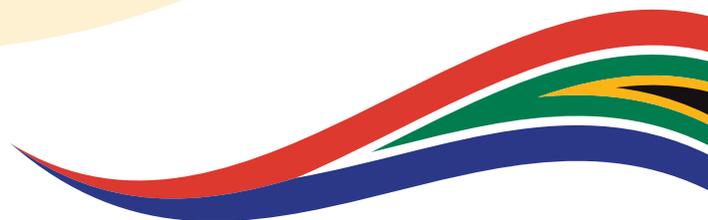


OFFICE OF THE CHIEF JUSTICE
ANNUAL REPORT
2021/2022



OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA



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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
CIP	Compulsory Induction Programme
CoE	Compensation of Employees
COIC	Court Order Integrity Committee
COVID-19	Coronavirus Disease of 2019
CSD	Central Supplier Database
DG	Director-General
DoJ&CD	Department of Justice and Constitutional Development
DTIC	Department of Trade, Industry and Competition
DPSA	Department of Public Service and Administration
DPWI	Department of Public Works and Infrastructure
EAP	Employee Assistance Programme
EFT	Electronic Fund Transfer
EHW	Employee Health and Wellness
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
IAS	Internal Audit Services
ICT	Information and Communication Technology
JSC	Judicial Service Commission
KPI	Key Performance Indicator
KRA	Key Responsibility Area
M&E	Monitoring and Evaluation
MSP	Master Systems Plan
MPSA	Minister for Public Service and Administration
MTEF	Medium-Term Expenditure Framework
MTSF	Medium-Term Strategic Framework
NDP	National Development Plan
NRF	National Revenue Fund
OCJ	Office of the Chief Justice
OHS	Occupational Health and Safety
OHS&E	Occupational Health, Safety and Environment

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
SAJEI	South African Judicial Education Institute
SCM	Supply Chain Management
SCOPA	Standing Committee on Public Accounts
SDIP	Service Delivery Improvement Plan
SG	Secretary General
SHERQ	Safety, Health, Environment, Risk and Quality
SITA	State Information Technology Agency
SLA	Service Level Agreement
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



**SERVING THE SOUTH AFRICAN
JUDICIARY**

3. FOREWORD BY THE MINISTER

The year 2022 is the third year in which we continue to recover from the devastating impact of the dreadful pandemic of the Coronavirus Disease which started in 2019 (COVID-19). This pandemic has taken the lives of tens of thousands of South Africans. This pandemic, with its global footprint, has altered the way Government conducts its core business of service delivery. Governments worldwide had to introduce new measures to augment the current status quo and contingency plans that would help provide guidance going forward.

This year marks 28 years since the dawn of freedom and democracy in South Africa. The South African Judiciary is a golden thread that runs through our relatively young, yet revered constitutional democracy as it has ensured that the Constitution is effectively applied and that the fundamental rights contained in the Bill of Rights of the Constitution are protected. On 27 April 2022, in his keynote address during the commemoration of Freedom Day in Mpumalanga, President Cyril Ramaphosa made the following significant remark, among others:

“In our free society, anyone can approach our courts for recourse, for the enforcement of their rights, and to challenge any executive decision.”

This year’s Freedom Day commemoration was observed under the theme “Consolidate our Democratic Gains.” The Judiciary has always been committed to ensuring that constitutional democratic gains are consolidated and continue to play an important role in fulfilling freedom, rights and obligations as outlined in the Constitution. This is a critical role in ensuring that the State respects, protects, promotes, and fulfils the rights contained in the Bill of Rights toward the broad constitutional vision of a democratic and open society in which Government, is driven by the will of the people. Every citizen is equally protected by law. It is for this reason and against this backdrop, that section 165 (4) of the Constitution of the Republic of South Africa enjoins organs of State, through legislative and other measures, to assist and protect the courts to ensure their independence, impartiality, dignity,



Mr R O Lamola, MP

Minister of Justice and
Correctional Services

accessibility, and effectiveness. In order to fulfil this constitutional mandate, Government established the OCJ to provide effective administrative and technical support to the Judicial Branch of the State as a building block towards the establishment of a society based on democratic values, social justice and fundamental human rights.

The OCJ supports the Judiciary by contributing 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). This contribution entails training Judges and aspirant Judges through the South African Judicial Education Institute (SAJEI). SAJEI continues to deploy an online platform, SAJEI-online, which provides online training and access to training material by trainees. During the period under review, 168 judicial education courses for Judicial Officers were conducted and were attended by 4 343 delegates. The continuous education and training of Judges and aspirant Judges is a critical pillar of the transformation process.



The OCJ remains committed to its constitutional mandate of supporting the Judiciary and government mandate as outlined in the National Development Plan (NDP) and the Revised Medium-Term Strategic Framework (MTSF). In supporting the Judiciary, the OCJ will continue to prioritise the capacitation of SAJEI. The Department will continue implementing new ways to deliver training services to serving and aspirant Judicial Officers. Part of this will involve ensuring that the operational model of SAJEI is adjusted to take advantage of available online platforms and that SAJEI's judicial educators are capacitated to operate under the new operational model.

Access to justice for all, supported by the modernisation of systems, remains vital in our

constitutional democracy. The Judiciary-led court modernisation vision and initiatives have resulted in the implementation of a Court Online system intended to automate the current manual court processes. The main objective of this project is to implement a digital court system to manage, secure and ensure sharing of records in order to improve efficiency and quality of service to litigants and the public. It is with great pleasure that I can report that the development of the Court Online case management solution is now complete. This solution will provide a platform for law firms and/or litigants to file documents to the courts electronically. The final solution has been piloted in the Gauteng Division of the High Court from 29 March 2022 and the systematic roll-out to all other Superior Courts will commence in the 2022/23 Financial Year (FY).

The project has also established a centralised Court Online helpdesk to provide support to both internal stakeholders (Judges and court officials) and external stakeholders (which includes, amongst others, legal practitioners). The Leadership of the Magistracy expressed their intention to request the Department of Justice and Constitutional Development (DoJ&CD) to pursue a limited implementation of this solution in selected Magistrates' Courts. Eventual implementation of this solution in the Superior Courts and Magistrates' Courts will ensure true integration of our electronic, paperless court processes.

Another initiative, CaseLines, as a stand-alone solution for evidence management, was successfully piloted in the Gauteng Division of the High Court. The success of the pilot project is evident from the overwhelming support that the system received from users, inclusive of various members of the organised legal profession. At the end of the pilot project, all cases initiated in the Gauteng Division, were filed by litigants on CaseLines, as per the Directive issued by the Judge President.

The OCJ, at this moment, reaffirms its commitment to the people of South Africa, to continue supporting the Judiciary as a constitutional imperative, which it considers fundamental to the flourishing of our democracy. The OCJ will continue to protect our courts and ensure their independence, dignity, accessibility, and effectiveness.

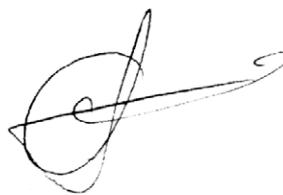
I extend a word of appreciation to the former Chief Justice of the Republic of South Africa, Chief Justice Mogoeng Mogoeng, who retired on 11 October 2021, for his astute leadership of the Judiciary. I wish him well in the future. I also thank Madam Justice Sisi Khampepe, who acted as the Deputy Chief Justice from 01 May 2021 until 30 June 2021. The words of gratitude are also extended to Deputy Chief Justice Raymond Zondo, who acted as the Chief Justice from 01 July 2021 until his appointment by

President Cyril Ramaphosa in March 2022 as the next Chief Justice of the Republic of South Africa with effect from 1 April 2022.

Deputy Chief Justice Raymond Zondo executed the acting role as the Chief Justice when he was also fully occupied by his role as the Chairperson of the Commission of Inquiry into Allegations of State Capture, Corruption and Fraud in the Public Sector, including Organs of State (State Capture Commission). I therefore also wish to commend Chief Justice Zondo for the sterling work done by the Commission.

I also express my gratitude to the Heads of Court who continue to assist the Chief Justice with judicial governance and the effective running of the courts. My appreciation also goes to the entire Judiciary for their commitment to providing justice to all, as mandated by the Constitution. Words of thanks are also extended to the Deputy Minister of Justice and Constitutional Development, Mr John Jeffery, for his support; the Portfolio Committee on Justice and Correctional Services, the Audit and Risk Committee (ARC) of the OCJ and all other stakeholders for their profound support.

My sincere gratitude goes to the Secretary General of the OCJ, Ms Memme Sejosengwe, including the employees of the OCJ, for their commitment to the principles of good governance in the Public Service.



Mr R O Lamola, MP

Minister of Justice and Correctional Services
Date: 31 July 2022



REPORT OF THE ACCOUNTING OFFICER



4. REPORT OF THE ACCOUNTING OFFICER

4.1. GENERAL OVERVIEW

The 2021/22 Financial Year (FY) was a challenging period in our history, owing to the impact of the COVID-19 pandemic. During the period under review, the OCJ continued to execute its mandate of supporting the Judiciary in a different manner, whilst adhering to our mandate, through three programmes – Administration, Superior Court Services and Judicial Education and Support. Our planning continued to integrate the impact of the COVID-19 pandemic as one of the key priority areas.

The COVID-19 pandemic continued to have the most significant impact on the fiscus, as resources had to be reprioritised in the entire Public Service. Similarly, the OCJ, in an effort to ensure that the provision of the core services is not compromised, had to reprioritise resources and continue to execute its mandate of delivering the growing services, with a reduced budget. We have been innovative by developing new ways to operate under these constrained conditions for us to keep the courts operational. The OCJ will continue to reprioritise its budget and operations in an effort to ensure that the delivery of core services, namely, support to the courts, is not adversely affected.

The Business Continuity Management (BCM) Plan put in place during the last FY has assisted in mitigating the impact and risks associated with the COVID-19 pandemic. We have generally managed to reduce the risk of COVID-19 by complying with all the related Government prescripts and Regulations. Furthermore, we conducted several COVID-19-related training programmes for



Ms Memme Sejosengwe

Accounting Officer: Office of the Chief Justice

employees designated as safety officers within the OCJ.

In this Annual Report, the OCJ reflects on its performance measured against indicators and targets set out in the 2020/21-2024/25 Strategic Plan and Annual Performance Plan (APP) for the 2021/2022 FY as tabled in Parliament. The 2021/22 Annual Report was developed in line with the Revised Framework for Strategic Plans and APPs, which remains a guiding instrument for planning and reporting across Government.

4.2. OVERVIEW OF THE FINANCIAL RESULTS

DEPARTMENTAL RECEIPTS:

REVENUE

Departmental receipts	2021/22 FY			2020/21		
	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	589	587	2	570	588	(18)
Transfer received	-	-	-	-	-	-
Fines, penalties and forfeits	-	50	(50)	-	-	-
Interest, dividends and rent on land	1	-	1	1	-	1
Sale of capital assets	-	281	(281)	-	212	(212)
Financial transactions in assets and liabilities	1 765	2 403	(638)	1 737	1 898	(161)
TOTAL	2 355	3 321	(966)	2 308	2 698	390

The actual revenue collected was R3.321 million, which exceeded the estimated revenue collection of R2.355 million by R966 000 during the 2021/22 FY. The revenue received was higher than the estimated amount as a result of the previous Financial Year's revenue being collected during the year under review.

PROGRAMME EXPENDITURE

Programme	2021/22			2020/21		
	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	252 298	210 144	42 154	239 363	239 361	2
Superior Court Services	929 120	902 634	26 486	888 660	806 268	82 392
Judicial Education and Support	60 362	43 385	16 977	60 098	26 243	33 855
TOTAL	1 241 780	1 156 163	85 617	1 188 121	1 071 872	116 249
Direct charge (Judges' salaries)	1 118 421	1 063 342	55 079	1 117 931	1 043 602	74 329
TOTAL	2 360 201	2 219 505	140 696	2 306 052	2 115 474	190 578

The Department's total voted expenditure amounted to R1.156 billion against the final appropriation of R1.242 billion. This excludes the direct charge to the National Revenue Fund (NRF) for the Judges' salaries. This reflects a 93.1% spending against the final appropriation, resulting in an underspending of R85.617 million (6.9%). This underspending was incurred under Compensation of Employees (CoE), 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 R210.144 million against the final allocation of R252.298 million (or 83.3% spending against budget), which resulted in an underspending of R42.154 million (16.7%). The underspending relates to the following:

- a) Compensation of employees – over-projected transfer of funds to the CoE’s classification to provide for salary adjustments and the increase in medical aid contributions;
- b) Goods and services – delayed installation cost of the ICT infrastructure equipment due to the delay in overseas manufacturing caused by a worldwide backlog on server equipment manufacturing, and
- c) Payment for capital assets – delays in the delivery of the server and ICT End-User equipment due to the delay in overseas manufacturing caused by a worldwide backlog on server equipment manufacturing.

PROGRAMME 2: SUPERIOR COURT SERVICES

The expenditure on this Programme was R902.634 million against the final allocation of R929.120 million (or 97.1% spending against budget), which resulted in an underspending of R26.486 million (2.9%). The underspending relates to goods and services on the following items:

- catering services;
- venues and facilities;

- fleet services;
- stationery and consumables; and
- telephone cost.

The reasons for underspending mainly relate to COVID-19 related restrictions as some Judges and officials were working remotely.

PROGRAMME 3: JUDICIAL EDUCATION AND SUPPORT

The expenditure on this Programme was R43.385 million against the final allocation of R60.362 million (or 71.9% spending against the final appropriation), which resulted in an underspending of R16.977 million (28.1%). The underspending relates to goods and services due to savings on judicial training expenses as the traditional in-person training of Judicial Officers switched from hiring of training venues to virtual training due to COVID-19 related restrictions.

STATUTORY FUND (DIRECT CHARGE): JUDGES’ SALARIES

The expenditure on the statutory allocation was R1.063 billion against the final allocation of R1.118 billion (95.1% spending against the final appropriation), which resulted in an underspending of R55.079 million (4.9%). The underspending on Judges’ salaries relates to transfers and subsidies due to fewer than projected leave gratuities paid to Judges.

VIREMENTS

The following table provides a breakdown of virements executed:

From			To		
Programme	Item	R'000	Programme	Item	R'000
1: Administration	Compensation of employees	343	3: Judicial Education and Support	Compensation of employees	343
Total		343	Total		343
2: Superior Court Services	Goods and services	1 786	3: Judicial Education and Support	Goods and services	1 786
			Total		1 786
	Goods and services	2 000	1: Administration	Payment for capital assets	2 000
	Payment for capital assets	4 090		Payment for capital assets	4 090
Total		7 876	Total		6 090
3: Judicial Education and Support	Payment for capital assets	358	1: Administration	Payment for capital assets	358
Total		358	Total		358
TOTAL		8 577	TOTAL		8 577

The virement from the Administration programme was executed to address the overspending on CoE in the Judicial Policy, Research, and Support sub-programme within the Judicial Education and Support programme due to under-projections as the allocation of the other underspending sub-programmes is ring-fenced.

The virement from the Superior Court Services programme was executed to address the overspending on the Judicial Education and Support programme due to more than projected cost of the JSC's sitting. The virement was also executed to the Administration programme to address the projected overspending on capital expenditure due to the commitment on the procurement of IT equipment for the Infrastructure Refresh project and the IT End-User equipment (Laptops and Desktops) project. Delivery of the

equipment was however, delayed as a result of the worldwide backlog on manufacturing of these items.

The virement from the Judicial Education and Support programme was executed to the Administration programme to address the projected overspending on capital expenditure due to the procured ICT server and the IT End-User equipment as stated above.

LEASE PAYMENTS

An amount of R79.198 million was spent on finance lease and R28.639 million on operating leases payments during the year under review.

UNAUTHORISED EXPENDITURE

No unauthorised expenditure was incurred during the period under review.

IRREGULAR EXPENDITURE

a) The following irregular expenditure relating to the prior year was condoned by the Secretary General (SG) in the 2021/22 FY.

Supplier	Description/transgression	Reason	Amount
Metrofile	Transgression of the SCM prescripts	The contract was erroneously concluded during 2018 for a period of 24 months instead of a period of 12 months without following SCM procedures. The transgressing official has since left the employment of the OCJ, and no consequence management could be implemented. Value for money services were, however, obtained.	R14 352.00
Tirisan Tech Solutions: Provision of extended CaseLines support to the Gauteng Division of the High Court during Levels 5 to 3 of the national lockdown	Transgression of SCM prescripts	<p>Tirisan Tech Solutions rendered CaseLines Support Services, which was outside the scope of the current contract due to COVID-19 lockdown. This was necessary to ensure continued court operations in the Gauteng Division of the High Court. Value for money services were obtained.</p> <p>The transgressing official is no longer employed by the OCJ. As a result, no consequence management could be implemented.</p>	R7 612 981.85

b) In line with the National Treasury Framework on Irregular Expenditure, as reported in the 2020/21 Annual Report, the following amount was condoned by National Treasury:

Supplier	Description/transgression	Reason	Amount
Afrocentric Projects and Services Trading as (T/A) Innovative Distribution	Transgression of SCM prescripts	<p>Deviation of not obtaining three (03) quotations for the appointment of Afrocentrics Projects and Services Trading as (T/A) Innovative Distribution (InnovD) as a sole provider to render network penetration and vulnerability testing and also to resolve identified vulnerabilities.</p> <p>The transgressing official is no longer employed by the OCJ. As a result no consequence management could be implemented.</p>	R399 510.00

c) The OCJ incurred irregular expenditure during the 2021/2022 FY is as follows

Supplier	Description / transgression	Reason	Amount
Pro Active	Non Compliance SCM prescripts	Appointing the second highest points scoring supplier.	R345,00
Botsenkswala Hygiene	Non Compliance SCM prescripts	Extending contract amount by more than the allowed threshold of 15%.	R76 381,00
Hein On Line	Non Compliance SCM prescripts	Appointing a supplier that is not tax compliant.	R384 612,68
Bytes systems Integration ado Altron (PTY)	Non Compliance SCM prescripts	Non-compliance with SITA Act and regulations	R2 482 155,00
Afrovation	Non Compliance SCM prescripts	Non-compliance with SITA Act and regulations	R2 424 373,86
Maputunuka (Pty) Ltd	Non Compliance SCM prescripts	Non-compliance with SITA Act and regulations	R24 997 316,26
Marval Africa	Non Compliance SCM prescripts	Non-compliance with SITA Act and regulations	R946 965,20
Lilnar Trading	Non Compliance SCM prescripts	Non-compliance with SITA Act and regulations	R70 420,00
Interface network technology (Pty) Ltd	Non Compliance SCM prescripts	Non-compliance with SITA Act and regulations	R6 691 715,91
Pursuit Knowledge Consulting	Non Compliance SCM prescripts	Non-compliance with SITA Act and regulations	R2 545 080,25
Bytes systems Integration ado Altron (PTY)	Non Compliance SCM prescripts	Non-compliance with SITA Act and regulations	R5 138 092,20
Maputunuka (Pty) Ltd	Non Compliance SCM prescripts	Non-compliance with SITA Act and regulations	R828 442,40
Marval Africa	Non Compliance SCM prescripts	Non-compliance with SITA Act and regulations	R788 283,60
Lilnar Trading	Non Compliance SCM prescripts	Non-compliance with SITA Act and regulations	R2 767 820,00
Interface network technology (Pty) Ltd	Non Compliance SCM prescripts	Non-compliance with SITA Act and regulations	R2 489 583,89

FRUITLESS AND WASTEFUL EXPENDITURE

Fruitless and Wasteful expenditure to an amount of R 6 034.26 was detected for the year under review, which relates to the late processing of an arbitration award.

THE STRATEGIC FOCUS OVER THE SHORT TO MEDIUM-TERM PERIOD

The implementation of the BCM processes at all levels of the Department remain a strategic priority. The OCJ will therefore ensure that BCM processes

are fully operationalised during the Medium-Term Strategic Framework (MTSF) period.

ICT remains a strategic enabler and partner in the delivery of the mandate of the Department. As a result, modernisation of the courts and digital transformation remains crucial in improving service delivery. The OCJ will roll out the Court Online system to other Superior Courts during the Medium-Term Expenditure Framework (MTEF) period.

PUBLIC-PRIVATE PARTNERSHIPS

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

DISCONTINUED ACTIVITIES/ACTIVITIES TO BE DISCONTINUED

There were no activities that were discontinued or to be discontinued during 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 has processes and systems in place to detect and prevent irregular expenditure. These include the following:

- The Departmental Financial Instructions (DFI) as well as the OCJ Financial Delegations were reviewed and approved to strengthen controls and ensure accountability of OCJ officials. In order to prevent irregular, fruitless and wasteful expenditure, the new Irregular Expenditure Framework, as well as Fruitless and Wasteful Expenditure Framework as issued by National Treasury (NT) were incorporated into the amended DFI and the Financial Delegations. All amended NT Instructions on procurement-related matters were incorporated;
- The checklist to ensure compliance with all prescribed Supply Chain Management (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 National Treasury.

- 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, SCM officials disclosed their financial interest 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 concluded for the year under review;
- The following challenges were experienced in the year under review:
 - a) High turnover of staff in SCM;
 - b) Understaffing of SCM offices at the Superior Courts and provincial office level; and
 - c) Shortage of skills required relating to SCM operations.

In order to address these challenges, the OCJ trained SCM officials in the broader spectrum of SCM functions to improve multi-skilling and enhance skill levels. SCM officials attended various training sessions during the period under review.

The prescripts issued by National Treasury and audit findings issued by the Auditor-General South Africa 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.

In-house training on SCM was provided to selected Superior Court officials.

The SCM policy was implemented in the OCJ.

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

ASSET MANAGEMENT

During the year under review, the OCJ maintained its Asset Management Register in compliance with section 38 (d) of the Public Finance Management Act, 1999 (Act 1 of 1999) (PFMA). The Department maintains an asset register which fully complies with the minimum requirements as set by National Treasury.

In addition to the R89.715 million spent on the acquisition of tangible and intangible assets, tangible and intangible assets to the value of R50.165 million were funded through the Integrated Justice System (IJS) Fund. Included in this expenditure, an amount of R 20.310 million was spent on the development of assets to improve court operations (capital work in progress), such as the Court Online system, deployment of Wi-Fi-Solution and Uninterruptible Power Supply (UPS).

