



national consumer tribunal

Strategic Plan

(2016/17 – 2020/21)

| TERM | DEFINITION |
|----------------|--|
| ADR | Alternative Dispute Resolution |
| AGSA | Auditor-General of South Africa |
| APP | Annual Performance Plan |
| CCRD | Consumer and Corporate Regulation Division |
| CFO | Chief Financial Officer |
| CMS | Case Management System |
| COO | Chief Operating Officer |
| CPA | Consumer Protection Act (“Act No 68 of 2008”) |
| DRA | Debt Re-arrangement Agreement |
| EAF | Enterprise Architecture Framework |
| ESS | Employee Self-Service |
| GRAP | Generally Recognised Accounting Practice |
| HR | Human Resources |
| ICT | Information and Communications Technology |
| IT | Information Technology |
| MIS | Management Information System |
| MTEF | Medium Term Expenditure Framework |
| MTSF | Medium Term Strategic Framework |
| NCA | National Credit Act (“Act No 34 of 2005”) |
| NCC | National Consumer Commission |
| NCR | National Credit Regulator |
| NCT | National Consumer Tribunal |
| NDP | National Development Plan |
| OECD | Organisation for Economic Co-operation and Development |
| PAJA | Promotion of Administrative Justice Act (“Act No 3 of 2000”) |
| PDP | Personal Development Plan |
| PEO | Public Entity Oversight Unit |
| PESTLE | Political, Economic, Social, Technological, Legal, Ethical and Environmental |
| PFMA | Public Finance Management Act (“Act No 1 of 1999”) |
| SMME | Small Medium & Micro Enterprise |
| SR | Strategic Risk |
| SWOT | Strength, Weakness, Opportunity, Threat |
| the dti | The Department of Trade and Industry |

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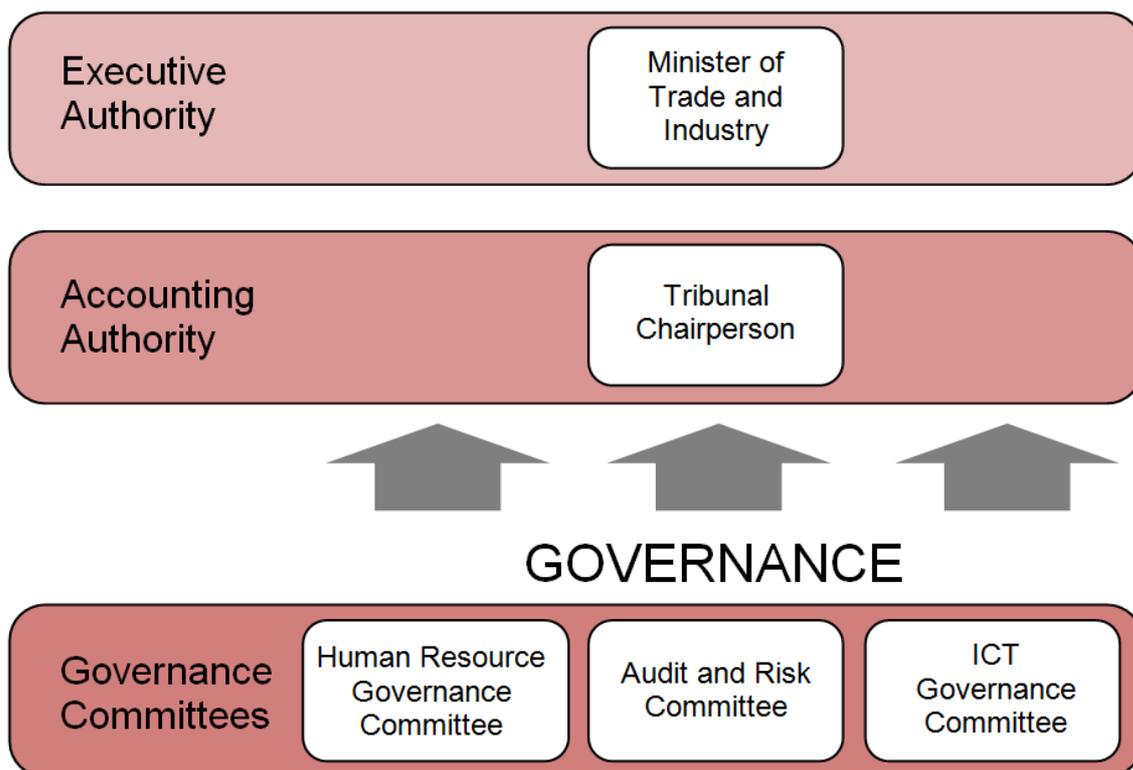
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1. Organisational Structure

Governance structure

The National Consumer Tribunal Executive Chairperson (the Chairperson) is accountable for the NCT governance and oversight, inclusive of oversight over its operations. The Chairperson is also responsible for oversight of operational management. The NCT reports to the Executive Authority, the Minister of Trade and Industry, through the Consumer and Corporate Regulation Division (CCRD) and the Public Entity Oversight Unit (PEO) of the Department of Trade and Industry (“**the dti**”). The NCT’s activities are funded by the provision of a budget from funds voted annually to **the dti**.

The NCT has three committees that advise the Accounting Authority on matters pertaining to **governance**. These are the Audit and Risk Committee, the Human Resource Governance Committee, and the ICT Governance Committee, These committees function by way of a formal Charter.



Governance Committee Reporting Structure

Operational structure

The **current** operational structure of the NCT was included in the 2014/15 APP and was subsequently approved by **the dti**. The future proposed structure has been adjusted over time to ensure that it remains relevant and appropriate to organisational

requirements. It ensures that the NCT continues to have the right people, with the right skills and competencies available at the right time, at the appropriate level to deliver on its mandate.

The NCT has been on an important journey to develop ICT enabled systems and processes to ensure the efficiency and effectiveness of its operations and to operate within the constraints of its available budgetary and human resources. The coming 2016/17 year marks a significant milestone in the growth of its structural evolution with the finalisation of the implementation of enhancements to the NCT **Case Management System (CMS)**. The CMS will incorporate functionalities not originally specified. These functionalities are for the electronic ingestion of data via XML files directly into the NCT CMS database thus reducing the resources required for data capturing and the risks of inaccurate capturing of such data into the CMS; a decision support system to speed up adjudication of DRAs filed electronically; and a purse management system to facilitate payment of filing fees and the reconciliation thereof (implemented 2015/2016).

It is envisaged that the implementation of these additional functionalities to the NCT Case Management System (CMS) will significantly impact the NCT's structural arrangements. A key implication is that the **shape of the NCT organisation structure** may well change with a need for people with a different skill-set to that currently in place. This will mean that there may well be a need for current employees to undergo retraining to enable them to acquire the necessary skills. It will also require managers to hone and further develop their competencies to more effectively manage in a high tech, highly skilled, knowledge intensive work environment. The following function-specific implications have also been noted:

- **Tribunal Members**

For DRAs filed electronically there may be reduced numbers of Debt Re-arrangement Arrangements (DRAs) to be adjudicated on by Tribunal Members. This will depend on the degree of success in the implementation of decision support system and the appropriate- and correctness of the orders issued. The net effect of this increased efficiency will however be negated by the consistent and sustained increase in filings of DRAs we have experienced over the past few years and that we expect to continue seeing in future and manual filings we also expect to increase dramatically as we increase access to Tribunal services. Tribunal Members will still be required to deal with non-DRAs, which are very resource intensive and currently increasing in number and complexity. A resource constraint is that part-time Tribunal Members, who constitute the majority of Tribunal Members, have limited time availability.

- **Registrar's Office**

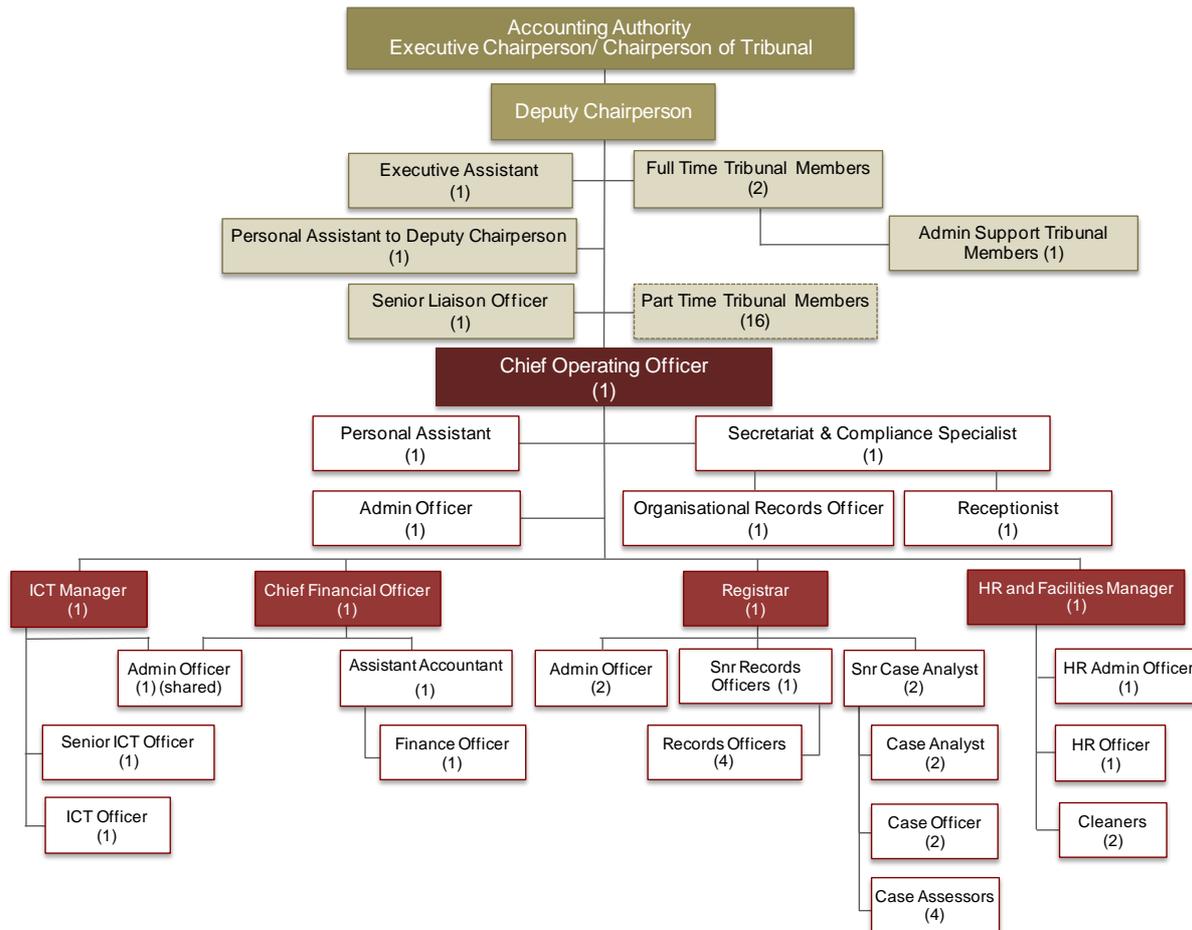
The consequential impact of the CMS implementation on the Registrar's Office is that there may well be a decrease in the future requirements for manual data capture and assessment work. This may mean that the number of positions will have to be reviewed and people re-assigned or re-skilled to perform other work. The Registrar's Office would therefore need to be re-organised to take account of these changes. It is likely that the **re-organisation of the Registrar's Office** would have the following consequences:

- A **re-alignment of duties and extensive re-training** during the 2016 / 2017 transition period.
- The **establishment of multi skilled teams** and the **multi-skilling** of people to enable them to operate in such teams, thereby enriching job content and enhancing business continuity in the unit.

- **ICT**

- **Applications support specialist/s** will be required on an 'as-and-when' basis to support users of the CMS. This is important as the system is central to the NCT managing its case load in an efficient and effective manner.

The following **organogram** represents the **proposed future organisational structure** for 2016/17 of the NCT. It sets out the operational structures, based on the NCT's Strategy and Annual Performance Plan, which will best enable it to deliver on its mandate. It must be noted that the following structure is **proposed** and is **subject to approval** by the Minister of Trade and Industry:



NCT Organisational Structure 2016/17

The **key driver** with regard to the number and type of future resources required is the NCT's **caseload** and its level of ICT enablement and automation. A variable caseload requires a flexible and agile structure. The organisational structure of the NCT has therefore been **designed** according to the **design principles** of consistency, continuity, accountability, flexibility and efficiency:

- To ensure **consistency and continuity**, the NCT is embarking upon a full Workforce Planning exercise that will determine its specific resourcing requirements (as contained within a Workforce and Strategic Sourcing Plan) for coming years.
- To ensure **accountability**, the NCT, wherever possible, ensures that whole work processes with discreet work products are owned 'end to end' by functional teams. An example of this is the proposed future operations of the Registrar's Office.
- To ensure **efficiency**, the NCT is structured with a combination of permanent and contingent employees. This allows for the work-force, and the consequent employment cost, to flex and adjust to the NCT's variable case load as well as to the

interventions designed to meet this case load. It also provides an opportunity for the NCT to carefully manage the transition process from manual to automated work without having to employ permanent employees who may not have approved positions within the future Workforce and Strategic Sourcing Plan.

- To ensure the necessary **flexibility** and **speed** of employment required to meet the demands of peak caseload the NCT employs a **contingent pool** of interns and professionals. It employs **students** and **interns** with a view to enable them to gain important work-skills and experience in Consumer regulatory issues and to then progress to permanent positions elsewhere in the commercial sector.

Should there be suitable vacant permanent or contract positions in the NCT at the end of their contracts, interns may also be considered for these positions. The number of interns will remain stable over the specified annual period but the number of contingent legal and administrative employees called upon may fluctuate from time to time based on the case load received by the Tribunal as well as the way it decides to respond to this increased case load. In this way, the NCT enjoys an ongoing supply of young, talented and committed people who add a richness and diversity to the NCT's culture.

