**Public Protector South Africa Annual Report** 1 April 2007- 31 March 2008

ISBN: 978-0-621-38083-5 RP211/2008

с м ч

۲



 $\bigcirc$ 

# 11. ANNUAL FINANCIAL STATEMENTS FOR THE YEAR ENDED 31 MARCH 2008

۲

| CONTENTS                                 | PAGE |   |
|--|------|---|
| Report of the Audit Committee            | 126  |   |
| Report of the Auditor-General            | 128  |   |
| Report of the Accounting Officer         | 131  |   |
| Statement of Financial Performance       | 136  | e |
| Statement of Financial Position          | 137  |   |
| Statement of Changes in Net Assets       | 138  |   |
| Cash Flow Statement                      | 139  |   |
| Notes to the Annual Financial Statements | 140  |   |

**125** Public Protector South Africa Annual Report 1 April 2007 - 31 March 2008

Â

# REPORT OF THE AUDIT COMMITTEE FOR THE YEAR ENDED 31 MARCH 2008

We are pleased to present our report for the financial year ended 31 March 2008.

#### Audit Committee members and attendance

The Audit Committee consists of the members listed hereunder and meets twice per annum as per its approved terms of reference. During the current year four meetings were held.

| Name of Member            | No. of meetings attended |  |  |
|---------------------------|--------------------------|--|--|
| Ms. M. Vuso (Chairperson) | 4                        |  |  |
| Mr. A. Soma               | 3                        |  |  |
| Mr. J. Mokwena            | 3                        |  |  |

#### Audit Committee responsiblity

The Audit Committee reports that it has complied with its responsibilities arising from section 38 (1)(a) of the PFMA and Treasury Regulation 3.1.13. The Audit Committee also reports that it has adopted appropriated formal terms of reference as its audit committee charter, has regulated its affairs in compliance with this charter and has discharged all its responsibilities as contained therein.

#### The effectiveness of internal control

۲

The system of controls is designed to provide cost effective assurance that assets are safeguarded and that liabilities and working capital are efficiently managed. In line with the PFMA, Internal Audit provides the Audit Committee and management with assurance that the internal controls are appropriate and effective. This is achieved by means of 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 Report on the Annual Financial Statements and management letter of the Auditor-General, it was noted that no significant or material non compliance with prescribed policies and procedures have been reported. Accordingly, we can report that the system of internal control for the period under review was efficient and effective.

# The quality of in year management and monthly / quarterly reports submitted in terms of the Act and the Division of Revenue Act

The Committee is satisfied with the content and quality of monthly and quarterly reports prepared and issued by the Accounting Officer and the Office of the Public Protector during the year under review.

#### **Evaluation of 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 letter and management's response thereto; and
- reviewed 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 annual financial statements be accepted and read together with the report of the Auditor-General.

۲

Chairperson of the Audit Committee 31 July 2008

۲

## Report of the Auditor-General to Parliament on the financial statements and performance information of the Office of the Public Protector for the year ended 31 March 2008

## **REPORT ON THE FINANCIAL STATEMENTS**

#### Introduction

 I have audited the accompanying financial statements of the Office of the Public Protector which comprise the statement of financial position as at 31 March 2008, 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 notes as set out on pages 136 to 157.

#### Responsibility of the accounting officer for the financial statements

- 2. The accounting officer is responsible for the preparation and fair presentation of these financial statements in accordance with the basis of accounting determined by the National Treasury, as set out in accounting policy note 1 and in the manner required by the Public Finance Management Act, 1999 (Act No. 1 of 1999) (PFMA). This responsibility includes:
  - designing, implementing and maintaining internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error;
  - » selecting and applying appropriate accounting policies; and
  - » making accounting estimates that are reasonable in the circumstances.

#### **Responsibility of the Auditor-General**

- 3. As required by section 188 of the Constitution of the Republic of South Africa, 1996 read with section 4 of the Public Audit Act, 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 the International Standards on Auditing and General Notice 616 of 2008, issued in Government Gazette No. 31057 of 15 May 2008. Those standards require that I comply with ethical requirements and plan and perform the audit to obtain reasonable assurance on 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 and fair presentation 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.
- 6. An audit also includes evaluating the:
  - » appropriateness of accounting policies used;
  - » reasonableness of accounting estimates made by management; and
  - » overall presentation of the financial statements.

Æ

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

#### **Basis of accounting**

 The Office of the Public Protector policy is to prepare financial statements on the basis of accounting determined by the National Treasury, as set out in accounting policy note 1 to the financial statements.

#### Opinion

۲

9. In my opinion the financial statements present fairly, in all material respects, the financial position of the Office of the Public Protector as at 31 March 2008 and its financial performance and cash flows for the year then ended, in accordance with the basis of accounting determined by the National Treasury, as set out in accounting policy note 1 and in the manner required by the PFMA.

## **OTHER MATTERS**

Without qualifying my audit opinion, I draw attention to the following matter that relate to my responsibilities in the audit of the financial statements:

#### Matters of governance

10. The PFMA tasks the accounting officer with a number of responsibilities concerning financial and risk management and internal control. Fundamental to achieving this is the implementation of certain key governance responsibilities, which I have assessed as follows:

| Ма   | tter of governance  | Yes          | No |
|------|---|--------------|----|
| Auc  | lit committee   |              |    |
| •    | The Office of the Public Protector had an audit committee in operation throughout the financial year.   | $\checkmark$ |    |
| •    | The audit committee operates in accordance with approved, written terms of reference.   | $\checkmark$ |    |
| •    | The audit committee substantially fulfilled its responsibilities for the year, as set out in section 77 of the PFMA and Treasury Regulation 3.1.10/27.1.8 | $\checkmark$ |    |
| Inte | rnal audit  |              |    |
| •    | The Office of the Public Protector had an internal audit function in operation throughout the financial year.   | V            |    |
| •    | The internal audit function operates in terms of an approved internal audit plan.   | $\checkmark$ |    |
| •    | The internal audit function substantially fulfilled its responsibilities for the year, as set out in Treasury Regulation 3.2/27.2.                        | $\checkmark$ |    |

۲

| Matter of governance  | Yes          | No           |
|---|--------------|--------------|
| Other matters of governance   |              |              |
| The annual financial statements were submitted for audit as per the legislated deadlines section 40 of the PFMA.  | $\checkmark$ |              |
| The financial statements submitted for audit were not subject to any material amendments resulting from the audit.  |              | $\checkmark$ |
| No significant difficulties were experienced during the audit concerning delays or the unavailability of expected information and/or the unavailability of senior management. | V            |              |
| The prior year's external audit recommendations have been substantially implemented.  | $\checkmark$ |              |

## **OTHER REPORTING RESPONSIBILITIES**

## **REPORT ON PERFORMANCE INFORMATION**

11. I have reviewed the performance information as set out on pages 24 to 40.

#### Responsibility of the accounting officer for the performance information

12. The accounting officer has additional responsibilities as required by section 40(3)(a) of the PFMA to ensure that the annual report and audited financial statements fairly present the performance against predetermined objectives of the Office of the Public Protector.

#### **Responsibility of the Auditor-General**

- 13. I conducted my engagement in accordance with section 13 of the PAA read with General Notice 616 of 2008, issued in Government Gazette No. 31057 of 15 May 2008.
- 14. In terms of the foregoing my engagement included performing procedures of an audit nature to obtain sufficient appropriate evidence about the performance information and related systems, processes and procedures. The procedures selected depend on the auditor's judgement.
- 15. I believe that the evidence I have obtained is sufficient and appropriate to report that no significant findings have been identified as a result of my review.

#### **APPRECIATION**

16. The assistance rendered by the staff of the Office of the Public Protector during the audit is sincerely appreciated.

Auditor-General

Pretoria 31 July 2008

۲



**130** Public Protector South Africa Annual Report 1 April 2007 - 31 March 2008

## REPORT BY THE ACCOUNTING OFFICER TO THE EXECUTIVE AUTHORITY AND PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA FOR THE YEAR ENDED 31 MARCH 2008

## 1. Legislative Mandate

۲

- 1.1 The Office of the Public Protector (OPP) is an institution established in terms of Chapter Nine of the Constitution of the Republic of South Africa, 1996. Its additional mandate is further provided for in the Public Protector Act, 1994 as amended. The primary objective of Chapter Nine institutions, including the Office of the Public Protector, is to strengthen constitutional democracy. The Office fulfils its mandate by investigating, either at its own initiative or on receipt of complaints from aggrieved persons, allegations of improper conduct by organs of the State. The Office has the power to report and recommend appropriate remedial action.
- 12. The core business of the Office is:
  - To investigate any conduct in State Affairs or in the public administration in any sphere of government that is alleged or suspected to be improper or to result in impropriety or prejudice.
  - To mediate, negotiate, conciliate, report and recommend appropriate remedial action.

