

Vote 23

Justice and Constitutional Development

R thousand	2006/07 To be appropriated	2007/08	2008/09
MTEF allocations	6 269 880	6 953 270	7 688 202
<i>of which:</i>			
Current payments	5 007 839	5 588 367	6 193 520
Transfers and subsidies	803 017	874 961	962 841
Payments for capital assets	459 024	489 942	531 841
Statutory amounts	1 042 665	1 114 547	1 182 789
Executive authority	Minister for Justice and Constitutional Development		
Accounting officer	Director-General of Justice and Constitutional Development		

Aim

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

Programme purposes

Programme 1: Administration

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

Programme 2: Court Services

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

Programme 3: State Legal Services

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

Programme 4: National Prosecuting Authority

Provide a co-ordinated prosecuting service, protect certain witnesses, and investigate serious organised unlawful conduct.

Programme 5: Auxiliary and Associated Services

Provide a variety of auxiliary services associated with the department's aims, and fund transfer payments to constitutional institutions, the Legal Aid Board, the Special Investigating Unit, the Represented Political Parties' Fund and the President's Fund.

Strategic overview and key policy developments: 2002/03 – 2008/09

In terms of its medium-term strategic framework, the Department of Justice and Constitutional Development is committed to delivering on the following three key strategic areas: ensuring access to justice for all South African, modernising justice services, and transforming justice.

Access to justice

Associated closely with the rationalisation of courts in South Africa is the re-demarcation of magisterial districts. The recently passed Constitution Twelfth Amendment Act (2005) abolishes municipalities that operate across provincial boundaries in 16 areas. The rationalisation of courts continues to ensure effective co-ordination and accessing of services. It will also result in new court districts being proclaimed in densely populated areas such as Soweto and Mamelodi.

The rationalisation of the jurisdiction of the high courts to operate within the provincial demarcation continues, and involves the proportional distribution of caseloads, which ultimately bring services closer to local communities. To increase accessibility further, mobile courts will be provided in 2006/07 in remote areas, alleviating the hardship of long distance travel.

Extending the lay assessor system to some regional courts continues to increase public participation in judicial processes. This initiative narrows the bridge between the judiciary and the community it serves, and makes processes more accessible and credible to the public. The plea-bargaining and alternative sentencing initiatives continue to help reduce case backlogs, improving case cycle time. Also, following the Moseneke and Bhe judgements, the Office of the Master of the High Court is being restructured to include service points for administering black deceased estates, previously administered by magistrates.

Modernising justice services

The department is in the third year of its courts turnaround strategy, implemented through the Re Aga Boswa (We are Rebuilding) project, which focuses on improving court efficiency. By January 2006, 71 area court management centres, headed by area court managers, had been established to oversee activities. Local court managers are being appointed for the 366 district courts. At provincial level, regional heads, assisted by the senior court managers, will co-ordinate court operations. The remainder of the vacant court and area court manager posts will be filled during 2006/07.

The court process pilot project was initiated in 2000 to pilot business process re-engineering and electronic filing of documents and dockets. The project yielded lessons in terms of court scheduling, case management and general court administration processes, now incorporated into the Re Aga Boswa project to ensure that other courts benefit. Having established the bulk of the IT infrastructure nationally, and operational systems, greater emphasis can be given to providing appropriate management information for more efficient management at court or regional levels.

Transforming the judiciary

One of the challenges facing the judicial system is inadequate female and black representation on the bench. In November 2005, of the 208 judges, 98 were black and 32 were women, and of a total of 1 828 magistrates, 828 were black and 491 were women. A comprehensive human resources development strategy to widen the pool of appropriately qualified female and black legal practitioners was finalised in August 2005. This includes a special judicial education programme with a view to giving identified candidates acting appointments. Parallel to this is the implementation of a broader judicial education programme and the transformation of the Justice College into a learning centre for the entire justice profession.

Vulnerable groups

Vulnerable groups in South Africa remain an important focus for the department. In December 2004, Cabinet approved the justice, crime prevention and security service charter for victims of crime. Its implementation plan has been integrated into the rollout of the Re Aqa Boswa project, to ensure that there is sufficient capacity to implement the charter. A dedicated telephone line was launched in 2005/06 to provide crime victims with direct access to the courts.

Seventy sexual offences courts were in session at the end of August 2005, and 30 more will be in session by March 2006. These specialised courts allow sexual offences cases to be handled with sensitivity to eliminate secondary victimisation of already traumatised victims.

By the end of 2005/06, 260 designated equality courts should be functioning. These courts deal with matters of discrimination. Section 16(1)(a) of the Promotion of Equality and Prevention of Discrimination Act (2000) provides that every high court is an equality court for its area of jurisdiction. Infrastructure for this is provided as new courts are set up, and more than 1290 magistrates and 300 clerks of court have been trained in equality matters. The equality court services will be extended to a further 100 courts during 2006/07.

The National Prosecuting Authority and its specialist units

The national prosecution service provides prosecution services in the lower and high courts in all of the nine provinces and collaborates with international stakeholders when necessary. The priority crimes litigation unit focuses on serious national and international crimes, including treason, sedition, terrorism, sabotage and foreign military crimes committed by mercenaries. The specialist commercial crime unit focuses on serious economic crimes. The sexual offences and community affairs unit develops strategy and oversees the management of sexual and domestic violence cases, human trafficking cases, maintenance offences and young offenders.

The directorate of special operations has the authority and flexibility to source multifaceted crime information, in particular on the trail of money, drugs and people in syndicated organised crime. The purpose of the directorate is to prioritise, investigate and prosecute particular serious crimes, organised crimes, and national impact crimes, which threaten democracy and the economy. Focus areas include financial crime, organised public sector corruption, syndicated organised crime, racketeering, money laundering and human trafficking.

The assets forfeiture unit ensures that the powers in the Prevention of Organised Crime Act (1988), to seize criminal assets, are used effectively. The unit focuses on restraining and forfeiting the proceeds of crime or the property used to commit crime. Forfeited money is paid into the criminal assets recovery account, unless there is an identified victim of the crime. A committee has been established to advise Cabinet on using these funds to further combat crime or assist victims.

Expenditure estimates**Table 23.1 Justice and Constitutional Development**

Programme	Audited outcome			Adjusted	Revised	Medium-term expenditure estimate		
	2002/03	2003/04	2004/05	appropriation	estimate	2006/07	2007/08	2008/09
R thousand				2005/06				
1. Administration	491 584	577 721	831 050	659 576	659 576	761 679	848 747	920 701
2. Court Services	1 456 306	1 689 304	1 686 954	2 289 577	2 289 577	2 609 746	2 927 983	3 202 664
3. State Legal Services	181 489	231 273	222 684	313 824	313 824	376 354	421 731	478 613
4. National Prosecuting Authority	923 877	1 048 061	1 170 435	1 354 810	1 354 810	1 535 562	1 709 691	1 947 314
5. Auxiliary and Associated Services	933 319	690 056	758 888	838 243	838 243	986 539	1 045 118	1 138 910
Subtotal	3 986 575	4 236 415	4 670 011	5 456 030	5 456 030	6 269 880	6 953 270	7 688 202

Table 23.1 Justice and Constitutional Development (continued)

R thousand	Audited outcome			Adjusted appropriation	Revised estimate	Medium-term expenditure estimate		
	2002/03	2003/04	2004/05	2005/06		2006/07	2007/08	2008/09
Direct charge on National Revenue Fund	699 235	729 703	829 355	849 977	1 047 296	1 042 665	1 114 547	1 182 789
Judges' Salaries	175 296	195 327	242 093	187 877	265 917	234 149	264 106	279 143
Magistrates' Salaries	523 939	534 376	587 262	662 100	781 379	808 516	850 441	903 646
Total	4 685 810	4 966 118	5 499 366	6 306 007	6 503 326	7 312 545	8 067 817	8 870 991
Change to 2005 Budget estimate				383 969	581 288	816 282	1 078 941	1 476 872

