### THE COMPETITION TRIBUNAL

### PERFORMANCE REPORT

### 1st APRIL 2017 - 31st MARCH 2018

#### **QUARTER 2**

Reviewed for submission by:

Lerato Motaung (Registrar)

Signature:

Date: 31/10/2017

Reviewed and verified for approval by:

Janeen de Klerk (Chief Operating Officer)

Signature:

Date: 3/11/2017

Norman Manoim (Chairperson)

Approved by

Signature:

Date:

## STRATEGIC FOCUS AREA 1 - QUARTER 2 - 2017/2018

	Issued		
% of intermediate and small merger consideration reasons issued to parties within 20 business days of order being	% of mary issue busic		
% of intermediate and small merger consideration orders issued to parties within 10 business days of last hearing date	Expeditious conclusion of matters	Improvement in the Issuing of judgements/decisions in line with adopted time frames	TIMEOUS ISSUING OF JUDGEMENTS
% of large merger reasons issued to parties within 20 business days of order being issued	% of la issued busine issued		
% of large merger orders sizsued to parties within 10 business days of last hearing date	% of issue busin date		
% of intermediate and small merger considerations to be set down for the beginning of a fearing or a pre-hearing within 10 business days of the filing of the request for consideration			
% 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	Hearings are set down within required time frames	Matters brought before the Tribunal are heard within the adopted delivery time frames	CASE MANAGEMENT
Total Section		e in a manual in a	Concord
PERFORMANCE ANNUAL TARGET	OUTCOME	STRATEGIC OBJECTIVE	STRATEGIC
			STRATEGIC DUTCOME
			GOAL STATEMENT
ACTUAL EXPENDITURE			
CURRENT BUDGET		The state of the s	
CE	ADJUDICATIVE EXCELLEN	S AREA 1:	STRATEGIC FOCUS AREA 1:
TOTAL TOTAL		ADJUDICATIVE EXCELLENCE CURRENT BUDGET	ADJUDICATIVE EXCELLENCE

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	Not measured or reported on	Electronic data being verified straight from system and continuing to look at new ways of using technology and decreasing relance on manual systems	Arrual not quarterly target	Not measured or reported on	Annual not quarterly target	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	25% of agreed plan implemented by March 2017	Reduced reliance on manual performance reporting by 2020 according to agreed plan	strategic decision making and access to historical data	management by narressing facility and functionality of business applications	APPLICATIONS
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	Not measured or reported on	Preparing documents to be distributed to service providers to bid for assisting the Tribunal through a migration phase	Annual not quarterly target	Not measured or reported on	B Annual not quarterly target	It was established that updates were possible and as a result no feasibility study was undertaken. We are currently testing the final update and will then be in a position to determine what enhancement is required and can be implemented. This target will therefore be removed or revised in 2017/2018.	Feasibility study of automation opportunities completed by December 2016	Enhancement of case management system facility in line with project plan	Improved management information to inform		EFFECTIVE BUSINESS
No reasons were issued and target cannot be measured	No reasons issued	No reasons issued	100%	No reasons issued	100%	0.00%	100%	% interim relief reasons issued to parties within 20 business days of last hearing date			
Target met for quarter and year to date and exceeded by 10%. The target is not set at 100% as we have to allow some leeway for delays in lesuing of orders in complex matters that require more time for consideration.	94.59	100%	%0e	50%	90%	100.00%	90%	% consent orders issued to parties within 10 business days of last hearing date			
Target not met for the quarter and year to date.  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	%es	59%	85%	60%	85%	26.19%	85%	% of procedural matter orders saued to parties within 20 business days of last hearing date	Expeditious conclusion of matters	improvement in the issuing or judgements/decisions in line with adopted time frames	TIMEOUS ISSUING OF JUDGEMENTS
No reasons were issued and target cannot be measured	No reasons issued	No reasons issued	C-150 business days	No neasons issued	C- 150 business days	50%	C- 150 businesa days	C minerializes but resembles, view			
Target cannot be measured for current quarter but exceeded for year to date.	100%	No reasons issued	B - 125 business days	100%	B - 125 business days	66.67%	B - 125 business days	Reasons for prohibited practice cases issued to parties in accordance with delivery the format of the parties o			
No reasons were issued and target cannot be measured:	No reasons issued	No reasons issued	A~ 100 busingss days	No reasons issued	A - 100 business days	No reasons issued	A - 100 business days				
	YEAR TO DATE	02	£	9	ō			INDICATIONS		O ALEMENT	Copecitive
EXPLANATIONS FOR DEVIATIONS	ANNUAL PERFORMANCE	PERFORMANCE	TARGET	PERFORMANCE	TARGET	PRIOR YEAR ANNUAL PERFORMANCE	ANNUAL TARGET	PERFORMANCE	OUTCOME	STRATEGIC OBJECTIVE	STRATEGIC
		TOKE THE TRIBUNA	KS BROUGH! BE	ON ON MAILER	CENT ADJUDICAT	TO ENSURE EFFECTIVE AND EFFICENT ADJUDICATION ON MATTERS BROUGHT BEFORE THE TRIBUNAL					STRATEGIC OUTCOME
										No. of the least	GOAL STATEMENT
The budget is based on an estimate of the volume of cases and variances will occur as we cannot predict volume	R 12,362,366 35	R 6,486,964.60		R 5,875,401.75		R 12,362 366.35	ACTUAL EXPENDITURE				
THE RESERVE TO SERVE THE PARTY OF THE PARTY	R 13,093,719.00	R 6,155,643.00		R 6,938.076.00		R 26.060,298.00	CURRENT BUDGET				ST TOWN
REASON FOR DEVIATIONS	YEAR TO DATE	QUARTER 2		QUARTER 1				LENCE	ADJUDICATIVE EXCELLENCE	S AREA 1:	STRATEGIC FOCUS AREA 1:

# STRATEGIC FOCUS AREA 2 - QUARTER 2 - 2017/2018

STRATEGIC FOCUS AREA 1:	11.	STAKEHOLDER RELATIONSHIPS	TIONSHIPS	THE WASTERN ST	STATE OF STREET		QUARTER 1		QUARTER 2	YEAR TO DATE	REASON FOR DEVIATIONS
			THE PERSON NAMED IN	CURRENT BUDGET	R 1,152,965.46		R 260,702.15		R 297,920.14	R 558,622.29	
				ACTUAL EXPENDITURE	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
GOAL STATEMENT											The second secon
STRATEGIC OUTCOME					TO BOILD WIND DEVELOR ELLECTIVE STANDEROLDEN NEEW TONORIES	OF ELLECTIVE OF	ANEGOLOGIA NEL	AHONORIFO			
SALVALE DO JEVALVALO	STRATEGIC OBJECTIVE	OHTOME	PERFORMANCE	ANNIIAI TABOET	PRIOR YEAR ANNUAL	TARGET	PERFORMANCE	TARGET	PERFORMANCE	ANNUAL	EVEL ANATIONS TOR DEVIATIONS
	STATEMENT		INDICATORS		PERFORMANCE	요	Q1	02	02	YEAR TO DATE	
ENSURE RELEVANT	Ensure that an integrated	A structured and focussed process to create and	Communication Plan reviewed and changes implemented in line with EXCO requirements and agreed timeframes	implement plan against agreed timeframes 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 larget	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 permision to revise or remove this target as it was incorrectly stated in the APP
STAKEHOLDERS	and implemented	enhance awareness of the work of the Tribunal	Monitored performance and implementation against improved plan	Report on implementation against plan by March 2017	Document not referred to as a pian but a framework and identifies policy and 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 EDD's permission to ravise or remove it.
MANTAIN AND ENHANCE THE	Ensure communication pertaining to final decisions in mergers and	Timely and compliant	% press releases of final merger decisions communicated within 2 business days of order date	75%	%50.66	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.
THE TRIBUNAL	pronibited practice cases are made public within adopted delivery timeframes	adjudication outcomes	% press releases of prohibited practice decisions communicated within 2 business days of order date	100%	%00.08	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