GIFTS AND DONATIONS RECEIVED IN KIND FROM NON-RELATED PARTIES

During the reporting period, the OCJ received books as donations to the value of R3 648.00.

EXEMPTIONS AND DEVIATIONS RECEIVED FROM NATIONAL TREASURY

The Department requested the following deviation in terms of the PFMA or Treasury Regulations, as may be applicable to any of the reporting requirements:

- Pursuit Knowledge Consulting (Pty) Ltd single-source procurement to expand the current Kaspersky Antivirus and Malware protection solution for the remaining contract period ending on 30 September 2022 for the OCJ at a cost of R3 362 363.42 (incl. VAT).

EVENTS AFTER THE REPORTING DATE

As on 31 May 2022, when the Annual Financial Statements (AFS) were submitted for audit,

there were outstanding legal fees owed by the Department to the DoJ&CD, which were included in the Contingent Liability disclosure note. Subsequently, after the financial statements were submitted, management settled the confirmed amounts of the outstanding debt, and the financial statements were adjusted accordingly.

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 the former Chief Justice Mogoeng Mogoeng and Acting Chief Justice Raymond Zondo for their leadership and council. The OCJ also thank 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 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 effort 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 2022

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 2022.

Yours faithfully,



Ms M Sejosengwe

Accounting Officer: Office of the Chief Justice

Date: 31 July 2022



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. The Constitution and these pieces of legislation assist the OCJ in the execution of 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 the establishment and monitoring

of 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)	This Act regulates financial management in the national government.
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 support to the JSC.
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

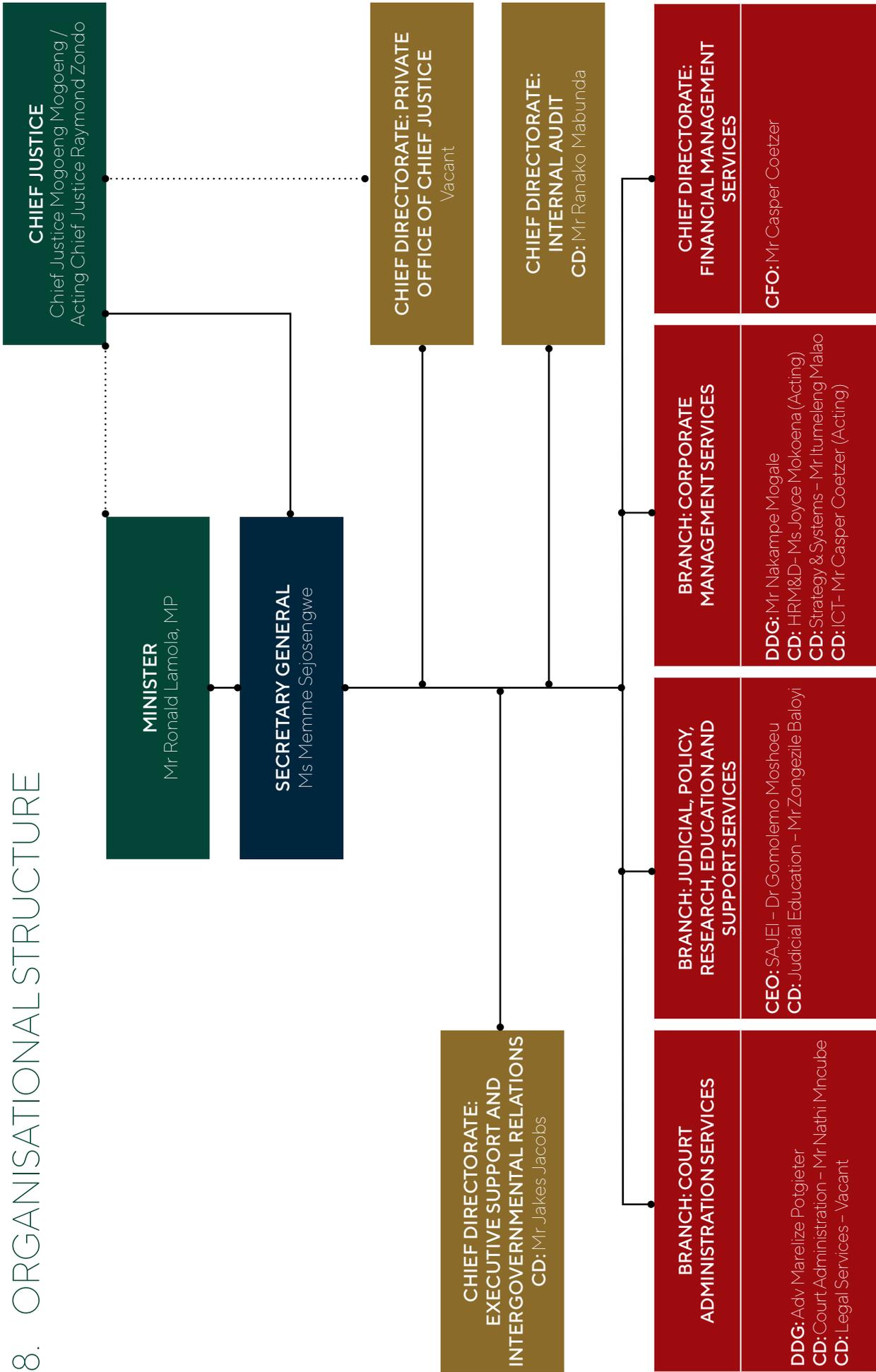
These Regulations, made in terms of section 49(1) (b) of the Superior Courts Act, 2013 (Act 10 of 2013), provide the criteria for the determination of the number of Judges at the Superior Courts.

POLICY MANDATES

The OCJ is a relatively newly-established national Department proclaimed by the President of the Republic of South Africa in terms of Proclamation 44 of 2010. Subsequent to the Proclamation of the OCJ as a national Department, 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

1. AUDITOR-GENERAL'S REPORT: PREDETERMINED OBJECTIVES

The Auditor-General's report on the audit of pre-determined objectives is provided for on page 103 of the Report of the Auditor-General, included in Part E: Financial Information.

2. OVERVIEW OF DEPARTMENTAL PERFORMANCE

2.1 SERVICE DELIVERY ENVIRONMENT ENSURING AN EFFICIENT COURT SYSTEM

During the 2021/22 FY, the OCJ continued to support the Judiciary through strengthening its judicial governance and enhancing efficiencies in the administration of Superior Courts. This was done through the implementation of initiatives that contributes to broadening and improving access to justice and Superior Courts services; providing support to the Chief Justice in ensuring judicial accountability; ensuring that there is an efficient court system, thus improving efficiencies in court administration through modernisation of systems processes and infrastructure; as well as ensuring business continuity by continuously implementing initiatives to address the impact of COVID-19 pandemic on court operations.

SUPERIOR COURT SERVICES AND ACCESS TO JUSTICE FOR ALL

As the country continues to navigate and readjust to the "new normal" way of life and doing things due to the COVID-19 pandemic, 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 and the courts remain operational in line with the directives of the Chief Justice. During the period under review, the Superior Courts continued rendering essential services by leveraging digital platforms to ensure that members of the public get access to justice through conducting virtual court hearings as a measure to ensure the provision of services in the Superior Courts whilst ensuring the safety of court officials and court users.

In the era of the COVID-19 pandemic, the modernisation of the courts and digital transformation initiatives remained crucial for improving service delivery in the Superior Courts across the country. As a result, during the period under review, the OCJ continued to leverage Fourth Industrial Revolution (4IR) initiatives to continuously ensure and improve an efficient court system. Such initiatives included 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. It also included refreshing the ICT infrastructure of the OCJ to ensure that it is appropriate for the envisaged digital transformation initiatives and ultimately improve service delivery by ensuring faster system performance and improved system response.

In ensuring operationalisation of the Superior Courts while adhering to COVID-19 lockdown regulations, the Department continued to invest in ICT solutions to enable the courts to operate virtually. These measures included the provision of end-user equipment and increased bandwidth for internet, as well as the provision of data allowances which allowed Judges to conduct online court hearings.

During the period under review, the Department continued to prioritise the Court Online project in order to move case management to a paperless and digital environment as well as the e- Judiciary system, which is aimed at assisting with the administration of the Judges Remuneration and

Conditions of Employment Act administration. As a result, the OCJ planned to roll out the Court Online system to two service centres and implement the ICT infrastructure refresh project during the 2021/22 FY. However, the rolling out of the Court Online system was delayed due to numerous system defects detected during the User Acceptance Testing (UAT) phase, which took place at the two Service Centres. The system was implemented at the Gauteng Local Division, Johannesburg, but it is foreseen to be implemented in the Gauteng Division, Pretoria, in April 2022. Moreover, the ICT infrastructure refresh project was not implemented as planned due to delays in the procurement process as a result of the non-responsiveness of the market when the tender was advertised. The procurement process was concluded during the 2021/22 FY, whilst the implementation was deferred to the 2022/23 FY.

JUDICIAL EDUCATION AND SUPPORT

Judicial education and support contributes 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 plays a vital role in promoting the effectiveness of the courts and the delivery of quality justice. The OCJ continued to prioritise the capacitation of SAJEI, as it is responsible for providing judicial education to aspirant and serving judicial officers. These judicial education courses (training) are crucial as they contribute towards enhanced judicial performance by enhancing service delivery and the transformation of the Judiciary. Due to the COVID-19 pandemic, the operational model of SAJEI was adjusted to take advantage of online platforms and ensuring that judicial educators are capacitated to operate in the new model of operation. As a result, the Institute leveraged on virtual platforms to conduct judicial education training to the aspirant and serving Judicial Officers. During the period under review, SAJEI conducted 168 judicial education courses for Judicial Officers and were attended by 4 343 delegates.

3. SERVICE DELIVERY IMPROVEMENT PLAN

The Department of Public Service and Administration (DPSA) Circular 01 of 2020/21, No.3(d) indicates that the 2021/22 FY was a gap year for the implementation of the Service Delivery Improvement Plans (SDIPs). As such, the 2021/22 FY was utilised for the SDIP consultations across the public service to review the 2022/23 - 2024/25 SDIP directive and related toolkit.



4. ORGANISATIONAL ENVIRONMENT

The 2021/22 FY is the second year of the implementation of the OCJ 2020/21 2024/25 Strategic Plan, a year that continued to present the Department with COVID-19 related challenges. Nonetheless, the OCJ had to ensure the delivery on its mandate and provide support to the judicial system by rendering effective and efficient court administration services.

4.1 HUMAN RESOURCE MANAGEMENT

In order for the OCJ to efficiently and effectively deliver on its mandate, which includes the rendering of administrative and technical support to the Judicial Branch of the State, the Department should be sufficiently capacitated. During the 2021/2022 FY, the OCJ continued to experience a turnover on critical posts, resulting in instability and a lack of continuity at management and operational levels. In order for the OCJ to address the challenge, the Department intends to prioritise the development of an HR Retention strategy that will contribute toward retaining critical skills. During the 2022/23 FY, the Department intends to ensure that the courts are sufficiently capacitated in order to efficiently deliver court services.

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, and the focus was on improving the representation of women in the Senior Management Service (SMS). During the 2021/22 FY, the OCJ achieved 48% women's representation on SMS level as compared to 44% in the 2020/21 FY. This indicates an improvement of 4% in women representation at SMS level. The Department will continue targeting females for the vacant SMS level posts.

At the end of the year under review, the Youth (aged 21-35) constituted almost a third (32%) of the organisation's staff complement. The Youth representation exceeded the national target by 2%.

The Department experienced challenges in attracting people with disabilities for employment opportunities, and thus under achieved with 1% against the national target of 2%. To overcome this challenge, the OCJ has developed an

implementation plan to improve recruitment and retention strategies to attract and retain people with disabilities for employment opportunities in the OCJ.

4.3 HEALTH AND WELLNESS PROGRAMME

In order for officials to perform optimally, their health and wellness are of utmost importance to the OCJ as an employer and should be prioritised. This was evident in the 2021/22 FY as the Department dealt with the physical and mental effects of the COVID-19 pandemic. In an effort to ease anxieties and empower officials, the OCJ conducted four (4) COVID-19 educational programmes, seven (7) COVID-19 related training sessions for Safety Officers, as well as four (4) COVID-19 Occupational Health & Safety inspections. A total of sixteen (16) Employees Health and Wellness programmes were conducted, including the Trauma de-briefing workshops, Stress Management Awareness sessions and Psychological First Aid workshops.

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. A total of 54 employees were granted bursaries. The Department implemented the Internship programme as part of the Youth developmental programme. Training was conducted to build a capacitated workforce. A total of 725 employees were trained in line with the Work Skills Programme (WSP).

The Department has inculcated a performance culture by aligning individual and Departmental performance to achieve its strategic outcomes and meet service delivery imperatives. The Department has placed 79 graduates on the

Internship programme as part of the Youth Developmental programme. A total of 11 Middle Managers were trained in Strategic Leadership during the period under review. There were delays in training implementation due to transitional processes from face-to-face training to a virtual platform to mitigate the environmental changes and impact of the COVID-19 pandemic. The Department will continue to implement the Youth Development programmes that seek to contribute towards affording opportunities for unemployed Youth graduates with work-integrated learning and to prioritise the Management and Leadership Development programmes for Managers at different levels.

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 the focused areas. The Department identified savings from services such as travel and subsistence, fleet services, and venues and facilities, which were impacted by the COVID-19 lockdown restrictions. The 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 R11.8 million during the year under review. 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 conducted due to COVID-19 restrictions. The Department needed to allocate an additional budget of R10 million to the ICT computer services.

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). Compliance with this Act has been achieved through the Department's procurement plan by awarding bids to suppliers with a B-BBEE status of level 4 and above. During the year under review, the OCJ awarded five tenders to suppliers with a status of level 4 and above. The bidders were fully compliant

in relation to the B-BBEE Act requirements and are the following:

- Datacentrix (Pty) Ltd;
- Proactive Health Solutions (Pty) Ltd;
- Afrovation Technology (Pty) Ltd;
- Pursuit Knowledge Consulting; and
- Indaba Global Travel.

4.7 BUSINESS CONTINUITY MANAGEMENT

The threat of cyber security breaches and the advent of the COVID-19 pandemic awakened all organisations to the necessity for BCM and recovery measures. The OCJ has made strides in the implementation of the BCM System (BCMS) to ensure business continuity and operational resilience to interruption. The successful implementation of BCM will ensure that the Department can respond and recover critical operations from any disruptions or incidents.

The Business Continuity Committee and its Sub-Committees continued to be functional and executed their responsibilities in line with their respective terms of reference. The following critical BCMS governance documents were approved and implemented:

- a) The BCM Policy was reviewed;
- b) Project Charter and;
- c) Project planning, managing and monitoring tool.

Furthermore, the following critical milestones were reached in the BCMS roll out within the OCJ during the year under review:

- a) Appointment of a Business Continuity Specialist to boost capacity in the implementation of BCM;
- b) Business Continuity Plan Maturity Assessment;
- c) Disaster Recovery Plan Maturity Assessment;
- d) Identification of an IT Disaster Recovery Site; and
- e) The Business Impact Analysis (BIA).

As at the end of the 2021-22 FY, planning was underway to conduct the testing of existing plans,

particularly the evacuation plan. The plan addresses the two (2) pillars of the BCMS, which focus on the safety of human resources and the facilities.

4.8 INFORMATION AND COMMUNICATION TECHNOLOGY

Technology plays an important role in the delivery of services. During the period under review, the OCJ planned to roll out the Court Online system in two service centres, but the full implementation of this project could not be achieved. This was

due to numerous system defects which were detected during User Acceptance Testing (UAT). It is envisaged that Court Online will be rolled out at these two Service Centres during quarter 1 of the 2022/23 FY. During the year under review the OCJ has also embarked on the following modernisation projects:

- a) Infrastructure refresh;
- b) Upgrading of End User Equipment; and
- c) Roll out of Wi-Fi to all Superior Courts.



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

These projects will be concluded in the 2022/23 FY. The mandate of the OCJ is to provide administrative and technical support to the Judicial Branch of the State in executing its constitutional mandate. In implementing its mandate during the 2021/22 FY, the OCJ was guided by the NDP (Vision 2030) and the 2019-24 Revised MTSF. During the Medium-Term period, the OCJ made a commitment to make an impact through “*quality and accessible justice for all*”. To achieve this, the OCJ has three outcomes which are articulated in the 2020/21-2024/25 Strategic Plan. The progress made by the Department as at the end of the 2021/22 FY towards the achievement of 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)

In order to ensure an effective and efficient administrative support and contributing towards the MTSF Priority 1 (A Capable, Ethical and Developmental State) and chapter 13 of the NDP (Building a Capable State) the 2021/22 FY, the OCJ trained 52.5% (725 of 1 382) of staff in line with the WSP as compared to 12.8% during the 2020/21 FY. In contributing towards the 5-year target, 32% (915 of 2 865) of staff were trained in line with the WSP as at the end of the 2021/22 FY.

In addition, the OCJ obtained a clean audit outcome for the 2020/21 FY; had 9.1% vacant posts on the funded establishment in the 2021/22 FY, which was below the prescribed limit of 10%; 16 Employee Health and Wellness (EHW) programmes were implemented; and awarded 83.33% of tenders in the Department’s procurement plan to suppliers with level 4 and above B-BBEE status. Subsequently, 100% of internal audit projects were completed in-line with the approved Annual Audit Plan; 100% of designated employees (SMS members and other categories of employees) submitted their financial disclosures within the prescribed timeframes and 32% of staff in the Department comprised of youth.

In response to the COVID-19 pandemic, the OCJ conducted four COVID-19 Occupational Health and Safety (OHS) inspections; implemented four COVID-19 educational programmes within the OCJ; conducted seven COVID-19 related training sessions for Safety Officers; produced four compliance reports on COVID-19 measures and also produced four 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)

In ensuring 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 2021/22 FY, 86% (28 356 of 33 019) of default judgments were finalised by Registrars within 14 days from date of receipt of application; 99% (27 218 of 27 413) of taxations of legal bills of costs were finalised within 60 days from date of set down and 100% (60 of 60) warrants of release (J1) were delivered within one day of the release issued. In contributing towards the 5-year target, 91% of quasi-judicial matters were finalised within the prescribed timeframes as at the end of the 2021/22 FY.

Subsequently, during the 2021/22 FY, the OCJ produced 4 monitoring reports on law reporting project; produced 4 Case Flow Management performance reports and produced 4 reports on 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)

In order 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 2021/22 FY, the OCJ conducted 168 judicial education courses. In contributing towards the 5-year target, 291 judicial education courses were conducted as at the end of the 2021/22 FY.

In addition, the OCJ conducted 7 workshops for aspirant Judges and facilitated 3 courses in support of foreign judicial institutions. Furthermore, 2 research monographs on judicial education were produced; 4 monitoring reports on litigation were produced and 4 reports on judicial appointments and judicial complaints were produced.

In promoting accountability and fighting corruption during the 2021/22 FY, the OCJ investigated 55% of reported fraud cases within 60 working days; conducted 29 awareness sessions on Fraud Prevention and the Anti-Corruption Strategy and 120 investigated vetting files were submitted to the State Security Agency.

7. INSTITUTIONAL PROGRAMME PERFORMANCE INFORMATION

PROGRAMME 1: ADMINISTRATION

PURPOSE

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

DESCRIPTION OF SUB-PROGRAMMES

The programme consists of five sub-programmes that 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 2018/19	Audited Actual Performance 2019/20	Audited Actual Performance 2020/21	Planned Annual Target 2021/22	Actual Achievement 2021/22	Deviation from planned Target to Actual Achievement 2021/22	Reasons for Deviations
1.1	Effective and efficient administrative support	Clean Audit outcome for the OCJ	Audit outcome for the OCJ	Unqualified audit outcome on financial statements for the 2017/18 FY	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 2020/21 FY	None	N/A
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)	80%	80% (5 of 6)	0%	N/A
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%	100% (384 of 384)	0%	N/A
1.4	Effective and efficient administrative support	Funded vacant posts reduced	Percentage of vacant posts on funded establishment	7.2% (152 of 2 099)	8.9% (183 of 2 049)	9.85% (211 of 2 140)	10% or lower	9.1% (204 of 2 244)	0%	N/A

PROGRAMME 1: ADMINISTRATION										
Indicator ID	Outcome	Output	Output Indicator	Audited Actual Performance 2018/19	Audited Actual Performance 2019/20	Audited Actual Performance 2020/21	Planned Annual Target 2021/22	Actual Achievement 2021/22	Deviation from planned Target to Actual Achievement 2021/22	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)	30%	32% (645 of 2 040)	2%	The target was exceeded by 2% due to the number of interns that have been employed as part of the youth employment initiative.
1.6	Effective and efficient administrative support	Women represented at SMS levels	Percentage of women representation in SMS	-	-	44% (19 of 43)	50%	48% (20 of 42)	2%	Resignation of females at SMS level.
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)	2%	1% (19 of 2 040)	1%	The targeted strategies (targeted advertising and collaboration with NGOs) did not yield positive results.
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 in 2 Service Centres	Court Online system rolled out in 2 Service Centres	Court Online system not rolled out at 2 Service Centres	Court Online system not rolled out at 2 Service Centres	During User Acceptance Testing (UAT) which took place at 2 Service Centres, numerous defects were detected.

PROGRAMME 1: ADMINISTRATION										
Indicator ID	Outcome	Output	Output Indicator	Audited Actual Performance 2018/19	Audited Actual Performance 2019/20	Audited Actual Performance 2020/21	Planned Annual Target 2021/22	Actual Achievement 2021/22	Deviation from planned Target to Actual Achievement 2021/22	Reasons for Deviations
1.9	Effective and efficient administrative support	EHW programmes implemented	Number of EHW programmes implemented within the OCJ	-	-	18	9	16	7	There was an increased demand of sessions required as a result of additional EHW interventions requested within the OCJ.

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)
Management	37 406	36 874	532	34 134	34 132	2
Corporate Services	156 877	115 888	40 989	157 852	157 852	
Financial Administration	35 644	35 011	633	29 792	29 792	
Internal Audit	22 371	22 371	-	17 585	17 585	
Office Accommodation	-	-	-	-	-	-
TOTAL	252 298	210 144	42 154	239 363	239 361	2

The underspending on the Management sub-programme relates to CoE due to an over projected transfer of funds to the CoE item to provide for salary adjustments and the increase in medical aid contributions.

