THE COMPETITION TRIBUNAL

PERFORMANCE INFORMATION REPORT

QUARTER 4

1st APRIL 2018 – 31st MARCH 2019

Reviewed for submission by :

Tebogo Mputle (Registrar/Head of Registry)

Signature: **Date:** 7 MAY 2017

Reviewed and verified for approval by :

Janeen de Klerk (Chief Operating Officer)

Signature: **Date:** 7/5/19

Approved by

Norman Manoim (Chairperson)

Signature: **Date:**

Norman is away till 21/5/2019

STRATEGIC FOCUS AREA 1 - 1 APRIL 2018 - 31st MARCH 2019

STRATEGIC FOCUS AREA 1	ADJUDICATIVE EXCELLENCE			QUARTER 1		QUARTER 2		QUARTER 3		QUARTER 4	YEAR TO DATE	REASON FOR DEVIATIONS
		CURRENT BUDGET	R 30 083 458 00	R 7 583 522 00		R 7 186 773 00		R 7 186 762 00		R 7 896 377 00	R 30 083 419 00	
		ACTUAL EXPENDITURE	R 26 496 936 80	R 6 653 452 87		R 6 969 773 00		R 6 752 972 32		R 6 521 737 45	R 26 481 936 80	
GOAL STATEMENT	TO ENSURE EFFECTIVE AND EFFICENT ADJUDICATION ON MATTERS BROUGHT BEFORE THE TRIBUNAL											
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	TARGET Q4	PERFORMANCE Q4	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	80%	71.90%	80%	82%	80%	63%	80%	81%	80%	83%	88%	Target not met for both the quarter and the year to date. For the quarter 27 matters set down, 17 within and 10 outside the required target of 10 business days. For the year 100 matters were set down, 68 within and 32 outside the required target of 10 business days. Reasons for delay are either because of the unavailability of part time members to sit on panels or parties are not available on the date proposed by the Tribunal No action planned as if parties are not ready for a hearing on the proposed date the hearing cannot be held. Where lack of capacity amongst panel members is a factor the EDD has been engaged with regard to securing more members through the amendment bill.
			% 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 receipt of the Commission's record	70%	70%	70%	0%	70%	0%	70%	No intermediate mergers were set down during this period	70%	100%	25%	1 intermediate merger was set down for hearing during the quarter and this was within the required timeframe - hence the 100%. For the year to date 4 matters were set down and only 1 was set within the required timeframe. The reasons for delays in set down of larger mergers applies to setting down of intermediate mergers. No corrective action is required
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%	100.00%	95%	100%	95%	92%	95%	100%	95%	100%	98%	Target exceeded for the quarter and year to date. Targets are set at less than 100% as there is always a chance that the issuing of orders may be delayed by the complexity of the matter or the need to include conditions. We have exceeded this target with 95 of the 97 orders being issued timeously
			% of large merger reasons issued to parties within 20 business days of order being issued	80%	90.91%	80%	71%	80%	73%	80%	74%	80%	81%	75%	The target was exceeded for the quarter (reasons were issued in 20 matters and only 5 were out of time) and not met for the year to date. We have implemented a process to monitor more timeous conclusion of reasons and the benefit of this has been seen in the last quarter. Reasons may be delayed for many reasons that include but are not limited to the complexity of the matter, a Tribunal member responsible for drafting more than one set of reasons or the Tribunal member sitting on many panels while also being responsible for the reasons. We are hoping that our monitoring and the implementation of recommendations made to increase the number of Tribunal members will see better turnaround times
			% of intermediate and small merger consideration orders issued to parties within 10 business days of last hearing date	80%	75.00%	80%	100%	80%	No orders issued this quarter	80%	No orders issued this quarter	80%	100%	100%	During the quarter under review only one intermediate merger order was issued and this was within the required timeframe and we therefore exceeded the quarterly target. In prior periods the intermediate mergers were often complicated or had interlocutory procedures that delayed an order being issued - and the target was therefore set at 70%. For the year to date only 3 orders were issued and they were all less complicated and thus issued within the required timeframe
			% of intermediate and small merger consideration reasons issued to parties within 20 business days of order being issued	80%	100.00%	80%	No reasons issued this quarter	80%	No reasons issued this quarter	80%	No reasons issued this quarter	80%	No reasons issued this quarter	No intermediate merger reasons issued in the current year therefore target cannot be measured	Target could not be measured for the quarter and year to date as there were no reasons issued.

