



OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA

2022 | 2023

ANNUAL REPORT
OFFICE OF
THE CHIEF JUSTICE

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PART A:

GENERAL INFORMATION	2
1. DEPARTMENT'S GENERAL INFORMATION	3
2. LIST OF ABBREVIATIONS/ACRONYMS	4
3. FOREWORD BY THE MINISTER	9
4. REPORT OF THE ACCOUNTING OFFICER	13
5. STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY FOR THE ANNUAL REPORT	20
6. STRATEGIC OVERVIEW	21
7. LEGISLATIVE AND OTHER MANDATES	22
8. ORGANISATIONAL STRUCTURE	24
9. ENTITIES REPORTING TO THE MINISTER	25

PART B:

PERFORMANCE INFORMATION	26
1. AUDITOR-GENERAL'S REPORT: PREDETERMINED OBJECTIVES	27
2. OVERVIEW OF DEPARTMENTAL PERFORMANCE	27
3. SERVICE DELIVERY IMPROVEMENT PLAN	29
4. ORGANISATIONAL ENVIRONMENT	30
5. KEY POLICY DEVELOPMENTS AND LEGISLATIVE CHANGES	34
6. PROGRESS TOWARDS ACHIEVEMENT OF INSTITUTIONAL IMPACT AND OUTCOMES	34
7. INSTITUTIONAL PROGRAMME PERFORMANCE INFORMATION	36
8. TRANSFER PAYMENTS	54
9. CONDITIONAL GRANTS	54
10. DONOR FUNDS	54
11. CAPITAL INVESTMENT	54

PART C:

GOVERNANCE	56
1. INTRODUCTION	57
2. RISK MANAGEMENT	57
3. FRAUD AND CORRUPTION	60
4. MINIMISING CONFLICT OF INTERESTS	61
5. CODE OF CONDUCT	61
6. HEALTH, SAFETY AND ENVIRONMENTAL ISSUES	62
7. PORTFOLIO COMMITTEES	64
8. SCOPA RESOLUTIONS	67
9. PRIOR MODIFICATIONS TO AUDIT REPORTS	67
10. INTERNAL CONTROL	68
11. INTERNAL AUDIT AND AUDIT COMMITTEE	68
12. AUDIT COMMITTEE REPORT	71
13. B-BBEE COMPLIANCE PERFORMANCE INFORMATION	74

PART D:

HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT	76
1. INTRODUCTION	77
2. OVERVIEW OF HUMAN RESOURCES	77
3. HUMAN RESOURCES OVERSIGHT STATISTICS	81

PART E:

PFMA COMPLIANCE REPORT	112
1. IRREGULAR, FRUITLESS AND WASTEFUL, UNAUTHORISED EXPENDITURE AND MATERIAL LOSSES	113
2. LATE AND/OR NON-PAYMENT OF SUPPLIERS	115
3. SUPPLY CHAIN MANAGEMENT	116

PART F:

FINANCIAL STATEMENTS	119
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PART A:

GENERAL
INFORMATION



1. DEPARTMENT'S GENERAL INFORMATION

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2. LIST OF ABBREVIATIONS/ACRONYMS

AFC	Audit Facilitation Committee
AFS	Annual Financial Statements
AGSA	Auditor-General South Africa
APP	Annual Performance Plan
ARC	Audit and Risk Committee
B-BBEE	Broad-Based Black Economic Empowerment
BCM	Business Continuity Management
BIA	Business Impact Analysis
CIP	Compulsory Induction Programme
CoE	Compensation of Employees
COIC	Court Order Integrity Committee
COVID-19	Coronavirus Disease of 2019
DR	Disaster Recovery
DRP	Disaster Recovery Plan
CSD	Central Supplier Database
DFI	Departmental Financial Instructions
DG	Director-General
DoJ&CD	Department of Justice and Constitutional Development
DTI	Department of Trade and Industry
DPSA	Department of Public Service and Administration
DPWI	Department of Public Works and Infrastructure
EAP	Employee Assistance Programme
EHW	Employee Health and Wellness
ERM	Enterprise Risk Management
EQAR	External Quality Assurance Review
EXCO	Executive Committee
FY	Financial Year
HDI	Historically Disadvantaged Individuals
HIV	Human Immunodeficiency Virus
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
HOA	Home Owners' Allowance
HR	Human Resources
HRM&D	Human Resource Management and Development
ICT	Information and Communication Technology
IIA	Institute of Internal Auditors
IJS	Integrated Justice System
ISACA	Information Systems Audit and Control Association
JSC	Judicial Service Commission
KPI	Key Performance Indicator
M&E	Monitoring and Evaluation
MSP	Master Systems Plan

MOU	Memorandum of Understanding
MPSA	Minister for Public Service and Administration
MTEF	Medium-Term Expenditure Framework
MTSF	Medium-Term Strategic Framework
NDP	National Development Plan
NGO	Non-Governmental Organisation
NT	National Treasury
NRF	National Revenue Fund
NSG	National School of Government
OCJ	Office of the Chief Justice
OCJBAC	OCJ Bid Adjudicating Committee
OHS	Occupational Health and Safety
OHS&E	Occupational Health, Safety and Environment
OSD	Occupation Specific Dispensation
PAFC	Provincial Audit Facilitation Committee
PHS	Proactive Health Solutions
PFMA	Public Finance Management Act
PI	Performance Information
PPE	Personal Protective Equipment
PPPFA	Preferential Procurement Policy Framework Act
PSC	Public Service Commission
PSR	Public Service Regulations
PSRMF	Public Sector Risk Management Framework
PWD	People with disabilities
QAIP	Quality Assurance and Improvement Program
SAJEI	South African Judicial Education Institute
SCM	Supply Chain Management
SCOPA	Standing Committee on Public Accounts
SDIP	Service Delivery Improvement Plan
SG	Secretary General
SHE	Safety Health Environment
SHERQ	Safety, Health, Environment, Risk and Quality
SMS	Senior Management Service
SOP	Standard Operating Procedure
STI	Sexually Transmitted Infection
TB	Tuberculosis
UIFW	Unauthorised, Irregular, Fruitless and Wasteful
WSP	Workplace Skills Plan

LIST OF THE SUPERIOR COURTS

Superior Courts:

- Constitutional Court;
- Supreme Court of Appeal;
- The High Court of South Africa, consisting of Divisions; and
- Specialised Courts (*Competition Appeal Court, Electoral Court, Labour Court, Labour Appeal Court and Land Claims Court*).

LIST OF INSTITUTIONS OF THE JUDICIARY

- Judicial Service Commission (JSC); and
- South African Judicial Education Institute (SAJEI).



FOREWORD

BY THE MINISTER



3. FOREWORD BY THE MINISTER

“Our nation’s commitment to constitutional supremacy, human rights, freedoms, the rule of law, and the separation of powers has been instrumental in fostering a democratic society, one that is founded on social justice, human dignity, and equality.”



Mr R O Lamola, MP

Minister of Justice and Correctional Services

As we commemorate the 29th anniversary of South Africa’s democratic dispensation, it is important to reflect on the fundamental principles that underpin our democracy. Our nation’s commitment to constitutional supremacy, human rights, freedoms, the rule of law, and the separation of powers has been instrumental in fostering a democratic society, one that is founded on social justice, human dignity, and equality. The independent Judiciary, as one of the three Arms of State, has played a pivotal role in upholding these principles and ensuring that our constitutional democracy thrives. We are grateful for their unwavering commitment to justice and the rule of law, and we look forward to a future that is guided by these same principles.

During the National Conference on the Constitution on 22 March 2023, President Cyril Ramaphosa expressed his gratitude towards the Judiciary and highlighted their pivotal role in upholding the rule of law and protecting human rights, which has been essential in ensuring the sustainability and viability of our democracy.

Section 165 (4) of the Constitution emphasises the importance of maintaining the dignity, accessibility, effectiveness and independence of the Judiciary, and as a result, the Office of the Chief Justice (OCJ) was established to provide administrative support and reinforce our commitment towards the independence of our Judiciary and adherence to the principle of separation of powers as a constitutional imperative.

The OCJ continues to support the Judiciary in its contribution to Chapter 14 of the National Development Plan (NDP)-Vision 2030 (promoting accountability and fighting corruption through strengthening the judicial governance and the rule of law).

The OCJ holds a vision of creating a judicial system that is unified, transformed, and independent, ensuring that justice is accessible to all. Throughout the previous period, the OCJ carried out its responsibilities by reinforcing judicial governance and improving efficiency in the management

of Superior Courts. This was achieved through the implementation of various initiatives that contributed to the expansion and enhancement of access to Superior Courts services, as well as the optimisation of court administration by continuing to modernise court systems, processes, and infrastructure. Notably, CaseLines, a self-contained solution for managing evidence, was successfully tested in the Gauteng Division of the High Court. Furthermore, CaseLines has been partially utilised in the Constitutional and Supreme Court of Appeal (SCA). However, the implementation of CaseLines in other Divisions of the High Court has been delayed due to technical and administrative obstacles that need to be addressed.

The OCJ places a premium on prioritising Superior Courts operations to guarantee that access to justice is maintained as its central focus. In line with this, the Superior Courts have continued to provide essential services, even during the Coronavirus (COVID-19) pandemic, by leveraging digital platforms and conducting virtual court hearings.

During the 2022/23 financial year (FY), the OCJ was allocated a total budget of R2.610 billion. I am pleased to report that the OCJ spent 94% of its budget during this period, indicating a high level of financial prudence and accountability.

Although the South African Government has lifted most COVID-19 restrictions, the negative impact of the pandemic on the economy, and the consequent regressive budget adjustments, still limit various government departments' operations, including the OCJ. Nevertheless, the OCJ has ensured that the provision of support to the Judiciary is not adversely affected during the 2022/2023 FY.

As access to justice and the provision of court services are crucial components of our constitutional democracy, the OCJ has taken proactive measures to mitigate against challenges that could impede these services. One such challenge is the frequent power interruptions caused by load shedding. To address this problem, the OCJ has installed generators in various courts to ensure that all courts have a solution for uninterrupted power supply.

Notably, the Constitutional Court and the Supreme Court of Appeal (SCA) are unaffected by load shedding, thus ensuring that they can continue to provide essential services without interruption.

In order to ensure that the Judiciary is provided with the necessary support, the OCJ has identified key outcomes that will be prioritised during the Medium-Term Expenditure Framework (MTEF). Specifically, the OCJ will focus on the effective and efficient administration of its operations, as well as a concerted effort to improve court efficiency and enhance judicial performance.

The strategic focus of the OCJ is centered on the provision of effective administrative and technical support to the Judiciary, with a particular emphasis on judicial training, administrative and secretariat support to the Judicial Service Commission (JSC), and the administration of Judges' registrable interests and conditions of service.

To achieve these goals, the OCJ must have access to the necessary financial resources and the appropriate human resources, information systems, and infrastructure. By prioritising these key areas, the OCJ is poised to make a significant contribution to the effective functioning of the Judiciary, thereby ensuring that justice is delivered in a timely and efficient manner.

The education and training of Judicial Officers are necessary to promote and uphold the independence, impartiality, dignity, accessibility and effectiveness of the courts. In this regard, the South African Judicial Education Institute (SAJEI), located under the OCJ, continues to offer training courses to aspirants and serving Judicial Officers. The resourcing and capacitation of the SAJEI are crucial in ensuring that quality education and training courses are provided to serving and aspirant Judicial Officers. Chapter 14 of the NDP states that a strategy is needed to strengthen the independence of the Judiciary by improving the quality of Judges and scaling up judicial training. Although the Government has lifted COVID-19 restrictions, SAJEI has continued using virtual platforms to conduct judicial education training for the aspirant and serving Judicial Officers, as

this promotes wider access to training and is a much more economical way of providing training. During the period under review, SAJEL conducted a hundred and twenty-four (124) judicial education courses for Judicial Officers, which were attended by 3 798 delegates.

We are fully committed to ensuring that the Judiciary remains independent and that the principle of separation of powers is upheld. We are currently working on our contributions to the Judiciary-led court administration model outlined in the NDP to show our dedication. We will continue to consult with the Judiciary on this matter.

The OCJ is dedicated to supporting the Judiciary as it is a vital part of our democracy. We are committed to ensuring that our courts remain independent, accessible, effective, and dignified.

I want to express my appreciation to Chief Justice Raymond Zondo and the Heads of Court for their assistance with judicial governance and effective court management. I would also like to thank the

Judiciary for their commitment to providing justice to all, as mandated by the Constitution. My gratitude goes out to the Deputy Minister of Justice and Constitutional Development, Mr John Jeffery, the Portfolio Committee on Justice and Correctional Services, the Audit and Risk Committee (ARC) of the OCJ, and all other stakeholders for their unwavering support.

Lastly, I want to extend my sincere gratitude to the Secretary-General (SG) of the OCJ, Ms Memme Sejosengwe, and all OCJ employees for their commitment to good governance in the Public Service.



Mr R O Lamola, MP

Minister of Justice and Correctional Services

Date: 31 July 2023

REPORT

OF THE
ACCOUNTING
OFFICER



4. REPORT OF THE ACCOUNTING OFFICER

“The 2022/23 FY is the third year of implementing the OCJ 2020/21-2024/25 Strategic Plan. The OCJ operates as a Public Service department under the executive authority of the Minister of Justice and Correctional Services.”



Ms Memme Sejosengwe

Accounting Officer: Office of the Chief Justice

4.1. OVERVIEW OF THE OPERATIONS OF THE DEPARTMENT

The 2022/23 FY is the third year of implementing the OCJ 2020/21-2024/25 Strategic Plan. The OCJ operates as a Public Service department under the executive authority of the Minister of Justice and Correctional Services. It exists to provide administrative support to the Judiciary and the Superior Courts. During the period under review, the OCJ continued to execute its mandate of supporting the Judiciary through three programmes – Administration, Superior Court Services and Judicial Education and Support.

On 05 April 2022, our Government lifted the COVID-19 restrictions. However, the COVID-19 pandemic continues to have a profound impact on our national economy, with our Government forced to adapt, particularly in relation to resource allocations. The economic recovery process from the pandemic is not easy and requires that scarce resources be allocated prudently for impact where it matters most. The OCJ supports Government’s efforts to reprioritise financial resources and,

while this may affect the organisation’s ability to provide services as per the pre-COVID-19 era, will continue to evolve and find new ways to deliver on its mandate despite the constrained economic environment.

The OCJ’s Business Continuity Management (BCM) Committee and its Sub-Committees continued to function as the governance structure responsible for establishing and implementing a Business Continuity Management System (BCMS) within the Department. BCMS improves business resilience that seeks to safeguard the interests of key stakeholders, reputation, brand, organisation value and data of the OCJ. Several achievements were recorded in the implementation of BCMS, and these are outlined in detail in Part B, section 4.7 of this Report. The following are the Sub-Committees: Safety, Health, Environmental, Risk and Quality (SHERQ), Business Recovery and Systems Recovery.

During the reporting period, the OCJ experienced turnover in critical posts, necessitating the implementation of contingency plans to ensure continued operations. The Department intends to continue the implementation of the Human Resource Plan 2022/23 – 2024/25 as a holistic response to human resourcing matters to ensure the best fit between employees and jobs while avoiding human resource shortages and surpluses. By implementing the Human Resource Plan 2022/23 – 2024/25 in the 2022/23 FY, the OCJ ensured the capacitation of the courts by filling vacant posts. Our human resourcing initiatives will continue prioritising the courts to ensure they are sufficiently capacitated to efficiently deliver court services.

With regard to financial management, we have strengthened our internal controls and improved processes to ensure that irregularities in our systems are prevented and eradicated.

The following remain our priority areas:

- Implementing initiatives that contribute to broadening and improving access to justice and the services of the Superior Courts;
- Ensuring an efficient court system;
- Improving efficiencies in court administration through modernisation of the systems, processes and infrastructure;

- Implementing initiatives to address the impact of COVID-19 on the operations of the Courts; and
- Contributing towards the revival of our economy and job creation.

We have reprioritised the Department's financial resources to focus on delivering the priorities of Government. Court modernisation and enhancement of Information and Communication Technology (ICT) infrastructure were primary in this regard. Court modernisation focused on improving access to justice and the services of the Superior Courts. To realise this, the Department allocated an additional budget of R11.5 million to the ICT infrastructure during the year under review after realising savings on some contracts. The increased need for streaming services necessitated the improvement of the ICT infrastructure to be able to handle the increased virtual meetings and online training.

The OCJ's Annual Report reflects our performance measured against indicators and targets set out in the 2020/21-2024/25 Strategic Plan and Annual Performance Plan (APP) for the 2022/23 FY as tabled in Parliament. The 2022/23 Annual Report was developed in line with the Revised Framework for Strategic Plans and APPs and the National Treasury Annual Report Guide for National and Provincial Departments as updated November 2022, which remain as guiding instruments for planning and reporting across Government.

4.2 OVERVIEW OF THE FINANCIAL RESULTS OF THE DEPARTMENT

DEPARTMENTAL RECEIPTS:

REVENUE

Departmental receipts	2022/23 FY			2021/22 FY		
	Estimate	Actual Amount Collected	(Over/Under Collection)	Estimate	Actual Amount Collected	(Over/Under Collection)
	R'000	R'000	R'000	R'000	R'000	R'000
Tax Receipts	-	-	-	-	-	-
- Casino taxes	-	-	-	-	-	-
- Horse racing taxes	-	-	-	-	-	-
- Liquor licences	-	-	-	-	-	-
- Motor vehicle licences	-	-	-	-	-	-
Sale of goods and services other than capital assets	617	590	27	589	587	2
Transfer received	-	-	-	-	-	-
Fines, penalties and forfeits	-	110	(110)	-	50	(50)
Interest, dividends and rent on land	1	-	1	1	-	1
Sale of capital assets	-	9	(9)	-	280	(280)
Financial transactions in assets and liabilities	3 470	3 200	270	1 765	2 403	(638)
TOTAL	4 088	3 909	179	2 355	3 320	(965)

The Department collected 96% (R3.909 million) of the projected revenue of R4.088 million during the 2022/23 FY. The variance of R179 thousand was due to an over estimation set during the budget adjustment process.

During the year under review, an amount of R1.283 million was written off for bad debts.

PROGRAMME EXPENDITURE

Programme	2022/23			2021/22		
	Final appropriation (R'000)	Actual expenditure (R'000)	(Over)/under expenditure (R'000)	Final appropriation (R'000)	Actual expenditure (R'000)	(Over)/under expenditure (R'000)
Administration	292 203	281 833	10 370	252 298	210 144	42 154
Superior Court Services	1 014 683	963 615	51 068	929 120	902 634	26 486
Judicial Education and Support	55 992	49 416	6 576	60 362	43 385	16 977
TOTAL	1 362 878	1 294 864	68 014	1 241 780	1 156 163	85 617
Direct charge (Judges' salaries)	1 247 118	1 154 581	92 537	1 118 421	1 063 342	55 079
TOTAL	2 609 996	2 449 445	160 551	2 360 201	2 219 505	140 696

During the 2022/23 financial year (FY), the OCJ was allocated a total budget of R2.610 billion, of which R1.363 billion was allocated to the Vote and R1.247 billion to the Direct Charge for Judges' remuneration and benefits. The OCJ spent 94% of its budget during the financial year.

The Department's total voted expenditure amounted to R1.295 billion, which is 95% of the budgeted R1.363 billion, resulting in an underspending of R68.014 million (5%). This underspending was incurred under Compensation of Employees, goods and services, and the payment for capital assets. The reasons for underspending are provided in the sections below.

EXPENDITURE PER PROGRAMME

PROGRAMME 1: ADMINISTRATION

The expenditure on this Programme was R281.833 million against the final allocation of R292.203 million (or 97% spending against the budget), which resulted in an underspending of R10.370 million (3%). The underspending relates to the following:

- a) Compensation of employees – due to the late receipt (four months before the FY end) of additional funding from NT coupled with the protracted process of filling vacant posts.
- b) Goods and services – due to under-expenditure on the allocated ICT goods and services budget as a result of irregularly awarded tender in the previous FY.

PROGRAMME 2: SUPERIOR COURT SERVICES

The expenditure on this Programme was R963.615 million against the final allocation of R1.015 billion (or 95% spending against the budget), which resulted in an underspending of R51.068 million (5%). The underspending relates to the following:

- a) Compensation of employees – funds allocated that could not be spent due to the outer year (2023/24 FY) budget ceiling allocation being lower than the previous year. Furthermore, the

underspending was due to the late receipt (four months before the FY end) of additional funding from NT coupled with the protracted process of filling vacant posts; and

- b) Payments for capital assets – relates to lesser than projected spending on leased vehicles due to some of the contracts running on a month-to-month basis and, as a result, classified as operating leases and paid under goods and services.

PROGRAMME 3: JUDICIAL EDUCATION AND SUPPORT

The expenditure on this Programme was R49.416 million against the final allocation of R55.992 million (or 88% spending against the final appropriation), which resulted in an underspending of R6.576 million (12%). The underspending relates to the following:

- a) Compensation of employees – due to the late receipt (four months before the FY end) of additional funding from NT coupled with the protracted process of filling vacant posts;
- b) Goods and services – outstanding invoices for judicial training conducted in March 2023; and
- c) Payments for capital assets – relates to delayed relocation of the Judicial Support Services Unit, for which new office furniture and other office equipment were projected to be replaced on relocation. The relocation did not take place pending the approval of the Department of Public Works.

STATUTORY FUND (DIRECT CHARGE): JUDGES' SALARIES

The expenditure on the statutory allocation was R1.155 billion against the final allocation of R1.247 billion (93% spending against the final appropriation), which resulted in an underspending of R92.537 million (7%). The underspending on Judges' salaries relates to less than projected expenditure on the additional funds allocated during the budget adjustment process, and lesser than anticipated payment of gratuities.

VIREMENTS

The following table provides a breakdown of virements executed:

From			To		
Programme	Item	R'000	Programme	Item	R'000
1: Administration	Goods and services	9 508	2: Superior Court Services	Goods and services	4 600
				Transfers and subsidies	1 922
			TOTAL	6 522	
			3: Judicial Education and Support	Goods and services	2 986
			TOTAL	2 986	
TOTAL		9 508	TOTAL		9 508

The virement from the Administration programme was executed to address the overspending on the Superior Court Services programme due to the increased expenditure resulting from the contracts of leased vehicles running on a month-to-month basis, as well as the more than projected leave gratuities paid under transfers and subsidies to resigned officials. The leased vehicles are budgeted for under capital expenditure.

The virement from the Administration programme was executed to address overspending on the Judicial Education and Support programme due to payment of legal costs on finalised litigation by the Judicial Service Commission (JSC).

UNAUTHORISED EXPENDITURE

No unauthorised expenditure was incurred during the period under review.

FRUITLESS AND WASTEFUL EXPENDITURE

No fruitless and wasteful expenditure was incurred during the period under review.

IRREGULAR EXPENDITURE

The opening balance for irregular expenditure was R52.632 million in 2022/21 FY, and the closing balance was R69.457 million at the end of March 2023 due to non-compliance with the SITA Act.

THE STRATEGIC FOCUS OVER THE SHORT- TO MEDIUM-TERM PERIOD

In contributing to the focus areas as outlined in the Strategic Plan, the OCJ will focus on the following:

- Supporting the Chief Justice in ensuring judicial accountability;
- Broadening and improving access to justice and the services of the Superior Courts;
- Ensuring an efficient court system and providing judicial support;
- Reducing inefficiencies in court administration through modernisation and digitalisation of systems, processes and infrastructure; and
- Implementing initiatives that are meant to address the impact of COVID-19.

PUBLIC-PRIVATE PARTNERSHIPS

The OCJ did not enter into any public-private partnerships during the period under review.

DISCONTINUED ACTIVITIES/ACTIVITIES TO BE DISCONTINUED

No activities were discontinued or are to be discontinued during or emanating from the period under review.

NEW / PROPOSED ACTIVITIES

There were no new/proposed activities.

SUPPLY CHAIN MANAGEMENT

No unsolicited bid proposals were considered or concluded by the Department for the year under review.

SUPPLY CHAIN MANAGEMENT PROCESSES AND SYSTEMS TO PREVENT IRREGULAR EXPENDITURE

The OCJ reviewed and strengthened its supply chain management (SCM) processes and systems during the year under review to detect and prevent irregular, fruitless and wasteful expenditure. Measures put in place included the following:

- The Departmental Financial Instructions (DFI) were reviewed to strengthen controls and ensure the accountability of officials. The National Treasury (NT) Compliance and Reporting Framework was incorporated into the amended DFI to prevent irregular, fruitless and wasteful expenditure. All amended NT Instructions on procurement-related matters were incorporated;
- The checklist to ensure compliance with all prescribed SCM prescripts was re-designed and implemented in all OCJ Service Centres.
- There was a continuation of the initiative that all SCM practitioners should perform pre-check compliance reviews prior to generating purchase orders. This ensured, inter alia, that purchase orders were placed with accredited suppliers or service providers registered on the Central Supplier Database (CSD) of the NT.
- Terms of Reference were developed for the OCJ Bid Adjudicating Committee (OCJBAC) members and approved by the Accounting Officer.
- The OCJ has appointed Bid Committees¹ and Provincial Control Committees to ensure transparency, fairness and compliance within SCM and tender processes.
- All SCM officials have signed a Code of Conduct and Declaration of Interest. Furthermore,

1 Bid Committees refers to Bid Adjudication Committees; Bid Specification Committees; Bid Evaluation Committees

SCM officials disclosed their financial interests through the e-Disclosure system during the year under review.

- Members of the Bid Committees also signed a code of conduct and Declaration of Interest;
- Contract management and payment registers are maintained to prevent irregular expenditure;
- No unsolicited bid proposals were received or concluded for the year under review; and
- Probity audits are to be conducted by Internal Audit Services before the awarding of tenders.

In addition to the above measures and to enhance skill levels, NT and NSG trained SCM officials on the broad spectrum of SCM functions.

To strengthen SCM compliance and understanding of processes, in-house training on SCM procedures was provided to OCJ officials. NT provided in-house training to the OCJBAC members.

The prescripts issued by NT and audit findings issued by the Auditor-General South Africa (AGSA) have been communicated throughout the year to all finance officials at the National Office, Superior Courts and Provincial Centres to ensure that correct SCM procedures are followed during the procurement process and implemented accordingly.

SCM SOPs were revised and strengthened, and new prescripts have been incorporated in the SOP. The signed SOP was implemented in SCM. The SCM policy was reviewed to enhance accountability in the SCM.

GIFTS AND DONATIONS RECEIVED IN KIND FROM NON-RELATED PARTIES

During the reporting period, the OCJ received donations and sponsorships ranging from books, accommodation and flights to the value of R203 380.13.

EXEMPTIONS AND DEVIATIONS RECEIVED FROM NATIONAL TREASURY

There were no exemptions and deviations for the period under review.

EVENTS AFTER THE REPORTING DATE

No events recorded at the date of submission

OTHER MATERIAL FACTS/CIRCUMSTANCES

ASSET MANAGEMENT

During the year under review, the OCJ maintained its Asset Management Register in compliance with section 40(1)(a) of the Public Finance Management Act, 1999 (Act 1 of 1999) (PFMA). The Department's asset register fully complies with the minimum requirements set by NT. Periodic verification and reconciliation of all Departmental and leased assets were done to ensure the existence, accuracy and completeness of the asset register. The Department is experiencing challenges with the legacy procurement system used for procuring goods and services and Asset Management. To overcome this challenge, a process has been initiated to migrate to a NT system.

ACKNOWLEDGEMENT AND APPRECIATION/ CONCLUSION

I hereby reaffirm the Department's commitment to its mandate of supporting the Judiciary to ensure the provision of effective and efficient services in the courts. The OCJ would like to express gratitude

to Chief Justice R M M Zondo for the leadership he continues to provide us. The OCJ also thanks the Minister of Justice and Correctional Services, Mr Ronald Lamola, and the Deputy Minister of Justice and Constitutional Development, Mr John Jeffery, for their continued support. We also express our gratitude to the Chairperson and members of Parliament's Portfolio Committee on Justice and Correctional Services for their oversight role over the work of the OCJ. We also thank the Chairperson and members of the Audit and Risk Committee (ARC) of the OCJ for their continued guidance and support. Furthermore, our gratitude is extended to a wide range of stakeholders who have richly contributed to the work of the OCJ.

Finally, I thank all OCJ employees for their concerted efforts in ensuring that we deliver services in line with the Constitution and the prescripts of the Public Service.



Ms M Sejosengwe

Accounting Officer: Office of the Chief Justice

Date: 31 July 2023

5. STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY FOR THE ANNUAL REPORT

To the best of my knowledge and belief, I confirm the following:

- All information and amounts disclosed throughout the Annual Report are consistent.
- The Annual Report is complete, accurate and is free from any omissions.
- The Annual Report has been prepared in accordance with the Annual Report Guide for National and Provincial Departments as issued by the National Treasury.
- The AFS (Part E) have been prepared in accordance with the modified cash standard and the relevant frameworks and guidelines issued by the National Treasury.
- The Accounting Officer is responsible for the preparation of the AFS and for the judgements made in this information.
- The Accounting Officer is responsible for establishing and implementing a system of

internal control designed to provide reasonable assurance as to the integrity and reliability of the performance information (PI), the Human Resources (HR) information and the AFS.

- The external auditors are engaged to express an independent opinion on the AFS.
- In my opinion, the Annual Report fairly reflects the operations, the PI, the HR information and the financial affairs of the Department for the FY ended 31 March 2023.

Yours faithfully,



Ms M Sejosengwe

Accounting Officer: Office of the Chief Justice

Date: 31 July 2023

6. STRATEGIC OVERVIEW

VISION

A single, transformed and independent judicial system that guarantees access to justice for all.

MISSION

To provide support to the judicial system to ensure effective and efficient court administration services.

VALUES

In the pursuit of its mandate, vision and mission, the OCJ upholds the following values:

VALUES	DESCRIPTION
RESPECT	<ul style="list-style-type: none"> We treat everyone with dignity, courtesy and understanding; and We ensure respect, protection, promotion and fulfilment of the values of the Constitution.
INTEGRITY	<ul style="list-style-type: none"> We value openness, honesty, consistency and fairness; We act in good faith in all day-to-day activities and display humility; and We have a commitment to ethics and focus on justice and fairness.
TRANSPARENCY	<ul style="list-style-type: none"> We are open in our processes and communicate our actions and decisions clearly
PROFESSIONALISM	<ul style="list-style-type: none"> We demonstrate the highest levels of competence, efficiency and ethical values in executing tasks.
ACCOUNTABILITY	<ul style="list-style-type: none"> We ensure stringent standards of conduct and are answerable for our performance.
EXCELLENCE	<ul style="list-style-type: none"> We are results-oriented and cost-effective when doing our work; We understand customer's needs, respond timeously, efficiently and effectively to customer's queries and requests; and We strive for quality and high performance.

7. LEGISLATIVE AND OTHER MANDATES

The OCJ is guided by the Constitution of the Republic of South Africa, 1996, as well as other legislation and policies that constitute the legal framework for the establishment of the OCJ in executing its mandate.

CONSTITUTIONAL MANDATE

The Constitution provides that the judicial authority of the Republic is vested in the courts. It also provides that the Chief Justice is the Head of the Judiciary and entrusts the Chief Justice with the responsibility for establishing and monitoring Norms and Standards for the performance of judicial functions in all courts. Section 165 (4) of the Constitution enjoins organs of State to assist and protect the courts to ensure their independence, impartiality, dignity, accessibility and effectiveness. The OCJ was established to support the Judiciary in order to give effect to section 165 (4) of the Constitution.

