

# Vote 24

## Justice and Constitutional Development

	2003/04 To be appropriated	2004/05	2005/06
MTEF allocations	R4 547 861 000	R4 945 811 000	R5 262 173 000
Statutory amounts	R166 278 000	R177 083 000	R187 877 000
Responsible Minister	Minister of Justice and Constitutional Development		
Administering Department	Department of Justice and Constitutional Development		
Accounting Officer	Director-General: 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 render accessible, fair, speedy and cost-effective administration of Justice, in the interests of a safer and more secure South Africa.*

### Programme purpose and measurable objectives

#### Programme 1: Administration

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

#### Programme 2: Court Services

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

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

#### Programme 3: State Legal Services

**Purpose:** Provide legal services to Government, facilitate constitutional amendments through research, development and the promotion of appropriate legislation.

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

#### Programme 4: National Prosecuting Authority

**Purpose:** Provide a co-ordinated prosecuting service, protect certain witnesses and investigate serious unlawful conduct committed in an organised manner.

**Measurable objective:** To provide effective and efficient prosecuting services, to ensure the proper administration of justice in criminal cases.

## **Programme 5: Auxiliary and Associated Services**

**Purpose:** Render a variety of auxiliary services associated with the Department's aims and provide for transfers to constitutional institutions, the Legal Aid Board, the Special Investigating Unit, the Represented Political Parties Fund and the President's Fund.

**Measurable objective:** To support the provision of additional legal services, the right to which is enshrined in the Constitution, to guarantee independence of the administration of justice.

## **Strategic overview and key policy developments: 1999/00 – 2005/2006**

Underpinning the commitment to improved service delivery and enhanced operational capabilities, the Minister noted the key objectives of the Department in its Medium-Term Strategic Framework. Important among these are: realigning the Department; improving court infrastructure; realigning court management and automation; transforming the legal profession and judiciary; establishing specialised courts and alternative labour dispute policy; restructuring the child maintenance system; and improving the prosecuting system.

### *Departmental restructuring*

To improve service delivery, the Department's structure was realigned in 2000, leading to the formation of business units, the establishment of a board of directors and the transfer of the prosecutors to the National Prosecuting Authority (NPA) in 2001. During 2002, corporate governance was enhanced through further restructuring of the business units. The outcomes include greater cohesion in strategic matters, in particular in budgeting and accountability through committees such as the Audit Committee, the Remuneration Committee and the Budget Review Committee. The Department adopted a number of measures aimed at reducing opportunities for corruption, including an anti-corruption policy.

### *International co-operation*

The promotion of sound international co-operation in criminal matters has led to improved relations with other countries and their law enforcement agencies. In 2000, South Africa became a member of the International Criminal Court.

### *Access to justice*

The Department is continuing to increase access to the courts by building additional facilities and upgrading what exists, especially in previously disadvantaged areas. In the interim, the Department is making use of temporary court structures and mobile courts. Particular emphasis is also being placed on improving access for disabled people.

A key objective for 2002 was to broaden access to justice for the indigent through the Legal Aid Board's (LAB) Justice Centres and Public Defenders. Twenty-six Justice Centres have been established and an additional 23 are being established. By the end of 2004, the Legal Aid Board will have a national network of approximately 60 Justice Centres.

In 2003 the Department will focus on restructuring the Masters Offices by establishing a national office for the Masters, modernising information systems, and developing a service charter and help desks at each office. Capacity building will enable the Office to administer the intestate estates of black persons, which was previously done by magistrates.

### *Re-engineering court and case management*

The re-engineering of court and case management, an integral part of the National Crime Prevention Strategy, continues to lead to improved co-operation between the departments which comprise the Integrated Justice System (IJS), and to heighten the emphasis on modernising IJS service delivery methods. In relation to the Department, the 2003 priorities of the IJS – focused on promoting service delivery excellence in the criminal justice system – are to increase the efficiency of the courts, especially regarding the handling of sexual assault crimes. The Department is presently recruiting court managers to take over the administrative functions of the magistrates following the decision to separate administrative and judicial functions. To align this and various pilot projects on different aspects of court administration, in 2002 the Department initiated an Operations Room for monitoring case flow management. It is busy developing a Management Information System for courts, in order to identify blockages and devise ways to accelerate case flow. Courts are currently working longer hours, and between 1999 and 2001 there has been a 49 per cent increase in the number of courts sitting daily. As a result the number of cases finalised in courts has increased since 2001.

### *Vulnerable groups*

In line with IJS priorities, the needs of vulnerable groups will remain a focus, and the Department will strengthen measures relating to child maintenance, sexual offences and children's courts. The promotion of the Child Justice Bill is receiving urgent attention, and the review of childcare legislation is also being fast-tracked. In anticipation of the new legislation, the development of integrated Child Justice Centres has started.

Attention is also being given to drafting a Family Court blueprint for dealing comprehensively with family matters at lower court level, and strengthening the pilot Family Courts in preparation for countrywide rollout. A specialised Family Court structure and extended Family Advocate services are priority areas for the Department. The Department also continues to establish additional dedicated Specialised Sexual Offences Courts.

Another major focal point is child maintenance, for which efficiency gains are aimed at removing families from the poverty trap. The Department is currently recruiting dedicated maintenance investigators as part of a comprehensive review of the current maintenance system.

### *The National Prosecuting Authority and its specialist units*

The establishment of the National Prosecuting Authority in 1998 transformed the management and functioning of the prosecution service. All the offices of the former attorneys-general were amalgamated into a single organisation headed by the National Director of Public Prosecutions. In 2000 a new management structure of chief prosecutors was created for the lower courts, and a system of performance targets established.

Conviction rate targets have been met and, jointly with the work of the *Court Services* programme, efforts have resulted in more cases being finalised. However, the increasing number of new cases in the courts presents a continuing challenge for managing backlogs.

In 1999 the National Prosecuting Authority established specialist units, such as the Specialised Commercial Crimes Unit to improve the investigation, prosecution and adjudication of commercial crime, and the Sexual Offences and Community Affairs Unit (SOCA) to empower prosecutors in the fight against violent crimes against women and children. To combat organised crime, the Directorate of Special Operations (DSO) and the Asset Forfeiture Unit (AFU) were established. The DSO, also known as the Scorpions, was legally created in 2001 in terms of the National Prosecuting Authority Amendment Act (61 of 2000), although it initially operated under the auspices of the former investigating directorates.

The DSO pioneered a new methodology, the so-called troika approach, which combines investigation, prosecution and crime analysis. The DSO succeeded in obtaining the first ever convictions for racketeering in South Africa. With the DSO's success in high profile cases, public confidence in the organisation's ability to impact on crime has grown. Money laundering and racketeering are its new focus areas. Likewise, the Asset Forfeiture Unit has had a success rate of over 91 per cent since 1999. It is ensuring that the powers in the Prevention of Organised Crime Act (121 of 1998), to seize criminal assets, are used to maximum effect.

