

THE COMPETITION TRIBUNAL
FOURTH QUARTER PERFORMANCE REPORT

1st APRIL 2014 – 31st MARCH 2015

Reviewed for submission by :

Lerato Motaung (Registrar)



Signature:

Date: 23/4/2015

Ann Slavín (Head of Corporate Services)



Signature:

Date: 23/4/15

Reviewed and verified for approval by :

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Signature:

Date: 23/4/15

Approved by

Norman Manóim (Chairperson)



Signature:

Date: 23/4/15

THE COMPETITION TRIBUNAL - 1st APRIL 2014 - 31st MARCH 2015

Strategic Focus Area 1:		TRIBUNAL HEARINGS AND DECISIONS				REASON FOR DEVIATIONS			
		Prior year budget:	Current budget	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total	
Goal Statement:		Prior year actual	Actual expenditure	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total	
Strategic Outcome:		Hold hearings and adjudicating matters brought before the Tribunal.							
Strategic Objective:		Promote and maintain competition within South Africa through the implementation of the Competition Act.							
OUTPUT		ANNUAL TARGET		QUARTERLY TARGET				DEVIATIONS	
PERFORMANCE INDICATORS		Prior year annual performance		Q1	Q2	Q3	Q4	Annual performance	
Large Mergers:									
To promote and maintain competition within South Africa by holding hearings and adjudicating matters brought before the Tribunal that pertain to large and intermediate mergers, interim relief cases, procedural matters, opposed practices within the adopted delivery timeframes.	Merger notices	Merger set down (heard) in accordance with delivery timeframes	75% of mergers heard within 10 business days of the filed merger	67%	77%	90%	77%	80%	Target exceeded for the quarter and year to date
	Orders	Orders issued to parties in accordance with the delivery timeframes	98% of orders issued within 10 business days of the last hearing date	100%	100%	100%	100%	100%	Target exceeded for the quarter and year to date
	Reasons for Decision documents	Reasons for Decisions issued to parties in accordance with the delivery timeframes	88% of "reason for decisions" issued within 20 business days of order being issued	88%	94%	84%	74%	85%	Target exceeded for the quarter and year to date
Requests for consideration (intermediate mergers):									
	Merger notices	Merger set down(heard) in accordance with delivery timeframes	75% of mergers heard within 10 business days of receiving the Commissions record	100%	No matters heard	No matters were heard	0%	75%	Target not met for the quarter but met for the year. (In the 4th quarter set down was delayed because the parties were not ready to hear the matter on the earlier dates proposed by the Tribunal. We were out of time for the hearing with 1 day.) The target was met for the year
	Orders	Orders issued to parties in accordance with the delivery timeframes	98% of orders issued within 10 business days of the last hearing date	100%	No orders issued	No orders were issued	100%	100%	Target exceeded for the quarter and year to date
	Reasons for Decision documents	Reasons for Decisions issued to parties in accordance with the delivery timeframes	88% of "reason for decisions" issued within 20 business days of order being issued	0%	No reasons issued this quarter	No reasons were issued this quarter	No reasons were issued this quarter	0%	(Reasons were issued in 1 matter only. The writing member and the case manager were involved in protracted hearings in another matter and confidentiality claims by third parties contributed to the delay.)

Opposed Prohibited Practices:									
Notice of set-downs	Pre-hearing invitations sent to parties in accordance with the delivery timeframes	90% of pre-hearing invitations sent to parties within 20 business days of close of pleadings	100%	67%	No prehearing invites sent	100%	75%	Target not met for year to date (This was due to an administrative error in 1 matter where the invitation was late by 3 days.)	
Orders and reasons for decision documents	Orders and reasons for decisions issued to parties in accordance with the delivery timeframes	80% of orders and reasons for decisions issued within 100 business days of the hearing date	50%	0%	No orders/reasons issued	100%	60%	Target exceeded for the quarter but not for the year to date (There was a delay with one matter in the first quarter that was related to further requests for calculations (based on various assumptions); the complexity of the matter; the length of the actual hearing and the size of the record; as well as the large number of disputes between the respective industrial, financial and economic experts of the parties. With regard to the matter delayed in the 3rd quarter the member writing the reasons was also sitting on panels and as it was a complex matter the writing was delayed)	
Consent Orders:									
Orders	Orders issued to parties in accordance with the delivery timeframes	76% of consent orders issued within 10 business days of the last hearing date	98%	100%	100%	100%	100%	Target exceeded for the quarter and year to date	
Procedural Matters:									
Orders	Orders issued to parties in accordance with the delivery timeframes	85% of orders issued within 20 business days of the last hearing date	83%	75%	100%	80%	100%	Target exceeded for the quarter and year to date	
Interim Relief cases:									
Reasons for Decision documents	Reasons for Decisions issued to parties in accordance with the delivery timeframes	85% of "reasons for decisions" issued within 20 business days of the last hearing date	0%	100%	No reasons issued this quarter	No reasons issued this quarter	100%	Target exceeded for the quarter and year to date	
Strategic Focus Area 2:									
Prior year budget:	R 651 937.80	Prior year figures	R 780 341.14	Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total	Reason for deviations
Prior year actual	R 319 629.91	Current budget	R 195 085.29	R 195 085.29	R 195 085.29	R 195 085.29	R 195 085.29	R 780 341.14	Budget divided equally across 4 quarters
Goal Statement:	Communicate the activities and decisions of the Competition Tribunal effectively.	Actual expenditure	R 30 525.00	R 38 053.49	R 42 694.36	R 14 920.55	R 154 193.40		The budget included the salary of the Communications Officer but this has not been reallocated to this line item yet
Strategic Outcome:	Educate and create awareness of Competition Matters to the Tribunal's stakeholders.								
STRATEGIC OBJECTIVE	OUTPUT	PERFORMANCE INDICATORS	ANNUAL TARGET	Q1	Q2	Q3	Q4	Annual performance	DEVIATIONS
To educate and to create awareness of competition matters to our stakeholders by communicating the activities and decisions of the Competition Tribunal by way of the internet, press releases, the Government Gazette as well as internal publications within the adopted delivery timeframes.	"Reasons for Decision" documents	Turnaround time for all the "reasons for decisions" to be posted on the website after release	97% of reasons for decisions posted on the Tribunal website within 24 hours of release	69%	83%	73%	100%	88%	Target exceeded for quarter but not for year to date (Reasons were posted late on the website due to various reasons - the website was being upgraded and was offline for a few days; there was a technical error on the website and there are delays due to confidentiality challenges.)
Tribunal Tribunes produced	Tribunal Tribunes distributed to Stakeholders	Three Tribunal Tribunes distributed by 31 March 2015	3	0.00	1.00	1.00	1.00	3.00	Target met for quarter and year to date

