

Vote 23

Justice and Constitutional Development

	2005/06 To be appropriated			2006/07	2007/08
MTEF allocations of which:	R5 072 061 000			R5 598 598 000	R6 046 329 000
	<i>Current payments</i>	<i>Transfers</i>	<i>Capital payments</i>		
	R3 949 180 000	R695 622 000	R427 259 000		
Statutory amounts	R849 977 000			R897 665 000	R942 547 000
Responsible minister	Minister of Justice and Constitutional Development				
Administering department	Department of Justice and Constitutional Development				
Accounting officer	Director-General: Justice and Constitutional Development				

Aim

The aim of the Department of Justice and Constitutional Development is to uphold and protect the Constitution and the rule of law, and to render the accessible, fair, speedy and cost-effective administration of justice in the interests of a safer and more secure South Africa.

Programme purpose and measurable objective

Programme 1: Administration

Purpose: Manage the department, develop strategies and policies, and do research, including improving legislation and making amendments to the Constitution.

Programme 2: Court Services

Purpose: Provide and manage efficient court facilities, and facilitate the resolution of criminal, civil and family law matters in South Africa.

Measurable objective: Ensure that justice proceedings are prompt by maintaining the court system in a way that leads to a reduction in backlogs.

Programme 3: State Legal Services

Purpose: Provide legal services to government, and facilitate constitutional amendments through developing and promoting appropriate legislation.

Measurable objective: Promote justice and corporate governance through the provision of a legal system and legislative services to the state and the public, and by completing instructions received.

Programme 4: National Prosecuting Authority

Purpose: Provide a co-ordinated prosecuting service, protect certain witnesses, and investigate serious organised unlawful conduct.

Measurable objective: Ensure the proper administration of justice in criminal cases through the provision of prosecuting services that achieve an overall conviction rate that will serve as a deterrent.

Programme 5: Auxiliary and Associated Services

Purpose: Provide a variety of auxiliary services associated with the department's aims, and provide for transfer payments to constitutional institutions, the Legal Aid Board, the Special Investigating Unit, the Represented Political Parties' Fund and the President's Fund.

Measurable objective: Support the national crime prevention strategy and guarantee the independence and integrity of the administration of justice, by providing vulnerable groups with additional legal services and advice which meet public assistance and awareness campaign targets.

Strategic overview and key policy developments: 2001/02 – 2007/08

Over the next five years, the Department of Justice and Constitutional Development has geared itself to deliver on the following three key strategic result areas: ensuring access to justice for all, modernising the justice services, and transforming justice.

Capacitating courts and restructuring the court system (Re Aga Boswa)

The department is in its second year of its five-year courts turnaround strategy, implemented through the Re Aga Boswa ('we are rebuilding') project to enhance court efficiency. This project completes the restructuring programme for the courts. The project also institutionalises a new customer-focused court management model that ensures that court managers are entrusted with managing courts and that judges and magistrates invest more time in their judicial work. This will result in increased court hours and better quality judgements.

The rationalisation of the high courts and the re-demarcation of magisterial districts are also part of the restructuring programme. This entails the rationalisation of the service areas of the supreme courts in the former homelands and self-governing states to bring them in line with the new constitutional order. In 2004, the minister proclaimed new magisterial districts aligned to the new municipal boundaries.

Saturday courts and other additional courts were established to assist with working down the backlog of cases at courts. This came to an end in September 2004. Between 2001 and 2004, Saturday courts finalised 76 836 cases, and partly heard matters from the Saturday and other additional courts were also finalised. Twenty additional courts that deal mainly with sexual offences will continue until the end of 2004/05. At least 47 new regional court posts were created and filled, impacting positively on working down case backlogs in those courts.

The department operates 46 integrated justice court centres throughout the country. The centres aim to improve co-operation between criminal justice role-players in case management. This initiative led to a reduction in the case cycle from 105 to 78 days between 2001 and 2003.

Transforming the judiciary

One of the challenges facing the judicial system is inadequate female and black representation on the bench. Of the 204 judges, 76 are black and 23 are women; and of a total of 1 662 magistrates, 794 are black and 428 are women. A comprehensive human resources development strategy to widen the pool of appropriate women and black legal practitioners will be finalised during 2006/07. This includes restructuring the Justice College to provide training to potential judges and magistrates and to offer advanced training programmes for currently serving judicial officers.

Access to justice

The department is finalising a policy for language use in courts. A judicial working committee was set up to get the judiciary's view on this. The policy will be completed in 2005/06.

Extending the lay assessor system to some regional courts continues to increase public participation in judicial processes. This initiative narrows the bridge between the judiciary and the community it serves, and will make processes more accessible to the public.

Rationalising the jurisdiction of the high courts to operate within the new provincial demarcation has led to the proportional distribution of the caseload and brought services closer to local communities. The plea bargaining initiative and alternative sentencing models continue to help reduce case backlogs.

Following the Moseneke and Bhe judgements, the Master's Office has been restructured to include service points for administering black deceased estates. Estates of deceased black people, previously administered by magistrates, will in future be administered by the Master's Office. A national office has been established and information systems modernised.

A key objective for 2002 was to broaden access to justice for the indigent through the Legal Aid Board's justice centres and the use of public defenders. The Legal Aid Board has a national network of 58 justice centres, 13 high court units and 27 satellite centres countrywide.

Vulnerable groups

The justice, crime prevention and security (JCPS) cluster undertook to finalise the service charter for victims and to start implementing it. Cabinet approved the charter in December 2004. Its implementation plan has been integrated with the rollout of the Re Aga Boswa project so that there is sufficient capacity to integrate it. A dedicated telephone line will be launched in 2005/06 to provide crime victims with direct access to the courts.

Fifty-two sexual offences courts have been established so far. Twenty-six of these meet minimum requirements, and the infrastructure is being provided to make the remainder compliant. A further 20 dedicated sexual offences courts are planned for 2005/06. Sites for the courts have been identified and feasibility studies done.

There are presently 220 designated equality courts throughout the country. In June 2003, 60 magistrate's courts were designated as equality courts. Another 150 courts were designated in March 2004. For high courts, section 16(1)(a) of the Promotion of Equality and Prevention of Discrimination Act (2000) provides that every high court is an equality court for its area of jurisdiction. Infrastructure is being provided on a continuous basis as new courts are set up. More than 800 magistrates have been trained in equality matters.

Hatfield-type community courts were established in 2004 to handle highly visible criminal cases that arise in certain crime hotspots in communities. They are different from normal courts, as they are set up in areas with high crime rates to fast-track the closing of cases in the proximity of witnesses. Since April 2004, the Hatfield court in Pretoria has disposed of 1 802 of the 2 082 cases it handled, with an average conviction rate of 93 per cent. Similar courts will be launched in other provinces during 2004/05.

The National Prosecuting Authority and its specialist units

The staff complement in the National Prosecution Service (NPS) makes up over 60 per cent of all personnel in the National Prosecuting Authority. The NPS provides prosecution services in the lower and high courts in all nine provinces and collaborates with international stakeholders when necessary. The NPS prosecutes cases in specialised courts, such as hijacking courts, community courts, environment courts and drug courts.

A priority crimes litigation unit was set up in the Office of the National Director of Public Prosecutions in 2003/04. Its mandate is to focus on serious national and international crimes, including treason, sedition, terrorism, sabotage, and foreign military crimes committed by mercenaries. The specialised commercial crime unit has set up courts in most provinces. The sexual offences and community affairs unit concentrates on prosecuting sexual and domestic violence cases, maintenance offences, and child justice.

The purpose of the directorate of special operations (DSO) is to prioritise, investigate and prosecute particular serious crimes and organised crimes which threaten democracy and the economy. Focus areas include financial crime, organised public sector corruption, syndicated organised crime, racketeering, money laundering and human trafficking. The DSO has the authority and flexibility to source crime information, in particular on the trail of money, drugs and people in syndicated organised crime.

The Asset Forfeiture Unit (AFU) ensures that the powers in the Prevention of Organised Crime Act (1998) to seize criminal assets are used effectively. The AFU focuses on seizing assets acquired through criminal conduct. The criminal assets recovery account reflects the value of funds forfeited to the state in terms of asset forfeiture. A committee has been established to advise Cabinet on distributing these funds to the relevant stakeholders and victims of crime.

