

# Briefing on the Quarter 4 Report – 2020/21 of the NATIONAL CONSUMER TRIBUNAL to the Portfolio Committee of the DTIC

Presented by:

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and

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national consumer tribunal

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# 1. Measurable Objectives in Quarter 4, 2020/21

	Quarter 3 of 2020/21	Quarter 4 of 2020/21	Variance
Percentage of measurable objectives achieved for the quarter	81.81%	83.33%	During Quarter 3, nine (9) out of the 11 applicable measurable objectives were achieved. During Quarter 4, 10 out of 12 applicable measurable objectives were also achieved. The variance per KPI, if applicable, is discussed in the detailed performance scorecard, attached hereto as annexure "A"



national consumer tribunal

## *Measurable Objectives - Achieved and Not achieved ..continue/..*

No	Output	Performance Measure	Annual Target	Quarter 4	Actual Achievement	Reason for variance	Corrective Action
1	Responsive, timeous service to stakeholders in line with mandate	Average number of days from date of filing of DRA to date of issuing order to filing parties	70 days	70 days	67,71 days	Exceeded  The continuous improvement in the Case Management System enabled the Tribunal to increase the number of matters adjudicated on-line by Tribunal Members.	N/A
2	Responsive, timeous service to stakeholders in line with mandate	Average number of days from date of close of pleadings of non-DRA to date of issuing notice of set down to filing parties	20 days	20 days	6,94 days	Exceeded  The Tribunal has developed strong internal systems to ensure efficiencies in a virtual working environment. This has streamlined work-flow processes and has allowed for set downs to be issued faster than anticipated.	N/A
3	Responsive, timeous service to stakeholders in line with mandate	Average number of days from date of final adjudication of non-DRA to date of issuing judgement to filing parties	20 days	20 days	6,05 days	Exceeded  The Tribunal Members have utilised the virtual hearing environment to maximise speed of adjudication which allowed judgements to be finalised at a faster rate than anticipated.	N/A
4	High quality adjudication decisions that	Number of cases overturned on	0 cases overturned	0 cases overturned	0 cases overturned	Achieved	N/A



# Measurable Objectives Achieved and Not achieved ..continue/

	create consistent jurisprudence in consumer, credit and debt intervention matters	review in Supreme Court					
5	Co-operation & information sharing on permissible matters between regulatory system stakeholders	Number of structured interactions and engagements with external stakeholders including events, structured meetings and joint forums at which presentations were made	20 engagements	5	8 engagements	Exceeded  The roll-out of the CMS required more structured engagements with debt counsellors to promote easier access to Tribunal services.	N/A
6	Enhanced stakeholder access to adjudication at the NCT, particularly in rural or previously marginalised communities	Milestones achieved in implementation of an Access Strategy	Achievement of annual milestones	Roll-out Electronic conferencing facilities in other provinces	Implementation of Access Strategy placed on hold due to budget constraints and austerity measures put in place until the end of the 2020/21 financial year.	Not achieved  Due to Covid-19 restrictions as well as budget constraints and strict austerity measures put in place to ensure that the Tribunal meets its financial responsibilities until the end of the 2020/21 financial year, the implementation of the Access Strategy could not be implemented by the end of Quarter 4.	The Access Strategy and the implementation thereof will be reviewed at the onset of the new financial year.



## ***Measurable Objectives Achieved and Not achieved ...continuel***

7	Talented people available to execute on NCT strategy & mandate across the NCT organisation structure	Percentage of filled positions on approved organisation structure	85%	85%	90%	Exceeded  Corporate Services takes proactive steps in filling approved vacancies.	N/A
8	Youth with employable skills and knowledge	Number of interns employed through structured opportunities created for youth development	6	6	6 interns were employed	Achieved	N/A
9	Stable ICT enterprise architecture	% systems availability during business hours	98%	98%	99.99%	Exceeded	N/A
10	Safe & secure ICT enterprise architecture	% of identified CMS mission critical ICT systems and user guide components & functions fully documented	100%	100%	100%	Achieved	N/A



