

THE COMPETITION TRIBUNAL

PERFORMANCE INFORMATION REPORT

1st APRIL 2017 – 31st MARCH 2018

QUARTER 4

Reviewed for submission by :

Lerato Motlaung (Registrar)

Signature:



Date:

2/5/2018

Reviewed and verified for approval by :

Janeen de Klerk (Chief Operating Officer)

Signature:



Date:

2/5/2018

Approved by

Norman Manolm (Chairperson)

Signature:



Date:

2/5/2018

STRATEGIC FOCUS AREA 1 - QUARTER 4 - 2017/2018

STRATEGIC FOCUS AREA 1		ADJUDICATIVE EXCELLENCE										REASON FOR DEVIATIONS				
GOAL STATEMENT		TO ENSURE EFFECTIVE AND EFFICIENT ADJUDICATION ON MATTERS BROUGHT BEFORE THE TRIBUNAL														
STRATEGIC OUTCOME																
STRATEGIC OBJECTIVE	STRATEGIC STATEMENT	OUTCOME	PERFORMANCE INDICATORS	ANNUAL TARGET	PRIOR YEAR ANNUAL PERFORMANCE	TARGET Q1	PERFORMANCE Q1	TARGET Q2	PERFORMANCE Q2	TARGET Q3	PERFORMANCE Q3	TARGET Q4	PERFORMANCE Q4	ANNUAL PERFORMANCE	EXPLANATIONS FOR 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%	87.25%	75%	91%	75%	60%	75%	64%	75%	40%	71%	Target not met for quarter and year to date. The target is not set at 100%, as seldom is dependent on the availability of dates given by the Tribunal suitable. In this particular period the dates were due to the matters that were referred later in December and which could only be heard in mid-January as most parties and their representatives were not available	
				% of intermediate and small merger consideration to be set down for the beginning of a hearing or a pre-hearing within 10 business days of the filing of the request for consideration	75%	80%	75%	50%	75%	80%	75%	100%	100%	75%	100%	70%
TIMELY ISSUING OF JUDGEMENTS	Improvement in the issuing of judgement/decisions in line with adopted time frames	Expedient conclusion of matters	% of large merger orders issued to parties within 10 business days of last hearing date	60%	90.02%	60%	100%	60%	100%	60%	100%	60%	100%	100%	Target exceeded for quarter by 30%, and target for the year exceeded by 21%. The target is not set at 100%, as we have to allow some leeway for delays in issuing of reasons in complex matters that require more time for consideration. During the period under review we have exceeded our target as the matters have been less complex to deliberate on	
				% of intermediate and small merger consideration orders issued to parties within 10 business days of last hearing date	65%	66.67%	60%	No orders issued	60%	60%	60%	60%	60%	60%	60%	60%
			% of intermediate and small merger consideration orders issued to parties within 20 business days of order being issued	60%	0.00%	60%	No reasons issued	60%	0%	60%	No reasons issued	60%	No reasons issued	60%	No reasons issued therefore target cannot be measured	
CURRENT BUDGET		R 27 453 130.00		R 6 938 076.00		R 6 165 642.00		R 6 160 841.00		R 6 608 782.00		R 7 633 130.00		R 27 453 130.00		The budget is based on an estimate of the volume of cases and variances will occur as we cannot predict volume
ACTUAL EXPENDITURE		R 20 084 884.94		R 5 515 821.75		R 6 488 984.80		R 6 000 999.55		R 7 001 518.64		R 26 084 884.94				

