         | 0          | 1           |
| <b>Total</b>                               | <b>444</b> | <b>119</b> | <b>35</b> | <b>85</b> | <b>511</b> | <b>156</b> | <b>26</b> | <b>114</b> | <b>1490</b> |
| Employees with disabilities                | 2          | 1          | 0         | 1         | 4          | 1          | 0         | 0          | 9           |

### 3.7 Signing of performance agreements by SMS members

All members of the SMS must conclude and sign performance agreements within specific timeframes. Information regarding the signing of performance agreements by SMS members, the reasons for not complying with the prescribed timeframes and disciplinary steps taken is presented here.

**Table 3.7.1 Signing of performance agreements by SMS members as at 31 May 2020**

| SMS Level                 | Total number of funded SMS posts per level | Total number of SMS members per level | Total number of signed performance agreements per level | Signed performance agreements as % of total number of SMS members per level |
|---------------------------|--------------------------------------------|---------------------------------------|---------------------------------------------------------|-----------------------------------------------------------------------------|
| Salary level 16           | 2                                          | 2                                     | 1                                                       | 100.0                                                                       |
| Salary level 16 (not HOD) | 7                                          | 7                                     | 4                                                       | 57.1                                                                        |
| Salary level 15           | 32                                         | 21                                    | 15                                                      | 71.4                                                                        |
| Salary level 14           | 255                                        | 166                                   | 157                                                     | 94.6                                                                        |
| Salary level 13           | 183                                        | 162                                   | 148                                                     | 91.2                                                                        |
| <b>Total</b>              | <b>479</b>                                 | <b>358</b>                            | <b>325</b>                                              | <b>90.8</b>                                                                 |

**Table 3.7.2 Reasons for not having concluded performance agreements for all SMS members as at 31 May 2020**

Three SMS members could not submit as they are still on suspension, 1 case is still a dispute, 1 official was seconded to another department and other officials did not comply with the deadline. 1 SMS member was seconded to another country (Eswatini).

**Table 3.7.3 Disciplinary steps taken against SMS members for not having concluded performance agreements as at 31 May 2020**

Non-compliance letters were served to non-complaint SMS members. Subsequently, all line managers of non-complying officials were requested to institute disciplinary action to address non-compliance.

### 3.8 Performance rewards

To encourage good performance, the department has granted the following performance rewards during the year under review. The information is presented in terms of race, gender and disability, salary bands and critical occupations.

**Table 3.8.1 Performance rewards by race, gender and disability for the period 1 April 2020 to 31 March 2021**

|                                    | Beneficiary profile     |                           |                         | Cost          |                           |
|------------------------------------|-------------------------|---------------------------|-------------------------|---------------|---------------------------|
|                                    | Number of beneficiaries | Total number of employees | % of total within group | Cost (R'000)  | Average cost per employee |
| <b>African</b>                     | 2080                    | 15300                     | 13.6                    | 21 204        | 10 194.66                 |
| Male                               | 797                     | 6182                      | 12.9                    | 9 152         | 11 482.25                 |
| Female                             | 1283                    | 9118                      | 14.1                    | 12 054        | 9 394.81                  |
| <b>Asian</b>                       | 89                      | 703                       | 12.7                    | 1 448         | 16 267.73                 |
| Male                               | 27                      | 223                       | 12.1                    | 360           | 13 312.71                 |
| Female                             | 62                      | 480                       | 12.9                    | 1 088         | 17 554.60                 |
| <b>Coloured</b>                    | 340                     | 1890                      | 18.0                    | 4 180         | 12 295.21                 |
| Male                               | 102                     | 626                       | 16.3                    | 1 632         | 15 991.90                 |
| Female                             | 238                     | 1264                      | 18.8                    | 2 550         | 10 710.91                 |
| <b>White</b>                       | 388                     | 1757                      | 22.1                    | 5 945         | 15 321.63                 |
| Male                               | 121                     | 567                       | 21.3                    | 1 956         | 16 170.38                 |
| Female                             | 267                     | 1190                      | 22.4                    | 3 988         | 14 936.99                 |
| <b>Employees with disabilities</b> | 39                      | 350                       | 11.1                    | 389           | 9 962.13                  |
| <b>TOTAL</b>                       | <b>2936</b>             | <b>20000</b>              | <b>14.7</b>             | <b>33 167</b> | <b>11 296.46</b>          |

**Table 3.8.2 Performance rewards by salary bands for personnel below senior management service for the period 1 April 2020 to 31 March 2021**

| Salary bands                             | Beneficiary profile     |                     |                                | Cost               |                           | Total cost as a % of the total personnel expenditure |
|------------------------------------------|-------------------------|---------------------|--------------------------------|--------------------|---------------------------|------------------------------------------------------|
|                                          | Number of beneficiaries | Number of employees | % of total within salary bands | Total cost (R'000) | Average cost per employee |                                                      |
| Lower skilled (Levels 1-2)               | 4                       | 110                 | 0.0                            | 54                 | 13 600.00                 | 0                                                    |
| Skilled (Levels 3-5)                     | 1248                    | 10285               | 12.1                           | 8 073              | 6 468.89                  | 0.3                                                  |
| Highly skilled production (Levels 6-8)   | 765                     | 4507                | 17.0                           | 8 757              | 11 447.19                 | 0.6                                                  |
| Highly skilled supervision (Levels 9-12) | 729                     | 4748                | 15.4                           | 14 844             | 20 363.13                 | 1.0                                                  |
| <b>TOTAL</b>                             | <b>2746</b>             | <b>19650</b>        | <b>14.0</b>                    | <b>31 728</b>      | <b>11 534.96</b>          | <b>0.6</b>                                           |



**Table 3.8.3 Performance rewards by occupation**

| Critical occupation                                                    | Beneficiary profile     |                     |                              | Cost               |                           |
|------------------------------------------------------------------------|-------------------------|---------------------|------------------------------|--------------------|---------------------------|
|                                                                        | Number of beneficiaries | Number of employees | % of total within occupation | Total cost (R'000) | Average cost per employee |
| Administrative related                                                 | 180                     | 870                 | 0.2                          | 2 969              | 10 605.93                 |
| Advocates                                                              | 112                     | 595                 | 0.2                          | 114                | 20 564.89                 |
| Attorneys                                                              | 11                      | 343                 | 0.0                          | 257                | 23 386.72                 |
| Building and other property caretakers                                 | 0                       | 1                   | 0.0                          | 0                  | -                         |
| Bus and heavy vehicle drivers                                          | 0                       | 6                   | 0.0                          | 0                  | -                         |
| Cleaners in offices, workshops, hospitals, etc.                        | 8                       | 58                  | 0.1                          | 71                 | 8 875.00                  |
| Client information clerks (switchboard, reception, information clerks) | 21                      | 115                 | 0.2                          | 137                | 6 523.81                  |
| Communication and information related                                  | 18                      | 37                  | 0.5                          | 318                | 17 666.67                 |
| Computer programmers                                                   | 0                       | 1                   | 0.0                          | 0                  | -                         |
| Crime investigators                                                    | 13                      | 37                  | 0.0                          | 706                | 54 371.54                 |
| Finance and economics related                                          | 51                      | 258                 | 0.2                          | 796                | 15 610.63                 |
| Financial and related professionals                                    | 61                      | 276                 | 0.2                          | 689                | 11 295.08                 |
| Financial clerks and credit controllers                                | 93                      | 413                 | 0.2                          | 706                | 7 591.40                  |
| Food services aids and waiters                                         | 8                       | 18                  | 0.4                          | 34                 | 4 296.71                  |
| General legal administration & related professionals                   | 89                      | 723                 | 0.1                          | 1 669              | 18 749.59                 |
| Human resources & organisational development & related professionals   | 14                      | 57                  | 0.2                          | 125                | 8 895.73                  |
| Human resources clerks                                                 | 83                      | 258                 | 0.3                          | 704                | 8 481.93                  |
| Human resources related                                                | 38                      | 187                 | 0.2                          | 559                | 14 710.53                 |
| Information technology related                                         | 5                       | 31                  | 0.2                          | 128                | 25 524.05                 |
| Language practitioners, interpreters & other communicators             | 59                      | 398                 | 0.1                          | 604                | 10 245.25                 |
| Legal related                                                          | 16                      | 179                 | 0.1                          | 439                | 27 421.62                 |
| Librarians and related professionals                                   | 3                       | 19                  | 0.2                          | 28                 | 9 287.16                  |
| Library mail and related clerks                                        | 63                      | 281                 | 0.2                          | 479                | 7 603.17                  |
| Light vehicle drivers                                                  | 0                       | 6                   | 0.0                          | 0                  | -                         |
| Logistical support personnel                                           | 13                      | 47                  | 0.3                          | 134                | 10 307.69                 |
| Material-recording and transport clerks                                | 14                      | 81                  | 0.2                          | 80                 | 5 694.67                  |
| Messengers, porters and deliverers                                     | 51                      | 559                 | 0.1                          | 311                | 6 098.04                  |
| Other administrative & related clerks and organisers                   | 1023                    | 8130                | 0.1                          | 7 115              | 6 955.03                  |
| Other administrative policy and related officers                       | 129                     | 789                 | 0.2                          | 1 292              | 10 016.39                 |
| Other information technology personnel                                 | 3                       | 22                  | 0.1                          | 33                 | 11 116.35                 |
| Prosecutor                                                             | 424                     | 2308                | 0.2                          | 6 300              | 14 858.49                 |
| Protection services                                                    | 22                      | 88                  | 0.0                          | 488                | 22 218.00                 |
| Risk management and security services                                  | 5                       | 21                  | 0.2                          | 97                 | 19 400.00                 |
| Secretaries & other keyboard operating clerks                          | 131                     | 589                 | 0.2                          | 1 402              | 10 702.29                 |
| Security guards                                                        | 1                       | 9                   | 0.1                          | 4                  | 4 142.97                  |

| Critical occupation                       | Beneficiary profile     |                     |                              | Cost               |                           |
|-------------------------------------------|-------------------------|---------------------|------------------------------|--------------------|---------------------------|
|                                           | Number of beneficiaries | Number of employees | % of total within occupation | Total cost (R'000) | Average cost per employee |
| Security officers                         | 34                      | 223                 | 0.2                          | 180                | 5 289.90                  |
| Senior managers                           | 55                      | 348                 | 0.2                          | 1 421              | 25 836.36                 |
| Social sciences related                   | 0                       | 1                   | 0.0                          | 0                  | -                         |
| Social work and related professionals     | 5                       | 121                 | 0.0                          | 78                 | 15 682.42                 |
| Translators and air traffic communicators | 77                      | 1484                | 0.1                          | 462                | 6 000.23                  |
| <b>TOTAL</b>                              | <b>2933</b>             | <b>19987</b>        | <b>0.1</b>                   | <b>30 930</b>      | <b>10 454.52</b>          |

**Table 3.8.4 Performance related rewards (cash bonus) by salary band for senior management service for the period 1 April 2020 to 31 March 2021**

| Salary band  | Beneficiary profile     |                     |                        | Cost               |                           |                                                      |
|--------------|-------------------------|---------------------|------------------------|--------------------|---------------------------|------------------------------------------------------|
|              | Number of beneficiaries | Number of employees | % of total within band | Total cost (R'000) | Average cost per employee | Total cost as a % of the total personnel expenditure |
| Band A       | 8                       | 159                 | 5.0                    | 140                | 17 536.88                 | 0.0                                                  |
| Band B       | 20                      | 167                 | 12.0                   | 156                | 7 800.00                  | 0.0                                                  |
| Band C       | 2                       | 24                  | 8.3                    | 264                | 132 145.00                | 0.0                                                  |
| Band D       | 1                       | 8                   | 12.5                   | 191                | 191 660.00                | 0.0                                                  |
| <b>TOTAL</b> | <b>31</b>               | <b>358</b>          | <b>8.7</b>             | <b>751</b>         | <b>24 230.00</b>          | <b>0.0</b>                                           |

### 3.9 Foreign workers

The tables below summarise the employment of foreign nationals in the Department in terms of salary bands and by major occupation.

**Table 3.9.1 Foreign workers: 1 April 2020 to 31 March 2021, by salary band**

| Salary band                              | 01 April 2020 |              | 31 March 2021 |              | Change    |              |
|------------------------------------------|---------------|--------------|---------------|--------------|-----------|--------------|
|                                          | Number        | % of total   | Number        | % of total   | Number    | % Change     |
| Skilled (Levels 3-5)                     | 7             | 5.8          | 8             | 5.1          | 1         | 2.8          |
| Highly skilled production (Levels 6-8)   | 0             | 0.0          | 0             | 0.0          | 0         | 0.0          |
| Highly skilled supervision (Levels 9-12) | 4             | 3.3          | 4             | 2.6          | 0         | 0.0          |
| Senior management (Levels 13-16)         | 1             | 0.8          | 1             | 0.6          | 0         | 0.0          |
| Other                                    | 108           | 89.9         | 143           | 91.5         | 35        | 96.7         |
| <b>TOTAL</b>                             | <b>120</b>    | <b>100.0</b> | <b>156</b>    | <b>100.0</b> | <b>36</b> | <b>100.0</b> |

**Table 3.9.2 Foreign workers: 1 April 2020 to 31 March 2021, by major occupation**

| Major occupation              | 01 April 2020 |              | 31 March 2021 |              | Change    |              |
|-------------------------------|---------------|--------------|---------------|--------------|-----------|--------------|
|                               | Number        | % of total   | Number        | % of total   | Number    | % Change     |
| Administrative office workers | 114           | 95.0         | 150           | 96.2         | 36        | 100.0        |
| Professionals and managers    | 6             | 5.0          | 6             | 3.8          | 0         | 0.0          |
| <b>TOTAL</b>                  | <b>120</b>    | <b>100.0</b> | <b>156</b>    | <b>100.0</b> | <b>36</b> | <b>100.0</b> |

### 3.10 Leave utilisation

The Public Service Commission identified the need for careful monitoring of sick leave within the public service. The following tables provide an indication of the use of sick leave and disability leave. In both cases, the estimated cost of the leave is also provided.

**Table 3.10.1 Sick leave: 1 January 2020 to 31 December 2020**

| Salary band                              | Total days    | % Days with medical certification | Number of employees using sick leave | % of total employees using sick leave | Average days per employee | Estimated cost (R'000) |
|------------------------------------------|---------------|-----------------------------------|--------------------------------------|---------------------------------------|---------------------------|------------------------|
| Lower skilled (Level 1-2)                | 55            | 89.10                             | 8                                    | 0.10                                  | 7                         | 35                     |
| Skilled (Levels 3-5)                     | 66914         | 77.80                             | 8295                                 | 54.20                                 | 8                         | 64631                  |
| Highly skilled production (Levels 6-8)   | 26519         | 78.30                             | 3580                                 | 23.40                                 | 7                         | 40670                  |
| Highly skilled supervision (Levels 9-12) | 22769         | 83.40                             | 3228                                 | 21.10                                 | 7                         | 71530                  |
| Top and senior management (Levels 13-16) | 1113          | 80.60                             | 185                                  | 1.20                                  | 6                         | 5458                   |
| Contract (other)                         | 30            | 73.30                             | 13                                   | 0.10                                  | 2                         | 10                     |
| <b>TOTAL</b>                             | <b>117400</b> | <b>79.10</b>                      | <b>15309</b>                         | <b>100.00</b>                         | <b>8</b>                  | <b>182334</b>          |

**Table 3.10.2 Incapacity leave (temporary and permanent): 1 January 2020 to 31 December 2020**

| Salary band                              | Total days   | % Days with medical certification | Number of employees using disability leave | % of total employees using disability leave | Average days per employee | Estimated Cost (R'000) |
|------------------------------------------|--------------|-----------------------------------|--------------------------------------------|---------------------------------------------|---------------------------|------------------------|
| Skilled (Levels 3-5)                     | 14192        | 100.00                            | 379                                        | 55.70                                       | 37                        | 13 854.00              |
| Highly skilled production (Levels 6-8)   | 7336         | 100.00                            | 170                                        | 25.00                                       | 43                        | 10 751.00              |
| Highly skilled supervision (Levels 9-12) | 5038         | 100.00                            | 123                                        | 18.10                                       | 41                        | 17 854.00              |
| Senior management (Levels 13-16)         | 320          | 100.00                            | 9                                          | 1.30                                        | 36                        | 1 780.00               |
| <b>TOTAL</b>                             | <b>26886</b> | <b>100.00</b>                     | <b>681</b>                                 | <b>100.00</b>                               | <b>39</b>                 | <b>44 239.00</b>       |

The table below summarises the utilisation of annual leave. The wage agreement concluded with trade unions in the PSCBC in 2000 requires management of annual leave to prevent high levels of accrued leave being paid at the time of termination of service.

**Table 3.10.3 Annual Leave: 1 January 2020 to 31 December 2020**

| Salary band                              | Total days taken | Average days per employee | Number of employees who took leave |
|------------------------------------------|------------------|---------------------------|------------------------------------|
| Lower skilled (Levels 1-2)               | 208              | 19.00                     | 11                                 |
| Skilled (Levels 3-5)                     | 209532           | 20.00                     | 10252                              |
| Highly skilled production (Levels 6-8)   | 98159            | 21.00                     | 4731                               |
| Highly skilled supervision (Levels 9-12) | 104808           | 21.00                     | 4893                               |
| Senior management (Levels 13-16)         | 8321             | 15.00                     | 542                                |
| Contract (Other)                         | 133              | 6.00                      | 23                                 |
| <b>TOTAL</b>                             | <b>421161</b>    | <b>21.00</b>              | <b>20452</b>                       |

**Table 3.10.4 Capped leave: 1 January 2020 to 31 December 2020**

| Salary band                              | Total days of capped leave taken | Average number of days taken per employee | Average capped leave per employee as at 31 December 2020 | Number of employees who took capped leave |
|------------------------------------------|----------------------------------|-------------------------------------------|----------------------------------------------------------|-------------------------------------------|
| Skilled (Levels 3-5)                     | 4                                | 1                                         | 65.00                                                    | 3                                         |
| Highly skilled production (Levels 6-8)   | 160                              | 4                                         | 57.00                                                    | 36                                        |
| Highly skilled supervision (Levels 9-12) | 298                              | 9                                         | 36.00                                                    | 35                                        |
| Senior management (Levels 13-16)         | 4                                | 4                                         | 51.00                                                    | 1                                         |
| <b>TOTAL</b>                             | <b>466</b>                       | <b>6</b>                                  | <b>46.00</b>                                             | <b>75</b>                                 |

**Table 3.10.5 Leave payouts for the period 1 April 2020 to 31 March 2021**

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) |
|-----------------------------------------------------------------|----------------------|---------------------|------------------------------|
| Current leave payout on termination of service 2020/2021        | 15824                | 478                 | 33105                        |
| Leave payout due to non-utilisation of leave for previous cycle | 104                  | 1                   | 104000                       |
| Capped leave payout on termination of service for 2020/2021     | 22779                | 202                 | 112767                       |
| <b>TOTAL</b>                                                    | <b>38 707.00</b>     | <b>681.00</b>       | <b>56838</b>                 |

### 3.11 HIV/ AIDS & health promotion programmes

**Table 3.11.1 Steps taken to reduce the risk of occupational exposure**

| Units/categories of employees identified to be at high risk of contracting HIV & related diseases (if any)                                                                                                                                                                                                           | Key steps taken to reduce the risk                                                                                                                                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>The Department does not have categories of employees identified to be at risk of being exposed to HIV infection due to the nature of their occupations.</p> <p>NPA: as determined in the HIV/AIDS National Strategic plan – young female employees, and those located in provinces with high prevalence rate.</p> | <p>Upon disclosure of their status and the request for reasonable accommodation, employees are being provided according to their needs.</p> <p>On site voluntary testing and referral for treatment and care.</p> |

**Table 3.11.2 Details of health promotion and HIV and AIDS programmes (tick the applicable boxes and provide the required information)**

| Question                                                                                                                                                                                                                                                                        | Yes | No | Details, if yes                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Has the Department designated a member of the SMS to implement the provisions contained in Section 55 of the Public Service Regulations, 2016? If so, provide her/his name and position.                                                                                     | Yes |    | <ul style="list-style-type: none"> <li>Ms Kedibone Tsolo: Director.</li> <li>NPA - Ms GB Dlodla: Director HR Transformation</li> </ul>                                                                                                         |
| 2. Does the Department have a dedicated unit or has it designated specific staff members to promote the health and wellbeing of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose. | Yes |    | <ul style="list-style-type: none"> <li>Director, 2 Deputy Directors and 2 Assistant Directors.</li> <li>NPA – Employee Health and Wellness Unit: 3 in-house staff members and outsourced service provider with a national presence.</li> </ul> |

| Question                                                                                                                                                                                                                                    | Yes | No | Details, if yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3. Has the Department introduced an employee assistance or health promotion programme for your employees? If so, indicate the key elements/services of this programme.                                                                      | Yes |    | <p>DoJ&amp;CD</p> <ul style="list-style-type: none"> <li>• Psycho-social counselling</li> <li>• Health screening and promotion.</li> <li>• HIV&amp;AIDS and TB workplace programme</li> </ul> <p>NPA</p> <ul style="list-style-type: none"> <li>• Integrated EHWP to address the following pillars: HIV&amp;AIDS and TB management.</li> <li>• Health and productivity management (mental health in the workplace; trauma debriefing, health promotion and management of chronic illnesses in the workplace), and wellness management (14/7 counselling and support services, managers support programme, proactive wellness workshops, sport and recreation programmes).</li> </ul>                                                                          |
| 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 |    | <ul style="list-style-type: none"> <li>• DoJ&amp;CD - Employee Advisory Committee (EAC) has been established and it represents all business units or branches of the Department as well as representatives from organised labour.</li> <li>• NPA: The committee was reconstituted with representatives from all the 10 regions and members from other key internal stakeholders. L Dlodla – HRT, A Bean – E Cape, M Mashapa – Mpumalanga, N Tukani – Free State, R Manashamaite – Limpopo; N Madikizela – Mthatha, J Natlou – North West, M Mkela – Northern Cape, A Fundi – South Gauteng, F Ross – Western Cape, T Radebe – Pietermaritzburg, P Moagi – Integrity Management, M Shaku – Labour Relations, N Sihihlane EHWP and FP Semenya, EHWP.</li> </ul> |
| 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 |    | <ul style="list-style-type: none"> <li>• DoJ&amp;CD: All applicable policies currently do not unfairly discriminate against employees on the basis of their HIV status from the last date of review.</li> <li>• NPA – review is still in progress.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

| Question                                                                                                                                                                               | Yes | No | Details, if yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 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 |    | <ul style="list-style-type: none"> <li>• <b>DoJ&amp;CD</b></li> <li>• The directorate run awareness sessions on HIV and AIDS which included:</li> <li>• Maintaining of peer educators programme which acts as a support mechanism for employees affected or infected by HIV.</li> </ul> <p><b>NPA</b></p> <p><b>HIV/AIDS and TB management:</b></p> <p>Number of condoms distributed, number of employees tested for HIV, number of employees tested positive.</p> <p><b>Health and productivity and wellness management:</b></p> <p>Number of employees screened for chronic diseases.</p> <p>Number of proactive wellness initiatives that are implemented to promote the wellbeing of employees including mental health awareness, wellness talks, physical activities, health screening and testing. Report to the DPSA as required.</p> |
| 7. Does the Department encourage its employees to undergo voluntary counseling and testing? If so, list the results that you have achieved.                                            | Yes |    | <ul style="list-style-type: none"> <li>• DoJ&amp;CD: Yes, but no employee went for voluntary counselling and testing during the past year.</li> <li>• The NPA HIV/AIDS Policy seeks to promote fairness and non-discrimination as well as support for affected and infected employees. Confidentiality remains a core value and ethical standard for professional counselling and support services. Ongoing counselling and support is available through the 24/7 EAP Call Centre. The NPA conducted an HIV &amp; AIDS awareness session during the EHWP committee meeting to highlight issues around HIV/AIDS stigma and discrimination in the workplace and mapping interventions to address stigma in the NPA environment.</li> </ul>                                                                                                     |
| 8. Has the Department developed measures/indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures/indicators.                       | Yes |    | <ul style="list-style-type: none"> <li>• DoJ&amp;CD: The programme is measured through System Monitoring Tool (SMT) report submitted to DPSA.</li> <li>• NPA: use of service provider reports to provide information on the statistics and evaluation of the results.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |



### 3.12 Labour relations

**Table 3.12.1 Collective agreements: 1 April 2020 to 31 March 2021**

|                                    |             |
|------------------------------------|-------------|
| <b>Total collective agreements</b> | <b>None</b> |
|------------------------------------|-------------|

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 2020 to 31 March 2021**

| Outcomes of disciplinary hearings | Number     | % of total    |
|-----------------------------------|------------|---------------|
| Acquittal                         | 14         | 6.8%          |
| Demotion                          | 2          | 1.0%          |
| Deceased                          | 0          | 0.0%          |
| Dismissal                         | 28         | 13.6%         |
| Section 17 deemed dismissed       | 2          | 1.0%          |
| Case withdrawn                    | 2          | 1.0%          |
| Case closed                       | 1          | 0.5%          |
| Resignation                       | 15         | 7.3%          |
| Suspended                         | 28         | 13.6%         |
| Verbal warning                    | 5          | 2.4%          |
| Written warning                   | 50         | 24.3%         |
| Final warning                     | 49         | 23.8%         |
| Withdrawn                         | 10         | 4.9%          |
| <b>TOTAL</b>                      | <b>206</b> | <b>100.0%</b> |

**Table 3.12.3 Types of misconduct addressed at disciplinary actions/hearings for the period 1 April 2020 to 31 March 2021**

| Type of misconduct                                   | Number | % of total |
|------------------------------------------------------|--------|------------|
| Abscondment                                          | 10     | 3.1        |
| Absenteeism                                          | 7      | 2.1        |
| Abuse of leave                                       | 6      | 1.8        |
| Abuse of state property                              | 10     | 3.1        |
| Alcohol abuse                                        | 1      | 0.3        |
| Assault                                              | 5      | 1.5        |
| Bribery                                              | 3      | 0.9        |
| Bringing the name of the NPA into disrepute          | 1      | 0.3        |
| Corruption                                           | 6      | 1.8        |
| Conflict of interest                                 | 1      | 0.3        |
| Damage to state property                             | 1      | 0.3        |
| Defeating the ends of justice                        | 1      | 0.3        |
| Driving state vehicle under the influence of alcohol | 1      | 0.3        |
| Dishonesty                                           | 17     | 5.2        |
| Falsification of documents                           | 1      | 0.3        |
| Failure to act against subordinate                   | 1      | 0.3        |
| Failure to comply with COVID-19 safety regulations   | 1      | 0.3        |
| Financial disclosure                                 | 2      | 0.6        |
| Fraud                                                | 35     | 10.7       |
| Improper conduct                                     | 1      | 0.3        |
| Insubordination                                      | 29     | 8.9        |
| Mismanagement of funds                               | 1      | 0.3        |

| Type of misconduct                   | Number     | % of total   |
|--------------------------------------|------------|--------------|
| Loss of state money                  | 5          | 1.5          |
| Non-compliance with policy           | 1          | 0.3          |
| Making false and incorrect statement | 1          | 0.3          |
| Maladministration                    | 1          | 0.3          |
| Misrepresentation                    | 12         | 3.7          |
| Negligence                           | 48         | 14.7         |
| Poor performance                     | 2          | 0.6          |
| Sexual harassment                    | 5          | 1.5          |
| Theft                                | 19         | 5.8          |
| Unauthorised absence                 | 36         | 11.0         |
| Unethical behaviour                  | 23         | 7.0          |
| Intimidation                         | 3          | 0.9          |
| Insolence/unbecoming conduct         | 13         | 4.0          |
| Misuse of state vehicle              | 7          | 2.1          |
| Dereliction of duty                  | 9          | 2.8          |
| Racism                               | 1          | 0.3          |
| <b>TOTAL</b>                         | <b>327</b> | <b>100.0</b> |

**Table 3.12.4 Grievances lodged for the period 1 April 2020 to 31 March 2021 (overall cases)**

| Grievances                        | Number     | % of total  |
|-----------------------------------|------------|-------------|
| Number of grievances resolved     | 204        | 83.9        |
| Number of grievances not resolved | 34         | 13.9        |
| Withdrawn                         | 5          | 2.1         |
| <b>Total</b>                      | <b>243</b> | <b>100%</b> |

**Table 3.12.5 Disputes lodged with councils for the period 1 April 2020 to 31 March 2021**

| Number of dispute outcome    | Number     | % of total |
|------------------------------|------------|------------|
| Number of disputes upheld    | 36         | 26,5       |
| Number of disputes dismissed | 115        | 15.8       |
| <b>Total</b>                 | <b>151</b> | <b>100</b> |

**Table 3.12.6 Strike actions for the period 1 April 2020 to 31 March 2021**

|                                                        |   |
|--------------------------------------------------------|---|
| 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 2020 to 31 March 2021**

| Number of people suspended                         | Total                  |
|----------------------------------------------------|------------------------|
| Number of people suspended                         | 37                     |
| Number of people whose suspension exceeded 30 days | 28                     |
| Average number of days suspended (All cases)       | 420                    |
| <b>Cost of suspension (R'000) (All cases)</b>      | <b>R 13 455 455.57</b> |

### 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 2020 to 31 March 2021**

| Occupational category                      | Gender        | Number of employees as at 1 April 2020 | Training needs identified at start of the reporting period |                                         |                         |             |
|--------------------------------------------|---------------|----------------------------------------|------------------------------------------------------------|-----------------------------------------|-------------------------|-------------|
|                                            |               |                                        | Learnerships                                               | Skills programmes & other short courses | Other forms of training | Total       |
| Legislators, senior officials and managers | Female        | 148                                    | 0                                                          | 763                                     | 0                       | 763         |
|                                            | Male          | 188                                    | 0                                                          | 661                                     | 0                       | 661         |
| Professionals                              | Female        | 3022                                   | 0                                                          | 525                                     | 0                       | 525         |
|                                            | Male          | 2827                                   | 0                                                          | 559                                     | 0                       | 559         |
| Technicians and associate professionals    | Female        | 1119                                   | 0                                                          | 273                                     | 0                       | 273         |
|                                            | Male          | 669                                    | 0                                                          | 311                                     | 0                       | 311         |
| Clerks                                     | Female        | 7836                                   | 0                                                          | 625                                     | 0                       | 625         |
|                                            | Male          | 3732                                   | 0                                                          | 600                                     | 0                       | 600         |
| Service and sales workers                  | Female        | 116                                    | 0                                                          | 61                                      | 0                       | 61          |
|                                            | Male          | 282                                    | 0                                                          | 59                                      | 0                       | 59          |
| Plant and machine operators and assemblers | Female        | 1                                      | 0                                                          | 0                                       | 0                       | 0           |
|                                            | Male          | 13                                     | 0                                                          | 0                                       | 0                       | 0           |
| Labourers and related workers              | Female        | 123                                    | 0                                                          | 1                                       | 0                       | 1           |
|                                            | Male          | 272                                    | 0                                                          | 30                                      | 0                       | 30          |
| <b>Sub-total</b>                           | <b>Female</b> | <b>12365</b>                           | <b>0</b>                                                   | <b>2248</b>                             | <b>0</b>                | <b>2248</b> |
|                                            | <b>Male</b>   | <b>7983</b>                            | <b>0</b>                                                   | <b>2220</b>                             | <b>0</b>                | <b>2220</b> |
| <b>Total</b>                               |               | <b>20348</b>                           | <b>0</b>                                                   | <b>4468</b>                             | <b>0</b>                | <b>4468</b> |

**Table 3.13.2 Training provided 1 April 2020 to 31 March 2021**

| Occupational category                      | Gender        | Number of employees as at 1 April 2020 | Training provided within the reporting period |                                         |                         |             |
|--------------------------------------------|---------------|----------------------------------------|-----------------------------------------------|-----------------------------------------|-------------------------|-------------|
|                                            |               |                                        | Learnerships                                  | Skills programmes & other short courses | Other forms of training | Total       |
| Legislators, senior officials and managers | Female        | 148                                    | 0                                             | 15                                      | 0                       | 15          |
|                                            | Male          | 188                                    | 0                                             | 33                                      | 0                       | 33          |
| Professionals                              | Female        | 3022                                   | 0                                             | 200                                     | 416                     | 616         |
|                                            | Male          | 2827                                   | 0                                             | 200                                     | 0                       | 200         |
| Technicians and associate professionals    | Female        | 1119                                   | 0                                             | 131                                     | 0                       | 131         |
|                                            | Male          | 669                                    | 0                                             | 86                                      | 0                       | 86          |
| Clerks                                     | Female        | 7836                                   | 0                                             | 441                                     | 0                       | 441         |
|                                            | Male          | 3732                                   | 0                                             | 295                                     | 62                      | 357         |
| Service and sales workers                  | Female        | 116                                    | 0                                             | 20                                      | 0                       | 20          |
|                                            | Male          | 282                                    | 0                                             | 67                                      | 0                       | 67          |
| Plant and machine operators and assemblers | Female        | 1                                      | 0                                             | 0                                       | 0                       | 0           |
|                                            | Male          | 13                                     | 0                                             | 1                                       | 0                       | 1           |
| Labourers and related workers              | Female        | 123                                    | 0                                             | 0                                       | 0                       | 0           |
|                                            | Male          | 272                                    | 0                                             | 1                                       | 0                       | 1           |
| <b>Sub-total</b>                           | <b>Female</b> | <b>12365</b>                           | <b>0</b>                                      | <b>807</b>                              | <b>416</b>              | <b>1223</b> |
|                                            | <b>Male</b>   | <b>7983</b>                            | <b>0</b>                                      | <b>683</b>                              | <b>62</b>               | <b>745</b>  |
| <b>Total</b>                               |               | <b>20348</b>                           | <b>0</b>                                      | <b>1490</b>                             | <b>478</b>              | <b>1968</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 2020 to 31 March 2021**

| Nature of injury on duty              | Number   | % of total   |
|---------------------------------------|----------|--------------|
| Required basic medical attention only | 7        | 100.0        |
| Temporary total disablement           | 0        | 0.0          |
| Permanent disablement                 | 0        | 0.0          |
| Fatal                                 | 0        | 0.0          |
| <b>Total</b>                          | <b>7</b> | <b>100.0</b> |

### 3.15 Utilisation of consultants

The following table relates information on the utilisation of consultants in the Department.