## Expenditure estimates

Table 24.1: Justice and Constitutional Development

Programme	Expenditure outcome			Adjusted appropriation	Revised estimate	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome					
R thousand	1999/00	2000/01	2001/02	2002/03		2003/04	2004/05	2005/06
1 Administration	220 705	239 236	382 864	373 935	376 053	509 988	578 368	608 541
2 Court Services	1 148 857	1 280 566	1 559 634	1 773 515	1 753 165	2 066 528	2 265 412	2 423 725
3 State Legal Services	128 202	133 416	150 353	195 722	195 396	253 559	263 652	279 493
4 National Prosecuting Authority	484 366	605 151	724 111	948 568	947 358	1 020 682	1 090 332	1 155 722
5 Auxiliary and Associated Services	672 255	479 282	945 411	960 086	939 854	697 104	748 047	794 692
Subtotal	2 654 385	2 737 651	3 762 373	4 251 826	4 211 826	4 547 861	4 945 811	5 262 173
Change to 2002 Budget Estimate (Department)				158 879	118 879	473 888	578 349	
Direct charge on the National Revenue Fund	138 083	149 624	171 083	154 318	154 318	166 278	177 083	187 877
Judges' Salaries	138 083	149 624	171 083	154 318	154 318	166 278	177 083	187 877
Total	2 792 468	2 887 275	3 933 456	4 406 144	4 366 144	4 714 139	5 122 894	5 450 050
Change to 2002 Budget Estimate (Direct charges)				–	–	4 493	5 551	
Economic classification								
Current	2 508 455	2 577 606	3 475 796	3 794 470	3 794 470	4 190 574	4 575 527	4 868 014
Personnel	1 464 780	1 642 151	1 866 136	2 167 486	2 167 486	2 449 369	2 615 659	2 772 581
Transfer payments	671 462	402 989	677 853	815 927	815 927	553 485	594 244	632 583
Other current	372 213	532 466	931 807	811 057	811 057	1 187 720	1 365 624	1 462 850
Capital	145 930	160 045	286 577	457 356	417 356	357 287	370 284	394 159
Transfer payments	1 818	83	–	–	–	–	–	–
Acquisition of capital assets	144 112	159 962	286 577	457 356	417 356	357 287	370 284	394 159
Total	2 654 385	2 737 651	3 762 373	4 251 826	4 211 826	4 547 861	4 945 811	5 262 173
Standard items of expenditure								
Personnel	1 464 780	1 642 151	1 866 136	2 167 486	2 167 486	2 449 369	2 615 659	2 772 581
Administrative	175 186	192 061	241 470	257 375	257 375	369 247	423 101	455 316
Inventories	37 006	57 926	92 660	99 338	97 011	127 963	123 748	134 237
Equipment	48 089	96 219	93 866	186 132	146 132	158 122	151 047	163 194
Land and buildings	105 060	112 475	206 116	288 859	288 859	231 739	243 523	258 134
Professional and special services	86 287	177 043	498 568	354 356	354 356	572 083	671 015	715 245
Transfer payments	673 280	403 072	677 853	815 927	815 927	553 485	594 244	632 583
Miscellaneous	64 697	56 704	85 704	82 353	84 680	85 853	123 474	130 883
Total	2 654 385	2 737 651	3 762 373	4 251 826	4 211 826	4 547 861	4 945 811	5 262 173

## Expenditure trends

The Department's budget increases on average by 12,1 per cent annually from 1999/00 to 2005/06. A large portion, R150 million, of the additional allocation for the Department for 2003/04 will fund a structural shortfall in court personnel expenses.

Over the medium term, personnel expenditure continues to comprise the biggest proportion of the Vote – 52 per cent on average. However, personnel expenditure does not increase as fast as the Department's budget does, as management is expected to become more efficient with the development and modernisation of management systems. This is reflected in the 26,4 per cent annual average increase on expenditure relating to professional and special services over the medium term. Spending on equipment is at a lower level in the medium term than that appropriated for in 2002/03.

Additional allocations in the budget, including inflation adjustments, amount to R478,4 million in 2003/04, R583,9 million in 2004/05, and R638,7 million in 2005/06, for: the establishment of the public-private partnership Cash-Hall management system for trust monies; forensic auditing; the structural over-expenditure on personnel; protection of vulnerable groups; international criminal court subscription fees; the improvement of court performance; the upgrading of the Masters Office; and enhanced service delivery of constitutional institutions.

## Departmental receipts

The Department collected revenue of R80 million during 2001/02, and estimates the receipt of R84,7 million in 2002/03. The 6 per cent rise in 2003/04 largely reflects interest earned on the Trust Account and the Guardian Fund. The revenue under miscellaneous includes fees received by the masters' offices and money recovered by state attorneys. It is projected that increases in revenue over the medium term will remain relatively stable, growing at approximately 6 per cent per year.

Table 24.2: Departmental receipts

	Revenue outcome			Adjusted appropriation	Medium-term revenue estimate		
	Audited	Audited	Preliminary outcome				
R thousand	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06
Tax revenue	–	–	–	–	–	–	–
Non-tax revenue	–	45 303	78 723	83 446	88 453	93 760	99 386
Interest	–	14 474	53 657	56 876	60 289	63 906	67 741
Dividends	–	1 070	1 061	1 125	1 192	1 264	1 339
Rent	–	4 294	4 241	4 495	4 765	5 051	5 354
Sales of goods and services	–	–	–	–	–	–	–
Fines, penalties and forfeits	–	–	–	–	–	–	–
Miscellaneous	–	25 465	19 764	20 950	22 207	23 539	24 952
Sales of capital assets (capital revenue)	–	254	179	190	201	213	226
Financial transactions (recovery of loans and advances)	–	1 471	1 065	1 129	1 197	1 268	1 345
Total departmental receipts	–	47 028	79 967	84 765	89 851	95 241	100 957

## Programme 1: Administration

*Administration* concerns the development of departmental systems, strategies and policies. It includes human resource, communications and financial management, and other central support services, as well as policy formulation by the Ministry and the head of the Department. *Administration* also provides for researching, preparing and promoting legislation that relates to the Department's functions. Also included in this programme are advisory and drafting services to

the relevant parliamentary committees, particularly those concerning changes to the Constitution and to Acts of Parliament, the administration of which is the Department's responsibility.

## Expenditure estimates

Table 24.3: Administration

Subprogramme	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome				
R thousand	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06
Minister <sup>1</sup>	518	598	629	691	746	791	835
Deputy Minister <sup>2</sup>	421	499	439	536	579	614	647
Management	7 789	8 636	12 237	13 206	18 747	21 285	22 395
Corporate Services	211 977	229 503	354 794	359 502	489 916	555 678	584 664
Special Functions: Authorised Losses	–	–	14 765	–	–	–	–
Total	220 705	239 236	382 864	373 935	509 988	578 368	608 541
Change to 2002 Budget Estimate				23 658	174 276	223 425	

<sup>1</sup> Payable as from 1 April 2002. Salary: R552 984. Car allowance: R138 246.

<sup>2</sup> Payable as from 1 April 2002. Salary: R429 036. Car allowance: R107 259.

### Economic classification

Current	214 270	235 848	375 124	356 026	498 408	569 658	599 330
Personnel	141 935	156 951	178 078	224 495	251 632	252 440	268 216
Transfer payments	–	–	1 913	–	–	–	–
Other current	72 335	78 897	195 133	131 531	246 776	317 218	331 114
Capital	6 435	3 388	7 740	17 909	11 580	8 710	9 211
Transfer payments	–	–	–	–	–	–	–
Acquisition of capital assets	6 435	3 388	7 740	17 909	11 580	8 710	9 211
Total	220 705	239 236	382 864	373 935	509 988	578 368	608 541

### Standard items of expenditure

Personnel	141 935	156 951	178 078	224 495	251 632	252 440	268 216
Administrative	42 351	46 708	58 010	63 633	106 164	120 590	126 263
Inventories	7 997	4 673	51 103	13 258	19 639	20 518	21 538
Equipment	8 315	4 641	9 693	22 191	14 091	14 511	15 339
Land and buildings	–	–	3	–	2 000	–	–
Professional and special services	16 256	25 036	68 282	50 358	116 462	170 309	177 185
Transfer payments	–	–	1 913	–	–	–	–
Miscellaneous	3 851	1 227	15 782	–	–	–	–
Total	220 705	239 236	382 864	373 935	509 988	578 368	608 541

### Transfer payments per subprogramme

Corporate Services							
Skills Act	–	–	1 913	–	–	–	–
Total	–	–	1 913	–	–	–	–

## Expenditure trends

On average *Administration* increases at an annual rate of 18,4 per cent between 1999/00 and 2005/06. In 2003/04 this programme will grow by 36,4 per cent to R510 million, from R374 million in 2002/03. The 2003/04 budget increase will be used for forensic audits, reducing accounting backlogs, funding the Compliance Unit (Public Finance Management Act (1 of 1999)

(PFMA) and financial regulations), and a public-private partnership for the management of funds in trust.

Over the medium term personnel expenditure will increase by 6,1 per cent per year, less than the overall increase in *Administration* of 17,6 per cent. Professional and special services increase substantially, by 52,1 per cent on average per year over this period. In 2003/04 the increase in professional and special services can mostly be attributed to attempts to ensure sound financial management as well as an inflation adjustment of R20 million. Capital expenditure decreases over the medium term because of the decrease in spending on equipment. Most computer equipment needed to modernise business unit systems was purchased in 2002/03.

