

PORTFOLIO COMMITTEE ON JUSTICE AND CORRECTIONAL SERVICES BRIEFING

04 August 2015

PURPOSE

- Provide feedback to Portfolio Committee following meetings of:
 - 26 November 2014 (Cape Town)
 - 19 February 2015 (Limpopo)
- Update the Portfolio Committee on further developments on facilities
- Indicate progress made on projects

JOINT TASK TEAMS

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- Following the Ministerial intervention, a Joint Task Team between Justice and DPW was created
- Mandate of the JTT is to:
 - Ensure alignment of approaches and resolutions for planning and execution of Capital, Planned and Maintenance projects as well as Leases.
 - Develop a reporting schedule that analyzes the performance of priority projects.
 - Identify and resolve project bottlenecks.
 - Develop interventions to fast-track projects.
 - Co-ordinate reporting to Principals and to Parliament on critical DoJ & CD projects.
- Schedule of meetings: every second week
- Composition: DDG's of Justice and DPW and DDG in the Office of the DG.
- Technical support: Retired engineers and newly qualified graduates brought in to create technical capacity, skills transfer and accelerate delivery for the Joint Task Teams.
- Achievements thus far:
 - Resolved parking price in Limpopo
 - Directing focus on Priority Projects
 - Improved Collaboration with IDT.
- Immediate focus areas:
 - Access road for Mpumalanga High Court
 - Completion of South Gauteng High Court
 - Accelerating planned maintenance on existing buildings
 - Issuing of site-clearance certificates
 - Cleaning and Gardening Services
 - Improved planning on Capital Projects
 - Renewal of Leases
 - Disability Program

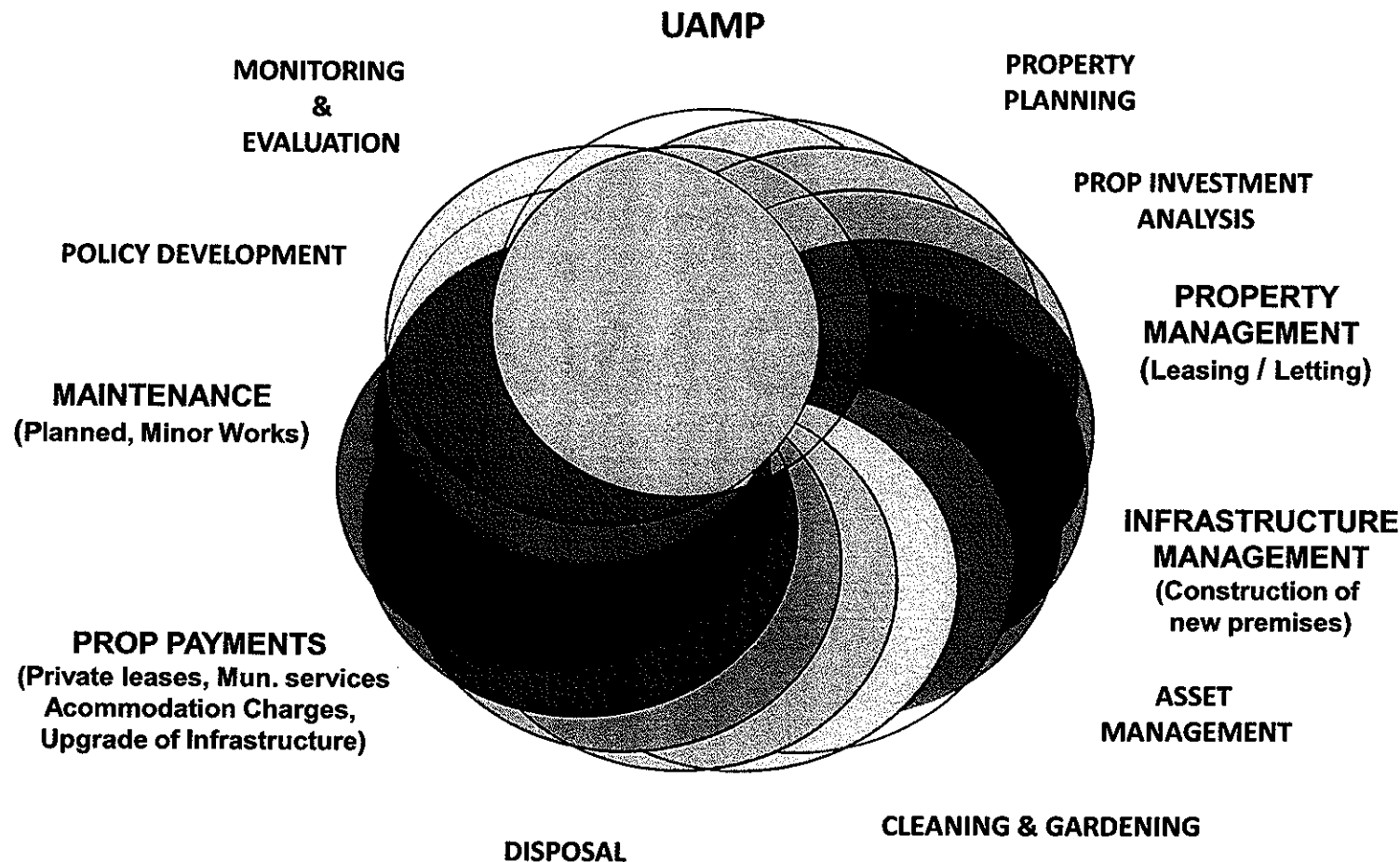
JUSTICE-IDT STEERING COMMITTEE

- DPW established IDT as a schedule 2 major public entity in terms of PFMA.
- This was meant to increase capacity and add value to the Infrastructure Development plans.
- Justice sources the services of IDT through DPW by entering into an MOU with IDT to undertake capital projects.
- Responsible for the following construction projects
 - Mpumalanga High Court
 - Limpopo High Court
 - Plettenburg Bay Magistrate Court
 - Booysen Magistrate Court
 - Richards Bay Magistrate Court
 - Port Shepstone
- In order to understand and manage delays in these projects, a Steering Committee was established
- Meetings: Meet once per quarter and composed of senior officials from Justice and IDT
- Purpose:
 - Obtain progress on projects
 - Manage projects costs and timelines
 - Ensure project stays on track
 - Manage and mitigate project risks
 - Serve as an early warning system
- Achievements: resolved land transfer at Plettenberg Bay with the assistance of DPW

KEY FUNCTIONS: FACILITIES MANAGEMENT

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- **KEY CONSIDERATIONS.**
- The Facilities Management structure should be aligned to the requirements of GIAMA by streamlining functions holistically at H/O and R/O taking cognisance of the following mandatory responsibilities that must be rendered by the Chief Directorate;

