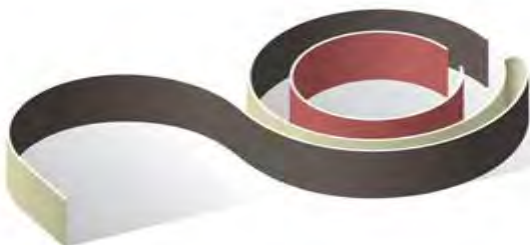


National Consumer Commission

Annual Performance Plan  
2022/2023



NATIONAL CONSUMER COMMISSION

VERSION CONTROL				
Version	Date	Revised by	Reason	Sections affected
V1	09/09/2021			
V2	28/01/2022	J.V Selolo	Rephrasing the annual targets	5.1, 5.2 and Part D
V3	03/03/2022	J.V Selolo	Incorporation of revised J-KPI	5.1,5.1.1, 5.2,5.2.1,6 and Part D
V4	31/03/2022	J.V Selolo	Incorporation of <b>Minister's Foreword</b>	<b>Minister's Foreword</b>

## Abbreviations and commonly used acronyms

CPA	-	Consumer Protection Act No. 68 of 2008
The dtic	-	Department of Trade, Industry and Competition
CGSO	-	Consumer Goods and Services Ombud
DPSA	-	Department of Public Service and Administration
HR	-	Human resource/s
ICT	-	Information and communications technology
MIOSA	-	Motor Industry Ombud of South Africa
NCC/ Commission	-	National Consumer Commission
NRCS	-	National Regulator for Compulsory Specifications
NCT	-	National Consumer Tribunal
PFMA	-	Public Finance Management Act
SABS	-	South African Bureau of Standards
SARS	-	South African Revenue Services

## TABLE OF CONTENTS

Annual Performance Plan.....	1
2022/2023 .....	1
Executive Authority Statement .....	5
Accounting Authority Statement .....	7
Official Sign Off .....	9
<b>PART A: MANDATE OF NCC .....</b>	<b>10</b>
1. Updates to the relevant legislative and policy mandates .....	10
2. Updates to Institutional Policies and Strategies .....	11
3. Updates to Relevant Court Rulings.....	13
<b>Part B: STRATEGIC FOCUS OF THE NCC.....</b>	<b>14</b>
<b>PART C: MEASURING NCC's PERFORMANCE .....</b>	<b>22</b>
5. Institutional Programme Performance Information.....	22
6. EXPLANATION OF PLANNED PERFORMANCE OVER THE MEDIUM-TERM PERIOD.....	32
7. PART C: PROGRAMME RESOURCE CONSIDERATIONS .....	35
8. Updated Key Risks and mitigation from the SP .....	37
9. Public Entities: N/A .....	37
10. Infrastructure Projects .....	37
11. Public-Private Partnerships: N/A .....	38
<b>PART D: TECHNICAL INDICATOR DESCRIPTIONS (TID) .....</b>	<b>38</b>

## Executive Authority Statement

The Annual Performance Plan (APP) identifies the outputs, output indicators and targets that an entity aims to achieve in the new financial year. The Executive Authority is responsible for providing direction on the development and implementation of policies and strategic priorities of entities in line with their respective mandates, and to ensure the APP is aligned to **government's priorities**.

The environment in which the APPs of the Department of Trade, Industry and Competition (the dtic) and our entities have been formulated remains challenging, given the impact of the COVID-19 pandemic, the July 2021 unrest and more recently the Russia/Ukraine war. At the same time, determined efforts by the Administration has seen signs of economic **recovery and greater investor confidence in economic prospects**. In this light, **Government's priority focus** continues to be the recovery of growth, investment and employment, guided by the Economic Recovery and Reconstruction Plan adopted in 2020, and the tasks outlined by President Ramaphosa in the 2022 State of the Nation Address.

