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:



JTCOME - RESPONSIVE AND RELIABLE ADJUDICATION											
	ANNUAL QUARTER 1		QU	ARTER 2	QUART	ER 3	YEAR TO DATE	REASON FOR DEVIATIONS			
TOTAL OUTCOME BUDGET	DTAL OUTCOME BUDGET R 26,627,524		R 6,656,886		R 6	,656,886	R 6,656	5,880	R 19,970,652	The deviation from budget for the quarter is -20% and this is mainly the savings from the 2 tribunal member vacanies still to be filled.	
TOTAL OUTCOME EXPENDITURE	R 15,729,7	795	R 5,	430,059	R 5	,232,612	R 5,067	7,124	R 15,729,795	Still to be filled.	
1. Effective Case Management Procedures t	o Ensure Hearings S	et Down With	nin Legislated	Trimeframes							
Output budget	R9,494,4	04	R2,	373,603	R2,	,373,603	R2,373	,600	R7,120,806		
Output expenditure	R6,420,3	04	R2,	475,773	R1,	,976,993	R1,967	R1,967,538			
OUTPUT INDICATOR	ANNUAL TARGET	ANNUAL TARGET	PRIOR YEAR	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
OUTFOR INDICATOR		ANNUAL ACTUAL	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. No corrective action is required	
% 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. No corrective action is required.	
% 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. No corrective action is required.	

UTCOME - RESPONSIVE AND RELIABLE ADJUDICATION											
2. Effective and Timeous Issuing of Orders,											
Output budget R17,133,120			R4,	283,283	R4,283,283		R4,283	,280	R12,849,846		
Output expenditure	R9,309,4	491	R2,	954,286	R3	3,255,619	R3,099	,586	R9,309,491		
OUTPUT INDICATOR	ANNUAL AND QUARTER	PRIOR YEAR	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS	
OUTFOT INDICATOR	TARGET	ANNUAL ACTUAL	Q1	Q1	Q2	Q2	Q3	Q3	YEAR TO DATE	EXPLANATIONS FOR DEVIATIONS	
% of large merger orders issued to parties within 10 business days of last hearing date (See 1 of Definitors 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. <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%	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. <i>No corrective action required</i>	
Reasons for prohibited practices cases classfied 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. <i>No corrective action required</i>	
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. <i>No corrective action required</i>	
% 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, ACCOUNTABL	E AND SUSTAINABLE	TRIBUNAL									
			QUAR	QUARTER 1 QUARTER 2 QUARTER 3 YEAR TO DA		YEAR TO DATE	REASON FOR DEVIATIONS				
CURRENT BUDGET	R 12,476	,708	R 2,71	10,443	R 3,6	16,526	R 3,389	9,642	R 9,716,611	The deviation from budget for the quarter is 2% which is not material.	
ACTUAL EXPENDITURE	R 8,849,	206	R 2,75	51,581	R 3,6	87,888	R 2,409	9,737	R 8,849,206		
3. Effective Communication and Information	Sharing										
Output budget	R1,300,	834	R313	3,023	R31	3,023	R313,	024	R939,070		
Output expenditure	R910,1	29	R293	3,368	R30	7,490	R309,	271	R910,129		
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL		
OUTFUT INDICATOR	ANNUAL TARGET	ACTUAL	Q1	Q1	Q2	Q2	Q3	Q3	YEAR TO DATE	- EXPLANATIONS FOR DEVIATIONS	
% 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 relases were issued for all 22 final merger decisions within three business days	
% press releases of prohibited practice lecisions communicated within 3 business lays 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. Inter	grated Knowledge Mai	nagement and 5. E	ffective Reco	rds Managem	nent)					_	
Output budget	R3,609,	386	R963	3,342	R98	8,342	R988,	347	R2,940,031		
Output expenditure	R2,488,		R975			5,385	R727,		R2,488,631		
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL ACTUAL	TARGET Q1	ACTUAL Q1	TARGET Q2	ACTUAL Q2	TARGET Q3	ACTUAL Q3	ANNUAL ACTUAL YEAR TO DATE	EXPLANATIONS FOR DEVIATIONS	
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.	

