

Vote 21

Justice and Constitutional Development

Adjusted budget summary

2009/10				
R thousand	Main appropriation	Adjusted appropriation	Decrease	Increase
Amount to be appropriated	9 658 006	9 770 131	–	112 125
of which:				
Current payments	7 649 723	7 829 548	–	179 825
Transfers and subsidies	1 334 468	1 357 008	–	22 540
Payments for capital assets	673 815	583 575	(90 240)	–
Direct charge against the National Revenue Fund	1 669 689	1 669 689	–	–
Executive authority	Minister of Justice and Constitutional Development			
Accounting officer	Director-General of Justice and Constitutional Development			
Website address	www.doj.gov.za			

Aim

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

Reorganisation of department

The Directorate of Special Operations (Scorpions) has moved to the Department of Police with effect from 1 July 2009, due to the amendments made to the National Prosecution Authority Amendment Act (2008) and the South African Police Service Amendment Act (2008).

Mid-year performance status

Indicator	Programme	Annual performance		
As published in the 2009 ENE	Programme linked to the indicator	Projected for 2009/10 as published in the 2009 ENE	Achieved in the first six months of 2009/10 (April to September)	Change of estimate for 2009/10
Outstanding court roll at end of each financial year	Court Services	236 983	211 664	–
Number of new cases finalised:	National Prosecuting Authority			
with diversion		404 229	186 461	–
without diversion		317 677	143 803	
Conviction rate:	National Prosecuting Authority			
high courts		86%	88%	–
regional courts		74%	74%	
district courts		87%	90%	
sexual offences courts		66%	68%	
specialised commercial crime unit		94%	95%	
Asset forfeiture unit:	National Prosecuting Authority			
Number of new completed forfeiture cases		275	126	–
Number of new freezing orders		280	148	
Value of new freezing orders		R360m	R365.9m	
Success rate		86%	87%	

Indicator	Programme	Annual performance		
As published in the 2009 ENE	Programme linked to the indicator	Projected for 2009/10 as published in the 2009 ENE	Achieved in the first six months of 2009/10 (April to September)	Change of estimate for 2009/10
Sexual offences and community affairs unit: Number of Thuthuzela care centres	National Prosecuting Authority	20	16	–
Witness protection unit: Number of witnesses harmed or threatened	National Prosecuting Authority	0	0	–
Percentage of walk offs		14%	12%	

The conviction rates may be more than the annual target at six months, but they usually come down and stabilise during the December holiday season.

Adjusted Estimates of National Expenditure 2009

Programme		2009/10						
		Additional appropriation						Adjusted appropriation
R thousand	Main appropriation	Roll-over	Unforeseeable/unavoidable	Virement	Function shift	Other adjustments	Total additional appropriation	
1. Administration	1 038 614	–	17 391	79 198	–	–	96 589	1 135 203
2. Court Services	3 911 104	–	150 992	(237 590)	(1 500)	–	(88 098)	3 823 006
3. State Legal Services	569 918	–	20 240	4 935	–	–	25 175	595 093
4. National Prosecuting Authority	2 480 084	–	59 297	–	(153 908)	–	(94 611)	2 385 473
5. Auxiliary and Associated Services	1 658 286	–	19 613	153 457	–	–	173 070	1 831 356
Subtotal	9 658 006	–	267 533	–	(155 408)	–	112 125	9 770 131
National Revenue Fund	1 669 689	–	–	–	–	–	–	1 669 689
Judges' salaries	404 754	–	–	98 977	–	–	98 977	503 731
Magistrates' salaries	1 264 935	–	–	(98 977)	–	–	(98 977)	1 165 958
Total	11 327 695	–	267 533	–	(155 408)	–	112 125	11 439 820
Economic classification								
Current payments	9 245 223	–	247 920	82 371	(150 466)	–	179 825	9 425 048
Compensation of employees	6 150 854	–	247 920	(13 208)	(108 426)	–	126 286	6 277 140
Goods and services	3 094 369	–	–	94 979	(42 040)	–	52 939	3 147 308
Transactions in financial assets and liabilities	–	–	–	600	–	–	600	600
Transfers and subsidies	1 408 657	–	19 613	4 846	(1 919)	–	22 540	1 431 197
Departmental agencies and accounts	1 308 288	–	19 613	2 185	–	–	21 798	1 330 086
Foreign governments and international organisations	4 494	–	–	–	–	–	–	4 494
Non-profit institutions	–	–	–	2 651	–	–	2 651	2 651
Households	95 875	–	–	10	(1 919)	–	(1 909)	93 966
Payments for capital assets	673 815	–	–	(87 217)	(3 023)	–	(90 240)	583 575
Buildings and other fixed structures	445 844	–	–	–	–	–	–	445 844
Machinery and equipment	215 597	–	–	(79 362)	(450)	–	(79 812)	135 785
Software and other intangible assets	12 374	–	–	(7 855)	(2 573)	–	(10 428)	1 946
Total	11 327 695	–	267 533	–	(155 408)	–	112 125	11 439 820

