

**THE COMPETITION TRIBUNAL**  
**THIRD QUARTER PERFORMANCE REPORT**

**1st APRIL 2014 – 31st December 2014**

**Reviewed for submission by :**

Lerato Motaung (Registrar)



**Signature:**

**Date:** 2/2/2015

Ann Slavín (Head of Corporate Services)



**Signature:**

**Date:** 03/02/15.

Lufuno Ramaru (Executive Administrator)



**Signature:**

**Date:** 02.02.2015.

**Reviewed and verified for approval by :**

Janeen de Klerk (Chief Operating Officer)



**Signature:**

**Date:** 2/2/2015

**Approved by**

Norman Manoim (Chairperson)



**Signature:**

**Date:** 3/2/2015

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

Strategic Focus Area 1:		TRIBUNAL HEARINGS AND DECISIONS		Quarter 1	Quarter 2	Quarter 3	Total	REASON FOR DEVIATIONS	
Prior year budget:	R 18 294 005.60	Current budget	R 16 694 225.18	R 4 173 556.30	R 4 173 556.30	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 3 703 255.29	R 4 499 629.30	R 12 132 982.59	It is difficult to predict the costs associated with the adjudicative process and we expect to get closer to the budget by year end	
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	ANNUAL TARGET			QUARTERLY TARGET			DEVIATIONS
			Prior year annual performance	Q1	Q2	Q3	Annual performance		
<b>Large Mergers:</b>									
Merger notices	Merger set down (heard) in accordance with delivery timeframes	75% of mergers heard within 10 business days of the filed merger	74%	67%	77%	90%	67%	Target exceeded for the quarter	
	Orders issued to parties in accordance with the delivery timeframes	98% of orders issued within 10 business days of the last hearing date	10%	100%	100%	100%	100%	Target exceeded for the quarter	
	Reasons for Decisions issued to parties in accordance with the delivery timeframes	56% of "reason for decisions" issued within 20 business days of order being issued	82%	88%	94%	84%	88%	Target exceeded for the quarter	
<b>Requests for consideration (intermediate mergers):</b>									
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%	No matters heard	No matters were heard	100%	No matters heard	
	Orders issued to parties in accordance with the delivery timeframes	98% of orders issued within 10 business days of the last hearing date	No orders were issued during the target period	100%	No orders issued	No orders were issued	100%	No orders issued	
	Reasons for Decisions issued to parties in accordance with the delivery timeframes	56% of "reason for decisions" issued within 20 business days of order being issued	No reasons were issued during the target period	0%	No reasons issued this quarter	No reasons were issued this quarter	0%	No reasons issued this quarter	

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%	No prehearing invites sent	0%	67%	No prehearing invites sent				
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%	No orders/reasons issued	67%	0%	No orders /reasons issued				
Consent Orders:												
Orders	Orders issued to parties in accordance with the delivery timeframes	75% of consent orders issued within 10 business days of the last hearing date	98%	100%	100%	100%	100%	Target exceeded for the quarter				
Procedural Matters:												
Orders	Orders issued to parties in accordance with the delivery timeframes	85% of orders issued within 20 business days of the last hearing date	83%	75%	100%	80%	88%	Target exceeded for the quarter				
Interim Relief cases:												
Reasons for Decision documents	Reasons for Decisions issued to parties in accordance with the delivery timeframes	85% of "reasons for decisions" issued within 30 business days of the last hearing date	0%	100%	No reasons issued this quarter	No reasons issued this quarter	100%	No reasons issued this quarter				
Strategic Focus Area 2:												
STAKEHOLDER AWARENESS												
Prior year budget:	R 651 937.80	Current budget	R 780 341.14	Quarter 1	R 195 085.29	Quarter 2	R 195 085.29	Quarter 3	R 195 085.29	Total	R 780 341.14	Reason for deviations
Prior year actual	R 319 629.91	Actual expenditure			R 30 525.00		R 42 694.36		R 36 053.49		R 109 272.85	Budget divided equally across 4 quarters The budget included the salary of the Communications Officer but this has not been reallocated to this line item yet
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	QUARTERLY TARGET			DEVIATIONS					
			Prior year annual performance	Q1	Q2	Q3	Annual performance					
"Reasons for Decision" documents	Turnaround time for all the "reasons for decisions" to be posted on the website after release	97% of reasons for decisions posted on the Tribunal website within 24 hours of release	69%	83%	90%	75%	85%	7 out of 25 reasons were posted on the website late as the website was being upgraded and was offline for a few days				
Tribunal Tribunes produced	Tribunal Tribunes distributed to Stakeholders	Three Tribunal Tribunes distributed by 31 March 2015	3	0.00	1.00	0.00	1.00	Target exceeded for quarter but not for year to date				



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.	Notice of final merger decisions	Merger decisions published in the Government Gazette	Tribunal Tribunes distributed to 60 stakeholders per issue by 31 March 2015	86	0.00	55.00	0.00	55.00	Target exceeded for quarter but not for year to date
	Press releases	Press releases of final decisions in merger cases issued to the media	100% of the merger decisions issued sent to the Government Gazette for publishing within 20 days of the final decision	94%	81%	96%	96%	91%	1 of 24 decisions sent to the printers late due to administrative oversight
	Press releases	Press releases of final decisions in prohibited practice cases issued to the media	Press releases issued for 76% of the final decisions in mergers issued by the Tribunal each quarter	98%	94%	97%	97%	96%	Target exceeded for quarter but not for year to date
	Press releases	Press releases of final decisions in prohibited practice cases issued to the media	Press releases issued for 100% of the final decisions in prohibited practice cases issued by the Tribunal each quarter	100%	100%	83%	86%	87%	We failed to send a press release for the 4 complaint referral cases as prior discuss with the media indicated that there was little interest in these matters
Strategic Focus Area 3	OPERATIONAL EFFECTIVENESS			Quarter 1	Quarter 2	Quarter 3	Total	REASON FOR DEVIATIONS	
	Prior year budget:	R 1 581 789.49	Current budget	R 1 458 335.02	R 364 583.76	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 74 411.32	R 253 289.25	R 940 136.74	While the quarter is underspent we expect to be closer to budget by year end	
Goal Statement:	Enhance the expertise of Tribunal staff.								
Strategic Outcome:	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	Q2			Q3
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%	100.00%	190.00%	100.00%	Target exceed for the quarter and for the year. A number of new staff were appointed prior to year end last year and they have required training on certain functions and legislative requirements

**THE COMPETITION TRIBUNAL**  
**THIRD QUARTER PERFORMANCE REPORT**  
**1st APRIL 2014 – 30th September 2014**

**Reviewed for submission by :**

Lerato Motaung (Registrar)

**Signature:**

**Date:**

Ann Slavin (Head of Corporate Services)

**Signature:**

**Date:**

Lufuno Ramaru (Executive Administrator)

**Signature:**

**Date:**

**Reviewed and verified for approval by :**

Janeen de Klerk (Chief Operating Officer)

**Signature:**

**Date:**

**Approved by**

Norman Manoim (Chairperson)

**Signature:**

**Date:**