

**THE COMPETITION TRIBUNAL**

**PERFORMANCE REPORT**

**1st APRIL 2016 – 31st MARCH 2017**

**QUARTER 1 to QUARTER 3**

**Reviewed for submission by:**

Lerato Motaung (Registrar)



Signature:

Date: 30/1/2017

**Reviewed and verified for approval by:**

Janeen de Klerk (Chief Operating Officer)



Signature:

Date: 30/1/2017

**Approved by**

Norman Mandoim (Chairperson)



Signature:

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STRATEGIC FOCUS AREA 1		ADJUDICATIVE EXCELLENCE				REASON FOR DEMERITS			
CURRENT BUDGET		QUARTER 1		QUARTER 2		QUARTER 3		YEAR TO DATE	
ACTUAL PERFORMANCE		R 11 490 120.23		R 4 581 594.25		R 4 581 594.25		R 18 654 312.23	
GOAL STATEMENT		R 15 387 582.22		R 4 949 872.53		R 5 452 311.9		R 18 387 312.23	

THE BUDGET IS BASED ON AN ESTIMATE OF THE NUMBER OF CASES AND CHARGES TO BE SECURED IN EACH PROCEEDING

TO ENSURE EFFECTIVE AND EFFICIENT ADJUDICATION ON MATTERS BROUGHT BEFORE THE TRIBUNAL

STRATEGIC SUBJECT	STRATEGIC OBJECTIVE STATEMENT	OUTCOME	PRIORITY RATIONALE	ANNUAL TARGET		PERFORMANCE YEAR TO DATE		EXPLANATION FOR DEMERITS	
				PERFORMANCE YEAR TO DATE	PERFORMANCE YEAR TO DATE	PERFORMANCE YEAR TO DATE	PERFORMANCE YEAR TO DATE		
Tribunal members' availability	Implement the testing of the new system in line with the agreed flow process	Expedient resolution of matters	Ensure for prohibited grounds cases issued for reasons in accordance with authority and compliance per category A, B or C	A - 100 business days	No reasons issued	A - 100 business days	No reasons issued	No reasons issued	No reasons issued
				B - 125 business days	No reasons issued	B - 125 business days	0%	100%	80%
				C - 150 business days	100%	C - 150 business days	0%	No reasons issued	100%
				80%	73%	80%	7%	43%	27%
				90%	86%	90%	100%	100%	100%
				100%	No reasons issued	100%	No reasons issued	No reasons issued	No reasons issued
EFFECTIVE BUSINESS APPLICATIONS	Enhance record keeping, performance and case flow management by harvesting data and functionality of business applications	Improved management information to inform strategic decision making and access to historical data	Enhancement of case management system functionality with project plan	Phase 2 fully implemented and operative by March 2016	Phase 2 fully implemented and operative by March 2016	Annual not quantity target	Annual not quantity target	Annual not quantity target	Annual not quantity target
				20% of agreed plan implemented by March 2017	20% of agreed plan implemented by March 2017	Annual not quantity target	Annual not quantity target	Annual not quantity target	Annual not quantity target
				2000 matters being reduced	2000 matters being reduced	Annual not quantity target	Annual not quantity target	Annual not quantity target	Annual not quantity target

Target not met for quarter and year to date. A total of 14 decisions issued were late. The shortest period out of time being 8 days and the longest being 48 days. 60% of the reasons are late by 25 days or less with the remaining 40% are more than 25 days overdue. The delay in the issuing of reasons is a result of the lack of capacity amongst Tribunal members. Tribunal members find little time to focus on decision writing as they are required to sit on numerous panels.

Target exceeded for quarter and year to date

Target exceeded for quarter and year to date

No reasons issued

Upgraded system to latest version and testing of Tribunal portal required going forward

Electronic data being verified against form work and comparing to data in manual systems to ensure accuracy of data

Preparing documents to be distributed to service providers to bid for work on the Tribunal through program phase

Electronic data being verified against form work and comparing to data in manual systems to ensure accuracy of data