With the substantial additional Budget allocations and the successful implementation of reforms, the department will be in a better position to deliver on its key strategic result areas

Expenditure estimates

Table 23.1: Justice and Constitutional Development

Programme	Expenditure outcome			Adjusted appropriation	Revised estimate	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome			2005/06	2006/07	2007/08
R thousand	2001/02	2002/03	2003/04	2004/05				
1. Administration	204 483	290 631	359 484	366 383	366 383	380 783	418 503	450 355
2. Court Services	1 227 637	1 456 306	1 689 304	1 953 247	1 953 247	2 264 905	2 560 640	2 826 434
3. State Legal Services	166 009	181 489	231 273	247 356	247 356	315 320	337 354	355 731
4. National Prosecuting Authority	724 809	923 877	1 048 061	1 146 559	1 146 559	1 272 810	1 370 562	1 447 691
5. Auxiliary and Associated Services	945 411	933 319	690 056	753 610	753 610	838 243	911 539	966 118
Subtotal	3 268 349	3 785 622	4 018 178	4 467 155	4 467 155	5 072 061	5 598 598	6 046 329
Direct charge on								
National Revenue Fund	665 107	699 235	729 703	764 345	764 345	849 977	897 665	942 547
Judges' Salaries	171 083	175 296	195 327	177 083	177 083	187 877	199 149	209 106
Magistrates' Salaries	494 024	523 939	534 376	587 262	587 262	662 100	698 516	733 441
Total	3 933 456	4 484 857	4 747 881	5 231 500	5 231 500	5 922 038	6 496 263	6 988 876
Change to 2004 Budget estimate				-	-	313 681	511 222	704 583

R thousand	Expenditure outcome			Adjusted appropriation	Revised estimate	Medium-term expenditure estimate		
	Audited	Audited	Preliminary			2005/06	2006/07	2007/08
	2001/02	2002/03	2003/04	2004/05				
Economic classification								
Current payments	2 890 511	3 262 169	3 776 696	4 180 274	4 180 274	4 799 157	5 273 690	5 687 212
Compensation of employees	2 046 289	2 310 252	2 673 108	2 959 794	2 959 794	3 236 873	3 522 996	3 762 657
Goods and services	842 946	950 485	1 103 588	1 220 480	1 220 480	1 562 284	1 750 694	1 924 555
<i>of which:</i>								
<i>Consultants and contractors</i>	382 321	268 863	306 199	391 676	391 676	431 112	477 958	538 966
<i>Travel and subsistence</i>	39 410	82 498	110 066	97 473	97 473	97 374	105 775	112 311
<i>Communication</i>	73 693	116 819	88 992	105 756	105 756	118 808	136 025	147 959
<i>Inventory</i>	31 851	35 288	52 861	49 148	49 148	33 617	38 545	40 990
<i>Translations and transcriptions</i>	35 787	37 468	34 867	106 055	106 055	106 780	120 725	131 965
<i>Witness and related fees</i>	33 823	35 394	53 631	52 004	52 004	65 760	73 633	79 855
Financial transactions in assets and liabilities	1 276	1 432	–	–	–	–	–	–
Transfers and subsidies to:	684 317	826 274	567 215	620 361	620 361	695 622	760 381	807 596
Provinces and municipalities	6 306	7 175	7 614	7 563	7 563	7 777	8 177	8 747
Departmental agencies and accounts	677 870	818 666	556 601	609 675	609 675	685 407	749 620	796 135
Foreign governments and international organisations	141	433	3 000	3 123	3 123	2 438	2 584	2 714
Payments for capital assets	358 628	396 414	403 970	430 865	430 865	427 259	462 192	494 068
Buildings and other fixed structures	197 128	271 138	258 017	243 523	243 523	258 134	273 622	287 303
Machinery and equipment	161 500	125 276	145 172	185 425	185 425	167 341	186 979	205 059
Software and other intangible assets	–	–	781	1 917	1 917	1 784	1 591	1 706
Total	3 933 456	4 484 857	4 747 881	5 231 500	5 231 500	5 922 038	6 496 263	6 988 876

Expenditure trends

Between 2001/02 and 2007/08, the department's budget, including statutory amounts, is expected to increase at an annual average rate of 10,1 per cent. The largest part of this increase goes towards improving court performance.

The 2005 Budget sets out additional allocations of R313,7 million for 2005/06, R511,2 million for 2006/07 and R704,6 million for 2007/08, mainly for the improved management of cases, improved court security, the rehabilitation of courts and transforming the justice system.

Departmental receipts

The large increase in receipts in 2003/04 was mainly due to the recovery of R120 million (surplus funds that had not been surrendered) from the Legal Aid Board. The receipts from fines, penalties and forfeits is set to increase, as court fines will in future flow through the department's financial system.

Table 23.2: Departmental receipts

R thousand	Receipts outcome			Adjusted appropriation	Medium-term receipts estimate		
	Audited	Audited	Preliminary		2005/06	2006/07	2007/08
	2001/02	2002/03	outcome 2003/04				
Sales of goods and services produced by department	1 504	2 291	2 864	2 550	8 712	9 412	10 241
Fines, penalties and forfeits	2 729	2 577	1 527	2 868	63 471	121 439	124 567
Interest, dividends and rent on land	54 717	52 643	23 361	58 593	24 963	26 455	27 657
Sales of capital assets	179	99	303	110	987	1 147	1 236
Financial transactions in assets and liabilities	20 838	54 295	153 214	60 432	28 751	29 854	31 112
Total	79 967	111 905	181 269	124 553	126 884	188 307	194 813

Programme 1: Administration

Administration is responsible for developing departmental systems, strategies and policies. It includes human resources, communications, financial management, and other central support services, as well as policy formulation by the ministry and the head of the department.

Expenditure estimates

Table 23.3: Administration

Subprogramme	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary		2005/06	2006/07	2007/08
	2001/02	2002/03	outcome 2003/04				
R thousand							
Minister ¹	629	189	746	791	843	898	942
Deputy Minister ²	439	131	579	614	685	730	766
Management	4 676	22 369	23 338	47 696	52 626	56 566	60 486
Corporate Services	198 739	267 942	334 821	317 282	326 629	360 309	388 161
Total	204 483	290 631	359 484	366 383	380 783	418 503	450 355
Change to 2004 Budget estimate				(207 684)	(231 884)	(236 075)	(236 952)

¹ Payable as from 1 April 2004. Salary: R633 061. Car allowance: R158 265.

² Payable as from 1 April 2004. Salary: R491 157. Car allowance: R122 789.

Economic classification

Current payments	188 746	263 627	338 626	334 105	361 818	399 001	422 774
Compensation of employees	78 475	121 220	128 002	158 057	152 669	170 094	174 970
Goods and services	110 271	142 407	210 624	176 048	209 149	228 907	247 804
<i>of which:</i>							
Consultants and contractors	21 548	33 925	48 182	24 250	63 296	72 868	76 627
Travel and subsistence	13 748	42 125	71 513	62 652	49 947	51 365	54 542
Communication	4 312	5 432	7 869	12 256	6 227	6 518	6 998
Inventory	20 506	21 111	36 291	34 175	12 933	14 006	14 890
Transfers and subsidies to:	2 456	3 419	3 683	3 958	3 646	3 863	4 096
Provinces and municipalities	543	680	769	858	360	380	404
Departmental agencies and accounts	1 913	2 739	2 914	3 100	3 286	3 483	3 692

	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome				
R thousand	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
Payments for capital assets	13 281	23 585	17 175	28 320	15 319	15 639	23 485
Machinery and equipment	13 281	23 585	16 394	26 628	13 778	14 323	22 079
Software and other intangible assets	–	–	781	1 692	1 541	1 316	1 406
Total	204 483	290 631	359 484	366 383	380 783	418 503	450 355

Details of transfers and subsidies:

Departmental agencies and accounts							
Current	1 913	2 739	2 914	3 100	3 286	3 483	3 692
Contribution to Skills Fund	1 913	2 739	2 914	3 100	3 286	3 483	3 692
Total departmental agencies and accounts	1 913	2 739	2 914	3 100	3 286	3 483	3 692

Expenditure trends

Expenditure increased rapidly over the last three years, rising from R204,5 million in 2001/02 to R366,4 million in 2004/05, an average annual increase of 21,5 per cent. The rate of growth is expected to slow to an annual average of 7,1 per cent, taking expenditure to R450,4 million in 2007/08.

The increases in expenditure have gone towards the establishment of an internal audit component, conducting forensic audits at several courts and offices, reducing administrative backlogs and training staff.

Programme 2: Court Services

Court Services provides for the range of services provided by all the various courts in terms of chapter 8 of the Constitution.

