



national consumer tribunal



ANNUAL REPORT 2020|21



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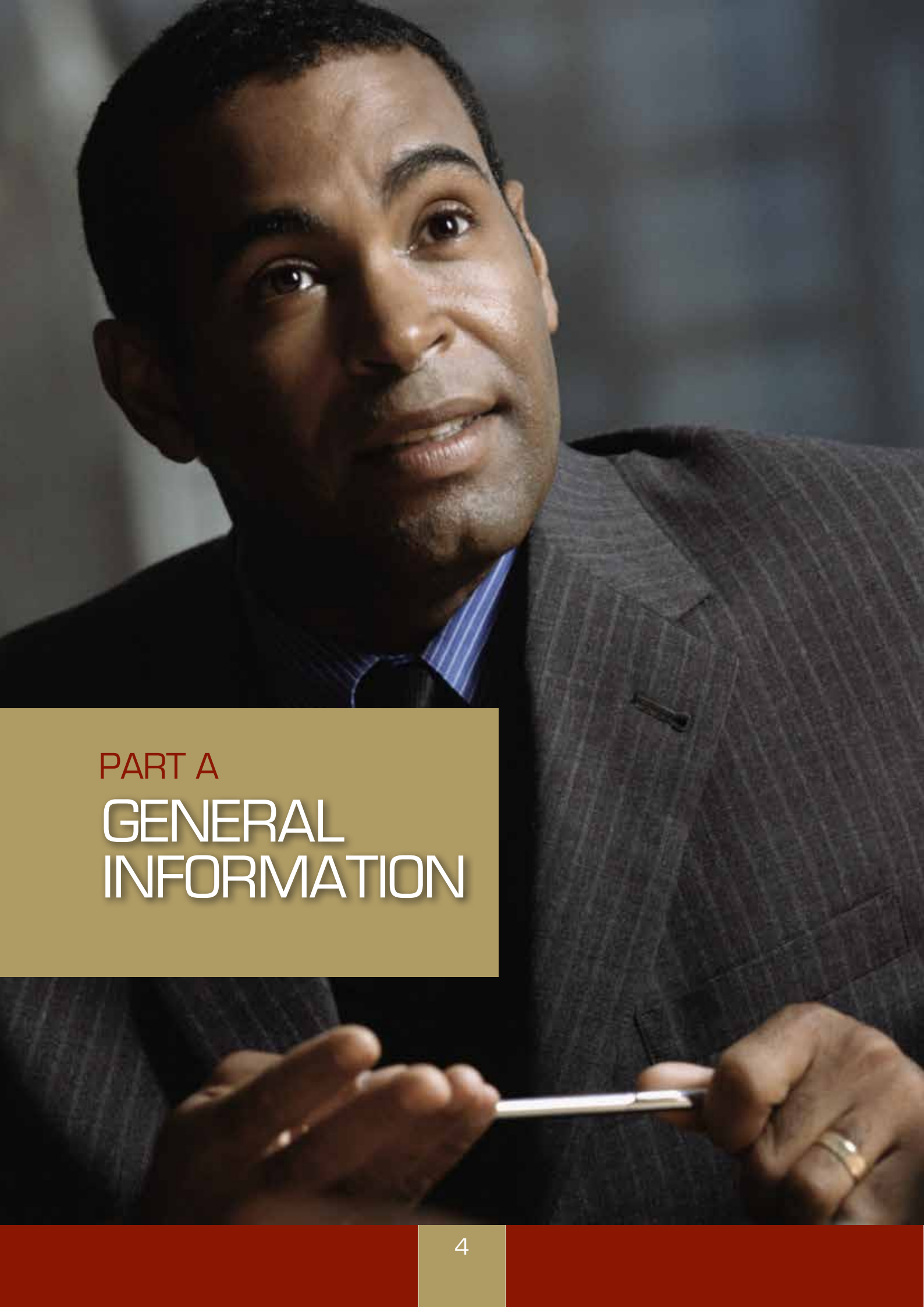
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## NCT TEAM





PART A

# GENERAL INFORMATION

# GENERAL INFORMATION

**REGISTERED NAME** National Consumer Tribunal (NCT or the Tribunal)

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0002

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**SECRETARY** Ms Lezel Buttner, NCT Secretariat and Compliance Specialist

# LIST OF ABBREVIATIONS/ACRONYMS

<b>AD</b>	African Dialogue	<b>KPI</b>	Key Performance Indicator
<b>ADR</b>	Alternative dispute resolution	<b>MoU</b>	Memorandum of Understanding
<b>AGSA</b>	Auditor-General of South Africa	<b>MPC</b>	Monetary Policy Committee (of the South African Reserve Bank)
<b>APP</b>	Annual Performance Plan	<b>MTEF</b>	Medium-Term Expenditure Framework
<b>BASA</b>	Banking Association South Africa	<b>NCA</b>	National Credit Act, Act No. 34 of 2005
<b>BIG</b>	Business Innovation Group	<b>NCAA</b>	National Credit Amendment Act, Act No. 19 of 2014
<b>CCMA</b>	Commission for Conciliation, Mediation and Arbitration	<b>NCC</b>	National Consumer Commission
<b>CCRD</b>	Consumer and Corporate Regulation Division	<b>NCR</b>	National Credit Regulator
<b>CFO</b>	Chief Financial Officer	<b>NCT</b>	National Consumer Tribunal
<b>CIO</b>	Chief Information Officer	<b>NERSA</b>	National Energy Regulator of South Africa
<b>CIPC</b>	Companies and Intellectual Property Commission	<b>NMU</b>	Nelson Mandela University
<b>CMS</b>	Case Management System	<b>NNR</b>	National Nuclear Regulator
<b>COBIT</b>	Control Objectives for Information and Related Technology	<b>OHS</b>	Occupational Health and Safety
<b>COO</b>	Chief Operating Officer	<b>PAJA</b>	Promotion of Administrative Justice Act, Act No. 3 of 2000
<b>CPA</b>	Consumer Protection Act, Act No. 68 of 2008	<b>PC</b>	Portfolio Committee
<b>CSE</b>	Corporate Services Executive	<b>PEO</b>	Public Entity Oversight
<b>CSI</b>	Corporate Social Investment	<b>PFMA</b>	Public Finance Management Act, Act No.1 of 1999
<b>CPI</b>	Consumer Price Index	<b>PMI</b>	Purchasing Managers Index
<b>DCASA</b>	Debt Counsellors Association of South Africa	<b>SADC</b>	Southern African Development Community
<b>DRA</b>	Debt Re-arrangement Application	<b>SAJEI</b>	South African Judicial Education Institute
<b>EAF</b>	Enterprise Architecture Framework	<b>SAN</b>	Storage Array Network
<b>ENE</b>	Estimates of National Expenditure	<b>SARB</b>	South African Reserve Bank
<b>EXCO</b>	Executive Committee	<b>SLA</b>	Service Level Agreement
<b>FMCG</b>	Fast-Moving Consumer Goods	<b>the dtic</b>	Department of Trade, Industry and Competition
<b>FTC</b>	Fair Trading Commission (Seychelles)	<b>UCT</b>	University of Cape Town
<b>GDP</b>	Gross Domestic Product	<b>UFH</b>	University of Fort Hare
<b>GRAP</b>	Generally Recognised Accounting Practice	<b>UP</b>	University of Pretoria
<b>HR</b>	Human Resources	<b>UWC</b>	University of the Western Cape
<b>ICT</b>	Information and Communications Technology		
<b>IMF</b>	International Monetary Fund		
<b>IoDSA</b>	Institute of Directors South Africa		
<b>IYM</b>	In-Year Management		
<b>King IV</b>	King Code of Governance Principles and King Report on Governance		
<b>KPA</b>	Key Performance Area		





## FOREWORD BY THE MINISTER

It is my pleasure to table the Annual Report of the National Consumer Tribunal (NCT) for the 2020/21 financial year. The Report sets out the performance information, governance report, human resources and financial information for the past financial year, a particularly challenging period for many public and private institutions due to the devastating effects of the Covid-19 pandemic.

The NCT had to manage increasing its service delivery amidst an unpredictable year-on-year influx in its caseload without compromising on the quality of service. It adjudicated a number of debt-arrangement applications and achieved its targets set for the year. For the ninth consecutive year, the NCT has achieved a clean audit.

As the society recovered from the first waves of the Covid-19 pandemic, the focus has shifted to economic recovery, in line with the Economic Reconstruction and Recovery Plan (ERRP). In the new financial year ending March 2022, every entity of **the dtic** has been requested to report on its contribution to South Africa's national development goals, with a focus on seven key areas, which are termed 'joint indicators'. In this way, the combined efforts of all public entities will begin to be aligned to the national priorities in a more explicit manner.

These cover the following joint key performance areas:

- **Joint Indicator 1:**  
Integrated Support to Drive Industrialisation (which includes the work on localisation and sector master plans as well as efforts to support beneficiation)
- **Joint Indicator 2:**  
Contribution to the development of an AfCFTA Export Plan

- **Joint Indicator 3:**  
Investment Facilitation and Growth
- **Joint Indicator 4:**  
Development Model and Spatial Equity to enable the impact of all public sector work to be measured and integrated at district level
- **Joint Indicator 5:**  
Actions to Promote Transformation
- **Joint Indicator 6:**  
The Green Economy and Greening the Economy
- **Joint Indicator 7:**  
Strengthening and Building a Capable State

In respect of building a capable state, for example, all public entities will be required to review their procedures, timeframes for delivery, forms to be filled in and public communication of services to simplify these, make processes expeditious where possible, remove unnecessary red-tape where these exist and make it easier for users to access services. The NCT will also, in line with the above, be strengthening its work further in the current financial year.

I wish to thank the leadership; panel of adjudicators (Tribunal Members), management and the entire staff of the organisation for their continued efforts to ensure that the NCT delivers on its mandate to protect South African consumers.

**Mr Ebrahim Patel**  
Minister of Trade, Industry and Competition  
Date



## OVERVIEW BY THE EXECUTIVE CHAIRPERSON

It is a pleasure to present the Annual Report and Audited Financial Statements of the National Consumer Tribunal (NCT) for the reporting year that ended on 31 March 2021, a year that was characterised by positive results, while it has not been without its fair share of challenges in the face of global economic uncertainty. The strong financial performance of the organisation will continue to provide future resilience, while the economy in South Africa and elsewhere further attempt to stabilise growth. The NCT, for its part, continues to play a strategic role by means of the consistent implementation of its mandate and good performance, which cumulatively add value to the Government's developmental priority of promoting and achieving sustainable livelihoods in our country.

This Annual Report encapsulates the performance of the NCT, in line with the goals and targets set out in the Annual Performance Plan and Five-Year Business Plan, and thus gives an account of the Tribunal's performance in line with its legislative mandate. It also provides a reflection on some of the key achievements and challenges experienced during the period under review.

During the period under review, the NCT carried over 12 935 Debt Rearrangement Applications (DRAs) from the 2019/2020 financial year and thus received 23 844 cases, a decrease of 1.18% compared to the previous financial year. In total, the Tribunal finalised 32 689 cases, carrying a balance of 4 090 into the 2021/2022 financial year.

In the face of the global move towards the Fourth Industrial Revolution (4IR), the increasing caseloads at the NCT over the years and the shrinking budget, we continue navigating the storms through the strategic use of Information Technology. This has gone a long way in optimising limited resources, while improving operational efficiencies. One of the milestones achieved during the period of review was the innovation brought about by a Tribunal Member in the expeditious adjudication of the DRA cases from 40 matters per day per Tribunal member to 80 cases per day per Tribunal member. This resulted in significant cost saving drive for the Tribunal and brought about great strides in efficiencies and finalising matters quicker than the required turn-around times.

The Tribunal members continue to adjudicate remotely, and electronically issue orders on DRA cases to applicants,

*“ As part of its Access Strategy to spread awareness of the services of the NCT to all areas, including the most remote, the NCT entered into agreements with five Thuisong centres located in municipalities. ”*

without travelling to the office. During the period under review, the whole world had been going through a pandemic known as Covid-19, which has forced many countries in the world to implement Lockdowns to curb the spread of the virus. Many people thus have had to work from home using virtual platforms to hold meetings. Similarly, South Africa has been in lockdown since the 27th of March 2020, just a few days before the beginning of this reporting period. We are happy to report that when the lockdown was announced, the NCT was ready with infrastructure to ensure that systems were in place to work remotely. When the lockdown came, 90% of the NCT staff could easily work from home and the disruption was thus minimal in terms of service delivery. We have also implemented the Working from Home Policy which has had a positive impact on our employees in cutting travelling costs, enjoying convenient workspace whilst avoiding the spread of the virus within the workplace and contributing to the promotion of green economy but printing less paper as most work is conducted electronically. Furthermore, the Tribunal has relocated all its employees into one office block instead of occupying two office blocks resulting from fewer employees being required to be physically present at the office. We also managed to maintain a staff retention rate of 95%. This meant stability in terms of expertise and institutional memory. In addition, to support government to address the scourge of youth unemployment in South Africa, the NCT managed to appoint 6 interns for a 12month period.

The year under review was not without certain challenges. The main one was the budgetary constraints that the organisation faced. During June 2020, the Tribunal had to return an amount to R6.4m from its allocated grant to the Department of Trade, Industry and Competition (dtic). In December 2020, a further amount of R1.2m also had to be returned. This put a huge strain on the three full-time Tribunal members to carry much more work (on opposed matters) as well as on the rest of the staff within the NCT. The impact of this was that some planned key activities, including training of Tribunal members, and some corporate social investment projects had to be

deferred to the new financial year. The budget saw a reduction in funding earmarked for staff development. The good news is that, notwithstanding such challenges, the NCT managed to meet its obligations, particularly to its staff and its major creditors. The new financial year will also see the NCT catching up on the caseload backlog that could not be completed due to budgetary constraints and was carried over.

The Tribunal subscribes to the principles of clean administration and, to that effect, maintains rigorous governance bodies, systems, and processes. As indicated, the NCT introduced various measures to reduce costs, particularly using technology for many of its key operations. It is in this way that fiscal prudence has been achieved. Regarding fiscal management, details are provided in the Audited Financial Statements. The organisation maintained the three full-time Tribunal members in addition to the Executive Chairperson.

The NCT has fully functioning governance committees, including the Audit and Risk Committee, Human Resources and Performance Management Committee and the ICT Governance Committee. They all met although, in some cases, meetings had to be postponed because of budgetary constraints. They were nevertheless able to carry out their responsibilities and their recommendations were either implemented or placed on an implementation plan.

The Tribunal received a clean audit during the period under review for the ninth consecutive time.

No instances of fraud were reported during the period under review.

In total, a set of 13 annual measurable objectives were set for the reporting period. Most of these were achieved by setting high standards for our staff, strict performance management for staff and Tribunal members and proactive identification of risks and addressing these with timeous implementation of appropriate action plans as well as corrective measures.

*“ The NCT has submitted a proposal to the Minister of Trade, Industry and Competition on handling the implementation of the National Credit Amendment Act No. 7 of 2019. ”*

Moreover, research continued to play a significant role in the execution of the mandate of the NCT.

The NCT has submitted a proposal to the Minister of Trade, Industry and Competition on handling the implementation of the National Credit Amendment Act No. 7 of 2019. This proposal will have huge financial and human resource implications but will go a long way in assisting more than 700 000 people who qualify for debt relief as our research has shown. There will thus be a huge need to hire more Tribunal members as well as administrative support staff to do the screening of applications. The NCT is also awaiting the promulgation of Regulations to give effect to the implementation of the National Credit Amendment Act of 2019.

The NCT also plans to continue an aggressive empowerment programme for its internal staff and external filers in terms of usage of its electronic systems as part of a change management programme. This is because the organisation continues with its digitisation strategy and enters a new paperless environment. In addition, digitisation always must be underpinned by a rigorous security system as the NCT works with confidential records of consumers, suppliers, and credit providers. The NCT will therefore continue to adopt regular security penetration testing, firewalling and configuration of anti-malware and anti-intrusion software. In this way, we will prevent security breaches as we have done in the period under review.

At the beginning of the financial year, the country entered a lockdown because of the Covid-19 pandemic. The pandemic has forced all sectors across the world to review their business models and redefine the notion of work and embrace a ‘new normal’. Indications are that even post Covid-19, the world of work will never be the same. The NCT will also be reviewing its business model, its staffing configuration and infrastructure needs. In a climate of economic hardships, this process will assist in reducing some of the overhead costs for the organisation. A Work from Home Policy has been developed for this purpose.

After the end of the financial year, one of the Tribunal’s part-time Tribunal Members, Ms. Maleho Nkomo sadly passed away as a result of Covid-19. The passing of

Ms. Nkomo will impact on the workload of the rest of the tribunal members until the Minister is in a position to appoint a new part-time Tribunal Member.

We acknowledge and appreciate the Honourable Minister of Trade, Industry and Competition, Mr. E. Patel, for his leadership and guidance to the NCT and providing the necessary resources under depressed fiscal conditions, for the Tribunal to execute its mandate. The NCT has almost to the point of his departure, been supported by then Director-General, Mr. Lionel October, and his teams at Consumer and Corporate Regulation Division (CCRD) led by Dr. Evelyn Masotja as well as the Public Entity Oversight (PEO) of the dtic led by Ms. Jody Scholtz and Ms Nontombi Matomela in an acting capacity. Their support is greatly appreciated.

Finally, a special word of gratitude goes to all Tribunal members, members of governance committees, the management team, permanent staff, interns and contractors for their commitment and diligence in ensuring that we execute our mandate efficiently. It is worth mentioning that the Full-Time Tribunal members found themselves under extreme workload pressure when the organisation experienced budget constraints in the middle of the financial year as they had to shoulder much of the adjudication. A slight alleviation of this pressure was in prioritising interlocutory matters, which are, by their very nature lighter than main matters. None of the achievements mentioned above would have been realised without the contribution of every person. The readiness with which the whole organisation embraced the effect of the lockdown is greatly appreciated, as such a reality will be with us for some time to come.



**Prof Joseph Mandla Maseko**  
Executive Chairperson  
National Consumer Tribunal  
31 July 2021

# STRATEGIC OVERVIEW

## VISION

“To be an impartial, professional and easily accessible adjudicative Tribunal, contributing to sound commercial relationships based on certainty, trust and justice between consumers and providers of goods, services and credit.”

## MISSION

“To be highly efficient, providing timely access, professional adjudication and equitable redress to consumers and providers of goods, services and credit in South Africa.”

## GUIDING PRINCIPLES

The NCT’s guiding principles define its approach to adjudication and are aligned and resonate closely with the NCT’s values. These legislative provisions require that it conducts its hearings in a manner that is Inquisitorial (within the cases of the parties); expeditious (where non-compliance with procedures may be condoned); informal; and in accordance with the principles of natural justice.

## VALUES

The NCT’s values define and shape its culture and guide how staff members interact, both internally and with external stakeholders. The NCT strives to meet the requirements of the Constitution of the Republic of South Africa (Act No. 108 of 1996), particularly Chapter 10 on Public Administration. This emphasises certain basic values and principles governing public administration and requires that public administration be governed by the democratic values and principles enshrined in the Constitution.

The NCT’s values are:

1. **Integrity:** Valuing justice, being ethical and truthful, acting impartially, without fear or favour, in all adjudications and interactions with our stakeholders;
2. **Accessibility:** Being known and available to serve our mandate, digitally or face-to-face in all parts of our country; Responding to applications and requests for information appropriately, in a timely manner; Being open to new ideas, taking the time to listen and understand our stakeholders’ needs and expectations; Communicating clearly in simple language;
3. **Accountability:** Being open and transparent; Clearly communicating the basis upon which decisions are made; Accepting personal and collective responsibility for our actions and the consequences of our actions;
4. **Respect:** Considering and valuing the diverse views of others as well as their important contribution as stakeholders; Treating others in ways that promote dignity and sense of self-worth;
5. **Reliability:** Delivering on our commitments and promises- doing what we say we will do, when we say we will do it; and
6. **Innovation:** Never being satisfied with the status quo; Utilising our intelligence and digital expertise to continuously deliver greater value, greater efficiency and more relevant services; Collaboratively harnessing the power of technology to deliver on the greater good.

## KEY VALUE DRIVERS

The NCT’s key value drivers are the specific performance areas in which it is assessed for performance, both internally and by all stakeholders.

The following key value drivers were determined for the 2020/ 21 financial year:

1. To be an ethical and people-oriented organisation;
2. Be service oriented, expeditious and easily accessible;
3. Be bold pioneers and thought leaders;
4. Create a safe, secure and enabling working environment; and
5. Provide learning and future employment opportunities for our people, especially the youth.

## STRATEGIC OUTCOME-ORIENTED GOALS

After carefully assessing its strategic and operating environments, the following strategic outcome-oriented goals were identified by the NCT:

1. Effectively, efficiently and intelligently manage and adjudicate on matters brought to the NCT;
2. Contribute to effective and accessible Consumer regulation and adjudication;
3. Ensure effective and efficient Organisational Management; and
4. Digitally enable and transform the NCT.

These goals provide a clear direction to the NCT's work, and each goal is supported by specific objectives that are, in turn, supported by projects and/ or activities that are detailed in the operational plans of the organisation.

## LEGISLATIVE AND OTHER MANDATES

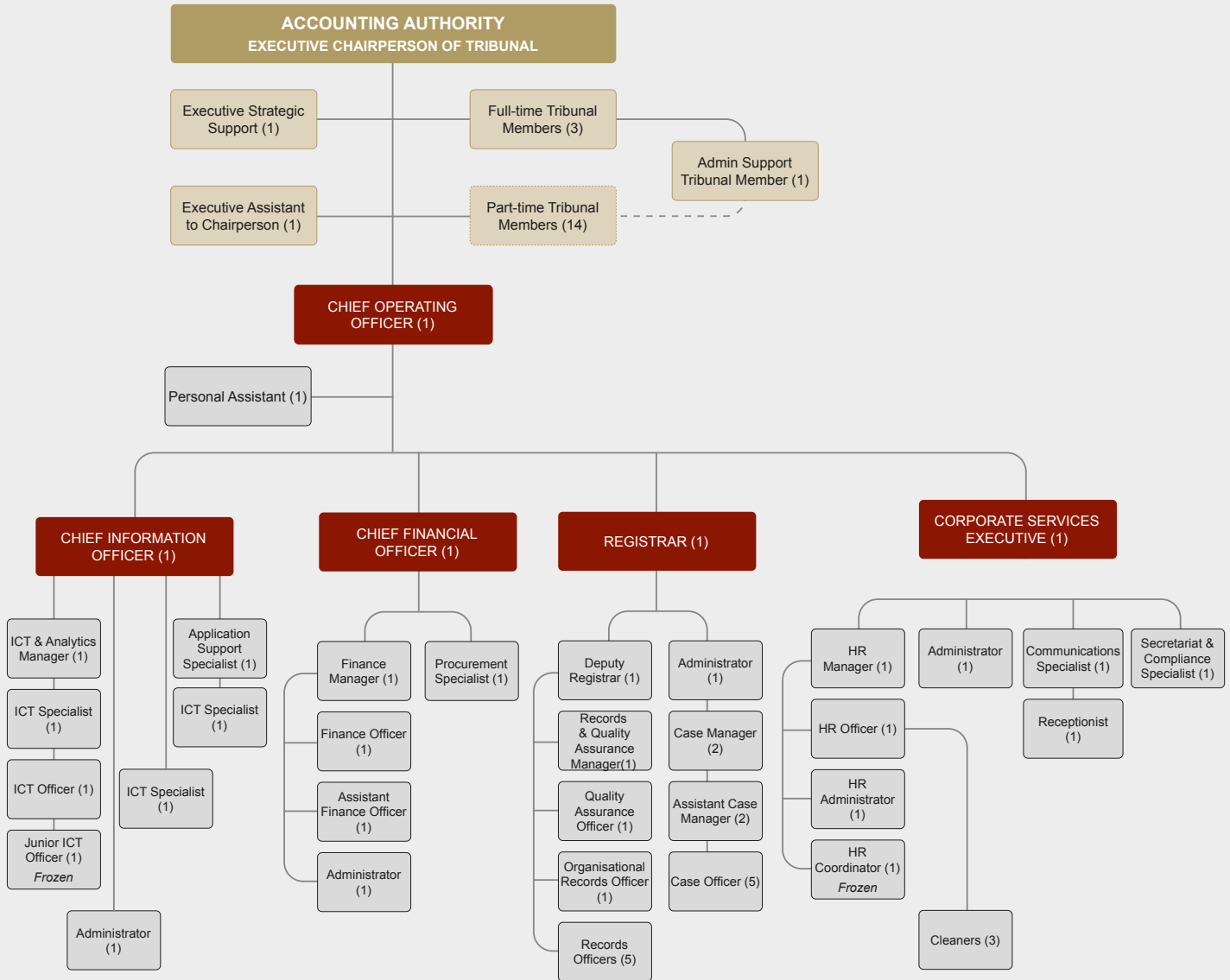
The NCT is an independent adjudicative entity which derives its mandate from the National Credit Act, Act No. 34 of 2005 (NCA) and the Consumer Protection Act, Act No. 68 of 2008 (CPA). It is classified as a Schedule 3A entity in terms of the Public Finance Management Act, Act No.1 of 1999 (PFMA).

The NCT, by means of its adjudicative mandate and its consideration of matters of prohibited conduct and fair business practice, plays a significant role in upholding and preserving the principles enshrined in the Bill of Rights. Specifically, the NCT has a direct impact on the following areas within the Constitution of the Republic of South Africa under the Bill of Rights:

- Sub-section 32: Access to information – The NCT is accessible to all consumers and businesses, thereby playing a significant role in ensuring that parties have the right to access to information;
- Sub-section 33: Just administrative action – The NCT ensures that it hears both sides of a dispute and that it issues reasons for its decisions; and
- Sub-section 34: Access to Courts – Through the adjudication process, the NCT ensures that all consumers have access to Courts.

# ORGANISATIONAL STRUCTURE

The organisational structure of the NCT as at 31 March 2021 was as follows



### VACANCIES AS AT 31 MARCH 2021

- Finance Manager
- Corporate Services Executive
- Corporate Services Administrative Officer
- Case Officer
- Assistant Case Manager
- HR Co-ordinator (frozen)
- Junior ICT Officer (frozen)
- ITC Specialists (x3)
- Records Officer



**PART B**  
**PERFORMANCE  
INFORMATION**



## EXTERNAL AUDITORS REPORT: PREDETERMINED OBJECTIVES

The External Auditors currently oversee the necessary audit procedures on the NCT's performance information so as to provide reasonable assurance in the form of an audit conclusion. The audit conclusion on the performance against predetermined objectives is included in the Report to Management, with material findings reported under the rubric of Predetermined Objectives heading in the section entitled Report on other Legal and Regulatory Requirements of the Auditor's Report.

Refer to page 72 to 75 of the External Auditors' Report, published under Part E: Financial Information.



# SITUATIONAL ANALYSIS

## SERVICE DELIVERY ENVIRONMENT

This is the first financial year, in which most countries in the world have classified as a very difficult financial year. This is due to the Covid-19 pandemic that has ravaged most global markets, including South Africa. Please see the table below for some examples of how negatively the annual GDP growth rates were affected in the financial year 2020/2021.

Table 1: Comparative Table of the Gross Domestic Product Annual Growth Rates for 2019 and 2020

COUNTRY	2020 GDP GROWTH RATE	2019 GDP GROWTH RATE
United States	-3.51%	2.16%
China	2.27%	6.73%
Japan	-4.80%	0.70%
South Africa	-6.96%	0.15%
United Kingdom	-9.92%	1.43%
Australia	-2.44%	1.95%
Brazil	-4.06%	1.78%
India	-7.97%	4.04%
Germany	-4.90%	0.56%
Nigeria	-1.79%	2.21%

In the situational analysis of our last financial year, 2019/2020, our focus was mainly on the US and China as the countries where Covid-19 was the major problem. Things quickly changed all over the world over the course the first four months of 2020 as Covid-19 infections spread to all continents and countries. South Africa moved from having not a single officially recorded Covid-19 positive case up to the end of February 2020 to a situation where, on the 15th of March 2020, President Cyril Ramaphosa officially placed the country into a national state of disaster in terms of the Disaster Management Act, 57 of 2002, to control the spread of the Covid-19 pandemic.

Everything happened very fast after the 5th of March 2020 when the very first Covid-19 positive case was officially registered in South Africa. Many South African citizens realised just how serious things were in the country when, on the 22nd of March 2020, President Ramaphosa further announced the adoption of the national lockdown measures, which effectively shut down most businesses in South Africa with most consumers being confined to their home. This was bound to negatively affect the South African economy and to increase joblessness in South Africa. These national lockdown measures came into effect on Friday the 27th of March 2020.

South Africa officially has the highest reported number of infections on the African continent, with a cumulative

1 548 157 reported Covid-19 positive cases by 31 March 2021. However, the recovery rates are very high at 94 percent, and the cumulative Covid-related deaths stood at only 52 846 as of 31 March 2021.

The decision by Moody's International credit rating agency to downgrade South Africa sovereign to the sub-investment grade (popularly known as junk status) on the 27th of March 2020 compounded the country's economic woes, especially because it was by then the only one of the top three international credit rating agency not to have downgraded South Africa to junk status.

The economic factors raised above all painted a very bleak economic picture at the start of this financial year 2020/21. This continued for most of the financial year, despite some occasional relaxation of the Covid-19 alert levels during the financial year. The aggregate demand for consumer credit therefore slightly reduced from about 25.1 million credit-active consumers in 2019 to about 23 million credit-active consumers during 2020, because most retailers battled to maintain appropriate store traffic as the national lockdown measures, including social distancing, kept most consumers at home. There was less business activity for most sectors in the Fast-Moving Consumer Goods (FMCG) markets. The direct implication of this is that we do expect that the Tribunal had relatively fewer new cases this financial year 2020/21 than it had the previous financial year 2019/21.

There were some positive economic factors in the gloomy Covid-19 environment:

- The low business activity levels, both nationally and globally, resulted in lower inflation rates. The South African Consumer Price Index (CPI), has comfortably remained within the 3–6 official target inflation rate range for the duration of this financial year.
- This saw the South African Reserve Bank reducing the Repo rate by more than 300 basis points in less than one year, from 6.5 percent in July 2019 to 3.5 percent for most of this financial year, 2020/21.
- The lower CPI and Repo rate figures helped the South African consumers because they kept their cost of living within the affordable range.
- Despite the Repo rate being relatively low in South Africa, it is still relatively higher when compared to the interest rates in most comparable stable economies globally. This made South Africa an attractive investment destination for most global investors looking for quick higher real interest rates and/or bond yields; this has been very positive for the value of the Rand this financial year.

The Rand foreign exchange levels against the three major foreign currencies we track were as follows at random stratified intervals:

Table 2: Rand foreign exchange levels against three major foreign currencies

	RAND/ US DOLLAR	RAND/ UK POUND	RAND / EUROPEAN EURO
1 April 2020	17.92	22.18	19.75
1 July 2020	17.30	21.43	19.43
1 October 2020	16.60	21.30	19.49
4 January 2021	14.54	19.91	17.83
31 March 2021	14.92	20.48	17.47

The healthy state of the South African Rand did help contain the inflation rate in the country. However, the higher unemployment rates – it rose from an average of 28.18 percent in 2019 to an average of over 31 percent in 2020 – meant less disposable income.

According to information available from Consumer Watch, in October 2019, South Africa currently has about 25.1 million credit-active consumers, but recent estimates from other sources point to consumer-active consumers decreasing to about 23 million in 2020. However, it is doubtful that the credit status of most credit-active consumers would be far different from the picture painted by Consumer Watch in October 2019:

- More than 40.8 percent of these have impaired records;
- About 23 percent of them are at least three or more in arrears;
- About 12.7 percent have adverse listings against their names; and
- About 5.1 percent have judgments and administration orders against them.

It is thus expected that the number of both new ordinary Tribunal cases and the new Debt-Rearrangement Orders applications lodged this financial year will be relatively fewer than those lodged in the previous years. This will not necessarily mean consumers had less to complain about this financial year; the lower numbers simply reflect the reduced business activity in this financial year, primarily due to the Covid-19 pandemic.

## ORGANISATIONAL ENVIRONMENT

During the period under review, the NCT carried over 12 935 debt re-arrangement applications (DRAs) from the 2019/ 20 financial year and thus received 23 844, a decrease of 1,18% compared to the previous financial year. In total, it finalised 32 689 cases carrying a balance of 4 090 into the 2021/ 22 financial year.

In order to manage the unpredictability of the caseload, the Tribunal engaged several strategies. These strategies included collaboration with various stakeholders for better coordination and ensuring that it only dealt with cases within its purview. In addition, the Tribunal enhanced its digital strategy and ICT interventions. A screening process that was introduced during the 2017/18 financial year for non-DRAs continued yielding positive results. In terms of this process, only cases that meet the requirements of the Tribunal's rules were taken by means of the various steps to ensure optimised utilisation of the Tribunal's resources focused only on the work that in fact falls within its ambit.

During the reporting period, some of the Governance Committees of the NCT were resourced with new members since the former members completed their terms. The Committees continued to operate effectively. The overall operations of the NCT were strengthened by means of the establishment of various operational committees.

## KEY POLICY DEVELOPMENTS AND LEGISLATIVE CHANGES

### THE NATIONAL CREDIT AMENDMENT ACT

The passing of The National Credit Amendment Act, Act No. 7 of 2019 ("NCAA 7 of 2019") provides for the NCT to play an important adjudicative role in debt relief for consumers. The new amendments within this legislation introduce elements of law regarding the similar kind of insolvency regulations found in the United Kingdom. Generic insolvency matters have in the past been exclusively processed by the High Court at high costs to applicants. With the new amendments, overindebted low- and no-income earners, as well as those who have no assets, have access to lawful state-funded insolvency processes if they meet specific, laid down criteria.

### AMENDMENTS TO THE RULES OF THE TRIBUNAL<sup>1</sup>

During the reporting period, there were no amendments to the Rules of the Tribunal that affected its operations.

<sup>1</sup> Regulations for matters relating to the functions of the Tribunal and Rules for the conduct of matters before the National Consumer Tribunal, 2007, as amended ('the Rules of the Tribunal').

# PROGRESS TOWARDS ACHIEVEMENT OF INSTITUTIONAL IMPACTS AND OUTCOMES

The overall impact that the NCT seeks to achieve reads: *“Legislative compliance, equity and fairness in consumer and credit transactions in South Africa”*. In an unequal society where the relative power of consumers is not equal to that of providers of commercial services, especially credit, a comprehensive legislative framework and an equitable, accessible adjudicative process are essential to equity and fairness.

**Adjudication** on the cases referred to is the singular role and purpose of the NCT, as detailed in its Vision and Mission set out in part A of this Annual Report.

Measuring legislative compliance, equity and fairness are however extremely difficult. It must be understood that the NCT alone does not deliver this impact. It is delivered within the context of an open regulatory and commercial system where the behaviour of different players, the performance of the economy, the cultural attributes of citizens and so forth all combine with the adjudicative ability of the NCT to deliver the ultimate impact. Measuring the NCT’s impact in this regard is difficult due to the multi-dimensional nature of causes of impact. Isolating the impact of the NCT is impossible without the development and validation of complex econometric models, the cost of which is currently outside the NCT’s financial wherewithal. The NCT does not control its primary inputs, in particular the number of cases it is required to adjudicate on and its budget allocation. The broader regulatory ecosystem provides the NCT with the cases it is required to adjudicate on, and its budget is ultimately decided at a national level.

The NCT therefore makes use of indicators to measure the quality of its service delivery (that is, turnaround times of DRA’s, non-DRA’s and number of cases overturned) to best ascertain impact. The NCT is able to control its service delivery by means of the development and deployment of unique capabilities and a focus on organisational innovation and re-invention over time. It is these measures that are within its control (subject to receiving sufficient finances from the fiscus) that the NCT measures as part of its strategic goals.

## STRATEGIC OUTCOME-ORIENTED GOALS

Each of the NCT’s strategic goals is supported by specific objectives that are, in turn, supported by projects and/or activities detailed in the operational plans of the organisation. The following strategic goals were identified for the reporting period:

1. To effectively, efficiently and intelligently manage and adjudicate on matters brought to the NCT;
2. To contribute to effective and accessible Consumer regulation and adjudication;
3. To ensure effective and efficient organisational management; and
4. To digitally enable and transform the NCT.

## STRATEGIC OBJECTIVES

The NCT bases its performance on its legislative mandate as set out in the NCA and CPA as well as its Annual Performance Plan (APP) 2020/21-2022/23 and Strategic Plan 2020/21-2024/25. Performance targets and the budget for the year are based on these plans and are informed by the Business Plan.

The following strategic objectives were set for 2020/21:

- To expedite service delivery through the expeditious finalisation of complete debt re-arrangement applications;
- To expedite service delivery through the expeditious finalisation of non-DRA applications and referrals;
- To ensure that the NCT decisions are substantially and procedurally correct;
- To ensure cooperation and partnership amongst external stakeholders through ongoing engagement;
- To ensure that the NCT is increasingly accessible to the people of South Africa;
- To ensure that the Tribunal has adequate human resources to deliver in accordance with its mandate;
- To enhance operational efficiency by implementing an enabling ICT architecture;
- To step change efficiency and effectiveness through the digital enablement and transformation of the NCT’s case management, adjudication and communication functions; and
- To expand economic opportunities for historically excluded and vulnerable groups.