STRATEGIC FOCUS AREA 1	ADJUDICATIVE EXCELLENCE		QUARTER 1		QUARTER 2		QUARTER 3		QUARTER 4	YEAR TO DATE	REASON FOR DEVIATIONS
	CURRENT BUDGET	R 30 023 459 00	R 7 481 122 00		R 7 196 778 00		R 7 196 782 00		R 7 188 377 00	R 30 023 459 00	
	ACTUAL EXPENDITURE	R 26 466 936 50	R 6 653 432 87		R 6 963 279 99		R 6 252 972 92		R 6 581 237 45	R 26 466 938 00	
GOAL STATEMENT	TO ENSURE EFFECTIVE AND EFFICENT ADJUDICATION ON MATTERS BROUGHT BEFORE THE TRIBUNAL										
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	TARGET Q4	PERFORMANCE Q4	ANNUAL PERFORMANCE YEAR TO DATE	EXPLANATIONS FOR DEVIATIONS
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 the delivery timeframes per category: A,B or C (*Prohibited practice cases refer to all complaints from the Commission, the complainant and the High Court - A refers to a simple matter, B to a complex matter and C to a very complex matter*)	A - 100 business days	50.00%	A - 100 business days	No reasons issued	A - 100 business days	100%	A - 100 business days	No reasons issued	A - 100 business days	No reasons issued	100%	Target could not be measured for the quarter as there were no reasons issued but was exceeded for the year to date. Reasons were issued on one matter and they were issued within the required timeframe.
				B - 125 business days	100.00%	B - 125 business days	No reasons issued	B - 125 business days	100%	B - 125 business days	No reasons issued	B - 125 business days	0%	50%	Target not met for the quarter and year to date because of the complex nature of the matters. Two reasons were issued where one was within the target and the other outside
				C- 150 business days	No reasons issued	C- 150 business days	No reasons issued	C- 150 business days	No reasons issued	C- 150 business days	No reasons issued	C- 150 business days	No reasons issued	No reasons issued	Target could not be measured as there were no reasons issued
			% of procedural matter orders issued to parties within 45 business days of last hearing date (*Procedural matters include interlocutory applications*)	85%	58.00%	85%	90%	85%	100%	85%	71%	85%	100%	90%	Target exceeded by 19% for the quarter and 5% for year to date. Turnaround times increased from 20 business days in the previous period to 45 business days in the current period
			% of orders for consent orders and settlement agreements issued to parties within 10 business days of last hearing date	95%	84.62%	95%	94%	95%	100%	95%	100%	95%	100%	98%	Target exceeded by 5% for the quarter and 3% for year to date. Most of the consent order were not complicated
			% of interim relief reasons issued to parties within 20 business days of last hearing date	100%	No reasons issued	100%	No reasons issued	100%	No reasons issued	100%	No reasons issued	100%	No reasons issued	No reasons issued	Target could not be measured as there were no reasons issued
EFFECTIVE BUSINESS APPLICATIONS	Enhancing 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	CMS deemed to be sustainable	CMS assessed to determine period of sustainability. Action plan implemented if sustainability limited to less than 5 years	CMS deemed to be sustainable as per report presented by IT Administrator	Annual target but progress to be reported quarterly in IT report	The current sustainability is limited to less than 5 years due to support for the current version of the CMS ending in the first quarter of 2022. We are undertaking an upgrade to the latest version available, and if there are no issues with current system following the upgrade the sustainability should be extended. Reported on in quarterly report	Annual target but progress to be reported quarterly in IT report	It has been determined that upgrading CMS requires an update of software that operates in the backend system. The Tribunal is in the process of investigating the cost and type of backend software that best fits the system and the Tribunal's requirements.	