

**THE COMPETITION TRIBUNAL**

**PERFORMANCE INFORMATION REPORT**

**1st APRIL 2017 – 31st MARCH 2018**

**QUARTER 3**

**Reviewed for submission by:**

Lerato Motlwaung (Registrar)

Signature:



Date:

31/01/2018

**Reviewed and verified for approval by:**

Janeen de Klerk (Chief Operating Officer)

Signature:



Date:

31/1/2018

**Approved by**

Norman Manoin (Chairperson)

Signature:



Date:

31/1/2018

STRATEGIC FOCUS AREA 1 - QUARTER 3 - 2017/2018

STRATEGIC FOCUS AREA 1:		ADJUDICATIVE EXCELLENCE		TO ENSURE EFFECTIVE AND EFFICIENT ADJUDICATION ON MATTERS BROUGHT BEFORE THE TRIBUNAL										REASON FOR DEVIATIONS
CURRENT BUDGET		R 26 060 298.00		QUARTER 1		QUARTER 2		QUARTER 3		YEAR TO DATE				
ACTUAL EXPENDITURE		R 19 023 366.30		R 5 875 401.75		R 6 460 964.60		R 6 600 930.95		R 19 023 366.30		The budget is based on an estimate of the volume of cases and variances will occur as we cannot predict volume		
STRATEGIC OBJECTIVE	STRATEGIC OBJECTIVE STATEMENT	OUTCOME	PERFORMANCE INDICATORS	ANNUAL TARGET	PRIOR YEAR ANNUAL PERFORMANCE	TARGET Q1	PERFORMANCE Q1	TARGET Q2	PERFORMANCE Q2	TARGET Q3	PERFORMANCE Q3	ANNUAL PERFORMANCE YEAR TO DATE	EXPLANATIONS FOR DEVIATIONS	
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%	87.25%	75%	91%	75%	60%	75%	84%	81%	Target exceeded by 9% for quarter and 8% for year to date. The target is not set at 100% as setdown is dependent on the availability of the parties and we expect some instances where parties may not find the dates given by the Tribunal suitable. In general if targets are not met it is because parties are not available on the dates the Tribunal has indicated.	
			% of intermediate and small merger considerations to be set down for the beginning of a hearing or a pre-hearing within 10 business days of the filing of the request for consideration	75%	90%	75%	50%	75%	80%	75%	100%	63%	Target exceeded for quarter and not met for year to date. The target is not set at 100% as setdown is dependent on the availability of the parties and we expect some instances where parties may not find the dates given by the Tribunal suitable. In general if targets are not met it is because parties are not available on the dates the Tribunal has indicated.	
			% of large merger orders issued to parties within 10 business days of last hearing date	95%	99.02%	95%	100%	95%	100%	95%	100%	100%	100%	Target met for the quarter and year to date and exceeded by 5%. The target is not set at 100% as we have to allow some leeway for delays in issuing of orders in complex matters that require more time for consideration. During the period under review we have exceeded our target as the mergers have been less complex to deliberate on.
TIMEOUS ISSUING OF JUDGEMENTS	Improvement in the issuing of judgments/decisions in line with adopted time frames	Expedient conclusion of matters	% of large merger reasons issued to parties within 20 business days of order being issued	70%	78.70%	70%	83%	70%	84%	70%	91%	88%	Target for the quarter exceeded by 21% and target for the year exceeded by 18%. The target is not set at 100% as we have to allow some leeway for delays in issuing of reasons that require more time for consideration. During the period under review we have exceeded our target as the mergers have been less complex to deliberate on.	
			% of intermediate and small merger consideration orders issued to parties within 10 business days of last hearing date	85%	88.67%	85%	No orders issued	85%	50%	85%	No orders issued	No orders issued	No orders issued	No orders issued therefore target cannot be measured
			% of intermediate and small merger consideration reasons issued to parties within 20 business days of order being issued	60%	0.00%	60%	No reasons issued	60%	0%	60%	No reasons issued	No reasons issued	No reasons issued	No reasons issued therefore target cannot be measured