# Measurable Objectives Achieved and Not achieved Objectives

11	Safe & secure ICT enterprise architecture	Number of designated security assessment interventions implemented	2 (1 internal and 1 external) penetration tests completed & results reviewed	N/A	Not applicable for Quarter 4 FY2020-21.	The penetration tests were conducted in Quarter 3 and there are no defined measures applicable in respect of Quarter4.	N/A
12	An enabling ICT Enterprise Architecture that supports and delivers on the NCT's future requirements	Identified mission-critical ICT components & applications successfully implemented	Identified system components & applications implemented	Identified systems components and applications implemented	Identified systems components identified included the procurement of the DRI server, systems and network infrastructure which was achieved.	Achieved	N/A
13	NCT people with relevant skills and competencies to enable them to work in a digitally transformed workplace	Right people with the right digital technology skills in place to work successfully in the workplace of the future (inside or outside NCT) % of identified re-skilling & upskilling interventions successfully completed	90%	90%	Re-skilling and upskilling interventions placed on hold due to Covid-19 and budget constraints	Not achieved  Due to Covid 19 restrictions as well as budget constraints and strict austerity measures put in place to ensure that the Tribunal meets its financial responsibilities until the end of the 2020/21 financial year, no up-skilling or training took place during Quarter 4.	The availability of training and upskilling seminars will be re-evaluated at the onset of the new financial year.



# ***Measurable Objectives – Achieved and Not Achieved***

- **Summary**

- Achieved Objectives 10 out of 12 – 83.33%
- Not Achieved Objectives 2 out of 12 – 16.6%
- Exceeded Measurable Objectives – 6 out of 12, amounting to 50%





## 2. Key Highlights

Item	Type of Matter	Completed in Q4 2020/2021
1	Non-DRA's	<p>39 final judgments had been issued after a hearing had taken place (inclusive of matters settled and confirmed by the Tribunal)</p> <p>9 matters had been withdrawn by the Applicant. 1 condonation application was refused.</p> <p><u>Total: 49</u></p>
2	DRA's	<p>8,127 – adjudicated orders. 70 - finalised by withdrawals. 1 – finalised by lapsing.</p> <p><u>Total: 8,198</u></p>



## Key Highlights... continue/

- The Tribunal finalised Non-DRA's on average within 6,05 days, calculated from the last date of adjudication until the date of issuing the decision to the filing parties. The Tribunal also issued its notice of set down within 6,94 days, calculated from the date of close of pleadings and well within its prescribed organisational targets.



## 3. Case Management

### . Case Management System Operations (CMS).

During this period, 3168 of filings made, were electronic filings as filers continued to optimise on the NCT's e-filing and webservice systems. There was also a significant number of new filers bringing the total number of filers registered on the system to 625. Management continues to observe a steady growth of filers who register on the system.

