

# Vote 22

## Justice and Constitutional Development

| R thousand   | 2007/08  |                        |          |              |
|--|--|------------------------|----------|--------------|
|  | Main appropriation   | Adjusted appropriation | Decrease | Increase     |
| <b>Amount to be appropriated</b>                       | <b>7 277 770</b>   | <b>7 538 667</b>       | –        | 260 897      |
| <i>of which:</i>                                       |  |                        |          |              |
| Current payments                                       | 5 902 483  | 5 997 891              | –        | 95 408       |
| Transfers and subsidies                                | 943 241  | 975 416                | –        | 32 175       |
| Payments for capital assets                            | 432 046  | 565 360                | –        | 133 314      |
| <b>Direct charge against the National Revenue Fund</b> | <b>1 263 518</b>   | <b>1 266 518</b>       | –        | <b>3 000</b> |
| 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.*

### Adjusted Estimates of National Expenditure 2007

Table 22.1: Adjusted estimates

Table 22.7: Adjusted Estimates

| Programme  |                    | 2007/08                  |                            |                 |                   |                                |                        |
|--|--------------------|--------------------------|----------------------------|-----------------|-------------------|--------------------------------|------------------------|
|  |                    | Additional appropriation |                            |                 |                   |                                |                        |
|  | Main appropriation | Roll-overs               | Unforeseeable /unavoidable | Virement        | Other adjustments | Total additional appropriation | Adjusted appropriation |
| R thousand   |                    |                          |                            |                 |                   |                                |                        |
| 1. Administration                                      | 838 052            | –                        | –                          | 48 900          | (1 000)           | 47 900                         | 885 952                |
| 2. Court Services                                      | 2 998 673          | 261 897                  | –                          | (104 900)       | –                 | 156 997                        | 3 155 670              |
| 3. State Legal Services                                | 415 925            | –                        | –                          | 27 700          | –                 | 27 700                         | 443 625                |
| 4. National Prosecuting Authority                      | 1 804 691          | –                        | –                          | –               | –                 | –                              | 1 804 691              |
| 5. Auxiliary and Associated Services                   | 1 220 429          | –                        | –                          | 28 300          | –                 | 28 300                         | 1 248 729              |
| <b>Subtotal</b>  | <b>7 277 770</b>   | <b>261 897</b>           | <b>–</b>                   | <b>–</b>        | <b>(1 000)</b>    | <b>260 897</b>                 | <b>7 538 667</b>       |
| <b>Direct charge against the National Revenue Fund</b> | <b>1 263 518</b>   | <b>–</b>                 | <b>–</b>                   | <b>–</b>        | <b>3 000</b>      | <b>3 000</b>                   | <b>1 266 518</b>       |
| Judges' Salaries                                       | 337 090            | –                        | –                          | –               | 780               | 780                            | 337 870                |
| Magistrates' Salaries                                  | 926 428            | –                        | –                          | –               | 2 220             | 2 220                          | 928 648                |
| <b>Total</b>   | <b>8 541 288</b>   | <b>261 897</b>           | <b>–</b>                   | <b>–</b>        | <b>2 000</b>      | <b>263 897</b>                 | <b>8 805 185</b>       |
| <b>Economic classification</b>                         |                    |                          |                            |                 |                   |                                |                        |
| <b>Current payments</b>                                | <b>7 102 825</b>   | <b>180 897</b>           | <b>–</b>                   | <b>(84 489)</b> | <b>2 000</b>      | <b>98 408</b>                  | <b>7 201 233</b>       |
| Compensation of employees                              | 4 504 399          | –                        | –                          | (101 565)       | 3 000             | (98 565)                       | 4 405 834              |
| Goods and services                                     | 2 598 426          | 180 897                  | –                          | 17 076          | (1 000)           | 196 973                        | 2 795 399              |
| <b>Transfers and subsidies</b>                         | <b>1 006 417</b>   | <b>–</b>                 | <b>–</b>                   | <b>32 175</b>   | <b>–</b>          | <b>32 175</b>                  | <b>1 038 592</b>       |
| Provinces and municipalities                           | –                  | –                        | –                          | 200             | –                 | 200                            | 200                    |
| Departmental agencies and accounts                     | 929 153            | –                        | –                          | 28 300          | –                 | 28 300                         | 957 453                |
| Foreign governments and international organisations    | 4 000              | –                        | –                          | 220             | –                 | 220                            | 4 220                  |
| Households   | 73 264             | –                        | –                          | 3 455           | –                 | 3 455                          | 76 719                 |
| <b>Payments for capital assets</b>                     | <b>432 046</b>     | <b>81 000</b>            | <b>–</b>                   | <b>52 314</b>   | <b>–</b>          | <b>133 314</b>                 | <b>565 360</b>         |
| Buildings and other fixed structures                   | 333 622            | 81 000                   | –                          | –               | –                 | 81 000                         | 414 622                |
| Machinery and equipment                                | 97 774             | –                        | –                          | 46 314          | –                 | 46 314                         | 144 088                |
| Software and other intangible assets                   | 650                | –                        | –                          | 6 000           | –                 | 6 000                          | 6 650                  |
| <b>Total</b>   | <b>8 541 288</b>   | <b>261 897</b>           | <b>–</b>                   | <b>–</b>        | <b>2 000</b>      | <b>263 897</b>                 | <b>8 805 185</b>       |

