

Vote 21

Justice and Constitutional Development

Adjusted budget summary

2008/09				
R thousand	Main appropriation	Adjusted appropriation	Decrease	Increase
Amount to be appropriated	8 341 432	8 515 525	-	174 093
<i>of which:</i>				
Current payments	6 670 230	6 631 853	(38 377)	-
Transfers and subsidies	1 150 745	1 334 678	-	183 933
Payments for capital assets	520 457	548 994	-	28 537
Direct charge against the National Revenue Fund	1 389 329	1 389 329	-	-
Executive authority	Minister of 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.

Mid-year performance status

Indicators	Annual performance	
	Projected for 2008/09 as published in the 2008 ENE	Achieved in the first six months of 2008/09 (April to September)
As published in the 2008 ENE		
Number of backlog cases finalised	5 % (32 608)	0.7% (39 450) ¹
Outstanding court roll at end of financial year	186 374	215 649 ¹
Conviction rate:		
• High courts	86%	89% ¹
• Regional courts	73%	74% ¹
• District courts	87%	87% ¹
• Sexual offences courts	66%	67% ¹
National prosecution service		
• Conviction rate	86%	85.5% ¹
• Number of cases finalised with diversion	417 765	181 376 ¹
• Number of cases finalised without diversion	333 506	134 764 ¹
Directorate of special operations		
• Conviction rate	85%	87% ¹
• Number of investigations finalised	200	50 ¹
• Number of prosecutions finalised	200	28 ¹
Asset forfeiture unit:		
• Success rate	86%	86%
• Number of restraints	255	120
• Number of completed forfeiture cases	250	114
• Value of new restraints (R million)	330	114
Specialist commercial crime unit:		
• Conviction rate	94%	95.5% ¹
• Number of cases finalised	2 767	1 538 ¹
Percentage of witnesses who abandon the witness protection programme	2%	8%

1. For five months, due to time lag in the manual collection of data.

The Directorate of Special Operations will not achieve its projected targets, mainly due to limited staff and low staff morale. The current vacancy rate is 45.95 per cent. Only 90 and 50 investigations and prosecutions, respectively, will be finalised.

The percentage of witnesses who abandon the witness protection programme is not on target, mainly due to changes to the definition to include people that voluntarily left the programme before testifying, were given notice to leave the programme due to misconduct, or left the safe house without prior notice. The revised target is 16 per cent.

Adjusted Estimates of National Expenditure 2008

Table 21.1: Adjusted estimates

Programme	2008/09						Adjusted appropriation
	Main appropriation	Additional appropriation				Total additional appropriation	
R thousand		Roll-overs	Unforeseeable /unavoidable	Virement	Other adjustments		
1. Administration	941 145	-	-	17 227	9 397	26 624	967 769
2. Court Services	3 371 615	54 885	-	(137 215)	53 197	(29 133)	3 342 482
3. State Legal Services	503 153	-	-	(11 946)	11 946	-	503 153
4. National Prosecuting Authority	2 122 727	-	-	(41 270)	34 064	(7 206)	2 115 521
5. Auxiliary and Associated Services	1 402 792	-	-	173 204	10 604	183 808	1 586 600
Subtotal	8 341 432	54 885	-	-	119 208	174 093	8 515 525
Direct charge against the National Revenue Fund	1 389 329	-	-	-	-	-	1 389 329
Judges' salaries	370 315	-	-	-	-	-	370 315
Magistrates' salaries	1 019 014	-	-	-	-	-	1 019 014
Departmental Total	9 730 761	54 885	-	-	119 208	174 093	9 904 854
Economic classification							
Current payments	8 059 559	-	-	(141 329)	102 952	(38 377)	8 021 182
Compensation of employees	5 194 250	-	-	(108 873)	108 604	(269)	5 193 981
Goods and services	2 865 309	-	-	(32 463)	(5 652)	(38 115)	2 827 194
Financial transactions in assets and liabilities	-	-	-	7	-	7	7
Transfers and subsidies	1 150 745	-	-	173 329	10 604	183 933	1 334 678
Departmental agencies and accounts	1 061 729	-	-	173 204	10 604	183 808	1 245 537
Foreign governments and international organisations	4 240	-	-	-	-	-	4 240
Households	84 776	-	-	125	-	125	84 901
Payments for capital assets	520 457	54 885	-	(32 000)	5 652	28 537	548 994
Buildings and other fixed structures	368 303	54 885	-	-	-	54 885	423 188
Machinery and equipment	142 762	-	-	(27 000)	5 652	(21 348)	121 414
Software and other intangible assets	9 392	-	-	(5 000)	-	(5 000)	4 392
Total	9 730 761	54 885	-	-	119 208	174 093	9 904 854

Details of adjustments to Estimates of National Expenditure 2008

Roll-over of funds – R54.885 million

Programme 2: Court Services

R54.885 million has been rolled over to continue providing facilities for people with disabilities at all courts.

