

**'Monitoring the financial resource flow for the implementation of the Child  
Justice Bill as costed'**

**Children's Budget Unit  
Idasa**

## **1. Introduction**

The Child Justice Bill, when enacted, will create a separate criminal justice system for children when they come into conflict with the law. The Bill aims to protect and promote children's rights, while at the same time protecting society. The Bill represents a significant change from the way in which children are currently handled by the criminal justice system. Most importantly, the proposed legislation provides for new processes, such as a preliminary inquiry (which would replace the first appearance of a child in court), diversion from the court process, and alternative sentencing. Administratively, the Bill proposes continued monitoring and assessment so as to ensure effective implementation.

A significant aspect of the Child Justice Bill is that it is the first piece of legislation to have undergone a comprehensive costing process while still in development. Relevant government departments concerned with the implementation of the Bill were also called upon to devise implementation plans.

The Child Justice Alliance was established to ensure that the Child Justice Bill is passed by Parliament, to promote informed debate on the Bill, and to monitor implementation of the legislation once passed. The Alliance tasked the Children's Budget Unit of Idasa to produce a report analyzing the government's implementation plan as outlined in the budget and costing plans, monitoring whether the relevant government departments were budgeting and planning for the implementation of the Bill and, once the Bill had been passed, to monitor implementation of the legislation with respect to costing and budgeting.

In the light of several difficulties, the many of the original objectives of the research could not be achieved. Most significantly, several years after the Bill was first introduced, it has still not been passed. This has obviously meant that monitoring of implementation of the legislation is impossible. Furthermore, as will be explained below, the researchers experienced great difficulties in obtaining information enabling them to monitor departments' budgeting in preparation for implementation of the Bill. These difficulties have in fact proved to be the major finding of the research – that there is currently not sufficient information available, in formats and level of detail that enable meaningful monitoring and comparison with respect to planning and budgeting for the implementation of the Child Justice Bill. In the light of this, several recommendations are made with respect to how the Child Justice Alliance might want to proceed with respect to advocacy on the issue.

## **2. Review of the Costing Report**

During its development the Child Justice Bill underwent a cost-effectiveness analysis (see Barberton *et al* 1999 and Barberton 2001). The analysis compared the cost of the current system to the management of children through the different stages of the proposed Bill. In costing the Bill, Barberton (1999) provided three scenarios which described different levels of implementation of the Bill. Overall, the analysis showed that government as a whole would benefit from substantial savings when the Bill is fully implemented, although the Department of Justice and the South African Police Service (SAPS) would spend additional funds to what they are currently spending. The savings for the implementation of the Bill would be made possible through the reduction of time children spend in the youth justice system and the reduction of time children spend in prisons – the emphasis is thus on strengthening the assessment, preliminary enquiry and diversion processes. The summary to follow is sourced from Department of Justice and Constitutional Development *et al* (2002)

**Table 1: Additional funds required by department to implement the Child Justice Bill (2002 rands at 6% inflation), R'000**

	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>Total for MTEF</b>
<i>National departments</i>	36316	55699	77565	169581
Justice	8045	14442	24014	46501
Safety and Security	28885	40775	54178	123839
Correctional Services	-2477	-2626	-2783	-7886
Social Development	1863	3108	2156	7127
Education	-	-	-	0
<i>Provincial departments</i>	68995	120517	176007	665519
Social Development	62635	113775	168861	645271
Education	6360	6742	7146	20248

Source: Department of Justice and Constitutional Development et al (2002)

**Table 2: MTEF budget for departments (2002 Rands at 6% inflation), R'000**

	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Justice	137261	144851	150114	157424
Safety and Security	26311	56775	70338	85515
Correctional Services	148725	126428	134014	142055
Social Development		1863464	3991928	1918600

Source: Department of Justice and Constitutional Development et al (2002)

### **Department of Justice and Constitutional Development**

A new feature proposed by the Bill is the preliminary inquiry. This replaces the first appearance of the child in court, with the purpose of examining each case in detail so as to establish if a child can be diverted from the court process, and if not, where the child will be placed during the pre-trial and trial periods. The Bill proposes that a child awaiting trial in detention in prison should be brought back to court at least every 30 days, and a child in other forms of detention should be brought back to court at least every 60 days. In the case where a child remains in detention and the trial is not concluded within 6 months from the day on which the plea was taken, the child must be released. These proposed measures aim to ensure that investigations are more efficient and for trials to be completed more speedily, resulting in savings for all the departments concerned with the trial and, transport to court and pre-trial detention.

### **Dept of Social Development**

A fundamental proposal for the new child justice system is the proposal of early intervention services. This provides the opportunity for possible diversion away from the formal court system and helps ensure that children who do stand trial are placed appropriately.

### **Dept of Education**

The role of the department of education in the Child Justice Bill is to provide residential programmes for sentenced children. Although this is a relatively small role, the Department will, however, need to provide approximately R18 million for running three 'reform' schools (Department of Justice and Constitutional Development et al 2001). As part of its function to implement the Bill, this national department is a member of the inter-sectoral monitoring structure.

### **Department of Safety and Security**

The Bill also proposes a reduction in the amount of time spent on investigating cases, and therefore more time can be spent on cases that require more in depth investigation. Reductions in the i) the number of times children are remanded and ii) the number of cases going to trial will, in turn, reduce the demand for transport. The SAPS will also be able to save costs from the establishment of the One Stop Child Justice Centres, mainly due to the reduction in transport costs. (The Centre will be responsible for all further processes.)

### **Department of Correctional Services**

The proposed child justice system aims to reduce the number of children detained in prison and sentenced to prison. This should reduce the pressure on the prison system, by decreasing the number of unsentenced children in prison, and shortening the length of time that they are detained. This aim will be achieved through interventions by provincial departments of social development by providing alternative places of detention and diversion services. Community-based services will be provided by Correctional Services and the provincial services of social development.

## **3. Overview of budget monitoring**

The South African government budgets are drawn up over a three year term, in what is known as the Medium Term Expenditure Framework (MTEF). By providing budget figures for the current financial year, as well as estimates for the following two years, the MTEF lends the budget process more stability and predictability than would otherwise be the case.

Generally speaking, government departments in each sphere of government compile their own budget. These different budgets are then combined into a Budget Statement that provides budget information for all national government departments (called the *Estimates of National Expenditure*<sup>1</sup>), all provincial departments for each province (thus 9 provincial budget statements in South Africa<sup>2</sup>), and 284 municipal budgets<sup>3</sup>.

Essential budget monitoring information is found in South Africa's National Estimates of Expenditure, the Budget Review, Provincial Budget Statements, the Intergovernmental Fiscal Review, the Medium Term Budget Policy Statement and the Adjusted Estimates of National Expenditure. For the purpose of this research monitoring paper, the National Estimates of Expenditure and the Provincial Budget Statements are key to monitoring the implementation of the Child Justice Bill.

### **Estimates of National Expenditure**

There are five national departments that will be responsible for implementing the Child Justice Bill

- Justice and Constitutional Development
- Safety and Security
- Correctional Services
- Education
- Social Development.

The budget information for these departments is found in the National Estimates of Expenditure (ENE) which provides a summary of the spending plans for 34 national departments. The measurable objective

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<sup>1</sup> Available from National Treasury, or [www.treasury.gov.za](http://www.treasury.gov.za)

<sup>2</sup> Available from Provincial Treasuries or [www.treasury.gov.za](http://www.treasury.gov.za)

<sup>3</sup> The municipal budget is available from each municipality. Contact details for all municipalities are available at: [www.dplg.gov.za](http://www.dplg.gov.za) (click "government sphere", then click "municipal information").

for each departmental programme is central to the purpose of the ENE - it provides the intended impact, the main output and performance level for each programme.