Details of adjustments to Estimates of National Expenditure 2009

Unforeseeable and unavoidable expenditure – R267.533 million

An additional R267.533 million is allocated for higher salary increases than the main budget provided for:

Programme 1: Administration

R17.391 million

Programme 2: Court Services

R150.992 million

Programme 3: State Legal Services

R20.240 million

Programme 4: National Prosecuting Authority

R59.297 million

Programme 5: Auxiliary and Associated Services

R19.613 million

Virements

Programmes					
1. Administration 2. Court Services 3. State Legal Services 4. National Prosecuting Authority 5. Auxiliary and Associated Services					
FROM:			TO:		
Programme by economic classification	Motivation	R thousand	Programme by economic classification	Motivation	R thousand
Programme 1		(101)	Programme 2		101
Goods and services	Reduction in training at national office	(101)	Goods and services	For regional training	101
Programme 2		(241 375)	Programme 1		72 817
Goods and services	Reduction in consultants and travel and subsistence	(158 933)	Goods and services	For interns, and for operational costs associated with various HR and Criminal Asset Recovery Account projects	70 212
				For training magistrates at the Justice College	1 410
			Machinery and equipment	For equipment for HR projects	1 195
			Programme 2		2 651
			Non-profit institutions (current)	For the National Institute for Crime Prevention and Reintegration of Offenders to run a Child Justice Act programme	2 651
			Programme 3		4 935
			Goods and services	For the operational budget of the Master of the High Court	4 935
			Programme 5		78 530
			Goods and services	For temporary employees, consultants, operating expenditure and equipment for justice modernisation projects	76 345
			Departmental agencies and accounts (current)	For Legal Aid South Africa's contribution to the implementation of the Children's Act (2005)	1 600

FROM:			TO:		
Programme by economic classification	Motivation	R thousand	Programme by economic classification	Motivation	R thousand
Compensation of employees	Reduction due to delaying and suspending projects	(19 690)	Departmental agencies and accounts (current)	For implementing the occupational specific dispensation for legally qualified professionals in the South African Human Rights Commission	585
			Programme 1		6 482
			Compensation of employees	For trainee legal practitioners	6 482
			Programme 5		13 208
			Goods and services	For temporary employees and consultants for justice modernisation projects	13 208
Households (current)	Reduction due to recalculation of anticipated household expenditure	(1 015)	Programme 5		1 015
			Goods and services	For justice modernisation projects	1 015
Machinery and equipment	Reduction in vehicles and office equipment	(61 737)	Programme 5		60 704
			Goods and services	For equipment, operating costs and the maintenance of computers and systems	37 354
			Machinery and equipment	For equipment for justice modernisation projects	23 350
			Programme 2		1 033
			Goods and services	For the maintenance of government vehicles	1 033
Programme 3		(1 620)	Programme 3		1 000
Goods and services	Reduction in consultants	(1 000)	Households (current)	For legal fees for claims against the state	1 000
Machinery and equipment	Reallocation of funds incorrectly classified in the 2009 ENE	(545)	Programme 3		545
			Goods and services	Reallocation of funds incorrectly classified in the 2009 ENE	400
			Software and other intangible assets	Reallocation of funds incorrectly classified in the 2009 ENE	145
	Reduction in office equipment	(75)	Programme 3		75
			Households (current)	For legal fees for claims against the state	75
Programme 4		(55 600)	Programme 4		50
Households (current)	Reduction due to recalculation of anticipated household expenditure	(50)	Financial transactions in assets and liabilities	For theft and losses after finalisation of investigations	50
Machinery and equipment	Reallocation of funds incorrectly classified in the 2009 ENE	(47 000)	Programme 4		47 550
			Goods and services	Reallocation of funds incorrectly classified in the 2009 ENE	47 000
	Reduction in office equipment	(550)	Transactions in financial assets and liabilities	For theft and losses after finalisation of investigations	550
Software and other intangible assets	Reallocation of funds incorrectly classified during the 2009 ENE	(8 000)	Programme 4		8 000
			Goods and services	Reallocation of funds incorrectly classified during the 2009 ENE	8 000
Programme 5		(6 000)	Programme 5		6 000
Goods and services	Reallocation of funds incorrectly classified during the 2009 ENE	(6 000)	Machinery and equipment	Reallocation of funds incorrectly classified during the 2009 ENE	6 000
Total		(304 696)			304 696

Function shifts - R155.408 million

Programme 2: Court Services

R1.5 million is shifted to the Department of Social Development for developing a national diversion accreditation framework.