This APP is expected to take forward the strategic shift initiated in 2021/2022 toward strengthened implementation and impact of **dtic's** work, through greater integration of efforts within the department and our entities, guided by shared, crosscutting outcomes and joint performance indicators. In this regard, the work of the dtic and the entities will be evaluated in relation to three over-**arching Outcomes (which incorporate the previous "Joint-KPIs")** namely Industrialisation; Transformation; and Capable State (Implementation/ Effective Delivery). In this way these Outcomes more deliberately and directly inform respective outputs and KPIs of the department and entities.

In turn, the scope of the outputs collectively still encompass the identified **dtic's** priorities, which include among others, the work of sector masterplans, initiatives to boost levels of investment and localisation in the economy, expanding trade within the continent, enabling better local economic development, supporting the growth of new industries (in the green economy and through beneficiation) and building a capable state, in particular addressing red tape as prioritised by the President in the 2022 State of the Nation Address.

Every entity in the dtic has been requested to align their APPs to the three outputs, it being recognised that a particular **entity's core business links more clearly and strongly to one or the other** of the overarching Outcomes, than to others.

This APP represents the outcome of the work done by the National Consumer Commission. Following the tabling of the APP by the dtic itself, each entity of the Department will be expected to consider such additional refinement and additions to be made and following completion of the review, such an addendum to this APP may be submitted in due course after the tabling.

This APP is therefore not about many new objectives but rather on a new way of implementation, with the focus on integration, to enhance the development impact of the work.

I accordingly table the APP for 2022/23 in accordance with the request by the Speaker.

I wish to thank the management for the work done and wish them well in executing the APP and aligning their work to **government's overall programmes and priorities.**

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

MR EBRAHIM PATEL

MINISTER OF TRADE, INDUSTRY AND COMPETITION

## Accounting Authority Statement

I am pleased to present this Annual Performance Plan of the National **Consumer Commission (“the NCC”)**. **This plan details the NCC’s strategic goals that it has committed to.**

The NCC is continuing in entrenching itself as a key consumer protection regulator in South Africa, within the SADC region and on the African continent. It continues taking up consumer issues that harm a significant number of consumers. The involvement of the NCC in the recall of unsafe consumer products from the marketplace has been increasing over time. The NCC’s work in this area continues to gain momentum and to test the product recall strategy that is in place for future improvement.

The NCC has been consistently filing applications and arguing matters, on behalf of consumers, at the National Consumer Tribunal (NCT). Thus far, it has received mainly favourable outcomes in such matters disposed of at the NCT. In the process, precedents are being established and the consumer protection law jurisprudence is fast developing. The NCC will, in this strategic period, continue in its endeavours to enforce the rights of consumers at the NCT to facilitate consumer redress.

In pursuance of its mandate to enable consumers to enjoy their right to privacy concerning direct marketing, the NCC has commenced with the development and testing the operation of the Opt-Out Register (Registry). Though this is a complex system, the NCC is being supported by the National Consumer Tribunal that continues to share its ICT skills in line with the service level agreement between the two entities. Despite its limited resources, the NCC intends to deliver on these complex tasks, during this strategic period.

In line with the consumer policy of the dtic, the NCC has to work closely with other key stakeholders to promote the resolution of consumer complaints. The NCC had facilitated the accreditation by the Minister of Trade and Industry; the ombud schemes for the Motor Industry (MIOSA) and the Consumer Goods and Services Industry (CGSO). These ombud schemes have been operational for the past five years, their effectiveness has been monitored periodically and are now under review. The period for public comments for the MIOSA code have closed and those for the CGSO are still open. The review process is envisaged to be completed by the end of 2022/23 financial year.

