

2024/2025



competitiontribunal
SOUTH AFRICA

ANNUAL PERFORMANCE PLAN 1 APRIL 2024 – 31 MARCH 2025

Foreword by Executive Authority

The Competition Tribunal's 2024/25 Annual Performance Plan (APP) contains an ambitious set of outputs and targets aimed at realising the vision of the Tribunal's governing legislation and utilising these regulations to meet their purpose of empowering a larger number of South Africans to contribute towards our shared prosperity.

Over time the foundations have been laid to transform South Africa's economy and the Tribunal will play a critical role in the year ahead as the dtic Group continues to work towards achieving a fair and prosperous economy that benefits the many and not just the few. Part of the Tribunal's job is to strike the right balance between competition considerations *and* public interest considerations, to help grow the economy *and* to transform it.


The scope of the outputs in the Tribunal's APP collectively still encompasses the dtic Group's ongoing efforts to support **Industrialisation** to promote jobs and rising incomes; drive **Transformation** to build an inclusive economy; and build a **Capable State** to ensure improved impact of public policies.

The work of the Tribunal in contributing towards the creation of a conducive environment for sustained growth is, therefore, of great consequence given the circumstances over recent times during which organisations, companies and governments the world over have had to navigate extraordinary headwinds in a challenging global economic environment.

Bearing this in mind, Government's focus continues to include, among others, greater economic inclusion. The Tribunal's APP is directly aligned to this vision and reflects the continued efforts of the dtic Group to align our activities around a common purpose. Collectively, the dtic Group is making solid and steady progress in this regard.

This APP is expected to progress the implementation and impact of the dtic's work, through greater integration of efforts within the department and our entities, guided by shared, crosscutting outcomes. I wish to thank the management and governance structures for the work done and wish them well in executing the APP and aligning their work to government's overall programmes and priorities, within their statutory mandate.

The 2024/25 APP is hereby submitted in accordance with the Revised Framework on Strategic and Annual Performance Plans.



Ebrahim Patel

Minister of Trade, Industry and Competition

Date: 28 March 2024

Annex

Output targets within the dtic-group of public entities.

2024/25 APP Functional focus of outputs

Section: 12.1 Functional focus of outputs

Additional outputs (programmatic, enabling or responsive to immediate needs) have been included in the APP. The following tables indicate the functional focus of these outputs. Output numbering refers to the classification in the consolidated table, found in the APP. Pillar numbering refers to the section in dealing with the aims of industrial policy. Outcome numbers refer to: Industrialisation (1), Transformation (2) and Capable State (3) though it should be seen as indicative, as one Output intended to cover a single Outcome can and does have positive spillover-effects on the other Outcomes.

Number	Output	Pillar	Outcome
Output 1	R350 billion in investment pledges secured across the state	4	1
Output 23	100 Investor facilitation and unblocking interventions provided	4	1
Output 17	1 new SEZs application considered for designation	4	1,2

12.1.2 Industrial production

Number	Output	Pillar	Outcome
Output 2	R60 Billion in additional local output committed or achieved	2	1
Output 11	R 200 Billion in black industrialist output achieved	1	1,2

12.1.3 Exports

Number	Output	Pillar	Outcome
Output 3	R900 Billion in manufacturing exports	3	1
Output 4	R400 Billion in manufacturing exports to other African countries	3	1,2
Output 5	R9 Billion in exports of Global Business Services (GBS)	3	1
Output 27	20 Successful Export Interventions to support the implementation of the AfCFTA	3	1
Output 28	10 High impact trade interventions completed	3	1,3
Output 41	5 Finalisation of legal instruments under the AfCFTA (Tariff offers, Schedule of Commitments, Rules of Origin, Protocols and Annexes to protocols)	3	3

12.1.4 Industrial support

Number	Output	Pillar	Outcome
Output 6	R32 Billion in support programmes administered by or in partnership with the dtic-group	1	1,2,3
Output 7	R15 Billion support programmes to enterprises in areas outside the 5* main metros	1	1,2
Output 8	R8 Billion in financial support programmes and procurement contracts approved to SMMES, women and youth- empowered businesses	1	1
Output 9	R 8 Billion in financial support programmes to enterprises in labour absorbing sectors	1, 6	1

Number	Output	Pillar	Outcome
Output 43	1 Operationalization of an Adjudication process for incentive applications	1	1, 3

12.1.5 Transformation

Number	Output	Pillar	Outcome
Output 10	R 900 Million in Equity Equivalent Investment Programme agreements	1	1,2
Output 15	20 000 additional workers with shares in their companies	1	1
Output 16	10 High-impact outcomes on addressing market concentration through the implementation of market inquiry outcomes	1	1,2

12.1.6 Jobs

Number	Output	Pillar	Outcome
Output 12	1 Million jobs supported or covered by the dtic group and/ or master plans	6	2
Output 13	100 000 jobs to be created (50 000 social economy fund part-time or temporary job opportunities and 50 000 full-time jobs)	6	1,2
Output 14	160 000 jobs in Black Industrialists firms retained	1, 6	1,2

12.1.7 Energy

Number	Output	Pillar	Outcome
Output 18	R 1 Billion Support to enterprises including SMMEs to mitigate impact of load shedding by IDC and NEF	5	1,2
Output 19	1500 Megawatts of energy from projects facilitated	5	1,3
Output 20	550 Megawatts of energy available for the grid	5	1,3
Output 21	3 Projects successfully managed through the Energy One-Stop Shop	5	3
Output 22	2 Expedited regulatory amendments and flexibility, to promote energy efficiency	5	1,2,3

12.1.8 Green economy targets

Number	Output	Pillar	Outcome
Output 29	4 Interventions to respond to green trade barriers	5	1
Output 30	1 EV white paper implementation	5	1
Output 31	1 Green hydrogen commercialisation framework implementation	5	1

12.1.9 Stakeholder engagement and impacts

Number	Output	Pillar	Outcome
Output 25	9 Business Forums hosted aimed at supporting increased FDI, exports and outward investment hosted	1	1,2,3
Output 32	1000 Case studies of firms, workers, entrepreneurs, professionals or communities' impacted by the dtic measures; including 12 local films/documentaries telling the SA story	1	1

Number	Output	Pillar	Outcome
Output 33	Community outreach programmes by the dtic group in 10 districts	1	1,2,3
Output 37	2 Conferences, summits, and international forums hosted	1	1,2,3
Output 45	10 Successful actions completed on price monitoring and excessive pricing or price gouging or price restraint	1	1,2,3

12.1.10 Addressing crime

Number	Output	Pillar	Outcome
Output 24	Grey-listing: 2 Implementation of remedial actions by CIPC of the Financial Action Task Force (FATF) requirements to meet immediate outcome 5 (IO5) in South Africa's Action Plan	1	3
Output 42	1 Metal trading system implemented	1,5	1,2,3

12.1.11 Red tape and state capability targets

Number	Output	Pillar	Outcome
Output 39	9 Impact evaluations of dtic programme or sub-programmes	All	3
Output 40	5 High-impact measures to reduce red tape or improve turnaround times in administration of incentives and work of agencies		
Output 44	6 Impact assessments or enhancements of trade instruments or measures	2,3	1,2,3

12.1.12 Improving the capacity and responsiveness of the state and social partnership

Number	Output	Pillar	Outcome
Output 26	4 Pieces of priority legislation amended, tabled or submitted to Executive Authority, Cabinet or Parliament	All	1,2,3
Output 34	8 Master Plans managed	All	1,2,3
Output 35	Oversight of IDC, NEF and ECIC to ensure that at least 96% of planned KPIs are achieved	All	1,2,3
Output 36	3 Projects to assist industrial innovation and support firms	All	1,2,3
Output 38	50 Mergers and acquisitions where public interest conditions have been incorporated	All	1,2

Foreword by Accounting Authority

In setting targets in the APP for the 2024/25 financial year, the Tribunal considered the policy imperatives of government as embedded in the National Development Plan (NDP) which aims to reduce poverty and inequality by 2030, and the Economic Reconstruction and Recovery Plan (ERRP) aimed not only at recovering the economy but forging a new economy to address long-term structural deficiencies, and to transform the economy.

The dtic has cascaded the objectives of the NDP and ERRP into three joint indicators: Industrialisation; Transformation and a Capable State and this APP is also aligned to these joint indicators.

As an independent and impartial adjudicative body whose function is to hear and decide mergers and complaints of anticompetitive conduct under the Competition Act, the Tribunal contributes to the objectives set in the NDP, ERRP and dtic joint indicators within the parameters of its legislative mandate. In 2019, amendments were affected to the Competition Act with the aim of transforming markets to become competitive and inclusive. These amendments have led to a re-invigorated interest in public interest issues as jurisprudence around the scope and interpretation of public interest develops with the lens of increasing participation and economic transformation. The amendments have also led to more demand for the Tribunal's services and increased complexity in cases as precedent develops in

balancing competition considerations and public interest issues, to bring greater economic inclusion.

The decisions of the Tribunal on competition and public interest issues, seek to provide consumers with lower prices and high-quality products, promote the participation of small businesses and black owned firms in markets, and foster competition to promote innovation, productivity and long-term inclusive growth.

The APP sets 20 targets towards the achievement of its two strategic outcomes – the first outcome is Reliable and Responsive Adjudication; and the second is Accountable, Transparent and Sustainable Entity. 7 targets relate to the first strategic outcome, Reliable and Responsive Adjudication, and 13 targets relate to the second outcome, Accountable, Transparent and Sustainable Entity. Performance against these targets is monitored and reported quarterly to **the dtic** and National Treasury, and in the Annual Report.

The Tribunal has seen an increase as well as complexity in the cases before it. Time is also of the essence in dealing with matters in order to achieve the objectives of the Competition Act towards a vibrant, competitive and inclusive economy. To this end, following an organisational structure review, the Tribunal prioritised increasing capacity in one of its core divisions, the case management division, and increasing the number of full-time members. National Treasury approved the filling of the 10 prioritised positions in 2023/24 on the Tribunal's accumulated surplus and subject to the Tribunal including the cost of these positions in its baseline budget over the MTEF period. The Tribunal revised its budget in line with this request by National Treasury and duly submitted the budget. By the end of December, five of the 10 positions had been filled.

In September 2023, National Treasury announced cost containment measures across the public sector, resulting in budget cuts in the financial year 2023/24. A further budget cut over the MTEF period was made in November 2024. The impact of the budget cut on the Tribunal for 2023/24 is R4.3 million and over the MTEF period, it is R15.4 million. In the short-term, this implies that the Tribunal will not be in a position to cover the cost of the much-needed capacity in case management and in increasing the number of full-time members.

Further, the budget reductions will also necessitate the deferral of some of the expansion plans with a the likely result that the Tribunal's ability to deliver on this extended mandate will be impeded.

To this end, the current Medium Term Expenditure Framework (MTEF) reflects a R197.9 million expenditure budget (including capital) over the three-year-period 2024/2025 to 2026/2027, of which the largest spend (72.70%) is on staff. The Tribunal's R197.9 million revenue budget is comprised of 62.94% grant funding from **the dtic** and 34.03% from the filing fees administered by the Commission, with a reduced number of merger cases filed during 2023/24, predicting filing fee income is not possible, which creates a challenge in budget planning.

In November 2023, the Tribunal obtained approval from National Treasury to retain the accumulated cash surplus of R18.8 million which was to be used for priorities as identified in the 2023/24 financial year. The priorities related mainly to increasing staff capacity, which includes the appointment of full-time members.

Budget reductions and cost containment measures introduced in the 2023/24 financial year have placed significant pressure on the ability to perform against the Tribunal targets and the expansion of the Tribunal's capacity as per the new structure and this may impede on the Tribunal's ability to efficiently fulfil its mandate. The Tribunal remains committed to adjudicating for a vibrant, competitive and inclusive economy.

Mondo Mazwai

Chairperson – Competition Tribunal

Official sign-off

It is hereby certified that this Annual Performance Plan of the Competition Tribunal for the period 1st April 2024 to 31st March 2025 was:

- i) Developed by the management of the Competition Tribunal under the guidance of the Accounting Authority – Ms. Mondo Mazwai.
- ii) Prepared in line with the Competition Tribunal’s Strategic Plan for the five-year period 2020/2021 – 2024/2025.
- iii) Accurately reflects the performance targets the Competition Tribunal will endeavour to achieve over the 2024/2025 financial year.

Lebohang Mabidikane

Chief Operating Officer – Competition Tribunal

Signature: _____

Date: 31 January 2024

Mondo Mazwai

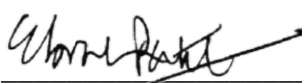
Chairperson – Competition Tribunal

Signature: _____

Date: 31 January 2024

Ebrahim Patel

Minister of Trade, Industry and Competition

Signature:  _____

Date: 28 March 2024

Contents

Foreword by Executive Authority	2
Foreword by Accounting Authority.....	6
Official sign-off	9
Abbreviations and Acronyms.....	12
PART A: OUR MANDATE	14
1. Legislative Mandate.....	14
2. Alignment to Government Policy Outcomes	14
3. Institutional strategies.....	18
4. Recent Court Rulings and their implications	18
PART B: OUR STRATEGIC FOCUS.....	19
5. Situational Analysis	19
5.1. Strategic focus	19
5.2. Performance overview	20
5.3. Policy Environment	22
5.4. Impact of recent amendments to the Competition Act	22
5.5. Public policy and participation	23
5.6. Stakeholder Profile.....	23
5.7. Strategic Planning Process	26
6. External environmental analysis	27
6. Internal environmental analysis	28
PART C: MEASURING OUR PERFORMANCE	36
8. Institutional Programme Performance Information.....	36
8.1. Outcomes, Outputs, Performance Indicators and Targets.....	36
8.2. Explanation of planned performance over the medium-term period.....	52
9. Financial considerations and the 2024/2025 budget.....	53
9.1. Expenditure Estimates	53

9.2 Relating Expenditure Estimates to Outcomes and Outputs	55
9.3. Reconciling targets with the budget and MTEF	56
9.4. The Competition Appeal Court	57
PART D: TECHNICAL INDICATOR DESCRIPTORS (TID).....	59
10 Technical Indicator descriptors by focus area.....	59
Annexure A: Structural Organogram ¹⁶	98
Annexure B: Members of the Competition Tribunal.....	100
Annexure C: Competition Tribunal Secretariat	101
Annexure D: Historical Representation of Expenditure and Funding.....	103
Annexure E: Statement of Financial Performance – MTEF July 2023	104
Annexure F: Summarised Three-Year Budget 2024/2025 – 2026/2027	104
Annexure G: Detailed One Year Budget - 2024/2025	106

Abbreviations and Acronyms

AfCFTA	African Continental Free Trade Area
AG	Auditor-General
APP	Annual performance plan
BBBEE	Broad-based black economic empowerment
Commission	Competition Commission
Competition Act	Competition Act 89 of 1998
CAC	Competition Appeal Court
COVID-19	Coronavirus Disease 2019
the dtic	Department of Trade, Industry and Competition
ERRP	Economic Reconstruction and Recovery Plan
EME	Exempted Micro Enterprise
ENE	Estimates of National Expenditure
ESKOM	Electricity Supply Commission, SA's electricity public utility
HDIs	Historically Disadvantage Individuals
HR Management	Human Resource Management
ICASA	Independent Communications Authority of South Africa
ICN	International Competition Network
ICT	Information and communications technology
IEAP	Integrated Economic Action Plan
IT	Information technology
Minister	Minister of Trade, Industry and Competition
MTEF	Medium Term Expenditure Framework
NDP	National Development Plan
NGO	non-government organisation
OECD	Organisation for Economic Co-operation and Development
PFMA	Public Finance Management Act
PPEs	Personal Protective Equipment
PWDs	Persons With Disability
RMC	Risk Management Committee
SADC	Southern African Development Community
SCM	Supply Chain Management
SMME	Small, medium, and micro-sized enterprise

TID	Technical indicator description
Tribunal	Competition Tribunal
WTO	World Trade Organisation

PART A: OUR MANDATE

1. Legislative Mandate

The Tribunal is an independent and impartial body with jurisdiction throughout South Africa. It is required to perform its functions without fear, favour or prejudice, subject only to the Constitution, the law, and its legislated mandate.

The Tribunal's purpose is to promote and maintain competition in the Republic in order to:

- a) Promote efficiency, adaptability, and development of the economy.
- b) Provide consumers with competitive prices and product choices.
- c) Promote employment and advance the social and economic welfare of all South Africans.
- d) Expand opportunities for South African participation in world markets and recognise the role of foreign competition in the Republic.
- e) Ensure that small and medium-sized enterprises have an equitable opportunity to participate in the economy.
- f) Promote a greater spread of ownership, in particular to increase the ownership stakes of historically disadvantaged persons; and
- g) Detect and address conditions in the market for any particular goods or services, or any behaviour within such a market, which tends to impede, restrict or distort competition in connection with the supply or acquisition of those goods or services within the Republic.

2. Alignment to Government Policy Outcomes

The National Development Plan (NDP) 2030 was adopted in South Africa in 2012. It sets out the long-term vision for the country and provides a broad strategic framework to guide government choices and actions required to transform the economy and society.

The NDP five-year implementation plan has been developed in order to advance and guide planning that is responsive to the attainment of NDP priorities. It allows for the co-ordination and alignment of priorities across spheres of government. The Tribunal's purpose is aligned with the ERRP, 2020, developed by government in response to the COVID-19 pandemic in order to stimulate equitable and inclusive growth in the economy. The Tribunal is also aligned with **the dtic's** three joint indicators which are the implementation plans aligned to the NDP.

These are as follows:

1. **Industrialisation** – opportunities to grow the domestic market through localisation, sector partnerships (Masterplans), Green economy initiatives, investment expansion/promotion, African and Global exports.
2. **Transformation** – opportunities to promote BEE, worker empowerment, addressing economic concentration and SME promotion.
3. **Delivery/Capable State** – initiatives to build entity staff and governance capacity and quick response, participate in the shared services of **the dtic** and undertake internal business process improvements.

