

Vote 21

Justice and Constitutional Development

Budget summary

R thousand	2008/09				2009/10	2010/11
	Total to be appropriated	Current payments	Transfers and subsidies	Payments for capital assets	Total	Total
MTEF allocation						
Administration	941 145	919 897	8 661	12 587	1 094 686	1 195 454
Court Services	3 371 615	2 944 335	7 244	420 036	3 808 084	3 997 339
State Legal Services	503 153	498 558	500	4 095	562 056	589 383
National Prosecuting Authority	2 122 727	2 041 251	8 937	72 539	2 423 230	2 552 706
Auxiliary and Associated Services	1 402 792	335 524	1 056 068	11 200	1 591 920	1 735 180
Total	8 341 432	6 739 565	1 081 410	520 457	9 479 976	10 070 062
Direct charges against the National Revenue Fund	1 389 329	1 319 994	69 335	–	1 519 689	1 654 870
Total expenditure estimates	9 730 761	8 059 559	1 150 745	520 457	10 999 665	11 724 932
Executive authority	Minister of Justice and Constitutional Development					
Accounting officer	Director-General for Justice and Constitutional Development					
Website address	www.doj.gov.za					

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.

Programme purposes, objectives and measures

Programme 1: Administration

Purpose: Manage the department, and develop strategies and policies for the efficient administration of justice.

Programme 2: Court Services

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

Objectives and measures:

- Ensure that justice proceedings are prompt by:
 - reducing the case backlog in district courts by 25 per cent from 16 480 in 2006/07 to 12 360 in 2009/10
 - reducing the case cycle time of criminal and civil cases involving children by 10 per cent a year from the current 18 months to 16 months in 2008/09
 - finalising 50 per cent of all cases handled by the family advocate within 6 months
 - securing all justice service delivery points with perimeter fencing by the end of 2009/10
 - replacing 20 per cent of current 80 periodical courts and 246 branch courts with full court services by the end of 2008/09.

Programme 3: State Legal Services

Purpose: Provide legal and legislative services to government, supervise the administration of deceased and insolvent estates and the Guardian's Fund, prepare and promote legislation, facilitate constitutional development and undertake research in support of this.

Objectives and measures:

- Improve the legal system by preparing at least 12 draft bills and regulations and rules for submission to the Ministry for Justice and Constitutional Development in 2008/09.
- Facilitate constitutional development by submitting at least 10 research publications to the South African Law Reform Commission for consideration and approval in 2008/09.
- Improve legal services provided to government by reducing government departments' reliance on private sector legal advisory services from 70 per cent in 2007/08 to 30 per cent by the end of 2010/11.
- Improve the administration of deceased estates by completing registered estates cases worth R50 000 or less within 4 months and providing beneficiaries of estates access to assets within 60 days of application.

Programme 4: National Prosecuting Authority

Purpose: Provide a co-ordinated prosecuting service that protects certain witnesses, investigates serious organised unlawful conduct and removes the profit from crime.

Objectives and measures:

- Reduce the case backlog and improve the case finalisation rate by increasing the number of cases finalised (including alternative dispute resolutions) from 378 926 in 2006/07 by 5 per cent a year.
- Improve justice services for the victims of sexual offences by establishing five additional Thuthuzela care centres to bring the total number to 15 in 2008/09.
- Deter sexual offenders by increasing the conviction rate in dedicated sexual offences courts from the current 66 per cent to 68 per cent in 2010/11 by appointing an additional 120 court preparation officers.
- Combat serious organised crime by increasing the number of investigations and prosecutions conducted by the directorate of special operations from 250 in 2007/08 to 440 in 2010/11.
- Contribute to removing the profit from crime by increasing the value of restraint orders obtained from R300 million in 2007/08 to R400 million in 2010/11 (10 per cent per year).

Programme 5: Auxiliary and Associated Services

Purpose: Provide a variety of auxiliary services associated with the department's aim, and fund transfer payments to the South African Human Rights Commission, the Public Protector, the Commission on Gender Equality, the Legal Aid Board, the Special Investigating Unit, the Represented Political Parties' Fund and the President's Fund.

Objectives and measures:

- Ensure the independence and integrity of the administration of justice, provide vulnerable groups with additional legal services and advice, and ensure that these services are used increasingly due to greater public awareness.

Strategic overview and key policy developments: 2004/05 – 2010/11

In terms of its medium term strategic framework, the Department of Justice and Constitutional Development remains committed to establishing and maintaining a single, integrated, accessible and affordable court system delivering on the following three key strategic goals: ensuring access to justice services for all South Africans; improving organisational efficiency; and transforming justice, the state and society.

Key strategic goals

Access to justice services

The department has embarked on a process of redemarcating magisterial districts in line with the municipal demarcation process. 91 branch courts have been identified as requiring alignment to enable them to provide all magistrate court services. The process is expected to be finalised by the end of 2008/09. This involves rationalisation of the court structures, including aligning the traditional courts.

Through its repair and maintenance programme, the department will continue developing and maintaining its facilities. The construction of new courts in rural and township areas will continue, and mobile courts will be provided to remote communities until adequate, permanent facilities are built. The department also plans to phase out all periodical courts, in particular those in police stations, and to increase the number of small claims courts. Security improvements will be made in all facilities, such as the installation of walk through metal detectors and CCTV cameras in courts.

The department will prioritise public communication about: services and assistance for victims of crime; maintenance services; the Guardian's Fund; sexual and domestic violence; Truth and Reconciliation Commission recommendations; and other such matters that may affect vulnerable groups.

Improving organisational efficiency

IT solutions such as e-scheduler and video postponement will contribute to improving the speed and efficiency of processing and facilitating court matters. Proficient court operations, improved capacity at court level and the strengthened independence of the judiciary are promoted through the continued rollout of the Re Aga Boswa (We Are Rebuilding) project and the appointment of professional court managers. Judicial training and developing the skills of the judiciary is also being assisted and promoted as a priority.

The initiation of the Isondlo project, aimed at transforming the maintenance system, gave impetus to better access to maintenance services. Cases involving children and children who have transgressed the law have also been prioritised to be resolved within six months of their registration, in the long term. In addition, restorative justice as an approach to deal with crime and the settlement of disputes is being promoted as a priority focal area.

Transforming justice, state and society

The department continues to collaborate with its cluster partners to review the country's criminal justice system. The Legal Services Charter has received attention and a legal practitioners bill is being finalised. A programme plan to implement a new service charter for victims of crime has been launched. Numerous bills, some passed in Parliament and some still being deliberated, aim to improve judicial transparency, promote gender in law, reduce human trafficking, support state departments in their international obligations, and strengthen constitutional democracy. Other bills which have been identified for introduction into Parliament include: the Customary Law of Succession Bill, which brings into line customary succession with constitutional jurisprudence; a bill dealing with the role of traditional leaders in the administration of justice; the Magistrates' Courts Amendment Bill dealing with the disposal of the immovable property of the poor in certain circumstances; and the Jurisdiction of Regional Courts Amendment Bill, which aims to give civil and family jurisdiction to regional courts in an effort to improve access to justice.

The implementation of the National Prosecuting Authority's (NPA) 2020 strategy is making progress and several strategic initiatives and projects have been established, including: designing and implementing priority processes, exploring the role of the prosecutor in restorative justice and community prosecution, and reducing the case backlogs at selected sites. The crime and criminal justice survey provides the NPA with a finger on the pulse of its stakeholders and customers and allows the NPA to measure the impact it has made.

A key project of the NPA has been the recruitment drive to fill the new posts intended to provide two prosecutors per court. As a result of various processes, by the end of 2007/08 the NPA will have 2 432 prosecutors, projected to increase to 3 814 by 2010/11.

Recent achievements

The national prosecutions service finalised 378 926 cases in 2006/07, including diversions (cases which do not follow normal court proceedings, but which are nevertheless resolved), with an average conviction rate of 85.8 per cent, against a target of 80 per cent. 44 474 cases were diverted. The backlog of cases was reduced from 37 216 in 2005/06 to 36 130 in 2006/07.

The high courts maintained a conviction rate of 86 per cent for the third consecutive year, against a target of 85 per cent. The Supreme Court of Appeal finalised 87 per cent of overall criminal appeals and 85 per cent of civil appeals against a target of 85 per cent per year. The regional courts achieved a conviction rate of 72 per cent against a target of 70 per cent. The district courts exceeded their target of 85 per cent and achieved an 87.4 per cent conviction rate.

