

**Quarter 3 Performance Report 2015/16**

**VISION**

An accessible justice system that promotes constitutional values

**MISSION**

To provide transparent, responsive and accountable justice services for all

**PRINCIPLES AND VALUES**

* Commitment to constitutional values and a culture of human rights
* Promotion of the rule of law
* Batho Pele
* Good Governance
* Ubuntu
* Professionalism and continuous improvement
* Transparency

**STRATEGIC GOALS**

The strategic goals of the Department are as follows:

1. An efficient, effective and development oriented administration.
2. Improved administration support to the justice system enabling efficient resolution of cases. (civil, family law and criminal)
3. Provision of quality legal services that strengthen the capacity of the State
4. Promote constitutionalism and social justice to contribute to social cohesion
5. Improved prosecution services (NPA)

**OFFICIAL SIGN-OFF**

It is hereby certified that this quarterly report reflects performance against the key performance indicators for the quarter under review as set out in the Departmental Annual performance Plan for 2015/16

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Chief Director: Strategy, Monitoring and Evaluation

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Acting Chief Operations Officer

Chief Financial Officer

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Director-General

**LIST OF ABBREVIATIONS**

ACTT : Anti-Corruption Task Team

ADRM : Alternative Dispute Resolution Mechanism

AFU : Asset Forfeiture Unit

AVR : Audio-Visual Remand System

CAO : Community Advice Office

CARA : Criminal Asset Recovery Account

CJS : Criminal Justice System

CSO : Civil Society Organisation

DOH : Department of Health

DOJ&CD : Department of Justice and Constitutional Development

ICMS : Integrated Case Management System

ICTS : International Cooperation, Trade and Security Cluster

IDT : Independent Development Trust

IJS : Integrated Justice System

JCPS : Justice, Crime Prevention and Security Cluster

LGBTI : Lesbians, Gays, Bisexual, Transgendered, and Intersexes

NAP : National Action Plan to combat racism, racial discrimination, xenophobia and related intolerance

NPA : National Prosecuting Authority

NPS : National Prosecution Services

NRSO : National Register for Sex Offenders

PAIA : Promotion of Access to Information Act of 2000

PCLU : Priority Crime Litigation Unit

PDI : Previously Disadvantaged Individuals

PEAS : Paperless Estate Administration System

PGI : Prosecutor Guided Investigation

POCA : Prevention of Organised Crime Act

SALRC : South African Law Reform Commission

SAPS : South African Police Services

SASSETA : Safety and Security Sector Education and Training Authority

SIU : Special Investigating Unit

SMS : Senior Management Services

SOCA : Sexual Offences and Community Affairs

TCC : Thuthuzela Care Centres

TRC : Truth and Reconciliation Commission

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# EXECUTIVE SUMMARY

The Department seeks to provide a framework for the effective and efficient administration of justice. It also seeks to promote constitutional development through the development and implementation of legislation and programmes that seek to advance and sustain constitutionalism and the rule of law. Further, the Department endeavours to improve access to justice services and aims at providing effective support services that are in line with good governance.

The Department has five programmes within which these objectives are achieved, namely Programme 1: Administration; Programme 2: Court Services; Programme 3: State Legal Services; Programme 4: The National Prosecuting Authority; and Programme 5: Auxiliary Services (funding public entities). The Integrated Justice System program is funded as part of Programme 5, and the Department has included indicators to monitor its performance under this programme. The Department continues to put systems in place to ensure that reported performance information is verified and validated. The areas of underperformance are identified and measures are continuously being put in place to improve performance and address deficiencies.

As at the end of the third quarter, the Department achieved targets on 47 indicators against 77 planned indicators. This performance translates to 61% of the indicators with targets achieved.

The graph below illustrate summary of performance per programme

**Within Programme 1, the following were, indicators where performance targets were not achieved**

i. A total of 181 audit projects were completed against the target of 214. The delay in the extension of the contracts for audit trainees which were included in the project teams contributed to the target not being achieved. The process to extend the contracts have since been concluded and the teams are now capacitated thus performance is expected to improve in the fourth quarter.

ii. 59% of audit findings were addressed against the target of 60%.

iii. 2 quarterly reports against the target of 3 quarterly reports on allocated CARA funds were completed. It is envisaged that the target will be achieved by the end of the financial year.

iv. A total of 18 people were appointed on internship and learnership programmes against a target of 800. The Department experienced challenges during the first two quarters of the financial year. The advert to recruit was published during the third quarter and it is anticipated that the process to appoint people on internship and learnership programme will be finalised by the end of the financial year.

v. A total of 34 workshops on anti-fraud and corruption were conducted against the target of 42. Capacity constraints contributed to the target not being achieved.

vi. As at the end of the third quarter, 161 senior management services members had their vetting certificates or vetting forms submitted against a target of 163.

**Within Programme 2, the following was the indicator where performance was not achieved**

i. The target to complete the CJS Business Plan by the end of the third quarter was not achieved as consultation with various stakeholders took longer than anticipated. The Department continues to engage various stakeholders.

ii. The target to have 2 Divisions of High Courts aligned with provincial boundaries was not achieved. Although the target was not achieved, the process to publish the notice for the alignment of Limpopo and Gauteng Division of High Court was completed. The target will be achieved in the fourth quarter.

**Within Programme 3, the following were indicators where performance was not achieved**

i. 90% of letters of appointment in deceased estates were issued within 15 days of receipt of all required documents against a target of 95%. Network downtime contributed to target not being met.

ii. 95% of liquidation and distribution accounts in bankruptcy matters were examined within 15 days of receipt against a target of 96%. Capacity constraints contributed to target not being achieved.

iii. 84% of letters of authority were issued in trusts within 14 days of receipt of all required documents against a target of 90%. The inability to cope with increased workload due to capacity constraints led to the target not being achieved.

iv. The target to train 7 managers from the State Attorney offices on management was not achieved due to delay in appointment of the service provider. The service provider has since been appointed and the training is scheduled to take place during the fourth quarter. The target will be achieved by the end of the financial year.

v. 74% of expungements were completed against a target of 80%. The increase in the volume of work and capacity constraints contributed to the target not being achieved. The plans to undertake the work-study are underway.

vi. The target to achieve 2 activities to improve sector co-ordination and understanding socio-economic rights was not achieved as the process to obtain approval for the request for Technical Assistance programme was not completed.

vii. A total of 19 municipalities participated in the NAP dialogues against a target of 55.

viii. The target to complete needs analysis in 4 TRC listed communities was not achieved. Request for further consultations by the stakeholders contributes to the target not being achieved. The lack of understanding of the process by community members in the outstanding TRC identified communities has led to the some community members being disgruntled thus rejecting the community rehabilitation programme. The Department continues to engage the relevant stakeholders in various communities.

**Within Programme 4, the following were indicators where performance was not achieved**

i. The NPA finalised 111 476 criminal court cases including ADRM in the lower courts, 3% below the target of 114 884. The inefficient utilisation of courts coupled with a focused approach on quality of prosecutions to enhance service delivery, especially on cases suitable to be resolved through ADRM, contributed to this decline in performance.

The NPA will continue to make contributions towards the improvement of case flow management at PEEC and NEEC. The DPPs established rescue teams in their respective regions to focus on indicators that are still below target and they render assistance where necessary. Senior Public Prosecutors continue to have regular meetings with prosecutors to identify issues hampering performance in order to be able to address them and all the regions have submitted actions plans to improve performance.

ii. The NPA finalised 73 875 criminal court cases with verdict in the lower courts, 6% below the target of 78 359. Fewer verdict cases were finalised due to a decline in court day utilisation. A reduced inflow of new cases also impacted further on the non-achievement of the quarterly target.

iii. The NPA achieved an 88% conviction rate in organised crime, 2% below the target of 90%. A lower percentage of cases finalised in which evidence was accepted by the court contributed to the non-achievement of this indicator. Due to the criteria on the seriousness of matters to be selected for organised crime, it mostly consists of complicated cases involving evidence of intricate nature. Most of the organised crime cases relate to racketeering and money laundering charges and very few cases are being finalised within a three year period. This indicator will be closely monitored and the focus enhanced in the regions.

iv. The NPA achieved an 80% conviction rated in trio crimes, 5% below the target of 85%. A lower percentage of cases finalised in which evidence was accepted by the court contributed to the non-achievement of this indicator. The NPA will continue to make contributions towards the improvement of case flow management at PEEC and NEEC. The DPPs established rescue teams in their respective regions to focus on indicators that are still below target and they render assistance where necessary.

iv. The NPA achieved a 67% conviction rate in violent protests and industrial actions, 7% below the target of 74%. A lower percentage of cases finalised in which evidence was accepted by the court contributed to the non-achievement of this indicator. The cases are progressing slowly as investigations are often complicated and trial timeous with multiple accused. The NPA will continue to make contributions towards the improvement of case flow management at PEEC and NEEC. A dedicated national joints task team is also closely monitoring these cases through integrated national meetings between various cluster departments.

v. 2 persons against a quarterly target of 5 persons (-60%) were convicted of corruption or offences related to corruption where the amount benefited per case is more than R5m. The non-achievement of the target is due to the DPCI not having a representative at the ACTT in the Provincial level and the cases are complex and take a long time to investigate. Often forensic accountant reports have to be obtained which are time-consuming. The operational delays in the investigation of matters were addressed with the stakeholders.

vi. During Q3 39.8% (1 803) of cases reported at TCCs were referred to court for prosecution. This performance was -11.2% below the quarterly target of 51%. A substantial number of non-arrest dockets contributed to this performance. It is important to note that these statistics only include data where case managers are appointed and excludes non-arrest dockets, since these dockets are not trial ready. Stakeholder engagements are being conducted to address the performance within this indicator.

viii. The NPA obtained 89 forfeiture orders, 18% below the target of 108. A number of cases were opposed, which resulted in delays in the finalisation of cases.

ix. Freezing orders to the value of R45.4 million were obtained, 83% below the target of R270 million. The poor performance was caused by fewer high value cases that were obtained and slow finalisation of those cases. This is regarded as a normal fluctuation in performance.

x. The NPA obtained 51 freezing orders, 39% below the target of 83. The decline in performance is due to fewer cases referred to AFU.

xi. Forfeiture cases to the value of R38.3 million were completed, 33% below the target of R57 million. The performance decline due to fewer high value cases finalised.

xii. R6.9 million freezing orders relating to corruption where the amount involved is more than R5m was obtained, 97% below the target of R216m. This is regarded as a normal fluctuation since the performance against value targets fluctuates significantly from month to month.

xiii. Recoveries in terms of POCA to the value of R9.6 million was obtained, 77% below the target of R41 million. There were no high value cases obtained during the reporting period.

xv. The NPA obtained recoveries for government officials convicted of corruption and other related offences (proceeds of crime and government losses), to the value of R50 000. This performance is 7% below the target of R54 000. This is regarded as a normal fluctuation since the performance against value targets fluctuates significantly from month to month.