The Tribunal's mandate is also aligned with certain of the priority outcomes contained in the NDP. The alignment between the Tribunal's legislated mandate and the NDP outcomes are illustrated in the diagram below. For example, in merger control all decisions taken by a Tribunal panel when adjudicating on matters brought before it must consider, in addition to competition issues (relating to consumer welfare and efficiency), various public interest factors which include the effect of a merger on a particular industrial sector or region, employment, the spread of ownership and the promotion of HDIs, the ability of national industries to compete in international markets and the ability of a SMMEs and HDIs to effectively enter, participate in or expand in a market.

The Tribunal's objectives are set out In the Competition Act. As an adjudicative body it can determine the outcomes of these objectives by aligning its adjudication to meet the objectives of the NDP and **the dtic**.

The Tribunal's performance progress with regards to these joint indicators has been reported quarterly to **the dtic** in the 2023/2024 financial year.

The two tables that follow provide an alignment matrix between the three-overarching joint/integrated indicators of **the dtic**, the Tribunal and the NDP respectively.

Table 1 Alignment of Tribunal outcomes with **the dtic's** Joint/Integrated Outputs

dtic's Joint/Integrated outputs ¹	Tribunal Outcomes	Tribunal Outcome Statement
<p>1. Industrialisation-opportunities to grow the domestic market through localisation, sector partnerships (Masterplans), Green economy initiatives, investment expansion/promotion, African and Global exports.</p>	<p>Responsive and Reliable Adjudication</p>	<p>Through responsive and reliable adjudication of matters across key sectors of the economy, the Tribunal contributes to the outcomes of industrialisation and economic transformation (e.g. through the assessment of competition and public interest considerations in mergers, as appropriate) of the dtic.</p>
<p>2. Transformation- opportunities to promote BBBEE, worker empowerment, addressing economic concentration and SME promotion.</p>		
<p>3. Delivery/Capable State- initiatives to build entity staff and governance capacity, participate in the shared services of the dtic and undertake internal business processes improvements.</p>	<p>Transparent, Accountable and Sustainable entity</p>	<p>Through transparent, accountable, and sustainable entity, the Tribunal contributes to a capable state.</p>

¹Linking of **the dtic's** outcomes to the NDP.

Table 2 Alignment of the Tribunal's outcomes with the NDP's outcomes

NDP Outcome Number	NDP Outcomes	Tribunal Outcome	Tribunal Outcome Statement
NDP Outcome 1	Economic transformation and job creation	Responsive and Reliable Adjudication	Through responsive and reliable adjudication of matters across key sectors of the economy, the Tribunal contributes to the outcomes of economic transformation and job creation by the NDP and the dtic .
NDP Outcome 2	Education, skills and health	Responsive and Reliable Adjudication	Through responsive and reliable adjudication of matters in these key sectors, the Tribunal contributes to education, skills and health.
NDP Outcome 6	A capable, ethical, and developmental state	Transparent, Accountable and Sustainable entity	Through being a transparent, accountable and sustainable entity, the Tribunal contributes to a capable, ethical and developmental state.
NDP Outcome 7	A better Africa and World	Responsive and Reliable Adjudication	Through responsive and reliable adjudication, the Tribunal contributes to a better Africa and World.

3. Institutional strategies

The Tribunal has jurisdiction over competition matters across all sectors of the economy and adjudicates each case on its merits. It is a specialist adjudicative body whose function is to hear and decide competition cases. It is an administrative court of first instance for competition matters. Being a quasi-judicial body, it is a creature of statute and deals only with matters that it is ceased with.

The Tribunal, however, aligns its outcomes with those of the NDP, ERRP, **the dtic** policy imperatives and the three regrouped overarching joint/integrated **dtic** outputs (Industrialisation, Transformation and a Capable State) in the identified sectors, within the confines of its mandate as set out in the Competition Act.

The two outcomes of the Tribunal are set out below and reflect the strategic requirements of the core and secretariat functions of the Tribunal.

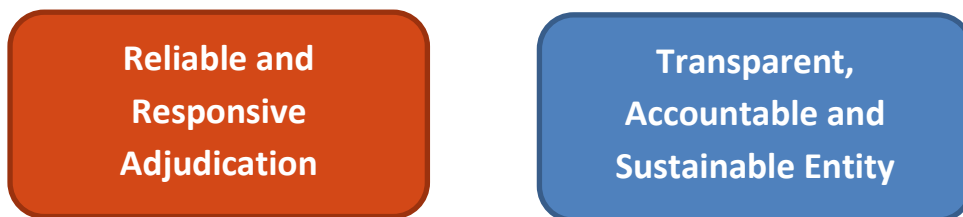


Figure 1 Competition Tribunal Outcomes

The Tribunal has aligned its two strategic outcomes, namely: **Reliable and Responsive Adjudication**; and **Transparent, Accountable and Sustainable Entity**, within the legal mandate of the entity, to government policy outcomes as mentioned above.

4. Recent Court Rulings and their implications

There have been no recent court rulings by higher courts which may impact the work of the Tribunal.

PART B: OUR STRATEGIC FOCUS

5. Situational Analysis

5.1. Strategic focus

The Tribunal's core business and therefore its strategic focus is the adjudication of mergers and prohibited practice cases brought before it either by the Commission or directly by aggrieved parties, or in some circumstances by higher courts.

Upon a matter being referred to it, the Tribunal will initiate proceedings to consider the matter in terms of the Competition Act and Rules and may:

- a) authorise a merger, with or without conditions, or prohibit a merger;
- b) adjudicate in relation to any conduct prohibited in terms of the Competition Act by determining whether prohibited conduct has occurred, and if so, impose a remedy provided for in the Competition Act;
- c) hear appeals against decisions of the Commission in market inquiries, and in intermediate and small mergers; and
- d) grant an order for costs.

The Tribunal is required to expeditiously decide on the matters brought before it. All Tribunal hearings are public and written reasons are provided for all decisions and orders of the Tribunal. The Competition Act and Rules prescribe time frames for the issuing of orders and decisions which must be adhered to by the Tribunal.

The Tribunal's decisions have the same legal weight as the judgments of the High Court and may be taken on appeal to the CAC and the Constitutional Court.

The Tribunal is enjoined to retain its independence and impartiality in the exercise of its powers and in carrying out its duties.

The Tribunal members are committed to making high quality decisions, based on the criteria stipulated in the Competition Act. The members are supported in their decision-making by the Tribunal's secretariat that endeavours to provide efficient and effective administrative, research and organisational assistance.

Whilst the adjudicative process remains the main strategic focus, the Tribunal also places emphasis on other key areas of administration namely:

- Governance, risk, audit and compliance,
- Capacity building, and
- Effective financial management and reporting.

In addition, the Tribunal strives to be an accessible institution and to ensure that the public remains informed about the Competition Act and the Tribunal's functions and activities.

All upcoming hearings and decisions of the Tribunal are communicated to the media and all of the Tribunal's decisions can be accessed by the general public from the Tribunal's website or its offices.

5.2. Performance overview

Demand for the services of the Tribunal over the past 24 years has increased significantly. The table below provides details regarding matters heard over the past five years. It is evident that there is considerable fluctuation from year-to-year.

Table 3 Matters heard for the period 2019/20 to 2023/24

Type of case	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024*
Large merger	86	66	86	99	68
Intermediate/small merger reconsideration	1	2	1	1	5
Complaints from the Commission	9	4	6	4	1
Consent order/settlement agreement	27	63	30	19	15
Complaints from third parties	0	0	0	1	0
Interim relief	3	1	2	2	6
Interlocutory/Procedural matters	28	16	34	73	19
Total	154	152	159	199	114

**The figures for the year 2023/2024 reflect matters heard until the end of December 2023*

The Tribunal has seen an increase year on year on the number of cases filed. The table above reflects 144 of cases as of December 2023 and is therefore not a representative of the full financial year.

An increase in demand and complexity of interim reliefs in the recent past is expected to impact on the Tribunal's operations or service delivery obligations. This can also be attributed to the 2019 amendments which have, *inter alia*, broadened the dominance provisions of the Act by e.g. amending the definition of an exclusionary act as including a dominant firm not only "preventing or impeding a firm from entering into or expanding ...within a market" but also "preventing or impeding a firm from **participating** in a market." Along with this definition is also the definition of "participate" which means "the ability of or opportunity for firms to sustain themselves in the market." The amendments have led to an invigorated interest in interim relief which prior to the amendments had been underutilised. Since inception in 1999 to September 2023, the Tribunal has handled 32 interim relief applications. In 2023/24 alone the Tribunal has handled 9 interim relief applications under the new provisions, which is nearly a third of interim relief applications handled over life of the Tribunal.

Furthermore, the amendments in 2019 to the Act have led to an expansion of the Tribunal's mandate and functions. Prior to the amendments, market inquiries were conducted by the Commission with the outcomes of its findings and recommendations being non-binding on the parties who were the subject of the market inquiry. Since the amendments, the Commission has extensive powers to make binding decisions, including ordering divestiture of an asset of a business. The recent market inquiry by the Commission into online mediation platforms is the first market inquiry under the amended Act which has, for the first time, invoked the Tribunal's appellate functions – a new competence for the Tribunal, under the 2019 amendments. Since the Commission's release of its report on the online mediation platforms market inquiry, in June 2023, the Tribunal has received five appeals.

Filing in these appeals is in process. It is expected that these matters will soon be ripe for hearing. The matters involve complex legal and economic issues for which there is little or no precedent since these are new markets involving global technology companies. It will be necessary for the Tribunal to be adequately skilled (in terms of personnel, including Tribunal members) and financially equipped to deal with these matters expeditiously and diligently. Any delays in hearing and concluding these matters may undermine the objective of market inquiries, especially in digital markets which are crucial in conducting business in the modern

world and where developments in the relevant markets are fast paced, and timely remedies required.

The Tribunal has generally performed well in getting merger cases set down and decided within the statutory timelines. The Tribunal's performance in completing reasons in opposed cases is an area of improvement and the Tribunal is taking steps to improve the turn-around time periods for issuing reasons for its decisions. These include strengthening case management through the appointment of more senior Case Managers who support Tribunal members and the appointment of additional Tribunal members. To this end, the Tribunal has appointed case managers which brings the number to 12. Getting the appropriate gearing of the ratio between full-time and part-time members who hear cases will increase efficacy of the Tribunal. The Tribunal is engaging with the dtic on a continuous basis for the appointment of full and part-time members.

5.3. Policy Environment

South Africa is a member of the African Continental Free Trade Area (AfCFTA), which started trading on 1 January 2021. The main objectives of AfCFTA are to create a single continental market for goods and services, with free movement of business, persons and investments.

On 19 February 2023, the AU Assembly of Heads of State and Government adopted three new protocols to the AfCFTA Agreement – on investment, on intellectual property rights (IPR), and on competition policy.

The protocol on competition policy establishes the AfCFTA Competition Authority, which will function as an autonomous body with powers to administer and enforce provisions of the Protocol and decide on any undertakings, including approving mergers. The Protocol also establishes the AfCFTA Competition Tribunal as an autonomous body to decide on appeals from the decisions of the AfCFTA Competition Authority. The rules governing the functioning of the Tribunal are to be determined by the Council of Ministers in the future.

5.4. Impact of recent amendments to the Competition Act

The Tribunal had already started to see some effect of the July 2019 competition law amendments on its workload, with an increase in the complexity of cases and demand for the Tribunal's services. The expanded merger control considerations, both regarding the competition and public interest aspects of merger control, have expanded the ambit of issues

for merger consideration and led to longer hearings, inter alia, due to interventions from third parties.

The biggest impact of the amendments is expected to be in that area of market inquiries and interim relief. In the medium to long term, the Tribunal anticipates increased activity arising from the Commission's market inquiries. Since the Commission's release of its report on the online mediation platforms market inquiry, the Tribunal has received five appeals. An increase in interim relief has been elaborated further above in 5.2.

5.5. Public policy and participation

The general approach of the Tribunal is to encourage participation of interested parties in its proceedings. This allows for less powerful parties to have access to justice and articulate their interests and maximizes the information available to the Tribunal. In the cases to date the Tribunal has had representation from competitors, customers, franchisees, trade unions, industry associations, government department/entities and non-government organisations (NGO's).

The Competition Act also allows for the Minister of Trade, Industry and Competition to make representations on public interest grounds in merger transactions. The amendments grant the Minister the right to appeal the Tribunal's decisions where previously the Minister's right was limited to review.

5.6. Stakeholder Profile

Numerous stakeholders may be impacted by the Competition Act. The Tribunal encourages and maintains effective relationships with key stakeholders with the aim of promoting consumer welfare of all South Africans.

The Tribunal's external stakeholders may be categorised as follows:

- a) Stakeholders with whom the Tribunal has direct contact in the course of fulfilling its functions. These include:
 - The Commission which refers and prosecutes cases before the Tribunal.
 - Complainants, respondents, interested third parties, expert witnesses and their legal representatives who participate in or have a direct interest in a case before the Tribunal. These may be local or

international businesses, trade unions, consumers, legal firms, or any other affected individual or organization.

- b) Stakeholders with whom the Tribunal may not be in direct contact but who are affected by the Tribunal's decisions. These include consumers, competitors, customers, and suppliers of firms directly affected by Tribunal decisions.
- c) Sector-specific regulators who enjoy concurrent jurisdiction with the competition authorities, such as the Independent Communications Authority of South Africa (ICASA).
- d) Stakeholders to whom the Tribunal is accountable with respect to its functions. These include **the dtic**, Parliament, the Minister, National Treasury and the Auditor-General (AG).
- e) Stakeholders who act as reputational agents in providing policy and peer feedback on the standard and quality of work in the Tribunal. These include the media/journalists/editors, the financial press, academics, the judiciary, other competition agencies, the Organisation for Economic Co-operation and Development (OECD), the World Trade Organisation (WTO), Southern African Development Community (SADC), the International Competition Network (ICN) and others.
- f) Government stakeholders that the Tribunal may interact with, for example other government departments, state-owned entities, the Reserve Bank, and Parliament.

The business model below illustrates the Tribunal's stakeholders and processes that characterise these relationships.

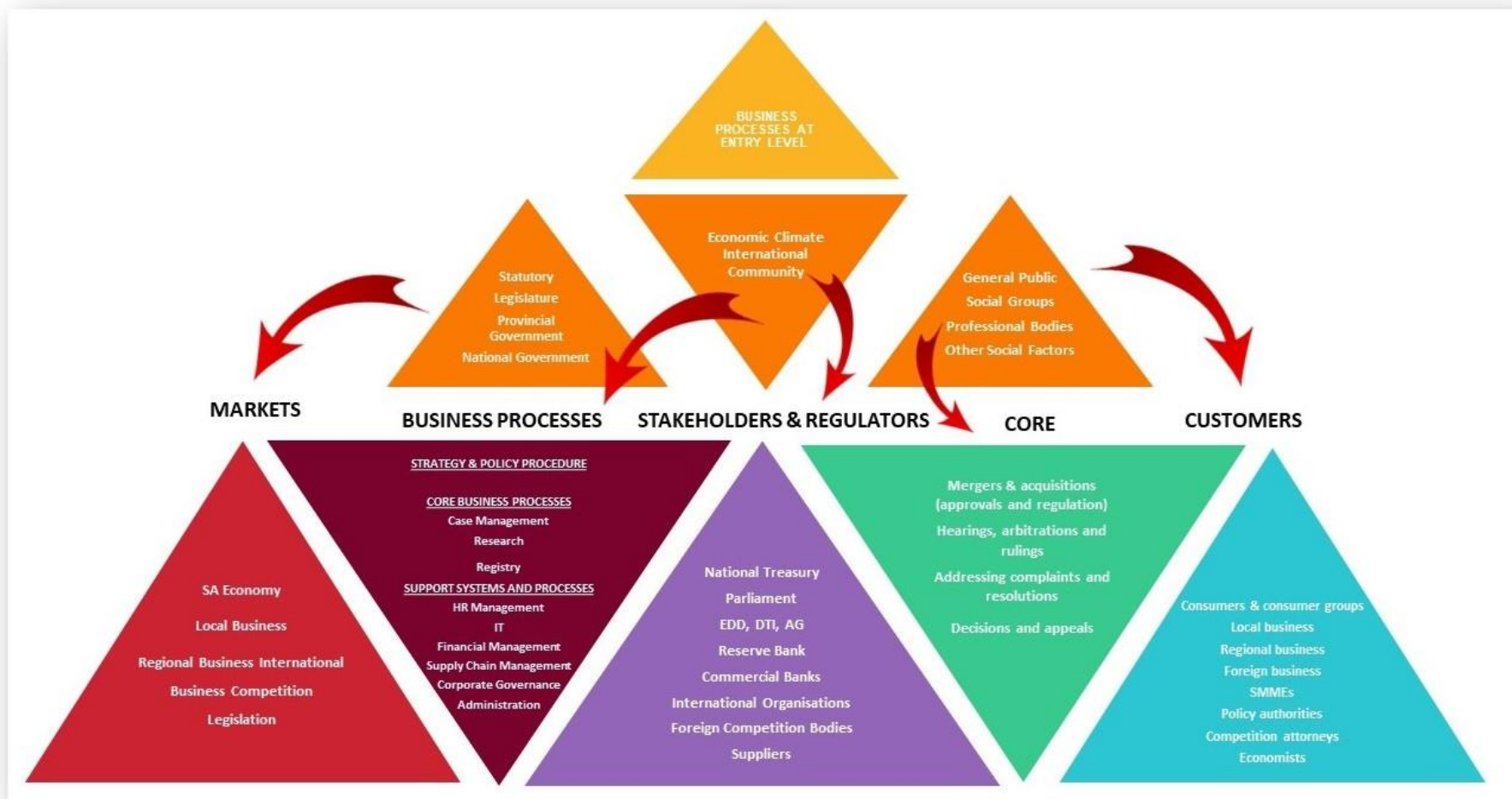


Figure 2 Tribunal's stakeholders and processes that characterise the Tribunal's relationships with stakeholders

5.7. Strategic Planning Process

The strategic planning process calendar which includes meetings, strategic sessions and consultations that were held with regard to the development of a strategic plan and annual performance plan aligned to the recently approved framework and guidelines for strategic planning issued by the Department of Planning, Monitoring and Evaluation (DPME), are detailed in the table below:

Table 4 Strategic planning process calendar

Date	Meeting	Participants	Outcome of meeting
26 October 2023	Tribunal's Operations Committee Meeting (OPCOM)	Chief Operating Officer, Head of Registry, Head of Case Management, Head of Finance, IT Administrator, HR Manager, Communications Manager.	Review of the APP for the 2024/2025 financial year.
31 October 2023	Submission of draft APP 2024/2025 to the dtic for comments.		
21 November 2023	Responses received from the dtic on first draft APP.		
17 January 2024	Tribunal's OPCOM Meeting	Chief Operating Officer, Head of Registry, Head of Case Management, Head of Finance, IT Administrator, HR Manager, Communications Manager.	Final inputs into the draft APP and First Draft Divisional Operational Plans for the 2024/2025 financial year.
25 -26 January 2024	Review of the APP by EXCO	Chairperson Full-time members Chief Operating Officer OPCOM	Final Draft APP for 2023/24 Financial Year.
31 January 2024	Finalise APP 2024/2025 and submit to the dtic	Tribunal Chairperson Chief Operating Officer	Submit to the dtic for Minister's consideration and approval.

