


THE COMPETITION TRIBUNAL  
PERFORMANCE INFORMATION REPORT  
YEAR TO DATE  
1st APRIL 2019 – 31st DECEMBER 2019

Reviewed for submission by :

Tebogo Mputle (Registrar/Head of Registry)

Signature: 

Date: 7/2/2020

Reviewed and verified for approval by :

Janeen de Klerk (Chief Operating Officer)

Signature: 

Date: 10/2/2020

Approved by

Mondo Mazwai (Chairperson)

Signature: 

Date: 11/2/2020



STRATEGIC FOCUS AREA 1 - 1 APRIL 2019 - 31 DECEMBER 2019

STRATEGIC FOCUS AREA 1:		ADJUDICATIVE EXCELLENCE				QUARTER 1		QUARTER 2		QUARTER 3		YEAR TO DATE	REASON FOR DEVIATIONS	
		CURRENT BUDGET R 33,293,111.00				R 8,608,042.00		R 7,860,338.00		R 8,130,168.00		R 24,598,548.00	Budget is based on estimated volume of cases and we therefore expect some variances as volume is difficult to predict	
		ACTUAL EXPENDITURE R 20,754,027.00				R 6,761,050.51		R 7,574,896.29		R 6,418,080.20		R 20,754,027.00		
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 Q1	PERFORMANCE Q1	TARGET Q2	PERFORMANCE Q2	TARGET Q3	PERFORMANCE Q3	ANNUAL PERFORMANCE YEAR TO DATE	EXPLANATIONS FOR THE CURRENT QUARTER 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%	67.33%	80%	100%	80%	76%	80%	100%	89%	The target has been exceeded for the quarter and for the year. This is determined by the availability of parties and Tribunal members and they were available for most of the matters set down for a hearing. 56 of the 63 matters were set down within 10 business days. The set downs were out by 1 (2 set downs), 14 (3 set downs), 15 and 23 days.	
			% 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 reflected 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%	No matters were set down	70%	No matters were set down	0%	0%	Target cannot be measured for the quarter as no matters were set down. Target not met for the year to date. For the year to date one matter was set down and it was set down 12 days outside the required time due to an internal administrative oversight. This matter has been addressed internally
TIMEOUS ISSUING OF JUDGEMENTS	Improvement in the issuing of judgments/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. <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>	95%	96.97%	95%	100%	95%	100%	95%	100%	100%	The target has been exceeded for the quarter and for the year. All 64 matters decided were decided within 10 business days.	
			% 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%	62%	80%	76%	69%	The target was not met for the quarter and year to date. 5 of the 21 reasons issued in the quarter were not issued within the required 20 days. 4 of these did not meet the target by less than 5 days and 1 was 19 days late.  Delays can occur for any one or a combination of the following reasons (i) more complex matters require more time to draft reasons, (ii) lack of Tribunal member capacity - in many instances Tribunal members are sitting on matters and simultaneously are required to draft reasons. The capacity issue is exacerbated by the fact that there is currently a shortage of Tribunal members.  The Tribunal is unable to implement an action plan that addresses delays caused by the complexity of a matter. We can however implement action where delays are related to lack of Tribunal member capacity and we have engaged with the DTIC to secure more Tribunal members to address this issue	
			% 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%	50%	80%	No orders issued this quarter	50%	50%	Target cannot be measured for the quarter as there were no orders issued.  Target not met for the year to date because panel comprised part-time members with other work commitments. The Tribunal is engaging with the DTIC to secure more Tribunal members in order to address the capacity issue and thus avoid panels that only consist of part-time members.
			% of intermediate and small merger considerations reasons issued to parties within 20 business days of the date the order was issued on	60%	0.00%	60%	0%	60%	100%	60%	0%	25%	25%	The target was not met for the quarter and year to date. For the year to date reasons were issued in four matters. Three of the reasons issued were issued out of time. In one there was a change in case managers, in the other two the issues to be considered were complex thus delaying the finalisation of the reasons. The three reasons issued late were late by 53, 89 and 281 business days respectively
TIMEOUS ISSUING OF JUDGEMENTS	Improvement in the issuing of judgments/decisions in line with adopted time frames	Expeditious conclusion of matters	Reasons for prohibited practices cases ( <i>Prohibited practice cases refer to all complaints from the commission, the complainant and the High Court</i> ) 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	No reasons issued	Target cannot be measured as there were no reasons issued.	
			B - 125 business days	50.00%	B - 100% within 125 business days	0%	B - 100% within 125 business days	100%	B - 100% within 125 business days	0%	40%	40%	Target not met for the quarter and year to date. Two of the reasons issued this quarter were out of time because two of the members who were presiding in these cases left the Tribunal while reasons were still being drafted. The reasons were out by 58 and 2 days.	
			C - 150 business days	50%	C - 100% within 150 business days	50%	C - 100% within 150 business days	No reasons issued	C - 100% within 150 business days	No reasons issued	50%	50%	50%	Target cannot be measured for the quarter as there were no reasons issued.  Target not met for the year to date. Reasons were issued in two matters and one was out of time by 130 business days. Members were unavailable to review the draft set of reasons timeously as they were sitting on other panels and/or writing reasons for other matters simultaneously
			% of procedural matter ( <i>Procedural matters includes interlocutory applications</i> ) orders issued to parties within 45 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>	85%	90.63%	85%	48%	85%	100%	85%	56%	53%	53%	53%