This is reflected in the organisation of the first five of its 10 subprogrammes:

- *Constitutional Court*
- *Supreme Court of Appeal*
- *High Courts*
- *Specialised Courts*
- *Lower Courts.*

The remaining five subprogrammes are:

- *Family Advocate* makes recommendations to the court where there is litigation relating to children in divorce actions.
- *Magistrate's Commission* appoints judges.
- *Government Motor Transport* provides for new vehicles for judges.
- *Capital Works* provides for the building and upgrading of courts.
- *Administration of Courts* provides for the management of courts' administration functions.

Expenditure estimates

Table 23.4: Court Services

Subprogramme	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome		2005/06	2006/07	2007/08
R thousand	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
Constitutional Court	7 981	13 656	17 322	17 572	26 520	28 350	29 767
Supreme Court of Appeal	6 529	8 023	11 013	12 226	13 189	14 099	14 804
High Courts	119 171	135 296	170 048	130 521	140 806	155 522	158 148
Specialised Courts	13 845	17 709	19 089	24 255	36 166	40 661	45 595
Lower Courts	707 096	817 947	1 017 405	1 297 954	1 549 400	1 791 262	2 020 838
Family Advocate	9 556	15 744	21 034	17 000	34 490	36 870	38 713
Magistrate's Commission	3 875	4 322	5 451	12 258	4 990	5 334	5 601
Government Motor Transport	14 494	15 064	15 749	21 000	27 000	28 863	30 306
Capital Works	197 128	271 138	244 739	243 523	258 134	273 622	287 303
Administration of Courts	147 962	157 407	167 454	176 938	174 210	186 057	195 359
Total	1 227 637	1 456 306	1 689 304	1 953 247	2 264 905	2 560 640	2 826 434
Change to 2004 Budget estimate				(410 324)	(277 430)	(157 970)	(28 107)
Economic classification							
Current payments	999 216	1 130 268	1 383 600	1 600 358	1 906 185	2 168 480	2 411 366
Compensation of employees	647 946	681 475	892 913	1 008 752	1 091 597	1 236 684	1 357 641
Goods and services	350 584	448 793	490 687	591 606	814 588	931 796	1 053 725
of which:							
Consultants and contractors	91 951	96 970	82 015	127 246	112 890	138 428	188 057
Travel and subsistence	10 179	10 715	11 279	11 873	12 498	13 227	14 005
Communication	47 338	53 836	46 036	60 039	71 815	80 698	87 848
Inventory	1 629	1 715	1 805	1 900	2 000	2 114	2 230
Translations and transcriptions	35 787	37 468	34 867	106 055	106 780	120 725	131 965
Witness and related fees	29 750	31 107	49 118	47 254	50 050	56 587	61 855
Financial transactions in assets and liabilities	686	-	-	-	-	-	-
Transfers and subsidies to:	3 835	4 100	4 233	4 470	3 662	3 723	4 045
Provinces and municipalities	3 818	4 100	4 233	4 470	3 662	3 723	4 045
Departmental agencies and accounts	17	-	-	-	-	-	-
Payments for capital assets	224 586	321 938	301 471	348 419	355 058	388 437	411 023
Buildings and other fixed structures	197 128	271 138	229 739	243 523	258 134	273 622	287 303
Machinery and equipment	27 458	50 800	71 732	104 671	96 681	114 540	123 420
Software and other intangible assets	-	-	-	225	243	275	300
Total	1 227 637	1 456 306	1 689 304	1 953 247	2 264 905	2 560 640	2 826 434

Expenditure trends

Expenditure is expected to continue to increase rapidly, with an annual average growth rate of 14,9 per cent between 2001/02 and 2007/08. The increases over the next three years will help secure court buildings and provide for guarding and cash-in-transit services.

Expenditure on the *Constitutional Court* subprogramme increases significantly in 2005/06 to address the operational needs of the Constitutional Court and provide a support structure for the Chief Justice. In addition, spending on the *Specialised Courts* and *Family Advocate* subprogrammes increases significantly in 2005/06, reflecting the importance of these areas.

The increased expenditure on the *Lower Courts* subprogramme over the next three years will go towards service delivery and integration, the management of cases and people through the justice chain, transforming the justice system, and the filling of vacancies.

Service delivery objectives and indicators

Recent outputs

Court performance

Court performance continues to improve. Statistics indicate that court productivity has increased, that the number of cases finalised has increased, that courts on average sit longer hours, and that conviction rates are higher, especially in the specialised courts.

The Constitutional Court finalised 22 cases in 2004, compared to 25 cases in 2003, and the Supreme Court of Appeal finalised 131 cases in 2004, compared to 123 cases in 2003. Court hours per day for these two courts proved not to be a fair indicator of performance and the measure was replaced by measuring case cycles.

During 2003, the high court division took on 2 074 new cases, and finalised 2 361 with a verdict. In October 2004, the outstanding court roll for the high court was 1 272 cases. In the same period, the regional court took on 83 817 new cases, of which 46 189 were finalised with a verdict. The district courts took on 1 040 108 new cases and finalised 351 757 with a verdict in 2003. The outstanding court rolls on 31 October 2004 for the regional and district courts are 44 904 and 133 105 cases respectively.

Court productivity in the lower courts has shown a slight improvement. The average clearance rate in 2003 for district courts nationally was 108,4 per cent, indicating that these courts could finalise more cases than were coming in. All regions had a rate of above 100 per cent. (The clearance rate measures the number of cases finalised, against the number of new cases coming in, expressed as a percentage. This indicator shows whether courts are coping with their workload). The overall average clearance rate for regional courts in 2003 was 164,8 per cent.

Integrated case flow management centres

Integrated case flow management centres (previously known as integrated justice court centres) are currently operating at 46 district criminal courts. The rollout to other courts is subject to the procurement of the case roll management system in the next financial year. This system tracks cases and measures the performance of the courts where the case flow management centres have been set up. Statistics for September 2004 show that 64 per cent of courts have improved on their performance since the centres were introduced. The performance of the centres is measured in terms of their contribution to finalising cases speedily, thus reducing case backlogs and the numbers of awaiting trial detainees. Between July and September 2004 the centres yielded the following key results:

- Court hours on average improved by 21 minutes, from 4 hours and 2 minutes to 4 hours and 23 minutes. The national average court hours for district courts are 4 hours and 14 minutes.
- Case preparation cycle time was reduced on average by 27 days, from 105 days to 78 days.
- The percentage of cases on the court rolls for less than 60 days increased from 54,8 per cent to 56,5 per cent.
- The management of trial-ready cases has improved by 3 per cent (measured by the percentage of outstanding cases on the court roll waiting to be tried), decreasing from 39,7 per cent to 36,6 per cent. The ideal is that between 25 per cent and 33 per cent of outstanding cases on the court roll should be trial-ready.

New appointments and new courts

The appointment of 82 maintenance investigators and 100 clerks for maintenance and domestic violence courts has led to improvements in the maintenance system. Work on revamping the maintenance courts at the Johannesburg family court has also begun. A short messaging service (SMS) was introduced for individuals to notify the court if maintenance is not paid. Magistrates and court staff are being trained in how to deal with domestic violence cases.

Twenty-six additional family advocates were appointed in previously disadvantaged and rural areas in 2003/04. A total of 35 673 pieces of high court documentation (including divorce papers and settlement agreements) were scrutinised in 2003/04, and 5 286 enquiries finalised. The 2005 ENE targets were accordingly revised upward. The Chief Family Advocate has been designated as the central authority in international child abduction matters in terms of The Hague Convention on the Civil Aspects of International Child Abduction. Thirty-two such applications were processed in 2003/04.

Three additional small claims courts were established in major court centres and the jurisdiction limit of these courts was extended to R7 000.

Thirteen new courts, seven of which are in rural areas and townships, were opened in 2004, against a target of ten. These include the Constitutional Court (Braamfontein), district and regional courts in Tembisa, Port Elizabeth, De Aar, Tshidilamolomo, Centane, Atteridgeville, Atamelang, Bothithong, Scottburgh, Pretoria North, and specialised commercial crime courts in Durban and Port Elizabeth. Courts are currently under construction in Randburg, Benoni, Ceres, and Vredendal.

As part of the department's repair and maintenance programme, 104 courts were renovated in 2004/05.

Selected medium-term output targets

Court Services

Measurable objective: Ensure that justice proceedings are prompt by maintaining the court system in a way that leads to a reduction in backlogs.