Economic classification

Current payments	3 463 122	3 994 933	4 418 308	5 137 970	5 322 538	6 050 504	6 702 914	7 376 309
Compensation of employees	2 310 252	2 673 108	2 969 625	3 253 966	3 451 285	3 971 716	4 341 140	4 787 555
Goods and services	1 151 438	1 321 825	1 356 347	1 884 004	1 834 066	2 078 788	2 361 774	2 588 754
<i>of which:</i>								
<i>Communication</i>	<i>118 068</i>	<i>89 694</i>	<i>107 675</i>	<i>143 011</i>	<i>143 011</i>	<i>120 929</i>	<i>129 524</i>	<i>142 544</i>
<i>Computer Services</i>	<i>141 281</i>	<i>111 925</i>	<i>98 376</i>	<i>139 075</i>	<i>139 075</i>	<i>152 535</i>	<i>163 400</i>	<i>167 620</i>
<i>Consultants, contractors and special services</i>	<i>233 308</i>	<i>231 541</i>	<i>271 493</i>	<i>310 485</i>	<i>310 485</i>	<i>553 527</i>	<i>613 695</i>	<i>638 337</i>
<i>Inventory</i>	<i>35 643</i>	<i>59 919</i>	<i>62 487</i>	<i>114 015</i>	<i>114 015</i>	<i>162 220</i>	<i>175 395</i>	<i>192 491</i>
<i>Maintenance repair and running cost</i>	<i>7 185</i>	<i>18 127</i>	<i>21 292</i>	<i>24 112</i>	<i>24 112</i>	<i>15 302</i>	<i>16 019</i>	<i>16 752</i>
<i>Operating leases</i>	<i>139 637</i>	<i>167 070</i>	<i>231 281</i>	<i>247 728</i>	<i>247 728</i>	<i>279 834</i>	<i>310 807</i>	<i>330 915</i>
<i>Travel and subsistence</i>	<i>69 589</i>	<i>152 298</i>	<i>124 116</i>	<i>141 956</i>	<i>141 956</i>	<i>152 655</i>	<i>169 432</i>	<i>189 230</i>
<i>Municipal Services</i>	<i>62 625</i>	<i>66 064</i>	<i>69 354</i>	<i>74 852</i>	<i>74 852</i>	<i>87 754</i>	<i>95 174</i>	<i>101 166</i>
<i>Witness and Related Fees</i>	<i>35 394</i>	<i>83 407</i>	<i>87 217</i>	<i>91 295</i>	<i>91 295</i>	<i>102 144</i>	<i>110 008</i>	<i>114 020</i>
Financial transactions in assets and liabilities	1 432	–	92 336	–	37 187	–	–	–
Transfers and subsidies	826 274	567 215	634 250	697 133	709 884	803 017	874 961	962 841
Provinces and municipalities	7 175	7 614	8 480	7 784	7 784	4 753	–	–
Departmental agencies and accounts	818 666	556 601	609 935	685 407	685 407	794 620	871 135	958 731
Foreign governments and international organisations	433	3 000	3 285	3 942	3 942	3 644	3 826	4 110
Households	–	–	12 550	–	12 751	–	–	–
Payments for capital assets	396 414	403 970	446 808	470 904	470 904	459 024	489 942	531 841
Buildings and other fixed structures	271 138	258 017	270 483	317 975	317 975	268 134	293 622	305 977
Machinery and equipment	125 276	145 172	166 612	151 135	151 135	189 870	194 090	223 508
Software and other intangible assets	–	781	9 713	1 794	1 794	1 020	2 230	2 356
Total	4 685 810	4 966 118	5 499 366	6 306 007	6 503 326	7 312 545	8 067 817	8 870 991

Expenditure trends

Between 2002/03 and 2008/09, the department's budget, including statutory amounts, is expected to increase at an average annual rate of 11,2 per cent, from R4,7 billion to R8,9 billion. The largest

part of this increase goes towards increasing personnel capacity and providing services, hence the relatively large increases in the *Court Services* and *National Prosecuting Authority* programmes.

The 2006 Budget sets out additional allocations of R495 million for 2006/07, R722 million for 2007/08 and R1,1 billion for 2008/09 mainly for spending on the policy priorities of improving access and increased capacity, but also for an increase in the statutory provision for judges' and magistrates' salaries.

Departmental receipts

The large increase in receipts in 2003/04 was mainly due to the recovery of R120 million from the Legal Aid Board of surplus funds that had not been surrendered to the National Revenue Fund. The receipts from fines, penalties and forfeits are set to increase, especially in 2006/07, as court fines now start to flow through the department's financial system going into the medium-term expenditure framework (MTEF) period.

Table 23.2 Departmental receipts

R thousand	Audited outcome			Adjusted appropriation	Medium-term receipts estimate		
	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Departmental receipts	117 122	192 865	177 643	126 884	246 976	194 813	206 109
Sales of goods and services produced by department	2 291	2 864	55 640	8 712	10 927	10 241	10 835
Fines, penalties and forfeits	2 577	1 527	2 868	63 471	161 214	124 567	131 790
Interest, dividends and rent on land	57 860	34 957	58 593	24 963	26 455	27 657	29 261
Sales of capital assets	99	303	110	987	1 000	1 236	1 308
Financial transactions in assets and liabilities	54 295	153 214	60 432	28 751	47 380	31 112	32 916
Total	117 122	192 865	177 643	126 884	246 976	194 813	206 109

Programme 1: Administration

The *Administration* programme conducts the overall management of the department and provides centralised support services.

Expenditure estimates

Table 23.3 Administration

Subprogramme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
R thousand							
Minister ¹	189	746	930	837	887	934	981
Deputy Minister ²	131	579	676	680	721	759	797
Management	22 369	23 338	42 848	45 626	51 522	56 746	59 697
Corporate Services	267 942	334 821	534 966	342 136	398 767	445 367	489 853
Property Management	200 953	218 237	251 630	270 297	309 782	344 941	369 373
Total	491 584	577 721	831 050	659 576	761 679	848 747	920 701
Change to 2005 Budget estimate				278 793	343 176	398 392	444 233

¹ Payable as from 1 April 2005. Salary: R 669 462. Car allowance: R 167 365.

² Payable as from 1 April 2005. Salary: R 544 123. Car allowance: R 136 030.

Table 23.3 Administration (continued)

R thousand	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Economic classification							
Current payments	464 580	556 863	777 204	648 836	744 151	829 689	901 273
Compensation of employees	121 220	128 002	274 366	159 016	216 259	236 178	253 661
Goods and services	343 360	428 861	464 484	489 820	527 892	593 511	647 612
<i>of which:</i>							
Communication	5 432	7 869	12 256	6 227	8 503	10 094	10 659
Computer Services	473	509	536	570	600	749	791
Consultants, contractors and special services	33 925	48 182	24 250	63 296	69 302	78 307	83 741
Inventory	21 111	36 291	34 175	12 933	16 566	18 712	20 367
Operating leases	138 328	152 173	182 276	195 445	222 085	249 767	268 207
Travel and subsistence	42 125	71 513	62 652	49 947	59 088	67 954	82 470
Municipal Services	62 625	66 064	69 354	74 852	87 754	95 174	101 166
Financial transactions in assets and liabilities	–	–	38 354	–	–	–	–
Transfers and subsidies	3 419	3 683	4 566	3 649	3 689	3 692	3 913
Provinces and municipalities	680	769	860	363	206	–	–
Departmental agencies and accounts	2 739	2 914	3 100	3 286	3 483	3 692	3 913
Foreign governments and international organisations	–	–	162	–	–	–	–
Households	–	–	444	–	–	–	–
Payments for capital assets	23 585	17 175	49 280	7 091	13 839	15 366	15 515
Buildings and other fixed structures	–	–	402	–	–	–	–
Machinery and equipment	23 585	16 394	48 645	5 540	13 094	13 436	13 479
Software and other intangible assets	–	781	233	1 551	745	1 930	2 036
Total	491 584	577 721	831 050	659 576	761 679	848 747	920 701

Expenditure trends

Expenditure rose from R491,6 million in 2002/03 to R659,6 million in 2005/06, an average annual rate of 10,3 per cent. This increase was offset against a decline in expenditure between 2004/05 and 2005/06 due to one-off allocations to the *Corporate Services* subprogramme in 2004/05 for computers, outsourced accounting services and authorised losses.