The NCT will continue to implement an optimal structure that effectively segregates non-compatible functions. This contributes to upholding robust internal control processes. The Chief Operating Officer (COO) oversees the operations of the NCT. All senior managers therefore report directly to the COO.

This means that the **Executive Chairperson** oversees the COO, Senior Liaison Officer, Executive Assistant, Full- and Part-Time Tribunal Members.

The ability of the existing Tribunal Members to adjudicate on cases is directly impacted on by the numbers and types of cases filed with the Tribunal. With the sustained growth in the number and types of cases filed with the Tribunal due to the increased uptake of the Tribunal services and its increased mandate arising out of the National Credit Amendment Act, an additional six (6) part-time and one (1) full-time Tribunal Member(s) (the Deputy Chairperson) will be required during this performance period, increasing the complement of Tribunal Members to twenty (20) Tribunal Members (Full-Time Chairperson, 3 Full-Time Tribunal Members and 16 Part-Time Tribunal Members).

As funding for the adjudication of cases and the Tribunal Members' costs are driven by the number of cases rather than the number of Tribunal Members (particularly those in a part-time capacity) there will not be a need for additional funds in order to appoint the additional Tribunal Members. Having more members available to draw on for an allocation of cases will enable the NCT to efficiently adjudicate on the increased number and types of cases filed with it during this period. It is envisaged that it will be able to do so for the foreseeable future.

The Senior Liaison Officer and the Executive Assistant to the Executive Chairperson, together with the **COO**, assist the Executive Chairperson with **strategic communications**. This facilitates the NCT's effective engagement with all of its key stakeholders to ensure that its strategy has an impact on the broader consumer regulatory environment and that NCT reduces the demand on its resources. The Tribunal has high regard for the input of stakeholders and through its stakeholder engagements ensures that the Tribunal is able to anticipate its future case flow and utilize its resources most effectively in delivering on its mandate.

The **Human Resources and Facilities Manager** drives the Human Resource Strategy and Plan. HR's focus has shifted from a traditional **transactional** approach to one that incorporates organisation design, strategic workforce planning and sourcing as well as human resource development, inclusive of a focus on ongoing learning.

The transition from manual to digitally based operations has required support from HR at a strategic level in order to develop and implement effective change management, career development, re-training and personal development. To ensure the consistent communication of business objectives and changes, as well as the engagement of all staff at all levels, HR also manages **internal communications**.

The role of HR in the Tribunal also includes ensuring employment-related regulatory compliance as well as the appropriate design and utilisation of all aspects of its physical space in order to create an optimal, safe and cost effective environment for NCT employees and Tribunal Members.

This is accomplished by managing the core facilities management activities which include Occupational Health and Safety (OHS), maintenance, and cleaning.

The **Case Management and Records Management** processes are managed in the Registrar's Office with direct end to end responsibility for this important process. This allows for a clear differentiation of responsibilities with the Registrar's Office owning the administrative process and Tribunal Members being directly accountable for sound decision making and timely adjudication.

The NCT has a **very stable senior management core** enjoying a significant degree of continuity. This core is tasked with managing a grouping of both contingent and full time employees whose numbers vary according to organisational requirements. The evolving profile of the NCT workforce indicates a transition to a predominantly younger workforce over time. Managing this young, largely contingent workforce will require leadership within the NCT to develop the necessary skills to manage millennial employees.

It is reasonably expected that the NCT's structure will continue to further adapt as demand for its services increases. The NCT will ensure that a comprehensive, pro-active **Workforce and Strategic Sourcing Plan** (which includes a combination of contingent employees, fixed term contract and permanent employees) will be developed to enable timely, pro-active and effective sourcing of people in line with its needs and

requirements. Vacancies that arise on certain levels during 2016/17 might not be filled due to the evolving nature of the execution of tasks.

The NCT's current and future organisation structure will ensure the appropriate blend of leadership continuity and workforce flexibility that ultimately contributes to the NCT being an agile, responsive and efficient organisation.

2. Official Sign-off

It is hereby certified that this **Strategic Plan for 2016/17 to 2020/21**

- Was developed by the management of the National Consumer Tribunal under the guidance of the Executive Chairperson and Accounting Authority, Ms Diane Terblanche;
- Takes into account all the relevant policies, legislation and the mandate for which the National Consumer Tribunal is responsible;
- Accurately reflects the strategic outcome oriented goals and objectives which the National Consumer Tribunal will endeavour to achieve over the period 2016/17 to 2020/21.



Willem Strauss
Chief Financial Officer

Date: 29 January 2016



Marelize Bosch
Chief Operating Officer
Head Official Responsible for Planning

Date: 29 January 2016



Diane Terblanche
Executive Chairperson
and Accounting Authority

Date: 29 January 2016

3. Overview by Accounting Authority

I am pleased to present the **Strategic Plan** for the National Consumer Tribunal (the Tribunal or the NCT) for the five-year period 2016 to 2021. Its focus is well aligned with the Department of Trade and Industry's (**the dti**) strategic goals and it contributes towards the delivery of the objectives of the National Development Plan (NDP) as well as the Medium Term Strategic Framework (with linked dti responsibilities). It establishes the **key areas of focus** that will enable the NCT to deliver on its mandate.

The NCT Strategy for the years 2016 to 2021 is prepared in consideration of the Constitution of the Republic of South Africa, the National Credit Act, the Consumer Protection Act, the Rules of the Tribunal and any other laws and regulations that are applicable.

Since its establishment in 2006, the NCT has, in a systematic and disciplined manner, built an administrative and adjudicative capability that has enabled it to deliver on its mandate. This is evidenced by the fact that the NCT has had, to date, only one case overturned on appeal, has consistently achieved its objectives and has received clean audit reports from the Auditor General for three consecutive years. Furthermore, this year the NCT has had no findings raised on its management report, an outstanding achievement for any public sector institution in South Africa.

A number of **important factors** contribute to the NCT's current strategic and operational reality;

- Our **citizens' expectations** for enhanced service delivery from government are **ever-increasing**.
- **Changes in legislation**, the increased **capability of Regulators** as well as an **increased awareness of consumer rights** means that the NCT's **caseload has risen and will continue to rise steeply** over the coming three years. This rise occurs despite the reality that the NCT's resources are finite. In a climate of fiscal prudence it will continue to look to technology-enabled process innovation as a way of ensuring that it is able to successfully execute on its mandate. This enablement will include the automation of processes to ensure that non-value adding work is eradicated as well as the intelligent generation of data and reports to inform effective analysis and decision making
- **Debt Counsellors** are adjusting and evolving their business models to enable them to pursue bulk DRA applications involving large numbers of consumers. This means that the NCT will need to evolve its ways of receiving and processing large numbers of DRA applications so that these do not consume its limited administrative resources.

- The NCT's **jurisprudence** is increasing in richness as its archive of past cases increases and new precedents are created. This has been influenced by the emerging complexity of issues under the NCA and CPA as well as the different aspects of law that need to be considered and interpreted. This means that Tribunal Members need to be able to timeously and efficiently research past cases and extract relevant precedents and understand emergent thinking.
- The increasing jurisprudence also means that the NCT needs to make the judgments and the **precedents that underpin these judgments available and accessible** to enable ease of understanding and application of underlying principles. The NCT will also continue its engagement and developmental role, working with bodies such as Universities, the Law Society, the Bar Council and Provincial Consumer Courts to ensure that knowledge of consumer legislation and regulations is more widely disseminated and understood.
- The **consumer protection delivery model is constantly evolving** as its participants and their capacity to take up their roles fully increases. This has the potential to, in the long term, reduce the demands on the NCT's resources.

The NCT has **responded** to these factors in a number of important ways. It has adopted a number of **differentiated ways of operating**. These include the transition from its current adjudication processes to automated adjudication processes and, as and when required, motion court proceedings. These differentiated processes support the expeditious and efficient management of the variations in the NCT's caseload as well as in the type of cases referred to it.

It is clear that the NCT has reached a **crucial point in its operational capacity and service delivery journey**. Over the past two years it has consistently anticipated and predicted the steep increase that have been experienced in its caseload. It has been **innovative** in the ways in which it has embraced flexible employment models, contingent employees and ever-increasing ICT enablement to increase its overall efficiency and effectiveness.

During the course of 2015 the NCT experienced a sharp rise in its caseload resulting in a significant **backlog of cases** being experienced. This has resulted in a review of the way the NCT adjudicates and administers its cases, an acceleration of its ICT enablement agenda as well as the investigation of short term options to expeditiously deal with the backlog. The implementation of a **Motion Court** (discussed more fully later) has had considerable success and the backlog will continue to be addressed in late 2015 and early 2016.

2016/17 marks a **watershed year** for the NCT. The NCT has consistently invested in the development and implementation of ICT enabled systems and automated processes. This has now reached an important milestone with the **additional functionalities and enhancements** which will be ready for use by 1 April 2016.

This will, amongst other enhanced functionality, provide the NCT with a fully automated decision support system for the assessment and adjudication of DRA cases and an automated purse management system to facilitate the reconciliation of filing fees and reduce the need appoint additional Finance staff. The decision support system fundamentally changes how decisions on DRA's are made.

This is a significant **strategic capability shift** for the NCT and represents a growing maturity in the development and roll-out of the NCT's Enterprise Architecture and it's supporting ICT systems.

It will have a fundamental impact on the NCT's business and operating model as it will allow for **significantly larger number** of DRA cases to be processed electronically prior to adjudication by Tribunal Members. This will reduce overall operating costs and require fewer human resources in the long term. This will positively address the NCT's current financial constraints and contribute significantly to the effectiveness of the NCT's service delivery.

The 2016/17 year will be considered as a **transitional period** during which all implementation issues and systems problems will be addressed. There may however well be a number of Debt Counsellors who are not be able to submit filings on line and as such a manual processing functionality will need to be retained.

As mentioned earlier, the implementation in 2015 of a pilot '**Motion Court**' process is another significant innovation to the NCT's operating model. It allows the NCT to deal speedily and expeditiously with matters brought before it, where there is consensus between the applicants and respondents and where the NCT is required to simply establish whether matters of law have been adequately dealt with. It also allows for greater accessibility by applicants to the NCT.

In the Motion Court process, DRAs are put forward to Tribunal Members who proceed to work through the documents presented to the Motion Court to establish whether they conform to legally accepted principles. The application is then either granted or refused. In this way, a large number of matters are dealt with in an expeditious and timely manner. This has significant implications for the NCT's operating costs and its staffing requirements as there is a significant decrease in manual data capture and the requirement to print documents.

Whilst the Motion Court is an expeditious and efficient way of dealing with DRA filings it is not a sustainable long term, permanent solution and its utility is likely to be surpassed with the planned enhancements to the CMS.

It is anticipated that the CMS will provide a more efficient and sustainable solution to the challenge of the ever-increasing NCT caseload. The motion court process will however act as a potential fall back to ensure business continuity in the event of any failure of the NCT's Case Management System.

The NCT will also continue to harness **ICT solutions** to increase its effectiveness and efficiency. The NCT's vision of an ICT enabled future is one in which processes are digitally enabled, with automated workflows, user-friendly interfaces and data that is captured at source by applicants, thereby reducing the administrative burden and increasing overall levels of data accuracy and integrity. This transition to a technology-enabled environment will allow our people to access information and work remotely, thereby increasing our responsiveness and effectiveness, whilst reducing the need to increase office space as our organisational structure grows.

Recent global cases of cyber terrorism and of hackers gaining access to confidential data confirm the reasons why **data security** is a major priority for the NCT. It will continue to ensure that data is stored in such a way that it is readily and easily searched and accessed, with the requisite security and confidentiality controls well entrenched.

Being **accessible** to the citizens of this country is also an important concern for the NCT. The NCT continues to carefully prioritise its ICT investments and adjudication and alternative adjudication venues to ensure that this vision become a reality in the near future.

This transition from a **paper-based to largely paper-less, digital environment** is the most significant of the NCT's transitions, but it is not the only one. The following year will also see a **significant leadership transition** and a transition in the ranks of the **Tribunal Members** who have made up the NCT's adjudicative capability from its inception. The term of 11 of the 13 Tribunal Members will expire during 2016. This means that new members will have to be timeously appointed and their knowledge and expertise successfully developed to adjudicate on the cases brought before the Tribunal.

It is important that all employees and Tribunal Members share an important trait of **flexibility and adaptability**. This will ensure that they are able to adopt innovated ICT enabled work processes, flexibly adapt to changed work practices (such as the retrospective capturing of cases into the NCT CMS) and flexible working arrangements, designed to optimally impact the NCT's caseload. This is why the NCT is embarking upon an extensive process of supporting strategic change initiatives with a full **programmatic planning process** as well as supporting **change enablement** tools and methodologies. These are important capabilities that the NCT needs to develop.

The Accounting Authority / Executive Chairperson will also step down with effect from 30 November 2016. Managing this transitional period to ensure that institutional knowledge, wisdom and expertise are not lost will be a major priority.

The years since the establishment of the National Consumer Tribunal have been a period of **leadership stability** with very few people moving away from the original team appointed to lead the Tribunal. This, together with the stability of Tribunal Member tenure, has significantly contributed to the long-term success and efficiency of the Tribunal. The challenge during this transitional period is to ensure that the stable, enduring legacy of a highly capable Tribunal is maintained. This includes ensuring that the process underway to technologically enable the operating processes and systems of the Tribunal continues unabated.

As Accounting Authority I would like to leave, as a legacy, an organisation that has made a difference in the world and has contributed to the fair treatment of consumers in our country. My aspiration is to leave an organisation that seamlessly continues to operate at a high level of efficiency and effectiveness. An organisation with well-trained, competent and efficient Tribunal Members and administrative employees who take pride in the work that they do and make decisions impartially and expeditiously.