**Within Programme 5, the following was the indicator where performance was not achieved**

i. 25% of ICMS criminal modernisation was completed against the target of 40%. All the challenges of system integration are currently being resolved and are to be finalised during the fourth quarter.

There has been a decrease in the number of indicators achieved for the third quarter as compared to the second. Urgent interventions will be needed to improve performance for the fourth quarter.

# 1. INTRODUCTION

During the quarter under review, the Department achieved 47 of the 77 indicators reported on. This translates to 61% of targets achieved.

The highlights for the quarter under review included the launch of small claims courts in Nsikazi, Mpumalanga and Tiyani, Limpopo. The launch of these courts brings to 95% coverage in terms of the formally established small claims courts in the country. These courts ensure that the community members are able to institute minor civil claims in an affordable and simple manner without the services of the attorneys.

In responding to the implementation of the Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007, the Department launched the Durban and Atlantis sexual offences courts.

In keeping with its commitment to create a transformed and an efficient justice system, the Department hosted the Women in Legal Profession dialogue. The dialogue was aimed at reflecting on the state litigation policy and mobilising the profession on the critical issue of gender transformation.

This report provides a review of the Department’s performance against targets as detailed in the Annual Performance Plan 2015/16. This report also includes performance against the Annual Performance Plan of the National Prosecuting Authority, which remains a programme of the DOJCD under current administrative arrangements.

# 2. PROGRESS ON KEY POLICY AND LEGISLATIVE DEVELOPMENTS

In order to fulfil its mandate of providing a framework for the effective and efficient administration of justice, the Department continue to develop policies and legislation that seek to advance and sustain constitutionalism and the rule of law.

The following is the progress on policy and legislative initiatives and updates that the Department is undertaking;

| **#** | **Bill/ Policy** | **Objective** | **Performance update** |
| --- | --- | --- | --- |
| 1 | Traditional Courts Bill | The Bill is intended to regulate the role and functions of traditional leaders in the administration of justice in accordance with constitutional imperatives. | 1. The Department held consultative meetings with various stakeholders (representatives of the National House of Traditional Leaders, Contralesa and civil society) with the view of enlisting views from their respective constituencies and for the basis of draft legislation on the transformation of the traditional justice system. 2. A reference group chaired by the Deputy Ministers of Justice and Constitutional Development and Traditional Affairs and consisting of representatives from government, the institution of traditional leaders and civil society will be established to pave a way for introduction of the Bill. The first meeting of the Reference Group is scheduled for the 26th of February 2016. |
| 2 | Paralegals Policy and Bill | The Bill is intended to give statutory recognition to the role of paralegal and community advice centres, | 1. The Legal Practice Act provides for the Legal Practice Council to make recommendations to the Minister for the regulation of Paralegals. The Council, once established, will deal comprehensively with the matter. 2. The main challenge of introducing legislation of paralegals at this point (outside the Legal Practice Act) is the question of funding for a regulatory body, as paralegals are largely volunteers and might not generate enough income to fund the body. |
| 3 | Inclusion of Indigenous languages in the LLB Curriculum | The LLB curriculum must include the study of indigenous languages. | 1. A Task Team was established in 2013 following a summit convened by the Law Society of South Africa (LSSA), to look into the revision of the current 4 year LLB degree in its entirety. The Task Team consists of representatives of the LSSA, the deans of faculties of law of the various universities and representatives of the DOJCD and Higher Education. 2. A meeting of this task team was held on the 20th January 2016 where the issue of the inclusion of indigenous languages in the LLB curriculum was tabled for inclusion as part of the process of developing the LLB curriculum.  It was decided that the Department must engage with the Departments of Higher Education and Basic Education, with a view to engaging on the development of the curriculum. 3. It was noted also that progress has been made in the University of Kwa-Zulu Natal where there is already has a requirement that students must obtain a credit towards the study of isiZulu. 4. It was also to be noted that the Council for Higher Education (CHE) has developed standards for the LLB degree, which recognises that “South Africa is a multilingual society with eleven official languages. The use and development of these languages are protected and promoted in the Constitution…. Graduates should thus be able to acknowledge and appreciate linguistic diversity, and programmes leading to the LLB ought to take this need into account, in order to prepare graduates to practice law competently in a context of such diversity.”   The standards referred to above have been approved by the CHE.   1. It is expected that further development of LLB curricula of universities will be assessed against the CHE standards. |
| 4 | Formulation of a Language Policy | To promote effective use of indigenous languages within the Department, in line with the Constitution. | 1. The Department has published a Policy Document as required by the Use of Official Languages Act, 2012 and comments on the Policy Document have been received. 2. The Department is currently preparing a report on comments received. 3. A detailed plan to give effect to the multilingualism policy in the justice service centres and the courts will be submitted to Parliament by the end of the 2015/16 financial year |
| 5 | Policy on Language of Record | To promote effective use of indigenous languages in the courts including court proceedings as required by the Constitution | 1. The Department had in 2009 introduced the use of the indigenous languages in courts. 2. Some of the issues that were identified during the pilot include: 3. The need to establish standards for translation of records 4. Establishment of a mechanism for objections/complaints associated with translated records.   iii. The Department will continue with consultative meetings with the Judiciary, Prosecution and other stakeholders in the courts before finalising an implementation plan. |
| 6 | Implementation of Court-Annexed Mediation | Mediation project is intended to assist Case-Flow Management in the reduction of disputes appearing before court and to promote access to justice. It adopts a flexible approach compared to the rigid and tedious legal processes which most often require services of a lawyer to present before court. | 1. A report on the Court-Annexed Mediation Programme has been prepared by the Ministerial Advisory Committee. 2. A workshop has been arranged to take place during the fourth quarter to discuss the report and the lessons learned through the pilot. 3. This workshop also aims to develop a rollout plan for implementation during the 2016/17 financial year, which will include the following: 4. Highlight areas of immediate implementation; 5. Identify interventions necessary in those areas having challenges and address these before implementation. |
| 7 | The Lower Courts Bill | The Bill is intended to rationalise and transform the legislative framework of the lower courts in line with the Constitution. The legislation seeks to give effect to the Constitutional directive to rationalise all courts. | 1. It is envisaged that a provisional draft of the Lower Courts Bill would be prepared during the 2016/17 financial year, which draft would then be put on the table to form the basis of further consultation with all interested parties. 2. The objective would be to pass the legislation during the term of the current administration and the aim is to develop the legislation sufficiently in order to approach Cabinet for approval thereof towards the end of 2016/17 financial year or in the first quarter of 2017, followed by the introduction into Parliament thereof during 2017/18 financial year. |
| 8 | Legal Practice Forum | To transform the legal profession through the implementation of the Legal Practice Act | 1. The first report of the Legal Practice Forum reflected mainly on the inception of the Forum and organisational aspects. A number of committees such as the Executive Committee, The Administration and Human Resources Committee, the Governance Committee, the Education; Standard and Accreditation Committee were established. 2. The second report of the Legal Forum is due for submission in the fourth quarter. It is expected that the report will reflect substantively on challenges that face the transformation of the legal profession which continue to deprive many citizens of the access to quality legal services. |
| 9 | National Action Plan to Combat Racism, Racial Discrimination, Xenophobia and Related Intolerance (NAP) | To implement a National Action Plan in line with the DDPA (par. 66; 191) which urged "states to establish and implement without delay national policies and action plans to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations. | 1. The Draft NAP was tabled to Cabinet during the third quarter. 2. Cabinet granted the approval to commence with public consultations during the period under review. 3. The broader public consultation on the Draft NAP is scheduled to commence during the fourth quarter of 2015/16 financial year. The Department will oversee these consultative fora and will compile reports for stakeholders. 4. The first meeting attended by government departments, civil society and chapter 9 institutions took place in January 2016. |
| 10 | Transformation of State Legal Services | In particular it is aimed at addressing the apparent lack of effective coordination of legal services that has led to a number of operational challenges experienced across government | Progress on the Appointment of a Solicitor-General:  The Department has initiated recruitment processes for this post. The advertisement for the post is expected to be published during the month of February 2016. |
| Development of a policy on Briefing Counsel and a fee parameter:  The Draft Policy was drafted and is currently being consulted with client departments and the profession. |
| State Litigation Policy:  The Draft Policy was developed and is currently being consulted with the client departments, with a view of submitting it to cabinet during the fourth quarter. |

# 3. PROGRAMME PERFORMANCE

## 3.1 PROGRAMME 1: ADMINISTRATION

The purpose of this programme is to provide strategic leadership, management and support services to the Department. This Programme has the following sub-programmes;

* Ministry
* Management
* Corporate Services
* Office Accommodation

**Strategic Objectives**

The strategic objectives under this programme are as follows;

1. Increased compliance with prescripts to achieve and sustain the unqualified audit opinions.

2. Implementation of programmes aimed at creating employment opportunities for the youth

3. Reduction of fraud and corruption in the Department

4. Increased number of public bodies compliance with the Promotion of Access to Information Act (PAIA) of 2000

**Programme Performance Indicators**

| Strategic Objective 1: Increased compliance with prescripts to achieve and sustain the unqualified audit opinions | | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Performance Indicator** | | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| 1.1 | Number of audit projects completed by Internal Audit | 285 | 71 | 41 | 143 | 143 | 214 | 181 | (15%) |  |
| 1.2 | Percentage of Audit findings addressed to resolve internal and external audit findings | 90% | Not applicable for this quarter | Not applicable for this quarter | 35% | 37% | 60% | 75% | 25% |  |
| 1.3 | Number of quarterly reports on allocated CARA funds completed | 4 | Not applicable for this quarter | Not applicable for this quarter | 2 | 1 | 3 | 2 | (33%) |  |

1.1 To assist the Department to achieve its mandate, goals and objectives, the Internal Audit unit on an annual basis develops an Audit Plan. This plan comprises of audit activities which are carried out to provide management and audit committee with feedback on controls and governance processes.