The ENE details the spending plans of national departments, including measurable objectives, three year spending estimates, policy developments, service delivery indicators and targets, and summary progress reports on recent outputs.

The ENE provides the following information:

- Government's spending plans for the Medium Term Expenditure Framework (MTEF)
- Expenditure outcomes for the previous three years
- Revised estimates for the current financial year
- Service delivery achievements
- Future commitments

The ENE is divided into an "Overview", 34 Votes and Annexures for each Vote. The "Overview" includes:

- Highlights of the national macro-economic framework and the outlook over the MTEF
- National total revenue: domestic, loans, external assistance, multi-lateral payments
- National total expenditure, GDP, deficit, inflation indices
- Summary tables of all national departments' budgets, also by economic classification
- Explanatory notes

### ***Provincial estimates of expenditure***

Two provincial departments<sup>4</sup> will be responsible for implementing the Child Justice Bill:

- Social Development
- Education

The provincial budget information is available in the provincial estimates of expenditure for each province. Each provincial budget statement provides:

- Highlights of the regional strategic framework
- The regional budget process
- Socio-economic outlook for the province
- Provincial revenue and expenditure
- Summaries of aggregate expenditure and estimates for the province
- Detailed estimates of budgets and expenditure for each of the provincial departments.

Each department has its own budget, which includes the following information:

- Overview: core functions, vision, mission, main services, constitutional/ legal framework and external events impacting on budget decisions of the department
- Review of previous financial year: a summary of major achievements
- Outlook for the year: implications of challenges, policies and strategies on the departmental budget
- Budget allocations

When we study a department's budget, we want to check:

- How are programmes organised/ divided?
- Does each region's welfare department have the same five programmes?
- What is the level of disaggregation?
- Does each region and department provide the same level of detail in their budgets?

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<sup>4</sup> In some provincial budget statements (Gauteng, Limpopo and Western Cape), the Community Safety Vote provides information about the social crime prevention, and this includes young people.

- Is it understandable?
- Is there text describing programmes, aims, past achievements, next year's plans, explanations for any major changes, etc.?
- How many years of data are given?

Understandably, there will always be some budget data that is not available in any of the budget books listed above, e.g. up to date expenditure. This data should thus be available to the public through further enquiry directed at relevant departments. The current budget system, as this monitoring study will show, does not allow for adequate monitoring of state resources allocated for the implementation of the Child Justice Bill.

#### **4. Method of data collection**

The Costing Report (Department of Justice and Constitutional Development *et al* 2002) provides detailed break-downs by Department, of budgets that would be required in order for the Child Justice Bill to be implemented. In order to monitor whether Departments are indeed planning in accordance with the costing, this study sought to gather information with respect to the following national and provincial departments, which all bear some responsibility for implementing the Child Justice legislation:

National  
Justice  
Safety and Security  
Correctional Services  
Social Development  
Education  
Provincial  
Social Development  
Education

Three methods of data collection were applied: secondary research, questionnaires, and information requests under the Promotion of Access to Information Act (PAIA).

##### Secondary Research:

In attempting to fulfill the initial aims of the report, the researchers set out to compare the budget information provided in the Costing Report (Department of Justice and Constitutional Development *et al* 2002) to existing budget information provided in i) the National Estimates of Expenditure<sup>5</sup> and, ii) the provincial budget books.

##### Questionnaires:

In addition, to examination of existing budget information for these departments, three research assistants were tasked to gather primary research from all the relevant departments, in order to extract more detailed budget information.

To this end, questionnaires were sent to the relevant departments between September and November 2004. Because no response was received, the same questionnaires were re-sent to the same departments between January and March 2005. Again, there was no response. Appendix One sets out the

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<sup>5</sup> The Estimates of National Expenditure provides information on the spending plans of national departments, including measurable objectives, three-year spending estimates, policy developments, service delivery indicators and targets, and summary progress reports on recent outputs.

departments to whom requests were sent. Appendix Two sets out the questionnaire sent to the departments.

PAIA requests:

The Provision of Access to Information Act (PAIA), provides for the right of access to any information held by the state and any information that is held by another person and that is required for the exercise of protection of any rights.

Because of the lack of response to the original questionnaires sent out, between April and June 2005, a research assistant submitted formal requests for the relevant information, under the Promotion of Access to Information Act (PAIA) in order to receive the requested information. The Department of Justice and Constitutional Development and the Department of Health and Welfare (Limpopo) were the only departments who responded positively to the request.

Finally, the Child Justice Alliance sent faxes to the Department of Social Development, Gauteng Provincial Office; Department of Social Development, Western Cape Provincial Office and, Department of Social Development, Kwa-Zulu Natal Provincial Office.

## 5. Findings

### 5.1. National departments

This section attempts to monitor the data provided in the Costing Report for the following national departments:

1. Department of Justice and Constitutional Development
2. Department of Social Development
3. Department of Education
4. Department of Safety and Security

#### **5.1.1. Department of Justice and Constitutional Development:**

The Department of Justice and Constitutional Development has the following role in the implementation and delivery of the Child Justice Bill:

1. Participation of magistrates and prosecutors in preliminary inquiries;
2. Proof of legal capacity of 10-14 year olds (including expert witnesses);
3. Provision by Legal Aid Board of legal representation for children accused of serious offences;
4. Provision of normal trial and sentencing processes;
5. Provision of normal review and appeal processes;
6. Participation in establishing One-Stop Child Justice Centres;
7. Oversight and monitoring of the child justice system;
8. Provision of training.

(Department of Justice and Constitutional Development *et al* 2002)

In terms of the costing for this department (see Department of Justice and Constitutional Development *et al* 2002), Table 3 shows that the total budget (2002 prices) for the period 2002/03-2005/06 is R589.7 million.

**Table 3: MTEF budget for the Department of Justice and Constitutional Development (2002 prices), R'000**

	2002	2003	2004	2005
Preliminary Inquiries Total	0	23629	25622	27492
Trials Total	114169	91458	98155	105431
Remands Total	6125	1488	1620	1765
Sentencing Total	15471	10609	12247	14318
Judicial Review Total	1109	760	878	1026
Monitoring	387	840	675	475
Training	0	1067	917	917
<b>Total Current Expenditure</b>	<b>137261</b>	<b>129851</b>	<b>140114</b>	<b>151424</b>
<b>Total Capital Expenditure</b>	<b>-</b>	<b>15000</b>	<b>10000</b>	<b>6000</b>
<b>Total Budget</b>	<b>137261</b>	<b>144851</b>	<b>150114</b>	<b>157424</b>
<b>Total Budget including 6% inflation</b>	<b>137261</b>	<b>153542</b>	<b>168663</b>	<b>187495</b>

Source: Department of Justice and Constitutional Development *et al* (2002): 17

According to the Costing Report, the Departments of Social Development and, Justice and Constitutional Development have budgeted for One Stop Justice Centres for reception and referral. Most provincial departments of social development have not budgeted for these centres, but the departments are investigating where to place these centres in the provinces for maximum intervention.