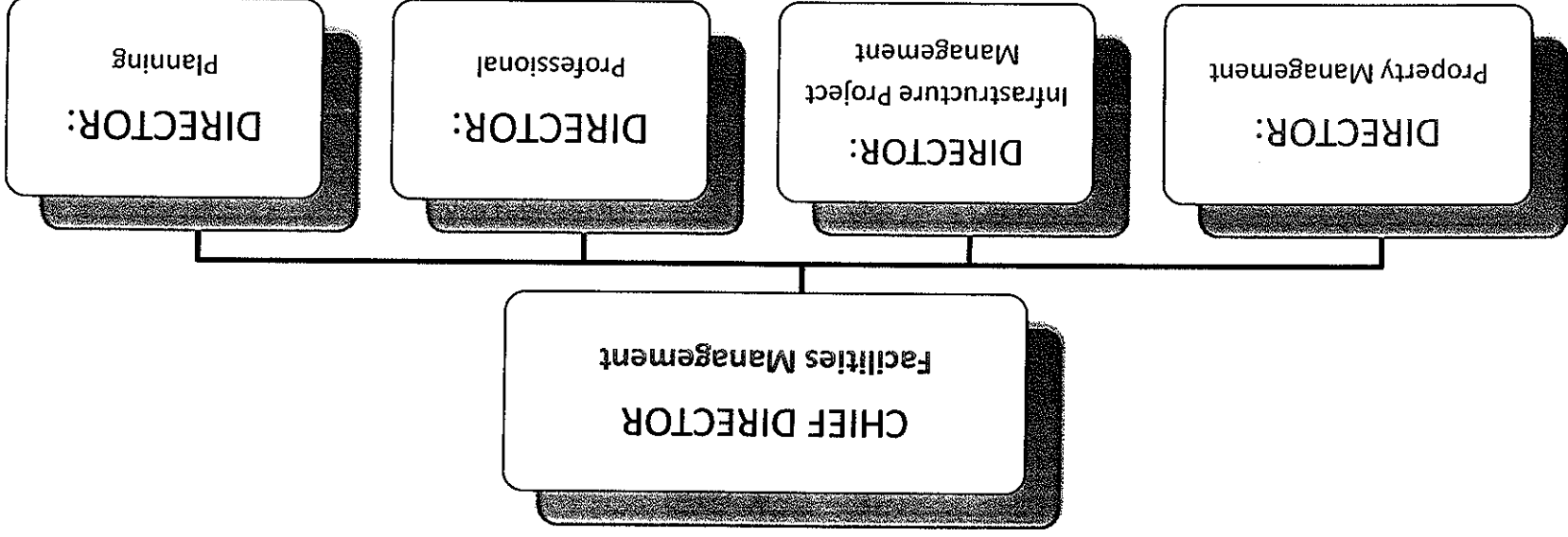


HUMAN CAPACITY

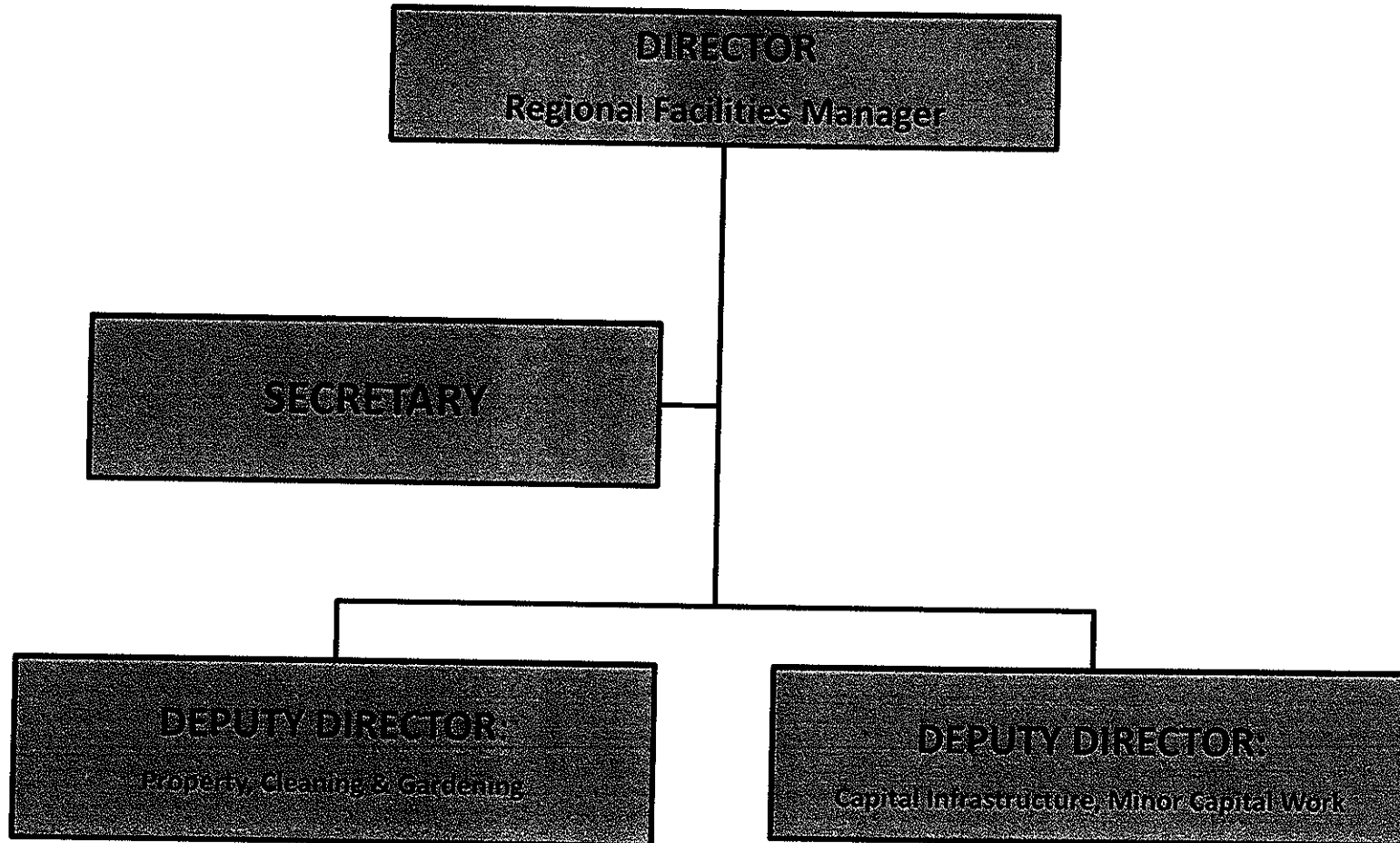
HUMAN CAPACITY TO DELIVER

- Technical people with appropriate skills are necessary to drive the portfolio
- The Recruitment and Selection process is as ff:
 - Post of Chief Director (awaiting approval of DG)
 - 4 x Deputy Directors are resuming work on the 1st August 2015 (1 x DD for Property Management, 2 x DD for Infrastructure, 1 x DD to support the Chief Director)
 - 2 x Assistant Directors:
 - Shortlisting on 6th - 7th August 2015
 - Interview 17th – 18th August 2015
 - Commence work – 1st October 2015
- Work study investigations (HR) underway to create the following additional posts:
 - 2 x Directors: Professional & Planning (National Office)
 - 1 x Director: Facilities Management (1 per Regional Office)
 - 2 x Deputy Directors (per Regional Office)
 - 2 x Assistant Directors (per Regional Office)

CREATING HUMAN DELIVERY CAPABILITY: N/O



CREATING HUMAN DELIVERY CAPABILITY: R/O



UAMP

UAMP PROJECT

Importance of UAMP:

- Serve as a management tool and a document providing the long term vision of Infrastructure requirements
- Describes, motivate and summarizes the short, medium and long term needs and intentions of the DOJ in respect of immovable asset management for the years ahead.
- It assists in the budgetary process.

Purpose of UAMP:

- It seeks to improve joint planning
- To built a business case to solicit additional funding for infrastructure development
- To serve as basis for the Custodial Asset Management Plan that will inform the implementation strategy (DPW)
- Assess condition of buildings
- Quantify and record facilities
- Compile asset register
- Define norms and standards
- Assess space utilization
- Develop maintenance plan
- Design policies and procedures
- Develop Property Management Information System
- Ensure that facilities plan is aligned to and supports departmental strategic objectives

Results will be used to:

- To cover the planning for the immovable asset portfolio of DOJCD.
- To establish the gap for proactive planning that include acquisitions, leases, refurbishments, maintenance, disposal and possible use of non-asset solutions.
- Realize best value for money that includes financial, non-financial and socio-economic benefits that will support Priority 4 (creating youth employment).

STRATEGIC PARTNERSHIPS: MANAGING FACILITIES

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- Need for joint planning and collaboration with all stakeholders in the following manner
 - ❖ Policy Development – Rationalization – Impact may be the need to upgrade the court or build a new one
 - ❖ Human Resources – Recruitment of more people – Impact will be need for additional space (leasing)
 - ❖ Finance - Need additional budget
 - ❖ Security – Additional Guards – Impact may be need for Guard Houses
 - ❖ Externally to work closely with DPW and Treasury and the implementing agencies to manage projects

COURT MODEL/BLEPRINT

COURT BLUEPRINT/MODEL

- As we build new courts, there must be consensus on the type of design and philosophy that underpins the principles and values of the Constitution
- Blueprint must be based on needs of clients and legislative requirements
- Design must take into account special needs of Women, Children, Elderly, People with Disabilities, etc.
- Further take into account legislative requirements such as the Constitution, Sexual Offences Act, Domestic Violence Act, Child Justice Act, PEPUDA, etc.
- Comply with the Green Building Framework (Environmental Sustainability)
- Current blueprint was developed around 2006/7 and is being revised to comply with client needs and the law
- As part of compiling U-AMP, we have already instructed Bigen Africa Engineers within EY Consortium to review the blue print
- All relevant stakeholders will be consulted

SEXUAL OFFENCES COURTS

SEXUAL OFFENCES COURTS

- The MATTSO report (blueprint) is the basis for the modification of the Sexual Offences Courts.
- Main physical features of the blueprint are the following :
- Two-way CCTV System which links the courtroom to the testifying room; Child Friendly Furniture; Upgrading of lighting and conditioning in the courtroom; Testifying Room; Child and Adult Waiting Rooms; Child friendly furniture and toys; Anatomically Correct Dolls; Separate ablution facilities for victims; Couch and nappy changing facilities.
- Plan of the department is to modify 57 courts and appoint intermediaries from 2013/14 to 2016/17.
- Budget set aside for the projects is as follows:
 - 2013/2014 funds from Sexual Offences Court Project : **R19 711 856.00 (Planned 9 and Achieved 22)**
 - 2014/2015 funds from Sexual Offences Court Project: **R27 160 000 (Planned 12 and Achieved 12)**
 - 2015/2016 funds from Sexual Offences Court Project: **R35 000 000 (Planned 12 and thus far achieved 6)**
 - **2016/2017 (Planned 11)**
 - These allocations include the appointment of intermediaries.