It is therefore a **critical strategic imperative** that we, together with our colleagues at **the dti**, work pro-actively to ensure a seamless leadership and Tribunal Member transition. There are a number of important elements that will need to be well managed during this period. We will need to ensure:

- That new Tribunal Members are **recruited timeously** and are **well inducted, trained, and mentored** to ensure that they have the competency to add value as soon as possible through their knowledge and insights
- That the new **Accounting Authority and Executive Chairperson is timeously appointed**, inducted and is able to carry forward the programme of strategic and operational initiatives currently underway
- That our **technology transition** is well advanced and is delivering real value in terms of automated workflows, case management and records management. This should include the introduction of key functionality such as on-line application submissions, automated case status reports, an on-line electronic wallet to support payments as well as on-line searching and accessing data. It will also step change the ways we engage and communicate with stakeholders.
- That a **knowledge system** incorporating important management procedures and processes be implemented (on SharePoint) to ensure that comprehensive and up to date information is available when required
- That our **culture further shifts** to that of high performance, self-management and empowerment so that our managers, who are primarily executive managers, (managers who directly perform value adding work as well as manage people) are

able to support and enable employees to deliver work of the highest quality, in line with their potential.

- That **effective change management** is applied to ensure that all who use the Tribunal's system are empowered and assisted to make the necessary transition from manual to automated systems
- That our people are well, productive and fulfilled, enjoying **true work: life balance**. This is essential in ensuring that our people can effectively cope with the ever-increasing caseload and deliver quality service and adjudications to our stakeholders
- That there are **sound communication channels** aligning the work of **the dti** and all of the regulatory bodies within the consumer regulatory environment
- That the **provincial consumer courts** are supported so that they may deliver on the expectations created by their founding legislation
- That we increase our efforts to improve **employee engagement** and to deepen our commitment to giving employees a meaningful voice in the operations of the Tribunal

In the previous version of this strategy, we highlighted the financial challenge facing the NCT and the fact that its caseload continues to rise, far in excess of the Tribunal's budgeted resources. We have chosen not to dwell on these facts but to act decisively and confidently to add additional value and decrease costs through ever-increasing ICT enabled efficiency, innovated service delivery and the utilisation of innovative adjudication vehicles such as Motion Courts to deal with backlogs.

With these important challenges in mind, the NCT will continue on its path of growing into a knowledge-based organisation, an organisation that effectively contributes to both consumer protection and an effective regulatory environment, whilst delivering ever-increasing value to the citizens of this country.

In so doing, it will continue to guard its reputation and increase the effectiveness of its controls and spending, ensuring that the principles of sound corporate governance are adhered to at all times.

I would like to take this time to formally thank my colleagues for their hard work in contributing to this planning process. I would also like to thank them for their support over the past years in establishing the organisation and ensuring that the Tribunal's mandate is fulfilled. I would encourage all of our people, our Tribunal Members and

other stakeholders of the Tribunal to adopt this **Strategic Plan** and play their role in delivering on its goals, objectives and targets.

A handwritten signature in black ink, reading "Diane Terblanche", written in a cursive style. The signature is positioned above a horizontal line.

Diane Terblanche

Executive Chairperson and Accounting Authority

29 January 2016

Part A: Strategic Overview

1. Background

The National Consumer Tribunal was established in terms of the National Credit Act, No. 34 of 2005 (NCA) to adjudicate on applications and referrals in terms of the NCA. In September 2006, sixteen independent Members of the Tribunal including a Chairperson were appointed by the President, thereby formally establishing the Tribunal.

With effect from 1 April 2011, the Tribunal's mandate was expanded to include the adjudication of applications and cases referred to it in accordance with the Consumer Protection Act, No. 68 of 2008 ("CPA"). This STRATEGY sets out a number of important departures from the NCT's traditional ways of operating. Whilst the NCT's strategic intent has not substantially changed in that its mandate remains the same, its business and operating model has the potential to change significantly going forward. This may well change both the way of adjudication and decrease the overall cost of providing adjudication services. This has already been discussed in our opening remarks around the organisation structure and we will again refer to it in the narrative that follows.

2. Vision

In the pursuance of its mandate, the **Vision** of the NCT is:

"To be recognised as an independent and fair adjudicator, promoting and advancing the socio-economic welfare of all consumers in South Africa"

3. Mission

The **Mission** of the NCT is:

"The provision of accessible adjudication and redress on matters referred to the Tribunal in terms of the National Credit Act and the Consumer Protection Act"

4. Aspirations

In executing on its Vision and Mission the Tribunal developed **nine important aspirations** to guide its work. These continue to remain relevant and are:

1. To be an **ethical, people-centred organisation** that cares deeply and treats everyone fairly with humility, respect and compassion

2. To deliver a **flexible operating model** that allows for the rapid implementation of more efficient ways of conducting adjudications, in line with the NCT's shifting case load requirements
3. To maintain a **positive, inclusive, safe and enabling working environment** that permits people to learn, grow and contribute meaningfully to their communities and country. In so doing we will promote wellness and a sound work – life balance
4. To enable our people to work **flexibly and remotely** – anyplace, anytime. Our people should be able to access all relevant information quickly and effectively and in a secure manner
5. To provide **learning and employment opportunities for youth** to ensure that they are able to play a meaningful, value-adding role in society and their future workplaces
6. To be **service-oriented** and **easily accessible** to the people we serve. Our services should be widely understood and the language, systems and media that we use should be available to all
7. To **finalise** all matters **quickly and with due care**. Our aspiration is to reduce the time taken to finalise matters by 50% by 2020
8. To be **bold pioneers and thought leaders** who are curious, knowledgeable, have a respected point of view. We will set the benchmarks by which Tribunals should be managed and operated
9. To **learn from challenging peer review and evaluation**. Our aspiration is to be peer reviewed by the OECD by 2020

These **aspirations** are reflected in the guiding principles, values and goals that are contained within this Strategic Plan.

5. Guiding Principles

The following **Guiding Principles** define the NCT's approach to adjudication, and go hand in hand with the NCT's values. These principles are aligned to the legislative provisions of the NCA which require that the NCT conducts itself in a manner that is:

- a) Inquisitorial,
- b) Expeditious,
- c) Informal, and

- d) In accordance with the principles of natural justice

6. Values

The NCT's **Values** reflect traits or qualities that represent the requirements of the Constitution of South Africa, in particular Chapter 10 – Public Administration and Batho Pele principles. This emphasises certain basic values and principles governing Public Administration and requires that Public Administration be governed by the democratic values and principles enshrined in the Constitution. The NCT's values are grounded in strong ethical considerations.

The NCT's value statements (in alignment with the **Batho Pele** principles) are:

a) Honesty and Integrity

Being truthful, uncompromising and acting impartially, without fear or favour, in our relationships with all stakeholders

b) Accessibility

Being available to serve our purpose and mandate.

c) Accountability

Accepting responsibility for our own actions and commitments.

d) Approachability

Being open to ideas, thoughts, actions and taking time to understand and explain processes to stakeholders and communicating in clear simple language.

e) Respect

Considering and valuing diversity, the views of others, their values and constitutional rights.

f) Recognition

Acknowledging all stakeholders, their role and institution.

g) Responsiveness

Responding appropriately and in a timely manner.

h) Transparency

Being open with stakeholders and communicating the basis upon which decisions are made and actions taken.

i) Ethical Behaviour

We make decisions in ways that ensure fair, equitable outcomes for our stakeholders

The NCT continues to focus the attention of all NCT Tribunal Members and employees on the important task of living out the NCT’s strategy and values in all they do. It will continue to do so until such time as the strategy and its values form an integral part of the work life of all people at the NCT. Regular sessions will continue to be held detailing the NCT’s purpose, mandate, role, functions and ways of working. This will ensure that the NCT’s strategy and values remain relevant and top of mind.

7. Legislative and other mandates

The work of the NCT is governed by a **legislative framework** as outlined below:

| Name of Act | Purpose |
|---|--|
| National Credit Act 34 of 2005 | To promote a fair and non-discriminatory marketplace for access to consumer credit and for that purpose to provide for the general regulation of consumer credit and improved standards of consumer information |
| Consumer Protection Act 68 of 2008 | To promote a fair, accessible and sustainable marketplace for consumer products and services, and for that purpose to establish national norms and standards relating to consumer protection; to provide for improved standards of consumer information; to prohibit certain unfair marketing and business practices; to promote responsible consumer behaviour; to promote a consistent legislative and enforcement framework relating to consumer transactions and Agreements; to establish the National Consumer Commission (NCC); and to repeal certain laws |

The NCT derives its mandate from **Section 27 of the National Credit Act**. The **role** of the Tribunal is to **adjudicate** on:

- Applications made in terms of the National Credit Act 34 of 2005 or the Consumer Protection Act 68 of 2008 by consumers, credit providers, credit bureaux, debt counsellors, the National Credit Regulator and the National Consumer Commission;
- Applications for interim relief and review decisions by the National Credit Regulator and the National Consumer Commission;
- Matters referred to the Tribunal by the National Credit Regulator or the National Consumer Commission regarding complaints related to allegations of prohibited conduct; and
- Applications for debt re-arrangement agreements to be made an order of the Tribunal in terms of the National Credit Act 34 of 2005 or consent orders in terms of the Consumer Protection Act 68 of 2008.

As an **independent adjudicative entity**, the NCT’s mandate is to hear and decide on cases involving consumers, credit providers, regulators, debt counsellors and credit bureaux. In so doing, the Tribunal hears applications and cases that are premised upon the terms outlined within the NCA, CPA and the Rules of the Tribunal. In pursuing its mandate, the NCT may:

- Adjudicate on any application or referral of prohibited or required conduct that may be made to it in terms of the Acts;
- Effect any order outlined in the Acts, in respect of such an application; and/or adjudicate on allegations of prohibited conduct by determining whether prohibited conduct has occurred and, if so, impose a resolution provided for in the decreed Acts;
- Grant an order for costs, with regard to these Acts;
- Exercise any other power conferred on it by these Acts.

The NCT plays a significant role in upholding and preserving the fundamental rights enshrined within the Bill of Rights. Specifically, the NCT has a direct impact on the following areas within the Sections 32, 33 and 34 of the Constitution, under the Bill of Rights section.

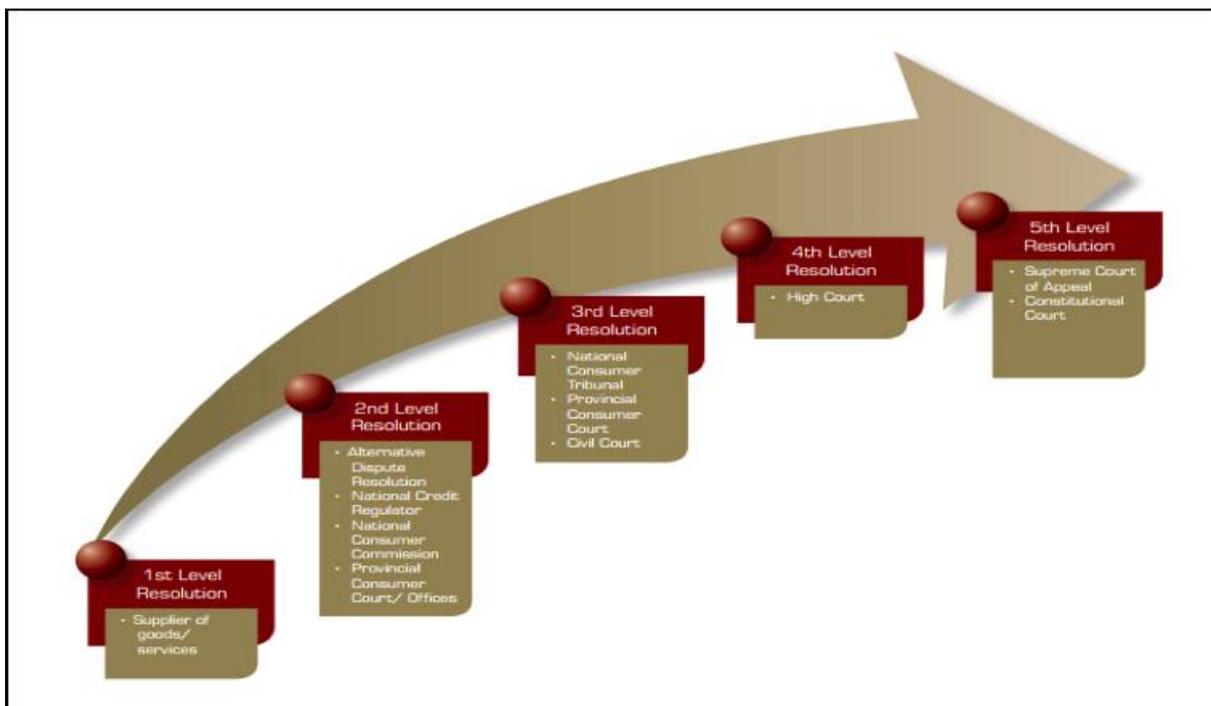
| | |
|---------------------|--|
| Constitution | |
| Section 32 | <p>Access to Information</p> <p>1. Everyone has the right of access to</p> <p>a) Any information held by the state; and</p> <p>b) Any information that is held by another person and that is required for the exercise or protection of any rights</p> <p>2. National legislation must be enacted to give effect to this rights, and may provide for reasonable measures to allieviate the administrative and financial burden on the state</p> |
| Section 33 | <p>Just administrative action</p> <p>1. Everyone has the right to adminisrative action that is lawful, reasonable and procedurally fair</p> <p>2. Everyone whose rights have been adversely affectedby administrative action has the right to be given written reasons</p> <p>3. National legislation must be enacted to give effect to these rights, and must</p> |

| | |
|------------|--|
| Section 34 | <p>a. Provide for the review of administrative action by a court, or, where appropriate, an independent and impartial tribunal</p> <p>b. Impose a duty on the state to give effect to the rights in subsections (1) and (2); and</p> <p>c. Promote an efficient administration</p> |
| Section 34 | <p>Access to Courts</p> <p>Everyone has the right to have any dispute that can be managed and adjudicated by the application of law decided in a fair public hearing before a court; or where appropriate, another independent and impartial tribunal or forum.</p> |

The NCT adjudicates on applications and referrals of prohibited and required conduct in pursuance of the purpose of the NCA and CPA set out in Section 3 of these Acts respectively in accordance with Section 142 of the National Credit Act, the imperatives of the Constitution and the Promotion of Administrative Justice Act (PAJA).