**Table 4: Expenditure on One Stop Justice Centres (2002 prices), Department of Social Development and the Department of Justice, R'000**

	<b>2002</b>	<b>2003</b>	<b>2004</b>
<b>Total Social Development</b>	5000	10500	19000
<b>Total Justice and Constitutional Development</b>	15000	10000	6000

Source: *Department of Justice and Constitutional Development et al (2002): 19*

The detailed information provided in the costing analysis for the Child Justice Bill, as set out above, could not be verified by consulting the Estimates of National Expenditure (2004), however. Only the following information was available from the ENE (2004):

According to the ENE (2004):

1. The Department of Justice and Constitutional Development continues to establish integrated Child Justice Centres in preparation of the Child Justice Bill (National Treasury 2004).
2. The Department of Justice and Constitutional Development will receive R7 million per year over the 2004/05 to 2006/07 period (a total of R21 million over this period) to enable it to fulfill its obligation in terms the draft Child Justice Bill (National Treasury 2005).

No additional or different information was provided by this department as result of our PAIA request.

### **5.1.2. Department of Social Development:**

The National Department of Social Development would have the following role in implementing the Bill:

1. Oversight and monitoring of the child justice system
2. Registration system for programmes
3. Minimum standards for programmes
4. Provision of training

(Department of Justice and Constitutional Development et al 2002)

**Table 5: MTEF budget for the Department of Social Development (2002 prices)**

		<b>2003</b>	<b>2004</b>	<b>2005</b>
Additional posts		207985	415970	210000
Assistance Directors	4	119186	238372	120000
Chief Social Workers	4	88799	177598	90000
Workshops		200000	470000	300000
Data base development		200000	180000	200000
Training		450000	600000	500000
Monitoring		700000	1100000	600000
S & T		300000	800000	600000
Protocol Development		400000	300000	
<b>Total</b>		1757985	2765970	1810000

Source: *Department of Justice and Constitutional Development et al (2002): 34*

**Table 6: Estimated planned expenditure by provincial social development departments, R'000**

	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Eastern Cape	2500	2000	3500	14000
Free State	0	10000	4000	5000
Gauteng	2000	3000	8160	0
KwaZulu Natal	0	0	6000	0
Limpopo	0	0	0	4000
Mpumalanga	0	0	0	0
Northern Cape	1356	2166	1598	1726
North West	0	1200	3550	2000
Western Cape	0	0	0	0
<b>Total</b>	<b>5856</b>	<b>18366</b>	<b>26808</b>	<b>26726</b>

Source: Department of Justice and Constitutional Development et al (2002):43

In the ENE, Programme 6: Children, Families and Youth Development, the sub-programme entitled 'Social Crime Prevention and Youth Development' provides the following relevant information:

**Table 7: National Department of Social Development plan of implementation for the Child Justice Bill**

<b>Subprogramme</b>	<b>Output</b>	<b>Measure/ indicator</b>	<b>Target</b>
Social crime prevention and youth development	Trained probation officers and assistant probation officers in all provinces	Officers trained and certified	50% by March 2005
	Measures to reduce number of children awaiting trial in prison and police cells	Programme developed to assess and divert children from the criminal justice system	30% reduction in children in police cells and prisons by March 2005
			40% reduction in children in police cells and prisons by March 2006
			30% reduction in children in police cells and prisons by March 2007
		Increase in number of home based supervision programmes	One additional diversion programme introduced in all provinces by October 2005
			9 additional diversion programmes annually
			3 additional secure care centres annually
			7 additional home based supervision programmes annually

	Develop, facilitate and monitor the implementation of policies, norms and standards of services to persons affected by crime.	Guidelines and minimum standards developed for social service personnel working in criminal justice system	March 2005
	National Youth Skills Development programme targeting out-of-school youth	Youth development strategy approved	December 2005
	Policies and programmes to manage and professionalise probation services at a national and provincial level	Facilitate the development of 3 youth development centres in each province	March 2006
		Training of probation officers	350 probation officers and 30 assistants trained over the MTEF period (04/05-07/08)
		Reduction in number of children awaiting trial in prison and police cells	70% reduction by March 2006

Source: *Estimates of Expenditure 2004: 515; Estimates of Expenditure 2005: 420*

Over the medium term, the projected expenditure for this sub-programme is:

- R3.5 million (2005/06)
- R3.7 million (2006/07)
- R3.9 million (2007/08) (National Treasury 2005)
- Total = R11.1 million for the period 2005/06-2007/08.

The information provided in the table in the ENE (Table 7) is not set out in the same format, and is thus not comparable with the information provided in the costing report (Tables 5 and 6). In order for us to monitor the Department's preparations for the Bill, in line with the costing report, we sought more detailed budget information.

The Department's response to our PAIA request provided no information.

### **5.1.3. Department of Education**

The provincial departments of education are responsible for the establishment and implementation of 'reform schools' that receive sentenced children; the Bill proposes the terminology 'residential facility' to include facilities run by either the Department of Education or the Department of Social Development. According to the Costing Report (Department of Justice and Constitutional Development et al 2001), the combined annual cost of running three 'reform schools' is approximately R18 million.

The ENE does not contain this information.

Our request to the Department for the relevant budget information returned the following response:

The Child Justice Bill is under the control and jurisdiction of the Department of Justice. The Department of Education has no records relating to any of the items referred to in your request. It is not normal cause for the Department to budget on Bills under the control and authority of another

department. If such a Bill is enacted and has a direct financial implication to the Department (which will not be covered by the normal activities of the Department), such cost to budget will then be provided for in future budgets. It is not foreseen that the Child Justice Bill will bring any financial implications to the national Department of Education. (Eben Boshoff, Deputy Information officer, email correspondence, May 27 2005)

#### **5.1.4. Department of Safety and Security**

The role of the Department of Safety and Security in implementing the Child Justice Bill is:

1. Transportation of children to homes/ courts/ detention facilities
2. Detention of fewer children in police cells for first 48 hours
3. Locating and notifying families
4. Notification of probation officers
5. Provision of training to police officers on the provisions of the Bill

As Table 8 below indicates, the costed budget for this national department at 2002 prices (Department of Justice and Constitutional Development *et al* 2001):

- R26.3 million (2002/03)
- R53.5 million (2003/04)
- R62.6 million (2004/05)
- R71.8 million (2005/06)

**Table 8: MTEF budget for the Department of Safety and Security by stage of the child justice system (2002 prices), R'000**

	2002	2003	2004	2005
Arrests	14524	15291	17203	19432
Assessments	7752	16273	18937	21206
Preliminary Inquiries	0	5886	9468	13970
Trial and Sentencing	3883	4796	5827	6028
Monitoring	153	3680	3680	3680
Training	0	7636	7486	7486
<b>Total</b>	<b>26311</b>	<b>53561</b>	<b>62601</b>	<b>71800</b>
<b>Total Budget including 6% inflation</b>	<b>26311</b>	<b>56775</b>	<b>70338</b>	<b>85515</b>

Source: Department of Justice and Constitutional Development *et al* (2002): 23

The ENE provided no relevant budget information for this department.

The Department's response to our PAIA request provided no information.