## Programme 2: Court Services

*Court Services* provides for the services rendered by the courts, in terms of chapter 8 of the Constitution. The programme has nine subprogrammes. The Constitutional Court subprogramme deals with constitutional matters; and the Supreme Court of Appeals, High Courts, Lower Courts and Specialised Courts subprogrammes deal with cases in the first instance or on appeal. The Labour and Labour Appeal Courts, the Land Claims Court, the Special Tribunal, and the Family Courts are provided for in the Specialised Courts subprogramme. The Family Advocate subprogramme deals with cases in Family Courts. The Magistrate's Commission appoints magistrates and represents them in forums about employment conditions.

As from 2003/04, the allocations for Capital Works and Government Motor Transport have been added to this programme. It now deals with accommodation and infrastructural and transport matters. These expenditure items were previously provided for in *Auxiliary and Associated Services*.

### Expenditure estimates

Table 24.4: Court Services

Subprogramme	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome				
R thousand	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06
Constitutional Court	8 538	9 046	7 980	13 397	14 200	15 662	16 794
Supreme Court of Appeal	5 605	5 757	6 529	6 058	6 351	7 005	7 511
High Courts	99 298	104 689	119 171	133 691	122 997	135 659	145 464
Specialised Courts	9 975	15 396	13 845	18 367	17 825	19 660	21 081
Lower Courts	903 568	1 007 517	1 187 054	1 294 267	1 638 273	1 803 836	1 932 051
Family Advocate	7 297	7 968	9 558	11 677	11 050	12 188	13 068
Magistrate's Commission	1 386	3 215	3 875	4 970	5 153	5 683	6 094
Government Motor Transport	8 130	14 503	14 494	19 950	20 940	22 196	23 528
Capital Works	105 060	112 475	197 128	271 138	229 739	243 523	258 134
Total	1 148 857	1 280 566	1 559 634	1 773 515	2 066 528	2 265 412	2 423 725
Change to 2002 Budget Estimate				382 257	517 359	583 364	

	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome				
R thousand	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06
Economic classification							
Current	1 014 422	1 139 345	1 335 450	1 409 984	1 771 316	1 957 967	2 096 055
Personnel	796 962	860 526	1 046 028	1 059 617	1 240 505	1 350 138	1 433 214
Transfer payments	–	–	–	–	–	–	–
Other current	217 460	278 819	289 422	350 367	530 811	607 829	662 841
Capital	134 435	141 221	224 184	363 531	295 212	307 445	327 670
Transfer payments	1 818	83	–	–	–	–	–
Acquisition of capital assets	132 617	141 138	224 184	363 531	295 212	307 445	327 670
Total	1 148 857	1 280 566	1 559 634	1 773 515	2 066 528	2 265 412	2 423 725
Standard items of expenditure							
Personnel	796 962	860 526	1 046 028	1 059 617	1 240 505	1 350 138	1 433 214
Administrative	91 621	95 398	116 114	112 872	174 455	205 340	225 020
Inventories	23 311	30 782	29 625	33 110	58 104	49 412	55 598
Equipment	33 029	73 763	33 990	84 936	88 552	76 896	85 611
Land and buildings	105 060	112 475	197 128	288 859	229 739	243 523	258 134
Professional and special services	53 027	70 141	86 495	142 619	226 043	255 860	276 850
Transfer payments	1 818	83	–	–	–	–	–
Miscellaneous	44 029	37 398	50 254	51 502	49 130	84 243	89 298
Total	1 148 857	1 280 566	1 559 634	1 773 515	2 066 528	2 265 412	2 423 725
Transfer payments per subprogramme							
Government Motor Transport	1 818	83	–	–	–	–	–
Total	1 818	83	–	–	–	–	–

## Expenditure trends

On average the budget of *Court Services* increases at a rate of 13,3 per cent per year between 1999/00 to 2005/06. In this period, the programme grows faster than the Department's budget, which grows at an average of 12,1 per cent; and it comprises on average 43,9 per cent of the Vote, as it is the core programme.

From 1999/00 to 2005/06 expenditure on Specialised Courts will increase on average annually by 13,3 per cent, on Lower Courts by 13,5 per cent, and on the Constitutional Court by 11,9 per cent. Substantial increases in the activities of these courts are in line with the Department's current strategy. Expenditure on Lower Courts is highest, and consumes 78,0 per cent of the programme's budget on average over the seven-year period.

In 2003/04 this programme's budget increases by 16,5 per cent, from R1,8 billion in 2002/03 to R2,1 billion, owing to its importance as an Integrated Justice System priority. Substantial additional allocations in 2003/04 include: R150 million to rectify a structural personnel expenditure shortfall experienced in previous years; R40 million for the protection of vulnerable groups through the building of Family Courts and Child Justice Centres, and funds for the appointment of maintenance officers and investigators; R80 million for the improvement of court performance; and R30 million to improve physical security at courts.

Within this programme, personnel spending will grow at 10,6 per cent per year over the medium term, just less than the overall programme growth of 11 per cent per year. A major emphasis has been placed on enhancing management systems, reflected in the 24,7 per cent growth of professional and special services over this period. Spending on land and buildings is lower over the



medium term than in 2002/03, because of a supplementary allocation of R60 million made in 2002/03 to fast-track the building of new courts. Expenditure on equipment consumes, on average, 3,7 per cent of the programme's budget over the medium term.

## Key outputs, indicators and targets

### Recent outputs

The number of cases finalised by a verdict increased by 29 per cent in 2000, and by a further 17 per cent in 2001. The latter increase is mainly attributable to the introduction of Saturday and Additional courts in 2001. In co-operation with other role-players in the Integrated Justice System, this temporary measure was employed to reduce the backlog of cases on the court roll. In 2001, 14 884 cases were finalised in these courts, and from January to October 2002 a further 24 570, bringing the total in this period to 39 454.

There has been a positive reversal in the ratio between sentenced and other prisoners, owing to the overall improvements in court efficiency. At the end of January 2003 there were 179 900 people in South African prisons, 51 873 awaiting trial or sentencing, and 128 027 sentenced. In 2001 there were 56 532 awaiting-trial and pre-sentence prisoners, and 111 162 sentenced prisoners.

### Medium-term output targets

#### Court Services

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

Subprogramme	Output	Measure/Indicator	Target
Constitutional Court	Case flow management	Number of cases finalised Court hours worked per day	5% increase in 2003/04 To be benchmarked in 2003/04
Supreme Court of Appeal	Case flow management	Number of cases finalised Court hours worked per day	5% increase in 2003/04 To be benchmarked in 2003/04
High Courts	Case flow management	Number of cases finalised Court hours worked per day	1 000 cases in 2003/04 4 hours per day per court in 2003/04
Specialised Courts	Case flow management	Number of cases finalised	All cases in 2003/04
Lower Courts	Case flow management	Number of cases finalised  Court hours worked per day	40 cases per month per District Court and 15 cases per month per Regional Court in 2003/04 5 hours per District Court and 4 hours per Regional Court per day in 2003/04
Family Advocate	Assistance to the Courts regarding issues relating to children in family matters Extension of services	Number of cases assisted with  Percentage of family court centres at which services are provided	To be benchmarked in 2003/04  100% in 2003/04

Subprogramme	Output	Measure/Indicator	Target
Magistrates Commission	Appointment of magistrates and related employment matters	Number of matters dealt with	To be bench marked in 2003/04
Government Motor Transport	Fleet management	Cost management of fleet	Fleet management system implemented n 2004
Capital Works	Court accommodation	Access for previously disadvantaged communities	All courts accessible in 2004

### Programme 3: State Legal Services

*State Legal Services* provides Government with legal services and facilitates constitutional amendments through three subprogrammes.

- Legal Services to the State provides for the work of the State Attorney and state law advisers. The former acts as attorney, notary and conveyancer for Government. The latter provide legal opinions, scrutinise and amend international agreements and draft legislation, and attend relevant Parliamentary portfolio committees as legal advisers for all national departments.
- Legislation and Constitutional Development is responsible for promoting, maintaining and developing the Constitution and its values, by researching, developing and promoting appropriate legislation. It includes the research activities of the South African Law Commission, which involves extensive reviews of wide areas of law and legal practice.
- The Master of the High Court is responsible for the administration of: deceased and insolvent estates, companies and close corporations in liquidation, trusts and the Guardians Fund, as well as the property of minors, persons under curatorship and absent persons.