Focus on increasing the number of cases referred to manual report development



**STRATEGIC FOCUS AREA 2 - QUARTER 3 - 2016/2017**

STRATEGIC FOCUS AREA 1		STAKEHOLDER RELATIONSHIPS				CURRENT BUDGET				QUARTER 1				QUARTER 2				QUARTER 3				YEAR TO DATE				REASON FOR DEVIATIONS			
		CURRENT BUDGET		ACTUAL EXPENDITURE		R 1021 628 53		R 258 051 38		R 241 931 15		R 356 058 39		R 259 457 78		R 218 198 53		R 218 003 30		R 218 003 30		Budget: 5m253 equity across 4 quarters		Late advance in the schedule as opposed to remain close to budget					
GOAL STATEMENT		TO BUILD AND DEVELOP EFFECTIVE STAKEHOLDER RELATIONSHIPS																											
STRATEGIC OUTCOME		ANNUAL TARGET		PERFORMANCE		TARGET		PERFORMANCE		TARGET		PERFORMANCE		TARGET		PERFORMANCE		TARGET		PERFORMANCE		TARGET		PERFORMANCE		ANNUAL PERFORMANCE YEAR TO DATE			
STRATEGIC OBJECTIVE		PERFORMANCE INDICATORS		OUTCOME		STRATEGIC OBJECTIVE STATEMENT		OUTCOME		PERFORMANCE INDICATORS		STRATEGIC OBJECTIVE STATEMENT		OUTCOME		PERFORMANCE INDICATORS		STRATEGIC OBJECTIVE STATEMENT		OUTCOME		PERFORMANCE INDICATORS		STRATEGIC OBJECTIVE STATEMENT		OUTCOME			
ENSURE EFFECTIVE COMMUNICATION TO STAKEHOLDERS	Ensure that an effective communication plan is developed and implemented	Communication Plan reviewed and changes implemented in line with EXCO requirements and agreed timelines	Implementation plan agreed against milestones by March 2017	Implement plan against agreed milestones	Annual not quarterly target	Progress being made with regard to implementation of agreed projects	Annual not quarterly target	Progress being made with regard to implementation of agreed projects	Annual not quarterly target	Quarterly report provided to COO on progress and where necessary released in dashboard report	Annual not quarterly target	Quarterly report provided to COO on progress and where necessary released in dashboard report	Annual not quarterly target	Quarterly report provided to COO on progress and where necessary released in dashboard report	Annual not quarterly target	Communication plan to be approved by fourth quarter, continue to increase media exposure													
	A structured and focused process to create and enhance awareness of the work of the Tribunal																												
MAINTAIN AND ENHANCE THE PRESENCE AND PROFILE OF THE TRIBUNAL	Ensure that press releases of first decisions in merger and public utility cases are made available to stakeholders	% press releases of first decisions communicated within 2 business days of order date	75%	85%	75%	100%	100%	97%	100%	100%	100%	100%	100%	100%	Target exceeded for quarter and year to date														
	Ensure communication pertaining to first decisions in mergers and public utility cases are made available to stakeholders	% press releases of prohibited practice decisions communicated within 2 business days of order date	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	The delay was a result of a housekeeping error and has been rectified														
IMPROVE STAKEHOLDER DELIVERY	Identify and address stakeholder needs and expectations in order to meet or exceed requirements	Number of Tribunal Tribunal published annually	Remove by EXCO in order to develop electronic newsletter	3.00	75%	80%	70%	87%	70%	70%	70%	70%	70%	Target removed by EXCO in order to develop an electronic newsletter															
	Level of stakeholder satisfaction	Number of Tribunal Tribunal distributed according to agreed distribution list	Remove by EXCO in order to develop electronic newsletter	5	75%	80%	70%	87%	70%	70%	70%	70%	70%	Target removed by EXCO in order to develop an electronic newsletter															