LEGISLATIVE MANDATE

The OCJ derives its mandate from several pieces of legislation, including the following:

LEGISLATION	KEY MANDATES / RESPONSIBILITIES
Public Service Act, 1994 (Act 103 of 1994)	<p>The OCJ was proclaimed a National Department under the Public Service Act, 1994. This Act provides for the organisation and administration of the Public Service.</p> <p>In March 2015, the Minister of Public Service and Administration, in terms of this Act, determined the functions relating to the administration of the Superior Courts transferred from the DoJ&CD to the OCJ.</p>
PFMA, 1999 (Act 1 of 1999)	<p>This Act regulates financial management in the national government.</p>
Superior Courts Act, 2013 (Act 10 of 2013)	<p>This Act empowers the Chief Justice to exercise responsibility over the establishment and monitoring of Norms and Standards for the exercise of judicial functions at all courts.</p> <p>The Minister of Justice and Correctional Services has, in terms of this Act, delegated certain powers and functions to the SG to provide administrative support functions to the Chief Justice and the Judiciary.</p> <p>This Act also regulates the allocation of financial resources of the OCJ and designates the SG as the Accounting Officer.</p>

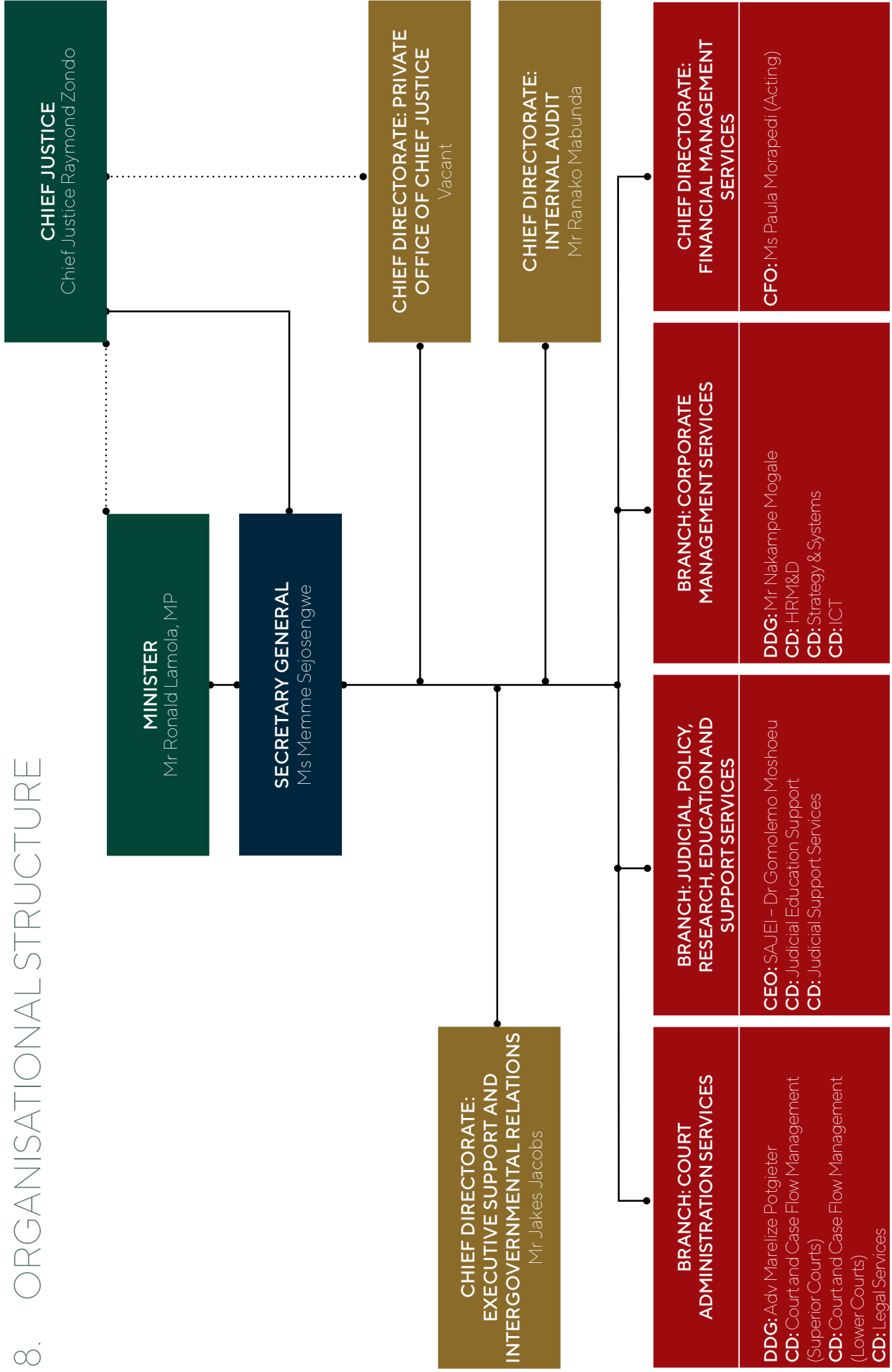
Judges' Remuneration and Conditions of Employment Act, 2001 (Act 47 of 2001)	This Act deals with the remuneration and conditions of employment of Judges.
JSC Act, 1994 (Act 9 of 1994)	The Act deals with the appointment of Judges and the establishment of the Judicial Conduct Committee that deals with complaints about Judges. This Act also deals with, amongst others, the establishment and maintenance of a register of Judges' registrable interests.
SAJEI Act, 2008 (Act 14 of 2008)	The Act provides for the training of Judicial Officers and aspirant Judges.
Judicial Matters Amendment, 2015 Act (Act 24 of 2015)	In terms of the Judicial Matters Amendment Act, 2015, the general administration of the Judges' Remuneration and Conditions of Employment Act, 2001 has been transferred from the Director-General (DG) of the DoJ&CD to the SG of the OCJ with effect from 01 August 2016. This Amendment Act also transfers certain functions and responsibilities of SAJEI that were previously allocated to the DoJ&CD. Furthermore, the Act determines that SG is responsible for accounting for JSC funds.
Regulations on the Criteria for the Determination of the Judicial Establishment of the Supreme Court of Appeal and Divisions of the High Court of South Africa, 2015	These Regulations, made in terms of section 49(1)(b) of the Superior Courts Act, 2013 (Act 10 of 2013), provide the criteria for the determination of the number of Judges at the Superior Courts.

POLICY MANDATES

The OCJ was proclaimed as a national department by the President of the Republic of South Africa in terms of Proclamation 44 of 2010. Subsequently, the Minister for Public Service and Administration (MPSA) made a determination regarding the purpose and objectives of the OCJ as follows:

- To ensure that the Chief Justice can properly execute their mandate as both the Head of the Constitutional Court and the Head of the Judiciary;
- To enhance the institutional, administrative and financial independence of the OCJ; and
- To improve organisational governance and accountability and the effective and efficient use of resources.

8. ORGANISATIONAL STRUCTURE



9. ENTITIES REPORTING TO THE MINISTER

There are no entities that report to the Minister of Justice and Correctional Services funded through the OCJ Vote and whose functions support the mandate of the OCJ.



PART B:

PERFORMANCE
INFORMATION

26



1. AUDITOR-GENERAL'S REPORT: PREDETERMINED OBJECTIVES

The Auditor-General's report on the audit of pre-determined objectives is provided on page 119 of the Report of the Auditor-General, included in Part F: Financial Information.

2. OVERVIEW OF DEPARTMENTAL PERFORMANCE

2.1 SERVICE DELIVERY ENVIRONMENT

During the 2022/23 FY, the OCJ executed its mandate of providing administrative support to the Judiciary through strengthening its judicial governance and enhancing efficiencies in the administration of Superior Courts. This was done by implementing initiatives that contribute to broadening and improving access to justice and Superior Courts services; providing support to the Chief Justice in ensuring judicial accountability; and ensuring the efficiency and effectiveness of the courts through the modernisation of systems, processes and infrastructure. The OCJ's service delivery environment during the year under review was also affected by the ongoing impact of the Coronavirus (COVID-19) pandemic on the administration of justice. The July 2021 unrests in KwaZulu-Natal and Gauteng also had implications for public trust in the country's justice system and the administration of justice.

SUPERIOR COURT SERVICES AND ACCESS TO JUSTICE FOR ALL

The prioritisation of Superior Courts operations and provision of court services to ensure access to justice remains core for the OCJ. It is also important that access to justice is not compromised due to the impact of the COVID-19 pandemic and that the courts remain operational in line with the directives of the Chief Justice. Increasingly, the Superior Courts used virtual platforms to hear matters during the period under review. This use of technology made the courts safer and easier to access by both litigants and the public, especially where hearings were streamed on social media platforms.

ENSURING AN EFFICIENT COURT SYSTEM

The Superior Courts and practitioners alike have come to endorse and embrace the use of technology in the administration of justice, especially since the advent of the COVID-19 pandemic. The Court Online project, a cloud-based digital platform aimed at providing online case initiation, case management and evidence presentation to ensure optimised court proceedings, has profoundly impacted the efficient functioning of the Superior Courts. It has made court records more accurate, secure, and accessible. It has also helped to improve communication between Judges, attorneys and clients by allowing an easy flow of information between all relevant parties. The refreshing of the OCJ's ICT infrastructure has also ensured that technologies such as Court Online are appropriately supported to allow for their full exploitation for improved service delivery.

During the period under review, the Department continued to work towards fully utilising the Court Online system. The planned Court Online roll-out was for 5 Superior Courts during the 2022/23 FY, i.e., Gauteng Division, Pretoria; Gauteng Local Division, Johannesburg; Constitutional Court, SCA; and Northern Cape Division, Kimberley. For the period under review, the Court Online System could only be rolled out to two (2) Superior Courts, namely, the Gauteng Division, Pretoria, and Gauteng Local Division, Johannesburg. As at the end of the 2022/23 FY, 101 709 cases were lodged and issued through Court Online. Depending on the ICT infrastructure readiness and the system stabilisation, the Department will prioritise the future roll-out of the Court Online to all Superior Courts.

Technology is also being employed in relation to Judges' administrative matters, that is, the development of the e-Judiciary system, which implements the Judges' Remuneration and Conditions of Employment Act.

In addition, the ICT infrastructure refresh project was implemented at the OCJ's Data Centre for the production site and the Disaster Recovery site.

FACILITIES MANAGEMENT

The OCJ, like any other organisation, is negatively affected by the country's energy supply constraints and persistent load shedding. During the FY under review, the OCJ installed backup generators and water tanks in most of the Superior Courts to reduce the impact of load shedding on service delivery. Out of twenty-three (23) Superior Courts, only six (6) have no backup generators installed. A request for an upgrade to be implemented for Constitutional Court has been made to the DPWI through the DoJ&CD. The upgrade relates to installing a new generator with increased capacity output to power more areas of the facility and extended operating hours. The OCJ has further embarked on a process with the DoJ & CD to assess all generators for replacement of aged equipment and introducing alternative measures such as solar power.

Load shedding also affects the ability of water reservoirs to pump and supply water. When the water supply is interrupted, the Courts have to stop operations for hygiene reasons. To mitigate against this, the OCJ has started installing water tanks in the Superior Courts to act as a backup supply to municipal water. Out of twenty-three (23) Superior

Courts, eight (8) Superior Courts have water tanks, and fifteen (15) still do not have water tanks.

Network downtime increased due to rolling load-shedding, and it affects productivity and service delivery. The intermittent power dip is also causing damage to ICT hardware and infrastructure. OCJ requires uninterrupted power supply systems in all centres, which can carry the required power load while alternative power supply like generators takes over.

The installation of generators and water tanks in the Superior Courts that currently do not have them will be prioritised in the 2023/24 FY.

JUDICIAL EDUCATION AND SUPPORT

Judicial education and support contribute to outcome 3 of the OCJ, which is about enhanced judicial performance. The outcome aims to ensure that the Department provides administrative and technical support that enables the Judiciary to deliver on its constitutional mandate through continued judicial education, among others. Judicial education for serving and aspirant Judicial Officers plays a vital role in promoting the effectiveness of the courts, enhanced judicial performance, the delivery of quality justice and the transformation of the Judiciary. Since the introduction of COVID-19 restrictions, SAJEL has scaled up its use of virtual platforms to conduct judicial education and training. This has made the education and training programmes easier to access, thus having a wider reach. During the period under review, SAJEL conducted one hundred and twenty-four (124) judicial education courses for Judicial Officers, attended by 3 798 delegates.

3. SERVICE DELIVERY IMPROVEMENT PLAN

DPSA Circular 01 of 2020/21, No.3(d) indicated that the 2021/22 FY was a gap year for the implementation of the Service Delivery Improvement Plans (SDIPs). During the 2022/23 FY, the DPSA subsequently issued another circular extending the submission of SDIPs to 31 March 2023. As a result, there was no implementation during the reporting period as DPSA was still consulting with the Departments.



4. ORGANISATIONAL ENVIRONMENT

The 2022/23 FY was the third year of implementing the OCJ 2020/21 – 2024/25 Strategic Plan. Despite the challenges posed by the impact of the COVID-19 pandemic and load shedding, the OCJ continued to prioritise the delivery of its mandate and provide support to the judicial system by rendering effective and efficient court administration services.

4.1 HUMAN RESOURCE MANAGEMENT

During the reporting period, the OCJ experienced turnover in critical posts, necessitating the implementation of contingency plans to ensure continued operations. The Department intends to continue the implementation of the Human Resource Plan 2022/23 – 2024/25 as a holistic response to human resourcing matters to ensure the best fit between employees and jobs while avoiding human resource shortages and surpluses. By implementing the Human Resource Plan 2022/23 – 2024/25 in the 2022/23 FY, the OCJ ensured the capacitation of the courts by filling vacant posts. Our human resourcing initiatives will continue prioritising the courts to ensure they are sufficiently capacitated to efficiently deliver court services. Whilst the OCJ is yet to develop its Human Resource Retention Strategy, it has prioritised the development of Succession Planning and Management Guidelines, which will assist in preparing officials for higher positions. The OCJ intends to develop its Human Resource Retention Strategy in the new FY.

4.2 MAINSTREAMING CROSS-CUTTING ISSUES (GENDER, YOUTH & DISABILITY)

During the reporting period, the OCJ prioritised the employment of Women, Youth and People with Disabilities (PWD), focusing on improving women's representation in the Senior Management Service (SMS). During the 2022/23 FY, the OCJ had 21 Women at SMS level, which translates to 51% women representation. This figure has improved from 48% in the 2021/22 FY. This indicates an

improvement of 3% in women's representation at SMS level.

As at the end of the year under review, the Youth (aged 21–35) constituted 28% of the organisation's staff complement (566 of 1 987). The Youth representation was below the national target by 2%. In the 2023/24 FY, the Department will continue looking for opportunities to employ Youth during recruitment processes.

The Department continued to experience challenges in attracting PWD for employment opportunities. There were ten (10) posts earmarked for PWD. However, the Department could not fill all the posts with people from the designated group. Although the Department could only achieve 1.5% (33 of 2 204) against a target of 2%, this still marked steady progress in the mainstreaming of PWD in relation to the previous FY, where the representation of PWD stood at 1%. The Department will engage NGOs dealing with PWDs and benchmark with other departments which have achieved the target of implementing recruitment processes that attract PWD.

4.3 HEALTH AND WELLNESS PROGRAMME

For officials to perform optimally, their health and wellness are paramount. The OCJ recognises this imperative and prioritises employee well-being. During the 2022/23 FY, the OCJ conducted four (4) COVID-19 related awareness programmes, thirteen (13) related training sessions for Safety Officers, as well as four (4) Occupational Health & Safety inspections. Thirty-three (33) Employee Health and Wellness programmes were conducted, including Trauma de-briefing workshops, Diversity and Conflict Management awareness sessions, Stress Management awareness sessions, Wellness Days and Wellness Marketing sessions. Individual sessions for staff who require them are also offered through Proactive Health Solutions (PHS), the service provider contracted to provide wellness services to OCJ officials.

4.4 CAPACITATING EMPLOYEES THROUGH SKILLS DEVELOPMENT PROGRAMMES

The Department continued to provide study assistance opportunities to staff members to enhance and improve their skills and knowledge. The Department implemented the Internship programme as part of the national youth development programme, and out of the 79 Interns, 43 Interns were employed in the Public Service. The Department will continue to implement Youth development programmes that seek to contribute towards affording opportunities for unemployed Youth graduates with work-integrated learning.

Training on various skills programmes was conducted to build a capacitated workforce. A total of 62% (776 of 1 247) employees were trained in line with the Work Skills Programme (WSP). Of the 776 employees trained in line with the WSP, 440 were female, and 336 were male.

4.5 FINANCIAL RESOURCES

The Department's financial resources were reprioritised in order to focus on delivering the priorities of Government. Court modernisation and the ICT infrastructure enhancement were primary in this regard. Court modernisation focused on improving access to justice and the services of the Superior Courts. To realise this, the Department allocated an additional budget of R11.5 million to the ICT infrastructure during the year under review after realising savings on some contracts and revenue from the sale of minor assets. The increased need for streaming services necessitated the improvement of the ICT infrastructure to be able to handle the increased virtual meetings and online training.

No improvements were made to the Basic Accounting System (BAS) and Justice Yellow Pages (JYP). Several requests were submitted for the enhancement of the JYP system, but none of them were actioned. Continuous financial training for officials dealing with budgets in Business Units and Courts was conducted throughout the year under review.

4.6 THE STATUS OF THE INSTITUTION REGARDING COMPLIANCE WITH THE B-BBEE ACT

The OCJ, through its Supply Chain Management processes, continues to comply with the Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) (B-BBEE Act). During the year under review, all tenders in the OCJ Procurement Plan were ICT related and were required to comply with SITA procurement processes. As a result, no tenders were awarded to suppliers with a level 4 status and above due to delays in the SITA procurement processes.

4.7 BUSINESS CONTINUITY MANAGEMENT

The OCJ's BCM Committee and its Sub-Committees continued to be functional as the governance structure responsible for establishing and implementing BCMS within the Department. The following are the Sub-Committees: Safety, Health, Environmental, Risk and Quality (SHERQ), Business Recovery and Systems Recovery.

The BCMS consists of four (4) pillars as prescribed by the National Treasury Service Continuity Guidelines and the OCJ Business Continuity Management Policy namely; People Management, Facilities Management, Systems Recovery and Business Recovery. Each pillar has its own functions which the BCM Sub-Committees address in their respective activity plans that are monitored by the BCM Committee.

The first pillar, namely, People Management, focuses on evacuating all human resources in the building during a disaster, conducting fire drills and coordinating first aid and trauma management. Facilities Management is the second pillar, and focuses on backup facilities, water, electricity, waste, transport and physical security, amongst others. Third is the Systems Recovery pillar that focuses on backup and recovery of OCJ applications, systems, networks, telephony, hardware, media, access control and cyber security. The fourth and last pillar is Business Recovery which focuses on the areas of service delivery, identification and prioritisation of core functions of the OCJ, stakeholders and the supply chain management processes.

The following has been achieved in the year under review for each pillar of BCMS:

a) PEOPLE MANAGEMENT

One of the key milestones achieved in the year under review is the conducting of the first evacuation drill during the month of July 2022 whereby the OCJ Emergency Evacuation Plan was tested at the OCJ's National Office. Similar processes are planned for all OCJ Service Centres as part of the evacuation testing plan. Human Resources are the number one asset of any organisation, and measures to quickly and safely evacuate them in an emergency are paramount. It took approximately 12 minutes to evacuate all officials from the building to the assembly points. The Municipality's Disaster Management and Fire Department was also present to monitor and guide the evacuation drill.

b) FACILITIES MANAGEMENT

A multi-site strategy has been adopted where officials will be sent to different sites during a disaster in case the OCJ National Office Facilities officials are inaccessible. The OCJ managed to secure back-up facilities at the Pretoria High Court, Departments of Justice and NT, which will be used as OCJ designated Disaster Recovery Sites to accommodate OCJ officials in case of a disaster event. Critical officials in the Information Technology Business Unit will be accommodated at SITA and at the identified OCJ Service Centres. Memorandums of Understanding (MoU) are in the process of being drafted to formalise these agreements.

c) SYSTEMS RECOVERY

Business Impact Analysis (BIA) for OCJ ICT Systems has been conducted and concluded. OCJ ICT Systems were identified, assessed for impact on business operations and prioritised for purposes of a major disruption of technology such as a cyber-attack. The final BIA report for ICT Systems has been signed off and will be utilised to update the ICT Disaster Recovery (DR) Strategy; operationalise the ICT Disaster Recovery Site; as well as review and finalise the ICT Disaster Recovery Plan (DRP).

d) BUSINESS RECOVERY

Identification of key services for the OCJ and prioritisation of key business units took place in December 2022 as part of the BIA. The core service of the OCJ has been identified as providing support to Superior Courts. In any disaster, the OCJ will prioritise the normalisation of operations at the Superior Courts as the main critical service. A project roadmap has been developed to enable the OCJ to address gaps identified during the BIA and is divided into short, medium and long-term roll-out phases.

The final and essential element in embedding BCM, which cuts across all pillars of BCMS, is training and awareness on BCM. BCM formal training for Directors: Court Operations, BCM Committee and its Sub-Committee Members was conducted in February 2023. BCM awareness was intensified at the provincial level and as at the end of the 2022/23 FY, awareness sessions have been conducted in five (5) provinces, namely, KwaZulu-Natal, Free State, Western Cape, Northern Cape and North West. The degree of the OCJ's response to a disaster is expected to be at an improved level as a result of the comprehensive training on BCM, knowledge and awareness embedded among the officials both at the National Office and the OCJ Service Centres.

4.8 INFORMATION AND COMMUNICATION TECHNOLOGY

The ICT function has an approved Digital Transformation Strategy that seeks to integrate technology into all areas of the business of the OCJ. The OCJ leadership plays a crucial role in digital transformation by fostering a culture that enables and embraces change and innovation. For the successful implementation of digital transformation, in parallel, ICT management has adopted and applied governance practices that ensure appropriate systems, processes and frameworks. In addition, ICT will ensure that it complies with the Ministerial directives on Corporate Governance of ICT Policy Framework, ICT Continuity, Information Security and Cloud Computing Policy.

Technology plays an essential role in the delivery of services. During the period under review, the OCJ planned to roll out the Court Online system in five (5) Service Centres. However, it was rolled out in two (2) Service Centres: Johannesburg and Pretoria High Courts. Delays encountered in the system development had a knock-on effect on the Pilot timelines of the Court Online System. During the pilot phase, various system bugs and defects were dealt with and subsequently caused system instabilities. The pilot was extended until September 2022, and the Department is waiting for the system to stabilise adequately before further roll-out. Infrastructure readiness to roll-out Court Online to other Superior Courts was conducted in Quarter 4 of the 2022/23 FY.

During the year under review, the OCJ has also embarked on the following modernisation projects:

- a) Infrastructure refresh: The project was completed and signed off within the year under review. The migration and replication of virtual machines were completed on the 19th of March 2023;
- b) Upgrading of End-User Equipment: End-User Equipment for Court Online roll-out and annual user refresh have been delivered for the year under review; and
- c) Roll out of Wi-Fi to all Superior Courts: Wi-Fi has been deployed to all Superior Courts, except the Durban High Court and the Makhanda High Court.

Other critical ICT projects in the execution stage include the upgrade of SITA network bandwidth and expansion of the Wi-Fi coverage.

5. KEY POLICY DEVELOPMENTS AND LEGISLATIVE CHANGES

There were no key policy or legislative changes during the reporting period.

6. PROGRESS TOWARDS ACHIEVEMENT OF INSTITUTIONAL IMPACT AND OUTCOMES

The OCJ has a mandate to provide support to the Judicial Branch of the State in executing its constitutional mandate. In order to carry out its mandate during the 2022/23 FY, the OCJ was guided by the NDP and the 2019-24 Revised Medium-Term Strategic Framework (MTSF). During the Medium-Term Period, the OCJ pledged to make an impact through *“quality and accessible justice for all”*. To achieve this impact, the OCJ has three outcomes articulated in the 2020/21-2024/25 Strategic Plan. The progress made by the Department as at the end of the 2022/23 FY towards achieving the five-year targets in relation to the outcome indicators, the 2019-24 Revised MTSF and the NDP is discussed below.

Impact Statement	Quality and accessible justice for all
Outcome 1	Effective and efficient administrative support
Outcome Indicator	Percentage of staff trained in line with the Workplace Skills Plan (WSP)
Five-Year Target	80%
MTSF Priority 1	A capable, Ethical and Developmental State
NDP Priority	Chapter 13 of the NDP (Building a capable state)

To ensure effective and efficient administrative support and contribute towards the MTSF Priority 1 (A capable, Ethical and Developmental State) and Chapter 13 of the NDP (Building a capable state), the OCJ trained 62% (776 of 1 247) of staff in line with the WSP during the 2022/23 FY. This indicates that as at the end of the 2022/23 FY, 41% (1 691 of 4 117) of staff were trained in line with the

WSP against a five-year target of 80%. To ensure efficient implementation of the WSP, the budget for training and development has been decentralised to minimise the delays to procure and utilise the training budget.

Other achievements recorded under Outcome 1 during the reporting period are as follows:

- the OCJ had 9.8% vacant posts on the funded establishment in the 2022/23 FY, which was within the prescribed limit of 10%;
- Thirty-three (33) Employee Health and Wellness (EHW) programmes were implemented;
- Twenty-seven (27) internal audit projects were completed in line with the approved Annual Audit Plan;
- 100% of designated employees (SMS members and other categories) submitted their financial disclosures within the prescribed timeframes; and
- 51% women representation in SMS level was achieved.

In response to the COVID-19 pandemic, the OCJ conducted four (4) COVID-19 Occupational Health and Safety (OHS) inspections; implemented four (4) COVID-19 awareness programmes within the OCJ; conducted thirteen (13) COVID-19 related training sessions for Safety Officers; produced four (4) compliance reports on COVID-19 measures; and also produced four (4) COVID-19 pandemic risk mitigation reports during the year under review.

Impact Statement	Quality and accessible justice for all
Outcome 2	Improved court efficiency
Outcome Indicator	Percentage finalisation of quasi-judicial matters within prescribed timeframes
Five-Year Target	90%
MTSF Priority 6	Social Cohesion and Safer Communities
NDP Priority	Chapter 14 of the NDP (Promoting accountability and fighting corruption)

To ensure improved court efficiency and contributing towards the MTSF Priority 6 (Social Cohesion and Safer Communities) and Chapter 14 of the NDP (Promoting accountability and fighting corruption) during the 2022/23 FY, 93% (34 850 of 37 384) of default judgments were finalised by Registrars within fourteen (14) days from date of receipt of application; 99% (27 611 of 27 857) of taxations of legal bills of costs were finalised within sixty (60) days from date of set down; and 100% (78 of 78) of warrants of release (J1) were delivered within one day of the release issued. This indicates that as at the end of the 2022/23 FY, 93% (160 398 of 172 385) of quasi-judicial matters were finalised within prescribed timeframes against a five-year target of 90%.

Subsequently, during the 2022/23 FY, the OCJ produced four (4) monitoring reports on the law reporting project; produced four (4) Case Flow Management performance reports; and also produced four (4) reports on the enhancement of court order integrity.

Impact Statement	Quality and accessible justice for all
Outcome 3	Enhanced judicial performance
Outcome Indicator	Increased judicial education courses
Five-Year Target	550 judicial education courses
MTSF Priority 6	Social Cohesion and Safer Communities
NDP Priority	Chapter 14 of the NDP (Promoting accountability and fighting corruption)

To ensure enhanced judicial performance and contribution towards MTSF Priority 6 (Increased Judicial education courses) and Chapter 14 of the NDP (Promoting accountability and fighting corruption) during the 2022/23 FY, the OCJ conducted one hundred and twenty-four (124) judicial education courses. This indicates that as at the end of the 2022/23 FY, four hundred and fifteen (415) judicial education courses were conducted against a five-year target of five hundred and fifty (550).

In addition, the OCJ conducted six (6) workshops for Aspirant Judges and facilitated two (2) courses in support of Foreign Judicial Institutions, produced two (2) research monographs on judicial education, produced five (5) monitoring reports on litigation and produced three (3) reports on judicial appointments and judicial complaints.

In promoting accountability and fighting corruption during the 2022/23 FY, the OCJ investigated 55% of reported fraud cases within sixty (60) days; conducted twenty-five (25) awareness sessions on Fraud Prevention and Anti-Corruption. Finally, one hundred and twenty (120) investigated vetting files were submitted to the State Security Agency.

7. INSTITUTIONAL PROGRAMME PERFORMANCE INFORMATION

PROGRAMME 1: ADMINISTRATION

PURPOSE

Provides strategic leadership, management, and support services to the Department.

DESCRIPTION OF SUB-PROGRAMMES

The Programme consists of five Sub-Programmes which are aligned with the budget programme structure of the Department. The Sub-Programmes are:

- **Management:** provides administrative, planning, monitoring, evaluation, performance reporting and risk management functions necessary to ensure effective functioning of the Department;
- **Corporate Services:** provides integrated HRM&D, ICT and security management support services to the Department;
- **Financial Administration:** provides overall financial, asset and SCM services to the Judiciary and the Department;
- **Internal Audit:** provides overall internal and forensics audit services to the Department; and
- **Office Accommodation:** provides for acquisition of office accommodation for the Department.

The institutional outcome that this Programme contributes towards is:

- Effective and efficient administrative support.

OUTCOMES, OUTPUTS, OUTPUT INDICATORS, TARGETS AND ACTUAL ACHIEVEMENTS

PROGRAMME 1: ADMINISTRATION										
Indicator ID	Outcome	Output	Output Indicator	Audited Actual Performance 2019/20	Audited Actual Performance 2020/21	Audited Actual Performance 2021/22	Planned Annual Target 2022/23	Actual Achievement 2022/23	Deviation from planned Target to Actual Achievement 2022/23	Reasons for Deviations
1.1	Effective and efficient administrative support	Clean Audit outcome for the OCJ	Audit outcome for the OCJ	Clean audit outcome for the 2018/19 FY	Clean Audit Outcome for the 2019/20 FY	Clean Audit Outcome for the 2020/21 FY	Clean Audit outcome for the 2021/22 FY	Unqualified Audit outcome with findings for the 2021/22 FY	Unqualified Audit outcome with findings for the 2021/22 FY	Procurement of ICT goods and services was not done through SITA, in terms of Section 7 of SITA Act which resulted in non-compliance.
1.2	Effective and efficient administrative support	Tenders awarded to suppliers with level 4 and above B-BBEE status	Percentage of tenders in the department's procurement plan awarded to suppliers with level 4 and above B-BBEE status	-	80% (4 of 5)	83% (5 of 6)	80%	0%	80%	No tenders were awarded due to delays in the SITA procurement processes.
1.3	Effective and efficient administrative support	Financial disclosures submitted	Percentage of designated employees (SMS members & other categories) who submitted financial disclosures within timeframes	-	100% (41 of 41)	100% (384 of 384)	100%	100% (239 of 239)	0%	N/A
1.4	Effective and efficient administrative support	Funded vacant posts reduced	Percentage of vacant posts on funded establishment	8.9% (183 of 2 049)	9.85% (211 of 2 140)	0%	10% or lower	9.8% (217 of 2 204)	0%	N/A

PROGRAMME 1: ADMINISTRATION										
Indicator ID	Outcome	Output	Output Indicator	Audited Actual Performance 2019/20	Audited Actual Performance 2020/21	Audited Actual Performance 2021/22	Planned Annual Target 2022/23	Actual Achievement 2022/23	Deviation from planned Target to Actual Achievement 2022/23	Reasons for Deviations
1.5	Effective and efficient administrative support	Empowered youth	Percentage of staff in the department comprised of youth	-	31% (597 of 1 929)	32% (645 of 2 040)	30%	28% (566 of 1 987)	2%	The percentage of youth decreased due to youth who resigned from the Department because of better opportunities.
1.6	Effective and efficient administrative support	Women represented at SMS levels	Percentage of women representation in senior management service (SMS)	-	44% (19 of 43)	48% (20 of 42)	50%	51% (21 of 41)	1%	The Department prioritised the appointment of female senior management service (SMS) during the year under review.
1.7	Effective and efficient administrative support	People with Disabilities representation	Percentage of people with disabilities representation in the department	-	1.03% (20 of 1 929)	1% (19 of 2 040)	2%	1.5% (33 of 2 204)	0.5%	The Department could not reach the target as the earmarked positions did not attract PWD.
1.8	Effective and efficient administrative support	Court Online system implemented	Court Online system implemented at Service Centres	-	Court Online system not rolled out at 2 Service Centres	Court Online system not rolled out at 2 Service Centres	5	2	3	Delays in the development of the system and completion of the Court Online system.

PROGRAMME 1: ADMINISTRATION										
Indicator ID	Outcome	Output	Output Indicator	Audited Actual Performance 2019/20	Audited Actual Performance 2020/21	Audited Actual Performance 2021/22	Planned Annual Target 2022/23	Actual Achievement 2022/23	Deviation from Planned Target to Actual Achievement 2022/23	Reasons for Deviations
1:9	Effective and efficient administrative support	Employee Health and Wellness (EHW) programmes implemented	Number of Employee Health and Wellness (EHW) programmes implemented within the OCJ	-	18	16	9	33	24	There was an increased demand of EHW sessions requested by OCJ officials due to ongoing active internal marketing of the EHW programmes.
1:10	Effective and efficient administrative support	Fraud cases investigated within prescribed timeframes	Percentage of reported fraud cases investigated within 60 working days	-	-	-	75%	55% (18 of 37)	20%	The OCJ was seized with complex investigations relating to procurement irregularities which were exacerbated by severe capacity constraints experienced within the Forensic Unit. The set turnaround time was therefore negatively affected due to the inherent intricacies of these investigations

PROGRAMME 1: ADMINISTRATION										
Indicator ID	Outcome	Output	Output Indicator	Audited Actual Performance 2019/20	Audited Actual Performance 2020/21	Audited Actual Performance 2021/22	Planned Annual Target 2022/23	Actual Achievement 2022/23	Deviation from planned Target to Actual Achievement 2022/23	Reasons for Deviations
1.11	Effective and efficient administrative support	Fraud Prevention and Anti-Corruption awareness sessions	Number of Fraud Prevention and Anti-Corruption awareness sessions conducted	-	-	-	25	25	0	N/A

LINKING PERFORMANCE WITH BUDGETS

Sub-programmes	2022/23			2021/22		
	Final appropriation	Actual Expenditure	(over)/under expenditure	Final appropriation	Actual Expenditure	(over)/under expenditure
	(R'000)	(R'000)	(R'000)	(R'000)	(R'000)	(R'000)
Management	40 742	40 742	-	37 406	36 874	532
Corporate Services	190 510	183 036	7 474	156 877	115 888	40 989
Financial Administration	38 696	35 800	2 896	35 644	35 011	633
Internal Audit	22 255	22 255	-	22 371	22 371	-
Office Accommodation	-	-	-	-	-	-
TOTAL	292 203	281 833	10 370	252 298	210 144	42 154

Management Sub-Programme

The spending on this Sub-Programme was 100% of the final allocation.

