



national consumer tribunal

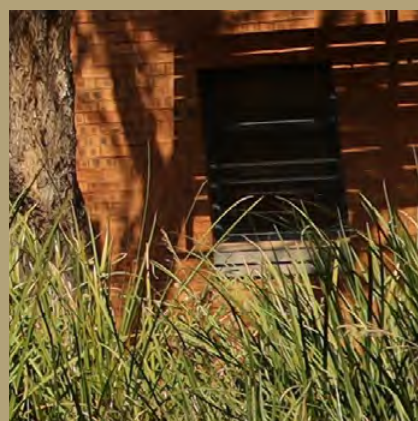
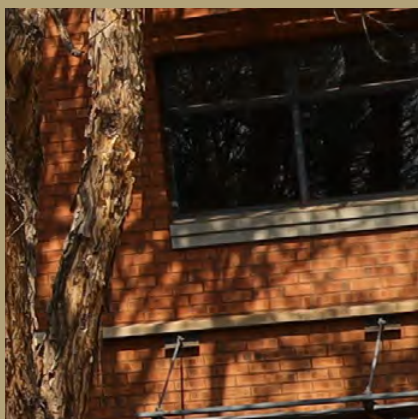
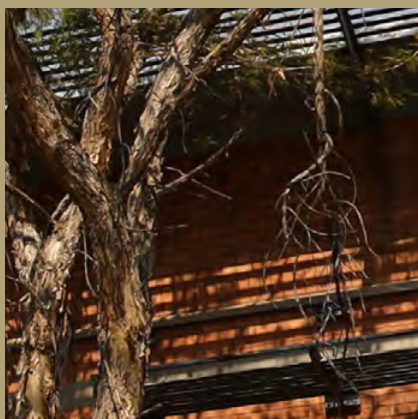


ANNUAL REPORT
2022/2023



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PART A:

GENERAL INFORMATION



GENERAL INFORMATION

Registered name	National Consumer Tribunal (NCT or the Tribunal)
Physical address	Ground floor East Wing Building B Lakefield Office Park 272 West Avenue (Cnr West Ave and Lenchen Ave North) Centurion 0157
Postal address	Private Bag X 110, Centurion, 0046
Telephone number	010 590 5200
Fax number	012 663 5693
Email address	registry@thenct.org.za
Website address	www.thenct.org.za
External auditors information	Rakoma & Associates Inc
Bankers information	Nedbank Ltd Reserve Bank of South Africa 370 Helen Joseph Street Pretoria 0002
Secretary	Ms Lezel Buttner, NCT Secretariat and Compliance Specialist

LIST OF ABBREVIATIONS/ACRONYMS

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

FOREWORD BY THE MINISTER

◆
Mr. Ebrahim Patel
Minister of Trade, Industry
and Competition



It is my pleasure to table the Annual Report of the National Consumer Tribunal (NCT) for the 2022/23 financial year, and the entity's eleventh consecutive clean audit.

In period under review, the NCT finalised 27,889 Debt Re-arrangement Agreement applications in the 2022/23 financial year comprising of 27,615 orders issued, 25 lapsed applications and 249 applications withdrawn by the filer. The orders were issued on an average of 29,2 days from date of filing. The report indicates significant improvements in turnaround times and operational efficiency.

The report reflects the work of the NCT in implementing their core mandate, and the outcome of joint efforts to align work of **the dtic's** 18 entities towards a set of three shared outcomes:

- Increased industrialisation
- Strengthened transformation in the economy; and
- Building a capable state.

Focusing around these central outcomes allows the entities in **the dtic-group** – comprising regulators, financiers and technical institutions – to pool capacities and collaborate to best deliver for South Africans.

In the 2023/24 financial year, the NCT will continue to improve work in its core mandate and within its legal mandate to align its work around a common set of outcomes for **the dtic-group**. These outcomes are focused on measuring performance in terms of real impact defined through key measures like the number of jobs supported, investment unlocked, and output generated by the work of public entities.

I thank the chairperson Mr Trevor Bailey, the Tribunal Members and the staff for their efforts in the past year and the positive operational performance.

Mr Ebrahim Patel

Minister of Trade, Industry and Competition

Date:



EXECUTIVE CHAIRPERSON'S OVERVIEW

MR. TREVOR BAILEY
EXECUTIVE CHAIRPERSON

INTRODUCTION

I am honoured to pen the National Consumer Tribunal's Annual Report and present the Audited Financial Statements for the 2022/23 reporting year.

The NCT is proud to be part of the South African democratic story. Its core function is to adjudicate applications and referrals of prohibited conduct filed with it in terms of the National Credit and Consumer Protection Acts. The report reveals the NCT's unique exponential delivery and value to the South African public in a post-Covid world accompanied by a challenging economic outlook and social uncertainty. It also provides insight into the NCT's performance and reflects on a few of the NCT's key achievements and challenges during the reporting year.

I will highlight some of them in this overview.

PERFORMANCE HIGHLIGHTS – A STRATEGIC OVERVIEW

The NCT has strategically positioned itself as a leader in online consumer adjudicative innovation without compromising the natural justice principles of impartiality and fairness.

Debt re-arrangement applications and non-debt re-arrangement applications lie at the heart of the NCT's work. The former are high-volume applications to confirm debt re-arrangements between consumers and their creditors. The latter require formal hearings, almost all online, to determine disputes in the consumer and consumer credit markets.

The NCT has strategically positioned itself as a leader in online consumer adjudicative innovation without compromising the natural justice principles of impartiality and fairness

Debt re-arrangement applications

The NCT has become quicker and better. In the face of rising caseloads and budgetary constraints, the NCT's information, communication, and technology (ICT) strategy utilised technological innovation to significantly improve operational efficiency, leading to improved turnaround times, and reduced costs. The NCT's case management system allows debt counsellors to file debt re-arrangement applications, and track and monitor their cases online. The NCT received 29,109 debt re-arrangement applications in the reporting year, a 6,9% and a 22,08% increase from the two previous years. It finalised 27,889 debt re-arrangement applications in the reporting year with a turnaround time of 29,15 days. Over four years, the NCT reduced the turnaround time by 139%. Significantly, the Tribunal now boasts a 97,44% granted order rate bearing testimony to the case management system's efficacy, and participation of credit providers and debt counsellors alike. Of the remaining 2,56%, only 0,1% percent accounted for applications for rescission or variation orders.

Debt counselling and debt re-arrangements have a special place in the National Credit Act and its regulations. Gone are the days of a bygone era, so chillingly described by the author Charles Dickens in his books *Little Dorrit* and *David Copperfield*, and the old debt collection measures under the Magistrates' Court Act, where imprisonment could follow for failing to pay debts. Instead, consumers can repay their debts dignifiedly through debt counselling, particularly in the unsecured lending market. Consequently, the NCT's debt re-arrangement orders continue to give meaning to the Constitutional right to dignity, particularly to the 27,889 debt-stressed consumers and their families in the reporting year.

Non-debt re-arrangement applications

During the reporting year, the NCT received 210 non-debt re-arrangement applications, a 33,76% increase from the previous year. It finalised 191 cases and issued final

judgments with a turnaround time of 17,43 days. The NCT also issued approximately 300 other orders and rulings.

The NCT is contributing to building a new South African consumer jurisprudence by delivering high-quality judgments. During the reporting year, only nine final judgments were reviewed or appealed in the High Court. Those cases are working their way through the court system. Three appeals and reviews were finalised during the reporting year. One was withdrawn and two were deemed as dismissed.

Both the National Credit Regulator and the National Consumer Commission refer applications to the NCT. Consumers may do so with the permission of the Tribunal. In the reporting year, consumers comprised 68,57% of the non-debt re-arrangement applications compared to 36,4% and 53,5% in the two previous years. The upward trend is significant and a testament to the NCT's efforts to give meaning to the constitutional right of access to justice before a court or impartial tribunal.

As an adjudicative entity, the NCT is bound by the law and the facts of each case the regulators, consumers, suppliers, and credit providers place before it. So, we are creatures of habit in the way we go about our work to ensure certainty in our jurisprudence, and the consumer and credit markets.

The founding legislation requires the NCT to act expeditiously. Following a pilot project in the previous year, we have, almost exclusively, electronically dispatched hearing files to the Tribunal members. Consequently, the NCT has dramatically reduced courier and printing costs. The online accessibility to all case information has improved communication between the NCT's registry office and the Tribunal members.

We have piloted a project that processes the Tribunal members' claims online. The pilot has produced outstanding results. The administrative burden on the Tribunal members is reduced almost entirely. Our cash flow management is enhanced, and we pay members weekly instead of monthly. In this regard, The NCT

believes that it is the quickest-paying Tribunal in the country.

Previously, the NCT allocated debt re-arrangement applications monthly to the Tribunal members. We now do so weekly, enabling the Tribunal members to make orders seven days a week at any time of the day or night. The result is more controlled case management, quicker turnaround times, and expedited justice. This is an outstanding achievement.

The NCT has continued to closely monitor its online case flow processes. In almost all instances, the non-debt re-arrangement applications are set down more quickly for hearing within three weeks of the pleadings having closed. An encouraging cost-saving development for both the NCT and the parties is how the parties are empowering themselves. They now more often request the NCT to remove their cases from the hearing roll to enable them to conclude settlement agreements that may be more suitable to them.

BENEFITS OF THE NCT'S JUDGMENTS AND ORDERS

The Tribunal's expeditious handing down of judgments brings certainty and a conclusion to the parties' disputes. In the absence of compliance with the Tribunal's judgments, our certificates of prohibited conduct enable parties to enforce their judgments through the high and magistrates' court procedures.

The NCT's work contributes to the fight against poverty and prevents the deterioration of living environments. Our judgments and orders prevent the repossession of consumers' homes, motor vehicles, and other movable assets because they give consumers more time to repay their debts at reduced interest rates or in some instances without interest. These achievements contribute to healthier communities. The stress and resultant mental health issues accompanying indebtedness are increasingly cause for concern.

CHALLENGES AND OPPORTUNITIES

Some other benefits of the case management system are worth mentioning. The credit providers may register on the system to view all their cases and orders. The debt counsellors no longer need to issue consent orders to credit providers because the system issues the orders directly to them. An online platform allows debt counsellors to withdraw applications filed on the system. And things are going to get even better. We are developing a mobile application that allows debt counsellors to file debt re-

arrangement applications using cellular phones. So too, is a platform for registered credit providers to oppose the applications. Please watch this space!

However, many debt counsellors continue to use the magistrates' court to obtain debt re-arrangement orders at a greater cost and time to the consumer than if they used the NCT and derived the benefits of the system. This is our challenge. In a fast-changing world, the NCT aspires to be the preferred adjudication platform for all debt re-arrangements falling within its jurisdiction. It aims to issue orders within 20 days of applications complying with the regulations. We are also developing improved checks on the system to increase the granted orders to 100%, excluding opposed applications and issues of a legal nature. Consequently, the NCT will continuously communicate the cost and time benefits of using the case management system rather than the magistrates' courts to the debt counsellors.

The NCT is almost entirely dependent on technology to fulfil its mandate. It must ensure that the ICT unit is capably led and has sufficient skilled resources to maintain and develop its infrastructure. We have recently commenced prioritising the ICT resourcing needs to ensure the organisation continues to perform optimally.

OUR STRATEGIC FOCUS OVER THE MEDIUM TO LONG TERM

A former president of the United States, John F. Kennedy said that change is the law of life and those who look only to the past or present are certain to miss the future. The NCT, therefore, seeks to be flexible. We will continue to strive for what is potentially possible. Within our available resources, we aim to contribute towards transformation, industrialisation, and building a capable South African state. As a creature of statute, the NCT will continue over the medium to long term to ensure its legislative compliance. It will play its role in promoting a fair and accessible consumer and credit market by ensuring fair and inquisitorial adjudicative processes.

We aim to continue increasing stakeholder confidence through expeditious judgment writing and developing a unique South African credit and consumer jurisprudence. We will also investigate how emerging artificial intelligence can assist the NCT to perform quicker, better, and more efficiently.

The NCT is collaborative. We have high hopes to build knowledge and share experiences with similar regulatory and adjudicative bodies both locally and internationally. The NCT will continue collaborating with entities in the DTIC and provide ICT support.

The NCT is enthusiastic about its communication strategy. It aims to build the NCT's profile by creating awareness of the NCT's adjudicative offerings and the possibilities for consumers, suppliers, and credit providers to obtain redress.

Our intern programme, comprising eight interns per year, has gained traction. We aim to increase our job shadowing programme to final-year tertiary students and partner with schools to create career awareness. The NCT will continue to support and encourage persons with disabilities to seek fulfilling careers at the NCT.

FISCAL PRUDENCE AND GOOD GOVERNANCE

We are proud of 11 uninterrupted clean audits. Sound financial practices and good corporate governance are non-negotiable. Our fiscal management details appear in the Audited Financial Statements. We will continue to enhance and develop our internal controls.

EVENTS AFTER THE REPORTING DATE

I am unaware of developments since the end of the financial year that may impact the information in this report.

ACKNOWLEDGMENTS

I wish to thank the Honourable Minister of Trade, Industry and Competition, Mr. E Patel, for his leadership and support to the NCT during the year. The Chief of Staff, Mr. M Ebrahim, has been particularly helpful. The NCT appreciates the support of the Acting Director-Generals and their teams at the Consumer and Corporate Regulation Division led by Dr. E Masotja, and the Head of Public Entity Oversight, Ms. N Matomela.

The year saw the terms of the first members of the Tribunal come to an end. It would be remiss not to acknowledge their enormous contribution over many years. The current Tribunal stands on their shoulders, particularly those of the first executive chairperson, Ms. D Terblanche, for her foresight and dedication in making the NCT the organisation it is today.

My sincere gratitude goes to all the Tribunal members, members of governance committees, the management team, permanent staff, and interns for their commitment and diligence in ensuring that the NCT successfully executes its mandate. Bravo to you all!

CONCLUSION

The NCT is bridging South Africa's past and present. While the NCT has achieved much since its inception, its exponential growth shows that its work in giving meaning and content to the right of access to justice enshrined in the Constitution is just beginning. I believe that the NCT's continuous search for new ways to achieve its objectives will ensure that it is a major role model, catalyst, and contributor to the new South Africa. This should always be the NCT's big picture, and it will always be a great challenge. I am confident that the NCT will continue to release the seed of creative energy within it to meet this challenge.



Mr. Trevor Bailey

Executive Chairperson

National Consumer Tribunal

31 July 2023

STRATEGIC OVERVIEW



VISION

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



MISSION

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

GUIDING PRINCIPLES

The NCT's guiding principles define its approach to adjudication and are aligned and resonate closely with the NCT's values. These legislative provisions require that it conducts its hearings in a manner that is:

- Inquisitorial (within the cases of the parties)
- Expeditious (where non-compliance with procedures may be condoned)
- Informal
- In accordance with the principles of natural justice.



VALUES

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

THE NCT's VALUES ARE:

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

Key value drivers

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

The following key value drivers were determined for the 2022/ 23 financial year:

- (1) To be an ethical and people-oriented organisation.
- (2) Be service-oriented, expeditious and easily accessible.

- (3) Be bold pioneers and thought leaders.
- (4) Create a safe, secure and enabling working environment.
- (5) Provide learning and future employment opportunities for our people, especially the youth.

Strategic outcome-oriented goals

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

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

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

Legislative and other mandates

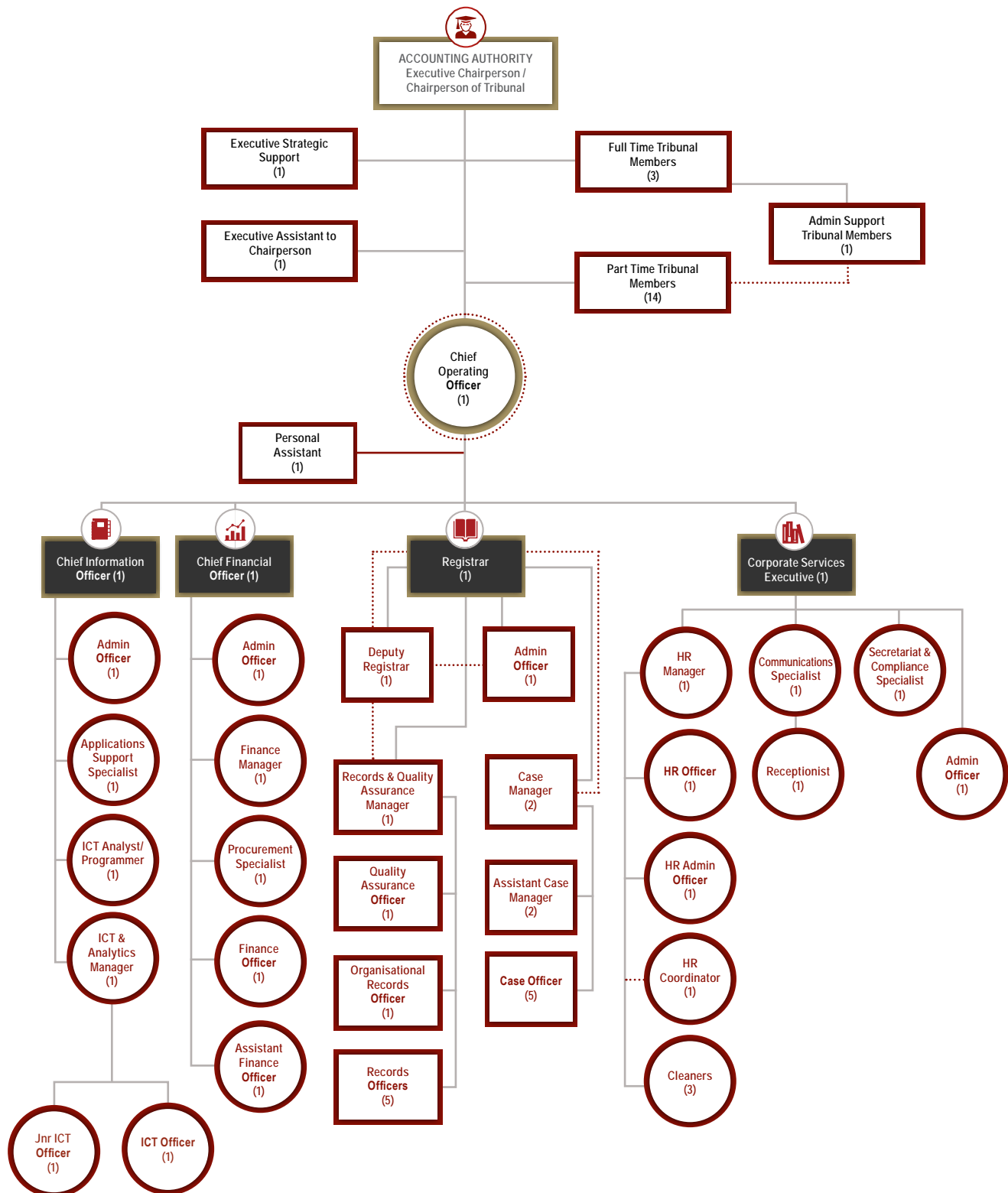
The NCT is an independent adjudicative entity that derives its mandate from the National Credit Act, Act No. 34 of 2005 (NCA) and the Consumer Protection Act, Act No. 68 of 2008 (CPA). It is classified as a Schedule 3A entity in terms of the Public Finance Management Act, Act No.1 of 1999 (PFMA).

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

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

ORGANISATIONAL STRUCTURE

THE ORGANISATIONAL STRUCTURE OF THE NCT AS OF 31 MARCH 2023 WAS AS FOLLOWS:



VACANCIES AS OF 31 MARCH 2023

- Chief Information Officer
- HR & Facilities Manager
- Records Officer

PART B:

PERFORMANCE INFORMATION



EXTERNAL AUDITORS REPORT: PREDETERMINED OBJECTIVES

The External Auditors currently oversee the necessary audit procedures on the NCT's performance information to provide reasonable assurance in the form of an audit conclusion. The audit conclusion on the performance against predetermined objectives is included in the Report to Management, with material findings reported

under the rubric of Predetermined Objectives heading in the section entitled Report on other Legal and Regulatory Requirements of the Auditor's Report.

Refer to pages 66 to 68 of the External Auditors' Report, published under Part E: Financial Information



SITUATIONAL ANALYSIS

ORGANISATIONAL ENVIRONMENT

The Tribunal entered the 2022/2023 financial year with 2,723 pending applications from the 2021/2022 financial year comprising 2,577 Debt re-arrangement applications (DRAs) and 146 non-Debt re-arrangement applications (Non-DRAs). During the year reported on, the Tribunal received 29,319 applications and finalised 28,087 applications. As a result, it carried over 3,955 applications comprising 3,797 DRAs and 158 Non-DRAs into the 2023/2024 financial year. During the reporting period, the Governance Committees of the NCT continued to operate effectively. The overall operations of the NCT were strengthened by means of the establishment of various operational committees.

KEY POLICY DEVELOPMENTS AND LEGISLATIVE CHANGES

The National Credit Amendment Act

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

Amendments to the Rules of the Tribunal¹

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

PROGRESS TOWARDS ACHIEVEMENT OF INSTITUTIONAL IMPACTS AND OUTCOMES

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

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

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

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

Strategic outcome-oriented goals

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

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

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

STRATEGIC OBJECTIVES

The NCT bases its performance on its legislative mandate as set out in the NCA and CPA as well as its Annual Performance Plan (APP) 2022/23 - 2024/25 and Strategic Plan 2022/23 - 2025/26. Performance targets and the budget for the year are based on these plans and are informed by the Business Plan.

The following strategic objectives were set for 2022/2023:

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

The NCT's performance against these objectives is set out on page AA and pages BB to CC.

PERFORMANCE INFORMATION BY PROGRAMME

Programme 1: Adjudication

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

The following sub-programmes fall under this programme:

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

Strategic objectives

The NCT's performance against three objectives is set out in Table 3. The following strategic objectives were set for 2022/2023 for this programme and its sub-programmes:

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

Table 3: Performance against predetermined objectives (Adjudication)

PROGRAM/ SUB-PROGRAMME: ADJUDICATION								
Outcome	Output	Output indicator	Audited Actual Performance 2021/2022	Audited Actual Performance 2022/2023	Planned Annual Target 2022/2023	Actual Achievement 2022/2023	Deviation from planned target to Actual Achievement 2022/2023	Reason for deviations
Stakeholder confidence in the NCT - inspired by high-quality adjudication and case management. A readily accessible NCT that shares information and co-operates with stakeholders.	Responsive, timeous service to stakeholders in line with the mandate.	Average number of days from the filing of DRA to date of issuing order to filing parties.	30,74. days	29,15 days	60 days	29,15 days	Exceeded	The Tribunal has adopted a new DRA allocation process from allocations monthly to allocations weekly. This has optimised utilisation of Tribunal Members and has allowed for even faster turnaround times.
Stakeholder confidence in the NCT - inspired by high-quality adjudication and case management. A readily accessible NCT that shares information and co-operates with stakeholders.	Responsive, timeous service to stakeholders in line with the mandate.	Average number of days from date of close of pleadings of non-DRA to date of issuing a notice of set down to filing parties.	9,86 days	6,85 days	15 days	6,85 days	Exceeded	The Tribunal has developed strong internal systems to ensure efficiencies in a virtual working environment. This has streamlined work-flow processes and has allowed for set downs to be issued faster than anticipated.
Stakeholder confidence in the NCT - inspired by high-quality adjudication and case management. A readily accessible NCT that shares information and co-operates with stakeholders.	Responsive, timeous service to stakeholders in line with the mandate.	Average number of days from date of final adjudication of non-DRA to date of issuing a judgement to filing parties.	10,96 days	17,43 days	20 days	17,43 days	Exceeded	The Tribunal have exploited the virtual hearing environment to maximise the speed of adjudication which allowed judgements to be finalised at a faster rate than anticipated.
Stakeholder confidence in the NCT - inspired by high-quality adjudication and case management. A readily accessible NCT that shares information and co-operates with stakeholders.	High-quality adjudicative decisions that create consistent jurisprudence in consumer, credit and debt intervention matters.	Number of cases overturned on review in Supreme Court.	0 cases overturned	0 cases overturned	0 cases overturned	0 cases overturned	Not applicable as the target was achieved	Not applicable
A readily accessible NCT that shares information and co-operates with stakeholders.	Co-operation and information sharing on permissible matters between regulatory system stakeholders.	Number of structured interactions and engagements with external stakeholders including events, structured meetings and joint forums at which presentations were made.	29 engagements	51 engagements	20 engagements	51 engagements	Exceeded.	The roll-out of the CMS required more structured engagements with debt counsellors to promote easier access to Tribunal services.

CASE-FLOW MANAGEMENT

Introduction

Case-flow management is the process that manages the flow of an application from the time it was filed with the Tribunal to the finalisation of the application. Records management whilst integrated to the case-flow management process extends to the records lifecycle and includes both case and non case-records.

Applications may be brought by the National Credit Regulator (NCR), the National Consumer Commission (NCC), consumers, credit bureaus, credit providers, debt counsellors, payment distribution agents, alternative dispute resolution agents and service providers.

To ensure processing efficiencies, the Tribunal categorised the different types of applications that it has the power to adjudicate on into two categories namely Debt re-arrangement applications (DRA's) and Non Debt re-arrangement applications (Non-DRA's). DRA's are applications filed by Debt Counsellors (DC's) after an agreement is reached between the consumer and that consumer's credit providers on repayment terms. Non-DRA's refers to all other applications that can be filed at the Tribunal. The categorising of these types of applications allow for distinctive processing innovations and streamlined management.

Office of the Registrar

The office of the Registrar is responsible for effective, efficient and intelligent management of cases filed at the Tribunal, including the management of non case-records.

Objectives for the year

The office of the Registrar developed three unit objectives that support the strategic aspirations of the NCT.

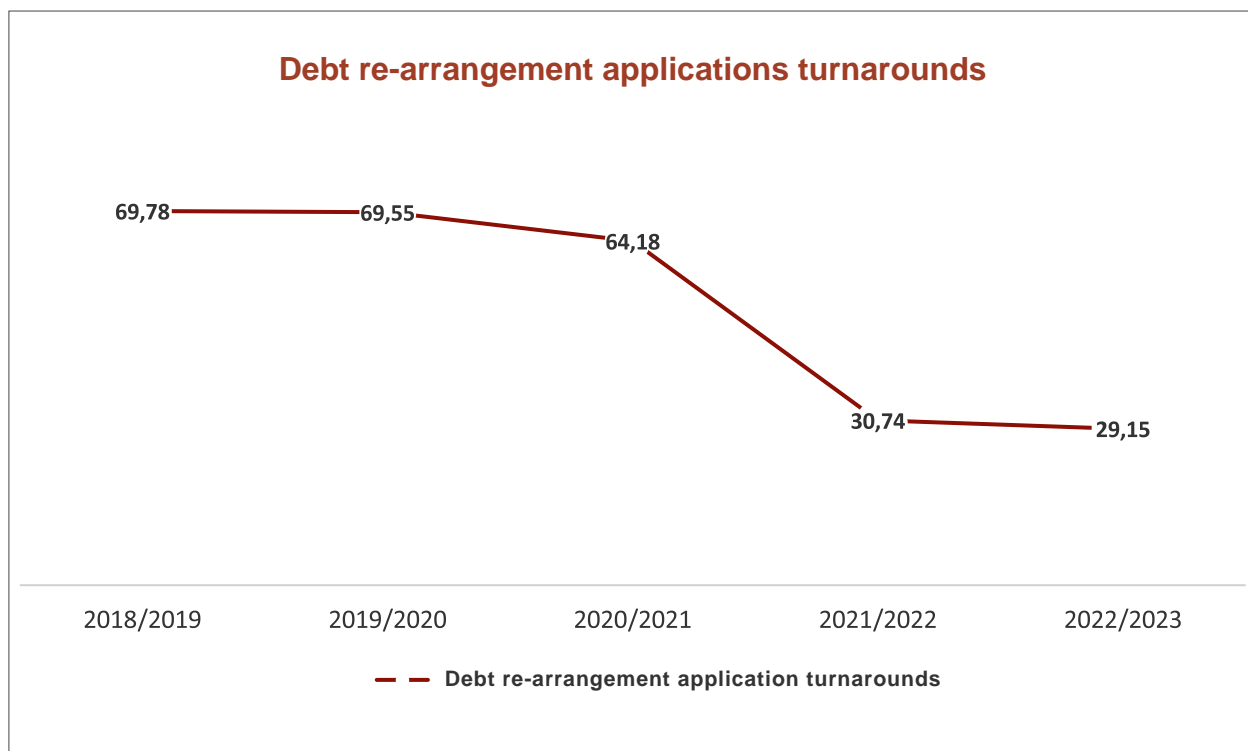
- (1) Effectively, efficiently and intelligently managing all the cases filed with the Tribunal
- (2) Effectively and efficiently managing the NCT's case records
- (3) Conducting stakeholder engagements with filing parties

OBJECTIVE 1: Effectively, efficiently and intelligently managing all the cases filed with the Tribunal

Category 1 DRA's

The Tribunal finalised 27,889 DRA applications in the 2022/23 financial year comprising of 27,615 orders being issued, 25 applications lapsed and 249 applications withdrawn by the filer. The orders were issued on an average of 29,15 days from date of filing to date of the DC filing the application to the date that the Tribunal issues the orders to parties.

