

# ICD

Independent Complaints Directorate

## Annual Report

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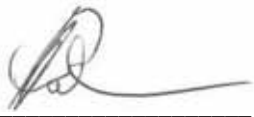


**independent  
complaints directorate**

Department:  
Independent Complaints Directorate  
REPUBLIC OF SOUTH AFRICA

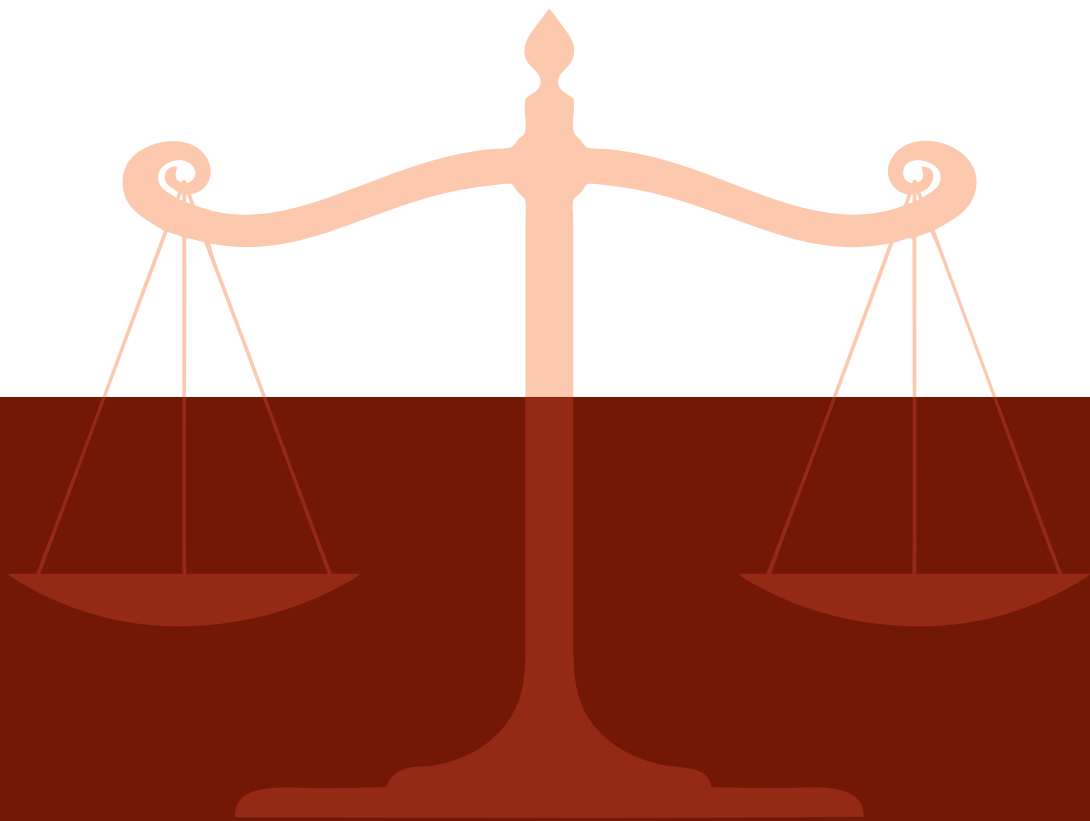
Mr Nkosinathi Mthethwa  
**Minister of Police**

I have the honour of submitting the annual report of the Independent Complaints Directorate for the period 1 April 2010 to 31 March 2011.



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Francois Beukman  
Executive Director  
11 August 2011



## Table of Contents

|            |  |           |
|------------|--|-----------|
| <b>1.</b>  | <b>GENERAL INFORMATION.....</b>  | <b>4</b>  |
|            | VISION, MISSION AND VALUES.....  | 4         |
|            | ORGANISATIONAL STRUCTURE.....  | 5         |
|            | LEGISLATIVE MANDATE.....   | 7         |
|            | STATEMENT BY THE MINISTER OF POLICE.....                                     | 8         |
|            | STATEMENT BY THE DEPUTY MINISTER OF POLICE.....                              | 10        |
|            | ACCOUNTING OFFICER'S OVERVIEW.....   | 12        |
| <b>2.</b>  | <b>INFORMATION ON PREDETERMINED OBJECTIVES.....</b>                          | <b>16</b> |
| <b>2.1</b> | <b>OVERALL PERFORMANCE.....</b>  | <b>16</b> |
|            | <i>Voted funds.....</i>  | <i>16</i> |
|            | <i>Aim of vote.....</i>  | <i>16</i> |
|            | <i>Summary of programmes.....</i>  | <i>16</i> |
|            | <i>Key strategic objectives.....</i>   | <i>17</i> |
|            | <i>Key strategic achievements.....</i>                                       | <i>17</i> |
|            | <i>Overview of the 2010/11 service-delivery environment.....</i>             | <i>18</i> |
|            | <i>Overview of the 2010/11 organisational environment.....</i>               | <i>18</i> |
|            | <i>Key policy developments and legislative changes.....</i>                  | <i>18</i> |
|            | <i>Revenue, expenditure and other specific topics.....</i>                   | <i>18</i> |
|            | <i>Departmental expenditure.....</i>   | <i>19</i> |
|            | <i>Transfer payments.....</i>  | <i>19</i> |
|            | <i>Conditional grants and earmarked funds.....</i>                           | <i>19</i> |
|            | <i>Capital investment, maintenance and asset-management plan.....</i>        | <i>19</i> |
| <b>2.2</b> | <b>PROGRAMME PERFORMANCE.....</b>  | <b>20</b> |
|            | <b>PROGRAMME 1: ADMINISTRATION.....</b>                                      | <b>20</b> |
|            | <i>Purpose.....</i>  | <i>20</i> |
|            | <i>Strategic objectives.....</i>   | <i>20</i> |
|            | <i>Service-delivery objectives and indicators.....</i>                       | <i>21</i> |
|            | <b>PROGRAMME 2: COMPLAINTS PROCESSING, MONITORING AND INVESTIGATION.....</b> | <b>24</b> |
|            | <i>Purpose.....</i>  | <i>24</i> |
|            | <i>Strategic objectives.....</i>   | <i>24</i> |
|            | <i>Service-delivery objectives and indicators.....</i>                       | <i>24</i> |
|            | <b>PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH.....</b>                 | <b>26</b> |
|            | <i>Purpose.....</i>  | <i>26</i> |
|            | <i>Strategic objectives.....</i>   | <i>26</i> |
|            | <i>Service-delivery objectives and indicators.....</i>                       | <i>26</i> |
| <b>2.3</b> | <b>STATISTICS.....</b>   | <b>28</b> |

|           |   |           |
|-----------|---|-----------|
| 2.4       | CASES.....  | 46        |
| <b>3.</b> | <b>HUMAN RESOURCE MANAGEMENT.....</b>   | <b>48</b> |
| 3.1       | EXPENDITURE.....  | 48        |
| 3.2       | EMPLOYMENT AND VACANCIES.....   | 49        |
| 3.3       | JOB EVALUATION .....  | 50        |
| 3.4       | EMPLOYMENT CHANGES.....   | 50        |
| 3.5       | EMPLOYMENT EQUITY.....  | 51        |
| 3.6       | PERFORMANCE REWARDS.....  | 54        |
| 3.7       | FOREIGN WORKERS.....  | 55        |
| 3.8       | LEAVE UTILISATION FOR THE PERIOD 1 JANUARY 2010 TO 31 DECEMBER 2010.....      | 55        |
| 3.9       | HIV AND AIDS AND HEALTH PROMOTION PROGRAMMES.....                             | 57        |
| 3.10      | LABOUR RELATIONS.....   | 58        |
| 3.11      | SKILLS DEVELOPMENT.....   | 60        |
| 3.12      | SIGNING OF PERFORMANCE AGREEMENTS BY SENIOR MANAGEMENT STAFF MEMBERS.....     | 61        |
| 3.13      | FILLING OF SENIOR MANAGEMENT POSTS.....                                       | 61        |
| 3.14      | INJURY ON DUTY .....  | 62        |
| 3.15      | UTILISATION OF CONSULTANTS.....   | 63        |
| <b>4.</b> | <b>OTHER INFORMATION.....</b>   | <b>64</b> |
|           | ABBREVIATIONS AND LEGISLATION.....  | 64        |
|           | Abbreviations.....  | 64        |
|           | Full references to legislation.....   | 64        |
|           | Contact details.....  | 65        |
| <b>5.</b> | <b>ANNUAL FINANCIAL STATEMENTS.....</b>                                       | <b>68</b> |
| 5.1       | REPORT OF THE AUDIT COMMITTEE.....  | 69        |
| 5.2       | REPORT OF THE ACCOUNTING OFFICER.....   | 71        |
| 5.3       | REPORT OF THE AUDITOR-GENERAL.....  | 80        |
| 5.4       | APPROPRIATION STATEMENT.....  | 83        |
| 5.5       | NOTES TO THE APPROPRIATION STATEMENT.....                                     | 90        |
| 5.6       | STATEMENT OF FINANCIAL PERFORMANCE.....                                       | 91        |
| 5.7       | STATEMENT OF FINANCIAL POSITION.....  | 92        |
| 5.8       | CASH-FLOW STATEMENT.....  | 93        |
| 5.9       | NOTES TO THE ANNUAL FINANCIAL STATEMENTS (INCLUDING ACCOUNTING POLICIES)..... | 94        |
| 5.10      | DISCLOSURE NOTES TO THE ANNUAL FINANCIAL STATEMENTS.....                      | 107       |
| 5.11      | ANNEXURES.....  | 113       |

## 1. General Information

### Vision, mission and values

#### *Our vision*

The ICD's vision is for an effective, independent and impartial investigating and oversight body that is committed to justice and acts in the public interest, while maintaining the highest standards of integrity and excellence.

Our vision serves to illustrate what the ICD will look like in the future and clarifies the direction in which it needs to progress. It also:

1. Inspires, engages and empowers staff to focus their efforts, and builds an effective organisation.
2. Builds on core competencies and raises the standard of excellence.
3. Creates relevance in the current juncture.
4. Serves to bring about a sense of trust and assurance within the community.

#### *Our mission*

The ICD's mission is to serve the public interest by acting with integrity and in accordance with our legislative mandate to investigate, among others, any misconduct or offences committed by members of the South African Police Service and municipal police services.

#### *Our values*

At the ICD, we aspire to adhere to the highest standard of ethical behaviour, integrity and the continuous application of our values. The following values are the core from which we operate and respond:

- Mutual respect and trust
- Integrity and honesty
- Transparency and openness
- Equity and fairness
- Courtesy and commitment.

## Organisational Structure



**Francois Beukman**  
Executive Director



**Elias Valoyi**  
Programme Manager:  
Administration



**Tommy Tshabalala**  
Programme Manager:  
Complaints processing,  
monitoring and  
investigation



**Noluthando Mbuli**  
Programme Manager:  
Information  
management and  
research



**Lindokuhle Cwele**  
Chief Financial Officer



**Sibongile Phalatsi**  
Director: Human  
Resource Management



**Bongiwe Tukela**  
Director: Legal Services



**Moses Dlamini**  
Director: Information  
Management System



**Advocate Sakhele Poswa**  
Provincial Head:  
Eastern Cape



**Israel Kgamanyane**  
Provincial Head:  
Free State



**Dan Morema**  
Provincial Head:  
Northern Cape



**Advocate Siphokazi Moleshe**  
Provincial Head: Gauteng



**Innocent Khuba**  
Acting Provincial Head:  
KwaZulu-Natal



**Davies Mokoena**  
Acting Provincial Head:  
Limpopo



**Matthews Sesoko**  
Provincial Head:  
North West



**Thabo Lehlo**  
Provincial Head:  
Western Cape



**McKenzie Tsimane**  
Provincial Head:  
Mpumalanga

## Legislative Mandate

Section 53(2) of the South African Police Act (1995) stipulates that the Independent Complaints Directorate:

1. May, on its own authority or upon receipt of a complaint, investigate any misconduct or offence allegedly committed by a member, and may, where appropriate, refer such investigation to the commissioner concerned.
2. Shall, on its own authority or upon receipt of a complaint, investigate any death in police custody or as a result of police action.
3. May investigate any matter referred to the directorate by the Minister or a member of the executive council.

Section 18 of the Domestic Violence Act (1998) stipulates that failure by a member of the South African Police Service to comply with an obligation imposed in terms of this act or the national instructions referred to in subsection (3) constitutes misconduct as contemplated in the South African Police Service Act (1995), and the Independent Complaints Directorate, established in terms of that Act, must be informed of any such failure reported to the South African Police Service. Unless the Independent Complaints Directorate directs otherwise in any specific case, the South African Police Service must institute disciplinary proceedings against any member who allegedly failed to comply with an obligation.

The Independent Complaints Directorate must, every six months, submit a report to Parliament regarding the number and particulars of matters reported to it in terms of subsection (4)(a), and set out the recommendations made in respect of such matters. The National Commissioner of the South African Police Service must, every six months, submit a report to Parliament regarding steps taken as a result of recommendations made by the Independent Complaints Directorate.

In terms of section 64(O) of the South African Police Service Act, read with regulation 9 and appendix 5 of the Regulations for Municipal Police Services, the Independent Complaints Directorate has been given the same civilian oversight duties in respect of municipal police services that it has in respect of the South African Police Service.



## STATEMENT BY THE MINISTER OF POLICE



The history of apartheid presented us with a legacy of crime and corruption. We inherited a criminal justice system which itself was pervaded with lawlessness and criminality.

However, the essence of our approach is not to mourn this treacherous past; but to find solutions to a complex reality.

The winning of war against crime demands more than just a passion. It demands a systematic understanding and implementation of detailed plans and techniques in the actual conditions facing us. It demands a sober assessment of the obstacles in our way. It demands dominance in our thinking of achievement over drama.

We once again wish to re-emphasize that, as the ANC government and current police administration, we have committed ourselves to actively combating crime including serious and violent crime by being tougher on criminals and organized syndicates. We have however always emphasized that this tough stance on crime must be balanced by our philosophy that policing must also be oriented along respect for human rights, be community-centred, biased towards the weak and the safety needs of society.

In 2009/10 we emphasized the need to strengthen Civilian oversight of the Police and in 2010/11 we introduced legislation for the Civilian Secretariat for Police and Independent Police Investigative Directorate. Both pieces of legislation were finalized during this past financial year and have been signed off by the President. These pieces of legislation indicate a determination on our part that strong policing oversight bodies are required.

The legislation transforms the ICD into the Independent Police Investigative Directorate and provides them with the necessary powers and capacity for effective oversight of the police. As this piece of legislation comes into operation during the next year the SAPS will need to ensure full co-operation and understand the powers and function of these two institutions.

This new IPID legislation seeks to establish and put in place mechanisms which will ensure the rule of law is upheld at all material times, even by the law enforcement agencies.

In changing the focus and the name of the Independent Complaints Directorate (ICD) to the Independent Police Investigative Directorate (IPID), we are sending a clear message that the new body must focus on not just processing complaints but the emphasis must be on developing strong investigative capacity. We also seek to investigate substantial systemic defects in policing and general corruption.

Through the legislation we have set the building blocks in place for a strengthened ICD. The challenge now is to ensure the building blocks are utilized to the maximum.

For the IPID to achieve its objectives and strategic goals, it is imperative that its operational framework is properly aligned. To this end, the structure of the new IPID must speak to its core functions. Past experiences indicated that there have been structural challenges which impacted on the Directorate's success.

With this piece of legislation we have committed ourselves to continue working for the entrenchment of the human rights culture. We have now provided the new IPID with the necessary tools and it will be up to the leadership of this body to implement their mandate.



**EN Mthethwa, MP**

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**Minister of Police**

## OVERVIEW BY DEPUTY MINISTER OF POLICE



The majority electorate of South Africa has given the ANC-led Government a mandate to establish and to obligate state institutions to perform effectively to meet the objective of creating and sustaining a better life for its citizens.

From the safety and security perspective, a better life for all requires, among other things, an independent investigative body that is committed to contribute to combat crime and corruption while at the same time entrench a culture of human rights and community-centred approach in policing.

The newly assented legislation known as the Independent Police Investigative Directorate (IPID) Act emphasises and balances the tough stance taken by the SAPS top leadership on crime, with both human rights and strong investigative capacity.

As SAPS leadership, we thus seek to investigate substantial systematic defects in policing and general corruption. This is in-line with our government's third crucial priority, the "Fight against Crime and Corruption" for the Medium Term Strategic Framework: 2009 – 2014.

Taking into account the Independent Complaints Directorate (ICD)'s core constitutional and new legislative mandate, we expect ICD to contribute to realization of government outcomes 3 as mentioned above, to combat police corruption and enhance its (the Directorate) ability to serve as a crime deterrent.

The principle that we encourage, and which is also endorsed in the IPID Act, is that, the ICD should investigate those matters that will have a lasting impact on transforming the police into a structure that not only deals with crime zealously, but also the police upholding the Law and the Constitution.

It then becomes vivid that ICD must not just pronounce that the given overall mandate of the Act makes the police officer to understand that s/he is responsible for her/his behaviour on-and-off duty; and that s/he may be required to justify her/his actions in the court of law.

We all have an obligation to make sure that our police officers are effectively trained and drilled in the fact that, being a police officer is more than being a public servant. Being a police officer means being a first line of defence for the innocent citizen and for the Constitution of South Africa. There is thus, no routine-like duties for the police officer.

The ICD must then assist the SAPS top management in the articulation of how we can equip and re-skill our police officers in situations of arresting suspects; transporting or guarding criminals; ambush scenarios; traffic pursuits; disturbance or domestic dispute calls; investigation of suspicious circumstances; and generally, how to be a good role model to the citizens they protect.

The SAPS leadership does realise that, without a strong, effective and efficient administration, the achievement of the above-mentioned outcomes and output remains a far-fetched reality for the ICD.

In view of the legislative evolution of the Directorate during the period under review and going forward, we therefore support the ICD top management as they seek to engage its stakeholders both at government and non-government level.

We encourage the ICD to continue forging new sets of and strengthen its stakeholder relationships, emphasizing cooperation, accountability, transparency and responsiveness as pillars of not only a strong independent and accountable oversight body but also a confident and empowered general public that has trust in the police service both at national, provincial and local government levels.

As we join hands with ICD towards working together with stakeholders at government and non-government level as well as stakeholders in research institutions and civil society in contributing towards a safe and secure South Africa for all and, let us all have one consensus that our innocent citizens do deserve to have the state protection from the careless, heartless and deadly conduct of criminals, including a police officer who acts unlawfully.

Central to this objective, ICD must make sure that its overall mandate is applied and implemented consistently and unambiguously for the good and well-being of our men and women in blue.

As SAPS top leadership, we are therefore, satisfied and encouraged to state that the IPID legislation and the anticipated administrative climate of strong civilian oversight and investigation by ICD, is indeed steadily improving for the better.



**Makhotso Maggie Sotyu (MP)**

**Deputy Minister of Police**

## Accounting Officer's overview

During the period covered by this report (1 April 2010 to 31 March 2011), the Independent Complaints Directorate (ICD) focused on its constitutional and legislative mandates and prioritised activities that strengthen the directorate's civilian oversight of the South African police.

South Africa's Interim Constitution (1993) stipulated that "an independent mechanism, under civilian control" be established to ensure that "complaints in respect of offences and misconduct allegedly committed by members of the [police] service are investigated in an effective and efficient manner." The South African Police Service Act (1995) responded to this directive by providing for the ICD to be established at both national and provincial level. The South African Constitution (1996) provides for an independent complaints body to investigate allegations of misconduct on the part of, or offences committed by, a member of the police service.

The ICD was established in April 1997 as a government department tasked with investigating complaints of brutality, criminality and misconduct laid against members of the South African Police Service (SAPS) and the municipal police services. The SAPS Act requires the ICD to investigate:

- The death of a person in police custody, or as a result of police action.
- The involvement of SAPS members in criminal activities.
- Police conduct or behaviour that is prohibited in terms of the SAPS Standing Orders or Police Regulations.
- The failure to assist or protect victims of domestic violence, as required by the Domestic Violence Act (1998).
- Dissatisfaction with or complaints laid by members of the public about poor police service delivery.
- Misconduct or offences committed by members of the municipal police services.

These legal requirements conferred a serious duty on the ICD. The ICD was established when South Africa was a fledgling democracy, and the SAPS was already a radically different organisation from its apartheid-era predecessor, the South African Police. Shaping a brand-new police service committed to democracy and the fundamental rights of all South African citizens was not an easy task, and the ICD quickly became a repository for the frustrations and disappointments of the communities the SAPS served.

This report demonstrates the ICD's readiness and ability to adapt to the demands of all those institutions and individuals who put their trust in our country's police, and who accept that the ICD will properly investigate any allegation of a breach of that trust, and contribute to an accountable, transparent police service in South Africa.

### Giving top priority to serious offences

In 2010/11, the ICD resolved to prioritise serious cases, also referred to as Class 1 offences – deaths that occur while a person is in police custody, or as a result of police action during, for example, a robbery; or a rape allegedly committed by a police officer, whether on or off duty. This decision was taken to ensure that each case is thoroughly investigated, and the objective of finalising the investigation of 65 percent of these cases in 2010/11 is met.

The Monitoring and Evaluation Committee monitored progress throughout the year, which also ensured that investigators adhered to the ICD's high standards of investigation. The committee intervened during complex cases and committed additional resources from other ICD provincial offices to these cases.

This process helped the ICD to complete 1 052 investigations of Class 1 offences in 2010/11, exceeding the target of 65 percent in all but one of the nine provincial offices. The provincial investigators started the year with a backlog of 479 Class 1 offences, but succeeded in carrying over only 224 cases in this category to 2011/12.

The ICD's strong performance in finalising these investigations extended to all other offence categories as well.

This annual report includes several examples of case studies where ICD action has led to further investigation and charges against SAPS members for serious crimes. Several of these court cases have been concluded, and those found guilty have been sentenced.

#### TYPES OF OFFENCES

**Class 1:** Deaths in police custody or as a result of police action.

**Class 2:** Complaints of non-compliance with the Domestic Violence Act and with the national instruction on the act.

**Class 3:** Complaints alleging criminal offences committed by members of the SAPS and municipal police services.

**Class 4:** Complaints alleging misconduct relating to service delivery by members of the SAPS and municipal police services.

### Strategic objectives shaped the 2010/11 agenda

The strategic objectives for 2010/11 were defined in late 2009. A planning meeting, attended by the ICD's national office managers and the heads and deputy heads of the provincial offices, was followed by a consultative workshop on the directorate's future strategic direction.

In addition to ICD staff, representatives of the SAPS, the Civilian Secretariat for the Police Service, organised labour, civil-society and non-governmental organisations, and academia also participated in the workshop. Two consultations with the Portfolio Committee on Police were held, in October 2009 and in January 2010.

This planning process resulted in 12 strategic priorities to shape and guide the ICD's work from 2010 to 2013. The results of implementing these strategic priorities are reflected throughout this report, particularly in the sections that focus on the directorate's three work programmes. In this overview, I highlight some of the most important outcomes of setting these priorities and the affect they have had on the ICD's ability to meet its service-delivery targets.

#### THE ICD'S THREE WORK PROGRAMMES

**Programme 1:** Administration, headed by Elias Valoyi.

**Programme 2:** Complaints processing, monitoring and investigation, headed by Tommy Tshabalala.

**Programme 3:** Information management and research, headed by Noluthando Mbuli.

### A new legislative framework

One of the most significant developments in 2010/11 was the completion of the parliamentary process for a new legislative framework for the ICD.

The ICD is legally constituted by a provision in the SAPS Act. However, parliamentary and academic reports have long recommended separate legislation for the ICD to ensure a more impartial and effective civilian oversight of the SAPS and the municipal police services, and the directorate's independence of the SAPS.

To this end, the Independent Police Investigative Directorate Bill was introduced in Parliament in July 2010 and was adopted in March 2011 after thorough consultation. President Zuma signed the IPID Bill into law on 12 May 2011. At the time of compiling this report, the new legislation was awaiting the implementation date, after which it would become operational. On that implementation date, the ICD will become the Independent Police Investigative Directorate (IPID).

The ICD has often been criticised for being a “toothless watchdog” because the SAPS has no obligation to give effect to a recommendation made by the ICD in cases of police misconduct (for example, when a police officer performs his or her functions in an improper manner). This situation will change considerably when the IPID is established: a Police Commissioner will be obliged to initiate disciplinary steps in response to the IPID’s recommendation within 30 days, and to report back quarterly to the Minister of Police and the IPID.

The IPID will investigate all deaths that occur in police custody or as a result of police action; any complaint relating to the discharge of an official firearm by any police officer; the rape of any person while in police custody and any act of rape by a police officer, whether on or off duty; any complaint of torture or assault against a police officer in the execution of his or her duties; corruption matters within the police; and matters of systemic corruption involving the police.

The new legislation places a legal obligation on the police to inform the IPID of any death in police custody or as a result of police action. Currently, the ICD is not always informed of these cases; sometimes it only receives a report, or joins the investigation when a post mortem is being performed. This will change with the IPID.

The ICD was created specifically to ensure proper police conduct and a police force that is always cognisant of the human rights of the people it serves. The ICD helps entrench the spirit of the South African Constitution, and it provides the country’s citizens with an important insurance against brutal, criminal or improper conduct by the police force. The IPID will strengthen this crucial mandate.

### **Liaising with the Civilian Secretariat for the Police Service**

Meetings were held with the Secretariat to ensure that the necessary structures for cooperation between the IPID and the Secretariat will be in place when the IPID Act comes into effect.

### **Improving public access to the ICD**

Setting up additional satellite offices, especially in rural areas, increases the ICD’s provincial investigative capacity and makes services more accessible to the public. These offices also raise awareness of the ICD and its work.

In addition to the ICD’s national office in Pretoria, there are nine provincial offices and six satellite offices. The new satellite office in George (Western Cape) will join those in Empangeni (KwaZulu-Natal), Mthatha (Eastern Cape), Rustenburg (North West), Thohoyandou (Limpopo), Bethlehem (Free State) and Upington (Northern Cape).

### **Raising awareness of the ICD**

The ICD set a target of conducting 250 community outreach activities in 2010/11 to raise awareness and explain the directorate’s mandate. This target was exceeded, with 307 events held. Community events are usually organised by the ICD’s provincial offices, bringing together as many stakeholders as possible. They are often held in conjunction with other institutions, such as the Human Rights Commission and the Public Protector. The ICD uses these outreach events to interact: we listen to people, and we give them the opportunity to register complaints against the police at the events.

A community may often be particularly interested in a case for which the ICD is responsible. The ICD shares case information relevant to a particular community or province at these outreach events.

The ICD also stepped up its efforts to communicate regularly with the media. Nearly 50 media releases were issued in 2010/11.

### **Achieving the targets set for concluding investigations**

In its strategic plan for 2010 to 2013, the ICD set very specific service-delivery targets to improve its investigative function. The ICD's success in achieving these targets will be explained in detail in this report, but I would like to highlight some significant figures:

In 2010/11, the ICD finalised investigations of deaths in police custody or as a result of police action in 82 percent of its workload, exceeding the target of 65 percent. We finalised 83 percent of our workload regarding criminal acts allegedly committed by the police. The target for this strategic objective was 55 percent. In regard to misconduct cases, 92 percent of the workload was finalised.

The ICD aims to carry over not more than 10 percent of cases from one year to the next during government's medium-term strategic framework for 2010/11 to 2013/14. In 2010/11, the directorate achieved a reduction of 57 percent of cases carried over from 2009/10, which puts it in a good position to reach the ultimate goal of not carrying over more than 10 percent of cases annually from 2013/14.

### **Ensuring better service delivery**

The directorate is delivering a steadily improving service to its stakeholders by prioritising serious cases. The directorate's quality of service is demonstrated by securing convictions, but there are other important issues to consider as well.

Complainants must feel that the matters they report are being addressed, which makes the flow of information between the ICD and complainants a crucial aspect of our work. The progress of a case through the justice system often takes a considerable amount of time, and the ICD is working diligently with the media to communicate progress and results to the public.

In closing, I would like to thank the staff of the ICD for their hard work, dedication and commitment to our work.

I am also grateful for the Portfolio Committee on Police, headed by Lydia Sindisiwe Chikunga, and the National Council of Provinces Select Committee on Security and Constitutional Development, headed by Tjheta Makwa Harry Mofokeng, for their ongoing support and their commitment to strengthening civilian oversight of the police.

The directorate also benefits from the unwavering support of the Minister and Deputy Minister of Police, Nkosinathi Mthethwa and Makhotso Magdeline Soty.



**Francois Beukman**  
Executive Director



## 2. Information on predetermined objectives

### 2.1 Overall performance

This section looks at the overall environment in which the ICD worked to achieve the strategic objectives set out in the 2010 to 2013 strategic plan, while continuing to improve the quality of the service it delivers to the public.

#### *Voted funds*

| MAIN APPROPRIATION R'000                              | ADJUSTED APPROPRIATION R'000       | ACTUAL AMOUNT SPENT R'000 | (OVER)/UNDER EXPENDITURE R'000 |
|---|------------------------------------|---------------------------|--------------------------------|
| 129 335   | 131 435                            | 128 444                   | 2 991                          |
| Responsible minister/ member of the executive council | Minister of Police                 |                           |                                |
| Administering department                              | Independent Complaints Directorate |                           |                                |
| Accounting officer                                    | Executive Director                 |                           |                                |

#### *Aim of vote*

The ICD is a national department listed in schedule 1 of the Public Service Act (1994), and listed as Vote 22 in the Estimates of National Expenditure 2010. The directorate is financed from money that is appropriated to it by Parliament.

Vote 22 gives financial effect to the ICD's duty to service the public interest by acting with integrity and in accordance with its legislative mandate to investigate, among others, any misconduct or offences committed by members of the SAPS and the municipal police services.

#### *Summary of programmes*

The ICD's work is performed through three main programmes.

- **Programme 1: Administration**

This programme is responsible for the overall management of the ICD and its support services. It consists of executive support, the internal audit unit, human resources management, financial management, supply chain management, asset management, risks and ethics management, labour relations, employee wellness management and security services.