STRATEGIC FOCUS AREA 1		ADJUDICATIVE EXCELLENCE		QUARTER 1		QUARTER 2		QUARTER 3		YEAR TO DATE		REASON FOR DEVIATIONS	
		CURRENT BUDGET	R 26 600 298.00	R 6 938 076.00	R 6 155 643.00	R 6 150 638.00	R 19 244 357.00						
		ACTUAL EXPENDITURE	R 19 023 306.30	R 5 875 401.75	R 6 486 964.60	R 6 650 909.95	R 19 023 306.30					The budget is based on an estimate of the volume of cases and variances will occur as we cannot predict volume	
GOAL STATEMENT													
STRATEGIC OUTCOME													
TO ENSURE EFFECTIVE AND EFFICIENT ADJUDICATION ON MATTERS BROUGHT BEFORE THE TRIBUNAL													
STRATEGIC OBJECTIVE	STRATEGIC STATEMENT	OUTCOME	PERFORMANCE INDICATORS	ANNUAL TARGET	PRIOIR YEAR ANNUAL PERFORMANCE	TARGET Q1	PERFORMANCE Q1	TARGET Q2	PERFORMANCE Q2	TARGET Q3	PERFORMANCE Q3	ANNUAL PERFORMANCE YEAR TO DATE	EXPLANATIONS FOR DEVIATIONS
TIMEOUS ISSUING OF JUDGEMENTS	Improvement in the issuing of judgments/decisions in line with adopted time frames	Expedious 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	No reasons issued	A - 100 business days	No reasons issued	A - 100 business days	No reasons issued	No reasons issued	No reasons issued during the quarter therefore target cannot be measured
				B - 125 business days	60.87%	B - 125 business days	100%	B - 125 business days	No reasons issued	B - 125 business days	No reasons issued	100%	No reasons issued during the quarter therefore target cannot be measured
				C- 150 business days	50%	C- 150 business days	No reasons issued	C- 150 business days	No reasons issued	C- 150 business days	No reasons issued	No reasons issued	No reasons issued during the quarter therefore target cannot be measured
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	% of procedural matter orders issued to parties within 20 business days of last hearing date	85%	28.18%	85%	60%	85%	69%	85%	48%	55%	Target not met for the quarter and year to date 7 out of 13 orders were issued late due to these reasons - some matters were highly complex and traversed new procedural ground, thus requiring a large amount of time to write. Other cases involved difficult issues of law and fact and the drafting of reasons was therefore not straightforward. 2 matters exceeded the turnaround time by 15 days or less, 5 exceeded it by between 50 and 70 days
				% of interim relief reasons issued to parties within 10 business days of last hearing date	90%	100.00%	90%	60%	100%	98%	85%	Target not met for the quarter and year to date 1 out of 7 orders was issued late as the matter was quite complex. The order and reasons for the interlocutory matters in that case had to be considered before a decision could be made on the consent order.	
				% interim relief reasons issued to parties within 20 business days of last hearing date	100%	0.00%	100%	No reasons issued	100%	No reasons issued	No reasons issued	No reasons issued	No reasons issued therefore target cannot be measured
		Enhancement of case management system facility in line with project plan	Feasibility study of automation opportunities completed by December 2018	25% of agreed plan implemented by March 2017	As informal as opposed to formal agreed plan for electronic reporting was agreed and we have been working on these so as to reduce the reliance on manual systems. Enhancements are implemented as we progress and new reports are being tested. This target will be removed or revised in 2017/2018	Annual not quarterly target	Not measured or reported on	Annual not quarterly target	Electronic data being verified straight from system and contributing to look at new ways of using technology and decreasing reliance on manual systems	Annual not quarterly target	Not measured or reported on	We have requested permission from EDD to redefine these targets as they were incorrectly stated and approved in the Annual Performance Plan for the period ending 31st March 2018. We are still awaiting feedback from EDD in this regard.	
		Reduced reliance on manual performance reporting by 2020 according to agreed plan				Annual not quarterly target	Not measured or reported on	Annual not quarterly target	Electronic data being verified straight from system and contributing to look at new ways of using technology and decreasing reliance on manual systems	Annual not quarterly target	Not measured or reported on	We have requested permission from EDD to redefine these targets as they were incorrectly stated and approved in the Annual Performance Plan for the period ending 31st March 2018. We are still awaiting feedback from EDD in this regard.	

