



NATIONAL PROSECUTING AUTHORITY
South Africa

Annual Report 2012/2013

VOTE 24



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List of Abbreviations / Acronyms

ACTT	Anti-Corruption Task Team
ANC	African National Congress
ADRM	Alternative Dispute Resolution Mechanism
AENE	Adjusted Estimates of National Expenditure
AFU	Asset Forfeiture Unit
APP	Annual Performance Plan
CARA	Criminal Asset Recovery Account
CEO	Chief Executive Officer
CFM	Case Flow Management
CJA	Child Justice Act
CJS	Criminal Justice System
CPA	Criminal Procedure Act
CPO	Court Preparation Officer
DCS	Department of Correctional Services
DG	Director-General
DNDPP	Deputy National Director of Public Prosecutions
DoH	Department of Health
DoJ&CD	Department of Justice and Constitutional Development
DPCI	Directorate for Priority Crimes Investigation
DPSA	Department of Public Service and Administration
DPP	Director of Public Prosecutions
ECMS	Electronic Case Management System
ENE	Estimates of National Expenditure
EUROPOL	European Police Office
Exco	Executive Committee
HRM&D	Human Resource Management and Development
ICT	Information and Communication Technology
IJS	Integrated Justice System
IMS	Information Management Service
IMU	Integrity Management Unit
IT	Information Technology
JCPS	Justice, Crime Prevention and Security
LAD	Legal Affairs Division
MATTSO	Ministerial Advisory Task Team on Sexual Offences
MJCD	Minister of Justice and Constitutional Development
MLA	Mutual Legal Assistance
MPTT	Missing Persons Task Team
MTEF	Medium Term Expenditure Framework
National Director	National Director of Public Prosecutions
NPA	National Prosecuting Authority
NPC	National Planning Commission
NSSD	National Specialised Services Division
OCJ	Office of the Chief Justice

OECD	Organisation for Economic Cooperation and Development
OHS	Occupational Health and Safety
OSD	Occupation Specific Dispensation (for Legally Qualified Personnel)
OWP	Office for Witness Protection
PCLU	Priority Crimes Litigation Unit
PFMA	Public Finance Management Act
POCA	Prevention of Organised Crime Act
POCDATARA	Protection of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004
S&T	Subsistence and Travel
SABC	South African Broadcasting Corporation
SAFACT	South African Federation Against Counterfeit Theft
SAPS	South African Police Service
SARS	South African Revenue Service
SCA	Supreme Court of Appeal
SCCU	Specialised Commercial Crimes Unit
SDPP	Special Director of Public Prosecutions
SMS	Senior Management Service
SOCA	Sexual Offences and Community Affairs
S&RM	Security and Risk Management
SS	Support Services
TCC	Thuthuzela Care Centre
TRC	Truth and Reconciliation Commission
UAMP	User Asset Management Plan
UNCAC	United Nations Convention Against Corruption
WPP	Witness Protection Programme

Strategic Overview

Vision

Justice in our society so that people can live in freedom and security

Mission

Guided by the Constitution, we in the National Prosecuting Authority, ensure justice to the victims of crime by prosecuting without fear, favour or prejudice, and by working with our partners and the public to solve and prevent crime.

Values

Integrity

which is displayed through ethical conduct, high moral standards, honesty, moral principles and values, no bribery or corruption – zero tolerance, keeping promises, truthfulness and being beyond reproach

Accountability

which is depicted by being responsible and answerable for our actions

Service excellence

which is found in providing first class customer service and complying with the Batho Pele principles

Professionalism

which can be seen through commitment/dedication, punctuality, competence, and professional conduct in and out of court

Credibility

which is depicted in the following behaviour consistency and the ability to inspire belief or trust



Strategic outcome orientated goals

JCPS Outcome	All people of South Africa Are and Feel Safe
NPA Strategic Outcome Oriented Goal	Improved prosecution service
Goal Statement	Render a prosecution service that is effective

Legislative and other Mandates

Constitutional Mandate

The National Prosecuting Authority (NPA) derives its mandate from section 179 of the Constitution. Section 179(2) expressly empowers the prosecuting authority to institute criminal proceedings on behalf of the state, and to carry out any necessary functions incidental to instituting criminal proceedings. Furthermore, section 179(4) requires that the prosecuting authority must exercise its functions without fear, favour or prejudice.

The National Director of Public Prosecutions (National Director), as head of the prosecuting authority, and Directors of Public Prosecutions (DPPs), as heads at various seats of the High Court, are responsible for ensuring compliance with the above-mentioned constitutional obligation. In terms of section 179(5) of the Constitution the National Director must determine prosecution policy and issue policy directives, which must be observed in the prosecution process. Furthermore, in terms of section 179(6) of the Constitution, the Minister responsible for the administration of justice, exercises final responsibility over the prosecuting authority, and may in terms of national legislation request reports from the National Director regarding the functioning of the prosecuting authority.

Legislative Mandate

The NPA, as the sole entity seized with the responsibility of instituting prosecutions on behalf of the state, is bound by various legislation. Below is a short discussion of the key pieces of legislation.

National Prosecuting Authority Act, 1998 (Act 32 of 1998) (NPA Act)

In terms of section 20(1) of the NPA Act, the power vests in the prosecuting authority to:

- institute and conduct criminal proceedings on behalf of the State
- carry out any necessary functions incidental to instituting and conducting such criminal proceedings
- discontinue criminal proceedings

In terms of section 11 of the NPA Act, the President may, after consultation with the Minister and National Director, appoint not more than four persons as Deputy National Directors of Public Prosecutions (DNDPP). A DNDPP has all the powers as set out in section 20(1) of the NPA Act above. The DNDPPs' powers and functions are exercised subject to the control and direction of the National Director. The National Director may assign certain specific functions to a DNDPP. The NPA Act also allows for the appointment of Special Directors of Public Prosecution (SDPPs) to deal with special focus areas.

Criminal Procedure Act, 1977 (Act No. 51 of 1977)

This act regulates matters relating to criminal proceedings in a court of law and contains various provisions relating to the powers, duties and functions of members of the prosecuting authority. These, inter alia, include provisions relating to the power to withdraw a charge and stop a prosecution, the attendance of witnesses in court, the issuing of summonses, admission of guilt, bail, summary trials, the charge, the plea, jurisdiction, preparatory examinations, trial before different courts, conduct of proceedings, witnesses, evidence, competent verdicts, previous convictions, sentence, reviews and appeals, and compensation.

Prevention of Organised Crime Act, 1998 (Act 121 of 1998) (POCA)

This act provides measures for the law enforcement agencies and the prosecuting authority to combat organised crime and money laundering. The primary features of the act include provisions for the recovery of the proceeds of unlawful activity. Chapter five provides for the forfeiture of benefits derived from crime in those cases where the "defendant" is convicted of an offence. Chapter six, on the other hand, does not focus on wrongdoers themselves, but on property that either has been used to commit an offence or which constitutes proceeds of crime. Although it provides for forfeiture of proceeds of and instrumentalities used in crime, it is not conviction based and may be invoked even where there is no prosecution. In addition hereto, section 71 of the POCA empowers the National Director to request information from Government Departments and statutory bodies in respect of investigations relevant to this Act without having to resort to the issuing of subpoenas.

Implementation of the Rome Statute of the International Criminal Court Act, 2002 (Act No. 27 of 2002) (ICC Act)

The Priority Crimes Litigation Unit (PCLU), headed by a Special Director of Public Prosecutions (SDPP), in the Office of the National Director, is mandated to manage and direct the investigation and prosecution of the crimes of genocide, crimes against humanity and war crimes as contemplated in the ICC Act. This act makes provision for the extraterritorial application in the implementation thereof in certain circumstances.

Protection of Constitutional Democracy Against Terrorist and Related Activities Act, 2004 (Act No 33 of 2004) (POCDATARA)

The PCLU is also mandated to manage and direct the investigation and prosecution of terrorism, terror financing and related offences as contemplated in this act. POCDATARA also makes provision for extraterritorial jurisdiction in respect of specific offences as contemplated in the act.

Witness Protection Act, 1998 (Act No 112 of 1998)

The Office for Witness Protection (OWP) is established in terms of this act and provides a support service to the criminal justice system and judicial proceedings providing protection to vulnerable and intimidated witnesses, thus enabling them to testify without intimidation, fear or danger in judicial proceedings. The OWP is established in the Department of Justice and Constitutional Development (DoJ&CD) with the Director-General as the accounting officer, but is administered by the NPA. The OWP is an independent office and all its functions are classified secret so as to ensure the integrity of the programme and the witnesses.

Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004)

The South African anti-corruption legislation is primarily contained in the above act. The act provides, among others, for the strengthening of measures to prevent and combat corruption and corrupt activities, for the offence of corruption and offences relating to corrupt activities, for investigative measures in respect of corruption and related corrupt activities, for the establishment and endorsement of a register in order to place certain restrictions on persons and enterprises convicted of corrupt activities relating to tenders and contracts, to place a duty on certain persons holding a position of authority to report certain corrupt transactions; for extraterritorial jurisdiction in respect of the offence of corruption and offences relating to corrupt activities.

Criminal Law (Sexual Offences and Related Matters), 2007 (Act 32 of 2007) (Sexual Offences Act)

The act comprehensively and extensively amended all aspects and implementation of the laws relating to sexual offences, and deals with all legal aspects of, or relating to, sexual offences in a single statute. The act, inter alia, repeals various common law offences and replaces them with statutory offences that are gender neutral and applicable to all forms of sexual penetration and sexual violation committed without consent. It also creates new offences for certain compelled acts of penetration or violation, and enacts comprehensive provisions for new or amended offences against children and persons that are mentally disabled.

Child Justice Act, 2008 (Act No. 75 of 2008) (CJA)

The act establishes a child justice system for children in conflict with the law¹. This act seeks to ensure that child justice matters are managed in a rights-based manner and assists children suspected of committing crime to become productive members of society by engaging with the child in restorative justice measures, diversions and other alternative sentencing options.

Policy Mandate

The Cabinet Lekgotla held from 20 to 22 January 2010 adopted 12 outcomes for government. The outcome that the Justice, Crime Prevention and Security Cluster (JCPS) seeks to achieve is that "all people in South Africa are and feel safe". The JCPS Delivery Agreement sets out the seven expected outputs to contribute to this outcome. The seven outputs are defined and underpinned by targets, activities and timelines that are being managed and monitored at the highest executive levels within the JCPS. The NPA contributes to the achievement of the following outputs:

- a. Output 1: Reduced overall levels of serious crime, in particular, contact and trio crimes
- b. Output 2: A more effective Criminal Justice System (CJS)
- c. Output 3: Reduced corruption
- d. Output 4: Managed and improved perceptions of crime among the population
- e. Output 7: Secured cyber space

¹ Refers to children under the age of 18, who are suspected to have committed crime, will not be dealt with in terms of the normal criminal procedure which is used for adults, but the child justice process will be followed.

These outputs are further refined and specific measures and activities are identified for each. The NPA will prioritise the following:

- a. Prosecution of serious and priority crimes, including corruption and contact crimes (especially trio crimes)²
- b. Improving prosecution capacity and efficiency
- c. Increasing the finalisation of criminal cases, both through trials and alternative dispute resolution mechanisms, and reduce the case backlogs and average length of time that accused remain in custody awaiting trial
- d. Jointly with the South African Police Service (SAPS) contribute to reducing corruption
- e. Increasing the number of Thuthuzela Care Centres (TCCs)
- f. Successfully convict 100 people by 2014 of corruption cases where the amount involved is more than R5 million

National Development Plan Vision

The National Development Plan Vision for 2030 (2011:350) was compiled by the National Planning Commission (NPC)³ based on the findings of the NPC Diagnostic Report (June 2011). This Plan identifies the following proposed priority areas relevant to the NPA:

- a. Strengthen the CJS⁴
- b. Build sustainable long term safety using an integrated approach⁵ and
- c. Build community participation⁶ in community safety.

2 Trio crimes consist of robbery at residential premises, robbery at business premises and carjacking.

3 Cited in National Development Plan Vision for 2030, November 2011:350

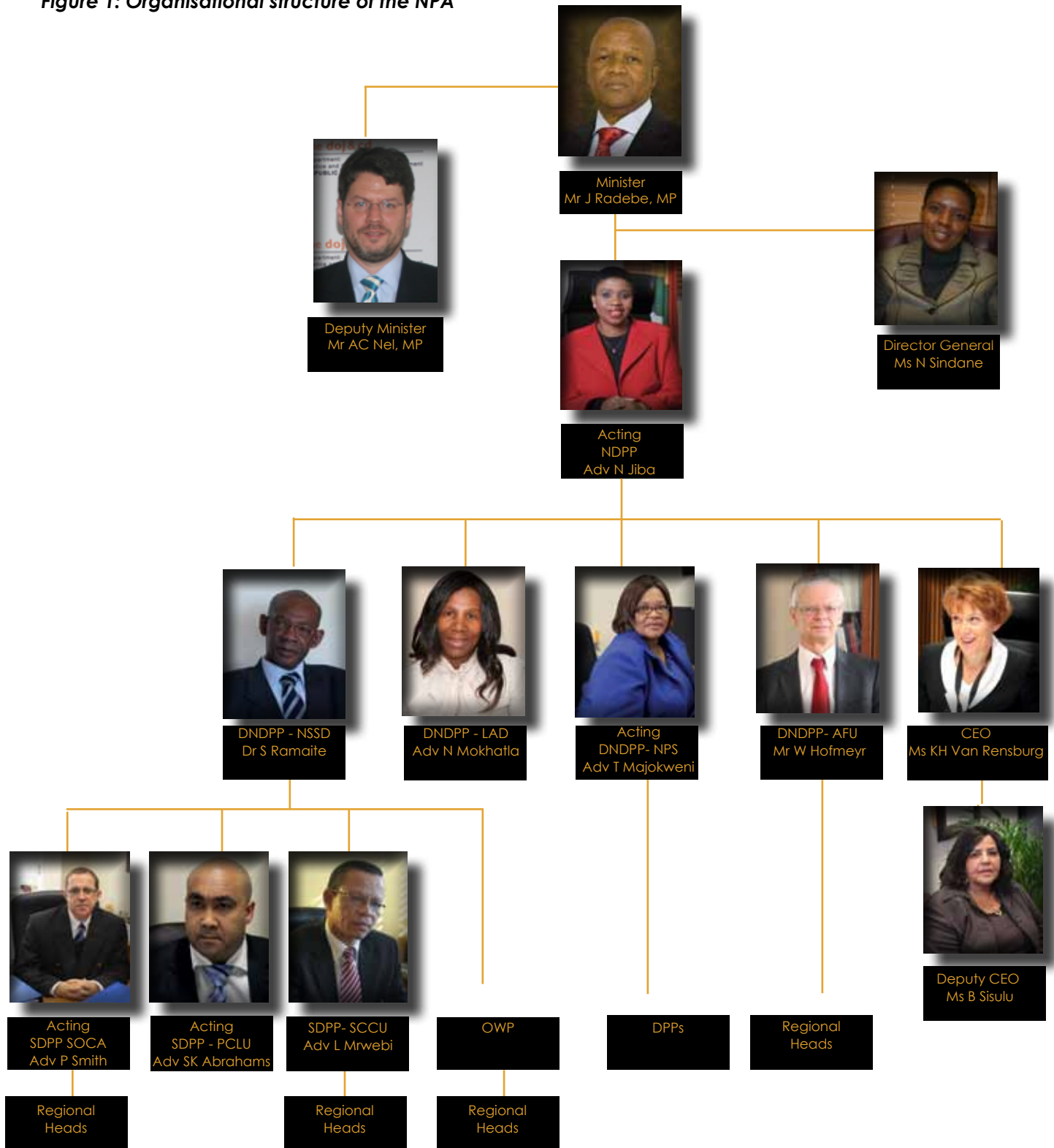
4 Through the correct implementation of the recommendations in the Review of the South African Criminal Justice System (2007) to deal with current system weaknesses

5 Refers to the achievement of long-term, sustainable safety which requires an integrated approach which focuses on tackling the fundamental causes of criminality and requires active involvement of both governmental and non-governmental resources and capacities.

6 The two critical elements required are civil society organisations and civic participation, for a safe and secure society.

Organisational Structure

Figure 1: Organisational structure of the NPA



Entities Reporting to the Minister

The DoJ & CD will report on entities that report to the Minister

DIRECTORS OF PUBLIC PROSECUTIONS (DPPs)



Director of Public
Prosecutions
Mthatha
Adv B Madolo



Director of Public
Prosecutions
Northern Cape
Adv I Thenga



Acting
Director of Public
Prosecutions
KwaZulu-Natal
Adv M Noko



Director of Public
Prosecutions
North Gauteng
Adv S Mzinyathi



Director of Public
Prosecutions
South Gauteng
Adv A Chauke



Director of Public
Prosecutions
Grahamstown
Adv L Mahlati



Director of Public
Prosecutions
Western Cape
Adv R De Kock



Director of Public
Prosecutions
North West
Adv J Smit



Director of Public
Prosecutions
Free State
Adv X Khanyile

Foreword by the National Director of Public Prosecutions



The NPA is proud to report a significant improvement in its performance compared to last year. An analysis of the performance indicates that the NPA is on track to achieving the levels of performance recorded in previous years.

The number of criminal court cases finalised including ADRM, one of the key output indicators for the NPA, increased by 4% bringing the total to 18 007 more cases finalised compared to last year. The number of verdict cases finalised increased with 2.3%, as 7 292 more cases were finalised across all courts than in 2011/12. A focused approach on alternative measures to reduce trial cases has resulted in a 8.1% improvement in the number of cases finalised through ADRM compared to the total of 132 695 cases finalised during the previous financial year.

High conviction rates were maintained throughout all courts, at an average conviction rate of 89.9%.

A highlight for the NPA in the last year, as well as the previous two years, was the reduction of the case backlogs in all courts. A significant reduction was achieved from 37 034 at end 2011, to 34 926 at end 2012 to 31 054 at the end of this period.

The NPA has ensured that the number of operational Thuthuzela Care Centres (TCCs) has increased to 35 meeting the set target. Additional sites have been identified and are at different stages of implementation.

No witnesses were harmed or threatened while on the witness protection programme.

The Asset Forfeiture Unit (AFU) had limited success in achieving its targets but maintained a success rate of 94.1%.

The year started with a summit of the leadership of the NPA where discussions were focussed on the performance of the organisation. Collectively solutions were sought to address bottlenecks. The resource allocation versus the workload in the various forums was deliberated on and it was decided that the scarce resources should be utilised in the areas and forums where the highest volume of work was experienced. This has prompted a further analysis of workload and staff utilisation throughout the NPA.

The NPA recognises that it requires excellent relations with its stakeholders and that joint planning at all levels is essential. To this end the NPA hosted a stakeholder workshop with the SAPS, Legal Aid South Africa and the DoJ&CD to align strategic plans.

The NPA also actively participates in the National Efficiency Enhancement Committee led by the Chief Justice, which is mandated to bring together the leadership of the judiciary, the Departments and other stakeholders, to work together in order to enhance performance and outcomes in the delivery of quality justice to all.

The Office of the Chief Justice is not only monitoring progress of these Case Flow Management structures but has also embarked on a process to set uniform norms and standards for the judiciary.

The NPA is effectively prosecuting complex commercial crime, organised crime and trio crimes, and maintained exceptional conviction rates in all these prosecutions. The conviction rate in complex commercial crime was 92.9%, trio crimes was 83.4% and 90.7% for organised crime.

This year saw a major escalation in the public outrage against the blatant and violent nature of sexual crimes, especially against children and elderly women. Specific cases highlighted in the media, such as the Anene Booysen brutal rape and murder in the Western Cape, and the serial brazen rape of defenceless grandmothers across the country, brought sharp focus to the need for the CJS to double efforts to deal with such crimes firmly and decisively. While it is generally known that rape is in its nature a complex crime to prosecute and prove beyond reasonable doubt in a criminal court, in those many instances where our prosecutors achieved a conviction, harsh sentences were handed down. A conviction rate of 65.8% for sexual offences was achieved - a slight increase from the previous year's 65.1%, but many more cases were finalised with convictions than in 2011/12.

The JCPS cluster's efforts in reducing corruption were intensified by the more coordinated approach in prosecutions, led by the Specialised Commercial Crimes Unit (SCCU). To further enhance the efforts to address corruption in Limpopo, a team of dedicated prosecutors in the Special Projects Division in the Office of the National Director, were mandated to deal with these cases in partnership with the Hawks. The NPA ensured that 42 people were convicted of corruption where the amount involved is more than R5m. The number of JCPS officials convicted of corruption is 152 with a conviction rate of 82.3%.

The overall performance against the predetermined targets is not satisfactory, but this needs to be put into context: The NPA set stretch targets for the year under review that ranged between 2-100% increases (average of about 7%) on the actual performance of the previous year.

A number of obstacles in the organisational and performance delivery environment made this past year one of the most challenging that the NPA has ever experienced. The economic environment in South Africa and the effect on the fiscus, challenged the NPA to do more with less resources.

Acknowledgments

I wish to thank the leadership of the NPA for their unwavering support in steering this ship amidst all the challenges that we faced. Senior management, in particular the Directors of Public Prosecution that remain at the heart of the organisation, were instrumental in managing operations and overseeing key elements of performance. The counsel of Dr Ramaite, Mr Hofmeyr, Adv Mokhatla and Adv Majokweni has been invaluable. To the Special Directors of Public Prosecutions who oversaw the operations of specialised components, I also want to express my appreciation for ensuring that these specific crime types are competently prosecuted.

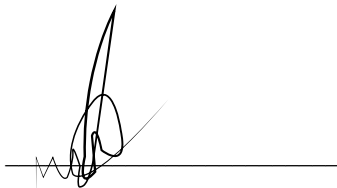
I must express my utmost appreciation to all employees of the NPA for their dedication and commitment to deliver a service to the best of their abilities, especially under trying and demanding circumstances.

The leadership of Support Services particularly showed their mettle by effectively managing governance and resourcing in the organisation, ensuring that operations and service delivery to the people of South Africa were not severely impacted by the financial difficulties that prevailed. I also congratulate our newly appointed CEO, Adv Karen van Rensburg. Under her leadership the accounting officer functions were competently managed under the direction of the Director-General of Justice and Constitutional Development, ensuring a clean audit for the time since the inception of the NPA.

I must also convey my appreciation to the Minister of Justice and Constitutional Development for his guidance and support. I also have to convey my appreciation to Parliament, particularly the Portfolio Committee on Justice and Constitutional Development, for the rigorous engagements with NPA leadership, as they fulfil their oversight role and keep us accountable to the people of South Africa.

Conclusion

The NPA is not only committed to delivering an effective prosecutorial service on behalf of the State, but also to consistently and continuously improve performance and the quality of service delivered to the South African public.



Adv. Nomgcobo Jiba
Acting National Director of Public Prosecutions

Overview of the Accounting Officer



The NPA's strategic orientated outcome goal of an 'improved prosecutions service' contributes to the JCPS cluster's outcome that **All People in South Africa are and feel safe**. Commitment to ensuring that the cluster achieves this outcome enjoins the NPA to render a prosecutions service that is effective.

The NPA 5-year Strategic Plan and the Annual Performance Plan reflect the focus of the organisation in terms of five key strategic objectives of: increased successful prosecution of serious crime, improved collaboration with JCPS partners, reduced corruption, improved services for the victims of crime and increased prosecution of cybercrime. The focus of these objectives is on increasing successful prosecutions whilst working in close collaboration with our partners in the JCPS cluster.

There were no structural changes made in the period under review in the NPA as the existing structure ensured high level oversight over all the sub-programmes.

The challenge by the Democratic Party regarding the appointment of the former National Director continued well into this reporting period. The issue was only resolved by the Constitutional Court ruling in October 2012. Notwithstanding this challenge, the NPA leadership, under Acting National Director of Public Prosecutions, Adv. Jiba, ensured that the court ruling did not adversely affect service delivery.

The NPA streamlined, submitted and tabled both its approved Strategic Plan 2018 and Annual Performance Plan 2014 in Parliament, timeously. The NPA Strategic Plan is premised on the JCPS Delivery Agreement and performance is closely monitored and reported on regularly.

As a key arm of the JCPS Cluster, the NPA must be adequately resourced and capacitated. Whilst the NPA is performing according to its mandate, the current restrictions in the Compensation of Employee budget poses a risk to the achievement of targets as it cannot increase the number of prosecutors available to prosecute cases as vacancies that arise are unfunded. The NPA is also not in a position to fund the Aspirant Prosecutor Programme for the next financial year. This programme delivered 190 aspirant prosecutors in the year under review.

The latter part of the year was extremely difficult in the face of increased financial constraints, primarily due to a court judgment that compelled the organisation to pay some employees approximately R55 million for the delay in implementing the outcome of a job evaluation done in 2004. At the time, the implementation was delayed by nine months for some employees due to budget constraints. The higher than forecasted carry-through costs of the implementation of the Occupational Specific Dispensation (OSD) for the legally qualified personnel also impacted on the Compensation of Employees budget.

Effective implementation of cost saving measures during the period ensured that the NPA spent 100% of its appropriation as at the end of the financial year. The organisation was left with an overall saving of 12

cents. Some of the key cost saving interventions included the centralisation of budget management. A positive outcome from the central budget management was the reduction of accruals and ensuring payments within 30 days. The NPA also settled the long outstanding legal dispute with Imperial Holdings Ltd. by paying the balance due in terms of the settlement.

Over the past two financial years, 99% of all NPA staff submitted performance agreements with the Human Resource Management and Development (HRM&D) unit of the NPA on time.

All disclosures of financial interest by senior managers were submitted, within prescribed timeframes, to the Department of Public Service and Administration (DPSA) with the exception of one official that is on suspension. Disciplinary steps are being initiated against the official that did not disclose, for this transgression.

Over the last two years asset management in the NPA has improved markedly. All assets procured during the period were reconciled with the accounting system and asset management system. Similarly, great strides have been made in leave management.

It is with great pleasure that I can report that the sustained focus on improving financial management has resulted in the NPA achieving a clean audit outcome for the first time. This would not have been possible without the support of the Audit Committee, Internal Audit, the Office of the Auditor-General and management working together. The leadership and oversight we received from these governance structures directed our efforts on the road to a clean audit for which we are very grateful.

The support offered to me by the CEO, Deputy CEO, and the entire management team in Support Services enabled me to effectively exercise my duties as the accounting officer of the NPA.

During the finalisation of the annual report, a major change in executive leadership took place. Deputy Minister Andries Nel, MP, was redeployed to another portfolio. We wish to extend our appreciation to Deputy Minister Nel, MP, for his immense contribution and leadership during his tenure. We welcome Mr John Jeffery, MP, as the new Deputy Minister for the Department and look forward to his leadership and guidance.

In conclusion, I would like to extend my appreciation to the Executive, the Honourable Minister JT Radebe, MP, as well as the leadership of the NPA in particular Adv Jiba, the Acting NDPP, the Portfolio Committee on Justice and Constitutional Development and Parliament. Last, but not least, to all those in the larger NPA, thank you for your support and efforts in making the period under review fruitful. Your resilience and hard work over the last few years paid off handsomely by achieving a clean audit outcome. Let this achievement inspire us all to greater heights.



Ms N Sindane

Director-General: Department of Justice and Constitutional Development



PART B: PERFORMANCE INFORMATION

PART B: PERFORMANCE INFORMATION

Accounting Officer's Statement of Responsibility for Performance Information

In my opinion, the performance information fairly reflects the performance information of the National Prosecuting Authority for the financial year ended 31 March 2013.



Ms Nonkululeko Sindane
Director-General: Department of Justice and Constitutional Development
31 May 2013

Auditor General's Report: Predetermined Objectives

(Refer to Auditor General's Report on 148)

Overview of Organisational Performance

Service Delivery Environment

The main indicator for demand in the NPA remains the number of cases referred to the NPA for prosecution, with the SAPS being mainly responsible for this. The increase in investigative capacity of the SAPS was expected to result in an increase in cases referred to the NPA for enrolment. However, there has been a decrease in the number of cases enrolled with a significant increase in the number of cases referred to the NPA for decision. The conclusion is that the SAPS is investigating first and delaying arrest in a greater number of cases rather than arresting first and investigating thereafter. This approach is welcomed by the NPA.

The level of crime is an indirect indicator of the demand for the NPA services and there has been a decline in reported crime over the past years. However, the actual demand is the number of resolved (or detected cases) that are referred to the NPA. As the overall level of crime decreases, it should result in an increase in resolved cases as the investigations can focus on fewer cases. Cybercrime is reportedly an emerging crime of great magnitude. The NPA has focused on developing prosecution skill to prosecute this crime type. However, the number of cases referred to the NPA for prosecution has significantly decreased and is not in line with the incidence of cybercrime. As a result it is difficult to effectively address this crime phenomenon through prosecution.

Various industrial actions have impacted on the productivity of the courts by either preventing witnesses from getting to court, or by increasing prosecution demands. The magistrates' labour action impacted on the finalisation of cases in the last quarter of the reporting period. The violent nature of protests requires a more collaborative effort in the criminal justice system to effectively address the impact thereof on the economy and order in the community. This is being facilitated by the National Joints and the Stability Priority Committee.

The availability of diversion programmes provides an option for diverting suitable cases from the mainstream prosecution, thereby alleviating the trial demands on the courts. However, in most jurisdictions the CJS has been unable to cope with this demand, adding to the overburdened court rolls.

The NPA is dependent on the role-players within the JCPS to deliver on its mandate. Successful partnerships with key stakeholders and effective service delivery of all are required. To be successful, all stakeholders need to align their plans and targets. Under the leadership of Adv Jiba, the NPA hosted a national

stakeholder workshop where two major interventions were identified to jointly deal with corruption:

1. Establish a multi-disciplinary sub-committee to focus on all the areas of corruption
2. Review the resourcing of the NPA

The quality of investigations in some cases also impacts negatively on the NPA's ability to deliver. The general inefficiency of the CJS also affects the NPA. The NPA depends on the public to report crime and give evidence which requires confidence in the CJS. Correct media reporting also enhances public confidence. The following challenges and/or bottlenecks have an impact of court performance and service delivery:

1. Insufficient integrated operational planning with role-players to facilitate practical implementation
2. Representation of role-players in different structures – officials representing the institutions should be at the correct levels to ensure that decisions can be made during these meetings, and there should be continuity
3. Certain existing co-ordinating structures at national and provincial levels are ineffective
4. Ineffective implementation of the Case Flow Management system
5. Slow finalisation of the demarcation process impacts on operational management within the regions
6. Lack of joint and/or integrated training for JCPS officials focused on improving court performance and/or service delivery

Service Delivery Improvement Plan

Table 1: Main services provided and standards

Main services	Actual Customers	Potential Customers	Standard of Service	Actual achievement against standards
Deal with criminal cases efficiently and economically (increase the number of finalised cases)	Victims of Crime	Vulnerable	Number of criminal court cases finalised including ADRMs:	
			481 638	466 800
			Number of case backlogs:	
			34 187	31 054

Table 2: Consultation arrangement with customers

Type of Arrangement	Actual Customers	Potential Customers	Actual achievement
Pre-trial consultation by prosecutor with witnesses and/or victims – 76%	Victims of crime	Vulnerable	Survey to be conducted in 2013/14
Use of Presidential Hotline to report poor service delivery 14 day turnaround time			None received

Table 3: Service delivery access strategy

Access Strategy	Actual achievement
<p>Provide Court Preparation Services at courts</p> <p>The NPA's Ke Bona Lesedi Court Preparation Programme ensures that Court Preparation Officers (CPOs) prepare state witnesses for court. The programme contributes towards reducing secondary trauma making the courts more accessible. It also indirectly contributes to the conviction rates.</p> <p>The CPOs administer Victim Impact Statements, which enhance compensation for victims and further assist the court during sentencing.</p>	<p>CPOs assist in 76 Lower Courts and two High Courts across the country</p>
<p>Establish TCCs throughout the country (30)</p> <p>The TCCs are one stop facilities established as a critical part of South Africa's anti-rape strategy, aiming to reduce secondary trauma for the victim, improve conviction rates and reduce cycle times for finalising rape cases. The TCCs are located at hospitals, but all relevant care givers and criminal justice system role-players, including prosecutors, are accessible at this one point, for the convenience of the victim.</p>	<p>35</p>
<p>Witness protection</p> <p>Witnesses and members of their families who are threatened or whose lives are in danger may be placed into the Witness Protection Programme in accordance with the provisions of the Witness Protection Act, No.112 of 1998. Where a witness is placed on the programme, he / she will be required to enter into an agreement with the Office for Witness Protection (OWP) and must comply with all the rules set out therein.</p> <p>When accepted onto the programme, witnesses are placed in safe houses and may, in appropriate circumstances, be offered a new identity. After testifying, witnesses are served with a notice informing them that they will be removed from the programme within a reasonable period of time.</p>	<p>No witness were harmed or threatened while in the witness protection programme</p> <p>159 witnesses and 135 related persons joined the programme during the period under review;</p> <p>Related persons managed in the year is 677</p>

Table 4: Service information tool

Types of information tools	Actual achievement
Public education and awareness initiatives	<p>A total of 668 public awareness and community outreach events took place across all nine provinces</p> <p>25 road shows were conducted across all the nine provinces, reaching an estimated 15 000 people</p> <p>80 School outreach sessions took place across all provinces</p> <p>30 Thusong visits took place</p>
Public Radio Campaign	<p>The community radio campaign covered 45 community radio stations</p> <p>It consisted of 12 phone-in programmes, where prosecutors conducted interviews in three language groups (Nguni, Sotho and English / Afrikaans)</p> <p>Topics covered were on the workings of the law and the criminal justice system, including the following: prosecuting rape, bail and conditions, maintenance, the role of the prosecutor, understanding the criminal justice system</p> <p>In total, the campaign consisted of 180 broadcasts to 28.8million people over a four week period</p>
Public Exhibitions	<p>Six Public Exhibitions were participated in namely:</p> <ul style="list-style-type: none"> o The Rand Show o The Royal Show o The Grahamstown Festival o The Pretoria Show o Macufe, and o The Gariep Festival

Table 5: Complaints mechanism

Complaints mechanism	Actual achievement
<p>Representations</p> <p>Complaints or queries about a lower court matter should be addressed in writing to the Senior Public Prosecutor (SPP) of that court.</p> <p>Should the representer be dissatisfied with the result, or if the complaint concerns the SPP, the representer may take the matter up with the Chief Public Prosecutor (CPP) of that area (contact details are available at the magistrate's court).</p> <p>Should the representer still be dissatisfied with the response, he / she may approach the DPP for that region. Complaints or queries about High Court matters should be addressed to the relevant DPP.</p> <p>Should the representer be unhappy with the response of the DPP, he / she may approach the DNDPP:</p> <ul style="list-style-type: none"> National Prosecutions Service (NPS). <p>Alternatively, representers can send their representations to the following email address: communication@npa.gov.za for correct routing to the relevant office.</p>	<p>All representations submitted to the communication@npa.gov.za email address were referred to the relevant office</p> <p>The representations received through this mechanism were all dealt with within 3 days of receipt thereof by the Office of the National Director of Public Prosecutions</p> <p>72.9% of the representations submitted to the various Offices of the Directors of Public Prosecutions, were attended to within 30 days</p>
<p>Ethics Hotline</p> <p>If a member of the public is dissatisfied with the treatment received from a prosecutor, the matter can be reported to the NPA Hotline number: 0800 212 580. Important details required include the prosecutor's name and which office or court he or she is stationed. Alternatively, send this information to the following email address: communication@npa.gov.za</p>	<p>The NPA has a fully functional hotline that is operated by an external independent institution for reporting unethical conduct by prosecutors and other NPA employees</p> <p>Three matters were reported during the period, of which two were finalised</p> <p>One case is currently still under investigation</p>

Organisational environment

Services of the NPA are rendered in the Lower and High Courts in all nine provinces in collaboration with national and international stakeholders where necessary. The NPA provides services through the High Courts (which represent approximately 0.6% of outstanding court roll), Regional Courts (24% of the outstanding court roll) and the District Courts (75.4% of the outstanding court roll). Service delivery improvement initiatives are aimed mainly at the Lower Courts which represent the bulk of the case workload of the organisation and where the impact will consequently be the greatest.

To ensure that required resources are allocated to the various service points the organisation developed a Human Resources (HR) Plan. This Plan aims to "set out the plans to acquire and develop the requisite skills to ensure service delivery." (HRP 2012: 10). The NPA aims to ensure that its workforce is also representative of the communities in which it operates.

The Compensation of Employees budget was under severe pressure and a R83 million overspending was experienced. The organisation has applied for the necessary approvals for virement in line with Treasury Regulations to utilise forced savings in Goods and Services. The OSD impacts on the cost of employees as the difference between the notches increased from an average 1% to 1.5%, which created wider salary bands (more notches) and generally increased salaries.

The budget situation will not improve in the 2013/14 financial year or in the new MTEF period. The projected total shortfall in Compensation of Employees for the existing employees in 2013/14 is approximately R80 million.

The cost-saving measures were not and will not be implemented at the cost of the core functions of the NPA, thus not affecting the day-to-day operations at court level. However, the baseline reductions by National Treasury (R12.5 million in 2014/15 and R45 million in 2015/16), as well as the carry-through shortfall on Compensation of Employees budget are expected to negatively impact on the NPA's ability to reach its targets.

The NPA had to suspend its aspirant prosecutor programme which is a critical recruitment tool, as well as its contribution towards job creation in the economy.

The NPA also anticipates that its staff will become overburdened and demoralised as vacancies that occur cannot be filled and this will start to translate into reduced performance outputs over time. The targets in the JCPS Delivery Agreement are under threat as a result. The result is that the people of South Africa may suffer, as service delivery is impeded.

The resourcing in the lower courts provided by the DoJ&CD also suffered because of general budget constraints and delays in procurement of office accommodation by the Department of Public Works. Office accommodation remains inadequate, which is not conducive for service delivery in the lower courts, although some improvements have been made in certain areas. Delays in procurement processes for additional accommodation also contribute to this shortage. The fire in the Polokwane Magistrates Court and the subsequent delays in restoring accommodation, impacts severely on service delivery.

There were also severe weather conditions in July and August that resulted in the disruption of power and water supply in some courts.

Progress has been made in the integration of the information systems, but the slow roll-out of the system means that prosecutors still have the burden of capturing data and maintaining performance information.

The courts finally ruled on the appointment of the former National Director, which has effectively created a vacancy in the position. The NPA expects that the President will make an appointment soon. Adv van Rensburg now occupies the position of CEO from 1 May 2013. The other high level appointment outstanding is that of the KwaZulu-Natal DPP, after the position was left vacant when the previous DPP resigned. The SDPP for PCLU retired, and the position is temporarily filled through an acting appointment until the President announces a permanent appointment.

The SCCU was re-established in its original form from 1 April 2012 following structural changes in the previous years. The reporting lines for the regional heads changed once again from the respective DPPs, to the SDPP: SCCU. The reporting and accountability had to be consolidated and streamlined, and as a result the performance is not yet back at the levels achieved prior to these changes.

The National Prosecutions Service has also been re-established and the impact thereof is seen in the significant improvement in performance.

Key policy developments and legislative changes

Judicial Matters Amendment Act (Act 11 of 2012)

The act amends the NPA Act, 1998 so as to further regulate the remuneration of Deputy Directors and prosecutors; and to regulate the continued employment and conditions of service of persons employed by the NPA as financial investigators and analysts; and to provide for matters connected therewith.

National Prosecuting Authority Amendment Bill

In the beginning of 2011 the Minister of Justice and Constitutional Development requested the DoJ&CD to prepare draft amendments to the NPA Act so as to provide for an independent administration of the NPA, to further regulate the executive authority of the NPA; and to provide for the appointment of a Chief Executive Officer (CEO) as accounting officer for the NPA. At the beginning of April 2012, the Minister submitted a draft Bill to the Acting National Director for comment. After comments the NPA returned the Bill to the Minister for further consideration.

Prevention and Combating of Trafficking in Persons Bill

The Prevention and Combating of Trafficking in Persons Bill was passed by Parliament during May 2013. This Bill represents a significant move to protect the rights of South Africa's women and children through a comprehensive law against human trafficking. The Bill was in discussion in Parliament for many years, after it was drafted based on a South African Law Reform Commission investigation which started in 2003, probing the causes of trafficking in persons. It was drafted in response to the requirements and obligations of all countries that have ratified the United Nation's Palermo Protocol of the Trans-national Organised Crime convention.

It provides for prosecution of people involved in trafficking and also for harsh sentences to be imposed. The intention of the legislation is to prevent and stop trafficking in people, and provide protection and assistance to victims of trafficking.

Strategic Outcomes Oriented Goals

JCPS Outcome:	All people of South Africa Are and Feel Safe
NPA Strategic Outcome Oriented Goal	Improved prosecution service
Goal Statement	To render a prosecution service that is effective

Performance Information

The NPA is Programme 4 of the DoJ&CD vote and has the following sub-programmes:

Programme 4: National Prosecuting Authority

Purpose: Provide a coordinated prosecuting service that: ensures that justice is delivered to the victims of crime through general and specialised prosecutions, removes the profit from crime and protects certain witnesses.