The NCT’s performance against these objectives is set out on pages 19 to 21 and pages 37 to 38.

# PERFORMANCE INFORMATION BY PROGRAMME

## PROGRAMME 1: ADJUDICATION

The purpose of this programme is to provide the necessary administrative, adjudicative and other related services to ensure that the NCT delivers successfully on its legislative mandate.

The following sub-programmes fall under this programme:

- **Case management** – provides services to ensure that all cases are timeously prepared, that filing parties and applicants are communicated with and that all pertinent information is recorded and disseminated.
- **Adjudication** – adjudication deals with both substantive and interlocutory applications. It ensures that competent, professional, impartial adjudicators are available to attend to matters, that the procedures followed are fair and that adjudicators’ decision-making is substantively sound, in accordance with legal precedents and requirements.
- **Co-operation and information sharing between regulatory stakeholders** - to improve the level of co-operation and information sharing between stakeholders in the consumer and credit regulatory system.

- **Access** - to increase access to the NCT on the part of stakeholders residing in rural or previously marginalised communities where access through debt counsellors is limited.

### STRATEGIC OBJECTIVES

The NCT’s performance against three objectives is set out in the table below. The following strategic objectives were set for 2020/21 for this programme and its sub-programmes:

- To expedite service delivery through the expeditious finalisation of complete debt-rearrangement applications;
- To expedite service delivery through the expeditious finalisation of non-DRA applications and referrals; and
- To ensure that the NCT decisions are substantially and procedurally correct.

Table 3: Performance against predetermined objectives (Adjudication)

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE 2019/20	AUDITED ACTUAL PERFORMANCE 2020/21	PLANNED ANNUAL TARGET 2020/21	ACTUAL ACHIEVEMENT 2020/21	DEVIATION FROM PLANNED TARGET TO ACTUAL ACHIEVEMENT 2020/21	REASON FOR DEVIATIONS
1) Stakeholder confidence in the NCT- inspired by high quality adjudication and case management.	Responsive, timeous service to stakeholders in line with mandate	Average number of days from of filing of DRA to date of issuing order to filing parties	69.55 days	64.18 days	≤70 days	64.18 days	Exceeded	The continuous improvement in the Case Management System enabled the Tribunal to increase the number of matters adjudicated online by Tribunal Members
2) A readily accessible NCT that shares information and co-operates with stakeholders.								

Table 3: Performance against predetermined objectives (Adjudication) (continued)

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE 2019/20	AUDITED ACTUAL PERFORMANCE 2020/21	PLANNED ANNUAL TARGET 2020/21	ACTUAL ACHIEVEMENT 2020/21	DEVIATION FROM PLANNED TARGET TO ACTUAL ACHIEVEMENT 2020/21	REASON FOR DEVIATIONS
1) Stakeholder confidence in the NCT- inspired by high quality adjudication and case management.	Responsive, timeous service to stakeholders in line with mandate	Average number of days from date of close of pleadings of non-DRA to date of issuing a notice of set down to filing parties	15.03 days	5.31 days	≤ 20 days	5,31 days	Exceeded	The Tribunal has developed strong internal systems to ensure efficiencies in a virtual working environment. This has streamlined workflow processes and has allowed for set downs to be issued faster than anticipated.
2) A readily accessible NCT that shares information and co-operates with stakeholders.								
1) Stakeholder confidence in the NCT- inspired by high quality adjudication and case management.	Responsive, timeous service to stakeholders in line with mandate	Average number of days from date of final adjudication of non-DRA to date of issuing a judgement to filing parties	12.41 days	8.86 days	≤ 20 days	8.86 days	Exceeded	The Tribunal exploited the virtual hearing environment to maximise the speed of adjudication, which allowed judgements to be finalised at a faster rate than anticipated.
2) A readily accessible NCT that shares information and co-operates with stakeholders								
1) Stakeholder confidence in the NCT- inspired by high quality adjudication and case management.	High quality adjudicative decisions that create consistent jurisprudence in consumer, credit and debt intervention matters	Number of cases overturned on review in Supreme Court	Not applicable. This measure was not on the 2019/20 organisational scorecard	0 cases overturned	0 cases overturned	0 cases overturned	Not applicable as target was achieved	Not applicable
2) A readily accessible NCT that shares information and co-operates with stakeholders.								
2) A readily accessible NCT that shares information and co-operates with stakeholders.	Co-operation and information sharing on permissible matters between regulatory system stakeholders	Number of structured interactions and engagements with external stakeholders including events, structured meetings and joint forums at which presentations were made.	27 engagements	41 engagements	20 engagements	41 Engagements	Exceeded	The roll-out of the CMS required more structured engagements with debt counsellors to promote easier access to Tribunal services

Table 3: Performance against predetermined objectives (Adjudication) (continued)

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE 2019/20	AUDITED ACTUAL PERFORMANCE 2020/21	PLANNED ANNUAL TARGET 2020/21	ACTUAL ACHIEVEMENT 2020/21	DEVIATION FROM PLANNED TARGET TO ACTUAL ACHIEVEMENT 2020/21	REASON FOR DEVIATIONS
2) A readily accessible NCT that shares information and co-operates with stakeholders.	Enhanced stakeholder access to adjudication at the NCT, particularly in rural or previously marginalised communities	Milestones achievement in implementation of Access Strategy	Not achieved. The implementation of the Access Strategy was placed on hold due to budget constraints and austerity measures put in place until the end of the 2019/20 financial year.	The implementation of the Access strategy and plan was placed on hold due to budget constraints and austerity measures put in place until the end of the 2020/21 financial year.	Achievement of annual milestones.	The implementation of the Access strategy and plan was placed on hold due to budget constraints and austerity measures put in place until the end of the 2020/21 financial year.	Not achieved	Due to Covid-19 restrictions as well as budget constraints and strict austerity measures put in place to ensure that the NCT met their financial responsibilities until the end of the 2020/21 financial year, the implementation of the Access Strategy could not be implemented by the end of 2020/21 financial year.

## CASE MANAGEMENT

### INTRODUCTION

At present, approximately 35 different types of applications and 150 different types of prohibited conduct may be brought to the NCT in terms of the NCA, CPA and Rules of the Tribunal. Applications may be brought by the NCR, the National Consumer Commission (NCC), consumers, credit bureaus, credit providers, debt counsellors, payment distribution agents, alternative dispute resolution agents and service providers.

Only the NCR, NCC and, in certain cases, complainants, may refer alleged prohibited conduct cases to the NCT for a determination. In some instances, the High Court may, on application by a party, confer jurisdiction upon the NCT to hear a matter not otherwise provided for.

### OFFICE OF THE REGISTRAR

The operational function of the Registrar’s Office is central to the delivery of the Tribunal’s mandate, particularly in relation to expeditious case and records management processes.

The Registrar’s Office is responsible for:

- Case Management Support;
- Provision of legal support and advice in respect to litigation matters in the High Court pertaining to the judgements of the Tribunal.

### OBJECTIVES FOR THE YEAR

Three strategic objectives were set in the Registrar’s Office for the year, as aligned to the NCT’s overall strategic objectives. These were:

To effectively and efficiently manage all the cases filed with the Tribunal including providing effective and efficient case management support to Tribunal members in respect of matters allocated to them for adjudication.

In order to achieve this goal, the Tribunal set three organisational measures with pre-defined targets. Two of the organisational measures related to the management of Non debt re-arrangement applications and one related to the management of debt re-arrangement cases. The Tribunal achieved all these targets. The achievement

of these targets, despite the rapidly changing operating environment engendered by measures implemented to combat the spread of Covid-19, is indicative of the Tribunal's effective and efficient management of cases filed with a view to its services.

### **TO ENSURE EFFICIENT MANAGEMENT OF ITS CASES THE TRIBUNAL CONFIGURED ITS OPERATIONS TO MANAGE TWO TYPES OF PROCESSES.**

The first process focuses on DRAs as they are adjudicated on without the hearing of evidence. This is necessary because the NCA confers powers onto the Tribunal to confirm a debt re-arrangement agreement entered between a Debt Counsellor on behalf of a consumer and the consumers' creditors, as an order. This process is different from the one used to manage all other cases within the Tribunal's jurisdiction (that is, non-DRAs. Non-Debt re-arrangement cases require the hearing of an application, the presentation of evidence and a sound reasoned judgment based on the application of natural justice, including consideration of legal precedent and applicable legislation.

#### **DEBT RE-ARRANGEMENT APPLICATIONS**

The filing of this type of application secures the consumers' assets from execution and this security remains in place until an order is granted with new re-arranged terms. The security lapses on the refusal of the application and is extended by the granting of the application. However, all security is lost if the consumer fails to meet his or her re-arranged obligations. The Tribunal has a duty to process these matters expeditiously so that the interests of both the consumer and creditor are recognised.

Debt rearrangement cases account for approximately 99% of the total applications filed at the Tribunal, resulting in high volumes. To effectively and efficiently manage the volume of cases filed, the Tribunal in previous years relied on manual workflow strategies that eventually created a bottleneck, and provincial motion courts whereby Tribunal Members would avail themselves at different provinces at a substantial cost, so as to increase the speed of adjudication.

Although these strategies yielded a faster throughput in terms of adjudication, rates of finalisation were not commensurate, as filers were often issued with directives due to non-compliance. Although the speed of the adjudication increased, volume remained a challenge.

These were however short-term strategies aimed at managing volume, while the Tribunal invested in developing a Case Management System that could ingest applications received in real time, allow these to flow through its processes with minimal interference and be adjudicated on by a Tribunal Member without leaving his/her chambers.

Over the last few years, the Tribunal released this Case Management System in stages so as to ensure that its change management faced minimal barriers around implementation. The reduction in cases carried over from year to year since financial year 2017/18 does provide a strong indication that the system has been assisting in managing volume.

In the financial year presently reported on, the impact and efficiency of the Case Management System was tested. Covid-19 changed the way Debt re-arrangement filers operate. The focus was on digital exchange. The Tribunal's case management system received 95,25% (22,759 CMS cases out of a total of 23,844 cases) of its debt re-arrangement cases via its Case Management System. In the previous financial year only 67,5% of the cases received were received via CMS while the balance of cases were filed manually.

The success of CMS as an intervention for the high-volume DRAs is reflected by the 68,33% reduction in the number pending DRAs since the end of financial year 2019/20 to the end of financial year 2020/21. The Tribunal ended financial year 2019/20 with 12 915 pending DRAs and ended the current financial year 2020/21 with 4 090 pending debt-re-arrangement applications.

#### **NON-DEBT RE-ARRANGEMENT APPLICATIONS**

These are applications filed at the Tribunal that do not fall within the ambit of a debt re-arrangement. Non-debt re-arrangement matters are generally filed mostly by the Regulators (NCR and NCC), consumers in certain circumstances and other Registrants, in so far as the governing legislation allows this.



Although the volume of this category of matters is substantially less than that of debt re-arrangement, it is more complex and research intensive. Each case is different and is managed and adjudicated on that basis. These matters are generally opposed and subject to oral evidence being led at hearings. Since the Tribunals' inception, all debt re-arrangement matters, save certain types of unopposed matters, were adjudicated on in person, usually at the offices of the Tribunal or a venue sourced by the Tribunal.

However, in this financial year, with disaster management regulations in place aimed at managing the spread of Covid-19, the Tribunal was forced to change its operating model when it came to holding hearings. In the early periods of this financial year, the Tribunal had to postpone matters which were originally set down for hearing from April to September, and only adjudicated on pricing related matters filed by the National Consumer Commission. The Tribunal was declared as an essential service by the Minister in order to ensure that the rights of consumers were protected, particularly with regard to excessive pricing of personal protective equipment. As a result, the Tribunal only adjudicated on these matters while the country was still under lockdown level 5.

By the second Quarter of 2020/21, and with the easing of lockdown levels, the Tribunal commenced with virtual hearings. This allowed parties to applications, our Tribunal Members and our staff to remain in the safety of their homes, while still allowing the Tribunal to execute its mandate.

Operating under these conditions, the Tribunal managed to finalise 169 non-debt re-arrangement cases, which is two more than the previous financial year. This is despite the fact that, in the first quarter of this financial year, the Tribunal only dealt with excessive pricing cases. Effectively this means that the Tribunal's efficiencies increased since adopting a virtual presence.

The performance in terms of its organisational measures also improved in this financial year. In financial year 2019/20, the Tribunal issued judgements at a turnaround time of 12.41 days from the date of final adjudication and has set down new matters at a turnaround time of 15.03 days from the date of close of pleadings. In the 2020/21 financial year the Tribunal issued judgements at a turnaround of 8,86 days from final adjudication and set down new matters at a turnaround of 5,31 days from

close of pleadings. The organisational measures output therefore improved by 28,61% and 64,67%.

### **TO EFFECTIVELY AND EFFICIENTLY MANAGE THE CASE RECORDS AND COMMUNICATIONS IN RESPECT OF CASES FILED WITH THE TRIBUNAL.**

Records have been safeguarded electronically by means of digitisation and backed up electronically and physically using off-site storage facilities. The Tribunal has continued with its digitisation process during 2020/21 and digitised all applications received. These digitised records are easily retrievable via the CMS and other shared drives.

The Registrar's Office reviews its standard operating process and its records management policy as required and periodically so as to ensure continuous improvement and alignment with relevant legislative requirements. Its records policy incorporates functions and duties of the office of the Chief Information Officer to maximise benefits that can be generated from collaborative operations.

All case records and/or communications are received electronically by means of email and are stored electronically directly on the Tribunal's Case Management System. The usual modes of physical delivery, postage and fax still apply. The Registrar's Office manages the entire processes of records management and also ensures that all records received manually are captured on the Case Management System and digitised.

Subject to the provisions of Promotion of Access to Information Act (PAIA) and the Protection of Personal Information Act (POPIA), the Tribunal has mechanisms by means of which any person (natural or juristic) may request any case record. Moreover, the judgements of the Tribunal are published on a free public website of the Southern African Legal Information Institution (SAFLII) - [www.saflii.org](http://www.saflii.org).

### **TO PROVIDE SERVICES AS LEGAL ADVISOR TO THE TRIBUNAL IN RESPECT OF HIGH COURT MATTERS.**

The Registrar's Office supports the Tribunal in managing external legal service providers in instances where it is necessary to appoint lawyers to defend or represent the Tribunal in the High Court, should the need arise. The Registrar's Office further keeps a register of all external appeals to ensure that the outcomes of these matters are tracked.

Table 4: Case statistics for all cases filed at the Tribunal

CATEGORY	TOTAL PER CATEGORY	OVERALL TOTAL
<b>Total Cases C/ O into 2020/21</b>		<b>13,150</b>
a. Total Cases filed 2020/21	12 935 <sup>2</sup>	
b. Less Total Cases finalised in 2020/21	215	
<b>Total Cases filed 2020/21</b>		<b>24 035</b>
a. Total Cases filed 2020/21	23 844	
b. Less Total Cases finalised in 2020/21	191	
<b>Less Total Cases finalised in 2020/21</b>		<b>32 858</b>
a. Total Cases filed 2020/21	32 689	
b. Less Total Cases finalised in 2020/21	169	
<b>Total Cases Pending as at year end</b>		<b>4 327</b>
a. Total Cases filed 2020/21	4 090	
b. Less Total Cases finalised in 2020/21	237	

Since its inception, the NCT has experienced exponential growth in the number of Debt re-arrangement cases filed; however, since 2017/18, the number of yearly applications stabilised, on which slight growth was recorded in 2019/20. A sharp decline in cases received has been recorded for 2020/21, which could be attributed to the impact of

Covid-19. During this period, credit providers were also very amenable to offering consumers payment holidays and flexible payment options. It is likely that the decline in case numbers is a short-term occurrence rather than the start of a downward trend in cases filed.

#### DEBT RE-ARRANGEMENT APPLICATIONS

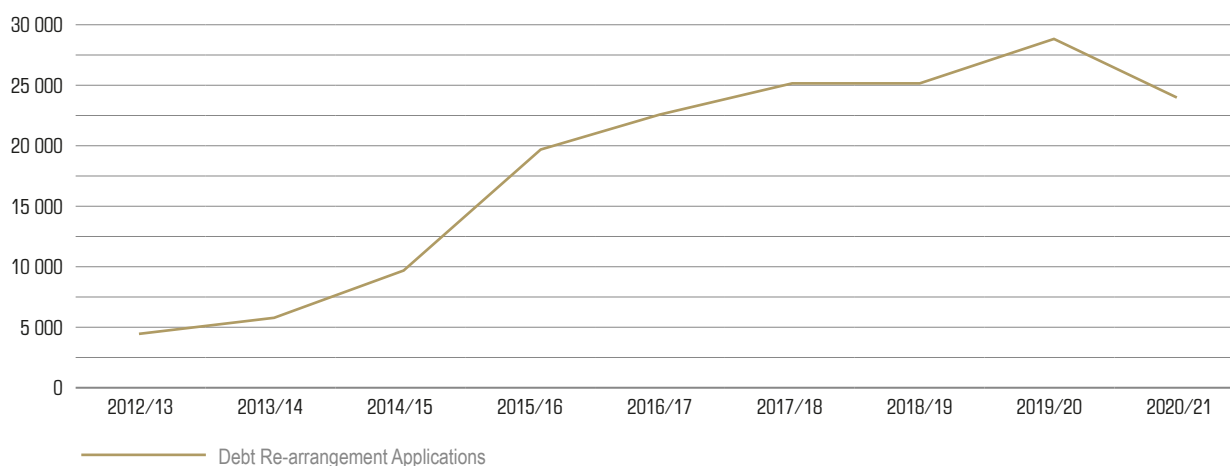


Figure 1: DRAs received per year from 2012/13 to 2020/21

2 Number of matters carried over adjusted to account for the filings that moved from the 2019/20 period to the 2020/21 period, as reflected in the Quarterly reports.

Non-Debt re-arrangement matters decreased from 255 cases filed in 2019/20 to 191 cases filed in 2020/21. As in the case of debt re-arrangement cases, this decline in case numbers should not be considered the start of a downward trend of cases filed.

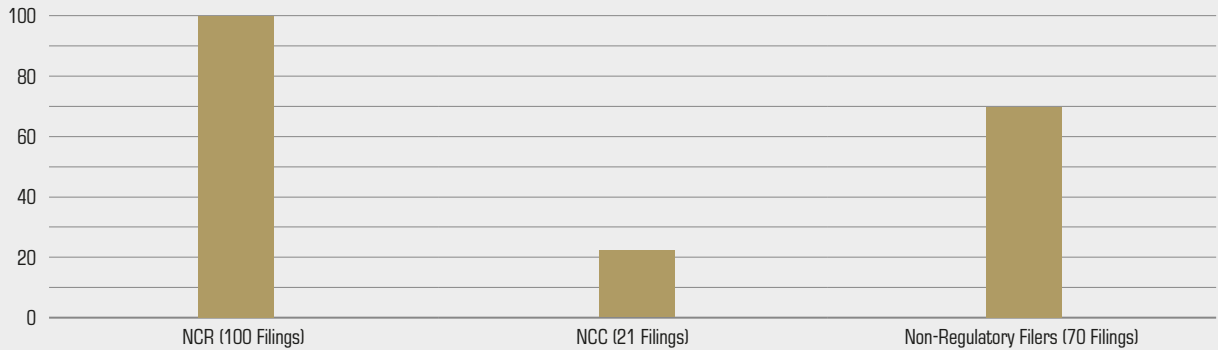


Figure 2: DRAs received per year from 2012/13 to 2020/21

### NON-DEBT RE-ARRANGEMENT STATISTICS

The Tribunal received 191 non-Debt re-arrangement cases in financial year 2020/21, with regulatory filers filing the majority of the applications. In 2019/20, non-regulatory bodies accounted for most of these applications. This is a likely consequence of consumers' greater focus on health and combatting Covid-19, as opposed to filing

applications with the Tribunal. It also provides clarity on the decrease in filings.

Regulatory bodies accounted for 63.35% (121 matters) while the non-regulatory bodies amounted to 36.65% (70 matters), as opposed to non-regulatory bodies accounting for 154 filings in 2019/20.

### NON-DEBT RE-ARRANGEMENT APPLICATIONS

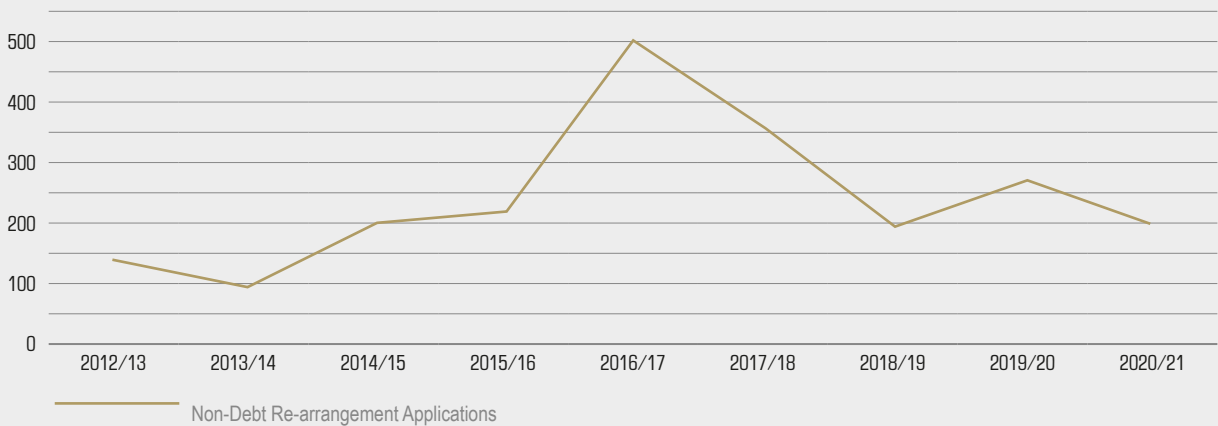


Figure 3: Non-DRAs received per year from 2012/13 to 2020/21

In addition, 151 of the 191 cases received, constituting 79.06 % of the non-DRA filings, were NCA-related matters and 40 (20.94%) of the cases received were filed in terms of the CPA.

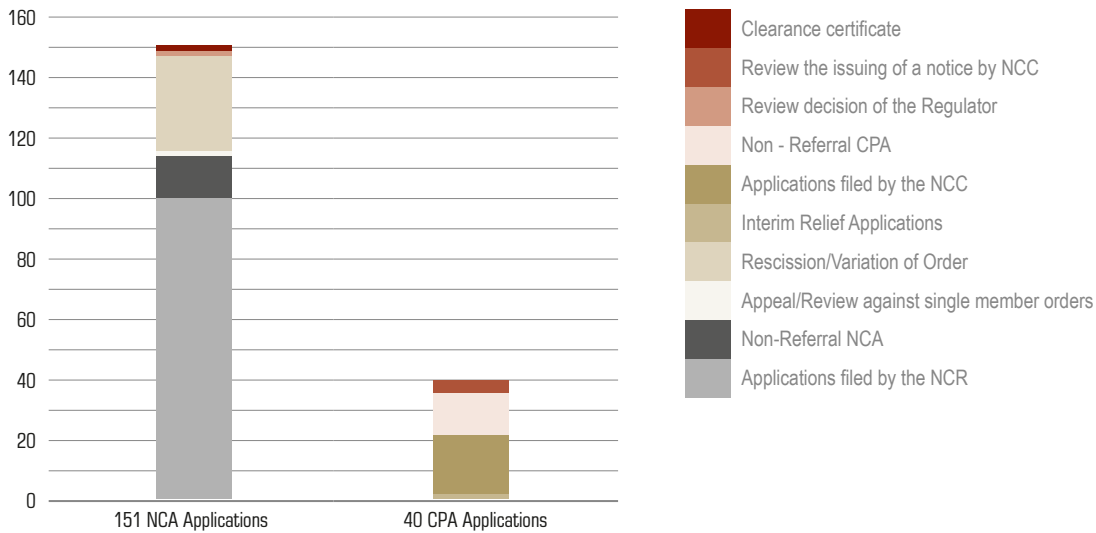


Figure 4: Non-DRAs received per year from 2012/13 to 2020/21

Table 5: CPA Application break-down

ACT SECTION	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	TOTAL
70(3)b Application for a consent order after dispute resolution by alternative dispute resolution agent	-	-	2	-	-	-	-	2
73(2)(b) NCC referrals	2	1	2	5	2	2	20	34
Imposition of an Admin Fine	-	-	-	-	-	-	1	1
Urgent interim relief 114	-	-	-	-	-	-	1	1
75(1)(b) Applications for leave to refer a non-referral directly	7	23	25	60	42	43	13	213
101 (1) Objection to a compliance notice	-	-	-	-	-	-	-	-
74(1) Application for consent order	-	-	-	-	2	1	-	3
Rule 4- Certification of Class Action	-	1	-	1	-	-	-	2
60(3,101) Application by producer or importer to review A Notice issued by Commission in terms of Sections 60(2)	-	-	1	-	-	1	5	7
<b>Total CPA applications</b>	<b>9</b>	<b>25</b>	<b>30</b>	<b>66</b>	<b>46</b>	<b>47</b>	<b>40</b>	<b>263</b>

Table 6: NCA Application break-down

ACT SECTION	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	TOTAL
165(1) Rescission of variation of NCT order	53	43	100	91	41	65	35	428
137(3) Application upon failure of alternative dispute resolution	35	12	2	2	-	-	-	51
140(1) NCR referrals	15	38	15	14	20	20	16	138
56(1) Objection to a compliance notice	4	1	-	2	4	1	-	12
57(1) Cancellation of registration of registrant	25	15	19	22	35	42	31	189
ACT SECTION	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	TOTAL
115(1) Disputed entry on a statement	5	1	1	-	-	-	-	7
128(1) Review of a sale of goods	1	3	2	2	-	-	-	8
148(1) Appeals and reviews	14	2	2	6	7	4	1	36
149(1) Interim relief	3	29	4	7	1	7	-	51
59(1) Review of a decision by the NCR	3	-	3	2	1	1	1	11
71(3) Application by a consumer to review a decision not to issue or failure to issue a clearance certificate	1	5	2	6	-	-	1	15
141(1) Applications for leave to refer a non-referral directly	6	12	18	13	5	29	13	96
138 read with 135(b)(ii) Application for consent order after alternative dispute resolution.	1	2	3	-	2	33	47	88
55(6) Failure to comply with a compliance notice	2	2	1	-	-	2	1	8
114(1) Application by a consumer upon failure to produce a statement	-	2	272	2	-	-	-	276
164(3) Application to the NCT for a certificate declaring conduct to be prohibited or required in terms of the Act	-	-	1	5	3	4	-	13
99(2) Application by a consumer for compensation from a pawnbroker in lieu of property	-	1	-	5	1	-	-	7
142 Application to limit obligations in respect of frivolous, vexatious or unreasonable requests	-	-	1	-	-	-	-	1
Application by NCR for leave to refer without an investigation	-	-	-	-	1	-	5	6
<b>Total NCA applications</b>	<b>168</b>	<b>168</b>	<b>446</b>	<b>179</b>	<b>121</b>	<b>208</b>	<b>151</b>	<b>1441</b>

## DEBT RE-ARRANGEMENT STATISTICS

The Tribunal carried over 12 935 matters into 2020/21 as adjusted and received 23 844 cases in 2020/21. In total it finalised 32 689 matters in 2020/21, carrying a balance of 4 090 in 2021/22. The turnaround achieved from date of filing to finalisation is 64.18 days, which ranges within the predetermined target set.

Table 7 Total pending matters as at end of 2020/21

STATUS	SUBTOTAL	TOTAL
Total Matters carried over into 2020/21		12 935
Total Matters received in 2020/21		23 844
Total Matters finalised in 2020/21		32 689
(a) Orders	32,303	
(b) Withdrawals	383	
(c) Lapsed <sup>3</sup>	3	
<b>Total pending matters as at end 2020/21</b>		<b>4 090</b>

<sup>3</sup> Prior to the implementation of the screening process, a matter would be regarded as incomplete if it did not meet the filing requirements as set out in the Tribunal's Rules and its tables. In such an instance, the matter would be received as if it is an application and a filer provided with an opportunity to provide the documents which were outstanding in terms of the filing requirements. If the filing party is unable to provide the information required, the matter could not be considered as it did not contain all necessary documents and information. The matter would then be lapsed and as such finalised after a period of time.

# ADJUDICATION

## INTRODUCTION

In accordance with section 27 of the NCA as amended, the core function of the Tribunal is adjudication. This section provides that the NCT's function is to adjudicate on applications and referrals of prohibited conduct filed with it in terms of the NCA and the CPA. Its mandate includes reviewing decisions made by the NCR and NCC and hearing interim relief applications and appeals from single-member judgements of the NCT. In addition, the review of compliance notices and applications for the cancellation of registrants as well as referrals regarding prohibited conduct by registrants and service providers can also be filed with the NCT. The Tribunal can then make certain orders in terms of section 150 of the NCA in respect of matters it adjudicates on.

## TRIBUNAL MEMBERS

The President of the Republic of South Africa appoints Tribunal Members to fulfil the Tribunal's adjudicative function. The composition of the Tribunal includes 18 members<sup>4</sup>, that is, three full-time and 14 part-time Tribunal members, excluding the Executive Chairperson. Currently, once the selection and recommendation process has been completed by Cabinet, the President delegates this function to the Minister of Trade, Industry and Competition.

A review of the CVs of the Tribunal Members (see Annexure A on page 108 of this Report) illustrates this group's wide range of qualifications and experience, which explains the NCT's success in its adjudication of cases.

### TRIBUNAL MEMBERS

Prof Joseph M. Maseko - Executive Chairperson	Ms Maleho Nkomo – Part-time Member
Dr Laura Best - Part-time Member & Deputy Chairperson	Mr Trevor Bailey – Part-time Member
Adv. John R. Simpson – Full-time Member	Ms Diane R. Terblanche – Part-time Member
Mr Andisa Potwana – Full-time Member	Ms Penelope Beck - Part-time Member
Ms Hazel V. Devraj – Full-time Member	Ms Xolela C. May - Part-time Member
Prof Bonke C. Dumisa - Part-time Member	Mr Fungai K. Sibanda - Part-time Member
Adv. Frans K. Manamela - Part-time Member	Ms Nomfundo Maseti – Part-time Member
Adv. Neo H. Sephoti - Part-time Member	Prof Kasturi Moodaliyar – Part-time Member
Prof Tanya Woker - Part-time Member	Dr Maria Peenze - Part-time Member

The Tribunal Members responsible for the adjudication of cases are subject to the Constitution of the Republic of South Africa, the law and the NCT's performance management system. They also operate in terms of formal performance agreements guided by the Tribunal's core values, Code of Ethics and Conflict of Interest Policy.

<sup>4</sup> The President appointed 19 Tribunal Members during July 2017. Mr Lucky Rabotapi was a Tribunal Member until 31 August 2017, when he commenced his new role as the NCT's Registrar

TRIBUNAL MEMBERS



**PROF. JOSEPH M. MASEKO**  
Executive Chairperson



**DR. LAURA BEST**  
Part-time Member &  
Deputy Chairperson



**PROF. BONKE C. DUMISA**  
Part-time Member



**ADV. FRANS K. MANAMELA**  
Part-time Member



**ADV. NEO H. SEPHOTI**  
Part-time Member



**PROF. TANYA WOKER**  
Part-time Member



**ADV. JOHN R. SIMPSON**  
Fulltime Member



**MS. MALEHO NKOMO**  
Part-time Member



**MR. TREVOR BAILEY**  
Part-time Member



**MR. ANDISA POTWANA**  
Fulltime Member



**MS. DIANE R. TERBLANCHE**  
Part-time Member



**MS. PENELOPE BECK**  
Part-time Member



**MR. XOLELA MAY**  
Part-time Member



**MR. FUNGAI K. SIBANDA**  
Part-time Member



**MS. HAZEL V. ALWAR**  
Fulltime Member



**MS. NOMFUNDO MASETI**  
Part-time Member



**PROF. KASTURI  
MOODALIYAR**  
Part-time Member



**DR. MARIA PEENZE**  
Part-time Member

## THE ADJUDICATION PROCESS

Table 8: Adjudication statistics

<b>TOTAL NON-DRAS FINALISED 2020/21</b>	<b>169</b>
Judgements issued	127
Applications withdrawn	36
Matters settled and confirmed	3
Condonation refused	3
<b>INTERNAL APPEALS/ REVIEWS FILED 2020/21</b>	<b>1</b>
Appeals/ reviews upheld	0
Appeals/ reviews dismissed	0
Pending	1
<b>EXTERNAL FROM 2007 TO 31 MARCH 2021</b>	<b>46<sup>5</sup></b>
Appeals/ reviews upheld	6
Appeals/ reviews dismissed	12
Pending	23
Settled	3
Withdrawn	2

## APPEALS AND REVIEWS

An internal appeal/ review occurs when the decision of a single Tribunal member is taken on appeal or review, and the application is considered by a three-member Tribunal panel. This panel will then either uphold the decision or uphold the appeal or review. If an external appeal or review goes against the decision of a three-member Tribunal panel, the appeal or review is heard by the High Court and the High Court judge(s) will then either uphold the Tribunal decision or uphold the appeal or review.

### INTERNAL SINGLE MEMBER DECISIONS ARE TAKEN ON APPEAL OR REVIEW

In total, one decision was taken on internal appeal or review in 2020/21. This matter was filed in Quarter 4 of this financial year and has been set down to be heard in Quarter 1 of 2021/22.

Table 9: Non-DRA decisions taken on appeal or review from 2007 to 31 March 2021

NO.	NCT APPLICATION	APPEAL COURT CASE NO.	APPEAL COURT DECISION	DATE OF JUDGMENT
1.	Southern African Fraud Prevention Service Ltd v NCR NCT168/2009/54(1)	National Credit Regulator v Southern African Fraud Prevention Service Ltd 58190/2010 (North Gauteng High Court)	Appeal upheld	May 2011
2.	NCR V PM Ferreira NCT/166/2008/57(1)	NCR V PM Ferreira North Gauteng High Court 51467/2010	Dismissed	December 2011
3.	NCR v Christopher Bornman and others NCT/656/2010/57(1)(P)	Christopher Bornman and others v NCR A6/2011 (North Gauteng High Court)	Dismissed (HC)	March 2012
4.	NCR v Christopher Bornman and others NCT/656/2010/57(1)(P)	Christopher Bornman and others v NCR 798/2012 (Supreme Court of Appeal)	Dismissed (SCA)	March 2013
5.	Barko Financial Services (Pty) Ltd v NCR NCT/743/2010/56(1)(P)	Barko Financial Services (Pty) Ltd v NCR A499/ 2011 (North Gauteng High Court)	Dismissed (HC)	March 2013
6.	Barko Financial Services (Pty) Ltd v NCR NCT/743/2010/ 56(1)(P)	Barko Financial Services (Pty) Ltd v NCR 415/ 2013 (Supreme Court of Appeal)	Dismissed (SCA)	18 September 2014
7.	Telegenix Trading 340 CC v NCC and Silas Phadagi NCT/8697/2013/101(1)	Telegenix Trading 340 CC v NCT, NCC and Phadagi 726/ 2014 (North Gauteng High Court)	Dismissed	April 2014
8.	De Klerk v NCR NCT/6210/2012/57(1)	De Klerk v NCT, NCR et al 33329/ 2013 (North Gauteng High Court)	Settled	June 2013
9.	JW van Zyl v NCR NCT/3868/2012/57(1)	JW van Zyl v NCR AR620/ 13 (KwaZulu Natal High Court)	Withdrawn	1 September 2014

5 Although table 4 only lists 45 appeals, line item 19 involved a matter where two decisions were made by the Appeal Court. The Respondent appealed the Tribunal's finding that it contravened the National Credit Act, and the Applicant cross-appealed the Tribunal's finding of not imposing and administrative fine. The appeal was upheld, and the cross-appeal dismissed. This is why there are 46 outcomes to 45 matters.