Subprogramme	Output	Measure/Indicator	Target
Constitutional Court	Development of South African constitutional law jurisprudence	Percentage of cases finalised	80% of cases on the roll finalised per year
	Progressive and transformational judgments	Time taken to deliver judgment	Judgment delivered within 6 months of date of enrolment
Supreme Court of Appeal	Legal precedents	Percentage of appeals finalised	80% of cases on the roll finalised per year
	Conduction of appeals	Time taken to dispose appeals	Appeals disposed of within 6 months of date of enrolment
High Courts	Prompt finalisation of appeals from lower and high courts	Number of appeals finalised	1 500 in 2005/06
		Court hours worked per day	3 hours and 45 minutes per court in 2005/06
		Case cycle time	75% of cases not older than 6 months
Specialised Courts	Case flow management	Percentage of cases finalised	All cases on outstanding roll and 50% of new cases received in 2005/06 finalised by 31 March 2005

Subprogramme	Output	Measure/Indicator	Target
Lower Courts	Prompt finalisation of cases Issuing of orders and interdicts in maintenance and domestic violence enquiries	Number of cases finalised	40 per month per district court and 15 per month per regional court in 2005/06
		Court hours worked per day	5 hours per district court and 4 hours per regional court in 2005/06
		Case cycle time	75% of cases not older than 6 months
Family Advocate	Assistance to the courts in issues relating to children in family matters	High court custody documentation scrutinised	36 000 documents in 2005/06
		Number of enquiries finalised	6 000 in 2005/06
Magistrates' Commission	Appointment of magistrates and related employment matters	Percentage of magistrates' employment matters dealt with	90% of new matters received during 2005/06 dealt with
		Recruitment and appointment cycle time	3 months from vacancy advertisement to appointment
Capital Works	Adequate and secured court infrastructure	Number of new courts built	10 new courts built in 2005/06
		Number of courts renovated	100 courts renovated in 2005/06

Programme 3: State Legal Services

State Legal Services provides government with legal services and facilitates constitutional amendments. Activities include providing for the work of the state attorneys and state law advisors, and the master of the high court, and promoting, maintaining and developing the Constitution and its values by developing appropriate legislation.

There are three subprogrammes:

- *Legal Services to the State* provides legal services to the executive, all state departments, parastatals and autonomous bodies.
- *Legislation and Constitutional Development* is mainly involved in preparing legislation, primary and delegated, for submission to Parliament.
- *Master of the High Court* supervises the administration of deceased and insolvent estates, trusts, curatorships and the Guardian's Fund.

Expenditure estimates

Table 23.5: State Legal Services

Subprogramme	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome		2005/06	2006/07	2007/08
R thousand	2001/02	2002/03	2003/04	2004/05			
Legal Services to the State	91 976	99 951	107 600	127 439	154 069	164 937	174 757
Legislation and Constitutional Development	23 855	25 732	30 060	35 770	44 983	49 153	52 392
Master of the High Court	50 178	55 806	93 613	84 147	116 268	123 264	128 582
Total	166 009	181 489	231 273	247 356	315 320	337 354	355 731
Change to 2004 Budget estimate				30 746	84 014	91 318	97 393

	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome		2005/06	2006/07	2007/08
R thousand	2001/02	2002/03	2003/04	2004/05			
Economic classification							
Current payments	163 065	178 100	217 626	239 172	304 120	325 223	344 490
Compensation of employees	134 835	144 720	168 928	194 584	237 084	252 945	267 756
Goods and services	28 200	33 380	48 698	44 588	67 036	72 278	76 734
<i>of which:</i>							
<i>Consultants and contractors</i>	9 256	9 391	5 177	4 641	8 785	9 249	5 820
<i>Travel and subsistence</i>	4 274	5 019	8 246	6 788	14 271	15 317	16 292
<i>Communication</i>	9 968	9 619	8 542	7 426	8 898	9 777	11 950
<i>Inventory</i>	2 361	4 720	6 615	4 494	6 654	7 064	7 517
Financial transactions in assets and liabilities	30	–	–	–	–	–	–
Transfers and subsidies to:	538	838	3 469	3 870	3 557	3 766	3 919
Provinces and municipalities	397	405	469	747	1 119	1 182	1 205
Foreign governments and international organizations	141	433	3 000	3 123	2 438	2 584	2 714
Payments for capital assets	2 406	2 551	10 178	4 314	7 643	8 365	7 322
Machinery and equipment	2 406	2 551	10 178	4 314	7 643	8 365	7 322
Total	166 009	181 489	231 273	247 356	315 320	337 354	355 731

Details of transfers and subsidies:

Foreign governments and international organisations							
Current	141	433	3 000	3 123	2 438	2 584	2 714
United Nations Institution for Unification of Private Law	141	433	3 000	3 123	2 438	2 584	2 714
Total foreign governments and international organisations	141	433	3 000	3 123	2 438	2 584	2 714

Expenditure trends

Expenditure is expected to continue to increase steadily, rising to R355,7 million in 2007/08, at an average annual rate of 12,9 per cent over the next three years.

There was a large increase in expenditure on the *Master of the High Court* subprogramme in 2003/04, due to an expansion of capacity, infrastructure improvements, and the implementation of the Mveledziso project, through which black deceased estates are to be handled by the master and not magistrates as before. Expenditure on the subprogramme is expected to increase significantly again in 2005/06, when general administration costs relating to the master are transferred to this subprogramme.

Additional allocations of R3 million in 2005/06, R5 million in 2006/07 and R8 million in 2007/08 are for the establishment of a constitutional litigation unit and a legislative costing unit. It is expected that these units will contribute to significant cost savings and efficiency gains over the medium to long term.

Service delivery objectives and indicators

Recent outputs

Centralising legal services

The department's resolution to centralise all legal services in the legal advisory services component has gained momentum. (Previously legal services were provided by different branches.) The target to finalise 90 per cent of all opinions, litigation matters and agreements, and draft legislation was met. Reliance on private sector legal advisory services by government departments reduced by more than 4 per cent in 2004/05. Increased co-operation between the state attorneys and state law advisors will see even less reliance on such services. A constitutional litigation unit was established in 2004 to centralise constitutional litigation for and on behalf of government departments and to reduce reliance on the private sector.

Draft legislation

The current legislative programme contains 35 pieces of legislation. Important draft legislation dealing with the repeal of the Black Administration Act (1927), sexual offences, child justice, the superior courts, judicial officers and the independence of certain institutions supporting constitutional democracy, among others, has reached an advanced stage of preparation.

The South African Law Reform Commission approved nine consultation papers (issue papers and discussion papers) and four reports in 2004/05, thus exceeding the 2004 ENE target of 10 publications per year. The consultation papers relate to adult prostitution, aspects of the law of divorce, trafficking in persons, international co-operation in civil matters, protected disclosures, the review of the Interpretation Act (1957), privacy and data protection, the review of administration orders, and the review of the law of evidence. Reports submitted to the minister relate to the repeal of the Black Administration Act (1927), a compensation fund for victims of crime, and the customary law of succession. The commission's statutory law revision project has gained momentum by involving all state departments.

Chapter 9 institutions

The chief directorate of constitutional development has developed a good working relationship with the institutions established in terms of chapter 9 of the Constitution that are functionally linked to the department. Achievements include: assisting with the institutions' budgetary issues; facilitating the amendment of conditions of service of the public protector; and co-ordinating and developing comprehensive documentation for the Portfolio Committee on Justice and Constitutional Development relating to the budgets and achievements of chapter 9 institutions. There were six meetings with the chapter 9 institutions.

The master of the high court

The shift of the handling of the estates of deceased black people from magistrates to the master of the high court has far-reaching implications for the master's resources. The implementation of the supreme court of appeal decision that the master – who has statutory and common law jurisdiction over trusts – must ensure that family trusts are not controlled solely by family members who are beneficiaries, brings additional responsibility, as does imminent legislation such as the Incapable Adults Bill and amendments to the Prevention of Organised Crime Act (1998). The influx of work and increased responsibility necessitate the automation and modernisation of systems.

A policy document on the appointment of liquidators was issued in 2004.

Selected medium-term output targets

State Legal Services

Measurable objective: Promote justice and corporate governance through the provision of a legal system and legislative services to the state and the public, by completing instructions received.

Subprogramme	Output	Measure/Indicator	Target
Legal Services to the State	Legal services	Percentage of opinions, litigation matters, agreements and draft legislation finalised	90% per year
	Reduce private sector assistance to government departments	Percentage decrease in requests for private sector services	4% decrease in 2005/06
Legislation and Constitutional Development	Improve effectiveness of chapter 9 institutions	Number of interactions with chapter 9 institutions	Minimum of 12 per year
	Research publications	Number of papers and reports submitted to the South African Law Reform Commission	10 per year
	Legislation	Number of draft bills introduced Number of Acts implemented	13 bills and Acts per year
Master of the High Court	Supervise the administration of deceased estates, insolvent estates, trusts, curatorships and the Guardian's Fund	Successful implementation of unified management system for deceased estates Computerised Guardian's Fund system	Management system implemented in 2005/06 System implemented by 31 March 2006

Programme 4: National Prosecuting Authority

The *National Prosecuting Authority* provides for: prosecution services guided by the Bill of Rights; witness protection, particularly in serious criminal cases; and the investigation of serious, complex and organised crime.