The NCC as the primary regulator in consumer protection, has the responsibility to ensure consistency in the enforcement of the CPA in the Republic; to this effect, the NCC facilitates cooperation among entities operating within the consumer protection space through the work of a voluntary association called the Consumer Protection Forum (CPF) that the NCC chairs. The main objective of the CPF over this strategic period is to harmonize consumer

protection throughout the Republic and collaborate in providing consumer education programmes. I am very encouraged to announce that the NCC is also involved with consumer protection at the Southern African Development Community (SADC) level, which requires the promotion of consumer protection amongst member states. The NCC plays a key role in the Competition and Consumer Laws and Policies Committee of SADC. The harmonisation of competition and consumer protection laws within the region is a key project that the NCC is also involved in; thus contributing to the government's priority of 'Increase Intra Africa Trade'.

**In contributing to the dtic's joint performance indicators on Industrialisation, the NCC is intensifying its efforts to mitigate** the proliferation of non-compliant imports in support of the Clothing and Textiles industry Master Plan. In this endeavour, the NCC collaborates with the provincial consumer affairs offices, SARS Custom and Border Police. The enforcement activities of the NCC are investigation of suppliers alleged to would have contravened the labelling provisions related to clothing, textiles and leather goods. Suppliers that have contravened the labelling requirements are ordered to re-export the offending goods back to the country of origin or destroy them at accredited facilities. The NCC will also contribute to the Transformation of the economy by providing guidance to business to inculcate compliance with the provisions of the CPA.

An area of concern that South Africans are grappling with, is the increase in the number of fraudulent, pyramid and related schemes. This area requires intelligence and specialised skills to successfully mitigate the negative impact it **has on people's livelihoods. The NCC cooperates with the South African Reserve Bank, the Asset Forfeiture Unit and** the Financial Intelligence Centre in order to enforce the provisions of the CPA.

This plan is aligned to the South African consumer policy prerogatives as espoused in the CPA. Being a creature of statute, the NCC will focus on its key legislative mandate. This plan remains highly ambitious in view of the fact that the NCC has very limited resources. However, despite these challenges, I commit to the implementation of this Annual Performance Plan. I urge the staff of the NCC, our colleagues in each provincial consumer protection authority and the accredited ombuds to co-operate with the NCC. It is of immense importance for the South African economy and consumers in particular, that there is harmonious and consistent enforcement of consumer protection legislation within the borders of the Republic of South Africa.



Ms Thezi Mabuza  
Acting Commissioner




**Official Sign Off**

It is hereby certified that this Annual Performance Plan:

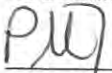
- Was developed by the management of the NCC under the guidance of the Executive Authority;
- Takes into account all the relevant policies, legislation and other mandates for which the NCC is responsible; and
- Accurately reflects the impact, outcomes and outputs which the NCC will endeavour to achieve over the period from 1 April 2022 to 31 March 2023.

  
\_\_\_\_\_  
**Ms Phillipine Moshidi**  
HOD: Corporate Services and  
Chief Financial Officer

01 April 2022  
Date

  
\_\_\_\_\_  
**Ms P Moilwa**  
HOD: Enforcement and Investigations

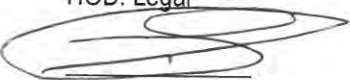
01 April 2022  
Date

  
\_\_\_\_\_  
**Ms P Mlungu**  
HOD: Advocacy, Education and Awareness


01/04/2022  
Date

  
\_\_\_\_\_  
**Mr J Mbeje**  
HOD: Legal

01/04/2022  
Date

  
\_\_\_\_\_  
**Mr J. Selolo**  
Company Secretary

01/04/2022  
Date

  
\_\_\_\_\_  
**Ms T Mabuza**  
Accounting Authority

01/04/2022  
Date

Approved by

\_\_\_\_\_  
**Mr Ebrahim Patel**  
Minister of Trade, Industry and Competition

\_\_\_\_\_  
Date

## PART A: MANDATE OF NCC

### 1. Updates to the relevant legislative and policy mandates

Consumer Protection Act 68 of 2008:

The NCC is established in terms of Section 85 of the Consumer Protection Act No. 68 of 2008 (CPA) with jurisdiction throughout the Republic of South Africa.