For the 2015/16 financial year, an Audit Plan comprising of 285 audit projects was approved. As at the end of the third quarter, 181 audit projects were completed.

The Internal Audit unit relies on trainees to supplement its human resource capacity and the number of projects on the Audit Plan is projected having considered the trainees for the period under review. However, the Department experienced a delay in the extension of contracts for trainees thus affected the completion of the audit projects. The process to extend the contracts for the trainees has been concluded and the trainees will be available during the fourth quarter which will increase the performance. The target is expected to be achieved by the end of the financial year.

1.2 The Department strives to improve on good governance by implementing mechanisms which ensure that its components follow established policies and processes. As part of these mechanisms, an Audit Action Plan to resolve findings raised by the Internal Audit and Auditor General during the preceding financial year is developed. This plan assists the Department to formulate interventions to avoid repeat findings in the current and succeeding financial years. As at the end of the third quarter, the Department finalised 75% of interventions to resolve internal and external audit findings.

1.3 The purpose of CARA report is to inform Cabinet, the Criminal Assets Recovery Committee and oversight bodies about the utilisation of CARA funds and assets. The report presents the history and current status of the Criminal Assets Recovery Account.

As at the end of the third quarter, the Department completed 2 quarterly reports relating to the utilisation of CARA funds and assets. These reports indicate that beneficiaries are implementing projects as per the approved business plans. The reports from beneficiaries of CARA funds was delayed thus the target was not achieved. The target will however be achieved by the end of the financial year.

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| Strategic Objective 2: Implementation of programmes aimed at creating employment opportunities for the youth | | | | | | | | | | |
| **Performance Indicator** | | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| 2.1 | Number of people appointed on internship and learnership programmes. | 800 | Not applicable for this quarter | Not applicable for this quarter | 800 | 18 | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter |  |
| 2.2 | Percentage of procurement spending on the youth. | Baseline Report | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter |  |

2.1 The Department has put programmes in place to contribute positively towards the country’s plan of reducing the unemployment rate. As part of the initiative towards addressing the challenge of unemployment, the Department is committed to creating employment opportunities for the youth. As at the end of the second quarter, 18 youths were employed on internship programme.

The target to appoint 800 people on internship and learnership programme by the end of the third quarter was not achieved due to challenges experienced during the first two quarters of the financial year. The Department has however issued out an advert during the third quarter as the first phase of the recruitment and it is anticipated that the appointment of people on internship and learnership programme will be concluded by the end of the fourth quarter.

2.2 There was no target set for this indicator for the quarter under review. Progress is however underway.

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Strategic Objective 3: Reduction of fraud and corruption in the Department | | | | | | | | | | |
| **Performance Indicator** | | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| 3.1 | Number of fraud and corruption staff awareness workshops conducted | 55 | 12 | 20 | 28 | 30 | 42 | 34 | (19%) |  |
| 3.2 | Percentage of forensic investigations finalised | 92% | 35% | 57% | 58% | 78% | 75% | 87% | 16% |  |
| 3.3 | Number of Integrity Competence Assessments of Senior Management Services (SMS) completed | 165 | 157 | 158 | 160 | 161 | 163 | 161 | (1%) |  |

3.1 The Department has a Fraud Prevention Plan which is being implemented to encourage a culture of ethics and deal with any unethical behaviour by officials. Therefore included in this plan are the workshops on prevention of fraud and corruption. These workshops seeks to assist in the prevention, detection and reporting of fraud and corruption by raising awareness as to how fraud and corruption is manifested in the workplace. As at the end of the third quarter, 34 awareness workshops on anti-fraud and corruption were conducted. The target to conduct 42 workshops was not achieved due to the capacity constraints within the area responsible for the operation.

3.2. To address the challenge of fraud and corruption within the Public Service, the Department continues to undertake investigations within the reasonable timeframes to eradicate incidences of fraud and corruption as well as bring the perpetrators of such behaviour to book. As at the end of the third quarter, the Department recorded 160 cases of fraud and corruption and 139 of these cases were finalised, translating to 87% performance achieved.

3.3 The Department continues with its commitment of ensuring that senior managers are vetted. The aim of this vetting process is to ensure that the Department’s classified information is protected. As at the end of the third quarter, 161 senior management services members either had their vetting certificates or vetting forms submitted to the State Security Agency. The target was not achieved, follow-ups are being made to expedite the submission of required documents to conclude the process and it is envisaged that the target will be achieved by the end of the fourth quarter.

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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Strategic Objective 4: Increased number of public bodies compliance with the Promotion of Access to Information Act (PAIA) of 2000 | | | | | | | | | | |
| **Performance Indicator** | | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| 4.1 | Number of PAIA requests processed within 60 days | 75% | 75% | 100% | 75% | 100% | 75% | 100% | 33% |  |
| 4.2 | Number of Public Bodies trained on implementing PAIA | 50 | 10 | 14 | 25 | 33 | 37 | 41 | 11% |  |

4.1 The Department through the Office of the Deputy Information Officer ensures that all applications for access to information in its custody from all persons or institutions are processed within the prescribed timeframes.

The applications of requests for access to information are processed in accordance with time prescribed by Section 25 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) (PAIA).

During the third quarter, the Department received and finalised 69 requests within the prescribed period, translating to 100% performance achieved.

4.2 To ensure compliance with the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000), the Deputy Information Officer of the Department is expected to provide training within various Public Bodies.

As at the end of the third quarter, the Department through the Office of the Deputy Information Officer conducted PAIA training session to 41 Public Bodies.

**Expenditure Report**

The expenditure for Programme 1 for the period ended 31 December 2015 amounted to R1.219 billion against a budget of R1.873 billion, thus recording a performance of 65%. The reported expenditure is R28, 3 million below the approved drawings on the National Revenue Fund of R1.247 billion. The under spending can be attributed to the third quarter outstanding payment for office accommodation which are expected to be fully paid during the fourth quarter.

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| **Sub-programme** | **2015/16 Budget**  **’000** | **Expenditure ‘000 (Q1)** | **Expenditure**  **‘000(Q2)** | **Expenditure**  **‘000(Q3)** | **Expenditure to date (April to December)**  **‘000** | **% Actual Expenditure to date**  **(April to December)** |
| Ministry | 32 643 | 7 179 | 7 329 | 8 969 | 23 477 | 72% |
| Management | 59 338 | 14 986 | 9 278 | 8 727 | 32 991 | 56% |
| Corporate Services | 748 017 | 154 113 | 175 635 | 188 228 | 517 976 | 69% |
| Office Accommodation | 1 032 886 | 24 316 | 426 981 | 193 246 | 644 543 | 62% |
| **TOTAL** | **1 872 884** | **200 594** | **619 223** | **399 170** | **1 218 987** | **65%** |

## 3.2 PROGRAMME 2: COURT SERVICES

The purpose of this Programme is to facilitate the resolution of criminal and civil cases, and family disputes by providing accessible, efficient and quality administrative support to the courts. This Programme has the following sub-programmes;

* Lower Courts
* Family Advocate
* Magistrates’ Commission
* Government Motor Transport
* Facilities Management
* Administration of Courts

**Strategic Objectives**

The strategic objectives under this programme are as follows:

5. Improved finalisation of criminal cases in support of Outcome 3: All People in South Africa are and feel safe

6. Improved court-based services to achieve clients’ satisfaction within the vulnerable groups

7. Increased protection of the best interest of children and promotion of family cohesion through mediation services

8. Increased access to justice services to historically marginalised communities

9. Improved level of compliance with quasi-judicial standards of service

**Programme Performance Indicators**

|  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Strategic Objective 5: Improved finalisation of criminal cases in support of Outcome 3: All People in South Africa are and feel safe | | | | | | | | | | |
| **Performance Indicator** | | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| 5.1 | CJS Business Plan completed by target date | 31 December 2015 | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter | CJS Business Plan completed by 31 December 2015 | Draft CJS Business Plan completed |  |  |
| 5.2 | Percentage of criminal cases postponed due to unavailability of court administration staff | 3% | 3% | 0.20% | 3% | 0.19% | 3% | 0.17% | 94% |  |

5.1 The government is committed to the criminal justice system that is transformed, focussed, coordinated and well-managed at every level and that addresses community needs and concerns. To this effect a decision was undertaken as per the MTSF to develop an integrated CJS Business Plan. The CJS Integrated Business Plan aims to guide process of ensuring that the CJS Seven Point Plan is implemented across the value chain of the criminal justice system and is included in the Strategic Plans of all cluster departments.

