

THE COMPETITION TRIBUNAL
PERFORMANCE INFORMATION REPORT

Quarter 4

1 JANUARY 2022 – 31 MARCH 2022

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: 30/04/2022

OUTCOME - RESPONSIVE AND RELIABLE ADJUDICATION												
	ANNUAL	QUARTER 1	QUARTER 2	QUARTER 3	QUARTER 4	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 6,656,872	R 26,627,524	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 21,310,953	R 5,430,059	R 5,232,612	R 5,067,124	R 5,581,158	R 21,310,953						
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	R2,373,598	R9,494,404						
Output expenditure	R8,668,116	R2,475,773	R1,976,993	R1,967,538	R2,247,812	R8,668,116						
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL ACTUAL	TARGET Q1	ACTUAL Q1	TARGET Q2	ACTUAL Q2	TARGET Q3	ACTUAL Q3	TARGET Q4	ACTUAL Q4	ANNUAL ACTUAL YEAR TO DATE	EXPLANATIONS FOR DEVIATIONS
% 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%	80%	82%	93%	The target has been exceeded for the quarter and for the year. 14 of the 17 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%	65%	No matters set down	100%	Target could not be measured for the quarter. <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	70%	100%	100%	Target has been exceeded for the quarter and for the year.
% 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	80%	No complex or very complex hearing	100%	Target could not 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												EXPLANATIONS FOR DEVIATIONS
Output budget	R17,133,120		R4,283,283		R4,283,283		R4,283,280		R4,283,274		R17,133,120	
Output expenditure	R12,642,837		R2,954,286		R3,255,619		R3,099,586		R3,333,346		R12,642,837	
OUTPUT INDICATOR	ANNUAL AND QUARTER TARGET	PRIOR YEAR ANNUAL ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	
			Q1	Q1	Q2	Q2	Q3	Q3	Q4	Q4	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%	95%	100%	100%	The target has been exceeded for the quarter and for the year. All 17 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%	92%	70%	94%	90%	The target exceeded for the quarter and for the year. 15 of the 16 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	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%	50%	No reasons issued	0%	Target could not be measured for the quarter because there were no reasons issued. No corrective action is 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.	75%	No reasons issued	75%	No reasons issued	75%	No reasons issued	75%	No reasons issued	75%	No reasons issued	No reasons issued	Target could not 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	65%	No reasons issued	0%	Target could not 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	65%	No reasons issued	No reasons issued	Target could not 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%	65%	75%	84%	The target has been exceeded for the quarter and for the year. Three of the four orders 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%	75%	100%	97%	The target has been exceeded for the quarter and for the year. All 3 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	65%	No reasons issued	No reasons issued	Target could not be measured for the quarter and the year because there were no reasons issued. No corrective action required

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