## Details of adjustments to Estimates of National Expenditure 2007

### Roll-overs – R261.897 million

#### Programme 2: Court Services

R261.9 million has been rolled over for upgrading infrastructure projects to improve access to justice facilities for people with disabilities and for refurbishing office accommodation for the National Prosecuting Authority.

### Virements

**Table 22.2: Details on virements per programme and economic classification**

| Programme /<br>Economic classification              | R thousand       |               | Motivation   |
|---|------------------|---------------|--|
|   | From             | To            |  |
| <b>1. Administration</b>                            | <b>(19 522)</b>  | <b>68 422</b> |  |
| <b>Current payments</b>                             | <b>(19 492)</b>  | <b>68 102</b> |  |
| Compensation of employees                           | (19 492)         | –             | Savings due to the slow filling of vacant posts have been shifted to goods and services in this programme (R2.067 million) and compensation of employees in programme 2 (R17.425 million).   |
| Goods and services                                  | –                | 68 102        | Funds shifted from goods and services (in programme 2) will be used for HR management interventions, improving the Guardians Fund's accounting practices, and maintaining SITA applications.   |
| <b>Transfers and Subsidies</b>                      | <b>–</b>         | <b>320</b>    |  |
| Foreign governments and international organisations | –                | 220           | Funds shifted from goods and services (in programme 2) will be used for a once-off voluntary contribution to the special court for Sierra Leone.   |
| Households  | –                | 100           | Funds shifted from goods and services (in programme 2) will be used for an anticipated shortfall on social contributions.  |
| <b>Payments for capital assets</b>                  | <b>(30)</b>      | <b>–</b>      |  |
| Machinery and equipment                             | (30)             | –             | Incorrectly classified funds for equipment (less than R5 000) have been shifted to goods and services in this programme.   |
| <b>2. Court Services</b>                            | <b>(135 963)</b> | <b>31 063</b> |  |
| <b>Current payments</b>                             | <b>(135 963)</b> | <b>17 425</b> |  |
| Compensation of employees                           | –                | 17 425        | Funds shifted from compensation of employees (in programme 1) will be used for the salary increases in terms of the Public Service Co-ordinating Bargaining Council resolution.  |
| Goods and services                                  | (135 963)        | –             | Savings due to delays in finalising the management of moneys in trust project have been shifted to programme 1 (R66.325 million), programme 3 (R27.7 million) and programme 5 (R28.3 million), and to machinery and equipment in this programme (R13.638 million). |
| <b>Payments for capital assets</b>                  | <b>–</b>         | <b>13 638</b> |  |
| Machinery and equipment                             | –                | 13 638        | Funds shifted from goods and services will be used for rolling out digital court recording equipment.  |
| <b>3. State Legal Services</b>                      | <b>–</b>         | <b>27 700</b> |  |
| <b>Current payments</b>                             | <b>–</b>         | <b>23 456</b> |  |
| Compensation of employees                           | –                | 9 086         | Funds shifted from goods and services (in programme 2) will be used to appoint additional state attorneys and personnel for state law advisory services.   |
| Goods and services                                  | –                | 14 370        | Funds shifted from goods and services (in programme 2) will be used to relocate the Johannesburg Master's office.  |
| <b>Transfers and Subsidies</b>                      | <b>–</b>         | <b>314</b>    |  |
| Households  | –                | 314           | Funds shifted from goods and services (in programme 2) will be used for an anticipated shortfall on the payout of social benefits in the offices of the Masters and State Law Advisors.  |
| <b>Payments for capital assets</b>                  | <b>–</b>         | <b>3 930</b>  |  |
| Machinery and equipment                             | –                | 3 930         | Funds shifted from goods and services (in programme 2) will be used to relocate the Johannesburg Master's office.  |