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

2.1 The OPP operates with four programmes, which are as follows:

| Programme                                 | Sub-programme  |
|---|--|
| Programme 1: Investigations and Reporting | Programme 1.1: National Investigations<br>Programme 1.2: Provincial Investigations<br>Programme 1.3: Special Investigations  |
| Programme 2: Executive Management         | Programme 2.1: Strategic Management<br>Programme 2.2: Marketing and Communications   |
| Programme 3: Outreach                     | Programme 3.1: Outreach Programme  |
| Programme 4: Corporate Support Services   | Programme 4.1: Human Capital<br>Programme 4.2: Finance and Supply Chain Management<br>Programme 4.3: Knowledge Management<br>Programme 4.4: Information Technology<br>Programme 4.5: Administrative Support<br>Programme 4.6: Security and Risk Management |

- 2.2 In spite of high turnover of staff, it is pleasing to report that the OPP was successful in achieving its constitutional mandate and has made significant progress in reaching the poorest of the poor through the outreach programme. In support of this statement, see the report on performance against strategic objectives section of this report.
- 2.3 The current manual case management system is insufficient to generate accurate and reliable statistics, which has resulted in errors in the investigations statistics reported in previous years. With the assistance of the internal auditors, a comprehensive file audit dating back to 2002/03 was conducted, and the results of this audit are provided in the case statistics section of this report. I am also pleased to report that the Office has made significant progress in the development of an electronic case management system, which would promote the generation of accurate and reliable statistics. This project is expected to be completed in the 2009/10 financial year, and an amount of R 5 000 000 received during the period under review was deferred to fund this project in the next financial year (refer to note 2 and note 19 of the Notes to the Annual Financial Statements).

#### 3. Capacity constraints

۲

- 3.1 The OPP was able to fill the vacant critical posts of Chief Executive Officer and Senior Manager: Information Technology in the period under review. However, the Chief Executive Officer was dismissed, and this critical post is now vacant. I was appointed Acting Accounting Officer on 18 December 2007. The Office also experienced high turnover of investigative, finance and supply chain management staff. This placed a burden on both the core-function as well as support functions in achieving the objectives set in the strategic plan. A retention strategy will be adopted in the 2008/09 financial year.
- 3.2 A service provider has been commissioned to review the establishment, job levels and compensation structure to bring the OPP in line with market best practises and to optimise our ability to achieve the objectives set in the Strategic Plan.

#### 4. Utilisation of Donor Funds

4.1 As disclosed in note 2 of the Notes to the Annual Financial Statements, the Office concluded an agreement with the European Union, whereby the salaries of six (6) OPP employees will be funded for two years, starting from 1 January 2007, by the European Union through the Civil Society Advocacy Programme (CSAP). This has allowed the Office to expand the Outreach Programme.

## 5. Public Private Partnerships (PPP)

5.1 During the financial year under review, the OPP has, along with other National Departments participated in a transversal Public Private Partnership with Phavis-world. This PPP is for a term of five years and is managed by National Treasury and the Department of Transport. The following services are provided for in this PPP:

۲

- Long Term Fleet Rental ( 5 years)
- Short Term Fleet Rental (day to day)
- Short Medium Term Fleet Rental (more than a month but less than a year)
- 24/7 Call Centre
- Internet Based System with an Electronic Log Book
- Chauffer and Point to Point Driven Services
- Fuel Management System
- Vehicle Tracking Device for Short, Medium and Long Term Rentals
- Classroom Based Driver Training
- Fleet Consultancy Services

## 6. Events after the reporting date

6.1 As stated in paragraph 3.1 above, the Chief Executive Officer was dismissed on 13 May 2008.

#### 7. Business Address

۲

Physical Address 175 Lunnon Street Hillcrest Office Park HILLCREST 0083 Postal Address Private Bag X677 PRETORIA 0001 ۲

#### 8. Statement of Responsibility

- 8.1 The OPP is responsible for the preparation, integrity and fair presentation of the annual financial statements. The annual financial statements presented on pages 142 to 157, have been prepared in accordance with the South African Statements of Generally Accepted Accounting Practices (GAAP) including any interpretations of such Statements issued by the Accounting Practices Board, with the effective Standards of Generally Recognised Accounting Practices (GRAP) issued by the Accounting Standards Board replacing the equivalent GAAP Statement.
- 8.2 The Office considers that, in preparing the financial statements, the most appropriate accounting policies were used, consistently applied and are supported by reasonable and prudent judgements and estimates.
- 8.3 The going-concern basis has been adopted in preparing the annual financial statements. There is no reason to believe that the OPP will not be able to continue its operations in the foreseeable future, based on forecasts and available cash resources. These annual financial statements support the viability of the OPP.
- 8.4 The OPP has always assumed full accountability for maintaining compliance with all applicable legislation, its established policies, systems and processes and for reporting its results with objectivity and the highest degree of integrity. It is critical for users of the Office's annual financial statements to have confidence that the financial information provided is timely, complete, relevant, and accurate.
- 8.5 The OPP has established and maintains a strong ethical environment so that its affairs are conducted to the highest standards of professionalism and corporate conduct. The Office has also established an effective system of internal control that provides reasonable assurance as to the integrity and accuracy of these financial statements. The internal audit function maintains critical oversight over the key areas of its business and financial processes and controls, and reports directly to the Audit Committee.
- 8.6 The OPP's external auditors, the Auditor-General, is responsible for reporting on the fair presentation of these financial statements.
- 8.7 The OPP is committed to and fully understands and embraces all its fiduciary and legislative responsibilities. The Office is dedicated to ensuring that the high standards of financial accounting and reporting as well as the underlying system of internal controls are maintained.

## 9. Approval

The annual financial statements set out on pages 136 to 157 have been approved by the Acting Accounting Officer.

۲

۲

S Thoke Acting Accounting Officer 31 May 2008

۲

## Office of the Public Protector Annual Financial Statements for the year ended 31 March 2008 Statement of Financial Performance for the year ended 31 March 2008

۲

|  |       | 2008<br>Actual | 2007<br>Actual |
|--|-------|----------------|----------------|
|  | Notes | R'000          | R'000          |
| REVENUE  |       |                |                |
| Grants and transfers                             | 2     | 81,480         | 61,598         |
| Other income                                     | 3     | 3              | 1              |
| Finance income                                   | 4     | 2,337          | 1,342          |
| TOTAL REVENUE                                    |       | 83,820         | 62,941         |
|  |       |                |                |
| EXPENDITURE                                      |       |                |                |
| Administrative expenses                          | 5     | 14,285         | 10,036         |
| Staff costs                                      | 6     | 51,472         | 42,863         |
| Financial transactions in assets and liabilities | 7     | 37             | 0              |
| Other operating expenses                         | 8     | 12,778         | 6,841          |
| Depreciation                                     | 9     | 2,682          | 2,626          |
| Finance Costs                                    | 10    | 167            | 51             |
| TOTAL EXPENDITURE                                |       | 81,421         | 62,417         |
|  |       |                |                |
| Surplus for the year                             |       | 2,399          | 524            |

۲

۲

## Office of the Public Protector Annual Financial Statements for the year ended 31 March 2008 Statement of Financial Position as at 31 March 2008

