



OFFICE OF THE CHIEF JUSTICE
ANNUAL REPORT 2016/17



OFFICE OF THE CHIEF JUSTICE
REPUBLIC OF SOUTH AFRICA



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ANNUAL REPORT 2016/17 FINANCIAL YEAR

VOTE 22 - OFFICE OF THE CHIEF JUSTICE

TABLE CONTENTS

PART A: GENERAL INFORMATION	5
1. Department's General Information	6
2. List of Superior Courts	6
3. List of Abbreviations/Acronyms	7
4. Foreword by the Minister	8
5. Report of the Accounting Officer	10
6. Statement of Responsibility and Confirmation of Accuracy for the Annual Report	16
7. Strategic Overview	18
8. Legislative and Other Mandates	18
9. Organisational Structure	21
10. Entities Reporting to the Minister	22
PART B: PERFORMANCE INFORMATION	25
1. Auditor-General's Report: Pre-Determined Objectives	26
2. Overview of Departmental Performance	26
2.1. Service Delivery Environment	26
2.2. Service Delivery Improvement Plan	28
2.3. Organisational Environment	33
2.4. Key Policy Developments and Legislative Changes	33
3. Strategic Outcome Oriented Goals	34
4. Performance Information by Programme	37
5. Transfer Payments	48
6. Conditional Grants	48
7. Donor Funds	48
8. Capital Investment	48
9. Statistical Information	49
PART C: GOVERNANCE	51
1. Introduction	52
2. Risk Management	53
3. Fraud and Corruption	55
4. Minimising Conflict of Interests	55
5. Code of Conduct	56
6. Health, Safety and Environmental Issues	56
7. Portfolio Committees	57
8. Scopa Resolutions	58
9. Prior Modifications to Audit Reports	58
10. Internal Control	58
11. Internal Audit and Audit Committee	60
12. Audit Committee Report	62

TABLE CONTENTS

PART D: HUMAN RESOURCE MANAGEMENT	65
1. Introduction	66
2. Overview of Human Resources	67
3. Human Resources Oversight Statistics	68
PART E: ANNUAL FINANCIAL STATEMENTS	115
1. Report of the Auditor-General to Parliament on Vote no. 22: Office of the Chief Justice	116
2. Appropriation Statement	120
3. Notes to the Appropriation Statement	148
4. Statement of Financial Performance	150
5. Statement of Financial Position	152
6. Statement of Changes in Net Assets	153
7. Cash Flow Statement	154
8. Accounting Policies	155
9. Notes to the Annual Financial Statements	162
10. Annexures to the Annual Financial Statements	192





PART A

GENERAL INFORMATION

1. Department's General Information	6
2. List of Superior Courts	6
3. List of Abbreviations/Acronyms	7
4. Foreword by the Minister	8
5. Report of the Accounting Officer	10
6. Statement of Responsibility and Confirmation of Accuracy for the Annual Report	16
7. Strategic Overview	18
8. Legislative and Other Mandates	18
9. Organisational Structure	21
10. Entities Reporting to the Minister	22

1 DEPARTMENT'S GENERAL INFORMATION

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Marshalltown

2107

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2 LIST OF THE SUPERIOR COURTS

SUPERIOR COURTS

- ▶ Constitutional Court;
- ▶ Supreme Court of Appeal;
- ▶ Divisions of the High Court; and
- ▶ Specialised Courts (*Competition Appeal Court, Electoral Court, Labour Court, Labour Appeal Court and Land Claims Court*)

3 LIST OF ABBREVIATIONS / ACRONYMS

AGSA	Auditor-General of South Africa	NRF	National Revenue Fund
APP	Annual Performance Plan	NT	National Treasury
ARC	Audit and Risk Committee	OCJ	Office of the Chief Justice
CCJA	Conference of the Constitutional Jurisdictions of Africa	OHS&E	Occupational Health, Safety and Environment
CoE	Compensation of Employees	OPSCO	Operations Committee
CSD	Central Supplier Database	PCC	Provincial Control Committees
CSI	Customer Service Improvement	PFMA	Public Finance Management Act
DG	Director-General	PEEC	Provincial Efficiency Enhancement Committee
DBAC	Departmental Bid Adjudication Committee	PSC	Public Service Commission
DoJ&CD	Department of Justice and Constitutional Development	PSR	Public Service Regulations
DPME	Department of Performance Monitoring and Evaluation	SAJEI	South African Judicial Education Institute
DPSA	Department of Public Service and Administration	SCM	Supply Chain Management
DPW	Department of Public Works	SCOPA	Standing Committee On Public Accounts
EHW	Employee Health and Wellness	SDIP	Service Delivery Improvement Plan
Exco	Executive Committee	SG	Secretary-General
FY	Financial Year	SLA	Service Level Agreement
HDI	Historically Disadvantaged Individuals	SMS	Senior Management Service
HIV/AIDS	Human Immune Deficiency/ Acquired Immune Deficiency Syndrome	SOP	Standard Operating Procedure
HOA	Home Owners' Allowance		
HR	Human Resource		
IAA	Internal Audit Activity		
ICT	Information and Communication Technology		
IJS	Integrated Justice System		
JP	Judge President		
JSC	Judicial Service Commission		
M&E	Monitoring and Evaluation		
MSP	Master Systems Plan		
MTEF	Medium Term Expenditure Framework		
MTSF	Medium Term Strategic Framework		
NDP	National Development Plan		
NEEC	National Efficiency Enhancement Committee		

4 FOREWORD BY THE MINISTER



The Office of the Chief Justice's (OCJ) Annual Report of the 2016/17 financial year (FY) proudly reflects the tireless commitment to respond to our globally admired Constitution of 1996, which calls for continuous support for the Judiciary to ensure its independence, impartiality, dignity, accessibility and effectiveness.

This Report echoes our unwavering commitment to the transformation of the Judiciary – one of the constitutional imperatives in pursuit of a united and democratic South Africa; a South Africa that is based on democratic values, social justice and fundamental human rights.

This Annual Report represents the OCJ's response to Chapter 14 of the National Development Plan (NDP), which calls for the promotion of Accountability and Fighting corruption. The OCJ, established in 2010 to support the Judiciary, promotes this national objective in, amongst others, the following ways:

- ▶ Ensuring an efficient court system;
- ▶ Reducing court administration inefficiencies;
- ▶ Promoting access to justice;
- ▶ Promoting judicial accountability; and
- ▶ Providing training to the Judiciary through South African Judicial Education Institute (SAJEI).

A call for "Building a capable State" in Chapter 13 of the National Development Plan (NDP) requires a strong, independent and efficient Judiciary - one of the three Arms of State.

The OCJ's continuous support to this vital Arm of State is of fundamental importance in ensuring that our hard-earned democracy is functional, stable and sustained. The establishment of the OCJ by the government illustrates our commitment to a democratic South Africa that is able to take its rightful place as a sovereign State in the global family of nations. This also reflects our commitment to cardinal democratic principles of judicial independence and separation of powers of the Arms of State. It is because of this reason that the Department of Justice and Constitutional Development continues to work together with the OCJ in the shared services since the transfer of the administrative functions and staff of the Superior Courts to the OCJ from 1 October 2014.

Cabinet has set up an Inter-Ministerial Committee, under the leadership of the Deputy President of the Republic, to consider the views of the Judiciary regarding the end state of the Court Administration Model. This project has gained traction and engagement with the Chief Justice has commenced.

The Government remains committed to the transformation of the Judiciary as espoused in section 174 of the Constitution. This section requires the Judiciary to reflect broadly the racial and gender composition of South Africa when Judicial Officers are appointed. We continue to make efforts to accelerate transformation in the Judiciary in the realisation of these constitutional imperatives. Out of the 246 Judges in active service, 159 (66%) are male and 87 (34%) are female, while 160 (65%) Judges are black and 86 (35%) Judges are white.

The pace of legislative reforms has been relatively slow due to our legislative programme which is quite extensive. However, some work has been done on the revision of the Magistrates Court Act and the draft Lower Courts Bill is envisaged to be finalised and circulated for public comment during the 2017/18 financial year. This Bill would take a similar approach to the Superior Courts Act, 2013, in our quest to rationalise all relevant legislation with a view to establish a judicial system that is suited to the requirements as enjoined by Item 16(6) of Schedule 6 to the Constitution.

In order to promote the independence of the Judiciary as a constitutional imperative, the education and training of judicial officers is a necessity, not only for judicial independence, but also for efficiency and effectiveness of the courts. This is why the South African Judicial Education Institute (SAJEI) located under the OCJ, is continuously implementing training programmes and courses for Judicial Officers.

4 FOREWORD BY THE MINISTER

During the 2016/17 financial year, 90 Judicial education courses, which include basic- and advanced courses for newly appointed magistrates and aspirant Judges, were offered to serving and aspiring Judicial Officers, which exceeded the set target of 70.

One of our objectives is the capacitation of the OCJ. In the 2015/16 financial year the OCJ had 1 486 staff members transferred from the Department of Justice and Constitutional Development. This number has since increased significantly and now stands at 1 679 staff members. This increase was informed by the need for more staff to support the Judiciary in the performance of its administrative functions. More capacity will be added to the OCJ as soon as we finalise consultations with the Minister of Public Service and Administration on the OCJ macro structure and secure additional funding for this purpose.

The OCJ's expenditure on the 2016/17 budget at the end of the financial year stood at 97.9%. The budget spending was in line with the allocation and budget prescripts, meaning there was no overspending. It is commendable to note that the Department had an unqualified audit outcome on the financial statements in the maiden year of operating with its own budget vote.

During my initial year's budget speech, I highlighted the most significant milestone on access to justice, that is, the construction of the Limpopo High Court as the first high court built in the country since the dawn of democracy in 1994. This High Court has since been operationalised and launched in November 2016, ushering in a new dispensation of service delivery and taking access to justice to the next level for the people of the Province.

My gratitude goes to the Head of the Judiciary, Honourable Chief Justice Mogoeng Mogoeng, for his wise, ethical and visionary leadership of the Judiciary; the Heads of Court who continue to assist the Chief Justice with governance issues; the entire Judiciary for its commitment of providing justice for all without fear, favour or prejudice; the Deputy Minister of Justice and Constitutional Development, Mr John Jeffery, for the support; the Portfolio Committee on Justice and Correctional Services; the Audit and Risk Committee and all other stakeholders for their support.

I also wish to express my sincere gratitude to the Secretary-General (SG) of the OCJ, Ms Memme Sejosengwe, including the officials of the OCJ, for their tireless efforts in ensuring that the organisation efficiently and effectively discharges its mandates and obligations.

Lastly, I wish to give assurance to the people of South Africa at large that the government is committed to providing support to the Judiciary in order to ensure its independence, impartiality, dignity, accessibility and effectiveness. This commitment is indeed a constitutional imperative that we take very seriously.



T M Masutha, MP (Adv)
Minister of Justice and Correctional Services

31 July 2017

5 REPORT OF THE ACCOUNTING OFFICER



4.1. GENERAL OVERVIEW

The OCJ continues to operate as a public service Department under the executive authority of the Minister of Justice and Correctional Services. It concurrently serves another Arm of State, the Judiciary as informed by its mandate. Since the Chief Justice is the Head of the Judiciary and the Head of the Constitutional Court, the OCJ provides administrative support to the Judiciary and the Superior Courts. The 2016/17 financial year was the second year of the OCJ functioning as a fully-fledged Department and it continues to execute its mandate by:

- (a) Supporting the Chief Justice in the fulfilment of his functions as Head of the Judiciary and the Head of the Constitutional Court;
- (b) Capacitating the OCJ;
- (c) Rendering effective and efficient administration as well as technical support to the Superior Courts.

One of the highlights of the Department during this financial year is the adoption of the OCJ Service Delivery Model with effect from October 2016. This Departmental framework clearly sets out the nature, scope, extent and level of OCJ services.

In an effort to improve the quasi-judicial functions at the courts, 85% (49 252 of 57 656) of default judgements that were received at the High Courts were finalised, exceeding the planned target of 65%. Furthermore, 87% (19 510 of 22 414) legal bills of cost were finalised during the period under review against the target of 65%.

These achievements were realised despite resource and capacity challenges at the Superior Courts, Provincial Service Centres and the National Office.

The OCJ continues to support the National Efficiency Enhancement Committee (NEEC) and the Provincial Efficiency Enhancement Committees (PEEC), established by the Chief Justice. This signals our commitment to enhancing efficiency in the justice system and improving performance of the Superior Courts.

In our effort to ensure the effective and efficient court administration as well as improve access to justice, the OCJ has initiated the implementation of the Information and Communications Technology (ICT) Master Systems Plan (MSP) which, amongst others, outlines how technology will be used in the courts to improve efficiency in court administration. Inadequate financial resources are, however, a barrier affecting the implementation of the MSP.

In ensuring the achievement of the strategic goal to improve administrative and technical support to the Judiciary, the OCJ provided administrative and secretariat support to the Chief Justice in his capacity as the chairperson of the Judicial Service Commission (JSC) and the South African Judicial Education Institute Council (SAJEI).

It also provided technical support to the Chief Justice in his international obligations as one of the Vice Presidents of the Conference of the Constitutional Jurisdictions of Africa (CCJA) and the Constitutional Court is a member to the World Conference on Constitutional Justice.

The other major achievements of the OCJ during the period under review include:

- ▶ Approval and implementation of the OCJ Corporate Identity Manual;
- ▶ Unqualified audit outcome on financial statements for the 2015/16 maiden year of reporting;
- ▶ Development and implementation of Customer Service Improvement Plans in 12 Superior Court Centers;
- ▶ Improved signage inside the courts to ensure easy access of court facilities;
- ▶ Capacitation of Judges President's offices with support to manage court performance information (e.g. appointment of statisticians in all Superior Courts).

5 REPORT OF THE ACCOUNTING OFFICER

4.2. OVERVIEW OF THE FINANCIAL RESULTS

DEPARTMENTAL RECEIPTS

Description of Receipt	2016/17			2015/16		
	Estimate	Actual collection	Variance	Estimate	Actual collection	Variance
	R'000	R'000	R'000	R'000	R'000	R'000
Total Revenue	899	929	-30	810	778	62

The actual revenue collected is R929 000 which is more than the estimated collection (R899 000) by R30 000 for the 2016/17 financial year. The revenue collection increased by R151 000 (19%) compared to 2015/16 financial year where R778 000 was collected.

PROGRAMME EXPENDITURE

Programme	2016/17			2015/16		
	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	142 181	139 079	3 102	97 787	88 831	8 956
Judicial Support and Court Administration	699 447	685 583	13 864	651 566	648 196	3 370
Judicial Education and Research	32 362	30 982	1 380	34 026	30 642	3 384
Total	873 990	855 644	18 346	783 379	767 674	15 705
Direct Charge	950 057	930 704	19 353	873 748	887 682	(14 303)
Total	1 824 047	1 786 348	37 699	1 657 127	1 655 356	1 771

The Department's total voted expenditure amounted to R855.6 million against the final appropriation of R873.9 million. This excludes the Direct Charge to the National Revenue Fund for Judges' remuneration. This reflects a 97.9% spending against the final appropriation, resulting in an under expenditure of R18.3 million (2.1%). The underspending mainly relates to the filling of vacancies which was put on hold from October to December 2016 in order to manage the expenditure patterns and ensure that the compensation of employees budget ceiling for the MTEF is not exceeded.



EXPENDITURE PER PROGRAMME

PROGRAMME 1 ADMINISTRATION

The expenditure on this programme was R139.1 million against the final allocation of R142.2 million, which resulted in an underspending of R3.1 million. This underspending is mainly on compensation of employees due to non-filling of vacancies as explained above. The spending on the rest of this programme (excluding the compensation of employees), was 100% against the final allocation.

PROGRAMME 2 JUDICIAL SUPPORT AND COURT ADMINISTRATION

The expenditure on this programme was R685.6 million against the final allocation of R699.4 million, which resulted in an underspending of R13.9 million. This underspending is mainly on compensation of employees due to non-filling of vacancies as explained above. The spending on this programme (excluding the compensation of employees), was 100% against the final allocation.

PROGRAMME 3 JUDICIAL EDUCATION AND RESEARCH

The expenditure on this programme was R30.9 million against the final allocation of R32.4 million, which resulted in an underspending of R1.4 million. This underspending is mainly on compensation of employees due to non-filling of vacancies as explained above. The spending on this programme (excluding the compensation of employees), was 99.9% with an underspending of only R32 thousand against the final allocation.

STATUTORY (DIRECT CHARGE) JUDGES' SALARIES

The expenditure on the statutory allocation was R930.7 million (98%) against the final allocation of R950.1 million. The underspending on the Direct Charge amounted to R19.4 million which relates to Households due to a lower number of gratuities paid to Judges.

5 REPORT OF THE ACCOUNTING OFFICER

VIREMENTS

The following table provides a breakdown of virements executed:

From			To		
Programme	Item	R'000	Programme	Item	R'000
1: Administration	Transfers and subsidies	127	2: Judicial Support and Court Administration	Transfers and subsidies	127
	Payment for capital assets	5 552		Payment for capital assets	5 552
2: Judicial Support and Court Administration	Goods and services	2 861	1: Administration	Goods and services	2 861
3: Judicial Education and Research	Goods and services	2 254	2: Judicial Support and Court Administration	Payment for capital assets	2 572
	Transfers and subsidies	1		Transfers and subsidies	1
	Payment for capital assets	318			
Total		11 113	Total		11 113

The virement from the Judicial Support and Court Administration programme was executed to address the overspending on the Administration programme due to increased cost for Information and Communication Technology (ICT) services rendered by the State Information and Technology Agency. The virements from the Administration and Judicial Education and Research programmes were executed to address the overspending on the payment of capital assets under the Judicial Support and Court Administration programme due to the under-projected cost of leased vehicles for use by Judges.

LEASE PAYMENTS

An amount of R81.8 million was spent on lease payments during the period under review. These payments were mainly for the leasing of Judges' vehicles in terms of their legislated benefits.

UNAUTHORISED EXPENDITURE

No unauthorised expenditure was incurred during the period under review.

IRREGULAR EXPENDITURE

Irregular expenditure amounting to R630 719.55 was

detected during the period under review of which R591 747.29 was condoned. The remainder is still under investigation. This is attributed to non-compliance with the financial delegations and expenditure against contracts that have lapsed.

FRUITLESS EXPENDITURE

Fruitless and wasteful expenditure amounting to R20 676.60 was incurred as a result of 'no shows' for flights and not using reserved accommodation as well as interest incurred as a result of a late payment to one service provider. An amount of R1 200.00 for a 'no show' was condoned during the year under review.

In order to prevent irregular, fruitless and wasteful expenditure, Supply Chain Management (SCM) policies were reviewed to put more stringent measures in place. All cases of irregular, fruitless and wasteful expenditure were reported to the OCJ Operations Committee for investigation and recommendations were made on corrective measures to be taken and implemented. Operations Committee recommendations were escalated to the OCJ Departmental Bid Adjudication Committee (DBAC) for consideration. Where applicable, instructions were issued to take appropriate actions against officials responsible for non-compliance.

5 REPORT OF THE ACCOUNTING OFFICER

Nature of Non-Compliance	Reasons
Contracts that have lapsed.	Contracts expired. Users not obtaining prior approval from the relevant approved committees e.g. Provincial Control Committees (PCCs) or DBAC.
Non-adherence to financial delegations	Oversight by the official involved.
'No show' when flights and accommodation were booked.	Travel arrangements were not cancelled on time and / or reserved accommodation were not utilised.
Late payment of supplier	Complications in the handing over process of the service from DoJ&CD to the OCJ.

FUTURE PLANS OF THE DEPARTMENT

As part of pursuing the objective to ensure access to justice, as encapsulated in Chapter 14 of the NDP, the OCJ is planning for the operationalization of the Mpumalanga Division of the High Court. The construction of this court is envisaged to be completed during the 2017/18 financial year. In addition, the President of the Republic of South Africa has already appointed the Judge President of this Division with effect from August 2017.

Pursuant to the decision of the Heads of Court in October 2016 (after consultation with the Minister) to establish its own accountability and reporting mechanism, Judicial Committees on Judicial Planning; Reporting and Accountability for the Superior Courts and Magistrates' Courts were formed. In line with section 8 of the Superior Courts Act, 2013, these Committees are responsible for, amongst others, bringing improvements in the performance of judicial functions; facilitating the development of a framework for monitoring and reporting re judicial functions to ensure a structured accountability and reporting by the Judicial Branch of the State. The work of these Judicial Committees are and will continue to be supported by the OCJ with secretariat and technical services for the Committees to execute their mandates effectively.

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 are no activities that were or will be discontinued.

NEW OR PROPOSED ACTIVITIES

There are no new or proposed activities.

SUPPLY CHAIN MANAGEMENT

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

SCM 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 augmentation of the Departmental Financial Instructions, Delegations and SCM policies to strengthen accountability and responsibility of end-users as well as SCM staff;
- ▶ SCM Standard Operating Procedures and checklists are implemented and monitored to ensure SCM compliance. Furthermore, SCM staff performs pre-check compliance reviews prior to generating purchase orders. Purchase orders are placed with accredited suppliers/ service providers on the Central Supplier Database of the National Treasury;
- ▶ The OCJ has appointed Bid Committees and PCCs to ensure transparency, fairness and compliance within the SCM and tender processes;
- ▶ All SCM officials have signed a Code of Conduct and Bid Committee members signed declarations of interest;
- ▶ All irregular expenditure was reported to the relevant committee for consideration, investigation, and recommendation; and
- ▶ A contract management register was developed and implemented.

5 REPORT OF THE ACCOUNTING OFFICER

ASSET MANAGEMENT

During the year under review, the OCJ was required to maintain its asset register in terms of section 38 of the Public Finance Management Act, 1999 (Act 29 of 1999) (PFMA). As the Accounting Officer in terms of section 42 of the PFMA, I have ensured that additional assets transferred by the DoJ&CD to the OCJ, have been verified, re-barcoded and added to OCJ's asset register. All discrepancies previously reported in terms of the transfer of assets have been resolved with the Accounting Officer of the DoJ&CD. Disposal committees have been appointed and are operational in the OCJ.

Challenges experienced in SCM and how they were resolved:

- ▶ Suppliers were reluctant to complete Standard Bidding Document forms due to the fact that it is costly and tedious on their part. The matter has been raised with National Treasury which has undertaken to resolve it through the full implementation of the CSD.
- ▶ Shortage of staff at the Superior Courts delayed the SCM processes and payments to suppliers. The courts have been capacitated with additional SCM officials.

Challenges experienced in asset management were as follows:

Due to the shortage of staff at the Superior Courts, there were challenges experienced with the physical verification of assets. The National Office provided assistance with asset verification at the courts with the aim of resolving the challenges. Additionally, Asset Clerk posts have been created and filled at the Superior Courts to assist with asset management.

GIFTS AND DONATIONS RECEIVED IN KIND FROM NON-RELATED PARTIES

During the year under review, the OCJ received donations amounting to R8 000. These donations are in relation to library books and publications to the value of R4 000 and a complimentary ticket to the value of R4 000 to attend training.

EXEMPTIONS AND DEVIATIONS RECEIVED FROM NATIONAL TREASURY

There were no exemptions and deviations received from National Treasury during the period under review.

EVENTS AFTER THE REPORTING DATE

There were no events that took place after the reporting date.



Ms M Sejosengwe

Accounting Officer: Office of the Chief Justice

31 July 2017

6 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 Annual Financial Statements (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 annual financial statements and for the judgements made in this information.
- ▶ The Accounting Officer is responsible for establishing and implementing a system of internal control that has been designed to provide reasonable assurance as to the integrity and reliability of the performance information, the Human Resources (HR) information and the annual financial statements.
- ▶ The external auditors are engaged to express an independent opinion on the annual financial statements.
- ▶ In my opinion, the Annual Report fairly reflects the operations, the performance information, the human resources information and the financial affairs of the Department for the financial year ended 31 March 2017.

Yours faithfully,



Ms M Sejosengwe

Accounting Officer: Office of the Chief Justice

31 July 2017

35

HIGH COURT
HOOGGEREGSHOF
INKUNDLA

HIGH COURT
HOOGGEREGSHOF
INKUNDLA

HIGH COURT
HOOGGEREGSHOF
INKUNDLA EPHAKAMILEYO



7 STRATEGIC OVERVIEW

VISION

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

MISSION

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

VALUES

In ensuring accountability to the Judicial Branch of State to the people of South Africa, and to foster public confidence in the Judiciary, and respect for the rule of law, the OCJ will uphold the following values:

- ▶ Respect for and protection of the Constitution;
- ▶ Honesty and integrity;
- ▶ Openness and transparency; and
- ▶ Professionalism and excellence.

8 LEGISLATIVE AND OTHER MANDATES

In discharging its mandate, the Office of the Chief Justice 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.

CONSTITUTIONAL MANDATES

The Constitution provides for the independence of the Judiciary and protects judicial independence by prohibiting any interference with the functioning of the courts. It further imposes a duty on organs of State to assist and protect the courts to ensure, among others, their independence, impartiality and efficiency. The Constitution also expressly provides that the Chief Justice is the Head of the Judiciary and entrusts him with the responsibility for the establishment and monitoring of Norms and Standards for the judicial functions of all courts. It also designates the Constitutional Court as the highest court in all matters. Furthermore, everyone has a constitutional right to have any legal dispute decided in a fair public hearing before an independent court. The judicial authority is vested in the courts.

In order to advance the transformation imperatives of the Constitution, Item 16 in Schedule 6 to the Constitution provides for the rationalisation of all courts and all relevant legislation with the view to establishing a judicial system aligned with the requirements of the Constitution. The Constitution furthermore provides that, after a national election, the Chief Justice is required to convene the first sitting of Parliament and to preside over the election of the President, Speaker of the National Assembly and the Chairperson of the National Council of Provinces. The Chief Justice is also assigned by the Constitution with the responsibility of presiding at meetings of the Judicial Service Commission.

LEGISLATIVE MANDATES

The Office of the Chief Justice derives its mandate from several pieces of legislation, including the following: *(please see next page)*

8 LEGISLATIVE AND OTHER MANDATES

Legislation	Key Mandates / Responsibilities
Public Service Act, 1994 (Proclamation 103 of 1994)	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.
Public Finance Management Act, 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 for 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 for the purposes of providing 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.
Judicial Service Commission Act, 1994 (Act 9 of 1994)	The Act deals with the appointment of Judges and support to the JSC.
South African Judicial Education Institute Act, 2008 (Act 14 of 2008)	The Act provides for training of Judicial Officers.
Public Service Act Proclamation, 1994 (Act 104 of 1994)	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.
Judicial Matters Amendment Act, 2015 (Act 24 of 2015)	In terms of the Judicial Matters Amendment Act, 2015 (Act 24 of 2015), the general administration of the Judges' Remuneration and Conditions of Employment Act, 2001 (Act 47 of 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 seeks to transfer certain functions and responsibilities of SAJEI that were previously allocated to the DoJ&CD. Furthermore, the SG is responsible for accounting for JSC funds.

