

**THE COMPETITION TRIBUNAL
PERFORMANCE REPORT**

1st APRIL 2017 – 31st MARCH 2018

QUARTER 2

Reviewed for submission by :

Lerato Motaung (Registrar)




Signature:

Date: 3/10/2017

Reviewed and verified for approval by :

Janeen de Klerk (Chief Operating Officer)



Signature:

Date: 3/11/2017

Approved by

Norman Manojm (Chairperson)



Signature:

Date:

STRATEGIC FOCUS AREA 1:		ADJUDICATIVE EXCELLENCE		QUARTER 1		QUARTER 2		YEAR TO DATE		REASON FOR DEVIATIONS	
		CURRENT BUDGET	R 26,060,298.00	R 6,930,076.00	R 6,156,643.00	R 13,093,719.00					
		ACTUAL EXPENDITURE	R 12,362,366.35	R 5,875,401.75	R 6,486,964.60	R 12,362,366.35					The budget is based on an estimate of the volume of cases and variances will occur as we cannot predict volume
GOAL STATEMENT											
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	TARGET Q1	PERFORMANCE Q1	TARGET Q2	PERFORMANCE Q2	ANNUAL PERFORMANCE YEAR TO DATE	EXPLANATIONS FOR DEVIATIONS
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	No reasons issued	A - 100 business days	No reasons issued	A - 100 business days	No reasons issued	No reasons issued	No reasons were issued and target cannot be measured
				B - 125 business days	66.67%	B - 125 business days	100%	B - 125 business days	No reasons issued	Target cannot be measured for current quarter but exceeded for year to date.	
				C - 150 business days	50%	C - 150 business days	No reasons issued	C - 150 business days	No reasons issued	No reasons were issued and target cannot be measured	
				% of procedural matter orders issued to parties within 20 business days of last hearing date	65%	60%	65%	59%	7 out of the 17 orders were issued late due to reasons - some matters were highly complex and traversed new procedural ground thus requiring a large amount of time to write. Other cases involved difficult issues of law and fact and the drafting of reasons was therefore not straightforward. 2 matters exceeded the turnaround time by 15 days or less, 4 exceeded it by between 50 and 90 days and 1 exceeded it by over 90 days		
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	Feasibility study of automation opportunities completed by December 2016	It was established that updates were possible and as a result no feasibility study was undertaken. We are currently leading the final update and will then be in a position to determine what enhancements are required and can be implemented. The target will therefore be removed or revised in 2017/2018	Annual not quarterly target	Not measured or reported on	Annual not quarterly target	Preparing documents to be distributed to service providers to bid for assisting the Tribunal through a migration phase	Not measured or reported on	We have requested permission from EDD to redefine these targets as they were incorrectly stated and approved in the Annual Performance Plan for the period ending 31st March 2018
				25% of agreed plan implemented by March 2017	An informal as opposed to formal agreed plan for electronic reporting was agreed and we have been working on these so as to reduce the reliance on manual systems. Enhancements are implemented as we progress and new reports are being tested. This target will be removed or revised in 2017/2018	Annual not quarterly target	Not measured or reported on	Annual not quarterly target	Electronic data being verified straight from system and contributing to look at new ways of using technology and decreasing reliance on manual systems	Not measured or reported on	We have requested permission from EDD to redefine these targets as they were incorrectly stated and approved in the Annual Performance Plan for the period ending 31st March 2018
				Reduced reliance on manual performance reporting by 2020 according to agreed plan		Annual not quarterly target	Not measured or reported on	Annual not quarterly target		Not measured or reported on	

STRATEGIC FOCUS AREA 2 - QUARTER 2 - 2017/2018

STRATEGIC FOCUS AREA 1:		STAKEHOLDER RELATIONSHIPS		CURRENT BUDGET		QUARTER 1		QUARTER 2		YEAR TO DATE		REASON FOR DEVIATIONS	
GOAL STATEMENT		TO BUILD AND DEVELOP EFFECTIVE STAKEHOLDER RELATIONSHIPS											
STRATEGIC OUTCOME													
STRATEGIC OBJECTIVE	STRATEGIC OBJECTIVE STATEMENT	OUTCOME	PERFORMANCE INDICATORS	ANNUAL TARGET	PRIOR YEAR ANNUAL PERFORMANCE	TARGET	PERFORMANCE	TARGET	PERFORMANCE	ANNUAL PERFORMANCE	EXPLANATIONS FOR DEVIATIONS		
ENSURE RELEVANT COMMUNICATION TO STAKEHOLDERS	Ensure that an integrated communication plan is developed and implemented	A structured and focussed process to create and enhance awareness of the work of the Tribunal	Communication Plan reviewed and changes implemented in line with EXCO requirements and agreed timetables	Implement plan against agreed timetables by March 2017	Document referred to as Communication Framework as opposed to Communication Plan. Framework was finalised and approved by the EXCO. Communication Officer now submits quarterly report and framework will be revised annually	Annual not quarterly target	Not measured or reported on	Annual not quarterly target	Not measured or reported on	Not measured or reported on	No communication plan was or will be developed - this document was revised to be a framework and will be reviewed on an annual basis. We have requested ED's permission to revise or remove this target as it was incorrectly stated in the APP		
			Monitored performance and implementation against improved plan	Report on implementation against plan by March 2017	Document not referred to as a plan but a procedure around communication no implementation plan just projects. Progress on these reported against quarterly. Communication framework finalised and approved by the EXCO	Annual not quarterly target	Not measured or reported on	Annual not quarterly target	Not measured or reported on	Not measured or reported on	No implementation plan has been devised and this target was incorrectly stated in the APP. A quarterly report will be distributed which will cover agreed aspects of the Tribunal's media coverage, outreach and projects. We have requested ED's permission to revise or remove it		
MAINTAIN AND ENHANCE THE PRESENCE AND PROFILE OF THE TRIBUNAL	Ensure communication pertaining to final decisions in mergers and public within adopted delivery timetables	Timely and compliant communication of adjudication outcomes	% press releases of final merger decisions communicated within 2 business days of order date	75%	99.05%	75%	100%	75%	100%	100%	Target met and exceeded for quarter and year to date. The target is not set at 100% as not all merger decisions will be newsworthy and a press release may not be required.		
			% press releases of prohibited practice decisions communicated within 2 business days of order date	100%	80.00%	100%	100%	100%	100%	No decisions issue in prohibited practice cases and therefore no press releases issued	100%	No decisions issue in prohibited practice cases and therefore no press releases issued	
ACTUAL EXPENDITURE		R 521,243 94		R 521,243 94		R 259,833 08		R 261,410 86		R 521,243 94		Little variance in this objective we expect it to remain close to budget	