There are four sub-programmes:

- Public Prosecutions** provides for general prosecutions and several specialised prosecution units, such as those for priority crimes litigation, sexual offences and community affairs, and specialised commercial crime.
- Office for Witness Protection (OWP)** provides for the protection, support and related services to vulnerable witnesses and related people in judicial proceedings.
- Asset Forfeiture (AFU)** seizes assets that are the proceeds of crime or have been part of an offence through a criminal or civil process.
- Support Services (SS)** provides corporate support services in terms of the finance, human resources, information communication technology, supply chain, and risk management of the NPA.

Performance against ENE Targets

The NPA's performance in respect of the ENE indicators is set out in the table below. Overall the performance of the NPA, when compared to the performance in the previous financial year, demonstrates an improvement. However, the exception is the Asset Forfeiture Unit (AFU) that suffered as a result of the significant loss of experienced staff. The targets were not met in all instances but, as previously indicated, the targets were about 6-10% higher on average than the actual performance achieved in the previous financial year (with the exception of the conviction rates). A detailed analysis of performance is further provided under each sub-programme.

Table 1: Progress on ENE indicators

Sub-programme: Public Prosecution					
Indicator as published in the ENE	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Number of criminal court cases finalised through alternative dispute resolution mechanisms per year	132 695	137 219	143 410	4.5%	More cases were dealt with that were suitable for this method of resolution
Number of criminal court cases with verdict per year	316 098	344 419	323 390	-6.1%	Reduced court utilisation
Conviction rate per year in high courts	84.6% (963)	87% (958)	87.5% (1 045)	0.5%	Cases prosecuted were proved beyond reasonable doubt
Conviction rate per year in regional courts	74.3% (28 665)	74% (28 491)	75.1% (28 198)	1.1%	More cases in which the evidence was accepted by the presiding officer
Conviction rate per year in district courts	90.8% (251 030)	87% (276 068)	91.9% (261 591)	4.9%	More cases in which the evidence was accepted by the presiding officer

Sub-programme: Asset Forfeiture					
Indicator as Published in the ENE	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Number of completed forfeiture cases per year	301	306 ⁷	302	-1.3%	Focus on high value cases
Number of new freezing orders per year	318	324 ⁸	276	-14.8%	Many cases not finalised due to lack of capacity
Value of completed forfeiture cases per year (Rm)	R163.6m	R167m ⁹	R118.5m	-29%	Many cases not Finalised due to protracted litigation
Value of new freezing orders (Rm)	R553.4m	R600m ¹⁰	R 518m	-13.7%	Trial readiness delayed due to complexity of investigation
Success rate	96.1% (295)	94% ¹¹ (306)	94.1% (289/307)	0.1%	Marginal deviation
Sub-programme: Public Prosecutions: Sexual Offences and Community Affairs					
Total number of TCCs	30	35	35	0%	On target
Sub-programme: Office for Witness Protection					
Number of witnesses harmed or threatened	0	0	0	0%	Dedication and skill of the protectors

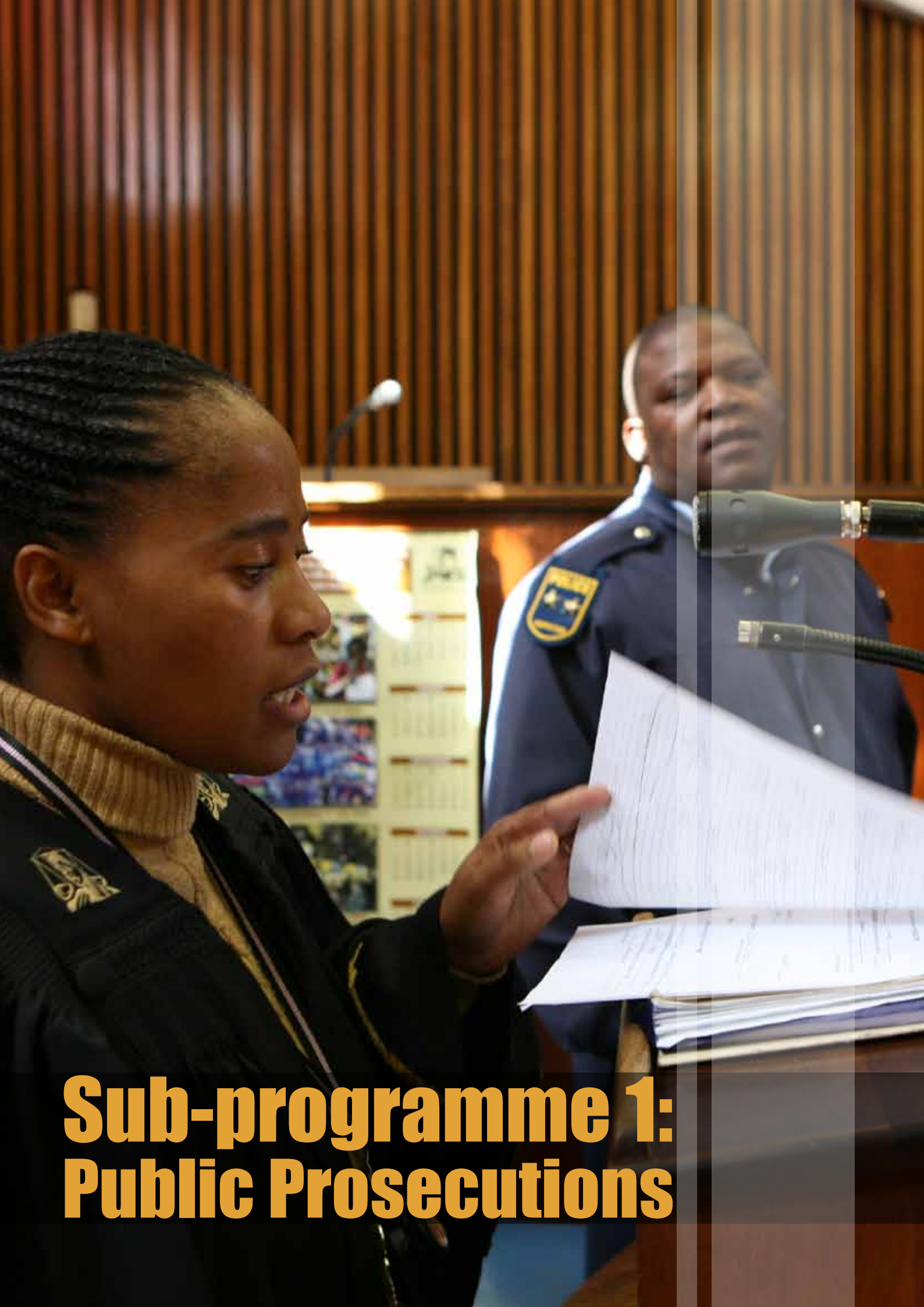
7 Target was adjusted downward in the 2012 AENE from 330 to 306

8 Target was adjusted downward in the 2012 AENE from 350 to 324

9 Target was adjusted downward in the 2012 AENE from R225m to R167m

10 Target was adjusted upward in the 2012 AENE from R550m to R600m

11 Target was adjusted upward in the 2012 ENE from 92.5% to 94%



Sub-programme 1: Public Prosecutions

Sub-programme 1: Public Prosecutions

Purpose: Public Prosecutions provides for general prosecutions and several specialised prosecution units, such as those for priority crimes litigation, sexual offences and community affairs, and specialist commercial crime.

The NPA actively participates in the JCPS cluster and the JCPS targets forms part of NPA Strategic Plan. There are six high level strategic objectives enunciated in the NPA Annual Plan for 2011/12. The objectives and the progress achieved thus far are discussed per strategic objective:

NPA Strategic Objective 1: Increased successful prosecution of serious crime

Table 6 : Progress on Strategic Objective 1: Increased successful prosecution of serious crime

Sub-Programme: Public Prosecution					
Performance Indicators	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Number of criminal court cases in which a sentence of 10 years or more of direct imprisonment without the option of a fine is imposed	6 125	7 027	6 801	-3.2%	Exercise of judicial discretion and unavailability of criminal records and/or pre-sentence reports
Convictions in criminal court cases measured against the number of new cases enrolled in the Regional and High Courts (serious crime)	38.4% (29 628)	41% (30 220)	40.9% (29 243)	-0.1%	Reduction of 7.5% in new cases enrolled in Regional Courts

Number of criminal court cases in which a sentence of ten years or more of direct imprisonment without the option of a fine is imposed

Although the NPA was not able to reach the set target, considerable progress was made with regards to the number of cases finalised where the accused received more than ten years of direct imprisonment without the option of a fine. A remarkable increase of 11% was recorded compared to the previous year. Most of these cases were in relation to rape, murder and robbery with aggravating circumstances. The exercise of judicial discretion, the unavailability of criminal records and/or pre-sentence reports contributed to the non-achievement of this target.

Out of the 6 801 cases in this category, the SCCU finalised 36 cases against its target of 40. Due to their complex nature, these cases take a long time to finalise and there are often requests by the defence to remand cases. Furthermore, the sentence is ultimately within the discretion of the presiding officer.

Convictions in criminal court cases measured against the number of new cases enrolled in the regional and High Courts (serious crime)

There was a 7.5% reduction in number of new cases enrolled in the Regional Courts, from 70 457 to 76 210 in the previous year. This impacted negatively on the achievement of this target. Some matters in the Regional Courts take long to finalise due to their complexity. It is also worth mentioning that with the increased jurisdiction of the Regional Courts, many of the crimes prosecuted in these courts equate to those of the High Courts. Legal representatives often request remands far into the future and this, together with an increase in legal challenges, result in protracted litigation.

Table 7: Progress on programme performance indicators for increased successful prosecution of serious crime

Sub-Programme: Public Prosecutions: Specialised Commercial Crime Unit					
Performance Indicator	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Conviction rate on complex commercial crime	91.6% (754)	93% (780)	92.9% ¹² (639)	-0.1%	The NPA has narrowed the focus of SCCU to the most complex cases. Many of these cases are defended by senior counsel who attack the evidentiary value, constitutionality etc, of the cases making it more difficult to achieve a conviction

¹² This figure is only applicable to the dedicated commercial crime courts

Sub-Programme: Public Prosecutions: National Prosecutions Service					
Conviction rate on trio crimes	84.8% (1 525)	85% (1 556)	83.4% (1 273)	-1.6%	Fewer cases resulted in a conviction
Conviction rate on organised crime	89.1% (171)	85% (174)	90.7% (273)	5.7%	More cases in which the prosecution was successful in proving cases beyond reasonable doubt
Conviction rate on sexual offences	65.1% (4 501)	65% (4 591)	65.8% (4 669)	0.8%	More cases in which the prosecution was successful in proving cases beyond reasonable doubt
Number of backlogs in the Regional and High courts	17 646	15 890	15 995	0.7%	Case flow management challenges and multiple requests for remand by defence

NOTE: The conviction rate performance indicator has a percentage above and a number below. The percentage is the conviction rate percentage as calculated in accordance with the technical indicator descriptions as at the end of the report. The number below represents the actual number of convictions obtained.

Conviction rate on complex commercial crimes

The SCCU achieved a conviction rate of 92.9% which is a slight deviation (0.1%) from the yearly target. This achievement is excellent by all accounts as these are intricate cases that require in-depth investigations and specialised prosecution skills. The SCCU finalised 688 cases in the dedicated commercial crime courts and a further 229 in other courts bringing the total to 917. A high conviction rate of 91.2% (835) was achieved in all SCCU courts (dedicated and non-dedicated courts). The reduction in the number of cases finalised in the dedicated courts can be attributed to the refinement of the focus of the SCCU on more complex cases that take longer to be finalised.

Conviction rate on trio crimes

Reduction in the levels of trio crimes is one of the JCPS objectives for 2012/13, and the NPA contributes to this objective by focusing on the prosecution of these matters. A total of 1 527 cases comprising of 1 934 trio counts were finalised, with a conviction rate of 83.4%. The target was slightly under-achieved by 1.6%, but once again this is an exemplary achievement as these cases are mainly prosecuted in the Regional Courts where the average conviction rate is 75%. Challenges were experienced due to the unavailability of key stakeholders such as witnesses, private practitioners, Legal Aid representatives and the judiciary.

During 2012/13, 250 fewer trio crimes cases (14.1%) were finalised compared to the 1 777 cases in the previous year. A breakdown of the categories compared to the previous year indicates a reduction in all three trio crime categories.

Table 8: Trio Crimes Finalised

Trio Crime Category	2011/12		2012/13		Progress	
	Cases	Counts	Cases	Counts	Cases	Counts
House Robberies	923	1 092	819	1 025	-11.3%	-6.1%
Business Robberies	542	640	410	574	-24.4%	-10.3%
Vehicle Robberies / Hi-Jacking	312	420	298	335	-4.5%	-20.2%
TOTAL	1 777	2 152	1 527	1 934	-14.1%	-10.1%

To enhance the conviction rate the NPA adopted the following focused approach:

- An experienced Regional Court prosecutor is assigned from date of enrolment until the case is finalised
- In conjunction with the SAPS, prosecution-guided investigation is implemented to provide guidance and to monitor progress of these cases
- Statistics with regard to the prevalence of trio crimes will be obtained from the SAPS, for the purpose of opposing bail applications and addressing the courts on appropriate sentences

The following were highlights of achievements in the successful prosecution of trio crimes:

In the matter of **State versus Bongani Moyo & others**, the accused were of the most notorious armed robbers who had terrorised many banks, mainly in Gauteng. Moyo also gained media notoriety due to his audacious escapes from custody on a number of occasions. He was convicted of multiple counts of armed robbery and racketeering and sentenced to an effective 70 years imprisonment. His trial and sentence were also widely covered in the media.

In the **State versus Sello Mabuza and two others** the North West High Court, sitting in Temba, sentenced three ATM bombers to a total of 55 years each. The accused were found guilty of murder, malicious damage to property, theft, possession of suspected stolen property and possession of explosives.

Conviction rate on organised crime

At the beginning of the reporting period there were 49 racketeering, 25 money laundering and 5 gang related cases on the court roll. During the period under review, 26 racketeering cases were authorised and 13 cases were finalised, of which ten were racketeering cases that successfully resulted in convictions. In one case the accused were acquitted on the racketeering counts, but nevertheless convicted on the other predicate offences.

A total of 301 trial cases of organised crime were finalised, with a conviction rate of 90.7%. This is exceptional, as these cases are extremely complex in nature and also require specialist prosecution skills. The successful prosecution of the so-called "King of Bling", **William Mbatha** was one of the highlights. This matter involved four house-robberies and one hijacking of affluent business people in and around Johannesburg. The accused posed as police officials during the incidents. The accused was sentenced to 113 years imprisonment (effective: 35 years imprisonment).

Initially **Neo Mokone** was a co-accused but he absconded while on bail and the trials were separated. After Mbatha's conviction, Neo was rearrested and tried separately and convicted and sentenced to an effective jail term of 36 years.

A further highlight was the prosecution of **State versus Cheng Xing Liu and four others** in the Western Cape High Court. This matter involved the importation of 1 716 kg of high quality cocaine, with an approximate street value of R500 million. After a five month trial three of the accused were convicted of dealing in a dangerous dependence producing substance (cocaine) and sentenced to 20, 20 and 15 years' imprisonment respectively.

In the matter of the **State versus Warren Fick and three Others**, the prosecution followed on "Project Omega Cabs", a dealing in drugs investigation where the Omega Cab owner and some of his drivers were implicated. The accused faced five charges of racketeering, dealing in and possession of drugs. This matter was finalised in terms of a plea agreement. The accused were convicted and sentenced as follows:

- a. Accused No. one was convicted of conducting or participating in the enterprise affairs through a pattern of racketeering activities, managing an enterprise conducted through a pattern of racketeering activities and multiple counts of dealing in drugs. He was sentenced to 12 years' imprisonment of which four years' imprisonment was conditionally suspended for five years.
- b. Accused No. two and three were convicted of conducting or participating in the enterprise affairs through a pattern of racketeering activities as well as multiple counts of dealing in drugs. They were sentenced to ten years' imprisonment of which four years imprisonment was conditionally suspended for five years.

Conviction rate on sexual offences

This indicator refers to the prosecution of cases in terms of the Sexual Offences Act. The NPA continued to increase its focus on the protection of the rights of vulnerable groups from abuse and violence. A total of 7 092 sexual offence matters were finalised with a conviction rate of 65.8%. This represents an increase of 0.7% in the conviction rate in sexual offences and 2.6% in the total number of sexual offences matters finalised, compared to the previous year.

Table 9: Sexual Offences Finalised

Financial Year	Convictions	Acquittals	Total Finalised	Conviction Rate
2011/12	4 501	2 412	6 913	65.1%
2012/13	4 669	2 423	7 092	65.8%
Progress	3.7%	0.5%	2.6%	0.7%

Highlights of prosecutions in sexual offences:

The matter of the **State versus Kili**, involved the rape and killing of a 48 year old woman from Lesseyton, Queenstown in her home during the day. The deceased's boyfriend had left their home to go to his parental homestead, when the accused accosted her. He raped her and cut her throat, severing all neck muscles, blood vessels and even the spinal cord. The Judge handed down a life sentence on the murder count and ten years on the rape and refused leave to appeal.

In **State v Nofemele** the accused abducted and raped twelve children between the ages of two and eight years. He also killed one of the little girls when she started crying while he was raping her. The accused was convicted of 12 counts of rape, 12 counts of abduction and one count of murder. The Western Cape High Court sentenced him to 11 life sentences and ten years for abduction.

In the matter of the **State versus Rodolo** which stems from Kenton-on-Sea, the accused went on a rampage during the course of one night, first breaking into the house of the deceased to rob and kill him and thereafter breaking into the house of an elderly female whom he held up at knife point and raped. The accused was arrested in possession of the deceased's cell phone and this was the only evidence linking him to the murder scene. The accused was given a life sentence on the murder trial and a further 22 years effectively on the other charges.

The South Gauteng High Court convicted and sentenced the accused in the matter of **State versus Rikhotso**. The accused was convicted of multiple charges of kidnapping, rape, and robbery. During a reign of terror in the Soweto area, 12 victims were raped. The accused was subsequently sentenced to 17 life sentences and an additional 161 years imprisonment, to run concurrently.

The much publicised trial of the so-called "**Sunday Rapist**", Jacobus Steyn, commenced in the South Gauteng High Court during July 2012. On 19 September 2012 the accused was convicted and sentenced to five terms of life imprisonment, and a further 170 years imprisonment.

In **State versus LL Gagu**, the accused was charged with seven counts of rape, one count of sexual grooming and three counts of exposing children to pornography. The complainants were aged between 10 and 15 years and were young girls who attended a dance school operated by the accused. The accused was convicted of sexual grooming and exposing children to harmful pornography. He was sentenced to four years imprisonment on the sexual grooming count and to five years imprisonment for each count of exposure to pornography. These sentences will run concurrently with the three life sentences imposed by the Western Cape High Court in respect of the seven rape convictions.

In the matter of the **State v Boitumelo Stephen Galubetse and Bongani David Madlala** - another serial rape case was finalised in the Vereeniging Circuit Court. The two accused operated a taxi around the Vaal Triangle. They targeted women who were alone or happened to be the last passengers in the taxi in the morning or evening. They took them to a secluded place where they robbed and raped them. The evidence included the testimony of 26 complainants and DNA expert evidence. A noteworthy aspect of the case was that one of the complainants identified both accused persons by their body odour. It was the first case of its kind in our law. An expert witness was called and the evidence of identification by smell was accepted by the court. Both the accused were convicted of kidnapping, armed robbery, robbery, rape and sexual assault. The accused were sentenced as follows: Accused number one: 780 years direct imprisonment and 51 life sentences. Accused number two: 780 years direct imprisonment and 49 life sentences.

In the matter of the **State versus McLaggan** the complainant/victim, a visitor from England to the Shamwari Game Reserve, was raped by the accused, a local, who was taking care of her. The accused took advantage of the victim's condition, which made her particularly vulnerable. The victim and her parents had to be brought back to South Africa for the trial and her neurological surgeon gave evidence

by way of closed circuit television from abroad. The accused was convicted and sentenced to eight years' imprisonment.

Number of backlogs in the High Court and Regional Courts

The number of backlog cases in Regional and High Courts decreased by 9.4% from the previous year, although the target was not achieved. This could be attributed to the focus and assistance of the backlog courts together with dedication and commitment from all role-players.

Other Highlights of Achievements in Serious Crime

In the matter of **State versus Matshaba & Others**, the North West High Court sentenced the former mayor of the Rustenburg local municipality, Matthew Wolmarans, to 20 years imprisonment, whilst his former bodyguard, Enoch Matshaba, received a life sentence for the murder of former councillor and whistle-blower, the late Moss Phakoe.

In the matter of **State versus Maarohanye and another**, (the Jub-Jub matter) the accused were found guilty on four counts of murder, two counts of attempted murder, drag-racing, use of drugs and driving under the influence of drugs. The actions of the accused caused the death of four pedestrians following an accident that resulted from the drag racing. Both the accused were sentenced to an effective 25 years imprisonment.

In the matter of **State versus Xolile Mngeni** the Western Cape High Court convicted the accused of murdering Anni Dewani, the Swedish tourist who was murdered while on her honeymoon in South Africa, and sentenced him to life imprisonment.

Tax Prosecutions

The NPA finalised 455 specialised tax prosecutions by means of trials with an exceptional conviction rate of 94.9%.

In the matter of **State versus Marsh and another**, the accused were charged with offences relating to IT fraud and money laundering. The accused were sentenced to eight years imprisonment, of which three years were suspended for five years.

The accused in the matter of **State versus Onyeka** was convicted on nine counts of fraud to the value of (R1.5 million). He was sentenced to eight years imprisonment, of which two years were suspended for five years.

In the matter of the **State versus Sandile Mpungose** in KwaZulu-Natal, the accused was sentenced to twelve years direct imprisonment following a conviction after a full trial on twenty counts of Value Added Tax (VAT) Fraud. In another case the same Sandile Mpungose was sentenced to seven years direct imprisonment following a guilty plea to two counts of VAT Fraud.

Environmental Crime Prosecutions

The following were highlights of achievements:

In the matter of **State versus Roberts and Others**, seven accused were involved in the illegal abalone trade. The accused faced charges of racketeering and contravening the Marine Living Resources Act. Three of the accused were convicted in the High Court in Port Elizabeth for contravention of section 2(1)(e) of POCA. Two were also convicted of managing an enterprise conducted through a pattern of racketeering activities in contravention of section 2(1)(f) of POCA as well as multiple counts relating to the possession and transport of abalone. The other accused were all convicted on related charges. One of the accused managing the enterprise was sentenced to 18 years imprisonment. It must be noted that this is the most severe sentence imposed to date in cases involving the illegal abalone trade. The other accused were sentenced to imprisonment ranging between 18 months and eight years.

In the matter of the **State versus Golfview Mining (Pty) Ltd**, the company transgressed various environmental legislation pertaining to mining in a wetland, pollution, the diversion of the flow of a watercourse and the commencement of activities without the necessary approval. The company was sentenced to a fine of R1 million, which was suspended and an additional court order to pay costs in the amount of R3 million to various state agencies.

An influx of cases relating to the illegal possession of cycads was also experienced during the past year. In the matter of **State versus FJ Smal**, the accused was charged for the illegal possession and transportation of 43 cycads in terms of section 62(1) of the Cape Ordinance and sentenced to six years imprisonment, half of which was suspended for five years.

In the matter of **State versus B Nyeredzi and 1 other**, the accused was charged with contravention of section 64(1) of Act 7 of 2003 (LEMA) and theft. The accused stole four cycads to the value of R65 250 from Entabeni Nature Reserve, and were sentenced to six years imprisonment. Ivory prosecutions were also more widespread.

In the matter of **State versus M Tambuue**, the accused was found in a vehicle conveying 21 African elephant tusks, which weighed 312 kilograms. The accused pleaded guilty and was sentenced to ten years imprisonment, of which three years was suspended.

In the matter of **State versus Vengani**, the accused was arrested in an undercover operation in possession of two pieces of elephant ivory tusk with a total weight of 4.48kg and a total length of 79cm. He was convicted and sentenced to ten years imprisonment.

The matter of **State versus Ali Cossa and Gerson Nkuna** involved two serial rhino poachers from Mozambique. The accused were caught after they poached a rhino and its calf. They were also charged with several other counts. The two accused were each sentenced to a total of 29 years effective imprisonment. This is one of the few cases in the country where rhino poachers were sentenced to lengthy terms of imprisonment.

In the matter of **State versus Rogers Mokwere** the accused was a well-known rhino poacher who comes from Zimbabwe. The accused was convicted of rhino poaching and sentenced to ten years effective imprisonment.

A Chinese citizen in the matter of **State versus Zihou** was convicted on multiple charges of the contravention of section 57(1) of Act 10 of 2004, relating to the possession of two rhino horns, three pieces of elephant ivory and two leopard skins. The accused was sentenced to an effective eight years imprisonment.

Priority Crimes Litigation Unit (PCLU)

The PCLU continued to execute its mandate as outlined in the Proclamation issued by the President and primarily focused on the management and direction of investigations and prosecutions of crimes which impact on national and international security, along with other duties assigned to it by the National Director.

Noteworthy Cases

State versus Henry Okah

In a test case on the international principle, *aut dedere aut judicare* (extradite or prosecute), the accused, a Nigerian national, was convicted on 13 terror-related charges of contravening the Protection of Constitutional Democracy Against Terrorist and Related Activities Act, No 33 of 2004 in the South Gauteng High Court. The charges emanated from the accused's role as a leader for the Movement for the Emancipation of the Niger Delta ("MEND"), a former rebel militant organisation ostensibly from the oil-rich Niger Delta region.

The accused financed and orchestrated the detonation of car bombs on 15 March 2010 at the venue of a post amnesty dialogue in Warri and at the venue of the Nigerian Federal Government's 50th Independence Celebrations in Abuja on 1 October 2010. The bombings resulted in the death of a number of people and severe injuries to many others. Whilst awaiting his trial in detention, the accused threatened to disrupt South Africa's business activities in Nigeria and to kidnap South African expatriates, should the South African Government not facilitate his release from custody. The accused was sentenced to an effective 24 years' imprisonment.

After judgement the accused applied for the noting of special entries of irregularities on three grounds, in terms of section 317 of the Criminal Procedure Act No 51 of 1977. The court dismissed the application on all three grounds as absurd, and delivered a reportable judgment thereon.

The prosecution called 34 witnesses, the majority of which travelled from Nigeria. The Office for Witness Protection was instrumental in rendering key assistance which contributed to the safety of the witnesses and the speedy prosecution of the matter.

State versus Kiratzidis & Others

Accused one and two were convicted in the Circuit Local Division of the Northern Circuit District sitting in Phalaborwa, of, *inter alia*, conspiracy to engage in terrorist activities and an attempt to recruit entities to engage in terrorist activities, in contravention of the Protection of Constitutional Democracy against Terrorist and Related Activities Act, No 33 of 2004. The accused conspired to detonate car bombs at the

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residences of members of the African National Congress (ANC) and/or black people, as well as on board public transport facilities used by black people and/or ANC members.

The two accused were respectively sentenced to twelve and five years' imprisonment. Accused three was convicted of unlawfully manufacturing explosives and sentenced to pay a fine, coupled with a suspended prison sentence.

Missing Persons Task Team (MPTT)

Incorrect remains

During the TRC process, remains were exhumed and erroneously handed to families not related to the deceased. The MPTT sought to rectify this situation by locating the remains and confirming the true identities in some of these cases through successful DNA analysis.

A key ingredient in successfully discharging its mandate was the close interaction with the families of the missing persons.

The MPTT was involved in a spiritual handing over of remains and had successfully conducted nine exhumations during the reporting period.

Corlett "Lolo" Sono and Siboniso Shabalala

These two young Soweto political activists disappeared on 13 and 14 November 1988. Both the TRC and the South African Police Service (SAPS) investigated their disappearances without any success. After the comprehensive perusal of mortuary records and police dockets, the MPTT established that the two were stabbed to death during the night of 14 November 1988 and dumped in an open field in Diepkloof Extension. Their bodies were found on 15 November 1988, where after they were buried as unidentified paupers in Avalon Cemetery, Soweto. After family members positively identified the two deceased from photographs retrieved from the police dockets, their remains were exhumed in partnership with the SAPS' Victim Identification Centre.

Mofolo three

Soweto activists Nceba Snuma, Caswell Khumalo and Richard Ngwenya were targeted by the Soweto Security Branch, whereby askaris posing as MK members handed them Zero Time limpet mines. Snuma was killed in the subsequent explosion in July 1989 in Soweto, while Khumalo and Ngwenya were shot by the askaris, where after their bodies were removed and burnt near Rustenburg. The MPTT successfully traced a pauper grave in Soweto where the remains were exhumed and later identified through forensic examination as that of Nceba Snuma. The remains of Khumalo and Ngwenya were previously exhumed by the SAPS in 1996.

Legal Affairs Division (LAD)

The LAD continued to provide legal advice, oversee the management of civil litigation matters, process requests for mutual legal assistance and extraditions and render assistance to the National Director through legal opinions on case law and high profile cases. Comments were submitted to the National Director on the SAPS Amendment Bill (2012) that aligns the provisions relating to the Hawks with a judgement of the Constitutional Court.

During this financial year LAD also provided legal opinions to the Minister and Deputy Minister of Justice and Constitutional Development and drafted ministerial memorandums to forward the NPA's recommendations on the following legislation:

- Draft NPA Amendment Bill (2008). This Bill provides for the independence of the NPA as Constitutional entity.
- Proposed amendment of the NPA's Prosecution Policy to give effect to the recommendations of the Organisation for Economic Cooperation and Development (OECD) Working Group on Bribery.
- Dangerous Weapons Amendment Bill (2012) that includes certain prohibitions and restrictions in respect of the possession of a dangerous weapon, firearm, replica or imitation firearm.
- The Criminal Law Amendment Bill, so as to provide, among others, for the taking of specified bodily samples from certain categories of persons for the purposes of forensic DNA analysis etc.

The LAD provided comment to the Minister of Transport on the National Road Traffic Amendment Bill. The comment in particular relates to an amendment prohibiting driving under the influence of alcohol and while the blood content is above certain levels.

Comments were provided to the DoJ&CD on the Criminal Procedure Amendment Bill (2009) that amends the Criminal Procedure Act in order to substitute and align the provisions relating to the use of force in effecting arrest with a judgment of the Constitutional Court.

Comments were provided to the SAPS on the draft Movement of Animals and Animal Produce Bill (2012). This Bill assists with the protection of the South African livestock owners from the theft of animals and animal produce.

Legal opinions and assistance were provided to the Department of Public Service and Administration (DPSA) on:

- a. The prosecution of persons who are involved in match fixing and sporting events.
- b. Identifying South African legislation dealing with corruption in respect of sporting events.

The NPA represented South Africa at four international meetings as part of the OECD Working Group on Bribery. A representative of the LAD acted as Lead Examiner in the Phase three evaluation of the United Kingdom and the Czech Republic and presented the countries reports. Submissions relating to South Africa's follow-up report were provided to include an explanation on the Protection of State Information Bill (2012). Lead examiners and members of UNODC conducted an on-site visit in South Africa in September regarding South Africa's obligations in terms of the UNCAC.

During this financial year 104 requests for Mutual Legal Assistance were dealt with of which 35 were finalised. 68 were matters arising from the previous year and 36 were new requests received. 31 requests were received from foreign states and five were initiated by South Africa.

Extraditions: 48 matters were dealt with of which 34 were received in this year under review. Four matters were finalised. 16 Requests were received from foreign states and 18 were initiated by South Africa. The matters on hand at the end of the year are 113: 69 Requests for Mutual Legal Assistance and 44 extraditions.

NPA Strategic Objective 2: Improved collaboration with JCPS partners

Table 10 : Progress on Strategic Objective 2: Improved collaboration with JCPS partners

Sub-Programme: Public Prosecutions: National Prosecutions Service:					
Performance Indicators	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Overall conviction rate	88.8% (280 658)	88% (305 517)	89.9% (290 834)	1.9%	More cases in which the prosecution was successful in proving cases beyond reasonable doubt
Number of criminal court cases finalised including ADRM	448 793	481 638	466 800	-3.1%	Reduced court utilisation, absence of role-players and case flow management related challenges

Overall conviction rate

The 1 692 High and Lower courts (on average) finalised 323 390 cases with verdict whilst maintaining an overall high conviction rate of 89.9%. The overall conviction rate was improved on as the NPA was able to prove more cases beyond reasonable doubt.

Number of Criminal Court Cases Finalised including ADRM

The effective utilisation of the courts was affected by the absence of role-players and other related case flow management (CFM) challenges.

The Lower and High Courts maintained a positive clearance ratio¹³ during 2012/13. A total of 916 917 new cases were enrolled and 942 792 cases were disposed of which represents a positive clearance rate of 2.8%. Therefore a total of 25 875 more cases were disposed of, than received in delivering justice to the community.

¹³ The clearance ratio equals the number of new cases received divided by the number of cases disposed (excluding cases diverted before enrolment in terms of the CJA).

Criminal court cases disposed of include court cases finalised by verdict and sentence (including section 57A of the CPA), through ADRM or removed from the roll by means of withdrawals, warrants of arrest issued, transferred from the court roll, and struck from the roll and in the High Court it also includes minimum sentence matters (sentenced, acquitted or referred back to Regional Court).

Table 11: Comparison of Cases Finalised including ADRM: 2002/03 - 2012/13

Indicator	2008/09	2009/10	2010/11	2011/12	2012/13	Change over prev yr	Change over period
Cases finalised incl ADRM	431 819	469 541	460 891	448 793	466 800	4.0%	8.1%
Cases finalised excl ADRM VERDICT	350 032 ¹⁴	350 910	331 045	316 098	323 390	2.3%	-7.6%
Cases finalised through ADRM	81 787	118 631	129 846	132 695	143 410	8.1%	75.3%

Table 12 : Progress on programme performance indicators for improved collaboration with JCPS partners

Sub-Programme: Public Prosecutions: National Prosecutions Service:					
Performance Indicators	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Number of criminal court cases with verdict	316 098	344 419	323 390	-6.1%	Reduced court utilisation
Number of criminal court cases finalised through alternative dispute resolution mechanisms per year	132 693	137 219	143 410	4.5%	More cases were dealt with that were suitable for this method of resolution
Conviction rate in high courts	84.6% (963)	87% (982)	87.5% (1 045)	0.5%	Cases prosecuted were proved beyond reasonable doubt
Conviction rate in regional courts	74.3% (28 665)	74% (29 238)	75.1% (28 198)	1.1%	More cases in which the evidence was accepted by the presiding officer

¹⁴ Cases finalised through section 57A of CPA was not included in cases finalised with verdict in the reported figures but for comparison has been added.

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Performance Indicators	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Conviction rate in district courts	90.8% (251 030)	87% (276 068)	91.9% (261 591)	4.9%	More cases in which the evidence was accepted by the presiding officer
Number of case backlogs	34 926	34 187	31 054	-9.2%	Case flow challenges and multiple requests for remand by defence
Number of appeals finalised in the High Court	1 650	1 683	2 068	22.9%	Increase in number of appeals received
Number of appeal backlogs	261	256	323	26.2%	Delays in transcription of records and increase in number of appeals received
Prosecutions vacancy rate	11.4%	10%	0%	100%	In accordance with DPSA prescripts all unfunded posts were abolished
Clearance ratio on decision dockets received	99.5% (650 677)	85% (650 060)	99.5% (676 564)	14.5%	Focused attention on this indicator
Sub-Programme: Office for Witness Protection					
Number of witnesses harmed or threatened while on the WPP	0	0	0	0%	Dedication and skill of protectors
% of witnesses that walk off the WPP	1.8%	2%	2.5% (5)	-0.5%	Witnesses that did not want to be on the programme left
Sub-programme: Asset Forfeiture Unit					
Number of new completed AFU matters	300	306 ¹⁵	302	-1.3%	Focus on high value cases
Number of new freezing orders	318	324 ¹⁶	276	-14.8%	Many cases not finalised due to lack of capacity
Value of completed AFU matters (Rm)	R163.6m	R167m ¹⁷	R118.5m	-29%	Many cases not finalised due to protracted litigation

Sub-Programme: Public Prosecutions: National Prosecutions Service:					
Performance Indicators	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Value of new freezing orders (Rm)	R553.4m	R600m ¹⁸	R518m	-13.7%	Trial readiness delayed due to complexity of investigation
Success rate overall for AFU cases	96.1% (295)	94% ¹⁹ (306)	94.1% (289/307)	0.1%	Marginal deviation

Number of criminal court cases with verdict

The number of cases finalised with a verdict increased by 2.3%, with 7 292 more cases finalised than in the previous year. As the NPA embarks on ensuring the speedy finalisation of cases in the courts, some problems were encountered which resulted in a delayed provision of justice. The following factors adversely affect the finalisation of cases:

- Not enough cases placed on the rolls to optimise court usage.
- The absence of reception courts in some offices resulted in more time being spent on bail applications than on trials, and this affected the finalisation of cases by certain courts. These bail applications are done particularly in the case of schedule five and six of the CPA offences, where the accused cannot easily be granted bail.
- The unavailability and/or non-appearance of interpreters, foreign and local, throughout certain divisions continued to pose a challenge. The same was experienced with intermediaries.
- Sporadic disruptions to electricity and water supply hampered proceedings at various courts during the reporting period.
- Industrial actions hampered the finalisation of cases.

¹⁵ Target was adjusted downward in the 2012 AENE from 330 to 306

¹⁶ Target was adjusted downward in the 2012 AENE from 350 to 324

¹⁷ Target was adjusted downward in the 2012 AENE from R225m to R167m

¹⁸ Target was adjusted upward in the 2012 AENE from R550m to R600m

¹⁹ Target was adjusted upward in the 2012 ENE from 92.5% to 94%. However, the number of completed forfeiture matters was adjusted downwards from 330 to 306.

Number of criminal court cases finalised through alternative dispute resolution mechanisms per year

An increase in delivering justice by means of alternative mechanisms was achieved by increasing the number of cases finalised by means of alternative dispute resolution methods (ADRM) with 8.1% as 10 715 more cases were finalised through ADRM. This brings the total of cases finalised including ADRM to 18 007 (4%) more cases finalised compared to 2011/12.

During the current reporting period 143 410 cases were finalised by means of ADRM of which 2 323 (1.6% of national total) were finalised by the Regional Courts and 141 087 cases (98.4% of national total) in the District Courts.

Table 13: Comparison of Cases Finalised through ADRM in the Regional and District Court

Forum	2011/12	% of National	2012/13	% of National	Progress
Regional Court	1 808	1.4%	2 323	1.6%	28.5%
District Court	130 887	98.6%	141 087	98.4%	7.8%
All	132 695	100.0%	143 410	100.0%	8.1%

Alternative dispute resolution encompasses diversion and informal mediation as methods of resolution of disputes between the parties. During the current reporting period, a total of 31 016 cases were diverted after enrolment, a total of 6 605 cases were diverted before enrolment in terms of the Child Justice Act (CJA) and 105 789 cases were successfully mediated on an informal basis. A focused approach on alternative measures to reduce trial cases has resulted in a 8.1% improvement in the number of cases finalised through alternative dispute resolution methods compared to the total of 132 695 cases finalised during the previous financial year.

Table 14: ADR Methods comparison

Indicator	2011/12	% of National	2012/13	% of National	Progress
Diversions	26 461	19.9%	31 016	21.6%	17.2%
Diversions ITO CJA	6 422	4.8%	6 605	4.6%	2.8%
Informal Mediation	99 812	75.2%	105 789	73.8%	6.0%
Total Removed	132 695	100.0%	143 410	100.0%	8.1%

Diversions in terms of the Child Justice Act (CJA)

The CJA came into operation on the 1st of April 2010 and created a new procedural framework for dealing with children who are in conflict with the law. This act seeks to ensure children's accountability and respect for the fundamental freedoms of others, and to prevent crime and promote public safety through the use of diversions, alternative sentencing and restorative justice.

During 2012/13, a total of 15 434 children were dealt with of whom 783 children (5.1%) were between the ages of 10 – 13 years and 14 651 children (94.9%) were between the ages of 14 – 17 years old. Fewer children were dealt with during 2012/13 compared to the previous year. A comparison with the previous year is set out in the table below:

Table 15: Comparison of age groups

Age Group	2011/12	% of Total	2012/13	% of Total	Progress
10-13 years	870	5.5%	783	5.1%	-10.0%
14-17 years	14 939	94.5%	14 651	94.9%	-1.9%
Total Children	15 809	100.0%	15 434	100.0%	-2.4%

During 2012/13, 2.8% more children were diverted in terms of the CJA compared to the 6 422 diverted during 2011/12. The table below indicates the manner in which the children were dealt with compared to the previous year. Section 9 referrals were reduced with 7.5% and Section 41 Diversions with 2.1%. The number of children diverted during the preliminary inquiry phase increased with 5.1%. Noteworthy is the increased Schedule four offences that were diverted in terms of Section 52(3) of the CJA where the relevant DPPs indicated the existence of exceptional circumstances.