Annual target but progress to be reported quarterly in IT report	Current sustainability is limited to less than 5 years but the Tribunal is in the process of assessing a solution that will increase the sustainability beyond five years. Progress on this is reported in the Tribunal's quarterly report	Annual target but progress to be reported quarterly in IT report	Current sustainability is still limited to less than 5 years. The Tribunal is in the process of implementing a product update that will move the system's sustainability to 5 years.	Sustainability of the system being determined and measures taken to ensure its sustainability with the implementation of current available updates.	Target met for year to date and further investigation continues in order to confirm sustainability by end April
			Review CMS to determine if any additional enhancements required	Plan and/or implement enhancements approved by ITSC	New target in 2018/2019	Annual target but progress to be reported quarterly in IT report	New major enhancement implemented for the Case Management Division. (Case Manager tab within the CMS). Reported on in the quarterly report	Annual target but progress to be reported quarterly in IT report	The system is being adjusted to capture the due date for reasons of all case types. This will be effected in production in October 2018	Annual target but progress to be reported quarterly in IT report	A new enhancement is currently in progress to add flowcharts in CMS with regard to the required procedures and processes for all matters brought before the Tribunal. In addition the Tribunal is looking at the inputting of data directly from the CMS into the website. These enhancements are planned to be effected before financial year end.	Annual target but progress to be reported quarterly in IT report	The new CMS flowcharts have been created and will be added to the new website that is set to launch in April 2019. In addition the establishment of a link between the CMS and the new website was successful. the CMS will feed selected case information automatically to the website	Enhancements planned have been implemented and new enhancements identified are planned for implementation.	Target met for the year and enhancements have taken place as approved
			Models developed and implemented that generate statistics pertaining to the adjudicative process	Assess models for enhancements and determine if any new models need to be implemented	New models developed (useful statistics) and models developed further to include statistics relating to turnover of merging parties, timeframes and number of extensions	Annual target but progress to be reported quarterly in IT report	Useful statistics model been developed being tested before implementation	Annual target but progress to be reported quarterly in IT report	Useful statistics model been developed and new reports added. Certain of these reports were used in the Tribunal's annual report	Annual target but progress to be reported quarterly in IT report	Useful statistics model has been implemented. Validation reports being developed with service provider. Discussions taking place with regard to the development of a dashboard with key indicators	Annual target but progress to be reported quarterly in IT report	Reports being developed to extra further information regarding the finalisation of reasons. Discussions on dashboard development continue	Useful statics model developed that contains various reports on case data including status of prohibited practice cases and timeframes regarding writing and issuing of reasons	Target met for the year and models delivered as approved