Case cycle times have continued to improve in general. In the district courts only 10 per cent of cases were older than six months, against the target of 75 per cent. In the regional courts 42 per cent were older than six months, against the target of 75 per cent. The target was changed in 2007/08 to a more realistic case cycle time of nine months. In the high courts 15 per cent of cases were older than 12 months against the target of 90 per cent of cases not to be older than six months.

There are 59 regional courts dedicated to sexual offences, which finalised 6 323 cases with an average conviction rate of 65 per cent. The Family Advocate conducted 8 770 enquiries (against a target of 8 000), of which 6 975 were finalised.

Five new courts and 11 major additions were completed in 2006/07, against a target of 15. As part of the department's repair and maintenance programme, 6 courts were in the repair phase and 78 in the maintenance phase at the end of 2006/07, against a target of 100.

The department promoted 11 draft bills in Parliament in 2006/07, meeting its target. The South African Law Reform Commission released 7 research publications, against a target of 10.

The specialised commercial crime unit finalised 3 574 cases, with a conviction rate of 96 per cent against a target of 90 per cent.

The directorate of special operations finalised 267 investigations in 2006/07. 214 prosecutions were finalised with a conviction rate of 85 per cent, against a target of 95 per cent.

In 2006/07, the asset forfeiture unit obtained 252 orders to restrain assets to the value of approximately R1.3 billion. 242 cases to the value of R101 million were finalised against a target of 180 cases with a value of R120 million. R19.3 million was paid into the criminal assets recovery account in 2006/07. The unit achieved a success rate of 88 per cent against a target of 85 per cent.

The witness protection unit had 497 witnesses, including family members on the programme in 2006/07. No witnesses or family members were harmed or threatened. 3 per cent of witnesses abandoned the programme against a target of zero.

Selected performance indicators

Indicators*	Annual performance						
	Past			Current	Projected		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Number of backlog cases finalised	33 595	37 216	36 130	5% (34 324)	5 % (32 608)	10% (29 347)	5 % (27 880)
Outstanding court roll at end of financial year	206 005	198 990	206 508	196 183	186 374	177 055	168 202
Conviction rate:							
• High courts	85% (1 281)	87% (1 195)	87.8% (1 016)	85%	86%	86%	87%
• Regional courts	70% (29 249)	71% (27 761)	72% (26 618)	73%	73%	74%	74%
• District courts	87.4% (294 207)	87% (291 474)	87.4% (258 172)	87%	87%	87%	89%
• Sexual offences courts	63%	70% (4 465)	65% (3 869)	66%	66%	67%	68%
National prosecution service							
• Conviction rate	85.1% (324 248)	85.7% (320 514)	85.8% (286 960)	85%	86%	87%	87%
• Number of cases finalised with diversion	399 966	411 417	378 926	397 872	417 765	438 654	460 586
• Number of cases finalised without diversion	381 020	373 995	334 452	317 625	333 506	350 181	355 625
Directorate of special operations							
• Conviction rate	88% (206)	82% (199)	85% (182)	85%	85%	85%	85%
• Number of investigations finalised	325	318	267	128	200	210	220
• Number of prosecutions finalised	234	243	214	122	200	210	220
Asset forfeiture unit:							
• Success rate	87% (131)	88% (194)	88% (213)	86%	86%	86%	86%
• Number of restraints	167	252	252	210	255	280	310
• Number of completed forfeiture cases	154	221	242	225	250	275	300
• Value of new restraints (R million)	234	344	1 295	300	330	360	400
Specialist commercial crime unit:							
• Conviction rate	94.8% (1 680)	94.6% (2 148)	95.6% (3 415)	95%	94%	94%	94%
• Number of cases finalised	1 772	2 271	3 574	2 700	2 767	2 836	2 906
Percentage of witnesses who abandon the witness protection programme	6% (9)	3% (7)	3% (7)	10.5%	2%	2%	2%

* Some actual numbers for percentage indicators from 2007/08 onwards cannot be projected.

Expenditure estimates

Table 21.1 Justice and Constitutional Development

Programme	Audited outcome			Adjusted appropriation	Revised estimate	Medium-term expenditure estimate		
	2004/05	2005/06	2006/07	2007/08		2008/09	2009/10	2010/11
R thousand								
1. Administration	831 050	600 709	636 862	885 952	776 324	941 145	1 094 686	1 195 454
2. Court Services	1 687 794	1 993 742	2 507 196	3 155 670	2 922 084	3 371 615	3 808 084	3 997 339
3. State Legal Services	222 684	299 594	335 046	443 625	353 541	503 153	562 056	589 383
4. National Prosecuting Authority	1 170 435	1 399 923	1 535 754	1 804 691	1 804 196	2 122 727	2 423 230	2 552 706
5. Auxiliary and Associated Services	758 048	859 570	990 358	1 248 729	1 256 257	1 402 792	1 591 920	1 735 180
Subtotal	4 670 011	5 153 538	6 005 216	7 538 667	7 112 402	8 341 432	9 479 976	10 070 062
Direct charge against the National Revenue Fund	829 355	1 040 098	1 099 289	1 266 518	1 266 518	1 389 329	1 519 689	1 654 870
Judges' salaries	242 093	252 300	269 333	337 870	337 870	370 315	404 754	440 479
Magistrates' salaries	587 262	787 798	829 956	928 648	928 648	1 019 014	1 114 935	1 214 391
Total	5 499 366	6 193 636	7 104 505	8 805 185	8 378 920	9 730 761	10 999 665	11 724 932
Change to 2007 Budget estimate				263 897	(162 368)	224 980	351 666	440 290

Table 21.1 Justice and Constitutional Development (continued)

R thousand	Audited outcome			Adjusted appropriation	Revised estimate	Medium-term expenditure estimate		
	2004/05	2005/06	2006/07	2007/08		2008/09	2009/10	2010/11
Economic classification								
Current payments	4 418 308	4 968 640	5 631 935	7 201 233	6 923 752	8 059 559	9 080 457	9 660 755
Compensation of employees	2 969 625	3 266 508	3 695 236	4 405 834	4 404 618	5 194 250	5 921 184	6 256 014
Goods and services	1 356 347	1 657 716	1 934 032	2 795 399	2 516 196	2 865 309	3 159 273	3 404 741
<i>of which:</i>								
Communication	107 675	134 904	134 120	122 895	122 895	115 226	125 646	134 705
Computer services	98 376	123 279	197 112	342 247	342 247	340 440	366 832	395 152
Consultants, contractors and special services	271 371	228 081	197 412	566 877	566 877	665 958	726 405	775 339
Inventory	62 487	69 223	123 314	168 179	168 179	150 597	166 374	177 232
Maintenance, repairs and running costs	21 293	34 277	40 922	20 632	20 632	20 165	21 975	23 421
Operating leases	231 348	276 548	327 755	456 269	456 269	475 740	547 531	612 060
Travel and subsistence	124 116	232 603	298 352	188 848	188 848	189 131	199 756	207 448
Municipal services	69 354	74 852	86 961	95 174	95 174	101 166	111 283	122 410
Witness and related fees	87 217	72 486	80 071	110 235	110 235	128 341	139 320	148 991
Financial transactions in assets and liabilities	92 336	44 416	2 667	–	2 938	–	–	–
Transfers and subsidies	634 250	760 971	851 610	1 038 592	1 059 808	1 150 745	1 324 252	1 445 092
Provinces and municipalities	8 480	10 405	3 060	200	278	–	–	–
Departmental agencies and accounts	609 935	703 812	795 109	957 453	977 453	1 061 729	1 226 852	1 338 632
Foreign governments and international organisations	3 285	4 106	4 724	4 220	4 220	4 240	4 494	4 764
Households	12 550	42 648	48 717	76 719	77 857	84 776	92 906	101 696
Payments for capital assets	446 808	464 025	620 960	565 360	395 360	520 457	594 956	619 085
Buildings and other fixed structures	270 483	306 312	328 936	414 622	213 645	368 303	422 000	434 660
Machinery and equipment	166 612	157 260	270 898	144 088	175 065	142 762	160 462	170 931
Software and other intangible assets	9 713	453	21 126	6 650	6 650	9 392	12 494	13 494
Total	5 499 366	6 193 636	7 104 505	8 805 185	8 378 920	9 730 761	10 999 665	11 724 932

Expenditure trends

Between 2004/05 and 2010/11, the department's budget is expected to increase at an average annual rate of 13.4 per cent, from R5.5 billion to R11.7 billion. (This includes direct charges against the National Revenue Fund.) The largest part of this increase goes towards improving the capacity at courts and providing services, hence the relatively large increases in the *Court Services*, *State Legal Services*, and *National Prosecuting Authority* programmes.