Table 16: Breakdown of the manner in which children in conflict with the law were dealt with

Forum	Sec 9 referrals			Sec 41 diversion			Preliminary Inquiry diversion			Schedule 3: Diversion		
	11/12	12/13	Progress	11/12	12/13	Progress	11/12	12/13	Progress	11/12	12/13	Progress
District Court	559	491	-12.2%	2 057	1 972	-4.1%	3 534	3 744	5.9%	104	194	86.5%
Regional Court	26	50	92.3%	53	94	77.4%	78	53	-32.1%	7	7	0.0%
Total	585	541	-7.5%	2 110	2 066	-2.1%	3 612	3 797	5.1%	111	201	81.1%

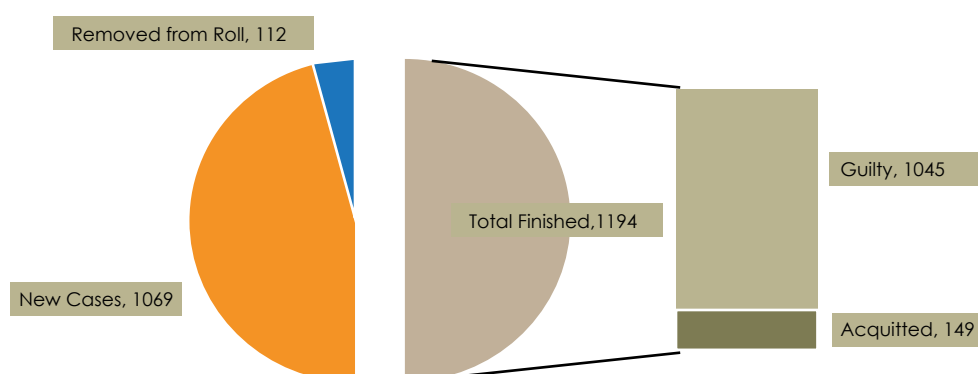
During 2012/13 566 children were convicted with a conviction rate of 84.9% after the case was referred for trial whilst 351 children were still diverted during the trial stage.

Conviction rates in High Courts

High Court Performance

The High Courts finalised 1 194 cases with a verdict. This is an increase of 6.7% on the total in the previous financial year when 1 119 cases were finalised with a verdict and another 19 cases were referred for sentence by the Regional Courts. The conviction rate of 87.5% is an improvement of 2.9% on the 84.6% achieved by all High Courts during the previous year.

Figure 2: Case Management: High Courts
Case Management: High Courts
2012/13

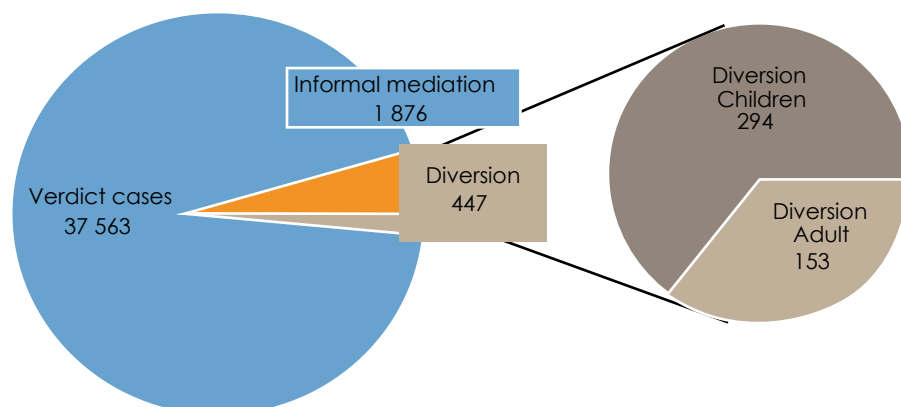


Conviction Rate: Regional Courts

Regional Court Performance

The Regional Courts enrolled 70 457 new cases, 5 753 (7.5%) less than the 76 210 new cases enrolled during 2011/12. The courts finalised 39 886 cases comprising 37 563 cases with a verdict (94.2%) and 2 323 ADRM cases (5.8%). This represents a finalisation rate of 0.5 cases per court per day. The reduced inflow of cases resulted in a marginal reduction of 1.3% fewer cases finalised during this financial year compared to the previous one. An average conviction rate of 75.1% was achieved by the Regional Courts. In addition to the finalisation of cases, 6 177 formal bail applications and 80 420 Regional Court decision dockets were also dealt with. A total of 436 compensation orders to the value of R66.2m were granted to victims of crime.

Figure 3: Regional Courts: Cases Finalised 2012/13
Case Finalised: Regional Courts: 2012/13



Conviction rate: District Court

District Court Performance

The District Courts enrolled 845 391 new cases which is a 3% increase on the 820 688 new cases enrolled the previous year. The courts finalised 425 720 cases comprising of 284 633 verdict cases (66.9%) and 141 087 ADRM cases (33.1%). This represents a finalisation rate of 2.4 cases per court per day. Compared to the previous financial year, the District Courts finalised 18 473 more cases (a 4.5% increase). In addition to this improved finalisation rate, a total of 60 609 formal bail applications and 583 967 decision dockets were also dealt with. High conviction rates were maintained and a conviction rate of 91.9% was achieved by all District Courts. Increased focus on ADRM resulted in 10 200 (7.8%) more cases finalised compared to the previous year. A total of 786 compensation orders were granted to victims of crime to the value of R8.1 million.

Figure 4: District Courts: Cases Finalised 2012/13

Case Finalised: District Courts: 2012/13

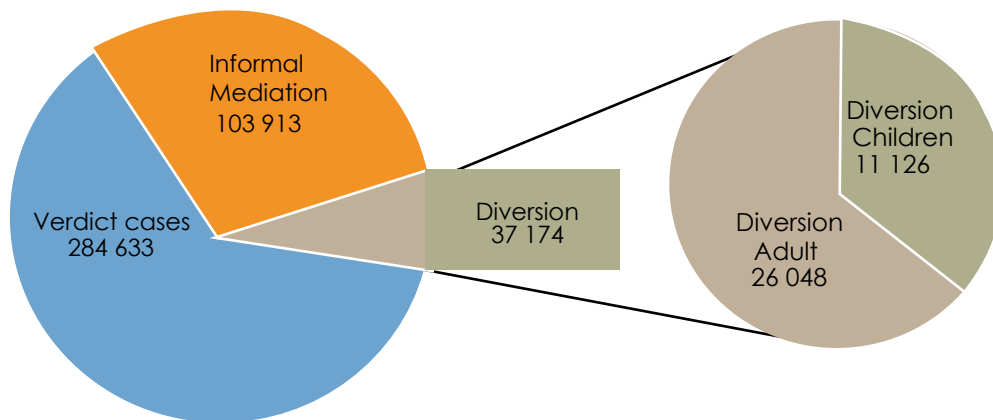


Table 17: Annual Comparison of Court Utilisation: 2011/12 - 2012/13

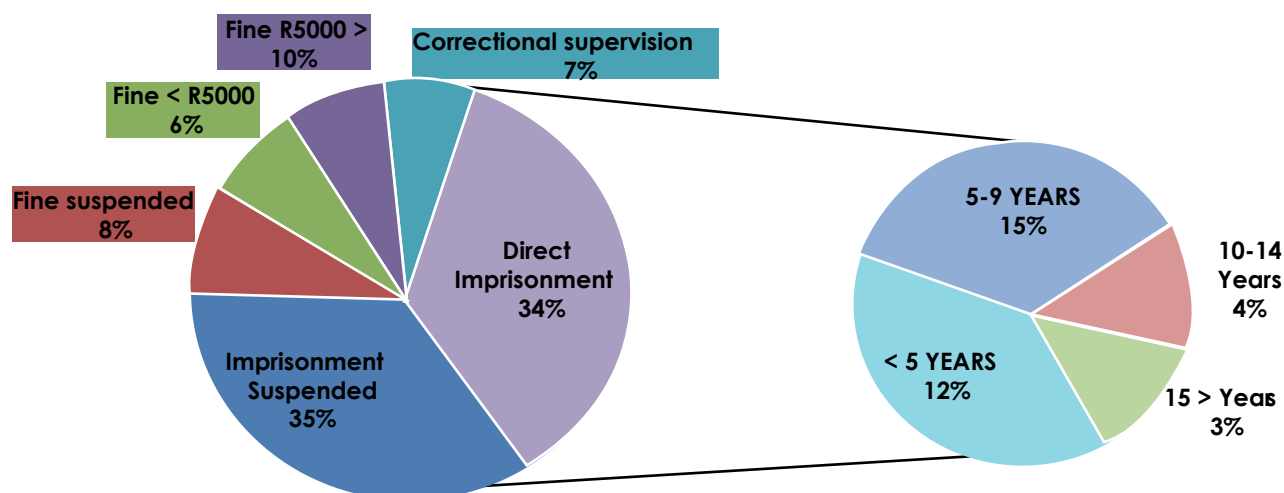
Forum	Court Days 2011/12	Ave Hours 2011/12	Court Days 2012/13	Ave Hours 2012/13	Progress Court Days	Progress Ave Hour
High court	9 662	03:06	10 413	02:57	7.8%	-4.7%
Regional court	75 458	03:31	74 979	03:31	-0.6%	0.0%
District court	183 461	03:32	178 865	03:31	-2.5%	-0.7%
All	268 581	03:31	264 257	03:30	-1.6%	-0.6%

Plea and Sentence Agreements

A total of 1 277 plea and sentence agreements were successfully concluded, comprising of 7 439 counts. This represents an increase of 92.6% from the 663 agreements concluded during the previous year. This is an efficient way of dealing with cases as the counts involved in these matters would have taken some time to finalise if trials were to be conducted. In 414 (34%) of the cases, the sentences imposed comprised of direct imprisonment – a breakdown of the sentencing can be seen from the figure below.

Figure 5: Sentences imposed in Plea and Sentence Agreements

Plea Agreement Sentences: 2012/13



Number of case backlogs

Case Backlogs and Backlog Project

The JCPS departments introduced various interventions to deal with the case backlogs. In this regard a specific Case Backlog Reduction Project was implemented in November 2006, with the Regional Courts as the main focus area. Backlog cases are viewed as all those cases longer than 6 months on the District Court roll, nine months on the Regional Court roll and 12 months on the High Court roll. The Case Backlog Reduction Project assists Regional and District Courts in identified priority areas country-wide that require focused attention. The project's aim is to ensure that the inflow of the number of new cases is balanced by the number of matters concluded and that matters are finalised speedily.

This intervention led to the establishment of more than 50 additional Regional Backlog Courts through the appointment of additional regional court magistrates, clerks, prosecutors, interpreters and legal aid lawyers on contract. The number has fluctuated since then as courts were closed or moved to other areas once the backlog was dealt with. After an investigation into the performance of the District Courts, several high priority District Backlog Courts were also established from April 2010.

At the end of March 2013, there were 58 Regional²⁰ and 19 District Backlog Courts in session. The project deliverables have been integrated into the Outputs of the Delivery Agreement of the JCPS Cluster. The targets set in the JCPS Delivery Agreement have been exceeded. The Backlog courts excelled during 2012/13 as indicated in the table below. The number of outstanding cases was reduced by 5.3% and the backlog cases by 11.1%. An increase of 10.1% has also been achieved in the number of cases finalised by the Backlog courts. The Regional courts have maintained a conviction rate of 73.7% and the District courts a conviction rate of 89.3%.

Table 18: Outstanding and Backlog Cases:

Forum	Outstanding Cases			Backlog Cases			Finalised Cases: Backlog courts		
	11/12	12/13	Progress	11/12	12/13	Progress	11/12	12/13	Progress
High Courts	1 273	1 083	-14.9%	374	362	-3.2%	0	0	0.0%
Regional Courts	49 387	45 543	-7.8%	17 272	15 633	-9.5%	5 885	6 070	3.1%
District Courts	149 872	143 184	-4.5%	17 280	15 059	-12.8%	10 001	11 416	14.1%
Total All Courts:	200 532	189 810	-5.3%	34 926	31 054	-11.1%	15 886	17 486	10.1%

Since inception of the project in 2006, a 20% reduction was achieved in the number of all Regional Court backlog cases, from 19 536 backlog cases (on an outstanding roll of 46 901) in November 2006, to 15 633 backlog cases (on an outstanding roll of 45 543) at the end of March 2013. The number of outstanding cases was reduced with 2.9%. The additional Regional Backlog Courts finalised a total of 30 674 cases since inception of the project in 1 November 2006 until the end of March 2013.

²⁰ The number of reported Backlog Courts by the DoJ&CD is 60 as this includes a family court and an inquest court. The NPA does not provide prosecutors for these courts and therefore do not record the performance for these courts.

The additional District Backlog Courts achieved a 32.3% reduction in the number of backlog cases, from 22 238 backlog cases (on an outstanding roll of 178 461) in March 2011, to 15 059 backlog cases (on an outstanding roll of 143 184) at the end of March 2013. A similar reduction of 19.8% was also achieved in the number of outstanding district court cases. A total of 27 230 cases were finalised by the District Backlog Courts since 1 April 2010 until the end of March 2013.

This brings the total number of cases finalised from the Regional and District Court rolls as a result of the Backlog Courts, from 1 November 2006 until the end of March 2013 to 57 904 cases. Cases were also withdrawn due to various reasons and removed from the roll which brings the total cases disposed by the Backlog Courts since their inception to a total of 79 963 cases.

Due to the nature of certain case, where numerous witnesses and evidence are involved, cases cannot be finalised within the nine months therefore it will not be possible to completely remove all backlog cases from the rolls. An example of such a case is the **State v Donald Mgadima & others**, where the accused were charged with several counts of robbery and murder. Amongst the people killed were a police man and a security guard. The State called 98 witnesses. The accused were convicted of three counts of murder, many counts of armed robberies and other different counts. Accused no one was sentenced to three life sentences and 105 years imprisonment, accused no two was sentenced to a life sentence and 53 years imprisonment, accused no three was sentenced to a life sentence and 30 years imprisonment, accused no six was sentenced to 65 years imprisonment and accused seven to 30 years and accused eight to 40 years imprisonment respectively.

Number of Appeals Finalised and Appeal Backlogs

A total of 2 068 criminal appeals were finalised. A total of 828 appeals are outstanding (excluding those already enrolled for hearing) of which 323 (39%) have been outstanding for longer than 12 months. One of the problematic areas being addressed with stakeholders is the poor transcription of records. At the end of March 2013 a total of 37 appeals were postponed for judgment whilst 119 of the backlog appeals contain incomplete records.

Clearance ratio on decision dockets received

Better screening processes and the implementation of the screening protocol have resulted in a reduction of 15.8% (31 191) in the number of cases withdrawn. Improved screening processes ensured that mainly trial ready matters were enrolled. This contributed to the reduced number of new cases in the Regional Courts. 4.4% (29 418) more dockets than in 2011/12 were referred for decision and a total of 676 564 dockets were dealt with during 2012/13 which represents an increase of 3.8% (24 850) compared to the previous year.

Representations dealt with

A total of 3 100 new representations were received by the various Divisions of which 2 259 were dealt with within 5 days of receipt, representing 72.9%. This is a huge improvement on the 55.5% during the previous year. Only 1 152 representations could be finalised within 30 days – a decrease from the 53.1% last year to 43.5%.

NPA Strategic Objective 3: Reduced corruption

Table 19: Progress on Strategic Objective 3: Reduced corruption

Sub-programme: Public Prosecutions					
Performance Indicators	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Number of persons convicted of corruption where the amount involved is more than R5m	n/a	50	42 ²¹	-16%	Matters are complex and take a long time to finalise
Number of JCPS personnel convicted of corruption	107 (72.6%) ²²	160 (74%)	152 (82.3%) ²³	-5%	The finalisation of these matters is often deliberately delayed by the defence

Number of persons convicted of corruption where the amount involved is more than R5m

The most challenging aspect of the JCPS Delivery Agreement is output three, which requires an improvement in investor perception trust and willingness to invest in South Africa. A target was set to convict at least 100 people of corruption where the amount involved is more than R5 million, by 31 March 2014. The NPA participates in the Anti-Corruption Task Team (ACTT) which was set up to focus on this target. 42 persons were convicted for corruption where the amount involved exceeded R5 million per case. Although the target of 50 was not achieved, the achievement is commendable, especially considering that this performance indicator was revised in the middle of the year so as to align it more closely with the Refined JCPS Delivery Agreement. Many more cases of corruption were handled, but there were few that fit the category of amounts that exceed R5m. By their very nature, these matters are complicated and take a long time to finalise in both the investigation and prosecution phases.

Number of JCPS personnel convicted of corruption

In line with the priority focus of the JCPS Delivery Agreement on dealing with corrupt JCPS officials, the NPA increased the number of convictions to 152 compared to 107 during the previous year. This is an increase of 39% on the number of officials being convicted, although the target was not achieved.

²¹ New indicator

²² The percentage represents the conviction rate of cases in JCPS Officials charged with corruption

²³ The percentage represents the conviction rate of cases in JCPS Officials charged with corruption

Performance Indicators

Table 20: Progress on Strategic Objective 3: Reduced corruption

Sub-programme: Public Prosecutions					
Performance Indicators	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Number of prosecutions instituted for serious corruption matters ²⁴	4	50	27	-46%	Matters are complex and it takes a long time to finalise the investigation prior to enrolment
Time to finalise a JCPS corruption prosecution	9.3mths (69%)	9 mths (69%)	14.4 mths ²⁵ (60.5%)	60.5%	Reduced court utilisation and absence of role-players
Sub-programme: Asset Forfeiture Unit					
Number of freezing orders for JCPS officials	0	10	8	-20%	Only a few corruption cases involving JCPS officials where the amount is large enough for a freezing order
Number of freezing orders relating to corruption where the amount involved is more than R5m restrained	7	20	23	15%	Focused attention on this indicator
Sub-Programme 5: Support Services					
Time to finalise internal disciplinary cases ²⁶ relating to corruption	n/a	3 months	5 months	-66.7%	The unavailability of Chairpersons, Employer Representatives or the employee or their representatives, and witnesses

²⁴ Revised indicator due to a definition change implemented in November 2012

²⁵ The percentage represents the amount of cases finalised within the target of nine months from enrolment of these cases

²⁶ New indicator for Support Services sub-programme moved from Public Prosecution sub-programme only implemented in November 2012

Corruption Prosecutions

The NPA supports the JCPS Clusters' "zero tolerance" approach to fraud and corruption within its ranks as this undermines the Cluster's efforts to render quality services to communities. The ACTT, which comprises of the Hawks, Special Investigation Unit (SIU) and NPA resources (both prosecutions and asset forfeiture) are utilised to strengthen the capacity of law enforcement agencies in the fight against corruption.

During the past year, 249 cases with charges of corruption were finalised involving 200 JCPS officials. The number of cases increased by 42.3% from the 175 cases finalised during the previous financial year. The conviction rate increased from 72.6% last year to 82.3% during the current financial year. A total of 152 JCPS officials were convicted the current financial year.

Number of prosecutions instituted for serious corruption matters

27 prosecutions for these matters were instituted. Due to their complexity, the investigations of these cases take a long time to finalise.

The SCCU developed a prosecution strategy with partners (internal and external) to successfully deal with JCPS corruption cases, including case selection criteria, which were signed off by the SCCU and the DPPs.

Time to finalise a JCPS corruption prosecution

The average time to finalise a JCPS corruption prosecution increased from 9.3 months to 14.4 months this year, representing under-performance of 60.5% against the target. This is mainly due to reduced court utilisation and absence of role-players. Legal representatives request remands far into the future. The accused try their best to delay the finalisation of cases against them, since they usually remain employed whilst the matter is still on trial or on appeal.

Time to finalise disciplinary cases relating to corruption

The average numbers of days it took to finalise disciplinary matters relating to corruption by NPA officials was approximately five months (141 days) against the target of three months (90 days). The reasons for the delays range from the unavailability of chairpersons, employer representatives or the employee or their representative. The availability of witnesses was another reason. It is also sometimes difficult to obtain all relevant evidence for the disciplinary matter whilst the criminal court case is underway, as the police are unwilling, in certain instances, to release evidence or testify themselves, for fear that the criminal trial will be jeopardised.

Specialised Commercial Crimes Unit (SCCU)

The SCCU is a small specialist prosecution unit resorting under the National Specialised Services Division (NSSD) that hosts specialist prosecution expertise and executes strategies to effectively prosecute complex commercial crimes, including corruption and cybercrime. Performance of the SCCU is monitored and reviewed quarterly in management meetings.

In terms of a joint strategy with the Hawks, commercial crime unit strategies to fast track investigation and prosecution of complex commercial crimes and guidelines for the use of forensic accountants and pro-active investigations were finalised and signed off.

The lack of dedicated courts at Mthatha, Mmabatho, Kimberley and Bloemfontein continues to adversely affect performance. In most of the regions, long drawn-out trials impact negatively on the number of

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backlog cases and the finalisation rate. Changes of magistrates at different regions continue to contribute to a drop in the finalisation rate and an upward trend in backlog cases. This is as a result of the fact that the magistrates are attending to part-heard matters in various outside courts.

The number of cases finalised is affected by the SCCU taking on more complicated cases, as well as the fact that the Commercial Branch receives less cases from outside stations. There is also a decline in the number of cases received from SAPS Commercial Branch.

Number of criminal court cases finalised including ADRM

The SCCU finalised 688 cases in the dedicated courts and a further 229 cases in the non-dedicated courts. An impressive 917 cases were finalised by the SCCU prosecutors.

Number of appeals finalised in the high court

The SCCU finalised 22 appeals which constitutes the baseline for 2012/13.

Compensation to victims of crime

The SCCU has ensured that over R35 million was returned to the victims of crime. This amount exceeded the annual target of R21,2 million.

Cybercrime prosecutions

The SCCU exceeded its target of 74% by achieving a 100% conviction rate in cybercrime prosecutions.

Noteworthy cases:

In the matter of **State versus Van der Walt** the accused, a 53 year old first offender who rendered services as a tax consultant and investment broker to fund his addiction to prescribed medicine, was convicted on four counts of theft amounting to R2.4 million and sentenced to 15 years imprisonment, half of which were conditionally suspended for five years. The accused awaited trial in custody for three months, and a confiscation order was granted in the amount of R1.2 million.

In the matter of **State versus Msomi** fraud of R19.7million was committed by the accused and two municipalities were defrauded by means of key-loggers. The accused was sentenced to 15 years imprisonment.

In the matter of **State versus Roy Davies** the accused was convicted of 94 counts of fraud amounting to R6.5million and in terms of a plea- and sentence agreement was sentenced to ten year's imprisonment, of which three years were suspended.

In the matter of **State versus Dreyer** the accused was convicted of 433 counts of theft amounting to R14million and was sentenced to 15 years imprisonment of which five years were suspended.

In the matter of **State versus van Rooyen** the accused received a sentence of 15 years imprisonment of which four years were suspended for theft at the Nuwe Hoop Skool.

In the matter of **State versus Nel** the accused received a sentence of 15 years of which eight years were suspended for theft.

In the matter of **State versus Du Plessis** the accused received a sentence of 15 years imprisonment for corruption – this was the police official who committed corruption with regards to the Chantel Henning murder trial.

In the matter of **State versus Niresh Prasad** the accused defrauded investors of R11 million and was sentenced to ten years imprisonment.

In the matter of **State versus Marthie Mulder and two others** the accused were convicted of 290 counts of fraud in that they defrauded a firm of attorneys. After a plea and sentence- agreement the accused were sentenced to effective prison sentences of 15, ten and three years respectively.

In the matter of **State versus Van Wyk**, the accused, an accountant, defrauded a transport company. He was convicted of 315 counts of fraud amounting to R6,8 million and was sentenced to ten years imprisonment.

The accused in the matter of **State versus Powell and another** committed investment fraud in the amount of R42 million. They were convicted of 71 counts of fraud and contraventions of the Bank Act and Unfair Business Practice Act. They were sentenced to 15 years and three months imprisonment.

In the matter of **State versus Snyman** the accused was convicted of three counts of fraud and 25 counts of money laundering and sentenced to an effective sentence of 15 years imprisonment. The convictions and sentence were confirmed on appeal.

In the matter of **State versus Pokpas**, the accused pleaded guilty in terms of a plea- and sentence agreement to six counts of fraud and one count of money laundering which involved the running of an investment scheme. The value in the matter was R10,6 million. The accused was sentenced to 12 years imprisonment, half of which was suspended. The accused was 47 years old and a first offender who was employed as an ICT Service Manager at the Provincial Government. More importantly the accused misused his position in government as the basis upon which to solicit the investments wherein lay the fraud.

NPA Strategic Objective 4: To improve justice services for the victims of crime

Table 21: Progress on Strategic Objective 4: To improve justice services for the victims of crime

Sub-programme: Public Prosecutions: Sexual Offences and Community Affairs					
Performance Indicators	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Number of operational TCCs	30	35	35	0%	TCC blueprint and criteria for establishment of TCCs are closely managed

Number of operational TCCs

Presently there are 35 TCCs that are fully operational, thus achieving the annual target. The five TCC sites that were added during the year under review are Mthatha (Eastern Cape), Khayelitsha (Western Cape), Lenasia (Gauteng), Chatsworth and Port Shepstone (both KwaZulu-Natal). The SOCA provides TCC services at 51 sites nationally in all provinces. These additional 16 sites are at different operational levels and are not fully operational.

Table 22: Progress on programme performance indicators for justice services for the victims of crime

Sub-programme: Public Prosecutions: Sexual Offences and Community Affairs					
Performance Indicators	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Conviction rates in the prosecution of sexual offences reported at TCCs	60.7% (1 323)	63.5% (1 349)	61% (1 372)	-2.5%	The majority of the cases reported at TCCs are rape matters (section 3 of the Sexual Offences Act) and are inherently more complex and challenging to prosecute due to cautionary rules that apply
% of cases reported at a TCC that is referred ²⁷ to court for prosecution	57.4% (2 401)	58% ²⁸ (2 449)	48.7% (7 708)	-9.3%	Case Managers improved the screening of cases and guiding of investigations and only cases with a reasonable prospect of success were referred to the court
Sub-programme: Asset Forfeiture					
Payments to victims of crime in terms of POCA	R93.8m	R55m	R28.6m	-48%	A factor beyond the NPA's control and depends on the nature of cases received
Sub-Programme: Public Prosecutions					
Value of compensation orders paid to victims of crime	R32.2m	R32m	R74.4m	132.5%	More cases in which the opportunity presents itself to use the provisions of Section 300 and 297 of the CPA

²⁷ Target for this indicator was revised upwards from 37% and amended in the NPA APP 2012/13 in October 2012.

²⁸ Target in SOCA APP reflected as 37% and not 58% as indicated in NPA APP.

Conviction rates in the prosecution of sexual offences reported at TCCs

While the conviction rate shows improvement from 60.7% in 2011/12 to 61.03% during the current period, the target of 63.5% was not reached. This can be attributed to various factors including case flow management challenges and a substantial drop in the number of dedicated courts, a decrease in the provisioning of specialised services due to vacancies of prosecutor posts, and a considerable increase in sexual offence matters reported at TCCs. Currently the Ministerial Advisory Task Team on Sexual Offences (MATTSO) is in process of reviving these dedicated sexual offences courts. The actual number of convictions increased by 3.7% (1 372 compared to 1 323).

Percentage of cases reported at a TCC that are referred to court for prosecution

48.7% of cases reported at the TCCs were referred to court for prosecution. The number of matters reported at sites increased from 28 557 to 33 112 (+4 555 matters).

Value of compensation orders paid to victims of crime

Serious Commercial Crime Courts made payments to the victims of crime (compensation orders) in the amount of R35.1m. This far exceeded the annual target of R21.2m. In other criminal courts 1 225 orders to the value of R74.4m were made to victims of crime.

Court Preparation

NPA's Ke Bona Lesedi Court Preparation Programme continued to prepare state witnesses for court in all matters, not only those related to sexual offences. This work by Court Preparation Officers (CPOs) serves to contribute towards a reduction of secondary traumatising, and as such it contributes to the improvement of conviction rates. The CPOs administer victim impact statements which enhance the compensation for victims and assist the courts during sentence stage.

There are 140 CPO posts and they are stationed at 76 Lower courts and two High Courts.

The performance of the CPOs improved significantly over the last financial year – without an increase in the establishment. In 2011/12, 73 526 preparation sessions were conducted. In 2012/13, 91 050 sessions were conducted. The number of witnesses under 18, assisted, increased from 19 118 to 22 046. There was a significant increase in the assistance provided which related to sexual offences cases, rising from 32 642 to 37 357.

Sexual Offences and Community Affairs Unit (SOCA)

The SOCA unit focuses primarily on issues involving the victimisation of women and children. The unit develops strategy and policy relating to sexual offences, domestic violence, human trafficking, maintenance matters and young offenders. The broad outcomes that SOCA seeks to achieve are to:

- Improve the conviction rate in gender-based crimes and crimes against children
- Protect vulnerable groups from abuse and violence
- Ensure access to maintenance support
- Systematically reduce secondary victimisation

Increase the number of TCCs

- a. The number of matters reported at TCCs increased with 4 555 matters, from 28 557 to 33 112. However, the percentage of cases reported at the TCCs that are referred to court for prosecution, decreased from 57.4% to 48.7%. The average conviction rate of sexual offences prosecuted at sites linked to TCCs, increased from 60.7% to 61%.
- b. Informal training sessions were conducted for relevant stakeholders at TCCs, predominantly focusing on the TCC-model, relevant legislation and performance responsibilities of all involved.
- c. The NPA hosted a delegation from Zambia in July, consisting of the Deputy Minister of Justice, Attorney-General and several other professionals. The SOCA provided a comprehensive overview of its mandate, initiatives, challenges, sections, skills development and TCC-model. Training material was also provided.

Sexual Offences

- a. The SOCA held the 5th Sexual Offences Indaba in Johannesburg which was attended by approximately 190 delegates from all provinces, representing different stakeholders from Government and civil society.
- b. A Sexual Offences Workshop for prosecutors was attended by 40 prosecutors, all who deal directly with sexual offences. An action plan was developed to address challenges and identify solutions.
- c. The training manual for Prosecutors on Sexual Offences was extensively reviewed and amended in line with the latest developments in law.
- d. Representatives from SOCA attended the 57th Session of the United Nations Commission on the Status of Women (UN CSW) conference in New York.
- e. SOCA officials participated in several radio and television interviews on topics with a specific focus on sexual offences and the TCC-model.

Maintenance Matters

- a. A total of 158 872 (152 350 in 2011/12) formal and informal maintenance enquiries were processed of which 101 978 (64.2%) were finalised, compared to the 94 171 (61.8%) in the previous financial year, which is a 2.4% improvement with 7 807 more matters finalised.
- b. 19 510 civil attachments (section 26 of the Maintenance Act) were facilitated, compared to 18 614 in the previous year and 320 reciprocal maintenance orders were obtained compared to 266 in the previous year.
- c. Two maintenance training sessions were conducted during the financial year, attended by 24 prosecutors.

Child Justice

- a. A total of three Child Justice training sessions were conducted, attended by 54 prosecutors.
- b. SOCA participated in a radio broadcast programme regarding the CJA, broadcasted on 65 radio stations, discussing the implementation of the CJA, possible challenges and the responsibilities of the different role-players.
- c. A SOCA representative was also interviewed on Special Assignment in January 2013 on the interpretation and application of the CJA, with specific focus on diversion, preliminary enquiries and the criminal capacity of child offenders.

Domestic Violence

- a. For the financial year a total of two training sessions were conducted on the integrated Domestic Violence Manual, attended by 35 prosecutors.
- b. A Ndabezitha Imbizo was conducted in November at the Tjatana village in Limpopo (attended by approximately 550 community members), as well as at the Peddie village in the Eastern Cape (attended by 200 community members). The programme predominantly focussed on the Domestic Violence Act, as well as on protection orders, defaulters, general information about the content of legislation and reference to the TCC model.

Trafficking in Persons

- a. A training session was conducted which was attended by 18 delegates.
- b. The SOCA initiated the establishment of a National Task Team on Trafficking in Persons in preparation of the Bill being passed regarding the obligations on the NPA.

NPA Strategic Objective 5: Increased prosecution of cyber crime

Table 23: Progress on Strategic Objective 5: To improve increased prosecution of cyber crime

Sub-programme: Public Prosecutions: Specialised Commercial Crime Unit					
Performance Indicators	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Conviction rate in cybercrime prosecutions	87.5% (189)	74% (156)	97.8% (133)	23.8%	More cases prosecuted could be proved beyond reasonable doubt

Conviction rate on cybercrime prosecutions

In line with the JCPS Agreement, a special focus was placed on the prosecution of cybercrime cases in order to curb this growing international phenomenon. Although new technology creates new criminal opportunities rather than new crime types, cybercrime is an extension of a crime committed within cyber space where information and communication technologies are used as an instrumentality, target or a means for perpetuating further crimes. Cybercrime poses a very real threat to members of the public through increased technology and the vast use of computers and the cyber space.

Table 24: Progress on programme performance indicators for increased prosecution of cyber crime

Sub-programme: Public Prosecutions: Specialised Commercial Crime					
Performance Indicators	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Number of cybercrime prosecutions finalised	216	220	136	-38.2%	Very few cybercrime matters are referred to the NPA for prosecution

Number of cybercrime prosecution finalised

The courts finalised 136 cybercrime cases with a conviction rate of 97.8%. Compared to the previous year, the courts finalised 80 (37%) fewer cases. Special focus was however, placed on the skills development of prosecutors.

The regions indicated that very few cybercrime matters are reported and few matters reach the courts.

119 cybercrime cases were finalised with a conviction rate of 100% by the SCCU. The SCCU developed a strategy for the prosecution of cybercrime. The SCCU developed and maintained a database on commercial cybercrime training of SCCU prosecutors.

Table 25: Cybercrime Cases Finalised

Financial year	Convictions	Acquittals	Total finalised	Conviction rate
2011/2012	189	27	216	87.5%
2012/2013	133	3	136	97.8%
Progress	-29.6%	-88.9%	-37.0%	10.3%



WITNESS PROTECTION U

RESTRICTED AREA

**Sub-programme 2:
Office for Witness
Protection (OWP)**

Sub-Programme 2: Office for Witness Protection (OWP)

Purpose: OWP provides for the protection, support and related services to vulnerable witnesses and related people in judicial proceedings.

The location of the OWP is aligned to the Witness Protection Act.

The OWP functions on a model that caters for 24/7 operations, resulting in excessive budget expenditure on overtime and subsistence and travel (S&T) claims. This is mainly due to the fact that the OWP has no control over the number of witnesses and related persons applying for protection at any given time. The budget is impacted upon by a set of interrelated factors, namely inflation, etc. The lack of a national operational centre to ensure the security of OWP operations remains a concern, impacting on the maintenance of secret classification of OWP functions and the procurement of covert independent regional offices. The challenge to maintain the secret classification of OWP is impacted upon by the mixing of overt and covert functions.

The predominant crimes related to witnesses on the programme are murder, robbery, rape, gang violence, drug trafficking, environmental crimes such as rhino poaching, and some crimes against the state and serious corruption. Statistics of international witnesses who are required to testify at the International Crime Court for crimes identified in the Rome Statute are also kept.

Some of the challenges encountered in witness protection include the fact that usually the cases are still under investigation when witnesses are admitted onto the programme, increasing the cycle time on the programme which impact on the budget. Sometimes delays in court rolls and resultant case backlogs have a major impact on the OWP's budget, as witnesses are kept in the programme for extended periods. More and more witnesses and related persons cannot return to their homes due to the continued danger after testimony. This results in the increase in the cost of relocation and resettlement. This also has the effect of increasing stress and trauma to witnesses.

In engagements with law enforcement agencies and prosecutions, the OWP always impresses the need to fast track investigations and prosecutions in cases that involve witnesses under protection. The increased focus by law enforcement and prosecution on the JCPS delivery plan has resulted in increased demand for OWP services.

Number of witnesses harmed or threatened

The OWP maintained its performance record of ensuring that no witnesses are harmed or killed while on the programme. 159 witnesses and 135 related persons joined the programme during the period under review. The total number of witnesses and related persons managed during the period in witness protection programme (WPP) were 677. 153 witnesses and related persons were discharged, reintegrated and/or relocated.

Percentage of witnesses that walk off the WPP

Five witnesses, who no longer wanted to be on the programme, voluntarily left the programme without notice to the OWP. This is 2.5% of the total number of witnesses on the programme, against a target of 1.8%. In terms of the Witness Protection Act 112 of 1998, witnesses and related persons must voluntarily agree to be admitted onto WPP and sign a protection agreement.

Highlights of achievement

The OWP protected 32 witnesses who provided evidence in the ***State versus Okah terrorism*** trial where the accused were convicted on all 13 charges and sentenced to an effective 25 years imprisonment. Protectors had to be drawn in from other regions to ensure the safety of the witnesses, and there were numerous after hour consultations with the prosecution team and the head of the PCLU. This project entailed 24/7 operations at an estimated cost of over R2 million.

The OWP provided high level training to Kenya's witness protection top management. The OWP supported and will continue to support the United Nations Convention against Corruption (UNCAC). The inspection by the United Nations Office for Drug and Crime examiners found the RSA OWP to be fully compliant with the UNCAC Convention.

Kenya and Nigeria requested the OWP to provide assistance and training in developing their respective witness protection programmes which is on-going. The SDPP: OWP was invited to participate in an international workshop on Witness and Victim Protection in transnational organised crime in Indonesia as a direct result of the unit's valuable contribution at the Indonesian conference. The European Police Office (EUROPOL) Witness Protection Division, which consists of a body of witness protection heads of experts from many countries, invited the OWP to participate and present a paper. The paper dealt with the history of the OWP, the strategic redesign and transformation thereof and the role played by South Africa in contributing to encouraging African Union Member States to develop witness protection and programmes. The OWP placed witness protection on the agenda of the Africa Prosecutors Association so as to ensure capacity building and support for the African Union Model Law on Universal Jurisdiction over International Crimes.

The OWP's coordinated law enforcement approach with investigations and prosecutions aligned to the JCPS agreement resulted in OWP witnesses achieving 534 imprisonment terms and 16 life terms in various serious cases.



Sub-programme 3: Asset Forfeiture Unit

Sub-Programme 3: Asset Forfeiture Unit

Purpose: The AFU seizes assets that are the proceeds of crime or have been part of an offence through a criminal or civil process.

Over the five years, the AFU has increased its annual targets significantly, by 56% for the number of cases done, and by 81% for the value of cases done. A key output for the AFU is to do a significant number of big cases to send a clear message to criminals that crime does not pay. It also aims to build confidence amongst the public and victims of crime that the state is taking effective action against crime and corruption, and that no-one is above the law.

Number of new completed AFU matters

The AFU obtained 302 forfeiture and confiscation orders, 1% below the target but 1% above the previous year. The performance of the AFU was boosted by a concerted joint effort between the AFU and the DPPs to obtain more confiscation orders in the lower courts.

Number of new freezing orders

The AFU obtained 276 restraint and preservation orders, 15% below the target and 14% below the previous year. There was a decline in the number of cases that the AFU was able to source from its partners, particularly the Hawks.

Value of completed AFU matters

The AFU obtained final orders to the value of R119 million, 29% below its target and 28% below the previous year. It was mainly due to delays in finalising some big cases, many of which now involve corruption and take a long time to finalise. The value of corruption cases completed was only R17.7m or 15% of the total.

Value of new freezing orders

The AFU obtained freezing orders to the value of R518 million, 14% below the target of R600m and 6% below the previous year. The reduction in the inflow of cases was offset by a big increase in the number of big corruption cases from the ACTT and they accounted for 68% of the value of all freezing orders during the year.

Success rate overall for AFU cases

The AFU won 289 of 307 cases finally completed during the year, a very good overall success rate of 94.1% against a target of 94%.

Freezing orders and completed cases involving JCPS officials

In matters relating to corrupt JCPS personnel, the AFU obtained eight freezing orders, 20% below the target and 33% less than the previous year. This was mainly due to the fact that very few such cases involve sufficient amounts to warrant a freezing order. The value of the orders was R0.4m, 90% below the target of R4m and 87% below the previous year.

Number of freezing orders relating to corruption where the amount involved is more than R5m restrained

After a slow start, the AFU had an excellent year in dealing with serious corruption matters, and reaped the benefits of the close cooperation with the ACTT. The JCPS had set overall targets for the ACTT to achieve by March 2014, namely to freeze the assets of 100 persons to the value of R1.3 billion in corruption cases involving more than R5m. The change of the definition of serious corruption cases made the targets that had been set, more achievable. The AFU froze the assets of 23 persons during the year, 15% above the target of 20, and 229% above the previous year. This brings the total to date to 95 persons. The value of the orders was R346m, 73% above the target of R200m and 140% above the previous year. This brings the total to R1.0 billion, against a target of R855m.

Payment to victims of crime in terms of POCA

The AFU has had an increased focus on returning money to victims of crime, including the state that is the victim in many corruption matters. The AFU paid over R28.6 million to the victims of crime, 48% below its target of R55 million and 70% below the previous year. This was mainly due to delays in completing some big cases as payments can only be made after the case is finalised.