During the third quarter, the draft CJS Business Plan was developed. The target was not achieved as the consultative process with stakeholders took longer than anticipated. The engagement with various departments at high level continues.

5.2 The Department is committed to ensuring that the necessary administrative support required for the functioning of the courts is available at all times. As at the end of the third quarter, 312 cases from the outstanding roll of 179 861 cases were postponed due to the unavailability of court administration staff. It can further be indicated that 99% of these postponements are due to unavailability of court interpreters which indicates an increase in the demand for foreign language interpreters at lower courts.

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| Strategic Objective 6: Provide improved court-based services to achieve clients’ satisfaction within the vulnerable group | | | | | | | | | | |
| **Performance Indicator** | | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| 6.1 | Percentage of maintenance matters finalised within 90 days after proper service of process **(9 pilot sites)** | 55% | 55% | 100% | 55% | 95% | 55% | 90% | 64% |  |
| 6.2 | Percentage of convictions recorded electronically on the NRSO[1] | 92% | 92% | 100% | 92% | 100% | 92% | 100% | 9% |  |
| 6.3 | Number of sexual offences court rooms established | 12 | 2 | 6 | 7 | 6 | 10 | 10 | - |  |

6.1 In order to ensure that beneficiaries of maintenance receive what is due to them within a reasonable time, the Department has developed performance standards for maintenance services. These standards are being piloted at 9 pilot sites across the country. As at the end of the third quarter, the Department recorded 4 332 maintenance cases where defendants were served with proper service of process at these 9 pilot sites and 3 902 cases were finalised within 90 days after proper service of process, translating to 90% performance achieved.

6.2 The National Register for Sex Offenders aims to protect children and persons who are mentally disabled against sex offenders by establishing and maintaining the record of persons who have been convicted of a sexual offence against children and persons who are mentally disabled. During the quarter under review, 1 171 new convictions were recorded electronically on the NRSO. This has increased the total number of registered sex offenders from 20 864 to 22 035.

6.3 The Department is committed to improving service to the victims of sexual offences by upgrading and establishing sexual offences court rooms across the country. As at the end of the third quarter, the Department upgraded 10 regional courts into dedicated sexual offences courtrooms. These are situated at Johannesburg Court (three courtrooms) in Gauteng province, Atlantis Court (two courtrooms) in the Western Cape Province, Eerstehoek Court (one courtroom) in Mpumalanga province, Mankwe Court (one courtroom) in North West province, Durban Court (two courtrooms) in KwaZulu Natal and Phuthaditjhaba Court (one courtroom) in Free State province.

These courts will improve the conviction rates of sexual crimes and decrease the turnaround time in finalising sexual offences cases.

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| Strategic Objective 7: Increased protection of the best interest of children and promotion of family cohesion through mediation services | | | | | | | | | | |
| **Performance Indicator** | | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| 7.1 | Percentage of non-litigation family law matters finalised | 30% | 30% | 64% | 30% | 37% | 30% | 67% | 123% |  |
| 7.2 | Percentage of family advocates’ court reports filed within 15 days of completion of enquiry | 85% | 85% | 90% | 85% | 93% | 85% | 94% | 10% |  |

7.1 The Department through the Office of the Chief Family Advocate continues to provide professional services to children in families dealing with conflict and other difficulties. During the quarter under review, the Department recorded 2 877 non-litigation family law matters and 1 940 of these matters were finalised. The Department conducted awareness campaigns in various regions. These campaigns led to the citizens being aware of the services offered by the Office of the Family Advocate hence an increase in the number of request for services.

7.2 With regard to litigation cases where reports are needed to be filed at courts, 2 389 family advocates’ court reports were filed at courts and 2 245 reports were filed within 15 days of completion of an enquiry, translating into 94% performance.

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| Strategic Objective 8: Increased access to justice services to historically marginalised communities | | | | | | | | | | |
| **Performance Indicator** | | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| 8.1 | Number of Small Claims Courts established | 30 | - | 14 | - | 31 | - | 34 | - |  |
| 8.2 | Number of provinces where magisterial districts are aligned with municipal boundaries | 2 | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter |  |
| 8.3 | Number of Divisions of High Courts aligned with Provincial Boundaries | 2 | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter | 2 | 0 | (100%) |  |

8.1 The Department continues to establish small claims courts towards achieving its goal of at least one small claims court in every magisterial district. These courts are crucial as they ensure that citizens of the Republic are able to institute minor civil claims in an affordable and simple manner. As at the end of the third quarter, a total of 34 small claims courts were established.

8.2 There was no target set for the indicator for the quarter under review. Progress is however underway at the 2 identified provinces.

8.3 The Department continues with its process of aligning divisions of high courts with provincial boundaries. This harmonisation of divisions of high courts with provincial boundaries will improve access to courts and ensure better coordination and integration of services within the three spheres of government.

Although the target was not achieved during the quarter under review, all the processes required for notice for the alignment of Limpopo and Gauteng Division of High Courts to provincial boundaries was completed. The notice will be published in the Government Gazette during the fourth quarter. It can further be indicated that the construction of Limpopo Division of the High Court was completed and all systems are in place for the court to commence with operations during the fourth quarter.

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| Strategic Objective 9: Improved level of compliance with quasi-judicial standards of services | | | | | | | | | | |
| **Performance Indicator** | | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| 9.1 | Percentage of requests for default judgments dealt with by the clerk of the court within 14 working days of receipt (district courts) | 85% | 85% | 88% | 85% | 87% | 85% | 90% | 6% |  |
| 9.2 | Percentage of unopposed taxations processed within 14 working days from the date the matter is set down (district courts) | 92% | 92% | 97% | 92% | 98% | 92% | 99% | 8% |  |

9.1 In keeping with its commitment of improving delivery of quasi-judicial services, the Department has developed performance standards for administrative process performed by the clerk of the court in performing their quasi-judicial functions related to default judgement. During the quarter under review, the Department received a total of 53 868 requests for default judgments of which 48 272 were dealt with by the clerk of the court within 14 working days of receipt. Monthly monitoring of performance and support provided to courts have led to the target being exceeded.

9.2 Subsequent to the finalisation of civil matters, cost orders and taxations need to be finalised in order to allow applicants to receive their funds. Similarly performance standards have been developed to ensure speedy finalisation of such matters. During the quarter under review, the Department processed 2 054 taxation matters of which 2 035 were processed within 14 working days from the date matters were set down.  Monthly monitoring of performance and support provided to courts have led to the target being exceeded.

**Expenditure Report**

The programme’s expenditure for the period ended 31 December 2015 amounted to R4.043 billion against a budget allocation amounting to R5.579 billion, thus recording a 72% spending against the budget. The reported expenditure is R38 million below the approved drawings on the National Revenue Fund of R4.081 billion. The minor under spending can be attributed to buildings and other infrastructure spending. Invoices were awaited in some instances.

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| **Sub-programme** | **2015/16 Budget**  **’000** | **Expenditure ‘000 (Q1)** | **Expenditure**  **‘000 (Q2)** | **Expenditure**  **‘000(Q3)** | **Expenditure to date (April to December)**  **‘000** | **% Actual Expenditure to date**  **(April to December)** |
| Lower Courts | 4 080 216 | 941 094 | 1 036 065 | 1 066 618 | 3 043 777 | 75% |
| Family Advocate | 206 602 | 45 149 | 48 866 | 50 105 | 144 120 | 70% |
| Magistrate's Commission | 16 446 | 2 512 | 4 762 | 3 236 | 10 510 | 64% |
| Government Motor Transport | 18 156 | - | - | - | - | - |
| Facilities Management | 754 790 | 145 286 | 222 316 | 101 551 | 469 153 | 62% |
| Administration Of Courts | 502 928 | 116 780 | 127 375 | 131 645 | 375 800 | 75% |
| **TOTAL** | **5 579 138** | **1 250 821** | **1 439 384** | **1 353 152** | **4 043 357** | **72%** |

## 3.3. PROGRAMME 3: STATE LEGAL SERVICES

The purpose of this Programme is to provide legal and legislative services to government, supervise the registration of trusts and the administration of deceased and insolvent estates and estates undergoing liquidation, manage the Guardian’s Fund and prepare and promote legislation. In addition, the Department facilitates constitutional development and undertake research in support of this. This Programme has the following sub-programmes;

* State Law Advisors
* Litigation and Legal Services
* Legislative Development and Law Reform
* Master of the High Court
* Constitutional Development

**Strategic Objectives**

The strategic objectives under this programme are as follows;

10. Increased efficiency in the provision of Masters services to all beneficiaries thereof

11. Improved management of litigation on behalf of the state to reduce litigation costs and transform the legal profession

12. Enhance re-integration of petty offenders into socio-economic environment

13. Provision of quality legal advisory services which pass constitutional muster

14. Fulfilment of International Obligations by the Department

15. Development of legislative instruments that withstand constitutional challenges

16. Promotion of broad based knowledge about and support for values of equality, human dignity and fundamental human rights

17. Implementation of the TRC recommendations, as approved by Parliament, for purposes of contributing to healing the wounds of the past and restoring human dignity

**Programme Performance Indicators**

| Strategic Objective 10: Increased efficiency in the provision of Masters services to all beneficiaries thereof | | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Performance Indicator** | | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| 10.1 | Percentage of letters of appointment issued in deceased estates within 15 days from receipt of all required documents | 95% | 95% | 93% | 95% | 90% | 95% | 91% | (4%) |  |
| 10.2 | Percentage of liquidation and distribution accounts in large estates (>R125 000) examined within 15 days from receipt of all required documents | 92% | 92% | 94% | 92% | 92% | 92% | 93% | 1% |  |
| 10.3 | Percentage of beneficiaries in receipt of services within 40 days from receipt of all required documents (Guardian’s Fund) | 91% | 91% | 88% | 91% | 93% | 91% | 98% | 8% |  |
| 10.4 | Percentage of certificates of appointment issued in all bankruptcy matters within 10 days from receipt of all required documents | 87% | 87% | 86% | 87% | 91% | 87% | 94% | 8% |  |
| 10.5 | Percentage of liquidation and distribution accounts in bankruptcy matters examined within 15 days from receipt of all required documents | 96% | 96% | 95% | 96% | 96% | 96% | 95% | 1% |  |
| 10.6 | Percentage of letters of authority issued in trusts within 14 days from receipt of all required documents | 90% | 90% | 91% | 90% | 88% | 90% | 84% | (7%) |  |
| 10.7 | Percentage of new deceased estates registered on the Paperless Estate Administration System (PEAS) in the Master’s Offices | 85% | 45% | 96% | 55% | 96% | 65% | 96% | 48% |  |

10.1 During the quarter under review, a total of 30 420 letters of appointments in deceased estates were issued of which 27 825 appointments were issued within 15 days of receipt of all required documents. An electronic system PEAS (ICMS) is used by Master’s Offices to capture and manage case flow; however, network downtime caused backlog and delays in processing appointments.