8 LEGISLATIVE AND OTHER MANDATES

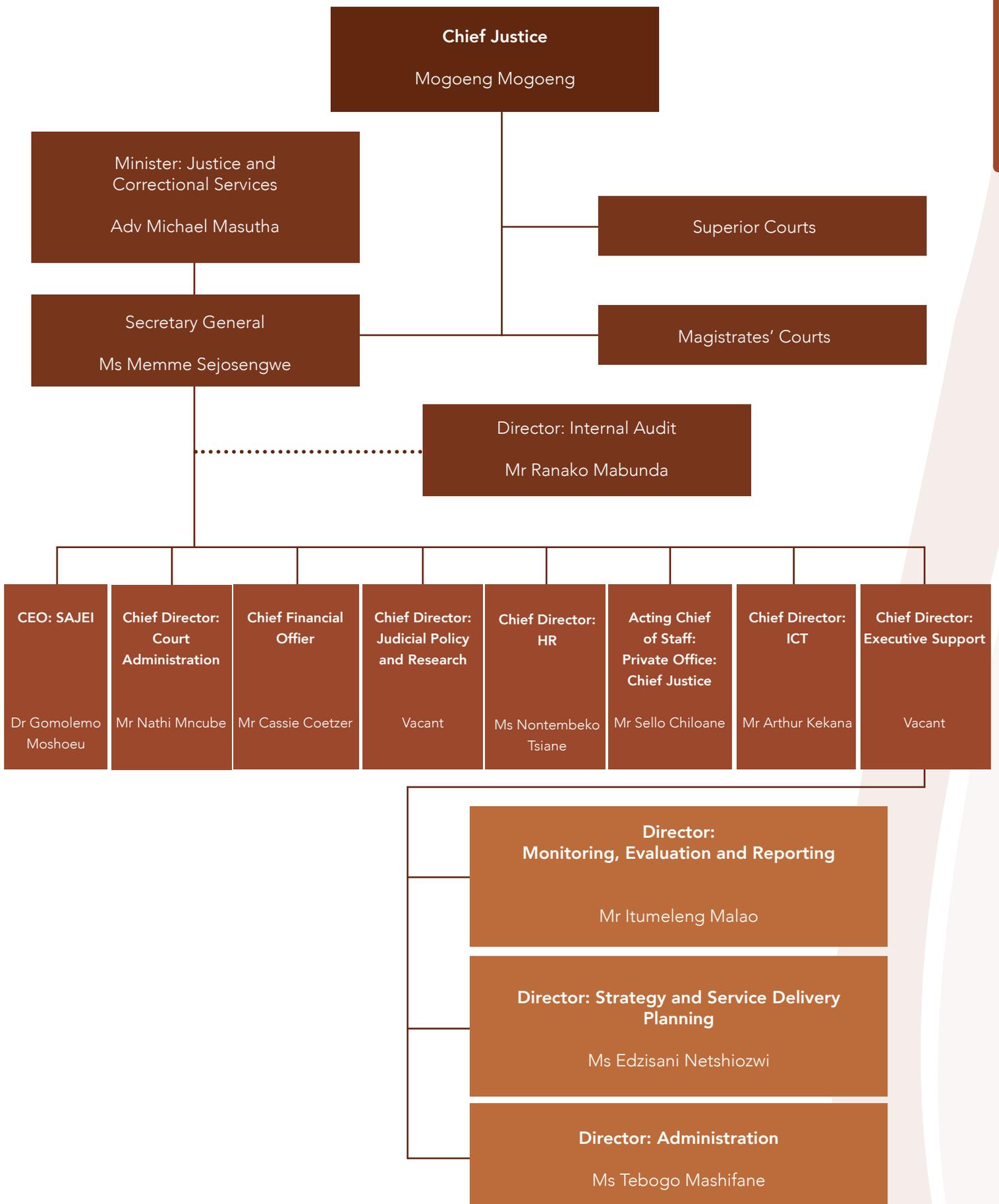


POLICY MANDATES

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 made a determination regarding the purpose and objectives of the OCJ as follows:

- ▶ To ensure that the Chief Justice can properly execute his 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.

9 ORGANISATIONAL STRUCTURE



10 ENTITIES REPORTING TO THE MINISTER

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







PART B

PERFORMANCE INFORMATION

1. Auditor-General's Report: Pre-Determined Objectives	26
2. Overview of Departmental Performance	26
2.1. Service Delivery Environment	26
2.2. Service Delivery Improvement Plan	28
2.3. Organisational Environment	33
2.4. Key Policy Developments and Legislative Changes	33
3. Strategic Outcome Oriented Goals	34
4. Performance Information by Programme	37
5. Transfer Payments	48
6. Conditional Grants	48
7. Donor Funds	48
8. Capital Investment	48
9. Statistical Information	49

1 AUDITOR-GENERAL'S REPORT: PRE-DETERMINED OBJECTIVES

The Auditor-General's report on the audit of pre-determined objectives is provided for on page 116 of the Report of the Auditor-General, included in Part E: Financial Information.

2 OVERVIEW OF DEPARTMENTAL PERFORMANCE

2.1. SERVICE DELIVERY ENVIRONMENT

The OCJ was established to promote and reaffirm the principle of judicial independence, as guaranteed by section 165 of the Constitution. The existing policy and legislative framework in South Africa provides adequate safeguards and instruments for the establishment, governance and operationalisation of the internal controls in National Departments, including the OCJ.

The establishment of the OCJ came during the tight fiscal era due to slow economic growth, which resulted in the OCJ having to reprioritise its already limited budget to fund certain priorities aimed at service delivery. This had a negative impact on the growth and capacitation of the OCJ as a new Department. Despite these challenges, the OCJ has ensured that service delivery is not compromised by employing the following strategies:

- ▶ Reprioritising the filling of critical service delivery posts; and
- ▶ Implementing tight cost containment measures over and above those prescribed by the National Treasury.

The persistent high level of crime in South Africa also puts pressure on the limited resources available to enhance the functioning of the Superior Courts. While evidence demonstrates that the South African Judiciary remains effective in the execution of its mandate, the high level of crime has impacted on a number of areas such as the increased workload in the courts and increased demand for Judges to preside over various matters. These challenges are also exacerbated by the impact of democracy on the judicial system, in the sense that when democracy matures, the population becomes increasingly aware of their rights and interfaces more with courts in order to enforce their rights.

In the midst of the tight fiscal framework and aforementioned challenges, the Department continued to provide support to the Judiciary to ensure efficient and effective functioning of the National Efficiency Enhancement Committee (NEEC)

and Provincial Efficiency Enhancement Committees (PEEC) which were established by the Chief Justice. The committees were established to promote interdepartmental cooperation and stakeholder relations, thereby enhancing efficiency in the justice system and improved performance of the Superior Courts.

The South African Judicial Education Institute Act, 2009 (Act 14 of 2008), established the South African Judicial Education Institute (SAJEI) in order to provide judicial education for Judicial Officers. SAJEI remains instrumental in enhancing the skills set of both serving and aspirant Judges through continuous training. During the year under review, SAJEI trained 1882 Judicial Officers. In contributing to the National Development Plan's priority of capacitating SAJEI, five judicial educators were appointed as facilitators to provide dedicated judicial training.

The modernisation of the courts through the use of technology is an important step to ensure effective and efficient court administration as well as improved access to justice. Automation and digitisation of court records will continue to improve efficiency in information and data management. During the period under review, the OCJ initiated the implementation of the OCJ Information and Communication Technology (ICT) Master Systems Plan (MSP) which, amongst others, outlines how technology is and will be used in the courts to improve efficiency in court administration. Lack of financial resources is a barrier in fully implementing the MSP over the MTEF period. In contributing to Outcome 12 of the Medium Term Strategic Framework (MTSF), "an effective, efficient and development orientated public service", the OCJ commenced with the implementation of the public service Operations Management Framework. The focus during the financial year was on the development, approval and implementation of the following service delivery instruments:

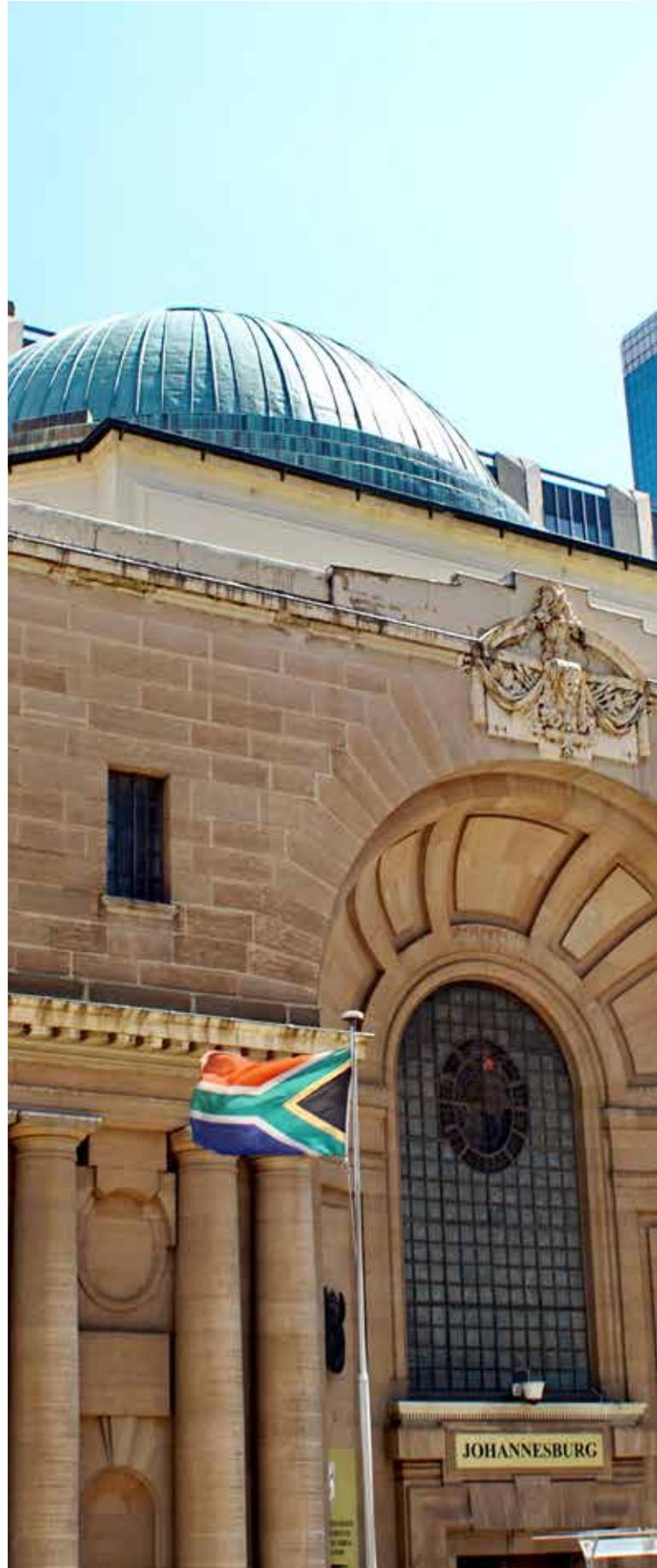
- ▶ Service Delivery Model;
- ▶ Service Delivery Charter;
- ▶ External and Internal Service Standards; and
- ▶ Service Delivery Improvement Plan for the 2016/19 cycle.

2 OVERVIEW OF DEPARTMENTAL PERFORMANCE

The Department also commenced with the developing of business processes and Standard Operating Procedures for all the key services of the OCJ. These will be finalised during the 2017/18 financial year. The processes and procedures are key in ensuring that the Department has a quality control system. They contribute to improved service delivery as they facilitate consistency in the quality and integrity of an end product.

Other major achievements of the OCJ during the period under review include:

- ▶ Approval and implementation of the OCJ Corporate Identity Manual;
- ▶ Unqualified audit outcome on financial statements in the 2015/16 maiden year of reporting;
- ▶ Development and implementation of Customer Service Improvement Plans in 12 Superior Court Centers;
- ▶ Improved signage inside the courts to ensure easy access of court facilities;
- ▶ Capacitation of Judges President's offices with support to manage court performance information (e.g., appointment of statisticians in all Superior Courts).



2 OVERVIEW OF DEPARTMENTAL PERFORMANCE

2.2. SERVICE DELIVERY IMPROVEMENT PLAN

The report on the Service Delivery Improvement Plan (SDIP) for 2016/17 covers only the period from 01 October 2016 to 31 March 2017 as the OCJs SDIP was approved on 30 September 2016. The following tables summarise the SDIP report:

1. Main services and standards

Main services	Beneficiaries	Current/actual standard of service	Desired standard of service	Actual achievement
Improve witness services at the Superior Courts (i.e. Payment of witness fees).	Witnesses (Ordinary and Experts).	Ordinary witnesses are paid on the day they appear in court.	100% ordinary witnesses paid on the same day they appear in court.	96.4% (2208 of 2291) ordinary witnesses were paid the witness fees on the same day they appeared in court.
		New measure.	80% of wages forfeited paid within 14 days.	All wages forfeited were paid within 14 days of appearing as a witness.
		Some witnesses claiming for wages forfeited are not paid within 14 days of claiming due to insufficient information submitted.	Develop a standard procedure on what is required for witnesses to claim wages/income forfeited and ensure that it is attached to all subpoena.	The Standard Operating Procedure (SOP) for payment of witness fees has been developed. The procedure to inform the public on how to claim wages/income forfeited relating to witness fees is still to be developed.

2 OVERVIEW OF DEPARTMENTAL PERFORMANCE

2. Batho Pele arrangements with beneficiaries (Consultation access etc.)

Batho Pele Principles	Current/actual arrangements	Desired arrangements	Actual achievements
Consultation	Customer Service Improvement (CSI) tool piloted in six (6) Superior Courts.	Customer Service Improvement tool rolled out in six (6) Superior Courts.	<p>Customer Service Improvement tool rolled out in six (6) Superior Courts during the 2016/17 financial year. The courts where the tool was rolled out are:</p> <ul style="list-style-type: none"> ▶ KwaZulu-Natal Local Division, Durban ▶ Western Cape Division, Cape Town ▶ Free State Division, Bloemfontein ▶ Eastern Cape Local Division, Bhisho ▶ Eastern Cape Division, Grahamstown ▶ Eastern Cape Local Division, Port Elizabeth <p>Customer Service Improvement Plans (CSIP) for the above mentioned courts were developed and will be used to monitor progress on customer service improvement, including payment of witness fees.</p>
Courtesy	No measure existed.	<p>Develop a standard procedure on what is required for witnesses to claim wages/ income forfeited and ensure that it is attached to all subpoenas.</p> <p>100% ordinary witnesses paid on the same day they appear in court.</p>	<p>The Standard Operating Procedure (SOP) for payment of witness fees has been developed. The procedure to inform the public on how to claim wages/income forfeited relating to witness fees is still to be developed.</p> <p>96.4% (2208 of 2291) ordinary witnesses were paid the witness fees on the same day they appeared in court.</p>
Access	No measure existed.	There are existing internal and external signage in some of the Superior Courts.	<p>All 12 Superior Courts, where the CSI tool has been rolled out have improved on internal signage.</p> <p>External signage was identified as a challenge in all the 12 Superior Courts. All the courts are in the process of ensuring that signage is put in place. Furthermore, consultation with the Municipalities on road signs leading to the courts had been conducted.</p>

¹ This include the courts which were visited in the 2015/16 financial year (March 2016), as the recommendations were only implemented in the 2016/17 financial year.

2 OVERVIEW OF DEPARTMENTAL PERFORMANCE

2. Batho Pele arrangements with beneficiaries (Consultation access etc.)

Batho Pele Principles	Current/actual arrangements	Desired arrangements	Actual achievements
Information	The service users receive limited information regarding the payment of witness fees.	<p>The service users receive information on payment of witness fees through:</p> <ul style="list-style-type: none"> ▶ Pamphlets ▶ Media Statements ▶ OCJ internal newsletters ▶ Updated court rolls and notices for each division ▶ OCJ Facebook ▶ OCJ Twitter ▶ Service Delivery Charters 	<p>In the six month period of implementation of the SDIP, service users received information on payment of witness fees through:</p> <ul style="list-style-type: none"> ▶ Service Delivery Charter ▶ The customer service improvement tool. ▶ The three online social network platforms have been created and are updated regularly. ▶ As at 31 March 2017, the OCJ Facebook page recorded 13 234 likes, with an annual growth of 6.36%. ▶ The Twitter page recorded 316 followers, with an annual growth of 10%. ▶ The Instagram page recorded 119 followers, with an annual growth of 72, 41%. <p>Work is still being done to ensure that information on payment of witness fees is shared through:</p> <ul style="list-style-type: none"> ▶ Media Statements ▶ OCJ internal newsletters
Openness and Transparency	Information on the budget spent on the payment of witness fees is available but not widely communicated.	Report on information relating to payment of witness fees in a published SDIP report, quarterly reports, witness fees payment office and areas, as well as the Department's annual report.	<ul style="list-style-type: none"> ▶ The SDIP report is included in the 2016/17 Annual Report of the OCJ. ▶ The SDIP report will be published in July 2017 in line with the SDIP reporting timelines. ▶ Quarterly reports for Quarter 3 and 4 2016/17 financial year were shared with the court officials. ▶ Publishing of payment of witness fees information at the witness fees payment office and areas is still to be implemented.
Value for money	No measures existed.	20% rate of increase on the turnaround time of wages forfeited.	This will be measured after a one year of SDIP implementation.

2 OVERVIEW OF DEPARTMENTAL PERFORMANCE

2. Batho Pele arrangements with beneficiaries (Consultation access etc.)

Batho Pele Principles	Current/actual arrangements	Desired arrangements	Actual achievements
Time	<p>Witness fees and wages forfeited for ordinary and expert fees are paid on the day the witness appears in court.</p> <p>Wages forfeited are paid within 14 days after the witness appears in court (provided that all documents are submitted within 5 day after the witness testifies).</p>	<p>Pay witness fees for ordinary and expert witnesses on the day the witness appears in court.</p> <p>Pay wages forfeited within 14 days after the witness appears in court.</p>	<p>96.4% (2208 of 2291) ordinary and expert witnesses were paid the witness fees on the same day they appeared in court.</p> <p>All wages forfeited were paid within 14 days after the witness appeared in court.</p>

*This include the courts which were visited in the 2015/16 financial year (March 2016), as the recommendations were only implemented in the 2016/17 financial year.



2 OVERVIEW OF DEPARTMENTAL PERFORMANCE

3. Service delivery information tool

Current/actual arrangements	Desired arrangements	Actual achievements
The service users receive limited information regarding the payment of witness fees.	The OCJ shall utilise the following as service delivery information tools: <ul style="list-style-type: none"> ▶ Customer Service Improvement tool ▶ Social media pages ▶ Intranet 	The OCJ utilised the following as service delivery information tools: <ul style="list-style-type: none"> ▶ Customer Service Improvement Tool ▶ Social media pages (Facebook, Twitter and Instagram) ▶ OCJ Intranet and website ▶ Service Delivery Charter ▶ Service Standards

4. Complaints mechanism

Current/actual arrangements	Desired arrangements	Actual achievements
Complaints are currently managed as follows: <ul style="list-style-type: none"> ▶ The complaint is lodged to the court manager of a specific court or service center. ▶ Should the court manager fail to resolve the complaint, the complainant contacts the Director: Court Operations (DCO) ▶ Alternatively, customers can use the complaints box at the court reception area. ▶ The contact details of the court management are displayed at the reception area of the court (i.e. Court Manager and DCO). 	<p>Developing of a complaints management policy and making it available to all stakeholders through posters and social media.</p> <p>Making the public aware of the OCJ complaints - and ethics hotline through which members of the public can report unethical behaviour by the court's staff members. This hotline can be used if members of the public are aggrieved or dissatisfied with the services they receive from the courts.</p>	<ul style="list-style-type: none"> ▶ The complaints management policy has not yet been developed. The policy will be developed in the 2017/18 financial year. ▶ During the period under review, complaints at the courts / service points were lodged using the contact details displayed at the reception of each Superior Court. ▶ The customer care line / hotline was also utilised for managing complaints. The details are complaints@judiciary.org.za and 010 493 2500. This information is published on the Judiciary's website. ▶ The service delivery complaints email: Servicedelivery@judiciary.org.za was created.

2 OVERVIEW OF DEPARTMENTAL PERFORMANCE

2.3. ORGANISATIONAL ENVIRONMENT

Inadequate capacity within the OCJ has been the main concern during the year under review. The Department had a total of 1 984 posts on its establishment by the end of the 2016/17 financial year. Of these, 1 679 were filled and 305 were vacant, resulting in a 15.4% vacancy rate for the year. Budget ceilings on compensation of employees are a hindrance in achieving the Department's strategic objective of "capacitating the Department".

The continual learning and development of the OCJ's employees and the nurturing of talent are of paramount importance to provide leadership on service delivery in ensuring service excellence. During the year under review, 52 OCJ employees were offered bursaries. The Department provided training and development programmes to 375 employees. Training programmes provided include:

- ▶ Service delivery excellence;
- ▶ Financial Management for non-financial managers;
- ▶ Emerging Development Management Programme;
- ▶ Enterprise Risk Management Programme;
- ▶ Compulsory Induction Programme;
- ▶ Records Management; and
- ▶ Court Interpreting.

In addition to the training programmes mentioned above, ten (10) Senior Management Service (SMS) members attended the KHAEDU training which aims to afford managers the opportunity to experience challenges at the coalface of delivery and to develop policies that are informed by realities on the ground.

2.4. KEY POLICY DEVELOPMENTS AND LEGISLATIVE CHANGES

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

3 STRATEGIC OUTCOME ORIENTED GOALS

The OCJ has three outcome-oriented goals in the 2015/16 to 2019/20 Strategic Plan as revised in the 2016/17 Annual Performance Plan (page 51 of the 2016/17 APP). The table below provides progress made to the outcome-oriented goals during the financial year:

Goal	Goal statement	Progress
1. Efficient and effective administration of the OCJ.	Ensure an efficient and effective administration of the OCJ that provides optimal support to the Judiciary.	<p>The support provided included the following:</p> <ul style="list-style-type: none"> ▶ 90.2% of funded vacant posts were filled. ▶ The revised Macro structure was finalised and submitted to the DPSA for approval. ▶ The creation of a dedicated Risk Management and Ethics Unit, as well as the appointment of a Director and filling of other critical posts within the Unit. ▶ The Service Delivery Improvement Plan, Service Delivery Model, Service Delivery Charter and Service Standards were developed and approved in order to institutionalise the culture of improved service delivery in the OCJ and the Superior Courts. ▶ Standard Operating Procedures were developed for all services of the OCJ (i.e. services as captured in the Service Delivery Model). ▶ The OCJ Master Systems Plan implementation initiated. It focuses on enhancing the efficiency and functioning of the courts.
2. Improved administrative and technical support to the Judiciary.	Enable the Judiciary to deliver on its constitutional mandate by providing administrative - and technical support which includes judicial training, administrative and secretariat support to the Judicial Service Commission, administration of Judges' Registrable Interests and administration of Judges' remuneration.	<p>The support provided included the following:</p> <ul style="list-style-type: none"> ▶ Initiating the implementation of the Master Systems Plan. ▶ Developing a Monitoring and Evaluation (M&E) Framework for Judicial education, and conducting 90 Judicial education courses. ▶ Administering of Judges' disclosure of registrable interests in line with the Judicial Service Commission Act 9 of 1994. ▶ Administrative, technical and secretariat support to Judicial Governance Structures, amongst others, the JSC, SAJEI, NEEC, and the Judicial Case-Flow Management Committee.

3 STRATEGIC OUTCOME ORIENTED GOALS

Goal	Goal statement	Progress
3. Ensure administration support to the Superior Courts.	Provide administrative and technical support to ensure efficiency and effectiveness of the Superior Courts in the adjudication of cases.	<p>The support provided included the following:</p> <ul style="list-style-type: none"> ▶ Conducting 4 training workshops on case management for Registrars, Statisticians and Clerks. ▶ Monitoring of court performance in line with the predetermined objectives. ▶ Migrating the Superior Courts from the DoJ&CD to the OCJ ICT domain. ▶ Improving frontline customer service through the roll-out of the Customer Service Improvement Tool. ▶ Operationalisation of the Limpopo High Court.



3 STRATEGIC OUTCOME ORIENTED GOALS



THE CONTRIBUTION OF THE OCJ TOWARDS GOVERNMENT'S POLICIES AND PRIORITIES DURING THE 2016/17 FINANCIAL YEAR

As a National Government Department supporting the Judiciary, the OCJ's contribution towards government's policies and priorities was guided by:

- ▶ **Chapter 14 of the NDP** (Strengthening judicial governance and the rule of law);
- ▶ **Outcome 3 of the MTSF** (All people in South Africa are and feel safe); and
- ▶ **Outcome 12 of the MTSF** (An efficient, effective and development-oriented Public Service and an empowered, fair and inclusive citizenship).

Chapter 14 of the National Development Plan and Outcome 3 of the MTSF

In responding to chapter 14 of the NDP and Outcome 3 of the MTSF during the year under review, the OCJ conducted 90 judicial education courses, produced 3 reports on Judicial appointments and complaints, produced 5 Superior Courts monitoring reports, achieved 86% (67 662 of 78 898) compliance with the quasi-judicial targets, finalised 85% (49 252 of 57 656) of default judgments, finalised 87% (19 510 of 22 414) of taxations of legal costs and delivered 88% of warrants of release within one day of the release being granted. The OCJ further produced 5 Superior Courts performance monitoring reports and conducted 4 training workshops on Case Management for Registrars, Statisticians and Clerks.

Outcome 12 of the MTSF

In contributing towards an efficient and effective Public Service during the year under review, the OCJ filled 90.2% (322 of 357) of funded vacant posts; investigated 87% (26 of 30) of reported fraud cases; developed and updated 8 strategic and operational risk registers; tabled OCJ Annual Performance Plan (2017/18) in Parliament as per National Treasury timelines; produced 2 asset registers in line with the prescripts; addressed 91% (115 of 126) of audit findings (internal and external) and conducted 5 functional training workshops for Registrars, Statisticians and Clerks.

4 PERFORMANCE INFORMATION BY PROGRAMME

PROGRAMME 1: ADMINISTRATION

Purpose

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

Description

The programme consist of 5 sub-programmes which are in line with the approved OCJ budget programme structure. The sub-programmes are:

- ▶ Management;
- ▶ Corporate Services;
- ▶ Finance Administration;
- ▶ Internal Audit and Risk Management; and
- ▶ Office Accommodation.