There are three subprogrammes:

- *Public Prosecutions* co-ordinates and helps with prosecutions in the Office of the Director of Public Prosecutions and lower courts.
- *Witness Protection Programme* co-ordinates the safekeeping and protection of witnesses in certain serious cases.
- *Special Operations*, also known as the Scorpions, deals with serious organised crime.

Expenditure estimates

Table 23.6: National Prosecuting Authority

Subprogramme	Expenditure outcome				Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome			2005/06	2006/07	2007/08
R thousand	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	
Public Prosecutions	502 887	621 284	740 989	905 646	862 350	929 475	980 099	
Witness Protection Programme	24 806	30 927	41 881	33 662	45 899	49 271	52 435	
Special Operations	197 116	271 666	265 191	207 251	364 561	391 816	415 157	
Total	724 809	923 877	1 048 061	1 146 559	1 272 810	1 370 562	1 447 691	
Change to 2004 Budget estimate				–	48 000	68 000	80 001	

	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome				
R thousand	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
Economic classification							
Current payments	710 251	906 982	1 004 721	1 129 610	1 254 195	1 350 728	1 426 809
Compensation of employees	519 793	663 415	753 546	833 802	905 156	965 196	1 019 307
Goods and services	189 907	242 135	251 175	295 808	349 039	385 532	407 502
<i>of which:</i>							
Consultants and contractors	103 778	86 806	111 966	162 111	171 281	179 845	187 016
Travel and subsistence	8 344	23 227	17 812	14 201	18 495	23 296	24 773
Communication	11 956	47 731	26 455	24 486	30 140	37 213	39 253
Inventory	7 331	7 716	8 123	8 550	12 000	15 329	16 319
Witness and related fees	4 073	4 287	4 513	4 750	15 710	17 046	18 000
Financial transactions in assets and liabilities	551	1 432	–	–	–	–	–
Transfers and subsidies to:	1 540	1 984	2 142	1 486	2 635	2 890	3 091
Provinces and municipalities	1 540	1 984	2 142	1 486	2 635	2 890	3 091
Payments for capital assets	13 018	14 911	41 198	15 463	15 980	16 944	17 791
Buildings and other fixed structures	–	–	28 278	–	–	–	–
Machinery and equipment	13 018	14 911	12 920	15 463	15 980	16 944	17 791
Total	724 809	923 877	1 048 061	1 146 559	1 272 810	1 370 562	1 447 691

Expenditure trends

Expenditure is expected to increase over the next three years at an annual average rate of 8,1 per cent, rising from R1,1 billion in 2004/05 to R1,4 billion in 2007/08.

Within the additional amounts allocated in the 2005 Budget, R48 million, R68 million, and R80 million have been provided for each of the next three years to facilitate the rollout of: the specialised courts and the Hatfield-type courts; the appointment of prosecutors for the prosecution of 200 high priority criminals; additional office accommodation; and an increase in operational funds for the witness protection unit.

Service delivery objectives and indicators

Recent outputs

Case processing

The average conviction rate for the district courts in 2003/04 was 86 per cent compared to 83 per cent in 2002/03. For regional courts, the average conviction rate declined to 68 per cent in 2003/04 from 74 per cent in 2002/03. The conviction rate in the high courts shows an improvement from 85 per cent for 2002/03 to 87 per cent in 2003/04. This is markedly better than the 77 per cent in 2000/01 and 2001/02. The number of cases withdrawn in the district and regional courts has been considerably reduced, from 422 000 in 2002 to 373 844 in 2003. The number of cases withdrawn in these courts in the first six months of 2004 was 177 767, signalling a possible further reduction. The outstanding court rolls in October 2004 were 1 272 for the high courts, 44 904 for the regional courts and 133 105 for the district courts. The number of diversions has also increased significantly: from 9 990 in 2002 to 18 012 in 2003.

Specialised courts and witness protection

The conviction rate in the sexual offences courts in 2003 was 63 per cent, below the 2004 ENE target of 70 per cent. Since the start of 2004/05, sexual offences courts disposed off 8 456 of the 9 096 new cases entered on their court rolls; 3 542 of these went to trial. Of the 52 sexual offences courts established, 26 comply with set standards. Thuthuzela care centres are operational in Manenburg, (Western Cape) Nyandeni and Mdantsane (Eastern Cape), Soweto (Gauteng) and Galeshewe (Northern Cape). These centres provide a one-stop point, where rape victims have access to all services such as police, counselling, doctors, court preparation and a prosecutor. Two additional Thuthuzela care centres are planned for Bloemfontein and Umlazi. A play, Speak Out, designed to encourage children to report sexual offences committed in the home, was commissioned and piloted in 51 schools in KwaZulu-Natal and later rolled out in Mpumalanga and the Free State. The play has been shown to 120 359 learners.

New commercial crime courts have been established in Durban and Port Elizabeth to add to those in Johannesburg and Pretoria. These courts have gained business sector support and international acclaim as a best practice model. The average daily court hours for Pretoria and Johannesburg improved from 4 hours and 40 minutes in 2002/03 to 4 hours and 49 minutes in 2003/04. These courts consistently maintain conviction rates of 94 per cent. Plans to set up the Cape Town commercial crime court are under way and feasibility studies are being done for Bloemfontein and Germiston.

No incidents threatening the safety of witnesses under the witness protection programme were reported in 2003/04.

Special operations

The directorate of special operations achieved a conviction rate of 94 per cent in the 203 prosecutions finalised at the end of 2004. From April to December 2004, personnel successfully completed 203 prosecutions, 292 investigations and 127 high-impact cases. In the process, there were 1 117 arrests, searches, seizures and traps, with operational support providing 432 ancillary support activities. Through interdiction, R2,5 billion worth of contraband was seized.

The Asset Forfeiture Unit made 212 seizures in 2003/04, well above the target of 150. In 2003/04, 124 forfeitures were completed, resulting in the recovery of R54 million, of which R39 million has been deposited in the criminal assets recovery account. For the first eight months of 2004/05, 111 new seizures were made to the value of R164 million, 98 forfeitures were completed to the value of R137 million, and about R20 million was deposited into the criminal asset recovery account. Assets valued at nearly R700 million have been placed under restraint over the past five years. During 2003/04, the unit won 19 of 23 cases, a success rate of 82,6 per cent.

Selected medium-term output targets

National Prosecuting Authority

Measurable objective: Ensure the proper administration of justice in criminal cases through the provision of prosecuting services that achieve an overall conviction rate that will serve as a deterrent.

Subprogramme	Output	Measure/Indicator	Target
Public Prosecutions	Prosecution of criminal cases	Conviction rate	High courts: 85% in 2005/06 Regional courts: 75% in 2005/06 District courts: 85% in 2005/06 Overall: 80% in 2005/06
	Prosecution of cases involving women and children	Conviction rate in sexual offences cases	70% in 2005/06
	Prosecution of commercial crimes	Conviction rate in commercial crime cases	90% in 2005/06
		Percentage of commercial crime cases finalised	25% increase in 2005/06

Subprogramme	Output	Measure/Indicator	Target
Witness Protection Programme	Effective and efficient support services to vulnerable and intimidated witnesses	Number of witnesses or families assassinated or harmed while on the programme Number of witnesses abandoning the programme Conviction rate of cases with Witness Protection Unit (WPU) witnesses	Zero Zero 80% of cases with WPU witnesses
Special Operations	Disruption of organised crime Disruption of crime by asset forfeiture	Number of high impact organised crime cases investigated and prosecuted in strategic focus areas Percentage reduction in average court cycle time for investigation and prosecution (to finalisation) of major cases Conviction rate for organised crime Value of asset seizures Number of asset forfeitures completed Conviction rate in asset forfeiture cases	80 in 2005/06 12% reduction in 60% of major cases in 2005/06 95% in 2005/06 R250 million in 2005/06 160 in 2005/06 85% in 2005/06

Programme 5: Auxiliary and Associated Services

Auxiliary and Associated Services provides for services associated with the department's aim through 10 subprogrammes:

- *Judicial Service Commission* appoints judges and makes sure that the appointments respect the values enshrined in the Constitution.
- *Office for the Control of Interception and Monitoring of Communication* is responsible for determining compensation payable to postal and communications service providers in terms of the Regulation of Interception of Communications and Provision of Communication-related Information Act (2002).
- *South African Human Rights Commission* promotes and monitors the observance of human rights in South Africa.
- *Commission on Gender Equality* aims to create a society free from gender discrimination and any other forms of oppression.
- *Special Investigating Unit* provides professional forensic investigating and litigation services to all state institutions at national, provincial and local level to combat maladministration, corruption and fraud and to protect state assets and public money.
- *Legal Aid Board* provides legal aid to as many indigent people as possible and provides legal representation at the state's expense, as set out in the Constitution, to as many people as possible.
- *Public Protector* investigates any conduct in state affairs, or in public administration in any sphere of government, that is alleged to be improper, or which results in any impropriety or prejudice.
- *National Crime Prevention Strategy* designs and implements IT infrastructure and networks to re-engineer the business processes for the administration of civil and criminal justice.
- *President's Fund* gives effect to the reparations policy flowing from the work of the Truth and Reconciliation Commission.