Noteworthy Judgements***Constitutional Court: Van der Burg***

This case was an appeal against a decision of a full bench of the Western Cape High Court which had dismissed an appeal by the Van der Burgs against a forfeiture order granted by the High Court. The Constitutional Court unanimously rejected the argument that POCA applies only to "organised crime offences." It held that POCA applies to serious crimes committed by individuals as listed in POCA, including the illegal sale of alcohol. It also held that the forfeiture was not disproportionate to the seriousness of the criminal activities of the Van der Burgs.

The court rejected the argument of the amicus curiae, the Centre for Child Law, that a curator ad litem must be appointed to represent the interests of the minor children stating that while the Court must consider children's interests separately in a forfeiture hearing there is no need to appoint a curator ad litem when the facts are clear.

Constitutional Court: Elran

The majority of the Constitutional Court upheld an appeal by the AFU against judgments of South Gauteng High Court and its full bench which had ordered that Elran's legal expenses be paid from property covered by the preservation order.

The Court held that the wording of POCA is clear and that there are two preconditions before living and/or legal expenses may be granted, namely need and disclosure. The Court held that by failing to disclose his liabilities, Elran had not met the precondition of disclosure. Therefore a court does not have the power to grant his application for expenses from preserved property.

Supreme Court of Appeal: NDPP v Van Staden and Others

The issue on appeal was whether the AFU had acted in bad faith during the restraint proceedings. The SCA overturned the ruling in all respects and held that the AFU papers had made full disclosure. It held that the requirement to act in utmost good faith no longer applies when a restraint application becomes opposed, and was in any event not breached.

The SCA also confirmed that the refusal to confirm a restraint order is appealable. It confirmed the threshold requirements for making a restraint order as set out in the ***Rautenbach case***, and found that the threshold was met. It also confirmed that the effect of a restraint order, though harsh, is not draconian.



Sub-programme 4: Support Services

Justice is so important that it can be in the forefront of our minds. Our Mission

Guided by the Constitution, we in the National Prosecuting Authority ensure justice for the victims of crime, prosecuting without favour and prejudice, working with our partners and the public to solve and prevent crime.

NPA CORPORATE SERVICES LEADERSHIP

Executive Management Team



CEO
Karen Van Rensburg



Deputy CEO
Beryl Sisulu



Communications
Bulelwa Makeke



Integrity
Management
Prince Mokotedi



Security and Risk
Management
Tshilidzi Ramahana



Finance and
Procurement
Gordon Hollamby



Acting
Strategy Management
Bulelwa Makeke



Human Resources and
Development
Matshidiso Modise



Information
Management Service
Denton Serobotse

Sub-programme 4: Support Services

Purpose: Support services provide corporate support services in terms of finance, human resources, ICT, supply chain, and risk management of the National Prosecuting Authority.

Introduction

The following components constitute Support Services:

- Strategy Management
- Integrity Management
- Communication and Community Outreach
- Finance and Procurement
- Human Resource Management and Development
- Security and Risk Management
- Information Management

Strategy Management

The NPA Strategic Plan for 2013-2018 and the Annual Performance Plan (APP) for 2013/14 were finalised and filed within the prescribed timeframes. This was facilitated through strategic review and planning sessions including the National Stakeholders' Workshop in October 2012. The office facilitated the development of a combined strategy between the SCCU and the Hawks to intensify the efforts against corruption.

The enterprise performance management function monitored the implementation of the APP for 2012/13 against targets through monthly, quarterly and annual performance overview reporting. In addition thereto, the function submitted the adjusted ENE for 2012/13 and the final ENE for 2013/14.

The enterprise risk management function is discussed under Part C below.

Throughout the period under review, the research and policy information function delivered research products which aimed to inform decision making at all levels in the organisation. The component continued to support the government wide Victims of Crime (VOC) Survey project as well as the JCPS Cluster's efforts in regard to research.

Apart from delivering the annual Situation Analysis Report (2012/13) for the organisation, research deliverables included evaluation research and information management products:

- a. CS Customer Satisfaction Survey – to measure satisfaction levels of NPA employees with support services. The core function of the organisation can be strengthened by the effective functioning of support services and assist with improving service delivery.
- b. AFU Exit Interview and Employee Satisfaction Survey – to measure levels of employee satisfaction.
- c. NPA Customer Opinion Poll at three locations – to establish the opinion of customers of the organisational service standards.
- d. Snap Survey on Policy Awareness – to establish the levels of employee awareness re policies.
- e. Smart Phone Survey – to establish acceptance levels under prosecutors re smart technology.

Integrity Management Unit (IMU)

The IMU oversight report is contained in Part C of this report

Communication and Community Outreach

Public Education and Awareness

Road shows: During the year under review, the NPA participated in national road shows to educate the public about its work and the CJS in collaboration with our partners in the JCPS cluster. The specific focus was on peri-urban and rural communities where access to information tends to be limited. 25 road shows were conducted across all the nine provinces, reaching an estimated 15 000 people.

Community Radio Campaign: The NPA community radio campaign consisted of 12 phone-in programmes in three language groups to 45 community radio stations every other week. The campaign ran for two months, and the interviews were conducted in the Sotho languages (Sepedi, Sotho and Tswana), English, Afrikaans, Zulu, Xhosa, Swati and Ndebele. The broadcasting in total came to 180 broadcasts to 28.8 million people.

Prosecutors from all the language groups participated in the discussions, and listeners were invited to call in to ask questions about the topics under discussion. Topics included explaining (in laymen's terms) the CJS, the role of the prosecutor, information on plea and sentencing, bail and bail conditions, domestic violence and rape matters.

The NPA Public Relations Facebook: The NPA Public Relations' Facebook page was available throughout the year. Photos, events and information were regularly updated.

Events and exhibitions: Events and exhibitions were used very efficiently to profile the work of the NPA. The NPA participated in the Royal Show (KZN); the Rand Show (Gauteng), the Grahamstown National Arts Festival and the Pretoria Spring Show.

Career awareness and school campaigns: The NPA participated in eighty school and career awareness campaigns across the country to educate students about the various career options offered by the organisation as well as to explain how the CJS works.

Media Relations

Media relations played a major role in profiling case outcomes in every day prosecutions in courts around the country. The availability of spokespersons for media reporting outside court has proved to be one of the most effective ways of sharing important criminal case information with the public as it has kept the NPA in the public eye.

Internal Communications

The NPA's internal newsletter, Khasho continued to play an important role in profiling the work of prosecutors and informing staff about important developments within the organisation. The newsletter was also used as a platform to enable prosecutors to share their experiences and best practices when dealing with particular cases. This tool has become a two way communication platform used also by the staff to provide feedback to management. The newsletter is also published on the NPA's website to enable interested members of the public, access.

Regional Communication Managers (RCMs)



Phaladi Shuping
RCM: DPP
Free State



Frank Lesenyego
RCM: DPP
North west



Phindi Louw
RCM: DPP
South Gauteng



Medupi Simasiku
RCM: DPP
North Gauteng



Natasha Ramkisson
RCM: DPP
KwaZulu-Natal



Eric Ntabazalila
RCM: DPP
Western Cape



Luxolo Tyali
RCM: DPP
Mthatha



Tsepo Ndwalaza
RCM: DPP
Grahamstown



Mashudu Malabi
RCM: DPP
Northern Cape

Finance and Procurement

In respect of the 2012/13 financial year, Finance and Procurement had the main goal of ensuring a 'no audit qualification' outcome, which was achieved. Throughout the period the internal control environment continued to improve to ensure the NPA achieves its goal of a clean audit outcome for the next financial year. All payment batches were checked against a checklist in order to detect any possible irregular and fruitless and wasteful expenditure. When such expenditure was detected, the matter was investigated and referred to the Expenditure Control Committee for a determination and recommendation on possible disciplinary action. The unit also deals with loss control matters.

Measures were taken to ensure that the NPA's asset register is accurate and complete. The asset management plan and furniture standards and norms were approved. Quarterly asset verifications were performed, including an annual stock take. Monthly reconciliations between BAS and the asset register on new acquisitions were performed. Disposal requests were attended to and all assets were maintained on AssetWare. Fleet availability averaged at 95.7% against a target of 100%, this was mainly due to vehicles being serviced.

The UAMP, and Building Standards and Norms were submitted and approved on time. However, the NPA continues to face considerable difficulties to ensure officials are housed in suitable accommodation. Several challenges were experienced during the period such as, a serious fire at the Polokwane Magistrates Court, the closure of the DDPP office in Port Elizabeth, a lack of budget, and the dependency on the Department of Public Works.

Compliance in the Supply Chain Management environment is now firmly embedded. Compliance with SCM prescripts, however, comes at the cost of speedy finalisation of requests. Seven bids were awarded during the year under review.

The NPA spent 100% of its budget in the 2012/13 financial year. Budget management was centralised in the Budget Unit since February 2013 and all expenditure was tracked on a daily basis.

All inputs for the MTEF, Adjustments Estimates and the ENE were submitted on time.

Interim financial statements for 2012/13 were prepared and audited by Internal Audit. This process assisted greatly with the preparation for the annual financial statements.

The technical description for debt management was revised during the financial year and great inroads were made in this area.

Monthly cash flow reports, debtors' reports, suspense account control reports, bank reconciliation reports, donor funding income and expenditure reports were submitted. As stated above, on average 92.4% of creditors were paid within 30 days from date of invoice.

The Finance and Procurement Disaster Recovery Plan was submitted and approved.

Human Resource Management and Development (HRM&D)

The HRM&D oversight report is contained in Part D of this report.

Security and Risk Management Unit (S&RM)

The S&RM implemented security administration programmes guided by the relevant security legislative mandate, approved internal policies, the Minimum Information Security Standards and the Minimum Physical Security Standards policy guidelines. There has been significant improvement in compliance to security regulatory frameworks, which led to the improvement of security services to the entire organisation.

Provision of security guarding and protective security

The NPA has contracted security guarding services responsible for employee protection, management of access points, and the protection of people, assets and organisational information. Prosecutors who deal with serious crimes continue to face physical threats. In this regard, the NPA has an outsourced special services contract, to provide personal protection to threatened employees, the unit recorded and activated such services to 31 employees who were threatened in the past year. The total expenditure incurred due to the provision of the protection services was in excess of R11 million.

Coordination of security in high profile cases and planned events

In all planned events and serious, high profile cases, S&RM provided security support by coordinating security services with other external security stakeholders. There were no incidents of threats recorded or injuries reported, and no security weaknesses at these events.

Information security and vetting

In order to enhance the protection of information in the NPA, the S&RM conducted 10 awareness sessions for the classification and handling of sensitive information. The unit received 211 completed vetting forms from officials applying for security competency and processed 134 field work vetting files. Pre-employment screening was conducted for 359 recruitment candidates and 100 security clearance certificates were received from SSA for the NPA officials.

Business Continuity Plan

The S&RM unit facilitated the roll out of the Business Continuity Plan in the VGM building. This plan is part of the Disaster Recovery programme that was approved by the Acting CEO during the reporting period.

Information Management Services (IMS)

Information and Communication Technology (ICT)

An ICT governance framework was developed and approved which aims to establish Information and Communication Technology governance as an integral part of the overall governance of the NPA.

Implementation of Electronic Case Management System (ECMS)

The implementation of Phase one of the ECMS started in April 2012 through a rollout to 15 sites. The system deployment to the said sites was completed in September 2012. Process clerks were appointed in KwaZulu-Natal (5), Western Cape (6) and Gauteng (6). ECMS Phase two is intended to be a fully integrated solution that will enable prosecutors to screen and update a charge sheet, attach appropriated annexures, enrol cases and create a court roll electronically.

The phase II implementation is planned to start in the 2013/14 financial year. An information exchange agreement, that will enable the NPA to report on its key performance indicators, was signed with the IJS cluster.

Implementation of Smart Phone Application

The use of Smart Phone technology was identified as a method for prosecutors to provide daily court performance information. The solution will be accessed using any mobile smart phone, laptop or desktop through internet access. The Daily Court Performance Information Smart Phone Application project started in October 2012. The development was completed in March 2013 and it is envisaged that deployment will be completed in 2013/14.

Improved Provision of Reliable and Sustainable ICT Infrastructure

The Information and Communication Technology (ICT) infrastructure was operating using outdated equipment and operating systems. A migration project plan was developed to upgrade equipment and operating systems to the latest Microsoft Platform, and was rolled out successfully. The NPA's electronic data was stored on an outdated Storage Area Network (SAN) which became inoperable, resulting in total systems failure. The data migration to the new SAN was concluded successfully and the availability of ICT services, email and internet access improved considerably.

An ICT Disaster Recovery Plan was developed and approved. An offsite storage facility was identified where backed up data stored on electronic magnetic tapes will be kept, for use in the event of a disaster to recover information. Automatic fail over in an event of systems inoperability and/or disaster will be implemented in the new financial year.

The NPA's Virtual Private Network (VPN) and internet access was successfully migrated from Telkom's infrastructure to SITA's network.

Library and Records Management

All library books were reflected on the asset register and the project aimed at adding heritage assets in the Cape Town office was completed, successfully. A total of 57 935 items are recorded in the library catalogue, 2 000 books were issued and renewed and 1 015 information requests were addressed in the reporting period.

Most audit findings for the Document Centre were cleared and no new findings were received. HR documents were referenced and indexed, all other documentation is being sorted and originals retrieved. The Records Management policy, a standards document and amendments to the approved file plan were finalised. The disposal process was started with the DPP Pretoria disposing of redundant documentation.

Strategies to overcome areas of under performance

The NPA endeavours to address under performance in all areas through a general operations management approach which focuses on the improved utilisation and re-allocation of resources whilst reducing costs and maintaining high levels of customer satisfaction. The approach includes doing more with less by establishing what is necessary versus what is waste and by continuously improving business processes. Performance is monitored closely and regularly so as to introduce interventions swiftly and without fail as the carry through effects are experienced only much later.

Key to this approach is effective stakeholder management as the NPA is part of a bigger value chain. In addition the NPA needs to scientifically establish if targets are realistic without setting 'soft' targets. Where targets are too low or too high, the latter will be adjusted accordingly.

Changes to planned targets

The NPA submitted an amended Annual Performance Plan to the Portfolio Committee in October. The changes were necessitated by the amended JCPS Delivery Agreement in which outcome three and five were combined. Historical performance information was revised to reflect the audited figures to ensure alignment to the AR 2011/12. The targets for 2012/13 have been adjusted based on the actual performance 2011/12. In summary, the following revisions were made to the 2012/13 APP. A comparison in terms of performance targets is also made between the financial years 2012/13 and 2011/12.

Strategic Objectives Annual Targets for 2012/13

NPA Strategic objective 1: Increased successful prosecution of serious crime				
Strategic objective	Actual Performance 2011/12	Original target	Adjusted Targets 2012/13	Reasons for change
Convictions in criminal court cases measured against the number of new cases enrolled in Regional and High courts (Serious crime)	39% (29 628)	41% (26 177)	41% (30 220)	Target was number target adjusted upwards in line with the actual performance of 2011/12 which was higher than the estimated performance of 2012/13
Overall conviction rate	88% (280 658)	88% (344 419)	88% (305 517)	The number target was adjusted downwards in line with the actual performance of 2011/12 which was lower than the estimated performance of 2012/13

Programme performance indicators and annual targets for 2012

NPA Strategic objective 1: Increased successful prosecution of serious crime				
Performance Indicator	Actual Performance 2011/12	Original target	Adjusted Targets 2012/13	Reasons for change
Conviction rate on complex commercial crime	92% (754)	90% (772)	93% (780)	The target for the number of convictions on commercial complex crimes, trio crimes and organised crimes were adjusted upwards to align with the actual performance of 2011/12. The conviction rate for commercial complex crime was adjusted upwards from 90% to 93% to align to the actual performance achieved in 2012/13.
Conviction rate on trio crimes	84.8% (1 525)	85% (1 418)	85% (1 556)	
Conviction rate of organised crime	89.1% (171)	85% (144)	85% (174)	
Conviction rate on sexual offences	65.1% (4 501)	65% (9 416)	65% (4 591)	The number of convictions was adjusted downwards to align to the actual achievement of 2011/12.
NPA Strategic objective 2: Improved collaboration with JCPS partners				
Performance Indicator	Actual Performance 2011/12	Original target	Adjusted Targets 2012/13	Reasons for change
Conviction rate in high courts	85% (963)	87% (958)	87% (982)	The target for the number of convictions in the regional and high courts were adjusted upwards to align with the actual performance of 2011/12.
Conviction rate in regional courts	74.3% (28 665)	74% (28 491)	74% (29 238)	
Number of case backlogs	34 926	36 295	34 187	The target was adjusted upwards to align to the actual performance achieved in 2011/12
Number of appeals finalised in the High Court	1 650	1 376	1 683	Target adjusted upwards by an additional 2% of the actual performance achieved In 2011/12.

Performance Indicator	Actual Performance 2011/12	Original target	Adjusted Targets 2012/13	Reasons for change
Clearance ratio on decision dockets received	85% (650 677)	85% (11 455)	85% (650 080)	Number target was adjusted upwards based on actual performance in 2011/12.
Number of new completed AFU matters	300	330	306	Target was adjusted downward in the 2012 AENE as a result of human resources constraints and focus on high value cases.
Number of new freezing orders	318	350	324	Target was adjusted downward in the 2012 AENE as a result of human resources constraints and focus on high value cases.
Value of completed AFU matters (Rm)	R163.6m	R225m	R167m	Target was adjusted downward in the 2012 AENE from R225m to R167m as it would correlate with a reduction in the number of AFU completed matters.
Value of new freezing orders (Rm)	R553.4m	R550m	R600m	Target was adjusted upward in the 2012 AENE from R550m to R600m.
Success rate overall for AFU cases	96.1% (295)	92.5% (320)	94% (306)	Target was adjusted upward in the 2012 ENE from 92.5% to 94%.

NPA Strategic objective 3: Reduced Corruption

Performance Indicator	Actual Performance 2011/12	Original target	Adjusted Targets 2012/13	Reasons for change
Number of freezing orders relating to corruption where the amount involved is more than R5m restrained	7	30	20	Target was reduced to align to the JCPS Delivery Agreement
Time to finalise internal disciplinary cases relating to corruption	n/a	3 months	3 months	This indicator was added and implemented in November to align to the JCPS Delivery agreement

NPA Strategic objective 4: To improve justice services for victims of crime				
Performance Indicator	Actual Performance 2011/12	Original target	Adjusted Targets 2012/13	Reasons for change
Conviction rate in the prosecution of sexual offences reported at TCCs	60.7% (1 323)	65%	63.5% (1 349)	Target adjusted downwards to align to the actual performance achieved in 2011/12.
% of cases reported at a TCC that is referred to court for prosecution	57.4% (2 401)	31%	58% (2 449)	Case Managers improved the screening of cases and guiding of investigations and only cases with a reasonable prospect of success were referred to the court
NPA Strategic objective 5: Increased prosecution of cybercrime				
Number of cybercrime prosecutions finalised	216	153	220	Target for this indicator was adjusted upward to align to the actual performance achieved in 2011/12.

Audited Performance Information

Strategic Objective 1: Increased successful prosecution of serious crime

Sub-Programme: Public Prosecution					
Performance Indicator	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Number of criminal court cases in which a sentence of 10 years or more of direct imprisonment without the option of a fine is imposed	6 125	7 027	6 801	-3.2%	Exercise of judicial discretion and unavailability of criminal records and/or pre-sentence reports
Convictions in criminal court cases measured against the number of new cases enrolled in the Regional and High Courts (serious crime)	38.4% (29 628)	41% (30 220)	40.9% (29 243)	-0.1%	Reduction of 7.5% in new cases enrolled in Regional Courts
Conviction rate on complex commercial crime	91.6% (754)	93% (780)	92.9% ²⁹ (639)	-0.1%	The NPA has narrowed the focus of the SCCU to the most complex cases. Many of these cases are ^s defended by senior council who attack the evidentiary value, constitutionality etc of the cases making it more difficult to achieve a conviction
Conviction rate on trio crimes	84.8% (1 525)	85% (1 556)	83.4% (1 273)	-1.6%	Fewer cases resulted in a conviction
Conviction rate of organised crime	89.1% (171)	85% (174)	90.7% (273)	5.7%	More cases in which the prosecution was successful in proving cases beyond reasonable doubt
Conviction rate in sexual offences	65.1% (4 501)	65% (4 591)	65.8% (4 669)	0.8%	More cases in which the prosecution was successful in proving cases beyond reasonable doubt
Number of backlogs in the Regional and High courts	17 646	15 890	15 995	0.7%	Case flow management challenges and multiple requests for remand by defence

²⁹ This figure is only applicable to the dedicated commercial crime courts

Strategic Objective 2: Improved collaboration with JCPS partners

Performance Indicator	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Overall conviction rate	88.8% (280 658)	88% (305 517)	89.9% (290 834)	1.9%	More cases in which the prosecution was successful in proving cases beyond reasonable doubt
Number of criminal court cases finalised including ADRM	448 793	481 638	466 800	-3.1%	Reduced court utilisation, absence of role-players and CFM related challenges
Number of criminal court cases with verdict	316 098	344 419	323 390	-6.1%	Reduced court utilisation
Number of criminal court cases finalised through alternative dispute resolution mechanisms per year	132 693	137 219	143 410	4.5%	More cases were dealt with that were suitable for this method of resolution
Conviction rate in high courts	84.6% 963	87% (982)	87.5% (1 045)	0.5%	Cases prosecuted were proved beyond reasonable doubt
Conviction rate in regional courts	74.3% (28 665)	74% (29 238)	75.1% (28 198)	1.1%	More cases in which the evidence was accepted by the presiding officer
Conviction rate in district courts	90.8% (251 030)	87% (276 068)	91.9% (261 591)	4.9%	More cases in which the evidence was accepted by the presiding officer
Number of case backlogs	34 926	34 187	31 054	-9.2%	Case flow challenges and multiple requests for remand by defence
Number of appeals finalised in the High Court	1 650	1 683	2 068	22.9%	Increase in number of appeals received
Number of appeal backlogs	261	256	323	26.2%	Delays in transcription of records and increase in number of appeals received

NATIONAL PROSECUTING AUTHORITY - VOTE 24 For the year ended 31 March 2013

Performance Indicator	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Prosecutions vacancy rate	11.4%	10%	0%	100%	In accordance with DPSA prescripts all unfunded posts were abolished
Clearance ratio on decision dockets received	99.5% (650 677)	85% (650 060)	99.5% (676 564)	14.5%	Focused attention on this indicator
Number of witnesses harmed or threatened while on the WPP	0	0	0	0%	Dedication and skill of protectors
Percentage of witnesses that walk off the WPP	1.8%	2%	2.5% (5)	-0.5%	Witnesses that did not want to be on the programme left
Number of new completed AFU matters	300	306 ³⁰	302	-1.3%	Focus on high value cases
Number of new freezing orders	318	324 ³¹	276	-14.8%	Many cases not finalised due to lack of capacity
Value of completed AFU matters (Rm)	R163.6m	R167m ³²	R118.5m	-29%	Many cases not finalised due to protracted litigation
Value of new freezing orders (Rm)	R553.4m	R600m ³³	R518m	-13.7%	Trial readiness delayed due to complexity of investigation
Success rate overall for AFU cases	96.1% (295)	94% ³⁴ (306)	94.1% (289/307)	0.1%	Marginal deviation
Strategic Objective 3: Reduced Corruption					
Number of persons convicted of corruption where the amount involved is more than R5m	n/a	50	42 ³⁵	-16%	Matters are complex and take a long time to finalise
Number of JCPS personnel convicted of corruption	107 (72.6%) ³⁶	160 (74%)	152 (82.3%) ³⁷	-5%	The finalisation of these matters is often deliberately delayed by the defence
Number of prosecutions instituted for serious corruption matters ³⁸	4	50	27	-46%	Matters are complex and it takes a long time to finalise the investigation prior to enrolment

Performance Indicator	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Time to finalise a JCPS corruption prosecution	9.3mths (69%)	9 mths (69%)	14.4 mths ³⁹ (60.5%)	60.5%	Reduced court utilisation and absence of role-players
Number of freezing orders for JCPS officials	0	10	8	-20%	Only a few corruption cases involving JCPS officials where the amount is large enough for a freezing order
Number of freezing orders relating to corruption where the amount involved is more than R5m restrained	7	20	23	15%	Focused attention on this indicator
Time to finalise internal disciplinary cases ⁴⁰ relating to corruption	n/a	3 months	5 months	-66.7%	The unavailability of Chairpersons, Employer Representatives or the employee or their representatives, and witnesses
Strategic Objective 4: To improve justice services to the victims of crime					
Number of operational TCCs	30	35	35	0%	TCC blueprint and criteria for establishment of TCCs are closely managed
Conviction rates in the prosecution of sexual offences reported at TCCs	60.7% (1 323)	63.5% (1 349)	61% (1 372)	-2.5%	The majority of the cases reported at TCCs are rape matters (section 3 of the Sexual Offences Act) and are inherently more complex and challenging to prosecute due to cautionary rules that apply.
Percentage of cases reported at a TCC that is referred to court for prosecution ⁴¹	57.4% (2 401)	58% ⁴² (2 449)	48.7% (7 708)	-9.3%	Case Managers improved the screening of cases and guiding of investigations and only cases with a reasonable prospect of success were referred to the court

NATIONAL PROSECUTING AUTHORITY - VOTE 24 For the year ended 31 March 2013

Performance Indicator	Actual Achievement 2011/12	Planned Target 2012/13	Actual Achievement 2012/13	Deviation from planned target to Actual Achievement for 2012/13	Comment on variances
Payments to victims of crime in terms of POCA	R93.8m	R55m	R28.6m	-48%	A factor beyond the NPA's control and depends on the nature of cases received
Value of compensation orders paid to victims of crime	R32.2m	R32m	R74.4m	132.5%	More cases in which the opportunity presents itself to use the provisions of Section 300 and 297 of the CPA
Strategic Objective 5: Increased prosecution of cybercrime					
Conviction rate in cybercrime prosecutions	87.5% (189)	74% (156)	97.8% (133)	23.8%	More cases prosecuted could be proved beyond reasonable doubt
Number of cybercrime prosecutions finalised	216	220	136	-38.2%	Very few cybercrime matters are referred to the NPA for prosecution

30 Target was adjusted downward in the 2012 AENE from 330 to 306

31 Target was adjusted downward in the 2012 AENE from 350 to 324

32 Target was adjusted downward in the 2012 AENE from R225m to R167m

33 Target was adjusted upward in the 2012 AENE from R550m to R600m

34 Target was adjusted upward in the 2012 ENE from 92.5% to 94%. However, the number of completed forfeiture matters was adjusted downwards from 330 to 306.

35 New indicator

36 The percentage represents the conviction rate of cases in JCPS Officials charged with corruption

37 The percentage represents the conviction rate of cases in JCPS Officials charged with corruption

38 Revised indicator due to a definition change implemented in November 2012

39 The percentage represents the amount of cases finalised within the target of nine months from enrolment of these cases

40 New indicator for Support Services sub-programme moved from Public Prosecution sub-programme only implemented in November 2012

41 Target for this indicator was revised upwards from 37% and amended in the NPA APP 2012/13 in October 2012.

42 Target in SOCA APP reflected as 37% and not 58% as indicated in NPA APP.

Linking performance with budgets

Table 26: Departmental expenditure per sub-programme

Sub- Programme Name	2012/2013			2011/2012		
	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
R'000	R'000	R'000	R'000	R'000	R'000	R'000
Public Prosecutions	2 143 440	2 143 440	0	1 951 858	1 951 858	0
Office for Witness Protection	149 282	149 282	0	132 870	132 870	0
Asset Forfeiture Unit	103 655	103 655	0	104 507	104 507	0
Support Services	443 447	443 447	0	432 430	426 180	6 250
Total	2 839 824	2 839 824	0	2 621 665	2 615 415	6 250

Summary of financial information

Departmental receipts

The revenue received by the NPA during the financial year relates to non-tax revenue and financial transactions i.e. recoveries from previous year's expenditure. Generally, there is a 28.09% increase in the total revenue received during the 2012/13.

Table 27: Collection of departmental revenue in the NPA

Departmental receipts	2012/2013			2011/2012		
	Estimate	Actual Amount Collected	(Over)/Under Collection	Estimate	Actual Amount Collected	(Over)/Under Collection
	R'000	R'000	R'000	R'000	R'000	R'000
Sale of goods and services other than capital assets	1 039	1 145	-106	1 049	985	64
Transfers received	0	100	-100	0	0	0
Interest, dividends and rent on land	265	364	-99	146	83	63
Sale of capital assets	0	22	-2 2	0	40	-40
Financial transactions in assets and liabilities	1 827	8 856	-7 029	40	7 079	-7 039
Total	3 131	10 487	-7 356	1 235	8 187	-6 952

The total departmental revenue received during the 2012/13 financial year increased to R 10,487 million which is an increase of 28.09% from the total amount of R 8, 187 million received during the 2011/12 year. This increase is a result of the increase in commission received in respect of the management of garnishee orders, prior year's expenditure recovered and recovery of outstanding debt owed by staff on non-contractual debt.

Programme Expenditure

Before virement, the NPA showed an overspending on compensation of employees (R83m) due to the implementation of the Job Evaluation court judgement.

Table 28: Departmental expenditure

Sub- Programme Name	2012/2013			2011/2012		
	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure	Final Appropriation	Actual Expenditure	(Over)/Under Expenditure
R'000	R'000	R'000	R'000	R'000	R'000	R'000
Public Prosecutions	2 143 440	2 143 440	0	1 951 858	1 951 858	0
Office for Witness Protection	149 282	149 282	0	132 870	132 870	0
Assets Forfeiture Unit	103 655	103 655	0	104 507	104 507	0
Support Services	443 447	443 447	0	432 430	426 180	6 250
Total	2 839 824	2 839 824	0	2 621 665	2 615 415	6 250

The NPA's expenditure has increased with 8.58% from R 2,615 billion in 2011/12 to R 2,839 billion in 2012/13. The main contributor to this increase was the cost of living adjustment and the implementation of the Job Evaluation court judgement during November and December 2012. The NPA implemented various cost saving measures in order to ensure that it remains within the allocated budget. Other budget management initiatives implemented included the centralisation of all budget allocations as from the beginning of February 2013, no filling of vacancies and the temporary termination of the Aspirant prosecutor programme. The NPA is facing severe budget constraints in the upcoming financial years.

Transfer payments (excl. public entities)

The NPA transferred R2,227 million to the Safety and Security Sector Education and Training Authority (SASSETA). SASSETA is responsible for the development of an integrated education and training programme for the safety and security sector. Transfer of funds to SASSETA is subject to conditions and it is required to establish and implement an effective, efficient and transparent financial management and internal control system.

Conditional grants and earmarked funds paid

Conditional grants and earmarked funds paid are not applicable to the NPA.

The NPA received additional funding from National Treasury that was earmarked for the reduction of case backlogs (R114m for 2010/11; R121m for 2011/12 and R127m for 2012/13).

Donor Funds

The table below details the donor funds received during for the period 1 April 2012 to 31 March 2013.

Table 29: Summary of Donor Funding received

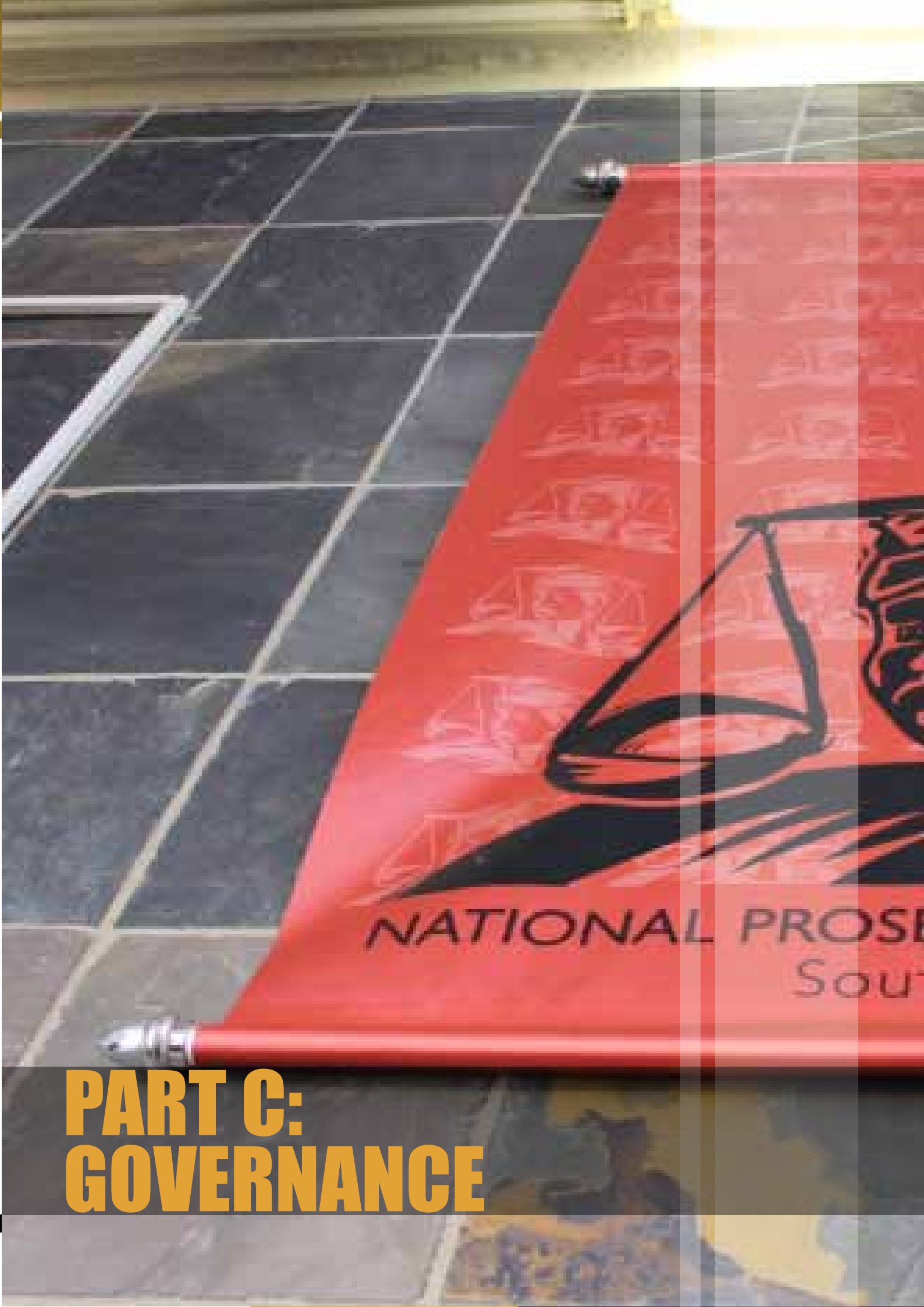
Name of donor	CARA
Full amount of the funding	R 20 000 000
Period of the commitment	No period to commitment
Purpose of the funding	AFU Curator Expenditure
Expected outputs	To ensure proceeds realised from forfeited and confiscated property is collected, deposited into CARA or paid to the victim promptly at minimum cost to the state.
Actual outputs achieved	From April 2012 until March 2013 a total of R59.4 million was deposited into the CARA and paid to victims.
Amount received in current period (R'000)	R 20 000 000
Amount spent by the department (R'000)	R 13 405 450
Reasons for the funds unspent	The AFU spending is on target as set out in drawdown request. The balance will be spent early in the new financial year.
Monitoring mechanism by the donor	CARA Funding meetings hosted by the Department of Justice and Constitutional Development.
Name of donor	CARA
Full amount of the funding	R 9 000 000
Period of the commitment	No period to commitment
Purpose of the funding	ACTT Human Resource Development Project
Expected outputs	The phenomena of serious corruption and legal responsibilities demands stringent action and focus on the management of integrity with regards to the integrated approach and the sensitivity of such cases. The integrity management within the Justice Cluster necessitates the development of new models and practices to professionalise the role and function of Practitioners in the field of Integrity and Anti-Corruption (PIMAC)

Actual outputs achieved	No outcomes achieved as per date.
Amount received in current period (R'000)	R 9 000 000
Amount spent by the department (R'000)	R 0
Reasons for the funds unspent	The funds have been requested to develop and implement a training program. Most of the funds will only be used once the training has been developed and will be utilised to roll-out the training to the various partners in the ACTT. This is a long term project and includes the need to do research in and development of the areas listed in the objectives of the project.
Monitoring mechanism by the donor	CARA Funding meetings hosted by the DoJ&CD.
Name of donor	Royal Danish Commission (UNICEF)
Full amount of the funding	R 10 178 000
Period of the commitment	2012/2013
Purpose of the funding	Support Thuthuzela Care Centres
Expected outputs	Payment of staff appointed at the Thuthuzela Care Centres.
Actual outputs achieved	Payment of staff appointed at the Thuthuzela Care Centres.
Amount received in current period (R'000)	R 2 393 000
Amount spent by the department (R'000)	R 10 178 000
Reasons for the funds unspent	Funds were fully utilised during the 2012/13 financial year.
Monitoring mechanism by the donor	Quarterly verification expenditure reports submitted to donor, which is subject to audits.

In addition to the above donations received in cash the NPA has also received assets to the value of R 23,689 million through the Integrated Justice System (IJS). These assets were disclosed as donations received in kind in the Annual Financial Statement of the NPA and forms part of the NPA's asset register. Earmarked IJS funds were appropriated to the Department of Justice and Constitutional Development by National Treasury and forms part of the departments voted expenditure.

Capital investment, maintenance and asset management plan

The DoJ&CD reports on this under Programme two of the Vote.



PART C: GOVERNANCE

PART C: GOVERNANCE

Introduction

The NPA remains steadfast in its commitment to improve governance in the NPA and to achieving a clean audit. Governance was identified as the main area of focus for the year under review in order to achieve this result. The NPA developed and administered a compliance checklist aimed at improving compliance. Policy management was undertaken and gaps identified and addressed in terms of either a lack of a policy or shortcomings in current policies. In the year 16 policies were reviewed and updated. Policies were also developed in the areas of human resource management and finance management.

Risk management

The NPA regards enterprise risk management (ERM) as vital to the successful delivery on its organisational mandate including its obligations to deliver services to its stakeholders. The ERM unit continues to coordinate and support the implementation of risk management activities throughout the NPA. The Unit has reviewed the Enterprise Risk Management Policy and Strategy that encourages the integration of risk management principles in day to day activities.

The ERM unit has conducted risk management awareness throughout the organisation and utilised strategic planning sessions as a platform to identify, assess and develop mitigation plans to address the risks faced by NPA. The NPA has also identified risks relating to corruption. A fraud and corruption risk register developed and activities to mitigate corruption risks have been incorporated into the Fraud and Corruption Response Plan for implementation by identified risk owners. The implementation of the plan will be closely monitored to ensure that corruption risks are managed and a strong ethical culture is maintained. The NPA utilises an electronic system BarnOwl to manage its risks. The risk profiles of business units are monitored on an ongoing basis by various internal governance structures, including Exco and Audit Committee.

The NPA top strategic risks for 2012/13 were approved and monitored quarterly to track progress against implementation of mitigation plans. The ongoing risk management activities have culminated in an updated NPA top risk profile for 2013/14 which is approved by the DG: DoJ&CD. Risk assessments were conducted for all business units and service centres. Reviews and follow-ups were conducted on a continuous basis. ERM facilitated the development of the following top NPA organisational risks:

Table 30: Top NPA Risks and Mitigation Plans

Risk	Actions taken
<p>Operational efficiency</p> <p>Operational efficiency of the NPA and in particular its ability to deliver on the set targets could be compromised by deficiencies in the CJS and the existing interdependencies. The operational efficiency can also be negatively impacted on if there are not adequate resources in particularly the lower courts.</p>	<p>The NPA was actively involved in all forums and activities to find ways to improve the overall functioning of the CJS.</p> <p>Budget constraints were brought to the attention of the Portfolio Committee. The NPA implemented cost cutting measures and channelled resources to the core function.</p> <p>Operational plans for 2012/13 were developed by all business units and regions and aligned to the Strategic Plan of the NPA. Progress on the achievement of the targets was monitored on a monthly and quarterly basis. The Enterprise Performance Management Committee was re-established to monitor the performance of the NPA.</p>
<p>Operational capacity</p> <p>Service delivery could be compromised if the NPA does not invest in optimal capacity through skills development and capacity building.</p>	<p>The recruitment process was closely monitored at all levels; however, vacant positions could not be filled due to the unavailability of funds except for a few critical posts. The WSD plan was developed and approved. The plan was submitted to SASSETA and was implemented.</p>
<p>Business continuity</p> <p>There are no approved and tested plans in place to ensure that the NPA responds and recovers from disaster, business interruptions and disruptions, thereby ensuring business continuity in case of disruptive events.</p>	<p>A Business Continuity Management Plan (BCMP) was developed and approved by the CEO. The BCMP is supported by BCPs for the following critical environments: Human Resources, Assets, Security and Information and Communication Disaster Recovery Plans.</p>
<p>Fair presentation of financial statements</p> <p>In terms of section 38(1)(a)(i) of the PFMA, a department is required to have and maintain effective, efficient and transparent systems of financial, risk management and internal control. In 2010/2011 PFMA audit, the NPA received an unqualified audit opinion from the Auditor-General. However, the AG reported a number of weak controls (emphasis of matter). Poor financial management and control could result in incorrect financial reporting.</p>	<p>Financial management policies were reviewed and approved. Awareness sessions on financial management processes and procedures were conducted and more are planned in the next financial year.</p> <p>A dedicated audit facilitator was appointed. An audit action plan was developed and steering committee meetings were held on a monthly basis to address the audit findings. The audit action plan is monitored regularly through the CS Exco and audit committee meetings.</p> <p>Disciplinary action was taken as and when necessary against those who failed to comply with relevant policies and procedures etc.</p>

Risk	Actions taken
Ethical behaviour within the NPA Independent decision making (e.g. decision dockets), inherent in the generic trial process can be open to abuse if not closely monitored (docket management and security). Further, a culture of non-compliance can easily support fraudulent and corrupt activities within critical processes such as supply chain management, covert operations, handling of dockets and management of seized or forfeited assets. The NPA acknowledges that any incident of fraud and corruption, which includes information leaks, will negatively impact the public's confidence in the CJS.	Criminal cases of corruption identified were reported to the ACTT. A concept document on ethics management was drafted The policy on the prevention of corrupt activities was repealed and aspects of it were covered in the Financial Disclosure Policy. Monthly reports are provided on the implementation of the Fraud and Corruption Response Plan. Fraud and corruption risk assessments were performed to identify areas and functions that are susceptible to fraud and corruption

Fraud and corruption

In respect of the Fraud and Corruption Investigation Programme, the different elements of management of conflict of interest were integrated resulting in a reliable and comprehensive database that allows for a better evaluation of the status of integrity in the NPA. To this end, a Conflict of Interest Framework, which covers, among others, the administration of financial declarations and applications for remunerative work outside the NPA, was drafted and endorsed by management.

