



Broad-Based Black Economic Empowerment Commission

Annual Performance Plan

2021/22- 2023/24

Tabling Date: 2021

Table of Contents

Official Sign-off	3
Executive Authority Statement	4
Accounting Officer Statement	6
PART A: Strategic View	11
1. Update to Relevant Legislative and Policy Mandate	11
2. Update to Institutional Policies and Strategies	14
3. Update to Relevant Court Rulings	23
PART B: Our Strategic Focus	24
4. Update on Situational Analysis	24
4.1 Internal Environment Analysis	24
4.2 External Environment Analysis	26
PART C: Measuring Our Performance	28
5. Institutional Programme Performance Information	28
5.1 Programme 1 - Compliance	28
5.1.1 Outcomes, Output, Performance Indicators and Targets	28
5.1.2 Indicators, Annual and Quarterly Targets	30
5.2 Programme 2: Investigations and Enforcement	31
5.2.1 Outcomes, Output, Performance Indicators and Targets	31
5.2.2 Indicators, Annual and Quarterly Targets	33
5.3 Programme 3: Research, analysis and reporting	34
5.3.1 Outcomes, Output, Performance Indicators and Targets	34
5.3.2 Indicators, Annual and Quarterly Targets	35
5.4 Programme 4: Relationship Building/Stakeholder Relations	36
5.4.1 Outcomes, Output, Performance Indicators and Targets	36
5.4.2 Indicators, Annual and Quarterly Targets	37
5.5 Programme 5: Administration	38
5.5.1 Outcomes, Output, Performance Indicators and Targets	38
5.4.2 Indicators, Annual and Quarterly Targets	40
6. Explanation of Planned Performance over the medium term period	41
7. Programme Resource Consideration	42
7.1 Human Resource Considerations	42
7.2 Financial Plan	43
8. Updated Key Risks	43
9. Public Entity	45
10. Infrastructure Projects	45
9. Public Private Partnerships	45
Part E: Technical Indicator Description (TID)	46

Official Sign-off

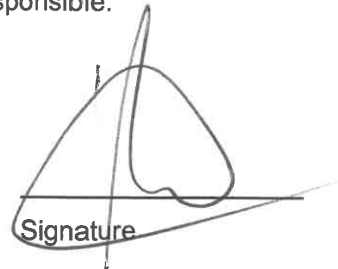
It is hereby certified that this Annual Performance Plan:

Was developed by the management of the Broad-Based Black Economic Empowerment Commission (“B-BBEE Commission”) under the guidance of the Entity Oversight Unit of the dtic. Considered all the relevant policies, legislation and other mandates for which the Broad-Based Black Economic Empowerment Commission has authority.

This plan reflects the impact and outcomes which the B-BBEE Commission will endeavour to achieve over the period 2021/22 to 2023/24.

The plan reveals the strategic goals and objectives which the B-BBEE Commission will consider over the three-year period starting from 2021/22 – 2023/24 in order to achieve its mandate. It also takes into account all relevant policies, legislation for which the B-BBEE Commission is responsible.

Ms. Nontokozo Nokhwali-Mboyi
Chief Operations Officer



Signature

Ms. Moipone Amanda Kgaboesele
Executive Manager Investigations & Enforcement



Signature

Ms. Thembakazi Dondashe
Acting Executive Manager Compliance



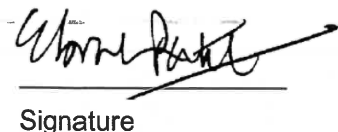
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Ms. Zodwa Ntuli
Accounting Officer



Signature

Mr. Ebrahim Patel
Executive Authority



Signature

Executive Authority Statement

This Annual Performance Plan (APP) of the Broad-Based Black Economic Empowerment Commission (B-BBEE Commission) has been prepared by the management for consideration by the Executive Authority and tabling in Parliament. The APPs and Corporate Plans of public entities identify the outputs, output indicators and targets that an entity aims to achieve in the new financial year. The Executive Authority is responsible to ensure the APP and Corporate Plan is aligned with the Strategic Plan, the institution's mandate and government's priorities and to provide direction on the development and implementation of strategic priorities and policies.

The Covid-19 pandemic changed the landscape within which DTIC-entities operate and they are therefore expected to adjust their operations to address the new environment and new priorities. There is an urgent need to boost levels of economic growth and economic recovery, support transformation and build a capable state.

In particular, the APP for the 2021/22 financial year will need to reflect the policy priorities set out in Budget Vote statements tabled in Parliament during this Administration and those that arise from:

- The Economic Recovery and Reconstruction Plan tabled in Parliament in October 2020 by President Ramaphosa;
- The priorities set out in the 2021 State of the Nation Address;
- The new performance compacts between members of the Executive and the Presidency signed in November 2020; and
- The New District Development Model as an integration of development efforts at local level.

This APP is tabled and updates to the Plan – when these are effected – will be tabled in Parliament in due course, taking account of the above.

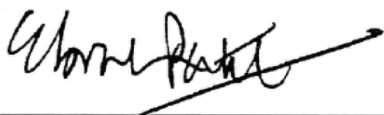
As the practical means to ensure alignment between APPs and policy priorities, the DTIC's own APP sets out the requirement to ensure integration between the work of the department and all public entities that report to it. Seven new Joint-Indicators (J-KPIs) have been developed for the DTIC that contain the major policy priorities and these are expected to be included in the work of the B-BBEE Commission, with progress against these to be reported to the Ministry on a quarterly basis.

The entity will be expected to show how, within its legal mandate, it has contributed to the achievement of the outcomes for the following seven Joint Indicators (details of which are contained in more detail in the APP of the department itself):

- Joint Indicator 1: Integrated Support to Drive Industrialisation
- 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
- 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 this way, the combined efforts of all public entities will begin to be aligned to the national priorities in a more explicit manner. The Joint-Indicators cover, among others, the work of sector masterplans, initiatives to boost levels of investment and localisation in the economy, expanding trade within the continent, enabling better local economic development, supporting the growth of new industries (in the green economy and through beneficiation) and building a capable state. In respect of Joint-Indicator 7 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.

This APP is therefore not about many new objectives but rather on a new way of implementation, with the focus on integration, to enhance the development impact of the work. I therefore endorse the work to align the APP of the B-BBEE Commission with the national priorities and accordingly table the APP for the B-BBEE Commission in accordance with the request by the Speaker.



Ebrahim Patel

Minister of Trade, Industry and Competition

Accounting Officer Statement

The vision of the B-BBEE Commission is to realise an inclusive industrialised economy that is globally competitive. The vision not only outlines the complex nature of the B-BBEE Commission but also the major impact it has on the Republic and the lives of its citizens.

I am pleased to present the B-BBEE Commission's Annual Performance Plan, which represents the B-BBEE Commission's approach for improving implementation of the B-BBEE Act by both public and private sector to promote and safeguard the objectives of broad-based black economic empowerment. This document presents the strategic priorities for the next three years (2021/22 – 2023/24), closely mapped to the dtic's Strategic Outcomes. Regulation continues to take place in a dynamic and ever changing economic environment, especially during the COVID-19 era where we have to learn new ways of doing business. Mostly affected are small, medium and micro enterprises who have to close business due the negative impact of the pandemic which led to an increase in the rate of unemployment.

The B-BBEE Commission has been implementing the B-BBEE Act for a period of four (4) years now and it continues to be a role player in changing the lives of South Africans. We have advanced our internal processes to support the desired state and also to increase access to our services. One of the most significant accomplishment was the provincial conferences, which were held in 9 provinces with a view to maximise education initiatives and awareness campaigns on the B-BBEE Act, Codes of Good Practice and relevant programmes of the B-BBEE Commission. Further, we are in the process of capacitating the organisation with knowledgeable and skilled human resource as well as upgrading our Information Technology system in order to speed up workflow processes.

We received negative reports which related to the interpretation of broad-based ownership schemes including trusts and employee share ownership programmes, perpetuated by a group of entities who would like the B-BBEE Commission to recognise discretionary schemes that are not catered for in the B-BBEE Act. It is critical that the Codes of Good Practice be amended if discretionary schemes are to be recognised and this will provide certainty to the market and the public. The role of the B-BBEE Commission is to interpret and apply the legislation as is and in light of no provision made for discretionary schemes, a different interpretation cannot be pursued without an amendment to the Codes of Good Practice.

The B-BBEE Commission also noted media reports on B-BBEE being considered a barrier for European Union investors. In mitigating the confusion and misinterpretation in relation to European Union Investors, the B-BBEE Commission has drafted a response to the concerns raised by European Union Chamber of Business in which it invites the European Chamber for an engagement on the matter. This presents an opportune stakeholder relations creation with investors where we can provide direct support and guidance.

We conducted an Impact Assessment Study to assesses the extent to which the B-BBEE Commission has been effective in discharging its mandate in terms of Section 13F of the B-BBEE Act, which gave substantially positive feedback with improvements identified in the area of timelines for investigations that

will be addressed with additional staff members to be recruited. Based on the findings of the study, we refined our Communication Strategy to bring solutions, actions for implementation and also mitigated the reputational risks identified, which was intended to direct and elevate the work of the B-BBEE Commission, to the next phase comprising of stakeholder engagement and communication programme, post the four (4) years since the inception of the organisation. The strategic objective and plan is to take more proactive stance in communicating our work, mandate and functions as well as Codes of Good Practice (“the Codes”) and B-BBEE Regulations.

Monitoring the implementation of B-BBEE Act remains the focal point of our regulatory work and we have noted that fronting continues to be a major challenge and stumbling block in achieving real economic benefits envisaged in the B-BBEE Act, which is why there is a need to continue with awareness initiatives and advisory services on B-BBEE Act and related legislative prescripts in order to prevent fronting schemes in the future, particularly in new B-BBEE transactions and initiatives. Although the Honourable President, Cyril Ramaphosa has announced the South Africa’s Economic Reconstruction and Recovery Plan, which is intended to revitalise, restore and build a new economy post nation-wide lockdown in order to protect lives and livelihoods, government should not only support entities to recover from the pandemic but must in the process promote adherence to the B-BBEE Act and the rules at all times. Government is the guardian of transformation and must ensure adherence to the provisions of section 217 of the Constitution, 1996. Notably, government must as it implements the recovery plan initiatives / programmes also ensure alignment to section 10 (1) of the B-BBEE Act. It is our role to provide the support and guidance, including guidance on exemptions that may be required by government organs within the inherently flexible B-BBEE framework.

In as far as organisational performance analysis and introspection is concerned, we note that proactive requests for advisory opinions and presentations from stakeholders have decreased significantly, with twenty (20) advisory opinions and one thousand one hundred and sixty-nine (1169) clarifications received from 1 April 2020 to 31 December 2020, a decrease of 38% and 8% respectively compared to 2019/20 financial year same period. which could mean that stakeholders have a better understanding of B-BBEE or not fully aware of the services, due to the fact that most of our stakeholders’ rely on consultants and lawyers. We noted that 83% of the advisory opinion requests received in quarter three relate to facilitation of ownership for black people through trusts, whilst 17% were on the restructuring of direct ownership. Further, entities discover innovative ways to undermine the requirements of the B-BBEE Act through the use of trusts that ought to be legitimate. We have also observed a trend of similar ownership models being implemented, without any due diligence and determining the appropriate ownership vehicle for own entity.

We are concerned that 80% of the total complaints received thus far in 2020/21 FY relate to allegations of fronting which are prevalent in ownership and management control elements in those reported entities. Decline of 52% in the number of complaints received is noticeable compared to 2019/20 FY same period, which can be attributed by the national lockdown that was announced by President at the end of March 2020 which mainly affected organisational operations in quarter 1 and quarter 2 of the 2020/21 financial year. Our tipoff line is also gaining popularity with more anonymous complaints that have led to real investigations, and

we also have more proactive investigations that were informed by our market surveillance and media monitoring.

We realise that complaints require sensitivity, attention to detail and urgent intervention as most complainants would have suffered for a number of years prior to receiving attention and assistance. Our human resources sadly do not enable us to deliver with the speed we would like to, especially in cases involving employees who are often dismissed during the investigation process without any remedy under the B-BBEE Act. To correct behaviour, where appropriate, we pursue alternative dispute resolution mechanism which is aimed at providing redress to the complainant or prejudiced party(ies), addressing the apparent violation of the B-BBEE Act in a manner that advances transformation in the interest of the public, and allowing the affected entity (ies) to put measures to prevent similar transgressions from occurring in future. This intervention offers immediate relief for complainants rather than the criminal process that may take a number of years before redress to the complainant can be achieved.