10.2 During the quarter under review, 12 959 liquidation and distribution accounts in large estates were examined and 11 999 of these accounts were examined within 15 days of receipt of all required documents.

10.3 During the quarter under review, a total of 12 084 beneficiaries of Guardian's Fund were in receipt of services and 11 862 were in receipt of Guardian's Fund services within 40 days of receipt of all required documents.

10.4 During the quarter under review, 3 010 certificates of appointments in all bankruptcy matters were issued and 2 824 of these appointments were issued within 10 days from receipt of all required documents.

10.5 During the quarter under review, 2 039 liquation and distribution accounts in bankruptcy matters were examined and 1 937 of these accounts were examined within 15 days of receipt of all required documents. Capacity constraints contributed to the target not being achieved.

10.6 During the quarter under review, a total of 9 358 letters of authority were issued in trusts of which 7 898 of those were issued within 14 days of receipt of all required documents. An increase in workload and capacity constraints contributed to the target not being achieved.

10.7 During the quarter under review, 27 751 new deceased estates were registered of which 26 708 were registered on the PEAS.

| Strategic Objective 11: Improved management of litigation on behalf of the state to reduce litigation costs and transform the legal profession | | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Performance Indicator** | | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| 11.1 | Percentage value of briefs allocated to Previously Disadvantaged Individuals Counsel | 77% | 77% | 77% | 77% | 80% | 77% | 78% | 1% |  |
| 11.2 | Percentage of finalised damages claims where savings were made. | 62% | 62% | 97% | 62% | 96% | 62% | 96% | 55% |  |
| 11.3 | Number of policies submitted to the Executive endorsement | 1 | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter | Not applicable for this quarter |
| 11.4 | Number of positions filled | 73 | 18 | 40 | 40 | 132 | 58 | 172 | 196% |  |
| 11.5 | Number of managers trained on Management | 13 | Not applicable for this quarter | Not applicable for this quarter | 7 | 0 | Not applicable for this quarter | Not applicable for this quarter | (100%) |  |

11.1 During the quarter under review, the Department paid counsel on matters to the value of R183 167 767 and of which R143 794 026 was paid to previously disadvantaged counsel, translating to 78% performance.

The following is the value of briefs paid to counsel

|  |  |  |  |
| --- | --- | --- | --- |
| **Quarter 3** | | | |
|  | **Gender** | **Value of briefs** | **% of Total** |
| African | Female | R21 184 180 | 12% |
| Male | R84 624 467 | 46% |
| Coloured | Female | R3 594 383 | 2% |
| Male | R7 677 193 | 4% |
| Indian | Female | R7 985 080 | 4% |
| Male | R12 532 916 | 7% |
| White | Female | R6 195 807 | 3% |
| Male | R39 373 741 | 22% |
| **Total** |  | **R183 167 767** | **100%** |

11.2 The Department is embarking on the turnaround programme for services of State Attorney Offices. This programme involves putting policies in place to effectively manage state litigation and includes amongst others, the reduction of litigation costs. During the quarter under review, a total of 416 litigation matters were finalised and in 401 of those matters the Department made savings on damages claimed.

11.3 There was no target set for this indicator for the quarter under review. The draft mediation policy was compiled and the Department is currently consulting various stakeholders for inputs.

11.4 The Department has prioritised the capacity of the State Attorney offices to enable the State Attorney to improve operational effectiveness. As at the end of the third quarter, a total of 172 positions within the branch: Office of the Chief Litigation Officer were filled.

11.5. The target to train 7 managers by the end of the third quarter was not achieved. The delay in finalising the process of appointment the service provider contributed to the target not being met. The process of appointing the service provider has since been concluded and the managers (State Attorneys and Deputy State Attorneys) are to be trained during the fourth quarter. The target will be achieved by the end of the financial year.

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| Strategic Objective 12: Enhance re-integration of petty offenders into socio-economic environment | | | | | | | | | | |
| **Performance Indicator** | | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| 12.1 | Percentage of expungements completed within 3 months | 80% | 80% | 84% | 80% | 70% | 80% | 74% | (7%) |  |

12.1 The Department handles expungements of certain criminal records in respect of individuals who qualify under law. During the quarter under review 4 031 applications for expungements of criminal records were finalised and 2 965 of those applications were completed within 3 months of receipt of all required documents. The increase in the volume of requests received and capacity constraints within the area responsible for handling expungements contributed to the target not being met.

| Strategic Objective 13: Provision of quality legal advisory services which pass Constitutional muster | | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Performance Indicator** | | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| 13.1 | Percentage of legal opinions finalised within 30 days from the date of receipt | 83% | 83% | 96% | 83% | 97% | 83% | 98% | 18% |  |
| 13.2 | Percentage of preliminary opinions on draft Bills for Cabinet’s consideration completed within 40 days from the date of receipt | 70% | 70% | 100% | 70% | 100% | 70% | 96% | 37% |  |
| 13.3 | Percentage of Bills and Subordinate Legislation finalised within 40 days from the date of receipt | 85% | 85% | 98% | 85% | 98% | 85% | 97% | 14% |  |
| 13.4 | Percentage of International Agreements and accompanying Legal Opinions finalised within 30 days from the date of receipt | 70% | 70% | 98% | 70% | 100% | 70% | 99% | 41% |  |
| 13.5 | Percentage of translations finalised within 55 days from the date of receipt | 84% | 84% | 92% | 84% | 95% | 84% | 100% | 19% |  |

13.1 During the quarter under review, 194 legal opinions were finalised, of these 190 were finalised within 30 days from the date of receipt, which translate to 98% against the target of 83%.

13.2 During the quarter under review, the Department finalised 23 preliminary opinions on draft bills for Cabinet’s consideration and 22 of these matters were finalised within 40 days from the date of receipt which translated to 96% against the target of 70%.

13.3 During the quarter under review, a total of 63 Bills and Subordinate legislation were received for certification and 61 were finalised within 40 days from the date of receipt. This translated to a performance of 97% against a target of 85%.

13.4 During the quarter under review, 77 International Agreements and accompanying legal opinion were finalised and 76 of these were finalised within 30 days which translated to a 99% performance against a target of 70%.

13.5 A total of 98 translations were received and finalised within the set timeframe of 55 days from date of receipt. This translated to a performance of 100% against a target of 84%.

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| Strategic Objective 14: Fulfilment of International Obligations by the Department | | | | | | | | | | |
| **Performance Indicator** | | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| 14.1 | Percentage of valid requests for extradition and mutual legal assistance in criminal matters processed within 25 days (notification) | 85% | 85% | 89% | 85% | 85% | 85% | 100% | 18% |  |
| 14.2 | Number of bi-lateral agreements concluded | 2 | Not applicable for this quarter | Not applicable for this quarter | 1 | 0 | Not applicable for this quarter | Not applicable for this quarter | (100%) |  |

14.1 During the quarter under review, the Department received 17 valid requests for extradition and mutual legal assistance in criminal matters and all of these requests were processed within 25 days of receipt.

14.2 The target to conclude 1 bi-lateral agreement was not achieved. The bi-lateral agreement regarding the Extradition Treaty between the RSA and Botswana has been submitted to and discussed at ICTS and JCPS Cabinet committees and is in the process of finalisation for submission to Cabinet. The introduction of the new process to obtain approval for submission to Cabinet led to target not being achieved. It is envisaged that treaty will be served before Cabinet during the first Cabinet meeting of 2016.

