


THE COMPETITION TRIBUNAL
PERFORMANCE INFORMATION REPORT
YEAR TO DATE
1st APRIL 2019 – 30th JUNE 2019

Reviewed for submission by :

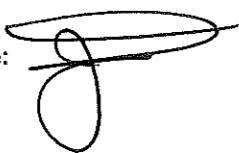
Tebogo Mputle (Registrar/Head of Registry)

Signature: 

Date: 31/7/2019

Reviewed and verified for approval by :


Janeen de Klerk (Chief Operating Officer)

Signature: 

Date: 31/7/2019

Approved by

Norman Manoim (Chairperson)

Signature: 

Date: 31/7/2019

STRATEGIC FOCUS AREA 1 - 1 APRIL 2019 - 30th JUNE 2020

STRATEGIC FOCUS AREA 1: ADJUDICATIVE EXCELLENCE		CURRENT BUDGET		ACTUAL EXPENDITURE		QUARTER 1		YEAR TO DATE		REASON FOR DEVIATIONS						
		R 10,243,320.00		R 6,781,850.51		R 6,603,342.00		R 6,603,342.00		Budget is based on estimated volume of cases and we therefore expect some variances as volume is difficult to predict.						
TO ENSURE EFFECTIVE AND EFFICIENT ADJUDICATION OF MATTERS BROUGHT BEFORE THE TRIBUNAL																
GOAL STATEMENT																
STRATEGIC OUTCOME																
STRATEGIC OBJECTIVE	STRATEGIC DIRECTIVE STATEMENT	OUTCOME	PERFORMANCE INDICATORS	ANNUAL TARGET	FY2019 ANNUAL PERFORMANCE	TARGET Q1	PERFORMANCE Q1	TARGET Q2	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 filing of the merger referral	80%	87.33%	80%	100%	80%	100%	Target exceeded for the quarter and for the year to date. This is determined by the availability of parties and tribunal members and they were available for all matters set down for hearing.						
			% 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 <i>(A business rule has been established and is referred to in the technical indicator description to use "receipt of the Commission's record" as the point of departure for measurement as opposed to "filing of request for consideration" as indicated in the Act)</i>	70%	25%	70%	0%	70%	0%	Target not met for the quarter and year to date. 1 out of 1 matter was set down 12 days outside the required time due to internal administrative oversight.						
TIMELY ISSUING OF JUDGEMENTS	Improvement in the issuing of judgments/decisions in line with adopted time frames	Expedient conclusion of matters	% of large merger orders issued to parties within 10 business days of last hearing date <i>(A business rule has been established where "hearing day" can refer for any one of the following: actual hearing, telephonic hearing, paper hearing (date on which required documents are submitted - currently referred to as "last submission date"))</i>	80%	86.87%	80%	100%	85%	100%	Target exceeded for the quarter and for the year to date. This is determined by the availability of parties and tribunal members and they were available for all matters set down for hearing.						
			% of large merger reasons issued to parties within 20 business days of the date the order was issued on	80%	75.00%	80%	70%	80%	70%	7 of the 23 reasons issued were delayed because members were busy with other matters and also attending international conferences so it was difficult to conclude drafting in time. The 7 reasons were delayed by between 1 and 17 business days.						
			% of intermediate and small merger consideration orders issued to parties within 10 business days of last hearing date <i>(A business rule has been established where "hearing day" can refer for any one of the following: actual hearing, telephonic hearing, paper hearing (date on which required documents are submitted - currently referred to as "last submission date"))</i>	80%	100.00%	80%	No orders issued this quarter	80%	No orders issued this quarter	Target cannot be measured as no orders were issued						
			% of intermediate and small merger consideration reasons issued to parties within 20 business days of the date the order was issued on	80%	0.00%	80%	0%	80%	0%	2 of the reasons issued were issued out of time because in 1 case there was a change in case managers while in the other there were a lot of issues to consider before finalising reasons. The reasons were out by 53 and 281 business days.						
Reasons for prohibited practice cases refer to all complaints from the complainant, the complainant and the High Court issued to parties in accordance with the delivery timeframes per category: A, B or C from last hearing date <i>(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)</i>	A (A refers to Simple matter, B to complex matter and C to Very Complex matter) - 100 business days	No reasons issued	A - 100% within 100 business days	No reasons issued	A - 100% within 100 business days	No reasons issued	A - 100% within 100 business days	No reasons issued	Target cannot be measured as no reasons were issued							
										B - 125 business days	86.00%	B - 100% within 125 business days	0%	B - 100% within 125 business days	0%	Reasons were issued out of time and they were out of time by 76 business days as significant review was required by the presiding member before they could be issued
										C - 150 business days	50%	C - 100% within 150 business days	50%	C - 100% within 150 business days	50%	Reasons were issued in 2 matters and one was out of time by 130 business days due to the unavailability of members to review the draft set of reasons