STRATEGIC FOCUS AREA 1:		ADJUDICATIVE EXCELLENCE				QUARTER 1		QUARTER 2		QUARTER 3		YEAR TO DATE	REASON FOR DEVIATIONS
		CURRENT BUDGET		R 33,293,111.00	R 8,608,042.00		R 7,860,338.00		R 8,130,168.00		R 24,598,548.00		Budget is based on estimated volume of cases and we therefore expect some variances as volume is difficult to predict
		ACTUAL EXPENDITURE		R 20,754,027.00	R 6,761,050.51		R 7,574,896.29		R 6,418,080.20		R 20,754,027.00		
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	TARGET	PERFORMANCE	TARGET	PERFORMANCE	ANNUAL PERFORMANCE	EXPLANATIONS FOR THE CURRENT QUARTER DEVIATIONS
						Q1	Q1	Q2	Q2	Q3	Q3	YEAR TO DATE	
			% of orders for consent orders and settlement agreements 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>	95%	97.92%	95%	100%	95%	83%	95%	100%	95%	Target exceeded for the quarter and met for the year to date. The target was exceeded as the matters were not as complex and reasons could be drafted timeously as substantial deliberation with regard to final version was not required
			% of interim relief reasons issued to parties within 20 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>	90%	No reasons issued in interim cases therefore the target cannot be measured	90%	No reasons issued	90%	0%	90%	No reasons issued	0%	Target cannot 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	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 but progress to be reported quarterly in IT report	The current sustainability of the system is less than five years. It is anticipated that an update will be implemented in quarter 4 of the current financial year and that this will increase the sustainability of the system. Progress reported in IT Quarterly Report	Annual target but progress to be reported quarterly in IT report	The CMS was upgraded with a new patch however the current sustainability of the system remains at less than five years. It is anticipated that an update will be implemented in quarter 4 that will extend the sustainability of the system. Progress is reported on a quarterly basis in IT Quarterly Report	Annual target but progress to be reported quarterly in IT report	The current sustainability of the system remains at less than five years. OpenText will release a major update in quarter 4 of the current financial year which will extend the sustainability of the system. The progress of patches and updates is reported on a quarterly basis in IT Quarterly Report	The current sustainability of the system is less than five years. It is anticipated that an update will be implemented in quarter 4 of the current financial year and that this will increase the sustainability of the system. Progress reported in IT Quarterly Report	This is an annual target. We however monitor it quarterly. Currently the sustainability of the system is less than 5 years. However an action plan is in place to implement a new update in mid-January 2020 to extend 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 but progress to be reported quarterly in IT report	System enhanced to update Tribunal's case information and documents directly to the website. Changes being made in order to upload Higher Court documents directly to website on page for higher courts. All changes approved as change requests or scopes of work before implementation. Enhancements reported on in IT Quarterly Report	Annual target but progress to be reported quarterly in IT report	Various system enhancements and changes are being investigated and will be implemented in quarter three and quarter four of the current financial year. Changes and enhancements are being done through approved scopes of work and change requests.	Annual target but progress to be reported quarterly in IT report	A number of system enhancements and changes are being investigated and will be implemented in quarter three and quarter four of the current financial year. Changes and enhancements are being done through approved scopes of work and change requests.	System enhanced to update Tribunal's case information and documents directly to the website. Changes being made in order to upload Higher Court documents directly to website on page for higher courts. All changes approved as change requests or scopes of work before implementation. Enhancements reported on in IT Quarterly Report	This is an annual target however, progress is reported on a quarterly basis through a quarterly report submitted by IT. Minor enhancements have been effected on the system and more are planned.
			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	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	Annual target but progress to be reported quarterly in IT report	Models are currently being assessed and reviewed. Enhancements are being effected on cost model and models providing information on prohibited practices	Annual target but progress to be reported quarterly in IT report	We continue to test and review models and make enhancements where required. The current focus is on the cost model and the prohibited practices model.	Annual target but progress to be reported quarterly in IT report	We continue to test and review models and make enhancements where required. The current focus has been on reasons turnaround times, the cost model and the prohibited practices model.	Models are currently being assessed and reviewed. Enhancements are being effected on cost model and models providing information on prohibited practices	Although this is an annual target, progress is reported on a quarterly basis. Reports are being enhanced to yield more data in order to facilitate the reporting process.



