

THE COMPETITION TRIBUNAL
PERFORMANCE INFORMATION REPORT

Quarter 3

1st APRIL 2020 – 31st MARCH 2021

Reviewed for submission by :

Tebogo Mputle (Registrar/Head of Registry)

Signature: *Tebogo Mputle* **Date:** 29/01/21

Reviewed and verified for approval by :

Oliver Josie(Chief Operating Officer)

Signature: Signed by Oliver Josie
Signed at:2021-01-29 16:29:38 +02:00
Reason:I approve this document
Oliver Josie **Date:** 29/01/21

Approved by

Mondo Mazwai (Tribunal Chair)

Signature: *M. Mazwai* **Date:** 29/01/2021

OUTCOME - RESPONSIVE AND RELIABLE ADJUDICATION										
	ANNUAL	QUARTER 1	QUARTER 2	QUARTER 3	YEAR TO DATE	REASON FOR DEVIATIONS				
TOTAL OUTCOME BUDGET	R 25,385,817	R 6,554,955	R 6,554,955	R 5,932,867	R 19,042,777	As result of the COVID19 pandemic, the Tribunal staff are working remotely and therefore little or no expenditure incurred on expenditure line items.				
TOTAL OUTCOME EXPENDITURE	R 16,765,730	R 5,694,929	R 5,766,016	R 5,304,785	R 16,765,730					
1. Effective Case Management Procedures to Ensure Hearings Set Down Within Legislated Trimeframes										
Output budget	R11,921,579	R2,980,395	R2,980,395	R2,980,395	R8,941,185					
Output expenditure	R6,486,301	R2,146,351	R2,114,220	R2,225,729	R6,486,301					
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
			Q1	Q1	Q2	Q2	Q3	Q3	YEAR TO DATE	
% of large mergers set down for the beginning of a hearing or a pre-hearing, within 10 business days of filing of the merger referral.	75%	88%	75%	100%	75%	100%	75%	100%	100%	The target has been exceeded for the quarter. All 15 matters were set down within 10 business days. <i>No corrective action is required</i>
% 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.	65%	No matters were set down	65%	No matters were set down	65%	No matters were set down	65%	0%	0%	Target not met for the quarter. Only one matter was set down out of time. The record had not yet being filed. The presiding member advised that in all future matters a pre-hearing must be set down irrespective of whether or not a record has been filed.
% of matters classified as complex or very complex where a pre-meeting is held by the panel members and case managers prior to the first scheduled hearing.	70%	New indicator	70%	100%	70%	no hearings	70%	no hearings	100%	Target cannot be measured for the quarter as there were no hearings. <i>No corrective action required</i>
% of matters classified as complex or very complex where a post-meeting is held by the panel members and case managers after the hearing is concluded.	80%	New indicator	80%	100%	80%	no hearings	80%	no hearings	100%	Target cannot be measured for the quarter as there were no hearings concluded. <i>No corrective action required</i>