In terms of the Public Service Regulations, "consultant" means a natural or juristic person or a partnership who or which provides, in terms of a specific contract, on an ad hoc basis, any of the following professional services to a department against remuneration received from any source:

- The rendering of expert advice,
- The drafting of proposals for the execution of specific tasks, and
- The execution of a specific task which is of a technical or intellectual nature, but excludes an employee of the Department.

**Table 3.15.1: Report on consultants appointments using appropriated funds for the period 1 April 2020 to 31 March 2021**

| Project title                   | Total number of consultants that worked on the project | Duration: work days              | Contract value in Rand              |
|---------------------------------|--------------------------------------------------------|----------------------------------|-------------------------------------|
| Gender mainstreaming            | 1                                                      | 303                              | R1 185 671.18                       |
| <b>Total number of projects</b> | <b>Total individual consultants</b>                    | <b>Total duration: work days</b> | <b>Total contract value in Rand</b> |

**Table 3.15.2 –Analysis of consultant appointments using appropriated funds, in terms of historically disadvantaged individuals (HDI's) for the period 1 April 2020 to 31 March 2021**

| Project title | Percentage ownership by HDI groups | Percentage management by HDI groups | Number of consultants from HDI groups that work on the project |
|---------------|------------------------------------|-------------------------------------|----------------------------------------------------------------|
| -             | -                                  | -                                   | -                                                              |

**Table 3.15.3 Report on consultant appointments using donor funds for the period 1 April 2020 to 31 March 2021**

| Project title | Total number of consultants that worked on the project | Duration: work days              | Contract value in Rand              |
|---------------|--------------------------------------------------------|----------------------------------|-------------------------------------|
| -             | -                                                      | -                                | -                                   |
|               | <b>Total individual consultants</b>                    | <b>Total duration: work days</b> | <b>Total contract value in Rand</b> |
| -             | -                                                      | -                                | -                                   |

**Table 3.15.4 Report on consultant appointments using donor funds, in terms of historically disadvantaged individuals (HDI's) for the period 1 April 2020 to 31 March 2021**

| 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 2020 to 31 March 2021**

| Salary band                              | Number of applications received | Number of applications approved | Number of applications supported by MPSA | Number of packages approved by Department |
|------------------------------------------|---------------------------------|---------------------------------|------------------------------------------|-------------------------------------------|
| Lower skilled (Levels 1-2)               | 0                               | 0                               | 0                                        | 0                                         |
| Skilled (Levels 3-5)                     | 0                               | 0                               | 0                                        | 0                                         |
| Highly skilled production (Levels 6-8)   | 0                               | 0                               | 0                                        | 0                                         |
| Highly skilled supervision (Levels 9-12) | 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>                                  |



**PART E**  
**FINANCIAL**  
**INFORMATION**

# Table of Contents

|                                                                          |     |
|--------------------------------------------------------------------------|-----|
| Report of the Auditor-General                                            | 175 |
| Appropriation Statement                                                  | 183 |
| Notes to the Appropriation Statement                                     | 201 |
| Statement of Financial Performance                                       | 203 |
| Statement of Financial Position                                          | 204 |
| Statement of Changes in Net Assets                                       | 205 |
| Cash Flow Statement                                                      | 206 |
| Notes to the Annual Financial Statements (including accounting policies) | 207 |
| Annexures                                                                | 255 |



## 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 192 to 264, which comprise the appropriation statement, statement of financial position as at 31 March 2021, statement of financial performance, statement of changes in net assets, and cash flow statement for the year then ended, as well as the notes to the financial statements, including a summary of significant accounting policies.
2. In my opinion, except for the effects of the matter described in the basis for qualified opinion section of this auditor's 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 2021, and its financial performance and cash flows for the year then ended in accordance with the Modified Cash Standard (MCS) prescribed by National Treasury (NT) and the requirements of the Public Finance Management Act 1 of 1999 (PFMA).

#### Basis for qualified opinion.

#### Contingent liabilities

3. The Department did not estimate the likely settlement amounts for claims against the Department in accordance with MCS 14: *Provisions and contingents*. Dormant cases from the previous year were included in the current year opening balance. Furthermore, the department included amounts in contingent liabilities incurred during the year without being required as part of legal proceedings. Consequently, contingent liabilities was overstated by R234 610 613 (2020: R876 121 795).

#### Context for the opinion

4. I conducted my audit in accordance with the International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the auditor-general's responsibilities for the audit of the financial statements section of my report.

5. I am independent of the Department in accordance with the International Ethics Standards Board for Accountants' *International code of ethics for professional accountants (including International Independence Standards)* (IESBA code) as well as other ethical requirements that are relevant to my audit in South Africa. I have fulfilled my other ethical responsibilities in accordance with these requirements and the IESBA code.
6. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my qualified opinion.

#### Emphasis of matters

7. I draw attention to the matters below. My opinion is not modified in respect of these matters.

#### Material impairments - receivables

8. As disclosed in note 15.7 to the financial statements, material impairments of R1 362 928 000 (2020: R1 723 035 000) were reported. This was due to financial constraints of client departments.

#### Contingent assets

9. As disclosed in note 25 to the financial statements, an amount of R967 744 000 was disclosed as a contingent asset. This was due to disputes with client departments relating to the amounts owing as at 31 March 2021.

#### Restatement of corresponding figures

10. As disclosed in note 43 to the financial statements, the corresponding figures for 31 March 2020 were restated as a result of an error in the financial statements of the Department at, and for the year ended, 31 March 2021.

#### Other matter

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

## Annual Financial Statements

for the year ended 31 March 2021

### Unaudited supplementary schedules

- The supplementary information set out on pages 265 to 287 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

- The accounting officer is responsible for the preparation and fair presentation of the financial statements in accordance with the MCS prescribed by NT 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.
- In preparing the financial statements, the accounting officer is responsible for assessing the Department'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 appropriate governance structure 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

- 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.
- 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

- In accordance with the Public Audit Act 25 of 2004 (PAA) and the general notice issued in terms thereof, I have a responsibility to report on the usefulness and reliability of the reported performance information against predetermined objectives for selected programme presented in the annual performance report. I performed procedures to identify material findings but not to gather evidence to express assurance.
- My procedures address the usefulness and reliability of the reported performance information, which must be based on the department's approved performance planning documents. I have not evaluated the completeness and appropriateness of the performance indicators included in the planning documents. My procedures do not examine whether the actions taken by the Department enabled service delivery. My procedures do not extend to any disclosures or assertions relating to the extent of achievements in the current year or 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.
- 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 programme presented in the Department's annual performance report for the year ended 31 March 2021:

| Programmes                   | Pages in the annual performance report |
|------------------------------|----------------------------------------|
| Programme 2 – court services | 78-88                                  |

- 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

## Annual Financial Statements

for the year ended 31 March 2021

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 on the usefulness and reliability of the performance information are as follows:

### Programme 2 – court services

#### Various indicators

22. The achievements reported in the annual performance report materially differed from the supporting evidence provided for the indicators listed below:

| Indicator description                                                                                           | Reported achievement |
|-----------------------------------------------------------------------------------------------------------------|----------------------|
| 3.4.1 Percentage of child justice preliminary inquiries finalised within 90 days after date of first appearance | 90%                  |
| 3.12.1 Percentage of maintenance matters finalised within 90 days from the date of proper service of process    | 85%                  |
| 2.5.1 Percentage of criminal cases postponed due to unavailability of court administration staff                | 0.2%                 |
| 3.3.1 Percentage of criminal cases postponed due to unavailability of court administration staff                | 0.1%                 |

#### Indicator 3.5.1 Percentage of NRSO clearance certificates issued to applicants

23. The method of calculation for achieving the planned indicator was not clearly defined.
24. Adequate systems and processes were not established to enable consistent measurement and reliable reporting of performance against the predetermined indicator definitions.

#### Indicator 3.9.1 Percentage of disability-related complaints and investigations where reasonable measures were provided (level of access to justice by sex, age and disability)

25. The planned indicator was percentage of disability-related complaints and investigations where reasonable measures were provided, but the reported achievement

referred to was Policy framework on management of disability complaints and investigations developed.

#### Other matters

26. I draw attention to the matters below.

#### Achievement of planned targets

27. Refer to the annual performance report on pages 78 to 88 for information on the achievement of planned targets for the year and management explanations provided for the under/overachievement 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 22-25 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. As management subsequently corrected only some of the misstatements, we 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 department's compliance 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 legislation are as follows:

## Annual Financial Statements

for the year ended 31 March 2021

### 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, as required by Section 40(1) (a) of the PFMA.
32. Material misstatements of current assets and other disclosure items identified by the auditors in the submitted financial statements were corrected, but the uncorrected material misstatements resulted in the financial statements receiving a qualified opinion.

### Expenditure management

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 and appropriate steps were not taken to prevent irregular expenditure amounting to R401 570 000 as disclosed in note 31 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 irregular expenditure disclosed in the financial statements was caused by non-compliance with supply chain management legislation.

### Procurement and contract management

35. 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 and paragraph 3.3.1 of Practice Note 8 of 2007/08. Similar non-compliance was also reported in the prior year. This non-compliance was identified in the procurement processes for the State Attorney.
36. Some of the quotations were accepted from prospective suppliers who did not submit a declaration on whether they are employed by the state or connected to any person employed by the state, as required by treasury regulation 16A8.4 and paragraph 4.1.2 of Practice Note 7 of 2009/10. This non-compliance was identified in the procurement processes for the State Attorney.
37. Some of the contracts were awarded to bidders who did not submit a declaration on whether they are employed

by the state or connected to any person employed by the state, which is prescribed in order to comply with treasury regulation 16A8.3. Similar non-compliance was also reported in the prior year. This non-compliance was identified in the procurement processes for the State Attorney.

38. Some of the quotations were awarded to suppliers whose tax matters had not been declared by the South African Revenue Services to be in order as required by treasury regulation 16A9.1(d). Similar non-compliance was also reported in the prior year. This non-compliance was identified in the procurement processes for the State Attorney.
39. Some of the goods and services of a transaction value above R500 000 were procured without inviting competitive bids and deviations were approved by the accounting officer but it was practical to invite competitive bids, in contravention of treasury regulation 16A6.1 and paragraph 3.4.1 of Practice Note 8 of 2007/2008 and treasury regulation 16A6.4. Similar non-compliance was also reported in the prior year. This non-compliance was identified in the procurement processes for the State Attorney.
40. The preference point system was not applied in some of the procurement of goods and services above R30 000 as required by section 2(a) of the Preferential Procurement Policy Framework Act 5 of 2000 (PPPFA) and treasury regulation 16A6.3(b). Similar non-compliance was also reported in the prior year. This non-compliance was identified in the procurement processes for the State Attorney.
41. In some instances the COVID-19 personal protective equipment items were not procured by following the institution's normal procurement processes as required by paragraph 3.1 of NT Instruction Note 11 of 2020/21.
42. In some instances the prices of COVID-19 personal protective equipment items procured through the institution's normal processes were in excess of prices prescribed on Annexure A as required by paragraph 3.4 (c) and 3.9 of NT Instruction Note 11 of 2020/21.
43. In some instances the COVID-19 personal protective equipment items procured through quotations did not comply with local content requirements as required by paragraph 4.6 of NT Instruction Note 5 of 2020/21.

### Annual Financial Statements

for the year ended 31 March 2021

#### Revenue management

44. Effective and appropriate steps were not taken to collect all money due to the Department, as required by section 38(1)(c)(i) of the PFMA.

#### Asset management

45. The Department did not determine if any state institution involved in education and/or training required computer equipment before disposing of such equipment, as required by treasury regulation 16A.7.7.

#### Other information

46. 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 the selected programme presented in the annual performance report that has been specifically reported on in the auditor's report.
47. 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 on it.
48. 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 programme presented in the annual performance report, or my knowledge obtained in the audit, or otherwise appears to be materially misstated.
49. The other information I obtained prior to the date of this auditor's report are the report of the accounting officer, governance report and the human resource management report, and the audit committee report is expected to be made available to me after 31 August 2021.
50. If, based on the work I have performed on the other information that I obtained prior to the date of this auditor's report, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

51. When I do receive and read the general information and governance information reports, if I conclude that there is a material misstatement therein, I am required to communicate the matter to those charged with governance and request that the other information be corrected. If the other information is not corrected, I may have to retract this auditor's report and re-issue an amended report as appropriate. However, if it is corrected, this will not be necessary.

#### Internal control deficiencies

52. 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.
53. The accounting officer did not effectively oversee financial and performance reporting and compliance as well as related internal controls.
54. Management did not adequately monitor the action plan to address prior year findings resulting in similar findings in the current financial year.
55. 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.
56. Management did not adequately review and monitor compliance with applicable legislation.

#### Other reports

57. I draw attention to the following engagements conducted by various parties which had, or could have, an impact on the matters reported in the Department's financial statements, reported performance information, compliance with applicable legislation and other related matters. These reports noted did not form part of my opinion on the financial statements or my findings on the reported performance information or compliance with legislation.

## Annual Financial Statements

for the year ended 31 March 2021

58. At the Department's request, an independent consultant is investigating allegations of possible procurement irregularities in the risk and security environment, which covered the period 2008-09 to 2018-19. Two reports on investigations into the procurement processes relating to specific security related awards were issued in February 2020 and resulted in disciplinary proceedings being instituted. These proceedings and the remaining scope of the investigation was still in progress at the date of this auditor's report. Disciplinary processes are still ongoing. A third report with recommendations was also issued.
59. The president of the country has, in terms of the Special Investigating Units and Special Tribunals Act 74 of 1996 (SIUSTA), authorised the Special Investigating Unit to investigate the affairs of the Department of Justice and Constitutional Development in so far as they relate to the Office of the State Attorney and all its branches. This investigation, which covers the period 2012/2013 to 2018/2019, was still in progress at the date of this auditor's report.
60. The president of the country has, in terms of SIUSTA, authorised the Special Investigating Unit to investigate the affairs of the Department of Justice and Constitutional Development in so far as it relates to all Masters Offices across the country. This investigation was still in progress at the date of this auditor's report.

*Auditor - General*

Pretoria

31 August 2021



**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 programme 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 relating to events or conditions that may cast significant doubt on the ability of the Department of Justice and Constitutional Development 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 my

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 operating as a going concern

- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and determine 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 provide the accounting officer with a statement that I have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to bear on my independence and, where applicable, actions taken to eliminate threats or safeguards applied.



## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21 APPROPRIATION STATEMENT

for the year ended 31 March 2021

| Appropriation per programme          |                                 | 2020/2021                  |                   |                              |                             |                   |                                              |                              | 2019/2020                   |  |
|--------------------------------------|---------------------------------|----------------------------|-------------------|------------------------------|-----------------------------|-------------------|----------------------------------------------|------------------------------|-----------------------------|--|
| Programme                            | Adjusted Appropriation<br>R'000 | Shifting of Funds<br>R'000 | Virement<br>R'000 | Final Appropriation<br>R'000 | Actual Expenditure<br>R'000 | Variance<br>R'000 | Expenditure as % of final appropriation<br>% | Final Appropriation<br>R'000 | Actual Expenditure<br>R'000 |  |
| 1. Administration                    | 2 626 606                       | -                          | 294 143           | 2 920 749                    | 2 704 685                   | 216 064           | 92,6%                                        | 2 589 469                    | 2 537 688                   |  |
| 2. Court services                    | 6 510 981                       | -                          | (137 747)         | 6 373 234                    | 6 204 613                   | 168 621           | 97,4%                                        | 6 595 401                    | 6 428 654                   |  |
| 3. State legal services              | 1 330 615                       | -                          | 124 208           | 1 454 823                    | 1 374 690                   | 80 133            | 94,5%                                        | 1 544 762                    | 1 295 058                   |  |
| 4. National Prosecuting Authority    | 4 266 879                       | -                          | 33 940            | 4 300 819                    | 4 196 852                   | 103 967           | 97,6%                                        | 4 134 650                    | 4 009 197                   |  |
| 5. Auxiliary and associated services | 3 931 202                       | -                          | (314 544)         | 3 616 658                    | 3 404 641                   | 212 017           | 94,1%                                        | 3 917 223                    | 3 917 223                   |  |
| <b>Subtotal</b>                      | <b>18 666 283</b>               | -                          | -                 | <b>18 666 283</b>            | <b>17 885 481</b>           | <b>780 802</b>    | <b>95,8%</b>                                 | <b>18 781 505</b>            | <b>18 187 820</b>           |  |
| <b>Statutory Appropriation</b>       | <b>2 442 459</b>                | -                          | -                 | <b>2 442 459</b>             | <b>2 146 761</b>            | <b>295 698</b>    | <b>87,9%</b>                                 | <b>2 263 695</b>             | <b>2 100 166</b>            |  |
| Magistrates' salaries                | 2 442 459                       | -                          | -                 | 2 442 459                    | 2 146 761                   | 295 698           | 87,9%                                        | 2 263 695                    | 2 100 166                   |  |
| <b>TOTAL</b>                         | <b>21 108 742</b>               | -                          | -                 | <b>21 108 742</b>            | <b>20 032 242</b>           | <b>1 076 500</b>  | <b>94,9%</b>                                 | <b>21 045 200</b>            | <b>20 287 986</b>           |  |

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**APPROPRIATION STATEMENT**  
for the year ended 31 March 2021

|                                                                                  | 2020/2021           |                    | 2019/2020           |                    |
|----------------------------------------------------------------------------------|---------------------|--------------------|---------------------|--------------------|
|                                                                                  | 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                                                            | 337 335             |                    | 423 528             |                    |
| NRF receipts                                                                     | -                   |                    | -                   |                    |
| Aid assistance                                                                   | 93 811              |                    | 144 622             |                    |
| <b>Actual amounts per statement of financial performance (total revenue)</b>     | <b>21 539 888</b>   |                    | <b>21 613 350</b>   |                    |
| <b>ADD</b>                                                                       |                     |                    |                     |                    |
| Aid assistance                                                                   |                     | 75 045             |                     | 134 710            |
| Prior year unauthorised expenditure approved without funding                     |                     |                    |                     |                    |
| <b>Actual amounts per statement of financial performance (total expenditure)</b> |                     | <b>20 107 287</b>  |                     | <b>20 422 696</b>  |

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21 APPROPRIATION STATEMENT

for the year ended 31 March 2021

| Appropriation per economic classification   |                   | 2020/2021              |                   |                   |                     |                    |              |                                         | 2019/2020           |                    |  |
|---------------------------------------------|-------------------|------------------------|-------------------|-------------------|---------------------|--------------------|--------------|-----------------------------------------|---------------------|--------------------|--|
|                                             |                   | Adjusted Appropriation | Shifting of Funds | Virement          | Final Appropriation | Actual Expenditure | Variance     | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |  |
|                                             | R'000             | R'000                  | R'000             | R'000             | R'000               | R'000              | %            | R'000                                   | R'000               | R'000              |  |
| <b>Economic classification</b>              |                   |                        |                   |                   |                     |                    |              |                                         |                     |                    |  |
| <b>Current payments</b>                     | <b>17 206 850</b> | <b>(39 365)</b>        | <b>(64 038)</b>   | <b>17 103 447</b> | <b>16 136 184</b>   | <b>967 263</b>     | <b>94,3%</b> | <b>17 154 524</b>                       | <b>16 675 807</b>   |                    |  |
| Compensation of employees                   | 12 129 589        | -                      | (13 909)          | 12 115 680        | 11 524 139          | 591 541            | 95,1%        | 11 813 988                              | 11 377 251          |                    |  |
| Salaries and wages                          | 10 552 719        | (135 299)              | (13 724)          | 10 403 696        | 9 947 983           | 455 713            | 95,6%        | 10 172 433                              | 9 861 325           |                    |  |
| Social contributions                        | 1 576 870         | 135 299                | (185)             | 1 711 984         | 1 576 156           | 135 828            | 92,1%        | 1 641 555                               | 1 515 926           |                    |  |
| Goods and services                          | 5 077 261         | (39 365)               | (50 129)          | 4 987 767         | 4 612 045           | 375 722            | 92,5%        | 5 340 536                               | 5 298 556           |                    |  |
| Administrative fees                         | 29 525            | (6 499)                | -                 | 23 026            | 23 026              | -                  | 100,0%       | 25 664                                  | 25 664              |                    |  |
| Advertising                                 | 27 660            | (7 020)                | (3 807)           | 16 833            | 16 833              | -                  | 100,0%       | 17 152                                  | 17 152              |                    |  |
| Minor assets                                | 57 412            | (28 889)               | 461               | 28 984            | 28 984              | -                  | 100,0%       | 33 983                                  | 33 983              |                    |  |
| Audit costs: External                       | 41 754            | (10 515)               | -                 | 31 239            | 31 239              | -                  | 100,0%       | 39 123                                  | 39 123              |                    |  |
| Bursaries: Employees                        | 6 814             | 220                    | -                 | 7 034             | 7 034               | -                  | 100,0%       | 6 359                                   | 6 359               |                    |  |
| Catering: Departmental activities           | 8 488             | (7 491)                | -                 | 997               | 997                 | -                  | 100,0%       | 7 402                                   | 7 402               |                    |  |
| Communication                               | 147 771           | (38 838)               | 268               | 109 201           | 109 201             | -                  | 100,0%       | 117 678                                 | 117 678             |                    |  |
| Computer services                           | 1 063 740         | 97 927                 | (151 376)         | 1 010 291         | 820 864             | 189 427            | 81,2%        | 907 949                                 | 907 949             |                    |  |
| Consultants: Business and advisory services | 195 571           | (43 189)               | (4 569)           | 147 813           | 135 745             | 12 068             | 91,8%        | 257 260                                 | 257 260             |                    |  |
| Laboratory services                         | 1 637             | (1 134)                | -                 | 503               | 503                 | -                  | 100,0%       | 798                                     | 798                 |                    |  |
| Legal services                              | 162 290           | 12 916                 | 64 241            | 239 447           | 182 568             | 56 879             | 76,2%        | 248 912                                 | 248 912             |                    |  |
| Contractors                                 | 35 068            | 79 532                 | -                 | 114 600           | 114 600             | -                  | 100,0%       | 166 269                                 | 166 269             |                    |  |
| Agency and support / outsourced services    | 241 937           | (24 813)               | -                 | 217 124           | 202 606             | 14 518             | 93,3%        | 470 876                                 | 470 876             |                    |  |
| Entertainment                               | 8                 | (4)                    | -                 | 4                 | 4                   | -                  | 100,0%       | 4                                       | 4                   |                    |  |
| Fleet services                              | 65 270            | (17 735)               | -                 | 47 535            | 47 535              | -                  | 100,0%       | 66 359                                  | 66 359              |                    |  |

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

### APPROPRIATION STATEMENT

for the year ended 31 March 2021

|                                                     | Appropriation per economic classification |                   |               |                     |                    |               |                                         |                     |                    |  |
|-----------------------------------------------------|-------------------------------------------|-------------------|---------------|---------------------|--------------------|---------------|-----------------------------------------|---------------------|--------------------|--|
|                                                     | 2020/2021                                 |                   |               |                     |                    | 2019/2020     |                                         |                     |                    |  |
|                                                     | Adjusted Appropriation                    | Shifting of Funds | Virement      | Final Appropriation | Actual Expenditure | Variance      | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |  |
| R'000                                               | R'000                                     | R'000             | R'000         | R'000               | R'000              | %             | R'000                                   | R'000               | R'000              |  |
| Inventory: Other supplies                           | -                                         | 113               | -             | 113                 | 113                | -             | 100,0%                                  | 49                  | 49                 |  |
| Consumable supplies                                 | 140 671                                   | (85 514)          | (9 823)       | 45 334              | 45 334             | -             | 100,0%                                  | 14 357              | 14 357             |  |
| Consumable: Stationery printing and office supplies | 231 131                                   | (87 793)          | 25 441        | 168 779             | 168 779            | -             | 100,0%                                  | 183 016             | 183 016            |  |
| Operating leases                                    | 991 193                                   | 6 877             | 40 000        | 1 038 070           | 944 239            | 93 831        | 91,0%                                   | 968 740             | 955 522            |  |
| Property payments                                   | 1 226 806                                 | 161 845           | -             | 1 389 051           | 1 381 973          | 7 078         | 99,5%                                   | 1 244 179           | 1 215 417          |  |
| Transport provided: Departmental activity           | 159                                       | (159)             | -             | -                   | -                  | -             | -                                       | -                   | -                  |  |
| Travel and subsistence                              | 186 682                                   | 37 682            | (10 965)      | 213 399             | 211 478            | 1 921         | 99,1%                                   | 385 830             | 385 830            |  |
| Training and development                            | 24 275                                    | (20 976)          | -             | 3 299               | 3 299              | -             | 100,0%                                  | 8 789               | 8 789              |  |
| Operating payments                                  | 180 843                                   | (50 805)          | -             | 130 038             | 130 038            | -             | 100,0%                                  | 154 250             | 154 250            |  |
| Venues and facilities                               | 7 546                                     | (3 301)           | -             | 4 245               | 4 245              | -             | 100,0%                                  | 12 086              | 12 086             |  |
| Rental and hiring                                   | 2 610                                     | (1 802)           | -             | 808                 | 808                | -             | 100,0%                                  | 3 452               | 3 452              |  |
| <b>Transfers and subsidies</b>                      | <b>3 067 780</b>                          | <b>-</b>          | <b>46 233</b> | <b>3 114 013</b>    | <b>3 076 592</b>   | <b>37 421</b> | <b>98,8%</b>                            | <b>3 013 869</b>    | <b>2 992 808</b>   |  |
| Provinces and municipalities                        | 1 007                                     | (303)             | (14)          | 690                 | 690                | -             | 100,0%                                  | 752                 | 752                |  |
| Municipalities                                      | 1 007                                     | (303)             | (14)          | 690                 | 690                | -             | 100,0%                                  | 752                 | 752                |  |
| Municipal bank accounts                             | 1 007                                     | (303)             | (14)          | 690                 | 690                | -             | 100,0%                                  | 752                 | 752                |  |
| Departmental agencies and accounts                  | 2 924 285                                 | (4)               | 31 357        | 2 955 638           | 2 955 638          | -             | 100,0%                                  | 2 893 530           | 2 893 310          |  |
| Social security funds                               | -                                         | -                 | -             | -                   | -                  | -             | -                                       | -                   | -                  |  |
| Departmental agencies and accounts                  | 2 924 285                                 | (4)               | 31 357        | 2 955 638           | 2 955 638          | -             | 100,0%                                  | 2 893 530           | 2 893 310          |  |
| Foreign governments and international organisations | 18 859                                    | -                 | (2 811)       | 16 048              | 14 498             | 1 550         | 90,3%                                   | 13 176              | 12 956             |  |

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21 APPROPRIATION STATEMENT

for the year ended 31 March 2021

| Appropriation per economic classification | 2020/2021              |                   |                  |                     |                    |                  |                                         |                     |                    |                     | 2019/2020          |  |  |
|-------------------------------------------|------------------------|-------------------|------------------|---------------------|--------------------|------------------|-----------------------------------------|---------------------|--------------------|---------------------|--------------------|--|--|
|                                           | Adjusted Appropriation | Shifting of Funds | Virement         | Final Appropriation | Actual Expenditure | Variance         | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure | Final Appropriation | Actual expenditure |  |  |
|                                           | R'000                  | R'000             | R'000            | R'000               | R'000              | R'000            | %                                       | R'000               | R'000              | R'000               | R'000              |  |  |
| Households                                | 123 629                | 307               | 17 701           | 141 637             | 105 766            | 35 871           | 74,7%                                   | 106 411             | 85 790             | 106 411             | 85 790             |  |  |
| Social benefits                           | 119 260                | 1 508             | 16 592           | 137 360             | 101 489            | 35 871           | 73,9%                                   | 93 806              | 73 185             | 93 806              | 73 185             |  |  |
| Other transfers to households             | 4 369                  | (1 201)           | 1 109            | 4 277               | 4 277              | -                | 100,0%                                  | 12 605              | 12 605             | 12 605              | 12 605             |  |  |
| <b>Payments for capital assets</b>        | <b>833 523</b>         | <b>1 305</b>      | <b>(107 824)</b> | <b>727 004</b>      | <b>655 187</b>     | <b>71 817</b>    | <b>90,1%</b>                            | <b>695 738</b>      | <b>608 602</b>     | <b>695 738</b>      | <b>608 602</b>     |  |  |
| Buildings and other fixed structures      | 456 945                | 1 458             | (115 000)        | 343 403             | 290 661            | 52 742           | 84,6%                                   | 328 019             | 305 357            | 328 019             | 305 357            |  |  |
| Buildings                                 | 456 245                | 2 082             | (115 000)        | 343 327             | 290 585            | 52 742           | 84,6%                                   | 327 365             | 304 703            | 327 365             | 304 703            |  |  |
| Other fixed structures                    | 700                    | (624)             | -                | 76                  | 76                 | -                | 100,0%                                  | 654                 | 654                | 654                 | 654                |  |  |
| Machinery and equipment                   | 375 078                | (18 083)          | 7 176            | 364 171             | 346 596            | 17 575           | 95,2%                                   | 355 196             | 290 722            | 355 196             | 290 722            |  |  |
| Transport equipment                       | 81 335                 | 24 026            | 52               | 105 413             | 78 569             | 26 844           | 74,5%                                   | 121 365             | 121 365            | 121 365             | 121 365            |  |  |
| Other machinery and equipment             | 293 743                | (42 109)          | 7 124            | 258 758             | 268 027            | (9 269)          | 103,6%                                  | 233 831             | 169 357            | 233 831             | 169 357            |  |  |
| Software and other intangible assets      | 1 500                  | 17 930            | 0                | 19 430              | 17 930             | 1 500            | 92,3%                                   | 12 523              | 12 523             | 12 523              | 12 523             |  |  |
| <b>Payments for financial assets</b>      | <b>589</b>             | <b>38 060</b>     | <b>125 629</b>   | <b>164 278</b>      | <b>164 278</b>     | <b>-</b>         | <b>100,0%</b>                           | <b>181 069</b>      | <b>10 769</b>      | <b>181 069</b>      | <b>10 769</b>      |  |  |
| <b>Total</b>                              | <b>21 108 742</b>      | <b>-</b>          | <b>-</b>         | <b>21 108 742</b>   | <b>20 032 242</b>  | <b>1 076 500</b> | <b>94,9%</b>                            | <b>21 045 200</b>   | <b>20 287 986</b>  | <b>21 045 200</b>   | <b>20 287 986</b>  |  |  |

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21 APPROPRIATION STATEMENT

for the year ended 31 March 2021

| Programme 1: Administration       |                  | 2019/2020              |                   |                  |                     |                    |              |                                         |                     |                    |  |
|-----------------------------------|------------------|------------------------|-------------------|------------------|---------------------|--------------------|--------------|-----------------------------------------|---------------------|--------------------|--|
| 2020/2021                         |                  | Adjusted Appropriation | Shifting of Funds | Virement         | Final Appropriation | Actual Expenditure | Variance     | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |  |
|                                   |                  | R'000                  | R'000             | R'000            | R'000               | R'000              | R'000        | %                                       | R'000               | R'000              |  |
| <b>Subprogramme</b>               |                  |                        |                   |                  |                     |                    |              |                                         |                     |                    |  |
| 1. Ministry                       | 38 057           | (7 927)                | -                 | 30 130           | 28 338              | 1 792              | 94,1%        | 39 960                                  | 39 960              |                    |  |
| 2. Management                     | 57 224           | (2 289)                | -                 | 54 935           | 47 783              | 7 152              | 87,0%        | 54 869                                  | 50 373              |                    |  |
| 3. Corporate service              | 796 725          | 33 252                 | 246 459           | 1 076 436        | 986 337             | 90 099             | 91,6%        | 851 764                                 | 851 655             |                    |  |
| 4. Financial administration       | 221 043          | (16 640)               | 7 684             | 212 087          | 200 480             | 11 607             | 94,5%        | 207 691                                 | 203 477             |                    |  |
| 5. Internal audit                 | 95 385           | (6 396)                | -                 | 88 989           | 84 484              | 4 505              | 94,9%        | 90 719                                  | 89 737              |                    |  |
| 6. Office accommodation           | 1 418 172        | -                      | 40 000            | 1 458 172        | 1 357 263           | 100 909            | 93,1%        | 1 344 466                               | 1 302 486           |                    |  |
| <b>Total for subprogrammes</b>    | <b>2 626 606</b> | <b>-</b>               | <b>294 143</b>    | <b>2 920 749</b> | <b>2 704 685</b>    | <b>216 064</b>     | <b>92,6%</b> | <b>2 589 469</b>                        | <b>2 537 688</b>    |                    |  |
| <b>Economic classification</b>    |                  |                        |                   |                  |                     |                    |              |                                         |                     |                    |  |
| <b>Current payments</b>           | <b>2 591 615</b> | <b>-</b>               | <b>271 753</b>    | <b>2 863 368</b> | <b>2 647 304</b>    | <b>216 064</b>     | <b>92,5%</b> | <b>2 515 388</b>                        | <b>2 463 716</b>    |                    |  |
| Compensation of employees         | 619 224          | -                      | (2 744)           | 616 480          | 569 034             | 47 446             | 92,3%        | 602 463                                 | 592 771             |                    |  |
| Salaries and wages                | 542 517          | (4 816)                | (2 559)           | 535 142          | 497 112             | 38 030             | 92,9%        | 529 370                                 | 522 775             |                    |  |
| Social contributions              | 76 707           | 4 816                  | (185)             | 81 338           | 71 922              | 9 416              | 88,4%        | 73 093                                  | 69 996              |                    |  |
| Goods and services                | 1 972 391        | -                      | 274 497           | 2 246 888        | 2 078 270           | 168 618            | 92,5%        | 1 912 925                               | 1 870 945           |                    |  |
| Administrative fees               | 3 754            | 177                    | -                 | 3 931            | 3 931               | -                  | 100,0%       | 6 058                                   | 6 058               |                    |  |
| Advertising                       | 20 892           | (1 835)                | (3 807)           | 15 250           | 15 250              | -                  | 100,0%       | 15 335                                  | 15 335              |                    |  |
| Minor assets                      | 5 521            | (4 057)                | -                 | 1 464            | 1 464               | -                  | 100,0%       | 2 013                                   | 2 013               |                    |  |
| Audit costs: External             | 41 754           | (10 515)               | -                 | 31 239           | 31 239              | -                  | 100,0%       | 39 096                                  | 39 096              |                    |  |
| Bursaries: Employees              | 6 109            | (1 589)                | -                 | 4 520            | 4 520               | -                  | 100,0%       | 4 451                                   | 4 451               |                    |  |
| Catering: Departmental activities | 2 303            | (1 956)                | -                 | 347              | 347                 | -                  | 100,0%       | 3 083                                   | 3 083               |                    |  |
| Communication                     | 20 129           | (8 143)                | 268               | 12 254           | 12 254              | -                  | 100,0%       | 14 449                                  | 14 449              |                    |  |



## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21 APPROPRIATION STATEMENT

for the year ended 31 March 2021

| Programme 1: Administration                         |                        |                   |              |                     |                    |          |                                         |                     |                    |       |           |
|-----------------------------------------------------|------------------------|-------------------|--------------|---------------------|--------------------|----------|-----------------------------------------|---------------------|--------------------|-------|-----------|
| 2020/2021                                           |                        |                   |              |                     |                    |          |                                         |                     |                    |       | 2019/2020 |
|                                                     | Adjusted Appropriation | Shifting of Funds | Virement     | Final Appropriation | Actual Expenditure | Variance | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |       |           |
|                                                     | R'000                  | R'000             | R'000        | R'000               | R'000              | R'000    | %                                       | R'000               | R'000              | R'000 | R'000     |
| Computer services                                   | 156 192                | 60 374            | 194 170      | 410 736             | 410 736            | -        | 100,0%                                  | 17 767              | 17 767             |       |           |
| Consultants: Business and advisory services         | 114 384                | 2 762             | (4 569)      | 112 577             | 101 747            | 10 830   | 90,4%                                   | 224 488             | 224 488            |       |           |
| Scientific and technological services               | -                      | -                 | -            | -                   | -                  | -        | -                                       | -                   | -                  |       |           |
| Legal services                                      | 62 832                 | 14 724            | 63 887       | 141 443             | 84 564             | 56 879   | 59,8%                                   | 87 019              | 87 019             |       |           |
| Contractors                                         | 7 431                  | (3 406)           | -            | 4 025               | 4 025              | -        | 100,0%                                  | 6 043               | 6 043              |       |           |
| Agency and support / outsourced services            | 3 001                  | (1 813)           | -            | 1 188               | 1 188              | -        | 100,0%                                  | 33 279              | 33 279             |       |           |
| Entertainment                                       | 8                      | (4)               | -            | 4                   | 4                  | -        | 100,0%                                  | 4                   | 4                  |       |           |
| Fleet services                                      | 2 855                  | (1 915)           | -            | 940                 | 940                | -        | 100,0%                                  | 1 979               | 1 979              |       |           |
| Consumable supplies                                 | 5 965                  | (1 693)           | -            | 4 272               | 4 272              | -        | 100,0%                                  | 431                 | 431                |       |           |
| Consumable: Stationery printing and office supplies | 20 224                 | (2 568)           | (4 487)      | 13 169              | 13 169             | -        | 100,0%                                  | 15 843              | 15 843             |       |           |
| Operating leases                                    | 967 624                | (5 009)           | 40 000       | 1 002 615           | 908 784            | 93 831   | 90,6%                                   | 921 488             | 908 270            |       |           |
| Property payments                                   | 461 457                | (1 831)           | -            | 459 626             | 452 548            | 7 078    | 98,5%                                   | 435 767             | 407 005            |       |           |
| Transport provided: Departmental activity           | 113                    | (113)             | -            | -                   | -                  | -        | -                                       | -                   | -                  |       |           |
| Travel and subsistence                              | 45 684                 | (17 279)          | (10 965)     | 17 440              | 17 440             | -        | 100,0%                                  | 64 433              | 64 433             |       |           |
| Training and development                            | 10 980                 | (9 718)           | -            | 1 262               | 1 262              | -        | 100,0%                                  | 2 124               | 2 124              |       |           |
| Operating payments                                  | 9 953                  | (2 810)           | -            | 7 143               | 7 143              | -        | 100,0%                                  | 11 144              | 11 144             |       |           |
| Venues and facilities                               | 2 626                  | (1 320)           | -            | 1 306               | 1 306              | -        | 100,0%                                  | 4 270               | 4 270              |       |           |
| Rental and hiring                                   | 600                    | (463)             | -            | 137                 | 137                | -        | 100,0%                                  | 2 361               | 2 361              |       |           |
| <b>Transfers and subsidies</b>                      | <b>19 127</b>          | <b>-</b>          | <b>2 836</b> | <b>21 963</b>       | <b>21 963</b>      | <b>-</b> | <b>100,0%</b>                           | <b>21 630</b>       | <b>21 521</b>      |       |           |

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21 APPROPRIATION STATEMENT

for the year ended 31 March 2021

| Programme 1: Administration                         |                                 |                            |                   |                              |                             |                   |                                              |                              |                             |  |
|-----------------------------------------------------|---------------------------------|----------------------------|-------------------|------------------------------|-----------------------------|-------------------|----------------------------------------------|------------------------------|-----------------------------|--|
| 2020/2021                                           | 2019/2020                       |                            |                   |                              |                             |                   |                                              |                              |                             |  |
|                                                     | Adjusted Appropriation<br>R'000 | Shifting of Funds<br>R'000 | Virement<br>R'000 | Final Appropriation<br>R'000 | Actual Expenditure<br>R'000 | Variance<br>R'000 | Expenditure as % of final appropriation<br>% | Final Appropriation<br>R'000 | Actual expenditure<br>R'000 |  |
| Provinces and municipalities                        | 46                              | (12)                       | -                 | 34                           | 34                          | -                 | 100,0%                                       | 38                           | 38                          |  |
| Municipalities                                      | 46                              | (12)                       | -                 | 34                           | 34                          | -                 | 100,0%                                       | 38                           | 38                          |  |
| Municipal bank accounts                             | 46                              | (12)                       | -                 | 34                           | 34                          | -                 | 100,0%                                       | 38                           | 38                          |  |
| Municipal agencies and funds                        | -                               | -                          | -                 | -                            | -                           | -                 | -                                            | -                            | -                           |  |
| Departmental agencies and accounts                  | 18 336                          | 15                         | 92                | 18 443                       | 18 443                      | -                 | 100,0%                                       | 17 361                       | 17 252                      |  |
| Social security funds                               | -                               | -                          | -                 | -                            | -                           | -                 | -                                            | -                            | -                           |  |
| Departmental agencies and accounts                  | 18 336                          | 15                         | 92                | 18 443                       | 18 443                      | -                 | 100,0%                                       | 17 361                       | 17 252                      |  |
| Foreign governments and international organisations | -                               | -                          | -                 | -                            | -                           | -                 | -                                            | -                            | -                           |  |
| Households                                          | 745                             | (3)                        | 2 744             | 3 486                        | 3 486                       | -                 | 100,0%                                       | 4 231                        | 4 231                       |  |
| Social benefits                                     | 745                             | (3)                        | 2 744             | 3 486                        | 3 486                       | -                 | 100,0%                                       | 4 158                        | 4 158                       |  |
| Other transfers to households                       | -                               | -                          | -                 | -                            | -                           | -                 | -                                            | 73                           | 73                          |  |
| <b>Payments for capital assets</b>                  | <b>15 863</b>                   | <b>-</b>                   | <b>19 554</b>     | <b>35 417</b>                | <b>35 417</b>               | <b>-</b>          | <b>100,0%</b>                                | <b>52 078</b>                | <b>52 078</b>               |  |
| Buildings and other fixed structures                | -                               | -                          | -                 | -                            | -                           | -                 | -                                            | 243                          | 243                         |  |
| Buildings                                           | -                               | -                          | -                 | -                            | -                           | -                 | -                                            | 243                          | 243                         |  |
| Machinery and equipment                             | 15 863                          | -                          | 19 554            | 35 417                       | 35 417                      | -                 | 100,0%                                       | 51 835                       | 51 835                      |  |
| Transport equipment                                 | 2 664                           | (1 509)                    | 52                | 1 207                        | 1 207                       | -                 | 100,0%                                       | 2 310                        | 2 310                       |  |
| Other machinery and equipment                       | 13 199                          | 1 509                      | 19 502            | 34 210                       | 34 210                      | -                 | 100,0%                                       | 49 525                       | 49 525                      |  |
| Software and other intangible assets                | -                               | -                          | -                 | -                            | -                           | -                 | -                                            | -                            | -                           |  |
| <b>Payments for financial assets</b>                | <b>1</b>                        | <b>-</b>                   | <b>-</b>          | <b>1</b>                     | <b>1</b>                    | <b>-</b>          | <b>100,0%</b>                                | <b>373</b>                   | <b>373</b>                  |  |
| <b>Total</b>                                        | <b>2 626 606</b>                | <b>-</b>                   | <b>294 143</b>    | <b>2 920 749</b>             | <b>2 704 685</b>            | <b>216 064</b>    | <b>92,6%</b>                                 | <b>2 589 469</b>             | <b>2 537 688</b>            |  |

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21 APPROPRIATION STATEMENT

for the year ended 31 March 2021

| Programme 2: Court services                 |                        |                   |                  |                     |                    |                |                                         |                     |                    |  |           |
|---------------------------------------------|------------------------|-------------------|------------------|---------------------|--------------------|----------------|-----------------------------------------|---------------------|--------------------|--|-----------|
| 2020/2021                                   |                        |                   |                  |                     |                    |                |                                         |                     |                    |  | 2019/2020 |
|                                             | Adjusted Appropriation | Shifting of Funds | Virement         | Final Appropriation | Actual Expenditure | Variance       | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |  |           |
|                                             | R'000                  | R'000             | R'000            | R'000               | R'000              | R'000          | %                                       | R'000               | R'000              |  | R'000     |
| <b>Subprogramme</b>                         |                        |                   |                  |                     |                    |                |                                         |                     |                    |  |           |
| 1. Lower courts                             | 5 003 917              | 105 899           | (386)            | 5 109 430           | 5 052 616          | 56 814         | 98,9%                                   | 5 260 593           | 5 230 090          |  |           |
| 2. Family Advocate                          | 261 185                | (14 867)          | (125)            | 246 193             | 236 702            | 9 491          | 96,1%                                   | 243 568             | 242 341            |  |           |
| 3. Magistrate's Commission                  | 18 294                 | (966)             | -                | 17 328              | 13 417             | 3 911          | 77,4%                                   | 22 999              | 17 411             |  |           |
| 4. Facilities management                    | 577 969                | (77 101)          | (122 719)        | 378 149             | 324 503            | 53 646         | 85,8%                                   | 378 645             | 355 983            |  |           |
| 5. Administration of courts                 | 649 616                | (12 965)          | (14 517)         | 622 134             | 577 375            | 44 759         | 92,8%                                   | 689 596             | 582 829            |  |           |
| <b>Total for subprogrammes</b>              | <b>6 510 981</b>       | <b>-</b>          | <b>(137 747)</b> | <b>6 373 234</b>    | <b>6 204 613</b>   | <b>168 621</b> | <b>97,4%</b>                            | <b>6 595 401</b>    | <b>6 428 654</b>   |  |           |
| <b>Economic classification</b>              |                        |                   |                  |                     |                    |                |                                         |                     |                    |  |           |
| <b>Current payments</b>                     | <b>5 874 795</b>       | <b>(10 720)</b>   | <b>(17 627)</b>  | <b>5 846 448</b>    | <b>5 737 862</b>   | <b>108 586</b> | <b>98,1%</b>                            | <b>6 080 651</b>    | <b>5 936 566</b>   |  |           |
| Compensation of employees                   | 4 334 389              | -                 | (7 763)          | 4 326 626           | 4 218 040          | 108 586        | 97,5%                                   | 4 324 787           | 4 180 702          |  |           |
| Salaries and wages                          | 3 690 927              | (103 887)         | (7 763)          | 3 579 277           | 3 471 021          | 108 256        | 97,0%                                   | 3 608 736           | 3 469 464          |  |           |
| Social contributions                        | 643 462                | 103 887           | -                | 747 349             | 747 019            | 330            | 100,0%                                  | 716 051             | 711 238            |  |           |
| Goods and services                          | 1 540 406              | (10 720)          | (9 864)          | 1 519 822           | 1 519 822          | -              | 100,0%                                  | 1 755 864           | 1 755 864          |  |           |
| Administrative fees                         | 7 119                  | (3 422)           | -                | 3 697               | 3 697              | -              | 100,0%                                  | 6 698               | 6 698              |  |           |
| Advertising                                 | 3 464                  | (2 255)           | -                | 1 209               | 1 209              | -              | 100,0%                                  | 1 179               | 1 179              |  |           |
| Minor assets                                | 34 019                 | (15 313)          | (35)             | 18 671              | 18 671             | -              | 100,0%                                  | 22 388              | 22 388             |  |           |
| Audit costs: External                       | -                      | -                 | -                | -                   | -                  | -              | -                                       | 14                  | 14                 |  |           |
| Catering: Departmental activities           | 3 073                  | (2 766)           | -                | 307                 | 307                | -              | 100,0%                                  | 2 493               | 2 493              |  |           |
| Communication                               | 96 404                 | (24 753)          | -                | 71 651              | 71 651             | -              | 100,0%                                  | 74 706              | 74 706             |  |           |
| Computer services                           | 1 616                  | (1 170)           | (6)              | 440                 | 440                | -              | 100,0%                                  | 483                 | 483                |  |           |
| Consultants: Business and advisory services | 36 986                 | (8 633)           | -                | 28 353              | 28 353             | -              | 100,0%                                  | 27 539              | 27 539             |  |           |

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21 APPROPRIATION STATEMENT

for the year ended 31 March 2021

| Programme 2: Court services                         |                        |                   |              |                     |                    |          |                                         |                     |                    |       |               |
|-----------------------------------------------------|------------------------|-------------------|--------------|---------------------|--------------------|----------|-----------------------------------------|---------------------|--------------------|-------|---------------|
| 2020/2021                                           |                        |                   |              |                     |                    |          |                                         |                     |                    |       | 2019/2020     |
|                                                     | Adjusted Appropriation | Shifting of Funds | Virement     | Final Appropriation | Actual Expenditure | Variance | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |       |               |
|                                                     | R'000                  | R'000             | R'000        | R'000               | R'000              | R'000    | %                                       | R'000               | R'000              | R'000 | R'000         |
| Laboratory services                                 | 1 637                  | (1 134)           | -            | 503                 | 503                | -        | 100,0%                                  | 798                 | 798                |       | 798           |
| Legal services                                      | 31 722                 | (7 290)           | -            | 24 432              | 24 432             | -        | 100,0%                                  | 33 083              | 33 083             |       | 33 083        |
| Contractors                                         | 18 043                 | 77 643            | -            | 95 686              | 95 686             | -        | 100,0%                                  | 152 327             | 152 327            |       | 152 327       |
| Agency and support / outsourced services            | 84 353                 | (15 288)          | -            | 69 065              | 69 065             | -        | 100,0%                                  | 220 167             | 220 167            |       | 220 167       |
| Fleet services                                      | 50 438                 | (16 150)          | -            | 34 288              | 34 288             | -        | 100,0%                                  | 44 445              | 44 445             |       | 44 445        |
| Consumable supplies                                 | 109 162                | (65 602)          | (9 823)      | 33 737              | 33 737             | -        | 100,0%                                  | 11 286              | 11 286             |       | 11 286        |
| Consumable: Stationery printing and office supplies | 172 039                | (99 246)          | -            | 72 693              | 72 693             | -        | 100,0%                                  | 120 266             | 120 266            |       | 120 266       |
| Operating leases                                    | 1 110                  | 2 636             | -            | 3 746               | 3 746              | -        | 100,0%                                  | 3 706               | 3 706              |       | 3 706         |
| Property payments                                   | 698 496                | 150 310           | -            | 848 806             | 848 806            | -        | 100,0%                                  | 724 143             | 724 143            |       | 724 143       |
| Transport provided: Departmental activity           | 14                     | (14)              | -            | -                   | -                  | -        | -                                       | -                   | -                  |       | -             |
| Travel and subsistence                              | 94 320                 | 54 398            | -            | 148 718             | 148 718            | -        | 100,0%                                  | 215 595             | 215 595            |       | 215 595       |
| Training and development                            | 6 354                  | (4 927)           | -            | 1 427               | 1 427              | -        | 100,0%                                  | 2 854               | 2 854              |       | 2 854         |
| Operating payments                                  | 85 485                 | (24 784)          | -            | 60 701              | 60 701             | -        | 100,0%                                  | 86 776              | 86 776             |       | 86 776        |
| Venues and facilities                               | 3 298                  | (2 277)           | -            | 1 021               | 1 021              | -        | 100,0%                                  | 4 195               | 4 195              |       | 4 195         |
| Rental and hiring                                   | 1 254                  | (583)             | -            | 671                 | 671                | -        | 100,0%                                  | 723                 | 723                |       | 723           |
| <b>Transfers and subsidies</b>                      | <b>31 016</b>          | <b>-</b>          | <b>7 929</b> | <b>38 945</b>       | <b>38 945</b>      | <b>-</b> | <b>100,0%</b>                           | <b>23 488</b>       | <b>23 488</b>      |       | <b>23 488</b> |
| Provinces and municipalities                        | 917                    | (278)             | -            | 639                 | 639                | -        | 100,0%                                  | 696                 | 696                |       | 696           |
| Municipalities                                      | 917                    | (278)             | -            | 639                 | 639                | -        | 100,0%                                  | 696                 | 696                |       | 696           |
| Municipal bank accounts                             | 917                    | (278)             | -            | 639                 | 639                | -        | 100,0%                                  | 696                 | 696                |       | 696           |
| Departmental agencies and accounts                  | 64                     | (28)              | -            | 36                  | 36                 | -        | 100,0%                                  | 46                  | 46                 |       | 46            |

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21 APPROPRIATION STATEMENT

for the year ended 31 March 2021

| Programme 2: Court services          |                        |                   |                  |                     |                    |                |                                         |                     |                    |       |
|--------------------------------------|------------------------|-------------------|------------------|---------------------|--------------------|----------------|-----------------------------------------|---------------------|--------------------|-------|
| 2020/2021                            |                        |                   |                  |                     |                    | 2019/2020      |                                         |                     |                    |       |
|                                      | Adjusted Appropriation | Shifting of Funds | Virement         | Final Appropriation | Actual Expenditure | Variance       | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |       |
|                                      | R'000                  | R'000             | R'000            | R'000               | R'000              | R'000          | %                                       | R'000               | R'000              | R'000 |
| Departmental agencies and accounts   | 64                     | (28)              | -                | 36                  | 36                 | -              | 100,0%                                  | 46                  | 46                 |       |
| Households                           | 30 035                 | 306               | 7 929            | 38 270              | 38 270             | -              | 100,0%                                  | 22 746              | 22 746             |       |
| Social benefits                      | 28 166                 | 2 057             | 7 734            | 37 957              | 37 957             | -              | 100,0%                                  | 22 125              | 22 125             |       |
| Other transfers to households        | 1 869                  | (1 751)           | 195              | 313                 | 313                | -              | 100,0%                                  | 621                 | 621                |       |
| <b>Payments for capital assets</b>   | <b>604 986</b>         | <b>-</b>          | <b>(128 049)</b> | <b>476 937</b>      | <b>416 902</b>     | <b>60 035</b>  | <b>87,4%</b>                            | <b>485 590</b>      | <b>462 928</b>     |       |
| Buildings and other fixed structures | 456 945                | 1 458             | (115 000)        | 343 403             | 290 661            | 52 742         | 84,6%                                   | 327 738             | 305 076            |       |
| Buildings                            | 456 245                | 2 082             | (115 000)        | 343 327             | 290 585            | 52 742         | 84,6%                                   | 327 084             | 304 422            |       |
| Other fixed structures               | 700                    | (624)             | -                | 76                  | 76                 | -              | 100,0%                                  | 654                 | 654                |       |
| Machinery and equipment              | 148 041                | (1 504)           | (13 049)         | 133 488             | 126 195            | 7 293          | 94,5%                                   | 157 852             | 157 852            |       |
| Transport equipment                  | 46 786                 | 139               | (671)            | 46 254              | 42 654             | 3 600          | 92,2%                                   | 79 643              | 79 643             |       |
| Other machinery and equipment        | 101 255                | (1 643)           | (12 378)         | 87 234              | 83 541             | 3 693          | 95,8%                                   | 78 209              | 78 209             |       |
| Software and other intangible assets | -                      | 46                | -                | 46                  | 46                 | -              | 100,0%                                  | -                   | -                  |       |
| <b>Payments for financial assets</b> | <b>184</b>             | <b>10 720</b>     | <b>-</b>         | <b>10 904</b>       | <b>10 904</b>      | <b>-</b>       | <b>100,0%</b>                           | <b>5 672</b>        | <b>5 672</b>       |       |
| <b>Total</b>                         | <b>6 510 981</b>       | <b>-</b>          | <b>(137 747)</b> | <b>6 373 234</b>    | <b>6 204 613</b>   | <b>168 621</b> | <b>97,4%</b>                            | <b>6 595 401</b>    | <b>6 428 654</b>   |       |

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**APPROPRIATION STATEMENT**  
for the year ended 31 March 2021

| Programme 3: State legal services         |                        |                   |                |                     |                    |               |                                         |                     |                    |  |
|-------------------------------------------|------------------------|-------------------|----------------|---------------------|--------------------|---------------|-----------------------------------------|---------------------|--------------------|--|
| 2020/2021                                 |                        |                   |                |                     |                    | 2019/2020     |                                         |                     |                    |  |
|                                           | Adjusted Appropriation | Shifting of Funds | Virement       | Final Appropriation | Actual Expenditure | Variance      | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |  |
|                                           | R'000                  | R'000             | R'000          | R'000               | R'000              | R'000         | %                                       | R'000               | R'000              |  |
| <b>Subprogramme</b>                       |                        |                   |                |                     |                    |               |                                         |                     |                    |  |
| 1. State law advisors                     | 79 083                 | (1 603)           | -              | 77 480              | 67 759             | 9 721         | 87,5%                                   | 79 763              | 70 261             |  |
| 2. Litigation and legal services          | 500 814                | 30 827            | 127 132        | 658 773             | 636 150            | 22 623        | 96,6%                                   | 726 995             | 533 841            |  |
| 3. Legislative development and law reform | 115 138                | (3 974)           | -              | 111 164             | 89 577             | 21 587        | 80,6%                                   | 99 669              | 89 632             |  |
| 4. Master of the High Court               | 552 821                | (13 656)          | (113)          | 539 052             | 517 816            | 21 236        | 96,1%                                   | 553 022             | 532 020            |  |
| 5. Constitutional development             | 82 759                 | (11 594)          | (2 811)        | 68 354              | 63 388             | 4 966         | 92,7%                                   | 85 313              | 69 304             |  |
| <b>Total for subprogrammes</b>            | <b>1 330 615</b>       | <b>-</b>          | <b>124 208</b> | <b>1 454 823</b>    | <b>1 374 690</b>   | <b>80 133</b> | <b>94,5%</b>                            | <b>1 544 762</b>    | <b>1 295 058</b>   |  |
| <b>Economic classification</b>            |                        |                   |                |                     |                    |               |                                         |                     |                    |  |
| <b>Current payments</b>                   | <b>1 286 495</b>       | <b>(27 340)</b>   | <b>1</b>       | <b>1 259 156</b>    | <b>1 184 283</b>   | <b>74 873</b> | <b>94,1%</b>                            | <b>1 326 214</b>    | <b>1 248 741</b>   |  |
| Compensation of employees                 | 1 151 947              | -                 | (353)          | 1 151 594           | 1 079 880          | 71 714        | 93,8%                                   | 1 162 518           | 1 085 045          |  |
| Salaries and wages                        | 1 013 256              | (20 086)          | (353)          | 992 817             | 927 662            | 65 155        | 93,4%                                   | 1 005 371           | 936 743            |  |
| Social contributions                      | 138 691                | 20 086            | -              | 158 777             | 152 218            | 6 559         | 95,9%                                   | 157 147             | 148 302            |  |
| Goods and services                        | 134 548                | (27 340)          | 354            | 107 562             | 104 403            | 3 159         | 97,1%                                   | 163 696             | 163 696            |  |
| Administrative fees                       | 2 086                  | (1 161)           | -              | 925                 | 925                | -             | 100,0%                                  | 2 010               | 2 010              |  |
| Advertising                               | 1 587                  | (1 214)           | -              | 373                 | 373                | -             | 100,0%                                  | 599                 | 599                |  |
| Minor assets                              | 5 919                  | (4 153)           | -              | 1 766               | 1 766              | -             | 100,0%                                  | 3 738               | 3 738              |  |
| Audit costs: External                     | -                      | -                 | -              | -                   | -                  | -             | -                                       | 13                  | 13                 |  |
| Catering: Departmental activities         | 635                    | (516)             | -              | 119                 | 119                | -             | 100,0%                                  | 1 239               | 1 239              |  |
| Communication                             | 14 237                 | (5 446)           | -              | 8 791               | 8 791              | -             | 100,0%                                  | 11 122              | 11 122             |  |
| Computer services                         | 168                    | (148)             | -              | 20                  | 20                 | -             | 100,0%                                  | 19                  | 19                 |  |



## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21 APPROPRIATION STATEMENT

for the year ended 31 March 2021

| Programme 3: State legal services                   |                        |                   |            |                     |                    |              |                                         |                     |                    |               |
|-----------------------------------------------------|------------------------|-------------------|------------|---------------------|--------------------|--------------|-----------------------------------------|---------------------|--------------------|---------------|
| 2020/2021                                           |                        |                   |            |                     |                    | 2019/2020    |                                         |                     |                    |               |
|                                                     | Adjusted Appropriation | Shifting of Funds | Virement   | Final Appropriation | Actual Expenditure | Variance     | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |               |
|                                                     | R'000                  | R'000             | R'000      | R'000               | R'000              | R'000        | %                                       | R'000               | R'000              | R'000         |
| Consultants: Business and advisory services         | 7 221                  | (5 517)           | -          | 1 704               | 466                | 1 238        | 27,3%                                   | 1 709               | 1 709              | 1 709         |
| Laboratory services                                 | -                      | -                 | -          | -                   | -                  | -            | -                                       | -                   | -                  | -             |
| Legal services                                      | 41 271                 | 13 447            | 354        | 55 072              | 55 072             | -            | 100,0%                                  | 75 038              | 75 038             | 75 038        |
| Contractors                                         | 708                    | (540)             | -          | 168                 | 168                | -            | 100,0%                                  | 737                 | 737                | 737           |
| Agency and support / outsourced services            | 1 008                  | (916)             | -          | 92                  | 92                 | -            | 100,0%                                  | -                   | -                  | -             |
| Fleet services                                      | 3 234                  | (1 826)           | -          | 1 408               | 1 408              | -            | 100,0%                                  | 2 060               | 2 060              | 2 060         |
| Consumable supplies                                 | 3 634                  | (2 503)           | -          | 1 131               | 1 131              | -            | 100,0%                                  | 820                 | 820                | 820           |
| Consumable: Stationery printing and office supplies | 16 398                 | (4 263)           | -          | 12 135              | 12 135             | -            | 100,0%                                  | 14 741              | 14 741             | 14 741        |
| Operating leases                                    | 4 722                  | 1 038             | -          | 5 760               | 5 760              | -            | 100,0%                                  | 6 177               | 6 177              | 6 177         |
| Property payments                                   | 1 976                  | (623)             | -          | 1 353               | 1 353              | -            | 100,0%                                  | 1 834               | 1 834              | 1 834         |
| Transport provided: Departmental activity           | 32                     | (32)              | -          | -                   | -                  | -            | -                                       | -                   | -                  | -             |
| Travel and subsistence                              | 15 987                 | (3 682)           | -          | 12 305              | 10 384             | 1 921        | 84,4%                                   | 34 076              | 34 076             | 34 076        |
| Training and development                            | 3 118                  | (3 024)           | -          | 94                  | 94                 | -            | 100,0%                                  | 277                 | 277                | 277           |
| Operating payments                                  | 8 372                  | (4 626)           | -          | 3 746               | 3 746              | -            | 100,0%                                  | 4 775               | 4 775              | 4 775         |
| Venues and facilities                               | 1 492                  | (892)             | -          | 600                 | 600                | -            | 100,0%                                  | 2 344               | 2 344              | 2 344         |
| Rental and hiring                                   | 743                    | (743)             | -          | -                   | -                  | -            | 100,0%                                  | 368                 | 368                | 368           |
| <b>Transfers and subsidies</b>                      | <b>24 255</b>          | <b>-</b>          | <b>240</b> | <b>24 495</b>       | <b>22 945</b>      | <b>1 550</b> | <b>93,7%</b>                            | <b>32 030</b>       | <b>31 810</b>      | <b>31 810</b> |
| Provinces and municipalities                        | 44                     | (13)              | (14)       | 17                  | 17                 | -            | 100,0%                                  | 18                  | 18                 | 18            |
| Municipalities                                      | 44                     | (13)              | (14)       | 17                  | 17                 | -            | 100,0%                                  | 18                  | 18                 | 18            |

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21 APPROPRIATION STATEMENT

for the year ended 31 March 2021

| Programme 3: State legal services                   |                        |                   |                |                     |                    |               |                                         |                     |                    |       |                  |
|-----------------------------------------------------|------------------------|-------------------|----------------|---------------------|--------------------|---------------|-----------------------------------------|---------------------|--------------------|-------|------------------|
| 2020/2021                                           |                        |                   |                |                     |                    |               |                                         |                     |                    |       | 2019/2020        |
|                                                     | Adjusted Appropriation | Shifting of Funds | Virement       | Final Appropriation | Actual Expenditure | Variance      | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |       |                  |
|                                                     | R'000                  | R'000             | R'000          | R'000               | R'000              | R'000         | %                                       | R'000               | R'000              | R'000 | R'000            |
| Municipal bank accounts                             | 44                     | (13)              | (14)           | 17                  | 17                 | -             | 100,0%                                  | 18                  | 18                 |       | 18               |
| Departmental agencies and accounts                  | 6                      | 9                 | -              | 15                  | 15                 | -             | 100,0%                                  | 3                   | 3                  |       | 3                |
| Departmental agencies and accounts                  | 6                      | 9                 | -              | 15                  | 15                 | -             | 100,0%                                  | 3                   | 3                  |       | 3                |
| Foreign governments and international organisations | 18 859                 | -                 | (2 811)        | 16 048              | 14 498             | 1 550         | 90,3%                                   | 13 176              | 12 956             |       | 12 956           |
| Households                                          | 5 346                  | 4                 | 3 065          | 8 415               | 8 415              | -             | 100,0%                                  | 18 833              | 18 833             |       | 18 833           |
| Social benefits                                     | 2 846                  | (546)             | 3 065          | 5 365               | 5 365              | -             | 100,0%                                  | 6 982               | 6 982              |       | 6 982            |
| Other transfers to households                       | 2 500                  | 550               | -              | 3 050               | 3 050              | -             | 100,0%                                  | 11 851              | 11 851             |       | 11 851           |
| <b>Payments for capital assets</b>                  | <b>19 461</b>          | <b>-</b>          | <b>-</b>       | <b>19 461</b>       | <b>15 751</b>      | <b>3 710</b>  | <b>80,9%</b>                            | <b>16 067</b>       | <b>14 356</b>      |       | <b>14 356</b>    |
| Building and other fixed structures                 |                        |                   |                |                     |                    |               |                                         |                     |                    |       | 38               |
| Building                                            |                        |                   |                |                     |                    |               |                                         |                     |                    |       | 38               |
| Machinery and equipment                             | 17 961                 | -                 | -              | 17 961              | 15 751             | 2 210         | 87,7%                                   | 16 029              | 14 318             |       | 14 318           |
| Transport equipment                                 | 3 739                  | 2 452             | -              | 6 191               | 6 191              | -             | 100,0%                                  | 3 742               | 3 742              |       | 3 742            |
| Other machinery and equipment                       | 14 222                 | (2 452)           | -              | 11 770              | 9 560              | 2 210         | 81,2%                                   |                     |                    |       |                  |
| Software and other intangible assets                | 1 500                  | -                 | -              | 1 500               | -                  | 1 500         | 100,0%                                  | 12 287              | 10 576             |       | 10 576           |
| <b>Payments for financial assets</b>                | <b>404</b>             | <b>27 340</b>     | <b>123 967</b> | <b>151 711</b>      | <b>151 711</b>     | <b>-</b>      | <b>100,0%</b>                           | <b>170 451</b>      | <b>151</b>         |       | <b>151</b>       |
| <b>Total</b>                                        | <b>1 330 615</b>       | <b>-</b>          | <b>124 208</b> | <b>1 454 823</b>    | <b>1 374 690</b>   | <b>80 133</b> | <b>94,5%</b>                            | <b>1 544 762</b>    | <b>1 295 058</b>   |       | <b>1 295 058</b> |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21 APPROPRIATION STATEMENT

for the year ended 31 March 2021

| Programme 4: National Prosecuting Authority |                        |                   |               |                     |                    |                |                                         |                     |                    |           |
|---------------------------------------------|------------------------|-------------------|---------------|---------------------|--------------------|----------------|-----------------------------------------|---------------------|--------------------|-----------|
| 2020/2021                                   |                        |                   |               |                     |                    |                |                                         |                     |                    | 2019/2020 |
|                                             | Adjusted Appropriation | Shifting of Funds | Virement      | Final Appropriation | Actual Expenditure | Variance       | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |           |
|                                             | R'000                  | R'000             | R'000         | R'000               | R'000              | R'000          | %                                       | R'000               | R'000              | R'000     |
| <b>Subprogramme</b>                         |                        |                   |               |                     |                    |                |                                         |                     |                    |           |
| 1. National prosecutions service            | 3 352 304              | (21 630)          | 2 512         | 3 333 186           | 3 245 330          | 87 856         | 97,4%                                   | 3 221 116           | 3 215 783          |           |
| 2. Assets forfeiture unit                   | 173 935                | (10 793)          | 33            | 163 175             | 149 150            | 14 025         | 91,4%                                   | 153 146             | 126 861            |           |
| 3. Office for witness protection            | 190 229                | (13 943)          | 47            | 176 333             | 176 333            | -              | 100,0%                                  | 192 770             | 192 770            |           |
| 4. Support services                         | 550 411                | 46 366            | 31 348        | 628 125             | 626 039            | 2 086          | 99,7%                                   | 567 618             | 473 783            |           |
| <b>Total for subprogrammes</b>              | <b>4 266 879</b>       | <b>-</b>          | <b>33 940</b> | <b>4 300 819</b>    | <b>4 196 852</b>   | <b>103 967</b> | <b>97,6%</b>                            | <b>4 134 650</b>    | <b>4 009 197</b>   |           |
| <b>Economic classification</b>              |                        |                   |               |                     |                    |                |                                         |                     |                    |           |
| <b>Current payments</b>                     | <b>4 097 019</b>       | <b>-</b>          | <b>26 879</b> | <b>4 123 898</b>    | <b>4 019 931</b>   | <b>103 967</b> | <b>97,5%</b>                            | <b>3 992 871</b>    | <b>3 930 292</b>   |           |
| Compensation of employees                   | 3 659 711              | -                 | (3 049)       | 3 656 662           | 3 552 695          | 103 967        | 97,2%                                   | 3 504 592           | 3 442 013          |           |
| Salaries and wages                          | 3 238 743              | (6 510)           | (3 049)       | 3 229 184           | 3 139 003          | 90 181         | 97,2%                                   | 3 083 307           | 3 027 185          |           |
| Social contributions                        | 420 968                | 6 510             | -             | 427 478             | 413 692            | 13 786         | 96,8%                                   | 421 285             | 414 828            |           |
| Goods and services                          | 437 308                | -                 | 29 928        | 467 236             | 467 236            | -              | 100,0%                                  | 488 279             | 488 279            |           |
| Administrative fees                         | 16 561                 | (2 093)           | -             | 14 468              | 14 468             | -              | 100,0%                                  | 10 876              | 10 876             |           |
| Advertising                                 | 1 692                  | (1 692)           | -             | -                   | -                  | -              | -                                       | 38                  | 38                 |           |
| Minor assets                                | 3 950                  | 249               | -             | 4 199               | 4 199              | -              | 100,0%                                  | 4 797               | 4 797              |           |
| Bursaries: Employees                        | 705                    | 1 809             | -             | 2 514               | 2 514              | -              | 100,0%                                  | 1 908               | 1 908              |           |
| Catering: Departmental activities           | 2 471                  | (2 251)           | -             | 220                 | 220                | -              | 100,0%                                  | 585                 | 585                |           |
| Communication                               | 16 989                 | (484)             | -             | 16 505              | 16 505             | -              | 100,0%                                  | 17 406              | 17 406             |           |
| Computer services                           | 60 185                 | 28 508            | -             | 88 693              | 88 693             | -              | 100,0%                                  | 74 128              | 74 128             |           |
| Consultants: Business and advisory services | 32 270                 | (27 091)          | -             | 5 179               | 5 179              | -              | 100,0%                                  | 3 480               | 3 480              |           |
| Legal services                              | 26 465                 | (7 965)           | -             | 18 500              | 18 500             | -              | 100,0%                                  | 53 772              | 53 772             |           |