۲

۲

| ASSETS                                 | Notes    | Actual<br>R'000 | Actual<br>R'000 |
|--|----------|-----------------|-----------------|
| ASSETS                                 | Notes    |                 | 11 000          |
| ASSETS                                 |          |                 |                 |
|  |          |                 |                 |
| Non-current assets                     |          | 13,140          | 8,657           |
| Property, plant and equipment          | 11       | 10,101          | 8,657           |
| Intangible assets other than goodwill  | 12       | 3,039           | 0               |
|  |          |                 | - /             |
| Current assets                         | 1        | 22,452          | 21,389          |
| Trade and other receivables            | 14       | 1,312           | 269             |
| Inventory                              | 15       | 231             | 0               |
| Cash and cash equivalents              | 16       | 20,909          | 21,120          |
| Total assets                           |          | 35,592          | 30,046          |
| EQUITY AND LIABILITIES                 |          |                 |                 |
| Capital and reserves                   |          | 12,727          | 10,328          |
| Accumulated Surplus                    |          | 12,727          | 10,328          |
|  |          |                 |                 |
| Non-current liabilities                |          | 1,530           | 1,272           |
| Non-current finance lease liability    | 20       | 1,530           | 1,272           |
| Current liabilities                    |          | 21,335          | 18,446          |
|  | 17       | 9,105           | 6,497           |
| Trade and other payables<br>Provisions | 17<br>18 | 6,875           | 5,293           |
| Deferred Income                        | 10       | 5,000           | 6,500           |
| Current finance lease liability        | 20       | 355             | 156             |
|  | _0       |                 |                 |
| Total equity and liabilities           |          | 35,592          | 30,046          |

## Office of the Public Protector Annual Financial Statements for the year ended 31 March 2008 Changes In Net Assets for the year ended 31 March 2008

۲

|  |       | Accumulated<br>surplus |
|--|-------|------------------------|
| Accumulated surplus                      | Notes | R'000                  |
| Balance as at 1 April 2005               |       | 8,776                  |
| Net surplus for the period 31 March 2006 |       | 1,028                  |
| Balance as at 31 March 2006              |       | 9,804                  |
| Net surplus for the period 31 March 2007 |       | 524                    |
| Balance as at 31 March 2007              |       | 10,328                 |
| Net surplus for the period 31 March 2008 |       | 2,399                  |
| Balance as at 31 March 2008              |       | 12,727                 |

۲

۲

## Office of the Public Protector Annual Financial Statements for the year ended 31 March 2008 Cash Flow Statement for the year ended 31 March 2008

۲

۲

|   | 2008<br>Actual | 2007<br>Actual |
|---|----------------|----------------|
| Notes   | R'000          | R'000          |
| CASH FLOWS FROM OPERATING ACTIVITES                       |                |                |
| Cash received from grants and other income                | 80,440         | 61,598         |
| Cash paid to suppliers and employees                      | (76,078)       | (49,380)       |
| Cash flows from operating activities 21                   | 4,362          | 12,218         |
| Interest paid 10  | (167)          | (51)           |
| Net cash generated from operating activities              | 4,195          | 12,167         |
|   |                |                |
| CASH FLOWS FROM INVESTING ACTIVITES                       |                |                |
| Purchase of property, plant and equipment                 | (3,422)        | (2,898)        |
| Purchase of intangible assets                             | (3,039)        | 0              |
| Interest received 4                                       | 2,337          | 1,342          |
| Net cash generated from investing activities              | (4,124)        | (1,556)        |
|   |                |                |
| CASH FLOWS FROM FINANCING ACTIVITIES                      |                |                |
| Repayment of borrowings                                   | (282)          | (112)          |
| Net cash generated from financing activities              | (282)          | (112)          |
|   |                |                |
| Net increase/(decrease) in cash and cash equivalents      | (211)          | 10,499         |
| Cash and cash equivalents at the beginning of the year 16 | 21,120         | 10,621         |
| Cash and cash equivalents at end of the year              | 20,909         | 21,120         |

#### 139 Public Protector South Africa Annual Report 1 April 2007 - 31 March 2008

## **1. Accounting Policies**

### 1.1 Statement of Compliance

The financial statements have been prepared in accordance with the South African Statements of Generally Accepted Accounting Practices (GAAP) including any interpretations of such Statements issued by the Accounting Practices Board, with the effective Standards of Generally Recognised Accounting Practices (GRAP) issued by the Accounting Standards Board replacing the equivalent GAAP Statement as follows:

| Standard of GRAP  | Replaced Statement of GAAP  |
|---|---|
| GRAP 1: Presentation of financial statements                            | AC101: Presentation of financial statements                               |
| GRAP 2: Cash flow statements  | AC118: Cash flow statements   |
| GRAP 3: Accounting policies, changes in accounting estimates and errors | AC103: Accounting policies, changes in accounting estimates<br>and errors |

Currently the recognition and measurement principles in the above GRAP and GAAP Statements do not differ or result in material differences in items presented and disclosed in the financial statements. The implementation of GRAP 1, 2 & 3 has resulted in the following changes in the presentation of the financial statements:

1. Terminology differences:

۲

| Standard of GRAP                   | Replaced Statement of GAAP     |
|------------------------------------|--------------------------------|
| Statement of financial performance | Income statement               |
| Statement of financial position    | Balance sheet                  |
| Statement of changes in net assets | Statement of changes in equity |
| Net assets                         | Equity                         |
| Surplus/deficit                    | Profit/loss                    |
| Accumulated surplus/deficit        | Retained earnings              |
| Contributions from owners          | Share capital                  |
| Distributions to owners            | Dividends                      |

- 2. The cash flow statement can only be prepared in accordance with the direct method.
- 3. Specific information has been presented separately on the statement of financial position such as:
  - a. Receivables from non-exchange transactions, including taxes and transfers
  - b. Taxes and transfers payable;
  - c. Trade and other payables from non-exchange transactions;

4. Amount and nature of any restrictions on cash balances is required.

Paragraph 11 – 15 of GRAP 1 was not implemented due the fact that the budget reporting standard has not been developed by the local standard setter and the international standard is not effective for this financial year. Although the inclusion of budget information would enhance the usefulness of the financial statements, non-disclosure will not affect the objective of the financial statements.

#### 1.2. Basis of preparation

The financial statements have been prepared on the historical cost basis. The following are the principle accounting policies which are, in all material respects, consistent with those applied in the previous year, except as otherwise indicated:

#### 1.3 Currency

These financial statements are presented in South African Rands since that is the currency in which the majority of the Office of the Public Protectors' transactions are denominated.

#### 1.4 Revenue recognition

Revenue is measured at the fair value of the consideration received or receivable. Revenue is recognised when it is probable that future economic benefits will flow to the enterprise and these benefits can be measured reliably.

#### Grants and transfers

Grants and transfers constitutes transfer payments from the Department of Justice and Constitutional Development and the European Union through the CSAP Programme.

Grants and transfers are recognised as revenue in the statement of financial performance:

- a. when it is probable that the economic benefits or service potential associated with the transaction will flow to the entity
- b. when the amount of the revenue can be measured reliably
- c. to the extent that there has been compliance with any restrictions associated with the grant.

To the extent that the above three conditions are met, the full grant amount will be recognised immediately in the statement of financial performance.

#### Income from investments

Income from investments constitutes interest accrued on favourable balance with commercial banking institutions. Interest revenue is accrued on a time basis, by reference to the principal outstanding and at the effective interest rate applicable, which is the rate that exactly discounts estimated future cash

receipts through the expected life of the financial asset to that asset's net carrying amount.

#### 1.5 Irregular and fruitless and wasteful expenditure

Irregular expenditure means expenditure, other than authorised expenditure, incurred in contravention of, or not in accordance with a requirement of any applicable legislation, including:

The Public Finance Management Act

Fruitless and wasteful expenditure means expenditure that was made in vain and would have been avoided had reasonable care been exercised.

All irregular and fruitless and wasteful expenditure is charged against income in the period in which they are incurred.

#### 1.6 Debts written off

The office has adopted a policy, consistent with Treasury Regulations issued in terms of the Public Finance Management Act, with regards to the writing off of debts. In terms of this policy, debt is written off if:

- The debtor is untraceable and it would not be economically viable to employ tracing agents.
- The debt cannot be supported by adequate supporting documentation.
- Recovery of debt would be uneconomical.
- Recovery would cause undue hardship to the debtor or his/her dependents.
- It is advantageous for the State to effect settlement of the claim or to waiver the claim.

All debts written off require the express written authorisation of the Accounting Officer.