MODIFYING COURTS: PERSONS WITH DISABILITIES

MODIFYING COURTS FOR PEOPLE WITH DISABILITIES

Phase 1

- The project came about as a result of a court order settlement.
- The purpose of phase 1 was to provide an interim relief in the form of minimum requirements to comply with the court order.
- An audit of facilities was conducted and **531** buildings were identified for this project (mobile units, periodical courts and courts in police station were excluded).
- IDT proceeded to modify a total of **279** buildings in 2010 at a cost of R120 million.
- And the balance of **252** buildings were modified by DPW.

Phase 2

- This phase of the project is mainly to fully comply with mandatory legislation, norms and regulations

General Work Scope

- The facilities are to be in compliance with inter alia;
- SANS 10400-2011: National Building Regulations,
- SANS 10400-S: Accessibility of Buildings to Disabled Persons
- DPW: Standard Guidelines for the Design of Accessible Buildings (Facilities for people with Disabilities):
- Based on discussions between Justice and DPW it was confirmed that the following project specific requirements are to apply to all categories of disabilities:
- Physical disability (from minor to quadriplegia) and Ambulatory Problems (temporary, aged, minors)
- Blind or partially sighted, and Deaf or partial hearing,
- Academically impaired (e.g. epilepsy).

MODIFYING COURTS FOR PEOPLE WITH DISABILITIES

(continued)

STATUS REPORT ON PROJECT:

- **Progress on Phase 2:**
 - DPW has appointed consultants to compile a Status Quo Report (conducting audit) of approximately 100 sites by the end of the current financial year.
 - To date, Aurecon (contracted consultants) has undertaken Regional visits to Cape Town, PE, Nelspruit, Bloemfontein, Matikeng and Durban as part of the audit.
- **Next Stage:**
 - The modifications of audited facilities will begin in the next financial year.
 - DPW and Aurecon to provide Justice with project execution plan (PEP).

COURT CLASSIFICATION PROJECT

COURT CLASSIFICATION PROJECT

- Service Delivery Improvement Unit has commenced with the CCP.
- It seeks to classify courts with the aim of determining the areas of need
- This will result in re-prioritization of projects in regions
- NB: UAMP-CCP should speak to each other in reprioritizing projects

COURT CLASSIFICATION CRITERIA

- The tool addresses eleven (11) areas that contribute towards the “Model Court Blueprint” (source: DoJ, 1999).
- Each area was allocated Weight % as follows:

Section	Area	Weight %
A	Court information	5
B	Court Human Resource	15
C	Court Protocol	5
D	Court Facilities	15
E	Court Office Accommodation	10
F	Health and Safety	15
G	Signage	5
H	Library	5
I	Security	10
J	Furniture/Equipment/Resources	5
K	Information Technology	10

CLASSIFICATION OF COURTS

- Courts will be classified from the ones needing urgent intervention (Level E) to the ones that require minimal intervention (Level A)

- Data is still being collected, analyzed and verified.

- Service Delivery Unit will make a full presentation to EXCO once they have completed the project.

LEVEL	SCORE	INTERVENTION REQUIRED
A	80+	Normal and day-to-day intervention, sustainability critical
B	70+	Minor intervention, sustainability critical
C	60+	Moderate intervention, critical to focus on areas of weakness
D	51+	Major/ serious intervention as soon as possible
E	50 and less	Urgent and major/serious intervention

RATING OF A BUILDING (GIAMA)

4. User Condition Rating:

The condition rating is utilized to give a brief indication of the physical condition of the asset. (It should be noted that this is not a full condition assessment).

RATING	CONDITION		ACTION REQUIRED	PRESERVATION PROGRAM	MAINTENANCE TYPE
	VERY BAD	The Asset is not operational and is unfit for occupancy. Immediate high risk to security, health & safety.	REPLACEMENT	REPLACEMENT	"BACKLOG" MAINTENANCE
2	BAD	The asset has deteriorated badly, with some structural problems. Many disruption to services capability.	REHABILITATION	REHABILITATION	
	FAIR	The asset is in average condition. Frequent inconvenience to operations.	REPAIRS	REPAIRS	
	GOOD	The asset exhibit superficial wear and tear with minor defects. Intermittent and minor inconvenience to operation	CONDITION BASED MAINTENANCE	MAINTENANCE	NORMAL MAINTENANCE
	VERY GOOD	The asset has no apparent defects. No effect on service capability.	PREVENTATIVE MAINTENANCE	MAINTENANCE	

INCREASING ACCESS TO JUSTICE SERVICES

INCREASING ACCESS TO JUSTICE SERVICES: CAPITAL WORKS

- High level joint-task team established between Justice and DPW to resolve capital infrastructure delays/bottlenecks.
- DPW has sourced retired professionals and employed young professionals to create the technical expertise to support the Department.
- Justice together with its implementing agents (IDT) have established a quarterly steering committee to review progress on projects.
- Establishment of the Planning Directorate within Facilities will reduce revision of needs and variations.
- Other construction methods that can be used
- Modular Panels for office accommodation:
 - Shorter construction periods
 - Adapted to the needs of users
- Pre-cast concrete walls:
 - Shorter construction periods
 - Adapted to the needs of users
 - Longer life-span
- Engage institutions such as CSIR to explore other methods of building and influence the existing policies that guide DPW on types of materials as this will have an impact on the maintenance thereafter.

MANAGING LEASES

- **Leases make about 20% of the portfolio of managed assets (fair ratio to state owned at 80%)**
- **Lease Challenges:**
 - Delays in renewal of expired leases.(DPW dealing with backlog on expired leases).
 - Late submission of requests for renewals or new leases by the department
 - Short term leases: landlords reluctant to refurbish buildings and to make contributions towards tenant installation.
 - Adjustment and escalations on rental higher that increment on annual budget,
 - Procurement of building for unfunded priorities or mandate contribute to current budget deficit.
- **Business risks:**
 - Inadequate service delivery points due to budget constrains in particular at regional level.
 - Risk of be locked out by not renewing leases on time,
- **Proposed Solutions:**
 - Increase allocation on leases
 - Re-configuration of office lay-out (Open-plan)
 - Reduction of office space allocation (review the norms and standards)
 - Co-location of Justice Services (by using one building)
 - Share common facilities (boardrooms, kitchens, etc.)
- **The joint task team to review the following:**
 - The lease period should be extended (minimum 5 years)
 - Negotiate better rental rates with landlords
 - Negotiate escalation rates to be fixed (5%)
 - Better Tenant Installation contribution by landlords.

MOBILE UNITS

- Mobile units provide an opportunity to construct additional accommodation more quickly and economically
- However, the current mobiles are designed to suit the truck and the road.
- The current contract provides for deviation from the standard mobile units
- Regions can order mobiles according to their specifications as per Itemised Price Schedule of the contract
- Main challenges is the cost and time of site clearance certificates
- Solution to this problem can be found in:
 - DPW increasing internal Town Planning capacity
 - DPW to negotiate fixed rates to keep costs down
 - DPW to revise the scope of work on Site Clearances for mobiles
 - Justice to identify courts needing accommodation and obtain pre-site clearance certificates
 - Regional Heads to negotiate with Municipalities for the issuing of special condition site clearance certificates

MAINTENANCE OF BUILDINGS

MAINTENANCE OF BUILDINGS

EXISTING BUILDINGS

- Many buildings in poor state of maintenance
- Accelerate maintenance of existing buildings by:
 - Re-prioritizing status of planned projects
 - Re-evaluating the old needs and updating them to ensure that latest needs are taken into account
 - Shorten period between procurement instruction and project implementation (this will lessen variation orders)
 - Conducting full repair and renovations

NEW BUILDINGS

- In order to avoid decay of new buildings, the following will be done:
 - ❖ Built in maintenance costs in new projects
 - ❖ DPW to revise accommodation charges (awaiting Treasury approvals on rates)
 - ❖ Install Building Management Systems (early warning system on maintenance)

MAINTENANCE OF BUILDINGS

DAY-TO-DAY MAINTENANCE

- This type of maintenance covers the following matters:

- Plumbing (burst pipes, block toilets)

- Broken Window, Door Handles.