Expenditure is expected to further increase over the MTEF, at an average annual rate of 11,8 per cent, taking expenditure to R920,7 million in 2008/09. The growth goes mainly towards human resources development, establishing the Truth and Reconciliation Commission unit and the office of the chief operating officer, and risk and litigation management.

From 1 April 2006, costs for leases and accommodation charges will be devolved from the Department of Public Works to individual departments. The Department of Justice received the following amounts: R309,8 in 2006/07, R344,9 million in 2007/08 and R369,4 million in 2008/09. Expenditure has been adjusted for 2002/03 to 2005/06.

Programme 2: Court Services

The *Court Services* programme funds the range of services provided by the various courts in terms of chapter 8 of the Constitution.

This 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 relating to children in divorce actions.
- *Magistrate's Commission* makes recommendations on the appointment of magistrates.
- *Government Motor Transport* funds vehicles for judges, magistrates and departmental officials.
- *Capital Works* 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 23.4 Court Services

Subprogramme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
R thousand							
Constitutional Court	13 656	17 322	14 896	26 520	28 350	29 767	31 255
Supreme Court of Appeal	8 023	11 013	10 965	13 189	14 099	14 804	15 544
High Courts	135 296	170 048	184 808	140 806	155 522	163 291	171 456
Specialised Courts	17 709	19 089	16 779	36 166	40 661	45 595	47 875
Lower Courts	817 947	1 017 405	990 678	1 514 231	1 845 856	2 110 925	2 344 753
Family Advocate	15 744	21 034	28 452	34 490	36 870	38 713	40 649
Magistrate's Commission	4 322	5 451	10 959	4 990	5 334	5 601	5 881
Government Motor Transport	15 064	15 749	8 956	27 000	28 863	30 306	31 821
Capital Works	271 138	244 739	243 523	317 975	268 134	293 622	308 303
Administration of Courts	157 407	167 454	176 938	174 210	186 057	195 359	205 127
Total	1 456 306	1 689 304	1 686 954	2 289 577	2 609 746	2 927 983	3 202 664
Change to 2005 Budget estimate				24 672	49 106	101 549	212 342

Economic classification

	1 130 268	1 383 600	1 365 247	1 868 281	2 199 282	2 484 295	2 725 660
Current payments							
Compensation of employees	681 475	892 913	870 846	1 102 991	1 287 025	1 370 975	1 484 422
Goods and services	448 793	490 687	450 138	765 290	912 257	1 113 320	1 241 238
<i>of which:</i>							
<i>Communication</i>	53 836	46 036	60 039	91 815	61 698	64 982	66 288
<i>Computer Services</i>	87 093	59 045	41 537	73 723	68 659	73 127	74 446
<i>Consultants, contractors and special services</i>	96 970	82 015	127 246	112 890	270 728	337 090	354 692
<i>Inventory</i>	1 629	1 715	1 805	81 351	123 625	132 583	139 230
<i>Maintenance repair and running cost</i>	5 735	7 618	8 497	20 670	11 500	12 000	12 500
<i>Travel and subsistence</i>	10 715	11 279	11 873	12 498	12 114	13 558	14 292
<i>Witness and Related Fees</i>	31 107	49 118	47 254	50 050	56 587	61 855	64 948
<i>Other</i>	161 708	233 861	151 887	322 293	307 346	418 125	514 842
Financial transactions in assets and liabilities	–	–	44 263	–	–	–	–
Transfers and subsidies	4 100	4 233	13 132	3 631	1 273	–	–
Provinces and municipalities	4 100	4 233	4 576	3 631	1 273	–	–
Households	–	–	8 556	–	–	–	–
Payments for capital assets	321 938	301 471	308 575	417 665	409 191	443 688	477 004
Buildings and other fixed structures	271 138	229 739	254 545	317 975	268 134	293 622	305 977
Machinery and equipment	50 800	71 732	53 932	99 447	140 782	149 766	170 707
Software and other intangible assets	–	–	98	243	275	300	320
Total	1 456 306	1 689 304	1 686 954	2 289 577	2 609 746	2 927 983	3 202 664

Expenditure trends

Expenditure is expected to continue to rise rapidly, at an average annual rate of 11,8 per cent between 2005/06 and 2008/09, from R2,3 billion to R3,2 billion. This increase will provide for the rehabilitation and day-to-day maintenance of court buildings, management capacity at court level, integrated case flow management and the provision of business productivity solutions (IT).

Over the MTEF, there is a relatively large increase in expenditure on the *Lower Courts* subprogramme, which accounts, on average, for 70,5 per cent of this programme's budget, from R1,5 billion in 2005/06 to R2,3 billion in 2008/09, an average annual rate of 15,8 per cent. This will go towards improving service delivery, integrating the management of cases and people through the justice chain, human resources development and filling vacancies. The same applies to the *Specialised Courts* subprogramme. The increase in expenditure on the *Capital Works* subprogramme, from R268,1 million in 2006/07 to R308,3 million in 2008/09, is to fund the building of new courts and the rehabilitation of existing court infrastructure.

Service delivery objectives and indicators

Recent outputs

Court performance

The Constitutional Court finalised 57 cases in 2004/05. This is the year in which benchmarks were to be set. The Constitutional Court handed down 18 judgements in 2004/05 (22 judgments in 2003/04). The Supreme Court of Appeal received 671 petitions for leave to appeal in 2004/05, compared to 667 in 2003/04.

The high courts finalised 1 418 cases with a verdict in 2004/05, compared to the target of 1 500. Average court hours worked per day in 2004/05 was 3 hours 32 minutes, against the target of 3 hours 45 minutes.

In 2004/05, the regional courts took on 84 817 new cases with 42 189 finalised with a verdict, and district courts took on 997 467 new cases with 335 708 finalised with a verdict. District courts finalised 27 cases per court room monthly in 2004/05, against the target of 40. In regional courts the actual performance was 7 cases per court room, against the target of 15 per month. During 2004/05, the district court sat an average of 4 hours 12 minutes per day, while the regional courts sat an average of 4 hours per day, the latter meeting the 2004/05 target.

Court infrastructure

Ten new courts were opened in 2004/05, meeting the target. As part of the department's repair and maintenance programme, 55 courts were renovated in 2004/05, against the target of 200.

Selected medium-term output targets

Court Services

Measurable objective: Ensure that justice proceedings are prompt by maintaining the court system in a way that leads to a reduction in backlogs, owing to improved case flow management.