Programme 4: National Prosecuting Authority

R153.908 million is shifted to the Department of Police for expenditure related to the investigators that used to be part of the disbanded Directorate of Special Operations (Scorpions).

Direct charges against the National Revenue Fund (R98.977 million)

Virements

R98.977 million from a reduction in budgeted spending on magistrates' salaries (due to vacancies) is shifted to judges' salaries because more judges have been appointed than budgeted for.

Expenditure for 2008/09 and preliminary expenditure for 2009/10

Programme	2008/09					2009/10		
	Expenditure outcome					Preliminary expenditure		
R thousand	Adjusted appropriation	Apr 08 - Sep 08	Apr 08 - Sep 08 % of adjusted appropriation	Apr 08 - Mar 09	Apr 08 - Mar 09 % of adjusted appropriation	Adjusted appropriation	Apr 09 - Sep 09	Apr 09 - Sep 09 % of adjusted appropriation
1. Administration	967 769	427 554	44.2	930 693	96.2	1 135 203	435 366	38.4
2. Court Services	3 342 482	1 510 300	45.2	3 348 402	100.2	3 823 006	1 908 007	49.9
3. State Legal Services	503 153	242 668	48.2	525 272	104.4	595 093	252 724	42.5
4. National Prosecuting Authority	2 115 521	957 725	45.3	2 071 395	97.9	2 385 473	1 057 706	44.3
5. Auxiliary and Associated Services	1 586 600	693 407	43.7	1 557 809	98.2	1 831 356	814 062	44.5
Subtotal	8 515 525	3 831 654	45.0	8 433 571	99.0	9 770 131	4 467 865	45.7
Direct charge against the National Revenue Fund	1 389 329	616 797	44.4	1 601 091	115.2	1 669 689	839 628	50.3
Judges' salaries	370 315	154 439	41.7	504 775	136.3	503 731	267 778	53.2
Magistrates' salaries	1 019 014	462 358	45.4	1 096 316	107.6	1 165 958	571 850	49.0
Total	9 904 854	4 448 451	44.9	10 034 662	101.3	11 439 820	5 307 493	46.4
Economic classification								
Current payments	8 021 182	3 599 637	44.9	8 289 801	103.3	9 425 048	4 378 776	46.5
Compensation of employees	5 193 981	2 380 974	45.8	5 478 231	105.5	6 277 140	2 842 645	45.3
Goods and services	2 827 194	1 218 000	43.1	2 807 825	99.3	3 147 308	1 534 780	48.8
Interest and rent on land	—	—	—	—	—	—	40	—
Financial transactions in assets and liabilities	7	663	9471.4	3 745	53 500	600	1 311	218.5
Transfers and subsidies	1 334 678	615 686	46.1	1 262 376	94.6	1 431 197	662 966	46.3
Provinces and municipalities	—	1	0.0	—	0.0	—	30	0.0
Departmental agencies and accounts	1 245 537	593 074	47.6	1 239 956	99.6	1 330 086	628 117	47.2
Public corporations and private enterprises	—	—	0.0	—	0.0	—	—	0.0
Foreign governments and international organisations	4 240	1 105	26.1	5 085	119.9	4 494	642	14.3
Non-profit institutions	—	—	—	—	—	2 651	—	—
Households	84 901	21 506	25.3	17 335	20.4	93 966	34 177	36.4

	2008/09					2009/10		
	Expenditure outcome					Preliminary expenditure		
R thousand	Adjusted appropriation	Apr 08 - Sep 08	Apr 08 - Sep 08 % of adjusted appropriation	Apr 08 - Mar 09	Apr 08 - Mar 09 % of adjusted appropriation	Adjusted appropriation	Apr 09 - Sep 09	Apr 09 - Sep 09 % of adjusted appropriation
Economic classification								
Payments for capital assets	548 994	233 128	42.5	482 485	87.9	583 575	265 751	45.5
Buildings and other fixed structures	423 188	206 739	48.9	416 824	98.5	445 844	236 500	53.0
Machinery and equipment	121 414	26 141	21.5	64 073	52.8	135 785	29 182	21.5
Software and other intangible assets	4 392	248	5.6	1 588	36.2	1 946	69	3.5
Total	9 904 854	4 448 451	44.9	10 034 662	101.3	11 439 820	5 307 493	46.4

Main expenditure trends for the first half of 2009/10

Total expenditure for 2008/09 was 101.3 per cent of the 2008/09 adjusted appropriation. Expenditure in the first six months of 2009/10 was R5.307 billion, or 46.4 per cent of the adjusted appropriation of R11.440 billion for the year as a whole. In comparison, mid-year expenditure in 2008/09 was R4.448 billion, or 44.9 per cent of the 2008/09 adjusted appropriation. Expenditure in the first six months of 2009/10 increased by R859.0 million or 19.3 per cent, compared to expenditure in the first six months of 2008/09.