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**APPROPRIATION STATEMENT**  
for the year ended 31 March 2021

| Programme 4: National Prosecuting Authority         |                        |                   |              |                     |                    |           |                                         |                     |                    |               |
|-----------------------------------------------------|------------------------|-------------------|--------------|---------------------|--------------------|-----------|-----------------------------------------|---------------------|--------------------|---------------|
| 2020/2021                                           |                        |                   |              |                     |                    | 2019/2020 |                                         |                     |                    |               |
|                                                     | Adjusted Appropriation | Shifting of Funds | Virement     | Final Appropriation | Actual Expenditure | Variance  | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |               |
|                                                     | R'000                  | R'000             | R'000        | R'000               | R'000              | R'000     | %                                       | R'000               | R'000              | R'000         |
| Contractors                                         | 8 464                  | 6 257             | -            | 14 721              | 14 721             | -         | 100,0%                                  | 7 162               | 7 162              | 7 162         |
| Agency and support / outsourced services            | 23 411                 | (9 037)           | -            | 14 374              | 14 374             | -         | 100,0%                                  | 17 204              | 17 204             | 17 204        |
| Fleet services                                      | 8 743                  | 2 156             | -            | 10 899              | 10 899             | -         | 100,0%                                  | 17 875              | 17 875             | 17 875        |
| Inventory: Other supplies                           | -                      | 113               | -            | 113                 | 113                | -         | 100,0%                                  | 49                  | 49                 | 49            |
| Consumable supplies                                 | 21 778                 | (15 584)          | -            | 6 194               | 6 194              | -         | 100,0%                                  | 1 604               | 1 604              | 1 604         |
| Consumable: Stationery printing and office supplies | 20 548                 | 20 306            | 29 928       | 70 782              | 70 782             | -         | 100,0%                                  | 32 122              | 32 122             | 32 122        |
| Operating leases                                    | 17 737                 | 8 212             | -            | 25 949              | 25 949             | -         | 100,0%                                  | 37 369              | 37 369             | 37 369        |
| Property payments                                   | 65 277                 | 13 989            | -            | 79 266              | 79 266             | -         | 100,0%                                  | 82 435              | 82 435             | 82 435        |
| Transport provided: Departmental activity           | -                      | -                 | -            | -                   | -                  | -         | -                                       | -                   | -                  | -             |
| Travel and subsistence                              | 30 181                 | 4 698             | -            | 34 879              | 34 879             | -         | 100,0%                                  | 71 414              | 71 414             | 71 414        |
| Training and development                            | 2 952                  | (2 922)           | -            | 30                  | 30                 | -         | 100,0%                                  | 1 714               | 1 714              | 1 714         |
| Operating payments                                  | 76 916                 | (18 483)          | -            | 58 433              | 58 433             | -         | 100,0%                                  | 51 511              | 51 511             | 51 511        |
| Venues and facilities                               | -                      | 1 318             | -            | 1 318               | 1 318              | -         | 100,0%                                  | 830                 | 830                | 830           |
| Rental and hiring                                   | 13                     | (13)              | -            | -                   | -                  | -         | -                                       | -                   | -                  | -             |
| <b>Transfers and subsidies</b>                      | <b>19 963</b>          | -                 | <b>4 728</b> | <b>24 691</b>       | <b>24 691</b>      | -         | <b>100,0%</b>                           | <b>26 623</b>       | <b>26 512</b>      | <b>26 512</b> |
| Departmental agencies and accounts                  | 10 601                 | -                 | 765          | 11 366              | 11 366             | -         | 100,0%                                  | 10 089              | 9 978              | 9 978         |
| Social security funds                               | -                      | -                 | -            | -                   | -                  | -         | -                                       | -                   | -                  | -             |
| Departmental agencies and accounts                  | 10 601                 | -                 | 765          | 11 366              | 11 366             | -         | 100,0%                                  | 10 089              | 9 978              | 9 978         |
| Households                                          | 9 362                  | -                 | 3 963        | 13 325              | 13 325             | -         | 100,0%                                  | 16 534              | 16 534             | 16 534        |

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21 APPROPRIATION STATEMENT

for the year ended 31 March 2021

| Programme 4: National Prosecuting Authority |                        |                   |               |                     |                    |                |                                         |                     |                    |       |
|---------------------------------------------|------------------------|-------------------|---------------|---------------------|--------------------|----------------|-----------------------------------------|---------------------|--------------------|-------|
| 2020/2021                                   |                        |                   |               |                     |                    | 2019/2020      |                                         |                     |                    |       |
|                                             | Adjusted Appropriation | Shifting of Funds | Virement      | Final Appropriation | Actual Expenditure | Variance       | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |       |
|                                             | R'000                  | R'000             | R'000         | R'000               | R'000              | R'000          | %                                       | R'000               | R'000              | R'000 |
| Social benefits                             | 9 362                  | -                 | 3 049         | 12 411              | 12 411             | -              | 100,0%                                  | 16 474              | 16 474             |       |
| Other transfers to households               | -                      | -                 | 914           | 914                 | 914                | -              | 100,0%                                  | 60                  | 60                 |       |
| <b>Payments for capital assets</b>          | <b>149 897</b>         | -                 | <b>671</b>    | <b>150 568</b>      | <b>150 568</b>     | -              | <b>100,0%</b>                           | <b>110 583</b>      | <b>47 820</b>      |       |
| Machinery and equipment                     | 149 897                | -                 | 671           | 150 568             | 150 568            | -              | 100,0%                                  | 110 583             | 47 820             |       |
| Transport equipment                         | 28 146                 | 22 944            | 671           | 51 761              | 28 517             | 23 244         | 55.1%                                   | 35 670              | 35 670             |       |
| Other machinery and equipment               | 121 751                | (22 944)          | -             | 98 807              | 122 051            | (23 244)       | 123.5%                                  | 74 913              | 12 150             |       |
| <b>Payments for financial assets</b>        | -                      | -                 | <b>1 662</b>  | <b>1 662</b>        | <b>1 662</b>       | -              | <b>100,0%</b>                           | <b>4 573</b>        | <b>4 573</b>       |       |
| <b>Total</b>                                | <b>4 266 879</b>       | -                 | <b>33 940</b> | <b>4 300 819</b>    | <b>4 196 852</b>   | <b>103 967</b> | <b>97,6%</b>                            | <b>4 134 650</b>    | <b>4 009 197</b>   |       |

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21 APPROPRIATION STATEMENT

for the year ended 31 March 2021

| Programme 5: Auxiliary and associated services |                        |                   |                  |                     |                    |                |                                         |                     |                    |       |         |
|------------------------------------------------|------------------------|-------------------|------------------|---------------------|--------------------|----------------|-----------------------------------------|---------------------|--------------------|-------|---------|
| 2020/21                                        |                        |                   |                  |                     |                    |                |                                         |                     |                    |       | 2019/20 |
|                                                | Adjusted Appropriation | Shifting of Funds | Virement         | Final Appropriation | Actual Expenditure | Variance       | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |       |         |
|                                                | R'000                  | R'000             | R'000            | R'000               | R'000              | R'000          | %                                       | R'000               | R'000              | R'000 | R'000   |
| <b>Subprogramme</b>                            |                        |                   |                  |                     |                    |                |                                         |                     |                    |       |         |
| 1. Legal Aid South Africa                      | 1 958 883              | -                 | -                | 1 958 883           | 1 958 883          | -              | 100,0%                                  | 1 970 973           | 1 970 973          |       |         |
| 2. Special Investigation Unit                  | 421 662                | -                 | -                | 421 662             | 421 662            | -              | 100,0%                                  | 363 023             | 363 023            |       |         |
| 3. Public Protector of South Africa            | 322 994                | -                 | 30 500           | 353 494             | 353 494            | -              | 100,0%                                  | 342 030             | 342 030            |       |         |
| 4. South African Human Rights Commission       | 191 739                | -                 | -                | 191 739             | 191 739            | -              | 100,0%                                  | 190 005             | 190 005            |       |         |
| 5. Justice Modernisation                       | 1 035 924              | -                 | (345 044)        | 690 880             | 478 863            | 212 017        | 69,3%                                   | 1 051 192           | 1 051 192          |       |         |
| <b>Total for sub programmes</b>                | <b>3 931 202</b>       | <b>-</b>          | <b>(314 544)</b> | <b>3 616 659</b>    | <b>3 404 641</b>   | <b>212 018</b> | <b>94,1%</b>                            | <b>3 917 223</b>    | <b>3 917 223</b>   |       |         |
| <b>Economic classification</b>                 |                        |                   |                  |                     |                    |                |                                         |                     |                    |       |         |
| <b>Current payments</b>                        | <b>992 608</b>         | <b>(1 305)</b>    | <b>(345 044)</b> | <b>646 259</b>      | <b>442 314</b>     | <b>203 945</b> | <b>68,4%</b>                            | <b>1 019 772</b>    | <b>1 019 772</b>   |       |         |
| Goods and services                             | 992 608                | (1 305)           | (345 044)        | 646 259             | 442 314            | 203 945        | 68,4%                                   | 1 019 772           | 1 019 772          |       |         |
| Administrative fees                            | 5                      | -                 | -                | 5                   | 5                  | -              | 100,0%                                  | 22                  | 22                 |       |         |
| Advertising                                    | 25                     | (24)              | -                | 1                   | 1                  | -              | 100,0%                                  | 1                   | 1                  |       |         |
| Minor assets                                   | 8 003                  | (5 615)           | 496              | 2 884               | 2 884              | -              | 100,0%                                  | 1 047               | 1 047              |       |         |
| Catering: Departmental activities              | 6                      | (2)               | -                | 4                   | 4                  | -              | 100,0%                                  | 2                   | 2                  |       |         |
| Communication                                  | 12                     | (12)              | -                | -                   | -                  | -              | -                                       | (5)                 | (5)                |       |         |
| Computer services                              | 845 579                | 10 363            | (345 540)        | 510 402             | 320 975            | 189 427        | 62,8%                                   | 815 552             | 815 552            |       |         |
| Consultants: Business and advisory services    | 4 710                  | (4 710)           | -                | -                   | -                  | -              | -                                       | 44                  | 44                 |       |         |
| Contractors                                    | 422                    | (422)             | -                | -                   | -                  | -              | -                                       | -                   | -                  |       |         |

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21 APPROPRIATION STATEMENT

for the year ended 31 March 2021

| Programme 5: Auxiliary and associated services      |                        |                   |                  |                     |                    |                |                                         |                     |                    |       |         |
|-----------------------------------------------------|------------------------|-------------------|------------------|---------------------|--------------------|----------------|-----------------------------------------|---------------------|--------------------|-------|---------|
| 2020/21                                             |                        |                   |                  |                     |                    |                |                                         |                     |                    |       | 2019/20 |
|                                                     | Adjusted Appropriation | Shifting of Funds | Virement         | Final Appropriation | Actual Expenditure | Variance       | Expenditure as % of final appropriation | Final Appropriation | Actual expenditure |       |         |
|                                                     | R'000                  | R'000             | R'000            | R'000               | R'000              | R'000          | %                                       | R'000               | R'000              | R'000 | R'000   |
| Agency and support / outsourced services            | 130 164                | 2 241             | -                | 132 405             | 117 887            | 14 518         | 89,0%                                   | 200 226             | 200 226            |       |         |
| Consumable supplies                                 | 132                    | (132)             | -                | -                   | -                  | -              | -                                       | 216                 | 216                |       |         |
| Consumable: Stationery printing and office supplies | 1 922                  | (1 922)           | -                | -                   | -                  | -              | -                                       | 44                  | 44                 |       |         |
| Travel and subsistence                              | 510                    | (453)             | -                | 57                  | 57                 | -              | 100,0%                                  | 312                 | 312                |       |         |
| Training and development                            | 871                    | (385)             | -                | 486                 | 486                | -              | 100,0%                                  | 1 820               | 1 820              |       |         |
| Operating payments                                  | 117                    | (102)             | -                | 15                  | 15                 | -              | 100,0%                                  | 44                  | 44                 |       |         |
| Venues and facilities                               | 130                    | (130)             | -                | -                   | -                  | -              | -                                       | 447                 | 447                |       |         |
| <b>Transfers and subsidies</b>                      | <b>2 895 278</b>       | <b>-</b>          | <b>30 500</b>    | <b>2 925 778</b>    | <b>2 925 778</b>   | <b>-</b>       | <b>100,0%</b>                           | <b>2 866 031</b>    | <b>2 866 031</b>   |       |         |
| Departmental agencies and accounts                  | 2 895 278              | -                 | 30 500           | 2 925 778           | 2 925 778          | -              | 100,0%                                  | 2 866 031           | 2 866 031          |       |         |
| Social security funds                               | -                      | -                 | -                | -                   | -                  | -              | -                                       | -                   | -                  |       |         |
| Departmental agencies and accounts                  | 2 895 278              | -                 | 30 500           | 2 925 778           | 2 925 778          | -              | 100,0%                                  | 2 866 031           | 2 866 031          |       |         |
| <b>Payments for capital assets</b>                  | <b>43 316</b>          | <b>1 305</b>      | <b>-</b>         | <b>44 621</b>       | <b>36 549</b>      | <b>8 072</b>   | <b>81,9%</b>                            | <b>31 420</b>       | <b>31 420</b>      |       |         |
| Machinery and equipment                             | 43 316                 | (16 579)          | -                | 26 737              | 18 665             | 8 072          | 69,8%                                   | 18 897              | 18 897             |       |         |
| Other machinery and equipment                       | 43 316                 | (16 579)          | -                | 26 737              | 18 665             | 8 072          | 69,8%                                   | 18 897              | 18 897             |       |         |
| Software and other intangible assets                | -                      | 17 884            | -                | 17 884              | 17 884             | -              | 100,00%                                 | 12 523              | 12 523             |       |         |
| <b>Payments for financial assets</b>                | <b>-</b>               | <b>-</b>          | <b>-</b>         | <b>-</b>            | <b>-</b>           | <b>-</b>       | <b>-</b>                                | <b>-</b>            | <b>-</b>           |       |         |
| <b>Total</b>                                        | <b>3 931 202</b>       | <b>-</b>          | <b>(314 544)</b> | <b>3 616 658</b>    | <b>3 404 641</b>   | <b>212 017</b> | <b>94,1%</b>                            | <b>3 917 223</b>    | <b>3 917 223</b>   |       |         |



# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE APPROPRIATION STATEMENT

for the year ended 31 March 2021

### 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<br>Appropriation | Actual<br>Expenditure | Variance | Variance as<br>a % of Final<br>Appropriation |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------------|----------|----------------------------------------------|
|                                                                                                                                                                                                                                                                            | R'000                  | R'000                 | R'000    | %                                            |
| 1. Administration                                                                                                                                                                                                                                                          | 2 920 749              | 2 704 685             | 216 064  | 93%                                          |
| The underspending is due to delays in filling of vacant posts and implementation of the youth programme, lower than anticipated payments of performance bonuses, less than anticipated expenditure in the Commission of Inquiry into the State Capture and private leases. |                        |                       |          |                                              |
| 2. Court services                                                                                                                                                                                                                                                          | 6 373 234              | 6 204 613             | 168 621  | 97%                                          |
| The underspending is due to delays in filling of vacant posts, lower than anticipated payments of performance bonuses and slow progress by the Department of Public Works in the implementation of planned court infrastructure projects due to COVID-19 regulations.      |                        |                       |          |                                              |
| 3. State legal services                                                                                                                                                                                                                                                    | 1 454 823              | 1 374 690             | 80 133   | 94%                                          |
| The underspending is mainly due to delays in filling of vacant posts and lower than anticipated payments of performance bonuses.                                                                                                                                           |                        |                       |          |                                              |
| 4. National Prosecuting Authority                                                                                                                                                                                                                                          | 4 300 819              | 4 196 852             | 103 967  | 98%                                          |
| The underspending is mainly due to delays in filling of vacant posts and implementation of the aspirant prosecutors' programme.                                                                                                                                            |                        |                       |          |                                              |
| 5. Auxiliary services                                                                                                                                                                                                                                                      | 3 616 658              | 3 404 641             | 212 017  | 94%                                          |
| The underspending is due to delays in the execution of planned procurement activities for Justice Modernisation and underperformance of IJS/CJS member department which have been seriously impacted by COVID-19 regulations.                                              |                        |                       |          |                                              |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE APPROPRIATION STATEMENT

for the year ended 31 March 2021

### 4.2 Per economic classification

|                                                     | Final<br>Appropriation | Actual<br>Expenditure | Variance | Variance as<br>a % of Final<br>Appropriation |
|-----------------------------------------------------|------------------------|-----------------------|----------|----------------------------------------------|
|                                                     | R'000                  | R'000                 | R'000    | R'000                                        |
| <b>Current payments</b>                             |                        |                       |          |                                              |
| Compensation of employees                           | 9 751 362              | 9 419 649             | 331 713  | 97%                                          |
| Goods and services                                  | 4 987 767              | 4 612 045             | 375 722  | 92%                                          |
| Interest and rent on land                           | -                      | -                     | -        | -                                            |
| <b>Transfers and subsidies</b>                      |                        |                       |          |                                              |
| Provinces and municipalities                        | 690                    | 690                   | -        | 100%                                         |
| Departmental agencies and accounts                  | 2 955 638              | 2 955 638             | -        | 100%                                         |
| Higher education institutions                       | -                      | -                     | -        | -                                            |
| Public corporations and private enterprises         | -                      | -                     | -        | -                                            |
| Foreign governments and international organisations | 16 048                 | 14 498                | 1 550    | 90%                                          |
| Non-profit institutions                             | -                      | -                     | -        | -                                            |
| Households                                          | 63 496                 | 63 496                | -        | 100%                                         |
| <b>Payments for capital assets</b>                  |                        |                       |          |                                              |
| Buildings and other fixed structures                | 343 403                | 290 661               | 52 742   | 85%                                          |
| Machinery and equipment                             | 364 171                | 346 596               | 17 575   | 95%                                          |
| Heritage assets                                     | -                      | -                     | -        | -                                            |
| Specialised military assets                         | -                      | -                     | -        | -                                            |
| Biological assets                                   | -                      | -                     | -        | -                                            |
| Land and subsoil assets                             | -                      | -                     | -        | -                                            |
| Intangible assets                                   | 21 028                 | 19 528                | 1 500    | 93%                                          |
| <b>Payments for financial assets</b>                | <b>164 278</b>         | <b>164 278</b>        | <b>-</b> | <b>100%</b>                                  |

The underspending is due to delays in filling of vacant posts and implementation of the youth and aspirant prosecutors programme, lower than anticipated payments of performance bonuses, less than anticipated expenditure in the Commission of Inquiry into the State capture and private leases, slow progress by the Department of Public Works in the implementation of planned court infrastructure projects due to COVID-19 regulations, delays in the execution of the planned activities for the justice modernisation and under performance of IJS/CJS member departments which have been seriously impacted by COVID-19 regulations.

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**STATEMENT OF FINANCIAL PERFORMANCE**  
for the year ended 31 March 2021

|                                                             | Note     | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|-------------------------------------------------------------|----------|--------------------|--------------------|
| <b>REVENUE</b>                                              |          |                    |                    |
| Annual appropriation                                        | 1        | 18 666 284         | 18 781 506         |
| Statutory appropriation                                     | 2        | 2 442 459          | 2 263 695          |
| Departmental revenue                                        | 3        | 337 335            | 423 528            |
| Aid assistance                                              |          | 93 811             | 144 622            |
| <b>TOTAL REVENUE</b>                                        |          | <b>21 539 888</b>  | <b>21 613 351</b>  |
| <b>EXPENDITURE</b>                                          |          |                    |                    |
| <b>Current expenditure</b>                                  |          |                    |                    |
| Compensation of employees                                   | 5        | 11 524 140         | 11 377 250         |
| Goods and services                                          | 6        | 4 598 537          | 5 298 559          |
| Interest and rent on land                                   | 7        | -                  | -                  |
| Aid assistance                                              | 4        | 35 113             | 88 277             |
| <b>Total current expenditure</b>                            |          | <b>16 157 790</b>  | <b>16 764 086</b>  |
| <b>Transfers and subsidies</b>                              |          |                    |                    |
| Transfers and subsidies                                     | 9        | 3 076 591          | 2 992 807          |
| Aid assistance                                              | 4        | 38 224             | 41 666             |
| <b>Total transfers and subsidies</b>                        |          | <b>3 114 815</b>   | <b>3 034 473</b>   |
| <b>Expenditure for capital assets</b>                       |          |                    |                    |
| Tangible assets                                             | 10       | 638 965            | 600 845            |
| Intangible assets                                           | 10       | 31 439             | 12 523             |
| <b>Total expenditure for capital assets</b>                 |          | <b>670 404</b>     | <b>613 368</b>     |
| Unauthorised expenditure approved without funding           | 11       | -                  | -                  |
| <b>Payments for financial assets</b>                        | <b>8</b> | <b>164 278</b>     | <b>10 769</b>      |
| <b>TOTAL EXPENDITURE</b>                                    |          | <b>20 107 287</b>  | <b>20 422 696</b>  |
| <b>SURPLUS/(DEFICIT) FOR THE YEAR</b>                       |          | <b>1 432 601</b>   | <b>1 190 655</b>   |
| <b>Reconciliation of Net Surplus/(Deficit) for the year</b> |          |                    |                    |
| Voted funds                                                 |          | 1 076 500          | 757 215            |
| Annual appropriation                                        |          | 1 076 500          | 757 215            |
| Conditional grants                                          |          | -                  | -                  |
| Departmental revenue and NRF receipts                       | 19       | 337 335            | 423 528            |
| Aid assistance                                              | 4        | 18 766             | 9 912              |
| <b>SURPLUS/(DEFICIT) FOR THE YEAR</b>                       |          | <b>1 432 601</b>   | <b>1 190 655</b>   |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## STATEMENT OF FINANCIAL POSITION

for the year ended 31 March 2021

|                                                                             | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|-----------------------------------------------------------------------------|------|--------------------|--------------------|
| <b>ASSETS</b>                                                               |      |                    |                    |
| <b>Current assets</b>                                                       |      | <b>3 095 079</b>   | <b>2 500 923</b>   |
| Cash and cash equivalents                                                   | 12   | 46 024             | 42 752             |
| Prepayments and advances                                                    | 14   | 26 041             | 18 874             |
| Receivables                                                                 | 15   | 3 023 014          | 2 439 297          |
| <b>Non-current assets</b>                                                   |      | <b>-</b>           | <b>-</b>           |
| Receivables                                                                 | 15   | -                  | -                  |
| <b>TOTAL ASSETS</b>                                                         |      | <b>3 095 079</b>   | <b>2 500 923</b>   |
| <b>LIABILITIES</b>                                                          |      |                    |                    |
| <b>Current liabilities</b>                                                  |      | <b>3 071 588</b>   | <b>2 478 942</b>   |
| Voted funds to be surrendered to the Revenue Fund                           | 18   | 1 076 504          | 757 217            |
| Departmental revenue and NRF receipts to be surrendered to the Revenue Fund | 19   | 73 513             | 42 544             |
| Bank overdraft                                                              | 20   | 1 870 559          | 1 634 288          |
| Payables                                                                    | 21   | 18 998             | 29 520             |
| Aid assistance repayable                                                    | 4    | 1 132              | 4 018              |
| Aid assistance unutilised                                                   | 4    | 30 882             | 11 355             |
| <b>Non-current liabilities</b>                                              |      | <b>-</b>           | <b>-</b>           |
| Payables                                                                    | 22   | -                  | -                  |
| <b>TOTAL LIABILITIES</b>                                                    |      | <b>3 071 588</b>   | <b>2 478 942</b>   |
| <b>NET ASSETS</b>                                                           |      | <b>23 491</b>      | <b>21 981</b>      |
| <b>Represented by:</b>                                                      |      |                    |                    |
| Recoverable revenue                                                         |      | 23 491             | 21 981             |
| <b>TOTAL</b>                                                                |      | <b>23 491</b>      | <b>21 981</b>      |

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

### STATEMENT OF CHANGES IN NET ASSETS

for the year ended 31 March 2021

|                                                     | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|-----------------------------------------------------|------|--------------------|--------------------|
| <b>Recoverable revenue</b>                          |      |                    |                    |
| Opening balance                                     |      | 21 981             | 21 109             |
| Transfers:                                          |      | 1 510              | 872                |
| Irrecoverable amounts written off                   | 8.3  | -                  | -                  |
| Debts revised                                       |      | 4 185              | (322)              |
| Debts recovered (included in departmental receipts) |      | (4 088)            | 142                |
| Debts raised                                        |      | 1 413              | 1 052              |
| Closing balance                                     |      | <b>23 491</b>      | <b>21 981</b>      |
| <b>TOTAL</b>                                        |      | <b>23 491</b>      | <b>21 981</b>      |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## CASH FLOW STATEMENT

for the year ended 31 March 2021

|                                                          | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|----------------------------------------------------------|------|--------------------|--------------------|
| <b>CASH FLOWS FROM OPERATING ACTIVITIES</b>              |      |                    |                    |
| Receipts                                                 |      | <b>21 539 606</b>  | <b>21 607 739</b>  |
| Annual appropriated funds received                       | 1.1  | 18 666 283         | 18 781 506         |
| Statutory appropriated funds received                    | 2    | 2 442 459          | 2 263 695          |
| Departmental revenue received                            | 3    | 333 987            | 406 886            |
| Interest received                                        | 3.3  | 3 066              | 11 030             |
| NRF receipts                                             |      | -                  | -                  |
| Aid assistance received                                  | 4    | 93 811             | 144 622            |
| Net (increase)/decrease in working capital               |      | (601 406)          | (432 769)          |
| Surrendered to Revenue Fund                              |      | (1 063 581)        | (861 317)          |
| Surrendered to RDP Fund/Donor                            |      | (2 125)            | (10 489)           |
| Current payments                                         |      | (16 157 790)       | (16 764 086)       |
| Interest paid                                            | 7    | -                  | -                  |
| Payments for financial assets                            |      | (164 278)          | (10 769)           |
| Transfers and subsidies paid                             |      | (3 114 815)        | (3 034 473)        |
| <b>Net cash flow available from operating activities</b> | 23   | <b>435 613</b>     | <b>493 836</b>     |
| <b>CASH FLOWS FROM INVESTING ACTIVITIES</b>              |      |                    |                    |
| Distribution/dividend received                           |      |                    |                    |
| Payments for capital assets                              | 10   | (670 404)          | (613 368)          |
| Proceeds from sale of capital assets                     | 3.4  | 282                | 5 612              |
| <b>Net cash flows from investing activities</b>          |      | <b>(670 122)</b>   | <b>(607 756)</b>   |
| <b>CASH FLOWS FROM FINANCING ACTIVITIES</b>              |      |                    |                    |
| Increase/(decrease) in net assets                        |      | 1 510              | 872                |
| <b>Net cash flows from financing activities</b>          |      | <b>1 510</b>       | <b>872</b>         |
| Net increase/(decrease) in cash and cash equivalents     |      | (232 999)          | (113 048)          |
| Cash and cash equivalents at beginning of period         |      | (1 591 536)        | (1 478 488)        |
| <b>Cash and cash equivalents at end of period</b>        | 24   | <b>(1 824 535)</b> | <b>(1 591 536)</b> |

## **PART A: ACCOUNTING POLICIES**

### **Summary of significant accounting policies**

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

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

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

### **1 Basis of preparation**

The financial statements have been prepared in accordance with the Modified Cash Standard.

### **2 Going concern**

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 of 1957, the State Attorney is the attorney of record for all national and provincial departments. By virtue of the Minister of Justice and Constitutional Development being the executive authority over the Office of the State Attorney, the Department is responsible to settle all accounts in the course of defending the state. Claims recoverable are reflected in note 15 and overdraft is reflected in note 20.

### **3 Presentation currency**

Amounts have been presented in the currency of the South African Rand (R) which is also the functional currency of the Department.

### **4 Rounding**

Unless otherwise stated, financial figures have been rounded to the nearest one thousand Rand (R'000).

### **5 Foreign currency translation**

Cash flows arising from foreign currency transactions are translated into South African Rands using the spot exchange rates prevailing at the date of payment/receipt.

### **6 Comparative information**

#### **6.1 Prior period comparative information**

Prior period comparative information has been presented in the current year's financial statements. Where necessary, figures included in the prior period financial statements have been reclassified to ensure that the format in which the information is presented is consistent with the format of the current year's financial statements.

#### **6.2 Current year comparison with budget**

A comparison between the approved final budget and actual amounts for each programme and economic classification is included in the appropriation statement.

### **7 Revenue**

#### **7.1 Appropriated funds**

Appropriated funds comprise of departmental allocations as well as direct charges against the revenue fund (i.e., statutory appropriation).

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.

The net amount of any appropriated funds due to/from the relevant revenue fund at the reporting date is recognised as a payable/receivable in the statement of financial position.

#### **7.2 Departmental revenue**

Departmental revenue is recognised in the statement of financial performance when received and is subsequently paid into the relevant revenue fund unless stated otherwise.



# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

Any amount owing to the relevant revenue fund at the reporting date is recognised as a payable in the statement of financial position.

### 7.3 Accrued departmental revenue

Accruals in respect of departmental revenue (excluding tax revenue) are recorded in the notes to the financial statements when:

- it is probable that the economic benefits or service potential associated with the transaction will flow to the Department; and
- the amount of revenue can be measured reliably.

The accrued revenue is measured at the fair value of the consideration receivable.

Accrued tax revenue (and related interest and/penalties) is measured at amounts receivable from collecting agents.

Write-offs are made according to the Department's debt write-off policy.

## 8 Expenditure

### 8.1 Compensation of employees

#### 8.1.1 Salaries and wages

Salaries and wages are recognised in the statement of financial performance on the date of payment.

#### 8.1.2 Social contributions

Social contributions made by the Department in respect of current employees are recognised in the statement of financial performance on the date of payment.

Social contributions made by the Department in respect of ex-employees are classified as transfers to households in the statement of financial performance on the date of payment.

### 8.2 Other expenditure

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.

### 8.3 Accruals and payables not recognised

Accruals and payables not recognised are recorded in the notes to the financial statements at cost at the reporting date.

