

THE COMPETITION TRIBUNAL
PERFORMANCE INFORMATION REPORT

Quarter 1

1 APRIL 2021 – 30 JUNE 2021


Reviewed for submission by :

Tebogo Mputle (Registrar/Head of Registry)

Signature:  **Date:** 30/07/21

Reviewed and verified for approval by :

Oliver Josie(Chief Operating Officer)

Signature:  **Date:** 30/07/21

Signed by: Oliver Josie
Signed at: 2021-07-30 11:06:08 +02:00
Reason: I approve this document

Approved by

Mondo Mazwai (Tribunal Chair)

Signature:  **Date:** 30/07/2021

OUTCOME - RESPONSIVE AND RELIABLE ADJUDICATION						
	ANNUAL		QUARTER 1		YEAR TO DATE	REASON FOR DEVIATIONS
TOTAL OUTCOME BUDGET	R 26,627,524		R 6,656,886		R 6,656,886	The deviation from budget for the quarter is -18% and this is mainly the savings from the 2 tribunal member vacancies still to be filled.
TOTAL OUTCOME EXPENDITURE	R 5,430,059		R 5,430,059		R 5,430,059	
1. Effective Case Management Procedures to Ensure Hearings Set Down Within Legislated Trimeframes						
Output budget	R9,494,404		R2,373,603		R2,373,603	
Output expenditure	R2,475,773		R2,475,773		R2,475,773	
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
			Q1	Q1	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.	80%	97%	80%	100%	100%	The target has been exceeded for the quarter and for the year. 23 of the 23 matters were set down within 10 business days. <i>No corrective action is required</i>
% of intermediate and small merger considerations set down for the beginning of a hearing or a pre-hearing within 10 business days of the receipt of the Request for Consideration.	65%	0%	65%	no set downs	no setdowns	Target could not be measured for the quarter and for the year as there were no matters set down. <i>No corrective action is required</i>
% 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 date.	70%	100%	70%	100%	100%	The target has been exceeded for the quarter. <i>No corrective action is 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%	100%	80%	100%	100%	The target has been exceeded for the quarter. <i>No corrective action is required.</i>

OUTCOME - RESPONSIVE AND RELIABLE ADJUDICATION

2. Effective and Timeous Issuing of Orders, and Reasons						
Output budget	R17,133,120		R4,283,283		R4,283,283	
Output expenditure	R2,954,286		R2,954,286		R2,954,286	
OUTPUT INDICATOR	ANNUAL AND QUARTER TARGET	PRIOR YEAR ANNUAL ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
			Q1	Q1	YEAR TO DATE	
% of large merger orders issued to parties within 10 business days of last hearing date <i>(See 1 of Definitions and rules)</i> .	95%	100%	95%	100%	100%	The target has been exceeded for the quarter and for the year. All 23 matters decided were decided within 10 business days. <i>No corrective action is required</i>
% of reasons for large mergers issued to parties within 20 business days of order being issued.	70%	72%	70%	86%	86%	The target exceeded for the quarter and for the year. 19 of the 22 reasons were issued within 20 business days. <i>No corrective action is required</i>
% of orders for intermediate and small merger reconsideration issued to parties within 10 business days of last hearing date. <i>(See 1 of Definitions and rules)</i> .	70%	100%	70%	No order issued	No order issued	The target could not be measured for the quarter the year. There was no order issued for the quarter. <i>No corrective action required</i>
% of reasons for intermediate and small merger reconsiderations reasons issued to parties within 20 business days of the order being issued.	50%	No reasons issued	50%	0%	0%	Target not met for the quarter and the year. Reasons were issued in one matter and were out by 161 business days. The delay was caused by Tribunal members simultaneously sitting on other cases and therefore finding little time to draft reasons. <i>Increasing the number of full time members would improve our efficiencies.</i>
Reasons for prohibited practices cases <i>(see 2 of Definitions and rules)</i> classified as simple <i>(see 3 of Definitions and rules)</i> are issued to parties within 100 business days of the last hearing date.	75%	No reasons issued	75%	No reasons issued	No reasons issued	Target cannot be measured for the quarter and the year because there were no reasons issued. <i>No corrective action required</i>
Reasons for prohibited practices cases classified as complex <i>(see 3 of Definitions and rules)</i> are issued to parties within 125 business days of the last hearing date.	65%	0%	65%	No reasons issued	No reasons issued	Target cannot be measured for the quarter and the year because there were no reasons issued. <i>No corrective action required</i>
Reasons for prohibited practices cases classified as very complex <i>(see 3 of Definitions and rules)</i> are issued to parties within 150 business days of the last hearing date.	65%	67%	65%	No reasons issued	No reasons issued	Target cannot be measured for the quarter and the year because there were no reasons issued. <i>No corrective action required</i>
% of procedural matter <i>(see 5 of Definitions and rules)</i> orders issued to parties within 45 business days of last hearing date.	65%	90%	65%	100%	100%	The target has been exceeded for the quarter and for the year. All the three reasons issued were issued within 45 business days. <i>No corrective action required.</i>

