



# **COMPANIES TRIBUNAL**

## **ANNUAL PERFORMANCE PLAN**

**2023/24**

**10<sup>th</sup> March 2023**

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## FOREWORD BY THE MINISTER

The 2023/24 Annual Performance Plan of the Companies Tribunal reflects the continued efforts of the dtic Group to align our activities around a common purpose; grounded in efforts to support **Industrialisation** to promote jobs and rising incomes, drive **Transformation** to build an inclusive economy, and build a **Capable State** to ensure improved impact of public policies.

The APP contains an ambitious set of targets aimed at realising the vision of the Companies Tribunal's governing legislation, and utilising these regulations to meet their purpose of empowering a larger number of South Africans to contribute towards our shared prosperity. In the year ahead, the Companies Tribunal will play a critical role in creating a fair and prosperous South African economy. While companies face a challenging global economic environment, the work of the Companies Tribunal will help create the conditions for sustained growth that are most needed when times are hardest.

Since the start of the Sixth Administration, the Department of Trade, Industry and Competition and all entities in the dtic Group have begun a process of adopting a revised output-driven planning system – grounded in the objective of combining all our efforts towards creating real impact for South Africans.

In 2023/24, the dtic concluded this process by introducing 45 output targets, to which the Companies Tribunal makes a critical contribution. These include supporting 1 million jobs, mobilising R200 billion in investment, supporting R700 billion in manufacturing exports, and helping Black Industrialists to create 20,000 jobs and R36,8 billion in output. The table attached sets out the 45 outcomes.

While the Companies Tribunal has incorporated many of these objectives into the APP, our next steps will be to further align the work of the Companies Tribunal to meet these common objectives through the implementation of its governing legislation. Within one month of tabling this version of the plan, proposed revisions must be submitted to the Executive Authority to better align with the vision of these targets.

Implementation of this plan must take account of the challenging fiscal environment in which government is operating, and as such as I have instructed all entities to undertake a further review of their spending plans for the period of the plan, and to submit a final, revised financial plan within one month of tabling this version of the plan. This plan should aim to reduce unnecessary spending and redirect these resources to better serve our core objectives.

The APP 2022/23 is hereby submitted in accordance with the Revised Framework on Strategic and Annual Performance Plans.

A handwritten signature in black ink, appearing to read 'Ebrahim Patel', with a long horizontal stroke extending to the right.

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

Date: 31 March 2023



## Accounting Authority's Statement

I am pleased to present the **2023/24-2025/26 Annual Performance Plan (APP)** for the Companies Tribunal (the Tribunal). The APP sets out a **three-year** plan for the Tribunal to deliver on its mandate and realize its new vision of "**Company dispute resolution excellence**"<sup>1</sup> that contributes to the promotion of fair and ethical corporate practices.

The Tribunal's APP is informed by the values and founding provisions of the Constitution, and the Companies Act, No. 71 of 2008 (the Act). It is further informed by the Department of Trade, Industry and Competition's (**the dtic's**) strategic objective of creating a fair regulatory environment that enables investment, trade and enterprise development in an equitable and socially responsible manner. The APP is further informed by the six priorities of the Sixth Administration particularly the six focus areas in the trade, industry and competition portfolio, within which the Tribunal resides.

The mandate of the Tribunal remains two-fold: adjudication and resolution of disputes through Alternative Dispute Resolution (ADR). The Tribunal may also perform any other functions assigned to it in terms of the Act or any laws mentioned in Schedule 4 of the Act.

In an environment characterised by a difficult economic climate, the use of ADR as a preferred mode of resolving company disputes is expected to rise over the next 5 years. ADR saves costs usually associated with litigation. Both Adjudication and ADR are interventions which align within the "Reconstruct and Transform Phase" of the Presidential Economic Reconstruction Plan (2020). These interventions help in building a sustainable, resilient and inclusive economy.

The Tribunal is grateful for another increase made in the baseline over the MTEF. The increase is however still inadequate. The major challenges that may impact negatively on the Tribunal's ability to deliver on its plans include limited funding and as a direct consequence of this, the inability to fully market the institution, to grow the caseload and to fully capacitate the institution as per the approved structure. These are long standing but urgent challenges that need urgent solutions failing which, the Tribunal's ability to execute its mandate will be negatively impacted.

A handwritten signature in blue ink, appearing to read 'D. Davis', written over a horizontal line.

Judge Dennis Davis  
2023-04-11  
20:19+02:00

**Judge Dennis Davis**

**Chairperson: Companies Tribunal**

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<sup>1</sup> The new vision was crafted in a service-provider-facilitated-strategic-session held on 27-28 October 2022, at Premier Hotel, Pretoria.



## Accounting Officer's Statement

The Companies Tribunal (the Tribunal) was established to increase access by companies, to the justice system, through efficient adjudication and resolution of disputes through Alternative Dispute Resolution mechanisms (ADR). The beneficiaries of the Tribunal include the start-up companies, small to medium companies and companies in financial distress who cannot afford the fees associated with protracted litigation. The Tribunal offers a simple, expeditious and cost-free mechanism of resolving companies' disputes. This impacts positively on the economy of the country as it saves costs associated with lost productivity and legal fees. Information on the Tribunal's decisions is easily available on the Tribunal's website.

The types of applications that the Tribunal handles include name and directorship disputes, review of compliance notices issued by CIPC, application to hold annual general meetings (AGMs), an extension of time to hold an AGM as well as applications for exemption from establishing social and ethics committees. The Tribunal's case load is expected to increase over the MTEF period as a result of amendments to the Companies Act. The amendments are expected to increase the scope of the powers of the Tribunal, albeit in a limited way as only minimal amendments were accommodated.

The Tribunal plans to increase its marketing campaign using mainly social media to raise awareness about the Tribunal's services. Stakeholders such as business chambers and the Legal Practice Council will be engaged with a view of forming strategic partnerships to disseminate information about the Tribunal throughout the country. The Tribunal's organisational structure is only partly filled as the Tribunal is underfunded. The new automated case management system launched on 1<sup>st</sup> August 2019 has come in handy during the COVID-19 period. The system contributes to the modernisation and reform within state-owned enterprises<sup>2</sup>. The system will further make South Africa an attractive investment destination and contribute to a better Africa and better World.

Despite the challenges, I am confident that the Tribunal will deliver on its mandate and thus contribute to the realisation of a fair and ethical corporate environment.

A handwritten signature in black ink that reads "Mingwane".

Monica Ledingwane  
2023-04-11  
20:21+02:00

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**'Maletlatsa Monica Ledingwane**  
**Chief Operations Officer**

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<sup>2</sup> The South African Economic Reconstruction and Recovery Plan, 2020, page 4.

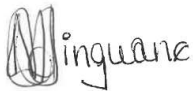
# OFFICIAL SIGN-OFF

It is hereby certified that this Annual Performance Plan:

- Was developed by the management of the Companies Tribunal together with the Chairpersons of the Governance Committees
- Considered all the relevant policies, legislation and other mandates for which the Companies Tribunal is responsible
- Accurately reflects the Impact, Outcomes and Outputs which the Companies Tribunal will endeavour to achieve over the period **2023/24 to 2024/25**.



**Hulisani Bridget Ramugadi**  
**Chief Financial Officer**



Monica Ledingwane  
2023-04-11  
20:21+02:00

**'Maletlatsa Monica Ledingwane**  
**Chief Operations Officer**

**Approved by:**



Judge Dennis Davis  
2023-04-11  
20:22+02:00

**Judge Dennis Davis**  
**Accounting Authority**

## **Part A: Our Mandate**

### **1. Relevant legislative and policy mandates**

The Companies Tribunal is established in terms of the Companies Act, Act No. 71 of 2008, as a juristic person. In terms of the Act, the Tribunal has jurisdiction throughout the Republic. It is independent and subject only to the Constitution and law.