In circumstances where there are serious contraventions or any matter which constitute an offence in terms of the relevant provisions of the B-BBEE Act, we refer such matter to SAPS and NPA. It must be noted on this aspect that the weaknesses in the B-BBEE Act which were identified in 2016 and presented to **the dtic** and Parliament remain a challenge for effective enforcement and consequence management. Perpetrators continue defrauding government purely because they realised that the B-BBEE Act does not have the stick it purports to have and use delay tactics to avoid accountability. It is the right time to strengthen the B-BBEE Act in respect of the institutional framework, inclusion of administrative powers to impose penalties, specialised tribunal to hear fronting matters and effective process for quick redress to prejudiced persons.

Notwithstanding the above provisions, a number of complaints were referred to NPA and/or SAPS for criminal investigation, whereas other complaints outside the jurisdiction of the B-BBEE Commission were referred to other regulatory institutions such as Companies and Intellectual Property Commission (CIPC) and Department of Labour. Therefore, where there is clear criminality and blatant disregard of the B-BBEE Act, we will not hesitate to pursue criminal processes.

As at 31 December 2020 we concluded on average thirty-three of (33) investigations with final investigation reports produced. We also issued sixty-three (63) Notices of Non-Investigation, in respect of complaints where the Complainant does not have a remedy in terms of the B-BBEE Act, or where we found no evidence of contravention of the B-BBEE Act, or where a matter predates the proclamation of the B-BBEE Act, or does not fall within our jurisdiction.

As at 31 December 2020, thirty-six (36) B-BBEE transactions were received, of those transactions seven (7) of them involved Trusts, subsequent to the assessment of those transactions, thirty-one (31) certificates of registration were issued and whereas five (5) of those transactions were rejected for non-compliance with registration requirements. Furthermore, we have we published a second Analysis of Major B-BBEE Transaction Analysis Report which is available in the B-BBEE Commission's website. The report alluded to, indicates a significant activity in B-BBEE ownership deals with the value of R 111,938 billion compared to a R188,7 billion of the first report. Moreover, one hundred and twenty-seven (127) compliance

reports were received from public companies listed on the JSE, organs of state and public entities in line with the requirement of section 13G of the B-BBEE Act. We remain concerned about the low levels of reporting from both the private and the public sector, and we have now resolved to implement our enforcement strategy in this regard.

The reports of the B-BBEE Commission have highlighted that black people continue to struggle to access finance, hence most deals are vendor financed with encumbrances, access to markets and ability to sustain operations due to entrenched monopolies and value chains that are characterised by vertical integration and tacit/subtle collusive behaviour. Forward looking measures in the B-BBEE Act must be used to unlock barriers and facilitate more constructive partnerships while facilitating investment towards black enterprises.

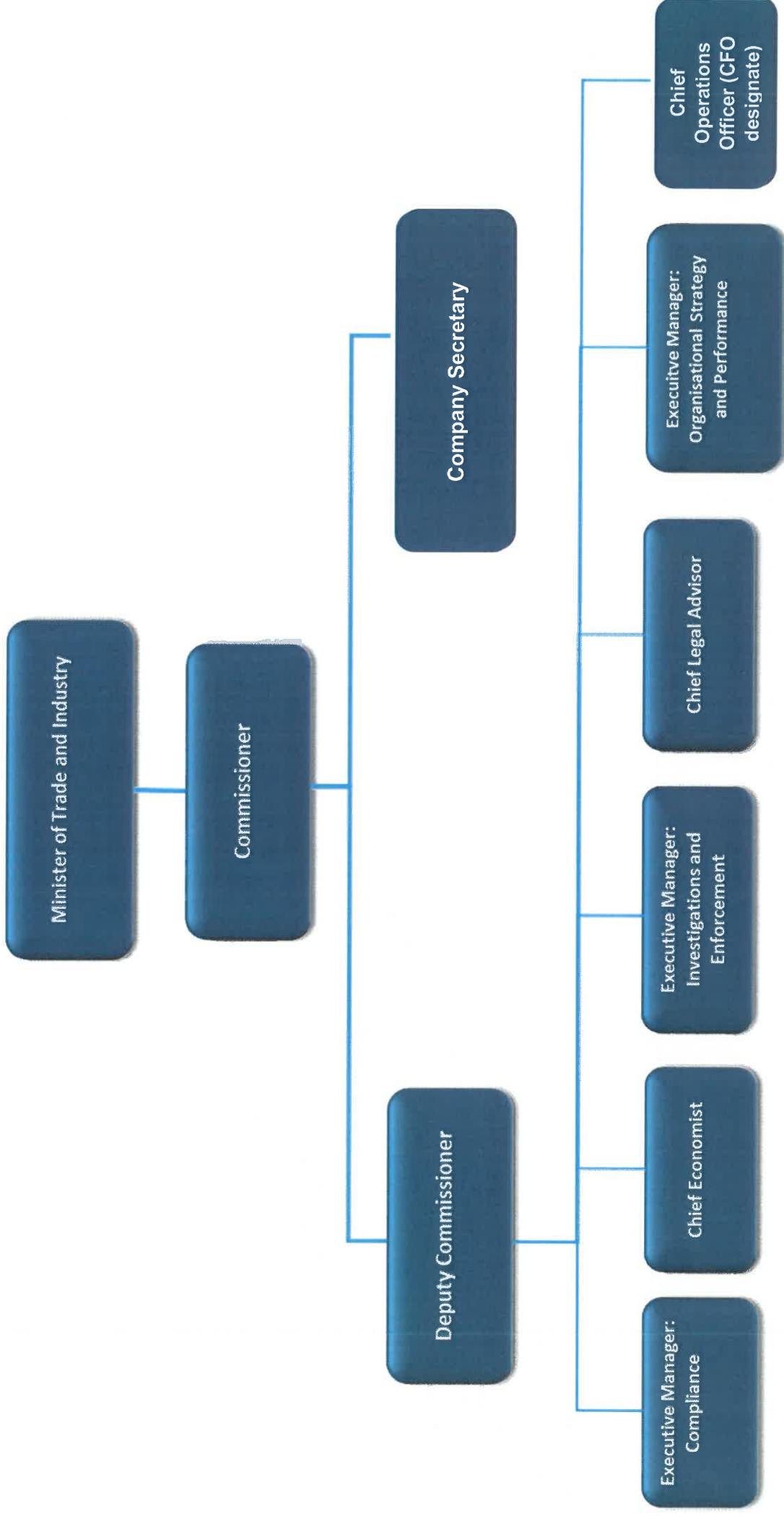
We will continue to monitor the markets daily and introduce measures to enable us to detect systematic improper and unethical practices that undermine the objectives of the B-BBEE Act, and initiate investigations against the offending entities. Attention to quicker redress through compliance interventions and alternative dispute resolution mechanism will be provided, where applicable, to reduce litigation costs, but this will not be entertained in respect of serious violations or repeat offenders.

We are proud of our employees and their contribution towards building a sustainable economy for South Africa. All of the staff members at the B-BBEE Commission are performing beyond expectation and go an extra mile given that we do not have resources to perform this critical mandate. Appreciation is extended to the majority of the stakeholders that have come to embrace and support the rationale for creation of an inclusive economy and are working with us to deliver beneficial B-BBEE initiatives.



Ms. Zodwa Ntuli
Commissioner

Broad-Based Black Economic Empowerment Commission Organisational Structure



PART A: Strategic View

1. Update to Relevant Legislative and Policy Mandate

The B-BBEE Commission is established as an entity within the administration of the Department of Trade, Industry and Competition (**the dtic**) in terms of section 13B the B-BBEE Act to oversee and monitor the implementation of the B-BBEE Act, including acting against fronting practices.

The B-BBEE Commission has jurisdiction throughout the Republic; must be impartial and perform its functions without fear, favour or prejudice; and must exercise the functions assigned to it in terms of the Act or any other law in the most cost-effective and efficient manner; and in accordance with the values and principles mentioned in section 195 of the Constitution. In terms of section 13E of the B-BBEE Act, the B-BBEE Commission is financed from money that is appropriated by Parliament for the B-BBEE Commission; and money lawfully received from any other source. The Auditor-General must audit the B-BBEE Commission's financial records every year.

The functions of the B-BBEE Commission are outlined fully in section 13F of the B-BBEE Act as follows:

- (a) to oversee, supervise and promote adherence with this Act in the interest of the public;
- (b) to strengthen and foster collaboration between the public and private sector in order to promote and safeguard the objectives of broad-based black economic empowerment;
- (c) to receive complaints relating to broad-based black economic empowerment in accordance with the provisions of this Act;
- (d) to investigate, either of its own initiative or in response to complaints received, any matter concerning broad based black economic empowerment;
- (e) to promote advocacy, access to opportunities and educational programmes and initiatives of broad based black economic empowerment;
- (f) to maintain a registry of major broad-based black economic empowerment transactions, above a threshold determined by the Minister by notice in the Gazette;
- (g) to receive and analyse such reports as may be prescribed concerning broad-based black economic empowerment compliance from organs of state, public entities and private sector enterprises;
- (h) to promote good governance and accountability by creating an effective and efficient environment for the promotion and implementation of broad-based black economic empowerment; and
- (i) to exercise such other powers which are not in conflict with this Act as may be conferred on the Commission in writing by the Minister.

In terms of section 13F (3) of the B-BBEE Act the B-BBEE Commission must increase knowledge of the nature and dynamics and promote public awareness of matters relating to broad-based black economic empowerment by:

- (a) implementing education and information measures to develop public awareness of the provisions of this Act, and in particular to advance the purposes of this Act;
- (b) providing guidance to the public by:
 - i. issuing explanatory notices outlining its procedures;
 - ii. issuing non-binding opinions on the interpretation of any provision of this Act; or
 - iii. applying to a court for a declaratory order on the interpretation or application of the provisions of this Act; and
- (c) conducting research relating to its mandate and activities and, from time to time, publishing the results of that research.

Our strategies are aligned to the objectives of the National Development Plan (NDP) which aims to eliminate poverty and reduce unemployment and inequality by 2030 and further to the Joint Key Performance Indicators (**J-KPIs**) of **the dtic** which require integrated planning, implementation and reporting across multiple branches and Departmental entities on Industrialisation, Transformation and District Development Model. The Republic of South Africa can realise these goals by drawing on the energies of its people, growing an inclusive economy, building capabilities, enhancing the capacity of the state, and promoting leadership and partnerships throughout society.

In 2016, we conducted a baseline study to understand the county's state of transformation. The study displayed 25% Black Ownership with Black Female Ownership at 10%. Three years later based on the National Status and Trends on Broad-Based Black Economic Empowerment report published by the B-BBEE Commission for 2019, Black Ownership is at 29%, with Black Female Ownership at 12%, a 4% and 2% movement respectively since 2016.

According to Statistics South Africa (Stats SA) report issued on 23 June 2020, the country's unemployment rate rose from 26.5% in 2016 to 30.8% (4.3% increase). The number of unemployed people rose by 2.2 million to 6.5 million, employment went up by 543 thousand to 14.7 million. A rise in unemployment means that there will be a fall in tax revenue due to fewer people paying income tax and less spending. Therefore, government will have to spend more social-grants to unemployed people and related benefits. Further, unemployment especially youth unemployment may lead to increased crime, vandalism and social unrest.

The B-BBEE Commission will need to ensure that we put all our energy and resources in contributing towards achieving government and **the dtic** objectives to "Facilitate the transformation of the economy to promote industrial development, investment, competitiveness and employment creation" and "Create a fair regulatory environment that enables investment, trade and enterprise development in an equitable and socially responsible manner".

Since the formal operation of the B-BBEE Commission in June 2016, significant progress has been recorded in analysing and publishing our second Analysis on Major B-BBEE Transaction report, which was published in March 2020. We have also published four National State of B-BBEE Transformation Reports. Both reports referred to in the later statements are of significance as they provide a clear indication of who are the real players in the economy in terms of race, whether real economic empowerment has vested in the hands of black people, and further indicates whether B-BBEE is progressing or regressing.