Reporting by NCC

The NCC reports to the Department of Trade, Industry and Competition (the dtic), particularly to the Minister, the dtic's Public Entity Oversight Unit and to its Consumer and Corporate Regulation Branch (CCRB). The CCRB has, as one of its key roles, the creation of "*credible institutions for enforcement and implementation of regulatory instruments*".

#### **NCC's Responsibility in terms of the CPA**

The NCC is charged with the responsibility to enforce and carry out the functions assigned to it in terms of the CPA.

The purpose of the Consumer Protection Act

The CPA seeks to promote a fair, accessible and sustainable marketplace for consumer products and services and for that purpose, to establish national norms and standards relating to consumer protection.

The CPA further seeks to provide for improved standards of consumer information, to prohibit certain unfair marketing and business practices, to promote responsible consumer behaviour and to promote a consistent legislative and enforcement framework relating to consumer transactions and agreements.

Disputes between Consumers and Suppliers

The CPA makes it clear that the NCC must promote the resolution of consumer complaints but that it is not responsible for intervening directly therein. This means that the NCC is not expected to be involved in the conciliation or mediation of disputes between consumers and suppliers unless the parties consent to a settlement of the dispute during an investigation.

Access to Redress

Ordinarily, disputes amongst consumers and suppliers, if not resolved amongst themselves, are dealt with by provincial consumer protection authorities and the Ombud schemes accredited by Minister. Increased involvement of provincial

consumer protection authorities in the conciliation and mediation of disputes between consumers and suppliers have been promoted and encouraged by the NCC and the dtic.

The main functions of the NCC, insofar as consumer complaints are concerned, are to:

- Promote the resolution of disputes between consumers and suppliers;
- Promote compliance with the CPA through advocacy, education to consumers and guidance to business;
- Conduct investigations against suppliers allegedly engaging in prohibited conduct; and to
- Prosecute suppliers who have contravened the CPA.

## 2. Updates to Institutional Policies and Strategies

For this current administration, the government has set seven national priorities listed below:

1. Economic Transformation and Job Creation
2. Education, Skills and Health
3. Consolidating the Social Wage through Reliable and Quality Basic Services
4. Spatial Integration, Human Settlements and Local Government
5. Social Cohesion and Safe Communities
6. A Capable, Ethical and Developmental State
7. A better Africa and World.

The NCC as an organ of state, has through its alignment with the **dtic's key priorities, also aligned to Government's key national priorities as espoused in the government's overall mandate to the people of South Africa.** The NCC's work as per its legislative mandate contributes to priorities 1 and 7.

The most important policies and strategies that the NCC plans to continue or initiate in the five year planning period are to:

1. Promote accessible consumer protection by monitoring alternate dispute resolution schemes accredited by Minister for functionality and efficiency and educating consumers on the rights and obligations.
2. Promote a fair marketplace by conducting investigations into the conduct of suppliers of goods and services which conduct is in contravention of the CPA and prosecuting (at the National Consumer Tribunal) those suppliers who are in breach of the CPA;
3. Promote the supply of safe goods to consumers by administering and recalling unsafe or hazardous goods;
4. To support transformation of the economy by providing guidance to comply with the CPA.

5. To support industrialization by combating illegal imports related to clothing, textile, footwear and leather (CTFL);

In addition, the government has developed an Economic Reconstruction and Recovery Plan aimed at stimulating equitable and inclusive growth. To support economic reconstruction and recovery, the following structural reforms will be implemented:

- Modernizing and reforming network industries and associated state-owned enterprises;
- Re-orienting trade policies and pursuing greater regional integration to boost exports, employment and innovation;
- Lowering barriers to entry to make it easier for businesses to start, grow, and compete;
- Supporting labour-intensive sectors such as tourism and agriculture to achieve more inclusive growth;
- Creating greater levels of economic inclusion, including through addressing high levels of economic concentration;
- Addressing the weak job-creating capacity of the economy;
- Boosting education and skills development;
- Promoting greater beneficiation of raw materials; and
- Addressing racial, gender and geographical inequalities which hamper deeper economic growth and development.

