

**THE COMPETITION TRIBUNAL**

**PERFORMANCE REPORT**

**1st APRIL 2016 – 31st MARCH 2017**

**QUARTER 1**

**Reviewed for submission by :**

Lerato Motaung (Registrar)

Signature:



Date:

29/7/2016

**Reviewed and verified for approval by :**

Janeen de Klerk (Chief Operating Officer)

Signature:



Date:

29/7/16

**Approved by**

Norman Manoim (Chairperson)

Signature:



Date:

29/7/16.

**STRATEGIC FOCUS AREA 1 - QUARTER 1 - 2016/2017**

STRATEGIC FOCUS AREA 1:		ADJUDICATIVE EXCELLENCE				QUARTER 1	YEAR TO DATE	REASON FOR DEVIATIONS	
		CURRENT BUDGET	R 23 490 930.03	R 6 964 694.26	R 23 490 930.03	Budget divided equally across 4 quarters			
		ACTUAL EXPENDITURE	R 4 969 817.88	R 4 969 817.88	R 4 969 817.88				
GOAL STATEMENT		TO ENSURE EFFECTIVE AND EFFICIENT ADJUDICATION ON MATTERS BROUGHT BEFORE THE TRIBUNAL							
STRATEGIC OUTCOME									
STRATEGIC OBJECTIVE	STRATEGIC OBJECTIVE STATEMENT	OUTCOME	PERFORMANCE INDICATORS	ANNUAL TARGET	PRIOR YEAR ANNUAL PERFORMANCE	TARGET	PERFORMANCE	ANNUAL PERFORMANCE	EXPLANATIONS FOR DEVIATIONS
						Q1	Q1	YEAR TO DATE	
CASE MANAGEMENT EFFICIENCY	Matters brought before the Tribunal are heard within the adopted delivery time frames	Hearings are set down within required time frames	% of large mergers to be set down for the beginning of a hearing or a pre-hearing within 10 business days of the filing of the merger referral	75%	78%	76%	94%	94%	Target met and exceeded for quarter and year to date
			% of intermediate mergers to be set down for the beginning of a hearing or a pre-hearing within 10 business days of the filing of the merger referral	75%	44%	75%	50%	50%	Target not met for quarter and year to date. 1 out of 2 matters setdown late because parties agreed which was out of the required 10 days.
TIMEOUS ISSUING OF JUDGEMENTS	Improvement in the issuing of judgements/decisions in line with adopted time frames	Expeditious conclusion of matters	% of large merger orders issued to parties within 10 business days of last hearing date	95%	100%	98%	100%	100%	Target met for quarter and year to date
			% of large merger reasons issued to parties within 20 business days of order being issued	70%	87%	76%	63%	63%	Target not met for quarter or year to date. 7 out of 19 reasons issued late because of the short members. The panel members sat on several large matters which were complex and required more time with reasons.
			% of intermediate merger orders issued to parties within 10 business days of last hearing date	95%	100%	95%	no orders issued	no orders issued	Target cannot be measured as no orders were issued
			% of intermediate merger reasons issued to parties within 20 business days of order being issued	80%	60%	60%	0%	0%	Target not met for quarter or year to date. 1 out of 1 reasons issued were late by 15 days because the person who was writing attended the ICN conference late.