### Expenditure estimates

Table 24.5: State Legal Services

Subprogramme	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome				
R thousand	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06
Legal Services to the State	78 820	81 950	91 839	177 520	121 931	130 159	138 575
Legislation and Constitutional Development	7 601	7 655	8 341	10 790	12 378	13 261	14 103
Master of the High Court	41 781	43 811	50 173	7 412	119 250	120 232	126 815
<b>Total</b>	<b>128 202</b>	<b>133 416</b>	<b>150 353</b>	<b>195 722</b>	<b>253 559</b>	<b>263 652</b>	<b>279 493</b>
Change to 2002 Budget Estimate				(835)	55 433	49 838	
Economic classification							
Current	127 424	133 017	148 068	193 663	251 782	261 696	277 221
Personnel	106 264	112 671	122 695	163 628	198 435	202 504	211 968
Transfer payments	–	–	–	–	–	–	–
Other current	21 160	20 346	25 373	30 035	53 347	59 192	65 253
Capital	778	399	2 285	2 059	1 777	1 956	2 272
Transfer payments	–	–	–	–	–	–	–
Acquisition of capital assets	778	399	2 285	2 059	1 777	1 956	2 272
<b>Total</b>	<b>128 202</b>	<b>133 416</b>	<b>150 353</b>	<b>195 722</b>	<b>253 559</b>	<b>263 652</b>	<b>279 493</b>

	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome				
R thousand	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06
Standard items of expenditure							
Personnel	106 264	112 671	122 695	163 628	198 435	202 504	211 968
Administrative	8 104	8 410	12 309	16 867	26 308	30 585	33 479
Inventories	2 277	2 750	2 536	4 658	6 247	6 760	7 438
Equipment	1 422	1 130	2 943	3 071	4 723	5 294	4 936
Land and buildings	–	–	–	–	–	–	–
Professional and special services	8 611	7 655	9 870	7 497	17 846	18 509	21 672
Transfer payments	–	–	–	–	–	–	–
Miscellaneous	1 524	800	–	1	–	–	–
Total	128 202	133 416	150 353	195 722	253 559	263 652	279 493

### Expenditure trends

Legal Services to the State will increase annually by 9,9 per cent in the period 1999/00 to 2005/06. It will continue to consume the largest part of the programme budget at 49 per cent over the medium term, although the Master of the High Court subprogramme will consume an almost equal share at 46 per cent. Before 2002/03, these two subprogrammes were one, namely Legal Services. Expenditure on Legal Services to the State is expected to decrease by 31,3 per cent between 2002/03 and 2003/04, because of the shifting of funds to Master of the High Court. Spending on Master of the High Court increases substantially next year, owing to additional funding for capacity and infrastructure improvements. Overall *State Legal Services* increases by 29,6 per cent, from R196 million in 2002/03 to R254 million in 2003/04.

### Key outputs, indicators and targets

#### Recent outputs

The Legal Services Unit strengthened South Africa's international standing by becoming a member of the International Criminal Court in 2002.

The Masters Business Unit has made progress in providing strategic direction to the Masters Office, and is in the process of restructuring and modernising the office. The office has obtained funds to increase its capacity, in order to perform the additional task of administering intestate black estates.

The Legislative and Constitutional Development Unit established a unit for statutory law revision in 2002, which is researching and developing legislation, researching possible future legislation, and developing reports for the Minister on a range of areas.

**Medium-term output targets****State Legal Services**

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

Subprogramme	Output	Measure/Indicator	Target
Legal Services to the State	Provide opinions and scrutinise international agreements and draft legislation	Number of opinions, laws and international agreements finalised	To be benchmarked in 2003/04
	Reduction in private sector assistance to government departments	Percentage change in requests for services	10% increase in 2003/04
Legislation and Constitutional Development	Implementation of the Constitution and its values	Proportion of amendments affected to address shortcomings in the Constitution	To be benchmarked in 2003/04
	Transformation of the legal system	Proportion of relevant draft legislation enacted	75% in 2003/04
	Transformation and improvement of the criminal justice system	Proportion of relevant draft legislation enacted	42% in 2003/04
	Access to Justice	Proportion of relevant draft legislation enacted	100% in 2003/04
Master of the High Court	Administration of deceased estates	Number of new deceased estates registered	60 000 in 2003/04
		Number of wills considered	45 000 in 2003/04
	Administration of insolvent estates and companies and close corporations in liquidation	Number of liquidators appointed	7 000 in 2003/04
		Number of authorisations granted for sale of estate property	2 500 in 2003/04
	Administration of trusts	Number of trusts registered	47 000 in 2003/04
	Administration of property of persons	Number of curators / tutors appointed	600 in 2003/04
		Number of annual accounts audited	1 200 in 2003/04
	Administration of the Guardians Fund	Number of maintenance payments	32 000 in 2003/04

**Programme 4: National Prosecuting Authority**

The *National Prosecuting Authority* provides for prosecution services, witness protection and the investigation of serious organised crime.

- Public Prosecutions co-ordinates prosecution within the court environment to ensure prompt and effective justice in the public interest, guided by the Constitution and Bill of Rights.
- The Witness Protection Programme is focussed on witnesses in certain serious criminal cases.
- Special Operations funds the Directorate of Special Operations, which investigates serious, complex and organised crime.

**Expenditure estimates**

Table 24.6: National Prosecuting Authority

Subprogramme	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome				
R thousand	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06
Public Prosecutions	446 874	531 797	502 189	647 398	693 423	740 721	785 134
Witness Protection Programme	20 718	23 883	24 806	34 170	36 524	39 019	41 360
Special Operations	16 774	49 471	197 116	267 000	290 735	310 592	329 228
Total	484 366	605 151	724 111	948 568	1 020 682	1 090 332	1 155 722
Change to 2002 Budget Estimate				6 252	(19 503)	(18 014)	

	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome				
R thousand	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06
Economic classification							
Current	480 096	601 459	707 015	924 718	1 017 913	1 087 374	1 152 586
Personnel	419 446	511 816	519 203	719 535	758 575	810 336	858 924
Transfer payments	–	–	–	–	–	–	–
Other current	60 650	89 643	187 812	205 183	259 338	277 038	293 662
Capital	4 270	3 692	17 096	23 850	2 769	2 958	3 136
Transfer payments	–	–	–	–	–	–	–
Acquisition of capital assets	4 270	3 692	17 096	23 850	2 769	2 958	3 136
Total	484 366	605 151	724 111	948 568	1 020 682	1 090 332	1 155 722

## Standard items of expenditure

Personnel	419 446	511 816	519 203	719 535	758 575	810 336	858 924
Administrative	32 760	40 723	53 009	57 993	56 720	60 596	64 236
Inventories	3 415	7 361	8 301	12 237	10 823	11 557	12 248
Equipment	5 271	5 143	11 951	25 879	4 769	5 095	5 400
Land and buildings	–	–	8 985	–	–	–	–
Professional and special services	8 184	22 830	102 994	102 074	153 072	163 517	173 329
Transfer payments	–	–	–	–	–	–	–
Miscellaneous	15 290	17 278	19 668	30 850	36 723	39 231	41 585
Total	484 366	605 151	724 111	948 568	1 020 682	1 090 332	1 155 722

**Expenditure trends**

The *National Prosecuting Authority* programme consumes a large portion of the budget – 21,6 per cent over the medium term. Expenditure grows by 15,6 per cent per year between 1999/00 and 2005/06. Over the medium term, the *National Prosecuting Authority* allocation is expected to increase by 21,8 per cent, from R948,6 million in 2002/03 to R1,2 billion in 2005/06. The programme's budget will normalise following the large average increases of approximately 25,1 per cent per year between 1999/00 and 2002/03. Spending on this programme has grown fastest, because of the shift of prosecutors to the National Prosecuting Authority and the establishment and expansion of the Directorate of Special Operations and the Asset Forfeiture Unit.

Public Prosecutions continues to be the dominant subprogramme, constituting 67,9 per cent of the programme allocation on average over the medium term. Over this period all three subprogrammes increase by around 7 per cent per year.

Professional and special services spending stabilises at a high level in 2001/02 and 2002/03 at just under R103 million; but management services will be given renewed impetus over the medium term, with spending projected to increase by 69,8 per cent to R173 million in 2005/06. Over the medium term, personnel expenditure will increase at 6,1 per cent on average per year while spending on capital decreases substantially in 2003/04 and remains at a relatively low level over the medium term. This is because of non-recurring expenditure in 2002/03 related to buying specialised equipment for the investigative work of the Directorate of Special Operations.