Strategic Objectives and Annual Performance for 2016/17

Strategic Objective	Objective Indicators	Baseline 2015/16	Planned Annual Target 2016/17	Actual Achievement 2016/17	Deviation from planned target to Actual Achievement for 2016/2017	Comments on deviations
Capacitate the Office of the Chief Justice.	Percentage of funded vacant posts filled	64%	90%	90.2% (322 of 357)	-0.2%	Constant follow-up on posts advertised to ensure managers keep to prescribed timeframes.
Ensure good governance in the administration of the Department.	Unqualified audit outcome	-	Unqualified audit outcome	Unqualified audit outcome achieved	None	None

4 PERFORMANCE INFORMATION BY PROGRAMME

Programme Performance Indicators and Annual Performance for 2016/17

Performance indicators	Baseline 2015/16	Planned Annual Target 2016/17	Actual Achievement 2016/17	Deviation from planned target to Actual Achievement for 2016/2017	Comments on deviations	
Sub-programme: Management						
1	Annual Performance Plan compliant with the National Treasury prescripts tabled within prescribed timelines.	OCJ Annual Performance Plan (2016/17) finalised and submitted to DPME and NT as per NT timelines.	OCJ Annual Performance Plan (2017/18) tabled in Parliament as per National Treasury timelines.	OCJ Annual Performance Plan (2017/18) tabled in Parliament as per National Treasury timelines.	None	None
Sub-programme: Corporate Services						
2.	ICT Master Systems Plan developed and implemented over the MTEF.	ICT Master Systems Plan developed.	ICT Master Systems Plan implementation initiated (critical systems).	ICT Master Systems Plan implementation partially initiated (ICT Infrastructure project completed and e-Filing system Project initiated).	The service provider for the e-Filing system Project was not appointed. Some of the critical systems were not initiated as planned.	Insufficient funding
Sub-programme: Finance Administration						
3.	Number of compliant financial performance reports submitted within the prescribed timelines.	12	12	12	None	None
4.	Number of asset registers produced in line with the prescripts.	-	2	2	None	None

4 PERFORMANCE INFORMATION BY PROGRAMME

Strategic Objectives and Annual Performance for 2016/17

Performance indicators	Baseline 2015/16	Planned Annual Target 2016/17	Actual Achievement 2016/17	Deviation from planned target to Actual Achievement for 2016/2017	Comments on deviations	
Sub-programme: Internal audit and risk management						
5.	Combined assurance plan developed and implemented.	-	Combined assurance plan developed.	Combined Assurance Plan developed and piloted in 5 Courts.	None	None
6.	Number of strategic and operational risk registers developed and updated.	4	8	8	None	None
7.	Percentage of audit findings (internal and external) addressed.	-	80%	91% (115 of 126)	-11%	Concerted effort by the Department to address the audit findings. Strict monitoring through Operations Committee (OPSCO), EXCO and the ARC.
8.	Percentage of reported fraud cases investigated.	61%	100%	87% (26 of 30)	13%	Forensic Unit capacity constraints and unavailability of the witnesses and suspects.

Strategy to overcome areas of under performance

- ▶ In order to ensure that 100% of reported fraud cases are investigated, additional capacity from DoJ&CD (shared services) will be requested.
- ▶ Request to be made for additional funding for the full implementation of the ICT MSP.

Changes to planned annual targets

There were no changes made to the annual targets during the year under review.

4 PERFORMANCE INFORMATION BY PROGRAMME

Linking performance with budgets

Sub-programmes	2016/17			2015/16		
	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)
Management	29 443	28 482	961	23 252	22 009	1 243
Corporate Services	76 607	76 452	155	31 973	28 323	3 650
Financial Administration	22 157	20 171	1 986	17 465	14 390	3 075
Internal Audit & Risk Management	13 974	13 974	0	10 287	9 366	921
Office Accommodation	0	0	0	14 810	14 748	62
Total	142 181	139 079	3 102	97 787	88 836	8 951

The programme's underspending amounted to R3.1 million, which relates to Compensation of Employees. This underspending is as a result of non-filling of vacancies. The filling of vacancies was put on hold from October to December 2016 in order to manage the expenditure patterns and ensure that the compensation of employees budget ceiling for the MTEF is not exceeded.



**SERVING THE SOUTH AFRICAN
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4 PERFORMANCE INFORMATION BY PROGRAMME

PROGRAMME 2: JUDICIAL SUPPORT AND COURT ADMINISTRATION

Purpose

Provide judicial support and court administration services to the Superior Courts, including secretariat and administrative support services to the Judicial Service Commission.

Description

The programme consists of six sub-programmes which are in line with the OCJ approved budget programme structure.

The sub-programmes are:

- ▶ Administration of Superior Courts;
- ▶ Judicial Service Commission;
- ▶ Constitutional Court;
- ▶ Supreme Court of Appeal;
- ▶ High Courts; and
- ▶ Specialised Courts.

Strategic Objectives and Annual Performance for 2016/17

Strategic Objective	Objective Indicators	Baseline 2015/16	Planned Annual Yarget 2016/17	Actual Achievement 2016/17	Deviation from Planned Target to Actual Achievement for 2016/2017	Comments on Deviations
Ensure the effective and efficient administration of the Superior Courts and Judicial Service Commission.	Percentage of compliance with quasi-judicial targets.	-	65%	86% (67 662 of 78 898)	-21%	Improved control measures were put in place to ensure that quasi-judicial functions are speedily dealt with.
	Number of reports on judicial appointments and complaints produced.	-	3	3	None	None

4 PERFORMANCE INFORMATION BY PROGRAMME

Strategic Objectives and Annual Performance for 2016/17

Performance Indicators		Baseline 2015/16	Planned annual target 2016/17	Actual achievement 2016/17	Deviation from planned target to Actual Achievement for 2016/2017	Comments on deviations
Sub-programme: Administration of Superior Courts						
1.	Number of Superior Courts performance monitoring reports produced.	3	5	5	None	None
2.	Percentage of default judgments finalised by Registrars.	70%	65%	85% (49 252 of 57 656)	-20%	Improved control measures were put in place to ensure that default judgments are speedily dealt with.
3.	Percentage of taxations of legal costs finalised.	84%	65%	87% (19 510 of 22 414)	-22%	Improved control measures were put in place to ensure that Taxations are speedily dealt with.
4.	Number of training workshops on case management conducted for Registrars, Statisticians and Clerks.	3	4	4	None	None
5.	Percentage of warrants of release delivered within one day of the release granted.	-	100%	88% (79 of 90)	12%	Delayed transfer of files from the affected circuit courts to the main seat for issuing and processing.

4 PERFORMANCE INFORMATION BY PROGRAMME

Strategy to overcome areas of under-performance

In order to ensure that 100% of warrants of release are delivered within one day of the release granted, the following intervention will be put in place:

- ▶ A Registrar will be assigned/placed at the affected circuit courts to attend to the processing of warrant of release.

Changes to planned annual targets

There were no changes made to the annual targets during the year under review.

Linking performance with budgets

Sub-programmes	2016/17			2015/16		
	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 of Superior Courts	13 678	11 083	2 595	9 435	7 645	1 790
Judicial Service Commission	12 541	9 936	2 605	6 275	6 252	23
Constitutional Court	50 450	45 188	5 262	52 408	52 348	60
Supreme Court of Appeal	32 805	32 393	412	23 170	23 083	87
High Courts	545 798	542 808	2 990	510 111	509 415	696
Specialised Courts	44 175	44 175	0	50 167	49 453	714
Total	699 447	685 583	13 864	651 566	648 196	3 370

The programme's underspending amounted to R13.8 million which relates to Compensation of Employees. This underspending is as a result of non-filling of vacancies. Filling of vacancies was put on hold from October to December 2016 in order to manage the expenditure patterns and ensure that the compensation of employees budget ceiling for the MTEF is not exceeded.



4 PERFORMANCE INFORMATION BY PROGRAMME

PROGRAMME 3: JUDICIAL EDUCATION AND RESEARCH

Purpose

Provide education programmes to Judicial Officers, including policy development and research services for the optimal administration of justice.

Description

The programme has two sub-programmes which are in line with the OCJ approved budget programme structure

The sub-programmes are:

- ▶ South African Judicial Education Institute; and
- ▶ Judicial Policy and Research.

Strategic Objectives and Annual Performance for 2016/17

Strategic Objective	Objective Indicators	Baseline 2015/16	Planned Annual Target 2016/17	Actual Achievement 2016/17	Deviation from Planned Target to Actual Achievement for 2016/2017	Comments on Deviations
Enhance judicial skills of serving and aspiring Judicial Officers to perform optimally.	Number of judicial education courses conducted.	59	70	90	-20	Appointment of Judicial Educators and utilisation of guest facilitators.

4 PERFORMANCE INFORMATION BY PROGRAMME

Programme Performance Indicators and Annual Performance for 2016/17

Performance Indicators	Baseline 2015/16	Planned Annual Target 2016/17	Actual Achievement 2016/17	Deviation from Planned Target to Actual Achievement for 2016/2017	Comments on Deviations	
Sub-programme: South African Judicial Education Institute						
1	M&E Framework for judicial education and training developed and implemented.	-	M&E Framework approved	M&E Framework approved	None	None
Sub-programme 2: Judicial Policy and Research						
2	Percentage of legal advisory opinions on policy development and research services provided within 15 days of receipt.	-	80%	100%	-20%	Systems and procedures in place functioned optimally to enable development of legal advisory opinions.

Strategy to overcome areas of under-performance

There were no areas of underperformance.

Changes to planned annual targets

There were no changes made to the annual targets during the year under review.

4 PERFORMANCE INFORMATION BY PROGRAMME

Linking performance with budgets

Sub-programmes	2016/17			2015/16		
	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)
South African Judicial Education Institute	27 701	26 490	1 211	28 243	25 952	2 291
Judicial Policy and Research	4 661	4 492	169	5 783	4 690	1 093
Total	32 362	30 982	1 380	34 026	30 642	3 384

The programme's underspending amounted to R1.3 million, which relates to compensation of employees. This underspending is as a result of non-filling of vacancies. Filling of vacancies was put on hold from October to December 2016 in order to manage the expenditure patterns and ensure that the compensation of employees budget ceiling for the MTEF is not exceeded.

5. TRANSFER PAYMENTS

The OCJ did not have any transfer payments during the period under review.

6. CONDITIONAL GRANTS

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

7. DONOR FUNDS

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

8. CAPITAL INVESTMENT

The OCJ did not receive any capital investments during the period under review.

9 STATISTICAL INFORMATION ²

The table below provides information relating to performance indicators which were within the control of the Judiciary. These include sub-programmes 3 to 6 in programme 2 and sub-programme 2 in programme 3. These indicators were informed by the Judicial Norms and Standards which were gazetted on 28 February 2014.

No	Performance Indicators	2016/17 Annual Target	Actual Achievement
PROGRAMME 2: JUDICIAL SUPPORT AND COURT ADMINISTRATION			
Sub-Programme 3: Constitutional Court			
1	Percentage of cases finalised (Constitutional Court)	80%	74% (297 of 402)
Sub-programme 4: Supreme Court of Appeal			
2	Percentage of cases finalised	80%	93% (226 of 244)
Sub-programme 5: High Courts			
3	Number of cases in the High Courts which are on the roll for more than 12 months	156	142
4	Percentage of criminal cases finalised with verdict	64%	54% (1 061 of 1 955)
5	Percentage of civil cases finalised	54%	67% (93 872 of 140 630)
6	Percentage of reserved judgments finalised in all Superior Courts	70%	73% (3 080 of 4 219)
Sub-programme 6: Specialised Courts			
7	Percentage of labour cases finalised	54%	63% (4 215 of 6 686)
8	Percentage of land claims cases finalised	54%	57% (229 of 403)
9	Percentage of electoral cases finalised	90%	100% (31 of 31)
10	Percentage of competition appeal cases finalised	72%	63% (5 of 8)
PROGRAMME 3: JUDICIAL EDUCATION AND RESEARCH			
Sub-programme 2: Judicial Policy and Research			
11	Percentage of disclosure for serving Judges' Registrable Interests Submitted by 31 March	100%	99.6%
12	Percentage of disclosure for newly appointed Judges' Registrable interest submitted within 30 days of appointment (if any)	100%	100%

²These are the indicators whose performance was within the control of the Judiciary. The OCJ only provided administrative and technical support to the Judiciary.





PART C

GOVERNANCE

1. Introduction	52
2. Risk Management	53
3. Fraud and Corruption	55
4. Minimising Conflict of Interests	55
5. Code of Conduct	56
6. Health, Safety and Environmental Issues	56
7. Portfolio Committees	57
8. Scopa Resolutions	58
9. Prior Modifications to Audit Reports	58
10. Internal Control	58
11. Internal Audit and Audit Committee	60
12. Audit Committee Report	62

1 INTRODUCTION



The OCJ is committed to the highest standards of governance in managing public resources by maintaining effective, efficient and transparent systems of financial, risk management and an improved internal control environment. Best practice standards and methodologies are tailored and applied to address risks to which the OCJ may be exposed. Risk mitigation is applied to the residual risk exposure of the Department, monitored regularly and reported quarterly to Management and the ARC.

A number of policies for various functions including segregation of duties and delegation of authority were developed and communicated to all staff members. The OCJ ensures that adequate and effective controls are in place followed by continuous monitoring, reviewing and evaluation of policies and procedures, performance information and implementation of corrective measures to address previous adverse findings.

Furthermore, reporting and monitoring systems were put in place, including regular management meetings to ensure accountable management, convergence of work of different programmes to alleviate resource wastages and the implementation of commitments entailed in the Strategic Plan and Annual Performance Plan to achieve the OCJ's Mandate.

1.1 ICT GOVERNANCE

The ICT governance structure of the OCJ consists of the ICT Steering Committee. The ICT Steering Committee oversees the implementation of the IT Strategy and reports to the Executive Committee and the Accounting Officer. This is done in collaboration with the Judiciary and Administration Information Technology Committee of Judicial Officers.

In the 2016/17 financial year, the focus was on the development of the Corporate Governance of ICT Framework, and the critical ICT policies.

The implementation of MSP/ICT Strategic Plan commenced in the 2016/17 financial year. The MSP identifies best practice ICT deliverables and are being implemented in a phased approach in line with available budget. The plan highlights strategic initiatives that will be implemented in the coming financial years with the intention of modernising court operations, among others. The MSP is partially funded from the Integrated Justice System (IJS) and the Department's Administration programme.

2 RISK MANAGEMENT

The OCJ has an approved Risk Management Framework, the Risk Management Policy and Strategy that articulate the organisational risk management approach and methodology. The Risk Management Implementation Plan outlines the processes creating risk capability at an operational level and the detailed activities to embed risk management across the Department. The policies and the implementation plan are reviewed on an annual basis and communicated to all the employees within the OCJ. The risk management system will be subject to an internal audit in the coming year.

2.1. RISK ASSESSMENTS

The risk management process is aligned to the planning and objective-setting process of the Department. Annual risk assessments were conducted during the strategic planning process to align the OCJ's adopted strategy and its risk profile. Strategic and Operational Risk Registers were updated with emerging risks and progress on mitigation actions and were monitored by the Chief Risk Officer on a quarterly basis.

Furthermore, the Risk based Combined Assurance plan was developed and piloted using Court Performance Information in five Superior Courts in order to maximize risk governance, oversight, control efficiencies, and optimize overall assurance. The combined assurance model optimises the assurance coverage obtained from management, internal assurance providers and external assurance providers on the risk areas affecting the Department.

2.2. RISK MATURITY

The Risk Management Directorate has conducted the Risk Maturity Self-Assessment for the Department as prescribed by the National Treasury, in order to identify the areas to be improved. The resultant score of the self-assessment was 3.4 (on a scale of 1 to 5), which indicates that Risk management processes, practices and systems meet all legislative requirements at this stage but have limited influence on the control environment.

2.3. RISK MANAGEMENT COMMITTEE

The Department has a fully constituted and functional combined Audit and Risk Committee (ARC) established in terms of the Public Finance Management Act, 1999 (Act 1 of 1999) (PFMA) and the National Treasury Regulations. The ARC is independently chaired and comprises of five (5) non-executive members. The OCJ Executive Committee (EXCO) members and other senior managers are standing invitees to the ARC meetings. The ARC performs an oversight role on risk management in the OCJ.

a. Progress on risk mitigation

Progress in addressing the key risks faced by the OCJ is summarised in Table 1 below:

Table 1

No	Strategic Objective	Risk Description	Risk Implication	Summary of Progress Made
1	Ensure good governance in the administration of the Department.	Transitional challenges as a result of transfer of functions from the DoJ&CD to the OCJ (Protracted consultation process due to stagnant funding of the micro-structure by the National Treasury (NT) over the three (3) years period).	▶ Inadequate and inaccurate business data.	<ul style="list-style-type: none"> ▶ The Steering Committee between the OCJ and the DoJ & CD was established to monitor the implementation of the agreement. ▶ Implementation of the above resulted in improved service delivery.

2 RISK MANAGEMENT

a. Progress on risk mitigation (continued)

No	Strategic Objective	Risk Description	Risk Implication	Summary of Progress Made
2	Ensure the effective and efficient management of the Superior Courts and Judicial Service Commission.	Inability to attract and retain skilled Registrars. Inadequate IT infrastructure and business operating systems.	<ul style="list-style-type: none"> ▶ Inability to achieve strategic objectives. ▶ Inadequate and inaccurate business data. 	<ul style="list-style-type: none"> ▶ Mechanism implemented to address Occupation Specific Dispensation related challenges. ▶ Registrars were appointed. <p>Implementation of the above resulted in improved efficiency and effectiveness of the Superior Courts.</p> <ul style="list-style-type: none"> ▶ MSP is being gradually implemented in a phased approach. ▶ The infrastructure upgrade project has successfully completed. <p>Implementation of the above resulted in improved service delivery.</p>
3.	Enhance judicial skills of serving and aspiring Judicial officials to perform optimally.	Inadequate resources to facilitate training for Aspiring and Serving Judicial Officers.	<ul style="list-style-type: none"> ▶ Inability to achieve strategic objectives. 	<ul style="list-style-type: none"> ▶ SAJEI Council approved the E-Learning System proposal and the Civil Course identified as pilot course. ▶ The Judicial Educators were appointed and they resumed duty. <p>Implementation of the above resulted in improved service delivery.</p>

b. Risks related to non-achieved performance indicators and targets

The following measures were put in place by the OCJ to address the performance indicators and targets that were not achieved during the financial year under review:

Non-achieved indicators and targets	Impact on the OCJ operations / services delivery	Measures put in place to ensure achievement
Percentage of reported fraud cases investigated.	Potential financial loss due to unaddressed fraud and corruption activities.	Utilisation of the shared services resources from the DoJ&CD and request for additional forensic investigator capacity in the OCJ.
ICT Master System Plan (MSP) developed and implemented over the MTEF.	Lack of modernised judicial system leading to ineffective service delivery.	Request additional funding for the MSP.
Percentage of warrants of release delivered within one day of release granted.	Potential negative reputational risk for the OCJ.	Dedicated registrar to be assigned to the Circuit Court to expedite the issuance and processing of warrants of release.

3 FRAUD AND CORRUPTION

The Office of the Chief Justice is committed to a zero-tolerance approach to fraud and corruption and has an approved Fraud Prevention and Anti-Corruption Policy and Strategy. The Policy and Strategy are rolled out through a three (3) year Fraud Prevention Implementation Plan endorsed and annually reviewed by the Audit and Risk Committee.

The OCJ has adopted a four dimensional strategic approach to mitigate the risk of fraud and corruption in line with government Minimum Anti-Corruption Framework (MACC), namely, fraud prevention, detection, investigation and resolution.

3.1. FRAUD PREVENTION

The main thrust of integrity management is to inculcate a culture of ethical behaviour amongst staff. Fraud prevention awareness workshops addressing fraud risk management were conducted among staff in all the Superior Courts in the 2016/17 financial year. During these sessions, employees were encouraged to report corrupt activities (anonymous or identified) to Management, Forensic Audit or through the National Anti-Corruption Hotline (NACH) of the Public Service Commission (PSC).

The Department commemorated the International Anti-Corruption day on 09 December 2016, by developing a poster and a pledge which was signed by officials in National Office and Superior Courts to support the Department in its commitment to fight fraud and corruption.

Security vetting remains a preventative measure and the first line of defence to deter the recruitment of unethical and inapt employees. The Security Vetting Information System was installed in all the Superior Courts.

3.2. FRAUD DETECTION

The OCJ Fraud Prevention and Anti-Corruption Policy and Strategy outline procedures by which employees and the public could report incidents of alleged fraud and corruption. The incidents identified through the internal or external audit and the fraud allegations reported through the Departmental whistle-blowing mechanism, were recorded in the OCJ Fraud Register.

3.3. FRAUD INVESTIGATION

The veracity of alleged fraud and corruption activities are thoroughly investigated using the internal forensic auditors or external resources. The OCJ Forensic Unit has established a constructive working relationship with law enforcement agencies to which complex cases outside the Unit's scope are referred. During the year under review, 30 fraud and corruption cases were reported. Of these, 26 (87%) were finalised (an improvement from last year's 61%) with 4 (13%) outstanding (an improvement from last year's 39%) as at 31 March 2017. The Forensic Audit function remains a shared service with the DoJ&CD in terms of the transfer of functions Service Level Agreement (SLA).

3.4. FRAUD RESOLUTION

The resolution of an investigated fraud incident could be a referral for disciplinary action (HR processes), a determination for civil recovery and / or criminal prosecution, or referral to law enforcement agencies. All fraud allegations as well as the status of the investigations are reported to the Accounting Officer, the ARC and the relevant stakeholders such as the PSC.

4 MINIMISING CONFLICT OF INTERESTS

The Office of the Chief Justice in compliance to the Chapter 2 of the Public Service Regulations, 2016, ensures that management of conflict of interest is minimised. All officials participating in the supply chain management (SCM) and Bid Committees are required to disclose their interests during each requisitioning and bidding process in the prescribed disclosure form.

The OCJ continues to manage the Remunerative Work Outside Public Service (RWOPS) as part of management of conflict of interest. Awareness sessions were conducted to encourage the employees to apply for RWOPS on an annual basis. All employees are required to obtain approval to perform RWOPS and disclose all business interests.

The OCJ has also put processes in place to manage the receiving of gifts, sponsorship and donations as part of management of conflict of interest.

Awareness sessions were conducted to educate employees about the relevant policy and encourage them to report on a quarterly basis. Financial disclosures within the Department were managed in accordance with chapter 2 of the PSR 2016.

5 CODE OF CONDUCT

The OCJ has reviewed its Code and Conduct in line with the PSR and it was communicated to all staff. Upon assumption of duty, all newly appointed employees are provided with a copy of the Code of Conduct. Line managers are required to monitor compliance and to take appropriate action in the event of a breach by an employee.

6 HEALTH, SAFETY AND ENVIRONMENTAL ISSUES

The Occupational Health, Safety and Environmental (OHS&E) function was a retained service in the DoJ&CD for the 2016/17 financial year. All OHS&E programmes were conducted under the auspices of the DoJ&CD. The reason for the retention was that no capacity was available during the transfer of functions in order to enable the OCJ to manage OHS&E independently.

The SLA signed between the two Accounting Officers made provision for the joint operational committees to coordinate and monitor the OHS&E programmes across the OCJ operations i.e. two compliance audits on statutory compliance were conducted during the year under review. Furthermore, the OCJ Internal Audit Unit conducted similar assessments and found non-compliance in various facets of the OHS&E. Management has since developed corrective measures to ensure continued compliance.

Nature and Description of the OHS&E challenges	Impact on the OCJ operations / services delivery	Measures put in place to address challenges
Lack of internal capacity to guide and coordinate the OHS&E programme within OCJ.	<ul style="list-style-type: none"> ▶ Potential risk of unsafe and unhygienic work environment for the officials and the public. ▶ Service delivery at courts could be hampered due to unsafe work environments. 	<ul style="list-style-type: none"> ▶ Engagements with DoJ&CD on lack of capacity and the necessary support from subject matter experts in the regions including training to OCJ personnel at regional and operational levels. ▶ The OCJ Human Resources Directorate facilitating the appointments of OHS&E representatives at regional and operational level.
Non-compliance to the OHS&E prescripts.	<ul style="list-style-type: none"> ▶ Day to day operations' interruptions impacting on service delivery. ▶ Potential litigations due to unsafe facilities and work environment. ▶ Potential adverse audit report due to non-compliance to the health and safety legislation. 	Continuous engagements with DoJ Chief Directorate Facilities and Department of Public Works (DPW) regarding regular repairs and maintenance of the health and safety equipment as well as managing the related risks.

7 PORTFOLIO COMMITTEES

The Portfolio Committee on Justice and Correctional Services has an oversight responsibility over the performance of the OCJ. The Department is grateful to the Committee for the continuous support, valuable advice and recommendations received. The following engagements were held with the Committee during the 2016/17 financial year:

Date	Committee	Responsible supporting Department/ institution	Item for discussion	Leader of the delegation
05 April 2016	Portfolio Committee on Justice and Correctional Services	Ministry of Justice and Correctional Services	Political overview	Minister of Justice and Correctional Services
06 April 2016	Portfolio Committee on Justice and Correctional Services	OCJ	2016/17 Annual Performance Plan	Secretary General: OCJ
18 October 2016	Portfolio Committee on Justice and Correctional Services	OCJ	Annual Report and Quarter 1 performance report	Secretary General: OCJ

Matters raised in the Portfolio Committee	How the Department addressed these matters
<p>Members were concerned that the budget allocation for judicial education and training was inadequate to assist SAJEI to deliver on its mandate.</p> <p>The Committee requested to be appraised on the effectiveness of the National Efficiency Enhancement Committee (NEEC) as well as the Provincial Efficiency Enhancement Committees (PEECs) in relation to service delivery.</p>	<p>The OCJ continues to engage with National Treasury and DoJ&CD to alleviate the pressure. An additional R10 million was added to the OCJ 2017/18 budget for training.</p> <p>The NEEC and PEECs are integrated court stakeholder forums led by the Judiciary to manage matters that directly impact on the performance of the courts. The NEEC at the national level is led by the Chief Justice and the PEECs at the provincial level are led by the Judges President (JPs) who also perform their oversight role over the Magistracy as required by section 8 of Superior Courts Act, 2013. Challenges affecting the effective operation and integration of the justice system are addressed through these fora i.e. the infrastructure challenges like shortage of the court rooms (DPW involved); safeguards of the integrity of the court orders and combating of fraudulent court orders (South African Police Service involved); management of overcrowding at the correctional centres (Department of Correctional Services (DCS) involved).</p>

7 PORTFOLIO COMMITTEES

Matters raised in the Portfolio Committee	How the Department addressed these matters
<p>The Committee was concerned that the OCJ was unable to make use of the Integrated Justice System (IJS) budget which the DoJ&CD administers.</p> <p>The Committee requested the OCJ to facilitate interaction with the Chief Justice/Heads of Court relating to matters that lie outside the ambit of the OCJ as the administration supporting the Judiciary</p>	<p>The OCJ participates and has access to and is using funds from the IJS budget to implement Department specific court modernization projects (e.g. e-Filing system).</p> <p>The Chief Justice/Heads of Court and the Committee met on 28 November 2016 (last met on 28 November 2014). Various policy issues and strategic matters of mutual interest were raised from both sides and discussed/clarified. It was also agreed that regular interface is necessary going forward as it assists with the developing of a common understanding.</p>

8 SCOPA RESOLUTIONS

There were no resolutions taken by 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

In line with the Public Finance Management Act, 1999, (Act 1 of 1999) (PFMA), the internal audit function provides Management and the ARC with reasonable assurance that the internal controls are appropriate and effective. This was achieved through conducting internal audits across the OCJ operations and providing Management with the audit reports and recommendations on corrective actions to enhance the control environment. Quarterly internal audit and risk mitigation reports were submitted to the ARC for their monitoring and oversight function. The internal audit activities conducted in the period under review are discussed in the next section.