- *Represented Political Parties' Fund* provides for the funding of political parties participating in Parliament and provincial legislatures.

Expenditure estimates

Table 23.7: Auxiliary and Associated Services

Subprogramme	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary		2005/06	2006/07	2007/08
R thousand	2001/02	2002/03	2003/04	2004/05			
Judicial Service Commission	546	751	657	1 005	1 067	1 132	1 189
Office for the Control of Interception and Monitoring of Communication	247	239	118	319	539	570	601
Truth and Reconciliation Commission	10 000	–	–	–	–	–	–
South African Human Rights Commission	22 612	27 401	32 785	37 653	41 774	43 220	45 381
Commission on Gender Equality	13 057	14 922	17 330	21 390	26 469	29 757	34 145
Special Investigating Unit	21 419	22 958	25 535	37 194	43 851	50 582	53 111
Legal Aid Board	322 103	341 827	367 864	390 525	440 008	481 409	509 729
Public Protector	35 766	35 135	43 535	49 160	55 127	61 783	66 722
National Crime Prevention Strategy	268 678	116 402	135 579	145 711	154 516	163 700	171 885
President's Fund	190 000	310 001	–	1	1	1	1
Represented Political Parties Fund	60 983	63 683	66 653	70 652	74 891	79 385	83 354
Total	945 411	933 319	690 056	753 610	838 243	911 539	966 118
Change to 2004 Budget estimate				–	28 881	47 433	58 807
Economic classification							
Current payments	164 126	83 957	102 420	112 684	122 862	132 593	139 226
Compensation of employees	133	187	16	254	390	412	436
Goods and services	163 984	83 770	102 404	112 430	122 472	132 181	138 790
<i>of which:</i>							
<i>Consultants and contractors</i>	155 788	41 771	58 859	73 428	74 860	77 568	81 446
<i>Travel and subsistence</i>	2 865	1 412	1 216	1 959	2 163	2 570	2 699
Financial transactions in assets and liabilities	9	–	–	–	–	–	–
Transfers and subsidies to:	675 948	815 933	553 688	606 577	682 122	746 139	792 445
Provinces and municipalities	8	6	1	2	1	2	2
Departmental agencies and accounts	675 940	815 927	553 687	606 575	682 121	746 137	792 443
Payments for capital assets	105 337	33 429	33 948	34 349	33 259	32 807	34 447
Machinery and equipment	105 337	33 429	33 948	34 349	33 259	32 807	34 447
Total	945 411	933 319	690 056	753 610	838 243	911 539	966 118

	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome				
R thousand	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
Details of transfers and subsidies:							
Departmental agencies and accounts							
Current	675 940	815 927	553 687	606 575	682 121	746 137	792 443
Truth and Reconciliation Commission	10 000	–	–	–	–	–	–
South African Human Rights Commission	22 612	27 401	32 785	37 653	41 774	43 220	45 381
Commission on Gender Equality	13 057	14 922	17 330	21 390	26 469	29 757	34 145
Special Investigating Unit	21 419	22 958	25 535	37 194	43 851	50 582	53 111
Legal Aid Board	322 103	341 827	367 864	390 525	440 008	481 409	509 729
Public Protector	35 766	35 135	43 519	49 160	55 127	61 784	66 722
President's Fund	190 000	310 001	1	1	1	1	1
Represented Political Parties Fund	60 983	63 683	66 653	70 652	74 891	79 384	83 354
Total departmental agencies and accounts	675 940	815 927	553 687	606 575	682 121	746 137	792 443

Expenditure trends

Expenditure is expected to increase from 753,6 million in 2004/05 to R966,1 million in 2007/08.

Transfers to the Legal Aid Board will increase steadily over the same period. However the Legal Aid Board has successfully achieved some cost savings through delivering more services using in-house staff. Due to an amendment to the VAT Act additional allocations have been made to the Legal Aid Board of R25,7 million for 2005/06, R27,2 million for 2006/07 and R28,6 million for 2007/08, to accommodate its increases in VAT costs.

Service delivery objectives and indicators

Recent outputs

Office for the Control of Interception and Monitoring of Communication

Currently this office deals with an average of 300 applications and determinations per year. The Regulation of Interception of Communications and Provision of Communication-related Information Act (2002) is in the final process of being amended, chiefly to cover the interception and monitoring of internet and cell phone communications. The amendments are expected to dramatically increase the number of applications.

The South African Human Rights Commission

The South African Human Rights Commission (SAHRC) exceeded the output of 357 educational interventions in 2002/03, with 422 interventions in 2003/04. During Human Rights Week, more than 15 workshops and visits to a variety of institutions and communities took place. The commission's fourth economic and social rights report was launched in April 2003, and a workshop was hosted on traditional leaders and economic and social rights in August 2003. A case manager system was implemented to track complaints more effectively. The SAHRC launched its report on the inquiry into human rights violations in farming communities in September 2003. Of the 9 464 complaints received in 2003/04, 2 878 were dealt with.

The Commission on Gender Equality

Attending to gender inequality complaints is one of the Commission on Gender Equality's core functions. In 2003/04, 2 137 individual complaints were received: 23 per cent related to gender-based violence and 24 per cent to child maintenance. Of the complaints received, 45 per cent were finalised, and 33 per cent were referred to other organisations. Most maintenance complaints are not immediately resolved, as complainants often return because of non-payment, postponements or the misplacement of files. During 2003/04, the commission conducted 150 workshops and training sessions and made 15 contributions to the law-making processes, among others for the Sexual Offences Bill and the Islamic Marriages Draft Bill. The commission conducted six research projects, four of which were concluded and presented to Parliament in July 2004. The projects on: the implementation of the Maintenance Act (1998); gender budgeting in local government; spatial development initiatives; and gender-based violence.

The public protector

The office of the public protector is concentrating on the following strategic result areas: efficient and effective investigations, outreach programmes, and improved administrative support. In 2003/04, the public protector received 17 295 new cases, 1 627 more than in 2002/03, and 15 946 cases were finalised. 8 869 cases were carried forward from 2002/03 to April 2004. The office is putting emphasis on systemic investigations to prevent a recurrence of improper conduct. The office has started an outreach programme and visiting points have been set up. Public awareness campaigns are ongoing. Two regional offices will be opened in 2005/2006. A new performance management system to improve administration was implemented, and the first assessments took place at the end of December 2004.

The President's Fund

The President's Fund was established in terms of section 42 of the Promotion of National Unity and Reconciliation Act (1995). Since 1998/99, R800 million has been appropriated by Parliament to the fund. In 2002/03, R50 million had been paid in interim reparation payments to approximately 18 000 registered victims of human rights violations. Under the regulations promulgated on 12 November 2003, R30 000 was paid as a one-off individual grant to 15 474 victims. These payments began in November 2003, and by October 2004, R419 million had been paid out to 13 671 victims. Efforts are being made to trace victims who have not been paid yet, and 510 cases of declared victims who did not previously apply for reparation were processed by the fund.

In October 2004, the balance of the fund was R681,8 million. This includes interest earned and donations from the public. Parliament has also approved other supplementary reparation measures, such as symbols and monuments, rehabilitating communities, medical benefits, education, housing and land restoration, as part of the reparation package, in keeping with the Truth and Reconciliation Commission's broader recommendations.