OUTCOME - RESPONSIVE AND RELIABLE ADJUDICATION										
2. Effective and Timeous Issuing of Orders, and Reasons										
Output budget	R13,464,238		R3,574,560		R3,574,560		R2,952,472		R10,101,592	
Output expenditure	R10,279,429		R3,548,578		R3,651,796		R3,079,055		R10,279,429	
OUTPUT INDICATOR	ANNUAL AND QUARTER TARGET	PRIOR YEAR ANNUAL ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
			Q1	Q1	Q2	Q2	Q3	Q3	YEAR TO DATE	
% of large merger orders issued to parties within 10 business days of last hearing date (See 1 of Definitions and rules).	95%	100%	95%	100%	95%	100%	95%	100%	100%	The target has been exceeded for the quarter. All 16 matters decided were decided within 10 business days. No corrective action is required
% of large merger reasons issued to parties within 20 business days of order being issued.	65%	71%	65%	82%	65%	60%	65%	59%	68%	The target was not met for the quarter. 10 of the 17 reasons were issued in time within 20 business days. The 7 were out by 2, 4, 12, 16 (X2), 17, and 154 business days. Delays occurred because of a combination of the following reasons (i) more complex matters require more time to draft reasons, (ii) covid_19 cases took priority (iii) lack of Tribunal member capacity. 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 orders for intermediate and small merger reconsideration issued to parties within 10 business days of last hearing date. (See 1 of Definitions and rules)	80%	50%	80%	No order issued	80%	100%	80%	100%	100%	The target has been exceeded for the quarter. There was one order issued within 10 business days. No corrective action required
% of reasons for intermediate and small merger reconsiderations reasons issued to parties within 20 business days of the order being issued.	65%	25%	65%	No reasons issued	65%	No reasons issued	65%	No reasons issued	No reasons issued	Target cannot be measured for the quarter or the year to date as there were no reasons issued. No corrective action required
Reasons for prohibited practices cases (see 2 of Definitions and rules) classified as simple (see 3 of Definitions and rules) are issued to parties within 100 business days of the last hearing date.	80%	No reasons issued	80%	No reasons issued	80%	No reasons issued	80%	No reasons issued	No reasons issued	Target cannot be measured for the quarter or the year to date as there were no reasons issued. No corrective action required
Reasons for prohibited practices cases classified as complex (see 3 of Definitions and rules) are issued to parties within 125 business days of the last hearing date.	80%	33%	80%	0%	80%	0%	80%	0%	0%	Target not met for the quarter. Reasons issued in one matter and were late by 136 days. The matter was complex with lots analysis of evidence required. This case was among those awaiting drafting during the high influx of Covid_19 cases. The Tribunal has engaged the DTIC to secure more Tribunal members to address the issue of Tribunal Members capacity.
Reasons for prohibited practices cases classified as very complex (see 3 of Definitions and rules) are issued to parties within 150 business days of the last hearing date.	80%	50%	80%	100%	80%	100%	80%	No reasons issued	100%	Target could not be measured for the quarter as there were no reasons issued. No corrective action is required
% of procedural matter (see 3 of Definitions and rules) orders issued to parties within 45 business days of last hearing date.	65%	55%	65%	75%	65%	100%	65%	100%	88%	The target has been exceeded for the quarter. All the seven reasons issued were issued within 45 business days. No corrective action required.
% of orders for consent orders and settlement agreements issued to parties within 10 business days of last hearing date.	80%	96%	80%	100%	80%	97%	80%	33%	91%	Target was not met for the quarter. Orders were issued in six matters and four of those were out 28 (X2), 37 and 65 business days. There was a delay because members were inundated with other matters. The Tribunal has engaged the DTIC to secure more Tribunal members to address the issue of Tribunal Members capacity.
% of interim relief reasons issued to parties within 20 business days of last hearing date.	65%	0%	65%	No reasons issued	65%	No reasons issued	65%	No reasons issued	0%	Target could not be measured for the quarter as there were no reasons issued. No corrective action is required

OUTCOME - TRANSPARENT, ACCOUNTABLE AND SUSTAINABLE TRIBUNAL										
		QUARTER 1		QUARTER 2		QUARTER 3		YEAR TO DATE		REASON FOR DEVIATIONS
CURRENT BUDGET	R 12,751,000	R 3,509,374		R 3,470,440		R 2,646,824		R 9,626,638		As result of the COVID19 pandemic, the Tribunal staff are working remotely and therefore not as much expenditure incurred.
ACTUAL EXPENDITURE	R 9,131,389	R 3,502,057		R 3,012,465		R 2,616,866		R 9,131,389		
3. Effective Communication and Information Sharing										
Output budget	R1,334,596	R588,240		R54,690		R321,465		R964,394		
Output expenditure	R862,508	R543,244		R34,853		R284,411		R862,508		
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
			Q1	Q1	Q2	Q2	Q3	Q3	YEAR TO DATE	
% of press releases of final merger decisions communicated within two business days of order date.	95%	97%	95%	100%	95%	100%	95%	100%	100%	Target exceeded
% of press releases of final prohibited practice decisions communicated within two business days of order date.	90%	60%	90%	100%	90%	100%	90%	0%	100%	An order was issued for one prohibited practice case. The press release was issued outside of two business days as confidentiality claims had to first be finalised by case management before the press release could be issued. The target was therefore partially met.
Annual publication (update) of jurisprudence handbook	Handbook updated and published	New indicator	Handbook updated and published on Tribunal website.					Handbook updated and published on Tribunal website		No target set in quarter 3
4 & 5. Effective Business Processes (4. Intergrated Knowledge Management and 5. Effective Records Management)										
Output budget	R3,734,681	R805,530		R1,278,675		R685,265		R2,769,470		
Output expenditure	R2,754,656	R881,226		R1,164,229		R709,200		R2,754,656		
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
			Q1	Q1	Q2	Q2	Q3	Q3	YEAR TO DATE	
Approved electronic records management policy and filing system. Approved file plan and system implemented according to project plan milestones.	Policy and file plan approved. Draft project plan implemented	New indicator	No target set in quarter 1		No target set in quarter 2		No target set in quarter 3		n/a	No target set in quarter 3