**Table 22.2: Details on virements per programme and economic classification (continued)**

| Programme /<br>Economic classification      | R thousand       |                | Motivation   |
|---|------------------|----------------|--|
|   | From             | To             |  |
| <b>4. National Prosecuting Authority</b>    | <b>(108 584)</b> | <b>108 584</b> |  |
| <b>Current payments</b>                     | <b>(108 584)</b> | <b>70 567</b>  |  |
| Compensation of employees                   | (108 584)        | –              | Savings due to the slow filling of vacant posts and internal promotions have been shifted to goods and services, provinces and municipalities, households, machinery and equipment and software and other intangible assets in this programme.   |
| Goods and services                          | –                | 70 567         | Funds shifted from compensation of employees will be used for increased operational cost as a result of establishment expansions (prosecutorial staff) and for essential services such as IT.  |
| <b>Transfers and Subsidies</b>              | <b>–</b>         | <b>3 241</b>   |  |
| Provinces and municipalities                | –                | 200            | Funds shifted from compensation of employees (in this programme) will be used to fund an anticipated shortfall on the payment of Regional Services Council levies.   |
| Households                                  | –                | 3 041          | Funds shifted from compensation of employees will be used for an anticipated shortfall on payments of transfers to households.   |
| <b>Payments for capital assets</b>          | <b>–</b>         | <b>34 776</b>  |  |
| Machinery and equipment                     | –                | 28 776         | Funds shifted from compensation of employees will be used for office equipment for newly appointed personnel, IT equipment, and tactical equipment for special operations.   |
| Software and other intangible assets        | –                | 6 000          | Funds shifted from compensation of employees will be used to buy software and other IT-related assets.   |
| <b>5. Auxiliary and Associated Services</b> | <b>–</b>         | <b>28 300</b>  |  |
| <b>Transfers and Subsidies</b>              | <b>–</b>         | <b>28 300</b>  |  |
| Departmental agencies and accounts          | –                | 28 300         | Funds shifted from goods and services (in programme 2) will be used for a Legal Aid Board project aimed at reducing criminal case backlogs, and for the salary increases in the Legal Aid Board and Special Investigating Unit in terms of the Public Service Co-ordinating Bargaining Council resolution. |
| <b>Total for Vote</b>                       | <b>(264 069)</b> | <b>264 069</b> |  |

## Other adjustments – (R1 million)

### *Shifting of funds between votes*

Programme 1: Administration

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

## Amounts forming a direct charge against the National Revenue Fund – R3 million

### *Salary adjustments*

R3 million has been allocated for salary increases to judges and magistrates following the Public Service Co-ordinating Bargaining Council resolution.