STRATEGIC FOCUS AREA 2 - QUARTER 3 - 2017/2018

STRATEGIC FOCUS AREA 1:		STAKEHOLDER RELATIONSHIPS											REASON FOR DEVIATIONS	
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 Q1	PERFORMANCE Q1	TARGET Q2	PERFORMANCE Q2	TARGET Q3	PERFORMANCE Q3	ANNUAL PERFORMANCE YEAR TO DATE	EXPLANATIONS FOR DEVIATIONS	
ENSURE RELEVANT COMMUNICATION TO STAKEHOLDERS	Ensure that an integrated communication plan is developed and implemented	A structured and focused 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	Document referred to as Communication Framework, as opposed to Communication Plan. Framework was finalised and approved by the EXCO. Communication Officer now submits quarterly report and framework will be revised annually	Annual not quarterly target	Not measured or reported on	Annual not quarterly target	Not measured or reported on	Annual not quarterly target	Not measured or reported on	Not measured or reported on	No communication plan was or will be developed - this document was revised to be a framework and will be reviewed on an annual basis. We have requested EDD's permission to revise or remove this target as it was incorrectly stated in the APP. We are still awaiting feedback from the EDD in this regard.	
			Monitored performance and implementation against improved plan	Report on implementation against plan by March 2017	Document not referred to as a plan but a framework and identifies policy and procedure around communication no implementation plan just projects. Progress on these reported against quarterly. Communication framework finalised and approved by the EXCO	Annual not quarterly target	Not measured or reported on	Annual not quarterly target	Not measured or reported on	Annual not quarterly target	Not measured or reported on	Not measured or reported on	No implementation plan has been devised and this target was incorrectly stated in the APP. A quarterly report will be distributed which will cover agreed aspects of the Tribunal's media coverage outreach and projects. We have requested EDD's permission to revise or remove it. We have not received any feedback from the EDD in this regard.	
MAINTAIN AND ENHANCE THE PRESENCE AND PROFILE OF THE TRIBUNAL	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	75%	99.05%	75%	100%	75%	100%	100%	100%	100%	Target for quarter and year to date met and exceeded. The target is set at least than 100% as it is possible that certain mergers are not of major interest that a press release will be issued	
			% press releases of prohibited practice decisions communicated within 2 business days of order date	100%	80.00%	100%	100%	100%	No decisions issue in prohibited practice cases and therefore no press releases issued	100%	100%	100%	Target met for quarter and year to date	
CURRENT BUDGET		R 1 152 965.46		QUARTER 1	R 260 702.15	QUARTER 2	R 297 920.14	QUARTER 3	R 260 699.15	YEAR TO DATE	R 819 321.44			
ACTUAL EXPENDITURE		R 785 166.25		QUARTER 1	R 259 833.08	QUARTER 2	R 261 410.86	QUARTER 3	R 263 922.31	YEAR TO DATE	R 785 166.25	Little variance in this objective we expect it to remain close to budget		