8. Delivery Model for Resolving Consumer and Credit Disputes

The tiered diagram depicts the Tribunal’s relative position, in contrast to other entities, for resolving consumer and credit disputes. It furthermore shows the escalation process that is embarked upon when a consumer and credit dispute is lodged, should resolution not be reached at a certain level:



9. Relevant Court Rulings

No Court Rulings were reported during 2015 that affect the mandate of the Tribunal. The Supreme Court of Appeal delivered judgment in the *Barko Financial Services (Pty) Ltd v National Credit Regulator, National Consumer Tribunal*¹ appeal on 18 September 2014. In this judgement the Tribunal’s original decision was upheld. This is a key decision in endorsing the NCT’s interpretation of its mandate and powers. The Tribunal’s decision that credit providers are not entitled to charge a consumer fees in excess of the R50.00 as allowed for in the National Credit Act, even if these fees are payable in terms of more than one agreement. The Tribunal further ordered that fees charged in excess must be repaid to consumers.

10. Situational Analysis

10.1 Performance Environment (External)

In updating its assessment of the external environment and its potential impact, the NCT has performed an External Performance Delivery Environment Analysis using a PESTLE analysis, a SWOT analysis and a Risk Review.

The NCT’s environment was assessed, taking into consideration the **Political, Economic, Social, Technological, Legal / Ethics & Environmental** aspects. These trends have informed the development of strategic goals and objectives to steer the organisation on its path to deliver on its mandate.

| Political | Technology |
|--|--|
| <ul style="list-style-type: none"> ▪ Ongoing service delivery challenges ▪ More educated and aware consumers ▪ Increased activism regarding public service delivery ▪ Rise in populism with a more militant approach to social change ▪ A more participative government, working closer with grassroots communities ▪ More conflictual collective bargaining environment ▪ Rising influence of BRICSA (Brazil, Russia, India, China, South Africa) ▪ Post-election changes in the political administration | <ul style="list-style-type: none"> ▪ Rise of flexible working and tele-commuting ▪ Real potential of a paperless environment ▪ Low cost access to technology & communications devices such as smartphones ▪ More technology players, lower cost of communications & technology ▪ Ease of access to Information requirements ▪ The rise of ‘big data’, predictive analytics and intelligent forecasting and reporting tools ▪ Availability of “off the shelf” software to impact ICT process, e.g. recording, tracking and reporting |

¹ (415/13) [2014] ZASCA 114 (18 September 2014)

| | |
|--|--|
| <ul style="list-style-type: none"> ▪ Need for pan-African growth, development and harmonisation of legislation / regulations – Africa Dialogue | <ul style="list-style-type: none"> ▪ Increasing sophistication of threats on IT security and HR processes ▪ Increasing cost effective technology for effective records management |
| Economic | Legal and Ethics |
| <ul style="list-style-type: none"> ▪ The increasingly financially stressed consumer ▪ The ongoing worldwide economic recession ▪ Downward adjustment of economic growth rate ▪ Economic impact of power outages and increasing power costs ▪ Increase in online transactions ▪ Weakening rand ▪ Rising concerns regarding inflation ▪ Recent upward trajectory of interests rates ▪ Financial constraints on the Fiscus ▪ Possibility of further consolidation of public sector entities ▪ The rise of Debt Counsellor initiated bulk filing of cases | <ul style="list-style-type: none"> ▪ Amendments to legislation resulting in increases in the NCT's case load ▪ The strategies of other, associated, Regulators ▪ "Twin Peaks" approach to financial regulation ▪ National Credit Act Amendment Act ▪ Changes / Implementation of the Secrecy Bill, King III, COBIT V, POPIA, Superior Court Act, Legal Practice Bill and Legal Structures ▪ More laws, increasing moral prescription rather than reliance on ethics or moral guidance ▪ Increased access to judicial process through broadcasting of trials and proceedings ▪ Changes to the NCT's rules and filing fees |
| Social | Environmental |
| <ul style="list-style-type: none"> ▪ High levels of unemployment ▪ Changes in company culture - Gen Y and Millennials ▪ Need for Youth Development ▪ Active Citizenry - demand for improved access to services and improved service delivery ▪ Increase in flexible working practices ▪ Rise of social media and digital inter-connectedness ▪ Degradation of social fibre ▪ Educational system | <ul style="list-style-type: none"> ▪ Potential future costs of acid leaching and mine rehabilitation ▪ Increasing resource scarcity – water & electricity ▪ Need to minimise Carbon Footprint ▪ Need to innovatively share and package information ▪ Reduced consumption - printing, water and electricity ▪ Rise in environmentally friendly practices ▪ Need to focus on employee safety and wellness at work |

It is clear that the NCT will have an ever-increasingly important adjudicative function to fulfil over time. The rise in consumer activism and awareness, coupled with an increasingly negative economic climate has the potential for a 'perfect storm' of increasing cases to be referred to the NCT. Recent months have already seen the first

indications of this materialising with a significant increase in applications and referrals being experienced.

The enactment of the National Credit Amendment Act, No 19 of 2014, which was assented to by the President on 16 May 2014, occurred on 13th March 2015. There has not yet been a significant increase in cases filed as a result of this amendment but the NCT has continued to receive a number of significant reckless credit filings.

This is likely to be a pre-cursor to further filings under these amendments, as by comparison, filings under the CPA were received only 6 months after promulgation. This indicates a far faster turnaround time for such applications.

These amendments have also affected the Tribunal Rules which *inter alia* allows for parties to file electronically. This amendment has reduced the costs of filing by Applicants, as it is no longer necessary to serve papers in person or by registered post, as parties can agree to service by email or facsimile transmission.

It would appear from a review of the NCT’s cases that the vulnerability of unsecured lending and the questionable practices of many financial institutions and credit-based retailers have contributed significantly to an erosion of consumer confidence. To address this, it is clear that the retail and financial regulatory communities will need to take a more aligned and coherent approach to the systemic failures of this sector. This will only be achieved through more effective mutual communication, engagement and the capacitation of provincial structures that allow for more localised redress. The NCT is committed to playing a role in this regard going forward.

The confluence between decreased costs associated with technology, the ever-increasing competency of its people and more flexible / environmentally-friendly commuting and working practices will enable the Tribunal to reconfigure the way it works going forward. This will provide cost efficiency, improved access and other important benefits. The Tribunal will continue to monitor the ongoing changes in its external environment in order to respond timeously, appropriately and with relevance to any significant shifts or changes.

10.2 Organisational Environment (Internal)

The NCT’s internal strengths and weaknesses, together with the external opportunities and threats referenced earlier, were evaluated to provide a basis for re-aligning, re-prioritising and refining the NCT’s goals and objectives. The purpose is for the NCT to optimise identified strengths, harness opportunities, offset identified weaknesses and mitigate threats.

| Strengths | Weaknesses |
|--|--|
| <ul style="list-style-type: none"> ▪ Performance ethic – achievement of business plan targets and clean audits (Goal 1) | <ul style="list-style-type: none"> ▪ Inability to control the amount and complexity of cases (Goal 3) |

| | |
|--|---|
| <ul style="list-style-type: none"> ▪ Stable, competent leadership team ▪ Legislative empowerment & authority ▪ Policy and procedure framework (Goal 3) ▪ Affordable alternative to the courts (Goal 1 & 2) ▪ Independence and impartiality (Goal 1) ▪ Sound financial & corporate governance (Goal 3) ▪ Financial disciplines and management (Goal 3) ▪ Diversity and relevance of knowledge and expertise of Tribunal members and staff (Goal 3) ▪ Soundness of inter-personal relationships and diversity of organisational culture (Goal 3) ▪ Pool of contingent employees and available Part Time Tribunal Members ▪ Stable office environment ▪ Sound judgments ▪ Introduction of Case Management System ▪ Sound, diverse organisation culture | <ul style="list-style-type: none"> ▪ Increase in caseload creating backlog and negatively impacting administrative efficiency ▪ Inadequate implementation and utilisation of Information and Communications Technology systems to meet the needs of the NCT (Goal 3) ▪ HR systems, processes and practices not always operationalised ▪ Recruitment system not attracting / selecting the most competent people (Goal 3) within reasonable periods of time ▪ Current inability to access cases and information quickly and accurately ▪ Inaccuracies experienced in data capturing ▪ Workspace constraints (Goal 3) ▪ Tender system and process – vendors that do not deliver as required. ▪ Lean organisational structure and resourcing challenges ▪ Lack of effective strategic and operational change management ▪ Lack of ICT capacity of staff ▪ Lack of effective internal communications ▪ Absence of communication channels that employees deem to be safe to utilise to voice concerns. ▪ Lack of management oversight in units, inaccurate reporting and agreements not adhered to ▪ Ineffective case management ▪ Unknown risk exposure ▪ Funding challenges |
| Opportunities | Threats |
| <ul style="list-style-type: none"> ▪ Amendments to legislation resulting in increases in the NCT's case load – Binding practice guidelines ▪ Increased focus on implementing sound HR practices ▪ Employee development ▪ Knowledge sharing with other national, regional and international consumer protection agencies ▪ To grow structurally through a flexible combination of permanent and contingent employment | <ul style="list-style-type: none"> ▪ Inability to meet external demands beyond organisational capacity ▪ Insufficient existing data regarding future caseload that will inform effective planning ▪ Inadequate number of full-time and part-time Tribunal Members ▪ Failing to timeously appoint new Tribunal Members ▪ Failure to successfully manage the leadership transition – new Accounting Authority ▪ Lack of coherent pooling methods for information |

| | |
|---|---|
| <ul style="list-style-type: none"> ▪ Increased technological neutrality and convergence ▪ Ease of obtaining and sharing information ▪ Enhanced visibility and role differentiation through building relationships with other credit and consumer regulators / agencies ▪ Focus on youth development and employment in alignment with the dti and Government objectives (i.e. NDP) while containing costs ▪ Increased potential for Alternative Dispute Resolution ▪ Motion courts ▪ Develop capacity of provincial courts | <p>and data</p> <ul style="list-style-type: none"> ▪ Heavy reliance on a single source of funding ▪ Difficulty in securing a new business funding model. ▪ Potential of negative impact on employee morale as caseload rises without commensurate increase in resources ▪ High compliance costs ratio to income as well as resource requirements ▪ Low levels of future user adoption of technology enabled processes ▪ Conceptual, analytical and synthesising ability of job market entrants resulting from historical factors ▪ Reducing number of efficiency improvement opportunities as technology enhancements are successfully implemented |
|---|---|

10.3 Risk Analysis

The leadership of the NCT has discussed the risks facing the organisation and have participated in a **risk review** workshop with employees to identify and assess the risks that envisaged in coming years. These risks have been specifically highlighted as they could potentially affect the NCT's ability to achieve its strategic and business plan objectives. Risks were identified from both a high-level strategic and a more detailed operational perspective.

Amongst the **key risks** identified are:

- A potential failure to promote socio-economic value in NCT judgments
- Fluctuations of caseloads beyond the NCT's control
- Reputational risk of not delivering on the NCT mandate
- Inadequate capacity
- Lack of adequate funding
- Lack of appropriate MIS and decision support functionality (CMS)
- Lack of a programmatic, change enabled approach to the implementation of projects
- Employee health & wellness
- High future reliance on the ICT enabled Case Management System (CMS)
- Lack of backup support in respect of core ICT systems
- Transition in leadership
- Transition in Tribunal Members
- Slow user adoption of technology enabled systems and processes – requiring effective change management to support the adoption of new technology

The NCT has taken into account all these issues and their associated risks and opportunities to put together the programmes of work associated with this **Strategic Plan**.

4. Description of the Planning Process

The NCT is committed to an ongoing, inclusive process of strategy crafting, planning, alignment and review. As an important part of this process, the NCT engages with its key stakeholders and obtains structured inputs into its planning and review process. The following workshops have been held to provide relevant input into the NCT's Strategy and Annual Performance Plan:

- On 27th July 2015 the employees of the NCT were collectively engaged in a workshop to better understand, inform and mitigate the strategic risks and opportunities facing the organisation.
- On 28th, 29th and 30th July 2015, the NCT leadership Team participated in a workshop to review and course correct the current NCT Strategy and to plan amendments to the APP and Strategy going forward.
- On the 16th October 2015, the NCT Leadership team reviewed and refined further the content of the Strategy and APP. This was further informed by a risk assessment workshop conducted with employees later that same day.

11. Strategic Goals and Objectives

The NCT's Strategic Goals were derived from an extensive assessment of the environment within which the NCT operates; its **internal** strengths and weaknesses, as well as its **external** opportunities and threats (challenges). Critical challenges and opportunities facing the NCT were reviewed, refined and reshaped to define critical areas of focus for the NCT over the next five years.

The following Strategic Goals will be pursued by the NCT over the period 2016/17 to 2020/21 and will receive a clear focus in this Strategic Plan. They are aligned to detailed and measurable objectives, which provide a way to commit resources and accountabilities to a particular course of action. The strategic objectives are supported by projects and/or activities which will be detailed in the operational plans of the organisation. The NCT's **strategic goals** are as follows:

GOAL 1: To effectively and efficiently manage and adjudicate on matters brought to the NCT.