In terms of the Companies Act, the Companies Tribunal's mandate is to:

- a)** Adjudicate in relation to any application that may be made to it in terms of the Act and make any order provided for in the Act in respect of any such application.
- b)** Assist in the resolution of disputes as contemplated in part C of Chapter 7 of the Act.
- c)** Perform any other function assigned to it by or in terms of the Act or any law in Schedule 4.

In delivering on this mandate the Companies Tribunal is expected to exercise and perform its functions in line with the spirit, purpose and objects of the Constitution, International Law and Companies Act, and in a manner which is simple, ethical, efficient, equitable, transparent, accountable, impartial and without fear, favour or prejudice.

### **2. Institutional Policies and Strategies**

To ensure proper Governance, the Tribunal has policies in various units (functional areas). The policies referred to above are listed on a Policy Schedule that the Tribunal maintains for control and review purposes. In addition to the policies mentioned above, the Tribunal has various other plans and registers.

### **3. Relevant Court Rulings**

The Tribunal will, when necessary, analyse the recent key decisions of the Higher Courts and evaluate the potential impact on its mandate and functions.

## Part B: Our Strategic Focus

### 4. Situational Analysis

#### 4.1.1 External Environment Analysis

##### Political Economic Social Technology Legal Environment (PESTLE)

POLITICAL		ECONOMIC	
Positive	Negative	Positive	Negative
<ul style="list-style-type: none"> <li>• Priority on driving out corruption.</li> </ul>	<ul style="list-style-type: none"> <li>• Long decision lead times</li> <li>• Changing political priorities (change of administration)</li> <li>• Political instability</li> </ul>	n/a	<ul style="list-style-type: none"> <li>• Impact of loadshedding</li> <li>• Impact of water restrictions</li> <li>• Economic instability (local and international)</li> <li>• Slow economic growth</li> </ul>
SOCIAL		TECHNOLOGICAL	
Positive	Negative	Positive	Negative
	<ul style="list-style-type: none"> <li>• Fraud / corruption</li> <li>• Low literacy rate</li> <li>• Language diversity</li> </ul>	<ul style="list-style-type: none"> <li>• Access to data</li> <li>• Future technologies (4IR, etc)</li> <li>• Impact of social media</li> <li>• Access to mobile technology / ICT</li> </ul>	<ul style="list-style-type: none"> <li>• Cyber-attacks /ransom ware</li> </ul>
LEGAL		ENVIRONMENTAL	
Positive	Negative	Positive	Negative
<ul style="list-style-type: none"> <li>• Data privacy framework (POPI Act, etc.) King 4 report</li> </ul>	<ul style="list-style-type: none"> <li>• Limited jurisdiction to meet public expectations</li> </ul>	<ul style="list-style-type: none"> <li>• Green economy</li> </ul>	n/a



## 4.1.2 Internal Environment Analysis Strengths Weaknesses Opportunities and Threats (SWOT)

### a) Strengths and Weaknesses

STRENGTHS (AREAS TO BUILD ON)	WEAKNESSES (AREAS TO BE DEVELOPED)
<p><b>Company dispute applications adjudicated</b></p> <ul style="list-style-type: none"> <li>• Issuing of orders on opposed applications</li> <li>• Issuing of orders on unopposed applications</li> </ul> <p><b>Company disputes resolved</b></p> <ul style="list-style-type: none"> <li>• ADR (Mediation, Conciliation, Arbitration)</li> </ul> <p><b>Management / leadership</b></p> <ul style="list-style-type: none"> <li>• Business performance management</li> <li>• Strong institutional values and ethics</li> <li>• Systems, procedures and policies in place</li> <li>• Procurement</li> </ul> <p><b>Corporate governance</b></p> <ul style="list-style-type: none"> <li>• Audit</li> </ul> <p><b>Resource management</b></p> <ul style="list-style-type: none"> <li>• HR management</li> <li>• Competence of staff and Tribunal Members</li> <li>• Financial management</li> <li>• Technology management</li> <li>• Assets / infrastructure</li> </ul>	<p><b>Company dispute applications adjudicated</b></p> <ul style="list-style-type: none"> <li>• Inconsistency of judgements</li> </ul> <p><b>Management / leadership</b></p> <ul style="list-style-type: none"> <li>• Business positioning</li> <li>• Corporate communication</li> <li>• Stakeholder relations management</li> <li>• Organization culture development</li> </ul> <p><b>Corporate governance</b></p> <ul style="list-style-type: none"> <li>• Risk management</li> <li>• Legal</li> </ul> <p><b>Resource management</b></p> <ul style="list-style-type: none"> <li>• High staff turnover</li> <li>• Inadequate research abilities</li> <li>• Information / knowledge management</li> <li>• Internal research capacity</li> <li>• ill-equipped hearing rooms</li> <li>• Lack of provincial offices</li> </ul>

### b) Strengths and Weaknesses:

OPPORTUNITIES (IN PRIORITY ORDER)	THREATS (IN PRIORITY ORDER)
<ul style="list-style-type: none"> <li>• Growing uptake of ADR services</li> <li>• Expanding our geographic footprint</li> <li>• Access to virtual technology</li> <li>• Increasing referrals from external stakeholders (including CIPC, TRP, etc.)</li> <li>• Technology—automating systems &amp; processes to improve efficiency</li> <li>• Support from key stakeholders for the Tribunal's extension of scope</li> <li>• Benchmarking on best practice models from similar entities</li> <li>• Contribution to research, jurisprudence and the development of company law</li> </ul>	<ul style="list-style-type: none"> <li>• Budget constraints</li> <li>• Limited jurisdiction</li> <li>• Decline in case load</li> <li>• Cyber attacks / ransom ware</li> <li>• Cost orders</li> <li>• Limited access to the Tribunal (by the public)</li> <li>• Limited public awareness of the Tribunal</li> <li>• Perception that the Tribunal is not impartial</li> <li>• External dependencies (e.g. Internal Audit function and IT infrastructure outsourced)</li> <li>• Fraud / corruption</li> <li>• Language diversity</li> <li>• Low literacy rate</li> <li>• Competition from other alternative dispute resolution bodies</li> <li>• Misconception about Tribunal jurisdiction</li> </ul>

## Part C: Measuring Outcome

### 5. Institutional Programme Performance Information

#### 5.1 Programme: Adjudication

##### 5.1.1. Purpose of the programme

The purpose of the programme is to adjudicate and make orders in relation to applications made in terms of the Companies Act No. 71 of 2008 as well as to facilitate the resolution of company disputes in terms of Alternative Dispute Resolution.

Members of the Tribunal are appointed by the Minister of Trade, Industry and Competition to adjudicate applications and resolved disputes based on the applications filed by the parties to the dispute. Where necessary, in person hearings are held, depending on the nature of the dispute. Otherwise cases are decided on paper without parties' physical appearance.

The Tribunal contributes to **the dtic's** Joint Indicator 3, "**Strengthening and Building a Capable State**". The outcome of this indicator is 'Functional, efficient and integrated services within the DTIC to improve economic development and ease of doing business.'

The Tribunal will link to the above indicator through achievement of the outcome "*Functional, efficient and integrated services within the CT to improve economic development and ease of doing business*".

The Tribunal implemented its electronic Case Management System which aims to assist internal management of applications as well as provide an electronic platform for users to lodge their applications online. The system is intended to reduce the turnaround for lodging applications manually and to contribute to ease of doing business. Due to the system still being new, the uptake is expected to be slow at first but increase steadily over time. The Tribunal also assists in resolving company disputes timeously which contributes to economic development and ease of doing business.