In the reporting period, 99% of the SMS members declared their financial interests. A comprehensive register of employees involved in remunerative work outside the NPA was kept, and 33 of the 77 employees on the register were inspected. The resolution rate for reported cases of unethical conduct rose to 85% of the 154 cases reported and 122 were finalised by the end of the reporting period.

The Fraud and Prevention Response Plan has four pillars, namely, the investigation, prevention, detection and advocacy. There is dedicated sub-component which investigates fraud, corruption and unethical conduct, and is capacitated with experienced investigators. A detection program was initiated in this year and 50 sites were visited where six cases of corruption were detected and investigated. The cases are received through the Hotline and the walk-ins as well as referrals. All reported cases are captured on the Case Management System and in the year under review 50 new cases were reported. The resolution rate for the cases stands at 80%. six corruption and related cases are currently being investigated by the South African Police Service.

Minimising conflict of interest

The conflict of interest was managed through the administering of the Financial Declarations for SMS, the processing of application for Remunerative Work outside the NPA, as well as the general conflict of interest register.

All the SMS submissions in respect of directorships and performance of remunerative work outside the NPA were verified in the year under review, and 42 discrepancies were detected. The NPA is working with the employees to ensure that the details on the submissions are correct and correspond to the details contained in various official databases such as CIPC. 43 new applications to conduct Remunerative Work Outside the NPA were received and 33 applicants were visited and inspections conducted to verify information supplied and captured in the applications. The DPSA is currently in the process to gazette the Conflict of Interest Framework for the Public Service, and this will assist a great deal in respect of formulating NPA policy on Conflict of Interest Management. At the moment there are guidelines that have been approved internally to assist in the management of conflict of interest in the NPA.

Code of conduct

The leadership of the NPA has committed to the management of integrity and ethics as articulated in the SMS summit. The organisation accepts that we should 'prosecute with the highest standards of ethics and integrity'.

An advocacy program was rolled out and 1213 employees were reached through face-to-face workshops throughout the country. The program, Integrity @ Work, is aimed at institutionalizing the values of the organization which are contained in the code of ethics for the NPA. To date, 450 employees have voluntarily signed the Code of Conduct following the roll-out of the Integrity @ Work program.

The Ethics Management Strategy of the NPA is implemented through two main programmes, the Ethics Advocacy Programme as well as the Fraud and Corruption Investigation Programme. The EAP assisted in rolling out the Integrity @ Work programme (which is intended to institutionalise values and ethics in the organisation), to 1 213 employees through face-to-face training workshops attended by 89 SMS members. An Ethics Blog was launched and activated, and has become an important tool for employees to raise ethics issues and challenges.

Health Safety and environment issues

The SR&M focussed on improving the health and safety environment in which the employees operate. Ten health risk assessments were conducted ten NPA facilities, to determine safety weaknesses and compliance with other legislative requirements. Occupation Health and Safety (OHS) Committees were appointed in all the offices. A total of 35 formal OHS compliance inspections were conducted and eight evacuation drills were conducted in NPA facilities.

The NPA has a waste management system in place where the NPA carbon footprint is reduced by recycling, the use of energy efficient devices and equipment and a building management system which automates the energy usage of its head office. The nature of the business of the NPA does not pose a health risk to the general public or its employees outside of the normal OHS issues.

Internal control unit

Internal Audit is an independent assurance function within DoJ&CD which provides management and the Audit Committee with assurance on the adequacy and effectiveness of the governance, performance, risk management and internal control processes. The Internal Audit Unit is guided by an internal audit charter approved by the Audit Committee and performs its functions as provided for in the PFMA framework and the Internal Audit Charter.

The head of Internal Audit reports functionally to the Audit Committee and administratively to the Accounting Officer. Internal Audit also participates in the strategic committees of both the DoJ&CD and the NPA. The Internal Audit of the DoJ&CD is also responsible for the auditing of the NPA. On an annual basis, Internal Audit prepares a risk based three year plan and annual plan after taking into consideration the risks facing the NPA, strategic objectives, mandate, audit issues, and inputs by management and the Audit Committee. The Audit Committee approves the plan. Internal Audit also continued to liaise with Auditor-General to minimise duplication of effort and optimise operational efficiency.

Internal audit completed all the planned audit projects for the 2012/13 financial year and weakness identified were reported to management which have implemented measures to mitigate risks. Significant matters raised on the reports were reported to the Audit Committee.

The performance of the Internal Audit unit has improved as the audit management staff turnover was stabilised and relationships between management and the unit matured. Audit managers and senior managers were also more operationally involved on the audit projects that resulted in the unit effectively managing the rollout of the operational plan.

Audit Committee report

1. Report of the Audit Committee on National Prosecuting Authority

We are pleased to present our report for the financial year ended 31 March 2013.

1.1 Audit Committee members and attendance

The Audit Committee consists of the members listed below and is required to meet at least four times per annum as per its approved terms of reference. During the current year six meetings were held and one member retired as indicated below.

Name of members	Numbers of meetings attended	Status
Mr Motsamai Karedi (Chairperson)	5	Reappointed - 09 January 2013
Mr Cedric Boltman	6	Reappointed - 09 January 2013
Ms Bajabulile Luthuli	5	Retired - 15 December 2012
Ms Besky Ngunjiri	5	Appointed - 28 February 2012
Ms Keneilwe Moloko	3	Appointed - 28 February 2012
Mr Wilson Ramabulana	5	Reappointed - 09 January 2013
Ms Livhuwani Vuma	6	Appointed - 28 February 2012
Mr Andy Sello	1	Appointed - 09 January 2013

1.2 Audit Committee Responsibility

We report that we have adopted appropriate formal terms of reference in our charter in line with the requirement of section 38(l(a) of the public finance management Act, 1999 (Act NO.1 of 1999) and Treasury Regulation 3.1.

1.3 The Effectiveness of Internal Control

The Audit Committee is satisfied that key controls remained in place throughout the year under review and where shortcomings noted in the internal controls were identified, management has been addressing them through the implementation of audit action plans. Internal Audit validated the progress on the implementation of audit action plans and the Audit Committee has also reviewed the audit action plans throughout the year under review.

1.4 Internal Audit

The Department of Justice and Constitutional Development's Internal Audit Unit IS also responsible for the auditing of the National Prosecuting Authority. The Internal Audit unit has discharged its responsibilities as per the internal audit plan.

1.5 Auditor-General South Africa

We have noted the Auditor-General South Africa's report and management letter and are satisfied with the outcomes of the audit. The Audit Committee is also pleased to have witnessed the improvements which the Accounting Officer and her team have effected as demonstrated through the achievement of the positive audit outcomes. We have continued to urge the Department to ensure that recommended improvements as contained in the management letter are effected so that there is no negative reporting in future.

1.6 Reports

1.6.1 The quality of in-year management and monthly/quarterly reports submitted in terms of the PFMA

We are satisfied with the content and quality of monthly and quarterly reports prepared by the Accounting Officer of the Department during the year under review.

1.6.2 Evaluation of financial statements

We have reviewed and discussed the audited annual financial statements with management and also reviewed the department's compliance with legal and regulatory provisions. We have also reviewed the Auditor-General South Africa's report and management letter and management's responses to it.

We concur and accept the conclusions of the Auditor-General South Africa report on the annual financial statements and are of the opinion that the audited annual financial statements should be accepted, read together with the report of the Auditor-General South Africa.



M Karedi: Chairperson of the Audit Committee

Date: 31 July 2013

PART D: HUMAN RESOURCE MANAGEMENT

Legislature that governs HR management

Introduction

Human Resources Management and Development (HRM&D) is central to the NPA achieving its mandate of delivering prosecution services. This is done through providing an efficient HR administration and HR processes management as well as the psycho-social support given to employees through programmes like the Employee Assistance Programme.

The main issue at the fore front facing Human Resource Management in the NPA is the capacity constraints primarily brought about by the inadequate budget to fund the full establishment. The filling of vacancies has been halted as all vacant posts have become unfunded.

The main propriety for the year under review was to conduct an organisational wide work study. This project was unfortunately halted as part of the cost cutting measures. Also the focus was to put programmes that will focus on transformation in the organisation. A transformation directorate was set up but unfortunately the directorate could not be fully capacitated during the period and continued to deliver a limited number of programmes.

As indicated above, all recruitment was halted and there was no planned growth on the establishment. The limited recruiting that was done was basically the conversion of the Sexual Offences Programme from being donor funded programme to a vote funded programme. The recruitment processes attracted the same individuals who were already working for the organisation and thus no particular strategies were required to attract the candidates.

Other achievements include the submission of the Workplace Skills Plan (WSP) and the Annual Training Report to the SETA on time. The total number of people that were trained specifically with planned programmes as outlined in the WSP significantly exceeded target and 114% of staff were trained in line with the planned programme.

The Annual Employment Equity Report and the Plan were also submitted on time. What is noteworthy regarding employment equity is the development and subsequent approval of the Employment Equity Strategic Plan for the next five years which specifies measures and activities that the NPA will engage in to ensure the achievement of the EE targets. A disability disclosure project was conducted after a workshop for people with disabilities to raise awareness around the importance of disclosing, the latter. The workshop brought about a notable improvement in the number of people with disabilities disclosing their status, from six people to 17 people. Another landmark is the disability framework which clearly defines the measures applicable to provide support to employees with disabilities.

In terms of Employment Equity, the representation of women in management positions' target of 35% has been achieved. The NPA is mindful of the 50% target as set by government, however for the period under review the NPA was able to achieve its internal target as part of specific measures towards the achievement of the government set target.

Another compliance target achieved was the development and submission of an HR plan including the implementation plan with performance against the plan measured, and continuously monitored.

There was a general improvement in compliance to the employee performance management framework. All members of the Senior Management Services that were at work and able to conclude performance Agreements did conclude such agreements before the due date. Only those employees who were not at work for reasons such as suspension and secondment did not conclude performance agreements. More than 95% of the below SMS level, also signed performance agreements thereby improving the compliance level in this regard. Assessment was monitored during the period and this will continue in the new year with focus to improve the quality of the agreements and assessments.

The focus of the Employee wellness programme was more or preventative interventions and in particular physical Wellness Programme. A number of sporting codes were introduced in the organisation and sport days were held in all the offices of the NPA. During the sporting days health screening and education of health and wellness will be provided as well as financial wellness talks. Despite the lack of a service provider offering employee assistance, HRM&D managed to provide support to employees with 47 preventative interventions offered as opposed to a target of 30 and an overall response rate of 92% as opposed to a target of 82%.

During the period under review a number of policies were reviewed and a few finalised. These included the finalisation of the Job Evaluation Policy, Employment Equity Policy, Disability Framework and the new Employment Equity Strategy 2016 which determines the approach the NPA will take in dealing with employment equity across all human resources programme.

Additional policies were reviewed and these will be finalised in the new year and some are already on the bargaining chamber agenda and these include the Acting Policy, Leave Policy, Overtime policy, Bursary Policy and HIV/AIDS and TB policy. During the year the Human Resource Management and Development unit (HRM&D) aimed to achieve a 'no qualification' audit which was achieved with only administrative matters raised by the Auditor-General. The overall management of leave improved significantly even in the regions. Regular visits and audits were performed during the year to ensure full compliance on leave matters.

The NPA maintained a high success rate for external disputes during the period with up to 88% of matters ruled in NPA's favour for matters that were set down.

The biggest challenge faced is the inadequate budget. Most of the human resource programmes have to be significantly downscaled due to forced cost saving measures implemented. The Aspirant Prosecutor Programme has been suspended at the time when the NPA has managed to get the programme accredited as a formal programme with the South African Qualification Authority.

Whilst the HRM&D will continue playing a central role in ensuring quality prosecution through ensuring proper resourcing as far as possible, focus on improving the management of the individual performance management systems, and the provision of support programmes through the Employee Assistance Programme, these will be affected by the financial constraints. Most of the HR programmes have been down scaled for the foreseeable future for as long as the NPA finances do not improve.

Human Resource Oversight Statistics

Personnel related expenditure

Table 31 - Personnel expenditure by programme

Programme	Total Expenditure (R'000)	Personnel Expenditure (R'000)	Training Expenditure (R'000)	Professional and Special Services Expenditure (R'000)	Personnel Expenditure as a % of total expenditure	Average personnel cost per employee (R'000)
SP1: Public Prosecutions	2,143,440	2,028,194	2	1,760	94.62%	471
SP2: Office of Witness Protection	149,282	65,336	156	-	43.77%	422
SP3: Asset Forfeiture Unit	103,655	80,586	-	12,154	77.74%	606
SP4: Support Service	443,447	136,720	2,979	2,603	30.83%	362
TOTAL	2,839,824	2,310,836	3,137	16,517	81.37%	465

Table 32 - Personnel costs by salary band

Salary band	Personnel Expenditure (R'000)	% of total personnel cost	No. of employees	Average personnel cost per employee (R'000)
Lower skilled (Levels 1-2)	1,149	0	10	114,900
Skilled (Levels 3-5)	41,460	1.8	256	161,953
Highly skilled production (Levels 6-8)	241,405	10.5	1,063	227,098
Highly skilled supervision (Levels 9-12)	1,251,317	54.2	2,328	537,507
Senior management (Levels 13-16)	649,972	28.1	822	790,720
Contract (Levels 1-2)	55	0	0	0
Contract (Levels 3-5)	27,922	1.2	188	148,521
Contract (Levels 6-8)	49,688	2.1	202	245,980
Contract (Levels 9-12)	44,599	2	99	450,495
Contract (Levels 13-16)	1,757	0.1	4	439,250
TOTAL	2,309,324	100	4,972	464,466

The information provided in this table is based on PERSAL/ Vulindlela information for transactions captured on PERSAL during the reporting period.

Table 33 - Salaries, Overtime, Home Owners Allowance and Medical Aid by programme

Programme	Salaries		Overtime		Home Owners Allowance		Medical Aid	
	Amount (R'000)	Salaries as a % of personnel costs	Amount (R'000)	Overtime as a % of personnel costs	Amount (R'000)	HOA as a % of personnel costs	Amount (R'000)	Medical aid as a % of personnel costs
National Prosecuting Authority	1,872,988	80.1	2,539	0.1	22,453	1	64,061	2.7
TOTAL	1,872,988	80.1	2,539	0.1	22,453	1	64,061	2.7

Total personnel cost includes amongst other: performance rewards, service bonus, leave discounting, periodical payments and pension contribution. These are not included in the total above. The purpose of this table is to indicate the percentage of specific identified conditions of service.

Table 34 - Salaries, Overtime, Home Owners Allowance and Medical Aid by salary band

Salary band	Salaries		Overtime		Home Owners Allowance		Medical Aid	
	Amount (R'000)	Salaries as a % of personnel costs	Amount (R'000)	Overtime as a % of personnel costs	Amount (R'000)	HOA as a % of personnel costs	Amount (R'000)	Medical aid as a % of personnel costs
Lower skilled (Levels 1-2)	710	61.8	0	0	73	6.4	189	16.4
Skilled (Levels 3-5)	27,901	67.2	18	0	2,419	5.8	4,315	10.4
Highly skilled production (Levels 6-8)	177,882	73.4	225	0.1	7,763	3.2	14,502	6
Highly skilled supervision (Levels 9-12)	999,224	78.9	2,291	0.2	10,766	0.9	35,620	2.8
Senior management (Levels 13-16)	543,357	81.9	3	0	1,432	0.2	9,435	1.4
Contract (Levels 1-2)	55	96.5	0	0	0	0	0	0
Contract (Levels 3-5)	27,900	99.9	0	0	0	0	0	0
Contract (Levels 6-8)	49,635	99.7	2	0	0	0	0	0
Contract (Levels 9-12)	44,567	99.3	0	0	0	0	0	0
Contract (Levels 13-16)	1,757	99.9	0	0	0	0	0	0
Periodical remuneration	0	0	0	0	0	0	0	0
Abnormal appointments	0	0	0	0	0	0	0	0
TOTAL	1,872,988	858.5	2,539	0.3	22,453	16.5	64,061	37

Total personnel cost includes amongst other: performance rewards, service bonus, leave discounting, periodical payments and pension contribution. These are not included in the total above. The purpose of this table is to indicate the percentage of specific identified conditions of service.

Employment and vacancies

Table 35 - Employment and vacancies by programme

Programme	Number of posts on approved establishment	Number of posts filled	Vacancy Rate	Number of employees additional to the establishment
National Prosecuting Authority	5005	4972	0.7	493
TOTAL	5005	4972	0.7	493

Table 36 - Employment and vacancies by salary band

Salary band	Number of posts on approved establishment	Number of posts filled	Vacancy Rate	Number of employees additional to the establishment
Lower skilled (Levels 1-2)	11	11	0	0
Skilled (Levels 3-5)	258	256	0.8	0
Highly skilled production (Levels 6-8)	1074	1063	1	0
Highly skilled supervision (Levels 9-12)	2988	2969	0.6	0
Senior management (Levels 13-16)	181	180	0.6	0
Contract (Levels 3-5)	188	188	0	188
Contract (Levels 6-8)	202	202	0	202
Contract (Levels 9-12)	99	99	0	99
Contract (Levels 13-16)	4	4	0	4
TOTAL	5005	4972	0.7	493

Table 37 - Employment and vacancies by critical occupations

Critical occupation	Number of posts on approved establishment	Number of posts filled	Vacancy Rate	Number of employees additional to the establishment
Administrative related	983	977	0.6	110
Advocates	457	453	0.9	21
Cleaners in offices workshops hospitals etc.	9	9	0	0
Client inform clerks (switchboard reception inform clerks)	17	17	0	0
Communication and information related	8	8	0	0
Crime investigators/misdad ondersoekers	56	56	0	2
Finance and economics related	2	2	0	0
Financial and related professionals	10	9	10	2
Financial clerks and credit controllers	6	6	0	2
General legal administration & rel. professionals	36	36	0	0
Head of department/chief executive officer	1	1	0	0
Human resources & organisat developm & relate prof	5	5	0	1
Human resources clerks	2	2	0	0
Human resources related	12	12	0	0
Information technology related	2	2	0	0
Language practitioners interpreters & other comm	1	1	0	0
Library mail and related clerks	9	8	11.1	0
Logistical support personnel	2	2	0	0
Messengers porters and deliverers	29	29	0	0
Other administrat & related clerks and organisers	4	4	0	0

Critical occupation	Number of posts on approved establishment	Number of posts filled	Vacancy Rate	Number of employees additional to the establishment
Other administrative policy and related officers	1	1	0	0
Other information technology personnel	1	1	0	0
Prosecutor	2968	2948	0.7	353
Protection services	99	99	0	0
Secretaries & other keyboard operating clerks	99	99	0	0
Security officers	1	1	0	0
Senior managers	181	180	0.6	2
Social work and related professionals	4	4	0	0
TOTAL	5005	4972	0.7	493

Job evaluation

Table 38 - Job Evaluation by salary band

Salary band	Number of posts on approved establishment	Number of Jobs Evaluated	% of posts evaluated by salary band	Posts upgraded		Posts downgraded	
				Number	% of posts evaluated	Number	% of posts evaluated
Lower skilled (Levels 1-2)	11	0	0	0	0	0	0
Contract (Levels 3-5)	188	0	0	0	0	0	0
Contract (Levels 6-8)	202	0	0	0	0	0	0
Contract (Levels 9-12)	99	0	0	0	0	0	0
Contract (Band A) (Level 13)	4	0	0	0	0	0	0
Skilled (Levels 3-5)	258	0	0	0	0	0	0
Highly skilled production (Levels 6-8)	1074	2	0.2	1	50	0	0
Highly skilled supervision (Levels 9-12)	2346	2	0.1	0	0	1	50

Salary band	Number of posts on approved establishment	Number of Jobs Evaluated	% of posts evaluated by salary band	Posts upgraded		Posts downgraded	
				Number	% of posts evaluated	Number	% of posts evaluated
Senior Management Service Band A (Level 13)	585	6	1	0	0	0	0
Senior Management Service Band B (Level 14)	218	0	0	0	0	0	0
Senior Management Service Band C (Level 15)	1	0	0	0	0	0	0
Senior Management Service Band D (Level 16)	19	0	0	0	0	0	0
TOTAL	5005	10	1.3	1	10	1	10

Table 39 - Profile of employees whose positions were upgraded due to their posts being upgraded

Beneficiaries	African	Asian	Coloured	White	Total
None					

Table 40- Employees with salary levels higher than those determined by job evaluation by occupation

Occupation	Number of Employees	Job Evaluation Level	Remuneration Level	Reason for Deviation
Vetting Supervisor	1	9	10	Res 3 of 2009
Senior Witness Protection Officer	1	9	10	Res 3 of 2009
Secretary	3	5	7	Previous JE outcome
Principal Administrative Assistant	2	6	7	Placement of DSO
Personal Assistant	12	7	9	Previous JE outcome
Personal Assistant	1	7	10	Previous JE outcome
Personal Assistant	3	7	8	Previous JE outcome
Finance Manager	1	11	12	Res 3 of 2009
Executive Secretary	1	7	9	Previous JE outcome
Deputy Manager: Finance	1	9	10	Res 3 of 2009
Deputy Director: Administration	1	11	12	Res 3 of 2009
Deputy CEO	1	15	16	Counter offer
Chief Administrative Assistant	1	7	8	Counter offer
Percentage of total employed	0.6			

Table 41 - Profile of employees who have salary levels higher than those determined by job evaluation

Beneficiaries	African	Asian	Coloured	White	Total
Female	17	3	1	6	27
Male	1	0	0	1	2
Total	18	3	1	7	29
Employees with a Disability	0	0	0	0	0
Total number of employees whose remuneration exceeded the grade determined by job evaluation in 2012/2013					29

Employment changes

Table 42 - Annual turnover rates by salary band

Salary Band	Number of employees at beginning of period (April 2012)	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Lower skilled (Levels 1-2)	11	0	1	9.1
Skilled (Levels 3-5)	263	9	7	2.7
Highly skilled production (Levels 6-8)	970	38	28	2.9
Highly skilled supervision (Levels 9-12)	2549	19	53	2.1
Senior Management Service Band A (Level 13)	484	5	13	2.7
Senior Management Service Band B (Level 14)	126	0	3	2.4
Senior Management Service Band C (Level 15)	2	0	1	50
Senior Management Service Band D (Level 16)	18	0	1	5.6
Contract (Levels 1-2)	3	0	3	100
Contract (Levels 3-5)	279	34	23	8.2
Contract (Levels 6-8)	175	29	15	8.6
Contract (Levels 9-12)	33	11	5	15.2
Contract (Band A) (Level 13)	1	1	1	100
Total	4914	146	154	3.1

Table 43 - Annual turnover rates by critical occupation

Critical Occupation	Number of employees at beginning of period (April 2012)	Appointments and transfers into the department	Terminations and transfers out of the department	Turnover rate
Administrative related	872	100	40	4.6
Advocates	444	12	8	1.8
Attorneys	4	0	0	0
Cleaners in offices workshops hospitals etc.	10	0	1	10
Client inform clerks (switchboard reception inform clerks)	15	4	0	0
Communication and information related	2	0	0	0
Crime investigators/ misdaad ondersoekers	57	0	1	1.8
Custodian personnel	1	0	0	0
Custodian personnel	1	0	0	0
Engineering sciences related	1	0	0	0
Finance and economics related	5	0	0	0
Financial and related professionals	13	0	0	0
Financial clerks and credit controllers	7	0	0	0
General legal administration & rel. professionals	77	0	2	2.6
Head of department/chief executive officer	1	0	0	0
Human resources & organisational development & related professions	4	2	0	0
Human resources clerks	7	0	0	0
Human resources related	7	1	2	28.6

Critical OccupationA	Number of employees at beginning of period (April 2012)	ppointments and transfers into the departmen	Terminations and transfers out of the departmen	Turnover rate
Information technology related	1	0	0	0
Language practitioners interpreters & other commun	1	0	0	0
Library mail and related clerks	12	1	1	8.3
Logistical support personnel	2	0	0	0
Magistrates	2	0	0	0
Material-recording and transport clerks	1	0	0	0
Messengers porters and deliverers	27	0	1	3.7
Military personnel	1	0	0	0
Other administrat & related clerks and organisers	22	0	0	0
Other administrative policy and related officers	9	0	0	0
Other occupations	16	0	0	0
Prosecutor	2936	18	87	3
Protection services	96	0	1	1
Risk management and security services	2	0	0	0
Saps	6	0	0	0
Secretaries & other keyboard operating clerks	92	2	1	1.1
Security officers	1	0	0	0
Senior managers	154	6	9	5.8
Social work and related professionals	4	0	0	0
Trade/industry advisers & other related profession	1	0	0	0
TOTAL	4914	146	154	3.1

Table 44 - Reasons why staff left the department

Termination Type	Number	% of Total Resignations
Death	15	9.7
Resignation	78	50.6
Expiry of contract	39	25.4
Transfer to other Public Service Departments	2	1.3
Discharged due to ill health	2	1.3
Dismissal-misconduct	5	3.2
Retirement	13	8.5
Other	0	0
TOTAL	154	100

Total number of employees who left as % of total employment 3.1%

Table 45 - Promotions by critical occupation

Occupation	Employees 1 April 2012	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	872	24	2.8	637	73.1
Advocates	444	14	3.2	396	89.2
Attorneys	4	1	25	2	50
Cleaners in offices workshops hospitals etc.	10	0	0	7	70
Client inform clerks (switchboard reception inform clerks)	15	1	6.7	10	66.7
Communication and information related	2	0	0	1	50
Crime investigators/ misdad ondersoekers	57	0	0	40	70.2
Custodian personnel	1	0	0	0	0
Custodian personnel	1	0	0	1	100
Engineering sciences related	1	0	0	0	0
Finance and economics related	5	1	20	4	80
Financial and related professionals	13	0	0	10	76.9
Financial clerks and credit controllers	7	0	0	5	71.4
General legal administration & rel. professionals	77	0	0	47	61
Head of department/chief executive officer	1	0	0	0	0
Human resources & organisat developm & relate prof	4	3	75	1	25
Human resources clerks	7	0	0	4	57.1
Human resources related	7	1	14.3	5	71.4

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Occupation	Employees 1 April 2012	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
Information technology related	1	0	0	1	100
Language practitioners interpreters & other commun	1	0	0	1	100
Library mail and related clerks	12	1	8.3	7	58.3
Logistical support personnel	2	0	0	2	100
Magistrates	2	0	0	2	100
Material-recording and transport clerks	1	0	0	1	100
Messengers porters and deliverers	27	0	0	23	85.2
Military personnel	1	0	0	1	100
Other administrat & related clerks and organisers	22	1	4.5	9	40.9
Other administrative policy and related officers	9	0	0	4	44.4
Other occupations	16	0	0	7	43.8
Prosecutor	2936	201	6.8	2043	69.6
Protection services	96	1	1	86	89.6
Risk management and security services	2	1	50	0	0
Saps	6	0	0	6	100
Secretaries & other keyboard operating clerks	92	4	4.3	63	68.5
Security officers	1	0	0	0	0
Senior managers	154	8	5.2	119	77.3
Social work and related professionals	4	0	0	0	0
Trade/industry advisers & other related profession	1	0	0	1	100
TOTAL	4914	262	5.3	3546	72.2

Table 46 - Promotions by salary band

Salary Band	Employees 1 April 2012	Promotions to another salary level	Salary Level promotions as a % of employees by salary level	Progressions to another notch within a salary level	Notch progression as a % of employees by salary band
Lower skilled (Levels 1-2)	11	0	0	8	72.7
Skilled (Levels 3-5)	263	3	1.1	211	80.2
Highly skilled production (Levels 6-8)	970	22	2.3	669	69
Highly skilled supervision (Levels 9-12)	2549	131	5.1	2021	79.3
Senior management (Levels 13-16)	630	19	3	634	100.6
Contract (Levels 1-2)	3	0	0	0	0
Contract (Levels 3-5)	279	0	0	1	0.4
Contract (Levels 6-8)	175	83	47.4	1	0.6
Contract (Levels 9-12)	33	4	12.1	1	3
Contract (Levels 13-16)	1	0	0	0	0
TOTAL	4914	262	5.3	3546	72.2

Employment equity

Table 47 - Total number of employees (including employees with disabilities) in each of the following occupational categories as at 31 March 2013

Occupational Category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, senior officials and managers	46	10	8	59	28	4	9	18	182
Professionals	1348	152	66	341	780	185	142	465	3479
Technicians and associate professionals	269	26	7	22	495	73	25	64	981
Clerks	7	1	0	1	79	28	4	16	136
Service and sales workers	44	13	4	41	31	2	3	17	155
Elementary occupations	20	1	0	1	16	1	0	0	39
Total	1734	203	85	465	1429	293	183	580	4972
	African	Coloured	Indian	White	African	Coloured	Indian	White	Total
Employees with disabilities	1	0	0	2	1	1	0	1	6

Table 48 - Total number of employees (including employees with disabilities) in each of the following occupational bands on 31 March 2013

Occupational Band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	8	1	1	3	6	0	0	0	19
Senior Management	226	31	28	193	97	24	47	157	803
Professionally qualified and experienced specialists and mid-management	915	116	34	218	530	120	90	304	2327
Skilled technical and academically qualified workers, junior management, supervisors, foremen	327	30	11	24	480	89	27	75	1063
Semi-skilled and discretionary decision making	69	4	1	2	135	28	7	10	256
Unskilled and defined decision making	0	0	0	1	10	0	0	0	11
Contract (Senior Management)	1	0	0	1	1	0	0	1	4
Contract (Professionally qualified)	42	6	3	7	16	8	6	11	99
Contract (Skilled technical)	70	8	2	5	87	14	4	12	202
Contract (Semi-skilled)	76	7	5	11	67	10	2	10	188
Total	1734	203	85	465	1429	293	183	580	4972

Table 49 – Recruitment

Occupational Band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Senior Management	0	0	1	0	4	0	0	0	5
Professionally qualified and experienced specialists and mid-management	5	3	0	0	8	0	0	0	16
Skilled technical and academically qualified workers, junior management, supervisors, foremen	13	1	0	2	20	4	0	1	41
Semi-skilled and discretionary decision making	3	0	0	0	4	0	1	1	9
Contract (Senior Management)	0	0	0	0	1	0	0	0	1
Contract (Professionally qualified)	3	0	0	0	3	3	1	1	11
Contract (Skilled technical)	7	0	0	0	19	3	0	0	29
Contract (Semi-skilled)	15	0	0	0	19	0	0	0	34
Total	46	4	1	2	78	10	2	3	146

Table 50 – Promotions

Occupational Band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	0	0	0	0	1	0	0	0	1
Senior Management	170	28	24	179	69	18	38	126	652
Professionally qualified and experienced specialists and mid-management	853	99	36	198	464	108	95	299	2152
Skilled technical and academically qualified workers, junior management, supervisors, foremen	191	18	8	14	340	70	16	34	691
Semi-skilled and discretionary decision making	56	5	1	1	111	24	7	9	214
Unskilled and defined decision making	0	0	0	0	8	0	0	0	8
Contract (Professionally qualified)	3	0	0	0	0	0	1	1	5
Contract (Skilled technical)	31	6	1	4	28	5	2	7	84
Contract (Semi-skilled)	1	0	0	0	0	0	0	0	1
Total	1305	156	70	396	1021	225	159	476	3808

	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Employees with disabilities	0	0	0	1	1	0	0	0	2

Table 51 - Terminations

Occupational Band	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Top Management	0	0	0	1	0	0	1	0	2
Senior Management	6	0	0	5	1	2	0	2	16
Professionally qualified and experienced specialists and mid-management	33	5	2	2	2	1	0	8	53
Skilled technical and academically qualified workers, junior management, supervisors, foremen	10	3	0	3	9	3	0	0	28
Semi-skilled and discretionary decision making	3	1	0	0	2	0	1	0	7
Unskilled and defined decision making	0	0	0	0	1	0	0	0	1
Contract (Senior Management)	1	0	0	0	0	0	0	0	1
Contract (Professionally qualified)	0	1	0	1	2	0	1	0	5
Contract (Skilled technical)	4	0	1	0	7	0	2	1	15
Contract (Semi-skilled)	9	1	0	0	11	0	0	2	23
Contract (Unskilled)	2	0	0	0	1	0	0	0	3
Total	68	11	3	12	36	6	5	13	154

Table 52 - Disciplinary action

Disciplinary action	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Total	47	7	0	7	7	1	5	4	78

Table 53 - Skills development

Occupational Category	Male				Female				Total
	African	Coloured	Indian	White	African	Coloured	Indian	White	
Legislators, Senior Officials and Managers	4	0	0	1	3	0	0	1	9
Professionals	80	9	4	13	38	8	6	8	166
Technicians and Associate Professionals	4	0	0	0	21	1	0	0	26
Clerks	17	3	0	0	56	7	4	4	91
Service and Sales Workers	0	0	0	0	0	0	0	0	0
Skilled Agriculture and Fishery Workers	0	0	0	0	0	0	0	0	0
Craft and related Trades Workers	0	0	0	0	0	0	0	0	0
Plant and Machine Operators and Assemblers	0	0	0	0	0	0	0	0	0
Elementary Occupations	0	0	0	0	0	0	0	0	0
Total	105	12	4	14	118	16	10	13	292
Employees with disabilities	0	0	0	0	0	0	0	0	0

Performance rewards

Table 54 - Performance Rewards by race, gender and disability

Race and Gender	Beneficiary Profile			Cost	
	Number of beneficiaries	Number of employees	% of total within group	Cost (R'000)	Average cost per employee
African, Male	225	1733	13	6,897	30,649
Asian, Male	12	85	14.1	568	47,333
Coloured, Male	40	203	19.7	1,403	35,075
White, Male	110	463	23.8	5,287	48,064
African, Female	215	1428	15.1	4,581	21,307
Asian, Female	50	183	27.3	1,902	38,040
Coloured, Female	67	292	23	1,687	25,179
White, Female	154	579	26.6	6,147	39,916
Employees with a disability	2	6	33.3	76	38,000
TOTAL	875	4972	17.6	28,548	32,626

Table 55 - Performance Rewards by salary band for personnel below Senior Management Service

Salary Band	Beneficiary Profile			Cost		Total cost as a % of the total personnel expenditure
	Number of beneficiaries	Number of employees	% of total within group	Cost (R'000)	Average cost per employee	
Lower skilled (Levels 1-2)	2	10	20	19	9,500	0.0008
Skilled (Levels 3-5)	80	256	31.3	837	10,463	0.04
Highly skilled production (Levels 6-8)	213	1063	20	3,401	15,967	0.15
Highly skilled supervision (Levels 9-12)	385	2328	16.5	12,814	33,283	0.55
Contract (Levels 3-5)	0	188	0	0	0	0
Contract (Levels 6-8)	0	202	0	0	0	0
Contract (Levels 9-12)	0	99	0	0	0	0
TOTAL	680	4146	16.4	17,071	25,104	0.74

Table 56 - Performance Rewards by critical occupation

critical occupation	Beneficiary Profile			Total Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Cost (R'000)	Average cost per employee
Administrative related	242	977	24.8	3,978	16,438
Advocates	110	453	24.3	5,987	54,427
Cleaners in offices workshops hospitals etc.	2	9	22.2	19	9,500
Client inform clerks (switchboard receipt inform clerks)	4	17	23.5	37	9,250
Communication and information related	1	8	12.5	28	28,000
Crime investigators/misdaad ondersoekers	11	56	19.6	447	40,636
Finance and economics related	0	2	0	0	0
Financial and related professionals	1	9	11.1	18	18,000
Financial clerks and credit controllers	1	6	16.7	21	21,000
General legal administration & rel. professionals	10	36	27.8	608	60,800
Head of department/chief executive officer	0	1	0	0	0
Human resources & organisational development & related professions	1	5	20	27	27,000
Human resources clerks	1	2	50	12	12,000
Human resources related	3	12	25	88	29,333
Information technology related	0	2	0	0	0

critical occupation	Beneficiary Profile			Total Cost	
	Number of beneficiaries	Number of employees	% of total within occupation	Cost (R'000)	Average cost per employee
Language practitioners interpreters & other commun	0	1	0	0	0
Librarians and related professionals	1	2	50	23	23,000
Library mail and related clerks	1	7	14.3	14	14,000
Logistical support personnel	0	2	0	0	0
Messengers porters and deliverers	7	29	24.1	57	8,143
Other administrat & related clerks and organisers	1	4	25	11	11,000
Other administrative policy and related officers	0	1	0	0	0
Other information technology personnel	0	1	0	0	0
Other occupations	0	0	0	0	0
Prosecutor	376	2947	12.8	13,490	35,878
Protection services	18	99	18.2	578	32,111
Secretaries & other keyboard operating clerks	42	99	42.4	720	17,143
Security officers	0	1	0	0	0
Senior managers	42	180	23.3	2,385	56,786
Social work and related professionals	0	4	0	0	0
TOTAL	875	4972	17.6	28,548	32,626

Table 57 - Performance related rewards (cash bonus), by salary band for Senior Management Service

Salary Band	Beneficiary Profile			Cost		
	Number of beneficiaries	Number of employees	% of total within salary bands	Total Cost (R'000)	Average cost per employee	Total cost as a % of the total personnel expenditure
Band A (Level 13)	19	51	37.3	840	44,211	0.2
Band B (Level 14)	37	111	33.3	2,234	60,378	1.3
Band C (Level 15)	0	0	0	0	0	0
Band D (Level 16)	0	18	0	0	0	0
TOTAL	56	180	31.1	3,074	54,893	0.5

Foreign workers

Table 58- Foreign workers by salary band

Salary Band	01 April 2012		31 March 2013		Change	
	Number	% of total	Number	% of total	Number	% Change
Skilled (Levels 3-5)	1	12.5	1	11.1	0	0
Highly skilled production (Levels 6-8)	1	12.5	3	33.3	2	200
Contract (Levels 3-5)	3	37.5	2	22.2	-1	-100
Contract (Levels 6-8)	3	37.5	1	11.1	-2	-200
Contract (Levels 9-12)	0	0	2	22.2	2	200
TOTAL	8	100	9	100	1	100

Table 59- Foreign workers by major occupation

Major Occupation	01 April 2012		31 March 2013		Change	
	Number	% of total	Number	% of total	Number	% Change
Professionals and managers	8	100	9	100	1	100
Total	8	100	9	100	1	100

Leave utilisation

Table 60 - Sick Leave

Salary Band	Total days	% days with medical certification	Number of employees using sick leave	% of total employees using sick leave	Average days per employee	Estimated cost (R'000)
Lower skilled (Levels 1-2)	77	100	8	0.2	10	20
Skilled (Levels 3-5)	1815	86.1	224	6.1	8	711
Highly skilled production (Levels 6-8)	6685	88.1	873	23.9	8	4,165

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)
Highly skilled supervision (Levels 9-12)	12583	91.7	1741	47.7	7	18,608
Senior management (Levels 13-16)	3421	85.9	549	15.1	6	10,375
Contract (Levels 1-2)	9	66.7	3	0.1	3	2
Contract (Levels 3-5)	367	81.7	89	2.4	4	153
Contract (Levels 6-8)	446	81.6	91	2.5	5	237
Contract (Levels 9-12)	353.5	86.8	68	1.9	5	428
Contract (Levels 13-16)	3	33.3	1	0	3	8
TOTAL	25759.5	89.2	3647	100	7	34707

Table 61 - Disability leave (temporary and permanent)

Disability leave	Total days	% days with medical certification	Number of employees using leave	% of total employees using leave	Average days per employee	Estimated cost (R'000)
Lower skilled (Levels 1-2)	50	100	1	0.4	50	13
Skilled (Levels 3-5)	414	100	22	9.1	19	153
Highly skilled production (Levels 6-8)	1000	100	60	24.8	17	608
Highly skilled supervision (Levels 9-12)	2047	100	127	52.5	16	3,098
Senior management (Levels 13-16)	333	100	28	11.6	12	1,013
Contract (Levels 3-5)	3	100	1	0.4	3	1
Contract (Levels 6-8)	14	100	1	0.4	14	8
Contract (Levels 9-12)	17	100	2	0.8	9	20
Total	3878	100	242	100	16	4914

Table 62 - Annual leave

Salary Band	Total days taken	Number of employees using annual leave	Average per employee
Lower skilled (Levels 1-2)	235.24	11	21
Skilled (Levels 3-5)	5400.68	265	20
Highly skilled production (Levels 6-8)	21432.25	1085	20
Highly skilled supervision (Levels 9-12)	51640.76	2371	22
Senior management (Levels 13-16)	20434.85	842	24
Contract (Levels 1-2)	57	6	10
Contract (Levels 3-5)	1645	171	10
Contract (Levels 6-8)	1967	171	12
Contract (Levels 9-12)	1208.92	100	12
Contract (Levels 13-16)	69	5	14
TOTAL	104090.7	5027	21

Table 63 - Capped leave

Salary Band	Total days of capped leave taken	Number of employees using capped leave	Average number of days taken per employee	Average capped leave per employee as at 31 March
Highly skilled production (Levels 6-8)	10	4	3	36
Highly skilled supervision (Levels 9-12)	171	34	5	43
Senior management (Levels 13-16)	202	26	8	49
TOTAL	383	64	6	45

Table 64 - Leave pay-outs

Reason	Total Amount (R'000)	Number of employees	Average per employee (R)
Leave pay-out for 2011/2012 due to non-utilisation of leave for the previous cycle	18	1	18,000
Capped leave pay-outs on termination of service for 2012/13	2,147	12	178,917
Current leave pay-out on termination of service for 2012/2013	2,043	98	20,847
TOTAL	4,208	111	37,910

HIV/AIDS & Health promotion programmes

Table 65 - 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
Female employees, especially pregnant women are at high risk of contracting HIV/AIDS.	HIV Counselling and Testing facilities were made available to encourage employees to know their status.
The majority of the NPA employees are in the age group 30-49, and fall within the category of the population which is sexually active and therefore at risk of contracting HIV.	Condoms were made accessible in NPA buildings.
Also based on the GEMS reports issued after every health screening, Female employees are identified to be at high risk of contracting HIV&AIDS.	
The GEMS Key Health Trends report of 2009-2010 indicates that by the end of 2010, 53, 495 public servants were registered on the AIDS for AIDS Programme and 72% were females. (Guidelines on Gender Sensitivity and Right based HIV&AIDS, STI'S and TB Mainstreaming Into Public Administration and Public Service 2012-2016)	

Table 66 - Details of Health Promotion and HIV/AIDS Programmes

[tick the applicable boxes and provide the required information]

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.	X		Ms GB Dlodla: Senior Manager Transformation.
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.	X		Three staff members and an external service provider. Budget: R 2,217,020.00
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.	X		Counselling, Trauma Management and support services. Health Promotion. Physical and Recreational Wellness. HIV& AIDS and TB Management.
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.	X		F Ross: DPP Cape Town, C Fisher: DPP Grahamstown, Queenstown, V Esterhuizen: DDDP Bisho, N Magongwa: DPP Northern Cape, J Matlou: DPP North West : Mmabatho Cluster, B Masobela: DPP North West: Odi Cluster, T Hadebe: DPP Durban, C Mortlock: DPP North Gauteng: Mpumalanga, P Kgopiso: DPP North Gauteng: Pretoria, S Mogongwa: DPP North Gauteng: Limpopo, P Semanya: Employee Health and Wellness, N Shihlane: Employee Health and Wellness, M Molefe: Employee Health and Wellness, N Madikizela: DPP Mthatha and E Moonsamy: DPP South Gauteng.
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.	X		The Department has an HIV&AIDS and Employee Health and Wellness Policy with clear procedures on dealing with discrimination.