#### **5.1.5. Department of Correctional Services**

The Department of Correctional Services would have the following role in implementing the Child Justice Bill:

- Detention of children accused of serious offences
- Implementation of prison sentences
- Implementation of correctional supervision sentences

As set out in Table 9 below, the costed budget for this national budget at 2002 prices is as follows (Department of Justice and Constitutional Development *et al* 2001):

- R148.7 million (2002/03)
- R119.2 million (2003/04)
- R119.2 million (2004/05)
- R119.2 million (2005/06)

**Table 9: MTEF budget for the Department of Correctional Services by type of service (2002 prices), R'000**

	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Detention of un-sentenced children	85022	68018	68018	68018
Children serving sentence	62973	50378	50378	50378
Correctional supervision	730	876	876	876
<b>Total</b>	<b>148725</b>	<b>119272</b>	<b>119272</b>	<b>119272</b>
<b>Total budget including 6% inflation</b>	<b>148725</b>	<b>126428</b>	<b>134014</b>	<b>142055</b>

Source: *Department of Justice and Constitutional Development et al (2002):28*

The ENE provided no relevant budget information for this department.  
The Department's response to our PAIA request provided no information.

#### **Summary:**

- The attempt to monitor budget allocations by national departments as set out in the Costing Report, turned up no information;
- The ENE does not provide adequate detail to enable monitoring of Departmental budgeting with respect to implementation of the Child Justice Bill;
- Only one PAIA request was responded to, and besides this one case, no budget information was made available for the relevant government departments.

## **5.2. Provincial departments**

This section attempts to monitor the data provided in the Costing Report for the provincial departments: of education and social development.<sup>6</sup> The proposed legislation under this Bill will transfer the responsibility for children in conflict with the law from the National Department of Correctional Services to the provincial departments of social development. Provincial departments of education will provide residential programmes for sentenced children.

As outlined in Section 5.1.3 above, the provincial departments of education are responsible for the establishment and implementation of residential facilities that receive sentenced children, at a combined cost of approximately R18 million.

<sup>6</sup> Although the Costing Report does not provide a costing of the provincial departments of community safety, an examination of provincial community safety votes showed that Gauteng, Limpopo and Western Cape have plans for youth crime prevention in their plans for 2005 – no budget information is visible to implement this plan

No budget for residential facilities is provided for any of the provincial education departments in the provincial estimates of expenditure.

The role of the provincial departments of social development is:

- Assessment of all arrested children by a probation officer
- Participation of probation officers in preliminary inquiries
- Management of children placed under pre-trial supervision orders
- Provision of residential care facilities (secure care and places of safety) for children awaiting trial
- Provision of pre-trial and pre-sentence reports
- Direct provision and funding of diversion services
- Participation in establishing One-Stop Child Justice Centres
- Management of the 'supervision' and community-based sentences

The Costing Report sets out the following estimates for each of the provincial departments of social development:

**Table 10: Estimated planned expenditure by provincial social development departments, R'000**

	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>
Eastern Cape	2500	2000	3500	14000
Free State	0	10000	4000	5000
Gauteng	2000	3000	8160	0
KwaZulu Natal	0	0	6000	0
Limpopo	0	0	0	4000
Mpumalanga	0	0	0	0
Northern Cape	1356	2166	1598	1726
North West	0	1200	3550	2000
Western Cape	0	0	0	0
<b>Total</b>	<b>5856</b>	<b>18366</b>	<b>26808</b>	<b>26726</b>

Source: Department of Justice and Constitutional Development et al (2002):43

The following data collection method was applied to gather budget information for nine provincial departments of social development:

- Consult the relevant Provincial Estimates of Expenditure. Specifically, gather budget data and policy and programme plans that affect the implementation of the Child Justice Bill.
- Send questionnaire with Promotion of Access to Information Act (PAIA) to relevant provincial social development department.

In the provincial estimates of expenditure, the only budget allocations visible and relevant for the Child Justice Bill are the allocations made to provincial departments of social development. In this department the allocation is made to the line item 'Crime Prevention, Rehabilitation and Victim Empowerment' – a sub-programme under the social welfare services programme. It is important to note that this sub-programme is responsible for other functions, in addition to the implementation of the Child Justice Bill. Therefore, the budget allocations provided in Table 10 above are not comparable to the allocations in this sub-programme because the information in the provincial budget books is not sufficiently disaggregated.

Each province's budget information with respect to their departments of social development, and specifically, the budget allocations for the Crime Prevention, Rehabilitation and Victim Empowerment line item are set out individually below. In addition, extra data gathered in response to our requests for information is included.

In addition to the budget allocations for Crime Prevention, Rehabilitation and Victim Empowerment, several provinces provided a Plan of Implementation for the Child Justice Bill. These set out a range of objectives, along with performance indicators that specify the numbers or percentages of children affected under each objective, over the Medium Term framework, but there are no corresponding budgets, disaggregated to match each indicator – thus it is impossible to monitor whether provinces are budgeting to meet these goals.

### **5.2.1. Limpopo province:**

Additional allocation to the baseline has been provided for in this budget submission under Social Welfare Service for the Department of Social Welfare (Limpopo Budget Statement 2004). In 2005, the province announced that it will continue to prepare for the implementation of the Bill – work will continue to establish a second Secure Care Centre with capacity to accommodate awaiting trial children (Limpopo Budget Statement 2005: 280).

**Table 11: Budget allocation for Crime Prevention, Rehabilitation and Victim Empowerment, R'000, MTEF (2005/06-2007/08)**

	<b>Revised Estimate 04/05</b>	<b>05/06</b>	<b>06/07</b>	<b>07/08</b>
Administration	74147	100876	104601	87479
Treatment & Prevention of Substance Abuse	550	583	618	649
Care of the Older Persons	8381	8884	9417	9888
<i>Crime Prevention, Rehabilitation and Victim Empowerment</i>	<i>5632 (3632)*</i>	<i>3850 (3850)*</i>	<i>4081(4081)*</i>	<i>9285</i>
Service to the Disabled	6268	4211	4464	4687
Child and Youth Care and Protection	25855	34106	40552	52750
<b>Total payments and estimates</b>	<b>121403</b>	<b>152510</b>	<b>163733</b>	<b>164738</b>

Source: Limpopo Budget Statement 2005; personal correspondence 2005

Note: \* The budget allocations in brackets ( ) indicate the projection made in the previous MTEF for the said year. The provincial budget statements provide no reason for the change in projection.

In response to the PAIA request sent, this Department responded but sent information on recurrent expenditures only. This information is not useful in terms of measuring this against the budget costed.

### **5.2.2. Northern Cape province**

**Table 12: Budget allocation for Crime Prevention, Rehabilitation and Victim Empowerment, R'000, MTEF (2005/06-2007/08)**

	<b>Revised Estimate 04/05</b>	<b>05/06</b>	<b>06/07</b>	<b>07/08</b>
Administration	48601	60446	63847	71266
Treatment & Prevention of Substance Abuse	475	660	793	833
Care of the Older Persons	7604	7000	7035	7387
<i>Crime Prevention, Rehabilitation and Victim Empowerment</i>	<i>464(2504)</i>	<i>1820 (2654)</i>	<i>3045 (2813)</i>	<i>3197</i>
Service to the Disabled	3494	3280	3539	3716
Child and Youth Care and Protection	22070	26198	26883	28227
<b>Total payments and estimates</b>	<b>82708</b>	<b>99404</b>	<b>105142</b>	<b>114626</b>

Source: Northern Cape provincial estimates of expenditure/ Budget Statement 2004, 2005: 261

### **5.2.3. KwaZulu-Natal province:**

According to the Budget Statement (2004) for this province

The implementation of pending national legislation, namely the Children's Bill and the Child Justice Bill, will lead to additional demands, especially in terms of human resources, such as social workers and probation officers, and facilities, including secure care facilities (KwaZulu-Natal Budget Statement 2004: 337).