6. External environmental analysis

Table 6 provides a broad overview of all the external factors considered that may impact on the Tribunal’s ability to deliver on its mandate and/or stated outcomes. Both national and international factors were considered and a PESTEL analysis was used to identify these.

Table 5 PESTEL Analysis for the Tribunal

FACTOR	ITEM
Political Factors	<ul style="list-style-type: none"> • International <ul style="list-style-type: none"> ○ Global conflicts ○ 2060 Africa Sustainability goals ○ Trade agreements and the impact on exports and imports, including AfCFTA ○ Growth of BRICS ○ Growth of the African Union ○ Role of international bodies, such as the UN, WHO, etc ○ 17 Sustainable Development ○ Goals transformation goals and economic objectives • National <ul style="list-style-type: none"> ○ Effects of state capture ○ Coalition governments and its impact on political stability ○ Policy uncertainty ○ Entrenched racism ○ Lack of social accord e.g., unions vs business ○ Impact of upcoming national elections
Economic Factors	<ul style="list-style-type: none"> • National government at the precipice of a sovereign debt crisis • Merger activity affected by the economic slowdown. • Rising unemployment • Fiscal consolidation • Poor economic growth • Failing State Owned Companies • Load shedding/Energy crises • Cost of living crises
Social Factors	<ul style="list-style-type: none"> • Public perception – poor understanding of what we do • Digital divide – it excludes many people, particularly low income and rural areas • Civil unrest • inequality

FACTOR	ITEM
Technological Factors	<ul style="list-style-type: none"> • Cyber security will remain a global risk • Costs of implementing new technology • Impact of Artificial Intelligence on a global scale in all sectors and the economy
Environmental Factors	<ul style="list-style-type: none"> • Environmental degradation and climate change • Natural disasters e.g., floods • The shift to renewable energy
Legal Factors	<ul style="list-style-type: none"> • Amendments to the Competition Act • Increased regulation and compliance • International developments in competition law • High stakes, litigious behaviour

The PESTEL analysis is used to monitor the macro-external environmental factors that have an impact on the business of the Tribunal. Some of these factors have direct, indirect and implied impact on the Tribunal. While not directly impacting the Tribunal, the factors provide context in which the Tribunal operates for instance, merger filings may increase due to the energy crisis which has resulted in an increase in activity in renewable energy, while the use of online platforms may lead to cybersecurity risk.

A factor affecting the Tribunal’s ability to deliver on its mandate is inadequate resources (depicted in the problem tree attached as **Annexure C** to the Strategic Plan of 2020-2025. The interventions and solutions to address and resolve this factor are reflected in the solution tree in **Annexure D** to the Strategic Plan. The meetings and workshops held with regards to the strategic planning process are detailed in paragraph 5.7 above.

7. Internal environmental analysis

7.1 Budget constraints

National Treasury has instructed national departments, and the entities to apply more stringent measures to reduce the government spending, improve spending efficiencies and maintain a sustainable fiscal framework. This has resulted in an immediate reduction of the Tribunal’s grant allocation for the 2023/24 to the 2026/27 financial year.

A reduction of the Tribunal’s budget by **R4.3 million** for the 2023/24 financial year coupled with a further reduction in our budget by **R15.4 million** over the MTEF period translates to a

reduction of **10% to 12%** overall to the Tribunal's budget. This reduction will have a substantial impact on the ability of the Tribunal to deliver on its mandate. 72% of the Tribunal's costs are on personnel. There is a need for more resources and capacity. The nature of the Tribunal's work is human capital intensive. Following an organisational structure review, the Tribunal filled six of ten positions prioritised for 2023/24. In January 2023, National Treasury had approved the cost of these positions in the Tribunal's surplus with the proviso that these costs in the baseline positions in the 2023/24 financial year. The Tribunal accordingly submitted a revised budget with the cost of these positions included in the baseline budget in July 2023.

The reduction in the budget not only means that the Tribunal will not be able to fill critical vacancies in the Tribunal as planned and budgeted for, but it also means that we will not be able to sustain the costs of those new employees that have already been appointed in line with the proviso as stated above.

Furthermore, the reductions in budget will also defer some of the critical initiatives that the Tribunal had identified for this period, such as the capacitation and growth of the organisation as per the organisational review and identifying additional office space for the Tribunal staff.

From a funding perspective, the Tribunal mainly receives about 60% of its funding from government grants and 40% from filing fees. Filing fees generated are not always in direct correlation to the activity levels of the Tribunal and are therefore unpredictable.

The above funding constraints together with the budget reductions further impact the ability of the Tribunal to meet its mandate effectively and efficiently at a time when the effects of the amendments to the Act are now manifesting in real cases.

7.1.1 Tribunal Members

The Competition Act specifies that Tribunal members should collectively represent a broad section of the South African population. The duties and responsibilities of the Tribunal are of national significance and therefore its members must have a high level of technical skill and experience, specifically in competition law and economics. The Tribunal members are required to take decisions of major commercial, economic and public interest consequences, and it is therefore necessary (and stipulated in the Competition Act) that they should have qualifications and experience in law, economics, commerce, industry or public affairs.

The Chairperson of the Tribunal is responsible for managing the caseload and assigns each matter referred to the Tribunal to a panel. The adjudicative panels of the Tribunal that decide individual matters comprise three Tribunal members of which at least one member of the panel must be a person who has legal training and experience. The panel may consist of any combination of full-time and part-time members.

The Tribunal members are appointed by the President of South Africa, on recommendation of the Minister for a five-year term of office. The President may re-appoint a member of the Tribunal at the expiry of that member's term of office, but no person may be appointed to the office of the Chairperson of the Tribunal for more than two consecutive five-year terms.

The amended Competition Act makes provision for an increased number of Tribunal members from 11 to 15 members (including the Chairperson) in anticipation of the increased workload. The amended Competition Act also gives the Minister the power to appoint acting part-time members, and, in this regard, there is currently one acting part-time member appointed by the Minister. The Tribunal's complement of members is eight out of 14. Three members are full-time (including the Chairperson) and five are part-time members. Two of the Tribunal's members are lawyers and the other seven are economists. Section 31 requires that a panel is comprised of three members, one of whom must be a lawyer and the panel may only include one part-time member. As indicated it is important to improve the gearing of members and specifically the number of full-time lawyers. To this end, the Minister has appointed Ms Anisa Kessery as of 01 January 2024 as an acting part-time member, which brings the number of lawyers to three.

The appointment of the acting part-time members has assisted in alleviating the workload and improved the Tribunal's efficiencies. However, there remains a need for more members to be appointed on a full-time basis. This is because of the day-to-day management of cases prior to a hearing which is extensive from case to case. Further, cases of a longer duration (one week and more) are difficult to conduct with part-time members due to their other commitments arising from their full-time employment. In order to increase the efficiency of the Tribunal, the optimal gearing ratio between full-time members and part-time members requires review. Based on the current activity of the Tribunal's work as well as the projected increase, the Tribunal would require at least six full-time members to ensure its sustained efficacy.

Tribunal member vacancies impact on the efficiency of the adjudicative process and have caused delays in certain turnaround times, particularly with regard to the issuing of reasons for decisions. This will be further exacerbated by the predicted increased complexity of cases

as a result of the recent amendments to the Competition Act for which there is no precedent. Inadequate capacity and financial sustainability are identified, amongst others, as the top strategic risks of the Tribunal. In this regard, steps to increase capacity have been taken through the organisational structure review process. Regarding funding, the Tribunal requested retention of a surplus of R18.8 million to be used for priorities relating mainly to increasing staff capacity, for which approval was received in November 2023. The reduction in the budget not only means that the Tribunal will not be able to fill critical vacancies in the Tribunal as planned and budgeted for, but it also means that we will not be able to sustain the costs of members going forward.

In this APP, the Tribunal has budgeted for the filling of three full-time member vacancies, including the Deputy Chairperson. The Tribunal had also budgeted for residual processes emanating from the Tribunal's organisational review process completed in the previous financial year and was in the implementation phase, before the budget reductions were enforced. Those positions that had not been concluded by then had been placed on hold, which further exasperates the capacity constraints of the Tribunal. **Annexure B** provides a detailed list of current serving Tribunal members and their respective qualifications.

7.1.2 Office space requirements

Over the last few years, the operational requirements of the Tribunal have grown significantly. Furthermore, the increase in the number of staff has led to more space requirements of the Tribunal.

The budget reductions that have been implemented for the Medium-Term will therefore further delay the process of finding adequate office space as required and the scaling up of staff which is necessary.

7.1.3 Tribunal Secretariat

The Tribunal's secretariat provides administrative and operational support within the Tribunal. The current structure recommends for 65 positions in total, which as previously stated will be filled over a three-year period. The Tribunal had intended to fill these positions in a phased manner over a period the MTEF period. In the prior financial year, the Tribunal had prioritised 10 positions, of which only five have since been filled. Subsequently, National Treasury issued cost containment guidelines in September 2023, which included the moratorium on the filling

of positions and deferred the ability of the Tribunal to fill the organisational structure as it stands.

The Tribunal organogram currently provides for the following five divisions:

- Office of the Chief Operating Officer
- Finance
- Case Management
- Registry
- Corporate Services

The Chairperson of the Tribunal is the Accounting Authority and therefore has operational involvement in the day-to-day management of the Tribunal which is consistent with her powers in terms of the Competition Act. Certain responsibilities have been delegated to the Chief Operating Officer and Divisional Heads. The Chairperson retains ultimate accountability in terms of the PFMA.

The organogram in **Annexure A** illustrates the current structure of the organisation following the organisational structure review process. **Annexure C** details the names and positions held by the Tribunal's employees and provides some statistics pertaining to the profile of the secretariat.

7.1.4 Personnel

The Tribunal is committed to transformation, especially achieving employment equity at the workplace. The Tribunal values diversity and adheres to the constitutional principles of equality and non-discrimination in all its policies, procedures and activities. These principles are adhered to with respect to the recruitment and selection of staff and human resource development.

As can be seen in the organisational structure attached as **Annexure A**, the Tribunal has a fairly flat structure, with limited hierarchy of positions to which professional staff can aspire. However, some mechanisms have been developed in order to ensure the retention of skilled staff and to provide some career progression albeit limited.

Finding experienced staff members in the highly specialised field of competition law and economics remains a challenge since the private sector tends to offer more attractive salaries than what the Tribunal can afford. However, the opportunities presented by being able to work closely with Tribunal members and gain valuable knowledge and experience from a regulatory perspective, assist in attracting staff members of a high quality to the Tribunal.

7.1.5 Internship

The Tribunal is a small organisation and is therefore limited in its ability to offer a substantial number of internships. Despite this, the Tribunal has been able to prioritise the opportunity for two interns via its graduate internship programme in the Case Management division. The Tribunal will continue, subject to the availability of budget, to use the internship programme to provide short-term employment opportunities to unemployed youth which exposes them to valuable work experience.

7.1.6 Capacity Development

The Tribunal is committed to capacity building and development. Proactive steps are taken to train and develop staff given the significant skills gap in the country. This is consistent with maximizing the human resource potential of all employees, which is necessary to ensure efficiency and performance excellence.

Training includes in-house and on-the-job training with respect to the case management system and is undertaken so as to provide assistance to staff with the development of experience and skills in the area of competition law and economics. Other areas include fraud prevention awareness, and IT security and risk management training.

External training service providers are utilized for specialized training courses. Furthermore, exposure to international best practice in competition law and policy is facilitated through attendance at international conferences/workshops, staff exchange programmes and visits by international experts.

It is imperative that Tribunal members and case management staff kept abreast of extensive international case law in the field, legal and economic analysis and international best practice to be able to perform their duties optimally.

The reduction of the budgets in the 2023/24 financial year and the Medium-Term period has placed significant pressure on the Tribunal to continuing with this crucial capacity development required.

FINAL MTEF SUBMISSION

7.1.7 Financial requirements and resources

The Tribunal's expenditure requirements (inclusive of capital expenditure) over the Medium-Term Expenditure Framework (2024/2025 – 2026/2027) is estimated to be **R197.91m**. The Tribunal has budgeted to fund this from the three revenue sources:

- National Treasury and **the dtic** approved grant funding of **R124.56m**;
- Expected filing fee revenue of **R67.36m**; and
- Interest on cash holdings of **R6.00m**.

In recent years the grant allocated has grown at a rate based mainly at inflation as opposed to changes in the Tribunal's operational requirements and additional obligations in line with the 2019 amendments to the Competition Act.

Following the organisational structure review, the Tribunal has filled five of the ten prioritised positions for 2023/24. The estimated costs for the 2023/24 financial year are **R4.7 million**, which has already been budgeted for in the baseline budget. As per the previous APP, the estimated full cost of the structure to fill the 65 positions would be **R64 million (R159.88 million)** over the MTREF). The estimated costs incorporate both the human capital positions and the additional operational requirements (including office space and equipment) that will arise from this structure. Following the budget reductions implemented by National Treasury, it is unlikely that additional funding will be allocated to the Tribunal to capacitate based on the organisational structure.

7.1.8 Filing fees

In terms of a Memorandum of Understanding between the Commission and the Tribunal, the Tribunal receives 30% of all fees filed with the Commission for large mergers and 5% of the fees filed for intermediate merger considerations.

Filing fees have enjoyed an average of 7% long-term compound annual growth rate (1999-2019). Filing fees are based on merger activity and filings notified with the Commission, which are unpredictable. Given the uncertainty in predicting estimates for filing fees, the filing fees budgeted over the MTEF period are based on the projected actual filing fees received as of 31 March 2023.

Section 53(3) of the PFMA, requires a public entity which must submit a budget in terms of section 53(1) of the PFMA, not to budget for a deficit and not to accumulate surpluses unless the prior written approval of the National Treasury has been obtained. A request had been made to National Treasury for the retention of cash surpluses accumulated as of 31 March 2023 of R18.8 million, which was subsequently approved. The summary of the MTEF submission is reflected in the table below:

Table 6 Summary of the Budget estimates over the MTEF period

CATEGORY	ADJUSTED 2023/2024	2024/2025	2025/2026	2026/2027	TOTAL
REVENUE					
FILING FEES	19,367,220	21,046,708	23,154,599	23,154,599	67,355,906
GRANT	38,432,700	40,159,000	41,492,000	42,905,000	124,556,000
OTHER INCOME	-	-			-
INTEREST RECEIVED	1,000,000	2,000,000	2,000,000	2,000,000	6,000,000
TOTAL REVENUE	58,799,920	63,205,708	66,646,599	68,059,599	197,911,906
TOTAL EXPENDITURE	58,799,920	63,205,708	66,646,599	68,059,599	197,911,906

Annexure D provides a graphical representation of the historic funding and expenditure pertaining to the Tribunal’s activities. **Annexure E** reflects the Statement of Financial Performance over the MTEF period included in the ENE submitted in July 2023. **Annexure F** contains a summarized version of the Tribunal’s budgetary requirements over the three-year planning period (from 2024/2025 to the 2026/2027 budget). **Annexure G** provides the details of the 2024/2025 budget.

7.1.9 **Budgeting**

The Tribunal adopts a zero-based budgeting approach for two reasons. Firstly approximately 25% of its revenue is variable whereas up to 95% of its costs are fixed, and secondly, although only 5% of its costs are variable, these costs are driven by caseload which is outside of the Tribunal’s control.

The main reason for the underspending over a five-year period is due to unfilled vacancies of full-time Tribunal members. The Tribunal will continue budgeting for these positions in anticipation of filling the vacancies.

Table 7 Expenditure against budget for the period 2017/18 to 2023/24

Year	Actual expenditure incl. of capital expenditure	Budget expenditure incl. of capital	% Budget spent	% Budget underspent/ Overspent
2017/2018	R48.29m	R52.22m	92.47%	7.53% underspent
2018/2019	R49.72m	R56.27m	88.36%	11.64% underspent
2019/2020	R49.45m	R61.58m	80.30%	19.70% underspent
2020/2021	R46.40m	R51.24m	90.55%	9.45% underspent
2021/2022	R45.26m	R50.65m	89.38%	10.62% underspent
2022/2023	R41.54m	R42.82m	97.07%	2.93% underspent
2023/2024 (As of 31 December 2023)	R47.01m	R42.50m	109%	9% overspent

PART C: MEASURING OUR PERFORMANCE

8. Institutional Programme Performance Information

The Tribunal is aiming to achieve 20 outputs aligned over the 2024/2025 financial year.