Through its enforcement activities, the NCC will contribute to the following:

- Re-orienting trade policies and pursuing greater regional integration to boost exports, employment and innovation; and
- Creating greater levels of economic inclusion, including addressing high levels of economic concentration.

In its support to the **'Joint-KPIs' designed to increase the level of coordination and alignment** of efforts between different programmes of the Department and its entities to ensure appropriate alignment between the work of the dtic and:

- the Economic Recovery and Reconstruction Plan tabled in Parliament in October 2020 by President Ramaphosa;
- the priorities set out in the 2021 State of the Nation Address (SONA) and reemphasized in the 2022 State of the Nation Address
- the new performance compacts between members of the Executive and the Presidency signed in November 2020; and
- The New District Development Model as integration of development efforts at the local level;

The NCC will contribute to the joint indicators **to (1) support 'Industrialisation' in its enforcement** activities aligned to the **Clothing and Textile Sector Master Plan; (iii) facilitate 'Transformation' of the economy by providing guidance to** business to inculcate compliance with the CPA; and (iii) continuously develop its human resources and improve its ICT infrastructure to improve its capability to render services to the citizens.

### 3. Updates to Relevant Court Rulings

The NCC continually reviews key decisions of the National Consumer Tribunal, High Courts and Constitutional Court. It evaluates the potential impact of these decisions on its mandate and functions. The impact is considered during planning processes.

In line with its Strategic Plan, the NCC continuously assesses the need for and submits recommendations to Minister for the accreditation of industry codes. As part of its monitoring function, the NCC constantly analyses the recommendations/ decisions of accredited alternative dispute resolution (ADR) schemes to determine trends and emerging concerns for both consumers and businesses. These schemes are a critical part of creating and expanding the dispute resolution platform for dealing with disputes between consumers and suppliers.

The Financial Sector Conduct Authority, in line with the Financial Sector Regulation Act, is now responsible for protecting customers of financial services firms and improving the way financial service providers conduct their business. The business practices of banks, long term and short term insurers are no longer regulated by the CPA. However, it must be understood that the CPA is the current yardstick for the protections afforded to consumers in general, whichever sector consumers transact in. The NCC remains supportive of regulators seeking to protect consumers provided that these regulators are enabled to provide an equivalent or better protection to consumers than that which is contained in the CPA. This is intrinsic to the CPA and consumer protection policy.

## Part B: STRATEGIC FOCUS OF THE NCC

### 4. Updated Situational Analysis

The National Consumer Commission is the primary regulator of consumer business interaction in South Africa, established by the Department of Trade, Industry and Competition, in line with the Consumer Protection Act (CPA), Act 68 of 2008.

The NCC is driven by its founding legislation and other legislative mandates.

The Situational Analysis has been conducted through a SWOT Analysis, the results of which are presented below:

STRENGTHS	WEAKNESSES
<ol style="list-style-type: none"><li>1. Expertise and Skills</li><li>2. IT Support</li><li>3. Good Working Relationships</li><li>4. Credibility</li></ol>	<ol style="list-style-type: none"><li>1. Capacity (People)</li><li>2. Resources (Finances)</li><li>3. Role Clarification</li><li>4. Technical Skills</li></ol>
OPPORTUNITIES	THREATS
<ol style="list-style-type: none"><li>1. Collaboration (with other regulators)</li><li>2. Use of ICT</li><li>3. Internal Development</li><li>4. Capacity Building</li><li>5. Can Influence Legislative Changes</li></ol>	<ol style="list-style-type: none"><li>1. Safety and Security of Personnel</li><li>2. Undue Political Interference</li><li>3. Failure to Investigate and Prosecute</li><li>4. Lack of Co-operation from Industry Players</li></ol>