## 8.4 Leases

### 8.4.1 Operating leases

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 of the Department relate to building leases entered into by the Department of Public Works on our behalf. Therefore, the disclosure of these leases is done by the Department of Public Works.

### 8.4.2 Finance leases

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:

- cost being the fair value of the asset; or
- the sum of the minimum lease payments made including any payments made to acquire ownership at the end of the lease term, excluding interest.

## 9 Aid assistance

### 9.1 Aid assistance received

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.

### 9.2 Aid assistance paid

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.

### 10 Cash and cash equivalents

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.

### 11 Prepayments and advances

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.

Prepayments and advances are expensed when the recipient department/entity provides the evidence of expenditure.

### 12 Loans and receivables

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.

### 13 Financial assets

#### 13.1 Financial assets (not covered elsewhere)

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.

#### 13.2 Impairment of financial assets

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.

The impairment of claims receivables relates to long outstanding balances owed by various client departments for legal fees paid through our State Attorney offices on their behalf. These balances have been impaired after taking into consideration the Debt Prescription Act of 1969 as well as the payment history and financial situation of each client department.

### 14 Payables

Payables recognised in the statement of financial position are recognised at cost.

### 15 Capital assets

#### 15.1 Immovable capital assets

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 assets register is provided in the notes to financial statements.

#### 15.2 Movable capital assets

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 OAG) may be recorded at R1.

Movable capital assets are subsequently carried at cost and are not subject to depreciation or impairment.

Biological assets are subsequently carried at fair value.

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

Subsequent expenditure that is of a capital nature forms part of the cost of the existing asset when ready for use.

### 15.3 Intangible assets

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.

Internally generated intangible assets are recorded in the notes to the financial statements when the Department commences the development phase of the project.

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.

All assets acquired prior to 1 April 2002 (or a later date as approved by the OAG) may be recorded at R1.

Intangible assets are subsequently carried at cost and are not subject to depreciation or impairment.

Subsequent expenditure of a capital nature forms part of the cost of the existing asset when ready for use.

### 15.4 Project costs: work in progress

Expenditure of a capital nature is initially recognised in the statement of financial performance at cost when paid.

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.

Where the Department is not the custodian of the completed project asset, the asset is transferred to the custodian subsequent to completion.

## 16 Provisions and contingents

### 16.1 Provisions

Provisions are recorded in the notes to the financial statements when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic benefits or service potential will be

required to settle the obligation and a reliable estimate of the obligation can be made. The provision is measured as the best estimate of the funds required to settle the present obligation at the reporting date.

### 16.2 Contingent liabilities

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.

### 16.3 Contingent assets

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.

### 16.4 Capital commitments

Capital commitments are recorded at cost in the notes to the financial statements.

## 17 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; or
- transferred to receivables for recovery.

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

## 18 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.

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

Fruitless and wasteful expenditure is removed from the notes to the financial statements when it is resolved or transferred to receivables or written off.

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.

### 19 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 thereof are provided in the note.

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

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.

### 20 Changes in accounting estimates and errors

Changes in accounting estimates are applied prospectively in accordance with MCS requirements.

Correction of errors is applied retrospectively in the period in which the error has occurred in accordance with MCS requirements except to the extent that it is impracticable to determine the period-specific effects or the cumulative effect of the error. In such cases, the Department shall restate the opening balances of assets liabilities and net assets for the earliest period for which retrospective restatement is practicable.

### 21 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.

### 22 Principal-agent arrangements

The Department is party to a principal-agent arrangement for the collection of monies and other debts owed to government institutions as well as proceeds from the enforcement of court orders granted in terms of the Prevention of Organised Crimes Act (Act 121 of 1998) as amended and the Financial Intelligence Act (Act 38 of 2001) through the Office of the State Attorney, Third Party Funds and CARA. In terms of the arrangement, the Department is the agent and is responsible for collecting and surrendering all monies collected to the NRF. 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.

### 23 Departures from the MCS requirements

The Department has complied with all the MCS requirements.

### 24 Capitalisation reserve

The Department did not have any capitalisation reserve.

### 25 Recoverable revenue

Amounts are recognised as recoverable revenue when a payment made in a previous financial year becomes recoverable from a debtor in the current financial year. Amounts are either transferred to the National/Provincial Revenue Fund when recovered or are transferred to the statement of financial performance when written off.

### 26 Related party transactions

Related party transactions within the Minister/MEC's portfolio are recorded in the notes to the financial statements when the transaction is not at arm's length.

The number of individuals and the full compensation of key management personnel is recorded in the notes to the financial statements.

### 27 Inventories

At the date of acquisition, inventories are recognised at cost in the statement of financial performance.

Where inventories are acquired as part of a non-exchange transaction, the inventories are measured at fair value as at the date of acquisition.

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

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Inventories are subsequently measured at the lower of cost and net realisable value or where intended for distribution (or consumed in the production of goods for distribution) at no or a nominal charge, the lower of cost and current replacement value.

The cost of inventories is assigned by using the weighted average cost basis.

### **28 Public-private partnerships**

The Department did not have any public-private partnerships.

### **29 Employee benefits**

The value of each major class of employee benefit obligation (accruals, payables not recognised and provisions) is disclosed in the employee benefits note.

### **30 Transfers of functions**

The Department did not have any transfers of functions.

### **31 Mergers**

The Department did not have any mergers.

## PART B: EXPLANATORY NOTES

### 1. 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:

|                                      | 2020/2021           |                       |                                   | 2019/2020           |                        |                                    |
|--------------------------------------|---------------------|-----------------------|-----------------------------------|---------------------|------------------------|------------------------------------|
|                                      | Final Appropriation | Actual Funds Received | Funds not requested/ not received | Final Appropriation | Appropriation received | Funds not requested / not received |
|                                      | R'000               | R'000                 | R'000                             | R'000               | R'000                  | -                                  |
| 1. Administration                    | 2 920 749           | 2 920 749             | -                                 | 2 589 469           | 2 589 469              | -                                  |
| 2. Court services                    | 6 373 234           | 6 373 234             | -                                 | 6 765 701           | 6 765 701              | -                                  |
| 3. State legal services              | 1 454 823           | 1 454 823             | -                                 | 1 544 762           | 1 544 762              | -                                  |
| 4. National Prosecuting Authority    | 4 300 819           | 4 300 819             | -                                 | 4 134 650           | 4 134 650              | -                                  |
| 5. Auxiliary and associated services | 3 616 658           | 3 616 658             | -                                 | 3 917 224           | 3 917 224              | -                                  |
| <b>Total</b>                         | <b>18 666 283</b>   | <b>18 666 283</b>     | <b>-</b>                          | <b>18 781 506</b>   | <b>18 781 506</b>      | <b>-</b>                           |

### 2. Statutory appropriation

|                                                | 2020/2021        | 2019/2020        |
|------------------------------------------------|------------------|------------------|
|                                                | R'000            | R'000            |
| Magistrates' salaries                          | 2 442 459        | 2 263 695        |
| <b>Total</b>                                   | <b>2 442 459</b> | <b>2 263 695</b> |
| <b>Actual statutory appropriation received</b> | <b>2 442 459</b> | <b>2 263 695</b> |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 3. Departmental revenue

|                                                       | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|-------------------------------------------------------|------|--------------------|--------------------|
| Tax revenue                                           |      | -                  |                    |
| Sales of goods and services other than capital assets | 3.1  | 118 949            | 173 075            |
| Fines, penalties and forfeits                         | 3.2  | 191 246            | 211 573            |
| Interest, dividends and rent on land                  | 3.3  | 3 066              | 11 030             |
| Sales of capital assets                               | 3.4  | 282                | 5 612              |
| Transactions in financial assets and liabilities      | 3.5  | 22 370             | 15 713             |
| Transfer received                                     | 3.6  | 1 422              | 6 525              |
| Total revenue collected                               |      | 337 335            | 423 528            |
| Less: Own revenue included in appropriation           | 19   | -                  | -                  |
| <b>Departmental revenue collected</b>                 |      | <b>337 335</b>     | <b>423 528</b>     |

#### 3.1 Sales of goods and services other than capital assets

|                                                        | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|--------------------------------------------------------|------|--------------------|--------------------|
| Sales of goods and services produced by the Department | 3    | 118 932            | 172 856            |
| Sales by market establishment                          |      | 3 385              | 3 601              |
| Administrative fees                                    |      | 3                  | 3                  |
| Other sales                                            |      | 115 544            | 169 252            |
| Sales of scrap waste and other used current goods      |      | 17                 | 219                |
| <b>Total</b>                                           |      | <b>118 949</b>     | <b>173 075</b>     |

"Other sales" mainly comprises of services rendered for insolvent estates through the Masters' Office.

#### 3.2 Fines, penalties and forfeits

|              | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|--------------|------|--------------------|--------------------|
| Fines        | 3    | 151 757            | 181 339            |
| Penalties    |      | 476                | 798                |
| Forfeits     |      | 39 013             | 29 436             |
| <b>Total</b> |      | <b>191 246</b>     | <b>211 573</b>     |

#### 3.3 Interest, dividends and rent on land

|              | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|--------------|------|--------------------|--------------------|
| Interest     | 3    | 3 066              | 11 030             |
| <b>Total</b> |      | <b>3 066</b>       | <b>11 030</b>      |



# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 3.4 Sale of capital assets

|                          | Note | 2020/2021  | 2019/2020    |
|--------------------------|------|------------|--------------|
|                          | 3    | R'000      | R'000        |
| <b>Tangible assets</b>   |      | <b>282</b> | <b>5 612</b> |
| Machinery and equipment  | 39   | 282        | 5 612        |
| <b>Intangible assets</b> |      | <b>-</b>   | <b>-</b>     |
| Software                 | 40   | -          | -            |
| <b>Total</b>             |      | <b>282</b> | <b>5 612</b> |

### 3.5 Transactions in financial assets and liabilities

|                                              | Note | 2020/2021     | 2019/2020     |
|----------------------------------------------|------|---------------|---------------|
|                                              | 3    | R'000         | R'000         |
| Receivables                                  |      | 6 108         | 4 321         |
| Other receipts including recoverable revenue |      | 16 262        | 11 392        |
| <b>Total</b>                                 |      | <b>22 370</b> | <b>15 713</b> |

The figure recorded under "other receipts" mainly comprises of revenue recovered relating to various debts from previous years (R6,6 million) and unallocated credits (R9,6 million) .

### 3.6 Transfers received

|                                             | Note | 2020/2021    | 2019/2020    |
|---------------------------------------------|------|--------------|--------------|
|                                             | 3    | R'000        | R'000        |
| Public corporations and private enterprises |      | 1 422        | 6 525        |
| <b>Total</b>                                |      | <b>1 422</b> | <b>6 525</b> |

The Department received donations from various municipalities during the 2020/2021 financial year relating to auxiliary costs associated with court operations.

## 4. Aid assistance

|                                                     | Note | 2020/2021     | 2019/2020     |
|-----------------------------------------------------|------|---------------|---------------|
|                                                     |      | R'000         | R'000         |
| Opening balance                                     |      | 15 373        | 15 950        |
| Prior period error                                  |      |               | -             |
| As restated                                         |      | 15 373        | 15 950        |
| Transferred from statement of financial performance |      | 18 766        | 9 912         |
| Transfers to or from retained funds                 |      | -             | -             |
| Paid during the year                                |      | (2 125)       | (10 489)      |
| <b>Closing balance</b>                              |      | <b>32 014</b> | <b>15 373</b> |

### 4.1 Analysis of balance by source

|                         | Note     | 2020/2021     | 2019/2020     |
|-------------------------|----------|---------------|---------------|
|                         |          | R'000         | R'000         |
| Aid assistance from RDP |          | 1 132         | 4 018         |
| CARA                    |          | 30 882        | 11 355        |
| <b>Closing balance</b>  | <b>4</b> | <b>32 014</b> | <b>15 373</b> |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 4.2 Analysis of balance

|                           | Note     | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|---------------------------|----------|--------------------|--------------------|
| Aid assistance unutilised |          | 30 882             | 11 355             |
| Aid assistance repayable  |          | 1 132              | 4 018              |
| <b>Closing balance</b>    | <b>4</b> | <b>32 014</b>      | <b>15 373</b>      |

### 4.3 Prior period error

### 4.4 Aid assistance expenditure per economic classification

|                                         | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|-----------------------------------------|------|--------------------|--------------------|
| Current                                 |      | 35 113             | 88 277             |
| Capital                                 | 10   | 1 708              | 4 767              |
| Transfers and subsidies                 |      | 38 224             | 41 666             |
| <b>Total aid assistance expenditure</b> |      | <b>75 045</b>      | <b>134 710</b>     |

The aid assistance expenditure mainly comprised of CARA funded projects (R36 million) conducted through the NPA and other branches within the Department.

The amount recorded under transfers and subsidies relates to RDP donor funds received from National Treasury and transferred to the Human Rights Commission.

## 5. Compensation of employees

### 5.1 Salaries and wages

|                                  | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|----------------------------------|------|--------------------|--------------------|
| Basic salary                     |      | 8 177 688          | 8 081 100          |
| Performance award                |      | 28 169             | 58 975             |
| Service based                    |      | 14 433             | 14 556             |
| Compensative/circumstantial      |      | 45 400             | 72 006             |
| Periodic payments                |      | 32 830             | 32 827             |
| Other non-pensionable allowances |      | 1 649 463          | 1 601 860          |
| <b>Total</b>                     |      | <b>9 947 983</b>   | <b>9 861 324</b>   |

### 5.2 Social contributions

|                                        | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|----------------------------------------|------|--------------------|--------------------|
| Employer contributions                 |      |                    |                    |
| Pension                                |      | 1 017 855          | 1 004 334          |
| Medical                                |      | 556 366            | 509 801            |
| UIF                                    |      | 8                  | -                  |
| Bargaining council                     |      | 1 928              | 1 791              |
| <b>Total</b>                           |      | <b>1 576 157</b>   | <b>1 515 926</b>   |
| <b>Total compensation of employees</b> |      | <b>11 524 140</b>  | <b>11 377 250</b>  |
| Average number of employees            |      | <b>23 608</b>      | <b>22 942</b>      |

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

### NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

#### 6. Goods and services

|                                                           | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|-----------------------------------------------------------|------|--------------------|--------------------|
| Administrative fees                                       |      | 23 029             | 25 664             |
| Advertising                                               |      | 16 834             | 17 152             |
| Minor assets                                              | 6.1  | 28 984             | 33 983             |
| Bursaries (employees)                                     |      | 7 034              | 6 359              |
| Catering                                                  |      | 998                | 7 402              |
| Communication                                             |      | 109 202            | 117 678            |
| Computer services                                         | 6.2  | 807 353            | 907 949            |
| Consultants: Business and advisory services               |      | 135 748            | 257 260            |
| Infrastructure and planning services                      |      | -                  | -                  |
| Laboratory services                                       |      | 503                | 798                |
| Scientific and technological services                     |      | -                  | -                  |
| Legal services                                            |      | 182 568            | 248 912            |
| Contractors                                               |      | 114 602            | 166 269            |
| Agency and support/outsourced services                    |      | 202 605            | 470 876            |
| Entertainment                                             |      | 4                  | 4                  |
| Audit cost – external                                     | 6.3  | 31 240             | 39 124             |
| Fleet services                                            |      | 47 549             | 66 359             |
| Inventory                                                 | 6.4  | 113                | 49                 |
| Consumables                                               | 6.5  | 214 098            | 197 373            |
| Housing                                                   |      | -                  | -                  |
| Operating leases                                          |      | 944 239            | 955 522            |
| Property payments                                         | 6.6  | 1 381 974          | 1 215 417          |
| Rental and hiring                                         |      | 807                | 3 452              |
| Transport provided as part of the departmental activities |      | -                  | -                  |
| Travel and subsistence                                    | 6.7  | 211 477            | 385 830            |
| Venues and facilities                                     |      | 4 245              | 12 086             |
| Training and development                                  |      | 3 297              | 8 789              |
| Other operating expenditure                               | 6.8  | 130 036            | 154 252            |
| <b>Total</b>                                              |      | <b>4 598 537</b>   | <b>5 298 559</b>   |

The figure recorded under “contractors” relates mainly to day-to-day maintenance and repairs (R82 million), security services (R14,2 million), forensic investigators (R4,7 million), transport and relocation (R3,9 million) and curator fees (NPA)(R2,1 million).

“Other operating expenditure comprises mainly of printing and publication expenditure (R17,4 million), resettlement costs (R7,6 million), storage services (R3,9 million), witness fees (R45,9 million) and protective custody of witnesses (NPA) (R53,9 million).

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 6.1 Minor assets

|                          | Note | 2020/2021     | 2019/2020     |
|--------------------------|------|---------------|---------------|
|                          | 6    | R'000         | R'000         |
| <b>Tangible assets</b>   |      | <b>28 984</b> | <b>33 979</b> |
| Machinery and equipment  |      | 28 984        | 33 979        |
| <b>Intangible assets</b> |      | <b>-</b>      | <b>4</b>      |
| Software                 |      | -             | 4             |
| <b>Total</b>             |      | <b>28 984</b> | <b>33 983</b> |

### 6.2 Computer services

|                                     | Note | 2020/2021      | 2019/2020      |
|-------------------------------------|------|----------------|----------------|
|                                     | 6    | R'000          | R'000          |
| SITA computer services              |      | 267 630        | 293 622        |
| External computer service providers |      | 539 723        | 614 327        |
| <b>Total</b>                        |      | <b>807 353</b> | <b>907 949</b> |

### 6.3 Audit cost – External

|                   | Note | 2020/2021     | 2019/2020     |
|-------------------|------|---------------|---------------|
|                   | 6    | R'000         | R'000         |
| Regularity audits |      | 31 240        | 39 124        |
| <b>Total</b>      |      | <b>31 240</b> | <b>39 124</b> |

### 6.4 Inventory

|                        | Note  | 2020/2021  | 2019/2020 |
|------------------------|-------|------------|-----------|
|                        | 6     | R'000      | R'000     |
| Materials and supplies |       | -          | 49        |
| Other supplies         | 6.4.1 | 113        | -         |
| <b>Total</b>           |       | <b>113</b> | <b>49</b> |

#### 6.4.1 Other supplies

|                                        |  |            |          |
|----------------------------------------|--|------------|----------|
| Ammunition and security supplies (NPA) |  | 113        | -        |
| <b>Total</b>                           |  | <b>113</b> | <b>-</b> |

### 6.5 Consumables

|                                         | Note | 2020/2021      | 2019/2020      |
|-----------------------------------------|------|----------------|----------------|
|                                         | 6    | R'000          | R'000          |
| Consumable supplies                     |      | 45 755         | 14 708         |
| Uniform and clothing                    |      | 3 035          | 1 116          |
| Household supplies                      |      | 31 239         | 6 596          |
| Building material and supplies          |      | 4 557          | 2 043          |
| Communication accessories               |      | 174            | 309            |
| IT consumables                          |      | 1 855          | 1 573          |
| Other consumables                       |      | 4 892          | 3 071          |
| Stationery printing and office supplies |      | 168 346        | 182 665        |
| <b>Total</b>                            |      | <b>214 098</b> | <b>197 373</b> |

"Other consumables" comprises mainly of fuel supplies expenditure (R1,3 million), medical supplies (R1,6 million), security access expenditure (R728,000.00), bags and accessories (R396,000.00) and audio visual expenditure (R398,000.00).

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

### NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

#### 6.6 Property payments

|                    | Note | 2020/2021        | 2019/2020        |
|--------------------|------|------------------|------------------|
|                    | 6    | R'000            | R'000            |
| Municipal services |      | 452 565          | 387 782          |
| Other              |      | 929 409          | 827 635          |
| <b>Total</b>       |      | <b>1 381 974</b> | <b>1 215 417</b> |

The figure recorded under "other" comprises mainly of payments relating to security services (R815,1 million) property maintenance (R21,6 million) and management fees (R67,5 million).

#### 6.7 Travel and subsistence

|              | Note | 2020/2021      | 2019/2020      |
|--------------|------|----------------|----------------|
|              | 6    | R'000          | R'000          |
| Local        |      | 211 278        | 382 823        |
| Foreign      |      | 199            | 3 007          |
| <b>Total</b> |      | <b>211 477</b> | <b>385 830</b> |

#### 6.8 Other operating expenditure

|                                                      | Note | 2020/2021      | 2019/2020      |
|------------------------------------------------------|------|----------------|----------------|
|                                                      | 6    | R'000          | R'000          |
| Professional bodies membership and subscription fees |      | 1 134          | 7 164          |
| Resettlement costs                                   |      | 7 605          | 6 651          |
| Other                                                |      | 121 297        | 140 437        |
| <b>Total</b>                                         |      | <b>130 036</b> | <b>154 252</b> |

"Other operating expenditure" comprises mainly of printing and publication expenditure (R17,4 million), resettlement costs (R7,6 million), storage services (R3,9 million), witness fees (R45,9 million) and protective custody of witnesses (NPA) (R53,9 million).

#### 7. Interest and rent on land

#### 8. Payments for financial assets

|                                          | Note | 2020/2021      | 2019/2020     |
|------------------------------------------|------|----------------|---------------|
|                                          |      | R'000          | R'000         |
| Material losses through criminal conduct |      | -              | 4             |
| Theft                                    | 8.4  | -              | 4             |
| Other material losses                    | 8.1  | -              | -             |
| Other material losses written off        | 8.2  | 13 572         | 10 732        |
| Debts written off                        | 8.3  | 150 706        | 33            |
| <b>Total</b>                             |      | <b>164 278</b> | <b>10 769</b> |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 8.1 Other material losses

### 8.2 Other material losses written off

|                                                       | Note | 2020/2021     | 2019/2020     |
|-------------------------------------------------------|------|---------------|---------------|
|                                                       | 8    | R'000         | R'000         |
| <b>Nature of losses</b>                               |      |               |               |
| Irrecoverable losses (DoJ)                            |      | 11 855        | 6 144         |
| Damages to vehicles (DoJ&NPA)                         |      | 55            | 27            |
| Losses and damages (NPA)                              |      |               | 37            |
| Uneconomical and prescribed salary related debt (NPA) |      | 1 662         | 4 458         |
| Loss of damaged office equipment (NPA)                |      |               | 66            |
| <b>Total</b>                                          |      | <b>13 572</b> | <b>10 732</b> |

### 8.3 Debts written off

|                                     | Note | 2020/2021      | 2019/2020 |
|-------------------------------------|------|----------------|-----------|
|                                     | 8    | R'000          | R'000     |
| <b>Other debt written off:</b>      |      |                |           |
| Staff debts (out-of-service debts)  |      | -              | 33        |
| Agency services debtors written off |      | 150 706        | -         |
| <b>Total</b>                        |      | <b>150 706</b> | <b>33</b> |
| <b>Total debt written off</b>       |      | <b>150 706</b> | <b>33</b> |

A debt write-off amounting to R150 million was approved by the DG for those historical debts (mainly for Department of Health) where there has been no evidence of payment over the years despite numerous attempts to recover.

### 8.4 Details of theft

|                        | Note | 2020/2021 | 2019/2020 |
|------------------------|------|-----------|-----------|
|                        | 8    | R'000     | R'000     |
| <b>Nature of theft</b> |      |           |           |
| Theft                  |      | -         | 4         |
| <b>Total</b>           |      | <b>-</b>  | <b>4</b>  |

### 8.5 Forex losses

## 9. Transfers and subsidies

|                                                     | Note        | 2020/2021        | 2019/2020        |
|-----------------------------------------------------|-------------|------------------|------------------|
|                                                     |             | R'000            | R'000            |
| Provinces and municipalities                        | 48 49       | 690              | 750              |
| Departmental agencies and accounts                  | Annexure 1B | 2 955 637        | 2 893 311        |
| Foreign governments and international organisations | Annexure 1E | 14 498           | 12 956           |
| Households                                          | Annexure 1G | 105 766          | 85 790           |
| <b>Total</b>                                        |             | <b>3 076 591</b> | <b>2 992 807</b> |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 10. Expenditure for capital assets

|                                      | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|--------------------------------------|------|--------------------|--------------------|
| <b>Tangible assets</b>               |      | <b>638 965</b>     | <b>600 845</b>     |
| Buildings and other fixed structures | 40   | 290 661            | 305 356            |
| Machinery and equipment              | 39   | 348 304            | 295 489            |
| <b>Intangible assets</b>             |      | <b>31 439</b>      | <b>12 523</b>      |
| Software                             | 40   | 31 439             | 12 523             |
| <b>Total</b>                         |      | <b>670 404</b>     | <b>613 368</b>     |

#### 10.1 Analysis of funds utilised to acquire capital assets – 2020/2021

|                                      | Voted funds<br>R'000 | Aid assistance<br>R'000 | Total<br>R'000 |
|--------------------------------------|----------------------|-------------------------|----------------|
| <b>Tangible assets</b>               | <b>637 257</b>       | <b>1 708</b>            | <b>638 965</b> |
| Buildings and other fixed structures | 290 661              | -                       | 290 661        |
| Machinery and equipment              | 346 596              | 1 708                   | 348 304        |
| <b>Intangible assets</b>             | <b>31 439</b>        | <b>-</b>                | <b>31 439</b>  |
| Software                             | 17 930               | -                       | 17 930         |
| License                              | 13 509               | -                       | 13 509         |
| <b>Total</b>                         | <b>668 696</b>       | <b>1 708</b>            | <b>670 404</b> |

#### Analysis of funds utilised to acquire capital assets – 2019/20

|                                      | Voted funds<br>R'000 | Aid assistance<br>R'000 | Total<br>R'000 |
|--------------------------------------|----------------------|-------------------------|----------------|
| <b>Tangible assets</b>               | <b>596 078</b>       | <b>4 767</b>            | <b>600 845</b> |
| Buildings and other fixed structures | 305 356              | -                       | 305 356        |
| Machinery and equipment              | 290 722              | 4 767                   | 295 489        |
| <b>Intangible assets</b>             | <b>12 523</b>        | <b>-</b>                | <b>12 523</b>  |
| Software                             | 12 523               | -                       | 12 523         |
| <b>Total</b>                         | <b>608 601</b>       | <b>4 767</b>            | <b>613 368</b> |



# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 10.2 Finance lease expenditure included in expenditure for capital assets

|                         | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|-------------------------|------|--------------------|--------------------|
| <b>Tangible assets</b>  |      |                    |                    |
| Machinery and equipment |      | 85 659             | 47 001             |
| <b>Total</b>            |      | <b>85 659</b>      | <b>47 001</b>      |

### 11. Unauthorised expenditure

### 12. Cash and cash equivalents

|                                        | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|----------------------------------------|------|--------------------|--------------------|
| Consolidated Paymaster general account |      | 39 434             | 29 967             |
| Cash receipts                          |      | 43                 | (45)               |
| Disbursements                          |      | 3                  | 101                |
| Cash on hand                           |      | 6 544              | 12 729             |
| <b>Total</b>                           |      | <b>46 024</b>      | <b>42 752</b>      |

### 13. Other financial assets

### 14. Prepayments and advances

|                              | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|------------------------------|------|--------------------|--------------------|
| Travel and subsistence       |      | 34                 | 64                 |
| Prepayments (Not expensed)   | 14.2 | 1 000              | 1 000              |
| Advances paid (Not expensed) | 14.1 | 25 007             | 17 810             |
| <b>Total</b>                 |      | <b>26 041</b>      | <b>18 874</b>      |

#### 14.1 Advances paid (Not expensed)

|                      | Note | Balance as at<br>1 April 2020<br>R'000 | Less: Amount<br>expensed in<br>current year<br>R'000 | Add or Less:<br>Other<br>R'000 | Add:<br>Current year<br>advances<br>R'000 | Balance as<br>at 31 March<br>2021<br>R'000 |
|----------------------|------|----------------------------------------|------------------------------------------------------|--------------------------------|-------------------------------------------|--------------------------------------------|
| National departments | 14   | 17 810                                 | (121 375)                                            | 128 572                        | -                                         | 25 007                                     |
| <b>Total</b>         |      | <b>17 810</b>                          | <b>(121 375)</b>                                     | <b>128 572</b>                 | <b>-</b>                                  | <b>25 007</b>                              |

|                      | Note | Balance as at<br>1 April 2019<br>R'000 | Less: Amount<br>expensed in<br>current year<br>R'000 | Add or Less:<br>Other<br>R'000 | Add:<br>Current year<br>advances<br>R'000 | Balance as<br>at 31 March<br>2020<br>R'000 |
|----------------------|------|----------------------------------------|------------------------------------------------------|--------------------------------|-------------------------------------------|--------------------------------------------|
| National departments | 14   | 7 875                                  | (274 789)                                            | -                              | 284 724                                   | 17 810                                     |
| <b>Total</b>         |      | <b>7 875</b>                           | <b>(274 789)</b>                                     | <b>-</b>                       | <b>284 724</b>                            | <b>17 810</b>                              |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 14.2 Prepayments (Not expensed) – 2020/2021

|                    | Note | Balance as at<br>1 April 2020 | Less: Amount<br>expensed in<br>current year | Add or Less:<br>Other | Add:<br>Current year<br>prepayments | Balance as<br>at 31 March<br>2021 |
|--------------------|------|-------------------------------|---------------------------------------------|-----------------------|-------------------------------------|-----------------------------------|
|                    | 14   | R'000                         | R'000                                       | R'000                 | R'000                               | R'000                             |
| Goods and services |      | 1 000                         | -                                           | -                     | -                                   | 1 000                             |
| <b>Total</b>       |      | <b>1 000</b>                  | <b>-</b>                                    | <b>-</b>              | <b>-</b>                            | <b>1 000</b>                      |

### Prepayments (Not expensed) – 2019/20

|                    | Note | Balance as at<br>1 April 2019 | Less: Amount<br>expensed in<br>current year | Add or Less:<br>Other | Add:<br>Current year<br>prepayments | Balance as<br>at 31 March<br>2020 |
|--------------------|------|-------------------------------|---------------------------------------------|-----------------------|-------------------------------------|-----------------------------------|
|                    | 14   | R'000                         | R'000                                       | R'000                 | R'000                               | R'000                             |
| Goods and services |      | 1 227                         | (1 227)                                     | -                     | 1 000                               | 1 000                             |
| <b>Total</b>       |      | <b>1 227</b>                  | <b>(1 227)</b>                              | <b>-</b>              | <b>1 000</b>                        | <b>1 000</b>                      |

## 15. Receivables

|                                       | Note | 2020/2021        |                      |                  | 2019/2020        |                      |                  |
|---------------------------------------|------|------------------|----------------------|------------------|------------------|----------------------|------------------|
|                                       |      | Current<br>R'000 | Non-current<br>R'000 | Total<br>R'000   | Current<br>R'000 | Non-current<br>R'000 | Total<br>R'000   |
| Claims recoverable                    | 15.1 | 2 967 018        | -                    | 2 967 018        | 2 389 305        | -                    | 2 389 305        |
| Trade receivables                     | 15.2 | 110              | -                    | 110              | 945              | -                    | 945              |
| Recoverable expenditure               | 15.3 | 2                | -                    | 2                | 2                | -                    | 2                |
| Staff debt                            | 15.4 | 43 058           | -                    | 43 058           | 38 369           | -                    | 38 369           |
| Fruitless and wasteful<br>expenditure | 15.6 | -                | -                    | -                | -                | -                    | -                |
| Other receivables                     | 15.5 | 12 856           | -                    | 12 856           | 10 676           | -                    | 10 676           |
| <b>Total</b>                          |      | <b>3 023 014</b> | <b>-</b>             | <b>3 023 014</b> | <b>2 439 297</b> | <b>-</b>             | <b>2 439 297</b> |

### 15.1 Claims recoverable

|                        | Note           | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|------------------------|----------------|--------------------|--------------------|
| National departments   | 15 and Annex 4 | 1 034 151          | 819 924            |
| Provincial departments |                | 1 932 867          | 1 569 381          |
| <b>Total</b>           |                | <b>2 967 018</b>   | <b>2 389 305</b>   |

Included in the above balance for receivables is an amount of R66 Million relating to legal services rendered to the NPA through the Office of the State Attorney. This is due to the fact that the NPA operates independently with its own PMG bank account through which it finances its expenditure and settles its own liabilities. Please see the NPA's separate annual financial statements for the corresponding payable (Accrual).

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 15.2 Trade receivables

|                   | Note | 2020/2021  | 2019/2020  |
|-------------------|------|------------|------------|
|                   | 15   | R'000      | R'000      |
| Trade receivables |      | 110        | 945        |
| <b>Total</b>      |      | <b>110</b> | <b>945</b> |

### 15.3 Recoverable expenditure (disallowance accounts)

|                                    | Note | 2020/2021 | 2019/2020 |
|------------------------------------|------|-----------|-----------|
|                                    | 15   | R'000     | R'000     |
| Fruitless and wasteful expenditure |      | 2         | 2         |
| <b>Total</b>                       |      | <b>2</b>  | <b>2</b>  |

### 15.4 Staff debt

|                  | Note | 2020/2021     | 2019/2020     |
|------------------|------|---------------|---------------|
|                  | 15   | R'000         | R'000         |
| In-service debt  |      | 9 730         | 11 978        |
| Out-service debt |      | 33 328        | 26 391        |
| <b>Total</b>     |      | <b>43 058</b> | <b>38 369</b> |

### 15.5 Other receivables

|                          | Note | 2020/2021     | 2019/2020     |
|--------------------------|------|---------------|---------------|
|                          | 15   | R'000         | R'000         |
| Disallowance accounts    |      | 9 311         | 9 356         |
| Salary suspense accounts |      | 158           | 1 164         |
| Damages and vehicles     |      | 3 357         | 156           |
| <b>Total</b>             |      | <b>12 826</b> | <b>10 676</b> |

### 15.6 Fruitless and wasteful expenditure

|                                                          | Note | 2020/2021 | 2019/2020 |
|----------------------------------------------------------|------|-----------|-----------|
|                                                          |      | R'000     | R'000     |
| Opening balance                                          |      | -         | -         |
| Less amounts recovered                                   |      | 36        | 6         |
| Less amounts written off                                 |      | 69        | 195       |
| Transfer from note 32 fruitless and wasteful expenditure |      | (105)     | (201)     |
| <b>Total</b>                                             |      | <b>-</b>  | <b>-</b>  |

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

### NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

#### 15.7 Impairment of receivables

|                                                    | Note | 2020/2021        | 2019/2020        |
|----------------------------------------------------|------|------------------|------------------|
|                                                    |      | R'000            | R'000            |
| Estimate of impairment of receivables              |      | 10 727           | 15 819           |
| Estimate of impairment of receivables (Legal fees) |      | 1 325 201        | 1 707 216        |
| <b>Total</b>                                       |      | <b>1 362 928</b> | <b>1 723 035</b> |

The impairment of claims receivables amounting to R1.3 billion relates to long outstanding balances owed by various client departments for legal fees paid through our State Attorney offices on their behalf. These balances have been impaired after taking into account the payment history and financial situation of the client departments. The impairment also takes into account instances where there is a dispute which is a further indication of impairment.