Our efforts are also directed to ensuring that fronting practice is eradicated in South Africa. Thus, we published a number of investigation reports and this makes a significant impact in the B-BBEE space. Further, despite the impact and restrictions posed by COVID-19, we hosted five (5) public webinar sessions as a way of providing advice, educate, update and raise awareness on the B-BBEE requirements. Topics that were discussed in those webinar sessions include the following:

- (i) Outcomes of the National Status and Trends on B-BBEE Report which was published in April 2020;
- (ii) Findings of Major B-BBEE Transactions Analysis Report which was published in March 2020;
- (iii) Management Control and the Status of Women Economic Empowerment;
- (iv) Ownership Structures and B-BBEE Requirements; and
- (v) Update on Investigation and Enforcement work of the B-BBEE Commission.

In terms of providing guidance to the public, we made progress by developing three (3) educational brochures dealing with application of the B-BBEE Act in respect of Sale or Loss of Shares, Private Equity Funds and Joint Venture Requirements, simplifying the requirements for stakeholders. This is to ensure that stakeholders understand and implement the B-BBEE Act in an efficient and effective manner that will enhance meaningful participation of marginalised group of people into the mainstream economy of the country and to decrease the 30.8% rate of unemployment. Further held engagements with the dtic on the interpretation of ownership vehicles and provided comments to the draft practice note which the Minister is intending to publish.

We aim to integrate and enhance our systems to ensure that our services work as seamless as possible and are available anywhere in the country, 24 hours. We have developed our five-year ICT Strategy, ICT infrastructure, HR Systems, B-BBEE Certificate Portal System, Contact Centre Service System and Integrated databases. We are in the advanced stages of developing One-Stop-Shop Portal to ensure that we are a trusted source of information. We continue to work with our Strategic Partners for purpose of collaboration, opportunity to access broader range of resources and expertise and make referrals easier on investigated cases.

We are moving from our compliance strategy into implementing our enforcement strategy to deal with those who blatantly act against the objectives of the B-BBEE Act. We have developed customer service standards to ensure that we understand the environment we operate in and our customers.

The Management Team with the support from B-BBEE Commission Officials is confident that we will achieve the desired outcomes, ultimately, building a transformed state.

2. Update to Institutional Policies and Strategies

This plan is prepared when South Africa is recovering from the COVID-19 pandemic, the effect of which will be felt for a significantly long period in South Africa given that South Africa was also downgraded during this period. Government has adopted the Economic Recovery Plan that implores all role players, which includes public entities and regulatory bodies, to contribute in assisting government to achieve the plans within the applicable legal frameworks.

For the 2019/20 to 2024/25 MTSF, government has set seven (7) key priorities to achieve the objectives of the NDP as listed below:

- Economic transformation and job creation;
- Education, skills and health;
- Consolidating the social wage through reliable and quality basic services;
- Spatial integration, human settlements and local government;
- Social cohesion and safe communities;
- A capable, ethical and developmental state;
- A better Africa and world.

The B-BBEE Commission as an organ of state, has through its alignment with **the dtic's** key priorities also aligned to the government key priorities. The B-BBEE Commission contributes directly to economic transformation and creation, a better Africa and world and a capable, ethical and developmental state. Table 1 below illustrate the B-BBEE Commission contribution to the NDP priorities and the J-KPIs of **the dtic**.

Table 1: B-BBEE Commission Contribution to the 7 Key Priorities of Government and J-KPIs of the dtic

Priorities	Link to Outcome	B-BBEE Commission Contribution	MTSF Commitment
Economic Transformation and Job Creation	Outcome 4 - decent employment through inclusive growth	Safeguarding the outcomes of an inclusive economy.	Provide advice to clients within 30 days.
	J-KPI: 1 – Integrated Support to Drive Industrialisation		2 guidelines / brochures translated
	J- KPI: 2 - The AfCFTA Export Plan		2 practice notes developed and published
	J-KPI: 3 – Investment Facilitation and Growth		10 educational awareness workshops conducted
	J-KPI: 4 Development Model and Spatial Equity		Advocacy, Education and awareness
	J-KPI: 5 – Action to promote Transformation		Monitor compliance with section 10 of the B-BBEE Act by organs of state and public entities
	J-KPI: 6 – The Green Economy and Greening the Economy		Monitor implementation of empowering supplier for localization and provide advice to the Minister
J- KPI: 7 – Strengthening and Building a capable State		National Status Report Published	
		Researching, analyzing and reporting on the state of transformation.	Analysis of Major Transaction Report Published

A better Africa and World	Outcome 11 – Create a better South Africa and a better world. J-KPI: 5 – Action to promote Transformation	Implementing enforcement to achieve corrective compliance.	80% Investigation Reports with recommendation finalised 80% cases identified for ADR finalised within 6 months 100% cases identified referred for prosecution and other regulatory institutions Enforcement of compliance with section 13G reporting by Organs of State, public entities, SETAs and JSE listed entities
A Capable, Ethical and Developmental State	Outcome 12 – An efficient, effective and development-oriented public service. J-KPI: 5 – Action to promote Transformation J- KPI: 7 – Strengthening and Building a capable State	Collaborating with relevant stakeholders to advance transformation. Developing capability and capacity of the Commission to deliver on its mandate.	Monitor relationship and implement agreements Implement and Monitor integrated data-base 3 Systems implemented (B-BBEE Portal, One stop portal, Events and Management system)

Although the dtic has developed seven joint KPIs that will require integrated planning, implementation and reporting across multiple branches and Departmental Entities, the work of the B-BBEE Commission is linked to J-KPI: 5 and J-KPI: 7 which cover action to promote Transformation and strengthening and building a capable state. However, the B-BBEE Commission will indirectly contribute to the following J-KPI: 1, J-KPI: 2, J-KPI: 3, J-KPI: 4 and J-KPI: 6. Below tables clarifies how the B-BBEE Commission plans to achieve the objectives of J-KPI: 5 and J-KPI: 7 and how it will further provide support to J-KPI: 1, J-KPI: 2, J-KPI: 3, J-KPI: 4 and J-KPI: 6.

Table 2: Joint Indicator 1 - Integrated Support to Drive Industrialisation

Outcome:	Increased industrialisation and localisation opportunities implemented		Performance period
Output /s:	Report documenting the integrated support to drive industrialisation through master plans in national priority sectors; increased and diversified localisation through government and private sector procurement; and promotion of beneficiation		
Indicator title:	Report on integrated support across DTIC to drive industrialisation that supports economic recovery; covering industry Master Plans, localisation initiatives across the economy, COVID-Industrial Interventions and beneficiation		
Indicator definition	Integrated support across DTIC to drive industrialisation that supports economic recovery; covering industry Master Plans, localisation initiatives across the economy, COVID-Industrial Interventions and beneficiation.		
Annual dtic Target/s	Contribution by B-BBEE Commission	Resourcing (MTEF Budget Allocation)	
Integrated support to drive industrialisation that supports economic recovery; covering industry Master Plans, localisation initiatives across the economy, COVID-Industrial Interventions and beneficiation	Four quarterly reports on measures enacted by the B-BBEE Commission to drive industrialisation that supports economic recovery; covering industry Master Plans, localisation initiatives across the economy, COVID-Industrial Interventions and beneficiation.	This indicator will be resourced within current entity resources	

Table 3: Joint Indicator 2 - The AfCFTA Export Plan

Outcome:	Increased export-readiness by South African firms, measured by knowledge of market opportunities and firm-level actions to utilise these opportunities		Performance period
Output /s:	A clear plan that indicates the potential opportunities to grow exports in terms of the AfCFTA, with responsibilities assigned to facilitate implementation		
Indicator title:	Completed AfCFTA Export Plan to grow value-added exports to the rest of Africa, setting out the opportunities by product, sector and country		
Indicator definition	AfCFTA export plan to grow value-added exports to the rest of Africa setting out the opportunities by product, sector and country		
Annual dtic Target/s	Contribution by B-BBEE Commission	Resourcing (MTEF Budget Allocation)	
Completed AfCFTA export plan to grow value-added exports to the rest of Africa setting out the opportunities by product, sector and country completed	Four quarterly reports on measures enacted by the B-BBEE Commission to contribute to an AfCFTA export plan to grow value-added exports to the rest of Africa	This indicator will be resourced within current entity resources	

Table 4: Joint Indicator 3 - Investment Facilitation and Growth

Outcome:	Strategic investment by enterprises (private and public) to support growth of South African economy		Performance period
Output /s:	Investment projects facilitated and investment directed towards key sectors of the economy		
Indicator title:	Report on Investment facilitation and growth: steps taken to support new investment in key sectors		
Indicator definition	Investment facilitation and growth through steps taken to support new investment in key sectors		
Annual dtic Target/s	Contribution by B-BBEE Commission	Resourcing (MTEF Budget Allocation)	
Report on investment facilitation and growth: steps taken to support new levels of investment in key sectors developed	Four quarterly reports on measures enacted by the B-BBEE Commission to support investment in South Africa	This indicator will be resourced within current entity resources	

Table 5: Joint Indicator 4 - Development Model and Spatial Equity

Outcome:	Contribute to intergovernmental action in implementation of the District Development Model towards district economic development		Performance period
Output /s:	District integrated report with district development economic maps		
Indicator title:	Report on District Development Model and Spatial equity including incorporating all work within the District Model		
Indicator definition	District Development Model and Spatial equity including incorporating all work within the District Model including incorporating all work within the District Model		
Annual dtic Target/s	Contribution by B-BBEE Commission	Resourcing (MTEF Budget Allocation)	
District Development Model and Spatial equity including incorporating all work within the District Model	Four quarterly reports by the B-BBEE Commission which set out how their work has contributed to the economic development in each of the Districts and Metropolitan Areas of South Africa	This indicator will be resourced within the current entity resources	

Table 6: Joint Indicator 5 - Action to promote Transformation

Outcome:	Promoting a growing and inclusive economy		Performance period
Output /s:	Report on actions to promote transformation through structural changes in the economy to enable greater inclusion and growth; and empowerment of designated groups, using the range of public tools such as procurement, incentives, technical support and enabling opportunities		2021/2022
Indicator title:	Report on actions to promote transformation through structural changes in the economy to enable greater inclusion and growth; and empowerment of designated groups, using the range of public tools such as procurement, incentives, technical support and enabling opportunities		
Indicator definition	Actions to promote transformation through structural changes in the economy to enable greater inclusion and growth; and empowerment of designated groups, using the range of public tools such as procurement, incentives, technical support and enabling opportunities		
Annual dtic Target/s	Contribution by B-BBEE Commission	Resourcing (MTEF Budget Allocation)	
Actions to promote transformation through both structural changes in the economy to enable greater inclusion and growth; and empowerment of designated groups, using the range of public tools such as procurement, incentives, technical support and enabling opportunities	Four quarterly reports on the contributions made by the B-BBEE Commission to promote transformation through structural changes in the economy to enable greater inclusion and growth; and empowerment of designated groups; and to the full achievement of all the performance indicators on B-BBEE in the dtic Annual Performance Plan	This indicator will be resourced within the current entity resources	

Table 7: Joint Indicator 6 - The Green Economy and Greening the Economy

Outcome:	Growing the Green Economy and greening the economy		Performance period	2021/2022
Output /s:	Report on growing the Green Economy and greening the economy			
Indicator title:	Report on growing the Green Economy and greening the economy through actions to support project facilitation, policy development, investment promotion, new product development or industrial processes			
Indicator definition	Actions to green the economy			
Annual dtic Target/s	Contribution by B-BBEE Commission	Resourcing (MTEF Budget Allocation)		
Actions to grow the Green Economy and greening the economy, through measures such as support for project facilitation, policy development investment promotion, new product development or industrial processes	Four quarterly reports on measures enacted by the B-BBEE Commission to support the green economy or the greening of the economy	This indicator will be resourced within current entity resources		

