



Companies Tribunal

Three (3) Year Annual Performance Plan

2016/17 – 2018/19

1. Abbreviations and Acronyms

CA:	Companies Act
CCRD:	Consumer and Corporate Regulation Division
CIPC:	Companies and Intellectual Property Commission
COTII:	Council of Trade and Industry Institutions
CT:	Companies Tribunal
ENE:	Estimates of National Expenditure
IT:	Information Technology
MTEF:	Medium Term Expenditure Framework
PEST:	Political, Economic, Social and Technological
PFMA:	Public Finance Management Act
SOP:	Standard Operating Procedures
SWOT:	Strength, Weaknesses, Opportunities and Threats
the dti:	Department of Trade and Industry

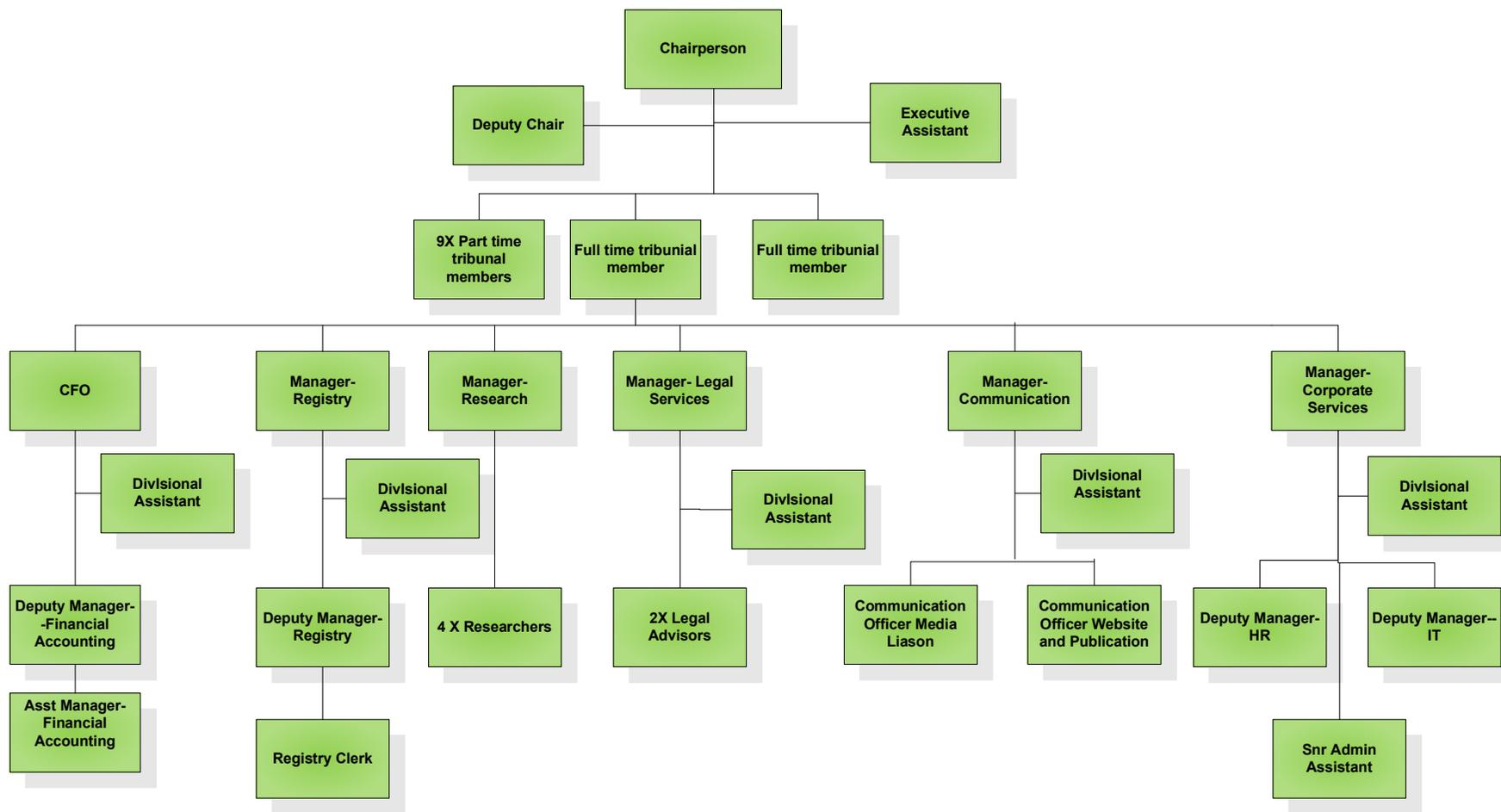
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2. Organisational Structure

COMPANIES TRIBUNAL STRUCTURE



3. Official sign-off

It is hereby certified that this Annual Performance Plan:

- was developed by the management of Companies Tribunal under the guidance of the Chairperson Advocate S M Lebala SC;
- was prepared in line with the current Strategic Plan of Companies Tribunal;
- accurately reflects the performance targets which Companies Tribunal will endeavour to achieve given the resources made available in the budget for 2016/17 – 2018/19.

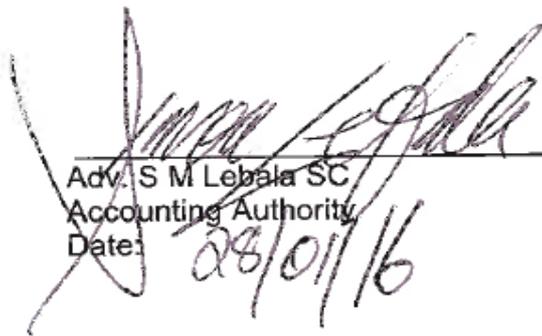


Irene Mathatho
Chief Financial Officer
Date: 21/01/2016



M A Tsele- Maseloanyane
Head Official responsible for Planning
Date: 21/01/2016

Recommended for approval by:



Adv. S M Lebala SC
Accounting Authority
Date: 28/01/16

4. Foreword by the Minister

The aim of establishing the Companies Tribunal was to ensure that disputes relating to companies are resolved speedily and cost effectively. Furthermore to ensure that there is a move away from the formal court processes in resolving company disputes. The Companies Tribunal derived its mandate from section 195 of the Companies Act No. 71 Of 2008.

The Companies Tribunal is mandated in terms of this section to:-

- Adjudicate on applications made in term of the Companies Act and make orders in relation thereto.
- Resolve dispute in terms of mediation, conciliation and arbitration.
- Exercise its functions independently and without fear and favour and in a transparent manner.

Making the services of the Companies Tribunal available to ordinary South African remains one of the key priority areas. In this regard it is important for the Tribunal to engage in a robust outreach programme to raise awareness and educate members of the public about its services.

Since its operation the Tribunal has handled more than 500 cases and it is expected that this case load will increase over the three year period as South African becomes more aware of the existence and services of the Tribunal. This will assist in ensuring that business is not engaged in protracted litigation but can give focused attention to core business activities. The speedy resolution of disputes will also augurs well for investor confidence.

The Tribunal is expected to undertake an impact assessment of its activities to evaluate whether or not it has achieved its objectives and where necessary recommend changes to enhance its effectiveness.

I am confident that the Tribunal will contribute to improving the ease of doing business in South Africa and promotion of ethical business practices.



Dr Rob Davies, MP

Minister of Trade and Industry

Date: 3/2/16

5. Overview by the Accounting Authority

It is a pleasure to present the Companies Tribunal's Annual Performance Plan for the period ending 31 March 2019. The Annual Performance Plan sets out a three year plan for the Companies Tribunal ("the Tribunal") to deliver on its mandate and realize the vision of building a world class adjudicatory and dispute resolution organization that contributes to the promotion of fair and ethical business practices. The Tribunal's Annual Performance Plan is informed by its Strategic Plan, values and founding provisions of the Constitution, International Law, the Companies Act, No. 71 of 2008 ("Companies Act") as well as the Department of Trade and Industry's strategic objective of creating a fair regulatory environment that enables investment, trade and enterprise development in an equitable and socially responsible manner. The Tribunal derives its mandate from section 195 of the Companies Act.

The Tribunal envisages an increase in the caseload as a result of the favourable economic conditions which will enhance the creation of new enterprises which may seek redress from the Tribunal in relation to some of the disputes that may be dealt with in terms of the Companies Act.

The use of the Tribunal for mediation, conciliation and arbitration is also expected to increase with an increased awareness about the Tribunal services in this area. In line with the commitment to building a world class, knowledge based adjudicatory organization, the use of technology will be strengthened. The case management system will enhance the Tribunal's accessibility as well ensuring that it delivers on its mandate efficiently and effectively. Research will be undertaken to assess and evaluate the effectiveness of the Tribunal delivering on its mandate. Furthermore training of staff will receive attention in order for the Tribunal to continue developing a skilled, capable and professional workforce.