### 1.7 Employee Benefits

#### **Retirement benefit costs**

The Office of the Public Protector offers its employees the option of choosing both a defined contribution plan and a defined benefit plan. The defined benefit plan offered to employees is the Government Employees Pension Fund (GEPF). In terms of the rules of the GEPF, the National Revenue Fund is responsible for any potential liability that might arise as a result of this plan. This implies that once contributions are paid, the Office of the Public Protector has no further payment obligations. Therefore, the defined benefit obligation, the related current service cost, the past service cost (if applicable), and any actuarial gains or losses are not recognized in the annual financial statements of the Office of the Public Protector, but is disclosed in the financial statements of the National Revenue Fund.

Payments to both defined contribution and defined benefit plans are charged to the income statement in the year to which they relate.

#### Short-term employee benefits

The cost of all short-term employee benefits is recognised during the period in which the employee renders the related service. Accruals have been made for benefits where the employer has a present obligation to pay the benefit as a result of the employees' services rendered to balance sheet date. This represents a change in accounting policy. Refer to note 3. The accruals have been calculated at undiscounted amounts based on current salary rates.

#### Gratuity

In terms of the Public Protector's conditions of service, the Public Protector is entitled to a taxable lump sum gratuity on vacation of his office. The gratuity calculation is based on his basic salary, and his period in office. The provision raised in the annual financial statements is therefore the actual amount that would be payable had the Public Protector vacated his office on last day of the respective financial year.

#### 1.8 Extraordinary items

All items of income and expense arising in the ordinary course of business are taken into account in arriving at the surplus. Where items of income and expense are of such size, nature or incidence that their disclosure is relevant to explain the performance of the Office, they are separately disclosed and appropriate explanations are provided.

#### 1.9 Property, plant and equipment

Property, plant and equipment comprises of computer equipment, furniture and fittings, office equipment and motor vehicles. These assets are stated at cost less accumulated depreciation and any accumulated impairment losses.

Depreciation is charged so as to write off the cost or valuation of assets over their estimated useful lives, using the straight-line method. The estimated useful lives, residual values and depreciation method are reviewed at each year end, with the effect of any changes in estimate accounted for on a prospective basis.

The assets are depreciated on the straight-line method over the following periods, considered to be their estimated useful lives:

| Computer equipment   | 4 – 8 years  |
|----------------------|--------------|
| Furniture & fittings | 5 – 16 years |
| Office equipment     | 5 – 8 years  |
| Motor Vehicle        | 5 years      |

Assets held under finance leases are depreciated over their expected useful lives on the same basis as owned assets or, where shorter, the term of the relevant lease.

Any proceeds arising from the disposal or retirement of an item of property, plant and equipment is recognized as a current liability, due to the requirements of Section 13 of the Public Finance Management Act which requires any such receipt received by the Office to be deposited into the National Revenue Fund. The loss arising on the disposal or retirement of an item of property, plant and equipment is therefore determined as the carrying amount of the asset and is recognized in the determination of the surplus or deficit.

#### 1.10 Intangible assets other than goodwill

Intangible assets other than goodwill consists of computer software. Intangible assets other than goodwill are stated at cost less accumulated depreciation and any accumulated impairment losses. Depreciation is charged so as to write off the cost or valuation of assets over their estimated useful lives, using the straight-line method. The estimated useful lives, residual values and depreciation method are reviewed at each year end, with the effect of any changes in estimate accounted for on a prospective basis.

Intangible assets other than goodwill are depreciated on the straight-line method over the following periods, considered to be their estimated useful lives:

Computer software 3 – 7 years

#### 1.11 Inventory

۲

Inventory comprises of consumables on hand at balance sheet date. Inventory is values at the lower of cost and net realizable value, and impairment losses are recognized as an expense immediately. Inventory costs are assigned using the First in First out (FIFO) costing method..

#### 1.12 Impairment of assets

At each balance sheet date, the office reviews the carrying amount of its tangible and intangible assets to determine whether there is any indication that those assets maybe impaired. If any such indication exists, the recoverable amount of the assets is estimated in order to determine the extent of the impairment loss (if any). Where it is not possible to estimate the recoverable amount for an individual asset, the recoverable amount is determined for the cash-generating unit to which the asset belongs.

If the recoverable amount of an asset (cash –generating unit) is estimated to be less than its carrying amount, the carrying amount of the asset (cash generating) is reduced to its recoverable amount. Impairment losses are immediately recognised as an expense, unless the relevant is carried at a revalued amount under another standard, in which case the impairment loss is treated as a revaluation decrease under the standard.

Where an impairment loss subsequently reverses, the carrying amount of the asset (cash-generating unit) is increased to the revised estimate of its recoverable amount, but so that the increased carrying amount does not exceed the carrying amount that would have been determined had no impairment loss been recognised for the asset (cash generating unit) in prior years. A reversal of an impairment loss is recognised as income immediately, unless the relevant asset is carried at a revalued amount under another standard, in which case the reversal of the impairment loss is treated as a revaluation increase under that other standard.

#### 1.13 Leases

Finance leases as per the Treasury Regulations refers to a contract that transfers the risks, rewards, rights and obligations incident to ownership to the lessee and is recorded as a purchase of equipment by means of long-term borrowing; All other leases are classified as operating leases.

Assets held under finance leases are recognised as assets of the entity/group at their fair value at the date of acquisition. The corresponding liability to the lessor is included in the balance sheet as a finance lease obligation. Finance costs, which represent the difference between the total leasing commitments and the fair value of the assets acquired, are charged to the income statement over the term of the relevant lease so as to produce a constant periodic rate of interest on the remaining balance of the obligations for each accounting period.

Rentals payable under operating leases are charged to income on a straight-line basis over the term of the relevant lease.

#### 1.14 Financial Instruments

#### Recognition

۲

Financial assets and financial liabilities are recognised on the balance sheet when the office becomes a party to the contractual provisions of the instrument.

All "regular way" purchases and sales of financial liabilities are recognised using trade date accounting.

#### Measurement

Financial instruments are initially measured at cost, which includes transaction costs. Subsequent to initial recognition these instruments are measured as set out below.

#### **Financial assets**

The office's principle financial assets are accounts receivable and cash equivalents.

Accounts receivables

Accounts receivables are stated at their nominal value as reduced by appropriate allowances for estimated irrecoverable amounts.

#### **Financial liabilities**

The office's principle financial liabilities are accounts payable.

All financial liabilities are measured at amortised cost, comprising original debt less principle payments and amortisations, except for financial liabilities held-for-trading and derivative liabilities, which are subsequently measured at fair value.

Accounts payables

Accounts and other payables are stated at their nominal value.

#### 1.15 Provisions

۲

Provisions are recognised when the office has a present obligation as a result of past event and it is probable that this will result in an outflow of economic benefits that can be estimated reliably

#### 1.16 Cash and cash equivalents

Cash and cash equivalents comprise cash on hand and cash held with banks, all of which is available to the office.

#### 1.17 Key sources of estimation uncertainty

The following are the key assumptions concerning the future, and other key sources of estimation uncertainty at the balance sheet date, that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year:

- a. Review of residual lives, carrying values and impairment charges for property, plant and equipment and intangible assets – refer to Accounting Policy 1.9 Property, Plant and Equipment; Accounting Policy 1.10 Intangible assets other than goodwill and Accounting Policy 1.12 Impairment of assets.
- b. Review of the recoverability of outstanding debts, and the writing off of debt refer to Accounting Policy 1.6 Debts written off.

#### 1.18 Comparatives

Where necessary, comparative figures have been adjusted to conform to changes in presentation in the current year. The comparative figures shown in these financial statements are limited to the figures shown in the previous year's audited financial statements and such other comparative figures that the Office may reasonably have available for reporting.

۲

| 2.  | Grants and transfers                                 | 2008    | 2007    |
|-----|--|---------|---------|
|     |  | R'000   | R'000   |
|     | National Departments                                 | 80,222  | 61,284  |
|     | Foreign Institutions                                 | 1,258   | 314     |
|     | Total  | 81,480  | 61,598  |
|     |  |         |         |
| 2.1 | National Departments                                 | 2008    | 2007    |
|     |  | R'000   | R'000   |
|     | Transfer from Department of Justice                  | 78,722  | 67,784  |
|     | Deferred Income recognised as income in current year | 6,500   | 0       |
|     | Income deferred in current year                      | (5,000) | (6,500) |
|     | Total  | 80,222  | 61,284  |
|     |  |         |         |
| 2.2 | Foreign Institutions                                 | 2008    | 2007    |
|     |  | R'000   | R'000   |
|     | European Union (Civil Society Advocacy Programme)    | 1,258   | 314     |
|     | Total  | 1,258   | 314     |

During the previous financial year, the Office concluded an agreement with the European Union whereby the salaries for six OPP employees is funded by the European Union through the Civil Society Advocacy Programme. Also refer to Note 6.