- Light Fittings

- Replacing broken doors and keys

- The financial delegations have been increased from R30 thousand to R100 thousand threshold.

- The above does not include

maintenance work as a result of wear and tear or any refurbishment.

MINOR WORKS

- Previously called Renovation and Maintenance Program (RAM/P) and has been discontinued.
- The budget was and is still with the Department, but we cannot use it because DOJ doesn't have delegation of minor works.
- Budget used to procure mobiles.

- Minor works is now called Repair and Renovate (R&R) and is executed under Planned Maintenance and includes the following:

- Air-conditioning

- Painting

- Generators

- Boreholes & Septic Tanks

- Replacement of floor finishes (Carpet, tiling etc.)

- Partitioning, etc.

- Once Justice has created the necessary technical capacity it will request for the devolution of certain custodial functions (minor works).

OFF-SITE STORAGE

OFF-SITE STORAGE

- **THE PROJECT: OBJECTIVES; COST; TIME FRAMES**
 - To improve the management of the courts' archived records through the use of technology by providing a total digitised solution and the removal of the hard copy files to off site storage facilities.
 - The project costs entail an investment of R250m (inclusive of R26m for the pilot deployment in the solution exploration phase)
 - The project commenced on 18th October 2010 and will terminate on 17th October 2015 (a leave behind solution is being developed).
- **PROCESS INVOLVED**
 - The removal of the hard copy file from the court, digitizing same for accessibility in soft copy within the court of origin, and the storage of the same file at an off site storage facility. The court is thus relieved of storage space constraints, lost files, misfiling, etc.
- **MANAGEMENT OF PROJECT** - The project is managed by the DOJ&CD
 - Sponsor was the former COO, Dr De Wee; The Project Champion is Ms Emily Dhlamini, Regional Head Gauteng
 - The Project was managed since onset through the governance mechanisms as set out in the SLA, with bi-weekly National Working Committee and bi-monthly PSC meetings.
 - A Project Charter was also developed per phase and the project was audited for financial compliance

OFF-SITE STORAGE

- **10 COURTS INVOLVED (High and lower courts)**
 - NG HC, SG HC, Jhb Labour and LAC, Pta MC, Krugersdorp MC, Jhb MC, Dbn HC, Dbn MC, Pmb HC and Cape Town HC – 10 courts in total
- **BENEFITS OF PROJECT**
 - Use of technology in records management
 - Space relief within courts archive rooms
 - Decrease in lost files
 - Efficiency in case filing
 - Easier of case files
 - Multiple users on the IT system
- **CHALLENGES**
 - Delays in the implementation of the Leave Behind System
- **WAY FORWARD WITH PROJECTS JOHN TO REWORK**
 - Sustainability of the project beyond contract period
 - Procure facilities of StatsSA through DPW
 - Continuation of the project at StatsSA
 - Provision of dedicated resources
 - Revision of Codes: Archives to enable disposal of old documents

SMALL CLAIMS COURTS

SMALL CLAIMS COURTS

- Small Claims Courts sit at magistrates' courts, usually after-hours. There are a few exceptions where these courts sit during court hours.
- Presiding officers in the Small Claims Courts are practicing attorneys and advocates who have been practicing for at least five years or magistrates who have been serving for at least five years.
- The Court Managers and Advisory Boards manage the Small Claims Courts' operations. The Advisory Board usually consists of the magistrate, court manager, attorney and members of the public. The Board sits to deal with all the issues of the Small Claims Court, for further referral by the Court Manager.
- The benefits are that members of the public can have certain civil claims of up to R15 000.00 heard by the Court, without having to pay any lawyer's fees. In addition, the decision of the court is an enforceable court order.
- In terms of the Act, a Small Claims Court shall have no jurisdiction in matters –
 - (a) in which the dissolution of any marriage, or of a customary union as defined in section 35 of the Black Administration Act, 1927, is sought;
 - (b) concerning the validity or interpretation of a will or other testamentary document;
 - (c) concerning the status of a person in respect of his mental capacity;
 - (d) in which is sought specific performance without an alternative claim for payment of damages, except in the case of –
 - (i) the rendering of an account in respect of which the claim does not exceed the amount of R15 000.00;

SMALL CLAIMS COURTS

JURISDICTION OF SCC

- (ii) the delivery or transfer of any property, movable or immovable, not exceeding in value the amount of R15 000.00;
- (e) in which is sought a decree of perpetual silence;
- (f) in which is sought damages in respect of –
 - (i) defamation;
 - (ii) malicious prosecution;
 - (iii) wrongful imprisonment;
 - (iv) wrongful arrest;
 - (v) seduction;
 - (vi) breach of promise to marry;
 - (g) in which an interdict is sought.

SMALL CLAIMS COURTS

SCC's PROCLAIMED PER REGION

Provinces	Magisterial districts	Number of SCC's
Eastern Cape	79	65
Free State	56	46
Gauteng	17*	31
KwaZulu-Natal	53	46
Limpopo	36	36
Mpumalanga	33	33
Northern Cape	32	25
North West	18*	22
Western Cape	44	41
Totals:	368	345
* Please note that the Gauteng and North West districts were decreased during the re-demarcation process		

SMALL CLAIMS COURTS

SCCs THAT STILL NEED TO BE PROCLAIMED

Provinces	Magisterial districts	New SCC's required
Eastern Cape	79	14
Free State	56	10
Gauteng	17*	
KwaZulu-Natal	53	7
Limpopo	36	
Mpumalanga	33	
Northern Cape	32	8
North West	18*	2
Western Cape	44	3
Totals:	368	44

* Please note that the Gauteng and North West districts were decreased during the re-demarcation process

SMALL CLAIMS COURTS

NEW SMALL CLAIMS COURTS

- National Office is liaising with the Regional Offices and local courts in relation to the remaining 44 districts which still need Small Claims Courts. Six new SCCs have recently been approved and will be Gazetted during July 2015, leaving us with only 38 SCCs still to be established.
- The main challenge is to identify possible Commissioners to assist as presiding officers – especially in the more rural areas. To assist in this regard various initiatives were embarked on:
 - The law was changed last year to enable a Commissioner to sit in the whole of the province where he/she was appointed.
 - Magistrates and Legal Aid SA practitioners are now also volunteering as presiding officers.
 - Invitations were extended to the various Bars and Law Societies to promote becoming a Commissioner with their members .

TRAINING OF COMMISSIONERS AND CLERKS OF SCCs

- The training of Commissioners and clerks is dealt with on an annual basis through the use of magistrates and experienced Commissioners.
- To assist in this regard two sets of Guidelines, one for Commissioners and one for clerks were developed and distributed to all SCCs.