- **Programme 2: Complaints processing, monitoring and investigation**

This programme receives, registers, processes and investigates complaints of deaths in police custody or as a result of police action, and complaints of misconduct and criminality against the police. It also has a legal services component that provides legal advice to ICD officials and the department.

- **Programme 3: Information management and research**

This programme maintains a crucial database that registers all complaints. It manages the ICD's information technology needs and the distribution of its products, provides services to stakeholders and conducts research.

***Key strategic objectives***

The ICD's strategic plan for 2010 to 2013 sets out 12 strategic objectives for the organisation. These objectives were the result of a strategic-planning process that started in August 2009 and included ICD staff members and stakeholders (see "Strategic objectives shaped the 2010/11 agenda" in the accounting officer's overview above).

The strategic objectives were:

- New legislation.
- Revised activities and focus areas.
- Streamline and reorganise the complaints-handling process and investigative function.
- Dedicated legal services.
- Liaison with the Civilian Secretariat for the Police Service.
- Transfer of functions to the Civilian Secretariat.
- Database and information-management services.
- Communications.
- Access points.
- Community-awareness programmes.
- Investigation services.
- Additional priorities, for example, develop and implement service-delivery improvement plans and charters; improve the management of the ICD's security; develop and implement a risk-management plan; promote employment equity and the employment of people with disabilities as staff members; build the ICD's human resources capacity and facilitate a conducive work environment; and develop and implement a national case-management system.

Some of these strategic objectives were not applicable to the year under review, and the next section ("Key strategic achievements") looks only at those objectives that shaped the ICD's work in 2010/11.

***Key strategic achievements***

- The legislation to effect the transition from the Independent Complaints Directorate to the Independent Police Investigative Directorate was passed by Parliament in March 2011. The IPID Bill was signed into law by President Jacob Zuma on 12 May 2011.
- The ICD's strategic decision to prioritise serious cases (deaths that occur in police custody or as a result of police action) resulted in 82 percent of these cases being finalised in 2010/11. This exceeded the target of 65 percent set in the 2010 to 2013 strategic plan.
- In 2010/11, the ICD made significant progress towards reaching its target to carry over only 10 percent of cases from one year to the next during the 2010/11 to 2013/14 period. In 2010/11, the directorate achieved a reduction of 57 percent of cases carried over from 2009/10, which puts it in a good position to reach the ultimate goal of not carrying over more than 10 percent of cases annually from 2013/14.
- The directorate held 307 outreach events in 2010/11 to raise public awareness of the ICD's activities and responsibilities. The target for this strategic objective was 250 events. The ICD also stepped up its efforts to communicate its activities to the media by issuing statements on cases and holding media briefings in various parts of the country.

- The quality of the directorate's investigative services also came under the spotlight in the reporting period. The ICD is proud to report that 83 percent of investigations into complaints of criminality laid against the SAPS and the municipal police services were finalised in 2010/11, against a target of 55 percent.
- Ninety-six percent of 5 869 complaints received by the ICD were registered and allocated within 48 hours, the 4% shortfall in meeting this target occurred mainly in the Western Cape office and this challenge is being addressed.

### ***Overview of the 2010/11 service-delivery environment***

The ICD's 2010 to 2013 strategic plan identified six key areas in which to improve service delivery:

- Investigation of deaths in police custody.
- Investigation of deaths where there is police involvement.
- Investigation of offences, for example, criminal offences.
- Investigation of misconduct by members of the SAPS or the municipal police services.
- Monitoring of the implementation of the Domestic Violence Act by the SAPS and the municipal police services.
- Decrease the backlog of cases from the preceding financial year to not more than 10 percent of the workload by 2013/14.

### ***Overview of the 2010/11 organisational environment***

The ICD is a national organisation with provincial offices. The national office is in Pretoria and is headed by the Executive Director. The national office provides overall strategic leadership to the directorate. Investigations are conducted at provincial level.

To improve access to ICD services, six satellite offices have been established and have been fully functional since 2008 /09. They are located in Empangeni (KwaZulu-Natal), Mthatha (Eastern Cape), Rustenburg (North West), Thohoyandou (Limpopo), Bethlehem (Free State) and Upington (Northern Cape).

The ICD's Chief Financial Officer retired during the reporting period. A new Chief Financial Officer was appointed on the 22<sup>nd</sup> of November 2010.

### ***Key policy developments and legislative changes***

One of the most significant developments during 2010/11 was the finalisation of a new legislative framework for the ICD.

The ICD is currently legally constituted by a provision in the SAPS Act. To ensure more independent, impartial and effective civilian oversight of the SAPS and the municipal police services, and the directorate's independence of the SAPS, the IPID Bill was introduced in Parliament in July 2010 and adopted in March 2011. At the time of compiling this report, the new legislation was awaiting the President's assent, after which it would become law.

### ***Revenue, expenditure and other specific topics***

#### **Collection of departmental revenue**

Revenue is mainly generated from parking fees, commissions on insurance deductions and bursary debt recovery.

|   | 2007/08<br>ACTUAL | 2008/09<br>ACTUAL | 2009/10<br>ACTUAL | 2010/11<br>TARGET | 2010/11<br>ACTUAL | %<br>DEVIATION<br>FROM<br>TARGET |
|---|-------------------|-------------------|-------------------|-------------------|-------------------|----------------------------------|
| Sales of goods and services other than capital assets | 99                | 2                 | 69                | 63                | 89                | 41%                              |
| Interest, dividends and rent on land                  | 21                | 3                 | 24                | 2                 | 5                 | 150%                             |
| Transactions in financial assets and liabilities      | 257               | 64                | 61                | 100               | 74                | 26%                              |
| <b>TOTAL DEPARTMENTAL RECEIPTS</b>                    | <b>377</b>        | <b>69</b>         | <b>154</b>        | <b>165</b>        | <b>168</b>        | <b>1.8%</b>                      |

### ***Departmental expenditure***

The funds budgeted but not utilised for the financial year can be attributed to the awaiting of invoices for goods and services which amounted to R2 991 615.57. An application for roll-over to the 2011/12 financial year was made to National Treasury in this regard.

There is not an impact on programmes and service delivery due to the under-spending, as it relates to software licences, furniture and equipment.

Actions taken or planned to avoid recurrence includes monthly meetings with Top Management to discuss the spending patterns as well as quarterly meetings with all Responsibility Managers.

### ***Transfer payments***

A transfer payment has been effected to the Safety and Security Sector Education Authority (SASSETA) with regard to administrative fees in terms of the Skills Development Levy. This has been disclosed in the Annexure reflecting Transfers to Departmental Agencies and Accounts (refer to Annexure 1A).

In terms of section 38(1)(j) of the PFMA, the above transfer payment was made after receiving the tabled Annual Report of SASSETA including the relevant Auditors Report.

### ***Conditional grants and earmarked funds***

No conditional grants were received by the ICD.

The ICD received earmarked funds of R8 125 000 from the Department of Public Works for the expenditure on office accommodation and municipal services. The ICD utilised all the earmarked funds received to pay for office accommodation and municipal services.

### ***Capital investment, maintenance and asset-management plan***

#### **Capital investment**

The department has no capital investments.

## Maintenance

The ICD occupies leased buildings and does not own any property. In view thereof, the ICD is not affected by any maintenance backlogs.

## Asset management

Quarterly asset verifications were conducted by all staff to ensure that assets were managed effectively and efficiently. Quarterly asset verifications were also conducted by Asset Management to ensure that all assets were managed properly and thus prevented theft and fraudulent use. The Asset Management team also embarked on provincial visits in order to reconcile the existence of the actual assets per office to the electronic Asset Register on the Logis System. Details such as unique asset numbers, ICN numbers and locations were reconciled to the electronic Asset Register.

Verification of the correctness of the Asset Register against Vulindlela/ELBIS reports was conducted on a monthly basis to ensure the accuracy of reporting at financial year end.

The asset holdings of the ICD have changed due to Asset Management disposing of items such as furniture, office equipment and IT equipment. The Asset Register was appropriately updated to account for these disposals. Details of asset movements are disclosed in the Disclosure Note related to Movement of Tangible Assets.

During the 2010/11 financial year the department continued with the implementation of the new Barcoding Asset Management System. All assets were physically barcoded in the 2010/11 financial year. The final phase of updating the Logis System to correspond with the unique asset barcoded numbers will be completed in the 2011/12 financial year.

## 2.2 Programme performance

### Programme 1: Administration

#### *Purpose*

This programme is responsible for the overall management of the ICD and its support services. The programme consists of executive support, the internal audit unit, auxiliary services, human resources management, financial management, supply chain management, asset management, risks and ethics management, labour relations, employee wellness management and security services.

#### *Strategic objectives*

In 2010/11, the work of Programme 1 was in compliance with the 12 strategic objectives set out in the 2010 to 2013 strategic plan:

- Increase compliance with the Employment Equity Act by ensuring that 50 percent of staff employed senior management positions are women. The ICD aims to achieve this target fully in 2012/13.
- Comply with the Employment Equity Act by ensuring that 2 percent of ICD staff are disabled persons (to be achieved by 2012/13).
- Maintain the overall vacancy rate below 10 percent (by 2012/13), and fill vacancies within three months of a position becoming vacant.

- Implement government's strategy on asset management in line with the Public Finance Management Act by maintaining and updating an electronic assets register.
- Promote discipline in the ICD by finalising any disciplinary procedure within 90 days.
- Evaluate the effectiveness of internal controls and ensure the ICD's compliance with the applicable rules by finalising all audit activities by 31 March annually.
- Promote the wellness of all employees by launching at least one health and wellness campaign per quarter.
- Combat corruption and fraud, and encourage ethical behaviour in the organisation by investigating all cases reported to the ethics helpline within 90 days of receiving a complaint.
- Effectively manage risk in the ICD by providing quarterly risk-management progress reports in line with the directorate's risk-management strategy.
- Improve service delivery by revitalising the Batho Pele programme and updating the service-delivery improvement plan by 31 March every year.
- Ensure the quality of staff training programmes by using recognised service providers only.
- Conduct proper policy reviews by reviewing 70 percent of the ICD's policies and procedures by 31 March annually.
- Comply with the minimum information security standard policy by conducting security audits.

### ***Service-delivery objectives and indicators***

In the reporting period, Programme 1 paid particular attention to three objectives that are regarded as imperatives, not only for the ICD but for government as a whole: comply with the Employment Equity Act, represent people with disabilities in the ICD staff complement, and fill vacant positions promptly.

As stated in the strategic plan for 2010 to 2013, the ICD aims to increase its compliance with the provisions of the Employment Equity Act by ensuring that 50 percent of staff employed in top and senior management positions are women. This target is to be reached in 2012/13.

As at 31 March 2011, 29 percent of the 17 existing senior management positions are held by women. Because the ICD is a small department with a very low staff turnover at senior management level, vacancies at that level do not often become available. In addition, no new posts were created at that level in 2010/11. These conditions make it difficult to reach the target of 50 percent representation.

The third target of maintaining the ICD's vacancy rate below 10 percent, set to be achieved in 2012/13, was also reached in 2010/11. As at 31 March 2011, the directorate had a vacancy rate of 7.5 percent. The vacancy rate in the ICD fluctuates considerably. Exit interviews with staff members who resign have revealed that most leave for a promotion elsewhere. Because of its small size, promotion opportunities at the ICD are limited, and young, ambitious employees look for better positions elsewhere.

The table below provides detailed information on all Programme 1 service-delivery objectives and indicators.

| PROGRAMME 1: ADMINISTRATION (SUB-PROGRAMME: HUMAN RESOURCES MANAGEMENT) |   |  |  |  |
|---|---|--|--|--|
| STRATEGIC OBJECTIVE   | MEASURE/INDICATOR                                   | ACTUAL PERFORMANCE AGAINST TARGET          |  | REASON FOR VARIANCE  |
|   |   | Target                                     | Actual   |  |
| Increase compliance with the Employment Equity Act                      | % of women in senior management                     | 50% of women in senior management          | 29% of women in senior management                  | There were no vacancies at this level  |
|   | % of people with disabilities                       | 2% of staff to be people with disabilities | 1.5% of staff members have disabilities            | People with disabilities do not always apply for posts in the directorate, even when invited |
| Effective implementation of the approved retention strategy             | % of vacancy rate                                   | Maintain vacancy rate below 10%            | Vacancy rate was 7.5%                              | Target exceeded  |
|   | Period within which vacancies are filled            | Vacancy to be filled within three months   | Filled all vacancies within three months           | Target achieved  |
| Promote discipline in the ICD   | % of disciplinary hearings finalised within 90 days | Hearing to be finalised within 90 days     | Finalised 86% of disciplinary cases within 90 days | Employee in one case (out of seven) was constantly on sick leave                             |
|   | % of grievances finalised within 60 days            | Within 60 days of being registered         | Finalised all grievances (100%) within 60 days     | Target achieved  |
| Policy review   | % of policies updated annually                      | 70% of all policies to be reviewed         | Updated/reviewed 38% of policies                   | Staff shortages in the Human Resources Management component                                  |

| PROGRAMME 1: ADMINISTRATION (SUB-PROGRAMME: SUPPLY-CHAIN AND ASSET MANAGEMENT, INTERNAL AUDIT, ETHICS AND RISK)      |   |                                   |   |   |
|--|---|-----------------------------------|---|---|
| STRATEGIC OBJECTIVE  | MEASURE/INDICATOR   | ACTUAL PERFORMANCE AGAINST TARGET |   | REASON FOR VARIANCE                                       |
|  |   | Target                            | Actual  |   |
| Implement government's strategy on asset management in line with the prescripts of the Public Finance Management Act | Number of asset verifications and updates of asset register completed | Quarterly                         | Quarterly   | Target achieved   |
| Evaluate the effectiveness of internal controls and ensure the ICD's compliance with applicable prescripts           | Number of internal audit reviews conducted                            | 10 audit reviews                  | 7 audit reviews                                       | Audit unit had to conduct additional <i>ad hoc</i> audits |
| Combat corruption and fraud and encourage ethical behaviour  | % of cases investigated within 90 days                                | All reported cases within 90 days | Investigated all reported cases (100%) within 90 days | Target achieved   |
| Effectively manage risks in the ICD  | Number of risk-management reports submitted                           | One report per quarter            | Submitted one report per quarter                      | Target achieved   |

| PROGRAMME 1: ADMINISTRATION (SUB-PROGRAMME: SERVICE DELIVERY AND TRAINING, SECURITY UNIT) |  |                                   |   |   |
|---|--|-----------------------------------|---|---|
| STRATEGIC OBJECTIVE   | MEASURE/INDICATOR  | ACTUAL PERFORMANCE AGAINST TARGET |   | REASON FOR VARIANCE   |
|   |  | Target                            | Actual  |   |
| Improve service delivery through the Batho Pele revitalisation programme                  | Number of times the service-delivery improvement plan was updated                | Annually by 31 March              | Updated by 31 March   | Target achieved   |
| Quality assured training programme  | Number of training programmes offered by accredited/recognised service providers | All training programmes           | All training programmes offered by recognised service providers | Target achieved   |
| Compliance with minimum information security standard policy                              | Number of security audits conducted  | 10 audits annually                | Conducted 6 audits  | Target not met<br><br>The security manager was only appointed at the beginning of the third quarter (October-December 2010) |

**REASONS FOR MAJOR VARIANCES:**

See reasons provided in the preceding tables.



## Programme 2: Complaints processing, monitoring and investigation

### *Purpose*

This programme has two components:

- Complaints processing, monitoring and investigation, and
- Legal services.

The purpose of this programme is to:

- Investigate deaths in police custody or as a result of police action.
- Investigate and/or monitor complaints of criminality and misconduct against the police.
- Provide legal advisory services.

### *Strategic objectives*

This programme aims to promote proper police conduct. Progress towards achieving this objective is measured by two outputs:

- Finalising investigations of deaths in custody or as a result of police conduct.
- Finalising investigations of complaints of criminality against members of the SAPS or municipal police services.

The ICD set 12 strategic priorities in its strategic plan, and one of these, “targets for investigation services”, has two priorities that fall under Programme 2:

- Decrease the cases carried over from one financial year to the next to constitute not more than 10 percent of the workload (backlog and new cases) in a new financial year.
- Increase crime-scene attendance by 90 percent.

### *Service-delivery objectives and indicators*

A strategic decision taken shortly before the start of the reporting period had considerable impact on the work of Programme 2.

At a planning meeting in November 2009, senior ICD staff decided to prioritise activities and to focus, in 2010/11, on finalising all cases of deaths in custody or as a result of police action, as well as cases involving serious police brutality.

The ICD also decided to focus on specific serious crimes, such as allegations of rape by a police officer, irrespective of whether the police officer was on or off duty when the offence was committed, as well as allegations of rape of a complainant by other detainees while the complainant was in the custody of the police.

The ICD’s Monitoring and Evaluation Committee, consisting of four senior ICD staff, played an important role in ensuring that the focus on serious crimes was implemented vigorously and consistently. The committee was responsible for several strategic interventions in the process of monitoring the work of the provincial offices.

This decision helped investigators finalise 82 percent of cases of deaths in custody or as a result of police action, exceeding the target of 65 percent by 17 percent.

During 2009/10, a strategy to reduce the backlog of cases was piloted and immediately yielded positive results. This strategy was fully implemented during the year under review, and investigators were under considerable pressure to finalise cases carried over from 2009/10 within the financial year 2010/11. Provinces with a large backlog of cases had to dedicate a team of investigators to complete all outstanding work, and all provinces were expected to have made considerable progress on backlog cases during the reporting period. The Monitoring and Evaluation Committee kept close watch over the provincial offices' progress, and made recommendations to the Executive Director on appropriate interventions to assist provinces struggling to meet their targets.

The focus on reducing the backlog of cases early in the new financial year resulted in 224 Class 1 cases being carried over to 2011/12, compared to 479 cases that had not been completed by 2010/11.

The table below provides detailed information on all Programme 2 service-delivery objectives and indicators.

| PROGRAMME 2: COMPLAINTS PROCESSING, MONITORING AND INVESTIGATION             |   |   |                             |                        |
|--|---|---|-----------------------------|------------------------|
| STRATEGIC OBJECTIVE  | MEASURE/<br>INDICATOR                               | ACTUAL PERFORMANCE AGAINST<br>STRATEGIC OBJECTIVE   |                             | REASON FOR<br>VARIANCE |
|  |   | Target  | Actual                      |                        |
| Complete investigations of deaths in custody or as a result of police action | Number of cases completed during the financial year | 65% of the workload which comprises cases carried over from 2009/2010 financial year and notifications of deaths received during the 2010/2011 financial year | 82% (1 052 cases completed) | Target exceeded        |
| Complete investigations of complaints of criminality against the police      | Number of cases completed during the financial year | 55% of the workload which comprises cases carried over from 2009/2010 financial year and those received during the 2010/2011 financial year                   | 83% (2 811 cases completed) | Target exceeded        |

**REASONS FOR MAJOR VARIANCES:**

The ICD credits its decision to prioritise major crimes and reducing cases carried over from 2009/10 for the differences between the target and the actual performance in the table above.

## **Programme 3: Information management and research**

### ***Purpose***

Programme 3 manages the ICD's information needs, conducts research and performs various oversight activities. It also manages all communication and marketing activities. The programme maintains a database that serves as a register for all complaints, and it manages the directorate's information technology requirements.

### ***Strategic objectives***

The strategic objectives for 2010/11 were to:

- Register and allocate all complaints received by the ICD within 48 hours.
- Attend to all applications for exemption in terms of the Domestic Violence Act.
- Increase the number of community-awareness programmes.
- Increase the number of police stations audited for compliance with the Domestic Violence Act; and
- Provide relevant information to the public and stakeholders.

### ***Service-delivery objectives and indicators***

Programme 3 met all of its strategic objectives in 2010/11.

The programme developed and implemented a new case-management using a browser as its interface, which was a significant achievement. The system delivers correct information at the right time to ICD staff nationally. It has been implemented at all relevant sites, and staff have been trained to use the system.

The programme has made great strides in implementing the ICD's information and communication technology plan. In 2010/11, a wireless mobile access solution was implemented for ICD staff, the directorate's website was redesigned, and an intranet for use by ICD staff was developed.

The table below provides detailed information on all Programme 3 service-delivery objectives and indicators.

| PROGRAMME 3: INFORMATION MANAGEMENT AND RESEARCH                               |   |   |   |                     |
|--|---|---|---|---------------------|
| STRATEGIC OBJECTIVE  | MEASURE/INDICATOR   | ACTUAL PERFORMANCE AGAINST TARGET                   |   | REASON FOR VARIANCE |
|  |   | Target  | Actual  |                     |
| Timely registration and allocation of all complaints received                  | Register and allocate all complaints within 48 hours                                      | 100% within 48 hours (5 450 complaints anticipated) | 96% (5 644 complaints registered & allocated within 48 hours out of 5 869 received) | Target not met      |
| Auditing police stations in compliance with Domestic Violence Act              | Increase number of police stations audited for compliance with the Domestic Violence Act  | 108 stations audited                                | Conducted 279 audits  | Target exceeded     |
| Attend to all applications for exemption in terms of the Domestic Violence Act | Applications for exemption in terms of the Domestic Violence Act completed within 30 days | 100% (50 applications anticipated)                  | 100% (Received and processed 21 applications within 30 days)                        | Target achieved     |
| Provide relevant information to the public and stakeholders                    | Number of reports produced annually   | Three reports annually                              | Completed five research reports   | Target exceeded     |
| Conduct community-awareness programmes   | Increase the number of community-awareness programmes                                     | 250 per annum                                       | 307 awareness programmes conducted  | Target exceeded     |

**REASONS FOR MAJOR VARIANCES:**

Four (4) percent of cases or 225 cases were not registered and allocated within 48 hours of receipt. Most occurred in the Western Cape. The non-compliance has been brought to the attention of the Provincial Head of the Western Cape.

## 2.3 Statistics

### Notifications and complaints received in 2010/11

The ICD received 5 869 complaints in 2010/11, with Gauteng and the Western Cape receiving the largest number of complaints.

**TABLE 2.3.1:** Complaints and notifications received in 2010/11, per province

| Provinces     | Total        | %           |
|---------------|--------------|-------------|
| Eastern Cape  | 322          | 5%          |
| Free State    | 766          | 13%         |
| Gauteng       | 1 169        | 20%         |
| KwaZulu-Natal | 570          | 10%         |
| Limpopo       | 581          | 10%         |
| Mpumalanga    | 366          | 6%          |
| North West    | 590          | 10%         |
| Northern Cape | 499          | 9%          |
| Western Cape  | 1 006        | 17%         |
| <b>Total</b>  | <b>5 869</b> | <b>100%</b> |

Table 2.3.2 shows that of the 5 869 complaints received, 797 were deaths, 102 domestic violence cases, 2 493 allegations of criminal offences and 2 477 misconduct cases.

**TABLE 2.3.2:** Complaints and notifications received, by class of offence, 2010/11

| Provinces     | Deaths     | Domestic Violence | Criminal     | Misconduct   | Total        |
|---------------|------------|-------------------|--------------|--------------|--------------|
| Eastern Cape  | 109        | 7                 | 146          | 60           | 322          |
| Free State    | 36         | 15                | 267          | 448          | 766          |
| Gauteng       | 182        | 23                | 418          | 546          | 1 169        |
| KwaZulu-Natal | 248        | 6                 | 190          | 126          | 570          |
| Limpopo       | 55         | 8                 | 302          | 216          | 581          |
| Mpumalanga    | 56         | 2                 | 214          | 94           | 366          |
| North West    | 36         | 7                 | 214          | 333          | 590          |
| Northern Cape | 20         | 6                 | 304          | 169          | 499          |
| Western Cape  | 55         | 28                | 438          | 485          | 1 006        |
| <b>Total</b>  | <b>797</b> | <b>102</b>        | <b>2 493</b> | <b>2 477</b> | <b>5 869</b> |

**Performance information**

- Workload – 2010/11

In 2010/11, the ICD had a workload of 8 424 cases, including cases carried over from the previous year.

**TABLE 2.3.3:** Workload, backlog and new cases

| Provinces          | Carried over by from 2009/10 | Cases received during 2010/11 | Workload     |
|--------------------|------------------------------|-------------------------------|--------------|
| Eastern Cape       | 159                          | 322                           | 481          |
| Free-State         | 95                           | 766                           | 861          |
| Gauteng            | 671                          | 1 169                         | 1 840        |
| KwaZulu-Natal      | 692                          | 570                           | 1 262        |
| Limpopo            | 58                           | 581                           | 639          |
| Mpumalanga         | 153                          | 366                           | 519          |
| North West         | 38                           | 590                           | 628          |
| Northern Cape      | 13                           | 499                           | 512          |
| Western Cape       | 676                          | 1 006                         | 1 682        |
| <b>Grand Total</b> | <b>2 555</b>                 | <b>5 869</b>                  | <b>8 424</b> |

Table 2.3.4 gives a breakdown of the workload per classification. Most of the cases were misconducts (3 603), followed by criminal offences (3 390), deaths in police custody or as a result of police action (1 276) and non-compliance with the Domestic Violence Act (155).

**TABLE 2.3.4:** Workload, by class of offence

| Provinces          | Death Cases  | DVA non-compliance cases | Criminal cases | Misconduct Cases | Total        |
|--------------------|--------------|--------------------------|----------------|------------------|--------------|
| Eastern Cape       | 169          | 13                       | 211            | 88               | 481          |
| Free State         | 37           | 15                       | 304            | 505              | 861          |
| Gauteng            | 260          | 23                       | 632            | 925              | 1 840        |
| KwaZulu-Natal      | 478          | 15                       | 434            | 335              | 1 262        |
| Limpopo            | 61           | 8                        | 336            | 234              | 639          |
| Mpumalanga         | 86           | 3                        | 299            | 131              | 519          |
| North West         | 36           | 7                        | 234            | 351              | 628          |
| Northern Cape      | 20           | 6                        | 314            | 172              | 512          |
| Western Cape       | 129          | 65                       | 626            | 862              | 1 682        |
| <b>Grand Total</b> | <b>1 276</b> | <b>155</b>               | <b>3 390</b>   | <b>3 603</b>     | <b>8 424</b> |

- Cases completed in 2010/11

The ICD completed 87 percent of its workload in 2010/11. Northern Cape and North West achieved 99 percent, followed by Limpopo and Free State, both with 96 percent respectively. All other provincial offices completed more than 70 percent of their overall workload, except Mpumalanga, which completed only 64 percent of their workload.

**TABLE 2.3.5:** Completed cases

| Provinces          | Workload     | Completed    | %          |
|--------------------|--------------|--------------|------------|
| Eastern Cape       | 481          | 447          | 93%        |
| Free State         | 861          | 830          | 96%        |
| Gauteng            | 1 840        | 1 631        | 89%        |
| KwaZulu-Natal      | 1 262        | 996          | 79%        |
| Limpopo            | 639          | 616          | 96%        |
| Mpumalanga         | 519          | 332          | 64%        |
| North West         | 628          | 621          | 99%        |
| Northern Cape      | 512          | 506          | 99%        |
| Western Cape       | 1 682        | 1 342        | 80%        |
| <b>Grand Total</b> | <b>8 424</b> | <b>7 321</b> | <b>87%</b> |

Most of the completed cases were misconduct matters (3 326), followed by criminal offences (2 798), deaths in police custody and deaths as a result of police action (1 065) and non-compliance with the Domestic Violence Act (133).

**TABLE 2.3.6:** Completed cases, per class of offence

| Provinces          | Death Cases  | DVA non-compliance cases | Criminal cases | Misconduct Cases | Total        |
|--------------------|--------------|--------------------------|----------------|------------------|--------------|
| Eastern Cape       | 157          | 13                       | 193            | 85               | 447          |
| Free State         | 36           | 15                       | 298            | 481              | 830          |
| Gauteng            | 219          | 23                       | 513            | 876              | 1 631        |
| KwaZulu-Natal      | 390          | 15                       | 305            | 286              | 996          |
| Limpopo            | 59           | 8                        | 323            | 226              | 616          |
| Mpumalanga         | 50           | 2                        | 169            | 111              | 332          |
| North West         | 36           | 7                        | 229            | 349              | 621          |
| Northern Cape      | 20           | 6                        | 308            | 172              | 506          |
| Western Cape       | 85           | 44                       | 473            | 740              | 1 342        |
| <b>Grand Total</b> | <b>1 052</b> | <b>133</b>               | <b>2 798</b>   | <b>3 326</b>     | <b>7 321</b> |

- Cases completed in 2010/11, compared to set targets for the year

The ICD finalised 82 percent of its cases of deaths in police custody or as a result of police action, exceeding the target of 65 percent. North West and Northern Cape both achieved 100 percent completion rates. Mpumalanga is the only provincial office that did not meet the target.

**TABLE 2.3.7:** Deaths in police custody and as a result of police action – target, 65%

| Provinces          | Workload     | Completed cases | Percentages | Target                 |
|--------------------|--------------|-----------------|-------------|------------------------|
| Eastern Cape       | 169          | 157             | 93%         | Target Exceeded        |
| Free State         | 37           | 36              | 97%         | Target Exceeded        |
| Gauteng            | 260          | 219             | 84%         | Target Exceeded        |
| KwaZulu-Natal      | 478          | 390             | 82%         | Target Exceeded        |
| Limpopo            | 61           | 59              | 97%         | Target Exceeded        |
| Mpumalanga         | 86           | 50              | 58%         | Target not met         |
| North West         | 36           | 36              | 100%        | Target Exceeded        |
| Northern Cape      | 20           | 20              | 100%        | Target Exceeded        |
| Western Cape       | 129          | 85              | 66%         | Target Exceeded        |
| <b>Grand Total</b> | <b>1 276</b> | <b>1 052</b>    | <b>82%</b>  | <b>Target Exceeded</b> |

Table 2.3.8 shows the completion rate for criminal matters per province. The ICD exceeded its strategic target of completing 55 percent of its workload. All provincial offices, except Mpumalanga, exceeded the target.