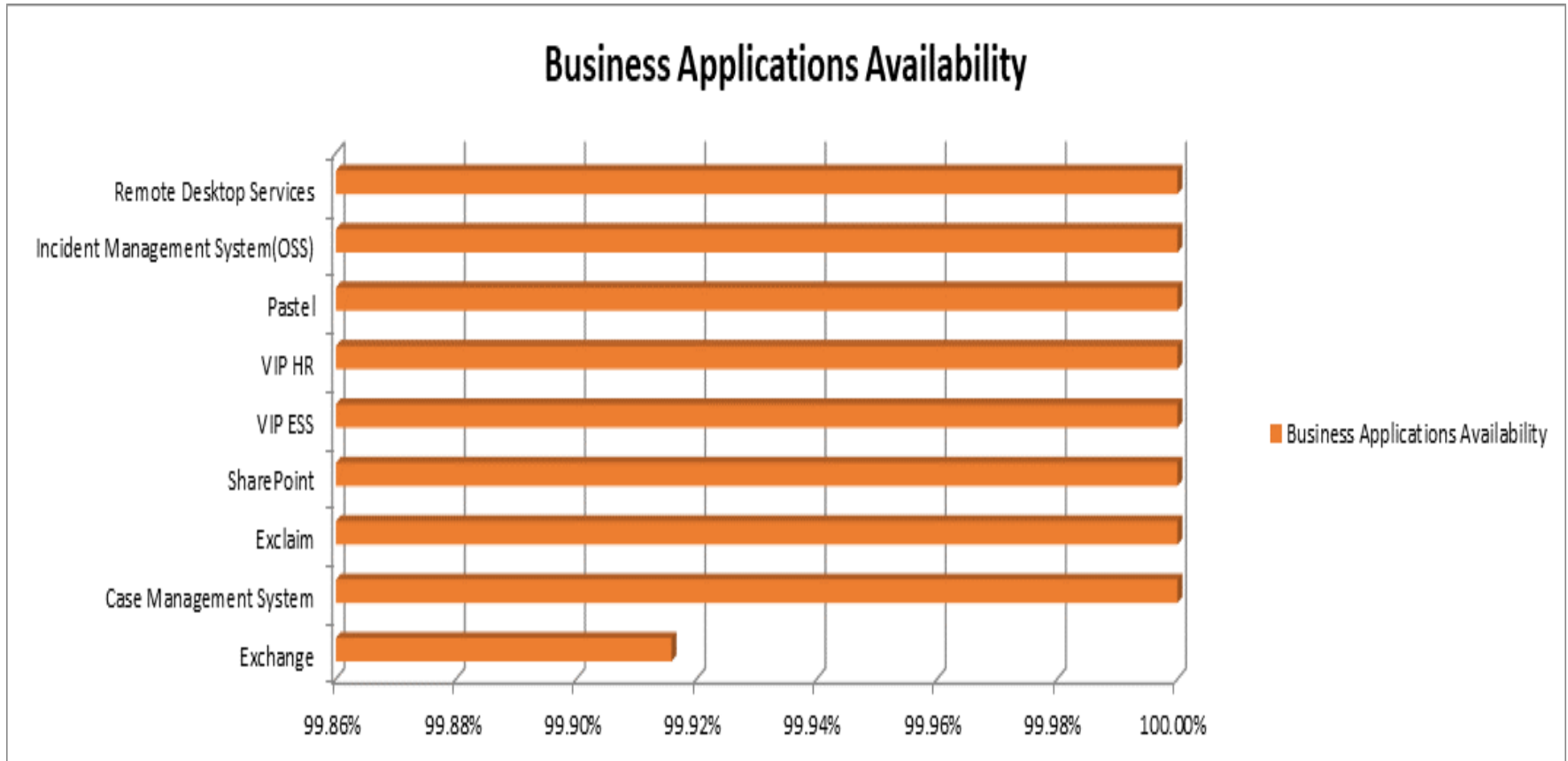
Three ICT advancements conducted in Quarter 4 were completed and put into operations on the CMS system during this period which are:

1. E-filing of a Section 138 application withdrawal request.
2. E-filing of a Section 165 variation order request.
3. Merging of historical data into the CMS database for applications filed prior to 2014.

The withdrawal function allows the filer to select from their user profile the target case record and capture a withdrawal request. This in turn is processed on the system by the Registrar and verification of the withdrawal status is then submitted via the system to the requestor which results in a considerable amount of time saved for this type of transaction.

The Section 165 order variation function request can now also be requested via the filer's user profile by them uploading the relevant application submissions linked to the target case record. This will then be selected from CMS by the Registrar and allocated to the oversight Tribunal Member for the adjudicative function to take place.

## *Case Management – Applications availability/continue*





## ***4. Introduction of the NCA***

In terms of **the dtic** led National Credit Amendment Act initiative, the joint NCR/NCT tender for the acquisition of ICT servers and network infrastructure were successfully issued and concluded during this period. The NCR/NCT combined bid adjudication committee finalised the decision to award the tender to Business Connexion BCX after a vigorous procurement process was followed in line with Treasury and Procurement regulations.