POSSIBLE APPOINTMENT OF LEGAL ASSISTANTS IN THESE COURTS

- A two pronged approach has been decided on –
 - (a) consider appointment of paralegals as clerks of court
 - (b) posts to be created in courts handling high volume of SCC matters

BUDGET AND EXPENDITURE MANAGEMENT

BUDGET: LEASE PORTFOLIO

MTEF BUDGET ALLOCATION

Allocation	2014/15	2015/16	2016/17
Private Leases	R326 107 000	R341 605 000	R414 924 000
Mun. Services	R329 190 000	R344 636 000	R396 522 000
Accom. Charges	R331 401 000	R346 845 000	R365 081 000
Upgrade of Infrastructure	R57 191 000	R60 337 000	R63 595 000

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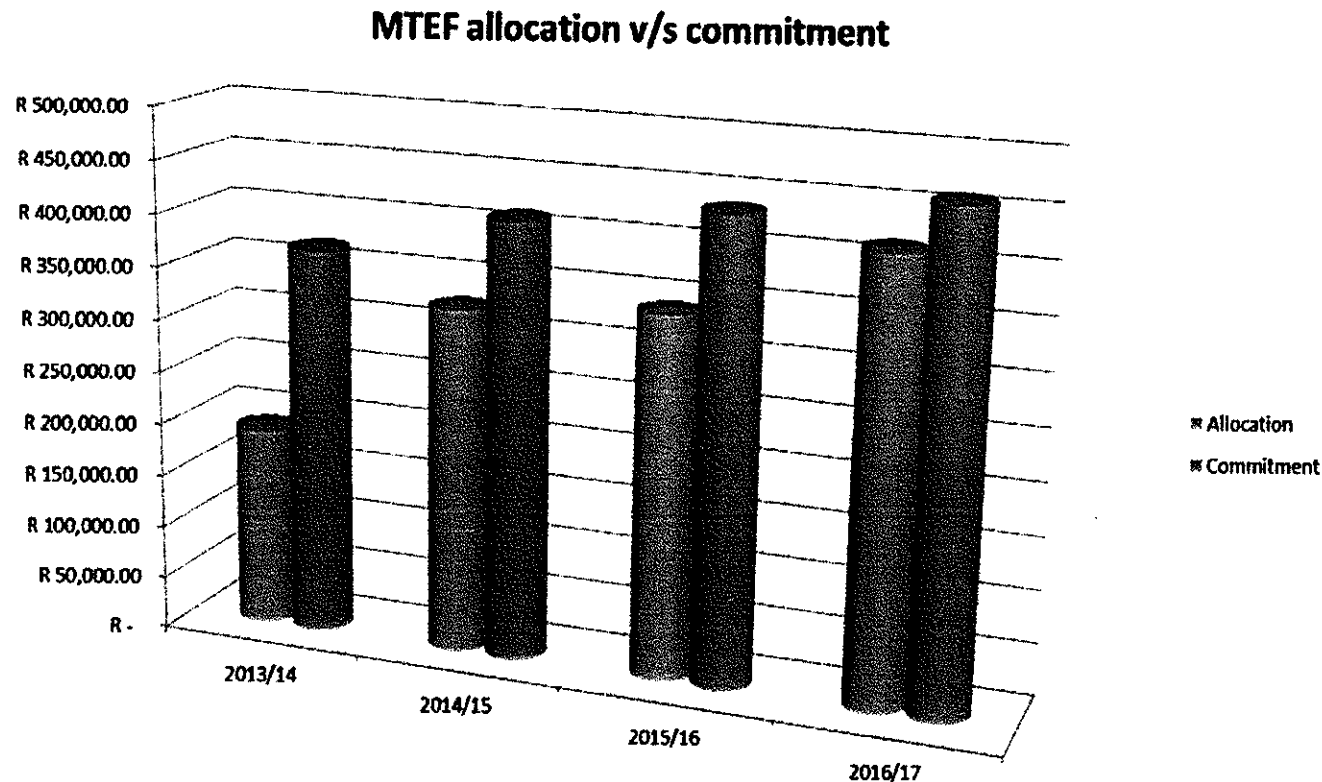
	Private Leases	Mun. Services	Accom. Charges	Upgrade
Baseline	R326 107 000	R344 636 000	R346 845 000	R 60 337 000
Less Payments	R 0	R 0	R 0	R 0
Balance	R376 777 592	R344 636 000	R346 845 000	R 60 337 000
Deficit	- (R50 670 592)	R344 636 000	R346 845 000	R 60 337 000

OVER-EXPENDITURE ON LEASES

- New legislation has necessitated that the footprint of the Department be extended (the Family Advocate services, Superior Courts Act, etc.)
- These mandates were not budgeted for (unfunded)
- The growing staff establishment has not properly informed procurement of office space.
- Every renewal of leases goes with additional accommodation.
- Annual escalation cost on rentals exceeds budget allocations increment (rentals averages 8% whilst baseline increment is 5%).
- Over-expenditure will be mediated by proper allocations.
- Tenants are encouraged to remain where they are.

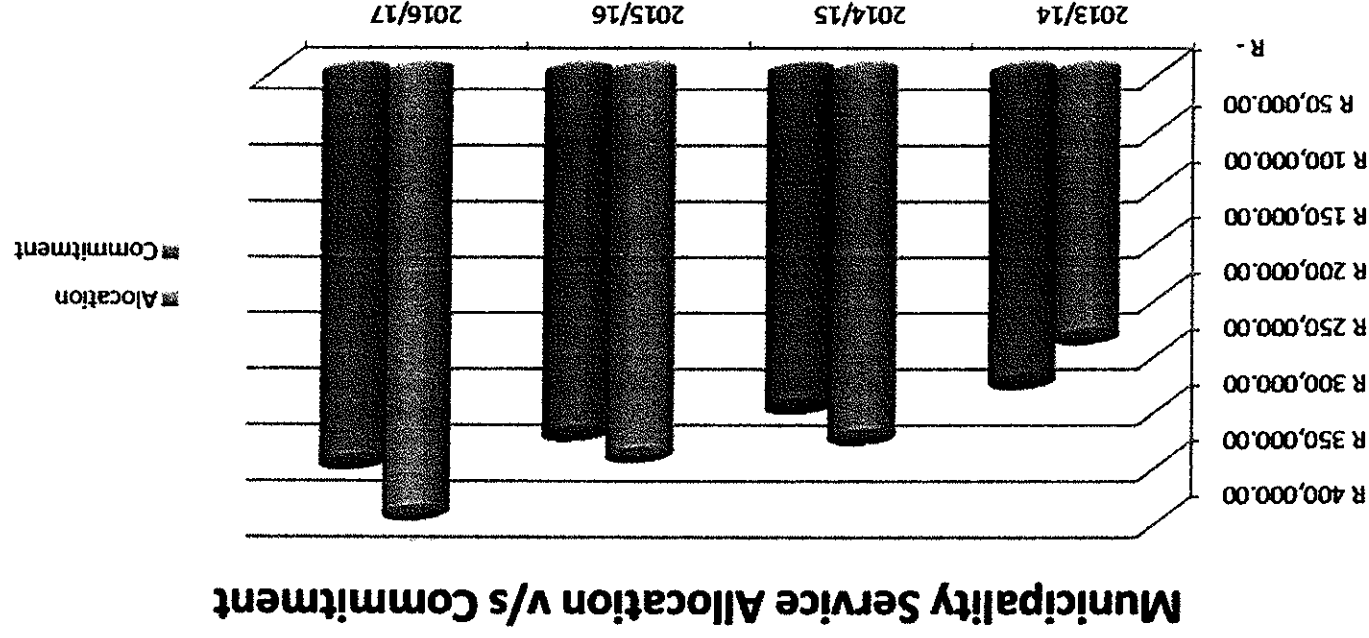
LEASE BUDGET DEFICITS

- The allocation for leases has not kept pace with annual escalation rate on rentals.
- As a results of that, we are getting less office accommodation with the money that we have. (See figure below).



MUNICIPAL SERVICES BUDGET

- The budget for municipal services is sufficient, However it can be affected by municipal surcharges , and escalation on Eskom tariffs and increase in leased building. See figure below).



CAPITAL BUDGET

2014/15 Total Budget (Revised)	R566 816 000.00
DPW expenditure	R 212 992 475.04
IDT expenditure	R 499 092 548.11
Expenditure at end March 2015	R 712 085 023.15
Balance at 31 March 2015	-R 145 269 023.15

2014/2015 Budget Rehab	R101 436 000.00
Transfer to Regional Office for Mobile Units	R57 084 000.00
Other transfers: (Verulam IT & Kwambonambi septic tank)	R1 535 156.49
Balance at 31 March 2015	R42 818 017.51

CAPITAL BUDGET

- The capital budget is used for construction of New buildings, Additional Accommodation, Co-funding of Capital projects, major refurbishment that are of capital in nature due to lack of maintenance.

- The original allocation of R845m was revised to R566m in September because of slow expenditure patterns by DPW following a meeting with Treasury.

- The over expenditure was a result of commitments and improved expenditure patterns by IDT.

- The deployment of Property Management Information Systems will assist in managing the budgets and projects.

REHABILITATION BUDGET

- Part of the Rehabilitation budget is the budget that we transfer to regions for purchasing of mobiles, Tenant Installation cost over-runs, Security & IT installation if not part of project cost and also to pay for consultants such as EY Consortium).
- The under expenditure on this line item is based on the following reasons:
 - Protracted procurement of office accommodation and tenant installations
 - The negotiations for renewing the Momentum lease agreement took longer than expected.
 - The appointment of the EY Consortium service providers was only approved in May 2015 instead of in the previous financial year.
- Use proper infrastructure planning to have realistic cash flow projections.