The provision also includes an amount of R3,8 million relating to Justice Administered Fund debts which are no longer recoverable.

#### 16. Investments

#### 17. Loans

#### 18. Voted funds to be surrendered to the Revenue Fund

|                                                                | Note | 2020/2021        | 2019/2020      |
|----------------------------------------------------------------|------|------------------|----------------|
|                                                                |      | R'000            | R'000          |
| Opening balance                                                |      | 757 217          | 444 878        |
| Prior period error                                             | 18.2 | -                | -              |
| As restated                                                    |      | 757 217          | 444 878        |
| Transfer from statement of financial performance (as restated) |      | 1 076 500        | 757 215        |
| Paid during the year                                           |      | (757 213)        | (444 876)      |
| <b>Closing balance</b>                                         |      | <b>1 076 504</b> | <b>757 217</b> |

#### 19. Departmental revenue and NRF receipts to be surrendered to the Revenue Fund

|                                                                | Note | 2020/2021     | 2019/2020     |
|----------------------------------------------------------------|------|---------------|---------------|
|                                                                |      | R'000         | R'000         |
| Opening balance                                                |      | 42 544        | 35 457        |
| Prior period error                                             | 19.1 | -             | -             |
| As restated                                                    |      | 42 544        | 35 457        |
| Transfer from statement of financial performance (as restated) |      | 337 335       | 423 528       |
| Paid during the year                                           |      | (306 366)     | (416 441)     |
| <b>Closing balance</b>                                         |      | <b>73 513</b> | <b>42 544</b> |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 20. Bank overdraft

|                                         | Note | 2020/2021        | 2019/2020        |
|-----------------------------------------|------|------------------|------------------|
|                                         |      | R'000            | R'000            |
| Consolidated Paymaster general account  |      | 1 870 559        | 1 634 288        |
| Overdraft with commercial banks (Local) |      | -                | -                |
| <b>Total</b>                            |      | <b>1 870 559</b> | <b>1 634 288</b> |

The bank overdraft is as a result of the rendering of legal services by the Office of the State Attorney on behalf of client departments. In terms of the State Attorney Act of 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 (legal fees) in the course of defending the state and thereafter recovering these costs from the respective client departments.

### 21. Payables – current

|                   | Note | 2020/2021     | 2019/2020     |
|-------------------|------|---------------|---------------|
|                   |      | R'000         | R'000         |
| Clearing accounts | 21.2 | 16 268        | 29 025        |
| Other payables    | 21.3 | 2 730         | 495           |
| <b>Total</b>      |      | <b>18 998</b> | <b>29 520</b> |

"Clearing accounts" consists mainly of the income tax payable (R11 million), pension fund (R2,5 million), GEHS (R1,2 million) and garnishee orders (R643,000.00).

#### 21.1 Advances received

#### 21.2 Clearing accounts

|                        | Note | 2020/2021     | 2019/2020     |
|------------------------|------|---------------|---------------|
|                        | 21   | R'000         | R'000         |
| Salary control account |      | 16 268        | 29 025        |
| <b>Total</b>           |      | <b>16 268</b> | <b>29 025</b> |

#### 21.3 Other payables

|                                           | Note | 2020/2021    | 2019/2020  |
|-------------------------------------------|------|--------------|------------|
|                                           | 21   | R'000        | R'000      |
| National pace                             |      | 1 949        | -          |
| Salary ABC recalls                        |      | 203          | 39         |
| Disallowance accounts                     |      | 505          | -          |
| TPF revenue erroneously paid over to Vote |      | 73           | 456        |
| <b>Total</b>                              |      | <b>2 730</b> | <b>495</b> |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 22. Payables – non-current

### 23. Net cash flow available from operating activities

|                                                                  | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|------------------------------------------------------------------|------|--------------------|--------------------|
| Net surplus/(deficit) as per statement of financial performance  |      | 1 432 601          | 1 190 655          |
| Add back non-cash/cash movements not deemed operating activities |      | (996 988)          | (696 819)          |
| (Increase)/decrease in receivables                               |      | (583 717)          | (422 016)          |
| (Increase)/decrease in prepayments and advances                  |      | (7 167)            | (9 603)            |
| Increase/(decrease) in payables – current                        |      | (10 522)           | (1 150)            |
| Proceeds from sale of capital assets                             |      | (282)              | (5 612)            |
| Expenditure on capital assets                                    |      | 670 404            | 613 368            |
| Surrenders to Revenue Fund                                       |      | (1 063 579)        | (861 317)          |
| Surrenders to RDP Fund/Donor                                     |      | (2 125)            | (10 489)           |
| <b>Net cash flow generated by operating activities</b>           |      | <b>435 613</b>     | <b>493 836</b>     |

### 24. Reconciliation of cash and cash equivalents for cash flow purposes

|                                        | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|----------------------------------------|------|--------------------|--------------------|
| Consolidated Paymaster general account |      | (1 831 125)        | (1 604 321)        |
| Fund requisition account               |      | -                  | -                  |
| Cash receipts                          |      | 43                 | (45)               |
| Disbursements                          |      | 3                  | 101                |
| Cash on hand                           |      | 6 544              | 12 729             |
| Cash with commercial banks (Local)     |      | -                  | -                  |
| <b>Total</b>                           |      | <b>(1 824 535)</b> | <b>(1 591 536)</b> |

### 25. Contingent liabilities and contingent assets

#### 25.1 Contingent liabilities

| Liable to                                         | Nature    | Note     | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|---------------------------------------------------|-----------|----------|--------------------|--------------------|
| Housing loan guarantees                           | Employees | Annex 3A | 172                | 172                |
| Claims against the Department                     |           | Annex 3B | 3 961 300          | 4 482 070          |
| Intergovernmental payables (unconfirmed balances) |           | Annex 5  | 1 037              | 350 036            |
| Other                                             |           | Annex 3B | 10 150             | 11 719             |
| <b>Total</b>                                      |           |          | <b>3 972 659</b>   | <b>4 843 997</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 estimate of the Department's financial exposure.

The assessment of the malicious prosecution and unlawful arrest against the Department is based on the outcome history of these cases over the past three years. Other cases are assessed on a case-by-case basis.

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 25.2 Contingent asset

|                                                    | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|----------------------------------------------------|------|--------------------|--------------------|
| <b>Nature of contingent asset</b>                  |      |                    |                    |
| Unconfirmed receivables balances - Agency services |      | 967 744            | -                  |
| <b>Total</b>                                       |      | <b>967 744</b>     | <b>-</b>           |

Contingent assets consist of disputed balances owed by client departments relating to legal fees paid on their behalf through the Office of the State Attorney.

The Department is engaging the relevant client departments in order to resolve the disputes and recover the outstanding balances.

### 26. Capital commitments

|                                | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|--------------------------------|------|--------------------|--------------------|
| Office furniture and equipment |      | 10 675             | 116 939            |
| <b>Total</b>                   |      | <b>10 675</b>      | <b>116 939</b>     |

### 27. Accruals and payables not recognised

#### 27.1 Accruals

|                                   | 2020/2021<br>R'000 |              |                | 2019/2020<br>R'000 |
|-----------------------------------|--------------------|--------------|----------------|--------------------|
| Listed by economic classification | 30 Days            | 30+ Days     | Total          | Total              |
| Goods and services                | 150 891            | 4 049        | 154 940        | 74 381             |
| Capital assets                    | 32 258             | -            | 32 258         | 44 650             |
| Other                             | 2 220              | -            | 2 220          | -                  |
| <b>Total</b>                      | <b>185 369</b>     | <b>4 049</b> | <b>189 418</b> | <b>119 031</b>     |

|                                                | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|------------------------------------------------|------|--------------------|--------------------|
| <b>Listed by programme level</b>               |      |                    |                    |
| Programme 1: Administration                    |      | 136 140            | 58 446             |
| Programme 2: Court services                    |      | 32 258             | 50 983             |
| Programme 3: State legal services              |      | -                  | -                  |
| Programme 4: National Prosecuting Authority    |      | 21 020             | 9 602              |
| Programme 5: Auxiliary and associated services |      | -                  | -                  |
| <b>Total</b>                                   |      | <b>189 418</b>     | <b>119 031</b>     |



# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 27.2 Payables not recognised

|                                                        | 2020/2021     |                  | 2019/2020        |
|--------------------------------------------------------|---------------|------------------|------------------|
|                                                        | R'000         |                  | R'000            |
| <b>Listed by economic classification</b>               |               |                  |                  |
|                                                        | 30 Days       | 30+ Days         | Total            |
| Goods and services                                     | 74 586        | 5 727            | 80 313           |
| Capital assets                                         | 97            |                  | 97               |
| Other                                                  |               |                  | -                |
| <b>Total</b>                                           | <b>74 683</b> | <b>5 727</b>     | <b>80 410</b>    |
|                                                        | <b>Note</b>   | <b>2020/2021</b> | <b>2019/2020</b> |
|                                                        |               | <b>R'000</b>     | <b>R'000</b>     |
| <b>Listed by programme level</b>                       |               |                  |                  |
| Programme 1: Administration                            |               | 69 422           | 55 424           |
| Programme 2: Court services                            |               | 6 496            | 5 352            |
| Programme 3: State legal services                      |               |                  | -                |
| Programme 4: National Prosecuting Authority            |               | 4 492            | 40 703           |
| Programme 5: Auxiliary and associated services         |               |                  | -                |
| <b>Total</b>                                           |               | <b>80 410</b>    | <b>101 479</b>   |
|                                                        | <b>Note</b>   | <b>2020/2021</b> | <b>2019/2020</b> |
|                                                        |               | <b>R'000</b>     | <b>R'000</b>     |
| <b>Included in the above totals are the following:</b> |               |                  |                  |
| Confirmed balances with other departments              | Annex 5       | 31 769           | 44 485           |
| Confirmed balances with other government entities      | Annex 5       | 51 433           | 15 528           |
| <b>Total</b>                                           |               | <b>83 202</b>    | <b>60 013</b>    |

### 28. Employee benefits

|                                        | Note | 2020/2021        | 2019/2020        |
|----------------------------------------|------|------------------|------------------|
|                                        |      | R'000            | R'000            |
| Leave entitlement - employees          |      | 602 899          | 431 557          |
| Leave entitlement - magistrates        |      | 111 517          | 33 595           |
| Service bonus (Thirteenth cheque)      |      | 311 893          | 310 437          |
| Performance awards                     |      | 48 757           | 102 496          |
| Capped leave commitments - employees   |      | 247 757          | 286 598          |
| Capped leave commitments - magistrates |      | 667 093          | 741 093          |
| Other                                  |      | 65 031           | 46 649           |
| <b>Total</b>                           |      | <b>2 054 947</b> | <b>1 952 425</b> |

Included in the "leave entitlement - employees" is an amount of R4,3 million which represents negative leave credits. This is due to the timing difference between leave accrual periods and actual leave periods as per the leave policy.

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 29. Lease commitments

#### 29.1 Operating leases

#### 29.2 Finance leases \*\*

| 2020/2021                                    | Specialised military equipment | Land  | Buildings and other fixed structures | Machinery and equipment | Total          |
|----------------------------------------------|--------------------------------|-------|--------------------------------------|-------------------------|----------------|
|                                              | R'000                          | R'000 | R'000                                | R'000                   | R'000          |
| Not later than 1 year                        | -                              | -     | -                                    | 84 174                  | 84 174         |
| Later than 1 year and not later than 5 years | -                              | -     | -                                    | 32 874                  | 32 874         |
| <b>Total lease commitments</b>               | -                              | -     | -                                    | <b>117 048</b>          | <b>117 048</b> |

| 2019/2020                                    | Specialised military equipment | Land  | Buildings and other fixed structures | Machinery and equipment | Total          |
|----------------------------------------------|--------------------------------|-------|--------------------------------------|-------------------------|----------------|
|                                              | R'000                          | R'000 | R'000                                | R'000                   | R'000          |
| Not later than 1 year                        | -                              | -     | -                                    | 83 921                  | 83 921         |
| Later than 1 year and not later than 5 years | -                              | -     | -                                    | 86 261                  | 86 261         |
| <b>Total lease commitments</b>               | -                              | -     | -                                    | <b>170 182</b>          | <b>170 182</b> |

\*\*This note excludes leases relating to public-private partnerships as they are separately disclosed in note no. 35.

### 30. Accrued departmental revenue

|                               | Note | 2020/2021    | 2019/2020    |
|-------------------------------|------|--------------|--------------|
|                               |      | R'000        | R'000        |
| Fines, penalties and forfeits |      | 553          | 1 351        |
| Other                         |      | 5 445        | 4 016        |
| <b>Total</b>                  |      | <b>5 998</b> | <b>5 367</b> |

#### 30.1 Analysis of accrued departmental revenue

|                                         | Note | 2020/2021    | 2019/2020    |
|-----------------------------------------|------|--------------|--------------|
|                                         |      | R'000        | R'000        |
| Opening balance                         |      | 5 367        | 8 407        |
| Less: amounts received                  |      |              | (3 046)      |
| Less: services received in lieu of cash |      |              | -            |
| Add: amounts recorded                   |      | 631          | -            |
| <b>Closing balance</b>                  |      | <b>5 998</b> | <b>5 361</b> |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 31. Irregular expenditure

#### 31.1 Reconciliation of irregular expenditure

|                                                       | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|-------------------------------------------------------|------|--------------------|--------------------|
| Opening balance                                       |      | 1 664 005          | 1 158 476          |
| Prior period error                                    |      |                    | 73                 |
| As restated                                           |      | 1 664 005          | 1 158 549          |
| Add: Irregular expenditure – relating to prior year   |      | 140 296            | 222 647            |
| Add: Irregular expenditure – relating to current year |      | 261 274            | 340 658            |
| Less: Prior year amounts condoned                     |      | (2 089)            | (2 931)            |
| Less: Prior year amounts not condoned and removed     |      | (95)               | (54 794)           |
| Less: Current year amounts not condoned and removed   |      | -                  | (124)              |
| Less: Amounts recoverable (current and prior year)    | 15   | (1)                | -                  |
| <b>Closing balance</b>                                |      | <b>2 063 390</b>   | <b>1 664 005</b>   |

#### Analysis of awaiting condonation per age classification

|              |                  |                  |
|--------------|------------------|------------------|
| Current year | 261 274          | 340 658          |
| Prior years  | 1 802 116        | 1 323 347        |
| <b>Total</b> | <b>2 063 390</b> | <b>1 664 005</b> |

#### 31.2 Details of current and prior year irregular expenditure – added current year (under determination and investigation)

| Incident                                                                                         | Disciplinary steps taken/criminal proceedings                                                                | 2020/2021<br>R'000 |
|--------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|--------------------|
| Minimum of three quotations were not sourced                                                     | DFI updated to include drawing of lots                                                                       | 10                 |
| Minimum of three quotations were not sourced                                                     | Under determination by internal control                                                                      | 3                  |
| Service rendered without a prior approval                                                        | Under determination by internal control                                                                      | 7 790              |
| Noncompliance with RT3-2018                                                                      | Under determination by internal control                                                                      | 133                |
| No declaration of interest                                                                       | Under determination by internal control                                                                      | 20 322             |
| Travel expenses without prior approval of the delegated authority (Witnesses)                    | Confirmed not irregular payment; was based on a court order removed from the Lead Schedule                   | 10                 |
| Travel expenses without prior approval of the delegated authority (Witnesses)                    | Circular was issued to NPA and SAPS stakeholder on "witnesses with special requirements."                    | 13                 |
| Exceeded the petty cash threshold                                                                | Partially recovered and condoned by National Treasury                                                        | 2                  |
| Contract value exceeded the prescribed threshold without prior approval of the National Treasury | Engagement (training) provided to SCM and relevant business units on contract extensions and NT requirements | 35 557             |
| Non-compliance to bid mandatory requirements                                                     | All certificates are sent for verification before a bid is awarded                                           | 164 528            |
| Procurement of outsourced legal services not in line with the PPPFA/Regulations                  | DFI updated to include process as prescribed by DFI                                                          | 128 552            |
| Non-compliance with RT5-2016 transversal contract                                                | Under determination by internal control                                                                      | 9                  |

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

### NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

| Incident                                                                      | Disciplinary steps taken/criminal proceedings                                                                          | 2020/2021<br>R'000 |
|-------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|--------------------|
| Prior approval of any other deviation was not obtained from National Treasury | Under determination by internal control                                                                                | 11 625             |
| Service rendered without a valid contract                                     | Engagement with ISM on NT Practice Note 5 of 2009/10 with regard to SITA Procurement and SITA Amendment Act 38 of 2002 | 33 017             |
| <b>Total</b>                                                                  |                                                                                                                        | <b>401 570</b>     |

#### 31.3 Details of irregular expenditure condoned

| incident                                                                                                                                                                | Condoned by (relevant authority) | 2020/2021<br>R'000 |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------|
| Failure to conduct drawing of lots where two suppliers were equal in all respect which is in contravention of Preferential Procurement Regulations of 2017 Section 10.3 | National Treasury                | 13                 |
| No prior approval was obtained                                                                                                                                          | National Treasury                | 16                 |
| Deviation from the RT8-2015 transversal contract                                                                                                                        | National Treasury                | 47                 |
| Exceeded the petty cash threshold and failed to follow the correct procurement process in contravention of NT Practice Note 8 of 2007/2008, paragraph 3.2               |                                  | 1                  |
| Non-compliance with the terms and conditions of the RT3 transversal contract                                                                                            | Regional Control Committee       | 2                  |
| Approval for an extension exceeding the prescribed thresholds was not obtained in line with Treasury Instruction 3 of 2016/17                                           | National Treasury                | 2 011              |
| <b>Total</b>                                                                                                                                                            |                                  | <b>2 089</b>       |

#### 31.4 Details of irregular expenditure recoverable (not condoned)

| Incident     | 2020/2021<br>R'000 |
|--------------|--------------------|
|              | -                  |
| <b>Total</b> | <b>-</b>           |

#### 31.5 Details of irregular expenditure removed - (not condoned)

| Incident                                                                             | Not condoned by (relevant authority) | 2020/2021<br>R'000 |
|--------------------------------------------------------------------------------------|--------------------------------------|--------------------|
| Sheriff's fees paid without a valid tax clearance as required by DFI section 23.31.4 | Act.Chief Financial Officer          | 85                 |
| Travel expenses. Reimbursement was processed due to a court order                    | Act. Chief Financial Officer         | 10                 |
| <b>Total</b>                                                                         |                                      | <b>95</b>          |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 31.6 Details of irregular expenditures written off (irrecoverable)

| Incident     | 2020/2021<br>R'000 |
|--------------|--------------------|
|              | -                  |
| <b>Total</b> | <b>-</b>           |

### 31.7 Details of irregular expenditures under assessment (not included in the main note)

| Incident                                                                                                        | 2020/2021<br>R'000 |
|-----------------------------------------------------------------------------------------------------------------|--------------------|
| Contracts were awarded to the service providers who have allegedly submitted fraudulent mandatory bid documents | 859 918            |
| Deviations from competitive bids and possible split of RFQs without the approval of the relevant authority      | 13 508             |
| Possible contravention of the terms and conditions of the RT3 transversal contract                              | 20                 |
| Deviation from departmental contract                                                                            | 168                |
| Non-compliance to the RT5-2020 transversal contract                                                             | 0                  |
| Procurement of ICT services/goods                                                                               | 164                |
| Services rendered prior to obtaining PFMA Section 79 approval from NT                                           | 122 607            |
| Possible ex post facto submission in contravention of Section 8.2.1 of the Treasury Regulations                 | 658                |
| Procurement process not followed - Minimum of three quotations were not sourced                                 | 66                 |
| Supplier rendered a service without a purchase order                                                            | 33                 |
| Service was rendered based on a verbal quote and no purchase order in contravention of DFI 10.12.20.2 (iii)     | 19                 |
| Day to day maintenance - Failure to obtain approval from the relevant authority                                 | 30                 |
| Service was rendered and paid after contract expiry                                                             | 8                  |
| Possible expansion of departmental contract without following the correct process                               | 2 054              |
| Non-compliance with 2017 Preferential Procurement Regulation 4(1) and 4(2).                                     | 0                  |
| Non-compliance with Treasury Regulation 16A6.3(a) and (b)                                                       | 0                  |
| Non-compliance with Section 2(1)(f) of PPPFA and Preferential Procurement Regulation 2017                       | 0                  |
| <b>Total</b>                                                                                                    | <b>999 253</b>     |

### 31.8 Prior period error

|                                                                                                                      | Note | 2019/2020<br>R'000 |
|----------------------------------------------------------------------------------------------------------------------|------|--------------------|
| <b>Nature of prior period error</b>                                                                                  |      |                    |
|                                                                                                                      |      | 73                 |
| Procurement process not followed, three quotations not obtained, non-compliance with NT Practice Note 8 of 2007/2008 |      | 72                 |
| Non-compliance with RT3-2018                                                                                         |      | 1                  |
| Relating to 2019/2020                                                                                                |      |                    |
| Various cases                                                                                                        |      | -                  |
| Legal costs payments                                                                                                 |      | -                  |
| <b>Total prior period errors</b>                                                                                     |      | <b>73</b>          |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 32. Fruitless and wasteful expenditure

#### 32.1 Reconciliation of fruitless and wasteful expenditure

|                                                               | Note | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|---------------------------------------------------------------|------|--------------------|--------------------|
| Opening balance                                               |      | 2 497              | 53 984             |
| Prior period error                                            |      |                    | (52 479)           |
| As restated                                                   |      | 2 497              | 1 505              |
| Fruitless and wasteful expenditure – relating to prior year   |      | 14                 | 64                 |
| Fruitless and wasteful expenditure – relating to current year |      | 10                 | 1 129              |
| Less: Amounts recoverable                                     | 15.6 | (69)               | (6)                |
| Less: Amounts written off                                     |      | (37)               | (195)              |
| <b>Closing balance</b>                                        |      | <b>2 415</b>       | <b>2 497</b>       |

#### 32.2 Details of current and prior year fruitless and wasteful expenditure – added current year (under determination and investigation)

| Incident                                                                                | Disciplinary steps taken/criminal proceedings                               | 2020/2021<br>R'000 |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|--------------------|
| Misuse of state vehicle                                                                 |                                                                             |                    |
| Fees charged in respect of officials not using reserved accommodation and /or transport | Cases currently under investigation for possible determination of liability | 6                  |
| Penalty/interest of late payment of accounts/general losses                             | Cases currently under investigation for possible determination of liability | 3                  |
| Overpayment of accounts                                                                 | Cases currently under investigation for possible determination of liability | -                  |
| Fees charged for cancelled tickets                                                      | Cases currently under investigation for possible determination of liability | 2                  |
| Misuse of state vehicle                                                                 | Cases currently under investigation for possible determination of liability | 14                 |
| <b>Total</b>                                                                            |                                                                             | <b>24</b>          |

### 33. Related party transactions

|                                                        | Note | 2020/2021<br>R'000         | 2019/2020<br>R'000         |
|--------------------------------------------------------|------|----------------------------|----------------------------|
| <b>Year end balances arising from revenue/payments</b> |      |                            |                            |
| Receivables from related parties                       |      | 8 150                      | 12 545                     |
| Payables to related parties                            |      | -                          | -                          |
| <b>Total</b>                                           |      | <b>8 150</b>               | <b>12 545</b>              |
| <b>In kind goods and services provided/received</b>    |      |                            |                            |
|                                                        |      | <b>2020/2021<br/>R'000</b> | <b>2019/2020<br/>R'000</b> |
| Compensation of employees                              |      | 103 674                    | 104 574                    |
| Goods and services                                     |      | 1 146                      | 4 457                      |
| Expenditure for capital assets                         |      | -                          | 55 683                     |
| <b>Total</b>                                           |      | <b>104 820</b>             | <b>164 714</b>             |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### List related party relationships

Guardian's Fund

Legal Aid Board

President's Fund

Special Investigating Unit

The Human Rights Commission

The Public Protector

Third Party Funds

Criminal asset recovery account

Correctional services

Office of the Chief Justice and Judicial Administration

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 OCJ in relation to the following:

|                       | 2020/2021 | 2019/2020 |
|-----------------------|-----------|-----------|
|                       | R'000     | R'000     |
| <b>Project name</b>   |           |           |
| Limpopo High Court    | -         | 55 683    |
| Mpumalanga High Court | -         | 17 462    |
|                       | -         | 38 221    |

- Provision of security services
- Provision of virtual libraries
- The Department also procured assets amounting to R7,3 million on behalf of the OCJ through the IJS programme.

The Department also carries a portion of the costs on behalf of the President's Fund, Guardian's Fund and Third Party Fund in relation to the following:

### President's Fund

All administration costs for the President's Fund and the implementation of the Truth and Reconciliation Commission recommendations are paid for by the Department of Justice and Constitutional Development.

|                                                                    | 2020/2021    | 2019/2020     |
|--------------------------------------------------------------------|--------------|---------------|
|                                                                    | R'000        | R'000         |
| Compensation of employees-President's Fund Unit                    | 2 466        | 2 484         |
| Compensation of employees-Truth and Reconciliation Commission Unit | 6 251        | 6 676         |
| Goods and services-President's Fund Unit                           | 28           | 319           |
| Goods and services-Truth and Reconciliation Commission Unit        | 821          | 3 530         |
| Audit fees                                                         | 297          | 588           |
| Printing fees                                                      | 0            | 20            |
|                                                                    | <b>9 863</b> | <b>13 617</b> |



# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### Guardian's Fund

All administration costs of the Guardian's Fund

| 2020/2021     | 2019/2020     |
|---------------|---------------|
| R'000         | R'000         |
| <b>90 111</b> | <b>90 642</b> |
| 82 712        | 83 074        |
| 7 399         | 7 568         |

#### Total administration costs (salaries) disclosed as:

Office of the Chief Master

Office of the CFO

### Third Party Fund

While the operating expenses of the Fund are financed by the Department of Justice and Constitutional Development, it is not possible to accurately estimate the value of those transactions because of the intricate set of the relationship. In terms of the Third Party Funds' role as a custodian of funds due between third parties and the nature of its operations, no income or expenditure accrued to Third Party Funds.

In addition, interest and bank charges accrue to the Department of Justice and Constitutional Development.

This results in the statement of financial performance as well as statement of changes in net assets not reflecting any amounts.

| 2020/2021    | 2019/2020    |
|--------------|--------------|
| R'000        | R'000        |
| <b>4 846</b> | <b>4 772</b> |
| 4 846        | 4 772        |

#### Total administration costs (salaries) disclosed as:

Office of the CFO

### Information Regulator

The Information Regulator forms part of entities reporting to the Minister of the Department of Justice and Constitutional Development. However, the entity's operations are still funded by the Department until it has a fully funded establishment and operates independently.

## 34. Key management personnel

|                                                 | No. of<br>Individuals | 2020/2021     | 2019/2020     |
|-------------------------------------------------|-----------------------|---------------|---------------|
|                                                 |                       | R'000         | R'000         |
| Political office bearers (provide detail below) |                       |               |               |
| Officials:                                      |                       |               |               |
| Level 15 to 16                                  | 31                    | 48 882        | 48 150        |
| Level 14 (incl. CFO if at a lower level)        | 19                    | 22 572        | 22 762        |
| <b>Total</b>                                    |                       | <b>71 454</b> | <b>70 912</b> |

Key management personnel are those persons having the authority and responsibility for planning, directing and controlling the activities of the Department.

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 35. Public-private partnership

### 36. Impairment (other than receivables accrued departmental revenue loans and investments)

### 37. Provisions

|              | Note | 2020/2021      | 2019/2020      |
|--------------|------|----------------|----------------|
|              |      | R'000          | R'000          |
| Curator fees |      | 200 796        | 314 216        |
| <b>Total</b> |      | <b>200 796</b> | <b>314 216</b> |

Curator fees and expenditure becomes an obligation to the State when a curator is appointed by the court. The curator must possess, manage and care for assets within seized estates.

Obligations is payable based on court proceedings in terms of the POCA Act, uncertainty in respect of the duration of the court proceeding and the timing in finalisation of the case.

#### 37.1 Reconciliation of movement in provisions – 2020/2021

|                                                           | Curator fees   | Total provisions |
|-----------------------------------------------------------|----------------|------------------|
|                                                           | R'000          | R'000            |
| Opening balance                                           | 314 216        | 314 216          |
| Increase in provision                                     | 43 230         | 290 603          |
| Settlement of provision                                   | (15 085)       | (15 047)         |
| Change in provision due to change in estimation of inputs | (141 565)      | (27 067)         |
| <b>Closing balance</b>                                    | <b>200 796</b> | <b>562 705</b>   |

#### Reconciliation of movement in provisions – 2019/2020

|                                                           | Curator fees   | SAICA - State capture | Total provisions |
|-----------------------------------------------------------|----------------|-----------------------|------------------|
|                                                           | R'000          | R'000                 | R'000            |
| Opening balance                                           | 254 542        | 5 332                 | 259 874          |
| Increase in provision                                     | 63 913         |                       | 63 913           |
| Settlement of provision                                   | (8 138)        | (5 332)               | (13 470)         |
| Change in provision due to change in estimation of inputs | 3 899          | -                     | 3 899            |
| <b>Closing balance</b>                                    | <b>314 216</b> | <b>-</b>              | <b>314 216</b>   |

### 38. Non-adjusting events after reporting date

Management is not aware of any subsequent events.

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 39. Movable tangible capital assets

| MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2021 |                  |                   |                |               |                  |
|-------------------------------------------------------------------------------------------------|------------------|-------------------|----------------|---------------|------------------|
|                                                                                                 | Opening balance  | Value adjustments | Additions      | Disposals     | Closing balance  |
|                                                                                                 | R'000            | R'000             | R'000          | R'000         | R'000            |
| <b>HERITAGE ASSETS</b>                                                                          | <b>460</b>       | -                 | -              | -             | <b>460</b>       |
| Heritage assets                                                                                 | 460              | -                 | -              | -             | 460              |
| <b>MACHINERY AND EQUIPMENT</b>                                                                  | <b>2 188 109</b> | <b>(37)</b>       | <b>262 949</b> | <b>45 216</b> | <b>2 405 805</b> |
| Transport assets                                                                                | 202 107          | -                 | 7 517          | 8 741         | 200 883          |
| Computer equipment                                                                              | 973 840          | -                 | 215 364        | 15 327        | 1 173 877        |
| Furniture and office equipment                                                                  | 257 835          | (37)              | 15 319         | 7 162         | 265 955          |
| Other machinery and equipment                                                                   | 754 327          | -                 | 24 749         | 13 986        | 765 090          |
| <b>TOTAL MOVABLE TANGIBLE CAPITAL ASSETS</b>                                                    | <b>2 188 569</b> | <b>(37)</b>       | <b>262 949</b> | <b>45 216</b> | <b>2 406 265</b> |

#### Movable tangible capital assets under investigation

| Number | Value |
|--------|-------|
|        | R'000 |

Included in the above total of the movable tangible capital assets per the asset register are assets that are under investigation:

|                         |       |        |
|-------------------------|-------|--------|
| Machinery and equipment | 2 077 | 33 744 |
|-------------------------|-------|--------|

The asset verification process was delayed by the outbreak of the COVID-19 pandemic. The asset controllers at courts in the regions could not physically complete the process due to the country moving to various levels of restrictions as per COVID-19 Regulations and possible infections.