#### 4.1. External Environment Analysis

Consumer protection is an integral part of a modern, efficient, effective and just marketplace. Confident consumers are one of the important drivers of competitiveness. By demanding competitive prices, improved product quality and better service, consumers provide an impetus for innovation and enhanced performance by business. The CPA is a critical part of the dtic's **overall strategy to improve the competitiveness of business in South Africa.**

In implementing the revised consumer protection framework, the dtic intended to create an environment where a culture of consumer rights and responsibilities prevail. Such an environment is not only beneficial to consumers but to businesses as well. The enforcement of the CPA assists in regulating the conduct of suppliers of goods and or services to consumers. If business conduct is left unchecked, unethical and unscrupulous suppliers will merely serve to hinder the creation of a fair, competitive and equitable environment for all. Prior to the enactment of the CPA, South Africa lagged behind other international jurisdictions in protecting its consumers. The global and domestic trading environment

has changed significantly over time. Markets have opened up and there has been a significant increase in the movement of people, goods and services across borders. The incidences of scams and unfair practices, on the other hand, has become more sophisticated.

- i. The need to enforce the CPA is critical to:
  - Establishing a legal framework for the achievement of a fair, accessible, responsible and sustainable market;
  - Reducing any disadvantages experienced in accessing the supply of goods and services by low income, low literacy, rural and vulnerable consumers;
  - Promoting fair business practices;
  - Protecting consumers from unfair and deceptive conduct;
  - Improving consumer awareness; and
  - Providing for an accessible, efficient and effective system of redress;
  
- ii. The CPA applies to:
  - Suppliers (for-profit or non-profit) that promote or supply goods or services to consumers across all sectors of the economy, unless exempt;
  - Government institutions or any entity contracted by the state to provide goods or services to consumers;
  - Franchise offers, solicitations and agreements; and to
  - Any business-to-business transaction, subject to a stipulated two-million-rand turnover per annum threshold.

Consumer Protection is a concurrent functional area of national and provincial legislative competence. Provincial consumer protection authorities exist in all provinces. Provincial consumer courts have jurisdiction over complaints of unfair business practices in terms of their respective legislation. A consumer court can order appropriate redress to a consumer in terms of the provincial legislation which created it. The NCC has been in continuous discussions with provincial consumer protection authorities to effectively deal with consumer/ supplier disputes that arise in their respective provinces and to ensure that their consumer courts are fully functional. Strategies to implement decisions taken during discussions with all provinces are underway.

Prior to placing reliance on provincial consumer protection authorities to ensure redress for consumers, the Minister of Trade and Industry accredited the Motor Industry Ombud (MIOSA) and the Consumer Goods and Services Ombud (CGSO) as the Alternate Dispute Resolution agents. Following the accreditations, consumer complaints related to the

motor industry and the fast-moving consumer goods industries are now mainly dealt with by the MIOSA and CGSO. Complainants are encouraged to refer their complaints directly to these ombuds. The NCC and the accredited ombuds have developed mechanisms and entered into arrangements concerning the reporting of performance and utilization of resources. The NCC will continue to monitor the effectiveness of these accredited schemes.

The demand for investigating conduct alleged to have been contrived by suppliers is increasing. The NCC strive to investigate every consumer complaint, but it proves to be neither possible nor feasible given the resources at its disposal. Instead, the NCC is compelled to prioritise and investigate systemic unfair conduct, based on criteria that are in line with its enforcement strategy. Apart from the enforcement strategy, investigations and or other regulatory interventions by the NCC, are informed by research and complaints trend analysis. The NCC intends to increase its access to consumer complaints databases to obtain better and more reliable trends analysis. This approach is in line with international practice (of like regulators).