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.	X		Policy statement to the effect that discrimination against employees on the basis of their HIV status is prohibited. Awareness and Education interventions and on-site HIV Counselling and Testing (HCT) services to change employees' negative attitude towards HIV, and minimise discrimination against HIV Positive employees.
7. Does the department encourage its employees to undergo Voluntary Counselling and Testing? If so, list the results that you have achieved.	X		The NPA regularly conducts onsite HIV and TB Screening. Three hundred and twenty-nine (329) employees tested for HIV and 882 were screened for TB.
8. Has the department developed measures/indicators to monitor & evaluate the impact of your health promotion programme? If so, list these measures/indicators.	X		Tracking and consolidating the statistical results provided of the incidents report provided by GEMS and other engaged service providers. Monthly trend analysis reports on counselling and trauma management services. Keeping records (attendance registers) of employees attending awareness interventions.

Labour Relations

Table 67 - Collective agreements

Subject Matter	Date
None	

Table 68 - Misconduct and discipline hearings finalised

Outcomes of disciplinary hearings	Number	% of total
Corrective counselling	2	3.6
Verbal warning	0	0.0
Written warning	7	12.5
Final written warning	16	28.6
Suspended without pay	7	12.5
Fine	0	0.0
Demotion	0	0.0
Dismissal	8	14.2
Not guilty	6	10.7
Case withdrawn	10	17.9
TOTAL	56	100

Table 69 - Types of misconduct addressed at disciplinary hearings

Type of misconduct (based on annexure A)	Number	% of total
Absenteeism	16	19.8
Dishonesty, corruption, bribery and fraud	19	23.5
Substance abuse	1	1.2
Abuse of state vehicle and/or state property	9	11.1
Insubordination and dereliction of duty	9	11.1
Harassment	5	6.2
Financial misconduct	4	4.9
Prejudicing administration and discipline of the organization	9	11.1
Negligence	5	6.2
Assault	1	1.2
Poor performance	3	3.7
TOTAL	81	100

Table 70 - Grievances lodged

	Number	% of total
Number of grievances resolved	184	70
Number of grievances not resolved	80	30
Total number of grievances lodged	264	100

Table 71 - Disputes lodged

	Number	% of total
Number of disputes upheld	6	12.5
Number of disputes dismissed	42	87.5
Total number of disputes lodged	48	100

Table 72 - Strike actions

Total number of person working days lost	0
Total cost working days lost	0
Amount (R'000) recovered as a result of no work no pay	0

Table 73 - Precautionary suspensions

Number of people suspended	14
Number of people whose suspension exceeded 30 days	13
Average number of days suspended	243
Cost (R'000) of suspension	5,509

Skills development

Table 74 - Training needs identified

Occupational Category	Gender	Number of employees as at 1 April 2012	Training needs identified at start of the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	57	0	19	0	19
	Male	128	0	39	0	39
Professionals	Female	1636	0	1214	0	1214
	Male	1959	0	1441	0	1441
Technicians and associate professionals	Female	473	0	310	0	310
	Male	204	0	30	0	30
Clerks	Female	196	0	94	0	94
	Male	47	0	26	0	26
Service and sales workers	Female	56	0	55	0	55
	Male	117	0	115	0	115
Skilled agriculture and fishery workers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Craft and related trades workers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	0	0	0	0	0

Occupational Category	Gender	Number of employee as at 1 April 2012	Training needs identified at start of the reporting period			
			Learnership	Skills Programmes & other short course	Other forms of training	Total
Elementary occupations	Female	17	1	16	0	17
	Male	24	0	18	0	18
Sub total	Female	2435	1	1708	0	1709
	Male	2479	0	1669	0	1669
Total		4914	1	3377	0	3378

Table 75 - Training provided for the period

Occupational Category	Gender	Number of employees as at 1 April 2012	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Legislators, senior officials and managers	Female	57	0	25	0	25
	Male	128	0	57	0	57
Professionals	Female	1636	0	1528	0	1528
	Male	1959	0	1784	0	1784
Technicians and associate professionals	Female	473	0	470	0	470
	Male	204	0	200	0	200
Clerks	Female	196	0	117	0	117
	Male	47	0	9	0	9
Service and sales workers	Female	56	0	24	0	24
	Male	117	0	93	0	93
Skilled agriculture and fishery workers	Female	0	0	0	0	0
	Male	0	0	0	0	0

Occupational Category	Gender	Number of employees as at 1 April 2012	Training provided within the reporting period			
			Learnerships	Skills Programmes & other short courses	Other forms of training	Total
Craft and related trades workers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Plant and machine operators and assemblers	Female	0	0	0	0	0
	Male	0	0	0	0	0
Elementary occupations	Female	17	0	6	0	6
	Male	24	0	11	0	11
Sub total	Female	2435	0	2170	0	2170
	Male	2479	0	2154	0	2154
Total		4914	0	4324	0	4324

Injury on duty

Table 76 - Injury on Duty

Nature of injury on duty	Number	% of total
Required basic medical attention only	13	92.9
Temporary Total Disablement	1	7.1
Permanent Disablement	0	0
Fatal	0	0
Total	14	

Utilisation of consultants

Table 77 - Report on consultant appointments using appropriated funds

Project Title	Total number of consultants that worked on the project	Duration: Work days	Contract value in Rand
NPA Spokesperson	1	4 months	400,000
Irregular expenditure	3 (reduced to 1)	40 working days	320,000

Total number of projects	Total individual consultants	Total duration: Work days	Total contract value in Rand
2	4 (reduced to 2)	As above	720,000

Table 78 - Analysis of consultant appointments using appropriated funds, in terms of Historically Disadvantaged Individuals (HDIs)

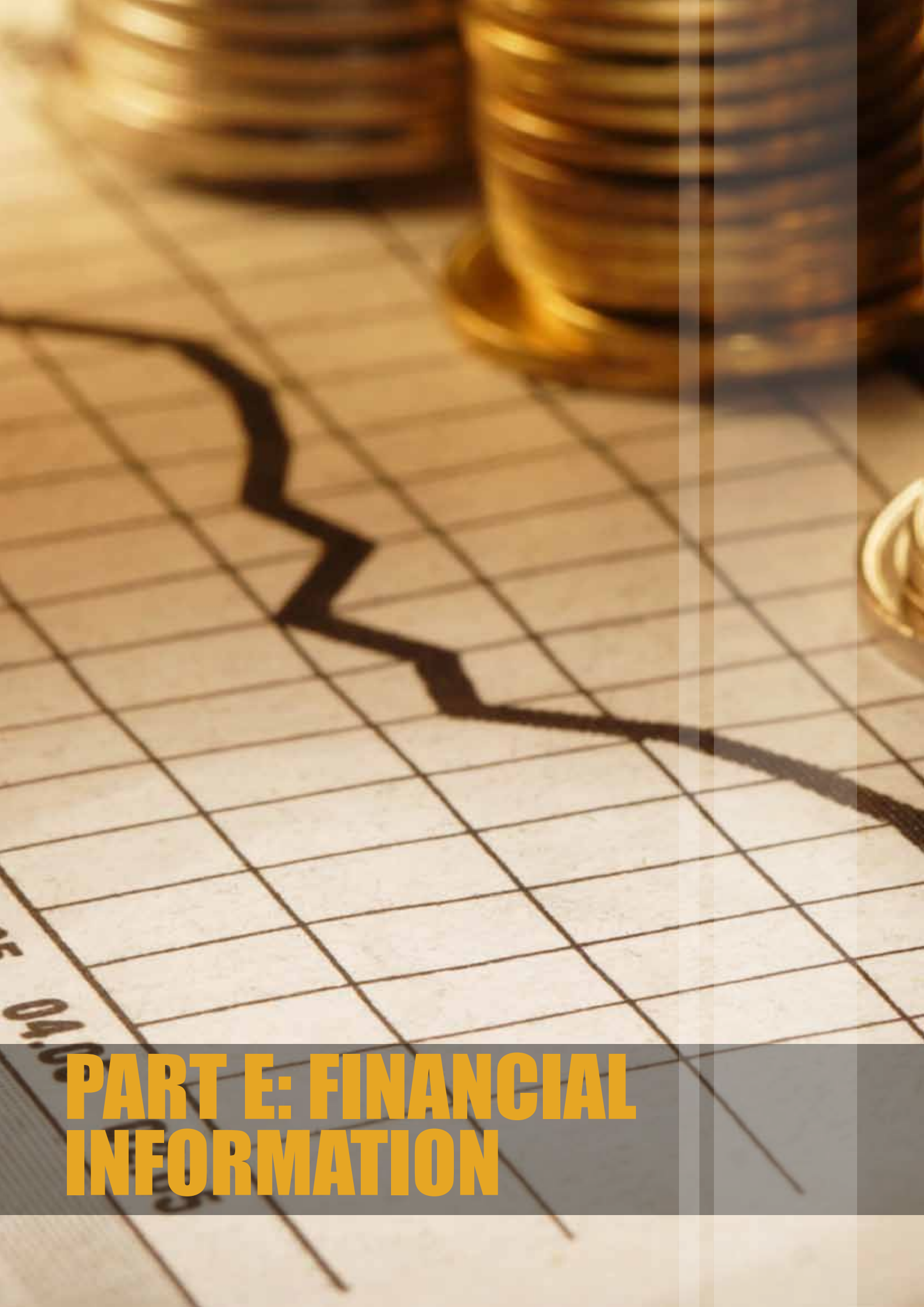
Project Title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of Consultants from HDI groups that work on the project
NPA Spokesperson	100%	100%	1
Irregular expenditure	0	0	0

Table 79 - Report on consultant appointments using Donor funds

Project Title	Total number of consultants that worked on the project	Duration: Work days	Donor and Contract value in Rand
Accelerating child protection through prevention and response to sexual violence and HIV/ Aids in SA	5	13 December 2007 to 30 September 2012	50,000,000
Women Justice and Empowerment Initiative	1	22 September 2008 to 30 September 2012	11,700,000
Total Number Project	Total individual consultants	Total duration: Work days	Total contract value in Rand
2	6	As above	61,700,000

Table 80 - Analysis of consultant appointments using Donor funds, in terms of Historically Disadvantaged Individuals (HDIs)

Project Title	Percentage ownership by HDI groups	Percentage management by HDI groups	Number of Consultants from HDI groups that work on the project
Accelerating child protection through prevention and response to sexual violence and HIV/ Aids in SA	NGO	UNICEF	5
Women Justice and Empowerment Initiative	NGO	USAID	1



PART E: FINANCIAL INFORMATION

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ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2013

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Report of the Accounting Officer

1. General Review of the State of Financial Affairs

The legislative mandate of the NPA is to institute criminal proceedings on behalf of the State, and to carry out any necessary functions incidental thereto. This mandate is derived from section 179 of the Constitution and the National Prosecuting Authority Act. The purpose of the NPA is to provide a co-ordinated prosecuting service that ensures that justice is delivered to the victims of crime through general and specialised prosecutions, protects certain witnesses, and removes the profit from crime.

The Accounting Officer of the NPA is the Director-General of the Department of Justice and Constitutional Development (DoJ&CD). The Chief Executive Officer (CEO: NPA) continued to fulfill as the Accounting Officer of the NPA on the basis of a delegation of authority from the Director-General: DoJ&CD.

The NPA is programme four within the Justice Vote.

The NPA received an unqualified audit opinion in the 2011/12 financial year and implemented an audit action plan with a view to achieve a clean audit outcome for 2012/13. Considerable efforts were made to ensure that compliance is embedded in all financial processes, policies were reviewed and updated, and consequence management followed where necessary. In this regard, we were ably assisted by Internal Audit while the Audit Committee fulfilled its oversight responsibilities. Audit findings are discussed in steering committee meetings chaired by the CEO. Every effort was made to ensure the NPA further improves on its financial management.

A significant event that took place during the year under review is the resolution of the job evaluation matter. This matter emanates from the partial implementation of the results of a job evaluation process started in 2004 given a lack of funding. A dispute was declared which was taken through various stages until the Labour Court ruled against the NPA and the NPA was refused leave to appeal by the Constitutional Court. Payments were immediately processed after this decision, however, only the capital amount was paid. Following negotiations with organised labour, an amount of R55 million was paid to qualifying officials during the year under review. The payment of the award placed additional pressure on the NPA budget and cost saving measures were introduced. Organised labour agreed to forfeit interest.

Table 1: NPA financial performance for the year ended 31 March 2013

	2012/13 R'000	2011/12 R'000
Total revenue	2,881,985	2,632,305
Less Total expenditure	2,856,377	2,616,851
Current expenditure	2,777,669	2,568,400
Transfers and subsidies	6,571	7,442
Capital assets	68,548	40,686
Financial assets	3,589	323
Surplus / (deficit) for the year	25,608	15, 454

The NPA has spent 100% of its 2012/13 budget allocation. However, the total budget allocation for Compensation of Employees was exceeded by R83 million. In order to cover this shortfall on the Compensation of Employees budget, savings on Goods & Services and Machinery & Equipment had to be enforced. In this regard, it is worth noting that the expenditure in respect of Venues and Facilities (for training and workshops) was reduced by 39%; expenditure for overtime was reduced by 31%, expenditure on Consultants, Contractors and Agency Services was reduced by 41%, and the decrease in landline limits generated a 4% decrease in expenditure for Communications. Clearly it is not possible to sustain such cost saving measures indefinitely.

The reasons for the overspending on Compensation of Employees in the 2012/13 financial year are the following:

- Higher than anticipated carry-through cost of Occupational Specific Dispensation (OSD) as a result of the expansion of the salary bands and ceilings;
- The increase in the gaps between notches from less than 1% to 1.5%;
- Implementation of the JE judgment.

The virement to Compensation of Employees was approved by National Treasury. The NPA management is constantly engaging the DoJ&CD, National Treasury and the Portfolio Committee on Justice and Constitutional Development with a view to secure funds additional to the baseline. In addition, NPA management is actively sourcing alternative sources of funding and have already submitted bids to the Criminal Asset Recovery Account and the Integrated Justice Service board.

Irregular expenditure amounting to R10, 756 million was disclosed in the financial statements in respect of the financial year under review. One of the cases relates to the appointment of the National Director. The cases identified were investigated and disciplinary action was recommended and implemented where appropriate.

Fruitless and wasteful expenditure relating to the current financial year amounts to R1, 882 million. The major portion of this amount relates to the failure to utilise scanners procured in a previous financial year. Disciplinary action was instituted.

2. Service Rendered by the Department

2.1 Services rendered

The list of services under the NPA sub-programmes is listed in the section that deals with **Performance Information by Programme** in the first section of the annual report.

2.2 Tariff policy

The NPA does not charge tariffs for services rendered.

2.3 Free Services

The NPA does not render free services that would have yielded significant revenue had a tariff been charged.

2.4 Inventories

See paragraph 11 below and the Annexure on Inventory for detail.

3. Capacity Constraints

The NPA vacancy rate was 24,9% at the end of the 2008/09 financial year and has continuously been reducing since then. The reduction of the vacancy rate during the period under review is primarily due to the financial situation of the NPA that all the remaining vacancies are unfunded and can therefore not be regarded as vacancies as per the DPSA directive on the management of establishments. The real vacancy rate, however, including unfunded positions, is 12.1%. Given the budget constraints, the NPA has temporarily suspended its Aspirant Prosecutor Programme.

The Compensation of Employees budget came under severe strain during the financial year under review and a significant overspending was projected (R92 million) for the reasons stated above. The NPA implemented cost saving measures to ensure that a saving is generated in other economic classifications to defray the overspending on Compensation of Employees. This strategy was successful and the NPA managed to cover the shortfall on Compensation of Employees with savings and spent 100% of its budget allocation.

However, the NPA budget remains under pressure and will not improve in the 2013/14 financial year or the MTEF period should additional funds not be allocated. The projected shortfall on Compensation of Employees for the existing establishment in 2013/14 is R100 million. This shortfall is made up of the following:

Current filled posts shortfall	R26 million
Carry through cost of OSD and notches	R74 million

The NPA is therefore in a position to pay the salaries and associated costs of all its current employees, provided the R100 million virement from Goods and Services in the 2013/14 financial year is approved. The anticipated shortfall on Compensation of Employees is set to increase to R131million in 2014/15 and R175 million in 2015/16. There is no funding available to create new posts or to fill existing vacancies and costs saving measures will remain in place.

The aim of the cost saving measures is to ensure that the core functions of the NPA do not suffer and that the day to day operations at court level are not affected. However, it is not possible to sustain these cost saving measures and additional funding is required. In addition, the baseline reductions by National Treasury (R12, 5 million in 2013/15 and R45 million in 2015/16) as well as the carry through shortfall on compensation will have an impact on the ability of the NPA to achieve the targets as set out in the Estimate of National Expenditure (ENE).

The NPA anticipates that the impact of the constraints will result in the NPA not being unable to achieve its strategic objectives and targets. The NPA has already suspended its aspirant prosecutor programme which is a vital recruitment tool as well as the NPA strategy to contribute towards job creation in the economy.

Accommodation for prosecutors specifically at the lower courts remains a constraint. At some lower courts, prosecutors do not have offices or share offices. At other courts, prosecutors are accommodated in temporary accommodation. The lack of suitable accommodation and the appalling state of some court buildings are not conducive to an environment where victims are treated with dignity or respect. The NPA continues to engage the DoJ&CD to address these concerns. It should be noted further that the NPA only administers the personnel budget of prosecutors at the lower courts. The administration of the remainder of this budget remains with the DoJ&CD.

4. Utilisation of Donor Funds

During the period under review donations were received from the following sponsors:

Donor	Project	Short description
Royal Danish Commission (UNICEF)	Thuthuzela project - SOCA T	o roll-out Thuthuzela Care Centres (TCC's) for victims of sexual violence
CARA	AFU curator expenditure	To cover curator expenses for assets under restraint
CARA	ACTT Human Resource Development Project	To develop and implement new training modules and protocols for Practitioners in the field of Integrity and Anti-Corruption (PIMAC)

Please refer to Annexure 1 D for the Annual Financial Statements for further details in regard to donor funding.

5. Trading Entities and Public Entities

This is not applicable to the NPA.

6. Organisations to whom Transfers have been made

The NPA has transferred an amount of R2, 17 million to the SASSETA. SASSETA was created to develop an integrated education and training authority for the safety and security sector. Transfer of funds to SASSETA will be subjected to conditions and it is required to establish and implement effective, efficient and transparent financial management and internal control systems.

7. Public Private Partnerships

This is not applicable to the NPA.

8. Corporate Governance Arrangements

The NPA regards enterprise risk management (ERM) as vital to the successful delivery on its organisational mandate, including its obligations to deliver services to its stakeholders. The ERM component continues to coordinate and support the implementation of risk management activities throughout the NPA. The organisation reviewed its Enterprise Risk Management Policy and Strategy which encourages the integration of risk management principles in day to day activities. A draft risk appetite framework was developed, which seeks to provide guidance on the articulation of the organisation's risk appetite and tolerance levels.

The ERM unit conducted risk management awareness sessions throughout the organisation and utilised strategic planning sessions as a platform to identify, assess and develop mitigation plans to address the organisation's risks. The NPA has also identified risks relating to corruption. A fraud and corruption risk register was developed and activities to mitigate corruption risks were incorporated into the Fraud and Corruption Response Plan for implementation by identified risk owners. The implementation of the plan will be closely monitored to ensure that corruption risks are managed and a strong ethical culture is maintained. The NPA utilises an electronic system BarnOwl to manage its risks. The risk profiles of business units are monitored on an on-going basis by various internal governance structures, including Exco and Audit Committee.

The NPA top strategic risks for 2012/13 were approved and monitored quarterly to track the progress made in implementing mitigation plans. The on-going risk management activities have culminated in an updated NPA top risk profile for 2013/14, which was approved by the DG: DoJ&CD.

Fraud Prevention Policies

The Fraud and Prevention Response Plan has four pillars, namely, the investigation, prevention, detection and advocacy. There is a dedicated sub-component which investigates fraud, corruption and unethical conduct, and is capacitated with experienced investigators. A detection program was initiated in this year and 50 sites were visited where six cases of corruption were detected and investigated. The cases are received through the Hotline, walk-ins as well as referrals. All reported cases are captured on the Case Management System and in the year under review 50 new cases were reported. The resolution rate for the cases is 80%. six corruption and related cases are currently being investigated by the South African Police Service.

Conflict of Interest

Conflict of interest was managed through the administering of the Financial Declarations for SMS, the processing of application for Remunerative Work outside the NPA, as well as the general conflict of interest register. All the SMS submissions in respect of directorships and performance of remunerative work outside the NPA were verified in the year under review, and 42 discrepancies were detected. The NPA is working with the employees to ensure that the details on the submissions are correct and correspond to the details contained in various official databases such as CIPC. 43 new applications to conduct Remunerative Work Outside the NPA were received and 33 applicants were visited and inspections conducted to verify information supplied and captured in the applications. The DPSA is currently in the process to gazette the Conflict of Interest Framework for the Public Service, and this will assist a great deal in respect of formulating NPA policy on Conflict of Interest Management. At the moment there are guidelines that have been approved internally to assist in the management of conflict of interest in the NPA.

Implementation of a Code of Conduct

An advocacy program was rolled out and 1 213 employees were reached through face-to-face workshops throughout the country. The program, Integrity @ Work, is aimed at institutionalising the values of the organisation which are contained in the code of ethics for the NPA. To date, 450 employees have voluntarily signed the Code of Conduct following the roll-out of the Integrity @ Work programme.

Safety, Health and Environmental Issues

Security and Risk Management significantly improved the level of compliance with Occupational Health and Safety legislation. The following was undertaken:

- Health Risk Assessments were conducted in ten building facilities of the NPA, to determine the weaknesses in terms of safety and other legislative requirements.
- Evacuation plans for six office buildings of the NPA were developed and approved.
- OHS committees were established.
- 35 formal inspections for the OHS compliance checks were conducted.
- eight evacuation drills were undertaken in different buildings of the NPA.

Budget and Expenditure Control

The Budget Review Committee held quarterly meetings with business unit heads. During these reviews, spending patterns are examined and funds reprioritised should it be necessary. Monthly expenditure reports are presented to management. During the last quarter the budget was centralised and the committee convened bi-weekly to ensure effective budget control.

The Audit Committee continued to provide oversight in terms of risk management for the NPA.

The NPA is serviced by the Internal Audit unit of the DoJ&CD.

9. Discontinued Activities/Activities to be Discontinued

The NPA was unable to continue with the planned 2013 intake for the Aspirant Prosecutor Programme, due to financial pressures that the organisation faces

The effect on operations and service delivery is minimal, as the Aspirant Prosecutor Programme was providing a resource pool at entry level, to the extent that there is a greater supply of graduates to the programme than a demand in the organisation.

10. New/Proposed Activities

The NPA does not intend to commence any new activities that will have an effect on the operations of the organisation.

11. Asset Management

Immovable assets are under the control of the DoJ&CD. The NPA provides inputs into the Department's UAMP.

In respect of movable assets, three asset verifications, as well as one stock-take were conducted to ensure that the NPA's asset register remain up-to date. A fair value exercise was conducted on library books where no supporting invoices are available. Library books are managed on a separate system to AssetWare.

Unauthorised movement of assets is a challenge. It also remains difficult to manage NPA assets at the lower courts. These facilities are under the control of the DOJ&CD and it is not unusual to find assets with double barcodes. The NPA intends to engage the DoJ&CD on the possible transfer of NPA owned assets at the lower courts to the DoJ&CD in the 2013/14 financial year.

All assets acquired during the 2012/13 financial year were reconciled with the accounting system, barcoded and loaded to the NPA Asset Management system, AssetWare.

12. Inventories

Quarterly stock takes and reconciliations of inventory were performed. The value of inventory on hand at 31 March 2013 was R 4, 283 million. Inventory mainly consists of stationary, learning and teaching support material, and other consumables. The basis of the valuation was invoice cost.

13. Events after the Reporting Date

There are no events that occurred after the reporting date and before the date of approval of the financial statements that have a material bearing on the financial statements.

14. Information on Predetermined Objectives

The NPA complies with the National Treasury framework of Strategic Planning to develop its five year strategic plan and annual performance plan. Performance reporting is also in terms of

the National Treasury Guidelines on Quarterly Performance Reporting. The NPA utilised a manual system to collect performance information from the regions. Co-ordinators in the respective offices submit monthly and quarterly performance information to be consolidated at the national office. The monthly and quarterly reports generated are interrogated by management at the NPA and the DoJ&CD Exco.

Quarterly reports are submitted to the Minister of Justice & Constitutional Development and to National Treasury. The National Director chairs the Enterprise Performance Management Review Committee where managers are held accountable for performance in their respective operational areas and interventions put in place to improve performance is assessed.

The organisation explored electronic methods to record and report information. The Information Management Service (IMS) was briefed to develop specifications for Smart Phone technology that will enable prosecutors to submit daily court performance information through internet access to a central system. The development process for this technology was finalised in March 2013 and will be tested for full roll out in the new financial year.

The Electronic Case Management System (ECMS) was developed for prosecutors to manage case information in the criminal justice system electronically. It includes manual registration of criminal cases and electronic registration through integration with the SAPS Case Administration System (CAS) and case data transfer from SAPS. Phase 1 of the ECMS was successfully piloted to a number of sites in KZN, Gauteng and Western Cape. Phase II is aimed to be a fully integrated solution that will enable prosecutors to screen and update a charge sheet, attach appropriated annexures, enrol cases and create a court roll electronically at the DoJ&CD.

15. SCOPA Resolutions

In respect of the SCOPA resolutions listed below it must be noted that many of these resolutions date back years. The NPA has not been invited to SCOPA for the past four years and these issues remain unresolved / open.

Reference to previous audit report and SCOPA resolutions	Subject	Progress report
Sixth Report of SCOPA adopted by the National Assembly on the 8 February 2008.		
Paragraph 3(3.1) SCOPA recommends that: These matters are finalised as a matter of urgency to ensure that the NPA realises its mandate.	Accountability governance status of the NPA	A draft NPA Amendment Bill has been submitted to the Minister. The Bill seeks to ensure total independence of the NPA.

Reference to previous audit report and SCOPA resolutions	Subject	Progress report
Paragraph 3(3.2) SCOPA recommends that: Vacant posts are filled to ensure that strategic objectives are achieved and the operations of the NPA run smoothly.	Capacity and people related issues	Budget constraints limit the possibility of creating additional posts. Posts that become vacant are not filled. Unfunded posts were removed from the establishment as per DPSA prescripts.
Paragraph 3 (3.3) SCOPA recommends that: • A system or process is put in place to enable CARU to fulfil its mandate, • Policies and procedures are implemented and vacancies are filled.	Criminal Asset Recovery Account	The CARA Unit was transferred to the DoJ&CD with effect from 1 December 2009.
Third report of SCOPA adopted by the National Assembly on the 8 February 2008		
Paragraph 5 page 63 of the Auditor General Report for 2007/08: SCOPA recommends that: The Accounting Officer ensures that the outcome of the investigation is submitted to the Committee and; Action is taken to avoid discrepancies with regard to the above-mentioned issues.	Irregular, fruitless and wasteful expenditure	The outcome of the investigations of the SCM unit was submitted to the committee. The reports were referred to Labour Relations to initiate disciplinary actions against officials involved. Final written warnings were issued to three senior managers. The matter is finalised.
Paragraph 6 page 64 of the Auditor General Report for 2007/08: SCOPA recommends that: • An updated asset register is in place and reviewed by management regularly; • Policies that are related to financial reporting must be communicated throughout the entity.	Tangible assets	The Asset Register was updated and further refined by classifying assets into major and minor assets. Asset verifications and an annual stock take are performed.

Reference to previous audit report and SCOPA resolutions	Subject	Progress report
<p>Paragraph 12 page 65 of the Auditor General Report for 2007/08: SCOPA recommends that:</p> <ul style="list-style-type: none"> • The information on PERSAL is updated on a daily basis and management should make sure that policies and procedures are implemented. • Information on housing guarantees with names of people who were transferred to other departments must be submitted to Parliament within 60 days after the adoption of this recommendation by the house. • Written report to be submitted to Parliament on wrong appointments made by the NPA on all consequent issues as raised by the Auditor-General within 60 days after the adoption of this recommendation by the House. 	Housing guarantees	<p>Information of Persal is updated on an on-going basis.</p> <p>Information and names of employees who had housing guarantees who were transferred and whose files were not audited was submitted as requested.</p> <p>The report on wrong appointments made was submitted to Parliament.</p>
<p>Paragraph 7 page 64 of the Auditor General Report for 2007/08: SCOPA recommends that:</p> <ul style="list-style-type: none"> • Policies, guidelines and procedures are in place and management must monitor the implementation of these policies; • Leave forms must be completed, approved by relevant managers and be captured on the PERSAL system on a daily basis. 	Leave entitlement	<p>Policies and procedures on leave management are in place. The NPA continued issuing circulars with regards to leave management. Management of leave was completely decentralised. Spot checks were conducted in various offices and deviations attended to.</p>
<p>Paragraph 16 page 66 of the Auditor General Report for 2007/08: SCOPA recommends that;</p> <ul style="list-style-type: none"> • Control activities are developed with consideration of their cost and potential effectiveness in mitigating risks to the achievement of financial reporting objectives 	Financial management	<p>Quarterly budget review meetings are held with business units to review expenditure patterns and to address prioritisation of funds spent against budget. Expenditure control was centralised in February 2013 in order to ensure no unauthorised expenditure is incurred. Regional offices were trained before authorising functions reinstated in April 2013.</p>

Reference to previous audit report and SCOPA resolutions	Subject	Progress report
<p>Paragraph 10 page 64 of the Auditor General Report for 2007/08: SCOPA recommends that:</p> <ul style="list-style-type: none"> •Management lead by example in terms of being competent, independent and support the achievement of effective internal control over financial reporting. •The entity complies with Procurement policies, Supply Chain Management Practices and applicable legislation. Disciplinary procedures must be instituted against officials responsible for any tender irregularities. 	Non-compliance with the Preferential Procurement Policy Framework Act and Supply Chain Management Practice	<p>The NPA management monitors and conducts perform reviews to ensure compliance with Supply Chain Management Practices pertaining to the procurement of goods and services.</p> <p>Pre-awarding of all tenders is thoroughly checked and calculations will be adequately performed at Senior Management level to ensure that the correct bidder is awarded the bid.</p> <p>Disciplinary action was taken against officials for any tender irregularities.</p>
Fifteenth Report of SCOPA adopted by the National Assembly on the 11 December 2001		
SCOPA recommended an independent and expert forensic investigation to, "prove or disapprove once and for all", the allegations of corruption relating to the procurement process.	Joint Investigation Report into the Strategic Defence Procurement Packages	<p>The NPA submitted a report to SCOPA on the 26 January 2009. The Committee reviewed the report and highlighted the need for further interaction with the NPA to seek clarity on certain matters related to the report.</p> <p>The investigation was handed to the SAPS with the dissolution of the DSO. A judicial commission of enquiry has since been established by the President.</p>

16. Prior Modifications to Audit Reports

The NPA annually develops an audit action plan to address all audit findings, including those of Internal Audit. This audit action plan is monitored by the CEO and the Audit Committee. In respect of the 2011/12 financial year, the non-compliance matters were addressed in the manner set out below.

Nature of matters of non-compliance	Financial year in which it first arose	Progress made in clearing / resolving the matter
Material misstatement of the corresponding figures for irregular expenditure and lease expenditure	2011/12	Resolved
Performance of other remunerative work by employees	2010/11	Resolved
Irregular expenditure	2007/08	Resolved
Payment within 30 days	2005/06	Resolved

17. Exemptions and Deviations Received from the National Treasury

The NPA did not receive or apply for any exemption from the PFMA or Treasury Regulations or a deviation from the financial reporting requirements received for the current and or prior financial year.

18. Interim Financial Statements

The NPA submitted quarterly interim financial statements. These statements were audited by Internal Audit.

19. Other

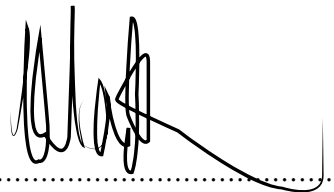
There are no other material facts or circumstance which may have an effect on the understanding of the financial state of affairs not addressed elsewhere in this report.

20. Approval

The Annual Financial Statements set out on pages 151 to 192 have been approved by the Accounting Officer(s).



.....
Mrs Nonkululeko Sindane
Director-General: Justice & Constitutional Development
31 May 2013



.....
Mrs Karen van Rensburg
CEO: NPA
31 May 2013



FINANCIALS



PART E: FINANCIAL STATEMENTS

Accounting Officer's Responsibility for Annual Financial Statement

Statement of Responsibility for the Annual Financial Statements for the year ended 31 March 2013

The Accounting Office is responsible for the preparation of the NPA's 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 designed to provide reasonable assurance as to the integrity and reliability of the annual financial statements.

In my opinion, the financial statements fairly reflect the operations of the NPA for the financial year ended 31 March 2013.

The external auditors are engaged to express an independent opinion on the AFS of the NPA.

The NPA Annual Financial Statements for the year ended 31 March 2013 have been examined by the Auditor-General and their report is presented on page 148.

The Annual Financial Statements of the National Prosecuting Authority set out on page 151 to page 192 have been approved.



Mrs Nonkululeko Sindane

Director-General: Department of Justice and Constitutional Development

Date: 31 July 2013

Report of the Auditor-General

REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE 24: THE NATIONAL PROSECUTING AUTHORITY

REPORT ON THE FINANCIAL STATEMENTS

Introduction

1. I have audited the financial statements of the National Prosecuting Authority set out on pages 151 to 192, which comprise the appropriation statement, the statement of financial position as at 31 March 2013, the statement of financial performance, statement of changes in net assets and the cash flow statement for the year then ended, comprising a summary of significant accounting policies and other explanatory information.

Accounting officer's responsibility for the financial statements

2. The accounting officer is responsible for the preparation of these financial statements in accordance with the Departmental financial reporting framework prescribed by the National Treasury and the requirements of the Public Finance Management Act of South Africa, 1999 (Act No. 1 of 1999) (PFMA) and for such internal control as the accounting officer determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor-General's responsibility

3. My responsibility is to express an opinion on these financial statements based on my audit. I conducted my audit in accordance with the Public Audit Act of South Africa, 2004 (Act No. 25 of 2004) (PAA), the General Notice issued in terms thereof and International Standards on Auditing. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

4. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

5. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

Opinion

6. In my opinion, the financial statements present fairly, in all material respects, the financial position of the National Prosecuting Authority as at 31 March 2013 and its financial performance and cash flows for the year then ended in accordance with the Departmental financial reporting framework prescribed by the National Treasury and the requirements of the PFMA.

Emphasis of matters

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

Payables

8. Payables which exceed the payment term of 30 days as required in Treasury Regulation 8.2.3 amount to R609 000,00. The department fully utilized its appropriated funds and therefore did not have any voted funds to be surrendered as per the statement of financial performance. The amount of R609 000,00 would therefore have constituted unauthorised expenditure had the amounts due been paid in a timely manner.

Additional matter

9. I draw attention to the matter below. My opinion is not modified in respect of this matter.

Financial reporting framework

10. The financial reporting framework prescribed by the National Treasury and applied by the department is a compliance framework. The wording of my opinion on a compliance framework should reflect that the financial statements have been prepared in accordance with this framework and not that they "present fairly". Section 20(2)(a) of the PAA, however, requires me to express an opinion on the fair presentation of the financial statements. The wording of my opinion therefore reflects this requirement.

REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

11. In accordance with the PAA and the General Notice issued in terms thereof, I report the following findings relevant to performance against predetermined objectives, compliance with laws and regulations and internal control, but not for the purpose of expressing an opinion.

Predetermined objectives

12. I performed procedures to obtain evidence about the usefulness and reliability of the information in the annual performance report as set out on pages 79 to 83 of the annual report.

13. The reported performance against predetermined objectives was evaluated against the overall criteria of usefulness and reliability. The usefulness of information in the annual performance report relates to whether it is presented in accordance with the National Treasury's annual reporting principles and whether the reported performance is consistent with the planned objectives. The usefulness of information further relates to whether indicators and targets are measurable (i.e. well defined, verifiable, specific, measurable and time bound) and relevant as required by the National Treasury Framework for managing programme performance information.

14. The reliability of the information in respect of the selected objectives is assessed to determine whether it adequately reflects the facts (i.e whether it is valid, accurate and complete).

15. There were no material findings on the annual performance report concerning the usefulness and reliability of the information.

Additional matter

16. Although no material findings concerning the usefulness and reliability of the performance information were identified in the annual performance report, I draw attention to the matter below.

Achievement of planned targets

17. Of the total number of 40 targets planned for the year, 22 were not achieved during the year under review. This represents 55% of total planned targets that were not achieved during the year under review. This was mainly due to the fact that indicators and targets were not suitably developed during the strategic planning process.

18. For further details on the extent of and reasons for deviations between planned targets and actual performance, refer to Part B, pages 79 to 83 of the annual performance report.