The OCJ reviewed all the policies and developed Standard Operating Procedures (SOPs) to enhance the control environment. Furthermore a Combined Assurance Framework and Plan were developed and piloted in the 2016-17 financial year to improve the organisational governance, internal controls and risk management systems.



11 INTERNAL AUDIT AND AUDIT COMMITTEE

11.1 INTERNAL AUDIT

The Internal Audit Activity (IAA) in accordance with its mandate provides an independent and objective assurance designed to add value and improve the OCJ's operations. The IAA accomplishes this objective by bringing in a systematic and disciplined approach to evaluating and improving the effectiveness of risk management, control and governance processes. The function is discharged in accordance with an approved Internal Audit Charter and Audit Methodology in compliance with the NT Regulations and the International Standards for the Professional Practice of Internal Auditing (ISPPA). The IAA is guided by a fully-functional ARC which operates in terms of an approved ARC Charter as prescribed by the NT. The head of the Unit reports functionally to the ARC and administratively to the Accounting Officer.

The Unit responsible for IAA has gradually been capacitated in the last two financial years. In order to improve the proficiency of the internal audit staff, continuous professional development training to all internal auditors was provided during the financial year, conducted under the auspices of the Institute of Internal Auditors (IIA) of South Africa.

The IAA, through engagement with internal stakeholders, formulated a risk-based three-year rolling strategy incorporating an annual plan that was approved by the ARC. The annual operational audit plan of 31 planned audit projects was fully executed during the 2016/17 financial year and was tabled at the quarterly ARC meetings. Additional ad hoc audit requests from the ARC and Management were also conducted. The IT audit was performed by the AGSA due to inadequate internal audit IT capacity within the OCJ.

The Accounting Officer has established an Operations Committee that monitors the implementation of the previous audit findings by the AGSA and Internal Audit. The follow-up audits were conducted during the year in various business Units and the Superior Courts. The aim was to review management implementation of previous audit findings by the Auditor-General and Internal Audit.

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 William Huma (ARC Chairperson)	B. Proc, LLB, LLM, Postgraduate Diploma in Corp. Gov, Fellow of the IoDSA	External	N/A	01 May 2014	30 Apr 2017	7	2

11.2 AUDIT AND RISK COMMITTEE

The OCJ has a fully-functional ARC appointed in terms of Section 38(1) (a) (ii) of the PFMA and NT Regulation 3.1. The ARC operates in accordance with the aforementioned regulations including provisions prescribed in terms of Sections 76(4) (d) and 77 of the PFMA. The Committee's mandate and responsibilities are defined in the ARC Charter.

The main purpose of the ARC is to assist the Accounting Officer of the OCJ to fulfil the responsibilities of maintaining effective, efficient and transparent systems of financial management, risk management, governance, and internal control by providing oversight as follows:

- i. Supporting Management in respect of financial reporting, systems of internal control and performance against pre-determined objectives;
- ii. Enhancing business ethics and integrity in the OCJ;
- iii. Ensuring the independence of the internal audit activity;
- iv. Reviewing the strategic and operational risk areas of the OCJ and ensuring coverage in the scope of audit by internal and external auditors;
- v. Ensuring proper functioning of internal and external audit processes, other assurance services and the fraud and corruption prevention, detection, investigation and resolution activities; and
- vi. Monitoring compliance with the laws and regulations and the code of conduct.

The ARC met on nine occasions; seven ordinary and two special meetings.

The table below indicates relevant information on the ARC members.

11 INTERNAL AUDIT AND AUDIT COMMITTEE

Table 2 (continued)

Name and designation	Qualifications	Internal or external	If internal, position held in OCJ	Date appointment	End of term	Ordinary meetings attended	Special meetings attended
Ms. Jabu Mogadime (ARC Member)	BA Accounts & Admin, Diploma in Marketing, MBA (Wales)	External	N/A	01 May 2014	30 Apr 2017	6	1
Ms. Mariaan Roos (ARC Member)	CA (SA), Masters in Auditing	External	N/A	01 May 2014	30 Apr 2017	7	2
Ms. Vhonani Singo (ARC Member)	CA (SA)	External	N/A	01 May 2014	30 Apr 2017	5	1
Mr. Njabulo Nyawo (ARC Member)	CA (SA), Post Graduate Dip Bus Admin, MBA	External	N/A	01 May 2014	30 Apr 2017	4	1



12 AUDIT COMMITTEE REPORT

We are pleased to present our report for the financial year ended 31 March 2017:

12.1 COMMITTEE RESPONSIBILITY

The ARC reports that it has complied with its responsibility arising from Section 38(a) (ii) of the Public Finance Management Act, 1999, (PFMA) and National Treasury Regulation 3.1. The Committee also reports that it has appropriate terms of reference as its ARC Charter, 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 Public Finance Management Act, 1999, (PFMA) and the National Treasury Regulations, the ARC provided oversight on the operations and business activities within the OCJ. This was achieved through a quarterly reporting process to both management and the Audit and Risk Committee as well as the Internal Audit reviews as prioritised in the Risk-Based Annual Audit Operational Plan approved by the ARC. The ARC is of the opinion that the systems of internal control within the OCJ were mostly adequate and effective during the year under review.

12.3 INTERNAL AUDIT

The OCJ is a relatively new Department that has been establishing systems of internal control during the year under review. 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 as follows:

- i. Inadequate Asset Management systems in place, especially for the library assets;
- ii. Non-compliance with 30 days payment of the service providers due to the lack of interface in the transversal and internal financial system;
- iii. Delays in finalisation of the OCJ organisational structure and filling of critical vacant posts due to the protracted approval process.

Regarding the above issues the Committee has, however, noted the corrective measures instituted by the Accounting Officer and the Exco.

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. The Internal Audit Unit conducted 100% of the audit projects on its annual plan.

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

The ARC reviewed and/or performed oversight over:

- i. All quarterly Interim Financial Statements and unaudited Annual Financial Statements (AFS) before submission to the AGSA on 31 May 2017;
- ii. The Management Letter of the AG related to the audit of the 2016/17 financial year;
- iii. The appropriateness of the accounting policies, practices and potential changes;
- iv. The effectiveness of the system of risk management including emerging risks;
- v. The process to ensure compliance with relevant laws and regulations.
- vi. The system of IT governance;
- vii. The Annual Report and pre-determined objectives information prior to submission to the AGSA and final publication;
- viii. The plans, work and reports of the IAA and the AGSA;
- ix. In-year monitoring reports on all the OCJ's operations;
- x. The development of the Combined Assurance Framework and the Plan; and
- xi. The site visits to the Superior Courts to assess the control environment at the service delivery points of the OCJ.

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

The Department has reported quarterly to the NT, as required by the PFMA. 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

12 AUDIT COMMITTEE REPORT

corrective action plans to address the previous Auditor-General and Internal Audit findings.

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 Risk Policy, Strategy and Implementation Plan as well as the Fraud Prevention Framework. All risk-owners attend the Audit and Risk Committee 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 into the development of the strategic and operational risk registers. The identified risks also informed the internal audit priorities. Management reported on risk mitigation action items quarterly to the ARC.

Continuous tracking of the planned mitigation yielded significant positive results. However, the following areas still remained a concern to the ARC:

- i. Delays in the filling of key positions for the optimal functioning of the OCJ;
- ii. Non-compliance with financial management prescripts resulting in late payments of suppliers;
- iii. Lack of automated case flow management systems; and
- iv. Inadequate asset management systems, especially for the library assets.

The Committee has noted the measures put in place by Management to address the above.

12.7 FRAUD AND CORRUPTION

The OCJ developed the Fraud Prevention Policy, Strategy and Plan that were approved by the ARC. Implementation of the Plan was monitored through the quarterly reports submitted at the ARC meetings. The ARC provided oversight on allegations of fraud, corruption and financial misconduct reported to the Department and is satisfied with the 87% finalisation rate.

12.8 EVALUATION OF THE FINANCIAL STATEMENTS

The ARC has:

- i. Reviewed the draft AFS and information on pre-determined objectives 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.

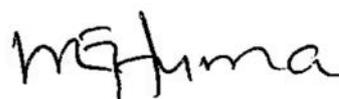
12.9 ANNUAL PERFORMANCE REVIEW

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

12.10 AUDITOR-GENERAL'S REPORT

The ARC has met with the AGSA throughout the year to ensure that there are no unresolved issues.

12.11 CONCLUSION



Adv W E Huma
Chairperson of the ARC
Office of the Chief Justice

25 July 2017





PART D

HUMAN RESOURCE MANAGEMENT

1. Introduction	66
2. Overview of Human Resources	67
3. Human Resources Oversight Statistics	68

1 INTRODUCTION



During the 2016/17 financial year the OCJ increased its HR capacity at its National and Provincial Offices. Four officials were appointed at National Office and nineteen officials were appointed at Provincial Offices. Despite these appointments, the OCJ is not yet fully capacitated in some of the HR functions and, therefore, the service level agreement with the DoJ&CD continued to be implemented in the following HR functions:

- (a) Labour Relations;
- (b) Employee Health and Wellness (EHW); and
- (c) Organisation Design.

As at 31 March 2017, the total number of posts was 1 984 of which 1 679 were filled and 305 vacant. The overall vacancy rate for the Department was 15.4%. Out of a total number of 39 SMS members appointed, 15 (38.5%) were female and 24 (61.5%) were male.³

The number of people appointed with disability was 21. This represents 1.25% of the OCJ staff complement.

³ The information provided on the establishment is based on the full OCJ staff establishment as it is reflected on PERSAL on 31 March 2017. The number of vacancies includes the 35 funded that was not filled by the end of 2016/17 and all other vacancies on PERSAL.

2 OVERVIEW OF HUMAN RESOURCES

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

The following were priorities for the year under review:

(a) Filling of critical funded vacancies:

The Department filled 90.2% (322/357⁴) funded vacant posts by the end of the financial year.

(b) Providing employees with skills and competencies through skills development programme

The Department planned to train 250 employees for the financial year. A total of 375 employees were trained. Of the 375 employees trained, 343 employees were in line with the WSP and 32 received training that was deemed critical to the operations of the OCJ.

(c) Providing Employee Wellness Programmes

During the year under review, the four Employee Health and Wellness Policies and Operational Plans were approved and implemented. Quarterly reports regarding the implementation of the operational plans were submitted to DPSA.

2.2 POLICY DEVELOPMENT

During the 2016/17 financial year, the OCJ operated with some of the DoJ&CD policies in areas where new policies were not yet approved. In the year under review the following HR policies were approved and implemented:

- ▶ Occupational Health and Safety Policy;
- ▶ Health and Productivity Management Policy;
- ▶ Wellness Management Policy;
- ▶ HIV, STI & TB Management Policy;
- ▶ Acting Allowance Policy;
- ▶ Overtime Policy;
- ▶ Special Leave Policy;
- ▶ Study Assistance Policy; and
- ▶ Performance Management and Development System Policy.

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

The HR Plan for 2016-2017 was developed and approved in June 2016. All vacant positions in the Department were advertised to encourage open competition. Headhunting was utilised in instances where suitable candidates could not be attracted through the normal recruitment process. The Department provided training opportunities to staff members to obtain new qualifications and improve

their skills and knowledge. An internship programme was established to provide young graduates with opportunities to gain knowledge and experience in the workplace, in order to be able to compete for jobs in the labour market.

2.4 EMPLOYEE PERFORMANCE MANAGEMENT

A total of 1 611 out of 1 690 employee performance agreements were captured, translating to 95% concluded performance agreements in line with prescripts. A total of 1 491 out of 1 659 mid-year reviews were finalised on time. Performance assessments for the 2015/16 cycle were finalised and rewards related to this process were paid during the 2016/17 financial year.

2.5 ACHIEVEMENTS

- ▶ Performance assessments were concluded for the 2015/16 performance cycle;
- ▶ Nine HR policies were approved and implemented;
- ▶ A total of 29 interns and law graduates were hosted for period under review; and
- ▶ The Department established its own Departmental Bargaining Chamber.

2.6 CHALLENGES

- ▶ The budget ceiling implemented by the National Treasury on compensation of employees affected the capacitation of the OCJ. Although the Department underspent on its compensation of employees (CoE) budget, it will not fill any vacancies moving forward in order to prevent overspending of the CoE budget in the MTEF period. This negatively impacts on service delivery in the Department. The OCJ organisational structure was developed in line with the PSA and has been submitted to the relevant authority for approval. Critical vacant posts could therefore not be filled pending the approval of the structure.
- ▶ Inability to finalise disciplinary and grievance cases within prescribed periods due to procedural matters such as postponements and unavailability of witnesses.

2.7 FUTURE HUMAN RESOURCE PLANS/GOALS

- ▶ The implementation of the revised organisational structure, pending the approval by DPSA;
- ▶ Strengthen the performance management and development processes;
- ▶ Addressing the HR Compliance environment in terms of plans and strategies; and
- ▶ Contributing towards creation of opportunities for youth development and employment

⁴ The denominator (357 posts) used for the total number of posts is based on the number of funded posts in the financial year 2016/17 and differs from the balance at the end of the financial year as reflected on PERSAL. The number of posts involved identification and prioritization in terms of funding.

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.1 PERSONNEL RELATED EXPENDITURE

Table 3.1.1 Personnel expenditure by programme for the period 01 April 2016 to 31 March 2017

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 Compensation of Employees Cost per Employee
OCJ: Administration	139 079	67 659	1 305	0	48.6	467
OCJ: Judicial Support & Court Administration	685 583	457 810	145	0	66.8	302
OCJ: Judicial Education & Research	30 982	11 478	472	0	37	675
SUB-TOTAL (Voted Funds)	855 655	536 947	1 922	0	62.8	320
SUB-TOTAL (Direct Charge Against the NRF)	930 704	881 699	0	0	94.7	1 177
GRAND TOTAL (Voted Funds and Direct Charge Against the NRF)	1 786 359	1 418 646	1 922	0	79.4	584

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.1 PERSONNEL RELATED EXPENDITURE

Table 3.1.2 Personnel costs by salary band for the period 01 April 2016 to 31 March 2017 (including the Judges)

Salary Band	Personnel Expenditure (R'000)	% of Total Personnel Cost	Number of Employees (including Judges on the direct charge)	Professional and Special Services (R'000)
Skilled (Levels 3-5)	164 134	30.6	896	183
Highly skilled production (Levels 6-8)	140 727	26.2	437	322
Highly skilled supervision (Levels 9-12)	116 442	21.7	228	511
Senior management (Levels 13-16)	42 453	7.9	36	1 179
Contract (Levels 1-2)	0	0.0	0	0
Contract (Levels 3-5)	8 670	1.6	31	280
Contract (Levels 6-8)	37 595	7.0	10	3 761
Contract (Levels 9-12)	16 320	3.0	35	466
Contract (Levels 13-16)	7 916	1.5	4	1 979
Abnormal Appointment	2 690	0.5	2	1 345
SUB-TOTAL (Voted Funds)	536 947	100.0	1 679	306.48
SUB-TOTAL (Direct Charge Against the NRF)	881 699	100.0	749	1 177
GRAND TOTAL (Voted Funds and Direct Charge Against the NRF)	1 418 646	100.0	2 428	584

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.1 PERSONNEL RELATED EXPENDITURE

Table 3.1.3 Salaries, Overtime, Home Owners Allowance and Medical Aid by programme for the period 01 April 2016 to 31 March 2017

Programme	Salaries		Overtime		Home Owners Allowance		Medical Aid	
	Amount	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	46 522	68.76	630	0.93	1 460	2.16	1 886	2.76
OCJ: Judicial Support & Court Administration	327 800	71.60	229	0.05	17 908	3.91	27 193	5.89
OCJ: Judicial Education & Research	7 828	68.20	0	0.00	158.92	1.38	298.664	2.58
SUB-TOTAL (Voted Funds)	382 150	71.17	859	0.16	19 526	3.64	29 377	5.42
SUB-TOTAL (Direct Charge Against the NRF)	637 480	72.30	0	0.00	460.32	0.05	5 907	0.66
GRAND TOTAL (Voted Funds and Direct Charge Against the NRF)	1 019 630	71.87	859	0.16	19 987	1.41	35 284	2.46

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.1 PERSONNEL RELATED EXPENDITURE

Table 3.1.4 Salaries, Overtime, Home Owners Allowance and Medical Aid by salary band for the period 01 April 2016 to 31 March 2017

Salary Band	Salaries		Overtime		Home Owners Allowance		Medical Aid	
	Amount	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
Skilled (Levels 3-5)	113 525	69.17	214	0.13	10 718	6.53	15 871	9.67
Highly skilled production (Levels 6-8)	102 325	72.71	247	0.18	5 562	3.95	9 115	6.48
Highly skilled supervision (Levels 9-12)	84 819	72.84	358	0.31	2 443	2.10	3 704	3.18
Senior management (Levels 13-16)	28 143	66.29	0	0.00	804.097	1.89	630.5	1.49
Contract (Levels 1-2)	0	0.00	0	0.00	0	0.00	0	0.00
Contract (Levels 3-5)	6 325	72.95	24	0.28	0	0.00	0	0.00
Contract (Levels 6-8)	27 440	72.96	11	0.03	0	0.00	0	0.00
Contract (Levels 9-12)	11 917	73.02	4	0.03	0	0.00	0	0.00
Contract (Levels 13-16)	5 037	63.63	0	0.00	0	0.00	58.5104	0.74
Abnormal Appointment	835	31.05	0	0.00	0	0.00	0	0.00
SUB-TOTAL (Voted Funds)	380 365	70.84	859	0.16	19 527	3.64	29 379	5.47
SUB-TOTAL (Direct Charge Against the NRF)	639 265	72.50	0	0.00	460.11	0.05	5 906	0.67
GRAND TOTAL (Voted Funds and Direct Charge Against the NRF)	1 019 630	71.87	859	0.16	19 987	1.41	35 284	2.46

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.2 EMPLOYMENT AND VACANCIES

Table 3.2.1 Employment and vacancies by programme as on 31 March 2017

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 are not filled. This table excludes information on the Judiciary.

Programme	Number of Posts approved on the establishment	Number of Posts Filled	Vacancy Rate	Number of employees additional to the establishment
OCJ: Administration	165	145	12.1	2
OCJ: Judicial Support and Court Administration	1 799	1 517	15.7	0
OCJ: Judicial Education & Research	20	17	15	0
Total	1 984	1 679	15.4	2

Table 3.2.2 Employment and vacancies by salary band as on 31 March 2017

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)	0	0	0	0
Skilled (Levels 3-5)	1 029	921	10.5	0
Highly skilled production (Levels 6-8)	594	453	23.7	1
Highly skilled supervision (Levels 9-12)	319	266	16.6	1
Senior management (Levels 13-16)	42	39	7.1	0
Total	1 984	1 679	15.4	2

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.2 EMPLOYMENT AND VACANCIES

Table 3.2.3 Employment and vacancies by critical occupations band as on 31 March 2017

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	93	81	12.9	1
Advocates	0	0	0	0
Attorneys	1	1	0	0
Bus and heavy vehicle drivers	3	2	33.3	0
Cleaners in offices workshops hospitals etc.	11	6	45.5	0
Client inform clerks (switchboard & reception information clerks)	12	10	16.7	0
Communication and information related	11	10	9.1	0
Finance and economics related	57	51	10.5	0
Financial and related professionals	36	26	27.8	0
Financial clerks and credit controllers	38	32	15.8	0
Food services aids and waiters	14	13	7.1	0
General legal administration & rel. professionals	171	127	25.7	0
Human resources & organisational development & relate professionals	2	2	0	0
Human resources clerks	30	29	3.3	1
Human resources related	21	19	9.5	0

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.2 EMPLOYMENT AND VACANCIES

Table 3.2.3 Employment and vacancies by critical occupations band as on 31 March 2017 (continued)

Critical occupations	Number of Posts approved on the establishment	Number of Posts Filled	Vacancy Rate in %	Number of employees additional to the establishment
Language practitioners interpreters & other communicators	46	32	30.4	0
Legal related	16	14	12.5	0
Librarians and related professionals	23	17	26.1	0
Library mail and related clerks	39	27	30.8	0
Light vehicle drivers	4	2	50	0
Logistical support personnel	4	1	75	0
Material-recording and transport clerks	15	9	40	0
Messengers porters and deliverers	162	150	7.4	0
Other administration & related clerks and organisers	590	554	6.1	0
Other administrative policy and related officers	36	33	8.3	0
Other information technology personnel	10	8	20	0
Prosecutor	0	0	0	0
Secretaries & other keyboard operating clerks	352	269	23.6	1
Security guards	2	2	0	0
Security officers	67	57	14.9	0
Senior managers	42	39	7.1	0

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.2 EMPLOYMENT AND VACANCIES

Table 3.2.3 Employment and vacancies by critical occupations band as on 31 March 2017 (continued)

Critical occupations	Number of Posts approved on the establishment	Number of Posts Filled	Vacancy Rate in %	Number of employees additional to the establishment
Trade/industry advisers & other related profession	0	0	0	0
Translators and air traffic communicators	76	59	22.3	0
Total	1984	1679	15.4	2

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.3 FILLING OF SMS POSTS

Table 3.3.1 SMS post information as on 31 March 2017

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
Director General/ Head of Department	1	1	100	0	0
Salary level 16	0	0	0	0	0
Salary level 15	1	1	100	0	0
Salary level 14	8	7	87.5	1	12.5
Salary level 13	32	30	93.75	2	6.25
Total	42	39	92.86	3	7.14

Table 3.3.2 SMS post information as on 30 September 2016

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
Director General/ Head of Department	1	1	100	0	0.0
Salary level 16	0	0	0.0	0	0.0
Salary level 15	1	1	100	0	0.0
Salary level 14	8	7 ⁵	87.5	1	12.5
Salary level 13	32	30	93.75	2	6.25
Total	42	39	92.86	3	7.14

⁵ The number of key personnel management is 9. The difference with note 26 of the AFS is that the financials makes use of the salary paid as opposed to salary level as depicted on tables 3.3.1 and 3.3.2

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.3 FILLING OF SMS POSTS

Table 3.3.3 Advertising and filling of SMS posts for the period 01 April 2016 to 31 March 2017

SMS level	Total number of funded SMS posts	Total number of SMS posts filled	% of SMS posts filled	Total number of SMS posts vacant	% of SMS posts vacant
Secretary General	1	1	100	0	0.0
Salary level 16	0	0	0.0	0	0.0
Salary level 15	1	1	100	0	0.0
Salary level 14	8	7	87.5	1	12.5
Salary level 13	32	30	93.75	2	6.25
Total	42	39	92.86	3	7.14

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 after becoming vacant for the period 01 April 2016 to 31 March 2017

Reasons for vacancies not advertised within six months
N/A

Reasons for vacancies not filled within twelve months
Inability to attract suitable candidates to fill the posts

Table 3.3.5 Disciplinary steps taken for not complying with the prescribed timeframes for filling SMS posts within 12 months for the period 01 April 2016 to 31 March 2017

Reasons for vacancies not advertised within six months
N/A

Reasons for vacancies not filled within twelve months
No action taken as the reasons for non-filling cannot be attributed to misconduct.

INKUNDLA YOMGAQOSISEKO
OTOLO YOMTHETHOSISEKELO
KHOTO YA VUMETWA
OTOLO YEMTSETFOSISEKELO
OROTSHEKO YA MOLAOTHEO
HOTHO YOMTHETHOSISEKELO
CONSTITUTIONAL COURT
LA DINYEWE LA MOLAOTHEO
KHOTHE YA NDAYOTEWA
KONSTITUSIONELE HOF
ATSHEKELO YA MOLAOTHEO



3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.4 JOB EVALUATION

Table 3.4.1 Job Evaluation by salary band for the period 01 April 2016 to 31 March 2017

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

Salary Band	Number of Posts approved on the establishment	Number of Jobs Evaluated	% of Posts Evaluated	Number of Posts Upgraded		Number of Posts Downgraded	
				Number	% of Upgraded Posts	Number	% of Downgraded Posts
Lower skilled (Levels 1-2)	0	0	0	0	0	0	0
Skilled (Levels 3-5)	1 029	435	42.2	0	0	0	0
Highly skilled production (Levels 6-8)	594	143	24.0	0	0	0	0
Highly skilled supervision (Levels 9-12)	319	5	1.6	0	0	0	0
Senior Management Service Band A	33	1	3	0	0	0	0
Senior Management Service Band B	6	0	0	0	0	0	0
Senior Management Service Band C	2	0	0	0	0	0	0
Senior Management Service Band D	1	0	0	0	0	0	0
TOTAL	1 984	584	29.4	0	0	0	0

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.4 JOB EVALUATION

Table 3.4.2 Profile of employees whose positions were upgraded due to their posts being upgraded for the period 01 April 2016 to 31 March 2017

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 01 April 2016 to 31 March 2017.

Occupation	Number of employees	Job evaluation level	Remuneration level	Reasons for deviation
Senior Managers	1	14	15	The employee was awarded a higher notch in terms of PSR V C.3 prior the PSR of 2016.
Total number of employees whose salaries exceeded the level determined by job evaluation				1
Percentage of total employed				0.048%

Table 3.4.4 Profile of employees whose salary levels are higher than those determined by job evaluation for the period 01 April 2016 to 31 March 2017

Gender	African	Asian	Coloured	White	Total
Female	0	0	0	0	0
Male	1	0	0	0	0
Total	1	0	0	0	1
Employees with disability	0	0	0	0	0

Total number of employees whose salaries exceeded the grades determined by job evaluation	1
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3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.5 EMPLOYMENT CHANGES

Table 3.5.1 Annual turnover rates by salary band for the period 01 April 2016 to 31 March 2017.

