

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION NO.: 88**

**DATE OF QUESTION: 11 FEBRUARY 2016**

**DATE OF REPLY: 26 FEBRUARY 2016**

**88. Mr S M Gana (DA) to ask the Minister of Justice and Correctional Services:**

Whether he has entered into a performance agreement with the President, Mr Jacob G Zuma, with regard to the implementation of the Medium-Term Strategic Framework (MTSF) 2014-2019; if not, why not; if so, (a) which key indicators and targets from the MTSF are reflected in the agreement, (b) how many performance assessments has he undertaken in consultation with the President since the agreement was signed, (c) what progress has been made in meeting the key indicators and targets from the MTSF, (d) what are the key obstacles to implementation and (e) what is the plan to address such obstacles?

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**REPLY:**

**Yes,** all Ministers are subject to Performance Agreements with the President.

1. The Performance Management Framework (MTSF) for 2014-2019, which is the first 5-year implementation plan of the National Development Plan (NDP) 2030. The performance targets and indicators are derived from the 14 Outcomes which government seeks to achieve.

These outcomes and targets constitute government`s Programme of Action (POA), against which performance is tracked and reported at least on a quarterly basis. POA reports are publicly available on the government website.

1. to **(e)** Cabinet closely monitors the implementation of the NDP 2030/ MTSF 2014-2019 through POA Reports. These reports are tabled before an implementation Forum of a Cluster of Ministers collectively responsible for MTSF outcomes, and then submitted to Cabinet, where progress is noted, bottlenecks to implementation are discussed, and discussed, and recommendations to address bottlenecks are considered and approved.

**Annexure A:**

**The sub-outcomes and key actions are captured in detailed in the MTSF Chapters on the outcomes.**

**Outcome 2: A long and healthy life for all South Africans:**

Sub-Outcome 3: Implement the re-engineering of Primary Health Care

1. Contribute to a comprehensive and intersectoral response by government to violence and injury, and to ensure action;
2. Improve intersectoral collaboration with a focus on population wide and community based interventions and addressing social and economic determinants of Non-Communicable Diseases.

Sub-Outcome 8: HIV & Aids and Tuberculosis prevented and successfully managed:

1. 50 million men and women 15-49 tested for HIV by March 2019; and
2. 40 million people screened for TB by March 2019.

**Outcome 3: All people in South Africa are and feel safe:**

Sub-outcome 1: Reduced levels of contact crime:

1. Percentage of parolees without parole violations (Department of Correctional Services):
   1. 80.9% (44 247/ 54 694) by 2014/15
   2. 97% (73 195/ 75 459) by 2018/19
2. Percentage of probationers without violations (Department of Correctional Services):
   1. 81% (14 211/ 17 545) by 2014/15
   2. 97% (21 650/ 22 320) by 2018/19

**Sub-outcome 2: An Effective and Efficient Criminal Justice System:**

1. An integrated electronic CJS system for accurate and timely management of information (IJS);
2. Integrated case management system (IJS – SAPS – NPA – DoJCD – DCS);
3. Integrated person related Information (IJS - SAPS);
   1. See the updated Report attached for information purposes.

**Ensure Domestic Stability:**

1. Improve investigation and prosecution of criminal and violent conduct in public protests (SAPS and NPA).

**Corruption in the public and private sectors reduced:**

1. Anti-corruption and money laundering related legislation (DoJ&CD: Legislation Development):
   1. Reviewed, amended and implemented by December 2015.
   2. Progress: The Prevention and Combating of Corrupt Activities Amendment Bill is on the point of imminent introduction in Parliament. The Bill will seek to address practical challenges and gaps identified since the principal Act became operational in April 2004.
   3. The Protected Disclosures Amendment Bill was also tabled in December 2015 with the aim of improving the level of protection available to whistleblowers. This particular Bill seeks to make it mandatory for all employers to have appropriate internal procedures in place for receiving and dealing with information about alleged improprieties – bringing independent contractors, consultants, agents and service providers placed by temporary employment agencies within the ambit of the principal Act.