The Tribunal will continue building strategic partnerships with municipalities in its effort to enhance its reach. It will enhance its outreach initiatives through engagements with the judiciary, the legal fraternity as well as the business associations and similar adjudication and dispute resolution bodies both nationally and internationally. The annual seminar will also be hosted to engage with stakeholders and obtain comments as to the Tribunal's effectiveness in delivering on its mandate.

I am confident that through this plan the Tribunal will deliver on its mandate and contribute to the realization of a globally competitive economy characterized by growth, equity and job creation.



Adv. S M Lebaka SC
Chairperson: Companies Tribunal
Date: 28/01/16

Part A: Strategic Overview

1. Mandate

The Companies Tribunal is established in terms of the Companies Act (Act No.71 of 2008), as a juristic person. In terms of the Act, the Tribunal has jurisdiction throughout the Republic. It is independent and subject only to the Constitution and law.

The Companies Tribunal's mandate in terms of Section 195 the Companies Act is to:

- a) Adjudicate in relation to any application that may be made to it in terms of the Act and make any order provided for in the Act in respect of any such application
- b) Assist in the resolution of disputes as contemplated in Part C of Chapter 7 of the Act
- c) Perform any other function assigned to it by or in terms of the Act or any law in Schedule 4.

2. Vision

A world class adjudicatory and dispute resolution organisation, that contributes to the promotion of fair and ethical business practices.

3. Mission

- To adjudicate applications made in terms of the Companies Act;
- To provide alternative dispute resolution through conciliation, mediation and arbitration.

4. Values

The Tribunal's values are:

- **Accountability:** delivering on our plans or commitments and taking responsibility for our actions and inactions;
- **Impartiality:** conducting ourselves in a fair and just manner, without favouring one person over another for improper reasons;

- **Transparency:** to be open as far as possible and honest about our decisions, policies, procedures, information, activities and actions taken and be able to give reasons for our decisions;
- **Equitability:** to be fair and just to all parties as dictated by reason, policies or norms of the organisation and law;
- **Efficiency:** to produce outputs or services without wasting resources such as funds, time or energy in order to achieve the objectives of the organisation with limited resources;
- **Accessibility:** to be readily available to the public and stakeholders, regardless of the circumstances;
- **Professionalism:** to be presentable and courteous, punctual, honourable, responsible and adhering to policies, values and code of conduct of the Tribunal when dealing with individuals or stakeholders;
- **Respect:** to treat all people with dignity and honour in accordance with the values of the organisation;
- **Ethical:** To act with integrity, morality and to do what is right guided by policies, code of ethics and code of conduct of the organisation.

5. Strategic goals and objectives

The specific strategic goals are each supported by measurable objectives. Below is a list of each strategic goal supported by its core strategic objectives.

Strategic Outcome Oriented Goals	Objectives
1. Adjudicate and make orders in relation to any application.	1.1. Adjudicate applications timeously, fairly and in a transparent manner.
2. Resolution of disputes in terms of Alternative Dispute Resolution (ADR).	2.1. Resolve disputes in a cost effective, informal and timeous manner.
3. Ensure operational effectiveness and efficiency of the Tribunal.	3.1. To recruit, appoint, develop and retain competent staff for the Tribunal; 3.2. To build a body of knowledge around company law.

	<p>3.3. To promote and maintain sound corporate governance;</p> <p>3.4. To ensure the efficient management of cases.</p>
4. Effective stakeholder engagement.	<p>4.1. To educate members of the public and raise awareness regarding the Tribunal;</p> <p>4.2. To develop and maintain strategic partnerships.</p>

6. Recent court rulings

The Tribunal will analyse recent key decisions of the High Court and Constitutional Court and evaluate the potential impact on its mandate and functions.

7. Updated situational analysis

7.1 Performance Delivery Environment (external)

PEST Analysis

The following external factors may have an influence on performance delivery:

Political	Economic
<ul style="list-style-type: none"> • Perception of political alignment on decision-making • Perception of non-partisan • Legislative amendments • Activist role of the Tribunal 	<ul style="list-style-type: none"> • Promotion of economic participation by all players • Business fronting • Reducing cost of doing business
Social	Technology
<ul style="list-style-type: none"> • Access to the Tribunal by members of the public • Illiteracy • Language diversity • Awareness of the Tribunal 	<ul style="list-style-type: none"> • Legislative amendments • Technology use to ease access • Efficiency as a result of technology use • Technology use for systems and processes in the work of the Tribunal

7.2 Performance Delivery Environment (internal)

SWOT Analysis

A detailed SWOT (strength, weaknesses, opportunities, threats) analysis was performed. The following internal factors may have an influence on performance delivery:

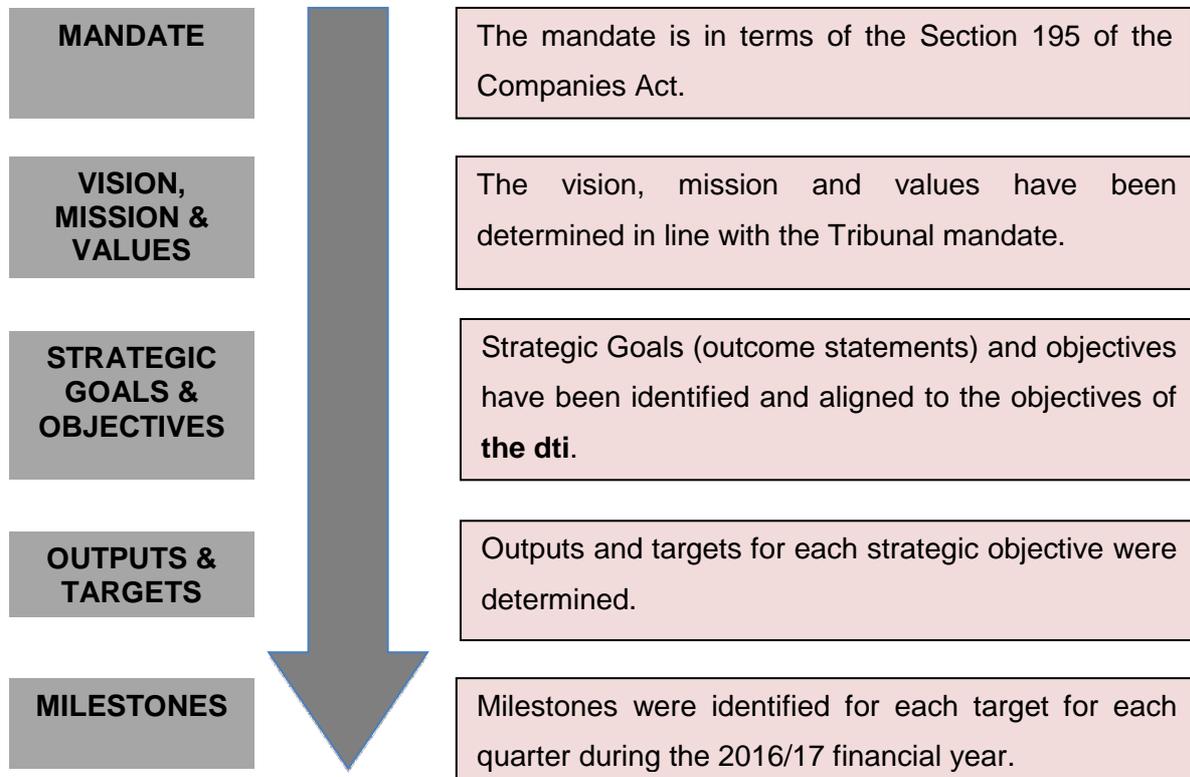
STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> • Ethical behaviour • Enabling legislation (mandate) • Skills, knowledge and expertise of staff 	<ul style="list-style-type: none"> • Weak Standard Operating Procedures/Business Processes • Lack of appropriate office space • No professional, equipped hearing rooms • No adequate parking • External dependencies (e.g. Internal Audit function outsourced and IT infrastructure) • Limited budget to optimally fill the staff establishment
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> • Increasing access through technology usage (e-filing, video conferencing for hearings) • Adoption and adaption of best practice models from similar entities • Development of jurisprudence • Technology to increase access to Tribunal • Technology – systems and processes to improve efficiency 	<ul style="list-style-type: none"> • Staff turnover • Potential backlog • Availability of Members to do Tribunal work • Competition from other alternative dispute resolution bodies • Ambiguity of the ADR provisions within the Companies Act • The Voluntary nature of ADR

8. Alignment to the dti

The following table shows the linkage between the objectives of **the dti/ CCRD** and the Tribunal:

the dti	Programmes and strategic goals
<p>Create a fair regulatory environment that enables investment, trade and enterprise development in an equitable and socially responsible manner</p>	<p>Adjudication:</p> <ul style="list-style-type: none"> • Adjudicate and make orders in relation to any application • Resolution of disputes in terms of Alternative Dispute Resolution (ADR)
<p>Promote a professional, competitive and customer-focused working environment that ensures effective and efficient service delivery</p>	<p>Administration:</p> <ul style="list-style-type: none"> • Ensure operational effectiveness and efficiency of the Tribunal • Effective stakeholder engagement

9. Description of the Planning Process



10. Financial Plan

The grant allocation for years 2016/17 to 2018/19 reflects the estimated amounts allocated on the ENE. The spending focus over the MTEF period will be on providing the service as stipulated in the Companies Act, building the capacity in the entity and ensuring that there is proper office accommodation and infrastructure to enable the entity to better fulfil its mandate.