#### 39.1 Additions

| ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2021 |                |            |                                                                     |                                                                   |                |
|--------------------------------------------------------------------------------------------------|----------------|------------|---------------------------------------------------------------------|-------------------------------------------------------------------|----------------|
|                                                                                                  | 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>MACHINERY AND EQUIPMENT</b>                                                                   | <b>348 308</b> | -          | <b>(85 658)</b>                                                     | <b>299</b>                                                        | <b>262 949</b> |
| Transport assets                                                                                 | 78 569         | -          | (70 562)                                                            | (490)                                                             | 7 517          |
| Computer equipment                                                                               | 214 771        | -          | -                                                                   | 593                                                               | 215 364        |
| Furniture and office equipment                                                                   | 15 541         | -          | -                                                                   | (222)                                                             | 15 319         |
| Other machinery and equipment                                                                    | 39 427         | -          | (15 096)                                                            | 418                                                               | 24 749         |
| <b>TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS</b>                                        | <b>348 308</b> | -          | <b>(85 658)</b>                                                     | <b>299</b>                                                        | <b>262 949</b> |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 39.2 Disposals

| DISPOSALS OF MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2021 |                 |                   |                 |                      |
|--------------------------------------------------------------------------------------------------|-----------------|-------------------|-----------------|----------------------|
|                                                                                                  | Sold for cash   | Non-cash disposal | Total disposals | Cash received Actual |
|                                                                                                  | R'000           | R'000             | R'000           | R'000                |
| <b>MACHINERY AND EQUIPMENT</b>                                                                   | <b>(22 798)</b> | <b>(22 448)</b>   | <b>(45 246)</b> | <b>282</b>           |
| Transport assets                                                                                 | (8 400)         | (341)             | (8 741)         | 68                   |
| Computer equipment                                                                               | (7 619)         | (7 708)           | (15 327)        | 213                  |
| Furniture and office equipment                                                                   | (248)           | (6 914)           | (7 162)         | 1                    |
| Other machinery and equipment                                                                    | (6 531)         | (7 485)           | (14 016)        | -                    |
| <b>TOTAL DISPOSAL OF MOVABLE TANGIBLE CAPITAL ASSETS</b>                                         | <b>(22 798)</b> | <b>(22 448)</b>   | <b>(45 246)</b> | <b>282</b>           |

### 39.3 Movement for 2019/2020

| MOVEMENT IN TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2020 |                  |                    |                |               |                  |
|-----------------------------------------------------------------------------------------|------------------|--------------------|----------------|---------------|------------------|
|                                                                                         | Opening balance  | Prior period error | Additions      | Disposals     | Closing balance  |
|                                                                                         | R'000            | R'000              | R'000          | R'000         | R'000            |
| <b>HERITAGE ASSETS</b>                                                                  | <b>460</b>       | <b>-</b>           | <b>-</b>       | <b>-</b>      | <b>460</b>       |
| Heritage assets                                                                         | 460              | -                  | -              | -             | 460              |
| <b>MACHINERY AND EQUIPMENT</b>                                                          | <b>1 876 004</b> | <b>97 199</b>      | <b>252 496</b> | <b>37 590</b> | <b>2 188 109</b> |
| Transport assets                                                                        | 149 501          | 1 610              | 56 284         | 5 288         | 202 107          |
| Computer equipment                                                                      | 659 624          | 163 740            | 161 787        | 11 311        | 973 840          |
| Furniture and office equipment                                                          | 411 903          | (166 791)          | 18 695         | 5 972         | 257 835          |
| Other machinery and equipment                                                           | 654 976          | 98 640             | 15 730         | 15 019        | 754 327          |
| <b>TOTAL MOVABLE TANGIBLE CAPITAL ASSETS</b>                                            | <b>1 876 464</b> | <b>97 199</b>      | <b>252 496</b> | <b>37 590</b> | <b>2 188 569</b> |

#### 39.3.1 Prior period error

|                                                                                                                                          | Note | 2019/2020<br>R'000 |
|------------------------------------------------------------------------------------------------------------------------------------------|------|--------------------|
| <b>Nature of prior period error</b>                                                                                                      |      |                    |
| Relating to 2018/2019 [affecting the opening balance]                                                                                    |      | <b>1 044</b>       |
| Misclassification of old items within the SCOA movable capital items resulting in movement in the same category of machinery & equipment |      | 1 044              |
| Assets identified during the verification process relating to previous periods                                                           |      | 96 155             |
| <b>Total prior period errors</b>                                                                                                         |      | <b>97 199</b>      |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 39.4 Minor assets

| MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2021 |                             |                   |                 |                         |                   |                |
|----------------------------------------------------------------------------------|-----------------------------|-------------------|-----------------|-------------------------|-------------------|----------------|
|                                                                                  | 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                | -               | 863 126                 | -                 | 863 162        |
| Value adjustments                                                                | -                           | -                 | -               | 3 025                   | -                 | 3 025          |
| Additions                                                                        | -                           | -                 | -               | 28 893                  | -                 | 28 893         |
| Disposals                                                                        | -                           | -                 | -               | (17 242)                | -                 | (17 242)       |
| <b>TOTAL MINOR ASSETS</b>                                                        | <b>-</b>                    | <b>36</b>         | <b>-</b>        | <b>877 802</b>          | <b>-</b>          | <b>877 838</b> |

|                                     | Specialised military assets | Intangible assets | Heritage assets | Machinery and equipment | Biological assets | Total          |
|-------------------------------------|-----------------------------|-------------------|-----------------|-------------------------|-------------------|----------------|
| Number of R1 minor assets           | -                           | -                 | -               | -                       | -                 | -              |
| Number of minor assets at cost      | -                           | -                 | -               | 105 523                 | -                 | 105 523        |
| <b>TOTAL NUMBER OF MINOR ASSETS</b> | <b>-</b>                    | <b>-</b>          | <b>-</b>        | <b>105 523</b>          | <b>-</b>          | <b>105 523</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:

|                         |        |        |
|-------------------------|--------|--------|
| Machinery and equipment | 23 278 | 26 749 |
|-------------------------|--------|--------|

The asset verification process was delayed by the outbreak of the COVID-19 pandemic. The asset controllers at courts in the regions could not physically complete the process due to the country moving to various levels of restrictions as per COVID-19 Regulations and possible infections.

| MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2020 |                             |                   |                 |                         |                   |                |
|----------------------------------------------------------------------------------|-----------------------------|-------------------|-----------------|-------------------------|-------------------|----------------|
|                                                                                  | 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                | -               | 856 243                 | -                 | 856 279        |
| Prior period error                                                               | -                           | -                 | -               | 12 295                  | -                 | 12 295         |
| Additions                                                                        | -                           | -                 | -               | 36 330                  | -                 | 36 330         |
| Disposals                                                                        | -                           | -                 | -               | (29 447)                | -                 | (29 447)       |
| <b>TOTAL MINOR ASSETS</b>                                                        | <b>-</b>                    | <b>36</b>         | <b>-</b>        | <b>876 051</b>          | <b>-</b>          | <b>876 087</b> |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

|                                     | Specialised military assets | Intangible assets | Heritage assets | Machinery and equipment | Biological assets | Total          |
|-------------------------------------|-----------------------------|-------------------|-----------------|-------------------------|-------------------|----------------|
| Number of R1 minor assets           | -                           | -                 | -               |                         |                   |                |
| Number of minor assets at cost      | -                           |                   |                 | 108 903                 | -                 | 108 903        |
| <b>TOTAL NUMBER OF MINOR ASSETS</b> | -                           |                   |                 | <b>108 903</b>          | -                 | <b>108 903</b> |

### 39.4.1 Prior period error

|                                                                                                                                                                                                              | Note | 2019/2020<br>R'000 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------|--------------------|
| <b>Nature of prior period error</b>                                                                                                                                                                          |      |                    |
| Relating to 2018/2019 [affecting the opening balance]                                                                                                                                                        |      | 12 295             |
| The asset verification process which was undertaken to verify the unverified assets resulted in the identification of items to the value of R12,925,000 which were not part of the 2019/2020 financial year. |      | 12 295             |
|                                                                                                                                                                                                              |      | -                  |
| <b>Total prior period errors</b>                                                                                                                                                                             |      | <b>12 295</b>      |

### 39.5 Movable assets written off

| MOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED 31 MARCH 2021 |                             |                   |                 |                         |                   |            |
|-------------------------------------------------------------|-----------------------------|-------------------|-----------------|-------------------------|-------------------|------------|
|                                                             | 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                                          | -                           | -                 | -               | 204                     | -                 | 204        |
| <b>TOTAL MOVABLE ASSETS WRITTEN OFF</b>                     | -                           | -                 | -               | <b>204</b>              | -                 | <b>204</b> |

| MOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED 31 MARCH 2020 |                             |                   |                 |                         |                   |               |
|-------------------------------------------------------------|-----------------------------|-------------------|-----------------|-------------------------|-------------------|---------------|
|                                                             | 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                                          | -                           | -                 | -               | 17 911                  | -                 | 17 911        |
| <b>TOTAL MOVABLE ASSETS WRITTEN OFF</b>                     | -                           | -                 | -               | <b>17 911</b>           | -                 | <b>17 911</b> |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 39.6 S42 Movable capital assets

| MAJOR ASSETS TO BE TRANSFERRED IN TERMS OF S42 OF THE PFMA - 31 MARCH 2021 |                             |                   |                 |                         |                   |       |
|----------------------------------------------------------------------------|-----------------------------|-------------------|-----------------|-------------------------|-------------------|-------|
|                                                                            | Specialised military assets | Intangible assets | Heritage assets | Machinery and equipment | Biological assets | Total |
| No. of assets                                                              | -                           | -                 | -               | -                       | -                 | -     |
| Value of the assets (R'000)                                                | -                           | -                 | -               | 7 207                   | -                 | 7 207 |

| MINOR ASSETS TO BE TRANSFERRED IN TERMS OF S42 OF THE PFMA - 31 MARCH 2021 |                             |                   |                 |                         |                   |       |
|----------------------------------------------------------------------------|-----------------------------|-------------------|-----------------|-------------------------|-------------------|-------|
|                                                                            | Specialised military assets | Intangible assets | Heritage assets | Machinery and equipment | Biological assets | Total |
| No. of assets                                                              | -                           | -                 | -               | -                       | -                 | -     |
| Value of the assets (R'000)                                                | -                           | -                 | -               | 4 549                   | -                 | 4 549 |

| MAJOR ASSETS TO BE TRANSFERRED IN TERMS OF S42 OF THE PFMA - 31 MARCH 2020 |                             |                   |                 |                         |                   |       |
|----------------------------------------------------------------------------|-----------------------------|-------------------|-----------------|-------------------------|-------------------|-------|
|                                                                            | Specialised military assets | Intangible assets | Heritage assets | Machinery and equipment | Biological assets | Total |
|                                                                            | R'000                       | R'000             | R'000           | R'000                   | R'000             | R'000 |
| No. of assets                                                              | -                           | -                 | -               | -                       | -                 | -     |
| Value of the assets (R'000)                                                | -                           | -                 | -               | -                       | -                 | -     |

| MINOR ASSETS TO BE TRANSFERRED IN TERMS OF S42 OF THE PFMA - 31 MARCH 2020 |                             |                   |                 |                         |                   |       |
|----------------------------------------------------------------------------|-----------------------------|-------------------|-----------------|-------------------------|-------------------|-------|
|                                                                            | Specialised military assets | Intangible assets | Heritage assets | Machinery and equipment | Biological assets | Total |
|                                                                            | R'000                       | R'000             | R'000           | R'000                   | R'000             | R'000 |
| No. of assets                                                              | -                           | -                 | -               | -                       | -                 | -     |
| Value of the assets (R'000)                                                | -                           | -                 | -               | -                       | -                 | -     |

### 40. Intangible capital assets

| MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2021 |                 |                   |               |           |                 |
|-------------------------------------------------------------------------------------------|-----------------|-------------------|---------------|-----------|-----------------|
|                                                                                           | Opening balance | Value adjustments | Additions     | Disposals | Closing balance |
|                                                                                           | R'000           | R'000             | R'000         | R'000     | R'000           |
| SOFTWARE                                                                                  | 291 863         | 1 601             | 17 930        | -         | 311 394         |
| LICENSES                                                                                  | -               | -                 | 13 508        | -         | 13 508          |
| <b>TOTAL INTANGIBLE CAPITAL ASSETS</b>                                                    | <b>291 863</b>  | <b>1 601</b>      | <b>31 438</b> | <b>-</b>  | <b>324 902</b>  |



# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 40.1 Additions

| ADDITIONS TO INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2021 |               |          |                                                           |                                                                                           |               |
|--------------------------------------------------------------------------------------------|---------------|----------|-----------------------------------------------------------|-------------------------------------------------------------------------------------------|---------------|
|                                                                                            | Cash          | Non-Cash | (Develop-<br>ment work<br>in progress –<br>current costs) | Received<br>current year<br>not paid<br><br>(Paid current<br>year received<br>prior year) | Total         |
|                                                                                            | R'000         | R'000    | R'000                                                     | R'000                                                                                     | R'000         |
| SOFTWARE                                                                                   | 17 930        | -        | -                                                         | -                                                                                         | 17 930        |
| LICENSES                                                                                   | 13 508        | -        | -                                                         | -                                                                                         | 13 508        |
| <b>TOTAL ADDITIONS TO INTANGIBLE<br/>CAPITAL ASSETS</b>                                    | <b>31 438</b> | <b>-</b> | <b>-</b>                                                  | <b>-</b>                                                                                  | <b>31 438</b> |

### 40.2 Disposals

### 40.3 Movement for 2019/2020

| MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2020 |                    |                       |               |           |                    |
|-------------------------------------------------------------------------------------------|--------------------|-----------------------|---------------|-----------|--------------------|
|                                                                                           | Opening<br>balance | Prior period<br>error | Additions     | Disposals | Closing<br>balance |
|                                                                                           | R'000              | R'000                 | R'000         | R'000     | R'000              |
| SOFTWARE                                                                                  | 279 340            | -                     | 12 523        | -         | 291 863            |
| <b>TOTAL INTANGIBLE CAPITAL<br/>ASSETS</b>                                                | <b>279 340</b>     | <b>-</b>              | <b>12 523</b> | <b>-</b>  | <b>291 863</b>     |

#### 40.3.1 Prior period error

### 41. Immovable tangible capital assets

| MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2021 |                    |                      |           |           |                    |
|---------------------------------------------------------------------------------------------------|--------------------|----------------------|-----------|-----------|--------------------|
|                                                                                                   | Opening<br>balance | Value<br>adjustments | Additions | Disposals | Closing<br>balance |
|                                                                                                   | R'000              |                      | R'000     | R'000     | R'000              |
| BUILDINGS AND OTHER FIXED<br>STRUCTURES                                                           | -                  | -                    | -         | -         | -                  |
| Non-residential buildings                                                                         | -                  | -                    | -         | -         | -                  |
| <b>TOTAL IMMOVABLE TANGIBLE<br/>CAPITAL ASSETS</b>                                                | <b>-</b>           | <b>-</b>             | <b>-</b>  | <b>-</b>  | <b>-</b>           |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 41.1 Additions

| ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2021 |                |          |                                                                     |                                                                   |       |
|----------------------------------------------------------------------------------------------------|----------------|----------|---------------------------------------------------------------------|-------------------------------------------------------------------|-------|
|                                                                                                    | 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>                                                         | <b>290 661</b> | -        | <b>(290 661)</b>                                                    | -                                                                 | -     |
| Non-residential buildings                                                                          | 290 661        | -        | (290 661)                                                           | -                                                                 | -     |
|                                                                                                    | -              | -        | -                                                                   | -                                                                 | -     |
| <b>TOTAL ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS</b>                                        | <b>290 661</b> | -        | <b>(290 661)</b>                                                    | -                                                                 | -     |

### 41.2 Disposals

| DISPOSALS OF IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2021 |               |                   |                 |                      |
|----------------------------------------------------------------------------------------------------|---------------|-------------------|-----------------|----------------------|
|                                                                                                    | 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>                                                        | -             | -                 | -               | -                    |
| Non-residential buildings                                                                          | -             | -                 | -               | -                    |
|                                                                                                    | -             | -                 | -               | -                    |
| <b>TOTAL DISPOSALS OF IMMOVABLE TANGIBLE CAPITAL ASSETS</b>                                        | -             | -                 | -               | -                    |

### 41.3 Movement for 2019/2020

| MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2020 |                 |                    |           |                  |                 |
|---------------------------------------------------------------------------------------------------|-----------------|--------------------|-----------|------------------|-----------------|
|                                                                                                   | 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>896 467</b>  | -                  |           | <b>(896 467)</b> | -               |
| Non-residential buildings                                                                         | 896 467         | -                  |           | -                | -               |
| <b>TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS</b>                                                    | <b>896 467</b>  | -                  |           | <b>(896 467)</b> | -               |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 41.3.1 Prior period error

#### Capital work in progress

| CAPITAL WORK IN PROGRESS AS AT 31 MARCH 2021 |            |                                 |                     |                                                                  |                                     |
|----------------------------------------------|------------|---------------------------------|---------------------|------------------------------------------------------------------|-------------------------------------|
|                                              | Note       | Opening balance<br>1 April 2019 | Current year<br>WIP | Ready for use<br>(Assets to the<br>AR) / contracts<br>terminated | Closing<br>balance<br>31 March 2020 |
|                                              | Annexure 7 | R'000                           | R'000               | R'000                                                            | R'000                               |
| Buildings and other fixed structures         |            | -                               | -                   | -                                                                | -                                   |
| <b>TOTAL</b>                                 |            | -                               | -                   | -                                                                | -                                   |

| Age analysis on ongoing projects | Number of projects                     |                                    | 2020/2021      |
|----------------------------------|----------------------------------------|------------------------------------|----------------|
|                                  | Planned<br>Construction<br>not started | Planned<br>Construction<br>started | Total<br>R'000 |
| 0 to 1 year                      | -                                      | -                                  | -              |
| 1 to 3 years                     | -                                      | -                                  | -              |
| <b>Total</b>                     | -                                      | -                                  | -              |

Payables not recognised relating to Capital WIP

| Note                                                                                                                                 | 2020/2021 | 2019/2020 |
|--------------------------------------------------------------------------------------------------------------------------------------|-----------|-----------|
|                                                                                                                                      | R'000     | R'000     |
| [Amounts relating to progress certificates received but not paid at year end and therefore not included in capital work in progress] | -         |           |
| <b>Total</b>                                                                                                                         | -         |           |

| CAPITAL WORK IN PROGRESS AS AT 31 MARCH 2020 |            |                                 |                       |                     |                                                               |                                     |
|----------------------------------------------|------------|---------------------------------|-----------------------|---------------------|---------------------------------------------------------------|-------------------------------------|
|                                              | Note       | Opening balance<br>1 April 2019 | Prior period<br>error | Current year<br>WIP | Ready for use (Assets<br>to the AR) / contracts<br>terminated | Closing<br>balance<br>31 March 2020 |
|                                              | Annexure 7 | R'000                           | R'000                 | R'000               | R'000                                                         | R'000                               |
| Buildings and other fixed structures         |            | 1 040 029                       | -                     | 3 705               | 1 043 734                                                     | -                                   |
| <b>TOTAL</b>                                 |            | <b>1 040 029</b>                | <b>-</b>              | <b>3 705</b>        | <b>1 043 734</b>                                              | <b>-</b>                            |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

| Age analysis on ongoing projects | Number of projects               |                              | 2019/2020   |
|----------------------------------|----------------------------------|------------------------------|-------------|
|                                  | Planned construction not started | Planned construction started | Total R'000 |
| 0 to 1 year                      | -                                | -                            | -           |
| 1 to 3 years                     | -                                | -                            | -           |
| 3 to 5 years                     | -                                | -                            | -           |
| Longer than 5 years              | 1                                | -                            | -           |
| <b>Total</b>                     | <b>1</b>                         | -                            | -           |

### 41.4 Immovable assets written off

| IMMOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED 31 MARCH 2020 |                                      |                 |                         |          |
|---------------------------------------------------------------|--------------------------------------|-----------------|-------------------------|----------|
|                                                               | 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>                     | <b>-</b>                             | <b>-</b>        | <b>-</b>                | <b>-</b> |

| IMMOVABLE ASSETS WRITTEN OFF FOR THE YEAR ENDED 31 MARCH 2019 |                                      |                 |                         |          |
|---------------------------------------------------------------|--------------------------------------|-----------------|-------------------------|----------|
|                                                               | 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>                     | <b>-</b>                             | <b>-</b>        | <b>-</b>                | <b>-</b> |

### 41.5 S42 Immovable assets

Assets to be transferred in terms of S42 of the PFMA – 2020/2021

|                                             | Number of assets | Value of assets |
|---------------------------------------------|------------------|-----------------|
|                                             |                  | R'000           |
| <b>BUILDINGS AND OTHER FIXED STRUCTURES</b> | -                | -               |
| Non-residential buildings                   | -                | -               |
| <b>TOTAL</b>                                | <b>-</b>         | <b>-</b>        |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### Assets to be transferred in terms of S42 of the PFMA – 2019/2020

|                                             | Number of assets | Value of assets<br>R'000 |
|---------------------------------------------|------------------|--------------------------|
| <b>BUILDINGS AND OTHER FIXED STRUCTURES</b> | <b>1</b>         | <b>1 043 734</b>         |
| Non-residential buildings                   | 1                | 1 043 734                |
| <b>TOTAL</b>                                | <b>1</b>         | <b>1 043 734</b>         |

### 42. Principal-agent arrangements

#### 42.1 Department acting as the agent: State Attorney

##### 42.1.1 Revenue received for agency activities

|                                                                                                                                                                                                                           | 2020/2021<br>R'000 | 2019/2020<br>R'000 |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|--------------------|
| <b>State Attorney monies: – Money collected by the State Attorney on behalf of government institutions. The State Attorney also collects commission on debt collections which are paid over to National Revenue Fund.</b> |                    |                    |
| Conveyance                                                                                                                                                                                                                | 48 952             | 30 417             |
| Debt collection                                                                                                                                                                                                           | 5 736              | 9 649              |
| Provisional asset forfeiture                                                                                                                                                                                              | 2 651              | 19 229             |
| <b>Total</b>                                                                                                                                                                                                              | <b>57 340</b>      | <b>59 295</b>      |

Due to the inadequacies of BAS to administer the quantity of transactions in relation to revenue generated by the office of the State Attorney, the systems of the Third Party Fund is utilised for this purpose. Please see the Third Party Fund audited financial statements for context in this regard.

##### 42.1.2 Reconciliation of funds and disbursements – 2020/2021

| Name of principal entity                          | Total agency funds received<br>R'000 | Amount remitted to the principal<br>R'000 | Variance between amounts received and amounts remitted<br>R'000 | Explanation for variance                                                                                            |
|---------------------------------------------------|--------------------------------------|-------------------------------------------|-----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| State organisations - conveyance                  | 47 023                               | 57 274                                    | (4 514)                                                         | Payments exceed payments received as a result of collections in prior year paid in the financial year under review. |
| State organisations - debt collections            | 5 736                                |                                           |                                                                 |                                                                                                                     |
| State organisations -provisional asset forfeiture | 2 651                                | -                                         | 2 651                                                           | Cases not yet finalised                                                                                             |
| <b>Total</b>                                      | <b>55 411</b>                        | <b>57 274</b>                             | <b>(1 863)</b>                                                  |                                                                                                                     |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### Reconciliation of funds and disbursements – 2019/2020

| 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                  | 30 417                      | -                                | 30 417                                                 | Cases not yet finalised                                                                                             |
| State organisations - debt collections            | 9 649                       | 105 780                          | (96 131)                                               | Payments exceed payments received as a result of collections in prior year paid in the financial year under review. |
| State Organisations -provisional asset forfeiture | 19 229                      | -                                | 19 229                                                 | Cases not yet finalised                                                                                             |
| <b>Total</b>                                      | <b>59 295</b>               | <b>105 780</b>                   | <b>(46 485)</b>                                        |                                                                                                                     |

### 42.2 Department acting as the agent: CARA

#### 42.2.1 Revenue received for agency activities

|                                                                                                                                                                                                                                                                                                                                                               | 2020/2021     | 2019/2020      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|----------------|
|                                                                                                                                                                                                                                                                                                                                                               | R'000         | R'000          |
| <b>National Revenue Fund –Criminal Assets Recovery Account (CARA) with oversight and disbursement approving authority resides in the Criminal Asset Recovery Committee:</b>                                                                                                                                                                                   |               |                |
| CARA receives proceeds in cash, property, motor vehicles, equipment and other assets from the enforcement of court orders granted in terms of the Prevention of Organised Crime Act (Act 121 of 1998) as amended and the Financial Intelligence Act ( Act 38 of 2001). The proceeds are deposited into CARA which is an account in the National Revenue Fund. | 85 835        | 159 642        |
| <b>Total</b>                                                                                                                                                                                                                                                                                                                                                  | <b>85 835</b> | <b>159 642</b> |

### Reconciliation of agency funds and disbursements – 2020/2021

| Name of principal entity     | Total agency funds received | Amount remitted to the principal | Variance between amounts received and amounts remitted | Explanation of variance |
|------------------------------|-----------------------------|----------------------------------|--------------------------------------------------------|-------------------------|
|                              | R'000                       | R'000                            | R'000                                                  |                         |
| National Revenue Fund (CARA) | 85 835                      | 85 835                           | 0                                                      | -                       |
| <b>Total</b>                 | <b>85 835</b>               | <b>85 835</b>                    | <b>0</b>                                               |                         |

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

### NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

| CRIMINAL ASSETS RECOVERY ACCOUNT (CARA) | 2020/2021          |
|-----------------------------------------|--------------------|
| Opening balance CARA                    | 761 729 000        |
| Plus cash received during the year      | 85 835 000         |
| Less cash paid out                      | 150 699 000        |
| <b>Cash on hand (CARA -SARB)</b>        | <b>696 865 000</b> |
| Contingent assets                       | 1 926 000          |
| Inventory                               | 33 493 000         |
| Receivables                             | 108 247 000        |
| Provisions                              | 145 453 000        |

Cash and cash equivalents comprise cash at the South African Reserve Bank managed by the National Revenue Fund in National Treasury. All monies deposited into the Reserve Bank for the CARA represents the net proceeds of cases after related expenses are deducted from the proceeds by curators in charge of each case where applicable.

Receivables amounting to R 108 million at 31 March 2021 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 R 1,9 million are those assets such as motor vehicles, property furniture, equipment etc., that have been forfeited to the state in accordance with Chapter 6 of the Prevention of Organised Crime Act. During the objection period as per the court order (usually 45 days), the assets attached are treated as contingent assets. Where the values of the assets cannot be determined, a nominal value of R1 is allocated to the item.

Forfeited assets valued at R 33 million at 31 March 2021 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

| 2020/2021                              |                |                    |              |               |
|----------------------------------------|----------------|--------------------|--------------|---------------|
|                                        | Motor vehicles | Land and buildings | Other        | Total         |
|                                        | R'000          | R'000              | R'000        | R'000         |
| Opening balance (1 April 2020)         | 6,319          | 26,602             | 1,002        | 33,923        |
| Adjustments                            | (3 459)        | -                  | 236          | (3 223)       |
| Additions                              | 10 493         | 860                | 377          | 11 730        |
| Disposals                              | (8 571)        | -                  | (366)        | (8 937)       |
| <b>Closing balance (31 March 2021)</b> | <b>4,782</b>   | <b>27,462</b>      | <b>1,249</b> | <b>33,493</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 R 145 million at 31 March 2021.



**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**NOTES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

|                                                      | 2020/2021      |
|------------------------------------------------------|----------------|
|                                                      | R'000          |
| CARA Allocations                                     | <b>145 453</b> |
| Department of Home Affairs                           | 40 453         |
| Department of Justice and Constitutional Development | 38 000         |
| Anti-Corruption Task Team                            | 5 000          |
| Department of Environmental Affairs                  | 10 000         |
| Special Investigating Unit                           | 2 000          |
| State Security Agency                                | 50 000         |
| <b>Total</b>                                         | <b>145 453</b> |

**Reconciliation of agency funds and disbursements – 2019/2020**

| Name of principal entity     | Total agency funds received | Amount remitted to the principal | Variance between amounts received and amounts remitted | Explanation of variance |
|------------------------------|-----------------------------|----------------------------------|--------------------------------------------------------|-------------------------|
|                              | R'000                       | R'000                            | R'000                                                  |                         |
| National Revenue Fund (CARA) | 159 642                     | 159 642                          | 0                                                      | -                       |
| <b>Total</b>                 | <b>159 642</b>              | <b>159 642</b>                   | <b>0</b>                                               |                         |

| CRIMINAL ASSETS RECOVERY ACCOUNT (CARA) | 2019/2020          |
|-----------------------------------------|--------------------|
| Opening balance CARA                    | 749,559,000        |
| Plus cash received during the year      | 159,642,000        |
| Less cash paid out                      | 147,472,000        |
| <b>Cash on hand (CARA -SARB)</b>        | <b>761,729,000</b> |
| Contingent assets                       | 1,225,000          |
| Inventory                               | 33,923,000         |
| Receivables                             | 223,469,000        |
| Provisions                              | 294,769,000        |

Cash and cash equivalents comprise cash at the South African Reserve Bank managed by the National Revenue Fund in National Treasury. All monies deposited into the Reserve Bank for the CARA represents the net proceeds of cases after related expenses are deducted from the proceeds by curators in charge of each case where applicable.

Receivables amounting to R 223 million at 31 March 2020 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 R 1,2 million are those assets such as motor vehicles, property furniture, equipment etc., that have been forfeited to the state in accordance with the Prevention of Organised Crime Act. During the objection period as per the court order (usually 45 days), the assets attached are treated as contingent assets. Where the values of the assets cannot be determined, a nominal value of R1 is allocated to the item.

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

### NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

Forfeited assets valued at R 34 million at 31 March 2020 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

| 2019/2020                              |                |                    |              |               |
|----------------------------------------|----------------|--------------------|--------------|---------------|
|                                        | Motor vehicles | Land and buildings | Other        | Total         |
|                                        | R'000          | R'000              | R'000        | R'000         |
| Opening balance (1 April 2018)         | 6,497          | 17,693             | 804          | 24,994        |
| Adjustments                            | (2,999)        | (162)              | (201)        | (3,362)       |
| Additions                              | 6,026          | 11,006             | 513          | 17,545        |
| Disposals                              | (3,205)        | (1,935)            | (114)        | (5,254)       |
| <b>Closing balance (31 March 2019)</b> | <b>6,319</b>   | <b>26,602</b>      | <b>1,002</b> | <b>33,923</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 R 295 million at 31 March 2020.

|                                                      | 2019/2020      |
|------------------------------------------------------|----------------|
|                                                      | R'000          |
| CARA allocations                                     | <b>294,769</b> |
| National Prosecuting Authority                       | 47,840         |
| Department of Home Affairs                           | 40,453         |
| Department of Justice and Constitutional Development | 43,447         |
| Department of Social Development                     | 70,000         |
| Financial Intelligence Centre                        | 14,729         |
| Anti-Corruption Task Team                            | 7,300          |
| State Security Agency                                | 50,000         |
| Department of Environmental Affairs                  | 10,000         |
| Special Investigating Unit                           | 11,000         |
| <b>Total</b>                                         | <b>294,769</b> |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

### 43. Prior period errors

#### 43.1 Correction of prior period errors

| Note | Amount before error correction | Prior period error | Restated amount |
|------|--------------------------------|--------------------|-----------------|
|      | 2019/2020                      | 2019/2020          | 2019/2020       |
|      | R'000                          | R'000              | R'000           |

#### Revenue: (e.g., annual appropriation, departmental revenue, aid assistance etc.)

Line item 1 affected by the change

Line item 2 affected by the change

Aid assistance

4.4

#### Net effect

| Note | Amount before error correction | Prior period error | Restated amount |
|------|--------------------------------|--------------------|-----------------|
|      | 2019/2020                      | 2019/2020          | 2019/2020       |
|      | R'000                          | R'000              | R'000           |

#### Expenditure: (e.g., compensation of employees, goods and services, tangible capital assets etc.)

Transfers and subsidies

#### Net effect

| Note | Amount before error correction | Prior period error | Restated amount |
|------|--------------------------------|--------------------|-----------------|
|      | 2019/2020                      | 2019/2020          | 2019/2020       |
|      | R'000                          | R'000              | R'000           |

#### Assets: (e.g., receivables investments, accrued departmental revenue, movable tangible capital assets etc.)

Accrued departmental revenue

#### Net effect

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

## NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

| Note | Amount before error correction | Prior period error | Restated amount |
|------|--------------------------------|--------------------|-----------------|
|      | 2019/2020                      | 2019/2020          | 2019/2020       |
|      | R'000                          | R'000              | R'000           |

### Liabilities: (e.g., payables, current Voted funds to be surrendered, commitments provisions etc.)

Line item 1 affected by the change

Line item 2 affected by the change

Line item 3 affected by the change

### Net effect

Provide a description of the nature of the prior period error as well as why the correction was required.

| Note | Amount before error correction | Prior period error | Restated amount |
|------|--------------------------------|--------------------|-----------------|
|      | 2019/2020                      | 2019/2020          | 2019/2020       |
|      | R'000                          | R'000              | R'000           |

### Other: (e.g., irregular expenditure, fruitless and wasteful expenditure etc.)

|                                    |      |                  |                  |                  |
|------------------------------------|------|------------------|------------------|------------------|
| Contingent liabilities             | 25   | 3 466 172        | 1 015 898        | 4 482 070        |
| Cash and cash equivalent           | 12   | 12 785           | 29 967           | 42 752           |
| Fruitless and wasteful expenditure | 32   | 54 976           | (52 479)         | 2 497            |
| Movable tangible capital assets    | 39   | 2 054 776        | 133 793          | 2 188 569        |
| Intangible assets - software       | 40   | 291 863          | 1 601            | 293 464          |
| Minor assets                       | 39.4 | 856 279          | 12 925           | 869 204          |
| <b>Net effect</b>                  |      | <b>6 736 851</b> | <b>1 141 705</b> | <b>7 878 556</b> |

### RESTATEMENT OF CORRESPONDING FIGURES FOR 31 MARCH 2020

The restatement for contingent liabilities relates to previous matters identified during the current year which should have formed part of the opening balance.

The restatement for cash and cash equivalents relates to the positive bank balance incorrectly set off against the bank overdraft.

Fruitless and wasteful expenditure relates to the curator fees adjustment made as a result of the amounts not meeting the definition of fruitless and wasteful expenditure as defined by the MCS.

The restatement for movable tangible capital assets relates to assets which were identified in the current year through the verification process which were procured in the previous financial year.

Intangible assets to the value of R1 601 000 relating to previous year expenditure on software development.

The asset verification process which was undertaken to verify the unverified minor assets resulted in the identification of items to the value of R12,925,000 which were not part of the 2019/2020 financial year.

## DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21

### NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

#### 44. Inventories

##### 44.1 Inventories for the year ended 31 March 2021

|                                 | Insert major category of inventory | Insert major category of inventory | Insert major category of inventory | Insert major category of inventory | TOTAL      |
|---------------------------------|------------------------------------|------------------------------------|------------------------------------|------------------------------------|------------|
|                                 | R'000                              | R'000                              | R'000                              | R'000                              | R'000      |
| Opening balance                 | 399                                | -                                  | -                                  | -                                  | 399        |
| Add: Additions/purchases – cash | 113                                | -                                  | -                                  | -                                  | 113        |
| (Less): Issues                  | (13)                               | -                                  | -                                  | -                                  | (13)       |
| <b>Closing balance</b>          | <b>499</b>                         | <b>-</b>                           | <b>-</b>                           | <b>-</b>                           | <b>499</b> |

Include discussion where deemed relevant

#### 45. BROAD-BASED BLACK ECONOMIC EMPOWERMENT PERFORMANCE

Information on compliance with the B-BBEE Act is included in the annual report under the section titled B-BBEE compliance performance information.