STRATEGIC FOCUS AREA 2 - 1 APRIL 2018 - 31st MARCH 2019

STRATEGIC FOCUS AREA 2.		STAKEHOLDER RELATIONSHIPS					QUARTER 1		QUARTER 2		QUARTER 3		QUARTER 4	YEAR TO DATE	REASON FOR DEVIATIONS
				CURRENT BUDGET	R 1 189 402.38		R 283 681 60		R 283 681 79		R 283 681 58		R 338 357 32	R 1 189 402 39	
				ACTUAL EXPENDITURE	R 1 134 721 74		R 277 365 86		R 300 695 62		R 228 562.14		R 328 098 12	R 1 134 721 74	
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	TARGET Q4	PERFORMANCE Q4	ANNUAL PERFORMANCE YEAR TO DATE	EXPLANATIONS FOR DEVIATIONS
STAKEHOLDER AWARENES	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	E-newsletter developed and placed on website	Service provider sourced to develop e-newsletter that is fully implemented and available on website	New target in 20182019	Annual target but progress reported on quarterly	Service provider appointed and work in progress	Annual target but progress reported on quarterly	E-newsletter and is being electronically distributed and discussions taking place with service provider as to how it will be dealt with in new website	Annual target but progress reported on quarterly	E-newsletter and is being electronically distributed and discussions taking place with service provider as to how it will be dealt with in new website	Annual target but progress reported on quarterly	E-newsletter (Trials and the Tribunal) completed, distributed and placed on current (older) website. Functionality has been included in the new website, still to be launched.	Service provider appointed, website to go live in April. E-newsletter being distributed	Target met for quarter and year-to-date.
			Communication framework reviewed annually and quarterly communication report on strategy and media coverage presented to EXCO	Communication strategy and media coverage reported quarterly	Framework revised and changes were made but still need to be implemented and framework approved	Annually review framework and report quarterly on communication strategy and media coverage	Review in progress. Strategy reported in quarterly report	Annually review framework and report quarterly on communication strategy and media coverage	Review in progress. Strategy reported in quarterly report	Annually review framework and report quarterly on communication strategy and media coverage	Review in progress. Strategy reported in quarterly report	Annually review framework and report quarterly on communication strategy and media coverage	Review of framework has been completed and quarterly report contains statistical analysis of media coverage and the Tribunal's communication's strategy.	Progress is being made with regard to finalising framework. Quarterly reports are in place	Target met for quarter and year-to-date.
	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	% of press releases of final merger decisions communicated within 2 business days of order date	95%	100%	75%	95%	75%	100%	75%	96%	75%	100%	98%	Target for the quarter and year-to-date exceeded. 99 press releases for final merger decisions were issued in the year under review and 97 of these were issued within the required two business days. (In the quarter under review 28 press releases were issued and all were issued within the required timeframe). In general, we felt more merger decisions were newsworthy and we therefore issued more press releases.
			% of press releases of final prohibited practice decisions communicated within 2 business days of order date	90%	60%	100%	No decisions issed in prohibited practice cases and therefore no press release	100%	50%	100%	100%	100%	100%	80%	Target exceeded for the quarter but not for the year-to-date. In the quarter under review two press releases were issued and these were issued within the required time-frame and with regard to year to date figures - five press releases for final prohibited practice decisions were issued with one being issued out of time due to a housekeeping issue. This has subsequently been corrected.
	3 identify and address stakeholder needs and expectations in order to meet or exceed requirements	Level of stakeholder satisfaction	Stakeholder satisfaction survey results	Satisfaction survey is conducted by March 2019 and satisfaction levels targeted at 75%	New target in 2018/2019	Annual target. Progress reported on quarterly in quarterly report	Annual not a quarterly target	Annual target. Progress reported on quarterly in quarterly report	No progress in this regard as the communications position is currently vacant	Annual target. Progress reported on quarterly in quarterly report	No progress in this regard as the communications position is currently vacant	Annual target. Progress reported on quarterly in quarterly report	Given change in personnel and the website development project no progress was made with regard to developing a stakeholder survey	No stakeholder survey was undertaken	Target not met. Operational circumstances have been such that a survey was not undertaken

STRATEGIC FOCUS AREA 3 - 1 APRIL 2018 - 31st MARCH 2019

STRATEGIC FOCUS AREA 3.	ACCOUNTABLE, TRANSPARENT AND SUSTAINABLE ENTITY		QUARTER 1		QUARTER 2		QUARTER 3		QUARTER 4	YEAR TO DATE	REASON FOR DEVIATIONS
	CURRENT BUDGET	R 10 802 521.37	R 2 422 197.04		R 2 964 413.04		R 2 101 934.03		R 3 313 977.26	R 10 802 521.37	
	ACTUAL EXPENDITURE	R 7 807 438.37	R 1 762 641.44		R 2 367 950.04		R 1 858 026.63		R 1 908 820.26	R 7 807 438.37	