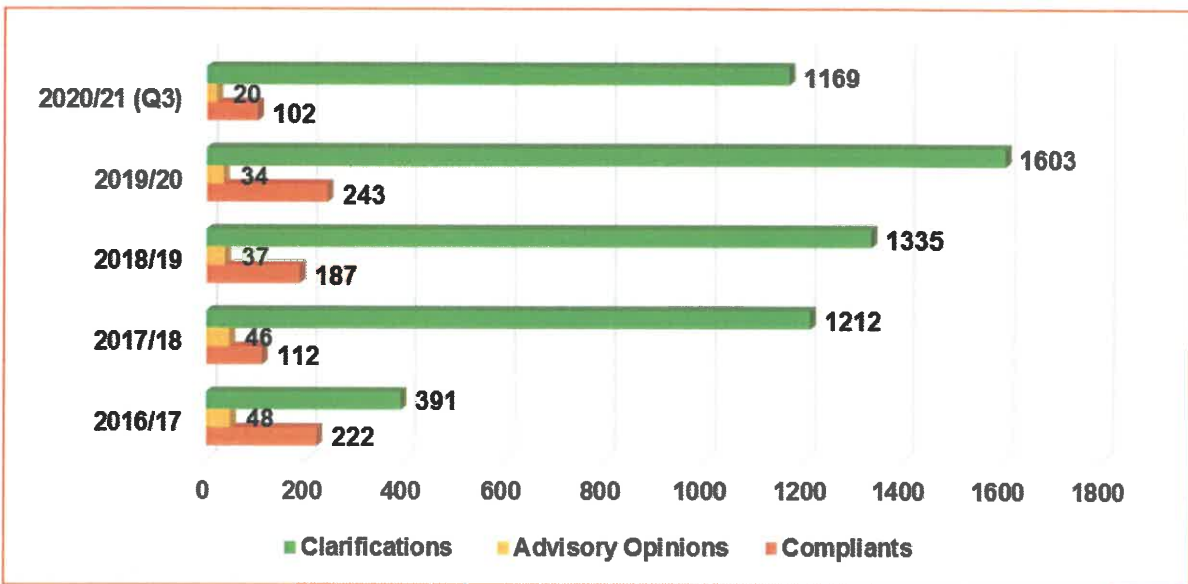
Table 8: Joint Indicator 7 - Strengthening and Building a capable State

Outcome:	Functional, efficient and integrated services within the DTIC to improve economic development and ease of doing business		Performance period	2021/2022
Output /s:	Actions to promote functional, efficient and integrated government and measures to reduce red tape across DTIC and entities			
Indicator title:	Report on strengthening and building capabilities and agility in the DTIC and its entities, to improve efficiencies in programmes and entities, to contribute to economic development and ease of doing business			
Indicator definition	Strengthening and building capabilities and agility in the DTIC and its entities, to improve efficiencies in programmes and entities, to contribute to economic development and ease of doing business			
Annual dtic Target/s	Contribution by B-BBEE Commission	Resourcing (MTEF Budget Allocation)		
Review of unnecessary red tape and compliance reporting requirements in DTIC entities and programmes; monitoring implementation times of DTIC services	Four quarterly reports on measures enacted by the B-BBEE Commission to improve the ease of clients using its services, including forms and procedures reviewed for simplicity and necessity	This indicator will be resourced within the current entity resources		

During COVID-19, we provided the much needed relief to the regulated measured entities within the context of the B-BBEE Act by granting them blanket extensions for the filing of annual compliance reports and major B-BBEE transactions with threshold of R25 million and above. Advisory services were provided through the emergency line of the B-BBEE Commission and via email.

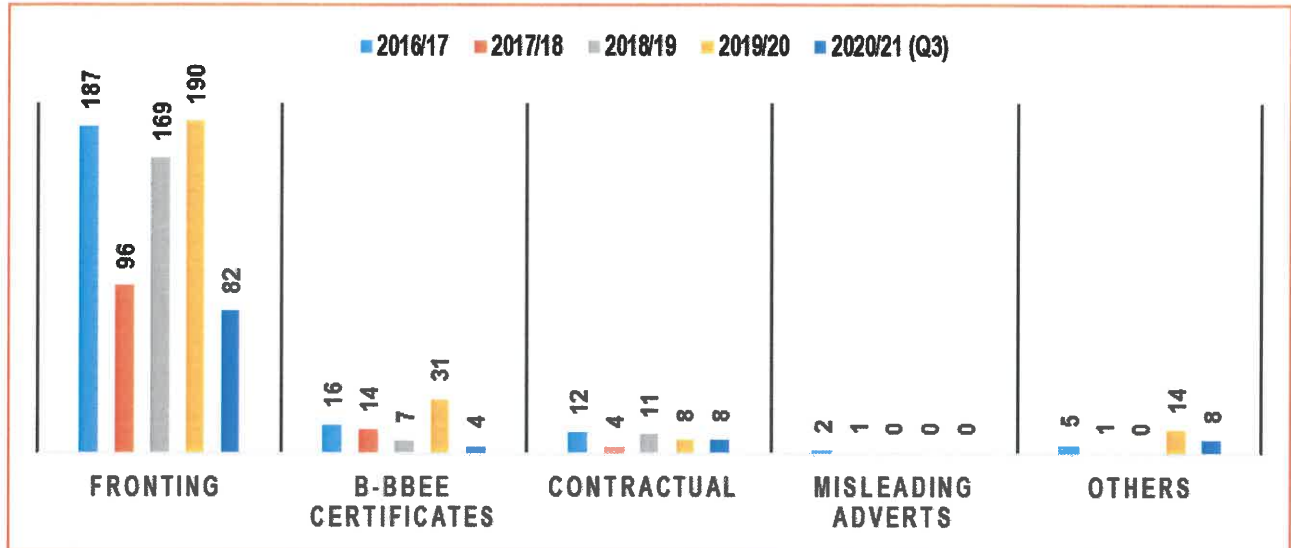
Since its existence, the B-BBEE Commission has been driving the two core internal strategies, the Compliance Strategy and the Enforcement Strategy. The B-BBEE Commission has made significant progress in respect of its Compliance Strategy. Number of requests for Clarifications and Complaints lodged which are within our jurisdiction are increasing year on year, this can be attributed to education and awareness programme. However, in 2020/21 we have observed a decline in the number of complaints lodged, advisory opinion requests and clarifications, which maybe which may be attributed by National Lockdown due to COVID-19 pandemic. In 2019/20, we rolled out Provincial Conferences with the aim to educate, create awareness, and showcase the services of various government entities that are tailor made to assist Small, Medium and Micro Enterprises (SMMEs) and get the previously disadvantaged individuals to participate meaningfully in the South African economy. In 2020/21 with the challenges of adopting the new norms, moving away from the normal ways of doing business, we conducted all our stakeholder engagement through virtual platforms.

The statistics on complaints lodged with the B-BBEE Commission as well as clarifications and advisory opinions issued from 2016/17 FY to 31 December 2020 is reflected below:



The concern is that 84% of the total complaints received since 2016/17 relate to allegations of fronting which are prevalent in ownership. In mitigating the situation, the B-BBEE Commission conducted five (5) webinar session of which two (2) of the sessions focused on Major B-BBEE Transactions and topic discussed was on findings of the Analysis of Major B-BBEE Transaction Report and on Ownership Structures. Also in partnership with the Commission of Employment Equity (CEE), we hosted a webinar session on Management Control and the Status of Women Economic Empowerment.

The graph below represents the types of complaints received by the B-BBEE Commission from 2016/17 to 31 December 2020.



To reach the desired outcomes in executing our mandate, we have entered into Memorandum of Understanding with eleven (11) regulatory entities namely; National Gambling Board (NGB), Competition Commission, Companies and Intellectual Property Commission (CIPC), Commission for Employment Equity (CEE), South African National Accreditation Systems (SANAS), National Student Fund Aid Scheme (NSFAS), National Liquor Authority (NLA), KZN Department of Economic Development Tourism and Environmental Affairs, Companies Tribunal (CT), Ports Authority South Africa and South African Revenue Services (SARS). The aim is to develop mutual support, transfer and/or implementation of innovative practices as well as the implementation of joint initiatives that centre on cooperation, peer learning and exchanges of experience.

The B-BBEE Commission has also made progress on the implementation of its Enforcement Strategy, a number of complaints were referred to the National Prosecuting Authority (NPA) and/or South African Police Services (SAPS) for criminal investigation whereas other complaints outside the jurisdiction of the B-BBEE Commission were referred to other relevant regulatory institutions such as Companies and Intellectual Property Commission (CIPC), South African Police Services (SAPS) and Department of Labour. So, where there is clear criminality and blatant disregard of the B-BBEE Act, we will not hesitate to pursue criminal processes. This year will see even more referrals for criminal investigation and prosecutions given the number of findings issued in the preceding year.

As from June 2016 to 31 December 2020 we concluded on average 49% (428/866) investigations with findings produced. We issued two hundred and forty-six (246) Notices of Non-Investigation, in respect of complaints where we found no evidence of contravention of the B-BBEE Act, or where a matter predates the B-BBEE Act, or the complainant does not have remedy or the matter does not fall within our jurisdiction.

We successfully concluded twenty-two (22) agreements relating to alternative dispute resolution where complainants were paid in total R102 million as redress arising from the complaints, further, R12 million

contributions were made by respondents towards promoting the objectives of the B-BBEE Act, particularly to advance skills development for black beneficiaries.

3. Update to Relevant Court Rulings

The B-BBEE Commission conducted an investigation and made findings after observing fair administrative process applicable to investigations in regard to CRRC E-LoCo Supply (Pty) Ltd. relating to the arrangement with B-BBEE Joint Venture partner, named Matsete Basadi Consortium (MBC). In essence, CRRC E Loco Supply (Pty) Ltd is a joint venture between CSR Zhuzhou Electric Locomotive Limited, an entity owned by Chinese government and MBC Consortium which have 70% and 30% shareholding respectively. The joint venture was awarded Transnet Locomotives contract worth over R25 billion. Following the issuance of the final findings, CRRC E Loco Supply (Pty) Ltd approached the High Court to review and set aside the findings of the B-BBEE Commission and the matter was heard on 28 & 30 October 2020 and the judgement is now reserved.

PART B: Our Strategic Focus

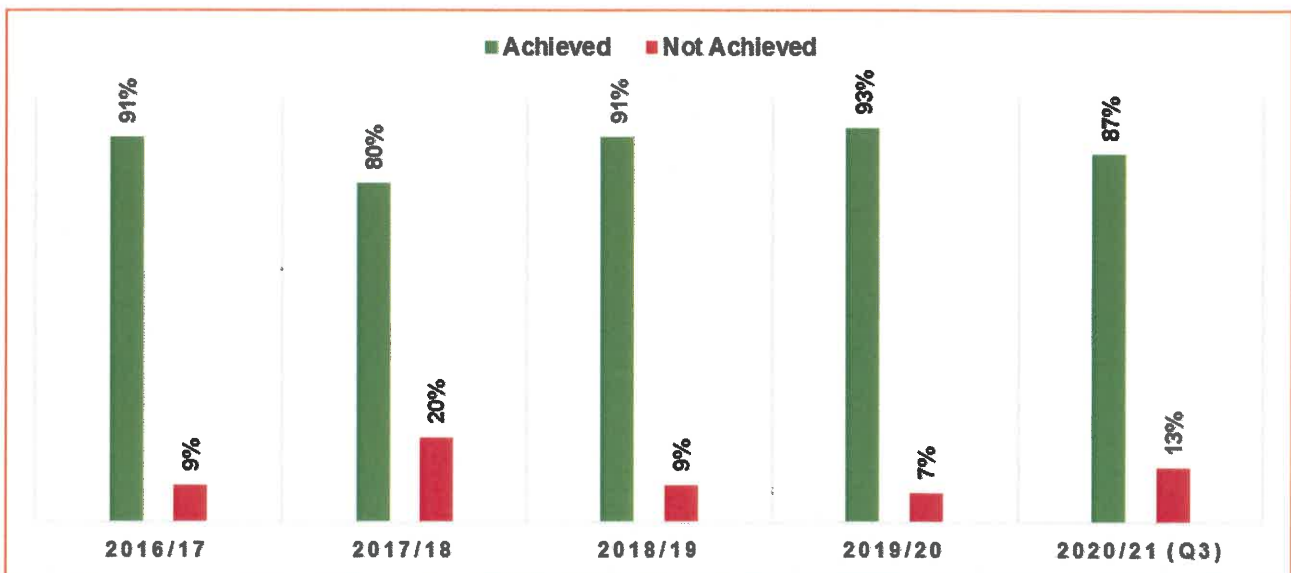
4. Update on Situational Analysis

4.1 Internal Environment Analysis

The B-BBEE Commission is established in terms of section 13B of B-BBEE Act as an entity within the administration of **the dtic** and have jurisdiction throughout South Africa. The B-BBEE Commission must be impartial and perform its functions without fear, favour or prejudice, in the most cost-effective manner. In terms of Section 13E of the B-BBEE Act, The B-BBEE Commission is financed from money that is appropriated by Parliament, and money lawfully received from any other source. The Auditor-General is mandated to audit financial records of the institution every year. Given that the B-BBEE Commission is not a listed public entity yet, it operates within the budget and reporting framework of **the dtic**. The B-BBEE Commission commenced its operations in June 2016 after the publication of B-BBEE Regulations.