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| Strategic Objective 15: Development of legislative instruments that withstand Constitutional challenges | | | | | | | | | | |
| **Performance Indicator** | | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| 15.1 | Number of legislative instruments submitted to the Minister for approval | 16 | 5 | 9 | 10 | 16 | 16 | 23 | 44% |  |
| 15.2 | Number of research papers completed | 8 | 2 | 9 | 5 | 9 | 8 | 20 | 150% |  |
| 15.3 | Number of court rules completed | 10 | 4 | 5 | 7 | 9 | 10 | 11 | 10% |  |

15.1 As at the end of the third quarter, 23 legislative instruments were submitted to the Minister for approval.

1. Amendment of SIU Proclamation 7 of 2014 relating to the Department of Rural Development and Land Affairs and SITA
2. Amendment of SIU Proclamation 38 of 2010 relating to the National Department of Public Works.
3. Amendment of SIU Proclamation 54 of 2014 relating to the National Department of Public Works.
4. SIU Proclamation: Gauteng Department of Human Settlements and Lepelle Northern Water.
5. Cybercrimes and Related Matters Bill.
6. Protected Disclosures Amendment Bill.
7. SIU Proclamation relating to the Department of Basic Education.
8. SIU Proclamation relating to the KZN Provincial Department of Transport
9. Criminal Matters Amendment Bill.
10. SIU Proclamation: Buffalo City Metropolitan Municipality.
11. SIU Proclamation: Msunduzi Local Municipality.
12. Memorandum, Cabinet Memorandum and Justice Administered Fund Bill, 2015.
13. Memorandum to the Minister, President’s Note, President’s Minute and Proclamation in order to put the Prevention and Combating of Trafficking in Persons Act, 2013, into operation.
14. Memorandum to the Minister and amending regulations (subordinate legislative instrument) to the Attorneys Act, 1979 in order to further regulate the application form for fidelity fund certificates.
15. Memorandum and Government Notice in terms of section 89(6) of the Child Justice Act, 2008, in order to include the magisterial district of Uitenhage into the Nerina One-Stop Child Justice Centre.
16. SIU proclamation: Construction Industry Development Board.
17. SIU Proclamation relating to the Amahlathi Local Municipality.
18. SIU proclamation: Department of Correctional Services.
19. SIU proclamation: Department of Correctional Services (Electronic Monitoring System).
20. SIU proclamation: Independent Development Trust and Department of Basic Education.
21. SIU proclamation: Department of Education Eastern Cape.
22. Regulations in terms of section 49(2)(b) of the Superior Courts Act, 2013 dealing with criteria for determining the judicial establishment of SCA and Divisions of the High Court.
23. Memorandum and regulation to amend the Regulations on Debt Collectors under the Debt Collectors Act, 1998, increasing the tariff of fees which can be charged by Debt Collectors.

15.2 As at the end of the third quarter, a total of 20 research papers were completed and submitted for consideration at the South African Law Reform Commission.

1. Final Draft Report on the review of legislation administered by the Department of Cooperative Governance and Traditional Affairs
2. Final Draft Report on the review of legislation administered by the Department of Justice and Constitutional Development (DOJCD 2)
3. Final Draft Discussion Paper on the review of legislation administered by the Department of Science and Technology (DST)
4. Final Draft Report on the review of legislation administered by the Department of Tourism (DT)
5. Final Pre-investigation Report on Lesbians, Gays, Bisexuals, Transgendered and Intersexed (LGBTI’s)
6. Final Pre-investigation Report into a request for strengthening the legal position for the effective handling of medical legal claims (Medico-Legal Claims)
7. Final Pre-investigation Report into the age of marriage
8. Final Pre-investigation report on the right to knowledge of one’s own biological origins [surrogacy]
9. Discussion paper on the project 25- Statutory Law Revision: Review of legislation administered by the Department of Environment Affairs.
10. Project 25: Discussion Paper on review of Legislation administered by Department of Arts & Culture
11. Project 25: Final Report on review of Legislation administered by DOJCD
12. Project 25: Final Report on review of Legislation administered by Department of Science and Technology
13. Project 25: Discussion Paper on review of Legislation administered by Department of Water & Sanitation
14. Project 100: Issue Paper on Family Law and the Law of Persons: Care of and contact with Minor Children
15. Project 107C: Issue Paper on Sexual Offences: Pornography & Children
16. Project 122: Final Report on Assisted Decision -Making
17. Project 135: Discussion Paper on review of the Witchcraft Suppression Act 3 of 1957
18. Preliminary Investigation: Proposal Paper - Maternity Benefits for Self-Employed Women
19. Preliminary Investigation: Proposal Paper - Revamp of the Small Claims Court Act 61 of 1984
20. Preliminary Investigation: Proposal Paper - Minimum Age of Criminal Capacity

15.3 As at the end of the third quarter, 11 amendments to the following court rules/forms were submitted to and approved by the Rules Board;

1. Magistrates’ Courts Rule 12(1) and consequential tariff amendment (Part III of Table A)
2. Magistrates’ Courts Rule 15(4) and (5)
3. Magistrates’ Courts Rule 21B and consequential tariff amendment (Part III of Table A)
4. High Court Rule 38, amended Form 16 and proposed form 16A
5. High Court Rule 4(9)
6. High Court Rule 16(2)
7. High Court Rule 43(2)
8. High Court Rule 58(5A)
9. Uniform Rule 43(7) and (8) / Magistrates’ Courts Rule 58(7) and (8): tariff increases based on the Consumer Price Index, Board approved the increases.
10. Magistrate Courts rule 12, dealing with default judgements
11. Supreme Court of Appeal of section D of rule 18-Item 2(b)(i),(ii).(c)(i) and (ii)-dealing with necessary telephone calls.

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| Strategic Objective 16: Promotion of the broad based knowledge about and support for values of equality, human dignity and fundamental human rights | | | | | | | | | | |
| **Performance Indicator** | | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| 16.1 | Number of activities completed to improve awareness of constitutional rights awareness | 9 | Not applicable for this quarter | Not applicable for this quarter | 4 | 2 | Not applicable for this quarter | 5 |  |  |
| 16.2 | Number of activities to improve sector co-ordination and socio economic rights | 4 | Not applicable for this quarter | Not applicable for this quarter | 2 | 0 | Not applicable for this quarter | 1 |  |  |
| 16.3 | Number of activities to improve capacity and engagement of civil society organisation in constitutional rights | 4 | Not applicable for this quarter | Not applicable for this quarter | 2 | 0 | Not applicable for this quarter | 2 | - |  |
| 16.4 | Number of municipalities which participated in the NAP dialogues | 70 | 20 | 2 | 35 | 19 | 55 | 19 | (65%) |  |

16.1 As at the end of the third quarter, 5 activities to improve awareness of constitutional rights were completed against a target of 4. The activities completed included reaching a total of 4, 8 million people through programmes to raise awareness and knowledge of the Constitution with an emphasis on socio-economic rights and on vulnerable and marginalised groups. A total of 15 dialogues were held on various human rights issues. Two research programmes on the implementation of socio-economic rights were completed.

The activities for this indicator included awarding grants to Civil Society Organisations (CSOs) to promote awareness and socio economic rights among vulnerable groups. To this effect as at the end of the third quarter, grants were awarded to 51 CSOs.

16.2 As at the end of the third quarter, 1 activity to improve sector co-ordination and socio economic rights was achieved. The target to have the request on the Technical Assistance for one programme approved was not achieved as the process took longer than anticipated.

16.3 As at the end of the third quarter a programme to promote sustainability of CAO’s was designed. Furthermore 5 programmes to build and strengthen active citizenry were designed.

16.4 As at the end of the third quarter, 19 municipalities participated in the National Action Plan to combat racism, racial discrimination, xenophobia and related intolerance (NAP) dialogues. Although the target was not achieved, there has been significant milestone regarding the approval of the Draft National Action Plan. Cabinet granted approval of the NAP for public comment during the quarter under review. The consultations on the NAP are scheduled to resume during the fourth quarter. The Department continue to engage municipalities and is also in the process of filling vacant positions.

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| Strategic Objective 17: Implementation of the TRC recommendations, as approved by Parliament for purpose of contributing to healing the wounds of the past and restoring human dignity | | | | | | | | | | |
| **Performance Indicator** | | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| 17.1 | Number of needs analysis completed in TRC listed communities | 6 | 1 | 0 | 2 | 0 | 4 | 0 | (100%) |  |

17.1 The Department identified communities for the completion of the needs analysis phase as part of implementing the recommendations of the Truth and Reconciliation Commission. The target to complete needs analysis in 4 TRC listed communities was not achieved. The lack of understanding of the process by community members in the outstanding TRC identified communities has led to the some community members being dissatisfied thus rejecting the community rehabilitation programme.

Plans to develop a communication strategy which will keep the community informed about the processes are underway. The Department has also embarked on the process of engaging potential funders for the community rehabilitation programme.

**Expenditure Report**

The expenditure for Programme 3 for the period ended 31 December 2015 amounted to R712.3 million against the budget allocation amounting to R1.046 billion, thus recording a 68% spending against the budget. The reported expenditure is R72 million below the approved drawings on the National Revenue Fund of R783.4 million. The under spending can be attributed to vacant posts relating to the Constitutional Development subprogramme as well as outstanding payments for performance awards.