The 2008 Budget sets out additional allocations of R256.3 million in 2008/09, R404.5 million in 2009/10 and R537.8 million in 2010/11 for: IT modernisation projects in the NPA, involving the development and rollout of a prosecutorial process flow, scheduling and management solution, as well as electronic case management and records management systems; increases in the compensation of employees to implement the 2007 resolution of the Public Service Co-ordinating Bargaining Council; adjustments to inflation; accommodation charges; more human resource capacity in the Legal Aid Board; and appointing more judges and magistrates.

The department has identified efficiency savings of R178.7 million in operational expenditure, particularly subsistence and travel costs, which include accommodation costs, air- and road travel, and car rental cost. A large portion of the savings will be derived from the *Court Services* and *National Prosecuting Authority* programmes.

Of the R1.7 billion available over the MTEF period for infrastructure investment, 37.9 per cent (or R630.4 million) will be spent on large infrastructure projects, 36.2 per cent (R602.7 million) on small projects, and 25.9 per cent (R431.7 million) on maintenance projects.

In 2006/07, the department started the process of making its buildings accessible to persons with disabilities. Fourteen court buildings have been provided with basic accessibility (ramps, designated parking and toilet facilities, and accessibility to at least one courtroom on ground level). During 2007/08, 480 more court buildings were added to the programme and these are in the various planning and construction stages.

In 2007/08, construction of major capital projects also started in Galeshewe (Northern Cape), Kagiso (Gauteng) and Ekangala (Mpumalanga), while extensions were carried out in Richmond (Northern Cape). Capital projects in Soshanguve, Kathlehong, Ntuzuma, Bityi, Ashton and Mamelodi are at various stages of planning. Due to the delays in the acquisition of sites for both the new high courts in Mpumalanga and Limpopo, the department could not proceed with planning in 2007/08. Now that sites have been acquired and confirmed, planning will begin.

The department is progressing with its repair and maintenance programme (RAMP). To date, 26 court facilities have completed the full RAMP cycle of 36 months, while 56 are in the maintenance phase and 9 in the repair phase. Status reports have been compiled for 190 court facilities, and repair or renovation will start in 2008/09.

Departmental receipts

Revenue is mainly generated from fines, penalties and forfeits imposed by the courts, as well as money recovered by state attorneys. Receipts from fines, penalties and forfeits are set to increase, especially in 2007/08 and over the medium term, as court fines now start to flow through the department's financial system, going into the MTEF period.

Table 21.2 Departmental receipts

R thousand	Audited outcome			Estimate	Medium-term receipts estimate		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Departmental receipts	177 643	340 182	319 510	379 662	398 404	420 014	445 214
Sales of goods and services produced by department	55 640	15 015	10 786	12 052	12 655	13 287	14 084
Sales of scrap, waste and other used current goods	–	13	6	59	–	–	–
Fines, penalties and forfeits	2 868	192 642	262 616	269 816	283 307	298 889	316 822
Interest, dividends and rent on land	58 593	88 678	13 394	51 981	54 303	57 291	60 728
Sales of capital assets	110	21 899	–	124	–	–	–
Financial transactions in assets and liabilities	60 432	21 935	32 708	45 630	48 139	50 547	53 580
Total	177 643	340 182	319 510	379 662	398 404	420 014	445 214

Programme 1: Administration

Purpose: Manage the department, and develop strategies and policies for the efficient administration of justice.

Expenditure estimates

Table 21.3 Administration

Subprogramme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
R thousand							
Minister ¹	930	858	1 249	951	1 019	1 072	1 127
Deputy Minister ²	676	808	228	773	828	871	916
Management	42 848	54 634	40 609	69 451	71 572	74 921	79 457
Corporate Services	534 966	274 112	294 798	469 835	481 913	568 881	605 339
Property Management	251 630	270 297	299 978	344 942	385 813	448 941	508 615
Total	831 050	600 709	636 862	885 952	941 145	1 094 686	1 195 454
Change to 2007 Budget estimate				47 900	43 146	50 957	65 644

1. Payable as from 1 April 2007. Salary: R761 053. Car allowance: R190 262.

2. Payable as from 1 April 2007. Salary: R618 566. Car allowance: R154 641.

Table 21.3 Administration (continued)

R thousand	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Economic classification							
Current payments	777 204	594 597	621 634	864 163	919 897	1 072 287	1 172 103
Compensation of employees	274 366	149 630	146 893	200 274	271 336	330 641	351 447
Goods and services	464 484	444 967	472 207	663 889	648 561	741 646	820 656
<i>of which:</i>							
Communication	12 256	10 559	10 559	11 343	11 376	12 202	12 739
Computer services	536	3 321	10 997	42 430	37 572	40 296	42 072
Consultants, contractors and special services	24 250	59 690	43 343	81 643	25 223	27 051	28 244
Inventory	34 175	8 438	6 458	13 621	15 764	16 908	17 653
Maintenance, repairs and running costs	–	1 163	2 626	3 437	3 678	3 946	4 119
Operating leases	182 276	198 320	216 498	256 167	291 216	344 703	393 561
Travel and subsistence	62 652	49 720	45 139	67 318	64 221	61 170	57 693
Municipal services	69 354	74 852	86 961	95 174	101 166	111 283	122 410
Financial transactions in assets and liabilities	38 354	–	2 534	–	–	–	–
Transfers and subsidies	4 566	760	4 826	8 530	8 661	9 136	9 685
Provinces and municipalities	860	470	104	–	–	–	–
Departmental agencies and accounts	3 100	–	3 972	4 210	4 421	4 642	4 921
Foreign governments and international organisations	162	–	–	4 220	4 240	4 494	4 764
Households	444	290	750	100	–	–	–
Payments for capital assets	49 280	5 352	10 402	13 259	12 587	13 263	13 666
Buildings and other fixed structures	402	–	–	–	–	–	–
Machinery and equipment	48 645	5 253	10 236	12 759	12 587	13 263	13 666
Software and other intangible assets	233	99	166	500	–	–	–
Total	831 050	600 709	636 862	885 952	941 145	1 094 686	1 195 454

Details of major transfers and subsidies

Departmental agencies and accounts							
Departmental agencies (non-business entities)							
Current	3 100	–	3 972	4 210	4 421	4 642	4 921
Contribution to National Skills Fund	3 100	–	3 972	4 210	4 421	4 642	4 921
Foreign governments and international organisations							
Current	162	–	–	4 220	4 240	4 494	4 764
United Nations Institution for Unification of Private Law	162	–	–	4 000	4 240	4 494	4 764
International Criminal Court: Sierra Leone	–	–	–	220	–	–	–

Expenditure trends

Although expenditure increases at a slow average annual rate of 2.2 per cent between 2004/05 and 2007/08, expenditure peaked in 2004/05, mainly in the *Corporate Services* subprogramme due to once-off expenditure for clearing balances in suspense accounts.

Over the medium term, the budget grows from R886 million in 2007/08 to R1.2 billion in 2010/11, at an average annual rate of 10.5 per cent. The growth is evident again in the *Corporate Services* subprogramme, and is to cover human resource development, appointing additional legal interns, and improving the capacity of the Justice College. Increases in spending in the *Property Management* subprogramme are for the payment of market related accommodation charges.

Programme 2: Court Services

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

The programme purpose is reflected in the organisation of its first five subprogrammes:

- *Constitutional Court*
- *Supreme Court of Appeal*
- *High Courts*
- *Specialised Courts*
- *Lower Courts*

There are five other subprogrammes:

- *Family Advocate* makes recommendations to the court where there is litigation and mediation relating to children in family matters.
- *Magistrate's Commission* makes recommendations on the appointment of magistrates.
- *Government Motor Transport* funds vehicles for judges and departmental officials.
- *Facilities Management* funds the building and upgrading of court and justice service delivery points.
- *Administration of Courts* funds the management of courts' administration and performance evaluation functions.