## Expenditure 2006/07 and preliminary expenditure 2007/08

Table 22.3: Expenditure trends

| Programme  | 2006/07                |                     |                     |  | 2007/08                 |                     |  |
|--|------------------------|---------------------|---------------------|--|-------------------------|---------------------|--|
|  | Expenditure outcome    |                     |                     |  | Preliminary expenditure |                     |  |
| R thousand   | Adjusted appropriation | Apr 2006 - Sep 2006 | Apr 2006 - Mar 2007 | Apr 06 - Mar 07<br>% of adjusted appropriation | Adjusted appropriation  | Apr 2007 - Sep 2007 | % change<br>06/07 - 07/08<br>Apr - Sep |
| 1. Administration                                      | 775 679                | 287 553             | 636 862             | 82.1   | 885 952                 | 328 080             | 14.1                                   |
| 2. Court Services                                      | 2 748 613              | 998 798             | 2 506 226           | 91.2   | 3 155 670               | 1 187 234           | 18.9                                   |
| 3. State Legal Services                                | 385 754                | 155 156             | 335 046             | 86.9   | 443 625                 | 175 769             | 13.3                                   |
| 4. National Prosecuting Authority                      | 1 582 062              | 667 982             | 1 535 754           | 97.1   | 1 804 691               | 837 015             | 25.3                                   |
| 5. Auxiliary and Associated Services                   | 986 539                | 471 708             | 991 328             | 100.5  | 1 248 729               | 556 684             | 18.0                                   |
| <b>Subtotal</b>  | <b>6 478 647</b>       | <b>2 581 197</b>    | <b>6 005 216</b>    | <b>92.7</b>                                    | <b>7 538 667</b>        | <b>3 084 782</b>    | <b>19.5</b>                            |
| <b>Direct charge against the National Revenue Fund</b> | <b>1 071 056</b>       | <b>539 952</b>      | <b>1 099 289</b>    | <b>102.6</b>                                   | <b>1 266 518</b>        | <b>571 070</b>      | <b>5.8</b>                             |
| Judges' Salaries                                       | 234 149                | 127 211             | 269 333             | 115.0  | 337 870                 | 140 750             | 10.6                                   |
| Magistrates' Salaries                                  | 836 907                | 412 741             | 829 956             | 99.2   | 928 648                 | 430 320             | 4.3                                    |
| <b>Total</b>   | <b>7 549 703</b>       | <b>3 121 149</b>    | <b>7 104 505</b>    | <b>94.1</b>                                    | <b>8 805 185</b>        | <b>3 655 852</b>    | <b>17.1</b>                            |
| <b>Current payments</b>                                | <b>6 126 881</b>       | <b>2 468 438</b>    | <b>5 631 934</b>    | <b>91.9</b>                                    | <b>7 201 233</b>        | <b>3 027 402</b>    | <b>22.6</b>                            |
| Compensation of employees                              | 3 901 500              | 1 733 989           | 3 695 236           | 94.7   | 4 405 834               | 2 054 673           | 18.5                                   |
| Goods and services                                     | 2 225 381              | 732 768             | 1 934 032           | 86.9   | 2 795 399               | 971 167             | 32.5                                   |
| Financial transactions in assets and liabilities       | –                      | 1 681               | 2 666               | –  | –                       | 1 562               | (7.1)                                  |
| <b>Transfers and subsidies</b>                         | <b>805 888</b>         | <b>441 371</b>      | <b>851 610</b>      | <b>105.7</b>                                   | <b>1 038 592</b>        | <b>466 674</b>      | <b>5.7</b>                             |
| Provinces and municipalities                           | 4 456                  | 2 834               | 3 060               | 68.7   | 200                     | 130                 | (95.4)                                 |
| Departmental agencies and accounts                     | 795 110                | 412 039             | 795 109             | 100.0  | 957 453                 | 448 346             | 8.8                                    |
| Public corporations and private enterprises            | –                      | 455                 | 4 724               | –  | –                       | –                   | (100.0)                                |
| Foreign governments and international organisations    | 3 644                  | –                   | –                   | –  | 4 220                   | –                   | (100.0)                                |
| Households   | 2 678                  | 26 043              | 48 717              | 1 819.2  | 76 719                  | 18 198              | (30.1)                                 |
| <b>Payments for capital assets</b>                     | <b>616 934</b>         | <b>211 340</b>      | <b>620 961</b>      | <b>100.7</b>                                   | <b>565 360</b>          | <b>161 776</b>      | <b>(23.5)</b>                          |
| Buildings and other fixed structures                   | 305 836                | 152 865             | 328 936             | 107.6  | 414 622                 | 68 013              | (55.5)                                 |
| Machinery and equipment                                | 299 338                | 38 277              | 270 899             | 90.5   | 144 088                 | 90 338              | 136.0                                  |
| Software and other intangible assets                   | 11 760                 | 20 198              | 21 126              | 179.6  | 6 650                   | 3 425               | (83.0)                                 |
| <b>Total</b>   | <b>7 549 703</b>       | <b>3 121 149</b>    | <b>7 104 505</b>    | <b>94.1</b>                                    | <b>8 805 185</b>        | <b>3 655 852</b>    | <b>17.1</b>                            |

### Selected expenditure trends for the first half of 2007/08

Expenditure in the first six months of 2007/08 was R3 655.9 million, or 41.5 per cent of the adjusted appropriation of R8 805.2 million for the year as a whole. Expenditure in the first six months of 2007/08 increased by 17.1 per cent compared to first six months of 2006/07.