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| **Sub-programme** | **2015/16 Budget**  **’000** | **Expenditure ‘000 (Q1)** | **Expenditure**  **‘000 (Q2)** | **Expenditure**  **‘000(Q3)** | **Expenditure to date (April to December)**  **‘000** | **% Actual Expenditure to date**  **(April to December)** |
| State Law Advisors | 66 676 | 13 756 | 14 723 | 15 323 | 43 802 | 66% |
| Litigation And Legal Services | 401 879 | 82 412 | 96 846 | 102 639 | 281 897 | 70% |
| Legislative Development And Law Reform | 56 616 | 13 010 | 14 066 | 14 230 | 41 306 | 73% |
| Master Of The High Court | 447 897 | 100 206 | 109 121 | 106 224 | 315 551 | 71% |
| Constitutional Development | 72 601 | 8 200 | 11 678 | 9 881 | 29 759 | 41% |
| **TOTAL** | **1 045 669** | **217 584** | **246 434** | **248 297** | **712 315** | **68%** |

## 3.4. PROGRAMME 4: NATIONAL PROSECUTING AUTHORITY

The purpose of this programme is to provide a coordinated prosecuting service that: ensures that justice is delivered to the victims of crime through general and specialised prosecutions, removes the profit from crime and protects certain witnesses. This Programme consists of the following sub-programmes;

* National Prosecutions Services
* National Specialised Prosecutions Services
* Asset Forfeiture Unit
* Office of the witness Protection
* Support Services

**Strategic Objective**

The strategic objectives under this programme are as follows;

Increased successful prosecution

Improved prosecution of cases that require specialised prosecution

Ensure that profit is removed from crime

Ensure threatened witnesses and related persons are successfully protected

**Sub-Programme Performance Indicator**

| Strategic Objective 1: Increased successful prosecution | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Performance Indicator** | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| Number of criminal court cases including ADRM finalised in the lower courts | 478 686 | 119 671 | 122 760 | 124 460 | 125 636 | 114 884 | 111 476 | (3%) |  |
| Number of criminal court cases finalised with verdict in the lower courts | 326 498 | 81 624 | 77 772 | 84 891 | 82 347 | 78 359 | 73 875 | (6%) |  |
| Number of criminal court cases finalised in the lower courts through ADRM | 152 188 | 38 047 | 44 988 | 39 569 | 43 289 | 36 525 | 37 601 | 3% |  |
| Conviction rate in high courts | 87%  (888) | 87%  (222) | 91.3%  (220) | 87%  (231) | 89%  (215) | 87%  (213) | 91%  (258) | 4% |  |
| Conviction rate in regional courts | 74%  (26 396) | 74%  (6 598) | 77.8%  (6 263) | 74%  (6 866) | 78%  (6 959) | 74%  (6 334) | 79%  (5 925) | 5% |  |
| Conviction rate in district courts | 88%  (255 928) | 88%  (63 982) | 94.3%  (65 772) | 88%  (66 542) | 94%  (69 247) | 88%  (61 422) | 95%  (63 256) | 7% |  |
| Conviction rate in organised crime | 90%  (403) | 90%  (100) | 87.7%  (100) | 90%  (107) | 89%  (79) | 90%  (96) | 88%  (91) | (2%) |  |
| Conviction rate in sexual offences | 68%  (5 614) | 68%  (1 403) | 71.1%  (1 231) | 68%  (1 461) | 69%  (1 387) | 68%  (1 347) | 71%  (1 206) | 3% |  |
| Conviction rate in trio crimes | 85%  (1 630) | 85%  (407) | 85%  (288) | 85%  (425) | 81%  (389) | 85%  (391) | 80%  (333) | (5%) |  |
| Conviction rate in violent protests and industrial actions | 74% | 74% | 72.2%  (13/18) | 74% | 64%  (23) | 74% | 67%  (14/21) | (7%) |  |

The lower courts finalised 3 408 fewer cases through ADRM than the quarterly target of 114 884. Performance within this indicator also significantly declined by 14 160 cases compared to the second quarter and by 11 284 cases compared to the first quarter. The reduced utilisation of courts coupled with a focussed approach on quality of prosecutions to enhance service delivery, especially on cases suitable to be resolved through ADRM, contributed to this decline in performance.

The lower courts finalised 4 484 fewer cases with verdict than the set target of 78 359. Performance within this indicator also declined by 8 472 verdict cases compared to the second quarter and by 3 897 verdict cases compared to the first quarter. A focused approach on quality of prosecutions to enhance service delivery, as opposed to quantity finalised, impacted on the non-achievement of the quarterly target. Fewer verdict cases were finalised due to a decline in court day utilisation. A reduced inflow of new cases also impacted on the non-achievement of the quarterly target.

The courts exceeded the third quarter target of 36 525 criminal court cases finalised in the lower courts through ADRM by 1 076 cases. Notwithstanding the achievement of the quarterly target, a decline of 5 688 and 7 387 respectively of cases finalised through ADRM compared to the second and first quarters were recorded. More accused successfully completed diversion programmes. The majority of the ADRM matters, 99%, are still dealt with by the District Courts.

High conviction rates were maintained by all courts and the set targets were significantly exceeded. The conviction rate in the all forums also improved compared to the second and first quarters.

A conviction rate of 88% was recorded in organised crime, 2% below the set target of 90%. The conviction rate in organised crime cases decreased during all 3 quarters of the financial year. Although consultation and preparation can assist with increasing convictions, it is not always easy to pre-empt the credibility of all the witnesses. Due to the criteria on the seriousness of matters to be selected for organised crime, it is also important not to merely accept matters in which conviction will be obtained at all costs.

In accordance with the Presidential directives to enhance the focus on sexual offences matters through the establishment of dedicated courts, the courts have managed during the third quarter to exceed the target of 68% by 3%. This performance is also an improvement of 2% compared to the second quarter. A multi-disciplinary approach followed by the newly established provincial structures with stakeholders from Legal Aid South Africa, South African Police Service (SAPS), Department of Health (DOH) and NPA contributed to the good performance.

During the third quarter a downward trend is noted in the conviction rate in trio crimes. The courts achieved a conviction rate of 80% in trio crimes, 5% below the quarterly target of 85%. This performance is also a decline of 1% compared to the second quarter and a decline of 5% compared to the first quarter.

The target on the conviction rate in violent protests and industrial actions prosecuted was 7% below the target of 74%, achieving a conviction rate of 67%. However, performance within this indicator (conviction rate in violent protests and industrial actions) improved by 3% compared to the second quarter. A total of 14 out of 21 cases were reported to be finalised in the third quarter. The cases are progressing slowly as investigations are often complicated and trial timeous with multiple accused.

| Strategic Objective 2: Improved prosecution of cases that require specialised prosecution | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Performance Indicator** | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| Conviction rate in complex commercial crime | 93%  (928) | 93%  (232) | 91.6%  (197) | 93%  (242) | 94%  (294) | 93%  (222) | 95%  (214) | 2% |  |
| Number of operational TCCs | 55 | 43 | 50 | 48 | 53 | 51 | 54 | 6% |  |
| Number of persons convicted of corruption or offences related to corruption where the amount benefited per case is more than R5 million | 20 | 5 | 15 | 5 | 3 | 5 | 2 | (60%) |  |
| Number of government officials convicted for corruption or offences related to corruption | 91 | 22 | 30 | 26 | 51 | 21 | 27 | 29% |  |
| Conviction rate in cyber-crime prosecutions | 74%  (159) | 74%  (39) | 96%  (48) | 74%  (43) | 97%  (71) | 74%  (38) | 97%  (59) | 23% |  |
| Percentage of cases reported at a TCC that is referred to court for prosecution | 51%  (7 942) | 51%  (1 976) | 42.6%  (1 583) | 51%  (1 995) | 41%  (1 633) | 51%  (1 976) | 39.8%  (1 803) | (11.2%) |  |
| Conviction rate in PCLU | 80%  (4) | 80%  (1) | 100%  (1) | 80%  (1) | 0%  (0) | 80%  (1) | 80%  (2) | 0% |  |

The courts performed well by achieving a 95% conviction rate in complex commercial crime, exceeding the quarterly target of 93% by 2%. This performance is an improvement of 1% compared to the second quarter. The SCCUs methodology of Prosecutor-Guided Investigations (PGI) contributed to the successful prosecutions.

A total of 9 473 matters were reported at the 55 sites currently providing services. 54 sites can be regarded as operational, compared to the 43 sites in the third quarter of the previous financial year. The target of 51 was exceeded by 3 operational TCC sites.

A total of 2 persons against a quarterly target of 5 persons (-60%) were convicted of corruption or offences related to corruption where the amount benefited per case is more than R5m. The performance remained the same compare to the second quarter in which 2 persons were convicted. Contributing factors to the non-achievement of this target is that the DPCI does not have a representative at the ACTT in the Provincial level and the cases are complex and take a long time to investigate. Often forensic accountant reports have to be obtained which are time-consuming.

A total of 27 government officials were convicted for corruption or offences related to corruption, exceeding the quarterly target of 21 by 29%. 24 fewer government officials were convicted for corruption or offences related to corruption compared to the second quarter.

In line with the JCPS Agreement, a special focus was placed on the prosecution of cybercrime cases in order to curb the growing international phenomenon. Although new technologies create new criminal opportunities rather than new crime types, cybercrime is an extension of an ordinary crime committed within cyber space where information and communication technologies are used as an instrument, target or a means of perpetuating further crimes. Cybercrime cases are also very complex in nature and encompass extensive technical evidence. The majority of cybercrime matters are therefore dealt with by the SCCU. During the reporting period the courts achieved an exceptional conviction rate of 97%, exceeding the quarterly target of 74% by 23%. The same performance was recorded in the second quarter.

During the third quarter 39.8% (1 803) of cases reported at TCCs were referred to court for prosecution. This performance was 11.2% below the quarterly target of 51%. A substantial number of non-arrest dockets contributed to this performance. These statistics only include data where case managers are appointed and excludes non-arrest dockets, since these dockets are not trial ready. The performance decreased by 3.2% compared to the previous financial year.

The Courts obtained a conviction rate of 80%, against the quarterly target of 80% conviction rate in PCLU. The Courts exceeded the anticipated number of convictions by 1.

| Strategic Objective 3: Ensure that profit is removed from crime | | | | | | | | | |
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| **Performance Indicator** | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| Number of completed forfeiture cases | 420 | 84 | 102 | 114 | 95 | 108 | 89 | (18%) |  |
| Value of freezing orders | R1bn | R180m | R221.8m | R230m | R204.5m | R270m | R45.4m | (83%) |  |
| Number of freezing orders | 321 | 64 | 68 | 87 | 82 | 83 | 67 | (19%) |  |
| Value of completed forfeiture cases | R210m | R38m | R50.1m | R48m | R172.3m | R57m | R38.3m | (33%) |  |
| Value of freezing orders relating to corruption where the amount involved is more than R5m | R800m | R144m | R144m | R184m | R0m | R216m | R6.9m | (97%) |  |
| Value of recoveries in terms of POCA | R150m | R27m | R84.4m | R34m | R47.8m | R41m | R9.6m | (77%) |  |
| Success rate | 93%  (367) | 93%  (83) | 95%  (114/120) | 93%  (98) | 96%  (95/99) | 93%  (90) | 94%  (105/112) | 1% |  |
| Value of recoveries relating to corruption where the amount benefited is more than R5 million (proceeds of crime and government losses) | R40m | R7m | R14m | R9m | R0.04m | R11m | R103.6m | 89% |  |
| Value of recoveries for government officials convicted of corruption and other related offences (proceeds of crime and government losses) | R200 000 | R36 000 | R269 103 | R46 000 | R60 000 | R54 000 | R50 000 | (7%) |  |

The NPA obtained 89 forfeiture orders, 18% below the target of 108. A significant number of cases were opposed, which resulted in delays in the finalisation of case. The performance decreased by 6 and 13 orders as compared to the second and first quarter respectively. The NPA will enhance the joint strategies and case planning with SAPS and also strengthen the litigation support to allow efficiency.