The underspending on the Corporate Services sub-programme relates to goods and services due to the delayed installation cost of the ICT infrastructure equipment due to the delay in overseas manufacturing caused by a worldwide backlog on server equipment manufacturing. The underspending also relates to payment for capital assets due to delays in the delivery of the servers for the same reason as stated above.

The underspending on the Financial Administration sub-programme relates to CoE due to an over projected transfer of funds to the CoE item to provide for salary adjustments and the increase in medical aid contributions.

The Internal Audit sub-programme spent 100% of the final appropriated budget of R22.371 million for the FY.

STRATEGY TO OVERCOME AREAS OF UNDERPERFORMANCE

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

- Percentage of women representation in SMS;
- Percentage of people with disabilities representation in the Department; and
- Court Online system implemented at two Service Centres.

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

- In ensuring 50% women representation in SMS levels in the Department, the OCJ will put in place retention initiatives to attract and retain women at SMS level;
- In ensuring 2% representation of people with disabilities in the Department, the OCJ will issue guidelines and develop intervention plans in order to achieve the target; and
- To ensure that Court Online system is implemented at Service Centres, the OCJ resolved the showstopper defect that delayed the piloting of the Court Online system and User Acceptance Testing (UAT) was successful and signed off. Furthermore, The Court Online pilot commenced at the Gauteng Local Division, Johannesburg, on 29 March 2022 and the Gauteng Main Division, Pretoria, on 04 April 2022. It is envisaged that Court Online will be rolled out at these two Service Centres during quarter 1 of the 2022/2023 FY.

CHANGES TO PLANNED ANNUAL TARGETS

There were no changes 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 contribute 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 2018/19	Audited Actual Performance 2019/20	Audited Actual Performance 2020/21	Planned Annual Target 2021/22	Actual Achievement 2021/22	Deviation from planned Target to Actual Achievement 2021/22	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)	72%	86% (28 356 of 33 019)	14%	Improved training and monitoring measures implemented to sustain achievements of targets	
2.2	Improved court efficiency	Bills of costs taxed within 60 days	Percentage of legal taxations of legal bills of costs finalised within 60 days from date of set down	-	99% (26 476 of 26 665)	75%	99% (27 218 of 27 413)	24%	Improved training and monitoring measures implemented to sustain achievements 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	98% (79 of 81)	100% (98 of 98)	100%	100% (60 of 60)	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	0	N/A	

PROGRAMME 2: SUPERIOR COURT SERVICES										
Indicator ID	Outcome	Output	Output Indicator	Audited Actual Performance 2018/19	Audited Actual Performance 2019/20	Audited Actual Performance 2020/21	Planned Annual Target 2021/22	Actual Achievement 2021/22	Deviation from planned Target to Actual Achievement 2021/22	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	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	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)
Administration of Superior Courts	15 257	12 928	2 329	14 937	10 659	4 268
Constitutional Court	58 358	49 891	8 467	60 841	48 372	12 469
Supreme Court of Appeal	41 709	41 529	180	37 250	36 525	725
High Courts	752 092	737 643	14 449	714 678	655 972	58 706
Specialised Courts	61 704	60 643	1 061	60 964	54 740	6 224
TOTAL	929 120	902 634	26 486	888 660	806 268	82 392

The underspending on the Administration of Superior Courts sub-programme relates to goods and services due to lesser than projected spending on venues and facilities as a result of COVID-19 related restrictions.

The underspending on the Constitutional Court sub-programme relates to goods and services due to savings on the following items, as some Judges and officials were working remotely as a result of COVID-19 related restrictions:

- library materials and services;
- telephone costs;
- computer services; and
- stationery and printing services.

The underspending on the Supreme Court of Appeal sub-programme relates to CoE due to an over projected transfer of funds to the CoE item to provide for salary adjustments and the increase in medical aid contributions.

The underspending on the High Courts sub-programme relates to CoE due to an over projected transfer of funds to the CoE item to provide for

salary adjustments and the increase in medical aid contributions. The underspending also relates to goods and services due to savings on the following items as a result of COVID-19 related restrictions as some Judges and officials were working remotely:

- fleet services due to decreased usage of the leased Judges' vehicles;
- library materials and services;
- catering services;
- consulting services; and
- stationery and printing services.

The underspending on the Specialised Courts sub-programme relates to goods and services due to savings on library material and services.

STRATEGY TO OVERCOME AREAS OF UNDER PERFORMANCE

There were no areas of underperformance.

CHANGES TO PLANNED ANNUAL TARGETS

There were no changes 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 contribute 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 2018/19	Audited Actual Performance 2019/20	Audited Actual Performance 2020/21	Planned Annual Target 2021/22	Actual Achievement 2021/22	Deviation from planned Target to Actual Achievement 2021/22	Reasons for Deviations
3.1	Enhanced judicial performance	Judicial education courses conducted	Number of judicial education courses conducted	142	115	123	105	168	63	Additional training needs for newly appointed Senior Magistrates and District Magistrates consisting of over 63 courses
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	4	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	3	2	3	4	1	The special sitting of the JSC in February 2022 for the post of Chief Justice required the production of a fourth report.

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)
SAJEI	34 706	17 895	16 811	40 441	10 327	30 114
Judicial Policy, Research and Support	16 243	16 243	-	12 244	11 977	267
JSC	9 413	9 247	166	7 413	3 939	3 474
TOTAL	60 362	43 385	16 977	60 098	26 243	33 855

The underspending on the SAJEI sub-programme relates to savings on judicial training expenses as the traditional in-person training of Judicial Officers switched from hiring of training venues to virtual training due to COVID-19 related restrictions.

The Judicial Policy, Research and Support sub-programme spent 100% of the final appropriated budget of R16.243 million for the FY.

The underspending on the JSC sub-programme relates to CoE due to an over projected transfer of funds to the CoE item to provide for salary adjustments and the increase in medical aid contributions.

STRATEGY TO OVERCOME AREAS OF UNDER PERFORMANCE

There were no areas of underperformance.

CHANGES TO PLANNED ANNUAL TARGETS

There were no changes 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 2018/19	Audited Actual Performance 2019/20	Audited Actual Performance 2020/21	Planned Annual Target 2021/22	Actual Achievement 2021/22	Deviation from planned Target to Actual Achievement 2021/22	Reasons for Deviations
1	Effective and efficient administrative support	COVID-19 OHS related inspections	1.1. Number of COVID-19 OHS inspections conducted at the OCJ	-	-	3	4	4	0	N/A
2	Effective and efficient administrative support	COVID-19 educational programmes	2.2. Number of COVID-19 educational 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 2018/19	Audited Actual Performance 2019/20	Audited Actual Performance 2020/21	Planned Annual Target 2021/22	Actual Achievement 2021/22	Deviation from planned Target to Actual Achievement 2021/22	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	-	-	3	4	7	3	There was an increased demand for COVID-19 related training for safety officers to ensure readiness of the work environment upon 100% return of staff to the office.
4	Effective and efficient administrative support	Compliance reports on COVID-19 measures	4.1. Number of COVID-19 compliance reports produced	-	-	3	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	-	-	3	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.

A photograph of a pair of wooden scales of justice on a wooden surface, with a bookshelf filled with books in the background. The scene is lit with warm, golden light. A large, semi-transparent circular graphic with a white center and a dark outer ring with tick marks is overlaid on the image. The text 'PART C' and 'GOVERNANCE' is centered within the white circle.

PART C
GOVERNANCE

1. INTRODUCTION

The OCJ commits to maintain the highest standards of governance as a fundamental principle for management of public finances and resources. In ensuring effective, efficient, and economical use of State resources across the organisation, the Department continued to implement good governance practices, risk management processes and improved internal controls throughout the FY. The Executive Management ensured that an ethical culture that promotes 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 EXCO to ensure that the OCJ achieves its strategic outcomes and deliver optimally on its service delivery 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 in order 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, risk mitigation plans 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 contributes 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. • Continuous Enterprise Risk Management (ERM) and Ethics Management awareness sessions were conducted at governance meetings and various committees within the OCJ during 2021/22 FY. • The OCJ extended the launch of Ethics Forums in the 2021/22 FY to all the Superior Courts. After each launch, all Officials of the Superior Courts signed the Public Service Ethics Pledge. • 546 employees completed the Ethics in the Public Service online programme offered by the National School of Government. • 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. • All reported fraudulent court order incidents were investigated. • The SOP on court orders was developed, approved and implemented in the 2021-22 FY. • Continuous investigation of the cases (in collaboration with Law Enforcement Agencies and other regulatory bodies) of the reported incidents.
		Delays to implement the Court Online system due to external dependencies	<ul style="list-style-type: none"> • Continuous engagements were held with stakeholders to mitigate delays in the implementation of the project. • New system requirements were identified and approved for incorporation into the Court Online system. • Piloting of the system in the Gauteng Division of the High Court commenced. • Court Online was implemented in the Gauteng Local Division, Johannesburg, by 31 March 2021.
		Inadequate resources to capacitate the OCJ in order to operate in the new normal.	<ul style="list-style-type: none"> • Despite the budget constrains, Management continued to reprioritise filling of positions to ensure effective functioning of the Department. • Continuous training of officials was conducted to upskill them to operate proficiently in the new normal.

		Inaccurate performance reports produced	<ul style="list-style-type: none"> • Business units and the Superior Courts collated and reported Performance Information (PI) against their Key Performance Indicators (KPIs). • Quarterly PI verification and validation by the Monitoring and Evaluation (M&E) Unit. • The Internal Audit Services Unit provided quarterly and annual assurance on the PI. • Audited quarterly and annual PI reports with analysis from M&E submitted to Management, ARC and Portfolio Committee for Justice and Correctional Services for their monitoring and oversight.
2.	Improved court efficiency	Inadequate administrative support to ensure court efficiency.	<ul style="list-style-type: none"> • Management prioritised the appointment of Registrars to ensure that core business is not compromised. • Continuous training of the Registrars and other court officials.
3.	Enhanced judicial performance	Inadequate resources to conduct judicial education courses and provide support	<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.



3. FRAUD AND CORRUPTION

The likelihood and occurrence of fraud and corruption incidents poses high potential risk to the Department's assets and resources. It could further negatively impact on 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 on an annual basis. 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 as well as to deter future recurrence, was implemented. Management submitted progress reports on the implementation of the Fraud Prevention and Anti-Corruption Plan to the EXCO and oversight bodies for monitoring and where applicable, consequence management was implemented.

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 both physical and virtual 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 focusing on:
 - Fraud prevention and Anti-Corruption,
 - Whistle blowing,
 - Code of Ethical and Professional conduct,
 - Conflict of Interest,
 - Gifts, Donations and Sponsorships,
 - Financial Disclosure, and

- Remunerative work outside the public service.
- ii. Issuing of circulars and articles on the Integrity and Ethics Management;
- iii. Strengthening of mechanisms to report unethical behaviour as well as incidents of fraud and corruption;
- iv. Commemorating International Anti-Corruption day;
- v. Court order integrity mechanisms; and
- vi. Conducted Ethics Assessment.

3.2 FRAUD DETECTION

In relation to fraud detection, the OCJ implemented the Whistleblowing 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 Auditor-General South Africa (AGSA) and Internal Auditors during their regular audits were also reported for further investigation.

3.3 FRAUD INVESTIGATION

All the reported incidents of alleged fraud and corruption were investigated and consequence management instituted where required. During the 2021/22 FY, 41 fraud and corruption cases were reported and 33 were investigated and finalised. Of the finalised cases, 18 were completed within the prescribed 60 working days' turnaround period as per the applicable policy, and 15 were not, due to

the complexity of some cases and the resignations of the Forensic Auditors. As at the end of the 2021/22 FY 8 out of 41 cases reported were under investigation and still within the prescribed 60 working days' period.

3.4 FRAUD RESOLUTION

The resolution through consequence management and monitoring process is the final step in combating and fighting the prevalence of fraud

and corruption in the OCJ. In the period under review, the Forensic Audit Unit finalised 10 cases of fraud and corruption with the recommendation for departmental loss recovery and the institution of disciplinary processes. A further 20 cases were referred to the 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 operating guidelines 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 the

submission of their financial disclosures by 30 April 2021. All other designated categories of employees also complied with the submission of their financial disclosures within the prescribed timelines of 31 July 2021.

In addition to the SCM practitioners enjoined to disclose their business interests as at 31 July 2021, 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 to implement 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 through the 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 reporting to the Executive Management and ARC for their monitoring and oversight role.

During the reporting period, 116 OCJ employees attended the Compulsory Induction Programme (CIP). The CIP offers a full module on 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 10 employees which resulted in 3 dismissals, 3 suspensions without

pay, 2 final written warning and 2 written warnings. To ensure the understanding of disciplinary and grievance management procedures, Labour Relations conducted 5 awareness sessions in different provinces and 62 officials participated

in the workshops. In adhering to the community service code of conduct and service charter, 546 employees completed the Ethics in the Public Service online programme offered by the National School of Government.

6. HEALTH, SAFETY AND ENVIRONMENTAL ISSUES

The Occupational Health, Safety and Environment (OHS&E) remained a shared service with the DoJ&CD in the year under review. In managing the risks associated with COVID-19 pandemic within the organisation, the OCJ held several training sessions in the area of OHS&E for its officials. COVID-19 educational programmes and training sessions for Safety Officers (OHS Representatives) as well as the safety inspections

were conducted. The educational programmes also included the physical and mental effects of the COVID-19 pandemic on OCJ officials. OHS&E issues are pertinent to the health and wellbeing of the employees for their ability to identify workplace hazards and facilitate risk assessments in order to prevent work related injuries and contain the spread of diseases.

Nature and Description of the OHS&E challenges	Impact on the OCJ operations/ services delivery	Measures put in place to address challenges
<p>Inadequate internal capacity to guide and coordinate the OHS&E programmes within OCJ.</p>	<ul style="list-style-type: none"> OHS&E 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&E 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 to OHS&E regulations and legislation. Health and Safety Committees were established and are functional at National and in the Regions. Monthly OHS&E workplace inspections were conducted in all Service Centres in line with Section 18(g) of the Occupational Health and Safety Act, 1993. OCJ officials were trained as Fire Marshals, Safety Health Environment (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	<ul style="list-style-type: none"> Day to day operations are interrupted impacting service delivery, health and safety. 	<ul style="list-style-type: none"> The OCJ has embarked on the Court Online pilot project that will address in the medium to long term, the problem of additional storage space needs of files as Court Online will reduce paper-based court processes. The Court Administration Unit have commenced engagements with the DoJ&CD on the finalising of the offsite storage contract for storage and management of court records in the medium-term. The Facilities Unit is in an ongoing engagement with stakeholders such as DoJ&CD Facilities and the Department of Public Works and Infrastructure (DPWI) to provide appropriate storage facilities through Capital Works projects. To date the capital projects at the following courts will provide additional filing space: Western Cape High Court, Durban High Court, Pietermaritzburg High Court and Bhisho High Court.
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"> The COVID-19 Advisory Committee was established and functional and the Compliance Officers appointed, In order to prevent the spread of the COVID-19 pandemic, the OCJ continued with the procurement and distribution of the Personal Protective Equipment (PPE) to all its Service Centres. Seven (7) COVID-19 related training courses were conducted for OCJ officials. Five (5) Educational programmes on COVID-19 were also conducted. In addition to the monthly OHS&E inspections conducted, four (4) COVID-19 walk through risk assessments were conducted at the Service Centres including National Office.

7. PORTFOLIO COMMITTEES

The Portfolio Committee on Justice and Correctional Services has an oversight responsibility over the performance of the OCJ. The Department remains grateful to the Committee for the continuous support, valuable advice and recommendations received. The following engagements were held with the Committee during the 2021/22 FY:

Date	Committee	Responsible Department	Item for discussion	Leader of the delegation
05 May 2021	Portfolio Committee on Justice and Correctional Services	OCJ	OCJ 2021/22 APP	SG: OCJ
10 November 2021	Portfolio Committee on Justice and Correctional Services	OCJ	<ul style="list-style-type: none"> OCJ Annual Report 2020/21 Performance and spending; 2021/22 Quarter 1 and Quarter 2; Forward funding needs 2022 MTEF. 	SG: OCJ

Matters raised in the Portfolio Committee	How the Department addressed these matters
1. The impact of budget cuts	
The Committee asked how the OCJ will implement plans to ensure it meets its targets for 2021/22 FY pending the budget cuts?	The baseline reduction in funds would negatively impact the OCJ's capacity to resource the Superior Courts in terms of human resources, equipment and ICT infrastructure which would harm judicial functions, court modernisation and access to justice through a reduction of circuit courts.
The Committee enquired on how will the current plans of the OCJ be affected by the budget cuts.	<p>The budget cut in relation to the CoE budget will significantly affect the OCJ in terms of its core mandate, which is to support the Judiciary and Superior Courts. The OCJ will not be able to fill critical posts which are vacant or become vacant during the MTEF period. A cumulative number of 247 funded administrative posts will be lost due to these budget cuts.</p> <p>The Goods and Services budget would be similarly affected. All the planned projects will have to be reprioritised and either scaled down or postponed in line with the budget reductions. This will impact on projects and programmes such as:</p> <ul style="list-style-type: none"> Court modernisation which includes digitisation of all court records; Plan to increase bandwidth in every court; Procurement of a cloud based storage solution; ICT Disaster Recovery site; and Replacement of aging ICT infrastructure. <p>The implementation of projects mentioned above would be a once off cost, but an annual amount of approximately R20 million would be needed for replacement of outdated ICT infrastructure for the outer years.</p> <p>Providing sufficient witness administration as well as sufficient translation and transcription services will be impacted by budget cuts.</p>

Matters raised in the Portfolio Committee	How the Department addressed these matters
	The Direct Charges budget (where Judges' and Acting Judges' salaries are budgeted for) will similarly be negatively affected by the budget cuts.

2. Court Modernisation

The Committee asked if the OCJ has decided where the allocation of the courts would be on the Court Online System and whether rural areas would be considered for the roll out of the system.

Phase 1 of the Court Online project is focused only on civil matters and only at the Superior Courts. At the present moment there are no Superior Courts in rural areas as most Superior Courts are located in Metropolitan areas. Phase 2 of the Court Online project would be focussing on criminal matters. As the project is led by the Judiciary, the decision on the state of readiness for implementation would be made by the Heads of Court with advice from the Judiciary and Administrative ICT Steering Committee (JAIT).

How far is the budget process for the Court Modernisation and digital transformation?

Infrastructure readiness for the Court Online solution is unfunded and places the project roll out at risk. An estimated R8 million per annum would be required.

Were the Judges opposed or had resistance for the use of online system?

No resistance was experienced from the Judges and they embraced the change and still conduct business virtually and are able to connect remotely.

The Committee asked whether the issue of court modernisation had been benchmarked internationally. Has the OCJ considered looking into Northern Ireland for benchmarking as it has the good system that OCJ can possibly learn from.

The Chief Justice and a delegation of Judges undertook study visits abroad to consider how court modernisation is implemented in other judicial jurisdictions. These study visits were undertaken to Singapore and Malaysia, amongst others. Best practices were utilised for the developing of the Master Systems Plan (MSP) of the OCJ.

3. Persons with Disabilities

Access to justice for Persons with Disabilities

The Committee was concerned with the lack of adequate access systems used in courts for the Persons with Disabilities. The issue of the using of properly qualified Sign Language Interpreters in courts was also raised. The Committee enquired what steps the OCJ would take to improve sign language interpreting at the courts as a long term solution.

The OCJ will endeavour to collaborate with DeafSA for the issue of access to justice and pursue that Sign Language Interpreters issue be addressed. The OCJ outsources the services of Sign Language Interpreters which are sourced from the DoJ&CD database. The management of the contracts with the service providers would assist in ensuring improved quality of services in relation to sign language interpreting. There are minimal requests for the procurement of sign language services at the courts hence there being no need for the establishing of permanent resources in this regard.

Matters raised in the Portfolio Committee	How the Department addressed these matters
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OCJ target on employment for Persons with Disabilities

The Committee have noted that the OCJ did not achieve the target on employment equity for Persons with Disabilities. The Department has developed a five pillar strategy aimed at addressing this challenge. The pillars are:

- A circular has been sent out to all OCJ staff members encouraging those with disabilities to disclose their status. Some persons with disabilities prefer not disclose such disabilities during recruitment and others' status may have changed to being disabled since employment commenced.
- The OCJ's EXCO took a resolution that each Unit Head should identify posts that could be earmarked for persons with disabilities during recruitment processes and only fill such posts with able-bodied persons in the event where persons with disabilities have not applied for such positions.
- The OCJ will be engaging the Department of Women, Youth and Persons with Disabilities (DWYPD) with the aim of providing further guidance on how the OCJ could improve in this aspect and also benchmark with other Government Departments that are doing well in this respect.
- The OCJ has also taken the approach to collaborate with Non-Governmental Organisations (NGOs) who are assisting in this regard without costs to mitigate the seeming non-responsiveness of persons with disabilities for employment opportunities within the OCJ.
- The Department has sought the assistance of recruitment agencies to recommend persons with disabilities. The Department has however encountered a challenge that some of these recruitment agencies could provide such a service at a cost which in most cases amounted to 35% of each candidate's annual salary. Given the state of the public finance in general and OCJ's in particular, such was not sustainable for the OCJ in view of the continued budget cuts and competing priorities within the public sector. The Department will continue engaging these recruitment agencies.

The OCJ is hopeful that these measures will have the desired positive outcome.

4. Employment Equity Targets (Women in SMS)

The Committee raised a question relating to the achievement of the 50% target of female employees at SMS level.	In August 2021, the OCJ planned to fill two funded vacant posts at SMS levels that are targeted for females. Once these posts are filled with females, the achievement of 50% target will be realised. This projection is based on the assumption was that none of the current female employees at SMS level will exit the Department.
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5. Staff Turnover

The OCJ has reported to have of 13% turnover rate, was this in the courts and what were the causes? The seemingly high staff turnover was generally and mainly in the Court Administration Unit as the core business environment of the Department. A contributing factor to the turnover rate was the fact that legally qualified staff like Registrars on the MR3 level of the Occupation Specific Dispensation (OSD) who qualifies to move to a higher level in terms of their acquired work experience, applying for better paying positions.