Table 9: Non-DRA decisions taken on appeal or review from 2007 to 31 March 2021 (continued)

NO.	NCT APPLICATION	APPEAL COURT CASE NO.	APPEAL COURT DECISION	DATE OF JUDGMENT
10.	MC Bouah Enterprises v Dynacon Global Trading NCT/7936/2013/75(1)	MC Bouah Enterprises v Dynacon Global Trading, NCT 35836/ 2014 (North Gauteng High Court)	Pending	Pending
11.	P Byleveld v Execor Twelve (Pty) Ltd t/ a Motor City & The NCC NCT/10686/2013/75(1)	Execor Twelve t/ a Motor City v P Byleveld	Pending	Pending
12.	NCR v Capitec Bank Limited NCT/9152/2013/140(1)	NCR v Capitec Bank Limited & the NCT A440/14 (North Gauteng High Court)	Dismissed	February 2016
13.	NCC v Univision Services NPC & 11 others NCT/ 19486/2014/73(2)(b)	Univision NPC & Others v NCC & NCT. 97574/2015 (North Gauteng High Court)	Dismissed	November 2016
14.	NCR vs Finbond Mutual Bank NCT/26629/2015/140(1)	NCR vs Finbond Mutual Bank North Gauteng High Court	Pending	Pending
15.	NCC v Univision Services NPC & 11 others NCT/ 19486/ 2014/73(2)(b)	Univision NPC & Others v NCC & NCT 618/2017 (SCA)	Appeal upheld	28 March 2018
16.	Moneyline Financial Services v The National Credit Regulator NCT/17884/2014/ 57(1)	Moneyline Financial Services v The National Credit Regulator A440/16 (North Gauteng High Court)	Pending	Pending
17.	Motswai v House and home NCT/ 33263/2015/75(1)(B)	Shoprite Checkers (Pty) Ltd t/ a House & Home v Penny Beck – Paxton N.O & 4 Others 71787/16 (North Gauteng High Court)	Settled	November 2016
18.	NCR v Lewis Stores & Monarch Insurance Ltd NCT/ 27651/2015/140	Lewis Stores (Pty) Ltd v NCR & the National Consumer Tribunal A694/ 16 (North Gauteng High Court)	Settled	4 May 2018
19.	NCR v South African Fraud Prevention Services NPC NCT/23181/2015/140(1)	South African Fraud Prevention Service v The National Credit Regulator	Cross Appeal Dismissed and Appeal upheld	17 November 2017
20.	NCR v EZ Trade	Micro Finance South Africa & Banking Association SA NPC v NCR and two others	Pending	Pending
21.	NCR v Lewis Stores (Pty) Ltd	NCR v Lewis Stores (Pty) Ltd & the NCT A333/2017(North Gauteng High Court)	Dismissed	30 April 2018
22.	NCR v Lewis Stores (Pty) Ltd	NCR v Lewis Stores (Pty) Ltd & the NCT (SCA)	Pending	Pending
23.	NCR v Edcon Limited	Edcon Holding v the NCT & The National Credit Regulator Case Number: A237/17	Appeal upheld	2 May 2018
24.	NCR v Edcon Limited	The National Credit Regulator v Edcon Holding and the NCT (SCA)	Pending	Pending
25.	NCR v Shoprite Investments Limited	Shoprite Investments Limited v NCR Case Number: A509/17	Pending	Pending
26.	NCR v Hua Xiang Cash Loans CC	Hua Xiang Cash Loans CC vs NCT and two Others	Pending	Pending
27.	Makete Judah Letsoalo vs Wesbank a division of Firstrand Bank limited	Makete Judah Letsoalo vs NCT and two Others Case number: 77923/17	Pending	Pending
28.	Ian Eugene Romer Wason Coretta Makhaza vs Absa Bank Limited & 16 Others	Coretta Makhaza vs Ian Eugene Romer Wason and 16 Others Case number: 23967/18	Pending	Pending
29.	Pfumedzo Ramakumba v Debt matters (Pty) Ltd and five others	Pfumedzo Ramakumba v Debt matters (Pty) Ltd and five others 5364/2018 (HC)	Pending	Pending

Table 9: Non-DRA decisions taken on appeal or review from 2007 to 31 March 2021 (continued)

NO.	NCT APPLICATION	APPEAL COURT CASE NO.	APPEAL COURT DECISION	DATE OF JUDGMENT
30.	Marese Fourie v African Bank and four others	Marese Fourie v African Bank and four others 50756/2018	Pending	Pending
31.	National Credit Regulator vs Deborah Anne Solomon	National Credit Regulator vs Deborah Anne Solomon A397/ 2017 (HC)	Appeal upheld	19 October 2018
32.	National Credit Regulator vs Deborah Anne Solomon	National Credit Regulator vs Deborah Anne Solomon A397/ 2017 (HC)	Appeal upheld	19 October 2018
33.	Lewis Stores (Pty) Ltd vs Summit Financial Partners (Pty) Ltd and two others.	Lewis Stores (Pty) Ltd vs Summit Financial Partners (Pty) Ltd and two others. A355/2018 (HC)	Dismissed	13 December 2019
34.	Information technology Consultants (PTY) LTD T/A Intecon and two Others vs National Credit Regulator and Another	Information technology Consultants (PTY) LTD T/A Intecon and two Others vs National Credit Regulator and Another 38994/2018 (HC)	Pending	Pending
35.	Legobela John Maaake v Diesel Performance Truck & Bus (Pty) Ltd	Legobela John Maaake v Diesel Performance Truck & Bus (Pty) Ltd 85199/2018 (HC)	Pending	Pending
36.	Volkswagen Financial Services SA vs NCT and National Credit Regulator	Volkswagen Financial Services SA vs NCT and National Credit Regulator A104/19 (HC)	Pending	Pending
37.	NCR v Dacquip Finances CC t.a ABC Financial Services Pinetown NCT/ 127619/ 2019/57(1)	Dacquip Finances CC t.a ABC Financial Services Pinetown v NCR North Gauteng High Court A333/2019	Appeal upheld	8 January 2021
38.	National Credit Regulator VS Elavation Trading CC t/ a Xcelsior Financial Services And Xcelsior Financial Services (Pty) Ltd NCT/111201/2018/57(1)	Elavation Trading CC t/ a Xcelsior Financial Services And Xcelsior Financial Services (Pty) Ltd v National Credit Regulator High Court, Gauteng Division 4350/2020	Pending	Pending
39.	National Credit Regulator v CMR Group (Pty) Ltd NCT/119696/2018/57(1)	Jacolien Barnard N.O & Beatrice Linda Mills N.O (In their capacities as joint provisional liquidators of CMR Group (Pty) Ltd) v NCR High Court, Pretoria Division A351/2019	Dismissed	22 December 2020
40.	Monica van der Heyde v A to Z Motors CC NCT/119741/2018/75(1)	A to Z Motors CC v Monica van der Heyde High Court, Gauteng Division 16051/20	Pending	Pending
41.	National Credit Regulator VS JDG Trading (Pty) Limited NCT/29052/2015/140(1)	National Credit Regulator VS JDG Trading (Pty) Limited High Court, Gauteng Local Division, Johannesburg A3086/ 19	Pending	Pending
42.	National Credit Regulator vs NCT and Tshildzi Swuhana	National Credit Regulator vs NCT and Tshildzi Swuhana A114/19	Pending	Pending
43.	Lewis Stores (Pty) Ltd vs Summit Financial Partners (Pty) Ltd and two others. NCT/99345/2018/141(1)(b)	Lewis Stores (Pty) Ltd vs Summit Financial Partners (Pty) Ltd and two others. North Gauteng High Court A355/ 2018	Pending	Pending
44.	Bongani Phillip Mnweba v National Credit Regulator NCT/129993/2019/59	Bongani Phillip Mnweba vs The National Consumer Tribunal & The National Credit Regulator A48175-2020 (HC – Gauteng Provincial Division, PTA)	Pending	Pending
45.	National Credit Regulator v Dirk Cornelius Uys N.O & 2 Others NCT/142671/2019/ 140(1)	Dirk Cornelius Uys N.O & 2 Others vs National Credit Regulator and The National Consumer Tribunal A58/2021 (HC – Gauteng Provincial Division, PTA)	Pending	Pending

## NOTABLE JUDGEMENTS

### NATIONAL CONSUMER COMMISSION V BELEGI WORKWEAR AND INDUSTRIAL SUPPLIES (PTY) LTD - NCT/160912/2020/73(2)

This was an application brought by the NCC in term section 73(2) of the CPA following a complaint lodged by a consumer.

The consumer alleged that the respondent issued a quote to him of R874.00 for the purchase of a box of face masks during the national lockdown. He alleged further that, prior to 24 March 2020, the respondent sold the same size box to him at a price of R76.00.

The NCC investigated these allegations and proceeded to file an application with the Tribunal. The application alleged that the respondent had inflated their prices in a manner that is neither reasonable nor fair and was therefore in contravention of the Disaster Management Regulation relating to Covid-19.

The Tribunal found that the respondent's conduct was prohibited and ordered the respondent to pay an administrative fine in the amount of R100 000.00.

This judgement was pivotal in minimising the exploitation of consumers during the current pandemic.

### NATIONAL CONSUMER COMMISSION V VALUEMART ALBERTINIA (PTY) LTD TRADING AS OK MINIMARK ALBERTINIA - NCT/164426/2020/73(2)

This application was referred to the Tribunal by the NCC in terms of section 73(2) of the CPA following a complaint lodged by a consumer.

It was alleged that the respondent had unreasonably increased the price of tinned tuna fish despite its product cost remaining the same, while South Africa was operating under disaster management regulations.

After the exchange of evidential material, the parties reached a settlement which was then made an order of the Tribunal.

The respondent confirmed that the respondent's conduct was prohibited, and that the respondent was to pay an administrative fine of R20 000.

The settlement reached in this matter provides strong evidence that the judgement in the Belegi Workwear and Industrial Supplies Pty Ltd has set a precedent.

### FIRST NATIONAL BANK, A DIVISION OF FIRSTRAND BANK LIMITED V BENAY SAGER (NCRDC24840) & 5 OTHERS - NCT/168373/2020/165

This was an application to vary an order of the Tribunal. The application was brought against an order granted by a single member of the Tribunal. The Applicant submitted that the issued order contained an error in that it did not reflect the correct FNB account number. As a result of this error, the Applicant could not restructure the consumer's FNB account. This was in line with one of the three grounds in which an application may be filed in terms of section 165 of the NCA.

It was determined that the FNB account number reflected in the debt review application did not correspond with the FNB account number cited in the acceptance letter. The application to vary the order was granted.

The judgement not only promotes consumer welfare in the debt review process but that of the credit provider as well.

#### NATIONAL CREDIT REGULATOR V ASIA LAMARA – NCT/102200/2018/57(1)

This application relates to the cancellation of the registration of the respondent as a debt counsellor in terms of section 57(1) of the NCA. The National Credit Regulator investigated the business operations of the respondent and found that the Respondent was involved in repeated contravention of numerous provisions of the Act.

The respondent placed over 90 000 consumers under debt review during her 10 years' practice as a debt counsellor, therefore her contraventions of the Act and breach of her conditions of registration had a huge impact on a lot of consumers.

One of the many allegations alleged by the Regulator was that the Respondent used a call centre system to run her business and her call centre agents performed the duties of a debt counsellor without being registered as such. Furthermore, she used a software system to assess whether consumers were over indebted or not before placing them under debt review. This means that she did not apply her mind on a case-by-case basis to make such determination.

The Tribunal found the Respondent to have been involved in repeated prohibited conduct and, as a result, a fine of R1 000 000.00 was imposed and the registration of the respondent as a debt counsellor was cancelled with immediate effect.

This ruling aided consumers incorrectly placed under debt review. Considering that the respondent had a high number of consumers on her books, this judgement had a far-reaching positive impact.

#### NATIONAL CREDIT REGULATOR V ASIA LAMARA - NCT-102200-2018-57(1)

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The respondent placed over 90 000 consumers under debt review during her 10 years' practice as a debt counsellor, therefore her contraventions of the Act and breach of her conditions of registration had a huge impact on a lot of consumers.

One of the many allegations alleged by the Regulator was that the Respondent used a call centre system to run her business and her call centre agents performed the duties of a debt counsellor without being registered as such. Furthermore, she used a software system to assess whether consumers were over indebted or not before placing them under debt review. This means that she did not apply her mind on a case-by-case basis to make such determination.

The Tribunal found the Respondent to have been involved in repeated prohibited conduct and, as a result, a fine of R1 000 000.00 was imposed and the registration of the respondent as a debt counsellor was cancelled with immediate effect.

This ruling aided consumers incorrectly placed under debt review. Considering that the respondent had a high number of consumers on her books, this judgement had a far-reaching positive impact.

**PRECIOUS BAGOLOFELE NONYANE V MOTOR FINANCE CORPORATION, A DIVISION OF NEDBANK LIMITED - NCT/156605/2020/141(1)(B)**

The applicant was issued a notice of non-referral by the National Credit Regulator and thereafter elected to directly refer her complaint to the Tribunal in terms of section 141(1)(b) of the NCA.

The applicant applied for vehicle finance and shortly thereafter realised that she could not make payments because she was overindebted. She sought an order declaring that the car finance agreement was granted recklessly by the respondent.

The applicant alleged that her statements were not fully considered during the processing of her credit agreement. The respondent argued that the matter had prescribed.

The Tribunal found that the applicant had failed to provide all the necessary documentation to the respondent and that the assessment conducted by the respondent was based on what was placed before it.

Furthermore, the Tribunal confirmed that the matter had prescribed.

The applicant's application was held to have no prospects of success and leave to refer was therefore refused.

This judgement raises awareness of the importance of entering and concluding a credit agreement in line with the provisions of the NCA for both the consumer and the credit provider.



## PROGRAMME 2: ADMINISTRATION

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The purpose of this programme is to provide strategic leadership to the Tribunal so as to ensure the successful implementation of its legislative mandate by means of flexible, efficient and sustainable resource solutions and supporting services.

The NCT has invested in its assets - people, systems, technology and applications and so forth - over a period of time. For those assets to perform reliably, be secure and well used in ways that ensure a real return on the investment made, they need to be further developed, refined, tested and optimised. The NCT's outputs in this programme are aimed at proactively recruiting and developing people so that they are able to be deployed timeously as required by the NCT. They are also focused on ensuring that ICT systems are secure and available to be used on a daily basis. All of these focused efforts are aimed at business continuity and optimising organisational performance over time.

The following sub-programmes fall under Administration.

- **Office of the Executive Chairperson** – provides strategic direction and oversight to the operations of the NCT.
- **Office of the Chief Operating Officer** – provides operational direction and manages the operations of the NCT.
- **Financial Management** – provides support to the NCT with respect to forecasting, budgeting, financial resource allocation, oversight and management.
- **Corporate Services** – collaborates across departments to gain synergies of utilising diverse skills and expertise so as to develop integrated, holistic solutions to business needs as well as reduce costs by means of the leveraging of efficiencies in administration, systems and people.
  - **Corporate Services: Human Resources and Facilities Management** – The HR Unit provides support to the NCT to ensure that the right people are available at the right time with the right competencies so as to ensure that the NCT is able to execute its mandate, while simultaneously ensuring the safety, development and wellness of its employees.

- **Corporate Services: Communication** – The Communications Unit facilitates greater awareness of the NCT's role, mandate and adjudicative outcomes and ensures that there are regular, structured opportunities for engagement with key stakeholders. This ensures that all internal and external stakeholders are well informed about the mandate and functioning of the NCT, inclusive of the adjudication decisions that have been made. This allows the regulatory activities of other stakeholders to be effectively aligned to those of the NCT. A change in approach has encouraged a broader focus on Communications where all senior managers, not just the Executive Chairperson, are encouraged to contribute to the communications process.
- **Corporate Service: Compliance and Risk Management** – manages compliance, good governance and effective risk management by means of oversight and a focus on behavioural change.
- **Information and Communications Technology** – provides support to the NCT to ensure that the appropriate technology architecture, electronic communication channels and other associated information resources and services are available to ensure that the NCT is able to operate efficiently and in a secure manner.

### STRATEGIC OBJECTIVES

The following strategic objectives were set for 2020/21:

- To ensure cooperation and partnership among external stakeholders by means of ongoing engagement.
- To ensure that the Tribunal has adequate human resources to deliver in accordance with its mandate.
- To enhance operational efficiency to implement an enabling ICT architecture.
- To expand economic opportunities for historically excluded and vulnerable groups.

Table 10: Performance Against Predetermined Objectives (Administration)

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE 2019/20	AUDITED ACTUAL PERFORMANCE 2020/21	PLANNED ANNUAL TARGET 2020/21	ACTUAL ACHIEVEMENT 2020/21	DEVIATION FROM PLANNED TARGET TO ACTUAL ACHIEVEMENT 2020/21	REASON FOR DEVIATIONS
Reliable, secure asset utilisation	Talented people available to execute on NCT strategy & mandate across the NCT organisation structure	Percentage of filled positions on approved organisational structure	93%	89.56%	85%	89,56%	Exceeded	The Tribunal managed to fill most vacant positions
Reliable, secure asset utilisation	Youth with employable skills and knowledge	Number of interns employed through structured opportunities created for youth development	3	6	6	6 Youths Appointed.	Not applicable as target achieved	Not applicable
	Stable ICT Enterprise Structure	Percentage systems availability during business hours	Not applicable. This measure was not on the 2019/20 organisational scorecard	99.59%	98%	99.59%	Exceeded	ICT constantly strives to have zero unavailability of systems during business hours
	Safe & secure ICT Enterprise Architecture	Percentage of identified CMS Mission Critical ICT systems and user guide components and functions fully documented.	Achieved. The Tribunal carefully monitored its ICT business applications and ensured that the systems were available to users and the functions documented	100% User guide components fully documented	100% of identified CMS Mission Critical ICT system and user guide components and functions fully documented.	100% CMS User guide components fully documented	Not applicable as target achieved	Not applicable
		Number of designated security assessment interventions implemented	Not applicable. This measure was not on the 2019/ 20 organisational scorecard	2 (1 internal and 1 external) penetration tests were completed, and the results reviewed.	2(1 internal and 1 external) penetration tests completed & results reviewed	2 (1 internal and 1 external) penetration tests were completed, and the results reviewed.	Not applicable as target achieved	Not applicable
An intelligent, digitally transformed & enabled NCT	An enabling ICT enterprise architecture that supports and delivers on the NCT's future requirements.	Identified mission-critical ICT components & applications successfully implemented	Not applicable as this kpi was not on the 2019/ 20 organisational scorecard.	Identified system components & applications implemented.	Identified system components & applications implemented.	Identified system components & applications implemented.	Not applicable as target achieved	Not applicable

Table 10: Performance Against Predetermined Objectives (Administration) (continued)

OUTCOME	OUTPUT	OUTPUT INDICATOR	AUDITED ACTUAL PERFORMANCE 2019/20	AUDITED ACTUAL PERFORMANCE 2020/21	PLANNED ANNUAL TARGET 2020/21	ACTUAL ACHIEVEMENT 2020/21	DEVIATION FROM PLANNED TARGET TO ACTUAL ACHIEVEMENT 2020/21	REASON FOR DEVIATIONS
An intelligent, digitally transformed & enabled NCT	NCT people with the relevant skills and competencies to enable them to work in a digitally transformed workplace	Right people with the right digital technology skills in place to work successfully in the workplace of the future (inside outside NCT) % of identified re-skilling and up-skilling interventions successfully completed.	Not applicable as this kpi was not on the 2019/ 20 organisational scorecard.	Not achieved	90%	Not achieved	Not achieved	Due to Covid-19 and strict social distancing measures as well as budget constraints and strict austerity measures put in place to ensure that the NCT meets their financial responsibilities until the end of the 2020/21 financial year, no up-skilling or training took place

### THE OFFICE OF THE EXECUTIVE CHAIRPERSON

The Executive Chairperson provides strategic direction and oversight on the operations of the NCT and is appointed by the President of the Republic of South Africa on recommendation by the Minister of Trade, Industry and Competition. As a Tribunal member, the Chairperson also fulfils an adjudicative function. He is responsible for managing the adjudication process in terms of the NCA, CPA and other applicable legislation. All substantive and interlocutory judgements and rulings are automatically internally perused by the Executive Chairperson's Office to promote consistency and high-quality judgements.

The Executive Chairperson's role as the Accounting Authority is discussed on page 49 and, in this role, he is responsible for ensuring that sound governance is maintained at the NCT. He is further responsible for providing requisite strategic leadership in establishing policies, systems and operating procedures and oversight over all aspects of the Tribunal, whether it is adjudication, governance or operations.

### THE OFFICE OF THE CHIEF OPERATING OFFICER (COO)

The COO provides overall operational direction and management over operations and ensures that the NCT remains compliant with its objectives and meets the deliverables as set out in its Strategic, Annual Performance and Business Plans. The COO is further responsible for planning and monitoring the NCT's operations with all applicable legislation and obligations as set out in various Acts, policies and standard operating procedures as well as establishing relevant internal controls. During the year under review, the NCT met all its obligations in this regard. In addition, the COO provides leadership and guidance to the Tribunal's executive team in execution of their respective functions and responsibilities.

The COO is the main spokesperson of the Tribunal and plays a leading role in the Tribunal's communications, as supported by the Corporate Services team. The focus of the NCT's communication is to facilitate greater awareness of its role, mandate and to ensure regular and structured opportunities for engagement with key stakeholders. This ensures that the NCT operates in an environment where stakeholders are well informed and in which the regulatory activities of other stakeholders may be effectively aligned.



## THE OFFICE OF THE CHIEF FINANCIAL OFFICER (CFO)

The financial management of the NCT is the responsibility of the Chief Financial Officer, as supported by the Finance Unit. In this review year, the Finance Unit continued to partner with the other units to contribute towards the organisational goals and objectives of the NCT. The Finance Unit's strategic goal is to ensure the effective and efficient use of financial resources.

Sound financial management is necessary for sustaining the NCT. The goals of the Finance Unit were accordingly set out in the Strategic Plan of the NCT as follows:

### TO PROVIDE SOUND STRATEGIC FINANCIAL ADVICE AND GUIDANCE.

By means of monthly monitoring of the NCT's financial performance and the compilation of quarterly spending trend reports and forecasts for the remainder of the financial year, the Finance Unit was able to advise management on an ongoing and proactive basis on the financial health of the NCT. This enabled the NCT to re-evaluate its financial position and resource availability to reprioritise its spending and the implementation of projects to stay within its financial means and still achieve its strategic objectives.

### TO OPTIMISE THE VALUE FOR MONEY RECEIVED BY THE TRIBUNAL FROM VENDORS OF GOODS AND SERVICES.

By means of sound financial discipline and the implementation of cost and efficiency savings in conjunction with other units, the Finance Unit ensured that the NCT obtained value for money from its suppliers and that more funds were available for adjudication. Expenses were proactively monitored for any abnormal or unexpected increases and payments were only made to suppliers after confirmation of the correct quantity and quality of goods and services rendered to the NCT.

### TO ENHANCE THE TRIBUNAL'S BUDGET MODEL, ENSURING MORE ACCURATE FORECASTING AND BUDGETING.

As we are predominantly funded by a government grant it is crucial for the NCT to ensure that budgets are reflective of the operating conditions prevailing at the time of preparation. There is a further need to ensure

that forecasts used in the allocation of financial resources are reliable and costs are managed within its allocated budget.

### TO ENHANCE THE ACCOUNTING SYSTEM THEREBY ENSURING EFFECTIVE AND EFFICIENT PLANNING, IMPROVED MANAGEMENT, AND REPORTING ON THE FINANCES OF THE TRIBUNAL AS WELL AS REDUCING MANUAL INTERVENTIONS REQUIRED TO CAPTURE CASE-RELATED TRANSACTIONS.

Management Accounts were prepared monthly and submitted to **the dtic** once they had been approved by the Chief Operating Officer and the Executive Chairperson. The monthly management accounts included a trends analysis in which spending trends were examined and, where such trends were found to exist, recommendations were made where necessary with a view to future resource allocations and potential areas where cost-saving initiatives could be implemented, or efficiency gains achieved.

### TO MAINTAIN EFFECTIVE AND EFFICIENT FINANCIAL PROCESSES, SYSTEMS, CONTROLS AND POLICIES TO MANAGE FINANCIAL RESOURCES AND RISKS.

By means of continual review and, where necessary, updating of the policies and standing operating procedures within the Finance Unit, the NCT was able to operate within a sound control environment that limited the risk of control deficiencies and financial loss to the NCT.

## INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT)

The ICT Unit is responsible for providing the NCT with systems and services that will enable business processes to be completed in an efficient and effective manner, as well as facilitate electronic access to NCT resources for all authorised stakeholders (internal and external) in a fast and secure manner from any geographic location. This enables the NCT to achieve its mandate in an innovative, secure and automated manner. During the FY20/21 reporting period, the ICT network, infrastructure and business applications experienced no significant outages and accordingly supported the NCT in the execution of its mandate and attainment of its strategic objectives.

As an enabling support unit for the organisation, the ICT set five strategic goals for the FY20/21 period aimed at ensuring that it effectively supported the NCT to meet its goals and objectives as set out by the FY20/21 APP and the organisation-wide Business Plan. Each of these goals is outlined below, concomitant with an evaluation of the extent to which organisational goals and objectives were achieved during the period under review.

### ENSURING THAT THE ICT ENTERPRISE ARCHITECTURE SUPPORTS, ENABLES AND MEETS THE NCT'S BUSINESS REQUIREMENTS

In order to meet this goal, the NCT ICT Unit, in conjunction with Business, identified nine key business applications for this period, which were used enterprise-wide and intended to ensure that NCT users had the electronic tools to meet their business needs. Because of the criticality of operations, the ICT Unit employed measurement to ensure that the availability and functionality of these systems achieved a level of  $\geq 98\%$  during business hours. These included:

- The *Cloud based Office 365 system* which was implemented in the NCT over his period and consists of the electronic mailing system, Office products (MSWord, Excel, PowerPoint and so on), a document collaboration system SharePoint and a number of other transaction-based development tools. The major advantage of replacing our old legacy emailing and office tools systems with Office 365 was that this is managed in the cloud by Microsoft: as a consequence, maintenance and upgrades are done by the service provider automatically, thus ensuring that the latest features, functions and patches are implemented as they are released. Also, it has drastically reduced the probability of on-premises systems failures, as no inhouse maintenance was necessary.
- The *Case Management System*, which allows for the electronic handling of the processes adopted for managing NCT cases. This included capturing and registering of cases onto the system which is now mostly done via the efilng capability for section 138 applications, updating/ tracking of case status, online adjudication of cases and reporting. This system was made available to internal and external users. This

underpinned the core mandate of the NCT in terms of the NCA and the CPA. During this period continuous improvements and efficiencies were added to the system to make it more user friendly and efficient to the users. One such major development was the streamlining of the capturing of DRA by filers as well as the electronic adjudication process, which in effect doubled the throughput capacity.

- The *Exclaim system*, which enabled the organisation to track and report on its compliance in line with applicable legislation and NCT-defined processes and procedures identified in the approved policies. It was found to be a key enabler in ensuring that good governance is practiced at all times.
- The *VIP Employee Self-Service system*, which is an electronic workflow tool used for managing the requesting, approvals, reporting, and tracking of employees' leave types on an ongoing base.
- The *VIP HR system*, which is the records management system for all employee-related activities and overall reporting of HR statistics, including employment equity figures.
- The *Pastel system*, which is the general-ledger, payroll and supply-chain management system for the NCT.
- The *Incident Management System*, which is used as an electronic help desk tool for users to log problems and get them resolved by means of ICT. The system provides for the opening of a ticket, logging the fault, tracking the fault to a conclusion and closing the ticket.
- The *Remote Desktop Services and VPN systems*, which allows for users from any remote location to sign on to their user profile and have the same availability, access and experience to services on the NCT ICT systems infrastructure as if they were accessing systems locally in the NCT offices. As VPN is a more secure communications technology, we have migrated all users onto the VPN platform and are phasing out RDS.

For the FY20/21 period, the above applications had an average availability well over the 98% threshold with no catastrophic outages being experienced.

### ENSURING CONTROLLED ACCESS FOR TRIBUNAL MEMBERS, EMPLOYEES AND OTHER RELEVANT STAKEHOLDERS TO AUTOMATED BUSINESS PROCESSES, INFORMATION AND SERVICES.

Ongoing emphasis was placed in the FY20/21 period on refining key components of the Case Management System in production. The key focus points for continuous improvement included the following:

- The CMS web service that allows external filers who already have a system to be able to send applications using an Application Programming Interface (API). This facility means a filer can send through a large number of applications without the need to capture the information in the conventional e-filing forms provided on the system. This capability is aimed at those filers with systems that do not wish to have to recapture application information a second time into the NCT e-filing system that may already be electronically available on their own platforms.
- An automated online adjudication system which allows Tribunal Members to access the Case Management System online from anywhere and adjudicate on DRA cases. The cases already filed electronically are then allocated online to Tribunal Members who sign on and view the application and supporting documents electronically and make a decision to grant/ refuse and issue an order to the filing parties via the system. This capability leads to improved throughput and turnaround times for Tribunal Members in terms of processing DRAs as they can perform these tasks from anywhere at any time. The subsystem is in full production and is being used extensively for the processing of filed applications.
- *The consolidation of historical cases into the CMS central database.* The Case Management system went live in April 2015. As a result, all cases captured from then on were entered into the central electronic database. Cases which had been captured from the inception of the NCT in 2006 up to when the system went live resided on spreadsheets as, during that period, the system was manual. All these historical cases relating to DRA matters have now been captured and consolidated into the central database, thus enabling users to pull reports on these case records (that is, records filed prior to 2015) if needed.
- *The migration of non-DRA hearings into the virtual environment.* Traditionally, cases that required a

hearing between the parties were set down in such a manner that Tribunal members along with the parties would physically attend the hearings and a transcriber would then be conscripted to transcribe proceedings. During this period, the NCT implemented a system where hearings could be conducted on a virtual platform, thus obviating the need for the parties and Tribunal members to be physically in the same space. In addition, this eliminated altogether the need for a transcriber, as the system records proceedings, and these audio files are then electronically stored and linked to the particular case for later retrieval if needed.

- Continuous training and support for external filing parties to submit DRAs electronically via the Case Management System. This involves several processes on behalf of the filer which include:
  - Registering on the system;
  - The setting up of a user account which the filers sign on to;
  - E-purse payments for submission of applications;
  - Reporting for the filer to track application submissions, payments and status; and
  - Publicity and change management initiatives continuously undertaken with debt counsellors on a frequent basis to make them comfortable in using this online e-filing capability to submit applications.

During the FY20/21 period, there has been a significant increase in filers using this electronic platform to file their applications, and there are ongoing continuous improvement initiatives being undertaken by the ICT team to improve the user experience in utilising the system.

### ENSURING THAT THE ICT ENTERPRISE ARCHITECTURE IS SECURE AND THAT ITS USERS ARE PROTECTED AGAINST HACKING AND VIRUSES.

The continued management of the segmented network infrastructure of the NCT ICT was enacted during the reporting period, thus ensuring NCT systems and applications were protected against intrusions. Stringent security vetting of external in-bound traffic from the wide area network continues to be handled by our firewall and proxy server, which has ensured that no significant security breaches took place, and the integrity of sensitive data was maintained.

By means of the continued effective maintenance of our Microsoft Windows-based active directory database configuration, Trend Micro anti-virus software and our firewall policy rules, we experienced no security breaches during the reporting period. In addition, on a weekly basis, we ran a best practice vulnerability assessment tool on the NCT ICT infrastructure and interrogated reports produced, which highlighted the locations of potential vulnerabilities, after which we instituted a regular patching process to address shortcomings that had arisen.

#### INCREASING THE ADOPTION AND UTILISATION OF IMPLEMENTED ICT APPLICATIONS, SYSTEMS AND PROCESSES

The change management goal focus in the 2020/21 financial year continued in terms of delivering awareness programmes to assist debt counsellors to migrate from manually filing applications to the NCT Case Management e-filing system. During this period, more and more debt counsellors registered on the e-filing system and have been submitting applications electronically via this method. In addition, Tribunal Members have now been trained and extensively use the online adjudication facility to process applications. The organisation actively discouraged filers from submitting applications manually in favour of moving to the online platform by highlighting the benefits of such a migration.

#### ENSURING THAT ALL ICT APPLICATIONS, SYSTEMS AND PROCESSES ARE SECURE AND AVAILABLE TO AUTHORISED STAKEHOLDERS

The three key structures that addressed this goal during the reporting period included the NCT's EXCO, NCT's Manco and the ICT Governance Committee. ICT continued to monitor and address where needed risks that have been proactively identified, reviewed and acted upon, and reported on utilising the NCT's Risk Management process and combined assurance register supplied by our shareholder **the dtic**.

By means of the appointed disaster recovery service provider, the ICT Unit conducted a detailed data recovery exercise in Quarter 2 and 4 of the 2020/ 21 financial year.

User acceptance tests were successfully conducted in all the respective business units and the service provider subsequently issued a certificate to that effect.

Given the continued threat of load shedding, the installed back-up generator that powers all servers, power over Ethernet points and the firewall has worked well in tandem with a reduced number of switches, routers and printers. This continues to ensure resilience and adequate systems availability during times that power outages have been experienced. Once the grid fails, the generator "kicks" in within an eight-second timeframe, which is well within the threshold for providing continuous power to the systems infrastructure, as the UPS system has an operational window of up to up to one hour. The failover for the systems and users during these times was seamless.

Over and above the security measures undertaken inhouse to mitigate unauthorized access, in Q3 of the reporting period we employed the services of an independent ICT security organisation (known as a "white hacker") to audit our internal and external security configurations. This was done to ensure that we address and continuously tighten up on our mission critical systems vulnerabilities and accessibility to unwanted threats.

#### THE OFFICE OF THE CORPORATE SERVICES EXECUTIVE (CSE)

The Corporate Services Unit incorporates the departments of the Secretariat and Compliance Specialist, Human Resources and Communications. The CSE is responsible for compliance with the NCT around all applicable legislation and obligations as set out in the various Acts, policies and standard operating procedures, as well as establishing relevant internal controls. In addition, the CSE is responsible for HR management, overseeing communications activities, logistics and administrative support, as supported by the various departments within this unit. During the year under review, the NCT met all its obligations in this regard. Audit management, risk management and fraud management also form part of the CSE's responsibilities, and these items are discussed on page 54 of this report.

## CORPORATE SERVICES: HUMAN RESOURCES AND FACILITIES MANAGEMENT

The NCT is a transforming organisation that embraces the full potential of ICT to enable intelligent, efficient and effective work. The reality, however, is that ICT-enabled processes still rely on the competence, passion and commitment of people to ensure an efficient and effective service delivery. It is for this reason that the NCT has a Human Resources Strategy and Plan to ensure that the “right people are in the right place at the right time” to successfully execute its strategy.

The Mission of the NCT’s Human Resources Department (HR) is to provide the advice, collaborative solutions and support required to ensure that the NCT has the appropriate people and management systems and practices in place to meet its organisational needs and fulfil its mandate.

The Vision of the NCT’s Human Resources Department (HR) is to be a valued business partner contributing to the evolution of a resilient, dynamic and successful NCT, ably supported by fully engaged teams of talented people.

In order to effectively deliver its HR services amidst the current NCT organisational changes, The Human Resources Department has adopted Dr. Sullivan’s model on the Five Levels of HR contribution:

- Level 1: Information management and basic transactions;
- Level 2: Providing functional services, such as staffing and compensation among others;
- Level 3: Coordination of efforts to improve workforce productivity;
- Level 4: Development of competitive advantage by means of talent; and
- Level 5: Development of solutions to strategic business problems and opportunities.

The Human Resources Department has adopted five key strategic goals upon review of its service delivery assessment:

### TO ATTRACT, DEVELOP AND RETAIN THE RIGHT PEOPLE TO ENSURE THE RIGHT SKILLS ARE AVAILABLE IN THE RIGHT PLACE AT THE RIGHT TIME TO DELIVER ON THE NCT’S MANDATE (LEVEL 2).

In order to attain this goal, the Human Resources Department achieved a 90% recruitment rate for the 2020/ 21 financial year, conducted an on-boarding and

induction programme for all new recruits, ensured data integrity of all physical and electronic records, effectively implemented performance management and assessments and continuously provided support in managing their team’s performance. Competency development has been harnessed by means of training interventions as personal development plans, including formal studies. The retention rate has been significant as the turnover rate was less than seven percent per month.

### TO DEVELOP AN ENABLING FRAMEWORK AND WORKING ENVIRONMENT THAT OPTIMISES THE POTENTIAL FOR EMPLOYEE ENGAGEMENT AND WELLNESS (LEVEL 4)

As part of the Corporate Services Unit, the Human Resources Department has constantly provided over-the-shoulder support to line management and staff around the high-output demand in terms of the workload. Covid-19 management measures and support were implemented to ensure staff wellness and continuous productivity even when working from home. Line management were consistently encouraged to provide adequate support to their teams for them to function optimally.

### TO ANTICIPATE FUTURE BUSINESS AND ENVIRONMENTAL DEMANDS ON THE NCT AND TO PROVIDE HUMAN RESOURCE CAPACITY TO SATISFY THOSE DEMANDS AND FULFIL THE NCT’S MANDATE (LEVEL 3)

The implementation of a workforce plan was enforced by means of proper and timeous resourcing of each Unit’s requirements. A skills audit project was also initiated to assess the current people capability to match future capabilities that the NCT will require in order to sustain its operations and exceed futuristic performance expectations and milestones. It is anticipated that the skills audit project will also yield training interventions that will be implemented to align with futuristic skills and capabilities.

### TO SHAPE A VALUES-BASED CULTURE THAT CHAMPIONS HIGH PERFORMANCE AND SERVICE EXCELLENCE (LEVEL 5)

The Covid-19 pandemic posed a challenge however, the Tribunal responded adequately by re-streaming operations without disruption, by means of providing resources and affording staff to work from home. The performance of all NCT Tribunal members and staff continued to be

managed by means of the use of the NCT's performance management system seamlessly throughout the period under review.

#### TO ESTABLISH EFFECTIVE AND EFFICIENT HR ADMINISTRATION TO FACILITATE AND INFORM ACCURATE HR DATA AND REPORTING (LEVEL 1).