## Key outputs, indicators and targets

### Recent outputs

The National Prosecuting Authority has made steady progress on all its major targets. Generally, productivity in courts is increasing, but this has to be viewed in the light of substantial increases in the number of new cases. From January 2002 to the end of December 2002, the Lower Courts finalised a total of 833 594 cases, of which 421 213 were withdrawn. Outstanding cases on the Lower Courts' rolls decreased from 195 638 in January 2002 to 180 953 by the end of December 2002. Over the same period the conviction rate was 81 per cent. The High Courts finalised 1 684 cases between January 2002 and the end of September 2002. Of these, 288 were rape cases referred by the Lower Courts, for which the High Court must give at least the minimum sentence; and 1 130 were finalised with a guilty verdict (81 per cent). There was an outstanding roll of 1 048 cases, and a total of 1 827 new cases were registered.

The Sexual Offences and Community Affairs Unit held public awareness workshops for women and prosecutors in 2002. Ten new Sexual Offences Courts will be launched in 2003. The unit began training prosecutors about domestic violence in June 2002. It also recruited and trained maintenance prosecutors. In addition, prosecutors countrywide have been trained to deal with child justice matters. Since the inception of child justice committees co-ordinated by prosecutors, 9 990 offenders have been diverted from the criminal justice system.

The Specialised Commercial Crimes Unit had a conviction rate of more than 95 per cent in 2002. Average court hours for each of the two Specialised Commercial Crime Courts exceed 4 hours and 30 minutes per day.

The Directorate of Special Operations finalised 210 prosecutions over the 18 months to September 2002, 85 of these in the last seven months and with a 93 per cent conviction rate. In the seven months an additional 43 major case investigations were initiated, bringing the total number of projects on its books to 500, one third of which are already in the courts.

The Asset Forfeiture Unit is on track to meet its 2002/03 target of an 85 per cent overall success rate. By 31 October 2002, this was at 87 per cent. By the end of October 2002, it had achieved 83 per cent of its target of starting 150 seizures, and 69 per cent of its target of completing 75 cases. From a monetary point of view, it achieved 52 per cent of the R250 million target for seizures and 66 per cent of the R75 million target for completed cases.

No witnesses in the protection programme have been assassinated since January 2001. The Witness Protection Unit had 45 court cases on its books from January to June 2002 and 49 witnesses on the programme. This resulted in 37 convictions, an 82 per cent success rate.

### Medium-term output targets

#### National Prosecuting Authority

Measurable objective: To provide effective and efficient prosecuting services to ensure the proper administration of justice in criminal cases.

Subprogramme	Output	Measure/Indicator	Target
Public Prosecutions	Prosecution of cases	Average court cycle time (to finalisation)	10% reduction in 2003/04
		Cases finalised within 12 months of enrolment	High Court: 100% in 2003/04
		Cases finalised within 6 months of enrolment	Regional and District Courts: 75% in 2003/04
		Conviction rate	High Court: 85% in 2003/04 Regional Court: 70% in 2003/04 District Court: 85% in 2003/04

Subprogramme	Output	Measure/Indicator	Target
Public Prosecutions (continued)	Access to justice for women and children	Number of public awareness and education programmes in respect of sexual offences, domestic violence, maintenance and child justice	1 campaign per subject per province in 2003/04
	Fair treatment of child offenders	Number of child offenders diverted away from the criminal justice system	12 000 in 2003/04
	Prosecution of cases involving women and children	Conviction rate in Sexual Offences Courts	60% in 2003/04
	Prosecution of commercial crimes	Average court cycle time (to finalisation)	5% reduction in 2003/04
		Conviction rate in commercial crime cases	75 – 100 % in 2003/04
		Number of commercial crime cases finalised	5% increase in 2003/04
Special Operations	Disruption of organised crime	Number of high impact organised crime cases investigated and prosecuted in strategic focus areas	50 matters in 2003/04
		Average reduction in court cycle time for investigation and prosecution (to finalisation)	10% reduction in 50% of major cases in 2003/04
		Conviction rate for organised crime	75% in 2003/04
	Disruption of crime by means of asset forfeiture	Number of asset seizures started	150 in 2003/04
		Number of criminal asset recovery cases completed	75 in 2003/04
		Conviction rate	85% in 2003/04
Witness Protection Unit	Confident and safe witnesses in court	Number of incidents threatening witness safety	Zero in 2003/04

## Programme 5: Auxiliary and Associated Services

*Auxiliary and Associated Services* provides for services associated with the Department's aims through the following subprogrammes.

- The Judicial Service Commission makes recommendations on the appointment, removal from office and tenure of judges, and advises Government on the administration of justice.
- The Office for the Control of Interception and Monitoring of Communication administers the Interception and Monitoring Prohibition Act (127 of 1992).
- The South African Human Rights Commission promotes compliance with the Bill of Rights.
- The Commission on Gender Equality promotes gender equality in South Africa.
- The Special Investigating Unit (SIU) investigates allegations of maladministration and corruption by public officials and institutes proceedings in the Special Tribunal to recover government property or money.
- The Legal Aid Board ensures that funds are available for providing indigent accused persons with legal advice and assists them with various civil and administrative proceedings.
- The Public Protector conducts investigations into allegations of various forms of corruption and maladministration in the exercise of administrative powers and the use of public funds.
- The National Crime Prevention Strategy funds some activities of the departments involved in the IJS in order to give effect to the modernisation of the IJS.
- The President's Fund gives effect to the reparations policy flowing from the work of the Truth and Reconciliation Committee.
- The Represented Political Parties Fund makes provision for funding political parties participating in Parliament and provincial legislatures.

## Expenditure estimates

Table 24.7: Auxiliary and Associated Services

Subprogramme	Expenditure outcome			Adjusted Appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome				
R thousand	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06
Judicial Service Commission	562	540	546	888	950	1 006	1 067
Office for the Control of Interception and Monitoring of Communication	231	259	246	271	291	313	334
Truth and Reconciliation Commission	14 617	30 181	10 000	–	–	–	–
South African Human Rights Commission	17 296	21 780	22 612	27 401	32 728	37 560	40 674
Commission on Gender Equality	10 726	12 262	13 057	14 922	17 300	19 341	21 412
Special Investigating Unit	16 894	17 739	21 419	22 958	25 535	27 194	28 851
Legal Aid Board	340 880	245 573	322 103	341 827	367 864	390 525	414 327
Public Protector	15 399	17 573	35 766	35 135	43 404	48 971	52 427
National Crime Prevention Strategy	–	75 494	268 679	143 000	142 378	152 484	160 708
President's Fund	200 000	1	190 000	310 001	1	1	1
Represented Political Parties Fund	55 650	57 880	60 983	63 683	66 653	70 652	74 891
Total	672 255	479 282	945 411	960 086	697 104	748 047	794 692
Change to 2002 Budget Estimate				(252 453)	(253 677)	(260 264)	

## Economic classification

Current	672 243	467 937	910 139	910 079	651 155	698 832	742 822
Personnel	173	187	132	211	222	241	259
Transfer payments	671 462	402 989	675 940	815 927	553 485	594 244	632 583
Other current	608	64 761	234 067	93 941	97 448	104 347	109 980
Capital	12	11 345	35 272	50 007	45 949	49 215	51 870
Transfer payments	–	–	–	–	–	–	–
Acquisition of capital assets	12	11 345	35 272	50 007	45 949	49 215	51 870
Total	672 255	479 282	945 411	960 086	697 104	748 047	794 692

## Standard items of expenditure

Personnel	173	187	132	211	222	241	259
Administrative	350	822	2 028	6 010	5 600	5 990	6 318
Inventories	6	12 360	1 095	36 075	33 150	35 501	37 415
Equipment	52	11 542	35 289	50 055	45 987	49 251	51 908
Land and buildings	–	–	–	–	–	–	–
Professional and special services	209	51 381	230 927	51 808	58 660	62 820	66 209
Transfer payments	671 462	402 989	675 940	815 927	553 485	594 244	632 583
Miscellaneous	3	1	–	–	–	–	–
Total	672 255	479 282	945 411	960 086	697 104	748 047	794 692

## Transfer payments per subprogramme

Truth and Reconciliation Commission	14 617	30 181	10 000	–	–	–	–
South African Human Rights Commission	17 296	21 780	22 612	27 401	32 728	37 560	40 674
Commission on Gender Equality	10 726	12 262	13 057	14 922	17 300	19 341	21 412
Special Investigating Unit	16 894	17 739	21 419	22 958	25 535	27 194	28 851
Legal Aid Board	340 880	245 573	322 103	341 827	367 864	390 525	414 327
Public Protector	15 399	17 573	35 766	35 135	43 404	48 971	52 427
President's Fund	200 000	1	190 000	310 001	1	1	1
Represented Political Parties Fund	55 650	57 880	60 983	63 683	66 653	70 652	74 891
Total	671 462	402 989	675 940	815 927	553 485	594 244	632 583



## Expenditure trends

The funds available for *Auxiliary and Associated Services* decrease significantly by 27,4 per cent from R960 million in 2002/03 to R697 million in 2003/04. This is chiefly because of the cessation of payments to the President's Fund, for which R310 million was provided in 2002/03. Overall, the budget of *Auxiliary and Associated Services* grows by 2,8 per cent per year from 1999/00 to 2005/06, much more slowly than the growth of 12,1 per cent per year in the Vote as a whole over the same period. Even if the Truth and Reconciliation Commission and President's Fund subprogrammes, which will no longer function, are excluded, this programme still only grows by 9,6 per cent per year.