**Table 13: Budget allocation for Crime Prevention, Rehabilitation and Victim Empowerment, R'000, MTEF (2005/06-2007/08)**

	<b>Estimated actual 04/05</b>	<b>05/06</b>	<b>06/07</b>	<b>07/08</b>
Administration	107301	183435	199070	209303
Treatment & Prevention of Substance Abuse	14793	18499	19019	19970
Care of the Older Persons	56010	66171	68901	72346
<i>Crime Prevention, Rehabilitation and Victim Empowerment</i>	<i>6847(13199)</i>	<i>19269(14186)</i>	<i>21467(14465)</i>	<i>22343</i>
Service to the Disabled	34463	39617	42860	43311
Child and Youth Care and Protection	144528	178243	195942	216763
<b>Total payments and estimates</b>	<b>70396</b>	<b>92863</b>	<b>99404</b>	<b>105368</b>

Source: Kwa-Zulu Natal provincial estimates of expenditure/ Budget Statement 2004

In response to our requests for information, this Department replied that no budget has been allocated in accordance with the budget costed in the Costing Report.

### **5.2.4. North West province:**

The North West province has indicated that the Poverty Relief programme (food security) and the Child Justice Bill are key policy changes and have resulted in subsequent budget changes. The 'Crime Prevention, Rehabilitation and Victim Empowerment' sub-programme is aimed at:

- Children in conflict with the law
- Probation services
- Integrated justice processes
- Social crime prevention
- The rehabilitation and prevention of the effects of violence and crime on victims

(Provincial Treasury – North West – 2005)

**Table 14: Budget allocation for Crime Prevention, Rehabilitation and Victim Empowerment, R'000, MTEF MTEF (2005/06-2007/08)**

	<b>Adjusted Estimate 04/05</b>	<b>05/06</b>	<b>06/07</b>	<b>07/08</b>
Administration	39208	50361	87226	113910
Treatment & Prevention of Substance Abuse	2073	2073	2073	2073

Care of the Older Persons	24689	32138	32138	33189
<i>Crime Prevention, Rehabilitation and Victim Empowerment</i>	9902	9902	9902	9902
Service to the Disabled	16966	16966	16966	16966
Child and Youth Care and Protection	24154	39154	39398	40523
Partnership/ Financing/ Districts	-	0	0	0
<b>Total payments and estimates</b>	<b>126992</b>	<b>150594</b>	<b>18770</b>	<b>217563</b>

Source: North West Budget Statement 2005

### 5.2.5. Mpumalanga province:

According to this province's Budget Statement:

Efforts to prepare for the implementation of the Child Justice Bill continue. The capacity at Hendrina Secure Care Centre would be doubled and the tender process to outsource the function with effect from 1 April 2004 is in its final stages. Work will commence to establish a second secure care centre with a capacity to accommodate 80 awaiting trial children. Currently more than 697 of approximately 3310 children arrested annually are held in prisons or police cells, as opposed to being held at a secure care centre (Mpumalanga Budget Statement 2004: page not provided).

**Table 15: Budget allocation for Crime Prevention, Rehabilitation and Victim Empowerment, R'000, MTEF (2005/06-2007/08)**

	revised estimate 04/05	05/06	06/07	07/08
Administration	43299	39119	44646	45878
Treatment & Prevention of Substance Abuse	4635	7306	31944	32016
Care of the Older Persons	18542	14478	50707	50243
<i>Crime Prevention, Rehabilitation and Victim Empowerment</i>	7096(1596)	6723 (1723)	31326 (30826)	31367
Service to the Disabled	13410	12261	39317	39758
Child and Youth Care and Protection	31975	38647	71598	72711
<b>Total payments and estimates</b>	<b>118957</b>	<b>118534</b>	<b>269538</b>	<b>271973</b>

Source: Mpumalanga Budget Statement 2005: 215

The Mpumalanga Provincial Estimates of Expenditure also provide more detailed information with respect to planned implementation of the Child Justice Bill. This is set out in Table 16 below:

**Table 16: Mpumalanga provincial plan of implementation for the Child Justice Bill**

<b>Performance indicator</b>	<b>Year 1 02/03</b>	<b>Base year 03/04</b>	<b>Y1 04/05</b>	<b>Y2 05/06</b>	<b>Y3 06/07</b>
Children diverted away from criminal justice system	290 children diverted	2795	3328	3926	4161
Children assessed within 48 hours of arrest	584 assessments done	5517	7411	8267	8763
Number of pre trial reports written	235 pre trial reports	349 pre trial reports written	371 pre trial reports written	393 pre trial reports done	416 pre trial reports done
Number of pre sentence reports written	422 pre-sentence reports	1398	1668	1963	2080
Preliminary enquiries done	-	4542 children involved in enquiry	6299	7853	8324
Supervision services offered to children	409 supervision cases	349	371 393	410	
Residential care for children awaiting trial (Hendrina Secure care centre)	262 children accommodated	420 children awaiting trial accommodated	420	420	445
Crime prevention programmes	10972 persons reached through awareness	12660	35 regional events	20 regional events	17 regional events
Reception Assessment and referral services extended	-	-	1 additional/ region	1 additional/ region	
One stop child justice centre established	-	-	-	1 centre	-
Alternative sentencing models (home based supervision)	-	-	1 alternative sentencing model. 10 sites to be implemented in the 3 regions	-	-
Capacity building	392 persons trained	420 persons to be trained	4 training sessions to be held	5 training sessions to be held	6
Subsidies paid to NPOs	3 organisations	3 organisations	4	5	6
NPOs programmes monitored and evaluated	3 organisations	3 organisations	4	5	6

Source: Mpumalanga provincial estimates of expenditure/ Budget Statement 2004

#### 4.1.6 Western Cape province

**Table 17: Budget allocation for Crime Prevention, Rehabilitation and Victim Empowerment, R'000, MTEF (2005/06-2007/08)**

R'000	Revised estimate 04/05	05/06	06/07	07/08
Administration	7 804	8 095	7 871	8 210
Treatment & Prevention of Substance Abuse	17 516	25 157	25 861	26 609
Care of the Older Persons	93 761	99 000	99 000	99 000
Crime Prevention & Support	78 405	92 995	97 110	102 366
Service to persons with Disabilities	28 269	28 915	28 915	28 915
Services to children, women and families	138 141	167 800	167 800	167 800
<b>Total by subprogram</b>	<b>363 896</b>	<b>421 962</b>	<b>426 557</b>	<b>432 900</b>

Source: Western Cape Government Budget 2005: 492

The Western Cape provincial budget books also provide a plan of implementation for the Child Justice Bill, as set out in Table 18 below, as well as a plan for 'Crime Prevention and Support, set out below in Table 19:

**Table 18: Western Cape provincial plan of implementation for the Child Justice Bill**

Measurable objective	Performance measure	Y-1 02/03 (actual)	Base year 03/04 (estimate)	Y1 04/05 (target)	Y2 05/06 (target)	Y3 06/07 (target)
Providing a secure care service for 50 awaiting trial children on the West Coast by March 2005	Number of awaiting trial children accommodated  Service level agreement signed		Construction of building completed	50 children	50 children	50 children
Refine and strengthen interventions aimed at limiting the number of awaiting trial children at Pollsmoor prison	Number of awaiting trial children in prison not exceeding benchmark			100% achieved	100% achieved	100% achieved
Design and pilot at least one new diversion option	Number of diversion options			20 children in programmes	20 children in programmes	20 children in programmes