Corporate Services Sub-Programme

The underspending on this Sub-Programme relates to goods and services due to under-expenditure on the allocated ICT goods and services budget as a result of irregularly awarded tender in the previous FY.

Financial Administration Sub-Programme

The underspending on this Sub-Programme relates to compensation of employees due to the late receipt of additional funding from NT coupled with the protracted process of filling vacant posts.

Internal Audit Sub-Programme

The spending on this Sub-Programme was 100% of the final allocation.

STRATEGY TO OVERCOME AREAS OF UNDERPERFORMANCE

The following deliverables in Programme 1 (Administration) were identified as areas of underperformance:

- Audit outcome for the OCJ;
- Percentage of tenders in the Department's procurement plan awarded to suppliers with level 4 and above B-BBEE status;
- Percentage of staff in the Department comprised of youth;
- Percentage of people with disabilities representation in the Department;
- Court Online system implemented at five (5) Service Centres; and
- Percentage of reported fraud cases investigated within 60 working days.

The underperformance of the aforementioned deliverables will be addressed as follows:

- To contribute towards attaining a Clean Audit outcome, the Department will ensure that procurement of ICT goods and services is done through SITA in terms of section 7 of the SITA Act. To date the OCJ has concluded engagement sessions with SITA to pave the way and give strategic direction on the implementation of the SITA Act and regulations. In addition, there have been engagements between the OCJ SCM and SITA SCM; OCJ SCM and ICT units were trained on the procurement models at SITA; OCJ ensured that all business cases and tasking letters were signed off and sent to SITA for procurement. Finally, SITA also directed non-mandatory services procurements below R500 000 to be procured by Departments through their SCM processes.
- To contribute towards awarding 80% of tenders in the Department's procurement plan to suppliers with level 4 and above B-BBEE status, the OCJ will ensure that the tenders above R500 000 are awarded to suppliers who meet the specific goals in line with the new Preferential Procurement Regulations, 2022. The OCJ will also procure all ICT goods or services through SITA as per the SITA Act.
- To contribute towards a 30% representation of youth in the Department, the OCJ will advertise and fill vacant positions targeting youth;
- To contribute towards a 2% representation of PWD in the Department, the OCJ will engage NGOs dealing with PWD and benchmark with other departments which have achieved the target and implement recruitment processes that attract PWD;
- To ensure that Court Online system is rolled out at Service Centres, the OCJ will engage SITA to stabilise the court online system through a Maintenance and Support Contract. In addition, the OCJ will ensure that roll-out preparations, i.e. network upgrades and procurement of hardware, are concluded; and finalise the establishment of Contact centres, training and change management programme before the actual roll-out.
- In ensuring 75% of reported fraud cases are investigated within 60 working days, the OCJ will investigate outstanding reported cases timeously, notwithstanding resource availability and the complexity of cases.

CHANGES TO PLANNED ANNUAL TARGETS

No changes were made to planned annual targets during the year under review.

PROGRAMME 2: SUPERIOR COURT SERVICES

PURPOSE

Provide court administration services to the Superior Courts.

DESCRIPTION OF SUB-PROGRAMMES

The Programme consists of five Sub-Programmes which are in line with the budget programme structure of the OCJ. The Sub-Programmes are:

- **Administration of Superior Courts:** provides administrative and technical support to the Superior Courts, monitors the overall performance of the Superior Courts and enhances judicial stakeholder relations;
- **Constitutional Court:** funds the activities and operations of the Constitutional Court, which has jurisdiction over constitutional matters and any matter that is of general public importance;
- **Supreme Court of Appeal:** funds the activities and operations of the Supreme Court of Appeal, which adjudicates appeals in any matters arising from the High Court or courts of similar status;
- **High Court:** funds the activities and operations of the various Divisions of the High Court, which have jurisdiction over defined geographical areas; and
- **Specialised Courts:** funds the activities and operations of the Labour and Labour Appeal Court, the Land Claims Court, the Competition Appeal Court and the Electoral Court. These courts adjudicate over various types of matters excluded from the jurisdiction of the High Court and Lower Courts.

The institutional outcome that this Programme contributes towards is:

- Improved court efficiency.

OUTCOMES, OUTPUTS, OUTPUT INDICATORS, TARGETS AND ACTUAL ACHIEVEMENTS

PROGRAMME 2: SUPERIOR COURT SERVICES										
Indicator ID	Outcome	Output	Output Indicator	Audited Actual Performance 2019/2020	Audited Actual Performance 2020/2021	Audited Actual Performance 2021/2022	Planned Annual Target 2022/23	Actual Achievement 2022/23	Deviation from planned Target to Actual Achievement 2022/23	Reasons for Deviations
SUB-PROGRAMME: ADMINISTRATION OF SUPERIOR COURTS										
2.1	Improved court efficiency	Default judgments finalised within 14 days	Percentage of default judgments finalised by Registrars within 14 days from date of receipt of application	-	79% (15 686 of 19 846)	86% (28 356 of 33 019)	74%	93% (34 850 of 37 384)	19%	Improved training and monitoring of measures implemented to sustain the achievement of targets.
2.2	Improved court efficiency	Bills of costs taxed within 60 days	Percentage of taxations of legal bills of costs finalised within 60 days from date of set down	-	99% (26 476 of 26 665)	99% (27 218 of 27 413)	80%	99% (27 611 of 27 857)	19%	Improved training and monitoring of measures implemented to sustain the achievement of targets.
2.3	Improved court efficiency	Warrants of release (J1) delivered within one day	Percentage of warrants of release (J1) delivered within one day of the release issued	100% (98 of 98)	100% (63 of 63)	100% (60 of 60)	100%	100% (78 of 78)	0%	N/A
2.4	Improved court efficiency	Monitoring reports on law reporting project	Number of monitoring reports on law reporting project produced	-	4	4	4	4	0	N/A

PROGRAMME 2: SUPERIOR COURT SERVICES										
Indicator ID	Outcome	Output	Output Indicator	Audited Actual Performance 2019/2020	Audited Actual Performance 2020/2021	Audited Actual Performance 2021/2022	Planned Annual Target 2022/23	Actual Achievement 2022/23	Deviation from planned Target to Actual Achievement 2022/23	Reasons for Deviations
SUB-PROGRAMME: ADMINISTRATION OF SUPERIOR COURTS										
2.5	Improved court efficiency	Judicial Case Flow Management Performance reports	Number of Judicial Case Flow Management Performance reports produced	-	4	4	4	4	0	N/A
2.6	Improved court efficiency	Reports on enhancement of court order integrity	Number of reports on enhancement of court order integrity produced	4	4	4	4	4	0	N/A

LINKING PERFORMANCE WITH BUDGETS

Sub-Programmes	2022/23			2021/22		
	Final appropriation	Actual Expenditure	(over)/under expenditure	Final appropriation	Actual Expenditure	(over)/under expenditure
	(R'000)	(R'000)	(R'000)	(R'000)	(R'000)	(R'000)
Administration of Superior Courts	14 185	12 564	1 621	15 257	12 928	2 329
Constitutional Court	59 822	57 444	2 378	58 358	49 891	8 467
Supreme Court of Appeal	51 261	47 445	3 816	41 709	41 529	180
High Courts	819 106	776 338	42 768	752 092	737 643	14 449
Specialised Courts	70 309	69 824	485	61 704	60 643	1 061
TOTAL	1 014 683	963 615	51 068	929 120	902 634	26 486

Administration of Superior Courts Sub-Programme

The underspending on this Sub-Programme relates to the compensation of employees due to the late receipt (four months before the FY end) of additional funding from NT coupled with the protracted process of filling vacant posts.

Constitutional Court Sub-Programme

The underspending on this Sub-Programme relates to compensation of employees due to the late receipt (four months before the FY end) of additional funding from NT coupled with the protracted process of filling vacant posts.

Supreme Court of Appeal Sub-Programme

The underspending on this Sub-Programme relates to compensation of employees due to the late receipt (four months before the FY end) of additional funding from NT coupled with the protracted process of filling vacant posts.

High Courts Sub-Programme

The underspending on this Sub-Programme relates to:

- Compensation of employees - funds allocated that could not be spent due to the outer year (2023/24 FY) budget ceiling allocation being lower than the previous. Furthermore, the underspending was due to the late receipt (four months before the FY end) of additional funding from NT coupled with the protracted process of filling vacant posts.
- Payments for capital assets - relates to lesser than projected spending on leased vehicles due to some of the contracts running on a month-to-month basis and, as a result, classified as operating leases and paid under goods and services.

Specialised Courts Sub-Programme

The underspending on this Sub-Programme relates to payments for capital assets due to lesser than projected spending on leased vehicles, as some of the contracts were running on a month to month basis and were therefore paid under goods and services.

STRATEGY TO OVERCOME AREAS OF UNDERPERFORMANCE

There were no areas of underperformance.

CHANGES TO PLANNED ANNUAL TARGETS

No changes were made to planned annual targets during the year under review.



PROGRAMME 3: JUDICIAL EDUCATION AND SUPPORT

PURPOSE

Provide education programmes to Judicial Officers, support services to the JSC and policy development and research services to the department and the Judiciary for the optimal administration of justice.

DESCRIPTION OF SUB-PROGRAMMES

The Programme has three Sub-Programmes which are:

- **SAJEI**: funds the activities of the SAJEI to provide continuing judicial education for Judicial Officers and training aspirant Judicial Officers;
- **Judicial Policy, Research and Support**: provides advisory opinions on policy development, undertakes research and offers legal support services to enhance the functioning of the Judiciary; and
- **JSC**: provides secretariat and administrative support services to the JSC so that it can effectively fulfil its constitutional and legislative mandates.

The institutional outcome that this Programme contributes towards is:

- Enhanced judicial performance.

OUTCOMES, OUTPUTS, OUTPUT INDICATORS, TARGETS AND ACTUAL ACHIEVEMENTS

PROGRAMME 3: JUDICIAL EDUCATION AND SUPPORT										
Indicator ID	Outcome	Output	Output Indicator	Audited Actual Performance 2019/2020	Audited Actual Performance 2020/2021	Audited Actual Performance 2021/2022	Planned Annual Target 2022/23	Actual Achievement 2022/23	Deviation from planned Target to Actual Achievement 2022/23	Reasons for Deviations
3.1	Enhanced judicial performance	Judicial education courses conducted	Number of judicial education courses conducted	115	123	168	110	124	14	Adhoc requests for training due to legislative changes and increased use of virtual training.
3.2	Enhanced judicial performance	Monographs on judicial education produced	Number of research monographs on judicial education produced per year	2	2	2	2	2	0	N/A
3.3	Enhanced judicial performance	Monitoring reports on litigation produced	Number of monitoring reports on litigation produced	-	4	4	5	5	0	N/A
3.4	Enhanced judicial performance	Reports on judicial appointments and complaints produced	Number of reports on judicial appointments and judicial complaints produced	3	2	4	3	3	0	N/A

PROGRAMME 3: JUDICIAL EDUCATION AND SUPPORT										
Indicator ID	Outcome	Output	Output Indicator	Audited Actual Performance 2019/2020	Audited Actual Performance 2020/2021	Audited Actual Performance 2021/2022	Planned Annual Target 2022/23	Actual Achievement 2022/23	Deviation from planned Target to Actual Achievement 2022/23	Reasons for Deviations
3.5	Enhanced judicial performance	Reports on disclosures for Judges Registrable Interests	Number of reports on the status of disclosures for Judges Registrable Interests produced	-	-	-	2	2	0	N/A

LINKING PERFORMANCE WITH BUDGETS

Sub-Programmes	2021/22			2020/21		
	Final appropriation	Actual Expenditure	(over)/under expenditure	Final appropriation	Actual Expenditure	(over)/under expenditure
	(R'000)	(R'000)	(R'000)	(R'000)	(R'000)	(R'000)
South African Judicial Education Institute	29 025	23 183	5 842	34 706	17 895	16 811
Judicial Policy, Research and Support	15 047	14 313	734	16 243	16 243	-
Judicial Service Commission	11 920	11 920	-	9 413	9 247	166
Total	55 992	49 416	6 576	60 362	43 385	16 977

South African Judicial Education Institute Sub-Programme

The underspending on this Sub-Programme relates to compensation of employees due to delays in the processes of filling funded vacant positions, and also goods and services due to outstanding invoices for judicial training conducted in March 2023.

Judicial Policy, Research and Support Sub-Programme

The underspending on this Sub-Programme relates to compensation of employees due to delays in the processes of filling funded vacant positions; and also payments for capital assets due to delayed relocating of Judicial Support Services whereby new office furniture and other office equipment were projected to be replaced. The relocation did not take place pending the Department of Public Works and Infrastructure's (DPWI) approval.

Judicial Service Commission Sub-Programme

The spending on this Sub-Programme was 100% of the final allocation.

STRATEGY TO OVERCOME AREAS OF UNDER PERFORMANCE

There were no areas of underperformance.

CHANGES TO PLANNED ANNUAL TARGETS

No changes were made to planned annual targets during the year under review.

REPORTING ON THE INSTITUTIONAL RESPONSE TO COVID-19 PANDEMIC

Budget Programme	Intervention	Geographic Location (Province/District/Local Municipality (where applicable))	Disaggregation of Beneficiaries (where applicable)	Disaggregation of Beneficiaries (where applicable)	Total Budget Allocation Per Intervention (R' 000)	Budget Spent Per Intervention	Contribution to the Outputs in the APP (where applicable)	Immediate Outcome
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

PROGRAMME 1 COVID-19 RELATED INDICATORS, TARGETS AND ACTUAL ACHIEVEMENTS

PROGRAMME 1 COVID-19 RELATED INDICATORS, TARGETS AND ACTUAL ACHIEVEMENTS										
Indicator ID	Outcome	Output	Output Indicator	Audited Actual Performance 2019/2020	Audited Actual Performance 2020/2021	Audited Actual Performance 2021/2022	Planned Annual Target 2022/23	Actual Achievement 2022/23	Deviation from planned Target to Actual Achievement 2022/23	Reasons for Deviations
1	Effective and efficient administrative support	COVID-19 OHS related inspections	1.1. Number of COVID-19 OHS inspections conducted within the OCJ	-	-	4	4	4	0	N/A
2	Effective and efficient administrative support	COVID-19 awareness programmes	2.1. Number of COVID-19 awareness programmes implemented within the OCJ	-	-	4	4	4	0	N/A

PROGRAMME 1 COVID-19 RELATED INDICATORS, TARGETS AND ACTUAL ACHIEVEMENTS										
Indicator ID	Outcome	Output	Output Indicator	Audited Actual Performance 2019/2020	Audited Actual Performance 2020/2021	Audited Actual Performance 2021/2022	Planned Annual Target 2022/23	Actual Achievement 2022/23	Deviation from planned Target to Actual Achievement 2022/23	Reasons for Deviations
3	Effective and efficient administrative support	COVID-19 related trainings for Safety Officers	3.1. Number of COVID-19 related trainings conducted for Safety Officers	-	-	7	4	13	9	There was a high demand for COVID-19 related training as requested by the courts.
4	Effective and efficient administrative support	COVID-19 compliance reports	4.1. Number of COVID-19 compliance reports produced	-	-	4	4	4	0	N/A
5	Effective and efficient administrative support	COVID-19 pandemic risk mitigation reports	5.1. Number of COVID-19 pandemic risk mitigation reports produced	-	-	4	4	4	0	N/A

8. TRANSFER PAYMENTS

The OCJ did not pay or receive any transfer payments during the period under review.

9. CONDITIONAL GRANTS

The OCJ did not receive or pay any conditional grants during the period under review.

10. DONOR FUNDS

The OCJ did not receive any donor funds during the period under review.

11. CAPITAL INVESTMENT

The OCJ did not receive or pay any capital investment during the period under review.



PART C:

GOVERNANCE



1. INTRODUCTION

The OCJ is committed to the highest standards of governance and has various internal control mechanisms in place to strengthen corporate governance. Good governance is fundamental in the management of public finances, ensuring that the Department uses its resources effectively, efficiently and with optimal value for money. The Executive Management ensured that an ethical culture that promotes the OCJ's values pervades in all the organisation's strategic and operational activities.

The various management committees put in place as well as the invaluable guidance of oversight bodies has assisted the Accounting Officer and the Executive Committee (EXCO) to ensure that the OCJ achieves its strategic outcomes and delivers optimally on its mandate.

2. RISK MANAGEMENT

The OCJ continued to implement the Enterprise Risk Management (ERM) in accordance with the National Treasury Public Sector Risk Management Framework (PSRMF). The integration of risk management processes in the strategy setting

and operational planning assisted in the institutionalisation of risk management within the Department. The approved Risk Management Implementation Plan gave effect to the Risk Management Policy and Strategy, which outlined all risk management activities undertaken in the reporting period.

During the year under review, the OCJ conducted risk assessments at strategic, operational and project levels to appraise and update the existing risks and to identify emerging risks. Significant risks relevant to institutional strategic outcomes were assessed in terms of their likelihood and impact and risk mitigation plans were developed and monitored throughout the year. Appropriate risk mitigation measures were implemented throughout the year to manage and retain risks within tolerable and acceptable levels.

Progress status reports on risk mitigation plans were presented to the EXCO and the ARC on a quarterly basis. The regular updating of the risk registers and identification of the emerging risks with mitigation plans contributed to the achievement of the OCJ strategic outcomes and outputs. In order to embed risk management and improve the risk management culture across the organisation, various awareness activities were conducted during the year.

Progress on implementation of risk mitigation measures by the OCJ is summarised in Table 1 below:

Table 1

No	Outcome	Risk per outcome	Summary of progress made
1.	Effective and efficient administrative support	Possible exposure to Fraud and Corruption	<ul style="list-style-type: none"> • Management and the ARC monitored the implementation of the Fraud Prevention and Anti-Corruption Policy, Strategy, and Implementation Plan on a monthly and quarterly basis. • One thousand six hundred and eighty-three (1 683) employees completed the Ethics in the Public Service online programme offered by the National School of Government out of a staff complement of one thousand six hundred and eighty-seven (1 987), which translates to 85%. • Twenty-seven (27) ethics and fraud awareness sessions were conducted during the 2022/23 FY. • The joint OCJ/DoJ&CD Committee continued to implement the resolutions of the Court Order Integrity Committee (COIC) to strengthen controls relating to Court Orders. Also, the SOP on Court Orders continued to be implemented in the 2022/23 FY. • 100% (20/20) of reported fraudulent Court Order incidents were investigated. • Continuous investigation of the reported fraud and corruption cases in collaboration with Law Enforcement Agencies and other regulatory bodies.
		Delays to implement the Court Online system due to external dependencies	<p>During the year under review, the OCJ consistently worked with the Court Online project stakeholders and implemented the following, amongst other project milestones:</p> <ul style="list-style-type: none"> • The project was sufficiently resourced through the IJS programme. • Pilot for Court Online was completed at Gauteng Division, Pretoria and Gauteng Local Division, Johannesburg. Court Online pilot closure report has been compiled, and SITA requested to start with documentation of system architecture. • Over seven hundred (700) Court Online Users were trained on operating the Court Online system, which comprises the Client Portal and Customer Relationship Management (CRM) component. • Court Online system enhancements and bug fixes were implemented.

No	Outcome	Risk per outcome	Summary of progress made
		Possible cyber and information security Incidents (breaches and hacking).	<ul style="list-style-type: none"> • A Systems Security Specialist has been appointed in line with DPSA Directive on Public Service Information Security to remediate possible threats. • SITA activated and concluded the network vulnerability assessment in compliance with section 17.3 of the DPSA Directive on Public Service Information Security. • Endpoint security was implemented. • Intrusion Protection Services (IPS), Intrusion Detection Services (IDS) and Security Information and Event Management (SIEM) are procured. • ICT Business Impact Analysis report was concluded to inform the DR Plan and BCM.
		Inadequate resources to capacitate the OCJ in order to operate in the new normal.	<ul style="list-style-type: none"> • Reprioritisation of critical posts was completed, and the posts subsequently being filled, one hundred and eighty-four (184) posts were prioritised, and ninety-three (93) were filled. • Work study on identified business units' structures was conducted to establish workload capacity requirements within the OCJ. • Succession Planning and Management guidelines were developed for implementation in the 2023/24 FY. • An employee satisfaction survey questionnaire was developed, and the survey will be conducted in the 2023/24 FY.
2.	Improved court efficiency	Inadequate administrative support to ensure Court efficiency.	<ul style="list-style-type: none"> • Management prioritised the appointment of Chief Registrars and Registrars to ensure that core business is not compromised. • Continuous training of the Chief Registrars and Registrar on Quasi-Judicial Functions, Judicial Case Flow Management, Uniform Rules of Court and Practice Directives. • Implementation of the Uniform Rules of Court, Practice Directives, Registrars Code and Standard Operating Procedures.
3.	Enhanced judicial performance	Inadequate resources to conduct judicial education courses.	<ul style="list-style-type: none"> • The SAJEI online system (Moodle) continued to be operational, and the webinars were conducted for Judges, Regional and District Court Magistrates. • The annual training plan for the Judges, Aspirant Judges, and Regional and District Court Magistrates was implemented. • SAJEI continued to collaborate with other judicial institutes across the globe to enhance the training.

3. FRAUD AND CORRUPTION

The OCJ is committed to zero tolerance for fraud and corruption. The likelihood and occurrence of fraud and corruption incidents pose a high potential risk to the Department's assets and resources. It could further negatively impact service delivery efficiency resulting in reputation harm to the OCJ. As part of its commitment to managing fraud and corruption risks, the OCJ continued to implement and maintain the Fraud Prevention and Anti-Corruption Policy, Strategy and Plan, which are reviewed annually. In line with the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004) and the OCJ risk management framework, a four-dimensional strategy to prevent, detect, investigate and resolve fraud incidents and deter future recurrence was implemented. Management submitted progress reports on implementing the Fraud Prevention and Anti-Corruption Plan to the EXCO and oversight bodies for monitoring and where applicable, implemented consequence management.

3.1 FRAUD PREVENTION

In the quest to prevent the employment of personnel with questionable fraud and corruption background, the OCJ continued to implement a two-step process, which includes pre-screening and security vetting. The process has yielded positive results in identifying officials who could pose a fraud risk to the Department.

During the reporting period, the OCJ continued to implement the Ethics and Integrity Management programme and conducted awareness workshops as part of the fraud deterrence strategy. Under the auspices of the Ethics Committee, the following anti-corruption campaigns and the Ethics and Integrity initiatives were implemented:

- i. Awareness sessions were focusing on:
 - Fraud prevention and Anti-Corruption,
 - Whistle-blowing,
 - Code of Ethical and Professional conduct;
 - Conflict of Interest,
 - Gifts, Donations and Sponsorships,
 - Financial Disclosure,
 - Remunerative work outside the public service,
 - Doing Business with the State, and
 - Lifestyle Audit;
- ii. Issuing of circulars and articles on the Ethics and Integrity Management;
- iii. Strengthening of mechanisms to report unethical behaviour as well as incidents of fraud and corruption;
- iv. OCJ employees signing Ethics Pledge; and
- v. Court Order integrity mechanisms.

3.2 FRAUD DETECTION

In relation to fraud detection, the OCJ implemented the Whistle-blowing Policy that outlines detailed fraud reporting procedures, creating a mechanism for reporting anonymously within the Department and through the National Anti-Corruption Hotline. The identity of the whistle-blowers choosing to remain anonymous upon reporting the allegations of fraud and corruption is kept confidential. The Department also continued with the implementation of the complaints reporting mechanism. A complaints register was maintained to track and follow up for the prompt dispositions of the reported fraud allegations either to provide service delivery feedback to the complainant, referral for further investigation by the Forensic Auditors and/or the instituting of disciplinary action against an implicated OCJ official. Other incidents identified as red flags by the AGSA and Internal Auditors during their regular audits were also reported for further investigation.

3.3 FRAUD INVESTIGATION

All the reported alleged fraud and corruption incidents were investigated, and consequence management was instituted where required. During the 2022/23 FY, thirty-seven (37) fraud and corruption cases were reported, and thirty-one (31) were investigated and finalised. Of the finalised cases, eighteen (18) were completed within the prescribed sixty (60) working days' turnaround period as per the applicable policy, and thirteen (13)

were not due to the complexity of some cases and the resignations of the Forensic Auditors. As at the end of the 2022/23 FY, four (4) out of thirty-seven (37) cases reported were under investigation and still within the prescribed sixty (60) working days period.

3.4 FRAUD RESOLUTION

Fraud resolution is the fourth and final measure implemented as consequence management on combating and fighting the prevalence of fraud

and corruption in the OCJ. In the period under review, the Department finalised thirteen (13) fraud and corruption cases with the recommendation for departmental loss recovery and the institution of disciplinary processes. A further twenty-five (25) cases were referred to law enforcement agencies and other relevant regulatory bodies for further investigations. Monthly and quarterly reports were submitted to the Accounting Officer, ARC and Public Service Commission (PSC) for their monitoring and oversight role.

4. MINIMISING CONFLICT OF INTERESTS

The Department implemented National Treasury Regulations 16A8, 2005, which provides directives on how to manage conflict of interest and ensure accurate declarations are made by all SCM practitioners as well as by other role players involved in procurement processes.

The Department has further put measures in place to ensure that all employees who wish to perform remunerative work outside of the Public Service are enjoined to obtain prior approval in line with the Public Service Regulations, 2016 (PSR) and the Directive on Other Remunerative Work Outside Public Service. The OCJ continued to implement its policy on non-acceptance of gifts by employees.

Financial disclosures within the Department continued to be managed in accordance with the PSR. All SMS members complied with submitting

their financial disclosures by 30 April 2022. Other designated categories of employees, namely, Assistant Directors and Occupation Specific Dispensation (OSD) levels 9 and 10, also complied with submitting their financial disclosures within the prescribed timelines of 31 July 2022.

Furthermore, SCM practitioners disclosed their business interests as at 31 July 2022. They were also required to sign the Code of Conduct in accordance with the National Treasury Practice Note 4, section 2 of 2003 and 7, section 16A8 of 2009/10 of the National Treasury Regulations. As well, the Bid Committee members disclosed their business interests and signed the Code of Conduct in accordance with the National Treasury Practice Note 4 section 6 of 2003 and 7 section 3.3 of 2009/10.

5. CODE OF CONDUCT

The OCJ continued implementing the Code of Ethical and Professional Conduct in line with the PSR. The HRM&D Unit conducted awareness workshops at various Superior Courts on the Code of Ethical and Professional Conduct. The Code of Ethical and Professional Conduct is accessible to all the employees on the Department's Intranet. Any breaches of the Code were dealt with in terms of the guidelines on labour relations and disciplinary procedures. The reported cases were investigated, and a register of misconduct was

maintained to track the resolution of the cases and report to the Executive Management and ARC for their monitoring and oversight role.

During the reporting period, three (3) newly appointed SMS Members attended the Compulsory Induction Programme (CIP). The CIP offers a full module on the Code of Ethics and Professional Conduct. All newly appointed employees were provided with a copy of the Code of Ethics and Professional Conduct.

Employees' compliance with the Code of Ethics and Professional Conduct is mandatory as it forms part of their conditions of employment with the OCJ. Therefore, all line managers were required to monitor compliance and take appropriate action in the event of non-compliance. Disciplinary action was taken against twenty-nine (29) employees, which resulted in four (4) dismissals, seven (7) suspensions without pay and final written warnings (combined sanctions), two (2) final written warnings, five (5) not guilty / resignations pending the misconduct proceedings, and eleven (11) disciplinary actions were pending as at the end of

the 2022/23 FY. Twelve (12) awareness sessions were conducted for OCJ officials and attended by two hundred and thirty-seven (237) delegates to ensure the understanding of disciplinary and grievance management procedures. In adhering to the community service code of conduct and service charter, one thousand six hundred and eighty-three (1 683) employees completed the Ethics in the Public Service online programme provided by the National School of Government. The Ethics Committee Members were also trained on the Good Corporate Governance and Ethics offered by the Wits University.

6. HEALTH, SAFETY AND ENVIRONMENTAL ISSUES

In managing the risks associated occupational health and wellness within the organisation, the OCJ conducted several training sessions in the area of Occupational Health, Safety and Environment (OHS&E) for its officials. The educational programmes included training the OCJ officials as Fire Marshals, Safety Health Environment (SHE)

Representatives and First Aiders. OHS&E issues are pertinent to the health and well-being of the employees for their ability to identify workplace hazards and facilitate risk assessments to prevent work related injuries and contain the spread of diseases.

62

Nature and Description of the OHS&E challenges	Impact on the OCJ operations/ services delivery	Measures put in place to address challenges
Inadequate internal capacity to guide and coordinate the OHS&E programmes within OCJ.	<ul style="list-style-type: none"> OHS programmes not implemented at the Service Centres as per the prescripts. Day to day operations are interrupted impacting service delivery, health and safety. 	<ul style="list-style-type: none"> In response to the capacity challenges related to OHS in the OCJ, Assistant Directors: Security Services in the provinces have been appointed as the Risk Champions and were further tasked with the role of overseeing compliance with OHS regulations and legislation. Health and Safety Committees were established and are functional across the OCJ. Monthly OHS inspections were conducted in line with Section 18(g) of the Occupational Health and Safety Act, 1993. OCJ officials were trained as Fire Marshals, SHE Representatives and in First Aid.

Nature and Description of the OHS&E challenges	Impact on the OCJ operations/ services delivery	Measures put in place to address challenges
Inadequate office space and storage of files	Day to day operations are interrupted impacting service delivery, health and safety.	<ul style="list-style-type: none"> • Court Online system aimed at reducing paper-based Court processes was rolled out at 2 Superior Courts. The system will further be rolled out in other Superior Courts in the new FY. • The OCJ is continuously engaging with the DoJ&CD in finalising the offsite storage contract for storage and management of court records in the medium-term. • To provide appropriate storage facilities through Capital Works projects, the OCJ can report the following progress: <ul style="list-style-type: none"> ○ Durban High Court construction in progress with additional archive space included; ○ Bhisho High Court construction to commence in July 2023; ○ Western Cape Provincial Service Centre has the exclusive use of the previous shared facility, and freed up space will be used for archiving court records; and ○ The specification to advertise the construction tender for the Pietermaritzburg High Court has been drawn up.

Nature and Description of the OHS&E challenges	Impact on the OCJ operations/ services delivery	Measures put in place to address challenges
Sustenance of management measures implemented on COVID-19 pandemic.	<ul style="list-style-type: none"> Limitation on service delivery and effective operations at OCJ Service Centres as a result of the COVID-19 pandemic 	<ul style="list-style-type: none"> Despite the regulations on COVID-19 being repealed, the OCJ continued with the procurement and distribution of the Personal Protective Equipment (PPE) for OCJ officials. Thirteen (13) COVID-19 related training courses were conducted for OCJ officials. Four (4) Awareness programmes on COVID-19 were also conducted. In addition to the monthly OHS inspections conducted, four (4) COVID-19 risk assessments were conducted within OCJ.