The below table provides a graphic representation of the turnaround improvement over the last five financial years.



The 29,15 days average turnaround includes a 15 day period when the Tribunal cannot take the matter forward as pleadings in the matter are still open and credit providers remain during that period at liberty to withdraw their consent to the debt re-arrangement application. Effectively a DRA application is adjudicated on within 14,15 days from the time it has become adjudication ready. The dramatic improvement in turnaround over the last two financial years can be attributed to a process re-design where the final order was revised to exploit the intelligence of Tribunal's case management system. Whilst the turnaround is relatively similar to that of the previous years incremental innovation is being used to maximise the benefits of the expeditious adjudication.

Since inception the Tribunal was only able to adjudicate on one (1) DRA on a daily basis however an expanding digital landscape provided the opportunity for innovation resulting in the Tribunal being able to adjudicate on 80 DRA's on a daily per Tribunal Member. This has allowed the Tribunal to better manage its' limited Tribunal Member capacity whilst still delivering value to the public.

Tribunal Members are able to adjudicate anywhere in the world at whatever time is suitable to them for adjudication. Filers have the same benefit when it comes to filing of an application. The increased accessibility to file, the ease of filing, and the speed of filing has made the Tribunal a vehicle for achieve what the NCA sought to achieve in relation to debt review.

Notwithstanding efficiency, quality of output matters, in the 2022/23 financial year 97,44% of orders issued by the Tribunal was granted. Those that were not granted can be linked to interest rates being too high, creditors withdrawing their consent, filing errors by DC's etc.

Whilst the statistics above provides a picture of the intelligence, effectiveness and the efficiencies in the management of DRA's at the Tribunal, it does not reflect on the societal impact of the granting of these orders.

South Africa can be assured that in 2022/23, the Tribunal contributed to 27,615 consumers and the families being released from the depth of their financial and emotional stress. This is because once a debt re-arrangement is accepted the consumer can be assured that compliance with the order will keep their homes and vehicles safe from repossession, allow them to pay their other debt and still be able to financially support themselves.

Category 2 Non DRAs

Non-DRA applications are more complicated than DRA's. It is often disputed matters and requires an argument to be presented prior to the drafting and issuing of a ruling. These matters often require a panel of three Tribunal Members to adjudicate. Almost all Non-DRA cases

include interlocutory applications to be adjudicated on prior to final adjudication. This means that there are multiple cases within a case before a final judgment is issued. This is required to give effect to the inquisitorial nature of the Tribunal as well as the requirement to align itself to principles of natural justice.

In analysing the process flow, its evident that the Tribunal is in control of the matter after pleadings close (the point in time when a matter is adjudication ready) and after the completion of the hearing.

To ensure efficiencies is integrated into the case-flow the Tribunal measures itself against the average number of days from the close of pleadings to issuing a set down to the parties and the average number of days from final adjudication to issuing a judgement to parties.

The Tribunal in the 2022/23 financial year issued set notices within 6,85 days from close of pleadings on average. The process to issue a set down includes a review of the reconciliation of all filing avenues, an assessment of what it means for the case-flow, a review of the case file, a creation of a report on matters that have pleadings closed with information to allow for smart date allocations, the review of the report, the planning of the hearing roll, the submission of the hearing dates, the drafting of the set-down notices and the issuing of these notices. All these activities have been accomplished within an average turnaround of 6,85 days.

The Tribunal in 2022/23 financial year issued judgements on an average of 17,43 days whilst its target was 20 days to issue a judgement from date of final adjudication. This target ensures justice is not delayed. To issue a judgement the Tribunal Member panel is required to apply their mind to the papers filed and the arguments presented, analyse that in relation to various pieces of legislation and case law precedent before drafting a judgement. That judgement is then subject to a quality assurance tool before the judgement is issued to the parties. These judgements impact how the consumer and consumer credit industry interpret legislation and shape the behaviour of the market. It also provides individual relief in instances.

The Tribunal in almost all instances created the capability to host its hearings online which allows for parties not to be prejudiced by the location of the NCT as well as for stronger financial benefit for the NCT.

Whilst the NCT has created intelligent processing efficiencies it also monitors the quality of its processes and its judgements by tracking the number of matters overturned on review at the Supreme Court. It has had no matters overturned on review during this reporting period.

OBJECTIVE 2: Effectively and efficiently managing the NCT's case records.

Within the office of the Registrar is a records and quality assurance unit. Case records are intrinsically linked to adjudication and ensures the completeness of a case file that is used for the purposes of adjudication. It also considers the need for Tribunal Members to prepare for the hearing. Currently the Tribunal provides case files to Tribunal Members at least 12 days prior to the hearing which allows for preparation time. The quality of the record is evident in the fact that 0 cases were overturned on review at the Supreme Court.

OBJECTIVE 3: Conducting stakeholder engagements with filing parties

The Tribunal has set up a weekly training session for DC's filing with the Tribunal. This session involves staff members from both the office of the Registrar and the ICT unit. The session provides an opportunity for DC's to be trained on both legal aspects related to filing of applications as well as on the use of the case management system. This is supplemented by bi-weekly update sessions with DC's. Smaller meetings are set up so the Tribunal can spend time with DC's on a more intimate level. This is to ensure stakeholder management is prioritised.

Our team during the Non-DRA process proactively identifies filers that need assistance in filing their applications. Once identified requests for individual

meetings are set up and our case management staff spend time assisting these filers.

Case Statistics

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

CATEGORY	TOTAL PER CATEGORY	OVERALL TOTAL
Total Cases C/ O into 2022/2023		2,723
a. Debt re-arrangements	2,577	
b. Non Debt re-arrangements	146	
Total Cases filed 2022/23		29,319
a. Debt re-arrangements	29,109	
b. Non Debt re-arrangements	210	
Less Total Cases finalised in 2022/23		28,087
a. Debt re-arrangements	27,889	
b. Non Debt re-arrangements	198	
Total Cases Pending as at year end		3,955
a. Debt re-arrangements	3,797	
b. Non Debt re-arrangements	158	

DRA

There has been a slight increase in the number of DRA cases filed at the Tribunal. This can be attributed to the number of DC specific stakeholder engagements conducted in the 2022/2023 financial year. However it was only 199 DC's that accounted for these filings.

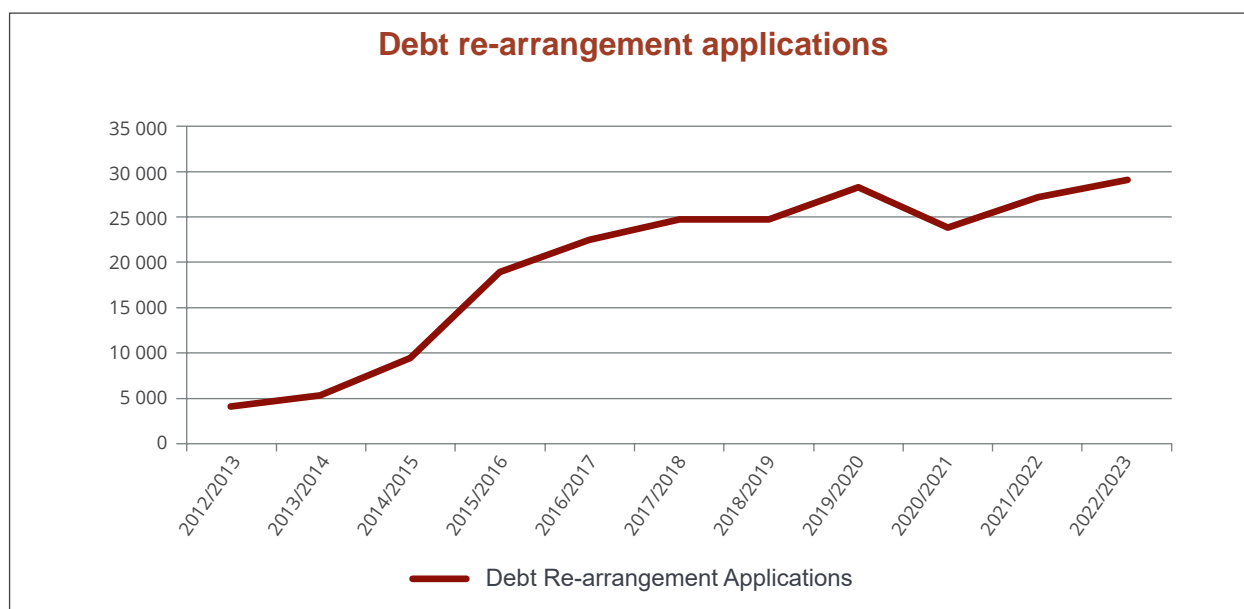


Fig. 1: DRAs received per year from 2012/13 to 2022/23

The Tribunal has finalised 27,889 DRA's in the same period ensuring that adjudication output is aligned with filing input. The difference between the number of DRA filed and finalised is linked to the 15 day pleading period that the Tribunal cannot take a matter forward.

NON DRAS

The Tribunal received 210 Non-DRA's cases in the financial year 2022/2023 an increase of 33,76 % from the number of filings received in the 2021/2022 financial year. The growth in the volume of cases is due to an increase in the number applications filed at the Tribunal by non regulatory filers (primarily consumers).

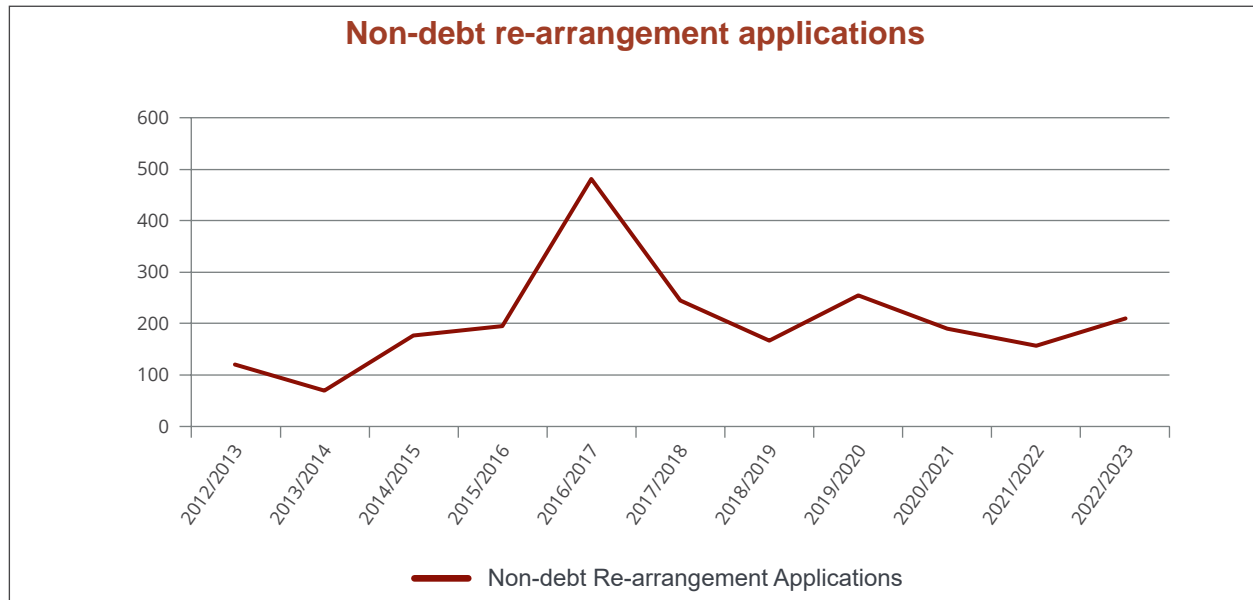


Fig. 3: Non-DRA's received per year from 2012/13 to 2022/23

In the 2022/2023 financial year 68,57% Non-DRA's was filed by non-regulatory filers. This is the highest percentage of non-regulatory filer filings since inception with the 2020/2021 financial year recording 36,64%, and the 2021/2022 financial year recording 53,50%. The continuous increase is indicative of the Tribunal's growth in terms of its strategic aspiration to be more accessible and is further aligned to the over-achievement on stakeholder engagements target.

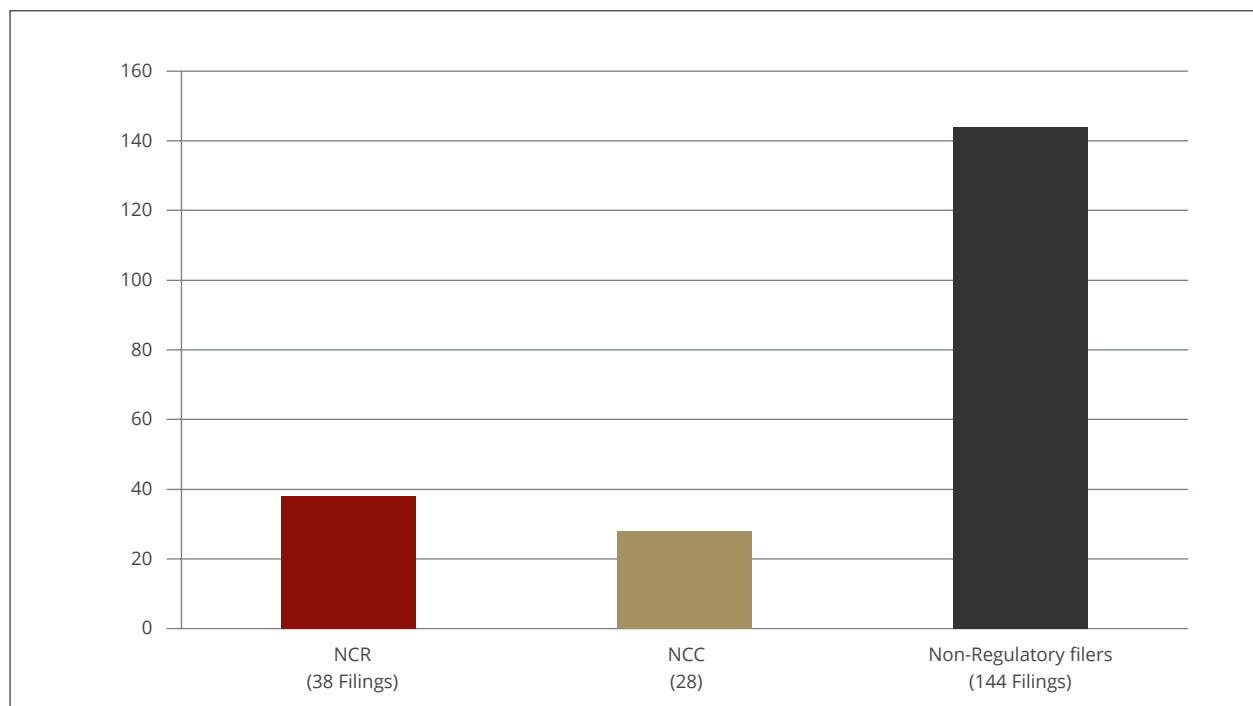


Fig. 2: Non-Debt re-arrangement filers

The 210 Non-DRA's comprise of 122 NCA matters and 88 CPA matters. The increase in CPA matters from 48 in the 2021/22 financial year to 88 in this financial year is indicative of increased awareness.

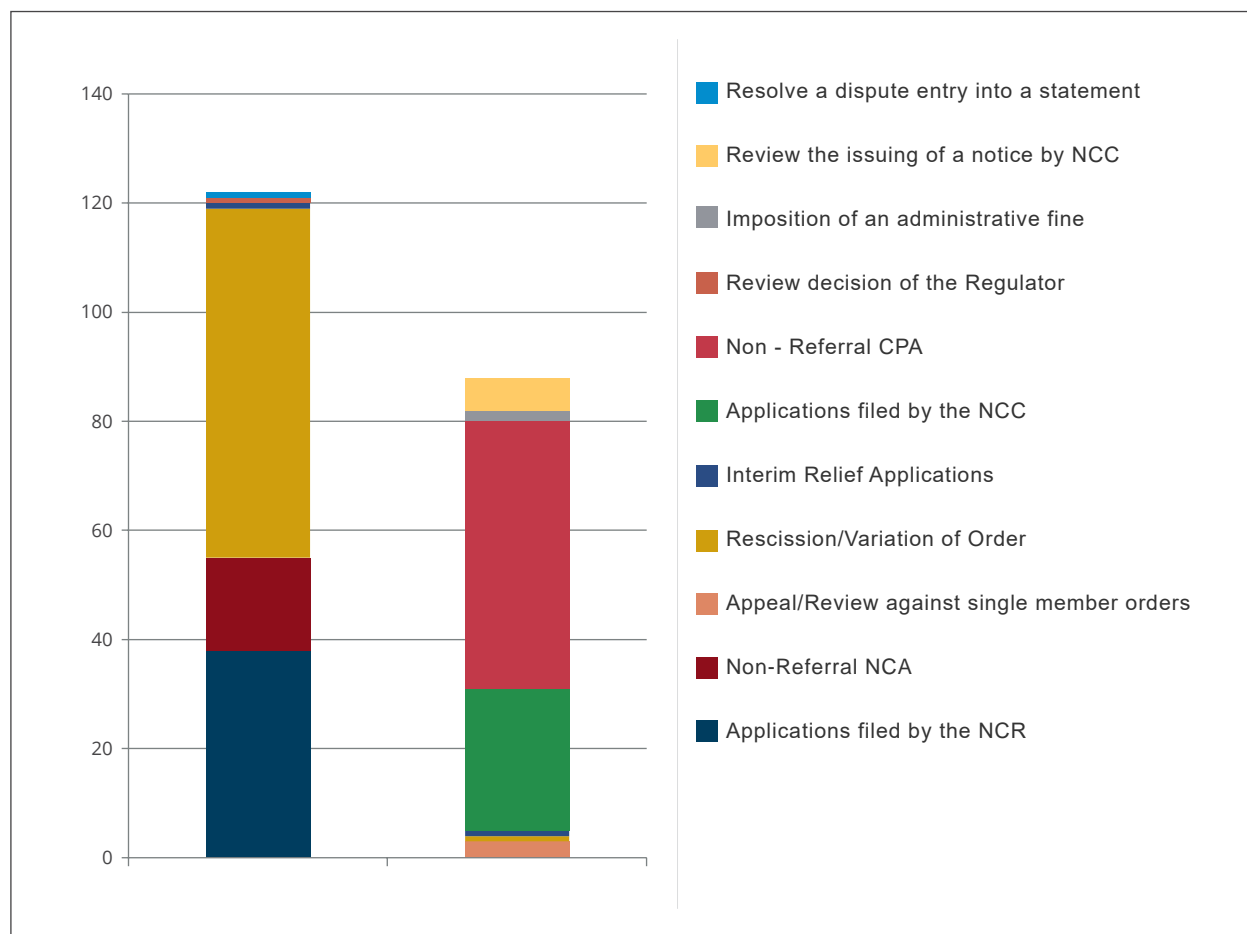


Figure 4: Non-DRA's received per application type

Table 5: CPA Application break-down

ACT SECTION	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	TOTAL
70(3)b Application for a consent order after dispute resolution by alternative dispute resolution agent	-	-	2	-	-	-	-	-	-	2
73(2)(b) NCC referrals	2	1	2	5	2	2	20	18	26	78
Imposition of an Admin Fine	-	-	-	-	-	-	1	-	2	3
Urgent interim relief 114	-	-	-	-	-	-	1	-	1	2
75(1)(b) Applications for leave to refer a non-referral directly	7	23	25	60	42	43	13	21	49	283
101 (1) Objection to a compliance notice	-	-	-	-	-	-	-	4	6	10
74(1) Application for consent order	-	-	-	-	2	1	-	1	-	4
Rule 4- Certification of Class Action	-	1	-	1	-	-	-	-	-	2
60(3,101) Application by producer or importer to review A Notice issued by Commission in terms of Sections 60(2)	-	-	1	-	-	1	5	4	-	11
Rescission or variation of a CPA application	-	-	-	-	-	-	-	-	1	1
S148 Appeal of a CPA Application	-	-	-	-	-	-	-	-	3	3
Total CPA applications	9	25	30	66	46	47	40	48	88	399

Table 6: NCA Application breakdown

ACT SECTION	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	TOTAL
165(1) Rescission of variation of NCT order	53	43	100	91	41	65	35	37	64	529
137(3) Application upon failure of alternative dispute resolution	35	12	2	2	-	-	-	-	-	51
140(1) NCR referrals	15	38	15	14	20	20	16	16	4	158
56(1) Objection to a compliance notice	4	1	-	2	4	1	-	1	-	13
57(1) Cancellation of registration of registrant	25	15	19	22	35	42	31	20	5	214
115(1) Disputed entry on a statement	5	1	1	-	-	-	-	-	1	8
128(1) Review of a sale of goods	1	3	2	2	-	-	-	-	-	8
148(1) Appeals and reviews	14	2	2	6	7	4	1	3	-	39
149(1) Interim relief	3	29	4	7	1	7	-	-	1	52
59(1) Review of a decision by the NCR	3	-	3	2	1	1	1	-	1	12
71(3) Application by a consumer to review a decision not to issue or failure to issue a clearance certificate	1	5	2	6	-	-	1	-	-	15
141(1) Applications for leave to refer a non-referral directly	6	12	18	13	5	29	13	11	17	124
138 read with 135(b)(ii) Application for consent order after alternative dispute resolution.	1	2	3	-	2	33	47	15	26	129
55(6) Failure to comply with a compliance notice	2	2	1	-	-	2	1	2	-	10
114(1) Application by a consumer upon failure to produce a statement	-	2	272	2	-	-	-	-	-	276
164(3) Application to the NCT for a certificate declaring conduct to be prohibited or required in terms of the Act	-	-	1	5	3	4	-	-	-	13
99(2) Application by a consumer for compensation from a pawnbroker in lieu of property	-	1	-	5	1	-	-	3	-	10
142 Application to limit obligations in respect of frivolous, vexatious or unreasonable requests	-	-	1	-	-	-	-	-	-	1
Application by NCR for leave to refer without an investigation	-	-	-	-	1	-	5	1	3	10
Total NCA applications	168	168	446	179	121	208	151	109	122	1672

ADJUDICATION

Introduction

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

Tribunal members

The President of the Republic of South Africa appoints Tribunal Members to fulfil the Tribunal's adjudicative function. The composition of the Tribunal includes 11 members, that is, three full-time and 8 part-time Tribunal members, excluding the Executive Chairperson. Currently, once the selection and recommendation process has been completed by Cabinet, the President delegates this function to the Minister of Trade, Industry and Competition.

A review of the CVs of the Tribunal Members (see Annexure A on page 102 of this Report) illustrates this group's wide range of qualifications and experience, which explains the NCT's success in its adjudication of cases.

**Table 8: Tribunal members**

Re-appointed and new Tribunal Members	Tribunal Members who resigned or whoms contract ended during the reporting period
Mr Trevor Bailey - Executive Chairperson	Prof Joseph M. Maseko - Executive Chairperson
Ms Nomfundo Maseti – Part-time Member and Deputy Chairperson	Dr Laura Best - Part-time Member & Deputy Chairperson
Ms Hazel Alwar, V. Devraj – Full-time Member	Adv. John R. Simpson – Full-time Member
Dr Andisa Potwana – Full-time Member	Ms Diane R. Terblanche – Part-time Member
Ms Zodwa Ntuli – Full-time Member	Ms Penelope Beck - Part-time Member
Dr Maria Peenze - Part-time Members	Ms Xolela C. May - Part-time Member
Prof Kasturi Moodaliyar – Part-time Member	Mr Fungai K. Sibanda - Part-time Member
Mr Selwyn Hockey – Part-time Member	-
Ms Phumla Manzi-Ntshingila – Part-time Member	Adv. Frans K. Manamela - Part-time Member
Mr Sithembiso Mbhele- Part-time Member	Prof Bonke C. Dumisa - Part-time Member
Mr Joseph Ntsoane – Part-time Member	Prof Tanya Woker - Part-time Member
Adv Craig Sassman – Part-time Member	Adv. Neo H. Sephoti - Part-time Member

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

The adjudication process

Table 9: Adjudication statistics

TOTAL NON-DRAS FINALISED 2022/23	198
Judgements issued (including settled and confirmed)	166
Applications withdrawn	19
Condonation refused	13
INTERNAL APPEALS/ REVIEWS FILED 2022/23	3
Appeals/ reviews upheld	0
Appeals/ reviews dismissed	2
Pending	1
EXTERNAL FROM 2007 TO 31 MARCH 2023	672
Appeals/ reviews upheld	7
Appeals/ reviews dismissed	18
Pending	36
Settled	3
Withdrawn	3

APPEALS AND REVIEWS

An internal appeal/review occurs when the decision of a single Tribunal member is taken on appeal or review, and the application is considered by a three-member Tribunal panel. This panel will then either uphold the decision or uphold the appeal or review. If an external appeal or review goes against the decision of a three-member Tribunal panel, the appeal or review is heard by the High Court and the High Court judge(s) will then either uphold the Tribunal decision or uphold the appeal or review. No rulings were overturned on review in the Supreme Court

2 Appeal line item 19 lead to 2 appeal outcomes therefore there are 67 outcomes however 66 appeals listed on Table 9

Internal single-member decisions are taken on appeal or review

In total, three decisions were taken on internal appeal or review in 2022/2023, with two being dismissed and one still pending.