## STRATEGIC FOCUS AREA 3 - QUARTER 2 - 2017/2018

STRATEGIC FOCUS AREA 1:	A 1:	ACCOUNTABLE, TRAN	ACCOUNTABLE, TRANSPARENT AND SUSTAINABLE ENTITY	ABLE ENTITY	- Charles and Charles	Salar In the Salar	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 this budget to increase as we incur expenses related to both internal and external audit for the year end
GOAL STATEMENT		The state of the s	TO ENGLISH THE TOL	BLINIAL MAG EGEEOTINE GTBA		TANINI STRATION	AND MANAGEMENT T	CHARGE VOICE OF THE COMP.	ECCEPTIVE STRATEGIS I CADERSAID ADMINISTRATION AND MANAGEMENT TUROLICU ADURBENOE TO GOOD GOVERNANCE AND SOLIND BLISINESS DRACTICE	NOT AND COLIND BILE	EXECT DE ACTION
STRATEGIC OUTCOME											
STRATEGIC OBJECTIVE	STRATEGIC OBJECTIVE	ЭМОЭТИО	PERFORMANCE	ANNUAL TARGET	PRIOR YEAR ANNUAL	TARGET	PERFORMANCE	TARGET	PERFORMANCE	ANNUAL PERFORMANCE	EXPLANATIONS FOR DEVIATIONS
	SIAIEMENI		INDICATORS		PERFORMANCE	O1	Q	0.2	Q2	YEAR TO DATE	
GOOD GOVERNANCE	increase the level of compliance with the prescripts of good governance	Accountable and transparent Public Entity	Hony payiendur a seek eucopro Ordoome year on Jean	Unqualified audit – no issues of governance raised	Final management report for 2015/2016 - no issues of governance raised	Amual target set for second quarter	Draftireport 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	Meintain 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 2015/2016 - 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 mistatements	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	Ensure financial management that promotes effective and efficient use of resources	Optimat financial resource allocation and utilisation	Achleve an unqualified Audit Outcome year on year	Unqualified audit-no findings of fruitless Awasteful expenditure	Fruithess and wasteful expenditure disclosed in final AFS for 2015/2016	Annual larget 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 futrees and sessenditure raised	Clean audit for 2016/2017 - no findings of fruitless and wasteful expenditure	Clean sudit for 2016/2017 - no findings of futlless and wasteful expenditure	Target exceeded for year to date
		Compilance to requirements	No material misstatements for May submission	No material misstatement on May submission	Final management report for 2015/2016 - no material misstatements	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 material misstatements in May statements submitted	Clean audit - no material misstatements in May statements submitted	Clean audit - no material misstatements in May statements submitted	Target exceeded for year to date
FINANCIAL GOVERNANCE AND REPORTING	Ensure a sound control environment and monitor	transparent institution	Submission against annual deadline	Annual reporting submission dates met May and July	May date met - July date met	May submission date met	May 2017 submission deadline met	- July submission data met	Deadlines met as required	Deadlines met as required	Target exceeded for year to date
		Integrated risk management processes and combined assurance	Achieve an unqualified Audit Outcome year on year	Unqualified audit – no issues of risk management raised	Final management report for 2015/2016 - no risk management Issues raised	Annual target set for second quarter	May 2017 submission deadline met	Unqualified audit - no risk manegement 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 LTI interns employed	Graduate internship targets meet plan requirements	2 LT interns appointed for the period 1st Jenuary 2017 to 31st December 2017	Graduate internship targets maet plan requirements	2 LT interns appointed for the period 1st January 2017 to 31st December 2017 4 vacation interns in July 2017	2 LT interns appointed for the period 1st January 2017 to 31st December 2017 4 vacation interns in July 2017	Target exceeded for year to date