7. PORTFOLIO COMMITTEES

The Portfolio Committee on Justice and Correctional Services (the Committee) has an oversight responsibility over the performance of the OCJ. The Department remains grateful to the Chairperson and Members of the Committee for the continuous support, valuable advice and guidance received. The following engagements were held with the Committee during the 2022/23 FY:

64

Date	Committee	Item for discussion	Leader of the delegation
03 May 2022	Portfolio Committee on Justice and Correctional Services	OCJ 2022/23 Annual Performance Plan	Secretary General: OCJ
23 August 2022	Portfolio Committee on Justice and Correctional Services	CaseLines Project Procurement	Secretary General: OCJ
18 October 2022	Portfolio Committee on Justice and Correctional Services	OCJ Annual Report for the 2021/22	Secretary General: OCJ

Matters raised in the Portfolio Committee	How the Department addressed these matters
1. Audit outcomes	
<p>The Committee noted that there was regression from a clean audit outcome to an unqualified audit outcome with non-compliance with legislation.</p> <p>The Committee requested to get a progress update on what had been done to rectify the issues raised by the AGSA regarding leadership, concerns with HR policy, audit actions, and IT governance.</p> <p>The Committee raised a concern of non-compliance with the State Information Technology Agency Act 88 of 1998 (SITA Act) and requested clarity on mitigations in place to correct this.</p>	<p>The OCJ indicated that it was not proud of the regression of the audit outcome. The OCJ committed to working hard to ensure compliance with all legislation in future to avoid an unqualified audit outcome.</p> <p>The OCJ reported that it had submitted an Audit Risk Turnaround Plan to the Minister of Justice and Correctional Services and the plan outlines how the Department is intending to return to a clean audit status.</p> <p>The OCJ informed the Committee that matters of non-compliance with the SITA Act in the ICT procurement environment had already been acted on. The OCJ further advised the Committee that the Department had been engaging with SITA to review the Department's ICT Supply Chain Management processes to mitigate any future risk. The OCJ assured the Committee that it had received value for money from the ICT contracts.</p>
2. OCJ Budgeting process	
<p>The Committee asked about the role of the Judiciary in the broader budgeting process, and whether the Judiciary is able to directly engage the National Treasury on its budget requirements.</p> <p>The Committee enquired on the reasons for underspending by the OCJ.</p> <p>The Committee requested the OCJ to explain itself regarding the R52 million irregular expenditure, the wasteful and fruitless expenditure of R6 034.26, as well as recurring irregular expenditure.</p>	<p>The Heads of Court were engaged by the Provincial Heads of the OCJ on their budget requirements. Inputs received from these engagements were then consolidated into a budget for the OCJ nationally. This budget would then be submitted to the Budget Committee at National Treasury and to the Minister of Justice and Correctional Services.</p> <p>The OCJ informed the Committee that underspending was due to the delay in the delivery of the ICT infrastructure. The equipment has since been delivered during the financial year under review.</p> <p>The OCJ presented a plan to address the reported irregular, wasteful and fruitless expenditure and the actions that were taken.</p>
3. OCJ APP consultation process	
<p>The Committee requested to be briefed on the consultations held between the OCJ and the Department of Women, Youth and Persons with Disabilities (DWYPD).</p>	<p>The OCJ consulted the DWYPD, this consultation led to the inclusion of the three performance outputs in the OCJ's APP relating to youth empowerment, representation of women at SMS level, and representation of people with disabilities.</p>

Matters raised in the Portfolio Committee	How the Department addressed these matters
4. Employment Equity Targets	
Senior Management Service (SMS) Women and People with Disabilities (PWD) representation	
<p>The Committee requested the OCJ to provide an explanation regarding the failure to meet the targets for the representation of women at SMS level and People with Disabilities.</p>	<p>The OCJ indicated that measures have been put in place to ensure 50% women representation at SMS level and 2% of People with Disabilities.</p>
<p>The Committee requested the OCJ to provide an explanation for the high turnover rate of women employees in the organisation.</p>	<p>The OCJ is taking efforts to attract and retain women employees in the organisation; these employees are in high demand and, from time to time, will leave the organisation to pursue other opportunities.</p>
5. Judiciary-led Court Administration	
<p>The Committee requested to be briefed on progress relating to the implementation of a Judiciary-led Court Administration model.</p>	<p>The Judiciary developed a proposed Judiciary-led Court Administration model, which it submitted to the Executive as a consultative measure.</p>
6. Court Online roll-out	
<p>The Committee requested to be briefed on the national roll-out of Court Online, particularly with regards to the roll out to the next five High Courts, the timelines involved, as well as addressing bottlenecks through the Integrated Justice System (IJS).</p>	<p>The Heads of Courts Judicial and Administration Information Technology (JAIT) Committee is responsible for matters related to the national roll-out of Court Online, including identifying the initial courts to which Court Online would be rolled out and the timeframes thereof.</p>
7. CaseLines	
<p>The Committee requested progress on the investigation of possible improprieties on the award of CaseLines Tender and to be given assurances that Thomson Reuters, the provider of CaseLines, would continue providing services notwithstanding the ongoing dispute between the OCJ and the Service Provider of CaseLines, which has led to the OCJ ceasing payments to Thomson Reuters.</p>	<p>The OCJ provided the Committee with context to the investigation of the procurement of the CaseLines system and measures taken to ensure the continued provision of the system pending litigation to address the irregularities around the contract.</p>
8. ICT Procurement	
<p>The Committee expressed a concern on the OCJ's delayed reporting to the Committee on ICT procurement irregularities as they relate to non-compliance with the SITA Act. Having expressed its concern, the Committee requested an explanation from the OCJ on what led to the non-compliance and whether the disputes arising from procurement irregularities in the ICT environment would result in delays in the court modernisation and digitalisation process.</p>	<p>The OCJ informed the Committee that it delayed making public pronouncements on the irregularities pending having access to full information as gathered through internal investigations conducted by the Department's Forensic Audit Unit. The OCJ confirmed that the modernisation and digitalisation processes are underway and the Department is making sure that the system is being implemented correctly and that it operates as it should.</p>

Matters raised in the Portfolio Committee	How the Department addressed these matters
9. Court Infrastructure	
<p>The Committee noted the concerns regarding the state of the Supreme Court of Appeal (SCA) building, following an oversight visit to the Court. The Committee requested feedback on addressing the building maintenance matters raised during the oversight visit and what was being done to protect the Court from the effects of load shedding.</p>	<p>The OCJ reported that subsequent to the oversight visit by the Committee to the SCA, the OCJ once again raised these issues with the Department of Public Works and Infrastructure (DPWI) and the Department of Justice and Constitutional Development (DoJ&CD), which still retains the facilities function related to the Superior Courts.</p>
10. Case backlogs	
<p>The Committee mentioned that, on numerous occasions, it was informed that a proper plan to address the case backlogs was going to be developed and implemented. The Committee enquired as to the status of the final case backlog plan?</p>	<p>The OCJ responded that the issue of case backlogs and the measures that were put in place to address this, fell within the purview of the Chief Justice, the Heads of Court and the Judiciary. The OCJ only implements directives as issued by the Chief Justice and / or the Heads of Court in this regard.</p>
11. Integrity of Court Orders	
<p>The Committee expressed concern relating to the use of fraudulent court orders by the public and requested to be briefed on what is being done to prevent fraudulent court orders and protect the integrity of court orders.</p>	<p>The OCJ informed the Portfolio Committee that there was a Committee, chaired by a Judge President, which attends to all matters relating to the integrity of Court Orders. The OCJ had been working with the Judges President to identify measures that could be put in place to prevent fraudulent court orders.</p> <p>The OCJ has put in place a system to ensure that court orders are only signed by Judges.</p> <p>It is envisaged that the Court Online system would also mitigate the risk of fraudulent Court Orders by issuing standardised system-generated orders.</p>
12. Judicial Training	
<p>Noting public allegations that some Judges did not write their own judgments, the Committee enquired if judgment writing training was provided to Judges, including computer literacy training.</p>	<p>The OCJ reported that judgment writing and computer literacy training is conducted for Judges by the South African Judicial Education Institute and takes place annually.</p>

8. SCOPA RESOLUTIONS

There were no resolutions taken by the Standing Committee on Public Accounts (SCOPA) regarding the Department during the period under review.

9. PRIOR MODIFICATIONS TO AUDIT REPORTS

There were no prior modifications to the audit reports.

10. INTERNAL CONTROL

During the 2022/23 FY the OCJ did not have a dedicated Internal Control Unit to perform routine internal controls assessments. Approval was, however, granted for the recruitment of three (3) Internal Controllers. In the absence of such a Unit, managers are delegated the responsibility to develop and review existing policies and standard operating procedures (SOPs) as well as implementing and monitoring controls in their areas of accountability. Measures were implemented to continuously monitor departmental compliance with key legislation and the reporting requirements.

In pursuance of a clean audit outcome, the OCJ Audit Facilitation Committee (AFC) and the Provincial Audit Facilitation Committees (PAFC), continued with their role of coordinating and monitoring of the implementation of corrective action plans to address the AGSA and Internal Audit Services findings.

The Finance Unit maintains the Unauthorised, Irregular, Fruitless & Wasteful (UIFW) register, Deviation registers as well as the monthly 30 days' payment analysis report. Any cases of UIFW expenditure, deviations and payments over 30 days, are investigated to determine the root causes and to implement corrective measures to deter recurrence. Monthly and quarterly reports were submitted to the Accounting Officer for monitoring and to the ARC for oversight.

Furthermore, the Internal Audit Services Unit (IAS) provided assurance and advisory to Management on the adequacy and effectiveness of internal controls by conducting risk-based audits in respect of their 2022/23 Internal Audit Annual Operational Plan.

11. INTERNAL AUDIT AND AUDIT COMMITTEE

11.1 INTERNAL AUDIT

During the year under review, the Internal Audit Services (IAS) unit under control and direction of the Audit and Risk Committee complying with, and operating in accordance with, regulations and instruction prescribed in terms of Section 76 and 77 of the PFMA.

The IAS provides Management with independent, objective assurance and advisory services designed to add value and to continuously improve the operations of the OCJ. Applying the risk-based audit approach, the IAS conducted audit reviews in accordance with an approved Internal Audit Services Charter and Internal Audit Methodology. Significant audits were conducted, including, among others, the quarterly Interim Financial Statements and Performance Information reviews, Ad-hoc review on Supply Chain Management processes, Asset Management, Human Resource Administration Services reviews and the audit on core business deliverables in Taxation, Warrant of Release and Judicial Annual Performance Verification. In the ICT space, significant audits

included External Network Review – Court Online, Wireless Network and IT Helpdesk reviews.

The IAS completed twenty-seven (27) audit projects identified in the annual internal audit plan. These included follow-up audits aimed at monitoring the implementation of corrective actions by Management to address the audit findings by the AGSA and Internal Audit.

During the 2022/23 FY, the IAS conducted continuous audits utilizing the computer-assisted audit techniques (CAATs) in their regulatory audits as well as the expanding their coverage scope to include data analytics reviews of the PERSAL and BAS systems.

When conducting the audits, the IAS evaluated the adequacy and effectiveness of controls in responding to the risks within the OCJ's governance, operations, and information systems regarding the:

- i. Achievement of the OCJ's strategic outcomes;

- ii. Reliability and integrity of financial and operational information;
- iii. Effectiveness and efficiency of operations and programmes;
- iv. Safeguarding of assets; and
- v. Compliance with the laws, regulations, policies, procedures and contracts.

In order to improve the proficiency of the internal audit staff, continuous professional development training was provided by the Institute of Internal Auditors (IIA) of South Africa, Information Systems Audit and Control Association (ISACA) and various tertiary institutions.

An accredited corporate governance consulting firm, was engaged to conduct an External Quality Assurance Review (EQAR) during the year under review on OCJ's Internal Audit Services. The review was performed by an Accredited External Quality Assessment team as required by the International Standards for the Professional Practice of Internal Auditing.

An external assessment must be conducted every five years as required by The Institute of Internal Auditors' (IIA's) International Standards for the Professional Practice of Internal Auditing (Standards), which require assessment by an outside independent assessor or assessment team. In their opinion the external quality assurance reviewer concluded that the Quality Assurance and Improvement Program (QAIP) of the Office of the Chief Justice Internal Audit Services is adequate

and effective to ensure general conformance with the key requirements of the International Professional Practices Framework of the Institute of Internal Auditors including:

- the Mission of Internal Audit;
- the Definition of Internal Auditing;
- the Core Principles;
- the Code of Ethics; and
- the Standards for the Professional Practice of Internal Auditing.

The OCJ IAS also ensures efficiency and effectiveness in carrying out its Charter and meeting the expectations of stakeholders. The QAIP is applied consistently across all internal audit and consulting engagements.

11.2 AUDIT AND RISK COMMITTEE

The ARC continued to provide oversight on the system of governance, risk management and internal control within the OCJ. The main role of the ARC is to guide and advise the Accounting Officer and the Department on maintaining effective, efficient and transparent systems of financial management, risk management, governance, and internal controls.

The ARC comprises of five (5) independent members who are suitably qualified and experienced to fulfil their oversight role. The ARC meets at least four (4) times per year as per the approved Charter.

The table below discloses relevant information on the ARC Members.

Table 2:

Name and Designation	Qualifications	Internal or external	If internal, position held in OCJ	Date appointment	End of Term	Ordinary meetings attended	Special meetings attended
Adv. Mc Caps Motimele SC (ARC Chairperson)	B Proc, LLB, LLM, Diploma in Trial Advocacy, Certifications: Arbitrator and Internal Mediation Skills Training Course.	External	n/a	01 May 2021 (1 st Term)	31 May 2024	4/4	3/3
Dr. Charles Motau (ARC Member)	BCom, HDip Computer Audit, MBL, MIT, Doctorate Computer Science, Member of IRMSA, ISACA & Association of Enterprise Architect, Associate Member of the Business Continuity Institute	External	n/a	01 May 2017 (1 st Term) 01 Nov 2020 (2 nd Term)	31 Oct 2020 31 Oct 2023	4/4	3/3
Mr. Tshepo Mofokeng (ARC member)	BCom Acc, CA(SA), CIA, CRMA - Fellow of the IIASA and member of SAICA and IoDSA.	External	n/a	01 May 2017 (1 st Term) 01 Nov 2020 (2 nd Term)	31 Oct 2020 31 Oct 2023	4/4	1/3
Ms. Zanele Nkosi (ARC Member)	CA (SA), BCom Acc, CTA, Member - SAICA	External	n/a	01 Dec 2018 (1 st Term) 01 Dec 2021 (2 nd Term)	30 Nov 2021 30 Nov 2024	4/4	2/3
Ms. Zelda Tshabalala (ARC Member)	BCom, Post Grad Diploma in Business Admin, CCSA, Cert in Corp Governance, Cert. in Fin. Mgmt. for Municipal Executives, MBA, Member - IIASA, IoDSA	External	n/a	01 Nov 2020 (1 st Term)	31 Oct 2023	3/4	2/3

12. AUDIT COMMITTEE REPORT

We are pleased to present our report for the financial year ended 31 March 2023:

12.1 COMMITTEE RESPONSIBILITY

The ARC reports that it has complied with its responsibility arising from Section 38(a) (ii) of the PFMA and National Treasury Regulation 3.1. The Committee also reports that it has appropriate terms of reference as its ARC Charter, which is reviewed annually, has regulated its affairs in compliance with this Charter and has discharged all its responsibilities as contained therein.

12.2 THE EFFECTIVENESS OF INTERNAL CONTROL

The systems of internal control are designed to provide cost effective assurance in achieving the organisational objectives through ensuring that assets are safeguarded, operations are effective and efficient, financial and PI is reliable and there is compliance with the laws and regulations.

In line with the PFMA and the National Treasury Regulations, the ARC provided oversight on the operations and business activities within the OCJ. This was achieved through the quarterly reporting processes by Management as well as the Internal Audit reviews as prioritised in the Risk-Based Annual Audit Operational Plan approved by the ARC. The ARC is of the opinion that the systems of internal control within the OCJ were mostly adequate and effective during the year under review.

12.3 INTERNAL AUDIT

The ARC is satisfied with the activities of the internal audit function including its annual work programme, coordination with the external auditors and the reports of significant investigations and follow-up on management corrective action plans. From the various reports submitted by the OCJ's Internal Auditors, there are indications that although the systems of internal control were adequate in most areas, there is still room for improvement in areas where control deficiencies and deviations from prescripts and policies were highlighted.

Matters of concern to the ARC were the increased number of findings year on year, specifically the following:

- i. Delay in the implementation of Court Online solution that will automate and improve the accuracy and completeness of the reported performance information;
- ii. Slow progress in the implementation of management actions and commitments to address previous year's ICT findings;
- iii. Asset Register kept on excel book and instances of inaccurate recording and reporting on assets due to the out-dated JYP asset management system;
- iv. Vacancy rate of 15% at senior management echelon; and
- v. Amendments to the submitted AFS that may result in material adjustments.

Upon reviewing revised Management commitments and the quarterly follow-up audits reports that tracks progress in the implementation of the audit action plans, the ARC has however, noted the corrective measures instituted by the Accounting Officer and the EXCO of the OCJ to address the above concerns.

12.4 SUMMARY OF SOME OF THE MAIN ACTIVITIES UNDERTAKEN BY THE ARC DURING THE FY UNDER REVIEW

The ARC reviewed and/or performed oversight over:

- i. All the quarterly Interim Financial Statements and unaudited AFS before submission to the AGSA on 31 May 2023;
- ii. Monitoring and implementation of corrective action plans to address AGSA and internal audit findings;
- iii. The appropriateness of the accounting policies, practices and potential changes;

- iv. The effectiveness of the system of risk management including fraud prevention and anti-corruption strategies;
- v. The process to ensure compliance with relevant laws and regulations;
- vi. In-year monitoring reports on all the OCJ's operations including the systems of ICT and HRM&D governance;
- vii. The Quarterly PI Reports and the Annual Report prior to submission to the AGSA and final publication;
- viii. The plans, work and reports of the Internal Audit Services and the AGSA; and
- ix. The development of the Combined Assurance Framework and the Plan.

12.5 THE QUALITY OF IN-YEAR MONITORING AND QUARTERLY REPORTS SUBMITTED IN TERMS OF LEGISLATION

We reviewed the in-year quarterly reports submitted together with the internal audit comments thereon. The ARC is satisfied with the content and quality of the quarterly reports prepared and issued by the Accounting Officer and Management during the year under review. There continues to be notable improvement in the quality of the financial management and PI reports as well as Management's commitment to implementing corrective action plans to address the previous AGSA and Internal Audit Services' findings. The Department has been reporting monthly and quarterly to the NT as is required by the PFMA.

12.6 RISK MANAGEMENT

The OCJ has a Risk Management function established in accordance with the requirements of the National Treasury Regulations, the King IV Report on Corporate Governance as well as in compliance with the Public Sector Risk Management Framework, which provides for the development and implementation of the Risk Policy, Strategy and Implementation Plan as well as the Fraud Prevention and Anti-Corruption Framework. All Risk Owners attend the ARC meetings and participate in the overall

management of the risk management processes in the Department.

During the year under review, a risk assessment was conducted across the OCJ operations culminating in the review and updating of the strategic and operational risk registers. Risks were prioritised based on their likelihood and impact and additional mitigations were adopted to reduce risks to acceptable levels. The identified risks also informed the three-year internal audit and annual operational plans. Management reported on risk mitigation action items quarterly to the ARC. The continuous monitoring and reporting of the planned mitigation activities yielded significant positive results such as the achievement of both the APP and Operational Plans' KPIs and targets.

12.7 FRAUD AND CORRUPTION

The OCJ developed and implemented the Fraud Prevention Policy, Strategy and Plan. The implementation of the Plan was monitored through the quarterly reports presented at the ARC meetings. The ARC provided oversight on the reported allegations of fraud, corruption and financial misconduct to the Department and is satisfied with the investigation outcomes and consequence management implemented.

12.8 EVALUATION OF THE FINANCIAL STATEMENTS

The ARC has:

- i. Reviewed the draft AFS and PI Report to be included in the Annual Report;
- ii. Reviewed any changes in accounting policies and practices;
- iii. Reviewed departmental compliance with applicable regulatory provisions; and
- iv. Reviewed the AGSA's Interim Management Reports and the Management responses thereto.

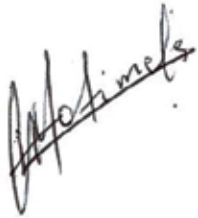
12.9 ANNUAL PERFORMANCE REVIEW

The Committee has considered the PI reports submitted to the AGSA for review and is satisfied with the measures Management has put in place to manage performance.

12.10 AUDITOR-GENERAL'S REPORT

We have reviewed the Department's implementation of the audit findings raised in the AGSA Management Report of the previous year and we are satisfied that the findings have been adequately resolved. The ARC has met with the AGSA throughout the year to ensure that there are no unresolved issues.

The ARC concurs and accepts the conclusions of the AGSA on the AFS, PI and Compliance review, and is of the opinion that the audited AFS be accepted and read together with the report of the AGSA.



Adv. Mc Caps Motimele SC

Chairperson of the ARC
Office of the Chief Justice
Date: 31 July 2023



13. B-BBEE COMPLIANCE PERFORMANCE INFORMATION

The Department is committed to complying with the prescribed B-BBEE requirements as required by the B-BBEE Act, 2003 (Act 53 of 2003) and as determined by the then Department of Trade, Industry and Competition (DTIC). During the reporting period, and in maintaining the highest standards of governance, the OCJ implemented the Preferential Procurement Policy Framework Act (PPPFA) and its regulations.

Has the Department / Public Entity applied any relevant Code of Good Practice (B-BBEE Certificate Levels 1- 8) with regards to the following:		
Criteria	Response Yes / No	Discussion
Determine qualification criteria for the issuing of licences, concessions or other authorisations in respect of economic activity in terms of any law?	No	Not applicable to the OCJ.
Developing and implementing a preferential procurement policy?	Yes	<p>A KPI was included in the APP for awarding tenders to B-BBEE suppliers of level 4 and above. Although the KPI has been included on the APP, no tenders were awarded during the year under review as the OCJ procured ICT goods and services through SITA in line with the SITA Act and regulations.</p> <p>The OCJ, through its Supply Chain Management processes, continues to comply with the Broad-Based Black Economic Empowerment Act, 2003 (Act 53 of 2003) (B-BBEE Act) and the Preferential Procurement Act 5 of 2000</p> <p>Furthermore, there was strict adherence to the PPPFA and its Regulations for the period 2022/23.</p> <p>The OCJ SCM Policy has a section on preferential procurement</p>
Determining qualification criteria for the sale of state-owned enterprises?	No	Not applicable to the OCJ.
Developing criteria for entering into partnerships with the private sector?	No	Not applicable to the OCJ.
Determining criteria for the awarding of incentives, grants and investment schemes in support of B-BBEE?	No	Not applicable to the OCJ.



PART D:

HUMAN RESOURCE MANAGEMENT AND DEVELOPMENT

76



1. INTRODUCTION

The Chief Directorate: HRM&D comprises of the three directorates, namely, Human Resource Practices and Administration; Capacity and Organisational Development; as well as Employee Relations. It is through these components that the Unit has been able to provide the much-needed resources to support the OCJ's pursuit of its strategic outcomes.

The focus of the HRM&D Unit for the 2022/2023 FY continued to be driven by the following priorities:

- Enabling the Department to achieve its outputs through its human resources;

- Ensuring correct placement of people with appropriate competencies; and
- Deploying and utilising human resources optimally.

HRM&D ensured the provision and capacitation of the right talent through recruitment and selection, training and development as well as organisational development. The support provided by Employee Relations and Employee Health & Wellness ensures continuous sound employer-employee relations and employee well-being, respectively.

2. OVERVIEW OF HUMAN RESOURCES

2.1 THE IMPACT OF HUMAN RESOURCE PRIORITIES FOR THE YEAR UNDER REVIEW

During the 2022/23 FY, the HRM&D Chief Directorate focused on the following main areas:

a) Filling of vacancies

During the period under review, the OCJ had to conduct a reprioritisation of funded posts due to the CoE budget ceilings. In order to remain within the allocated CoE budget ceiling, forty (40) posts were unfunded and the turnaround time in filling of posts was negatively affected.

As at the end of the 2022/23 FY, the vacancy rate was 9.8% (217 of 2 204) compared to the vacancy rate of 9.1% (204 of 2 244) in the 2021/22 FY. Even though the vacancy rate increased by 0.7%, the OCJ still operated within the set target of 10% or below. Out of the two hundred and forty-five (245) appointments that were made, one hundred and fifty-six (156), or 64%, comprised of youth, contributing to youth employment within the OCJ.

b) Providing EHW Programmes

The OCJ's EHW programmes were implemented in line with the following four Pillars of the DPSA's EHW Strategic Framework for the Public Service:

- Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS), Sexually Transmitted Infections (STI) and Tuberculosis (TB) management;
- Health and Productivity Management;
- Wellness Management; and
- Safety, Health, Environment, Risk and Quality (SHERQ) Management.

Having passed the height of the COVID-19 pandemic, the EHW programmes implementation focused on creating awareness, prevention and mitigating the psychological effects of COVID-19, reintegrating back into daily activities and office life, marketing of the EHW unit and general psychosocial support. In line with the four Pillars of the DPSA's EHW Strategic Framework for the Public Service, the following were implemented:

- Monthly OHS inspections were conducted at all Service Centres, including National Office;
- Quarterly COVID-19 Walk-through Risk Assessments were conducted at all Service centres, including National Office and;
- Personal Protective Equipment (PPE), including hand sanitisers and masks, were procured and distributed as per need for employees;

- Twelve (12) OHS COVID-19 related training sessions were conducted, which included training on SHE, First Aider and Fire fighter.

During the period under review, the Department implemented thirty-three (33) EHW programmes meant to support employees on areas such as stress and burnout, trauma debriefing, financial wellness, awareness linked to the health calendar as well as conflict and diversity management. The following psychosocial programmes were conducted:

- One (1) session on stress and burnout;
- Six (6) sessions on financial wellness;
- Five (5) sessions on conflict and diversity management;
- Seven (7) sessions on health related issues;
- Five (5) sessions on trauma debriefing;
- Three (3) wellness events, which included health screenings;
- One (1) session on sexual harassment;
- One (1) session on emotional intelligence;
- Two (2) sessions on mental health;
- One (1) session on men's wellness; and
- One (1) session on 16 days of activism against gender violence.

In the 2023/24 FY, the OCJ will continue to provide holistic EHW services in line with the DPISA's EHW Strategic Framework for the Public Service. This involves strengthening the utilisation of the programme in the Department.

2.2 WORKFORCE PLANNING FRAMEWORK AND KEY STRATEGIES TO ATTRACT AND RECRUIT A SKILLED AND CAPABLE WORKFORCE

2.2.1 HUMAN RESOURCES PLAN

Workforce planning is guided by the Department's Strategic Plan, Employment Equity Act, Public Service Act and Public Service Regulation, 2016. Workforce planning is about having the right people with the right skills in the right jobs at the right time and at a reasonable cost. It identifies the gap between current workforce capabilities

and the workforce capabilities required to achieve the Department's strategic outcomes in an ever-changing and operational environment. This is what the Department strived to achieve during the year under review.

During the year under review the implementation of the Human Resource Plan 2022-2025 was in line with the new MTEF implementation plan in order to guide the process of attracting, recruiting and developing a skilled and capable workforce. This has been achieved and is exemplified by the quality and number of employees that have been attracted into the organisation.

2.2.2 EFFECTIVE RECRUITMENT

As at the end of 2022/2023 FY, the total number of funded posts on the establishment was two thousand two hundred and four (2 204). Of these positions, one thousand nine hundred and eighty-seven (1 987) were filled, two hundred and seventeen (217) were vacant, translating to a 9,8% vacancy rate. Due to the CoE budget ceiling there was a decrease in the number of posts in the establishment. Furthermore, the decrease was due to forty (40) posts that were unfunded and the realignment of functions.

In capacitating the OCJ, two hundred and forty-five (245) posts were filled compared to the three hundred and sixty-five (365) posts filled in the 2021/22 FY.

2.2.3 EMPLOYMENT EQUITY

2.2.3.1 Women at Senior Management Services level

During the reporting period, the OCJ prioritised the employment of women at SMS level. During the 2022/2023 FY, the OCJ achieved 51% (21 of 41) women representation at SMS level as compared to 48% (20 of 42) in the 2021/2022 FY. This indicates that there was an improvement of 3% in women representation at SMS level. During the period under review, the Department continued to implement the mentorship programme to empower female employees at middle management in order to promote upward mobility. Furthermore, the Department will continue to put initiatives in place to attract and retain women at SMS level.

2.2.3.2 Youth

As at the end of March 2023, there were five hundred and sixty-six (566) youth employees (aged 21-35) in the OCJ's establishment, translating to 28% against a national target of 30%. The Department will continue to support youth employment initiatives through targeted recruitment and selection processes to achieve the required representation of youth in the organisation.

2.2.3.3 People with Disabilities

As at the end March of the 2022/23 FY, the OCJ had thirty-three (33) officials who fall under the category of PWD. With a staff establishment of two thousand two hundred and four (2204), this means that PWD make up 1.5% of the staff establishment. This is 0.5% below the required representation of 2%. The targeted strategies (targeted advertising and collaboration with NGOs) put in place by the OCJ to increase the representation of PWD in the Department are gradually beginning to yield results. Further engagement and targeted recruitment will be implemented.

2.3 PROVIDING EMPLOYEES WITH SKILLS AND COMPETENCIES THROUGH SKILLS DEVELOPMENT PROGRAMMES

The Department continued to provide study assistance opportunities to staff members to enhance and improve their skills and knowledge. During the reporting period a total of one hundred and fifty-four (154) employees were supported through study assistance. The Department has implemented the internship programme as part of the youth developmental programme. Training was conducted to build capacity of employees and a total of seven hundred and seventy-six (776) employees were trained on various skills.

2.4 EMPLOYEE PERFORMANCE MANAGEMENT

The Department has inculcated a performance culture by aligning individual and Department performance to achieve its outputs and to encourage good performance and service delivery improvements.

2.5 ACHIEVEMENTS

- The vacancy rate of the Department during the reporting period was kept below the stipulated 10% threshold, at 9.8%;
- A total of thirty-three (33) EHW Programmes were conducted against a target of nine (9), also addressing the well-being of employees with a slight increase in the utilisation of the programme.
- Women representation at SMS level exceeded the set target of 50% representation and reached 51%.
- HRM&D conducted several workshops across the Department on the following areas namely:
 - ✓ Leave Management;
 - ✓ Sexual harassment;
 - ✓ Grievance procedure;
 - ✓ Discipline management;
 - ✓ Management of abscondment; and
 - ✓ Wellness marketing.

2.6 CHALLENGES

- During the 2022/23 FY, the OCJ experienced turnover in critical posts, necessitating the implementation of contingency plans to ensure continued operations. The staff turnover rate for 2022/23 FY was at 14% (285 of 1 987) compared to last year's 14.7% (284 of 2 040).
- There was a total of twenty-nine (29) misconduct cases in this reporting period, eighteen (18) cases were finalised, while eleven (11) disciplinary hearings were in progress. Seventy-two (72) grievances were attended to, forty-one (41) were finalised and thirty-one (31) are pending. Thirty-two (32) dispute cases were dealt with during the reporting period. Sixteen (16) were finalised and sixteen (16) are pending. The conclusion of both disciplinary cases and disputes are largely dependent on the availability of external stakeholders such as Commissioners and external investigators / initiators, and presiding officers.
- Youth representation in the Department was 2% below the 30% target.

2.7 FUTURE HUMAN RESOURCE PLANS/GOALS

- The OCJ intend to prioritise the implementation of Human Resource Planning 2022/23 – 2024/25 and employment policies that will contribute toward retaining critical skills.
- The Department will prioritise the development of the Succession Plan and Management Guidelines that will assist in mentoring the OCJ officials for higher positions.
- A benchmarking and consultation process for the development of Retention Strategy in the new FY will commence. This will be integrated with the Succession Plan and Works Skills Plan.
- The OCJ will continue to implement youth development programmes that seek to contribute towards affording opportunities for unemployed youth graduates with work-integrated learning.
- The Department will ensure that vacant posts at the courts are filled within the stipulated time as a way of capacitating the courts.
- The implementation of the OCJ guidelines on recruitment and retention of PWD will be prioritised.
- Automation of HR Processes, which includes electronic leave management system, will commence and will be done in phases, as it depends on the planned projects as outlined in the departmental ICT Strategy.

3. HUMAN RESOURCES OVERSIGHT STATISTICS

3.1 PERSONNEL RELATED EXPENDITURE

The HR oversight expenditure statistical information (personnel related expenditure) presented below contains information from the OCJ Administration and the Judiciary.

Table 3.1.1 Personnel expenditure by programme for the period 01 April 2022 to 31 March 2023

Programme	Total Expenditure (R'000)	Personnel Expenditure (R'000)	Training Expenditure (R'000)	Professional and Special Services (R'000)	Personnel Expenditure as a % of Total Expenditure	Average CoE Cost per Employee or Judge (R'000)
OCJ: Administration	281 833	109 932	2 066	0	39	575
OCJ: Superior Court Services	963 615	668 967	0	0	69.40	384
OCJ: Judicial Education & Support	49 416	23 713	0	0	48	527
SUB-TOTAL (Voted Funds)	1 294 864	802 612	0	0	62	652
SUB-TOTAL (Direct Charge Against the NRF)	1 154 581	1 067 180	0	0	92	2 068
GRAND TOTAL (Voted Funds and Direct Charge Against the NRF)	2 449 445	1 869 792	0	0	76.30	748

Table 3.1.2 Personnel costs by salary band for the period 1 April 2022 to 31 March 2023 (including the Judges)

Salary Band	Personnel Expenditure (R'000)	% of total personnel cost	Number of Employees (including Judges on the direct charge)	Average Compensation Cost per Employee (R'000)
Lower Skilled (Levels 1-2)	22535	1.2	44	512
Skilled (Levels 3-5)	249 038	13.1	974	255
Highly skilled production (Levels 6-8)	253 510	13.3	641	395
Highly skilled supervision (Levels 9-12)	187 635	9.9	279	672
Senior management (Levels 13-16)	89 892	4.7	48	1872
SUB-TOTAL (Voted Funds)	802 612	42.2	1 986	404
SUB-TOTAL (Direct Charge Against the NRF)	1 067 180	56.1	516	2 068
GRAND TOTAL (Voted Funds and Direct Charge Against the NRF)	1 869 792	98.3	2 502	747

Table 3.1.3 Salaries, Overtime, Home Owners Allowance and Medical Aid by programme for the period 1 April 2022 to 31 March 2023.