OUTCOME - RESPONSIVE AND RELIABLE ADJUDICATION

% orders for consent orders and settlement agreements issued to parties within 10 business days of the last hearing date.	75%	92%	75%	83%	83%	The target has been exceeded for the quarter and for the year. Five of the six orders issued were issued within 10 business days. <i>No corrective action required.</i>
% of reasons in interim relief matters issued to parties within 20 business days of last hearing date.	65%	0%	65%	No reasons issued	No reasons issued	Target cannot be measured for the quarter and the year because there were no reasons issued. <i>No corrective action required</i>

OUTCOME - TRANSPARENT, ACCOUNTABLE AND SUSTAINABLE TRIBUNAL						
			QUARTER 1		YEAR TO DATE	REASON FOR DEVIATIONS The deviation from budget for the quarter is -2% which is not material.
CURRENT BUDGET	R 12,613,742		R 2,710,443		R 2,710,443	
ACTUAL EXPENDITURE	R 2,751,581		R 2,751,581		R 2,751,581	
3. Effective Communication and Information Sharing						
Output budget	R1,300,834		R313,023		R313,023	
Output expenditure	R293,368		R293,368		R293,368	
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
			Q1	Q1	YEAR TO DATE	
% of press releases of final merger decisions communicated within 3 business days of order date.	90%	90%	90%	61%	61%	Target not met. Press releases were issued for all 23 final merger decisions. 14 were issued in 3 working days. However, 9 were issued outside of three business days due to case management having to finalise confidentiality first. Press releases can only be issued after confidentiality has been finalised. Therefore the target was partially met.
% of press releases of prohibited practice decisions communicated within 3 business days of order date.	90%	71%	90%	n/a	n/a	Target could not be measured. There were no prohibited practice decisions in Q1
Annual publication (update) of juris-prudence handbook	Handbook updated and published	Handbook updated and published on Tribunal website	Handbook updated and published in Quarter 1 on Tribunal website		Handbook updated and published on Tribunal website	Target met.
4 & 5. Effective Business Processes (4. Intergrated Knowledge Management and 5. Effective Records Management)						
Output budget	R3,746,420		R963,342		R963,342	
Output expenditure	R975,939		R975,939		R975,939	
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
			Q1	Q1	YEAR TO DATE	
Approved electronic records management policy and filing system. Approved file plan and system implemented according to project plan milestones.	No target set due to lack of funding.	No target set for the year	No target set for the year		No target set for the year	Target could not be measured. No target set for the year
The outcomes of the review of processes, including forms and procedures for simplicity and necessity	Quarterly report sent to dtic	New indicator	1 report	1 report	1 report	Target met.