Expenditure estimates

Table 21.4 Court Services

Subprogramme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
R thousand							
Constitutional Court	14 896	23 397	27 177	58 883	59 743	61 998	66 526
Supreme Court of Appeal	10 965	11 291	12 012	15 196	15 723	16 871	18 007
High Courts	184 808	197 717	215 036	176 926	204 783	220 043	234 503
Specialised Courts	16 779	19 782	20 912	23 141	22 465	24 136	25 715
Lower Courts	990 678	1 252 708	1 616 655	1 849 968	2 147 113	2 475 974	2 598 453
Family Advocate	28 452	34 236	44 810	72 309	79 516	80 990	86 188
Magistrate's Commission	10 959	5 181	4 699	7 508	8 611	9 149	9 706
Judicial Service Commission	840	1 036	970	–	–	–	–
Government Motor Transport	8 956	10 272	24 273	30 306	31 821	34 366	35 397
Facilities Management	243 523	288 917	323 658	668 799	508 703	569 350	586 430
Administration of Courts	176 938	149 205	216 994	252 634	293 137	315 207	336 414
Total	1 687 794	1 993 742	2 507 196	3 155 670	3 371 615	3 808 084	3 997 339
Change to 2007 Budget estimate				156 997	38 269	77 042	107 753

Economic classification

	1 366 087	1 613 517	1 926 797	2 669 078	2 944 335	3 324 894	3 499 841
Current payments							
Compensation of employees	870 846	972 004	1 159 816	1 401 540	1 676 628	1 950 560	2 047 752
Goods and services	450 978	597 110	766 981	1 267 538	1 267 707	1 374 334	1 452 089
<i>of which:</i>							
<i>Communication</i>	60 072	73 857	80 422	62 269	44 413	48 301	51 201
<i>Computer services</i>	41 537	1 074	1 229	70 133	52 017	56 876	60 502
<i>Consultants, contractors and special services</i>	127 468	60 510	56 049	310 145	417 097	456 060	483 068
<i>Inventory</i>	1 849	40 174	95 823	127 059	101 032	110 754	118 004
<i>Maintenance, repairs and running costs</i>	8 498	29 219	29 965	12 277	10 604	11 575	12 300
<i>Operating leases</i>	67	17 912	21 359	134 663	101 032	110 754	118 004
<i>Travel and subsistence</i>	12 225	130 780	172 916	14 893	11 604	12 575	13 300
<i>Witness and related fees</i>	47 254	35 857	36 118	60 100	63 503	67 734	70 764
Financial transactions in assets and liabilities	44 263	44 403	–	–	–	–	–

Table 21.4 Court Services (continued)

R thousand	Audited outcome			Adjusted	Medium-term expenditure estimate			
	2004/05	2005/06	2006/07	appropriation	2007/08	2008/09	2009/10	2010/11
Transfers and subsidies	13 132	9 840	7 333		7 988	7 244	7 698	8 136
Provinces and municipalities	4 576	2 998	825		–	–	–	–
Departmental agencies and accounts	–	(8)	–		–	–	–	–
Foreign governments and international organisations	–	83	11		–	–	–	–
Households	8 556	6 767	6 497		7 988	7 244	7 698	8 136
Payments for capital assets	308 575	370 385	573 066		478 604	420 036	475 492	489 362
Buildings and other fixed structures	254 545	291 312	328 936		414 622	368 303	422 000	434 660
Machinery and equipment	53 932	78 753	225 526		63 882	51 608	53 342	54 542
Software and other intangible assets	98	320	18 604		100	125	150	160
Total	1 687 794	1 993 742	2 507 196		3 155 670	3 371 615	3 808 084	3 997 339

Expenditure trends

Expenditure grows at an average annual rate of 15.5 per cent between 2004/05 and 2010/11. This is for the department to implement a number of projects, including the creation of management capacity at court level, the reduction of criminal case backlogs, integrated case flow management, and rehabilitation and the day-to-day maintenance of court buildings.

Expenditure in the *Lower Courts* subprogramme, which accounts for 63.7 per cent of this programme's budget, increases from R1.8 billion in 2007/08 to R2.6 billion in 2010/11, at an average annual rate of 12 per cent. This growth goes towards improving service delivery, integrating the management of cases and people through the justice chain, human resource development and filling vacancies.

The increased budget allocation over the MTEF period for the *Family Advocate* subprogramme is for appointing more family advocates and family counsellors in response to the requirements of the Children's Act (2005).

Expenditure in the *Facilities Management* subprogramme, which funds the building of new courts and the rehabilitation of existing court infrastructure, increases substantially by 106.6 per cent between 2006/07 and 2007/08, after which it decreases by 23.9 per cent, from R669 million to R508.7 million in 2008/09. This is due to a once-off rollover of R261 million for capital works projects from 2006/07 to 2007/08.

Programme 3: State Legal Services

Purpose: Provide legal and legislative services to government, supervise the administration of deceased and insolvent estates and the Guardian's Fund, prepare and promote legislation, facilitate constitutional development and undertake research in support of this.

- *State Law Advisors* provides legal advisory services to the executive, all state departments, parastatals and government autonomous bodies.
- *Litigation and Legal Services* provides attorney, conveyancing and notary public services to the executive, all state departments, parastatals and other government bodies through the offices of the state attorney, and provides legal support to the department and the ministry.
- *Legislation and Constitutional Development* prepares and promotes primary and secondary legislation, and conducts research.
- *Master of the High Court* supervises the administration of deceased and insolvent estates, trusts, curatorships and the Guardian's Fund.

Expenditure estimates

Table 21.5 State Legal Services

Subprogramme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
R thousand							
State Law Advisors	19 488	17 665	18 574	32 203	33 923	36 579	38 276
Litigation and Legal Services	98 661	129 007	141 949	180 648	189 422	209 752	220 067
Legislation and Constitutional Development	12 539	29 850	30 798	44 161	38 935	46 256	48 247
Master of the High Court	91 996	123 072	143 725	186 613	240 873	269 469	282 793
Total	222 684	299 594	335 046	443 625	503 153	562 056	589 383
Change to 2007 Budget estimate				27 700	31 168	31 375	(13 959)

Economic classification

Current payments	216 671	289 384	323 735	433 581	498 558	557 242	584 353
Compensation of employees	177 104	235 805	265 073	351 521	434 664	481 454	506 064
Goods and services	29 850	53 579	58 662	82 060	63 894	75 788	78 289
<i>of which:</i>							
Communication	7 426	7 126	8 741	6 211	5 878	6 973	7 203
Computer services	–	916	47	300	255	303	313
Consultants, contractors and special services	4 641	1 005	2 377	10 509	5 303	6 290	6 499
Inventory	4 494	5 259	6 489	11 742	10 095	11 975	12 370
Maintenance, repairs and running costs	–	670	1 616	732	702	834	861
Operating leases	–	5 060	3 415	1 864	1 726	2 045	2 115
Travel and subsistence	6 788	9 258	13 127	28 443	17 251	20 463	21 139
Financial transactions in assets and liabilities	9 717	–	–	–	–	–	–
Transfers and subsidies	4 052	8 774	8 042	314	500	500	500
Provinces and municipalities	538	768	198	–	–	–	–
Foreign governments and international organisations	3 123	4 023	4 713	–	–	–	–
Households	391	3 983	3 131	314	500	500	500
Payments for capital assets	1 961	1 436	3 269	9 730	4 095	4 314	4 530
Machinery and equipment	1 941	1 402	3 221	9 680	4 095	4 314	4 530
Software and other intangible assets	20	34	48	50	–	–	–
Total	222 684	299 594	335 046	443 625	503 153	562 056	589 383

Details of major transfers and subsidies

Foreign governments and international organisations							
Current	3 123	4 023	4 713	–	–	–	–
International Criminal Court	3 123	4 023	4 713	–	–	–	–

Expenditure trends

Expenditure increases between 2004/05 and 2007/08, at an average annual rate of 25.8 per cent. The main increase takes place in the *Litigation and Legal Services* subprogramme, whose expenditure grows at an average annual rate of 52.1 per cent. This is due to the appointment of additional personnel in the offices of the state attorney. This increase is also reflected in compensation of employees, which rises at an average annual rate of 25.7 per cent.

Over the medium term, expenditure is expected to increase steadily, rising from R443.6 million in 2007/08 to R589.4 million in 2010/11, at an average annual rate of 9.9 per cent. The increase goes towards improving access to the Guardian's Fund services, facilitating accessibility of deceased and insolvent estates services, increasing capacity through employment of additional personnel in the state attorney's office, and developing the skills of existing personnel.

Programme 4: National Prosecuting Authority

Purpose: Provide a co-ordinated prosecuting service that protects certain witnesses, investigates serious organised unlawful conduct and removes the profit from crime.

- *Public Prosecutions* includes general prosecutions and several specialist prosecution units.
- *Witness Protection Programme* provides protection, support and related services to vulnerable witnesses and related persons in judicial proceedings.
- *Directorate of Special Operations* deals with complex and organised crime.
- *Asset Forfeiture Unit* seizes criminal assets that are the proceeds of crime or have been involved in the commission of an offence either through a criminal or civil process.