Over the MTEF period, the Tribunal's grant allocation is projected to grow from R14.2 million in (2015/16) to R16.7 million in 2018/19. The allocated funds for each financial year are insufficient to meet the operational requirements of the Tribunal. The Tribunal has applied to retain the surplus for 2011/12 to 2014/15 financial years, which has been approved by National Treasury and majority of the funds will be channelled towards compensation of employees IT infrastructure, office furniture and equipment and advocacy services. The use of surplus funds is a once off funding and the Tribunal will

require funding in future to fulfil its mandate.. The Tribunal is also exploring options of generating its own revenue through charging filling fees, but this process might take some time to materialise due to extensive consultations and planning required.

The Tribunal will also focus on filling key positions over the MTEF period. Recruitment of internship to assist with workload and also as part of skills development will also be sourced to alleviate some of the capacity challenges. Due to inadequate funding, the amount estimated for member's fees is inadequate as cases are expected to increase hence the funding for fees needs to be increased proportionally. Request to have the Tribunal's baseline increased has been done and the outcome will be communicated by **the dti** once finalised.

(i) Projections of revenue and expenditure

STATEMENT OF FINANCIAL PERFORMANCE	Audited outcome			Revised estimate	Medium-term estimate		
	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
R thousand							
Revenue							
Non-tax revenue	248	990	1,344	800	700	600	498
Transfers received	10,137	10,337	13,313	14,221	15,069	15,822	16,740
Donations received		-	196	-	-	-	-
Income from surplus funds	-	-	-	600	6,637	6,685	7,546
Total revenue	10,385	11,327	14,852	15,621	22,406	23,107	24,784
Expenses							
Current expenses	3,206	8,218	13,760	15,621	22,406	23,107	24,784
Compensation of employees	656	3,881	8,123	11,304	12,780	13,815	14,786
Goods and services	2,548	4,334	5,614	4,235	9,524	9,191	9,889

Depreciation	2	3	23	82	102	101	109
Total expenses	3,206	8,218	13,760	15,621	22,406	23,107	24,784
Surplus/(Deficit)	7,179	3,109	1,092	-	-	-	-

(ii) Asset and Liability Management

Financial position	Audited outcome			Revised estimate	Medium-term estimate		
	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
Carrying value of assets	-	28	316	215	163	112	93
<i>of which:</i>							
<i>Acquisition of assets</i>	(2)	(29)	(115)	(194)	(50)	(50)	(90)
Inventory	-	48	13	68			
Receivables and prepayments	12	6	11	15	20	25	10
Cash and cash equivalents	17,949	20,539	22,099	21,630	13,832	6,303	2,553
Total assets	17,961	20,621	22,439	21,928	14,015	6,440	2,656
Accumulated surplus/(deficit)	17,179	20,290	21,383	20,764	13,231	5,546	-
Trade and other			98		55		1,848

payables	734	26		501		92	
Provisions	48	305	958	663	729	802	808
Total equity and liabilities	17,961	20,621	22,439	21,928	14,015	6,440	2,656

(iii) Cash flow projections

Cash flow data	Audited outcome			Revised estimate	Medium-term estimate		
	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
R thousand							
Cash receipts from stakeholders	10,385	11,327	14,657	15,021	15,769	16,422	17,238
Transfers received	10,137	10,337	13,313	14,221	15,069	15,822	16,740
Interest and rent on land	248	990	1,344	800	700	600	498
Cash paid to stakeholders	2,434	8,708	12,982	18,897	19,114	15,947	17,757
Compensation of employees	602	3,624	7,844	11,121	10,483	11,531	12,155
Goods and services	1,832	5,084	5,138	7,776	8,631	4,416	5,602
Cash flow from operating activities	7,951	2,619	1,675	(3,876)	(3,345)	475	(519)
Cash flow from investing activities	(2)	(29)	(115)	(19)	(50)	(50)	(90)
Acquisition of property, plant, equipment & intangible assets	(2)	(29)	(115)	(19)	(50)	(50)	(90)
Net increase / (decrease) in cash and cash equivalents	7,949	2,590	1,559	(3,895)	(3,395)	425	(609)

(iv) Capital expenditure projects

The Companies Tribunal would not be involved in any major capital expenditure other than the procurement of computer equipment for staff and the implementation of the electronic case management system.

(v) Infrastructure plans

None.

(vi) Dividend policies

None.

Part B: Programme Performance

1. Programme 1: Adjudication

1.1 Purpose of the programme

The purpose of programme is to adjudicate and make orders in relation to applications made in terms of the Companies Act, 2008 as well as to resolve disputes in terms of the Alternative Dispute Resolution.

1.2 Description of the programme

Members of the Tribunal are appointed by the Minister of Trade and Industry to adjudicate applications and resolve disputes based on the papers filled by the Tribunal. Where necessary, hearings are held, depending on the nature of the case.

1.3 Performance indicators and performance targets per programme

Strategic Goal	Strategic Objective	Output	Performance Indicator/ measure	Audited Actual Performance			Estimate Performance	Medium Term Targets		
				2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
Adjudicate and make orders in relation to any application	Adjudicate applications timeously, fairly and in a transparent manner	Adjudicated applications	Percentage of decisions and orders issued ¹ within 30 working days after the final date of the hearing ²	32%	80%	80%	85%	90%	90%	95%
			Percentage of decisions and orders issued within 30 days after the date of allocation ³	32%	69%	90%	90%	90%	90%	95%

¹ Decisions and orders issued is as prescribed by the Companies Act, 2008. Issued means formal communication of the decision and order to the client

² Final date of hearing refers to the last day of a hearing of a matter of a Tribunal sitting

³ Date of allocation refers to the date of sending an e-mail allocating a case to a Tribunal Member

Strategic Goal	Strategic Objective	Output	Performance Indicator/ measure	Audited Actual Performance			Estimate Performance	Medium Term Targets		
				2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
Resolution of disputes in terms of Alternative Dispute Resolution (ADR)	Resolve disputes in a cost effective, informal and timeous manner	Resolved disputes	Percentage of cases finalised ⁴ in terms of Alternative Dispute Resolution (ADR) within 25 working days after the date of final hearing or final submission by parties whichever is applicable	N/A	N/A	40%	70%	75%	80%	85%

1.4 Quarterly milestones

Goal/	Output	Performance Indicator	Baseline	2016/17	Quarterly Milestones
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⁴ Finalised refers to instances where certificate of failed ADR has been issued, consent order issued of withdrawal of the matter by either party, settlement agreement reached by both parties or mediation report issued by the Tribunal Member(s)

Outcome		/measure		Annual Target	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
Adjudicate and make orders in relation to any application	Adjudicated applications	Percentage of decisions and orders issued within 30 working days after the final date of the hearing	90%	90%	90%	90%	90%	90%
		Percentage of decisions and orders issued within 30 days after the date of allocation	90%	90%	90%	90%	90%	90%
Resolution of disputes in terms of Alternative Dispute Resolution (ADR)	Resolved disputes	Percentage of cases finalised ⁵ in terms of Alternative Dispute Resolution (ADR) within 25 working days after the date of final hearing or final submission by parties whichever is applicable	70%	75%	75%	75%	75%	75%

⁵ Finalised refers to instances where certificate of failed ADR has been issued, consent order issued of withdrawal of the matter by either party, settlement agreement reached by both parties or mediation report issued by the Tribunal Member(s)

1.5 Financial Plan (Expenditure estimates for programme 1: Adjudication)

Programme Name: Adjudication							
Economic classification	Expenditure outcome			Adjusted Appropriation	Medium-Term Expenditure Estimate		
	2012/13 R '000	2013/14 R '000	2014/15 R '000	2015/16 R '000	2016/17 R '000	2017/18 R '000	2018/19 R '000
Current payment							
Member's fees	2,228	2,731	2,809	2,707	4,150	4,565	5,022
Goods and services	-	-		390	198	212	220
Payments of capital assets	-	-		-	-	-	
Building and other fixed structure							
Machinery & equipment							

1.5.1 Relating expenditure trends to strategic outcome oriented goals

The budget for adjudication programme is utilised mainly to remunerate Tribunal members for undertaking the mandate of the Companies Tribunal as stated in the Companies Act. This mandate includes the adjudication of cases as well as conducting of alternative dispute

resolution (ADR) through mediation, conciliation and arbitration proceedings. The Tribunal is expected to grow over the years and the level of funding will be inadequate given the recent introduction of the ADR matters and the expectant increase in number of cases.