CURRENT CAPITAL BUDGET

2015/16 Total Budget	R 661'523'000.00
DPW allocation (consultants & contractors)	R 433'959'234.00
IDT allocation (consultants & contractors)	R 630'533'680.00
Total budget required for 2015/16	R 1'064'492'914.00
Over committed funds	R 402'969'914.00
DPW invoices	R 54 213 613.73
IDT total tranche transfer	R 108 165 673.00
IDT Expenditure	R 87 958 221.79
Expenditure to date	R 142 171 835.52
Balance to date	R 519 351 164.48

CURRENT CAPITAL BUDGET

- Treasury norms expects capital expenditure to be on 16% per quarter.
- The actual expenditure for the quarter is 21%.
- The over expenditure is the result of the intervention of the Joint Task Teams to improve on performance.
- Based on current expenditure projections (straight line projection) we are likely to overspend based on our commitments.
- The budget will need to be reviewed during the Mid-Term Budget Review session to make up for the shortfall.

BURNT COURTS

BURNT MAGISTRATE COURTS

Polokwane Magistrate Court

- The court was destroyed by fire in October 2012, In an effort to minimise the disruption of the court, DPW was instructed to procure alternative interim accommodation. A privately owned building (Nedbank building) was leased to accommodate administration staff of the court and Prosecution (NPA).
- Both District and Regional courts are operating from existing High Court in Polokwane and other services of the Regional court are operating from Mankweng, Bochum and Ga-Matlala.
- Tender for the restoration of the building has not been advertised. DOJ received a letter from DPW in January 2015 to co-fund the project. DOJ has accepted to co-fund the project. DPW is to advertise the tender.

BURNT MAGISTRATE COURT

Pretoria Magistrate Court

- The old building of the court was severely damaged by fire on 21st October 2010. A make shift partitioned accommodation was created in the building in order to achieve functionality in the magistrate court. It took a while to complete forensic and technical assessment to establish the extent of the damage.
- The contractor was appointed at the contract amount of R115 million and site was handed over on 9 February 2015.
- Security and ICT was not included but the matter was raised with DPW.
- The parking area has been vacated and the affected staff park at old Justice College parking, the furniture and files are removed and stored at Justice College for the contractor to take full occupation of the site.
- The expected completion date is 1 August 2016.

BURNT MAGISTRATE COURT

Simdlangetsha Magistrate Court

- The court is a branch of Pongola Magistrate Court, and it was burnt down on 11 July 2014. The court was burnt by the angry residents of Pongola reacting to the brutal death of a 4 year old boy who was found dismembered on the premises of St. Johns church in Pongola.
- The court has since been moved to Pongola Magistrate Court. The Department is still awaiting the forensic investigation report.
- DPW has done a technical assessment on the extend of the damage and restoration cost is estimated at R 4 million.
- Forensic report was completed on the 7th July 2015, still awaiting for report. However, there is likelihood of co-funding the project since the building was burnt by the public community.

CAPITAL WORKS

CAPITAL WORKS: NEW BUILDING

Limpopo High Court:

The construction of the court is progressing very well and the project is practically complete with the omission of additional parking. The final site walk took place on the **7th July 2015** in anticipation that Practical Completion Certificate will be issued on the **24th July 2015**. The Occupational Certificate will then follow in approximately two weeks thereafter.

Outstanding Issues	Mitigation & Way Forward
<ul style="list-style-type: none">• Furniture: tender issued and delivery expected on 7 September 2015 by Style Craft Office Furniture.• Public parking:	<ul style="list-style-type: none">• Justice has agreed on a delivery schedule with the supplier to monitor performance.• IDT requested the current contractor to submit a quotation for the construction of the parking bay

CAPITAL WORKS: NEW BUILDING

Mpumalanga High Court:

The project is behind schedule. The contractor has applied for extension of time. In view of the above, IDT has indicated that the expected completion date will be June 2016.

Outstanding Issues	Mitigation & Way Forward
<p>The Municipality requires an additional access to the facility as the Samora Machel access is a left in-left out access. The traffic/regulation does not allow for an additional intersection (traffic light, stop sign or circle) on the Samora Machel access point.</p> <p>Inadequate electrical power supply on the boundary of the court site.</p> <p>The municipality advised that storm water capacity on the boundary of the site is adequate for the high court development.</p>	<p>The traffic/regulation does not allow for an additional intersection (traffic light, stop sign or circle) on the Samora Machel access point. DPW is to present other options to the municipality. A meeting was held with the municipality on 24 June 2015 to address the access road, and the municipality requires a revised TIA to address the new proposal.</p> <p>The municipality has given permission to connect the electrical power at the substation located about 800 m away from the site. Funding has been provided on the project.</p>

CAPITAL WORKS: RENOVATIONS AND ADDITIONS

South Gauteng High Court:

- The project is behind schedule but is expected to reach practical completion in December 2016 as per the revised Project Execution Plan.

Outstanding Issues	Mitigation & Way Forward
<p>Scope Creep and Safety Requirements NB: This is an on-going project from 2009 and being implemented in phases.</p> <p>Work on the following floors have been completed:</p> <ul style="list-style-type: none"> •10th to 12th Floors: Practical Completion reached on 15 December 2011 and Final Completion on 10 October 2012 •9th Floor: Practical Completion of Works reached on 12 July 2012 and Final Completion on 08 August 2013 •6th - 7th Library: Practical Completion reached on 9 May 2013 and Final Completion on 22 May 2014 <p>The original contract completion date was 19 September 2011 and was extended to 22 October 2014. Due to the scope increase and extension of contract period awarded, the expected revised completion date 15 December 2016.</p>	<p>Additional work cropped up due to unforeseen compliance requirements on fire and safety regulation. It was then realized that the original fire system was not compatible with the approved Fire Rational Design layout as submitted by the FRD Engineer and the Johannesburg Metropolitan Municipality Fire Department Fire Chief.</p> <p>To ensure that High Rise Tower Block is in accordance with the Fire Rational Design, it became necessary to work from 1st to 8th floor to upgrade electro mechanical and IT installation, sprinkler system, smoke detection, fire alarm and fire evacuation systems, and install air-con on 8th & 4th floor.</p> <p>The additional scope of work impacted on additional funds and additional time to the contractor.</p>

OTHER CAPITAL PROJECTS UNDER CONSTRUCTION

PROJECT DESCRIPTION	ESTIMATED CONTRACT AMOUNT	PROGRESS	CHALLENGES & MITIGATIONS
GP: Mamelodi Magistrate Office: Construction of a new building	R 94 742 592	<ul style="list-style-type: none"> • Site handed over on 19 June 2014. Practical completion expected in December 2015. The project is 12% completed of the 50% time on site. • Progress derailed due to conflict in the appointment of Community Liaison Officer (CLO). • The contract period will be extended to 17 December 2015 due to all delays experienced. 	<ul style="list-style-type: none"> • Delays were caused by the unwillingness of the municipality to provide bulk infrastructure. • Matter still outstanding and being attended by DPW and Municipality. The SLA between the municipality and DPW has been drafted. • The appointment of the CLO has been resolved. • The extension of time was submitted by the contractor for delays by the community. • Practical completion expected 2016.
GP: Pretoria Magistrate Court: Refurbishment of Burned Building	R118 217 794	<p>The contractor has been appointed and site was handed over on 9 February 2015. The expected completion date is 1 August 2016.</p>	<p>Security and ICT was not included but the matter was raised with DPW. We will be informed of outcome at the next Joint Committee Meeting.</p>
WC: Justicia Building: Refurbishment of existing Building	R 95 454 701	<p>Site hand over was on 27 February 2015 and expected completion date is 9 February 2017. Progress is satisfactory.</p>	

OTHER CAPITAL PROJECTS UNDER CONSTRUCTION

PROJECT DESCRIPTION	ESTIMATED CONTRACT AMOUNT	PROGRESS	CHALLENGES & MITIGATIONS
Dimbaza Magistrate Court: Construction of a new building	R 81 749 948	Site was handed over on 6 February 2015 and expected to be completed in December 2016 .	The Environmental Impact Assessment (EIA) report was finalised and the petrol tank was removed.
NPA: Innes Chambers: Refurbishment of existing Building	R 183 500 000	Site was handed over on 16 January 2013. The project was expected to be completed in end May 2015, but was completed 25 June 2015 as a result of minor finishes needed.	The NPA will be out of the leased building by end of July 2015 to the newly refurbished building. Relocation started on 1 st July 2015.