The Human Resources Department is continuously exploring efficiencies in the SAGE VIP System to ensure that HR data integrity and reliability are maintained. A central one-stop system for HR transaction is the ultimate goal in sight. Integration of electronic HR transactions remains a key driver that will contribute to the overall organisational efficiencies and people management.

### CORPORATE SERVICES: COMMUNICATIONS

#### STAKEHOLDER RELATIONS

Stakeholder engagement is pivotal in ensuring that the NCT effectively monitors and improves its efficiency. Key stakeholders include **the dtic**, Tribunal Members and staff, committee members as well as other regulatory entities and the public. During the reporting period, the NCT had 41 engagements with external stakeholders.

#### REGULATORY ENTITIES

The NCT engaged with various international bodies, such as the COMESA, the United States Federal Trade Commission, the United Nations Conference on Trade and Development (UNCTAD), the United States Product Safety Commission, the Australian Competition and Consumer Commission and civil society organisations, among others. The purpose of the engagement at the African Dialogue conference was to promote the protection of consumer during the Covid-19 pandemic and develop best regulatory practices in an era of e-commerce, provide consumers with effective remedies and redress, promote cross-border cooperation, share trends on consumer complaints and data privacy challenges to better educate consumers and develop effective regulatory strategies. Collaboration with regional and international oversight institutions will promote best practices on the development of the consumer credit market around the world.

#### FILING PARTIES

To promote access, the Tribunal conducted 37 engagements by means of webinars with debt counselling firms and the industry oversight body, the Debt Counsellors Association of South Africa (DCASA). The meetings entailed training them on the process of automated electronic filing by means of the Case Management System (CMS) and operations of Motion Courts for DRA matters. The objectives of these developmental initiatives were to provide redress to debt-stressed consumers during the Covid-19 pandemic by increasing access to marginalised rural and township consumers who, at the hand of debt counsellors, could lodge their applications electronically from remote areas around the country. The engagements were very successful in that the number of debt counsellors now lodging their applications electronically from remote locations has increased.

#### OTHER ENGAGEMENTS

The Tribunal participated in **the dtic** collective-bargaining engagements to continually improve labour conditions as well as establish engagement channels to facilitate dialogues among employers and employees as well as **the dtic** entities.

#### STRATEGY TO OVERCOME AREAS OF UNDERPERFORMANCE

With regards to the non-achievement of the KPI in respect of the up-skilling and re-skilling of staff to enable them to work in a digitally transformed work environment, the NCT commenced a Skills Audit and based on the outcome of the audit, would be in a position to identify gaps and arrange training for staff to work successfully in the workplace of the future.

With regard to the Access Strategy, the NCT has identified a mobile application to be procured which will enable consumers and filers in the rural areas to access its services. This will be considered carefully in the next financial year and implemented if possible.

#### CHANGES TO PLANNED TARGETS

The NCT's Strategic Plan for 2020/21-2024/25 and APP for 2020/21-2021/22 were approved by the Minister of Trade and Industry after two of the initial kpis on the organisational scorecard were removed.

## INSTITUTIONAL RESPONSE TO THE COVID-19

Table 11: Progress on Institutional Response to the Covid-19 Pandemic

INSTITUTIONAL RESPONSE TO THE COVID-19	INTERVENTION	GEOGRAPHIC LOCATION	NO. OF BENEFICIARIES	DISAGGREGATION OF BENEFICIARIES (WHERE APPLICABLE)	TOTAL BUDGET ALLOCATION PER INTERVENTION (R'000)	BUDGET SPENT PER INTERVENTION	CONTRIBUTION TO THE OUTPUTS IN THE APP	IMMEDIATE OUTCOME
<b>First-Aid Kits</b>	Replenishment of First-Aid kits	Gauteng, Centurion	All staff	N/A	R648,95	R648,95	N/A	First-Aid kits ready for use during an emergency
<b>Covid-19 Tests</b>	Staff testing for Covid-19	Gauteng, Centurion	5	N/A	R4250,00	R4250,00	N/A	Staff knows their status
<b>PPE</b>	Provision of hand sanitizers, temperature scanners and face masks	Gauteng, Centurion	All staff and visitors who attend at the NCT offices	N/A	R10358,60	R10358,60	N/A	Protect staff and visitors

The Minister of Trade, Industry and Competition declared the NCT as an essential service subsequent to the announcement of the lockdown. This allowed the NCT to continue to engage with various stakeholders such as debt counsellors, legal firms, members of the public and other dtic entities. Hence the NCT's operations remained active even during the level 5 lockdown phase in 2020. Parties who wished to file applications to the Tribunal were encouraged to file such applications electronically, as most members of staff were working from home. Hearings were and continue to be held virtually in order to minimise and mitigate any potential risk exposure.

The NCT implemented various protective measures, such as ensuring the provision of appropriate PPE, to all staff and visitors who entered the NCT offices. In addition, the NCT encouraged and continues to encourage employees to test for Covid-19, of which the NCT covers the cost. The NCT also proactively implemented measures that allowed employees to work from home in order to eliminate potential exposure to the risk of infections. The Department of Health assisted with the provision of face masks.

Staff are continuously encouraged to observe all Covid-19 protocols and adherence is monitored daily by means of keeping registers. Covid-19 management reports are also submitted weekly on incidents and corrective interventions.



## LINKING PERFORMANCE WITH BUDGETS

Table 12: Linking performance with budgets

PROGRAMME	2020/21			2019/20		
	BUDGET	ACTUAL EXPENDITURE	(OVER)/ UNDER EXPENDITURE	BUDGET	ACTUAL EXPENDITURE	(OVER)/ UNDER EXPENDITURE
	R'000	R'000	R'000	R'000	R'000	R'000
Adjudication	25 324	23 810	1 514	25 397	26 232	(835)
Administration	35 270	28 237	7 033	40 818	31 805	9 013
<b>Total</b>	<b>60 594</b>	<b>52 047</b>	<b>8 548</b>	<b>66 215</b>	<b>58 037</b>	<b>8 178</b>

Overall expenditure (including capital expenditure but excluding depreciation) was lowered by 10.3% when compared to the previous financial year mainly due to measures implemented during the pandemic. In addition, when compared to the budget, a significant portion of capital was not spent - refer to the capital section below for more detail.

The 8.8% decrease in adjudication expenditure can be attributed to the lower number of cases adjudicated in 2020/2021 compared to the previous financial year. In

addition, meetings held using various online platforms mainly in response to the Covid-19 pandemic resulted in substantial savings in travelling and subsistence allowances related to adjudication costs. The number of debt re-arrangement matters allocated and paid for per day to part-time Tribunal Members continued to contribute to the decrease in the adjudication costs.

The decrease in administration expenditure by 11.6% can also be attributed to operational efficiencies.

## REVENUE COLLECTION

Table 13: Revenue collection

REVENUE SOURCE	2020/21			2019/20		
	BUDGET	ACTUAL AMOUNT COLLECTED	(OVER)/ UNDER COLLECTION	BUDGET	ACTUAL EXPENDITURE	(OVER)/ UNDER EXPENDITURE
	R'000	R'000	R'000	R'000	R'000	R'000
Grant income	47 492	47 492	-	49 988	52 239	(2 251)
Additional funds	4 400	-	4 400	4 400	4 400	-
Roll-over	(1 804)	-	(1 804)	1 308	-	1 308
Filing fees	8 945	9 537	(593)	11 254	8 187	3 068
Service fees	-	4	(4)	-	24	(24)
Sundry income	-	531	(531)	-	93	(93)
Proceeds from insurance	-	-	-	-	66	(66)
Interest earned	1 562	1 269	293	1 191	1 452	(261)
<b>Total</b>	<b>60 594</b>	<b>58 833</b>	<b>1 761</b>	<b>68 141</b>	<b>66 461</b>	<b>1 680</b>



The NCT received its full initial grant allocation from the Department of Trade, Industry and Competition (dtic), of R54 948 000 for the 2020/21 financial year from **the dtic** during April 2020, but during July and December 2020, it had to pay back R6 209 000 and R1 247 000 respectively of the grant to **the dtic**. However, R4 400 000 retained from the prior financial year (2019/20) was ring-fenced for the implementation of the National Credit Amendment Act (NCAA). The procurement process related to the NCAA implementation project was finalised on 16 March 2021. As the Annual Financial Statements for the 2019/20 financial year were finalised by the time the budget was revised the ring fenced amount was included on the revised budget for 2020/21 financial year.

Income from filing fees comprises of fees received from filing parties for debt re-arrangement cases brought before the Tribunal. The budget was prepared on the assumption that 22 362 cases would be brought before the Tribunal at a filing fee of R400.00 per case. The NCT received 23 844 cases. The actual number of cases received were therefore 6.6% more than budgeted. The filing fee per case increased by 33.3% from R300.00 to R400.00 per case, effective from 1 April 2020.

## MOVEMENT OF NCT PROPERTY, PLANT AND EQUIPMENT

Table 14: Movement of NCT property, plant and equipment

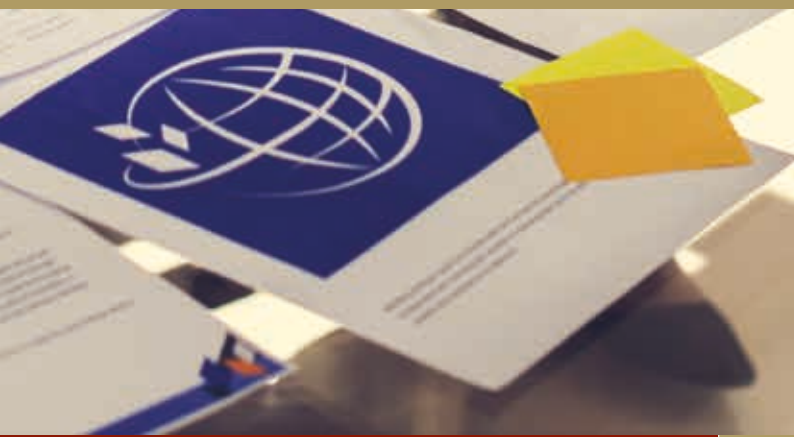
ASSETS	OPENING BALANCE	ADDITIONS	ASSETS WRITTEN OFF	ASSETS SOLD	DEPRECIATION	CLOSING BALANCE
Furniture and fittings	1 089 312	-	(1 486)	-	(101 920)	985 906
Office equipment	66 208	-	(72)	-	(19 568)	46 568
Computer equipment	1 210 126	67 198	-	-	(436 641)	840 683
Leasehold improvements	383 675	-	-	-	(383 675)	-
Books	12 022	-	-	-	(579)	11 443
Signage	-	-	-	-	-	-
Office equipment – leased	119 773	-	-	-	(119 773)	-
Computer software - other	94 958	-	-	-	(94 958)	-
Computer software – Internally generated	1 402 737	139 426	-	-	(486 315)	1 055 848
<b>Property, plant and equipment</b>	<b>4 378 811</b>	<b>206 624</b>	<b>(1 558)</b>	<b>-</b>	<b>(1 643 429)</b>	<b>2 940 448</b>

Expenditure on capital assets (including intangible assets) amounted to R206 624.00. Capital expenditure was underspent, mainly due to the delay in the receipt of new laptops as a consequence of Intel CPU shortages. The procurement process for the NCAA project was initiated in March 2020 and was completed, and the bid was awarded on 17 March 2021. Of the R4.4 million received, R3.8 million was committed, with the balance to be used for application support/enhancements into the future. These funds will therefore be rolled over to the next financial year for partial implementation of the NCAA, as committed. The NCT has however not yet spent any money on this project, and the capital cost of R3 765 170.00 of the R4 400 000.00 remains committed – the remaining costs will be used in the development or acquisition of additional applications.

Refer to Note 2, Note 3 and Note 18.9 in the Annual Financial Statements.



PART C  
GOVERNANCE



## INTRODUCTION

Corporate governance embodies processes and systems by which an entity is directed, controlled and held to account in addition to legislative requirements based on its enabling legislation and the Companies Act, Act No. 71 of 2008. Corporate governance with regard to public entities is applied by means of the precepts of the PFMA and run-in tandem with the principles contained in the King Code of Governance Principles and King Report on Governance (King IV).

Parliament, the Executive Authority and the Accounting Authority of the NCT are responsible for corporate governance.

## PORTFOLIO COMMITTEES

The Parliamentary Portfolio Committee (PC) on Trade and Industry provides oversight over the service delivery of the NCT.

During 2020/21, the NCT briefed the PC on Trade and Industry in relation to its Strategic Plan 2020/21–2024/25 and the APP 2020/21–2022/23, as well as progress on its cases. In addition, when Parliamentary questions are posed to **the dtic** entities, the NCT responds in writing.

## EXECUTIVE AUTHORITY

As a public entity within the sphere of **the dtic**, the NCT, as a public entity within the sphere of **the dtic**, reports by means of the Department's CCRD and the PEO Unit to the Honourable Minister of Trade, Industry and Competition, Mr Ebrahim Patel.

The NCT complied with its obligations in terms of its Shareholder Compact by submitting quarterly reports to **the dtic** on or before the end of each respective quarter. The Honourable Minister, as Executive Authority, approved these reports.

## ACCOUNTING AUTHORITY

### INTRODUCTION

The Executive Chairperson is the Accounting Authority of the NCT and holds absolute responsibility and accountability for its performance. He provides strategic

direction to the NCT and, in his role as Accounting Authority, monitors operational performance and management, determines policy processes to ensure the integrity of risk management and internal controls and ensures compliance with applicable laws, regulations and government policy.

## GOVERNANCE COMMITTEES

The following governance committees are in place to support and advise the Executive Chairperson in his duties:

- Audit and Risk Committee;
- ICT Governance Committee; and
- Human Resource Governance Committee. This committee also constitutes itself as a Performance Management Committee.

Since the Executive Chairperson is also a full-time member of staff and is therefore affected by NCT policies and procedures, any matters pertaining thereto are first put before the Executive Committee (EXCO) for comment. Such matters are then brought before the relevant Governance Committee for consideration, and formal recommendations are made to the Executive Chairperson.

The Executive Chairperson fully considers each recommendation emanating from the governance committees and formally responds to each recommendation. When approving a recommendation, he issues an instruction to Management by means of the Office of the COO so as to action the recommendation with specific timeframes for implementation. If a recommendation is not accepted, the Chairperson provides full reasons for this.

The recommendations made by the NCT Audit and Risk Committee, and the outcomes and progress thereof are reported to **the dtic** in the Tribunal's quarterly report.

## AUDIT AND RISK COMMITTEE

The role of the Audit and Risk Committee is discussed on page 53 and its report can be viewed on page 68.

Table 15: ICT Governance Committee membership and attendance

MEMBER	QUALIFICATIONS	INTERNAL/ EXTERNAL	CAPACITY	DATE APPOINTED	TERM ENDED	NO. OF MEETINGS ATTENDED
<b>Mr Prittish Dala</b> (appointed as Committee Chairperson)	BSc, BSc Honours, Masters, PH. D.	External	Independent ICT Specialist	October 2017	Re-appointed November 2020	5 of 5
<b>Ms Vuyokazi Menye</b> (appointed as Member)	BSc, Diploma in IT	External	Independent ICT Specialist	October 2017	October 2020	1 of 3
<b>Mr Bax Nomvete</b> (Appointed as Member since October 2017, attended all prior meetings <i>ex officio</i> )	Higher National Diploma in ICT	Internal	CIO	October 2017	N/A	5 of 5
<b>Mr Sandile Ndaba</b> (appointed as Committee Member)	BA Science, Masters in Commerce	External	Independent ICT Specialist	February 2021	N/A	1 of 1

### ICT GOVERNANCE COMMITTEE

The ICT Governance Committee continued to operate effectively by providing ICT Governance oversight over the ongoing operations of the NCT's ICT Unit. The ICT Governance Committee comprises three members. Two of these are independent external IT Specialists, and the third is the Tribunal's CIO. The externally appointed members all have in-depth ICT skills that positively contribute to the ongoing decision-making processes.

Within the COBIT framework, which the NCT has adopted as its governance model, there is a strong emphasis for the organisation to implement effective measures and control mechanisms to govern its ICT programmes. The ICT Governance Committee is one such instrument used to achieve this goal. Five committee meetings (one special and four ordinary) were held during which the Chief Information Officer (CIO) reported on progress made with ICT governance, including projects implementation.

### KEY AREAS OF RESPONSIBILITY

The Committee operates in accordance with an approved charter that sets out its duties and responsibilities. Among others, it is responsible for:

- Reviewing and providing guidance on strategic alignment, risk management, and value management on NCT-identified initiatives.
- Ensuring that the scope of product and project development initiatives aligns with the requirements of the NCT;
- Reconciling differences in opinion and approach, and resolving disputes arising from product and projects development;
- Reporting on ICT governance and related matters to the Audit and Risk Committee; and

- Providing advice and guidance on performance-related matters in terms of the NCT ICT adopted governance frameworks.

The Committee operates in a consultative fashion by reviewing the NCT's management of its operations from the perspectives of strategic alignment, value management, risk management and performance management, while providing advice and guidance on the direction to follow to ensure that these dimensions are managed effectively.

### MAIN ACTIVITIES DURING THE REPORTING PERIOD

The ICT Governance Committee's main duties during the reporting period include the following:

- Reviewed items/ documents prepared by the CIO and approved by EXCO;
- Reviewed ICT risks and made recommendations on the internal controls and mitigation of risk plans;
- Made recommendations on the level of compliance with policies;
- Provided strategic inputs on ICT matters to the NCT;
- Reviewed reports, plans, strategies, policies and proposals and made recommendations around these in relation to the entire ICT functions as detailed in the ICT Strategy of the NCT;
- Reviewed and provided inputs on the ICT Governance Framework;
- Made recommendations for resourcing the ICT function and related ICT investments in line with the ICT Strategy and Plan; and
- Reviewed and made recommendations on the effectiveness of SLA management.

The CVs of the members of the ICT Governance Committee are attached to this report in Annexure B.

## HR GOVERNANCE COMMITTEE

The HR Governance Committee is comprised of two independent HR Specialists and the Chief Operating Officer Services Executive. The CSE as well as the HR & Facilities Manager also attend meetings in their official capacities. During the reporting period, three ordinary HR Governance Committee meetings were held.

Table 16: HR Governance Committee Membership and attendance

MEMBER	QUALIFICATIONS	INTERNAL/ EXTERNAL	CAPACITY	DATE APPOINTED	TERM ENDED	NO. OF MEETINGS ATTENDED
<b>Mr. Enoch Motswaledi</b> (Committee Chairperson)	BSc (Psych), M. Dip, MSc (Psych), MBL	External	Independent HR Specialist	November 2017	November 2020	2 of 2
<b>Ms. Nomkhita Mona</b> (Committee Member)	BA, Honours, Masters, MBA	External	Independent HR Specialist	November 2017	November 2020	2 of 2
<b>Mr Rajesh Jock</b> (Chairperson of the Committee)	BSc, MSc, MBL	External	Independent HR Specialist	February 2021	N/A	1 of 1
<b>Ms. Nolufefe Ali</b> (Committee Member)	B. Admin, Honours in Industrial Psych, M.Phil, MBL	External	Independent HR Specialist	February 2021	N/A	1 of 1

### MAIN ACTIVITIES DURING THE REPORTING PERIOD

The Committee deliberated on and made recommendations as to the following main areas during the 2020/21 reporting period:

- The Committee considered the impact of the positions of the Corporate Services Executive, which was vacant and suggested that, as an interim measure, the position be filled by temporary placements until the recruitment process had been finalised.
- The Committee recommended that alternative methods should be considered to attract a larger pool of suitable candidates who are differently abled to ensure that the NCT complies with employing differently abled persons.
- The Committee also considered amendments to the various HR policies and recommended these for approval.

The CVs of the members of the HR Governance Committee are attached to this report in Annexures B.

## RISK MANAGEMENT

Effective risk management entails continuous and proactive identification and assessment of risk factors affecting its mandate. The NCT has a Risk Management Framework under the guidance of the Audit and Risk Committee (ARC). The NCT further has a Risk Management Policy which is reviewed regularly. During the annual Strategic Planning sessions of the Tribunal, a special risk workshop is conducted, during which the Tribunal's operational as well as strategic risks are discussed and reviewed. One member of the ARC participated in the Risk Management Workshop conducted during June 2020.

The NCT's top risks are indicated on the Integrated Assurance Risk Register. This register serves quarterly at the NCT's Audit and Risk Committee, and it is availed of any emerging risks and their impact on the day-to-day operations of the Tribunal. As at 31 March 2021, the NCT had 12 strategic risks on the risk register. The Tribunal's Management is responsible for implementing risk action plans and for ensuring that controls are effective and continuously enhanced. At each EXCO Meeting, each of the 'risk owners' reports on the status of the particular risk they manage and outline the mitigating actions to be taken. Progress against risk action plans is monitored and reported on a quarterly basis to the dtic.

During the reporting period, the risks associated with the reduction of grant funding around the meeting of operational requirements due to budget cuts were prioritised. Risks pertaining to cybersecurity further received a significant amount of attention during the reporting period. At the end of the reporting period, the NCT implemented 100% of the risk action plans that were due for implementation.

## INTERNAL CONTROL

The NCT provides a stringent and focused approach to ensuring effective internal controls. Under the leadership of the Executive Chairperson, the COO and Executive Managers are responsible for ensuring that internal controls are implemented, maintained and monitored by the business units. In order to ensure that internal controls are effectively implemented and monitored, written Standard Operating Procedures were developed and approved for implementation. Compliance with these Standard Operating Procedures was monitored. These

procedures will be reviewed and revised from time to time so as to ensure the continuous strengthening of internal controls as and when deficiencies are identified, while further ensuring continued effectiveness and efficiency within a controlled environment. In addition, the NCT's independent Internal Auditors assist Management with consulting and assurance services with regard to internal control mechanisms.

## INTERNAL AUDIT

### KEY ACTIVITIES AND OBJECTIVES OF THE INTERNAL AUDIT FUNCTION

The Internal Audit function is outsourced to an external service provider, Nexia SAB&T, and is overseen administratively by the COO. Nexia SAB&T audits all areas of business in terms of the approved three-year, risk-based Internal Audit Plan.

The Audit and Risk Committee provides independent oversight over governance, risk management and control processes at the NCT, which include oversight and responsibilities relating to:

- Assess and make appropriate recommendations for improving the governance processes towards achieving the NCT's objectives;
- Evaluate the adequacy and effectiveness of the risk management process and contribute to its improvement; and
- Assist the Accounting Authority in maintaining efficient and effective controls by evaluating those controls and making recommendations for enhancement or improvement.

In addition, the Corporate Compliance Regulatory Division also monitors compliance and engages with the NCT from time to time. This unit also monitors the NCT's reports around the status of implementation of Management's commitments on audit findings raised by internal or external auditors.

### SUMMARY OF INTERNAL AUDIT WORK DONE

During the reporting period, Internal Audit conducted the following audits and reviews:

- Audit of predetermined objectives review;

- Covid-19 Management audit;
- ICT internal control review;
- Compliance Management review;
- Risk Management review;
- Asset Management review; and
- Follow-up review.

- Review of In-year monitoring reports;
- Risk Management;
- Internal control;
- Pre-determined objectives;
- Ethics and forensic investigations;
- Combined Assurance;
- ICT Governance; and
- Oversight of the quarterly reports submitted to **the dtic**.

## AUDIT AND RISK COMMITTEE

### KEY ACTIVITIES AND OBJECTIVES OF THE AUDIT AND RISK COMMITTEE

The Audit and Risk Committee provides independent oversight over governance, risk management and control processes at the NCT, which include oversight and responsibilities relating to:

- Internal audit;
- External audit;
- Accounting and financial reporting;
- Accounting policies;
- Review of management and audit reports;

The NCT's independent Fraud Hotline service provider is mandated to provide reports on a monthly basis and these reports are submitted to the NCT. The reports are submitted quarterly to the ARC. During the year under review, no incidents of fraud were reported.

Table 17: Audit and Risk Committee Membership and Attendance

MEMBER	QUALIFICATIONS	INTERNAL/ EXTERNAL	CAPACITY	DATE APPOINTED	TERM ENDED	NO. OF MEETINGS ATTENDED
<b>Mr. Thomas Kgokolo</b> (Chairperson)	MBA, BCompt Hons (CTA), CA(SA)	External	N/A	September 2017	September 2020	3 of 3
<b>Mr. Tshepo Mofokeng</b>	B Com, B Acc, CA(SA), CIA, CRMA	External	N/A	September 2017	September 2020	3 of 3
<b>Mr. S Badat</b>	CA (SA)	External	N/A	01/04/2019	N/A	6 of 6
<b>Ms. R Rasikhinya</b>	B Com, CA(SA)	External	N/A	01/04/2019	N/A	6 of 6

During the reporting period, two committee members' terms ended. Mr. Badat has been appointed as the Acting Chairperson of the ARC Committee until the recruitment of a third member has been finalised.

The NCT's Executive Management attend the meetings of the ARC in their official capacities.

The CVs of the members of the Audit and Risk Committee are summarised in Annexure B.

## COMPLIANCE WITH LAWS AND REGULATIONS

The NCT reviews its regulatory environment on a regular basis and has incorporated all applicable laws, regulations and policies into its automated compliance monitoring system, Exclaim. Compliance checklists are completed by the relevant policy owners on Exclaim, which allows for the generation of quarterly compliance reports for Audit and Risk Committee meetings as well as EXCO meetings. During the period under review, the NCT complied with all laws and regulations impacting on its business.

## ANTI-FRAUD AND ANTI-CORRUPTION

As a regulatory entity, adequate fraud prevention processes are essential to the NCT. The NCT has a Fraud Prevention Policy as well as a Fraud Plan in place which are reviewed regularly. In addition, the NCT has a Fraud Hotline which is managed by an independent service provider. During the 2020/21 financial year, the NCT's Fraud Hotline was operated by Deloitte Tip-Off Anonymous. The service provider is mandated to report any instances of fraud directly to the COO. A fraud awareness session was held with NCT staff, which included information on the NCT Fraud Hotline, the type of instances to be reported utilising the Fraud Hotline and general awareness of fraud and corruption. The NCT further has a Whistleblowing Policy in place to encourage the anonymous reporting of any possible fraudulent or corrupt activities without the fear of victimization.

## MINIMISING CONFLICT OF INTEREST

The NCT has processes in place to determine whether any of Tribunal Members or staff have any vested interests in matters adjudicated by the Tribunal or in the procurement, governance and operational aspects of the Tribunal.

Annually, Tribunal members, staff and all Governance Committee Members declare their specific current interests, whether financial or otherwise, which may result in a conflict of interest. In addition, the Tribunal conducts Companies and Intellectual Property Commission (CIPC) searches to determine whether any of the Tribunal Members or staff are directors or shareholders in companies that might cause conflicts of interest in respect of service level agreements and / or adjudication.

Conflict of interest forms are completed during the adjudication of each case and before all governance, operational, procurement and recruitment interactions. Any conflict is immediately reported and assessed before the case proceeds. Any possible conflict with regard to the adjudication of matters is referred to the Executive Chairperson for a decision. Matters of conflict pertaining to a committee or meeting are referred to the Chairperson of that committee meeting. In the event of a conflict, the conflicted party is recused during a discussion of the item on which they are conflicted.

## CODE OF CONDUCT

NCT staff and Tribunal Members adhere to a formal Code of Conduct and Conflict of Interest Policy which are regularly reviewed. In terms of the Code of Conduct, Tribunal and staff members are expected to align their behaviour with the values of the NCT. The Code also addresses disclosures relating to conflict of interest, financial disclosures as well as gifts received. In the event of a breach, the internal disciplinary process is followed.

## HEALTH, SAFETY AND ENVIRONMENTAL ISSUES

As required by legislation in terms of the Occupational Health and Safety (OHS) Act, Act No. 85 of 1993, the NCT strives to provide and maintain, as far as reasonably possible, a safe and risk-free environment for its employees and stakeholders accessing the premises.

The NCT is registered with the Compensation Commissioner in terms of the Compensation for Occupational Injuries and Diseases Act, Act No. 130 of 1993, and makes an annual contribution towards the Compensation Fund to ensure compliance with legal instruments.

OHS forms a key part of the role of the HR and Facilities Manager who guides and advises the Tribunal on OHS matters. The NCT further has an Occupational Health and Safety Committee which meet at least once a month to ensure that the NCT adheres to the OHS Act and applicable regulations.

The outbreak of the worldwide pandemic of Covid-19 has had a minimal impact on the day-to-day operations of the NCT as the NCT already had the necessary virtual



infrastructure in place to enable most of the staff to attend to their daily tasks remotely. Most of the adjudications of hearings moved to a virtual platform. Some functions however could not be conducted remotely and needed to be performed at the office. In order to ensure that the staff and members of the public who attended the NCT's offices were protected, all Covid-19 protocols regarding safe social distancing and the wearing of masks were strictly monitored. Sanitizers were placed strategically in the office. Placards on the entrance as well as throughout the offices constantly reminded staff and visitors to observe and practice the safety protocols.

In addition, the OHS Committee regularly met to track the progress of the safety protocols in place and produced a weekly Covid-19 progress report which was submitted to EXCO.

## SOCIAL RESPONSIBILITY

Staff and EXCO members generally participate on a volunteer basis in identified corporate and social responsibility projects. During the reporting period, the Covid 19 social distancing restriction measures put in place to ensure that the NCT met its financial obligations until the end of the financial year. Unfortunately this hampered the execution of all planned social responsibility projects.

## AUDIT AND RISK COMMITTEE REPORT

The report of the Audit and Risk Committee is provided on pages 68 to 69.

## B-BBEE COMPLIANCE PERFORMANCE INFORMATION

Table 18: Compliance to the B-BBEE

HAS THE NCT APPLIED ANY RELEVANT CODE OF CONDUCT PRACTICE (B-BBEE CERTIFICATE LEVEL 1-8) WITH REGARDS TO THE FOLLOWING:		
CRITERIA	RESPONSE YES/ NO	DISCUSSION
Determining qualifications criteria for the issuing of licences or other authorisations in respect of economic activity in terms of any law?	Not applicable	The NCT derives its adjudicative mandate from the NCA and the CPA and is not mandated to issue licences or other authorisations.
Developing and implementing a preferential procurement policy?	Yes	The NCT's Supply Chain Management Policy includes the relevant PP prescripts.
Determining qualification criteria for the sale of state-owned enterprises?	Not applicable	The NCT derives its adjudicative mandate from the NCA and the CPA and is not mandated to sell state-owned enterprises.
Developing criteria for entering into partnerships with the private sector	Not applicable	The NCT, a public 3A Entity, derives its adjudicative mandate from the NCA and the CPA and is not mandated to enter into partnerships with the private sector.
Determining criteria for the awarding of incentives, grants and investment schemes in support of Broad Based Black Economic Empowerment	Not applicable	The NCT derives its adjudicative mandate from the NCA and the CPA and is dependent on the grant allocation it receives annually from <b>the dtic</b> to perform its day-to day operations. There are thus no funds earmarked for incentives, grants or investment schemes in support of B-BBEE.

During the period under review, the NCT dropped from a Level 8 compliance to being non-compliant. Management did not agree with the decision of the Assessment Service Provider. Management has submitted both an appeal to **the dtic** as well as applied for exemption from the BBBEE legislation while awaiting the outcome of the Appeal process from **the dtic**.



PART D

HUMAN  
RESOURCE  
MANAGEMENT

## INTRODUCTION

### OVERVIEW OF HR MATTERS

The NCT continued with its commitment to youth development by appointing and training young South Africans by means of its Internship Programme and contingent employee pool during this period. Both these programmes run over a period of one year. The Internship program is targeted at qualified graduates with no prior work experience who are placed on a fixed term contract of 12 months, while the Contingency Pool programme allows for ad hoc assistance during peak periods within the NCT as and when the need arises. In both programmes, participants receive on-the-job training and capacity development to equip them with suitable portable marketable skills and experience, which should provide them with an added advantage when seeking future employment opportunities.

During the reporting period, a total of six Interns were appointed in various departments, namely the ICT Unit, the Registrar's Unit, Corporate Services Unit and the Finance Unit.

The NCT became formally unionised in December 2017. The NCT implemented an Employment Equity Plan in line with the Gauteng Regional Active Population Statistics, as published by Statistics South Africa (Stats SA).

### HR PRIORITIES FOR THE YEAR AND ITS IMPACT

The HR priorities were set based on the strategic goals identified for HR in line with the NCT's strategic priorities. The achievement of these goals is discussed on page 35-37 of this report under "Human resources and facilities management"

### WORKFORCE PLANNING FRAMEWORK

The Human Resources Unit continuously engages with all NCT units to establish and/or review their specific workforce requirements within the confines of the approved budget. To assist with spikes in the caseload, which requires capacity beyond that of its permanent staff, the NCT has also ensured that the employed Interns were given appropriate exposure in assisting in specific areas. The impact of the current Framework has ensured efficient and effective filling of critical vacancies, which ensured that the NCT was able to deliver its mandate. The HR Unit is currently reviewing its Workforce Planning Framework in relation to the new way of working.

### EMPLOYEE PERFORMANCE MANAGEMENT FRAMEWORK

The NCT's performance management process can be illustrated as follows:



Figure 5: Employee performance management framework

Effective and efficient implementation of Performance management is critical for ensuring that the NCT is successful in executing its mandate, by ensuring that each employee has their performance objectives identified and agreed to at the start of each financial year. All employees of the NCT operate in terms of performance agreements and accordingly have a clear understanding of their individual key performance areas (KPA) and key performance indicators (KPIs), which are directly linked to the NCT performance scorecard. In this way, the NCT ensures that the risk of not meeting its performance targets is minimised.

The performance of Tribunal Members and staff is measured in accordance with the Performance Management Policy and Procedures and is linked with the NCT Strategy, APP and Business Plan.

In terms of the Performance Management Policy, the individual employee's performance contributes 70% towards the calculation of their performance bonus, while the overall NCT performance contributes 30% towards the individual employee's performance rating. This model ensures that the organisation as a whole is accountable for achieving the performance targets set for the year. During the performance assessment process, each staff member conducts a self-assessment/ rating and submits this, with supporting performance information, to their relevant line manager. The Line manager and the employee conduct a joint review discussion on the employee's performance as well as the self-rating, and then reach consensus on the final rating/score.

EXCO thereafter conducts a moderation of the performance assessments and information. Where required, Managers then consider the issues raised in the reports and adjust the assessments accordingly in consultation with the relevant staff member, before submission to the HR Governance Committee for inputs and endorsement. Upon signing off from the HR Governance Committee meeting, the scoring and the rand value of the performance bonuses (where applicable) are submitted to the Audit and Risk Committee for further endorsement. This process ensures that there is evidence to support the scores that are put forward and ensure that scoring is non-discriminatory and consistent across the NCT.

## POLICY DEVELOPMENT

The NCT has a total of 29 Policies, out of which 17 fall under the auspices of the HR Unit. Most of these policies were reviewed, amended where necessary and approved in consultation with the relevant Governance Committee, staff and the Unions.

The review process considered the relevance of these policies within the operating environment and various applicable legislations. The principles of fairness and consistency underpin the review process. During the process, the various relevant stakeholders were duly consulted, namely the employees as represented by their union as well as the HR Governance Committee. Recommendations received were duly considered and incorporated where appropriate.

## ACHIEVEMENTS AND CHALLENGES FACED

The HR Unit had, despite the challenging circumstances, achieved its critical KPIs. In the main, the NCT was able to consistently exceed its aim of ensuring that the NCT had adequate human resources to fulfil its mandate by ensuring, in turn, that vacancies were timeously filled. A further achievement was that the NCT was able to ensure that it delivered on its commitment and contribution to youth employment by meeting the target of recruiting six interns for the financial year.

The NCT had equally faced a number of challenges for the reporting period. The first was that presented by the Covid-19 pandemic, which continues to pose a threat to employee wellbeing. This pandemic unfortunately extends beyond our employees, as many of their families and friends have been negatively impacted and lives have been lost to this dreaded virus. This ultimately has an impact on our employees. The NCT implemented various measures to mitigate risk exposure, such as ensuring that appropriate PPE is provided to staff and visitors as well as introducing a work from home policy. Employees attended the office on a rotational basis. With the significant implementation of the ICT strategy, hearings were held virtually, which assisted us in managing the number of people in the workplace within the ambit of Disaster Regulations.

With this significant change in response to the pandemic, there was no time to implement an appropriate change-management process. The new way of working required a considerable adjustment for employees, not just physically, but also in terms of a mind-shift. HR, in tandem with the respective line managers, ensured that the employees were guided, coached and supported around working from home. This support continues.

#### FUTURE HR PLANS/GOALS

During the reported period, the NCT's staff complement remained within and/ or below the approved organisational structure. The future HR goals are as follows for the 2021/22 financial period:

- To attract, develop and retain the right people to ensure the right skills in the right place at the right time to deliver on the NCT's mandate;
- To develop an enabling framework and working environment that optimises the potential for employee engagement and wellness;
- To anticipate future business and environmental demands on the NCT and to provide Human Resource capacity to satisfy those demands;
- To shape a values-based culture that champions high performance and service excellence; and
- To establish effective and efficient HR Administration to facilitate and inform accurate HR data and reporting.