2. Programme 2: Administration

2.1 Purpose of the programme

The purpose of the programme is to ensure operational efficiency and effectiveness as well as effective stakeholder engagement.

2.2 Description of the programme

To effectively and efficiently support and manage the operations by ensuring that there is proper Financial Management, Human Resource Management, Information Technology, Knowledge Management, Stakeholder Management and Legal Services.

2.3 Performance indicators and performance targets per programme

Strategic Goal	Strategic Objective	Output	Performance Indicator/ measure	Audited Actual Performance			Estimate Performance	Medium Term Targets		
				2012/ 2013	2013/ 2014	2014/15	2015/16	2016/17	2017/18	2018/19
Ensure operational effectiveness and efficiency of the Tribunal	To promote sound corporate governance	Sound financial management	Percentage of total budget spent	N/A	N/A	N/A	90%	95%	95%	98%
			No irregular, fruitless and wasteful expenditure incurred	N/A	N/A	N/A	None	None	None	None
	To ensure efficient management of cases	Automated/ electronic case management systems	Piloted case management system	N/A	Excel Spreads heet	Excel spread- sheet	⁶ Draft case management business process mapping	Piloting and Partial imple- mentation of Case Manageme nt System	Full imple- mentation	Full implemen- tation

⁶ Draft means the first complete version document produced by the service provider without any comments from management (no management review of the document)

Strategic Goal	Strategic Objective	Output	Performance Indicator/ measure	Audited Actual Performance			Estimate Performance	Medium Term Targets		
				2012/ 2013	2013/ 2014	2014/15		2015/16	2016/17	2017/18
								(CMS)		
	To build a body of knowledge around company law	Production of research reports	Number of research reports produced ⁷	-	1 research report	1 research report	1 research report on: Comparative analysis of Companies Tribunals in other jurisdictions	Produce one (1) research report on the impact and effectiveness of the CT in delivering on its mandate	Implement research recommendation on the impact and effectiveness of the CT in delivering on its mandate	Nil
	To recruit, appoint, develop	Trained staff on matters	Percentage of staff trained on matters	25%	86%	N/A	N/A	80%	70%	60%

⁷ Produced means approved by the Chairperson or FTM for internal use and circulated internally

Strategic Goal	Strategic Objective	Output	Performance Indicator/ measure	Audited Actual Performance			Estimate Performance	Medium Term Targets		
				2012/ 2013	2013/ 2014	2014/15	2015/16	2016/17	2017/18	2018/19
	and retain competent staff	relating to the operations of the Tribunal	relating to the operations of the Tribunal							
		Staff retention	Percentage of staff retained	N/A	N/A	N/A	N/A	85%	85%	85%
Ensure effective stakeholder engagement	To educate the members of the public and raise awareness regarding	Advocacy services	Number of seminars hosted ⁸	N/A	N/A	Host 1 seminar on understanding the role of the CT	Host 1 seminar on Alternative Dispute Resolution (ADR)	Host 1 seminar on corporate governance business ethics and Social and Ethics Committee	Host 1 seminar on name disputes	Host 1 seminar on the impact of the Tribunal on delivering on its mandate

⁸ Hosted means to fund, organise and/or present a seminar

Strategic Goal	Strategic Objective	Output	Performance Indicator/ measure	Audited Actual Performance			Estimate Performance	Medium Term Targets		
				2012/ 2013	2013/ 2014	2014/15	2015/16	2016/17	2017/18	2018/19
	the Tribunal		Number of media engagements	1	1	Release 3 media statements	Release 2 media statements Participate in 2 radio interviews	Release 2 media statements Participate in 2 radio interviews	Release 2 media statements Participate in 2 radio interviews	Release 3 media statements Participate in 3 radio interviews

Strategic Goal	Strategic Objective	Output	Performance Indicator/ measure	Audited Actual Performance			Estimate Performance	Medium Term Targets			
				2012/ 2013	2013/ 2014	2014/15	2015/16	2016/17	2017/18	2018/19	
			Number of participations ⁹ in outreaches and/or exhibitions	4	5	Participated in 3 outreach programmes in City of Tshwane Cullinan and Sedibeng	Participate in 7 outreach programmes or exhibitions in: 2 City of Tshwane 1 Limpopo 1 Soweto 1 Ekurhuleni 1 East London 1 Durban	Participate in 8 outreach and or exhibitions targeting business people, aspiring business people and the youth in the following areas: 1 Kimberly 1 Bliftein 1 PE 1 Potchefstr 1 Mogale City 1 Emalahleni 1 Richards Bay 1 Mafikeng	Participate in 8 outreach and or exhibitions targeting business people, aspiring business people and the following areas: 1 Thohoyandou 1 Cape Town 1 Saldanha 1 Nelspruit 1 Rustenburg 1 Brits 1 East	Participate in 8 outreach and/or exhibitions targeting business people, aspiring business people and the following areas: 1 PMB 1 Makhado 1 Mitchell's Plain 1 Khayalitsha	32
⁹ Participation means either sponsoring or presenting at an outreach or exhibition event of a stakeholder											

Strategic Goal	Strategic Objective	Output	Performance Indicator/ measure	Audited Actual Performance			Estimate Performance	Medium Term Targets		
				2012/ 2013	2013/ 2014	2014/15	2015/16	2016/17	2017/18	2018/19
								Bay 1 Mafikeng	1 Nelspruit 1 Rustenburg 1 Brits 1 East Rand 1 West Rand	1 Mdantsane 1 Umtata 1 Uppington 1 Ladysmith 1 City of Tshwane

2.4 Quarterly milestones

Goal/ Outcome	Output	Performance Indicator/ Measure	Baseline (15/16)	16/17 Annual Target	Quarterly Milestones			
					1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
Ensure operational effectiveness and efficiency of the Tribunal	Sound financial management	Percentage of total budget spent	90%	95%	35%	45%	65%	95%
		No irregular, fruitless and wasteful expenditure incurred	None	None	None	None	None	None
	Automated/ electronic case management system	Piloted case management system	Draft case management business process mapping	Piloting and partial implementation of Case Management System (CMS)	Develop case management system	Complete case management system	Approve case for piloting case management system	Partial Implement automated case management system
	Production of research reports	Number of research reports	1 Research Report on:	Produce 1 research	Develop research	Distribute survey	Produce draft	Approved research

Goal/ Outcome	Output	Performance Indicator/ Measure	Baseline (15/16)	16/17 Annual Target	Quarterly Milestones			
					1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
		produced	Compara- tive analysis of Companies Tribunals in other jurisdic- tions	report on the impact and effective- ness of the CT in delivering on its mandate	tools for collection of data survey question- naire and compile stake- holder database	question- naire to stake- holders and receive completed surveys	research report	report
	Trained staff	Percentage of staff trained on matters relating to the operations of the Tribunal	N/A	80%	20%	20%	20%	20%
	Staff retention	Percentage of staff retained	N/A	85%	85%	85%	85%	85%
Ensure effective stakeholder engagements	Advocacy services	Number of seminars hosted	Host 1 seminar on alternative	Host 1 seminar on corporate	-	-	-	Host 1 seminar

Goal/ Outcome	Output	Performance Indicator/ Measure	Baseline (15/16)	16/17 Annual Target	Quarterly Milestones			
					1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
			dispute resolution (ADR)	governance , business ethics and Social and Ethics Committee				
		Number of media engagements	Release 2 media statements Participate in 2 radio interviews	Release 2 media statements	Release 1 media statement	Participate in 1 radio interview	Release 1 media statement	Participate in 1 radio interview
		Number of participations in outreach and/or exhibitions	Participate in 7 outreach program- mes and/or exhibitions: 2 in City of Tshwane	Participate in 8 outreach and or exhibitions targeting business people,	2	2	2	2

Goal/ Outcome	Output	Performance Indicator/ Measure	Baseline (15/16)	16/17 Annual Target	Quarterly Milestones			
					1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
			1 Limpopo 1 Soweto 1 Ekurhule- ni 1 East London 1 Durban	aspiring business people and the youth in the following areas:				
				1 Kimberly 1 Bloemfontei n 1 Port Elizabeth 1 Potchef- stroom 1 Mogale City 1 Emalahleni 1 Richards				

Goal/ Outcome	Output	Performance Indicator/ Measure	Baseline (15/16)	16/17 Annual Target	Quarterly Milestones			
					1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter
				Bay 1 Mafikeng				

2.5 Financial Plan (Expenditure estimates for programme 2)

Programme Name: Administration							
Economic classification	Expenditure outcome			Adjusted Appropriation	Medium-Term Expenditure Estimate		
	2012/13 R '000	2013/14 R '000	2014/15 R '000	2015/16 R '000	2016/17 R '000	2017/18 R '000	2018/19 R '000
Current payment							
Compensation of employees	656	3,881	8,123	11,304	12,780	13,815	14,786

Programme Name: Administration							
Economic classification	Expenditure outcome			Adjusted Appropriation	Medium-Term Expenditure Estimate		
	2012/13 R '000	2013/14 R '000	2014/15 R '000	2015/16 R '000	2016/17 R '000	2017/18 R '000	2018/19 R '000
Goods & services, etc.	322	1,603	2,828	1,220	5,278	4,515	4,756
Payments of capital assets							
Building and other fixed structure	-	-		-	-	-	
Machinery & equipment		29	115	19	50	50	90

2.5.1 Relating expenditure trends to strategic outcome oriented goals

The budget for administration programme is utilised mainly to remunerate the administrative staff of the Tribunal who assist in ensuring that the key mandate of the organisation is achieved. The funds are also utilised to undertake marketing and communication activities to ensure that the general public is aware of the mandate of the organisation, research on the best practice to meet the objectives of the organisation and ensure that governance and regulatory requirements are met.