## 3. Other Income

4.

| . Other Income                     | 2008  | 2007  |
|------------------------------------|-------|-------|
|                                    | R'000 | R'000 |
| Revenue                            | 3     | 1     |
| Total                              | 3     | 1     |
|                                    |       |       |
| . Finance Income                   | 2008  | 2007  |
|                                    | R'000 | R'000 |
| Interest on cash and bank deposits | 2,337 | 1,342 |
| Total                              | 2,337 | 1,342 |

## Office of the Public Protector Annual Financial Statements for the year ended 31 March 2008 Notes to the Annual Financial Statements

| 5. | Administrative Expenses                   | 2008   | 2007   |
|----|---|--------|--------|
|    |   | R'000  | R'000  |
|    | General and administrative expenses       | 13,803 | 9,742  |
|    | Auditor's Remuneration                    | 481    | 294    |
|    | Total                                     | 14,285 | 10,036 |
|    |   |        |        |
| 6. | Staff costs                               | 2008   | 2007   |
|    |   | R'000  | R'000  |
|    | Basic salaries                            | 35,044 | 29,809 |
|    | Performance awards                        | 1,611  | 1,668  |
|    | Service Bonus                             | 2,613  | 1,950  |
|    | Defined Pension contribution plan expense | 2,766  | 2,105  |
|    | Other                                     | 9,438  | 7,331  |
|    | Total                                     | 51,472 | 42,863 |

Included in the amounts above is the salary cost of R 1258 000 that relates to the salaries for six employees funded by the European Union through the Civil Society Advocacy Programme.

#### 7. Financial transactions in assets and liabilities

۲

|                            | R'000 | R'000 |
|----------------------------|-------|-------|
| Loss of disposal of assets | 37    | 0     |
| Total                      | 37    | 0     |

2008

2007

During the year ended 31 March 2008, assets with a carrying amount of R 37 124 were disposed of.

| 8. | Other operating expenses  | 2008   | 2007  |
|----|---|--|---|
|    | Staff training and development<br>Consultants, contractors and special services<br>Maintenance, repairs and running costs<br>Entertainment expense<br>Other | <b>R'000</b><br>1,551<br>4,553<br>547<br>42<br>6,085 | <b>R'000</b><br>449<br>2,251<br>567<br>198<br>3,376 |
|    | Total   | 12,778   | 6,841   |
|    |   |  |   |

| 9. | Depreciation       | 2008                | 2007                |
|----|--------------------|---------------------|---------------------|
|    | Office equipment   | <b>R'000</b><br>519 | <b>R'000</b><br>650 |
|    | Motor vehicles     | 200                 | 95                  |
|    | Computer equipment | 1,361               | 1,364               |

148

Public Protector South Africa Annual Report 1 April 2007 - 31 March 2008

۲

|     | Computer software<br>Furniture and fittings<br><b>Total</b> | 0<br>602<br><b>2,682</b> | 0<br>517<br><b>2,626</b> |
|-----|---|--------------------------|--------------------------|
| 10. | Finance Costs   | 2008<br>R'000            | 2007<br>R'000            |
|     | Obligations under finance leases <b>Total</b>               | 167                      | 51                       |
|     |   | 167                      | 51                       |

#### 11. Property, plant and equipment 2008

۲

|                             | Computer<br>Equipment | Furniture&<br>Fittings | Office<br>Equipment | Motor Vehicle | Total  |
|-----------------------------|-----------------------|------------------------|---------------------|---------------|--------|
|                             | R'000                 | R'000                  | R'000               | R'000         | R'000  |
| Cost                        |                       |                        |                     |               |        |
| Balance at 1 April 2007     | 6,081                 | 4,018                  | 2,003               | 1,612         | 13,714 |
| Additions                   | 1,656                 | 344                    | 1,269               | 894           | 4,163  |
| Disposals                   | 183                   | 28                     | 475                 | 60            | 746    |
| Balance at 31 March 2008    | 7,554                 | 4,334                  | 2,797               | 2,446         | 17,131 |
| Depreciation                |                       |                        |                     |               |        |
| Balance at 1 April 2007     | 2,933                 | 901                    | 1,049               | 174           | 5,057  |
| Current year charge         | 1,361                 | 602                    | 519                 | 200           | 2,682  |
| Disposals                   | 411                   | 28                     | 247                 | 23            | 709    |
| Balance at 31 March 2008    | 3,883                 | 1,475                  | 1,321               | 351           | 7,030  |
| Book value at 31 March 2008 | 3,671                 | 2,859                  | 1,476               | 2,095         | 10,101 |

| 2007                        | Computer<br>Equipment | Furniture&<br>Fittings | Office<br>Equipment | Motor Vehicle | Total  |
|-----------------------------|-----------------------|------------------------|---------------------|---------------|--------|
|                             | R'000                 | R'000                  | R'000               | R'000         | R'000  |
| Cost                        |                       |                        |                     |               |        |
| Balance at 1 April 2006     | 3,876                 | 3,463                  | 1,866               | 206           | 9,411  |
| Additions                   | 2,205                 | 555                    | 137                 | 1,406         | 4,303  |
| Balance at 31 March 2007    | 6,081                 | 4,018                  | 2,003               | 1,612         | 13,714 |
| Depreciation                |                       |                        |                     |               |        |
| Balance at 1 April 2006     | 1,568                 | 385                    | 399                 | 79            | 2,431  |
| Current year charge         | 1,365                 | 516                    | 650                 | 95            | 2,626  |
| Balance at 31 March 2007    | 2,933                 | 901                    | 1,049               | 174           | 5,057  |
| Book value at 31 March 2007 | 3,148                 | 3,117                  | 954                 | 1,438         | 8,657  |

#### 12. Intangible assets other than goodwill

|                             | R'000 | R'000 |
|-----------------------------|-------|-------|
| Computer Software           |       |       |
| Cost                        |       |       |
| Balance at 1 April 2007     | 0     | 0     |
| Additions                   | 3,039 | 0     |
| Balance at 31 March 2008    | 3.039 | 0     |
| Depreciation                | ,     |       |
| Balance at 1 April 2007     | 0     | 0     |
| Current year charge         | 0     | 0     |
| Balance at 31 March 2008    | 0     | 0     |
| Book value at 31 March 2008 | 3,039 | 0     |

2008

2007

#### 13. Financial risk factors

The Office of the Public Protector's exposure to, and management of market, credit and liquidity risks is described below:

#### (a)Market Risk:

Market risk can be sub-categorised into foreign exchange risk and interest rate risk:

i) Foreign Exchange Risk:

The Office is exposed to limited foreign exchange risk as the Office does not have international operations, and the majority of its transactions are performe locally. The Office has therefore not implemented any specific risk management strategies related to the mitigation of this risk.

ii) Interest rate risk:

The Office is exposed to cash flow interest rate risk arising from Cash on hand at commercial banks, which earns interest at floating rates based on daily bank deposit rates. The Office is also exposed to fair value interest rate risk arising from fixed interest rates in the finance lease contracts entered into for the acquisition of Motor Vehicles and Photocopiers. The Office's ability to mitigate this risk is limited by the fact that these finance lease contracts are transversal contracts managed by National Treasury, and prohibitions contained in the Public Finance Management Act.

#### (b) Credit Risk:

۲

Credit risk is the risk that one party to a financial instrument will cause a financial loss for the other party by failing to discharge an obligation. The Office's exposure to credit risk relates the agreement with the European Union whereby the salaries for six OPP employees is funded by the European Union through the Civil Society Advocacy Programme. The Office enjoys representation on the board of the Civil Society Advocacy Programme, and is therefore able to continually manage this risk.

#### (c) Liquidity Risk:

Due to the nature of its business, the Office of the Public Protector manages liquity risks by maintaining adequate cash reserves.

#### Fair values

The Office's financial instruments consist mainly of cash and cash equivalents, trade and other receivables and trade and other payables.