5.1.1.1. Outcomes, Outputs, Performance Indicators and Targets

Outputs	Output Indicators	Annual Targets						
		Audited/Actual Performance			Estimated Performance	MTEF Period		
		2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
1. Adjudicated applications	1.1. Percentage of decisions and orders <sup>3</sup> issued on <u>opposed</u> applications within <b>40</b> working days from the last set down or final submission by parties, whichever is applicable	100%	100%	93%	95%	95%	95%	95%
	1.2 Percentage of decisions and orders issued on <u>unopposed</u> applications within <b>30</b> working days from the last date of submission by parties	98%	97%	93%	95%	95%	95%	95%
2 Resolved disputes	2.1 Percentage of cases finalised <sup>4</sup> in terms of Alternative Dispute Resolution (ADR) within <b>25</b> working days after the date of set down or final submission by parties whichever is applicable	100%	100%	95%	95%	95%	95%	95%

<sup>3</sup> **Decisions and orders** issued are as prescribed by the Companies Act, 2008. Issued means formal communication of the decision and order to the client

<sup>4</sup> **Finalised** refers to decision making and issuing of failed certificates, withdrawals and cancellations

### 5.1.1.2 Indicators, Annual and Quarterly Targets

Output Indicators	Annual Target 2023/24	Q1	Q2	Q3	Q4
1.1 Percentage of decisions and orders <sup>5</sup> issued on <u>opposed</u> applications within <b>40</b> working days from the last set down or final submission by parties, whichever is applicable	95%	95%	95%	95%	95%
1.2 Percentage of decisions and orders issued on <u>unopposed</u> applications within <b>30</b> working days from the last date of submission by parties whichever is applicable	95%	95%	95%	95%	95%
1.3 Percentage of cases finalised <sup>6</sup> in terms of Alternative Dispute Resolution (ADR) within <b>25</b> working days after the date of set down or final submission by parties whichever is applicable	95%	95%	95%	95%	95%

<sup>5</sup> **Decisions and orders** issued are as prescribed by the Companies Act, 2008. Issued means formal communication of the decision and order to the client

<sup>6</sup> **Finalised** refers to decision making and issuing of failed certificates, withdrawals and cancellations

## 5.2 Programme 2: Administration

### 5.2.1 Purpose of the programme

The purpose of the programme is to ensure operational efficiency and effectiveness as well as effective stakeholder engagement. The Programme further aims to efficiently support and manage the operations by ensuring that there is proper Financial Management, Human Resource Management, Information Technology Management, Research Knowledge Management, Stakeholder Management and Legal Services.

The Tribunal will be contributing to **the dtic's** Joint Indicators as follows:

- a) **Joint Indicator 4**, defined as **District Development and Spatial Equity including all work within the District Model, District Development Model and Spatial equity including incorporating all work within the District Model**. The outcome of this indicator is 'Contribute to intergovernmental action in implementation of the District Development Model towards district economic development'.

The Tribunals will link to the above indicator through achievement of the output '*Stakeholder engagements*'. The Tribunal set a target of participating in 10 outreaches and/or exhibitions within district municipalities<sup>7</sup>.

- b) **Joint Indicator 5: Promote transformation through structural changes in the economy to enable greater inclusion and growth; and empowerment of designated risks, using the range of public tools such as procurement, incentives, technical support and enabling opportunities**. The outcome of this indicator is 'Promoting a growing and inclusive economy'.

The Tribunal will link to the above indicator through achievement of the output '*Procurement to promote transformation and empowerment of designated groups*'. The Tribunal included the target of ensuring that 60% of procurement is awarded to service providers with between Level 1 and Level 4 B-BBEE accreditation thus contributing to promotion of a growing and inclusive economy.

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<sup>7</sup> Though this output links up with JKPI 4 it has always been part of the Tribunals APP. It is not a new output.

### 5.2.1.2 Outcome, Outputs, Performance Indicators and targets

Outputs	Output Indicators	Annual Targets						
		Audited/Actual Performance			Estimated Performance	MTEF Period		
		2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
<b>Outcome: Companies Tribunal Continuity</b>								
<b>3 Leadership excellence achieved: Business positioning Registry</b>	<b>3.1</b> Percentage of user uptake of the Case Management System	-	50%	50%	40%	45%	50%	60%
<b>4 Leadership excellence achieved: Marketing and communication</b>	<b>4.1</b> Number of mid-year and end of year seminars held	1	1	1	2	2	2	2
	<b>4.2</b> Number of governmental collaborative engagements	-	-	-	-	6	6	6
	<b>4.3</b> Number of media engagements (media statements/radio activities)	2	8	4	12	12	12	12
	<b>4.4</b> Number of marketing/branding campaigns (exhibitions at shows, at AGMs, etc)	-	-	-	-	8	10	12
	<b>4.5</b> Number of outreaches with Ministry, municipalities, communities, schools etc	9	9	8	10	4	4	4
	<b>4.6</b> Number of Black Industrialist (or other suitable dtic's) conferences hosted or co-hosted	N/A	N/A	N/A	N/A	1	1	1

### 5.2.1.2 Outcome, Outputs, Performance Indicators and targets

Outputs	Output Indicators	Annual Targets						
		Audited/Actual Performance			Estimated Performance	MTEF Period		
		2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
<b>Outcome: Companies Tribunal Continuity</b>								
<b>5 Leadership excellence achieved</b> <i>(Corporate governance, Audit, risk management, compliance)</i> <b>Finance</b>	<b>5.1</b> Percentage of preferential procurement for designated groups	-	-	-	-	65%	65%	65%
	<b>5.2</b> Percentage of budget spent	-	-	-	-	95%	95%	95%
	<b>5.3</b> Audit level		-	-	-	Unqualified: no material findings	Unqualified: no material findings	Unqualified: no material findings
<b>6 Leadership excellence achieved:</b>  <b>Human Resource Management</b>	<b>6.1</b> Percentage of approved and funded positions filled	-	-	-	Revised Indicator	85%	90%	90%
	<b>6.2</b> Percentage of staff PDP completed (training, bursary/short courses)	-	-	-	-	50%	60%	70%
	<b>6.3</b> Number of wellness/coaching etc. programs implemented	-	-	-	-	4	4	4
	<b>6.4</b> Number of interns skilled/employed	-	-	-	-	2	2	2
<b>7 Leadership excellence achieved</b> <b>Technology management</b>	<b>7.1</b> Percentage milestones met on case management system (CMS) improvement plan	-	-	-	-	20%	30%	40%
	<b>7.2</b> Percentage of implementation against ICT Strategic Plan	-	-	-	-	80%	90%	90%
<b>8 Leadership excellence achieved</b> <b>Knowledge Management</b>	<b>8.1</b> Number of research Report produced	1	1	1	1	1	1	1
	<b>8.2</b> Number of Governance/Guideline/SOP documents developed (CT/Legal)	-	-	-	-	2	2	2

### 5.2.1.3 Indicators, Annual and Quarterly Targets

9 Output Indicators	Annual Target 2023/24	Q1	Q2	Q3	Q4
9.1 Percentage of user uptake of the electronic Case Management System	45%	45%	45%	45%	45%
9.2 Number of mid-year and end of year seminars held	2	-	1	-	1
9.3 Number of governmental collaborative engagements	6	2	2	2	0
9.4 Number of media engagements (media statements/radio activities)	12	3	3	3	3
9.5 Number of marketing/branding campaigns (exhibitions at shows, at AGMs, etc)	8	2	2	2	2
9.6 Number of outreaches with Ministry, municipalities, communities, schools etc	4	1	1	1	1
9.7 Number of Black Industrialist (or other suitable dtic's) conferences hosted/co-hosted	1	-	-	1 <sup>8</sup>	-
9.8 Percentage preferential procurement for designated groups	65%	65%	65%	65%	65%
9.9 Percentage of budget spent	95%	95%	95%	95%	95%
9.10 Audit level	Unqualified: no material findings	Unqualified: no material findings	Unqualified: no material findings	Unqualified: no material findings	Unqualified: no material findings
9.11 Percentage of approved and funded positions filled	85%	85%	85%	85%	85%
9.12 Percentage of staff PDP completed (training, bursary/short courses)	50%	-	-	-	50%
9.13 Number of wellness programs implemented (counselling/coaching etc)	4	1	1	1	1
9.14 Number of interns skilled/employed <sup>9</sup>	2	2	-	-	-
9.15 Percentage milestones met on Case Management System-CMS-improvement plan	20%	20%	20%	20%	20%
9.16 Percentage of implementation against ICT Strategic Plan	80%	80%	80%	80%	80%
9.17 Number of research Reports produced	1	-	-	-	1
9.18 Number of Governance/Guideline/SOP documents developed (CT/Legal)	2	-	1	1	-

<sup>8</sup> The quarter for holding the conference is dependent on the dtic. Once information is obtained, the target will be moved to the right quarter accordingly.