**TABLE 2.3.8:** Criminal cases – target, 55%

| Provinces          | Workload     | Completed Cases | Percentages | Target                 |
|--------------------|--------------|-----------------|-------------|------------------------|
| Eastern Cape       | 211          | 193             | 91%         | Target Exceeded        |
| Free State         | 304          | 298             | 98%         | Target Exceeded        |
| Gauteng            | 632          | 513             | 81%         | Target Exceeded        |
| KwaZulu-Natal      | 434          | 305             | 70%         | Target Exceeded        |
| Limpopo            | 336          | 323             | 96%         | Target Exceeded        |
| Mpumalanga         | 299          | 169             | 57%         | Target Exceeded        |
| North West         | 234          | 229             | 98%         | Target Exceeded        |
| Northern Cape      | 314          | 308             | 98%         | Target Exceeded        |
| Western Cape       | 626          | 473             | 76%         | Target Exceeded        |
| <b>Grand Total</b> | <b>3 390</b> | <b>2 811</b>    | <b>83%</b>  | <b>Target Exceeded</b> |



The completion rate for misconduct matters was exceeded by 37 percent. Northern Cape achieved 100 percent completion rate. All other provinces achieved completion rates of between 85 percent and 99 percent.

**TABLE 2.3.9:** Misconduct cases – target, 55%

| Provinces          | Workload     | Completed Cases | Percentages | Target                 |
|--------------------|--------------|-----------------|-------------|------------------------|
| Eastern Cape       | 88           | 85              | 97%         | Target Exceeded        |
| Free State         | 505          | 481             | 95%         | Target Exceeded        |
| Gauteng            | 925          | 876             | 95%         | Target Exceeded        |
| KwaZulu-Natal      | 335          | 286             | 85%         | Target Exceeded        |
| Limpopo            | 234          | 226             | 97%         | Target Exceeded        |
| Mpumalanga         | 131          | 111             | 85%         | Target Exceeded        |
| North West         | 351          | 349             | 99%         | Target Exceeded        |
| Northern Cape      | 172          | 172             | 100%        | Target Exceeded        |
| Western Cape       | 862          | 740             | 86%         | Target Exceeded        |
| <b>Grand Total</b> | <b>3 603</b> | <b>3 326</b>    | <b>92%</b>  | <b>Target Exceeded</b> |

- Recommendations and outcomes – 2010/11

The ICD made 501 recommendations to the Director of Public Prosecutions regarding criminal matters, including deaths.

**TABLE 2.3.10:** Recommendations to Director of Public Prosecutions, by province and class of offence

| Province      | Deaths     | Criminal matters | Total      |
|---------------|------------|------------------|------------|
| Eastern Cape  | 70         | 59               | 129        |
| Free State    | 5          | 32               | 37         |
| Gauteng       | 3          | 1                | 4          |
| KwaZulu-Natal | 11         | 7                | 18         |
| Limpopo       | 5          | 19               | 24         |
| Mpumalanga    | 17         | 7                | 24         |
| North West    | 2          | 98               | 100        |
| Northern Cape | 6          | 150              | 156        |
| Western Cape  | 8          | 1                | 9          |
| <b>Total</b>  | <b>127</b> | <b>374</b>       | <b>501</b> |

In the 59 cases where members of the SAPS were convicted for various criminal offences, 30 were convicted in relation to deaths in police custody and deaths as a result of police action, and 29 convictions were related to other criminal offences.

**TABLE 2.3.11:** Criminal convictions, by province and class of offence

| Province      | Death cases | Criminal cases | Total     |
|---------------|-------------|----------------|-----------|
| Eastern Cape  | 4           | 1              | 5         |
| Free State    | 4           | 6              | 10        |
| Gauteng       | 2           | 1              | 3         |
| KwaZulu-Natal | 4           | 5              | 9         |
| Limpopo       | 3           | 1              | 4         |
| Mpumalanga    | 3           | 1              | 4         |
| North West    | 2           | 5              | 7         |
| Northern Cape | 0           | 9              | 9         |
| Western Cape  | 8           | 0              | 8         |
| <b>Total</b>  | <b>30</b>   | <b>29</b>      | <b>59</b> |

Table 2.3.12 sets out the details of acquittals in criminal matters. There were 11 acquittals in murder cases, and 17 for other criminal offences.

**TABLE 2.3.12:** Acquittals in criminal cases, by province and class of offence

| Province      | Deaths Cases | Criminal cases | Total     |
|---------------|--------------|----------------|-----------|
| Eastern Cape  | 4            | 4              | 8         |
| Free State    | 0            | 0              | 0         |
| Gauteng       | 0            | 0              | 0         |
| KwaZulu-Natal | 3            | 3              | 6         |
| Limpopo       | 3            | 5              | 8         |
| Mpumalanga    | 1            | 1              | 2         |
| North West    | 0            | 0              | 0         |
| Northern Cape | 0            | 4              | 4         |
| Western Cape  | 0            | 0              | 0         |
| <b>Total</b>  | <b>11</b>    | <b>17</b>      | <b>28</b> |

The ICD made a total of 2 261 recommendations to the SAPS for various offences. Of these, 1 211 were for misconduct, and 924 were for criminal offences.

**TABLE 2.3.13:** Recommendations to the SAPS, by province and class of offence

| Province      | Deaths cases | DVA non-compliance cases | Criminal cases | Misconduct Cases | Total        |
|---------------|--------------|--------------------------|----------------|------------------|--------------|
| Eastern Cape  | 7            | 3                        | 6              | 3                | 19           |
| Free State    | 21           | 14                       | 170            | 177              | 382          |
| Gauteng       | 10           | 20                       | 50             | 219              | 299          |
| KwaZulu-Natal | 22           | 1                        | 45             | 4                | 72           |
| Limpopo       | 1            | 3                        | 11             | 20               | 35           |
| Mpumalanga    | 5            | 1                        | 8              | 0                | 14           |
| North West    | 7            | 6                        | 67             | 155              | 235          |
| Northern Cape | 3            | 1                        | 88             | 8                | 100          |
| Western Cape  | 1            | 0                        | 479            | 625              | 1 105        |
| <b>Total</b>  | <b>77</b>    | <b>49</b>                | <b>924</b>     | <b>1 211</b>     | <b>2 261</b> |

Table 2.3.14 gives a listing of cases in which police officers were convicted in departmental trials and the penalties meted out.

**TABLE 2.3.14:** Departmental convictions, by province and class of offence

| NO. | CCN        | STATION     | NATURE OF COMPLAINT                               | SENTENCE / SANCTION  | DATE             |
|-----|------------|-------------|---|--|------------------|
| 1   | 2009100272 | Kakamas     | Fraud   | Discharged from service and the sentence was wholly suspended for a period of six months | 16 April 2010    |
| 2   | 2010060431 | Augrabies   | Assault   | Final written warning  | 23 August 2010   |
| 3   | 2009080354 | De Aar      | Drunk driving                                     | Final written warning  | 21 November 2010 |
| 4   | 2009090068 | De Aar      | Theft   | Final written warning  | 23 November 2010 |
| 5   | 2008100138 | Kimberley   | Assault with intent to cause grievous bodily harm | Written warning  | 26 November 2010 |
| 6   | 2010110108 | Kimberley   | Assault   | Guilty of contravening SAPS regulation 9(1): verbal warning                              | 27 October 2010  |
| 7   | 2009020067 | Barkly West | Defeating ends of justice                         | Dismissal wholly suspended for 12 months and fine of R500                                | 16 November 2010 |
| 8   | 2009090466 | Rietfontein | Assault   | Dismissal suspended for a period of six months and fined R500                            | 30 June 2010     |

| NO. | CCN        | STATION         | NATURE OF COMPLAINT   | SENTENCE / SANCTION                                     | DATE              |
|-----|------------|-----------------|---|---|-------------------|
| 9   | 2009080209 | Kimberley       | Drunk driving   | Fined R300 suspended for 12 months                      | 16 November 2010  |
| 10  | 2010070149 | Williston       | Assault   | Fined R5 000  | 8 February 2011   |
| 11  | 2009120320 | Kuruman         | Assault   | Fined R600 or six months wholly suspended for 12 months | 16 February 2011  |
| 12  | 2010110561 | Florida         | Violation of Regulation 20(a) of SAPS Disciplinary Regulations        | Corrective counselling                                  | 2 March 2011      |
| 13  | 2008030532 | Wonderboompoort | Unsatisfactory investigation  | Verbal warning  | 20 July 2010      |
| 14  | 2008110413 | Mamelodi East   | Attempted murder  | Verbal warning  | 29 July 2010      |
| 15  | 2010080604 | Cullinan        | Unsatisfactory investigation  | Verbal warning  | 23 September 2010 |
| 16  | 2010100013 | Lenasia         | Assault with intent to cause grievous bodily harm                     | Dismissal   | 5 January 2011    |
| 17  | 2010040162 | Florida         | Death in police custody (neglect of duty – cells not visited)         | Verbal warning  | 10 June 2010      |
| 18  | 2010110561 | Florida         | Death in police custody (Regulation 20(a) of disciplinary procedures) | Corrective counselling                                  | 2 March 2011      |
| 19  | 2010070063 | Benoni          | Improper conduct by police  | Verbal warning  | 5 August 2010     |
| 20  | 2008110485 | Tshilwavhusiku  | Common assault  | Final written warning                                   | 10 July 2010      |
| 21  | 2010070224 | Mphephu         | Abuse of power  | Verbal warning  | 13 November 2010  |
| 22  | 2007110031 | Mankweng        | Attempted murder  | Discharged from the service                             | 6 May 2010        |
| 23  | 2010020179 | Bityi           | Murder  | Written warning   | 30 June 2010      |
| 24  | 2009090558 | Mpophomeni      | Murder  | Fined R500  | 4 May 2010        |
| 25  | 2009090091 | Tlhabane        | Common assault  | Verbal warning  | 3 May 2010        |
| 26  | 2010010327 | Biesiesvlei     | Failing to provide complainant with feedback                          | Reprimand   | 17 May 2010       |
| 27  | 2009110543 | Madikwe         | Failing to provide complainant with feedback                          | Verbal warning  | 2 June 2010       |
| 28  | 2009100526 | Mmabatho        | Violation of SAPS disciplinary regulation 20(i)                       | Reprimand   | 5 June 2010       |
| 29  | 2009100067 | Zeerust         | Improper performance of duties  | Reprimand   | 5 June 2010       |
| 30  | 2009080490 | Lomanyaneng     | Improper performance of duties  | Reprimand   | 9 June 2010       |

| NO. | CCN        | STATION       | NATURE OF COMPLAINT                                 | SENTENCE / SANCTION | DATE            |
|-----|------------|---------------|---|---------------------|-----------------|
| 31  | 2009060263 | Lomanyaneng   | Improper performance of duties                      | Reprimand           | 15 June 2010    |
| 32  | 2009100564 | Mmabatho      | Ignoring the instruction of the public prosecutor   | Reprimand           | 15 June 2010    |
| 33  | 2009040411 | Mmabatho      | Improper performance of duties                      | Verbal warning      | 18 June 2010    |
| 34  | 2010010529 | Mafikeng      | Failing to provide progress report to complainant   | Reprimand           | 18 June 2010    |
| 35  | 2009040403 | Mmabatho      | Improper performance of duties                      | Verbal warning      | 22 June 2010    |
| 36  | 2009070179 | Mafikeng      | Improper performance of duties                      | Verbal warning      | 1 July 2010     |
| 37  | 2009030107 | Mafikeng      | Common assault                                      | Dismissal           | 1 July 2010     |
| 38  | 2009090596 | Mmabatho      | Improper performance                                | Verbal warning      | 1 July 2010     |
| 39  | 2009120027 | Atamelang     | Improper performance of duties                      | Reprimand           | 1 July 2010     |
| 40  | 2010020436 | Lehurutshe    | Failing to provide complainant with progress report | Verbal warning      | 12 July 2010    |
| 41  | 2009100188 | Klerksdorp    | Improper performance of duties                      | Verbal warning      | 13 July 2010    |
| 42  | 2010020497 | Wolmaransstad | Failing to provide complainant with progress report | Reprimand           | 14 July 2010    |
| 43  | 2010010344 | Coligny       | Failing to provide complainant with progress report | Reprimand           | 14 July 2010    |
| 44  | 2008060584 | Mafikeng      | Improper performance of duties                      | Reprimand           | 19 July 2010    |
| 45  | 2009090081 | Klerksdorp    | Common assault                                      | Written warning     | 23 July 2010    |
| 46  | 2008030565 | Mafikeng      | Improper performance of duties                      | Reprimand           | 26 July 2010    |
| 47  | 2007080297 | Mmabatho      | Improper performance of duties                      | Written warning     | 1 November 2010 |
| 48  | 2007100450 | Mmabatho      | Intimidation  | Verbal warning      | 14 July 2010    |
| 49  | 2008060517 | Mmabatho      | Improper performance of duties                      | Verbal warning      | 4 August 2010   |
| 50  | 2008090617 | Mmabatho      | Improper performance of duties                      | Verbal warning      | 4 August 2010   |

| NO. | CCN        | STATION        | NATURE OF COMPLAINT  | SENTENCE / SANCTION      | DATE              |
|-----|------------|----------------|--|--------------------------|-------------------|
| 51  | 2008100064 | Mafikeng       | Improper performance of duties                                       | Verbal warning           | 5 August 2010     |
| 52  | 2008110155 | Makwasie       | Death as a result of police action                                   | Written warning          | 9 July 2010       |
| 53  | 2009030618 | Mmabatho       | Failure to arrest transgressor                                       | Verbal warning           | 12 July 2010      |
| 54  | 2009070141 | Mmabatho       | Reckless driving   | Reprimand                | 15 March 2011     |
| 55  | 2009080193 | Mmabatho       | Improper performance of duties                                       | Reprimand                | 10 July 2010      |
| 56  | 2009090060 | Phokeng        | Improper performance of duties                                       | Reprimand                | 5 August 2010     |
| 57  | 2009030089 | Madikwe        | Common assault   | Written warning          | 25 August 2010    |
| 58  | 2009040251 | Leeudoringstad | Attempted murder   | Suspended for six months | 2 September 2010  |
| 59  | 2009100642 | Rustenburg     | Improper performance of duties                                       | Reprimand                | 4 August 2010     |
| 60  | 2009080404 | Mogwase        | Common assault   | Written warning          | 16 September 2010 |
| 61  | 2009120049 | Tlhabane       | Improper performance of duties                                       | Reprimand                | 5 August 2010     |
| 62  | 2009070058 | Jouberton      | Improper performance of duties                                       | Written warning          | 27 September 2010 |
| 63  | 2010010243 | Rustenburg     | Improper performance of duties                                       | Reprimand                | 5 August 2010     |
| 64  | 2010010493 | Boitekong      | Improper performance of duties                                       | Reprimand                | 5 August 2010     |
| 65  | 2009060416 | Mogwase        | Improper performance of duties                                       | Written warning          | 27 September 2010 |
| 66  | 2009100668 | Mogwase        | Failure to open a docket in response to a criminal charge being laid | Written warning          | 30 September 2010 |
| 67  | 2010020575 | Phokeng        | Improper performance of duties                                       | Reprimand                | 5 August 2010     |
| 68  | 2010040158 | Zeerust        | Improper performance of duties                                       | Reprimand                | 12 January 2011   |
| 69  | 2010040199 | Boitekong      | Improper performance of duties                                       | Reprimand                | 11 February 2011  |
| 70  | 2010040373 | Coligny        | Improper performance of duties                                       | Verbal warning           | 27 September 2010 |

| NO. | CCN        | STATION     | NATURE OF COMPLAINT                                 | SENTENCE / SANCTION | DATE             |
|-----|------------|-------------|---|---------------------|------------------|
| 71  | 2010030185 | Marikana    | Improper performance of duties                      | Reprimand           | 5 August 2010    |
| 72  | 2010040477 | Mafikeng    | Improper performance of duties                      | Reprimand           | 16 March 2011    |
| 73  | 2009080279 | Itsoeng     | Improper performance of duties                      | Reprimand           | 2 November 2010  |
| 74  | 2004100632 | Ga-Rankuwa  | Assault with intent to cause grievous bodily harm   | Written warning     | 4 November 2010  |
| 75  | 2010020328 | Sun City    | Failing to provide complainant with progress report | Verbal warning      | 17 January 2011  |
| 76  | 2008100587 | Mmabatho    | Improper performance of duties                      | Written warning     | 2 February 2011  |
| 77  | 2009030212 | Mmabatho    | Improper performance of duties                      | Written warning     | 2 February 2011  |
| 78  | 2007110555 | Mafikeng    | Improper performance of duties                      | Written warning     | 2 February 2011  |
| 79  | 2010010398 | Rustenburg  | Improper performance of duties                      | Verbal warning      | 2 February 2011  |
| 80  | 2009090141 | Mooifontein | Improper performance of duties                      | Reprimand           | 23 February 2011 |
| 81  | 2009040476 | Mmabatho    | Reckless driving                                    | Written warning     | 15 March 2011    |
| 82  | 2009080544 | Setlagole   | Attempted murder                                    | Convicted           | 15 March 2011    |
| 83  | 2009110551 | Klipgat     | Contravening SAPS regulation 20(a)(e)(i)(q)(z)      | Dismissed           | 15 March 2011    |
| 84  | 2008090425 | Bloemhof    | Assault with intent to cause grievous bodily harm   | Written warning     | 15 March 2011    |
| 85  | 2008110573 | Tlhabane    | Assault with intent to cause grievous bodily harm   | Dismissed           | 15 March 2011    |
| 86  | 2009100001 | Monakato    | Theft   | Reprimand           | 15 March 2011    |
| 87  | 2008080206 | Phokeng     | Improper performance of duties                      | Written warning     | 15 November 2010 |
| 88  | 2008100165 | Lomanyaneng | Improper performance of duties                      | Written warning     | 2 February 2011  |

Table 2.3.15 shows that there were 14 acquittals in departmental trials.

**TABLE 2.3.15:** Departmental acquittals, by province and class of offence

| NO. | CCN        | STATION       | NATURE OF COMPLAINT   | SENTENCE / SANCTION       | DATE             |
|-----|------------|---------------|---|---------------------------|------------------|
| 1   | 2010080264 | Kakamas       | Assault   | Not guilty and discharged | 28 February 2011 |
| 2   | 2010080080 | Kakamas       | Assault   | Not guilty and discharged | 8 February 2011  |
| 3   | 2010090216 | Upington      | Assault   | Not guilty and discharged | 8 February 2011  |
| 4   | 2010080560 | Rosedale      | Assault   | Not guilty and discharged | 8 February 2011  |
| 5   | 2010090061 | Rosedale      | Assault   | Not guilty and discharged | 8 February 2011  |
| 6   | 2009080186 | Lulekani      | Murder  | Not guilty and discharged | 13 January 2011  |
| 7   | 2009090199 | Thohoyandou   | Defeating the ends of justice   | Not guilty and discharged | 14 July 2010     |
| 8   | 2009070181 | Verulam       | Contravening regulation 20 (e)  | Not guilty and discharged | 26 April 2010    |
| 9   | 2009090089 | Mafikeng      | Improper performance of duties  | Not guilty and discharged | 26 July 2010     |
| 10  | 2009080432 | Potchefstroom | Assault with intent to cause grievous bodily harm                           | Not guilty and discharged | 3 August 2010    |
| 11  | 2009100011 | Letlhabile    | Improper performance of duties  | Not guilty and discharged | 19 October 2010  |
| 12  | 2009100146 | Letlhabile    | Improper performance of duties  | Not guilty and discharged | 19 October 2010  |
| 13  | 2009100068 | Ikageng       | Violation of Reg. 20(a) (e) (i)(q) (z) of the SAPS Disciplinary Regulations | Not guilty and discharged | 11 March 2011    |
| 14  | 2009100661 | Ikageng       | Assault with intent to cause grievous bodily harm                           | Not guilty and discharged | 16 March 2011    |



- Court attendance – 2010/11

ICD investigators spent a total of 1 014 days in court or testifying in disciplinary matters held by the SAPS during 2010/11. Most of the court attendance was in relation to criminal matters.

**TABLE 2.3.16:** Court attendance in days, by province and class of offence

| Province      | Deaths Cases | Criminal cases | Misconduct Cases | Total        |
|---------------|--------------|----------------|------------------|--------------|
| Eastern Cape  | 53           | 39             | 0                | 92           |
| Free State    | 105          | 150            | 0                | 255          |
| Gauteng       | 51           | 15             | 0                | 66           |
| KwaZulu-Natal | 52           | 56             | 0                | 108          |
| Limpopo       | 76           | 59             | 0                | 135          |
| Mpumalanga    | 52           | 10             | 0                | 62           |
| North West    | 27           | 195            | 2                | 224          |
| Northern Cape | 5            | 35             | 0                | 40           |
| Western Cape  | 31           | 1              | 0                | 32           |
| <b>Total</b>  | <b>452</b>   | <b>560</b>     | <b>2</b>         | <b>1 014</b> |

Table 2.3.17 sets out the details of convictions for criminal offences in which SAPS members were found guilty.

**TABLE 2.3.17:** Convictions in criminal cases

| NO. | CCN        | STATION     | NATURE OF COMPLAINT                               | SENTENCE / SANCTION   | DATE             |
|-----|------------|-------------|---|---|------------------|
| 1   | 2009020067 | Barkly West | Defeating the ends of justice                     | Sentenced R3 000 or 12 months' imprisonment wholly suspended for five years | 23 November 2010 |
| 2   | 2008050219 | Warrenton   | Indecent assault                                  | Three years' imprisonment   | 20 May 2010      |
| 3   | 2009080209 | Kimberley   | Driving under the influence of alcohol            | R3 000 or six months' imprisonment wholly suspended for five years          | 16 November 2010 |
| 4   | 2010070358 | Noenieput   | Assault common                                    | R6 000 or six months' imprisonment wholly suspended for four years          | 16 July 2010     |
| 5   | 2007020579 | Warrenton   | Rape  | 10 years' imprisonment  | 20 May 2010      |
| 6   | 2009070435 | Keimoes     | Assault common                                    | Three months' imprisonment or R300 wholly suspended for five years          | 30 June 2010     |
| 7   | 2009060186 | Upington    | Assault with intent to cause grievous bodily harm | R3 000 or six months' imprisonment wholly suspended for four years          | 30 June 2010     |
| 8   | 2009100320 | Kuruman     | Assault with intent to cause grievous bodily harm | R1 000 or three months' imprisonment  | 6 February 2011  |

| NO. | CCN        | STATION        | NATURE OF COMPLAINT                                    | SENTENCE / SANCTION   | DATE              |
|-----|------------|----------------|--|---|-------------------|
| 9   | 2008100138 | Kimberley      | Assault with intent to cause grievous bodily harm      | Cautioned and discharged  | 17 September 2010 |
| 10  | 2009010357 | Vosloorus      | Murder   | 15 years' imprisonment  | 8 December 2010   |
| 11  | 2009030269 | Springs        | Murder   | Four years' imprisonment suspended for five years   | 18 August 2010    |
| 12  | 2008120155 | Kagiso         | Murder   | 15 years' imprisonment and declared unfit to possess a firearm  | 7 March 2011      |
| 13  | 2008110485 | Tshilwavhusiku | Murder   | Found guilty of common assault and sentenced to 18 months' imprisonment or R5 000 fine  | 11 June 2010      |
| 14  | 2008010549 | Bela-Bela      | Two counts of murder and one count of attempted murder | Count 1, murder: 20 years' imprisonment<br>Count 2, murder: 15 years' imprisonment<br>Count 3, attempted murder: 10 years' imprisonment<br><br>Ordered that 15 years on count 2 run concurrently with sentence on count 1, and sentence on count 3 run concurrently with sentence on count 1 – effective sentence is 25 years' imprisonment | 31 May 2010       |
| 15  | 2002090022 | Polokwane      | Assault with intent to cause grievous bodily harm      | R8 000 fine or eight months' imprisonment, and R2 000 fine or two months' imprisonment suspended for three years  | 17 June 2010      |
| 16  | 2008100110 | Seshego        | Murder   | Six years' imprisonment, suspended for eight months   | 14 June 2010      |
| 17  | 2009090278 | Nemato         | Murder   | 15 years' imprisonment  | 21 May 2010       |
| 18  | 2009010594 | Tarkastad      | Attempted murder                                       | R3 000 or six months' imprisonment  | 23 February 2011  |
| 19  | 2009070182 | Graaff Reinet  | Murder   | Five years' imprisonment and correctional supervision   | 11 January 2011   |
| 20  | 2004010059 | Willowvale     | Murder   | R10 000 or three years' imprisonment suspended for five years   | 29 August 2010    |
| 21  | 2006050323 | Seymour        | Murder   | Accused 1: five years' imprisonment<br>Accused 2 and 3: four years' imprisonment  | 4 August 2010     |
| 22  | 2009090081 | Klerksdorp     | Common assault   | Paid admission-of-guilt fine of R500  | 15 October 2010   |
| 23  | 2010070492 | Mafikeng       | Assault with intent to cause grievous bodily harm      | Four months' imprisonment or R3 800   | 18 March 2011     |

| NO. | CCN        | STATION          | NATURE OF COMPLAINT                               | SENTENCE / SANCTION  | DATE              |
|-----|------------|------------------|---|--|-------------------|
| 24  | 2009040251 | Leeudoringstad   | Attempted murder                                  | Two years and five months' imprisonment or R11 000 fine  | 2 September 2010  |
| 25  | 2009100661 | Ikageng          | Assault with intent to cause grievous bodily harm | Five years' imprisonment or R10 000 fine   | 16 March 2011     |
| 26  | 2009030089 | Madikwe          | Assault common                                    | R200 admission-of-guilt fine   | 25 August 2010    |
| 27  | 2008110155 | Makwasi          | Culpable homicide                                 | R8 000 or 24 months' imprisonment wholly suspended for five years  | 17 October 2010   |
| 28  | 2008100036 | Tlhabane         | Murder (pleaded guilty to culpable homicide)      | Three years' imprisonment wholly suspended for five years  | 22 June 2010      |
| 29  | 2008030271 | Fernie           | Murder  | Guilty of culpable homicide: five years' imprisonment, suspended for four years; not to have committed similar offence | 9 November 2010   |
| 30  | 2009050155 | Schoemansdal     | Assault with intent to cause grievous bodily harm | Fined R1 800 or six months' imprisonment, half of which was suspended for five years                                   | 30 November 2010  |
| 31  | 2009020017 | Mhala            | Murder  | Guilty of culpable homicide: five years' imprisonment, suspended for five years; not to have committed similar offence | 1 February 2011   |
| 32  | 2009060097 | Hazyview         | Murder  | Sentenced for three years imprisonment, wholly suspended for a period of five (5) years                                | 21 June 2010      |
| 33  | 2007030395 | Kwandengezi      | Murder  | 15 years' imprisonment   | 12 July 2010      |
| 34  | 2002120057 | Phoenix          | Culpable homicide                                 | Three years' imprisonment suspended for four years   | 3 May 2010        |
| 35  | 2007040156 | Bellair          | Extortion and attempted corruption                | Two years' imprisonment without option of fine   | 25 May 2010       |
| 36  | 2002090332 | Wentworth        | Murder  | 10 years' imprisonment   | 25 May 2010       |
| 37  | 2007110330 | Colenso          | Attempted murder                                  | Three years' imprisonment suspended for five years   | 28 August 2010    |
| 38  | 2009090093 | Greytown         | Murder  | Eight years' imprisonment, which was wholly suspended for five years   | 14 February 2011  |
| 39  | 2008090339 | Umbilo           | Four counts of murder and attempted murder        | 25 years' imprisonment on each count of murder, and 15 years' imprisonment for attempted murder                        | 27 September 2010 |
| 40  | 2008090339 | Umbilo           | Four counts of murder and attempted murder        | 20 years' imprisonment on each count of murder, and 10 years' imprisonment for attempted murder                        | 27 September 2010 |
| 41  | 2003040270 | Pietermaritzburg | Assault with intent to cause grievous bodily harm | Five years' imprisonment, wholly suspended for five years  | 31 January 2011   |

| NO. | CCN        | STATION        | NATURE OF COMPLAINT                               | SENTENCE / SANCTION  | DATE             |
|-----|------------|----------------|---|--|------------------|
| 42  | 2008050465 | Botshabelo     | Assault with intent to cause grievous bodily harm | All five members fined: R400 for two accused and R800 for the other two, with the option of 90 days' imprisonment                  | 26 July 2010     |
| 43  | 2010040161 | Sasolburg      | Murder  | 12 years' imprisonment   | 12 November 2010 |
| 44  | 2009020031 | Kagisanong     | Assault with intent to cause grievous bodily harm | Found guilty and sentenced to R2 000 or four months imprisonment suspended for three years   | 1 December 2010  |
| 45  | 2009050463 | Marquard       | Assault with intent to cause grievous bodily harm | R12 000 or 18 months' imprisonment, half of which was suspended conditionally for five years                                       | 6 April 2010     |
| 46  | 2010020067 | Phuthadithjaba | Murder  | 10 years' imprisonment   | 18 August 2010   |
| 47  | 2008050543 | Clocolan       | Assault with intent to cause grievous bodily harm | R4 000 fine conditionally suspended for four years   | 17 August 2010   |
| 48  | 2008050546 | Clocolan       | Assault with intent to cause grievous bodily harm | R4 000 fine conditionally suspended for four years   | 17 August 2010   |
| 49  | 2008030363 | Allanridge     | Assault with intent to cause grievous bodily harm | Six months' imprisonment or R1 500 fine wholly suspended for five years, with conditions   | 28 January 2011  |
| 50  | 2009050479 | Tumahole       | Murder  | 12 years' imprisonment suspended for four years, further suspended for five years  | 9 February 2011  |
| 51  | 2010050206 | Reitz          | Murder  | 12 years' imprisonment   | 24 February 2011 |
| 52  | 2008010232 | Bellville      | Murder  | 12 years imprisonment  | 13 May 2010      |
| 53  | 2006110388 | Kuils River    | Murder  | 20 years Imprisonment  | 17 May 2010      |
| 54  | 2009010511 | Lwandle        | Murder  | Found guilty of assault with intent to cause grievous bodily harm and fined R3 000 or 18 months imprisonment suspended for 5 years | 27 May 2010      |
| 55  | 2007080530 | Kwanokuthula   | Murder  | 4 years imprisonment suspended for 3 years   | 18 October 2010  |
| 56  | 2007010212 | Bishop Lavis   | Murder  | 10 years imprisonment  | 15 December 2010 |
| 57  | 2008020510 | Steenberg      | Murder (Accused 1)                                | 9 years imprisonment for being an accessory after the fact   | 22 March 2011    |
| 58  | 2008020510 | Steenberg      | Murder (Accused 2)                                | 9 years imprisonment for accessory after the fact and 12 months for assault common   | 22 March 2011    |
| 59  | 2008020510 | Steenberg      | Murder (Accused 3)                                | 5 years on culpable homicide and suspended for 5 years   | 22 March 2011    |

Table 2.3.18 gives a listing of acquittals in criminal cases. Members were found not guilty and discharged.

