

THE COMPETITION TRIBUNAL

FIRST QUARTER PERFORMANCE REPORT

1st APRIL 2014 – 30th JUNE 2014

Reviewed for submission by :

Lerato Motaung (Registrar)



Signature:

Date: 8/8/2014.

Ann Slavin (Head of Corporate Services)



Signature:

Date: 08/08/14

Lufuno Ramaru (Executive Administrator)

Signature:

Date:

Reviewed and verified for approval by :

Janeen de Klerk (Chief Operating Officer)



Signature:

Date: 8/8/2014

Approved by

Norman Manoim (Chairperson)



Signature:

Date: 8/08/2014

THE COMPETITION TRIBUNAL - 1st APRIL 2014 - 31st MARCH 2015

| Strategic Focus Area 1: | | TRIBUNAL HEARINGS AND DECISIONS | | Quarter 1 | Total | REASON FOR DEVIATIONS |
|---|--|---|--------------------|------------------|--------------------|--|
| Prior year budget: | | R 18 294 005.60 | Current budget | R 4 173 556.30 | R 16 694 225.18 | Budget divided equally across 4 quarters |
| Prior year actual | | R 16 128 374.80 | Actual expenditure | R 3 930 098.00 | R 3 930 098.00 | |
| Goal Statement: | | Hold hearings and adjudicating matters brought before the Tribunal. | | | | |
| Strategic Outcome: | | Promote and maintain competition within South Africa through the implementation of the Competition Act. | | | | |
| STRATEGIC OBJECTIVE | OUTPUT | PERFORMANCE INDICATORS | | QUARTERLY TARGET | Annual performance | DEVIATIONS |
| | | ANNUAL TARGET | | Q1 | | |
| Large Mergers: | | | | | | |
| Merger notices | Merger set down (heard) in accordance with delivery timeframes | 75% of mergers heard within 10 business days of the filed merger | | 67% | 67% | 5 out of 15 cases set down were not set down within the specified target. In 2 of these the target was missed by a maximum 2 days. In the other 3 cases the parties were not available for hearings on the earlier days allocated by the Tribunal. Parties unavailability results in the Tribunal not meeting its targets. |
| Orders | Orders issued to parties in accordance with the delivery timeframes | 98% of orders issued within 10 business days of the last hearing date | | 100% | 100% | Target exceeded for the quarter |
| Reasons for Decision documents | Reasons for Decisions issued to parties in accordance with the delivery timeframes | 66% of "reason for decisions" issued within 20 business days of order being issued | | 88% | 88% | Target exceeded for the quarter |
| Requests for consideration (intermediate mergers): | | | | | | |
| Merger notices | Merger set down/heard in accordance with delivery timeframes | 75% of mergers heard within 10 business days of receiving the Commissions record | | 100% | 100% | Target exceeded for the quarter |
| Orders | Orders issued to parties in accordance with the delivery timeframes | 98% of orders issued within 10 business days of the last hearing date | | 100% | 100% | Target exceeded for the quarter |
| Reasons for Decision documents | Reasons for Decisions issued to parties in accordance with the delivery timeframes | 66% of "reason for decisions" issued within 20 business days of order being issued | | 0% | 0% | Reasons were issued in 1 matter only. The writing member and the case manager were involved in protracted hearings in another matter and confidentiality claims by third parties contributed to the delay. |
| To promote and maintain competition within South Africa by holding hearings and adjudicating matters brought before the Tribunal that pertain to large and intermediate mergers. Interim relief | | | | | | |