#### 46. COVID-19 response expenditure

|                                | Note        | 2020/2021     | 2019/2020    |
|--------------------------------|-------------|---------------|--------------|
|                                | Annexure 11 | R'000         | R'000        |
| Goods and services             |             | 44 015        | 1 277        |
| Expenditure for capital assets |             | 254           | -            |
| <b>Total</b>                   |             | <b>44 269</b> | <b>1 277</b> |

Include discussion here where deemed relevant

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 1A**

**STATEMENT OF CONDITIONAL GRANTS AND OTHER TRANSFERS PAID TO MUNICIPALITIES**

| NAME OF MUNICIPALITY          | GRANT ALLOCATION                  |                     |                      |                          | TRANSFER                 |                         |                                                                 |                                          | SPENT                                 |                        |                                            | 2019/2020                        |                          |
|-------------------------------|-----------------------------------|---------------------|----------------------|--------------------------|--------------------------|-------------------------|-----------------------------------------------------------------|------------------------------------------|---------------------------------------|------------------------|--------------------------------------------|----------------------------------|--------------------------|
|                               | DORA and other transfers<br>R'000 | Roll Overs<br>R'000 | Adjustments<br>R'000 | Total Available<br>R'000 | Actual Transfer<br>R'000 | Funds Withheld<br>R'000 | Re-allocations by National Treasury or National Department<br>% | Amount received by municipality<br>R'000 | Amount spent by municipality<br>R'000 | Unspent funds<br>R'000 | % of available funds spent by municipality | Division of Revenue Act<br>R'000 | Actual Transfer<br>R'000 |
| Municipal vehicles licences   | 37                                | -                   | -                    | 37                       | 14                       | -                       | -                                                               | -                                        | -                                     | -                      | -                                          | -                                | 749                      |
| Municipal fines and penalties | 971                               | -                   | -                    | 971                      | 676                      | -                       | -                                                               | -                                        | -                                     | -                      | -                                          | -                                | 3                        |
| <b>TOTAL</b>                  | <b>1 008</b>                      | <b>-</b>            | <b>-</b>             | <b>1 008</b>             | <b>690</b>               | <b>-</b>                | <b>-</b>                                                        | <b>-</b>                                 | <b>-</b>                              | <b>-</b>               | <b>-</b>                                   | <b>-</b>                         | <b>752</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.

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 1B**

**STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS**

| DEPARTMENTAL AGENCY/ ACCOUNT          | TRANSFER ALLOCATION       |            |               |                  | TRANSFER         |                                        | 2019/2020<br>Final<br>Appropriation<br>R'000 |
|---------------------------------------|---------------------------|------------|---------------|------------------|------------------|----------------------------------------|----------------------------------------------|
|                                       | Adjusted<br>Appropriation | Roll Overs | Adjustments   | Total Available  | Actual Transfer  | % of Available<br>funds<br>Transferred |                                              |
|                                       | R'000                     | R'000      | R'000         | R'000            | R'000            | %                                      |                                              |
| Legal Aid South Africa                | 1 958 883                 | -          | -             | 1 958 883        | 1 958 883        | 100%                                   | 1 970 973                                    |
| Special Investigating Unit            | 421 662                   | -          | -             | 421 662          | 421 662          | 100%                                   | 363 023                                      |
| Public Protector of South Africa      | 322 994                   | -          | 30 500        | 353 494          | 353 494          | 100%                                   | 342 030                                      |
| South African Human Rights Commission | 191 739                   | -          | -             | 191 739          | 191 739          | 100%                                   | 190 005                                      |
| President's Fund                      | 1                         | -          | -             | 1                | -                | 0%                                     | 1                                            |
| Communication licences                | 89                        | -          | 856           | 89               | 91               | 102%                                   | 91                                           |
| SETA: Safety and security             | 28 917                    | -          | -             | 29 773           | 29 733           | 100%                                   | 27 409                                       |
| SARS                                  | -                         | -          | -             | -                | 35               | -                                      | -                                            |
| <b>TOTAL</b>                          | <b>2 924 285</b>          | <b>-</b>   | <b>31 356</b> | <b>2 955 641</b> | <b>2 955 635</b> |                                        | <b>2 893 532</b>                             |



**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 1C**

**STATEMENT OF TRANSFERS TO HIGHER EDUCATION INSTITUTIONS**

| NAME OF HIGHER EDUCATION INSTITUTION | TRANSFER ALLOCATION          |            |             |                 | TRANSFER        |                        |                                  | 2019/2020 Final Appropriation R'000 |
|--------------------------------------|------------------------------|------------|-------------|-----------------|-----------------|------------------------|----------------------------------|-------------------------------------|
|                                      | Adjusted Appropriation R'000 | Roll Overs | Adjustments | Total Available | Actual Transfer | Amount not transferred | % of Available funds Transferred |                                     |
|                                      | R'000                        | R'000      | R'000       | R'000           | R'000           | R'000                  | %                                | R'000                               |
|                                      | -                            | -          | -           | -               | -               | -                      | -                                | -                                   |
| <b>TOTAL</b>                         | -                            | -          | -           | -               | -               | -                      | -                                | -                                   |

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 1D**

**STATEMENT OF TRANSFERS/SUBSIDIES TO PUBLIC CORPORATIONS AND PRIVATE ENTERPRISES**

| NAME OF PUBLIC CORPORATION/PRIVATE ENTERPRISE | TRANSFER ALLOCATION              |                  |                   |                       | EXPENDITURE           |                                  |               | 2019/2020 Final Appropriation R'000 |               |
|-----------------------------------------------|----------------------------------|------------------|-------------------|-----------------------|-----------------------|----------------------------------|---------------|-------------------------------------|---------------|
|                                               | Adjusted Appropriation Act R'000 | Roll Overs R'000 | Adjustments R'000 | Total Available R'000 | Actual Transfer R'000 | % of Available funds Transferred | Capital R'000 |                                     | Current R'000 |
| <b>Public corporations</b>                    | -                                | -                | -                 | -                     | -                     | -                                | -             | -                                   | -             |
| <b>TOTAL</b>                                  | -                                | -                | -                 | -                     | -                     | -                                | -             | -                                   | -             |

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 1E**

**STATEMENT OF TRANSFERS TO FOREIGN GOVERNMENT AND INTERNATIONAL ORGANISATIONS**

| FOREIGN GOVERNMENT/ INTERNATIONAL ORGANISATION | TRANSFER ALLOCATION        |            |                |                 | EXPENDITURE     |                                  | 2019/2020 Final Appropriation R'000 |
|------------------------------------------------|----------------------------|------------|----------------|-----------------|-----------------|----------------------------------|-------------------------------------|
|                                                | Adjusted Appropriation Act | Roll Overs | Adjustments    | Total Available | Actual Transfer | % of Available funds Transferred |                                     |
|                                                | R'000                      | R'000      | R'000          | R'000           | R'000           | %                                |                                     |
| <b>Transfers</b>                               |                            |            |                |                 |                 |                                  |                                     |
| Hague Conference International Law             | 1 289                      | -          | -              | 1 289           | 1 208           | 94%                              | 1 222                               |
| International Criminal Court                   | 17 140                     | -          | (2 811)        | 14 329          | 12 920          | 90%                              | 11 547                              |
| International Institutional Unification        | 430                        | -          | -              | 430             | 370             | 86%                              | 407                                 |
|                                                | <b>18 859</b>              | <b>-</b>   | <b>(2 811)</b> | <b>16 048</b>   | <b>14 498</b>   |                                  | <b>13 176</b>                       |
| <b>TOTAL</b>                                   | <b>18 859</b>              | <b>-</b>   | <b>(2 811)</b> | <b>16 048</b>   | <b>14 498</b>   |                                  | <b>13 176</b>                       |

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 1F**

**STATEMENT OF TRANSFERS TO NON-PROFIT INSTITUTIONS**

| NON-PROFIT INSTITUTIONS | TRANSFER ALLOCATION              |            |             |                    | EXPENDITURE        |                                           | 2019/2020<br>Final<br>Appropriation<br>R'000 |
|-------------------------|----------------------------------|------------|-------------|--------------------|--------------------|-------------------------------------------|----------------------------------------------|
|                         | Adjusted<br>Appropriation<br>Act | Roll overs | Adjustments | Total<br>Available | Actual<br>Transfer | % of<br>Available<br>funds<br>transferred |                                              |
|                         | R'000                            | R'000      | R'000       | R'000              | R'000              | %                                         |                                              |
| <b>Transfers</b>        | -                                | -          | -           | -                  | -                  | -                                         | -                                            |
| <b>TOTAL</b>            | -                                | -          | -           | -                  | -                  | -                                         | -                                            |

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 1G**

**STATEMENT OF TRANSFERS TO HOUSEHOLDS**

| HOUSEHOLDS               | TRANSFER ALLOCATION              |               |               |                    | EXPENDITURE        |                                           | 2019/2020<br>Final<br>Appropriation<br>R'000 |
|--------------------------|----------------------------------|---------------|---------------|--------------------|--------------------|-------------------------------------------|----------------------------------------------|
|                          | Adjusted<br>Appropriation<br>Act | Roll<br>Overs | Adjustments   | Total<br>Available | Actual<br>Transfer | % of<br>Available<br>funds<br>Transferred |                                              |
|                          | R'000                            | R'000         | R'000         | R'000              | R'000              | %                                         |                                              |
| <b>Transfers</b>         |                                  |               |               |                    |                    |                                           |                                              |
| Employee social benefits | 119 260                          | -             | 18 100        | 137 360            | 101 489            | 74%                                       | 93 806                                       |
| Claims against the state | 4 369                            | -             | (92)          | 4 277              | 4 277              | 100%                                      | 12 605                                       |
|                          | <b>123 629</b>                   | <b>-</b>      | <b>18 008</b> | <b>141 637</b>     | <b>105 766</b>     |                                           | <b>106 411</b>                               |
| <b>TOTAL</b>             | <b>123 629</b>                   | <b>-</b>      | <b>18 008</b> | <b>141 637</b>     | <b>105 766</b>     |                                           | <b>106 411</b>                               |

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 1H**

**STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS  
RECEIVED**

| NAME OF ORGANISATION                 | NATURE OF GIFT DONATION OR SPONSORSHIP |                                               | 2020/2021 | 2019/2020 |
|--------------------------------------|----------------------------------------|-----------------------------------------------|-----------|-----------|
|                                      |                                        |                                               | R'000     | R'000     |
| <b>Received in kind</b>              |                                        |                                               |           |           |
| Donations received by the Department |                                        | Various donations (i.e., flowers, chocolates) | 1         | 1         |
| <b>Subtotal</b>                      |                                        |                                               | <b>1</b>  | <b>1</b>  |
| <b>TOTAL</b>                         |                                        |                                               | <b>1</b>  | <b>1</b>  |

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 11**

**STATEMENT OF AID ASSISTANCE RECEIVED**

| NAME OF DONOR           | PURPOSE                          | OPENING BALANCE | REVENUE       | EXPENDITURE     | PAID BACK ON/BY 31 MARCH | CLOSING BALANCE |
|-------------------------|----------------------------------|-----------------|---------------|-----------------|--------------------------|-----------------|
|                         |                                  | R'000           | R'000         | R'000           | R'000                    | R'000           |
| <b>Received in cash</b> |                                  |                 |               |                 |                          |                 |
| European union          | Sectorial budget support         | 4 019           | -             | (761)           | (2 125)                  | 1 133           |
| Cara                    | Domestic violence                | 4 345           | 7 747         | (4 729)         | -                        | 7 363           |
| Cara NPA                | Various projects                 | 7 009           | 47 840        | (31 330)        | -                        | 23 519          |
| Transfer to FHR         | Projects Human Rights Commission | -               | 38 224        | (38 224)        | -                        | -               |
| <b>Subtotal</b>         |                                  | <b>15 373</b>   | <b>93 811</b> | <b>(75 044)</b> | <b>(2 125)</b>           | <b>32 015</b>   |
| <b>TOTAL</b>            |                                  | <b>15 373</b>   | <b>93 811</b> | <b>(75 044)</b> | <b>(2 125)</b>           | <b>32 015</b>   |



**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21  
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 1J**

**STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS MADE**

| NATURE OF GIFT, DONATION OR SPONSORSHIP<br>(Group major categories but list material items including name of organisation) | 2020/2021 | 2019/2020 |
|----------------------------------------------------------------------------------------------------------------------------|-----------|-----------|
|                                                                                                                            | R'000     | R'000     |
| Made in kind                                                                                                               | -         | -         |
| <b>TOTAL</b>                                                                                                               | <b>-</b>  | <b>-</b>  |



**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21  
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 1L**

**STATEMENT OF INDIRECT GRANTS BETWEEN NATIONAL  
DEPARTMENTS AND MUNICIPALITIES**

| NAME OF GRANT | GRANT ALLOCATION           |                     |                      |                          | SPENT<br>Amount<br>R'000 |
|---------------|----------------------------|---------------------|----------------------|--------------------------|--------------------------|
|               | Division of<br>Revenue Act | Roll Overs<br>R'000 | Adjustments<br>R'000 | Total Available<br>R'000 |                          |
|               |                            | R'000               | R'000                | R'000                    | R'000                    |

**TOTAL**

|  |   |   |   |   |   |
|--|---|---|---|---|---|
|  | - | - | - | - | - |
|  | - | - | - | - | - |

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 2A**

**STATEMENT OF INVESTMENTS AND AMOUNTS OWING BY/TO  
NATIONAL/PROVINCIAL PUBLIC ENTITIES**

| Name of public entity                    | State entity's PFMA Schedule type (state year end if not 31 March) | % Held 19/20 | % Held 18/19 | Number of shares held |           | Cost of investment |           | Net asset value of investment |           | Profit/(Loss) for the year |           | Losses guaranteed |
|------------------------------------------|--------------------------------------------------------------------|--------------|--------------|-----------------------|-----------|--------------------|-----------|-------------------------------|-----------|----------------------------|-----------|-------------------|
|                                          |                                                                    |              |              | 2020/2021             | 2019/2020 | 2020/2021          | 2019/2020 | 2020/2021                     | 2019/2020 | 2020/2021                  | 2019/2020 |                   |
|                                          |                                                                    |              |              |                       |           | R'000              | R'000     | R'000                         | R'000     | R'000                      | R'000     | Yes/No            |
| National/<br>Provincial<br>public entity |                                                                    | -            | -            | -                     | -         | -                  | -         | -                             | -         | -                          | -         | -                 |
| <b>TOTAL</b>                             |                                                                    | -            | -            | -                     | -         | -                  | -         | -                             | -         | -                          | -         | -                 |

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21  
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 2B**

**STATEMENT OF INVESTMENTS AND AMOUNTS OWING BY/TO  
ENTITIES (CONTINUED)**

| Name of public entity      | Nature of business | Cost of investment |           | Net asset value of investment |           | Amounts owing to entities |           | Amounts owing by entities |           |
|----------------------------|--------------------|--------------------|-----------|-------------------------------|-----------|---------------------------|-----------|---------------------------|-----------|
|                            |                    | R'000              | R'000     | R'000                         | R'000     | R'000                     | R'000     | R'000                     | R'000     |
|                            |                    | 2020/2021          | 2019/2020 | 2020/2021                     | 2019/2020 | 2020/2021                 | 2019/2020 | 2020/2021                 | 2019/2020 |
| <b>Controlled entities</b> |                    | -                  | -         | -                             | -         | -                         | -         | -                         | -         |
| <b>TOTAL</b>               |                    | -                  | -         | -                             | -         | -                         | -         | -                         | -         |

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 3A**

**STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2021 – LOCAL**

| Guarantor institution | Guarantee in respect of | Original guaranteed capital amount | Opening balance 1 April 2020 | Guarantees draw downs during the year | Guarantees repayments/ cancelled/ reduced during the year | Revaluation due to foreign currency movements | Closing balance 31 March 2021 | Revaluations due to inflation rate movements | Accrued guaranteed interest for year ended 31 March 2021 |
|-----------------------|-------------------------|------------------------------------|------------------------------|---------------------------------------|-----------------------------------------------------------|-----------------------------------------------|-------------------------------|----------------------------------------------|----------------------------------------------------------|
|                       |                         | R'000                              | R'000                        | R'000                                 | R'000                                                     | R'000                                         | R'000                         | R'000                                        | R'000                                                    |
|                       | Housing                 |                                    |                              |                                       |                                                           |                                               |                               |                                              |                                                          |
| Standard Bank         |                         | -                                  | 19                           | -                                     | -                                                         | -                                             | 19                            | -                                            | -                                                        |
| ABSA                  |                         | -                                  | 17                           | -                                     | -                                                         | -                                             | 17                            | -                                            | -                                                        |
| NP                    |                         | -                                  | 111                          | -                                     | -                                                         | -                                             | 111                           | -                                            | -                                                        |
| Green Start           |                         | -                                  | 25                           | -                                     | -                                                         | -                                             | 25                            | -                                            | -                                                        |
|                       | <b>Subtotal</b>         | -                                  | <b>172</b>                   | -                                     | -                                                         | -                                             | <b>172</b>                    | -                                            | -                                                        |
|                       | <b>TOTAL</b>            | -                                  | <b>172</b>                   | -                                     | -                                                         | -                                             | <b>172</b>                    | -                                            | -                                                        |

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 3B**

**STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2021**

| Nature of liability                               | Opening balance  |       | Liabilities incurred during the year | Liabilities paid/cancelled/reduced during the year | Liabilities recoverable (Provide details hereunder) | Closing balance |                  |
|---------------------------------------------------|------------------|-------|--------------------------------------|----------------------------------------------------|-----------------------------------------------------|-----------------|------------------|
|                                                   | 1 April 2020     | R'000 |                                      |                                                    |                                                     | R'000           | R'000            |
| <b>Claims against the Department</b>              |                  |       |                                      |                                                    |                                                     |                 |                  |
| Summonses                                         | 4 253 330        |       | 1 906 619                            | 2 225 658                                          | -                                                   |                 | 3 934 291        |
| Supplier discrepancies                            | 12 717           |       | -                                    | (12 663)                                           | -                                                   |                 | 54               |
| Theft and losses                                  | 26 484           |       | -                                    | -                                                  | -                                                   |                 | 26 484           |
| PPP cancellation                                  | 11 681           |       | -                                    | (11 681)                                           | -                                                   |                 | -                |
| Property management fees                          | 77 084           |       | -                                    | (77 084)                                           | -                                                   |                 | -                |
| Human resource management                         | 100 774          |       | -                                    | (100 303)                                          | -                                                   |                 | 471              |
| <b>Subtotal</b>                                   | <b>4 482 070</b> |       | <b>1 906 619</b>                     | <b>2 427 389</b>                                   | <b>-</b>                                            |                 | <b>3 961 300</b> |
| <b>Other</b>                                      |                  |       |                                      |                                                    |                                                     |                 |                  |
| Third Party theft, losses and dishonoured cheques | 11 719           |       | -                                    | (1 569)                                            | -                                                   |                 | 10 150           |
| <b>Subtotal</b>                                   | <b>11 719</b>    |       | <b>-</b>                             | <b>(1 569)</b>                                     | <b>-</b>                                            |                 | <b>10 150</b>    |
| <b>TOTAL</b>                                      | <b>4 493 789</b> |       | <b>1 906 619</b>                     | <b>2 428 958</b>                                   | <b>-</b>                                            |                 | <b>3 971 450</b> |



**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 4**

**CLAIMS RECOVERABLE**

| Government entity               | Confirmed balance outstanding |                | Unconfirmed balance outstanding |                  | Total            |                  | Cash in transit at year end 2020/2021 *                |               |
|---------------------------------|-------------------------------|----------------|---------------------------------|------------------|------------------|------------------|--------------------------------------------------------|---------------|
|                                 | 31/03/2021                    | 31/03/2020     | 31/03/2021                      | 31/03/2020       | 31/03/2021       | 31/03/2020       | Receipt date up to six (6) working days after year end | Amount        |
|                                 | R'000                         | R'000          | R'000                           | R'000            | R'000            | R'000            |                                                        | R'000         |
| <b>Department</b>               |                               |                |                                 |                  |                  |                  |                                                        |               |
| National departments            | -                             | 198 431        | 939 510                         | 454 994          | 939 510          | 653 425          |                                                        | 59 107        |
| Limpopo                         | -                             | 21 856         | 121 811                         | 132 673          | 121 811          | 154 529          |                                                        | -             |
| Mpumalanga                      | -                             | 7 343          | 28 666                          | 1 722            | 28 666           | 9 065            |                                                        | 6 703         |
| KwaZulu-Natal                   | -                             | 9 669          | 38 434                          | 1 469            | 38 434           | 11 138           |                                                        | 12 481        |
| Gauteng                         | -                             | 81 763         | 514 959                         | 440 531          | 514 959          | 522 294          |                                                        | 7 678         |
| North West                      | -                             | 31 806         | 108 621                         | 58 794           | 108 621          | 90 600           |                                                        | -             |
| Free State                      | -                             | 18 044         | 41 639                          | 11 001           | 41 639           | 29 045           |                                                        | 1 155         |
| Western Cape                    | -                             | 4 990          | 15 153                          | 2 126            | 15 153           | 7 116            |                                                        | 376           |
| Eastern Cape                    | -                             | 43 143         | 803 348                         | 642 567          | 803 348          | 685 710          |                                                        | 464           |
| Northern Cape                   | -                             | 4 118          | 9 253                           | 5 091            | 9 253            | 9 209            |                                                        | -             |
| Agency services control account | -                             | -              | 404 286                         | 236 910          | 404 286          | 236 910          |                                                        | -             |
| PACE                            | -                             | 17 231         | 19 305                          | -                | 19 305           | 17 231           |                                                        | -             |
| Salary recoverable account      | -                             | -              | 1 117                           | 1 701            | 1 117            | 1 701            |                                                        | -             |
| Treasury                        | -                             | -              | -                               | 456              | -                | 456              |                                                        | -             |
| OCJ                             | -                             | -              | 8 880                           | 9 271            | 8 880            | 9 271            |                                                        | -             |
| <b>TOTAL</b>                    |                               | <b>438 394</b> | <b>2 967 018</b>                | <b>1 999 306</b> | <b>2 967 018</b> | <b>2 389 305</b> |                                                        | <b>87 965</b> |

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21  
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**

for the year ended 31 March 2021

**ANNEXURE 5**

**INTERGOVERNMENT PAYABLES**

| GOVERNMENT ENTITY                       | Confirmed balance outstanding |               | Unconfirmed balance outstanding |                | TOTAL         |                | Cash in transit at year end 2020/2021 *                 |
|-----------------------------------------|-------------------------------|---------------|---------------------------------|----------------|---------------|----------------|---------------------------------------------------------|
|                                         | 31/03/2021                    | 31/03/2020    | 31/03/2021                      | 31/03/2020     | 31/03/2021    | 31/03/2020     |                                                         |
|                                         | R'000                         | R'000         | R'000                           | R'000          | R'000         | R'000          | Payment date up to six (6) working days before year end |
| <b>DEPARTMENTS</b>                      |                               |               |                                 |                |               |                | Amount                                                  |
| <b>Current</b>                          |                               |               |                                 |                |               |                |                                                         |
| National School of Government           | -                             | -             | 1 037                           | 1 037          | 1 037         | 1 037          |                                                         |
| Public Works                            | 31 769                        | 44 485        | -                               | 226 297        | 31 769        | 270 782        |                                                         |
| Rural Development & Land Reform (Deeds) | -                             | 21 730        | -                               | 122 702        |               | 144 432        |                                                         |
| <b>Subtotal</b>                         | <b>31 769</b>                 | <b>66 215</b> | <b>1 037</b>                    | <b>350 036</b> | <b>32 806</b> | <b>416 251</b> |                                                         |
| <b>TOTAL</b>                            | <b>31 769</b>                 | <b>66 215</b> | <b>1 037</b>                    | <b>350 036</b> | <b>32 806</b> | <b>416 251</b> |                                                         |
| <b>OTHER GOVERNMENT ENTITY</b>          |                               |               |                                 |                |               |                |                                                         |
| <b>Current</b>                          |                               |               |                                 |                |               |                |                                                         |
| Third Party Fund                        |                               | 2 050         | -                               | -              | -             | 2 050          |                                                         |
| G Fleet                                 |                               | 1 244         | -                               | -              | -             | 1 244          |                                                         |
| Water & Sanitation Trading Acc          |                               |               | -                               | -              | -             | -              |                                                         |
| IDT                                     | 490                           | 1 016         | -                               | -              | 490           | 1 016          |                                                         |
| SIU                                     | 50 943                        | 11 218        | -                               | -              | 50 943        | 11 218         |                                                         |
| <b>Subtotal</b>                         | <b>51 433</b>                 | <b>15 528</b> | <b>-</b>                        | <b>-</b>       | <b>51 433</b> | <b>15 528</b>  |                                                         |
| <b>TOTAL INTERGOVERNMENT PAYABLES</b>   | <b>83 202</b>                 | <b>81 743</b> | <b>1 037</b>                    | <b>350 036</b> | <b>84 239</b> | <b>431 779</b> |                                                         |

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 6**

**INVENTORIES**

| Inventories for the year ended 31 March 2021 | Insert major category of inventory<br>R'000 | Insert major category of inventory<br>R'000 | Insert major category of inventory<br>R'000 | Insert major category of inventory<br>R'000 | Insert major category of inventory<br>R'000 | TOTAL<br>R'000 |
|----------------------------------------------|---------------------------------------------|---------------------------------------------|---------------------------------------------|---------------------------------------------|---------------------------------------------|----------------|
| Opening balance                              | 399                                         | -                                           | -                                           | -                                           | -                                           | 399            |
| Add: Additions/purchases – cash              | 113                                         | -                                           | -                                           | -                                           | -                                           | 113            |
| (Less): Issues                               | (13)                                        | -                                           | -                                           | -                                           | -                                           | (13)           |
| <b>Closing balance</b>                       | <b>499</b>                                  | <b>-</b>                                    | <b>-</b>                                    | <b>-</b>                                    | <b>-</b>                                    | <b>499</b>     |

| Inventories for the year ended 31 March 2020 | Insert major category of inventory<br>R'000 | Insert major category of inventory<br>R'000 | Insert major category of inventory<br>R'000 | Insert major category of inventory<br>R'000 | Insert major category of inventory<br>R'000 | TOTAL<br>R'000 |
|----------------------------------------------|---------------------------------------------|---------------------------------------------|---------------------------------------------|---------------------------------------------|---------------------------------------------|----------------|
| Opening balance                              | 420                                         | -                                           | -                                           | -                                           | -                                           | 420            |
| (Less): Issues                               | (21)                                        | -                                           | -                                           | -                                           | -                                           | (21)           |
| <b>Closing balance</b>                       | <b>399</b>                                  | <b>-</b>                                    | <b>-</b>                                    | <b>-</b>                                    | <b>-</b>                                    | <b>399</b>     |

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 7**

**MOVEMENT IN CAPITAL WORK IN PROGRESS**

| <b>MOVEMENT IN CAPITAL WORK IN PROGRESS FOR THE YEAR ENDED 31 MARCH 2021</b> |                 |                          |                                                    |                 |
|------------------------------------------------------------------------------|-----------------|--------------------------|----------------------------------------------------|-----------------|
|                                                                              | Opening balance | Current year capital WIP | Ready for use (Asset register)/contract terminated | Closing balance |
|                                                                              | R'000           | R'000                    | R'000                                              | R'000           |
| <b>BUILDINGS AND OTHER FIXED STRUCTURES</b>                                  |                 |                          |                                                    |                 |
| Dwellings                                                                    | -               | -                        | -                                                  | -               |
| Non-residential buildings                                                    | -               | -                        | -                                                  | -               |
| Other fixed structures                                                       | -               | -                        | -                                                  | -               |
| <b>TOTAL</b>                                                                 | <b>-</b>        | <b>-</b>                 | <b>-</b>                                           | <b>-</b>        |

| <b>MOVEMENT IN CAPITAL WORK IN PROGRESS FOR THE YEAR ENDED 31 MARCH 2020</b> |                  |                    |                          |                                                    |                 |
|------------------------------------------------------------------------------|------------------|--------------------|--------------------------|----------------------------------------------------|-----------------|
|                                                                              | Opening balance  | Prior period error | Current year capital WIP | Ready for use (Asset register)/contract terminated | Closing balance |
|                                                                              | R'000            | R'000              | R'000                    | R'000                                              | R'000           |
| <b>BUILDINGS AND OTHER FIXED STRUCTURES</b>                                  |                  |                    |                          |                                                    |                 |
| Dwellings                                                                    | 1 040 029        | -                  | 3 705                    | (1 043 734)                                        | -               |
| Non-residential buildings                                                    | 1 040 029        | -                  | 3 705                    | (1 043 734)                                        | -               |
| Other fixed structures                                                       | -                | -                  | -                        | -                                                  | -               |
| <b>TOTAL</b>                                                                 | <b>1 040 029</b> | <b>-</b>           | <b>3 705</b>             | <b>(1 043 734)</b>                                 | <b>-</b>        |

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21**  
**ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS**  
for the year ended 31 March 2021

**ANNEXURE 8A**

**INTER-ENTITY ADVANCES PAID (note 14)**

| ENTITY                      | Confirmed balance outstanding |            | Unconfirmed balance outstanding |               | TOTAL         |               |
|-----------------------------|-------------------------------|------------|---------------------------------|---------------|---------------|---------------|
|                             | 31/03/2021                    | 31/03/2020 | 31/03/2021                      | 31/03/2020    | 31/03/2021    | 31/03/2020    |
|                             | R'000                         | R'000      | R'000                           | R'000         | R'000         | R'000         |
| <b>NATIONAL DEPARTMENTS</b> |                               |            |                                 |               |               |               |
| GCIS                        | -                             | -          | 15 643                          | 15 077        | 15 643        | 15 077        |
| DIRCO                       | -                             | -          | 2 732                           | 2 733         | 2 732         | 2 733         |
| National Treasury           | -                             | -          | 6 632                           | -             | 6 632         | -             |
| <b>Subtotal</b>             | <b>-</b>                      | <b>-</b>   | <b>25 007</b>                   | <b>17 810</b> | <b>25 007</b> | <b>17 810</b> |
| <b>TOTAL</b>                | <b>-</b>                      | <b>-</b>   | <b>25 007</b>                   | <b>17 810</b> | <b>25 007</b> | <b>17 810</b> |

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21 ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

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## ANNEXURE 8B

INTER-ENTITY ADVANCES RECEIVED (note 21  
AND note 22)

## 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 Immovable 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 and
2. Contingent assets.

# DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT - VOTE 21 ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2021

## ANNEXURE 11

### COVID-19 RESPONSE EXPENDITURE

Per quarter and in total

| Expenditure per economic classification    | 2020/2021    |               |              |               |               | 2019/2020    |
|--------------------------------------------|--------------|---------------|--------------|---------------|---------------|--------------|
|                                            | Q1           | Q2            | Q3           | Q4            | Total         | Total        |
|                                            | R'000        | R'000         | R'000        | R'000         | R'000         | R'000        |
| <b>Compensation of employees</b>           |              |               |              |               |               |              |
| <b>Goods and services</b>                  | <b>3 225</b> | <b>16 372</b> | <b>8 724</b> | <b>15 694</b> | <b>44 015</b> | <b>1 277</b> |
| MANAGEMENT/HANDLING FEES                   | 13           | -             | 14           | -             | 27            |              |
| CONS SUPP: MEDICAL SUPPLIES                | 751          | 6 405         | 3 986        | 1 976         | 13 118        | 84           |
| CONS HOUS SUP: WASH/CLEAN DETE             | 1 737        | 4 035         | 1 461        | 1 797         | 9 030         | 1 193        |
| CONS MAT&SUP: HARDWARE                     | 34           | 283           | 1 105        | 737           | 2 159         |              |
| P/P: PEST CNTRL/FUMIGATION SER             | 79           | 734           | 283          | 395           | 1 491         |              |
| CONS SUPP: UNI/PROT CLTH & CLOTHES         | 603          | 632           | 356          | 466           | 2 057         |              |
| EQP<R5000: DOMESTIC EQUIPMENT              | -            | -             | -            | 62            | 62            |              |
| C/EQP<R5000: COM PERIPHERALS               | -            | -             | 40           | -             | 40            |              |
| F&O/EQP<R5000: OFFICE EQUIPMENT            | -            | 186           | -            | -             | 186           |              |
| F&O/EQP<R5000: OFFICE FURNITURE            | -            | -             | 4            | -             | 4             |              |
| CONTRCTRS: TRNSPRT/RELCTN DECORATORS       | -            | 1             | -            | -             | 1             |              |
| CONS HOUS SUP: DIS PAPER/PLAST             | 6            | 236           | 117          | 34            | 393           |              |
| CONS HOUS SUP: TOILETRIES                  | -            | 3 838         | 1 358        | 989           | 6 185         |              |
| CONS MOT&SUP: NOTICE BOARDS&SIGNS          | 2            | 7             | -            | -             | 9             |              |
| CONS: MEDICAL KIT                          | -            | 3             | -            | -             | 3             |              |
| CONS: COMMUNICATION ACCESSORIES            | -            | 12            | -            | -             | 12            |              |
| CONS: BAGS AND ACCESSORIES                 | -            | -             | -            | 6             | 6             |              |
| CONS: STA PRINT & OFF SUP                  | -            | -             | -            | 109           | 109           |              |
| PROPERTY PAYMENTS                          | -            | -             | -            | 9 098         | 9 098         |              |
| OPERATING PAYMENTS/VENUES AND FACILITIES   | -            | -             | -            | 25            | 25            |              |
| <b>Expenditure for capital assets</b>      |              |               |              |               |               |              |
| MACHINERY AND EQUIPMENT                    |              |               |              | 254           | 254           |              |
| <b>TOTAL COVID-19 RESPONSE EXPENDITURE</b> | <b>3 225</b> | <b>16 372</b> | <b>8 724</b> | <b>15 948</b> | <b>44 269</b> | <b>1 277</b> |









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