

THE COMPETITION TRIBUNAL

PERFORMANCE REPORT

1st APRIL 2015 – 30th JUNE 2015

Reviewed for submission by :

Lerato Motaung (Registrar)



Signature:

Date:

3/8/2015

Reviewed and verified for approval by :

Janeen de Klerk (Chief Operating Officer)



Signature:

Date:

3/8/2015

Approved by

Norman Manoim (Chairperson)



Signature:

Date:

3/8/2015

THE COMPETITION TRIBUNAL - 1st APRIL 2015 - 31st MARCH 2016

| Strategic Focus Area 1: | | ADJUDICATIVE EXCELLENCE | | | REASON FOR DEVIATIONS | | | |
|-------------------------------|---|---|---|---------------|-------------------------------|---------------------|--|--|
| | | Current budget | R 20 904 294,88 | Quarter 1 | R 5 226 073,72 | Total | R 20 904 294,88 | |
| Goal Statement: | | Actual expenditure | | | R 4 489 149,23 | | Budget divided equally across 4 quarters | |
| Strategic Outcome: | | To ensure effective and efficient adjudication on matters brought before the Tribunal | | | | | | |
| STRATEGIC OBJECTIVE | STRATEGIC OBJECTIVE STATEMENT | OUTCOME | PERFORMANCE INDICATORS | ANNUAL TARGET | Prior year annual performance | QUARTERLY TARGET Q1 | ANNUAL performance | DEVIATIONS |
| CASE MANAGEMENT EFFICIENCY | Matters brought before the Tribunal are heard within the adopted delivery time frames | Hearings are set down within required time frames | % of large mergers to be set down for the beginning of a hearing or a pre-hearing within 10 business days of the filing of the merger referral | 75% | 80% | 94% | 94% | Target exceeded |
| | | | % of intermediate mergers to be set down for the beginning of a hearing or a pre-hearing within 10 business days of the filing of the merger referral | 75% | 75% | 0% | 0% | 2 of the 3 matters set down outside the turnaround time were set in accordance with the availability of the parties, in the remaining matter an administrative oversight caused the Tribunal not to meet the required 10 day period. |
| | | | % of large merger orders issued to parties within 10 business days of last hearing date | 95% | 100% | 100% | 100% | Target exceeded |
| | | | % of large merger reasons issued to parties within 20 business days of order being issued | 70% | 100% | 97% | 97% | Target exceeded |
| | | | % of intermediate merger orders issued to parties within 10 business days of last hearing date | 95% | 86% | 100% | 100% | Target exceeded |
| TIMEOUS ISSUING OF JUDGEMENTS | Improvement in the issuing of judgements/decisions in line with adopted time frames | Expeditious conclusion of matters | % of intermediate merger reasons issued to parties within 20 business days of order being issued | 60% | 0% | 75% | 75% | Target exceeded |

| | | | | | | | | |
|---------------------------------|--|---|--|---|------------|--|--|--|
| TIMEOUS ISSUING OF JUDGEMENTS | Improvement in the issuing of Judgements/decisions in line with adopted time frames | Expeditious conclusion of matters | Reasons for prohibited practice cases issued to parties in accordance with delivery timeframes per category: A, B or C | A - 100 business days | New target | No reasons issued | No reasons issued | No reasons issued |
| | | | % of procedural matter orders issued to parties within 20 business days of last hearing date | 85% | 87% | 50% | 50% | 2 orders were issued and 1 was out of time. The latter matter dealt with complex issues and considerable time needed to spent on drafting the reasons. |
| | | | % consent orders issued to parties within 10 business days of last hearing date | 90% | 100% | 100% | 100% | Target exceeded |
| EFFECTIVE BUSINESS APPLICATIONS | Enhance record keeping, performance and case flow management by harnessing facility and functionality of business applications | Improved management information to inform strategic decision making and access to historical data | Enhancement of case management system facility in line with project plan | (User Acceptance Testing of Case 360 Phase II development completed by December | New target | 4 out of 10 SOW fully implemented and 1 currently being tested | 10 SOW have been approved and are due for completion by end October 2015. Target partially met | |
| | | | Reduced reliance on manual performance reporting by 2020 according to agreed plan | Plan and process for reporting enhancement established and signed off by December | New target | Still in discussion phase | Target not met - still discussing process and plan | |
| | | | % interim relief reasons issued to parties within 20 business days of last hearing date | 100% | 100% | No reasons issued | No reasons issued | No reasons issued |

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| Strategic Focus Area 2: | | STAKEHOLDER RELATIONSHIPS | | | | REASON FOR DEVIATIONS |
|---|--|--|---|-------------------------------|---|---|
| | | Current budget | Quarter 1 | Total | | |
| Goal Statement: | | R 864 317.84 | R 216 079.46 | R 864 317.84 | Budget divided equally across 4 quarters | |
| Strategic Outcome: | | Actual expenditure | R 209 181.90 | | This reflects slight underspending but we expect the variance to reduce over time | |
| To build and develop effective stakeholder relationships | | | | | | |
| STRATEGIC OBJECTIVE | STRATEGIC OBJECTIVE STATEMENT | PERFORMANCE INDICATORS | ANNUAL TARGET | Prior year annual performance | QUARTERLY TARGET Q1 | DEVIATIONS |
| ENSURE RELEVANT COMMUNICATION TO STAKEHOLDERS | Ensure that an integrated communication plan is developed and implemented | Communication Plan developed and implemented in line with EXCO requirements and agreed timeframes | Communication plan approved by EXCO by September 2015 | New target | Draft version submitted to COO for review | Partially met |
| MAINTAIN AND ENHANCE THE PRESENCE AND PROFILE OF THE TRIBUNAL | Ensure communication pertaining to final decisions in mergers and prohibited practice cases are made public within adopted delivery timeframes | % press releases of final merger decisions communicated within 2 business days of order date | 75% | 100% | 100% | Target exceeded |
| | | % press releases of prohibited practice decisions communicated within 2 business days of order date | 100% | 90% | No prohibited practice orders issued | No prohibited practice orders issued |
| | | % of non confidential version (ncv) of reasons posted on website within 2 business days of issue date of ncv | 75% | New target | 96% | 96% |
| IMPROVE STAKEHOLDER DELIVERY | Identify and address stakeholder needs and expectations in order to meet or exceed requirements | Number of Tribunal Tribune published annually | 3 | 3.00 | 1 | Target met for quarter but not for year |
| | | Number of Tribunal Tribune distributed according to agreed distribution list | 56 | 56% | 56 | Target met for quarter but not for year |
| | | Assess actions required and develop plan to implement | Planned and implemented actions against stakeholder satisfaction survey results | New target | No progress made to date | Target not met for quarter |