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

It needs to be noted when reading the table below that a high number of appointments and terminations are reflected. This is as a result of multiple contract appointments for secretaries to support Judges and Acting Judges which are demand driven in line with the need during Court terms.

Salary Band	Number of employees at Beginning of period (April 2016)	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover Rate
Lower skilled (Levels 1-2)	0	0	0	0
Skilled (Levels 3-5), Permanent	901	102	106	11.8
Highly skilled production (Levels 6-8)	439	58	173	39.4
Highly skilled supervision (Levels 9-12)	241	46	42	17.4
Senior Management Service Band A	24	4	0	0
Senior Management Service Band B	6	0	0	0
Senior Management Service Band C	1	0	0	0
Senior Management Service Band D	1	0	0	0
TOTAL	1 613	210	321	19.9

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.5 EMPLOYMENT CHANGES

Table 3.5.2 Annual turnover rates by critical occupation for the period 01 April 2016 to 31 March 2017

Critical occupation	Number of employees at Beginning of period (April 2016)	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover Rate
Administrative related	60	17	2	3.3
Advocates	2	0	0	0
Attorneys, Permanent	2	0	0	0
Bus and heavy vehicle drivers	2	0	0	0
Cashiers tellers and related clerks	0	0	0	0
Cleaners in offices workshops hospitals etc,	6	1	1	16.7
Client inform clerks (switchboard reception information clerks)	9	0	0	0
Communication and information related	7	0	0	0
Finance and economics related	32	9	1	3.1
Financial and related professionals	17	5	7	41.2
Financial clerks and credit controllers	16	13	1	6.3
Food services aids and waiters	12	1		0
General legal administration & related professionals	111	38	45	40.5
Human resources & organisational development & relate professionals	1	0	0	0
Human resources clerks	15	10	7	46.7
Human resources related	18	2	1	5.6
Language practitioners interpreters & other communications	31	1	2	6.5
Legal related	21	1	0	0

3 HUMAN RESOURCES OVERSIGHT STATISTICS

Critical occupation	Number of employees at Beginning of period (April 2016)	Appointments and transfers into the Department	Terminations and transfers out of the Department	Turnover Rate
Librarians and related professionals	17	0	2	11.8
Library mail and related clerks	37	4	9	24.3
Light vehicle drivers	3	0		0
Logistical support personnel	1	0	0	0
Material-recording and transport clerks	11	3	5	45.5
Messengers porters and deliverers	138	4	3	2.2
Other administrative & related clerks and organisers	538	38	47	8.7
Other administrative policy and related officers	21	3	1	4.8
Other information technology personnel	9	0	0	0
Prosecutor	1	0	0	0
Secretaries & other keyboard operating clerks	310	50	173	55.8
Security guards	3	0	0	0
Security officers	59	1	3	5.1
Senior managers	32	4	0	0
Translators and air traffic communicators	71	5	11	15.5
TOTAL	1613	210	321	19.9

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.5 EMPLOYMENT CHANGES

Table 3.5.3 Reasons why staff left the Department for the period 01 April 2016 to 31 March 2017

Termination Type	Number	% of Total Resignations
Death	6	1.9
Resignation	43	13.4
Expiry of contract	261	81.3
Discharged due to ill health	0	0
Dismissal - misconduct	4	1.2
Retirement	7	2.2
TOTAL	321	100
Total number of employees who left as a % of total employment	19.9	

Table 3.5.4 Promotion by critical occupation for the period 1 April 2016 to 31 March 2017

Occupation	Number of employees at Beginning of period (April 2015)	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	60	6	10.0	24	40.0
Advocates	2	0	0.0	2	100.0
Attorneys	2	0	0.0	2	100.0
Bus and heavy vehicle drivers	2	0	0.0	2	100.0
Cleaners in offices workshops hospitals etc.	6	0	0.0	2	33.3
Client inform clerks (switchboard reception information clerks)	9	0	0.0	3	33.3
Communication and information related	7	0	0.0	2	28.6
Finance and economics related	32	4	12.5	24	75.0

3 HUMAN RESOURCES OVERSIGHT STATISTICS

Table 3.5.4 Promotion by critical occupation for the period 1 April 2016 to 31 March 2017 (continued)

Occupation	Number of employees at Beginning of period (April 2015)	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
Financial and related professionals	17	12	70.6	4	23.5
Financial clerks and credit controllers	16	4	25.0	6	37.5
Food services aids and waiters	12	0	0.0	4	33.3
General legal administration & related professionals	111	1	0.9	42	37.8
Human resources & organisational development & related professionals	1	0	0.0	1	100.0
Human resources clerks	15	5	33.3	7	46.7
Human resources related	18	3	16.7	10	55.6
Language practitioners interpreters & other communications	31	1	3.2	14	45.2
Legal related	21	0	0.0	16	76.2
Librarians and related professionals	17	1	5.9	7	41.2
Library mail and related clerks	37	0	0.0	24	64.9
Light vehicle drivers	3	0	0.0	0	0.0
Logistical support personnel	1	0	0.0	0	0.0
Material-recording and transport clerks	11	1	9.1	4	36.4
Messengers porters and deliverers	138	1	0.7	98	71.0
Other administrative & related clerks and organisers	538	14	2.6	389	72.3
Other administrative policy and related officers	21	7	33.3	12	57.1

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.5 EMPLOYMENT CHANGES

Table 3.5.4 Promotion by critical occupation for the period 1 April 2016 to 31 March 2017 (continued)

Occupation	Number of employees at Beginning of period (April 2015)	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
Other information technology personnel.	9	0	0.0	4	44.4
Prosecutor	1	0	0.0	0	0.0
Secretaries & other keyboard operating clerks	310	7	2.3	164	52.9
Security guards	3	0	0.0	3	100.0
Security officers	59	0	0.0	12	20.3
Senior managers	32	3	9.4	19	59.4
Translators and air traffic communicators	71	1	1.4	35	49.3
TOTAL	1 613	71	4.4	936	58.0

Table 3.5.5 Promotion by salary band for the period 01 April 2016 to 31 March 2017

Salary band	Number of employees at Beginning of period (April 2015)	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
Skilled (Levels 3-5), Permanent	901	10	1.1	584	64.8
Highly skilled production (Levels 6-8), Permanent	439	47	10.7	220	50.1
Highly skilled supervision (Levels 9-12), Permanent	241	11	4.6	113	46.9
Senior management (Levels 13-16), Permanent	32	3	9.4	19	59.4
TOTAL	1 613	71	4.4	936	58.0



3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.6 EMPLOYMENT EQUITY

Table 3.6.1 Total number of employees (including employees with disability) in each of the following occupational categories as on 31 March 2017

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	19	2	1	2	10	1	1	3	39
Professionals	111	5	5	14	128	10	13	28	314
Technicians and associate professionals	71	3	1	1	88	4	4	7	179
Clerks	263	33	14	17	505	75	18	136	1061
Service and sales workers	26	8	2	11	9	1	0	2	59
Plant and machine operators and assemblers	3	1	0	0	0	0	0	0	4
Employees with disability	7	1	0	1	13	0	0	1	23
TOTAL	500	53	23	46	753	91	36	177	1679

Table 3.6.2 Total number of employees (including employees with disability) in each of the following occupational bands as on 31 March 2017

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management, Permanent	0	0	0	0	2	0	0	0	2
Senior Management, Permanent	19	2	1	2	8	1	1	3	37

3 HUMAN RESOURCES OVERSIGHT STATISTICS

Table 3.6.2 Total number of employees (including employees with disability) in each of the following occupational bands as on 31 March 2017 (continued)

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Professionally qualified and experienced specialists and mid-management, Permanent.	39	2	2	3	33	6	5	14	104
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent.	162	11	5	20	257	44	21	118	638
Semi-skilled and discretionary decision making, Permanent.	296	49	16	22	409	51	12	43	898
TOTAL	516	64	24	47	709	102	39	178	1 679

3 HUMAN RESOURCES OVERSIGHT STATISTICS

Table 3.6.3 Recruitment for the period 01 April 2016 to 31 March 2017

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Senior Management, Permanent.	2	0	1	0	0	0	0	1	4
Professionally qualified and experienced specialists and mid-management, Permanent.	15	0	0	2	15	0	3	11	46
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent.	22	0	1	1	29	2	3	0	58
Semi-skilled and discretionary decision making, Permanent.	37	3	1	2	54	4	0	0	101
Unskilled and defined decision making.	0	0	0	0	1	0	0	0	1
TOTAL	76	3	3	5	99	6	6	12	210
Employees with disabilities	1	0	0	0	0	0	0	0	1

Table 3.6.4 Promotions for the period 01 April 2016 to 31 March 2017

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Senior Management, Permanent	2	0	0	0	1	0	0	0	3

3 HUMAN RESOURCES OVERSIGHT STATISTICS

Table 3.6.4 Promotions for the period 01 April 2016 to 31 March 2017 (continued)

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Professionally qualified and experienced specialists and mid-management, Permanent.	4				5		1	1	11
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent.	13	0	0	0	29	3	2	0	47
Semi-skilled and discretionary decision making, Permanent.	4	0	0	0	5	0	0	1	10
Unskilled and defined decision making.	0	0	0	0	0	0	0	0	0
TOTAL	23	0	0	0	40	3	3	2	71
Employees with disabilities	0	0	0	0	0	0	0	0	0

3 HUMAN RESOURCES OVERSIGHT STATISTICS

Table 3.6.5 Terminations for the period 01 April 2016 to 31 March 2017

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Senior Management, Permanent.	0	0	0	0	0	0	0	0	0
Professionally qualified and experienced specialists and mid-management, Permanent.	14	1	0	8	15	2	0	2	42
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent.	48	2	0	3	78	13	9	20	173
Semi-skilled and discretionary decision making, Permanent.	25	5	0	1	32	5	1	2	71
Not Available	19	1	1		13			1	35
TOTAL	106	9	1	12	138	200	10	25	321

Table 3.6.6 Disciplinary actions for the period 01 April 2016 to 31 March 2017

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Dismissal	2	0	0	0	0	0	0	0	2
Abscondment	1	1	0	0	0	0	0	0	2
Final Written Warning.	1	0	0	0	2	0	0	1	4
Final Written Warning & 1 month suspension without pay.	1	0	0	0	0	0	0	0	1

3 HUMAN RESOURCES OVERSIGHT STATISTICS

Table 3.6.6 Disciplinary actions for the period 01 April 2016 to 31 March 2017 (continued)

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Final Written Warning & 2 month suspension without pay.	2	0	0	0	1	0	0	0	3
Final Written Warning & 3 month suspension without pay.	1	1	0	0	0	0	0	1	3
Withdrawn	0	0	0	1	3	0	0	0	4
Total	8	2	0	1	6	0	0	2	19

Table 3.6.7 Skills development for the period 01 April 2016 to 31 March 2017

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management, Permanent.	0	0	0	0	0	0	0	0	0
Senior Management, Permanent.	4	0	0	0	5	0	1	0	10
Professionally qualified and experienced specialists and mid-management, Permanent.	26	3	0	0	40	5	1	6	81
Skilled technical and academically qualified workers, junior management, supervisors, foremen, Permanent.	31	0	1	5	25	1	1	3	67

3 HUMAN RESOURCES OVERSIGHT STATISTICS

Table 3.6.7 Skills development for the period 01 April 2016 to 31 March 2017 (continued)

Occupational category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Semi-skilled and discretionary decision making, Permanent.	75	6	0	5	117	3	1	10	217
Unskilled and defined decision making.	0	0	0	0	0	0	0	0	0
TOTAL	136	9	1	10	187	9	4	19	375



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3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.7 SIGNING OF PERFORMANCE AGREEMENTS BY SMS MEMBERS

Table 3.7.1. Signing of performance agreements by SMS members as on 31 May 2016

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
Director General/ Head of Department	1	1	1	100
Salary level 16	0	0	0	0
Salary level 15	1	1	1	100
Salary level 14	8	6	5	83.3
Salary level 13	32	23	23	100
Total	42	31	30	96.8

Table 3.7.2 Reasons for not having concluded Performance Agreements for all SMS members as on 31 May 2016

Reason
Only one SMS member on level 14 did not conclude a performance agreement as on 31 May 2016. The SMS member has a pending dispute relating to his appointment.

Table 3.7.3 Disciplinary steps taken against SMS members for not having concluded Performance Agreements as on 31 May 2016

Reason
No action was taken as the issues in dispute would have an effect on how his performance agreement is concluded.

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.8 PERFORMANCE REWARDS

Table 3.8.1 Performance Rewards by race, gender and disability for the period 01 April 2016 to 31 March 2017

Race and gender	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within group	Cost ('000)	Average cost per employee
African					
Male	251	509	49.3	1 212.90	4 832.00
Female	368	696	52.9	1 331.72	3 619.00
Asian					
Male	17	24	70.8	38.85	2 285.00
Female	23	39	58.97	96.58	4 199.00
Coloured					
Male	36	63	57.14	111.42	3 095.00
Female	62	102	60.8	221.44	3 572.00
White					
Male	20	46	43.47	179.84	8 992.00
Female	83	177	46.89	618.59	7 453.00
Employees with disability	15	23	65.2	15.66	1 044.00
Total	875	1 679	52.11	3 827.00	4 374.00

Table 3.8.2 Performance Rewards by salary band for personnel below Senior Management Service for the period 01 April 2016 to 31 March 2017

Salary Band	Beneficiary profile			Cost		Total cost as a % of the total personnel expenditure
	Number of beneficiaries	Number of employees	% of total within group	Cost ('000)	Average cost per employee	
Skilled (Levels 3-5)	374	901	63.7	1 082.30	2 191.00	0.20
Highly skilled production (Levels 6-8)	178	439	40.54	1 051.43	3 968.00	0.19
Highly skilled supervision (Levels 9-12)	106	241	43.98	1 271.77	11 998.00	0.23
TOTAL	858	1 581	54.26	3 405.50	3 937.00	0.63

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.8 PERFORMANCE REWARDS

Table 3.8.3 Performance Rewards by critical occupation for the period 01 April 2016 to 31 March 2017

Critical occupation	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within group	Cost ('000)	Average cost per employee
Administrative related	24	81	29.6	436.30	18 179.00
Bus and heavy vehicle drivers	2	2	100.00	7.93	3 965.00
Cleaners in offices workshops hospitals etc.	1	2	50	9.07	9 070.00
Client information clerks (switchboard, reception information clerks)	3	10	30	8.86	2 953.00
Communication and information related	2	10	20	55.63	27 815.00
Finance and economics related	17	51	33.3	293.64	17 273.00
Financial and related professionals	7	26	26.9	55.18	7 883.00
Financial clerks and credit controllers	5	32	15.6	43.1	8 620.00
Food services aids and waiters	4	13	30.77	23.1	5 775.00
General legal administration & related professionals	46	127	36.2	192.81	4 192.00
Human resources & organisational development & related professionals	2	2	100	17.06	8 530.00
Human resources clerks	8	29	27.6	106.36	13 295.00
Human resources related	9	19	47.4	122.72	13 636.00
Language practitioners interpreters & other communicators	16	32	50	63.37	3 961.00
Legal related	6	14	42.9	155.46	25 910.00
Librarians and related professionals	6	17	35.3	42.54	7 090.00

3 HUMAN RESOURCES OVERSIGHT STATISTICS

Table 3.8.3 Performance Rewards by critical occupation for the period 01 April 2016 to 31 March 2017 (continued)

Critical occupation	Beneficiary profile			Cost	
	Number of beneficiaries	Number of employees	% of total within group	Cost ('000)	Average cost per employee
Library mail and related clerks	16	27	59.3	44.81	2 801.00
Light vehicle drivers	0	2	0	0	0
Logistical support personnel	0	1	0	0	0
Material-recording and transport clerks	4	9	44.4	33.1	8 275.00
Messengers porters and deliverers	107	150	71.3	125.64	1 174.00
Other administrative & related clerks and organisers	384	554	69.3	834.55	2 173.00
Other administrative policy and related officers	16	33	48.5	134.35	8 397.00
Other information technology personnel.	5	8	62.5	26.14	5 228.00
Secretaries & other keyboard operating clerks	112	269	41.6	481.29	4 297.00
Security guards	2	2	100.00	13.99	6 995.00
Security officers	21	59	35.6	119.17	5 675.00
Senior managers	17	39	43.6	291.05	17 121.00
Translators and air traffic communicators	33	59	55.9	75.7	2 294.00
TOTAL	875	1 679	52.11	3 827.00	4 374.00

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.8 PERFORMANCE REWARDS

Table 3.8.4 Performance related rewards (cash bonus) by salary band for Senior Management Service for the period 01 April 2016 to 31 March 2017

Salary Band	Beneficiary profile			Cost		Total cost as a % of the total personnel expenditure
	Number of beneficiaries	Number of employees	% of total within group	Cost ('000)	Average cost per employee	
Band A	7	30	23.3	273.75	39 107.10	0.05
Band B	3	7	42.9	147.75	49 250.00	0.02
Band C	0	1	0	0	0	0
Band D	0	1	0	0	0	0
TOTAL	10	39	25.6	421.50	42 150.00	0.08

3.9 FOREIGN WORKERS

Table 3.9.1 Foreign workers by salary band for the period 01 April 2016 to 31 March 2017

Salary Band	1 April 2016		31 March 2017		Change	
	Number	% of total	Number	% of total	Number	% of change
Skilled (Levels 3-5)	1	14.3	1	33.3	0	0
Highly skilled production (Levels 6-8)	1	14.3	1	33.3	0	0
Senior management (Levels 13-16)	0	0	0	0	0	0
Contract (Levels 6-8)	1	14.3	0	0	-1	35
Contract (Levels 9-12)	4	57.1	1	33.4	-3	75
Contract (Levels 13-16)	0	0	0	0	0	0
Periodical Remuneration	0	0	0	0	0	0
TOTAL	7	100	3	100	4	100

3 HUMAN RESOURCES OVERSIGHT STATISTICS

Table 3.9.2 Foreign workers by major occupation for the period 01 April 2016 to 31 March 2017

Major occupation	1 April 2015		31 March 2016		Change	
	Number	% of total	Number	% of total	Number	% of change
Administrative office workers	3	43	2	67	1	25
Professionals and managers	4	57	1	33	3	75
TOTAL	7	100	3	100	4	100

3.10 LEAVE UTILISATION

Table 3.10.1 Sick leave for the period 01 January 2016 to 31 December 2016

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)
Skilled (Levels 3-5)	9 864	59.6	772	48	13	3 995
Highly skilled production (Levels 6-8)	4 367	60.9	412	25.6	11	3 140
Highly skilled supervision (Levels 9-12)	1 907	55.5	203	12.6	9	79
Senior management (Levels 13-16)	179	51.4	69	4.3	3	354
Contract (Levels 1-2)	0	0	0	0	0	0
Contract (Levels 3-5)	180	59.4	38	2.4	5	77
Contract (Levels 6-8)	405	53.6	81	5	5	243
Contract (Levels 9-12)	105	43.8	15	0.9	7	2 131
Contract (Levels 13-16)	13	61.5	3	0.2	4	50
TOTAL	17 020	59.1	1 593	98.9	11	10 069

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.10 LEAVE UTILISATION

Table 3.10.2 Disability leave (temporary and permanent) for the for the period 01 January 2016 to 31 December 2016

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)
Skilled (Levels 3-5)	363	100	8	0.47	43.86	239
Highly skilled production (Levels 6-8)	491	100	6	0.35	82.4	550
Highly skilled supervision (Levels 9-12)	0	0	0	0	0	0
Senior management (Levels 13-16)	0	0	0	0	0	0
TOTAL	854	100	14	0.82	59.92	789

Table 3.10.3 Annual leave for the period 01 January 2016 to 31 December 2016

Salary band	Total days taken	Number of employees using annual leave	Average per employee
Skilled (Levels 3-5)	25 602	29	895
Highly skilled production (Levels 6-8)	14 554	30	481
Highly skilled supervision (Levels 9-12)	6 616	29	225
Senior management (Levels 13-16)	1 008	29	35
Contract (Levels 1-2)	0	0	0
Contract (Levels 3-5)	951	17	56
Contract (Levels 6-8)	2 564	19	132
Contract (Levels 9-12)	439	13	35
Contract (Levels 13-16)	98	25	4
TOTAL	51 832	19	1 863

3 HUMAN RESOURCES OVERSIGHT STATISTICS

Table 3.10.4 Capped leave for the period 01 January 2016 to 31 December 2016

Salary band	Total days of capped leave	Number of employees using capped leave	Average number of days taken per employee	Average capped leave per employee as on 31 March 2016
Skilled (Levels 3-5)	1 039	0	0	28
Highly skilled production (Levels 6-8)	8 377	0	0	54
Highly skilled supervision (Levels 9-12)	2 434	0	0	50
Senior management (Levels 13-16)	607	0	0	55
TOTAL	12 457	0	0	49

Table 3.10.5 Leave payouts for the period 01 April 2016 and 31 March 2017

Reason	Total amount (R'000)	Number of employees	Average per employee (R)
Leave pay-outs for 2015/16 due to non-utilisation of leave for the previous cycle.	76	1	75 839
Capped leave pay-outs on termination of service for 2015/16	1 192	33	36 128
Current leave pay-outs on termination of service for 2015/16	223	15	14 876
TOTAL	712	29	24 552



3 HUMAN RESOURCES OVERSIGHT STATISTICS

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
The number varies based on disclosure and number of staff testing	Awareness sessions and information on prevention provided to staff regularly

Table 3.11.2 Details of Health Promotion and HIV/AIDS Programmes

No	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 Public Service Regulations, 2001? If so, provide her/his name and position.	Yes		Ms Nontembeko Tsiane is the Chief Director: Human Resource Management and Development.
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		Two staff members appointed. No budget was allocated for 2016/17 as it was part of the DoJ&CD shared service deliverable.
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; ▶ Awareness Services; ▶ Disease Management; ▶ Absenteeism Management; and ▶ Lifestyle Service
4	Has the Department established (a) committee(s) as contemplated in Part VI E.5 (e) of Chapter 1 of the Public Service Regulations, 2001? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.	Yes		<ul style="list-style-type: none"> ▶ Ms Dorothea Botha: Chairperson; ▶ Ms Nomthandazo Shandu: Deputy Chairperson; ▶ Ms Mapula Mpepele: Secretariat; ▶ Ms Thami Mbalekwa: member; ▶ Ms Siyabonga Mponzo: member; ▶ Ms Modiehi Luthuli: member; ▶ Ms Lalitha Marrie: member; ▶ Mr Mumtuz Baker-Fortune: member; ▶ Ms Shereen Ruthven: member; ▶ Ms Elizba Kotze: member.
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.	Yes		Draft Reasonable Accommodation Policy and HIV Aids and TB Management Policy.

3 HUMAN RESOURCES OVERSIGHT STATISTICS

Table 3.11.2 Details of Health Promotion and HIV/AIDS Programmes (continued)

No	Question	Yes	No	Details, if yes
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		Policy on HIV/AIDS and TB Management Awareness sessions on HIV prevention and stigma were conducted.
7	Does the Department encourage its employees to undergo Voluntary Counselling and Testing? If so, list the results that you have achieved.	Yes		The Department conducted 5 HIV Counselling and Testing (HCT) where employees were encouraged to undergo testing.
8	Has the department developed measures/ indicators to monitor & evaluate the impact of your health promotion programme? If so, list these measures/ indicators.	Yes		Systems MT Tool.