Ensuring that 120 people are reached through the Department's legislative/ policy education training programmes on child justice	Number of people trained			80 people trained	40 people trained	40 people trained
To design and pilot a comprehensive victim empowerment programme and service for at least 60 victims of violence in the Paarl District Office	Comprehensive programme developed and implemented  Number of people have access to services			Programme developed and implemented with first 30 people	30 more victims are reached	Assess possible roll out
To increase by 10% the number of people accessing the victim empowerment programme in the province	Number of people Number of programmes				10% increase	10% increase

*Source: Western Cape provincial estimates of expenditure/ Budget Statement 2004*

**Table 19: Western Cape plan for 'Crime prevention and support'**

<b>Measurable objective</b>	<b>Performance measure</b>	<b>Y1 03/04 (actual)</b>	<b>Base year 04/05 (est)</b>	<b>Y1 05/06 (target)</b>	<b>Y2 06/07 (target)</b>	<b>Y3 07/08 (target)</b>
To reduce the number of children awaiting trial under the age of 18 to 150 per month	Number of awaiting trial children.	300	180	To implement the community-based awaiting trial project with 20 youth as an awaiting trial alternative.		
				Maintain and strengthen working agreements with critical role-players in the youth justice system.		
				To support inter-departmental initiatives with the turn-around strategy on gangsterism.		
				Incremental effect to the Child Justice Bill		
	A level 2 diversion option for 20 awaiting trial children who have committed serious offences. Designed and tested.			To design and test a Level 2 diversion option for 20 awaiting trial children who have committed serious offences		
To transform service provision at the department's four	Service standards developed.	Efficiency and effectiveness of current services assessed, and	Implement corrective operational measures.	Maintain standards. Monitoring.	Maintain standards. Monitoring.	Maintain standards. Monitoring.

places of safety catering for youth awaiting trial.		plan for corrective measures developed.		Corrective measures	Corrective measures	Corrective measures
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**Source:** *Western Cape Budget 2005: 489*

In response to our requests for further information, the Western Cape Department replied that they received R5 million in 2003 for the implementation of the Child Justice Bill but that no additional money has been allocated since then. The response added that it is difficult to separate the functions for the Bill specifically from that of other activities for the programme entitled 'Social Crime Prevention'.

### 5.2.7. Eastern Cape

In the Eastern Cape, the line items 'Social welfare services: crime prevention and support' provide for policies, legislation and social protection programmes aimed at: children in conflict with the law, probation services, integrated justice processes, social crime prevention. The Eastern Cape also has a provincial plan of implementation for the Child Justice Bill.

**Table 20: Budget allocation for Crime Prevention, Rehabilitation and Victim Empowerment, R'000, MTEF (2005/06-2007/08)**

	Revised estimate 04/05	05/06	06/07	07/08
Administration	93764	143232	149027	156416
Treatment & Prevention of Substance Abuse	3682	3935	4135	4342
Care of the Older Persons	39565	42608	44727	46964
<i>Crime Prevention &amp; Support</i>	<i>26718</i> <i>4002(5202)</i>	<i>58651</i> <i>(5939)</i>	<i>(6242)</i>	<i>79933</i>
Service to persons with Disabilities	15610	16959	17823	18714
Child & Family Care & Protect	78063	105129	111471	116944
<b>Total by subprogram</b>	<b>234686</b>	<b>338581</b>	<b>385834</b>	<b>423313</b>

Source: Eastern Cape Budget statement 2005: 233

**Table 21: Eastern Cape provincial plan of implementation for the Child Justice Bill**

Sub-programme	Objective	Key performance indicators
Crime prevention, rehabilitation & victim empowerment	To divert children and youth in trouble with the law away from the criminal justice system and provide support to survivors and perpetrators of violence.	*Reception, Assessment, Referral (RAR) is rendered in all 24 districts by end of March 2006 *50% of victims of violence access the programme *10% of perpetrators participate in the programmes 24 support centres for victims of violence are operational by end March 20056 *one stop centre is replicated in 3 districts by March 2006

Source: Eastern Cape provincial estimates of expenditure/ Budget Statement 2004

Sub-programme	Objective	Key performance indicators
Crime prevention, rehabilitation & victim empowerment	To provide crime prevention and restorative justice programmes for children and youth at risk.	*6% of children in trouble with the law access developmental foster care programme by end March 2006 *Reception Assessment and Referral (RAR) Services are operational in 20 Service Areas by end March 2006 *One stop youth justice centre is replicated in 3 districts by end Marach 2010

		*All places of safety are accessible to children awaiting trial by end March 2008 *2 secure care centres are operational in Qumbu & East London by end March 2008
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Source: Eastern Cape Budget Statement 2005: 236

### 5.2.8. Gauteng province

**Table 22: Budget allocation for Crime Prevention, Rehabilitation and Victim Empowerment, R'000, MTEF (2004/05-2006/07)**

	Revised estimate 04/05	05/06	06/07	07/08
Administration	4661	4508	4855	5230
Treatment & Prevention of Substance Abuse	31466	28233	30924	31977
Care of the Older Persons	116103	10353	112400	112590
<i>Crime Prevention &amp; Support</i>	50117	46615	51253	51750
Service to persons with Disab	75109	51615	58687	51578
Child & Family Care & Protect	212394	193254	202551	200295
<b>Total by subprogram</b>	<b>489850</b>	<b>415578</b>	<b>460670</b>	<b>453420</b>

Source: Gauteng Budget Statement 2005: 232

**Table 23: Gauteng provincial plan of implementation for the Child Justice Bill**

Measurable objective	Performance measure	Performance target 04/05 target	05/06 estimated	06/07 estimated
To provide probation services to adults and children awaiting trial in terms of the Probation Act and the Child Justice Bill	Percentage increase in the probation services to adults	20%	20%	20%
	Numer of adults (over the age of 18) who receives probation services	1000	1000	1000
	Percentage increase of the probation services (assessment, pre-trial diversion) of children awaiting trial	40%	40%	40%
	Number of children in conflict with the law who receives probation services	7500	10000	10000
	Number of children awaiting trial in home based programme	1000	1000	1000
	Number of children in secure care facilities	1200	2000	2000
	Number of the RAR Centres established in all the Gauteng magisterial districts over the MTEF	5	5	5

Source: Gauteng Budget Statement 2004

### 5.2.9. Free State province

According to the Free State Budget Statement of 2004, implementation did not take place because:

the expected implementation of the new Child Justice Bill did not materialize as was expected. Parliament referred the Bill back, as it was not satisfied that it was properly costed and furthermore married provinces handmade (*sic*) adequate budgetary provision for the full implementation of the bill (Free State Budget Statement 2004: 266)

**Table 24: Budget allocation for Crime Prevention, Rehabilitation and Victim Empowerment, R'000, MTEF (2005/06-2007/08)**

	estimated actual 04/05	05/06	06/07	07/08
Administration	7722	6531	9332	10069
Treatment & Prevention of Substance Abuse	4895	7432	8900	9416
Care of the Older Persons	52444	55827	63383	67227
<i>Crime Prevention &amp; Support</i>	8416(11833)	11461 (13020)	13960 (13697)	14721
Service to persons with Disab	10390	14172	19984	21121
Child & Family Care & Protect	116209	113583	122501	121306
<b>Total payments and estimates: social welfare services</b>	<b>200076</b>	<b>209006</b>	<b>238060</b>	<b>243860</b>

Source: Free State provincial estimates of expenditure/ Budget Statement 2004 &, 2005: 231

The Free State province provides a detailed plan for implementing the Child Justice Bill. However, despite the recognition that the Bill was referred back, the plan below does not reflect this, nor does the budget reflect a slower period of implementation for the MTEF (2004/05-2006/07).