**TABLE 2.3.18:** Acquittals in criminal cases

| NO. | CCN        | STATION       | NATURE OF COMPLAINT                               | SENTENCE / SANCTION       | DATE             |
|-----|------------|---------------|---|---------------------------|------------------|
| 1   | 2009100208 | Warrenton     | Assault   | Not guilty and discharged | 11 December 2010 |
| 2   | 2008100138 | Kimberley     | Assault   | Not guilty and discharged | 26 November 2010 |
| 3   | 2009120449 | Kimberley     | Assault   | Not guilty and discharged | 27 August 2010   |
| 4   | 2008090154 | Barkly West   | Assault   | Not guilty and discharged | 21 January 2011  |
| 5   | 2007110031 | Mankweng      | Attempted murder                                  | Not guilty and discharged | 6 January 2011   |
| 6   | 2009080186 | Lulekani      | Murder  | Not guilty and discharged | 27 January 2011  |
| 7   | 2009090199 | Thohoyandou   | Defeating the ends of justice                     | Not guilty and discharged | 3 December 2010  |
| 8   | 2006120077 | Tubatse       | Murder  | Not guilty and discharged | 19 January 2011  |
| 9   | 2009020398 | Mankweng      | Attempted murder                                  | Not guilty and discharged | 2 December 2010  |
| 10  | 2007050378 | Dennilton     | Attempted murder                                  | Not guilty and discharged | 2 December 2010  |
| 11  | 2007120253 | Dennilton     | Attempted murder                                  | Not guilty and discharged | 2 December 2010  |
| 12  | 2006030131 | Nebo          | Murder  | Not guilty and discharged | 22 April 2010    |
| 13  | 2007060007 | Ngqeleni      | Murder  | Not guilty and discharged | 22 April 2010    |
| 14  | 2008090470 | Adelaide      | Murder  | Not guilty and discharged | 10 May 2010      |
| 15  | 2008050154 | Ntabethemba   | Sexual assault                                    | Not guilty and discharged | 19 July 2010     |
| 16  | 2008070413 | Nemato        | Murder  | Not guilty and discharged | 5 June 2010      |
| 17  | 2008030604 | Steve Tshwete | Assault with intent to cause grievous bodily harm | Withdrawn                 | 6 August 2010    |
| 18  | 2008090572 | Nemato        | Assault with intent to cause grievous bodily harm | Not guilty and discharged | 14 July 2010     |
| 19  | 2003080205 | Keiskammahoek | Assault with intent to cause grievous bodily harm | Not guilty and discharged | 1 November 2010  |
| 20  | 2008040496 | Keiskammahoek | Murder  | Not guilty and discharged | 13 December 2010 |
| 21  | 2009070518 | Vosman        | Murder  | Not guilty and discharged | 10 February 2011 |
| 22  | 2006070310 | Sakhile       | Defeating the ends of justice                     | Not guilty and discharged | 8 November 2010  |
| 23  | 2008030628 | Alexandra     | Defeating the ends of justice                     | Not guilty and discharged | 3 May 2010       |
| 24  | 2006050582 | Umlazi        | Murder  | Not guilty and discharged | 14 April 2010    |
| 25  | 2007080299 | Sundumbili    | Defeating the ends of justice                     | Not guilty and discharged | 19 October 2010  |
| 26  | 2007050488 | Phoenix       | Assault with intent to cause grievous bodily harm | Not guilty and discharged | 1 March 2011     |

| NO. | CCN        | STATION    | NATURE OF COMPLAINT | SENTENCE / SANCTION       | DATE           |
|-----|------------|------------|---------------------|---------------------------|----------------|
| 27  | 2007050023 | Thembaletu | Murder              | Not guilty and discharged | 5 July 2010    |
| 28  | 2005090121 | Ashton     | Murder              | Not guilty and discharged | 16 August 2010 |

- Closed cases – 2010/11

The ICD closed 5 695 cases in 2010/11. The majority, 2 804 or 49% were cases of misconduct, 1 929 or 34 percent were criminal cases, and 832 or 15 percent were deaths in police custody and deaths as a result of police action.

**TABLE 2.3.21:** Manner of disposal

| Class           | Death      | DVA        | Criminal     | Misconduct   | Total        |
|-----------------|------------|------------|--------------|--------------|--------------|
| Substantiated   | 144        | 42         | 376          | 309          | 871          |
| Unsubstantiated | 683        | 84         | 1 473        | 2 395        | 4 635        |
| Withdrawn       | 5          | 4          | 80           | 100          | 189          |
| <b>Total</b>    | <b>832</b> | <b>130</b> | <b>1 929</b> | <b>2 804</b> | <b>5 695</b> |

## 2.4 Cases

This section provides a sample selection of ICD cases during the reporting period.

### ***Case study: Murder***

A police constable, Elliot Khaka (31), was found guilty of murder and sentenced to 12 years in prison in November 2010. Constable Khaka was stationed at SAPS Sasolburg in the Free State when he shot and killed a 20-year-old male, Sombane Lungile, at a local tavern on 8 April 2010.

Lungile had allegedly tried to steal a car belonging to another constable who was with the accused Constable Khaka shot Lungile twice in the chest and head and left the scene. He returned later and again shot the deceased in the chest and head.

The ICD investigated the matter. Constable Khaka was arrested and charged with murder. He was found guilty and sentenced in the Parys High Court.

### ***Case study: Assault and corruption***

On 22 February 2011, the ICD arrested warrant officer Abel Baloyi (43) of SAPS Mokopane. He faces multiple charges, including three counts of assault with intent to cause grievous bodily harm, common assault and corruption.

On 23 October 2010, Baloyi allegedly assaulted a foreign national working at a local store. The officer had taken airtime and soft drinks from the store without paying. Apparently, the victim was also arrested and false charges brought against him. Baloyi allegedly tried to extort money from the victim in return for his release. After the complainant opened a case against the policeman, Baloyi and his colleague apparently coerced the victim into withdrawing the charges.

The ICD took over the investigation, and as a result Baloyi was charged with corruption and assault with intent to cause grievous bodily harm. The ICD opened further cases of defeating the ends of justice and intimidation against the officer, after he allegedly threatened key witnesses with violence and deportation.

On 28 March 2011, Baloyi appeared before Mokopane Magistrates' Court for a bail application. He was denied bail and remanded in custody pending the conclusion of his trial for corruption and defeating the ends of justice charges. The case is currently on trial.

### ***Case study: Murder (Vosloorus)***

On 2 December 2010, Captain Sibuyi was convicted for the murder of 16-year-old Vusi Zwane, and the South Gauteng High Court handed him an effective 15 years prison sentence.

The verdict against Sibuyi, who was stationed at SAPS Vosloorus, followed an incident in January 2009 when the police received a complaint of armed robbery in Vosloorus. The police found the suspects at Vosloorus stadium. The suspects fled, and one was arrested. While the other policemen were chasing the other suspect, Captain Sibuyi ran after two school boys who were not connected to the robbery. One boy managed to flee, but Sibuyi shot Vusi Zwane dead while the teenager was raising his hands to surrender.

The ICD investigated the incident and recommended that Captain Sibuyi be charged for murder.

**Case study: Murder**

The ICD arrested 15 police officers for the alleged murder of Nhlanhla Lala Luthuli, a 40-year-old from Mpumalanga, Hammarsdale, KwaZulu-Natal. It is alleged that on 29 October 2010, at about 2am, 15 police officers from Pinetown and Inanda went to Luthuli's home to search for a firearm belonging to a member of the Pinetown Crime Intelligence Unit, whose house had recently been robbed.

The 15 officers allegedly assaulted Luthuli in front of his 11-year-old son and his girlfriend until he became unconscious. The suspects tried to resuscitate him by pouring water over him but did not succeed. They allegedly took Luthuli in a police vehicle and dumped him on the side of a road. When he was discovered he was still unconscious, and died on the way to hospital.

The ICD conducted an investigation and the suspects were arrested and charged on 19 November 2010. They appeared at the Hammarsdale Magistrates' Court and were granted R5 000 bail each. The case was postponed to 14 January 2011. The case is currently on trial.

**Case study: SAPS Odendaalsrus (attempted murder)**

On 2 October 2010, the ICD arrested a 28-year-old reservist constable stationed at SAPS Odendaalsrus on allegations of attempted murder following the shooting of Martha Frans (23).

The suspect reportedly had a romantic relationship with the victim. It was alleged that the couple had a heated argument and the suspect chased after Ms Frans with his service firearm. The victim fled to a neighbour's house and locked herself inside a room. The suspect followed her to the house where he allegedly fired two shots through the door. The victim opened the door and the suspect fired a shot that hit her upper body. The victim managed to flee and hid at a neighbour's house.

The suspect threatened to commit suicide with his service firearm. The police were called to the scene and convinced the suspect to surrender after several hours of negotiation. The victim was taken to hospital to receive medical attention.

The ICD took over the investigation. The suspect appeared before the Odendaalsrus Magistrates' Court on 5 October 2010. The case is on trial.





### 3. Human resource management

#### 3.1 Expenditure

TABLE 3.1.1: Personnel costs by programme, 2010/11

| PROGRAMME  | TOTAL EXPENDITURE (R'000) | PERSONNEL EXPENDITURE (R'000) | TRAINING EXPENDITURE (R'000) | PROFESSIONAL AND SPECIAL SERVICES (R'000) | PERSONNEL COST AS % OF TOTAL EXPENDITURE | AVERAGE PERSONNEL COST PER EMPLOYEE (R'000) |
|--|---------------------------|-------------------------------|------------------------------|---|--|---|
| Administration                                       | 50 387                    | 22 433                        | 348                          | 432                                       | 44.5                                     | 83  |
| Complaints processing, monitoring and investigations | 64 997                    | 42 935                        | 323                          | 10  | 66.1                                     | 159   |
| Information management and research                  | 13 060                    | 6 384                         | 442                          | 8   | 48.9                                     | 24  |
| <b>Total</b>   | <b>128 444</b>            | <b>71 752</b>                 | <b>1 113</b>                 | <b>450</b>                                | <b>55.9</b>                              | <b>266</b>                                  |

TABLE 3.1.2: Personnel costs by salary band, 2010/11

| SALARY BAND                              | PERSONNEL EXPENDITURE (R'000) | % OF TOTAL PERSONNEL COST | AVERAGE PERSONNEL COST PER EMPLOYEE (R'000) |
|--|-------------------------------|---------------------------|---|
| Lower skilled (levels 1-2)               | -                             | -                         |   |
| Skilled (levels 3-5)                     | 13 022                        | 18                        | 137   |
| Highly skilled production (levels 6-8)   | 25 194                        | 35                        | 279   |
| Highly skilled supervision (levels 9-12) | 21 754                        | 30                        | 315   |
| Senior management (levels 13-16)         | 11 782                        | 17                        | 736   |
| Contract                                 |                               |                           |   |
| Abnormal appointment                     |                               |                           |   |
| <b>Total</b>                             | <b>71 752</b>                 | <b>100</b>                | <b>266</b>                                  |

TABLE 3.1.3: Salaries, overtime, home-owners' allowance and medical assistance by programme, 2010/11

| PROGRAMME    | SALARIES       |                                 | OVERTIME       |                                 | HOME-OWNERS' ALLOWANCE |   | MEDICAL ASSISTANCE |   |
|--------------|----------------|---------------------------------|----------------|---------------------------------|------------------------|---|--------------------|---|
|              | Amount (R'000) | Salaries as % of personnel cost | Amount (R'000) | Overtime as % of personnel cost | Amount (R'000)         | Home-owners' allowance as % of personnel cost | Amount (R'000)     | Medical assistance as % of personnel cost |
| Programme 1  | 14 698         | 65.5                            | 301            | 1.3                             | 625                    | 2.7   | 991                | 4.4                                       |
| Programme 2  | 27 541         | 64.1                            | 375            | 0.8                             | 1 033                  | 2.4   | 2 047              | 4.7                                       |
| Programme 3  | 4 412          | 69.1                            | 92             | 1.4                             | 179                    | 2.8   | 335                | 5.2                                       |
| <b>Total</b> | <b>46 651</b>  | <b>65</b>                       | <b>768</b>     | <b>1</b>                        | <b>1 837</b>           | <b>2.5</b>                                    | <b>3 373</b>       | <b>4.7</b>                                |

**TABLE 3.1.4:** Salaries, overtime, home-owners' allowance and medical assistance by salary bands, 2010/11

| SALARY BANDS                             | SALARIES       |                                 | OVERTIME       |                                 | HOME-OWNERS' ALLOWANCE |   | MEDICAL ASSISTANCE |   |
|--|----------------|---------------------------------|----------------|---------------------------------|------------------------|---|--------------------|---|
|  | Amount (R'000) | Salaries as % of personnel cost | Amount (R'000) | Overtime as % of personnel cost | Amount (R'000)         | Home-owners' allowance as % of personnel cost | Amount (R'000)     | Medical assistance as % of personnel cost |
| Lower skilled (levels 1-2)               |                |                                 |                |                                 |                        |   |                    |   |
| Skilled (levels 3-5)                     | 8 133          | 11.3                            | 101            | 0.1                             | 729                    | 1.0%  | 1 178              | 1.6                                       |
| Highly skilled production (levels 6-8)   | 14 783         | 20.6                            | 427            | 0.6                             | 692                    | 0.9%  | 1 422              | 2.0                                       |
| Highly skilled supervision (levels 9-12) | 14 908         | 20.8                            | 240            | 0.3                             | 361                    | 0.5%  | 650                | 0.9                                       |
| Senior management (levels 13-16)         | 8 827          | 12.3                            | -              | -                               | 55                     | 0.1%  | 123                | 0.2                                       |
| <b>Total</b>                             | <b>46 651</b>  | <b>65</b>                       | <b>768</b>     | <b>1</b>                        | <b>1 837</b>           | <b>2.5</b>                                    | <b>3 373</b>       | <b>4.7</b>                                |

### 3.2 Employment and vacancies

**TABLE 3.2.1:** Employment and vacancies by programme as at 31 March 2011

| PROGRAMME    | NUMBER OF POSTS | NUMBER OF POSTS FILLED | % VACANCY RATE | NUMBER OF POSTS FILLED ADDITIONAL TO THE ESTABLISHMENT |
|--------------|-----------------|------------------------|----------------|--|
| Programme1   | 95              | 86                     | 9.4            | None   |
| Programme 2  | 154             | 144                    | 6.4            | None   |
| Programme 3  | 43              | 40                     | 6.9            | None   |
| <b>Total</b> | <b>292</b>      | <b>270</b>             | <b>7.5</b>     | <b>None</b>  |

**TABLE 3.2.2:** Employment and vacancies by salary bands as at 31 March 2011

| SALARY BAND                              | NUMBER OF POSTS | NUMBER OF POSTS FILLED | % VACANCY RATE | NUMBER OF POSTS FILLED ADDITIONAL TO THE ESTABLISHMENT |
|--|-----------------|------------------------|----------------|--|
| Lower skilled (levels 1-2)               | -               | -                      | -              | None   |
| Skilled (levels 3-5)                     | 103             | 95                     | 7.7%           | None   |
| Highly skilled production(levels 6-8)    | 93              | 90                     | 3.2%           | None   |
| Highly skilled supervision (levels 9-12) | 76              | 69                     | 9.2%           | None   |
| Senior management (levels 13-16)         | 20              | 16                     | 20%            | None   |
| <b>Total</b>                             | <b>292</b>      | <b>270</b>             | <b>7.5%</b>    | <b>None</b>  |

**TABLE 3.2.3:** Employment and vacancies by critical occupation as at 31 March 2011

The ICD had no critical occupations during the period under review.

### 3.3 Job evaluation

**TABLE 3.3.1:** Job evaluation, 1 April 2010 to 31 March 2011

No jobs were evaluated during the period under review.

**TABLE 3.3.2:** Profile of employees whose salary positions were upgraded due to their posts being upgraded, 1 April 2010 to 31 March 2011

There were no employees whose salaries/posts were upgraded.

The following table summarises the number of cases where remuneration levels exceeded the grade determined by job evaluation. Reasons for deviations are provided in each case.

**TABLE 3.3.3:** Employees whose salary level exceed the grade determined by job evaluation, 1 April 2010 to 31 March 2011 (in terms of PSR 1.V.C.3)

|   |      |
|---|------|
| Total number of employees whose salaries exceeded the level determined by job evaluation in 2010/11 | None |
|---|------|

**TABLE 3.3.4** summarises the above beneficiaries in terms of race, gender and disability.

There were no employees whose salaries exceeded the level determined by job evaluation.

**TABLE 3.3.5:** Cases where remuneration bands exceeded the grade determined by job evaluation

|  |      |
|--|------|
| Total number of employees whose salaries exceeded the grades determined by job evaluation in 2010/11 | None |
|--|------|

### 3.4 Employment changes

**TABLE 3.4.1:** Annual turnover rates by salary band for the period 1 April 2010 to 31 March 2011

| SALARY BAND                              | NUMBER OF EMPLOYEES PER BAND AS AT 1 APRIL 2010 | APPOINTMENTS AND TRANSFERS TO THE DEPARTMENT | TERMINATIONS AND TRANSFERS FROM THE DEPARTMENT | TURNOVER RATE |
|--|---|--|--|---------------|
| Lower skilled (levels 1-2)               | -   | -  | -  | -             |
| Skilled (levels 3-5)                     | 94  | 19   | 15   | 16%           |
| Highly skilled production (levels 6-8)   | 90  | 14   | 13   | 14%           |
| Highly skilled supervision (levels 9-12) | 69  | 3  | 7  | 10%           |
| Senior management service band A         | 12  | -  | 2  | 17%           |
| Senior management service band B         | 4   | 2  | -  | 0%            |
| Senior management service band C         | 1   | -  | -  | 0%            |
| <b>Total</b>                             | <b>270</b>                                      | <b>38</b>                                    | <b>37</b>                                      | <b>14%</b>    |

**TABLE 3.4.2:** Reasons why staff are leaving the department

| TERMINATION TYPE   | NUMBER    | % OF TOTAL  |
|--|-----------|-------------|
| Death  | -         | -           |
| Resignation  | 12        | 75%         |
| Expiry of contract   | -         | -           |
| Dismissal – operational changes  | -         | -           |
| Dismissal – misconduct   | 2         | 12.5%       |
| Dismissal – inefficiency   | -         | -           |
| Discharged due to ill-health   | -         | -           |
| Retirement   | 2         | 12.5%       |
| Transfers to other public service departments                            | -         | -           |
| Other  | -         | -           |
| <b>Total</b>   | <b>16</b> | <b>100%</b> |
| <b>Total number of employees who left as a % of the total employment</b> |           | <b>6%</b>   |

The ICD had no critical occupations during the period under review.

**TABLE 3.4.3:** Promotions by salary band

| SALARY BAND                              | EMPLOYEES<br>1 APRIL 2010 | PROMOTIONS<br>TO ANOTHER<br>SALARY LEVEL | SALARY BANDS<br>PROMOTIONS<br>AS % OF<br>EMPLOYEES BY<br>SALARY LEVEL | PROGRESSIONS<br>TO ANOTHER<br>NOTCH WITHIN<br>A SALARY<br>LEVEL | NOTCH<br>PROGRESSIONS<br>AS % OF<br>EMPLOYEES BY<br>SALARY BAND |
|--|---------------------------|--|---|---|---|
| Lower skilled (levels 1-2)               | -                         | -  | -   | -   | -   |
| Skilled (levels 3-5)                     | 94                        | 7  | 7.4   | 57  | 60.6  |
| Highly skilled production (levels 6-8)   | 90                        | 23                                       | 25.6  | 67  | 74.4  |
| Highly skilled supervision (levels 9-12) | 69                        | 6  | 8.6   | 23  | 33.3  |
| Senior management (levels 13-16)         | 17                        | -  | -   | 11  | 64.7  |
| <b>Total</b>                             | <b>270</b>                | <b>36</b>                                | <b>13.3</b>   | <b>158</b>  | <b>58.5</b>   |

### 3.5 Employment equity

**TABLE 3.5.1:** Total number of employees (including employees with disabilities) in the following occupational categories as at 31 March 2011

| OCCUPATIONAL CATEGORIES (SASCO)            | MALE       |          |          |           | FEMALE     |           |          |          | TOTAL      |
|--|------------|----------|----------|-----------|------------|-----------|----------|----------|------------|
|  | African    | Coloured | Indian   | White     | African    | Coloured  | Indian   | White    |            |
| Legislators, senior officials and managers | 3          | -        | -        | 1         | 3          | -         | -        | -        | 7          |
| Professionals                              | 67         | 1        | 3        | 5         | 38         | 3         | 2        | 2        | 121        |
| Technicians and associate professionals    | 7          | -        | -        | 1         | 7          | -         | -        | 1        | 16         |
| Clerks                                     | 20         | -        | -        | -         | 57         | 7         | 1        | 1        | 86         |
| Service and sales workers                  | 19         | 2        | 1        | 3         | 15         | -         | -        | -        | 40         |
| <b>Total</b>                               | <b>116</b> | <b>3</b> | <b>4</b> | <b>10</b> | <b>120</b> | <b>10</b> | <b>3</b> | <b>4</b> | <b>270</b> |
| Employees with disabilities                | 2          | -        | -        | -         | 2          | -         | -        | -        | 4          |

**TABLE 3.5.2:** Total number of employees (including employees with disabilities) in each of the following occupational bands as on 31 March 2011

| OCCUPATIONAL BANDS  | MALE       |          |          |           | FEMALE     |           |          |          | Total      |
|---|------------|----------|----------|-----------|------------|-----------|----------|----------|------------|
|   | African    | Coloured | Indian   | White     | African    | Coloured  | Indian   | White    |            |
| Top management  | 2          | -        | -        | 1         | 2          | -         | -        | -        | 5          |
| Senior management   | 8          | -        | -        | -         | 3          | -         | -        | -        | 11         |
| Professionally qualified and experienced specialists and mid-management   | 31         | 3        | 3        | 8         | 19         | 1         | -        | 4        | 69         |
| Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents | 45         | -        | 1        | 1         | 40         | 1         | 2        | -        | 90         |
| Semi-skilled and discretionary decision making  | 30         | -        | -        | -         | 56         | 8         | 1        | -        | 95         |
| <b>Total</b>  | <b>116</b> | <b>3</b> | <b>4</b> | <b>10</b> | <b>120</b> | <b>10</b> | <b>3</b> | <b>4</b> | <b>270</b> |

**TABLE 3.5.3:** Recruitment for the period 1 April 2010 to 31 March 2011

| OCCUPATIONAL BANDS  | MALE      |          |          |          | FEMALE    |          |          |          | Total     |
|---|-----------|----------|----------|----------|-----------|----------|----------|----------|-----------|
|   | African   | Coloured | Indian   | White    | African   | Coloured | Indian   | White    |           |
| Top management  | -         | -        | -        | -        | 1         | -        | -        | -        | 1         |
| Senior management   | -         | -        | -        | -        | 1         | -        | -        | -        | 1         |
| Professionally qualified and experienced specialists and mid-management   | -         | -        | -        | 1        | 2         | -        | -        | -        | 3         |
| Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents | 6         | -        | -        | -        | 5         | -        | -        | -        | 11        |
| Semi-skilled and discretionary decision making  | 12        | -        | -        | -        | 10        | -        | -        | -        | 22        |
| <b>Total</b>  | <b>18</b> | <b>-</b> | <b>-</b> | <b>1</b> | <b>19</b> | <b>-</b> | <b>-</b> | <b>-</b> | <b>38</b> |
| Employees with disabilities   | 2         | -        | -        | -        | 1         | -        | -        | -        | 3         |

**TABLE 3.5.4:** Promotions for the period 1 April 2010 to 31 March 2011

| OCCUPATIONAL BANDS  | MALE     |          |          |          | FEMALE   |          |          |          | Total     |
|---|----------|----------|----------|----------|----------|----------|----------|----------|-----------|
|   | African  | Coloured | Indian   | White    | African  | Coloured | Indian   | White    |           |
| Top management  | -        | -        | -        | -        | -        | -        | -        | -        | -         |
| Senior management   | -        | -        | -        | -        | -        | -        | -        | -        | -         |
| Professionally qualified and experienced specialists and mid-management   | 1        | -        | -        | -        | -        | 1        | -        | -        | 2         |
| Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents | 4        | -        | -        | -        | -        | 2        | -        | -        | 6         |
| Semi-skilled and discretionary decision making  | 1        | -        | -        | -        | -        | 2        | -        | -        | 3         |
| <b>Total</b>  | <b>6</b> | <b>-</b> | <b>-</b> | <b>-</b> | <b>-</b> | <b>5</b> | <b>-</b> | <b>-</b> | <b>11</b> |
| Employees with disabilities   | -        | -        | -        | -        | -        | -        | -        | -        | -         |

**TABLE 3.5.5:** Terminations for the period 1 April 2010 to 31 March 2011

| OCCUPATIONAL BANDS  | MALE     |          |          |          | FEMALE   |          |          |          | TOTAL     |
|---|----------|----------|----------|----------|----------|----------|----------|----------|-----------|
|   | African  | Coloured | Indian   | White    | African  | Coloured | Indian   | White    |           |
| Top management  | -        | -        | -        | -        | -        | -        | -        | 1        | 1         |
| Senior management   | -        | -        | -        | -        | 1        | -        | -        | -        | 1         |
| Professionally qualified and experienced specialists and mid-management   | 3        | -        | 1        | 1        | -        | -        | -        | -        | 5         |
| Skilled technical and academically qualified workers, junior management, supervisors, foremen and superintendents | 2        | -        | -        | 1        | -        | -        | -        | -        | 3         |
| Semi-skilled and discretionary decision making  | 4        | -        | -        | 2        | -        | -        | -        | -        | 6         |
| <b>Total</b>  | <b>9</b> | <b>-</b> | <b>1</b> | <b>4</b> | <b>1</b> | <b>-</b> | <b>-</b> | <b>1</b> | <b>16</b> |
| Employees with disabilities   | -        | -        | -        | -        | -        | -        | -        | -        | -         |

**TABLE 3.5.6:** Disciplinary action for the period 1 April 2010 to 31 March 2011

|                     | MALE    |          |        |       | FEMALE  |          |        |       | Total |
|---------------------|---------|----------|--------|-------|---------|----------|--------|-------|-------|
|                     | African | Coloured | Indian | White | African | Coloured | Indian | White |       |
| Disciplinary action | 3       | -        | -      | 1     | 3       | -        | -      | -     | 7     |

**TABLE 3.5.7:** Skills development for the period 1 April 2010 to 31 March 2011

| OCCUPATIONAL CATEGORIES                    | MALE      |          |          |          | FEMALE    |          |          |          | TOTAL      |
|--|-----------|----------|----------|----------|-----------|----------|----------|----------|------------|
|  | African   | Coloured | Indian   | White    | African   | Coloured | Indian   | White    |            |
| Legislators, senior officials and managers | 35        | 2        | 5        | 5        | 19        | 2        | -        | 1        | 69         |
| Professionals                              | 13        | -        | -        | 2        | 24        | 1        | -        | -        | 40         |
| Technicians and associate professionals    | 9         | -        | -        | -        | 12        | -        | -        | -        | 21         |
| Clerks                                     | 8         | -        | -        | -        | 20        | 1        | -        | -        | 29         |
| <b>Total</b>                               | <b>65</b> | <b>2</b> | <b>5</b> | <b>7</b> | <b>75</b> | <b>4</b> | <b>-</b> | <b>1</b> | <b>159</b> |
| Employees with disabilities                | 1         | -        | -        | -        | -         | -        | -        | -        | -          |

### 3.6 Performance rewards

**TABLE 3.6.1:** Performance rewards by race, gender, and disability – 1 April 2010 to 31 March 2011

|                             | BENEFICIARY PROFILE     |                                    |                         | COST         |                           |
|-----------------------------|-------------------------|------------------------------------|-------------------------|--------------|---------------------------|
|                             | Number of beneficiaries | Total number of employees in group | % of total within group | Cost (R'000) | Average cost per employee |
| African                     | 99                      | 232                                | 42.6                    | 876          | 17 245                    |
| Male                        | 57                      | 114                                | 50                      | 578          | 10 148                    |
| Female                      | 42                      | 118                                | 35.6                    | 298          | 7 097                     |
| Asian                       | 5                       | 7                                  | 71.4                    | 35           | 14 677                    |
| Male                        | 2                       | 4                                  | 50                      | 16           | 8 220                     |
| Female                      | 3                       | 3                                  | 100                     | 19           | 6 457                     |
| Coloured                    | 4                       | 13                                 | 30.7                    | 56           | 38 791                    |
| Male                        | 1                       | 3                                  | 33.3                    | 31           | 30 537                    |
| Female                      | 3                       | 10                                 | 30                      | 25           | 8 254                     |
| White                       | 4                       | 14                                 | 28.5                    | 50           | 25 020                    |
| Male                        | 2                       | 10                                 | 20                      | 17           | 8 451                     |
| Female                      | 2                       | 4                                  | 50                      | 33           | 16 569                    |
| Employees with a disability | -                       | -                                  | -                       | -            | -                         |
| <b>Total</b>                | <b>112</b>              | <b>266</b>                         | <b>41.5</b>             | <b>1 017</b> | <b>95 733</b>             |

**TABLE 3.6.2:** Performance rewards by salary band for personnel below senior management level – 1 April 2010 to 31 March 2011

| SALARY BANDS                             | 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 % of the total personnel expenditure |
| Lower skilled (levels 1-2)               | -                       | -                   | -                              | -                  | -                         | -  |
| Skilled (levels 3-5)                     | 29                      | 94                  | 30.9                           | 122                | 4 206                     | 33.2   |
| Highly skilled production (levels 6-8)   | 47                      | 90                  | 52.2                           | 341                | 7 255                     | 30.4   |
| Highly skilled supervision (levels 9-12) | 31                      | 70                  | 44.3                           | 379                | 12 225                    | 56.2   |
| <b>Total</b>                             | <b>107</b>              | <b>254</b>          | <b>42.1</b>                    | <b>842</b>         | <b>7 869</b>              | <b>11.1</b>  |

**TABLE 3.6.3:** Performance-related rewards (cash bonus), by salary band, for senior management level

| SALARY BAND  | BENEFICIARY PROFILE     |                     |                        | TOTAL COST (R'000) | AVERAGE COST PER EMPLOYEE | TOTAL COST AS % OF THE TOTAL PERSONNEL EXPENDITURE |
|--------------|-------------------------|---------------------|------------------------|--------------------|---------------------------|--|
|              | Number of beneficiaries | Number of employees | % of total within band |                    |                           |  |
| Band A       | 4                       | 11                  | 36.3                   | 134                | 3 350                     | 8 247  |
| Band B       | 1                       | 4                   | 25                     | 42                 | 4 200                     | 3 361  |
| Band C       | -                       | 1                   | -                      | -                  | -                         | -  |
| Band D       | -                       | -                   | -                      | -                  | -                         | -  |
| <b>Total</b> | <b>5</b>                | <b>16</b>           | <b>31.2</b>            | <b>176</b>         | <b>3 520</b>              | <b>11 608</b>                                      |

### 3.7 Foreign workers

The ICD had no foreign workers during the period under review.