STRATEGIC FOCUS AREA 1	ADJUDICATIVE EXCELLENCE														REASON FOR DEVIATIONS								
														CURRENT BUDGET									
														R 27 823 129.00		R 6 139 078.00							
GOAL STATEMENT	TO ENSURE EFFECTIVE AND EFFICIENT ADJUDICATION ON MATTERS BROUGHT BEFORE THE TRIBUNAL													ACTUAL EXPENDITURE		R 29 064 884.94	R 5 875 401.75	R 6 498 984.60	R 6 120 628.00	R 6 660 908.55	R 7 061 518.64	R 29 064 884.94	The budget is based on an estimate of the volume of cases and variances will occur as we cannot predict volume
STRATEGIC OUTCOME																							
STRATEGIC OBJECTIVE	STRATEGIC STATEMENT	OUTCOME	PERFORMANCE INDICATORS	ANNUAL TARGET	PROG YEAR ANNUAL PERFORMANCE	TARGET Q1	PERFORMANCE Q1	TARGET Q2	PERFORMANCE Q2	TARGET Q3	PERFORMANCE Q3	TARGET Q4	PERFORMANCE Q4	ANNUAL PERFORMANCE YEAR TO DATE	EXPLANATIONS FOR DEVIATIONS								
TIMELY ISSUING OF JUDGEMENTS	Improvement in the issuing of judgements/decisions in line with adopted time frames	Expedient conclusion of matters	Reasons for protracted practice cases issued to parties in accordance with the delivery performance 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	A - 100 business days	100%	A - 100 business days	0%	No reasons issued	Target met for the quarter as members were sitting on other matters								
				B - 125 business days	80.87%	B - 125 business days	100%	B - 125 business days	100%	B - 125 business days	100%	100%	100%	Target met for the quarter and year to date									
				C - 150 business days	50%	C - 150 business days	No reasons issued	C - 150 business days	No reasons issued	C - 150 business days	No reasons issued	No reasons issued	No reasons issued	No reasons issued	No reasons issued	No reasons issued during the quarter and year to date therefore target cannot be measured							
			% of procedural matter orders issued to parties within 20 business days of last hearing date	65%	28.19%	65%	60%	65%	99%	65%	48%	60%	60%	60%	Target not met for the quarter and year to date. 7 out of 13 orders were issued late due to these reasons - some matters were highly complex and involved new procedural ground. This requiring a high 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, 5 exceeded it by between 50 and 70 days								
				90%	100.00%	90%	89%	90%	99%	90%	97%	90%	90%	90%	Target not met for the quarter and year to date. 1 out of 6 orders were issued late as the matter was quite complex and the order and reasons for decision were issued simultaneously								
				100%	0.00%	100%	No reasons issued	100%	No reasons issued	100%	No reasons issued	100%	No reasons issued	No reasons issued	No reasons issued	No reasons issued therefore target cannot be measured							
EFFECTIVE BUSINESS APPLICATIONS	Enhancing record keeping, performance and caseload management by harnessing technology and functionality of business applications	Improved management information to inform strategic decision making and access to historical data	CMS deemed to be sustainable	Sustainability of CMS confirmed	It was established that updates were possible and as a result no feasibility study was undertaken. We are currently testing the first update and will then be in a position to determine what enhancement is 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	Not measured or reported on	Annual not quarterly target	Not measured or reported on	Annual not quarterly target	Not measured or reported on	CMS deemed to be sustainable as per report presented by IT Administrator	Target met for year to date (Annual target)								
				Develop and implement a model that generates reports based on statistics relating to adjudicative process	An informal as opposed to formal signed 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. The target will be removed or revised in 2017/2018	Annual not quarterly target	Not measured or reported on	Annual not quarterly target	Not measured or reported on	Annual not quarterly target	Not measured or reported on	Annual not quarterly target	Not measured or reported on	Annual not quarterly target	Not measured or reported on	New model developed (used to develop further to include statistics relating to turnover of matter parties, for and number of extensions	Target met for year to date (Annual target)						

STRATEGIC FOCUS AREA 3 - QUARTER 4 - 2017/2018

STRATEGIC FOCUS AREA 3:		ACCOUNTABLE, TRANSPARENT AND SUSTAINABLE ENTITY												REASON FOR DEVIATIONS	
		CURRENT BUDGET		QUARTER 1		QUARTER 2		QUARTER 3		QUARTER 4		YEAR TO DATE			
		ACTUAL EXPENDITURE		R 2 021 541.04		R 2 016 356.97		R 1 389 255.11		R 1 641 176.15		R 7 068 331.28		No expect this to adjust slightly when additional invoices are issued for internal audit and any performance bonuses due to shift are paid.	
GOAL STATEMENT		TO ENSURE THE TRIBUNAL HAS EFFECTIVE STRATEGIC LEADERSHIP, ADMINISTRATION AND MANAGEMENT THROUGH ADHERENCE TO GOOD GOVERNANCE AND SOUND BUSINESS PRACTICE.													
STRATEGIC OUTCOME															
STRATEGIC OBJECTIVE	STRATEGIC OBJECTIVE STATEMENT	OUTCOME	PERFORMANCE INDICATORS	ANNUAL TARGET	PRIOR YEAR ANNUAL PERFORMANCE	TARGET	PERFORMANCE	TARGET	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 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 issues of governance raised	Unqualified audit - no issues of governance raised	Clean audit for 2016/2017 - no issues of governance raised	Unqualified audit - no issues of governance raised	Unqualified audit - no issues of governance raised	Unqualified audit - no issues of governance raised	Unqualified audit - 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 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 misstatements	Unqualified audit - no issues of governance raised	Clean audit for 2016/2017 - no issues of governance raised	Unqualified audit - no issues of governance raised	Unqualified audit - no issues of governance raised	Unqualified audit - no issues of governance raised	Unqualified audit - 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 2015/2016	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	Unqualified audit - no issues of governance raised	Unqualified audit - no issues of governance raised	Unqualified audit - no issues of governance raised	Unqualified audit - no issues of governance raised	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 and maintain compliance and ensure that all reporting requirements are met	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 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	Unqualified audit - no issues of governance raised	Unqualified audit - no issues of governance raised	Unqualified audit - no issues of governance raised	Unqualified audit - no issues of governance raised	Clean audit - no material misstatements in May statements submitted	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 operational capacity and performance to deliver on its legislative mandate	Implement 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 management issues raised	Clean audit for 2016/2017 - no issues of risk management raised	Unqualified audit - no risk management issues raised	Unqualified audit - no risk management issues raised	Unqualified audit - no risk management issues raised	Unqualified audit - no risk management issues raised	Clean audit for 2016/2017 - no issues of risk management raised	Target exceeded for year to date