Compliance with laws and regulations

19. I performed procedures to obtain evidence that the entity had complied with applicable laws and regulations regarding financial matters, financial management and other related matters.

20. I did not identify any instances of material non-compliance with specific matters in key applicable laws and regulations as set out in the General Notice issued in terms of the PAA.

Internal control

21. I considered internal controls relevant to my audit of the financial statements, the annual performance report and compliance with laws and regulations. I did not identify any deficiencies in internal control which I considered sufficiently significant for inclusion in this report.

Auditor-General

Pretoria
31 July 2013



AUDITOR-GENERAL
SOUTH AFRICA

Auditing to build public confidence

NATIONAL PROSECUTING AUTHORITY - VOTE 24 APPROPRIATION STATEMENT

For the year ended 31 March 2013

Appropriation Statement

Appropriation per programme									
2012/13								2011/12	
	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
1. National Prosecuting Authority									
Current payment	2,752,665	-	8,451	2,761,116	2,761,116	-	100	2,573,372	2,567,123
Transfers and subsidies	9,334	-	(2,763)	6,571	6,571	-	100	7,442	7,442
Payment for capital assets	77,825	-	(9,277)	68,548	68,548	-	100	40,528	40,527
Payment for financial assets	-	-	3,589	3,589	3,589	-	100	323	323
TOTAL	2,839,824	-	-	2,839,824	2,839,824	-	100	2,621,665	2,615,415
Reconciliation with statement of financial performance									
ADD									
Departmental receipts				10,487				8,187	
Aid assistance				31,674				2,453	
Actual amounts per statement of financial performance (total revenue)				2,881,985				2,632,305	
ADD									
Aid assistance					16,553				1,436
Actual amounts per statement of financial performance (total expenditure)					2,856,377				2,616,851

NATIONAL PROSECUTING AUTHORITY - VOTE 24 APPROPRIATION STATEMENT For the year ended 31 March 2013

Appropriation per economic classification									
2012/13								2011/12	
	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
Current payments									
Compensation of employees	2,227,293	30,408	53,136	2,310,837	2,310,837	-	100	2,102,280	2,100,960
Goods and services	514,411	(30,408)	(33,724)	450,279	450,279	-	100	462,198	457,270
Interest and rent on land	10,961	-	(10,961)	-	-	-	-	8,894	8,893
Transfers and subsidies									
Departmental agencies and accounts	2,330	-	(103)	2,227	2,227	-	100	2,031	2,031
Households	7,004	-	(2,660)	4,344	4,344	-	100	5,411	5,411
Payments for capital assets									
Buildings and other fixed structures	16,604	1,059	-	17,663	17,663	-	100	16,463	15,923
Machinery and equipment	61,221	(1,059)	(9,277)	50,885	50,885	-	100	24,065	24,604
Payments for financial assets	-	-	3,589	3,589	3,589	-	100	323	323
Total	2,839,824	-	-	2,839,824	2,839,824	-	100	2,621,665	2,615,415

The prior year amounts for:

Payment for capital assets: Buildings and other fixed structures has been restated to R 15,923 million (2011/12: R 16,462 million) and Payment for capital assets: Machinery and equipment has been restated to R 24,604 million (2011/12: R 24,065 million)

NATIONAL PROSECUTING AUTHORITY - VOTE 24 APPROPRIATION STATEMENT For the year ended 31 March 2013

Detail per sub-programme	2012/13							2011/12	
	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
1.1 Public Prosecutions									
Current payment	2,070,592	30,408	34,973	2,135,973	2,135,973	-	100	1,945,425	1,945,425
Transfers and subsidies	3,854	-	229	4,083	4,083	-	100	4,684	4,684
Payment for capital assets	4,245	(70)	(1,639)	2,536	2,536	-	100	1,654	1,654
Payment for financial assets	-	-	848	848	848	-	100	95	95
1.2 Office for Witness Protection									
Current payment	141,023	-	5,709	146,732	146,732	-	100	132,575	132,575
Transfers and subsidies	102	-	(73)	29	29	-	100	163	163
Payment for capital assets	13,837	(5,982)	(7,571)	284	284	-	100	127	127
Payment for financial assets	-	-	2,237	2,237	2,237	-	100	5	5
1.3 Asset Forfeiture Unit									
Current payment	108,803	-	(5,638)	103,165	103,165	-	100	104,362	104,362
Transfers and subsidies	248	-	(214)	34	34	-	100	60	60
Payment for capital assets	275	-	(67)	208	208	-	100	85	85
Payment for financial assets	-	-	248	248	248	-	100	-	-
1.4 Support Services									
Current payment	432,247	(30,408)	(26,593)	375,246	375,246	-	100	391,010	384,761
Transfers and subsidies	5,130	-	(2,705)	2,425	2,425	-	100	2,535	2,535
Payment for capital assets	59,468	6,052	-	65,520	65,520	-	100	38,662	38,661
Payment for financial assets	-	-	256	256	256	-	100	223	223
Total	2,839,824	-	-	2,839,824	2,839,824	-	100	2,621,665	2,615,415

NATIONAL PROSECUTING AUTHORITY - VOTE 24 NOTES TO THE APPROPRIATION STATEMENT

For the year ended 31 March 2013

Notes to the Appropriation Statement

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 (A-B) 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 sub-programme

Per sub-programme	Final Appropriation	Actual Expenditure	Variance R'000	Variance as a % of Final Appropriation
Public Prosecutions	2,143,440	2,143,440	-	0
Office for Witness Protection	149,282	149,282	-	0
Asset Forfeiture Unit	103,655	103,655	-	0
Support Services	443,447	443,447	-	0
Total	2,839,824	2,839,824	-	0

NATIONAL PROSECUTING AUTHORITY - VOTE 24 NOTES TO THE APPROPRIATION STATEMENT
For the year ended 31 March 2013

4.2 Per economic classification

Per sub-programme	Final Appropriation	Actual Expenditure	Variance R'000	Variance as a % of Final Appropriation
Current payments				
Compensation of employees	2,310,837	2,310,837	-	0
Goods and services	450,279	450,279	-	0
Transfers and subsidies				
Departmental agencies and accounts	2,227	2,227	-	0
Households	4,344	4,344	-	0
Payments for capital assets				
Buildings and other fixed structures	17,663	17,663	-	0
Machinery and equipment	50,885	50,885	-	0
	3,589	3,589	-	0
Payments for financial assets				
Total	2,839,824	2,839,824	-	0

For a discussion on the cost saving measures introduced during the financial year, see the Accounting Officer's Report.

NATIONAL PROSECUTING AUTHORITY - VOTE 24 STATEMENT OF FINANCIAL PERFORMANCE

For the year ended 31 March 2013

NATIONAL PROSECUTING AUTHORITY - VOTE 24 STATEMENT OF FINANCIAL PERFORMANCE

For the year ended 31 March 2013

Statement of Financial Performance

	Note	2012/13 R'000	2011/12 R'000
REVENUE			
Annual appropriation	1	2,839,824	2,621,665
Departmental revenue	2	10,487	8,187
Aid assistance	3.3	31,674	2,453
TOTAL REVENUE		2,881,985	2,632,305
EXPENDITURE			
Current expenditure			
Compensation of employees	4	2,310,837	2,100,960
Goods and services	5	450,279	457,270
Interest and rent on land	6	-	8,893
Aid assistance	3.3	16,553	1,277
Total current expenditure		2,777,669	2,568,400
Transfers and subsidies			
Transfers and subsidies	8	6,571	7,442
Total transfers and subsidies		6,571	7,442
Expenditure for capital assets			
Tangible capital assets	9	68,548	40,686
Total expenditure for capital assets		68,548	40,686
Payments for financial assets	7	3,589	323
TOTAL EXPENDITURE		2,856,377	2,616,851
SURPLUS FOR THE YEAR		25,608	15,454
Reconciliation of Net Surplus for the year			
Voted funds		-	6,250
Annual appropriation		-	6,250
Departmental revenue and NRF Receipts	15	10,487	8,187
Aid assistance	3.3	15,121	1,017
SURPLUS FOR THE YEAR		25,608	15,454

NATIONAL PROSECUTING AUTHORITY - VOTE 24 STATEMENT OF FINANCIAL POSITION

For the year ended 31 March 2013

NATIONAL PROSECUTING AUTHORITY - VOTE 24 STATEMENT OF FINANCIAL POSITION as at 31 March 2013

Statement of Financial Position

		2012/13 R'000	2011/12 R'000
	Note		
ASSETS			
Current assets		33,403	47,433
Fruitless and wasteful expenditure	10	-	-
Cash and cash equivalents	11	13,249	33,619
Prepayments and advances	12	1,229	1,638
Receivables	13	18,925	12,176
TOTAL ASSETS		33,403	47,433
LIABILITIES			
Current liabilities		27,336	41,783
Voted funds to be surrendered to the Revenue Fund	14	-	6,250
Departmental revenue and NRF Receipts to be surrendered to the Revenue Fund	15	2,869	417
Payables	16	4,578	30,325
Aid assistance unutilised	3	19,889	4,791
TOTAL LIABILITIES		27,336	41,783
NET ASSETS		6,067	5,650
		2012/13 R'000	2011/12 R'000
Represented by:			
Recoverable revenue		6,067	5,650
TOTAL		6,067	5,650

NATIONAL PROSECUTING AUTHORITY - VOTE 24 STATEMENT OF CHANGES IN NET ASSETS
For the year ended 31 March 2013

NATIONAL PROSECUTING AUTHORITY - VOTE 24
STATEMENT OF CHANGES IN NET ASSETS
For the year ended 31 March 2013

Statement of Changes In Net Assets

	Note	2012/13 R'000	2011/12 R'000
Recoverable revenue			
Opening balance		5,650	5,415
Transfers:		417	235
Irrecoverable amounts written off		(2,740)	(50)
Debts revised		(1,837)	(2,360)
Debts recovered (included in departmental receipts)		(1,641)	(841)
Debts raised		6,635	3,486
Closing balance		6,067	5,650
TOTAL		6,067	5,650

The prior year amount of R 235 thousand for Debt raised is restated to R 3,486 million and split in order to reflect Irrecoverable amounts written off, Debts revised, and Debts recovered.

Included in the Irrecoverable amounts written off (R 2,740 million) is an amount of R 2,195 million that relates to one case.

NATIONAL PROSECUTING AUTHORITY - VOTE 24 CASH FLOW STATEMENT

For the year ended 31 March 2013

Cash Flow Statement

	2012/13 R'000	2011/12 R'000
Note		
CASH FLOWS FROM OPERATING ACTIVITIES		
Receipts		
Annual appropriated funds received	2,881,963	2,632,265
Departmental revenue received	1	2,839,824
Aid assistance received	2	10,465
	3	31,674
		2,453
Net increase in working capital	(32,087)	(153,958)
Surrendered to Revenue Fund	(14,285)	(21,342)
Surrendered to RDP Fund/Donor	(23)	(1,869)
Current payments	(2,777,669)	(2,568,400)
Payments for financial assets	(3,589)	(323)
Transfers and subsidies paid	(6,571)	(7,442)
Net cash flow available from operating activities	47,739	(121,069)
CASH FLOWS FROM INVESTING ACTIVITIES		
Payments for capital assets	9	(68,548)
Proceeds from sale of capital assets	2.3	22
Net cash flows from investing activities	(68,526)	(40,646)
CASH FLOWS FROM FINANCING ACTIVITIES		
Increase in net assets	417	235
Net cash flows from financing activities	417	235
Net decrease in cash and cash equivalents	(20,370)	(161,480)
Cash and cash equivalents at beginning of period	33,619	195,099
Cash and cash equivalents at end of period	18	13,249
	33,619	33,619

NATIONAL PROSECUTING AUTHORITY - VOTE 24 ACCOUNTING POLICIES

For the year ended 31 March 2013

Notes to the Annual Financial Statements (including 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. However, 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, Act 1 of 1999 (as amended by Act 29 of 1999), and the Treasury Regulations issued in terms of the Act and the Division of Revenue Act, Act 1 of 2010.

1. Presentation of the Financial Statements

1.1 Basis of preparation

The financial statements have been prepared on a modified cash basis of accounting. Under this basis, the effects of transactions and other events are recognised in the financial records when the resulting cash is received or paid. The "modification" results from the recognition of certain near-cash balances in the financial statements as well as the revaluation of foreign investments and loans and the recognition of resulting revaluation gains and losses.

In addition supplementary information is provided in the disclosure notes to the financial statements where it is deemed to be useful to the users of the financial statements.

1.2 Presentation currency

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

1.3 Rounding

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

1.4 Comparative figures

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.

1.5 **Comparative figures - Appropriation Statement**

A comparison between actual amounts and final appropriation per major classification of expenditure is included in the Appropriation Statement.

2. **Revenue**

2.1 **Appropriated funds**

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

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

Unexpended appropriated funds are surrendered to the National Revenue Fund. Any amounts owing to the National Revenue Fund at the end of the financial year are recognised as payable in the statement of financial position.

Any amount due from the National Revenue Fund at the end of the financial year is recognised as a receivable in the statement of financial position.

2.2 **Departmental revenue**

All departmental revenue is recognised in the statement of financial performance when received and is subsequently paid into the National Revenue Fund, unless stated otherwise.

Any amount owing to the National Revenue Fund at the end of the financial year is recognised as a payable in the statement of financial position.

No accrual is made for amounts receivable from the last receipt date to the end of the reporting period. These amounts are however disclosed in the disclosure notes to the annual financial statements.

2.3 **Aid assistance**

Aid assistance is recognised as revenue when received

All in-kind aid assistance is disclosed at fair value on the date of receipt in the annexures to the Annual Financial Statements

The cash payments made during the year relating to aid assistance projects are recognised as expenditure in the statement of financial performance when final authorisation for payments is effected on the system (by no later than 31 March of each year)

The value of the assistance expensed prior to the receipt of funds is recognised as a receivable in the statement of financial position.

Inappropriately expensed amounts using aid assistance and any unutilised amounts are recognised as payables in the statement of financial position.

All CARA funds received must be recorded as revenue when funds are received. The cash payments made during the year relating to CARA earmarked projects are recognised as expenditure in the statement of financial performance when final authorisation for payments effected on the system (by no later than 31 March of each year)

Inappropriately expensed amounts using CARA funds are recognised as payables in the statement of financial position. Any unutilised amounts are transferred to retained funds as they are not surrendered to the revenue fund.

3. **Expenditure**

3.1 **Compensation of employees**

3.1.1 **Salaries and wages**

Salaries and wages are expensed in the statement of financial performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

Other employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the financial statements at its face value and are not recognised in the statement of financial performance or position.

Employee costs are capitalised to the cost of a capital project when an employee spends more than 50% of his/her time on the project. These payments form part of expenditure for capital assets in the statement of financial performance.

3.1.2 **Social contributions**

Employer contributions to post employment benefit plans in respect of current employees are expensed in the statement of financial performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

No provision is made for retirement benefits in the financial statements of the department. Any potential liabilities are disclosed in the financial statements of the National Revenue Fund and not in the financial statements of the employer department.

Employer contributions made by the department for certain of its ex-employees (such as medical benefits) are classified as transfers to households in the statement of financial performance.

3.2 **Goods and services**

Payments made during the year for goods and/or services are recognised as an expense in the statement of financial performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

The expense is classified as capital if the goods and/or services were acquired for a capital project or if the total purchase price exceeds the capitalisation threshold (currently R5, 000). All other expenditures are classified as current.

Rental paid for the use of buildings or other fixed structures is classified as goods and services and not as rent on land.

3.3 **Interest and rent on land**

Interest and rental payments are recognised as an expense in the statement of financial performance when the final authorisation for payment is effected on the system (by no later than 31 March of each year). This item excludes rental for the use of buildings or other fixed structures. If it is not possible to distinguish between payment for the use of land and the fixed structures on it, the whole amount should be recorded under goods and services.

3.4 **Payments for financial assets**

Debts are written off when identified as irrecoverable. Debts written-off are limited to the amount of savings and/or underspending of appropriated funds. The write off occurs at year-end or when funds are available. No provision is made for irrecoverable amounts but an estimate is included in the disclosure notes to the financial statements.

All other losses are recognised when authorisation has been granted for the recognition thereof.

3.5 **Transfers and subsidies**

Transfers and subsidies are recognised as an expense when the final authorisation for payment is effected on the system (by no later than 31 March of each year).

3.6 **Unauthorised expenditure**

When confirmed unauthorised expenditure is recognised as an asset in the statement of financial position until such time as the expenditure is either approved by the relevant authority, recovered from the responsible person or written off as irrecoverable in the statement of financial performance.

Unauthorised expenditure approved with funding is derecognised from the statement of financial position when the unauthorised expenditure is approved and the related funds are received.

Where the amount is approved without funding it is recognised as expenditure in the statement of financial performance on the date stipulated in the Act.

3.7 **Fruitless and wasteful expenditure**

Fruitless and wasteful expenditure is recognised as expenditure in the statement of financial performance according to the nature of the payment and not as a separate line item on the face of the statement. If the expenditure is recoverable it is treated as an asset until it is recovered from the responsible person or written off as irrecoverable in the statement of financial performance.

3.8 **Irregular expenditure**

Irregular expenditure is recognised as expenditure in the statement of financial performance. If the expenditure is not condoned by the relevant authority it is treated as an asset until it is recovered or written off as irrecoverable.

4. **Assets**

4.1 **Cash and cash equivalents**

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

Bank overdrafts are shown separately on the face of the statement of financial position.

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.

4.2 **Prepayments and advances**

Amounts prepaid or advanced are recognised in the statement of financial position when the payments are made and are derecognised as and when the goods/services are received or the funds are utilised.

Prepayments and advances outstanding at the end of the year are carried in the statement of financial position at cost.

4.3 **Receivables**

Receivables included in the statement of financial position arise from cash payments made that are recoverable from another party (including departmental employees) and are derecognised upon recovery or write-off.

Receivables outstanding at year-end are carried in the statement of financial position at cost plus any accrued interest. Amounts that are potentially irrecoverable are included in the disclosure notes.

4.4 **Inventory**

Inventories that qualify for recognition must be initially reflected at cost. Where inventories are acquired at no cost, or for nominal consideration, their cost shall be their fair value at the date of acquisition.

All inventory items at year-end are reflected using the weighted average cost or FIFO cost formula.

4.5 **Capital assets**

4.5.1 **Movable assets**

Initial recognition

A capital asset is recorded in the asset register on receipt of the item at cost. Cost of an asset is defined as the total cost of acquisition. Where the cost cannot be determined accurately, the movable capital asset is stated at fair value. Where fair value cannot be determined, the capital asset is included in the asset register at R1.

All assets acquired prior to 1 April 2002 are included in the register R1.

Subsequent recognition

Subsequent expenditure of a capital nature is recorded in the statement of financial performance as "expenditure for capital assets" and is capitalised in the asset register of the department on completion of the project.

Repairs and maintenance is expensed as current "goods and services" in the statement of financial performance.

4.5.2 **Immovable assets**

Initial recognition

A capital asset is recorded on receipt of the item at cost. Cost of an asset is defined as the total cost of acquisition. Where the cost cannot be determined accurately, the immovable capital asset is stated at R1 unless the fair value for the asset has been reliably estimated.

Subsequent recognition

Work-in-progress of a capital nature is recorded in the statement of financial performance as "expenditure for capital assets". On completion, the total cost of the project is included in the asset register of the department that is accountable for the asset.

Repairs and maintenance is expensed as current "goods and services" in the statement of financial performance.

4.5.3 **Intangible assets**

Initial recognition

An intangible asset is recorded in the asset register on receipt of the item at cost. Cost of an intangible asset is defined as the total cost of acquisition. Where the cost cannot be determined accurately, the intangible asset is stated at fair value. Where fair value cannot be determined, the intangible asset is included in the asset register at R1.

All intangible assets acquired prior to 1 April 2002 can be included in the asset register at R1.

Subsequent expenditure

Subsequent expenditure of a capital nature is recorded in the statement of financial performance as "expenditure for capital asset" and is capitalised in the asset register of the department.

Maintenance is expensed as current "goods and services" in the statement of financial performance.

5. **Liabilities**

5.1 **Payables**

Recognised payables mainly comprise of amounts owing to other governmental entities. These payables are carried at cost in the statement of financial position.

5.2 **Contingent liabilities**

Contingent liabilities are included in the disclosure notes to the financial statements when it is possible that economic benefits will flow from the department, or when an outflow of economic benefits or service potential is probable but cannot be measured reliably.

5.3 **Contingent assets**

Contingent assets are included in the disclosure notes to the financial statements when it is probable that an inflow of economic benefits will flow to the entity.

5.4 **Commitments**

Commitments are not recognised in the statement of financial position as a liability or as expenditure in the statement of financial performance but are included in the disclosure notes.

5.5 **Accruals**

Accruals are not recognised in the statement of financial position as a liability or as expenditure in the statement of financial performance but are included in the disclosure notes.

5.6 **Employee benefits**

Short-term employee benefits that give rise to a present legal or constructive obligation are disclosed in the disclosure notes to the financial statements. These amounts are not recognised in the statement of financial performance or the statement of financial position.

5.7 **Lease commitments**

Finance lease

Finance leases are not recognised as assets and liabilities in the statement of financial position. Finance lease payments are recognised as a capital expense in the statement of financial performance and are not apportioned between the capital and the interest portions. The total finance lease payment is disclosed in the disclosure notes to the financial statements.

Operating lease

Operating lease payments are recognised as an expense in the statement of financial performance. The operating lease commitments are disclosed in the disclosure notes to the financial statement.

5.8 Impairment

The department tests for impairment where there is an indication that a receivable, loan or investment may be impaired. An assessment of whether there is an indication of possible impairment is done at each reporting date. An estimate is made for doubtful loans and receivables based on a review of all outstanding amounts at year-end. Impairments on investments are calculated as being the difference between the carrying amount and the present value of the expected future cash flows / service potential flowing from the instrument.

5.9 Provisions

Provisions are disclosed 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 will be required to settle the obligation and a reliable estimate of the obligation can be made.

6. Receivables for Departmental Revenue

Receivables for departmental revenue are disclosed in the disclosure notes to the annual financial statements. These receivables are written off when identified as irrecoverable and are disclosed separately.

7. Net Assets

7.1 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 Revenue Fund when recovered or are transferred to the statement of financial performance when written-off.

8. Related Party Transactions

Specific information with regards to related party transactions is included in the disclosure notes.

9. Key Management Personnel

Compensation paid to key management personnel including their family members where relevant, is included in the disclosure notes.

NATIONAL PROSECUTING AUTHORITY - VOTE 24 NOTES TO THE ANNUAL FINANCIAL STATEMENTS
For the year ended 31 March 2013

NATIONAL PROSECUTING AUTHORITY - VOTE 24
NOTES TO THE ANNUAL FINANCIAL STATEMENTS
For the year ended 31 March 2013

1 Annual Appropriation

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

	2012/13	2011/12	
	Final Appropriation	Actual Funds Received	Appropriation received
	R'000	R'000	R'000
National Prosecuting Authority	2,839,824	2,839,824	2,621,665
Total	2,839,824	2,839,824	2,621,665

2 Departmental Revenue

	2012/13 R'000	2012/12 R'000
Note		
2.1 Sales of goods and services other than capital assets	1,145	985
2.2 Interest, dividends and rent on land	364	83
2.3 Sales of capital assets	22	40
2.4 Transactions in financial assets and liabilities	8,856	7,079
2.5 Transfers received	100	-
Departmental revenue collected	10,487	8,187

2.1 Sales of goods and services other than capital assets

	Note 2	2012/13 R'000	2012/12 R'000
Sales of goods and services produced by the department		1,134	985
Sales by market establishment		47	44
Other sales		1,087	941
Sales of scrap, waste and other used current goods		11	-
Total		1,145	985

Other sales represent Commission on insurance and garnishee orders, recovery of photocopier and facsimile cost and sales of assets > R 5,000

NATIONAL PROSECUTING AUTHORITY - VOTE 24 NOTES TO THE ANNUAL FINANCIAL STATEMENTS
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2.2 Interest, dividends and rent on land

	Note 2	2012/13 R'000	2011/12 R'000
Interest		364	83
Total		364	83

2.3 Sale of capital assets

	Note 2	2012/13 R'000	2012/12 R'000
Tangible assets			
Machinery and equipment	31.2	22	40
Total		22	40

2.4 Transactions in financial assets and liabilities

	Note 2	2012/13 R'000	2011/12 R'000
Receivables		3,945	908
Other Receipts including Recoverable Revenue		4,911	6,171
Total		8,856	7,079

In the prior year the NPA reported only one line item for Transactions in financial assets and liabilities: "Other receipts including Recoverable Revenue". This amount has been divided into 2 line items during the 2012/2013 reporting period. Therefore the prior year amounts for Receivables is restated to R 907,617.43 (2011/12: R 0.00) and Other receipts including Recoverable Revenue is restated to R 6,170,542.31 (2011/12: R 7,078,159.74).

2.5 Transfers received

	Note 2	2012/13 R'000	2011/12 R'000
Public corporations and private enterprises		100	-
Total		100	-

The Dis-Chem Foundation donated this amount to the NPA in order to purchase court preparation equipment.

NATIONAL PROSECUTING AUTHORITY - VOTE 24 NOTES TO THE ANNUAL FINANCIAL STATEMENTS
For the year ended 31 March 2013

3 Aid Assistance

3.1 Aid assistance received in cash from other sources.

	2012/13 R'000	2011/12 R'000
Foreign		
Opening Balance	82	691
Revenue	2,674	2,453
Expenditure	(2,733)	(1,193)
Current	(2,733)	(1,193)
Surrendered to the donor	(23)	(1,869)
Closing Balance	-	82

3.2 Aid assistance received in cash from CARA Funds

	2012/13 R'000	2011/12 R'000
Opening Balance	4,709	4,952
Revenue	29,000	-
Expenditure	(13,820)	(243)
Current	(13,820)	(84)
Capital	-	(159)
Closing Balance	19,889	4,709

3.3 Total assistance

	2012/13 R'000	2011/12 R'000
Opening Balance	4,791	5,643
Revenue	31,674	2,453
Expenditure	(16,553)	(1,436)
Current	(16,553)	(1,277)
Capital	-	(159)
Surrendered / Transferred to retained funds	(23)	(1,869)
Closing Balance	19,889	4,791

The movement in aid assistance for the financial year as reflected in the Statement of Financial Performance: Reconciliation of the Net Surplus is R 15,121 million (total revenue R 31,674 million less total expenditure R 16,553 million).

3.4 Analysis of balance

	2012/13 R'000	2011/12 R'000
Aid assistance unutilised	19,889	4,791
Other sources	-	82
CARA Funds	19,889	4,709
Closing balance	19,889	4,791

4 Compensation of Employees

4.1 Salaries and Wages

	2012/13 R'000	2011/12 R'000
Basic salary	1,647,622	1,477,605
Performance award	29,271	24,778
Service Based	2,185	1,056
Compensative/circumstantial	4,531	7,226
Other non-pensionable allowances	361,070	347,125
Total	2,044,679	1,857,790

4.2 Social contributions

	2012/13 R'000	2011/12 R'000
Employer contributions		
Pension	201,693	181,935
Medical	64,295	61,070
UIF	8	3
Bargaining council	162	162
Total	266,158	243,170
 Total compensation of employees	 2,310,837	 2,100,960
 Average number of employees	 4,998	 4,808

5 Goods and Services

	Note	2012/13 R'000	2011/12 R'000
Administrative fees		1,622	1,886
Advertising		5,769	6,577
Assets less than R5,000	5.1	8,458	1,130
Bursaries (employees)		2,167	1,608
Catering		2,384	2,252
Communication		32,427	33,596
Computer services	5.2	50,072	38,766
Consultants, contractors and agency/outsourced services	5.3	84,533	103,079
Entertainment		1	7
Audit cost – external	5.4	5,559	5,008
Fleet services		12,351	9,897
Inventory	5.5	25,276	22,030
Operating leases		15,448	15,971
Property payments	5.6	63,730	74,635
Transport provided as part of the departmental activities		7	33
Travel and subsistence		80,223	76,950
Venues and facilities		2,809	4,544
Training and staff development	5.7	3,137	4,438
Other operating expenditure		54,306	54,863
Total	5.8	450,279	457,270

NATIONAL PROSECUTING AUTHORITY - VOTE 24 NOTES TO THE ANNUAL FINANCIAL STATEMENTS
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5.1 Assets less than R5,000

	Note	2012/13 R'000	2011/12 R'000
Tangible assets	5		
Machinery and equipment		8,458	1,130
Total		8,458	1,130

5.2 Computer services

	Note	2012/13 R'000	2011/12 R'000
SITA computer services	5	30,283	9,182
External computer service providers		19,789	29,584
Total		50,072	38,766

SITA computer services relate to ICT and related services provided in terms of the SITA Act 88 of 1998.

5.3 Consultants, contractors and agency/outsourced services

	Note	2012/13 R'000	2011/12 R'000
Business and advisory services	5	16,517	21,156
Infrastructure and planning		-	923
Legal costs		46,344	71,852
Contractors		5,284	1,811
Agency and support/outsourced services		16,388	7,337
Total		84,533	103,079

The increased expenditure for Legal cost in the prior year (R 71,852 million) was as a result of a legal settlement paid. In the current year a figure of R 22 million is included for the final settlement of the same matter.

Security services comprise 97% of the Agency and support services/out sourced services amount reported in the current year.

5.4 Audit cost – External

	Note	2012/13 R'000	2011/12 R'000
Regularity audits	5	5,559	5,008
Total		5,559	5,008

NATIONAL PROSECUTING AUTHORITY - VOTE 24 NOTES TO THE ANNUAL FINANCIAL STATEMENTS
For the year ended 31 March 2013

5.5 Inventory

	Note 5	2012/13 R'000	2011/12 R'000
Learning and teaching support material		67	-
Food and food supplies		214	205
Other consumables		785	626
Materials and supplies		52	52
Stationery and printing		24,150	20,787
Medical supplies		8	-
Military stores		-	360
Total		25,276	22,030

5.6 Property payments

		2012/13 R'000	2011/12 R'000
Municipal services		779	638
Property management fees		47,607	43,478
Other		15,344	30,519
Total		63,730	74,635

Property payments: Other comprises the following services: Gardening, cleaning, fumigation, pest control, safeguarding and security (which is the bulk of the amount) and maintenance.

5.7 Travel and subsistence

	Note 5	2012/13 R'000	2011/12 R'000
Local		79,389	74,889
Foreign		834	2,061
Total		80,223	76,950

5.8 Other operating expenditure

	Note 5	2012/13 R'000	2011/12 R'000
Professional bodies, membership and subscription fees		1,592	1,116
Resettlement costs		4,987	3,482
Other		47,727	50,265
Total		54,306	54,863

Other operating expenditure: Other comprises of laundry services, courier services, car washing services, storage fees and witness custody expenditure which makes up the bulk of the amount.

NATIONAL PROSECUTING AUTHORITY - VOTE 24 NOTES TO THE ANNUAL FINANCIAL STATEMENTS
For the year ended 31 March 2013

6 Interest and Rent on Land

	Note 5	2012/13 R'000	2011/12 R'000
Interest paid		-	8,893
Total		-	8,893

Interest related to finance leases is no longer reflected as current expenditure. The amount now forms part of the capital expenditure.

7 Payments for Financial Assets

	Note	2012/13 R'000	2011/12 R'000
Other material losses written off	7.1	315	-
Debts written off	7.2	3,274	323
Total		3,589	323

Included in the Irrecoverable amounts written off (R 2,740 million) is an amount of R 2,195 million that relates to one case.

7.1 Other material losses written off

	Note 7	2012/13 R'000	2011/12 R'000
Nature of losses			
Capital assets written off		185	-
Minor assets written off		25	-
Motor vehicle accidents		105	-
Total		315	-

7.2 Debts written off

	Note 7	2012/13 R'000	2011/12 R'000
Nature of debts written off			
Recoverable revenue written off		2,740	50
Total		2,740	50
Other debt written off			
Staff debt written off		534	273
Total		534	273
Total debt written off		3,274	323

The prior year amount related to Debts written off was reported as one line item: "Staff debt written off". During the 2012/213 reporting period the NPA has divided the amount into two items. Therefore the prior year amount for Staff debt written off is restated to R 273 thousand (2011/112: R 323 thousand). Recoverable revenue written off is restated to R 50 thousand (2011/12: R 0.00).

8 Transfers and Subsidies

	2012/13 R'000	2011/12 R'000
Departmental agencies and accounts		
Households	2,227	2,031
Total	4,344	5,411
	6,571	7,442

9 Expenditure for Capital Assets

	Note	2012/13 R'000	2011/12 R'000
Tangible assets			
Buildings and other fixed structures	34.1	17,663	15,923
Machinery and equipment	31.1	50,885	24,763
Total		68,548	40,686

The amount related to Interest paid on finance leases in the current year is included in the expenditure for capital assets.

The NPA purchased assets that were leased during the financial year. This will result in a significant saving in lease payments for the organisation during the next 3 years.

9.1 Analysis of funds utilised to acquire capital assets – 2012/13

	Note	Voted funds R'000	Aid assistance R'000	Total R'000
Tangible assets				
Buildings and other fixed structures	34.1	17,663	-	17,663
Machinery and equipment	31.1	50,885	-	50,885
Total		68,548	-	68,548

9.2 Analysis of funds utilised to acquire capital assets – 2011/12

	Voted funds R'000	Aid assistance R'000	Total R'000
Tangible assets			
Buildings and other fixed structures	15,923	-	15,923
Machinery and equipment	24,60	159	24,763
Total	40,527	159	40,686

NATIONAL PROSECUTING AUTHORITY - VOTE 24 NOTES TO THE ANNUAL FINANCIAL STATEMENTS
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10 Fruitless and Wasteful Expenditure

10.1 Reconciliation of fruitless and wasteful expenditure

	2012/13 R'000	2011/12 R'000
Opening balance	-	24
Less: Amounts resolved	-	(20)
Current	-	(20)
Less: Amounts transferred to receivables for recovery	-	(4)
Fruitless and wasteful expenditure awaiting resolution	-	-
Analysis of awaiting resolution per economic classification		
Current	-	-
Total	-	-

As from 1 April 2008 National Treasury introduced changes to the accounting policy regarding Fruitless and Wasteful expenditure. All newly identified Fruitless and Wasteful expenditure is reported as part of the Disclosure notes (note 26).

11 Cash and Cash Equivalents

	2012/13 R'000	2011/12 R'000
Consolidated Paymaster General Account	12,825	33,451
Cash on hand	273	154
Investments (Domestic)	151	14
Total	13,249	33,619

12 Prepayments and Advances

	Note	2012/13 R'000	2011/12 R'000
Travel and subsistence		75	171
Prepayments		347	1,467
Advances paid	12.1	807	-
Total		1,229	1,638

12.1 Advances paid

	Note 12 Annex 7	2012/13 R'000	2011/12 R'000
National departments Government Communication and Information System (GCIS)		807	-
Total		807	-

NATIONAL PROSECUTING AUTHORITY - VOTE 24 NOTES TO THE ANNUAL FINANCIAL STATEMENTS
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13 Receivables

	Note	2012/13			2011/12	
		R'000	R'000	R'000	R'000	R'000
		Less than one year	One to three years	Older than three years	Total	Total
Claims recoverable	13.1	5	-	-	5	861
Recoverable expenditure	Annex 4	7,720	-	-	7,720	-
Staff debt	13.2	1,011	2,515	7,350	10,876	10,991
Other debtors	13.3	66	129	129	324	324
Total	13.4	8,802	2,644	7,479	18,925	12,176

13.1 Claims recoverable

	Note 13	2012/13 R'000	2011/12 R'000
National departments		5	861
Total		5	861

13.2 Recoverable expenditure (disallowance accounts)

	Note 13	2012/13 R'000	2011/12 R'000
Disallowance Miscellaneous		7,720	-
Total		7,720	-

13.3 Staff debt

	Note 13	2012/13 R'000	2011/12 R'000
Debt: Clearing account		10,778	10,735
Salary: Tax Debt: Clearing account		25	5
Salary: Reversal Control account		73	249
Salary: Medical Aid account		-	2
Total		10,876	10,991

13.4 Other debtors

	2012/13 R'000	2011/12 R'000
Vat Clearing account	324	324
Total	324	324

NATIONAL PROSECUTING AUTHORITY - VOTE 24 NOTES TO THE ANNUAL FINANCIAL STATEMENTS
For the year ended 31 March 2013

14 Voted Funds to be Surrendered to the Revenue Fund

	2012/13 R'000	2011/12 R'000
Opening balance	6,250	13,262
Transfer from statement of financial performance	-	6,250
Paid during the year	(6,250)	(13,262)
Closing balance	-	6,250

15 Departmental Revenue and NRF Receipts to be Surrendered to the Revenue Fund

	2012/13 R'000	2011/12 R'000
Opening balance	417	310
Transfer from Statement of Financial Performance	10,487	8,187
Paid during the year	(8,035)	(8,080)
Closing balance	2,869	417

16 Payables – Current

	Note	2012/13 R'000	2011/12 R'000
Clearing accounts	16.1	4,578	30,325
Total		4,578	30,325

16.1 Clearing accounts

Description	Note 16	2012/13 R'000	2011/12 R'000
Salary: Pension fund		19	19
Salary: Income tax		41	215
Salary: ACB recalls		72	91
Disallowance Miscellaneous		-	30,000
PACE claims		4,428	-
Private telephone		12	-
Sal: Medical Aid CL		6	-
Total		4,578	30,325

17 Net Cash Flow Available from Operating Activities

	2012/13 R'000	2011/12 R'000
Net surplus as per Statement of Financial Performance	25,608	15,454
Add back non cash/cash movements not deemed operating activities	22,131	(136,523)
(Increase)/decrease in receivables – current	(6,749)	908
Decrease/(Increase) in prepayments and advances	409	(261)
Decrease in other current assets	-	24
Decrease in payables – current	(25,747)	(154,629)
Proceeds from sale of capital assets	(22)	(40)
Expenditure on capital assets	68,548	40,686
Surrenders to Revenue Fund	(14,285)	(21,342)
Surrenders to RDP Fund/Donor	(23)	(1,869)
Net cash flow generated by operating activities	47,739	(121,069)

18 Reconciliation of Cash and Cash Equivalents for Cash Flow Purposes

	2012/13 R'000	2011/12 R'000
Consolidated Paymaster General account	12,825	33,451
Cash on hand	273	154
Cash with commercial banks (Local)	151	14
Total	13,249	33,619

NATIONAL PROSECUTING AUTHORITY - VOTE 24 DISCLOSURE NOTE TO THE ANNUAL FINANCIAL STATEMENTS

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Disclosure Notes to the Annual Financial Statements

These amounts are not recognised in the Annual Financial Statements and are disclosed to enhance the usefulness of the Annual Financial Statements.

19 Contingent Liabilities and Contingent Assets

19.1 Contingent liabilities

		Note	2012/13 R'000	2011/12 R'000
Liable to	Nature			
Housing loan guarantees	Employees	Annex 3A		
Claims against the department		Annex 3B	1,937	2,521
Other departments (interdepartmental unconfirmed balances)		Annex 5	57,065	50,958
			7,411	478
Total			66,413	53,957

The opening balance of the prior year for Contingent liabilities - Housing loan guarantees is restated to R 2,521 million (2011/12: R 2,545 million) as per PERSAL report #7.11.15.

The NPA, after discussions with National Treasury, made a policy decision to pay curator expenditure on an on-going basis depending on the availability of funds. This was done to reduce interest charges and increase the amount paid to CARA. By committing to settle curator expenditure on an on-going basis (based on availability of funds) resulted in the contingent liabilities being reclassified as provisions. Therefore R 47,200 million of the claims against the department reported in the prior year was reclassified and is reflected as provisions. This reclassification resulted in the prior year amount for Claims against the department being restated to R 50,958 million (2011/2012: R 98,158 million).

19.2 Contingent assets

	2012/13 R'000	2011/12 R'000
Nature of contingent asset		
Labour court ruling	506	506
Total	506	506

20 Commitments

	2012/13 R'000	2011/12 R'000
Current expenditure		
Approved and contracted	81,748	90,729
Capital expenditure		
Approved and contracted	-	46
Total Commitments	<u>81,748</u>	<u>90,775</u>

21 Accruals

	30 Days	30+ Days	2012/13 R'000	2011/12 R'000
Listed by economic classification				
Goods and services	37,686	257	37,943	88,684
Interest and rent on land	-	-	-	38
Transfers and subsidies	-	-	-	248
Capital assets	-	352	352	749
Other	1,254	-	1,254	56
Total	<u>38,940</u>	<u>609</u>	<u>39,549</u>	<u>89,775</u>

	2012/13 R'000	2011/12 R'000
Listed by programme level		
Public Prosecutions	4,052	13,952
Office for Witness Protection	4,322	5,293
Asset Forfeiture Unit	1,333	10,494
Support Services	29,842	60,036
Total	<u>39,549</u>	<u>89,775</u>

22 Employee Benefits

	2012/13 R'000	2011/12 R'000
Leave entitlement	82,445	70,557
Service bonus (Thirteenth cheque)	58,646	53,964
Performance awards	37,275	32,108
Capped leave commitments	124,236	118,851
Total	<u>302,602</u>	<u>275,480</u>

Included in the leave entitlement is a negative balance amounting to R 4,048,240.19 (2011/2012: R 4,416,708.37) that represents pro rata leave taken by permanent staff in advance during the period January 2013 to March 2013.