National crime prevention strategy

The rollout of the digital network, which provides IT infrastructure and connectivity to courts and offices, continued during 2004. Courts and offices can use systems such as the justice deposit account system (a maintenance management system), justice yellow pages (a procurement system), the basic accounting system (a financial management system), and the case roll management system, which are currently being piloted. A total of 9 128 network PCs were deployed in 2003/04, and 11 200 users had access to the network by October 2004.

To curb the risks of prison escapes and the costs of transporting prisoners between prisons and courts, and to alleviate congested court rolls, the department is conducting a pilot study, called the

video remand project, linking the Durban and Pinetown magistrate's courts to Durban-Westville prison. This project will make it possible for cases involving accused persons in custody to be remanded through the use of a video link between prisons and courts.

Selected medium-term output targets

Auxiliary and Associated Services

Measurable objective: Support the national crime prevention strategy and guarantee the independence and integrity of the administration of justice, by providing vulnerable groups with additional legal services and advice, which meet public assistance and awareness campaign targets.

Subprogramme	Output	Measure/Indicator	Target
Judicial Service Commission	Appointment of judges	Percentage of vacancies filled	100% in 2005/06
Office for the Control of Interception and Monitoring of Communication	Control of interception and monitoring of communication	Number of applications and directions considered	300 in 2005/06
South African Human Rights Commission	Publication distribution	Percentage increase in distribution of publications	Increase by at least 10%, especially in rural communities, in 2005/06
	Investigation of complaints	Percentage increase in complaints/ and investigations	50% increase in 2005/06
Commission on Gender Equality	Gender awareness programmes	Number of workshops, dialogues and seminars	160 events in 2005/06
	Evaluation; monitoring and research arising from complaints	Percentage of individual complaints concluded Number of sectoral monitoring and research projects	Conclude 60% of complaints in 2005/06 15 in the private and public sectors in 2005/06
Special Investigating Unit	Investigation of maladministration and corruption	Number of civil and criminal cases, disciplinary proceedings and other remedial actions	5 670 actions in 2005/06
	Litigation to recover government property or money or prevent losses	Savings and recoveries	R530 million in 2005/06
Legal Aid Board	Legal representation for the indigent	Number of cases finalised	250 000 in 2005/06
		Percentage decline in private sector assistance requested	10% less requests in 2005/06
Public Protector	Investigation of complaints	Number of investigations finalised per investigator	144 cases per investigator in 2005/06
National Crime Prevention Strategy	IT resources	Number of users to receive infrastructure	12 000 in 2005/06
		Number of users connected to the network	All users at implemented sites in 2005/06
President's Fund	Truth and Reconciliation Commission reparation payments	Extent of reparation payments made	Reparations paid to all victims by 31 March 2006

Public entities reporting to the minister

Special Investigating Unit

The Special Investigating Unit (SIU) was established in accordance with the Special Investigating Units and Special Tribunals Act (1996). Its purpose is to investigate cases referred to it by the president, of serious malpractice and maladministration in state institutions, and of state assets and public money, as well as to do with any conduct that may seriously harm the public interest. The SIU is the only institution that has the mandate to take a matter from the initial stage of an allegation, through the full normal and forensic investigation, to litigation and closure. The work of the SIU has demonstrated the benefits of a multidisciplinary approach through its work with bodies such as the Asset Forfeiture Unit, the SAPS and the directorate of special operations.

During 2003/04, the SIU significant savings and recoveries of R388 million, against a target of R120 million. A total of 331 civil, criminal and disciplinary cases were prepared, against a target

of 600, and in 5 000 cases evidence was prepared for other remedial action, against a target of 3 000.

The unit receives government funding of R43,9 million, R50,6 million and R53,1 million over the MTEF period.

Legal Aid Board

The Legal Aid Board (LAB) was established in terms of section 2 of the Legal Aid Act (1969) to provide legal aid to indigent people and legal representation at state expense to people entitled to it in terms of the Constitution. The LAB's vision is a just country in which all the rights enshrined in the Constitution are respected, protected and defended.

The LAB primarily provides legal aid through legal practitioners employed at its justice centres, and its national footprint now includes 58 justice centres (as compared to 26 in 2001/02), 13 high court units and 27 satellite offices. Through this network, the LAB now covers the majority of regional and district courts, and all high courts. Other courts continue to be covered through judicare, which involves providing legal aid through the LAB by instructing private lawyers, although this is being done less often to reduce costs. Co-operation partners also handle cases where appropriate.

The number of new legal matters handled in-house by the justice centres increased from 114 189 in 2002/03 to 236 282 in 2003/04, a 106,9 per cent increase. Judicare cases decreased by 47 per cent over the same period. The number of cases finalised by the LAB increased from 204 424 in 2002/03 to 244 663 in 2003/04. Justice centre pending matters at the end of 2003/04 stood at 98 885. Criminal matters constituted 88 per cent of all justice centre new matters, with civil matters making up the rest. A new focus is the introduction of impact services litigation, which seeks to address the cause of problems, rather than the symptoms.

Going forward, the LAB business plan has been structured to deploy all organisational resources into four strategic areas: legal services delivery, people development, organisational support platform. and leadership and management. This will help the LAB improve both the volume and quality of the delivery of legal services during 2005/06.

Total revenue grew at an average of 5,8 per cent annually between 2001/02 and 2004/05, compared to the 25,1 per cent average growth rate in total expenses for the same period. The higher growth in expenses was largely driven by the 46,9 per cent and 13,5per cent average increases in expenditure on compensation of employees and goods and services, respectively.

In 2005/06, the move from subcontracting lawyers (judicare) to employing them, and the near doubling of the number of justice centres, will lead to a decrease in the allocation for goods and services and an increase for compensation of employees.

The operating deficits of 2003/04 and 2004/05 will be completely reversed by 2006/07 by allowing the projected average increase in expenses (4,9 per cent) to grow more slowly than the projected average increase in revenue (8,9 per cent) over the medium term.

Table 23.8: Financial summary for the Legal Aid Board (LAB)

	Outcome			Estimated outcome	Medium-term estimate		
	Audited	Audited	Audited		2005/06	2006/07	2007/08
R thousand	2001/02	2002/03	2003/04	2004/05			
INCOME STATEMENT SUMMARY							
Revenue							
Non-tax revenue	17 711	32 263	26 558	11 758	15 588	12 000	11 000
Interest	17 213	32 053	26 434	11 513	15 588	12 000	11 000
Other non-tax revenue	498	210	124	245	–	–	–
Transfers received ¹	322 103	341 827	367 864	390 525	440 008	481 409	509 729
Sale of capital assets	–	235	629	600	–	–	–
Total revenue	339 814	374 325	395 051	402 883	455 596	493 409	520 729
Expenses							
Current expense	228 386	324 577	399 579	447 525	461 142	487 337	516 319
Compensation of employees	59 838	106 513	154 476	189 505	271 269	279 599	308 893
Goods and services	165 742	212 041	230 095	242 020	176 676	195 190	195 973
Depreciation	2 806	6 022	15 008	16 000	13 198	12 548	11 453
Total expenses	228 386	324 577	399 579	447 525	461 142	487 337	516 319
Surplus / (Deficit)	111 428	49 748	(4 528)	(44 642)	(5 546)	6 072	4 410

Data provided by the Legal Aid Board

1. Includes an amount of R120 million transferred back to the National Revenue Fund from reserves on the balance sheet.

Annexure

Vote 23: Justice and Constitutional Development

Table 23.A: Summary of expenditure trends and estimates per programme and economic classification

Table 23.B: Summary of personnel numbers and compensation of employees per programme

Table 23.C: Summary of expenditure on training per programme

Table 23.D: Summary of information and communications technology expenditure per programme

Table 23.E: Summary of official development assistance expenditure

Table 23.F: Summary of expenditure on infrastructure

Table 23.G: Summary of departmental public-private partnership projects

Table 23.A: Summary of expenditure trends and estimates per programme and economic classification