### 3.8 Leave utilisation for the period 1 January 2010 to 31 December 2010

**TABLE 3.8.1:** Sick leave, 1 January 2010 to 31 December 2010

| 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)               | -               | -                                 | -                                    | -                                     | -                         | -                      |
| Skilled (levels 3-5)                     | 635             | 85.8                              | 89                                   | 39.4                                  | 7                         | 200                    |
| Highly skilled production (levels 6-8)   | 573 .5          | 92.6                              | 75                                   | 33.2                                  | 7.6                       | 335                    |
| Highly skilled supervision (levels 9-12) | 372             | 89.2                              | 48                                   | 21.2                                  | 8                         | 358                    |
| Senior management (levels 13-16)         | 72              | 88.9                              | 13                                   | 5.8                                   | 6                         | 198                    |
| <b>Total</b>                             | <b>1 652 .5</b> | <b>89.1</b>                       | <b>225</b>                           | <b>100</b>                            | <b>7.3</b>                | <b>1 091</b>           |



**TABLE 3.8.2:** Disability leave (temporary and permanent), 1 January 2010 to 31 December 2010

| SALARY BAND                              | TOTAL DAYS TAKEN | % DAYS WITH MEDICAL CERTIFICATION | NUMBER OF EMPLOYEES USING DISABILITY LEAVE | % OF TOTAL EMPLOYEES USING DISABILITY LEAVE | AVERAGE DAYS PER EMPLOYEE | ESTIMATED COST (R'000) |
|--|------------------|-----------------------------------|--|---|---------------------------|------------------------|
| Lower skilled (levels 1-2)               | -                | -                                 | -  | -   | -                         | -                      |
| Skilled (levels 3-5)                     | -                | -                                 | -  | -   | -                         | -                      |
| Highly skilled production (levels 6-8)   | -                | -                                 | -  | -   | -                         | -                      |
| Highly skilled supervision (levels 9-12) | 8                | 100                               | 1  | 100   | 8                         | 6 000                  |
| Senior management (levels 13-16)         |                  |                                   |  |   |                           |                        |
| <b>Total</b>                             | <b>8</b>         | <b>100</b>                        | <b>1</b>                                   | <b>100</b>                                  | <b>8</b>                  | <b>6 000</b>           |

**TABLE 3.8.3:** Annual leave, 1 January 2010 to 31 December 2010

| SALARY BANDS                             | TOTAL DAYS TAKEN | AVERAGE PER EMPLOYEE |
|--|------------------|----------------------|
| Skilled (levels 3-5)                     | 1 844            | 17                   |
| Highly skilled production (levels 6-8)   | 1 947.08         | 20                   |
| Highly skilled supervision (levels 9-12) | 1 524            | 21                   |
| Senior management (levels 13-16)         | 312              | 20                   |
| <b>Total</b>                             | <b>5 627.08</b>  | <b>19</b>            |

**TABLE 3.8.4:** Capped leave, 1 January 2010 to 31 December 2010

| SALARY BANDS                             | TOTAL DAYS OF CAPPED LEAVE TAKEN | AVERAGE NUMBER OF DAYS TAKEN PER EMPLOYEE | AVERAGE CAPPED LEAVE PER EMPLOYEE AS AT 31 DECEMBER 2010 |
|--|----------------------------------|---|--|
| Highly skilled supervision (levels 9-12) | 47                               | 16  | 56   |
| Senior management (levels 13-16)         | -                                | -   | -  |
| <b>Total</b>                             | <b>47</b>                        | <b>16</b>                                 | <b>56</b>  |

The following table summarises payments made to employees as a result of leave that was not taken.

**TABLE 3.8.5:** Leave payouts for the period 1 April 2010 to 31 March 2011

| REASON  | TOTAL AMOUNT (R'000) | NUMBER OF EMPLOYEES | AVERAGE PAYMENT PER EMPLOYEE |
|---|----------------------|---------------------|------------------------------|
| Leave payout for 2010/11 due to non-utilisation of leave for the previous cycle | 140                  | 2                   | 70 000                       |
| Capped leave payout on termination of service for 2010/11                       | 341                  | 15                  | 22 733                       |
| Current leave payout on termination of service for 2010/11                      | 88                   | 11                  | 8 000                        |
| <b>Total</b>  | <b>569</b>           | <b>28</b>           | <b>20 321</b>                |

### 3.9 HIV and AIDS and health promotion programmes

**TABLE 3.9.1:** Steps taken to reduce the risk of occupational exposure

| UNITS/CATEGORIES OF EMPLOYEES IDENTIFIED TO BE AT HIGH RISK OF CONTRACTING HIV & RELATED DISEASES (IF ANY) | KEY STEPS TAKEN TO REDUCE THE RISK           |
|--|--|
| Investigators, as they have to attend crime scenes and post mortems  | Protective gear has been supplied by the ICD |

**TABLE 3.9.2:** Details of health promotion and HIV and AIDS programmes

| QUESTION   | YES | NO | DETAILS, IF YES  |
|--|-----|----|--|
| 1. Has the department designated a member of the SMS to implement the provisions contained in part 6 (E) of Chapter 1 of the Public Service Regulations, 2001? If so, provide her/his name and position.   | x   |    | Ms Sibongile Phalatsi – Director: Human Resources and Employee Health & Wellness.  |
| 2. Does the department have a dedicated unit or has it designated specific staff members to promote the health and wellbeing of 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   |    | The sub-directorate has two permanent employees. In the provinces, the deputy provincial heads are tasked with these programmes. The annual budget for Special Programmes and Employee Wellness during 2010/2011 was R1 027 639, including salaries.   |
| 3. Has the department introduced an employee assistance or health promotion programme for employees? If so, indicate the key elements/services of this programme.  | x   |    | The Employee Assistance Programme was implemented from 1 February 2005. The programme services are outsourced to Independent Counselling and Advisory Services. The services include a 24-hour multilingual toll-free counselling, life management services, professional face-to-face counselling sessions, managerial and retrenchment counselling, trauma counselling, and incident counselling.  |
| 4. Has the department established (a) committee(s) as contemplated in part 6 E.5 (e) of Chapter 1 of the Public Service Regulations? If so, please provide the names of the members of the committee and the stakeholder(s) that they represent.                           | x   |    | <p>The Special Programmes and Employee Wellness Committee deals with HIV and AIDS, health and wellness and special programmes issues. The members are:</p> <p>Ms S Phalatsi (HO)<br/>           Mr R Raburaru (Gauteng), Ms P Mlungwana (EC), Ms A Percival (WC), Mr L John (KZN), Mr D Mokoena (Limp), Ms B Motlhale (NW), Mr T Mmusi (FS), Mr O Khanyi (MPU) and Mr G Angus (NC), Ms I Lentswane (HO), Ms K Netshikulwe (HO)</p> <p>The Employee Wellness Advisory Committee members are:<br/>           Ms Phalatsi<br/>           Mr T Tshabalala<br/>           Mr M Dlamini<br/>           Ms E Engelbrecht<br/>           Ms M Phakathi<br/>           Labour representatives</p> |

| QUESTION  | YES | NO | DETAILS, IF YES  |
|---|-----|----|--|
| 5. Has the department reviewed its employment policies and practices 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 directorate has an approved HIV and AIDS policy that addresses all forms of unfair discrimination relating to HIV and AIDS and the Employee Health and Wellness Policy.  |
| 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   |    | Allegations of misconduct relating to unfair discrimination on the basis of HIV and AIDS are dealt with in terms of the Disciplinary Code and Procedure and the Grievance Procedure for the Public Service.  |
| 7. Does the department encourage its employees to undergo voluntary counselling and testing? If so, list the results that you have you achieved.  | x   |    | All health and wellness screening activities include voluntary counselling and testing to create ample opportunities for employees to know their status. On 4 March 2011, 66 employees attended screenings that included voluntary counselling and testing.  |
| 8. Has the department developed measures/indicators to monitor and evaluate the impact of its health promotion programme? If so, list these measures/indicators.  | x   |    | The measures developed to evaluate the impact of the health promotion programmes are as follows:<br><br>The “biggest loser” programme, which forms part of the health and wellness campaigns.<br><br>The resilience programme, which is a debriefing session for investigators conducted by the Independent Counselling Advisory Services.<br><br>Financial management workshops are offered to all employees. |

### 3.10 Labour relations

No collective agreements were entered into with trade unions within the department during the period under review from 1 April 2010 to 31 March 2011.

The following table summarises the outcome of disciplinary hearings conducted within the department for 2010/11.

**TABLE 3.10.1:** Misconduct and disciplinary hearings finalised, 1 April 2010 to 31 March 2011

| OUTCOMES OF DISCIPLINARY HEARINGS | NUMBER   | % OF TOTAL |
|-----------------------------------|----------|------------|
| Final written warning             | 1        | 14.2       |
| Suspended without pay             | 1        | 14.2       |
| Dismissal                         | 2        | 28.7       |
| Not guilty                        | 2        | 28.7       |
| Case withdrawn                    | 1        | 14.2       |
| <b>Total</b>                      | <b>7</b> | <b>100</b> |

**TABLE 3.10.2:** Types of misconduct addressed at disciplinary hearings

| TYPE OF MISCONDUCT                          | NUMBER   | % OF TOTAL |
|---|----------|------------|
| Breach of confidentiality                   | 1        | 14.3       |
| Contravention of policy                     | 1        | 14.3       |
| Making false statement on a sworn affidavit | 2        | 28.5       |
| Poor work performance                       | 1        | 14.3       |
| Misrepresentation                           | 1        | 14.3       |
| Abscondment                                 | 1        | 14.3       |
| <b>Total</b>                                | <b>7</b> | <b>100</b> |

**TABLE 3.10.3:** Grievances lodged for the period 1 April 2010 to 31 March 2011

|  | NUMBER    | % OF TOTAL |
|--|-----------|------------|
| Number of grievances resolved            | 4         | 36.4       |
| Number of grievances not resolved        | 7         | 63.6       |
| <b>Total number of grievances lodged</b> | <b>11</b> | <b>100</b> |

**TABLE 3.10.4:** Disputes lodged with councils for the period 1 April 2010 to 31 March 2011

|  | NUMBER   | % OF TOTAL |
|--|----------|------------|
| Number of disputes upheld              | 2        | 100        |
| Number of disputes dismissed           | 0        | 0          |
| <b>Total number of disputes lodged</b> | <b>2</b> | <b>100</b> |

**TABLE 3.10.5:** Strike actions for the period 1 April 2010 to 31 March 2011

| TOTAL NUMBER OF PERSON WORKING DAYS LOST               |           |
|--|-----------|
| Total cost (R'000) of working days lost                | 11 403.56 |
| Amount (R'000) recovered as a result of no work no pay | 0         |

**TABLE 3.10.6:** Precautionary suspensions for the period 1 April 2010 to 31 March 2011

|  |                  |
|--|------------------|
| Number of people suspended                         | 6                |
| Number of people whose suspension exceeded 30 days | 5                |
| Average number of days suspended                   | 59.6             |
| <b>Cost (R'000) of suspensions</b>                 | <b>25 034.81</b> |

### 3.11 Skills development

This section highlights the directorate's skills-development efforts.

**TABLE 3.11.1:** Training needs identified 1 April 2010 to 31 March 2011

| OCCUPATIONAL CATEGORIES                    | GENDER | NUMBER OF EMPLOYEES AS AT 1 APRIL 2010 | TRAINING NEEDS IDENTIFIED AT START OF REPORTING PERIOD |   |                         |            |
|--|--------|--|--|---|-------------------------|------------|
|  |        |  | Learnerships   | Skills programmes & other short courses | Other forms of training | Total      |
| Legislators, senior officials and managers | Female | 22                                     | -  | 50                                      | 21                      | 71         |
|  | Male   | 24                                     | -  | 71                                      | 20                      | 91         |
| Professionals                              | Female | 27                                     | -  | 106                                     | 33                      | 139        |
|  | Male   | 61                                     | -  | 44                                      | 30                      | 74         |
| Technicians and associate professionals    | Female | 3                                      | -  | -                                       | 2                       | 2          |
|  | Male   | 2                                      | -  | -                                       | 1                       | 1          |
| Clerks                                     | Female | 78                                     | -  | 104                                     | 28                      | 132        |
|  | Male   | 32                                     | -  | 74                                      | 23                      | 97         |
|  | Male   | -                                      | -  | -                                       | -                       | -          |
| <b>Total</b>                               |        | <b>249</b>                             |  | <b>449</b>                              | <b>158</b>              | <b>607</b> |

**TABLE 3.11.2:** Training provided 1 April 2010 to 31 March 2011

| OCCUPATIONAL CATEGORIES                    | GENDER | NUMBER OF EMPLOYEES AS AT 1 APRIL 2010 | TRAINING PROVIDED WITHIN THE REPORTING PERIOD |   |                         |            |
|--|--------|--|---|---|-------------------------|------------|
|  |        |  | Learnerships                                  | Skills programmes & other short courses | Other forms of training | Total      |
| Legislators, senior officials and managers | Female | 22                                     | -   | 22                                      | 11                      | 33         |
|  | Male   | 24                                     | -   | 21                                      | 17                      | 38         |
| Professionals                              | Female | 27                                     | -   | 16                                      | 27                      | 43         |
|  | Male   | 61                                     | -   | 6                                       | 53                      | 59         |
| Technicians and associate professionals    | Female | 3                                      | -   | -                                       | 3                       | 3          |
|  | Male   | 2                                      | -   | -                                       | 2                       | 2          |
| Clerks                                     | Female | 78                                     | -   | 17                                      | 17                      | 34         |
|  | Male   | 32                                     | -   | 16                                      | 18                      | 34         |
| <b>Total</b>                               |        | <b>249</b>                             |   | <b>98</b>                               | <b>148</b>              | <b>246</b> |

### 3.12 Signing of performance agreements by senior management staff members

**TABLE 3.12.1:** Signing of performance agreements by senior management staff members as at 30 June 2010

| SMS LEVEL                                  | TOTAL NUMBER OF FUNDED SMS POSTS PER LEVEL | TOTAL NUMBER OF SMS MEMBERS PER LEVEL | TOTAL NUMBER OF SIGNED PERFORMANCE AGREEMENTS PER LEVEL | SIGNED PERFORMANCE AGREEMENTS AS % OF TOTAL NUMBER OF SMS MEMBERS PER LEVEL |
|--|--|---------------------------------------|---|---|
| Director-General/ head of department       | -  | -                                     | -   | -   |
| Salary level 16 but not head of department | -  | -                                     | -   | -   |
| Salary level 15                            | 1  | 1                                     | 1   | 100   |
| Salary level 14                            | 5  | 3                                     | -   | -   |
| Salary level 13                            | 14   | 12                                    | -   | -   |
| <b>Total</b>                               | <b>20</b>                                  | <b>16</b>                             | <b>1</b>  | <b>6.25</b>   |

**TABLE 3.12.2:** Reasons for not having concluded performance agreements for all senior management staff members as at 30 June 2010

The ICD was in the process of realigning the performance agreements of Senior Management Service members with the performance agreement of the Executive Director through a service provider.

### 3.13 Filling of senior management posts

**TABLE 3.13.1:** Senior management staff post information as at 31 March 2011

| SMS LEVEL                                  | TOTAL NUMBER OF FUNDED SMS POSTS PER LEVEL | TOTAL NUMBER OF SMS POSTS FILLED PER LEVEL | % OF SMS POSTS FILLED PER LEVEL | TOTAL NUMBER OF SMS POSTS VACANT PER LEVEL | % OF SMS POSTS VACANT PER LEVEL |
|--|--|--|---------------------------------|--|---------------------------------|
| Director-General/ head of department       | -  | -  | -                               | -  | -                               |
| Salary level 16 but not head of department | -  | -  | -                               | -  | -                               |
| Salary level 15                            | 1  | 1  | 100%                            | -  | -                               |
| Salary level 14                            | 5  | 4  | 80%                             | 1  | 20%                             |
| Salary level 13                            | 14   | 11   | 78.5                            | 3  | 21.4%                           |
| <b>Total</b>                               | <b>20</b>                                  | <b>16</b>                                  | <b>80%</b>                      | <b>4</b>                                   | <b>20%</b>                      |

**TABLE 3.13.2:** Senior management service post information as at 30 September 2010

| SMS LEVEL                                  | TOTAL NUMBER OF FUNDED SMS POSTS PER LEVEL | TOTAL NUMBER OF SMS POSTS FILLED PER LEVEL | % OF SMS POSTS FILLED PER LEVEL | TOTAL NUMBER OF SMS POSTS VACANT PER LEVEL | % OF SMS POSTS VACANT PER LEVEL |
|--|--|--|---------------------------------|--|---------------------------------|
| Director-General/ head of department       | -  | -  | -                               | -  | -                               |
| Salary level 16 but not head of department | -  | -  | -                               | -  | -                               |
| Salary level 15                            | 1  | 1  | 100%                            | -  | -                               |
| Salary level 14                            | 5  | 3  | 60%                             | 2  | 40%                             |
| Salary level 13                            | 14   | 11   | 78.5%                           | 3  | 21.4%                           |
| <b>Total</b>                               | <b>20</b>                                  | <b>15</b>                                  | <b>75%</b>                      | <b>5</b>                                   | <b>25%</b>                      |

**TABLE 3.13.3:** Advertising and filling of senior management posts as at 31 March 2011

| SMS LEVEL                                  | ADVERTISING   |   |   |
|--|---|---|---|
|  | NUMBER OF VACANCIES PER LEVEL ADVERTISED IN 6 MONTHS OF BECOMING VACANT | NUMBER OF VACANCIES PER LEVEL FILLED IN 6 MONTHS OF BECOMING VACANT | NUMBER OF VACANCIES PER LEVEL NOT FILLED IN 6 MONTHS, BUT FILLED IN 12 MONTHS |
| Director-General/ head of department       | -   | -   | -   |
| Salary level 16 but not head of department | -   | -   | -   |
| Salary level 15                            | -   | -   | -   |
| Salary level 14                            | 1   | 1   | -   |
| Salary level 13                            | 2   | 2   | -   |
| <b>Total</b>                               | <b>3</b>  | <b>3</b>  | <b>-</b>  |

**TABLE 3.13.4:** Reasons for not having complied with the filling of funded vacant senior management posts advertised within six months and filled within 12 months after becoming vacant

|  |
|--|
| Reasons for vacancies not advertised within six months |
| N/A  |
| Reasons for vacancies not filled within 12 months      |
| N/A  |

### 3.14 Injury on duty

The following table provide basic information on injury on duty.

**TABLE 3.14.1:** Injury on duty, 1 April 2010 to 31 March 2011

No injuries on duty occurred during the period under review.

### 3.15 Utilisation of consultants

**TABLE 3.15.1:** 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 |
|---|--|---------------------|------------------------|
| Realignment of performance agreements for all senior management staff | 1  | -                   | 110 032                |

**TABLE 3.15.2:** Analysis of consultant appointments using appropriated funds, in terms of historically disadvantaged individuals (HDI)

| PROJECT TITLE   | PERCENTAGE OWNERSHIP BY HDI GROUPS | PERCENTAGE MANAGEMENT BY HDI GROUPS | NUMBER OF CONSULTANTS FROM HDI GROUPS THAT WORK ON THE PROJECT |
|---|------------------------------------|-------------------------------------|--|
| Realignment of performance agreements for all senior management staff | 100                                | 100                                 | 1  |

**TABLE 3.15.3:** Report on consultant appointments using donor funds

No consultants were appointed by using donor funds during the period under review.

**TABLE 3.15.4:** Analysis of consultant appointments using donor funds, in terms of HDIs

No consultants were appointed by using donor funds during the period under review.



## 4. Other information

### Abbreviations and legislation

#### *Abbreviations*

|              |  |
|--------------|--|
| <b>HDI</b>   | Historically disadvantaged individual        |
| <b>ICD</b>   | Independent Complaints Directorate           |
| <b>IPID</b>  | Independent Police Investigative Directorate |
| <b>SAPS</b>  | South African Police Service                 |
| <b>SMS</b>   | Senior management service                    |
| <b>TR</b>    | Treasury Regulations                         |
| <b>PFMA</b>  | Public Finance Management Act                |
| <b>ICT</b>   | Information and Communication Technology     |
| <b>SCOPA</b> | Special Committee on Public Accounts         |
| <b>MPS</b>   | Municipal police services                    |

#### *Full references to legislation*

Constitution of the Republic of South Africa Act 108 of 1996

Criminal Procedure Act 51 of 1977

Domestic Violence Act 116 of 1998

Employment Equity Act 55 of 1998

Public Finance Management Act 1 of 1999 (as amended by the Public Finance Management Act 29 of 1999)

South African Police Service Act 68 of 1995

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## 5. Annual financial statements

|      |   |     |
|------|---|-----|
| 5.1  | Report of the Audit Committee.....  | 69  |
| 5.2  | Report of the Accounting Officer.....   | 71  |
| 5.3  | Report of the Auditor-General.....  | 80  |
| 5.4  | Appropriation Statement.....  | 83  |
| 5.5  | Notes to the Appropriation Statement.....                                     | 90  |
| 5.6  | Statement of Financial Performance.....                                       | 91  |
| 5.7  | Statement of Financial Position.....  | 92  |
| 5.8  | Cashflow Statement.....   | 93  |
| 5.9  | Notes to the Annual Financial Statements (including accounting policies)..... | 94  |
| 5.10 | Disclosure notes to the Annual Financial Statements.....                      | 107 |
| 5.11 | Annexures.....  | 113 |

## Report of the Audit Committee

We are pleased to present our report for the financial year ended 31 March 2011.

### Audit committee members and attendance:

The Audit Committee consists of the members listed hereunder and should meet four times per annum as per its approved terms of reference. During the current year four meetings were held. Meetings were held on the following dates 21 May 2010, 22 July 2010, 09 December 2010 and 30 March 2011.

| Name of Member                              | Number of meetings attended |
|---|-----------------------------|
| Mr A. Darmalingam (Chairperson)             | 3                           |
| Mr S. Motuba                                | 4                           |
| Mr V. Motholo                               | 3                           |
| Prof D. Garach (Appointed 14 February 2011) | 1                           |
| Ms M. Mvulane (Appointed 02 February 2011)  | 0                           |
| Mr F. Beukman (Ex Officio)                  | 4                           |

### Audit committee responsibility

The Audit Committee reports that it has complied with its responsibilities arising from Section 38(1) (a) of the PFMA and Treasury Regulation 3.1.

The Audit Committee also reports that it has adopted appropriate formal terms of reference as its audit committee charter.

### Effectiveness of internal control

The system of internal control applied by the department over financial risk and risk management is effective, efficient and transparent; however there are matters that require attention.

In line with the PFMA and the King III Report on Corporate Governance requirements, Internal Audit provides the Audit Committee and management with assurance that the internal controls are appropriate and effective. This is achieved by the risk management process, as well as the identification of corrective actions and suggested enhancements to the controls and processes. From the various reports of the Internal Auditors, the Audit Reports on the Annual Financial Statements and the Management Report of the Auditor-General, it was noted that matters were not reported indicating any material deficiencies in the system of internal control for the period under review.

### Evaluation of the annual financial statements

The Audit Committee has:

- Reviewed and discussed the audited Annual Financial Statements to be included in the Annual Report with the Auditor-General and the Accounting Officer;
- Reviewed the Auditor-General's management report and management's responses thereto;
- Reviewed the department's compliance with legal and regulatory provisions; and
- Reviewed any significant adjustments resulting from the audit.

The Audit Committee concurs and accepts the Auditor-General's conclusions on the Annual Financial Statements, and is of the opinion that the audited financial statements be accepted and read together with the report of the Auditor-General.

#### **Internal Audit**

The Audit Committee is satisfied that the internal audit function is operating effectively and that it has addressed the risks pertinent to the department in its audit.

The Committee approved the risk based internal audit three years rolling plan. The Committee reviewed all the internal audit reports that identified weaknesses within the department and considered the adequacy of management responses to ensure the risk exposure is reduced, and there is continuous improvement within the control environment.

#### **Auditor-General South Africa**

The Audit Committee has met with the Auditor-General South Africa to ensure that there are no unresolved issues.



.....

**Chairperson of the Audit Committee**

25 July 2011

Report by the Accounting Officer (the Executive Director of the Independent Complaints Directorate) to the Executive Authority (the honourable Minister EN Mthethwa, the Minister of Police) and the Parliament of the Republic of South Africa.

## 1. General review of the state of financial affairs

During the period covered by this report (1 April 2010 to 31 March 2011), the Independent Complaints Directorate (ICD) focused on its constitutional and legislative mandates and prioritised activities that strengthen the directorate's civilian oversight of the South African Police.

- Important policy decisions and strategic issues facing the department
  - Giving top priority to serious offences
    - In 2010/11, the ICD resolved to prioritise serious case offences, also referred to as Class 1 offences. This decision was taken to ensure that each case is thoroughly investigated, and the objective of finalising the investigation of 65 percent of these cases in 2010/11 was met.
    - Strategic Objectives shaped the 2010/11 agenda
      - The strategic objectives for 2010/11 were defined in late 2009. This resulted in 12 strategic priorities being developed in order to shape and guide the ICD's work from 2010 to 2013.
  - Comment on significant events that have taken place during the year
    - A new legislative framework
      - The IPID Act No. 1 of 2011 was accented to by the President on the 16<sup>th</sup> of May 2011. The directorate is currently awaiting the announcement of the official implementation date.
    - Comment on major projects undertaken or completed during the year
      - Raising awareness of the ICD
        - The ICD set a target of conducting 259 community outreach activities in 2010/11 to raise awareness and explain the directorate's mandate. This target was exceeded, with 307 events held.
        - We have also stepped up our efforts to communicate regularly with the media. The ICD issued nearly 50 media releases in 2010/11.
  - Spending trends
    - The expenditure of the Independent Complaints Directorate reflects spending of 98% of its budget for the year ended 31 March 2011.
    - Reasons for under-spending
      - The funds budgeted but not utilised for the financial year can be attributed to the awaiting of invoices for goods and services which amounted to R2 991 615,57 which is only 2.28% and not material. An application for roll-over to the 2011/12 financial year was made to National Treasury in this regard.
    - The impact on programmes and service delivery
      - There is not an adverse impact on programmes and service delivery due to the under-spending, as it relates to software licences, furniture and equipment.



- Actions taken or planned to avoid recurrence

In addition to the monthly Budget Control Management meetings with Top Management, quarterly meetings will be arranged where it is expected of individual Responsibility Managers to account for the expenditure incurred including spending plans to adjust under or over-spending.

• Virement:

In terms of section 43(2) of the Public Finance Management Act, the saving on a main division within a vote may be utilised towards the defrayment of excess expenditure under another main division within the same vote and this amount may not exceed eight percent of the amount appropriated under that main division. Further to the Adjustment Estimates, there was a need to obtain approval from the Head of the Department for the shifting of the following funds within the ICD's budget:

- Details of the Virement

In Programme 1: Administration, the net result of the application of virement is R159 000, which was moved to Programme 2: Complaints Processing, Monitoring and Investigation. However, an amount of R727 000 had to be moved from the Sub-programme: Management to the Sub-programme: Corporate Services to address the shortfall on Goods & Services and Machinery & Equipment. The net result of the application of virement of R159 000 represented 0.31%.

In Programme 2: Complaints Processing, Monitoring and Investigation there was a shortfall on Compensation of Employees and Goods & Services (R1 324 000), which could be addressed through the application of virement from Programme 1: Administration (R159 000) and Programme 3: Information Management and Research (R1 165 000). The net result of the application of virement of R1 324 000 represented 2.01%.

The under-spending in Programme 3: Information Management and Research (R1 165 000) was created through savings on Compensation of Employees through vacancies, which allowed the application of virement to Programme 2: Complaints Processing, Monitoring and Investigation. The net result of the application of virement of R1 165 000 represented 7.85%.

- Reason for the virement

Programme 1: Administration - Sub-programme: Management

The shortfall under Machinery & Equipment (R218 000) could be attributed to the relocation of the National Office to new premises, which required the purchasing of new furniture. The replacement of the old furniture was put on hold till the relocation realised and funds were shifted from Compensation of Employees to Machinery & Equipment. The further under-spending of R886 000 on Compensation of Employees was utilised to address the shortfall in the Sub-programme: Corporate Services in Goods & Services (R727 000), which occurred due to the related costs of the relocation to new premises and the balance of R159 000 was utilised to address the shortfall under Programme 2: Complaints Processing, Monitoring and Investigation.