To educate and to create awareness of competition matters to our stakeholders by communicating the activities and decisions of the Competition Tribunal by way of the internet, press releases, the Government Gazette as well as internal publications within the adopted delivery timeframes.	Notice of final merger decisions	Merger decisions published in the Government Gazette	Tribunal Tribunes distributed to 50 stakeholders per issue by 31 March 2015	96	0.00	55.00	55.00	65.00	165.00	Target exceeded for quarter and for year to date	
	Press releases	Press releases of final decisions in merger cases issued to the media	Press releases issued for 75% of the final decisions in mergers issued by the Tribunal each quarter	94%	81%	96%	96%	100%	94%	Target met for quarter but not for year to date. (7 of 111 decisions were sent to the printers late due to administrative oversight.)	
	Press releases	Press releases of final decisions in prohibited practice cases issued to the media	Press releases issued for 100% of the final decisions in prohibited practice cases issued by the Tribunal each quarter	98%	94%	97%	97%	100%	97%	Target exceeded for quarter and year to date	
	Press releases	Press releases of final decisions in prohibited practice cases issued to the media	Press releases issued for 100% of the final decisions in prohibited practice cases issued by the Tribunal each quarter	100%	100%	83%	88%	100%	90%	Target exceeded for quarter but not for year to date. (We failed to send a press release for 4 complaint referrals and 1 consent order as prior discussions with the media indicated that there was little interest in these matters.)	
Strategic Focus Area 3	OPERATIONAL EFFECTIVENESS				Quarter 1	Quarter 2	Quarter 3	Quarter 4	Total	REASON FOR DEVIATIONS	
	Prior year budget:	R 1 581 789.49	Current budget	R 1 458 335.02	R 364 563.76	R 364 563.76	R 364 563.76	R 364 563.76	R 1 458 335.02	Budget divided equally across 4 quarters	
	Prior year actual	R 1 042 829.88	Actual expenditure		R 612 436.17	R 74 411.32	R 253 386.25	R 57 952.32	R 98 089.06	The Tribunal made a conscious decision not to send staff to international conferences/workshops thus resulting in underspending on this line item	
Goal Statement:	Enhance the expertise of Tribunal staff.										
Strategic Outcome	Improve the service of the Tribunal to our customers.										
	Strengthen the Tribunal's organisational capability and performance to deliver on its legislative mandate										
STRATEGIC OBJECTIVE	OUTPUT	PERFORMANCE INDICATORS	ANNUAL TARGET							DEVIATIONS	
			Prior year annual performance	Q1	Q2	Q3	Q4	Annual performance			
To enhance the expertise of Tribunal members and staff by sending them on planned international as well as local conferences and training courses.	Training feedback form	Conferences and training courses attended	144.12%	88.89%	100.00%	190.00%	187.50%	141.67%	141.67%	Target exceed for the quarter and for the year. (A number of new staff were appointed prior to year end last year and they have required training on certain functions and legislative requirements.)	