STRATEGIC FOCUS AREA 1: ADJUDICATIVE EXCELLENCE				QUARTER 1	YEAR TO DATE	REASON FOR DEVIATIONS				
				CURRENT BUDGET	R 23 490 930 03	R 6 964 694 26	R 23 490 930 03	Budget divided equally across 4 quarters		
				ACTUAL EXPENDITURE	R 4 969 817 88	R 4 969 817 88	R 4 969 817 88			
GOAL STATEMENT		TO ENSURE EFFECTIVE AND EFFICIENT ADJUDICATION ON MATTERS BROUGHT BEFORE THE TRIBUNAL								
STRATEGIC OUTCOME										
STRATEGIC OBJECTIVE	STRATEGIC OBJECTIVE STATEMENT	OUTCOME	PERFORMANCE INDICATORS	ANNUAL TARGET	PRIOR YEAR ANNUAL PERFORMANCE	TARGET	PERFORMANCE	ANNUAL PERFORMANCE	EXPLANATIONS FOR DEVIATIONS	
						Q1	Q1	YEAR TO DATE		
TIMEOUS ISSUING OF JUDGEMENTS	Improvement in the issuing of judgements/decisions in line with adopted time frames	Expeditious conclusion of matters	Reasons for prohibited practice cases issued to parties in accordance with delivery timeframes per category: A,B or C	A - 100 business days	No reasons issued	A - 100 business days	100%	100%	Target met for quarter and year to date	
				B - 125 business days	No reasons issued	B - 125 business days	No reasons issued	No reasons issued	Target cannot be measured as no reasons were issued	
				C - 150 business days	100%	C - 150 business days	0%	Target not met for quarter and year to date. 1 out of 1 reasons issued were late by 29 days because of complex case and the shortage of Tribunal members also had to sit on several other large matters Vodacom & Neotel. In addition the BRICS conference during this period and certain Tribunal members chaired working groups.		
				% of procedural matter orders issued to parties within 20 business days of last hearing date	85%	73%	85%	38%	38%	Target not met for quarter and year to date. 5 out of 8 decisions issued were late because of the application with complex points of law therefore requiring more decision. The shortage of Tribunal members means members also sat on several large matters and on complex non complex matters.
				% consent orders issued to parties within 10 business days of last hearing date	90%	96%	90%	100%	100%	Target met and exceeded for quarter and year to date
			% interim relief reasons issued to parties within 20 business days of last hearing date	100%	No reasons issued	100%	No reasons issued	No reasons issued	Target cannot be measured as no reasons were issued	
EFFECTIVE BUSINESS APPLICATIONS	Enhance record keeping, performance and case flow management by harnessing facility and functionality of business applications	Improved management information to inform strategic decision making and access to historical data	Enhancement of case management system facility in line with project plan	Feasibility study of automation opportunities completed by December 2016	Phase 2 full implemented and operative by March 2016	Annual not quarterly target			This is an annual target and only to be completed by 2016. The Tribunal is in the process of investigating	
			Reduced reliance on manual performance reporting by 2020 according to agreed plan	25% of agreed plan implemented by March 2017	No formal plan in place but manual reliance being reduced	Annual not quarterly target			This is an annual target and only to be completed by 2020. A formal plan still needs to be developed and approved. Work is being made with regard to the reliance on manual reporting.	



**STRATEGIC FOCUS AREA 2 - QUARTER 1 - 2016/2017**

STRATEGIC FOCUS AREA 1:		STAKEHOLDER RELATIONSHIPS				QUARTER 1	YEAR TO DATE	REASON FOR DEVIATION	
				CURRENT BUDGET	R 1 024 228.53	R 256 054.38	R 1 024 228.53	Budget divided equally across 4	
				ACTUAL EXPENDITURE	R 243 584.45	R 243 584.45	R 243 584.45		
GOAL STATEMENT		TO BUILD AND DEVELOP EFFECTIVE STAKEHOLDER RELATIONSHIPS							
STRATEGIC OUTCOME									
STRATEGIC OBJECTIVE	STRATEGIC OBJECTIVE STATEMENT	OUTCOME	PERFORMANCE INDICATORS	ANNUAL TARGET	PRIOR YEAR ANNUAL PERFORMANCE	TARGET	PERFORMANCE	ANNUAL PERFORMANCE	EXPLANATIONS FOR DEVIATION
						Q1	Q1	YEAR TO DATE	
<b>ENSURE RELEVANT COMMUNICATION TO STAKEHOLDERS</b>	Ensure that an integrated communication plan is developed and implemented	A structured and focussed process to create and enhance awareness of the work of the Tribunal	Communication Plan reviewed and changes implemented in line with EXCO requirements and agreed timeframes	Implement plan against agreed timeframes by March 2017	Implement plan against agreed timeframes	Annual not quarterly target	Progress being made with regard to implementation of agreed projects	Progress being made with regard to implementation of agreed projects	Annual target but progress below
			Monitored performance and implementation against improved plan	Report on implementation against plan by March 2017	New target in 2016/2017	Annual not quarterly target	Quarterly report provided to COO on progress and where necessary reflected in dashboard report	Quarterly report provided to COO on progress and where necessary reflected in dashboard report	Annual target but progress below
<b>MAINTAIN AND ENHANCE THE PRESENCE AND PROFILE OF THE TRIBUNAL</b>	Ensure communication pertaining to final decisions in mergers and prohibited practice cases are made public within adopted delivery timeframes	Timely and compliant communication of adjudication outcomes	% press releases of final merger decisions communicated within 2 business days of order date	100%	92%	100%	100%	100%	Target met for the quarter and year
			% press releases of prohibited practice decisions communicated within 2 business days of order date	100%	71%	100%	50%	50%	Target not met for quarter or year to date in this matter did not relate to the matter and therefore it was decided not to release.
			% of non confidential version (ncv) of reasons posted on website within 2 business days of issue date of ncv	75%	97%	75%	88%	88%	Target met and exceeded for the quarter
			Number of Tribunal Tribuna published annually	Remove by EXCO in order to develop electronic newsletter	2.00	Removed by EXCO in order to develop electronic newsletter	0	0	Remove by EXCO in order to develop electronic newsletter
			Number of Tribunal Tribuna distributed according to agreed distribution list	Remove by EXCO in order to develop electronic newsletter	55	Removed by EXCO in order to develop electronic newsletter	0	0	Remove by EXCO in order to develop electronic newsletter
<b>IMPROVE STAKEHOLDER DELIVERY</b>	Identify and address stakeholder needs and expectations in order to meet or exceed requirements	Level of stakeholder satisfaction	Planned and implemented actions against stakeholder satisfaction survey results	No survey scheduled this year	Plan delayed due to late appointment of communications officer	No survey scheduled this year	No survey scheduled this year	No survey scheduled this year	No survey scheduled this year