<sup>9</sup> The in-turn uptake to be at the beginning of the year and maintained through the year.



### 5.3 dtic Joint Indicators

The “J-KPIs” have been regrouped into three over-arching joint/integrated outputs that address also **the dtic** contribution to outcomes (inclusive growth, jobs, combating poverty, dealing with inequality) as follows, covering **22** distinct themes:

- **Industrialization:** building dynamic firms through a combination of efforts in partnership with the private sector, focusing on opportunities to grow in the domestic market (through localization, sector partnerships, beneficiation, promoting the green economy and fostering higher levels of investment) and building a wider Export Market with supply-side reforms to build competitiveness.
- **Transformation:** Building economic inclusion through transformation programmes in two broad areas: first addressing structural challenges to growth, mainly through competition policies; and strengthening the inclusive/transformation in the quality of growth, including broadening ownership and more inclusive corporate governance models
- **Delivery/Capable State:** Building a new culture of partnership in the economy, characterized by greater responsiveness and nimbleness by the Department and entities, which includes reviewing internal processes and legislation/regulations.

### 5.3.1 Companies Tribunal contribution to dtic JKPI's

The table below identifies the contribution that the various output indicators will have towards the regrouped JKPI's:

DTIC OUTCOMES	Outputs <sup>10</sup>	Output Indicators <sup>11</sup>	CT CONTRIBUTION TO JOINT KEY PERFORMANCE INDICATORS		
			JKPI 1 Industrialization	JKP1 2 Transformation	JKP 3 Delivery/Capable state
A. Climate initiatives: TBA (White Paper on EV, and Carbon tax border adjustment measures*  B. Red tape reduction intervention*	<b>1. Adjudicated applications</b>	Percentage of decisions and orders issued on opposed applications within 40 working days after the final date of the hearing or final submission by parties, whichever is applicable	<b>Promoting green economy:</b> <ul style="list-style-type: none"> <li>▪ Online hearings *</li> <li>▪ Reduced travelling*</li> </ul>	<b>Strengthening inclusiveness, transformation:</b> <ul style="list-style-type: none"> <li>▪ No fees (services free). This accommodates small income companies</li> </ul>	<b>Improved internal processes:</b> <ul style="list-style-type: none"> <li>▪ Simplified hearing processes*</li> </ul>
		Percentage of decisions and orders issued on unopposed applications within 30 working days after the date of allocation or final submission by parties whichever is applicable			
	<b>2. Resolved Disputes</b>	Percentage of cases finalized in terms of Alternative Dispute Resolution (ADR) within 25 working days after the date of final hearing or final submission by parties whichever is applicable			
	<b>3. Leadership excellence: (Case Management System)</b>	Percentage of user uptake of the electronic Case Management System (CMS)	<b>Promoting green economy:</b>  Online applications as opposed to paper applications	N/A	<b>Improved internal processes &amp; Capable State</b> <ul style="list-style-type: none"> <li>▪ Assists in ease of doing business</li> <li>Easy process</li> <li>Application process quicker</li> </ul>

<sup>10</sup> These are the outputs of the Companies Tribunal

<sup>11</sup> These are the output indicators of the Companies Tribunal

<b>C- Jobs supported by interventions</b>	<b>Leadership excellence: (Capacity building/ recruitment)</b>	Vacancy rate	-	<b>Inclusive transformation:</b> ▪ Employment equity - 92 % black - 33% women - 25% youth - 10%	<b>Capable state:</b> Employment of qualified employees to ensure delivery
	Capacity Building/ Recruitment of Interns	Number of skilled/ temporarily employed interns		2 interns per annum (minimum)	
<b>D- Hosting of Black Industrialist Conference</b>	<b>Leadership excellence: (Stakeholder engagements)</b>	Number of <b>seminars</b> held	<b>Sector partnerships:</b> Participate in <b>dtic outreach</b> partnerships with universities	<b>Inclusive transformation:</b> Procuring services from Previously Disadvantaged Individuals	-
		Number of <b>media engagements</b> (media statements and radio activities)	-		
		Number of participations in outreaches and/or exhibitions <sup>12</sup>			
		Number of participations in Black Industrialist (or other dtic's) conferences hosted or co-hosted		1 Black Industrialist or other conference hosted or co-hosted	
	<b>Leadership excellence (Research)</b>	Production of research reports or rules	-	-	Knowledge capacity built by research
	<b>Leadership excellence: (Procurement)</b>	Procurement report indicating the <u>percentage</u> of procurement contracts awarded	-	<b>Inclusive transformation:</b> Procurement of services from PDIs	<b>Capable state:</b> Payments made within 30 days

<sup>12</sup> \*Outreaches and/or exhibitions targeting businesses, associations, the public, legal fraternity and academia in various districts

## **6. Explanation of planned performance over the medium-term period**

### **6.1 Contribution of outputs towards achieving the outcomes and impact in the Strategic Plan aligned to the Mandate**

#### **6.1.1 Outcome 1: Access to simple, speedy and cost-effective justice system**

##### **a) The number of applications adjudicated within the turn round times (Adjudication)**

The Tribunal adjudicates on applications at no charge to the parties. The targeted beneficiaries of this output include the start-ups, small to medium companies and companies in financial distress who cannot afford the fees associated with protracted litigation. This means that even the applicants that would normally be excluded from litigation by the high prohibitive costs of a normal court litigation are able to lodge cases at the Tribunal. The affordability of the Tribunal's services has a positive impact on economic inclusion and transformation. Furthermore, the Tribunal's targeted turnaround times are between 30 days (unopposed) and 40 days (opposed). Very few applications exceed the periods. In the ordinary courts, cases may take months on the roll and years before coming before the court. Hence the Tribunal services offer an affordable and quicker option from normal litigation that may cripple a business both financially and operationally. With the Tribunal, companies can initiate litigation and remain sustainable and competitive. This ensures achievement of the impacts stated in the Strategic Plan of economic inclusion, transformation and making South Africa an attractive investment destination.

##### **b) The number of disputes-applications resolved within the turn round times through Alternative Dispute Resolution (ADR)**

The same benefits of cost and time efficiency offered by the output of adjudicated applications are applicable to the output of resolved disputes. In addition, the turn-around time for resolution of disputes is 25 days (about 3 and a half weeks) which makes it even shorter than that of adjudicated applications. Further benefits of dispute resolution through alternative dispute resolution (ADR) are that it is informal and confidential, more flexible and responsive to the individual needs of the parties involved. Parties have a chance to tell their story as they know it. The parties' involvement in the process creates greater commitment to the result so that compliance is more likely. Through ADR, it is more likely to preserve goodwill or at least not escalate the conflict. This is especially important in situations where there is a continuing relationship with companies in business. Thus, ADR contributes to economic inclusivity and to making South Africa an attractive environment for both local and international investment. In offering an expeditious and cost-free mechanism of resolving company disputes, the Tribunal saves costs associated with lost productivity and legal fees and as such increases access to justice and impacts positively on South African economy.