The main increases compared to 2006/07 are related to salary increases and normal annual rates adjustments; orders of machinery and equipment from last year which were finalised this year; and increased allocations to constitutional institutions and other independent bodies.

Expenditure in 2006/07 was 94.1 per cent of the adjusted appropriation for that year.

## Changes to transfers and subsidies

Table 22.4: Summary of changes to transfers and subsidies per programme

| 2007/08   |                    |                          |                            |          |                   |                                |                        |
|---|--------------------|--------------------------|----------------------------|----------|-------------------|--------------------------------|------------------------|
|   |                    | Additional appropriation |                            |          |                   |                                |                        |
|   | Main appropriation | Roll-overs               | Unforeseeable /unavoidable | Virement | Other adjustments | Total additional appropriation | Adjusted appropriation |
| R thousand  |                    |                          |                            |          |                   |                                |                        |
| 1. Administration                                   | 8 210              | –                        | –                          | 320      | –                 | 320                            | 8 530                  |
| Foreign governments and international organisations |                    |                          |                            |          |                   |                                |                        |
| Current   | 4 000              | –                        | –                          | 220      | –                 | 220                            | 4 220                  |
| Special court: Sierra Leone                         | –                  | –                        | –                          | 220      | –                 | 220                            | 220                    |
| Households  |                    |                          |                            |          |                   |                                |                        |
| Social benefits                                     |                    |                          |                            |          |                   |                                |                        |
| Current   | –                  | –                        | –                          | 100      | –                 | 100                            | 100                    |
| Employee social benefit                             | –                  | –                        | –                          | 100      | –                 | 100                            | 100                    |
| 3. State Legal Services                             | –                  | –                        | –                          | 314      | –                 | 314                            | 314                    |
| Households  |                    |                          |                            |          |                   |                                |                        |
| Social benefits                                     |                    |                          |                            |          |                   |                                |                        |
| Current   | –                  | –                        | –                          | 314      | –                 | 314                            | 314                    |
| Employee social benefit                             | –                  | –                        | –                          | 314      | –                 | 314                            | 314                    |
| 4. National Prosecuting Authority                   | 2 100              | –                        | –                          | 3 241    | –                 | 3 241                          | 5 341                  |
| Provinces and municipalities                        |                    |                          |                            |          |                   |                                |                        |
| Municipalities                                      |                    |                          |                            |          |                   |                                |                        |
| Municipalities                                      |                    |                          |                            |          |                   |                                |                        |
| Current   | –                  | –                        | –                          | 200      | –                 | 200                            | 200                    |
| Regional Services Council levies                    | –                  | –                        | –                          | 200      | –                 | 200                            | 200                    |
| Households  |                    |                          |                            |          |                   |                                |                        |
| Social benefits                                     |                    |                          |                            |          |                   |                                |                        |
| Current   | 2 100              | –                        | –                          | 3 041    | –                 | 3 041                          | 5 141                  |
| Employee social benefits                            | 2 100              | –                        | –                          | 3 041    | –                 | 3 041                          | 5 141                  |
| 5. Auxiliary and Associated Services                | 924 943            | –                        | –                          | 28 300   | –                 | 28 300                         | 953 243                |
| Departmental agencies and accounts                  |                    |                          |                            |          |                   |                                |                        |
| Departmental agencies (non-business entities)       |                    |                          |                            |          |                   |                                |                        |
| Current   | 924 943            | –                        | –                          | 28 300   | –                 | 28 300                         | 953 243                |
| Special Investigating Unit                          | 93 111             | –                        | –                          | 5 000    | –                 | 5 000                          | 98 111                 |
| Legal Aid Board                                     | 574 729            | –                        | –                          | 23 300   | –                 | 23 300                         | 598 029                |