**STRATEGIC FOCUS AREA 3 - QUARTER 1 - 2016/2017**

STRATEGIC FOCUS AREA 1:		ACCOUNTABLE, TRANSPARENT AND SUSTAINABLE ENTITY				QUARTER 1	YEAR TO DATE	REASON FOR DEVIATION	
		CURRENT BUDGET	R 6 883 100.48	R 1 428 611.12	R 6 883 100.48	Budget divided equally across			
		ACTUAL EXPENDITURE	R 1 587 323.77	R 1 587 323.77	R 1 587 323.77				
GOAL STATEMENT		TO ENSURE THE TRIBUNAL HAS EFFECTIVE STRATEGIC LEADERSHIP, ADMINISTRATION AND MANAGEMENT THROUGH ADHERENCE TO GOOD GOVERNANCE AND SOUND BUSINESS PRACTICES							
STRATEGIC OUTCOME									
STRATEGIC OBJECTIVE	STRATEGIC OBJECTIVE STATEMENT	OUTCOME	PERFORMANCE INDICATORS	ANNUAL TARGET	PRIOR YEAR ANNUAL PERFORMANCE	TARGET	PERFORMANCE	ANNUAL PERFORMANCE	EXPLANATIONS FOR DEVIATION
						Q1	Q1	YEAR TO DATE	
<b>GOOD GOVERNANCE</b>	Increase the level of compliance with the prescripts of good governance	Accountable and transparent Public Entity	Achieve an unqualified Audit Outcome year on year	Unqualified audit – no issues of governance raised	Final report - no issues of governance raised	Annual target set for second quarter	Draft management report for 2015/2016 - no issues of governance raised	Draft management report for 2015/2016 - no issues of governance raised	Target met for quarter and year
<b>EFFECTIVE OVERSIGHT STRUCTURES</b>	Maintain effective oversight structures that promote solid business practice	Sound Business Practice	Achieve an unqualified Audit Outcome year on year	Unqualified audit – no issues of governance raised	Final report - no issues of governance raised	Annual target set for second quarter	Draft management report for 2015/2016 - no issues of governance raised	Draft management report for 2015/2016 - no issues of governance raised	Target met for quarter and year
<b>EFFECTIVE MANAGEMENT OF THE BUDGET</b>	Ensure financial management that promotes effective and efficient use of resources	Optimal financial resource allocation and utilisation	Achieve an unqualified Audit Outcome year on year	Unqualified audit-no findings of fruitless /wasteful expenditure	Final report - has fruitless and wasteful expenditure	Annual target set for second quarter	Fruitless and wasteful expenditure disclosed in draft AFS for 2015/2016	Fruitless and wasteful expenditure disclosed in draft AFS for 2015/2016	Target not met for quarter and year Tribunal disclosed fruitless/wasteful expenditure. A portion was condoned Treasury and the balance will be co Accounting Authority. An action plan place to prevent these occurring again
<b>FINANCIAL GOVERNANCE AND REPORTING</b>	Ensure a sound control environment and monitor	Compliance to requirements as an accountable, transparent institution	No material misstatements for May submission	No material misstatement on May submission	Final report - no material misstatements	Annual target set for second quarter	Draft management report for 2015/2016 - no material misstatements	Draft management report for 2015/2016 - no material misstatements	Target met for quarter and year
			Submission against annual deadline	Annual reporting submission dates met May and July	AR submitted within required timeframes	May submission date met	May date met - July still due	May date met - July still due	Target partially met for quarter and year
		Integrated risk management processes and combined assurance	Achieve an unqualified Audit Outcome year on year	Unqualified audit – no issues of risk management raised	Final report - no risk management issues raised	Annual target set for second quarter	Draft management report for 2015/2016 - no risk management issues raised	Draft management report for 2015/2016 - no risk management issues raised	Target met for quarter and year
<b>SUSTAINABLE CAPACITY</b>	Ensure that the Tribunal effectively leverages employee skills by recruiting, retaining and developing high quality people	Strengthen the Tribunal's organisational capacity and performance to deliver on its legislative Mandate	Implementation of Case Management Graduates Internships against plan	Graduate Internship implemented	Policy in final draft and 2 Interns employed	Graduate Internship targets meet plan requirements	Implemented and currently 2 LT Interns employed	Implemented and currently 2 LT Interns employed	Target met for quarter and year