Freezing orders to the value of R45.4 million were obtained, 83% below the target of R270 million. The performance significantly decreased compared to second quarter by R159.1 million and R176.4 million in the first quarter. The poor performance was due to significant number of high value cases that were opposed. The NPA will enhance the joint strategies and case planning with SAPS and also strengthen the litigation support to allow efficiency. Furthermore more financial investigators will be appointed which will lead to improved financial investigations. The awareness will be conducted to sensitise referral agencies about assets forfeiture processes. The assets forfeiture footprint will be increased throughout the country.

The AFU obtained 67 freezing orders, 19% below the target of 83. The decline in performance is due significant number of high value cases opposed. The performance decreased by 15 orders compared to the second quarter and 1 order in the first quarter. AFU will focus to improve stakeholder and partner relations with the Hawks and SIU. More resources will also be devoted to work on high value cases.

The NPA will enhance the joint strategies and case planning with SAPS and also strengthen the litigation support to allow efficiency. Furthermore more financial investigators will be appointed which will lead to improved financial investigations. The awareness will be conducted to sensitise referral agencies about assets forfeiture processes. The assets forfeiture footprint (more office in strategic points) will be increased throughout the country.

The value of completed forfeiture cases was R38.3 million, 33% below the target of R57 million. The contributing factor to this performance is that fewer high value cases were finalised. The performance has decreased compared to both previous quarters with R134 million in second quarter and R11.8 million in first quarter.

The NPA will enhance the joint strategies and case planning with SAPS and also strengthen the litigation support to allow efficiency. Furthermore more financial investigators will be appointed and improve financial investigations. The awareness will be conducted to sensitise referral agencies about assets forfeiture processes. The assets forfeiture footprint (more office in strategic points) will be increased throughout the country.

During the third quarter, R6.9 million freezing orders relating to corruption where the amount involved is more than R5m was obtained, 97% below the target of R216m. Notwithstanding the non-achievement of the target, the performance has improved by 100% compared to second quarter. However, a significant decline of R137.1 million compared to first quarter is noted. Fewer high value output 3 cases were referred to AFU.

The NPA will enhance the joint strategies and case planning with SAPS and also strengthen the litigation support to allow efficiency. Furthermore more financial investigators will be appointed and improve financial investigations. The awareness will be conducted to sensitise referral agencies about assets forfeiture processes. The assets forfeiture footprint will be increased throughout the country.

Recoveries in terms of POCA to the value of R9.6 million was obtained, 77% below the target of R41 million. There were no high value cases obtained during the reporting period. The performance declined by R38.2 million in second quarter and R74.8 million in first quarter.

The NPA will enhance the joint strategies and case planning with SAPS and also strengthen the litigation support to allow efficiency. Furthermore more financial investigators will be appointed and improve financial investigations. The awareness will be conducted to sensitise referral agencies about assets forfeiture processes. The assets forfeiture footprint will be increased throughout the country.

The AFU won 94% of all cases (105 of 112) against a target of 93%. The AFU increased its focus on more use of non-conviction based forfeiture. In addition, the increase in the number of smaller confiscation orders done with the DPPs, also contributed to the good performance, as these smaller confiscation orders are seldom litigated. Performance decreased from the second quarter by 2% and 1% in the first quarter.

During the third quarter recoveries relating to corruption where the amount benefited is more than R5m, R103.6 million were obtained, 89% above the target of R11 million. This performance improved due to prioritisation of high value cases and more use of non-conviction based forfeiture. The performance increased by R103.5 million compared to second quarter and R89.6 million compared to first quarter.

Recoveries of R50 000 relating to government officials convicted of corruption and other related offences were obtained, 7% below the quarterly target of R54 000. Performance declined from the second quarter by R10 000 and R219 103 compared to first quarters. Less value cases were received. Government officials seldom receive any high value benefit out of corrupt transactions.

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| Strategic Objective 4: Ensure threatened witnesses are successfully protected | | | | | | | | | |
| **Performance Indicator** | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 preliminary Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| Number of witnesses and related persons harmed, threatened or killed while on the witness protection programme | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0% |  |
| % of witnesses and related persons that walked off the witness protection programme | 1.5% | 0 | 0.4%  (2/440) | 0% | 0%  (0/455) | 0% | 0%  (1/465) | 0% |  |

During the third quarter, no incidents were recorded of witnesses being harmed, threatened or killed whilst on the witness protection programme.

Only 1 witness walked-off the witness protection programme. This is an improvement of the first quarter during which 2 witnesses walked of the witness protection programme

**Expenditure Report**

The expenditure for Programme 4 for the period ended 31 December 2015 amounted to R2.5 billion against the budget allocation of R3.3 billion, thus recording 75% spending against the budget.

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| --- | --- | --- | --- | --- |
| **Economic Classification** | **Total Expenditure** | **ENE Budget** | **Budget Available** | **% Spent** |
| **Compensation of Employees** | 2 129 565 156 | 2 821 407 000 | 691 841 844 | 75% |
| **Financial Transactions in Assets and Liabilities** | 244 525 | 169 000 | (75,525) | 144.69% |
| **Goods and Services** | 354 106 570 | 483 979 000 | 129 872 430 | 73% |
| **Household** | 25 195 612 | 26 618 000 | 1 422 388 | 95% |
| **Machinery and Equipment** | 23 172 244 | 54 312 000 | 31 139 756 | 43% |
| **Departmental Agencies and Accounts** | 25 789 | 8 053 000 | 8 027 211 | 0% |
| **Grand Total** | **2 532 309 897** | **3 394 538 000** | **862 228 103** | **75%** |

## 3.5. PROGRAMME 5: AUXILLIARY AND ASSOCIATED SERVICES

The purpose of this programme is to provide a variety of auxiliary services, fund transfer payments to the South African Human Rights Commission, the Office of the Public Protector, Legal Aid South Africa, the Special Investigating Unit, and the President’s Fund. This Programme consists of the following sub-programmes;

* Legal Aid South Africa
* Special Investigating Unit
* Public Protector of South Africa
* South African Human Rights Commission
* Justice Modernisation
* President’s Fund

**Strategic Objective**

The following strategic objective relates to the work within this programme that is implemented by the DOJ&CD (Justice Modernisation);

18. Establishment of an integrated electronic Criminal Justice System (CJS) to modernise the management of the criminal justice information.

**Sub-Programme Performance Indicator**

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| Strategic Objective 18: Establishment of an integrated electronic Criminal Justice System (CJS) to modernise the management of the criminal justice information | | | | | | | | | | |
| **Performance Indicator** | | **2015/16 Target as per APP** | **Quarter 1 Target** | **Quarter 1 actual Output** | **Quarter 2 Target** | **Quarter 2 actual Output** | **Quarter 3 Target** | **Quarter 3 preliminary Output** | **Deviation from planned target** | **Progress indicator (green/ red)** |
| 18.1 | Percentage completion of ICMS Criminal Modernisation | 50% | 12% | 12% | 25% | 25% | 40% | 25% | (37%) |  |
| 18.2 | Number of criminal cases postponed via the audio visual remand system (AVR) | 12 000 | 3 000 | 2 101 | 6 000 | 6 053 | 9 000 | 9 262 | 2% |  |

18.1 As at the end of the third quarter, the process to enhance ICMS in accordance with the gaps identified in development of the ECMS was undertaken. The system design and planning for change requests for enhancement of the ICMS system was completed. Furthermore, the enhancements documented in the change requests were developed and completed. The ICMS and ECMS integration is being stabilised in preparation for the national deployment. All the challenges of system integration are currently being resolved and are to be finalised during the fourth quarter.

18.2 As at the end of the third quarter, a total of 9 262 criminal cases were postponed via the audio-visual remand system (AVR). The utilisation of this system results in reduction of cost and the risks associated with detainees being commuted from correctional facilities to the courts.

**Expenditure Report**

The expenditure for sub-programme: Justice Modernisation for the period ended 31 December 2015 amounted to R448.4 million against the budget allocation amounting to R901.4 million, thus recording a 50% spending against the budget. The reported expenditure is R240.5 million below the approved drawings on the National Revenue Fund of R688.9 million. The less than projected expenditure is as a result of slow progress of the implementation of CJS/IJS project due to delays in procurement processes and late submission of invoices by SITA.

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| --- | --- | --- | --- | --- | --- | --- |
| **Sub-programme** | **2015/16 Budget**  **’000** | **Expenditure ‘000 (Q1)** | **Expenditure**  **‘000 (Q2)** | **Expenditure**  **‘000(Q3)** | **Expenditure to date (April to December)**  **‘000** | **% Actual Expenditure to date**  **(April to December)** |
| **Justice Modernisation** | 901 391 | 44 525 | 121 894 | 281 973 | 448 392 | 50% |