In order to achieve these goals, the HR Department will focus on the following projects during 2021/22:

- Implement an efficient and effective HR System that will ensure that HR works smartly and will ensure administrative efficiency;
- Review and implement a revised employee engagement model to ensure highly engaged and high-performing employees.;
- Improve internal communication;
- Review and amend the Workforce Planning Framework;
- Focus on training and development of employees in relation to the training plan and ensure SETA registration;
- Develop and implement an HR Value proposition;
- Improve the organisational culture;
- Improve the employee relations climate;
- Proactively monitor and manage the impact on Covid-19 so that we can pre-empt and mitigate any potential risk to the overall performance of the NCT;
- Review and amend the talent mapping of the NCT, while focusing on attracting and retaining high performing employees; and
- Support and ensure compliance with the prescripts of the B-BBEE legislation.

## HUMAN RESOURCE OVERSIGHT

Table 19: Personnel Cost by programme/ activity/ objective

PROGRAMME	TOTAL EXPENDITURE FOR THE ENTITY (R'000)	PERSONNEL EXPENDITURE (R'000)	PERSONNEL EXPENDITURE AS A % OF TOTAL EXPENDITURE (R'000)	NO. OF EMPLOYEES	AVERAGE PERSONNEL COST PER EMPLOYEE (R'000)
Adjudication	27 409	17 718	79%	24	681
Administration	26 355	17 036	57%	27	681
<b>Total</b>	<b>53 764</b>	<b>34 755</b>	<b>67%</b>	<b>51</b>	<b>681</b>

Note: The information pertains to permanent employees as at 31 March 2021 as well as interns. The vacancies for 2020/21 and the % of vacancies are indicated as at 31 March 2021 while the % of vacancies indicated of Performance objective is an average over the full 2020/21 financial year.

Table 20: Personnel cost by salary band

LEVEL	PERSONNEL EXPENDITURE (R'000)	% OF PERSONNEL EXPENDITURE TO TOTAL PERSONNEL COST (R'000)	NO. OF EMPLOYEES	AVERAGE PERSONNEL COST PER EMPLOYEE (R'000)
Top Management	2 216	7%	1	2216
Senior Management	10 853	34%	7	1 550
Professional Qualified	11 748	36%	15	783
Skilled	3 786	12%	9	421
Semi-Skilled	2 693	8%	10	269
Unskilled	1 050	3%	9	131
<b>Total</b>	<b>32 346</b>	<b>100%</b>	<b>51</b>	<b>647</b>

Note: The information pertains to permanent employees as well as interns as at 31 March 2021.

Table 21: Performance Rewards

PROGRAMME	PERFORMANCE REWARDS	PERSONNEL EXPENDITURE (R'000)	% OF PERFORMANCE REWARDS TO TOTAL PERSONNEL COSTS (R'000)
Top Management	-	-	-
Senior Management	-	-	-
Professional Qualified	-	-	-
Skilled	-	-	-
Semi-skilled	-	-	-
Unskilled	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>

Note: The Debt Re-Arranging Oversight Tribunal Member received the Executive Chairperson's Award during the financial year for a great innovation that addressed the expeditious adjudication of DRA matters in terms of which the number of matters handled increased from 40 per day per Tribunal member to 80 per day per Tribunal member.

Table 22: Training Costs

DIRECTORATE/ ACTIVITY /OBJECTIVE	PERSONNEL EXPENDITURE (R'000)	TRAINING EXPENDITURE (R'000)	TRAINING EXPENDITURE AS % OF PERSONNEL COST	NO. OF EMPLOYEES TRAINED	AVERAGE TRAINING COST PER EMPLOYEE
Adjudication	17 434	107	0,0061	5	21.4
Administration	15 513	0	0,0000	0	0
<b>Total</b>	<b>32 947</b>	<b>107</b>	<b>0,0061</b>	<b>5</b>	<b>21.4</b>

Table 23: Employment and vacancies

PROGRAMME/ ACTIVITY/OBJECTIVE	2019/20 NO. OF EMPLOYEES	2020/21 APPROVED POSTS	2020/21 NO. OF EMPLOYEES	2020/21 VACANCIES	% OF VACANCIES
Adjudication	23	24	24	3	7%
Administration	30	32	27	8	11%
<b>Total</b>	<b>53</b>	<b>56</b>	<b>51</b>	<b>11</b>	<b>9%</b>

\* Note: This information pertains to permanent employees as well as interns as at 31 March 2021. The vacancies for 2020/21 and the % of vacancies are indicated as at 31 March 2021, while the % of vacancies indicated in the section on performance Against Predetermined Objective is as an average over the full 2020/21 financial year.

The Human Resources Unit managed the turnaround time of filling vacant positions efficiently and filled most positions within three months. The vacancies that remained unfilled were due to the fact that the NCT could not find suitably qualified candidates. Internal candidates did apply for various positions but, following the recruitment processes, were not successfully appointed. The Tribunal will be reviewing its investment in skills development and its succession planning.

Table 24: Permanent Employment changes

SALARY BAND	EMPLOYMENT AT BEGINNING OF THE PERIOD	APPOINTMENTS	TERMINATIONS	EMPLOYMENT AT END OF THE PERIOD
Top Management	1	0	0	1
Senior Management	7	0	0	7
Professional Qualified	15	2	2	15
Skilled	8	1	0	9
Semi-Skilled	10	1	1	10
Unskilled	3	0	0	3
<b>Total</b>	<b>44</b>	<b>4</b>	<b>3</b>	<b>45</b>

#### EQUITY TARGET AND EMPLOYMENT EQUITY STATUS

Table 25: Reasons for staff leaving

REASON	NUMBER	% OF TOTAL NO. OF STAFF LEAVING
Death	-	-
Resignation	3	5%
Dismissal	-	-
Retirement	-	-
Ill health	-	-
Expiry of contract	-	-
Other	-	-
<b>Total</b>	<b>3</b>	<b>5%</b>

The reasons provided by staff who left the employ of the NCT during the period under review included better career prospects and better salary packages and benefits. In order to retain staff, the Human Resources Unit is currently developing an attraction and retention strategy.

Table 26: Labour relations: Misconduct and disciplinary action

NATURE OF DISCIPLINARY ACTION	NUMBER
Verbal warning	-
Written warning	-
Final written warning	1
Dismissal	-



Although the NCT is not obliged to report in terms of the Employment Equity Act, Act No. 55 of 1998, it supports and is committed to the transformative principles of employment equity. The NCT currently employs a workforce that comprises a ratio of 58.54% female and 41.46% male.

Table 27.1: Employment Targets

LEVELS	MALE							
	AFRICAN		COLOURED		INDIAN		WHITE	
	CURRENT	TARGET	CURRENT	TARGET	CURRENT	TARGET	CURRENT	TARGET
Top management	1	-	-	-	-	-	-	-
Senior management	4	-	-	-	1	-	1	-
Professional qualified	6	-	-	-	1	-	-	-
Skilled	1	-	-	-	-	-	-	-
Semi-skilled	5	-	-	-	-	-	-	-
Unskilled	1	-	-	-	-	-	-	-
<b>Total</b>	<b>18</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2</b>	<b>-</b>	<b>1</b>	<b>-</b>

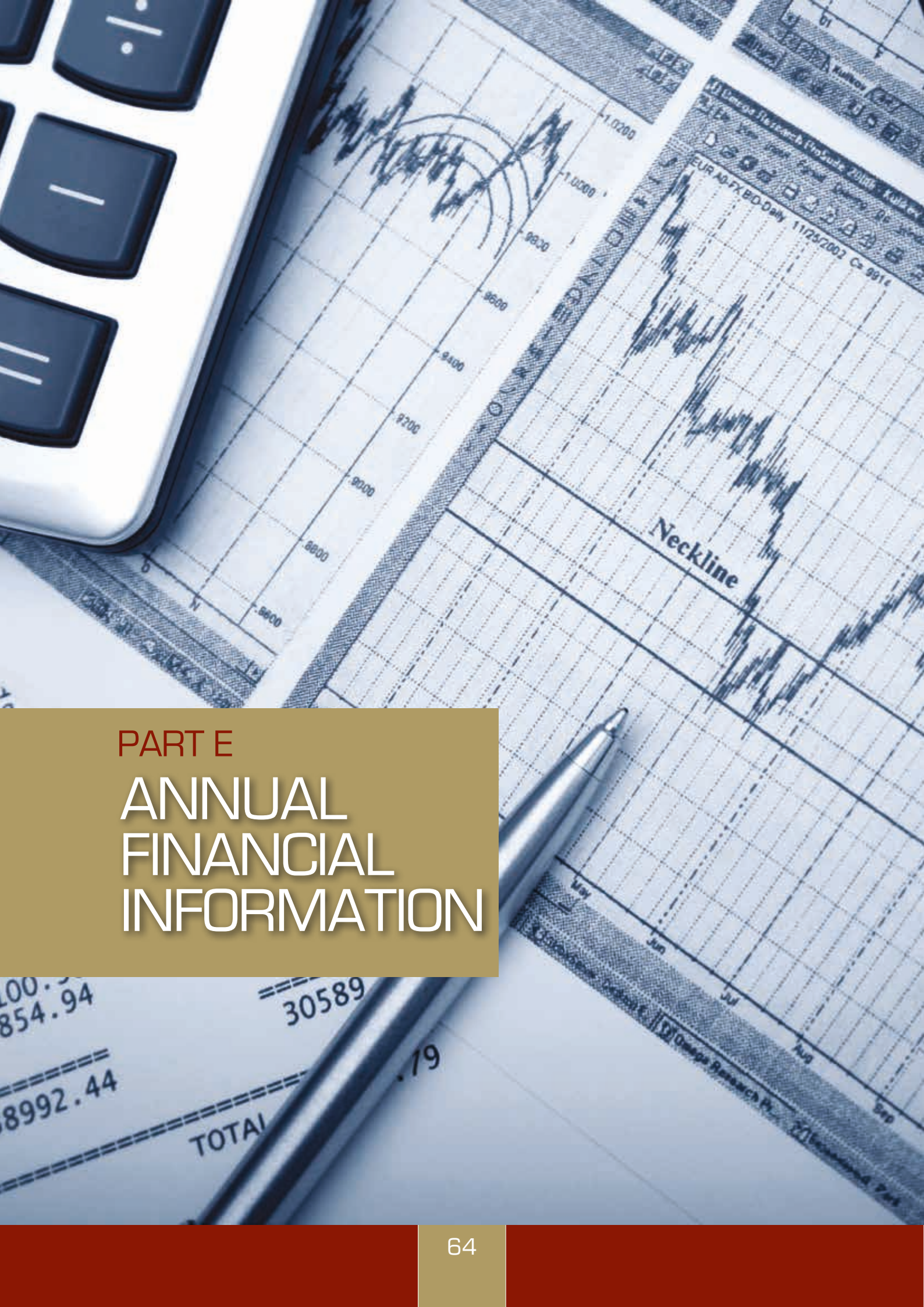
Table 27.2: Employment Equity Status

LEVELS	FEMALE							
	AFRICAN		COLOURED		INDIAN		WHITE	
	CURRENT	TARGET	CURRENT	TARGET	CURRENT	TARGET	CURRENT	TARGET
Top management	-	-	-	-	-	-	-	-
Senior management	-	-	-	-	1	-	-	-
Professional qualified	4	-	1	-	2	-	1	-
Skilled	7	-	1	-	-	-	-	-
Semi-skilled	5	-	-	-	-	-	-	-
Unskilled	2	-	-	-	-	-	-	-
<b>Total</b>	<b>18</b>	<b>-</b>	<b>2</b>	<b>-</b>	<b>3</b>	<b>-</b>	<b>1</b>	<b>-</b>

Table 27.3 Disabled Staff Report

LEVELS	DISABLED STAFF			
	AFRICAN		COLOURED	
	CURRENT	TARGET	CURRENT	TARGET
Top management	-	-	-	-
Senior management	-	-	-	-
Professional qualified	-	-	-	-
Skilled	-	-	-	-
Semi-skilled	-	-	-	-
Unskilled	-	-	-	-
<b>Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

The NCT did not employ any persons with disabilities during the reporting period, as no persons with disabilities responded to any of the advertisements in respect of vacant positions. The Human Resources Unit is currently working with various external partners to source candidates with disabilities. The adverts placed by the NCT specifically invites and encourages candidates with disabilities to apply.

The background of the page features a close-up, high-angle view of a desk. On the left, a portion of a white calculator with dark grey keys is visible. The central and right portions of the image are dominated by a computer monitor displaying financial data. The screen shows two distinct charts: a line graph at the top with a grid and numerical values (e.g., 9600, 9800, 10000, 10200) and a candlestick chart below it. The candlestick chart has a horizontal line labeled 'Neckline' drawn across it. The text 'EUR AG-FX BD-Daily' is visible in the top right corner of the candlestick chart area. A silver pen lies diagonally across the bottom right of the screen. In the bottom left corner, a printed document shows a table with numerical values: '100.5', '854.94', '8992.44', and 'TOTAL' followed by a line and the number '30589'.

PART E  
ANNUAL  
FINANCIAL  
INFORMATION

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# NATIONAL CONSUMER TRIBUNAL - ANNUAL FINANCIAL STATEMENTS

GENERAL INFORMATION FOR THE YEAR ENDED 31 MARCH 2021

<b>Nature of business and principal activities</b>	The National Consumer Tribunal (NCT) was established in terms of the National Credit Act (Act 34 of 2005). From 1 April 2011 its mandate was expanded to also include adjudication on matters in terms of the Consumer Protection Act (Act 68 of 2008). The NCT is an independent body that is responsible for hearing and deciding on cases involving consumers, credit providers, debt counsellors and credit bureaux as well as providers of goods and services. The NCT is also responsible for reviewing decisions made by the National Credit Regulator and the National Consumer Commission. The NCT is listed in the Public Finance Management Act (PFMA), Act No. 1 of 1999, as a Schedule 3A Public Entity.
<b>Accounting Authority</b>	JM Maseko (Executive Chairperson of the Tribunal)
<b>Part-time Tribunal members for 2020/21</b>	L Best (Deputy Chairperson) BC Dumisa PA Beck FK Manamela X May HFN Sephoti FK Sibanda DR Terblanche T Woker M Peenze MMD Nkomo N Maseti TA Bailey K Moodaliyar
<b>Fulltime Tribunal members for 2020/21</b>	HV Alwar JR Simpson LA Potwana
<b>Key management for 2019/20</b>	M Bosch (Chief Operating Officer till 18 June 2019) NKD Lolwane (Chief Operating Officer from 1 September 2019) NKD Lolwane (Acting Chief Operating Officer from 18 May 2019 till 31 August 2019) NKD Lolwane (Corporate Services Executive till 31 August 2019) L Rabotapi (Registrar) BX Nomvete (Chief Information Officer) A Moola (Chief Financial Officer)
<b>Registered office</b>	Block B, Ground Floor Lakefield Office Park 272 West Avenue Centurion 0157
<b>Business address</b>	Block B, Ground Floor Lakefield Office Park 272 West Avenue Centurion 0157
<b>Postal address</b>	Private Bag X110 Centurion 0046
<b>Bankers</b>	Nedbank Ltd  South African Reserve Bank
<b>Auditors</b>	Rakoma and Associates Incorporated

# STATEMENT OF RESPONSIBILITY

FOR THE YEAR ENDED 31 MARCH 2021

The Accounting Authority is required by the Public Finance Management Act (Act 1 of 1999), to maintain adequate accounting records and is responsible for the content and integrity of the Annual Financial Statements and related financial information included in this report. It is its responsibility to ensure that the Annual Financial Statements fairly present the state of affairs of the NCT as at the end of the financial year and the results of its operations and cash-flows for the period then ended, in conformity with South African Statements of Generally Recognised Accounting Practices (GRAP). The external auditors are engaged to express an independent opinion on the Annual Financial Statements.

The Annual Financial Statements have been prepared in accordance with GRAP and are based upon appropriate accounting policies consistently applied and supported by reasonable and prudent judgements and estimates.

The Accounting Authority acknowledges that it is ultimately responsible for the system of internal control established by the NCT and places considerable importance on maintaining a strong control environment. To enable the NCT to meet these responsibilities, the Accounting Authority sets standards for internal control aimed at reducing the risk of error or loss in a cost-effective manner. These internal control standards include the proper delegation of responsibilities within a clearly

defined framework, effective accounting procedures and adequate segregation of duties to ensure an acceptable level of risk. These internal controls are monitored throughout the NCT and all employees are required to maintain the highest ethical standards in ensuring the NCT's business is conducted in a manner that, in all reasonable circumstances, is above reproach. The focus of risk management in the NCT is on identifying, assessing, managing and monitoring all known forms of risk across the NCT. While operational risk cannot be fully eliminated, the NCT endeavours to minimise it by ensuring that appropriate infrastructure, controls, systems and ethical behaviour are applied and managed within predetermined procedures and constraints.

Based on the information and explanations given by Management, the Accounting Authority is of the opinion that the system of internal control provides reasonable assurance that the financial records may be relied on for the preparation of the Annual Financial Statements. However, any system of internal control can provide only reasonable and not absolute assurance against material misstatement or loss.

The Annual Financial Statements, which have been prepared on the going concern basis, were approved and signed on its behalf:



**Prof Joseph M. Maseko**  
Executive Chairperson  
31 July 2021



**Adv. NKD Lolwane**  
Chief Operating Officer  
31 July 2021



**Ms Neema Govan**  
Acting Chief Financial Officer  
31 July 2021

# STATEMENT OF RESPONSIBILITY

## STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY OF THE ANNUAL REPORT

To the best of my knowledge and belief, I confirm the following:

- All information and amounts disclosed in the Annual Report is consistent with the Annual Financial Statements audited by the Auditor-General SA;
- The Annual Report is complete, accurate and is free from any omissions;
- The Annual Report has been prepared in accordance with the Annual Report Guide for Schedule 3A and 3C Public Entities as issued by National Treasury;
- The Annual Financial Statements (Part E) have been prepared in accordance with the standards applicable to the NCT;
- The Accounting Authority is responsible for the preparation of the Annual Financial Statements and for the judgements made in this information;
- The Accounting Authority is responsible for establishing, and implementing a system of internal control designed to provide reasonable assurance as to the integrity and reliability of the performance information, the human resources information and the Annual Financial Statements; and

- The Auditor-General SA is engaged to express an independent opinion on the Annual Financial Statements.

In our opinion, the Annual Report fairly reflects the operations, the performance information, the human resources information and the financial affairs of the NCT for the financial year ended 31 March 2021.

Yours faithfully



**Prof Joseph M. Maseko**  
Executive Chairperson  
31 July 2021

# AUDIT AND RISK COMMITTEE REPORT

We are pleased to present our report for the financial year ended 31 March 2021.

## AUDIT AND RISK COMMITTEE RESPONSIBILITY

The Audit and Risk Committee reports that it has complied with its responsibilities arising from Section 51(1) (a) (ii) of the Public Finance Management Act (PFMA) and National Treasury Regulations 27.1. The Audit and Risk Committee also reports that it has adopted appropriate formal Terms of Reference as its Audit and Risk Committee Charter, has regulated its affairs in compliance with this Charter and has discharged all its responsibilities as contained therein, except that the Committee has comprised of only two members instead of the required three, in terms of its Charter, for a portion of the year due to delays in the recruitment process.

## THE EFFECTIVENESS OF INTERNAL CONTROL

Our review of the findings of the Internal Audit work, which was based on the risk assessments conducted in the public entity revealed certain weaknesses, which were then raised with management.

The following internal audit work was completed during the year under review:

- Management of Covid - 19 Review
- Audit of Predetermined Objectives
- Compliance
- Risk Management
- Information Technology
- Asset Management
- Follow-up reviews on previously reported findings

The following were areas of concern:

- Compliance
- Asset Management

A few other non-material control deficiencies were identified by the Internal Auditors. The Committee has

noted Management's commitment to address control deficiencies and will be monitoring Management's progress in resolving these findings.

From our review of the reports of the Internal Auditors, the Audit Report on the Annual Financial Statements and the Independent Auditor's Management Report, we can conclude that the system of internal control as a whole, as applied over financial and non-financial matters and enterprise risk management at the NCT, is adequate and effective.

## ENTERPRISE RISK MANAGEMENT

It is the Committee's view that enterprise risk management processes at the NCT requires improvement in some areas. We are however satisfied that management is taking appropriate steps to effect these improvements. There is an Enterprise Risk Management Framework in place, which includes the Enterprise Risk Management Strategy, Fraud Prevention Plan and Policy and the Fraud Hotline. An updated formal risk assessment was also undertaken and risk-based internal audit plans were then developed and approved by the Committee. Key strategic and operational risks that were highlighted in the risk register were continuously monitored and discussed at the EXCO and Audit and Risk Committee meetings as part of the Enterprise Risk Management Strategy. The Audit and Risk Committee is satisfied that these risks are receiving the required attention.

## INTERNAL AUDIT

We are satisfied that the internal audit function has operated effectively, that it has addressed the risks pertinent to the NCT in its audits and has assisted the entity with value-adding services to ensure that both financial and operational objectives were achieved.

## CORPORATE GOVERNANCE

We are not aware of any issues of non-compliance with corporate governance. In our view, NCT continues to strive towards complying with the sound principles of corporate governance.

## **IN-YEAR MANAGEMENT AND MONTHLY/ QUARTERLY REPORT**

The Accounting Authority has tabled the In-Year Management and monthly/quarterly reports to the Minister and to the Committee, as required by the Treasury Regulations. The Committee is satisfied with the content and quality of these reports. As per our regular discussion with NCT Management, Management has confirmed that these reports were properly formulated in compliance with the PFMA and Treasury Regulations.

## **EVALUATION OF FINANCIAL STATEMENTS**

The Audit and Risk Committee has:

- reviewed and discussed the audited Annual Financial Statements to be included in the Annual Report, with the Independent Auditors and Management;
- reviewed the Independent Auditor's Management Report and their audit findings;
- reviewed changes, if any, to accounting policies and practices as reported in the Annual Financial Statements;
- reviewed the NCT's processes for compliance with legal and regulatory provisions;
- reviewed the information on predetermined objectives as reported in the Annual Report; and
- reviewed material adjustments, if any, resulting from the audit.

## **INDEPENDENT AUDITOR'S REPORT**

We have, on a quarterly basis, reviewed the NCT's implementation plan for audit findings raised in the prior year. The Audit and Risk Committee has met with the Independent Auditor to ensure that there are no unresolved issues that emanated from the audit.

The Audit and Risk Committee concurs and accepts the Independent Auditor's opinion regarding the Annual Financial Statements and proposes that the Audited Annual Financial Statements be accepted and read together with the report of the Independent Auditor.

## **APPRECIATION**

The Committee wishes to acknowledge the dedication and hard work performed by the Accounting Authority, other Governance Structures, NCT Management and Officials. The Audit and Risk Committee wishes to express its appreciation to the Management of the NCT, the Independent Auditors and the Internal Audit Unit for the co-operation and information they have provided to enable us to compile this report.



**Mr Suleman Badat**

Acting Chairperson of the Audit & Risk Committee  
National Consumer Tribunal  
31 July 2021



# REPORT OF THE ACCOUNTING AUTHORITY

## PURPOSE OF THIS REPORT

This report is presented in terms of Treasury Regulation 28.1.1 as was issued in terms of the Public Finance Management Act (PFMA), Act No. 1 of 1999. The Executive Chairperson of the National Consumer Tribunal (NCT), as appointed by the President through the Minister of Trade and Industry, is also the Accounting Authority of the NCT.

## NATURE OF BUSINESS

The NCT is an independent adjudicative entity. It derives its mandate from the National Credit Act, Act No. 34 of 2005. This mandate was expanded in 2008 to include adjudication on matters arising from the Consumer Protection Act, Act No. 68 of 2008 (CPA).

## FINANCIAL OVERVIEW

The NCT is confident that it has fulfilled its mandate and has used its funding in an efficient and cost-effective manner. The full Annual Financial Statements for the year ended 31 March 2021 are presented on pages 78 to 108, and are summarised as follows:

	2020/ 21	2019/ 20
Total revenue	R58 833 496	R66 460 762
Total expenditure	R53 674 130	R59 337 702
Finance costs	R10 733	R49 873
Net surplus / (deficit)	R5 148 633	R7 073 187
Total assets	R18 672 012	R11 365 472
Total liabilities	R6 682 185	R4 524 278
Net assets / (liabilities)	R11 989 827	R6 841 194

The NCT's operations are largely funded by government through **the dtic** and have since its inception and for a time received increases in the baseline grant allocation at the rate of inflation. Although the caseload increased over the years, the Grant generally increased annually by inflation. However, in the 2020/ 21 financial year, received its full initial grant allocation of R54 948 000 during April 2020 but in July 2020, it had to pay back R6 209 000.00 of this grant to **the dtic**. An additional R1 247 000.00 was paid back to **the dtic** on 30 December 2020. Therefore, in the period under review, the actual Grant given to NCT was R47 492 000.00 (excluding the R4.4 million mentioned above) from **the dtic**, which represents a decrease of

16.1% from the previous year's grant of R56 639 000.00. Even with this reduction, the NCT was able to fulfil its mandate, as the grant makes up 81% of its total revenue.

Due to the abnormal business conditions that were created by the Covid-19 pandemic, it is not always possible to establish normal trends as to the caseload and business expenses for the 2020-21 financial year when compared to the prior year. Through innovation and expenditure control, the NCT was able to achieve its objectives within the allocated budget.

During the 2020/21 financial year, the NCT had a surplus amounting to R5.1 million mainly due to cost containment. At 31 March 2021, the NCT had an adjusted cash surplus of R4.6 million. In terms of the PFMA, all accumulated surplus funds at the reporting date may be forfeited to National Treasury.

Income from filing fees included in total revenue increased by 15.5%. Revenue from filing fees increased from R8.2 million to R9.5 million. The number of DRA cases received alone decreased from 28 292 to 23 844 (a 15.7% reduction). Effective from 1 April 2020, the filing fees for DRA cases increased from R300 to R400 per case. The amount received from filing fees does not offset all the adjudication costs as this filing fee is only a nominal amount of R400 per DRA matter filed with the NCT, so that it does not contribute towards the more expensive and time-consuming non-debt rearrangement matters. The latter are the more expensive cases which, though fewer in number, are often highly contested by attorneys and counsel and are a source of substantive applications and postponements at the request of the litigants.

The NCT's income from interest earned decreased by 12.6% from R1.5 million to R1.3 million. This is due to a lower average balance (due to the R7.6 million that had to be repaid to **the dtic**) in the investment account, which negatively affected the funds available for investment. The NCT invests its surplus funds with the Corporation for Public Deposits in terms of its Investment and Grant Management Policy.

Due to Covid and the need to payback 12.9% of the initial grant received, the NCT closely monitored expenditure and thus total expenses decreased by 9.92%. Year-on-year, total expenditure (excluding capital expenses) decreased from R59.3 million to R53.4 million. Several austerity measures were put in place when a portion of the Grant funding needed to be returned to dtic to meet the critical operational expenses whilst maintaining legislative

compliance requirements. In addition, with employees working from home, this has also impacted the spend on some expense items. Despite these measures, the NCT still achieved the targets and turnaround times with regard to the caseload by utilising other innovative processes.

Administrative expenses increased by R0.5 million (10.5%) from R4.7 million to R5.2 million. Advertising costs were higher mainly due to more advertising as part of the recruitment process. Secretariate fees increased due to the increased frequency of meetings compared to the previous year. There were more matters that required legal input and services. Details of this are contained in Note 12 of the Annual Financial Statements.

Other operating expenses decreased by R2.7 million (22.8%) from R10.8 million to R8.4 million. This can be attributed to decreased travel and accommodation costs. These costs decreased as online platforms were used and travel has been limited due to Covid. Please refer to Note 13 of the Annual Financial Statements for more detail.

Employee-related costs decreased by R2.4 million (6.4%) from R37.1 million to R34.8 million. The main reason was payment of performance bonuses during August 2019, while no such payments were made during the 2021 financial year. In addition, there were vacancies during this period, while these positions were filled during the comparable period of the previous financial year. The accrual for leave of employees also increased in the current year based on the residue of leave balances at the end of the financial year.

Tribunal members' fees also decreased by R1.1 million (18.5%) from R6.1 million to R5.0 million. This can be attributed to greater allocation of matters to fulltime Tribunal Members being allocated more matters and a lower number of cases adjudicated. Please refer to Note 14 in the Annual Financial Statements.

The costs relating to part-time Tribunal members for adjudication and other support services together with employee-related costs for support to the Tribunal and adjudication services, provided by the Executive Chairperson and the fulltime Tribunal members, comprised 74% of the total expenses of the NCT. As a professional service organisation that fulfils an adjudicative function, it is expected for this ratio to be high. It also means that other costs incurred to support the employees and the Tribunal Members comprise less than 30% of total expenditure.

## SUPPLY CHAIN MANAGEMENT

The NCT's procurement policies are in line with the PFMA, the Treasury Regulations and the Preferential Procurement Policy Framework Act, Act No. 5 of 2000.

## LOSSES WRITTEN OFF

There were no losses written off during the 2020/21 financial year.

## FRUITLESS AND WASTEFUL EXPENDITURE

There was no fruitless and wasteful expenditure during the year under review.

## IRREGULAR EXPENDITURE

There was no irregular expenditure during the year under review.

## MATERIAL LOSSES THROUGH CRIMINAL CONDUCT

There were no material losses through criminal conduct.

## CRIMINAL AND DISCIPLINARY ACTION TAKEN AGAINST OFFENDERS

No disciplinary action was taken against any NCT employee for failing to provide proper guidance around prescripts of the regulatory requirements.

## AUDIT REPORT MATTERS IN THE PREVIOUS YEAR

No audit matters were raised during the audit of the previous financial year that the NCT had to address during the current financial year.

## MATERIALITY FRAMEWORK

Material facts of a quantitative nature are facts that exceed the materiality framework and are disclosed if discovered. The Tribunal's materiality level remains unchanged at 0.60% of its budgeted operational expenditure (excluding capital expenditure).

### FINANCIAL ASSISTANCE FROM THE STATE

The Tribunal received no financial assistance from the State other than its grant, as mentioned. The State also made no commitments on behalf of the NCT.

### EVENTS SUBSEQUENT TO THE REPORTING DATE

Management is not aware of any matter or circumstances as at the end of the financial year, and not otherwise dealt with in the Annual Financial Statements, that significantly affects the financial position of the NCT or the results of its operations.

### GOING CONCERN OUTLOOK

The grant allocation of the NCT for the 2021/ 22 financial year has been allocated for disbursement in two tranches (April 2021 – 60% and October 2021 – 40%). This resulted a revision by the NCT of its expenditure for cost-saving opportunities and efficiency gains so as to ensure that it will be able to fund the caseload and meet its operational costs. In addition, the Minister of **the dtic**, by

Regulation, increased the filing fee for a DRA matter from R400 to R500, effective from 1 April 2021 as published in the Government Gazette. It will continue to increase by inflation in the future.

Management is therefore confident that the NCT will continue to function and operate as a going concern for the next financial year despite the phasing of the disbursement of Grant allocation for 2021/ 22. Based on the revised budget for the next 12 months, the NCT will have adequate cash resources to cover all operational expenses, having re-prioritised/ rephased its objectives and operational plans.



**Prof Joseph M. Maseko**  
Executive Chairperson  
National Consumer Tribunal  
31 July 2021

# REPORT OF THE AUDITORS

## INDEPENDENT AUDITOR'S REPORT TO THE PARLIAMENT ON NATIONAL CONSUMER TRIBUNAL

### REPORT ON THE AUDIT OF THE FINANCIAL STATEMENTS

#### OPINION

1. We have audited the financial statements of the National Consumer Tribunal set out on pages 78 to 108 which comprise the statement of financial position as at 31 March 2021, the statement of financial performance, statement of changes in net assets, cash flow statement and statement of comparison of budget with actual information for the year then ended, as well as notes to the financial statements, including a summary of significant accounting policies.
2. In our opinion, the financial statements present fairly, in all material respects, the financial position of the NCT as at 31 March 2021, and its financial performance and cash flows for the year then ended in accordance with South African Standards of Generally Recognised Accounting Practice (GRAP) and the requirements of the Public Finance Management Act (Act 1 of 1999) (PFMA).

#### BASIS FOR OPINION

3. We conducted our audit in accordance with the International Standards on Auditing (ISAs). Our responsibilities under those standards are further described in the auditor's responsibilities for the audit of the financial statements section of our report.
4. We are independent of the public entity in accordance with Independent Regulatory Board for Auditors' Code of Professional Conduct for Auditors (IRBA Code) and other independence requirements applicable to performing audits of financial statements in South Africa. We have fulfilled our other ethical responsibilities in accordance with the IRBA Code and in accordance with other ethical requirements applicable to performing audits in South Africa. The IRBA Code is consistent with the corresponding sections of the International Ethics Standards Board for Accountants' International Code of Ethics for Professional Accountants (Including International Independence Standards).

5. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

#### RESPONSIBILITIES OF ACCOUNTING AUTHORITY FOR THE FINANCIAL STATEMENTS

6. The Accounting Authority is responsible for the preparation and fair presentation of the financial statements in accordance with GRAP and the requirements of the PFMA and for such internal control as the Accounting Authority determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.
7. In preparing the financial statements, the Accounting Authority is responsible for assessing the public entity's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going-concern basis of accounting, unless the Accounting Authority either intends to liquidate the public entity or to cease operations, or has no realistic alternative but to do so.

#### AUDITOR'S RESPONSIBILITIES FOR THE AUDIT OF THE FINANCIAL STATEMENTS

8. Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.
9. A further description of our responsibilities for the audit of the financial statements is included in the annexure to this auditor's report.

## REPORT ON THE AUDIT OF THE ANNUAL PERFORMANCE REPORT

### INTRODUCTION AND SCOPE

10. In accordance with the Public Audit Act 25 of 2004 (PAA) and the general notice issued in terms thereof, we have a responsibility to report on the usefulness and reliability of the reported performance information against predetermined objectives for selected programmes presented in the annual performance report. We performed procedures to identify material findings but not to gather evidence to express assurance.
11. Our procedures address the usefulness and reliability of the reported performance information, which must be based on the public entity's approved performance planning documents. We have not evaluated the completeness and appropriateness of the performance indicators included in the planning documents. Our procedures do not examine whether the actions taken by the public entity enabled service delivery. Our procedures do not extend to any disclosures or assertions relating to the extent of achievements in the current year or planned performance strategies and information in respect of future periods that may be included as part of the reported performance information. Accordingly, our findings do not extend to these matters.
12. We evaluated the usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework, as defined in the general notice, for the following selected programme presented in the public entity's annual performance report for the year ended 31 March 2021:

PROGRAMME	PAGES IN THE ANNUAL PERFORMANCE REPORT
Programme 1 – Adjudication	19 – 21

13. We performed procedures to determine whether the reported performance information was properly presented and whether performance was consistent with the approved performance planning documents. We performed further procedures to determine whether the indicators and related targets were measurable and relevant, and assessed the reliability

of the reported performance information to determine whether it was valid, accurate and complete.

14. We did not identify any material findings on the usefulness and reliability of the reported performance information for this programme:
  - Adjudication

### ACHIEVEMENT OF PLANNED TARGETS

15. Refer to the annual performance report on pages 19 to 47 for information on the achievement of planned targets for the year and management's explanations provided for the over achievement of targets.

## REPORT ON THE AUDIT OF COMPLIANCE WITH LEGISLATION

### INTRODUCTION AND SCOPE

16. In accordance with the PAA and the general notice issued in terms thereof, we have a responsibility to report material findings on the public entity's compliance with specific matters in key legislation. We performed procedures to identify findings but not to gather evidence to express assurance.
17. We did not identify any material findings on compliance with the specific matters in key legislation set out in the general notice issued in terms of the PAA.

### OTHER INFORMATION

18. The Accounting Authority is responsible for the other information. The other information comprises the information included in the Annual Report. The other information does not include the financial statements, the auditor's report and the selected programme presented in the annual performance report that has been specifically reported in this auditor's report.
19. Our opinion on the financial statements and my findings on the reported performance information and compliance with legislation do not cover the other information and we do not express an audit opinion or any form of assurance conclusion on it.

20. In connection with our audit, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and the selected programme presented in the annual performance report, or our knowledge obtained in the audit, or otherwise appears to be materially misstated.
21. If based on the work we have performed, we conclude that there is a material misstatement in this other information, we are required to report that fact. We have nothing to report in this regard.

### INTERNAL CONTROL DEFICIENCIES

22. We considered internal control relevant to our audit of the financial statements, reported performance information and compliance with applicable legislation; however, our objective was not to express any form of assurance on it. We did not identify any significant deficiencies in internal control.

### AUDITOR TENURE

23. In terms of the IRBA rule published in Government Gazette number 39475 dated 4 December 2015, we report that Rakoma and Associates Inc has been the auditor of NCT for 3 years.