Programme	Salaries		Overtime		Home Owners Allowance (HOA)		Medical Aid	
	Amount (R'000)	Salaries as % of Personnel Cost	Amount (R'000)	Overtime as % of Personnel Cost	Amount (R'000)	HOA as a % of personnel costs	Amount R('000)	Medical Aid as a % of personnel costs
OCJ: Administration	100 634	91.5	2 337	2.1	2 449	2.2	4 511	4.1
OCJ: Superior Court Services	593 193	88.7	653	0.1	23 975	3.6	51 146	7.6
OCJ: Judicial Education & Support	21 638	91.2	551	2.3	520	2.2	1 004	4.2
SUB-TOTAL (Voted Funds)	715 465	89.1	3 541	0.4	26 955	3.4	56 661	7.1
SUB-TOTAL (Direct Charge Against the NRF)	1 059 650	99.3	0	0	0	0	7 530	0.7
GRAND TOTAL (Voted Funds and Direct Charge Against the NRF)	1 775 115	94.9	3 541	0.2	26 944	1.4	64 191	3.4

Table 3.1.4 Salaries, Overtime, Home Owners Allowance and Medical Aid by salary band for the period 1 April 2022 to 31 March 2023.

Salary band	Salaries		Overtime		Home Owners Allowance (HOA)		Medical Aid	
	Amount (R'000)	Salaries as % of Personnel Cost	Amount (R'000)	Overtime as % of Personnel Cost	Amount (R'000)	HOA as a % of personnel costs	Amount R('000)	Medical Aid as a % of personnel costs
Lower skilled (Levels 1-2)	39 682	100	0	0	0	0	0	0
Skilled (Levels 3-5)	216 954	81.9	823	0.3	15 907	6	31 224	11.8
Highly skilled production (Levels 6-8)	200 715	87.9	1 192	0.5	7 515	3.3	19 041	8.3
Highly skilled supervision (Levels 9-12)	168 770	93.8	1 525	0.8	3 522	2	6 365	3.5
Senior management (Levels 13-16)	89 343	100	0	0	0	0	31	7.1
SUB-TOTAL (Voted Funds)	715 645	89.1	3 541	0.4	26 944	3.4	56 661	7.1
SUB-TOTAL (Direct Charge Against the NRF)	1 059 650	99.3	0	0	0	0	7 530	0.7
GRAND TOTAL (Voted Funds and Direct Charge Against the NRF)	1 775 115	94.9	3 541	0.2	26 944	1.4	64 191	3.4

3.2 EMPLOYMENT AND VACANCIES

The tables in this section summarise the OCJ's position with regard to employment and vacancies. The vacancy rate reflects the percentage of funded posts that were not filled. This table excludes information on the Judiciary.

Table 3.2.1 Employment and vacancies by programme as at 31 March 2023

Programme	Number of Posts approved on the establishment	Number of Posts Filled	Vacancy Rate	Number of employees additional to the establishment
OCJ: Administration	220	193	12.3	30
OCJ: Superior Court Services	1942	1754	9.7	80
OCJ: Judicial Education & Support	42	40	4.8	5
TOTAL	2 204	1987	9.8	115

Table 3.2.2 Employment and vacancies by salary band as at 31 March 2023

Salary band	Number of Posts approved on the establishment	Number of Posts Filled	Vacancy Rate %	Number of employees additional to the establishment
Lower skilled (Levels 1-2)	36	36	0	36
Skilled (Levels 3-5)	1108	1007	9.1	70
Highly skilled production (Levels 6-8)	673	604	10.3	3
Highly skilled supervision (Levels 9-12)	338	299	11.5	5
Senior management (Levels 13-16)	49	41	16.3	1
TOTAL	2 204	1 987	9.8	115

Table 3.2.3 Employment and vacancies by critical occupations band as at 31 March 2023

Critical occupations	Number of Posts approved on the establishment	Number of Posts Filled	Vacancy Rate in %	Number of employees additional to the establishment
Communication and Information Related	8	6	25	0
Finance and Economics Related	56	53	5.4	0
Financial and Related Professionals	32	24	25	0
General Legal Administration & Rel. Professionals	165	155	6.1	4
HR & Organisational Development & Related Professionals	12	11	8.3	0
HR Related	27	24	11.1	0
Information Technology related	1	1	0	0
Language Practitioners Interpreters & Other Communicators	119	106	10.9	0
Legal Related	21	18	14.3	0
Librarians and Related Professionals	19	19	0	0

Critical occupations	Number of Posts approved on the establishment	Number of Posts Filled	Vacancy Rate in %	Number of employees additional to the establishment
Other Administrative Policy and Related Officers	39	36	7.7	0
Other Information Technology Personnel.	8	8	0	0
Risk management & security services	1	1	0	0
Secretaries & Other Keyboard Operating Clerks	394	359	8.9	3
Senior Managers	49	41	16.3	1
TOTAL	951	862	9.4	8

3.3 FILLING OF SMS POSTS

Table 3.3.1 SMS post information as at 31 March 2023

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	% of SMS posts filled	Total number of SMS posts vacant	% of SMS posts vacant
Secretary- General	1	1	100	0	0
Salary level 16	0	0	0	0	0
Salary level 15	3	3	100	0	0
Salary level 14	9	5	56	4	44
Salary level 13	34	32	96	2	5.8
TOTAL	47	41	87.2	6	12.8

Table 3.3.2 SMS post information as at 30 September 2022

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	% of SMS posts filled	Total number of SMS posts vacant	% of SMS posts vacant
Secretary- General	1	1	100	0	0
Salary level 16	0	0	0	0	0
Salary level 15	3	3	100	0	0
Salary level 14	10	5	50	5	50
Salary level 13	34	33	97	1	3
TOTAL	48	42	90	6	12.5

Table 3.3.3 Advertising and filling of SMS posts for the period 1 April 2022 to 31 March 2023

SMS level	Advertising	Filling of posts	
	Number of vacancies per level advertised in 6 months of becoming vacant	Number of vacancies per level filled in 6 months of becoming vacant	Number of vacancies per level not filled in 6 months of becoming vacant but filled in 12 months
Secretary- General	0	0	0
Salary level 16	0	0	0
Salary level 15	0	0	0
Salary level 14	6	2	1
Salary level 13	3	2	0
TOTAL	9	4	1

Table 3.3.4 Reasons for not having complied with the filling of funded vacant SMS posts – Advertised within 6 months and filled within 12 months after becoming vacant for the period 1 April 2022 to 31 March 2023**Reasons for vacancies not advertised within six months**

Due to compulsory budget constraints on compensation of employees, the OCJ was unable to advertised some of the critical posts within six (6) months

Reasons for vacancies not filled within twelve months

Due to compulsory budget constraints on compensation of employees, the OCJ was unable to fill some of the critical posts within twelve (12) months.

Table 3.3.5 Disciplinary steps taken for not complying with the prescribed timeframes for filling SMS posts within 12 months for the period 1 April 2022 to 31 March 2023**Reasons for vacancies not advertised within six months**

No disciplinary actions were taken for not advertising vacancies within six months. Due to compulsory budget cuts on compensation, posts could not be advertised within the prescribed timeframes.

Reasons for vacancies not filled within twelve months

No disciplinary actions were taken for not filling vacancies within twelve months. Due to compulsory budget cuts on compensation, posts could not be filled within the prescribed timeframes.

3.4 JOB EVALUATION

Table 3.4.1 Job Evaluation by salary band for the period 1 April 2022 to 31 March 2023

Salary Band	Number of Posts approved on the establishment	Number of Jobs Evaluated	% of Posts Evaluated	Number of Posts Upgraded		Number of Posts Downgraded	
				Number	% of Upgraded Posts	Number	% of Downgraded Posts
Lower skilled (Levels 1-2)	0	0	0	0	0	0	0
Skilled (Levels 3-5)	1 089	1	0.1	0	0	0	0
Highly skilled production (Levels 6-8)	707	0	0	0	0	0	0
Highly skilled supervision (Levels 9-12)	327	1	0.1	0	0	0	0
SMS Band A(SL13)	36	1	0.1	0	0	0	0
SMS Band B(SL14)	9	1	0.1	0	0	0	0
SMS Band C(SL15)	3	0	0	0	0	0	0
SMS Band D(SL16)	1	0	0	0	0	0	0
TOTAL	2 172	4	0.4	0	0	0	0

The information on the number of posts on the establishment excludes the Judiciary as their posts are not subjected to job evaluation.

Table 3.4.2 Profile of employees whose positions were upgraded due to their posts being upgraded for the period 1 April 2022 to 31 March 2023

Gender	African	Asian	Coloured	White	Total
Female	0	0	0	0	0
Male	0	0	0	0	0
TOTAL	0	0	0	0	0
Employees with disability	0	0	0	0	0

Table 3.4.3 Employees whose salary levels are higher than those determined by job evaluation by occupation for the period 1 April 2022 to 31 March 2023.

Occupation	Number of employees	Job evaluation level	Remuneration level	Reasons for deviation
Senior Managers	0	0	0	N/A
Total number of employees whose salaries exceeded the level determined by job evaluation				0
Percentage of total employed				0

Table 3.4.4 Profile of employees whose salary levels are higher than those determined by job evaluation for the period 01 April 2022 to 31 March 2023

Gender	African	Asian	Coloured	White	Total
Female	0	0	0	0	0
Male	0	0	0	0	0
TOTAL	0	0	0	0	0
Employees with disability	0	0	0	0	0

Total number of employees whose salaries exceeded the grades determined by evaluation.	0
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3.5 EMPLOYMENT CHANGES

This section provides information on changes in employment over the FY. It reflects the number of appointments versus terminations. It further translates the terminations into the turnover rate.

Table 3.5.1 Annual turnover rates by salary band for the period 1 April 2022 to 31 March 2023

Salary Band	Number of employees at Beginning of period (April 2022)	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover Rate
Lower skilled (Levels 1-2)	0	0	0	0
Skilled (Levels 3-5), Permanent	948	38	66	7
Highly skilled production (Levels 6-8)	548	40	67	12.2
Highly skilled supervision (Levels 9-12)	243	24	29	11.9
SMS Band A (13)	32	1	3	9.4
SMS Band B (14)	5	3	4	80
SMS Band C (15)	3	0	0	0
SMS Band D (16)	1	0	0	0
Contracts	260	139	116	44.6
TOTAL	2 240	245	285	14

Table 3.5.2 Annual turnover rates by critical occupation for the period 1 April 2022 to 31 March 2023

Critical occupation	Number of employees at Beginning of period (April 2022)	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover Rate
Communication and Information Related	6	0	1	16.7
Finance and Economics Related	55	4	5	9.1
Financial and Related Professionals	30	4	10	33.3
General Legal Administration & Rel. Professionals	152	40	50	32.9

Critical occupation	Number of employees at Beginning of period (April 2022)	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover Rate
HR & Organisational Development & Related Professionals	7	3	5	71.4
HR Related	24	5	4	16.7
Information Technology related	1	0	0	0
Language Practitioners Interpreters & Other Communicators	106	12	10	9.4
Legal Related	27	2	5	18.5
Librarians and Related Professionals	21	0	0	0
Other Administrative Policy and Related Officers	33	5	2	6.1
Other Information Technology Personnel.	8	1	5	62.5
Risk management & security services	1	0	0	0
Secretaries & Other Keyboard Operating Clerks	368	48	65	17.7
Senior Managers	35	5	6	17.1
TOTAL	874	129	168	19.2

Table 3.5.3 Reasons why staff left the Department for the period 1 April 2022 to 31 March 2023

Termination Type	Number	% of Total Resignations
Death	6	2.1
Resignation	164	57.5
Expiry of a contract	55	19.3
Dismissal - operational changes	0	0
Dismissal - misconduct	3	1.1
Dismissal - inefficiency	0	0
Discharged due to ill health	3	1.1
Retirement	21	7.4
Transfer to other Public Service Departments	31	10.9
Other	2	0.7
TOTAL	285	100
Total number of employees who left as a % of total employment		14%

Table 3.5.4 Promotion by critical occupation for the period 1 April 2022 to 31 March 2023

Occupation	Number of employees at Beginning of period (April 2022)	Promotions to another salary level	Salary level promotions as a % of employees by occupation	Progressions to another notch within a salary level	Notch progression as a % of employees by occupation
Communication and Information Related	6	1	16.7	5	83.3
Finance and Economics Related	55	5	9.1	4	7.3
Financial and Related Professionals	30	1	3.3	1	3.3
General Legal Administration & Related Professionals	152	4	2.6	149	98
HR & Organisational Development & Related Professionals	7	3	42	6	86
HR Related	24	5	20.8	1	4.2
Information Technology related	1	0	0	1	100
Language Practitioners Interpreters & Other Communicators	106	1	0.9	10	9.4
Legal Related	27	1	3.7	20	74
Librarians and Related Professionals	21	0	0	15	71.4
Other Administrative Policy and Related Officers	33	1	3	33	100
Other Information Technology Personnel	8	1	12.5	8	100
Risk management & security services	1	0	0	0	0
Secretaries & Other Keyboard Operating Clerks	368	16	4.3	352	95.7
Senior Managers	35	3	8.6	30	85.7
TOTAL	874	42	4.8	636	72.80

Table 3.5.5 Promotion by salary band for the period 01 April 2022 to 31 March 2023

Salary band	Number of employees at Beginning of period (April 2022)	Promotions to another salary level	Salary level promotions as a % of employees by salary level	Progressions to another notch within a salary level	Notch progression as a % of employees by salary band
Lower skilled (Levels 1-2)	69	0	0	0	0
Skilled (Levels 3-5)	982	23	2.3	597	60.8
Highly skilled production (Levels 6-8),	658	28	4.3	300	45.6
Highly skilled supervision (Levels 9-12)	289	20	6	130	45
Senior management (Levels 13-16)	42	4	7.1	36	85.7
TOTAL	2 040	75	3.6	1 063	52.1

3.6 EMPLOYMENT EQUITY

Table 3.6.1 Total number of employees (including employees with disability) in each of the following occupational categories as at **31 March 2023**

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	14	2	0	1	13	1	2	2	35
Professionals	154	7	1	8	174	11	20	23	398
Technicians and associate professionals	48	2	1	1	55	6	4	10	127
Clerks	315	38	12	14	645	85	22	91	1222
Labourers and related workers	44	9	1	3	46	7	2	3	115
Service and sales workers	36	6	1	9	32	1	0	1	86
Plant and machine operators and	3	1	0	0	0	0	0	0	4
Elementary Occupations	0	0	0	0	0	0	0	0	0
TOTAL	614	65	16	36	965	111	50	130	1 987
Employees with disability	12	3	1	1	12	2	0	2	33

Table 3.6.2 Total number of employees (including employees with disability) in each of the following occupational bands as at 31 March 2023

Occupational band	Male				Female				Total
	African	Coloured	Asian	White	African	Coloured	Asian	White	
Top Management	1	0	0	0	2	0	0	1	4
Senior Management	14	3	1	1	12	1	2	3	37
Professionally qualified and experienced specialists and mid-management	102	8	1	8	113	10	18	27	287
Skilled technical and academically qualified workers, junior management, supervisors, foremen	174	8	2	11	307	50	18	70	640
Semi-skilled and discretionary decision making	309	46	12	16	510	49	12	30	984
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0
TOTAL	600	65	16	36	944	110	50	131	1952
Non-Permanent	14	0	0	0	21	1	0	0	35
TOTAL	614	65	16	36	965	111	50	131	1987

Table 3.6.3 Recruitment for the period 1 April 2022 to 31 March 2023

Occupational band	Male				Female				Total
	African	Coloured	Asian	White	African	Coloured	Asian	White	
Top Management, (15-16)	0	0	0	0	0	0	0	0	0
Senior Management, (13-14)	4	0	0	0	3	0	1	0	8
Professionally qualified and experienced specialists and mid-management, (9-12)	26	2	0	2	12	1	5	3	51

Occupational band	Male				Female				Total
	African	Coloured	Asian	White	African	Coloured	Asian	White	
Skilled technical and academically qualified workers, junior management, supervisors, foremen, (6-8)	29	1	0	0	49	2	1	1	85
Semi-skilled and discretionary decision making, 3-5	31	0	0	0	67	4	1	0	103
Unskilled and defined decision making (1-2)	0	0	0	0	0	0	0	0	0
TOTAL	87	3	0	2	134	7	8	4	245
Employees with disabilities	1	0	0	0	0	1	0	0	2

Table 3.6.4 Promotions for the period 1 April 2022 to 31 March 2023

Occupational band	Male				Female				Total
	African	Coloured	Asian	White	African	Coloured	Asian	White	
Top management	0	0	0	0	0	0	0	0	0
Senior Management,	2	0	0	0	1	0	1	0	4
Professionally qualified and experienced specialists and mid-management,	9	1	0	0	9	0	0	1	20
Skilled technical and academically qualified workers, junior management, supervisors, foremen,	5	0	0	0	21	0	1	1	28
Semi-skilled and discretionary decision making,	7	4	0	0	5	7	0	0	23
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0
TOTAL	23	5	0	0	36	7	2	2	75
Employees with disabilities	0	0	0	0	0	0	0	0	0

Table 3.6.5 Terminations for the period 1 April 2022 to 31 March 2023

Occupational band	Male				Female				Total
	African	Coloured	Asian	White	African	Coloured	Asian	White	
Top Management	0	0	0	0	0	0	0	0	0
Senior Management,	4	0	0	1	2	0	0	1	8
Professionally qualified and experienced specialists and mid-management,	17	1	0	1	32	2	5	6	64
Skilled technical and academically qualified workers, junior management, supervisors, foremen,	34	0	0	1	53	6	2	15	111
Semi-skilled and discretionary decision making,	20	5	1	0	37	4	0	2	69
Unskilled and defined decision making	13	1	0	0	19	0	0	0	32
TOTAL	88	7	1	3	143	12	7	24	285
Employees with disabilities	0	0	0	0	1	0	0	0	1

Table 3.6.6 Disciplinary actions for the period 1 April 2022 to 31 March 2023

Disciplinary action	Male				Female				Total
	African	Coloured	Asian	White	African	Coloured	Asian	White	
Written Warnings	0	0	0	0	0	0	0	0	0
Final Written Warning	1	0	0	1	0	0	0	0	2
Final Written Warning & 1-month suspension without pay	2	0	0	0	0	0	0	0	2
Final Written Warning & 2 months suspension without pay	1	0	0	0	1	0	0	0	2

Disciplinary action	Male				Female				Total
	African	Coloured	Asian	White	African	Coloured	Asian	White	
Final Written Warning & 3 months suspension without pay	2	0	0	0	1	0	0	0	3
Dismissal	2	0	0	0	2	0	0	0	4
Others (Not guilty/Resigned)	2	0	1	0	2	0	0	0	5
TOTAL	10	0	1	1	6	0	0	0	18

3.7 SIGNING OF PERFORMANCE AGREEMENTS BY SMS MEMBERS

Table 3.7.1. Signing of performance agreements by SMS members as at 31 May 2022

SMS level	Total number of funded SMS posts	Total number of SMS members	Total number of signed performance agreements	Signed performance agreements as % of total SMS members
SG / Head of Department	1	1	1	100
Salary level 16	0	0	0	0
Salary level 15	3	3	3	100
Salary level 14	9	6	6	100
Salary level 13	34	33	33	100
TOTAL	47	43	43	100

Table 3.7.2 Reasons for not having concluded Performance Agreements for all SMS members as at 31 March 2022

Reason
Not Applicable.

Table 3.7.3 Disciplinary steps taken against SMS members for not having concluded Performance Agreements as at 31 March 2022

Action taken
Not Applicable.

3.8 PERFORMANCE REWARDS

Table 3.8.1 Performance Rewards by race, gender, and disability for the period 01 April 2022 to 31 March 2023

Race and gender	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within group	Total Cost ('000)	Average cost per employee
African					
Male	0	614	0	0	0
Female	4	965	0		12 981
Asian					
Male	0	16	0	0	0
Female	0	50	0	0	0
Coloured					
Male	0	65	0	0	0
Female	0	111	0	0	0
White					
Male	0	36	0	0	0
Female	0	130	0	0	0
Employees with disability	0	33	0	0	0
TOTAL	4	1 987	0.20	3.4	855

Table 3.8.2 Performance Rewards by salary band for personnel below SMS for the period 01 April 2022 to 31 March 2023

Salary Band	Beneficiary profile			Cost		Total cost as a % of the total personnel expenditure
	Number of beneficiaries	Number of employees	% of total within group	Cost ('000)	Average cost per employee	
Skilled (Levels 3-5)	3	1 007	0.30	517.9	7 750	1.4
Highly skilled production (Levels 6-8)	1	604	0.20	663.7	10 454	1.7
Highly skilled supervision (Levels 9-12)	0	299	0	0	0	0
TOTAL	4	1 910	0.20	2 505	626.2	0.1

Table 3.8.3 Performance Rewards by critical occupation for the period 01 April 2022 to 31 March 2023

Critical occupation	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within group	Cost ('000)	Average cost per employee
Communication and information related	0	6	0	0	0
Finance and economics related	0	55	0	0	0
Financial and related professionals	0	30	0	0	0
General legal administration & related professionals	0	152	0	0	0
HR & organisational development & related professionals	0	7	0	0	0
HR related	0	24	0	0	0
Information technology related	0	1	0	0	0
Language practitioners interpreters & other communicators	0	106	0	0	0
Legal related	0	27	0	0	0
Librarians and related professionals	0	21	0	0	0
Other administrative policy and related officers	3	33	0	517	5.8
Other information technology personnel	0	8	0	0	0
Secretaries & other keyboard operating clerks	1	368	1.10	33.70	0.03
Security officers	0	53	0	0	0
Senior managers	0	35	0	0	0
TOTAL	4	874	1.10	33.70	8 426

97

Table 3.8.4 Performance related rewards (cash bonus) by salary band for Senior Management Service for the period 1 April 2022 to 31 March 2023

Salary band	Beneficiary profile			Cost		Total cost as a % of the total personnel expenditure
	Number of beneficiaries	Number of employees	% of total within group	Cost ('000)	Average cost per employee	
Band A	0	32	0	0	0	0
Band B	0	4	0	0	0	0
Band C	0	3	0	0	0	0
Band D	0	1	0	0	0	0
TOTAL	0	40	0	0	0	0

3.9 FOREIGN WORKERS

Table 3.9.1 Foreign workers by salary band for the period 1 April 2022 to 31 March 2023

Salary band	1 April 2022		31 March 2023		Change	
	Number	% of total	Number	% of total	Number	% of change
Lower Skilled (Levels 3-5)	1	50	1	100	1	50
Highly skilled production (Levels 6-8)	0	0	0	0	0	0
Highly skilled supervision (Levels. 9-12)	1	50	0	0	1	50
Contract (Levels. 9-12)	0	0	0	0	0	0
Senior management (Levels 13-16)	0	0	0	0	0	0
TOTAL	2	100	1	100	1	50

Table 3.9.2 Foreign workers by major occupation for the period 1 April 2022 to 31 March 2023

Major occupation	1 April 2022		31 March 2023		Change	
	Number	% of total	Number	% of total	Number	% of change
Administrative office workers	1	50	1	50	0	0
Professionals and managers	1	50	0	0	1	50
Senior Manager	0	0	0	0	0	0
TOTAL	2	100	1	50	1	50

3.10 LEAVE UTILISATION

Table 3.10.1 Sick leave for the period 01 January 2022 to 31 December 2022

Salary band	Total days	%Days with medical certification	Number of employees using sick leave	% of total employees using sick leave	Average days per employee	Estimated Cost (R'000)
Lower skilled (Levels 1-2)	55	60	17	0.9	3	48
Skilled (Levels 3-5)	10 291	91.4	899	47.7	11	9 444
Highly skilled production (Levels 6-8)	6 547	88	673	35.7	10	9 510
Highly skilled supervision (Levels 9-12)	2 267.5	22.8	255	13.5	9	5 701
Top and Senior management (Levels 13-16)	211	83.9	39	2.1	5	1 002
TOTAL	19 371.5	82	1 883	100	10	25 705

Table 3.10.2 Disability leave (temporary and permanent) for the period 01 January 2022 to 31 December 2022

Salary band	Total days	%Days with medical certification	Number of employees using disability leave	% of total employees using disability leave	Average days per employee	Estimated Cost (R'000)
Lower skilled (Levels 1-2)	0	0	0	0	0	0
Skilled (Levels 3-5)	927	100	23	57.5	40	809
Highly skilled production (Levels 6-8)	667	100	14	35	48	962
Highly skilled supervision (Levels 9-12)	292	100	2	5	146	925
Top and Senior management (Levels 13-16)	2	100	1	2.5	2	12
TOTAL	1 888	100	40	100	47	2 708

Table 3.10.3 Annual leave for the period 01 January 2022 to 31 December 2022

Salary band	Total days taken	Number of employees using annual leave	Average per employee
Lower skilled (Levels 1-2)	352	32	11
Skilled (Levels 3-5)	26 071.4	1 093	24
Highly skilled production (Levels 6-8)	15 510.4	697	22
Highly skilled supervision (Levels 9-12)	6 586.6	263	25
Top and Senior management (Levels 13-16)	1 080.9	43	25
TOTAL	49 601.4	2 128	23

Table 3.10.4 Capped leave for the period 1 January 2022 to 31 December 2022

Salary band	Total days of capped leave taken	Number of employees using capped leave	Average number of days taken per employee	Average capped leave per employee as on 31 December 2022
Lower skilled (Levels 1-2)	0	0	0	0
Skilled (Levels 3-5)	3	1	3	1
Highly skilled production (Levels 6-8)	30	8	4	6
Highly skilled supervision (Levels 9-12)	5	2	3	4
Top and Senior management (Levels 13-16)	0	0	0	14
TOTAL	38	11	3	31

Table 3.10.5 Leave pay-outs for the period 1 April 2022 and 31 March 2023

Reason	Total amount (R'000)	Number of employees	Average per employee (R)
Leave pay-outs for 2022/23 due to non-utilisation of leave for the previous cycle	0	0	0
Capped leave pay-outs on - gratuity: death/retirement/medical retirement	1 580	9	175 556
Current leave pay-outs on termination of service for 2022/23	3 185	126	25 278
TOTAL	4 765	135	200 834

3.11 HIV/AIDS & HEALTH PROMOTION PROGRAMMES

Table 3.11.1 Steps taken to reduce the risk of occupational exposure

Units/categories of employees identified to be at high risk of contracting HIV & related diseases (if any)	Key steps taken to reduce the risk
Employees with comorbidities	Although the COVID-19 regulations have been repealed, the OCJ continues to provide awareness sessions to its staff.

Table 3.11.2 Details of Health Promotion and HIV/AIDS Programmes

Question	Yes	No	Details, if yes
1. Has the Department designated a member of the SMS to implement the provisions contained in Part VI E of Chapter 1 of the PSR, 2001? If so, provide her/his name and position.	Yes		Director: Capacity, OD and EHW
2. Does the Department have a dedicated unit or have you designated specific staff members to promote health and well-being of your employees? If so, indicate the number of employees who are involved in this task and the annual budget that is available for this purpose.	Yes		One (1) staff member has been appointed. A budget of R2,004,868,94 was allocated for 2022/23 FY to implement EHW programmes.
3. Has the Department introduced an Employee Assistance or Health Promotion Programme for your employees? If so, indicate the key elements/services of the programme.	Yes		<ul style="list-style-type: none"> • Counselling Services; • Financial Management services; and • Lifestyle Management Service. • Wellness events which included Health screenings

Question	Yes	No	Details, if yes
4. Has the Department established (a) committee(s) as contemplated in Part VI E.5 (e) of Chapter 1 of the PSR, 2001? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.	Yes		Neo Mopeli Kabelo Choma Charlie Makitla Tshepiso Ramonyai Tebogo Mmekwa Phuti Mabokelele Nomvula Mbatha Zininzi Makgoale Maureen Rankoe Sindiswa Jonas Masiriri Phofa Lerato Sibiya Mampotse Mokgatle Vusimuzi Dhlozi Tumi Morare Desmond Moekoa Tshimologo Majone Masego Zitha Aphiwe Nthompe Lerato Theledi Tendani Mulaudzi
5. Has the Department reviewed the employment policies and practices of your Department to ensure that these do not unfairly discriminate against employees on the basis of their HIV status? If so, list the employment policies/practices so reviewed.		No	The Department has developed the Employment Equity Policy and it is in the process of being approved.
6. Has the Department introduced measures to protect HIV-positive employees or those perceived to be HIV-positive from discrimination? If so, list the key elements of these measures.	Yes		The Policy on HIV/AIDS and TB Management was approved and shared with OCJ officials. The policy is envisaged to ensure that employees are not stigmatised based on their status.
7. Does the Department encourage its employees to undergo Voluntary Counselling and Testing? If so, list the results that you have achieved.	Yes		Four (4) Health Risk Assessments were conducted in the 2022/23 FY.
8. Has the Department developed measures/indicators to monitor & evaluate the impact of your health promotion programme? If so, list these measures/indicators.	Yes		The Department uses the Service provider's utilisation of service report to monitor and evaluate the impact of health promotion programmes.