OUTCOME - TRANSPARENT, ACCOUNTABLE AN	UNAL									
The outcomes of the review of processes, including forms and procedures for simplicity and necessity	irterly report sent Nev	w indicator 4	1 report	Target met.						

OUTCOME - TRANSPARENT, ACCOUNTABL	E AND SUSTAINABLE	TRIBUNAL								
6. Sound Governance										
Output budget	R3,791,	964	R498	,987	R1,3	62,992	R1,153,172		R3,015,151	-
Output expenditure	R2,781,	808	R536	i,815	R1,5	89,937	R655,056		R2,781,808	
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
Percentage of prior financial year audit (internal and external) findings resolved in terms of agreed timelines with auditors.	100%	ACTUAL	Q1	Q1 No target set in quarter 1	Q2	Q2 No target set in quarter 2	Q3	Q3 No target set in quarter 3	YEAR TO DATE	Target could not be measured. Target set for quarter 4.
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	N/A	No target set in quarter 1	N/A	No target set in quarter 2	N/A	No target set in quarter 3	1 meeting held	Target met.
No material finding by the Auditor-General at year end.	No material findings	No finding	N/A	No target set in quarter 1	N/A	No target set in quarter 2	N/A	No target set in quarter 3	No material findings	Target met.
7. Effective Financial Management			1	1	<u> </u>			1		
Output budget	R3,043,	700	R760,926		R760,926		R760,928		R2,282,780	-
Output expenditure	R2,182,	225	R775	5,225	R771,426		R635,574		R2,182,225	-
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
		ACTUAL	Q1	Q1	Q2	Q2	Q3	Q3	YEAR TO DATE	
Percentage variance on expenditure against budget	-10%	-9%	-10%	-10%	-10%	-12%	-10%	-14%	-14%	Target not met . This is mainly due to the savings from the 2 Tribunal member vacanies still to be filled.
No material findings of fruitless & wasteful expenditure reported on in the final audited financial statements.	No material findings	No findings	N/A	No target set in quarter 1	N/A	No target set in quarter 2	N/A	No target set in quarter 3	No material findings	Target met.
No material findings of irregular expenditure reported on in the final audited financial statements.	No material findings	1 finding - not material	N/A	No target set in quarter 1	N/A	No target set in quarter 2	N/A	No target set in quarter 3	No material findings	Target met.
No material misstatements in AFS submitted to National Treasury at 31 May.	No material misstatements	None	N/A	No target set in quarter 1	N/A	No target set in quarter 2	N/A	No target set in quarter 3	No material misstatements	Target met.
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	1 report	1 report	1 report	1 report	Target met.

OUTCOME - TRANSPARENT, ACCOUNTABLE AND SUSTAINABLE TRIBUNAL

8. Capacity Development, Retention and Trai										
Output budget	R730,8	24	R174,165		R19	R191,243		71	R539,579	
Output expenditure	R486,4	13	R170),234	R233,650		R82,529		R486,413	
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL	TARGET	ACTUAL	TARGET	TARGET ACTUAL		ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
		ACTUAL	Q1	Q1	Q2	Q2	Q3	Q3	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	N/A	No target set in quarter 2	N/A	No target set in quarter 3	No target set	Target could not be measured. No target set for quarter 3.
Percentage vacancy rate (see 8 of Definitions and business rules)	7%	4%	N/A	No target set in quarter 1	N/A	No target set in quarter 2	N/A	No target set in quarter 3	No target set	Target could not be measured. No target set for quarter 3.
Percentage staff turnover (see 9 of Definitions and business rules)	20%	12%	N/A	No target set in quarter 1	N/A	No target set in quarter 2	N/A	No target set in quarter 3	No target set	Target could not be measured. No traget set for quarter 3.
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	N/A	No target set in quarter 2	N/A	One person attended the OECD and four attended ICN	No target set	Target met.
Facilitate an annual capacity building workshop for case managers and Tribunal members.	1	No target set for the year	N/A	1	N/A	No target set in quarter 2	N/A	No target set in quarter 3	1	Annual target met.
Number of long-term case management interns appointed.	2	2	2	2	0	No target set in quarter 2	0	No target set in quarter 3	2	Annual 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	1 report	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 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