

Vote 23

Justice and Constitutional Development

2006/07				
R thousand	Main appropriation	Adjusted appropriation	Decrease	Increase
Amount to be appropriated	6 269 880	6 478 647	-	208 767
<i>of which:</i>				
Current payments	5 007 839	5 055 825	-	47 986
Transfers and subsidies	803 017	805 888	-	2 871
Payments for capital assets	459 024	616 934	-	157 910
Direct charge against the National Revenue Fund	1 042 665	1 071 056	-	28 391
Executive authority	Minister for Justice and Constitutional Development			
Accounting officer	Director-General of Justice and Constitutional Development			

Aim

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

Changes to programme purposes and measurable objectives

There were no changes to programme purposes or measurable objectives.

Adjusted Estimates of National Expenditure 2006

Table 23.1: Justice and Constitutional Development

Programme		2006/07					
R thousand	Main appropriation	Additional appropriation				Total additional appropriation	Adjusted appropriation
		Roll-overs	Unforeseeable /unavoidable	Virement	Other adjustments		
1. Administration	761 679	41 800	-	(26 800)	(1 000)	14 000	775 679
2. Court Services	2 609 746	149 858	-	(10 991)	-	138 867	2 748 613
3. State Legal Services	376 354	-	-	9 400	-	9 400	385 754
4. National Prosecuting Authority	1 535 562	46 500	-	-	-	46 500	1 582 062
5. Auxiliary and Associated Services	986 539	-	-	-	-	-	986 539
Subtotal	6 269 880	238 158	-	(28 391)	(1 000)	208 767	6 478 647
Direct charge against the National Revenue Fund	1 042 665	-	-	28 391	-	28 391	1 071 056
Judges' salaries	234 149	-	-	-	-	-	234 149
Magistrates' salaries	808 516	-	-	28 391	-	28 391	836 907
Total	7 312 545	238 158	-	-	(1 000)	237 158	7 549 703

Table 23.1: Justice and Constitutional Development (continued)

Programme	2006/07					
	Main appropriation	Additional appropriation				Adjusted appropriation
		Roll-overs	Unforeseeable /unavoidable	Virement	Other adjustments	
R thousand						
Economic classification						
Current payments	6 050 504	46 500	-	30 877	(1 000)	6 126 881
Compensation of employees	3 971 716	-	-	(70 216)	-	3 901 500
Goods and services	2 078 788	46 500	-	101 093	(1 000)	2 225 381
Transfers and subsidies	803 017	-	-	2 871	-	805 888
Provinces and municipalities	4 753	-	-	(297)	-	4 456
Departmental agencies and accounts	794 620	-	-	490	-	795 110
Foreign governments and international organisations	3 644	-	-	-	-	3 644
Households	-	-	-	2 678	-	2 678
Payments for capital assets	459 024	191 658	-	(33 748)	-	616 934
Buildings and other fixed structures	268 134	-	-	37 702	-	305 836
Machinery and equipment	189 870	191 658	-	(82 190)	-	299 338
Software and other intangible assets	1 020	-	-	10 740	-	11 760
Total	7 312 545	238 158	-	-	(1 000)	7 549 703

Details of adjustments to Estimates of National Expenditure 2006

Roll-overs – R238,158 million

Programme 1: Administration

R41,8 million has been rolled over for the third phase of the digital nervous system, which provides total interconnectivity for the department.

Programme 2: Court Services

R35 million has been rolled over for x-ray machines and metal detectors at courts, and R114,858 million for the supply and installation of court recording equipment. The tenders for both these projects were only approved late in March 2006.

Programme 4: National Prosecuting Authority

R46,5 million was rolled over for outstanding claims from Imperial Car Rental.

Virements

Table 23.2: Details on virements per programme and economic classification

Programme / Economic classification	R thousand		Motivation
	From	To	
1. Administration	(28 107)	1 307	
Current payments	(25 414)	-	
Compensation of employees	(22 956)	-	Savings are due to the slow filling of vacant posts and high staff turnover.
Goods and services	(2 458)	-	Savings are on subsistence and travel, related to the vacant posts.

Table 23.2: Details on virements per programme and economic classification (continued)