No financial asset was carried at an amount in excess of its fair value. The following methods and assumptions are used to determine the fair value of each class of financial instruments:

#### Cash and cash equivalents

The carrying amount of cash and cash equivalents approximates fair value due to the relatively short-term maturity of these financial assets and financial liabilities.

#### Trade receivables

The carrying amount of trade receivables approximates fair value due to the relatively short-term maturity of this financial asset.

#### Trade payables

The carrying amount of trade payables approximates fair value due to the relatively short-term maturity of this financial liability.

| 14. | Trade and other receivables | 2008  | 2007  |
|-----|-----------------------------|-------|-------|
|     |                             | R'000 | R'000 |
|     | Trade receivables           | 1,262 | 269   |
|     | Other receivables           | 50    | 0     |
|     | Total                       | 1.312 | 269   |

At balance sheet date, no debts are considered impaired, and a provision for doubtful debts has not been raised. The Office has also not written off any debts during the period under review.

#### Liquidity Analysis

۲

As at 31 March 2008, Trade receivables of R 959, 931 were past due but not impaired. The ageing analysis for these trade receivables are as follows:

|                         | 2008  | 2007  |  |
|-------------------------|-------|-------|--|
|                         | R'000 | R'000 |  |
| Up to 3 months past due | 315   | 0     |  |
| 3 to 6 months past due  | 323   | 0     |  |
| Over 6 months past due  | 322   | 0     |  |
|                         | 960   | 0     |  |

Trade receivables are disclosed at undiscounted values. A comparison of the undiscounted values against the discounted values is provided in the table below:

|                         | Undiscounted | Discounted |
|-------------------------|--------------|------------|
|                         | R'000        | R'000      |
| Up to 3 months past due | 315          | 310        |
| 3 to 6 months past due  | 323          | 310        |
| Over 6 months past due  | 322          | 299        |
|                         | 960          | 918        |

Refer to Note 12 for further information on credit risk.

#### 15. Inventory

| 5. Inventory | 2008  | 2007  |
|--------------|-------|-------|
|              | R'000 | R'000 |
| Consumables  | 231   | 0     |
| Total        | 231   | 0     |
|              |       |       |

 $\odot$ 



Inventory represents consumables on hand at year end. Inventory has been costed using the First In First Out (FIFO) method. In prior periods, the amount of inventory on hand at year-end was not material and was written off in the Statement of Financial Performance.

۲

#### 16. Cash and cash equivalents

| Cash and cash equivalents | 2008   | 2007   |
|---------------------------|--------|--------|
|                           | R'000  | R'000  |
| Cash at bank              | 20,859 | 21,070 |
| Cash on hand              | 50     | 50     |
| Total                     | 20,909 | 21,120 |

21,120

2008

10,621

2007

The carrying amount of cash and cash equivalents approximates their fair values. Cash at bank earns interest at floating rates based on daily bank deposit rates.

For the purpose of the cash flow statement: Cash and cash equivalents at the beginning of the year

| . 1 | Frade and other payables | 2008  | 2007  |
|-----|--------------------------|-------|-------|
|     |                          | R'000 | R'000 |
| Т   | Trade creditors          | 3,273 | 3,358 |
| A   | Accruals                 | 5,832 | 3,139 |
| T   | Fotal .                  | 9,105 | 6.497 |

Trade creditors are disclosed at undiscounted values. All trade creditors are payable within three (3) months of balance sheet date.

#### 18. Provisions

17.

۲

|  | R'000 | R'000 |
|--|-------|-------|
| Salary and related expenses                                      |       |       |
| Opening balance  | 2,317 | 2,954 |
| Increase/(decrease) in provision for salary and related expenses | 1,433 | 309   |
| Transfer to Accruals as per change in accounting policy          | (479) | (947) |
| Closing balance  | 3,271 | 2,316 |
| Levies provision   |       |       |
| Opening balance  | 163   | 148   |
| Increase/(decrease) in provisions for levies                     | 35    | 15    |
| Closing balance  | 198   | 163   |
| Public Protector Gratuity  |       |       |
| Opening balance  | 2,814 | 2,048 |
| Increase in provision for Public Protector Gratuity              | 592   | 766   |
| Closing balance  | 3,406 | 2,814 |
| Total provisions   |       |       |
| Opening balance  | 5,294 | 5,150 |
| Increase/(decrease) in total provisions                          | 2,060 | 1,090 |

152 Public Protector South Africa Annual Report 1 April 2007 - 31 March 2008

Transfer to Accruals as per change in accounting policy Closing balance

| (947) |
|-------|
| 5,293 |
|       |

#### **19. Deferred Income**

Opening balance Deferred Income recognised as income in current year Income deferred in current year **Closing balance** 

| 2008    | 2007  |
|---------|-------|
| R'000   | R'000 |
| 6,500   | 0     |
| (6,500) | 0     |
| 5,000   | 6,500 |
| 5,000   | 6,500 |

2007

2008

Deferred Income relates to the portion of the Grants and transfers received which has not been recognised in the Statement of Financial Performance, as the expenditure that it is intended to compensate has not yet been incurred.

#### 20. Finance Lease obligations

۲

Reconciliation between the total of the minimum lease payments and the present value:

|                               | Up to 1 year<br>R'000 | 1 to 5 years<br>R'000 | More than<br>5 years<br>R'000 | Total<br>R'000 |
|-------------------------------|-----------------------|-----------------------|-------------------------------|----------------|
| Year ended 31/3/2007          |                       |                       |                               |                |
| Future minimum lease payments | 294                   | 1,612                 | 0                             | 1,906          |
| Finance cost                  | 138                   | 340                   | 0                             | 478            |
| Present value                 | 156                   | 1,272                 | 0                             | 1,428          |
| Year ended 31/3/2008          |                       |                       |                               |                |
| Future minimum lease payments | 538                   | 1,832                 | 0                             | 2,370          |
| Finance cost                  | 183                   | 302                   | 0                             | 485            |
| Present value                 | 355                   | 1,530                 | 0                             | 1,885          |

Analysed for financial reporting purposes:

R'000R'000Non-current finance lease liability<br/>(recoverable after 12 months)1,5301,272Current finance lease liability<br/>(recoverable within 12 months)355156Net finance lease liability1,8851,428

#### **Finance Leases: Photocopiers**

During the year ended 31 March 2008, the Office leased photocopiers under finance leases in terms of a transversal contract managed by National Treasury. Included in current finance lease liabilities is an amount of R 233 249 that relates to the lease liability for these photocopiers (R 381 951 in non-current finance lease liabilities). The average lease term is three years. For the year ended 31 March 2008 the average effective borrowing rate was 12%. Interest rates are fixed at the contract date.

## Finance Leases: Motor Vehicles (acquired under a Transversal Public **Private Partnership contract)**

During the year ended 31 March 2008, the Office leased certain motor vehicles under finance leases in terms of a transversal public private partnership contract managed by National Treasury and the Department of Transport. Included in current finance lease liabilities is an amount of R 121 809 that relates to the lease liability for these motor vehicles (R 1 148 064 in non-current finance lease liabilities). The average lease period is five years. For the year ended 31 March 2008, the average effective borrowing rate was 10%. Interest rates are fixed at the contract date.

The Office's obligations under finance leases are secured by the lessor's charge over the leased assets.

| <b>Z</b> 1. | Reconciliation of surplus for the year to           |         |         |
|-------------|---|---------|---------|
|             | cash generated from operations                      | 2008    | 2007    |
|             |   | R'000   | R'000   |
|             | Surplus for the year                                | 2,399   | 524     |
|             | Adjusted for:                                       |         |         |
|             | Financial transactions in assets and liabilities    | 37      | 0       |
|             | Depreciation  | 2,681   | 2,626   |
|             | Income from investments                             | (2,337) | (1,342) |
|             | Finance Costs                                       | 167     | 51      |
|             | Operating cash flows before working capital changes | 2,948   | 1,859   |
|             | Net change in working capital                       | 1,415   | 10,359  |
|             |   | 4,362   | 12,218  |
|             |   |         |         |
| 21.1        | Changes in working capital                          | 2008    | 2007    |
|             |   | R'000   | R'000   |
|             | (Increase)/Decrease in debtors                      | (1,043) | 229     |
|             | (Decrease)/Increase in creditors                    | 2,608   | 3,487   |
|             | (Increase)/Decrease in inventories                  | (231)   | 0       |
|             | Increase/(Decrease) in deferred income              | (1,500) | 6,500   |
|             |   |         |         |

1,581

1.415

143

10,359

#### Reconciliation of surplus for the year to 21

154 Public Protector South Africa Annual Report 1 April 2007 - 31 March 2008

۲

increase/(decrease) in provisions Net change in working capital

## 22. Change in accounting policy

The Office of the Public Protector changed its accounting policy in respect of short-term employee benefits. Where short-term employee benefits were previously recognised as a provision, they are now recognised as an accrual. This was done to give a fairer classification of the liabilities of the Office of the Public Protector. The change in accounting policy has been accounted for retrospectively and comparative amounts have propriately restated.