Matters raised in the Portfolio Committee	How the Department addressed these matters
6. Land Court Bill	
<p>The Committee enquired whether the OCJ had started preparing for the implications on its operations following the enactment of the Land Court Bill and what implications will there be if the Land Court Act is passed as an urgent Bill?</p>	<p>The OCJ was following the evolution of the Land Court Bill in Parliament. The Land Court would still be located in Johannesburg but also sit across the country as the current Land Claims Court did. It seemed that the Court would take a similar shape to the Labour and Labour Appeal Court. The Court would have a Judge President (it currently had an Acting Judge President) and a Deputy Judge President, in line with the Superior Courts Act and a number of Judges, similar to other Superior Courts.</p> <p>This would entail additional financial needs as it would be an entirely new judicial establishment. The NRF would have to provide for this and the OCJ would engage with the National Treasury once there was certainty over the Bill. The Bill as it stood echoed the Superior Courts Act in terms of administrative staff. The administrative resources required for permanent structures wherever the Court may sit were unrealistically large. Because of this, the Court may have to rely on resources from local Divisions of the High Court wherever it may sit.</p> <p>This will have a snowball effect on capacity at the High Court. The Land Court would require additional funding and infrastructure to function. With the current cuts on the CoE budget, this poses a problem for the OCJ. The OCJ would ask the Portfolio Committee for support in requesting National Treasury for additional funding. Other implications were anchored around new judicial structures. Permanent Judges required Judges' Secretaries and Law Researchers to support the Judges.</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

The OCJ does not have a dedicated Internal Control Unit to perform routine internal controls assessments. 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 its 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 line with their 2021-22 Internal Audit Annual Operational Plan.

11. INTERNAL AUDIT AND AUDIT COMMITTEE

11.1 INTERNAL AUDIT

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 Audit Methodology. Significant audits included among others, the quarterly Interim Financial Statements and PI reviews, Occupational Health Safety (OHS) COVID-19, Asset Management, Leave Management and Recruitment and Selection reviews and the audit on core business deliverables in Taxation, Default Judgments and Court Order administration. In the ICT space, significant audits included Information Security, ICT Governance and Active Directory reviews.

Internal audit activities are guided by a fully functional ARC which operates in terms of an approved ARC Charter as prescribed by the National Treasury.

The IAS completed 32 audit projects identified in the annual internal audit operational 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 2021-22 FY, the IAS integrated the use of 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, BAS and JYP 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.

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 5 independent members who are suitably qualified and experienced to fulfil their oversight role. The ARC meets at least 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	2/2
Dr. Charles Motau (ARC Member)	BCom, HDip Computer Audit, MBL, MIT, Doctorate Computer Science, Member of IRMSA, 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	2/2
Mr. Tshepo Mofokeng (ARC member)	BCom Acc, CTA, CIA, CRMA, CA(SA), Member – SAICA, IIASA, IoDSA	External	n/a	01 May 2017 (1 st Term) 01 Nov 2020 (2 nd Term)	31 Oct 2020 31 Oct 2023	3/4	2/2
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	2/2
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	4/4	2/2

12. AUDIT COMMITTEE REPORT

We are pleased to present our report for the financial year ended 31 March 2022:

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 performance information 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. The SCM processes however, require some reviewing and tightening.

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 specifically the following:

- i. Instances of possible irregular procurements in particular through the SCM tender processes;
- ii. Inadequacies in ICT security and user access management as well as ICJ operational inefficiencies;
- iii. Lack of automated systems to improve the accuracy and completeness of the reported performance information, leave administration, as well as compliance with the payment of service providers within 30 days;
- iv. Continuous findings caused by the inherited JYP system which is not appropriate for SCM and Asset Management processes and reporting.

Upon reviewing 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. Management should further, scale up efforts in the implementation of action plans to address ICT related previous AGSA and Internal Audit findings.

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

The ARC reviewed and performed oversight over:

- i. All the Quarterly Interim Financial Statements and unaudited AFS before submission to the AGSA on 31 May 2021;
- 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 IT and HR governance;
- vii. The Quarterly Performance Information Reports and the Annual Report prior to submission to the AGSA and final publication;
- viii. The plans, work and reports of the Internal Audit 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 performance information reports as well as Management's commitment to implementing corrective action plans to address the previous Auditor-General and Internal Audit findings. The Department has been reporting monthly and quarterly to the National Treasury 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 internal audit priorities. 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 allegations of fraud, corruption and financial misconduct reported to the Department and has noted the 55% finalisation rate. Management should support the Fraud Audit Unit to improve investigation finalisation rate.

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 performance information reports submitted to the AGSA for review and is satisfied with the year-on-year successful measures the 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 with a need to focus more on unaddressed ICT findings. 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 and PI, 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 2022

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	A KPI was included in the APP for awarding tenders to B-BBEE suppliers of level 4 and above. There was an 80% achievement of the KPI in the 2021-22 FY. Furthermore, there was strict adherence to the PPPFA and its Regulations. The OCJ SCM Policy has a section on preferential procurement.
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.

A woman with curly hair is sitting at a desk in an office, looking at a laptop. The laptop has a sticker that says "CIT" and "COLOR IN TECH". There is another laptop in the foreground. The background shows a window with some text, possibly "OFFICE".

PART D

HUMAN RESOURCE
MANAGEMENT AND
DEVELOPMENT

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 2021/2022 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 respectively ensures continuous sound employer-employee relations and employee wellbeing.

2. OVERVIEW OF HUMAN RESOURCES

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

During the 2021/22 FY, the HRM&D Unit focused on the following main areas:

(a) Filling of vacancies

During the period under review, the OCJ filled 365 posts which resulted to the vacancy rate of 9.1% (204/2244) against a national target of 10% or below. The vacancy rate decreased by 0.75% compared to that of 2020/21 FY. Out of the 365 appointments that were made, 237 (67%) comprised of youth, contributing to the achievement of a youth employment rate of 32% against the national youth employment target of 30%.

(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.

Due to the COVID-19 pandemic, the EHW programmes implementation focused on creating awareness, prevention and mitigating the psychological effects of COVID-19. In line with the four Pillars of the DPSA's EHW Strategic Framework for the Public Service, the following was 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;
- PPE, including hand sanitisers, were procured for employees;
- 156 OHS representatives were trained on COVID-19, which included training on COVID-19 Workplace Preparedness; Health, Safety and Claims Management Course; Health screenings; stress management and trauma de-briefing sessions; training on management of COVID-19; COVID-19 risk assessment; COVID-19 incident investigation and reporting; workplace surveillance; and COVID-19 training for OHS representatives.

During the period under review, the Department implemented 16 EHW programmes, meant

to support employees on areas such as stress management as well as dealing with anxiety and depression which were heightened by the impact of COVID-19. The following psycho-social programmes were conducted:

- 4 Stress Management;
- 2 Stress and Time Management;
- 2 Managing Stress and Burn out;
- 1 Financial Management;
- 1 Substance and Alcohol Abuse;
- 1 Work Place Conflict Management;
- 1 Living with Loss;
- 1 Awareness of EHW Sessions provided within the OCJ;
- 1 World AIDS day session with the focus on living with HIV during the COVID-19 pandemic;
- 1 Diversity and Conflict Management; and
- 1 Conflict Management Intervention.

In the 2022/23 FY, the Sub Directorate: EHW will continue to provide holistic EHW in line with the DPSA's EHW Strategic Framework for the Public Service. This involves strengthening the provision of training to all OCJ staff members on COVID-19.

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 refers to the process of analysing, forecasting, planning for supply and demand of workforce, assessing workforce gaps, as well as determining the relevant talent management interventions that are meant to ensure that a Department has the right people, with the right skills, in the right places at the right time. The workplace planning processes is aimed at ensuring that the Department is enabled in order to fulfil its mandate. The Department has an approved functional structure that is aligned to its mandate.

HRM&D as a strategic partner ensures that a better capacitated and competent workforce

assists in increasing productivity and growth of the Department in an ever-changing operational environment. The implementation of the HR Plan 2019-2022 continued to guide the process of attracting, recruiting, developing a skilled and capable workforce. This was achieved as a result of the number of suitably qualified employees that have been attracted into the organisation.

2.2.2 EFFECTIVE RECRUITMENT

As at 31 March 2022, the total number of funded posts on the Department's establishment was 2 244. Of these positions, 2 040 were filled, 204 were vacant, translating to the 9.1% vacancy rate. Due to realignment of functions as a result of capacity needs within the Department, there was an increase of the number of posts in the establishment during the 2021/22 FY. In capacitating the OCJ, 356 posts were filled.

2.2.3 EMPLOYMENT EQUITY

2.2.3.1 Women at Senior Management Services levels

During the reporting period, the OCJ prioritised the employment of women in the Senior Management Service (SMS). During the 2021/22 FY, the OCJ achieved 48% (20 of 42) women representation on SMS level as compared to 44% (19 of 43) in the 2020/21 FY. This indicates that there was an improvement of 4% in women representation at SMS level. During the period under review, the Department has launched a mentorship programme to empower female employees at middle management in order to promote upward mobility. Furthermore, the Department will put in place retention initiatives to attract and retain women at SMS level.

2.2.3.2 Youth

By 31 March 2022, there were 645 youth employees (aged 21-35) in the OCJ's establishment, translating to 32%. This youth representation exceeds the national target by 2%. The Department will continue to support youth employment initiatives through the implementation of the internship programme during the 2022/23 FY.

2.2.3.3 People with Disabilities

As at the end of the 2021/22 FY, the OCJ had 19 officials who fall under the category of People with Disabilities. With a staff compliment of 2 040, this means that People with Disabilities make up 1% of the OCJ's staff compliment. This is 1% below the required representation of 2% for People with Disabilities. The targeted strategies (targeted advertising and collaboration with NGOs) put in place by the OCJ to increase the representation of People with Disabilities in the Department did not yield expected results. The OCJ has developed an implementation plan to improve recruitment measures to attract and retain people with disabilities for employment opportunities in the OCJ.

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. A total of 54 employees were granted bursaries. The Department has implemented the internship programme as part of youth developmental programme. Training was conducted to build capacity of employees and the total of 725 employees were trained on various skills programmes.

2.4 EMPLOYEE PERFORMANCE MANAGEMENT

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

2.5 ACHIEVEMENTS

- The Department has placed 79 graduates on the internship programme as part of youth developmental programme.
- 11 middle managers were trained in Strategic Leadership during the period under review.

Despite the challenges caused by the COVID-19 pandemic and its impact to HRM&D operations during the reporting period, the following successes were recorded:

- The vacancy rate of the Department during the reporting period was kept below the stipulated 10% threshold, at 9.1%;
- The Youth composition in the Department was at 32%, exceeding the national target by 2%; and
- A total of 16 EHW Programmes were conducted of the planned 9, also addressing the impact of COVID-19 on the wellbeing of employees.

2.6 CHALLENGES

- Staff turnover rate increased by 1.7% to 14.7% compared to last year. A total of 284 employees left the Department. The majority (135 or 47.5%) of the terminations emanated from contracts expiring and followed by 104 (36.6%) resignations from the positions due to various reasons.
- Women representation at the SMS level was at 48% against the target of 50% as at the end of the reporting period.
- The Department could not achieve the target of 2% representation of People with Disabilities in its staff compliment.
- There was a total of 37 misconduct cases in this reporting period (cumulative number). Only 26 cases were finalised during the period, while 11 disciplinary hearings were in progress. 73 grievances were attended to during the reporting period, 59 were finalised and 14 are pending. 32 disputes cases were dealt with during the reporting period, 17 were finalised and 15 are pending.
- The COVID-19 pandemic affected several HRM&D processes. For example, recruitment, training and development and disputes at Bargaining Council, were affected during the FY, due to COVID-19 related restrictions.
- This negatively affected: the vacancy rate as posts could not be filled within the prescribed turnaround times, planned training and development programmes were delayed as they were postponed, and the finalisations of disputes cases were prolonged as the Bargaining Council meetings were suspended.

2.7 FUTURE HUMAN RESOURCE PLANS/GOALS

Taking into consideration the successes, challenges and the need for HRM&D to continue being a strategic partner and enabler to the Department, the following will be implemented during the medium-term expenditure period:

- To continue to implement the youth development programmes that seeks to contribute towards affording opportunities for unemployed youth graduates with work-integrated learning.
- The implementation of the OCJ guidelines on recruitment and retention of people with disabilities;
- To prioritise the management and leadership development programmes for Managers at different levels.
- The Department will continue with the automation strategy for some of the HR processes which include Leave Management. The automation will be done in phases, as it depends on the planned projects as outlined in the departmental Information and Communication Technology (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 2021 to 31 March 2022

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	210 144	107 765	3 434	-	51.3	592
OCJ: Superior Court Services	902 634	664 032	-	-	73.6	371
OCJ: Judicial Education & Support	43 385	25 711	-	-	59.3	643
SUB-TOTAL (Voted Funds)	1 156 163	797 508	3 434	-	69	397
SUB-TOTAL (Direct Charge Against the NRF)	1 063 342	994 022	-	-	93.5	1 938
GRAND TOTAL (Voted Funds and Direct Charge Against the NRF)	2 219 505	1 791 530	3 434	-	81	710

Table 3.1.2 Personnel costs by salary band for the period 1 April 2021 to 31 March 2022 (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)	56 612	3.1	83	682
Skilled (Levels 3-5)	237 487	12.9	943	252
Highly skilled production (Levels 6-8)	217 581	11.9	547	398
Highly skilled supervision (Levels 9-12)	199 641	10.9	368	543
Senior management (Levels 13-16)	84 830	4.6	49	1 731
Abnormal Appointment	1 357	0.1	21	65
SUB-TOTAL (Voted Funds)	797 508	43.5	2 011	397
SUB-TOTAL (Direct Charge Against the NRF)	994 022	54.2	513	1 938
GRAND TOTAL (Voted Funds and Direct Charge Against the NRF)	1 791 530	97.7	2 524	710

Table 3.1.3 Salaries, Overtime, Home Owners Allowance and Medical Aid by programme for the period 1 April 2021 to 31 March 2022.

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	99 940	92.6	1 015	0.9	2 597	2.4	4 318	4
OCJ: Superior Court Services	590 203	88.8	550	0.1	24 762	3.7	49 075	7.4
OCJ: Judicial Education & Support	23 995	92.5	246	0.9	570	2.2	1 127	4.3
SUB-TOTAL (Voted Funds)	714 138	89.4	1 811	0.2	27 929	3.5	54 520	6.8
SUB-TOTAL (Direct Charge Against the NRF)	986 594	99.2	-	-	-	-	7 648	0.8
GRAND TOTAL (Voted Funds and Direct Charge Against the NRF)	1 700 732	94.9	1 811	0.1	27 929	1.6	62 168	3.5

Table 3.1.4 Salaries, Overtime, Home Owners Allowance and Medical Aid by salary band for the period 1 April 2021 to 31 March 2022.

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)	56 612	100	-	-	-	-	-	-
Skilled (Levels 3-5)	193 216	81.3	490	0.2	14 848	6.2	29 124	12.3
Highly skilled production (Levels 6-8)	191 357	87.8	702	0.3	8 708	4	17 182	7.9
Highly skilled supervision (Levels 9-12)	190 149	95.1	619	0.3	3 414	1.7	5 790	2.9
Senior management (Levels 13-16)	81 447	96	-	-	959	1.1	2 424	2.9
Abnormal Appointment	1 357	100	-	-	-	-	-	-
SUB-TOTAL (Voted Funds)	714 138	89.6	1 811	0.2	27 929	3.5	54 520	6.8
SUB-TOTAL (Direct Charge Against the NRF)	986 594	99.2	-	-	-	-	7 648	0.8
GRAND TOTAL (Voted Funds and Direct Charge Against the NRF)	1700 723	94.9	1 811	0.1	27 929	1.6	62 168	3.5

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 2022

Programme	Number of Posts approved on the establishment	Number of Posts Filled	Vacancy Rate	Number of employees additional to the establishment
OCJ: Administration	212	192	9.4	28
OCJ: Superior Court Services	1 990	1 808	9.1	76
OCJ: Judicial Education & Support	42	40	4.8	5
TOTAL	2 244	2 040	9.1%	109

Table 3.2.2 Employment and vacancies by salary band as at 31 March 2022

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)	69	69	0	69
Skilled (Levels 3-5)	1 098	1 008	8.1	29
Highly skilled production (Levels 6-8)	695	623	10.3	8
Highly skilled supervision (Levels 9-12)	333	298	11.6	3
Senior management (Levels 13-16)	49	42	14.2	0
TOTAL	2 244	2 040	9.1	109

Table 3.2.3 Employment and vacancies by critical occupations band as at 31 March 2022

Critical occupations	Number of Posts approved on the establishment	Number of Posts Filled	Vacancy Rate in %	Number of employees additional to the establishment
Administrative Related	106	91	14.2	3
Advocates	0	0	0	0
Attorneys	0	0	0	0
Basic Training	69	69	0	69
Cleaners in Offices	10	9	10	0
Client Inform Clerks (Switchboard Reception Inform Clerks)	12	12	0	0
Communication and Information Related	8	8	0	0
Finance and Economics Related	53	52	1.8	0
Financial and Related Professionals	33	32	9.1	1
Financial Clerks and Credit Controllers	44	43	2.3	0
Food Services Aids and Waiters	16	13	18.8	0
General Legal Administration & Rel. Professionals	180	157	12.8	4
HR & Organisational Development & Related Professionals	13	12	7.7	0
HR Clerks	33	30	9.1	3
HR Related	25	23	8	0
Information Technology related	1	1	0	1
Language Practitioners Interpreters & Other Communicators	106	95	10.4	0
Legal Related	21	19	9.5	0
Librarians and Related Professionals	20	20	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
Library Mail and Related Clerks	25	20	20	0
Light Vehicle Drivers	3	3	0	0
Logistical Support Personnel	1	1	0	0
Material-Recording and Transport Clerks	32	29	9.4	0
Messengers Porters and Deliverers	141	121	14.2	1
Other Administration & Related Clerks and Organisers	739	682	7.7	24
Other Administrative Policy and Related Officers	39	34	12.8	0
Other Information Technology Personnel.	8	8	0	0
Risk management & security services	1	1	0	0
Secretaries & Other Keyboard Operating Clerks	400	367	8.8	2
Security Officers	59	48	18.6	0
Senior Managers	46	40	13	0
Statisticians and Related Professionals	0	0	0	0
Translators and Air Traffic Communicators	0	0	0	0
TOTAL	2 244	2 040	9.1	108

3.3 FILLING OF SMS POSTS

Table 3.3.1 SMS post information as at 31 March 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
Salary level 16	1	1	100	0	0
Salary level 15	3	3	100	0	0
Salary level 14	9	6	67	3	33.3
Salary level 13	36	32	88.8	4	11.1
TOTAL	49	42	85.7	7	14.3

Table 3.3.2 SMS post information as at 30 September 2021

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
Salary level 16	1	1	100	0	0
Salary level 15	3	3	100	0	0
Salary level 14	9	6	66.6	3	33.3
Salary level 13	37	34	91.9	3	8.1
TOTAL	50	44	88	6	12

Table 3.3.3 Advertising and filling of SMS posts for the period 1 April 2021 to 31 March 2022

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
Salary level 16	0	0	0
Salary level 15	0	0	0
Salary level 14	0	0	3
Salary level 13	6	6	2
TOTAL	6	6	5

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 2021 to 31 March 2022

Reasons for vacancies not advertised within six months
Due to compulsory budget cuts on compensation, OCJ was unable to advertise critical posts within six months.

Reasons for vacancies not filled within twelve months
Due to compulsory budget cuts on compensation, OCJ was unable to fill critical posts within twelve 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 2021 to 31 March 2022

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 2021 to 31 March 2022

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)	69	0	0	0	0	0	0
Skilled (Levels 3-5)	1 098	0	0	0	0	0	0
Highly skilled production (Levels 6-8)	695	1	0.1	0	0	0	0
Highly skilled supervision (Levels 9-12)	333	6	1.8	0	0	0	0
SMS Band A	36	0	0	0	0	0	0
SMS Band B	9	0	0	0	0	0	0
SMS Band C	3	0	0	0	0	0	0
SMS Band D	1	0	0	0	0	0	0
TOTAL	2 244	7	0.3	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 2021 to 31 March 2022

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 2021 to 31 March 2022.