Table 9: Non-DRA decisions taken on appeal or review from 2007 to 31 March 2023

NO.	NCT APPLICATION	APPEAL COURT CASE NO.	APPEAL COURT DECISION	DATE OF JUDGMENT
1.	Southern African Fraud Prevention Service Ltd v NCR NCT168/2009/54(1)	National Credit Regulator v Southern African Fraud Prevention Service Ltd 58190/2010 (North Gauteng High Court)	Appeal upheld	May 2011
2.	NCR v PM Ferreira NCT/166/2008/57(1)	NCR v PM Ferreira North Gauteng High Court 51467/2010	Dismissed	December 2011
3.	NCR v Christopher Bornman and others NCT/656/2010/57(1)(P)	Christopher Bornman and others v NCR A6/2011 (North Gauteng High Court)	Dismissed (HC)	March 2012
4.	NCR v Christopher Bornman and others NCT/656/2010/57(1)(P)	Christopher Bornman and others v NCR 798/2012 (Supreme Court of Appeal)	Dismissed (SCA)	March 2013
5.	Barko Financial Services (Pty) Ltd v NCR NCT/743/2010/56(1)(P)	Barko Financial Services (Pty) Ltd v NCR A499/ 2011 (North Gauteng High Court)	Dismissed (HC)	March 2013
6.	Barko Financial Services (Pty) Ltd v NCR NCT/743/2010/ 56(1)(P)	Barko Financial Services (Pty) Ltd v NCR 415/ 2013 (Supreme Court of Appeal)	Dismissed (SCA)	18 September 2014
7.	Telegenix Trading 340 CC v NCC and Silas Phadagi NCT/8697/2013/101(1)	Telegenix Trading 340 CC v NCT, NCC and Phadagi 726/ 2014 (North Gauteng High Court)	Dismissed	April 2014
8.	De Klerk v NCR NCT/6210/2012/57(1)	De Klerk v NCT, NCR et al 33329/ 2013 (North Gauteng High Court)	Settled	June 2013
9.	JW van Zyl v NCR NCT/3868/2012/57(1)	JW van Zyl v NCR AR620/ 13 (KwaZulu-Natal High Court)	Withdrawn	1 September 2014
10.	MC Bouah Enterprises v Dynacon Global Trading NCT/7936/2013/75(1)	MC Bouah Enterprises v Dynacon Global Trading, NCT 35836/ 2014 (North Gauteng High Court)	Pending	Pending
11.	P Byleveld v Execor Twelve (Pty) Ltd t/a Motor City & The NCC NCT/10686/2013/75(1)	Execor Twelve t/a Motor City v P Byleveld A446/14 (North Gauteng High Court)	Pending	Pending
12.	NCR v Capitec Bank Limited NCT/9152/2013/140(1)	NCR v Capitec Bank Limited & the NCT A440/14 (North Gauteng High Court)	Dismissed	February 2016
13.	NCC v Univision Services NPC & 11 others NCT/ 19486/2014/73(2)(b)	Univision NPC & Others v NCC & NCT. 97574/2015 (North Gauteng High Court)	Dismissed	November 2016
14.	NCR vs Finbond Mutual Bank NCT/26629/2015/140(1)	NCR vs Finbond Mutual Bank North Gauteng High Court	Dismissed	19 June 2018
15.	NCC v Univision Services NPC & 11 others NCT/ 19486/ 2014/73(2)(b)	Univision NPC & Others v NCC & NCT 618/2017 (SCA)	Appeal upheld	28 March 2018
16.	Moneyline Financial Services v The National Credit Regulator NCT/17884/2014/ 57(1)	Moneyline Financial Services v The National Credit Regulator A440/16 (North Gauteng High Court)	Withdrawn	Pending
17.	Motswai v House and home NCT/ 33263/2015/75(1) (B)	Shoprite Checkers (Pty) Ltd t/a House & Home v Penny Beck – Paxton N.O & 4 Others 71787/16 (North Gauteng High Court)	Settled	November 2016
18.	NCR v Lewis Stores & Monarch Insurance Ltd NCT/ 27651/2015/140	Lewis Stores (Pty) Ltd v NCR & the National Consumer Tribunal A694/ 16 (North Gauteng High Court)	Settled	4 May 2018
19.	NCR v South African Fraud Prevention Services NPCNCT/23181/2015/140(1)	South African Fraud Prevention Service v The National Credit Regulator	Cross Appeal Dismissed and Appeal upheld	17 November 2017
20.	NCR v EZ Trade	Micro Finance South Africa & Banking Association SA NPC v NCR and two others	Pending	Pending

NO.	NCT APPLICATION	APPEAL COURT CASE NO.	APPEAL COURT DECISION	DATE OF JUDGMENT
21.	NCR v Lewis Stores (Pty) Ltd	NCR v Lewis Stores (Pty) Ltd & the NCT A333/2017(North Gauteng High Court)	Dismissed	30 April 2018
22.	NCR v Lewis Stores (Pty) Ltd	NCR v Lewis Stores (Pty) Ltd & the NCT (SCA)	Pending	Pending
23.	NCR v Edcon Limited	Edcon Holding v the NCT & The National Credit Regulator Case Number: A237/17	Appeal upheld	2 May 2018
24.	NCR v Edcon Limited	The National Credit Regulator v Edcon Holding and the NCT (SCA)	Dismissed	Pending
25.	NCR v Shoprite Investments Limited	Shoprite Investments Limited v NCR Case Number: A509/17	Dismissed	Pending
26.	NCR v Hua Xiang Cash Loans CC	Hua Xiang Cash Loans CC vs NCT and two Others	Pending	Pending
27.	Makete Judah Letsoalo vs Wesbank a division of Firststrand Bank limited	Makete Judah Letsoalo vs NCT and two Others Case number: 77923/17	Pending	Pending
28.	Ian Eugene Romer Wason Coretta Makhaza vs Absa Bank Limited & 16 Others	Coretta Makhaza vs Ian Eugene Romer Wason and 16 Others Case number: 23967/18	Pending	Pending
29.	Pfumedzo Ramakumba v Debt matters (Pty) Ltd and five others	Pfumedzo Ramakumba v Debt matters (Pty) Ltd and five others 5364/2018 (HC)	Pending	Pending
30.	Marese Fourie v African Bank and four others	Marese Fourie v African Bank and four others 50756/2018	Pending	Pending
31.	Preyesh Balgobind v Benay Sager and 8 others	Preyesh Balgobind v Benay Sager and 8 others (HC) 19321/2017	Withdrawn	03 December 2018
32.	National Credit Regulator vs Deborah Anne Solomon	National Credit Regulator vs Deborah Anne Solomon A397/ 2017 (HC)	Appeal upheld	19 October 2018
33.	Lewis Stores (Pty) Ltd vs Summit Financial Partners (Pty) Ltd and two others.	Lewis Stores (Pty) Ltd vs Summit Financial Partners (Pty) Ltd and two others. A355/2018 (HC)	Dismissed	13 December 2019
34.	Information technology Consultants (PTY) LTD t/a Intecon and two Others vs National Credit Regulator and Another	Information technology Consultants (PTY) LTD T/A Intecon and two Others vs National Credit Regulator and Another 38994/2018 (HC)	Pending	Pending
35.	Legobela John Maake v Diesel Performance Truck & Bus (Pty) Ltd	Legobela John Maake v Diesel Performance Truck & Bus (Pty) Ltd 85199/2018 (HC)	Pending	Pending
36.	Volkswagen Financial Services SA vs NCT and National Credit Regulator	Volkswagen Financial Services SA vs NCT and National Credit Regulator A104/19 (HC)	Pending	Pending
37.	NCR v Dacquip Finances CC t/a ABC Financial Services Pinetown NCT/ 127619/ 2019/57(1)	Dacquip Finances CC t.a ABC Financial Services Pinetown v NCR North Gauteng High Court A333/2019	Appeal upheld	8 January 2021
38.	National Credit Regulator VS Elavation Trading CC t/a Xcelsior Financial Services And Xcelsior Financial Services (Pty) Ltd NCT/111201/2018/57(1)	Elavation Trading CC t/a Xcelsior Financial Services and Xcelsior Financial Services (Pty) Ltd v National Credit Regulator High Court, Gauteng Division 4350/2020	Appeal Upheld	3 February 2022
39.	National Credit Regulator v CMR Group (Pty) Ltd NCT/119696/2018/57(1)	Jacolien Barnard N.O & Beatrice Linda Mills N.O (In their capacities as joint provisional liquidators of CMR Group (Pty) Ltd) v NCR High Court, Pretoria Division A351/2019	Dismissed	22 December 2020
40.	Monica van der Heyde v A to Z Motors CC NCT/119741/2018/75(1)	A to Z Motors CC v Monica van der Heyde High Court, Gauteng Division 16051/20	Pending	Pending
41.	National Credit Regulator VS JDG Trading (Pty) Limited NCT/29052/2015/140(1)	National Credit Regulator VS JDG Trading (Pty) Limited High Court, Gauteng Local Division, Johannesburg A3086/ 19	Pending	Pending
42.	National Credit Regulator vs NCT and Tshilidzi Swuhana	National Credit Regulator vs NCT and Tshilidzi Swuhana A114/19 SCA Case Number 1095/2020 SCA CASE NR 1044/2022	Pending	Pending

NO.	NCT APPLICATION	APPEAL COURT CASE NO.	APPEAL COURT DECISION	DATE OF JUDGMENT
43.	Lewis Stores (Pty) Ltd vs Summit Financial Partners (Pty) Ltd and two others. NCT/99345/2018/141(1)(b)	Lewis Stores (Pty) Ltd vs Summit Financial Partners (Pty) Ltd and two others. North Gauteng High Court A355/ 2018	Pending	Pending
44.	Bongani Phillip Mnweba v National Credit Regulator NCT/129993/2019/59	Bongani Phillip Mnweba vs The National Consumer Tribunal & The National Credit Regulator A48175-2020 (HC – Gauteng Provincial Division, PTA)	Dismissed	Pending
45.	National Credit Regulator v Dirk Cornelius Uys N.O & 2 Others NCT/142671/2019/ 140(1)	Dirk Cornelius Uys N.O & 2 Others vs National Credit Regulator and The National Consumer Tribunal A58/2021 (HC – Gauteng Provincial Division, PTA)	Pending	Pending
46	NATIONAL CREDIT REGULATOR VS CMR GROUP (PTY) LTD NCT/119696/2018/57(1)	Cornelis Family Trust trustees (DIRK CORNELIS UYS N.O, CARL ALEXANDER GREATORX N.O and HESTER SOPHIA UYS N.O) v NCR (A58/2021)	Finalised	04 August 2022
47	National Credit Regulator VS Fast Cash Micro Finance CC NCT/157215/2020/57(1)	National Credit Regulator VS Fast Cash Micro Finance CC NCT/157215/2020/57(1)	Pending	Pending
48	NATIONAL CREDIT REGULATOR v WALTER FOBIAN T/A EASY CASH NCT/157372/2020/57(1)	WALTER FOBIAN T/A EASY CASH v NCT & 4 OTHERS 3291-2021	Pending	Pending
49	MERCEDES-BENZ FINANCIAL SERVICES SOUTH AFRICA (PTY) LTD v NATIONAL CREDIT REGULATOR NCT/107156/2018/56(1)	(A3071/2021) NATIONAL CREDIT REGULATOR v NATIONAL CONSUMER TRIBUNAL & MERCEDES-BENZ FINANCIAL SERVICES SOUTH AFRICA (PTY) LTD	Pending	Pending
50	NCC VS PLATINUM WHEELS PTY LTD NCT-171784-2020-73(2)(b)	(Case No A261) PLATINUM WHEELS PTY LTD v NATIONAL CONSUMER COMMISSION & NATIONAL CONSUMER TRIBUNAL	Pending	Pending
51	NATIONAL CREDIT REGULATOR v THE LOAN COMPANY (PTY) LTD - NCT/140518/2019/140(1)	(Case No A235/2021) THE LOAN COMPANY (PTY) LTD v NATIONAL CREDIT REGULATOR	Pending	Dismissed 30 May 2022 (Appeal at SCA)
52	BMW Financial Services SA (Pty) Ltd v NATIONAL CREDIT REGULATOR NCT/93829/2017/56(1)	(A3062/2021 - Gauteng local div JHB) NATIONAL CREDIT REGULATOR v NATIONAL CONSUMER TRIBUNAL & BMW Financial Services SA (Pty) Ltd	Pending	Appeal Upheld (Appeal in SCA)
53	SEWATUMONG MICRO LENDING CC T/A SEWATUMONG CASH LOANS v NATIONAL CREDIT REGULATOR ANOTHER - NCT/133239/2019/148	SEWATUMONG MICRO LENDING CC T/A SEWATUMONG CASH LOANS & ANOTHER v NATIONAL CREDIT REGULATOR & 4 OTHERS - 79916/20	Pending	Withdrawn
54	NATIONAL CONSUMER COMMISSION V SCOOP CLOTHING - NCT CASE NUMBER NCT/178145/2021/101(1)	SCOOP CLOTHING v NATIONAL CONSUMER COMMISSION - APPEAL CASE NUMBER A269/2021	Pending	Pending
55	NCT/175575/2021/57(1)- NATIONAL CREDIT REGULATOR v JOHAN FOURIE	JOHAN FOURIE v NATIONAL CREDIT REGULATOR - APPEAL CASE NUMBER A339/2021	Pending	Dismissed
56	NCT/102200/2018/ 57(1) - NATIONAL CREDIT REGULATOR v ASIA LAMARA	NCT/102200/2018/ 57(1) v NATIONAL CREDIT REGULATOR - APPEAL CASE NUMBER A15/20	Dismissed	Pending
57	MAWETHU ELESTER NQUNQA v EERSTE GELUK MOTORS CC - NCT/131419/2019/75(1)(b)	MAWETHU ELESTER NQUNQA v EERSTE GELUK MOTORS CC & NCT - APPEAL CASE NUMBER A55/2022	Pending	Pending
58	GREGORY ROBERT WILLIAMS v LAZARUS MOTOR COMPANY (PTY) LTD t/a LAZARUS FORD CENTURION - NCT/152160/2020/75(1)(b)	LAZARUS MOTOR COMPANY (PTY) v GREGORY ROBERT WILLIAMS & NCT - APPEAL CASE NUMBER A58/2022	Pending	Pending
59	NCT/139033/2019/75(1)- PAPANI CASSIUS NDLOVU v TOYOTA RANDBURG	Toyota Randburg a Division of the Motus Group Limited PAPANI CASSIUS NDLOVU Case no. A103/2022.	Pending	Pending
60	TSKANE ALFORD MALULEKE VS FO ISMAIL TRUST IT T006005/1994 T/A SQUAD CARS MOTOR GROUP - NCT/146540/2019/75(1)(b)	FO ISMAIL TRUST IT T/A SQUAD CARS MOTOR GROUP v TSKANE ALFORD MALULEKE & 4 OTHERS Case no. A110/2022	Pending	Pending

NO.	NCT APPLICATION	APPEAL COURT CASE NO.	APPEAL COURT DECISION	DATE OF JUDGMENT
61	NATIONAL CONSUMER COMMISSION v TITANTRADE 17 CC T/A TITAN AUTO - NCT-183856-2021-73(2)(b)	TITANTRADE 17 CC T/A TITAN AUTO vs NATIONAL CONSUMER COMMISSION and 4 others	Pending	Pending
62	NATIONAL CREDIT REGULATOR v VAVIKA FINANCE (PTY) LTD t/a VAVIKA FINANCIAL SERVICES - NCT-223376-2022-57(1)	VAVIKA FINANCE (PTY) LTD t/a VAVIKA FINANCIAL SERVICES v NATIONAL CREDIT REGULATOR Case no: 38159/2022	Pending	Pending
63	NATIONAL CREDIT REGULATOR v TITUSG TRADERS (PTY) LTD- NCT-182923-2021-57(1)	TITUSG TRADERS (PTY) LTD v THE NATIONAL CREDIT REGULATOR A& THE NATIONAL CONSUMER TRIBUNAL- Case no:A165/2022	Pending	Pending
64	NATIONAL CONSUMER COMMISSION v SANDOWN MOTOR HOLDINGS (PTY) LTD T/A MERCEDES BENZ BRYANSTON - NCT/206558/2021/73(3)	SANDOWN MOTOR HOLDINGS (PTY) LTD T/A MERCEDES BENZ BRYANSTON v NATIONAL CONSUMER COMMISSION, NCT & 4 OTHERS Case no: A2022/008411	Pending	Pending
65	SOKO COLLINS PHETOLO v NATIONAL CONSUMER REHABILITATION MANAGEMENT CENTRE AND OTHERS [11112/2022]	SOKO COLLINS PHETOLO v NATIONAL CONSUMER REHABILITATION MANAGEMENT CENTRE AND OTHERS [11112/2022]	Pending	Pending
66	NATIONAL CREDIT REGULATOR v FIRST GROUP INVESTMENT (PTY) LTD (CLUB LEISURE)- NCT/223375/2022/140(1)	FIRST GROUP INVESTMENT (PTY) LTD v NATIONAL CREDIT REGULATOR & THE NATIONAL CONSUMER TRIBUNAL. Case No: A32/2023	Pending	Pending

NOTABLE JUDGEMENTS

MICHAEL JOHANNES BESTER v LIN SHAW PROPERTIES (PTY) LTD T/A SONPARK MOTORS - NCT/233130/2022/75(1)(b)

In October 2021, the Applicant purchased a pre-owned 2006 model Volkswagen and identified severe oil leaks amongst other defects. Before the sale, the Respondent advised the Applicant that the vehicle was in very good condition and that he would repair the oil leak immediately. However, the Respondent failed to repair the oil leak, and the vehicle showed signs of being in poor working order. The Applicant brought the poor and unsafe condition of the vehicle to the attention of the Respondent, but the Respondent refused to accept liability for repairing the vehicle. The Respondent refused to refund the Applicant, and the vehicle remained in the Respondent's possession.

The Tribunal found that even though a vehicle is pre-owned, the consumer has the right to a useable and durable vehicle for a reasonable period. It was evident that the vehicle was unsafe and in poor condition from the day of purchase and not fit for purpose. On this basis, the Tribunal found that the Respondent engaged in prohibited conduct. The Respondent is ordered to pay R96 700.00 (ninety-six thousand and seven hundred rands), being the purchase price of the vehicle and the cost for two rear tyres to the Applicant.

NATIONAL CREDIT REGULATOR v CHISEVHE TRADING ENTERPRISE (PTY) LTD - NCT/223352/2022/57(1)

The Applicant sought to de-register the Respondent as a credit provider after an investigation initiated through an anonymous tip off. It was discovered through the investigation that the Respondent, retained consumers' instruments such as identity documents, bank cards and/or South African Social Security Agency cards (SASSA cards) to enforce their credit agreements. It was also discovered that interest exceeded the prescribed maximum interest rate and that no appropriate credit checks were done prior to the granting of credit. The Respondent did not oppose the application.

The Tribunal held that the Respondent's actions constituted prohibited conduct, and therefore declared the Respondent's credit agreements with the consumers in the sampled files reckless. The Respondent registration as a credit provider was cancelled and an administrative fine of R150 000 (One Hundred and Fifty Thousand) was imposed.

The Respondent, at its own cost was ordered to appoint an independent Auditor to assess the extent of the Respondent's reckless credit practice. Furthermore, within 30 days of the audit report, the Respondent must refund all amounts due as per the audit.

NATIONAL CREDIT REGULATOR v WQ PRIME CASH LOANS AND TRADING (PTY) LTD - NCT/214099/2021/57(1)

The Applicant filed an application to de-register the Respondent based on excessive interest rates, failure to conduct affordability assessments, as well as the Respondent consumers' support grants. The Respondent did not oppose the application.

The Tribunal in their ruling emphasised that one of the central tenets of the NCA is to promote responsible credit granting and to prohibit reckless credit granting. Consequently, the Tribunal held that the Respondent's contraventions amounted to prohibited conduct.

The Tribunal ordered that the registration of the Respondent be cancelled, ordered an administrative penalty of R1,000,000, 00 and ordered the refunding of monies to consumers based on the outcome of an audit that the Respondent must pay for.

NCR v MOSADI 19 TRADING ENTERPRISE (PTY) LTD - NCT-223369-2022-57(1)

The Applicant sought to de-register the Respondent based on their investigation which suggested that no proper criteria existed to conduct proper affordability assessments, unlawful contracting provisions were included in credit agreements and interest charged exceeded maximum prescribed rates. The Respondent operated in a rural township in the Mpumalanga area. The Respondent did not oppose the application.

The Tribunal found that the contraventions warranted the de-registration of the Respondent and in addition imposed an administrative fine of R100, 000,00 due to the relative size of the Respondent. The Tribunal in their ruling highlighted the fact that these contraventions had affected the most vulnerable of consumers.

NCT/140432/2019/57(1) NATIONAL CREDIT REGULATOR v ALFREDA MUNSAMY

The NCR on or about October 2017 received a complaint that related to the Respondent failing to distribute payments to credit providers and failing to obtain court orders.

The NCR investigation report concluded that the Respondent had repeatedly contravened provisions of the NCA and its Regulations. The Respondent opposed and laid an argument that the consumers were transferred to another Debt Counsellor and had indicated that they had complied with the NCA. The NCR argued that the impact

of the Respondent's conduct during the relevant period would impact on consumers after, resulting in those consumers having a bad credit record.

The Tribunal found that out of the numerous allegations brought forward, the Respondent engaged in prohibited conduct by contravening section 86(4) read with Regulations 24(2) and (1). The transgression did not warrant the severe penalty of de-registration of the Respondent. However, the Tribunal finds the transgression serious and deserving of an administrative fine.

The Tribunal found that an administrative fine of R10 000.00 is reasonable in the circumstances having considered the Respondent's honesty when making admissions during testimony and her attempts to rectify mistakes when identified.

NCT/243385/2022/57(1)- NATIONAL CREDIT REGULATOR v DRAGON LOAN (PTY) LTD

The NCR initiated an investigation after receiving a tip-off suggesting that the Respondent was charging excessive interest, targeting mainly South African Social Security Agency (SASSA) beneficiaries, including child support grant recipients.

An investigation was conducted and concluded that the Respondent contravened various sections of the Act. The NCR found the Respondent in possession of seven consumer instruments consisting of bank cards, and a driver's license. In addition to charging excessive interest, the Respondent charged VAT on service fees but failed to provide proof of registration as a VAT vendor. The NCR also found the Respondent to have extended credit recklessly to consumers. The NCR further reported that during its investigations, the Respondent and its staff refused to cooperate with the inspectors and failed to provide required information. Although properly served and notified of the matter with the Tribunal, the Respondent neither opposed the application nor appeared at the hearing.

The Tribunal deemed the transgressions of the Respondent as a complete disregard of the law. The Tribunal stated held that such unlawful conduct undermines the spirit and purport of the NCA and causes severe financial prejudice to the consumers. Consequently, the Respondent's registration as credit provider was cancelled and its repeated contraventions of the NCA were declared to be prohibited. The Tribunal further imposed an administrative fine of R900 000 and ordered the Respondent to return all consumer instruments to their owners or to the local South African Police Service.

K2016509726 (SA) PTY LTD v RACING TECHNIK (PTY) LTD

The Applicant (consumer as defined by the CPA) filed an application with the Tribunal as it alleged that the Respondent failed to service its vehicle in accordance with section 15 of the Consumer Protection Act, in that no quotation was provided prior to the servicing of the vehicle. The Applicant further alleged the transgression of Section 54(1), read with Section 56(3), in that the Respondent did not perform the service as invoiced in a manner and quality that persons are generally entitled to expect.

The Tribunal considered the evidence and found that the Respondent took possession of the vehicle to provide a general service. As the service should have been conducted in terms of Section 15, the Respondent was required to give an estimate of the costs involved before invoicing the Respondent.

The Tribunal made a finding that the Respondent failed to provide an estimate that satisfies the requirements outlined in Section 15(2) and further failed to obtain pre-authorisation of services as requested.

Accordingly, the Tribunal made an order that the Respondent contravened section 15(2) of the Act and such is hereby declared prohibited conduct. The Tribunal further ordered that the Respondent must refund the Applicant the price paid for the services performed and goods supplied, namely R6,167.89, within 10 (ten) business days after issuing of this judgment; and there was no cost order.

NANETTE ANITA CROUSE v CAPE COAST FLOORING (PTY) LTD - NCT/238010/2022/75(1)(b)

During September 2021, the Applicant (consumer) engaged the Respondent to screed a bathroom floor and a large outside area which includes a patio area and an area around a pool.

A director of the Respondent visited the Applicant's premises to discuss the choice of colour and suggested that the Applicant and her partner view a floor at a showroom to see the completed work of the suggested colour. The Applicant and her partner visited the showroom, chose a colour, and accepted a quotation for R77 500.00 for the project.

The Respondent commenced the work on 18 October 2021. A few days after the completion of the work, the applicant noticed footprints, dirt entrapped on the floor's surface and decolouration of different parts of the floor. A team from the respondent returned to the applicant's

property to fix these defects. The floor initially looked better, but more problems became noticeable after two days.

The respondent laid the blame on the applicant and her partner for insisting on the product that was applied to their floor. He initially contended that the product was not suitable for an outside area and implied that this was the cause for the failures in the product.

The Tribunal was of the view that the respondent did not perform its services to the standards contemplated in section 54(1), and the applicant was therefore entitled to the relief as provided in section 54(2) of the Consumer Protection Act. The Respondent was ordered to refund the consumer 80% of R77 500.00 within thirty days from the date of issue of the Judgment.

NATIONAL CONSUMER COMMISSION v SUGARBERRY TRADING 697 CC T/A AUTOWORLD GOODWOOD - NCT/254302/2022/73(2)(b)

The application stems from a complaint received by the Applicant from a consumer on 5 November 2020. The consumer alleged that the Respondent engaged in prohibited conduct by delivering a motor vehicle that failed to satisfy the requirements and standards contemplated in section 55 of the Consumer Protection Act.

From the Applicant's investigation report, the Respondent had contravened various provisions of the CPA in that the Respondent supplied the consumer with goods that failed to meet the standards of sections 55 (2) (a) to (c); The vehicle had numerous pre-existing technical problems, including heavy smoke emission, the air conditioner not working, oil leaks, water leaking into the vehicle, and a malfunctioning sunroof.

Despite the consumer's attempts to repair the vehicle, these defects remain; The Respondent advertised the vehicle as having a full-service history but failed to provide the consumer with the service records. The consumer requested a refund within the statutory timeframe, but the Respondent refused to provide a refund.

The Tribunal order that the Respondent had contravened sections 55 (2) (a-c), section 56 (2) (a) and section 56 (3) (b) of the CPA; The contraventions are declared prohibited conduct in terms of section 150 (a) of the NCA; The Respondent was ordered to pay R141,292.00 (one hundred and forty-one thousand two hundred and ninety-two rands), being the purchase price of the vehicle, within 15 business days after issuing of this judgment, to the consumer and to pay an administrative fine of R10,000.00 within 90 business days of the judgment.

PROGRAMME 2: ADMINISTRATION

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

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

The following sub-programmes fall under Administration:

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

- **Corporate Services: Communication** – The Communications Unit facilitates greater awareness of the NCT's role, mandate and adjudicative outcomes and ensures that there are regular, structured opportunities for engagement with key stakeholders. This ensures that all internal and external stakeholders are well informed about the mandate and functioning of the NCT, inclusive of the adjudication decisions that have been made. This allows the regulatory activities of other stakeholders to be effectively aligned to those of the NCT. A change in approach has encouraged a broader focus on communications where all senior managers, not just the Executive Chairperson, are encouraged to contribute to the communications process.
- **Corporate Service: Secretariat, Compliance and Risk Management** – manages the secretariat, compliance, good governance and effective risk management by means of oversight and a focus on behavioural change.

- **Information and Communications Technology** – provides support to the NCT to ensure that the appropriate technology architecture, electronic communication channels and other associated information resources and services are available to ensure that the NCT can operate efficiently and in a secure manner.

Strategic objectives

The following strategic objectives were set for 2022/2023:

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

Table 10: PERFORMANCE AGAINST PREDETERMINED OBJECTIVES (ADMINISTRATION)

PROGRAMME / SUB-PROGRAMME: ADMINISTRATION								
Outcome	Output	Output indicator	Audited actual performance 2021/2022	Audited actual performance 2022/2023	Planned annual target 2022/2023	Actual achievement 2022/2023	Deviation from planned target to actual achievement 2022/2023	Reasons for deviation
Reliable, secure asset utilisation	Talented people available to execute NCT strategy & mandate across the NCT organisation structure.	Percentage of filled positions on approved organisational structure.	95,86%	95,75%	95%	95,75%	Not applicable as target achieved.	Not applicable
Reliable, secure asset utilisation	Youths with employable skills and knowledge	Number of interns employed through structured opportunities created for youth development.	8	8	8	8 Youths Appointed.	Not applicable as target achieved.	Not applicable
A readily accessible NCT that shares information and co-operates with Stakeholders	To participate and export knowledge and know how to the African Dialogue on Consumer Protection initiatives	Number of engagements with stakeholders in Africa around developments in Consumer Protection issues.	Not applicable as this KPI was not on the 2021/2022 organisational scorecard.	1	4	1	Not achieved.	The NCT is exploring partnering with other Consumer agencies regarding possible engagements with African Partners
Reliable, secure asset utilisation	Stable ICT Enterprise Structure	Percentage systems availability during business hours.	98,15%	99,38%	98%	99,38%	Exceeded.	ICT constantly strives to have zero unavailability of systems during business hours
Reliable, secure asset utilisation	Safe & secure ICT enterprise architecture	Percentage of identified CMS Mission Critical ICT systems and user guide components and functions fully documented.	100% CMS User guide components fully documented.	100% User guide components fully documented.	100% of identified CMS Mission Critical ICT system and user guide components and functions fully documented.	100% CMS User guide components fully documented	Not applicable as target achieved.	Not applicable
Reliable, secure asset utilisation	Safe & secure ICT enterprise architecture.	Number of designated security assessment interventions implemented.	2 (1 internal and 1 external) penetration tests were completed & the results reviewed.	2 (1 internal and 1 external) penetration tests were completed & the results reviewed.	2 (1 internal and 1 external) penetration tests completed & results reviewed.	2 (1 internal and 1 external) penetration tests were completed & the results reviewed.	Not applicable as target achieved.	Not applicable
Reliable, secure asset utilisation	Optimal use of financial resources.	Percentage of debtors over filing fee revenue collected.	Not applicable as this KPI was not on the 2021/2022 organisational scorecard.	0,011%	Trade debtors to be 1,5% or less of filing fee revenue.	0,011%	Not applicable as target achieved.	Not applicable
To ensure effective and efficient Organisational Management	HRM Maturity level achieved in relation to all elements of the HR value chain as per the HR Strategy.	Percentage achievement of HR Maturity level as per the HR Strategy.	Not applicable as this KPI was not on the 2021/2022 organisational scorecard.	Level 2	Level 3 100%	Level 2	Not achieved.	SCM processes were initiated in order to obtain a suitable service provider to assist with reaching level 3.
To ensure effective and efficient Organisational Management	Annual Training Plans developed and implements.	Percentage implementation of Annual Training Plans.	Not applicable as this KPI was not on the 2021/2022 organisational scorecard.	38,4%	80%	38,4%	Not achieved.	Training interventions not implemented will be achieved during the 2023/2024 financial year.

PROGRAMME / SUB-PROGRAMME: ADMINISTRATION								
Outcome	Output	Output indicator	Audited actual performance 2021/2022	Audited actual performance 2022/2023	Planned annual target 2022/2023	Actual achievement 2022/2023	Deviation from planned target to actual achievement 2022/2023	Reasons for deviation
To ensure effective and efficient Organisational Management	B-BBEE Annual Implementation Plan developed and implemented to address areas such as management control skills development, employment equity, enterprise development and socio-economic development.	Percentage implementation of the B-BBEE Implementation Plan.	Not applicable as this KPI was not on the 2021/2022 organisational scorecard.	26,64%	80%	26,64%	Not achieved.	The NCT is sourcing a programme for implementation and monitoring of its BBEE Implementation Plan.
To contribute to an efficient and effective Consumer Regulatory Environment	Communication Strategy and Implementation Plan developed and implemented.	Percentage of implementation of the Annual Communication Plan.	Not applicable as this KPI was not on the 2021/2022 organisational scorecard.	92%	100%	92%	Not achieved.	A revised plan has been implemented to ensure compliance during the 2023/2024 financial year.
To ensure effective and efficient Organisational Management	Development of compliance checklist/universe to ensure-compliance with applicable laws.		Not applicable as this KPI was not on the 2021/2022 organisational scorecard.	99,75%	100%	99,75%	Not achieved.	Measures were undertaken to address the gap.
To ensure effective and efficient Organisational Management	Risk Register reviewed and appropriated.	Percentage of agreed risk mitigation plans implemented.	Not applicable as this KPI was not on the 2021/2022 organisational scorecard.	96,55%	100%	96,55%	Not achieved.	The timeframe for implementation of the ongoing mitigation actions have been reviewed and all will be implemented by the latest the end of Quarter 2 of the 2023/2024 financial year.