STRATEGIC FOCUS AREA 3 - QUARTER 3 - 2017/2018

STRATEGIC FOCUS AREA 1:		ACCOUNTABLE, TRANSPARENT AND SUSTAINABLE ENTITY		QUARTER 1		QUARTER 2		QUARTER 3		YEAR TO DATE		REASON FOR DEVIATIONS	
		CURRENT BUDGET	R 9 630 508,71	R 2 164 219,12	R 2 660 293,11	R 1 856 474,12	R 6 680 986,35						
		ACTUAL EXPENDITURE	R 5 427 155,12	R 2 021 541,04	R 2 016 356,97	R 1 389 255,11	R 5 427 155,12					We expect this budget to increase as we incur expenses related to both internal and external audit for the year end	
GOAL STATEMENT													
STRATEGIC OUTCOME													
TO ENSURE THE TRIBUNAL HAS EFFECTIVE STRATEGIC LEADERSHIP, ADMINISTRATION AND MANAGEMENT THROUGH ADHERENCE TO GOOD GOVERNANCE AND SOUND BUSINESS PRACTICE.													
STRATEGIC OBJECTIVE	STRATEGIC OBJECTIVE STATEMENT	OUTCOME	PERFORMANCE INDICATORS	ANNUAL TARGET	PRIOR YEAR ANNUAL PERFORMANCE	TARGET	PERFORMANCE	TARGET	PERFORMANCE	TARGET	PERFORMANCE	ANNUAL PERFORMANCE YEAR TO DATE	EXPLANATIONS FOR DEVIATIONS
GOOD GOVERNANCE	Increase the level of compliance with the precepts of good governance	Accountable and transparent Public Entity	Achieve an unqualified Audit Outcome year on year	Unqualified audit - no issues of governance raised	Final management report for 2015/2016 - no issues of governance raised	Annual target set for second quarter	Draft report indicates we will receive a clean report for 2016/2017 and no issues of governance raised	Unqualified audit - no issues of governance raised	Clean audit for 2016/2017 - no issues of governance raised	Unqualified audit - no issues of governance raised	Unqualified audit - no issues of governance raised	Clean audit for 2016/2017 - no issues of governance raised	Target exceeded for year to date
EFFECTIVE OVERSIGHT STRUCTURES	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 management report for 2015/2016 - no issues of governance raised	Annual target set for second quarter	Draft report indicates we will receive a clean report for 2016/2017 and no material misstatements	Unqualified audit - no issues of governance raised	Clean audit for 2016/2017 - no issues of governance raised	Unqualified audit - no issues of governance raised	Unqualified audit - no issues of governance raised	Clean audit achieved for 2016/2017 financial year	Target exceeded for year to date
EFFECTIVE MANAGEMENT OF THE BUDGET	Ensure financial management that promotes effective and efficient use of resources	Optimal financial resource allocation and utilization	Achieve an unqualified Audit Outcome year on year	Unqualified audit - no findings of fruitless/wasteful expenditure	Fruitless and wasteful expenditure disclosed in final AFS for 2015/2016	Annual target set for second quarter	Draft report indicates we will receive a clean report for 2016/2017 and no fruitless/wasteful expenditure disclosed	Unqualified audit - no findings of fruitless and wasteful expenditure raised	Clean audit for 2016/2017 - no findings of fruitless and wasteful expenditure	Unqualified audit - no issues of governance raised	Unqualified audit - no issues of governance raised	Clean audit for 2016/2017 - no findings of fruitless and wasteful expenditure	Target exceeded for year to date
FINANCIAL GOVERNANCE AND REPORTING	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 management report for 2015/2016 - no material misstatements	Annual target set for second quarter	Draft report indicates we will receive a clean report for 2016/2017 and no material misstatements	Unqualified audit - no material misstatements in May statements submitted	Clean audit - no material misstatements in May statements submitted	Unqualified audit - no issues of governance raised	Unqualified audit - no issues of governance raised	Clean audit - no material misstatements in May statements submitted	Target exceeded for year to date
		Integrated risk management processes and combined assurance	Achieve an unqualified Audit Outcome year on year	Unqualified audit - no issues of risk management raised	Final management report for 2015/2016 - no risk management issues raised	Annual target set for second quarter	May 2017 submission deadline met	Unqualified audit - no risk management issues raised	Clean audit for 2016/2017 - no issues of risk management raised	Unqualified audit - no risk management issues raised	Unqualified audit - no risk management issues raised	Clean audit for 2016/2017 - no issues of risk management raised	Target exceeded for year to date
SUSTAINABLE CAPACITY	Ensure that the Tribunal effectively leverages employees 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 Graduate Internship plan	Graduate Internship implemented	Implemented and currently 2 LT Interns employed	Graduate internship target met plan requirements	2 LT Interns appointed for the period 1st January 2017 to 31st December 2017	Graduate internship target met plan requirements	2 LT Interns appointed for the period 1st January 2017 to 31st December 2017	Graduate internship target met plan requirements	Graduate internship target met plan requirements	2 LT Interns appointed for the period 1st January 2017 to 31st December 2017	Target exceeded for year to date