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 2021 to 31 March 2022

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

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 2021 to 31 March 2022

Salary Band	Number of employees at Beginning of period (April 2021)	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover Rate
Lower skilled (Levels 1-2)	0	83	16	0
Skilled (Levels 3-5), Permanent	983	86	80	8.1
Highly skilled production (Levels 6-8)	613	130	131	21.4
Highly skilled supervision (Levels 9-12)	290	52	50	17.2
SMS Band A (13)	32	5	6	18.8
SMS Band B (14)	7	0	1	14.3
SMS Band C (15)	3	0	0	0
SMS Band D (16)	1	0	0	0
TOTAL	1 929	356	284	14.7

Table 3.5.2 Annual turnover rates by critical occupation for the period 1 April 2021 to 31 March 2022

Critical occupation	Number of employees at Beginning of period (April 2021)	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover Rate
Administrative related	134	13	14	10.4
Advocates	2	0	0	0
Attorneys	3	0	0	0
Basic training	0	83	16	0
Client inform clerks (switchboard & reception information clerks)	10	2	0	0
Communication and information related	5	0	0	0
Finance and economics related	53	1	3	5.7

Critical occupation	Number of employees at Beginning of period (April 2021)	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover Rate
Financial and related professionals	28	3	4	14.3
Financial clerks and credit controllers	28	13	4	14.3
Food services aids and waiters	15	3	5	33.3
General legal administration & related professionals	136	54	46	33.8
HR & organisational development & relate professionals	20	0	0	0
HR clerks	31	4	4	12.9
HR related	23	4	3	13
Information Technology related	0	0	0	0
Language practitioners interpreters & other communicators	46	12	7	15.2
Legal related	24	0	2	8.3
Librarians and related professionals	17	2	1	5.9
Library mail and related clerks	28	0	3	10.7
Light vehicle drivers	2	0	0	0
Logistical support personnel	1	0	0	0
Material-recording and transport clerks	16	1	2	12.5
Messengers porters and deliverers	114	7	7	6.1
Other administration & related clerks and organisers	637	55	57	8.9
Other administrative policy and related officers	37	3	3	8.1
Other information technology personnel	6	1	0	0
Risk Management and Security Services	0	2	2	0
Secretaries & other keyboard operating clerks	365	73	79	21.6
Security officers	53	2	3	5.7
Senior managers	43	6	6	14
Statisticians and Related Profession	1	0	0	0
Translators and air traffic communicators	51	12	13	25.5
TOTAL	1929	356	284	14.7

Table 3.5.3 Reasons why staff left the Department for the period 1 April 2021 to 31 March 2022

Termination Type	Number	% of Total Resignations
Death	12	4.2
Resignation	104	36.6
Discharged due to ill health	1	0.4
Expiry of a contract	135	47.5
Transfer Out	15	5.3
Dismissal - misconduct	4	1.4
Retirement	13	4.6
TOTAL	284	100
Total number of employees who left as a % of total employment	14.7	

Table 3.5.4 Promotion by critical occupation for the period 1 April 2021 to 31 March 2022

Occupation	Number of employees at Beginning of period (April 2021)	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
Administrative related	134	3	2.2	42	31.3
Attorneys	3	0	0	2	66.7
Advocates	2	0	0	0	0
Basic training	0	0	0	0	0
Client inform clerks (switchboard & reception information clerks)	10	0	0	5	50
Communication and information related	5	0	0	4	80
Finance and economics related	53	0	0	34	64.2
Financial and related professionals	28	1	3.6	16	57.1
Financial clerks and credit controllers	28	0	0	21	75
Food services aids and waiters	15	0	0	9	60
General legal administration & rel. professionals	136	6	4.4	41	30.1
HR & organisational development & relate professionals	20	2	10	1	5
HR clerks	31	4	12.9	14	45.2
HR related	23	1	4.3	10	43.5
Information Technology related	1	0	0	0	0
Language practitioners interpreters & other communicators	46	1	2.2	20	43.5
Legal related	24	0	0	15	62.5

Occupation	Number of employees at Beginning of period (April 2021)	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
Librarians and related professionals	17	0	0	13	76.5
Library mail and related clerks	28	0	0	20	71.4
Light vehicle drivers	2	0	0	1	50
Logistical support personnel	1	0	0	0	0
Material-recording and transport clerks	16	0	0	8	50
Messengers porters and deliverers	114	0	0	90	78.9
Other administration & related clerks and organisers	637	13	2	410	64.4
Other administrative policy and related officers	37	1	2.7	22	59.5
Other information technology personnel	6	0	0	4	66.7
Risk management and security services	0	0	0	0	0
Secretaries & other keyboard operating clerks	365	8	2.2	199	54.5
Security officers	53	0	0	21	39.6
Senior managers	43	3	7	0	0
Statisticians and Related Profession	1	0	0	0	0
Translators and air traffic communicators	51	0	0	16	31.4
TOTAL	1 929	43	2.2	1 038	53.8

Table 3.5.5 Promotion by salary band for the period 01 April 2021 to 31 March 2022

Salary band	Number of employees at Beginning of period (April 2021)	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)	0	0	0	0	0
Skilled (Levels 3-5)	983	8	0.8	605	61.5
Highly skilled production (Levels 6-8),	613	24	3.9	295	48.1
Highly skilled supervision (Levels 9-12)	290	8	2.8	138	47.6
Senior management (Levels 13-16)	43	3	7	0	0
TOTAL	1 929	43	2.2	1 038	53.8

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 2022

Occupational category	Male				Female				Total
	African	Coloured	Asian	White	African	Coloured	Asian	White	
Legislators, Senior officials and managers	16	3	1	2	13	1	1	5	42
Professionals	154	5	1	8	182	14	19	24	407
Technicians and associate profession	46	2	0	1	59	5	4	8	125
Clerks	307	39	13	15	625	83	22	108	1 212
Services and sales workers	49	7	1	9	51	1	0	1	119
Labourers and related workers	51	12	1	3	48	10	2	4	131
Plant and machine operators and assemblers	3	1	0	0	0	0	0	0	4
Elementary occupations	0	0	0	0	0	0	0	0	0
TOTAL	626	69	17	38	978	114	48	150	2 040
Employees with disability	5	1	0	1	11	0	0	1	19

Table 3.6.2 Total number of employees (including employees with disability) in each of the following occupational bands as at 31 March 2022

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	15	3	1	2	11	1	1	4	38
Professionally qualified and experienced specialists and mid-management	34	2	0	3	33	4	4	5	85
Skilled technical and academically qualified workers, junior management, supervisors, foremen	239	8	3	9	381	57	30	93	820
Semi-skilled and discretionary decision making	311	55	13	24	510	51	13	47	1 024
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0
TOTAL	600	68	17	38	937	113	48	150	1 971
Non-Permanent	26	1	0	0	41	1	0	0	69
TOTAL	626	69	17	38	978	114	48	150	2 040

Table 3.6.3 Recruitment for the period 1 April 2021 to 31 March 2022

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)	0	0	0	0	5	0	0	0	5
Professionally qualified and experienced specialists and mid-management, (9-12)	17	0	0	3	24	0	3	5	52
Skilled technical and academically qualified workers, junior management, supervisors, foremen, (6-8)	57	0	0	2	54	4	2	9	128
Semi-skilled and discretionary decision making, 3-5	26	1	0	0	54	1	2	2	86
Unskilled and defined decision making (1-2)	30	2	0	0	49	2	0	0	83
TOTAL	130	3	0	5	186	7	7	16	354
Employees with disabilities	1	1	0	0	0	0	0	0	2

Table 3.6.4 Promotions for the period 1 April 2021 to 31 March 2022

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,	0	1	0	0	2	0	0	0	3
Professionally qualified and experienced specialists and mid-management,	2	0	0	0	5	0	1	0	8
Skilled technical and academically qualified workers, junior management, supervisors, foremen,	5	0	0	0	14	0	1	4	24
Semi-skilled and discretionary decision making,	3	1	0	0	4	0	0	0	8
Unskilled and defined decision making	0	0	0	0	0	0	0	0	0

Occupational band	Male				Female				Total
	African	Coloured	Asian	White	African	Coloured	Asian	White	
TOTAL	10	2	0	0	25	0	2	4	43
Employees with disabilities	5	1	0	0	7	0	0	0	13

Table 3.6.5 Terminations for the period 1 April 2021 to 31 March 2022

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,	1	1	0	0	5	0	0	0	7
Professionally qualified and experienced specialists and mid-management,	16	0	0	3	20	2	2	7	50
Skilled technical and academically qualified workers, junior management, supervisors, foremen,	49	2	1	3	56	7	0	13	131
Semi-skilled and discretionary decision making,	33	1	1	1	39	2	1	2	80
Unskilled and defined decision making	6	1	0	0	8	1	0	0	16
TOTAL	105	5	2	7	128	12	3	22	284

Table 3.6.6 Disciplinary actions for the period 1 April 2021 to 31 March 2022

Disciplinary action	Male				Female				Total
	African	Coloured	Asian	White	African	Coloured	Asian	White	
Written Warnings	0	0	0	0	1	0	0	0	1
Final Written Warning	1	0	0	0	0	0	0	0	1
Final Written Warning & 2 month suspension without pay	1	0	0	0	1	0	0	0	2
Final Written Warning & 3 month suspension without pay	0	0	0	0	0	0	0	0	0
Dismissal	2	0	0	0	2	0	0	0	4
TOTAL	4	0	0	0	4	0	0	0	8

Table 3.6.7 Skills development for the period 1 April 2021 to 31 March 2022

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	16	3	1	2	13	1	1	5	42
Professionals	154	5	1	8	182	14	19	24	407
Technicians and associate professionals	46	2	0	1	59	5	4	8	125
Clerks	307	39	13	15	625	83	22	108	1 212
Labourers and related workers	51	12	1	3	48	10	2	4	131
Service and sales workers	49	7	1	9	51	1	0	1	119
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	626	69	17	38	978	114	48	150	2 040

3.7 SIGNING OF PERFORMANCE AGREEMENTS BY SMS MEMBERS

Table 3.7.1. Signing of performance agreements by SMS members as at 31 May 2021

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	36	32	32	100
TOTAL	49	42	42	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 2021 to 31 March 2022

Race and gender	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within group	Total Cost (R'000)	Average cost per employee
African					
Male	68	626	10	1 384	20 345
Female	95	978	9.7	1 233	12 981
Asian					
Male	1	17	5.8	8	7 711
Female	7	48	14.5	156	22 240
Coloured					
Male	7	69	10	80	11 484
Female	8	114	7	110	13 705
White					
Male	1	38	2.6	33	33 040
Female	20	150	13.3	418	20 912
Employees with disability	0	19	0	0	-
TOTAL	207	2 040	10	3 422	16 528

Table 3.8.2 Performance Rewards by salary band for personnel below SMS for the period 01 April 2021 to 31 March 2022

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 (R'000)	Average cost per employee	
Skilled (Levels 3-5)	71	983	7.2	518	7 295	1.4
Highly skilled production (Levels 6-8)	57	613	9.2	664	11 644	1.7
Highly skilled supervision (Levels 9-12)	58	290	24.1	1 313	22 641	1.7
TOTAL	186	1 886	9.8	2 495	13 408	1.8

Table 3.8.3 Performance Rewards by critical occupation for the period 01 April 2021 to 31 March 2022

Critical occupation	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within group	Cost (R'000)	Average cost per employee
Administrative related	30	134	31.3	752	25 081
Attorneys	0	3	0	0	0
Client information clerks (switchboard, reception information clerks)	0	10	0	0	0

Critical occupation	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within group	Cost (R'000)	Average cost per employee
Communication and information related	2	5	33.3	64	31 856
Finance and economics related	17	53	32	352	20 731
Financial and related professionals	9	28	31	165	18 377
Financial clerks and credit controllers	11	28	28.2	86	8 143
Food services aids and waiters	0	15	0	0	0
General legal administration & related professionals	15	136	10.1	251	16 708
HR & organisational development & related professionals	1	20	14.3	16	15 988
HR clerks	5	31	17.2	42	8 438
HR related	3	23	13	46	15 291
Information technology related	0	1	0	0	0
Language practitioners interpreters & other communicators	6	46	8	75	12 409
Legal related	5	24	21.7	131	26 152
Librarians and related professionals	1	17	7.7	14	13 856
Library mail and related clerks	2	28	7.4	14	6 846
Light vehicle drivers	0	2	0	0	0
Logistical support personnel	1	1	100	30	29 770
Material-recording and transport clerks	3	16	25	25	8 293
Messengers porters and deliverers	4	114	3.5	23	5 629
Other administrative & related clerks and organisers	55	637	8.2	440	7 994
Other administrative policy and related officers	7	37	21.2	101	14 353
Other information technology personnel.	1	7	12.5	15	15 064
Secretaries & other keyboard operating clerks	13	365	3.6	132	10 132
Security officers	2	53	4.3	22	10 981
Senior managers	13	43	39.4	611	47 015
Statisticians and Related Profession	0	1	0	0	0
Translators and air traffic communicators	0	51	0	0	0
TOTAL	206	1 929	10.7	3 407	16 525

Table 3.8.4 Performance related rewards (cash bonus) by salary band for Senior Management Service for the period 1 April 2021 to 31 March 2022

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 (R'000)	Average cost per employee	
Band A	19	32	59	851	44	2.1
Band B	0	7	0	0	0	0
Band C	1	3	33	66	65	1
Band D	0	1	0	0	0	0
TOTAL	20	43	46	917	45	3.1

3.9 FOREIGN WORKERS

Table 3.9.1 Foreign workers by salary band for the period 1 April 2021 to 31 March 2022

Salary band	1 April 2021		31 March 2022		Change	
	Number	% of total	Number	% of total	Number	% of change
Lower Skilled (Levels 3-5)	1	33.3	1	50	0	0
Highly skilled production (Levels 6-8)	0	0	0	0	0	0
Highly skilled supervision (Levels 9-12)	1	33.3	1	50	0	0
Senior management (Levels 13-16)	1	33.3	0	0	1	100
TOTAL	3	100	2	100	1	33.3

Table 3.9.2 Foreign workers by major occupation for the period 1 April 2021 to 31 March 2022

Major occupation	1 April 2021		31 March 2022		Change	
	Number	% of total	Number	% of total	Number	% of change
Administrative office workers	1	33.3	1	50	0	0
Professionals and managers	1	33.3	1	50	0	0
Senior Manager	1	33.3	0	0	1	100
TOTAL	3	100	2	100	1	33.3

3.10 LEAVE UTILISATION

Table 3.10.1 Sick leave for the period 01 January 2021 to 31 December 2021

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)	135	74.8	39	2.6	3	52
Skilled (Levels 3-5)	5 879	82.3	723	49	8	5 294
Highly skilled production (Levels 6-8)	3 743	82.9	498	33.7	8	5 558
Highly skilled supervision (Levels 9-12)	1 301	81.6	188	12.7	7	3 313
Top and Senior management (Levels 13-16)	171	85.4	28	1.9	6	763
TOTAL	11 229	82.5	1 476	100	8	14 980

Table 3.10.2 Disability leave (temporary and permanent) for the period 01 January 2021 to 31 December 2021

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)	639	100	53	52.5	12	550
Highly skilled production (Levels 6-8)	747	100	39	38.6	19	1 105
Highly skilled supervision (Levels 9-12)	159	100	8	7.9	20	399
Top and Senior management (Levels 13-16)	6	100	1	1	6	37
TOTAL	1 551	100	101	100	15	2 091

Table 3.10.3 Annual leave for the period 01 January 2021 to 31 December 2021

Salary band	Total days taken	Number of employees using annual leave	Average per employee
Lower skilled (Levels 1-2)	451	72	6
Skilled (Levels 3-5)	23 615.17	996	24
Highly skilled production (Levels 6-8)	16 302	704	23
Highly skilled supervision (Levels 9-12)	6 734	294	23
Top and Senior management (Levels 13-16)	1 008	40	25
TOTAL	48 110.17	2 106	23

Table 3.10.4 Capped leave for the period 1 January 2021 to 31 December 2021

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 2021
Lower skilled (Levels 1-2)	0	0	0	0
Skilled (Levels 3-5)	5	1	5	19
Highly skilled production (Levels 6-8)	27	6	5	38
Highly skilled supervision (Levels 9-12)	0	0	0	41
Top and Senior management (Levels 13-16)	0	0	0	39
TOTAL	32	7	5	32

Table 3.10.5 Leave pay-outs for the period 1 April 2021 and 31 March 2022

Reason	Total amount (R'000)	Number of employees	Average per employee (R'000)
Leave pay-outs for 2021/22 due to non-utilisation of leave for the previous cycle	0	0	0
Capped leave pay-outs on - gratuity: death/retirement/medical retirement	1 297	12	108 083
Current leave pay-outs on termination of service for 2021/22	2 214	72	30 750
TOTAL	3 511	84	41 798

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	In order to reduce the risk of contracting COVID-19, OCJ is regularly providing 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: Employee Relations
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 417 000 was allocated for 2021/22 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.
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.		No	N.A.
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	N.A.
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 developed and is currently being consulted with Organised Labour. 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		Due to the COVID-19 pandemic, no Health Risk Assessments were conducted in the 2021/22 FY.
8. Has the Department developed measures/ indicators to monitor & evaluate the impact of your health promotion programme? If so, list these measures/indicators.		No	N.A.

3.12. LABOUR RELATIONS

Table 3.12.1 Collective agreements for the period 1 April 2021 and 31 March 2022

Total number of collective agreements	None
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Table 3.12.2 Misconduct and disciplinary hearings finalised for the period 01 April 2021 to 31 March 2022

Outcome of disciplinary hearings	Number	% of total
Written warnings	1	12.5
Final written warning	1	12.5
Final written warning and 2 months suspensions without pay	2	25
Final written warning and 3 months suspension without pay	0	0
Dismissal	4	50
Total number of disciplinary hearings finalised	8	100

Table 3.12.3 Types of misconduct addressed at disciplinary hearings for the period 1 April 2021 to 31 March 2022

Type of misconduct	Number	% of total
Misuse of State Vehicle	4	11
Fraud and dishonesty	10	27
Authorizing irregular payments	0	0
Gross insubordination	4	11
Corruption	4	11
Failure to perform duties causing irregular wasteful and fruitless expenditure	0	0
Failure to carry out a lawful instruction / Gross dereliction of duty	0	0
Failure to perform duties	0	0
Fraudulent claims	1	3
Failure to comply with the leave policy/ directive	4	11
Loss of laptops	1	3
Doing business with the State	5	15
Absenteeism	1	3
Tempering with medical certificate	2	5
Misrepresentation	1	3
Wasteful and fruitless expenditure	0	0
TOTAL	37	100

Table 3.12.4 Grievances lodged for the period 1 April 2021 and 31 March 2022

Grievances	Number	% of total
Number of grievances resolved	59	81
Number of grievances not resolved	14	19
Total number of grievances lodged	73	100

Table 3.12.5 Disputes lodged with Councils for the period 1 April 2021 and 31 March 2022

Disputes	Number	% of total
Number of disputes at Conciliation	8	25
Number of disputes at Arbitration	16	50
Number of disputes at Labour Court	8	25
Total number of disputes lodged	32	100

Table 3.12.6 Strike actions for the period 1 April 2021 and 31 March 2022

A nil report was submitted on strike action, for the period under review

Total number of hours lost	0
Total costs working days lost	R0
Amount recovered as a result of no work no pay	R0

Table 3.12.7 Precautionary suspensions for the period 1 April 2021 and 31 March 2022

Number of people suspended	2
Number of people whose suspension exceeded 30 days	1
Precautionary Transfer	0
Average number of days suspended	203
Cost of suspension	R 207 727,24

3.13 SKILLS DEVELOPMENT

Table 3.13.1 Training needs identified for the period 1 April 2021 to 31 March 2022

Occupational category	Gender	Number of employees as at 1 April 2021	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	24	N/A	<ul style="list-style-type: none"> • Leadership programmes • Risk Management • Diversity and Change management • Business Continuity, fraud, Vetting, Ethics • Financial Management • Labour Relation • Employee wellness programme • IT Courses 	N/A	43
	Female	19				

Occupational category	Gender	Number of employees as at 1 April 2021	Training needs identified at the start of the reporting period			
			Learner ships	Skills programmes and other short courses	Other forms of training	Total
Professionals, permanent	Male	112	N/A	<ul style="list-style-type: none"> Financial management CIP Project Management CIP Assets & SCM Employee wellness programme Management and Development Programme 	N/A	288
	Female	175				
Professionals, Temporary	Male	0	N/A	N/A	N/A	0
	Female	0				
Technicians and associate professionals	Male	92	N/A	<ul style="list-style-type: none"> OHS Conflict Management Business Ethics Customer Service Communication and Presentation Skills Coaching and Leadership Programme Assets Management CIP HRM, Employment Equity Expert Evidence Emotional Intelligence Diversity Management Taxation, Default judgment Project Management 	Learning Programme	445
	Female	130				

Occupational category	Gender	Number of employees as at 1 April 2021	Training needs identified at the start of the reporting period			
			Learner ships	Skills programmes and other short courses	Other forms of training	Total
Clerks permanent	Male	374	N/A	<ul style="list-style-type: none"> • OHS • Computer Programmes • CIP • Service Delivery/ Excellence • Report Writing • Employee Wellness programme 	N/A	606
	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	0				
Plant and machine operators and assemblers	Male	4	N/A	N/A	N/A	0
	Female	0				
Labourers and related trade workers	Male	43	N/A	N/A	N/A	0
	Female	52				
Sub total	Male	715	N/A	N/A	N/A	1382
	Female	1214				

Table 3.13.2 Training provided for the period 1 April 2021 to 31 March 2022

Occupational category	Gender	Number of employees as at 1 April 2021	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	24		• Compliance and Risk	Learning Programme	1
				• Risk management training	Learning Programme	6
	Female	19		• Strategic Leadership	Short Course	10
				Financial Management	Learning Programme	7
				Labour Relations	Learning Programme	5
				ICT	Short Course	2

Occupational category	Gender	Number of employees as at 1 April 2021	Training provided within the reporting period				
			Learner ships	Skills programmes and other short courses	Other forms of training	Total	
Professionals permanent	Male	112	N/A	Risk Management	Learning Programme	5	
				Stress Management	Learning Programme	17	
				• Financial & Budgeting Management	Learning Programme	9	
	Female	175			• CIP	Learning Programme	13
					• OHS	Learning Programme	21
					• Labour Relations	Learning Programme	5
Technicians and associate professionals	Male	92	N/A	• Protection Of Personal Information Act, 2013	Learning Programme	20	
	Female	130			• Conflict Management	Learning Programme	11
					• CIP	Learning Programme	58
					• OHS	Learning programme	54
					• Emerging Management Development	Learning Programme	20
					• Computer Programme	Learning Programme	35
					• Project Management	Learning Programme	20
					• First Aid Training	Learning Programme	13
					• Fraud Examiners	Learning Programme	1
• Report Writing	Learning Programme	23					
• Taxation	Learning Programme	30					
• Expert Evidence	Learning Programme	15					
• Emotional Intelligence	Learning Programme	19					
• Coaching and Leadership	Learning Programme	29					
• Communication and Presentation Skills	Learning Programme	20					
					• Default Judgment	Learning Programme	27

Occupational category	Gender	Number of employees as at 1 April 2021	Training provided within the reporting period			
			Learner ships	Skills programmes and other short courses	Other forms of training	Total
Professionals Temporary	Male	0	N/A	N/A	N/A	N/A
	Female	0				
Clerks permanent	Male	374	N/A	• OHS Training	Learning Programme	16
				• Computer Programme	Learning Programme	102
	Female	838	N/A	• Excellent Customer Service	Learning Programme	28
				• Diversity Management	Learning Programme	15
				• CIP	Learning Programme	45
Plant and machine operators and assemblers	Male	4	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	66	N/A	N/A	N/A	N/A
	Female	0				
Labourers and Related trade workers	Male	43	N/A	N/A	N/A	N/A
	Female	52				
Sub total	Male	715	0	0	0	725
	Female	1 214				

*The total number of employees at the beginning of FY was 1 929 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 2021 to 31 March 2022

Nature of injury on duty	Number	% of total
Required basic medical attention only	7	100
Temporary Total Disablement	0	0
Permanent Disablement	0	0
Fatal	0	0
TOTAL	7	100

3.15 UTILISATION OF CONSULTANTS

Table 3.15.1 Report on consultant appointments using appropriated funds for the period 01 April 2021 to 31 March 2022

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	256	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	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 2021 to 31 March 2022

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 2021 to 31 March 2022

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 2021 to 31 March 2022

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

3.16 SEVERANCE PACKAGES

Table 3.16.1 Granting of employee-initiated severance packages for the period 1 April 2021 to 31 March 2022

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

PART E

FINANCIALS

Projected sales of main products in 2013



Distribution of market share among the major industry players



Distribution of market share among the major industry players (B & C and B & T was 7% and 20% percent respectively) & further change in the market share distribution in the market will be characterized by a more equal distribution of market share among players.