The B-BBEE Commission strategic focus areas are derived from the mandate in Section 13F of the B-BBEE Act, with the resources made available in accordance with Section 13E of the B-BBEE Act. Like all other state organs and public entities, the B-BBEE Commission is focused on the effective execution of its mandate and the implementation of the MTSF of government which is informed by the NDP. In terms of its strategic agenda, significant improvement in organisational performance has been realised since 2016/17.

The organisational performance since 2016/17 is reflected in the graph below:



Service delivery levels have been consistent since 2016/17, which is the indication of common drive to achieve the vision of the organisation, of where the organisation needs to be, use of operations management principles and a focus on achieving the key governmental and departmental priorities. Further, assurance that these priorities are translated into measurable, funded and realistic plans and projects.

The issuance of clarifications to stakeholders within five (5) working days was at 100% on average over the 2019 to 2024 MTSF period. Over the same period, the average turnaround time for the issuance of advisory opinions within the prescribed timeframe of thirty (30) working days was also at 100% on average.

We have made progress in improving turnaround times for the assessment of registered Major B-BBEE Transactions with threshold of R25 million and above and Compliance reports submitted to the B-BBEE Commission in line with section 13G of the B-BBEE Act. However, we encounter challenge in meeting our targets in producing final investigation reports within the twelve (12) months prescribed timeframe due to resource limitation. We currently working with ten (10) personnel in the Investigation and Enforcement Division, five of which are officials absorbed from the internship, with the average case load per person at around fifty (50) cases and this impacts negatively on the physical ability of official due to overloaded work.

The B-BBEE Commission is currently functioning at 17.7% (20) of its approved capacity (*the total of filled posts versus the approved establishment of about 113 officials*) with twenty (20) additional personnel, majority of whom were absorbed from the internship programme. A total of 91 positions were not filled since 2016/17 due to unavailability of permanent office space and delays in listing the B-BBEE Commission to be an independent entity and the implementation of austerity measures by the National Treasury due to budget cut on organs of state.

The breakdown per management layer is as follows:

- Junior officials (Level 2-8): 21 staff or 52.5% of the total workforce;
- Middle management (level 9-12): 11 staff or 27.5% of the workforce;
- Senior management (level 13-16): 7 staff or 17.5% of the workforce; and
- 1 official on internship.

A major weakness and risk for the B-BBEE Commission is inadequate human resource capacity in respect of numbers and specialised skills. The B-BBEE Commission has insufficient capacity and capability in critical specialist and management areas. The B-BBEE Commission core business is in need of capacity in areas such as investigation and enforcement, compliance, stakeholder engagement, research and analysis and support areas such as risk management, contact centre, finance and ICT services.

In addition to the challenge of capacity constraints and permanent office space, the B-BBEE Commission could not finalise its process of putting in place governance structures to provide an oversight role on management and operational issues of the organisation as well as to steer the organization towards a sustainable future by adopting sound, ethical, and legal governance and financial management policies, due to the delays in listing the B-BBEE Commission to be an independent entity. The B-BBEE Commission only managed to establish two out of five governance committees namely the Enforcement Committee and Legal and Compliance Committee. Risk and Ethics committee, Human Resource committee and ICT committee were not established.

COVID-19 has forced business to move away from normal ways of doing business, but rather to adopt the use of technology. This new normal required a fundamental shift in Information Communication Technology (ICT). With the lack automated ICT processes, due to dependency on State Information Technology Agency (SITA), the B-BBEE Commission will not be able to achieve its set objectives. The adjustment in budget has also had an unfavorable impact on service delivery and areas of strategic importance such as recruitment of human resource. The continuous resource constraints have reputational challenges for not only the B-BBEE Commission but for government as the B-BBEE Commission play major role in ensuring the inclusive economic transformation goals are achieved.

In the true sense, every South African citizen is a stakeholder of the B-BBEE Commission either direct or indirect, economic transformation affects all citizens, young or old; black or white, we all need to embrace B-BBEE.

4.2 External Environment Analysis

The B-BBEE Commission is responsible to regulate the entire Republic of South Africa, meaning it manages a huge number of records. Therefore, record management is critical for the B-BBEE Commission. The lack of electronic access and retrieval of records has a fundamental impact on turnaround time for services. The non-integration of IT systems in B-BBEE Commission, downgraded infrastructure and limited capability to integrate data platforms are a risk to the integrity of business processes and performance. However, the network services of the B-BBEE Commission cannot be sourced anywhere else but from the State Information Technology Agency (SITA) as it is classified as mandatory services. Thus, B-BBEE Commission records are on databases and manually stored and/ or retrieved.

The major threats for the B-BBEE Commission could be described as:

- In ability of the B-BBEE Commission to execute its mandate fully due to:
 - Delay to list of the B-BBEE Commission as an independent entity;
 - Continued lack of consultation in development or changes to policy, legislation and codes;
 - Inconsistent application of B-BBEE by government departments and entities;
 - Number of role players in the B-BBEE space providing inconsistent messaging about B-BBEE.
- Lack of stakeholder and political buy-in.
- Lack of integrity in verification processes which stimulate fronting practices.
- Circumvention of the law through creative B-BBEE models and use of invalid B-BBEE Certificates and/ or Sworn Affidavits to acquire business opportunities.
- Misconception that government departments do not need to comply with B-BBEE Act, and to undergo verification of their B-BBEE claims.
- Lack of consequence for government departments that are not complying with B-BBEE Act.

- B-BBEE being used as a scape goat for corruption.
- Serious legislative weaknesses on enforcement powers and institutional mechanism to deter fronting and non-compliance.

Given the number of fraudulent B-BBEE certificates in the market, the B-BBEE Commission developed a B-BBEE Portal system which requires verification professionals/agencies to upload approved B-BBEE certificates. This is a measure to reduce the use of fraudulent certificates as in future the public and organs of state will be able to access the system to verify validity of certificates they receive. In addition, the system is allowing albeit in a limited way for now, the B-BBEE Commission to monitor the state of B-BBEE compliance by various sectors and entities, and moreover, do trends analysis in order to contribute to the report on the National Status of Transformation. The B-BBEE Commission is in the process of finalising the development of phase two of the portal system to enable the system to integrate with other departments, especially the Central Supplier Database.

A number of lessons were learned with the implementation of the 2020/21 to 2024/25 MTSF and related MTEF processes. Going forward, the B-BBEE Commission will manage external realities such as the negative economic climate and related budget cuts that may impact negatively on the organisational performance and unforeseen circumstances, for example COVID-19 pandemic which lead to the National Lockdown. The B-BBEE Commission has to set targets that meet the expectations of clients, even if there are external dependencies such as network reliability and parliamentary processes.

PART C: Measuring Our Performance

5. Institutional Programme Performance Information

5.1 Programme 1 - Compliance

Purpose: To safeguard the outcomes of an inclusive economy.

5.1.1 Outcomes, Output, Performance Indicators and Targets

Outcome	Outputs	Output Indicator	Annual Targets								
			Audited / Actual Performance		Estimated Performance	MTEF Period					
			2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	
Improved Compliance	Guide implementation of the Act	Average number of days taken to provide advice to clients	30 days	30 days	30 days	30 days	30 days	30 days	30 days	30 days	30 days
		Average of number of days taken to issue clarifications to clients	Nil	Nil	Nil	5 days	5 days	5 days	5 days	5 days	5 days
		Number of practice notes/guides developed and issued	2 annually	2 annually	2 annually	2 annually	2 annually	2 annually	2 annually	2 annually	2 annually
		Number of Guidelines / Brochures Translated	2 annually	2 annually	2 annually	2 annually	2 annually	2 annually	2 annually	2 annually	2 annually
		Number of education and awareness sessions conducted	Nil	Nil	Nil	10 annually	10 annually	10 annually	10 annually	10 annually	10 annually

Outcome	Outputs	Output Indicator	Annual Targets								
			Audited / Actual Performance			Estimated Performance	MTEF Period				
			2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	
	Assess B-BBEE transactions and provide advice / initiatives	Average number of days taken to issue a registration certificate	Nil	Nil	10 days	10 days	10 days	10 days	10 days	10 days	10 days
		Average number of days taken to assess a transaction and issue a remedial instruction	90 days	90 days	90 days	90 days	90 days	90 days	90 days	90 days	90 days
	Assess Compliance Reports and provide feedback	Average number of days taken to assess compliance reports and issue certificates of compliance / rejection	Nil	Nil	90 days	90 days	90 days	90 days	90 days	90 days	90 days

5.1.2 Indicators, Annual and Quarterly Targets

Performance Indicator/ Measure	Annual Target 2021/22	Quarterly Milestones			
		1 st	2 nd	3 rd	4 th
Number of days taken to provide advice to clients	30 days taken to provide advice to clients upon receipt	Advice provided to clients within 30 days upon receipt	Advice provided to clients within 30 days upon receipt	Advice provided to clients within 30 days upon receipt	Advice provided to clients within 30 days upon receipt
Average of number of days taken to issue clarifications to clients	5 days taken to issue clarifications to clients upon receipt	Clarifications issued to clients within 5 days upon receipt	Clarifications issued to clients within 5 days upon receipt	Clarifications issued to clients within 5 days upon receipt	Clarifications issued to clients within 5 days upon receipt
Number of practice notes/guides developed and issued	1 practice notes/guides developed and issued annually	Nil	Nil	Nil	1 practice note/guide developed and issued
Number of guidelines/ Brochures translated	2 Guidelines / Brochures Translated annually	Nil	Nil	Nil	2 guidelines / brochures translated
Number of education and awareness programme conducted	10 education and awareness programme conducted annually and reports produced	2 education and awareness programme conducted and reports produced	3 education and awareness programme conducted and reports produced	3 education and awareness programme conducted and reports produced	2 education and awareness programme conducted and reports produced
Average number of days taken to issue registration certificates	Issue registration certificates within 10 days of registration of major B-BBEE transactions	10 days	10 days	10 days	10 days
Assess transactions and issue remedial instruction	90 days taken to assess B-BBEE transactions and issue remedial instruction	Assess B-BBEE transactions and issue remedial instruction within 90 days upon receipt	Assess B-BBEE transactions and issue remedial instruction within 90 days upon receipt	Assess B-BBEE transactions and issue remedial instruction within 90 days upon receipt	Assess B-BBEE transactions and issue remedial instruction within 90 days upon receipt
Average number of days taken to assess compliance reports and issue compliance certificates / reject	90 days taken to assess compliance reports and issue compliance certificate / reject	Assess compliance reports and issue certificates of compliance / rejection within 90 days upon receipt	Assess compliance reports and issue certificates of compliance / rejection within 90 days upon receipt	Assess compliance reports and issue certificates of compliance / rejection within 90 days upon receipt	Assess compliance reports and issue certificates of compliance / rejection within 90 days upon receipt

5.2 Programme 2: Investigations and Enforcement

Purpose: To implement corrective enforcement to achieve compliance.