**Collins Malunga CA (SA)**

Engagement Partner

Registered Auditor

31 July 2021

Ground Floor Building B  
Monte Circle Office Park  
178 Monte Casino Boulevard  
Fourways  
Johannesburg  
2191

## ANNEXURE – AUDITOR'S RESPONSIBILITY FOR THE AUDIT

1. As part of an audit in accordance with the ISAs, we exercise professional judgement and maintain professional scepticism throughout our audit of the financial statements, and the procedures performed on the reported performance information for selected programme and on the public entity's compliance with respect to the selected subject matters.

### FINANCIAL STATEMENTS

2. In addition to our responsibility for the audit of the financial statements as described in this auditor's report, we also

- identify and assess the risks of material misstatement of the financial statements whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control
- obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the public entity's internal control
- evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Accounting Authority

- conclude on the appropriateness of the Accounting Authority's use of the going concern basis of accounting in the preparation of the financial statements. We also conclude, based on the audit evidence obtained, whether a material uncertainty exists relating to events or conditions that may cast significant doubt on the ability of the NCT to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements about the material uncertainty or, if such disclosures are inadequate, to modify our opinion on the financial statements. Our conclusions are based on the information available to us at the date of this auditor's report. However, future events or conditions may cause a public entity to cease operating as a going concern
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

### COMMUNICATION WITH THOSE CHARGED WITH GOVERNANCE

We communicate with the Accounting Authority regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

# STATEMENT OF FINANCIAL POSITION

AS AT 31 MARCH 2021

	NOTES	31 March 2021 R	Restated 31 March 2020 R
<b>ASSETS</b>			
<b>NON-CURRENT ASSETS</b>			
Property, plant and equipment	2	1 884 600	2 881 116
Intangible assets	3	1 055 848	1 497 695
		<b>2 940 448</b>	<b>4 378 811</b>
<b>CURRENT ASSETS</b>			
Inventory	4	85 562	46 387
Trade and other receivables from exchange transactions	5	794 517	606 833
Cash and cash equivalents	6	14 851 484	6 333 441
<b>Total assets</b>		<b>18 672 012</b>	<b>11 365 472</b>
<b>LIABILITIES</b>			
<b>CURRENT LIABILITIES</b>			
Short-term portion – Finance lease obligation	7	-	158 317
Trade and other payables from exchange transactions	8	6 146 647	4 365 961
Short-term portion – Provisions	9	535 538	-
<b>Total liabilities</b>		<b>6 682 185</b>	<b>4 524 278</b>
<b>NET ASSETS / (LIABILITIES)</b>		<b>11 989 827</b>	<b>6 841 194</b>
<b>NET ASSETS</b>			
Accumulated surplus / (deficit)		<b>11 989 827</b>	<b>6 841 194</b>



# STATEMENT OF FINANCIAL PERFORMANCE

FOR THE YEAR ENDED 31 MARCH 2021

	NOTES	31 March 2021 R	Restated 31 March 2020 R
<b>REVENUE : NON-EXCHANGE TRANSACTIONS</b>		47 492 000	56 639 000
Government grant	10	47 492 000	56 639 000
<b>REVENUE: EXCHANGE TRANSACTIONS</b>		11 341 496	9 821 762
Filing fees	10	9 537 400	8 186 500
Service fees	10	4 113	23 629
Sundry income	10	531 165	93 177
Other income - proceeds from insurance	10	-	66 092
Interest earned	10	1 268 818	1 452 364
<b>Total Revenue</b>		<b>58 833 496</b>	<b>66 460 762</b>
<b>TOTAL EXPENDITURE</b>		<b>53 674 130</b>	<b>59 337 702</b>
Administrative expenses	12	5 196 384	4 704 465
Other operating expenses	13	8 337 033	10 815 617
Audit fees	11	421 350	606 934
Part-time Tribunal Members' fees	14	4 963 552	6 090 177
Employee related costs	15	34 755 811	37 120 509
Operating surplus / (deficit) for the year		5 159 366	7 123 060
Finance costs	16	10 733	49 873
<b>Net surplus/(deficit) for the year</b>		<b>5 148 633</b>	<b>7 073 187</b>

# CASH FLOW STATEMENT

FOR THE YEAR ENDED 31 MARCH 2021

	NOTES	31 March 2021 R	Restated 31 March 2020 R
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Receipts</b>		<b>58 950 096</b>	<b>67 148 482</b>
Government grants		47 492 000	56 639 000
Filing fees		9 654 000	8 874 220
Service fees		4 113	23 629
Sundry income		531 165	93 177
Other receipts		-	66 092
Interest received		1 268 818	1 452 364
<b>Payments</b>		<b>(50 056 379)</b>	<b>(62 533 339)</b>
Tribunal Members' fees		(4 999 572)	(6 850 844)
Employee-related costs		(32 985 050)	(40 888 294)
Suppliers		(12 071 758)	(14 794 201)
<b>Net cash flows from operating activities</b>		<b>8 893 717</b>	<b>4 615 143</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
		<b>(206 624)</b>	<b>(446 112)</b>
Additions to property, plant and equipment		(67 198)	(237 641)
Additions to intangible assets		(139 426)	(208 471)
<b>CASH FLOWS FROM FINANCING ACTIVITIES</b>			
		<b>(169 050)</b>	<b>(321 337)</b>
Finance lease payments		(169 050)	(321 337)
<b>Net (decrease) / increase in cash and cash equivalents</b>		<b>8 518 043</b>	<b>3 847 694</b>
Cash and cash equivalents at beginning of year		6 333 441	2 485 747
<b>Cash and cash equivalents at end of year</b>		<b>14 851 484</b>	<b>6 333 441</b>

# STATEMENT OF CHANGES IN NET ASSETS

FOR THE YEAR ENDED 31 MARCH 2021

	Accumulated surplus R	Total net assets R
<b>Balance as at 1 April 2019</b>	<b>(231 993)</b>	<b>(231 993)</b>
Net surplus for the year	7 095 015	7 095 015
<b>Balance as at 31 March 2020 previously reported</b>	<b>6 863 022</b>	<b>6 863 022</b>
Restatement of trade receivables	(21 828)	(21 828)
<b>Balance as at 31 March 2020 - restated</b>	<b>6 841 194</b>	<b>6 841 194</b>
Net surplus for the current year	5 148 633	5 148 633
<b>Balance as at 31 March 2021</b>	<b>11 989 827</b>	<b>11 989 827</b>

# STATEMENT OF COMPARISON OF BUDGET AND ACTUAL AMOUNTS

	NOTES	Approved budget (before transfers) R	Additional funds and transfers between budget line items R	Final budget (after transfers) R	Actual amounts on comparable basis with final budget R	Difference between final budget and actual aNet surplus per the Statement of Financial Performance
<b>REVENUE</b>						
Income from non-exchange transactions	18.1	47 492 000	4 400 000	51 892 000	47 492 000	(4 400 000)
Roll-over	18.2	(1 803 859)	-	(1 803 859)	-	1 803 859
Income from exchange transactions	18.3	8 944 686	-	8 944 686	10 072 678	1 127 992
Interest received		1 561 645	-	1 561 645	1 268 818	(292 827)
<b>Total revenue</b>		<b>56 194 472</b>	<b>4 400 000</b>	<b>60 594 472</b>	<b>58 833 496</b>	<b>(1 760 976)</b>
<b>EXPENSES</b>						
Administrative expenses	18.4	5 567 842	-	5 567 842	5 196 384	371 458
Other operating expenses	18.5	7 699 628	-	7 699 628	6 690 749	1 008 879
Audit fees		680 000	-	680 000	421 350	258 650
Tribunal Members' costs	18.6	6 429 616	-	6 429 616	4 963 552	1 466 064
Employee-related costs	18.7	34 809 151	-	34 809 151	33 479 347	1 329 804
Capital expenditure	18.8	1 008 235	4 400 000	5 408 235	206 624	5 201 611
<b>Total expenses</b>		<b>56 194 472</b>	<b>4 400 000</b>	<b>60 594 472</b>	<b>50 958 006</b>	<b>9 636 466</b>
<b>Surplus / (Deficit) for the period</b>		<b>-</b>	<b>-</b>	<b>-</b>	<b>7 875 490</b>	<b>7 875 490</b>

<b>RECONCILIATION OF SURPLUS FOR THE PERIOD WITH THE SURPLUS / DEFICIT IN THE STATEMENT OF FINANCIAL PERFORMANCE</b>		Adjustment of actual amounts to comparable basis with final budget R
Net surplus per the Statement of Financial Performance		
<i>Adjusted for:</i>	<i>Activity</i>	
Asset written off on purchase	Operating	1 299
Property Plant and Equipment written off	Operating	1 558
Amortisation	Operating	581 273
Depreciation	Operating	1 062 155
Finance lease interest	Financing	10 733
Movement in accrual for leave pay	Operating	1 276 464
Capital asset purchases variance	Investing	(206 624)
<b>Difference between Final Budget and Actual Amounts</b>		<b>7 875 490</b>

Note: All the adjustments relate to a difference in the basis of preparation. The budget for these items is prepared on the cash basis while the Statement of Financial Performance is prepared on the accrual basis. Also refer to Note 17 for the reconciliation of net cash flows from operating activities with the surplus per the Statement of Financial Performance.

# ACCOUNTING POLICIES

## 1 ACCOUNTING POLICIES

The principal accounting policies adopted in the preparation of these Annual Financial Statements are set out below and are, in all material respects, consistent with those of the previous year, except as otherwise indicated.

### 1.1 BASIS OF PREPARATION

The Annual Financial Statements have been prepared in accordance with the effective Standards of Generally Recognised Accounting Practices (GRAP) and the Public Finance Management Act (PFMA), Act 1 of 1999, as amended, including any interpretations, guidelines and directives issued by the Accounting Standards Board. The Annual Financial Statements have been prepared on a historic cost basis and the accounting policies are consistent with prior years. The amounts have been presented in the currency of the South African Rand (R), which is also the functional currency of the NCT. Unless otherwise stated, financial figures are presented to the nearest R1.

The GRAP Standards relevant to the NCT and which were complied with in preparing the Annual Financial Statements are listed below:

- GRAP 1: Presentation of Financial Statements
- GRAP 2: Cash Flow Statements
- GRAP 3: Accounting Policies, Changes in Accounting Estimates and Errors
- GRAP 9: Revenue from Exchange Transactions
- GRAP 12: Inventories
- GRAP 13: Leases
- GRAP 14: Events After the Reporting Date
- GRAP 17: Property, Plant and Equipment
- GRAP 19: Provisions, Contingent Liabilities and Contingent Assets
- GRAP 20: Related Party Disclosures
- GRAP 21: Impairment of Non-cash-generating Assets
- GRAP 23: Revenue from Non-exchange Transactions
- GRAP 24: Presentation of Budget Information in Financial Statements
- GRAP 25: Employee Benefits
- GRAP 31: Intangible Assets
- GRAP 104: Financial Instruments
- GRAP 108: Statutory Receivables

The Cash Flow Statement was prepared in accordance with the direct method.

### 1.2 SIGNIFICANT JUDGEMENTS

In preparing the Annual Financial Statements, Management is required to make estimates and assumptions that affect the amounts represented in the Annual Financial Statements and related disclosures. Use of available information and the application of judgement is inherent in the formation of estimates. Actual results in the future could differ from these estimates which may be material to the Annual Financial Statements. Significant judgements include:

### 1.2.1 PROVISIONS

Provisions are recognised when the NCT has a present obligation as a result of a past event and it is probable that this will result in an outflow of economic benefits that can be estimated reliably.

### 1.2.2 PROPERTY, PLANT AND EQUIPMENT

In determining the useful life and residual value of each category of property, plant and equipment, Management took into consideration the nature and use of each asset. Leased office equipment and leasehold improvements are depreciated over the lease period with no residual value.

### 1.2.3 INTANGIBLE ASSETS

In determining the useful life of computer software, Management took into consideration that the software will have to be upgraded from time to time. The residual value of computer software is regarded as zero due to the fact that computer software is not re-saleable.

## 1.3 GOING CONCERN

The Annual Financial Statements have been prepared on a going-concern basis and the accounting policies have been applied consistently throughout the year.

## 1.4 STATUTORY RECEIVABLES

Statutory receivables are receivables that arise from legislation, supporting regulations or similar means, and require settlement by another entity in cash or another financial asset.

The transaction amount for a statutory receivable means the amount specified in, or calculated, levied or charged in accordance with, legislation, supporting regulations, or similar means.

If the transaction is an exchange transaction, the NCT uses the policy on revenue from exchange transactions to recognise the statutory receivable. If the transaction is a non-exchange transaction, the NCT uses the policy on revenue from exchange transactions to recognise the statutory receivable. The NCT initially measures statutory receivables at their transaction amount.

The NCT measures statutory receivables after initial recognition using the cost method. The carrying amount is the amount at which an asset is recognised in the statement of financial position. The cost method is the method used to account for statutory receivables that requires such receivables to be measured at their transaction amount, plus any accrued interest or other charges (where applicable) and, less any accumulated impairment losses and any amounts derecognised.

## 1.5 REVENUE

### 1.5.1 REVENUE FROM EXCHANGE TRANSACTIONS

Revenue is the gross inflow of economic benefits or service potential received and receivable by the NCT which results in an increase in net assets. An exchange transaction is one in which the NCT receives assets or services, or has liabilities extinguished, and directly gives equal value to the other party in exchange.

## FILING FEES

Filing fees are levied in terms of regulations promulgated under Section 171 of the National Credit Act, Act No. 34 of 2005 (the NCA), on debt re-arrangement (DRA) matters filed with the Tribunal for adjudication. The filing fee (transaction amount per application) in respect of a DRA matter is determined by the Minister of Trade, Industry and Competition by Regulation in terms of Section 171 from time to time, and published in the Government Gazette. The filing fee is levied as revenue at the transaction amount as soon as a case number is issued to the applicant per application.

## SERVICE FEES

Service fees are recognised as revenue when the right to the revenue has been established. This is when a payment is received for services to be rendered. The asset and the corresponding revenue are measured on the basis of the fair value of the asset on initial recognition.

## INVESTMENT INCOME

Investment income is recognised as it accrues using the effective interest rate method.

### 1.5.2 REVENUE FROM NON-EXCHANGE TRANSACTIONS

Non-exchange revenue transactions comprise a grant from the Department of Trade, Industry and Competition. When the NCT receives resources as a result of a non-exchange transaction, it recognises an asset and revenue when it is probable that the NCT will receive economic benefits or service potential and it can make a reliable measure of the resources that are transferred. Where the resources transferred to the NCT are subject to the fulfilment of specific conditions, it recognises an asset and a corresponding liability. As and when the conditions are fulfilled, the liability is reduced and revenue is recognised. The asset and the corresponding revenue are measured on the basis of the fair value of the asset on initial recognition.

## 1.6 PREPAYMENTS

The NCT may render payment for the delivery of goods or services in advance of the delivery of goods or the rendering of services when contractually obligated. In this instance such prepayment is recognised in the Statement of Financial Position as an asset when the payment is made, and is measured at the fair value of the consideration paid. The asset is expensed when delivery of the goods occurs or when the service is rendered.

## 1.7 LEASING

### 1.7.1 OPERATING LEASES

A lease is classified as an operating lease if it does not transfer substantially all the risks and rewards incidental to ownership. Lease payments under an operating lease are recognised as expenses in the Statement of Financial Performance on a straight line basis over the lease period.

### 1.7.2 FINANCE LEASES

Finance leases refer to a contract that transfers the risks, rewards, rights and obligations incidental to ownership to the

lessee and is recorded as a purchase of equipment by means of long-term borrowing. All other leases are classified as operating leases. Assets held under finance leases and the corresponding liability, are recognised at their present value of the minimum lease payments at the date of acquisition. Finance costs, which represent the difference between the total leasing commitments and the estimated present value of the assets acquired, are charged to the Statement of Financial Performance over the term of the relevant lease so as to produce a constant periodic rate of interest on the remaining balance of the obligations for each accounting period.

## 1.8 EMPLOYEE BENEFITS

The cost of short-term employee benefits (those payable within twelve months after the service is rendered, such as paid vacation leave and performance bonuses), are recognised in the period in which the service is rendered and are not discounted.

A provision for performance bonuses is made at year-end when the achievement of the NCT's performance measures are known and when the affordability of performance bonuses can be determined. A provision is then made based on the average actual performance score of the previous year for all the permanent staff and fulltime Tribunal members who were employed for at least six months during the financial year.

The expected cost of compensated absences is recognised as an expense as the employees render services that increase their entitlement, or in the case of non-accumulating absences, when the absence occurs.

Provision is made for leave pay and as it is set at 100% of all outstanding accumulated leave at reporting date, it is disclosed as an accrual under trade and other payables.

## 1.9 BORROWING COSTS

Borrowing costs are recognised as an expense in the period in which it is incurred.

## 1.10 INVENTORIES

Inventories are initially recognised at cost. The carrying amount of inventories is recognised as an expense in the period that the inventory was distributed or consumed.

Inventories, consisting of consumable stores, are measured at the lower of cost and current replacement cost.

## 1.11 PROPERTY, PLANT AND EQUIPMENT

Items of property, plant and equipment are initially recognised as assets on acquisition date and are initially recorded at cost.

Property, plant and equipment are stated at historical cost less accumulated depreciation and any impairment losses. The cost of an item of property, plant and equipment is recognised as an asset when:

- it is probable that future economic benefits or service potential associated with the item will flow to the entity; and
- the cost of fair value of the item can be measured reliably

The NCT assesses the useful life and residual values of property, plant and equipment annually. The useful lives and residual values are estimated on an annual basis at each year-end, with the effect of any changes in estimate accounted for on a prospective basis.



Depreciation is calculated on the straight-line method to write off the cost of each asset over its estimated useful life as follows:

<b>PROPERTY, PLANT AND EQUIPMENT</b>	<b>AVERAGE USEFUL LIFE</b>
Furniture and fittings	15 years
Office equipment	5 years
Computer equipment	5 years
Books	5 years
Signage	5 years
Leasehold improvements	Period of lease
Leased equipment	Period of lease

### 1.12 INTANGIBLE ASSETS

An intangible asset is recognised when:

- It is probable that the expected future economic benefits that are attributable to the asset will flow to the entity; and
- The cost of the asset can be measured reliably.

Intangible assets are initially recognised at cost. Expenditure on research is recognised as an expense when it is incurred. An intangible asset from development is recognised when:

- It is technically feasible to complete the asset so that it will be available for use or sale; and
- There is an intention to use or sell it; and
- There is an ability to use or sell it; and
- It will generate probable future economic benefits; and
- The expenditure during the development phase can be measured reliably.

Intangible assets are carried at cost less accumulated amortisation and impairment losses. The amortisation period and method are reviewed every year-end.

Amortisation is provided to write down the intangible assets on a straight-line basis as follows:

<b>INTANGIBLE ASSETS</b>	<b>AVERAGE USEFUL LIFE</b>
Computer software (Internally generated)	3 to 5 years
Computer software (Other)	2 to 3 years

### 1.13 IMPAIRMENT OF PROPERTY, PLANT AND EQUIPMENT AND INTANGIBLE ASSETS

At each reporting date, the NCT reviews the carrying amounts of its tangible and intangible assets to determine whether there is any indication that those assets may be impaired. An asset is impaired when its recoverable amount is less than its carrying value. In this instance, the carrying value of the asset is reduced to its recoverable amount. This reduction is an impairment loss, which is recognised immediately in the Statement of Financial Performance. A reversal of an impairment loss of assets other than goodwill is recognised immediately in the Statement of Financial Performance.

### 1.14 FINANCIAL INSTRUMENTS

The NCT classifies financial instruments, or their component parts, on initial recognition as a financial asset, a financial liability or an equity instrument in accordance with the substance of the contractual arrangement. Financial assets and financial liabilities are recognised on the Statement of Financial Position when the NCT becomes party to the

contractual provisions of the instrument.

#### 1.14.1 FINANCIAL ASSETS

Financial assets are initially measured at fair value plus transaction costs. The NCT's principal financial assets are trade receivables and cash and cash equivalents. Subsequently, items included in this category are measured at the amortised cost, calculated based on the effective interest method, and material interest is included in the surplus or the deficit for the year. Net gains or losses represent gains and losses on de-recognition and are included in "other income" or "other expenses". Receivables with no stated rate are measured at the original invoice amount, if the effect of discounting is immaterial. Impairment losses are recognised on loans and receivables when there is objective evidence of impairment. An impairment loss is recognised in the surplus or the deficit when the carrying amount of the asset exceeds its recoverable amount. The recoverable amount is calculated as the present value of the estimated future cash flows discounted at the original effective interest rate of the instrument.

#### 1.14.2 FINANCIAL LIABILITIES

The NCT's principal financial liabilities are trade and other payables, such as employee benefits.

These financial liabilities are initially measured at fair value plus transaction costs. Subsequently, these items are measured at the amortised cost, using the effective interest rate method. Interest expenses on these items are measured at the amortised cost, using the effective interest rate method. Net gains or losses represent gains or losses on de-recognition and are included in "other income" or "other expenses".

#### 1.15 FRUITLESS AND WASTEFUL EXPENDITURE

Fruitless and wasteful expenditure means expenditure which was made in vain and would have been avoided had reasonable care been exercised. All expenditure relating to fruitless and wasteful expenditure is recognised as an expense in the Statement of Financial Performance in the year that the expenditure was incurred. The expenditure is classified in accordance with the nature of the expense, and where recovered, it is subsequently accounted for as revenue in the Statement of Financial Performance.

#### 1.16 IRREGULAR EXPENDITURE

Irregular expenditure is defined in Section 1 of the PFMA as expenditure other than unauthorised expenditure, incurred in contravention of, or that is not in accordance with requirements of any applicable legislation. National Treasury Practice Note 4 of 2008/9 which was issued in terms of Sections 76(1) to 76(4) of the PFMA defines how irregular expenditure should be disclosed.

# NOTES TO THE ANNUAL FINANCIAL STATEMENTS

## 2. PROPERTY, PLANT AND EQUIPMENT

	2021			2020		
	Cost/ Valuation R	Accumulated depreciation R	Carry value R	Cost/ Valuation R	Accumulated depreciation R	Carry value R
Furniture and fittings	2 013 463	(1 027 557)	985 906	2 018 822	(929 510)	1 089 312
Office equipment	254 236	(207 669)	46 568	255 674	(189 466)	66 208
Computer equipment	4 161 185	(3 320 502)	840 683	4 093 987	(2 883 861)	1 210 126
Leasehold improvements	270 183	(270 183)	-	3 310 195	(2 926 520)	383 675
Books	219 995	(208 551)	11 443	219 995	(207 973)	12 022
Signage	-	-	-	33 315	(33 315)	-
Office equipment – Leased	-	-	-	682 549	(562 776)	119 773
<b>Total</b>	<b>6 919 062</b>	<b>(5 034 462)</b>	<b>1 884 600</b>	<b>10 614 537</b>	<b>(7 733 421)</b>	<b>2 881 116</b>

RECONCILIATION OF PROPERTY, PLANT AND EQUIPMENT – 2021	Opening balance R	Additions R	Assets written off R	Assets sold R	Depreciation R	Closing balance R
Furniture and fittings	1 089 312	-	(1 486)	-	(101 920)	985 906
Office equipment	66 208	-	(72)	-	(19 568)	46 568
Computer equipment	1 210 126	67 198	-	-	(436 641)	840 683
Leasehold improvements	383 675	-	-	-	(383 675)	-
Books	12 022	-	-	-	(579)	11 443
Signage	-	-	-	-	-	-
Office equipment – Leased (refer to Note 2.1)	119 773	-	-	-	(119 773)	-
<b>Total</b>	<b>2 881 116</b>	<b>67 198</b>	<b>(1 558)</b>	<b>-</b>	<b>(1 062 156)</b>	<b>1 884 600</b>

RECONCILIATION OF PROPERTY, PLANT AND EQUIPMENT – 2020	Opening balance R	Additions R	Assets written off R	Assets sold R	Depreciation R	Closing balance R
Furniture and fittings	1 191 233	-	-	-	(101 921)	1 089 312
Office equipment	66 968	19 750	-	-	(20 510)	66 208
Computer equipment	1 569 198	217 891	(48 746)	-	(528 217)	1 210 126
Leasehold improvements	1 304 493	-	-	-	(920 818)	383 675
Books	21 783	-	-	-	(9 761)	12 022
Signage	-	-	-	-	-	-
Office equipment – Leased (refer to Note 2.1)	373 317	-	-	-	(253 544)	119 773
<b>Total</b>	<b>4 526 992</b>	<b>237 641</b>	<b>(48 746)</b>	<b>-</b>	<b>(1 834 771)</b>	<b>2 881 116</b>

### 2.1 OFFICE EQUIPMENT – LEASED

Office equipment previously accounted for as finance leases were all returned to the supplier. For the current financial year new leases we entered into and are now accounted for as operating leases. Also refer to Note 7.

### 2.2 RE-ASSESSMENT OF USEFUL LIVES

The useful lives and residual values of all the property, plant and equipment were assessed during the year under review and no changes were deemed necessary (2020 - there was a reduction in the residual value of Books from 10% to 5%).

### 3. INTANGIBLE ASSETS

	2021			2020		
	Cost/ Valuation R	Accumulated amortisation/ impairments R	Carry value R	Cost/ Valuation R	Accumulated amortisation/ impairments R	Carry value R
Computer software – Internally generated	2 699 302	(1 643 454)	1 055 848	2 559 876	(1 157 139)	1 402 737
Computer software – Other	-	-	-	150 714	(55 756)	94 958
<b>Total</b>	<b>2 699 302</b>	<b>(1 643 454)</b>	<b>1 055 848</b>	<b>2 710 590</b>	<b>(1 212 895)</b>	<b>1 497 695</b>

	Opening balance R	Additions R	Amortisation R	Impairments R	Closing balance R
<b>RECONCILIATION OF INTANGIBLE ASSETS – 2021</b>					
Computer software – Internally generated	1 402 737	139 426	(486 315)	-	1 055 848
Computer software – Other	94 958	-	(94 958)	-	-
<b>Total</b>	<b>1 497 695</b>	<b>139 426</b>	<b>(581 273)</b>	<b>-</b>	<b>1 055 848</b>

#### RECONCILIATION OF INTANGIBLE ASSETS – 2021

Computer software – Internally generated	1 737 974	107 869	(443 106)	-	1 402 737
Computer software – Other	75 208	100 602	(80 852)	-	94 958
<b>Total</b>	<b>1 813 182</b>	<b>208 471</b>	<b>(523 958)</b>	<b>-</b>	<b>1 497 695</b>

#### 3.1 SCRAPPING OF COMPUTER SOFTWARE - OTHER

Other computer software fully amortised and no longer in use with a cost price of R150 714 (Accumulated amortisation: R150 714) was removed from the asset register as the licences expired during the current financial year.

#### 3.2 RE-ASSESSMENT OF USEFUL LIVES

The useful lives and residual values of all the intangible assets were assessed during the year under review and no change was deemed necessary (2020 - the amortisation period of other computer software to be 2 to 3 years instead of only 3 years).

	31 March 2021 R	31 March 2020 R
<b>4. INVENTORIES</b>		
Stationery and consumables	85 562	46 387
	<b>85 562</b>	<b>46 387</b>

5. TRADE AND OTHER RECEIVABLES FROM EXCHANGE TRANSACTIONS	31 March 2021 R	31 March 2020 R
Debtors for filing fees - Statutory receivables (Refer note 5.1)	228 500	174 100
Sundry debtors (refer to note 31)	152 939	246 116
Prepayments (refer Note 5.2)	413 078	186 617
	<b>794 517</b>	<b>606 833</b>

#### 5.1 DEBTORS FOR FILING FEES - STATUTORY RECEIVABLES

Filing fees for debt re-arrangement matters are normally paid for before the Tribunal adjudicates on a case. The cases are normally filed by a debt counsellor on behalf of an applicant. When a debtor is raised as a result of a filing, the recoverability of the receivables are reviewed per debt councillor, taking into account the payment history of the debt counsellor and the number of cases that are filled. The fact that the NCT has never impaired debtors for filing fees in the past is also a factor that the NCT has taken into account in determining the recoverability. No impairment losses or allowances for impairment losses were recognised in the current year (2019/20: R Nil). Also refer to Note 10.1.

STATUTORY RECEIVABLES PAST DUE BUT NOT IMPAIRED	0 to 30 Days R	31 to 60 Days R	Over 60 Days R
Ageing of past due amounts not impaired - 2021	-	-	228 500

#### 5.2 PREPAYMENTS

The prepayments are based on contractual obligations with suppliers of goods and services and include subscriptions for resource materials, airline tickets, rental and the unused portion of annual software licences.

6. CASH AND CASH EQUIVALENTS	31 March 2021 R	31 March 2020 R
Bank account – Call account (SA Reserve Bank) (refer Note 6.1)	10 918 166	108 052
Bank account – Operational current account (Nedbank)	1 729 139	1 186 621
Bank account – Filing fees current account (Nedbank)	2 203 399	635 899
Bank account – Special projects current account (Nedbank)	727	4 399 909
Bank account – Prefunded Credit Card (Nedbank)	-	11
Cash on hand – Petty cash	53	2 949
	<b>14 851 484</b>	<b>6 333 441</b>

#### 6.1 BANK ACCOUNT – NOTICE DEPOSIT

In terms of the NCT's investment policy, surplus funds are invested with the South African Reserve Bank in the Corporation for Public Deposits (CPD) Account. Interest was earned at an average rate of 4,23% (2019/20: 6,90%). The total cash and cash equivalents balance that was available for investment increased year on year mainly due to the lower than anticipated spend.

7. FINANCE LEASES – OFFICE EQUIPMENT	31 March 2021	31 March 2020
	R	R

#### MINIMUM LEASE PAYMENTS DUE

Sasfin Bank Limited (Xerox Work Centres)	-	83 918
Canon Business Centre (PABX System and additions to the PABX System)	-	85 294
	-	<b>169 212</b>

#### SUMMARY OF MINIMUM LEASE PAYMENTS DUE

Payable within one year	-	169 212
Payable after one year	-	-
	-	169 212
Less: Future finance charges	-	(10 895)
<b>Present value of minimum lease payments due</b>	<b>-</b>	<b>158 317</b>
Current liabilities	-	158 317
Non-current liabilities	-	-
<b>Present value of minimum lease payments due</b>	<b>-</b>	<b>158 317</b>

Leased assets are initially measured at the lower of the fair value of the leased asset at the inception of the lease term and the present value of minimum lease payments at that date. The average lease term is 3 to 5 years and the average effective borrowing rate was 2019/20:15,76%.

New lease agreements entered into in the 2022 financial year are now classified as operating leases as the risk and reward of ownership remains with the supplier and the assets are not lease for a significant portion of the life of the asset nor does NCT have the option to purchase the asset at the end of the lease term.

#### 8. TRADE AND OTHER PAYABLES FROM EXCHANGE TRANSACTIONS

Trade payables	1 538 235	1 178 720
Income received in advance – Filing fees	973 095	802 095
Other payables – Permanent and temporary staff	-	41 242
Salary deductions – PAYE, UIF, Garnishees and Union membership fees	-	-
Accrued expenses – Tribunal members' costs	283 546	319 566
Accrued expenses – Governance Committee members' costs	164 681	113 713
Accrued leave pay – Senior management and fulltime Tribunal members	1 824 492	1 088 894
Accrued leave pay – Other staff	1 362 598	821 731
	<b>6 146 647</b>	<b>4 365 961</b>

#### 9. PROVISION FOR SETTLEMENT

Provision for settlement	535 538	-
<b>MOVEMENT IN THE PROVISION FOR SETTLEMENT</b>		
Opening balance	-	-
Provisions utilised during the year	-	-
	-	-
Provisions made during the year	535 538	-
<b>Provision at end of the year</b>	<b>535 538</b>	<b>-</b>

The provision was made for a settlement of a labour issue that was resolved before the financial year-end.

10. TOTAL REVENUE	31 March 2021 R	31 March 2020 R
<b>Total revenue</b>	<b>58 833 496</b>	<b>66 460 762</b>
<b>Non-exchange revenue</b>	<b>47 492 000</b>	<b>56 639 000</b>
Government grants	47 492 000	56 639 000
<b>Exchange revenue</b>	<b>10 072 678</b>	<b>8 369 398</b>
Filing fees - Statutory receivables (refer to Note 10.1)	9 537 400	8 186 500
Service fees	4 113	23 629
Sundry income	531 165	93 177
Proceeds from insurance	-	66 092
<b>Investment income</b>	<b>1 268 818</b>	<b>1 452 364</b>
Interest earned (refer to Note 10.2)	1 268 818	1 452 364

10.1 The filing fee (transaction amount) per debt re-arrangement matter brought before the Tribunal for adjudication has increased from R300 per case to R400 per case effective from 1 April 2020 (2020: R300). The increase in the filing fee of R400 per case was published by the Minister of Trade, Industry and Competition in Government Gazette No. 496 dated 29 March 2019. Also refer to Note 5.1.

10.2 Interest earned was lower due to the NCT receiving its full grant allocation in April 2020 however NCT was requested to pay back R7 456 000. This resulted in less funds being available for investment than what was previously the case.

## 11. AUDIT FEES

External audit fees	421 350	606 934
	<b>421 350</b>	<b>606 934</b>

The AGSA has opted not to conduct the external audit of the NCT from 2018/2019. The NCT only accrues for audit fees to the extent that work was performed. No work had been done by the auditors for the 2020/21 audit and hence no fees were paid or accrued. The fees are lower than for the comparable period as a portion of the 2019/20 fees was paid in that year and the balance was paid in 2020/21.

12. ADMINISTRATIVE EXPENSES	31 March 2021 R	31 March 2020 R
Advertising (refer to note 12.3)	394 072	37 690
Audit and Risk Committee members' remuneration	449 982	492 261
Bank charges	81 051	98 489
Computer expenses, ICT support and software licences (refer to Note 12.1)	974 652	770 521
Entertainment, refreshments and staff welfare (refer to Note 12.2)	44 760	106 758
Fraud hotline and whistle blowing	54 339	51 198
General expenses, gifts, flowers, first aid, cleaning costs, cutlery and crockery (refer to Note 12.2)	1 957	26 598
HR Governance Committee members' remuneration	207 414	235 664
ICT Governance Committee members' remuneration	177 677	67 965
Internal audit fees and secretariat services (refer to note 12.4)	914 898	723 587
Legal and related fees (refer to note 12.5)	784 268	88 768
Membership fees, subscriptions, books and resource materials (refer to Note 12.2)	19 431	377 591
Printing, stationery and publications (refer to Note 12.2)	327 104	529 025
Security services (refer to note 12.2)	-	10 076
Storage costs, online backup services, mail archiving and disaster recovery	562 412	443 138
Training, bursaries and staff development (refer to Note 12.2)	202 367	455 739
Venues and facilities for workshops, conferences and meetings (refer to Note 12.1)	-	189 397
	<b>5 196 384</b>	<b>4 704 465</b>

Due to the abnormal business conditions that were created by the Covid-19 pandemic, it is not always possible to establish normal trends as to the caseload and business expenses for the 2021 financial year when compared to the prior year.

#### Increases and decrease in administrative expenses

- 12.1 This expense item is higher mainly due to software licenses that are now procured annually. Licence software are no longer capitalised. Also refer to Note 3.
- 12.2 A number of austerity measures were put in place when a portion of the Grant funding needed to be returned to dtic in order to meet the critical operational expenses whilst maintaining legislative compliance requirements. In addition, with employees working from home, this has also impacted the spend on some expense items.
- 12.3 The advertising costs were higher mainly due to more advertising as part of the recruitment process.
- 12.4 Secretariate fees were higher mainly due to the increase in the number of meetings held during the current financial year compared to the previous year.
- 12.5 There were more matters that required legal input and support in the current financial year.



13. OTHER OPERATING EXPENSES	31 March 2021 R	31 March 2020 R
Amortisation	581 272	523 958
Small assets written off on purchase	1 299	-
Assets written off	1 558	48 746
Consulting fees (refer to Note 13.1)	1 723 055	1 512 506
Courier costs, postage and stamps	56 174	124 379
Data costs and 3G connectivity	169 452	134 407
Depreciation	1 062 155	1 834 771
Insurance	235 527	272 759
Lease rentals on premises and parking	3 093 865	2 898 614
Recording, transcription, interpreters, witnesses and translation services	71 425	255 762
Rentals – Equipment and furniture	84 683	46 875
Repairs and maintenance (refer to Note 13.4)	8 142	10 704
Telephone, fax and fibre optic communications (refer to Note 13.3)	390 234	456 214
Travel and accommodation (refer to Note 13.2)	12 325	1 420 495
Utilities – Water, electricity, rates and taxes (refer to Note 13.3)	845 867	1 275 427
	<b>8 337 033</b>	<b>10 815 617</b>

#### INCREASES AND DECREASES IN OTHER OPERATING EXPENSES

Due to the abnormal business conditions that were created by the Covid-19 pandemic, it is not always possible to establish normal trends as to the caseload and business expenses for the 2020-21 financial year when compared to the prior year.

- 13.1 The increase in the spending relates to the fees charged by the consulting firm for the urgent appointment of the current acting CFO.
- 13.2 Travel and accommodation costs restrictions imposed by the pandemic. The hearings were mostly held on on-line platforms. Also refer to Note 18.6.
- 13.3 Utilities and communications costs were lower mainly due to the pandemic when people worked predominantly from home for a period of time.