STRATEGIC FOCUS AREA 2 - 1 APRIL 2019 - 31 DECEMBER 2019

STRATEGIC FOCUS AREA 2:		STAKEHOLDER RELATIONSHIPS				QUARTER 1	QUARTER 2	QUARTER 3	YEAR TO DATE	REASON FOR DEVIATIONS			
		CURRENT BUDGET	R 1,449,561.68	R 343,377.66	R 343,377.67	R 343,377.66	R 1,030,132.99	Very little variance at present and actual close to budget					
		ACTUAL EXPENDITURE	R 894,813.10	R 321,146.11	R 281,018.60	R 292,648.39	R 894,813.10						
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	TARGET	PERFORMANCE	TARGET	PERFORMANCE	ANNUAL PERFORMANCE YEAR TO DATE	EXPLANATIONS FOR THE CURRENT QUARTER DEVIATIONS
						Q1	Q1	Q2	Q2	Q3	Q3		
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	Facility on website has been developed to allow for publication on the website	Annual target but progress reported on quarterly	External newsletter still being finalised and will be posted on the website in Q3	Annual target but progress reported on quarterly	Internal and external e-newsletters produced and distributed	Annual target but we report on progress quarterly	This target has been met. The e-newsletter is being produced as per agreed timeframes and is posted on the Tribunal's website
			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. Quarter report also completed.	Annual target but communication reports presented quarterly	Annual target but communication reports presented quarterly	Annual target but communication reports presented quarterly	Annual target but communication reports presented quarterly	The framework has been reviewed and updated and quarterly reports have been met that report on strategy and media coverage	The Communication framework was reviewed and approved in July 2019. This target has therefore been met
	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	95.00%	96.97%	95.00%	100.00%	95.00%	90.32%	95.00%	100.00%	95.38%	The target was exceeded for the year to date.
			% of press releases of final prohibited practice decisions communicated within two business days of order date	90%	60%	90%	100%	90%	100%	90%	50%	83.33%	The target was not met for the quarter or the year to date. In the quarter under review two orders were issued for prohibited practices in Q3 but only one of the two press releases was issued in the required time.. This was the result of delayed communication between the case management division and the communications division. This matter has been addressed internally and a process put in place to avoid reoccurrence.
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 year								



STRATEGIC FOCUS AREA 3 - 1 APRIL 2019 - 31 DECEMBER 2019

STRATEGIC FOCUS AREA 3:		ACCOUNTABLE, TRANSPARENT AND SUSTAINABLE ENTITY				QUARTER 1	QUARTER 2	QUARTER 3	YEAR TO DATE	REASON FOR DEVIATIONS			
		CURRENT BUDGET	R 10,155,848.24		R 2,428,327.26		R 2,547,011.26		R 2,188,681.26	R 7,164,019.78	We expect this variance to reduce over time as invoices for internal audit and external audit are presented		
		ACTUAL EXPENDITURE	R 6,214,304.29		R 2,205,125.31		R 2,329,624.87		R 1,679,554.11	R 6,214,304.29			
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	TARGET	PERFORMANCE	TARGET	PERFORMANCE	ANNUAL PERFORMANCE YEAR TO DATE	EXPLANATIONS FOR THE CURRENT QUARTER DEVIATIONS
						Q1	Q1	Q2	Q2	Q3	Q3		
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	Unqualified audit - no issues of governance raised	The final audit report indicates we achieved a clean audit opinion - no issues of governance raised	Annual target set for second quarter	The final audit report indicates we achieved a clean audit opinion - no issues of governance raised	The final audit report indicates we achieved a clean audit opinion - no issues of governance raised	The target was exceeded. We aimed for an unqualified report and 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	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	Unqualified audit - no issues of governance raised	The final audit report indicates we achieved a clean audit opinion - no issues of governance raised	Annual target set for second quarter	The final audit report indicates we achieved a clean audit opinion - no issues of governance raised	The final audit report indicates we achieved a clean audit opinion - no issues of governance raised	The target was exceeded. We aimed for an unqualified report and 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	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	Unqualified audit - no findings of fruitless and wasteful expenditure raised	The final audit report indicates we will receive a clean audit - no issues on fruitless and wasteful expenditure	Annual target set for second quarter	The final audit report indicates we will receive a clean audit - no issues on fruitless and wasteful expenditure	The final audit report indicates we will receive a clean audit - no issues on fruitless and wasteful expenditure	The target was exceeded. We aimed for an unqualified report and 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	The draft audit report indicates we will receive a clean audit - no material misstatements	No material misstatements in May submission	The final audit report indicates we will receive a clean audit - no material misstatements	Annual target set for second quarter	The final audit report indicates we will receive a clean audit - no material misstatements	The final audit report indicates we will receive a clean audit - no material misstatements	The target was exceeded. We aimed for an unqualified report and received a clean audit
			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	Annual reporting submission dates met May and July	The May and July deadlines were both met	Annual reporting submission dates met May and July	The May and July deadlines were both met	The May and July deadlines were both met	The target was met for the 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 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	Annual target set for second quarter	The final audit report indicates we will receive a clean audit - no issues on risk	Annual target set for second quarter	The final audit report indicates we will receive a clean audit - no issues on risk	The final 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 offered employment during the July vacation	Graduate internship targets meet plan requirements	2 graduate interns appointed in January for a year (to end December 2019) 3 vacation interns appointed during the July vacation	Graduate internship targets meet plan requirements	2 graduate interns appointed in January for a year (to end December 2019) 3 vacation interns appointed during the July vacation	2 graduate interns appointed in January for a year (to end December 2019) 3 vacation interns appointed during the July vacation	Graduate internship targets meet plan requirements