Subprogramme	Output	Measure/Indicator	Target
Constitutional Court	Case flow management	Percentage of cases on the court roll finalised	80% per year finalised
		Case cycle time	6 months from date of enrolment
Supreme Court of Appeal	Case flow management	Percentage of appeals on the court roll finalised	80% per year finalised
		Case cycle time	6 months from date of enrolment
High Courts	Case flow management	Number of appeals finalised	1 500 finalised
		Case cycle time	75% of cases must not be older than 6 months
Specialised Courts	Case flow management	Percentage of cases finalised	All cases on outstanding roll and 50% of new cases received
Lower Courts	Case flow management	Number of cases finalised per month	40 per district court and 15 per regional court
		Case cycle time	75% of cases must not be older than 6 months
Family Advocate	Assistance to the courts in issues relating to children in family matters	Number of high court custody documents scrutinised	38 000 documents
		Number of enquiries finalised	8 000 enquiries
Magistrates' Commission	Appointment of magistrates and related employment matters	Percentage of magistrates' employment matters dealt with	90% of new matters received
		Appointment cycle time	3 months from vacancy advertisement
Capital Works	Adequate and secured court infrastructure	Number of new courts built	15 new courts
		Number of courts renovated	130 courts renovated

Programme 3: State Legal Services

The *State Legal Services* programme provides government with legal and legislative services, funds the services of the master of the high court's office and facilitates constitutional amendments.

There are three subprogrammes:

- *Legal Services to the State* provides legal services to the executive, all state departments, parastatals and autonomous bodies.
- *Legislation and Constitutional Development* prepares and promotes legislation; does research; promotes, maintains and develops the Constitution and its values; and assists and protects independent institutions supporting constitutional democracy to ensure their independence, impartiality, dignity and effectiveness.
- *Master of the High Court* supervises the administration of deceased and insolvent estates, trusts, curatorships and the Guardian's Fund.

Expenditure estimates

Table 23.5 State Legal services

Subprogramme	Audited outcome			Adjusted	Medium-term expenditure estimate			
	2002/03	2003/04	2004/05	appropriation	2005/06	2006/07	2007/08	2008/09
R thousand								
Legal Services to the State	99 951	107 600	118 149	154 573	164 937	174 757	183 145	
Legislation and Constitutional Development	25 732	30 060	12 539	42 983	46 153	48 861	51 206	
Master of the High Court	55 806	93 613	91 996	116 268	165 264	198 113	244 262	
Total	181 489	231 273	222 684	313 824	376 354	421 731	478 613	
Change to 2005 Budget estimate				(1 496)	39 000	66 000	102 255	

Economic classification

Current payments	178 100	217 626	216 671	301 819	368 177	414 093	457 854
Compensation of employees	144 720	168 928	177 104	236 436	300 158	337 697	354 745
Goods and services	33 380	48 698	29 850	65 383	68 019	76 396	103 109
<i>of which:</i>							
<i>Communication</i>	9 619	8 542	7 426	8 898	8 487	9 658	18 238
<i>Consultants, contractors and special services</i>	9 391	5 177	4 641	8 785	17 649	18 436	16 811
<i>Inventory</i>	4 720	6 615	4 494	6 654	7 623	8 850	16 765
<i>Travel and subsistence</i>	5 019	8 246	6 788	14 271	10 581	12 778	17 956
<i>Other</i>	4 631	20 118	6 501	26 775	23 679	26 674	33 339
Financial transactions in assets and liabilities	–	–	9 717	–	–	–	–
Transfers and subsidies	838	3 469	4 052	5 096	4 027	3 826	4 110
Provinces and municipalities	405	469	538	1 154	383	–	–
Foreign governments and international organisations	433	3 000	3 123	3 942	3 644	3 826	4 110
Households	–	–	391	–	–	–	–
Payments for capital assets	2 551	10 178	1 961	6 909	4 150	3 812	16 649
Machinery and equipment	2 551	10 178	1 941	6 909	4 150	3 812	16 649
Software and other intangible assets	–	–	20	–	–	–	–
Total	181 489	231 273	222 684	313 824	376 354	421 731	478 613

Details of major transfers and subsidies:

Foreign governments and international organisations							
Current	433	3 000	3 123	3 942	3 644	3 826	4 110
International Criminal Court	433	3 000	3 123	3 942	3 644	3 826	4 110

Expenditure trends

Expenditure is expected to continue to increase steadily, rising from R313,8 million in 2005/06 to R478,6 million in 2008/09, at an average annual rate of 15,1 per cent over the MTEF.

Expenditure on the *Master of the High Court* subprogramme increases at a high average annual rate of 28,1 per cent over this period, due to the Mveledziso project, through which deceased estates of black individuals are to be handled by the master of the high court, an expansion of capacity, and the transfer to this subprogramme of administration costs of the master's office. The 165 vacancies in 2004/05 are being filled in 2005/06. The greater amounts in 2002/03 and 2003/04 are the result of thefts and losses which have been audited of over 80 per cent of the total amount, which push the figure up substantially.

Additional allocations of R34 million in 2006/07, R61 million in 2007/08, and R92,9 million in 2008/09 are for improving access to the services of the Guardian's Fund and for deceased and insolvent estate services.

Service delivery objectives and indicators

Recent outputs

Legal advisory services

The target to finalise 90 per cent of all opinions, litigation matters, agreements and draft legislation was met, with 93 per cent of instructions finalised in 2004/05. Reliance on private sector legal advisory services by government departments was reduced by 4,3 per cent in 2004/05, against a target of 4 per cent.

Legislative and constitutional development services

The current extended legislative programme contains approximately 60 envisaged bills to be dealt with. Eight papers and reports were submitted by the South African Law Reform Commission, two short of the target of ten for 2004/05. This can be ascribed, to some extent, to vacancies in senior state law advisor positions.

The master of the high court

In 2004/05, the department presented a draft policy on the liquidation industry and took responsibility for setting up an interdepartmental task team, including the Department of Trade and Industry and National Treasury, to advise Cabinet. The master's office has not yet implemented the unified management system for deceased estates or the computerised Guardian's Fund system.

Selected medium-term output targets

State Legal Services

Measurable objective: Provide and improve a legal system and legislative services to the state and the public by effectively completing instructions received.

Subprogramme	Output	Measure/Indicator	Target
Legal Services to the State	Legal services	Percentage of opinions, litigation matters, agreements and draft legislation finalised	90% finalised
	Reduction in private sector assistance to government departments	Percentage decrease in requests for private sector services	4% less requests
Legislation and Constitutional Development	Promotion of the Constitution and its values	Number of events that promote the Constitution and its values	1 national conference 3 seminars
	Research publications	Number of publications submitted by the South African Law Reform Commission	10 publications
	Legislation	Number of draft bills introduced and acts implemented	11 draft bills
Master of the High Court	Supervision of the administration of deceased estates, insolvent estates, trusts, curatorships and the Guardian's Fund	Time taken to provide beneficiaries with access to assets, including funds	Within 60 days of application
		Deceased and insolvency estates case cycle time	Estates of R50 000 or less completed within 4 months Estates of more than R50 000 completed within 10 months

Programme 4: National Prosecuting Authority

The *National Prosecuting Authority* programme provides for: prosecution services guided by the Bill of Rights; witness protection, particularly in serious criminal cases; and the investigation of serious, complex and organised crime.

There are three subprogrammes:

- *Public Prosecutions* co-ordinates and assists with prosecutions in the office of the director of public prosecutions and lower courts.
- *Witness Protection Programme* co-ordinates the safekeeping of witnesses in certain serious cases.
- *Special Operations*, also known as the Scorpions, deals with serious organised crime.