| **Outcome** | **Sub-Outcome** | **Description** | **MTSF Target** | **Performance to date** | **Responsible Unit** |
| --- | --- | --- | --- | --- | --- |
| Reduce levels of corruption in public and private sector, thus improving investor perception, trust in, and willingness to invest in South Africa. | Number of persons convicted for corruption or offences relating to corruption where the amount involved per case(s) is more than R5 million. | 52 persons convicted.  2012/13= 42 convictions  2013/14= 21 convictions.  Base line  should be 63 | 2015/2016  target - 20 (68 cumulative)  **Quarterly Target**  5 persons convicted | 2 persons were convicted for the period under review  For the three quarters of 2015/2016 a total of 29 persons has been convicted where the amount involved was more than R5 million.  20 persons have been sentenced while the other 9 in respect of the Trifecta matter will be sentenced in June 2016.  **Reasons for Variance**  **Remedial Actions**  Efforts to strengthen operational strategies for management of these cases are being undertaken. | ACTT Database NPA |
| Value of freezing orders obtained | R1.38 billion | R550mil for 2015/16  **Quarterly Target**  R270 mil | R45.4 mil | NPA AFU |
| Value of recoveries (Proceeds of crime and government losses) | R120 million | 2015/2016  target  R40 million (R1.593 billion cumulative)  **Quarterly Target**  11m | R103.6m |  |
| Reduce corruption amongst government officials to enhance its effectiveness and its ability to serve as a deterrent | Number of government officials convicted for corruption or offences related to corruption. | 532 persons convicted | 2015/2016  targets  90 (752 cumulative)  **Quarterly Target**  21 government officials convicted | 27 government officials convicted | NPA |
| Value of recoveries (Proceeds of crime and government losses) | None | 2015/2016  target  (R200 000.00)  **Quarterly Target**  R54 000 | R50 000  **Reasons for Variance**  Freezing order in the amount of R27 000. Final order outstanding as at 31 December 2015  **Remedial Actions** | NPA |

**Annexure B:**

Herewith responses in relation to Outcome 14: Nation Building and Social Cohesion, utilising the indicators for said MTSF PoA outcomes:

**(c) What progress has been made in meeting the key indicators and targets from the MTSF?**

Following several initial engagements between the coordinating department (Department of Arts and Culture), the Department of Performance Monitoring and Evaluation and the key relevant departments responsible for implementing Outcome 14, the DOJ&CD has been contributing to the implementation of various activities included and contained in the current Cabinet approved MTSF for 2014-2019, which covers the first five years of the National Development Plan.

In particular, the DOJ&CD is contributing towards the outputs relating to the following sub-outcomes:

* Sub-outcome 1: Fostering Constitutional values (conducting constitutional rights awareness campaigns);
* Sub-outcome 2: Equal Opportunities, Inclusion and Redress (conducting anti-xenophobia campaigns; drafting and finalising the National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP); conducting consultations/dialogues nationally with the participation of municipalities and other relevant sectors and stakeholders; convene summit to adopt resolutions to be submitted as the final NAP to the UN Human Rights Council).

Progress made by the DOJ&CD during the 2015/16 financial year to date has been very positive:

* + 1. In relation to the 1st sub-outcome:

1. % of persons in vulnerable and marginalised groups aware of the Constitution: the DOJ&CD (in collaboration with the Foundation for Human Rights as its implementing agency)  has up to and including Quarter 3 reached a total of 2, 800, 526 persons (against the target for the year of 4 million). The DOJ&CD is well on track to achieve the annual target.
   * 1. In relation to the 2nd sub-outcome:
2. Change attitudes and behaviour in relation to gender issues and xenophobia, with a target of the Number of (6) Sustained and visible campaigns throughout the year, the DOJ&CD has up to and including Q3 achieved 5 campaigns so far, thus it is well on track to reaching the annual target.
3. Number of Consultations or dialogues on combating racism, racial discrimination, xenophobia and related intolerance at (ward) level/year, with a target of 1 dialogue or consultation/ ward level/year up to 2018/19: the draft NAP was approved by Cabinet for public comments during Q3 and could thus not be consulted upon broadly within communities as planned. Instead consultations were held with government departments and civil society organisations. Broader public consultation will commence during February 2016.
4. Summit convened on combatting racism, racial discrimination, xenophobia and related intolerance and resolutions adopted by the Summit to be submitted to the United Nations Human Rights Council, with a target by 2015; the broad public consultation process has to be finalised prior to a summit on the NAP. This will be done only in the 2017/18 financial year.
5. National Action Plan to combat racism, racial discrimination, xenophobia and related intolerance drafted and submitted to the United Nations Human Rights Council (UN), with a target by 2015: Cabinet granted approval of the Draft NAP for publication for public comment on 9 December 2015, the roll-out of the broader public consultations will commence during early 2016.