| | | | | | | | | | | |
|--|---|---|--|-------------------------------|--------------|---|---|-------|-----------------------|--|
| cases, procedural matters, opposed as well as unopposed prohibited practices within the adopted delivery timeframes. | Opposed Prohibited Practices: | | | | | | | | | |
| | Notice of set-downs | Pre-hearing invitations sent to parties in accordance with the delivery timeframes | 90% of pre-hearing invitations sent to parties within 20 business days of close of pleadings | 100% | 67% | 67% | 1 of 3 matters was late by 3 days. | | | |
| | Orders and reasons for decision documents | Orders and reasons for decisions issued to parties in accordance with the delivery timeframes | 80% of orders and reasons for decisions issued within 100 business days of the hearing date | 50% | 0% | 0% | Reasons were issued in 1 matter only. The delay can be attributed to several requests by the Tribunal after the hearing for additional data/information from the Commission and SCI relating to calculations (based on various assumptions); the complexity of the matter; the length of the actual hearing and the size of the record; as well as the large number of disputes between the respective industrial, financial and economic experts of the parties. | | | |
| | Consent Orders: | | | | | | | | | |
| | Orders | Orders issued to parties in accordance with the delivery timeframes | 76% of consent orders issued within 10 business days of the last hearing date | 98% | 100% | 100% | Target exceeded for the quarter | | | |
| | Procedural Matters: | | | | | | | | | |
| | Orders | Orders issued to parties in accordance with the delivery timeframes | 86% of orders issued within 20 business days of the last hearing date | 83% | 75% | 75% | The target was not met in 1 of the 4 cases where reasons were issued (target missed by 6 days). Delays in achieving targets occur because of the complexity of some of the points of law. In addition in some cases the decision is issued at the same time as the reasons thus leading to delays in meeting the target. | | | |
| | Interim Relief cases: | | | | | | | | | |
| | Reasons for Decision documents | Reasons for Decisions issued to parties in accordance with the delivery timeframes | 86% of "reasons for decisions" issued within 20 business days of the last hearing date | 0% | 100% | 100% | Target exceeded for the quarter | | | |
| | STAKEHOLDER AWARENESS | | | | | Prior year figures | Quarter 1 | Total | Reason for deviations | |
| Prior year budget: | R 651 937.80 | Current budget | R 780 341.14 | R 195 085.29 | R 780 341.14 | Budget divided equally across 4 quarters | | | | |
| Prior year actual | R 319 629.91 | Actual expenditure | | R 30 525.00 | R 30 525.00 | | | | | |
| Goal Statement: | Communicate the activities and decisions of the Competition Tribunal effectively. | | | | | | | | | |
| Strategic Outcome: | Educate and create awareness of Competition Matters to the Tribunal's stakeholders. | | | | | | | | | |
| STRATEGIC OBJECTIVE | OUTPUT | PERFORMANCE INDICATORS | | ANNUAL TARGET | | DEVIATIONS | | | | |
| | | Turnaround time for all the "reasons for decisions" to be posted on the website after release | | Prior year annual performance | | Annual performance | | | | |
| | | 97% of reasons for decisions posted on the Tribunal website within 24 hours of release | 69% | 83% | 83% | 4 of 24 reasons posted were late, 1 due to technical error and another due to confidentiality challenge | | | | |
| Tribunal Tribunes produced Stakeholders | Tribunal Tribunes distributed to Stakeholders | Three Tribunal Tribunes distributed by 31 March 2015 | 3 | 0.00 | 0.00 | No Tribunal Tribunes produced this quarter | | | | |

| | | | | | | | |
|--|---|--|---|-------------------------------|--------------|--------------------|---|
| <p>To educate and to create awareness of competition matters to our stakeholders by communicating the activities and decisions of the Competition Tribunal by way of the internet, press releases, the Government Gazette as well as internal publications within the adopted delivery timeframes.</p> | | | | 86 | 0.00 | 0.00 | No Tribunal Tribunes produced this quarter |
| | Notice of final merger decisions | 100% of the merger decisions issued sent to the Government Gazette for publishing within 20 days of the final decision | 100% of the merger decisions issued to the 50 stakeholders per issue by 31 March 2015 | 94% | 81% | 81% | 5 of 27 decisions sent to the printers late due to administrative oversight |
| | Press releases | Press releases issued for 75% of the final decisions in mergers issued by the Tribunal each quarter | Press releases issued for 75% of the final decisions in mergers issued by the Tribunal each quarter | 98% | 94% | 94% | Target exceeded for the quarter |
| | Press releases | Press releases issued for 100% of the final decisions in prohibited practice cases issued by the Tribunal each quarter | Press releases issued for 100% of the final decisions in prohibited practice cases issued by the Tribunal each quarter | 100% | 100% | 100% | Target met for the quarter |
| Strategic Focus Area 3 | | OPERATIONAL EFFECTIVENESS | | | Quarter 1 | Total | REASON FOR DEVIATIONS |
| | Prior year budget: | R 1 581 789.49 | Current budget | R 1 458 335.02 | R 364 583.76 | R 1 458 335.02 | Budget divided equally across 4 quarters |
| | Prior year actual | R 1 042 829.88 | Actual expenditure | | R 612 436.17 | R 612 436.17 | |
| | Enhance the expertise of Tribunal staff. | | | | | | |
| | Improve the service of the Tribunal to our customers. | | | | | | |
| | Strengthen the Tribunal's organisational capability and performance to deliver on its legislative mandate | | | | | | |
| STRATEGIC OBJECTIVE | OUTPUT | PERFORMANCE INDICATORS | ANNUAL TARGET | QUARTERLY TARGET | | Annual performance | DEVIATIONS |
| | | | | Prior year annual performance | Q1 | | |
| To enhance the expertise of Tribunal members and staff by sending them on planned international as well as local conferences and training courses. | Training feedback form | Conferences and training courses attended | Tribunal members and research staff attend 75% of the budgeted international and national conferences/workshops and training courses by 31 March 2015 | 144.12% | 88.89% | 22.22% | Target exceed for the quarter but not for the year |