Expenditure estimates

Table 23.6 National Prosecuting Authority

Subprogramme	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
R thousand							
Public Prosecutions	621 284	740 989	921 388	944 350	1 069 475	1 210 099	1 368 754
Witness Protection Programme	30 927	41 881	42 324	45 899	59 271	64 435	88 171
Special Operations	271 666	265 191	206 723	364 561	406 816	435 157	490 389
Total	923 877	1 048 061	1 170 435	1 354 810	1 535 562	1 709 691	1 947 314
Change to 2005 Budget estimate				82 000	165 000	262 000	415 680
Economic classification							
Current payments	906 982	1 004 721	1 128 847	1 336 195	1 515 728	1 691 900	1 928 491
Compensation of employees	663 415	753 546	817 171	905 156	1 125 196	1 281 307	1 511 476
Goods and services	242 135	251 175	311 674	431 039	390 532	410 593	417 015
<i>of which:</i>							
Communication	47 731	25 710	27 154	35 255	38 941	41 160	43 547
Computer Services	33 105	30 445	32 978	40 990	45 276	47 856	48 631
Consultants, contractors and special services	51 251	37 308	41 928	50 654	60 950	62 230	62 568
Inventory	7 716	14 806	21 490	12 544	13 856	14 645	15 494
Operating leases	1 309	14 897	49 005	52 283	57 749	61 040	62 708
Travel and subsistence	10 318	60 044	40 844	63 077	69 672	73 642	72 912
Witness and Related Fees	4 287	34 289	39 963	41 245	45 557	48 153	49 073
Financial transactions in assets and liabilities	1 432	–	2	–	–	–	–
Transfers and subsidies	1 984	2 142	5 920	2 635	2 890	–	–
Provinces and municipalities	1 984	2 142	2 504	2 635	2 890	–	–
Departmental agencies and accounts	–	–	262	–	–	–	–
Households	–	–	3 154	–	–	–	–
Payments for capital assets	14 911	41 198	35 668	15 980	16 944	17 791	18 823
Buildings and other fixed structures	–	28 278	15 536	–	–	–	–
Machinery and equipment	14 911	12 920	20 132	15 980	16 944	17 791	18 823
Total	923 877	1 048 061	1 170 435	1 354 810	1 535 562	1 709 691	1 947 314

Expenditure trends

Expenditure is expected to increase steadily over the MTEF at an average annual rate of 12,9 per cent, rising from R1,4 billion in 2005/06 to R1,9 billion in 2008/09. The main contributor to the growth is the *Public Prosecutions* subprogramme (accounting, on average, for 70 per cent of the

programme's budget), for which expenditure rises from R944,4 million in 2005/06 to R1,4 billion in 2008/09, an average annual rate of 13,2 per cent. This increase comprises the largest portion of additional allocations.

Within the additional amounts allocated in the 2006 Budget, R145 million, R232 million and R384,8 million have been provided for each of the MTEF years to facilitate: the rollout of specialised courts, the appointment of 800 additional prosecutors, implementation of job evaluation results in the National Prosecuting Authority, special projects on organised crime syndicates and cyber crime, and improving capacity in the asset forfeiture and witness protection units.

Service delivery objectives and indicators

Recent outputs

Conviction rates

The average conviction rate in district courts increased from 86 per cent in 2003/04 to 87 per cent in 2004/05. Similarly, the average conviction rate in regional courts also increased, from 68 per cent in 2003/04 to 70 per cent. While the 2004/05 target of 85 per cent was met for the average conviction rate in district courts, regional courts did not meet the target of 71 per cent. The average conviction rate in the high courts decreased from 87 per cent in 2003/04 to 85 per cent in 2004/05, just meeting the target.

From April to August 2005, the commercial crime unit finalised 523 cases, with a conviction rate of 94,7 per cent. It seems to be on track to meet its 2005/06 target of 90 per cent.

Special operations

The special operations directorate achieved a conviction rate of 82 per cent for the 213 prosecutions finalised at the end of 2004/05. The target was 90 per cent. In 2004/05, the asset forfeiture unit obtained 163 orders to restrain assets valued at R220 million and completed 151 cases to the value of R173 million, above its target of 150 cases. R24,5 million was paid into the criminal assets recovery account in 2004/05.

Selected medium-term output targets

National Prosecuting Authority

Measurable objective: Ensure the proper administration of justice in criminal cases through the provision of prosecuting services that achieve an overall conviction rate that will serve as a deterrent.

Subprogramme	Output	Measure/Indicator	Target
Public Prosecutions	Prosecution of criminal cases	Conviction rate	High courts: 85% convicted Regional courts: 75% convicted District courts: 85% convicted Overall: 80% convicted
	Prosecution of cases involving women and children	Conviction rate in sexual offences courts	70% convicted
Witness Protection Programme	Effective and efficient support services to vulnerable and intimidated witnesses	Number of witnesses or family members assassinated or harmed while on the programme Number of witnesses abandoning the programme	Zero witnesses or family members Zero witnesses
Special Operations	Disruption of organised crime	Conviction rate for organised crime	95% convicted
	Disruption of crime by asset forfeiture	Number of asset forfeitures completed Success rate in asset forfeiture cases	180 forfeitures 85% successful

Programme 5: Auxiliary and Associated Services

The *Auxiliary and Associated Services* programme provides for services associated with the department's aim through 10 subprogrammes:

- *Judicial Service Commission* makes recommendations on the appointment of judges and makes sure that the appointments respect the values enshrined in the Constitution.
- *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.
- *National Crime Prevention Strategy* designs and implements IT infrastructure and networks to re-engineer business processes for the administration of civil and criminal justice.
- *President's Fund* gives effect to the reparations policy flowing from the work 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 23.7 Auxiliary and Associated Services

Subprogramme	Audited outcome			Adjusted	Medium-term expenditure estimate		
	2002/03	2003/04	2004/05	appropriation	2006/07	2007/08	2008/09
R thousand				2005/06			
Judicial Service Commission	751	657	840	1 067	1 132	1 189	1 258
Office for the Control of Interception and Monitoring of Communication	239	118	238	539	570	601	636
South African Human Rights Commission	27 401	32 785	37 653	41 774	49 220	53 381	58 103
Commission on Gender Equality	14 922	17 330	21 390	26 469	37 757	38 145	41 193
Special Investigating Unit	22 958	25 535	37 194	43 851	55 582	63 111	76 297
Legal Aid Board	341 827	367 864	390 525	440 008	501 409	554 729	610 312
Public Protector	35 135	43 535	49 968	55 127	67 784	74 722	80 725
National Crime Prevention Strategy	116 402	135 579	150 428	154 516	193 699	175 885	182 198
President's Fund	310 001	–	–	1	1	1	1
Represented Political Parties Fund	63 683	66 653	70 652	74 891	79 385	83 354	88 187
Total	933 319	690 056	758 888	838 243	986 539	1 045 118	1 138 910
Change to 2005 Budget estimate				–	75 000	79 000	116 773

Table 23.7 Auxiliary and Associated Services (continued)

R thousand	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Economic classification							
Current payments	83 957	102 420	100 984	132 862	180 501	168 390	180 242
Compensation of employees	187	16	783	390	413	436	461
Goods and services	83 770	102 404	100 201	132 472	180 088	167 954	179 781
<i>of which:</i>							
Computer Services	20 610	21 926	23 325	23 792	38 000	41 668	43 752
Consultants, contractors and special services	41 771	58 859	73 428	74 860	134 898	117 632	120 525
Transfers and subsidies	815 933	553 688	606 580	682 122	791 138	867 443	954 818
Provinces and municipalities	6	1	2	1	1	–	–
Departmental agencies and accounts	815 927	553 687	606 573	682 121	791 137	867 443	954 818
Households	–	–	5	–	–	–	–
Payments for capital assets	33 429	33 948	51 324	23 259	14 900	9 285	3 850
Machinery and equipment	33 429	33 948	41 962	23 259	14 900	9 285	3 850
Software and other intangible assets	–	–	9 362	–	–	–	–
Total	933 319	690 056	758 888	838 243	986 539	1 045 118	1 138 911