GOAL 2: To contribute to an efficient and effective Consumer Regulatory environment

GOAL 3: To ensure effective and efficient Organisational Management

The following **table** sets out the alignment between the NCT’s Strategic Goals, its key value drivers and its strategic objectives:

| Strategic Goals | Key Value Drivers | Strategic Objectives |
|--|---|--|
| <p>To effectively and efficiently manage and adjudicate on matters brought to the NCT</p> | <ul style="list-style-type: none"> ▪ Expeditious processing and finalising of matters brought to the NCT ▪ Research on relevant topics to support Tribunal members ▪ High quality, consistent decisions ▪ Cost effective, accessible adjudication ▪ Technology enabled workflows, processes and channels ▪ Access through multiple channels | <ul style="list-style-type: none"> ▪ To expedite service delivery through the expeditious finalisation of complete debt re-arrangement applications to expedite service delivery through the expeditious finalisation of non-DRA applications and referrals ▪ To ensure that the NCT decisions are substantively and procedurally correct. |
| <p>To contribute to an efficient and effective Consumer Regulatory environment</p> | <ul style="list-style-type: none"> ▪ Follow a consultative approach ▪ A knowledge-based organisation ▪ Translating knowledge into intelligence ▪ Submissions based on sound analysis of facts ▪ Communicating of information and data known to the NCT ▪ Providing multiple access channels | <ul style="list-style-type: none"> ▪ To ensure cooperation and partnership amongst external stakeholders through ongoing engagement ▪ To build Tribunal capacity through research papers or approved briefing papers on consumer protection and credit related matters, added to the NCT knowledge database. |
| <p>To ensure effective and efficient Organisational Management</p> | <ul style="list-style-type: none"> ▪ Sound governance and oversight ▪ Sound management ▪ Teamwork & collaboration ▪ Role clarity & accountability ▪ Effective internal processes, systems and controls ▪ ICT enablement ▪ Effective resourcing ▪ Sound Human Resources & management practices | <ul style="list-style-type: none"> ▪ To effectively and efficiently manage the financial resources of the NCT ▪ To enhance operational efficiency by implementing an enabling ICT architecture ▪ To ensure that the Tribunal has adequate human resources to deliver in accordance with its mandate ▪ To expand economic opportunities for historically excluded and vulnerable groups |

12. Alignment to the Government-wide Priorities and Outcomes

The insights of the NDP are self-evident and it continues to provide an outstanding framework for all South African public sector entities to align their work to. During the strategic planning process, the NCT ensured the alignment of its Strategy, Annual Performance Plan and Business Plan with the National Development Plan (NDP), the Government’s Medium Term Strategic Framework (MTSF) as well as the strategic direction of **the dti** and its Consumer and Corporate Regulatory Division.

| The National Development Plan | |
|--|---|
| The Plan | NCT alignment to NDP |
| An approach to prosperity and equity can be achieved when South Africans: | There’s a shared vision to fully commit and contribute to the goals of the NDP through: |
| Provide for job creation and quality education | Employment of the Youth through internships, contingent employment of young people, and skills development for the youth |
| Fight corruption | Fair adjudication of cases, sound governance and fraud management |
| Build a capable and developmental state | Public access and provision of redress |
| Ensure active Citizenry | Access remote areas through ICT interventions |
| Overall impact service delivery | Committed to service delivery, constitution, committed staff, proactive thinking driven to succeed in achieving the mandate of the NCT. |

| Alignment to Government’s Medium Term Strategic Framework (MTSF) | |
|--|---|
| MTSF Outcome 4: Decent employment through economic growth | NCT alignment to MTSF Alignment is achieved through: |
| Sub Outcome Two: The productive sectors account for a growing share of production and employment | Procure from local service providers and prioritise Black Economic Empowerment (BEE) suppliers for general services |
| Sub Outcome Three: The elimination of unnecessary regulatory burdens and lower price increases for key inputs and wage goods fosters investment and economic growth | <ul style="list-style-type: none"> • Clear communication with stakeholders to ensure that they are aware of amended rules and innovated processes designed to facilitate the ease of filing • Input into Socio-Economic Impact Assessment Systems Committee in relation to regulatory impact. Commissioning of research to contribute to this study. • 5-year audit review to be conducted in terms of Section 36(1) of the NCA. |
| Sub Outcome Four: Workers' education and skills increasingly meet economic needs | <ul style="list-style-type: none"> • Training and development of NCT staff to obtain key skills necessary in the NCT environment |

| | |
|---|---|
| | <ul style="list-style-type: none"> Debt management training and retirement fund preparation training to be compulsory courses for all newly appointed NCT staff members. |
| Sub Outcome Seven: Reduced workplace conflict and improved collaboration between government, organised business and organised labour | <ul style="list-style-type: none"> Participation in the Collective Bargaining Forum Interactions and engagements with staff Create OHS Awareness in the Workplace |
| Sub Outcome Eight: Expanded economic opportunities for historically excluded and vulnerable groups | <ul style="list-style-type: none"> Employment opportunities for woman and historically disadvantaged individuals, through the NCT’s intern programme and contingent resources pool. Equity targets set at minimum target of 45% female. |
| Sub Outcome Nine: Public employment schemes provide short-term relief for the unemployed and build community solidarity and agency | <ul style="list-style-type: none"> Ad hoc employment opportunities provided through contingent resources pool |

Alignment is achieved with **the dti’s** Consumer and Corporate Regulation Division (“CCRD”) to whom the NCT relates in respect to its mandate, as one of its key roles, the creation of **“credible institutions for the enforcement and implementation of regulatory instruments”**.

The following table shows the **linkage** between the objectives of **the dti/CCRD** and the NCT.

| the dti (CCRD) | Strategic Goals |
|--|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> To create a fair regulatory environment that enables Investment, Trade and Enterprise Development in an equitable and socially responsible and socially responsible manner <input type="checkbox"/> Promote a professional, competitive and customer-focused working environment that ensures effective and efficient service delivery | <p>GOAL 1: To effectively and efficiently manage and adjudicate on matters brought to the NCT</p> <p>GOAL 2: To contribute to an efficient and effective Consumer Regulatory environment</p> <p>GOAL 3: To ensure effective and efficient Organisational Management</p> |

Part B: Strategic Objectives and Programme Description

13. Description of Programmes and Sub-Programmes

The NCT comprises **two programmes**, which are set out below. Programme 1 contributes to the core function of the NCT, namely to adjudicate on applicable matters as defined in its mandate and Programme 2: Administration which contributes to service, stakeholder engagement, research and the sustained achievement of an administrative environment that supports effective adjudication. Each strategic objective is measurable and has performance indicators with technical indicator descriptors that are contained in Annexure A of this document.:

Programme 1: Adjudication

a) **Purpose:** Provide the necessary administrative and adjudicative and other related services to ensure that the NCT delivers successfully on its legislative mandate

b) Description of sub-programmes

- I. **Case Management** – provides services to ensure that all cases are timeously prepared, that filing parties and applicants are communicated with and that all pertinent information is recorded and disseminated
- II. **Adjudication** – ensures that competent, professional, impartial adjudicators are available to attend to matters, that the procedures followed are fair and adjudicators' decision making is substantively sound, in accordance with legal precedents and requirements

c) Resource Considerations

See Section 1 – Organisation Structure

d) Risk Management

The following key risks that may affect realisation of the strategic goals contained in this programme have been identified and the appropriate actions to mitigate these risks have been developed.

| Key Risks | Description | Action to Mitigate Risk |
|--------------------------------|---|--|
| Inability to adjudicate | This risk is caused by not having the ' <i>right people, with the right competencies in the right place at the right time.</i> ' Current potential challenges exist in the replacement of 11 of | a) Timeous feedback has been given to the dti of the need to appoint new Tribunal Members and the Chairperson and this feedback will be followed up on a regular basis b) Suitable potential replacements for Tribunal Members will be sought and their details |

| Key Risks | Description | Action to Mitigate Risk |
|------------------------|--|--|
| | <p>the 13 Tribunal Members when their terms expire in 2015/16 and in the recruitment and development of their replacements.</p> <p>An additional challenge is in the replacement and development of the new Chairperson for the NCT. Both Tribunal members and Chairperson positions carry extensive institutional knowledge, consumer regulatory specific legal knowledge and expertise. Without these people and / or the requisite skills, the NCT will not be able to adjudicate</p> | <p>forwarded to the dti for consideration</p> <p>c) An accelerated development programme supported by e-learning will be developed for all new Tribunal Members. This will include competency assessments</p> <p>d) Coaching and mentoring will be provided to all new Tribunal Members</p> <p>e) A sufficient handover period between incoming and outgoing Chairpersons will be sought to facilitate hand-over of tasks, duties and strategic imperatives</p> <p>f) Appointment of sufficient, competent administrative support employees (on a contingent and / or permanent basis) for Tribunal Members to ensure accurate and timeous case and records management for effective adjudication.</p> |
| Limited Funding | <p>As indicated earlier, the caseload of the NCT is unpredictable and likely to increase whilst its resources, inclusive of funding, remain finite.</p> <p>Should the NCT fail to forecast accurately, use its limited financial resources wisely or seek additional finances timeously it will not have the funds to cover the incremental costs associated with its increased caseload</p> | <p>a) The NCT is innovating its overall operational process with the implementation of a Motions Court for Case Orders</p> <p>b) The NCT is clearly communicating this challenge to its stakeholders</p> <p>c) The NCT is investigating better ways of more accurately forecasting future caseload</p> <p>d) The NCT is using its resources wisely and investing heavily in ways of reducing the costs associated with adjudication inclusive of the use of ICT enabled processes and the on-line submission of cases</p> <p>e) The NCT is actively seeking to find alternative sources of funding and / or to make changes to its funding model</p> |

Programme 2: Administration

- a) **Purpose:** Provide strategic leadership to the Tribunal to ensure the successful implementation of its legislative mandate through flexible, efficient and sustainable resource solutions and supporting services
- b) **Description of sub-programmes**
 - I. **The Office of the Executive Chairperson** – provides strategic direction and oversight to the operations of the NCT
 - II. **The Office of the COO** – provides operational direction and manages the operations of the NCT.

- III. **Financial Management** – provides support to the NCT with respect to forecasting, budgeting, financial resource allocation, oversight and management
- IV. **Human Resources & Facilities** – provides support to the NCT to ensure that the right people are available at the right time with the right competencies to ensure that the NCT is able to execute on its mandate while ensuring the safety and wellness of its employees.
- V. **ICT** – provides support to the NCT to ensure that the appropriate technology architecture, electronic communications channels and other associated information resources and services are available to ensure that the NCT is able to operate efficiently and in a secure manner
- VI. **Communications²** – facilitates greater awareness of the NCT’s role, mandate and adjudicative outcomes and ensures that there are regular, structured opportunities for engagement with key stakeholders. This ensures that the NCT operates in an environment where all internal and external stakeholders are well informed and in which the regulatory activities of other stakeholders may be effectively aligned to those of the NCT.

c) **Resource Considerations**

See Section 1 – Organisation Structure

d) **Risk Management**

The following key risks that may affect realisation of the strategic goals contained in this programme have been identified and the appropriate actions to mitigate these risks have been developed.

| Key Risks | Description | Action to Mitigate Risk |
|--|---|---|
| Failure to promote socio-economic value in NCT judgements | This risk is caused by the a legal paradigm that is informed by a focus on legal principles rather than on the interpretation of the purpose of consumer protection legislation | <ul style="list-style-type: none"> • Legal workshops, awareness creation and training for legal practitioners, members of the judiciary and provincial consumer courts • Engagement with heads of other regulators • Input into the curriculum of universities offering consumer protection related academic study |
| High reliance on CMS to meet organisational needs | In future the NCT will be highly dependent on its Case Management System to deliver on its caseload requirements within its budgetary constraints | <ul style="list-style-type: none"> • CMS will be supplemented by alternate manual systems and processes such as Motions Courts that will enable the NCT to still process larger volumes of non-DRA cases manually • Systems support will be provided though an |

² In the office of the Chairperson

| Key Risks | Description | Action to Mitigate Risk |
|--|--|--|
| | | Applications Support Specialist <ul style="list-style-type: none"> • Underpinning technology is predominantly industry standard and, as such, a number of alternate vendors or service providers will be available to ensure that the CMS is up and running in a short period of time |
| Lack of a programmatic, change enabled approach to the implementation of projects | A risk exists that without an effective programmatic approach, supported by the appropriate change enablement tools, projects will be poorly planned and executed resulting in a failure to implement within desired time periods or budgetary constraints | <ul style="list-style-type: none"> • A programmatic approach will be introduced • This will be supported by the necessary project management training • This will be supported by the introduction of appropriate change management and enablement tools and approaches |
| Employee health & wellness | This risk is caused by the absence of people to perform duties as required as a result of their sickness or incapacitation | <ul style="list-style-type: none"> • Need to better understand current trends, patterns and issues • More multi-skilling and cross-skilling of employees • Structured employee wellness programmes |

Part C: Links to other plans

5. Finance Strategy and Plan

This Finance Strategy has been developed to ensure that the NCT is financially sustainable for the period covered by the Medium Term Expenditure Framework (MTEF).

It incorporates practical, realistic plans to:

- ensure that the Finance function is strategically positioned to provide sound advice and delivers excellence in its functional services as well as reporting thereon
- maintain effective controls
- enhance the reliability of its budgeting and forecasting
- investigate and deliver on alternative ways of containing costs and of delivering increasing value for money through procurement
- enhance its business processes to deal with the increased workload within the Finance function without requiring additional resources

The **Finance Unit's Vision** is:

“To be a respected Business Partner that contributes to financial sustainability and the sound reputation of the NCT.”