Some of the subprogrammes in *Auxiliary and Associated Services* are variable, because the allocations tend to be ad hoc. This is also the case with the National Crime Prevention Strategy. It is a well-established and overarching programme, yet its allocations do not increase in line with the baseline. Funding is provided according to needs in a particular year, evident in the slight decrease in allocation from R143 million in 2002/03 to R142,4 million in 2003/04. Over the period from 1999/00 to 2005/06 substantial increases in allocations are expected for: the Commission on Gender Equity, the South African Human Rights Commission, and, in particular, the Public Protector.

Irrespective of policy changes that promoted cost-effectiveness, Legal Aid Board expenditure remains the largest subprogramme expenditure over the 1999/00 to 2005/06 period, increasing from 2000/01 by 11 per cent per year on average. Cost savings are consumed by the expenses relating to increased representation in appeal cases, owing to a change in appeal policy.

Capital expenditure on equipment increases throughout most of the medium term by 6,2 per cent on average. The budgets of the independent bodies, the South African Human Rights Commission, the Commission on Gender Equality and the Public Protector, increase on average by 9,6 per cent from 2002/2003 to 2003/2004.

## Key outputs, indicators and targets

### Recent outputs

The South African Human Rights Commission has been established to entrench constitutional democracy. Its mandate is to promote respect for, observance of, and the protection of human rights for everyone. During 2002/03 the Commission was extensively involved in the World Conference against Racism. Education and training activities grew exponentially in 2001/02: 214 workshops and training programmes were presented reaching 8 484 participants, and 75 seminars and presentations were conducted reaching 11 499 people.

The Commission on Gender Equality is committed to creating a society free from gender discrimination and any other form of oppression. Attending to gender inequality complaints is one of its core functions; 904 complaints were received in 2001/02, of which 29 per cent related to gender-based violence and 52 per cent were maintenance cases. The Commission made submissions to the South African Law Commission on the Sexual Offences Bill and Muslim personal law.

The Office of the Public Protector is committed to assisting Parliament in strengthening constitutional democracy by: enhancing efficiency in the provision of government services, combating injustice and unfairness in public administration, making government agencies accountable for their actions, and recommending corrective action. In 2001/02 the Office received 12 174 new cases and 13 427 cases were carried forward from 2000/01. Of these, 12 202 cases were finalised in 2001/02. Additional staff are being appointed from 2002/03 to deal with the backlog.

The President's Fund was established in terms of section 42 of the Promotion of National Unity and Reconciliation Act (34 of 1995). From 1998/99, R800 million has been appropriated by Parliament for purposes of the Fund. To date, R50 million has already been paid in interim reparation payments to approximately 18 000 registered victims of human rights violations. The current balance of the Fund is R925,2 million. By way of regulations made by the President, amounts are paid from the Fund to victims whose human rights were grossly violated. A range of specific support measures will supplement these payments and services to identified victims and appropriate symbolic responses, in keeping with the Truth and Reconciliation Commission's broader recommendations on reparations.

### Medium-term output targets

#### Auxiliary and Associated Services

Measurable objective: To support the provision of additional legal services, the right to which is enshrined in the Constitution, to guarantee independence of the administration of justice.

Subprogramme	Output	Measure/Indicator	Target
Judicial Service Commission	Appointment of judges	Proportion of vacancies filled	100% in 2003/04
		Proportion of the population reached through publications and promotional materials	20% in 2003/04
Human Rights Commission	Awareness effectiveness of publications and events	Distribution of publications	Increase human rights awareness by at least 10% especially in rural communities in 2003/04
		Number of workshops and seminars	84 workshops reaching 2 520 people in 2003/04 6 seminars reaching 420 professionals in 2003/04
	Investigation of complaints	Number of complaints/investigations	20% increase in 2003/04
Commission on Gender Equality	Awareness effectiveness of publications and events	Number of publications distributed	35 000 posters in 2003/04 70 000 pamphlets in 2003/04 2 000 annual reports in 2003/04 130 events in 2003/04
		Number of workshops, dialogues and seminars Number of interventions into legislation and policy formulation	10 in 2003/04
	Investigation of complaints	Number of complaints/investigations	10 investigations in the private and public sectors in 2003/04
Public Protector	Investigation of complaints	Number of investigations finalised per investigator	National office: 120 North-West regional office: 228 Other regional offices: 180
National Crime Prevention Strategy	IT resources	Number of users to receive infrastructure	12 000 in 2003/04
		Number of users connected to the network	All users at implemented sites

### Public entities reporting to the Minister

#### Special Investigating Unit

The Special Investigating Unit (SIU) is specifically designed to combat maladministration, corruption and fraud involving state assets and public money. It can institute civil actions in the

Special Tribunal to recover, protect, or save state assets or monies. The unit, as part of Government's anti-corruption strategy, is focused on providing the state with an in-house, high quality, professional forensic investigation and litigation service at national, provincial and local levels.

During 2002/03 the Special Investigating Unit rebuilt its capacity, promoted greater efficiency, eliminated backlogs, received new investigations by way of proclamation, improved its representivity in terms of employment equity, established a national presence and built partnerships with Government and law enforcement agencies. The SIU has highlighted the benefits of the multi-disciplinary approach through its work with bodies such as the Asset Forfeiture Unit, the South African Police Service and the Directorate of Special Operations.

### **Legal Aid Board**

The Legal Aid Board provides legal aid to the indigent, and legal representation to those entitled to it in terms of the Constitution. These services are primarily made available by attorneys, advocates and candidate attorneys employed by the Board at its Justice Centres. By the end of 2004, the Board will have a national network of approximately 60 Justice Centres. Over 30 Justice Centres have already been established. The Board also provides legal aid by instructing legal practitioners in private practice, although this is being done less often, in favour of Justice Centres in order to reduce costs. In addition, legal aid may be provided through co-operation agreements with non-governmental organisations (NGO) which provide legal services. The Board currently assists approximately 250 000 applicants a year.

From 31 May 2001, every accused person convicted in a Magistrate's Court has had an automatic right of appeal to the High Court. It is estimated that every year more than 100 000 people qualify for legal aid for a criminal appeal.