**Table 25: Free State provincial plan of implementation for the Child Justice Bill**

<b>Measurable objective</b>	<b>Activity</b>	<b>Performance measure</b>	<b>02/03 actual</b>	<b>03/04 estimated</b>	<b>04/05 target</b>	<b>05/06 target</b>	<b>06/07 target</b>
To provide prevention and intervention programmes, care and support services to children in conflict with the law (social crime prevention)	Implement programmes for children in conflict with the law	Number of awareness programmes	8 programmes (total) in 2 districts	1 provincial campaign; 1 campaign per district	1 provincial campaign; 2 campaigns per district	1 provincial campaign; 2 campaigns per district	1 provincial campaign; 2 campaigns per district
		Number of children cases assessed	2075	100% of reported cases assessed	100% of reported cases assessed	100% of reported cases assessed	100% of reported cases assessed
		Number of diversion programmes	Xhapriep=2 Motheo=7 Lejweleputswa=1 Thabo Mofutsanyane=4 Northern Free State=2	4 Diversion programmes per district	5 diversion programmes per district	6 diversion programmes per district	7 diversion programmes per district
		Number of children put through diversion programmes	1196	60% of qualifying children in diversion programme	All qualifying children in diversion programme	All qualifying children in diversion programme	All qualifying children in diversion programme
		Compliance with requests for reports by courts	445 reports	100% compliance	100% compliance	100% compliance	100% compliance
	Provide secure care services	Number of Reception/Assessment and Referral Centres (RAR)	-	3 RAR centres	3 RAR	RAR	5 RAR
		2 Secure care centres in the province	1	-	1 Centre in Motheo		1 Centre in Thabo Mofutsanyane
		Compliance with norms and standards	-	100% compliance by kroonstad	100% compliance	100% compliance	100% compliance

	Provide one-stop child justice centres	2 one-stop child justice centres in the province	1	-	1 centre in Matjhabeng		
	Compliance with norms and standards	-	100% compliance of Motheo district	100% compliance	100% compliance	100% compliance	100% compliance
	Number of children cases attended to	-	100% of reported cases attended to				

Source: Free State provincial estimates of expenditure/ Budget Statement 2004

**Table 26: Free State plan for Crime prevention and support**

Measurable objective	Performance measure	04/05 estimated	05/06 target
To provide prevention and intervention programmes, care and support services to children in conflict with the law (social crime prevention)	18 Awareness campaigns	1 Provincial campaign; 2 campaigns per district	1 Provincial campaign; 1 campaign per district
	All children arrested	100% of reported cases assessed	All assessed
	7 Types of diversion programmes per district per annum	5 diversion programmes per district	7 diversion programmes per district per annum
	6600 children put through diversion programmes (e.g. LSE, Family group conferencing, offender mediation). All court reports requested attended to	All qualifying children in diversion programme	2000
	15 Reception/ Assessment and Referral Centres (RAR) maintained/ established	3 RAR centres	5 RAR
	18 Intersectoral Child Justice Committees established	Provincial 1: Xhariep: 1; Motheo:1; Lejweleputswa: 1; Northern Free State: 2	Provincial: 1; Xhariep:2; Motheo: 2 Lejweleputswa: 1; Thabo Mofutsanyana:2; Northern Free State: 3
	3 Secure Care Centres in the province	2 Centres (Kroonstad & BFN)	2 Centres (1 Centre in Motheo (BFN) & 1 in Northern Free State (Kroonstad)
	2 Centres evaluated	100% Compliance	1 Centre evaluated (Kroonstad)
	3 One-stop Child Justice	1 Centre in BFN & 1 in Matjabeng	1 Centre in Motheo & 1 in Matjhabeng

	Centres in the Province		
	2 Centres evaluated	1 Centre evaluated	1 Centre evaluated in Motheo

**Source:** Free State Budget Statement 2005: 233

**Summary:** Provincial Department of Social Development

- Budget data provided in the provincial budgets are not adequately disaggregated to enable us to comment on the budget allocations set aside for the implementation of the Child Justice Bill;
- The line item 'Crime Prevention, Rehabilitation and Victim Empowerment' does not provide sufficiently detailed budget information to enable monitoring of the budget data as set out in the Costing Report;
- Departments clearly have plans to implement the Bill;
- Departments' responses to the PAIA requests were dismal – no one provided the requested information;
- Two departments, i.e. KwaZulu-Natal and Western Cape responded positively to faxed requests sent by the Child Justice Alliance.

## **Conclusion and Recommendations**

This report set out to monitor the budgeting of various departments responsible for implementing the Child Justice Bill. Its main purpose was to use the Costing Report to monitor government departments' budget allocations (as they committed to in the Costing Report), so as to ensure the effective implementation of the Bill. The research method entailed gathering primary and secondary budget sources: budget information was extracted from government budget books and, departments were requested to complete a questionnaire either by fax, telephone or email. When sufficient responses were not forthcoming, PAIA requests were submitted to the relevant departments. These, too, bore little fruit. As a result, it proved impossible to fulfill the initial objective of the Report – to compare the Costing Report to budget allocations and expenditures for the period set out in the Report.

Furthermore, ...years after the Bill was first introduced, it has still not been passed. This has obviously meant that monitoring of implementation of the legislation is impossible.

The lack of responses to questionnaires sent out, as well as the poor responses to the PAIA requests, suggest two possibilities:

- the relevant government departments do have the specific budget information we required but did not want to provide it to us;
- the relevant national and provincial departments simply do not have the budget information we required, or do not have it in sufficient detail so as to enable direct comparison with the information outlined in the Costing Report.

The lack of detail available in the Estimates of National Expenditure and Provincial Estimates of Expenditure would suggest that the latter option is more likely. It is possible that in some instances, the relevant contact people in the Departments approached had the information but did not want to provide it. If this was indeed the case, we would suggest that this is not out of any strong desire for secrecy, but simply the result of tardiness or inefficiency, or the belief that providing such detailed budget information to citizens or members of civil society is simply not that important.

The obstacles encountered in attempting to fulfill the original objectives of the research Report, suggest some areas in which the Child Justice Alliance might begin advocacy work, to ensure that Departments begin remedying the situation. A detailed account of allocations and expenditures would improve accountability of spending and allocations. It would also improve spending and stimulate resource flow by better inter-departmental and inter-governmental co-ordination in budget planning for the implementation of the Child Justice Bill.

Some initial suggestions for areas where advocacy might be begun, and in some cases, specific demands that could be made:

1. There is a general need for advocacy and lobbying to ensure that all government departments realise the importance of transparency and adopt attitudes in line with the principles outlined in PAIA – that citizens have a right to information, that we all have a 'right to know'. Budget transparency and accessibility, including detailed budget information, of allocations and expenditures for the implementation of the Bill is essential for monitoring and effective implementation;
2. Departments are unlikely to move ahead in budgeting more specifically for implementation of the Child Justice Bill, as long as remains unclear when the Bill is likely to be enacted. Thus, there is a need to push strongly for the Bill to be passed;
3. The Inter-sectoral Committee for Child Justice – comprising of government officials from the departments responsible for monitoring the implementation of the Bill – should assist with providing budget information for monitoring;

4. In the case of provincial departments of community safety (and liaison), provincial departments must show clearly what the budget allocations are, if these departments have a plan to implement the Bill;
5. In addition to support from the inter-sectoral monitoring group, a single person in each responsible department should be identified who will be able to provide the budget information as concisely as provided in the Costing Report;
6. The role of the national Department of Education needs to be clarified and, if relevant, related budgetary allocations should be made;

In terms of further budget monitoring, it is suggested that two or three provinces are used as pilots to monitor the Bill closely. This implies developing strong relationships in those provinces, especially with budget officers in departments and the treasuries in the selected provinces. This is with the intention of getting disaggregated data from the provinces.