The **Finance Unit's Mission** is:

“To optimise financial performance and good governance at the NCT by providing insightful guidance, excellent service and ensuring sound internal controls in relation to the financial management at the NCT.”

Sound financial management is an imperative in sustaining the NCT. The **Finance Unit's strategic goals** have been formulated to ensure the effective and efficient use of financial resources:

- Goal 1:** To provide sound strategic financial advice and guidance
- Goal 2:** To optimise the value for money received by the Tribunal from vendors of goods and services
- Goal 3:** To enhance the Tribunal's budget model, ensuring more accurate forecasting and budgeting
- Goal 4:** To enhance the accounting system thereby ensuring effective and efficient planning, improved management and reporting on the finances

of the Tribunal as well as reducing manual interventions required to capture case-related transactions

Goal 5: To maintain effective and efficient financial processes, systems, controls and policies to manage financial resources and risks

5.1 Key Finance Initiatives

The NCT has recently experienced a steep increase in its caseload. This has necessitated increases in the employee complement and in particular an increased utilisation of contingent employees. The ongoing monitoring of the budget and oversight over spending by the Finance Unit has been critical in ensuring that the NCT delivers on its mandate. Adherence to sound financial disciplines and savings by virtue of increased efficiency will be in ensuring that all available funding will be optimally utilised.

In reviewing our progress over the previous financial year we are proud of a number of important achievements including:

- The clean audit received for 2014/15.
- Implementation of recommendations made by the Audit and Risk Committee.
- The updating and implementation of the Finance policies and Standard Operating Procedures on 1st April 2015.
- Progress made in the development of a budget model that will ensure more accurate forecasting and budgeting. This budget model will be implemented in the first year of this Strategic Plan period.
- Progress made in a project encompassing enhancements to the NCT accounting system in order to provide more detailed financial information for budget purposes and to ensure compliance with new accounting standards. This project will also be implemented in the first year of this Strategy period.

Currently, the biggest risk experienced by the Finance Unit is the increase in the NCT's caseload and the impact that this has on the management of cases. This increase has placed significant pressure on the financial resources of the NCT as well as on the employees within the Finance Unit itself, specifically in relation to the manual reconciliation of filing fees to be recognised as income.

In order to mitigate this risk, Finance will have to increasingly utilise automated data capturing processes within the Case Management System and banking systems.

This will allow for a reduction in the manual interventions required in the capturing and reconciling of financial transactions. This will not only increase efficiency but should also have a considerable impact on the accuracy of data capture.

There is a strong indication that the case numbers will increase by at least 30% for non-debt rearrangement matters. For debt rearrangement matters we anticipate an increase of 80% for 2015/16; 60% for 2016/17; 40% for 2017/18 and 30% for 2018/19 on a year-

on-year basis over the next MTEF period. In order to fund the caseload increase, additional funding will be required. The table below provides a projection of case numbers if an increase in the caseload is applied to the actual case numbers of the 2014/15 financial year as follows:

| Type of cases | Financial Year | | | | | | | |
|--|----------------|--------------|--------------|--------------|-----------------|-----------------|-----------------|-----------------|
| | 2011/12 | 2012/13 | 2013/14 | 2014/15 | 2015/16f | 2016/17f | 2017/18f | 2018/19f |
| Debt re-arrangement agreements | 2 143 | 4 072 | 5 315 | 9 142 | 16 942 (80%) | 27 107 (60%) | 37 950 (40%) | 49 335 (30%) |
| Non-debt re-arrangement matters | 62 | 121 | 71 | 177 | 230 (30%) | 300 (30%) | 390 (30%) | 508 (30%) |
| Total number of filings | 2 205 | 4 193 | 5 386 | 9 589 | 17 172 | 27 407 | 38 340 | 49 843 |

f = forecasted numbers

The benefits of financial discipline, cost-saving initiatives and automation of filing fees reconciliation processes will be critical in ensuring optimal utilisation of the available funds. More effective budgeting and forecasting will also receive focus through the implementation of a budgeting and costing models and accounting practices that accurately reflect the actual costs for individual types of cases. Pro-active financial monitoring and effective controls will also be implemented, including an analysis of projected future costs and expenditure. This is essential to assist in developing accurate forecasting methodologies that will determine more accurate future levels of expenditure and to consequently communicate any corrective action to be taken on a proactive basis.

5.2 Multi-year Financial Projections

Allocations have been made to the NCT by National Treasury for the specific periods indicated (table below). According to the amounts already allocated in terms of the next MTEF period, grants were allocated for Financial Years 2016/17 to 2018/19.

It must be emphasised that accumulated surpluses are likely to be depleted during the 2015/16 year and the NCT will be faced with substantial deficits in the future if it is unsuccessful in obtaining additional grants or if it is unable to substantially reduce its overall adjudication costs through effective ICT and other interventions.

The Motion Court process may well have a significant impact on the NCT's requirements for additional finances and on the possible shortfall indicated in the cash flow projections under paragraph 12.2.2. The success of the Motion Courts is subject to availability of part time Tribunal Members. The constraint is that part time Tribunal Members cannot always provide the NCT with 100% of their availability as the time they have available is often after hours or on weekends.

This will mean that in order to deal effectively with the NCT's case load we will have to look at a blended approach, utilising both Motion Courts as well established ICT

interventions and the NCT CMS for adjudication purposes. The NCT will therefore have to continue to look at enhancing the CMS in order to make the adjudication process more efficient and cost effective.

5.3 Cash flow projections

The following table sets out the budget and cash flows of the NCT for the next MTEF period:

| | Actual 2013/14 | Actual 2014/15 | Forecast 2015/16 | Budget 2016/17 | Budget 2017/18 | Budget 2018/19 |
|----------------------------------|-------------------|-------------------|---------------------|-------------------|-------------------|-------------------|
| Grant allocation | 36 099 000 | 40 164 000 | 43 029 000 | 46 151 000 | 48 459 000 | 51 270 000 |
| Additional Grant / Donor funding | - | - | - | 1 620 000 | 4 330 000 | 8 950 000 |
| Other income | 1 378 017 | 1 953 564 | 2 775 000 | 3 470 704 | 4 608 905 | 5 833 705 |
| Surplus B/F | 2 479 693 | 1 017 085 | 3 786 000 | - | - | - |
| Total income | 39 956 710 | 43 134 649 | 49 590 000 | 51 241 704 | 57 397 905 | 66 053 705 |
| Expenditure | 38 939 625 | 39 348 518 | 49 590 000 | 51 241 704 | 57 397 905 | 66 053 705 |
| Compensation of employees | 18 460 225 | 20 178 007 | 25 217 000 | 28 398 543 | 30 122 755 | 32 029 188 |
| Goods and services | 19 631 588 | 18 028 748 | 23 643 000 | 21 631 161 | 26 540 150 | 33 166 516 |
| Capital expenses | 847 812 | 1 141 763 | 730 000 | 1 212 000 | 735 000 | 858 000 |
| Surplus / (Deficit) | 1 017 085 | 3 786 131 | - | - | - | - |

5.4 Projections of revenue and expenditure

The income from grants and the anticipated budget shortfalls have already been explained above. Filing fees and interest income (from investing surplus funds) are represented by the “Other Income” line item.

Income from filing fees has been escalated by 80% for 2015/16; 60% for 2016/17; 40% for 2017/18 and 30% for 2018/19 for debt re-arrangement and 30% for non-debt re-arrangement (where applicable), in anticipation of their respective projected increases in case numbers based on trends over the last number of years, while interest income has been kept at the current rate of 5% per annum.

Compensation of employees for the 2016/17 financial year has been determined in accordance with the proposed organisational structure presented earlier in this Strategic Plan. As set out in the mentioned organisational structure, the compensation of

employees includes a full time Executive Chairperson and three full-time Tribunal members. Compensation of employees includes an annual inflation adjustment of 5.8% to 6.2% as prescribed by the MTEF guidelines.

An average of 10% per annum has been applied for an increase to other goods and services expenditure items, excluding the fees payable to part-time Tribunal members. This was arrived at after escalating certain of the fixed cost items by an inflationary adjustment and certain variable costs by around 15% to 20% in anticipation of the increase in the caseload. Cost savings such as the scheduling of hearings to take place on the same day, electronic document submission, digitisation of records, etc. have been factored in at arriving at those costs. Capital expenses have been budgeted for the maintenance of systems and hardware as well as the implementation of identified ICT projects. Details of the expenditure and capital expense requirements for the 2016/17 financial year are documented in the Financial Budget attached to the Business Plan for that year.

Even though the NCT caseload is projected to increase by between 30% and 80% annually as indicated above, the impact on envisaged expenditure has been contained. This has been achieved through increased efficiencies and the implementation of cost saving measures, resulting in a moderate 10% growth in envisaged expenditure, excluding the fees payable to part-time Tribunal members.

5.5 Capital expenditure projects

Refer to section 15.3. above for the capital projects included in the cash flow projections. The majority of capital projects relate to the procurement of ICT assets.

5.6 Infrastructure plans

The National Consumer Tribunal is not engaged in infrastructure projects. For this reason, it does not develop infrastructure plans.

5.7 Dividend policies

The National Consumer Tribunal is a Schedule 3A public entity and as such does not have share capital to declare dividends on. It has not therefore formulated dividend policies.

5.8 Materiality and significance framework

The NCT uses 0.60% of budgeted operational expenditure (which excludes capital expenditure) for the materiality and significance framework and the basis is consistent with prior years. The implications, based on the estimated budget, are summarised as follows:

| Item | % Used | 2014/15 | 2015/16 | 2016/17 | 2017/18 | 2018/19 |
|--------------------|--------|------------|------------|------------|------------|------------|
| Budget | | 43 039 657 | 49 100 859 | 50 029 704 | 56 662 905 | 65 195 705 |
| Materiality | 0.60% | 258 238 | 294 605 | 300 178 | 339 977 | 391 174 |

6. Asset and Liability Management Plan

The NCT's biggest asset at any given time is cash and cash equivalents. The annual grant allocation to the NCT gets paid by **the dti** in two instalments. When a grant payment is received it gets invested in the Corporation for Public Deposits account at the South African Reserve Bank. Funds are then withdrawn on a monthly basis to fund the day to day business operations of the NCT. Detailed cash forecasts for the following two months get submitted to the Accounting Authority on a monthly basis as part of the management accounts, thereby indicating the short term cash requirements of the NCT. Monies are then transferred to the current account as and when there is a need according to the approved cash flow forecast. This ensures that the NCT does not carry any excess funds in the current account and that interest income is thereby maximised.

Another significant asset class is property, plant and equipment. These assets are entered into a fixed asset register that comply with the requirements of the prescribed Generally Recognised Accounting Practice (GRAP) reporting standards. The asset register is reconciled with the general ledger on a monthly basis and assets counts are done monthly on a spot check basis while a full asset count is conducted twice a year.

Apart from the annual provision for performance bonuses which is made at the financial year end, the most significant liability item is trade and other payables. These include the amounts due to suppliers of goods and services at year-end where payments are still to be made. The NCT makes payments to suppliers at least twice a month on the basis of valid and approved invoices. Creditor's accounts are reconciled monthly with the age analysis and the general ledger. The NCT pays all its undisputed invoices received from suppliers within a 30 day period.

The NCT has adopted a value for money procurement strategy that is closely managed through the supply chain processes. This ensures that suppliers are only paid for services provided when the NCT is satisfied that it received a value for money service.

7. ICT Strategy and Plan

The NCT's ICT Strategy will ensure that there is a strong and clear relationship between ICT investment decisions, the operational focus of the ICT team and the achievement of the NCT's overall organisational strategies, goals and objectives.

Through ICT, the NCT will:

- Improve **stakeholder access** to the NCT
- **Increase operational efficiency and productivity**, contributing to significant reductions in expenditure
- **Increase strategic and operational effectiveness**, ensuring consistent approaches to work and intelligent reporting and decision making
- **Enable collaboration**, learning and the sharing of information
- **Enhance the connectedness and integrity** of data, systems, processes and people

An **ICT capability** is the ability, enabled by ICT, for the NCT to conduct its operations efficiently, effectively and intelligently. Based upon the requirements of the NCT's strategy and the consistent, efficient execution of its core process, it is clear that the following **ICT capabilities** are mission critical to the NCT:

- An **interface** that provides access and allows for bi-directional engagement (based around the NCT website)
- A **case management system** (CMS) that automates the key processes associated with case management, captures information accurately, enables filing parties to file cases on line, facilitates bi-directional communication and allows for the efficient allocation and deployment of resources
- An **adjudication capability** that provides for consistent and speedy application of processes and enables effective decision making through access to case information.
- A **records management capability** that allows for information to be securely stored, managed and accessed electronically in accordance with the appropriate standards of governance
- Organisational **performance reporting capability** that streamlines and automates the production of organisational performance reports, including dashboards, that can be linked to individual employee contribution
- A **learning capability** that allows for people inside and outside of the NCT to flexibly and efficiently build the required competencies to successfully administer and adjudicate NCT cases

Over the forthcoming years, the ICT Team will focus on ensuring that these capabilities are developed and successfully adopted. They will transform their contribution from the current transactional support focus to that of being 'Information Optimisers', able to enhance collaboration, create systemic integration and unlock the potential value of ICT investments

The **Mission of ICT** is *'to provide the advice, collaborative solutions and support required to ensure that the NCT has a secure, stable ICT architecture and the tools it requires to meet its core business needs.'*

ICT will play the following **roles** at the NCT:

- ICT will inform the choices made about ICT solutions, in line with the principles that inform the NCT's enterprise architecture framework
- ICT will competently project manage the acquisition and implementation of ICT solutions
- ICT will train and support end-users of ICT solutions thereby maximising the potential for user adoption
- ICT will maintain and configure the NCT's ICT infrastructure to ensure security and systems uptime and to optimise the return on its ICT investment
- ICT will ensure effective risk management and good governance by engaging with the appropriate structures and abiding by all supply chain and other relevant procurement policies
- Monitor, evaluate, maintain and provide support to NCT members and staff in respect of the ICT infrastructure inclusive of hardware, software and applications

The **Vision of ICT** is *'to be a respected business partner and information optimiser who enhances access, improves operational efficiency and informs intelligent decision-making at the NCT.'*

The following **ICT Goals** have been adopted by the NCT to focus its ICT activities and investments over the next three years:

- **GOAL 1:** To ensure that the NCT's ICT Enterprise Architecture supports, enables and meets the NCT's business requirements

GOAL 2: To ensure controlled access for Tribunal Members, employees and other relevant stakeholders to automated business processes, information and services

GOAL 3: To increase the adoption and utilization of implemented ICT applications, systems and processes

GOAL 4: To ensure that all ICT applications, systems and processes are secure and available to authorized stakeholders

The implementation of ICT enabled work systems to support the operations of the NCT will be a significant change to current ways of working. In an environment where ICT skills and competencies are not at the requisite level, this will imply that the ICT Team will need to be supportive and user-centered in their approach. In future, recruitment practices will be focused on bringing on board employees with a higher aptitude and increased competence in ICT.