Capital Projects to be implemented in the current financial year

PROJECT DESCRIPTION	ESTIMATED CONTRACT AMOUNT	PROGRESS	CHALLENGES & MITIGATIONS
EC: Mthatha High Court: Repair & Refurbishment	R 18 463 318	The project planning is completed and awaiting sketch plan approval. Tender is to be advertised by September 2015. The contract period of 24 months.	The project was registered by DPW under planned maintenance but does not include upgrading of security. DOJ has requested to co-fund the project, and it was agreed with DPW that the project will include capital services.
KZN: Durban High Court: Refurbishment & Additional Accommodation	R 165 843 730	The project for renovations and refurbishment and additional accommodation was registered with DPW. The renovations project has commenced and is on-going.	The planning for additional accommodation was completed and awaiting sketch plan approval.
WC: Plettenberg Magistrate Office: Construction of a New Building	R 297 996 848	The bid is being adjudicated and contractor expected on site in July 2015.	There were issues of site ownership with municipality. IDT and DPW have resolved the impasse in terms of donation of the land vis-a-vis land swapping between DPW and municipality.
EC: Whittlesea Magistrate Court: Additional Accommodation	R 100 534 278	The revised needs accommodation were approved on 14 March 2013 and submitted to DPW. A Pre-Design Information Request (PDIR) was issued to DPW Town Planning Services for site clearance investigation.	The site clearance has not been finalised and the Planning Instruction to the region is still outstanding.

OTHER CAPITAL PROJECTS UNDER CONSTRUCTION

PROJECT DESCRIPTION	ESTIMATED CONTRACT AMOUNT	PROGRESS	CHALLENGES & MITIGATIONS
EC: Mthatha Magistrate Court: Additional Accommodation	R 217 000 000	<p>The project is at planning stage. DPW was requested to add security and ICT to the scope of the project.</p> <p>The renovation project was to be separated from Capital project (i.e Additional accommodation). Subsequent to the visit by the minister on the 19th June 2015, DPW was further instructed to investigate the short-term doable items (i.e mobile air-con, ablution facilities, floor finishes and installation of generator) to make the building habitable while working on medium to long term solution.</p>	<p>The project will be implemented in Phases;</p> <p>Phase 1: Renovation of existing building</p> <p>Phase 2: Acquisition of land and building of new building.</p> <p>Phase 1 is in final design stage and documentation stage. Tender to go out in September 2015, and contract to start in Feb 2016 on repairs and renovations.</p>
Bityi Magistrate Court Construction of New Court building	R 51 535 882	<p>Full site clearance was issued in March 2015. The project is in final design & Documentation stage.</p>	<p>The tender to be advertised on 31 July 2015, and contractor to start in Jan 2016.</p>
Tshilwavhusiku Magistrate Court: Additional Accommodation	R 47 785 200	<p>The needs were revised and the site was cleared by DPW. Project at planning stage.</p>	<p>Project implementation expected early in 2016.</p>

OTHER CAPITAL PROJECTS UNDER CONSTRUCTION

PROJECT DESCRIPTION	ESTIMATED CONTRACT AMOUNT	PROGRESS	CHALLENGES & MITIGATIONS
Richards Bay Magistrate Court: New court building	R 208 840 230	DPW has issued a site clearance certificate for the project. The revised approved needs were submitted to DPW on 29/05/2014.	The project is at planning stage after it was stopped due to budget constraints. Although planning is progressing, the regional office has indicated that they want to revise the needs. This will impact negatively on the project plan as the process will be stopped.
Booyseens Magistrate Court: New Court building	R 261 332 773	The sketch plans are ready for approval and project expected to go out on tender in July / August 2015. The IDT is meeting with the municipality to finalise the drawing approvals	The project was previously put in abeyance due to budget constraints in 2009.
Justice College	No estimate so far	No progress	There has been an issue with land ownership. This has been escalated to the Joint Team Committee for consideration.

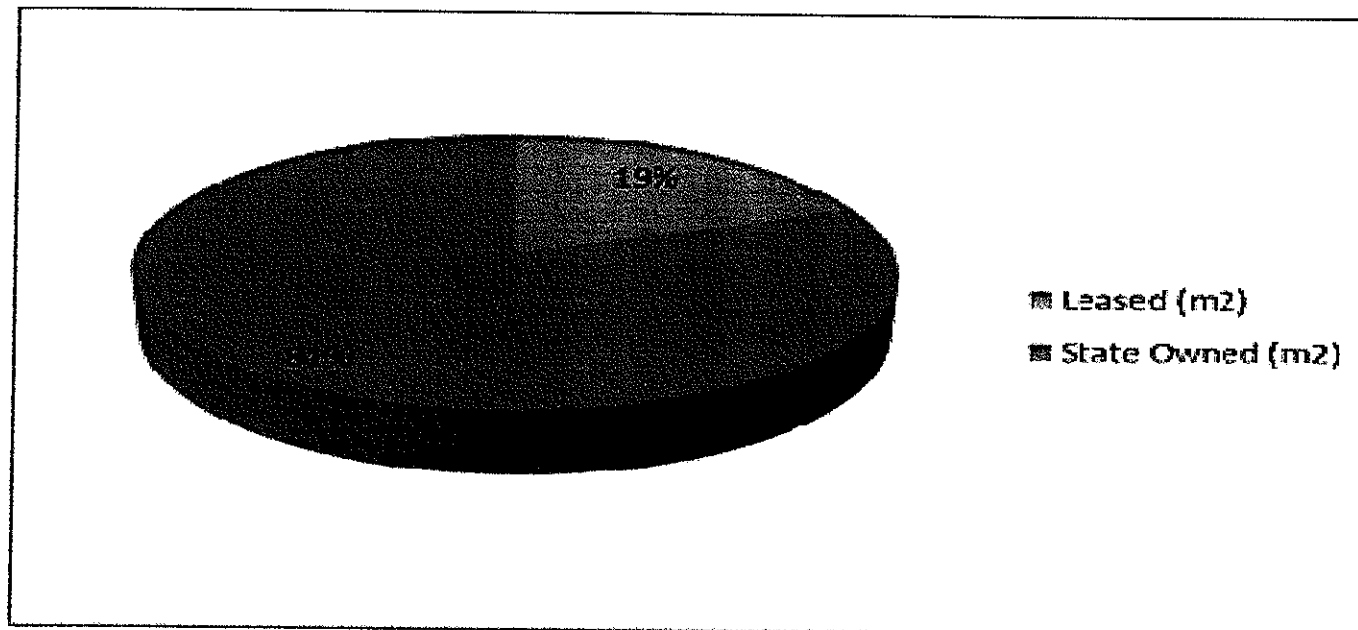
LEASED PORTFOLIO

INCREASING ACCESS TO JUSTICE SERVICES: LEASES

- **Lease Challenges:**
 - Delays in renewal of expired leases.(DPW dealing with backlog on expired leases).
 - Late submission of requests for renewals or new leases by the department
 - Short term leases: landlords reluctant to refurbish buildings and to make contributions towards tenant installation.
 - Adjustment and escalations on rental higher that increment on annual budget,
 - Procurement of building for unfunded priorities or mandate contribute to current budget deficit.
- **Business risks:**
 - Inadequate service delivery points due to budget constrains in particular at regional level.
 - Risk of be locked out by not renewing leases on time,
- **Proposed Solutions:**
 - Increase allocation on leases
 - Re-configuration of office lay-out (Open-plan)
 - Reduction of office space allocation (review the norms and standards)
 - Co-location of Justice Services (by using one building)
 - Share common facilities (boardrooms, kitchens, etc.)
- **The joint task team to review the following:**
 - The lease period should be extended (minimum 5 years)
 - Negotiate better rental rates with landlords
 - Negotiate escalation rates to be fixed (5%)
 - Better Tenant Installation contribution by landlords.

INCREASING ACCESS TO JUSTICE SERVICES: LEASES

- The Department opts to lease private buildings in cases where there is insufficient and inadequate state owned buildings.
- The acceptable ratio is 80% state owned and 20% leased building. Looking at our portfolio composition of 81% state owned and 19% leased building is fair by comparison.