## **6.1.2. Outcome 2: Leadership excellence:**

### **(a) Capacity Building**

During 2022/23 financial year, the Tribunal intends to recruit at least 85% of all funded and vacant positions. To achieve operational efficiency, in the **2022/23** financial year, the Tribunal intends to focus on capacity building as one of the outputs. The value of an employee increases the longer they stay with an organization. With time, employees' knowledge and experience continue to grow making them important for networking inside and outside the sector. Employees build relationships with other employees and clients. These relationships are vital to the success of an organization. Their skills and organizational memory make it easy to run effective operations.

### **(b) Stakeholder Engagements**

The mandate of the Tribunal is to offer adjudication and alternative dispute resolution to companies. It follows that unless companies are aware of the Tribunal's services, are interested and actually use the services, the Tribunal will not achieve its mandate. Creation of public knowledge and interest around the mandate of the institution is therefore critical. From the financial year 2016/17 to 2021/22, the number of applications received by the Tribunal has been on a steady decline. It is believed that the low stakeholder knowledge is a contributor. For this reason, the Tribunal intends to mount a public awareness campaign as part of sustained efforts to educate the public and boost awareness about the Tribunal's mandate. The campaign will be a comprehensive effort that will, within the limited budget, include multiple components such as seminar discussions, television and radio messaging, social media, grassroots outreach, media relations and government affairs. This output is therefore aimed at enhancing the Tribunal's operational efficiency in achieving its mandate.

### **(c) Research Reports**

To achieve operational efficiency, the Research Unit of the Tribunal contributes to the body of knowledge, it closes knowledge gaps, and creates new knowledge. Research contributes to jurisprudence and precedent. The contribution to South African's jurisprudence also makes South Africa an attractive investment destination. Reports provide quick reference for decision making purposes which in turn leads to consistency and efficiency in decision making. To further improve efficiencies, rules or guidelines are developed and or reviewed. Rules or guidelines help to make the application process easier and quicker for the applicants especially those not assisted by legal practitioners. This output is therefore another contributor to the Tribunal's operational efficiency.

## 6.2 Explanation of the planned performance in relation to outputs

### (a) Adjudicated Applications:

The Tribunal's performance on this output will be measured by the percentage of decisions and orders issued within 30 or 40 days depending on whether a case is decided on paper only or parties give evidence before the Tribunal. The longest targeted turn-around time for adjudication is 40 days. The planned annual performance in **2022/23** is **95%**. This is intended to remain constant over the MTEF period due to system challenges and funding shortages experienced which in turn limit marketing.

### (b) Resolved disputes:

The Tribunal's performance on this output will be measured by the percentage of cases finalised within 25 days in terms of Alternative Dispute Resolution (ADR). Thus, the Tribunals' planned turn-around time for resolution of disputes is a shorter period than even that of adjudicated applications. The planned annual performance in **2022/23** is **95%**. This is intended to remain constant over the MTEF period for reasons previously mentioned.

### (c) Capacity Building

In the **2022/23** financial year, the Tribunal intends to focus on capacity building. Thus, capacity building is one of the Tribunal's outputs over the MTEF period. Capacity building strategies evolve around the recruitment process to ensure that when a post becomes vacant, it is filled up within a short period of time.

The Tribunal's performance on this output will be measured by the vacancy rate as a percentage. The starting base in the **2022/23 financial year** was **85%** (previously conversely stated as **15%** vacancy rate). This target stays the same over the MTEF period due the Tribunal's underfunding. The underfunding limits the number of retention incentives the Tribunal may offer. The limitations on staff incentives and the anxiety created by the knowledge of limited funding, are possible contributors to the Tribunal's high staff turn-over.

### (d) Stakeholder engagement

The Tribunal's indicators on this output for 2023/24 financial year include hosting two (2) **seminars**, releasing twelve (12) **media** statements, **government** Collaborative engagements (6) participation in four (4) **outreaches**, **Marketing** branding campaigns eight (8). This output carries the greatest number of activities (indicators). This is so because, as stated above, since 2016/2017, the number of cases received by the Tribunal has been in decline. Unless the public is aware of the Tribunals services, the Tribunal will not achieve its mandate. Creation of public knowledge and interest around the mandate of the institution is therefore critical.

### **(e) Research Report or developed rules or guidelines**

Production or research reports or rule or guidelines is amongst the Tribunal's planned outputs. The Tribunal's performance will be measured by the number of research reports/rules/guidelines produced /reviewed and approved. The number of reports or rules or guidelines produced or reviewed targeted is planned to stay constant over the three years. This is because the unit Research is not focused purely on research but has other legal functions. It is foreseeable that with more funding and better staffing, the output number may change over the three years.

## **7. Program Resource Considerations**

### **7.1 Financial Plan**

For the year 2023/24, the Tribunal based the budget estimate on the budget allocation letter received from **the dtic**. Although the interim allocation received reflects the baseline increase over the MTEF period, the Tribunal is still under-funded and remains a going concern. The Tribunal 's baseline still needs an increase to continue operating efficiently. With the current budget allocation, the Tribunal forecasts a shortfall on the allocated budget over the MTEF as follows: for 2023/24 it will be R1.9m, for 2024/25, R2.3 is forecast and 2025/2026, R2,4 is forecast. The overall total R6.6. The allocated funds for each financial year are insufficient to meet the operational requirements of the Tribunal and to fill all unfunded posts on the approved organisational structure. Human capacity constraints also remain an area of concern.

The Tribunal believes that generating its own revenue through charging filing fees would offer part solution to the Tribunal challenges on liquidity. This process will however take some time to materialise due to extensive consultations and planning required. However, even the fees expected to be generated from filling fees would not be enough to fund day to day operational and administrative expenditure of the Tribunal. This process also would also involve the amendment of the Companies Act.

The Tribunal 's major expenditure is on compensation of employees and Tribunal members' fees, with little surplus to fill additional post as approved on the organisational structure. Due to inadequate funding, the amount estimated for member's fees is inadequate as cases are expected to increase hence the funding for fees needs to be increased proportionally.

(i) Projections of revenue and expenditure

STATEMENT OF FINANCIAL PERFORMANCE	Audited outcome			Revised estimate	Medium-term estimate			
	R thousand	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
<b>Revenue</b>								
Non-tax revenue		743	377	151	300	350	400	419
Transfers received		17 352	20 752	20 313	24 529	25 702	26 997	28 293
Donations received/Revenue in-kind		1 685	1 853	2 039	2 243	2 467	2 714	2 985
Income from surplus funds		-	-	-	-	-	-	-
<b>Total revenue</b>		<b>19 780</b>	<b>22 982</b>	<b>22 503</b>	<b>27 072</b>	<b>28 519</b>	<b>30 111</b>	<b>31 697</b>
<b>Expenses</b>								
<b>Current expenses</b>								
Compensation of employees		16 755	12 979	13 819	17 111	17 749	18 435	20 021
Goods and services		9 394	7 906	8 505	9 672	10 469	11 361	11 361
Depreciation		267	193	192	289	301	315	315
<b>Total expenses</b>		<b>20 381</b>	<b>21 078</b>	<b>22 516</b>	<b>27 072</b>	<b>28 519</b>	<b>30 111</b>	<b>31 697</b>
<b>Surplus/(Deficit)</b>		<b>- 1 290</b>	<b>1 897</b>	<b>- 13</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>



(ii) Budget Allocation per Programme

Programme Name: Administration							
Economic classification	Audited outcome			Revised Estimates	Medium-Term Expenditure Estimate		
	2019/20 R '000	2020/21 R '000	2021/22 R '000	2022/23 R '000	2023/24 R '000	2024/25 R '000	2025/26 R '000
<b>Current payment</b>							
Compensation of employees	16 755	12 979	13 819	17 111	17 749	18 435	20 021
Goods & services, etc.	6 553	6 783	4 754	5 849	6 474	7 188	6 973
<b>Payments of capital assets</b>							
Building and other fixed structure	-	-	-	-	-	-	-
Machinery & equipment	5 84	1 00	83	150	15 0	150	150