THE OFFICE OF THE EXECUTIVE CHAIRPERSON

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

The Executive Chairperson's role as the Accounting Authority is discussed on page 64 and, in this role, they are responsible for ensuring that sound governance is maintained at the NCT. They are further responsible for providing requisite strategic leadership in establishing policies, systems and operating procedures and oversight over all aspects of the Tribunal, whether it is adjudication, governance or operations.

THE OFFICE OF THE CHIEF OPERATING OFFICER (COO)

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

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

THE OFFICE OF THE CHIEF FINANCIAL OFFICER (CFO)

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

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

To provide sound strategic financial advice and guidance

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

To maintain effective and efficient financial processes, systems, controls and policies

The NCT was able to operate within a sound control environment that limited the risk of control deficiencies and financial loss to the NCT by updating the policies and standing operating procedures within the Finance Unit and ensuring compliance with the relevant laws and regulations.

To optimise the value for money received from vendors of goods and services

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

To practise good management and corporate governance principles

The Finance Unit strives toward practising good management and complying with the sound principles of corporate governance. We continue to consistently deliver quality services to stakeholders whilst maintaining our hallmark of sound and uncompromising corporate governance.

INFORMATION AND COMMUNICATIONS TECHNOLOGY (ICT)

The ICT Unit is responsible for providing the NCT with systems and services that will enable business processes to be completed efficiently and effectively, as well as facilitate electronic access to NCT resources for all authorised stakeholders (internal and external) in a fast and secure manner from any geographic location. This enables the NCT to achieve its mandate in an innovative, secure and automated manner. During the financial year 2022/2023 (FY22/23) reporting period, the ICT network, infrastructure and business applications experienced no significant outages and for the year all business systems provided for an availability rate of 99.4% during business hours. This is 1.4% above the target of 98% for the year.

As an enabling support unit for the organisation, the ICT set five strategic goals for the FY22/23 period aimed at ensuring that it effectively supported the NCT to meet its goals and objectives as set out by the FY22/23 APP and the organisation-wide Business Plan. Each of these goals is outlined below, concomitant with an evaluation of the extent to which organisational goals and objectives were achieved during the period under review.

Ensuring that the ICT Enterprise Architecture supports, enables and meets the NCT's business requirements.

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

- **The Cloud-based Office 365 system**, which consists of the electronic mailing system, Office products (MS Word, Excel, PowerPoint, Electronic Forms),

a document collaboration system SharePoint and several other transaction-based development tools. We have continued to benefit from all the advantages associated with having these systems in the cloud in that maintenance and upgrades are done by the service provider automatically, thus ensuring that the latest features, functions and patches are implemented as they are released. Also, we have experienced 100% uptime of these systems throughout the year as they are "immune" to any on-premise outages that may occur.

- **The Case Management System**, which allows for the electronic handling of the processes adopted for managing NCT cases. This included capturing and registering cases onto the system which is now mostly done via the e-filing and web-service capability for section 138 applications, updating/tracking of case status, online adjudication of cases and reporting. This system is used by both internal and external users. This has underpinned the core mandate of the NCT in terms of the NCA and the CPA. During this period, continuous improvements and efficiencies were added to the system to make it more user-friendly and efficient to the users. As a result, during this period, we experienced a growing number of filers using the systems to file applications electronically as opposed to manually.
- **The Exclaim system**, which enables the organisation to track and report on its compliance in line with applicable legislation and NCT-defined processes and procedures identified in the approved policies. This is a key enabler in ensuring that good governance is practised at all times within the business units.
- **The VIP Employee Self-Service system**, which is an electronic workflow tool used for managing the requesting, approvals, reporting, and tracking of employees' leave types on an ongoing base.
- **The VIP HR system**, which is the records management system for all employee-related activities and overall reporting of HR statistics, including employment equity figures.
- **The Pastel system, which is the general ledger**, payroll and supply-chain management system for the NCT.
- **The Incident Management System**, which is used as an electronic help desk tool for users to log problems and get them resolved by means of ICT. The system provides for the opening of a ticket, logging the fault, tracking the fault to a conclusion and closing the ticket.

- **The Remote access and VPN systems**, which allow users from any remote location to sign on securely to their user profile and have the same availability, access and experience to services on the NCT ICT systems infrastructure as if they were accessing systems locally in the NCT offices.
- **The Teams Voice telephony system**, which has replaced our legacy Pabx voice network for receiving and making phone calls. The system allows users to receive and make calls from their laptops from anywhere provided they have an internet connection and allows voice video call sessions where required.

In terms of the average for the FY22/23 period, the above applications had an average availability well over the 98% threshold during business hours with no catastrophic outages being experienced.

Ensuring controlled access for Tribunal Members, employees and other relevant stakeholders to automated business processes, information and services.

Ongoing emphasis was placed in the FY22/23 period on refining key components of the Case Management System in production. The key focus points for continuous improvement included the following:

- The CMS mobile application interface, which will allow filers to compile applications and the associated documents for Debt Rearrangement Cases and send the same applications using their smartphone. Just like the server-based system, filers will be able (from their phones) to see the status of their submitted applications. This feature will give people located in rural and township areas the opportunity to participate as an intermediary for assisting local consumers with debt relief matters with minimal initial outlay on acquiring infrastructure.
- An electronic hearings file access management system, which enables Registrar's office to electronically upload case hearing files for Tribunal members to download for pre-preparation before the actual hearing takes place. This feature has realised significant cost savings in that the physical printing of hearing files as well as couriering files to Tribunal members with the associated costs have now been drastically reduced.
- The continued migration of non-DRA hearings into the virtual environment. Traditionally, cases that required a hearing between the parties were set down in such a manner that Tribunal members along with the parties would physically attend the hearings and a transcriber would then be conscripted to transcribe proceedings.

During this period, the NCT continued to manage and support the system where hearings could be conducted on a virtual platform, thus obviating the need for the parties and Tribunal members to be physically in the same space. In addition, this eliminated the need for a transcriber, as the system records proceedings, and these audio files are then electronically stored and linked to the particular case for later retrieval if needed.

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

During the FY22/23 period, there has been a significant increase in filers using this electronic platform to file their applications, and ongoing continuous improvement initiatives are being undertaken by the ICT team to improve the user experience in utilising the system.

Ensuring that the ICT Enterprise Architecture is secure and that its users are protected against hacking and viruses.

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

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

after which we instituted a regular patching process to address shortcomings that had arisen.

Increasing the adoption and utilisation of implemented ICT applications, systems and processes.

The change management goal focus in the 2022/23 financial year continued in terms of delivering awareness programmes to assist debt counsellors to migrate from manually filing applications to the NCT Case Management e-filing system. During this period, more and more debt counsellors registered on the e-filing and web service system and have been submitting applications electronically via this method. In addition, Tribunal Members are now very familiar and extensively use the online adjudication facility to process applications. The organisation actively discouraged filers from submitting applications manually in favour of moving to the online platform by highlighting the benefits of such a migration, particularly the advantage being faster turnaround times for the filer to receive an outcome on their application by way of either a granted or refused order.

Ensuring that all ICT applications, systems and processes are secure and available to authorised stakeholders.

The NCT network and infrastructure universe consists of the user interfaces, business applications, associated databases, operating systems, servers and storage units. From a security perspective, this universe is protected by a firewall, a proxy server and the creation of a demilitarized zone (DMZ) which ensures unwanted or unauthorised traffic is discarded and alerts are provided to ensure nothing is compromised. Critical business applications such as Case Management and Finance systems have comprehensive audit trails built into the software so that transactions initiated on these systems can be tracked.

In addition, this ICT universe is protected by best practice anti-virus software, data encryption and regular monitoring for any new vulnerabilities that may arise on the platform and need to be addressed.

By means of the appointed disaster recovery service provider, the ICT Unit conducted a detailed data recovery exercise in Quarters 2 and 4 of the 2022/2023 financial year. User acceptance tests were successfully conducted in all the respective business units and the service provider subsequently issued a certificate to that effect. This regular exercise ensures availability of systems can be maintained in line with our target in the event of our main site being compromised.

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

Over and above the security measures undertaken in-house to mitigate unauthorized access, in Quarter 3 of the reporting period we employed the services of an independent ICT security organisation (known as a “white hacker”) to audit our internal and external security configurations. This was done to ensure that we address and continuously tighten up on our mission-critical systems’ vulnerabilities and accessibility to unwanted threats.

THE OFFICE OF THE CORPORATE SERVICES EXECUTIVE (CSE)

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

CORPORATE SERVICES: HUMAN RESOURCES AND FACILITIES MANAGEMENT

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

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

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

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

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

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

To attract, develop and retain the right people to ensure the right skills are available in the right place at the right time to deliver on the NCT’s mandate (Level 2).

To attain this goal, the Human Resources Department achieved a 90% recruitment rate for the 2021/ 2022 financial year, conducted an on-boarding and induction programme for all new recruits, ensured data integrity of all physical and electronic records, effectively

implemented performance management, performance reviews and continuously provided support in managing the team’s performance. Competency development has been harnessed by means of training interventions as per training plans, personal development plans, as well as offering study assistance for formal studies. The retention rate has been significant as the turnover rate was less than 5% per month.

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

As part of the Corporate Services Unit, the Human Resources Department has constantly provided support to line management and staff to ensure the overall employee wellbeing.

To anticipate future business and environmental demands on the NCT and to provide human resource capacity to satisfy those demands and fulfil the NCT’s mandate (Level 3).

The implementation of a workforce plan was enforced by means of proper and timeous resourcing of each Unit’s requirements. HR continues to be a strategic business partner by proactively engaging the respective Business to identify and forward plan their people requirements.

To shape a values-based culture that champions high performance and service excellence (Level 5).

The Tribunal managed the COVID-19 pandemic by re-streaming operations without disruption, by means of providing resources and affording staff to work from home. The performance of all NCT Tribunal members and staff continued to be managed using the NCT’s performance management system seamlessly throughout the period under review.

To establish effective and efficient HR Administration to facilitate and inform accurate HR data and reporting (Level 1).

The Human Resources Department is continuously exploring efficiencies through automation to ensure that HR data integrity and reliability are maintained. A central one-stop system for HR transactions is the ultimate goal. Integration of electronic HR transactions remains a key driver that will contribute to the overall organisational efficiencies and people management. A service provider has been appointed.

CORPORATE SERVICES: COMMUNICATIONS

Stakeholder relations

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

Regulatory entities

The NCT engaged with various international bodies, such as the Zimbabwean Consumer Protection Commission. The purpose of the engagement at the African Dialogue conference was to promote the protection of consumers and develop best regulatory practices in an era of e-commerce, provide consumers with effective remedies and redress, promote cross-border cooperation, share trends on consumer complaints and data privacy challenges to better educate consumers and develop effective regulatory strategies. Collaboration with regional and international oversight institutions will promote best practices in the development of the consumer credit market around the world.

Filing parties

To promote access, the Tribunal conducted 51 engagements using webinars with debt counselling firms and the industry oversight body, the Debt Counsellors Association of South Africa (DCASA). The meetings entailed training them on the process of automated electronic filing by means of the Case Management System (CMS) and operations of Motion Courts for DRA matters. The objectives of these developmental initiatives were to provide redress to debt-stressed consumers by increasing access to marginalised rural and township consumers who, at the hand of debt counsellors, could lodge their applications electronically from remote areas around the country. The engagements were very

successful in that the number of debt counsellors now lodging their applications electronically from remote locations has increased.

Other Engagements

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

STRATEGY TO OVERCOME AREAS OF UNDERPERFORMANCE

With regards to the non-achievement of the KPI in respect of the up-skilling and re-skilling of staff to enable them to work in a digitally transformed work environment, the NCT now has an approved Training Plan and the implementation thereof will be closely monitored in the 2023/2024 financial year.

Concerning optimal use of financial resources, the NCT has put measures in place to ensure that confirmation from Finance is now received before manual cases are adjudicated on to avoid future debtors.

The NCT awaits notification from **the dtic** regarding the projected date of commencement of the DRI system as the project did not commence as planned and was placed on hold by **the dtic**.

CHANGES TO PLANNED TARGETS

The NCT's Strategic Plan for 2022/23 - 2025/26 and APP for 2022/23 - 2023/24 were submitted and the Minister of Trade, Industry and Competition approved the APP after three revised joint indicators were added to the reports as per instruction from **the dtic**. The NCT requested the Minister's approval to amend several KPI's on its scorecard as it was not smart, but by the end of the financial year, the Minister has not yet approved the request for amendment.

LINKING PERFORMANCE WITH BUDGETS

Table 12: Linking performance with budgets

Programme	2022/23			2021/22		
	Budget	Actual expenditure	(Over)/ under expenditure	Budget	Actual expenditure	(Over)/ under expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Adjudication	33 175	29 131	4 044	29 427	28 882	545
Administration	37 447	37 135	312	47 683	39 616	8 067
Digital Enablement				1 418	1 341	77
Total	70 622	66 266	4 356	78 527	69 839	8 688

Overall expenditure was lower when compared to the previous financial year mainly due to vacancies on employee costs and costs saving initiatives in expenditure. In addition, when compared to the budget, a portion of capital was not spent - refer to the capital investment section below for more detail.

A decrease in adjudication expenditure can be attributed to the savings in Tribunal member costs, due to allocating more cases per day due to system efficiencies and most of the DRA's were allocated to full-time Tribunal Members.

REVENUE COLLECTION

Table 13: Revenue collection

Revenue source	2022/23			2021/22		
	Budget	Actual amount collected	(Over)/ under collection	Budget	Actual amount collected	(Over)/ under collection
	R'000	R'000	R'000	R'000	R'000	R'000
Grant income	54 756	54 756	-	53 515	53 515	-
Additional funds	-	-	-	-	-	-
Roll-over	-	-	-	6 417	-	6 417
Filing fees	14 840	15 606	(766)	15 400	13 381	2 019
Service fees	-	7	(7)	-	7	(7)
Sundry income	-	812	(812)	-	1 642	(1 642)
Proceeds from insurance	-	21	(21)	-	73	(73)
Interest earned	676	1 825	(1 149)	648	1 027	(379)
Total	70 272	73 027	(2 755)	75 980	69 645	6 335

The NCT received its full initial grant allocation from the Department of Trade, Industry and Competition (**the dtic**) of R54 756 000 for the 2022/2023 financial year and a rollover of R 6 417 000 was approved in October 2022.

Income from filing fees comprises fees received from filing parties for debt re-arrangement cases brought before the Tribunal. The filing fee per case increased by 25% from R500.50.00 to R537.50 per case, effective from 1 April 2022.

CAPITAL INVESTMENT

The NCT does not have infrastructure projects and, as such, does not need a Capital Investment Plan. It does, however, have property, plant, equipment and intangible assets that are accounted for in a detailed asset register. The assessment of the entity's useful lives and the residual values of the assets is conducted annually. The general condition of the assets is good and, by its nature, the cost of maintaining these assets is very low, while there is no backlog in any maintenance programmes. The movement of the NCT's property, plant, equipment and intangible assets during the 2022/2022 financial year is summarised in Table 14.

MOVEMENT OF NCT PROPERTY, PLANT AND EQUIPMENT AND INTANGIBLE ASSETS

Table 14: Movement of NCT property, plant and equipment and intangible assets

Assets	Opening balance	Additions	Assets written off	Assets sold	Depreciation	Closing balance
Furniture and fittings	843 556	-	-	-	(84 838)	758 718
Office equipment	37 265	-	-	-	(6 757)	30 508
Computer equipment	3 453 922	1 573 857	-21 495	-	(914 378)	4 091 907
Computer softwares	1 454 989	-	-	-	(187 164)	1 267 825
Property, plant and equipment	5 789 732	1 573 857	-21 495	-	-1 193 137	6 148 957

Expenditure on capital assets (including intangible assets) amounted to R 1 573 857. Further, the budget and spending for the implementation of the NCAA project is dependent on the finalisation of the rules and regulations, a process that is out of the control of the NCT. A rollover of funding will be requested in the 2023/2024 financial year.

Refer to Note 5, Note 6 and Note 18.8 in the Annual Financial Statements.



PROGRAMME 3: DIGITAL ENABLEMENT

The purpose of this programme is to provide step-change efficiency and effectiveness through the digital enablement and transformation of the NCT'S case management, adjudication and communications functions.

The NCT's outputs in this programme are to bring about change to ensure that staff can successfully transition from current to new, innovated technology-enabled systems through re-skilling and up-skilling to ensure that they are not replaced by technology or because they do not have the necessary skills to adopt to new technologies as the 4th Industrial Revolution is unfolding.

The following sub-programmes fall under Digital Enablement:

- **Digital enablement** – provides for the development, configuration and deployment of digitally enabled systems and applications to support the work of the NCT.
- **Employment development** – provides for the up-skilling and re-skilling of the NCT's people so that they are able to make use of the innovative digital systems and applications developed by the NCT.

Strategic objectives

The following strategic objectives were set for 2022/2023:

- To ensure an ICT Enterprise Architecture which supports and delivers on the NCT's future requirements.
- To ensure that the Tribunal has people with the relevant skills and competencies to enable them to work in a digitally transformed workplace human resources to deliver in accordance with its mandate.

Table 15: Performance against predetermined objectives (Digital Enablement)

PROGRAM/ SUB-PROGRAMME: DIGITAL ENABLEMENT								
Outcome	Output	Output indicator	Audited Actual Performance 2021/2022	Audited Actual Performance 2022/2023	Planned Annual Target 2022/23	Actual Achievement 2022/23	Deviation from planned target to Actual Achievement 2022/2023	Reason for deviations
An intelligent, digitally transformed & enabled NCT	Identified mission-critical ICT components & applications successfully implemented. These quarterly targets assume the NCAA rules and regulations will have been finalised and gazetted by the end of Q4 of 2021/2022 otherwise they will not be applicable.	Identified mission-critical ICT components & applications successfully implemented	Not applicable- the project did not commence as planned and was placed on hold by the dtic	Not applicable - the project did not commence as planned and was placed on hold by the dtic	NCAA DRI system deployed	Not applicable.	Not applicable - the project did not commence as planned and was placed on hold by the dtic.	Once the NCAA rules and regulations have been gazetted, timelines need to be reviewed and amended accordingly.

PART C:

GOVERNANCE



INTRODUCTION

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

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

PORTFOLIO COMMITTEES

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

During 2022/2023, the NCT briefed the PC on Trade and Industry in relation to its Strategic Plan 2022/2 – 2025/26 and the APP 2022/23 – 2023/24, as well as progress on its cases. In addition, when Parliamentary questions are posed to **the dtic** entities, the NCT responds in writing.

EXECUTIVE AUTHORITY

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

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

ACCOUNTING AUTHORITY

Introduction

The Executive Chairperson is the Accounting Authority of the NCT and holds absolute responsibility and accountability for its performance. He provides strategic direction to the NCT and, in his role as Accounting Authority, monitors operational performance and management, determines policy processes to ensure the integrity of risk management and internal controls and ensures compliance with applicable laws, regulations and government policy.

Governance committees

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

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

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

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

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

AUDIT AND RISK COMMITTEE

The role of the Audit and Risk Committee is discussed on page 49 and its report can be viewed on page 62.

ICT GOVERNANCE COMMITTEE

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

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

Table 16: Membership and attendance

Member	Qualifications	Internal/ External	Capacity	Date appointed	Term ended	No. of meetings attended
Mr Pritish Dala (appointed as Committee Chairperson)	BSc, BSc Honours, Masters, Ph. D.	External	Independent ICT Specialist	October 2017	Re-appointed November 2020	4 of 4
Mr Bax Nomvete (Appointed as Member since October 2017, attended all prior meetings <i>ex officio</i>)	Higher National Diploma in ICT.	Internal	CIO	October 2017	Retired at the end of November 2022	3 of 4
Mr Sandile Ndaba (appointed as Committee Member)	BA Science, Masters in Commerce	External	Independent ICT Specialist	February 2021	N/A	4 of 4

Key areas of responsibility

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

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

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

Main activities during the reporting period

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

- Reviewed items/documents prepared by the CIO and approved by EXCO.

- Reviewed ICT risks and made recommendations on the internal controls and mitigation of risk plans.
- Made recommendations on the level of compliance with policies.
- Reviewed, quarterly, the NCT's compliance with the government DPSA governance framework.
- Conducted quarterly reviews of the organisation's performance and status in terms of the adopted Cobit framework.
- Provided strategic inputs on ICT matters to the NCT.
- Reviewed reports, plans, strategies, policies and proposals and made recommendations around these in relation to the entire ICT functions as detailed in the ICT Strategy of the NCT.
- Reviewed and provided inputs on the ICT Governance Framework.
- Made recommendations for resourcing the ICT function and related ICT investments in line with the ICT Strategy and Plan.
- Reviewed and made recommendations on the effectiveness of SLA management.

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

HR Governance Committee

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

Table 17: Membership and attendance

Member	Qualifications	Internal/ External	Capacity	Date appointed	Term ended	No. of meetings attended
Mr Rajesh Jock (Chairperson of the Committee)	BSc, MSc, MBL	External	Independent HR Specialist	February 2021	N/A	3 of 4
Ms. Nolufefe Ali (Committee Member)	B Admin, Honours in Industrial Psych, M Phil, MBL	External	Independent HR Specialist	February 2021	N/A	4 of 4

Main activities during the reporting period

The Committee deliberated on and made recommendations as to the following main areas during the 2021/2022 reporting period:

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

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

RISK MANAGEMENT

Effective risk management entails continuous and proactive identification and assessment of risk factors affecting its mandate. The NCT has a Risk Management Framework as well as a Risk Appetite and Tolerance Statement in place. The NCT further has a Risk Management Policy which is reviewed regularly. During the annual Strategic Planning sessions of the Tribunal, a special risk workshop is conducted, during which the Tribunal's operational as well as strategic risks are discussed and reviewed. Internal Audit participated in the Risk Management Workshop conducted in September 2022.

The NCT's top risks are indicated on the Integrated Assurance Risk Register. This register serves quarterly at the NCT's Audit and Risk Committee, and it is availed

of any emerging risks and their impact on the day-to-day operations of the Tribunal. The Tribunal does not have a separate risk committee. As of 31 March 2023, the NCT had 9 strategic risks on the risk register. The Tribunal's Management is responsible for implementing risk action plans and for ensuring that controls are effective and continuously enhanced. At each OMCO Meeting, each of the 'risk owners' reports on the status of the particular risk they manage and outline the mitigating actions to be taken. Progress against risk action plans is monitored and reported quarterly to the dtic.

During the reporting period, the risks associated with the delay of the implementation of projects in terms of the ICT Strategy, were prioritised. Risks pertaining to cyber security further received a significant amount of attention during the reporting period. At the end of the reporting period, the NCT implemented most of the risk action plans that were due for implementation.

INTERNAL CONTROL

The NCT provides a stringent and focused approach to ensuring effective internal controls. Under the leadership of the Executive Chairperson, the COO and Executive Managers are responsible for ensuring that internal controls are implemented, maintained and monitored by the business units. To ensure that internal controls are effectively implemented and monitored, written Standard Operating Procedures were developed and approved for implementation. Compliance with these Standard Operating Procedures was monitored. These procedures will be reviewed and revised from time to time to ensure the continuous strengthening of internal controls as and when deficiencies are identified, while further ensuring continued effectiveness and efficiency within a controlled environment. In addition, the NCT's independent Internal Auditors assist Management with consulting and assurance services with regard to internal control mechanisms.

INTERNAL AUDIT

Key activities and objectives of the Internal Audit function

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

Internal Audit provides Management with independent, objective assurance and consulting services designed to add value and continuously improve the operations of the NCT. It assists the organisation in accomplishing its objectives by means of a systematic, disciplined approach to evaluate and improve the effectiveness of governance, risk management and control processes. The following key activities are performed in this regard:

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

In addition, the Internal Audit Unit of **the dtic** also monitors compliance and engages with the NCT from time to time. This unit also monitors the NCT's reports around the status of implementation of Management's commitments on audit findings raised by internal or external auditors.

Summary of internal audit work done

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

- Audit of predetermined objectives review
- Supply Chain Management audit
- Bonus review
- Financial Management review
- POPI review
- Payroll Management review
- Assets Management review
- Follow-up review

AUDIT AND RISK COMMITTEE

Key activities and objectives of the Audit and Risk Committee

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

- Internal audit
- External audit
- Accounting and financial reporting
- Accounting policies
- Review of management and audit reports
- Review of In-year monitoring reports
- Risk management
- Internal control
- Pre-determined objectives
- Ethics and forensic investigations
- Combined Assurance
- ICT Governance
- Oversight of the quarterly reports submitted to **the dtic**.

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

Table 18: Attendance of Audit and Risk Committee meetings

Name	Qualifications	Internal/ external	If internal, position	Date appointed	Date resigned / Term ended	No. of meetings attended
Mr. S Badat (Chairperson)	CA (SA)	External	N/A	01/04/2019	Re-appointed in March 2022	6 of 6
Ms. R Rasikhiny	B Com, CA(SA)	External	N/A	01/04/2019	Re-appointed in March 2022	4 of 6
Adv. Adila Chohan	B Com, CS(SA), LLB	External	N/A	01/04/2022	31 March 2025	6 of 6

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

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

COMPLIANCE WITH LAWS AND REGULATIONS

The NCT reviews its regulatory environment regularly and has incorporated all applicable laws, regulations and policies into its automated compliance monitoring system, Exclaim. Compliance checklists are completed by the relevant policy owners on Exclaim, which allows the generation of quarterly compliance reports for Audit and Risk Committee meetings as well as EXCO meetings. During the period under review, the NCT became aware that its POPIA and PAIA Manuals need to be in at least two official South African languages. A service provider was subsequently sourced to translate the manuals from English to SeSotho.

ANTI-FRAUD AND ANTI-CORRUPTION

As a regulatory entity, adequate fraud prevention processes are essential to the NCT. The NCT has a Fraud Prevention Policy as well as a Fraud Plan in place, which are reviewed regularly. In addition, the NCT has a Fraud Hotline which is managed by an independent service provider. During the 2022/202 financial year, the NCT's Fraud Hotline was operated by Whistle Blowers. The service provider is mandated to report any instances of fraud directly to the COO. A panel of fraud investigation service providers is in place to investigate any instances of fraud reported by means of the Fraud Hotline. Staff are regularly reminded regarding which information should be reported on the NCT Fraud Hotline, the type of instances to be reported utilising the Fraud Hotline and general awareness of fraud and corruption. The NCT further has a Whistleblowing Policy in place to encourage the anonymous reporting of any possible fraudulent or corrupt activities without the fear of victimization.

MINIMISING CONFLICT OF INTEREST

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

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

Conflict of interest forms are completed during the adjudication of each case and before all governance, operational, procurement and recruitment interactions.

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

CODE OF CONDUCT

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

HEALTH, SAFETY AND ENVIRONMENTAL ISSUES

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

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

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

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

SOCIAL RESPONSIBILITY

The NCT managed to distribute much needed groceries to an old age home in a disadvantaged area around Centurion. During the distribution of the items, staff members also had the opportunity to interact with the residents of the old age home.

The NCT prides itself on this life initiative.

AUDIT AND RISK COMMITTEE REPORT

The report of the Audit and Risk Committee is provided on pages 62 to 63.

B-BBEE COMPLIANCE PERFORMANCE INFORMATION

Table 19: Compliance with the B-BBEE

Has the NCT applied any relevant Code of Conduct Practice (B-BBEE Certificate Level 1-8) with regards to the following:		
Criteria	Response Yes/ No	Discussion
Determining qualifications criteria for the issuing of licences or other authorisations in respect of economic activity in terms of any law?	Not applicable	The NCT derives its adjudicative mandate from the NCA and the CPA and is not mandated to issue licences or other authorisations.
Developing and implementing a preferential procurement policy?	Yes	The NCT's Supply Chain Management Policy includes the relevant PP prescripts.
Determining qualification criteria for the sale of state-owned enterprises?	Not applicable	The NCT derives its adjudicative mandate from the NCA and the CPA and is not mandated to sell state-owned enterprises.
Developing criteria for entering into partnerships with the private sector	Not applicable	The NCT, a public 3A Entity, derives its adjudicative mandate from the NCA and the CPA and is not mandated to enter into partnerships with the private sector.
Determining criteria for the awarding of incentives, grants and investment schemes in support of Broad-Based Black Economic Empowerment	Not applicable	The NCT derives its adjudicative mandate from the NCA and the CPA and is dependent on the grant allocation it receives annually from the dtic to perform its day-to-day operations. There are thus no funds earmarked for incentives, grants or investment schemes in support of B-BBEE.