The main expenditure increases compared to 2008/09 are due to capital projects, normal inflation related increases in the transfer payments to constitutional institutions and public entities, and the carry-through cost of the annual cost of living salary adjustment and the occupational specific dispensation for legally qualified professionals.

Departmental receipts

	2008/09					2009/10			
	Adjusted estimate	Audited outcome				Actual receipts			
R thousand		Apr 08 - Sep 08	Apr 08 - Sep 08 % of adjusted estimate	Apr 08 - Mar 09	Apr 08 - Mar 09 % of adjusted estimate	Budget estimate	Adjusted estimate	Apr 09 - Sep 09	Apr 09 - Sep 09 % of adjusted estimate
Departmental receipts	398 404	79 403	19.9	356 775	89.6	420 268	358 888	165 000	46.0
Sales of goods and services produced by department	12 655	5 488	43.4	14 426	114.0	13 541	16 541	8 113	49.0
Transfers received	21	21	100.0	21	100.0	–	800	406	50.8
Fines, penalties and forfeits	283 307	34 623	12.2	271 508	95.8	298 889	296 273	135 792	45.8
Interest, dividends and rent on land	54 303	22 625	41.7	45 169	83.2	57 291	27 043	11 944	44.2
Sales of capital assets	9	9	100.0	10	111.1	–	135	128	94.8
Financial transactions in assets and liabilities	48 109	16 637	34.6	25 641	53.3	50 547	18 096	8 617	47.6
Total	398 404	79 403	19.9	356 775	89.6	420 268	358 888	165 000	46.0

Main departmental revenue trends for the first half of 2009/10

Departmental revenue collection in the first six months of 2009/10 was R165.0 million, or 46.0 per cent of the adjusted revenue estimate of R358.9 million for the year as a whole. In comparison, mid-year revenue collection in 2008/09 was R79.4 million, or 19.9 per cent of the 2008/09 adjusted estimate. Departmental revenue collection in the first six months of 2009/10 increased by R85.6 million or 107.8 per cent, compared to revenue collected in the first six months of 2008/09.

The main revenue increase compared to 2008/09 is due to an increase in the collection of fines and penalties imposed by courts, as well as more revenue collected on legal fees and photocopies of cases.

Changes to transfers and subsidies, and conditional grants

Summary of changes to transfers and subsidies

2009/10								
R thousand	Main appropriation	Additional appropriation					Total additional appropriation	Adjusted appropriation
		Roll-over	Unforeseeable/unavoidable	Virement	Function shift	Other adjustments		
2. Court Services								
Non-profit institutions								
Current	–	–	–	2 651	–	–	2 651	2 651
National Institute for Crime Prevention and Reintegration of Offenders	–	–	–	2 651	–	–	2 651	2 651
Households								
Social benefits								
Current	10 763	–	–	(1 015)	–	–	(1 015)	9 748
Employee social benefit	10 763	–	–	(1 015)	–	–	(1 015)	9 748
3. State Legal Services								
Households								
Social benefits								
Current	500	–	–	1 075	–	–	1 075	1 575
Employee social benefit	500	–	–	1 075	–	–	1 075	1 575
4. National Prosecuting Authority								
Households								
Social benefits								
Current	10 057	–	–	(50)	(1 919)	–	(1 969)	8 088
Employee social benefit	10 057	–	–	(50)	(1 919)	–	(1 969)	8 088
5. Auxiliary and Associated Services								
Departmental agencies and accounts								
Departmental agencies (non-business entities)								
Current	1 209 439	–	19 613	2 185	–	–	21 798	1 231 237
Commission for Gender Equality	48 294	–	818	–	–	–	818	49 112
Legal Aid Board	835 547	–	11 261	1 600	–	–	12 861	848 408
Public Protector	106 945	–	1 915	–	–	–	1 915	108 860
South African Human Rights Commission	68 278	–	1 257	585	–	–	1 842	70 120
Special Investigating Unit	150 375	–	4 362	–	–	–	4 362	154 737