3.12. LABOUR RELATIONS

Table 3.12.1 Collective agreements for the period 01 April 2016 and 31 March 2017

Total number of collective agreements	None
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Table 3.12.2 Misconduct and disciplinary hearings finalised for the period 01 April 2016 and 31 March 2017

Outcome of disciplinary hearings	Number	% of total
Dismissal	2	10.5
Final written warnings	4	21
Final written warning and 1 month's suspension without pay	1	5.3
Final written warning and 2 months suspension without pay	3	15.8
Final written warning and 3 months suspension without pay	3	15.8
Abscondment	2	10.5
Withdrawals	4	21
Total number of disciplinary hearings finalised	19	100

3 HUMAN RESOURCES OVERSIGHT STATISTICS

Table 3.12.3 Types of misconduct addressed at disciplinary hearings for the period 01 April 2016 and 31 March 2017

Type of misconduct	Number	% of total
Insubordination	1	5.3
Misuse of State Vehicle	3	15.8
Fraudulent matric certificate	2	10.5
Fruitless expenditure	1	5.3
Fraud and corruption	3	15.8
Changing court orders	1	5.3
Failure to disclose criminal record	1	5.3
Unauthorised absence from work	2	10.5
Unethical behaviour	1	5.3
Misuse of cell phone	1	5.3
Theft of laptops	1	5.3
Abscondment	2	10.5
Total	19	100

Table 3.12.4 Grievances lodged for the period 01 April 2016 and 31 March 2017

Grievances	Number	% of total
Number of grievances resolved	16	72.7
Number of grievances not resolved	6	27.3
Total number of grievances lodged	22	100

Table 3.12.5 Disputes lodged with Councils for the period 01 April 2016 and 31 March 2017

Disputes	Number	% of total
Number of disputes upheld	3	60
Number of disputes dismissed	2	40
Total number of disputes lodged	5	100

3 HUMAN RESOURCES OVERSIGHT STATISTICS

Table 3.12.1 Collective agreements for the period 01 April 2016 and 31 March 2017

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 01 April 2016 and 31 March 2017

Number of people suspended	2
Number of people whose suspension exceeded 30 days	1
Average number of days suspended	160
Cost of suspension (R'000)	R111 971



3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.13 SKILLS DEVELOPMENT

Table 3.13.1 Training needs identified for the 01 April 2016 and 31 March 2017

Occupational category	Gender	Number of employees as at 1 April 2016	Training needs identified at the start of the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Male	19	N/A	<ul style="list-style-type: none"> ▶ Project Khaedu ▶ Management & Development Programme ▶ Monitoring & Evaluation 	N/A	42
	Female	13				
Professionals, permanent	Male	128	N/A	<ul style="list-style-type: none"> ▶ EMDP ▶ Risk Management ▶ CIP ▶ Monitoring & Evaluation ▶ Service Excellence ▶ Finance for non-Financial Managers ▶ Assets & Supply Chain Management ▶ Public Finance Management ▶ OHS 	N/A	356
	Female	145				
Professionals, Temporary	Male	0	N/A	-	N/A	-
	Female	0				
Technicians and associate professionals	Male	25	N/A	-	N/A	-
	Female	34				
Clerks permanent	Male	325	N/A	<ul style="list-style-type: none"> ▶ PMDS ▶ Service Excellence ▶ Compulsory induction programme ▶ Excel & Word ▶ PERSAL 	N/A	325
	Female	684				
Clerks temporary	Male	12	N/A	-	N/A	-
	Female	3				

3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.13 SKILLS DEVELOPMENT

Table 3.13.1 Training needs identified for the 01 April 2016 and 31 March 2017 (continued)

Occupational category	Gender	Number of employees as at 1 April 2016	Training needs identified at the start of the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Service and sales workers	Male	51	N/A	-	N/A	-
	Female	11				
Plant and machine operators and assemblers	Male	5	N/A	-	N/A	-
	Female	0				
Elementary occupations	Male	84	N/A	▶ Service Excellence	N/A	-
	Female	74				
Sub total	Male	649	N/A	-	N/A	730
	Female	964				

Table 3.13.2 Training provided for the period 01 April 2016 and 31 March 2017

Occupational category	Gender	Number of employees as at 1 April 2016	Training provided within the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Legislators, senior officials and managers	Male	19	N/A	Project Khaedu	Workshop	10
	Female	13				
Professionals permanent	Male	128	N/A	Finance for Non-Financial Managers	Workshop	24
				Compulsory Induction Programme (CIP)	Workshop	24
				Risk Management	Learning programme	25
				Court Interpreting	Learning programme	1
				Management and Development Programme (EMDP)	Learning programme	29
	Female	145		CIP TOT	Workshop	20
				OHS	Workshop	32
				PMDS	Workshop	43

3 HUMAN RESOURCES OVERSIGHT STATISTICS

Table 3.13.2 Training provided for the period 01 April 2016 and 31 March 2017 (continued)

Occupational category	Gender	Number of employees as at 1 April 2016	Training provided within the reporting period			
			Learnerships	Skills programmes and other short courses	Other forms of training	Total
Technicians and associate professionals	Male	34	N/A	N/A	N/A	N/A
	Female	25	N/A	N/A	N/A	N/A
Professionals Temporary	Male	0	N/A	N/A	N/A	N/A
	Female	0				
Clerks permanent	Male	325	N/A	Service Excellence	Learning programme	25
				Compulsory induction programme	Learning Programme	24
				Records Management	Workshop	35
	Female	684		PMDS	Workshop	83
Plant and machine operators and assemblers	Male	5	N/A	N/A	N/A	N/A
	Female	0				
Clerks temporary	Male	12	N/A	N/A	N/A	N/A
	Female	3				
Service and sales workers, permanent	Male	51	N/A	N/A	N/A	N/A
	Female	11				
Elementary occupations	Male	84	N/A	N/A	N/A	N/A
	Female	74				
Sub total	Male	649	0	0	0	375
	Female	964				

3.14 INJURY ON DUTY

Table 3.14.1 Injury on duty for the period 01 April 2016 and 31 March 2017

No injury on duty cases were reported for the period under review.
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3 HUMAN RESOURCES OVERSIGHT STATISTICS

3.15 UTILISATION OF CONSULTANTS

Table 3.15.1 Report on consultant appointments using appropriated funds for the period 01 April 2016 to 31 March 2017

Project title	Total number of consultants that worked on project	Duration (work days)	Total Contract value in Rand (R)	Total amount spent in the 2016/2017 FY (R)
Appointment of a service provider to develop the electronic court filing system (e-Filing system).	7	66	6 916 608.00	6 916 606.86
Appointment of a service provider for the supply , delivery and commissioning of the Network Infrastructure for "Wan Optimization".	1	261	7 920 326.13	5 605 641.63
Appointment of a service provider to support and maintain the ICT infrastructure.	3	261	29 891 529.60	8 412 582.36
Appointment of a service provider to provide the following services: Travel, Accommodation and Conference facilities to the Office of the Chief Justice for the period of 36 months commencing on 01 February 2016.	6	261	% based	% based
Appointment of a service provider for the production of an annual report for the Office of the Chief Justice	2	100	113 991.11	113 991.11

Total number of projects	Total number of consultants that worked on project	Duration (work days)	Total Contract value in Rand	Total amount spent in the 2016/2017 FY
5	19	949	44 843 403.71	21 048 822.00

3 HUMAN RESOURCES OVERSIGHT STATISTICS

Table 3.15.2 Analysis of consultant appointments using appropriated funds in terms of Historically Disadvantaged Individuals (HDIs) for the period 01 April 2016 to 31 March 2017

Project title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of consultants from HDI groups that worked on the project
Appointment of a service provider to develop the electronic court filing system (e-Filing system).	30	9.8	7
Appointment of a service provider for the supply, delivery and commissioning of the Network Infrastructure for "Wan Optimization".	100	100	1
Appointment of a service provider to support and maintain the ICT infrastructure.	100	100	3
Appointment of a service provider to provide the following services: Travel, Accommodation and Conference facilities to the Office of the Chief Justice for the period of 36 months commencing on 01 February 2016.	51	51	6
Appointment of a service provider for the production of an annual report for the Office of the Chief Justice.	81.25	13.22	2

Table 3.15.3 Report on consultant appointments using donor funds for the period 01 April 2016 to 31 March 2017

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 Historically Disadvantaged Individuals (HDIs) for the period 01 April 2016 to 31 March 2017

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 01 April 2016 to 31 March 2017

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

ANNUAL FINANCIAL STATEMENTS

1. Report of the Auditor-General to Parliament on Vote no. 22: Office of the Chief Justice	116
2. Appropriation Statement	120
3. Notes to the Appropriation Statement	148
4. Statement of Financial Performance	150
5. Statement of Financial Position	152
6. Statement of Changes in Net Assets	153
7. Cash Flow Statement	154
8. Accounting Policies	155
9. Notes to the Annual Financial Statements	162
10. Annexures to the Annual Financial Statements	192

1 REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE NO. 22: OFFICE OF THE CHIEF JUSTICE

FOR THE YEAR ENDED 31 MARCH 2017

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 **120** to **197**, which comprise the appropriation statement, the statement of financial position as at 31 March 2017 and the statement of financial performance, statement of changes in net assets, and cash flow statement for the year then ended, as well as the 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 2017 and its financial performance and cash flows for the year then ended in accordance with Modified Cash Standards as prescribed by National Treasury and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No. 1 of 1999).

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 [consolidated and separate] financial statements section of my report.
4. I am independent of the department in accordance with the International Ethics Standards Board for Accountants' Code of ethics for professional accountants (IESBA code) together with the 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.

Responsibilities of the Accounting Officer for the financial statements

6. The accounting officer is responsible for the preparation and fair presentation of the financial statements in accordance with Modified Cash Standards as prescribed by National Treasury and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No. 1 of 1999) 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.
7. In preparing the financial statements, the accounting officer is responsible for assessing the Office of the Chief Justice'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 accounting officer 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

8. 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 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 the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

1 REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE NO. 22: OFFICE OF THE CHIEF JUSTICE

FOR THE YEAR ENDED 31 MARCH 2017

9. A further description of my responsibilities for the audit of the financial statements is included in the annexure to the auditor's report.

Report on the audit of the annual performance report

Introduction and scope

10. In accordance with the Public Audit Act of South Africa, 2004 (Act No. 25 of 2004) (PAA) and the general notice issued in terms thereof I have a responsibility to report material findings on the reported performance information against predetermined objectives for selected programmes presented in the annual performance report. I performed procedures to identify findings but not to gather evidence to express assurance.
11. My procedures address the reported performance information, which must be based on the approved performance planning documents of the Department. I have not evaluated the completeness and appropriateness of the performance indicators included in the planning documents. My procedures also did not extend to any disclosures or assertions relating to 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.
12. I evaluated the usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework, as defined in the general notice, for the following selected programmes presented in the annual performance report of the Department for the year ended 31 March 2017:

Programmes	Pages in annual performance report
Programme 2 – Judicial Support and Court Administration	42 – 45
Programme 3 – Judicial Education and Research	46 – 48

13. I performed procedures to determine whether the reported performance information was properly presented and whether performance was consistent with the approved performance planning documents. I performed further procedures to determine whether the 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.
14. The material findings in respect of the usefulness and reliability of the selected programmes are as follows

Programme 2 – Judicial Support and Court Administration

15. The reported achievement for the following indicators was misstated as the evidence provided indicated a percentage that was different to the reported percentage.
- ▶ Percentage of default judgments finalised by Registrars.
 - ▶ Percentage of taxations of legal costs finalised.
 - ▶ Percentage of warrants of release delivered within one day of the release granted.

1 REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE NO. 22: OFFICE OF THE CHIEF JUSTICE

FOR THE YEAR ENDED 31 MARCH 2017

16. I did not identify any material findings on the usefulness and reliability of the reported performance information for the following programme:

- ▶ Programme 3 - Judicial Research and Education.

Other matters

17. I draw attention to the matters below:

Achievement of planned targets

18. Refer to the annual performance report on pages **26 to 49** for information on the achievement of planned targets for the year and explanations provided for the under/overachievement of a number of targets. This information should be considered in the context of the material findings on the usefulness and reliability of the reported performance information in paragraph 15 of this report.

Adjustment of material misstatements

19. I identified material misstatements in the annual performance report submitted for auditing. These material misstatements were on the reported performance information of Programme 2 - Judicial Support and Court Administration. I raised material findings on the reliability of the reported performance information. Those that were not corrected are included in paragraph 15 of this report.

Unaudited supplementary schedules

20. The supplementary information set out on pages **49** of the annual report relating to Statistical Information does not form part of the annual report and is presented as additional information. I have not audited this schedule and, accordingly, I do not express an opinion thereon.

Report on audit of compliance with legislation

Introduction and scope

21. In accordance with the PAA and the general notice issued in terms thereof I have a responsibility to report material findings on the compliance of the Department with specific matters in key legislation. I performed procedures to identify findings but not to gather evidence to express assurance.
22. I did not identify any instances of material non-compliance with specific matters in key legislation as set

Other information

23. The Office of the Chief Justice accounting officer is responsible for the other information. The other information comprises the information included in the annual report which includes the foreword by the minister, report of the accounting authority and statement of responsibility and confirmation of accuracy for the annual report. The other information does not include the financial statements, the auditor's report thereon and those selected programmes presented in the annual performance report that have been specifically reported on in the auditor's report.
24. My opinion on the financial statements and 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 thereon.

1 REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE NO. 22: OFFICE OF THE CHIEF JUSTICE

FOR THE YEAR ENDED 31 MARCH 2017

25. 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 selected programmes presented in the annual performance report, or my knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on the work I have performed on the other information obtained prior to the date of this auditor's report, I conclude that there is a material misstatement of this other information, I am required to report that fact. I have nothing to report in this regard.

Internal control deficiencies

26. 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 thereon. The matters reported below are limited to the significant internal control deficiencies that resulted in the findings on the annual performance report included in this report.

Financial and performance management

- ▶ The annual performance report contained material misstatements; this was due to inadequate supervision and review during the performance reporting process.

Auditor-General

Pretoria

31 July 2017



AUDITOR-GENERAL
SOUTH AFRICA

Auditing to build public confidence

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

Appropriation per programme											
Voted funds and Direct charges	2016/17						2015/16				
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual Expenditure	Final Appropriation	Actual Expenditure
	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000	R'000
Programme											
1. Administration	144 999	-	(2 818)	142 181	139 079	3 102	97.8%	97 787	88 836	97 787	88 836
2. Judicial Support and Court Administration	694 056	-	5 391	699 447	685 583	13 864	98.0%	651 566	648 196	651 566	648 196
3. Judicial Education and Research	34 935	-	(2 573)	32 362	30 982	1 380	95.7%	34 026	30 642	34 026	30 642
Subtotal	873 990	-	-	873 990	855 644	18 346	97.9%	783 379	767 674	783 379	767 674
Statutory Appropriation	950 057	-	-	950 057	930 704	19 353	98.0%	873 748	887 682	873 748	887 682
Judges' salaries	950 057	-	-	950 057	930 704	19 353	98.0%	873 748	887 682	873 748	887 682
TOTAL	1 824 047	-	-	1 824 047	1 786 348	37 699	97.9%	1 657 127	1 655 356	1 657 127	1 655 356

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

	2016/17		2015/16	
	Final Appropriation	Actual Expenditure	Final Appropriation	Actual Expenditure
TOTAL (brought forward)				
Reconciliation with statement of financial performance				
ADD				
Departmental receipts	929		778	
Actual amounts per statement of financial performance (total revenue)	1 824 976		1 657 905	
ADD				
Aid assistance				
Prior year unauthorised expenditure approved without funding				
Actual amounts per statement of financial performance (total expenditure)		1 786 348		1 655 356
		1 786 348		1 655 356

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

Appropriation per economic classification											
2016/17											2015/16
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure	R'000	R'000
Economic classification	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000		R'000
Current payments	1 681 333	(23 953)	(2 254)	1 655 126	1 636 780	18 346	98.9%	1 504 951	1 501 219		
Compensation of employees	1 423 415	13 545	-	1 436 960	1 418 646	18 314	98.7%	1 302 465	1 303 694		
Salaries and wages	1 341 786	12 975	-	1 354 761	1 340 156	14 605	98.9%	1 231 943	1 234 244		
Social contributions	81 629	570	-	82 199	78 490	3 709	95.5%	70 522	69 450		
Goods and services	257 918	(37 499)	(2 254)	218 165	218 133	32	100.0%	202 473	197 512		
Administrative fees	4 172	(1 189)	(193)	2 790	2 790	-	100.0%	2 227	2 115		
Advertising	1 475	(323)	(94)	1 058	1 058	-	100.0%	1 479	1 447		
Minor assets	12 494	(6 017)	-	6 477	6 477	-	100.0%	6 904	6 845		
Audit costs: External	4 500	600	-	5 100	5 100	-	100.0%	2 311	2 311		
Bursaries: Employees	1 000	(875)	-	125	125	-	100.0%	2	2		
Catering: Departmental activities	4 707	(2 140)	-	2 567	2 567	-	100.0%	969	911		
Communication	13 215	(359)	-	12 856	12 856	-	100.0%	10 604	10 448		
Computer services	20 105	9 420	2 861	32 386	32 386	-	100.0%	17 995	17 968		
Consultants: Business and advisory services	11 514	1 440	(499)	12 455	12 455	-	100.0%	9 163	9 054		
Legal services	1 684	(1 114)	-	570	570	-	100.0%	1 725	1 721		
Contractors	4 881	(2 628)	-	2 253	2 253	-	100.0%	4 109	4 081		

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

Agency and support / outsourced services	14 067	(10 518)	-	3 549	-	100.0%	6 820	6 810
Entertainment	36	92	-	128	-	100.0%	31	26
Fleet services	19 198	2 150	-	21 348	-	100.0%	18 395	18 372
Housing	-	-	-	-	-	-	-	-
Consumable supplies	2 067	1 064	-	3 131	-	100.0%	1 829	1 771
Consumable: Stationery, printing and office supplies	13 975	(4 259)	-	9 716	-	100.0%	12 196	12 124
Operating leases	10 881	(10 734)	-	147	-	100.0%	48	47
Property payments	2 907	(253)	-	2 654	-	100.0%	1 320	1 313
Travel and subsistence	90 987	(2 388)	(3 707)	84 860	32	100.0%	89 344	89 008
Training and development	8 273	(6 351)	-	1 922	-	100.0%	3 138	1 109
Operating payments	7 447	(1 447)	(622)	5 378	-	100.0%	4 846	4 760
Venues and facilities	8 273	(1 621)	-	6 652	-	100.0%	7 018	5 269
Rental and hiring	60	(49)	-	11	-	100.0%	-	-
Interest and rent on land	-	1	-	1	-	100.0%	13	13
Interest	-	1	-	1	-	100.0%	13	13
Rent on land	-	-	-	-	-	-	-	-
Transfers and subsidies	83 309	(13 382)	-	50 574	19 353	72.3%	53 655	56 214
Provinces and municipalities	38	(37)	-	1	-	100.0%	-	-
Municipalities	38	(37)	-	1	-	100.0%	-	-
Municipal bank accounts	-	-	-	-	-	-	-	-
Municipal agencies and funds	38	(37)	-	1	-	100.0%	-	-
Departmental agencies and accounts	1	(1)	-	-	-	-	2	-
Social security funds	-	-	-	-	-	-	2	-

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

Departmental agencies and accounts	1	(1)	-	-	-	-	-	-	-	-	-	-
Non-profit institutions	-	-	-	-	-	-	-	-	-	-	-	-
Households	83 270	(13 344)	-	69 926	50 573	19 353	19 353	53 653	72.3%	53 653	56 214	56 214
Social benefits	83 270	(13 344)	-	69 926	50 573	19 353	19 353	53 612	72.3%	53 612	56 173	56 173
Other transfers to households	-	-	-	-	-	-	-	41	-	41	41	41
Payments for capital assets	59 405	37 335	2 254	98 994	98 994	-	-	98 521	100.0%	98 521	97 916	97 916
Buildings and other fixed structures	-	100	-	100	100	-	-	-	100.0%	-	-	-
Buildings	-	-	-	-	-	-	-	-	-	-	-	-
Other fixed structures	-	100	-	100	100	-	-	-	100.0%	-	-	-
Machinery and equipment	59 405	37 235	2 254	98 894	98 894	-	-	98 051	100.0%	98 051	97 456	97 456
Transport equipment	35 060	37 193	7 515	79 768	79 768	-	-	85 640	100.0%	85 640	85 301	85 301
Other machinery and equipment	24 345	42	(5 261)	19 126	19 126	-	-	12 411	100.0%	12 411	12 155	12 155
Intangible assets	-	-	-	-	-	-	-	470	-	470	460	460
Payments for financial assets	-	-	-	-	-	-	-	-	-	-	7	7
Total	1 824 047	-	-	1 824 047	1 786 348	37 699	37 699	1 657 127	97.9%	1 657 127	1 655 356	1 655 356

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

Programme 1: Administration									
2016/17									
	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	29 260	310	(127)	29 443	28 482	961	96.7%	23 252	22 009
2. Corporate Services	70 369	8 929	(2 691)	76 607	76 452	155	99.8%	31 973	28 323
3. Financial Administration	23 345	(1 188)	-	22 157	20 171	1 986	91.0%	17 465	14 390
4. Internal Audit and Risk Management	12 859	1 115	-	13 974	13 974	-	100.0%	10 287	9 366
5. Office Accommodation	9 166	(9 166)	-	-	-	-	-	14 810	14 748
Total for sub programmes	144 999	-	(2 818)	142 181	139 079	3 102	97.8%	97 787	88 836
Economic classification									
Current payments	133 495	-	2 861	136 356	133 254	3 102	97.7%	89 261	80 341
Compensation of employees	70 761	-	-	70 761	67 659	3 102	95.6%	46 182	38 036
Salaries and wages	63 407	(395)	-	63 012	59 918	3 094	95.1%	41 117	33 853
Social contributions	7 354	395	-	7 749	7 741	8	99.9%	5 065	4 183
Goods and services	62 734	(1)	2 861	65 594	65 594	-	100.0%	43 066	42 292
Administrative fees	373	(113)	-	260	260	-	100.0%	289	236
Advertising	1 229	(172)	-	1 057	1 057	-	100.0%	946	925
Minor assets	186	307	-	493	493	-	100.0%	2 311	2 272
Audit costs: External	4 500	600	-	5 100	5 100	-	100.0%	2 311	2 311
Bursaries: Employees	1 000	(875)	-	125	125	-	100.0%	-	-
Catering: Departmental activities	130	39	-	169	169	-	100.0%	146	110
Communication	559	8 067	-	8 626	8 626	-	100.0%	7 036	6 945

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

Computer services	18 746	9 498	2 861	31 105	31 105	17 018	16 994
Consultants: Business and advisory services	1 376	3 214	-	4 590	4 590	564	469
Infrastructure and planning services	-	-	-	-	-	-	-
Laboratory services	-	-	-	-	-	-	-
Scientific and technological services	-	-	-	-	-	-	-
Legal services	-	-	-	-	-	-	-
Contractors	2 130	(640)	-	1 490	1 490	3 302	3 294
Agency and support / outsourced services	8 084	(8 075)	-	9	9	380	375
Entertainment	2	6	-	8	8	5	5
Fleet services	71	23	-	94	94	43	41
Medias Inventory Interface	-	-	-	-	-	-	-
Inventory: Other supplies	-	-	-	-	-	-	-
Consumable supplies	442	186	-	628	628	279	226
Consumable: Stationery, printing and office supplies	1 224	(402)	-	822	822	1 037	1 007
Operating leases	9 179	(9 179)	-	-	-	-	-
Property payments	556	232	-	788	788	12	10
Transport provided: Departmental activity	-	-	-	-	-	-	-
Travel and subsistence	6 016	939	-	6 955	6 955	6 299	6 057
Training and development	5 541	(4 236)	-	1 305	1 305	406	374
Operating payments	1 058	179	-	1 237	1 237	462	423
Venues and facilities	332	401	-	733	733	220	218
Rental and hiring	-	-	-	-	-	-	-
Interest and rent on land	-	1	-	1	1	13	13
Interest	-	1	-	1	1	13	13
Rent on land	-	-	-	-	-	-	-

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

		1.1 Management								
		2016/17								
		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		29 069	99	-	29 168	28 207	961	96.7%	16 690	15 458
Compensation of employees		25 801	-	-	25 801	24 840	961	96.3%	13 096	12 059
Goods and services		3 268	99	-	3 367	3 367	-	100.0%	3 594	3 399
Transfers and subsidies		143	(16)	(127)	-	-	-	-	37	36
Households		143	(16)	(127)	-	-	-	-	37	36
Payments for capital assets		48	227	-	275	275	-	100.0%	6 525	6 515
Machinery and equipment		48	227	-	275	275	-	100.0%	6 525	6 515
Intangible assets		-	-	-	-	-	-	-	-	-
Payments for financial assets		-	-	-	-	-	-	-	-	-

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

		2016/17							2015/16	
		Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
Economic classification		R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	
Current payments		59 092	9 253	2 861	71 206	71 051	99.8%	30 647	27 000	
Compensation of employees		19 457	-	-	19 457	19 302	99.2%	10 466	7 019	
Goods and services		39 635	9 252	2 861	51 748	51 748	100.0%	20 181	19 981	
Interest and rent on land		-	1	-	1	1	100.0%	-	-	
Payments for capital assets		11 277	(324)	(5 552)	5 401	5 401	100.0%	1 326	1 323	
Machinery and equipment		11 277	(324)	(5 552)	5 401	5 401	100.0%	1 326	1 323	
Payments for financial assets		-	-	-	-	-	-	-	-	

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

1.3 Financial Administration										
2016/17										2015/16
	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	R'000
Economic classification										
Current payments	23 309	(1 242)	-	22 067	20 081	1 986	91.0%	17 361	14 291	
Compensation of employees	20 202	(72)	-	20 130	18 144	1 986	90.1%	15 211	12 373	
Goods and services	3 107	(1 170)	-	1 937	1 937	-	100.0%	2 137	1 905	
Interest and rent on land	-	-	-	-	-	-	-	13	13	
Transfers and subsidies	-	16	-	16	16	-	100.0%	58	57	
Households	-	16	-	16	16	-	100.0%	58	57	
Payments for capital assets	36	38	-	74	74	-	100.0%	46	42	
Machinery and equipment	36	38	-	74	74	-	100.0%	46	42	
Payments for financial assets	-	-	-	-	-	-	-	-	-	

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

1.4 Internal Audit and Risk Management									
2016/17									
	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	12 859	1 056	-	13 915	13 915	-	100.0%	10 177	9 263
Compensation of employees	5 301	72	-	5 373	5 373	-	100.0%	4 983	4 176
Goods and services	7 558	984	-	8 542	8 542	-	100.0%	5 194	5 087
Interest and rent on land	-	-	-	-	-	-	-	-	-
Payments for capital assets	-	59	-	59	59	-	100.0%	110	103
Buildings and other fixed structures	-	-	-	-	-	-	-	-	-
Machinery and equipment	-	59	-	59	59	-	100.0%	22	20
Intangible assets	-	-	-	-	-	-	-	88	83
Payments for financial assets	-	-	-	-	-	-	-	-	-

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

1.5 Office Accommodation											
2016/17											2015/16
Economic classification	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		R'000
Current payments	9 166	(9 166)	-	-	-	-	-	14 386	14 329		14 329
Compensation of employees								2 426	2 409		2 409
Goods and services	9 166	(9 166)	-	-	-	-	-	11 960	11 920		11 920
Payments for capital assets	-	-	-	-	-	-	-	424	419		419
Machinery and equipment	-	-	-	-	-	-	-	424	419		419
Payments for financial assets	-	-	-	-	-	-	-	-	-		-

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

Programme 2: Judicial Support and Court Administration									
2016/17									
	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	18 006	(4 328)	-	13 678	11 083	2 595	81.0%	9 435	7 645
2. Judicial Service Commission	15 004	(2 689)	226	12 541	9 936	2 605	79.2%	6 275	6 252
3. Constitutional Court	61 534	(10 551)	(533)	50 450	45 188	5 262	89.6%	52 408	52 348
4. Supreme Court of Appeal	28 438	1 240	3 127	32 805	32 393	412	98.7%	23 170	23 083
5. High Courts	549 507	(6 280)	2 571	545 798	542 808	2 990	99.5%	510 111	509 415
6. Specialised Courts	21 567	22 608	-	44 175	44 175	-	100.0%	50 167	49 453
Total for sub programmes	694 056	-	5 391	699 447	685 583	13 864	98.0%	651 566	648 196
Current payments	645 570	(37 498)	(2 861)	605 211	591 347	13 864	97.7%	560 512	557 697
Compensation of employees	471 674	-	-	471 674	457 810	13 864	97.1%	424 780	423 941
Salaries and wages	406 912	(3 022)	-	403 890	393 587	10 303	97.4%	368 299	367 522
Social contributions	64 762	3 022	-	67 784	64 223	3 561	94.7%	56 481	56 419
Goods and services	173 896	(37 498)	(2 861)	133 537	133 537	-	100.0%	135 732	133 756
Administrative fees	2 824	(1 063)	-	1 761	1 761	-	100.0%	1 123	1 088
Advertising	103	(102)	-	1	1	-	100.0%	533	522
Minor assets	12 259	(6 282)	-	5 977	5 977	-	100.0%	4 423	4 408
Audit costs: External	-	-	-	-	-	-	-	-	-
Bursaries: Employees	-	-	-	-	-	-	-	2	2
Catering: Departmental activities	4 443	(2 751)	-	1 692	1 692	-	100.0%	709	706
Communication	12 406	(8 247)	-	4 159	4 159	-	100.0%	3 441	3 429