STRATEGIC FOCUS AREA 1: ADJUDICATIVE EXCELLENCE										
				CURRENT BUDGET	R 32,513,330.00	QUARTER 1	R 8,633,242.00	YEAR TO DATE	R 8,633,242.00	REASON FOR DEVIATION
				ACTUAL EXPENDITURE	R 8,781,650.81		R 8,781,650.81		R 8,781,650.81	Budget is based on estimated volume of cases and we therefore expect some variances as volume is difficult to predict.
TO ENSURE EFFECTIVE AND EFFICIENT ADJUDICATION ON MATTERS BROUGHT BEFORE THE TRIBUNAL										
STRATEGIC OBJECTIVE	STRATEGIC DIRECTION	OUTCOME	PERFORMANCE INDICATORS	ANNUAL TARGET	PRIOR YEAR ANNUAL PERFORMANCE	TARGET Q1	PERFORMANCE Q1	TARGET Q2	ANNUAL PERFORMANCE YEAR TO DATE	EXPLANATIONS FOR DEVIATIONS
THEISS ISSUING OF JUDGEMENTS	Improvement in the issuing of judgments/decisions in line with adopted time frames	Expedient conclusion of matters	% of procedural matter (Procedural matters includes interlocutory applications) orders issued to parties within 45 business days of last hearing date (A business rule has been established where "hearing day" can refer for any one of the following: actual hearing, telephonic hearing, paper hearing date on which required documents are submitted - currently referred to as "last submission date")	85%	90.63%	85%	48%	85%	48%	15 of the 20 reasons were issued out of time because the matters were complicated, addressed areas of law that were outside of the conventional expertise of the Tribunal and required multiple drafts to be circulated. The reasons were delayed by between 71 and 187 business days.
			% of orders for consent orders and settlement agreements issued to parties within 30 business days of last hearing date (A business rule has been established where "hearing day" can refer for any one of the following: actual hearing, telephonic hearing, paper hearing date on which required documents are submitted - currently referred to as "last submission date")	80%	97.92%	80%	100%	80%	100%	Target exceeded for the quarter and year to date because most of the matters were not complicated.
			% of interim relief reasons issued to parties within 20 business days of last hearing date (A business rule has been established where "hearing day" can refer for any one of the following: actual hearing, telephonic hearing, paper hearing date on which required documents are submitted - currently referred to as "last submission date")	90%	No reasons issued in interim cases. Therefore the target cannot be measured.	90%	No reasons issued	90%	No reasons issued in interim cases. Therefore the target cannot be measured.	Target cannot be measured as no reasons were 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	Sustainability of CMS system confirmed	Sustainability of the system being determined and measures taken to ensure its sustainability with the implementation of current available updates.	Annual target of 80% met in 100% (100%)	The current sustainability of the system is less than five years. It is anticipated that an update will be implemented in quarter 2 of the current financial year and that this will increase the sustainability of the system. Progress reported in IT Quarterly Report	Annual target of 80% met in 100% (100%)	The current sustainability of the system is less than five years. It is anticipated that an update will be implemented in quarter 3 of the current financial year and that this will increase the sustainability of the system. Progress reported in IT Quarterly Report	Target is an annual target. In this quarter system was reviewed and sustainability is currently less than 5 years. Action plan to implement new update when released to address sustainability.
			Review CMS to determine if any additional enhancements required	Plan for enhancements minor or major approved	Enhancements planned have been implemented and new enhancements identified are planned for implementation.	Annual target of 80% met in 100% (100%)	System enhanced to update Tribunal's case information and documents directly to the website. Changes being made in order to update Higher Court documents directly to website on paper for higher courts. All changes approved as change requests or scopes of work before implementation. Enhancements reported on in IT Quarterly Report	Annual target of 80% met in 100% (100%)	System enhanced to update Tribunal's case information and documents directly to the website. Changes being made in order to update Higher Court documents directly to website on paper for higher courts. All changes approved as change requests or scopes of work before implementation. Enhancements reported on in IT Quarterly Report	Target is annual target but progress made quarterly and progress reported in IT Quarterly Report. Target met for quarter.
			Models developed and implemented that generate statistics pertaining to the adjudication process	Assess models for enhancements and determine if any new models need to be implemented	Useful static model developed that contains various reports on case data including status of prohibited practice cases and timescales regarding sitting and hearing of reasons	Annual target of 80% met in 100% (100%)	Models are currently being assessed and reviewed. Enhancements are being effected on cost model and models providing information on prohibited practices.	Annual target of 80% met in 100% (100%)	Models are currently being assessed and reviewed. Enhancements are being effected on cost model and models providing information on prohibited practices.	Annual target of 80% met in 100% (100%)