Share of market activity



Changes in the activity of the active and passive market are uncertain. Established positive trends in various market segments.

Projected sales of main products in 2013



Passive market share



Distribution marketing participati



Distribution of the securities

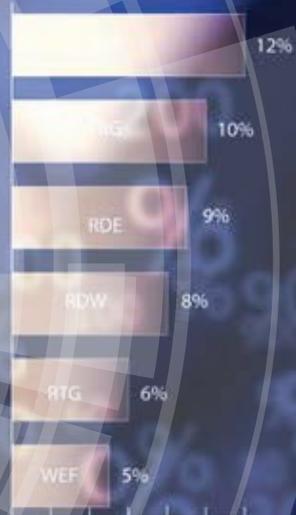


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Report of the auditor-general to Parliament on vote no. 27: Office of the Chief Justice

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 110 to 163, which comprise the appropriation statement, statement of financial position as at 31 March 2022, the 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 2022, and its financial performance and cash flows for the year then ended in accordance with Modified Cash Standard (MCS) prescribed by National Treasury (NT) 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 auditor-general's responsibilities 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 matter below. My opinion is not modified in respect of this matter.

Unaudited supplementary schedules

7. The supplementary information set out on pages 164 to 173 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.

Responsibilities of the accounting officer for the financial statements

8. The accounting officer is responsible for the preparation and fair presentation of the financial statements in accordance with the MCS prescribed by NT 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.
9. 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.

Auditor-general's responsibilities for the audit of the financial statements

10. 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.
11. 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 audit of the annual performance report

12. In accordance with the Public Audit Act 25 of 2004 (PAA) and the general notice issued in terms thereof, I have a responsibility to report material findings on the usefulness and reliability of the reported performance information against predetermined objectives presented in the annual performance report. The accounting officer is responsible for the preparation of the annual performance report.
13. I performed procedures to evaluate the usefulness and reliability of the reported performance information on selected performance indicators in accordance with the criteria developed from the performance management and reporting framework, as defined in the general notice.
14. I performed the procedures in accordance with the AGSA audit methodology. This engagement is not an assurance engagement. Accordingly, I do not express an opinion or an assurance conclusion.
15. My procedures address the usefulness and reliability of the reported performance information on the selected performance indicators, which must be based on the department's approved performance planning documents. I have not evaluated the completeness and appropriateness of the performance indicators included in the planning documents. My procedures do not examine whether the actions taken by the department enabled service delivery. My procedures do not extend to any disclosures or assertions relating to the extent of achievements in the current year or planned performance strategies and information in respect of future periods that may be included as part of the reported performance information. Accordingly, my findings do not extend to these matters.
16. I performed procedures to determine whether the reported performance information was properly presented and whether the performance was consistent with the approved performance planning documents. I performed further procedures to determine whether the selected performance indicators and related targets were measurable and relevant, and assessed the reliability of the reported performance information to determine whether it was valid, accurate and complete.
17. I selected the following material performance indicators contained in Programme 2 - Superior Court Services presented in the department's annual performance report for the year ended 31 March 2022 set out on pages 41 to 42. I selected the indicators that measure the department's performance on its primary mandated functions and which are of significant national, community or public interest.

Performance indicators

- 2.1 Percentage of default judgement finalised by registrars within 14 days from date of receipt of application
- 2.2 Percentage of taxations of legal bills of costs finalised within 60 days from date of set down
- 2.3 Percentage of warrants of release (J1) delivered within one day of the release issued

Performance indicators

- 2.4 Number of monitoring reports on law reporting projects produced
- 2.5 Number of Judicial Case Flow Management Performance reports produced
- 2.6 Number of reports on enhancement of court order integrity produced
18. I did not identify any material findings on the usefulness and reliability of 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. Refer to the annual performance report on pages 41 to 42 for information on the achievement of planned targets for the year and management's explanations provided for the over achievement of targets.

Report on compliance with legislation

21. In accordance with the PAA and the general notice issued in terms thereof, I have a responsibility to report material findings on the department's 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 AGSA audit methodology. This engagement is not an assurance engagement. Accordingly, I do not express an assurance opinion or conclusion.
23. 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 adequately available to report in an understandable manner. The selection is done through an established AGSA process. The selected legislative requirements are as follows:

Legislation	Sections or regulations
Public Finance Management Act 1 of 1999 (PFMA)	Section 1 (Definition of irregular expenditure); Sections 38(1)(a)(iv); 38(1)(b); 38(1)(c) (ii); Sections 38(1)(d); 38(1)(h)(iii); 39(1)(a); 39(2)(a); Sections 40(1)(a) and (b); 40(1)(c)(i); Sections 43(4); 44; 45(b)
Treasury regulations	TR 4.1.1; 4.1.3; 5.1.1; 5.2.1; 5.2.3(a); 5.2.3(d); TR 5.3.1; 6.3.1(a) - (d); 6.4.1(b); TR 8.1.1; 8.2.1; 8.2.2; 8.2.3; 9.1.1; 9.1.4; TR 10.1.1(a); 10.1.2; TR 12.5.1; TR 15.10.1.2(c); TR 16A3.2 (fairness); 16A3.2(a); 16A6.1; TR 16A6.2(a) and (b); 16A6.3(a) - (c); 16A6.3(e); TR 16A6.4; 16A6.5; 16A6.6; 16A7.1; 16A.7.3; TR 16A7.6; 16A.7.7; 16A8.3; 16A8.4; TR 16A9.1(d); 16A9.1(e); 16A9.1(f); 16A9.2(a)(ii); TR 17.1.1; 18.2; 19.8.4

Legislation	Sections or regulations
Construction Industry Development Board Act 38 of 2000 (CIDB)	Section 18(1)
CIDB regulations	Regulations 17; 25(7A)
Preferential Procurement Policy Framework Act 5 of 2000 (PPPFA)	Sections 1(i); 2.1(a),(b) and (f)
Preferential Procurement regulations (PPR), 2011	Regulations 4.1; 4.3; 5.5; 6.1; 6.5; 7.1; Regulations 9.1; 9.5; 11.2; 11.5
Preferential Procurement regulations (PPR), 2017	Regulations 4.1; 4.2; 5.1; 5.3; 5.6; 5.7; Regulations 6.1; 6.2; 6.3; 6.5; 6.6; 6.8; Regulations 7.1; 7.2; 7.3; 7.5; 7.6; 7.8; Regulations 8.2; 8.5; 9.1; 10.1; 10.2; 11.1; 11.2
Prevention and Combating of Corrupt Activities Act 12 of 2004 (PRECCA)	Section 34(1)
Public Service regulations (PSR), 2016	Regulations 18(1); 18(2); 25(1)(e)(i) and (iii)
State Information Technology Agency Act 88 of 1998 (SITA)	Section 7(3)
NT SCM Instruction Note 05 of 2009/10	Par 3.3
NT SCM Instruction Note 04 of 2015/16	Par 3.4
NT SCM Instruction Note 03 of 2016/17	Par 8.1; 8.2; 8.3; 8.5
NT SCM Instruction Note 4A of 2016/17	Par 6
NT SCM Instruction Note 07 of 2017/18	Par 4.3
NT SCM Instruction note 03 of 2019/20 [Annexure A - FIPDM]	Par 5.5.1(vi); 5.5.1(x)
NT SCM Instruction Note 08 of 2019/20	Par 3.1.1; 3.6; 3.7.2; 3.7.6(i) - (iii)
NT SCM Instruction Note 03 of 2020/21	Par 3.6; 3.7; 5.1(i); 6.1; 6.3
NT SCM Instruction Note 05 of 2020/21	Par 3.2; 3.7; 4.3; 4.6; 4.8; 4.9; 5.3
Erratum NT SCM Instruction Note 05 of 2020/21	Par 1; 2
Second Amendment to NT SCM Instruction Note 05 of 2020/21	Par 1
NT Instruction Note 11 of 2020/21	Par 3.1; 3.4(b); 3.9
NT SCM Instruction Note 02 of 2021/22	Par 3.2.1; 3.2.4(a); 3.3.1; 4.1
SCM Practice Note 8 of 2007/08	Par 3.3.1; 3.3.3; 3.4.1; 3.5
SCM Practice Note 7 of 2009/10	Par 4.1.2

24. The material finding on compliance with the selected legislative requirements, presented per compliance theme, are as follows:

Procurement and contract management

25. Some of the IT related goods and services, classified as mandatory, were not procured through SITA as required by Treasury Regulation 16A6.3(e) and section 7(3) of the SITA Act.

Expenditure management

26. Effective and appropriate steps were not taken to prevent irregular expenditure amounting to R52.6 million, as disclosed in note 24 to the annual financial statements, as required by section 38(1)(c)(ii) of the PFMA and treasury regulation 9.1.1. The majority of the irregular expenditure was caused by the department not procuring IT goods and services through SITA.

Other information

27. The accounting officer is responsible for the other information. The other information comprises the information included in the annual report.
28. The other information 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 in this auditor's report.
29. My opinion on the financial statements and material findings on the reported performance information and compliance with legislation do not cover the other information and I do not express an audit opinion or any form of assurance conclusion on it.
30. In connection with my audit, my responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and the 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.
31. If, based on the work I have performed, I conclude that there is a material misstatement in this other information, I am required to report that fact. I have nothing to report in this regard.

Internal control deficiencies

32. I considered internal control relevant to my audit of the financial statements, reported performance information and compliance with applicable legislation; however, my objective was not to express any form of assurance on it. The matters reported below are limited to the significant internal control deficiencies that resulted in the findings on compliance with legislation included in this report.
33. Management's processes and controls implemented to prevent and detect non-compliance with laws and regulations were not effective and did not prevent irregular expenditure.

Other reports

34. I draw attention to the following engagements conducted by various parties which had, or could have, an impact on the matters reported in the department's financial statements, reported performance information, compliance with applicable legislation and other related matters.

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.

35. The Public Protector South Africa is investigating an anonymous complaint relating to the alleged procurement irregularities and irregular appointments of the officials at the Office of the Chief Justice during 2018-19 financial year. At 31 March 2022, the investigation has not been concluded.
36. 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.

Auditor - General

Pretoria
31 July 2022



AUDITOR GENERAL
SOUTH AFRICA

Auditing to build public confidence

Annexure – Auditor-general’s responsibility for the audit

1. 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 programme and on the department’s compliance with respect to the selected subject matters.

Financial statements

2. 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 by the accounting officer
 - conclude on the appropriateness of the accounting officer’s 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 Office of the Chief Justice 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

3. 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.
4. 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.

APPROPRIATION STATEMENT for the year ended 31 March 2022

Appropriation per programme	2021/22						2020/21		
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Programme									
1. Administration	246 193	-	6 105	252 298	210 144	42 154	83.3%	239 363	239 361
2. Superior Court Services	936 996	-	(7 876)	929 120	902 634	26 486	97.1%	888 660	806 268
3. Judicial Education and Support	58 591	-	1 771	60 362	43 385	16 977	71.9%	60 098	26 243
Subtotal	1 241 780	-	-	1 241 780	1 156 163	85 617	93.1%	1 188 121	1 071 872
Statutory Appropriation	1 118 421	-	-	1 118 421	1 063 342	55 079	95.1%	1 117 931	1 043 602
Judges' salaries	1 118 421	-	-	1 118 421	1 063 342	55 079	95.1%	1 117 931	1 043 602
TOTAL	2 360 201	-	-	2 360 201	2 219 505	140 696	94.0%	2 306 052	2 115 474

APPROPRIATION STATEMENT

for the year ended 31 March 2022

	2021/22		2020/21	
	Final Appropriation	Actual Expenditure	Final Appropriation	Actual Expenditure
TOTAL (brought forward)				
Reconciliation with statement of financial performance				
ADD				
Departmental receipts	3 320		2 698	
NRF Receipts				
Aid assistance				
Actual amounts per statement of financial performance (total revenue)	2 363 521		2 308 750	
ADD				
Aid assistance				
Prior year unauthorised expenditure approved without funding				
Actual amounts per statement of financial performance (total expenditure)		2 219 505		2 115 474

APPROPRIATION STATEMENT

for the year ended 31 March 2022

Appropriation per economic classification

	2021/22						2020/21		
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Economic classification									
Current payments	2 117 661	(11 378)	(2 000)	2 104 283	2 054 031	50 252	97.6%	2 065 598	1 943 413
Compensation of employees	1 779 900	11 820	-	1 791 720	1 791 530	190	100.0%	1 756 783	1 718 208
Goods and services	337 761	(23 204)	(2 000)	312 557	262 495	50 062	84.0%	308 815	225 205
Interest and rent on land	-	6	-	6	6	-	100.0%	-	-
Transfers and subsidies	133 605	2 129	-	135 734	75 443	60 291	55.6%	130 253	73 975
Provinces and municipalities	17	34	-	51	51	-	100.0%	62	62
Departmental agencies and accounts	5	1	-	6	6	-	100.0%	1	1
Higher education institutions									
Foreign governments and international organisations									
Public corporations and private enterprises									
Non-profit institutions									
Households	133 583	2 094	-	135 677	75 386	60 291	55.6%	130 190	73 912
Payments for capital assets	108 935	9 249	2 000	120 184	89 715	30 469	74.6%	110 201	97 765
Buildings and other fixed structures	-	-	-	-	-	-	-	57	57
Machinery and equipment	107 846	9 477	2 000	119 323	88 854	30 469	74.5%	105 137	92 701
Heritage assets									
Specialised military assets									
Biological assets									
Land and subsoil assets	1 089	(228)	-	861	861	-	100.0%	5 007	5 007
Intangible assets									
Payments for financial assets	-	-	-	-	316	(316)	-	-	321
Total	2 360 201	-	-	2 360 201	2 219 505	140 696	94.0%	2 306 052	2 115 474

APPROPRIATION STATEMENT

for the year ended 31 March 2022

Programme 1: ADMINISTRATION

	2021/22						2020/21		
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Sub programme									
1. MANAGEMENT	40 546	(2 797)	(343)	37 406	36 874	532	98.6%	34 134	34 132
2. CORPORATE SERVICES	151 907	(1 478)	6 448	156 877	115 888	40 989	73.9%	157 852	157 852
3. FINANCIAL ADMINISTRATION	34 755	889	-	35 644	35 011	633	98.2%	29 792	29 792
4. INTERNAL AUDIT	18 985	3 386	-	22 371	22 371	-	100.0%	17 585	17 585
5. OFFICE ACCOMODATION	-	-	-	-	-	-	-	-	-
Total for sub programmes	246 193	-	6 105	252 298	210 144	42 154	83.3%	239 363	239 361
Economic classification									
Current payments	224 743	(9 854)	(343)	214 546	201 157	13 389	93.8%	218 378	218 376
Compensation of employees	111 646	-	(343)	111 303	107 765	3 538	96.8%	103 083	103 082
Goods and services	113 097	(9 860)	-	103 237	93 386	9 851	90.5%	115 295	115 294
Interest and rent on land	-	6	-	6	6	-	100.0%	-	-
Transfers and subsidies	450	605	-	1 055	1 055	-	100.0%	554	554
Provinces and municipalities	-	1	-	1	1	-	100.0%	11	11
Departmental agencies and accounts	-	-	-	-	-	-	-	-	-
Higher education institutions	-	-	-	-	-	-	-	-	-
Foreign governments and international organisations	-	-	-	-	-	-	-	-	-
Public corporations and private enterprises	-	-	-	-	-	-	-	-	-
Non-profit institutions	-	-	-	-	-	-	-	-	-
Households	450	604	-	1 054	1 054	-	100.0%	543	543
Payments for capital assets	21 000	9 249	6 448	36 697	7 932	28 765	21.6%	20 431	20 431
Buildings and other fixed structures	-	-	-	-	-	-	-	-	-
Machinery and equipment	19 911	9 477	6 448	35 836	7 071	28 765	19.7%	15 496	15 496

APPROPRIATION STATEMENT

for the year ended 31 March 2022

Programme 1: ADMINISTRATION

	2021/22					2020/21			
	Adjusted Appropriation R'000	Shifting of Funds R'000	Virement R'000	Final Appropriation R'000	Actual Expenditure R'000	Variance R'000	Expenditure as % of final appropriation %	Final Appropriation R'000	Actual expenditure R'000
Heritage assets									
Specialised military assets									
Biological assets									
Land and subsoil assets	1 089	(228)	-	861	861	-	100,0%	4 935	4 935
Intangible assets									
Payments for financial assets	-	-	-	-	-	-	-	-	-
Total	246 193	-	6 105	252 298	210 144	42 154	83,3%	239 363	239 361

APPROPRIATION STATEMENT

for the year ended 31 March 2022

Programme 2: SUPERIOR COURT SERVICES

	2021/22						2020/21		
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	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	24 491	(5 448)	(3 786)	15 257	12 928	2 329	84.7%	14 927	10 659
2. CONSTITUTIONAL COURT	64 430	(6 072)	-	58 358	49 891	8 467	85.5%	60 841	48 372
3. SUPREME COURT OF APPEAL	39 761	1 948	-	41 709	41 529	180	99.6%	37 250	36 525
4. HIGH COURTS	744 261	10 692	(2 861)	752 092	737 643	14 449	98.1%	714 678	655 972
5. SPECIALISED COURTS	64 053	(1 120)	(1 229)	61 704	60 643	1 061	98.3%	60 964	54 740
Total for sub programmes	936 996	-	(7 876)	929 120	902 634	26 486	97.1%	888 660	806 268
Economic classification									
Current payments	848 086	(1 524)	(3 786)	842 776	816 168	26 608	96.8%	797 910	726 081
Compensation of employees	653 740	11 820	-	665 560	664 032	1 528	99.8%	639 839	619 918
Goods and services	194 346	(13 344)	(3 786)	177 216	152 136	25 080	85.8%	158 071	106 163
Interest and rent on land	-	-	-	-	-	-	-	-	-
Transfers and subsidies	3 064	1 524	-	4 588	4 588	-	100.0%	2 844	2 844
Provinces and municipalities	17	33	-	50	50	-	100.0%	51	51
Departmental agencies and accounts	5	1	-	6	6	-	100.0%	1	1
Higher education institutions	-	-	-	-	-	-	-	-	-
Foreign governments and international organisations	-	-	-	-	-	-	-	-	-
Public corporations and private enterprises	-	-	-	-	-	-	-	-	-
Non-profit institutions	-	-	-	-	-	-	-	-	-
Households	3 042	1 490	-	4 532	4 532	-	100.0%	2 792	2 792
Payments for capital assets	85 846	-	(4 090)	81 756	81 562	194	99.8%	87 906	77 250
Buildings and other fixed structures	-	-	-	-	-	-	-	57	57

APPROPRIATION STATEMENT

for the year ended 31 March 2022

Programme 2: SUPERIOR COURT SERVICES

	2021/22					2020/21			
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Machinery and equipment	85 846	-	(4 090)	81 756	81 562	194	99.8%	87 777	77 121
Heritage assets									
Specialised military assets									
Biological assets									
Land and subsoil assets									
Intangible assets								72	72
Payments for financial assets					316	(316)			93
Total	936 996	-	(7 876)	929 120	902 634	26 486	97.1%	888 660	806 268

APPROPRIATION STATEMENT

for the year ended 31 March 2022

Programme 3: JUDICIAL EDUCATION AND SUPPORT

	2021/22						2020/21		
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	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	34 706	-	-	34 706	17 895	16 811	51.6%	40 441	10 327
2. JUDICIAL POLICY, RESEARCH AND SUPPORT	16 943	(685)	(15)	16 243	16 243	-	100.0%	12 244	11 977
3. JUDICIAL SERVICE COMMISSION	6 942	685	1 786	9 413	9 247	166	98.2%	7 413	3 939
Total for sub programmes	58 591	-	1 771	60 362	43 385	16 977	71.9%	60 098	26 243
Economic classification									
Current payments	56 022	-	2 129	58 151	42 684	15 467	73.4%	58 098	26 023
Compensation of employees	25 704	-	343	26 047	25 711	336	98.7%	22 649	22 275
Goods and services	30 318	-	1 786	32 104	16 973	15 131	52.9%	35 449	3 748
Interest and rent on land	-	-	-	-	-	-	-	-	-
Transfers and subsidies	480	-	-	480	480	-	100.0%	136	136
Provinces and municipalities									
Departmental agencies and accounts									
Higher education institutions									
Foreign governments and international organisations									
Public corporations and private enterprises									
Non-profit institutions	480	-	-	480	480	-	100.0%	136	136
Households									
Payments for capital assets	2 089	-	(358)	1 731	221	1 510	12.8%	1 864	84
Buildings and other fixed structures									
Machinery and equipment	2 089	-	(358)	1 731	221	1 510	12.8%	1 864	84

APPROPRIATION STATEMENT

for the year ended 31 March 2022

Programme 3: JUDICIAL EDUCATION AND SUPPORT

	2021/22					2020/21			
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	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									
Payments for financial assets	-	-	-	-	-	-	-	-	-
Total	58 591	-	1 771	60 362	43 385	16 977	71.9%	60 098	26 243

APPROPRIATION STATEMENT

for the year ended 31 March 2022

DIRECT CHARGES

	2021/22						2020/21		
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000
Sub programme									
1. JUDGES' SALARIES	1 118 421	-	-	1 118 421	1 063 342	55 079	95.1%	1 117 931	1 043 602
Total for sub programmes	1 118 421	-	-	1 118 421	1 063 342	55 079	95.1%	1 117 931	1 043 602
Economic classification									
Current payments	988 810	-	-	988 810	994 022	(5 212)	100.5%	991 212	972 933
Compensation of employees	988 810	-	-	988 810	994 022	(5 212)	100.5%	991 212	972 933
Goods and services	-	-	-	-	-	-	-	-	-
Transfers and subsidies	129 611	-	-	129 611	69 320	60 291	53.5%	126 719	70 441
Households	129 611	-	-	129 611	69 320	60 291	53.5%	126 719	70 441
Payments for financial assets	-	-	-	-	-	-	-	-	228
Total	1 118 421	-	-	1 118 421	1 063 342	55 079	95.1%	1 117 931	1 043 602

APPROPRIATION STATEMENT for the year ended 31 March 2022

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, disclosure notes and Annexure 1 (G) to the Annual Financial Statements.