Details of major transfers and subsidies:

Public entities	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Current	815 927	553 687	606 573	682 121	791 137	867 443	954 818
South African Human Rights Commission	27 401	32 785	37 652	41 774	49 220	53 381	58 103
Commission on Gender Equality	14 922	17 330	21 390	26 469	37 757	38 145	41 193
Special Investigating Unit	22 958	25 535	37 194	43 851	55 582	63 111	76 297
Legal Aid Board	341 827	367 864	390 525	440 008	501 409	554 729	610 312
Public Protector	35 135	43 519	49 160	55 127	67 784	74 722	80 725
President's Fund	310 001	1	–	1	1	1	1
Represented Political Parties Fund	63 683	66 653	70 652	74 891	79 384	83 354	88 187

Expenditure trends

Expenditure is predicted to increase steadily, from R838,2 million in 2005/06 to R1,1 billion in 2008/09, at an average annual rate of 10,8 per cent, compared to the negative average annual rate of 3,5 per cent between 2002/03 and 2005/06. These are all transfer payments. Funds allocated to the *President's Fund* subprogramme are for financing TRC reparations.

Within the additional amounts allocated in the 2006 Budget, R75 million, R79 million and R129 million have been provided for each of the MTEF years to increase human resources capacity in the Legal Aid Board, and to increase legal representation for children and increase capacity in the office of the Public Protector, the Special Investigating Unit, the Commission on Gender Equality and the South African Human Rights Commission.

Service delivery objectives and indicators

Recent outputs

Intercepting and monitoring communication

The Office for the Control of Interception and Monitoring of Communication dealt with 200 applications and determinations in 2004/05, against a target of 300, because of the delay in the amendments to the Regulation of Interception of Communications and Provision of Communication-related Information Act (2002), which cover the interception and monitoring of internet and cell phone communications.

Chapter 9 constitutional institutions

The total number of complaints received by the South African Human Rights Commission in 2004/05 was 12 194, compared to only 9 464 in 2003/04. 4 978 were processed by head office, while provincial offices processed 7 216. Thus, the target of a 20 per cent increase in complaints resolved was met. This significant increase could be attributed to growing public awareness of the commission.

During 2004/05, the Commission on Gender Equality conducted 102 workshops that reached 6 327 participants, and 30 campaigns that involved 29 633 participants. It thus met its target of hosting 130 events. Further, the commission made 13 contributions to law-making processes against a target of 10, among others for the Children's Bill.

In 2004/05, the Public Protector received 22 350 new cases, 5 055 more than in 2003/04, and finalised 17 539. 14 103 cases were carried forward from 2003/04.

The President's Fund

Since 1998/99, R800 million has been appropriated by Parliament to the President's Fund. Payments to beneficiaries began in November 2003, and by the end of 2004/05, R443 million had been paid out to 14 750 victims. 1 703 victims could not be traced, and efforts are being made to find them, in relation to the recent establishment of a dedicated Truth and Reconciliation Commission unit.

National crime prevention strategy

By October 2005, a total of 9 955 personal computers were installed and 11 262 users had access to the network, against a target of 12 000 users.

Selected medium-term output targets

Auxiliary and Associated Services

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

Subprogramme	Output	Measure/Indicator	Target
Judicial Service Commission	Appointment of judges	Percentage of vacancies filled	100% filled
Office for the Control of Interception and Monitoring of Communication	Control of interception and monitoring of communication	Number of applications and directions considered	300 applications and directions
South African Human Rights Commission	Publication distribution	Percentage increase in distribution of publications	Increase by at least 10%, especially in rural communities
	Investigation of complaints	Percentage increase in complaints resolved	50% increase

Subprogramme	Output	Measure/Indicator	Target
Commission on Gender Equality	Gender awareness programmes	Percentage of individual complaints concluded	60% concluded
	Evaluation; monitoring and research arising from complaints	Number of sectoral monitoring and research projects	15 projects
Special Investigating Unit	Investigation of maladministration and corruption	Number of civil and criminal cases, disciplinary proceedings and other remedial actions	10 000 actions
	Litigation to recover government property or money or prevent losses	Savings and cash recoveries	R100 million
		Value of theft and losses prevented	R1,25 billion
Legal Aid Board	Legal representation for the indigent	Number of cases finalised Percentage decline in criminal cases being heard without representation.	250 000 cases 10% fewer unrepresented cases
Public Protector	Investigation of complaints	Number of cases finalised per investigator	144 cases per investigator
National Crime Prevention Strategy	IT resources	Percentage of users to receive infrastructure	100% of users
		Number of users connected to the network	All users at implemented sites
President's Fund	Truth and Reconciliation Commission reparation payments	Extent of reparation payments made	Reparations paid to all victims

Public entities reporting to the Minister

Special Investigating Unit

The Special Investigating Unit works closely with government departments to deal with fraud, corruption and serious maladministration in state institutions. It was established in terms of the Special Investigating Units and Special Tribunals Act (1996), and investigates cases referred to it by the president. It is the only institution that can conduct forensic investigations and consequently institute civil litigation to recover state assets or public money.

During 2004/05, the unit achieved significant savings and recoveries for the state, amounting to R3,5 billion against a target of R530 million. Other investigations currently under way include investigations into: fraudulent grants and pension claims (Department of Social Development); corruption at prisons (Department of Correctional Services); and financial mismanagement at certain municipalities in the Eastern Cape (Department of Local Government).

The unit receives government funding of R55,6 million, R63,1 million and R76,2 million over the 2006 MTEF period. Funding is supplemented through fees charged to government departments for services provided on a cost recovery basis. In total, revenue grew at an annual average rate of 59 per cent between 2002/03 and 2005/06. Growth in revenue is projected to continue at an annual average rate of 22,3 per cent, taking expenditure from R94,3 million in 2005/06 to R172,6 million in 2008/09. This robust growth is due to the increased demand for investigations and expanded capacity, and allows the Special Investigations Unit to maintain a surplus in excess of R7 million over the MTEF.

Table 23.8 Financial summary for the Special Investigation Unit (SIU)

	Outcome			Estimated outcome	Medium-term estimate		
	Audited	Audited	Audited				
R thousand	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
INCOME STATEMENT SUMMARY							
Revenue							
Non-tax revenue	505	14 104	18 913	49 784	70 182	89 298	95 670
Sale of goods and services other than capital assets	47	13 768	18 612	49 142	69 732	88 848	95 220
of which:							
Sales by market establishments	–	13 532	18 186	49 130	69 732	88 848	95 220
Non-market est. sales	47	236	426	12	–	–	–
Other non-tax revenue	458	336	301	642	450	450	450
Transfers received	22 958	26 109	40 268	44 556	58 282	63 811	76 891
Total revenue	23 463	40 213	59 181	94 340	128 464	153 109	172 561
Expenses							
Current expense	27 173	41 501	55 012	93 962	121 000	145 000	165 000
Compensation of employees	17 336	29 451	37 776	63 211	85 680	101 500	115 500
Goods and services	8 032	10 267	15 445	28 396	32 769	40 168	45 996
Depreciation	1 805	1 783	1 791	2 355	2 551	3 332	3 504
Total expenses	27 173	41 501	55 012	93 962	121 000	145 000	165 000
Surplus / (Deficit)	(3 710)	(1 288)	4 169	378	7 464	8 109	7 561
BALANCE SHEET SUMMARY							
Carrying value of assets	2 829	2 725	3 789	7 944	12 893	17 061	21 057
Inventory	22	26	21	21	27	35	46
Receivables and prepayments	4 239	3 750	7 732	1 447	4 210	7 878	11 014
Cash and cash equivalents	188	498	20 705	3 243	3 353	4 018	4 877
Total assets	7 278	6 999	32 247	12 655	20 483	28 993	36 995
Capital and reserves	2 471	1 182	5 352	5 730	13 194	21 303	28 864
Trade and other payables	4 807	5 817	26 325	6 925	7 289	7 690	8 131
Provisions	–	–	570	–	–	–	–
Total equity and liabilities	7 278	6 999	32 247	12 655	20 483	28 993	36 995