**(d) What are the key obstacles to implementation?**

The DOJ&CD has been in continuous engagement with the coordinating department (DAC) and the DPME regarding obstacles to implementation.

A letter from the DOJ&CD dated 12 December 2014 was sent to the DAC as the coordinating department for Outcome 14, containing written inputs regarding the key issues that were identified as giving rise to blockages in the implementation as well as responsibilities assigned to the DOJ&CD as per the “Cabinet approved Outcome 14 Nation Building MTSF Chapter” document dated 11 August 2014.

The comments and inputs related specifically to those sub-outcome responsibilities, actions, indicators and targets that had been assigned to the DOJ&CD as per the approved Outcome 14 MTSF Chapter, and with which the DOJ&CD had identified certain challenges. Some of these challenges related to certain responsibilities assigned to the DOJ&CD falling outside of its mandate, and others related to refinements of targets and logical sequencing of indicators.

**(e)  What is the plan to address such obstacles?**

It has been indicated that departments that have identified such blockages should make use of the window of opportunity provided to submit refinements of MTSF Chapters. The DOJ&CD is in the process of refining its targets which, once approved internally, will be submitted to DAC and DPME for approval.

**Annexure C: Progress against Outcome 12:**

**SUMMARY OF PROGRESS AGAINST OUTCOME 12:**

**An Efficient, Effective and Development-Orientated Public Service**

MTSF OUTCOME COORDINATION

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT**

**SUMMARY OF PROGRESS AGAINST OUTCOME 12:**

**An Efficient, Effective and Development-Orientated Public Service**

1. MTSF OUTCOME COORDINATION

The Ministry of Justice and Correctional Services and the Department of Justice and Constitutional Development have been supporting the implementation of *Outcome 12: An Efficient, effective and development-orientated public service*, by regularly attending meetings of the Governance and Administration [G&A] Cluster workshops and meetings, contributing to the relevant discussions and providing input to reports of the cluster with regards to achieving at least level 3 during MPAT assessments, vacancy rate, unqualified audit reports, payment of legitimate invoices from service providers within 30days, etc.

With regards to my Department’s specific deliverable towards Outcome 12, the Protected Disclosures Amendment Bill, 2015, was introduced into Parliament on 8 December 2015. The Bill aims to amend the Protected Disclosures Act, 2000, so as to extend the application of the Act to any person who works or worked for the State or another person or who in any manner assists or assisted in carrying on or conducting the business of an employer or client as an independent contractor, consultant, agent or person rendering services to a client while being employed by a temporary employment service. The Bill further aims to amend the principal Act by regulating joint liability of employers and their clients; and to introduce a duty to inform employees or workers who have disclosed information regarding unlawful or irregular conduct. The Bill also aims to provide for immunity against civil and criminal liability flowing from a disclosure of information which shows or tends to show that a criminal offence has been committed.

1. **MTSF SUB-OUTCOMES, KEY ACTIVITIES AND TARGETS**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Outcome** | **Sub-Outcome** | **Description** | **MTSF Target** | **Performance to Date** |
| Outcome 3: All People in South Africa are and feel safe | Sub-Outcome 4: Secure Cyber Space | Number of trained personnel in cyber crime | 120 by 2018/2018 | * **156** DoJ&CD & NPA employees were trained in the 2014/2015 financial year by Justice College. * **82 DoJ&CD & NPA employees trained** in the 2015/2016 financial year by Justice College. * **An additional 60** DoJ&CD & NPA employees will be trained by the University of Pretoria in the 2015/2016 financial year. * **Cybercrime** will continue as a standard programme offered in the Justice College work programme in the 2016/2017 financial year. |