Programme / Economic classification	R thousand		Motivation
	From	To	
Transfers and subsidies	(83)	1 167	
Provinces and municipalities	(83)	-	Savings arose because RSC levies have been phased out after June 2006.
Departmental agencies and accounts	-	489	Funds shifted from transfers to provinces and municipalities and goods and services (in this programme) will be used for the shortage in the Skills Fund.
Households	-	678	Funds shifted from compensation of employees will be used for leave gratuities, severance packages and other payments in this programme.
Payments for capital assets	(2 610)	140	
Machinery and equipment	(2 610)	-	Savings arose because equipment cost less than anticipated.
Software and other intangible assets	-	140	Funds were shifted from machinery and equipment (in this programme).
2. Court Services	(125 756)	114 765	
Current payments	(50 451)	72 463	
Compensation of employees	(50 451)	-	Savings are due to the slow filling of vacant posts and high staff turnover. Part of the amount pertains to magistrates' salaries: these funds were not transferred to the statutory appropriation when this function was devolved, hence the allocation is corrected here.
Goods and services	-	72 463	Funds shifted from compensation of employees and machinery and equipment will be used for travel and subsistence and for equipment.
Transfers and subsidies	(55)	-	
Provinces and municipalities	(55)	-	Savings arose because RSC levies have been phased out after June 2006.
Payments for capital assets	(75 250)	42 302	
Buildings and other fixed structures	-	37 702	Funds shifted from machinery and equipment (in this programme) will be used for upgrading dilapidated court facilities.
Machinery and equipment	(75 250)	-	Savings are on equipment, related to vacant posts.
Software and other intangible assets	-	4 600	Funds shifted from machinery and equipment (in this programme) and allocated to the Management of Monies in Trust will be used for the same project.
3. State Legal Services	(4 359)	13 759	
Current payments	(4 200)	10 089	
Compensation of employees	(4 200)	-	Savings are due to the slow filling of vacant posts and high staff turnover
Goods and services	-	10 089	Funds shifted from compensation of employees and transfers to provinces and municipalities (in this programme) and from compensation of employees, goods and services, and machinery and equipment (in programme 1) will be used mainly for computer services for the master of the high court's office and the state attorney's office.
Transfers and subsidies	(159)	2 000	
Provinces and municipalities	(159)	-	Savings arose because RSC levies have been phased out after June 2006.
Households	-	2 000	Funds shifted from compensation of employees (in this programme) will be used for severance packages and leave-related payments.
Payments for capital assets	-	1 670	
Machinery and equipment	-	1 670	Funds shifted from compensation of employees (in this programme) will be used for furniture and computers for the master of the high court's office and the state attorney's office.
4. National Prosecuting Authority	(21 000)	21 000	
Current payments	(21 000)	21 000	
Compensation of employees	(21 000)	-	Savings are due to the slow filling of vacant posts and high staff turnover
Goods and services	-	21 000	Funds shifted from compensation of employees (in this programme) will be used for operating leases for motor vehicles and for implementing the National Prosecuting Authority's business transformation programme.
5. Auxiliary and Associated Services	(6 001)	6 001	
Current payments	(1)	-	
Goods and services	(1)	-	Classification error in the 2006 ENE.
Transfers and subsidies	-	1	
Departmental agencies and accounts	-	1	Classification error in the 2006 ENE.

Table 23.2: Details on virements per programme and economic classification (continued)

Programme / Economic classification	R thousand		Motivation
	From	To	
Payments for capital assets	(6 000)	6 000	
Machinery and equipment	(6 000)	-	These funds have been shifted to make provision for buying software.
Software and other intangible assets	-	6 000	Funds shifted from machinery and equipment (in this programme) will be used for software which increases access to justice, including software that assists the blind.
Direct charge against the National Revenue Fund	-	28 391	
Current payments	-	28 391	
Compensation of employees	-	28 391	Funds shifted from compensation of employees (in programmes 1 and 2) will augment magistrates' salaries.
Total for vote	(185 223)	185 223	

Other adjustments – (R1 million)

Shifting of funds between votes

Programme 1: Administration

R1 million has been shifted to the Department of Provincial and Local Government for the 16 Days of Activism campaign, which has become the responsibility of the deputy minister of that department.

Amounts forming a direct charge against the National Revenue Fund – R28,391 million

Shifting of funds

R28,391 million has been shifted from *Administration* (R17,4 million) and *Court Services* (R10,991 million) as a result of a reprioritisation exercise and will be used for magistrates' salaries.

Expenditure 2005/06 and preliminary expenditure 2006/07

Table 23.3: Justice and Constitutional Development

Programme	2005/06				2006/07		
	Expenditure outcome				Preliminary expenditure		
R thousand	Adjusted appropriation	Apr 2005 - Sep 2005	Apr 2005 - Mar 2006	Apr 05 - Mar 06 % of adjusted appropriation	Adjusted appropriation	Apr 2006 - Sep 2006	% change 05/06 - 06/07 Apr - Sep
1. Administration	659 576	313 535	600 366	91,0	775 679	287 552	(8,3)
2. Court Services	2 289 577	787 076	1 992 706	87,0	2 748 613	998 815	26,9
3. State Legal Services	313 824	136 146	299 594	95,5	385 754	155 156	14,0
4. National Prosecuting Authority	1 354 810	599 121	1 399 923	103,3	1 582 062	667 918	11,5
5. Auxiliary and Associated Services	838 243	451 802	860 606	102,7	986 539	472 154	4,5
Subtotal	5 456 030	2 287 680	5 153 195	94,4	6 478 647	2 581 595	12,8
Direct charge against the National Revenue Fund	849 977	524 872	1 040 098	122,4	1 071 056	539 950	2,9
Judges' Salaries	187 877	125 118	228 822	121,8	234 149	130 741	4,5
Magistrates' Salaries	662 100	399 754	811 276	122,5	836 907	409 209	2,4
Total	6 306 007	2 812 552	6 193 293	98,2	7 549 703	3 121 545	11,0