WORKINGS- HEARINGS AND DECISIONS

Large Mergers and Intermediate mergers.									
Large merger hearings	Large mergers heard within the prescribed timeframes	Number of matters heard	15.00	31.00	30.00	22.00	98.00		
		Number heard within 10 days	10.00	24.00	27.00	17.00	78.00		
		Number heard in excess of 10 days	5.00	7.00	3.00	5.00	20.00		
Large merger orders issued	Large merger orders issued to parties within the prescribed timeframes	Number of orders issued	15.00	31.00	30.00	22.00	98.00		
		Number of orders issued within 10 business days	15.00	31.00	30.00	22.00	98.00		
		Number of orders issued in excess of 10 business days	0.00	0.00	0.00	0.00	0.00		
Reasons for Large merger decision documents	Reasons for large merger decisions issued to parties within the prescribed timeframes	Number of reasons issued	17.00	32.00	19.00	31.00	98.00		
		Number of reasons issued within 20 business days	15.00	30.00	16.00	23.00	84.00		
		Number of reasons issued in excess of 20 business days	2.00	2.00	3.00	8.00	15.00		

Requests for consideration:									
Requests for consideration hearings	Requests for consideration heard within the prescribed timeframes	Number of matters heard	3.00	0.00	0.00	1.00	4.00		
		Number heard within 10 days	3.00	0.00	0.00	0.00	3.00		
		Number heard in excess of 10 days	0.00	0.00	0.00	1.00	1.00		
Intermediate merger orders issued	Requests for consideration orders issued to parties within the prescribed timeframes	Number of orders issued	3.00	0.00	0.00	1.00	4.00		
		Number of orders issued within 10 business days	3.00	0.00	0.00	1.00	4.00		
		Number of orders issued in excess of 10 business days	0.00	0.00	0.00	0.00	0.00		
Reasons for intermediate merger decision documents	Reasons for consideration decisions issued to parties within the prescribed timeframes	Number of reasons issued	1.00	0.00	0.00	0.00	1.00		
		Number of reasons issued within 20 business days	0.00	0.00	0.00	0.00	0.00		
		Number of reasons issued in excess of 20 business days	1.00	0.00	0.00	0.00	1.00		
Opposed/Prohibited Practices:									
Pre-hearing invitation sent	Pre-hearing invitations sent to parties in accordance with the delivery timeframes	Number of pre invitation hearings sent out after close of pleadings	3.00	0.00	1.00	0.00	4.00		
		Number sent within 20 days of close of pleadings	2.00	0.00	1.00	0.00	3.00		
		Number sent in excess of close of pleadings	1.00	0.00	0.00	0.00	1.00		
Orders and reasons for decision documents	Orders and reasons for decisions issued to parties in accordance with the delivery timeframes	Number of orders /reasons issued	1.00	0.00	3.00	1.00	5.00		
		Number issued within 60 days of hearing date	0.00	0.00	2.00	1.00	3.00		
		Number issued in excess of 60 business days	1.00	0.00	1.00	0.00	2.00		

WORKINGS STAKEHOLDER AWARENESS

	1	2	3	4
"Reasons for Decision" documents	24.00	30.00	26.00	34.00
Turnaround time for all the "reasons for decisions" to be posted on the website after release				114.00
	20.00	27.00	19.00	34.00
Number of reasons for decisions posted on the Tribunal website within 24 hours of release				100.00
	4.00	3.00	7.00	0.00
Number of reasons for decisions posted on the Tribunal website in excess of 24 hours of release				14.00
Tribunal Tribunes produced	0.00	1.00	1.00	1.00
Tribunal Tribune's distributed to Stakeholders				3.00
	0.00	55.00	55.00	55.00
Number of stakeholders				165.00
Notice of final merger decisions	27.00	24.00	25.00	35.00
Final merger decisions published in the Government Gazette				111.00
	22.00	23.00	24.00	35.00
Number of the merger decisions issued sent to the Government Gazette for publishing within 20 days of the final decision				104.00
	5.00	1.00	1.00	0.00
Number of the merger decisions issued sent to the Government Gazette for publishing in excess of 20 days of the final decision				7.00
Press releases	18.00	31.00	30.00	23.00
Press releases of final decisions issued to the media				102.00
	17.00	30.00	29.00	23.00
Number of final decisions for mergers issued by the Tribunal				99.00
Press releases	4.00	6.00	29.00	9.00
Press releases of final decisions issued to the media				48.00
	4.00	5.00	25.00	9.00
Number of final decisions for prohibited practices issued by the Tribunal				43.00

WORKINGS OPERATIONAL EFFECTIVENESS

Training feedback form		Number of people budgeted to attend International conferences (includes OECD)	3.00	3.00	3.00	3.00	3.00	12.00
		Number of people attending International conferences	2.00	1.00	5.00	0.00	0.00	8.00
		Number of National conferences budgeted	0.00	0.00	1.00	0.00	0.00	1.00
		Number of National conferences attended/held	0.00	1.00	0.00	0.00	0.00	1.00
		Number of Workshops budgeted (Tribunal and team)	0.00	1.00	1.00	1.00	1.00	3.00
		Number of Workshops attended	3.00	3.00	1.00	3.00	3.00	10.00
		Number of people budgeted to attend training courses budgeted	6.00	6.00	6.00	5.00	5.00	23.00
		Number of people attending training courses	3.00	4.00	13.00	12.00	12.00	32.00
		Total budgeted	9.00	9.00	10.00	8.00	8.00	36.00
		Total attended	8.00	9.00	19.00	15.00	15.00	51.00