Expenditure estimates

Table 21.6 National Prosecuting Authority

Subprogramme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
R thousand							
Public Prosecutions	921 388	1 102 088	1 197 178	1 265 099	1 488 044	1 698 699	1 790 462
Witness Protection Programme	42 324	54 501	69 033	104 435	127 839	141 229	148 722
Directorate of Special Operations	171 750	201 079	231 807	373 100	429 850	496 976	522 744
Asset Forfeiture Unit	34 973	42 255	37 736	62 057	76 994	86 326	90 778
Total	1 170 435	1 399 923	1 535 754	1 804 691	2 122 727	2 423 230	2 552 706
Change to 2007 Budget estimate				–	37 413	42 319	30 136

Economic classification

Current payments	1 128 847	1 334 884	1 516 694	1 746 783	2 041 251	2 320 361	2 441 383
Compensation of employees	817 171	900 189	1 060 485	1 248 723	1 491 166	1 713 004	1 777 613
Goods and services	311 674	434 682	456 076	498 060	550 085	607 357	663 770
<i>of which:</i>							
Communication	27 154	41 938	32 553	42 854	53 310	57 900	63 271
Computer services	32 978	41 402	36 997	49 826	57 020	61 305	66 992
Consultants, contractors and special services	41 928	57 927	67 615	64 791	82 351	90 848	99 276
Inventory	21 490	15 324	14 404	15 248	23 011	25 986	28 396
Maintenance, repairs and running costs	12 795	3 225	6 715	4 184	5 179	5 618	6 139
Operating leases	49 005	55 232	86 340	63 552	81 762	90 024	98 375
Travel and subsistence	40 844	42 640	65 537	76 673	94 337	103 695	113 315
Witness and related fees	39 963	36 629	43 953	50 135	64 838	71 586	78 227
Financial transactions in assets and liabilities	2	13	133	–	–	–	–
Transfers and subsidies	5 920	6 106	3 368	5 341	8 937	11 482	12 296
Provinces and municipalities	2 504	3 025	1 096	200	–	–	–
Departmental agencies and accounts	262	–	–	–	1 240	1 425	1 479
Households	3 154	3 081	2 272	5 141	7 697	10 057	10 817
Payments for capital assets	35 668	58 933	15 692	52 567	72 539	91 387	99 027
Buildings and other fixed structures	15 536	15 000	–	–	–	–	–
Machinery and equipment	20 132	43 933	15 692	46 567	63 272	79 043	85 693
Software and other intangible assets	–	–	–	6 000	9 267	12 344	13 334
Total	1 170 435	1 399 923	1 535 754	1 804 691	2 122 727	2 423 230	2 552 706

Details of major transfers and subsidies

Departmental agencies and accounts							
Departmental agencies (non business entities)							
Current	262	–	–	–	1 240	1 425	1 479
Safety and Security Sector Education and Training Authority	262	–	–	–	1 240	1 425	1 479

Expenditure trends

Expenditure increases at an average annual rate of 13.9 per cent between 2004/05 and 2010/11, rising from R1.2 billion to R2.6 billion in 2010/11. The main contributor to the growth is the *Public Prosecutions* subprogramme, which accounts for 70.1 per cent of the programme's budget, and increases from R1.3 billion in 2007/08 to R1.8 billion in 2010/11, at an average annual rate of 12.3 per cent. The overall growth in the baseline is to provide for: the acquisition of new building infrastructure; the refurbishment of existing office accommodation; the appointment of prosecutors to fully implement the initiative of assigning at least two prosecutors per court; and the reduction of criminal case backlogs.

Programme 5: Auxiliary and Associated Services

Purpose: Provide a variety of auxiliary services associated with the department's aim, and fund transfer payments to the South African Human Rights Commission, the Public Protector, the Commission on Gender Equality, the Legal Aid Board, the Special Investigating Unit, the Represented Political Parties' Fund and the President's Fund.

- *Office for the Control of Interception and Monitoring of Communication* authorises applications by law enforcement agencies for the interception and monitoring of communications in terms of the Regulation of Interception of Communications and Provision of Communication-related Information Act (2002).
- *South African Human Rights Commission* promotes and monitors the observance of human rights in South Africa.
- *Commission on Gender Equality* aims to create a society free from gender discrimination and any other forms of oppression.
- *Special Investigating Unit* provides professional forensic investigating and litigation services to all state institutions at national, provincial and local level to combat maladministration, corruption and fraud and to protect state assets and public money.
- *Legal Aid Board* provides legal aid to indigent people and provides legal representation at the state's expense, as set out in the Constitution.
- *Public Protector* investigates any conduct in state affairs, public administration, or any sphere of government, that is alleged to be improper, or which results in any impropriety or prejudice.
- *Justice Modernisation (NCPS)* designs and implements IT infrastructure and networks to re-engineer business processes for the administration of civil and criminal justice in the integrated justice system.
- *President's Fund* gives effect to the reparations policy flowing from the findings of the Truth and Reconciliation Commission.
- *Represented Political Parties' Fund* provides for the funding of political parties participating in Parliament and provincial legislatures.

Expenditure estimates

Table 21.7 Auxiliary and Associated Services

Subprogramme	Audited outcome			Adjusted	Medium-term expenditure estimate			
	2004/05	2005/06	2006/07	appropriation	2007/08	2008/09	2009/10	2010/11
R thousand								
Office for the Control of Interception and Monitoring of Communication	238	145	100	601	620	685	704	
South African Human Rights Commission	37 653	41 774	49 220	55 281	60 603	66 129	70 097	
Commission on Gender Equality	21 390	26 469	37 757	39 745	44 193	46 550	49 343	
Special Investigating Unit	37 194	48 851	55 582	98 111	116 297	149 435	158 400	
Legal Aid Board	390 525	453 208	501 409	598 029	660 312	770 094	854 500	
Public Protector	49 968	59 238	68 304	78 722	86 475	95 099	100 805	
Justice Modernisation (NCPS)	150 428	154 994	198 601	294 885	346 104	370 450	402 244	
President's Fund	–	–	–	1	1	1	1	
Represented Political Parties Fund	70 652	74 891	79 385	83 354	88 187	93 477	99 086	
Total	758 048	859 570	990 358	1 248 729	1 402 792	1 591 920	1 735 180	
Change to 2007 Budget estimate				28 300	24 984	49 973	100 716	

Table 21.7 Auxiliary and Associated Services (continued)

R thousand	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Economic classification							
Current payments	100 144	127 830	180 690	284 286	335 524	360 635	390 448
Compensation of employees	783	556	584	434	462	487	511
Goods and services	99 361	127 274	180 106	283 852	335 062	360 148	389 937
<i>of which:</i>							
Communication	767	1 424	1 845	218	249	270	291
Computer services	23 325	76 566	147 842	179 558	193 576	208 052	225 273
Consultants, contractors and special services	73 084	48 949	28 028	99 789	135 984	146 156	158 252
Inventory	479	28	140	509	695	751	809
Maintenance, repairs and running costs	–	–	–	2	2	2	2
Operating leases	–	24	143	23	4	5	5
Travel and subsistence	1 607	101	1 633	1 521	1 718	1 853	2 001
Transfers and subsidies	606 580	703 821	791 137	953 243	1 056 068	1 220 785	1 332 232
Provinces and municipalities	2	1	–	–	–	–	–
Departmental agencies and accounts	606 573	703 820	791 137	953 243	1 056 068	1 220 785	1 332 232
Households	5	–	–	–	–	–	–
Payments for capital assets	51 324	27 919	18 531	11 200	11 200	10 500	12 500
Machinery and equipment	41 962	27 919	16 223	11 200	11 200	10 500	12 500
Software and other intangible assets	9 362	–	2 308	–	–	–	–
Total	758 048	859 570	990 358	1 248 729	1 402 792	1 591 920	1 735 180

Details of major transfers and subsidies

Departmental agencies and accounts							
Departmental agencies (non-business entities)							
Current	606 573	703 820	791 137	953 243	1 056 068	1 220 785	1 332 232
Commission on Gender Equality	21 390	26 469	37 757	39 745	44 193	46 550	49 343
Legal Aid Board	390 525	453 208	501 409	598 029	660 312	770 094	854 500
President's Fund	–	–	–	1	1	1	1
Public Protector	49 160	58 627	67 784	78 722	86 475	95 099	100 805
Represented Political Parties Fund	70 652	74 891	79 385	83 354	88 187	93 477	99 086
South African Human Rights Commission	37 652	41 774	49 220	55 281	60 603	66 129	70 097
Special Investigating Unit	37 194	48 851	55 582	98 111	116 297	149 435	158 400

Expenditure trends

Spending in this programme is dominated by transfer payments to several departmental agencies. Expenditure increases at an average annual rate of 18.1 per cent between 2004/05 and 2007/08. Over the medium term the budget grows at an average annual rate of 11.6 per cent, from R1.2 billion in 2007/08 to R1.7 billion in 2010/11. For both these periods increases are mainly seen in transfers to the Legal Aid Board to make provision for the appointment of additional public defenders. Under goods and services, spending on consultancy services increases due to the justice modernisation programme.