Programme Name: Adjudication							
Economic classification	Audited outcome			Revised Estimates	Medium-Term Expenditure Estimate		
	2019/20 R '000	2020/21 R '000	2021/22 R '000	2022/23 R '000	2023/24 R '000	2024/25 R '000	2025/26 R '000
<b>Current payment</b>							
Member's fees	2 892	3 838	3 374	3 517	3 674	3 839	4 023
Goods and services	21 6	54 5	5 69	595	62 2	6 49	680
<b>Payments of capital assets</b>							
Building and other fixed structure	-	-	-	-	-	-	-
Machinery & equipment	-	-	-	-	-	-	-

## 8. Key Risks

Outcome	Output Indicator	The Risk	Root causes	Risk Mitigation
1 Improved access to the justice system	1.1. The number of applications <b>adjudicated</b> or finalized within the stipulated turn-around times.	Decline in applications	<ul style="list-style-type: none"> <li>Limited mandate</li> </ul>	<ul style="list-style-type: none"> <li>Investigative study on the root causes</li> <li>Amendment of legislation</li> </ul>
			<ul style="list-style-type: none"> <li>Inconsistency in members decisions</li> </ul>	<ul style="list-style-type: none"> <li>Training and/or workshops</li> <li>Quality review</li> </ul>
			<ul style="list-style-type: none"> <li>Perceptions of bias in decision making</li> </ul>	<ul style="list-style-type: none"> <li>Public engagements</li> <li>Declaration of conflict</li> </ul>
			<ul style="list-style-type: none"> <li>Delays in decision making /resolutions</li> </ul>	<ul style="list-style-type: none"> <li>Guidelines and consistent consequence management</li> </ul>
			<ul style="list-style-type: none"> <li>Limited marketing</li> </ul>	<ul style="list-style-type: none"> <li>Creative use of affordable marketing tools</li> <li>Partnering with other relevant stakeholders</li> </ul>
	1.2. The number of applications <b>resolved</b> or finalised through Alternative Dispute Resolution (ADR)	Voluntary nature of ADR	<ul style="list-style-type: none"> <li>The Act states that ADR is not compulsory</li> </ul>	<ul style="list-style-type: none"> <li>Amendments proposed to the Act (make ADR mandatory)</li> <li>Public education of benefits of ADR</li> </ul>
2 Operational Effectiveness	2.1 Number of stakeholder engagements held	Limited awareness of existence and services of CT	<ul style="list-style-type: none"> <li>Limited marketing due to limited resources (funding)</li> </ul>	<ul style="list-style-type: none"> <li>Improved use of technology to compensate limited funds</li> <li>Use of partnerships and collaborations</li> <li>Budget reviews</li> <li>Consistent best use of social media</li> </ul>
	2.2 Insufficient funding for operations	Insufficient funding	<ul style="list-style-type: none"> <li>Insufficient grant funding</li> <li>Restrictions placed on CT through the Act inability to generate funds</li> </ul>	<ul style="list-style-type: none"> <li>Management of funds available</li> <li>Monitor monthly budget variance report</li> <li>Recommend funding through amendment of the Act</li> <li>Continue engagements with CIPC and <b>the dtic</b></li> </ul>

## **9. Materiality and Significance of Framework**

### **9.1 Statutory requirements**

In terms of the Treasury Regulation 28.3.1, Accounting Authorities must “for purposes of material [section 55(2) of the Act] and significant [section 54(2) of the Act], develop and agree a framework of acceptable levels of materiality and significance with the relevant executive authority.” The Tribunal is required by law to operate within the PFMA and its accompanying Treasury Regulations as a Schedule 3A public entity, the two above-mentioned sections of the Act are therefore very significant for operational and reporting purposes. Materiality and significance levels will be influenced by considerations such as legal and regulatory requirements.

### **9.2 Assessment and determination of materiality for the Tribunal**

The Companies Tribunal has strengthened its control environment. This is evidenced by the fact that the Tribunal has been obtaining the clean audit opinion for the past six financial years. However, there are inherent risks associated with implementation of new unproven process, change in leadership as a result of appointment and resignation and/or retirement of staff and may result in lack of teamwork. The risks must be however discounted by the unqualified audit report obtained by the Tribunal over the past six years and the significance of the related audit findings. This therefore requires the entity to set the threshold at a reasonably conservative level of the Treasury guideline matrix.

The following guideline will be applied to the basis selected:

The best indicator with regard to the Tribunal’s non-capital-intensive business activity is the higher of revenue or expenditure. For this reason, 0.60% of budgeted expenditure is chosen with regard to this framework, and this basis is consistent with prior years.

### **9.3 Annual review of materiality**

The materiality framework and significance levels will be reviewed each financial year in line with the preparation of the annual performance plan by management based on the levels of risks and the adequacy of the internal controls and accounting systems.

**Part D: Technical Indicator Descriptions (TID)**

<b>1. Output: Adjudicated Applications (Opposed)</b>	
<b>Indicator title</b>	<b>Percentage of decisions and orders issued on opposed applications within 40 working days</b>
<b>Definition</b>	Percentage of decisions and orders issued on opposed applications within 40 working days from the last set down or final submission by parties, whichever is applicable
<b>Source of data</b>	Excel spreadsheet and reports
<b>Method of calculation or assessment</b>	The number of decisions and orders issued within 40 working days after the last set down divided by the total number of hearings concluded and multiplied by hundred <sup>13</sup> .
<b>Means of verification</b>	Excel spreadsheet
<b>Assumptions</b>	Correctness of Excel spreadsheet and reports
<b>Disaggregation of beneficiaries (where applicable)<sup>14</sup></b>	N/A
<b>Spatial transformation-where applicable</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	95%
<b>Indicator responsibility</b>	Manager: Registry

<b>2. Output: Adjudicated Applications (unopposed)</b>	
<b>Indicator title</b>	<b>Percentage of decisions and orders issued on unopposed applications within 30 working days</b>
<b>Definition</b>	Percentage of decisions and orders issued on unopposed applications within 30 working days from the last date of submission by parties whichever is applicable
<b>Source of data</b>	Excel spreadsheet and reports
<b>Method of calculation or assessment</b>	The number of decisions and orders issued within 30 working days after the date of allocation divided by the total number of allocated cases and multiplied by hundred <sup>15</sup> .
<b>Means of verification</b>	Excel spreadsheet
<b>Assumptions</b>	Correctness of Excel spreadsheet and reports
<b>Disaggregation of beneficiaries-where applicable)</b>	N/A
<b>Spatial transformation-where applicable</b>	N/A -See Foot-Note 12
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	95%
<b>Indicator responsibility</b>	Manager: Registry

<sup>13</sup> . The number of hearings concluded where the 40 working days of issuing a decision or order fall outside the reporting period will not be calculated. The number of decisions or orders issued after the 40 working days after the last set down will not be counted as percentage achieved but will be counted as total number of hearings concluded.

<sup>14</sup> Only legal entities apply to the Tribunal. The current Application Form, CT 142, does not provide for disaggregation of beneficiaries (race, gender, and the geographic location). The request to amend the Form was sent to **dtic** in September 2022

<sup>15</sup> The number of allocated cases, where the 30 working days of issuing a decision or order fall outside the reporting period will not be calculated. The number of decisions or orders issued after the 30 working days after the last day of the allocation will not be counted as percentage achieved but will be counted as total number of cases allocated.