## **Annexure**

### **Vote 24: Justice and Constitutional Development**

Table 24.8: Summary of expenditure trends and estimates per programme

Table 24.9: Summary of expenditure trends and estimates per economic classification

Table 24.10: Summary of expenditure trends and estimates per standard item

Table 24.11: Summary of personnel numbers and costs

Table 24.12: Summary of expenditure on training

Table 24.13: Summary of information and communications technology expenditure

Table 24.14: Summary of donor support

Table 24.15: Summary of expenditure on infrastructure

Table 24.8: Summary of expenditure trends and estimates per programme

	Expenditure outcome				Main appropriation	Additional appropriation	Adjusted appropriation	Revised estimate	Medium-term expenditure estimate				
	Audited	Audited	Preliminary outcome	Current					Capital	Total			
R thousand	1999/00	2000/01	2001/02		2002/03				2003/04		2004/05	2005/06	
1 Administration	220 705	239 236	382 864		350 277	23 658	373 935	376 053	498 408	11 580	509 988	578 368	608 541
2 Court Services	1 148 857	1 280 566	1 559 634		1 633 096	140 419	1 773 515	1 753 165	1 771 316	295 212	2 066 528	2 265 412	2 423 725
3 State Legal Services	128 202	133 416	150 353		196 557	(835)	195 722	195 396	251 782	1 777	253 559	263 652	279 493
4 National Prosecuting Authority	484 366	605 151	724 111		942 316	6 252	948 568	947 358	1 017 913	2 769	1 020 682	1 090 332	1 155 722
5 Auxiliary and Associated Services	672 255	479 282	945 411		970 701	(10 615)	960 086	939 854	651 155	45 949	697 104	748 047	794 692
Subtotal	2 654 385	2 737 651	3 762 373		4 092 947	158 879	4 251 826	4 211 826	4 190 574	357 287	4 547 861	4 945 811	5 262 173
Direct charge on the National Revenue													
Fund													
Judges' Salaries	138 083	149 624	171 083		154 318	-	154 318	154 318	166 278	-	166 278	177 083	187 877
	138 083	149 624	171 083		154 318	-	154 318	154 318	166 278	-	166 278	177 083	187 877
Total	2 792 468	2 887 275	3 933 456		4 247 265	158 879	4 406 144	4 366 144	4 356 852	357 287	4 714 139	5 122 894	5 450 050
Change to 2002 Budget Estimate							158 879	118 879			478 381	583 900	

Table 24.9: Summary of expenditure trends and estimates per economic classification

	Expenditure outcome			Main appropriation	Additional appropriation	Adjusted appropriation	Revised estimate	Medium-term expenditure estimate	
	Audited	Audited	Preliminary outcome					Current	Total
R thousand	1999/00	2000/01	2001/02		2002/03				
Current	2 508 455	2 577 606	3 475 796	3 724 039	70 431	3 794 470	3 794 470	4 190 574	4 190 574
Personnel	1 464 780	1 642 151	1 866 136	2 090 349	77 137	2 167 486	2 167 486	2 449 369	2 449 369
Salaries and wages	1 057 068	1 152 112	1 315 451	1 699 940	56 133	1 756 073	1 756 073	1 878 895	1 878 895
Other	407 712	490 039	550 685	390 409	21 004	411 413	411 413	570 474	570 474
Transfer payments	671 462	402 989	677 853	814 560	1 367	815 927	815 927	553 485	553 485
Subsidies to business enterprises	-	-	1 913	-	-	-	-	-	-
Other levels of government	-	-	-	-	-	-	-	-	-
social security funds	-	-	-	-	-	-	-	-	-
universities and technikons	-	-	-	-	-	-	-	-	-
extra-budgetary institutions	671 462	402 989	675 940	814 560	1 367	815 927	815 927	553 485	553 485
provincial government	-	-	-	-	-	-	-	-	-
local government	-	-	-	-	-	-	-	-	-
Households and non-profit institutions	-	-	-	-	-	-	-	-	-
Foreign countries and international credit institutions	-	-	-	-	-	-	-	-	-
Other	372 213	532 466	931 807	819 130	(8 073)	811 057	811 057	1 187 720	1 187 720
Capital	145 930	160 045	286 577	368 908	88 448	457 356	417 356	-	357 287
Transfer payments	1 818	83	-	-	-	-	-	-	-
Other levels of government	-	-	-	-	-	-	-	-	-
Other capital transfers	1 818	83	-	-	-	-	-	-	-
Movable capital	39 052	47 487	80 464	157 770	10 727	168 497	128 497	-	125 548
Motor vehicles (transport)	6 312	14 420	14 494	21 046	5 000	26 046	26 046	-	20 940
Equipment - Computers	23 749	21 720	39 796	55 957	-	55 957	15 957	-	63 457
Equipment - Other office equipment	7 796	2 968	12 228	33 283	(8 099)	25 184	25 184	-	19 360
Other	1 195	8 379	13 946	47 484	13 826	61 310	61 310	-	21 791
Fixed capital	105 060	112 475	206 113	211 138	77 721	288 859	288 859	-	231 739
Land	12 983	-	-	-	-	-	-	-	-
Buildings	56 290	105 989	132 469	191 138	-	191 138	191 138	-	229 739
Infrastructure	11 716	1 595	73 644	20 000	77 721	97 721	97 721	-	2 000
Other	24 071	4 891	-	-	-	-	-	-	-
Total	2 654 385	2 737 651	3 762 373	4 092 947	158 879	4 251 826	4 211 826	4 190 574	4 547 861
								4 945 811	5 262 173

Table 24.10: Summary of expenditure trends and estimates per standard item

	Expenditure outcome				Medium-term expenditure estimate			
	Audited		Preliminary Outcome		Revised estimate	Current		Total
	1999/00	2000/01	2001/02	2001/02		2003/04	2004/05	
R thousand				2002/03				2005/06
Personnel	1 464 780	1 642 151	1 866 136	77 137	2 167 486	2 449 369	2 615 659	2 772 581
Administrative	175 186	192 061	241 470	(2 138)	257 375	369 247	423 101	455 316
Inventories	37 006	57 926	92 660	4 075	99 338	127 963	123 748	134 237
Equipment	48 089	96 219	93 866	10 836	186 132	32 574	151 047	163 194
Land and buildings	105 060	112 475	206 116	77 721	288 859	–	243 523	258 134
Professional and special services	86 287	177 043	498 568	(6 896)	354 356	572 083	671 015	715 245
Transfer payments	673 280	403 072	677 853	1 367	815 927	553 485	594 244	632 583
Miscellaneous	64 697	56 704	85 704	(3 223)	82 353	85 853	123 474	130 883
Total	2 654 385	2 737 651	3 762 373	158 879	4 251 826	4 190 574	4 945 811	5 262 173

Table 24.11: Summary of personnel numbers and costs<sup>1</sup>

Personnel numbers	1999/00	2000/01	2001/02	2002/03	2003/04
1 Administration	1 336	1 336	1 340	1 390	1 440
2 Court Services	9 159	9 919	9 952	10 009	10 099
3 State Legal Services	692	697	683	726	751
4 National Prosecuting Authority	3 037	3 055	3 086	3 420	3 494
5 Auxiliary and Associated Services	17	17	17	17	2
Total	14 241	15 024	15 078	15 562	15 786
Total personnel cost (R thousand)	1 464 780	1 642 151	1 866 136	2 167 486	2 449 369
Unit cost (R thousand)	102.9	109.3	123.8	139.3	155.2

<sup>1</sup> Full-time equivalent

Table 24.12: Summary of expenditure on training

	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome		2003/04	2004/05	2005/06
R thousand	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06
1 Administration	20 505	26 801	31 671	25 067	11 358	11 890	12 640
2 Court Services	1 017	2 472	319	382	12 355	13 451	14 282
3 State Legal Services	124	101	347	483	1 984	2 025	2 119
4 National Prosecuting Authority	118	1 283	2 107	5 447	7 586	8 103	8 589
5 Auxiliary and Associated Services	222	3	133	19	3	3	3
Total	21 986	30 660	34 577	31 398	33 286	35 472	37 633

Table 24.13: Summary of information and communications technology expenditure

	Expenditure Outcome	Adjusted Appropriation		Medium-term expenditure estimate		
		2002/03	2003/04	2004/05	2005/06	
R thousand	2001/02	2002/03	2003/04	2004/05	2005/06	
1 Administration	23 429	65 974	54 713	56 343	60 676	
Technology	3 828	2 881	2 638	2 723	2 913	
IT services	19 601	63 093	52 075	53 620	57 763	
2 Court Services	1 148	1 142	14 199	11 487	13 037	
Technology	1 148	1 142	14 199	11 487	13 037	
IT services	–	–	–	–	–	
3 State Legal Services	1 426	650	692	240	451	
Technology	1 426	650	692	240	451	
IT services	–	–	–	–	–	
4 National Prosecuting Authority	107	3	–	–	–	
Technology	107	3	–	–	–	
IT services	–	–	–	–	–	
5 Auxiliary and Associated Services	268 679	143 000	142 378	152 484	160 708	
Technology	35 137	49 975	45 928	49 188	51 842	
IT services	233 542	93 025	96 450	103 296	108 866	
Total	294 789	210 769	211 982	220 554	234 872	