Programme 1: Administration - Sub-programme: Corporate Services

The under-spending created was due to the awaiting of invoices for the delivery of equipment, as a result of the relocation to new premises.

Programme 2: Complaints Processing, Monitoring and Investigation:

Sub-programme: Complaints Processing, Monitoring and Investigation

The main short-fall of R1 194 000 was under Compensation of Employees, which could be attributed to the fact that more Investigators made use of the subsidised vehicle scheme. A further short-fall of R86 000 under Goods & Services can be attributed to the increase in travelling by Investigators to attend to high profile cases as well as to address the current ICD backlog. The shortfall on Machinery & Equipment of R44 000 was also created by the replacing of new computer equipment that reached the end of life-span for the Investigators.

Virement was applied from Programme 1: Administration, Sub-programme: Legal Services and Programme 3: Information Management and Research to address the shortfall under the Sub-programme: Complaints Processing, Monitoring and Investigation.

Programme 2: Complaints Processing, Monitoring and Investigation:

Sub-programme: Legal Services

The under-spending can be attributed to the awaiting of the finalisation of job evaluations on new identified posts and the amount of R467 000 was utilised to address the shortfall under the Sub-programme: Complaints Processing, Monitoring and Investigation.

Programme 3: Information Management and Research

Sub-programme: Research

The net under-spending of R170 000 on Compensation of Employees can be attributed to the vacancies experienced throughout the year and R14 000 of the R184 000 was utilised to address the shortfall under Machinery & Equipment for the replacement of equipment that reached the end of life-span. The balance of R170 000 was used for virement to Programme 2: Complaints Processing, Monitoring and Investigation.

Programme 3: Information Management and Research

Sub-programme: Information Management System

The under-spending of R995 000 on Compensation of Employees can be attributed to the vacancies experienced throughout the year and was used for virement to Programme 2: Complaints Processing, Monitoring and Investigation.

- Approval for the virement

As mentioned earlier, the virement was eventually approved by the Accounting Officer in respect of an amount of R159 000 (0.31%) from Programme 1 and R1 165 000 (7.85%) from Programme 3 to be shifted to Programme 2 (2.01%). In terms of the PFMA, the Accounting Officer has given the approval for the virement to be performed.

- Any other material matter (including a description of the reasons for unauthorised, fruitless and wasteful expenditure and the amounts involved as well as steps taken to address and prevent a recurrence.)

- Unauthorised expenditure

No unauthorised expenditure occurred during the 2010/11 financial year. The unauthorised expenditure disclosed in the Statement of Financial Position relates to prior year expenditure undertaken by the Independent Complaints Directorate. The expenditure was incurred in respect of overspending of Programme 3 in 2005/2006 and overspending of Programme 2 in 2008/2009 financial years. The

Independent Complaints Directorate is currently awaiting authorisation by Parliament.

- Fruitless and Wasteful Expenditure

Two cases of fruitless and wasteful expenditure occurred during the 2010/11 financial year. Car hire arrangements were made for an IT staff member to travel to KwaZulu-Natal Province with a view to assisting the provincial staff with upgrading and maintenance on IT equipment. During both trips to the Provincial Office, traffic offences were obtained by the official whilst utilising vehicles rented by the Independent Complaints Directorate. The Transport Policy defines the action(s) taken to prevent reoccurrence and the driver whom is found guilty must refund the Department and may be prohibited to drive for a certain period. The traffic fines and administrative fees were recovered from the official. This has been disclosed in the Disclosure Notes to the Annual Financial Statements.

- Irregular Expenditure

No incidents of irregular expenditure occurred during the 2010/11 financial year. The irregular expenditure disclosed in the Disclosure Notes to the Annual Financial Statements relates to prior year(s) irregular expenditure awaiting condonation by the National Treasury.

- World Cup Expenditure

During June 2010, the Independent Complaints Directorate utilised R30 000 (i.e. 0.02% of the budget) from the budget line item "Gifts and promotional items" to procure vuvuzela's, soccer scarves, SA flag rainbow beanies, makarapa's and flags for the staff members, with a view to building team spirit and support for the national team during the World Cup soccer event.

## 2. Service rendered by the department

### 2.1 Services rendered by the ICD

Services rendered by the ICD have been discussed earlier in this Report, under the heading Programme Performance in respect of Programme 2 and Programme 3. The legislative mandate of the ICD is covered by the activities undertaken under these Programmes.

### 2.2 Tariff policy

The ICD does not charge any tariff for services rendered and this issue is thus not applicable to the ICD in respect of the 2010/11 financial year.

### 2.3 Free Services

All service rendered by the ICD to the public, fall within the mandate of the ICD and is rendered free of charge.

**3. Capacity constraints**

The development of staff in Finance remains a priority and the low salary levels paid to these staff members, has the effect that such staff members, after gaining sufficient knowledge and expertise, leaves the ICD through recruitment to other government departments. The staff turn-over for 2010/2011 in the Finance Component, was a staggering 81.8%, when 8 staff members were transferred to other government departments for a level or two higher than they received at the ICD, whilst there was one staff member that resigned.

The impact of these transfers and one resignation required the remaining staff members to put in extra hours to continue with service delivery to their clients.

The National Treasury made funds available for the 2011/2012 financial year to improve financial management and three new posts were created for the Finance Component to start the process of addressing the problem. More posts need to be created in future in order to ensure compliance with the legislative framework (PFMA) and regulations as well as ensuring segregation of duties.

**4. Utilisation of donor funds**

With the donation that was received from the Safety and Security Sector Education Authority (SASSETA) during the 2010/11 financial year, the ICD developed training programmes to contribute to the training of ICD investigators.

**5. Trading entities and public entities**

No Trading or public entities report to the ICD.

**6. Organisations to whom transfer payments have been made**

A transfer payment has been effected to the Safety and Security Sector Education Authority (SASSETA) with regard to administrative fees in terms of the Skills Development Levy. This has been disclosed in the Annexure reflecting Transfers to Departmental Agencies and Accounts (refer to Annexure 1A).

**7. Public private partnerships (PPP)**

The ICD does not have any public private partnerships.

**8. Corporate governance arrangements**

The risk management approach adopted for the 2010/11 financial year was based on the process followed the previous financial year. Project planning was done to co-ordinate the risk workshops with component heads to obtain the relevant information, after which the documentary information was reviewed. Workshops were held with component heads using the Risk Register templates that were compiled during the previous assessment to be economical, effective and efficient. Thereafter, the evaluation of the facts and details were confirmed and the draft risk assessment report was compiled and submitted to management, the Audit Committee and the Risk Management Committee for further consideration. The output of the risk assessment (after incorporating additional information obtained) was then presented to management, the Audit Committee and the Risk Management Committee for approval and adoption. The top ten risks were then identified for the department as a whole and progress

reports on these were presented at management committee meetings. In addition, each component and provincial head were required to provide progress reports on a quarterly basis to the Risk Manager.

The fraud prevention policy was drafted and submitted for adoption and implementation. Internal audit and the Audit Committee were effective during the financial year. The Audit Committee was expanded to five members and met regularly.

The ethics helpline worked effectively and all cases reported were either dealt with immediately or referred to Labour Relations for investigation. A code of conduct was effective during the year, in addition to the code of conduct for the public service.

In terms of conflict of interest, it must be noted that not only the SMS members are compiling and submitting their annual completed disclosures, but it is also expected of every employee of the ICD to complete and submit a disclosure every year. In order to further minimise conflict of interest, conflict of interest forms must be completed by panel members for short-listing and interviews of candidates for advertised vacant posts as well as at all the Bid Committee meetings.

The requirements of the KING III report regarding the responsibilities of Accounting Officers read together with the requirements listed in section 38 and 40 of the Public Finance Management Act (PFMA), are followed and the Accounting Officer's employment contract includes performance standards that were aligned to that of the Executive Authority. The Accounting Officer ensures the compilation of financial statements in accordance with Treasury guidelines. In addition, the Accounting Officer provided, on a monthly basis, information to the Executive Authority on the expenditure and revenue for the month. Furthermore, the Accounting Officer provides projections for the remainder of the financial year.

**9. Discontinued activities/activities to be discontinued**

No activities were discontinued during the year under review.

**10. New/proposed activities**

No new activities were undertaken by the ICD.

**11. Asset management**

All items that were classified as assets are reflected on the Asset Register as at 31 March 2011.

The minimum requirements with regard to assets have been complied with. Examples of this include the Asset Register reflecting the following assets descriptions: ICN, the unique asset number/barcode, accountability information (including cost centre manager responsible, the location and the custodian), financial information (including the actual cost). BAS/LOGIS Reconciliations are also being performed on a monthly basis to address discrepancies between the two systems. The Bar-coded Asset Management system will be fully implemented in 2011/12.

The Asset Management Component of the ICD is fully established and compliance with the Asset Management Prescripts is up to standard. The Asset Management Component has worked hard to ensure that it operates effectively and efficiently.

**12. Inventories**

All inventory opening and closing balances, together with movements for the year are reflected in the Annexure on Inventory (Refer to Annexure 6). Except for the Stores in National Office (Pretoria), the ICD's other Stores are situated in KwaZulu-Natal (Durban) and the Western Cape (Cape Town). The inventories at hand in these stores reflect the total amount of R2 428 917 as follows:

|           |            |
|-----------|------------|
| Pretoria  | R2 375 225 |
| Durban    | R34 704    |
| Cape Town | R18 988    |

**13. Events after the reporting date**

No subsequent events occurred after the reporting date and before the date of approval of the Annual Financial Statements.

**14. Information on predetermined objectives**

This has been discussed earlier in this Report, under the heading Programme Performance in respect of Programme 1, Programme 2 and Programme 3.

**15. SCOPA resolutions**

Include a table on the SCOPA resolutions. The table should conform to the following format:

| Reference to previous audit report and SCOPA resolutions | Subject        | Findings on progress |
|--|----------------|----------------------|
| No SCOPA resolutions received                            | Not applicable | Not applicable       |

**16. Prior modifications to audit reports**

The following mechanisms have been put in place by the Accounting Officer to resolve the matters reported by the Auditor-General in the previous financial year.

n

| Nature of qualification, disclaimer, adverse opinion and matters of non-compliance   | Financial year in which it first arose | Progress made in clearing / resolving the matter  |
|--|--|---|
| <b>Matters of Non Compliance:</b>  |  |   |
| 1. Inadequate Content of Strategic or Annual Performance Plan  | 2009/10                                | The 2010-2013 Strategic Plan of the ICD did include measurable objectives, expected outcomes, programme outputs , indicators (measures) and targets for all the entity's programmes, as required by Treasury Regulation 5.2.3(d). |
| 2. No supporting source documents for performance information in Programme 2   | 2009/10                                | The Monitoring & Evaluation Committee conducted audits to verify that supporting documents are completed according to ICD Standard Operating Procedures.  |
| 3. Non-adherence to requirements of sec 38(1)(g) of the PFMA to immediately report the particulars of irregular expenditure  | 2009/10                                | Irregular expenditure has been appropriately disclosed in the 2010/11 financial statements.   |
| 4. Non-adherence to the requirements of Treasury Regulation 9.1.1 in terms of implementing effective, efficient and transparent processes of financial and risk management to prevent and detect irregular expenditure | 2009/10                                | Irregular expenditure has been appropriately disclosed in the 2010/11 financial statements.   |
| <b>Internal Controls:</b>  |  |   |
| 1. Leadership: The accounting officer did not effectively monitor the compliance with laws, regulations and internally designed procedures to prevent irregular expenditure.   | 2009/10                                | Irregular expenditure has been appropriately disclosed in the 2010/11 financial statements.   |
| 2. Financial and performance management: Manual controls are not designed to ensure that all transactions for performance information are completely recorded and accurately classified.                               | 2009/10                                | The Monitoring & Evaluation Committee conducted audits to verify that supporting documents are completed according to ICD Standard Operating Procedures.  |

**17. Exemptions and deviations received from the National Treasury**

No exemptions and deviations from the PFMA or TR or in terms of financial reporting requirements have been requested or received from the National Treasury.

**18. Other**

No other material facts exist, that have not been addressed in this report.

**19. Approval**

The Annual Financial Statements set out on pages 83 to 119 have been approved by the Accounting Officer.



.....  
**Francois Beukman**

**Executive Director**

**(30 July 2011)**



## REPORT OF THE AUDITOR-GENERAL TO PARLIAMENT ON VOTE NO. 22: INDEPENDENT COMPLAINTS DIRECTORATE

### Report on the financial statements

#### Introduction

1. I have audited the accompanying financial statements of the Independent Complaints Directorate, which comprise the appropriation statement, the statement of financial position as at 31 March 2011, and the statement of financial performance, statement of changes in net assets and cash flow statement for the year then ended, and a summary of significant accounting policies and other explanatory information, as set out on pages 83 to 119.

#### 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 management determines 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. As required by section 188 of the Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) and, section 4 of the Public Audit Act of South Africa, 2004 (Act No. 25 of 2004) (PAA), my responsibility is to express an opinion on these financial statements based on my audit.
4. I conducted my audit in accordance with International Standards on Audit and General Notice 1111 of 2010 issued in Government Gazette 33872 of 15 December 2010. 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.
5. 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.
6. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion.

#### Opinion

7. In my opinion, the financial statements present fairly, in all material respects, the financial position of the Independent Complaints Directorate as at 31 March 2011, 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 Public Finance Management Act of South Africa, 1999 (Act No. 1 of 1999) (PFMA).

### Additional matters

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

### Financial reporting framework

9. The financial reporting framework prescribed by the National Treasury and applied by the department is a compliance framework. Thus my opinion would have reflected that the financial statements had been properly prepared instead of fairly presented as required by section 20(2)(a) of the PAA, which requires me to express an opinion on the fair presentation of the financial statements of the Independent Complaints Directorate.

### REPORT ON OTHER LEGAL AND REGULATORY REQUIREMENTS

10. In accordance with PAA and in terms of General notice 1111 of 2010, issued in Government Gazette 33872 of 15 December 2010, I include below my findings on the annual performance report as set out on pages 12 to 67 and material non-compliance with laws and regulations applicable to the department.

### Predetermined objectives

#### Reliability of information

11. The following criteria were used to assess reliability:

**Validity:** Actual reported performance has occurred and pertains to the entity.

**Accuracy:** Amounts, numbers, and other data relating to reported actual performance have been recorded and reported appropriately.

**Completeness:** All actual results and events that should have been recorded have been included in the annual performance report.

12. The following audit finding relates to the above criteria:

#### Performance reported was not valid on the basis of the source documents

13. The reported performance for Programme two on class I and class III cases was not valid when compared to the investigation case files. Cases were signed off as complete without the case investigation report.
14. Numerous cases were approved for completion by officials without proper written delegation of authority. Letters of delegations were not in the investigation case files.

### Compliance with laws and regulations

#### Treasury Regulation and Public Service Regulation

15. Payment claims due were not settled within thirty days as required by Treasury Regulation 8.2.3.
16. Contrary to the requirements of Public Service Regulation Chapter 1, part VII D.8, the accounting officer did not verify the qualification and other claims relevant to the employment position and maintain records of the verification on newly appointed employees.

17. The accounting officer submitted financial statements for auditing that were not prepared in all material aspects in accordance with the modified cash basis and supported by full and proper records as required by section 40(1) (a) and (b) of the PFMA. Contingent liability disclosure was materially understated in the financial statements. Management subsequently corrected the material misstatement.

#### INTERNAL CONTROL

18. In accordance with the PAA and in terms of General notice 1111 of 2010, issued in Government Gazette 33872 of 15 December 2010, I considered internal control relevant to my audit, but not for the purpose of expressing an opinion on the effectiveness on internal control. The matters reported below are limited to the significant deficiencies that resulted in the findings on the annual performance report and the findings on compliance with laws and regulations included in this report.

#### Leadership

19. The accounting officer did not establish a comprehensive system of reporting performance information, which provides written procedures to ensure accountability, effectiveness, consistency and completeness of performance reporting and performance management.
20. The department has not established compliance structures and processes to identify relevant laws and legislative requirements, including monitoring of risks relating to non-compliance.

#### Financial and performance management

21. The department has not developed data quality standards in line with the SMART principle contained in the framework for managing programme performance information for performance reporting.

*Auditor-General*

Pretoria

31 July 2011



INDEPENDENT COMPLAINTS DIRECTORATE  
VOTE 22  
APPROPRIATION STATEMENT  
for the year ended 31 March 2011

| APPROPRIATION STATEMENT                                       | Appropriation per programme |                   |          |                     |                    |              |   |                     |                    |  |
|---|-----------------------------|-------------------|----------|---------------------|--------------------|--------------|---|---------------------|--------------------|--|
|   | 2010/11                     |                   |          |                     |                    | 2009/10      |   |                     |                    |  |
|   | Adjusted Appropriation      | Shifting of Funds | Virement | Final Appropriation | Actual Expenditure | Variance     | Expenditure as % of Final Appropriation | Final Appropriation | Actual Expenditure |  |
| R'000   | R'000                       | R'000             | R'000    | R'000               | R'000              | %            | R'000                                   | R'000               | R'000              |  |
| <b>1. Administration</b>                                      |                             |                   |          |                     |                    |              |   |                     |                    |  |
| Current payment   | 49,956                      | (218)             | (159)    | 49,579              | 49,535             | 44           | 99.9%                                   | 42,950              | 38,105             |  |
| Transfers and subsidies                                       | 74                          | -                 | -        | 74                  | 74                 | -            | 100.0%                                  | 65                  | 65                 |  |
| Payment for capital assets                                    | 807                         | 218               | -        | 1,025               | 778                | 247          | 75.9%                                   | 1,358               | 1,358              |  |
| <b>2. Complaints Processing, Monitoring and Investigation</b> |                             |                   |          |                     |                    |              |   |                     |                    |  |
| Current payment   | 62,935                      | (44)              | 1,324    | 64,215              | 63,592             | 623          | 99.0%                                   | 54,083              | 54,074             |  |
| Payment for capital assets                                    | 1,666                       | 44                | -        | 1,710               | 1,367              | 343          | 79.9%                                   | 2,088               | 2,088              |  |
| Payment for financial assets                                  | -                           | -                 | -        | -                   | 38                 | (38)         | -                                       | -                   | 9                  |  |
| <b>3. Information Management and Research</b>                 |                             |                   |          |                     |                    |              |   |                     |                    |  |
| Current payment   | 15,193                      | (14)              | (1,165)  | 14,014              | 12,549             | 1,465        | 89.5%                                   | 15,195              | 9,795              |  |
| Payment for capital assets                                    | 804                         | 14                | -        | 818                 | 511                | 307          | 62.5%                                   | 728                 | 569                |  |
| <b>Payment for financial assets</b>                           | -                           | -                 | -        | -                   | -                  | -            | -                                       | -                   | 183                |  |
| <b>Subtotal</b>   | <b>131,435</b>              | -                 | -        | <b>131,435</b>      | <b>128,444</b>     | <b>2,991</b> | <b>97.7%</b>                            | <b>116,467</b>      | <b>106,246</b>     |  |
| <b>TOTAL</b>  | <b>131,435</b>              | -                 | -        | <b>131,435</b>      | <b>128,444</b>     | <b>2,991</b> | <b>97.7%</b>                            | <b>116,467</b>      | <b>106,246</b>     |  |

INDEPENDENT COMPLAINTS DIRECTORATE  
 VOTE 22  
 APPROPRIATION STATEMENT  
 for the year ended 31 March 2011

|   | 2010/11             |                    | 2009/10             |                    |
|---|---------------------|--------------------|---------------------|--------------------|
|   | Final Appropriation | Actual Expenditure | Final Appropriation | Actual Expenditure |
| <b>TOTAL (brought forward)</b>  | <b>131,435</b>      | <b>128,444</b>     | <b>116,467</b>      | <b>106,246</b>     |
| Reconciliation with statement of financial performance                    |                     |                    |                     |                    |
| <b>ADD</b>  |                     |                    |                     |                    |
| Departmental receipts   | 168                 |                    | 154                 |                    |
| Actual amounts per statement of financial performance (total revenue)     | 131,603             |                    | 116,621             |                    |
| Actual amounts per statement of financial performance (total expenditure) |                     | 128,444            |                     | 106,246            |

|                                      | Appropriation per economic classification |                   |          |                     |                    |              |   |                     |                    |
|--------------------------------------|---|-------------------|----------|---------------------|--------------------|--------------|---|---------------------|--------------------|
|                                      | 2010/11                                   |                   |          | 2009/10             |                    |              |   |                     |                    |
|                                      | 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              |
| <b>Current payments</b>              |   |                   |          |                     |                    |              |   |                     |                    |
| Compensation of employees            | 76,179                                    | (3,804)           | -        | 72,375              | 71,752             | 623          | 99.1%                                   | 66,398              | 65,061             |
| Goods and services                   | 51,905                                    | 3,528             | -        | 55,433              | 53,924             | 1,509        | 97.3%                                   | 45,830              | 36,904             |
| <b>Transfers and subsidies</b>       |   |                   |          |                     |                    |              |   |                     |                    |
| Departmental agencies and accounts   | 74  | -                 | -        | 74                  | 74                 | -            | 100.0%                                  | 65                  | 65                 |
| <b>Payments for capital assets</b>   |   |                   |          |                     |                    |              |   |                     |                    |
| Machinery and equipment              | 3,277                                     | 276               | -        | 3,553               | 2,656              | 897          | 74.8%                                   | 4,174               | 4,015              |
| <b>Payments for financial assets</b> |   |                   |          |                     |                    |              |   |                     |                    |
|                                      | -   | -                 | -        | -                   | 38                 | (38)         | -                                       | -                   | 201                |
| <b>Total</b>                         | <b>131,435</b>                            | <b>-</b>          | <b>-</b> | <b>131,435</b>      | <b>128,444</b>     | <b>2,991</b> | <b>97.7%</b>                            | <b>116,647</b>      | <b>106,246</b>     |

INDEPENDENT COMPLAINTS DIRECTORATE  
VOTE 22

APPROPRIATION STATEMENT  
for the year ended 31 March 2011

| Detail per sub-programme        | Detail per programme 1 – ADMINISTRATION |                   |              |                     |                    |            |   |                     |                    |            |               |
|---------------------------------|---|-------------------|--------------|---------------------|--------------------|------------|---|---------------------|--------------------|------------|---------------|
|                                 | 2010/11                                 |                   |              |                     |                    | 2009/10    |   |                     |                    |            |               |
|                                 | Adjusted Appropriation                  | Shifting of Funds | Virement     | Final Appropriation | Actual Expenditure | Variance   | Expenditure as % of Final Appropriation | Final Appropriation | Actual expenditure | R'000      | R'000         |
|                                 | R'000                                   | R'000             | R'000        | R'000               | R'000              | R'000      | %                                       | R'000               | R'000              |            | R'000         |
| <b>1.1 Management</b>           |   |                   |              |                     |                    |            |   |                     |                    |            |               |
| Current payment                 | 9,896                                   | (945)             | (159)        | 8,792               | 8,748              | 44         | 99.5%                                   | 7,351               | 7,351              |            | 7,351         |
| Payment for capital assets      | 192                                     | 218               | -            | 410                 | 339                | 71         | 82.7%                                   | 225                 | 225                |            | 225           |
| <b>1.2 Corporate Services</b>   |   |                   |              |                     |                    |            |   |                     |                    |            |               |
| Current payment                 | 31,935                                  | 727               | -            | 32,662              | 32,662             | -          | 100.0%                                  | 28,227              | 28,227             |            | 26,614        |
| Transfers and subsidies         | 74                                      | -                 | -            | 74                  | 74                 | -          | 100.0%                                  | 65                  | 65                 |            | 65            |
| Payment for capital assets      | 615                                     | -                 | -            | 615                 | 439                | 176        | 71.4%                                   | 1,133               | 1,133              |            | 1,133         |
| <b>1.3 Office Accommodation</b> |   |                   |              |                     |                    |            |   |                     |                    |            |               |
| Current payment                 | 8,125                                   | -                 | -            | 8,125               | 8,125              | -          | 100.0%                                  | 7,372               | 7,372              |            | 4,140         |
| <b>Total</b>                    | <b>50,837</b>                           | <b>-</b>          | <b>(159)</b> | <b>50,678</b>       | <b>50,387</b>      | <b>291</b> | <b>99.4%</b>                            | <b>44,373</b>       | <b>44,373</b>      | <b>291</b> | <b>39,528</b> |

INDEPENDENT COMPLAINTS DIRECTORATE  
VOTE 22  
APPROPRIATION STATEMENT  
for the year ended 31 March 2011

| Economic classification - ADMINISTRATION |                        |                   |              |                     |                    |            |   |                     |                    |       |  |
|--|------------------------|-------------------|--------------|---------------------|--------------------|------------|---|---------------------|--------------------|-------|--|
| Economic classification                  | 2010/11                |                   |              |                     |                    |            | 2009/10                                 |                     |                    |       |  |
|  | Adjusted Appropriation | Shifting of Funds | Virement     | Final Appropriation | Actual Expenditure | Variance   | Expenditure as % of Final Appropriation | Final Appropriation | Actual expenditure |       |  |
|  | R'000                  | R'000             | R'000        | R'000               | R'000              | R'000      | %                                       | R'000               | R'000              | R'000 |  |
| <b>Current payments</b>                  |                        |                   |              |                     |                    |            |   |                     |                    |       |  |
| Compensation of employees                | 25,588                 | (2,996)           | (159)        | 22,433              | 22,433             | -          | 100.0%                                  | 21,023              | 19,846             |       |  |
| Goods and services                       | 24,368                 | 2,778             | -            | 27,146              | 27,102             | 44         | 99.8%                                   | 21,927              | 18,250             |       |  |
| <b>Transfers and subsidies to:</b>       |                        |                   |              |                     |                    |            |   |                     |                    |       |  |
| Departmental agencies and accounts       | 74                     | -                 | -            | 74                  | 74                 | -          | 100.0%                                  | 65                  | 65                 |       |  |
| <b>Payment for capital assets</b>        |                        |                   |              |                     |                    |            |   |                     |                    |       |  |
| Machinery and equipment                  | 807                    | 218               | -            | 1,025               | 778                | 247        | 75.9%                                   | 1,358               | 1,358              |       |  |
| <b>Payments for financial assets</b>     |                        |                   |              |                     |                    |            |   |                     |                    |       |  |
|  | -                      | -                 | -            | -                   | -                  | -          | -                                       | -                   | -                  | 9     |  |
| <b>Total</b>                             | <b>50,837</b>          | <b>-</b>          | <b>(159)</b> | <b>50,678</b>       | <b>50,387</b>      | <b>291</b> | <b>99.4%</b>                            | <b>44,373</b>       | <b>39,528</b>      |       |  |

| Detail per sub-programme                                       | Detail per programme 2 – COMPLAINTS PROCESSING, MONITORING AND INVESTIGATION |                   |              |                     |                    |            |   |                     |                    |  |
|--|--|-------------------|--------------|---------------------|--------------------|------------|---|---------------------|--------------------|--|
|  | 2010/11  |                   |              |                     |                    | 2009/10    |   |                     |                    |  |
|  | Adjusted Appropriation   | Shifting of Funds | Virement     | Final Appropriation | Actual Expenditure | Variance   | Expenditure as % of Final Appropriation | Final Appropriation | Actual expenditure |  |
| R'000  | R'000  | R'000             | R'000        | R'000               | R'000              | %          | R'000                                   | R'000               | R'000              |  |
| <b>2.1 Complaints Processing, Monitoring and Investigation</b> |  |                   |              |                     |                    |            |   |                     |                    |  |
| Current payment  | 60,299   | 423               | 1,324        | 62,046              | 62,008             | 38         | 99.9%                                   | 52,652              | 52,643             |  |
| Payment for capital assets                                     | 1,501  | 44                | -            | 1,545               | 1,354              | 191        | 87.6%                                   | 2,028               | 2,028              |  |
| Payment for financial assets                                   | -  | -                 | -            | -                   | 38                 | (38)       | -                                       | -                   | 9                  |  |
| <b>2.2 Legal Services</b>                                      |  |                   |              |                     |                    |            |   |                     |                    |  |
| Current payment  | 2,636  | (467)             | -            | 2,169               | 1,584              | 585        | 73.0%                                   | 1,431               | 1,431              |  |
| Payment for capital assets                                     | 165  | -                 | -            | 165                 | 13                 | 152        | 7.9%                                    | 60                  | 60                 |  |
| <b>Total</b>   | <b>64,601</b>  | <b>-</b>          | <b>1,324</b> | <b>65,925</b>       | <b>64,997</b>      | <b>928</b> | <b>98.6%</b>                            | <b>56,171</b>       | <b>56,171</b>      |  |