Additional amounts allocated in the 2008 Budget include R65 million for specific IT projects for the National Prosecuting Authority as part of the integrated justice system programme, and R110 million to increase human resource capacity in the Legal Aid Board.

Public entities, constitutional institutions and other agencies

Legal Aid Board

The Legal Aid Board was established in terms of section 2 of the Legal Aid Act (1969) to provide legal aid to indigent people and legal representation at state expense to people entitled to it in terms of the Constitution. The board provides services in all regional, district and high courts through its extended network. Its role is to provide legal aid in an independent and impartial manner, with the intention of enhancing justice and public confidence in the law and the administration of justice.

The board uses five broad channels to fulfill its mandate: justice centres, co-operation agreements, judicare, special litigation, and other cost effective and efficient ways to provide legal assistance. The board provides legal aid primarily through the legal practitioners it employs at its justice centres. Its national network includes 57 fully functional justice centres (compared to only 26 in 2001/02), 13 high court units and 35 satellite offices. The board has identified the following priority groups: children in civil matters; every detained person (including sentenced prisoners); every accused person who wishes to appeal or review a court decision in a higher court; women, particularly in divorces, maintenance and domestic violence cases; and the landless, especially eviction cases.

The board met all of its service delivery targets for 2006/07. The total number of new cases dealt with increased by 5 per cent, from 340 244 in 2005/06 to 358 883 in 2006/07. The number of cases finalised increased from 303 126 in 2005/06 to 346 497 in 2006/07. Criminal matters constituted 89 per cent of all new matters, with civil matters making up the rest.

Selected performance indicators

Indicators	Annual performance						
	Past			Current	Projected		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Number of new legal matters received	306 654	340 244	358 883	376 607	395 219	414 752	435 265
Number of finalised legal matters	258 185	303 126	346 497	346 497	346 461	346 461	346 461
Number of criminal legal matters finalised	230 680	270 206	308 727	308 727	305 258	305 258	305 258
Number of civil legal matters finalised	27 505	32 920	37 770	37 770	41 203	41 203	41 203
Ratio of legal practitioner per district court	-	-	-	0.91:1	0.94:1	0.97:1	1:1
Ratio of legal practitioner per regional court	-	-	-	1.17:1	1.20:1	1.22:1	1.25:1

Expenditure estimates

Table 21.8 Legal Aid Board

R thousand	Audited outcome			Estimated outcome	Medium-term estimate		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Revenue							
Non-tax revenue	12 671	12 808	17 402	18 270	17 119	17 232	17 265
Other non-tax revenue	12 671	12 808	17 402	18 270	17 119	17 232	17 265
Transfers received	390 525	453 208	501 409	598 029	660 312	770 094	854 500
Total revenue	403 196	466 016	518 811	616 299	677 431	787 326	871 765
Expenses							
Current expense	391 988	485 303	533 699	616 299	677 431	787 326	871 765
Compensation of employees	239 410	252 144	310 524	341 576	372 631	407 627	462 238
Goods and services	113 551	195 277	190 412	235 319	259 606	336 883	369 215
Depreciation	24 594	21 553	14 393	18 734	21 013	17 231	13 192
Interest, dividends and rent on land	14 433	16 329	18 370	20 670	24 181	25 585	27 120
Total expenses	391 988	485 303	533 699	616 299	677 431	787 326	871 765
Surplus / (Deficit)	11 208	(19 287)	(14 888)	(0)	-	-	-
Acquisition of assets	15 689	15 141	13 630	22 367	25 960	27 518	20 212

Expenditure trends

The board receives transfers from government through the Department of Justice and Constitutional Development and has been allocated R660.3 million, R770.1 million and R854.5 million over the MTEF period. This is its main source of revenue, supplemented only by interest income. Overall revenue is expected to grow at an average annual rate of 13.7 per cent between 2004/05 and 2010/11. Expenditure is expected to increase over the medium term at an average annual rate of 12.3 per cent, rising from R616.3 million in 2007/08 to R871.8 million in 2010/11.

Special Investigating Unit

The Special Investigating Unit was established in terms of the Special Investigating Units and Special Tribunals Act (1996) and investigates cases referred to it by the president. The unit provides professional forensic investigating and litigation services to all state institutions at national, provincial and local level to combat maladministration, corruption and fraud, and to protect state assets and public money.

The major objectives are to increase recoveries and savings for the state by continuing to build the unit's capacity through increased co-operation with state institutions. The unit aims to enhance its capabilities in specialist areas such as forensic accounting, procurement, cyber forensics and data analysis. The unit is also undergoing an organisational development process to improve systems and efficiencies, and implementing a project management model for all its work.

In 2006/07, the unit exceeded its targets by a significant margin. Savings and recoveries were R263 million against a target of R100 million. The present value of future savings was R1.8 billion, against a target of R1.3 billion. Major projects included investigations into social grants, driving licences, housing, the special pensions fund, and various procurement investigations. The unit increased its capacity from 394 staff members in 2006/07 to about 550 members in 2007/08, and began with the creation of specialist capabilities.

Selected performance indicators

Indicators	Annual performance						
	Past			Current	Projected		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Amount of cash recoveries (R million)	12	13	32	50	60	70	80
Amount of savings (R million)	92	299	231	300	350	400	450
Amount of prevention of future losses (R million)	3 435	3 270	1 759	2 500	3 000	3 500	4 000
Number of cases where evidence is prepared for civil and criminal litigation and disciplinary and other remedial actions	417	31 820	111 528	131 600	181 900	203 500	224 900

Expenditure estimates

Table 21.9 Special Investigating Unit

R thousand	Audited outcome			Estimated outcome	Medium-term estimate		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Revenue							
Non-tax revenue	3 177	4 240	4 732	1 459	1 544	1 619	1 697
Sale of goods and services other than capital assets	1 511	2 444	1 051	102	108	114	119
<i>of which:</i>							
<i>Sales by market establishments</i>	1 511	2 444	1 051	102	108	114	119
Other non-tax revenue	1 666	1 796	3 681	1 357	1 436	1 505	1 578
Transfers received	56 005	97 251	139 493	228 374	256 076	297 853	314 289
Total revenue	59 182	101 491	144 225	229 833	257 619	299 472	315 986

Table 21.9 Special Investigating Unit (continued)

R thousand	Audited outcome			Estimated outcome	Medium-term estimate		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Expenses							
Current expense	55 011	92 749	140 705	201 571	241 023	284 094	301 439
Compensation of employees	37 779	64 574	96 465	147 238	168 558	194 685	210 551
Goods and services	15 443	26 475	39 223	46 833	55 078	67 451	64 628
Depreciation	1 789	1 700	5 017	7 500	17 387	21 958	26 260
Total expenses	55 011	92 749	140 705	201 571	241 023	284 094	301 439
Surplus / (Deficit)	4 171	8 742	3 520	28 262	16 597	15 378	14 546
Acquisition of assets	2 855	10 094	8 903	35 726	35 106	38 530	41 992

Expenditure trends

The Special Investigating Unit will receive government funding of R256.1 million, R297.9 million and R314.3 million over the MTEF period, showing average annual growth of 11.2 per cent. This should allow the expansion of the unit to about 1 000 staff by the end of 2010/11. In addition, two new national investigations into the special pensions fund and the low cost housing scheme, along with several provincial projects, will enable the unit to continue to meet its planned deliverables over the medium term. Some costs are recovered from fees charged to government departments for services on a cost recovery basis. Growth in total revenue is projected to continue over the medium term at an average annual rate of 11.2 per cent, increasing from R229.8 million in 2007/08 to R316 million in 2010/11.

Commission on Gender Equality

The Commission on Gender Equality is an independent statutory body established in terms of chapter 9 of the Constitution of the Republic of South Africa (1996). The powers and functions of the commission are further detailed in the Commission of Gender Equality Act (1996), and its specific mandate is to advance gender equality in all spheres of society and make recommendations on any legislation affecting the status of women.

In 2006/07, the commission established and staffed regional offices in all the provinces. Citizens countrywide were reached through 241 workshops, 25 gender dialogues, 31 campaigns, 11 conferences, and 33 exhibitions. The commission also undertook 60 per cent of planned research projects. 60 per cent of the gender barometer research project (baseline data on the state of gender transformation in South Africa) was completed.