8.1. Outcomes, Outputs, Performance Indicators and Targets

In this section we identify the outputs that will assist the Tribunal to achieve its stated outcomes in each of the Tribunal's focus areas, namely Reliable and Responsive Adjudication; and Transparent, Accountable and Sustainable Entity. Indicators to measure the performance/achievement of the outputs against agreed targets are given. Where applicable annual targets are cascaded down to quarterly targets. If the target is applicable in 2024/2025 or was applicable in prior years, performance against these targets is reflected in the matrix. If the indicator is new but there is existing information regarding the prior performance against the indicator, it is also reflected in the matrix (even if it is not an audited outcome).

8.1.1. Adjudication

Table 8 Outcomes / outputs / indicators / targets related to adjudication

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2020/21	2021/22	2022/23		2023/24	2024/25	2025/26
Responsive and Reliable Adjudication	1. Effective case management procedures to ensure hearings are set down within legislated timeframes.	Percentage of mergers scheduled for a hearing or pre-hearing within 10 business days of filing.	97% (large) 0% (intermediate/ small)	92% (large) 100% (intermediate/ small)	90%	85%	85%	85%	85%

Responsive and Reliable Adjudication	2. Effective and timeous issuing of orders and reasons	Percentage of merger <u>orders</u> issued to parties within 10 business days following conclusion of the hearing ² .	100% (large) 100% (intermediate/ small)	100% (large) 100% (intermediate/ small)	100%	85%	85%	85%	85%
		Percentage of <u>reasons</u> for mergers, issued to parties within 20 business days of order being issued. ³	72% (large) 100% (intermediate/ small)	92% (large) 0% (intermediate/ small)	88%	75%	75%	75%	75%

² Output indicators for large, intermediate and small merger orders have been combined. Actual performance (on an uncombined basis) in prior years has been provided. The hearing is considered concluded after information (if any) is submitted, post the hearing.

³ Output indicators for large, intermediate and small merger reasons have been combined. Actual performance (on an uncombined basis) in prior years has been provided.

		Number of reports regarding competition and public interest considerations in mergers.	New Indicator ⁴		4 reports sent to the dtic	4 reports sent to the dtic	4 reports sent to the dtic	4 reports sent to the dtic	4 reports sent to the dtic
		<u>Percentage of Reasons⁵ for prohibited practice cases issued to parties within 120 business days following the conclusion of the hearing.⁶</u>	No reasons issued (simple) 0% (complex) 67% (very complex)	No reasons issued (simple) 0% (complex) No reasons issued (very complex)	0%	75%	65%	65%	65%

⁴ New indicator in 2022/23 which has been modified from “INSERT original INDICATOR”.

⁵ In exceptional cases an order may be issued before reasons but in most instances orders and reasons are issued simultaneously and therefore reasons date is taken as the indicator. Furthermore, the target has been adjusted to accommodate the approximate cases that fall into this category.

⁶ Prohibited practice cases, classified as simple, complex and very complex has been combined.

Responsive and Reliable Adjudication	3. Effective and timeous issuing of orders, and reasons	Percentage of procedural matter ⁶ <u>orders</u> issued to parties within 45 business days of following conclusion of a hearing.	90%	84%	57%	65%	65%	65%	65%
		Percentage of <u>orders</u> for consent orders and settlement agreements issued to parties within 10 business days of the	92%	97%	100%	80%	80%	80%	80%

⁷ Not all procedural/interlocutory matters require reasons to be issued.

		last hearing date.							
		Percentage of <u>reasons</u> in interim relief matters issued to parties within 30 business days of the last hearing date.	0%	No reasons issued	0%	65%	65%	65%	65%

Adjudication represents the core business of the Tribunal. The Competition Act provides for the Tribunal to regulate two broad areas of competition, mergers and acquisitions on the one hand and prohibited practices on the other.

Outcomes, outputs, indicators and targets for this focus area are indicated in matrix format in the tables that follow. These have been aligned with **the dtic's** joint/integrated outcomes of Delivery/Capable State, Industrialisation and Economic Transformation within the ambit of the Competition Act, which in turn align with the NDP and ERRP.

Table 9 Outcomes / outputs/ Indicators/targets related to adjudications

OUTPUT INDICATOR	Annual Targets	Q1	Q2	Q3	Q4
Percentage of mergers scheduled for a hearing or pre-hearing within 10 business days of filing.	85%	85%	85%	85%	85%
Percentage of merger orders issued to parties within 10 business days following conclusion of the hearing. ⁷	85%	85%	85%	85%	85%
Percentage of reasons for mergers issued to parties within 20 business days of order being issued.	75%	75%	75%	75%	75%
Number of reports regarding competition and public interest considerations in mergers.	4 reports sent to the dtic	1 report	1 report	1 report	1 report
Reasons for prohibited practice cases are issued to parties within 120 business days following conclusion of the hearing	65%	65%	65%	65%	65%
Percentage of procedural matter ⁸ orders issued to parties within 45 business days following conclusion of the hearing.	65%	65%	65%	65%	65%
Percentage orders for consent orders and settlement agreements issued to parties within 10 business days following conclusion of the hearing	80%	80%	80%	80%	80%

⁷ The hearing is considered concluded after information (if any) is submitted, post the hearing.

⁸ Not all procedural/interlocutory matters require reasons to be issued.

OUTPUT INDICATOR	Annual Targets	Q1	Q2	Q3	Q4
Percentage of reasons in interim relief matters issued to parties within 30 business days of last hearing date.	65%	65%	65%	65%	65%

8.1.2. Communication

The purpose of this focus area within the Tribunal is to provide a focussed process to create and enhance awareness of the work of the Tribunal. The outcomes, outputs, indicators and targets are detailed in matrix format in Table 10 below.

Table 10 Outcomes / outputs / indicators / targets related to communication

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2020/21	2021/22	2022/23	2023/24	2024/25	2025/2026	2026/2027
Transparent, Accountable and Sustainable Tribunal	Effective communication and information sharing	Percentage of press releases of final merger decisions issued within 3 business days of the order date and after finalisation of confidentiality claims.	90%	77%	99%	90%	90%	90%	90%
		Percentage of press releases of prohibited practice decisions issued within 3 business days of the order date and after finalisation of confidentiality claims.	71%	0%	100%	90%	90%	90%	90%

OUTPUT INDICATOR	Annual Targets	Q1	Q2	Q3	Q4
Percentage of press releases of final merger decisions issued within 3 business days of the order date and after finalisation of confidentiality claims.	90%	90%	90%	90%	90%
Percentage of press releases of prohibited practice decisions issued within 3 business days of the order date and after finalisation of confidentiality claims.	90%	90%	90%	90%	90%

8.1.3. Governance

The main purpose of governance as a focus area/function within the Tribunal is to ensure that the entity is managed in a sound, accountable and transparent way. The focus area/function is also responsible for compliance with statutory requirements.

Table 11 Outcome / output / indicator / target related to governance

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFOR- MANCE	MTEF PERIOD TARGETS		
			2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Transparent, Accountable and Sustainable Tribunal	Sound governance	Percentage of prior financial year audit findings (internal and external) resolved in terms of agreed timelines with auditors	100%	100%	100%	100%	100%	100%	100%
		Audit Outcome	Unqualified audit opinion	Unqualified audit opinion	Unqualified audit opinion	Unqualified audit opinion	Unqualified audit opinion	Unqualified audit opinion	Unqualified audit opinion

OUTPUT INDICATOR	Annual Targets	Q1	Q2	Q3	Q4
Percentage of prior financial year audit findings (internal and external) resolved in terms of agreed timelines with the auditors.	100%	100%	100%	100%	100%
Audit Outcome	Unqualified audit opinion	N/A	Unqualified audit opinion	N/A	N/A

8.1.4. Financial management

The purpose of the financial management function/focus area is to ensure the optimal management of financial resource allocation and utilisation. The function is also responsible for ensuring compliance with financial reporting requirements.

Table 12 Outcome / output / indicator / targets related to financial management

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Transparent, Accountable and Sustainable Tribunal	1. Effective financial management	Percentage of expenditure against budget	91%	90%	96%	90%	90%	90%	90%
	2. Transformation in procurement practices	Percentage of expenditure on B-BBEE suppliers	New indicator		97,15% of expenditure spent on suppliers between the B-BBEE levels 1-4,	98% of expenditure spent on suppliers between the B-BBEE levels 1-4 20% of which will be on women, youth or PWDs.	80% of expenditure spent on suppliers between the B-BBEE	80% of expenditure spent on suppliers between the B-BBEE levels 1-4, 20% of which	80% of expenditure spent on suppliers between the B-BBEE levels 1-4, 20% of which

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
					22,32% of which was on women, youth or PWDs		levels 1-4, 20% of which will be on women, youth or PWDs.	will be on women, youth or PWDs.	will be on women, youth or PWDs.
	3. Transformation in procurement practices	Percentage of expenditure on EME suppliers	New Indicator			30% of expenditure on suppliers that are classified as EME suppliers	30% of expenditure on suppliers that are classified as EME suppliers	30% of expenditure on suppliers that are classified as EME suppliers	30% of expenditure on suppliers that are classified as EME suppliers

OUTPUT INDICATOR	Annual Targets	Q1	Q2	Q3	Q4
Percentage of expenditure against budget	90%	90%	90%	90%	90%
Percentage of expenditure on B-BBEE suppliers	80% of expenditure spent on suppliers between the B-BBEE Levels 1-4, 20% of which will be on women, youth or PWDs	80% of expenditure spent on suppliers between the B-BBEE Levels 1-4, 20% of which will be on women, youth or PWDs	80% of expenditure spent on suppliers between the B-BBEE Levels 1-4, 20% of which will be on women, youth or PWDs	80% of expenditure spent on suppliers between the B-BBEE Levels 1-4, 20% of which will be on women, youth or PWDs	80% of expenditure spent on suppliers between the B-BBEE Levels 1-4, 20% of which will be on women, youth or PWDs
Percentage of expenditure on EME suppliers	30% of expenditure on suppliers that are classified as EME suppliers	30% of expenditure on suppliers that are classified as EME suppliers	30% of expenditure on suppliers that are classified as EME suppliers	30% of expenditure on suppliers that are classified as EME suppliers	30% of expenditure on suppliers that are classified as EME suppliers

8.1.5. Transformation, human capacity development and training

The purpose of the transformation, human capacity development and training function/focus area is to ensure that the Tribunal effectively leverages employee skills by recruiting, retaining and development of high-quality performing people in terms of the Employment Equity plan, in line with **the dtic’s** joint/integrated outputs of a Transparent, Accountable and Sustainable Tribunal. The outcome/output/indicators/targets associated with this function/focus area are illustrated in matrix format in Table 13 below.

Table 13 Outcomes / outputs / indicators / targets related to human capacity development and training

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
Transparent, Accountable and Sustainable Tribunal	Transformation, Capacity development, retention and training	Percentage of staff retention ⁹	12%	27%	90%	80%	80%	80%	80%
		Percentage of staff training expenditure against total employee costs	New Indicator			2%	2%	2%	2%
		Number of capacity building workshops for Case Managers and Tribunal members.	New Indicator			One annual capacity building workshop	One annual capacity building workshop	One annual capacity building workshop	One annual capacity building workshop
		Number of interns provided with opportunities within the Tribunal	2	2	2	2	2	2	2

⁹ Output indicator of staff turnover has been changed to staff retention.

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE			ESTIMATED PERFORMANCE	MTEF PERIOD TARGETS		
			2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27
		Percentage of employment equity representation of employees from the designated groups	New indicator		85%	75%	75%	75%	75%

OUTPUT INDICATOR	Annual Targets	Q1	Q2	Q3	Q4
Percentage of staff retention	80%	80%	80%	80%	80%
Percentage of staff training expenditure against total employee costs	2%	2%	2%	2%	2%
Number of capacity building workshops for Case Managers and Tribunal members.	One annual capacity building workshop	N/A	N/A	N/A	One annual capacity building workshop
Number of interns provided with opportunities within the Tribunal	Two Interns	2	2	2	2
Percentage of employment equity representation of employees from the designated groups	75%	75%	75%	75%	75%

8.2. Explanation of planned performance over the medium-term period

The two outcomes identified in the Strategic Plan enable the Tribunal to operate within its mandate as a credible institution within the public sector and pursue its commitment to keep the public informed. Eight outputs have been identified that will enable the Tribunal to achieve these two outcomes. In turn we have identified 20 indicators linked to these outputs that are measured quarterly and annually.

The scorecards reflected under paragraph 8.1 above reflect the specific outcomes, the outputs aligned to each outcome, output indicators and targets assigned for the three-year period. Where possible it also reflects performance in the prior periods and the estimated performance for 2022/2024.

The targets set by the Tribunal against the outcomes and outputs related to the adjudicative process in particular are generally constant over the three-year period as the Tribunal is a service organisation providing a constant level of service to its clients.

Targets have been set at less than 100% as non-performance is not always attributable to the Tribunal but sometimes due to the request of the parties who may have valid reasons for the delays. In addition, the complexity of matters may result in delays in the issuing of reasons. In attaining the outcomes and the output indicators the Tribunal identified, a number of strategic interventions will be implemented over the MTEF period.

To achieve “**Responsive and Reliable Adjudication**” the following interventions may be implemented:

- Compile regular case updates on significant developments within the Competition Act;
- Conduct bi-weekly case management meetings;
- Maintain a process whereby Case Managers check files regularly;
- Continuous development and improvement of a practice whereby Case Managers play a stronger oversight role in the whole case management process;
- Conduct regular training sessions; and
- Improve the case management system for ease of search and reporting functionality.

The Tribunal aims to be a “**Transparent, Accountable and Sustainable Entity**” and in order to achieve that the following interventions may be implemented:

- Review effectiveness of communication with various stakeholders;

- Establish mechanisms or processes for knowledge transfer;
- Review and enhance the employee performance management system;
- Conduct a skills and competency audit that informs the training and capacity development plan;
- Development, adherence and regular reporting against an annual institutional procurement plan;
- Periodic institutional benchmarking against similar institutions or professions;
- Conduct quarterly performance review workshops before finalising and submitting the quarterly reports;
- Review and update the employee and Tribunal member induction process;
- Investigate and conclude a financial model for the Tribunal with **the dtic** and National Treasury;
- Development and implement a competency evaluation framework;
- Implement skills development and HR retention strategy and plan; and
- Conduct an internal climate survey.

9. Financial considerations and the 2024/2025 budget

9.1. Expenditure Estimates

A final detailed one-year budget for the **2024/2025** year is included in **Annexure G**.

As stated in the Strategic Plan, the Tribunal is an adjudicative body and hence is reactive in terms of the cases brought before it. It is therefore not possible to accurately predict the number of cases to be heard annually. This means that budgeting accurately becomes difficult as many of the line items are based on an estimated number of cases to be heard in that year. The net result is that variances in actual expenditure, as opposed to budgeted expenditure, do arise.

In drafting the 2024/2025 final budget, the Tribunal has considered the main assumptions listed below. The Tribunal's budget is an operational budget and is not programme or project driven. 69% of the budget is allocated to personnel expenses (excluding fees payable to part-time Tribunal members).

The main assumptions made in drafting the 2024/2025 budget are as follows:

- i) The budgets included in the ENE were drawn based on the average consumer price index (CPI) of 4%;

- ii) The leasing fee payable to **the dtic** is in line with the 2023/2024 actual costs;
- iii) The Personnel budget includes costs for the full structure prior to the organisational review process. There is a need for more capacity and the outcome of the organisational review will result in higher personnel budget for the year.
- iv) Further capacity in the Case Management division to be secured through the use of approved surplus funds;
- v) Cost of living increase for all Tribunal staff has been based on the average CPI;
- vi) Part-time member expenditure is based on a daily rate of R9 000.00 + CPI for 7 part-time members for hearing days (actual and preparation days) and retainer costs equivalent to 10 days per member, annually.

Table 14 below illustrates the Tribunal's budget allocation across the various expenditure categories for both the current and the next financial year.

Table 14 Percentage budget allocation across category expenditure for 2023/24 and 2024/25 financial years

CATEGORY	ADJUSTED 2023/2024	2023/2024% of Total expenditure	2024/2025	2024/2025% of Total expenditure
EXPENDITURE				
PERSONNEL	38,265,667	65%	45,421,143	72%
PT TRIBUNAL MEMBERS	5,300,000	9%	4,000,000	6%
TRAINING	1,751,760	3%	500,000	1%
CONFERENCE/SEMINARS	83,384	0%	297,190	0%
SHARED SERVICES CCSA	814,792	1%	814,792	1%
FACILITY FEE/LEASE	5,259,480	9%	5,259,480	8%
CONSULTING	86,911	0%	90,587	0%
LEGAL FEES	4,319	0%	56,617	0%
TRANSCRIPTION SERVICES	876,061	1%	900,000	1%
AUDIT EXPENSES	1,500,000	3%	1,300,000	2%
RECRUIT COSTS	119,341	0%	41,006	0%
ADMIN EXPENSES	699,747	1%	855,288	1%
DEPRECIATION	552,979	1%	576,370	1%
AMORTISATION	393,931	1%	410,594	1%
IT EXPENSES	2,495,426	4%	2,500,000	4%
REPAIRS/MAINTENANCE	31,317	0%	32,641	0%
APPEALS COURT	114,805	0%	150,000	0%
CAPITAL EXPENDITURE	450,000	1%	-	0%
TOTAL EXPENDITURE	58,799,920	100%	63,205,708	100%

65% of the Tribunal’s 2024/2025 budget will be spent on personnel expenses which includes full time member costs. If fees paid to the part-time Tribunal members are included in this category, this increases to **74%**. “Shared service fee” refers to the payments made to the Commission for shared services (in terms of a Memorandum of Understanding), accounting for **1%** of the budget.