STRATEGIC FOCUS AREA 2 - 1 APRIL 2019 - 30th JUNE 2020

STRATEGIC FOCUS AREA 2:		STAKEHOLDER RELATIONSHIPS				QUARTER 1	YEAR TO DATE	REASON FOR DEVIATIONS	
		CURRENT BUDGET		R 1,449,561.68	R 343,377.66	R 343,377.66	Very little variance at present and actual close to budget		
		ACTUAL EXPENDITURE		R 321,146.11	R 321,146.11	R 321,146.11			
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 DEVIATIONS
						Q1	Q1	YEAR TO DATE	
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	Service provider appointed, website to go live in April. E-newsletter being distributed	Annual target but progress reported on quarterly	No external newsletter target for this quarter. Internal newsletter produced and published within deadline for this quarter	No external newsletter target for this quarter. Internal newsletter produced and published within deadline for this quarter	Target met for quarter
			Communication framework reviewed annually and quarterly communication report on strategy and media coverage presented to EXCO	Annually review framework and report quarterly on communication strategy and media coverage	Progress is being made with regard to finalising framework (Being workshopped with staff before final approval). Quarterly reports are in place	Annual target but communication reports presented quarterly	Framework workshopped with Tribunal staff, final amendments made, signed off by Chairperson. QR also completed.	Framework workshopped with Tribunal staff, final amendments made, signed off by Chairperson. QR also completed.	Target met for quarter
	Ensure communication pertaining to the Tribunal's adjudicative process is issued to stakeholders within adopted delivery timeframes	Timely and compliant communication of adjudication outcomes	% of press releases of final merger decisions communicated within two business days of order date	95%	97%	95%	100%	100%	Target exceeded for the quarter - all final merger decisions were included in "Outcome of Wednesday Hearings" press releases and within deadline
			% of press releases of final prohibited practice decisions communicated within two business days of order date	90%	60%	90%	100%	100%	Target exceeded for the quarter - all final decisions for prohibited practices included in press releases for "Outcomes for Wednesday Hearings" as well as in press releases based on newsworthiness. In addition, all press releases issued within deadline.
Identify and address stakeholder needs and expectations in order to meet or exceed requirements	Level of stakeholder satisfaction	Stakeholder satisfaction survey results	No target set for this period	No stakeholder survey was undertaken	No target set for this period	No target set for this period	No target set for this period	No stakeholder survey conducted in this period	

STRATEGIC FOCUS AREA 3 - 1 APRIL 2019 - 31st MARCH 2020

STRATEGIC FOCUS AREA 3:		ACCOUNTABLE, TRANSPARENT AND SUSTAINABLE ENTITY				QUARTER 1	YEAR TO DATE	REASON FOR DEVIATIONS	
		CURRENT BUDGET	R 10,515,640.24	R 2,428,327.26	R 2,428,327.26		Very little variance at present and actual close to budget		
		ACTUAL EXPENDITURE	R 2,400,332.99	R 2,205,125.31	R 2,205,125.31				
GOAL STATEMENT		TO ENSURE THE TRIBUNAL HAS EFFECTIVE STRATEGIC LEADERSHIP, ADMINISTRATION AND MANAGEMENT THROUGH ADHERENCE TO GOOD GOVERNANCE AND SOUND BUSINESS PRACTICE.							
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	
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	Final audit report - clean audit opinion - no governance issues raised.	Annual target set for second quarter	The draft audit report indicates we will receive a clean audit - no issues of governance raised	The draft audit report indicates we will receive a clean audit - no issues of governance raised	Provisional audit report indicates target will be exceeded. We aimed to achieve unqualified and are likely to receive a clean audit (i.e. no non compliance)
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 audit report - clean audit opinion - no governance issues raised.	Annual target set for second quarter	The draft audit report indicates we will receive a clean audit - no issues of governance raised	The draft audit report indicates we will receive a clean audit - no issues of governance raised	Provisional audit report indicates target will be exceeded. We aimed to achieve unqualified and are likely to receive a clean audit (i.e. no findings of non-compliance)
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	Final audit report - clean audit opinion - no findings on fruitless and wasteful expenditure.	Annual target set for second quarter	The draft audit report indicates we will receive a clean audit - no issues on fruitless and wasteful expenditure	The draft audit report indicates we will receive a clean audit - no issues on fruitless and wasteful expenditure	Provisional audit report indicates target will be exceeded. We aimed to achieve unqualified and are likely to receive a clean audit (i.e. no findings of non-compliance)
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	The draft audit report indicates we will receive a clean audit - no material misstatements	The draft audit report indicates we will receive a clean audit - no material misstatements	Provisional audit report indicates target will be exceeded. We aimed to achieve unqualified and are likely to receive a clean audit (i.e. no findings of non-compliance)
			Submission against annual deadline	Annual reporting submission dates met May and July	May and July 2018 deadlines were met.	Annual target set for second quarter	May deadline met. July target is in next quarter	May deadline met. July target is in next quarter	Target for the quarter met
			Integrated risk management processes and combined assurance	Achieve an unqualified audit outcome year on year	Unqualified audit – no issues of risk management raised	Final audit report - clean audit opinion - no issues on risk.	Annual target set for second quarter	The draft audit report indicates we will receive a clean audit - no issues on risk	The draft audit report indicates we will receive a clean audit - no issues on risk
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	Minimum of two graduate interns (one-year internship) appointed	2 LT interns appointed for period. 3 vacation interns employed in the Tribunal during the July vacation	Graduate Internship targets meet plan requirements	2 graduate interns appointed in January for a year 3 vacation interns in July	2 graduate interns appointed in January for a year 3 vacation interns in July	Target for the quarter met