#### 13.4 Repairs and maintenance

Furniture and fittings	-	250
Office equipment	3 308	1 699
Computer equipment	4 834	2 678
Leased assets	-	6 077
	<b>8 142</b>	<b>10 704</b>

## 14. PART-TIME TRIBUNAL MEMBERS' FEES

	2021			2020		
	Members' fees, etc. R	Travelling expenses R	Total costs R	Members' fees, etc. R	Travelling expenses R	Total costs R
L Best (Deputy Chairperson)	396 692	-	396 692	490 893	5 739	496 632
BC Dumisa	416 579	-	416 579	559 974	17 496	577 470
PA Beck	500 051	222	500 273	624 868	5 843	630 711
X May	226 083	-	226 083	125 602	2 208	127 810
HFN Sephoti	-	-	-	(66 134)	-	(66 134)
T Woker	409 252	-	409 252	572 534	6 384	578 918
FK Manamela	414 406	2 579	416 985	503 453	16 093	519 546
DR Terblanche	383 084	1 525	384 609	592 421	13 147	605 568
FK Sibanda	413 463	892	414 355	177 936	202	178 138
TA Bailey	405 065	1 644	406 709	671 967	11 849	683 816
MC Peenze	451 134	-	451 134	640 307	6 142	646 449
NMD Nkomo	401 925	223	402 148	583 001	3 495	586 496
NS Maseti	160 037	-	160 037	216 663	3 470	220 133
K Moodaliyar'	385 781	1 683	387 464	396 692	3 161	399 853
	<b>4 963 552</b>	<b>8 768</b>	<b>4 972 320</b>	<b>6 090 177</b>	<b>95 229</b>	<b>6 185 406</b>

### 14.1 DECREASE IN PART-TIME TRIBUNAL MEMBERS' COSTS

The decrease can be attributed to a combination of factors. These being the screening of non-DRA matters prior to allocation to a Tribunal member and the grouping of matters were introduced where more matters are heard in one day by the same panel resulting in cost savings. In addition, Full Time Tribunal Members continue to be allocated more matters. Travelling expenses also decreased mainly due to meetings moving to on-line platforms because of the pandemic. Covid also impacted the numbers of applications submitted to the NCT and hence the number of cases that were adjudicated on.

	31 March 2021 R	31 March 2020 R
Senior management emoluments (refer to Note 15.1)	7 949 327	9 370 869
Fulltime Tribunal members' emoluments (refer to Note 15.2)	5 107 389	5 907 629
Other staff emoluments	19 132 393	21 470 802
Other staff leave paid	157 576	807 193
Other staff performance bonuses for previous performance period	-	1 940 114
Subtotal for payments made to permanent staff and interns	32 346 685	39 496 607
Student workers (Contingent pool of temporary employees)	-	-
Temporary staff emoluments	160 436	1 001 129
Employer's contribution to statutory levies (refer to Note a)	436 688	412 062
Accrual for CCMA settlement	535 538	-
Movement in accrual for leave pay	1 276 464	(361 237)
Movement in provision for performance bonuses	-	(3 428 052)
<b>Total for employee-related costs</b>	<b>34 755 811</b>	<b>37 120 509</b>

15. EMPLOYEE-RELATED COSTS (CONTINUED)	31 March 2021 R	31 March 2020 R
<b>A) STATUTORY LEVIES</b>		
Workmen's Compensation Fund	322 935	302 962
Special skills development levy	26 989	-
Unemployment Insurance Fund (UIF)	86 764	109 100
<b>Total statutory levies</b>	<b>436 688</b>	<b>412 062</b>
<b>15.1 SENIOR MANAGEMENT EMOLUMENTS</b>		
	<b>7 949 327</b>	<b>9 370 869</b>
<b>Executive Chairperson (JM Maseko)</b>		
Annual remuneration	2 198 099	2 118 650
Performance bonus for previous performance period	-	418 207
Leave paid out	-	49 308
Other fringe benefits	18 000	18 000
	<b>1 705 463</b>	<b>959 211</b>
<b>Chief Operating Officer (NKD Lolwane: From 1 September 2019)</b>		
Annual remuneration	1 690 463	950 461
Performance bonus for previous performance period	-	-
Leave paid out	-	-
Other fringe benefits	15 000	8 750
	<b>-</b>	<b>848 423</b>
<b>Chief Operating Officer (M Bosch: Till 17 June 2019)</b>		
Annual remuneration	-	340 495
Performance bonus for previous performance period	-	319 213
Leave paid out	-	185 580
Other fringe benefits	-	3 135
	<b>-</b>	<b>853 045</b>
<b>Corporate Services Executive (NKD Lolwane: Till 31 August 2019)</b>		
Annual remuneration	-	525 210
Acting allowance (Chief Operating Officer from 18 May 2019 till 31 August 2019)	-	94 000
Performance bonus for previous performance period	-	228 835
Other fringe benefits	-	5 000
	<b>319 518</b>	<b>-</b>
<b>Acting Corporate Services Executive (V Srineevassan: from Jan 2021)</b>		
Annual remuneration	261 239	-
Acting allowance	55 529	-
Performance bonus for previous performance period	-	-
Other fringe benefits	2 750	-
	<b>769 310</b>	<b>1 735 348</b>
<b>Chief Financial Officer (A Moolla)</b>		
Annual remuneration	1 566 568	1 454 159
Performance bonus for previous performance period	-	269 189
Recovery of income	(809 258)	-
Leave paid out	-	-
Other fringe benefits	12 000	12 000

15. EMPLOYEE-RELATED COSTS (CONTINUED)	31 March 2021 R	31 March 2020 R
<b>Acting Chief Financial Officer (W Strauss)</b>	<b>781 878</b>	-
Annual remuneration	743 685	-
Performance bonus for previous performance period	-	-
Leave paid out	32 098	-
Other fringe benefits	6 095	-
<b>Chief Information Officer (BX Nomvete)</b>	<b>1 464 500</b>	<b>1 511 096</b>
Annual remuneration	1 452 500	1 272 721
Performance bonus for previous performance period	-	226 375
Other fringe benefits	12 000	12 000
<b>Registrar (LL Rabotapi)</b>	<b>1 474 437</b>	<b>1 708 004</b>
Annual remuneration	1 462 437	1 399 979
Performance bonus for previous performance period	-	263 219
Leave paid out	-	32 806
Other fringe benefits	12 000	12 000
<b>15.2 FULLTIME TRIBUNAL MEMBERS' EMOLUMENTS</b>	<b>5 107 389</b>	<b>5 907 629</b>
<b>Fulltime Tribunal Member (HV Alwar - previously Devraj)</b>	<b>1 702 463</b>	<b>1 993 629</b>
Annual remuneration	1 690 463	1 629 362
Performance bonus for previous performance period	-	314 389
Leave paid out	-	37 878
Other fringe benefits	12 000	12 000
<b>Fulltime Tribunal Member (JR Simpson)</b>	<b>1 702 463</b>	<b>2 000 865</b>
Annual remuneration	1 690 463	1 629 362
Performance bonus for previous performance period	-	321 625
Leave paid out	-	37 878
Other fringe benefits	12 000	12 000
<b>Fulltime Tribunal Member (LA Potwana)</b>	<b>1 702 463</b>	<b>1 913 135</b>
Annual remuneration	1 690 463	1 629 362
Performance bonus for previous performance period	-	271 773
Other fringe benefits	12 000	12 000

15. EMPLOYEE-RELATED COSTS (CONTINUED)	31 March 2021 R	31 March 2020 R
<b>15.3 EXPENSE ALLOWANCES INCLUDED UNDER TRAVELLING COSTS</b>		
Executive Chairperson (JM Maseko)	-	27 013
Fulltime Tribunal Member (HV Alwar - previously Devraj)	-	1 158
Fulltime Tribunal Member (JR Simpson)	-	900
Fulltime Tribunal Member (LA Potwana)	-	38 555
Chief Operating Officer (M Bosch)	-	1 922
Chief Operating Officer (NKD Lolwane)	-	2 325
Corporate Services Executive (NKD Lolwane)	-	2 606
Chief Financial Officer (A Moolla)	-	-
Chief Information Officer (BX Nomvete)	-	8 312
Registrar (LL Rabotapi)	-	440
<b>Expense allowance paid to senior management</b>	<b>-</b>	<b>83 231</b>
Expense allowance paid to other staff	3 644	16 355
<b>Total expense allowance paid to employees</b>	<b>3 644</b>	<b>99 586</b>

#### 15.4 DECREASE IN EMPLOYEE-RELATED COSTS

The reduction in employee-related costs can be attributed to only having 51 employees at the end of the current year compared to an average of 62 employees in the previous year, in part due to unfilled vacancies. There was also less leave paid out in the current financial year. When the NCT was requested to return some of the grant funding the filling of some positions on the organisational structure were put on hold.

Senior Management and Tribunal Members: The main reason for the year on year reduction in costs is that there was no performance bonus paid in 2020/21 financial year.

Other staff: There were less employees compared to the previous financial year.

#### 16. FINANCE COSTS

Finance leases	10 733	49 873
	<b>10 733</b>	<b>49 873</b>

#### 17. RECONCILIATION OF NET CASH FLOWS FROM OPERATING ACTIVITIES

<b>Net surplus for the year</b>	<b>5 148 633</b>	<b>7 073 187</b>
Adjusted for:	2 191 258	(970 704)
Amortisation	581 273	523 958
Depreciation	1 062 156	1 834 771
Assets written off	1 558	48 746
Finance costs – Finance leases	10 733	49 873
Movement in provisions – Employee related costs	535 538	(3 428 052)
<b>Operating surplus before working capital changes</b>	<b>7 339 891</b>	<b>6 102 483</b>
<b>Changes in Working Capital</b>	<b>1 553 826</b>	<b>(1 487 340)</b>
Decrease/(increase) in accounts receivable	(187 684)	499 592
Decrease/(Increase) in inventory	(39 175)	27 413
Increase/(Decrease) in accounts payable	1 780 686	(2 014 345)
<b>Cash generated in operations</b>	<b>8 893 717</b>	<b>4 615 143</b>

## 18. PRESENTATION OF BUDGET INFORMATION

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The NCT prepares its annual budget primarily on a cash basis. Items such as depreciation, amortisation, loss on sale of assets, scrapping of assets, finance costs and accrual for leave pay are not budgeted. The actual amounts in the Statement of Comparison of Budget and Actual Amounts are therefore adjusted to be comparable with the final budget.

Quantitative and qualitative material differences between the final budget and the comparable actual amount are disclosed in the notes below. The amount determined for materiality purposes is according to the materiality and significance framework as was published in the Strategic Plan. This amount was determined to be 0.60% of budgeted operational expenditure (which excludes capital expenditure) and which amounts to R331 117 for this financial year (2020: R391 456).

### 18.1 INCOME FROM NON-EXCHANGE TRANSACTIONS

This income comprises of the grant received from the Department of Trade, Industry and Competition (dtic). The NCT received its full initial grant allocation of R54 948 000 for the 2020/21 financial year from **the dtic** during April 2020 but during July and December 2020, it had to pay back R6 209 000 and R1 247 000 respectively of the grant to **the dtic** due to a reduced grant allocation. However, R4 400 000 retained from the prior financial year, was ring-fenced, for the implementation of the National Credit Amendment Act (NCAA). The procurement process related to the NCAA implementation project was finalised on 16 March 2021. Also refer to Note 18.8.

### 18.2 ROLL-OVER

As the annual financial statements for 2019/20 were also finalised by the time that the budget was revised, the surplus funds brought over from 2019/20 was known to management at that time and as such, it was also included on the revised budget for 2020/21.

### 18.3 INCOME FROM EXCHANGE TRANSACTIONS

Income from exchange transactions is mainly from filing fees received from debt counsellors for cases brought before the Tribunal. The Tribunal came in 6.6% over budget for 2020/21. The adjusted budget (after considering the potential impact of the Covid pandemic) was prepared on the assumption that 22 362 cases would be brought before the Tribunal at a filing fee of R400 per case. The NCT received 23 844 cases. The actual number of cases received were therefore 6.6% more than budgeted. The filing fee per case increased by 33.3% from R300 to R400 per case effective from 1 April 2020.

### 18.4 ADMINISTRATIVE EXPENSES

Administrative expenses are underspent due to the implementation of cost savings measures. There were savings in the areas of computer expenses and software licences, printing, stationery and publications, and venues and facilities. Legal expenses were higher than budget mainly due more legal advice required than anticipated in the budget. Also refer to Note 12.

### 18.5 OTHER OPERATING EXPENSES

Other operating expenditure is also underspent due to the implementation of cost saving measures. There were savings in the areas of lease rentals and on utilities costs. The savings in travel and accommodation is due to almost no traveling being undertaken due to the pandemic and hearings moving to on-line platforms. Consulting costs were however more than budget to meet the operational needs of the organisation and not anticipated at the time of preparing the budget. Also refer to Note 13.

## 18. PRESENTATION OF BUDGET INFORMATION (CONTINUED)

### 18.6 TRIBUNAL MEMBERS' COSTS

The budget for Tribunal members costs is based on the number of cases that are expected to be filed with the NCT and the number of days that will be required to adjudicated on those cases. The budget was prepared on the assumption that the number of cases to be adjudicated on per day would be more than what was doable. Also refer to Note 14.

### 18.7 EMPLOYEE RELATED COSTS

The budget was prepared on the assumption that the NCT will have a full staff complement. During this financial year the NCT did experience some vacancies in its staff structure, including vacancies at an executive level. When the NCT was requested to return some of the grant funding the filling of some positions on the organisational structure were put on hold.

### 18.8 CAPITAL EXPENDITURE

Capital expenditure was underspent mainly due to the delay in the receipt of the new laptops, which was only received on 20 April 2021 due to Intel CPU shortages. The procurement process for the NCAA project was finalised in March 2021 and the tender was awarded. The NCT has however not yet spent any money on this project and the capital cost of R3 765 170 of the R4 400 000 remain a committed cost – the remaining costs will be used in the development or acquisition of additional applications.

19. LEASES	31 March 2021 R	31 March 2020 R
<b>19.1 OPERATING LEASES – BUILDINGS</b>		
Lease payments under operating leases recognised in the surplus / (deficit) for the year	3 093 865	2 898 614
<b>FUTURE MINIMUM LEASE PAYMENTS</b>		
Payable within one year	2 512 807	1 392 348
Payable after one year	10 051 228	-
	12 564 035	1 392 348

The operating lease relates to the Centurion office building premises situated at 272 West Avenue and used by the National Consumer Tribunal. The initial lease agreement was entered into effective from 1 September 2014 and ended on 31 August 2020. A month to month lease agreement was concluded when this lease expired until 31 March 2021 and the lease expenses during this period were not straight-lined. The new lease was finalised and is valid from 1 April 2021 to 31 March 2026. The future operating lease payments above relate to the lease.

### 19.2 OPERATING LEASES - OFFICE EQUIPMENT

Lease payments under operating leases recognised in the surplus / (deficit) for the year	84 683	46 875
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The operating leases for office equipment relate to leases of photocopiers. When all the finance leases came to end during the year - new agreements were entered into and the assets of the old contracts were returned to the supplier. As the risks and rewarded of ownership do not vest with NCT they have been classified as operating leases in the 2021 financial year.

19. LEASES	31 March 2021 R	31 March 2020 R
<b>FUTURE MINIMUM LEASE PAYMENTS</b>		
Payable within one year	85 366	-
Payable after one year	84 234	-
	<b>169 600</b>	<b>-</b>

### 19.3 FINANCE LEASES – OFFICE EQUIPMENT

Refer to Note 7: Finance leases – Office equipment for commitments under finance lease agreements.

## 20. RELATED PARTIES

### 20.1 TRANSACTIONS WITH PARENT DEPARTMENT

Related parties are identified as being those parties that control or have significant influence over the NCT and those parties that are controlled or significantly influenced by the NCT. The NCT is a National Public Entity and falls under the control of the Department of Trade, Industry and Competition (**the dtic**). The transaction with **the dtic** is as follows:

Department of Trade, Industry and Competition ( <b>the dtic</b> ) – Grant received	47 492 000	56 639 000
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### 20.2 RELATIONSHIPS AND RELATED PARTY TRANSACTIONS

#### 20.2.1 TRANSACTIONS WITH PUBLIC ENTITIES

The NCT forms part of **the dtic** portfolio and the related entities are listed below. The NCT did not transact with all of **the dtic** group entities during the current year.

National Consumer Commission (NCC) – Sister entity within <b>the dtic</b> group of entities and part of COTII who refer matters to the NCT for adjudication in terms of the Consumer Protection Act.	126 033	93 177
National Credit Regulator (NCR) – Sister entity within <b>the dtic</b> group of entities and part of COTII who refer matters to the NCT for adjudication in terms of the National Credit Act.	-	-
Companies and Intellectual Property Commission (CIPC)	-	-
Companies Tribunal (CT)	-	-
National Empowerment Fund (NEF)	-	-
Export Credit Insurance Corporation of South Africa Limited (ECIC)	-	-
South African Bureau of Standards (SABS)	-	-
National Lotteries Commission (NLC)	-	-
National Gambling Board of South Africa (NGB)	-	-
South African National Accreditation System (SANAS)	-	-
National Metrology Institute of South Africa (NMISA)	-	-
Tshwane Automotive Hub Special Economic Zone (Pty) Ltd (TAHSEZ)	1 213 480	-
National Regulator for Compulsory Specifications (NRCS)	-	-

#### 20.2.2 ACCOUNTING AUTHORITY

JM Maseko (Executive Chairperson)	Aggregate remuneration	2 216 099	2 604 165
JM Maseko (Executive Chairperson)	Reimbursement of purchases	-	2 211

Note: Aggregate remuneration excludes expense allowances. Also refer to Note 15 for more detail.



## 20. RELATED PARTIES (CONTINUED)

31 March 2021  
R

31 March 2020  
R

## 20.2.3 PART-TIME TRIBUNAL MEMBERS

		31 March 2021 R	31 March 2020 R
L Best (Deputy Chairperson)	Aggregate fee for services rendered	396 692	496 632
BC Dumisa	Aggregate fee for services rendered	416 579	577 470
PA Beck	Aggregate fee for services rendered	500 273	630 711
X May	Aggregate fee for services rendered	226 083	127 810
HFN Sephoti	Aggregate fee for services rendered	-	(66 134)
T Woker	Aggregate fee for services rendered	409 252	578 918
FK Manamela	Aggregate fee for services rendered	416 985	519 546
DR Terblanche	Aggregate fee for services rendered	384 609	605 568
FK Sibanda	Aggregate fee for services rendered	414 355	178 138
TA Bailey	Aggregate fee for services rendered	406 709	683 816
MC Peenze	Aggregate fee for services rendered	451 134	646 449
NMD Nkomo	Aggregate fee for services rendered	402 148	586 496
NS Maseti	Aggregate fee for services rendered	160 037	220 133
K Moodaliyar	Aggregate fee for services rendered	387 464	399 853

Note: Aggregate fee for services rendered includes travelling expense. Also refer to Note 14 for more detail.

## 20.2.4 FULLTIME TRIBUNAL MEMBERS AND KEY MANAGEMENT

HV Alwar - previously Devraj (Fulltime Tribunal Member)	Aggregate remuneration	1 702 463	1 993 629
HV Alwar - previously Devraj (Fulltime Tribunal Member)	Reimbursement of purchases	-	195
JR Simpson (Fulltime Tribunal Member)	Aggregate remuneration	1 702 463	2 000 865
JR Simpson (Fulltime Tribunal Member)	Reimbursement of purchases	-	984
LA Potwana (Fulltime Tribunal Member)	Aggregate remuneration	1 702 463	1 913 135
LA Potwana (Fulltime Tribunal Member)	Reimbursement of purchases	-	1 148
M Bosch (Chief Operating Officer)	Aggregate remuneration	-	848 423
M Bosch (Chief Operating Officer)	Reimbursement of purchases	-	-
NKD Lolwane (Chief Operating Officer and Corporate Services Executive)	Aggregate remuneration	1 705 463	1 812 256
NKD Lolwane (Chief Operating Officer and Corporate Services Executive)	Reimbursement of purchases	-	581
A Moola (Chief Financial Officer)	Aggregate remuneration	769 310	1 735 348
W Strauss (Acting Chief Financial Officer)	Aggregate remuneration	743 685	-
BX Nomvete (Chief Information Officer)	Aggregate remuneration	1 464 500	1 511 096
BX Nomvete (Chief Information Officer)	Reimbursement of purchases	-	11 905
LL Rabotapi (Registrar)	Aggregate remuneration	1 474 437	1 708 004
LL Rabotapi (Registrar)	Reimbursement of purchases	-	-

Note: Aggregate remuneration excludes expense allowances. Also refer to Note 15 for more detail.

## 20. RELATED PARTIES (CONTINUED)

31 March 2021  
R

31 March 2020  
R

### 20.3 AMOUNTS INCLUDED IN TRADE RECEIVABLES/(TRADE PAYABLES) REGARDING RELATED PARTIES

JM Maseko (Executive Chairperson) (Fees and travelling expenses)	-	-
PA Beck (Part-time Tribunal Member) (Fees and travelling expenses)	(21 980)	-
L Best (Part-time Tribunal Member) (Fees and travelling expenses)	(12 560)	-
BC Dumisa (Part-time Tribunal Member and Acting Executive Chairperson) (Fees and travelling expenses)	(25 120)	-
FK Manamela (Part-time Tribunal Member) (Fees and travelling expenses)	(31 400)	(12 560)
X May (Part-time Tribunal Member) (Fees and travelling expenses)	(31 400)	-
FK Sibanda (Part-time Tribunal Member) (Fees and travelling expenses)	(50 242)	(8 576)
T Woker (Part-time Tribunal Member) (Fees and travelling expenses)	(31 400)	-
TA Bailey (Part-time Tribunal Member) (Fees and travelling expenses)	(25 120)	-
MC Peenze (Part-time Tribunal Member) (Fees and travelling expenses)	-	(31 710)
N Nkomo (Part-time Tribunal Member) (Fees and travelling expenses)	(18 840)	-
NS Maseti (Part-time Tribunal Member) (Fees and travelling expenses)	(35 483)	-
K Moodaliyar (Part-time Tribunal Member) (Fees and travelling expenses)	-	(266 721)

## 21. FINANCIAL INSTRUMENTS

### 21.1 FINANCIAL RISK MANAGEMENT

The NCT is exposed to the following risks from its use of financial instruments in its normal course of its business:

- Credit risk
- Liquidity risk
- Interest rate risk

This note presents information about the NCT's exposure to each of the above risks and its objectives, policies and processes for measuring and managing risks. Further quantitative disclosures are included throughout these financial statements.

The Accounting Authority and key Management have overall responsibility for the establishment and oversight of the NCT's risk management framework. The NCT's risk management policies are established to identify and analyse the risks faced by the NCT, to set appropriate risk limits and controls and to monitor risks and adherence to limits. Risk management policies and systems are reviewed regularly to reflect changes in market conditions and the NCT's activities. The NCT, through its training and management standards and procedures, aims to develop a disciplined and constructive environment in which all employees understand their roles and obligations.

#### Financial assets at fair value

Trade and other receivables (refer to Note 5)  
Cash and cash equivalents (refer to Note 6)

<b>15 646 001</b>	<b>6 940 274</b>
794 517	606 833
14 851 484	6 333 441

#### Financial liabilities at fair value

Trade and other payables (refer to Note 8)  
Accruals (refer to Note 8)

<b>6 146 647</b>	<b>4 365 961</b>
2 511 330	2 022 057
3 635 317	2 343 904

## 21. FINANCIAL INSTRUMENTS (CONTINUED)

### 21.1.1 LIQUIDITY RISK

Liquidity risk is the risk that the NCT will encounter if it experiences difficulty in raising funds to meet its commitments. The NCT's approach to managing liquidity is to ensure, as far as possible, that it always has sufficient liquidity to meet its liabilities when due, under both normal and stressed conditions, without incurring unacceptable losses or risking damage to the NCT's reputation. The major portion of the surplus is carried as cash or cash equivalents.

The ageing of trade payables from exchange transactions at the reporting date is per the table below. The amounts disclosed are contractual cash flows.

	Less than 1 year R	Between 1 and 2 years R	Between 2 and 5 years R
AT 31 MARCH 2021			
Finance leases (refer to Note 7)	-	-	-
Trade and other payables (refer to Note 8)	6 146 647	-	-
	<b>6 146 647</b>	-	-
AT 31 MARCH 2020			
Finance leases (refer to Note 7)	169 212	-	-
Trade and other payables (refer to Note 8)	4 365 961	-	-
	<b>4 535 173</b>	-	-

### 21.1.2 INTEREST RATE RISK

Interest rate risk is the risk that the value of a financial instrument will fluctuate owing to changes in market interest rates.

	31 March 2021 R	31 March 2020 R
BALANCES EXPOSED TO INTEREST RATE RISK		
Cash and cash equivalents (refer to Note 6)	14 851 484	6 333 441
	<b>14 851 484</b>	<b>6 333 441</b>

### 21.1.3 CREDIT RISK

Credit risk is the risk of a counterparty to a financial instrument defaulting on its obligation to the NCT, thereby causing financial loss. Receivable balances are monitored on an ongoing basis, resulting in exposure to bad debts being insignificant. Provision is made for doubtful debts when there is a significant risk that the debt might not be recovered. The maximum exposure to credit risk is represented by the carrying value of each financial asset in the Statement of Financial Position

Financial assets exposed to credit risk at year-end were as follows:

FINANCIAL INSTRUMENT		
Trade and other receivables – Unrated	794 517	606 833
Cash and cash equivalents – BB rating (Standard and Poor's)	14 851 484	6 333 441
	<b>15 646 001</b>	<b>6 940 274</b>

## 21. FINANCIAL INSTRUMENTS (CONTINUED)

31 March 2021  
R

31 March 2020  
R

The following analysis provides information about the NCT's exposure to credit risk:

### CREDIT QUALITY OF FINANCIAL ASSETS

Trade and other receivables neither past due nor impaired	794 517	606 833
Cash and cash equivalents neither past due nor impaired	14 851 484	6 333 441
	<b>15 646 001</b>	<b>6 940 274</b>

### 21.2 FAIR VALUES

The National Consumer Tribunal's financial instruments consist mainly of cash and cash equivalents, accounts receivable and accounts payable. No financial instruments were carried at an amount in excess of its fair value. The following methods and assumptions are used to determine the fair value of each class of financial instrument:

#### 21.2.1 CASH AND CASH EQUIVALENTS

The carrying amount of cash and cash equivalents approximates fair value due to the relatively short-term maturity of these financial assets.

#### 21.2.2 ACCOUNTS RECEIVABLE

The carrying amount of accounts receivable, net of allowance for bad debt, approximates fair value due to the relatively short-term maturity of these financial assets.

#### 21.2.3 ACCOUNTS PAYABLE

The carrying amount of trade payables approximates fair value due to the relatively short-term maturity of these financial liabilities.

## 22. FRUITLESS AND WASTEFUL EXPENDITURE

Management has not identified any fruitless and wasteful expenditure in the years ended 31 March 2021 and 31 March 2020.

## 23. IRREGULAR EXPENDITURE

Management has not identified any irregular expenditure in the years ended 31 March 2021 and 31 March 2020.

## 24. EVENTS AFTER THE REPORTING DATE

Management is not aware of any matters or circumstances as at the end of the financial year, not otherwise dealt with in the annual financial statements, that significantly affects the financial position of the NCT or the results of its operations.

## 25. GOING CONCERN

Management has carried out an assessment of the Tribunal's ability to continue operating as a going concern and concludes that the organisation will be able to continue as a going concern for the foreseeable future.

## 26. STANDARDS OF GRAP EFFECTIVE AND ADOPTED IN THE CURRENT YEAR

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### IGRAP 1: APPLYING THE PROBABILITY TEST ON INITIAL RECOGNITION REVENUE (AMENDMENTS)

This Standard relates to how an entity applies the probability test on the initial recognition of revenue from exchange and non-exchange transactions. Where credit is extended and uncertainty exists about the entity's ability to collect such revenue based on past history or because discretion about collectability is exercised subsequently or when other factors impact the future economic benefits or service potential to the entity

### IGRAP 20: ACCOUNTING FOR ADJUSTMENTS TO REVENUE

This Standard relates to adjustments to revenue already recognised in terms of legislation or similar means arise from the completion of an internal review process within the entity and/or the outcome of an external appeal or objection process undertaken in terms of legislation or similar means. Adjustments to revenue include any refunds that become payable as a result of a review, appeal or objection process. The adjustments to revenue already recognised following the outcome of a review, appeal or objection process can either result in a change in accounting estimate, or a correction of an error.

Management believes that the adoption of these Standards had no material impact on the financial statements of the NCT.

## 27. STANDARDS OF GRAP ISSUED BUT NOT YET EFFECTIVE

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At the date of authorisation of these annual financial statements, no new accounting standards of Generally Recognised Accounting Principles (GRAP) and interpretations of GRAP standards were issued and not effective.

## 28. CONTINGENT LIABILITIES

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At 31 March 2021 the NCT had an adjusted cash surplus of R4 585 644. In terms of the PFMA, all accumulated surplus funds at the reporting date may be forfeited to National Treasury.

There is a matter at the High Court where the Tribunal has been taken on review. The financial impact of this matter is estimated to be R450 000.

## 29. CAPITAL COMMITMENTS

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The procurement process to implement the NCAA in collaboration with the National Credit Regulator was finalised on 16 March 2021. Of the R4 400 000 received in the 2019/20 financial year R3 765 170 has already been committed. The balance will be used to fund applications that support the remainder of the project.

## 30. TAXATION

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The NCT is exempted from paying taxation in terms of Section 10 (1)(CA)(1) of the Income Tax Act, Act No. 58 of 1962.

### 31. RESTATEMENT OF PRIOR YEAR RESULTS

During the current year it was discovered that trade and other receivables as previously presented in the financial statements was overstated. This resulted in current assets being overstated by R21 828 as at 31 March 2020 and therefore the accumulated surplus for the year ended on 31 March 2020 was overstated by R21 828 and other operating expenses were understated with R21 828. There was no impact on the Cash Flow Statement. (Also refer to note 5).

The line items affected by the restatement indicated above can be summarised as follows:

	Restated 31 March 2020 R	Correction 31 March 2020 R	Previously Reported 31 March 2020 R
<b>STATEMENT OF FINANCIAL POSITION</b>			
CURRENT ASSETS	<b>6 986 661</b>	<b>(21 828)</b>	<b>7 008 489</b>
Trade and other receivables from exchange transactions	606 833	(21 828)	628 661
<b>Total assets</b>	<b>11 365 472</b>	<b>(21 828)</b>	<b>11 387 300</b>
NET ASSETS	<b>6 841 194</b>	<b>(21 828)</b>	<b>6 863 022</b>
Accumulated surplus / (deficit)	6 841 194	(21 828)	6 863 022
<b>STATEMENT OF FINANCIAL PERFORMANCE</b>			
TOTAL EXPENSES	<b>59 337 702</b>	<b>21 828</b>	<b>59 315 874</b>
Other operating expenses	10 815 617	21 828	10 793 789
<b>Operating surplus / (deficit) for the year</b>	<b>7 123 060</b>	<b>(21 828)</b>	<b>7 144 888</b>
<b>Net surplus / (deficit) for the year</b>	<b>7 073 187</b>	<b>(21 828)</b>	<b>7 095 015</b>
<b>CASH FLOW STATEMENT</b>			
RECONCILIATION OF NET CASH FLOWS FROM OPERATING ACTIVITIES			
<b>Changes in working capital</b>	<b>(1 487 340)</b>	<b>(21 828)</b>	<b>(1 465 512)</b>
Decrease/(increase) in accounts receivable	499 592	(21 828)	521 420



ANNEXURE A  
TRIBUNAL  
MEMBERS'  
RÉSUMÉS



PROF JOSEPH MANDLA MASEKO

### QUALIFICATIONS

Ph. D. Management (UK); M. Phil. Labour Law (University of Johannesburg; LLB (UNISA); Advanced Diploma in Labour Law (Randse Afrikaanse Universiteit); Graduate Diploma in Company Direction (GIMT); Advanced Diploma in Management (SAIM); Diploma in Personnel Management (ICS); Certificate in O&M (Royal Institute of Public Administration (RIPA) – UK); Certificate in Psychometric Testing (Thomas International Europe Ltd); Certificate in Training of Trainers (IPM); Certificate in Debt Counselling (University of Pretoria); Certificate in Curriculum Design (Central Training Unit); Certificate in Management Development Programme (University of the Witwatersrand; Certificate in Law and Mediation (TPU); Certificate in Internal Auditing (UNISA). Prof Maseko was admitted as an Advocate of the High Court in South Africa in 2017.

Prof. Maseko is in the 6<sup>th</sup> of ten (10) modules of another Ph. D. studying the likely impact of the NCAA No. 7 of 2019, after coming into effect, on Insolvency law in South Africa, compared to the UK experience. Five of the completed Modules were taught modules, while the current to the last consist of field research.

Prof Maseko continuously sets out to improve his skills set, as is attested to by his wide range of qualifications. However, protecting the rights of consumers remains a major passion and one of his key focus areas. In 2014, he was appointed by the United Nations Industrial Development Organisation (UNIDO) to draft, compile and present consumer protection legislation and regulations for Swaziland, (later known as eSwatini). The drafted Act and regulations were then left with the Swaziland Ministry of Commerce, Industry and Trade for parliamentary submission.

In March 2015, as well as in March 2018, Prof Maseko also conducted training for Management and staff and other stakeholders of the Fair-Trading Commission (FTC) of the Republic of Seychelles. The Training for both engagements took place within a week (per session) in Victoria, on Mahe Island).

Prof Maseko was also invited to present training to the Competition and Consumer Tribunal of Botswana from 2 to 4 March 2020. The Training was organised by the Judicial Institute for Africa (JIFA), which is part of the University of Cape Town. Co-presenters were drawn from the United Kingdom and South Africa. This training was for the Tribunal Members of the Competition and Consumer Tribunal.

Prof Maseko was a Part-Time Tribunal Member of the NCT from November 2011. He also served as a member of the Mpumalanga Consumer Affairs Court from 2009. In 2014,

he was appointed Chairperson of that Court for a three-year term ending in 2018. He, however, exited that appointment early after assuming the Executive Chairperson position with the NCT from July 2017.

He is also the founder and 70% owner of Maseko Management Services CC, a consulting firm based in Mpumalanga and Gauteng. Prof Maseko has previously served as a National Senior Commissioner of the Commission for Conciliation, Mediation and Arbitration (CCMA) in 1999 as well as a Part-Time Senior Commissioner between 1997 and 1998. While serving Part-time as the CCMA Senior Commissioner, he also conducted conciliations and arbitrations for the public sector bargaining councils (PSCBC, SSSBC, GPSSBC, PHSDSBC) and a few private sector bargaining councils and one statutory council).

While serving as a part-time member of the Tribunal, Prof Maseko also served as Chairperson of the Human Resources Governance Committee of the NCT. He has served as Chairperson for disciplinary hearings of the NHBC (National Home Builders Registration Council), which considers offences by home building contractors under the applicable Act since November 2015. He also served on the panel of mediators in the Land Reform Programme of the Department of Rural Development and Land Reform (DRDLR).


Prof Maseko was appointed Executive Chairperson of the Tribunal from 1 July 2017 to date. Regarding Board appointments, Prof Maseko has previously sat on boards of The Mpumalanga Development Corporation, the Mpumalanga Tourism and Parks Authority; the Songizwe Trust; the then National Botanical Institute (NBI), now called the South African National Botanical Institute (SANBI); and the Royal Swaziland Insurance Company.



Prof Maseko has also held numerous executive management positions in academia, brewing; manufacturing, government, forestry, consulting with an audit firm, in South Africa, Swaziland and Botswana. He had a consulting stint on attachment in management consulting at the West Midlands County Council in Birmingham UK, while studying at Royal Institute of Public Administration (RIPA) of London in the UK.

Following his full-time appointment to the NCT, Prof Maseko has since resigned all his board and panel appointments to avoid any potential conflict of interests. He

still volunteers, during his leisure, as an unpaid director of a non-profit organisation called Children in Distress (CiD) based in White River, near Nelspruit. This NPO feeds and provides computer skills and financial and family support to orphans by pairing them with the destitute grandparents who have lost their own children to crime and the HIV and AIDS pandemic around the Greater Mbombela. This region stretches from White River to Hazyview and surrounding townships and villages. He has, since the end of 2018, been appointed to serve on the Council of the Cape Peninsula University of Technology (CPUT) and also serves on three of its committees.




**DR LAURA BEST**

**QUALIFICATIONS**

DPhil: Commerce – Business Management (Nelson Mandela University)

Dr Best is the Deputy Chairperson of the Tribunal. She is a member of the International Group of Experts on Consumer Protection at the United Nations Conference on Trade and Development (UNCTAD) in Geneva, where she also participates in the Research Partners Platform. She is an active contributor in the African Dialogue Network, which brings together consumer protection officials from a number of African Countries for open networked learning, engagement and discussion.