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

Computer services	1 359	(78)	-	1 281	1 281	-	100.0%	977	974
Consultants: Business and advisory services	9 518	(1 783)	-	7 735	7 735	-	100.0%	8 591	8 579
Legal services	1 300	(1 258)	-	42	42	-	100.0%	636	633
Contractors	2 728	(1 967)	-	761	761	-	100.0%	786	771
Agency and support / outsourced services	5 983	(2 443)	-	3 540	3 540	-	100.0%	6 440	6 435
Entertainment	29	91	-	120	120	-	100.0%	26	21
Fleet services	19 127	2 127	-	21 254	21 254	-	100.0%	18 352	18 331
Housing									
Consumable supplies	1 620	878	-	2 498	2 498	-	100.0%	1 549	1 544
Consumable: Stationery, printing and office supplies	10 273	(1 541)	-	8 732	8 732	-	100.0%	10 373	10 358
Operating leases	1 702	(1 555)	-	147	147	-	100.0%	48	47
Property payments	2 351	(485)	-	1 866	1 866	-	100.0%	1 308	1 303
Travel and subsistence	72 511	(3 213)	(2 861)	66 437	66 437	-	100.0%	69 252	69 199
Training and development	41	104	-	145	145	-	100.0%	51	51
Operating payments	5 624	(1 624)	-	4 000	4 000	-	100.0%	4 286	4 261
Venues and facilities	7 635	(6 257)	-	1 378	1 378	-	100.0%	2 826	1 094
Rental and hiring	60	(49)	-	11	11	-	100.0%	-	-
Interest and rent on land	-	-	-	-	-	-	-	-	-
Interest	-	-	-	-	-	-	-	-	-
Rent on land	-	-	-	-	-	-	-	-	-
Transfers and subsidies	1 262	163	128	1 553	1 553	-	100.0%	1 266	1 261
Provinces and municipalities	38	(37)	-	1	1	-	100.0%	-	-
Provinces	-	-	-	-	-	-	-	-	-
Provincial Revenue Funds	-	-	-	-	-	-	-	-	-
Provincial agencies and funds	-	-	-	-	-	-	-	-	-
Municipalities	38	(37)	-	1	1	-	100.0%	-	-

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

2.1 Administration of Superior Courts									
2016/17									
	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	18 006	(4 328)	-	13 678	11 083	2 595	81.0%	9 435	7 645
Compensation of employees	13 368	(3 379)	-	9 989	7 394	2 595	74.0%	5 760	5 728
Goods and services	4 638	(949)	-	3 689	3 689	-	100.0%	3 675	1 917
Interest and rent on land	-	-	-	-	-	-	-	-	-
Transfers and subsidies	-	-	-	-	-	-	-	-	-
Households	-	-	-	-	-	-	-	-	-
Payments for capital assets	-	-	-	-	-	-	-	-	-
Buildings and other fixed structures	-	-	-	-	-	-	-	-	-
Machinery and equipment	-	-	-	-	-	-	-	-	-
Payments for financial assets	-	-	-	-	-	-	-	-	-

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

2.3 Constitutional Court									
2016/17									
	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	60 570	(11 068)	(2 861)	46 641	41 379	5 262	88.7%	48 493	48 439
Compensation of employees	34 026	(2 857)	-	31 169	25 907	5 262	83.1%	23 797	23 792
Goods and services	26 544	(8 211)	(2 861)	15 472	15 472	-	100.0%	24 696	24 647
Interest and rent on land	-	-	-	-	-	-	-	-	-
Transfers and subsidies	-	517	51	568	568	-	100.0%	17	16
Households	-	517	51	568	568	-	100.0%	17	16
Payments for capital assets	964	-	2 277	3 241	3 241	-	100.0%	3 898	3 893
Buildings and other fixed structures	-	-	-	-	-	-	-	-	-
Machinery and equipment	964	-	2 277	3 241	3 241	-	100.0%	3 564	3 560
Intangible assets	-	-	-	-	-	-	-	334	333
Payments for financial assets	-	-	-	-	-	-	-	-	-

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

2.4 Supreme Court of Appeal											
2016/17											
	Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure	2015/16	
Economic classification	R'000	R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	R'000	R'000
Current payments	24 633	(265)	-	24 368	23 956	412	98.3%	18 614	18 529		
Compensation of employees	16 647	-	-	16 647	16 235	412	97.5%	12 314	12 281		
Goods and services	7 986	(265)	-	7 721	7 721	-	100.0%	6 300	6 248		
Interest and rent on land	-	-	-	-	-	-	-	-	-		
Transfers and subsidies	200	114	1	315	315	-	100.0%	31	31		
Households	200	114	1	315	315	-	100.0%	31	31		
Payments for capital assets	3 605	1 391	3 126	8 122	8 122	-	100.0%	4 525	4 516		
Buildings and other fixed structures	-	-	-	-	-	-	-	-	-		
Machinery and equipment	3 605	1 391	3 126	8 122	8 122	-	100.0%	4 525	4 516		
Intangible assets	-	-	-	-	-	-	-	-	-		
Payments for financial assets	-	-	-	-	-	-	-	-	7		

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

		2016/17						2015/16		
		Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
Economic classification		R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
Current payments		509 024	(39 184)	-	469 840	466 850	2 990	99.4%	434 728	434 572
Compensation of employees		391 715	(16 425)	-	375 290	372 300	2 990	99.2%	347 253	347 140
Goods and services		117 309	(22 759)	-	94 550	94 550	-	100.0%	87 475	87 432
Interest and rent on land		-	-	-	-	-	-	-	-	-
Transfers and subsidies		1 008	(570)	-	438	438	-	100.0%	1 191	1 187
Provinces and municipalities		38	(37)	-	1	1	-	100.0%	-	-
Departmental agencies and accounts		1	(1)	-	-	-	-	-	2	-
Households		969	(532)	-	437	437	-	100.0%	1 189	1 187
Payments for capital assets		39 475	33 474	2 571	75 520	75 520	-	100.0%	74 192	73 656
Buildings and other fixed structures		-	100	-	100	100	-	100.0%	-	-
Machinery and equipment		39 475	33 374	2 571	75 420	75 420	-	100.0%	74 168	73 636
Intangible assets		-	-	-	-	-	-	-	24	20
Payments for financial assets		-	-	-	-	-	-	-	-	-

2.5 High Courts

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

2.6 Specialised Courts									
2016/17									
	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	18 433	20 036	-	38 469	38 469	-	100.0%	42 967	42 260
Compensation of employees	7 333	22 661	-	29 994	29 994	-	100.0%	33 450	32 800
Goods and services	11 100	(2 625)	-	8 475	8 475	-	100.0%	9 517	9 460
Interest and rent on land	-	-	-	-	-	-	-	-	-
Transfers and subsidies	54	102	-	156	156	-	100.0%	27	27
Households	54	102	-	156	156	-	100.0%	27	27
Payments for capital assets	3 080	2 470	-	5 550	5 550	-	100.0%	7 173	7 166
Buildings and other fixed structures	-	-	-	-	-	-	-	-	-
Machinery and equipment	3 080	2 470	-	5 550	5 550	-	100.0%	7 149	7 142
Intangible assets	-	-	-	-	-	-	-	24	24
Payments for financial assets	-	-	-	-	-	-	-	-	-

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

Programme 3: Judicial Education and Research											
2016/17											2015/16
	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	R'000	R'000
Sub programme											
1. South African Judicial Education Institute	30 218	-	(2 517)	27 701	26 490	1 211	95.6%	28 243	25 952		
2. Judicial Policy and Research	4 717	-	(56)	4 661	4 492	169	96.4%	5 783	4 690		
Total for sub programmes	34 935	-	(2 573)	32 362	30 982	1 380	95.7%	34 026	30 642		
Economic classification											
Current payments	34 114	-	(2 254)	31 860	30 480	1 380	95.7%	33 724	30 359		
Compensation of employees	12 826	-	-	12 826	11 478	1 348	89.5%	10 049	8 895		
Salaries and wages	11 607	-	-	11 607	10 399	1 208	89.6%	8 932	7 887		
Social contributions	1 219	-	-	1 219	1 079	140	88.5%	1 117	1 008		
Goods and services	21 288	-	(2 254)	19 034	19 002	32	99.8%	23 675	21 464		
Administrative fees	975	(13)	(193)	769	769	-	100.0%	815	791		
Advertising	143	(49)	(94)	-	-	-	-	-	-		
Minor assets	49	(42)	-	7	7	-	100.0%	170	165		
Audit costs: External	-	-	-	-	-	-	-	-	-		
Bursaries: Employees	-	-	-	-	-	-	-	-	-		
Catering: Departmental activities	134	572	-	706	706	-	100.0%	114	95		
Communication	250	(179)	-	71	71	-	100.0%	127	74		
Computer services	-	-	-	-	-	-	-	-	-		
Consultants: Business and advisory services	620	9	(499)	130	130	-	100.0%	8	6		
Legal services	384	144	-	528	528	-	100.0%	1 089	1 088		

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

Contractors	23	(21)	2	2	-	100.0%	21	16
Agency and support / outsourced services	-	-	-	-	-	-	-	-
Entertainment	5	(5)	-	-	-	-	-	-
Consumable supplies	5	-	5	5	-	100.0%	1	1
Consumable: Stationery, printing and office supplies	2 478	(2 316)	162	162	-	100.0%	786	759
Travel and subsistence	12 460	(114)	11 500	11 468	32	99.7%	13 793	13 752
Training and development	2 691	(2 219)	472	472	-	100.0%	2 681	684
Operating payments	765	(2)	141	141	-	100.0%	98	76
Venues and facilities	306	4 235	4 541	4 541	-	100.0%	3 972	3 957
Transfers and subsidies	1	(1)	-	-	-	-	-	-
Provinces and municipalities	-	-	-	-	-	-	-	-
Households	1	(1)	-	-	-	-	-	-
Social benefits	1	(1)	-	-	-	-	-	-
Other transfers to households	-	-	-	-	-	-	-	-
Payments for capital assets	820	(318)	502	502	-	100.0%	302	283
Machinery and equipment	820	(318)	502	502	-	100.0%	302	283
Transport equipment	237	(237)	-	-	-	-	-	-
Other machinery and equipment	583	(81)	502	502	-	100.0%	302	283
Payments for financial assets	-	-	-	-	-	-	-	-
Totals	34 935	(2 573)	32 362	30 982	1 380	95.7%	34 026	30 642

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

3.1 South African Judicial Education Institute									
2016/17									
	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	29 409	-	(2 198)	27 211	26 000	1 211	95.5%	27 953	25 680
Compensation of employees	8 833	-	-	8 833	7 622	1 211	86.3%	6 004	5 899
Goods and services	20 576	-	(2 198)	18 378	18 378	-	100.0%	21 949	19 781
Interest and rent on land									
Transfers and subsidies	1	-	(1)	-	-	-	-	-	-
Households	1	-	(1)	-	-	-	-	-	-
Payments for capital assets	808	-	(318)	490	490	-	100.0%	290	272
Buildings and other fixed structures									
Machinery and equipment	808	-	(318)	490	490	-	100.0%	290	272
Intangible assets									
Payments for financial assets	-	-	-	-	-	-	-	-	-

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

		2016/17							2015/16	
		Adjusted Appropriation	Shifting of Funds	Virement	Final Appropriation	Actual Expenditure	Variance	Expenditure as % of final appropriation	Final Appropriation	Actual expenditure
Economic classification		R'000	R'000	R'000	R'000	R'000	%	R'000	R'000	
Current payments		4 705	-	(56)	4 649	4 480	96.4%	5 771	4 679	
Compensation of employees		3 993	-	-	3 993	3 856	96.6%	4 045	2 996	
Goods and services		712	-	(56)	656	624	95.1%	1 726	1 683	
Payments for capital assets		12	-	-	12	12	100.0%	12	11	
Machinery and equipment		12	-	-	12	12	100.0%	12	11	
Payments for financial assets		-	-	-	-	-	-	-	-	

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

Direct Charge: Judges Salaries									
2016/17							2015/16		
	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	950 057	-	-	950 057	930 704	19 353	98.0%	873 748	887 682
Total for sub programmes	950 057	-	-	950 057	930 074	19 353	98.0%	873 748	887 682
Economic classification									
Current payments	868 154	13 545	-	881 699	881 699	-	100.0%	821 454	832 822
Compensation of employees	868 154	13 545	-	881 699	881 699	-	100.0%	821 454	832 822
Salaries and wages	859 860	16 392	-	876 252	876 252	-	100.0%	813 595	824 982
Social contributions	8 294	(2 847)	-	5 447	5 447	-	100.0%	7 859	7 840
Transfers and subsidies	81 903	(13 545)	-	68 358	49 005	19 353	71.7%	52 294	54 860
Households	81 903	(13 545)	-	68 358	49 005	19 353	71.7%	52 294	54 860
Social benefits	81 903	(13 545)	-	68 358	49 005	19 353	71.7%	52 294	54 860
Other transfers to households									
Payments for financial assets									
Totals	950 057	-	-	950 057	930 704	19 353	98.0%	873 748	887 682

2 APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

Judges Salaries											
2016/17											2015/16
	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	R'000	R'000
Economic classification											
Current payments	868 154	13 545	-	881 699	881 699	-	100.0%	821 454	832 822		
Compensation of employees	868 154	13 545	-	881 699	881 699	-	100.0%	821 454	832 822		
Transfers and subsidies	81 903	(13 545)	-	68 358	49 005	19 353	71.7%	52 294	54 860		
Households	81 903	(13 545)	-	68 358	49 005	19 353	71.7%	52 294	54 860		
Payments for financial assets	-	-	-	-	-	-	-	-	-		

3 NOTES TO THE APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

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	Variance as a % of Final Appropriation
	R'000	R'000	R'000	R'000
Administration				
Compensation of employees	70 761	67 659	3 102	4.40%
Judicial Support and Court Administration				
Compensation of employees	471 674	457 810	13 864	3%
Judicial Education and Research				
Compensation of employees	12 826	11 478	1 348	11%
Judges Salaries				
Households	68 358	49 005	19 353	27.90%

Explanation of variance: The underspending on Compensation of Employees was a result of the strict monitoring of the filling of vacancies in order to manage the expenditure patterns and ensure that the compensation of employees ceiling for the MTEF years is not exceeded, as well as awaiting approval of the OCJ Organisational Structure.

The underspending on Households is as a result of a lower number of gratuities paid to Judges

3 NOTES TO THE APPROPRIATION STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

4.2	Per economic classification	Final Appropriation	Actual Expenditure	Variance	Variance as a % of Final Appropriation
		R'000	R'000	R'000	R'000
	Current payments				
	Compensation of employees	1 436 960	1 418 646	18 314	1.27%
	Transfers and subsidies				
	Households	69 927	50 574	19 353	27.90%

Explanation of variance: The underspending on Compensation of Employees was a result of the strict monitoring of the filling of vacancies in order to manage the expenditure patterns and ensure that the compensation of employees ceiling for the MTEF years is not exceeded, as well as awaiting approval of the OCJ Organisational Structure.

The underspending on Households is as a result of a lower number of gratuities paid to Judges.

4 STATEMENT OF FINANCIAL PERFORMANCE

FOR THE YEAR ENDED 31 MARCH 2017

	Note	2016/17	2015/16
		R'000	R'000
REVENUE			
Annual appropriation	1	873 990	783 379
Statutory appropriation	2	950 057	873 748
Departmental revenue	3	929	778
TOTAL REVENUE		1 824 976	1 657 905
EXPENDITURE			
Current expenditure			
Compensation of employees	4	1 418 646	1 303 694
Goods and services	5	218 132	197 512
Interest and rent on land	6	1	13
Total current expenditure		1 636 779	1 501 219
Transfers and subsidies			
Transfers and subsidies	8	50 573	56 214
Total transfers and subsidies		50 573	56 214
Expenditure for capital assets			
Tangible assets	9	98 996	97 452
Intangible assets	9	-	464
Total expenditure for capital assets		98 996	97 916
Unauthorised expenditure approved without funding			
Payments for financial assets	7	-	7
TOTAL EXPENDITURE		1 786 348	1 655 356
SURPLUS/(DEFICIT) FOR THE YEAR		38 628	2 549

4 STATEMENT OF FINANCIAL PERFORMANCE

FOR THE YEAR ENDED 31 MARCH 2017

Reconciliation of Net Surplus/(Deficit) for the year

Voted funds		37 699	1 771
Annual appropriation		37 699	1 771
Conditional grants			
Departmental revenue and NRF Receipts	14	929	778
SURPLUS/(DEFICIT) FOR THE YEAR		38 628	2 549

4 STATEMENT OF FINANCIAL POSITION

FOR THE YEAR ENDED 31 MARCH 2017

	Note	2016/17	2015/16
		R'000	R'000
ASSETS			
Current assets		38 631	14 242
Cash and cash equivalents	10	28 963	9 275
Other financial assets		-	-
Prepayments and advances	11	155	307
Receivables	12	9 513	4 660
Non-current assets			
Receivables		-	-
Loans		-	-
TOTAL ASSETS		38 631	14 242
LIABILITIES			
Current liabilities		38 582	14 185
Voted funds to be surrendered to the Revenue Fund	13	37 711	1 771
Departmental revenue and NRF Receipts to be surrendered to the Revenue Fund	14	234	85
Bank overdraft		-	-
Payables	15	637	12 329
TOTAL LIABILITIES		38 582	14 185
NET ASSETS		49	57
Represented by:			
Capitalisation reserve		-	-
Recoverable revenue		49	57
TOTAL		49	57

5 STATEMENT OF CHANGES IN NET ASSETS

FOR THE YEAR ENDED 31 MARCH 2017

	Note	2016/17	2015/16
		R'000	R'000
Recoverable revenue			
Opening balance		57	-
Transfers:		(8)	57
Debts revised			
Debts recovered (included in Departmental receipts)		(8)	(152)
Debts raised			209
Closing balance		49	57
Closing balance			
TOTAL		49	57

6 CASHFLOW STATEMENT

FOR THE YEAR ENDED 31 MARCH 2017

	Note	2016/17	2015/16
		R'000	R'000
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts		1 824 976	1 657 905
Annual appropriated funds received	1.1	873 990	783 379
Statutory appropriated funds received	2	950 057	873 748
Departmental revenue received	3	908	757
Interest received	3.3	21	21
Net (increase)/decrease in working capital		(16 393)	7 362
Surrendered to Revenue Fund		(2 539)	(693)
Surrendered to RDP Fund/Donor		-	-
Current payments		(1 636 778)	(1 501 206)
Interest paid	6	(1)	(13)
Payments for financial assets		-	(7)
Transfers and subsidies paid		(50 573)	(56 214)
Net cash flow available from operating activities	16	118 692	107 134
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments for capital assets	9	(98 996)	(97 916)
Net cash flows from investing activities		(98 996)	(97 916)
CASH FLOWS FROM FINANCING ACTIVITIES			
Distribution/dividend received			
Increase/(decrease) in net assets		(8)	57
Increase/(decrease) in non-current payables		-	-
Net cash flows from financing activities		(8)	57
Net increase/(decrease) in cash and cash equivalents		19 688	9 275
Cash and cash equivalents at beginning of period		9 275	-
Cash and cash equivalents at end of period	17	28 963	9 275

7 ACCOUNTING POLICIES

FOR THE YEAR ENDED 31 MARCH 2017

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.

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.

8 ACCOUNTING POLICIES

FOR THE YEAR ENDED 31 MARCH 2017

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.

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 Judges and 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 ACCOUNTING POLICIES

FOR THE YEAR ENDED 31 MARCH 2017

8.3 Accruals and payables not recognised

Accruals and payables not recognised are recorded in the notes to the financial statements when the goods are received or, in the case of services, when they are rendered to the Department or in the case of transfers and subsidies when they are due and payable.

Accruals and payables not recognised are measured at cost.

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.

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.

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.

In the OCJ, finance lease assets are not acquired at the end of the lease term and are therefore not added to the asset register.

9 Aid Assistance

9.1 Aid assistance received

Not applicable to the OCJ for the 2016/17 financial year.

9.2 Aid assistance paid

Not applicable to the OCJ for the 2016/17 financial year.

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.

8 ACCOUNTING POLICIES

FOR THE YEAR ENDED 31 MARCH 2017

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.

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

14.2 Impairment of financial assets

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

15 Payables

Loans and payables are recognised in the statement of financial position at cost.

16 Capital Assets

16.1 Immovable capital assets

Not applicable to the OCJ for the 2016/17 financial year.

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.

Biological assets are subsequently carried at fair value.

Subsequent expenditure that is of a capital nature is added to the cost of the asset at the end of the capital project unless the movable asset is recorded by another Department/entity in which case the completed project costs are transferred to that Department.

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 that is of a capital nature is added to the cost of the asset at the end of the capital project unless the intangible asset is recorded by another Department/entity in which case the completed project costs are transferred to that Department.

17 Provisions and Contingents

17.1 Provisions

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

17.2 Contingent liabilities

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

17.3 Contingent assets

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

17.4 Commitments

Commitments (other than for transfers and subsidies) are recorded at cost in the notes to the financial statements when there is a contractual arrangement or an approval by management in a manner that raises a valid expectation that the Department will discharge its responsibilities thereby incurring future expenditure that will result in the outflow of cash.

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 for recovery.

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.

20 Irregular expenditure

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

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

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 policies, accounting estimates and errors

Changes in accounting policies that are effected by management have been applied retrospectively 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 change in policy. In such instances the Department shall restate the opening balances of assets, liabilities and net assets for the earliest period for which retrospective restatement is practicable.

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**

Not applicable to the OCJ for the 2016/17 financial year.

24 **Departures from the MCS requirements**

Management has concluded that the financial statements represent fairly the Department's primary and secondary information and that the Department complied with the MCS. The OCJ did not depart from a particular requirement to achieve fair presentation.

25 **Capitalisation reserve**

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

26 **Recoverable revenue**

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

27 **Related party transactions**

A related party transaction is a transfer of resources, services or obligations between the reporting entity and a related party. 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.

Key management personnel are those persons having the authority and responsibility for planning, directing and controlling the activities of the Department. The number of individuals and their full compensation 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 recorded at cost price in the statement of financial performance.

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

Inventories are subsequently measured at the lower of cost and net realisable value or the lower of cost and current replacement value.

Subsequent measurement of the cost of inventory is determined on the weighted average basis.

29 **Public-Private Partnerships**

Not applicable to the OCJ for the 2016/17 financial year.

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.

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

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:

	2016/17			2015/16	
	Final Appropriation	Actual Funds Received	Funds not requested/ not received	Final Appropriation	Appropriation received
	R'000	R'000	R'000	R'000	R'000
Administration	142 181	144 999	(2 818)	97 787	99 479
Judicial Support and Court Administration	699 447	694 056	5 391	651 566	649 541
Judicial Education and Research	32 362	34 935	(2 573)	34 026	34 359
Total	873 990	873 990	-	783 379	783 379

2. Statutory Appropriation

	2016/17	2015/16
	R'000	R'000
Judges salaries	950 057	873 748
Total	950 057	873 748
Actual Statutory Appropriation received	950 057	873 748

3. Departmental revenue

	Note	2016/17	2015/16
		R'000	R'000
Tax revenue		-	-
Sales of goods and services other than capital assets	3.1	696	533
Fines, penalties and forfeits	3.2	50	30
Interest, dividends and rent on land	3.3	21	21
Sales of capital assets		-	-
Transactions in financial assets and liabilities	3.4	162	194
Transfer received		-	-
Total revenue collected		929	778
Less: Own revenue included in appropriation		-	-
Departmental revenue collected		929	778

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

3.1 Sales of goods and services other than capital assets

	Note	2016/17	2015/16
	3	R'000	R'000
Sales of goods and services produced by the Department		673	532
Sales by market establishment		59	84
Administrative fees		8	-
Other sales		606	448
Sales of scrap, waste and other used current goods		23	1
Total		696	533

3.2 Fines, penalties and forfeits

	Note	2016/17	2015/16
	3	R'000	R'000
Fines		50	30
Total		50	30

3.3 Interest, dividends and rent on land

	Note	2016/17	2015/16
	3	R'000	R'000
Interest		21	21
Total		21	21

3.4 Transactions in financial assets and liabilities

	Note	2016/17	2015/16
	3	R'000	R'000
Receivables		162	194
Total		162	194

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

4. Compensation of employees

4.1 Salaries and Wages

	Note	2016/17	2015/16
		R'000	R'000
Basic salary		1 019 630	932 376
Performance award		3 827	2 926
Service Based		595	394
Compensative/circumstantial		3 286	9 261
Periodic payments		1 416	483
Other non-pensionable allowances		311 400	288 851
Total		1 340 154	1 234 291

4.2 Social contributions

	Note	2016/17	2015/16
		R'000	R'000
Employer contributions			
Pension		43 063	36 032
Medical		35 284	33 238
UIF		7	9
Bargaining council		138	124
Total		78 492	69 403
Total compensation of employees		1 418 646	1 303 694
Average number of employees		1 679	1 613

The expenditure under Direct Charge relating to Judges' salaries is included in the figures above.