Selected performance indicators

Indicators	Annual performance						
	Past			Current	Projected		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Percentage of complaints finalised	–	84% (412)	60% (233)	70% (300)	75% (375)	80% (400)	90% (450)
Number of research reports published	–	3	5	7	10	12	12
Percentage of government departments monitored:							
National	–	10% (4/37)	25% (9/37)	50% (19/37)	75% (28/37)	100% (37/37)	100% (37/37)
Provincial	–	10% (1/9)	10% (1/9)	50% (5/9)	75% (7/9)	100% (9/9)	100% (9/9)
Municipalities	–	5% (14/284)	10% (28/283)	15% (43/283)	20% (57/283)	25% (71/283)	25% (71/283)
Number of private companies monitored	103	–	–	55	110	250	500
Percentage of workshops in provinces against a target of 360	27% (97/360)	49% (176/360)	67% (241/360)	100% (360/360)	100% (360/360)	100% (360/360)	100% (360/360)
Percentage of gender dialogues/seminars in provinces against a target of 36	–	6% (2/36)	86% (31/36)	100% (36/36)	100% (36/36)	100% (36/36)	100% (36/36)
Percentage of exhibitions in provinces against a target of 36	–	–	–	91% (33/36)	75% (27/36)	100% (36/36)	100% (36/36)

Expenditure trends

The commission is primarily funded through government grants. In 2007/08, it was allocated R39.7 million (compared to R37.8 million in 2006/07 and R26.5 million in 2005/06). Over the MTEF period, the commission has been allocated R44.2 million, R46.6 million and R49.3 million, representing an average annual increase of 7.5 per cent.

Public Protector

The Public Protector is an institution established in terms of Chapter 9 of the Constitution of the Republic of South Africa (1996) to strengthen constitutional democracy. Its additional mandate is further provided for in the Public Protector Act (1994), as amended. The core business of the Public Protector is to investigate any conduct in state affairs or in the public administration in any sphere of government that is alleged or suspected to be improper or to result in impropriety or prejudice, and to mediate, negotiate, conciliate, report and recommend remedial actions.

In 2006/07, the Public Protector finalised 13 434 cases and 2 787 non-jurisdictional cases, compared to 17 619 (jurisdictional and non-jurisdictional) cases in 2005/06. In the past, investigations which were found to be outside the jurisdiction of the Public Protector were included in the investigation data reported on cases finalised. However, a decision was recently taken to report on non-jurisdictional cases separately, which has resulted in a reduction in the number of cases reported as finalised.

Selected performance indicators

Indicators	Annual performance						
	Past			Current	Projected		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Number of investigations finalised in less than 1 year as a percentage of the total number of investigations finalised	–	92% (17 619)	87% (13 434)	95%	95%	95%	95%
Number of clinics conducted at outreach visiting points	43 per month	78 per month	73 per month	57 per month	65 per month	75 per month	84 per month
Number of cases finalised per investigator	173	177	151	144	144	144	144

Expenditure trends

The Public Protector is primarily funded through government grants. In 2007/08, it was allocated R78.7 million (compared to R67.8 million in 2006/07 and R58.6 million in 2005/06). Over the MTEF period, the Public Protector receives R86.5 million, R95.1 million and R100.8 million, an average annual increase of 8.6 per cent.

South African Human Rights Commission

The South African Human Rights Commission is a national institution established to support constitutional democracy through the promotion and protection of human rights by raising awareness of human rights, monitoring and assessing the observance of human rights, education and training on human rights, and addressing human rights violations and seeking effective redress.

The commission is challenged to execute its mandate by the sheer number of human rights complaints. It is modernising its systems, using judicial and quasi-judicial methods for its protection functions, and exploring innovative and unique methodological approaches for its promotional work.

The commission launched its sixth socioeconomic rights reports in 2006/07 and has been developing a new blueprint on monitoring socioeconomic rights. The commission has substituted the Charms electronic complaints management system with Flow Centric to improve its efficacy in dealing with complaints from the public. The commission conducted public hearings on school based violence and co-conducted a public hearing on initiation schools with the Commission for the Rights of Cultural, Religious and Linguistic Communities and the National House of Traditional Leaders. The commission embarked on initiatives to examine the actual

impact of crime by hosting community dialogues in each of the provinces. It also made 15 submissions on proposed legislation.

The commission has developed an innovative e-learning programme to enhance its human rights promotional capacity. The programme provides access to human right education on the internet and through other multimedia tools to various audiences across the country. In an effort to contribute to awareness and the implementation of the Promotion of Access to Information Act (2000) within public bodies, the commission hosted the Information Officers Forum in 2006.

Selected performance indicators

Indicators	Annual performance						
	Past			Current	Projected		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Number of complaints dealt with	12 194	11 710	11 508	11 350	11 300	11 200	11 000
Number of cases identified for litigation	6	15	4	12	63	70	77
Number of education, training and public outreach programmes	413	475	1 013	243	513	523	543

Expenditure trends

The commission receives funding mainly from government, and has been allocated R55.3 million in 2007/08, compared to R49.2 million in 2006/07 and R41.8 million in 2005/06. Over the MTEF period, the commission has been allocated R60.6 million, R66.1 million and R70.1 million, which is average annual growth of 8.2 per cent.

Additional tables

Table 21.A Summary of expenditure trends and estimates per programme and economic classification

Programme	Appropriation		Audited outcome	Appropriation			Revised estimate
	Main	Adjusted		Main	Additional	Adjusted	
R thousand	2006/07		2006/07	2007/08			2007/08
1. Administration	761 679	775 679	636 862	838 052	47 900	885 952	776 324
2. Court Services	2 609 746	2 748 613	2 507 196	2 998 673	156 997	3 155 670	2 922 084
3. State Legal Services	376 354	385 754	335 046	415 925	27 700	443 625	353 541
4. National Prosecuting Authority	1 535 562	986 539	1 535 754	1 804 691	–	1 804 691	1 804 196
5. Auxiliary and Associated Services	986 539	1 582 062	990 358	1 220 429	28 300	1 248 729	1 256 257
Subtotal	6 269 880	6 478 647	6 005 216	7 277 770	260 897	7 538 667	7 112 402
Direct charge against the National Revenue Fund	1 042 665	1 071 056	1 099 289	1 263 518	3 000	1 266 518	1 266 518
Judges' salaries	234 149	234 149	269 333	337 090	780	337 870	337 870
Magistrates' salaries	808 516	836 907	829 956	926 428	2 220	928 648	928 648
Total	7 312 545	7 549 703	7 104 505	8 541 288	263 897	8 805 185	8 378 920

Economic classification

Current payments	6 050 504	6 126 881	5 631 935	7 102 825	98 408	7 201 233	6 923 752
Compensation of employees	3 971 716	3 901 500	3 695 236	4 504 399	(98 565)	4 405 834	4 404 618
Goods and services	2 078 788	2 225 381	1 934 032	2 598 426	196 973	2 795 399	2 516 196
Financial transactions in assets and liabilities	–	–	2 667	–	–	–	2 938
Transfers and subsidies	803 017	805 888	851 610	1 006 417	32 175	1 038 592	1 059 808
Provinces and municipalities	4 753	4 456	3 060	–	200	200	278
Departmental agencies and accounts	794 620	795 110	795 109	929 153	28 300	957 453	977 453
Foreign governments and international organisations	3 644	3 644	4 724	4 000	220	4 220	4 220
Households	–	2 678	48 717	73 264	3 455	76 719	77 857
Payments for capital assets	459 024	616 934	620 960	432 046	133 314	565 360	395 360
Buildings and other fixed structures	268 134	305 836	328 936	333 622	81 000	414 622	213 645
Machinery and equipment	189 870	299 338	270 898	97 774	46 314	144 088	175 065
Software and intangible assets	1 020	11 760	21 126	650	6 000	6 650	6 650
Total	7 312 545	7 549 703	7 104 505	8 541 288	263 897	8 805 185	8 378 920