Programme	Appropriation		Preliminary outcome	Appropriation			Revised estimate
	Main	Adjusted		Main	Additional	Adjusted	
R thousand	2003/04			2004/05			
1. Administration	509 988	352 567	359 484	375 633	(9 250)	366 383	366 383
2. Court Services	1 503 103	1 634 777	1 689 304	1 953 247	–	1 953 247	1 953 247
3. State Legal Services	253 559	243 258	231 273	238 106	9 250	247 356	247 356
4. National Prosecuting Authority	1 020 682	1 066 020	1 048 061	1 146 559	–	1 146 559	1 146 559
5. Auxiliary and Associated Services	697 104	697 306	690 056	753 610	–	753 610	753 610
Subtotal	3 984 436	3 993 928	4 018 178	4 467 155	–	4 467 155	4 467 155
Direct charge on							
National Revenue Fund	729 703	729 703	729 703	764 345	–	764 345	764 345
Judges' Salaries	166 278	166 278	195 327	177 083	–	177 083	177 083
Magistrates' Salaries	563 425	563 425	534 376	587 262	–	587 262	587 262
Total	4 714 139	4 723 631	4 747 881	5 231 500	–	5 231 500	5 231 500
Economic classification							
Current payments	3 788 119	3 762 871	3 776 696	4 183 619	(3 345)	4 180 274	4 180 274
Compensation of employees	2 615 667	2 663 245	2 673 108	2 882 149	77 645	2 959 794	2 959 794
Goods and services	1 172 452	1 099 626	1 103 588	1 301 470	(80 990)	1 220 480	1 220 480
Transfers and subsidies	564 099	564 301	567 215	620 007	354	620 361	620 361
Municipalities	7 614	7 614	7 614	8 032	(469)	7 563	7 563
Departmental agencies and accounts	553 485	553 687	556 601	609 675	–	609 675	609 675
Foreign governments and international organisations	3 000	3 000	3 000	2 300	823	3 123	3 123
Payments for capital assets	361 921	396 459	403 970	427 874	2 991	430 865	430 865
Buildings and other fixed structures	231 739	258 017	258 017	243 523	–	243 523	243 523
<i>Buildings</i>	231 739	258 017	258 017	243 523	–	243 523	243 523
Machinery and equipment	129 401	137 661	145 172	182 504	2 921	185 425	185 425
<i>Transport equipment</i>	22 140	22 449	22 449	24 241	–	24 241	24 241
<i>Other machinery and equipment</i>	107 261	115 212	122 723	158 263	2 921	161 184	161 184
Software and intangible assets	781	781	781	1 847	70	1 917	1 917
Total	4 714 139	4 723 631	4 747 881	5 231 500	–	5 231 500	5 231 500

Table 23.B: Summary of personnel numbers and compensation of employees per programme¹

Programme	2001/02	2002/03	2003/04	2004/05	2005/06
1. Administration	1 340	1 390	1 440	1 938	2 375
2. Court Services	9 952	10 009	10 099	10 086	10 843
3. State Legal Services	683	726	751	1 256	1 421
4. National Prosecuting Authority	3 086	3 420	3 494	3 578	3 599
5. Auxiliary and Associated Services	17	17	2	2	2
Total	15 078	15 562	15 786	16 860	18 240
Total personnel cost (R thousand)	2 046 289	2 310 252	2 673 108	2 959 794	3 236 873
Unit cost (R thousand)	136	148	169	176	177

¹ Budgeted full-time equivalent

Table 23.C: Summary of expenditure on training per programme

R thousand	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome		2005/06	2006/07	2007/08
	2001/02	2002/03	2003/04				
1. Administration	31 671	25 067	32 084	33 925	36 081	38 303	40 218
2. Court Services	319	382	12 686	15 643	16 920	18 130	19 037
3. State Legal Services	347	483	1 927	1 767	1 869	1 981	2 080
4. National Prosecuting Authority	2 107	5 447	7 533	8 338	8 752	9 222	9 683
5. Auxiliary and Associated Services	133	19	3	3	3	3	3
Total	34 577	31 398	54 233	59 676	63 625	67 639	71 021

Table 24.D: Summary of information and communications technology expenditure per programme

R thousand	Expenditure outcome			Adjusted appropriation	Medium-term expenditure estimate		
	Audited	Audited	Preliminary outcome		2005/06	2006/07	2007/08
	2001/02	2002/03	2003/04				
1. Administration	23 429	69 251	15 124	29 266	24 245	25 647	27 955
Technology	3 828	6 158	3 124	2 936	2 789	3 012	3 283
IT services	19 601	63 093	12 000	26 330	21 456	22 635	24 672
2. Court Services	1 148	1 340	1 419	1 148	1 303	1 576	1 717
Technology	1 148	1 340	1 419	1 148	1 303	1 576	1 717
3. State Legal Services	1 429	692	700	216	429	395	431
Technology	1 426	688	692	204	415	378	412
IT services	3	4	8	12	14	17	19
4. National Prosecuting Authority	107	5 228	623	1 011	800	754	821
Technology	107	5 108	456	768	435	267	291
IT services	–	120	167	243	365	487	530
5. Auxiliary and Associated Services	260 986	74 919	104 257	105 755	108 096	110 372	120 304
Technology	105 198	33 148	45 928	32 327	33 236	32 786	35 736
IT services	155 788	41 771	58 329	73 428	74 860	77 586	84 568
Total	287 099	151 430	122 123	137 396	134 873	138 744	151 228

Table 23.E: Summary of official development assistance expenditure

Donor R thousand	Project	Cash/ kind	Outcome				Medium-term expenditure estimate		
			2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08
Foreign		Cash							
WK Kellogg Foundation	Opening of Multi-disciplinary Care Centres	Cash	117	–	2 500	3 000	–	–	–
USAID	Various Projects	Cash	5 159	1 655	–	–	–	–	
USAID	Criminal Justice strengthening	Cash	–	–	26 000	11 000	–	–	
USAID	Sexual offences court	Cash	410	–	–	–	–	–	
Canada	Justice Canada Linkage project	Cash	345	428	373	–	–	–	
Denmark	Corporate planning team and policy advisory unit	Cash	1 707	238	–	–	–	–	
Denmark	Fast track training of civil magistrates	Cash	–	–	1 650	650	–	–	
Denmark	Training of court interpreters	Cash	–	–	2 250	–	–	–	
Ireland	Citizen's Advice Desk Project	Cash	379	80	–	–	–	–	
Sweden	Capacity building in the field of children	Cash	–	743	–	–	–	–	
Sweden	Radda Barnen-Child participation	Cash	58	20	–	–	–	–	
Sweden	Budget outreach programme	Cash	1 275	–	–	–	–	–	
Netherlands	Sectoral budget support	Cash	–	74 173	55 000	–	–	–	
European Union	EU Human Rights Programme	Cash	–	105	60	35	–	–	
European Union	Sectoral budget support	Cash	–	65 083	70 000	110 000	–	–	
France	Assistance for the restructuring of judiciary	Cash	–	–	2 256	–	–	–	
UNICEF	Extension of sexual Offences Court	Cash	92	–	–	–	–	–	
Switzerland	16 Days of Activism Campaign	Cash	–	–	3 000	–	–	–	
Ireland	Masters Office	Cash	–	–	–	785	–	–	
United Kingdom	International human rights standards and principles	Cash	–	–	–	160	–	–	
United Kingdom	Global Opportunities	Cash	–	–	–	349	–	–	
Total			9 542	142 525	163 089	125 979	–	–	–

Table 23.F: Summary of expenditure on infrastructure

Projects R thousand	Description	Expenditure outcome				Adjusted appropriation	Medium-term expenditure estimate		
		Audited	Audited	Preliminary	2004/05		2005/06	2006/07	2007/08
		2001/02	2002/03	outcome 2003/04					
Infrastructure programmes or large infrastructure projects									
Magistrate Courts	New Construction	–	4 000	39 500	24 000	34 833	67 110	50 000	
Magistrate Courts	Rehabilitation	–	–	–	–	23 000	2 631	–	
Magistrate Courts	Additional accommodation and upgrading	–	42 845	107 969	32 088	1 500	300	–	
High Courts	New Construction	–	–	–	–	–	–	43 003	
Supreme Court	Additional accommodation and upgrading	–	–	–	12 500	12 500	30 000	–	
Various Courts	Accommodation and upgrading	96 674	–	–	–	–	–	–	
Small project groups									
Magistrates offices and High courts	Repairs, refurbishment and renovations	100 454	113 993	83 708	157 236	165 801	152 400	171 100	
Maintenance on infrastructure									
Day to day maintenance on infrastructure		–	110 300	12 628	17 699	20 500	21 181	23 200	
Total		197 128	271 138	243 805	243 523	258 134	273 622	287 303	

Table 23.G: Summary of departmental public-private partnership projects

R thousand	Total cost of project	Budget expenditure	Medium-term expenditure estimate		
		2004/05	2005/06	2006/07	2007/08
Projects in preparation, registered in terms of Treasury Regulation 16¹	–	97 000	90 000	94 000	98 000
PPP unitary charge	–	70 000	70 000	74 000	78 000
Advisory fees	–	7 000	–	–	–
Revenue generated (if applicable)	–	20 000	20 000	20 000	20 000
Total	–	97 000	90 000	94 000	98 000

1. Only projects that have received Treasury Approval: 1