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**APPENDIX ONE: REQUESTED DEPARTMENTS**

<b>Date</b>	<b>Department</b>	<b>Contact</b>	<b>Response</b>
<b>National</b>			
02-Mar-05	Justice	Ms Corlia Kok	No Response
03-Mar-05	Safety and Security	Mr A Soman	No Response
03-Mar-05	Education	Ms Mmabatho Ramagoshi	No Response
27-May-05	Education	Mr Eben Boshoff	Department not responsible
20-May-05	Safety and Security	Cpt M Venter	No Response
18-Aug-05	Justice	M Raswisiwi	Dealing with request
01-Oct-05	National Treasury		No Response
17-May-05	Social Development	Vusimuzi Madonsela	No Response
17-May-05	Correctional Services	Mr Carel Hendrik Paxton	No Response
<b>Provincial</b>			
<b>Social Development</b>			
18-Oct-05	KZN	Mr W Magwaza	No response
18-May-05	Limpopo	Mudau B	Current budget allocation provided
17-May-05	Western Cape	Virginia Peterson	No response
18-May-05	Gauteng	Bheki Sibeko	No response
18-May-05	Free State	R J Rakgoale	No response
18-May-05	Mpumalanga	Mr H Verachia	No response
13-Oct-05	Gauteng	Ms Gerda Brown and Ms Myrtle Morris	No money received as per costing
19-Oct-05	KZN	Mr Radesh Byroo	No response
13-Oct-05	Western Cape	Mr Stan de Smidt	2003: R5 Mil. - no money received social crime prevention programme not only for Child Justice Bill
17-May-05	North West	Dr Mana Bakane-Tuoane	No response
17-May-05	Northern Cape	Ms Yolanda Botha	No response
17-May-05	Eastern Cape	Mr Khaliphile Mabentsela	No response
<b>Education</b>			
25-May-05	Gauteng	Mr Joe Mokhosi	No response
23-May-05	Mpumalanga	Mr MC Mashaba	No response
23-May-05	Free State	Dr Nwaila	No response
19-May-05	North West	Dr A M Karodia	No response
18-May-05	Northern Cape	Mr A E B Williams	No response
18-May-05	KZN	Mr D T Ndlovu	No response
18-May-05	Eastern Cape	Dr Dave William Montangue Edley	No response
18-May-05	Western Cape	Mr Ronald B Swartz	No response

DEPARTMENT	Contact Details
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## **APPENDIX TWO: INFORMATION REQUESTED**

### **Questions asked: National Departments**

1. The department's budget for the implementation of the Child Justice Bill showing:
  - a) Nominal figures for the years 2003/04 – 2006/07.
2. Documents showing show the budget requested in 1 above deviates, if at all , from costing as set out in 'Child Justice Bill: Budget and Implementation Plan'.
3. If the budget requested in 1 above is lower than costing referred to in 2 above we request reasons for such deviation and a documented plan to make up for the shortfall.
4. Expenditure records in nominal figures for the years 2003/04 – 2006/07 for the allocations referred to in 1 above.
  - a) Please provide descriptions of what these expenditures were for?
5. If the department doesn't have a budget as described in 1 above please provide documentation which shows plans to make up for the implementation.
6. Documentation which clearly details what barriers there are to allocating the budget for implementing the Bill.
  - a) Please provide documentation that shows plans for overcoming these barriers.
7. Documentation that shows barriers to spending the allocated budget.
  - a) Please provide documentation that shows plans for overcoming these barriers?

### **Questions asked: Provincial Departments**

1. The Department's budget for the implementation of the Child Justice Bill showing:
  - a) Nominal figures for the years 2003/04 – 2006/07.
2. Document showing show the budget requested in 1 above deviates, if at all , from costing as set out in 'Child Justice Bill: Budget and Implementation Plan'.
3. If the budget requested in 1 above is lower than costing referred to in 2 above we request reasons for such deviation and documented plan to make up for the shortfall.
4. Expenditure records in nominal figures for the years 2003/04 – 2006/07 for the allocations referred to in 1 above.
  - a) Please provide descriptions of what these expenditures were for?
5. If the department doesn't have a budget as described in 1 above please provide documentation which shows plans to make up for the implementation.
6. Documentation which clearly details what barriers there are to allocating the budget for implementing the Bill.
  - a) Please provide documentation that details plans to overcome these barriers.
7. Documentation that shows barriers to spending the allocated budget.
  - a) Please provide documentation that shows the plans to overcome these barriers?

The costing of the Child Justice Bill refers to the change in terminology of 'Residential facility' former 'Reform schools', this will mean that existing schools of industry and secure care facilities will be able to be used for sentenced children.

We request documents that show:

- a) Allocations that have been made to address this matter.
- b) Expenditure data If allocations have been made for 2004/ 05

## PAIA FORM

### ANNEXURE

#### FORM A

#### REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

[Regulation 2]

#### FOR DEPARTMENTAL USE

Reference number:

Request received by (state rank, name and surname of information officer/deputy information officer) on (date) at (place).

Request fee (if any): R .....

Deposit (if any): R .....

Access fee: R .....

SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

#### A. Particulars of public body

#### B. Particulars of person requesting access to the record

- (a) The particulars of the person who requests access to the record must be recorded below.
- (b) Furnish an address and/or fax number in the Republic to which information must be sent.
- (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Capacity in which request is made, when made on behalf of another person:

#### C. Particulars of person on whose behalf request is made

This section must be completed only if a request for information is made on behalf of another person.

Full names and surname : .....

Identity number : .....

#### D. Particulars of record

- (a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.  
(b) If the provided space is inadequate please continue on a separate folio and attach it to this form. **The requester must sign all the additional folios.**

1. Description of record or relevant part of the record:
2. Reference number, if available:
3. Any further particulars of record:

#### E. Fees

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a **request fee** has been paid.  
(b) You will be notified of the amount required to be paid as the request fee.  
(c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.  
(d) If you qualify for exemption of the payment of any fee, please state the reason therefor.

Reason for exemption from payment of fees:  
\_\_\_\_\_  
\_\_\_\_\_

#### F. Form of access to record

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 hereunder, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
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Mark the appropriate box with an "X".

NOTES:

- (a) Your indication as to the required form of access depends on the form in which the record is available.  
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.  
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

**1. If the record is in written or printed form -**

X	copy of record*		inspection of record
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**2. If record consists of visual images -**

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.)

	listen to the soundtrack (audio cassette)	X	transcription of soundtrack* (written or printed document)
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**4. If record is held on computer or in an electronic or machine-readable form -**

X	printed copy of record*		printed copy of information derived from the record*	X	copy in computer readable form* (stiffy or compact disc)
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\*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you?

**A postal fee is payable.**

YES	X	NO
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*Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.*

In which language would you prefer the record? English

**.G. Notice of decision regarding request for access**

*You will be notified in writing whether your request has been approved/denied. If you wish to be informed thereof in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.*

How would you prefer to be informed of the decision regarding your request for access to the record?

By fax, e-mail or post

Signed \_\_\_\_\_ at \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_

**SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE**

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