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

Detail of these transactions can be viewed in note 1 (Annual Appropriation) to the Annual Financial Statements.

3. Detail on payments for financial assets

Detail of these transactions per programme 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	Final Appropriation	Actual Expenditure	Variance R'000	Variance as a % of Final Appropriation
Administration	252 298	210 144	42 154	16.7%
Superior Court Services	929 120	902 634	26 486	2.9%
Judicial Education and Support	60 362	43 385	16 977	28.1%
Total	1 241 780	1 156 163	85 617	6.9%

The underspending on goods and services relates to the cost of the ICT infrastructure which was delayed due to world-wide backlog as the equipment are manufactured abroad as well as savings on: catering services, venues and facilities, stationery and telephone costs as some Judges and Officials were working remotely due to COVID-19 lockdown restrictions.

Further underspending occurred on fleet services due to decreased usage of the leased Judges vehicles and judicial training as it has switched from hiring of venues to virtual training due COVID-19 lockdown restrictions. The underspending on transfers and subsidies relates to fewer than projected leave gratuities paid to Judges. The underspending on capital payments is due to delays in delivery of the ICT server equipment's for reasons as explained above.

NOTES TO THE APPROPRIATION STATEMENT

for the year ended 31 March 2022

	Final Appropriation	Actual Expenditure	Variance R'000	Variance as a % of Final Appropriation
Judges' Salaries	1 118 421	1 063 342	55 079	4.9%
Total	1 118 421	1 063 342	55 079	4.9%

The overspending on compensation of employees is due to more than anticipated budget cuts implemented by National treasury as well as the costs of acting Judges. The underspending on transfers and subsidies relates to fewer than projected leave gratuities paid to Judges.

4.2	Per econd final classification	Actual Expenditure	Variance	Variance as a % of Final Appropriation
	R'000	R'000	R'000	R'000
Current payments				
Compensation of employees	1 791 720	1 791 530	190	0.0%
Goods and services	312 557	262 495	50 062	16.0%
Interest and rent on land	6	6	-	-
Transfers and subsidies				
Provinces and municipalities	51	51	-	-
Departmental agencies and accounts	6	6	-	-
Households	135 677	75 386	60 291	44.4%
Payments for capital assets				
Machinery and equipment	119 323	88 854	30 469	25.5%
Intangible assets	861	861	-	-
Payments for financial assets	-	316	(316)	-

The underspending on goods and services relates to the cost of the ICT infrastructure which was delayed due to world-wide backlog as the equipment are manufactured abroad as well as savings on: catering services, venues and facilities, stationery and telephone costs as some Judges and Officials were working remotely due to COVID-19 lockdown restrictions. Further underspending occurred on fleet services due to decreased usage of the leased Judges vehicles and judicial training as it has switched from hiring of venues to virtual training due COVID-19 lockdown restrictions. The underspending on transfers and subsidies relates to fewer than projected leave gratuities paid to Judges. The underspending on capital payments is due to delays in delivery of the ICT server equipment's for reasons as explained above.

STATEMENT OF FINANCIAL PERFORMANCE

for the year ended 31 March 2022

	Note	2021/22 R'000	2020/21 R'000
REVENUE			
Annual appropriation	1	1 241 780	1 188 121
Statutory appropriation	2	1 118 421	1 117 931
Departmental revenue	3	3 320	2 698
NRF Receipts		-	-
TOTAL REVENUE		2 363 521	2 308 750
EXPENDITURE			
Current expenditure			
Compensation of employees	5	1 791 533	1 718 207
Goods and services	6	262 492	225 208
Interest and rent on land	7	6	-
Total current expenditure		2 054 031	1 943 415
Transfers and subsidies			
Transfers and subsidies	9	75 444	73 974
Total transfers and subsidies		75 444	73 974
Expenditure for capital assets			
Tangible assets	10	88 853	92 757
Intangible assets	10	860	5 007
Total expenditure for capital assets		89 713	97 764
Unauthorised expenditure approved without funding		-	-
Payments for financial assets	8	317	321
TOTAL EXPENDITURE		2 219 505	2 115 474
SURPLUS/(DEFICIT) FOR THE YEAR		144 016	193 276
Reconciliation of Net Surplus/(Deficit) for the year			
Voted funds		140 696	190 578
Annual appropriation		85 617	116 249
Statutory appropriation		55 079	74 329
Departmental revenue and NRF Receipts	15	3 320	2 698
SURPLUS/(DEFICIT) FOR THE YEAR		144 016	193 276

STATEMENT OF FINANCIAL POSITION

for the year ended 31 March 2022

	Note	2021/22 R'000	2020/21 R'000
ASSETS			
Current assets			
Cash and cash equivalents	11	139 761	191 677
Receivables	13	2 655	1 547
Non-current assets			
Receivables	13	1 289	1 676
TOTAL ASSETS		143 705	194 900
LIABILITIES			
Current liabilities			
Voted funds to be surrendered to the Revenue Fund	14	140 696	190 578
Departmental revenue and NRF Receipts to be surrendered to the Revenue Fund	15	614	980
Payables	16	1 159	1 842
Non-current liabilities			
Payables		-	-
TOTAL LIABILITIES		142 469	193 400
NET ASSETS		1 236	1 500

STATEMENT OF FINANCIAL POSITION

for the year ended 31 March 2022

	Note	2021/22	2020/21
		R'000	R'000
Represented by:			
Capitalisation reserve			
Recoverable revenue		1 236	1 500
Retained funds			
Revaluation reserves			
TOTAL		1 236	1 500

STATEMENT OF CHANGES IN NET ASSESTS

for the year ended 31 March 2022

	Note	2021/22 R'000	2020/21 R'000
Recoverable revenue			
Opening balance		1 500	1 672
Transfers:		(264)	(172)
Irrecoverable amounts written off	<u>8.3</u>	-	-
Debts revised		-	-
Debts recovered (included in departmental receipts)		(264)	(172)
Debts raised		-	-
Closing balance		1 236	1 500
TOTAL		1 236	1 500

CASH FLOW STATEMENTS

for the year ended 31 March 2022

	Note	2021/22 R'000	2020/21 R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts		2 363 241	2 308 538
Annual appropriated funds received	11	1 241 780	1 188 121
Statutory appropriated funds received	2	1 118 421	1 117 931
Departmental revenue received	3	3 040	2 486
Net (increase)/decrease in working capital		(1 791)	298
Surrendered to Revenue Fund		(194 264)	(112 865)
Surrendered to RDP Fund/Donor		-	-
Current payments		(2 054 025)	(1 943 415)
Interest paid	2	(6)	-
Payments for financial assets		(317)	(321)
Transfers and subsidies paid		(75 444)	(73 974)
Net cash flow available from operating activities	12	37 394	178 261
CASH FLOWS FROM INVESTING ACTIVITIES			
Distribution/dividend received		-	-
Payments for capital assets	10	(89 713)	(97 764)
Proceeds from sale of capital assets	3.3	280	212
(Increase)/decrease in loans		-	-
(Increase)/decrease in investments		-	-
(Increase)/decrease in other financial assets		-	-
(Increase)/decrease in non-current receivables	13	387	214
Net cash flows from investing activities		(89 046)	(97 338)
CASH FLOWS FROM FINANCING ACTIVITIES			
Increase/(decrease) in net assets		(264)	(172)
Increase/(decrease) in non-current payables		-	-
Net cash flows from financing activities		(264)	(172)
Net increase/(decrease) in cash and cash equivalents		(51 916)	80 751
Cash and cash equivalents at beginning of period		191 677	110 926
Unrealised gains and losses within cash and cash equivalents		-	-
Cash and cash equivalents at end of period	18	139 761	191 677

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

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 2022

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.

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. 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.

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.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

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.

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.

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.

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.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

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.

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.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

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.

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.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

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.

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.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

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 recognised in the statement of financial position 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 is measured at the amount of the confirmed unauthorised expenditure.

19 Fruitless and wasteful expenditure

Fruitless and wasteful expenditure is recorded in the notes to the financial statements when confirmed. The amount recorded is equal to the total value of the fruitless and or wasteful expenditure incurred.

Fruitless and wasteful expenditure is removed from the notes to the financial statements when it is resolved or transferred to receivables or written off.

Fruitless and wasteful expenditure receivables are measured at the amount that is expected to be recoverable and are de-recognised when settled or subsequently written-off as irrecoverable.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

20 Irregular expenditure

Irregular expenditure is recorded in the notes to the financial statements when confirmed after its assessment. The amount recorded is equal to the value of the irregular expenditure incurred unless it is impracticable to determine, in which case reasons therefore are provided in the note.

Irregular expenditure is reduced from the note when it is either condoned by the relevant authority, transferred to receivables for recovery, not condoned and removed or written-off.

Irregular expenditure receivables are measured at the amount that is expected to be recoverable and are de-recognised when settled or subsequently written-off as irrecoverable.

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.

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.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

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 in a Treasury Instruction)

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

Public Private Partnerships are accounted for based on the nature and or the substance of the partnership. The transaction is accounted for in accordance with the relevant accounting policies.

A summary of the significant terms of the PPP agreement, the parties to the agreement, and the date of commencement thereof together with the description and nature of the concession fees received, the unitary fees paid, rights and obligations of the department are recorded in the notes to the financial statements.

30 Employee benefits

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

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

Mergers are accounted for by the combined department by recognising or recording assets acquired and liabilities assumed at their carrying amounts at the date of the merger.

Mergers are accounted for by the combining departments by derecognising or removing assets and liabilities at their carrying amounts at the date of the merger.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

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:

	2021/22			2020/21		
	Final Appropriation	Actual Funds Received	Funds not requested / not received	Final Appropriation	Appropriation received	Funds not requested / not received
	R'000	R'000	R'000	R'000	R'000	R'000
Administration	252 298	246 193	6 105	239 363	218 768	20 595
Superior Court Services	929 120	936 996	(7 876)	888 660	910 188	(21 528)
Judicial education and Support	60 362	58 591	1 771	60 098	59 165	933
Total	1 241 780	1 241 780	-	1 188 121	1 188 121	-

The actual funds received reflect the actual cash flow received for the 2021/22 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

	2021/22	2020/21
	R'000	R'000
Judges salaries	1 118 421	1 117 931
Total	1 118 421	1 117 931
Actual Statutory Appropriation received	1 118 421	1 117 931

3. Departmental revenue

	Note	2021/22	2020/21
		R'000	R'000
Tax revenue		-	-
Sales of goods and services other than capital assets	3.1	587	588
Fines, penalties and forfeits	3.2	50	-
Interest, dividends and rent on land	3.3	-	-
Sales of capital assets	3.4	280	212
Transactions in financial assets and liabilities	3.5	2 403	1 898
Transfer received	3.6	-	-
Total revenue collected		3 320	2 698
Less: Own revenue included in appropriation	15	-	-
Departmental revenue collected		3 320	2 698

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

3.1 Sales of goods and services other than capital assets

	Note	2021/22	2020/21
	3	R'000	R'000
Sales of goods and services produced by the department		581	579
Sales by market establishment		37	42
Administrative fees		-	-
Other sales		544	537
Sales of scrap, waste and other used current goods		6	9
Total		587	588

3.2 Fines, penalties and forfeits

	Note	2021/22	2020/21
	3	R'000	R'000
Fines		50	-
Total		50	-

3.3 Sale of capital assets

	Note	2021/22	2020/21
	3	R'000	R'000
Tangible assets		280	212
Buildings and other fixed structures	31	-	-
Machinery and equipment	29	280	212
Intangible assets			
Software	30	-	-
Total		280	212

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

3.4 Transactions in financial assets and liabilities

	Note	2021/22	2020/21
	3	R'000	R'000
Receivables		2 403	1 898
Total		2 403	1 898

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

4. Aid assistance

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

	Note	2021/22	2020/21
		R'000	R'000
<i>List in-kind donations received</i>			
South Africa and International Law Books		-	36
Booklets on Property in Housing and Law		3	9
Total		3	45

Donations of Law books received in kind as per Treasury Regulations 21.2.4 and had no effect on expenditure.

5. Compensation of employees

5.1 Salaries and Wages

	Note	2021/22	2020/21
		R'000	R'000
Basic salary		1 260 227	1 231 561
Performance award		3 885	4 267
Service Based		807	555
Compensative/circumstantial		3 212	3 087
Periodic payments		1 283	586
Other non-pensionable allowances		396 519	358 265
Total		1 665 933	1 598 321

5.2 Social contributions

	Note	2021/22	2020/21
		R'000	R'000
Employer contributions			
Pension		63 206	63 245
Medical		62 169	56 434
UIF		2	1
Bargaining council		223	206
Official unions and associations		-	-
Insurance		-	-
Total		125 600	119 886
Total compensation of employees		1 791 533	1 718 207
Average number of employees		2 044	1 929

The expenditure under Direct Charge/Statutory 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 2022

6. Goods and services

	Note	2021/22 R'000	2020/21 R'000
Administrative fees		1 888	1 827
Advertising		848	953
Minor assets	6.1	3 966	2 683
Bursaries (employees)		1 054	860
Catering		1 320	563
Communication		12 646	10 813
Computer services	6.2	63 182	95 958
Consultants: Business and advisory services	6.9	12 839	7 991
Infrastructure and planning services		-	-
Laboratory services		-	-
Scientific and technological services		-	-
Legal services		4 857	1 897
Contractors		2 844	1 354
Agency and support / outsourced services		1 467	762
Entertainment		36	15
Audit cost – external	6.3	8 485	5 374
Fleet services		19 428	13 714
Inventory	6.4	-	-
Consumables	6.5	14 220	13 127
Housing		-	-
Operating leases		28 639	18 886
Property payments	6.6	4 140	3 005
Rental and hiring		4	2
Transport provided as part of the departmental activities		-	-
Travel and subsistence	6.7	68 443	38 719
Venues and facilities		2 324	307
Training and development		3 520	2 807
Other operating expenditure	6.8	6 342	3 591
Total		262 492	225 208

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

- *Communications*
- *Contractors: Business and advisory services*
- *Fleet services*
- *Operating leases*
- *Other operating expenditure.*

The Increase in expenditure on Legal Services relates to accruals of the previous financial year paid in the current year.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

6.1 Minor assets

	Note	2021/22	2020/21
	6	R'000	R'000
Tangible assets		3 966	2 683
Machinery and equipment		3 966	2 683
Intangible assets			
Software		-	-
Total		3 966	2 683

6.2 Computer services

	Note	2021/22	2020/21
	6	R'000	R'000
SITA computer services		11 370	10 465
External computer service providers		51 812	85 493
Total		63 182	95 958

6.3 Audit cost – External

	Note	2021/22	2020/21
	6	R'000	R'000
Regularity audits		8 485	5 374
Total		8 485	5 374

6.4 Consumables

	Note	2021/22	2020/21
	6	R'000	R'000
Consumable supplies		4 298	4 692
Uniform and clothing		161	204
Household supplies		1 411	2 040
Building material and supplies		114	73
Communication accessories		1	-
IT consumables		777	307
Other consumables		1 834	2 068
Stationery, printing and office supplies		9 922	8 435
Total		14 220	13 127

6.5 Property payments

	Note	2021/22	2020/21
	6	R'000	R'000
Property maintenance and repairs		-	1 424
Other		4 140	1 581
Total		4 140	3 005

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

6.6 Travel and subsistence

	Note	2021/22	2020/21
	6	R'000	R'000
Local		68 443	38 124
Foreign		-	595
Total		68 443	38 719

6.7 Other operating expenditure

	Note	2021/22	2020/21
	6	R'000	R'000
Professional bodies, membership and subscription fees		360	280
Resettlement costs		201	114
Other		5 781	3 197
Total		6 342	3 591

6.8 Remuneration of members of a commission or committee (Included in Consultants: Business and advisory services) [Treasury Regulation 20.2.4]

		Note	2021/22	2020/21
		6	R'000	R'000
Name of Commission / Committee	No. of members			
Audit Committee Members	05		529	-
Total			529	-

7. Interest and rent on land

	Note	2021/22	2020/21
		R'000	R'000
Interest paid		6	-
Rent on land		-	-
Total		6	-

Interest paid on the late processing of an arbitration award. Consequence management under investigation.

8. Payments for financial assets

	Note	2021/22	2020/21
		R'000	R'000
Material losses through criminal conduct		-	93
Other material losses	8.1	-	93
Debts written off	8.2	317	228
Total		317	321

The R317 thousand was for Tax debts on Officials and Judges` which could not be recovered due to resignation or deceased individuals.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

8.1 Other material losses

	Note	2021/22	2020/21
	8	R'000	R'000
Nature of other material losses			
(Group major categories, but list material items)			
Incident	Disciplinary Steps taken/ Criminal proceedings		
	Official was not held liable for Accident Motor Vehicle	-	93
Total		-	93

8.2 Debts written off

	Note	2021/22	2020/21
	8	R'000	R'000
Nature of debts written off			
Tax debts which could not be recovered			
		317	228
Total		317	228
Total debt written off		317	228

The R317 thousand was for Tax debts on Officials and Judges` which could not be recovered due to resignation or deceased individuals.

9. Transfers and subsidies

		2021/22	2020/21
		R'000	R'000
	Note		
Provinces and municipalities	Ann 1A	58	62
Households	Annexure 1G	75 386	73 912
Total		75 444	73 974

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 2022

10. Expenditure for capital assets

	Note	2021/22 R'000	2020/21 R'000
Tangible assets		88 853	92 757
Machinery and equipment	29	88 853	92 757
Intangible assets		860	5 007
Software	30	860	5 007
Total		89 713	97 764

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 – 2021/22

	Voted funds R'000	Aid assistance R'000	Total 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

10.2 Analysis of funds utilised to acquire capital assets – 2020/21

	Voted funds R'000	Aid assistance R'000	Total R'000
Tangible assets	92 757	-	92 757
Machinery and equipment	92 757	-	92 757
Intangible assets	5 007	-	5 007
Software	5 007	-	5 007
Total	97 764	-	97 764

10.3 Finance lease expenditure included in Expenditure for capital assets

	Note	2021/22 R'000	2020/21 R'000
Tangible assets			
Machinery and equipment		79 198	73 753
Total		79 198	73 753

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for the year ended 31 March 2022

11. Cash and cash equivalents

	Note	2021/22	2020/21
		R'000	R'000
Consolidated Paymaster General Account		139 445	191 299
Cash on hand		316	311
Cash with Commercial Banks (Domestic)		-	67
Total		139 761	191 677

12. Prepayments and advances

12.1 Prepayments (Expensed)

	Note	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.

	Note	Amount as at 1 April 2020	Less: Received in the current year	Add or Less: Other	Add: Current Year prepayments	Amount as at 31 March 2021
		R'000	R'000	R'000	R'000	R'000
Goods and services		-	-	-	26 437	26 437
Capital assets		15 557	(15 557)	-	-	-
Other		-	-	-	-	-
Total		15 557	(15 557)	-	26 437	26 437

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

13. Receivables

	Note	2021/22			2020/21		
		Current	Non-current	Total	Current	Non-current	Total
		R'000	R'000	R'000	R'000	R'000	R'000
Claims recoverable	13.1	1 111	-	1 111	118	-	118
Recoverable expenditure	13.2	309	-	309	265	-	265
Staff debt	13.3	694	1 289	1 983	110	1 676	1 786
Other receivables	13.4	541	-	541	1 054	-	1 054
Fruitless and wasteful expenditure	13.5	-	-	-	-	-	-
Total		2 655	1 289	3 944	1 547	1 676	3 223

13.1 Claims recoverable

	Note	2021/22	2020/21
	13	R'000	R'000
National departments		1 111	-
Provincial departments		-	37
Private enterprises		-	81
Total		1 111	118

13.2 Recoverable expenditure (disallowance accounts)

	Note	2021/22	2020/21
	13	R'000	R'000
Disallowance Accounts		309	265
Total		309	265

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

13.3 Staff debt

	Note	2021/22	2020/21
	13	R'000	R'000
Staff and Statutory Appropriation receivables		1 983	1 786
Total		1 983	1 786

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

13.4 Other receivables

	Note	2021/22	2020/21
	13	R'000	R'000
Staff Tax debts		150	1 054
Statutory Appropriation receivables		391	-
Total		541	1 054

13.5 Fruitless and wasteful expenditure

	Note	2021/22	2020/21
	13	R'000	R'000
Opening balance		-	-
Less amounts recovered		(9)	-
Transfers from note 25 Fruitless and Wasteful Expenditure		9	-
Total		-	-

14. Voted funds to be surrendered to the Revenue Fund

	Note	2021/22	2020/21
		R'000	R'000
Opening balance		190 578	110 626
Prior period error	14.1		
As restated		190 578	110 626
Transfer from statement of financial performance (as restated)		140 696	190 578
Paid during the year		(190 578)	(110 626)
Closing balance		140 696	190 578

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

	Note	2021/22	2020/21
		R'000	R'000
Opening balance		980	521
Prior period error	15.1	-	-
As restated		980	521
Transfer from Statement of Financial Performance (as restated)		3 320	2 698
Paid during the year		(3 686)	(2 239)
Closing balance		614	980

16. Payables – current

	Note	2021/22	2020/21
		R'000	R'000
Clearing accounts	16.1	1 159	1 842
Total		1 159	1 842

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for the year ended 31 March 2022

16.1 Clearing accounts

	Note	2021/22	2020/21
	16	R'000	R'000
Description			
PAYE		1 159	1 842
Total		1 159	1 842

17. Net cash flow available from operating activities

	Note	2021/22	2020/21
		R'000	R'000
Net surplus/(deficit) as per Statement of Financial Performance		144 016	193 276
Add back non cash/cash movements not deemed operating activities		(106 622)	(15 015)
(Increase)/decrease in receivables		(1 108)	128
(Increase)/decrease in prepayments and advances		-	-
(Increase)/decrease in other current assets		-	-
Increase/(decrease) in payables – current		(683)	170
Proceeds from sale of capital assets		(280)	(212)
Expenditure on capital assets		89 713	97 764
Surrenders to Revenue Fund		(194 264)	(112 865)
Net cash flow generated by operating activities		37 394	178 261

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

	Note	2021/22	2020/21
		R'000	R'000
Consolidated Paymaster General account		139 445	191 299
Cash on hand		316	311
Cash with commercial banks (Local)		-	67
Total		139 761	191 677

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

19. Contingent liabilities and contingent assets

19.1 Contingent liabilities

		Note	2021/22	2020/21
			R'000	R'000
Liable to	Nature			
	Claims against the department	Annex 3B	1 485	-
Total			1 485	-

Claims against the department consist of cases relating to the OCJ Officials, where the OCJ will be expected to carry the litigation costs of which the outcomes and timing are still uncertain.