3.12. LABOUR RELATIONS

Table 3.12.1 Collective agreements for the period 1 April 2022 and 31 March 2023

Total number of collective agreements	None
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Table 3.12.2 Misconduct and disciplinary hearings finalised for the period 1 April 2022 to 31 March 2023

Outcome of disciplinary hearings	Number	% of total
Final written warning	2	11.11
Final written warning and one-month suspension without pay	2	11.11
Final written warning and 2 months suspension without pay	2	11.11
Final written warning and 3 months suspension without pay	3	16.67
Dismissal	4	22.22
Others (Resigned/Not guilty)	5	27.78
Total number of disciplinary hearings finalised	18	100

Table 3.12.3 Types of misconduct addressed at disciplinary hearings for the period 1 April 2022 to 31 March 2023

Type of misconduct	Number	% of total
Misuse of State Vehicle	3	16.67
Fraud and dishonesty	3	16.67
Authorizing irregular payments	0	0
Gross Dishonesty	2	11.11
Assault	1	5.55
Bringing the name of the OCJ into disrepute	1	5.55
Failure to carry out a lawful instruction/Gross dereliction of duty	0	0
Failure to perform duties	0	0
Fraudulent claims	0	0
Failure to comply with the leave policy/directive	0	0
Loss of laptops	0	0
Sexual Harassment	3	16.67
Absenteeism/Abscondment	4	22.22
Tempering with medical certificate	1	5.55
Misrepresentation	0	0
Wasteful and fruitless expenditure	0	0
TOTAL	18	100

Table 3.12.4 Grievances lodged for the period 1 April 2022 and 31 March 2023

Grievances	Number	% of total
Number of grievances resolved	41	56.94
Number of grievances not resolved	31	43.06
Total number of grievances lodged	72	100

Table 3.12.5 Disputes lodged with Councils for the period 1 April 2022 and 31 March 2023

Disputes	Number	% of total
Number of disputes at Conciliation	6	18.75
Number of disputes at Arbitration	26	81.25
Total number of disputes lodged	32	100

Table 3.12.6 Strike actions for the period 1 April 2022 and 31 March 2023

Total number of hours lost	8
Total costs working days lost	R737.57
Amount recovered as a result of no work no pay	R737.57

Table 3.12.7 Precautionary suspensions for the period 1 April 2022 and 31 March 2023

Number of people suspended	4
Number of people whose suspension exceeded 30 days	3
Precautionary Transfer	0
Average number of days suspended	164,25
Cost of suspension (R'000)	R 693 092.36

3.13. SKILLS DEVELOPMENT

Table 3.13.1 Training needs identified for the period 1 April 2022 to 31 March 2023

Occupational category	Gender	Number of employees as at 1 April 2022	Training needs identified at the start of the reporting period			
			Learner ships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Male	22	N/A	<ul style="list-style-type: none"> • Corporate Governance • Risk Management • OHS, SAMTRAC • Project and Programme Management • Financial Management • Labour Relation • Change Management • Public Sector Knowledge Management • Risk Management • Statistical Analysis 	N/A	37
	Female	20				
Professionals, permanent	Male	168	N/A	<ul style="list-style-type: none"> • Financial management • Expect Evidence, Taxation, Default judgement • Project Management • Legal Interpreting • Assets & SCM • Disability management • Management and Development Programme • Corporate Governance • Auditing • Legal research • Gender Mainstreaming 	N/A	223
	Female	239				
Professionals, Temporary	Male	0	N/A	N/A	N/A	0
	Female	0				

Occupational category	Gender	Number of employees as at 1 April 2022	Training needs identified at the start of the reporting period			
			Learner ships	Skills programmes and other short courses	Other forms of training	Total
Technicians and associate professionals	Male	49	N/A	<ul style="list-style-type: none"> • OHS • Customer Service • Communication and Presentation Skills • Coaching and Leadership Programme • SCM/SCOA & Assets Management • CIP • Employment Equity • Supervisory Skills • Emotional Intelligence • Diversity Management • Taxation, Default judgment • Monitoring & Evaluation 	Learning Programme	307
	Female	76				
Clerks permanent	Male	374	N/A	<ul style="list-style-type: none"> • OHS • Computer Programmes • CIP • Service Delivery/ Excellence • Report Writing • Records Management • Employee Wellness programme • Reports writing 	N/A	680
	Female	838				
Clerks temporary	Male	0	N/A	N/A	N/A	0
	Female	0				
Service and sales workers	Male	66	N/A	N/A	N/A	0
	Female	53				
Plant and machine operators and assemblers	Male	4	N/A	N/A	N/A	0
	Female	0				

Occupational category	Gender	Number of employees as at 1 April 2022	Training needs identified at the start of the reporting period			
			Learner ships	Skills programmes and other short courses	Other forms of training	Total
Labourers and related trade workers	Male	67	N/A	N/A	N/A	0
	Female	64				
Sub total	Male	750	N/A	N/A	N/A	1 247
	Female	1 290				

Table 3.13.2 Training provided for the period 1 April 2022 to 31 March 2023

Occupational category	Gender	Number of employees as at 1 April 2022	Training provided within the reporting period			
			Learner ships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Male	22		• ISO BCM	Learning Programme	13
	Female	20		• Corporate Governance	Learning Programme	7
				• CIP	Learning Programme	3
				• Governance of Ethics	Learning Programme	1
				• Corporate Governance lessons	Learning Programme	1
				• POPI Act	Learning Programme	1
				• Advanced Excel	Learning Programme	1
Professionals permanent	Male	168	N/A	• POPI Act	Learning Programme	2
	Female	239		• Corporate Governance	Learning Programme	9
				• ISACA	Learning Programme	1
				• Excel	Learning Programme	3
				• Finance for non-financial management	Learning Programme	3
				• CISA	Learning Programme	1
				• Disability Management	Learning Programme	5
			• OHS/ SHE Reps	Learning Programme	61	

Occupational category	Gender	Number of employees as at 1 April 2022	Training provided within the reporting period			
			Learner ships	Skills programmes and other short courses	Other forms of training	Total
Technicians and associate professionals	Male	49	N/A	• ISACA	Learning Programme	1
	Female	76		• Mentoring for public Service Managers	Learning Programme	22
				• CIP	Learning Programme	10
				• OHS	Learning Programme	50
				• Monitoring & Evaluation	Learning Programme	19
				• Computer Programme	Learning Programme	16
				• Disability Management	Learning Programme	17
				• First Aid Training	Learning Programme	42
				• Firefighting & First Aid	Learning Programme	25
				• Auditing	Learning Programme	3
				• Leadership & Coaching	Learning Programme	22
				• Diversity Management	Learning Programme	51
				• Taxation	Learning Programme	19
				• Finance for non-financial management	Learning Programme	19
				• Emotional Intelligence	Learning Programme	19
				• SCM	Learning Programme	34
				• AMDP	Learning Programme	16
				• ISO BCM	Learning Programme	10
				• Project Management	Learning Programme	22
				• Expert Evidence	Learning Programme	30
• Assets Management	Learning Programme	22				
Professionals	Male	0	N/A	N/A	N/A	N/A
Temporary	Female	0				

Occupational category	Gender	Number of employees as at 1 April 2022	Training provided within the reporting period			
			Learner ships	Skills programmes and other short courses	Other forms of training	Total
Professionals Temporary	Male	374	N/A	• Personal Mystery	Learning Programme	6
	Female	838		• Computer Programme	Learning Programme	19
				• Excellent Customer Service	Learning Programme	29
				• Diversity Management	Learning Programme	19
				• CIP	Learning Programme	10
				• Demand Management	Learning Programme	20
				• POPI ACT	Learning Programme	3
				• Records Management	Learning Programme	30
				• Report Writing	Learning Programme	24
				• OHS	Learning Programme	35
Plant and machine operators and assemblers	Male	0	N/A	N/A	N/A	N/A
	Female	0				
Clerks temporary	Male	0	N/A	N/A	N/A	N/A
	Female	0				
Service and sales workers, permanent	Male	3	N/A	N/A	N/A	N/A
	Female	0				
Labourers and Related trade workers	Male	49	N/A	N/A	N/A	N/A
	Female	803				
Sub total	Male	665	0	0	0	776
	Female	1 976				

*The total number of employees at the beginning of FY was 2040 and the WSP was planned based on these totals.

3.14 INJURY ON DUTY

Table 3.14.1 Injury on duty for the period 1 April 2022 to 31 March 2023

Nature of injury on duty	Number	% of total
Required basic medical attention only	13	100
Temporary Total Disablement	0	0

Nature of injury on duty	Number	% of total
Permanent Disablement	0	0
Fatal	0	0
TOTAL	13	100

3.15 UTILISATION OF CONSULTANTS

Table 3.15.1 Report on consultant appointments using appropriated funds for the period 01 April 2022 to 31 March 2023

Project title	Total number of consultants that worked on project	Duration (work days)	Total Contract value in Rand
OCJ2020/12: ICT Professional Support and Maintenance Service for a period of 36 months	40	257	R99 250 148.39
OCJ2018/01 Appointment of a service provider to provide the following services: Travel, accommodation and conference facilities to the OCJ for the period of 36 months	14	262	Tariff structure and incident based
OCJ2021/13 Appointment of a service provider to provide the following services: Travel, accommodation and conference facilities to the OCJ for the period of 36 months			
OCJ2020/06: Appointment of a service provider to provide the comprehensive EHW services for a period of 36 months	N/A	99 (141 including weekends and public holidays)	Tariff structure and incident based.

Table 3.15.2 Analysis of consultant appointments using appropriated funds in terms of Historically Disadvantaged Individuals (HDI) for the period 1 April 2022 to 31 March 2023

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that worked on the project
OCJ2020/12: ICT Professional Support and Maintenance Service for a period of 36 months	100	100	40
OCJ2018/01 Appointment of a service provider to provide the following services: Travel, accommodation and conference facilities to the OCJ for the period of 36 months	100	100	14
OCJ2021/13 Appointment of a service provider to provide the following services: Travel, accommodation and conference facilities to the OCJ for the period of 36 months			
OCJ2020/06: Appointment of a service provider to provide the comprehensive EHW services for a period of 36 months	100%	100%	N/A

Table 3.15.3 Report on consultant appointments using donor funds for the period 1 April 2022 to 31 March 2023

Project title	Total number of consultants that worked on project	Duration (work days)	Contract value in Rand
N/A	N/A	N/A	N/A

Total number of projects	Total individual consultants that worked on project	Total duration (work days)	Contract value in Rand
N/A	N/A	N/A	N/A

Table 3.15.4 Analysis of consultant appointments using donor funds in terms of HDI for the period 1 April 2022 to 31 March 2023

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that worked on the project
N/A	N/A	N/A	N/A

SEVERANCE PACKAGES

Table 3.16.1 Granting of employee-initiated severance packages for the period 1 April 2022 to 31 March 2023

No severance packages were initiated or granted for the period under review.



PART E:

PFMA COMPLIANCE REPORT



1. IRREGULAR, FRUITLESS AND WASTEFUL, UNAUTHORISED EXPENDITURE AND MATERIAL LOSSES

1.1 IRREGULAR EXPENDITURE

a) Reconciliation of irregular expenditure

Description	2022/2023	2021/2022
	R'000	R'000
Opening balance	52 632	8 026
Add: Irregular expenditure confirmed	69 457	52 632
Less: Irregular expenditure condoned	-	(400)
Less: Irregular expenditure not condoned and removed	(384)	(7 626)
Less: Irregular expenditure recoverable	-	-
Less: Irregular expenditure not recovered and written off	-	-
Closing balance	121 705	52 632

Irregular expenditure due to non-compliance with SCM and SITA prescripts. The irregular expenditure relating to the prior year was condoned and removed by the relevant authorities.

Reconciling notes

Description	2022/2023	2021/2022 ¹
	R'000	R'000
Irregular expenditure that was under assessment in 2022/23	-	-
Irregular expenditure that relates to 2021/22 and identified in 2022/23	-	-
Irregular expenditure for the current year	69 457	52 632
TOTAL	69 457	52 632

b) Details of current and previous year irregular expenditure condoned

Description	2022/2023	2021/2022
	R'000	R'000
Irregular expenditure condoned	-	400
TOTAL	-	400

The irregular expenditure relating to the prior year was condoned by the relevant authorities

1. Record amounts in the year in which it was incurred

c) Details of current and previous year irregular expenditure removed - (not condoned)

Description	2022/2023	2021/2022
	R'000	R'000
Irregular expenditure NOT condoned and removed	384	7 626
TOTAL	384	7 626

The irregular expenditure relating to the prior year was removed by the relevant authorities

Additional disclosure relating to Inter-Institutional Arrangements

d) Details of non-compliance cases where an institution is involved in an inter-institutional arrangement (where such institution is *not* responsible for the non-compliance)

OCJ is not involved in an inter-institutional arrangements

e) Details of current and previous year disciplinary or criminal steps taken as a result of irregular expenditure

Disciplinary steps taken

No action possible: transgressing employee has left the employer of the OCJ

Transgression of SCM prescripts non-compliance to SITA Act. Value for money obtained

114

1.2 Fruitless and wasteful expenditure

a) Reconciliation of fruitless and wasteful expenditure

Description	2022/2023	2021/2022
	R'000	R'000
Opening balance	17	20
Add: Fruitless and wasteful expenditure confirmed	-	6
Less: Fruitless and wasteful expenditure written off	(17)	-
Less: Fruitless and wasteful expenditure recoverable	-	(9)
Closing balance	-	17

Amount written off

Reconciling notes

Description	2022/2023	2021/2022 ²
	R'000	R'000
Fruitless and wasteful expenditure for the current year	-	6
TOTAL	-	6

2. Record amounts in the year in which it was incurred

b) Details of current and previous year fruitless and wasteful expenditure not recovered and written off

Description	2022/2023	2021/2022
	R'000	R'000
Fruitless and wasteful expenditure written off	17	-
TOTAL	17	-

Prior year fruitless expenditure written off

1.3 Additional disclosure relating to material losses in terms of PFMA Section 40(3)(b) (i) &(iii)

a) Details of current and previous year material losses through criminal conduct

Material losses through criminal conduct	2022/2023	2021/2022
	R'000	R'000
TOTAL		

OCJ does not have material losses under the current financial year

2. LATE AND/OR NON-PAYMENT OF SUPPLIERS

Description	Number of invoices	Consolidated Value
		R'000
Valid invoices received	26 699	749 617
Invoices paid within 30 days or agreed period	26 300	735 779
Invoices paid after 30 days or agreed period	399	13 838
Invoices older than 30 days or agreed period (unpaid and without dispute)	-	-
Invoices older than 30 days or agreed period (unpaid and in dispute)	-	-

Late payment of Invoices after 30 days was due to dispute and Network challenges due to load shedding

3. SUPPLY CHAIN MANAGEMENT

3.1 Procurement by other means

Project description	Name of supplier	Type of procurement by other means	Contract number	Value of contract R'000
TOTAL				-

OCJ did not have variations or expansions on contracts above the thresholds prescribed in terms of the instruction on Enhancing Compliance, Transparency and Accountability in Supply Chain Management.

3.2 Contract variations and expansions

Project description	Name of supplier	Contract modification type (Expansion or Variation)	Contract number	Original contract value	Value of previous contract expansion/s or variation/s (if applicable)	Value of current contract expansion or variation
				R'000	R'000	R'000
TOTAL				-	-	-

OCJ did not have variations or expansions on contracts above the thresholds prescribed in terms of the instruction on Enhancing Compliance, Transparency and Accountability in Supply Chain Management.

PART F:

FINANCIAL STATEMENTS



TABLE OF CONTENTS

REPORT OF THE AUDITOR GENERAL TO PARLIAMENT ON VOTE NO 27: OFFICE OF THE CHIEF JUSTICE	119
APPROPRIATION STATEMENT	126
NOTES TO THE APPROPRIATION STATEMENT	134
STATEMENT OF FINANCIAL PERFORMANCE	136
STATEMENT OF FINANCIAL POSITION	137
STATEMENT OF CHANGES IN NET ASSETS	138
CASH FLOW STATEMENT	139
NOTES TO THE ANNUAL FINANCIAL STATEMENTS (INCLUDING ACCOUNTING POLICIES)	140
ANNEXURES	177

Report of the auditor-general to Parliament on vote no. 27: Office of the Chief Justice

Report on the audit of the financial statements

Opinion

1. I have audited the financial statements of the Office of the Chief Justice set out on pages 126 to 176 which comprise the appropriation statement, statement of financial position as at 31 March 2023, statement of financial performance, statement of changes in net assets and cash flow statement for the year then ended, as well as notes to the financial statements, including a summary of significant accounting policies.
2. In my opinion, the financial statements present fairly, in all material respects, the financial position of the Office of the Chief Justice as at 31 March 2023 and its financial performance and cash flows for the year then ended in accordance with Modified Cash Standards (MCS) prescribed by National Treasury and the requirements of the Public Finance Management Act 1 of 1999 (PFMA).

Basis for opinion

3. I conducted my audit in accordance with the International Standards on Auditing (ISAs). My responsibilities under those standards are further described in the responsibilities of the auditor-general for the audit of the financial statements section of my report.
4. I am independent of the department in accordance with the International Ethics Standards Board for Accountants' *International code of ethics for professional accountants (including International Independence Standards)* (IESBA code) as well as other ethical requirements that are relevant to my audit in South Africa. I have fulfilled my other ethical responsibilities in accordance with these requirements and the IESBA' code.
5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Other matter

6. I draw attention to the matters below. My opinion is not modified in respect of these matters.

Unaudited supplementary schedules

7. The Supplementary information set out on pages 177-184 does not form part of the financial statements and is presented as additional information. I have not audited these schedules and accordingly, I do not express an opinion on them.

National Treasury Instruction Note No. 4 of 2022-23: PFMA Compliance and Reporting Framework

8. On 23 December 2022 National Treasury issued Instruction Note No. 4: PFMA Compliance and Reporting Framework of 2022-23 in terms of section 76(1)(b), (e) and (f), 2(e) and (4)(a) and (c) of the PFMA which came into effect on 3 January 2023. The PFMA Compliance and Reporting Framework also addresses the disclosure of unauthorised expenditure, irregular expenditure and fruitless and wasteful expenditure. Among the effects of this framework is that irregular and fruitless and wasteful expenditure incurred in previous financial years and not addressed is no longer disclosed in the disclosure notes of the annual financial statements, only the current year and prior year figures are disclosed in note 24 to the financial statements. The movements in respect of irregular expenditure and fruitless and wasteful expenditure are no longer disclosed in the notes to the annual financial statements of the Office of the Chief Justice. The disclosure of these movements (e.g. condoned, recoverable, removed, written

off, under assessment, under determination and under investigation) are now required to be included as part of other information in the annual report of the auditees. I do not express an opinion on the disclosure of irregular expenditure and fruitless and wasteful expenditure in the annual report.

Responsibilities of the accounting officer for the financial statements

9. The accounting officer is responsible for the preparation and fair presentation of the financial statements in accordance with the MCS prescribed by National Treasury and the requirements of the PFMA and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.
10. In preparing the financial statements, the accounting officer is responsible for assessing the department's ability to continue as a going concern; disclosing, as applicable, matters relating to going concern; and using the going concern basis of accounting unless the appropriate governance structure either intends to liquidate the department or to cease operations, or has no realistic alternative but to do so.

Responsibilities of the auditor-general for the audit of the financial statements

11. My objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.
12. A further description of my responsibilities for the audit of the financial statements is included in the annexure to this auditor's report.

Report on the annual performance report

13. In accordance with the Public Audit Act 25 of 2004 (PAA) and the general notice issued in terms thereof, I must audit and report on the usefulness and reliability of the reported performance information against predetermined objectives for the selected material performance indicators presented in the annual performance report. The accounting officer is responsible for the preparation of the annual performance report.
14. I selected the following material performance indicators related to Programme 2: Superior Court Services, presented in the annual performance report for the year ended 31 March 2023. I selected those indicators that measure the department's performance on its primary mandated functions and that are of significant national, community or public interest.
 - Percentage of default judgments finalised by Registrars within 14 days from date of receipt of application
 - Percentage of taxations of legal bills of costs finalised within 60 days from date of set down
 - Percentage of warrants of release (J1) delivered within one day of the release issued
 - Number of monitoring reports on law reporting project produced
 - Number of Judicial Case Flow Management Performance reports produced
 - Number of reports on enhancement of court order integrity produced
15. I evaluated the reported performance information for the selected material performance indicators against the criteria developed from the performance management and reporting framework, as defined in the general notice. When an annual performance report is prepared using these criteria, it provides useful and reliable information and insights to users on the department's planning and delivery on its mandate and objectives.

16. I performed procedures to test whether:
- the indicators used for planning and reporting on performance can be linked directly to the department's mandate and the achievement of its planned objectives
 - the indicators are well defined and verifiable to ensure that they are easy to understand and apply consistently and that I can confirm the methods and processes to be used for measuring achievements
 - the targets linked directly to the achievement of the indicators and are specific, time bound and measurable to ensure that it is easy to understand what should be delivered and by when, the required level of performance as well as how performance will be evaluated
 - the indicators and targets reported on in the annual performance report are the same as what was committed to in the approved initial or revised planning documents
 - the reported performance information is presented in the annual performance report in the prescribed manner
 - there are adequate supporting evidence for the achievements reported and for the reasons provided for any over- or underachievement of targets.
17. I performed the procedures for the purpose of reporting material findings only.
18. I did not identify any material findings on the reported performance information for the selected material performance indicators

Other matter

19. I draw attention to the matter below.

Achievement of planned targets

20. The annual performance report includes information on reported achievements against planned targets and provides explanations for overachievements.

Report on compliance with legislation

21. In accordance with the PAA and the general notice issued in terms thereof, I must audit and report on compliance with applicable legislation relating to financial matters, financial management and other related matters. The accounting officer is responsible for the department's compliance with legislation.
22. I performed procedures to test compliance with selected requirements in key legislation in accordance with the findings engagement methodology of the Auditor-General of South Africa (AGSA). This engagement is not an assurance engagement. Accordingly, I do not express an assurance opinion or conclusion.
23. Through an established AGSA process, I selected requirements in key legislation for compliance testing that are relevant to the financial and performance management of the department, clear to allow consistent measurement and evaluation, while also sufficiently detailed and readily available to report in an understandable manner. The selected legislative requirements are included in the annexure to this auditor's report.
24. I did not identify any material non-compliance with the selected legislative requirements.

Other information in the annual report

25. The accounting officer is responsible for the other information included in the annual report. The other information referred to does not include the financial statements, the auditor's report and those selected material indicators in the scoped-in programme presented in the annual performance report that have been specifically reported on in this auditor's report.
26. My opinion on the financial statements, the report on the audit of the annual performance report and the report on compliance with legislation do not cover the other information included in the annual report and I do not express an audit opinion or any form of assurance conclusion on it.
27. My responsibility is to read this other information and, in doing so, consider whether it is materially inconsistent with the financial statements and the selected material indicators in the scoped-in programme presented in the annual performance report, or my knowledge obtained in the audit, or otherwise appears to be materially misstated.
28. I have nothing to report in this regard.

Internal control deficiencies

29. I considered internal control relevant to my audit of the financial statements, annual performance report and compliance with applicable legislation; however, my objective was not to express any form of assurance on it.
30. I did not identify any significant deficiencies in internal control.

Other reports

31. I draw attention to the following engagements conducted by various parties. These reports did not form part of my opinion on the financial statements or my findings on the reported performance information or compliance with legislation.
32. The department initiated an investigation into procurement irregularities relating to tenders awarded during the 2021-22 financial year at the Office of the Chief Justice. The investigation is still in progress as at 31 March 2023.
33. The Public Protector South Africa investigated an anonymous complaint relating to allegations of fraud which are attributed to, amongst other issues, irregular procurement and appointments of senior management within the Office of the Chief Justice (OCJ) and the outcome of the investigation by the Public Protector South Africa on all these allegations were that they are not substantiated. The Public Protector South Africa submitted the report to the department on 30 September 2022.

Auditor-General

Pretoria
31 July 2023



AUDITOR GENERAL
SOUTH AFRICA

Auditing to build public confidence

Annexure to the auditor's report

The annexure includes the following:

- the auditor-general's responsibility for the audit
- the selected legislative requirements for compliance testing.

Auditor-general's responsibility for the audit

Professional judgement and professional scepticism

As part of an audit in accordance with the ISAs, I exercise professional judgement and maintain professional scepticism throughout my audit of the financial statements and the procedures performed on reported performance information for selected material performance indicators and on the department's compliance with selected requirements in key legislation.

Financial statements

In addition to my responsibility for the audit of the financial statements as described in this auditor's report, I also:

- identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error; design and perform audit procedures responsive to those risks; and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations or the override of internal control
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the department's internal control
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made.
- conclude on the appropriateness of the use of the going concern basis of accounting in the preparation of the financial statements. I also conclude, based on the audit evidence obtained, whether a material uncertainty exists relating to events or conditions that may cast significant doubt on the ability of the department to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements about the material uncertainty or, if such disclosures are inadequate, to modify my opinion on the financial statements. My conclusions are based on the information available to me at the date of this auditor's report. However, future events or conditions may cause a department to cease operating as a going concern
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

Communication with those charged with governance

I communicate with the accounting officer regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

I also provide the accounting officer with a statement that I have complied with relevant ethical requirements regarding independence and to communicate with them all relationships and other matters that may reasonably be thought to bear on my independence and, where applicable, actions taken to eliminate threats or safeguards applied.

Compliance with legislation – selected legislative requirements

The selected legislative requirements are as follows:

Legislation	Sections or regulations
Public Finance Management Act No.1 of 1999 (PFMA)	Sections 1; 38(1)(a)(iv); 38(1)(b); 38(1)(c); 38(1)(c)(ii); 38(1)(d); 38(1)(h)(iii); 39(1)(a); 39(2)(a); 40(1)(a); 40(1)(b); 40(1)(c)(i); 43(4); 44; 44(1) and (2); 45(b)
Treasury Regulations for departments, trading entities, constitutional institutions and public entities (TR)	Treasury Regulations 4.1.1; 4.1.3; 5.1.1; 5.2.1; 5.2.3(a); 5.2.3(d); 5.3.1; 6.3.1(a); 6.3.1(b); 6.3.1(c); 6.3.1(d); 6.4.1(b); 8.1.1; 8.2.1; 8.2.2; 8.2.3; 9.1.1; 9.1.4; 10.1.1(a); 10.1.2; 12.5.1; 15.10.1.2(c); 16A3.1; 16A3.2; 16A 3.2(a); 16A6.1; 16A6.2(a), (b) & (e); 16A6.3(a); 16A6.3(a)(i); 16A6.3(b); 16A6.3(c); 16A6.3(d); 16A6.3(e); 16A6.4; 16A6.5; 16A6.6; 16A7.1; 16A7.3; 16A7.6; 16A7.7; 16A8.2(1) and (2); 16A8.3; 16A8.3(d); 16A8.4; 16A9; 16A9.1; 16A9.1(b)(ii); 16A9.1(c); 16A9.1(d); 16A9.1(e); 16A9.2; 16A9.2(a)(ii) & (iii); 16A9.1(f); 17.1.1; 18.2; 19.8.4
Public Service Regulation (PSR)	Regulations 13(c); 18; 18(1) and (2); 25(1)(e)(i); 25(1)(e)(iii)
Prevention and Combating of Corrupt Activities Act No.12 of 2004 (PRECCA)	Sections 29; 34(1)
Construction Industry Development Board Act No.38 of 2000 (CIDB)	Section 18(1)
Construction Industry Development Board Regulations	CIDB Regulations 17; 25(1); 25(5) & 25(7A)
Preferential Procurement Policy Framework Act No 5 2000 (PPPFA)	Sections 1(i); 2.1(a); 2.1(b); 2.1(f)
Preferential Procurement Regulations 2017 (PPR)	Regulations 4.1; 4.2; 5.1; 5.3; 5.6; 5.7; 6.1; 6.2; 6.3; 6.5; 6.6; 6.8; 7.1; 7.2; 7.3; 7.5; 7.6; 7.8; 8.2; 8.5; 9.1; 9.2; 10.1; 10.2; 11.1; 11.2; 12.1 and 12.2
Preferential Procurement Regulations 2022 (PPR)	Regulations 3.1; 4.1; 4.2; 4.3; 4.4; 5.1; 5.2; 5.3; 5.4
State Information Technology Agency Act No 88 of 1998 (SITA)	Sections 7(3); 7(6)(b); 20(1)(a)(l)
State Information Technology Agency regulations	Regulations 8.1.1(b); 8.1.4; 8.1.7; 9.6; 9.4; 12.3; 13.1(a); 14.1; 14.2
PFMA SCM Instruction no. 09 of 2022/2023	Paragraphs 3.1; 3.3(b); 3.3(c); 3.3(e); 3.6
National Treasury (NT) Instruction No.1 of 2015/16	Paragraphs 3.1; 4.1; 4.2
NT SCM Instruction Note 03 2021/22	Paragraphs 4.1; 4.2 (b); 4.3; 4.4; 4.4(a); 4.4(c) - (d); 4.6; 5.4; 7.2; 7.6
NT SCM Instruction 4A of 2016/17	Paragraph 6
NT SCM Instruction Note 03 2019/20	Paragraphs 5.5.1(vi); 5.5.1(x);
NT SCM Instruction Note 11 2020/21	Paragraph 3.1; 3.4(a) and (b); 3.9; 6.1; 6.2; 6.7
NT SCM Instruction note 2 of 2021/22	Paragraphs 3.2.1; 3.2.2; 3.2.4(a) and (b); 3.3.1; 3.2.2; 4.1
PFMA SCM Instruction 04 of 2022/23	Paragraphs 4(1); 4(2); 4(4)
Practice Note 5 of 2009/10	Paragraph 3.3
PFMA SCM instruction 08 of 2022/23	Paragraphs 3.2; 4.3.2 and 4.3.3
NT instruction note 4 of 2015/16	Paragraph 3.4
NT instruction 3 of 2019/20 – Annexure A	Paragraphs 5.5.1(iv) and (x)
Second amendment of NTI 05 of 2020/21	Paragraphs 4.8; 4.9; 5.1; 5.3
Erratum NTI 5 of 2020/21	Paragraphs 1; 2
Practice note 7 of 2009/10	Paragraph 4.1.2
Practice note 11 of 2008/9	Paragraphs 3.1; 3.1(b)
NT instruction note 1 of 2021/22	Paragraph 4.1
Public Service Act No. 103 of 1994	Section 30 (1)



APPROPRIATION STATEMENT

for the year ended 31 March 2023

Appropriation per programme	2022/23						2021/22		
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Programme	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
1. Administration	301 711	-	(9 508)	292 203	281 833	10 370	96.5%	252 298	210 144
2. Superior Court Services	1 008 161	-	6 522	1 014 683	963 615	51 068	95.0%	929 120	902 634
3. Judicial Education and Support	53 006	-	2 986	55 992	49 416	6 576	88.3%	60 362	43 385
Subtotal	1 362 878	-	-	1 362 878	1 294 864	68 014	95.0%	1 241 780	1 156 163
Statutory Appropriation	1 247 118	-	-	1 247 118	1 154 581	92 537	92.6%	1 118 421	1 063 342
Judges' salaries	1 247 118	-	-	1 247 118	1 154 581	92 537	92.6%	1 118 421	1 063 342
TOTAL	2 609 996	-	-	2 609 996	2 449 445	160 551	93.8%	2 360 201	2 219 505

APPROPRIATION STATEMENT

for the year ended 31 March 2023

	2022/23		2021/22	
	Final Budget	Actual Expenditure	Final Budget	Actual Expenditure
TOTAL (brought forward)				
Reconciliation with statement of financial performance				
ADD				
Departmental receipts	3 909		3 320	
NRF Receipts				
Aid assistance				
Actual amounts per statement of financial performance (total revenue)	2 613 905		2 363 521	
ADD				
Aid assistance				
Prior year unauthorised expenditure approved without funding				
Actual amounts per statement of financial performance (total expenditure)		2 449 445		2 219 505

APPROPRIATION STATEMENT

for the year ended 31 March 2023

Appropriation per economic classification	2022/23						2021/22		
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of budget	Final Budget	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Economic classification									
Current payments	2 333 211	(1 354)	(1 922)	2 329 935	2 223 334	106 601	95.4%	2 104 283	2 054 031
Compensation of employees	1 963 738	-	-	1 963 738	1 869 792	93 946	95.2%	1 791 720	1 791 530
Goods and services	369 473	(1 354)	(1 922)	366 197	353 542	12 655	96.5%	312 557	262 495
Interest and rent on land	-	-	-	-	-	-	-	6	6
Transfers and subsidies	138 219	329	1 922	140 470	92 472	47 998	65.8%	135 734	75 443
Provinces and municipalities	40	-	1	41	41	-	100.0%	51	51
Departmental agencies and accounts	7	(6)	-	1	1	-	100.0%	6	6
Households	138 172	335	1 921	140 428	92 430	47 998	65.8%	135 677	75 386
Payments for capital assets	138 566	1 025	-	139 591	132 357	7 234	94.8%	120 184	89 715
Buildings and other fixed structures	-	39	-	39	39	-	100.0%	-	-
Machinery and equipment	138 566	(9 590)	-	128 976	121 742	7 234	94.4%	119 323	88 854
Intangible assets	-	10 576	-	10 576	10 576	-	100.0%	861	861
Payments for financial assets	-	-	-	-	1 282	(1 282)	-	-	316
Total	2 609 996	-	-	2 609 996	2 449 445	160 551	93.8%	2 360 201	2 219 505

APPROPRIATION STATEMENT

for the year ended 31 March 2023

	2022/23						2021/22		
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of budget	Final Budget	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Sub programme									
1. MANAGEMENT	40 585	157	-	40 742	40 742	-	100.0%	37 406	36 874
2. CORPORATE SERVICES	204 182	(4 164)	(9 508)	190 510	183 036	7 474	96.1%	156 877	115 888
3. FINANCIAL ADMINISTRATION	38 556	140	-	38 696	35 800	2 896	92.5%	35 644	35 011
4. INTERNAL AUDIT	18 388	3 867	-	22 255	22 255	-	100.0%	22 371	22 371
Total for sub programmes	301 711	-	(9 508)	292 203	281 833	10 370	96.5%	252 298	210 144
Economic classification									
Current payments	255 472	(1 339)	(9 508)	244 625	234 239	10 386	95.8%	214 546	201 157
Compensation of employees	112 828	-	-	112 828	109 932	2 896	97.4%	111 303	107 765
Goods and services	142 644	(1 339)	(9 508)	131 797	124 307	7 490	94.3%	103 237	93 386
Interest and rent on land	-	-	-	-	-	-	-	6	6
Transfers and subsidies	442	314	-	756	756	-	100.0%	1 055	1 055
Provinces and municipalities	-	1	-	1	1	-	100.0%	1	1
Households	442	313	-	755	755	-	100.0%	1 054	1 054
Payments for capital assets	45 797	1 025	-	46 822	46 822	-	100.0%	36 697	7 932
Machinery and equipment	45 797	(9 551)	-	36 246	36 246	-	100.0%	35 836	7 071
Intangible assets	-	10 576	-	10 576	10 576	-	100.0%	861	861
Payments for financial assets	-	-	-	-	16	(16)	-	-	-
Total	301 711	-	(9 508)	292 203	281 833	10 370	96.5%	252 298	210 144

APPROPRIATION STATEMENT

for the year ended 31 March 2023

Programme 2: SUPERIOR COURT SERVICES

	2022/23						2021/22		
	Adjusted Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Sub programme									
1. ADMINISTRATION OF SUPERIOR COURTS	21 215	(7 030)	-	14 185	12 564	1 621	88.6%	15 257	12 928
2. CONSTITUTIONAL COURT	57 626	961	1 235	59 822	57 444	2 378	96.0%	58 358	49 891
3. SUPREME COURT OF APPEAL	43 276	7 985	-	51 261	47 445	3 816	92.6%	41 709	41 529
4. HIGH COURTS	815 286	(1 467)	5 287	819 106	776 338	42 768	94.8%	752 092	737 643
5. SPECIALISED COURTS	70 758	(449)	-	70 309	69 824	485	99.3%	61 704	60 643
Total for sub programmes	1 008 161	-	6 522	1 014 683	963 615	51 068	95.0%	929 120	902 634
Economic classification									
Current payments	912 526	-	4 600	917 126	872 789	44 337	95.2%	842 776	816 168
Compensation of employees	713 109	-	-	713 109	668 967	44 142	93.8%	665 560	664 032
Goods and services	199 417	-	4 600	204 017	203 822	195	99.9%	177 216	152 136
Interest and rent on land	-	-	-	-	-	-	-	-	-
Transfers and subsidies	3 342	-	1 922	5 264	5 264	-	100.0%	4 588	4 588
Provinces and municipalities	40	(1)	1	40	40	-	100.0%	50	50
Departmental agencies and accounts	7	(6)	-	1	1	-	100.0%	6	6
Households	3 295	7	1 921	5 223	5 223	-	100.0%	4 532	4 532
Payments for capital assets	92 293	-	-	92 293	85 342	6 951	92.5%	81 756	81 562
Buildings and other fixed structures	-	39	-	39	39	-	100.0%	-	-
Machinery and equipment	92 293	(39)	-	92 254	85 303	6 951	92.5%	81 756	81 562

APPROPRIATION STATEMENT

for the year ended 31 March 2022

Programme 2: SUPERIOR COURT SERVICES

	2022/23					2021/22			
	Adjusted Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Heritage assets									
Specialised military assets									
Biological assets									
Land and subsoil assets									
Intangible assets					220	(220)	-		316
Payments for financial assets	-	-	-	-					
Total	1 008 161	-	6 522	1 014 683	963 615	51 068	95.0%	929 120	902 634

APPROPRIATION STATEMENT

for the year ended 31 March 2023

Programme 3: JUDICIAL EDUCATION AND SUPPORT

	2022/23						2021/22		
	Adjusted Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Sub programme									
1. SOUTH AFRICAN JUDICIAL EDUCATION INSTITUTE	28 942	83	-	29 025	23 183	5 842	79.9%	34 706	17 895
2. JUDICIAL POLICY, RESEARCH AND SUPPORT	15 298	(251)	-	15 047	14 313	734	95.1%	16 243	16 243
3. JUDICIAL SERVICE COMMISSION	8 766	168	2 986	11 920	11 920	-	100.0%	9 413	9 247
Total for sub programmes	53 006	-	2 986	55 992	49 416	6 576	88.3%	60 362	43 385
Economic classification									
Current payments	52 448	(15)	2 986	55 419	49 126	6 293	88.6%	58 151	42 684
Compensation of employees	25 036	-	-	25 036	23 713	1 323	94.7%	26 047	25 711
Goods and services	27 412	(15)	2 986	30 383	25 413	4 970	83.6%	32 104	16 973
Transfers and subsidies	82	15	-	97	97	-	100.0%	480	480
Households	82	15	-	97	97	-	100.0%	480	480
Payments for capital assets	476	-	-	476	193	283	40.5%	1 731	221
Machinery and equipment	476	-	-	476	193	283	40.5%	1 731	221
Total	53 006	-	2 986	55 992	49 416	6 576	88.3%	60 362	43 385

APPROPRIATION STATEMENT

for the year ended 31 March 2023

Direct Charges	2022/23						2021/22		
	Approved Budget	Shifting of Funds	Virement	Final Budget	Actual Expenditure	Variance	Expenditure as % of final budget	Final Budget	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Sub programme									
1. JUDGES' SALARIES	1 247 118	-	-	1 247 118	1 154 581	92 537	92.6%	1 118 421	1 063 342
Total for sub programmes	1 247 118	-	-	1 247 118	1 154 581	92 537	92.6%	1 118 421	1 063 342
Economic classification									
Current payments	1 112 765	-	-	1 112 765	1 067 180	45 585	95.9%	988 810	994 022
Compensation of employees	1 112 765	-	-	1 112 765	1 067 180	45 585	95.9%	988 810	994 022
Transfers and subsidies	134 353	-	-	134 353	86 355	47 998	64.3%	129 611	69 320
Households	134 353	-	-	134 353	86 355	47 998	64.3%	129 611	69 320
Payments for financial assets	-	-	-	-	1 046	(1 046)	-	-	-
Total	1 247 118	-	-	1 247 118	1 154 581	92 537	92.6%	1 118 421	1 063 342

NOTES TO THE APPROPRIATION STATEMENT

for the year ended 31 March 2023

1. Detail of transfers and subsidies as per Appropriation Act (after Virement):

Detail of these transactions can be viewed in the note on Transfers and Subsidies, and Annexure 1A-H of the Annual Financial Statements.