**STRATEGIC FOCUS AREA 3 - QUARTER 3 - 2016/2017**

STRATEGIC FOCUS AREA 3:		ACCOUNTABLE, TRANSPARENT AND SUSTAINABLE ENTITY		CURRENT		QUARTER 1		QUARTER 2		QUARTER 3		YEAR TO DATE		REASONS FOR DEVIATIONS	
		CURRENT BUDGET		R 4 231 022 44		R 4 231 022 44		R 4 231 022 44		R 4 231 022 44		R 4 231 022 44		Budget shows equity across 4 quarters	
		ACTUAL EXPENDITURE		R 4 457 413 31		R 4 457 413 31		R 4 457 413 31		R 4 457 413 31		R 4 457 413 31		We expect the budget to increase as we incur expenses related to both internal and external audit for the year end	
<b>TO ENSURE THE TRIBUNAL HAS EFFECTIVE STRATEGIC LEADERSHIP, ADMINISTRATION AND MANAGEMENT THROUGH ADHERENCE TO GOOD GOVERNANCE AND SOUND BUSINESS PRACTICE.</b>															
STRATEGIC OBJECTIVE	STRATEGIC OBJECTIVE STATEMENT	OUTCOME	PERFORMANCE INDICATORS	ANNUAL TARGET		PERFORMANCE		PERFORMANCE		PERFORMANCE		ANNUAL PERFORMANCE		EXPLANATIONS FOR DEVIATIONS	
				Q1	Q2	Q1	Q2	Q1	Q2	Q1	Q2	Q1-2	Q1-2-3		
<b>GOOD GOVERNANCE</b>	Process the budget of expenditure in the appropriate and prudent manner	Accurate and transparent Public Entity	Achieve an Unqualified Audit Outcome year on year	Unqualified audit - no issues of governance raised	Annual target met for second quarter	Unqualified audit - no issues of governance raised	Final report - no issues of governance raised	Unqualified audit - no issues of governance raised	Final management report for 2016/2016 - no issues of governance raised	Unqualified audit - no issues of governance raised	Final management report for 2016/2016 - no issues of governance raised	Unqualified audit - no issues of governance raised	Final management report for 2016/2016 - no issues of governance raised	Target met for year to date	
	Maintain effective oversight structures that promote solid business practice	Sound Business Practice	Achieve an Unqualified Audit Outcome year on year	Unqualified audit - no issues of governance raised	Annual target met for second quarter	Unqualified audit - no issues of governance raised	Final report - no issues of governance raised	Unqualified audit - no issues of governance raised	Final management report for 2016/2016 - no issues of governance raised	Unqualified audit - no issues of governance raised	Final management report for 2016/2016 - no issues of governance raised	Unqualified audit - no issues of governance raised	Final management report for 2016/2016 - no issues of governance raised	Target met for year to date	
	Ensure financial management and reporting is accurate and efficient use of resources	Optimal financial resources allocation and utilization	Achieve an Unqualified Audit Outcome year on year	Unqualified audit - no issues of governance raised	Annual target met for second quarter	Unqualified audit - no issues of governance raised	Final report - no issues of governance raised	Unqualified audit - no issues of governance raised	Final management report for 2016/2016 - no issues of governance raised	Unqualified audit - no issues of governance raised	Final management report for 2016/2016 - no issues of governance raised	Unqualified audit - no issues of governance raised	Final management report for 2016/2016 - no issues of governance raised	Target met for year to date	
<b>EFFECTIVE MANAGEMENT OF THE BUDGET</b>	Ensure financial management and reporting is accurate and efficient use of resources	Compliance to requirements as an accountable transparent institution	Submit report on requirements for May submission	Final report - no material misstatements	Annual target met for second quarter	Final report - no material misstatements	Final report - no material misstatements	Final report - no material misstatements	Final management report for 2016/2016 - no material misstatements	Final report - no material misstatements	Final management report for 2016/2016 - no material misstatements	Final report - no material misstatements	Final management report for 2016/2016 - no material misstatements	Target met for year to date	
	Ensure a sound control environment and monitor	Integrated risk management processes and controls assurance	Achieve an Unqualified Audit Outcome year on year	Unqualified audit - no issues of risk management raised	Annual target met for second quarter	Unqualified audit - no issues of risk management raised	Final report - no risk management issues raised	Unqualified audit - no issues of risk management raised	Final management report for 2016/2016 - no risk management issues raised	Unqualified audit - no issues of risk management raised	Final management report for 2016/2016 - no risk management issues raised	Unqualified audit - no issues of risk management raised	Final management report for 2016/2016 - no risk management issues raised	Target met for year to date	
<b>FINANCIAL GOVERNANCE AND REPORTING</b>	Ensure a sound control environment and monitor	Compliance to requirements as an accountable transparent institution	Submit report on requirements for May submission	Final report - no material misstatements	Annual target met for second quarter	Final report - no material misstatements	Final report - no material misstatements	Final report - no material misstatements	Final management report for 2016/2016 - no material misstatements	Final report - no material misstatements	Final management report for 2016/2016 - no material misstatements	Final report - no material misstatements	Final management report for 2016/2016 - no material misstatements	Target met for year to date	
	Ensure a sound control environment and monitor	Integrated risk management processes and controls assurance	Achieve an Unqualified Audit Outcome year on year	Unqualified audit - no issues of risk management raised	Annual target met for second quarter	Unqualified audit - no issues of risk management raised	Final report - no risk management issues raised	Unqualified audit - no issues of risk management raised	Final management report for 2016/2016 - no risk management issues raised	Unqualified audit - no issues of risk management raised	Final management report for 2016/2016 - no risk management issues raised	Unqualified audit - no issues of risk management raised	Final management report for 2016/2016 - no risk management issues raised	Target met for year to date	
<b>SUSTAINABLE CAPACITY</b>	Ensure that the Tribunal effectively increases employee skills by providing training and developing high quality people	Strengthen the Tribunal's operational capacity and performance to deliver on its legislative mandate	Implementation of Case Management Operations Strategy action plan	Operational capacity - no issues of risk management raised	Annual target met for second quarter	Operational capacity - no issues of risk management raised	Final report - no risk management issues raised	Operational capacity - no issues of risk management raised	Final management report for 2016/2016 - no risk management issues raised	Operational capacity - no issues of risk management raised	Final management report for 2016/2016 - no risk management issues raised	Operational capacity - no issues of risk management raised	Final management report for 2016/2016 - no risk management issues raised	Target met for year to date	
	Ensure that the Tribunal effectively increases employee skills by providing training and developing high quality people	Strengthen the Tribunal's operational capacity and performance to deliver on its legislative mandate	Implementation of Case Management Operations Strategy action plan	Operational capacity - no issues of risk management raised	Annual target met for second quarter	Operational capacity - no issues of risk management raised	Final report - no risk management issues raised	Operational capacity - no issues of risk management raised	Final management report for 2016/2016 - no risk management issues raised	Operational capacity - no issues of risk management raised	Final management report for 2016/2016 - no risk management issues raised	Operational capacity - no issues of risk management raised	Final management report for 2016/2016 - no risk management issues raised	Target met for year to date	