Table 21.B Summary of personnel numbers and compensation of employees

	Audited outcome			Adjusted appropriation	Medium-term expenditure estimates		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
A. Permanent and full-time contract employees							
Compensation (R thousand)	2 611 291	2 989 543	3 492 483	4 239 474	5 019 352	5 737 651	6 063 429
Unit cost (R thousand)	149	161	181	199	233	265	279
Personnel numbers (head count)	17 500	18 514	19 348	21 309	21 517	21 626	21 709
B. Part-time and temporary contract employees							
Compensation (R thousand)	356 689	276 314	193 230	158 760	166 698	175 033	183 785
Unit cost (R thousand)	104	109	114	120	126	132	139
Personnel numbers (head count)	3 436	2 545	1 695	1 323	1 323	1 323	1 323
C. Interns							
Compensation of interns	1 645	651	9 523	7 600	8 200	8 500	8 800
Unit cost (R thousand)	69	72	76	80	82	85	88
Number of interns	24	9	125	95	100	100	100
Total for department							
Compensation (R thousand)	2 969 625	3 266 508	3 695 236	4 405 834	5 194 250	5 921 184	6 256 014
Unit cost (R thousand)	142	155	175	194	226	257	270
Personnel numbers (head count)	20 960	21 068	21 168	22 727	22 940	23 049	23 132

Table 21.C Summary of expenditure on training

	Audited outcome			Adjusted appropriation	Medium-term expenditure estimates		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
Compensation of employees (R thousand)	2 140 270	2 258 184	2 632 851	3 202 492	3 874 256	4 476 146	4 683 387
Training expenditure (R thousand)	17 904	6 894	22 971	14 498	16 179	18 913	22 107
Training as percentage of compensation	1%	0%	1%	0%	0%	0%	0%
Total number trained in department (head count)	16 999	19 024	20 842	12 082			
<i>of which:</i>							
Employees receiving bursaries (head count)	919	525	1 165	1 173			
Learnerships trained (head count)	–	–	56	–			
Internships trained (head count)	24	9	125	95			

Table 21.D Summary of expenditure on infrastructure

Description	Service delivery outputs			Adjusted appropriation	Medium-term expenditure estimate		
	2004/05	2005/06	2006/07	2007/08	2008/09	2009/10	2010/11
R thousand							
Large infrastructure projects or programmes (between R50 and R300 million per year)							
Katlehong magistrate's office: New construction	68 588	430	4 772	5 000	7 270	21 500	36 386
Various courts: Upgrading and new construction	–	–	60 524	108 033	–	–	54 482
Polokwane high court: New construction	–	–	–	1 000	10 500	30 000	50 000
High court: New construction	–	–	–	1 000	10 500	30 000	50 000
Pietermaritzburg colonial building: Upgrading	–	392	9 200	13 000	27 864	28 793	–
Bloemfontein appeal court: Upgrading	–	7 556	3 584	21 720	20 902	16 599	–
Johannesburg high court: Upgrading	–	–	8 000	2 554	5 950	35 372	16 562
Mamelodi magistrate's office: New construction	–	–	11 551	1 000	25 385	28 019	–
Ntuzuma magistrate's office: New construction	–	–	6 600	1 000	24 878	17 953	8 128
Pietermaritzburg magistrate's office: Upgrading	–	1 713	5 700	16 200	16 200	13 000	5 000
Galeshewe branch court: New construction	–	–	–	12 100	35 198	4 000	–
Groups of small projects or programmes (cost less than R50 million)							
Magistrate's offices: New construction and upgrading	–	23 220	31 498	89 265	108 732	97 648	148 249
Child Justice Centre: Upgrading	–	24 107	4 023	–	–	–	–
Various courts: Upgrading	–	–	–	20 000	20 000	20 000	–
Branch courts: New construction and upgrading	–	–	11 544	6 578	10 938	37 626	63 400
Periodical courts: New construction	–	–	–	7 172	14 036	20 770	10 260
Infrastructure transfers to other spheres, agencies and departments							
Transfer to NPA	–	–	–	25 000	30 000	21 000	–
Maintenance on infrastructure							
Repair and maintenance: Various courts	201 895	260 557	166 662	133 280	140 400	147 350	143 963
Total	270 483	317 975	323 658	463 902	508 753	569 630	586 430

Table 21.E Summary of departmental public-private partnership projects

Project description: PPP Management of monies in trust	Project unitary fee at time of contract	Budgeted	Medium-term expenditure estimate		
		expenditure	2008/09	2009/10	2010/11
R thousand		2007/08			
Projects in preparation, registered in terms of Treasury Regulation 16 ¹	–	100 000	105 000	111 000	116 000
PPP unitary fee	–	100 000	105 000	111 000	116 000
Total	–	100 000	105 000	111 000	116 000

¹ Only projects that have received Treasury Approval: 1

Table 21.F Summary of expenditure on court services per region

Region	Compensation of employees	Goods and services	Transfers and subsidies	Payments for capital assets	Total
R thousand	2008/09				
Head office	287 006	766 802	1 358	403 099	1 458 265
Eastern Cape	223 951	92 735	928	950	318 564
Free State	110 667	50 189	502	2 400	163 758
Gauteng	265 037	108 653	1 086	1 200	375 976
KwaZulu-Natal	215 001	93 792	938	900	310 631
Limpopo	122 386	57 896	578	1 000	181 860
Mpumalanga	79 564	35 757	357	550	116 228
Northern Cape	57 496	23 859	239	920	82 514
North West	102 960	47 216	472	600	151 248
Western Cape	144 136	78 699	786	1 650	225 271
Total	1 608 204	1 355 598	7 244	413 269	3 384 315
	2009/10				
Head office	385 910	935 144	1 461	459 716	1 782 231
Eastern Cape	239 627	100 154	983	1 160	341 924
Free State	118 414	54 205	532	3 070	176 221
Gauteng	283 590	117 346	1 151	1 600	403 687
KwaZulu-Natal	230 053	101 297	994	1 150	333 494
Limpopo	130 954	62 527	613	1 150	195 244
Mpumalanga	85 134	38 617	379	600	124 730
Northern Cape	61 241	25 768	253	1 080	88 342
North West	110 167	50 994	500	860	162 521
Western Cape	154 224	84 995	832	1 750	241 801
Total	1 799 314	1 571 047	7 698	472 136	3 850 195
	2010/11				
Head office	466 323	943 930	1 554	473 917	1 885 724
Eastern Cape	256 402	106 164	1 037	1 370	364 973
Free State	126 703	57 457	562	3 550	188 272
Gauteng	302 440	124 386	1 214	1 900	429 940
KwaZulu-Natal	246 157	107 374	1 049	–	354 580
Limpopo	140 121	66 279	647	490	207 537
Mpumalanga	91 093	40 934	400	650	133 077
Northern Cape	65 248	27 315	267	1 250	94 080
North West	117 879	54 053	528	1 120	173 580
Western Cape	165 021	90 095	878	1 900	257 894
Total	1 977 387	1 617 987	8 136	486 147	4 089 657

Table 21.G Summary of expenditure for National Prosecuting Authority per region

Region	Compensation of employees	Goods and services	Transfers and subsidies	Payments for capital assets	Total
R thousand	2008/09				
Head office	412 385	496 414	7 409	71 073	987 280
Eastern Cape	165 135	14 655	201	899	180 891
Free State	72 725	4 567	189	–	77 481
Gauteng	411 062	12 602	586	278	424 529
KwaZulu-Natal	178 339	7 982	348	215	186 884
Limpopo	19 497	874	49	–	20 420
Mpumalanga	–	–	–	–	–
Northern Cape	32 170	1 720	79	–	33 970
North West	38 994	2 250	76	74	41 394
Western Cape	160 858	9 019	–	–	169 878
Total	1 491 166	550 085	8 937	72 539	2 122 727
	2009/10				
Head office	456 215	551 115	9 546	89 841	1 106 718
Eastern Cape	192 899	15 357	254	948	209 458
Free State	84 951	4 786	240	–	89 978
Gauteng	476 809	13 206	742	293	491 051
KwaZulu-Natal	208 322	8 364	441	227	217 354
Limpopo	22 775	916	62	–	23 753
Mpumalanga	–	–	–	–	–
Northern Cape	37 579	1 803	101	–	39 483
North West	45 550	2 358	96	78	48 082
Western Cape	187 903	9 451	–	–	197 354
Total	1 713 004	607 357	11 482	91 387	2 423 230
	2010/11				
Head office	474 177	602 305	10 223	97 352	1 184 056
Eastern Cape	200 174	16 784	272	1 027	218 257
Free State	88 156	5 231	257	–	93 643
Gauteng	494 039	14 433	795	318	509 584
KwaZulu-Natal	216 179	9 141	472	245	226 038
Limpopo	23 634	1 001	67	–	24 702
Mpumalanga	–	–	–	–	–
Northern Cape	38 996	1 970	108	–	41 074
North West	47 268	2 577	103	84	50 033
Western Cape	194 990	10 329	–	–	205 319
Total	1 777 613	663 770	12 296	99 027	2 552 706