Data provided by the Special Investigation Unit

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 now covers all regional, district and high courts through its 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 receives transfers from government, and has been allocated R501,4 million, R554,7 million and R610,3 million over the MTEF period. This is its main source of revenue, supplemented only by interest income. Overall revenue grew slightly slower at an average of 6,8 per cent annually between 2002/03 and 2005/06. Expenditure is expected to increase over the next three years at an average annual rate of 11,1 per cent, rising from R455, 6 million in 2005/06 to R624,4 million in 2008/09. Compensation of employees is expected to increase, as a proportion of total expenditure, from 59,5 per cent in 2005/06 to 63,2 percent in 2008/09, mainly because of its strategy to reduce the outsourcing of legal representation.

The Legal Aid Board met its legal services delivery targets for 2004/05. The total number of new cases dealt with increased by 2 per cent, to 306 654 cases. The number of cases finalised increased

from 244 663 in 2003/04 to 267 049 in 2004/05, against a target of 250 000 for 2004/05. Criminal matters constituted 89 per cent of all justice centre new matters, with civil matters making up the rest.

The Legal Aid Board uses four broad channels: justice centres, co-operation agreements, special litigation, and other cost-effective and efficient ways to provide access to justice. The board provides aid primarily through the legal practitioners it employs at its justice centres. Its national network now 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; people who wish 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.

Table 23.9 Financial summary for the Legal Aid Board (LAB)

	Outcome			Estimated outcome	Medium-term estimate		
	Audited	Audited	Audited		2006/07	2007/08	2008/09
R thousand	2002/03	2003/04	2004/05	2005/06			
INCOME STATEMENT SUMMARY							
Revenue							
Non-tax revenue	32 498	27 187	12 670	15 588	5 928	10 000	14 128
Transfers received	341 827	367 864	390 525	440 008	501 409	554 729	610 312
Total revenue	374 325	395 051	403 195	455 596	507 337	564 729	624 440
Expenses							
Current expense	324 576	399 579	394 120	455 596	507 337	564 729	624 440
Compensation of employees	106 513	154 476	189 505	271 269	299 599	357 303	394 898
Goods and services	212 041	230 095	177 887	171 128	195 190	195 973	212 772
Depreciation	6 022	15 008	26 728	13 198	12 548	11 453	16 771
Total expenses	324 576	399 579	394 120	455 596	507 337	564 729	624 440
Surplus / (Deficit)	49 749	(4 528)	9 075	-	-	-	-
BALANCE SHEET SUMMARY							
Carrying value of assets	36 350	72 734	55 850	47 134	42 258	39 621	32 293
Inventory	270	281	-	-	-	-	-
Receivables and prepayments	12 988	19 055	14 658	9 658	4 542	3 042	1 400
Cash and cash equivalents	293 243	136 460	167 166	179 225	189 717	192 355	201 325
Total assets	342 851	228 530	237 674	236 017	236 518	235 018	235 018
Capital and reserves	266 012	141 483	150 558	150 558	150 559	150 559	150 559
Trade and other payables	70 717	49 195	44 459	44 459	44 459	40 459	40 459
Provisions	6 122	37 852	42 657	41 000	41 500	44 000	44 000
Total equity and liabilities	342 851	228 530	237 674	236 017	236 518	235 018	235 018

Data provided by the Legal Aid Board

Annexure

Vote 23: Justice and Constitutional Development

Table 23.A: Summary of expenditure trends and estimates per programme and economic classification

Table 23.B: Summary of personnel numbers and compensation of employees

Table 23.C: Summary of expenditure on training

Table 23.D: Summary of official development assistance expenditure

Table 23.E: Summary of expenditure on infrastructure

Table 23.F: Summary of departmental public-private partnership projects

Table 23.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	2004/05		2004/05	2005/06			2005/06
1. Administration	574 067	817 270	831 050	380 783	278 793	659 576	659 576
2. Court Services	1 776 309	1 776 309	1 686 954	2 264 905	24 672	2 289 577	2 289 577
3. State Legal Services	216 610	225 037	222 684	315 320	(1 496)	313 824	313 824
4. National Prosecuting Authority	1 146 559	1 146 559	1 170 435	1 272 810	82 000	1 354 810	1 354 810
5. Auxiliary and Associated Services	753 610	753 610	758 888	838 243	–	838 243	838 243
Subtotal	4 467 155	4 718 785	4 670 011	5 072 061	383 969	5 456 030	5 456 030
Direct charge on National Revenue Fund	764 345	764 345	829 355	849 977	–	849 977	1 047 296
Judges' Salaries	177 083	177 083	242 093	187 877	–	187 877	265 917
Magistrates' Salaries	587 262	587 262	587 262	662 100	–	662 100	781 379
Total	5 231 500	5 483 130	5 499 366	5 922 038	383 969	6 306 007	6 503 326

Economic classification

Current payments	4 186 719	4 435 004	4 418 308	4 799 157	338 813	5 137 970	5 322 538
Compensation of employees	2 882 199	2 959 844	2 969 625	3 236 873	17 093	3 253 966	3 451 285
Goods and services	1 304 520	1 475 160	1 356 347	1 562 284	321 720	1 884 004	1 834 066
Financial transactions in assets and liabilities	–	–	92 336	–	–	–	37 187
Transfers and subsidies	616 907	617 261	634 250	695 622	1 511	697 133	709 884
Provinces and municipalities	8 032	7 563	8 480	7 777	7	7 784	7 784
Departmental agencies and accounts	606 575	606 575	609 935	685 407	–	685 407	685 407
Foreign governments and international organisations	2 300	3 123	3 285	2 438	1 504	3 942	3 942
Households	–	–	12 550	–	–	–	12 751
Payments for capital assets	427 874	430 865	446 808	427 259	43 645	470 904	470 904
Buildings and other fixed structures	243 523	243 523	270 483	258 134	59 841	317 975	317 975
Machinery and equipment	182 504	185 425	166 612	167 341	(16 206)	151 135	151 135
Software and intangible assets	1 847	1 917	9 713	1 784	10	1 794	1 794
Total	5 231 500	5 483 130	5 499 366	5 922 038	383 969	6 306 007	6 503 326

Table 23.B Summary of personnel numbers and compensation of employees

	Audited outcome			Adjusted appropriation	Medium-term expenditure estimates		
	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
A. Permanent and full-time contract employees							
Compensation (R thousand)	2 310 252	2 673 108	2 969 625	3 451 285	3 971 716	4 341 140	4 787 555
Unit cost (R thousand)	148	169	176	183	201	212	227
Compensation as % of total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Personnel numbers (head count)	15 562	15 786	16 860	18 831	19 804	20 477	21 078
Total for department							
Compensation (R thousand)	2 310 252	2 673 108	2 969 625	3 451 285	3 971 716	4 341 140	4 787 555
Unit cost (R thousand)	148	169	176	183	201	212	227
Personnel numbers (head count)	15 562	15 786	16 860	18 831	19 804	20 477	21 078