5.2.1 Outcomes, Output, Performance Indicators and Targets

Outcome	Outputs	Output Indicator	Annual Targets								
			Audited / Actual Performance		MTEF Period						
			2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	
Improved Compliance	Conduct both proactive and reactive investigations.	Average percentage of reports produced on investigations conducted within 12 months	5 Reports	80% of Reports	On average 80% investigation findings produced on investigations conducted within 12 months upon receipt of complaint.	On average 80% investigation findings produced on investigations conducted within 12 months upon receipt of complaint / initiation	On average 80% investigation findings produced on investigations conducted within 12 months upon receipt of complaint / initiation	On average 80% investigation findings produced on investigations conducted within 12 months upon receipt of complaint / initiation	On average 80% investigation findings produced on investigations conducted within 12 months upon receipt of complaint / initiation	On average 80% investigation findings produced on investigations conducted within 12 months upon receipt of complaint / initiation	On average 80% investigation findings produced on investigations conducted within 12 months upon receipt of complaint / initiation
	Encourage and guide resolution of disputes through ADR when necessary.	Average percentage of identified cases analysed & investigated for possible ADR process if any. [r15 (11)]	3 Cases	100% cases received analysed and investigated. 80% Cases referred.	100% identified cases for ADR analysed and investigated. 80% of the referred cases resolved within 6 months.	100% identified cases for ADR analysed and investigated. 80% ADR concluded within 6 months and referred to other regulatory entities within 30 days.	80% of the identified cases for ADR finalised within 6 months if any [r15 (11)]	80% of the identified cases for ADR finalised within 6 months if any [r15 (11)]	80% of the identified cases for ADR finalised within 6 months if any [r15 (11)]	80% of the identified cases for ADR finalised within 6 months if any [r15 (11)]	80% of the identified cases for ADR finalised within 6 months if any [r15 (11)]

Outcome	Outputs	Output Indicator	Annual Targets							
			Audited / Actual Performance				MTEF Period			
			Estimated Performance							
2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24			
	Referral to other regulatory entities when necessary.	Percentage of cases referred to other Regulatory entities on average within 30 days. [s13J (6)]	Nil	100% of Cases Referred.	100% of identified cases referred within 30 days.	100% of identified cases referred on average within 30 days if any.	100% of identified cases referred on average within 30 days if any.	100% of identified cases referred on average within 30 days if any.	100% of identified cases referred on average within 30 days if any.	
	Refer for prosecution when necessary.	Number of cases finalised and referred for prosecution when necessary. [s13J (5)]	1 Case	2 Cases	100% of the identified cases referred for prosecution if any.	100% of identified cases referred for prosecution if any. [s13J (5)]	100% of identified cases referred for prosecution if any. [s13J (5)]	100% of identified cases referred for prosecution if any. [s13J (5)]	100% of identified cases referred for prosecution if any. [s13J (5)]	

5.2.2 Indicators, Annual and Quarterly Targets

Performance Indicator/ Measure	Annual Target 2021/22				Quarterly Milestones			
	1 st	2 nd	3 rd	4 th	1 st	2 nd	3 rd	4 th
Average percentage of reports produced on investigations conducted within 12 months	On average 80% investigation findings produced on investigations conducted within 12 months upon receipt of complaint / initiation	On average 80% investigation findings produced on investigations conducted within 12 months upon receipt of complaint / initiation	On average 80% investigation findings produced on investigations conducted within 12 months upon receipt of complaint / initiation	On average 80% investigation findings produced on investigations conducted within 12 months upon receipt of complaint / initiation	On average 80% investigation findings produced on investigations conducted within 12 months upon receipt of complaint / initiation	On average 80% investigation findings produced on investigations conducted within 12 months upon receipt of complaint / initiation	On average 80% investigation findings produced on investigations conducted within 12 months upon receipt of complaint / initiation	On average 80% investigation findings produced on investigations conducted within 12 months upon receipt of complaint / initiation
Average percentage of identified cases analysed & investigated for possible ADR process if any. [r15 (11)]	80% of the identified cases for ADR finalised within 6 months if any. [r15 (11)]	80% of the identified cases for ADR finalised within 6 months if any. [r15 (11)]	80% of the identified cases for ADR finalised within 6 months if any. [r15 (11)]	80% of the identified cases for ADR finalised within 6 months if any. [r15 (11)]	80% of the identified cases for ADR finalised within 6 months if any. [r15 (11)]	80% of the identified cases for ADR finalised within 6 months if any. [r15 (11)]	80% of the identified cases for ADR finalised within 6 months if any. [r15 (11)]	80% of the identified cases for ADR finalised within 6 months if any. [r15 (11)]
Percentage of cases referred to other Regulatory entities on average within 30 days. [s13J (6)]	100% of identified cases referred on average within 30 days if any.	100% of identified cases finalised and referred to other regulatory institutions within 30 days if any. [s13J (6)]	100% of identified cases finalised and referred to other regulatory institutions within 30 days if any. [s13J (6)]	100% of identified cases finalised and referred to other regulatory institutions within 30 days if any. [s13J (6)]	100% of identified cases finalised and referred to other regulatory institutions within 30 days if any. [s13J (6)]	100% of identified cases finalised and referred to other regulatory institutions within 30 days if any. [s13J (6)]	100% of identified cases finalised and referred to other regulatory institutions within 30 days if any. [s13J (6)]	100% of identified cases finalised and referred to other regulatory institutions within 30 days if any. [s13J (6)]
Number of cases finalised and referred for prosecution when necessary. [s13J (5)]	100% of identified cases finalised and referred for prosecution if any. [s13J (5)]	100% of identified cases finalised and referred for prosecution if any. [s13J (5)]	100% of identified cases finalised and referred for prosecution if any. [s13J (5)]	100% of identified cases finalised and referred for prosecution if any. [s13J (5)]	100% of identified cases finalised and referred for prosecution if any. [s13J (5)]	100% of identified cases finalised and referred for prosecution if any. [s13J (5)]	100% of identified cases finalised and referred for prosecution if any. [s13J (5)]	100% of identified cases finalised and referred for prosecution if any. [s13J (5)]

5.3 Programme 3: Research, analysis and reporting

Purpose: To research, analyzing and reporting on the state of transformation.

5.3.1 Outcomes, Output, Performance Indicators and Targets

Outcome	Outputs	Output Indicator	Annual Targets								
			Audited / Actual Performance		MTEF Period						
			2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	
Improved Compliance	Collect and analyse data by economic sectors	Number of Sector Reports produced and data analysed	2 Sector reports produced.	2 Sector Reports produced 80% of real time data tracked.	2 Sector Reports produced and data analysed.	2 Sector reports produced annually and 100% of data tracked from the B-BBEE certificate portal	2 Sector reports produced annually and 100% of data tracked from the B-BBEE certificate portal	2 Sector reports produced annually and 100% of data tracked from the B-BBEE certificate portal	2 Sector reports produced annually and 100% of data tracked from the B-BBEE certificate portal	2 Sector reports produced annually and 100% of data tracked from the B-BBEE certificate portal	2 Sector reports produced annually and 100% of data tracked from the B-BBEE certificate portal
	Report on B-BBEE National Status and Transformation Trends	Number of 'National Status' Annual Report produced	1 National Status annual report produced.	1 National Status annual report produced.	1 National Status annual report produced.	1 National Status annual report produced.	1 National Status annual report produced.	1 National Status annual report produced.	1 National Status annual report produced.	1 National Status annual report produced.	1 National Status annual report produced.
	Report on Major Transactions	Number of major B-BBEE Transaction Report produced	Nil	Nil	Nil	Nil	1 Major B-BBEE Transaction report produced	1 Major B-BBEE Transaction report produced	1 Major B-BBEE Transaction report produced	1 Major B-BBEE Transaction report produced	1 Major B-BBEE Transaction report produced

5.3.2 Indicators, Annual and Quarterly Targets

Performance Indicator/ Measure	Annual Target 2021/22	Quarterly Milestones			
		1 st	2 nd	3 rd	4 th
Number of Sector Reports produced and data analysed	2 Sector reports produced annually and 100% of data tracked from the B-BBEE certificate portal	Nil	100% data tracked, collected from B-BBEE certificate portal system and analysed. 1 sector report produced.	Nil	100% data tracked, collected from B-BBEE certificate portal system and analysed.
Number of 'National Status' Annual Report produced	1 Annual National Status Report produced.	Nil	Nil	Nil	1 National Status Report produced.
Number of Major B-BBEE Transaction Report produced	1 Annual Major B-BBEE Transaction Report produced	Nil	Nil	Nil	1 Major B-BBEE Transaction Report produced

5.4 Programme 4: Relationship Building/Stakeholder Relations

Purpose: To collaborate with relevant stakeholders to advance transformation.

5.4.1 Outcomes, Output, Performance Indicators and Targets

Outcome	Outputs	Output Indicator	Annual Targets							
			Audited / Actual Performance		Estimated Performance	MTEF Period				
			2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Improved Compliance	Build mutual relationships with selected partners.	Monitor, maintain and evaluate relationships.	2 Stakeholder engagement plans generated with segmentation of selected stakeholders.	2 MOU Agreements concluded and published.	2 MOU Agreements concluded and published.	Monitor relationships and implement agreements.	Monitor relationships and implement agreements.	Maintain relationships, evaluate and review.	Maintain relationships, evaluate and review.	Maintain relationships, evaluate and review.
	Satisfactory Customer service.	Implement Service Standards and Monitor Service Delivery Improvement Plan.	Nil	Nil	Nil	Monitor Service Delivery Improvement Plan and Service Standards	Monitor Service Delivery Improvement Plan and Service Standards	Review and Monitor Service Delivery Improvement Plan and Service Standards	Review and Monitor Service Delivery Improvement Plan and Service Standards	Monitor Service Standards and Delivery Improvement Plan

5.4.2 Indicators, Annual and Quarterly Targets

Performance Indicator/ Measure	Annual Target 2021/22	Quarterly Milestones			
		1 st	2 nd	3 rd	4 th
Relations Monitored, maintained and evaluated	Monitor relationships and implement agreements with reports produced	Nil	Monitor relationships and implement agreements	Nil	Monitor relationships and implement agreements with report produced
Service Delivery Improvement Plan Developed and Monitored	Develop, implement and Monitor Service Delivery Improvement Plan	Develop Service Delivery Improvement Plan	Implement and Monitor Service Delivery Improvement Plan	Implement and Monitor Service Delivery Improvement Plan	Implement and Monitor Service Delivery Improvement Plan

5.5 Programme 5: Administration

Purpose: To developing capability and capacity of the B-BBEE Commission to deliver on its mandate.

5.5.1 Outcomes, Output, Performance Indicators and Targets

Outcome	Outputs	Output Indicator	Annual Targets							
			Audited / Actual Performance		Estimated Performance	MTEF Period				
			2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Improved Compliance	Develop and Implement ICT strategy and infrastructure	Develop Integrated data base (data warehouse) for of the B-BBEE Commission.	1 ICT 5 year plan developed and approved	1 ICT 5 year plan developed and approved	1 ICT 5 year plan developed and approved	Develop integrated data base (data warehouse)	Implement and monitor integrated data-base (data warehouse)	Monitor implementation of integrated data-base(data warehouse) and ICT plan and review ICT 5year plan	Enhance Integrated data base	Monitor enhanced Integrated data base

Outcome	Outputs	Output Indicator	Annual Targets										
			Audited / Actual Performance			MTEF Period							
			2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24			
	Implement and maintain support systems	Number of systems developed, implemented and monitored	Nil	Implementation of the 2 Systems (CMS & B-BBEE certificate and reports portal)	4 Systems developed and 5 systems implemented (CMS, Phase 2 B-BBEE certificate & reports portal, HRMD, Contact Centre and Financial)	4 Systems developed and 5 systems implemented (CMS, Phase 2 B-BBEE certificate & reports portal, HRMD, and Contact Centre)	4 Systems developed and 5 systems implemented (CMS, Phase 2 B-BBEE certificate & reports portal, HRMD, Contact Centre and Financial)	3 systems implemented and Enhanced Integration (B-BBEE certificate & reports portal, One stop portal, Events and Management System)	Implement 3 Systems and Enhanced Integration (One stop portal, BBEE certificate & reports portal and Events Management System)	Implement 3 Systems and Enhanced Integration (One stop portal, BBEE certificate & reports portal and Events Management System)	Monitor Implementation of 4 Systems and Enhanced Integration (One stop portal, Events, HRMD, -BBEE certificate & reports portal and Management System)	Monitor Implementation of 4 Systems and Enhanced Integration (One stop portal, Events, HRMD, -BBEE certificate & reports portal and Management System)	Monitor Implementation of 4 Systems and Enhanced Integration (One stop portal, Events, HRMD, -BBEE certificate & reports portal and Management System)
			Nil	Nil	10 officials trained	60% officials trained	60% officials trained	60% officials trained	60% officials trained	60% officials trained	60% officials trained	60% officials trained	60% officials trained
	Staff the B-BBEE Commission and develop a talent pipeline	Average percentage of officials trained	Nil	Nil	Nil	Nil	Nil	1	1	1	1	1	1
		Number of Graduates on internship and Trainee programme	11	10	Nil	Nil	Nil	1	1	1	1	1	1

5.4.2 Indicators, Annual and Quarterly Targets

Performance Indicator/ Measure	Annual Target 2021/22	Quarterly Milestones			
		1 st	2 nd	3 rd	4 th
Develop Integrated data base (data warehouse) for of the B-BBEE Commission.	Implement and monitor integrated data-base (data warehouse)	Implement integrated data-base (data warehouse)	Monitor integrated data-base (data warehouse)	Monitor integrated data-base (data warehouse)	Monitor integrated data-base (data warehouse)
Number of systems developed, implemented and monitored	3 systems Implemented (B-BBEE certificate & reports portal, One stop portal, Events and Management System)	implement B-BBEE certificate & reports portal and One stop portal	Implement and Maintain the B-BBEE Certificate Portal systems and Develop Events and Management system	Maintain the systems	Maintain the systems
Average percentage of officials trained	60% officials trained annually	Nil	Nil	Nil	60% officials trained
Number of Graduates on Internship and Trainee programme	1 Graduate on Internship and Trainee programme	Nil	Nil	Nil	1 Graduate on Internship and Trainee programme

6. Explanation of Planned Performance over the medium term period

The selected outputs for each programme are aimed to support the delivery and achievement of the strategic outcomes which are linked to both the National Development Plan (NDP) goals and **the dtic** objectives. Focus is to contribute to the acceleration of the inclusive economic growth that is globally competitive and to increase meaningful participation of previously disadvantage group of people (women, youth, people living with disability) in the mainstream economy. The below table illustrate the linkage between the choice of the outcome indicators and the National Development goals.