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 Q1	PERFORMANCE Q1	TARGET Q2	PERFORMANCE Q2	TARGET Q3	PERFORMANCE Q3	TARGET Q4	PERFORMANCE Q4	ANNUAL PERFORMANCE YEAR TO DATE	EXPLANATIONS FOR DEVIATIONS
GOOD GOVERNANCE	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	Unqualified audit achieved for 2016/2017 - no issues of governance raised	Annual target set for second quarter	Interim audit report indicates we will receive a clean audit - no issues of governance raised	Unqualified audit - no issues of governance raised	Final audit report - clean audit opinion - no governance issues raised.	Annual target set for second quarter	Annual target achieved in the second quarter.	Annual target set for second quarter	Annual target achieved in the second quarter.	Final audit report - clean audit opinion - no governance issues raised.	Target exceeded for year to date as our target was an unqualified audit but we received a clean audit
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	Unqualified audit achieved for 2016/2017 - no issues of governance raised	Annual target set for second quarter	Interim audit report indicates we will receive a clean audit - no issues of governance raised	Unqualified audit - no issues of governance raised	Final audit report - clean audit opinion - no governance issues raised.	Annual target set for second quarter	Annual target achieved in the second quarter	Annual target set for second quarter	Annual target achieved in the second quarter.	Final audit report - clean audit opinion - no governance issues raised.	Target exceeded for year to date as our target was an unqualified audit but we received a clean audit
EFFECTIVE MANAGEMENT OF THE BUDGET	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	Unqualified audit achieved for 2016/2017 - no findings of fruitless/wasteful expenditure	Annual target set for second quarter	Interim audit report indicates we will receive a clean audit - no issues of fruitless/wasteful expenditure raised	Unqualified audit - no findings of fruitless and wasteful expenditure raised	Final audit report - clean audit opinion - - no findings on fruitless and wasteful expenditure.	Annual target set for second quarter	Annual target achieved in the second quarter	Annual target set for second quarter	Annual target achieved in the second quarter.	Final audit report - clean audit opinion - - no findings on fruitless and wasteful expenditure	Target exceeded for year to date as our target was an unqualified audit but we received a clean audit
FINANCIAL GOVERNANCE AND REPORTING	Ensure a sound control environment and monitor and maintain compliance and ensure that all reporting requirements are met	Compliance to requirements as an accountable, transparent institution	No material misstatements for May submission	No material misstatement on May submission	No material misstatements in May submission	Annual target set for second quarter	Interim audit indicates that there are no material misstatements	No material misstatements in May submission	No material misstatements in May submission.	Annual target set for second quarter	Annual target achieved in the second quarter.	Annual target set for second quarter.	Annual target achieved in the second quarter.	No material misstatements in May submission.	Target met for quarter and year to date
			Submission against annual deadline	Annual reporting submission dates met May and July	Annual reporting submission dates for May and July met	Annual target set for second quarter	May deadline met. July target in next quarter	Annual reporting submission dates met May and July	May and July 2018 deadlines were met.	Annual reporting submission dates met May and July	May and July 2018 deadlines were met	July submission date met	May and July 2018 deadlines were met	May and July 2018 deadlines were met	Target met for quarter and 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	Unqualified audit achieved for 2016/2017 - no issues of risk management raised	Annual target set for second quarter	Interim audit report indicates we will receive a clean audit - no issues of risk management raised	Annual target set for second quarter	Final audit report - clean audit opinion - no issues on risk.	Annual target set for second quarter	Annual target achieved in the second quarter.	Annual target set for second quarter	Annual target achieved in the second quarter.	Final audit report - clean audit opinion - no issues on risk.	Target exceeded for year to date as our target was an unqualified audit but we received a clean audit
SUSTAINABLE CAPACITY	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 graduate internships against plan	Graduate internship targets meet plan requirements.	2 LT interns appointed for the period 1st January 2017 to 31st December 2017 4 vacation interns in July 2017	Graduate internship targets meet plan requirements	3 LT interns appointed for period Vacation internships to reported on in second quarter	Graduate internship targets meet plan requirements	3 LT interns appointed for period. 3 vacation interns were employed in the Tribunal in July	Graduate internship targets meet plan requirements	2 LT interns employed for period January to December 2019	Graduate internship targets meet plan requirements	2 LT interns employed for period January to December 2019	3 LT interns appointed for period 3 vacation interns employed in the Tribunal during the July vacation	Target met as internship is implemented and maintained