LEASED PORTFOLIO

As mentioned before, the department is leasing 120 buildings from private landlord, and the spread of the buildings are as depicted hereunder:

Province	No. of Leases	Valid/Running	Lease under Review
Gauteng	28	11	7
Kwazulu Natal	11	11	0
Western Cape	24	18	6
Free State	9	6	3
Eastern Cape	21	20	1
Mpumalanga	4	3	1
Northern Cape	5	3	2
Limpopo	4	3	1
North West	7	4	3
TOTAL	120	100	20

GARDENING & CLEANING

FUNCTIONS TO BE DEVOLVED BY DPW TO JUSTICE

- In terms of Clause 6 of the Framework for the Devolution of the Budget, it is proposed that, over time, it becomes optional for User Departments to take over some of the services currently provided by DPW, on condition that the Department accepts the responsibilities which accompany the option.
- The Department should consider option taking over the following functions:
 - Cleaning & Gardening – Budget to be devolved from DPW in line with the Framework
 - The cost for Cleaning & Gardening is estimated at approximately R187million per annum
 - It is estimated that there are about 2500 people rendering these services
 - DPW is not prepared to devolve the budget since it is financing cleaning & gardening from their operational budget with a % derived from accommodation charges.
 - If we accept the service as it is, the Department will have to fund the shortfall.
 - Justice and DPW to meet with Treasury to resolve the impasse.
 - If this function is devolved it will have an impact on the capacity requirements of the Regions (see proposed RO structure).

CONVERSION OF BRANCH COURTS

CONVERSION OF BRANCH COURTS

- The following branch were to be converted into full courts as per the APP:
 - 2013/2014 (05 courts)
 - New Brighton (Eastern Cape), Kagiso and Soweto (Gauteng), Ezakheni (KwaZulu Natal) and Grabouw (Western Cape)
 - Gazette No. 121 of 19 February 2014
 - 2014/2015 (03 courts)
 - Mookgopong (Limpopo), Galeshewe (Northern Cape) and Ekuvukeni (KwaZulu Natal)
 - Government Gazette No. 265 of 30 March 2015

ACCELERATING ACCESS TO JUSTICE SERVICES

ACCELERATING ACCESS TO JUSTICE SERVICES: CAPITAL WORKS

- High level joint-task team established between Justice and DPW to resolve capital infrastructure delays/bottlenecks.
- DPW has sourced retired professionals and employed young professionals to create the technical expertise to support the Department.
- Justice together with its implementing agents (IDT) have established a quarterly steering committee to review progress on projects.
- Establishment of the Planning Directorate within Facilities will reduce revision of needs and variations.
- Other construction methods that can be used
- Modular Panels for office accommodation:
 - Shorter construction periods
 - Adapted to the needs of users
- Pre-cast concrete walls:
 - Shorter construction periods
 - Adapted to the needs of users
 - Longer life-span
- Engage institutions such as CSIR to explore other methods of building and influence the existing policies that guide DPW on types of materials as this will have an impact on the maintenance thereafter.

ACCELERATING ACCESS TO JUSTICE SERVICES: MOBILE UNITS

- We have been using mobiles to deal with additional accommodation needs
- The current mobiles are designed to suit the truck and the road.
- The current contract provides for deviation from the standard mobile units
- Regions can order mobiles according to their specifications but this will have additional costs (as per Itemised Price Schedule of the contract)
- Site clearance: delays caused by municipalities
 - DPW to create internal Town Planning capacity
 - DPW to negotiate fixed rates
 - DPW to revise the scope of work on Site Clearances for mobiles
 - Justice to identify courts needing accommodation and obtain pre-site clearance certificates
 - Regional Heads to negotiate with Municipalities for the issuing of special condition site clearance certificates

ACCELERATING ACCESS TO JUSTICE SERVICES: ALTERNATIVE SOURCES OF ENERGY

- ☐ Courts are faced with load-shedding: impact is reducing their efficiencies (less sitting hours and less finalization of cases)
- ☐ Department is forced to explore alternative and sustainable sources of energy mix
- ☐ DOJ&CD has approached Department of Energy (DoE) with a request for technical support and assistance in formulating and implementing an integrated energy efficiency management strategy.
- ☐ Idea behind this is to first conduct energy audit by installing smart metering technologies.
- ☐ The outcome of the energy audit will be used to develop a business model for Energy Efficiency and Demand Side Management [EEDSM] intervention in public buildings as part of the National Green Building Framework.
- ☐ This will inform what equipment must be replaced or installed primarily to reduce energy consumption. That could include replacing boilers, geysers with solar heating, or replacing the entire HVAC (Heating, Ventilation & Air-Conditioner, Vertical transportation services like lifts)
- ☐ Once the above exercise is concluded, then generators with appropriate voltage could be procured.
- ☐ Department of Energy has commenced with the Energy Efficiency Audit for all Government Departments and has included 27 Magistrate Courts in Gauteng.
- ☐ DOE has advised Justice to use the approved service provider to audit the remaining facilities (in terms of the NT 16.A6 in line with the PFMA).

ACCELERATING ACCESS TO JUSTICE SERVICES: PROPERTY MANAGEMENT INFORMATION SYSTEMS

- Currently the Department is using manual systems
- Systems are not integrated (various spreadsheets)
- Department needs to deploy Property Management Information System (PMIS)
- Part of the EY Consortium's scope of work conducting the UAMP is to develop a property management system comprising the following modules:
 - Lease Management
 - Municipal rates and taxes
 - Project Management (Capital) and Planned Maintenance
- The advantage of this system will be:
 - Single point-entry of information and easy access
 - Improving management of Portfolio (both lease and capital management projects)
 - The system will interphase with Public Works
 - Tracking of payment of municipal rates and taxes
 - Proper space management (cost per square meter)
- Cost will be R3.5 million (software)

FUNDING OPTIONS

The Department must consider the following alternative funding options:

FUNDING OPTION	BRIEF DESCRIPTION	PROS AND CONS
Build, Operate and Transfer (To explore)	In a BOT project, the Department will grant the Third Party or a private company the right to develop and operate a facility or system for a certain period (the "Project Period"), in what would otherwise be a public sector project, where the involvement of a third party is restricted to the provision of short term finance, with all other elements being carried out by the Department.	Able to source capital The Third Party does maintenance. Lease may be expensive.
Build using Capital Funds (currently used)	This procurement option assumes that DOJCD through implementing Agents (DPW, IDT) will design, finance, build and operate the premises. Involvement of external parties is limited to provision of services on a consultancy or service provider basis.	Using own money to build. Ownership lies with DPW. Maintenance not proper Delays in project completion.
Triple Net Lease	A lease agreement on a property where the tenant pays all rates and taxes including building insurance and the cost associated with repairs and maintenance. Over and above these costs the tenant still has to pay Net Rental. "Triple Net" is a fully maintaining, insuring and repairing lease where all obligations w.r.t. these elements rest with the occupier	Very expensive over time. It is a financial lease and it is against Treasury Regulations.
Long Term Gross Lease (currently used)	This is where DPW enters into agreement with private landlord for a period not exceeding 10 years (09 years and 11 months.	Long-term accommodation Allows for option not renew Expensive over years
Public Private Partnership (To consider for Justice Precinct)	Construction of new premises classified as "a commercial transaction in which the Private Party constructs the required building. The private party assumes substantial financial, technical and operational risks in connection with the development and receives a benefit for doing so, by way of rental payable.	Risk transferred to 3 rd party Maintenance done by 3 rd party Expensive over time Long-term commitment

CONCLUSION AND WAY FORWARD

CONCLUSION AND WAY FORWARD

- The establishment of the Joint Task Team between DPW and Justice and the Steering Committee between DOJ and IDT to meet regularly to fast-track the implementation processes for projects.
- DPW has employed the services of Engineering students and retired professionals to assist in unlocking bottlenecks
- Facilities to submit their needs to HR for work-study investigations for capacity.
- DOJCD have instructed DPW to reprioritize certain projects on Status 5 (projects that are almost done with planning and ready to go out on tender).
- Re-align Court Classification with Capital Projects and to focus on areas of need.
- Consider co-location of various business units so as to share certain facilities (i.e. boardrooms, security, etc.) and reduce cost of accommodation.
- Regions to work with facilities to obtain Site Clearance Certificate for the future for all identified sites for mobile units.

CONCLUSION AND WAY FORWARD

(continue)

- Space norms to be revised downwards to save on leases and use open plans.
- Garden and cleaning services to be transferred with the appropriate budget.
- Facilities to deploy Property Management Information System to track project performance and move funds.
- Budget allocation to be increased and be aligned to commitments.
- Once capacity is created, Justice request devolution of minor works delegations
- Alternative building methods and sustainable energy mix to be deployed.