Virements

Table 21.2: Virements

Programme / Economic classification	R thousand		Details and motivation
	From	To	
1. Administration	(7 602)	24 829	
Current payments	(7 602)	24 704	
Compensation of employees	(7 602)	-	Filling of vacant posts delayed to reprioritise funds: To departmental agencies and accounts in programme 5
Goods and services	-	24 697	R5.756 million from compensation of employees in programme 2 R19.073 million from goods and services in programme 2 For audit fees, the National Forum Against Racism, the Ginwala Commission of Enquiry, the launch of the victim charter, the South African Woman Lawyers Association programme and conferences, and the media project to improve the public image of the department (R12 million)
Financial transactions in assets and liabilities	-	7	Internal efficiency measures: R7 000 to financial transactions in assets and liabilities in this programme R125 000 to households for leave and other gratuities in this programme From goods and services in this programme for theft and losses
Transfers and Subsidies	-	125	
Households	-	125	From goods and services in this programme for leave and other gratuities
2. Court Services	(137 215)	-	
Current payments	(137 215)	-	
Compensation of employees	(118 142)	-	Filling of vacant posts delayed to reprioritise funds: R5.756 million to goods and services in programme 1 R112.386 million to departmental agencies and accounts in programme 5
Goods and services	(19 073)	-	Filling of vacant posts delayed to reprioritise funds: R19.073 million to goods and services in programme 1
3. State Legal Services	(11 946)	-	
Current payments	(11 946)	-	
Compensation of employees	(11 946)	-	Filling of vacant posts delayed to reprioritise funds: To departmental agencies and accounts in programme 5
4. National Prosecuting Authority	(70 087)	28 817	
Current payments	(38 087)	28 817	
Compensation of employees	-	28 817	R38.087 million from goods and services in this programme R27 000 from machinery and equipment in this programme R5 000 from software and other intangible assets in this programme For implementing the occupation specific dispensation in the National Prosecuting Authority
Goods and services	(38 087)	-	Filling of vacant posts delayed to reprioritise funds: R41.27 million to departmental agencies and accounts in programme 5 R5.858 million to compensation of employees in programme 1 Savings due to internal efficiency measures and project rescheduling: To compensation of employees in this programme
Payments for capital assets	(32 000)	-	
Machinery and equipment	(27 000)	-	Savings due to lease agreement efficiencies: To compensation of employees in this programme
Software and other intangible assets	(5 000)	-	Savings due to purchasing efficiencies: To compensation of employees in this programme
5. Auxiliary and Associated Services	-	173 204	
Transfers and Subsidies	-	173 204	
Departmental agencies and accounts	-	173 204	R7.602 million from compensation of employees in programme 1 R87.786 million from compensation of employees in programme 2 R11.946 million from compensation of employees in programme 3 R41.27 million from compensation of employees in programme 4 For implementing the occupation specific dispensation for legally qualified professionals in the Legal Aid Board R24.6 million from compensation of employees in programme 2 for case backlogs in the Legal Aid Board
Total for Vote	(226 850)	226 850	

Other adjustments – R119.208 million

Adjustments due to significant and unforeseeable economic and financial events

Additional funding of R119.208 million has been allocated to cover costs related to the higher than budgeted wage increase made by the Minister for Public Service and Administration.

Programme 1: Administration

R7.602 million

Programme 2: Court Services

R47.786 million

Programme 3: State Legal Services

R11.946 million

Programme 4: National Prosecuting Authority

R41.27 million

Programme 5: Auxiliary and Associated Services

R10.604 million

Fund shifts within a vote

Programme 1: Administration

R5.411 million will be shifted to programme 2 following the shift of the National Operations Centre.

Programme 2: Court Services

R5.652 million will be shifted from goods and services to machinery and equipment in this programme due to a incorrect classification in the 2008 ENE.

Programme 4: National Prosecuting Authority

R7.206 million will be shifted to programme 1 following the merger of the department's internal audit units.

Expenditure 2007/08 and preliminary expenditure 2008/09

Table 21.3: Expenditure trends

Programme	2007/08					2008/09		
	Expenditure outcome					Preliminary expenditure		
R thousand	Adjusted appropriation	Apr 2007 - Sep 2007	Apr 07 – Sep 07 % of adjusted appropriation	Apr 2007- Mar 2008	Apr 07 – Mar 08 % of adjusted appropriation	Adjusted appropriation	Apr 2008 - Sep 2008	Apr 08 – Sep 08 % of adjusted appropriation
1. Administration	885 952	328 080	37.0	910 294	102.7	967 769	427 554	44.2
2. Court Services	3 155 670	1 187 234	37.6	2 950 018	93.5	3 342 482	1 510 300	45.2
3. State Legal Services	443 625	175 769	39.6	377 491	85.1	503 153	242 668	48.2
4. National Prosecuting Authority	1 804 691	837 015	46.4	1 860 269	103.1	2 115 521	957 725	45.3
5. Auxiliary and Associated Services	1 248 729	556 684	44.6	1 275 694	102.2	1 586 600	693 407	43.7
Subtotal	7 538 667	3 084 782	40.9	7 373 766	97.8	8 515 525	3 831 654	45.0

Table 21.3: Expenditure trends (continued)