During the 2020/2021 financial year, the NCT was non-compliant. Management did not agree with the decision of the Assessment Service Provider. Management has submitted both an appeal to **the dtic** as well as applied for exemption from the B-BBEE legislation while awaiting the outcome of the Appeal process from **the dtic**. The outcome of the appeal process is not known yet. During the period under review, the NCT remained non-compliant.

PART D:

HUMAN RESOURCE MANAGEMENT



INTRODUCTION

Overview of HR matters

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

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

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

HR priorities for the year and its impact

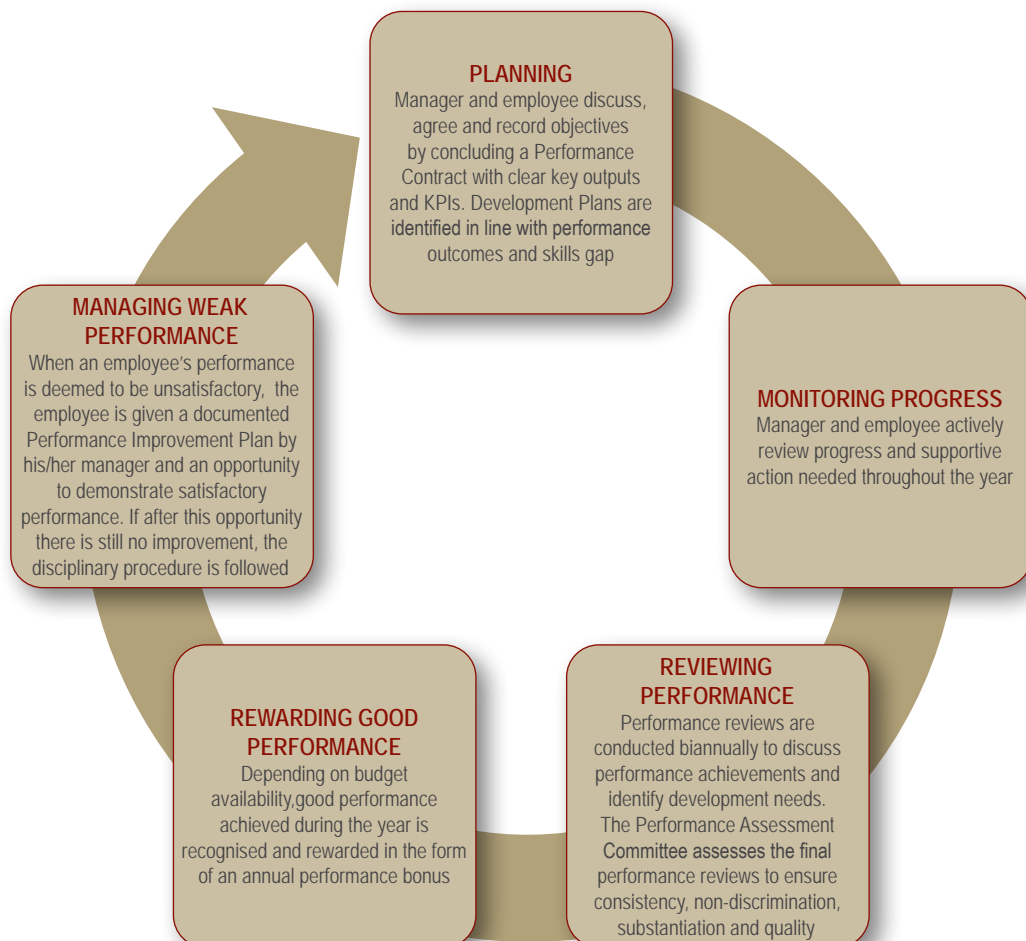
The HR priorities were set based on the strategic goals identified for HR in line with the NCT's strategic priorities. The achievement of these goals is discussed on page xx of this report under "Human resources and facilities management".

Workforce Planning Framework

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

Employee Performance Management Framework

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



Employee Performance Management Framework

The NCT follows a robust performance management process to ensure the attainment of its Strategic and Annual Plans.

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

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

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

EXCO thereafter conducts a moderation of the performance assessments and information. Where required, Managers then consider the issues raised in the reports and adjust the assessments accordingly in consultation with the relevant staff member, before submission to the HR Governance Committee that acts as the external moderator. Upon signing off from the HR Governance Committee meeting, the scoring and the rand value of the performance bonuses (where applicable) are submitted to the Audit and Risk Committee meeting, the NCT has an appeal process in place should any staff member feel aggrieved by a performance rating. This process ensures that there is evidence to support the scores that are put forward and ensure that scoring is non-discriminatory and consistent across the NCT.

Employment Relations

The NCT has concluded a Recognition Agreement with NEHAWU. In line with building sound employment relations, monthly union management meetings are held to strengthen cohesiveness and collaboration and proactively address issues.

Achievements and challenges faced

The HR Unit had, despite the challenging circumstances, reached considerable achievements on critical KPA's. The NCT was able to consistently exceed its aim of ensuring that the NCT had adequate human resources to fulfil its mandate by ensuring that vacancies were timeously filled. A further achievement was that the NCT was able to ensure that it delivered on its commitment and contribution to youth employment by meeting the target of recruiting eight interns for the financial year.

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

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

Future HR plans/goals

During the reported period, the NCT's staff complement remained within and/or below the approved organisational structure. The HR goals for the 2022/23 financial period were as follows:

- To implement 80% of the 2022/2023 training plan.
- To implement 80% of the B-BBEE Plan, Skills Development and EE Priorities.
- To fill 95% of positions as per the approved organizational structure.

- Attain the HR Maturity on key HR functions up to Level 3.
- To ensure that Performance Reviews are conducted bi-annually.
- Coordinate and roll out Employee Wellness Days.
- Conduct Organisational Culture Surveys.
- Monthly accurate Employee Leave Reconciliations.
- To attract, develop and retain the right people to ensure the right skills are in the right place at the right time to deliver on the NCT's mandate.
- To develop an enabling framework and working environment that optimises the potential for employee engagement and wellness.
- To anticipate future business and environmental demands on the NCT and to provide Human Resource capacity to satisfy those demands.
- To shape a values-based culture that champions high performance and service excellence.
- To establish effective and efficient HR Administration to facilitate and inform accurate HR data and reporting.

To achieve these goals, the HR Department will focus on the following projects during 2022/2023:

- Implement an efficient and effective HR System that will ensure that HR works smartly and will ensure administrative efficiency.
- Review and implement a revised employee engagement model to ensure highly engaged and high-performing employees.
- Improve internal communication.
- Review and amend the Workforce Planning Framework.
- Focus on training and development of employees in relation to the training plan and ensure SETA registration.
- Develop and implement an HR Value proposition.
- Improve the organisational culture.
- Improve the employee relations climate.
- Review and amend the talent mapping of the NCT, while focusing on attracting and retaining high-performing employees.
- Support and ensure compliance with the prescripts of the B-BBEE legislation.

HUMAN RESOURCE OVERSIGHT

Table 20: Personnel Cost by programme/ activity/ objective

Programme	Total expenditure for the entity	Personnel expenditure	Personnel expenditure as a % of total expenditure	No. of employees	Average personnel cost per employee
	(R'000)	(R'000)	(R'000)		(R'000)
Adjudication	29 564	23 149	35%	29	798
Administration	37 282	20 889	31%	33	633
Total	66 847	44 038	66%	62	710

Table 21: Personnel cost by salary band

Level	Personnel Expenditure	% Of Personnel Expenditure To Total Personnel Cost	No. Of Employees	Average Personnel Cost Per Employee
	(R'000)	(R'000)		(R'000)
Top management	3 021	7%	1	3 021
Senior management	14 456	34%	6	4 821
Professional qualified	14 243	33%	18	302
Skilled	5 754	13%	10	54
Semi-skilled	3 339	8%	12	19
Unskilled	600	1%	3	32
Interns	1349	3%	5	77
Total	42 762	100%	69	675

Table 22: Performance Rewards

PROGRAMME	PERFORMANCE REWARDS	PERSONNEL EXPENDITURE	% OF PERFORMANCE REWARDS TO TOTAL PERSONNEL COSTS
		(R'000)	(R'000)
Top management	-	3 021	0%
Senior management	849	14 456	6%
Professional qualified	848	14 243	6%
Skilled	475	5 754	8%
Semi-skilled	328	3 339	10%
Unskilled	38	600	6%
Interns	0	1349	0%
Total	2 537	42 762	6%

Table 23: Training Costs

DIRECTORATE/ ACTIVITY / OBJECTIVE	PERSONNEL EXPENDITURE	TRAINING EXPENDITURE	TRAINING EXPENDITURE AS % OF PERSONNEL COST	NO. OF EMPLOYEES TRAINED	AVERAGE TRAINING COST PER EMPLOYEE
	(R'000)	(R'000)			
Adjudication	23 149	172	0.74%	5	6688.39
Administration	20 889	217	1.04%	18	4390.76
Total	44 038	389	0.88%	13	30

Table 24: Employment and vacancies

PROGRAMME/ ACTIVITY/ OBJECTIVE	2021/22 NO. OF EMPLOYEES	2021/22 VACANCIES	2022/23 NO. OF EMPLOYEES	2022/23 VACANCIES	% OF VACANCIES
Adjudication	26	1	25	1	1.9%
Administration	25	1	26	2	3.7%
Total	51	2	51	3	5.6%

* * Note: This information pertains only to permanent employees as of 31 March of each year. Interns, who join the NCT through the one-year Internship Programme, as well as temporary employees, are excluded from the information provided above. The vacancies for 2021/2022 and the % of vacancies are indicated as of 31 March 2021 while the % of vacancies indicated in the section on Performance Against Predetermined Objective is as an average over the full 2020/2021 financial year.

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

Table 25: Employment changes

SALARY BAND	EMPLOYMENT AT BEGINNING OF THE PERIOD	APPOINTMENTS	TERMINATIONS	EMPLOYMENT AT END OF THE PERIOD
Top management	1	0	1	1
Senior management	3	4	2	4
Professional qualified	8	2	2	6
Skilled	24	2	1	25
Semi-skilled	12	0	1	11
Unskilled	3	0	0	3
Total	51	8	7	50

Table 26: Reasons for staff leaving

REASON	NUMBER	% OF TOTAL NO. OF STAFF LEAVING
Death	1	1.85%
Resignation	4	7.41%
Dismissal	0	0
Retirement	0	0
Ill health	0	0
Expiry of contract	2	3.70%
Other (Internal Promotion)	1	1.85%
Total	8	14.81%

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

Table 27: Labour relations: Misconduct and disciplinary action

NATURE OF DISCIPLINARY ACTION	NUMBER
Verbal warning	0
Written warning	0
Final written warning	0
Dismissal	0

Equity Target and Employment Equity Status

The NCT currently employs a workforce that comprises a ratio of 53.70% female and 38.89% male. Table 28.1 excludes Foreign Nationals.

Table 28.1: Employment Target and Employment Equity Status

LEVELS	MALE							
	AFRICAN		COLOURED		INDIAN		WHITE	
	CURRENT	TARGET	CURRENT	TARGET	CURRENT	TARGET	CURRENT	TARGET
Top management	0	1	0	0	0	0	0	0
Senior management	2	4	0	0	0	1	1	1
Professional qualified	1	6	0	0	2	1	0	0
Skilled	9	1	0	0	0	0	0	0
Semi-skilled	5	6	0	0	0	0	0	0
Unskilled	1	1	0	0	0	0	0	0
Total	18	19	0	0	2	2	1	1

Table 28.2: Employment Equity Status

LEVELS	FEMALE							
	AFRICAN		COLOURED		INDIAN		WHITE	
	CURRENT	TARGET	CURRENT	TARGET	CURRENT	TARGET	CURRENT	TARGET
Top management	0	0	0	0	0	0	0	0
Senior management	1	1	0	0	1	1	0	0
Professional qualified	1	5	1	1	1	2	0	1
Skilled	13	7	1	1	1	0	1	0
Semi-skilled	6	7	0	0	0	0	0	0
Unskilled	2	2	0	0	0	0	0	0
Total	23	22	2	2	3	3	1	1

Table 28.3 Disabled Staff Report

LEVELS	DISABLED STAFF			
	MALE		FEMALE	
	CURRENT	TARGET	CURRENT	TARGET
Top management	1	0	0	0
Senior management	0	0	0	0
Professional qualified	0	0	0	0
Skilled	0	0	0	0
Semi-skilled	0	0	0	0
Unskilled	0	0	0	0
Temporary	1	1	1	1
Total	2	1	1	1

The NCT employed two disabled interns during the reporting period. The Human Resources Unit is continuously working with various external partners to source candidates with disabilities. All adverts placed by the NCT specifically invite and encourage candidates with disabilities to apply.

PART E:

FINANCIAL INFORMATION



GENERAL INFORMATION FOR THE YEAR ENDED 31 MARCH 2023

Nature of business and principal activities	The National Consumer Tribunal (NCT) was established in terms of the National Credit Act (Act 34 of 2005). From 1 April 2011, its mandate was expanded to include adjudication on matters in terms of the Consumer Protection Act (Act 68 of 2008). The NCT is an independent body that is responsible for hearing and deciding on cases involving consumers, credit providers, debt counsellors and credit bureaux as well as providers of goods and services. The NCT is also responsible for reviewing decisions made by the National Credit Regulator and the National Consumer Commission. The NCT is listed in the Public Finance Management Act (PFMA), Act No. 1 of 1999, as a Schedule 3A Public Entity	
Accounting Authority	TA Bailey (Executive Chairperson of the Tribunal from 13 July 2022) JM Maseko (Executive Chairperson of the Tribunal to 30 June 2022)	
Part-time Tribunal members for 2022/23	N Maseti (Deputy Chairperson) K Moodaliyar MC Peenze P Manzi-Ntshingila (From 13 July 2022) S Mbhele (From 13 July 2022) S Hockey (From 13 July 2022) CJ Ntsoane (From 13 July 2022) C Sassman (From 13 July 2022) HFN Sephoti (Until 30 June 2022) FK Sibanda (Until 30 June 2022) DR Terblanche (Until 30 June 2022) T Woker (Until 30 June 2022) L Best (Deputy Chairperson) (Until 30 June 2022) PA Beck (Until 30 June 2022) BC Dumisa (Until 30 June 2022) FK Manamela (Until 30 June 2022) X May (Until 30 June 2022)	
Fulltime Tribunal members for 2022/23	HV Alwar (previously Devraj) LA Potwana Z Ntuli (From 1 January 2023) JR Simpson(Until 31 October 2022)	
Key Management for 2022/23	G Dladla L Rabotapi P Moodley BX Nomvete Zac Malumedzha V Srineevassan V Tsako A Moola N Nziyane N Govan	(Chief Operating Officer From 07 June 2022) (Acting Chief Operating Officer until 06 June 2022) (Registrar) (Acting Registrar until 06 June 2022) (Chief Information Officer until 30 Nov 2022) (Acting Chief Information Officer from 1 December 2022) (Corporate Services Executive from 1 December 2022) (Acting Corporate Services Executive from 19 May 2022 to 30 November 2022) (Corporate Services Executive until 30 April 2022) (Chief Financial Officer - returned from secondment on 1 September 2022) (Acting Chief Financial Officer from 1 July 2022 to 31 August 2022) (Interim Chief Financial Officer from 1 July 2021 to 30 June 2022)
Registered office	Block B, Ground Floor, Lakefield Office Park, 272 West Avenue, Centurion, 0157	
Business address	Block B, Ground Floor, Lakefield Office Park, 272 West Avenue, Centurion, 0157	
Postal address	Private Bag X110, Centurion 0046	
Bankers	Nedbank Ltd South African Reserve Bank	

STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY OF THE ANNUAL REPORT

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

- All information and amounts disclosed in the Annual Report are consistent with the Annual Financial Statements audited by the Auditor-General SA.
- The Annual Report is complete, accurate and free from any omissions.
- The Annual Report has been prepared in accordance with the Annual Report Guide for Schedule 3A and 3C Public Entities as issued by National Treasury.
- The Annual Financial Statements (Part E) have been prepared in accordance with the standards applicable to the NCT.
- The Accounting Authority is responsible for the preparation of the Annual Financial Statements and the judgements made in this information.

- The Accounting Authority is responsible for establishing, and implementing a system of internal control designed to provide reasonable assurance as to the integrity and reliability of the performance information, the human resources information and the Annual Financial Statements.
- The Auditor-General SA is engaged to express an independent opinion on the Annual Financial Statements.

In our opinion, the Annual Report fairly reflects the operations, the performance information, the human resources information and the financial affairs of the NCT for the financial year ended 31 March 2023.

Yours faithfully



Mr. Trevor Bailey
Executive Chairperson

AUDIT AND RISK COMMITTEE REPORT

We are pleased to present our report for the financial year ended 31 March 2023.

AUDIT AND RISK COMMITTEE RESPONSIBILITY

The Audit and Risk Committee reports that it has complied with its responsibilities arising from **Section 51(1) (a) (ii)** of the **Public Finance Management Act (PFMA)** and **National Treasury Regulations 27.1**. The Audit and Risk Committee also reports that it has adopted appropriate formal terms of reference as its Audit and Risk Committee Charter, has regulated its affairs in compliance with this Charter and has discharged all its responsibilities as contained therein.

THE EFFECTIVENESS OF INTERNAL CONTROL

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

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

- Predetermined objectives (Performance Information Q1 and Q3)
- Asset Management
- Supply Chain Management
- Payroll Management
- Financial Management
- POPIA Review
- Follow-up reviews on previously reported findings

The overall opinion from the Internal Auditors was that the control environment required some improvement.

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

ENTERPRISE RISK MANAGEMENT

It is the Committee's view that enterprise risk management at the NCT, including processes undertaken during the year to address high-risk areas, is receiving the required attention from management and continues to be improved. There is an Enterprise Risk Management Framework in place, which includes the Enterprise Risk Management Strategy, Fraud Prevention Plan and Policy and the

Fraud Hotline. An updated formal risk assessment was also undertaken, and risk-based internal audit plans were then developed and approved by the Committee. Key strategic and operational risks that were highlighted in the risk register were continuously monitored and discussed at the EXCO and Audit and Risk Committee meetings as part of the Enterprise Risk Management Strategy. The Audit and Risk Committee is satisfied that these risks are receiving the required attention.

INTERNAL AUDIT

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

CORPORATE GOVERNANCE

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

IN-YEAR MANAGEMENT AND MONTHLY/QUARTERLY REPORT

The Accounting Authority has tabled the in-year management and monthly/quarterly reports to the minister and to the committee, as required by the treasury regulations. The Committee is satisfied with the content and quality of these reports. As per our regular discussion with NCT Management, Management has confirmed that these reports were properly formulated in compliance with the PFMA and treasury regulations.

EVALUATION OF FINANCIAL STATEMENTS

The Audit and Risk Committee has:

- reviewed and recommended to the Executive Chairman, the Audited Annual Financial Statements to be included in the Annual Report with the independent auditors and management;
- reviewed the Independent Auditor's Management Report and their audit findings;

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

INDEPENDENT AUDITOR'S REPORT

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

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

The Committee commends management for achieving yet another "clean audit" status.

APPRECIATION

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



Mr Suleman Badat

Chairperson of the Audit & Risk Committee
National Consumer Tribunal
31 July 2023

REPORT OF THE ACCOUNTING AUTHORITY

PURPOSE OF THIS REPORT

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

NATURE OF BUSINESS

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

GENERAL FINANCIAL OVERVIEW AND SPENDING TRENDS

The NCT is confident that it has fulfilled its mandate and has used its funding efficiently and cost-effectively. The full Annual Financial Statements for the year ended 31 March 2023 are presented on pages 72 to 101, and are summarised as follows:

DESCRIPTION	2022/23	2021/22	VARIANCE
	R'000	R'000	%
Revenue			
Government Grant	54 756	53 515	2%
Filing Fees	15 606	13 381	17%
Interest	1 825	1 027	78%
Other	840	1 721	-51%
Total	73 027	69 644	5%
Expenditure			
Goods and Services	17 292	15 749	10%
Part-Time Tribunal Member's Fees	5 095	7 788	-35%
Employee Related Costs	43 879	45 819	-4%
Total	66 266	69 355	-4%
Surplus	6 762	289	2 233%

The Government funds the NCT's operations through the dtic. Although the caseload increased over the years, the grant allocation has not kept pace with inflation. In the 2022/23 financial year, the NCT received a grant allocation of R54,7 million compared to R53,5 million in the prior year, a 2% increase.

During the 2022/23 financial year, the NCT had a surplus of R6,7 million (as per the statement of financial performance), mainly due to the implementation of cost containment measures because the increase in the grant allocation was not aligned with inflation.

Filing fees contributed 21% to the total income. The revenue from filing fees increased from R13,3 million to R15.6 million (17%). The number of DRAs received alone increased from 27 227 to 29 109 (6,9% increase). On 1 April 2022, the DRA filing fee increased from R500.00 to R537.50 per case. The amount received from filing fees does not offset all the adjudication costs because the fee is a nominal R537.50 per DRA filed with the NCT. It does not contribute towards the more expensive and time-consuming non-DRAs. Although the non-DRAs are fewer in number, they are often highly contested by attorneys and counsel and subject to procedural applications and postponements by litigants.

The NCT's income from interest earned increased by 78% from R1 million to R1.8 million. This increase is due to a higher bank balance maintained in the investment account due to surplus funds carried over. The NCT invests its surplus funds with the Corporation for Public Deposits in terms of its Investment and Grant Management Policy.

The total expenditure for the period decreased by 4%. Savings in Part-Time Tribunal members' fees contributed significantly to this decrease because the NCT aggressively attempted to achieve savings. The three Full-Time Members dealt with all the DRA's between April and September 2022, thereby reducing payments to Part-Time Members. The hearing roll was scheduled in such a way as to enable the Full-Time Tribunal Members to adjudicate on all the DRA's for that period. In addition, the billing guidelines were amended. Previously, Part-Time Members were paid for preparation and hearing time if matters were removed from the roll five days before the hearings. They are now paid only upon one day's notice of cancellation and are required in most instances to consider DRA's on the cancelled day. Significant savings are therefore realised when matters are removed from the hearing roll. Careful consideration is taken when matters are placed on the hearing roll. Cases are grouped so that members, in most instances, consider 2 opposed and up to 3 unopposed matters in a day.

Capacity-wise, the NCT requires more Tribunal Members despite having achieved all its adjudicative targets. The NCT does not intend to discontinue any operations. In addition, there are no new or proposed key activities.

REQUEST FOR ROLLOVER OF FUNDS

The NCT will request the Treasury to retain R12,9 million. These funds will be utilized towards implementation costs for the National Credit Amendment Act and other capital costs. The dtic approved the rollovers in the previous financial year.

SUPPLY CHAIN MANAGEMENT

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

The NCT has not concluded unsolicited bid proposals for the year under review. In addition, there are no challenges requiring extra attention.

AUDIT REPORT MATTERS IN THE PREVIOUS YEAR.

The NCT received a clean audit during the previous financial year. During the financial year, the NCT addressed the matters the external audit raised in the Management Report. The internal audit subsequently confirmed that the NCT addressed all the matters.

OUTLOOK / PLANS TO ADDRESS FINANCIAL CHALLENGES.

There were no financial challenges identified. The NCT did well in the poor current economic climate to manage its operations within its budget limitations. From an adjudication perspective, the NCT instituted numerous measures to ensure it does not overspend in the future.

EVENTS AFTER THE REPORTING DATE

There are no matters or circumstances as at the financial year end and not otherwise dealt with in the Annual Financial Statements that significantly affect the NCT's financial position or its operations' results.

ECONOMIC VIABILITY

The Accounting Authority is confident that the available grant allocation will enable the NCT to continue as a going concern NCT in the next financial year.



Mr. T. A. Bailey
Executive Chairperson
National Consumer Tribunal
31 July 2023

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

REPORT ON THE AUDIT OF THE FINANCIAL STATEMENTS

Opinion 1

1. We have audited the financial statements of the National Consumer Tribunal set out on pages 72 to 101 which comprise the statement of financial position as at 31 March 2023, the statement of financial performance, statement of changes in net asset, cash flow statement and statement of comparison of budget and actual amounts for the year then ended, as well as notes to the financial statements, including a summary of significant accounting policies.
2. In our opinion, the financial statements present fairly, in all material respects, the financial position of the National Consumer Tribunal as at 31 March 2023, and their financial performance and cash flows for the year then ended in accordance with South African Standards of Generally Recognised Accounting Practices (SA Standards of GRAP) and the requirements of the Public Finance Management Act of South Africa 1 of 1999 (PFMA).

Basis for opinion

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

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

Responsibilities of the accounting authority for the financial statements

6. The accounting authority is responsible for the preparation and fair presentation of the financial statements in accordance with SA Standards of GRAP and the requirements of the PFMA, and for such internal control as the accounting authority determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.
7. In preparing the financial statements, the accounting authority is responsible for assessing the tribunal's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the accounting authority either intends to liquidate the tribunal or to cease operations, or has no realistic alternative but to do so.
8. Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.
9. A further description of our responsibilities for the audit of the financial statements is included in the annexure to this auditor's report.

REPORT ON THE AUDIT OF THE ANNUAL PERFORMANCE REPORT

10. In accordance with the Public Audit Act 25 of 2004 (PAA) and the general notice issued in terms thereof, we have a responsibility to report on the usefulness and reliability of the reported performance against predetermined objectives for selected programmes presented in the annual performance report. The accounting authority is responsible for the preparation of the annual performance report.
11. We selected the following programme presented in the annual performance report for the year ended 31 March 2023 for auditing. We selected a programme that measure the public entity's performance on its primary mandated functions and that are of significant national, community or public interest.

PROGRAMME	PAGE NO.	PURPOSE
Program 1: Adjudication	18-35	To provide the necessary administrative and adjudicative and other related services to ensure that the NCT delivers successfully on its legislative mandate.

12. We evaluated the reported performance information for the selected programme against the criteria developed from the performance management and reporting framework, as defined in the general notice. When an annual performance report is prepared using these criteria, it provides useful and reliable information and insights to users on the public entity's planning and delivery on its mandate and objectives.
13. We performed procedures to test whether:
 - the indicators used for planning and reporting on performance can be linked directly to the tribunal's mandate and the achievement of its planned objectives.
 - the indicators are well defined and verifiable to ensure that they are easy to understand and apply consistently and that I can confirm the methods and processes to be used for measuring achievements.
 - the targets can be linked directly to the achievement of the indicators and are specific, time bound and measurable to ensure that it is easy to understand what should be delivered and by when, the required level of performance as well as how performance will be evaluated.

- the indicators and targets reported on in the annual performance report are the same as what was committed to in the approved initial or revised planning documents.
 - the reported performance information is presented in the annual performance report in the prescribed manner.
 - there is adequate supporting evidence for the achievements reported and for the reasons provided for any over- or underachievement of targets.
14. We performed the procedures for the purpose of reporting material findings only; and not to express an assurance conclusion.
 15. We did not identify any material findings on the reported performance information for the selected programme.

REPORT ON COMPLIANCE WITH LEGISLATION

16. In accordance with the PAA and the general notice issued in terms thereof, we must audit and report on compliance with applicable legislation relating to financial matters, financial management and other related matters. The accounting authority is responsible for the tribunal's compliance with legislation.
17. We performed procedures to test compliance with selected requirements in key legislation in accordance with the AGSA findings engagement methodology. This engagement is not an assurance engagement. Accordingly, we do not express an assurance opinion or conclusion.
18. Through an established AGSA process, we selected requirements in key legislation for compliance testing that are relevant to the financial and performance management of the tribunal, clear to allow consistent measurement and evaluation, while also sufficiently detailed and readily available to report in an understandable manner. The selected legislative requirements are included in the annexure to this auditor's report.
19. We did not identify any material non-compliance with the selected legislative requirements.

OTHER INFORMATION IN THE ANNUAL REPORT

20. The accounting authority is responsible for the other information. The other information comprises the information included in the annual report, which includes the accounting authority's statement of responsibilities and approval. The other information does not include the financial statements, the auditor's report and the selected programme presented in the annual performance report that have been specifically reported on in this auditor's report.
21. Our opinion on the financial statements and our findings on the reported performance information and the report on compliance with legislation do not cover the other information and we do not express an audit opinion or any form of assurance conclusion on it.
22. In connection with our audit, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and the selected programme presented in the annual performance report, or our knowledge obtained in the audit, or otherwise appears to be materially misstated.
23. We did not receive the other information prior to the date of this auditor's report. When we do receive and read this information, if we conclude that there is a material misstatement therein, we will be required to communicate the matter to those charged with governance and request that the other information be corrected. If the other information is not corrected, we may have to retract this auditor's report and re-issue an amended report as appropriate. However, if it is corrected this will not be necessary.

INTERNAL CONTROL DEFICIENCIES

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

OTHER REPORTS

25. We draw attention to the following engagements conducted by various parties. These reports did not form part of our opinion on the financial statements or our findings on the reported performance information or compliance with legislation.

Audit-related services and special audits.

26. At the request of the public entity, we will perform procedures to review the National Treasury Consolidation Pack to ensure conversion adjustments are captured correctly for the consolidation purposes by National Treasury.