The funding for this programme is also not sufficient given the expectant growth of the Tribunal over the years. Some of the core functions that can be housed internally ended up being outsourced as the Tribunal does not have adequate funds to appoint the staff with the required skills and expertise. Of the 28 posts on the approved establishment provision is made for funding on only 16 approved posts, 3 interns and 1 contract divisional assistant.

2.6 Reconciling performance targets with the Budget and MTEF

Programme	Expenditure outcome			Adjusted Appropriation	Medium-Term Expenditure Estimate		
	2012/13 R '000	2013/14 R '000	2014/15 R '000		2015/16 R '000	2016/17 R '000	2017/18 R '000
Adjudication	2 228	2,737	2,809	3 097	4,348	4,777	5,242
Administration	978	5 513	11,066	12,524	18,058	18,330	19,542
Total	3,206	8,250	13,956	15,621	22,406	23,107	24,784

Part C: Links to other plans

1. Asset Management Plan

The Companies Tribunal is in a process of securing leased accommodation within **the dti** campus due to budgetary constraints. This will be financed by the surplus which was approved for retention by National Treasury. The procurement of office accommodation will also include procurement of office furniture, computer equipment and all related IT infrastructure.

The challenges with this plan is that the lease commitments should be honoured by Companies Tribunal throughout the lease term and the current funding allocation will not enable Companies Tribunal to honour this commitments. The baseline needs to be increased to enable Companies Tribunal to deliver on its mandate.

2. Information Technology Plan

The Tribunal's operations and demand for the Tribunal services will need the efficient handling and management of cases. The Tribunal will need to automate its core business processes with regard to case management in order to enhance operational efficiency. Information communication technology (ICT) was identified as the key driver to enhance operational efficiency.

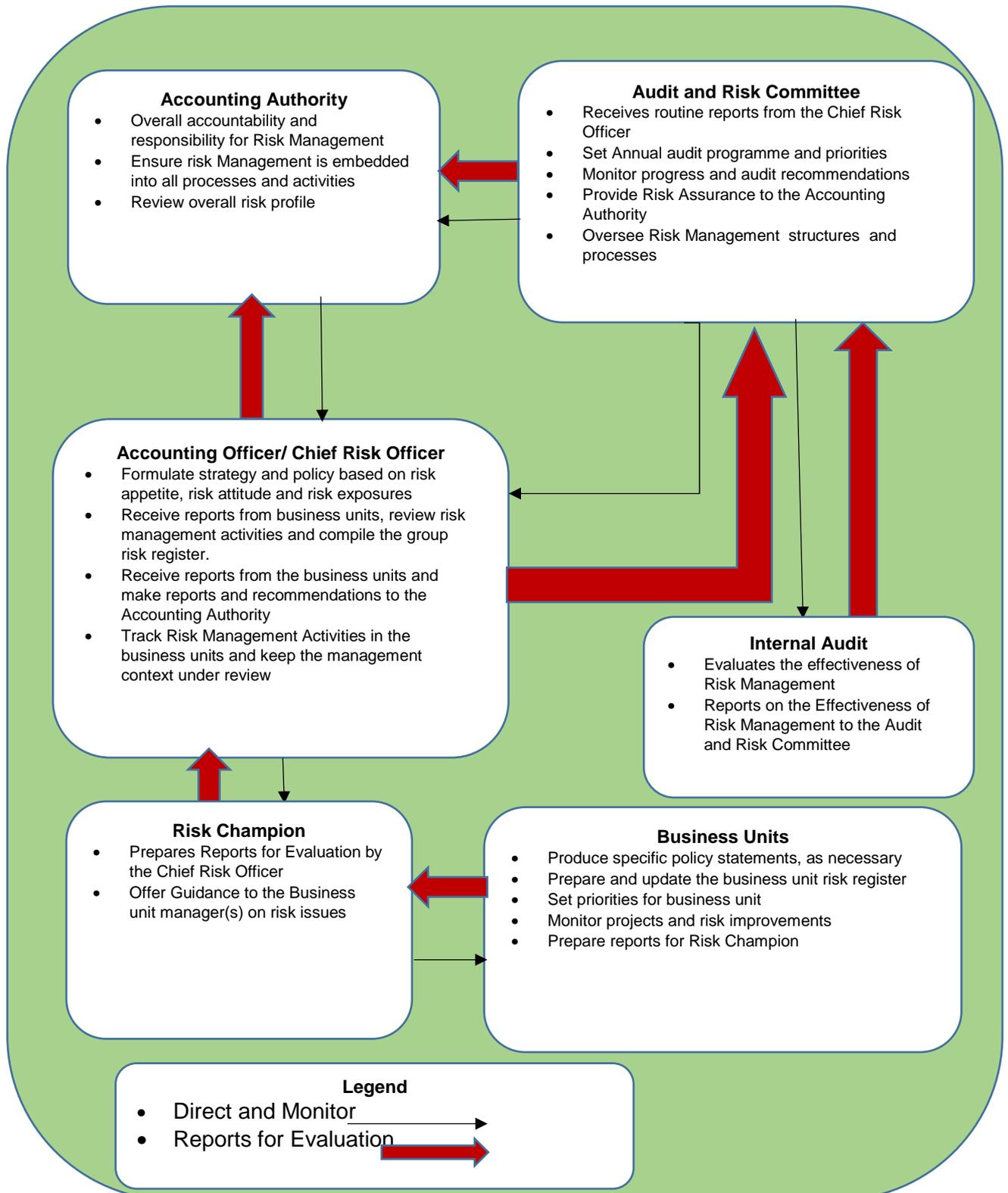
ICT operations at the Tribunal will receive priority over the next three-year period. The Tribunal will therefore focus its efforts on ensuring that it aligns its ICT to growing strategic needs and standards of excellence. This will enable the Tribunal to make sound decisions on cases and manage the cases expeditiously.

The over-arching objective of ICT in the Tribunal will remain aimed at the acquisition, implementation and maintenance of ICT technologies to improve and enhance service delivery having regard to costs and benefits and the direction of emerging technology.

3. Risk Management and Fraud Prevention Plan

3.1 Risk Management Process

THE TRIBUNAL'S ENTERPRISE RISK MANAGEMENT ARCHITECTURE



3.2 Risk Register

Item	Risk Category and Sub-Category	Risk Description	Background to Risk	Likelihood of occurrence	Severance of Consequence	Controls in place	Possible additional action/controls
1	OPERATIONAL - Reputational Risk	<ol style="list-style-type: none"> 1. Failed ADR 2. Applicant may opt to use a different forum other than Companies Tribunal resulting in loss of customer base. 	<ol style="list-style-type: none"> 1. Parties not agreeing to the proposed solutions 2. Outside the jurisdiction of the tribunal 3. Either party not acting in good faith 4. Lack of confidence in the Companies Tribunal ADR processes. 5. Limitations of the ADR Regulatory Framework 	Likely	Major	<ol style="list-style-type: none"> 1. No controls 2. Educating Stakeholders and the Public 3. No controls for mediation and conciliation 4. Affidavit for cases that go through arbitration 	Recommending the amendment of the Act to consider making ADR Compulsory
2	OPERATIONAL - Reputational Risk	Biased decision that may result in disgruntled clients	Conflict of interest or lack of independence; (A tribunal member may have a relationship or interest with the applicant or respondent)	Likely	Critical	Sections 206 and 207 Companies Act,2008	Conflict of interest declarations forms to be completed before the adjudication of an allocated case

3	STRATEGIC - Performance and Reputational Risks	Poor service delivery resulting from delays in finalizing cases.	<ol style="list-style-type: none"> 1. Non-existence of a performance management system for Tribunal Members 2. Capacity constraint 3. Inadequate monitoring of applications due to manual tracking system 	Common	Critical	<ol style="list-style-type: none"> 1. Reminders are sent to members. 2. Prioritizing allocation to members that are adhering to set time frames 	<ol style="list-style-type: none"> 1. Performance agreements to be introduced to members 2. Propose appointment of full time tribunal members 3. Procure case management software.
4	OPERATIONAL - Reputational Risk	Failure to benchmark organization to best practice leading to poor customer service.	Use of out dated methods of doing business	Likely	Major	Desktop research	<ol style="list-style-type: none"> 1. Build relationships and partnerships with similar International institutions. 2. Motivation for funding.
5	OPERATIONAL - Human Capital Risk	Lack of capacity to perform effectively (Vacant critical positions)	Limited funding for positions	Likely	Critical	Outsourcing	Motivate for funding for critical positions.