Costs associated with audits (internal, external audit fees and audit committee expenses) account for **3%** of the budget while administrative expenses account for **1%** of the budgeted expenditure.

Table 15 below illustrates the Tribunal’s total anticipated expenditure as a result of the organisational review and the additional funding that would be required to fund the revised organisational structure.

Table 15: Estimated increase in operational expenditure from the organisational review over the MTEF period

CATEGORY	2024/2025	2025/2026	2026/2027	TOTAL
EXPENDITURE				
PERSONNEL	58,901,806	87,518,028	90,509,395	236,929,229
PT TRIBUNAL MEMBERS	9,330,614	9,725,299	10,114,311	29,170,224
FACILITY FEE/LEASE	24,794,664	25,786,451	26,817,909	77,399,023
IT EXPENSES	4,574,115	4,757,080	4,958,304	14,289,499
TOTAL EXPENDITURE	97,601,199	127,786,857	132,399,919	357,787,975
Additional Funding required	34,395,491	61,140,258	64,340,320	159,876,068

9.2 Relating Expenditure Estimates to Outcomes and Outputs

The Tribunal, being an adjudicative body that responds to matters brought before it, is not project or programme driven and for this reason the budget is primarily an operational/administrative budget.

The Tribunal’s strategic outcomes and associated outputs relate primarily to its mandate and core business but also include strategic outcomes and outputs related to oversight and financial management.

Table 16 below indicates the allocation of the annual budget across the two outcomes. The Tribunal has managed to allocate **74.37%** of the annual budget across the two outcomes.

Table 16 Budget allocation by outcome

Outcome	Budget	% of budget
Responsive and reliable adjudication	30,481	48.22%
Accountable, transparent and sustainable entity	16,524	24.79%
Total	47,005	74.37

The remaining **25.63%** of the budget is distributed as follows:

- Administrative costs: 24.26%
- Capital expenditure: 0.79%
- Appeal Court costs: 0.58%

9.3. Reconciling targets with the budget and MTEF

As indicated above the Tribunal has allocated 74.37% of its budget against the stated strategic outcomes. In addition, the budget is further divided by output with linkages to the six identified focus areas as illustrated in table 17 below.

Table 17 Budget allocation by focus areas, output and outcome

FOCUS AREA	OUTPUTS	BUDGET
Responsive and Reliable Adjudication	Effective and timeous issuing of orders and reasons	18,942,894
	Effective case management procedures to ensure hearings are set down within legislated timeframes	16,901,247
Communication	Effective communication and information sharing	1,329,131
Business Process, Governance, Financial Management, Human Resources	Effective record management	3,424,793
	Sound governance	3,729,531
	Effective financial management	4,012,743
	Capacity development, retention and training	4,027,694
Other expenses	Administration (incl. depreciation)	10,021,870
	Capital Expenditure	450,000
	Competition Appeal Court	364,805
	TOTAL BUDGET	63,205,708

At present, the adjudication and case management costs include the total salaries of the full-time Tribunal members and all Case Managers/researchers and registry staff despite the fact that they may perform functions that are not specifically case related.

The Tribunal's electronic case management system (CMS), currently in operation, enables it to extract data related to the cost of hearings and thereby determine, to some extent, the ratio between case and non-case related work. Over time, the Tribunal will investigate this issue further in order to arrive at a more accurate costing of the Tribunal's core business. The Tribunal will, on a quarterly basis, report on progress with regards to the achievement of targets and costs to **the dtic**, National Treasury and to other stakeholders.

9.4. The Competition Appeal Court

The Competition Act set up a triad of institutions (the Commission, the Tribunal and the CAC) with exclusive jurisdiction over competition matters (specifically, chapters 2 and 3 of the Competition Act).

The CAC is a specialised division of the High Court comprising at least 3 Judges, each of whom must be a Judge of the High Court. The CAC may review or consider an appeal arising from any Tribunal decision.

CAC Judges are appointed by the President, on the advice of the Judicial Services Commission. The tenure of office, remuneration and terms and conditions of service of a Judge of the High Court is not affected by his/her appointment to the CAC. The Registrar of the Tribunal (and CAC) liaises with the Judicial Services Commission over the appointment of CAC Judges and is responsible for the training function of the Judges. The Tribunal secretariat provides the registry function for the CAC and the registrar of the Tribunal acts as the Registrar of the CAC.

At present the Tribunal includes the CAC as a line item in its budget and is responsible for the financing of administrative aspects of the CAC, excluding for personnel expenses. As is the case with the Tribunal, it is difficult to predict the number of appeals that may be lodged against Tribunal decisions and as a result budgeting becomes difficult and variances do occur. All expenditure associated with training or overseas travel has been reduced as some CAC hearings will take place online. The budget is therefore R 150,000.

Table 18 Percentage CAC budget allocation across expenditure categories

CATEGORY	2024/2025 BUDGET
Local travel	56.94%
Administrative expenses	33.06%
Conferences attendance and overseas travel	0.00%
High Court meetings/training	10.00%
Total	100.00%

PART D: TECHNICAL INDICATOR DESCRIPTORS (TID)

10 Technical Indicator descriptors by focus area

10.1 Adjudication

Outcome	
Responsive and Reliable Adjudication	
1. Indicator Title	Percentage of mergers scheduled down for a hearing or pre-hearing within 10 business days of filing.
Definition	This performance indicator measures the efficiency of the Tribunal in scheduling a pre-hearing date or hearing date for mergers within the stipulated timeframe.
Source of data	<ul style="list-style-type: none"> ➤ Merger referral documents received by the Tribunal. ➤ Request for consideration received by the Tribunal. ➤ Set down notices issued by the Tribunal. ➤ Any correspondence and notices received and issued between the Tribunal, the Commission and parties. ➤ CMS reports. ➤ QlikView reports (reporting tool placed on top of CMS) that reflect turnaround times. ➤ Hearing calendar. ➤ Transcriptions.
Method of Calculation/ Assessment	<p>The method of calculation is a percentage calculated as follows:</p> <p>Percentage of mergers set down for the beginning of a hearing or a pre-hearing within 10 business days of the filing of a merger referral = $(a/b) \times 100$,</p> <p>were</p> <p>a = total number of mergers set down for the beginning of a hearing or pre-hearing within 10 business days</p> <p>b = total number of mergers set down.</p> <p>In terms of the Rules of the Tribunal, the time period for scheduling a prehearing may be extended for a period of 10 business days by the Chairperson, and a further extension may be granted subject to agreement with the parties. In those cases where such an extension has been granted, the extended period will be used in the calculation.</p>

Outcome	Responsive and Reliable Adjudication
Means of Verification	<ul style="list-style-type: none"> ➤ Workflows built into CMS either prevents further updating or alerts the user if case data is missing. ➤ The Registry Administrator extracts monthly reports from QlikView and maintains a file that contains source documents. ➤ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data against source document and ensure accuracy. ➤ Registry Administrator will contact official required to input missing data or make corrections on CMS. ➤ Errors and corrections that affect prior period reporting are communicated to Registrar/COO via email. ➤ File reviewed by Registrar on a monthly basis and signed off as proof of review. ➤ Registry Administrator completes the performance information report quarterly using QlikView reports as the basis for data collection. Same process as above followed annually thus providing further opportunity to review monthly information and quarterly reports. ➤ Performance Information reports are reviewed and verified by Registrar and COO and signed off by Registrar as proof of review.
Assumptions	<ul style="list-style-type: none"> ➤ The Tribunal has the financial resources and the capacity to perform its adjudicative function. ➤ There will be no substantial changes to the Tribunal's mandate or the Competition Act that will impact on stipulated timeframes and targets. ➤ Tribunal has aligned to the dtic's joint/integrated outputs relating to delivery/capable State, industrialisation and transformation in consideration of competition and public interest issues in mergers. ➤ That the Tribunal maintains systems, processes and procedures that facilitate the target being achieved. ➤ Those parties and counsel are available. Time periods are subject to the availability of the parties and counsel and may be extended depending on the circumstances of each case.
Disaggregation of Beneficiaries (where applicable)	<ul style="list-style-type: none"> • N/A

Outcome		Responsive and Reliable Adjudication			
Spatial Transformation (where applicable)	<ul style="list-style-type: none"> N/A 				
Calculation Type	<ul style="list-style-type: none"> Percentage 				
Reporting Cycle	<ul style="list-style-type: none"> Quarterly and annually 				
Desired performance	The aim of the Tribunal is to meet or exceed the 85% target that has been set.				
Indicator Responsibility	<ul style="list-style-type: none"> ➤ Data collection, filing/archiving collected data – Registry Administrator ➤ Data extraction – Registry Administrator <p>Verification of accuracy and completeness of extracted and captured information - First level – Registry Administrator, Second level – Registrar (monthly/quarterly and annually), Third level - COO (quarterly and annually)</p>				
Baseline	2020/21	2021/22	2022/23	2023/24*	
*Estimated performance	97%/0%	80%/65%	90%	85%	
Annual Targets	2024/25	2025/26	2026/27		
	85%	85%	85%		

Outcome		Responsive and Reliable Adjudication			
2. Indicator Title	Percentage of merger orders issued to parties within 10 business days following conclusion of a hearing				
Definition	This performance indicator measures the efficiency of the Tribunal in issuing of decisions for mergers. Tribunal's decisions are contained in an "order".				
Source of data	<ul style="list-style-type: none"> ➤ Orders issued by the Tribunal to merger parties. ➤ Any correspondence and notices received and issued between the Tribunal, the Commission and parties. ➤ Case Management System (electronic case management system run by the Tribunal hereinafter referred to as CMS) reports. ➤ QlikView reports (reporting tool placed on top of CMS) that reflect turnaround times. 				

Outcome	Responsive and Reliable Adjudication
	<ul style="list-style-type: none"> ➤ Hearing calendar. ➤ Press releases referring to decisions made by the Tribunal. ➤ Transcriptions.
Method of Calculation / Assessment	<p>The method of calculation is a percentage, and it is calculated as follows: Percentage of merger orders issued within ten business days following conclusion of the hearing = $(a/b) \times 100$, Where: a = total number of orders for mergers issued within ten business days of the last hearing date b = total number of orders for mergers issued. Calculated as at the date of the last information received by the Tribunal.</p>
Means of Verification	<ul style="list-style-type: none"> ➤ Workflows built into CMS either prevents further updating or sends alerts if case data is missing. ➤ The Registry Administrator extracts monthly reports from QlikView and maintains a file that contains source documents. ➤ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data against source document and ensure accuracy. ➤ Registry Administrator will contact the staff member required to input missing data or make corrections on CMS. ➤ Errors and corrections that affect prior period reporting are communicated to the Registrar/COO via email. ➤ File reviewed by Registrar on a monthly basis and signed off as proof of review. ➤ Quarterly Registry Administrator completes the performance information report using QlikView reports as the basis for data collection. ➤ The same processes explained above are followed annually thus providing further opportunity to review monthly information and reports. ➤ Performance Information reports are reviewed and verified by Registrar and COO and signed off by Registrar as proof of review.

Outcome		Responsive and Reliable Adjudication			
Assumptions	<ul style="list-style-type: none"> ➤ The Tribunal has the financial resources and the capacity to perform its adjudicative function. There will be no substantial changes to the Tribunal’s mandate or the Competition Act that will impact on stipulated timeframes and targets. ➤ The Tribunal has aligned to the dtic’s joint/integrated outputs relating to delivery/capable State, industrialisation and transformation in consideration of competition and public interest issues in mergers. ➤ The Tribunal maintains systems, processes and procedures that facilitate the target being achieved. ➤ That all information is received on conclusion of the physical (or virtual) hearings 				
Disaggregation of Beneficiaries (where applicable)	N/A				
Spatial Transformation (where applicable)	N/A				
Calculation Type	Percentage				
Reporting Cycle	Quarterly and annually				
Desired performance	The aim of the Tribunal is to meet the 85% target that has been set.				
Indicator Responsibility	<ul style="list-style-type: none"> ➤ Data collection, filing/archiving collected data – Registry Administrator ➤ Data extraction – Registry Administrator ➤ Verification of accuracy and completeness of extracted and captured information - First level – Registry Administrator, Second level – Registrar (monthly/quarterly and annually), Third level - COO (only quarterly and annually) 				
Baseline	2020/21	2021/22	2022/23	2023/24*	
*Estimated performance	100%/100%	95%/70%	100%	85%	
Annual Targets	2024/25	2025/26		2026/27	
	85%	85%		85%	

Outcome Responsive and Reliable Adjudication	
3. Indicator Title	Percentage of reasons for mergers issued to parties within 20 business days of order being issued.
Definition	This performance indicator measures the efficiency of the Tribunal in issuing reasons for the decisions (through an order) it makes within stipulated time frames
Source of data	<ul style="list-style-type: none"> ➤ Reasons issued by the Tribunal. ➤ Orders issued by the Tribunal. ➤ Official correspondence and notices received and issued by the Tribunal. ➤ CMS reports. ➤ QlikView reports (reporting tool placed on top of CMS) that reflects turnaround times. ➤ Hearing calendar. ➤ Transcriptions.
Method of Calculation / Assessment	<p>The method of calculation used is a percentage and the percentage is calculated as follows:</p> <p>Percentage of reasons for mergers issued to parties within 20 business days = $(a/b) \times 100$,</p> <p>Where:</p> <p>a = total number of reasons for mergers issued to parties within 20 business days of the date the order was issued,</p> <p>b = total number of reasons for mergers issued.</p>
Means of Verification	<ul style="list-style-type: none"> ➤ Workflows built into CMS either prevents further updating or sends alerts if case data is missing. ➤ The Registry Administrator extracts monthly reports from QlikView and maintains a file that contains source documents. ➤ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data against source document and ensure accuracy.

Outcome	Responsive and Reliable Adjudication
	<ul style="list-style-type: none"> ➤ Registry Administrator will contact official required to input missing data or make corrections on CMS. ➤ Errors and corrections that affect prior period reporting are communicated to Registrar/COO via email. ➤ File reviewed by Registrar on monthly basis and signed off as proof of review. ➤ Quarterly Registry Administrator completes the performance information. report using QlikView reports as the basis for data collection. ➤ The same processes explained above are followed annually thus providing further opportunity to review monthly information and reports. ➤ Performance Information reports are reviewed and verified by Registrar and COO and signed off by Registrar as proof of review.
Assumptions	<ul style="list-style-type: none"> ➤ The Tribunal has the financial resources and the capacity to perform its adjudicative function. ➤ There will be no substantial changes to the Tribunal’s mandate or the Competition Act that will impact on stipulated timeframes and targets. ➤ The Tribunal has aligned to the dtic’s joint/integrated outputs relating to delivery/capable State, industrialisation and transformation in consideration of competition and public interest issues in mergers. ➤ That the Tribunal maintains systems, processes and procedures that facilitate the target being achieved.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Percentage
Reporting Cycle	Quarterly and annually

Outcome Responsive and Reliable Adjudication				
Desired performance	The aim of the Tribunal is to meet the target that has been set.			
Indicator Responsibility	<ul style="list-style-type: none"> ➤ Data collection, filing/archiving collected data – Registry Administrator ➤ Data extraction – Registry staff Verification of accuracy and completeness of extracted and captured information - First level – Registry Administrator, Second level – Registrar (monthly/quarterly and annually), Third level - COO (only quarterly and annually).			
Baseline	2020/21	2021/22	2022/23	2023/24*
*Estimated performance	72%/100%	70%/50%	75%	88%
Annual Targets	2024/25	2025/26		2026/27
	75%	75%		75%

Outcome Responsive and Reliable Adjudication	
4. Indicator Title	Number of reports regarding competition and public interest considerations in mergers.
Definition	This performance indicator measures the efficiency of the Tribunal in evaluating competition and public interest considerations in mergers.
Source of data	<ul style="list-style-type: none"> ➤ Merger orders issued by the Tribunal to the parties. ➤ Official correspondence and notices received and issued by the Tribunal. ➤ CMS reports. ➤ QlikView reports reflecting the number of reports regarding competition and public interest considerations in mergers. ➤ Hearings calendar. ➤ Press releases issued by the Tribunal referring to merger orders. ➤ Transcriptions.

Outcome	Responsive and Reliable Adjudication
Method of Calculation / Assessment	Analysis of case reports and reporting of competition and public interest considerations in merger cases on a quarterly basis to the dtic .
Means of Verification	<ul style="list-style-type: none"> ➤ Workflows built into CMS either prevents further updating or sends alerts if case data is missing. ➤ The Senior Case Manager extracts monthly reports from QlikView and maintains a file that contains source documents. ➤ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data against source document and ensure accuracy. ➤ Senior Case Manager will contact case managers required to input missing data or make corrections on CMS. ➤ Errors and corrections that affect prior period reporting are communicated to Head of Case Management/COO via email. ➤ File reviewed by Head of Case Management on monthly basis and signed off as proof of review. ➤ Quarterly Senior Case Manager completes the performance information report using QlikView reports as the basis for data collection. ➤ The same processes explained above are followed annually thus providing further opportunity to review monthly information and quarterly reports. ➤ Performance Information reports are reviewed and verified by Head of Case Management /COO.
Assumptions	<ul style="list-style-type: none"> ➤ The Tribunal has the financial resources and the capacity to perform its adjudicative function. ➤ There will be no substantial changes to the Tribunal's mandate or the Competition Act that will impact on stipulated timeframes and targets. ➤ Tribunal has aligned to the dtic's joint/integrated outputs relating to delivery/capable State, industrialisation and transformation. ➤ In respect to public interest conditions in mergers, within the mandate of the Competition Act, the following is considered: localisation, economic concentration, investments, exports, BEE, worker empowerment and SMME promotion.

