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	<u>:</u>							
Oliver Josie(Chief Operating Officer)								
Signature:		Date:						
Approved by								
Mondo Mazwai (Tribunal Chair)								
Signature:	Mazwai	Date: 30/04/2022						



	<i>,</i> , , , , , , , , , , , , , , , , , ,		QUA	ARTER 2	QUAR	ER 3	QUAF	RTER 4	YEAR TO DATE	REASON FOR DEVIATIONS 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 BUDGET			R 6	656,886	R 6,65	5,880	R 6,6	56,872	R 26,627,524				
TOTAL OUTCOME EXPENDITURE			R 5	232,612	R 5,06	R 5,067,124		81,158	R 21,310,953	to be filled.			
1. Effective Case Management Procedures t	o Ensure Hearings S	et Down With	n Legislated	Trimeframes									
Output budget	R9,494,4	04	R2,	373,603	R2,	373,603	R2,37	R2,373,600		R2,373,598			
Output expenditure	R8,668,1	16	R2,	475,773	R1,	976,993	R1,96	7,538	R2,2	17,812	R8,668,116		
		PRIOR YEAR	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS	
OUTPUT INDICATOR	ANNUAL TARGET	ANNUAL ACTUAL	Q1	Q1	Q2	Q2	Q3	Q3	Q4	Q4	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. No corrective action is required	
% 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. 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	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. No corrective action is required.	

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 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 PRIOR TARGET ACTUAL TARGET ACTUAL TARGET ACTUAL TARGET ACTUAL ANNUAL ACTUAL ANNUAL AND YEAR OUTPUT INDICATOR QUARTER **EXPLANATIONS FOR DEVIATIONS** ANNUA TARGET YEAR TO DATE Q1 Q1 Q2 Q2 Q3 Q3 Q4 Q4 **ACTUAL** The target has been exceeded for the quarter and for the year. % of large merger orders issued to parties 95% 100% 95% 313% 95% 100% 95% 100% 95% 100% 100% within 10 business days of last hearing All 17 matters decided were decided within 10 business days. No corrective action is required date (See 1 of Definitions and rules) % of reasons for large mergers issued to 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. parties within 20 business days of order No corrective action is required beina issued. % of orders for intermediate and small 70% 100% No order issued 70% 100% 70% No order issued 70% No order issued 100% Target could not be measured for the guarter because there 70% merger reconsideration issued to parties were no orders issued. No corrective action is required within 10 business days of last hearing % of reasons for intermediate and small 50% No reasons 50% 0% 50% No reasons issued 50% 0% 50% No reasons issued 0% Target could not be measured for the guarter because there merger reconsiderations reasons issued to were no reasons issued. No corrective action is required parties within 20 business days of the order being issued. Reasons for prohibited practices cases 75% 75% 75% 75% 75% Target could not be measured for the quarter and the year No reasons No reasons issued No reasons No reasons issued No reasons issued No reasons see 2 of Definitions and rules) classified issued issued issued because there were no reasons issued. No corrective action required as simple (see 3 of Definitions and rules) are issued to parties within 100 business days of the last hearing date. 65% 65% 0% 65% 65% 0% Reasons for prohibited practices cases 65% 0% No reasons No reasons No reasons issued Target could not be measured for the quarter because there issued were no reasons issued. classfied as complex (see 3 of Definitions No corrective action required ind rules) are issued to parties within 125 business days of the last hearing date. Reasons for prohibited practices cases 67% 65% 65% No reasons issued 65% No reasons issued No reasons issued Target could not be measured for the guarter and the year 65% No reasons No reasons 65% classified as very complex (see 3 of issued issued because there were no reasons issued No corrective action required Definitions and rules) are issued to parties within 150 business days of the last hearing date. % of procedural matter (see 3 of 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 efinitions and rules) orders issued to parties within 45 business days of last No corrective action required. hearing date. % orders for consent orders and settlement 75% 92% 75% 83% 75% 100% 75% 100% 75% 100% 97% The target has been exceeded for the quarter and for the year. agreements issued to parties within 10 All 3 orders were issued within 10 business days. business days of the last hearing date. No corrective action required. % of reasons in interim relief matters 65% 0% 65% No reasons 65% No reasons issued 65% No reasons 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

issued to parties within 20 business days

of last hearing date.