Consumer safety will invariably be promoted to ensure that consumers are supplied with not only reliable goods and services but also goods that are safe for consumer health and life as well as for the environment. In order to promote the supply of safe consumer goods and services, the NCC will continue working closely with, amongst others, the South African Revenue Services (SARS), National Regulator for Compulsory Specifications (NRCS); South African Bureau of Standards (SABS), Department of Agriculture, Forestry and Fisheries and Department of Health. The facilitation and monitoring of recalls of unsafe products is a critical function of the NCC. In the absence of its own product testing facilities, coupled with the lack of financial resources that are normally associated with product tests, the NCC will continue to rely on entities like NRCS and SABS. The scanning of reported product recalls by regulators in other jurisdictions has been factored in.

It is still evident that the vast majority of consumers do not lodge complaints. Consumers who are unaware of their **rights as consumers, will not complain. The genuine need to increase awareness of consumers' rights remains. It is** also evident, that whilst suppliers are aware of their obligations in terms of the CPA, this is not the case for all suppliers. A greater need exists for small and medium enterprises to be made aware of their obligations. The NCC intends to continue guiding suppliers, especially SMMEs to comply with the consumer protection legislative framework. To this end, education programmes for consumers and business guidance for **suppliers are intrinsic to the NCC's enforcement** function.

In the endeavour to foster good governance, the NCC implements compliance-related processes to enable it to comply with the PFMA, Treasury Regulations and directives. This resulted in the NCC receiving unqualified audit opinions for 2013-14; 2014-15; 2015-16; 2016-17, 2018-19, 2019-20 and 2021-22 financial years and a clean audit for the 2017/18



financial year. The compliance burden on the NCC has been increasing. This impacts all officials and the NCC's efficacy to deal with its core mandate.

The NCC had changed its strategy in the 2012/13 financial year and further revised it in 2015/16, then in 2017/18 and **finally in 2019 to be in line with its legislative mandate. This document is therefore reflective of the NCC's revised strategy in line with recommendations made by the Executive Authority.**

## 4.2. Internal Environment analysis

### 4.2.1 Background

The NCC is an organ of state and is a Schedule 3A entity in terms of the PFMA. The entity is established by section 85 of the CPA.

In terms of section 87 of the CPA, the Commissioner of the NCC is responsible for all matters pertaining to the functions of the NCC and is required to hold office for an agreed term, not exceeding five years. Provision is however made for reappointment on expiry of an agreed term of office.

The Commissioner is the accounting authority for the NCC, duly assisted by the Deputy Commissioner and as such, is responsible for all income and expenditure of the NCC; revenue collected by the NCC; assets and the discharge of all liabilities of the NCC; as well as the proper and diligent implementation of the PFMA in relation to the NCC. Thus, Parliament, the Executive Authority and the Commissioner are responsible for corporate governance.

The Commissioner has, as permitted, assigned management and or other duties to employees with appropriate skills to assist the NCC in the management, or control over the functioning of the entity by way of written and approved delegations of authority. Certain powers or functions have been duly delegated to suitably qualified employees of the NCC. However, such delegation does not divest the Commissioner of responsibility for the exercise of any power or performance of any duty.

The Minister has designated a Deputy Commissioner to assist the Commissioner and to perform the functions of the NCC whenever the Commissioner is unable, for any reason, to perform the functions of the Commissioner; or when the position of the Commissioner is vacant. The Minister of Trade, Industry and Competition, in consultation with the **Minister of Finance, determines the Commissioner's and Deputy Commissioner's remuneration, allowances, benefits and other terms and conditions of employment.**

Parliament, through the Portfolio Committee on Trade, Industry and Competition (Portfolio Committee), exercises its oversight role through evaluating the performance of the NCC by interrogating its strategic and annual performance plans, quarterly reports, annual financial statements, performance information and other relevant documents which have to be tabled in Parliament from time to time.