Outcome		Responsive and Reliable Adjudication			
	➤ That the Tribunal maintains systems, processes and procedures that facilitate the target being achieved.				
Disaggregation of Beneficiaries (where applicable)	N/A				
Spatial Transformation (where applicable)	N/A				
Calculation Type	4 reports sent to the dtic				
Reporting Cycle	Quarterly and annually				
Desired performance	The aim of the Tribunal is to meet the 4 quarterly targets that have been set.				
Indicator Responsibility	<ul style="list-style-type: none"> ➤ Data collection, filing/archiving collected data – Senior Case Manager ➤ Data extraction – Senior Case Manager ➤ Verification of accuracy and completeness of extracted and captured information - First level – Senior Case Manager, second level – Head of Case Management (monthly/quarterly and annually), Third level – Case Management to draft report, fourth level - COO (quarterly review of reports and send to dtic) 				
Baseline	2020/21	2021/22	2022/23	2023/24*	
*Estimated performance	New indicator	New indicator	4 reports	4 reports sent to the dtic	
Annual Targets	2024/25		2025/26	2026/27	
	4 reports sent to the dtic		4 reports sent to the dtic	4 reports sent to the dtic	

Outcome	
Responsive and Reliable Adjudication	
5. Indicator Title	Reasons ¹³ for prohibited practice cases issued to parties within 120 business days following conclusion of the hearing.
Definition	This performance indicator measures the efficiency of the Tribunal in issuing reasons for prohibited practice cases in the stipulated timeframes.
Source of data	<ul style="list-style-type: none"> ➤ Reasons in prohibited practice cases issued to parties. ➤ CMS reports. ➤ QlikView reports (reporting tool placed on top of CMS) that reflect turnaround times. ➤ Press releases. ➤ Hearing calendar. ➤ Transcriptions.
Method of Calculation / Assessment	<p>The method of calculation is a percentage and is calculated as follows: Percentage of reasons for prohibited practices issued within 120 business days of last hearing date= (a/b) x 100, Where: a = total number of reasons for prohibited practices issued within 120 business days following conclusion of the hearing, b = total number of reasons for prohibited practices issued.</p> <p>In calculating the percentage, public holidays and the period between 15 December and 5 January of the following year is not considered.</p>
Means of Verification	<ul style="list-style-type: none"> ➤ Workflows built into CMS either prevents further updating or sends alerts if case data is missing. ➤ The Registry Administrator extracts monthly reports from QlikView and maintains a file that contains source documents. ➤ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data against source document and ensure accuracy. ➤ Registry Administrator will contact the staff member required to input missing data or make corrections on CMS.

¹³ In exceptional cases an order may be issued before reasons but in most instances orders and reasons are issued simultaneously and therefore reasons date is taken as the indicator.

Outcome	Responsive and Reliable Adjudication
	<ul style="list-style-type: none"> ➤ Errors and corrections that affect prior period reporting are communicated to Registrar/COO via email. ➤ File reviewed by Registrar on monthly basis and signed off as proof of review. ➤ Quarterly Registry Administrator completes the performance information report using QlikView reports as the basis for data collection. ➤ The processes explained above are followed annually thus providing further opportunity to review monthly information and quarterly reports. ➤ Performance Information reports are reviewed and verified by Registrar and COO and signed off by Registrar as proof of review.
Assumptions	<ul style="list-style-type: none"> ➤ The Tribunal has the financial resources and the capacity to perform its adjudicative function. ➤ There will be no substantial changes to the Tribunal's mandate or the Competition Act that will impact on stipulated timeframes and targets. ➤ That the Tribunal maintains systems, processes and procedures that facilitate the target being achieved. ➤ The Tribunal has aligned to the dtic's joint/integrated outputs relating to delivery/capable State, industrialisation and transformation in consideration of complaints, where applicable.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Percentage
Reporting Cycle	Quarterly and annually
Desired performance	The aim of the Tribunal is to meet the target that has been set.
Indicator Responsibility	<ul style="list-style-type: none"> ➤ Data collection, filing/archiving collected data – Registry Administrator ➤ Data extraction – Registry Administrator

Outcome					Responsive and Reliable Adjudication			
	➤ Verification of accuracy and completeness of extracted and captured information - First level – Registry Administrator, Second level – Registrar (monthly/quarterly and annually), Third level - COO (only quarterly and annually)							
Baseline	2020/21	2021/22	2022/23	2023/24*				
*Estimated performance	No reasons issued/0%/67%	75%/65%/65%	0%	75%				
Annual Targets	2024/25	2024/25		2025/26				
	65%	65%		65%				

Outcome		Responsive and Reliable Adjudication	
6. Indicator Title	Percentage of orders in procedural matters ¹⁴ issued to parties within 45 business days following conclusion of the hearing.		
Definition	This performance indicator measures the efficiency of the Tribunal in issuing of orders for procedural matters within the stipulated timeframes.		
Source of data	<ul style="list-style-type: none"> ➤ Orders in procedural matters issued to parties. ➤ CMS reports. ➤ QlikView reports (reporting tool placed on top of CMS) that reflect turnaround times. ➤ Hearings calendar. ➤ Transcriptions. 		
Method of Calculation / Assessment	<p>The method of calculation used is a percentage and it is calculated as follows:</p> <p>Percentage of procedural matters orders issued to parties within 45 days of the last hearing date = (a/b) x 100,</p> <p>Were</p> <p>a = total number of orders for procedural matters issued within 45 business days following conclusion of the hearing.</p> <p>b = total number of orders for procedural matters issued.</p>		

¹⁴While we refer to procedural matters they include interlocutory applications.

Outcome	Responsive and Reliable Adjudication
	In calculating the percentage, public holidays and the period between 15 December and 5 January of the following year is not considered.
Means of Verification	<ul style="list-style-type: none"> ➤ Workflows built into CMS either prevents further updating or sends alerts if case data is missing. ➤ The Registry Administrator extracts monthly reports from QlikView and maintains a file that contains source documents. ➤ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data against source document and ensure accuracy. ➤ Registry Administrator will contact official required to input missing data or make corrections on CMS. ➤ Errors and corrections that affect prior period reporting are communicated to Registrar/COO via email. ➤ File reviewed by Registrar on monthly basis and signed off as proof of review. ➤ Quarterly Registry Administrator completes the performance information report using QlikView reports as the basis for data collection. Same process as above followed annually thus providing further opportunity to review monthly information and quarterly reports. <p>Performance Information reports are reviewed and verified by Registrar and COO and signed off by Registrar as proof of review.</p>
Assumptions	<ul style="list-style-type: none"> ➤ The Tribunal has the financial resources and the capacity to perform its adjudicative function. ➤ There will be no substantial changes to the Tribunal's mandate or the Competition Act that will impact on stipulated timeframes and targets. ➤ That the Tribunal maintains systems, processes and procedures that facilitate the target being achieved.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Percentage

Outcome		Responsive and Reliable Adjudication			
Reporting Cycle	Quarterly and annually				
Desired performance	The aim of the Tribunal is to meet the target that has been set.				
Indicator Responsibility	<ul style="list-style-type: none"> ➤ Data collection, filing/archiving collected data – Registry Administrator ➤ Data extraction – Registry Administrator ➤ Verification of accuracy and completeness of extracted and captured information - First level – Registry Administrator, Second level – Registrar (monthly/quarterly and annually), Third level - COO (only quarterly and annually) 				
Baseline	2020/21	2021/22	2022/23	2023/24*	
*Estimated performance	90%	65%	57%	65%	
Annual Targets	2024/25		2025/26	2026/27	
	65%		65%	65%	

Outcome		Responsive and Reliable Adjudication			
7. Indicator Title	Percentage orders for consent orders and settlement agreements issued to parties within 10 business days following conclusion of the hearing.				
Definition	This performance indicator measures the efficiency of the Tribunal in issuing of orders for consent orders and settlement agreements in the stipulated timeframes.				
Source of data	<ul style="list-style-type: none"> ➤ Consent order or settlement agreement issued by the Tribunal. ➤ Any correspondence and notices received and issued between the Tribunal, the Commission and parties. ➤ CMS reports. ➤ QlikView reports (reporting tool placed on top of CMS) that reflect turnaround times. ➤ Hearings calendar. ➤ Press releases. 				

Outcome	Responsive and Reliable Adjudication
	<ul style="list-style-type: none"> ➤ Transcriptions.
Method of Calculation / Assessment	<p>The method of calculation is a percentage and is calculated as follows: Percentage of orders for consent orders and settlement agreements issued to parties within 10 business days following conclusion of the hearing= $(a/b) \times 100$, Where: a = total number of orders for consent orders and settlement agreements issued within 10 business days following conclusion of the hearing, b = total number of orders for consent orders and settlement agreements issued. In calculating the percentage, public holidays and the period between 15 December and 5 January of the following year is not considered.</p>
Means of Verification	<ul style="list-style-type: none"> ➤ Workflows built into CMS either prevents further updating or sends alerts if case data is missing. ➤ The Registry Administrator extracts monthly reports from QlikView and maintains a file that contains source documents. ➤ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data against source document and ensure accuracy. ➤ Registry Administrator will contact staff member required to input missing data or make corrections on CMS. ➤ Errors and corrections that affect prior period reporting are communicated to Registrar/COO via email. ➤ File reviewed by Registrar on monthly basis and signed off as proof of review. ➤ Quarterly Registry Administrator completes the performance information report using QlikView reports as the basis for data collection. Same process as above followed annually thus providing further opportunity to review monthly information and quarterly reports. ➤ Performance Information reports are reviewed and verified by Registrar and COO and signed off by Registrar as proof of review.
Assumptions	<ul style="list-style-type: none"> ➤ The Tribunal has the financial resources and the capacity to perform its adjudicative function.

Outcome		Responsive and Reliable Adjudication			
	<ul style="list-style-type: none"> ➤ There will be no substantial changes to the Tribunal’s mandate or the Competition Act that will impact on stipulated timeframes and targets. ➤ That the Tribunal maintains systems, processes and procedures that facilitate the target being achieved. 				
Disaggregation of Beneficiaries (where applicable)	N/A				
Spatial Transformation (where applicable)	N/A				
Calculation Type	Percentage				
Reporting Cycle	Quarterly and annually				
Desired performance	The aim of the Tribunal is to meet or exceed the target that has been set.				
Indicator Responsibility	<ul style="list-style-type: none"> ➤ Data collection, filing/archiving collected data – Registry Administrator ➤ Data extraction – Registry Administrator ➤ Verification of accuracy and completeness of extracted and captured information - First level – Registry Administrator, Second level – Registrar (monthly/quarterly and annually), Third level - COO (only quarterly and annually) 				
Baseline	2020/21	2021/22	2022/23	2023/24*	
*Estimated performance	92%	75%	75%	100%	
Annual Targets	2024/25		2025/26	2026/27	
	80%		80%	80%	

Outcome	
Responsive and Reliable Adjudication	
8. Indicator Title	Percentage of reasons in interim relief matters issued to parties within 30 business days following the conclusion of the hearing.
Definition	This performance indicator measures the efficiency of the Tribunal in issuing reasons in interim relief matters to parties within stipulated timeframes.
Source of data	<ul style="list-style-type: none"> ➤ Reasons issued for interim relief cases. ➤ Any correspondence and notices received and issued between the Tribunal, the Commission and parties. ➤ CMS reports. ➤ QlikView reports (reporting tool placed on top of CMS) that reflect turnaround times. ➤ Hearing calendar. ➤ Press releases. ➤ Transcriptions.
Method of Calculation / Assessment	<p>The method of calculation is a percentage and is calculated as follows:</p> <p>Percentage of reasons for interim relief issued to parties within 30 business days following conclusion of the hearing = $(a/b) \times 100$,</p> <p>Where:</p> <p>a = total number of reasons in interim relief issued to parties within 30 business days following conclusion of the hearing,</p> <p>b = total number of reasons for interim relief issued to parties.</p> <p>In calculating the percentage, public holidays and the period between 15 December and 5 January of the following year is not considered.</p>
Means of Verification	<ul style="list-style-type: none"> ➤ Workflows built into CMS either prevents further updating or sends alerts if case data is missing. ➤ The Registry Administrator extracts monthly reports from QlikView and maintains a file that contains source documents. ➤ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data against source document and ensure accuracy. ➤ Registry Administrator will contact staff member required to input missing data or make corrections on CMS. ➤ Errors and corrections that affect prior period reporting are communicated to Registrar/COO via email.

Outcome	Responsive and Reliable Adjudication
	<ul style="list-style-type: none"> ➤ File reviewed by Registrar on monthly basis and signed off as proof of review. ➤ Quarterly Registry Administrator completes the performance information report using QlikView reports as the basis for data collection. Same process as above followed annually thus providing further opportunity to review monthly information and quarterly reports. ➤ Performance Information reports are reviewed and verified by Registrar and COO and signed off by Registrar as proof of review.
Assumptions	<ul style="list-style-type: none"> ➤ The Tribunal has the financial resources and the capacity to perform its adjudicative function. ➤ There will be no substantial changes to the Tribunal's mandate or the Competition Act that will impact on stipulated timeframes and targets. ➤ The Tribunal has aligned to the dtic's joint/integrated outputs. ➤ That the Tribunal maintains systems, processes and procedures that facilitate the target being achieved.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Percentage
Reporting Cycle	Quarterly and annually
Desired performance	The aim of the Tribunal is to meet the target that has been set.
Indicator Responsibility	<ul style="list-style-type: none"> ➤ Data collection, filing/archiving collected data – Registry Administrator ➤ Data extraction – Registry Administrator ➤ Verification of accuracy and completeness of extracted and captured information - First level – Registry Administrator, Second level – Registrar (monthly/quarterly and annually), Third level - COO (only quarterly and annually).

Outcome		Responsive and Reliable Adjudication			
Baseline	2020/21	2021/22	2022/23	2023/24*	
*Estimated performance	0%	65%	0%	65%	
Annual Targets	2024/25	2025/26	2026/27		
	65%	65%	65%		

10.2 Communication

Outcome		Transparent, Accountable and Sustainable Entity	
9. Indicator Title	Percentage press releases of final merger decisions communicated within 3 business days of order date and after finalization of confidentiality claims.		
Definition	This indicator measures the percentage of final merger decisions for which a press release was issued during the financial year per quarter and cumulatively for the year to date		
Source of data	<ul style="list-style-type: none"> ➤ Press releases issued by the Communications Manager ➤ Large merger orders issued by the Tribunal. ➤ Any correspondence between the Communications Manager and stakeholders ➤ Information from Mailchimp, the electronic database through which press releases are issued. ➤ Case Management System (electronic case management system run by the Tribunal hereinafter referred to as CMS) reports. ➤ QlikView reports (reporting tool placed on top of CMS) that reflect turnaround times. ➤ Tribunal press release lists 		
Method of Calculation / Assessment	<p>Percentage final merger decisions in which a press release is issued by the Tribunal = $(a/b) \times 100$</p> <p>Where:</p> <p>a = total number of final merger decision press releases issued during the delivery period,</p> <p>b = total number of final merger decisions issued during the delivery period.</p>		

Outcome	
Transparent, Accountable and Sustainable Entity	
Means of Verification	<ul style="list-style-type: none"> ➤ Quarterly Communications Reports ➤ extracts quarterly reports from QlikView. ➤ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data against source document and ensure accuracy. ➤ Registry Administrator will contact staff member required to input missing data or make corrections on CMS. ➤ Errors and corrections that affect prior period reporting are communicated to Registrar/COO via email. ➤ Quarterly Communications Reports reviewed by COO on quarterly basis and signed off as proof of review. ➤ Quarterly Communications Manager and Registry Administrator complete the performance information report using QlikView reports as the basis for data collection. Same process as above followed annually thus providing further opportunity to review quarterly information. ➤ Performance Information reports and Quarterly Communications Reports reviewed and verified by COO and signed off as proof of review. ➤ One file maintained for an entire financial year and therefore no risk of duplication of source documents which can lead to inaccuracies in data capturing. In addition, same source documents are used for quarterly and annual review.
Assumptions	<ul style="list-style-type: none"> ➤ Tribunal has the necessary financial resources and capabilities. ➤ Confidentiality claims by parties have been resolved.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Percentage
Reporting Cycle	Quarterly and annually

Outcome					Transparent, Accountable and Sustainable Entity				
Desired performance		The target is met or exceeded							
Indicator Responsibility		Communications Manager							
Baseline		2020/21		2021/22		2022/23		2023/24*	
*Estimated performance		90%		77%		99%		90%	
Annual Targets		2024/25				2025/26		2026/27	
		90%		90%		90%		90%	

Outcome		Transparent, Accountable and Sustainable Entity	
10. Indicator Title	Percentage press releases of prohibited practice decisions communicated within 3 business days of order date and after finalization of confidentiality claims.		
Definition	This indicator measures the percentage of final prohibited practice decisions for which a press release was issued during the financial year.		
Source of data	<ul style="list-style-type: none"> ➤ Press releases issued by the Communications Manager. ➤ Prohibited practice orders issued by the Tribunal. ➤ Any correspondence between the Communications Manager and stakeholders. ➤ Information from Mailchimp, the electronic database through which press releases are issued. ➤ Case Management System (electronic case management system run by the Tribunal hereinafter referred to as CMS) reports. ➤ QlikView reports (reporting tool placed on top of CMS) that reflect turnaround times. ➤ Tribunal press release lists. 		