The effect of the change in accounting policy is as follows:

|                                   | 2008  | 2007  |
|-----------------------------------|-------|-------|
|                                   | R'000 | R'000 |
| Decrease in provisions            | (479) | (947) |
| Increase in accruals              | 479   | 947   |
| Adjustment of Accumulated Surplus | 0     | 0     |

#### 23. Related party transactions

۲

| 23.1 Key management personnel              | 2008   | 2007   |
|--|--------|--------|
|  | R'000  | R'000  |
| Public Protector & Deputy Public Protector | 1,662  | 1,506  |
| Chief Directors                            | 3,295  | 1,760  |
| Directors                                  | 9,580  | 7,623  |
| Total                                      | 14,537 | 10,889 |

Key management personnel includes the Public Protector, Deputy Public Protector and all other employees on SMS, including the Chief Executive Officer, Chief Financial Officer, Chief Investigators and Provincial Representatives.

#### 23.2 Other related party transactions

The Office enjoys representation on the board of the Civil Society Advocacy Programme, which is funded by the European Union. In addition to funding received from the European Union through this programme, staff members from the Office also received training, which was funded by the European Union through this programme. It is not possible to quantify the benefits related to this training.

۲

۲

| 24. | Irregular Expenditure                      | 2008<br>R'000 | 2007<br>R'000 |
|-----|--|---------------|---------------|
|     | Reconciliation of irregular expenditure    |               |               |
|     | Opening balance                            | 0             | 0             |
|     | Add: Irregular expenditure – current year  | 152           | 12            |
|     | Less: Amounts condoned                     | 139           | 12            |
|     | Administrative expenses                    | 0             | 0             |
|     | Staff costs                                | 0             | 0             |
|     | Other operating expenses                   | 0             | 0             |
|     | Property, plant and equipment              | 139           | 12            |
|     | Less: Not condoned                         | 0             | 0             |
|     | Administrative expenses                    | 0             | 0             |
|     | Staff costs                                | 0             | 0             |
|     | Other operating expenses                   | 0             | 0             |
|     | Property, plant and equipment              | 0             | 0             |
|     | Irregular expenditure awaiting condonement | 13            | 0             |
|     | Administrative expenses                    | 0             | 0             |
|     | Staff costs                                | 0             | 0             |
|     | Other operating expenses                   | 13            | 0             |
|     | Property, plant and equipment              | 0             | 0             |

| Irregular Expenditure               |   | 2008  | 2007  |
|-------------------------------------|---|-------|-------|
| Incident                            | Disciplinary steps<br>taken/criminal proceedings  | R'000 | R'000 |
| Payments made for<br>finance leases | None, as these are transversal<br>contracts approved by<br>National Treasury, and condoned<br>by the Accountant-General | 139   | 12    |
| Procurement process not followed    | Dismissal   | 13    | 0     |
|                                     |   | 152   | 2     |

The Office did not incurr any unuathorised or fruitless and wasteful expenditure during the period under review

۲

\_

#### 25. Gifts, donations and sponsorships received

| <b>Name</b><br>Angolan | Nature of gift, donations or sponsorship | R'000 | 2007<br>R'000 |  |
|------------------------|--|-------|---------------|--|
| Ombudsman              | 2 x Wood Carvings                        | 0     | 0             |  |
|                        |  | •     | •             |  |

(

#### 26. Gifts, donations and sponsorships paid

| Name      | Nature of gift, donations or sponsorship | R'000 | 2007<br>R'000 |
|-----------|--|-------|---------------|
| Public    |  |       |               |
| Protector |  |       |               |
| Staff     | Desk Ornament for all staff              | 12    | 0             |
|           |  | 40    | 0             |

#### 27. Contingent Liabilities

۲

Occupational Specific Salary Dispensation (OSD) for Legally Qualified employees:

In terms of Public Service Co-ordinating Bargaining Council Resolution No. 3 of 2008, legally qualified employees in the public service, appointed in terms of the Public Service Act, 1994, are entitled to an improved salary structure, back dated to 1 July 2007.

The legally qualified employees in the Office of the Public Protector are appointed in terms of the Public Protector Act, and not the Public Service Act. However, based on past practices, the Office may have a contractual and constructive obligation to provide the improved salary structure to legally appointed staff at the OPP. The financial implications resulting from the implementation of the OSD cannot as yet, be quantified. Discussions will be held with National Treasury, the Department of Public Service and Administration and other relevant parties to confirm this obligation and, if necessary, to quantify the financial implications. No reliable estimate of this contingent liability can be made.

# **12. THE YEAR AHEAD**

- 1. The Office of the Public Protector remains committed in realising and delivering on its mandate, by mapping out the strategic direction which aims to respond to the needs of all South Africans.
  - 1.1 The following vision and mission were adopted:

#### Vision

To strive for quality and fair service delivery by all organs of state.

#### Mission

۲

To strengthen constitutional democracy by conducting investigations into alleged or suspected improper conduct by organs of state, reporting and recommending remedial action, and enhancing awareness and accessibility to all.

- 2. The following four programmes and sub-programmes were adopted and further defined into the strategic objectives:
  - 2.1 Programme One: Investigations and Reporting
    - 2.1.1 Objective of the programme
      - 2.1.1.1 To conduct National, Special and Provincial investigations that are effective, efficient, informed, timeous and of high quality.
    - 2.1.2 Outcome of the programme
      - 2.1.2.1 Improved service delivery to stakeholders.
    - 2.1.3 Strategic objectives for Programme One
      - 2.1.3.1 To conduct investigations in compliance with the constitutional mandate of the OPP;
      - 2.1.3.2 To conduct systemic investigations;
      - 2.1.3.3 To conduct own initiative investigations;
      - 2.1.3.4 To develop investigative techniques, processes and training;
      - 2.1.3.5 To reduce the turnaround time of investigations
      - 2.1.3.6 To ensure effective, relevant reporting in all finalised investigations
      - 2.1.3.7 To monitor and report on remedial actions recommended to organs of state.
  - 2.2 Programme Two: Executive Management
    - 2.2.1 Objective of the programme:
      - 2.2.1.1 To provide strategic direction and improve internal and external communication to inculcate a common vision and improved profile for the OPP.

- 2.2.2 Outcome of the programme:
  - 2.2.2.1 Improved service delivery to stakeholders;
  - 2.2.2.2 Smooth, timeous flow of accurate information to all OPP staff;
  - 2.2.2.3 Increased awareness and knowledge of the constitutional mandate of the OPP.
- 2.2.3 Strategic objectives for the programme:

۲

- 2.2.3.1 Sub-Programmes: CEO
  - 2.2.3.1.1 Manage the definition and review of Organisational Strategic Performance Assessment and Reporting.
  - 2.2.3.1.2 To ensure the consolidation and continuous update of the Policies into an integrated Staff Corporate Manual.
  - 2.2.3.1.3 To ensure the improvement of efficiency and effectiveness of the Investigation Process
  - 2.2.3.1.4 Definition of Business Processes linked to the organisational structure
  - 2.2.3.1.5 Ensure that Staff strategic involvement process is outlined
  - 2.2.3.1.6 Ensure the Development of strategy on skills diversification for investigators
  - 2.2.3.1.7 Consolidate Organisational Risk Management Plan
  - 2.2.3.1.8 Facilitate and monitor Change Management and Transformation processes
  - 2.2.3.1.9 Ensure attainment of unqualified audit reports
  - 2.2.3.1.10 Quality Internal Audit Reports
- 2.2.3.2 Sub-programme: Executive Support
  - 2.2.3.2.1 To conduct file inspections.
  - 2.2.3.2.2 To implement and review think-tank committee procedures and processes
  - 2.2.3 2.3 Enhance collaboration with stakeholders.
  - 2.2.3.2.4 To co-ordinate the OPP Management, EXCO and Think Tank meetings
  - 2.2.3.2.5 Establish, migrate and launch AORC.
  - 2.2.3.2.6 Development of the Exchange programme Strategy.
  - 2.2.3.2.7 To implement and monitor the Service Delivery Charter
- 2.2.3.3 Sub-programme: Security and Risk Management
  - 2.2.3.3.1 To implement and monitor processes for the protection of OPP information and assets, including staff
  - 2.2.3.3.2 Monitor the implementation of the Risk Management Plan
- 2.2.3.4 Sub-programme: Marketing and Communications:
  - 2.2.3.4.1 Improve communication and routing of information to stakeholders
    - 2.2.3.4.2 Effective internal communication