20. Capital commitments

		Note	2021/22	2020/21
			R'000	R'000
	Machinery and equipment		39 349	32 548
	Intangible assets		13 875	2 234
Total			53 224	34 782

The bulk of commitments relates to ICT hardware ordered but not yet delivered due to COVID-19 manufacturing backlogs worldwide. The commitment relating to intangible assets relates to software procured to enhance ICT security, which will be rolled out and implemented in the next financial year.

21. Accruals and payables not recognised

21.1 Accruals

		2021/22			2020/21
		R'000			R'000
Listed by economic classification					
		30 Days	30+ Days	Total	Total
	Goods and services	11 232	2 258	13 490	17 091
	Capital assets	3 550	583	4 133	9 437
Total		14 782	2 841	17 623	26 528

		Note	2021/22	2020/21
			R'000	R'000
Listed by programme level				
	Administration		4 305	15 781
	Superior Courts		11 513	10 530
	Judicial Education and Support		1 805	217
Total			17 623	26 528

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

21.2 Payables not recognised

		2021/22		2020/21
		R'000		R'000
Listed by economic classification				
	30 Days	30+ Days	Total	Total
Goods and services	472	1 320	1 792	3 552
Capital assets	-	-	-	-
Total	472	1 320	1 792	3 552

		Note	2021/22	2020/21
			R'000	R'000
Listed by programme level				
Administration			1 091	-
Superior Courts			701	-
Judicial Education and Support			-	3 552
Total			1 792	3 552

22. Employee benefits

		Note	2021/22	2020/21
			R'000	R'000
Leave entitlement			29 452	34 956
Service bonus			19 436	19 376
Performance awards			-	3 808
Capped leave			10 449	11 614
Other			1 246	952
Total			60 583	70 706

Included in the leave entitlement is an amount of R823 935.92 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. 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.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

23. Lease commitments

23.1 Operating leases

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

2020/21	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	-	-	-	1 913	1 913
Total lease commitments	-	-	-	1 913	1 913

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

23.2 Finance leases **

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

2020/21	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	-	-	-	60 946	60 946
Later than 1 year and not later than 5 years	-	-	-	79 784	79 784
Total lease commitments	-	-	-	140 730	140 730

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

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

24. Irregular expenditure

24.1 Reconciliation of irregular expenditure

	Note	2021/22 R'000	2020/21 R'000
Opening balance		8 026	1 078
Prior period error			-
As restated		8 026	1 078
Add: Irregular expenditure – relating to prior year		12 012	14
Add: Irregular expenditure – relating to current year		40 620	7 613
Less: Prior year amounts condoned		(400)	(679)
Less: Prior year amounts not condoned and removed		(7 626)	-
Closing balance		52 632	8 026

Analysis of closing balance			
Current year		40 620	7 613
Prior years		12 012	413
Total		52 632	8 026

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.

24.2 Details of current and prior year irregular expenditure – added current year (under determination and investigation)

Incident	Disciplinary steps taken/criminal proceedings	2021/22 R'000
Transgression of SCM prescripts Value for money obtained	No Corrective measures to be implemented as procurement needed to be done during COVID-19 lockdown for hygiene services	77
Transgression of SCM prescripts Value for money obtained	No Corrective measures to be implemented	52 170
Transgression of SCM prescripts Value for money obtained	No Corrective measures to be implemented as procurement needed to be done through foreign company whose stance is that they have no tax obligation in SA.	385
Total		52 632

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for the year ended 31 March 2022

24.3 Details of irregular expenditure condoned

Incident	Condoned by (relevant authority)	2021/22 R'000
Transgression of SCM prescripts: COVID-19 lockdown related: Value for money obtained	No action possible: transgressing employee has left the employer of the OCJ: Condoned	400
Total		400

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

24.4 Details of irregular expenditure removed - (not condoned)

Incident	Not condoned by (relevant authority)	2021/22 R'000
Transgression of SCM prescripts: COVID-19 lockdown related: Value for money obtained	No action possible: transgressing employee has left the employer of the OCJ: Removed	7 626
Total		7 626

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

25. Fruitless and wasteful expenditure

25.1 Reconciliation of fruitless and wasteful expenditure

	Note	2021/22 R'000	2020/21 R'000
Opening balance		20	-
Prior period error			-
As restated		20	-
Fruitless and wasteful expenditure - relating to prior year		-	3
Fruitless and wasteful expenditure - relating to current year	25.2	6	17
Less: Amounts recoverable	13.5	(9)	-
Less: Amounts written off		-	-
Closing balance		17	20

25.2 Details of current and prior year fruitless and wasteful expenditure - added current year (under determination and investigation)

Incident	Disciplinary steps taken/criminal proceedings	2021/22 R'000
Interest incurred due to a late pay out to an official after a labour dispute arbitration award	Consequence Management to be implemented against the officials who delayed the payment	6
Total		6

Interest incurred due to a late pay out to an official after a labour dispute arbitration award and consequence management is being investigated.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

26. Related party transactions

List in kind goods and services between the department and the related party

In kind goods and services provided/received	Note	2021/22	2020/21
		R'000	R'000
The cost for the OCJ National Office lease was carried by the DOJ&CD		11 278	8 150
Total		11 278	8 150

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

27. Key management personnel

	No. of Individuals	2021/22	2020/21
		R'000	R'000
Political office bearers (provide detail below)			
Officials:	2	-	-
Level 15 to 16	5	9 096	6 708
Level 14 (incl. CFO if at a lower level)	6	8 124	10 197
Total		17 220	16 905

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 2022

28. Provisions

	Note	2021/22	2020/21
		R'000	R'000
Please specify			
Litigation fees for Judicial Conduct Commission related expenditure		1 132	1 272
Total		1 132	1 272

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.

28.1 Reconciliation of movement in provisions – 2021/22

	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

29. Movable Tangible Capital Assets

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2022

	Opening balance	Value adjustments	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	235 405	-	35 695	(4 357)	266 743
Transport assets	16 002	-	-	(562)	15 440
Computer equipment	113 621	-	20 667	(2 442)	131 846
Furniture and office equipment	45 498	-	2 157	(911)	46 744
Other machinery and equipment	60 284	-	12 871	(442)	72 713
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	235 405	-	35 695	(4 357)	266 743

Additions on Note 10 and Note 29 differ because note 10 included Finance leases 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 2022

29.1 Movement for 2020/21

MOVEMENT IN TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2021

	Opening balance	Prior period error	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	183 586	(902)	57 664	(4 943)	235 405
Transport assets	15 863	669	366	(896)	16 002
Computer equipment	63 385	(449)	51 350	(665)	113 621
Furniture and office equipment	44 748	(1 051)	2 530	(729)	45 498
Other machinery and equipment	59 590	(71)	3 418	(2 653)	60 284
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	183 586	(902)	57 664	(4 943)	235 405

29.1.1 Prior period error

	Note	2020/21
		R'000
Nature of prior period error		
Relating to 2020/21 [affecting the opening balance]		(902)
Transport Assets		669
Computer Equipment		(449)
Furniture & Office Equipment		(1 051)
Other Machinery & Equipment		(71)
Total prior period errors		(902)

The prior period error relates to:

- Vehicle previously acquired but not recorded on the assets register.
- Removal of previously disposed assets that were erroneously reinstated on the asset register due to the JYP system crash.
- Reinstatement of assets that were erroneously disposed due to the JYP system crash.
- Reinstatement of previously acquired assets that were omitted on the asset register.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

29.2 Minor assets

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

	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
Value adjustments	-	-	-	-	-	-
Additions	-	-	-	3 990	-	3 990
Disposals	-	-	-	(1 991)	-	(1 991)
TOTAL MINOR ASSETS	-	39	321	147 643	-	148 003

	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

MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2021

	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	144 730	-	145 090
Prior period error	-	-	-	(2 374)	-	(2 374)
Additions	-	-	-	4 383	-	4 383
Disposals	-	-	-	(1 095)	-	(1 095)
TOTAL MINOR ASSETS	-	39	321	145 644	-	146 004

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for the year ended 31 March 2022

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
Number of R1 minor assets	-	-	4 936	304 393	-	309 329
Number of minor assets at cost	-	9	485	181 921	-	182 415
TOTAL NUMBER OF MINOR ASSETS	-	9	5 421	486 314	-	491 744

29.2.1 Prior period error

	Note	2020/21 R'000
Nature of prior period error		(2 374)
Relating to 2020/21 [<i>affecting the opening balance</i>]		
Machinery & Equipment		(2 374)
Total		(2 374)

The prior period error relates to:

- Removal of previously disposed assets that were erroneously reinstated on the asset register due to the JYP system crash.
- Reinstatement of assets that were erroneously disposed due to the JYP system crash.
- Reinstatement of previously acquired assets that were omitted on the asset register.

30. Intangible Capital Assets

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

	Opening balance	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000
SOFTWARE	40 585	841	-	41 426
TOTAL INTANGIBLE CAPITAL ASSETS	40 585	841	-	41 426

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30.1 Movement for 2020/21

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2021

	Opening balance	Prior period error	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
SOFTWARE	38 253	(167)	2 516	(17)	40 585
TOTAL INTANGIBLE CAPITAL ASSETS	38 253	(167)	2 516	(17)	40 585

30.1.1 Prior period error

	Note	2020/21 R'000
Nature of prior period error		(167)
Relating to 2020/21 [affecting the opening balance]		
Software Licence expired in 2019/20		(92)
Software installed in the stolen laptop derecognised		(75)
Total		(167)

The expired licence (92 thousand) relates to the ICT Network Performance Monitoring solution which expired in 2019/20 and never removed.

The other amount (75 thousand) relates to software that had to be derecognised as the laptop on which the software was installed was stolen in the past financial year.

31. Immovable Tangible Capital Assets

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

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

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for the year ended 31 March 2022

31.1 Movement for 2020/21

MOVEMENT IN IMMOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2021

	Opening balance	Prior period error	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
BUILDINGS AND OTHER FIXED STRUCTURES	9	-	57	-	66
Dwellings	-				
Non-residential buildings					
Other fixed structures	9	-	57	-	66
TOTAL IMMOVABLE TANGIBLE CAPITAL ASSETS	9	-	57	-	66

31.2 Capital Work-in-progress

CAPITAL WORK-IN-PROGRESS AS AT 31 MARCH 2022

	Note	Opening balance 1 April 2021	Current Year WIP	Ready for use (Assets transferred to the Assets Register)	Closing balance 31 March 2022
	Annexure 7	R'000	R'000	R'000	R'000
Machinery and equipment		7 628	2 472	(2 490)	7 610
Intangible assets		51 328	11 114	-	62 442
TOTAL		58 956	13 586	(2 490)	70 052

As at 31 March 2022, the Court on line 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.

CAPITAL WORK-IN-PROGRESS AS AT 31 MARCH 2021

	Note	Opening balance 1 April 2020	Prior period error	Current Year WIP	Ready for use (Assets to the AR) / Contracts terminated	Closing balance 31 March 2021
	Annexure 7	R'000	R'000	R'000	R'000	R'000
Machinery and equipment		-	-	7 628	-	7 628
Intangible assets		36 936	-	14 392	-	51 328
TOTAL		36 936	-	22 020	-	58 956

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32. Prior period errors

32.1 Correction of prior period errors

	Note	Amount bef error correction	Prior period error	Restated Amount
		2020/21	2020/21	2021/22
	29	R'000	R'000	R'000
Assets:				
Transport Assets		15 333	669	16 002
Computer Equipment		114 070	(449)	113 621
Furniture & Office Equipment		46 549	(1 051)	45 498
Other Machinery & Equipment		60 355	(71)	60 284
Net effect		236 307	(902)	235 405

The prior period error relates to:

- Vehicle previously acquired but not recorded on the assets register.
- Removal of previously disposed assets that were erroneously reinstated on the asset register due to the JYP system crash.
- Reinstatement of assets that were erroneously disposed due to the JYP system crash.
- Reinstatement of previously acquired assets that were omitted on the asset register.

	Note	Amount before error correction	Prior period error	Restated Amount
		2020/21	2020/21	2021/22
	29	R'000	R'000	R'000
Minor Assets:				
Machinery & Equipment		148 018	(2 374)	145 644
Net effect		148 018	(2 374)	145 644

The prior period error relates to:

- Removal of previously disposed assets that were erroneously reinstated on the asset register due to the JYP system crash.
- Reinstatement of assets that were erroneously disposed due to the JYP system crash.
- Reinstatement of previously acquired assets that were omitted on the asset register.

	Note	Amount bef error correction	Prior period error	Restated Amount
		2020/21	2020/21	2021/22
	30	R'000	R'000	R'000
Intangible Assets:				
Software licence expired and software derecognised		40 752	(167)	40 585
Net effect		40 752	(167)	40 585

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

The expired licence (92 thousand) relates to the ICT Network Performance Monitoring solution which expired in 2019/20 and never removed.

The other amount (75 thousand) relates to software that had to be derecognised as the laptop on which the software was installed was stolen in the past financial year.

	Note	Amount bef error correction	Prior period error	Restated Amount
		2020/21	2020/21	2021/22
	19	R'000	R'000	R'000
Contingent liabilities:				
Claims against the department		1 272	(1 272)	-
Net effect		1 272	(1 272)	-

Prior year amount incorrectly stated as Contingent liabilities instead of Provisions.

	Note	Amount bef error correction	Prior period error	Restated Amount
		2020/21	2020/21	2020/21
	28	R'000	R'000	R'000
Provisions:				
Litigation fees for Judicial Conduct Commission related expenditure		-	1 272	1 272
Net effect		-	1 272	1 272

Prior year amount incorrectly stated as Contingent Liabilities instead of Provisions.

	Note	Amount before error correction	Prior period error	Restated Amount
		2020/21	2020/21	2021/22
	27	R'000	R'000	R'000
Accruals:				
Goods and services		20 643	(3 552)	17 091
Net effect		20 643	(3 552)	17 091

Prior year amount incorrectly stated as Accruals instead of Payables not recognised.

	Note	Amount bef error correction	Prior period error	Restated Amount
	27	2020/21	2020/21	2021/22
		R'000	R'000	R'000
Payables not recognised:				
Goods and services		-	3 552	3 552
Net effect		-	3 552	3 552

Prior year amount incorrectly stated as Accruals instead of Payables not recognised.

NOTES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

33 Transfer of functions and mergers

33.1 Transfer of functions

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

33.1.1 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		-	740	-	-	740
Minor Assets		-	148	-	-	148

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 to OCJ by DOJ to be utilised by Mpumalanga High Court.

34. 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 2022

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

35. COVID 19 Response Expenditure

	<i>Note Annexure 11</i>	2021/22 R'000	2020/21 R'000
Compensation of employees		-	-
Goods and services		1 012	2 988
Transfers and subsidies		-	-
Expenditure for capital assets		-	-
Other		-	22
Total		1 012	3 010

COVID-19 related expenditure for 2021/22

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

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

NAME OF MUNICIPALITY	GRANT ALLOCATION				TRANSFER				SPENT				2020/21	
	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	
City of Johannesburg	58	-	-	58	58	-	-	58	58	-	100.00%	60	-	
City Of Tshwane	-	-	-	-	-	-	-	-	-	-	-	2	-	
TOTAL	58	-	-	58	58	-	-	58	58	-	100.0%	62	-	

The amounts are for the Traffic fines and Licence's renewals paid to Municipality by the OCJ

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

ANNEXURE 1G STATEMENT OF TRANSFERS TO HOUSEHOLDS

HOUSEHOLDS	TRANSFER ALLOCATION				EXPENDITURE		2020/21 Final Appropriation R'000
	Adjusted Appropriation Act R'000	Roll Overs R'000	Adjust- ments R'000	Total Available R'000	Actual Transfer R'000	% of Available funds Transferred %	
Transfers							
Judges' Social Benefits (Gratuities)	129 611	-	-	129 611	69 320	53%	70 441
Employee Social Benefits	6 066	-	-	6 066	6 066	100%	3 471
	135 677	-	-	135 677	75 386	-	73 912
TOTAL	135 677	-	-	135 677	75 386	-	73 912

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

ANNEXURE 1H STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP		2021/22	2020/21
			R'000	R'000
Received in cash				
JUTA Books Suppliers	South African and International Law Books		-	36
Justice Cameroon (Retired Judge)	Law Books		-	9
Universities and Judges	Booklets on Property in Housing and Law		3	-
Subtotal			3	45
TOTAL			3	45

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

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 GlZ.

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

ANNEXURE 3B STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2022

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 2021				31 March 2022
	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 litigation	1 272	1 485	(1 272)	-	1 485
Subtotal	1 272	1 485	(1 272)	-	1 485
TOTAL	1 272	1 485	(1 272)	-	1 485

CJ Conradie vs OCJ & DOJ
Otong (Judges Secretary) vs OCJ
Judges Secretaries vs OCJ
Others vs OCJ
N Kadiramwanda vs OCJ

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

ANNEXURE 4 CLAIMS RECOVERABLE

Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total		Cash in transit at year end 2021/22*	
	31/03/2022	31/03/2021	31/03/2022	31/03/2021	31/03/2022	31/03/2021	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	2 816	-	-	-	2 816	-	01/04/2022	(942)
South African Police Service	121	-	-	-	121	-		
	2 937	-	-	-	2 937	-		(942)
Other Government Entities								
Free State Government Garage	-	37	-	-	-	37	-	-
Gauteng Gfleet Management	4 710	-	-	-	4 710	-	-	-
Western Cape Government Motor Transport	4 167	-	-	-	4 167	-	-	-
	8 877	37	-	-	8 877	37	-	(942)
TOTAL	11 814	37	-	-	11 814	37	-	(942)

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

ANNEXURE 7 MOVEMENT IN CAPITAL WORK IN PROGRESS

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

	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	7 628	2 472	(2 490)	7 610
Transport assets				
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 on line 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.

MOVEMENT IN CAPITAL WORK IN PROGRESS FOR THE YEAR ENDED 31 MARCH 2021

	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	-	7 628
Transport assets					
Computer equipment					
Furniture and office equipment					
Other machinery and equipment	-	-	7 628	-	7 628
SOFTWARE	36 936	-	14 392	-	51 328
Software	36 936	-	14 392	-	51 328
TOTAL	36 936	-	22 020	-	58 956

Capital Work in Progress relates to the development of various projects such as the Court Online Software for the Superior Courts developed by SITA and paid for by the IJS fund in the budget of the DOJ&CD, the e-Judiciary system to automate the administration of Judges benefits, the UPS system to keep systems running during power interruptions as well as Wi-Fi systems at the Superior Courts.

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

ANNEXURE 11 COVID 19 RESPONSE EXPENDITURE Per quarter and in total

Expenditure per economic classification	2021/22					2020/21 Total R'000
	Q1	Q2	Q3	Q4	Total	
	R'000	R'000	R'000	R'000	R'000	
Compensation of employees	199	379	337	97	1 012	2 988
Goods and services						
<i>List all applicable SCOA level 4 items</i>						
EQP<R5000:MEASURING&ANALYSIS EQP	6	29	10	2	47	69
EQP<R5000:EMERG/RESCUE EQUIP	-	-	-	-	-	1
EQP<R5000:LIFT &HANDL EQUIP	-	-	-	-	-	102
F&O/EQP<R5000:OFFICE EQUIPMENT	-	-	-	-	-	4
EQP<R5000:PMP/PLM/PUR/SAN/WA	-	7	39	14	60	46
A&S/O/S:MEDICAL DOCTORS	1	-	-	-	1	-
CONS SUPP:MEDICAL SUPPLIES	-	16	54	24	94	620
CONS SUPP:UNI/PROT CLTH&CLOTHES	13	-	-	-	13	14
CONS HOUS SUP:DIS PAPER/PLAST	4	11	6	4	25	34
CONS HOUS SUP:TOILETRIES	-	7	-	-	7	23
CONS HOUS SUP:WASH/CLEAN DETE	171	215	149	33	568	1 270
CONS MAT&SUP:BUILDING & CONST SUPP	-	-	-	-	-	15
CONS MAT&SUP:NOTICE BOARDS&SIGNS	-	-	3	-	3	8
COND MAT&SUP:HARDWARE	3	64	55	-	122	269
CONS:MEDICAL KIT	-	-	-	-	-	12
CONS:SP&OS:PRINTING PAPER	-	-	-	-	-	2
CONS:SP&OS:STATIONERY	-	-	-	-	-	3
P/P:PEST CNTRL/FUMIGATION SER	-	29	17	20	66	496
O/P:COURIER&DELIVERY SERV	-	-	4	-	4	-
O/P:PRINTING&PUBLICATIONS SERV	-	1	-	-	1	-

ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

for the year ended 31 March 2022

O/P:WITNESS FEES	1	-	-	-	-	1	-
Other expenditure not listed above <i>List all applicable SCOA level 4 items</i>							
P/P:CONTRCTD MAINT PROP	-	-	-	-	-	-	10
O/P:FREIGHT SERVICES TRSPRT GOOD	-	-	-	-	-	-	12
TOTAL COVID 19 RESPONSE EXPENDITURE	199	379	337	97	1 012	3 010	



**OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA**

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