INDEPENDENT COMPLAINTS DIRECTORATE  
 VOTE 22  
 APPROPRIATION STATEMENT  
 for the year ended 31 March 2011

| Economic classification – COMPLAINTS PROCESSING, MONITORING AND INVESTIGATION |                        |                   |              |                     |                    |            |   |                     |                    |       |               |
|---|------------------------|-------------------|--------------|---------------------|--------------------|------------|---|---------------------|--------------------|-------|---------------|
| Economic classification   | 2010/11                |                   |              |                     |                    |            | 2009/10                                 |                     |                    |       |               |
|   | Adjusted Appropriation | Shifting of Funds | Virement     | Final Appropriation | Actual Expenditure | Variance   | Expenditure as % of Final Appropriation | Final Appropriation | Actual expenditure | R'000 | R'000         |
|   | R'000                  | R'000             | R'000        | R'000               | R'000              | R'000      | %                                       | R'000               | R'000              | R'000 | R'000         |
| <b>Current payments</b>   |                        |                   |              |                     |                    |            |   |                     |                    |       |               |
| Compensation of employees   | 42,364                 | (130)             | 1,324        | 43,558              | 42,935             | 623        | 98.6%                                   | 39,757              | 39,757             |       | 39,757        |
| Goods and services  | 20,571                 | 86                | -            | 20,657              | 20,657             | -          | 100.0%                                  | 14,326              | 14,317             |       | 14,317        |
| <b>Payment for capital assets</b>   |                        |                   |              |                     |                    |            |   |                     |                    |       |               |
| Machinery and equipment   | 1,666                  | 44                | -            | 1,710               | 1,367              | 343        | 79.9%                                   | 2,088               | 2,088              |       | 2,088         |
| <b>Payments for financial assets</b>  |                        |                   |              |                     |                    |            |   |                     |                    |       |               |
|   | -                      | -                 | -            | -                   | 38                 | (38)       | -                                       | -                   | -                  |       | 9             |
| <b>Total</b>  | <b>64,601</b>          | <b>-</b>          | <b>1,324</b> | <b>65,925</b>       | <b>64,997</b>      | <b>928</b> | <b>98.6%</b>                            | <b>56,171</b>       | <b>56,171</b>      |       | <b>56,171</b> |

| Detail per programme 3 – INFORMATION MANAGEMENT AND RESEARCH  |                        |                   |                |                     |                    |              |   |                     |                    |                     |                    |  |
|---|------------------------|-------------------|----------------|---------------------|--------------------|--------------|---|---------------------|--------------------|---------------------|--------------------|--|
| Detail per sub-programme                                      | 2010/11                |                   |                |                     |                    |              | 2009/10                                 |                     |                    |                     |                    |  |
|   | Adjusted Appropriation | Shifting of Funds | Virement       | Final Appropriation | Actual Expenditure | Variance     | Expenditure as % of Final Appropriation | Final Appropriation | Actual Expenditure | Final Appropriation | Actual expenditure |  |
|   | R'000                  | R'000             | R'000          | R'000               | R'000              | R'000        | %                                       | R'000               | R'000              | R'000               | R'000              |  |
| <b>3.1 Research</b>   |                        |                   |                |                     |                    |              |   |                     |                    |                     |                    |  |
| Current payment   | 1,640                  | (14)              | (170)          | 1,456               | 1,456              | -            | 100.0%                                  | 1,551               | 1,551              | 1,551               | 1,551              |  |
| Payment for capital assets                                    | 5                      | 14                | -              | 19                  | 19                 | -            | 100.0%                                  | 49                  | 49                 | 49                  | 49                 |  |
| <b>3.2 Information Management</b>                             |                        |                   |                |                     |                    |              |   |                     |                    |                     |                    |  |
| Current payment   | 13,553                 | -                 | (995)          | 12,558              | 11,093             | 1,465        | 88.3%                                   | 13,644              | 13,644             | 13,644              | 8,244              |  |
| Payment for capital assets                                    | 799                    | -                 | -              | 799                 | 492                | 307          | 61.6%                                   | 679                 | 679                | 679                 | 520                |  |
| Payment for financial assets                                  | -                      | -                 | -              | -                   | -                  | -            | -                                       | -                   | -                  | -                   | 183                |  |
| <b>Total</b>  | <b>15,997</b>          | <b>-</b>          | <b>(1,165)</b> | <b>14,832</b>       | <b>13,060</b>      | <b>1,772</b> | <b>88.1%</b>                            | <b>15,923</b>       | <b>15,923</b>      | <b>15,923</b>       | <b>10,547</b>      |  |
| Economic classification – INFORMATION MANAGEMENT AND RESEARCH |                        |                   |                |                     |                    |              |   |                     |                    |                     |                    |  |
| Economic classification                                       | 2010/11                |                   |                |                     |                    |              | 2009/10                                 |                     |                    |                     |                    |  |
|   | Adjusted Appropriation | Shifting of Funds | Virement       | Final Appropriation | Actual Expenditure | Variance     | Expenditure as % of Final Appropriation | Final Appropriation | Actual Expenditure | Final Appropriation | Actual expenditure |  |
|   | R'000                  | R'000             | R'000          | R'000               | R'000              | R'000        | %                                       | R'000               | R'000              | R'000               | R'000              |  |
| <b>Current payments</b>                                       |                        |                   |                |                     |                    |              |   |                     |                    |                     |                    |  |
| Compensation of employees                                     | 8,227                  | (678)             | (1,165)        | 6,384               | 6,384              | -            | 100.0%                                  | 5,618               | 5,458              | 5,618               | 5,458              |  |
| Goods and services  | 6,966                  | 664               | -              | 7,630               | 6,165              | 1,465        | 80.8%                                   | 9,577               | 4,337              | 9,577               | 4,337              |  |
| <b>Payment for capital assets</b>                             |                        |                   |                |                     |                    |              |   |                     |                    |                     |                    |  |
| Machinery and equipment                                       | 804                    | 14                | -              | 818                 | 511                | 307          | 62.5%                                   | 728                 | 569                | 728                 | 569                |  |
| <b>Payments for financial assets</b>                          |                        |                   |                |                     |                    |              |   |                     |                    |                     |                    |  |
| <b>Total</b>  | <b>15,997</b>          | <b>-</b>          | <b>(1,165)</b> | <b>14,832</b>       | <b>13,060</b>      | <b>1,772</b> | <b>88.1%</b>                            | <b>15,923</b>       | <b>10,547</b>      | <b>15,923</b>       | <b>10,547</b>      |  |

**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 to the Annual Financial Statements.

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

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

**3. Detail on payments for financial assets**

Detail of these transactions per programme can be viewed in the note on Payments for financial assets to the Annual Financial Statements.

**4. Explanations of material variances from Amounts Voted (after Virement):**

| 4.1 Per Programme                                   | Final Appropriation | Actual Expenditure | Variance R'000 | Variance as a % of Final Appropriation |
|---|---------------------|--------------------|----------------|--|
| Administration                                      | 50,678              | 50,387             | 291            | 0.57%                                  |
| Complaints Processing, Monitoring and Investigation | 65,925              | 64,997             | 928            | 1.41%                                  |
| Information Management and Research                 | 14,832              | 13,060             | 1,772          | 11.95%                                 |

| 4.2 Per Economic classification      | Final Appropriation | Actual Expenditure | Variance | Variance as a % of Final Appropriation |
|--------------------------------------|---------------------|--------------------|----------|--|
|                                      | R'000               | R'000              | R'000    | R'000                                  |
| <b>Current payments</b>              |                     |                    |          |  |
| Compensation of employees            | 72,375              | 71,752             | 623      | 0.86%                                  |
| Goods and services                   | 55,433              | 53,924             | 1,509    | 2.72%                                  |
| <b>Transfers and subsidies</b>       |                     |                    |          |  |
| Departmental agencies and accounts   | 74                  | 74                 | -        | -                                      |
|                                      |                     |                    |          |  |
| <b>Payments for capital assets</b>   |                     |                    |          |  |
| Machinery and equipment              | 3,553               | 2,656              | 897      | 25.25%                                 |
|                                      |                     |                    |          |  |
| <b>Payments for financial assets</b> | -                   | 38                 | (38)     | -                                      |

**Explanation of variances:**

This can be attributed to the under-spending as a result of the awaiting of invoices for goods and services, for which an application for roll-over to the next financial year was made to National Treasury.

INDEPENDENT COMPLAINTS DIRECTORATE  
VOTE 22  
STATEMENT OF FINANCIAL PERFORMANCE  
for the year ended 31 March 2011

| <b>PERFORMANCE</b>  | <b>Note</b> | <b>2010/11<br/>R'000</b> | <b>2009/10<br/>R'000</b> |
|---|-------------|--------------------------|--------------------------|
| <b>REVENUE</b>  |             |                          |                          |
| Annual appropriation  | 1           | 131,435                  | 116,467                  |
| Departmental revenue  | 2           | 168                      | 154                      |
| <b>TOTAL REVENUE</b>  |             | <b>131,603</b>           | <b>116,621</b>           |
| <b>EXPENDITURE</b>  |             |                          |                          |
| <b>Current expenditure</b>                                  |             |                          |                          |
| Compensation of employees                                   | 3           | 71,752                   | 65,061                   |
| Goods and services  | 4           | 53,924                   | 36,903                   |
| <b>Total current expenditure</b>                            |             | <b>125,676</b>           | <b>101,964</b>           |
| <b>Transfers and subsidies</b>                              |             |                          |                          |
| Transfers and subsidies                                     | 6           | 74                       | 65                       |
| <b>Total transfers and subsidies</b>                        |             | <b>74</b>                | <b>65</b>                |
| <b>Expenditure for capital assets</b>                       |             |                          |                          |
| Tangible capital assets                                     | 7           | 2,656                    | 4,016                    |
| <b>Total expenditure for capital assets</b>                 |             | <b>2,656</b>             | <b>4,016</b>             |
| <b>Payments for financial assets</b>                        | 5           | <b>38</b>                | <b>201</b>               |
| <b>TOTAL EXPENDITURE</b>                                    |             | <b>128,444</b>           | <b>106,246</b>           |
| <b>SURPLUS/(DEFICIT) FOR THE YEAR</b>                       |             | <b>3,159</b>             | <b>10,375</b>            |
| <b>Reconciliation of Net Surplus/(Deficit) for the year</b> |             |                          |                          |
| Voted funds   |             | 2,991                    | 10,221                   |
| Annual appropriation  |             | 2,991                    | 10,221                   |
| Departmental revenue and NRF Receipts                       | 13          | 168                      | 154                      |
| <b>SURPLUS/(DEFICIT) FOR THE YEAR</b>                       |             | <b>3,159</b>             | <b>10,375</b>            |

INDEPENDENT COMPLAINTS DIRECTORATE  
VOTE 22  
STATEMENT OF FINANCIAL POSITION  
for the year ended 31 March 2011

| <b>POSITION</b>   | <b>Note</b> | <b>2010/11<br/>R'000</b> | <b>2009/10<br/>R'000</b> |
|---|-------------|--------------------------|--------------------------|
| <b>ASSETS</b>   |             |                          |                          |
| <b>Current assets</b>   |             | <b>3,023</b>             | <b>10,295</b>            |
| Unauthorised expenditure  | 8           | 891                      | 891                      |
| Cash and cash equivalents   | 9           | 1,519                    | 8,634                    |
| Prepayments and advances  | 10          | 19                       | 17                       |
| Receivables   | 11          | 594                      | 753                      |
| <b>TOTAL ASSETS</b>   |             | <b>3,023</b>             | <b>10,295</b>            |
| <b>LIABILITIES</b>  |             |                          |                          |
| <b>Current liabilities</b>  |             | <b>3,023</b>             | <b>10,295</b>            |
| Voted funds to be surrendered to the Revenue Fund                           | 12          | 2,991                    | 10,221                   |
| Departmental revenue and NRF Receipts to be surrendered to the Revenue Fund | 13          | 4                        | 23                       |
| Payables  | 14          | 28                       | 51                       |
| <b>TOTAL LIABILITIES</b>  |             | <b>3,023</b>             | <b>10,295</b>            |
| <b>NET ASSETS</b>   |             | <b>-</b>                 | <b>-</b>                 |

INDEPENDENT COMPLAINTS DIRECTORATE  
VOTE 22  
CASH FLOW STATEMENT  
for the year ended 31 March 2011

| <b>CASH FLOW</b>   | <b>Note</b> | <b>2010/11<br/>R'000</b> | <b>2009/10<br/>R'000</b> |
|--|-------------|--------------------------|--------------------------|
| <b>CASH FLOWS FROM OPERATING ACTIVITIES</b>              |             |                          |                          |
| Receipts   |             | <b>131,603</b>           | <b>116,621</b>           |
| Annual appropriated funds received                       | 1.1         | 131,435                  | 116,467                  |
| Departmental revenue received                            | 2           | 168                      | 154                      |
| Net (increase)/decrease in working capital               |             | 134                      | 198                      |
| Surrendered to Revenue Fund                              |             | (10,408)                 | (134)                    |
| Current payments   |             | (125,676)                | (101,964)                |
| Payments for financial assets                            |             | (38)                     | (201)                    |
| Transfers and subsidies paid                             |             | (74)                     | (65)                     |
| <b>Net cash flow available from operating activities</b> | <b>15</b>   | <b>(4,459)</b>           | <b>14,455</b>            |
| <b>CASH FLOWS FROM INVESTING ACTIVITIES</b>              |             |                          |                          |
| Payments for capital assets                              | 7           | (2,656)                  | (4,016)                  |
| <b>Net cash flows from investing activities</b>          |             | <b>(2,656)</b>           | <b>(4,016)</b>           |
| Net increase/(decrease) in cash and cash equivalents     |             | (7,115)                  | 10,439                   |
| Cash and cash equivalents at beginning of period         |             | 8,634                    | (1,805)                  |
| <b>Cash and cash equivalents at end of period</b>        | <b>16</b>   | <b>1,519</b>             | <b>8,634</b>             |

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, except where stated otherwise. The modified cash basis constitutes the cash basis of accounting supplemented with additional disclosure items. Under the cash basis of accounting transactions and other events are recognised when cash is received or paid.

### **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 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 note to the annual financial statements.

## 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 equals to or 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 Payments for financial assets**

Debts are written off when identified as irrecoverable. Debts written-off are limited to the amount of savings and/or under-spending 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 amounts.

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

### **3.4 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).

### **3.5 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 of approval.

### **3.6 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.

### **3.7 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 potentials 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 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 at 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.

#### **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 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.

#### 5.4 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.

#### 5.5 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.

#### 5.6 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 an expense in the statement of financial performance and are apportioned between the capital and interest portions. The finance lease liability 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.

#### 5.7 Impairment and other provisions

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.

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.

#### 7. Key management personnel

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

**1. Annual Appropriation**

**1.1 Annual Appropriation**

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

|  | Final<br>Appropriation | 2010/11<br>Actual Funds<br>Received | Funds not<br>requested/<br>not received | 2009/10<br>Appropriation<br>received |
|--|------------------------|-------------------------------------|---|--------------------------------------|
|  | R'000                  | R'000                               | R'000                                   | R'000                                |
| Administration   | 50,678                 | 50,678                              | -                                       | 44,373                               |
| Complaints<br>Processing,<br>Monitoring and<br>Investigation | 65,925                 | 65,925                              | -                                       | 56,171                               |
| Information<br>Management and<br>Research                    | 14,832                 | 14,832                              | -                                       | 15,923                               |
| <b>Total</b>   | <b>131,435</b>         | <b>131,435</b>                      | <b>-</b>                                | <b>116,467</b>                       |

*Provide an explanation for funds not requested/not received  
Not applicable*

**2. Departmental revenue**

|   | Note | 2010/11<br>R'000 | 2009/10<br>R'000 |
|---|------|------------------|------------------|
| Sales of goods and services other than capital assets | 2.1  | 89               | 69               |
| Interest, dividends and rent on land                  | 2.2  | 5                | 24               |
| Transactions in financial assets and liabilities      | 2.3  | 74               | 61               |
| <b>Departmental revenue collected</b>                 |      | <b>168</b>       | <b>154</b>       |

**2.1 Sales of goods and services other than capital assets**

|  | Note | 2010/11<br>R'000 | 2009/10<br>R'000 |
|--|------|------------------|------------------|
| Sales of goods and services produced by the department | 2    | 89               | 69               |
| Sales by market establishment                          |      | 42               | 25               |
| Administrative fees                                    |      | 47               | 44               |
| <b>Total</b>   |      | <b>89</b>        | <b>69</b>        |

**2.2 Interest, dividends and rent on land**

|              | Note | 2010/11<br>R'000 | 2009/10<br>R'000 |
|--------------|------|------------------|------------------|
| Interest     | 2    | 5                | 24               |
| <b>Total</b> |      | <b>5</b>         | <b>24</b>        |

**2.3 Transactions in financial assets and liabilities**

|  | <i>Note</i> | <b>2010/11</b> | <b>2009/10</b> |
|--|-------------|----------------|----------------|
|  | 2           | <b>R'000</b>   | <b>R'000</b>   |
| Receivables                                  |             | 46             | 38             |
| Other Receipts including Recoverable Revenue |             | 28             | 23             |
| <b>Total</b>                                 |             | <b>74</b>      | <b>61</b>      |

**3. Compensation of employees**

**3.1 Salaries and Wages**

|                                  | <i>Note</i> | <b>2010/11</b> | <b>2009/10</b> |
|----------------------------------|-------------|----------------|----------------|
|                                  |             | <b>R'000</b>   | <b>R'000</b>   |
| Basic salary                     |             | 46,651         | 42,831         |
| Performance award                |             | 1,087          | 988            |
| Service Based                    |             | 3,752          | 3,381          |
| Compensative/circumstantial      |             | 2,202          | 1,603          |
| Other non-pensionable allowances |             | 8,682          | 7,888          |
| <b>Total</b>                     |             | <b>62,374</b>  | <b>56,691</b>  |

**3.2 Social contributions**

|                               | <i>Note</i> | <b>2010/11</b> | <b>2009/10</b> |
|-------------------------------|-------------|----------------|----------------|
|                               |             | <b>R'000</b>   | <b>R'000</b>   |
| <b>Employer contributions</b> |             |                |                |
| Pension                       |             | 5,990          | 5,456          |
| Medical                       |             | 3,374          | 2,908          |
| Bargaining council            |             | 14             | 6              |
| <b>Total</b>                  |             | <b>9,378</b>   | <b>8,370</b>   |

|  |  |               |               |
|--|--|---------------|---------------|
| <b>Total compensation of employees</b> |  | <b>71,752</b> | <b>65,061</b> |
|--|--|---------------|---------------|

|                             |  |     |     |
|-----------------------------|--|-----|-----|
| Average number of employees |  | 292 | 287 |
|-----------------------------|--|-----|-----|

**4. Goods and services**

|   | <i>Note</i> | <b>2010/11</b> | <b>2009/10</b> |
|---|-------------|----------------|----------------|
|   |             | <b>R'000</b>   | <b>R'000</b>   |
| Administrative fees                                       |             | 471            | 416            |
| Advertising   |             | 465            | 603            |
| Assets less than R5,000                                   | 4.1         | 814            | 476            |
| Bursaries (employees)                                     |             | 230            | 169            |
| Catering  |             | 269            | 255            |
| Communication   |             | 2,948          | 2,653          |
| Computer services   | 4.2         | 5,136          | 2,760          |
| Consultants, contractors and agency/outsourced services   | 4.3         | 2,076          | 1,024          |
| Audit cost – external                                     | 4.4         | 2,995          | 2,114          |
| Fleet services  |             | 4,480          | 4,665          |
| Inventory   | 4.5         | 2,048          | 1,797          |
| Operating leases  |             | 15,568         | 4,237          |
| Property payments   | 4.6         | 3,999          | 3,222          |
| Transport provided as part of the departmental activities |             | 2              | -              |
| Travel and subsistence                                    | 4.7         | 10,617         | 10,874         |
| Venues and facilities                                     |             | 306            | 640            |
| Training and staff development                            |             | 1,113          | 660            |
| Other operating expenditure                               | 4.8         | 387            | 338            |
| <b>Total</b>  |             | <b>53,924</b>  | <b>36,903</b>  |

**4.1 Assets less than R5,000**

|                         | <i>Note</i> | <b>2010/11</b> | <b>2009/10</b> |
|-------------------------|-------------|----------------|----------------|
|                         |             | <b>R'000</b>   | <b>R'000</b>   |
| <b>Tangible assets</b>  |             |                |                |
| Machinery and equipment | 4           | 814            | 476            |
| <b>Total</b>            |             | <b>814</b>     | <b>476</b>     |

**4.2 Computer services**

|                                     | <i>Note</i> | <b>2010/11</b> | <b>2009/10</b> |
|-------------------------------------|-------------|----------------|----------------|
|                                     |             | <b>R'000</b>   | <b>R'000</b>   |
| SITA computer services              | 4           | 2,105          | 436            |
| External computer service providers |             | 3,031          | 2,324          |
| <b>Total</b>                        |             | <b>5,136</b>   | <b>2,760</b>   |

**4.3 Consultants, contractors and agency/outsourced services**

|  | <i>Note</i> | <b>2010/11</b> | <b>2009/10</b> |
|--|-------------|----------------|----------------|
|  |             | <b>R'000</b>   | <b>R'000</b>   |
| Business and advisory services         | 4           | 450            | 358            |
| Legal costs                            |             | 553            | -              |
| Contractors                            |             | 1,061          | 648            |
| Agency and support/outsourced services |             | 12             | 18             |
| <b>Total</b>                           |             | <b>2,076</b>   | <b>1,024</b>   |

|            |   |             |                      |                      |
|------------|---|-------------|----------------------|----------------------|
| <b>4.4</b> | <b>Audit cost – External</b>                          |             |                      |                      |
|            |   | <i>Note</i> | <b>2010/11</b>       | <b>2009/10</b>       |
|            |   | 4           | <b>R'000</b>         | <b>R'000</b>         |
|            | Regularity audits                                     |             | 2,706                | 2,052                |
|            | Other audits  |             | 289                  | 62                   |
|            | <b>Total</b>  |             | <u><b>2,995</b></u>  | <u><b>2,114</b></u>  |
| <b>4.5</b> | <b>Inventory</b>                                      |             |                      |                      |
|            |   | <i>Note</i> | <b>2010/11</b>       | <b>2009/10</b>       |
|            |   | 4           | <b>R'000</b>         | <b>R'000</b>         |
|            | Learning and teaching support material                |             | 8                    | 26                   |
|            | Other consumable materials                            |             | 410                  | 219                  |
|            | Maintenance material                                  |             | 18                   | -                    |
|            | Stationery and printing                               |             | 1,612                | 1,552                |
|            | <b>Total</b>  |             | <u><b>2,048</b></u>  | <u><b>1,797</b></u>  |
| <b>4.6</b> | <b>Property payments</b>                              |             |                      |                      |
|            |   | <i>Note</i> | <b>2010/11</b>       | <b>2009/10</b>       |
|            |   | 4           | <b>R'000</b>         | <b>R'000</b>         |
|            | Municipal services                                    |             | 1,352                | 882                  |
|            | Property management fees                              |             | -                    | 44                   |
|            | Other   |             | 2,647                | 2,296                |
|            | <b>Total</b>  |             | <u><b>3,999</b></u>  | <u><b>3,222</b></u>  |
| <b>4.7</b> | <b>Travel and subsistence</b>                         |             |                      |                      |
|            |   | <i>Note</i> | <b>2010/11</b>       | <b>2009/10</b>       |
|            |   | 4           | <b>R'000</b>         | <b>R'000</b>         |
|            | Local   |             | 10,610               | 10,855               |
|            | Foreign   |             | 7                    | 19                   |
|            | <b>Total</b>  |             | <u><b>10,617</b></u> | <u><b>10,874</b></u> |
| <b>4.8</b> | <b>Other operating expenditure</b>                    |             |                      |                      |
|            |   | <i>Note</i> | <b>2010/11</b>       | <b>2009/10</b>       |
|            |   | 4           | <b>R'000</b>         | <b>R'000</b>         |
|            | Professional bodies, membership and subscription fees |             | 11                   | 6                    |
|            | Resettlement costs                                    |             | 77                   | 141                  |
|            | Other   |             | 299                  | 191                  |
|            | <b>Total</b>  |             | <u><b>387</b></u>    | <u><b>338</b></u>    |
| <b>5.</b>  | <b>Payments for financial assets</b>                  |             |                      |                      |
|            |   | <i>Note</i> | <b>2010/11</b>       | <b>2009/10</b>       |
|            |   |             | <b>R'000</b>         | <b>R'000</b>         |
|            | Debts written off                                     | 5.1         | 38                   | 201                  |
|            | <b>Total</b>  |             | <u><b>38</b></u>     | <u><b>201</b></u>    |

**5.1 Debts written off**

|   | Note | 2010/11<br>R'000 | 2009/10<br>R'000 |
|---|------|------------------|------------------|
|   | 5    |                  |                  |
| <b>Nature of debts written off</b>                |      |                  |                  |
| (Group major categories, but list material items) |      |                  |                  |
| Salary overpayment and claims written-off         |      | 28               | 189              |
| Tax debt  |      | 4                | 12               |
| Bursary   |      | 6                | -                |
| <b>Total</b>                                      |      | <b>38</b>        | <b>201</b>       |

**6. Transfers and subsidies**

|                                    | Note        | 2010/11<br>R'000 | 2009/10<br>R'000 |
|------------------------------------|-------------|------------------|------------------|
|                                    |             |                  |                  |
| Departmental agencies and accounts | Annex<br>1A | 74               | 65               |
| <b>Total</b>                       |             | <b>74</b>        | <b>65</b>        |

**7. Expenditure for capital assets**

|                         | Note | 2010/11<br>R'000 | 2009/10<br>R'000 |
|-------------------------|------|------------------|------------------|
|                         |      |                  |                  |
| <b>Tangible assets</b>  |      |                  |                  |
| Machinery and equipment | 26   | 2,656            | 4,016            |
| <b>Total</b>            |      | <b>2,656</b>     | <b>4,016</b>     |

**7.1 Analysis of funds utilised to acquire capital assets – 2010/11**

|                         | Voted funds<br>R'000 | Aid<br>assistance<br>R'000 | Total<br>R'000 |
|-------------------------|----------------------|----------------------------|----------------|
|                         |                      |                            |                |
| <b>Tangible assets</b>  |                      |                            |                |
| Machinery and equipment | 2,656                | -                          | 2,656          |
| <b>Total</b>            | <b>2,656</b>         | <b>-</b>                   | <b>2,656</b>   |

**7.2 Analysis of funds utilised to acquire capital assets – 2009/10**

|                         | Voted funds<br>R'000 | Aid<br>assistance<br>R'000 | Total<br>R'000 |
|-------------------------|----------------------|----------------------------|----------------|
|                         |                      |                            |                |
| <b>Tangible assets</b>  |                      |                            |                |
| Machinery and equipment | 4,016                | -                          | 4,016          |
| <b>Total</b>            | <b>4,016</b>         | <b>-</b>                   | <b>4,016</b>   |



**8. Unauthorised expenditure**

**8.1 Reconciliation of unauthorised expenditure**

|  | <i>Note</i> | <b>2010/11</b> | <b>2009/10</b> |
|--|-------------|----------------|----------------|
|  |             | <b>R'000</b>   | <b>R'000</b>   |
| Opening balance  |             | 891            | 891            |
| <b>Unauthorised expenditure awaiting authorisation / written off</b> |             | <b>891</b>     | <b>891</b>     |

**8.2 Analysis of unauthorised expenditure awaiting authorisation per economic classification**

|              | <b>2010/11</b> | <b>2009/10</b> |
|--------------|----------------|----------------|
|              | <b>R'000</b>   | <b>R'000</b>   |
| Current      | 891            | 891            |
| <b>Total</b> | <b>891</b>     | <b>891</b>     |

**8.3 Analysis of unauthorised expenditure awaiting authorisation per type**

|  | <b>2010/11</b> | <b>2009/10</b> |
|--|----------------|----------------|
|  | <b>R'000</b>   | <b>R'000</b>   |
| Unauthorised expenditure relating to overspending of the vote or a main division within a vote | 891            | 891            |
| <b>Total</b>   | <b>891</b>     | <b>891</b>     |

**9. Cash and cash equivalents**

|  | <i>Note</i> | <b>2010/11</b> | <b>2009/10</b> |
|--|-------------|----------------|----------------|
|  |             | <b>R'000</b>   | <b>R'000</b>   |
| Consolidated Paymaster General Account |             | 3,542          | 11,871         |
| Disbursements                          |             | (2,050)        | (3,266)        |
| Cash on hand                           |             | 27             | 29             |
| <b>Total</b>                           |             | <b>1,519</b>   | <b>8,634</b>   |

**10. Prepayments and advances**

|                        | <i>Note</i> | <b>2010/11</b> | <b>2009/10</b> |
|------------------------|-------------|----------------|----------------|
|                        |             | <b>R'000</b>   | <b>R'000</b>   |
| Travel and subsistence |             | 19             | 17             |
| <b>Total</b>           |             | <b>19</b>      | <b>17</b>      |

**11. Receivables**

|                            | Note         | 2010/11                              |                                   |  | 2009/10        |                |
|----------------------------|--------------|--------------------------------------|-----------------------------------|--|----------------|----------------|
|                            |              | R'000<br>Less<br>than<br>one<br>year | R'000<br>One to<br>three<br>years | R'000<br>Older<br>than<br>three<br>years | R'000<br>Total | R'000<br>Total |
| Claims recoverable         | 11.1 Annex 4 | 7                                    | 407                               | -  | 414            | 535            |
| Recoverable<br>expenditure | 11.2         | 33                                   | -                                 | -  | 33             | (1)            |
| Staff debt                 | 11.3         | 18                                   | 129                               | -  | 147            | 219            |
| <b>Total</b>               |              | <b>58</b>                            | <b>536</b>                        | <b>-</b>                                 | <b>594</b>     | <b>753</b>     |

**11.1 Claims recoverable**

|                        | Note | 2010/11<br>R'000 | 2009/10<br>R'000 |
|------------------------|------|------------------|------------------|
| National departments   | 11   | 414              | 466              |
| Provincial departments |      | -                | 69               |
| <b>Total</b>           |      | <b>414</b>       | <b>535</b>       |

**11.2 Recoverable expenditure (disallowance accounts)**

|   | Note | 2010/11<br>R'000 | 2009/10<br>R'000 |
|---|------|------------------|------------------|
| (Group major categories, but list material items) | 11   |                  |                  |
| Independent Institutions                          |      | 33               | (1)              |
| <b>Total</b>                                      |      | <b>33</b>        | <b>(1)</b>       |

**11.3 Staff debt**

|   | Note | 2010/11<br>R'000 | 2009/10<br>R'000 |
|---|------|------------------|------------------|
| (Group major categories, but list material items) | 11   |                  |                  |
| Salary overpayment                                |      | 5                | 182              |
| Tax debt  |      | 14               | 22               |
| Other   |      | 128              | 15               |
| <b>Total</b>                                      |      | <b>147</b>       | <b>219</b>       |

**12. Voted funds to be surrendered to the Revenue Fund**

|  | Note | 2010/11<br>R'000 | 2009/10<br>R'000 |
|--|------|------------------|------------------|
| Opening balance                                  |      | 10,221           | -                |
| Transfer from statement of financial performance |      | 2,991            | 10,221           |
| Paid during the year                             |      | (10,221)         | -                |
| <b>Closing balance</b>                           |      | <b>2,991</b>     | <b>10,221</b>    |

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

|  | <i>Note</i> | <b>2010/11</b><br><b>R'000</b> | <b>2009/10</b><br><b>R'000</b> |
|--|-------------|--------------------------------|--------------------------------|
| Opening balance                                  |             | 23                             | 3                              |
| Transfer from Statement of Financial Performance |             | 168                            | 154                            |
| Paid during the year                             |             | (187)                          | (134)                          |
| <b>Closing balance</b>                           |             | <b>4</b>                       | <b>23</b>                      |

*Actual paid during the year amounted to R192 000, which included an amount of R5 000 relating to the previous financial year.*

**14. Payables – current**

|                                 | <i>Note</i>        | <b>2010/11</b><br><b>Total</b> | <b>2009/10</b><br><b>Total</b> |
|---------------------------------|--------------------|--------------------------------|--------------------------------|
| Amounts owing to other entities | <i>Annex<br/>5</i> | 28                             | 51                             |
| <b>Total</b>                    |                    | <b>28</b>                      | <b>51</b>                      |

**15. Net cash flow available from operating activities**

|  | <i>Note</i> | <b>2010/11</b><br><b>R'000</b> | <b>2009/10</b><br><b>R'000</b> |
|--|-------------|--------------------------------|--------------------------------|
| Net surplus/(deficit) as per Statement of Financial Performance  |             | 3,159                          | 10,375                         |
| Add back non cash/cash movements not deemed operating activities |             | (7,618)                        | 4,080                          |
| (Increase)/decrease in receivables – current                     |             | 159                            | 118                            |
| (Increase)/decrease in prepayments and advances                  |             | (2)                            | 29                             |
| Increase/(decrease) in payables – current                        |             | (23)                           | 51                             |
| Expenditure on capital assets                                    |             | 2,656                          | 4,016                          |
| Surrenders to Revenue Fund                                       |             | (10,408)                       | (134)                          |
| <b>Net cash flow generated by operating activities</b>           |             | <b>(4,459)</b>                 | <b>14,455</b>                  |

**16. Reconciliation of cash and cash equivalents for cash flow purposes**

|  | <i>Note</i> | <b>2010/11</b><br><b>R'000</b> | <b>2009/10</b><br><b>R'000</b> |
|--|-------------|--------------------------------|--------------------------------|
| Consolidated Paymaster General Account |             | 3,542                          | 11,871                         |
| Disbursements                          |             | (2,050)                        | (3,266)                        |
| Cash on hand                           |             | 27                             | 29                             |
| <b>Total</b>                           |             | <b>1,519</b>                   | <b>8,634</b>                   |

These amounts are not recognised in the Annual Financial Statements and are disclosed to enhance the usefulness of the Annual Financial Statements.

