

I. Accounting Officer's Overview



One of the key highlights for South Africa during the period under review was the successful hosting of the 2010 FIFA World Cup™ that proved to the world that our country has an effective Criminal Justice System (CJS). This was evidenced by the swift turn-around time in ensuring a high level law enforcement and proper administration of justice. This became possible as a result of the collective efforts of all the stakeholders in the CJS. It is clear that South Africa will be remembered for many years to come as a result of the success of 2010 FIFA World Cup™ and the justice system is also proud to have contributed towards that success.

The National Prosecuting Authority (NPA) in the past year underwent a re-alignment of services and structure to improve service delivery. Like all organisations, the economic reality required of the organisation to deliver within these constraints.

There was an added expectation on the organisation to align itself with the government performance framework attached to the newly established Monitoring and Evaluation component in the Office of the President. The NPA had to reposition itself within this environment while at the same time contributing to the development of the Delivery Agreement for the JCPS cluster. While significant progress has been made there remains room for improvement in order to fully deliver on the outputs of Outcome 3 of ensuring that "all people in South Africa are and feel safe".

The NPA has submitted its Strategic Plan 2011-2015 as well its Annual Performance Plan 2011 to the Executive Authority for approval and has also tabled these documents in Parliament within the prescribed time frames. The NPA will be closely monitoring its performance in line with the indicators and targets as set out in these documents.

The Department of Justice and Constitutional Development (DoJ&CD) is currently engaged with a process of developing a legislative framework that will provide much needed clarity on issues of governance that have been identified by the Auditor-General in previous years.

The official from the DoJ&CD that was delegated to act in the NPA as the Chief Executive Officer was recalled at the end of the financial year and replaced with an official that is resident in the NPA for proximity and speedy decision-making. The CEO and Executive Manager: Finance have been included in the DoJ&CD Exco to improve coordination and oversight especially on issues of financial oversight and audit management.

The NPA remains a key component of the JCPS cluster as well as ensuring that there is effective administration of justice. In this respect it is important to ensure that the NPA is well resourced and adequately capacitated. A special project Operation Recruitment Drive (ORD) was initiated to address the situation. The ORD project was concluded in December 2010. The overall appointments made by the end of March 2011 were 214. The vacancy rate for prosecutors was notably reduced from 16% to 12,7% as at 31 March 2011.

The late implementation of the cost of living adjustments for prosecutors resulted in employees demonstrating their dissatisfaction. This matter was resolved after fast-tracking the approval and implementation thereof.

The NPA spent 99,5% of its appropriation as at the end of the financial year (after virement). Were it not for the virement, the NPA would only have spent 93% of the allocated budget. This saving was as a result of the slow implementation of Occupational Specific Dispensation (OSD) Phase II for legally qualified professionals in the NPA and the delays in filling funded vacancies.

The delay in finalising the implementation of OSD Phase II resulted in threatened action by the prosecutors. Fortunately this was resolved. Over 700 qualifying employees were paid OSD Phase II to the amount of approximately R60m.

In the past financial year 88% of all employees filed performance agreements and were accordingly assessed. The remainder did not submit these agreements to the Human Resources Management and Development (HRM&D) in line with the NPA Policy although they may have concluded these agreements.



All financial disclosures were submitted to the DPSA with the exception of 9 employees that were either seconded to work outside the country, have left the employ of the NPA or have been dismissed. The non-disclosure or late filling for the 2009/10 financial year is being addressed through progressive disciplinary measures.

All assets acquired during the 2010/11 financial year have been reconciled with the accounting system, and loaded to the NPA Asset Management System, AssetWare. Disciplinary action was instituted in respect of offices where poor compliance was identified with asset management.

Considerable effort was expended to address the leave qualification. The leave audit was finalised and the management of leave will be decentralised fully in the new financial year.

Steps were taken to prevent, identify and correctly disclose irregular expenditure. A service provider was appointed to analyse the noted cases and the irregular expenditure register. In respect of some incidents of irregular expenditure (e.g. overtime and cost of living adjustments) condonation was obtained. Disciplinary action was recommended in respect of some officials and this process is taking its course. It is believed that these steps will address the audit finding on irregular expenditure.

Similar steps were taken to address the audit finding on fruitless and wasteful expenditure. In this regard, a service provider reviewed all cases of fruitless and wasteful expenditure and made recommendations. These recommendations were implemented and business processes were reviewed.

Lastly, I would like to acknowledge the support that we received from Minister Radebe, MP, Deputy Minister Nel, MP, the National Director of Public Prosecutions, Adv Simelane, the Parliament, the Portfolio Committee on Justice and Constitutional Development, SCOPA, and the Office of the Auditor-General. I would also like to extend my deepest gratitude to the broader NPA family for making the period under review a success.



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