AUDITOR TENURE

27. In terms of the IRBA rule published in Government gazette number 39475 dated 4 December 2015, we report that Rakoma and Associates Incorporated has been the auditor of National Consumer Tribunal for 5 years.

Rakoma and Associates Inc.

Rakoma and Associates Incorporated

Per: Patience Moyo CA (SA)
Engagement Partner
Registered Auditor

31 July 2023

Willow Wood Office Park Block D
Corner 3rd Ave & Cedar Rd
Johannesburg
2021

ANNEXURE TO THE AUDITOR'S REPORT

AUDITOR'S RESPONSIBILITY FOR THE AUDIT

PROFESSIONAL JUDGEMENT AND PROFESSIONAL SCEPTICISM

As part of an audit in accordance with the ISAs, we exercise professional judgement and maintain professional scepticism throughout our audit of the financial statements and the procedures performed on reported performance information for selected programmes and on the public entity's compliance with selected requirements in key legislation.

FINANCIAL STATEMENTS

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

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

uncertainty exists relating to events or conditions that may cast significant doubt on the ability of the public entity and its subsidiaries to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements about the material uncertainty or, if such disclosures are inadequate, to modify our opinion on the financial statements. Our conclusions are based on the information available to us at the date of this auditor's report. However, future events or conditions may cause a public entity to cease operating as a going concern.

COMMUNICATION WITH THOSE CHARGED WITH GOVERNANCE

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

We also provide the accounting authority with a statement that we have complied with relevant ethical requirements regarding independence, and to communicate with them all relationships and other matters that may reasonably be thought to have a bearing on our independence and, where applicable, actions taken to eliminate threats or safeguards applied.

COMPLIANCE WITH LEGISLATION – SELECTED LEGISLATIVE REQUIREMENTS.

THE SELECTED LEGISLATIVE REQUIREMENTS ARE AS FOLLOWS:

LEGISLATION	SECTIONS OR REGULATIONS
Standards of Generally Recognised Accounting Practice (SA Standards of GRAP)	
Public Finance Management Act No.1 of 1999 (PFMA)	Section 51(1)(a)(iv); 51(1)(b)(i); 51(1)(b)(ii); 51(1)(e)(iii) Section 53(4) Section 54(2)(c’); 54(2)(d) Section 55(1)(a); 55(1)(b); 55(1)(c)(i) Section 56(1); 56(2) Section 57(b); Section 66(4)
Treasury Regulations (TR), 2005 issued in terms of the PFMA	TR 28.2.2 TR 30.1.3(g) TR 30.1.1 NT annual report guide for schedule 3A and 3C public Entities
The Framework for the managing of programme performance information (FMPPPI),	FMPPPI chapter 3.2 FMPPPI chapter 3.3
The Revised Framework for strategic plans and annual performance plans (R-FSAPP),	NT Instruction No. 10 of 2020-21 Section 4.4.3 and 4.4.4 of Revised FSAPP
Circulars and guidance issued by the National Treasury, Department of Public Service and Administration (DPSA)	

Statement of Responsibility for the year ended 31 March 2023

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

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

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

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

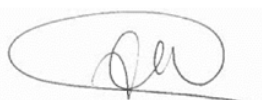
Based on the information and explanations given by Management, the Accounting Authority is of the opinion that the system of internal control provides reasonable assurance that the financial records may be relied on for the preparation of the Annual Financial Statements. However, any internal control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

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



Trevor Bailey

Executive Chairperson and Accounting
Authority
31 July 2023



G Dladla

Chief Operating Officer
31 July 2023



Ahmed Moolla

Chief Financial Officer
31 July 2023

Mr A Moolla, The Chief Financial Officer, returned from secondment to the Tshwane Automotive Hub Special Economic Zone (Pty) Ltd on 01 September 2022. Mr N Nziyane was appointed interim Chief Financial Officer from 01 July 2022 to 31 August 2022. Ms N Govan was appointed Interim CFO to 30 June 2022.

Statement of Financial Position

as at 31 March 2023

	Note	31 March 2023 R	31 March 2022 R
ASSETS			
Current assets		23 530 105	17 842 908
Cash and cash equivalents	2	22 530 105	15 865 524
Trade and other receivables from exchange transactions	3	881 448	1 904 335
Inventories	4	120 568	73 049
Non-current assets		5 954 269	5 789 732
Property, plant and equipment	5	4 881 133	4 334 743
Intangible assets	6	1 073 136	1 454 989
Total assets		29 484 374	23 632 640
LIABILITIES			
Current liabilities		10 443 174	11 353 004
Trade and other payables from exchange transactions	7	3 973 803	3 925 310
Employee Benefits	9	6 469 371	7 427 694
Total liabilities		10 443 174	11 353 004
NET ASSETS		19 041 201	12 279 636
NET ASSETS			
Accumulated surplus		19 041 201	12 279 636

Statement of Financial Performance

for the year ended 31 March 2023

	Note	31 March 2023 R	31 March 2022 R
Revenue : Non-exchange transactions		54 756 000	53 515 000
Government grant	10	54 756 000	53 515 000
Revenue: Exchange transactions		18 271 373	16 129 965
Filing fees	10	15 606 088	13 380 829
Service fees	10	6 968	6 612
Sundry income	10	812 420	1 642 411
Other income - proceeds from insurance	10	21 009	73 091
Interest earned	10	1 824 888	1 027 022
Total Revenue		73 027 373	69 644 965
Total expenditure		66 265 808	69 355 152
Audit fees	11	730 086	688 761
Administrative expenses	12	8 030 960	5 489 299
Other operating expenses	13	8 531 082	9 570 504
Part-time Tribunal Members' fees	14	5 094 920	7 788 016
Employee related costs	15	43 878 760	45 818 572
Net surplus for the year		6 761 565	289 813

Statement of Changes in Net Assets

for the year ended 31 March 2023

	Note	Accumulated surplus R	Total net assets R
Balance as at 31 March 2021		11 989 823	11 989 823
Net surplus for the period ended 31 March 2022		289 813	289 813
Balance as at 31 March 2022		12 279 636	12 279 636
Net surplus for the current year		6 761 565	6 761 565
Balance as at 31 March 2023		19 041 201	19 041 201

Cash Flow Statement

for the year ended 31 March 2023

	Note	31 March 2023 R	31 March 2022 R
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts		73 685 576	69 603 875
Government grants		54 756 000	53 515 000
Filing fees		16 264 291	13 355 604
Service fees		6 968	6 612
Sundry income		812 420	1 626 546
Other income - proceeds from insurance		21 009	73 091
Interest received		1 824 888	1 027 022
Payments		(65 449 152)	(64 687 855)
Tribunal Members' fees		(4 532 279)	(7 718 838)
Employee-related costs		(46 381 154)	(40 388 945)
Suppliers		(14 535 719)	(16 580 073)
Net cash flows from operating activities	17	8 236 424	4 916 019
CASH FLOWS FROM INVESTING ACTIVITIES			
		(1 573 857)	(3 901 979)
Additions to property, plant and equipment	5	(1 573 857)	(3 250 779)
Additions to intangible assets	6	-	(651 200)
Net increase in cash and cash equivalents		6 662 565	1 014 040
Cash and cash equivalents at beginning of the year		15 865 524	14 851 484
Cash and cash equivalents at the end of the year	2	22 528 089	15 865 524

Statement of Comparison of Budget and Actual Amounts for the year ended 31 March 2023

	Note	Approved budget (before transfers) R	Additional funds and transfers between budget line items R	Final budget (after transfers) R	Actual amounts on comparable basis with final budget R	Difference between final budget and actual amounts R
REVENUE						
Income from non-exchange transactions						
Grant income	18.1	54 756 000	-	54 756 000	54 756 000	-
Roll-over	18.2	-	6 400 000	6 400 000	6 400 000	-
Income from exchange transactions						
Filing and service fees	18.3	14 840 000	-	14 840 000	15 613 056	773 056
Sundry Income	18.3	350 000	-	350 000	833 429	483 429
Interest received	18.3	676 000	-	676 000	1 824 888	1 148 888
Total revenue		70 622 000	6 400 000	77 022 000	79 427 373	2 405 373
EXPENSES						
Administrative expenses	18.4	7 178 350	1 650 179	8 828 529	8 030 960	(797 569)
Other operating expenses	18.5	9 197 854	-549 008	8 648 846	7 121 761	(1 527 085)
Audit fees		773 891	-30 000	743 891	730 086	(13 805)
Tribunal Members' costs	18.6	7 255 465	-485 364	6 770 101	5 094 920	(1 675 181)
Employee-related costs	18.7	45 266 440	-	45 266 440	40 651 232	(4 615 208)
Capital expenditure	18.8	9 50 000	5 814 193	6 764 193	2 454 805	(4 309 388)
Total expenses		70 622 000	6 400 000	77 022 000	64 083 764	(12 938 236)
Surplus for the period as per budget statement		-	-	-	15 343 609	15 343 609

RECONCILIATION OF SURPLUS FOR THE PERIOD WITH THE SURPLUS IN THE STATEMENT OF FINANCIAL PERFORMANCE

	Adjusted for:	Activity	Adjustment of actual amounts to comparable basis with final budget R
Net surplus per the Statement of Financial Performance			6 761 565
Roll-over funds received in the prior year			6 400 000
Property, Plant and Equipment written-off		Operating	21 495
Amortisation		Operating	381 853
Depreciation		Operating	1 005 973
Movement in accrual for leave pay		Operating	- 957 691
Capital assets purchased		Investing	(1 573 857)
Prepayments - computer licences		Operating	(880 948)
Bonus provision		Operating	4 185 219
Surplus for the period as per budget statement			15 343 609

NOTE: All adjustments relate to a difference in the basis of preparation. There is difference between the accounting basis used in the preparing and presenting the budget and the accounting basis used in the financial statements. These differences occur as the accounting system and the budget system compile information from different perspectives, namely, the budget focuses on cash flows plus certain commitments, while the financial statements report cash flows and accrual information. The items above have been removed to make the budget comparable to the financial statements. Also, refer to Note 17 for the reconciliation of net cash flows from operating activities to the surplus per the Statement of Financial Performance.

Accounting Policies

for the year ended 31 March 2023

1. ACCOUNTING POLICIES

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

1.1 Basis of preparation

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

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

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

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

1.2 Comparative Information

- Current year comparatives (Budget)

Budget information in accordance with GRAP 1 and 24, has been provided in these annual financial statements for the year ended 31 March 2023.

- Prior year comparatives

The current year's financial statements have presented prior-period comparative information.

1.3 Use of estimation & significant judgements

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

Accounting Policies

for the year ended 31 March 2023 (continued)

1.3.1 Property, plant and equipment

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

1.3.2 Intangible assets

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

1.4 Going Concern

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

1.5 Financial instruments

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

1.5.1 Financial assets

Financial assets are initially measured at fair value plus transaction costs.

The NCT's principal financial assets are trade receivables and cash and cash equivalents. Subsequently, items included in this category are measured at the amortised cost, calculated based on the effective interest method, and material interest is included in the surplus or the deficit for the year. Net gains or losses represent gains and losses on de-recognition and are included in "other income" or "other expenses."

Receivables with no stated rate are measured at the original invoice amount if the effect of discounting is immaterial.

Impairment losses are recognised on loans and receivables when there is objective evidence of impairment. An impairment loss is recognised in the surplus or the deficit when the carrying amount of the asset exceeds its recoverable amount. The recoverable amount is calculated as the present value of the estimated future cash flows discounted at the original effective interest rate of the instrument.

1.5.2 Financial liabilities

The NCT's principal financial liabilities are trade and other payables.

In respect of persons, the Accounting Authority & Key Management of the NCT is regarded as a related party of the NCT. Key Management includes all persons having the authority and responsibility for planning, directing and controlling the activities of the NCT.

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

If the NCT has been party to any related party transactions during the reporting period covered by the financial statements, it shall disclose the nature of the related party relationship as well as information about those transactions and outstanding balances, including commitments, in order to enable users to understand the potential effect of the relationship on the financial statements.

Accounting Policies

for the year ended 31 March 2023 (continued)

1.5.3 Offsetting

The NCT does not offset financial assets and financial liabilities in the Statement of Financial Position unless a legal right to set-off exists and the parties intend to settle on a net basis.

1.5.4 Impairment

All financial assets measured at amortised cost or cost are subject to an impairment review. The NCT assesses at the end of each reporting period whether there is any objective evidence that a financial asset or group of financial assets is impaired.

1.6 Statutory receivables

Statutory receivables arise in the form of filing fees on Debt Re-arrangement applications (DRA's) filed with the NCT regarding the National Credit Act. The filing fee is R537.50 for the year ended 31 March 2023 and is set out in the Government Gazette issued in terms of the National Credit Act. No interest is charged, and no other charges are levied. Filing fees are received in advance, and matters are only dealt with if a filing fee is received; in addition, receivables are nominal, and no impairment is required.

Refer to the Accounting Policy 1.31.1 which details how revenue in this regard is accounted for.

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

1.7 Prepayments

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

1.8 Inventories

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

Inventories, consisting of stationery, is measured at the lower of cost and current replacement cost.

1.9 Property, plant and equipment

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

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

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

Subsequent costs are included in the asset's carrying amount or recognised as a separate asset, only when it is probable that future economic benefits associated with the item will flow to the NCT and the cost of the item can be reliably measured.

All other costs such as day-to-day servicing and small parts are treated as repairs and maintenance and are expensed to the Statement of Financial Performance during the financial period in which they are incurred.

Accounting Policies

for the year ended 31 March 2023 (continued)

1.9 Property, plant and equipment (continued)

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

Property, plant and equipment is depreciated on the straight-line basis over their expected useful lives to their estimated residual value. The initial assessments of the useful lives of items of property, plant and equipment have been assessed as follows:

Property, plant and equipment	Average useful life
Furniture and fittings	15 years
Office equipment	5 years
Computer equipment	5 years
Leasehold improvements	Period of lease

Derecognition

The gain or loss arising from the derecognition of an item of property, plant and equipment is determined by comparing the proceeds from disposal with the carrying amount of the property, plant and equipment, and is recognised in the Statement of Financial Performance when the item is derecognised.

1.10 Intangible assets

An intangible asset is recognised when:

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

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

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

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

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

Intangible assets	Average useful life
Computer software (Internally generated)	3 to 5 years
Computer software (Other)	2 to 3 years

Subsequent expenditure

Subsequent expenditure on capitalised intangible assets is recognised and capitalised only when the costs incurred increase the future economic benefits embodied in the specific asset to which it relates.

All other subsequent expenditure is recognised in the Statement of Financial Performance as an expense when it is incurred.

Accounting Policies

for the year ended 31 March 2023 (continued)

1.10 Intangible assets (continued)

Derecognition

The carrying amount of an intangible asset is derecognised on disposal or when no future economic benefits are expected from its use.

The gain or loss arising from the derecognition of an intangible asset is determined by comparing the proceeds from disposal with the carrying amount of the intangible asset and is recognised in the Statement of Financial Performance when the item is derecognised.

1.11 Impairment of property, plant and equipment and intangible assets

The NCT designates its assets as non-cash-generating assets as they are used for service delivery purposes and not to generate profits.

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

1.12 Leasing

1.12.1 Operating leases

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

1.12.2 Finance leases

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

1.13 Revenue

1.13.1 Revenue from exchange transactions

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

Revenue shall be measured at the fair value of the consideration received or receivable.

Filing fees:

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

Accounting Policies

for the year ended 31 March 2023 (continued)

1.13.1 Revenue from exchange transactions (continued)

Service fees:

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

Investment income:

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

1.13.2 Revenue from non-exchange transactions

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

1.14 Employee benefits

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

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

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

Performance bonuses are recognised as the NCT has a constructive obligation to make such payments, the entity has a practice of paying performance bonuses based on a performance management policy.

1.15 Borrowing costs

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

1.16 Fruitless and wasteful expenditure

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

Fruitless and wasteful expenditure is recorded in the Annual report when it is either:

- under assessment, determination and/or investigation;
- transferred to receivables for recovery; or
- written off if it is not recoverable.

A separate register is kept and maintained for historical fruitless and wasteful expenditure incurred in previous reporting periods and not addressed.

Refer to note 22 for details of fruitless and wasteful expenditure.

Accounting Policies

for the year ended 31 March 2023 (continued)

1.17 Irregular expenditure

Irregular expenditure is defined in Section 1 of the PFMA as expenditure other than unauthorised expenditure incurred in contravention of or not in accordance with the requirements of any applicable legislation. Such expenditure is accounted for in the Statement of Financial Performance.

Irregular expenditure is recorded in the Annual report when it is either:

- under assessment, determination or investigation;
- condoned by the relevant authority;
- transferred to receivables for recovery;
- written off if it is not recoverable; or
- not condoned and removed.

A separate register is kept and maintained for historical irregular expenditures incurred in previous reporting periods and not addressed.

Refer to note 23 for details of irregular expenditure.

1.18 Related parties

A related party to the NCT is a person or entity with the ability to control or jointly control the NCT, or exercise significant influence over the NCT and vice versa, or an entity that is subject to common control or joint control. Significant influence is the power to participate in the financial and operating policy decisions of the NCT, but is not in control over those policies. A related party transaction is a transfer of resources, services or obligations between the reporting entity and a related party, regardless of whether a price is charged.

The NCT is a National Public Entity and falls under the control of the Department of Trade, Industry and Competition (**the dtic**). **The dtic** and its portfolio of entities are therefore related parties of the NCT.

In respect of persons, the Accounting Authority & Key management of the NCT, is regarded as a related party of the NCT. Key management includes all persons having the authority and responsibility for planning, directing and controlling the activities of the NCT.

If the NCT has been party to any related party transactions during the reporting period covered by the financial statements, it shall disclose the nature of the related party relationship as well as information about those transactions and outstanding balances, including commitments, in order to enable users to understand the potential effect of the relationship on the financial statements.

1.19 Budget Information

The NCT includes an additional financial statement on comparison of budget amounts and actual amounts arising from the execution of the Budget in its annual financial statements, together with disclosure of the reasons for material differences between the approved budget, final budget and actual amounts. This reporting disclosure assists the NCT to discharge its accountability obligations and enhances the transparency of the financial statements by demonstrating compliance with the approved budget for the financial year, for which the NCT is held publicly accountable.

The Statement of Comparison of Budget and Actual Amounts presents separately, for each level of governance oversight, the approved and final budget amounts and the actual amounts on a comparable basis to the budget. The budget adopts a different basis of accounting to the financial statements. In order to assist users in understanding the application of the budget, the NCT includes a separate reconciliation of actual amounts on a comparable basis to the budget, to the actual amounts in the financial statements (net surplus in the Statement of Financial Performance). The NCT is committed to expend funds and operate within the limits of its approved budget allocation.

Accounting Policies

for the year ended 31 March 2023 (continued)

1.20 Standards of GRAP and Guidelines effective and adopted in the current year

The Application of Materiality to Financial Statements is a guideline which is not authoritative and entities are encouraged to apply the Guideline when preparing financial statements.

NCT has considered materiality in (a) developing accounting policies, which dictate how items, transactions and events are recognised, measured, presented and disclosed in the financial statements, and (b) assessing misstatements, errors and omissions.

1.21 Standards of GRAP issued but not yet effective

At the date of authorisation of these annual financial statements, the following new accounting standards of Generally Recognised Accounting Principles (GRAP) and interpretations of GRAP standards were issued and not effective.

Amended GRAP 104 on Financial Instruments (effective 1 April 2025)

The Standard is updated to establish principles for recognising, measuring, presenting and disclosing financial instruments.

Management's assessment indicates that the new standard will have no impact on the financial statements of the NCT other than additional disclosure requirements.

Amended GRAP 25 on Employee Benefits (effective 1 April 2023)

This Standard is updated with the prescription of the accounting and disclosure for employee benefits. This Standard requires an entity to recognise: (a) a liability when an employee has provided service in exchange for employee benefits to be paid in the future; and (b) an expense when the entity consumes the economic benefits or service potential arising from service provided by an employee in exchange for employee benefits.

Management's assessment indicates that the new standard will have no impact on the financial statements of the NCT.

Amended GRAP 1 on Presentation of Financial Statements (effective 1 April 2023)

This Standard is updated to clarify how information is aggregated, not obscuring material information with immaterial information or aggregating material items with different natures and functions. In addition, applying the concept of materiality resulting some information required by a standard but not included in the Notes and the AFS, even if listed as specific/minimum requirements. In addition, it has clarified how subtotals are used and the systematic order of notes.

Management's assessment indicates that the new standard will have no impact on the financial statements of the NCT.

iGRAP 21 The Effect of Past Decisions on Materiality (effective 1 April 2023)

This Interpretation explains the nature of past materiality decisions and their potential effect on current and subsequent reporting periods.

Management's assessment indicates that the interpretation will have no impact on the financial statements of the NCT.

Improvements to the Standards of GRAP 2020 from the 2023/24 Financial Year (Effective 1 April 2023)

Every three years, the Accounting Standards Board undertakes periodic revisions of the Standards of GRAP, in line with best practice internationally among standard setters. Improvements to Standards of GRAP are aimed at aligning the Standards of GRAP with international best practice, to maintain the quality and to improve the relevance of the Standards of GRAP.

Management's assessment indicates that the improvements will have minimal impact on the financial statements of the NCT.

Notes to the Annual Financial Statements for the year ended 31 March 2023

	Note	31 March 2023 R	31 March 2022 R
2. CASH AND CASH EQUIVALENTS			
Bank account – Call account (SA Reserve Bank) (refer Note 2.1)		13 610 839	11 821 936
Bank account – Operational current account (Nedbank)		5 051 574	2 562 118
Bank account – Filing fees current account (Nedbank)		3 789 036	1 471 470
Cash on hand – Petty cash (Petty Cash Debit Card)		76 640	10 000
		22 528 089	15 865 524

2.1 Bank account – Notice deposit

In terms of the NCT's investment policy, surplus funds are invested with the South African Reserve Bank in the Corporation for Public Deposits (CPD) Account. Interest was earned at an average rate of 6.40% (2021/22: 3.85%). The total cash and cash equivalents balance available for investment increased mainly due to the surplus funds approved for rollover in the current financial year.

3. TRADE AND OTHER RECEIVABLES FROM EXCHANGE TRANSACTIONS

Debtors for filing fees - Statutory receivables (Refer note 3.1)	500	1 000
Sundry debtors	-	27 551
Prepayments (refer Note 3.2)	880 948	1 875 784
	881 448	1 904 335

3.1 Debtors for filing fees - Statutory receivables

Statutory receivables past due but not impaired	0 to 30 Days	31 to 60 Days	Over 60 Days
Ageing of past due amounts not impaired - 2023	-	-	500

3.2 Prepayments

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

4. INVENTORIES

Stationery	120 568	73 049
	120 568	73 049

The amount of stationery expensed during the period amounted to R30 360.

Notes to the Annual Financial Statements for the year ended 31 March 2023

5. PROPERTY, PLANT AND EQUIPMENT

	2023			2022		
	Cost/ Valuation	Accumulated depreciation	Carry value	Cost/ Valuation	Accumulated depreciation	Carry value
Furniture and fittings	1 845 123	(1 086 405)	758 718	1 845 123	(1 001 567)	8 43 556
Office equipment	242 096	(211 588)	30 508	242 096	(204 831)	3 7 265
Computer equipment	7 785 311	(3 693 404)	4 091 907	6 234 797	(2 780 875)	3 453 922
Leasehold improvements	234 997	(234 997)	-	234 997	(234 997)	-
Books	-	-	-	-	-	-
Total	10 107 527	(5 226 394)	4 881 133	8 557 013	(4 222 270)	4 334 743

Reconciliation of property, plant and equipment – 2023

	Opening balance	Additions	Assets written off	Assets sold	Depreciation	Closing balance
Furniture and fittings	843 556	-	-	-	(84 838)	758 718
Office equipment	37 265	-	-	-	(6 757)	30 508
Computer equipment	3 453 922	1 573 857	(21 495)	-	(914 378)	4 091 907
Books	-	-	-	-	-	-
Total	4 334 743	1 573 857	(21 495)	-	(1 005 973)	4 881 133

Reconciliation of property, plant and equipment – 2022

	Opening balance	Additions	Assets Written Off	Assets sold	Depreciation	Closing balance
Furniture and fittings	985 906	-	(50 405)	-	(91 945)	843 556
Office equipment	46 567	-	(885)	-	(8 417)	37 265
Computer equipment	840 682	3 250 779	(165 602)	-	(471 937)	3 453 922
Books	11 443	-	(11 000)	-	(443)	-
Total	1 884 598	3 250 779	(227 892)	-	(572 742)	4 334 743

Property, Plant and Equipment pledged as security

There are no restrictions on Property, Plant, and Equipment; there are also none pledged as security for liabilities.

5.2 RE-ASSESSMENT OF USEFUL LIVES AND RESIDUAL VALUES

The useful lives and residual values of all the property, plant and equipment were assessed during the year under review and no revisions were necessary.

6. INTANGIBLE ASSETS

	2023			2022		
	Cost/ Valuation	Accumulated amortisation/ impairments	Carry value	Cost/ Valuation	Accumulated amortisation/ impairments	Carry value
Computer software – Internally generated	2 766 434	(2 017 781)	748 653	2 766 434	(1 830 617)	935 817
Computer software – Other	584 069	(259 586)	324 483	584 069	(64 897)	519 172
Total	3 350 503	(2 277 367)	1 073 136	3 350 503	(1 895 514)	1 454 989

Notes to the Annual Financial Statements for the year ended 31 March 2023

6. INTANGIBLE ASSETS (continued)

Reconciliation of intangible assets – 2023

	Opening balance	Additions	Amortisation	Impairments	Closing balance
Computer software – Internally generated	935 817	-	(187 164)	-	748 653
Computer software – Other	519 172	-	(194 689)	-	324 483
Total	1 454 989	-	(381 853)	-	1 073 136

Reconciliation of intangible assets – 2022

	Opening balance	Additions	Assets sold	Depreciation	Closing balance
Computer software – Internally generated	1 055 849	67 131	(187 163)	-	935 817
Computer software – Other	-	584 069	(64 897)	-	519 172
Total	1 055 849	651 200	(252 060)	-	1 454 989

6.2 RE-ASSESSMENT OF USEFUL LIVES AND RESIDUAL VALUES

The useful lives of all intangible assets were assessed during the year under review and no revision was necessary.

Intangible Assets pledged as security

There are no restrictions on Intangible Assets; there are also none pledged as security for liabilities.

	31 March 2023 R	31 March 2022 R
7. TRADE AND OTHER PAYABLES FROM EXCHANGE TRANSACTIONS		
Trade payables	1 237 041	976 223
Income received in advance – Filing fees	1 378 073	720 370
Salary deductions – PAYE, UIF, Garnishees and Union membership fees	-	1 571 622
Other payables – Permanent and temporary staff	45 340	-
Accrued expenses – Tribunal members' costs	915 365	352 724
Accrued expenses – Governance Committee members' costs	33 611	65 343
Straight lining of leases	364 373	239 028
	3 973 803	3 925 310

8 SHORT-TERM PROVISIONS

PROVISION FOR SETTLEMENT

Movement in the provision for settlement

Opening balance	-	535 538
Provisions utilised during the year	-	-535 538
Provisions made during the year	-	-
Provision at the end of the year	-	-
	-	-

9 EMPLOYEE BENEFITS

Leave pay accrual	2 284 152	3 241 843
Provision for performance bonuses	4 185 219	4 185 851
	6 469 371	7 427 694

Notes to the Annual Financial Statements for the year ended 31 March 2023

	31 March 2023 R	31 March 2022 R
10 TOTAL REVENUE	73 027 373	69 644 965
Non-exchange revenue	54 756 000	53 515 000
Government grants	54 756 000	53 515 000
Exchange revenue	16 446 485	15 102 943
Filing fees (refer to Note 10.1)	15 606 088	13 380 829
Service fees	6 968	6 612
Sundry income - Recovery of staff salary on secondment	812 420	1 642 411
Proceeds from insurance	21 009	73 091
Investment income	1 824 888	1 027 022
Interest earned	1 824 888	1 027 022

10.1 The filing fee (transaction amount) per debt re-arrangement matter brought before the Tribunal for Adjudication has increased from R 500 per case to R 537.50 per case effective from 1 April 2022 (2022: R500).

11 AUDIT FEES

External audit fees	730 086	688 761
	730 086	688 761

12 ADMINISTRATIVE EXPENSES

Advertising	35 551	404 145
Audit and Risk Committee members' remuneration	354 997	272 913
Bank charges	56 336	57 061
Computer expenses, ICT support and annual software licences	3 181 199	1 418 463
CSI Contribution	3 868	12 068
Entertainment, refreshments and staff welfare	208 758	124 891
Fraud hotline and whistleblowing	43 470	41 400
General expenses, gifts, flowers, first aid, cleaning costs, cutlery and crockery	26 762	17 985
HR Governance Committee members' remuneration	102 432	183 709
ICT Governance Committee members' remuneration	200 855	279 151
Internal audit fees and secretariat services	796 604	823 963
Legal and related fees	1 371 266	339 453
Membership fees, subscriptions, books and resource materials	26 280	40 502
News monitoring	103 500	34 500
Printing, stationery and publications	429 670	428 495
Storage costs, online backup services, mail archiving and disaster recovery	648 308	616 382
Training, bursaries and staff development	388 304	390 222
Venues and facilities for workshops, conferences and meetings	52 800	3 996
	8 030 960	5 489 299

Expenditure increased by 40%, and the main contributors were legal fees and computer expenses. Legal Fees increased as there were more matters that the NCT required legal support on compared to the previous financial year. Due to the server upgrade costs associated with computer expenses, ICT and software licenses increased.