**17. Contingent liabilities and contingent assets**

**17.1 Contingent liabilities**

|  |               | <i>Note</i>     | <b>2010/11</b> | <b>2009/10</b> |
|--|---------------|-----------------|----------------|----------------|
|  |               |                 | <b>R'000</b>   | <b>R'000</b>   |
| <b>Liable to</b>   | <b>Nature</b> |                 |                |                |
| Motor vehicle guarantees                                   | Employees     | <i>Annex 3A</i> | 89             | 179            |
| Housing loan guarantees                                    | Employees     | <i>Annex 3A</i> | 185            | 269            |
| Claims against the department                              |               | <i>Annex 3B</i> | 9,142          | 2,640          |
| Other departments (interdepartmental unconfirmed balances) |               | <i>Annex 5</i>  | 28             | 51             |
| <b>Total</b>   |               |                 | <b>9,444</b>   | <b>3,139</b>   |

*The amount included in the Claims against the department reflects the worst case scenario. Management decided to take a prudent approach in the disclosure.*

**18. Commitments**

|                            |  | <i>Note</i> | <b>2010/11</b> | <b>2009/10</b> |
|----------------------------|--|-------------|----------------|----------------|
|                            |  |             | <b>R'000</b>   | <b>R'000</b>   |
| <b>Current expenditure</b> |  |             |                |                |
| Approved and contracted    |  |             | 1,629          | 632            |
|                            |  |             | 1,629          | 632            |
| <b>Capital expenditure</b> |  |             |                |                |
| Approved and contracted    |  |             | 188            | 1,012          |
|                            |  |             | 188            | 1,012          |
| <b>Total Commitments</b>   |  |             | <b>1,817</b>   | <b>1,644</b>   |

*No commitment is for longer than a year*

**19. Accruals**

|  |                | <b>2010/11</b>  |              |              | <b>2009/10</b> |
|--|----------------|-----------------|--------------|--------------|----------------|
|  |                | <b>R'000</b>    |              |              | <b>R'000</b>   |
| <b>Listed by economic classification</b> |                |                 |              |              |                |
|  | <b>30 Days</b> | <b>30+ Days</b> | <b>Total</b> | <b>Total</b> |                |
| Goods and services                       | 1,895          | 100             | 1,995        | -            |                |
| Capital assets                           | 225            | -               | 225          | -            |                |
| <b>Total</b>                             | <b>2,120</b>   | <b>100</b>      | <b>2,220</b> | <b>-</b>     |                |

|   |  | <i>Note</i> | <b>2010/11</b> | <b>2009/10</b> |
|---|--|-------------|----------------|----------------|
|   |  |             | <b>R'000</b>   | <b>R'000</b>   |
| <b>Listed by programme level</b>                    |  |             |                |                |
| Administration                                      |  |             | 1,283          | -              |
| Complaints Processing, Monitoring and Investigation |  |             | 609            | -              |
| Information Management and Research                 |  |             | 328            | -              |
| <b>Total</b>  |  |             | <b>2,220</b>   | <b>-</b>       |

**20. Employee benefits**

|                                   | Note | 2010/11<br>R'000 | 2009/10<br>R'000 |
|-----------------------------------|------|------------------|------------------|
| Leave entitlement                 |      | 1,073            | 1,875            |
| Service bonus (Thirteenth cheque) |      | 1,948            | 1,527            |
| Performance awards                |      | 45               | -                |
| Capped leave commitments          |      | 2,918            | 3,234            |
| Other                             |      | 1,115            | 96               |
| <b>Total</b>                      |      | <b>7,099</b>     | <b>6,732</b>     |

The negative amounts in terms of the leave entitlement included in the disclosure note, amounts to R88 385.99 which is attributed to staff taking leave at the start of the period that exceeds the number of days calculated for the first quarter of the calendar year.

**21. Lease commitments**

**21.1 Finance leases expenditure**

| 2010/11                                      | Specialised<br>military<br>equipment | Land     | Buildings and<br>other fixed<br>structures | Machinery<br>and<br>equipment | Total        |
|--|--------------------------------------|----------|--|-------------------------------|--------------|
| Not later than 1 year                        | -                                    | -        | -  | 1,609                         | 1,609        |
| Later than 1 year and not later than 5 years | -                                    | -        | -  | 363                           | 363          |
| <b>Total lease commitments</b>               | <b>-</b>                             | <b>-</b> | <b>-</b>                                   | <b>1,972</b>                  | <b>1,972</b> |

| 2009/10                                      | Specialised<br>military<br>equipment | Land     | Buildings and<br>other fixed<br>structures | Machinery<br>and<br>equipment | Total        |
|--|--------------------------------------|----------|--|-------------------------------|--------------|
| Not later than 1 year                        | -                                    | -        | -  | 1,402                         | 1,402        |
| Later than 1 year and not later than 5 years | -                                    | -        | -  | 1,824                         | 1,824        |
| <b>Total lease commitments</b>               | <b>-</b>                             | <b>-</b> | <b>-</b>                                   | <b>3,226</b>                  | <b>3,226</b> |

Disclosed Finance Leases refer to operating leases in respect of labour saving devices (photocopiers) as well as GG vehicles.

Permitted as per Practice Note 5 of 2006/2007 (dated 05/12/2006) from National Treasury.

Prior year (2009/10) amount has been restated by adding R2 966 000 to R260 000 to reflect GG vehicles.

Current year (2010/11) amount has been changed to reflect the audit adjustment of R26 000 (labour saving devices) and the management adjustment of R1 781 000 (GG vehicles).

**22. Irregular expenditure**

**22.1 Reconciliation of irregular expenditure**

|   | <i>Note</i> | <b>2010/11</b> | <b>2009/10</b> |
|---|-------------|----------------|----------------|
|   |             | <b>R'000</b>   | <b>R'000</b>   |
| Opening balance                                       |             | 184            | -              |
| Add: Irregular expenditure – relating to current year |             | -              | 198            |
| Less: Amounts condoned                                |             | -              | (14)           |
| <b>Irregular expenditure awaiting condonation</b>     |             | <b>184</b>     | <b>184</b>     |

**Analysis of awaiting condonation per age classification**

|              |            |            |
|--------------|------------|------------|
| Current year | -          | 184        |
| Prior years  | 184        | -          |
| <b>Total</b> | <b>184</b> | <b>184</b> |

**23. Fruitless and wasteful expenditure**

**23.1 Reconciliation of fruitless and wasteful expenditure**

|  | <i>Note</i> | <b>2010/11</b> | <b>2009/10</b> |
|--|-------------|----------------|----------------|
|  |             | <b>R'000</b>   | <b>R'000</b>   |
| Opening balance  |             | -              | -              |
| Fruitless and wasteful expenditure – relating to current year  |             | 3              | -              |
| Less: Amounts transferred to receivables for recovery          |             | (3)            | -              |
| <b>Fruitless and wasteful expenditure awaiting condonement</b> |             | <b>-</b>       | <b>-</b>       |

**23.2 Analysis of Current year's fruitless and wasteful expenditure**

| <b>Incident</b>  | <b>Disciplinary steps taken / criminal proceedings</b>        | <b>2010/11</b> |
|--|---|----------------|
|  |   | <b>R'000</b>   |
| Traffic offences by official whilst using rented vehicle | Traffic fines and administration fees recovered from official | 1              |
| VAT claimed in error by supplier                         | VAT paid back to ICD by the supplier                          | 2              |
| <b>Total</b>   |   | <b>3</b>       |

**24. Key management personnel**

|  | <b>No. of Individuals</b> | <b>2010/11</b> | <b>2009/10</b> |
|--|---------------------------|----------------|----------------|
|  |                           | <b>R'000</b>   | <b>R'000</b>   |
| Officials:                               |                           |                |                |
| Level 15 to 16                           | 1                         | 1,087          | 609            |
| Level 14 (incl. CFO if at a lower level) | 4                         | 3,274          | 3,399          |
| <b>Total</b>                             |                           | <b>4,361</b>   | <b>4,008</b>   |

25. Impairment and other provisions

|                   | Note | 2010/11<br>R'000 | 2009/10<br>R'000 |
|-------------------|------|------------------|------------------|
| <b>Impairment</b> |      |                  |                  |
| Debtors           |      | 54               | 119              |
| <b>Total</b>      |      | 54               | 119              |

26. Movable Tangible Capital Assets

**MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011**

|  | Opening<br>Balance | Curr Year<br>Adjust-<br>ments to<br>prior year<br>balances | Additions    | Disposals  | Closing<br>Balance |
|--|--------------------|--|--------------|------------|--------------------|
|  | R'000              | R'000  | R'000        | R'000      | R'000              |
| <b>MACHINERY AND EQUIPMENT</b>               | <b>12,449</b>      | -  | <b>3,515</b> | <b>497</b> | <b>15,467</b>      |
| Transport assets                             | 1,617              | -  | -            | -          | 1,617              |
| Computer equipment                           | 7,257              | -  | 2,372        | 482        | 9,147              |
| Furniture and office equipment               | 2,240              | -  | 973          | 15         | 3,198              |
| Other machinery and equipment                | 1,335              | -  | 170          | -          | 1,505              |
| <b>TOTAL MOVABLE TANGIBLE CAPITAL ASSETS</b> | <b>12,449</b>      | -  | <b>3,515</b> | <b>497</b> | <b>15,467</b>      |

26.1 Additions

**ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011**

|   | Cash         | Non-cash   | (Capital<br>Work in<br>Progress<br>current<br>costs and<br>finance<br>lease<br>payments) | Received<br>current, not<br>paid<br>(Paid<br>current year,<br>received<br>prior year) | Total        |
|---|--------------|------------|--|---|--------------|
|   | R'000        | R'000      | R'000  | R'000   | R'000        |
| <b>MACHINERY AND EQUIPMENT</b>                            | <b>2,656</b> | -          | -  | <b>229</b>  | <b>3,515</b> |
| Computer equipment  | 1,577        | 630        | -  | 165   | 2,372        |
| Furniture and office equipment                            | 941          | -          | -  | 32  | 973          |
| Other machinery and equipment                             | 138          | -          | -  | 32  | 170          |
| <b>TOTAL ADDITIONS TO MOVABLE TANGIBLE CAPITAL ASSETS</b> | <b>2,656</b> | <b>630</b> | -  | <b>229</b>  | <b>3,515</b> |

26.2 Disposals

**DISPOSALS OF MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2011**

|  | Sold for cash | Transfer out or destroyed or scrapped | Total disposals | Cash Received Actual |
|--|---------------|---------------------------------------|-----------------|----------------------|
|  | R'000         | R'000                                 | R'000           | R'000                |
| <b>MACHINERY AND EQUIPMENT</b>                           | -             | 497                                   | 497             | -                    |
| Computer equipment                                       | -             | 482                                   | 482             | -                    |
| Furniture and office equipment                           | -             | 15                                    | 15              | -                    |
| <b>TOTAL DISPOSAL OF MOVABLE TANGIBLE CAPITAL ASSETS</b> | -             | 497                                   | 497             | -                    |

26.3 Movement for 2009/10

**MOVEMENT IN MOVABLE TANGIBLE CAPITAL ASSETS PER ASSET REGISTER FOR THE YEAR ENDED 31 MARCH 2010**

|                                      | Opening balance | Additions | Disposals | Closing balance |
|--------------------------------------|-----------------|-----------|-----------|-----------------|
|                                      | R'000           | R'000     | R'000     | R'000           |
| <b>MACHINERY AND EQUIPMENT</b>       | 10,662          | 4,016     | 2,229     | 12,449          |
| Transport assets                     | 3,685           | -         | 2,068     | 1,617           |
| Computer equipment                   | 3,779           | 3,626     | 148       | 7,257           |
| Furniture and office equipment       | 1,948           | 305       | 13        | 2,240           |
| Other machinery and equipment        | 1,250           | 85        | -         | 1,335           |
| <b>TOTAL MOVABLE TANGIBLE ASSETS</b> | 10,662          | 4,016     | 2,229     | 12,449          |

26.4 Minor assets

**MOVEMENT IN MINOR ASSETS OF THE DEPARTMENT AS AT 31 MARCH 2011**

|  | Specialised military assets | Intangible assets | Heritage assets | Machinery and equipment | Biological assets | Total |
|--|-----------------------------|-------------------|-----------------|-------------------------|-------------------|-------|
|  | R'000                       | R'000             | R'000           | R'000                   | R'000             | R'000 |
| Minor assets:                              |                             |                   |                 |                         |                   |       |
| Opening balance                            | -                           | -                 | 12              | 7,694                   | -                 | 7,706 |
| Curr year Adjustments to Prior Yr Balances | -                           | -                 | -               | 954                     | -                 | 954   |
| Additions                                  | -                           | -                 | -               | 542                     | -                 | 542   |
| Disposals                                  | -                           | -                 | -               | 353                     | -                 | 353   |
| <b>TOTAL</b>                               | -                           | -                 | 12              | 8,837                   | -                 | 8,849 |



|   | Specialised<br>military assets | Intangible<br>assets | Heritage<br>assets | Machinery<br>and<br>equipment | Biological<br>assets | Total |
|---|--------------------------------|----------------------|--------------------|-------------------------------|----------------------|-------|
| Number of<br>minor assets at<br>cost        | -                              | -                    | 9                  | 5,632                         | -                    | 5,641 |
| <b>TOTAL<br/>NUMBER OF<br/>MINOR ASSETS</b> | -                              | -                    | 9                  | 5,632                         | -                    | 5,641 |

**MINOR ASSETS OF THE DEPARTMENT AS AT 31 MARCH 2010**

|              | Specialised<br>military assets | Intangible<br>assets | Heritage<br>assets | Machinery<br>and<br>equipment | Biological<br>assets | Total |
|--------------|--------------------------------|----------------------|--------------------|-------------------------------|----------------------|-------|
|              | R'000                          | R'000                | R'000              | R'000                         | R'000                | R'000 |
| Minor assets | -                              | -                    | 12                 | 7,694                         | -                    | 7,706 |
| <b>TOTAL</b> | -                              | -                    | 12                 | 7,694                         | -                    | 7,706 |

**27. World Cup Expenditure**

**Purchase of world cup apparel**

*Specify the nature of the purchase (e.g. t-shirts, caps, etc.)*

*Rainbow Nation Vuvuzela's*

*Soccer Scarves*

*SA Flag Rainbow Beanies*

*Makarapa's*

*Flags (32 Countries)*

**Total**

**Total world cup expenditure**

|                                    | 2010/11<br>Quantity | 2010/11<br>R'000 | 2009/10<br>R'000 |
|------------------------------------|---------------------|------------------|------------------|
|                                    | 303                 | 7                | -                |
|                                    | 152                 | 9                | -                |
|                                    | 151                 | 6                | -                |
|                                    | 10                  | 2                | -                |
|                                    | 32                  | 6                | -                |
| <b>Total</b>                       | 648                 | 30               | -                |
| <b>Total world cup expenditure</b> |                     | 30               | -                |

**ANNEXURE 1A**

**STATEMENT OF TRANSFERS TO DEPARTMENTAL AGENCIES AND ACCOUNTS**

| DEPARTMENT/<br>AGENCY/<br>ACCOUNT | TRANSFER ALLOCATION       |               |             |                    | TRANSFER           |   | 2009/10              |
|-----------------------------------|---------------------------|---------------|-------------|--------------------|--------------------|---|----------------------|
|                                   | Adjusted<br>Appropriation | Roll<br>Overs | Adjustments | Total<br>Available | Actual<br>Transfer | % of<br>Available<br>funds<br>Transferred | Appropriation<br>Act |
|                                   | R'000                     | R'000         | R'000       | R'000              | R'000              | %   | R'000                |
| SASSETA                           | 74                        | -             | -           | 74                 | 74                 | 100%                                      | 65                   |
|                                   | 74                        | -             | -           | 74                 | 74                 | 100%                                      | 65                   |

*The payment to SASSETA related to the administrative contribution that was transferred by the Department.*

**ANNEXURE 1B**

**STATEMENT OF GIFTS, DONATIONS AND SPONSORSHIPS RECEIVED**

| NAME<br>ORGANISATION    | OF | NATURE OF GIFT, DONATION OR SPONSORSHIP  | 2010/11 | 2009/10 |
|-------------------------|----|--|---------|---------|
|                         |    |  | R'000   | R'000   |
| <b>Received in cash</b> |    |  |         |         |
| Staff members           |    | Food bought for distribution to Mercy House as part of the 16 Days of No Violence Against Women and Children                 | 1       | -       |
| Staff members           |    | Food bought for distribution to PAHAS as part of the 16 Days of No Violence Against Women and Children                       | 1       | -       |
| <b>Subtotal</b>         |    |  | 2       | -       |
| <b>Received in kind</b> |    |  |         |         |
| SASSETA                 |    | Training to Investigators  | 1       | 1,100   |
| Mr D de Bruin           |    | Donated soft toys for distribution as part of the 16 Days of No Violence Against Women and Children to Mercy House and PAHAS | 1       | -       |
| <b>Subtotal</b>         |    |  | 2       | 1,100   |
| <b>TOTAL</b>            |    |  | 4       | 1,100   |

INDEPENDENT COMPLAINTS DIRECTORATE  
VOTE 22  
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2011

ANNEXURE 3A

STATEMENT OF FINANCIAL GUARANTEES ISSUED AS AT 31 MARCH 2011 – LOCAL

| Guarantor institution | Guarantee in respect of | Original guaranteed capital amount | Opening balance 1 April 2010 | Guarantees draw downs during the year | Guarantees repaid/cancelled/reduced/released during the year | Revaluations | Closing balance 31 March 2011 | Guaranteed interest for year ended 31 March 2011 | Realised losses not recoverable i.e. claims paid out |
|-----------------------|-------------------------|------------------------------------|------------------------------|---------------------------------------|--|--------------|-------------------------------|--|--|
|                       |                         | R'000                              | R'000                        | R'000                                 | R'000  | R'000        | R'000                         | R'000  | R'000  |
| Stannic               | Motor vehicles          | 331                                | 179                          | -                                     | 90   | -            | 89                            | -  | -  |
|                       | <b>Subtotal</b>         | <b>331</b>                         | <b>179</b>                   | <b>-</b>                              | <b>90</b>  | <b>-</b>     | <b>89</b>                     | <b>-</b>   | <b>-</b>   |
| ABSA                  | Housing                 | 496                                | 88                           | -                                     | -  | -            | 88                            | -  | -  |
| Nedbank               | Housing                 | 130                                | 26                           | -                                     | -  | -            | 26                            | -  | -  |
| Standard              | Housing                 | 357                                | 142                          | -                                     | 71   | -            | 71                            | -  | -  |
| Free State Dev Corp   | Housing                 | 156                                | 13                           | -                                     | 13   | -            | -                             | -  | -  |
|                       | <b>Subtotal</b>         | <b>1,139</b>                       | <b>269</b>                   | <b>-</b>                              | <b>84</b>  | <b>-</b>     | <b>185</b>                    | <b>-</b>   | <b>-</b>   |
|                       | <b>TOTAL</b>            | <b>1,470</b>                       | <b>448</b>                   | <b>-</b>                              | <b>174</b>   | <b>-</b>     | <b>274</b>                    | <b>-</b>   | <b>-</b>   |

INDEPENDENT COMPLAINTS DIRECTORATE  
 VOTE 22  
 ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS  
 for the year ended 31 March 2011

**ANNEXURE 3B**  
**STATEMENT OF CONTINGENT LIABILITIES AS AT 31 MARCH 2011**

| Nature of Liability                  | Opening balance<br>1 April 2010 | Liabilities incurred<br>during the year | Liabilities paid/<br>cancelled/reduced<br>during the year | Liabilities recoverable<br>(Provide details<br>hereunder) | Closing<br>Balance<br>31 March 2011 |
|--------------------------------------|---------------------------------|---|---|---|-------------------------------------|
|                                      | R'000                           | R'000                                   | R'000   | R'000   | R'000                               |
| <b>Claims against the department</b> |                                 |   |   |   |                                     |
| Court Settlement                     | -                               | 18                                      | -   | -   | 18                                  |
| Possible Claims                      | 2,640                           | 6,681                                   | 197   | -   | 9,124                               |
| <b>Subtotal</b>                      | <b>2,640</b>                    | <b>6,699</b>                            | <b>197</b>  | <b>-</b>  | <b>9,142</b>                        |
| <b>TOTAL</b>                         | <b>2,640</b>                    | <b>6,699</b>                            | <b>197</b>  | <b>-</b>  | <b>9,142</b>                        |

INDEPENDENT COMPLAINTS DIRECTORATE  
VOTE 22  
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2011

**ANNEXURE 4  
CLAIMS RECOVERABLE**

| Government Entity                                      | Confirmed balance outstanding |            | Unconfirmed balance outstanding |            | Total      |            |
|--|-------------------------------|------------|---------------------------------|------------|------------|------------|
|  | 31/03/2011                    | 31/03/2010 | 31/03/2011                      | 31/03/2010 | 31/03/2011 | 31/03/2010 |
|  | R'000                         | R'000      | R'000                           | R'000      | R'000      | R'000      |
| <b>Department</b>                                      |                               |            |                                 |            |            |            |
| Provincial Government – North West                     | -                             | -          | -                               | 1          | -          | 1          |
| National Treasury                                      | -                             | -          | 407                             | 403        | 407        | 403        |
| Provincial Government – Gauteng (Education)            | -                             | -          | -                               | 68         | -          | 68         |
| Department of Agriculture, Forestry and Fisheries      | -                             | -          | -                               | 8          | -          | 8          |
| Provincial Government – Gauteng (Economic Development) | -                             | -          | -                               | 3          | -          | 3          |
| Department of Health                                   | -                             | -          | 3                               | 7          | 3          | 7          |
| SAPS   | -                             | -          | 1                               | 36         | 1          | 36         |
| SASSA  | -                             | -          | -                               | 5          | -          | 5          |
| Statistics SA  | -                             | -          | 3                               | 4          | 3          | 4          |
| <b>Subtotal</b>  | -                             | -          | 414                             | 535        | 414        | 535        |
| <b>Total</b>   | -                             | -          | 414                             | 535        | 414        | 535        |

INDEPENDENT COMPLAINTS DIRECTORATE  
VOTE 22  
ANNEXURES TO THE ANNUAL FINANCIAL STATEMENTS  
for the year ended 31 March 2011

**ANNEXURE 5**

**INTER-GOVERNMENT PAYABLES**

| GOVERNMENT ENTITY              | Confirmed balance outstanding |                     | Unconfirmed balance outstanding |                     | TOTAL               |                     |
|--------------------------------|-------------------------------|---------------------|---------------------------------|---------------------|---------------------|---------------------|
|                                | 31/03/2011<br>R'000           | 31/03/2010<br>R'000 | 31/03/2011<br>R'000             | 31/03/2010<br>R'000 | 31/03/2011<br>R'000 | 31/03/2010<br>R'000 |
| <b>OTHER GOVERNMENT ENTITY</b> |                               |                     |                                 |                     |                     |                     |
| Current                        |                               |                     |                                 |                     |                     |                     |
| SARS                           | -                             | -                   | 31                              | 48                  | 31                  | 48                  |
| Independent Institutions       | -                             | -                   | (3)                             | 3                   | (3)                 | 3                   |
| <b>Subtotal</b>                | -                             | -                   | 28                              | 51                  | 28                  | 51                  |
| <b>Total</b>                   | -                             | -                   | 28                              | 51                  | 28                  | 51                  |

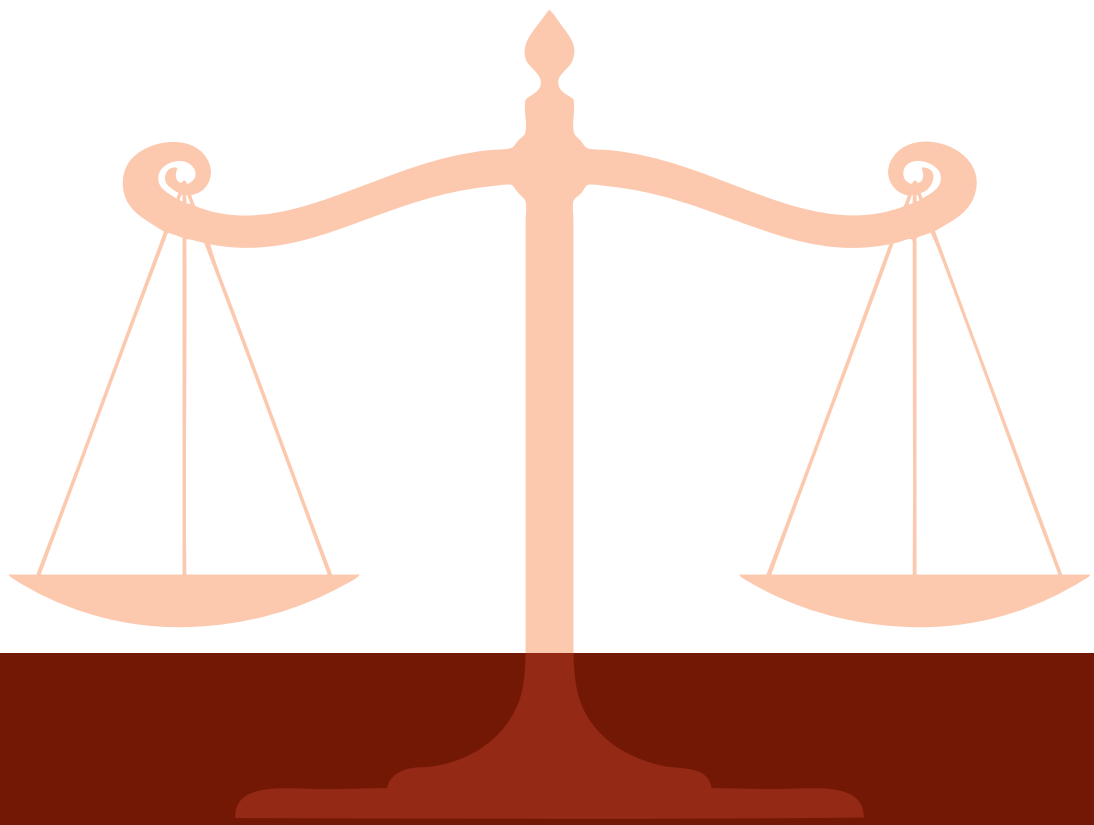
**SUPPLEMENTARY INFORMATION - UNAUDITED**

**ANNEXURE 6  
INVENTORY**

| Inventory                                     | Note | Quantity     | 2010/11      | Quantity      | 2009/10    |
|---|------|--------------|--------------|---------------|------------|
|   |      |              | R'000        |               | R'000      |
| Opening balance                               |      | 20,360       | 589          | 20,360        | 589        |
| Add/(Less): Adjustments to prior year balance |      | -            | -            | 361           | 44         |
| Add: Additions/Purchases - Cash               |      | 24,130       | 2,374        | 22,800        | 2,230      |
| Add: Additions - Non-cash                     |      | 3,366        | 41           | 259           | 35         |
| (Less): Disposals                             |      | (11,060)     | (293)        | -             | -          |
| (Less): Issues                                |      | (28,048)     | (250)        | (22,872)      | (2,032)    |
| Add/(Less): Adjustments                       |      | (2,969)      | (32)         | -             | -          |
| <b>Closing balance</b>                        |      | <b>5,779</b> | <b>2,429</b> | <b>20,908</b> | <b>866</b> |











# ICD

Independent Complaints Directorate

**Annual Report**

2 0 1 0 - 2 0 1 1

**Physical Address:**

City Forum Building  
114 Vermeulen Street  
Pretoria  
0002

**Postal Address:**

Private Bag X941  
Pretoria  
0001

**Contact Details:**

Tel : 012 399 0000  
Fax : 012 326 0408  
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Website : [www.icd.gov.za](http://www.icd.gov.za)

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