Outcomes	National Development Goals
1. Safeguarding the outcomes of an inclusive economy.	<p>Supports NDP Outcome 4 – decent employment through inclusive growth.</p> <p>Facilitate broad-based economic empowerment through targeted interventions to achieve more inclusive growth.</p>
2. Implementing corrective enforcement to achieve compliance.	<p>Supports NDP Outcome 11 – Create a better South Africa and a better world.</p> <p>Create a fair regulatory environment that enables transformational development in an equitable and socially responsible manner.</p>
3. Researching, analyzing and reporting on the state of transformation.	<p>Provides trend and other in-depth analysis in easy to read formats to measure both the success of the Commission and transformation gains across South Africa.</p> <p>Facilitate broad-based economic empowerment through targeted interventions to achieve more inclusive growth.</p>
4. Collaborating with relevant stakeholders to advance transformation.	<p>Extends relationships with key stakeholders for the betterment of the economy in relation to B-BBEE.</p> <p>Supports NDP Outcome 12 – An efficient, effective and development-oriented public service.</p> <p>Promote a professional, ethical, dynamic competitive and customer-focused working environment that ensures effective and efficient service delivery.</p> <p>Create a fair regulatory environment that enables transformational development in an equitable and socially responsible manner.</p>
5. Developing capability and capacity of the Commission to deliver on its mandate.	<p>Supports NDP Outcome 12 – An efficient, effective and development-oriented public service.</p> <p>Promote a professional, ethical, dynamic competitive and customer-focused working environment that ensures effective and efficient service delivery.</p>

7. Programme Resource Consideration

7.1 Human Resource Considerations

The staff complement over the next three years is projected to be as follows, however an increase is also anticipated in areas that are identified to be understaffed and in order to improve service delivery, build capacity for the core functions of the organisation and to deliver on our mandate.

6.1.1 Programme 1: Compliance

Projected Number of Employees	2020/21	2021/22	2022/23
Number of permanent employees	25	25	25
Total Staff Complement for the Programme	25	25	25

6.1.2 Programme 2: Investigation and Enforcement

Projected Number of Employees	2020/21	2021/22	2022/23
Number of permanent employees	25	25	25
Total Staff Compliment for the Programme	25	25	25

6.1.3 Programme 3: Research

Projected Number of Employees	2020/21	2021/22	2022/23
Number of permanent employees	12	12	12
Total Staff Complement for the Programme	12	12	12

6.1.4 Programme 4: Relationship Building/Stakeholder Relations

Projected Number of Employees	2020/21	2021/22	2022/23
Number of permanent employees	4	4	4
Total Staff Complement for the Programme	4	4	4

6.1.5 Programme 4: Administration

Projected Number of Employees	2020/21	2021/22	2022/23
Number of permanent employees	47	47	47
Total Staff Complement for the Programme	47	47	47

7.2 Financial Plan

It must be noted that the B-BBEE Commission is operating with a zero (0) budget since its budget is allocated under the transfer line item which is not accessible until such time that the B-BBEE Commission is listed as a Public entity. Below is the projected budget of the B-BBEE Commission for a three-year period.

Economic Classification	2021/22 Rm	2022/23 Rm	2023/24	2024/25	2025/26
Compensation of Employees	85 000	86 000	87 000	88 000	89 000
Goods and Services	53 000	55 000	57 000	59 000	61 000
Total operational expenditure	138 000	141 000	144 000	147 000	150 00
Payment for capital assets	6 000	5 000	5 000	5 000	6 000
Total expenditure	144 000	146 000	149000	152000	156000

8. Updated Key Risks

Key Risks have been identified and described below with their mitigating actions. The Risk Committee will control the register and the progress of both Strategic Risks and Operational Risks.

Outcome	Risk Description	Mitigation Action Required	Action Taken
1. Developing capability and capacity of the Commission to deliver on its mandate	Lack of infrastructure to support the B-BBEE Commission	1. Monitor the implementation of the ICT Strategy.	The ICT strategy is being implemented and monitored.
		2. Timely procurement of ICT infrastructure. B-BBEE Commission does not have control over SITA processes.	1. Installation of the server has been finalised. 2. Appointment of the service provider for the Event Management System is awaiting the issuing of the order number. 3. Procured laptops are awaiting delivery.
2. Developing capability and capacity of the Commission to deliver on its mandate	Inadequate human resources to deliver on the mandate.	1. Recruitment and secondment of multi-skilled and experienced human resources.	One (1) official assumed duty on 01 October 2020. The recruitment process for the approved eleven (11) positions is in progress.
		2. Alternative Office space.	Alternative office space for the B-BBEE Commission current staff was secured within the dtic campus. Follow-up was done on

Outcome	Risk Description	Mitigation Action Required	Action Taken
			the procurement of office space through Department of Public Works and Infrastructure (DPWI).
		3. Graduate training programme – build capacity organically.	One (1) graduate joined the B-BBEE Commission on 23 July 2020.
		4. Capacity building programme, training and development of human resources.	Training of the current human resources is planned to take place in quarter 4. The B-BBEE Commission training needs for three (3) years were submitted for incorporation into the dtic training interventions.
3. Developing capability and capacity of the Commission to deliver on its mandate	Inadequate financial resources to effectively execute the B-BBEE Commission's mandate	1. Apply for additional budget from the dti .	The B-BBEE Commission has not identified a need for the application of additional budget from the dtic . The B-BBEE Commission headcount and positions in the process of being filled were submitted to OCFO with the aim of costing and allocating Compensation of employees to the B-BBEE Commission responsibility.
4. Developing capability and capacity of the Commission to deliver on its mandate	Non – compliance with corrective action and recommendations to stakeholders	1. Enforce the B-BBEE Act.	Of the eight (8) cases referred to court in terms of S13(J)(4) of the B-BBEE Act, the following activities were conducted in the period under review: Consultations with the Counsels, deposing to founding affidavits, settlement of the particulars of claim. Responding to correspondence from the respondents. Two (2) cases were referred to regulatory bodies in the period under review.
5. Implementing corrective enforcement to achieve compliance	Litigation against B-BBEE Commission	1. Proper investigations plan. 2. Adequate legal support through the State Attorney.	1. The Investigation plan is being implemented and monitored. 2. Legal support is being received from both the dtic Legal Service: Chief Directorate and the office

Outcome	Risk Description	Mitigation Action Required	Action Taken
			of the State Attorney.
6. Safeguarding the outcomes of an inclusive economy	Regulatory Uncertainty	1. Issue practice guides on B-BBEE	Three guides (loss or sale of shares, private equity funds and B-BBEE requirements for joint ventures) were finalised and approved.
		2. Enter into an SLA/MOU with the dti on policy matters.	Draft SLA with the dtic produced and awaits sign-off by the dtic .

9. Public Entity

Not applicable

10. Infrastructure Projects

None at the current time

9. Public Private Partnerships

None at the current time

Part E: Technical Indicator Description (TID)

Outcome 1 - Safeguarding the outcomes of an inclusive economy

Programme 1 - Compliance

Outcome	Improved Compliance
Indicator title	1.1 Percentage of education materials produced by the B-BBEE Commission with Fog Index of 8 or less
Short definition	The B-BBEE Commission must provide electronic and printed materials in alignment with the B-BBEE Act in an easy to read format relevant to the audience.
Purpose/importance	Relevant educational information must be made available to all audiences in order to educate stakeholders in the purpose and vision of the B-BBEE Act. Understanding this will aid in the overall spirit of B-BBEE goals.
Source/ collection of data	Education materials may be outsourced or produced internally by B-BBEE Commission staff.
Method of calculation	Utilise the Fog Index methodology to ensure the materials are understandable. The outside limit is a level of 8.
Data limitations	None
Type of indicator	Outcome
Calculation type	Cumulative
Reporting cycle	Quarterly
Baseline Indicator	Two annually
Desired performance	A lower Fog Index is desirable
Indicator Responsibility	Executive Manager: Compliance and Executive Manager: Organizational Strategy & Performance

Outcome	Improved Compliance
Indicator Title	1.2 Requests for advice are documented in writing within 30 working days of receipt.
Short definition	Advisory Opinions are generated in response to requests for advice on B-BBEE issues. These must be registered, investigated and provide feedback to requestor within the specific number of days.
Purpose/importance	The purpose is to ensure all stakeholders' queries are dealt with in a timely manner by issuing advisory opinions in response to all queries.
Source/ collection of data	All requests for advice are recorded centrally with date received, date of feedback and date closed (finalised).
Method of calculation	Percentage of Advisory Opinions provided within the 30 working days limit against all requests for advice.
Data limitations	None
Type of indicator	Outputs

Calculation type	Non-cumulative
Reporting cycle	Quarterly
Baseline Indicator	Advice provided to client within 30 days upon receipt
Desired performance	100%
Indicator Responsibility	Executive Manager: Compliance

Outcome	Improved Compliance
Indicator Title	1.3 Requests for clarifications are documented in writing within 5 working days of receipt.
Short definition	Clarifications are generated in response to requests for clarity on B-BBEE issues. These must be registered and provide feedback to requestor within the specific number of days.
Purpose/importance	The purpose is to ensure all stakeholders' queries are dealt with in a timely manner by issuing clarification in response to all queries.
Source/ collection of data	All requests for clarification are recorded centrally with date received, date of feedback and date closed (finalised).
Method of calculation	Percentage of Clarifications provided within the 5 working days limit against all requests for advice.
Data limitations	None
Type of indicator	Outputs
Calculation type	Non-cumulative
Reporting cycle	Quarterly
Baseline Indicator	Clarifications provided to client within 5 days upon receipt
Desired performance	100%
Indicator Responsibility	Executive Manager: Compliance

	Improved Compliance
Indicator Title	1.4 Explanatory Notes/Guides must be issued twice a year to all stakeholders on both hard copy and electronically
Short definition	Practice notes provide feedback to stakeholders to clarify any areas of the B-BBEE Act which may require it.
Purpose/importance	The purpose is to ensure all stakeholders receive further clarification on various parts of the Act as required.
Source/ collection of data	The B-BBEE Commission collates the relevant topics for the Practice Notes based on areas raised by stakeholders, informed by advisory topics and internal research
Method of calculation	Number of Practice Notes issued per year.
Data limitations	None
Type of indicator	Outputs
Calculation type	Cumulative

Reporting cycle	Annually
Baseline Indicator	Two practice notes/ guides issued annually
Desired performance	Additional Practice Notes over two could be deemed an improvement, if quality is maintained.
Indicator Responsibility	Executive Manager: Compliance

Outcome	Improved Compliance
Indicator title	1.5 Compliance with the B-BBEE Act and Corporate Governance
Short definition	The B-BBEE Commission is charged with assuring that B-BBEE transactions comply with the B-BBEE Act and Companies Acts.
Purpose/importance	The purpose is to ensure all B-BBEE transactions are legal in respect of the law. It is important that the B-BBEE Commission drive compliance and best practice.
Source/ collection of data	All B-BBEE transactions registered with the B-BBEE Commission will be audited internally. Non-compliance will be dealt with in terms of specific procedures.
Method of calculation	Percentage of all non-compliant transactions showing adherence to the defined process to become compliant.
Data limitations	Only those B-BBEE transactions above the gazette threshold, that are registered, can be assessed.
Type of indicator	Outputs
Calculation type	Non-Cumulative
Reporting cycle	Annually
Baseline Indicator	New
Desired performance	All non-compliant transactions should be following the defined steps so 100% is desirable.
Indicator Responsibility	Executive Manager: Compliance