<b>3. Output: Resolved Dispute (ADR)</b>	
<b>Indicator title</b>	<b>Percentage of cases finalised in terms of Alternative Dispute Resolution (ADR) within 25 working days</b>
<b>Definition</b>	Percentage of cases finalised in terms of Alternative Dispute Resolution (ADR) within 25 working days after the date of set down or final submission by parties whichever is applicable
<b>Source of data</b>	Excel spreadsheet and reports
<b>Method of calculation or assessment</b>	The number of cases finalised in terms of ADR within 25 working days after the last set down divided by the total number of cases set down for hearing multiplied by hundred. <sup>16</sup>
<b>Means of verification</b>	Excel spreadsheet
<b>Assumptions</b>	Correctness of Excel spreadsheet and reports
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	95%
<b>Indicator responsibility</b>	Manager: Registry

<b>4. Output: Leadership Excellence: CMS</b>	
<b>Indicator title</b>	<b>Percentage of user uptake of the electronic Case Management System</b>
<b>Definition</b>	Percentage of user uptake of the electronic Case Management System
<b>Source of data</b>	Excel spreadsheet (manually captured until such time that a reporting module for the CMS is implemented)
<b>Method of calculation or assessment</b>	The number of applications captured by the public on the electronic Case Management System divided by the total number of applications received multiplied by 100
<b>Means of verification</b>	CMS
<b>Assumptions</b>	Correctness of Excell spread sheet or Reports
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A See Note 12
<b>Spatial transformation (where applicable)</b>	N/A See Note 12
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	To increase user uptake of the electronic CMS to 45%
<b>Indicator responsibility</b>	Manager: Registry

<sup>16</sup> The total number of cases set down for hearing outside of the reporting period will not be counted including cases that were set down for hearing during the reporting period but were postponed allowing the parties to deal with the matter outside of the Tribunal mediation, conciliation and arbitration processes. The number of cases set down for hearing where the 25 working days for finalising the case fall outside the reporting period will not be calculated. The number of cases finalised after the 25 working days after the date of final hearing will not be counted as percentage achieved but will be counted as total number of hearings set down for hearing.

<b>5. Output: Leadership Excellence: Seminar</b>	
<b>Indicator title</b>	<b>Number of mid-year and end of year seminars held</b>
<b>Definition</b>	The Number of seminars to be held for the Tribunal annually
<b>Source of data</b>	Host a seminar on a research topic <i>Host means organize and present/ collaborate/ partner</i>
<b>Method of calculation or assessment</b>	Simple count
<b>Means of verification</b>	Recordings of the seminar
<b>Assumptions</b>	Clarity of the recording
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Bi-annually
<b>Desired performance</b>	2 annually
<b>Indicator responsibility</b>	Manager: Communications & Marketing

<b>6. Output: Leadership Excellence: Collaborations</b>	
<b>Indicator title</b>	<b>Number of governmental collaborative engagements</b>
<b>Definition</b>	Number of governmental collaborative engagements
<b>Source of data</b>	Attendance Registers and Reports/Minutes
<b>Method of calculation or assessment</b>	Simple count
<b>Means of verification</b>	Attendance Registers and Reports/Minutes
<b>Assumptions</b>	Correctness' of the attendance Registers and Reports/Minutes
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	6
<b>Indicator responsibility</b>	Manager: Communications & Marketing

<b>7. Output: Leadership Excellence: Media</b>	
<b>Indicator title</b>	<b>Number of media engagements (media statements, radio activities)</b>
<b>Definition</b>	The number of media engagements that the Tribunal engages in.
<b>Source of data</b>	Media statements or advertorial Shared drive Radio clip or advertorial or letter from radio station confirming that the interview or advert took place.
<b>Method of calculation or assessment</b>	Simple count
<b>Means of verification</b>	Recordings or reports of the engagements
<b>Assumptions</b>	Correctness of the recordings/reports
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	12
<b>Indicator responsibility</b>	Manager: Communications & Marketing

<b>8. Output: Leadership Excellence: Marketing</b>	
<b>Indicator title</b>	<b>Number of marketing/branding campaigns (exhibitions at shows/AGMs etc)</b>
<b>Definition</b>	The number of marketing/branding campaigns (exhibitions at shows/AGMs etc)
<b>Source of data</b>	Meeting reports and/or meeting recordings with attendance registers
<b>Method of calculation or assessment</b>	Simple count
<b>Means of verification</b>	The Report/recordings
<b>Assumptions</b>	Correctness of the recordings/reports
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	8
<b>Indicator responsibility</b>	Manager: Communications & Marketing

<b>9. Output: Leadership Excellence: Outreaches</b>	
<b>Indicator title</b>	<b>Number of participation in community/local government outreaches.</b>
<b>Definition</b>	The number of participation in community/local government outreaches.
<b>Source of data</b>	Meeting reports and/or meeting recordings with attendance registers
<b>Method of calculation or assessment</b>	Simple count
<b>Means of verification</b>	The Report/recordings
<b>Assumptions</b>	Correctness of the recordings/reports
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	4
<b>Indicator responsibility</b>	Manager: Communications & Marketing

<b>10. Output: Leadership Excellence: Black Industrialist (or other suitable dtic's) Conferences</b>	
<b>Indicator title</b>	Number of participations in Black Industrialist Conferences
<b>Definition</b>	Number of participations in Black Industrialist (or other relevant dtic's) Conferences hosted or co-hosted
<b>Source of data</b>	Conference Report
<b>Method of calculation or assessment</b>	Simple count
<b>Means of verification</b>	The Report/recordings
<b>Assumptions</b>	Correctness of the recordings/reports
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Yearly
<b>Desired performance</b>	1
<b>Indicator responsibility</b>	Manager: Communications & Marketing



**11. Output: Leadership Excellence: Procurement**

<b>Indicator title</b>	<b>Percentage preferential procurement for designated groups</b>
<b>Definition</b>	The percentage of suppliers who form part of preferential groups who were awarded (tenders)
<b>Source of data</b>	Request for Quotation Files
<b>Method of calculation or assessment</b>	Amount of suppliers who form part of preferential groups awarded (tenders) divided by total suppliers times 100
<b>Means of verification</b>	Reports
<b>Assumptions</b>	Correctness of reports
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	65%
<b>Indicator responsibility</b>	CFO

**12. Output: Leadership Excellence: Budget spent**

<b>Indicator title</b>	<b>Percentage of budget spent</b>
<b>Definition</b>	The percentage of the annual budget has been spent in the financial year
<b>Source of data</b>	Variance Report
<b>Method of calculation or assessment</b>	Amount of budget spent divided by amount of budget received times 100
<b>Means of verification</b>	General Ledger
<b>Assumptions</b>	Correctness of the journal entries
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	95%
<b>Indicator responsibility</b>	CFO

<b>13. Output: Leadership Excellence: Audit</b>	
<b>Indicator title</b>	<b>Audit level (with no material findings)</b>
<b>Definition</b>	<b>The audit level with no material findings</b>
<b>Source of data</b>	Information from divisions/Audit Report
<b>Method of calculation or assessment</b>	Assessment by auditors
<b>Means of verification</b>	Communication between managers and Auditors
<b>Assumptions</b>	Correctness of source information
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	Unqualified Clean Audit
<b>Indicator responsibility</b>	CFO

<b>14. Output: Leadership Excellence: Recruitment</b>	
<b>Indicator title</b>	<b>Percentage of approved and funded positions filled</b>
<b>Definition</b>	The percentage of approved and funded positions that have been filled according to the Organogram
<b>Source of data</b>	HR Reports
<b>Method of calculation or assessment</b>	Number of position currently filled divided by total approved and funded positions times 100
<b>Means of verification</b>	HR Reports
<b>Assumptions</b>	Correctness of Reports
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	85%
<b>Indicator responsibility</b>	Manager: Human Resources