Notes to the Annual Financial Statements for the year ended 31 March 2023

	31 March 2023 R	31 March 2022 R
13 OTHER OPERATING EXPENSES		
Amortisation	381 853	252 060
Small assets written off on purchase	-	143 781
Assets written off	21 495	227 892
Bad Debts written off	-	33 354
Consulting fees (refer to Note 13.1)	2 166 096	3 821 009
Courier costs, postage and stamps	126 783	175 104
Data costs and 3G connectivity	291 874	237 831
Depreciation (refer to Note 13.2)	1 005 973	572 742
Insurance	338 114	282 727
Lease rentals on premises and parking	2 520 419	2 420 272
Recording, transcription, interpreters, witnesses and translation services	67 895	31 494
Office relocation cost	-	37 386
Rentals – Equipment and furniture	233 871	85 366
Repairs and maintenance (refer to Note 13.3)	19 349	62 338
Telephone, fax and fibre optic communications	549 859	554 658
Travel and accommodation	178 350	26 147
Utilities – Water, electricity, rates and taxes	629 151	606 343
	8 531 082	9 570 504

13.1 The decrease in consulting fees is attributable to the CFO, who was seconded, and the NCT appointed a CFO on a short-term basis through a consulting firm. This contract concluded at the end of June 2022, thus three months into the 2022/23 financial year whereas expenditure in this regard was incurred for twelve months in the previous financial year.

13.2 A significant amount of investment was made into Computer Equipment during the financial year and thus depreciation increased.

13.3 Repairs and maintenance

Office equipment	-	6 438
Computer equipment	19 349	1 250
Leasehold improvements	-	54 650
	19 349	62 338

Notes to the Annual Financial Statements for the year ended 31 March 2023

	2023			2022		
	Members' fees, etc.	Travel Expenses	Total costs	Members' fees, etc.	Travel Expenses	Total costs
L Best	174 649	-	174 649	713 836	-	713 836
BC Dumisa	157 316	-	157 316	653 128	-	653 128
PA Beck	280 780	-	280 780	723 256	1 950	725 206
X May	6 468	-	6 468	94 201	-	94 201
T Woker	129 370	-	129 370	722 209	-	722 209
FK Manamela	26 816	-	26 816	701 276	2 475	703 751
DR Terblanche	169 499	-	169 499	787 396	344	787 740
FK Sibanda	136 969	-	136 969	682 566	214	682 780
TA Bailey	226 774	351	227 125	743 122	4 503	747 625
MC Peenze	1 171 142	1 170	1 172 312	985 973	153	986 126
NMD Nkomo	-	-	-	123 508	183	123 691
NS Maseti (Deputy Chairperson)	443 279	188	443 467	249 424	239	249 663
K Moodaliyar'	364 548	-	364 548	608 121	-	608 121
P Manzi-Ntshingila	328 961	-	328 961	-	-	-
C Ntsoane	353 610	2 316	355 926	-	-	-
C Sassman	679 222	-	679 222	-	-	-
S Mbele	252 271	-	252 271	-	-	-
S Hockey	193 246	201	193 447	-	-	-
	5 094 920	4 226	5 099 146	7 788 016	10 061	7 798 077

14.1 Decrease in Part-Time Tribunal Members' costs

The three Full-Time Members dealt with all the Debt Re-arrangement (DRA's) between April and September 2022; thus, we did not have to pay any of the Part-Time Members for this stream of matters in that period. In addition, the billing guidelines were also amended; previously, members were paid for preparation and hearing time if matters were removed from the roll five days before the date of that hearing; the guidelines were amended to only pay with one day's notice of cancellation.

Finally, the continuation of the grouping of matters also contributed to savings.

	31 March 2023 R	31 March 2022 R
15 EMPLOYEE-RELATED COSTS		
Senior management emoluments	10 605 790	11 436 681
Full-time Tribunal members' emoluments	6 364 494	5 835 484
Other staff emoluments	19 753 964	20 578 286
Leave paid out (on resignation or contract termination)	1 403 179	213 794
Other staff performance bonuses for previous performance period and accrued bonuses	1 893 114	1 883 850
Subtotal for payments made to permanent staff and interns	40 020 541	39 948 095
Temporary staff emoluments	353 025	1 316 617
Employer's contribution to statutory levies (refer to Note a)	277 666	313 256
Movement in accrual for leave pay	(957 691)	54 753
Movement in provision for performance bonuses	4 185 219	4 185 851
Total for employee-related costs (refer to note 15.4)	43 878 760	45 818 572

Notes to the Annual Financial Statements for the year ended 31 March 2023

	31 March 2023 R	31 March 2022 R
a) Statutory levies		
Workmen's Compensation Fund	155 749	2 00 653
Unemployment Insurance Fund (UIF)	121 917	112 603
Total statutory levies	277 666	3 13 256
15.1 Senior management emoluments	10 605 790	11 436 681
Executive Chairperson (Trevor Bailey from 13 July 2022)	1 728 776	-
Annual remuneration	1 715 176	-
Other fringe benefits	13 600	-
Executive Chairperson (JM Maseko until 30 June 2022)	1 292 570	2 328 404
Annual remuneration	613 150	2 308 204
Leave paid out	674 320	-
Other fringe benefits	5 100	20 200
Chief Operating Officer (Gijimane Dladla from 06 June 2022)	1 577 354	-
Annual remuneration	1 562 640	-
Other fringe benefits	14 714	-
Chief Operating Officer (NKD Lolwane: From 1 September 2019 until 31 October 2021)	-	2 024 623
Annual remuneration	-	984
Performance bonus for previous performance period	-	137 716
Leave paid out	-	165 577
Other fringe benefits	-	10 500
Other payments - settlement agreement & post termination work done	-	712 846
Registrar (LL Rabotapi) Until 31 October 2021		
Acting Chief Operating Officer (L Rabotapi: From 12 October 2021 to 05 June 2022)	1 847 519	1 818 583
Annual remuneration	1 634 195	1 561 462
Performance bonus for previous performance period	149 622	132 699
Acting allowance	48 645	106 808
Other fringe benefits	15 057	17 614
Acting Registrar (P Moodley: From 1 November 2021 to 05 June 2022)	52 335	561 293
Annual remuneration	-	437 560
Acting allowance	51 578	117 733
Other fringe benefits	757	6 000

Notes to the Annual Financial Statements for the year ended 31 March 2023

	31 March 2023 R	31 March 2022 R
Chief Financial Officer (A Moolla: on secondment from 28 June 2020 to 31 August 2022)	1 748 410	1 615 114
Annual remuneration	1 729 010	1 600 714
Other fringe benefits	19 400	14 400
Acting Chief Financial Officer (N Nziyane from 01 July 2022 to 31 August 2022)	54 507	-
Annual remuneration	53 807	-
Other fringe benefits	700	-
Corporate Services Executive (V Tsako: from 12 July 2021 and 30 April 2022)	263 177	1 045 750
Annual remuneration	120 575	1 035 332
Leave paid out	55 650	-
Performance bonus for previous performance period	85 752	-
Other fringe benefits	1 200	10 418
Corporate Services Executive (V Srineevassan: Acting from 19 May 2022 to 30 November 2022, Appointed CSE 1 December 2022)	645 837	381 103
Annual remuneration	495 299	277 879
Prior year salary correction (18 Jan 2021 - 31 March 2021)	-	3 495
Acting allowance	144 988	74 768
Performance bonus for previous performance period	-	20 979
Other fringe benefits	5 550	3 982
Chief Information Officer (BX Nomvete) (resigned 30 November 2022)	1 293 744	1 661 811
Annual remuneration	1 075 305	1 525 325
Performance bonus for previous performance period	127 011	122 286
Leave paid out	81 828	-
Other fringe benefits	9 600	14 200
Acting Chief Information Officer (Zac Malumedzha from 1 December 2022)	101 560	-
Annual remuneration	98 660	-
Other fringe benefits	2 900	-
15.2 Full-time Tribunal members' emoluments	6 364 494	5 835 484
Full-time Tribunal Member (HV Alwar - previously Devraj)	2 067 753	1 946 438
Annual remuneration	1 886 190	1 774 986
Performance bonus for previous performance period	166 413	157 052
Other fringe benefits	15 150	14 400

Notes to the Annual Financial Statements for the year ended 31 March 2023

	31 March 2023 R	31 March 2022 R
Full-time Tribunal Member (JR Simpson Resigned 31 October 2022)	1 699 887	1 946 864
Annual remuneration	1 095 038	1 774 986
Performance bonus for previous performance period	166 860	157 478
Leave paid out	429 589	
Other fringe benefits	8 400	14 400
Full-time Tribunal Member (LA Potwana Contract ended 30 June 2022) (New contract 13 July 2022)	2 115 359	1 942 182
Annual remuneration	1 851 694	1 774 986
Performance bonus for previous performance period	152 993	152 796
Leave paid out	96 729	-
Other fringe benefits	13 943	14 400
Full-time Tribunal Member (Z Ntuli from 01 January 2023)	481 495	-
Annual remuneration	477 895	-
Performance bonus for previous performance period	-	-
Other fringe benefits	3 600	
15.3 Expense allowances included under travel costs		
Corporate Services Executive (V Srineevassan)	493	-
Chief Financial Officer (A Moolla)	-	3 516
Expense allowance paid to senior management	493	3 516
Expense allowance paid to other staff	7 320	2 525
Total expense allowance paid to employees	7 813	6 041

15.4 Employee-related costs

The total employee-related costs decreased due to vacancies.

16 SEGMENT INFORMATION

The NCT is a National Public Entity which functions as one functional segment and operates from one geographic location, Centurion, Pretoria, South Africa.

Notes to the Annual Financial Statements for the year ended 31 March 2023

	31 March 2023 R	31 March 2022 R
17 RECONCILIATION OF NET CASH FLOWS FROM OPERATING ACTIVITIES		
Net surplus for the year	6 761 565	289 813
Adjusted for:	450 998	4 703 007
Amortisation	381 853	252 060
Depreciation	1 005 973	572 742
Assets written off	21 495	227 892
Finance costs – Finance leases	-	-
Movement in provisions – Employee related costs	(958 323)	3 650 313
Operating surplus before working capital changes	7 212 563	4 992 820
Changes in Working Capital	1 023 861	(76 800)
Decrease/(increase) in accounts receivable	1 022 887	(1 109 818)
Decrease/(Increase) in inventory	(47 519)	12 512
Increase/(Decrease) in accounts payable	48 493	1 020 506
Cash generated in operations	8 236 425	4 916 020

18 PRESENTATION OF BUDGET INFORMATION

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

Quantitative and qualitative material differences between the final budget and the comparable actual amount are disclosed in the notes below. The amount determined for materiality purposes is according to the materiality and significance framework as was published in the Strategic Plan. This amount was determined to be 0.60% of budgeted operational expenditure (which excludes capital expenditure) and which amounts to R418 032 for this financial year (2022: R397 484).

18.1 Income from non-exchange transactions

This relates to the grant received from the Department of Trade, Industry and Competition (dtic). The NCT received its full grant allocation of R54 756 000 for the 2022/23 financial year from the dtic during April 2022 (60%) and October 2022 (40%).

18.2 Roll-over

Treasury approved a roll-over of R6 400 000 in October 2022. This amount was thus included in the revised budget. The roll-over relates to capital expenditure projects related to the implementation of the National Credit Amendment Act.

18.3 Income from exchange transactions Filing Fees

Income from exchange transactions is earned through filing fees from debt counsellors for cases brought before the Tribunal. The filing fee increased by 7.5%, from R500 to R537.50 per case, effective 1 April 2022. The NCT earned more filing fees than budgeted as we received more applications.

Notes to the Annual Financial Statements for the year ended 31 March 2023

Sundry Income

The budget was exceeded as the CFO was seconded for a longer period than anticipated.

Interest received

Interest received was more than budgeted due to additional funds available to earn more interest. We carried over surplus funds from the prior financial year.

18.4 Administrative expenses

Administrative expenses are underspent due to cost saving measures.

18.5 Other operating expenses

Other operating expenditure is underspent due to the implementation of cost-saving measures. There were savings in the areas of lease rentals and utility costs. The savings related to travel and accommodation are due to minimum travel being undertaken due to hearings being held virtually.

18.6 Tribunal Members' costs

In a deliberate attempt to achieve savings, the three Full-Time Members dealt with all the Debt Re-arrangement (DRA's) between April and September 2022; thus, we did not have to pay any of the Part-Time Members for this stream of matters in that period. The hearing roll was scheduled so the Full-Time Tribunal Members had enough time to adjudicate on all the DRA's for that period. In addition, the billing guidelines were also amended; previously, members were paid for preparation and hearing time if matters were removed from the roll five days before the date of that hearing; the guidelines were amended to only pay with one day's notice of cancellation. As many matters are removed from the roll, we realized savings due to this amendment.

Finally, the continuation of the grouping of matters also contributed to savings.

18.7 Employee related costs

The underspending on employee costs relates to vacancies and performance bonuses paid at a lower rate than budgeted for.

18.8 Capital expenditure

Capital expenditure was underspent mainly due to the National Credit Amendment Act (NCAA) rules and regulations not yet Gazetted; the budget and spending for implementing the NCAA project depend on finalizing the rules and regulations, a process that is out of the control of the NCT.

Notes to the Annual Financial Statements for the year ended 31 March 2023

19 LEASES

	31 March 2023 R	31 March 2022 R
19.1 Operating leases – Buildings		
Lease payments under operating leases recognised in the surplus for the year	2 520 419	2 420 272
Future minimum lease payments		
Payable within one year	2 512 807	2 512 807
Payable after one year	5 025 614	7 538 421
	7 538 421	10 051 228

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

19.2 Operating leases – Office equipment		
Lease payments under operating leases recognised in the surplus for the year	233 871	85 366

The operating leases for office equipment relate to leases of photocopiers. When all the finance leases came to end during the prior year, new agreements were entered into and the assets of the old contracts were returned to the supplier. As the risks and rewarded of ownership do not vest with NCT, they have been classified as operating leases in the 2021 and 2022 financial year.

Future minimum lease payments		
Payable within one year	106 914	77 686
Payable after one year	-	6 548
	106 914	84 234

Notes to the Annual Financial Statements for the year ended 31 March 2023

20 RELATED PARTIES

20.1 Transactions with Parent Department

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

	31 March 2023 R	31 March 2022 R
Department of Trade, Industry and Competition (the dtic) – Grant received	54 756 000	53 515 000
20.2 Relationships and related party transactions		
20.2.1 Transactions with Public Entities		
The NCT forms part of the dtic portfolio and the related entities are listed below. The NCT did not transact with all of the dtic group entities during the current year.	-	-
National Consumer Commission (NCC) – Sister entity within the dtic group of entities and part of COTII that refer matters to the NCT for adjudication in terms of the Consumer Protection Act.	-	-
National Credit Regulator (NCR) – Sister entity within the dtic group of entities and part of COTII who refer matters to the NCT for adjudication in terms of the National Credit Act.	-	-
Companies and Intellectual Property Commission (CIPC)	-	-
Companies Tribunal (CT)	-	-
National Empowerment Fund (NEF)	-	-
Export Credit Insurance Corporation of South Africa Limited (ECIC)	-	-
South African Bureau of Standards (SABS)	-	-
National Lotteries Commission (NLC)	-	-
National Gambling Board of South Africa (NGB)	-	-
South African National Accreditation System (SANAS)	-	-
National Metrology Institute of South Africa (NMISA)	-	-
Tshwane Automotive Hub Special Economic Zone (Pty) Ltd (TAHSEZ)	751 591	1 624 246
National Regulator for Compulsory Specifications (NRCS)	-	-
20.2.2 Accounting Authority		
TA Bailey (Executive Chairperson) Aggregate remuneration	1 728 776	-
JM Maseko (Executive Chairperson) Aggregate remuneration	1 292 570	2 328 404

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

Notes to the Annual Financial Statements for the year ended 31 March 2023

		31 March 2023 R	31 March 2022 R
20.2.3	Part-time Tribunal Members		
L Best	Aggregate fee for services rendered	174 649	713 836
BC Dumisa	Aggregate fee for services rendered	157 316	653 128
PA Beck	Aggregate fee for services rendered	280 780	725 206
X May	Aggregate fee for services rendered	6 468	94 201
HFN Sephoti	Aggregate fee for services rendered	-	-
T Woker	Aggregate fee for services rendered	129 370	722 209
FK Manamela	Aggregate fee for services rendered	26 816	703 751
DR Terblanche	Aggregate fee for services rendered	169 499	787 740
FK Sibanda	Aggregate fee for services rendered	136 969	682 780
TA Bailey	Aggregate fee for services rendered	227 125	747 625
MC Peenze	Aggregate fee for services rendered	1 172 312	986 126
NMD Nkomo	Aggregate fee for services rendered	-	123 691
NS Maseti (Deputy Chairperson)	Aggregate fee for services rendered	443 467	249 663
K Moodaliyar	Aggregate fee for services rendered	364 548	608 121
P Manzi-Ntshingila	Aggregate fee for services rendered	328 961	-
C Ntsoane	Aggregate fee for services rendered	355 926	-
C Sassman	Aggregate fee for services rendered	679 222	-
S Mbele	Aggregate fee for services rendered	252 271	-
S Hockey	Aggregate fee for services rendered	193 447	-

Note: Aggregate fee for services rendered includes travel expenses. Also, refer to Note 14 for more detail.

20.2.4 Full-time Tribunal Members and Key Management

HV Alwar - previously Devraj (Full-time Tribunal Member)	Aggregate remuneration	2 067 753	1 946 438
JR Simpson (Full-time Tribunal Member)	Aggregate remuneration	1 699 887	1 946 864
LA Potwana (Full-time Tribunal Member)	Aggregate remuneration	2 115 359	1 942 182
Z Ntuli (Full-time Tribunal Member)	Aggregate remuneration	481 495	-
G Dladla (Chief Operating Officer)	Aggregate remuneration	1 577 354	-
LL Rabotapi (Acting Chief Operating Officer & Registrar)	Aggregate remuneration	1 847 519	1 818 583
NKD Lolwane (Chief Operating Officer)	Aggregate remuneration	-	2 024 623
A Moolla (Chief Financial Officer)	Aggregate remuneration	1 748 410	1 615 114
N Nziyane (Acting Chief Financial Officer)	Aggregate remuneration	54 507	-
BX Nomvete (Chief Information Officer)	Aggregate remuneration	1 293 744	1 661 811
P Moodley (Acting Registrar)	Aggregate remuneration	52 335	561 293
V Tsako (Corporate Services Executive)	Aggregate remuneration	263 177	1 045 750
V Srineevassan (Corporate Services Executive)	Aggregate remuneration	645 837	381 103
Z Malumendzha (Acting Chief Information Officer)	Aggregate remuneration	101 560	-

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

Notes to the Annual Financial Statements for the year ended 31 March 2023

	31 March 2023 R	31 March 2022 R
20.3 Amounts included in trade receivables/(trade payables) regarding related parties		
BC Dumisa (Part-time Tribunal Member) (Fees and travel expenses)		(69 081)
FK Manamela (Part-time Tribunal Member) (Fees and travel expenses)		(32 225)
DR Terblanche (Part-time Tribunal Member) (Fees and travel expenses)		(43 961)
FK Sibanda (Part-time Tribunal Member) (Fees and travel expenses)		(37 894)
T Woker (Part-time Tribunal Member) (Fees and travel expenses)		-
TA Bailey (Part-time Tribunal Member) (Fees and travel expenses)		(12 560)
MC Peenze (Part-time Tribunal Member) (Fees and travel expenses)	(103 360)	(56 521)
N Nkomo (Part-time Tribunal Member) (Fees and travel expenses)	(43 961)	(43 961)
S Hockey (Part-time Tribunal Member) (Fees and travel expenses)	(88 706)	-
K Moodaliyar (Part-time Tribunal Member) (Fees and travel expenses)	(356 918)	(56 521)
P Manzi-Ntshingila (Part-time Tribunal Member) (Fees and travel expenses)	(66 988)	
C Sassman (Part-time Tribunal Member) (Fees and travel expenses)	(106 761)	

21 FINANCIAL INSTRUMENTS

21.1 Financial risk management

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

- Credit risk
- Liquidity risk
- Interest rate risk

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

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

	31 March 2023 R	31 March 2022 R
Financial assets at amortised cost	22 528 589	15 894 075
Cash and cash equivalents (refer to Note 2)	22 528 089	15 865 524
Trade and other receivables (refer to Note 3)	500	28 551
Financial liabilities at amortised cost	2 231 357	1 394 290
Trade and other payables (refer to Note 7)	1 237 041	976 223
Accruals (refer to Note 7)	994 316	418 067

Notes to the Annual Financial Statements for the year ended 31 March 2023

21.1.1 Liquidity risk

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

21.1.2 Interest rate risk

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

	31 March 2023 R	31 March 2022 R
Balances exposed to interest rate risk		
Cash and cash equivalents (refer to Note 2)	22 528 089	15 865 524
	22 528 089	15 865 524

21.1.3 Credit risk

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

	31 March 2023 R	31 March 2022 R
Financial assets exposed to credit risk at year-end were as follows:		
Financial instrument		
Cash and cash equivalents – BB rating (Standard and Poor's)	22 528 089	15 865 524
Trade and other receivables – Unrated	500	28 551
	22 528 589	15 894 075

21.2 Fair values

The carrying amounts of financial instruments approximate fair value due to the relatively short-term maturity of these financial instruments.

22 FRUITLESS AND WASTEFUL EXPENDITURE

Management has not identified any fruitless and wasteful expenditure in the years ended 31 March 2022 and 31 March 2023.

23 IRREGULAR EXPENDITURE

Management has not identified any irregular expenditure in the years ended 31 March 2022 and 31 March 2023.

24 EVENTS AFTER THE REPORTING DATE

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

Notes to the Annual Financial Statements for the year ended 31 March 2023

25 GOING CONCERN

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

26 CONTINGENT LIABILITIES

As per Section 53(3) of the PFMA, NCT, as a Schedule 3A Public Entity, may not retain cash surpluses that were realised in the previous financial year without the prior written approval of the National Treasury. Therefore, regarding this section and National Treasury's instruction No.12 of 2020/2021, the NCT will submit to National Treasury to retain surpluses for 2022/2023 in line with this instruction during August/September 2023 based on the final audited figures. In the past, the NCT has received approval from the National Treasury to retain surpluses. At 31 March 2023, the NCT had an adjusted cash surplus of R12 966 363.40.

CCMA case

There is a CCMA case pending against the NCT and the outcome of the matter is unknown at 31 March 2023.

LAMBONS (PTY) LTD. // THE NATIONAL CONSUMER TRIBUNAL

There is a pending legal matter in the High Court where the Tribunal is cited as a Respondent and the outcome at this stage is unknown. Costs are sought against the Tribunal.

27 CAPITAL COMMITMENTS

Capital commitment as at the 31 March 2023 amounts to R 1 658 593 (2022: 774 315).

28 TAXATION

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

29 RECLASSIFICATION OF LEAVE ACCRUAL AND PROVISIONS

The NCT reclassified accrued leave from trade payables and short-term provisions to employee benefit obligations in order to provide aggregate disclosures of its short-term employee benefits. The net surplus was not impacted in any way.

2022

Financial position	As previously reported	Reclassification	Restated
Trade and other payables	7 167 153	3 241 843	3 925 310
Short term provisions	4 185 851	4 185 851	-
Employee Benefit Obligation	-	7 427 694	7 427 694

30 BROAD BASED BLACK ECONOMIC EMPOWERMENT (B-BBEE) PERFORMANCE

In terms Act 13G(1) all spheres of government, public entities and organs of state must report on their compliance with the broad-based black economic empowerment in their audited annual financial statements and annual reports. During the financial period ended 31 March 2022, the NCT was measured for Broad-Based Black Economic Empowerment (B-BBEE) compliance in accordance with the **dtic** Codes of Good Practice, Gazette number 38766 and 36928. The applicable scorecard used to determine the NCT compliance with the B-BBEE Act, 2013 (Act 46 of 2013) was the Codes of Good Practice - Specialised Generic (Revised codes). The NCT was found to be a non-compliant contributor to the B-BBEE Act, 2013. The B-BBEE certificate is valid until 26 October 2023. The NCT is committed to implementing measures to improve its compliance with the B-BBEE Act, 2013.

ANNEXURE A:

TRIBUNAL MEMBERS' RÉSUMÉS



Re-appointed and new Tribunal Members



MR TREVOR BAILEY [EXECUTIVE CHAIRPERSON]

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

Trevor is a Fulbright scholar and has practiced as an attorney, mediator, and arbitrator for many years. He is a part-time CCMA commissioner, and a court-annexed, commercial, labour, community, and environmental mediator.

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

Trevor has chaired the Gauteng Consumer Affairs Court, Gauteng Rental Housing Tribunal, and Gauteng Heritage Resources Appeal Tribunal. He has also been a member

of the Independent Electoral Commission Tribunal, Gauteng Landlord Tenant Dispute Resolution Board, Transport Appeal Tribunal, and an adjudicator for the Community Schemes Ombud Service.

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

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

MS HAZEL ALWAR

Qualifications: B. Soc. Science Psychology and Industrial Psychology; B. Soc. Science (Hons) LLB.

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

Ms Alwar has extensive board and committee experience. She chaired the Finance Committee at the NCT and served on the Legislative Committee, Audit Committee and HR Governance Committee. She also served as an Appeals Tribunal Member at the Film and Publication Board and as a REMCO Member for The South African Maritime Safety Authority. She lectured the Executive Management and Human Resource modules at Damelin, did training on the NCA and CPA for Magistrates, and participated in the African Dialogue and other International platforms on Consumer and Credit Law.





MR ANDISA POTWANA

Qualifications: B. Juris & LLB (University of Transkei) and Certificate in Legislative, Drafting, LLM Consumer Protection Law & LLD (University of Pretoria)

Admitted as an attorney on 17 November 2000, Dr Potwana initially practised law in a private law firm.

His passion for civil and commercial litigation resulted in his appointment as Project Manager: SMME Project by the University of KwaZulu-Natal's Campus Law Clinic. In this role, he lectured final-year LLB students on forms of business enterprises, led an outreach project and represented businesses in commercial litigation. His civil litigation skills were further enhanced during his tenure as head of the Civil Litigation Unit at the Pietermaritzburg's Legal Aid Board's High Court Unit. His deep-seated interest in commercial law led him to join the Competition Commission of South Africa as legal counsel, where he was soon promoted to the position of Senior Legal Counsel. Later on, he spent almost eight years as Director: of Consumer Law and Policy at the Department of Trade and Industry. In this role, among other responsibilities, he managed the drafting of various regulations, including the Consumer Protection Act 68 of 2008 Regulations. He recommended the prescription of the South African Automotive Industry Code of Conduct and the Consumer Goods and Services Industry Code of Conduct and the accreditation of the respective Ombud's schemes, the Motor Industry Ombudsman of South Africa (MIOSA) and the Consumer Goods and Services Ombud (CGSO). During this time, he served as the Minister's representative on the National Home Builders Registration Council (NHBRC) board

for five years. He has been serving as a Full-Time Tribunal member at the National Consumer Tribunal since 1 July 2017.

Admitted as an attorney in 2000, Mr. Potwana initially practiced law in a private law firm. His passion for civil and commercial litigation resulted in his appointment as Project Manager: SMME Project by the University of Natal's Campus Law Clinic. In this role, he lectured final year LLB students on forms of business enterprises, led an outreach project and represented businesses in commercial litigation. His civil litigation skills were further enhanced during his tenure as head of the Civil Litigation Unit at the Pietermaritzburg's Legal Aid Board's High Court Unit. His deep-seated interest in commercial law led him to join the Competition Commission of South Africa as legal counsel where he was soon promoted to the position of Senior Legal Counsel. Later on, he spent almost eight years as Director: of Consumer Law and Policy at the Department of Trade and Industry. In this role, among other responsibilities, he managed the drafting of various regulations, including the Consumer Protection Act, 68 of 2008 Regulations. He recommended the prescription of the South African Automotive Industry Code of Conduct and the Consumer Goods and Services Industry Code of Conduct and the accreditation of the respective Ombud's schemes, the Motor Industry Ombudsman of South Africa (MIOSA) and the Consumer Goods and Services Ombud (CGSO). During this time, he served as the Minister's representative on the board of the National Home Builders Registration Council (NHBRC) for five years.