The ICT Team's initiatives will therefore be implemented in parallel with a focus on improving overall levels of ICT service to users at the NCT. This will include ensuring that users receive the appropriate ICT systems and administration training as well as ensuring that all initiatives are supported by effective change enablement practices. This will increase overall levels of user adoption of ICT systems and optimize the NCT's ICT investment.

The key area of focus for ICT over the term of this Strategy is the development of an ICT Enterprise Architecture that supports, enables and meets the NCT's strategic and operational requirements. This ability of the NCT to deliver on this focus is however constrained by the NCT's budgetary constraints and a number of elements will have to be delayed or put on hold. It will however continue to deliver and implement important areas of functionality in line with the revised EAF Gap Analysis and Migration plan which takes into account the cost containment introduced during the 2014/15 financial year.

These **initiatives** include:

- Refinements to the **VIP Performance Management** module which will automate the HR procedures relating to the management of processes for executing the performance reviews. (FY 2015/16)
- An ongoing commitment to **evaluating user involvement / experience** to ensure that their views inform the development and refinement of systems and functionality

- Development and rollout of the interface between the existing **NCT website and CMS to allow for filing parties to receive status updates and information on cases filed.** (FY 2016/17)
- Continuous improvement to the **NCT Case Management System** for the efficient handling of all operational aspects of processing cases. As the system continues to evolve this will include refinements to key functionality such as:
 - Electronic purse management for automatic payment, tracking, and reconciliation of filing fees.
 - Initial filings assessments and issuing of notices
 - Incorporation of adjudication business rules to allow the system to automate adjudication processes and recommendations.
 - Direct ingestion of applications filed into the Case Management System Database thereby eliminating the need for manual capturing of cases. This also has the advantage of substantially reducing capturing errors.
(FY2015/16)
- Implementation of an e-learning system to support and enable on-boarding, induction learning (FY 2016/17)
- The enhancement of the SharePoint-based knowledge management system to meet the NCT's business needs. This will involve working closely with the Registrar to ensure the existing knowledge database created is aligned to researched needs in terms of structure and access control. (FY2016/17)
- Assistance to business units to ensure that as applications are rolled out, ICT also meets the need of streamlining user processes in terms of both cost and time.(FY 2016/17, FY 2017/18)
- Deployment of an effective ongoing support model in terms of personnel and systems to sustainably maintain implemented applications. (FY 2017/18, FY 2018/19)

8. Human Resources Strategy and Plan

The NCT is a **transforming organisation** that embraces the full potential of ICT to enable intelligent, efficient and effective work. The reality however is that ICT enabled processes still rely on the competence, passion and commitment of people to ensure efficient and effective service delivery. It is for this reason that ensuring that the NCT has the *'right people in the right place at the right time'* is a central theme of the overall Human Resources Strategy and Plan.

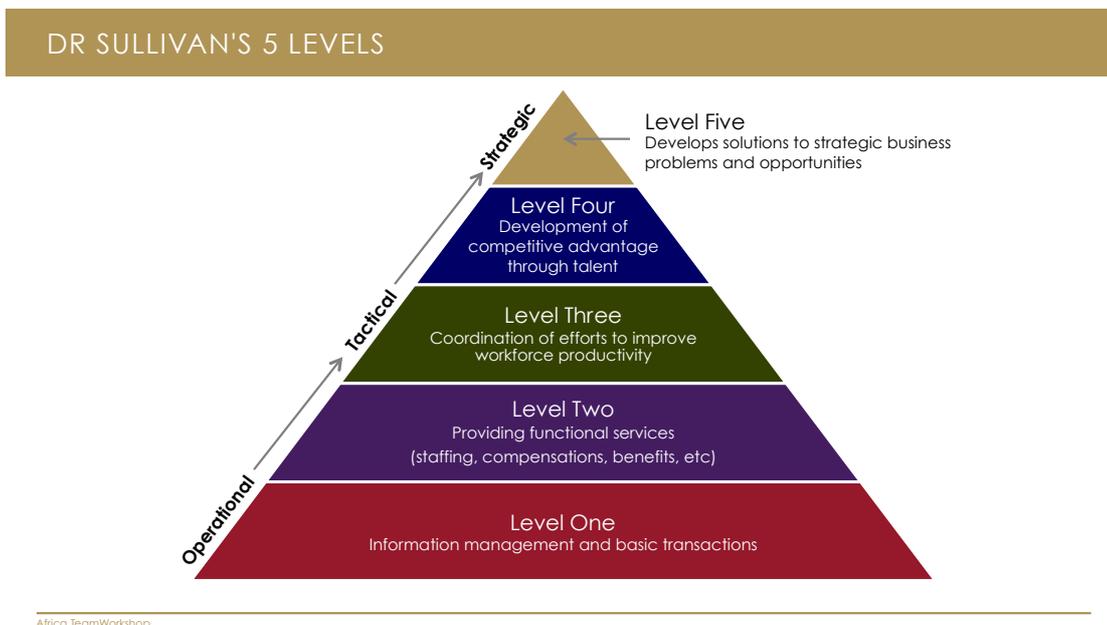
The Vision of NCT's Human Resources is

"To be a resilient and dynamic organisation with a fully engaged staff complement firmly rooted in the South African democratic values."

The Mission of NCT's Human Resources is;

"To provide the advice, collaborative solutions and support required to ensure the NCT has the appropriate human resources and human resource management in place to meet its organisational needs and to fulfil its mandate"

In order to effectively deliver on its HR services amidst the current NCT organisational changes, it was important for the NCT to find a service delivery model that fits its current operational needs and is appropriate for its flexible structure as well as the various goals that it has set. The NCT HR Unit has thus critically assessed its service delivery against the **Dr Sullivan Five Levels of HR** contribution model, as illustrated below.



In accordance with the 'gaps' illustrated by its service delivery assessment, the Human Resources Unit has adopted 5 key Strategic Goals with supporting objectives to focus its work over the coming 5-year period.

GOAL 1: To attract, develop and retain the right people to ensure that the right skills are available in the right place at the right time to deliver on the NCT's mandate (**Level 2**)

- Data is accurate, timeous & complete – both in terms of physical and electronic records (includes leave records, performance management data & job descriptions)

- To establish a clear process of workforce planning and strategic sourcing to proactively deliver on the NCT's human capital requirements
- To up-skill the ICT competencies and skills of all NCT employees and TMs and to ensure their continuous professional development
- To develop and implement an effective on-boarding and induction programme
- To manage performance effectively through the continuous assessment of performance in the NCT as well as proactive analysis of identified trends
- To implement a programme of personal competency development in alignment with the NCT's competency framework and access to structured learning
- To develop and implement a non-monetary rewards and recognition programme to recognise achievement and enhance retention

GOAL 2: To develop an enabling framework and working environment that optimises the potential for employee engagement and wellness **(Level 4)**

- To implement and apply a change management framework and approach with the accompanying tools and methodologies to accelerate and sustain user adoption and enable desired change
- Through effective internal communications, engage in targeted wellness awareness programmes aligned to the NCT values, as well as increase levels of employee engagement, productivity and enhanced work / life balance

GOAL 3: To anticipate future business and environmental demands on the NCT and to provide Human Resource capacity to satisfy those demands and fulfil the NCT's mandate **(Level 3)**

- Ensure effective and proactive manpower planning by developing an overall resourcing plan that identifies the skills and functions required for the NCT to fulfil its mandate and achieve sustainable business continuity

- Identify skills and roles needed to help fulfil the NCT's mandate.
- To the continuous maintenance and evaluation of Job Descriptions.
- Data is accurate, timeous & complete – both in terms of physical and electronic records (includes leave records, performance management data & job descriptions)

GOAL 4: To shape a values-based culture that champions high performance and service excellence **(Level 5)**

- To measure and evaluate the extent to which managers and employees are living out the NCT values
- To develop a comprehensive blue-print of what the future NCT culture should look like
- To identify the leadership competencies required to shape the future NCT culture and implement a plan to develop these competencies over time
- Through the establishment and implementation of objective management assessment tools, ensure that the NCT management cadre positively impacts its workforce.

GOAL 5: To establish effective and efficient HR Administration to facilitate and inform accurate HR data and reporting **(Level 1)**

- To ensure comprehensive, accurate and up to date HR Database as well as physical and electronic HR Records.
- To ensure comprehensive HR Reporting to enhance business decision making
- Finalise and communicate the HR Policies and their supporting Standard Operating Procedures

- Develop & implement Performance Management System, supported by the service provider of the human resources software and ESS
- To implement a comprehensive approach to talent management supported by the necessary systems, processes and VIP modules (competency development, career development & succession planning)
- To develop line managers understanding and competency in implementing talent management processes and systems effectively

The **Human Resource Unit** has aligned its focus in line with the realities of the NCT's operating environment. Within its limited means, the HR Unit will work to improve the overall quality of the NCT's human capital and human capital management, the NCT working environment and will contribute to building an enabling environment for sustainable high performance.

The following areas will receive **priority focus** over the course of this Strategic Plan:

- **Structured processes of learning** inclusive of Tribunal Member capacity building and coaching for managers and select employees
- The introduction of **structured induction and on-boarding programmes** for new employees, supported by e-learning tools
- **Workforce planning and strategic sourcing** to ensure that the NCT is able to pro-actively anticipate the demand and supply requirements for its people and to be able to respond pro-actively to ensure that the *'right people are in place at the right time'*
- Improved talent attraction and recruitment processes inclusive of developing the NCT's employer brand, making the NCT an Employer of Choice and adopting an innovated, improved talent attraction and recruitment strategy
- Administrative excellence inclusive of HR records management, updating policies and procedures and improving the overall integrity of information in the HR database
- Technology enablement for key HR systems, processes and practices
- Alignment of all performance management processes inclusive of performance management provisions of the public sector

- Employee Wellness, inclusive of structured programmes with targeted initiatives
- Change enablement in support of capacitating the adoption of ICT systems, Motion Courts and other innovated approaches to work
- Targeted organisational development interventions in support of building trust between people at the NCT, culture shaping and building
- Improved internal communication inclusive of the development of a year plan focused on segmented internal audiences and an internal handbook to guide such communications
- The establishment of a safe internal structure for collective engagement and the building of sound and productive workplace relationships
- Effective project management to accelerate the implementation of space planning initiatives
- Refinement of the NCT Youth Development Programme to focus not only on legal interns, but interns in other professions for which expertise exists within the NCT. This will include interns in supporting units, for example ICT or HR.

In order to deliver on the NCT HR strategic goals and key initiatives as set out above, The HR Unit has adopted **four key foundational capabilities** – Life Long Learning, Talent Management, Administrative Excellence and Employee Wellness as the foundations upon which it will build future success. These capabilities are informed by business needs and are governed by NCT’s governance structures (NCT HR Sub Committees), risk assessments and compliance requirements.

9. Communications Strategy and Plan

External communication and engagement are important aspects of the NCT’s strategy. The role of external communications is not to market or ‘sell’ the services of the NCT. It is to ensure that all important external stakeholders are aware of how the NCT works so that the right matters are referred to the appropriate regulatory structures and mechanisms at the right time.

External communication is also important to ensure that:

- The NCT and its mandate are well understood by its stakeholders, that its cases are widely disseminated and its services accessed by all relevant people who require such access

- There is regular information sharing and ongoing engagement between members of the consumer regulatory community to ensure that their work, functions and thinking are well aligned

The Vision of Communications is *‘for the NCT to be recognised as an impartial, professional and effective adjudicator on consumer and credit issues in South Africa’*

The Mission of Communications is *‘to enhance the reputation of the NCT in the consumer regulatory environment through effective communication, easy access to information and ongoing engagement with stakeholders’*

The **Goals** of Communication are:

- GOAL 1:** To ensure cooperation and partnership amongst stakeholders through enhanced interaction and engagement
- GOAL 2:** To ensure that information about the roles, processes and decisions of the Tribunal is readily accessible to all stakeholders
- GOAL 3:** To maintain a consistent and professional image as a leading adjudicator in Consumer and credit matters
- GOAL 4:** To ensure easy access to accurate information about the Tribunal and its operations

Stakeholder engagement is one of the most important aspects of the NCT’s approach to effective communications. It intends to conduct regular structured engagements with its key stakeholders – the dti, NCR, NCC, debt counsellors, tertiary educational institutions and the provincial consumer offices and courts.

These engagements will focus on ensuring that the regulatory system and its players are well informed and aligned at the appropriate level within the regulatory system.

Guest lecturing opportunities at universities and tertiary institutions will also be utilised to assist in ensuring that academics, industry parties and regulatory players are well informed and capacitated for the work they are required to perform.