NATIONAL PROSECUTING AUTHORITY - VOTE 24 DISCLOSURE NOTE TO THE ANNUAL FINANCIAL STATEMENTS
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23 Lease Commitments

23.1 Operating leases expenditure

	2012/13 R'000	2011/12 R'000
Buildings and other fixed structures		Total
2012/13		
Not later than 1 year	2,922	2,922
Total lease commitments	2,922	2,922
Buildings and other fixed structures R'000		Total R'000
2012/13		
Not later than 1 year	630	630
Total lease commitments	630	630

23.2 Finance leases expenditure

	Vehicles	Buildings and other fixed structures	Machinery and equipment	Total
2012/13				
Not later than 1 year	15,353	13,327	4,616	33,296
Later than 1 year and not later than 5 years	7,723	32,749	1,088	41,560
Total lease commitments	23,076	46,076	5,704	74,856
2011/12				
Not later than 1 year	28,749	12,718	8,922	50,389
Later than 1 year and not later than 5 years	9,583	44,565	3,720	57,868
Later than five years	-	3,750	-	3,750
Total lease commitments	38,332	61,033	12,642	112,007
LESS: finance costs	2,191	10,303	1,296	13,790
Total present value of lease liabilities	36,141	50,730	11,346	98,217

24 Receivables for Departmental Revenue

	2012/13 R'000	2011/12 R'000
Transfers received (incl. conditional grants to be repaid by provincial departments)	20,000	-
Total	20,000	-

The amount Receivables for departmental revenue represents Aid assistance: CARA funds that have been approved and not yet received.

24.1 Analysis of receivables for departmental revenue

	2012/13 R'000	2011/12 R'000
Opening balance	-	-
Add: amounts recognised	20,000	-
Closing balance	20,000	-

25 Irregular Expenditure

25.1 Reconciliation of irregular expenditure

	2012/13 R'000	2011/12 R'000
Opening balance	527,920	503,055
Add: Irregular expenditure – relating to prior year	10,148	20,319
Add: Irregular expenditure – relating to current year	10,756	11,700
Less: Amounts condoned	(1,700)	(7,154)
Less: Amounts recoverable (not condoned)	-	-
Less: Amounts not recoverable (not condoned)	(122,023)	-
Irregular expenditure awaiting condonation	425,101	527,920
Analysis of awaiting condonation per age classification		
Current year	10,756	4,546
Prior years	414,345	523,374
Total	425,101	527,920

25.2 Details of irregular expenditure – current year

Incident	Disciplinary steps taken/criminal proceedings	2012/13 R'000
Accommodation lease	Criminal investigation	4,284
Fax machine maintenance service contract	Disciplinary steps was taken	5
Venue used without SCM processes followed	Disciplinary steps was taken	172
Services used without obtaining approval for deviation	Disciplinary steps was taken	195
Made use of transcription services without SCM processes being followed	Disciplinary steps was taken	131
Appointment of the NDPP	Under investigation	944
Specialised services: Forensic Psychologist	Under investigation	4
Incorrect appointment	Under investigation	123
Advertisement placed without authorisation	Under investigation	4,753
Security services	Under investigation	131
Acting allowance not approved by delegated official	Under investigation	14
Total		10,756

The NPA was committed to make use of a service provider to place advertisements by the Department which resulted in the irregular expenditure being incurred for Advertisement placed without authorisation. At the time of completion of the audit the NPA was still investigating a case of possible irregular expenditure relating to cleaning services at one of its offices.

NATIONAL PROSECUTING AUTHORITY - VOTE 24 DISCLOSURE NOTE TO THE ANNUAL FINANCIAL STATEMENTS
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25.3 Details of irregular expenditure condoned

Incident	Condoned by (condoning authority)	2012/13 R'000
Fax machine maintenance services without contract	CEO: NPA	5
Venue used without SCM processes followed	CEO: NPA	156
Services used without obtaining approval for deviation	CEO: NPA	186
Made use of transcription services without SCM processes being followed	CEO: NPA	131
Asset Management software purchased without approval	National Treasury	1,222
Total		1,700

25.4 Details of irregular expenditure not recoverable (not condoned)

Incident	Not Condoned by (condoning authority)	2012/13 R'000
Finance lease for vehicles and computer equipment	National Treasury	103,190
Appointment of official who previously took severance package	DPSA	686
Accommodation lease	National Treasury	17,000
Non-compliance with State Tender Board regulations	National Treasury	1,147
Total		122,023

25.5 Details of irregular expenditures under investigation

Incident	2012/13 R'000
Advertisements placed without authorisation	10,727
Accommodation lease	335
Incorrect appointment	142
Security services	250
Acting allowance not approved by delegated official	14
Total	11,468

26 Fruitless and Wasteful Expenditure

26.1 Reconciliation of fruitless and wasteful expenditure

	2012/13 R'000	2011/12 R'000
Opening balance	2,563	3,931
Fruitless and wasteful expenditure – relating to prior year	20	281
Fruitless and wasteful expenditure – relating to current year	1,882	105
Less: Amounts resolved	(6)	(1,120)
Less: Amounts transferred to receivables for recovery	(2,865)	(634)
Fruitless and wasteful expenditure awaiting resolution	1,594	2,563

26.2 Analysis of awaiting resolution per economic classification

	2012/13 R'000	2011/12 R'000
Current	1,594	2,563
Total	1,594	2,563

26.3 Analysis of Current year's fruitless and wasteful expenditure

Incident	Disciplinary proceedings	steps taken/criminal	2012/13 R'000
Motor vehicle repairs	R 252,269 was referred for recovery, R 5,446 was written off and R 7,668 is still under investigation		
Lease item transfer cost and laptop bags	Under investigation		265
No shows	R 8,790 was referred for recovery, R 25,828 was written off and R 7,202 is still under investigation		384
Scanners not utilised	Under investigation		42
Traffic fines: Admin fees	Recovered		1,122
Advertisement of post	Written warning was issued, amount to be written off		5
			64
Total			1,882

27 Related Party Transactions

	2012/13 R'000	2011/12 R'000
Other		
Officials seconded	12,494	6,313
Total	12,494	6,313
Other		
Officials seconded	2,026	1,973
Total	2,026	1,973

The NPA is a programme (Programme 4) on the vote of the Department of Justice and Constitutional Development. The relevant Executive Authority is the Minister for Justice and Constitutional Development. As such the NPA transacts with entities falling under this vote on a regular basis. These transactions are not necessarily conducted at arm's length as most services are rendered on a no-cost or recovery basis. The entities include the Family Advocate, State Attorneys, State Law Advisers, Master of the High Court, Office for the Control of Interception and Monitoring of Communication, South African Human Rights Commission, Commission on Gender Equality, Magistrate's Commission, President's Fund, Board of Sheriffs, Rules Board for the Labour Court, Equality Review Committee, Debt Collectors' Council, Public Protector, Criminal Assets Recovery Committee, Represented Political Parties' Fund, Rules Board for Courts of Law, Judicial Service Commission, South African Law Reform Commission, Special Investigating Unit, Legal Aid Board and the NCPS.

The transfer to the State Attorney is on a reimbursement basis for legal expenditure incurred on behalf of the NPA.

The NPA share an accounting officer, internal audit section and audit committee with the Department of Justice and Constitutional Development. The costs associated with the mentioned officials are carried by DoJ&CD. The budget for accommodation and therefore the payments for the majority of facilities occupied by the NPA are paid by DoJ&CD.

28 Key Management Personnel

	No. of Individuals	2012/13 R'000	2011/12 R'000
Officials:			
Level 15 to 16	17	25,700	24,587
Level 14 (incl. CFO if at a lower level)	10	9,665	8,134
Family members of key management personnel	1	438	-
Total		35,803	32,721

The Key Management personnel expenditure represents only the Exco and Manco members on salary level 14 or higher

29 Impairment

Impairment	2012/13 R'000	2011/12 R'000
Debtors	5,697	6,231
Total	5,697	6,231

30 Provisions

	2012/13 R'000	2011/12 R'000
Curator expenditure	169,552	151,680
Implementation of job evaluation	-	140,000
Grading of jobs / posts	2,003	-
Total	171,555	291,680

The NPA, after discussions with National Treasury, made a policy decision to pay curator expenditure on an on-going basis depending on the availability of funds. This was done to reduce interest charges and increase the amount paid to CARA. By committing to settle curator expenditure on an on-going basis (based on availability of funds) resulted in the contingent liabilities being reclassified as provisions. Therefore R 47,200 million of the claims against the department reported in the prior year was reclassified and is reflected as provisions. The methodology how provisions are calculated changed during the reporting period and resulted in an additional R 59,593 million being added to the prior year amount.

This reclassification resulted in the prior year amount for Curator expenditure being restated to R 151,680 million (2011/2012: R 44,887 million).

31 Movable Tangible Capital Assets

Movement in Movable Tangible Capital Assets per Asset Register for the year ended 31 March 2013

	Opening balance R'000	Curr Year Adjust-ments to prior year balances R'000	Additions R'000	Disposals R'000	Closing Balance R'000
HERITAGE ASSETS	-	488	-	-	488
Heritage assets	-	488	-	-	488
MACHINERY AND EQUIPMENT	111,412	(224)	36,503	145	147,546
Transport assets	362	-	430	-	792
Computer equipment	89,705	(174)	24,632	90	114,073
Furniture and office equipment	10,338	(17)	719	55	10,985
Other machinery and equipment	11,007	(33)	10,722	-	21,696
TOTAL MOVABLE TANGIBLE CAPITAL ASSETS	111,412	264	36,503	145	148,034

NATIONAL PROSECUTING AUTHORITY - VOTE 24 DISCLOSURE NOTE TO THE ANNUAL FINANCIAL STATEMENTS
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31.1 Additions

**Additions to movable tangible capital assets per asset
Register for the year ended 31 March 2013**

	Cash	Non-cash	(Capital Work in Progress current costs and finance lease payments) R'000	Received current, not paid (Paid current year, received prior year) R'000	Total
	R'000	R'000			R'000
MACHINERY AND EQUIPMENT	50,885	24,205	(38,587)	-	36,503
Transport assets	23,657	430	(23,657)	-	430
Computer equipment	9,839	23,689	(8,896)	-	24,632
Furniture and office equipment	6,732	-	(6,013)	-	719
Other machinery and equipment	10,657	86	(21)	-	10,722
TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS	50,885	24,205	(38,587)	-	36,503

31.2 Disposals

**Disposals of movable tangible capital assets per asset
Register for the year ended 31 March 2013**

	Sold for cash	Transfer out or destroyed or scrapped	Total disposals	Cash Received Actual
	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT				
Computer equipment	-	90	90	-
Furniture and office equipment	20	35	55	22
TOTAL DISPOSAL OF MOVABLE TANGIBLE CAPITAL ASSETS	20	125	145	22

31.3 Movement for 2011/12

Movement in movable tangible capital assets per asset

Register for the year ended 31 March 2012

	Opening balance	Additions	Disposals	Closing balance
	R'000	R'000	R'000	R'000
MACHINERY AND EQUIPMENT	102,348	9,104	(40)	111,412
Transport assets	402	-	(40)	362
Computer equipment	83,916	5,789	-	89,705
Furniture and office equipment	9,623	715	-	10,338
Other machinery and equipment	8,407	2,600	-	11,007
TOTAL MOVABLE TANGIBLE ASSET	102,348	9,104	(40)	111,412

32 Minor Assets

Movement in Minor Assets Per the Asset Register for the Year ended as at 31 March 2013

	Machinery and equipment	Total
	R'000	R'000
Opening balance	52,918	52,918
Curr Year Adjustments to Prior Year balances	15,765	13,765
Additions	8,578	8,578
Disposals	(789)	789
TOTAL MINOR ASSETS	76,472	76,472

	Machinery and equipment	Total
Number of minor assets at cost	86,807	86,807
TOTAL NUMBER OF MINOR ASSET	86,807	86,807

Movement in Minor Assets per the Asset Register for the year ended as at 31 March 2012

	Machinery and equipment	Total
	R'000	R'000
Opening balance	51,424	51,424
Additions	1,494	1,494
TOTAL MINOR ASSETS	52,918	52,918
	Machinery and equipment	Total
	R'000	R'000
Number of minor assets at cost	53,192	53,192
TOTAL NUMBER OF MINOR ASSETS	53,192	53,192

33 Movable Assets Written off **Movable Assets Written off for the year ended as at 31 March 2013**

	Machinery and equipment	Total
	R'000	R'000
Assets written off	145	145
TOTAL MOVABLE ASSETS WRITTEN OFF	145	145

Movable Assets Written off for the year ended as at 31 march 2012

	Machinery and equipment	Total
	R'000	R'000
Assets written off	40	40
TOTAL MOVABLE ASSETS WRITTEN OFF	40	40

34 Immovable Tangible Capital Assets
Movement in Immovable Tangible Capital Assets per Asset Register
for the year ended 31 March 2013

34.1 Additions

Additions to Immovable Tangible Capital Assets per Asset Register
for the year ended 31 March 2013

	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
BUILDING AND OTHER FIXED STRUCTURES					
Other fixed structures	17,663	-	(17,663)		-
TOTAL ADDITIONS TO IMMOVABLE TANGIBLE CAPITAL ASSETS	17,663	-	17,663		-



ANNEXURE 1-8: STATEMENTS

NATIONAL PROSECUTING AUTHORITY - VOTE 24 ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS

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Unaudited supplementary schedules: Annexures

ANNEXURE 1A

Statement of Transfers to Departmental Agencies and Accounts

	TRANSFER ALLOCATION			TRANSFER		2011/12	
	Adjusted Appropriation	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
BDEPARTMENT/ AGENCY/ACCOUNT							
Radio and TV licenses	-	-	54	54	54	100	-
SETA: Safety and security sector	2,330	-	(157)	2,173	2,173	100	2,031
	2,330	-	(103)	2,227	2,227	100	2,031

ANNEXURE 1B

Statement of Transfers to Households

	TRANSFER ALLOCATION			TRANSFER		2011/12	
	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
HOUSEHOLDS							
Transfers							
Social benefits	7,004	-	(2,660)	4,344	4,344	100	5,411
Total	7,004	-	(2,660)	4,344	4,344	100	5,411

NATIONAL PROSECUTING AUTHORITY - VOTE 24 ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS
For the year ended 31 March 2013

ANNEXURE 1C

Statement of Gifts, Donations and Sponsorships Received

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2012/13 R'000	2011/12 R'000
Received in cash	Court preparation equipment		
Dis-Chem		100	-
Subtotal		100	-
Received in kind			
IJS Project assets	IJS project	23,689	5,287
USAID	Various items for the Thuthuzela Care Centres	1,000	2,315
Various	Various donations up to R 1000	17	7
Konica Minolta	Photocopy machine	-	25
Dr M van Lelyveld	Gift voucher	-	2
LexisNexis	Books	-	9
Birchwood Hotel	One Night free accommodatio	-	10
Mr Mabhang	Discount given	-	3
United State's Department of Justice	Sponsor travel and accommodation	-	23
International Consortium on Combating Wildlife Crime (ICWC)	Sponsor travel and accommodation	-	23
Government of Indonesia	Sponsor travel and accommodation	-	6
International Association of Prosecutors	Sponsor travel and accommodation	-	56
Tsogo Sun	Rugby tickets (SA vs England)	1	
Government of Botswana	Sponsor accommodation for one night	1	
Genesis Training	Netbook	5	
Escon	Laptop	8	
Zambian National Prosecuting Authority	Wall Clocks	3	
Europol	Return airfare and accommodation: Carin outreach project	15	
Office of the Public Prosecutor: Mauritius	Sponsor travel and accommodation	24	
Norad	Cover full cost for a delegate to attend Corruption Hunter meeting	50	
Indonesian Witness and victim protectors agency	International workshop	50	
Onelaw debt recovery systems	Cost of workshop	5	
Commonwealth Secretariat	East African Prosecutors and Investigators workshop	30	
Hungarian National Police	Camden Asset recovery Inter agency seminar	52	
Clover SA and Dr Ntlopi	Chips, Tropica and water provided	6	
Rebosis Property Fund	Gym equipment	113	
Vital voices	Airfare and accommodation	37	
AA Corporate services and Tiger Brands	Team building	15	
AS DoJ & SABRIC	Attend and cater for identify theft and training summit	292	
PWC	Diaries and calendars	2	

NATIONAL PROSECUTING AUTHORITY - VOTE 24 ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS
For the year ended 31 March 2013

NAME OF ORGANISATION	NATURE OF GIFT, DONATION OR SPONSORSHIP	2012/13 R'000	2011/12 R'000
United State's Department of Homeland Security	Airfare and accommodation	52	
Adv Mokhatla	Sponsor registration fees for nine delegates	18	
Dept of Social Development	Conference and accommodation for three delegates to National Victim empowerment summit	9	
South African Federation Against Copyright Theft (SAFACT)	Airfare, Rail Ticket, Restaurant Meal, Certificate, three DVDs, Three Moneticlors, Book and a Reading Light	3	
Ismail and Celeste Omar	Briefcase and Perfume.	2	
Office of the Prosecutor-General of Namibia	Flight, Accommodation, Meal and Ground Transportation Costs for two asset forfeiture proceedings trainers in Windhoek, Namibia	23	
Consumer Goods Council of South Africa	Return Airfare and Accommodation for one Delegate to the iLegal Conference in Johannesburg.	4	
LexisNexis; Adv D Adam	Two Books: Litigation Skills for South Africa Lawyers, 3rd Edition by CG Marnewick; The Justice Sector Afterthought: Witness Protection in Africa by the Institute for Security Studies.	2	
Dept of Justice and Constitutional Development	Motor vehicles	430	
Adv Mandla Zulu and Adv Andrew Chauke	Pool, Soccer and Tennis Tables.	10	
Subtotal		25,968	7,766
TOTAL		26,068	7,766

ANNEXURE 1D

Statement of Aid Assistance Received

NAME OF DONOR	PURPOSE	OPENING BALANCE R'000	REVENUE R'000	EXPENDI-TURE R'000	CLOSING BALANCE R'000
Received in cash					
European Union	Assistance to SA Government to prevent and react to human trafficking	(281)	281	-	-
Royal Danish Commission (UNICEF)	Support Thuthuzela Care Centres	362	2,393	2,755	-
CARA	To assist various projects managed by NPA business units	4,709	29,000	13,820	19,889
Subtotal		4,790	31,674	16,575	19,889

NATIONAL PROSECUTING AUTHORITY - VOTE 24 ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS
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NAME OF DONOR	PURPOSE	OPENING BALANCE R'000	REVENUE R'000	EXPENDI-TURE R'000	CLOSING BALANCE R'000
Received in kind					
Royal Danish Commission (UNICEF)	Child and woman's protection through prevention and response to violence and HIV/AIDS	2,010	-	2,010	-
USAID	Woman Justice and Empowerment	25,658	-	25,658	-
Subtotal		27,668	-	27,668	-
TOTAL		32,458	31,674	44,243	19,889

ANNEXURE 3A

Statement of Financial Guarantees Issued as at 31 March 2012 – Local

Guarantor institution	Guarantee in respect of	Original guaranteed capital amount	Opening balance 1 April 2012	Guarantees draw downs during the year	Guarantees repayments/ cancelled/ reduced/ released during the year	Revaluations	Closing balance 31 March 2013	Guaranteed interest for year ended 31 March 2013	Realised losses not recoverable i.e. claims paid out
	Housing	R'000	R'000	R'000	R'000	R'000	R'000	R'000	R'000
ABSA			1,160	-	495		665		
First National Bank (FNB)			129	-	10		119		
First Rand Bank			60	111	-		171		
Nedbank			219	27	114		132		
Nedbank Limited			191	-	-		191		
NP Development Corporation			216	109	-		325		
Old Mutual Finance Limited			38	-	-		38		
Standard Bank			420	-	199		221		
Nedcor			60	-	-		60		
Investment Unique Finance			15	-	-		15		
BOE Bank Limited			13	-	13		-		
TOTAL			2,521	247	831		1,937		

The opening balance of the prior year for Contingent liabilities-Housing loan guarantees is restated to R 2,521 million (2011/12: R 2,545 million) as per PERSAL report #7.11.15

ANNEXURE 3B

Statement of Contingent Liabilities as at 31 March 2012

Nature of Liability	Opening Balance 1 April 2012	Liabilities incurred during the year	Liabilities paid/ cancelled/ reduced during t he year	Liabilities recoverable (Provide details hereunder)	Closing Balance 31 March 2013
	R'000	R'000	R'000	R'000	R'000
Claims against the department	50,958	3,405	11,216	-	43,147
Outstanding law suits (SS, OWP, PCLU)					
Outstanding law suits: AFU	-	13,918	-	-	13,918
TOTAL	50,958	17,323	11,216	-	57,065

The prior year amount for Claims against the department is restated to R 50,958 million (2011/2012: R 98,158 million). R 47,200 million of the claims against the department related to AFU in the prior year is reclassified as provisions.

The NPA, after discussions with National Treasury, made a policy decision to pay curator expenditure on an on-going basis depending on the availability of funds. This was done to reduce interest charges and increase the amount to CARA.

ANNEXURE 4

Claims Recoverable

Government Entity	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2013 R'000	31/03/2012 R'000	31/03/2013 R'000	31/03/2012 R'000	31/03/2013 R'000	31/03/2012 R'000
Department						
Department of International Relations and Cooperation	-	-	-	217	-	217
Department of Justice and Constitutional Development	-	-	-	6	-	6
Department of Health	-	-	-	8	-	8
South African Police Service (SAPS)	-	-	-	11	-	11
Government Communications and Information Systems	-	-	-	603	-	603
Department of Education: FS	5	-	-	-	5	-
TOTAL	5	-	-	845	5	845

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ANNEXURE 5

Inter-Government Payables

GOVERNMENT ENTITY	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2013	31/03/2012	31/03/2013	31/03/2012	31/03/2013	31/03/2012
	R'000	R'000	R'000	R'000	R'000	R'000
DEPARTMENTS						
Current						
Department of Arts and Culture	-	-	-	3	-	3
Department of Public Works	-	-	-	29	-	29
South-African Police Service (SAPS)	-	-	-	15	-	15
Department of Justice and Constitutional Development	-	-	4,976	66	4,976	66
Department of Public Service Commission	-	-	-	12	-	12
Public Administration Leadership and Management Academy	-	-	347	353	347	353
Department of Home Affairs	-	-	24	-	24	-
Government Printing Works	-	-	367	-	367	-
South African Social Security Agency (SASSA)	-	-	21	-	21	-
Department Police, Roads and Transport: FS	-	-	1,676	-	1,676	-
Total	-	-	7,411	478	7,411	478

ANNEXURE 6

Inventory

Inventory	Note	Quantity	2012/13 R'000	Quantity	2011/12 R'000
Opening balance			5,498		4,825
Add: Additions/Purchases - Cash			25,276		22,030
(Less): Issues			(26,609)		(21,485)
Add/(Less): Adjustments			118		128
Closing balance			4,283		5,498

ANNEXURE 7

Inter-Entity Advances Paid

	Confirmed balance outstanding		Unconfirmed balance outstanding		Total	
	31/03/2013 R'000	31/03/2012 R'000	31/03/2013 R'000	31/03/2012 R'000	31/03/2013 R'000	31/03/2012 R'000
NATIONAL DEPARTMENTS						
Department of Communication and Information Systems (GCIS)	807	-	-	-	807	-
Total	807	-	-	-	807	-

Annexure 8 Technical indicator descriptions

PART A: KEY CONCEPTS

Alternative Dispute Resolution Methods (ADRM) - alternative dispute resolution encompasses the following methods for the resolution of disputes between the parties. Within the NPA this includes Diversion and Informal Mediation:

- **Diversion** - is one of the alternative ways of delivering justice. It is the process of electing, in suitable and deserving criminal court cases, a manner of disposing of a criminal court case other than through normal court proceedings. (It usually includes the withdrawal of the charges against the accused person, after the accused person has participated in particular certified programmes.) After the offender has completed the diversion programme, the social worker submits a report to the prosecutor. If it is clear that the offender has cooperated and benefited from the programme, the matter is withdrawn and recorded as a diverted case on the daily statistics. These figures are totalled on the last court date of each calendar month. Separate statistics are recorded for children (persons younger than 18 years) and adult diversions.
- **Informal mediation** - it is the process by which a prosecutor, duly authorised thereto and within the ambit of the restorative justice guidelines, while acting as a mediator between the victim and offender, resolves the conflict which resulted in the criminal court case or addresses the harm caused in a manner that does not require formal justice but seeks to deliver justice. The matter is subsequently withdrawn.

Amount involved

The amount involved in a corruption case is the amount that is stated in the charge sheet.

Case

In the NPA a case includes criminal court cases and civil court cases. These concepts are defined as:

- **Criminal Court Case** - is a matter that has been enrolled in a criminal court of SA regardless of the forum. At present, excluded from criminal court cases are traffic matters not contained in a police docket, domestic violence matters as far as they do not form part of a police docket, maintenance inquiries, appeals, civil motions, inquests, decision dockets, reviews and ex parte applications. A criminal court case may have multiple counts and/or accused and can involve multiple police dockets. A single docket may result in multiple court cases.
- **Civil Court Case** - is a civil matter that has been enrolled in a court of South Africa regardless of the forum. This includes ex parte applications or applications on Notice. It includes motion and trial proceedings. Examples are restraint, preservation, forfeiture and confiscation applications. It also includes interlocutory applications relating to living and legal expenses and curators in civil matters.

Complex commercial crime case

Complex commercial crime matters are those commercial crime matters which require specialised prosecution due to their intricate nature, or have a high impact on the community.

Commercial crime

Commercial crimes are crimes against property, involving the unlawful conversion of the ownership of property (belonging to one person) to one's own personal use and benefit. Commercial crimes may involve fraud (cheque fraud, credit card fraud, mortgage fraud, medical fraud, corporate fraud, securities fraud (including insider trading), bank fraud, payment (point of sale) fraud, health care fraud); theft; scams or confidence tricks; tax evasion; bribery; embezzlement; identity theft; money laundering; and forgery and counterfeiting, including the production of Counterfeit money and consumer goods. Financial crimes may involve additional criminal acts, such as computer crime. Financial crimes may be carried out by individuals, corporations, or by organized crime groups. Victims may include individuals, corporations, governments, and entire economies.

Corruption

Corruption should be understood as the misuse of public and private office or position or resources with a corrupt intent, and may include acts of bribery, nepotism, extortion, fraud and theft.

Cyber crime

Any crime that is facilitated by the use of information technology.

Decision dockets

In the NPA decision cases include all criminal matters presented to the NPA to consider the institution of a prosecution recording in a decision register. These exclude dockets recorded in the Inquest Register and matters directly enrolled.

Forfeiture

Forfeiture orders means confiscation and forfeiture orders i.t.o s18 and s50 of the Prevention of Organised Crime Act (POCA).

Freezing orders

Freezing orders means restraint and preservation orders i.t.o s26 and s38 of the POCA.

JCPS Officials⁴³

- Defence and Military Veterans (DOD)
- Justice and Constitutional Development (including entities such as: Legal Aid South Africa, Judicial Services Commission etc.)
- National Prosecuting Authority (NPA)
- Department of Correctional Services (DCS)
- Department of Home Affairs (DHA)

⁴³ As identified in consultation with stakeholders during the NPA National Stakeholders Workshop dated 14th November 2012

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- Department of Police (including entities such as: South African Police Service (SAPS), Directorate for Priority Crime Investigations (Hawks), Independent Police Investigative Directorate (IPID) and Civilians Secretariat for Police)
- Special Investigating Unit (SIU)
- State Security Agency (SSA)
- South African Revenue Service (including Customs)

Organised crime

Crime as a person, group of persons or syndicate acting in an organised fashion or in a manner which could result in substantial financial gain for the person, group or persons or syndicate involved.

Serious crime

Serious crime is regarded as all criminal court cases prosecuted in the regional and high courts.

Sexual offences

All offences committed in terms of the Sexual Offences Act.

Specialised prosecutor

A specialised prosecutor is a prosecutor with a particular skills set and experience that has been assigned to deal primarily with the prosecution of certain crime types.

Successful prosecution

A successful prosecution of a corruption matter for purposes of outputs 3 and 5 is a prosecution that has resulted in a conviction.

TCC

Thuthuzela⁴⁴ Care Centres are 24 hour one-stop service centres where victims have access to all services that include police, counselling, doctors, court preparation and a prosecutor for a strong therapeutic effect on victims. These centres are aimed at turning victims into survivors. These multi-disciplinary centres have been established to streamline the process of reporting, care –giving, investigation of cases and the subsequent prosecution of the case. The main objectives for these centres are to eliminate secondary victimisation, reduce case cycle time, and to increase convictions.

Trio crimes

Trio crimes refer to robbery at residential premises, robbery at business premises and vehicle robbery / car hijacking.

Witness

Means any person who is or may be required to give evidence, or who has given evidence in any proceedings.

⁴⁴ "Comfort" in Xhosa

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Indicators and description

Indicator Title	Number of convictions in the regional courts and high courts
Method of calculation	Number of cases finalised with a guilty verdict (including Sec 57A) in the regional and high courts (i.e. excluding diversions)
Indicator Title	Conviction rate
Short definition	The percentage of cases finalised with a verdict in which a guilty verdict was obtained
Method of calculation	Percentage of cases finalised with a guilty verdict (including Sec 57A) divided by the number of cases finalised with a verdict (i.e. excluding diversions). Conviction rate is measured at the date of sentencing or verdict of not-guilty irrespective of the date when the plea was entered
Indicator Title	Criminal court cases finalised including ADRM
Short definition	Number of criminal court cases finalised in the reporting period by verdict, or through the use of alternatives such as diversion or informal mediation, irrespective of the date of enrolment
Method of calculation	The criminal court case is measured as finalised on the date on which the verdict of not guilty (including stopping of prosecution in terms of section 6(b) of Act 51 of 1977) is given or sentence is imposed in the case of a guilty verdict and includes cases dealt with in terms of section 57A of the CPA. Should there be multiple accused, the case is only counted upon conclusion of the case against all accused
Indicator Title	Number of case backlogs
Short definition	Number of cases on the outstanding court roll in which the duration from the date of enrolment in that forum exceeds 6 months in a District Court case, 9 months in a Regional Court case and 12 months in a High Court case
Method of calculation	The number of backlog cases divided by the number of outstanding cases as at the last day of the reporting period
Indicator responsibility	DNDPP: NPS
Indicator Title	Number of persons convicted of corruption where the amount involved is more than R5 million
Short definition	To have successfully convicted 100 persons by 2014 for the offence of corruption and/or offences relating to corruption where the amount involved (loss, actual prejudice or benefit) exceeds R5 million per case
Method of calculation	Number of persons convicted for corruption in the reporting period, where the amount involved exceeds R5million per case
Indicator Title	Number of JCPS personnel convicted for offences related to corruption
Short definition	To have successfully convicted 170 persons employed, or formerly employed, by the JCPS Departments for offences relating to corruption (not just the specific offence, but how members of the public understand corruption)
Method of calculation	The total number of JCPS personnel (or former personnel) convicted of offences related to corruption in the reporting period.

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Indicator Title	Number of operational TCCs
Short definition	The number of one stop centres for rape care in which all steps to the project plan relating to the establishment of the centre has been completed and all role-players are represented at the centre
Method of calculation	The total number of TCC in which all steps to the project plan relating to the establishment of the centre has been completed and all role-players are represented at the centre measured at the last day of the reporting period.
Indicator Title	Criminal court cases finalised with verdict
Short definition	Number of criminal court cases finalised by verdict in the reporting period (irrespective of the date of enrolment)
Method of calculation	Criminal court cases finalised with a verdict are measured on the date that the verdict of not guilty is given or sentence is imposed in the case of a guilty verdict, and includes cases dealt with in terms of section 57A of CPA. Should there be multiple accused, the case is only counted upon conclusion of the case against all accused.
Indicator Title	Number of criminal court cases finalised through ADRM
Short definition	Number of cases finalised in the reporting period through the use of alternatives such as diversion and informal mediation, irrespective of the date of enrolment
Method of calculation	The case is measured as finalised on the date on which the case is withdrawn from the criminal court roll or the matter is removed from child justice court roll (whichever applicable). In the case of a diversion this is done after the certificate for the successful completion of the diversion programme is received and in the case of an informal mediation after the case was successfully mediated
Indicator Title	Number of witnesses harmed or threatened while on the witness protection programme
Short definition	Witnesses harmed or threatened while on the witness protection programme
Method of calculation	The total number of witnesses that were harmed or threatened during the reporting period by a person or persons from whom they were protected either directly or through an agent, while on the NPA witness protection programme
Indicator Title	Number of completed forfeiture cases
Short definition	Number of cases in which a final order has been obtained or the court refused to make an order
Method of calculation	The total number of cases enrolled in which a final order has been obtained or the court refused to make an order in the reporting period regardless of when the matter was enrolled.
Indicator Title	Number of freezing orders
Short definition	Number of cases enrolled in which freezing orders were obtained in the reporting period.

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Method of calculation	The total number of cases enrolled in which freezing orders were obtained in the reporting period irrespective of when they were enrolled. An order is counted only once for each case, at the time when the initial order was obtained or refused. Return dates and appeals are therefore not counted (they are counted as other orders). When an obtained order is reversed on the return date or on appeal, this is not counted as a negative order for the reporting period in which it occurred. It is reflected in the AFU success rate
Indicator Title	Value of completed forfeiture cases (Rm)
Short definition	Value of assets ordered by court to be forfeited or agreements in completed confiscation or forfeiture
Method of calculation	The total value of assets ordered by court to be forfeited or agreements in completed confiscation or forfeiture cases in the reporting period. It excludes cases where the order was refused. It is reported in Rand and estimated on the best available evidence on the date when the order is obtained.
Indicator Title	Value of freezing orders (Rm)
Short definition	Value of cases enrolled in which freezing orders were obtained in the reporting period
Method of calculation	The total value of cases enrolled in which freezing orders were obtained in the reporting period. An order is counted only once for each case, at the time when the initial order was obtained or refused. Return dates and appeals are therefore not counted (they are counted as other orders). When an obtained order is reversed on the return date or on appeal, this is not counted as a negative order for the reporting period in which it occurred. It is reflected in the AFU success rate
Indicator Title	Success rate
Short definition	The percentage of cases litigated by the AFU in which they were ultimately successful
Method of calculation	Number of enrolled cases finally won as a percentage of all cases which were finally won or lost. Cases are finally won or lost when a final order is obtained in favour of or against the AFU, i.e. after all appeal processes have been finalised. It is measured at the date when the case was finally won or lost irrespective of the date when the matter was enrolled. Cases finally lost include cases abandoned after an order was obtained. Cases re-done will be taken into account separately
Indicator Title	Number of completed forfeiture cases re JCPS prosecutions for corrupt activities
Short definition	Number of forfeiture cases in which a final order has been obtained or the court refused to make an order for JCPS officials
Method of calculation	The total number of cases enrolled in which a final order has been obtained or the court refused to make an order in the reporting period regardless of when the matter was enrolled for JCPS officials.

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Indicator Title	Value of freezing orders for corruption where the amount involved is more than R5m
Short definition	Value of cases in which the NPA has successfully frozen the assets of persons relating to the offence of corruption and/or offences relating to corruption where the amount involved exceeds R5m per case.
Method of calculation	The total value of cases in which the NPA has successfully frozen the assets of persons relating to the offence of corruption and/or offences relating to corruption where the amount involved (loss, actual prejudice or benefit) exceeds R5m per case.
Indicator Title	Conviction rates in the prosecution of sexual offences reported at the TCCs
Short definition	Percentage of sexual offences cases finalised with a guilty verdict at the TCCs
Method of calculation	Percentage of cases finalised with a guilty verdict divided by the number of cases finalised with a verdict (excluding diversions).
Indicator Title	Payment to victims of crime in terms of the Prevention of Organised Crime Act (POCA)
Short definition	The amount paid to the victims of crime in terms of the provisions of POCA
Method of calculation	The total amount paid to the victims of crime during the reporting period resulting from orders or agreements obtained stated, in Rand. This refers to orders in terms of POCA where a person has suffered damage to or loss of property or injury as a result of an offence or related criminal activity (sec 30 of POCA) or the exclusion of property from a forfeiture order to pay a victim (sec 52 of POCA)
Indicator Title	Value of compensation orders obtained
Short definition	Compensation orders in terms of sections 300 and 297 of the Criminal Procedure Act where a person has suffered damage to or loss of property or injury as a result of an offence
Method of calculation	The total value of compensation orders obtained in terms of sections 300 and/or 297 of the Criminal Procedure Act in criminal court cases finalised in the reporting period
Indicator Title	% of witnesses that walked off the witness protection programme ⁴⁵
Source/collection of data	Electronic Datasheet
Method of calculation	The average number of witnesses is calculated by adding the total number of witnesses on the programme each day of the reporting period and dividing it by the total number of days in the reporting period. Measured daily and consolidated for the reporting period

⁴⁵ Definition (2010/11) and calculation method (2008/09) has been revised over the last two years. The percentage is calculated at the end of the financial year using the total number of witnesses that remain on the programme plus those that walked off as the denominator (Annual Report 2008/09). The definition of walk-off was amended



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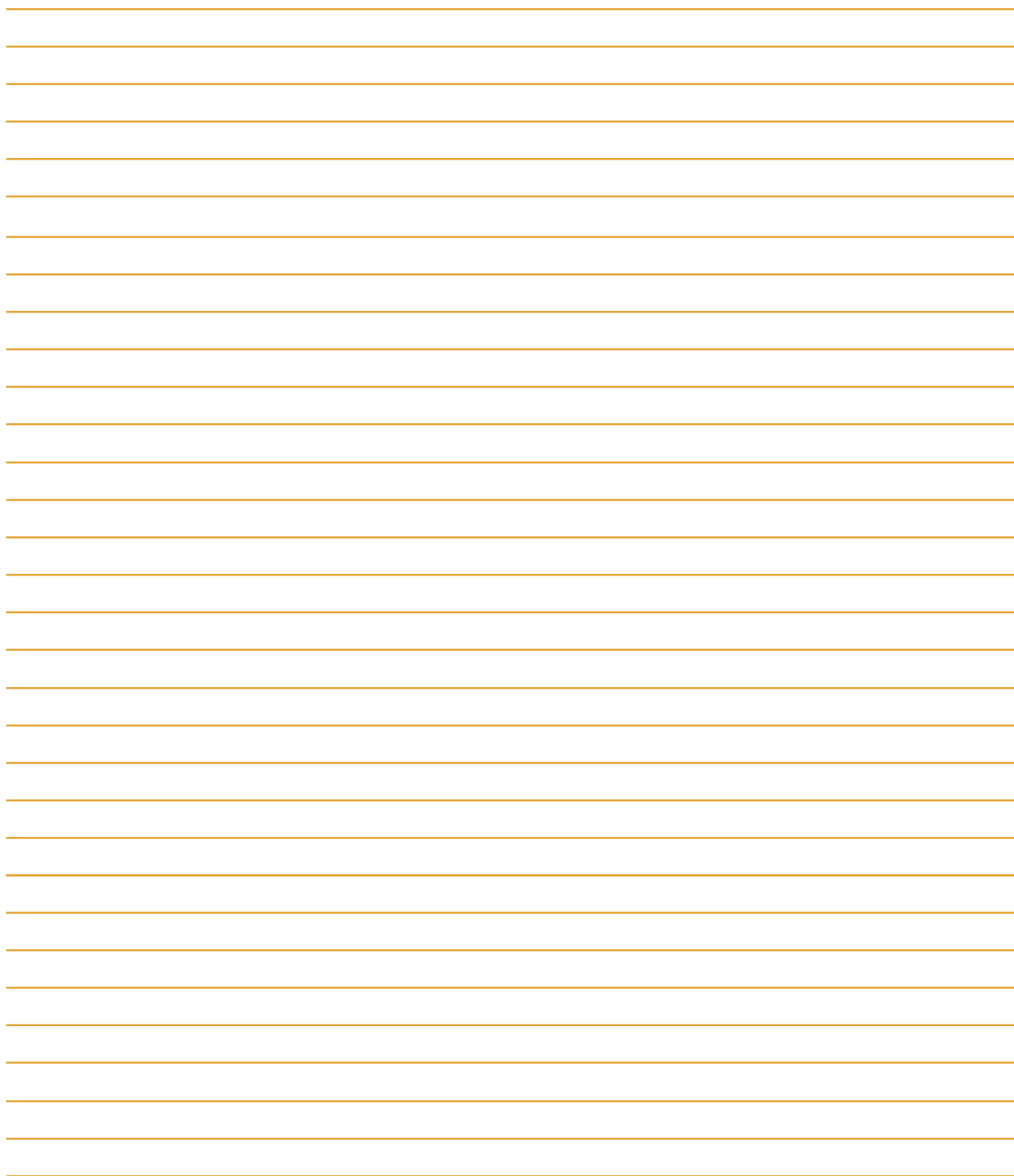
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