**159** Public Protector South Africa Annual Report 1 April 2007 - 31 March 2008

- 2.2.3.4.3 Manage media relations
- 2.2.3.4.4 To Enhance Corporate Brand of the OPP
- 2.2.3.4.5 Establish Events Co-ordinations function and manage events, including the Annual Theme conference
- 2.2.2.4.6 Ensure staff of OPP adheres to Protocol procedures
- 2.2.2.4.7 Effective co-ordination of International Visits
- 2.3 Programme Three: Outreach programme
  - 2.3.1 Objective of the programme
    - 2.3.1.1 To empower the people through knowledge, and ensure accessibility of the services of the OPP.
  - 2.3.2 Outcome of the programme

۲

- 2.3.2.1 Improved stakeholder perception, co-operation and accessibility of OPP services.
- 2.3.3 Strategic Objectives for the Outreach
  - 2.3.3.1 Increase accessibility to OPP services
  - 2.3.3.2 Increase public awareness
  - 2.3.3.3 Manage Outreach Activities at National Office
  - 2.3.3.4 Liaise with Civil society organisations to facilitate access
  - 2.3.3.5 Develop Training and Process Manuals on Outreach
  - 2.3.3.6 Assess the impact of the Outreach Programme
- 2.4 Programme Four: Corporate Support Services.
  - 2.4.1 Objective of the programme
    - 2.4.1.1 To achieve and sustain an efficient and effective corporate support service that is compliant with legislation.
  - 2.4.2 The outcome of the programme
    - 2.4.2.1 Improve service delivery.

#### 2.4.3 Strategic objectives for the programme

- 2.4.3.1 Sub-programme: Human Resources Management and Development
- 2.4.3.1.1 Strategic objectives of the programme are the following:
- 2.4.3.1.2 Ensure attraction, maintenance and retention of high quality staff for OPP.
- 2.4.3.1.3 Continuous monitoring and evaluation of OPP Personnel Performance Management and Development System (PPMDS) to ensure an improved and sustained PPMDS).

- 2.4.3.1.4 Training and development of staff according to OPP needs
- 2.4.3.1.5 Implementation and monitoring of EWP for the OPP.
- 2.4.3.1.6 Facilitate and monitor Employment equity and diversity
- 2.4.3.1.7 Define the requirements for Human Resources Management Information System (HRMIS)
- 2.4.3.1.8 To improve, monitor and advise on Labour Relations.
- 2.4.3.2 Sub-programme: Finance and Supply Chain Management
  - 2.4.3.2.1 To develop a costing model for investigations
  - 2.4.3.2.2 Improve OPP financial management and reporting
  - 2.4.3.2.3 Ensure compliance of OPP with financial prescripts
  - 2.4.3.2.4 Develop and implement cost-effective procurement processes
- 2.4.3.3 Sub-programme: Administration Support
  - 2.4.3.3.1 To enable the optimum application and utilisation of resources
  - 2.4.3 3.2 To promote the effective and efficient functioning of the registry
  - 2.4.3.3.3 To establish and maintain suitable office accommodation
- 2.4.3.4 Sub-programme: Knowledge Management

- 2.4.3.4.1 Strategic objectives of the programme are the following:
- 2.4.3.4.2 Create Knowledge Management Institution of the OPP
- 2.4.3.5 Sub-programme: Information and Communication Technology
  - 2.4.3.5.1 Strategic objectives for the programme are the following:
  - 2.4.3.5.2 Develop Master Systems Plan (MSP);
  - 2.4.3.5.3 Implement Master System Plan



## **HEAD OFFICE**

National Office (Pretoria) Office of the Public Protector Private Bag X677 Pretoria 0001

175 Lunnon Street Hillcrest Office Park 0083 Tele: 012-366 7000 Fax: 012-362 3473

## TOLL FREE NO: 0800 11 20 40

## LIMPOPO

۲

P O Box 4533 POLOKWANE 0700 Unit 2301, Wyndom Park 23 Rabe Street POLOKWANE

Tele: 015-295 6984 Fax: 015-295 2870

## **MPUMALANGA**

P O Box 3373 NELSPRUIT 1200

Pinnacle Building Suite 101 1 Parkin Street NELSPRUIT

Tele: 013-752 8543 Fax: 013-752 7883

## FREE STATE

P O Box 383 BLOEMFONTEIN 9300

Public Protector House 82 Kellner Street

BLOEMFONTEIN

Tele: 051-442 6172/6185 Fax: 051-448 6070

## **KWAZULU-NATAL**

P O Box 4267 DURBAN 4000

۲

22nd Floor, Commercial City Suite 2114 40 Commercial Road DURBAN

Tele: 031-307 5300/5250/5251 Fax: 031-307 2424

## WESTERN CAPE

P O Box 712 CAPE TOWN 8000

4th Floor 51 Wale Str / Bree Str CAPE TOWN

Tele: 021-423 8644 Fax: 021-423 8708 ۲

## EASTERN CAPE

P O Box 424 BISHO 5605

Unathi House Independent Avenue, Bisho Behind Pick 'n Pay

Tele: 040-635 1286/7/ 1145/ 1126 Fax: 040-635 1291

## NORTHERN CAPE

P O Box 1505 KIMBERLEY 8300

4 Sydney Street Pretmax Building 2nd & 3rd Floor KIMBERLEY 8300

۲

Tele: 053-831 7766 /5281/2 Fax: 053-832 3404

## GAUTENG

P O Box 32738 BRAAMFONTEIN 2017

Constitutional Hill Women's Jail 2 Kotze Street C/o Kotze & Joubert Streets JOHANNESBURG

Tele: 011-339 3737/2047 Fax: 011-339 2858

## NORTH-WEST OFFICE

P O Box 512 MAFIKENG 2745

Public Protector's Chambers Cnr Martin & Robinson Streets MAFIKENG Tele: 018-381 1060/1/2 Fax: 018-381 2066

## **REGIONAL OFFICES**

## Siyabuswa

P O Box 2391 SIYABUSWA 0472

۲

Old Parliament Building Job Skosana Street SIYABUSWA 0472

Tele: 013-973 0033/6 Fax: 013-973 0029

## George

P O Box 9481 GEORGE 6530

1st Floor South Wing Bataleur Park Cnr Cathedral & Cradock Street GEORGE 6259

Tele: 044-874 2887/904 Fax: 044-874 5922



۲

#### Kuruman

P O Box 79 MOTHIBISTAD 8474

1 Rose Avenue Shop 1 KURUMAN 8460

Tele: 053-712 1762 / 2347 Fax: 053-712 2417

## Vryburg

P O Box 891 VRYBURG 8600

Old Mutual Building 55 Market Street VRYBURG 8600

Tele: 053-927 2221 Fax: 053-927 2509

## Mabopane

P O Box 3165 ROSSLYN 0200 Central House 2nd Floor, Room 334 MABOPANE

Tele: 012-702 5458/4330 Fax: 012-702 8127

## Rustenburg

P O Box 371 TLHABANE 0309

Suite No 12 Old SARS Building 135 Klopper Street RUSTENBURG

Tele: 014-592 9023/6 Fax: 014-592 9031

## Upington

P O Box 15 Upington 8800

۲

Umbra Building 55-59 Mark Street UPINGTON 8800



## NOTES

۲

۲

Public Protector South Africa Annual Report 1 April 2007 - 31 March 2008