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

5. Goods and services

	Note	2016/17	2015/16
		R'000	R'000
Administrative fees		2 790	2 079
Advertising		1 058	1 020
Minor assets	5.1	6 477	7 261
Bursaries (employees)		125	2
Catering		2 565	911
Communication		12 855	10 446
Computer services	5.2	32 387	17 975
Consultants: Business and advisory services		12 456	9 054
Legal services		570	1 722
Contractors		2 252	4 018
Agency and support / outsourced services		3 550	6 811
Entertainment		129	25
Audit cost – external	5.3	5 099	2 311
Fleet services		21 346	18 372
Consumables	5.4	12 848	13 986
Operating leases		147	-
Property payments	5.5	2 654	1 378
Travel and subsistence	5.6	84 859	89 004
Venues and facilities		6 653	5 270
Training and development		1 922	1 129
Other operating expenditure	5.7	5 390	4 738
Total		218 132	197 512

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

5.1 Minor assets

	Note	2016/17	2015/16
	5	R'000	R'000
Tangible assets		6 477	7 261
Machinery and equipment		6 477	7 261
Total		6 477	7 261

5.2 Computer services

	Note	2016/17	2015/16
	5	R'000	R'000
SITA computer services		8 063	2 995
External computer service providers		24 324	14 980
Total		32 387	17 975

5.3 Audit cost – External

	Note	2016/17	2015/16
	5	R'000	R'000
Regularity audits		5 099	2 311
Total		5 099	2 311

5.4 Consumables

	Note	2016/17	2015/16
	5	R'000	R'000
Consumable supplies		3 163	1 900
Uniform and clothing		336	282
Household supplies		1 301	340
Building material and supplies		570	231
Communication accessories		32	-
IT consumables		518	488
Other consumables		406	559
Stationery, printing and office supplies		9 685	12 086
Total		12 848	13 986

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

5.5 Property payments

	Note	2016/17	2015/16
	5	R'000	R'000
Other		2 654	1 378
Total		2 654	1 378

5.6 Travel and subsistence

	Note	2016/17	2015/16
	5	R'000	R'000
Local		83 999	82 517
Foreign		860	6 487
Total		84 859	89 004

5.7 Other operating expenditure

	Note	2016/17	2015/16
		R'000	R'000
Professional bodies, membership and subscription fees		650	774
Resettlement costs		339	814
Other		4 401	3 150
Total		5 390	4 738

6. Interest and rent on land

	Note	2016/17	2015/16
		R'000	R'000
Interest paid		1	13
Total		1	13

Interest raised on late payment of an invoice from Stannic fleet services

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

7. Payments for financial assets

	Note	2016/17	2015/16
		R'000	R'000
Other material losses written off	7.1	-	7
Total		-	7

7.1 Other material losses

	Note	2016/17	2015/16
		R'000	R'000
Nature of other material losses	7	-	7
Repair to Judges' damaged vehicle		-	
Total		-	7

8. Transfers and subsidies

	Note	2016/17	2015/16
		R'000	R'000
Households	Annex 1G	50 573	56 214
Total		50 573	56 214

9. Expenditure for capital assets

	Note	2016/17	2015/16
		R'000	R'000
Tangible assets		98 996	97 452
Buildings and other fixed structures		100	
Machinery and equipment	27	98 896	97 452
Intangible assets		-	464
Software	28	-	464
Services and operating rights	28	-	-
Total		98 996	97 916

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

9.1 Analysis of funds utilised to acquire capital assets - 2016/17

	Voted funds	Aid assistance	Total
	R'000	R'000	R'000
Tangible assets	98 996	-	98 996
Buildings and other fixed structures	100	-	100
Machinery and equipment	98 896	-	98 896
Intangible assets	-	-	-
Software	-	-	-
Total	98 996	-	98 996

9.2 Analysis of funds utilised to acquire capital assets - 2015/16

	Voted funds	Aid assistance	Total
	R'000	R'000	R'000
Tangible assets	97 452	-	97 452
Machinery and equipment	97 452	-	97 452
Intangible assets	464	-	464
Software	464	-	464
Mastheads and publishing titles	-	-	-
Total	97 916	-	97 916

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

9.3 Finance lease expenditure included in Expenditure for capital assets

	Note	2016/17
		R'000
Tangible assets		-
Machinery and equipment		81 834
Total		81 834

10. Cash and cash equivalents

	Note	2016/17	2015/16
		R'000	R'000
Consolidated Paymaster General Account		24 619	9 030
Cash receipts		4	7
Disbursements		-	(16)
Cash on hand		223	225
Investments (Domestic)		4 117	29
Total		28 963	9 275

Investment (Domestic) is for Commercial bank balances

11. Prepayments and advances

	Note	2016/17	2015/16
		R'000	R'000
Travel and subsistence		155	307
Total		155	307

11.1 Prepayments (Expensed)

	Note	2016/17	2015/16
		R'000	R'000
Goods and services		-	3 230
Total		-	3 230

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

12. Receivables

	Note	2016/17			2015/16		
		Current	Non-current	Total	Current	Non-current	Total
		R'000	R'000	R'000	R'000	R'000	R'000
Claims recoverable	12.1	1 648	-	1 648	4 349	-	4 349
Recoverable expenditure	12.2	7 348	-	7 348	10	-	10
Staff debt	12.3	182	-	182	100	-	100
Other debtors	12.4	335	-	335	201	-	201
Total		9 513	-	9 513	4 660	-	4 660

12.1 Claims recoverable

	Note	2016/17	2015/16
		R'000	R'000
National Departments	12 and Annex 4	1 648	4 349
Total		1 648	4 349

Compensation of Employees cost incurred for transferred officials from DoJ&CD. In terms of the Service Level Agreement, these costs should be for the account of DoJ&CD as the event occurred before the OCJ had its own budget vote.

12.2 Recoverable expenditure (disallowance accounts)

	Note	2016/17	2015/16
		R'000	R'000
Recoverable debts	12	7 348	10
Total		7 348	10

This amount constitutes invoices paid for G-Fleet but is still under dispute by the OCJ.

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

12.3 Staff debt

	Note	2016/17	2015/16
	12	R'000	R'000
Departmental Staff debts		182	100
Total		182	100

12.4 Other debtors

	Note	2016/17	2015/16
	12	R'000	R'000
Staff Tax debts		335	201
Total		335	201

13. Voted funds to be surrendered to the Revenue Fund

	Note	2016/17	2015/16
		R'000	R'000
Opening balance		1 771	-
Prior period error	13.1	-	12
As restated		1 771	12
Transfer from statement of financial performance (as restated)		37 699	1 759
Paid during the year		(1 759)	
Closing balance		37 711	1 771

The Voted funds to be surrendered are R18, 314 million from the Voted Budget Compensation of Employees and R19, 353 million from the Direct Charge.

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

13.1 Prior period error

	Note	2015/16
		R'000
Nature of prior period error		-
Relating to 2015/16 [affecting the opening balance]		12
Role playing allowance paid outside prescripts		12
Total prior period errors		12

Role playing allowance paid to an official outside the prescripts. A debt recovery process will be instated.

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

	Note	2016/17	2015/16
		R'000	R'000
Opening balance		85	
Prior period error		-	-
As restated		85	-
Transfer from Statement of Financial Performance (as restated)		929	778
Paid during the year		(780)	(693)
Closing balance		234	85

15. Payables – current

	Note	2016/17	2015/16
		R'000	R'000
Clearing accounts	15.1	637	12 329
Total		637	12 329

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

15.1 Clearing accounts

	Note	2016/17	2015/16
	15	R'000	R'000
PAYE		637	12 329
Total		637	12 329

16. Net cash flow available from operating activities

	Note	2016/17	2015/16
		R'000	R'000
Net surplus/(deficit) as per Statement of Financial Performance		38 628	2 549
Add back non-cash/cash movements not deemed operating activities		80 064	104 585
(Increase)/decrease in receivables – current		(4 853)	(4 660)
(Increase)/decrease in prepayments and advances		152	(307)
(Increase)/decrease in other current assets		-	-
Increase/(decrease) in payables – current		(11 692)	12 329
Proceeds from sale of capital assets		-	-
Proceeds from sale of investments		-	-
(Increase)/decrease in other financial assets		-	-
Expenditure on capital assets		98 996	97 916
Surrenders to Revenue Fund		(2 539)	(693)
Surrenders to RDP Fund/Donor			
Voted funds not requested/not received			
Own revenue included in appropriation			
Other non-cash items			
Net cash flow generated by operating activities		118 692	107 134

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

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

	Note	2016/17	2015/16
		R'000	R'000
Consolidated Paymaster General account		24 619	9 030
Fund requisition account		-	-
Cash receipts		4	7
Disbursements		-	(16)
Cash on hand		223	225
Cash with commercial banks (Local)		4 117	29
Cash with commercial banks (Foreign)		-	-
Total		28 963	9 275

18. Contingent liabilities and contingent assets

18.1 Contingent liabilities

	Note	2016/17	2015/16
		R'000	R'000
Liable to Nature		-	-
Claims against the Department	Annex 3B	2 319	2 500
Intergovernmental payables (unconfirmed balances)	Annex 5	30 451	-
Total		32 770	2 500

Contingent Liabilities consist of cases relating to the Judiciary (Judicial Service Commission litigation) where the OCJ will be expected to carry the litigation costs, estimated at R2.319 million of which the outcomes and timing are uncertain

Intergovernmental payables are for OCJ telephone bills payable to DoJ&CD as per Service Level Agreement as well as G-Fleet invoices which were back billed for previous financial years.

19. Commitments

	Note	2016/17	2015/16
		R'000	R'000
Current expenditure			
Approved and contracted		21 410	47 254
Approved but not yet contracted		1 105	-
		22 515	47 254
Capital expenditure			
Approved and contracted		3 767	-
Approved but not yet contracted		-	-
		3 767	-
Total Commitments		26 282	47 254

Included in the commitments are commitments for 4 years R2,314 million for Motive8 for the provision of ICT services.

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

20. Accruals and payables not recognised

20.1 Accruals

	2016/17			2015/16
	R'000			R'000
Listed by economic classification	30 Days	30+ Days	Total	Total
Goods and services	28 454	-	28 454	11 624
Capital assets	1 511	-	1 511	-
Total	29 965	-	29 965	11 624

	Note	2016/17	2015/16
		R'000	R'000
Listed by programme level			
Administration		13 217	3 908
Judicial Support and Court Administration		12 787	6 682
Judicial Education and Research		3 961	1 034
Total		29 965	11 624

Material accruals are for Travelling invoices for March 2017.

20.2 Payables not recognised

	2016/17			2015/16
	R'000			R'000
Listed by economic classification	30 Days	30+ Days	Total	Total
Goods and services	3 336	-	3 336	-
Capital assets	34 981	-	34 981	-
Other	-	-	-	-
Total	38 317	-	38 317	-

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

	Note	2016/17	2015/16
		R'000	R'000
Listed by programme level		-	-
Administration		3 336	-
Judicial Support and Court Administration		34 981	-
Total		38 317	-

	Note	2016/17	2015/16
		R'000	R'000
Included in the above totals are the following:		-	-
Confirmed balances with other government entities	Annex 5	7 866	-
Total		7 866	-

21. Employee benefits

	Note	2016/17	2015/16
		R'000	R'000
Leave entitlement		19 746	12 257
Service bonus (Thirteenth cheque)		14 629	12 128
Performance awards		8 329	4 610
Capped leave commitments		14 382	10 922
Long Service awards		471	427
Total		57 557	40 344

Included in the leave entitlement is an amount of R912 029.92 representing negative leave which is due to over-grant of leave taken as employees are given full leave credits in January of each year while the information in the financial statements is based on the leave accruals as at 31 March 2017.

Judges' social benefits for leave are excluded from the amount above as they are on a different leave dispensation.

The increase in the leave entitlement and capped leave is as a result of an increase in the number of employees employed in OCJ with capped leave benefits as well as more employees qualifying for the increase in leave from 22 to 30 days in line with years of service.

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

22. Lease commitments

22.1 Finance leases expenditure**

2016/17					
	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
Not later than 1 year	-	-	-	43 093	43 093
Later than 1 year and not later than 5 years	-	-	-	62 625	62 625
Later than five years	-	-	-	-	-
Total lease commitments	-	-	-	105 718	105 718

2015/16					
	Specialised military equipment	Land	Buildings and other fixed structures	Machinery and equipment	Total
Not later than 1 year	-	-	-	23 543	23 543
Later than 1 year and not later than 5 years	-	-	-	38 835	38 835
Later than five years	-	-	-	-	-
Total lease commitments	-	-	-	62 378	62 378

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

23. Irregular expenditure

23.1 Reconciliation of irregular expenditure

	Note	2016/17	2015/16
		R'000	R'000
Opening balance		7	-
Prior period error		-	(3)
As restated		7	(3)
Add: Irregular expenditure – relating to prior year		84	-
Add: Irregular expenditure – relating to current year		565	27

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

	Note	2016/17	2015/16
Less: Prior year amounts condoned		(40)	-
Less: Current year amounts condoned		(552)	(17)
Closing balance		64	7

Analysis of awaiting condonation per age classification

Current year	12	7
Prior years	52	-
Total	64	7

23.2 Details of irregular expenditure – added current year (relating to current and prior years)

2016/17		
Incident	Disciplinary steps taken/criminal proceedings	R'000
Deviation from procurement processes	Condoned by DBAC no steps taken emergency procurement	41
Contracts expired not renewed	Condoned by DBAC, relevant Managers we issued with letter of reprimand	54
Delegations prescripts not followed	Condoned by the delegated official in OCJ, letter of reprimand was issued to relevant manager	528
Role playing paid outside prescripts	Matter under investigation	25
Total		648

23.3 Details of irregular expenditure condoned

2016/17		
Incident	Disciplinary steps taken/criminal proceedings	R'000
Deviation from procurement processes	Condoned by DBAC	11
Contracts expired not renewed	Condoned by DBAC	52
Delegations prescripts not followed	Condoned by the delegated official in OCJ	529
Total		592

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

23.4 Prior period error

	Note	2016/17
		R'000
Nature of prior period error		
Relating to 2015/16 [affecting the opening balance]		(3)
Procurement processes not followed: The expenditure was incurred in the 2014/15 period under DoJ&CD vote		(3)
Relating to 2015/16		
Total prior period errors		(3)

24. Fruitless and wasteful expenditure

24.1 Reconciliation of fruitless and wasteful expenditure

	Note	2016/17	2015/16
		R'000	R'000
Opening balance		19	-
Prior period error		-	-
As restated		19	-
Fruitless and wasteful expenditure – relating to prior year		-	-
Fruitless and wasteful expenditure – relating to current year		20	19
Less: Amounts resolved		(14)	-
Closing balance		25	19

24.2 Analysis of awaiting resolution per economic classification

	2016/17	2015/16
	R'000	R'000
Current	25	19
Total	25	19

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

24.3 Analysis of Current year's fruitless and wasteful expenditure

		2016/17
Incident	Disciplinary steps taken/criminal proceedings	R'000
Interest for overdue account	Awaiting condonation as matter has been resolved and paid	1
Flights cancelled due to cancelled meeting	Matter has been reported and investigated awaiting condonation	18
Accommodation no show	Matter has been reported and condoned, Head of Unit to request official to pay	1
Total		20

25. Related party transactions

	Note	2016/17	2015/16
		R'000	R'000
Revenue received		-	-
Transfers received		-	-
Total		-	-
Payments made		-	-
Goods and services		-	-
Transfers		-	-
Total		-	-

- ▶ List related party relationships
- ▶ 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 Board
 - ▶ President's Fund
 - ▶ Special Investigation Unit
 - ▶ Third Party Fund
 - ▶ The Human Rights Commission
 - ▶ Criminal Asset Recovery Account
 - ▶ The Public Protector
 - ▶ The Information Regulator

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

26. Key management personnel

		2016/17	2015/16
	No. of Individuals	R'000	R'000
Political office bearers (provide detail below)	2		
Officials:			
Level 15 to 16	3	4 536	4 358
Level 14 (incl. CFO if at a lower level)	6	6 920	4 569
Family members of key management personnel			
Total		11 456	8 927

The DoJ&CD carries the cost for the political office bearers.

27. Movable Tangible Capital Assets

MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2017

	Opening balance	Value adjustments	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
HERITAGE ASSETS					
Heritage assets					
MACHINERY AND EQUIPMENT					
	107 438	-	24 310	(2 823)	128 925
Transport assets	7 919	-	-	(277)	7 642
Computer equipment	22 850	-	8 616	(671)	30 795
Furniture and office equipment	30 994	-	7 806	(887)	37 913
Other machinery and equipment	45 675	-	7 888	(988)	52 575
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	107 438	-	24 310	(2 823)	128 925

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

27.1 Additions

ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2017

	Cash	Non-cash	(Capital Work in Progress current costs and finance lease payments)	Received current, not paid (Paid current year, received prior year)	Total
	R'000	R'000	R'000	R'000	R'000
HERITAGE ASSETS					
Heritage assets					
MACHINERY AND EQUIPMENT					
Transport assets	79 767	-	(79 767)	-	-
Computer equipment	8 339	266	-	11	8 616
Furniture and office equipment	9 707	360	(2 067)	(194)	7 806
Other machinery and equipment	1 081	6 723	-	84	7 888
TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS	98 894	7 349	(81 834)	(99)	24 310

The Department doesn't own any immovable assets.

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

27.2 Disposals

DISPOSALS OF MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2017

	Sold for cash	Non-cash disposal	Total disposals	Cash Received Actual
	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	-	(2 823)	(2 823)	-
Transport assets	-	(277)	(277)	-
Computer equipment	-	(671)	(671)	-
Furniture and office equipment	-	(887)	(887)	-
Other machinery and equipment	-	(988)	(988)	-
TOTAL DISPOSAL OF MOVABLE TANGIBLE CAPITAL ASSETS	-	(2 823)	(2 823)	-

27.3 Movement for 2015/16

MOVEMENT IN TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2016

	Opening balance	Prior period error	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
HERITAGE ASSETS					
Heritage assets					
MACHINERY AND EQUIPMENT	-	(7 524)	124 161	(9 199)	107 438
Transport assets	-	(10 707)	18 626	-	7 919
Computer equipment	-	1 420	25 231	(3 801)	22 850
Furniture and office equipment	-	367	32 683	(2 056)	30 994
Other machinery and equipment	-	1 396	47 621	(3 342)	45 676
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	-	(7 524)	124 161	(9 199)	107 438

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

	Note	2015/16
Prior period error		R'000
Nature of prior period error		
Relating to 2015/16 [affecting the opening balance]		(7 524)
GFleet vehicles included in the OCJ 2015/16 assets register		(10 707)
Assets not included in the 2015/16 assets register		1 420
Assets not included in the 2015/16 assets register		1 763
Relating to 2015/16		
Total prior period errors		(7 524)

27.4 Minor assets

MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2017

	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	-	-	334	119 012	-	119 346
Value adjustments	-	-	-	-	-	-
Additions	-	-	-	6 335	-	6 335
Disposals	-	-	(12)	(3 650)	-	(3 662)
TOTAL MINOR ASSETS	-	-	322	121 697	-	122 019

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
Number of R1 minor assets	-	-	4 944	308 216	-	313 160
Number of minor assets at cost	-	-	587	138 588	-	139 175
TOTAL NUMBER OF MINOR ASSETS	-	-	5 531	446 804	-	452 335

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

MOVEMENT IN MINOR ASSETS PER THE ASSET REGISTER FOR THE YEAR ENDED AS AT 31 MARCH 2016

	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	-	-	-	-	-	-
Prior period error	-	-	-	8 920	-	8 920
Additions	-	-	334	118 929	-	119 263
Disposals	-	-	-	(8 837)	-	(8 837)
TOTAL MINOR ASSETS	-	-	334	119 012	-	119 346

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
Number of R1 minor assets	-	-	5 349	280 231	-	285 580
Number of minor assets at cost	-	-	590	125 504	-	126 094
TOTAL NUMBER OF MINOR ASSETS	-	-	5 939	405 735	-	411 674

	Note	2015/16
Prior period error		R'000
Nature of prior period error		
Relating to 2015/16 [affecting the opening balance]		8 920
Assets not included in the 2015/16 assets register		8 920
Total prior period errors		8 920

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

27.5 S42 Movable capital assets

MAJOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA - 31 MARCH 2017

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
No. of Assets	-	-	-	20	-	20
Value of the assets (R'000)	-	-	-	324	-	324

MINOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA - 31 MARCH 2017

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
No. of Assets	-	-	-	622	-	622
Value of the assets (R'000)	-	-	-	743	-	743

MAJOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA - 31 MARCH 2016

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
No. of Assets	-	-	-	8 945	-	8 945
Value of the assets (R'000)	-	-	-	102 667	-	102 667

MINOR ASSETS SUBJECTED TO TRANSFER IN TERMS OF S42 OF THE PFMA - 31 MARCH 2016

	Specialised military assets	Intangible assets	Heritage assets	Machinery and equipment	Biological assets	Total
No. of Assets	-	-	5 939	480 456	-	486 395
Value of the assets (R'000)	-	-	334	120 432	-	120 766

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

28. Intangible Capital Assets

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2017

	Opening balance	Value adjustments	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
Software	652	-	-	-	652
Total Intangible Capital Assets	652	-	-	-	652

28.1. Movement for 2015/16

MOVEMENT IN INTANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2016

	Opening balance	Value adjustments	Additions	Disposals	Closing Balance
	R'000	R'000	R'000	R'000	R'000
Software	-	-	652	-	652
Total Intangible Capital Assets	-	-	652	-	652

29. Prior period errors

29.1. Correction of prior period errors

	Note	2015/16
Assets: Movable tangible capital assets	27	R'000
Movable tangible capital assets		(10 707)
Movable tangible capital assets		1 420
Movable tangible capital assets		367
Movable tangible capital assets		1 396
Net effect		(7 524)

G-Fleet vehicles included in the OCJ 2015/16 assets register were transferred to G-Fleet (R10.7 million).

Assets previously not included in the 2015/16 assets register to the value of R3.2 million.

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

	Note	2015/16
Assets: Minor Assets	27	R'000
Movable tangible capital assets		8 920
Net effect		8 920

Assets not included in the 2015/16 asset register to the value of R8.92 million.

	Note	2015/16
Other: Irregular expenditure	23	R'000
Irregular Expenditure		(3)
Net effect		(3)

Procurement processes not followed: The expenditure was incurred in the 2014/15 period under the DoJ&CD budget vote.

	Note	2015/16
Expenditure: Compensation of employees	4	R'000
Role playing allowance paid outside the prescripts		(12)
Net effect		(12)

Role playing allowance paid to an official outside the prescripts. A debt recovery will be instated of which resulted in 2015/16 Compensation of employees overstated.

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

	Note	2015/16
Receivables	12	R'000
Staff debt		12
Net effect		12

Role playing allowance paid to an official outside the prescripts. A debt recovery will be instated of which resulted in 2015/16 receivables understated

30. Transfer of functions

The transfer of functions from the DoJ&CD was with effect from 01 April 2015 and there were no changes as a result of the receipt of functions.

30.1. Notes

Note	Bal per dept 2015/16 AFS before transfer	Functions per dept received	Functions per dept received	Functions per dept received	2016/17 Bal after transfer
	2015/16	2015/16	2016/17	2016/17	2016/17
	R'000	R'000	R'000	R'000	R'000
Movable tangible capital assets	-	102 478	324	-	102 802
Immovable tangible capital assets	-	-	-	-	-
Intangible capital assets	-	188	-	-	188

Provide a description of actions taken to ensure compliance with the PFMA S42

Physical asset verification

Re-barcoding of all transferred assets

Provided the Accounting Officer of DoJ&CD with a list of discrepancies

Acknowledged receipt of all verified assets

Departmental Delegations, Financial Circulars and Financial prescripts

Human Resource prescripts

Departmental Financial Instructions

9 NOTES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

Provide a reference to the proclamation or declaration giving effect to the transfer or receipt 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.

Indicate whether there was an agreement drawn up, and provide a description of roles, responsibilities and accountability arrangements.

A Service Level Agreement has been signed by the Accounting Officers of the OCJ and DoJ&CD to govern the retained and shared services as well as the transition.

FOR THE YEAR ENDED 31 MARCH 2017

ANNEXURE 1G STATEMENT OF TRANSFERS TO HOUSEHOLDS									
HOUSEHOLDS	TRANSFER ALLOCATION					EXPENDITURE			2015/16
	Adjusted Appropriation Act	Roll Overs	Adjustments	Total Available	Actual Transfer	% of Available funds Transferred	Appropriation Act	R'000	R'000
	R'000	R'000	R'000	R'000	%				
Transfers									
Employee's social benefits Judges	81 903	-	-	81 903	49 005	60%	54 860		
Employee social benefits	1 406	-	-	1 406	1 568	112%	1 282		
Claims against state	-	-	-	-	-	-	72		
	83 309	-	-	83 309	50 573		56 214		
TOTAL	83 309	-	-	83 309	50 573		56 214		

FOR THE YEAR ENDED 31 MARCH 2017

ANNEXURE 1H STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED			
NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2016/17	2015/16
		R'000	R'000
Received in kind			
JUTA Books Supplier	South African and International Law Books	4	-
Hogan Lovells	Note book and pen	-	-
Professional Body	Complimentary tickets to attend King IV launch	4	-
Gatehouse Commercial	Gatehouse Commercial utilised the façade of the Western Cape for a production of a commercial. A donation of R2000,00 was made as gesture of goodwill	-	2
Attorneys MacGregor and Erasmus	Training offered by private litigants at the Durban High Court	-	12
Subtotal		8	14
TOTAL		8	14

10 ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

ANNEXURE 1J STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS MADE		
NATURE OF GIFT, DONATION OR SPONSORSHIP (Group major categories but list material items including name of organisation)	2016/17	2015/16
	R'000	R'000
Made in kind		
Flowers and book for Judges' farewell	-	1
Gifts for Western Cape long service awards	-	2
TOTAL	-	3

ANNEXURE 3B STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2017					
Nature of Liability	Opening Balance 1 April 2016	Liabilities incurred during the year	Liabilities paid/ cancelled/ reduced during the year	Liabilities recoverable (Provide details hereunder)	Closing Balance 31 March 2017
	R'000	R'000	R'000	R'000	R'000
Claims against the Department					
Cases against the Judiciary where the OCJ will be expected to carry the litigation costs	2 500	-	181	-	2319
Subtotal	2500	-	181	-	2319
TOTAL	2500	-	181	-	2319

Helen Suzman Foundation vs Judicial Service Commission.

Limpopo Legal Solutions vs Judicial Service Commission & 2 others.

Snail vs Judicial Service Commission and others .

Limpopo Legal Solutions vs Judicial Service Commission and 12 others.

10 ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

ANNEXURE 4 CLAIMS RECOVERABLE									
Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total		Cash in transit at year end 2016/17 *		Amount
	31/03/2017	31/03/2016	31/03/2017	31/03/2016	31/03/2017	31/03/2016	Receipt date up to six (6) working days after year end	R'000	
	R'000	R'000	R'000	R'000	R'000	R'000		R'000	
Department									
Department of Justice and Constitutional Development	-	4 241	1 623	-	1 623	4 241	-	-	-
Economic Development Department	-	27	-	-	-	27	-	-	-
Government printing	-	-	18	-	18	-	-	-	-
Department of Health	7	-	-	-	7	-	-	-	-
	7	4 268	1 641	-	1 648	4 268	-	-	-
Other Government Entities									
Gauteng Liquor Board	-	-	-	56	-	56	-	-	-
The National Prosecuting Authority	-	-	-	24	-	24	-	-	-
	-	-	-	80	-	80	-	-	-
TOTAL	7	4 268	1 641	80	1 648	4 348	-	-	-

10 ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

FOR THE YEAR ENDED 31 MARCH 2017

ANNEXURE 5 INTER-GOVERNMENT PAYABLES							
Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total		Cash in transit at year end 2016/17*
	31/03/2017	31/03/2016	31/03/2017	31/03/2016	31/03/2017	31/03/2016	
	R'000	R'000	R'000	R'000	R'000	R'000	Amount
Department							
Current							
Department of Justice and Constitutional Development	-	-	3 336	-	3 336	-	-
Subtotal	-	-	3 336	-	3 336	-	-
Other Government Entities							
Current							
G-Fleet Management	7 866	-	27 115	-	34 981	-	-
Subtotal	7 866	-	27 115	-	34 981	-	-
TOTAL	7 866	-	30 451	-	38 317	-	-





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