Table 23.3: Justice and Constitutional Development (continued)

R thousand	2005/06				2006/07		
	Expenditure outcome				Preliminary expenditure		
	Adjusted appropriation	Apr 2005 - Sep 2005	Apr 2005 - Mar 2006	Apr 05 - Mar 06 % of adjusted appropriation	Adjusted appropriation	Apr 2006 - Sep 2006	% change 05/06 - 06/07 Apr - Sep
Current payments	5 137 970	2 274 980	4 968 298	96,7	6 126 881	2 454 262	7,9
Compensation of employees	3 253 966	1 627 904	3 266 613	100,4	3 901 500	1 719 416	5,6
Goods and services	1 884 004	646 322	1 657 269	88,0	2 225 381	733 163	13,4
Financial transactions in assets and liabilities	-	754	44 416	-	-	1 683	123,2
Transfers and subsidies	697 133	416 601	760 970	109,2	805 888	439 740	5,6
Provinces and municipalities	7 784	3 532	10 405	133,7	4 456	2 836	(19,7)
Departmental agencies and accounts	685 407	412 692	703 812	102,7	795 110	410 407	(0,6)
Foreign governments and international organisations	-	377	4 106	-	3 644	455	20,7
Households	3 942	-	42 647	1081,9	2 678	26 042	(100,0)
Payments for capital assets	470 904	120 971	464 025	98,5	616 934	227 543	88,1
Buildings and other fixed structures	317 975	99 097	306 312	96,3	305 836	152 865	54,3
Machinery and equipment	151 135	21 718	157 260	104,1	299 338	54 480	150,9
Software and other intangible assets	1 794	156	453	25,3	11 760	20 198	12847,4
Total	6 306 007	2 812 552	6 193 293	98,2	7 549 703	3 121 545	11,0

Selected expenditure trends for the first half of the 2006/07 financial year

Expenditure in the first six months of 2006/07 was R3,1 billion, or 41,3 per cent of the adjusted appropriation of R7,5 billion for the year as a whole.

The lower spending recorded in Administration Programme can mainly be attributed to the delay in the rollout of phase III of the digital nervous system, property management as well as the appointment of both permanent staff and interns. The increased spending on Court Services and the National Prosecuting Authority Programmes are mainly due to the appointment of more personnel and increases related to administration costs, the salary adjustments of prosecutors and fast-tracking the spending on capital works.

Summary of changes to transfers and subsidies, and conditional grants

Table 23.4: Summary of changes to transfers and subsidies per programme

R thousand	2006/07					
	Main appropriation	Additional appropriation				Adjusted appropriation
		Roll-overs	Unforeseeable /unavoidable	Virement	Other adjustments	Total additional appropriation
1. Administration	3 689	-	-	1 084	-	1 084
Provinces and municipalities						
Municipalities						
Municipal bank accounts						
Current	206	-	-	(83)	-	(83)
Regional Services Council levies	206	-	-	(83)	-	(83)

Table 23.4: Summary of changes to transfers and subsidies per programme (continued)

2006/07							
R thousand	Main appropriation	Additional appropriation				Total additional appropriation	Adjusted appropriation
		Roll-overs	Unforeseeable /unavoidable	Virement	Other adjustments		
Departmental agencies and accounts							
Entities							
Current	3 483	-	-	489	-	489	3 972
National Skills Fund	3 483	-	-	489	-	489	3 972
Households							
Social benefits							
Current	-	-	-	678	-	678	678
Employer social benefit	-	-	-	678	-	678	678
2. Court Services							
Provinces and municipalities	1 273	-	-	(55)	-	(55)	1 218
Municipalities							
Municipal bank accounts							
Current	1 273	-	-	(55)	-	(55)	1 218
Regional Services Council levies	1 273	-	-	(55)	-	(55)	1 218
3. State Legal Services							
Provinces and municipalities	4 027	-	-	1 841	-	1 841	5 868
Municipalities							
Municipal bank accounts							
Current	383	-	-	(159)	-	(159)	224
Regional Services Council levies	383	-	-	(159)	-	(159)	224
Households							
Social benefits							
Current	-	-	-	2 000	-	2 000	2 000
Employer social benefit	-	-	-	2 000	-	2 000	2 000
5. Auxiliary and Associated Services							
Departmental agencies and accounts	791 138	-	-	1	-	1	791 139
Entities							
Current	791 137	-	-	1	-	1	791 138
Represented Political Parties' Fund	79 384	-	-	1	-	1	79 385