

THE COMPETITION TRIBUNAL
PERFORMANCE INFORMATION REPORT

Quarter 3

1 OCTOBER 2021 – 31 DECEMBER 2021

Reviewed for submission by :

Tebogo Mputle (Registrar/Head of Registry)

Signature:

Date:

Reviewed and verified for approval by :

Oliver Josie(Chief Operating Officer)

Signature:

Date:

Approved by

Mondo Mazwai (Tribunal Chair)

Signature:



Date: 31/01/2022

OUTCOME - RESPONSIVE AND RELIABLE ADJUDICATION										
	ANNUAL	QUARTER 1	QUARTER 2	QUARTER 3	YEAR TO DATE	REASON FOR DEVIATIONS				
TOTAL OUTCOME BUDGET	R 26,627,524	R 6,656,886	R 6,656,886	R 6,656,880	R 19,970,652	The deviation from budget for the quarter is -20% and this is mainly the savings from the 2 tribunal member vacancies still to be filled.				
TOTAL OUTCOME EXPENDITURE	R 15,729,795	R 5,430,059	R 5,232,612	R 5,067,124	R 15,729,795					
1. Effective Case Management Procedures to Ensure Hearings Set Down Within Legislated Trimeframes										
Output budget	R9,494,404	R2,373,603	R2,373,603	R2,373,600	R7,120,806					
Output expenditure	R6,420,304	R2,475,773	R1,976,993	R1,967,538	R6,420,304					
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.	80%	97%	80%	100%	80%	91%	80%	95%	96%	The target has been exceeded for the quarter and for the year. 21 of the 22 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	80%	100%	65%	100%	100%	The target has been exceeded for the quarter and for the year. 1 matter was set down within 10 business days. <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%	70%	100%	70%	No complex or very complex hearing	100%	Target cannot be measured 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%	80%	100%	80%	No complex or very complex hearing	71%	Target cannot be measured 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		R4,283,280		R12,849,846	
Output expenditure	R9,309,491		R2,954,286		R3,255,619		R3,099,586		R9,309,491	
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%	313%	95%	100%	95%	100%	100%	The target has been exceeded for the quarter and for the year. All 22 matters decided were decided within 10 business days. No corrective action is required
% of reasons for large mergers issued to parties within 20 business days of order being issued.	70%	72%	70%	86%	70%	90%	70%	96%	91%	The target exceeded for the quarter and for the year. 23 of the 24 reasons were issued within 20 business days. No corrective action is required
% 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).	70%	100%	70%	No order issued	70%	100%	70%	No order issued	100%	Target could not be measured for the quarter because there were no orders issued. No corrective action is required
% 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%	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 29 business days. The delay was due Tribunal members capacity and this was a complex and precedent setting matter. Increasing the number of full time members would improve efficiencies
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.	75%	No reasons issued	75%	No reasons issued	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. 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.	65%	0%	65%	No reasons issued	65%	0%	65%	No reasons issued	0%	Target cannot be measured for the quarter because there were no reasons issued. No corrective action required
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.	65%	67%	65%	No reasons issued	65%	No reasons issued	65%	No reasons issued	No reasons issued	Target cannot be measured for the quarter and the year because there were no reasons issued. No corrective action required
% of procedural matter (see 3 of Definitions and rules) orders issued to parties within 45 business days of last hearing date.	65%	90%	65%	100%	65%	83%	65%	83%	87%	The target has been exceeded for the quarter and for the year. Five of the six reasons issued were issued within 45 business days. No corrective action required.
% orders for consent orders and settlement agreements issued to parties within 10 business days of the last hearing date.	75%	92%	75%	83%	75%	100%	75%	100%	97%	The target has been exceeded for the quarter and for the year. All 20 orders were issued within 10 business days. No corrective action required.
% of reasons in interim relief matters 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	No reasons issued	Target cannot be measured for the quarter and the year because there were no reasons issued. No corrective action required

OUTCOME - TRANSPARENT, ACCOUNTABLE AND SUSTAINABLE TRIBUNAL											
		QUARTER 1		QUARTER 2		QUARTER 3		YEAR TO DATE		REASON FOR DEVIATIONS	
CURRENT BUDGET	R 12,476,708	R 2,710,443	R 3,616,526	R 3,389,642	R 9,716,611	The deviation from budget for the quarter is 2% which is not material.					
ACTUAL EXPENDITURE	R 8,849,206	R 2,751,581	R 3,687,888	R 2,409,737	R 8,849,206						
3. Effective Communication and Information Sharing											
Output budget	R1,300,834	R313,023	R313,023	R313,024	R939,070						
Output expenditure	R910,129	R293,368	R307,490	R309,271	R910,129						
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		
% press releases of final merger decisions communicated within 3 business days of order date.	90%	90%	90%	61%	90%	54%	90%	100%	71%	Target exceeded. Press releases were issued for all 22 final merger decisions within three business days	
% press releases of prohibited practice decisions communicated within 3 business days of order date.	90%	71%	90%	n/a	90%	0%	90%	No press releases issued	0%	Target could not be measured. There were no prohibited practice decisions in Q3.	
Annual publication (update) of juris-prudence handbook	Handbook updated and published	Handbook updated and published on Tribunal website	N/A	Handbook updated and published in Quarter 1 on Tribunal website	N/A	Handbook updated and published in Quarter 1 on Tribunal website	N/A	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	R3,609,386	R963,342	R988,342	R988,347	R2,940,031						
Output expenditure	R2,488,631	R975,939	R785,385	R727,307	R2,488,631						
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.	No target set due to lack of funding.	No target set for the year	N/A	No target set for the year	N/A	No target set for the year	N/A	No target set for the year	No target set for the year	Target could not be measured. No target set for the year.	

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 example if one out of one set of reasons is not issued within the timeframe then the target is not achieved. The three-year 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