2. Detail of specifically and exclusively appropriated amounts voted (after Virement):

Detail of these transactions can be viewed in the note on Annual Appropriation to the Annual Financial Statements.

3. Detail on payments for financial assets

Detail of these transactions can be viewed in the note on Payments for financial assets to the Annual Financial Statements.

4. Explanations of material variances from Amounts Voted (after Virement):

4.1 Per programme

Programme	Final Budget	Actual Expenditure	Variance R'000	Variance as a % of Final Budget
	R'000	R'000	R'000	R'000
Administration	292 203	281 833	10 370	3.5%
Superior Court Services	1 014 683	963 615	51 068	5.3%
Judicial Education and Support	55 992	49 416	6 576	11.7%
Total	1 362 878	1 294 864	68 014	5.0%

Programme 1

The underspending on compensation of employees due to the late receipt (four months before the FY end) of additional funding from NT coupled with the protracted process of filling vacant posts.

The underspending on machinery and equipment relates to non-awarding of the tender due to delays in the State Information Technology Agency (SITA) procurement processes.

Programme 2

Underspending due to funds allocated that could not be spent due to the outer year (2023/24 FY) budget ceiling allocation. Furthermore, the underspending was due to the late receipt (four months before the FY end) of additional funding from NT coupled with the protracted process of filling vacant posts.

The underspending on machinery and equipment relates to lesser than projected spending on leased vehicles due to some of the contracts running on month to month basis. The overspending on payment for financial assets relates to write-off of tax debts for officials.

Programme 3

The underspending on compensation of employees due to the late receipt (four months before the FY end) of additional funding from NT coupled with the protracted process of filling vacant posts.

The underspending on goods and services relates to outstanding invoices for judicial training conducted in March 2023. The underspending on machinery and equipment relates to delayed relocating of Judicial Support Services.

NOTES TO THE APPROPRIATION STATEMENT

for the year ended 31 March 2023

	Final Budget	Actual Expenditure	Variance R'000	Variance as a % of Final Budget
	R'000	R'000	R'000	R'000
Judges' Salaries	1 247 118	1 154 581	92 537	7.4%
Total	1 247 118	1 154 581	92 537	7.4%

The underspending on compensation of employees relates to less than projected expenditure on the additional funds allocated during the budget adjustment process.

The underspending on households relates to lesser than anticipated payment of gratuities. The overspending on payment for financial assets relates to write-off of tax debts for Judicial Officers as well as write-off of salary overpayment debt to deceased Judges.

4.2 Per economic classification

	Final Budget	Actual Expenditure	Variance	Variance as a % of Final Budget
Economic classification	R'000	R'000	R'000	R'000
Current payments				
Compensation of employees	1 963 738	1 869 792	93 946	4.8%
Goods and services	366 197	353 542	12 655	3.5%
Transfers and subsidies				
Provinces and municipalities	41	41	-	-
Departmental agencies and accounts	1	1	-	-
Households	140 428	92 430	47 998	34.2%
Payments for capital assets				
Buildings and other fixed structures	39	39	-	-
Machinery and equipment	128 976	121 742	7 234	5.6%
Intangible assets	10 576	10 576	-	-
Payments for financial assets	-	1 282	(1 282)	-
Total	2 609 996	2 449 445	160 551	6.1%

The underspending on compensation of employees due to the late receipt (four months before the FY end) of additional funding from NT coupled with the protracted process of filling vacant posts and funds allocated that could not be spent due to the outer year (2023/24 FY) budget ceiling allocation constraints

The underspending on goods and services relates to non-payment of ICT awarded tender due to forensic investigation and outstanding invoices for judicial training conducted in March 2023.

The underspending on machinery and equipment relates to non-awarding of the tender due to delays in the State Information Technology Agency (SITA) procurement processes and lesser than projected spending on leased vehicles due to some of the contracts running on month to month basis. The underspending on machinery and equipment relates to delayed relocating of Judicial Support Services whereby a new office furniture and other office equipment were projected to be replaced. The relocation did not take place pending the Department of Public Works' approval.

The overspending on payment for financial assets relates to write-off of tax debts for officials.

STATEMENT OF FINANCIAL PERFORMANCE

for the year ended 31 March 2023

	Note	2022/23 R'000	2021/22 R'000
REVENUE			
Annual appropriation	1	1 362 878	1 241 780
Statutory appropriation	2	1 247 118	1 118 421
Departmental revenue	3	3 909	3 320
TOTAL REVENUE		2 613 905	2 363 521
EXPENDITURE			
Current expenditure			
Compensation of employees	5	1 869 789	1 791 533
Goods and services	4	353 546	262 492
Interest and rent on land	2	-	6
Aid assistance	4	-	-
Total current expenditure		2 223 335	2 054 031
Transfers and subsidies			
Transfers and subsidies	9	92 470	75 444
Aid assistance	4	-	-
Total transfers and subsidies		92 470	75 444
Expenditure for capital assets			
Tangible assets	10	121 782	88 853
Intangible assets	10	10 575	860
Total expenditure for capital assets		132 357	89 713
Unauthorised expenditure approved without funding		-	-
Payments for financial assets	8	1 283	317
TOTAL EXPENDITURE		2 449 445	2 219 505
SURPLUS/(DEFICIT) FOR THE YEAR		164 460	144 016
Reconciliation of Net Surplus/(Deficit) for the year			
Voted funds		160 551	140 696
Annual appropriation		68 014	85 617
Statutory appropriation		92 537	55 079
Conditional grants		-	-
Departmental revenue and NRF Receipts	15	3 909	3 320
SURPLUS/(DEFICIT) FOR THE YEAR		164 460	144 016

STATEMENT OF FINANCIAL POSITION

for the year ended 31 March 2023

	Note	2022/23 R'000	2021/22 R'000
ASSETS			
Current assets		162 828	142 416
Cash and cash equivalents	11	161 201	139 761
Receivables	13	1 627	2 655
Non-current assets		1 251	1 289
Investments		-	-
Receivables	13	1 251	1 289
Other financial assets		-	-
TOTAL ASSETS		164 079	143 705
LIABILITIES			
Current liabilities		162 776	142 469
Voted funds to be surrendered to the Revenue Fund	14	160 551	140 696
Departmental revenue and NRF Receipts to be surrendered to the Revenue Fund	15	1 949	614
Payables	16	276	1 159
Aid assistance unutilised	4	-	-
Non-current liabilities			
Payables		-	-
TOTAL LIABILITIES		162 776	142 469
NET ASSETS		1 303	1 236
Represented by:			
Recoverable revenue		1 303	1 236
TOTAL		1 303	1 236

STATEMENT OF CHANGES IN NET ASSETS

for the year ended 31 March 2023

	Note	2022/23	2021/22
		R'000	R'000
Recoverable revenue			
Opening balance		1 236	1 500
Transfers:		67	(264)
Debts recovered (included in departmental revenue)		-	(264)
Debts raised		67	
Closing balance		1 303	1 236
TOTAL		1 303	1 236

CASH FLOW STATEMENT

for the year ended 31 March 2023

	Note	2022/23 R'000	2021/22 R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts		2 613 896	2 363 241
Annual appropriated funds received	11	1 362 878	1 241 780
Statutory appropriated funds received	2	1 247 118	1 118 421
Departmental revenue received	3	3 900	3 040
Net (increase)/decrease in working capital		145	(1791)
Surrendered to Revenue Fund		(143 270)	(194 264)
Surrendered to RDP Fund/Donor		-	-
Current payments		(2 223 335)	(2 054 025)
Interest paid	Z	-	(6)
Payments for financial assets		(1 283)	(317)
Transfers and subsidies paid		(92 470)	(75 444)
Net cash flow available from operating activities	1Z	153 683	37 394
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for capital assets	10	(132 357)	(89 713)
Proceeds from sale of capital assets	34	9	280
(Increase)/decrease in non-current receivables	13	38	387
Net cash flows from investing activities		(132 310)	(89 046)
CASH FLOWS FROM FINANCING ACTIVITIES			
Increase/(decrease) in net assets		67	(264)
Net cash flows from financing activities		67	(264)
Net increase/(decrease) in cash and cash equivalents		21 440	(51 916)
Cash and cash equivalents at beginning of period		139 761	191 677
Unrealised gains and losses within cash and cash equivalents		-	-
Cash and cash equivalents at end of period	18	161 201	139 761

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

PART A: ACCOUNTING POLICIES

Summary of significant accounting policies

The financial statements have been prepared in accordance with the following policies, which have been applied consistently in all material aspects, unless otherwise indicated. Management has concluded that the financial statements present fairly the department's primary and secondary information.

The historical cost convention has been used, except where otherwise indicated. Management has used assessments and estimates in preparing the annual financial statements. These are based on the best information available at the time of preparation.

Where appropriate and meaningful, additional information has been disclosed to enhance the usefulness of the financial statements and to comply with the statutory requirements of the Public Finance Management Act (PFMA), Act 1 of 1999 (as amended by Act 29 of 1999), and the Treasury Regulations issued in terms of the PFMA and the annual Division of Revenue Act.

1 Basis of preparation

The financial statements have been prepared in accordance with the Modified Cash Standard.

2 Going concern

The financial statements have been prepared on a going concern basis.

3 Presentation currency

Amounts have been presented in the currency of the South African Rand (R) which is also the functional currency of the department.

4 Rounding

Unless otherwise stated financial figures have been rounded to the nearest one thousand Rand (R'000).

5 Foreign currency translation

Cash flows arising from foreign currency transactions are translated into South African Rands using the spot exchange rates prevailing at the date of payment / receipt.

6 Comparative information

6.1 Prior period comparative information

Prior period comparative information has been presented in the current year's financial statements. Where necessary figures included in the prior period financial statements have been reclassified to ensure that the format in which the information is presented is consistent with the format of the current year's financial statements.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

6.2 Current year comparison with budget

A comparison between the approved, final budget and actual amounts for each programme and economic classification is included in the appropriation statement.

7 Revenue

7.1 Appropriated funds

Appropriated funds comprises of departmental allocations as well as direct charges against the revenue fund (i.e. statutory appropriation).

Appropriated funds are recognised in the statement of financial performance on the date the appropriation becomes effective. Adjustments made in terms of the adjustments budget process are recognised in the statement of financial performance on the date the adjustments become effective.

Appropriated funds are measured at the amounts receivable.

The net amount of any appropriated funds due to / from the relevant revenue fund at the reporting date is recognised as a payable / receivable in the statement of financial position.

7.2 Departmental revenue

Departmental revenue is recognised in the statement of financial performance when received and is subsequently paid into the relevant revenue fund, unless stated otherwise.

Departmental revenue is measured at the cash amount received.

In-kind donations received are recorded in the notes to the financial statements on the date of receipt and are measured at fair value.

Any amount owing to the relevant revenue fund at the reporting date is recognised as a payable in the statement of financial position.

7.3 Accrued departmental revenue

Accruals in respect of departmental revenue (excluding tax revenue) are recorded in the notes to the financial statements when:

- it is probable that the economic benefits or service potential associated with the transaction will flow to the department; and
- the amount of revenue can be measured reliably.

The accrued revenue is measured at the fair value of the consideration receivable.

Accrued tax revenue (and related interest and / penalties) is measured at amounts receivable from collecting agents.

Write-offs are made according to the department's debt write-off policy.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

8 Expenditure

8.1 Compensation of employees

8.1.1 Salaries and wages

Salaries and wages are recognised in the statement of financial performance on the date of payment.

8.1.2 Social contributions

Social contributions made by the department in respect of current employees are recognised in the statement of financial performance on the date of payment.

Social contributions made by the department in respect of ex-employees are classified as transfers to households in the statement of financial performance on the date of payment.

8.2 Other expenditure

Other expenditure (such as goods and services, transfers and subsidies and payments for capital assets) is recognised in the statement of financial performance on the date of payment. The expense is classified as a capital expense if the total consideration paid is more than the capitalisation threshold.

Donations made in kind are recorded in the notes to the financial statements on the date of transfer and are measured at cost or fair value.

8.3 Accruals and payables not recognised

Accruals and payables not recognised are recorded in the notes to the financial statements at cost at the reporting date.

8.4 Leases

8.4.1 Operating leases

Operating lease payments made during the reporting period are recognised as current expenditure in the statement of financial performance on the date of payment. Operating lease payments received are recognised as departmental revenue.

The operating lease commitments are recorded in the notes to the financial statements.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

8.4.2 Finance leases

Finance lease payments made during the reporting period are recognised as capital expenditure in the statement of financial performance on the date of payment. Finance lease payments received are recognised as departmental revenue.

The finance lease commitments are recorded in the notes to the financial statements and are not apportioned between the capital and interest portions.

Finance lease assets acquired at the end of the lease term are recorded and measured at the lower of:

- cost, being the fair value of the asset; or
- the sum of the minimum lease payments made, including any payments made to acquire ownership at the end of the lease term, excluding interest.

9 Aid Assistance

9.1 Aid assistance received

Aid assistance received in cash is recognised in the statement of financial performance when received. In-kind aid assistance is recorded in the notes to the financial statements on the date of receipt and is measured at fair value.

CARA Funds are recognised when receivable and measured at the amounts receivable.

Aid assistance not spent for the intended purpose and any unutilised funds from aid assistance that are required to be refunded to the donor are recognised as a payable in the statement of financial position.

9.2 Aid assistance paid

Aid assistance paid is recognised in the statement of financial performance on the date of payment. Aid assistance payments made prior to the receipt of funds are recognised as a receivable in the statement of financial position.

10 Cash and cash equivalents

Cash and cash equivalents are stated at cost in the statement of financial position.

Bank overdrafts are shown separately on the face of the statement of financial position as a current liability.

For the purposes of the cash flow statement, cash and cash equivalents comprise cash on hand, deposits held, other short-term highly liquid investments and bank overdrafts.

11 Prepayments and advances

Prepayments and advances are recognised in the statement of financial position when the department receives or disburses the cash.

Prepayments and advances are initially and subsequently measured at cost.

Prepayments and advances will be expensed if the amounts were budgeted for and the expenditure was made in the year in which it was budgeted for.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

12 Loans and receivables

Loans and receivables are recognised in the statement of financial position at cost plus accrued interest, where interest is charged, less amounts already settled or written-off. Write-offs are made according to the department's write-off policy.

13 Investments

Investments are recognised in the statement of financial position at cost.

14 Financial assets

14.1 Financial assets (not covered elsewhere)

A financial asset is recognised initially at its cost plus transaction costs that are directly attributable to the acquisition or issue of the financial asset.

At the reporting date, a department shall measure its financial assets at cost, less amounts already settled or written-off, except for recognised loans and receivables, which are measured at cost plus accrued interest, where interest is charged, less amounts already settled or written-off.

14.2 Impairment of financial assets

Where there is an indication of impairment of a financial asset, an estimation of the reduction in the recorded carrying value, to reflect the best estimate of the amount of the future economic benefits expected to be received from that asset, is recorded in the notes to the financial statements.

15 Payables

Payables recognised in the statement of financial position are recognised at cost.

16 Capital Assets

16.1 Immovable capital assets

Immovable assets reflected in the asset register of the department are recorded in the notes to the financial statements at cost or fair value where the cost cannot be determined reliably. Immovable assets acquired in a non-exchange transaction are recorded at fair value at the date of acquisition. Immovable assets are subsequently carried in the asset register at cost and are not currently subject to depreciation or impairment.

Subsequent expenditure of a capital nature forms part of the cost of the existing asset when ready for use.

Additional information on immovable assets not reflected in the assets register is provided in the notes to financial statements.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

16.2 Movable capital assets

Movable capital assets are initially recorded in the notes to the financial statements at cost. Movable capital assets acquired through a non-exchange transaction is measured at fair value as at the date of acquisition.

Where the cost of movable capital assets cannot be determined reliably, the movable capital assets are measured at fair value and where fair value cannot be determined; the movable assets are measured at R1.

All assets acquired prior to 1 April 2002 (or a later date as approved by the OAG) may be recorded at R1.

Movable capital assets are subsequently carried at cost and are not subject to depreciation or impairment.

Subsequent expenditure that is of a capital nature forms part of the cost of the existing asset when ready for use.

16.3 Intangible assets

Intangible assets are initially recorded in the notes to the financial statements at cost. Intangible assets acquired through a non-exchange transaction are measured at fair value as at the date of acquisition.

Internally generated intangible assets are recorded in the notes to the financial statements when the department commences the development phase of the project.

Where the cost of intangible assets cannot be determined reliably, the intangible capital assets are measured at fair value and where fair value cannot be determined; the intangible assets are measured at R1.

All assets acquired prior to 1 April 2002 (or a later date as approved by the OAG) may be recorded at R1.

Intangible assets are subsequently carried at cost and are not subject to depreciation or impairment.

Subsequent expenditure of a capital nature forms part of the cost of the existing asset when ready for use.

16.4 Project Costs: Work-in-progress

Expenditure of a capital nature is initially recognised in the statement of financial performance at cost when paid.

Amounts paid towards capital projects are separated from the amounts recognised and accumulated in work-in-progress until the underlying asset is ready for use. Once ready for use, the total accumulated payments are recorded in an asset register. Subsequent payments to complete the project are added to the capital asset in the asset register.

Where the department is not the custodian of the completed project asset, the asset is transferred to the custodian subsequent to completion. Where the department is the custodian of the project asset, the asset will reflect in the asset register when ready for use.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

17 Provisions and Contingents

17.1 Provisions

Provisions are recorded in the notes to the financial statements when there is a present legal or constructive obligation to forfeit economic benefits as a result of events in the past and it is probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation and a reliable estimate of the obligation can be made. The provision is measured as the best estimate of the funds required to settle the present obligation at the reporting date.

17.2 Contingent liabilities

Contingent liabilities are recorded in the notes to the financial statements when there is a possible obligation that arises from past events, and whose existence will be confirmed only by the occurrence or non-occurrence of one or more uncertain future events not within the control of the department or when there is a present obligation that is not recognised because it is not probable that an outflow of resources will be required to settle the obligation or the amount of the obligation cannot be measured reliably.

17.3 Contingent assets

Contingent assets are recorded in the notes to the financial statements when a possible asset arises from past events, and whose existence will be confirmed by the occurrence or non-occurrence of one or more uncertain future events not within the control of the department.

17.4 Capital commitments

Capital commitments are recorded at cost in the notes to the financial statements.

18 Unauthorised expenditure

Unauthorised expenditure is measured at the amount of the confirmed unauthorised expenditure.

Unauthorised expenditure is recognised in the statement of changes in net assets until such time as the expenditure is either:

- approved by Parliament or the Provincial Legislature with funding and the related funds are received; or
- approved by Parliament or the Provincial Legislature without funding and is written off against the appropriation in the statement of financial performance; or
- transferred to receivables for recovery.

Unauthorised expenditure recorded in the notes to the financial statements comprise of;

- unauthorised expenditure that was under assessment in the previous financial year;
- unauthorised expenditure relating to previous financial year and identified in the current year; and
- Unauthorised incurred in the current year.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

19 Fruitless and wasteful expenditure

Fruitless and wasteful expenditure receivables are recognised in the statement of financial position when recoverable. The receivable is measured at the amount that is expected to be recovered and is de-recognised when settled or subsequently written-off as irrecoverable.

Fruitless and wasteful expenditure is recorded in the notes to the financial statements when and at amounts confirmed, and comprises of;

- fruitless and wasteful expenditure that was under assessment in the previous financial year;
- fruitless and wasteful expenditure relating to previous financial year and identified in the current year; and
- fruitless and wasteful expenditure incurred in the current year.

20 Irregular expenditure

Losses emanating from irregular expenditure are recognised as a receivable in the statement of financial position when recoverable. The receivable is measured at the amount that is expected to be recovered and is de-recognised when settled or subsequently written-off as irrecoverable.

Irregular expenditure is recorded in the notes to the financial statements when and at amounts confirmed and comprises of:

- irregular expenditure that was under assessment in the previous financial year;
- irregular expenditure relating to previous financial year and identified in the current year; and
- irregular expenditure incurred in the current year.

21 Changes in accounting estimates and errors

Changes in accounting estimates are applied prospectively in accordance with MCS requirements.

Correction of errors is applied retrospectively in the period in which the error has occurred in accordance with MCS requirements, except to the extent that it is impracticable to determine the period-specific effects or the cumulative effect of the error. In such cases the department shall restate the opening balances of assets, liabilities and net assets for the earliest period for which retrospective restatement is practicable.

22 Events after the reporting date

Events after the reporting date that are classified as adjusting events have been accounted for in the financial statements. The events after the reporting date that are classified as non-adjusting events after the reporting date have been disclosed in the notes to the financial statements.

23 Principal-Agent arrangements

The department is not a party to a principal-agent arrangement.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

24 Departures from the MCS requirements

Management has concluded that the financial statements present fairly the department's primary and secondary information and that the department complied with the Standard.

25 Capitalisation reserve

The capitalisation reserve comprises of financial assets and/or liabilities originating in a prior reporting period but which are recognised in the statement of financial position for the first time in the current reporting period. Amounts are recognised in the capitalisation reserves when identified in the current period and are transferred to the National/Provincial Revenue Fund when the underlying asset is disposed and the related funds are received.

26 Recoverable revenue

Amounts are recognised as recoverable revenue when a payment made in a previous financial year becomes recoverable from a debtor in the current financial year. Amounts are either transferred to the National/Provincial Revenue Fund when recovered or are transferred to the statement of financial performance when written-off.

27 Related party transactions

Related party transactions within the Minister/MEC's portfolio are recorded in the notes to the financial statements when the transaction is not at arm's length.

The number of individuals and the full compensation of key management personnel is recorded in the notes to the financial statements.

28 Inventories (*Effective from date determined by the Accountant-General*)

At the date of acquisition, inventories are recognised at cost in the statement of financial performance.

Where inventories are acquired as part of a non-exchange transaction, the inventories are measured at fair value as at the date of acquisition.

Inventories are subsequently measured at the lower of cost and net realisable value or where intended for distribution (or consumed in the production of goods for distribution) at no or a nominal charge, the lower of cost and current replacement value.

The cost of inventories is assigned by using the weighted average cost basis.

29 Public-Private Partnerships

Not applicable to the OCJ for the 2022/23 Financial Year.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

30 Employee benefits

The value of each major class of employee benefit obligation (accruals, payables not recognised and provisions) is recorded in the Employee benefits note.

Accruals and payables not recognised for employee benefits are measured at cost or fair value at the reporting date.

The provision for employee benefits is measured as the best estimate of the funds required to settle the present obligation at the reporting date.

31 Transfer of functions

Transfer of functions are accounted for by the acquirer by recognising or recording assets acquired and liabilities assumed at their carrying amounts at the date of transfer.

Transfer of functions are accounted for by the transferor by derecognising or removing assets and liabilities at their carrying amounts at the date of transfer.

32 Mergers

Not applicable to the OCJ for the 2022/23 Financial Year.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

PART B: EXPLANATORY NOTES

1. Annual Appropriation

1.1 Annual Appropriation

Included are funds appropriated in terms of the Appropriation Act (and the Adjustments Appropriation Act) for National Departments (Voted funds) and Provincial Departments:

	2022/23			2021/22		
	Final Budget	Actual Funds Received	Funds not requested/not received	Final Budget	Appropriation received	Funds not requested/not received
	R'000	R'000	R'000	R'000	R'000	R'000
Administration	292 203	301 711	(9 508)	252 298	246 193	6 105
Superior Court Services	1 014 683	1 008 161	6 522	929 120	936 996	(7 876)
Judicial Education Support	55 992	53 006	2 986	60 362	58 591	1 771
Total	1 362 878	1 362 878	-	1 241 780	1 241 780	-

The actual funds received reflect the actual cash flow received for the 2022/23 financial year and the amounts disclosed in the funds not requested /not received depict the Virement applied in terms of Section 43(1) of the PFMA.

2. Statutory Appropriation

	2022/23	2021/22
	R'000	R'000
Judges salaries	1 247 118	1 118 421
Total	1 247 118	1 118 421
Actual Statutory Appropriation received	1 247 118	1 118 421

3. Departmental revenue

	Note	2022/23	2021/22
		R'000	R'000
Tax revenue		-	-
Sales of goods and services other than capital assets	3.1	590	587
Fines, penalties and forfeits	3.2	110	50
Interest, dividends and rent on land	3.3	-	-
Sales of capital assets	3.4	9	280
Transactions in financial assets and liabilities	3.5	3 200	2 403
Transfer received	3.6	-	-
Total revenue collected		3 909	3 320
Less: Own revenue included in appropriation	15	-	-
Total		3 909	3 320

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

3.1 Sales of goods and services other than capital assets

	Note	2022/23	2021/22
	3	R'000	R'000
Sales of goods and services produced by the department		590	581
Sales by market establishment		39	37
Administrative fees		-	-
Other sales		551	544
Sales of scrap, waste and other used current goods		-	6
Total	3	590	587

3.2 Fines, penalties and forfeits

	Note	2022/23	2021/22
	3	R'000	R'000
Fines		110	50
Total	3	110	50

3.3 Sales of capital assets

	Note	2022/23	2021/22
	3	R'000	R'000
Tangible assets		9	280
Machinery and equipment		9	280
Total	3	9	280

The figure above is for the sale of capital assets disposed through cash sales

3.4 Transactions in financial assets and liabilities

	Note	2022/23	2021/22
	3	R'000	R'000
Receivables		3 200	2 403
Total	3	3 200	2 403

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

4. Aid assistance

4.1 Donations received in-kind (not included in the main note) [Treasury Regulations 21.2.4]

	Note	2022/23	2021/22
		R'000	R'000
<i>List in-kind donations received</i>			
Booklets on Property in Housing and Law		8	3
Accommodation and Return Flights Tickets to Canada		195	-
Total		203	3

Donations of Law books and Accommodation & Flight Tickets for trip to Canada for business purposes received in kind as per Treasury Regulations 21.2.4 and had no effect on expenditure

5. Compensation of employees

5.1 Analysis of balance

	Note	2022/23	2021/22
		R'000	R'000
Basic salary		1 317 021	1 260 227
Performance award		311	3 885
Service Based		998	807
Compensative/circumstantial		5 068	3 212
Periodic payments		833	1 283
Other non-pensionable allowances		416 565	396 519
Total		1 740 796	1 665 933

5.2 Social contributions

	Note	2022/23	2021/22
		R'000	R'000
Employer contributions			
Pension		63 429	63 206
Medical		65 338	62 169
UIF		1	2
Bargaining council		225	223
Total		128 993	125 600
Total compensation of employees		1 869 789	1 791 533
Average number of employees		2 022	2 044

The expenditure under Direct Charge relating to Judges' salaries is included in the figure above. The average number of employees however excludes Judges'.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

6. Goods and services

	Note	2022/23 R'000	2021/22 R'000
Administrative fees		3 060	1 888
Advertising		1 427	848
Minor assets	6.1	3 399	3 966
Bursaries (employees)		504	1 054
Catering		3 812	1 320
Communication		13 370	12 646
Computer services	6.2	91 460	63 182
Consultants: Business and advisory services	6.9	11 640	12 839
Legal services		7 641	4 857
Contractors		2 314	2 844
Agency and support / outsourced services		1 406	1 467
Entertainment		58	36
Audit cost - external	6.3	7 511	8 485
Fleet services		26 107	19 428
Inventory	6.4	-	-
Consumables	6.5	18 790	14 220
Housing		-	-
Operating leases		25 318	28 639
Property payments	6.6	4 627	4 140
Rental and hiring		-	4
Transport provided as part of the departmental activities		-	-
Travel and subsistence	6.7	114 016	68 443
Venues and facilities		6 648	2 324
Training and development		3 757	3 520
Other operating expenditure	6.8	6 681	6 342
Total		353 546	262 492

Due to a return to normal operations as COVID-19 restrictions were relaxed, expenditure on the following items increased year on year:

- *Administrative fees*
- *Advertising*
- *Catering*
- *Computer services*
- *Legal services*
- *Fleet services*
- *Consumables*
- *Travel and Subsistence*
- *Venues and facilities*

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

6.1 Minor assets

	Note	2022/23	2021/22
	6	R'000	R'000
Tangible assets		3 399	3 966
Machinery and equipment		3 399	3 966
Intangible assets			
Software		-	-
Total		3 399	3 966

6.2 Computer services

	Note	2022/23	2021/22
	6	R'000	R'000
SITA computer services		12 273	11 370
External computer service providers		79 187	51 812
Total		91 460	63 182

6.3 Audit cost – External

	Note	2022/23	2021/22
	6	R'000	R'000
Regularity audits		7 511	8 485
Total		7 511	8 485

6.4 Consumables

	Note	2022/23	2021/22
	6	R'000	R'000
Consumable supplies		7 882	4 298
Uniform and clothing		251	161
Household supplies		1 605	1 411
Building material and supplies		159	114
Communication accessories		15	1
IT consumables		809	777
Fuel Supplies		4 183	-
Other consumables		860	1 834
Stationery, printing and office supplies		10 908	9 922
Total		18 790	14 220

6.5 Property payments

	Note	2022/23	2021/22
	6	R'000	R'000
Property maintenance and repairs		3 364	-
Other		1 263	4 140
Total		4 627	4 140

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

6.6 Travel and subsistence

	Note	2022/23	2021/22
	6	R'000	R'000
Local		111 965	68 443
Foreign		2 051	-
Total		114 016	68 443

6.7 Other operating expenditure

	Note	2022/23	2021/22
	6	R'000	R'000
Professional bodies, membership and subscription fees		382	360
Resettlement costs		281	201
Other		6 018	5 781
Total		6 681	6 342

6.8 Remuneration of members of a commission or committee of inquiry (Included in Consultants: Business and advisory services)

Name of Commission / Committee	Note	2022/23	2021/22
	6	R'000	R'000
Audit Committee Members		651	529
Total		651	529

7. Interest and rent on land

	Note	2022/23	2021/22
		R'000	R'000
Interest paid		-	6
Rent on land		-	-
Total		-	6

Prior year Interest written off

8. Payments for financial assets

	Note	2022/23	2021/22
		R'000	R'000
Debts written off	8.1	1 283	317
Total		1 283	317

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

8.1 Debts written off

Nature of debts written off	Note	2022/23 R'000	2021/22 R'000
<i>Group major categories, but list material items</i>			
Recoverable revenue written off			
Tax debts and Salary Overpayments not recovered		1 283	317
Total		1 283	317
Total debt written off	8	1 283	317

Write-off of tax debts and salary overpayment

9. Transfers and subsidies

	Note	2022/23 R'000	2021/22 R'000
Provinces and municipalities	Ann 1A	40	58
Households	Annexure 1G	92 430	75 386
Total		92 470	75 444

Amount on provinces and municipalities reflects payments made for motor vehicles licences for state vehicles. Households reflects Judges' gratuities paid as per legislated benefits.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

10. Expenditure for capital assets

	Note	2022/23	2021/22
		R'000	R'000
Tangible assets		121 782	88 853
Buildings and other fixed structures	30	39	-
Machinery and equipment	28	121 743	88 853
Intangible assets		10 575	860
Software	29	10 575	860
Total		132 357	89 713

A portion of this expenditure includes finance lease cost for Judges' vehicles and photo copier machines which are not added as tangible assets.