6	STRATEGIC - Human Capital Risk	<ol style="list-style-type: none"> 1. Higher staff turnover 2. Poor productivity due to wellness issues 3. Inadequate Corporate Governance 4. Non-compliance with Human Resource & or Labour laws 	<ol style="list-style-type: none"> 1. Low morale leading to demotivated employees 2. Wellness issues 3. Inadequate performance management 4. High work load 5. Misalignment of the structure with strategic objectives 6. Poor communication 	Likely	Critical	Performance Management Policy	<ol style="list-style-type: none"> 1. Review the organizational structure and HR Policies & Procedures 2. Requesting funding for the structure
7	STRATEGIC - Performance Risk	<ol style="list-style-type: none"> 1. Inability to meet planned targets (Poor Service delivery) 2. Labour unrest 	<ol style="list-style-type: none"> 1. Non-compliance with the PMS (Failure to adhere the policy (PMS) by Management and Staff) 2. Inadequate performance assessments of staff 3. Inability to reward good performance 	Likely	Critical	<ol style="list-style-type: none"> 1. Performance Management Policy 2. Performance Agreements 3. Labour Relations Act 	<ol style="list-style-type: none"> 1. Quarterly reviews of organization and individual performance 2. Consequence management

8	OPERATIONAL - Compliance Risk	Companies Tribunal may fail to comply with labour laws and regulations (Financial loss resulting from the payment of penalties and fines)	1. Non Adherence to labour laws and regulations 2. Lack of Knowledge (New laws and regulations, amendments to existing Laws and regulations)	Likely	Critical	KPIs on Submission of UIF, Workmen's Compensation Fund, WSP included on Performance Agreements of the Human Resources Manager	Compliance Check List
9	STRATEGIC - Financial risk	Inability to fund critical operations	1. Insufficient grant funding 2. Inability to generate income from services	Likely	Critical	1. Motivation for funding to the dti 2. No controls for generating income	Recommend amendment to Companies Act to enable revenue generation
10	OPERATIONAL -Technology Risk	1. Delays in IT project delivery 2. Excessive delays in outsourced IT development projects 3. IT projects budget overruns 4. Incorrect technology solution	1. Insufficient funding of the projects 2. Lack of capacity.	Critical	Critical	1. Service Level Agreement 2. Finance Policy Guidelines	1. IT Governance Framework 2. IT Strategic Plan

4. Any subsidiary or statutory body reporting to the entity

The Companies Tribunal does not have any subsidiary or statutory body reporting to it.

5. Anti-fraud and Corruption Policy

In order to promote an anti-fraud culture, the Tribunal applies the following principles:

Principle 1: Zero-tolerance

The Tribunal is committed to being an ethical and honest organization and it is the policy of the Tribunal that fraud, corruption, theft, maladministration or any other dishonest activities of a similar nature will not be tolerated.

Principle 2: Accountability

It is the accountability of leadership and business unit heads to ensure that the control environment is adequate and effective to prevent or detect fraud incidents. All members of staff and Tribunal members are specifically responsible for the prevention and detection of fraud, corruption, theft, maladministration or any activities of a similar nature, within their areas of responsibility.

Principle 3: Duty to implement effective anti-fraud controls

Appropriate prevention and detection controls will be implemented within the Tribunal. These include controls and checking mechanisms as prescribed in existing policies of government, procedures and other relevant prescripts to the activities of the Tribunal, and systems of internal control.

In respect of all reported incidents of fraud, business unit heads/ managers are required to immediately review, and where possible, improve the effectiveness of the controls which have been breached in order to prevent similar irregularities from taking place in future.

Principle 4: Duty to report and reporting mechanisms

The Tribunal encourages staff members, stakeholders and members of the public who suspect fraud and wish to report it anonymously to do so by phoning the dedicated whistle blowing hotlines of government and that of the Tribunal that had been procured.

All calls to the Tribunal's hotline will be treated confidentially and the identity of persons lodging reports ("whistleblowers") will be protected.

Principle 5: Duty to protect whistleblowers

The Tribunal acknowledges and abides by the Protected Disclosures Act as well as other legislation that seeks to protect whistleblowers and will protect all persons that report incidents of fraud from discrimination and maltreatment in the workplace.

Principle 6: Reporting to police and other relevant authorities

The Tribunal will report fraud and/or related misconduct, as applicable to the South African Police Services or other relevant authorities. Appropriate legal recourse to recover losses or damages arising from fraud and corruption will be taken without undue delay.

Principle 7: Mandate to investigate fraud

All incidences of fraud and corruption will be investigated and followed up by the application of all remedies available within the full extent of the law. The Chairperson of the Audit & Risk Committee of the Tribunal and/or the Tribunal Chairperson holds the mandate to ensure that investigations are facilitated and managed appropriately.

Internal staff, providers, and stakeholders will be expected to cooperate fully during any investigation. Any acts of non-cooperation will be addressed in line with the Tribunal's disciplinary procedures.

Principle 8: Instituting disciplinary proceedings

The Tribunal will ensure that disciplinary proceedings and other available remedies are exercised with minimal delay in the event that acts of fraud and corruption have been committed internally. Where an official is alleged to have committed an act of fraud, corruption, theft or maladministration, the respective line supervisor/manager must institute disciplinary proceedings immediately in line with the disciplinary procedures of the Tribunal.

Principle 9: Training and awareness

Fraud awareness and specific anti-fraud and corruption training will be undertaken regularly to raise and maintain vigilance within the Tribunal.

Principle 10: Fraud risk assessment

The Tribunal will ensure that fraud risk is assessed regularly by the organisation and its business units as well as ensure that, during the design and implementation of new systems and processes, the relevant fraud risks have been considered.

6. Service Delivery Improvement plan

The Companies Tribunal is established in terms of the Companies Act 71 of 2008 as a juristic person. In terms of the Act the Tribunal has jurisdiction throughout the Republic. It is independent and subject to the Constitution and law.

The role of the Companies Tribunal is to adjudicate any applications and make orders in terms of the Act; assist in the resolution of disputes as contemplated in the Act; and perform any other function assigned to it in terms of the Act.

The Tribunal offers a prompt and effective service to its stakeholders. Information about the work of the Tribunal is easily accessible on the Tribunal's website. Clients may also call the offices directly to request clarity on filing procedures or any other relevant information needed.

Feedback to clients is also given timeously and access to information is readily available.

Key Services	Service beneficiary	Current standard 2014/15		Desired standard		
				2016/17	2017/18	2018/19
Adjudication and make orders	Public	Quality	Applications are resolved within 40 business days after complete filing of documents	Applications to be resolved within 35 days after complete filing of documents	Applications to be resolved within 30 days after complete filing of documents	Applications to be resolved within 30 days after complete filing of documents
		Quantity	An average of 10 applications are resolved within 30 business days after the date of allocation	An average of 15 applications will be resolved within 28 business days from the date of allocation	An average of 18 applications will be resolved within 25 business days from the date of allocation	An average of 17 applications will be resolved within 25 business days from the date of allocation
		Accessibility	Through the Internet, walk-ins and outreach collaborations or partnerships	Will participate in eight outreaches or exhibitions: Kimberly, Bloemfontein, Port Elizabeth, Potchefstroom, Mogale City, Emalaheni, Richards Bay and Mafikeng.	Will participate in eight outreach programmes or exhibitions: Thohoyandou, Cape Town, Saldanha Bay, Nelspruit, Rustenburg, Brits, East Rand and West Rand.	Will participate in eight outreach programmes or exhibitions: City of Johannesburg, Plettenberg Bay, Umtata, Secunda, Pietermaritzburg, Taung, Kimberly and Polokwane.
		Accountability	80% adherence to the service delivery improvement	90% adherence to the service delivery improvement standards	95% adherence to the service delivery improvement standards	95% adherence to the service delivery improvement standards