## ***5. Financial Management***

The NCT received its full grant allocation for the 2020/21 financial year from **the dtic** during April 2020. During June 2020, the NCT was required to pay back a sum of R6 209 000 of the R54 948 000 grant it had already received during April 2020. This was as a result of the Covid- 19 pandemic and in line with the special budget that the Minister of Finance presented to Parliament during June 2020. A further R1 247 000 was paid back to **the dtic** on 30 December 2020, totalling an amount of R7 456 000.

Total revenue for the fourth quarter of 2020/21 amounted to R3 306 553. This comprised of R3 143 263 filing and service fees and R163 290 interest income.



## ***6. Progress on Ministerial Priorities***

During the quarter under review the Tribunal -

- Continued to focus on youth employment and development by employing Interns. The NCT achieved its target of employing 6 interns in the financial year.
- The BBBEE Verification process was finalized, and the outcome resulted in the NCT being non-compliant. Management did not agree with the decision of the Assessment Service Provider. Management has submitted both on appeal to **the dtic** as well as applied for exemption from the BBBEE legislation whilst awaiting the outcome of the Appeal process from **the dtic**.



## ***7. Media Coverage***

### Media Analysis

- During Quarter 4 media coverage focused on the Consumer Protection Act, 68 of 2008. A recent decision of the Tribunal in the matter of the National Consumer Commission v UP Money (Pty) Limited, resulted in the conduct of UP Money (Pty) Limited being declared prohibited conduct and they were subsequently fined R 1 000 000.00 (One million Rand) as was found to have been operating a pyramid scheme. This judgement demonstrates the critical role the NCT plays in such matters. During Quarter 4 there were no comments made about the NCT in the media.





## ***8. Strategic Engagements***

### Engagements

The NCT conducted a total of eight (8) engagement sessions during Quarter 4. One of the engagements was a webinar held on World Consumer Rights Day, with a keynote address by the Deputy Minister of Trade, Industry and Competition. The purpose of the engagement was to promote and foster the protection of vulnerable consumers. The Tribunal further held seven (7) engagements with debt counsellors who were engaged and trained on lodging and filing their applications online (through the NCT's Case Management System).

## ***9. Key Challenges***

- The Access Strategy could not be implemented as planned due to the impact of the lockdown; budget cuts as well as the Municipalities and Thusong Centres not having concluded the MOUs’;
- The risk and exposure of Covid-19 remains a significant area of concern due to its potential impact on the workplace. The NCT has implemented a Work-from-Home Policy and staff operates on a rotational basis in attending office premises. As additional support, the NCT has introduced a wellness programme which amongst others, provides emotional support to the NCT employees.



## 10. Audit Outcome

- Tribunal received its 9<sup>th</sup> successive clean audit for the FY 2020/21
  - Reasons:
    - **Strict Adherence** to Well-developed **Policies** and **Procedures**
    - **Skilled /Motivated staff who ensured compliance with** the policies & procedures
    - Highly **skilled core management** team that controls the process
- The clean audit status will be maintained through maintaining and enhancing the current internal control systems.



## ***11. Collaboration with other entities***

- The NCT and the NCR are working closely on the implementation of the NCAA;
- The NCT continues to have a major involvement with the NCC in the on-going design, development and implementation of the Opt-Out Register system;
- The NCT has actively participated in the Ministerial initiative of ICT Shared Services by among all 17 DTIC entities. There have been 8 IT themes identified, of which the NCT is actively taking the lead in 2 of them, namely, application development and data collaboration.

## 12. Compliance

- ❑ The NCT ensures compliance with the applicable legislation and regulations through its automated compliance monitoring system, known as **Exclaim**;
- ❑ Compliance Checklists are completed via Exclaim which allows for the **generation of quarterly compliance reports** for the Audit and Risk Committee.



## ***13. NCT Judgments***

All judgments of the NCT are available on our website at

[www.thenct.org.za](http://www.thenct.org.za)

Or on [saflii](http://saflii.org) at [saflii.org](http://saflii.org)



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**THANK YOU**

**Q&A**