Outcome Transparent, Accountable and Sustainable Entity	
Method of Calculation/ Assessment	Percentage of press releases issued for final prohibited practice decisions issued by the Tribunal = $(a/b) \times 100$ Where: a = total number of final prohibited practice decision press releases issued during the delivery period, b = total number of final prohibited practice decisions issued during the delivery period.
Means of Verification	<ul style="list-style-type: none"> ➤ Quarterly Communications Reports ➤ extracts quarterly reports from QlikView ➤ Data reflected on QlikView (originally captured on CMS), and source document reviewed to verify data against source document and ensure accuracy. ➤ Registry Administrator will contact the staff member required to input missing data or make corrections on CMS. ➤ Errors and corrections that affect prior period reporting are communicated to Registrar/COO via email. ➤ Quarterly Communications Reports reviewed by COO on quarterly basis and signed off as proof of review. ➤ Quarterly Communications Manager and Registry Administrator complete the performance information report using QlikView reports as the basis for data collection. Same process as above followed annually thus providing further opportunity to review quarterly information. ➤ Performance Information reports and Quarterly Communications Reports reviewed and verified by COO and signed off as proof of review. ➤ One file maintained for an entire financial year and therefore no risk of duplication of source documents which can lead to inaccuracies in data capturing. In addition, same source documents are used for quarterly and annual review.
Assumptions	The Tribunal has been issuing press releases for final merger decisions for many years within stipulated timeframes and therefore if all systems, processes and procedures are maintained the outcome will be achieved, pending the finalisation of confidentiality claims.

Outcome		Transparent, Accountable and Sustainable Entity			
Disaggregation of Beneficiaries (where applicable)	N/A				
Spatial Transformation (where applicable)	N/A				
Calculation Type	Percentage				
Reporting Cycle	Quarterly and annually				
Desired performance	The target is met or exceeded				
Indicator Responsibility	Communications Manager				
Baseline	2020/21	2021/22	2022/23	2023/24*	
*Estimated performance	71%	0%	100%	90%	
Annual Targets	2024/25		2025/26		
	90%		90%		
			2026/27		
			90%		

10.3 Governance

Outcome Transparent, Accountable and Sustainable Entity	
11. Indicator Title	Percentage of prior financial year audit (internal and external) findings resolved in terms of agreed timelines with auditors.
Definition	The Tribunal will report on the number of audit findings made in the prior year and then report on the number resolved in terms of the agreed timelines with auditors.
Source of data	<ul style="list-style-type: none"> ➤ Internal and external audit reports. ➤ Follow up audits. ➤ Internal and external audit findings tracker.
Method of Calculation / Assessment	<p>Percentage of prior financial year audit findings resolved = $(a/b) \times 100$,</p> <p>Where:</p> <p>a = total number of internal and external audit findings in the current financial year,</p> <p>b = total number of internal and external audit findings made in the prior financial year.</p>
Means of Verification	<ul style="list-style-type: none"> ➤ Audit trackers maintained by the Tribunal verify progress made against audit findings. ➤ Follow up audit conducted annually by internal audit tests the documented action and indicates the number of prior period internal audit findings resolved. ➤ External audit in management report documents resolution of prior year audit findings.
Assumptions	The Tribunal has required processes in place to evaluate resolution of audit findings and progress is addressed in external/internal audits
Disaggregation of Beneficiaries (where applicable).	N/A
Spatial Transformation	N/A

Outcome		Transparent, Accountable and Sustainable Entity			
(where applicable)					
Calculation Type	Percentage				
Reporting Cycle	Quarterly and annually				
Desired performance	To have 100% resolution of internal and external audit findings.				
Indicator Responsibility	Head of Finance and COO				
Baseline	2020/21	2021/22	2021/22	2022/23	
*Estimated performance	100%	100%	100%	100%	
Annual Targets	2023/24*	2024/25	2025/26		
	100%	100%	100%		

Outcome		Transparent, Accountable and Sustainable Entity	
12. Indicator Title	Audit Outcome.		
Definition	This performance indicator measures the extent to which the Tribunal has adequate and effective controls in place to avoid material findings.		
Source of data	<ul style="list-style-type: none"> ➤ Findings reflected in internal and external audit reports. ➤ Procurement documentation (RFQ's/RFP's) 		

Outcome		Transparent, Accountable and Sustainable Entity			
Method of Calculation / Assessment	Target not calculated. Qualitative statement but value of material findings will be reflected				
Means of Verification	<ul style="list-style-type: none"> ➤ Value can be verified in GL in Pastel accounting system. ➤ Final audit report by Auditor-General. 				
Assumptions	All applicable policies and procedures will be followed in order to prevent findings of this nature.				
Disaggregation of Beneficiaries (where applicable)	N/A				
Spatial Transformation (where applicable)	N/A				
Calculation Type	Target not calculated but value of material findings can be determined.				
Reporting Cycle	Annual				
Desired performance	To meet the target				
Indicator Responsibility	Procurement Officer, Head of Finance, CFO and COO				
Baseline	2020/21	2021/22	2022/23	2023/24*	
*Estimated performance	No findings	No findings	No findings	Unqualified audit opinion	
Annual Targets	2024/25	2025/26	2026/27		
	Unqualified audit opinion	Unqualified audit opinion	Unqualified audit opinion		

10.4 Financial management

Outcome Transparent, Accountable and Sustainable Entity	
13. Indicator Title	Percentage of expenditure against budget.
Definition	Actual expenditure against budget is measured. It may not be possible to spend 100% of the budget (given factors outside the Tribunal's control, e.g. the budget is based on an estimate of case load. This however provides guidance for future budget preparation and focus areas.
Source of data	<ul style="list-style-type: none"> ➤ Approved budget ➤ Expenditure against budget ➤ Pastel accounting system
Method of Calculation / Assessment	<p>Actual expenditure for the financial year expressed as a percentage of approved annual budget = $(a/b) \times 100$</p> <p>Were</p> <p>a = actual expenditure incurred for the financial year under review,</p> <p>b = approved budget for the financial year under review,</p> <p>Can be expressed inclusive of capital expenditure and exclusive of capital expenditure.</p>
Means of Verification	<ul style="list-style-type: none"> ➤ Monthly, quarterly and annual financial statements that reflect both expenditure and approved budget. ➤ Pastel accounting system contains all figures that are captured into the financial system.
Assumptions	<ul style="list-style-type: none"> ➤ The Tribunal has, in the past, not spent its entire budget and therefore does not anticipate a 100% spend. ➤ Accurate calculation is dependent on a system and processes that are accurate and updated regularly
Disaggregation of Beneficiaries (where applicable)	N/A.
Spatial Transformation (where applicable)	N/A.
Calculation Type	Percentage.

Outcome					Transparent, Accountable and Sustainable Entity				
Reporting Cycle	Quarterly and annually								
Desired performance	To meet or exceed the target but not to be more than 100% of budget								
Indicator Responsibility	Head of Finance and COO								
Baseline	2020/21		2021/22		2022/23		2023/24*		
*Estimated performance	-9 %		-10%		-10%		90%		
Annual Targets	2024/25				2025/26		2026/27		
	90%				90%		90%		

Outcome		Transparent, Accountable and Sustainable Entity	
14. Indicator Title	Percentage of expenditure on B-BBEE suppliers		
Definition	80% of expenditure spent on suppliers between the B-BBEE levels 1-4, excluding dtic office rental, 20% of which will be on women, youth or PWDs.		
Source of data	Quarterly reports compiled by the Finance Division		
Method of Calculation / Assessment	<p>Actual expenditure on B-BBEE suppliers for the financial year expressed as a percentage of total expenditure on suppliers= (a/b) x 100</p> <p>Were</p> <p>a = actual expenditure on B-BBEE suppliers incurred for the financial year under review,</p> <p>b = total expenditure on suppliers incurred for the financial year,</p> <p>Can be expressed inclusive of capital expenditure and exclusive of capital expenditure.</p>		
Means of Verification	Quarterly reports send to the dtic		

Outcome		Transparent, Accountable and Sustainable Entity			
Assumptions	➤ The Finance Division to collect and analyse the relevant data and complete the quarterly report.				
Disaggregation of Beneficiaries (where applicable)	N/A				
Spatial Transformation (where applicable)	N/A				
Calculation Type	Percentage				
Reporting Cycle	Quarterly and annually				
Desired performance	To meet the target				
Indicator Responsibility	CFO, COO				
Baseline	2020/21	2021/22	2022/23	2023/24	
*Estimated performance		4 Quarterly reports sent to the dtic		70% of expenditure spent on suppliers between the B-BBEE levels 1-4, excluding dtic office rental, 20% of which will be on women, youth or PWDs.	
Annual Targets	2024/25	2025/26	2026/27		
	80% of expenditure spent on suppliers between the B-BBEE levels 1-4, excluding dtic office rental, 20% of which will be on women, youth or PWDs.				

Outcome		Transparent, Accountable and Sustainable Entity			
15. Indicator Title	Percentage of expenditure on EME suppliers.				
Definition	30% of expenditure spent on suppliers that are classified as EME enterprises, excluding dtic office rental.				
Source of data	Quarterly reports compiled by the Finance Division				

Outcome Transparent, Accountable and Sustainable Entity	
Method of Calculation / Assessment	<ul style="list-style-type: none"> Actual expenditure on EME suppliers for the financial year expressed as a percentage of total expenditure on suppliers= (a/b) x 100 <p>Were</p> <p>a = actual expenditure on EME suppliers incurred for the financial year under review, b = total expenditure on suppliers incurred for the financial year, Can be expressed inclusive of capital expenditure and exclusive of capital expenditure.</p> <ul style="list-style-type: none"> Measured at end of quarter and annually
Means of Verification	Quarterly reports send to the dtic
Assumptions	➤ The Finance Division to collect and analyse the relevant data and complete the quarterly report.
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A
Calculation Type	Percentage
Reporting Cycle	Quarterly and annually
Desired performance	To meet the target

Outcome		Transparent, Accountable and Sustainable Entity			
Indicator Responsibility	CFO, COO				
Baseline	2020/21	2021/22	2022/23	2023/24*	
*Estimated performance	New indicator	New indicator	New indicator	30% of expenditure spent on suppliers that are classified as EME suppliers.	
Annual Targets	2024/25	2025/2026	2026/27		
	30% of expenditure spent on suppliers that are classified as EME suppliers.	30% of expenditure spent on suppliers that are classified as EME suppliers.			

10.5 Transformation, Human capital development and training

Outcome		Transparent, Accountable and Sustainable Entity	
16. Indicator Title	Percentage staff retention.		
Definition	Monitoring that the retention rate remains at an acceptable level (the target) and therefore ensures that the Tribunal is adequately capacitated to provide technical and administrative support to the adjudication process.		
Source of data	<ul style="list-style-type: none"> ➤ Tribunal's payroll system ➤ Summary reports compiled by the HR Manager 		
Method of Calculation / Assessment	Percentage of staff = $(a/b) \times 100$ Where: a = total headcount of existing full-time staff at start of quarter		

Outcome		Transparent, Accountable and Sustainable Entity			
	b = total headcount of full-time staff at end of quarter <ul style="list-style-type: none"> Measured at end of quarter and year to date 				
Means of Verification	<ul style="list-style-type: none"> ➤ Head count of full-time staff vs funded posts ➤ Compensation of employee's budget ➤ Approved structure ➤ Summary reports by the HR Manager 				
Assumptions	<ul style="list-style-type: none"> ➤ The Tribunal has sufficient budget allocated for the funded secretariat positions. ➤ That optimal capacity exists through a low vacancy rate. 				
Disaggregation of Beneficiaries (where applicable)	N/A				
Spatial Transformation (where applicable)	N/A				
Calculation Type	Non-Cumulative (simple count)				
Reporting Cycle	Measured quarterly but report annually against target.				
Desired performance	To meet and not exceed the retention rate				
Indicator Responsibility	HR Manager				
Baseline	2020/21	2021/22	2022/23	2023/24*	
*Estimated performance	19.23%	12%	90%	80%	
Annual Targets	2024/25	2025/26		2026/27	
	80%	80%	80%	80%	

Outcome		Transparent, Accountable and Sustainable Entity			
17. Indicator Title	Percentage of staff training expenditure against total employee costs.				
Definition	The indicator measures the employee training expenditure as a percentage of total employee costs.				
Source of data	<ul style="list-style-type: none"> ➤ Tribunal's payroll system ➤ Summary reports compiled by the HR Manager ➤ Quarterly reports compiled by the Finance Division 				
Method of Calculation / Assessment	<ul style="list-style-type: none"> • Percentage of training expenditure = (a/b) x 100 Where: a = total training expenditure incurred for the quarter b = total employee cost expenditure incurred for the quarter Measured at end of quarter and annually				
Means of Verification	➤ Quarterly reports send to the dtic				
Assumptions	➤ The Finance Division to collect and analyse the relevant data and complete the quarterly report.				
Disaggregation of Beneficiaries (where applicable)	N/A				
Spatial Transformation (where applicable)	N/A				
Calculation Type	Numerical				
Reporting Cycle	Quarterly and annually				
Desired performance	To meet the target				
Indicator Responsibility	COO				
Baseline	2020/21	2021/22	2022/23	2023/24*	
*Estimated performance	New indicator	New indicator	New indicator	2%	
Annual Targets	2024/25	2025/26		2026/27	
	2%	2%		2%	

Outcome Transparent, Accountable and Sustainable Entity	
18. Indicator Title	Number of capacity building workshops for Case Managers and Tribunal members.
Definition	This performance indicates whether one capacity building workshop is held whereby Case Managers and Tribunal members receive the requisite training and focused on international trends in Competition law to expand their skills and increase their level of competency in their specific field.
Source of data	<ul style="list-style-type: none"> ➤ HR summary report compiled by HR Manager ➤ Training report completed by staff attending the workshop
Method of Calculation / Assessment	Simple count
Means of Verification	<ul style="list-style-type: none"> ➤ Training reports completed by delegates. ➤ Tribunal accounting system reflects transactions pertaining to conference attendance. ➤ Attendance register
Assumptions	<ul style="list-style-type: none"> ➤ The field of competition law is wide, complex and constantly evolving. Tribunal members and staff must be kept abreast of national and international developments in competition law and economics. ➤ Assumption that there are skilled and competent facilitators with knowledge of case law. ➤ Assumption that there are sufficient financial resources for the Tribunal to host such a workshop and cover all expected costs
Disaggregation of Beneficiaries (where applicable)	N/A
Spatial Transformation (where applicable)	N/A

Outcome					Transparent, Accountable and Sustainable Entity			
Calculation Type	Non-cumulative (simple count)							
Reporting Cycle	Quarterly and annually							
Desired performance	To meet the required target							
Indicator Responsibility	Head of Case Management							
Baseline	2020/21	2021/22	2022/23			2023/24*		
*Estimated performance	Removed due to COVID-19	100%	1 annual capacity building workshop			1 annual capacity building workshop		
Annual Targets	2024/25			2025/26		2026/27		
	1 annual capacity building workshop			1 annual capacity building workshop		1 annual capacity building workshop		

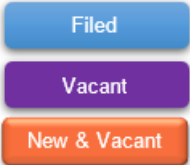
Outcome		Transparent, Accountable and Sustainable Entity	
19. Indicator Title	Number of interns provided with opportunities within the Tribunal		
Definition	This performance indicator measures the extent to which the Tribunal has provided work opportunities to at least two interns for the financial year.		
Source of data	<ul style="list-style-type: none"> ➤ Payroll system ➤ HR summary reports compiled by the HR Manager 		

Outcome		Transparent, Accountable and Sustainable Entity			
Method of Calculation / Assessment	Simple head count				
Means of Verification	<ul style="list-style-type: none"> ➤ Actual head count ➤ Signed offer and appointment letters. ➤ Signed contracts. ➤ Personnel expenditure against budget 				
Assumptions	<ul style="list-style-type: none"> ➤ Assumption that the candidates applying for the positions met the internship requirements. ➤ Assumption that the Tribunal has financial resources to employ these interns. ➤ Assumption that there is the required space and technological resources required to employ these interns 				
Disaggregation of Beneficiaries (where applicable)	N/A				
Spatial Transformation (where applicable)	N/A				
Calculation Type	Non-cumulative (simple count)				
Reporting Cycle	Measured Quarterly and Annually against target				
Desired performance	To meet the required target				
Indicator Responsibility	HR Manager				
Baseline	2020/21	2021/22	2022/23	2023/24*	
*Estimated performance	2	2	2	2	
Annual Targets	2024/25		2025/26	2026/27	
	2		2	2	

Outcome		Transparent, Accountable and Sustainable Entity		
20. Indicator Title	Percentage of employment equity representation of employees from the designated groups			
Definition	Maintain 75% of employment equity representation of employees from the designated groups.			
Source of data	➤ Quarterly HR reports compiled by the HR Manager			
Method of Calculation / Assessment	<ul style="list-style-type: none"> Percentage of employment equity representation of employees from designated groups = $(a/b) \times 100$ Where: a = total number of employees represented from designated groups for the quarter b = total number of employees for the quarter Measured at end of quarter and annually			
Means of Verification	➤ Quarterly reports completed and submitted to the dtic .			
Assumptions	➤ HR Manager collects and analyses the data and compiles a quarterly report.			
Disaggregation of Beneficiaries (where applicable)	N/A			
Spatial Transformation (where applicable)	N/A			
Calculation Type	Percentage			
Reporting Cycle	Quarterly report to the dtic but reported on annually.			
Desired performance	To meet the required target			
Indicator Responsibility	HR Manager, COO			
Baseline	2020/21	2021/22	2022/23	2023/24*
*Estimated performance	New indicator	1 report	85%	75%
Annual Targets	2024/25		2025/26	2026/27