			standards			
		Openness and Transparency	Published annual report on the website and provide hard copies on request. Publishing of Tribunal decisions	Publish annual report on the website and provide hard copies on request. Business plan and Annual performance plan document will be posted on the website	Publish annual report on the website and provide hard copies on request. Business plan and Annual performance plan document will be posted on the website	Publish annual report on the website and provide hard copies on request. Business plan and Annual performance plan document will be posted on the website
		Value for money	Free service to the public	Free and speedy service to the public	Free and speedy service to the public	Free and speedy service to the public
		Redress	Enquiries and complaints will be acknowledged within two days after receipt, resolve within five (5) working days	Enquiries and complaints will be acknowledged within a day after receipt, resolve within four (4) working days	Enquiries and complaints will be acknowledged within a day after receipt, resolve within three (3) working days	Enquiries and complaints will be acknowledged within a day after receipt, resolve within three (3) working days
Dispute resolution	Public	Quality	Applications are resolved within 32 days from date of receipt of application	Applications to be resolved within 25 days from the date of receipt of application	Applications to be resolved within 20 days from the date of receipt of application	Applications to be resolved within 20 days from the date of receipt of application
		Accessibility	Through the Internet, walk-ins and outreach collaborations or	Will participate in eight outreach or exhibition: Kimberly, Bloemfontein, Port Elizabeth, Potchefstroom, Mogale City, Emalahleni,	Will participate in eight outreach programme or exhibition: Thohoyandou, Cape Town, Saldanha	Will participate in eight outreach programme or exhibition: City of Johannesburg, Plettenberg Bay, Umtata, Secunda,

		partnerships.	Richards Bay and Mafikeng	Bay, Nelspruit, Rustenburg, Brits, East Rand and West Rand.	Pietermaritzburg, Taung, Kimberly and Polokwane
	Accountability	80% adherence to the service delivery improvement standards	90% adherence to the service delivery improvement standards	95% adherence to the service delivery improvement standards	95% adherence to the service delivery improvement standards
	Value for money	Free service to public	Free and speedy service to the public	Free and speedy service to the public	Free and speedy service to the public
Paying Service providers	Public	Quality	Service providers are paid within 30 days	All service providers will be paid within 25 days after service has been rendered	All service providers will be paid within 22 days after service has been rendered
	Accountability	The current compliance standard of paying service providers is 70%	85% compliance	90% compliance	90% compliance
	Redress	Complaints will be acknowledged within two days after receipt, resolve within seven (7) working days	Complaints will be acknowledged within a day after receipt, resolve within five (5) working days	Complaints will be acknowledged within a day after receipt, resolve within four (4) working days	Complaints will be acknowledged within a day after receipt, resolve within three (3) working days

7. Materiality and Significance of Framework

7.1 Statutory requirements

In terms of the Treasury Regulation 28.3.1, Accounting Authorities must “For purposes of material [section 55(2) of the Act] and significant [section 54(2) of the Act], develop and agree a framework of acceptable levels of materiality and significance with the relevant executive authority.”

The Tribunal is required by law to operate within the PFMA and its accompanying Treasury Regulations as a Schedule 3A public entity, the two above-mentioned sections of the Act are therefore very significant for operational and reporting purposes.

Materiality and significance levels will be influenced by considerations such as legal and regulatory requirements.

7.2 Assessment and determination of materiality for the Tribunal

The Companies Tribunal is a fairly new organization and therefore still establishing processes and strengthening its control environment. At this stage of development, there are inherent risks associated with first implementation of unproven process, lack of organizational culture and lack of teamwork. The aforementioned risks must however be discounted by the unqualified audit report obtained by the entity over the past three years and the significance of the related audit findings. This therefore requires the entity to set the threshold at a reasonably conservative level of the Treasury guideline matrix.

The following guideline will be applied to the basis selected:

The best indicator with regard to the Tribunal’s non-capital intensive business activity is the higher of revenue or expenditure. For this reason 0.60% of budgeted expenditure is chosen with regard to this framework, and this basis is consistent with prior years.

7.3 Annual review of materiality

The materiality framework and significance levels will be reviewed each financial year in line with the preparation of the annual performance plan by management based on the levels of risks and the adequacy of the internal controls and accounting systems.

8. Annexure: Indicator Profiles

STRATEGIC GOAL:	
Adjudicate and make orders in relation to any application	
STRATEGIC OBJECTIVE:	
Adjudicate applications timeously, fairly and in a transparent manner	
1. Indicator title	Percentage of decisions and orders issued within 30 working days after the final date of the hearing.
2. Short definition	<p>Percentage of cases resolved within 30 days after the final hearing date.</p> <p><i>Final hearing date refers to the last date of hearing of a matter of a Tribunal sitting or the last date of submission of documentation requested by the Tribunal Member at the final hearing.</i></p> <p><i>Days refer to working days excluding weekends, public holidays and days on which CT is officially closed.</i></p>
3. Purpose/importance	The entity shows its efficiency and effectiveness in managing cases and the turnaround times to revert back to the applicants after the date of hearing.
4. Source/collection of data	Excel spreadsheet. The spreadsheet will reflect the date received, the date allocated, the date of hearing and the date on which the decision or order was issued.
5. Method of calculation	The number of decisions and orders issued within 30 working days after the last hearing date divided by the total number of hearings concluded and multiply by hundred. The number of hearings concluded where the 30 working days of issuing a decision or order fall outside the reporting period will not be calculated. The number of decisions or orders issued after the 30 working days after the last day of the hearing will not be counted as percentage achieved but will be counted as total number of hearings concluded.
6. Data limitations	Cut-off date for calculation of the 30 working days should be measured accurately. If the system is automated this can eliminate human error.

7. Type of indicator	Quantity - output
8. Calculation type	Cumulative – it is calculated on a quarterly basis to obtain the annual target
9. Reporting cycle	Monthly
10. New indicator	No – continuous from the previous financial year
11. Desired performance	Target - increased baseline performance 85%-90%
12. Indicator responsibility	Manager: Registry

STRATEGIC GOAL: Adjudicate and make orders in relation to any application	
STRATEGIC OBJECTIVE: Adjudicate applications timeously, fairly and in a transparent manner	
1. Indicator title	Percentage of decisions and orders issued within 30 days after the date of allocation
2. Short definition	Percentage of cases resolved within 30 days after the allocation date. <i>Date of allocation</i> refers to the date of sending an e-mail allocating a case to a Tribunal member. <i>Days</i> refer to working days and exclude weekends, public holidays and days on which CT is officially closed.
3. Purpose/importance	The entity shows its efficiency and effectiveness in managing cases and the turnaround times to revert back to the applicants after the date the case was allocated.
4. Source/collection of data	Excel spreadsheet. The spreadsheet will reflect the date received, the date allocated, the date allocated and the date on which the decision or order was issued.
5. Method of calculation	The number of decisions and orders issued within 30 working days after the date of allocation divided by the total number of allocated cases and multiply by hundred. The number of allocated cases, where the 30 working days of issuing a decision or order fall outside the reporting period will not be calculated. The number of decisions or orders issued after the 30 working days after the last day of the allocation will not be

	counted as percentage achieved but will be counted as total number of cases allocated.
6. Data limitations	Cut-off date for calculation of the 30 working days should be measured accurately. If the system is automated this can eliminate human error.
7. Type of indicator	Quantity - Output
8. Calculation type	Cumulative – it is calculated on a quarterly basis to obtain the annual target
9. Reporting cycle	Monthly
10. New indicator	No – continuous from the previous financial year
11. Desired performance	Target 90% - 90%
12. Indicator responsibility	Manager: Registry

STRATEGIC GOAL:	
Resolution of disputes in terms of Alternative Dispute Resolution (ADR)	
STRATEGIC OBJECTIVE:	
Resolve disputes in a cost-effective, informal and timeous manner	
1. Indicator title	Percentage of cases finalised ¹⁰ in terms of Alternative Dispute Resolution (ADR) within 25 working days after the date of final hearing or final submission by parties whichever is applicable
2. Short definition	Percentage of cases finalised in terms of ADR within 25 working days after the date of final hearing or final submission by parties whichever is applicable <i>Hearing refers to a sitting of mediation, conciliation or arbitration as agreed by the parties.</i> <i>Finalised refers to instances where a certificate of failed ADR has been issued, order issued or withdrawal of the matter by the applicant, settlement agreement reached by parties or mediation report issued by the ¹¹mediator(s) within 25 working days after the date of final hearing.</i>

¹⁰ Finalised refers to instances where certificate of failed ADR has been issued, consent order issued of withdrawal of the matter by either party, settlement agreement reached by both parties or mediation report issued by the Tribunal Member(s)

¹¹ Mediator and Tribunal Member means the same thing or person

	<p>Date of final hearing refers to the last day set for mediation, conciliation or arbitration of a matter or the last date of submission of documentation requested by the mediator at the final hearing from the party/ies</p> <p>Days refer to working days excluding the holidays, weekends and days on which the CT is officially closed.</p>
3. Purpose/importance	The entity shows its effectiveness in terms of handling the ADR cases and the finalization of cases to revert back to the applicants after the hearing of the case.
4. Source/collection of data	Excel spreadsheet. The spread sheet will reflect the date received, the date of hearing and the date of finalizing of the case.
5. Method of calculation	The number of cases finalised in terms of ADR within 25 working days after the date of final hearing divided by the total number of cases set down for hearing multiplied by hundred. The total number of cases set down for hearing outside of the reporting period will not be counted including cases that were set down for hearing during the reporting period but were postponed to allow the parties to deal with the matter outside of the Tribunal mediation, conciliation and arbitration processes. The number of cases set down for hearing where the 25 working days for finalising the case fall outside the reporting period will not be calculated. The number of cases finalised after the 25 working days after the date of final hearing will not be counted as percentage achieved but will be counted as total number of hearings set down for hearing.
6. Data limitations	Number of cases received and finalized should be measured accurately. If the system is automated this can eliminate human error.
7. Type of indicator	Quantity - Output
8. Calculation type	Cumulative- it is calculated on quarterly bases to obtain an annual target.
9. Reporting cycle	Quarterly
10. New indicator	Yes
11. Desired performance	To increase from the 70% baseline to 75%.
12. Indicator responsibility	Manager: Registry