**15. Output: Leadership Excellence: Development**

<b>Indicator title</b>	<b>Percentage of staff PDP completed (training/bursary/short courses)</b>
<b>Definition</b>	The number of staff with approved PDPs developed divided by the number of staff with PDPs multiplied by 100
<b>Source of data</b>	HR Reports
<b>Method of calculation or assessment</b>	Amount of staff members developed divided by total amount of staff member
<b>Means of verification</b>	HR Reports
<b>Assumptions</b>	Correctness of Reports
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	50%
<b>Indicator responsibility</b>	Manager: Human Resource

**16. Output: Leadership Excellence: Wellness**

<b>Indicator title</b>	<b>Number of wellness programs implemented (Counselling/coaching, etc)</b>
<b>Definition</b>	Number of wellness programs implemented (Counselling/coaching, etc)
<b>Source of data</b>	HR Reports
<b>Method of calculation or assessment</b>	Simple count
<b>Means of verification</b>	HR Reports
<b>Assumptions</b>	Correctness of Reports
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	4
<b>Indicator responsibility</b>	Manager: Human Resource

**17. Output: Leadership Excellence: Number of interns**

<b>Indicator title</b>	Number interns
<b>Definition</b>	Number of skilled/ temporarily employed interns
<b>Source of data</b>	HR Reports
<b>Method of calculation or assessment</b>	Simple count
<b>Means of verification</b>	HR Reports
<b>Assumptions</b>	Correctness of Reports
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	yearly
<b>Desired performance</b>	2
<b>Indicator responsibility</b>	Manager: Human Resource

**18. Output: Leadership Excellence: CMS Improvement Plan**

<b>Indicator title</b>	<b>Percentage milestones met on case management system improvement plan</b>
<b>Definition</b>	The percentage of milestones met on the case management system improvement plan
<b>Source of data</b>	Information from the Improvement plan Report
<b>Method of calculation or assessment</b>	Information from the improvement plan
<b>Means of verification</b>	CMS Reports
<b>Assumptions</b>	Correctness of the Improvement Plan Report
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	60%
<b>Indicator responsibility</b>	Information Technology

**19. Output: Leadership Excellence: ICT**

<b>Indicator title</b>	<b>Percentage of performance against ICT Strategic Plan</b>
<b>Definition</b>	Percentage of performance against ICT Strategic Plan
<b>Source of data</b>	Report on the performance
<b>Method of calculation or assessment</b>	The number achieved over total expected multiplied by 100
<b>Means of verification</b>	Testing/viewing the implemented parts
<b>Assumptions</b>	Correctness of Reports
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	80%
<b>Indicator responsibility</b>	Information Technology

**20. Output: Leadership Excellence: Research**

<b>Indicator title</b>	<b>Number of research Reports produced</b>
<b>Definition</b>	Number of research deliverables delivered annually
<b>Source of data</b>	Research Information
<b>Method of calculation or assessment</b>	N/A
<b>Means of verification</b>	COO
<b>Assumptions</b>	Correctness of Research information
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Annually
<b>Desired performance</b>	1
<b>Indicator responsibility</b>	Legal

**21. Output: Leadership Excellence: Governance Documents**

<b>Indicator title</b>	<b>Number of Governance/Guideline documents developed (CT/Legal)</b>
<b>Definition</b>	Number of Governance/Guideline/SOP documents developed (CT/Legal)
<b>Source of data</b>	Documents compiled (e.g Guidelines/SOP)
<b>Method of calculation or assessment</b>	Simple count
<b>Means of verification</b>	Proof of documents compiled
<b>Assumptions</b>	Correctness of compiled documents
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	2
<b>Indicator responsibility</b>	Legal Advisor

## Annexure 1

### Output targets within the dtic-group of entities

#### 1. Investment

<b>Output</b>
<b>R200 billion in investment pledges secured across the state</b>
<b>100 Investor facilitation and unblocking interventions provided</b>
<b>2 new SEZs designated and support work with provinces related to industrial parks</b>

#### 2. Industrial production

<b>Output</b>
<b>R40 billion in additional local output committed or achieved</b>
<b>R40 billion in Black Industrialist output achieved</b>

#### 3. Exports and trade

<b>Output</b>
<b>R700 billion in manufacturing exports</b>
<b>R300 billion in manufacturing exports to other African countries</b>
<b>R2.5 billion in exports of Global Business Services (GBS)</b>
<b>1 Implementation of the AfCFTA</b>
<b>10 High impact trade interventions completed</b>
<b>4 Protocols finalised under the AfCFTA</b>

#### 4. Industrial support

<b>Output</b>
<b>R30 billion in support programmes administered by or in partnership with the dtic group</b>
<b>R15 billion support programmes to enterprises in areas outside the 5 main metros</b>
<b>R8 billion in financial support programmes to SMMEs, and women and youth-empowered businesses</b>
<b>R7.5 billion in financial support programmes to enterprises in labour absorbing sectors</b>
<b>Promotion of a transparent and just adjudication process for incentive applications</b>

#### 5. Transformation

<b>Output</b>
<b>R800 Million in Equity Equivalent Investment Programme agreements agreed or administered</b>
<b>20 000 additional workers with shares in their companies</b>
<b>10 high-impact outcomes on addressing market concentration, at sector or firm level.</b>

## 6. Jobs

<b>Output</b>
<b>1 million jobs supported or covered by Master Plans</b>
<b>100 000 jobs to be created (50 000 social economy fund part-time or temporary job opportunities and 50 000 full-time jobs)</b>
<b>23 000 jobs in Black Industrialists firms</b>

## 7. Energy

<b>Output</b>
<b>R1.3 billion in financial support to enterprises including SMMEs to mitigate impact of load shedding through energy resilience fund</b>
<b>1400 Megawatts of energy from projects facilitated</b>
<b>550 Megawatts of energy available for the grid</b>
<b>1 Energy One-stop Shop operational</b>
<b>Expedited regulatory amendments and flexibility, to promote energy efficiency</b>

## 8. Green economy targets

<b>Output</b>
<b>1 Strategy and advocacy finalised responding to green non-tariff barriers (Carbon Border Adjustment Mechanism (CBAM))</b>
<b>1 EV Strategy finalised</b>
<b>1 Finalisation of green hydrogen commercialisation framework</b>

## 9. Stakeholder engagement and impacts

<b>Output</b>
<b>10 Business Forums hosted aimed at supporting increased FDI, exports and outward investment.</b>
<b>1000 Case studies of firms, workers, entrepreneurs, professionals or communities impacted by the dtic measures: including 12 local films/documentaries telling the SA story</b>
<b>52 Community outreach programmes by the dtic group</b>
<b>5 Conferences, summits, and international forums hosted</b>
<b>10 Successful actions completed on price monitoring and excessive pricing or price gouging</b>

## 10. Addressing crime

<b>Output</b>
<b>Grey-listing: Publication of 'Know Your Shareholder' Regulations and Follow Ups</b>
<b>1 Metal trading system developed to identify stolen public infrastructure entering the scrap metal value-chain, export market or legitimate metal production industry</b>

## 11. Red tape and state capability targets

<b>Output</b>
<b>4 High-impact measures to improve the efficiency and/or effectiveness, of the dtic's policy or programme interventions.</b>
<b>10 High-impact measures to reduce red tape or improve turnaround times in administration of incentives and work of agencies</b>
<b>6 Impact assessments or enhancements of trade instruments or measures</b>



## 12. Improving the capacity and responsiveness of the state and social partnership

<b>Output</b>
<b>4 Pieces of priority legislation amended, tabled or submitted to Executive Authority, Cabinet or Parliament.</b>
<b>7 Master Plans managed and 1 new masterplan to be finalised.</b>
<b>Oversight of IDC, NEF and ECIC to ensure that at least 95% of planned KPIs are achieved</b>
<b>Oversight of other entities to ensure that at least 95% of planned KPIs are achieved</b>
<b>50 Mergers and acquisitions where public interest conditions have been incorporated</b>