STRATEGIC FOCUS AREA 3 - QUARTER 2 - 2017/2018

STRATEGIC FOCUS AREA 1:		ACCOUNTABLE, TRANSPARENT AND SUSTAINABLE ENTITY		QUARTER 1		QUARTER 2		YEAR TO DATE		REASON FOR DEVIATIONS	
		CURRENT BUDGET	R 9,630,508.71	R 2,164,219.12	R 2,660,293.11	R 4,824,512.23					
		ACTUAL EXPENDITURE	R 4,037,900.01	R 2,021,541.04	R 2,016,358.97	R 4,037,900.01	We expect the budget to increase as we incur expenses related to both internal and external audit for the year end				
<p>GOAL STATEMENT STRATEGIC OUTCOME TO ENSURE THE TRIBUNAL HAS EFFECTIVE STRATEGIC LEADERSHIP, ADMINISTRATION AND MANAGEMENT THROUGH ADHERENCE TO GOOD GOVERNANCE AND SOUND BUSINESS PRACTICE.</p>											
STRATEGIC OBJECTIVE	STRATEGIC OBJECTIVE STATEMENT	OUTCOME	PERFORMANCE INDICATORS	ANNUAL TARGET	PRIOR YEAR ANNUAL PERFORMANCE	TARGET	PERFORMANCE	TARGET	PERFORMANCE	ANNUAL PERFORMANCE YEAR TO DATE	EXPLANATIONS FOR DEVIATIONS
GOOD GOVERNANCE	Increase the level of compliance with the principles of good governance	Accountable and transparent Public Entity	Achieve an unqualified Audit Outcome year on year	Unqualified audit – no issues of governance raised	Final management report for 2016/2017 - no issues of governance raised	Annual target set for second quarter	Draft report indicates we will receive a clean report for 2016/2017 and no issues of governance raised	Unqualified audit - no issues of governance raised	Clean audit for 2016/2017 - no issues of governance raised	Clean audit for 2016/2017 - no issues of governance raised	Target exceeded for year to date
EFFECTIVE OVERSIGHT STRUCTURES	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	Final management report for 2016/2017 - no issues of governance raised	Annual target set for second quarter	Draft report indicates we will receive a clean report for 2016/2017 and no material misstatements	Unqualified audit - no issues of governance raised	Clean audit for 2016/2017 - no issues of governance raised	Clean audit achieved for 2016/2017 financial year	Target exceeded for year to date
EFFECTIVE MANAGEMENT OF THE BUDGET	Ensure financial management that promotes effective and efficient use of resources	Optimal financial resource allocation and utilisation	Achieve an unqualified Audit Outcome year on year	Unqualified audit-no findings of fruitless/wasteful expenditure	Fruitless and wasteful expenditure disclosed in final AFS for 2016/2017	Annual target set for second quarter	Draft report indicates we will receive a clean report for 2016/2017 and no fruitless/wasteful expenditure disclosed	Unqualified audit - no findings of fruitless and wasteful expenditure raised	Clean audit for 2016/2017 - no findings of fruitless and wasteful expenditure	Clean audit for 2016/2017 - no findings of fruitless and wasteful expenditure	Target exceeded for year to date
FINANCIAL GOVERNANCE AND REPORTING	Ensure a sound control environment and monitor	Compliance to requirements as an accountable, transparent institution	No material misstatements for May submission Submission against annual deadline	Annual reporting submission dates met May and July	Final management report for 2016/2017 - no material misstatements	Annual target set for second quarter	May 2017 submission deadline met	Unqualified audit - no risk management issues raised	Clean audit for 2016/2017 - no issues of risk management raised	Clean audit for 2016/2017 - no issues of risk management raised	Target exceeded for year to date
SUSTAINABLE CAPACITY	Ensure that the Tribunal effectively leverages employee skills by recruiting, retaining and developing high quality people	Strengthen the Tribunal's organisational capacity and performance to deliver on its legislative Mandate	Implementation of Case Management Graduate Internships against plan	Graduate Internship implemented	Implemented and currently 2 LT interns employed	Graduate Internship targets met plan requirements	2 LT interns appointed for the period 1st January 2017 to 31st December 2017	Graduate Internship targets met plan requirements	2 LT interns appointed for the period 1st January 2017 to 31st December 2017	2 LT interns appointed for the period 1st January 2017 to 31st December 2017	Target exceeded for year to date