R thousand	2007/08					2008/09		
	Expenditure outcome					Preliminary expenditure		
	Adjusted appropriation	Apr 2007 - Sep 2007	Apr 07 - Sep 07 % of adjusted appropriation	Apr 2007 - Mar 2008	Apr 07 - Mar 08 % of adjusted appropriation	Adjusted appropriation	Apr 2008 - Sep 2008	Apr 08 - Sep 08 % of adjusted appropriation
Direct charge against the National Revenue Fund	1 266 518	571 070	45.1	1 184 527	93.5	1 389 329	616 797	44.4
Judges' salaries	337 870	140 750	41.7	298 471	88.3	370 315	154 439	41.7
Magistrates' salaries	928 648	430 320	46.3	886 056	95.4	1 019 014	462 358	45.4
Total	8 805 185	3 655 852	41.5	8 558 293	97.2	9 904 854	4 448 451	44.9
Economic classification								
Current payments	7 201 233	3 027 402	42.0	6 981 287	96.9	8 021 182	3 599 637	44.9
Compensation of employees	4 405 834	2 054 673	46.6	4 338 868	98.5	5 193 981	2 380 974	45.8
Goods and services	2 795 399	971 167	34.7	2 638 457	94.4	2 827 194	1 218 000	43.1
Financial transactions in assets and liabilities	-	1 562	-	3 962	-	7	664	9485.7
Unauthorised expenditure	-	-	-	-	-	-	(1)	-
Transfers and subsidies	1 038 592	466 674	44.9	1 024 216	98.6	1 334 678	615 686	46.1
Provinces and municipalities	200	130	65.0	-	-	-	1	-
Departmental agencies and accounts	957 453	448 346	46.8	977 098	102.1	1 245 537	593 074	47.6
Foreign governments and international organisations	4 220	-	-	3 573	84.7	4 240	1 105	26.1
Households	76 719	18 198	23.7	43 545	56.8	84 901	21 506	25.3
Payments for capital assets	565 360	161 776	28.6	552 790	97.8	548 994	233 128	42.5
Buildings and other fixed structures	414 622	68 013	16.4	296 205	71.4	423 188	206 739	48.9
Machinery and equipment	144 088	90 338	62.7	251 762	174.7	121 414	26 141	21.5
Software and other intangible assets	6 650	3 425	51.5	4 823	72.5	4 392	248	5.6
Total	8 805 185	3 655 852	41.5	8 558 293	97.2	9 904 854	4 448 451	44.9

Selected expenditure trends for the first half of 2008/09

Expenditure in the first six months of 2008/09 was R4.448 billion, or 44.9 per cent of the adjusted appropriation of R9.905 billion for the year as a whole. Expenditure in the first six months of 2008/09 increased by R792.6 million, or 21.7 per cent compared to spending in the first six months of 2007/08 which amounted to R3.656 billion, or 41.5 per cent of the 2007/08 adjusted appropriation.

The main increases compared to 2007/08 are related to increases in municipal rates and taxes payments, costs associated with the construction of the new buildings, lease payments and on consultant services, security and witness fees. The increased spending in foreign governments and international organisations is because membership fee payments took place earlier than in the previous year. The decrease in spending on machinery and equipment can mainly be attributed to the slow delivery of motor vehicles and other equipment.

Expenditure for 2007/08 was 97.2 per cent of the adjusted appropriation for that year.

Departmental receipts

Table 21.4: Receipts

R thousand	2008/09			
	Budget estimate	Adjusted estimate	Actual receipts Apr 08 - Sep 08	% of Adjusted estimate
Departmental receipts				
Sales of goods and services other than capital assets	12 655	12 655	5 488	43.4
Transfers received	-	21	21	100.0
Fines, penalties and forfeits	283 307	283 307	34 623	12.2
Interest, dividends and rent on land	54 303	54 303	22 625	41.7
Sales of capital assets	-	9	9	100.0
Financial transactions in assets and liabilities	48 139	48 109	16 637	34.6
Total	398 404	398 404	79 403	19.9

Actual departmental revenue collections for the first six months of 2008/09 were R79.4 million or 19.9 per cent of the adjusted estimate of R398.4 million.

Changes to transfers and subsidies, and conditional grants

Table 21.5: Summary of changes to transfers and subsidies per programme

R thousands	2008/09						Adjusted appropriation
	Main appropriation	Additional Appropriation				Total additional appropriation	
		Roll-overs	Unforeseeable/ unavoidable	Virements	Other adjustments		
1. Administration	8 661	-	-	125	-	125	8 786
Households							
Social benefits							
Current	-	-	-	125	-	125	125
Leave gratuity	-	-	-	125	-	125	125
5. Auxiliary and Associated Services	1 056 068	-	-	173 204	10 604	183 808	1 239 876
Departmental agencies and accounts							
Departmental agencies and accounts (non-business entities)							
Current	1 056 068	-	-	173 204	10 604	183 808	1 239 876
Commission on Gender Equality	44 193	-	-	-	2 000	2 000	46 193
Legal Aid Board	660 312	-	-	173 204	8 604	181 808	842 120
Direct Charges	69 335	-	-	-	-	-	69 335