Dr Best has been a panellist on international platforms, including the Consumers International Summit in Portugal; the ASEAN Regional forum on the Promotion of Sustainable Consumption in the Philippines; and the G20 Consumer Summit in Argentina. She was a member of the UNCTAD team that trained judges and consumer protection officials in Tanzania. She is an active researcher, publishing articles and offering presentations in the field of consumer protection with particular focus on sustainability and the African consumer market. She is pursuing her self-development goal of learning to speak French.



**PROF BONKE DUMISA**

**QUALIFICATIONS**

B. Com (National University of Lesotho); B. Com (Hons) (UNISA); MBA (Bentley University, USA); MSc (University of London, UK); Doctor of Business Administration (University of Durban-Westville); LLB (University of Zululand); LLM (University of KwaZulu Natal)

With his valuable combination of business and legal qualifications, Prof Dumisa is now an ordinary Tribunal Member (on his third five-year term) having served as the NCT's Acting Executive Chairperson for eight months

(November 2016 – June 2017), and served as the NCT's Deputy Chairperson for ten years (two consecutive five-year terms) since its inception in 2006. Prof Dumisa is an Advocate of the High Court of South Africa and a former

Professor of Management at the University of KwaZulu-Natal. Thanks to his sought-after leadership skills and business acumen, Prof Dumisa serves or has served in a number of boards, including his roles as Non-Executive Director on the Interim Board of the Public Investment Corporation (PIC) and Deputy Chairperson of the Board of KwaZulu Natal Liquor Authority. He is a former Deputy Chairperson of the Ethekwini Local Committee of the

same KwaZulu Natal Liquor Authority and a part-time Commissioner at the Broadcasting Complaints Commission of South Africa (BCCSA). He is the former Chief Executive Officer (CEO) of the Durban Chamber of Commerce and Industry, the former Chairperson of the KwaZulu-Natal Provincial Planning Commission and a former member of the Council for Medical Schemes (CMS). He also served on the Council of the University of Zululand.



MS DIANE TERBLANCHE

#### QUALIFICATIONS

B. A. and LLB degrees, University of the Western Cape, LLM, University of Pennsylvania (USA)

Diane was admitted as an attorney in April 1986. Passionate about the rights of consumers, she involved herself in 1991 and to date in promoting consumer protection within and outside South Africa. Diane engaged as a lobbyist for consumer protection, was on the forefront of drafting consumer protection policies, laws and strategies for their effective implementation and took the lead in many instances when it came to implementing and evaluating those policies, laws and plans. She currently

practices under the name and style of Diane Terblanche Attorneys. She is the founding member of ConsumerWeb, which is involved in the governance of consumer protection structures and consults on consumer protection within and outside South Africa. Diane has been the Executive Chairperson of the NCT since its inception in 2006 until November 2016. By means of Diane's dynamic and robust leadership skills, she established the NCT as a trusted, independent adjudicative entity in South Africa.



MR FUNGAI SIBANDA

#### QUALIFICATIONS

B. Com and B. Com (Hons) (UNISA); M. Sc. Economics (Hull University, UK); Certificate in Competition Law (University of the Witwatersrand)

Mr Sibanda specialises in regulatory economics and competition policy matters and has held a number of senior positions at the Competition Commission of the Department of Trade and Industry and the Independent Communications Authority of South Africa (ICASA). Among others, he was involved in the drafting of the CPA and its

regulations as well as the regulations under the NCA. He is a part-time regulator member of the National Energy Regulator of South Africa (NERSA) and a co-founder of Hekima Advisory. The Wits Law School often invites Mr Sibanda as a guest lecturer on Competition Economics from time to time.



MS PENELOPE BECK

**QUALIFICATIONS**

B. A. Law and LLB (University of the Western Cape); Certificate in the Financing of Local Infrastructure Initiatives (University of Cape Town/Royal Institute of Technology, Sweden)

Ms Beck was admitted as an attorney in 1992, and practices under the name and style of Beck-Paxton Attorneys. Her passion for consumer protection and human rights began in the NGO sector, when she was employed with the Legal Resources Centre; as Director of the Housing Consumer Protection Trust; and as Director of the National Advice Offices of the Black Sash. Over the past 28 years, Ms Beck adjudicated disputes and applications as a Member of the Gauteng Rental Housing Tribunal, as Senior Classifier of the Film and Publication

Board and as a Member of the National Lotteries Distribution Trust, Charities Committee. She is currently a Director of the Ombudsman for Banking Services, a member of the Audit and Finance Committee of the Ombudsman for Banking Services, a Member of the Office of Disclosure of the Department of Human Settlements, Adjudicator at the Community Schemes Ombud Service, Associate member of INSITE, an organisation focusing on social and economic development of communities and a Director of One Climate Fund South Africa.



MS HAZEL ALWAR

**QUALIFICATIONS**

B. Soc. Science Psychology and Industrial Psychology; B. Soc. Science (Hons) and currently completing an LLB.

In her position as CEO, Ms Alwar played a key role in the founding of the NCT with her hands-on work ethic. Prior to joining the founding team of the NCT, Ms Alwar spent four years as the Head of Human Resources at the Competition Commission, setting up and establishing the HR Department. She then joined the Department of Trade and Industry as Director of Operational Management in the Corporate Regulation Division. Ms Alwar was instrumental in implementing transformation initiatives, administering the Thomas International Psychological Tests, implementing internship programmes and providing counselling at the Competition Commission and dtic. Ms

Alwar is now a full-time Tribunal Member, and her insight in the inner workings of the Tribunal is highly regarded. Ms Alwar has extensive board and committee experience. She chaired the Finance Committee at the NCT and served on the Legislative Committee, Audit Committee and HR Governance Committee. She also served as an Appeals Tribunal Member at the Film and Publication Board and as a REMCO Member for The South African Maritime Safety Authority. She lectured the Executive Management and Human Resource modules at Damelin and did training on the NCA and CPA for Magistrates.



ADV. NEO SEPHOTI

QUALIFICATIONS

B. Juris and LLB (University of Bophuthatswana); Diploma in Alternative Dispute Resolution (Arbitration Foundation of Southern Africa)

Adv. Sephoti loves working with people and making a difference in their lives. She is an advocate of the High Court of South Africa and is currently employed as the Head of Department at North West Tourism which is part of the North West Provincial Government. Adv. Sephoti

is also a member of the Independent Commission for the Remuneration of Public Office Bearers and is Chairperson of the Audit and Risk Committee of the Performing Arts Council of the Free State.



PROF. TANYA WOKER

QUALIFICATIONS

B. A., LLB and LLM (University of Natal; Ph. D. (Rhodes University))

A professor of law and advocate of the High Court of South Africa, Prof. Woker takes a particular interest in consumer law. She served as the vice-chairperson and chairperson

of the Department of Trade and Industry's Consumer Affairs Committee. Prof. Woker is the author of a number of consumer law related articles and academic works.



ADV. FRANS KGOLELA MANAMELA

QUALIFICATIONS

B. Juris and LLB (University of the North)

Adv. Manamela has been involved in consumer affairs since 1992 and was admitted as an advocate of the High Court in 1995. He played a key role in setting up the first Consumer Affairs Court in South Africa and was appointed as the first Consumer Protector for Gauteng in 1998. Adv. Manamela currently serves as the Chief Director of Consumer Affairs and Business Compliance in the Gauteng Department

of Economic Development. He is also a visiting Lecturer at the University of the Witwatersrand's School of Law, offering Consumer Protection studies to law students for free. He has presented papers on consumer protection in many conferences in South Africa and serves as a member of the National Consumer Protection Forum's Policy and Legislation Committee.



ADV. JOHN SIMPSON

**QUALIFICATIONS**

B. Juris and LLB (UNISA)

Adv. Simpson's career has seen him rise through the ranks of the legal system over a period of ten years from State Prosecutor in the Department of Justice to Magistrate, followed by admission as an advocate in private practice. His quest for renewed challenges led him to take on the positions of manager and then general manager for the Ombudsman for Banking Services, where he served for a

period of 11 years. This extensive experience positioned Adv. Simpson as a skilled legal consultant, in which position he has provided advice and guidance to companies on the CPA and assisted the NCT in setting up its case management systems. He has been with the NCT since June 2013 as a full-time Tribunal Member, adjudicating cases in terms of the NCA and the CPA.



MR ANDISA POTWANA

**QUALIFICATIONS**

B. Juris & LLB (University of Transkei) and Certificate in Legislative Drafting & LLM (University of Pretoria). Current studies: LLD (University of Pretoria)

Admitted as an attorney in 2000, Mr. Potwana initially practiced law in a private law firm. His passion for civil and commercial litigation resulted in his appointment as Project Manager: SMME Project by the University of Natal's Campus Law Clinic. In this role, he lectured final year LLB students on forms of business enterprises, led an outreach project and represented businesses in commercial litigation. His civil litigation skills were further enhanced during his tenure as head of the Civil Litigation Unit at the Pietermaritzburg's Legal Aid Board's High Court Unit. His deep-seated interest in commercial law led him to join the Competition Commission of South Africa as legal counsel where he was soon promoted to the position

of Senior Legal Counsel. Later on, he spent almost eight years as Director: Consumer Law and Policy at the Department of Trade and Industry. In this role, among other responsibilities, he managed the drafting of the CPA, 68 of 2008 regulations and recommended the prescription of the South African Automotive Industry Code of Conduct and the Consumer Goods and Services Industry Code of Conduct and the accreditation of the respective Ombud's schemes, the Motor Industry Ombudsman of South Africa (MIOSA) and the Consumer Goods and Services Ombud (CGSO). During this time, he served as the Minister's representative on the board of the National Home Builders Registration Council (NHBR) for 5 years.



MS NOMFUNDO MASETI

#### QUALIFICATIONS

B. A. (Honours) (Economics); Post-graduate Diploma in Economics for Competition Law

Ms. Maseti is currently a full-time regulator member responsible for the economic regulation of the Gas Industry and has recently been appointed by the Minister of Energy to act as the full-time regulator member responsible for Electricity Regulation until the position is filled. She also serves in the Petroleum Subcommittee that takes regulatory decisions on matters relating to Petroleum Pipelines Regulation at NERSA. She also serves a member at the NCT which adjudicates on consumer protection matters.

Altogether, Ms. Maseti has 20 years of experience in Competition Law Enforcement and Economic Regulation. She has held various positions at the Department of Trade and Industry, being responsible for policy formulation and developing regulation and legislation around areas of competition and consumer policy, corporate law and liquor gambling policies/legislation. She served seven years at the Competition Commission SA. She also serves at the economic Regulator for telecommunications, ICASA, and she is currently working at the National Energy Regulator of South Africa since 2010 to date.



MS MALEHO NKOMO

#### QUALIFICATIONS

B.Com. and Hon B. Com. (Economics) (University of South Africa), M.Com. (University of KwaZulu Natal), International Training Program on Utility Regulation and Strategy (University of Florida, USA)

Ms Nkomo has many years' experience of working in complex and highly regulated environments with special focus on consumer and public interest matters. She is currently the interim chairman at the NERSA, a member of the Regulating Committee on Meteorological Services and a dispute panel member of the National Intellectual Property Management Office. Previously, Ms Nkomo was a member of the Water Tribunal, Deputy Chairman of the Gauteng Rental Housing Tribunal and board member and deputy chairman at both the National Credit Regulator and

Cross-Border Road Transport Agency. She has acted as deputy commissioner and was chief financial officer at the Competition Commission.

Ms Nkomo also serves and has served as a non-executive and independent director of various Boards in the private and public sectors, including being a council member at the Tshwane University of Technology and the Tshwane South TVET College. She also serves and has served as an independent Audit Committee member at various entities, including at the Women Development Bank.



PROF KASTURI MOODALIYAR

### QUALIFICATIONS

B. Proc., LLB. LLM (Natal) M. PHIL. (Cambridge UK) Prog. Economics and the Public Finance (UNISA) Prog. Legislative Drafting (UP), Conflict Dynamics Accredited Mediator, CEDR (UK)

Prof Moodaliyar is an Associate Professor of Competition Law at the University of the Witwatersrand's School of Law and was appointed as a part-time Tribunal Member to the NCT in 2017. Prior to joining the Law School in February 2005, she worked at the Competition Commission in Pretoria. Prof Moodaliyar graduated from the University of KwaZulu Natal with B. Proc, LLB and LLM degrees. She was admitted as an attorney of the High Court of South Africa in 2000. Prof Moodaliyar was awarded the Nelson Mandela Magdalene scholarship to read for her M Phil degree in criminological research at Cambridge University in 2001. In 2004, she completed the Programme in Economics and Public Finance at UNISA. In 2015, she completed the Programme in Legislative Drafting at the University of Pretoria.

She has published nationally and internationally in the field of competition law. Her fields of interest include competition law, criminology, criminal law and telecommunications

regulation. Prof Moodaliyar has been recognised as one of the Best of the Best: Up and Coming Top Female Antitrust and Law Professors (2010) and made the list of the Mail & Guardian 200 Top Young South Africans (2012). She co-edited the book "Development of Competition Law and Economics in South Africa" (2012). Prof Moodaliyar was nominated as one of the world's 40 in their 40s Notable Women Competition Professionals (2019).

Prof Moodaliyar served a term at the Film and Publication Board as an appeals Tribunal Member from 2011 to 2016. She also served a term as a Tribunal member at the Companies Tribunal. She is also an adjudicating member of ICASA's Complaints and Compliance Commission, where she deals with several matters in the ICT sector, including cases on licensing and broadcasting and telecommunications regulation. In addition to being a member of the NCT, Prof Moodaliyar is also a member of the ZADNA board and is an accredited mediator.



DR. ADV. MARIA PEENZE

### QUALIFICATIONS

B. Iuris (cum laude), LLB (cum laude), LLM: Human Rights (cum laude) (University of the Free State); Doctor Technologiae: Business Administration (Central University of Technology); Africa Directors Programme (University of Stellenbosch Business School).

Dr Adv Maria Peenze has been a practising advocate of the Supreme Court of South Africa since 1994. She started her career in the Bloemfontein Bar of Associates and has been specialising in human rights ever since. She occupied various executive positions, including Executive Director: Organisational Administration at the Central University of Technology (CTU, FS), Head of Legal Services at the Social Security Agency of South Africa, Deputy Director-General at the National Department of Transport for a

period of eight years and CEO of the Public Protector of South Africa until May 2016.

Dr. Adv. Peenze is practising as a risk and governance specialist, while holding various board and governance appointments in the private and public sector and serving as the Ombudsman of UNISA and acting as a member of the International Advisory Board of the Association of Certified Fraud Examiners.



MR TREVOR BAILEY

### QUALIFICATIONS

B. A., LLB (University of KwaZulu Natal); LLM (University of Notre Dame - USA [cum laude]); Accredited mediator (Centre for Effective Dispute Resolution - UK); Programme in Legislative Drafting (University of Pretoria [with distinction])

Trevor is a Fulbright scholar and has practiced as an attorney, mediator and arbitrator for many years. He is a member of the Transport Appeal Tribunal, a part-time CCMA commissioner, adjudicator for the Community Schemes Ombud Service, and a court-annexed, commercial, labour, community, and environmental mediator.

Trevor has served as an acting judge in the Labour Court and as an additional member of the Industrial Court. He has also served as a mediator and arbitrator for a range of bargaining councils in the local government, public service, road freight and Transnet spheres. He has chaired the disciplinary committees of the NHBRC and the Council for the Built Environment.

Trevor has chaired the Gauteng Consumer Affairs Court, Gauteng Rental Housing Tribunal and Gauteng Heritage

Resources Appeal Tribunal. He has also been a member of the Independent Electoral Commission Tribunal and Gauteng Landlord Tenant Dispute Resolution Board.

Trevor's regulatory law practice has resulted in his appointment as Chairperson of the Board of the National Credit Regulator, Deputy Chairperson of the Council for Medical Schemes and a member of the Boards of the Community Schemes Ombud Service and Cross-Border Road Transport Agency.

He is an accredited trainer and has trained in the employment, consumer, housing and medico-legal sectors. Trevor delivers occasional lectures to postgraduate students, government officials and local government councillors at the University of the Witwatersrand. He has appeared on national radio and television.



A photograph of two men in business attire. The man in the foreground is Black, wearing glasses, a grey suit, and a striped tie. He is looking towards the right. The man in the background is white, wearing a blue suit, and is partially visible in profile. They appear to be in a meeting or office setting.

ANNEXURE B

GOVERNANCE  
COMMITTEE  
MEMBERS'  
RÉSUMÉS

# AUDIT AND RISK COMMITTEE



MR THOMAS KGOKOLO

## QUALIFICATIONS

CA (SA), MBA

Mr Thomas Kgokolo CA (SA) is the founder of FinEquity Advisory, a company that specialises in business valuations, investment management and business strategy. Mr Kgokolo is a Chartered Accountant and holds an MBA from the Gordon Institute of Business Sciences where he currently lectures corporate finance.

He is the Chairperson of the Board at the Mineworkers Provident Fund (MWPF), a position that requires him to look

after R28 billion of assets under management. Moreover, he serves as a non-executive director at Sizwe Medical Fund and Air Traffic Navigation Service SOC. He is an Audit Committee member at the Financial Intelligent Centre and, lastly, serves as Chairperson of the Audit Committee at NCT.

Mr Kgokolo was nominated for various awards, such as Top Chartered Accountant under 35 and Top Outstanding Young Leader under 40 by Destiny Man Magazine.



MR TSHEPO MOFOKENG

## QUALIFICATIONS

B. Com. B. Acc. (University of the Witwatersrand), CIA, CA (SA)

Tshepo has over 19 years' experience in auditing, risk management, financial management, financial reporting and corporate governance. Tshepo has led and managed audits for private companies, NGOs, government departments, state-owned entities and municipalities. He was involved with the task team that drafted the Internal Audit Framework in the Public Service. He has advised boards, audit committees and executive management on controls, financial management, governance, performance information and risk management. He has presented at various internal audit and governance forums across the country.

Tshepo is currently chairperson of the National Radioactive Waste Disposal Institute and the Audit Committee of the Department of Home Affairs. He is the deputy chairperson of the Board of the Institute of Internal Auditors.

Previously, he served as Audit Committee Chairperson of Litsamaiso (A Rea Vaya transport company in Johannesburg), Deputy Chairperson on the Board of the

National Nuclear Regulator (NNR) and Chairperson of the Audit and Risk Committee (ARMCOM). He also served on the audit committees of the Railway Safety Regulator (RSR), National Regulator for Compulsory Specifications, (NRCS) Department of Energy (DoE), National Department of Health and Department of Communications (DoC).

Tshepo is a Director at PKNT Risk and Governance, a company that specialises in risk management and governance consulting. He was a partner and director for internal audit, governance and risk management at two medium-sized audit and consulting firms. He established the internal audit service and the marketing department of one of the medium-sized firms. He was Chief Audit Executive at the Department of Minerals and Energy. As director responsible for internal audit and a member of the executive committee, he led the transformation of the Internal Audit Unit by re-engineering the processes, reprioritisation of resources and capacitating the unit. He is credited as a change agent in this sphere.



MR SULEMAN BADAT

QUALIFICATIONS

CA (SA)

Mr Suleman Badat is a governance consultant and an independent non-executive director. Mr Badat is a Chartered Accountant.

He serves as a non-executive director on the Board of Air Traffic Navigation Services SOC Ltd. He also serves as

a member on the Audit / Risk committees of Marine Living Resources Fund, Department of Science and Innovation, National Regulator for Compulsory Specifications and Media, Information & Communication Technologies SETA.



MS RUDZANI RASIKHINYA

QUALIFICATIONS

CA (SA)

Rudzani Rasikhinya is a well-rounded Chartered Accountant (CA) SA with solid experience at senior management level in both the public and private sectors. She is the Managing Director of Rudkor Consulting Services (Pty) Ltd. She served as the Chief Financial Officer and Executive Director of State Information Technology Agency (SITA) until 30 September 2018. Prior to this, she was the CFO of SENTECH and the Department of Home Affairs. She also worked for the National Treasury as Chief Director Accounting Support and Reporting where she was responsible for consolidation of the whole

of government's accounts. She has more than 19 years of working experience. She has extensive knowledge in the IFRS, PFMA, MFMA and corporate governance.

She is a Board member of CHAPS, Phiriphiri Educational Foundation NPO. She previously served as Board member of the Accounting Standard Board and Institute of Internal Auditors South Africa, and as an alternate board member for Government Employees Pension Fund and the Independent Regulatory Board for Auditors.

# ICT GOVERNANCE COMMITTEE



DR PRITTIISH DALA

## QUALIFICATIONS

Ph. D. (Information Technology), Masters (Information Technology) and BSc Hons (Computer Science), Bachelor of Information Technology, Certified Information Systems Auditor (CISA), Certified Information Security Manager (CISM), Certified Information Systems Security Professional (CISSP), Lead Auditor ISO 27001 (LA ISO 27001), Certified in the Governance of Enterprise Information Technology (CGEIT), Certified in Risk and Information Systems Control (CRISC), Certified Ethical Hacker (CEH), Computer Hacking Forensic Investigator (CHFI) and Certified Data Privacy Solutions Engineer (CDPSE)

Dr. Dala is an experienced and skilled independent non-executive director who serves on several boards and audit, risk and ICT committees providing expertise around audits, risk, governance, information security, privacy and ICT. He has over 17 years' experience across several industry

verticals, including an array of local and international client engagements within a Big four professional services environment, regulatory firm and a number of public and private sector organisations. Dr. Dala currently serves as the Chairperson of the IT Governance Committee of the NCT.



MS VUYOKAZI MENYE

## QUALIFICATIONS

BSc (Computer Science) (University of the Western Cape), Diploma in IT Project Management (Executive Education), CobIT (Forster Mellier), ITIL (Forster Mellier) and International investment program (Fordham University (New York))

Ms Menye is a member of the Robben Island Museum Council, the Ditsong Museums Council and the Audit Committee of South African Human Rights Commission (SAHRC). She is also a member of the South African Heritage Resources Agency, where she serves as Chairperson of the Audit and Risk Committee. Ms Menye obtained invaluable experience from the following entities

and held respective executive positions, including, among others, the Public Investment Corporation where she held the position of Executive Head: IT, the Road Accident Fund where she served as Chief Information Officer; Mpact Limited serving as Group CIO and Armscor, where she held a similar position of CIO. She is currently a Group CIO at National Housing Finance Corporation.



MR SANDILE NDABA

## QUALIFICATIONS

Master of Business Leadership, Master of Commerce (Information Systems), Post-Graduate Diploma in Business Management, Diploma in Datametrics (Computer Science & Information Systems), Bachelor of Science (Mathematics), Certificate in Information Technology Auditing.

Mr Ndaba is a member of the Umzimkulu Local Municipality Audit Committee, eNkangala FET ICT Steering Committee, the chairperson of the Public Services Seta IT Steering Committee and he has been a member of audit committees of a number of municipalities and state-owned entities. He has more than 20 years senior and executive management IT

experience across a number of organisations, which include Ithala Development Finance Corporation, the Passenger Rail Agency of South Africa, Universal Services and Access Agency of South Africa and National Energy Regulator of South Africa. He is currently and independent IT consultant and lecturer at the Durban University of Technology.

# HR GOVERNANCE COMMITTEE



TLHOTSE E MOTSWALEDI

## QUALIFICATIONS

MBL; M. Sc. (Psych); M. Dip. (HRM); B. Sc. (Hons)(Psych)

## PROFESSIONAL MEMBERSHIPS

PMSA; IBASA; IoDSA; SACNA

Mr Motswaledi completed an intense Programme in Project Management & Leadership (PML) at the University of Massachusetts, Amherst (USA) and is trained in Architectural Draughtsmanship & Construction Management. He uses the exposure, knowledge, skill and experience in Programme and Project Management classes he facilitates at universities and in Boards, where relevant. His interest in Neuropsychology, Neuroscience and Psychophysiology having studied Psychology to that he had studied to the level of an M. Sc.

He has facilitated Management training across many disciplines, such as Strategic and Operations Management; Programme and Project Management; Leadership and Organisational Development; Policy Management; Strategic HR Management; Health Management and Research Methodologies and Statistics. These were motivated by various positions he held in the past, that is, Executive Director (HRM) in a Tertiary Education/ Hospital Complex, Head of Corporate Services in a Skills Development Enterprise, Senior Management Consultant and an Academic & Business Development Manager in private higher education Institutions.

Mr. Motswaledi has over 25 years as an academic teaching at different levels, including the Wits School of Governance (WSG); Wits Business School (WBS); UNISA School of Business Leadership (SBL); UNISA Centre for Business Management (CBM); Tshwane University of Technology (TUT) and at MEDUNSA (now Sefako Makgatho Health Sciences University). He also served as an associate

academic in non-facilitation roles at different institutions of higher learning. His Ph. D. is on hold as he is exploring public-private partnerships and related ICT projects within a health referral system with a view to proposing an alternative model for efficiencies and effectiveness.

Mr. Motswaledi is functionally acquainted with King Reports, the Finance Management Acts in the public sector, the Companies Act and other relevant legislation that drive a number of sectors in the South African environment. To complement years of experience, he has concluded six of seven IoDSA (Institute of Directors) training parts with a view to preparing for a certified or chartered director designation. He served the Gauteng Department of Health as the Board Chairperson of Pretoria West Hospital (2009-2015) and currently serves in the Board of Steve Biko Academic Hospital (2019-2022). Further to these roles, he serves the National Department of Public Works & Infrastructure at one of its entities, viz. the Independent Development Trust (IDT). At the IDT and at different periods, he was the deputy chairperson of the board; member of the board executive committee; Chairperson: HR & Corporate Services Committee (overseeing the environments: Legal, Human Capital, ICT); Chairperson: Board Bid Adjudication Committee; Chairperson: Strategy & Programmes and Chairperson: Litigations Task Team. In lieu of recent political changes in the country; he is currently the Interim Chairperson of the IDT Board. To conclude, he serves the NCT as Chairperson of the HR and Corporate Governance as well as acting as a community representative in the HPCSA Board: Radiography & Clinical Technology.



MS NOMKHITA MONA

#### QUALIFICATIONS

MBA (Rhodes), Masters in Labour Relations & Human Resources (UPE), Honours, Industrial Relations (UPE), BA Psychology & Sociology (UPE)

Nomkhita Mona is the Chief Executive Officer of the Nelson Mandela Bay Business Chamber. Previously, she was Group CEO of the South African Forestry Company Ltd (SAFCOL). Other top positions she has held include CEO of the UDDI, associate consultant for an international consulting company, CEO of Inkezo Land Company in Durban and CEO of the Eastern Cape Tourism Board. Prior to this, she was the Registrar of the CCMA in Mpumalanga. She also served as a Commissioner of the Eastern Cape Planning Commission (ECPC).

Nomkhita Mona was the first Black woman to be appointed to the board of Goodyear Tyre and Rubber Holdings SA. She currently serves as the Chairperson of the Eastern Cape Parks and Tourism Agency, on the boards of the Wilderness Foundation (SA), where she is also a trustee. She further serves as a Member of NCT (HR Governance Committee), NMU Business School Advisory Board, NMU eNtsa Board and Board of the Eastern Cape Socio Economic Consultative Council.



RAJESH JOCK

#### QUALIFICATIONS

MBL; M. Sc (Psych)

Mr. Jock completed his Master's degree in Philosophy at the University of Stellenbosch and holds other postgraduate qualifications in Company Law, Marketing Management and Technology. He specialises in leadership development, emotional intelligence, executive coaching, goal setting and personal motivation, culture improvement, team development, strategic influence, diversity management and workplace justice, and change management.

Mr. Jock has 20 years' work experience in the government. He was Deputy Director-General of Management Services prior to him leaving the public service to work in the private sector as a General Manager Corporate Services and Strategy Development.

Mr. Jock serves on several boards and has professional membership at the IODSA, SAINS and SABPP.



NOLUFEFE NGQUBEKILE-ALI

### QUALIFICATIONS

MBL (UNISA-SBL); M. Phil. Information Systems (UFH); M. Phil. Management Coaching (USB); Hons Industrial Psychology (UFH); B. Admin in Personnel Management (UFH).

### PROFESSIONAL MEMBERSHIPS

IoDSA; COMENSA; SABPP (Master HR Practitioner); SABPP (Lead HR Auditor); SABPP (Commissioner of Oaths)

Nolufefe grew up in the ranks in the Human Resources field, started as an intern right up to executive level. Nolufefe furthered her academic qualifications not only in HR field but in business leadership, information systems and management coaching, driven by an eagerness to provide targeted support for business as is expected from a strategic partner.

Nolufefe acquired experience in different industries in the field of human resources and corporate services, including (ICT; Properties; Marketing; Fleet Management; Information Management, Corporate Social Investment and BBBEE) at the executive level. She has successfully led

strategic change, business process re-engineering, quality management, transformation and turnaround projects/ and interventions in various reputable organisations. These have turned around organisations from a financial deficit to a break-even status by means of improvement of operational efficiencies.


Nolufefe held leadership positions in different industries, including education and training; engineering and electronics; financial services, consulting, business development, parks and tourism; economic development and others. She is an independent member of the HR Remuneration Advisory Committee (Mine Health and Safety Council).



ANNEXURE C

EXECUTIVE  
COMMITTEE  
MEMBERS'  
RÉSUMÉS





**ADV. NELSON LOLWANE**


**CHIEF OPERATING OFFICER**

**QUALIFICATIONS**

B. A. (Majoring in Law and Political Science), LLB; (H. Dip. Company Law) (University of the Witwatersrand).

Adv. Lolwane was the legal advisor at Transnet Limited, General Manager at Magalies Water, Chief Legal Counsel at the Competition Commission and Associate Director at Ernst & Young (SA) among others, before embarking on a regulatory and compliance wholly owned consulting business. He joined the NCT in October 2017 as the Corporate Services Executive. In September 2019, he was

appointed Chief Operating Officer for the NCT. In addition, he is a member of the Southern African Institute of Directors, Southern Africa; the Institute of Commercial Forensic Practitioners (ICFP and the Legal Practice Council of South Africa (LPC) and an Associate Member of the Association of Certified Fraud Examiners, (ACFE)



**MR AHMED MOOLLA**


**CHIEF FINANCIAL OFFICER**

**QUALIFICATIONS**

B. Com (Rau) B. Com (Hons) (UNISA) RGA

Mr Moolla is registered with the South African Institute of Government Auditors as a government auditor. He has an extensive background in regularity audit in government.

He was a senior manager for a period of six years at the Auditor General of SA. Mr Moolla attends the ARMCOM in his official capacity. He is an EXCO member.



**MR BAX NOMVETE**

**CHIEF INFORMATION OFFICER**

**QUALIFICATIONS**

Higher National Diploma in Computer Science (University of Hertfordshire (UK)  
Investment Management Diploma (Rand Afrikaans University)

Mr Nomvete has obtained his qualifications locally and abroad. During the first part of his career, he worked for 15 years in the ICT industry in the United Kingdom. On returning to South Africa, he was employed in senior and executive ICT positions for periods of time at Transnet

Limited, Sanlam, Old Mutual, Saicom Payphones and the National Credit Regulator, before joining the NCT in 2013 as ICT Manager. He is now the NCT CIO and a member of EXCO as well as the ICT Governance and ICT Steering Committees.



MR LUCKY RABOTAPI

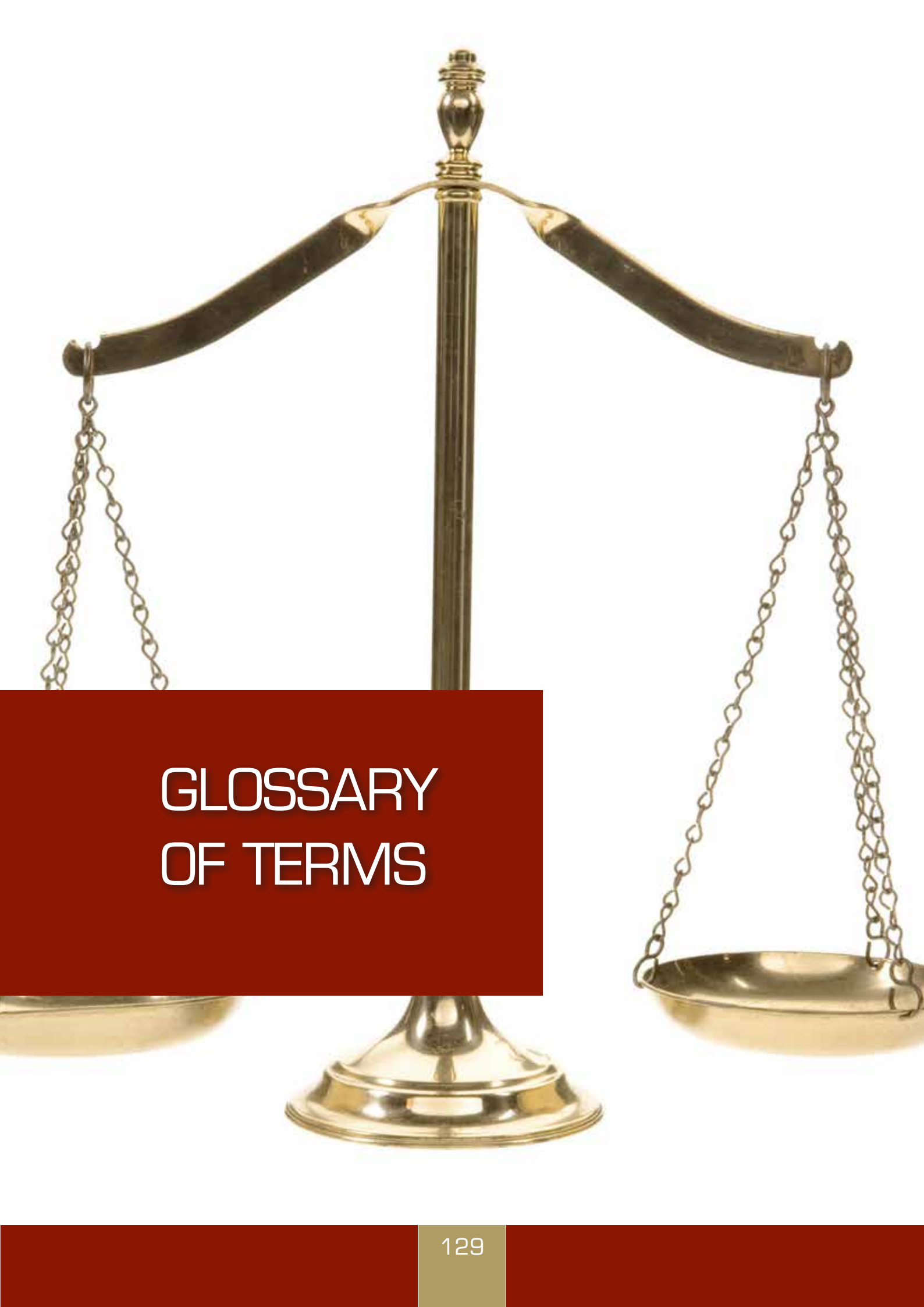
REGISTRAR

#### QUALIFICATIONS

B.A. (majoring in Law, International Relations and Sociology) and LLB (University of the Witwatersrand); Diploma in Alternative Dispute Resolution (Arbitration Foundation of South Africa (AFSA)) (University of Pretoria)

Mr Rabotapi is an admitted attorney of the High Court with vast experience in consumer protection. After completing his articles, he practiced as a professional assistant in a medium-sized law firm before joining the Office of Consumer Protection (OCP) in the CCRD within the Department of Trade and Industry as an assistant director in May 2005. He was promoted to the position of deputy director responsible for alternative dispute resolution in January 2006. In 2009,

he joined the KwaZulu Natal Consumer Protection Services as a consumer protector. In 2015, he joined the Community Schemes Ombud Services as the ombudsman responsible for KwaZulu Natal, Free State and Mpumalanga provinces. He was appointed as a part-time Tribunal member in July 2017 and joined the Tribunal full-time in September 2017 as its registrar.



# GLOSSARY OF TERMS

**Complete Filing** A 'complete' filing is a filed application where all the filing requirements were met, as set out in Table 2 of the Rules for the Conduct of Matters before the NCT published under GN789 in GG30225 of 28 August 2007, as amended by GenN428 in GG34405 of 29 June 2011.

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**Debt rearrangement application** An application in terms of section 138 of the NCA is an application for an order confirming a settlement reached as a consent order of the Tribunal after a matter has been resolved by means of an Ombud with jurisdiction, a consumer court or an alternative dispute resolution agent, or after an investigation by the NCR or/ and if the NCR and the respondent agree to the terms of the proposed order. In accordance with the provisions of section 86 of the NCA, debt counsellors use the provisions of section 138 to apply for confirmation of a DRA as a consent order of the Tribunal. In deciding on whether to make the DRA a (consent) order of the Tribunal, the Tribunal considers all aspects relating to the legality of the agreement. Among others, it considers interest rates agreed upon and affordability.

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**Directive** A directive is an instruction from a Tribunal member to the parties requesting that further documents be filed in support of an application or towards clarifying an issue with regard to an application filed.

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**Non-debt rearrangement** A non-debt rearrangement matter is an application or referral filed with the Tribunal, other than a debt rearrangement matter. All other filings permitted to be made to the NCT are accordingly grouped under this classification.









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