Table 24.14: Summary of donor support

ODA programme/Project name	Donor	Cash or Kind	Outcome				2002/03	Medium-term expenditure estimate		
			1999/00	2000/01	2001/02	2001/02		2003/04	2004/05	2005/06
Child Participation	Radda Barnen	Cash	111	91	58	8	8	-	-	-
Child Participation	Radda Barnen	Kind	-	47	-	-	-	-	-	-
Corporate Planning Team and Policy Advisory Task Unit	Danish Government	Cash	4 320	1 381	1 707	240	240	-	-	-
Corporate Planning Team and Policy Advisory Task Unit	Danish Government	Kind	-	1 000	-	-	-	-	-	-
Fast track Training of Civil Magistrates	Denmark	Cash	-	-	-	650	650	1 650	-	-
Training of Court Interpreters	Denmark	Cash	-	-	-	750	750	2 250	-	-
Assistance for the restructuring of Judiciary	France	Cash	-	-	-	-	-	5 536	-	-
Budget Outreach Programme, One Stop Service Centres	Government of Sweden	Cash	148	-	184	618	618	-	-	-
Budget Outreach Programme, One Stop Service Centres	Government of Sweden	Kind	-	356	1 091	-	-	-	-	-
Sectoral Budget Support	Netherlands Government	Cash	-	5 472	-	121 108	121 108	55 000	-	-
Sectoral Budget Support	European Union	Cash	-	-	-	65 082	65 082	70 000	110 000	-
Citizen's Advice Desk Project	Government of Ireland	Cash	426	594	379	86	86	-	-	-
Criminal Justice Strengthening Programme	USAID (BAC)	Kind	-	-	-	20 000	20 000	26 000	11 000	-
Justice Canada Linkage Project	Canada	Cash	-	-	345	-	-	-	-	-
Sexual Offences Court	USAID	Cash	-	-	376	795	795	-	-	-
Sexual Offences Court	USAID	Kind	-	-	34	-	-	-	-	-
Opening of Multidisciplinary Care Centres	WK Kellogg Foundation	Cash	-	-	117	342	342	2 500	3 000	-
Training on implementation of Lower Court Management System	Finland	Cash	430	-	92	-	-	-	-	-
Tutor Prosecutors Training	British	Cash	-	-	-	1 840	1 840	3 000	3 500	-
Extension of Sexual Offences Courts	UNICEF	Cash	-	-	-	297	297	3 000	3 500	-
EU Foundation	European Union	Cash	-	-	-	84	84	15	-	-
Capacity Building, Technical Assistance, Tutors and Corporate Image	USAID	Cash	10 741	1 525	5 159	3 981	3 981	-	-	-
Capacity Building, Technical Assistance, Tutors and Corporate Image	USAID	Kind	-	10	-	-	-	-	-	-
			16 176	10 476	9 542	215 881	215 881	168 951	131 000	-

Table 24.15: Summary of expenditure on infrastructure

R thousand	Projects	Description	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
			1999/00	2000/01	2001/02		2003/04	2004/05	2005/06
Infrastructure programmes or large infrastructure projects	<div>- Previous years</div> <div>- Constitutional Court</div> <div>- Magistrate Port Elizabeth</div> <div>- Magistrate Pretoria North</div> <div>- Magistrate Benoni</div> <div>- Magistrate Tembisa</div> <div>- Magistrate Randburg</div> <div>Small project groups</div> <div>- Additional Courts</div> <div>- Security Measures</div> <div>- Upgrading Buildings</div> <div>- Tembisa Magistrate's office</div> <div>- Pretoria-North, Magistrate's office</div> <div>- Scottburgh, Magistrate's office</div> <div>- Randburg, Magistrate's office</div> <div>- Benoni, Magistrate's office</div> <div>- Ceres, Magistrate's office</div> <div>Infrastructure transfers</div>		42 411	50 421	105 659	67 845	188 423	68 588	-
		-	42 411	50 421	105 659	-	-	-	-
		New Building	-	-	-	21 000	33 000	-	-
		Additional accommodation and upgrading	-	-	-	37 560	60 000	4 325	-
		Additional accommodation and upgrading	-	-	-	3 300	16 000	10 976	-
		Additional accommodation and upgrading	-	-	-	985	14 423	16 787	-
		New Building	-	-	-	4 000	34 500	6 500	-
		New Building	-	-	-	1 000	30 500	30 000	-
			62 649	62 054	100 454	146 142	28 688	157 236	237 634
		Additional accommodation and upgrading	37 172	32 940	48 727	56 997	14 344	78 618	118 817
		Upgrading of Buildings e.g Security measures	22 586	25 940	47 362	51 996	10 244	68 059	99 409
		Upgrading of Buildings e.g Airconditioning, etc.	2 891	3 174	4 365	5 000	4 100	10 559	19 408
		New Building	-	-	-	6 836	-	-	-
		Additional accommodation and upgrading	-	-	-	5 651	-	-	-
		Additional accommodation and upgrading	-	-	-	3 532	-	-	-
		New Building	-	-	-	5 717	-	-	-
		Additional accommodation and upgrading	-	-	-	8 021	-	-	-
		Additional accommodation and upgrading	-	-	-	2 392	-	-	-
			-	-	-	-	-	-	-
Sub-total		105 060	112 475	206 113	213 987	217 111	225 824	237 634	

Table 24.15: Summary of expenditure on infrastructure (continued)

Projects	Description	Expenditure outcome				Adjusted appropriation	Medium-term expenditure estimate				Long-term planning			
		1999/00	2000/01	2001/02	2002/03		2003/04	2004/05	2005/06	2006/07	2007/08	2008/09		
R thousand		-	-	-	-	-	-	-	-	-	-	-	-	-
Fixed installations transferred to households Maintenance on infrastructure - Magistrate Courts - Durban, High Court - Malamulele, Magistrate's office - Madadeni, Magistrate's office - Umzimkulu, Magistrate's office - Nsikazi, Magistrate's office - Port St Johns, Magistrate's office - Nongoma, Magistrate's office - Cala, Magistrate's office - Ubombo, Magistrate's office - Zwelisha, Magistrate's office - Izingolweni, Magistrate's office - Motelema, Magistrate's office - Whittlesea, Magistrate's office - Ezibeleni, Magistrate's office	Repair and maintenance of buildings	-	-	-	57 151	12 628	17 699	20 500	21 300	23 200	19 000	-	-	-
	Repair and maintenance of buildings	-	-	-	29 300	12 628	17 699	20 500	21 300	23 200	19 000	-	-	-
	Repair and maintenance of buildings	-	-	-	3 719	-	-	-	-	-	-	-	-	-
	Repair and maintenance of buildings	-	-	-	2 175	-	-	-	-	-	-	-	-	-
	Repair and maintenance of buildings	-	-	-	2 400	-	-	-	-	-	-	-	-	-
	Repair and maintenance of buildings	-	-	-	1 065	-	-	-	-	-	-	-	-	-
	Repair and maintenance of buildings	-	-	-	1 128	-	-	-	-	-	-	-	-	-
	Repair and maintenance of buildings	-	-	-	1 946	-	-	-	-	-	-	-	-	-
	Repair and maintenance of buildings	-	-	-	2 599	-	-	-	-	-	-	-	-	-
	Repair and maintenance of buildings	-	-	-	1 820	-	-	-	-	-	-	-	-	-
	Repair and maintenance of buildings	-	-	-	2 973	-	-	-	-	-	-	-	-	-
	Repair and maintenance of buildings	-	-	-	3 242	-	-	-	-	-	-	-	-	-
	Repair and maintenance of buildings	-	-	-	1 161	-	-	-	-	-	-	-	-	-
	Repair and maintenance of buildings	-	-	-	1 102	-	-	-	-	-	-	-	-	-
	Repair and maintenance of buildings	-	-	-	1 499	-	-	-	-	-	-	-	-	-
	Repair and maintenance of buildings	-	-	-	1 022	-	-	-	-	-	-	-	-	-
	Upgrading on infrastructure - Magistrate Courts	Replacement, repair and purchase of additional equipment	-	-	30 000	40 000	50 000	50 000	53 000	50 000	50 000	50 000	50 000	50 000
		-	-	30 000	40 000	50 000	50 000	53 000	50 000	50 000	50 000	50 000	50 000	50 000
Total		105 060	112 475	236 113	311 138	279 739	293 523	311 134	71 300	73 200	69 000			