OUTCOME - TRANSPARENT, ACCOUNTABL	E AND SUSTAINABLE	TRIBUNAL	QUAR	TER 1	QUAI	RTER 2	QUART	TER 3	QUA	RTER 4	YEAR TO DATE	REASON FOR DEVIATIONS
CURRENT BUDGET	R 12,476	5,708	R 2,71	R 2,710,443		R 3,616,526		R 3,389,642		760,097	R 12,476,708	The deviation from budget for the quarter is 6% which is not material.
ACTUAL EXPENDITURE	R 11,775,898		R 2,751,581		R 3,687,888		R 2,409,737		R 2,926,692		R 11,775,898	
3. Effective Communication and Information	Sharing											
Output budget	R1,300,834		R313,023		R313,023		R313,024		R361,764		R1,300,834	
Output expenditure	R1,232,	464	R293	,368	R30	7,490	R309,271		R322,335		R1,232,464	
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
		ACTUAL	Q1	Q1	Q2	Q2	Q3	Q3	Q4	Q4	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%	90%	100%	77%	Target exceeded. Press relases were issued for all 17 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	90%	No press releases issued	0%	Target could not be measured. There were no prohibited practice decisions in Q4.
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	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 Mar	nagement and 5. E	ffective Recor	ds Managen	nent)							
Output budget	R3,609,	386	R963	,342	R98	8,342	R988,	347	R669,355		R3,609,386	
Output expenditure	R3,267,	685	R975	,939	R78	5,385	R727,	307	R7	79,054	R3,267,685	
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
Approved electronic records management policy and filing system. Approved file plan and system implemented according to project plan milestones.		No target set for		No target set for the year	N/A	No target set for the year	N/A	No target		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	1 report	1 report	1 report	1 report	1 report	1 report	Target met.

OUTCOME - TRANSPARENT, ACCOUNTABL	E AND SUSTAINABLE	TRIBUNAL										
6. Sound Governance		_								_		
Output budget	R3,791,964		R498,987		R1,362,992		R1,153,172		R776,813		R3,791,964	-
Output expenditure	R3,731,817		R536,815		R1,589,937		R655,056		R950,009		R3,731,817	-
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
		ACTUAL	Q1	Q1	Q2	Q2	Q3	Q3	Q4	Q4	YEAR TO DATE	
Percentage of prior financial year audit (internal and external) findings resolved in terms of agreed timelines with auditors.	100%	100%	N/A	No target set in quarter 1	N/A	No target set in quarter 2	N/A	No target set in quarter 3	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	N/A	No target set in quarter 1	N/A	No target set in quarter 2	N/A	No target set in quarter 3	One meeting	1 meeting held	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	No material findings	No material findings	Target met.
7. Effective Financial Management												
Output budget	R3,043,	700	R76	0,926	R76	60,926	R760,	928	R760,920		R3,043,700	-
Output expenditure	R2,900,	684	R77	5,225	R771,426		R635,574		R718,459		R2,900,684	
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
SCIT ST INDICATOR	ANNOAL TANGET	ACTUAL	Q1	Q1	Q2	Q2	Q3	Q3	Q4	Q4	YEAR TO DATE	EXI EXIMITATIONS FOR BEVIATIONS
Percentage variance on expenditure against budget	-10%	-9%	-10%	-10%	-10%	-12%	-10%	-14%	-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	No material findings	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	No material findings	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	None	None	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	1 report	1 report	Target met.

OUTCOME - TRANSPARENT, ACCOUNTABL	E AND SUSTAINABLE	TRIBUNAL										
8. Capacity Development, Retention and Trai	ning	_										
Output budget R730,824		24	R174,165		R19	R191,243		R174,171		R191,245		
Output expenditure	R643,2	48	R170,234		R233,650		R82,529		R156,835		R643,248	
OUTPUT INDICATOR	ANNUAL TARGET	PRIOR YEAR ANNUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	TARGET	ACTUAL	ANNUAL ACTUAL	EXPLANATIONS FOR DEVIATIONS
		ACTUAL	Q1	Q1	Q2	Q2	Q3	Q3	Q4	Q4	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	3.5	3.8	3.8	Target met. However, the final signoff on the 2021/2022 annual average score will be done on 13 May 2022. The given score might change based on the outcome of the moderation.
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	7%	15.00%	15.00%	Target not met. Appointments to fill the two of the four vacancies were made and incumbents will start 01 May 2022. This will leave us with only 2 vacancies (7%)
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	20.0%	27.00%	27%	Target not met. There were six resignations during the financial year. One from the finance division (Financial Officer) and five from case management. Of the five in case management, four were case managers who were offered higher positions and salaries, and one was the Head of Case Management who wished to take a sabbatical.
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	One person per forum	4 people attended OECD	5 people attended	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	Target met in quarter 1	1	Annual target met. Workshop held in quarter 1
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	0	Target met in quarter 1	2	Annual target met. 2 interns appointed in quarter 1
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	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