OUTCOME - TRANSPARENT, ACCOUNTABLE AND SUSTAINABLE TRIBUNAL						
6. Sound Governance						
Output budget	R3,791,964		R498,987		R498,987	
Output expenditure	R536,815		R536,815		R536,815	
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL ACTUAL	TARGET Q1	ACTUAL Q1	ANNUAL ACTUAL YEAR TO DATE	EXPLANATIONS FOR DEVIATIONS
Percentage of prior financial year audit (internal and external) findings resolved in terms of agreed timelines with auditors.	100%	100%	100%	100%	100%	Target met.
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	one meeting	No target set in quarter 1		1 meeting held	Target met.
No material finding by the Auditor-General at year end.	No material findings	No finding	No target set in quarter 1		No target set in quarter 1	Target could not be measured. No target set in quarter 1
7. Effective Financial Management						
Output budget	R3,043,700		R760,926		R760,926	
Output expenditure	R775,225		R775,225		R775,225	
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL ACTUAL	TARGET Q1	ACTUAL Q1	ANNUAL ACTUAL YEAR TO DATE	EXPLANATIONS FOR DEVIATIONS
Percentage variance on expenditure against budget	-10%	-9%	-10%	-10%	-10%	Target met.
No material findings of fruitless & wasteful expenditure reported on in the final audited financial statements.	No material findings	No findings	No target set in quarter 1		No target set in quarter 1	Target could not be measured. No target set in quarter 1
No material findings of irregular expenditure reported on in the final audited financial statements.	No material findings	1 finding - not material	No target set in quarter 1		No target set in quarter 1	Target could not be measured. No target set in quarter 1
No material misstatements in AFS submitted to National Treasury at 31 May.	No material misstatements	None	No target set in quarter 1		No target set in quarter 1	Target could not be measured. No target set in quarter 1
Monitor the levels of B-BBEE suppliers in order to promote transformation in procurement practices.	Quarterly report sent to the dtic	New target	1 report	1 report	1 report	Target met.

OUTCOME - TRANSPARENT, ACCOUNTABLE AND SUSTAINABLE TRIBUNAL						
8. Capacity Development, Retention and Training						
Output budget	R730,824		R174,165		R174,165	
Output expenditure	R170,234		R170,234		R170,234	
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
			Q1	Q1	YEAR TO DATE	
Average employee performance evaluation score (see 7 of Definitions and business rules)	3.5	3.7	N/A		No target set in quarter 1	Target could not be measured. No target set in quarter 1
Percentage vacancy rate (see 8 of Definitions and business rules)	7%	4%	N/A		No target set in quarter 1	Target could not be measured. No target set in quarter 1
Percentage staff turnover (see 9 of Definitions and business rules)	20%	12%	N/A		No target set in quarter 1	Target could not be measured. No target set in quarter 1
At a minimum send at least one representative annually to an OECD competition forum and at least one representative to the annual ICN conference	One person per conference/forum/per year	Not Achieved	N/A		No target set in quarter 1	Target could not be measured. No target set in quarter 1
Facilitate an annual capacity building workshop for case manager and Tribunal members.	1	No target set for the year	N/A	1	1	Target met. Annual target met.
Number of long-term case management interns appointed.	2	2	2	2	2	Target met.
4 quarterly reports sent to the dtic on the implementation of the Employment Equity plan	4 quarterly reports sent	New target	1 report	1 report	1 report	Target met.

DEFINITIONS AND BUSINESS RULES

NOTE	ITEM	EXPLANATION
1	Hearing Date	A business rule has been established where “hearing date” can refer to 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”)
2	Reasons in prohibited practice cases	In exceptional cases an order may be issued before reasons but in most instances orders and reasons are issued simultaneously and therefore reasons date is taken as the indicator
3	Simple/Complex/Very Complex Matters	Throughout the document we refer to matters as Simple matter, Complex matter or Very Complex matter. Factors that determine the complexity of a matter include but are not limited to length of case, size of the record and complexity of legal argument. The complexity is determined by the Head of Case Management at the beginning of the hearing.
4	Prohibited Practices - 100%	The target is binary in that it is either 0% or 100% for e.g. if one out of one set of reasons is not issued within the timeframe then the target is not achieved. The threeyear target is set at 100% as stricter monitoring processes are followed.
5	Procedural matters	While we refer to procedural matters they include interlocutory applications.
6	Percentage expenditure against budget	While this is a new indicator we do have the information to reflect prior performance and therefore determine a target based on prior performance
7	Average employee performance evaluation score	These three targets are measured annually and there is therefore no target set for the first three quarters of the year
8	Percentage vacancy rate	The targets reflected are based on prior period figures as well as an estimation of how many vacancies the Tribunal can accommodate for a short period of time
9	Percentage staff turnover	The targets reflected are based on prior period figures as well as an estimation of what level of turnover the Tribunal can accommodate for a short period of time