10.1 Analysis of funds utilised to acquire capital assets – Current year

	Voted funds	2022/23	
		Aid assistance	Total
	R'000	R'000	R'000
Tangible assets	121 782	-	121 782
Machinery and equipment	121 782	-	121 782
Intangible assets	10 575	-	10 575
Software	10 575	-	10 575
Total	132 357	-	132 357

10.2 Analysis of funds utilised to acquire capital assets – Prior year

	Voted funds	2021/22	
		Aid assistance	Total
	R'000	R'000	R'000
Tangible assets	88 853	-	88 853
Machinery and equipment	88 853	-	88 853
Intangible assets	860	-	860
Software	860	-	860
Total	89 713	-	89 713

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

10.3 Finance lease expenditure included in Expenditure for capital assets

	Note	2022/23	2021/22
		R'000	R'000
Tangible assets			
Machinery and equipment		81 277	79 198
Total		81 277	79 198

11. Cash and cash equivalents

	Note	2022/23	2021/22
		R'000	R'000
Consolidated Paymaster General Account		152 117	139 445
Cash on hand		319	316
Cash with Commercial Banks (Domestic)		8 765	-
Total		161 201	139 761

Commercial bank balances reflects payment not swept to PMG account as at 31 March 2023.

12. Prepayments and advances

12.1 Prepayments (Expensed)

	Note	2022/23				
		Amount as at 1 April 2022	Less: Received in the current year	Add or Less: Other	Add: Current Year prepayments	Amount as at 31 March 2023
		R'000	R'000	R'000	R'000	R'000
Goods and services		15 656	(15 556)	49	4 285	4 434
Capital assets		158	(158)	-	-	-
Other		-	-	-	-	-
Total		15 814	(15 714)	49	4 285	4 434

	Note	2021/22				
		Amount as at 1 April 2021	Less: Received in the current year	Add or Less: Other	Add: Current Year prepayments	Amount as at 31 March 2022
		R'000	R'000	R'000	R'000	R'000
Goods and services		26 437	(26 437)	-	15 656	15 656
Capital assets		-	-	-	158	158
Other		-	-	-	-	-
Total		26 437	(26 437)	-	15 814	15 814

Prepayments are the amounts prepaid for various ICT software licenses covering more than one financial year.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

13. Receivables

	Note	2022/23			2021/22		
		Current	Non-current	Total	Current	Non-current	Total
		R'000	R'000	R'000	R'000	R'000	R'000
Claims recoverable	13.1	247	-	247	1 111	-	1 111
Recoverable expenditure	13.2	336	-	336	309	-	309
Staff debt	13.3	849	1 251	2 100	694	1 289	1 983
Other receivables	13.4	195	-	195	541	-	541
Total		1 627	1 251	2 878	2 655	1 289	3 944

13.1 Claims recoverable

	Note	2022/23	2021/22
	13	R'000	R'000
National departments		247	1 111
Total		247	1 111

13.2 Recoverable expenditure

	Note	2022/23	2021/22
	13	R'000	R'000
Disallowance Accounts		336	309
Total		336	309

Recovery cost of damaged state vehicles and other losses still under investigation

13.3 Staff debt

	Note	2022/23	2021/22
	13	R'000	R'000
<i>Group major categories, but list material items</i>			
Staff Debts		2 100	1 983
Total		2 100	1 983

13.4 Other receivables

	Note	2022/23	2021/22
	13	R'000	R'000
<i>Group major categories, but list material items</i>			
Statutory Appropriation receivables		148	391
Staff debts		47	150
Total		195	541

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

14. Voted funds to be surrendered to the Revenue Fund

	Note	2022/23	2021/22
		R'000	R'000
Opening balance		140 696	190 578
Prior period error	14.2		
As restated		140 696	190 578
Transfer from statement of financial performance (as restated)		160 551	140 696
Paid during the year		(140 696)	(190 578)
Closing balance		160 551	140 696

15. Departmental revenue and NRF Receipts to be surrendered to the Revenue Fund

	Note	2022/23	2021/22
		R'000	R'000
Opening balance		614	980
Prior period error	15.1	-	-
As restated		614	980
Transfer from Statement of Financial Performance (as restated)		3 909	3 320
Paid during the year		(2 574)	(3 686)
Closing balance		1 949	614

16. Payables – current

	Note	2022/23	2021/22
		R'000	R'000
Clearing accounts	16.1	276	1 159
Total		276	1 159

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

16.1 Clearing accounts

	Note	2022/23	2021/22
		R'000	R'000
<i>Identifying major categories, but list material items</i>			
Description			
PAYE		276	1 159
Total	16	276	1 159

17. Net cash flow available from operating activities

	Note	2022/23	2021/22
		R'000	R'000
Net surplus/(deficit) as per Statement of Financial Performance		164 460	144 016
Add back non cash/cash movements not deemed operating activities		(10 777)	(106 622)
(Increase)/decrease in receivables		1 028	(1 108)
Increase/(decrease) in payables – current		(883)	(683)
Proceeds from sale of capital assets		(9)	(280)
Expenditure on capital assets		132 357	89 713
Surrenders to Revenue Fund/Donors		(143 270)	(194 264)
Net cash flow generated by operating activities		153 683	37 394

18. Reconciliation of cash and cash equivalents for cash flow purposes

	Note	2022/23	2021/22
		R'000	R'000
Consolidated Paymaster General account		152 117	139 445
Cash on hand		319	316
Cash with commercial banks (Local)		8 765	-
Total		161 201	139 761

19. Contingent liabilities and contingent assets

19.1 Contingent liabilities

	Note	2022/23	2021/22
		R'000	R'000
Liable to			
Nature			
Claims against the department	Annex 3B	1 965	1 485
Total		1 965	1 485

Claim application against OCJ being reviewed in line with the rulings of the Bargaining Council (OCJ provided bond securities to the Court). The OCJ has possible obligation in the use of computer programme 'Caseline' as a contingent liability. The amount and timing of the possible obligation is currently uncertain as the court will determine fair and equitable quantum therefore the amount to be disclosed will be zero due to the uncertainties.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

20. Capital commitments

	Note	2022/23	2021/22
		R'000	R'000
Machinery and equipment		7 399	39 349
Intangible assets		2 234	13 875
Total		9 633	53 224

Commitments ICT equipment ordered and awaiting delivery

21. Accruals and payables not recognised

21.1 Accruals

	Note	2022/23	2021/22
		R'000	R'000
Listed by economic classification			
		30 Days	30+ Days
		Total	Total
Goods and services		6 062	880
Capital assets		1 497	2 571
Total		7 559	3 451
		11 010	17 623

	Note	2022/23	2021/22
		R'000	R'000
Listed by programme level			
Administration		3 946	4 305
Superior Courts		6 830	11 513
Judicial Education and Support		234	1 805
Total		11 010	17 623

21.2 Payables not recognised

	Note	2022/23	2021/22
		R'000	R'000
Listed by economic classification			
		30 Days	30+ Days
		Total	Total
Goods and services		10	486
Capital assets		-	-
Other		-	-
Total		10	486
		496	1 792

	Note	2022/23	2021/22
		R'000	R'000
Listed by programme level			
Administration		31	1 091
Superior Court Services		52	701
Judicial Education and Support		413	-
Total		496	1 792

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

22. Employee benefits

	Note	2022/23	2021/22
		R'000	R'000
Leave entitlement		29 267	29 452
Service bonus		19 579	19 436
Performance awards		-	-
Capped leave		8 366	10 449
Other		803	1 246
Total		58 015	60 583

Included in the leave entitlement is an amount of R886 518.06 representing negative leave which is due to the over-grant of leave commitments as employees are given full leave credits in January of each year while the information in the Financial Statement is based on the leave accruals as at March 2022, and Vacation leave captured after effective date for backdated period.

Judges' social benefits for leave are excluded from the amount above as they are on a different leave dispensation and are not entitled to accumulate leave. The performance award scheme is no longer applicable from the 2021/22 financial year and therefore there is a zero provision.

23. Lease commitments

23.1 Operating leases

2022/23	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000	R'000
Not later than 1 year	-	-	-	2 123	2 123
Total lease commitments	-	-	-	2 123	2 123

2021/22	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000	R'000
Not later than 1 year	-	-	-	1 926	1 926
Total lease commitments	-	-	-	1 926	1 926

The operating leases are for Judges' vehicles leased on a month to month basis.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

23.2 Finance leases **

2022/23	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000	R'000
Not later than 1 year	-	-	-	65 503	65 503
Later than 1 year and not later than 5 years	-	-	-	91 567	91 567
Total lease commitments	-	-	-	157 070	157 070

2021/22	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
	R'000	R'000	R'000	R'000	R'000
Not later than 1 year	-	-	-	62 183	62 183
Later than 1 year and not later than 5 years	-	-	-	85 072	85 072
Total lease commitments	-	-	-	147 255	147 255

The main portion of the finance lease amount relates to the leasing of Judges' vehicles in terms of their legislated benefits.

24. Unauthorised, Irregular and Fruitless and wasteful expenditure

	Note	2022/23 R'000	2021/22 R'000
Irregular expenditure - current year		69 457	52 632
Fruitless and wasteful expenditure - current year		-	17
Total		69 457	52 649

Information on any criminal or disciplinary steps taken as a result of irregular expenditure and fruitless and wasteful expenditure is included in the annual report under the PFMA Compliance Report.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

25. Related party transactions

In kind goods and services provided/received	Note	2022/23	2021/22
		R'000	R'000
<i>List in kind goods and services between the department and the related party.</i>			
The cost for the OCJ National Office lease was carried by the DOJ&CD		15 198	11 278
Total		15 198	11 278

List related party relationships and the nature thereof

The Department has a related party relationship with all the public sector entities falling within the portfolio of the Minister of Justice and Correctional Services, which includes the following:

Department of Justice and Constitutional Development
 Department of Correctional Services
 Guardian's Fund
 Legal Aid SA
 President's Fund
 Special Investigation Unit
 Third Party fund
 The Human Rights Commission
 Criminal Asset Recovery Account
 The Public Protector
 The Information regulator
 The Solicitor General

It should be noted that in terms of retained functions in the DOJ&CD as well as shared services, the DOJ&CD carries the cost on behalf of the OCJ in relation to the following:

Infrastructure and lease related costs
 Provision of security services
 Virtual Library

26. Key management personnel

	No. of Individuals	2022/23	2021/22
		R'000	R'000
Political office bearers (provide detail below)			
Officials:	2	-	-
Level 15 to 16		8 102	9 096
Level 14 (incl. CFO if at a lower level)		8 563	8 124
Total		16 665	17 220

The Department of Justice and Constitutional Development carries the cost for the two political bearers: Minister and Deputy Minister

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

27. Provisions

	Note	2022/23	2021/22
		R'000	R'000
Please specify			
Litigation fees for Judicial Conduct Commission related expenditure		7 100	1 132
Total		7 100	1 132

27.1. Reconciliation of movement in provisions – Current year

	2022/2023			
	Provision 1	Provision 2	Provision 3	Total provisions
	R'000	R'000	R'000	R'000
Opening balance	1 132	-	-	1 132
Increase in provision	2 000	2 300	2 800	7 100
Settlement in provision	(1 132)	-	-	(1 132)
Closing balance	2 000	2 300	2 800	7 100

Provisions reflect amounts where litigation cases are ongoing and there is a high probability that expenditure would be incurred for legal cost in this regard.

Reconciliation of movement in provisions – Prior year

	2021/2022			
	Provision 1	Provision 2	Provision 3	Total provisions
	R'000	R'000	R'000	R'000
Opening balance	1 272	-	-	1 272
Increase in provision	1 132	-	-	1 132
Settlement in provision	(1 272)	-	-	(1 272)
Closing balance	1 132	-	-	1 132

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

28. Movable Tangible Capital Assets

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2023

	2022/23				
	Opening balance	Value adjustments	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	266 225	-	50 369	(3 641)	312 953
Transport assets	15 545	-	474	(899)	15 120
Computer equipment	129 872	-	33 150	(1 985)	161 037
Furniture and office equipment	46 839	-	4 041	(652)	50 228
Other machinery and equipment	73 969	-	12 704	(105)	86 568
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	266 225	-	50 369	(3 641)	312 953

Included in the additions amount is R10.2 million for Other Machinery and equipment transferred from capital working progress relating to development of Wi-Fi solution.

The additions on note 10 and 29 differ because note 10 included finance lease and note 29 excludes finance leases, assets received prior year but paid current year, capital work in progress and non-cash additions.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

28.1. MOVEMENT IN MOVEABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2022

	2021/22				
	Opening balance	Prior period error	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	235 405	(518)	35 695	(4 357)	266 225
Transport assets	16 002	105	-	(562)	15 545
Computer equipment	113 621	(1 974)	20 667	(2 442)	129 872
Furniture and office equipment	45 498	95	2 157	(911)	46 839
Other machinery and equipment	60 284	1 256	12 871	(442)	73 969
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	235 405	(518)	35 695	(4 357)	266 225

28.1.1. Prior period error

	Note	2021/22 R'000
Nature of prior period error		
Relating to 2021/22 [affecting the opening balance]		(518)
DE recognition of Assets previously overstated		(3 703)
Recognition of assets received in kind from (DOJ&CD)-S42 of PFMA		130
Recognition of assets previously omitted		3 055
Total prior period errors		(518)

Prior period error corrected for assets previously overstated and omitted

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

28.2. Minor assets

MOVEMENT IN MINOR CAPITAL ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2023

	2022/23					
	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000	R'000
Opening balance	-	39	321	148 776	-	149 136
Value adjustments	-	-	-	-	-	-
Additions	-	-	-	3 929	-	3 929
Disposals	-	-	-	(1 995)	-	(1 995)
TOTAL MINOR ASSETS	-	39	321	150 710	-	151 070

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
Number of R1 minor assets	-	-	4 906	299 722	-	304 628
Number of minor assets at cost	-	9	484	182 032	-	182 525
TOTAL NUMBER OF MINOR ASSETS	-	9	5 390	481 754	-	487 153

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2022

	2021/22					
	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
	R'000	R'000	R'000	R'000	R'000	R'000
Opening balance	-	39	321	145 644	-	146 004
Prior period error	-	-	-	1 133	-	1 133
Additions	-	-	-	3 990	-	3 990
Disposals	-	-	-	(1 991)	-	(1 991)
TOTAL MINOR ASSETS	-	39	321	148 776	-	149 136

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
Number of R1 minor assets	-	-	4 923	298 227	-	303 150
Number of minor assets at cost	-	9	485	180 566	-	181 060
TOTAL NUMBER OF MINOR ASSETS	-	9	5 408	478 793	-	484 210

28.2.1. Prior period error

	Note	2021/22 R'000
Nature of prior period error		
Relating to 2021/22 [affecting the opening balance]		1 133
Derecognition of Assets previously overstated		(1 031)
Recognition of assets received in kind from (DOJ&CD)-S42 of PFMA		14
Recognition of assets previously omitted		2 150
Total prior period errors		1 133

Prior period error corrected for assets previously overstated and omitted

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

28.3. Movable tangible capital assets: Capital Work-in-progress

CAPITAL WORK-IN-PROGRESS FOR THE YEAR ENDED 31 MARCH 2023

	Note	2022/23			
		Opening balance 1 April 2022	Current Year WIP	Ready for use (Assets transferred to the Assets Register)	Closing balance 31 March 2023
	Annexure 7	R'000	R'000	R'000	R'000
Machinery and equipment		7 610	-	(7 525)	85
TOTAL		7 610	-	(7 525)	85

Completed project that has been transferred to the assets register for Wifi solution to the value of R7.5million.

CAPITAL WORK-IN-PROGRESS FOR THE YEAR ENDED 31 MARCH 2022

	Note	2021/22				
		Opening balance 1 April 2021	Prior period error	Current Year WIP	Ready for use (Assets to the AR) / Contracts terminated	Closing balance 31 March 2022
	Annexure 7	R'000	R'000	R'000	R'000	R'000
Machinery and equipment		7 628	-	2 472	(2 490)	7 610
TOTAL		7 628	-	2 472	(2 490)	7 610

29. Intangible Capital Assets

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2023

	2022/23			
	Opening balance	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000
SOFTWARE	41 426	8 338	(2 637)	47 127
TOTAL INTANGIBLE CAPITAL ASSETS	41 426	8 338	(2 637)	47 127

Included in the figure above is software licences to the value of R34 million, whilst the right of use period has expired (31 May 2019-30 May 2022), the new right of use period runs from 01 May 2023 - 30 April 2024. The Department is still using the software and is still deriving benefits from it.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

29.1. MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2022

	2021/22				
	Opening balance	Prior period error	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
SOFTWARE	40 585	-	841	-	41 426
TOTAL INTANGIBLE CAPITAL ASSETS	40 585	-	841	-	41 426

29.2. Intangible capital assets: Capital Work-in-progress

CAPITAL WORK-IN-PROGRESS FOR THE YEAR ENDED 31 MARCH 2023

	2022/23				
	Note	Opening balance 1 April 2022	Current Year WIP	Ready for use (Assets transferred to the Assets Register)	Closing balance 31 March 2023
	<i>Annexure 7</i>	R'000	R'000	R'000	R'000
Intangible assets		62 442	2 883	-	65 325
TOTAL		62 442	2 883	-	65 325

Capital work in progress on Software relates to the Court Online Phase 2 Pilot Project and planning to the value of R2,9million.

CAPITAL WORK-IN-PROGRESS FOR THE YEAR ENDED 31 MARCH 2022

	2021/22					
	Note	Opening balance 1 April 2021	Prior period error	Current Year WIP	Ready for use (Assets transferred to the Assets Register)	Closing balance 31 March 2022
		R'000	R'000	R'000	R'000	R'000
Intangible assets		51 328	-	11 114	-	62 442
TOTAL		51 328	-	11 114	-	62 442

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

30. Immovable Tangible Capital Assets

MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2023

	Note	2022/23			
		Opening balance	Additions	Disposals	Closing balance
		R'000	R'000	R'000	R'000
BUILDINGS AND OTHER FIXED STRUCTURES					
Other fixed structures		66	39	-	105
		66	39	-	105
TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS		66	39		105

Included in addition of Other fixed structures is the purchases of Guard Hut for Supreme Court of Appeal to the value of R39 thousand.

30.1. MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2022

	Note	2021/22			
		Opening balance	Additions	Disposals	Closing balance
		R'000	R'000	R'000	R'000
BUILDINGS AND OTHER FIXED STRUCTURES					
Other fixed structures		66	-	-	66
		66	-	-	66
TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS		66	-		66

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

31. Prior period errors

31.1. Correction of prior period errors

		2021/22	2021/22	2022/23
		Amount before error correction	Prior period error	Restated Amount
	Note	R'000	R'000	R'000
Assets:				
Transport Assets		15 440	105	15 545
Computer Equipment		131 846	(1 974)	129 872
Furniture & Office Equipment		46 744	95	46 839
Other Machinery & Equipment		72 713	1 256	73 969
Net effect		266 743	(518)	266 225

Derecognition of Assets previously overstated, recognition of assets received in kind from (DOJ&CD), and recognition of assets previously omitted.

		2021/22	2021/22	2022/23
		Amount before error correction	Prior period error	Restated Amount
	Note	R'000	R'000	R'000
Minor Assets:				
Machinery & Equipment		147 643	1 133	148 776
Net effect		147 643	1 133	148 776

Derecognition of Assets previously overstated, recognition of assets received in kind from (DOJ&CD), and recognition of assets previously omitted.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

32. Transfer of functions and mergers

32.1. Transfer of functions

Provide a brief description of the functions transferred or acquired and the reason for undertaking the transaction or event.

32.1.1. Notes

	Note	Balance before transfer date	Functions received	Functions (transferred) / received	Functions (transferred) / received	Balance after transfer date
			Dept name (DOJ)	Dept name (Specify)	Dept name (Specify)	
		R'000	R'000	R'000	R'000	R'000
Movable tangible capital assets		-	130	-	-	130
Minor Assets		-	14	-	-	14

Provide a reference to the proclamation or declaration giving effect to the transfer of functions

Proclamation No.44 of 2010 by the President of the Republic of South Africa

Determination by the Minister of Public Service and Administration on 31 March 2015.

Assets transferred in kind to OCJ by DOJ & CD in terms of Sec 42 of PFMA

33. BROAD BASED BLACK ECONOMIC EMPOWERMENT PERFORMANCE

Information on compliance with the B-BBEE Act is included in the annual report under the section titled B-BBEE Compliance Performance Information.

BROAD-BASED BLACK ECONOMIC EMPOWERMENT COMMISSION

FORM: B-BBEE 1A

Compliance report by sphere of government, public entity or organ of state (in terms of Section 13G (1) of the Act)

Name of Sphere of Government / Public Entity / Organ of State:	OFFICE OF THE CHIEF JUSTICE
Registration Number (If Applicable):	N/A
Physical Address:	188, 14 th Road, Noordwyk, Midrand
Type of Sphere of Government / Public Entity / Organ of State:	National Department
Organisation Industry / Sector	Justice

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

The following table must be completed in full by the Sphere of Government / Public Entity / Organ of State:

Has the Sphere of Government / Public Entity / Organ of State applied any relevant Code of Good Practice (B-BBEE Certificate Levels 1 – 8) with regards to the following:		
Determining qualification criteria for the issuing of licences, concessions or other authorisations in respect of economic activity in terms of any law	No: Not applicable to the OCJ	N/A
Developing and implementing a preferential procurement policy	No	The OCJ SCM policy is in line with the PPPFA and its regulations on preferential procurement
Determining qualification criteria for the sale of state-owned enterprises	No: Not applicable to the OCJ	N/A
Developing criteria for entering into partnerships with the private sector	No: Not applicable to the OCJ	N/A
Determining criteria for the awarding of incentives, grants and investment schemes in support of Broad Based Black Economic Empowerment	No: Not applicable to the OCJ	N/A

34. COVID-19 Response Expenditure

	<i>Note</i>	2022/23 R'000	2021/22 R'000
Goods and services		93	1 012
Total	<i>Annexure 11</i>	93	1 012

COVID-19 related expenditure for 2022/23

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

ANNEXURE 1A STATEMENT OF CONDITIONAL GRANTS AND OTHER TRANSFERS PAID TO MUNICIPALITIES

NAME OF MUNICIPALITY	2022/23										2021/22			
	GRANT ALLOCATION					TRANSFER			SPENT					
	DoRA and other transfers	Roll Overs	Adjustments	Total Available	Actual Transfer	Funds Withheld	Re-allocations by National Treasury or National Department	Amount received by municipality	Amount spent by municipality	Unspent funds	% of available funds spent by municipality	Division of Revenue Act	Actual transfer	
R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000	R'000	%	R'000	R'000	
TOTAL	-	-	-	-	-	-	-	-	-	-	-	-	-	-

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

ANNEXURE 1G STATEMENT OF TRANSFERS TO HOUSEHOLDS

HOUSEHOLDS	2022/23						2021/22	
	TRANSFER ALLOCATION			EXPENDITURE			Final Budget	Actual transfer
	Adjusted Budget	Roll Overs	Adjustments	Total Available	Actual Transfer	% of Available funds Transferred		
R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000	
Transfers								
Judges' Social Benefits	134 353	-	-	134 353	86 355	64%	129 611	69 320
Employee Social Benefits	6 075	-	-	6 075	6 075	100.0%	6 066	6 066
TOTAL	140 428	-	-	140 428	92 430	65.8%	135 677	75 386
TOTAL	140 428	-	-	140 428	92 430	65.8%	135 677	75 386

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

ANNEXURE 1H STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2022/23	2021/22
		R'000	R'000
Received in kind			
Book Suppliers/Judges/Universities	Law booklets	8	3
United Nations Office on Drugs and Crime(UNODC)	Accommodation	110	-
National Centre for State Court(NCSC)	Return Flight ticket to Canada for business purpose	85	-
Subtotal		203	3
TOTAL		203	3

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

ANNEXURE 11 STATEMENT OF AID ASSISTANCE RECEIVED

NAME OF DONOR	PURPOSE	OPENING BALANCE	REVENUE	EXPENDI- TURE	PAID BACK ON/BY 31 MARCH	CLOSING BALANCE
		R'000	R'000	R'000	R'000	R'000
Received in kind						
German Development Corporation	Developing administrative capacity for the Office of the Chief Justice	652	-	-	-	652
Subtotal		652	-	-	-	652
TOTAL		652	-	-	-	652

The Donor funding by the German Development Corporation is for a project on business process re-engineering in the High Courts. No funds were transferred to the OCJ as the project was managed and paid for by the GIZ.

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

ANNEXURE 3B STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2023

Nature of Liability	Opening Balance	Liabilities incurred during the year	Liabilities paid/ cancelled/ reduced during the year	Liabilities recoverable (Provide details hereunder)	Closing Balance
	1 April 2022				31 March 2023
	R'000	R'000	R'000	R'000	R'000
Claims against the department					
Cases against the Judiciary and Office of the Chief Justice where OCJ will be expected to carry litigations	1 485	-	(1 485)	-	-
Claims application against OCJ being reviewed in line with the ruling of the Bargaining Council (OCJ provided bond securities to the Court)	-	1 965	-	-	1 965
Subtotal	1 485	1 965	(1 485)	-	1 965
Environmental liability					
TOTAL	1 485	1 965	(1 485)	-	1 965

OCJ vs Magula

OCJ vs Ntombela

Claim application against OCJ being reviewed in line with the rulings of the Bargaining Council (OCJ provided bond securities to the Court). The OCJ has possible obligation in the use of computer programme "Caseline" as a contingent liability. The amount and timing of the possible obligation is currently uncertain as the court will determine fair and equitable quantum therefore the amount to be disclosed will be zero due to the uncertainties.

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

ANNEXURE 4 CLAIMS RECOVERABLE

Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total		Cash in transit at year end 2022/23 *	
	31/03/2023	31/03/2022	31/03/2023	31/03/2022	31/03/2023	31/03/2022	Receipt date up to six (6) working days after year end	Amount
	R'000	R'000	R'000	R'000	R'000	R'000		R'000
Department								
Department of Justice and Constitutional Development	52	2 816	195	-	247	2 816		
South African Police Service	-	121	-	-	-	121		
Subtotal	52	2 937	195	-	247	2 937		
Other Government Entities								
Gauteng Gfleet Management	-	4 710	-	-	-	4 710		
Western Cape Government Motor Transport	-	4 167	-	-	-	4 167		
Subtotal	-	8 877	-	-	-	8 877		
TOTAL	52	11 814	195	-	247	11 814		

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

ANNEXURE 7 MOVEMENT IN CAPITAL WORK IN PROGRESS

MOVEMENT IN CAPITAL WORK IN PROGRESS FOR THE YEAR ENDED 31 MARCH 2023

	Opening balance	Current Year Capital WIP	Ready for use (Asset transferred to Assets register)	Closing balance
	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	7 610	-	(7 525)	85
Other machinery and equipment	7 610	-	(7 525)	85
SOFTWARE	62 442	2 883	-	65 325
Software	62 442	2 883	-	65 325
TOTAL	70 052	2 883	(7 525)	65 410

Completed project that has been transferred to the assets register for Wifi solution to the value of R7,5million and Capital work in progress on Software relates to the Court Online Phase 2 Pilot Project and planning to the value of R2,9million.

MOVEMENT IN CAPITAL WORK IN PROGRESS FOR THE YEAR ENDED 31 MARCH 2022

	Opening balance	Prior period error	Current Year Capital WIP	Ready for use (Asset register) / Contract terminated	Closing balance
	R'000	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	7 628	-	2 472	(2 490)	7 610
Other machinery and equipment	7 628	-	2 472	(2 490)	7 610
SOFTWARE	51 328	-	11 114	-	62 442
Software	51 328	-	11 114	-	62 442
TOTAL	58 956	-	13 586	(2 490)	70 052

As at 31 March 2022, the Court Online system was still to be piloted at the Gauteng High Court Division: Pretoria and will be treated as a ready for use asset once the pilot has been successful and the project is closed out and signed off in the 2022/23 financial year. R2,490 million transferred to asset register was for installing UPS systems in all the Courts to ensure that service delivery is not affected during power outages.

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2023

ANNEXURE 11 COVID 19 RESPONSE EXPENDITURE Per quarter and in total

Expenditure per economic classification	2022/23				2021/22	
	Q1	Q2	Q3	Q4	Total	Total
	R'000	R'000	R'000	R'000	R'000	R'000
Compensation of employees	-	-	-	-	-	-
Goods and services						
<i>List all applicable SCOA level 4 items</i>						
EQP<R5000:MEASURING&ANALYSIS EQP	-	-	-	-	-	47
EQP<R5000:PMP/PLM/PUR/SAN/MA	-	-	-	-	-	60
A&S/O/S:MEDICAL DOCTORS	-	-	-	-	-	1
CONS SUPP:MEDICAL SUPPLIES	18	-	-	-	18	94
CONS SUPP:UNI/PROT CLTH&CLOTHES	-	-	-	-	-	13
CONSHOUS SUP:DIS PAPER/PLAST	3	2	-	-	5	25
CONSHOUS SUP:TOILETRIES	-	-	-	-	-	7
CONSHOUS SUP:WASH/CLEAN DETE	17	36	-	17	70	568
CONSMAT&SUP:NOTICE BOARDS&SIGNS	-	-	-	-	-	3
COND MAT&SUP:HARDWARE	-	-	-	-	-	122
P/P:PEST CNTRL/FUMIGATION SER	-	-	-	-	-	66
O/P:COURIER&DELIVERY SER	-	-	-	-	-	4
O/P:PRINTING&PUBLICATIONS SER	-	-	-	-	-	-
O/P:WITNESS FEES	-	-	-	-	-	1
TOTAL COVID-19 RESPONSE EXPENDITURE	38	38	-	17	93	1 012

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