OUTCOME - TRANSPARENT, ACCOUNTABLE AND SUSTAINABLE TRIBUNAL										
6. Sound Governance										
Output budget	R3,715,930		R1,164,580		R1,105,206		R689,071		R2,958,857	
Output expenditure	R2,608,343		R1,142,955		R796,989		R668,398		R2,608,343	
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
			Q1	Q1	Q2	Q2	Q3	Q3	YEAR TO DATE	
Percentage of prior financial year audit (internal and external) findings resolved by the end of the current financial year	100%	New indicator (see)	No target set in quarter 1		No target set in quarter 2		No target set in quarter 3		No target set in quarter 3	
At least one meeting held annually to inform the Tribunal employees of stated APP performance targets and to assess performance against these targets and implement corrective action or revise targets as required	One meeting	New indicator	No target set in quarter 1		No target set in quarter 2		No target set in quarter 3		No target set in quarter 3	
Not more than one finding by the Auditor-General at year end that indicates that the Tribunal does not have effective oversight structures or corporate governance structures in place	One finding	No findings	No findings on this matter		No target set in quarter 2		No target set in quarter 3		No target set in quarter 3	
7. Effective Financial Management										
Output budget	R3,013,100		R753,273		R753,273		R753,273		R2,259,819	
Output expenditure	R2,221,646		R721,349		R741,320		R758,977		R2,221,646	
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
			Q1	Q1	Q2	Q2	Q3	Q3	YEAR TO DATE	
Percentage variance on expenditure against budget	-10%	New indicator	-40%	-13%	-30%	-10%	-20%	-12%	-12%	Target met
No findings of fruitless & wasteful expenditure reported on in the final audited financial statements.	No findings	No findings	No target set in quarter 1		No target set in quarter 2		No target set in quarter 3		No target set in quarter 3	
No findings of irregular expenditure reported on in the final audited financial statements.	No findings	No findings	No target set in quarter 1		No target set in quarter 2		No target set in quarter 3		No target set in quarter 3	
No material misstatements in AFS submitted to National Treasury at 31 May.	None	No findings	No target set in quarter 1		No target set in quarter 2		No target set in quarter 3		No target set in quarter 3	

OUTCOME - TRANSPARENT, ACCOUNTABLE AND SUSTAINABLE TRIBUNAL										
8. Capacity Development, Retention and Training										
Output budget	R952,692		R197,751		R278,596		R197,751		R674,098	
Output expenditure	R684,236		R213,282		R275,074		R195,880		R684,236	
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
			Q1	Q1	Q2	Q2	Q3	Q3	YEAR TO DATE	
Average employee performance evaluation score (see 7 of Definitions and business rules)	3.50	3.50	No target set in quarter 1		No target set in quarter 2		No target set in quarter 3		No target set in quarter 3	No target set in quarter 3
Percentage vacancy rate (see 8 of Definitions and business rules)	7%	4%	No target set in quarter 1		No target set in quarter 2		No target set in quarter 3		No target set in quarter 3	No target set in quarter 3
Percentage staff turnover (see 9 of Definitions and business rules)	20%	4%	No target set in quarter 1		No target set in quarter 2		No target set in quarter 3		No target set in quarter 3	No target set in quarter 3
At a minimum at least one representative sent annually to an OECD competition forum and at least one representative to the annual ICN conference	1 person per conference/forum/per year	Achieved	No target set in quarter 1		No target set in quarter 2		No target set in quarter 3		No target set in quarter 3	No target set in quarter 3
Facilitate an annual capacity building workshop for case manager and Tribunal members.	No target set for the year as a result of COVID-19	New indicator	No target set for the year		No target set for the year		No target set in quarter 1	No target set in quarter 1	No target set for the year	Due to COVID 19
Number of long-term case management interns appointed.	2	2	2	2	0	0	0	0	2	Target met