Outcome	Transparent, Accountable and Sustainable Entity		
	75%	75%	75%

Annexure A: Structural Organogram¹⁶

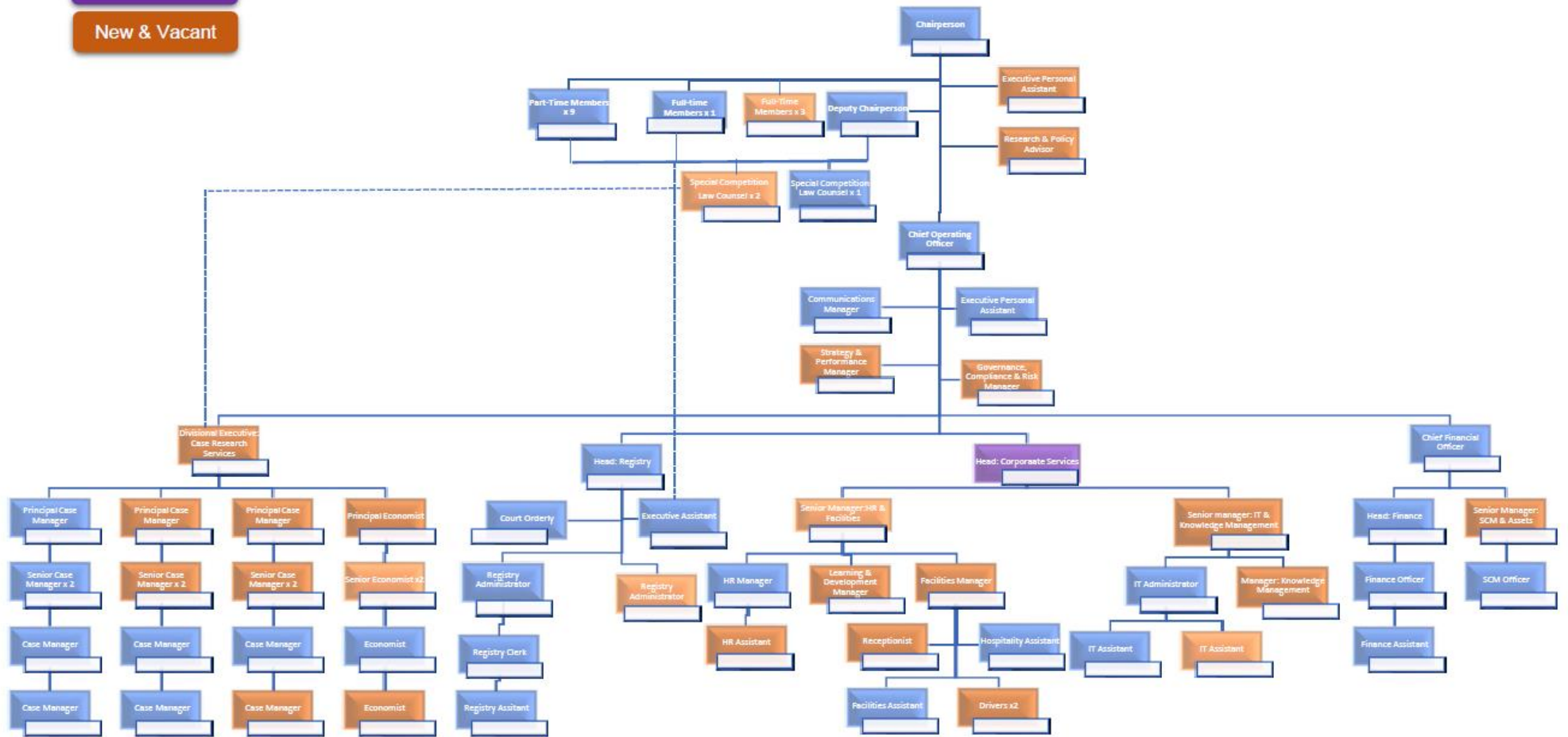


Tribunal structure – March 2023

Filled

Vacant

New & Vacant



Annexure B: Members of the Competition Tribunal

Chairperson

- Mondo Mazwai (BJuris, LLB), from 01 August 2019 to 31 July 2024 (first term as Chairperson)

Deputy Chairperson

- Liberty Mncube (M. Sc & PhD in Economics) from 1 February 2023 to 31 January 2028 (first term as Deputy Chairperson)

Full-time Members

- Andreas Wessels (BCom, BCom Hons, MCom (Economics)), from 01 August 2009 to 31 July 2024 (third term as full-time Member)
- Vacant- 3 x Members

Part-time Members

- Andiswa Ndoni (BProc, LLB, Post Graduate Diploma Business Management, Cert- Corporate Governance) from 01 August 2009 to 31 July 2024 (third term)
- Imraan Valodia (BCom Hons, MSc, DEcon) from 01 January 2013 to 31 January 2028 (second term)
- Fiona Tregenna (BA Hons, MA(Economics) and PhD- Economics,) from 01 September 2013 to 31 March 2024 (second term)
- Thando Vilakazi (BSc, MCom, PhD) from 01 August 2019 to 31 July 2024 (first term)
- Sha'ista Goga (BA & Masters in Economics) from 1 January 2022 to 31 January 2024 (acting part-time)
- Anisa Kessery (BProc, LLB) from 01 January 2024 to 31 December 2024 (acting part-time)

Annexure C: Competition Tribunal Secretariat

Office of the Chairperson

- 1) Vacant – Research & Policy Advisor (New)
- 2) Vacant - Executive Personal Assistant (New)
- 3) Vacant – Special Competition Law Counsel
- 4) Vacant - Special Competition Law Counsel (New)

Office of the COO

- 1) Lebohang Mabidikane- Chief Operating Officer (Appointed 8 January 2024)
- 2) Lufuno Ramaru - Executive Administrator (Chairperson, COO)
- 3) Gillian de Gouveia- Communications Manager
- 4) Vacant – Strategy & Performance Officer (New)

Case Management

- 1) Jabulani Ngobeni - Head of Case Management
- 2) Vacant - Principal Case Manager - Legal (New)
- 3) Vacant – Principal Case Manager – Economist (New)
- 4) Nomakhosi Mthethwa-Motsa - Senior Case Manager
- 5) Princess Ka-Siboto - Senior Case Manager
- 6) Moleboheng Mhlathi– Senior Case Manager (New)
- 7) Bobedi Seleke – Senior Case Manager
- 8) Theodora Michaletos - Case Manager
- 9) Juliana Munyembate – Senior Case Manager
- 10) Baneng Naape - Economist
- 11) Matshidiso Tseki – Senior Case Manager
- 12) Ofentse Motshudi – Case Manager
- 13) Sinethemba Mbeki – Case Manager
- 14) Leila Rafee - Economist

Registry

- 1) Tebogo Mputle- Head: Registry
- 2) Sibongile Moshoeshe- Registry Administrator
- 3) Themba Chauke- Registry Clerk
- 4) David Tefu- Court Orderly
- 5) Nkuli Mpepuka- Executive Assistant
- 6) Cyriel Mpaketsane- Registry Assistant

Corporate Services

- 1) Vacant – Head: Corporate Services
- 2) Vacant – Senior Manager: IT & Knowledge Management (New)
- 3) Bellah Kekana - Human Resources Manager
- 4) Sabinah Monareng - Facilities and Support Services Assistant
- 5) Maggie Mkhonto - Hospitality Assistant
- 6) Enos Sekhabi – Driver
- 7) Vacant – Receptionist (New)
- 8) Colin Venter - IT support and Network Administrator
- 9) Rendani Neswiswi - IT Assistant

Finance

- 1) Sherylee Moonsamy – Chief Financial Officer
- 2) Vacant- Head: Finance
- 3) Tumelo Kekana - Financial Officer
- 4) Ongezwa Dlulane- Financial Assistant
- 5) Patricia Froude- Procurement Officer

The approved organisational structure as reflected in Annexure A above will be phased in over the MTEF, and only ten of the new positions will be filled in 2024/25 financial year as reflected in the divisional staff list above. The rest of the positions will be filled in the outer years in line with the availability of funding.

Gender and Race Composition – full-time staff

Gender	Black	White	Asian	Total	Percentage
Male	7	1	1	9	33%
Female	12	3	3	18	67%
Total	19	4	4	27	100%
Percentage	70%	15%	15%	100%	

Annexure D: Historical Representation of Expenditure and Funding

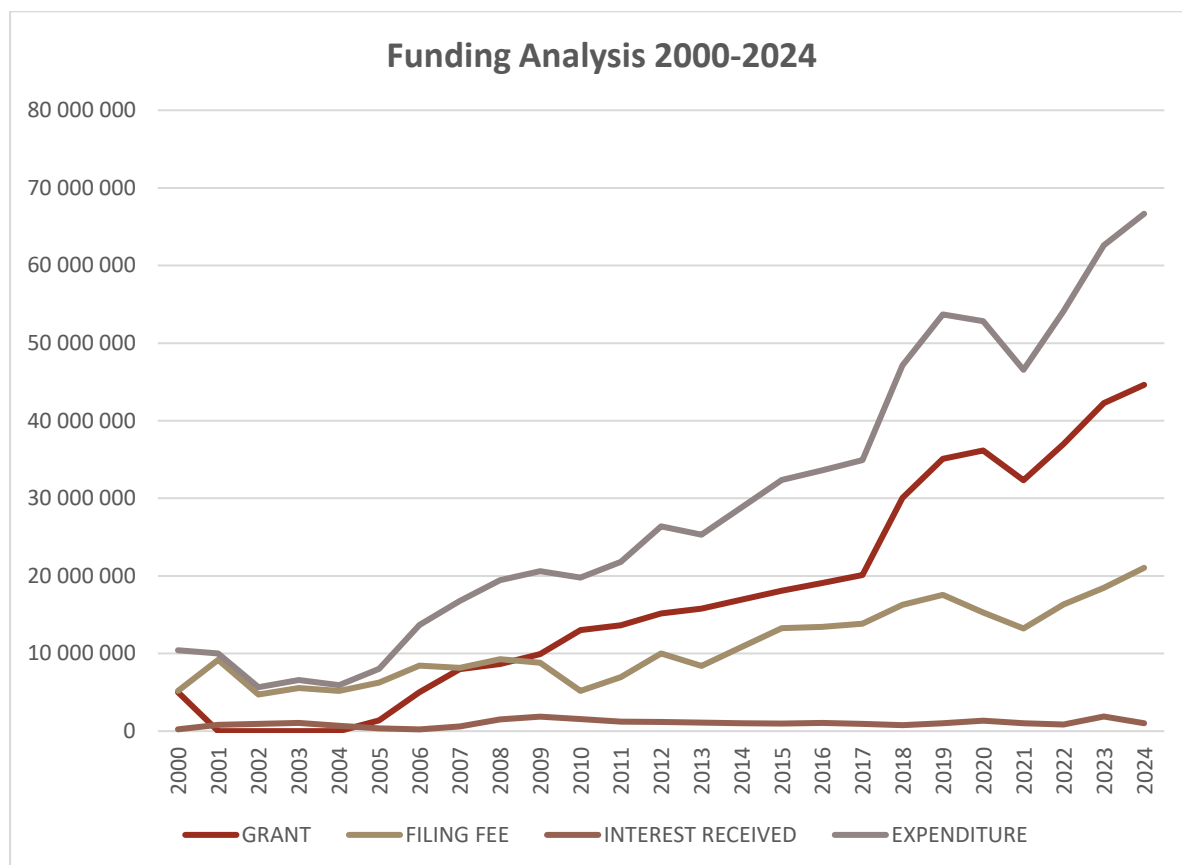


Figure 3 Representation of the Tribunal historical funding and expenditure

Annexure E: Statement of Financial Performance – MTEF December 2023

Statement of financial performance											
	Audited outcome	Audited outcome	Audited outcome	Approved budget	Average growth rate (%)	Expen- diture/ total: Average (%)	Medium-term estimate			Average growth rate (%)	Expen- diture/ total: Average (%)
R thousand	2020/21	2021/22	2022/23	2023/24	2020/21-2023/24		2024/25	2025/26	2026/27	2023/24 - 2026/27	
Revenue											
Tax revenue	-	-	-	-	-	-	-	-	-	-	-
Non-tax revenue	14,218	17,151	20,358	20,367	12.7%	32.3%	23,047	25,155	25,155	7.3%	36.5%
Sale of goods and services other than capital assets	13,208	16,310	18,472	19,367	13.6%	30.2%	21,047	23,155	23,155	6.1%	33.8%
Sales of goods and services produced by entity	13,208	16,310	18,472	19,367	13.6%	30.2%	21,047	23,155	23,155	6.1%	33.8%
<i>of which:</i>											
<i>Administrative fees</i>	13,208	16,310	18,472	19,367	13.6%	30.2%	21,047	23,155	23,155	6.1%	33.8%
<i>Sales by market establishment</i>	-	-	-	-	-	-	-	-	-	-	-
<i>Other sales</i>	-	-	-	-	-	-	-	-	-	-	-
Sales of scrap, waste, arms and other used current goods	-	-	-	-	-	-	-	-	-	-	-
<i>Other non-tax revenue</i>	1,010	841	1,886	1,000	-0.3%	2.1%	2,000	2,000	2,000	26.0%	2.7%
Transfers received	32,342	36,970	42,286	38,433	5.9%	67.7%	40,159	41,492	42,905	3.7%	63.5%
Total revenue	46,560	54,121	62,644	58,800	8.1%	100.0%	63,206	66,647	68,060	5.0%	100.0%
Expenses											
Current expenses	45,390	45,240	61,156	81,970	21.8%	100.0%	63,206	66,647	68,060	-6.0%	100.0%
Compensation of employees	30,256	29,535	37,824	41,082	10.7%	61.0%	43,456	48,139	47,696	5.1%	65.3%
Goods and services	14,141	14,722	22,377	39,890	41.3%	37.2%	18,711	17,425	19,232	-21.6%	33.2%
Depreciation	963	972	907	947	-0.5%	1.7%	987	1,029	1,075	4.3%	1.5%
Interest, dividends and rent on land	30	11	48	50	18.5%	0.1%	52	54	57	4.3%	0.1%
Transfers and subsidies	-	-	-	-	-	-	-	-	-	-	-
Total expenses	45,390	45,240	61,156	81,970	21.8%	100.0%	63,206	66,647	68,060	-6.0%	100.0%
Surplus/(Deficit)	1,170	8,881	1,488	(23,170)	-370.5%		-	-	-	-100.0%	

Annexure F: Summarised Three-Year Budget 2024/2025 – 2026/2027

CATEGORY	ADJUSTED 2023/2024	2024/2025	2025/2026	2026/2027	TOTAL
REVENUE					
FILING FEES	19,367,220	21,046,708	23,154,599	23,154,599	67,355,906
GRANT	38,432,700	40,159,000	41,492,000	42,905,000	124,556,000
OTHER INCOME	-	-			-
INTEREST RECEIVED	1,000,000	2,000,000	2,000,000	2,000,000	6,000,000
TOTAL REVENUE	58,799,920	63,205,708	66,646,599	68,059,599	197,911,906
EXPENDITURE					
PERSONNEL	38,265,667	45,421,143	48,707,463	49,758,302	143,886,908
PT TRIBUNAL MEMBERS	5,300,000	4,000,000	4,000,000	4,000,000	12,000,000
TRAINING	1,751,760	500,000	500,000	500,000	1,500,000
CONFERENCE/SEMINARS	83,384	297,190	111,580	126,579	535,350
SHARED SERVICES CCSA	814,792	814,792	849,013	884,927	2,548,732
FACILITY FEE/LEASE	5,259,480	5,259,480	5,259,480	5,259,480	15,778,440
CONSULTING	86,911	90,587	94,419	98,413	283,420
LEGAL FEES	4,319	56,617	59,012	61,508	177,138
TRANSCRIPTION SERVICES	876,061	900,000	940,320	982,446	2,822,766
AUDIT EXPENSES	1,500,000	1,300,000	1,358,370	1,419,361	4,077,731
RECRUIT COSTS	119,341	41,006	42,740	44,548	128,294
ADMIN EXPENSES	699,747	855,288	891,466	929,175	2,675,929
DEPRECIATION	552,979	576,370	600,750	626,162	1,803,282
AMORTISATION	393,931	410,594	427,962	446,065	1,284,622
IT EXPENSES	2,495,426	2,500,000	2,605,000	2,715,192	7,820,192
REPAIRS/MAINTENANCE	31,317	32,641	34,022	35,461	102,125
APPEALS COURT	114,805	150,000	165,000	171,980	486,980
CAPITAL EXPENDITURE	450,000	-	-	-	-
TOTAL EXPENDITURE	58,799,920	63,205,708	66,646,599	68,059,599	197,911,906
SHORTFALL	0	(0)	(0)	(0)	(0)

Annexure G: Detailed One Year Budget - 2024/2025

CATEGORY	2024/2025	2024/2025% of Total expenditure
REVENUE		
FILING FEES	21,046,708	33%
GRANT	40,159,000	64%
OTHER INCOME	-	0%
INTEREST RECEIVED	2,000,000	3%
TOTAL REVENUE	63,205,708	100%
EXPENDITURE		
PERSONNEL	45,421,143	72%
PT TRIBUNAL MEMBERS	4,000,000	6%
TRAINING	500,000	1%
CONFERENCE/SEMINARS	297,190	0%
SHARED SERVICES CCSA	814,792	1%
FACILITY FEE/LEASE	5,259,480	8%
CONSULTING	90,587	0%
LEGAL FEES	56,617	0%
TRANSCRIPTION SERVICES	900,000	1%
AUDIT EXPENSES	1,300,000	2%
RECRUIT COSTS	41,006	0%
ADMIN EXPENSES	855,288	1%
DEPRECIATION	576,370	1%
AMORTISATION	410,594	1%
IT EXPENSES	2,500,000	4%
REPAIRS/MAINTENANCE	32,641	0%
APPEALS COURT	150,000	0%
CAPITAL EXPENDITURE	-	0%
TOTAL EXPENDITURE	63,205,708	100%

**Expected expenditure in year one*