Over the **period of this Strategic Plan**, the NCT will:

- Continue to update and supplement the data and information on its website, inclusive of Frequently Asked Questions (FAQs) to ensure that it is complete, accurate, current and informative
- Develop a more structured approach to Communications inclusive of a formal year plan with segmented messaging

- Ensure that any delays in adjudication as a result of an increased caseload or 'spikes' in caseload are timeously and well communicated in order to successfully condition expectations
- Ensure consistency of 'look and feel' across NCT information channels and ICT systems
- Draft research and other relevant papers to inform policy formulation and regulatory alignment
- Source appropriate training for managers who are authorised to speak to the media
- Conduct guest lectures at universities and other tertiary educational institutions
- Improve the way it portrays itself to the world through a more focused approach to its corporate identity, supplemented by the appropriate collateral including banners and support materials

10. Strategic Risk Management Plan

The Tribunal assesses and mitigates risk on an ongoing basis. The Risk Management Framework, part of which is the Strategic Risk Management Plan, is the key document developed to focus the necessary mitigation and remedial action.

Once identified, each risk is assessed on how they might affect the achievement of the NCT's objectives. Each risk is rated according to a robust framework, which centres around a dual impact versus probability matrix, control percentage quantification, real risk scores and mitigation plans. The resultant risk response strategy that arises from this exercise articulates the necessary action plans that will ensure these risks are addressed and thus minimised. Timeframes are stated for each action plan. All levels of staff in the organisation are encouraged to continuously identify risks in the organisation and bring these to the attention of relevant managers for further discussion at the Executive Committee meetings, held at regular intervals. The internal audit plans are also aligned to the identified risks and the extent to which the internal control environment is effective is acknowledged. The risk register is monitored and updated on a quarterly basis and progress is tabled at the Audit and Risk Committee meetings.

The strategic risks currently facing the NCT are detailed below. These will have to be managed on an on-going basis; until such time that they have been adequately addressed. The latest re-assessment of strategic risks was undertaken on the 16th of October 2015.

A detailed quantitative assessment of risks arising from the Risk Assessment process, are reflected in the Strategic Risk Management Plan.

10.1 Quantitative Assessment of Strategic Risks

| Risk Ref. No. | Risk Description | Focus Areas | Inherent Impact | Inherent Probability | Inherent Risk | Control Adequacy | Residual Risk | Control Effectiveness | Real Risk | Controls | Actions |
|---------------|---|---|-----------------|----------------------|---------------|------------------|---------------|-----------------------|-----------|---|---|
| SR1 | Failure to promote Socio-Economic Welfare through judgments | S1_ Cases effectively and efficiently managed and adjudicated | 3 | 2 | 6 | 80% | 1 | 70% | 3 | <ul style="list-style-type: none"> - Repository of research - Provision of case support, analyses and additional research - Develop briefing framework to provide guidance | <ul style="list-style-type: none"> - Setting head notes to cases - Encourage memberships to professional associations - Focus on continuous education of tribunal members - Review previous cases to understand socio-economic implications |
| SR2 | Fluctuations of caseloads beyond the NCT's control | Linked to multiple/ all operational objectives | 5 | 5 | 25 | 20% | 20 | 20% | 24 | <ul style="list-style-type: none"> - Ad hoc staff - Constant interactions with ICT - Constant revisions of process - Tracking of Efficiencies Projects | <ul style="list-style-type: none"> - Look at scalability of systems - Follow up on Legislative amendments - Establish pool of legal professions - Submissions to the dti on appointment of additional tribunal members - Implement forecasting based on historical information - Increase levels of automation and systems intelligence |
| SR3 | Credibility and Reputational risks due to the NCT not meeting its mandate | Linked to multiple/ all operational objectives | 4 | 2 | 8 | 90% | 1 | 90% | 2 | <ul style="list-style-type: none"> - Interventions around training, research, interactions, support - Performance Management of Tribunal Members and staff | <ul style="list-style-type: none"> - Legal updates - Capacity sessions - Annual Compliance universe review |
| SR4 | Inadequate capacity | Linked to multiple/ all operational objectives | 4 | 5 | 20 | 60% | 8 | 60% | 13 | <ul style="list-style-type: none"> - Utilisation of ad-hoc staff - Enrolment for studies - Succession planning in place - Utilisation of students and interns as feed for permanent staff | <ul style="list-style-type: none"> - Have agreements with law firms - Implementation of PDP's - Generic training to be provided to staff - Implementation of coaching and mentoring - Increase levels of systems intelligence |

| Risk Ref. No. | Risk Description | Focus Areas | Inherent Impact | Inherent Probability | Inherent Risk | Control Adequacy | Residual Risk | Control Effectiveness | Real Risk | Controls | Actions |
|---------------|--|--------------------------------------|-----------------|----------------------|---------------|------------------|---------------|-----------------------|-----------|---|---|
| SR5 | Lack of adequate funding | S3_ Sound Organisational Management | 4 | 5 | 20 | 40% | 12 | 40% | 17 | <ul style="list-style-type: none"> - Monthly monitoring of spending, budgets and costs - Submissions to the DTI - Internal audit reports - Budgeting and forecasting exercise | <ul style="list-style-type: none"> - Consider Efficiencies Projects as a preventative measure - Determine cost recovery initiatives - Explore possibilities of revenue generation - Explore funding initiatives - Implement outcomes from economic modelling - Motivate funding in line with economic modelling exercise - Complete cost allocation review - Complete utility usage optimisation review - Implement environmentally friendly practices |
| SR6 | High reliance on CMS | Linked to all operational objectives | 5 | 5 | 25 | 20% | 20 | 20% | 24 | <ul style="list-style-type: none"> - Underpinning technology is industry standard | <ul style="list-style-type: none"> - Utilise industry standard technology - Ensure multiple potential service providers - Appoint support specialist |
| SR7 | Employee health & wellness | Linked to all operational objectives | 4 | 2 | 8 | 90% | 1 | 90% | 2 | <ul style="list-style-type: none"> - Analysis of employee absenteeism and turnover rates | <ul style="list-style-type: none"> - Better understand patterns & trends - Multiskilling & crosstraining - Better resourcing - Structured wellness programme |
| SR8 | Lack of a programmatic change enabled approach to the implementation of projects | Linked to all operational objectives | 4 | 5 | 20 | 60% | 8 | 60% | 13 | <ul style="list-style-type: none"> - Develop operational standard & discipline | <ul style="list-style-type: none"> - Consistent application of programme & project management disciplines - Training in programme & project management - Change enablement support, tools and disciplines to be applied |

11. Fraud Prevention Plan

The Tribunal has carefully outlined 10 primary guiding principles that form the tenets of their Anti-Fraud and Corruption Policy. These principles are outlined below:

Principle 1: Zero-Tolerance

The Tribunal is committed to upholding the aim of being an ethical and transparent organisation. Consequently, it is the policy of the Tribunal that the embodiment of any unethical behaviour, whether as fraud, corruption, theft, maladministration or any other dishonest activities that would call the integrity of the organisation into question, will not be tolerated.

Principle 2: Accountability

It is the responsibility of Tribunal leadership and business unit heads to guarantee that the control environment is adequate and effective to avert or detect incidents of fraud. All Tribunal members and staff are to be held accountable for the prevention and detection of fraud, corruption, theft, mal-administration or any activities of a similar nature, within their areas of responsibility.

Principle 3: Duty to implement effective anti-fraud controls

Suitable prevention and detection controls will be applied within the Tribunal. These include those controls and checking mechanisms as prescribed in existing policies, procedures and other relevant prescripts according to the systems of internal control that govern the Tribunal's activities.

With regard to all reported incidents of fraud, business unit heads/managers are obligated to immediately review, and where possible, improve the efficacy of the controls which have been breached, so that similar irregularities are prevented 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 fraudulent activity, and wish to report it anonymously, to call the dedicated whistleblowing hotline on 0800 15 25 38. All calls to the Tribunal's hotline

will be treated confidentially and the identity of persons lodging such reports (“whistle-blowers”) will be protected.

Principle 5: Duty to protect whistle-blowers

The Tribunal acknowledges and abides by the Protected Disclosures Act and other similar legislation that seeks to protect whistle-blowers. Consequently, the Tribunal is bound to protect all persons that report incidents of fraud from possible discrimination and reprisal in the workplace.

Principle 6: Reporting to police and other relevant authorities

The Tribunal will report fraud and/or related misconduct, where applicable, to the South African Police Services or other relevant policing 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 remedial actions available within the ambit of the law. The Chairperson of the Audit & Risk Committee of the Tribunal and/or the Tribunal Chairperson is mandated to ensure that investigations are facilitated and managed appropriately.

Internal staff, providers, and stakeholders will be expected to co-operate fully during any investigation. 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. Where an official is alleged to have committed an act of fraud, corruption, theft, or mal-administration, the respective line supervisor/manager must initiate 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 increase and uphold 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. In addition, care should be taken to consider the relevant potential fraud risks that could arise during the design and implementation of new systems and processes.

12. Other Requirements

Any subsidiary or statutory body reporting to the entity

None

Service Delivery Improvement Plan

The NCT's service delivery commitments to its stakeholders are set out in the Service Charter published on the website of the NCT.

Annexure A: Materiality and Significance Framework

1. Definitions

Accounting Authority: **The Chairperson of the National Consumer Tribunal**

Executive Authority: **The Minister of Trade and Industry, the dti (Department of Trade and Industry)**

PFMA: **The Public Finance Management Act (Act 1 of 1999, as amended from time to time)**

Treasury Regulations: **Public Finance Management Act, 1999, amendments of Treasury Regulations in Terms of Section 76 as published in Government Gazette No 23463 dated 25th May 2002 and amended from time to time.**

2. Introduction

For purposes of determining materiality (sections 50(1), 55(2) and 66(1) of the Act) and significance (section 54(2) of the Act) the Accounting Authority must develop and agree on a framework of acceptable levels of materiality and significance with the relevant Executive Authority in consultation with the external auditors.

3. Framework

| PFMA Section | Quantitative (Amount) | Qualitative (Nature) |
|---|---|---|
| S50: Fiduciary duties of accounting authorities (PFMA Section 50) | | |
| | Materiality figure for year ending 31 March 2017 is 0,6% of budgeted expenditure or R300 178 | |
| (1) The Accounting Authority for a public entity must: | | |
| (a) on request, disclose to the Executive Authority responsible for that public entity or the legislature to which the public entity is accountable, all material facts, including those reasonably discoverable, which in any way may influence the decisions or actions of the Executive Authority or that legislature; | Any fact discovered of which the amount exceeds the planning materiality figure as calculated. (Listed above) | 1. Any time or event of which specific disclosure is required by law. 2. Any fact discovered of which its omission or misstatement, in the Tribunal's opinion, could influence the decisions or actions of the Executive Authority or legislature. |
| S55: Annual report and financial statements (PFMA Section 55) | | |
| (2) The annual report and financial statements referred to in subsection (1) | | |

| PFMA Section | Quantitative (Amount) | Qualitative (Nature) |
|---|--|---|
| (d) must: - | | |
| <p>(a) fairly present the state of affairs of the public entity, its business, its financial results, its performance against predetermined objectives and its financial position as at the end of the financial year concerned:</p> <p>(b) Include particulars of: -</p> <p>(i) any material losses through criminal conduct and any irregular expenditure and fruitless and wasteful expenditure that occurred during the financial year:</p> <p>(ii) any criminal or disciplinary steps taken as a consequence of such losses or irregular expenditure or fruitless and wasteful expenditure;</p> <p>(iii) any losses recovered or written off;</p> <p>(iv) any financial assistance received from the state and commitments made by the state on its behalf; and</p> <p>(v) any other matters that may be prescribed; and</p> | <p>Please note that this is presented as part of the annual report</p> <p>1. Losses through criminal conduct / any loss identified.</p> <p>2. Losses through irregular/fruitless/wasteful expenditure.</p> | <p>Please note that this is presented as part of the annual report</p> <p>Any identified loss through criminal conduct.</p> |
| S66: Restrictions on borrowing, guarantees and other commitments (PFMA) Section 66 | | |
| (1) An Institution to which this Act applies may not borrow money or issue a guarantee, indemnity or security or enter into any other transaction that binds or may bind that Institution or Revenue Fund to any future financial commitment, unless such borrowing, guarantee, indemnity, security or other transaction: - | Not applicable | Not applicable |
| <p>a. Is authorised by this Act ;</p> <p>b. in the case of public entities is also authorised by other legislation not in conflict with this Act</p> <p>c. and in the case of loans by a province or a provincial government business enterprise under the ownership and control of a provincial executive, is within the limits as set in terms of the Borrowing Powers of Provincial Government Act, 1996 (Act no 48 of 1996). (The Credit Act</p> | <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p> | <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p> |

| PFMA Section | Quantitative (Amount) | Qualitative (Nature) |
|--|---|--|
| No 35 of 2005 does not give the Tribunal the mandate to enter into these transactions) | | |
| S54: Information to be submitted by accounting authorities for the following significant transactions (PFMA Section 54) | | |
| <p>2. Before a public entity concludes any of the following transactions, the Accounting Authority for the public entity must promptly, and in writing, inform the relevant treasury of the transaction and submit relevant particulars of the transaction to its Executive Authority for approval of the transaction: -</p> <p>(a) participation in a significant partnership, trust, unincorporated joint venture or similar arrangement;</p> <p>(b) Acquisition or disposal of a significant shareholding in a company;</p> <p>(c) Acquisition or disposal of a significant asset;</p> <p>(d) Commencement or cessation of a significant business activity.</p> | <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p> <p>Not applicable</p> | <p>Not applicable</p> <p>Not applicable</p> <p>Any asset that would increase or decrease the overall operational functions of the Tribunal, outside of the approved strategic plan and budget.</p> <p>Not applicable</p> |

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national consumer tribunal

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