Outcome	Improved Compliance
Indicator Title	1.6 Register of B-BBEE Transactions
Short definition	The B-BBEE Commission is charged with registering all B-BBEE transactions(above threshold) which should be published electronically
Purpose/importance	The purpose is to ensure transparency of all B-BBEE transactions (above threshold)
Source/ collection of data	All B-BBEE transactions registered with the B-BBEE Commission will be placed on the B-BBEE Transaction Register
Method of calculation	B-BBEE register to be updated monthly and published on website. Email notifications will be sent to all stakeholders directing them to website.
Data limitations	Only those B-BBEE transactions above the gazette threshold, that are registered, can be assessed.
Type of indicator	Outputs
Calculation type	Non-Cumulative
Reporting cycle	Quarterly
Baseline Indicator	Assess transactions within 90 days upon registration
Desired performance	A monthly update must be published
Indicator Responsibility	Executive Manager: Compliance and Executive Manager: Organizational Strategy & Performance

Outcome	Improved Compliance
Indicator Title	1.7 Compliance reports in line with section 13G
Short definition	The B-BBEE Commission will acknowledge receipt and assess the compliance reports and provide feedback with regards to state of compliance as per the B-BBEE Act
Purpose/importance	The purpose is to ensure transparency with B-BBEE compliance
Source/ collection of data	Submitted compliance report from JSE listed companies, organs of state, state-owned entities, SETA's
Method of calculation	Certificate of Compliance / rejection will be sent to all entities that submitted compliance report to B-BBEE Commission
Data limitations	Only submitted compliance report will be assessed and analysed
Type of indicator	Outputs
Calculation type	Non-Cumulative
Reporting cycle	Quarterly
Baseline Indicator	90 days taken to assess compliance report

Desired performance	Monthly update
Indicator Responsibility	Executive Manager: Compliance and Executive Manager: Organizational Strategy & Performance

Outcome 2: Implementing corrective enforcement to achieve compliance

Programme 2: Investigations and Enforcement

Outcome	Improved Compliance
Indicator Title	2.1 Percentage of reports produced on investigations conducted within 12 months upon receipt of complaint
Short definition	Investigation reports must be registered, tracked, investigated, feedback and closed so that the person with the query feels the value-add service being provided by the B-BBEE Commission
Purpose/importance	The efficiency of the B-BBEE Commission to deal with queries in a timely fashion is of paramount importance.
Source/ collection of data	Database
Method of calculation	Days between Date of registration to Date of closure of each report should be less than 365 as a percentage of all Investigative reports
Data limitations	Accurate dates must be captured and stored
Type of indicator	Activities
Calculation type	Non-cumulative
Reporting cycle	Annual
Baseline Indicator	On average 80% of reports produced with findings on investigations conducted within 12 months upon receipt of complaint
Desired performance	100%
Indicator Responsibility	Executive Manager: Investigations & Enforcement

Outcome	Improved Compliance
Indicator Title	2.2 Percentage of identified cases for possible Alternative Dispute Resolution (ADR) process
Short definition	The objective is to try and resolve disputes before prosecution.
Purpose/importance	The desire is to get ADR agreement in preference to prosecution.
Source/ collection of data	Database
Method of calculation	Number of disputes reaching ADR agreements, as a percentage of all disputes
Data limitations	The database should be able to track the outcome of the dispute in order to hand over disputes for prosecution if consensus cannot be reached.
Type of indicator	Outcome
Calculation type	Non-cumulative
Reporting cycle	Quarterly

Baseline Indicator	Three cases referred for ADR
Desired performance	The higher the percentage, the better the performance
Indicator Responsibility	Executive Manager: Investigations & Enforcement

Outcome	Improved Compliance
Indicator Title	2.3 Updated register of cases referred for prosecution
Short definition	Where there is contravention of the B-BBEE Act cases will be referred for prosecution. A register of referred cases will be maintained and managed.
Purpose/importance	The B-BBEE Commission is interested in managing all cases referred for prosecution.
Source/ collection of data	Register
Method of calculation	The register must be published quarterly
Data limitations	Desire of the prosecuting authority to keep the B-BBEE Commission informed on progress of all cases it is assigned
Type of indicator	Outcomes
Calculation type	Non-cumulative
Reporting cycle	Quarterly
Baseline Indicator	One case referred for prosecution if any
Desired performance	1 publication per quarter
Indicator Responsibility	Executive Manager: Investigations & Enforcement

Outcome 3: Researching, analysing and reporting on the state of transformation

Programme 3: Research, Analysis & Reporting

Outcome	Improved Compliance
Indicator Title	3.1 Sector Report showing year on year transformation improvement over the B-BBEE elements
Short definition	A published report outlining the performance of each sector across the B-BBEE elements. The scores should be compared to previous year to show a constant improvement
Purpose/importance	The reach of the B-BBEE Commission's involved should be felt across each sector and all elements. This report will collate the information with comparisons to previous years
Source/ collection of data	The database held by the B-BBEE Commission (B-BBEE certificate portal system) will hold the overall results of the sectors performance across the B-BBEE elements.
Method of calculation	Number of Sector reports published
Data limitations	Availability of the data from each sector
Type of indicator	Impact
Calculation type	Cumulative
Reporting cycle	Annual
Baseline Indicator	Two report
Desired performance	Two per year
Indicator Responsibility	Chief Economist

Outcome	Improved Compliance
Indicator Title	3.2 Major Transaction Report produced annually
Short definition	A report on the major B-BBEE transactions analysis
Purpose/importance	To determine if Ownership has been created in line with code series 100, identify value creation by sectors and calculate total value of registered transactions
Source/ collection of data	Received major B-BBEE Transactions
Method of calculation	Number of major B-BBEE Transaction reports published
Data limitations	Availability of received major B-BBEE Transactions
Type of indicator	Impact
Calculation type	Cumulative
Reporting cycle	Annual
Baseline Indicator	One report
Desired performance	One per year (published in the first quarter of the next financial year)
Indicator Responsibility	Chief Economist

Outcome	Improved Compliance
Indicator Title	3.3 'National Status' Report produced annually
Short definition	A report of the B-BBEE status as a nation
Purpose/importance	Feedback to the stakeholders as to the status and reach of the B-BBEE Commission's work
Source/ collection of data	Database (B-BBEE certificate Portal system), Compliance report, major B-BBEE transactions.
Method of calculation	Number of reports published
Data limitations	Content to produce the report may need to be sourced externally
Type of indicator	Impact
Calculation type	Cumulative
Reporting cycle	Annual
Baseline Indicator	One report
Desired performance	One per year (published in the first quarter of the next financial year)
Indicator Responsibility	Chief Economist

Outcome	Improved Compliance
Indicator Title	3.4 'National Status' Report produced annually
Short definition	The implementation of the B-BBEE Act can be measured by examining the equity that black people own and the movement of black people in management and decision making structures, in key organisations.
Purpose/importance	The ownership of black people in organisations is seen as a key marker of the impact of B-BBEE policy. The upward trend of ownership equity is desirable each year.
Source/ collection of data	The JSE (Johannesburg Stock Exchange) publishes ownership equity figures of listed companies. A selection of other key companies must be included from the private sector.
Method of calculation	The percentage of black ownership equity over all equity
Data limitations	Availability of private sector information
Type of indicator	Impact
Calculation type	Non-cumulative
Reporting cycle	Annual
New Indicator	New
Desired performance	The equity holding and management control should be increasing over time
Indicator Responsibility	Chief Economist

Outcome	Improved Compliance
Indicator Title	3.5 Regulatory Impact Assessment Report showing a year on year decline in the factors inhibiting positive change
Short definition	The B-BBEE Commission is to produce a report annually highlighting the factors inhibiting positive change, according to the 5 elements of B-BBEE
Purpose/importance	It is vital that the B-BBEE Commission shares the challenges and successes of its initiatives with its stakeholders.
Source/ collection of data	Databases
Method of calculation	Number of Impact assessment Reports in a year
Data limitations	Availability of data from external sources and objective interpretation of the B-BBEE position
Type of indicator	Impact
Calculation type	Non-cumulative
Reporting cycle	Annual
New Indicator	New
Desired performance	One
Indicator Responsibility	Chief Economist

Outcome 4: Collaborating with relevant stakeholders to advance transformation

Programme 4: Relationship Building/Stakeholder Relations

Outcome	Improved Compliance
Indicator Title	4.1 Segment stakeholders for those selected partners and generate stakeholder engagement plans
Short definition	The B-BBEE Commission must engage with partners to form relationships that are mutually beneficial to aid in the achievement of the B-BBEE goals. By selecting stakeholders and developing plans to work closely together is the first step in the process
Purpose/importance	The implementation and success of the B-BBEE initiatives cannot be done by the B-BBEE Commission alone. Key stakeholders need to play an role in understanding, advocating and implementing
Source/ collection of data	Internal selection of stakeholders and generation of an individual plan to engage with the entity
Method of calculation	A list of selected stakeholders must exist and a plan for each one must exist. The calculation is the percentage of existing plans for stakeholders all selected stakeholders
Data limitations	None
Type of indicator	Output
Calculation type	Cumulative
Reporting cycle	Annual
Baseline Indicator	Two memoranda of understanding entered to per year

Desired performance	Two memoranda of understanding entered to per year
Indicator Responsibility	Executive Manager: Organisational Strategy and Performance

Strategic Goal 5: Developing capability and capacity of the B-BBEE Commission to deliver on its mandate

Programme 5: Administration

Outcome	Improved Compliance
Indicator Title	5.1 ICT 5 year plan produced and approved
Short definition	The ICT plan will describe the infrastructure, application, data and security layers required to support the Commission's activities
Purpose/importance	The B-BBEE Commission relies heavily on ICT for the storage of information for its activities. It is a major budget item and should be closely managed to the plan.
Source/ collection of data	ICT plan should be available electronically for all Committees and internal stakeholders
Method of calculation	The plan should be updated annually, approved and be readily available.
Data limitations	None
Type of indicator	Activities
Calculation type	Non-cumulative
Reporting cycle	Annual
Baseline Indicator	One ICT plan
Desired performance	One approved plan
Indicator Responsibility	Chief Operations Officer

Outcome	Improved Compliance
Indicator Title	5.2 Number of systems developed and maintained
Short definition	Development of operational system
Purpose/importance	B-BBEE Commission requires automated systems to improve efficiency
Source/ collection of data	Benchmark with other organs of state
Method of calculation	Number of systems developed
Data limitations	None
Type of indicator	Outcome
Calculation type	Non-cumulative
Reporting cycle	Annual
Baseline Indicator	One system
Desired performance	Five systems
Indicator Responsibility	Chief Operations Officer

Outcome	Improved Compliance
Indicator Title	5.3 Number of graduates on Internship and Trainee Programme
Short definition	The Internship and Trainee Programme exists to ensure steady growth of the available resource base for both the Commission and South Africa at large
Purpose/importance	Growing young people organically into the values and vision of the B-BBEE Commission is a future-proof mechanism to ensure the success of the B-BBEE Commission
Source/ collection of data	Human Resource records
Method of calculation	Count of the number of graduates on an official B-BBEE Commission programme divided by the number of total staff of the B-BBEE Commission
Data limitations	None
Type of indicator	Capacitation
Calculation type	Non-Cumulative
Reporting cycle	Quarterly
Baseline Indicator	6
Desired performance	The level is dependent on the available budget to support the graduates.
Indicator Responsibility	Chief Operations Officer

Outcome	Improved Compliance
Indicator Title	5.4 Percentage of officials trained for capacity building
Short definition	Staff development and training exist to ensure improvement of skills and knowledge of employees within the B-BBEE Commission.
Purpose/importance	Staff development and training assist in creating a pool of readily available and adequate replacements for personnel who may leave or move up in the B-BBEE Commission.
Source/ collection of data	Human Resource records
Method of calculation	Number of staff members training annually
Data limitations	None
Type of indicator	Capacitation
Calculation type	Non-Cumulative
Reporting cycle	Quarterly
Baseline Indicator	10
Desired performance	60%
Indicator Responsibility	Chief Operations Officer