Table 23.C Summary of expenditure on training

	Audited outcome			Adjusted appropriation	Medium-term expenditure estimates		
	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Training and staff development							
Expenditure (R thousand)	34 577	31 398	7 464	7 491	7 882	8 411	9 049
Number of employees trained (head count)	13 094	12 696	26 411	26 411	30 558	35 801	42 956
Bursaries (employees)							
Expenditure (R thousand)	2 968	4 800	2 887	3 500	3 600	3 650	3 700
Number of employees (head count)	661	968	744	306	1 000	1 000	1 000
Total	37 545	36 198	10 351	10 991	11 482	12 061	12 749
Number of employees	13 755	13 664	27 155	26 717	31 558	36 801	43 956

Table 23.D Summary of official development assistance expenditure

Donor	Project	Cash/ kind	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
			2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
R thousand									
Local									
			–	–	1 717	–	–	–	–
Vodacom	Thuthuzela	Cash	–	–	4 098	179	–	–	–
SARS	SARS Tax Unit	Cash	–	–	75	179	–	–	–
Woolworths	Child Courts	Cash	–	–	36	14	–	–	–
BAC	Prosecution case-services by JR Jilhouse	Cash	–	–	–	–	–	–	–
USAID	Various Projects	Cash	1 655	–	–	–	–	–	–
USAID	Criminal Justice strengthening	Cash	–	26 000	11 000	–	–	–	–
USAID	Sexual offences court	Cash	–	–	–	–	–	–	–
Canada	Justice Canada Linkage project	Cash	428	373	–	–	–	–	–
Denmark	Coporate planning team and policy advisory unit	Cash	238	–	–	–	–	–	–
Denmark	Fast track training of civil magistrates	Cash	–	1 650	650	–	–	–	–
Denmark	Training of court interpreters	Cash	–	2 250	–	–	–	–	–
Ireland	Citizen's Advice Desk Project	Cash	80	–	–	–	–	–	–
Sweden	Capacity building in the field of children	Cash	743	–	–	–	–	–	–
Sweden	Radda Barnen-Child participation	Cash	20	–	–	–	–	–	–
Sweden	Budget outreach programme	Cash	–	–	–	–	–	–	–
Netherlands	Sectoral budget support	Cash	74 173	55 000	–	–	–	–	–
European Union	EU Human Rights Programme	Cash	105	60	35	–	–	–	–
European Union	Sectoral budget support	Cash	65 083	70 000	110 000	–	–	–	–
France	Assistance for the restructuring of judiciary	Cash	–	2 256	–	–	–	–	–
Finland	Training on implementation of lower court management	Cash	–	–	–	–	–	–	–
UNICEF	Extension of sexual Offences Court	Cash	–	–	–	–	–	–	–

Table 23.D Summary of official development assistance expenditure (continued)

Donor	Project	Cash/ kind	Audited outcome			Adjusted appropriation	Medium-term expenditure estimate		
			2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
R thousand									
Switzerland	16 Days of Activism Campaign	Cash	-	3 000	-	-	-	-	-
Sweden	Budget Implementation	Cash	-	-	-	-	-	-	-
Ireland	Masters Office	Cash	-	-	785	-	-	-	-
Denmark	Maintenance Act	Cash	-	-	-	-	-	-	-
Denmark	Domestic Violence	Cash	-	-	-	-	-	-	-
United Kingdom	International human rights standards and principles	Cash	-	-	160	-	-	-	-
United Kingdom	Global Opportunities	Cash	-	-	349	-	-	-	-
Total			142 525	160 589	128 905	372	-	-	-

Table 23.E Summary of expenditure on infrastructure

Description	Service delivery outputs			Adjusted appropriation	Medium-term expenditure estimate		
	Audited outcome				2005/06	2006/07	2007/08
R thousand	2002/03	2003/04	2004/05				
Other large infrastructure projects (Over R20 million)							
Construction of Kathlehong(Alberton) Magistrate's Office	46 845	147 469	68 588	430	4 772	14 149	36 000
Construction of Mamelodi Magistrate's Office	-	-	-	-	11 551	9 897	16 600
Construction of Galeshewe (Kimberly) Branch Court	-	-	-	-	-	8 884	23 509
Construction of Orlando Magistrate's Office	-	-	-	-	5 000	15 000	20 000
Construction of Motherwell Magistrate's Office	-	-	-	4 611	7 272	6 102	-
Construction of Ntuzuma Magistrate's Office	-	-	-	-	6 600	11 600	16 600
Construction of Limpopo (Polokwane) High Court	-	-	-	-	-	1 000	20 000
Construction of Mpumalanga High Court	-	-	-	-	-	1 000	20 000
Construction of Springbok Magistrate's Office	-	-	-	-	-	200	1 500
Construction of Vosman Branch Court	-	-	-	-	-	200	1 500
Construction of Port Shepstone Magistrate's Office	-	-	-	-	-	8 977	29 698
Construction of Simunye (Westonaria) Branch Court	-	-	-	-	4 272	6 102	-
Construction of Orange Farm (Vereeniging) Branch Court	-	-	-	-	-	11 600	8 600
Construction of Hermanus Magistrate's Office	-	-	-	-	-	-	7 600
Construction of Mabopane Magistrate's Office	-	-	-	-	-	1 600	7 600
Construction of Hankey Magistrate's Office	-	-	-	-	3 558	9 985	-
Construction of Ikageng (Portchefstroom) Branch Court	-	-	-	-	-	1 800	8 600
Construction of Ingwavuma Magistrate's Office	-	-	-	-	-	1 200	9 686
Construction of Madadeni Magistrate's Office	-	-	-	18 442	9 200	2 370	-

Table 23.E Summary of expenditure on infrastructure (continued)

Description	Service delivery outputs			Adjusted appropriation	Medium-term expenditure estimate		
	Audited outcome				2005/06	2006/07	2007/08
R thousand	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
Additional accommodation - Pietermaritzburg Colonial building	-	-	-	392	9 200	13 600	-
Additional accommodation - Pietermaritzburg Magistrate's Office	-	-	-	1 713	5 700	6 200	-
Additional accommodation - Bloemfontein Appeal Court	-	-	-	7 556	3 584	21 720	25 874
Additional accommodation - Port Elizabeth Child Justice Centre	-	-	-	24 107	4 023	-	-
Additional accommodation - Cape Town Magistrate's Office	-	-	-	167	1 401	9 015	18 936
Additional accommodation - Mitchell's Plain Magistrate's Office	-	-	-	-	4 509	13 434	-
Additional accommodation - Johannesburg High Court	-	-	-	-	8 000	18 000	-
Additional accommodation - Soweto (Johannesburg) Branch Court	-	-	-	-	7 272	6 102	-
Additional accommodation - Clanwilliam Magistrate's Office	-	-	-	-	5 558	6 985	-
Groups of small projects or programmes							
Refurbishment and renovations of High Courts and Magistrate Offices	113 993	97 920	184 196	198 802	109 880	58 900	33 674
Nerina Place of Safety Port Elizabeth	-	-	-	9 841	-	-	-
Maintenance on infrastructure (capital)							
Maintenance and repair of Magistrate Offices	110 300	12 628	17 699	51 914	56 782	28 000	-
Total	271 138	258 017	270 483	317 975	268 134	293 622	305 977

Table 23.F Summary of departmental public-private partnership projects

R thousand	Total cost of project	Budget expenditure	Medium-term expenditure estimate		
		2005/06	2006/07	2007/08	2008/09
Projects in preparation, registered in terms of Treasury Regulation 16¹	-	70 000	100 000	100 000	105 000
PPP unitary charge	-	70 000	100 000	100 000	105 000
Total	-	70 000	100 000	100 000	105 000

1. Only projects that have received Treasury Approval: 1