MS ZODWA NTULI

Qualifications: BLC (Bachelor of Civil Law) University of Pretoria, Diploma in Project Management (Damelin Management School)

Ms. Ntuli has extensive experience in policy development and implementation, including developing effective strategies for compliance monitoring, advocacy, and enforcement. Under her leadership, consumer policy reforms were successfully processed through Parliament, leading to the adoption of the Consumer Protection Act, the amendments to the National Credit Act, the first credit amnesty for removing the adverse listing of consumers from credit bureaus after the 2008 global recession and the creation of the National Consumer Commission.

As the Deputy Director General for Consumer & Corporate Regulation in the Department of Trade, Industry, and Competition, she was responsible for all parliamentary processes for corporate and consumer policy reforms, including liquor, lotteries, gambling, and competition policies. She drove the establishment of the gambling and copyright review commissions. As the Executive Manager at South African Airways, she was part of the team that established Mango Airlines. As the Divisional Manager for Compliance at the Competition Commission of South Africa, she helped devise various compliance strategies, including the first Corporate Leniency Policy to encourage whistleblowing for cartels.



Before being appointed a National Consumer Tribunal member, she was seconded to act as the Commissioner to create the B-BBEE Commission. South Africa now has an independent and effective regulator for economic transformation, with the National Status on B-BEE Report to measure transformation progress and the Major B-BEE Transactions Analysis Report for ownership trends produced annually. Ms Ntuli has also served on boards of the National Credit Regulator and National Lotteries Commission and was Commissioner at the Commission for Employment Equity.



MS NOMFUNDO MASETI

Qualifications: BA (Honours) (Economics); Post-graduate Diploma in Economics for Competition Law

Ms Nomfundo Maseti serves as the full-time Regulator and Board member of the National Energy Regulator of SA (NERSA) for the almost 10 years. She is responsible for regulation of the gas industry whilst participating on governance and regulatory decisions can relating to other energy regulatory sectors such as electricity and petroleum pipelines.

She was assigned as a temporary regulator member in charges of the electricity regulation portfolio and petroleum pipelines regulatory portfolio between the period 2017 until March 2020.

She practiced competition economics at the Competition Commission of SA for 7 year where she successfully investigated, analysed cases involving violation of competition Act and handled merger review transactions. She served as a part-time member of ICASA's Statutory Committee adjudicating upon unlawful acts in the telecommunications

industry. She worked at the Department of Trade and Industry responsible for policy formulation, review and development of regulations and legislation under the corporate and consumer regulation division.

She has more than 20 years experience in regulatory enforcement in various industries and worked for competition and economic regulators.

She serves as a Deputy Chairperson of the National Consumer Tribunal adjudicating over consumer protection and consumer credit matters, where she writes published judgments. She serves as a Non-Executive Chairperson of the Regulating Committee for Meteorological Services responsible for tariff regulation and promotion of competitive outcomes.

She trained in economics having obtained BA Honours (Economics), Post Graduate Diploma in Economics of Competition Law."

PROF KASTURI MOODALIYAR

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

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

She has published nationally and internationally in the field of competition law. Her fields of interest include competition law, criminology, criminal law and telecommunications regulation. Prof Moodaliyar has been recognised as one of the Best of the Best: Up

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

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



DR. ADV. MARIA PEENZE

Qualifications: B. Juris (cum laude), LLB (cum laude), LLM: Human Rights (cum laude) (University of the Free State); Doctor Technologiae: Business Administration (Central University of Technology); Africa Directors Programme (University of Stellenbosch Business School); Certified Fraud Examiner (ACFE New York)

Dr Adv Maria Peenze has been a practising advocate of the Supreme Court of South Africa since 1994. She started her career in the Bloemfontein Bar of Associates and has been specialising in human rights ever since. She occupied various executive positions, including Executive Director: Organisational Administration at the Central University of Technology (CTU, FS),

Head of Legal Services at the Social Security Agency of South Africa, Deputy Director-General at the National Department of Transport for eight years, CEO of the Public Protector of South Africa until May 2016 and Ombudsman of UNISA.

Dr Peenze is practising as a governance specialist, holding various board and governance appointments in the private and public sectors.



ADV. CRAIG SASSMAN

Qualifications: B. juris (cum laude), LLB (cum laude), LLM: Human Rights (cum laude) (University of the Free State); Doctor Technologiae: Business Administration (Central University of Technology); Africa Directors Programme (University of Stellenbosch Business School); Certified Fraud Examiner (ACFE New York)

Craig Sassman is the Managing Director of the Legal Practice Academy (Pty) Ltd and is currently serving as a part-time member of the National Consumer Tribunal. He is an admitted advocate of the High Court of South Africa and holds a Master's degree in Corporate Law as well as a Credit Management qualification.

Craig completed his dissertation on the effects of affordability calculations under the National Credit Act (NCA). Craig was employed as a credit manager and compliance officer in the Microlending sector until 2006. He has spent the past seventeen years working as a training facilitator in the Credit Industry, specialising in training revolving around compliance with the NCA and the Consumer Protection Act

68 of 2008. Craig is one of the leading debt counselling trainers who has facilitated the prescribed debt counselling course to nearly one thousand aspiring debt counsellors. Craig was also instrumental in drafting the National Credit Regulator's prescribed debt counselling training material and its national examination.

Craig has trained the staff of various banks and microlenders both nationally and internationally on the concepts of Reckless Lending, Debt Collecting and Debt Counselling. His Legal and Credit Management experience has enabled him to understand and convey the principles of compliance regarding consumer legislation to thousands of learners, students and delegates. A qualified advocate, debt counsellor, training facilitator and NQF assessor, registered with The Legal Practice Council, BANKSETA, Services SETA and FASSET.

MR. CJ NTSOANE

Qualifications: Bachelor of Laws (LLB) degree from the (University of Limpopo). B-tech Degree in Marketing Management Technikon Pretoria, the now Tshwane University of Technology (TUT).

Mr. Ntsoane was admitted as an Attorney in 2013, he obtained his right of appearance in the High Court in 2014. He started his career as a professional assistant attorney for PC Mogale INC Attorneys for a period of three (3) years before he successfully ventured into the legal fraternity as a sole practitioner from 2015 to date. He has more than ten (10) years of practical legal experience. He is a member in good standing with the Legal Practice Council (LPC). He acquired his certificate for Alternative Dispute Resolution from the University of Pretoria (UP) in 2016. Mr. Ntsoane is a qualified Mediator and Arbitrator.

He is the chairperson of the Black Lawyers Association Limpopo (BLA) from 2022 to date. He was elected as the Deputy Chairperson for Black Management Forum (BMF) Polokwane from 2020 to date. In 2022 he was appointed as a part-time member of the National Consumer Tribunal (NCT) to date. He is a board member of the Legal

Practitioners Fidelity Fund (LPFF) from 2020 to date and serves as the Chairperson of the policy committee. In 2021 he was appointed to be a board member of the Legal Practitioners Development Fund (LPDF) to date. Mr. Ntsoane is serving on the Disciplinary Committee and the Investigative Committee for the Legal Practice Council Limpopo (LPC), which he started in 2020 to date.

Mr. Ntsoane served as a board member of the Law Society South Africa School for Legal Practice in the Limpopo Province from 2019 to 2022. He was a board member of the Lebowakgomo Hospital Board from 2016 to 2022. In 2017, Mr. Ntsoane served on the General Commercial Panel for the Arbitration Foundation of Southern Africa (AFSA).



MRS PHUMLA. T MANZI-NTSHINGILA

Qualifications: LLB (University of South Africa), Admitted Attorney, Notary Public and Conveyancer.

Phumla has practiced as an Attorney for 12 years. She is a member of the Institute of Directors South Africa, She holds a Certificate in Insolvency Law and Practice from the University

of Johannesburg and will be pursuing the Programme in Business Rescue at the University of Johannesburg in the coming term and is therefore a Member of both INSOL International and South African Restructuring and Insolvency Practitioners Association. Phumla has been successfully running her Law practice Qomazitha Zikode Inc for 7,5 years during which she has obtained vast experience in Public and Private Legislative frameworks through her appointments at uMzinyathi Municipality, Nkandla Municipality, uPhongolo Municipality, Ndwedwe Municipality, Ilembe Development Agency, Ithala Corporation Development Finance and Department of Rural Development and Land Reform amongst others where she has

continuously pushed herself beyond what seemed physically within her reach. She completed her Notarial Practice board exams in 2014 attaining the third (3rd) highest average in the province.

Phumla has served two terms at the KwaZulu-Natal Treasury both as a Member of the Municipal Tender Appeals Tribunal and as a returning Deputy Chairperson during 2016-2022. In 2012 she served one term at the KwaZulu-Natal Regional South African Football Association as a member of its disciplinary committee. She has also been appointed as a Law Society's Independent Elections Observer. It was through her interest in financial literacy that accepted a 3-year appointment as a Compliance Director in a Debt rearrangement establishment. Phumla is also currently serving her first term as a member of the Kwazulu-Natal Legal Practice Provincial Council within the Disciplinary, Investigative, mediation, and Fee Assessment committees. She has also appeared on local community radio stations providing free consumer protection-related legal assistance and aftercare.



MR SITHEMBISO MBHELE

Qualifications: B.Proc(Law), LLM in Business Law, MBA(University of Kwazulu-Natal)

Sithembiso Mbhele is an admitted legal practitioner with over 22 years of experience in the legal and corporate sector. Currently, I'm presiding over a number of various Tribunal Boards, such as the Municipal Bid Appeals Tribunal (Deputy Chairperson), Harry Gwala Development Agency Board(Board Member), RK Khan Hospital Board(Chairperson), Simi Health Care Solution, KZN Liquor Authority(Chairperson), KZN Rental Housing Tribunal Board,

Chairperson of the investigating committee(Department of Transport , Community Safety & Liaison, KZN, Legal Advisor Music House(KZN) and part-time Board Member of the National Consumer Tribunal.

Sithembiso has served as the Legal Advisor to Umzinyathi District Municipality, Umdoni District Municipality, Umlalazi District Municipality, the Department of Health(KZN), Ilembe District Municipality, Examiner for the Attorneys Admission Exams under Legal Practice Council(LPC KZN).

MR SELWYN HOCKEY

QUALIFICATIONS: BA (Social Science) (University of Cape Town); BA LL.B (University of the Western Cape); Postgraduate Diploma in Labour Law (University of Potchefstroom); Certificate in Arbitration Skills (The Arbitration Forum); and Certificate in Mediation (London School of Mediation).

Selwyn Hockey is an attorney, having been admitted as such in 1991. He has extensive practical experience and has practised as a partner at one of South Africa's premium corporate law firms for many years. During this time, he also served on the management board of the law firm.

Selwyn has extensive experience in commercial law, constitutional law and administrative law. As a practising attorney, he acted for major clients in the public and private sectors, including in the financial services sector. Selwyn is known as a professional with a high level of business acumen and an exceptional ability to deal with complex legal matters that cut across multiple legal areas. Over the years, he has acted in an advisory capacity to prominent local and international businesses on corporate governance and corporate disputes.



Selwyn served as an acting judge in the High Court of South Africa for several terms. His passion for matters of public interest has drawn him to the National Consumer Tribunal, where he now serves as a part-time member.

One of Selwyn's passions is ethical corporate governance, which he regards as essential for the growth of the South African economy. Selwyn is a member of the Institute of Directors of South Africa and is designated as a Certified Director.

Tribunal Members whose terms have come to an end or resigned during the reporting period.



PROF JOSEPH MANDLA MASEKO

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

High Court in South Africa in 2017.

Prof. Maseko has just completed a seventh of ten (10) modules of a second PhD researching the likely impact of the National Credit Amendment Act No. 7 of 2019, after coming into effect, on Insolvency law in South Africa, compared to the UK experience. Five of the completed modules were taught modules and the remaining two consist of the Dissertation stages. The last will be the oral defence of the dissertation down the line.

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

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

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

Prof Maseko was a part-time Tribunal Member of the National Consumer Tribunal (NCT) from November 2011. He also served as a member of the Mpumalanga Consumer Affairs Court from 2009. In 2014, he was appointed Chairperson of that Court for a three-year term ending in 2018. He, however, exited that appointment early after commencing the first term as Executive Chairperson of the NCT in July 2017.

He is also the founder and 70% owner of Maseko Management Services CC, a consulting firm based in Mpumalanga and Gauteng.

Prof Maseko has previously served as a National Senior Commissioner of the Commission for Conciliation; Mediation and Arbitration (CCMA) in 1999 as well as a part-time Senior Commissioner between 1997 and 1998. While serving part-time as the CCMA Senior Commissioner, he also conducted conciliations and arbitrations for the Public Sector Bargaining Councils (PSCBC, SSSBC, GPSSBC, PHSDSBC) and a few Private Sector Bargaining Councils and one Statutory Council).

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

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

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

Following his full-time appointment to the NCT, Prof Maseko has since resigned from all his Board and Panel appointments to avoid any potential conflict of interests. In October 2021, Prof. Maseko resigned from the Council of the Cape Peninsula University of Technology (CPUT) and three of its Committees.



DR LAURA BEST

Qualifications: DPhil: Commerce – Business Management (Nelson Mandela University)

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

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

PROF BONKE DUMISA

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

With his valuable combination of business and legal qualifications, Prof Dumisa is now an ordinary Tribunal Member (on his third five-year term) having served as the NCT's Acting Executive Chairperson for eight months (November 2016 – June 2017) and served as the NCT's Deputy Chairperson for ten years (two consecutive five-year terms 2006 - 2016) since its inception in 2006. Prof Dumisa is an Advocate of the High Court of South Africa and a former Professor of Management at the University of KwaZulu Natal. He has served as an Acting Judge of the High Court of South Africa, KwaZulu-Natal Division (Durban). Thanks to his sought-after leadership skills and business acumen, Prof Dumisa serves or has served on a number of boards, including his roles as Non-Executive Director on the Board of the Public Investment Corporation (PIC) and Deputy Chairperson

of the Board of KwaZulu Natal Liquor Authority. He is a former Deputy Chairperson of the Ethekwini Local Committee of the same KwaZulu-Natal Liquor Authority and a former part-time Commissioner at the Broadcasting Complaints Commission of South Africa (BCCSA). He is a Non-Executive Director at the Durban International Convention Centre, Durban ICC. He is the inaugural/founding Chairperson of the KwaZulu-Natal Consumer Tribunal. He is the former Chief Executive Officer (CEO) of the Durban Chamber of Commerce and Industry, the former Chairperson of the KwaZulu-Natal Provincial Planning Commission and a former member of the Council for Medical Schemes (CMS). He also served on the Council of the University of Zululand.



MS DIANE TERBLANCHE

Qualifications: BA and LLB degrees, University of the Western Cape, LLM, University of Pennsylvania (USA)

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

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



MR FUNGAI SIBANDA

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

Mr Sibanda specialises in regulatory economics and competition policy matters and has held a number of senior positions at the Competition

Commission of the Department of Trade and Industry and the Independent Communications Authority of South Africa (ICASA).

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

MS PENELOPE BECK

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

Ms Beck was admitted as an attorney in 1992, and practices under the name and style of Beck-Paxton Attorneys. Her passion for consumer protection and human rights advocacy began in the NGO sector when she was employed with the Legal Resources Centre; as Director of the Housing Consumer Protection Trust; and as Director Black Sash National Advice Offices Programme. Over the past 30 years, Ms Beck has adjudicated disputes as a Member of the Gauteng Rental Housing Tribunal, as Chief Classifier of the Film and Publication Board, as Adjudicator at the Community Schemes Ombud Service, as a Member of the National Lotteries Distribution Trust, Charities Committee, as Chairperson of the Social Assistance Appeals Panel;

and as Chairperson of the Appeals Panel of the Compensation Fund (COIDA). Ms Beck has extensive Board and Committee experience

having served as a Member of the Department of Trade and Industry Consumer Affairs Committee, as Director of the Ombudsman for Banking Services, a member of the Audit and Finance Committee of the Ombudsman for Banking Services, a Member of the Office of Disclosure of the Department of Human Settlements, and as Director and shareholder of One Climate Fund South Africa (Pty) Ltd.



ADV. FRANS KGOELELA MANAMELA

Qualifications: B. Juris and LLB (University of the North)

Adv. Manamela has been involved in consumer affairs since 1992 and was admitted as an advocate of the High Court in 1995. He played a key role in setting up the first Consumer

Affairs Court in South Africa and was appointed as the first Consumer Protector for Gauteng in 1998. Adv. Manamela currently serves as

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

ADV. NEO SEPHOTI

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

Adv. Sephoti started off her consumer championship as a Director for Regulatory Services in the Department of Economic Development & Tourism in the North West. She is an advocate of the High Court of South Africa and has served as Head of Department at North West Tourism as well as Head of Department for Human Settlements in the North West Provincial Government. Adv. Sephoti has also served as a Commissioner of the Independent Commission for the Remuneration of Public Office Bearers and was Chairperson of the Audit and Risk Committee of the Performing Arts Council of the Free State (PACOFs). She was Corporate Affairs Manager for the South African Breweries Central Region for more than a decade. She has also served as a commissioned officer in the South African National Defence

Force in the Legal section with the rank of Lieutenant. Adv. Sephoti firmly believes that the difference that resolving consumer matters make to

the people and the economy makes the efforts worthwhile. She loves working with people and making a difference in their lives. She is an advocate of the High Court of South Africa and is currently employed as the Head of Department at North West Tourism which is part of the North West Provincial Government. Adv. Sephoti is also a member of the Independent Commission for the Remuneration of Public Office Bearers and is Chairperson of the Audit and Risk Committee of the Performing Arts Council of the Free State.





PROF TANYA WOKER

Qualifications: BA, LLB and LLM (University of Natal; Ph. D. (Rhodes University)

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

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

ADV. JOHN SIMPSON

Qualifications: B. Juris and LLB (UNISA)

For the first 10 years of his career, he served as a State Prosecutor in the Department of Justice, then as Magistrate, and finally as an admitted advocate in private practice. His quest for renewed challenges led him to take on the positions of Manager and then General Manager for the Ombudsman for Banking Services, where he served for 11 years. As a legal consultant, he provided advice and guidance to companies on the Consumer Protection Act and assisted the National Consumer Tribunal in the design and implementation of its case management

systems. He was appointed as a full-time Member of the Tribunal in June 2013, adjudicating cases in terms of the National Credit Act and the Consumer Protection Act. After 9 years with the Tribunal, Adv. Simpson was appointed as the Ombud for Financial Services Providers from 1 November 2022.



MR XOLELA MAY

Qualifications: Diploma in Business Management; MBA (in progress); NDip Law (University of Johannesburg); Diploma in Legal Studies (South African School of Law)

With his in-depth knowledge of the Consumer Protection Act and regulations, Mr May is a valued Tribunal Member who makes an active contribution to

the enforcement of consumer rights. He is Vice-Chairperson of the Southern Cape Correctional Services Parole Board and is involved in a number of NGOs and CBOs.

ANNEXURE B:

GOVERNANCE COMMITTEE

MEMBERS' RÉSUMÉS



Audit and Risk Committee

MR SULEMAN BADAT

Qualifications: CA (SA)

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

He served as a non-executive director on the Boards of Air Traffic Navigation Services SOC Ltd and Umgeni Water. He currently serves as a member of the Audit /Risk committees of the Department of

Science and Innovation, Department of Tourism, National Regulator for Compulsory Specifications and Media, Information & Communication Technologies SETA.



MS RUDZANI RASIKHINYA

Qualifications: CA (SA)

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

Chief Director of Accounting Support and Reporting where she was responsible for the consolidation of the whole government's accounts. She has more than 19 years of working experience. She has extensive knowledge in the IFRS, PFMA, MFMA and corporate governance.

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

ADV. ADILA CHOWAN

Qualifications: CA (SA), LLB (Cum Laude)

Adv Chowan is a Chartered Accountant and is since 2021 a practicing Advocate at the Duma Nokwe Chambers.

She served as a board member of the audit committees at NECSA, SACREAL, Goscor (Pty) Ltd, Bobcat (Pty) Ltd, and PetroSa. She currently serves as a member and chairperson of Kula Sizwe (PTY) Ltd and Communicare (Pty) Ltd. She also serves as a board member of the Cross Border Road Transport Agency

Audit Committee and the Chair of the Exemption Committee at the National Bargaining Council for Freight and Logistics Industry. She has been a member of the National Consumer Tribunal's Audit and Risk Committee since 01 April 2022.



ICT Governance Committee



DR PRITTISH DALA

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

Dr. Dala is an experienced and skilled independent non-executive director who serves on several boards as well as audit, risk and ICT committees providing expertise in audit, risk management, governance, compliance, forensics, ICT, digital transformation, cyber security and privacy. He has over 19 years' experience across several industry verticals, including an array of local and international client engagements within the public and private sector. Dr. Dala currently serves as the Chairperson of the IT Governance Committee of the NCT.

Dr. Dala is an experienced and skilled independent non-executive director who serves on several boards and audit, risk and ICT committees providing expertise around audits, risk, governance, information security, privacy and ICT. He has over 18 years' experience across several industry verticals, including an array of local and international client engagements within a Big four professional services environment, regulatory firm, and a number of public and private sector organisations. Dr. Dala currently serves as the Chairperson of the IT Governance Committee of the NCT.

MR SANDILE NDABA

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

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

include Ithala Development Finance Corporation, Passenger Rail Agency of South Africa, Universal Services and Access Agency of South Africa and National Energy Regulator of South Africa. He is currently and independent IT Consultant and Lecturer at the Durban University of Technology.



HR Governance Committee



RAJESH JOCK

Qualifications: MPhil; B.Comm Hons

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

strategic influence, diversity management and workplace justice, and change management.

Mr. Jock has 26 years of accumulated work experience in the private and public sectors. Mr. Jock serves on several boards and has professional membership at the IODSA, SAINS and SABPP. He is presently employed at the Merseta where he heads the Organisational Enablement function.

NOLUFEFE NGQUBEKILE-ALI

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

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

Nolufefe has risen through the ranks in the Human Resources field. She started as an intern and never stopped. She is now at the executive level. Nolufefe furthered her academic qualifications not only in HR field but in business leadership, information systems and management coaching, driven by an eagerness to provide targeted corporate support to businesses as is expected of a strategic partner.

Nolufefe acquired experience in different industries in the field of human resources and corporate services, including (ICT; Marketing; Properties; Marketing; Fleet Management; Information Management, Corporate Social Investment and BBBEE) at the executive level. She has successfully led strategic change, business process re-engineering, quality management, transformation and turnaround

projects and interventions in various reputable organisations. These have turned around organisations from a financial deficit to a break-even status through implementation of projects that drive revenue whilst reducing operational costs and maximising operational efficiencies.

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



ANNEXURE C:

EXECUTIVE COMMITTEE MEMBERS' RÉSUMÉS





MR. GIJIMANE DLADLA

Chief Operations Officer

Qualifications: B. Com Accounting

Mr. Dladla is registered as a member of the Institute of Commercial and Financial Accountants. He was the Chief Executive Officer at the Mpumalanga Housing Finance Company for 11 years and held various positions at the Mpumalanga Economic Growth Agency (MEGA) over a period of five years before he joined the National Consumer Tribunal in June 2022 as its Chief Operations Officer. Mr. Dladla is passionate about people and consumer rights and is very grateful that he can fulfil his passion on a daily basis.

Mr. Dladla has been the Chairperson and Trustee of the SANBI Retirement Fund for many years and is still serving in this capacity. At the NCT, Mr. Dladla attends all governance committee meetings as well as operational meetings in his official capacity. In addition, he is the Chairperson of OMCO and a member of EXCO.

MS NEEMA GOVAN

Acting Chief Financial Officer

Qualifications: B. Com (UP) B. Compt (Hons) (Unisa) CA(SA)

Ms Neema Govan is registered with the South African Institute of Chartered Accountants with over 14 years of experience.

Neema completed her articles at PwC and has an extensive background in the public sector accounting and audit environment. She has worked at the Gautrain Management Agency for 8 years.



She advanced to become the Finance Executive of the Agency which received consecutive clean audits during her tenure.

She is the NCT Acting Chief Financial Officer and a member of EXCO as well as the ARC Governance Committee until 30 June 2022.



MR AHMED MOOLLA

Chief Financial Officer

Qualifications: B. Com (RAU) B. Compt (Hons) (Unisa) RGA

Mr. Moolla is registered with the South African Institute of Government Auditors as a Registered Government Auditor. He has an extensive background in regularity audits in government. He was a Senior Manager for six years at the Auditor General of SA before joining the NCT in 2017 as Chief Financial Officer. For the period 01 July 2020 to 31 August 2022, Mr Moolla was seconded to the Tshwane Automotive

Special Economic Zone (TASEZ) as Acting Chief Financial Officer. He rejoined the NCT in September 2022.

Mr. Moolla attends the Audit and Risk Committee in his official capacity. He is an OMCO as well as an EXCO member.



MR BAX NOMVETE

CIO

Qualifications: Higher National Diploma in Computer Science (University of Hertfordshire (UK) Investment Management Diploma (Rand Afrikaans University)

Mr Nomvete has obtained his qualifications locally and abroad. During the first part of his career, he worked for 15 years in the ICT industry in the United Kingdom. On returning to South Africa in 1993, he was employed in senior and executive ICT positions for periods of time at Transnet Limited, Sanlam, Old Mutual, Saicom Payphones and

the National Credit Regulator, before joining the NCT in 2013 as ICT Manager. He is now the NCT CIO and a member of EXCO as well as the ICT Governance and ICT Steering Committees.

MR LUCKY RABOTAPI

Registrar

Qualifications: BA (majoring in Law, International Relations and Sociology) and LLB (University of the Witwatersrand); Diploma in Alternative Dispute Resolution (Arbitration Foundation of South Africa (AFSA)) (University of Pretoria)

Mr Rabotapi is an admitted attorney of the High Court with vast experience in consumer protection. After completing his articles, he practiced as a professional assistant in a medium-sized law firm before joining the Office of Consumer Protection (OCP) in the CCRD within the Department of Trade and Industry as an assistant director in May 2005. He was promoted to the position of deputy director responsible for alternative dispute resolution in January 2006. In

2009, he joined the KwaZulu Natal Consumer Protection Services as a consumer protector. In 2015, he joined the Community Schemes Ombud Services as the ombudsman responsible for KwaZulu Natal, Free State and Mpumalanga provinces. He was appointed as a part-time Tribunal member in July 2017 and joined the Tribunal full-time in September 2017 as its Registrar.



ADV. VASANTI SRINEEVASSAN

Qualifications: B.Comm; LL.B (University of KZN); Higher Diploma in Labour Law (University of Witwatersrand)

Advocate Srineevassan started her career within the structures of organised labour where her passion for labour law began. She then proceeded to enter the corporate sphere focusing on employment relations. During this time, she successfully managed and resolved many strikes and successfully implemented dispute resolution in various organisations.

Adv. Srineevassan has worked as the Employment Relations Manager at Tongaat Hulett Starch, the National ER Manager at Pepsico and was then promoted to HR Business Partner (manufacturing) within Pepsico, and then subsequently joined the South African Post Office as the GM: Employee Relations. She attained many accolades during her tenure at PepsiCo from the COO leadership awards to the Global HR Excellence award for achievements attained in the history of PepsiCo. Adv. Srineevassan also has sub-Saharan Africa experience where

she worked as the Group HR Manager in Cameroon establishing the HR structure and implementing systems; procedures; policy and risk and compliance processes. She joined the NCT in September 2022 as the HR and Facilities Manager as was then appointed as the Acting Corporate Services Executive. Adv. Srineevassan was also recognised for her contribution at the NCT when she was awarded the highest award of the Chairperson's Award in December 2021.

Adv. Srineevassan is also the lead negotiator at the **dtic** Collective Bargaining Forum, representing 13 entities in this role.

She was the Acting Corporate Service Executive from May-November 2022 and was appointed as Corporated Service Executive as from 01 December 2022. She is also a member of EXCO as well as the ICT, HR and Audit and Risk Governance Committees.

GLOSSARY OF TERMS



Glossary of terms

<i>Complete Filing</i>	A 'complete' filing is a filed application where all the filing requirements were met, as set out in Table 2 of the Rules for the Conduct of Matters before the NCT published under GN789 in GG30225 of 28 August 2007, as amended by GenN428 in GG34405 of 29 June 2011.
<i>Debt re-arrangement application</i>	An application in terms of section 138 of the NCA is an application for an order confirming a settlement reached as a consent order of the Tribunal after a matter has been resolved by means of an Ombud with jurisdiction, a consumer court or an alternative dispute resolution agent, or after an investigation by the NCR or/ and if the NCR and the respondent agree to the terms of the proposed order. In accordance with the provisions of section 86 of the NCA, debt counsellors use the provisions of section 138 to apply for confirmation of a DRA as a consent order of the Tribunal. In deciding on whether to make the DRA a (consent) order of the Tribunal, the Tribunal considers all aspects relating to the legality of the agreement. Among others, it considers interest rates agreed upon and affordability.
<i>Directive</i>	A directive is an instruction from a Tribunal member to the parties requesting that further documents be filed in support of an application or towards clarifying an issue with regard to an application filed.
<i>Non-debt re-arrangement</i>	A non-debt re-arrangement matter is an application or referral filed with the Tribunal, other than a debt re-arrangement matter. All other filings permitted to be made to the NCT are accordingly grouped under this classification.

NOTES:

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