STRATEGIC GOAL:		
Ensure Operational Effectiveness and efficiency of the Tribunal		
STRATEGIC OBJECTIVE:		
To promote and maintain sound corporate governance		
1. Indicator title	Percentage of total budget spent	No irregular, fruitless and wasteful expenditure incurred
2. Short definition	<i>Total budget spent refers to actual expenditure as compared to total budgeted revenue reflected on statement of financial performance. Irregular, fruitless and wasteful expenditure are those expenditure incurred not in compliance with supply chain management rules and regulations.</i>	
3. Purpose/importance	Established systems and processes to ensure compliance to regulatory frameworks (PFMA)	
4. Source/collection of data	Statement of financial performance	
5. Method of calculation	Actual spending of grant funding as well as other revenue received	Irregular, fruitless and wasteful expenditure register
6. Data limitation	Inadequate financial systems and inadequate controls for ensuring compliance with regulatory frameworks	
7. Type of indicator	Internal compliance to regulatory frameworks Quantity - output	
8. Calculation type	Cumulative	
9. Reporting cycle	Quarterly	
10. New indicator	No	
11. Desired performance	Full compliance with regulatory frameworks and unqualified audit report	
12. Indicator responsibility	Chief Financial Officer	

STRATEGIC GOAL:	
Ensure operational effectiveness and efficiency of the Tribunal	
STRATEGIC OBJECTIVE:	
To ensure the efficient management of cases	
1. Indicator title	Piloted case management system
2. Short definition	An electronic filing and case management system that will be used by applicants, Tribunal members and staff for managing of applications for adjudication and dispute resolution
3. Purpose/importance	To improve efficiency in the management of cases and to ease the process of filing and managing cases by applicants, Tribunal members and staff
4. Source/collection of data	Computers and server Software programme Records reports, case management reports
5. Method of calculation	Automatic reports generated by the piloted system
6. Data limitations	Lack of resources (Human and capital)
7. Type of indicator	Output
8. Calculation type	Cumulative
9. Reporting cycle	Quarterly
10. New indicator	No, continuous from the previous financial year
11. Desired performance	Effective and efficient piloted case management system
12. Indicator responsibility	Manager: Registry

STRATEGIC GOAL:	
Ensure operational effectiveness and efficiency of the Tribunal	
STRATEGIC OBJECTIVE:	
To build a body of knowledge around company law	
1. Indicator title	Number of research reports produced
2. Short definition	CT to conduct research on the impact and effectiveness of the Companies Tribunals in delivering on its mandate <i>Produced means approved by the Full Time Tribunal member for internal use and circulated internally on shared drive</i>

3. Purpose/importance	To enhance CT approach on delivering on its mandate as a world class organization
4. Source/collection of data	Filed research report on shared drive
5. Method of calculation	Manual counting
6. Data limitations	Human error
7. Type of indicator	Quantity - Output
8. Calculation type	Cumulative
9. Reporting cycle	Quarterly
10. New indicator	No - continuous from the previous year
11. Desired performance	To enhance CT's capacity to deliver on its mandate in terms of section 195 of the Companies Act, 2008
12. Indicator responsibility	Manager Research

STRATEGIC GOAL: Effective stakeholder engagement	
STRATEGIC OBJECTIVE: To educate members of the public and raise awareness regarding the Tribunal	
1. Indicator title	Number of seminars hosted
2. Short definition	Host 1 seminar on seminar on corporate governance, business ethics and Social and Ethics Committee <i>Host means organize and present</i>
3. Purpose/importance	To create awareness and educate the public about services of CT and promote a positive corporate image
4. Source/collection of data	Transcript of the seminar and attendance register
5. Method of calculation	Manual counting of the number of seminar report and attendance register
6. Data limitations	Lack of resources (Human and Capital)
7. Type of indicator	Quantitative - Output
8. Calculation type	Cumulative
9. Reporting cycle	Quarterly
10. New indicator	No, continuous from previous year
11. Desired performance	Public awareness, accessibility and stakeholder management

12. Indicator responsibility	Manager Research
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STRATEGIC GOAL: Effective stakeholder engagement	
STRATEGIC OBJECTIVE: To educate members of the public and raise awareness regarding the Tribunal	
1. Indicator title	Number of media engagements
2. Short definition	Release 2 Media statements in newspapers to create awareness of the services provided by the CT to the public and stakeholders by end of the year Hold two radio interviews to create awareness and educate the public about services of the Companies Tribunal <i>Release means to publish in newspaper(s)</i>
3. Purpose/importance	To create awareness and educate the public about services of CT and promote a positive corporate image
4. Source/collection of data	Media statements or advertorial Shared drive Radio clip or letter from radio station confirming that the interview took place.
5. Method of calculation	Manual counting of media statements or advertorials and radio clip or letters from radio stations.
6. Data limitations	Lack of resources (Human and Capital)
7. Type of indicator	Quantitative - Output
8. Calculation type	Cumulative
9. Reporting cycle	Quarterly
10. New indicator	No, continuous from previous year
11. Desired performance	Public awareness, accessibility and stakeholder management
12. Indicator responsibility	Manager Research

STRATEGIC GOAL: Effective stakeholder engagement	
STRATEGIC OBJECTIVE: To educate members of the public and raise awareness regarding the Tribunal	
1. Indicator title	Number of participations in outreaches or exhibitions.
2. Short definition	Participation in eight (8) outreach or exhibitions targeting business people, aspiring business people and youth in identified areas. The participation is to create awareness to the public and stakeholders of the services provided by the Companies Tribunal <i>Participation means either sponsoring or presenting at an outreach exhibition or event of a stakeholder</i> <i>Stakeholder means any institution or organization which shares a common interest with the Companies Tribunal</i>
3. Purpose/importance	To create awareness and educate the public about services of CT and promote a positive corporate image
4. Source/collection of data	Outreach or exhibition reports
5. Method of calculation	Manual counting of the outreach or exhibition reports
6. Data limitations	Lack of resources (Human and Capital)
7. Type of indicator	Quantitative - Output
8. Calculation type	Cumulative
9. Reporting cycle	Quarterly
10. New indicator	No, continuous from previous year
11. Desired performance	Public awareness, accessibility and stakeholder management
12. Indicator responsibility	Manager Research

STRATEGIC GOAL: Ensure operational effectiveness and efficiency of the Tribunal	
STRATEGIC OBJECTIVE: To recruit, appoint, develop and retain competent staff	
1. Indicator title	Percentage of staff trained on matters relating to the operations of the Tribunal

2. Short definition	<i>Trained means that an employee attended a course, seminar, conference or workshop (formal or informal training)</i>
3. Purpose/importance	To develop staff and enhance knowledge in the field of work to improve productivity
4. Source/collection of data	Training reports or attendance registers, Skills Development report, number of employees who attended Payroll (confirm staff)
5. Method of calculation	Number of employees that attended training at least once divided by the total number of filled positions at the beginning of the financial year multiplied by hundred. New appointments in the year will be excluded from the calculation.
6. Data limitations	Lack of resources (Human and Capital)
7. Type of indicator	Quantitative - Output
8. Calculation type	Cumulative
9. Reporting cycle	Quarterly
10. New indicator	Yes
11. Desired performance	Competent staff who are able to perform the work
12 Indicator responsibility	Deputy Manager Human Resources

STRATEGIC GOAL:	
Ensure operational effectiveness and efficiency of the Tribunal	
STRATEGIC OBJECTIVE:	
To recruit, appoint, develop and retain competent staff	
1. Indicator title	Percentage of staff retained
2. Short definition	The percentage of staff that is retained <i>Retained/ Retention means that the Tribunal has not lost staff as a result of resignations</i>
3. Purpose/importance	To ensure that employees do not resign so that limited interruption in service delivery and institutional knowledge is retained and investment in employee development is realized
4. Source/collection of data	Resignation letters, salary reports and budget
5. Method of calculation	Total number of funded filled positions at the beginning of the

	year minus total number of staff resigned during the year, divided by total number of funded filled positions at the beginning of the financial year, multiplied by hundred
6. Data limitations	Human error
7. Type of indicator	Quantitative - Output
8. Calculation type	Cumulative
9. Reporting cycle	Quarterly
10. New indicator	Yes
11. Desired performance	Continuous employment with the Companies Tribunal ensuring a low staff turnover rate
12. Indicator responsibility	Deputy Manager: Human Resources