Oversight by the Executive Authority rests by and large on the precepts of the PFMA. The PFMA grants authority to the Executive Authority for the exercise of its oversight powers. The Executive Authority, annually, also enters into a Shareholders Compact with the NCC and a performance agreement with the Commissioner. A Compliance Schedule is included as part of the Shareholders Compact indicating the deliverables and due dates of all documents as stipulated in the PFMA, Treasury Regulations and the Shareholders Compact. Compliance is reported on a quarterly and annual basis, whereas management accounts are required to be submitted monthly. Reports are also provided from time to time on matters of significance.

The NCC currently has 79 funded full-time positions. A skills audit has been conducted at the NCC. It is apparent that a major skills shortage does exist within the entity. An appropriate skill upgrade programme is underway under the guidance of an internal Skills Development Committee.

Insofar as trade union activity is concerned, the NCC has entered into a recognition agreement with NEHAWU. As it stands, the NCC has adopted the salary scales, benefits and increments as determined by the Minister of the Department of Public Service and Administration and strives to match those benefits where the allocated budgets permits. NCC officials are members of the GEPF but new officials are prevented by the Government Employees Medical Scheme (GEMS) from participating in GEMS. This does not imply that the NCC is not a Schedule 3A entity, in terms of the PFMA.

Corporate governance at the NCC embodies processes and systems by which public entities are generally directed, controlled and held to account. In addition to legislative requirements based on the CPA, corporate governance is applied through the precepts of the PFMA and run in tandem with the principles contained in the King Reports on Corporate Governance.

In line with the requirements of the PFMA, the NCC has an Audit and Risk Committee. The membership thereof is made up of independent persons. The said Committee also provides for one ex-officio member to serve thereon at the behest of the Executive Authority.

Risk management is integral to corporate governance at the NCC. A risk strategy is implemented and revised from time to time. A risk register is in place, monitored regularly and reported on at Audit and Risk Committee meetings. Internal audit and risk management committees were also established and are functional and the Risk Management Committee will be chaired by an independent person as of April 2022.

Internal audit assists the Accounting Authority in maintaining efficient and effective controls by evaluating those controls to determine their effectiveness and efficiency, and by developing recommendations for enhancement or improvement. The NCC has outsourced the internal audit function. Internal audit, in consultation with and the approval of the Audit and Risk Committee, ordinarily prepares and submits –

- a) a rolling three-year strategic internal audit plan based on its assessment of key areas of risk for the institution, having regard to its current operations, those proposed in its Strategic Plan and its risk management strategy;
- b) an annual internal audit plan for the first year of the rolling three-year strategic internal audit plan;
- c) plans indicating the proposed scope of each audit in the annual internal audit plan; and
- d) reports to the Audit and Risk Committee detailing its performance against the annual internal audit plan, to allow effective monitoring and possible intervention.

Internal Audit reports administratively to the Accounting Authority and functionally to the Audit and Risk Committee. The function has been outsourced and is independent of activities that are audited, with no limitation on its access to information or parties within the NCC or any of NCC's stakeholders.

The NCC has approved a Fraud Prevention Plan (Plan) which is regularly updated and NCC officials are re-orientated every year on their roles. In terms of the Plan, mechanisms are in place to report fraud and corruption. To promote fraud prevention, a whistleblowing policy is in place which makes provision for officials to make confidential disclosure about suspected fraud and corruption.

#### 4.2.2 Capacity to Deliver

The NCC has a staff complement of 79 officials. This includes support staff involved in human resources, information technology, finance, supply chain management, research and officials involved in administration in the various divisions. The position of the Commissioner has been vacant since 31 May 2019.

The officials of the NCC fall within the following divisions:

1. Administration (Corporate Services and Office of the Commissioner);
2. Legal Services;
3. Enforcement and Investigations;
4. Education, Compliance and Advocacy; and
5. Research, Trends Analysis and Knowledge Management.

As of 31 December 2021, the structure of the NCC was as follows:

Positions	Funded Posts
Top Management	2
Senior Management	13
Professional (qualified)	25
Skilled	9
Semi-Skilled	30
Total Funded Posts	79

Approximately 38% of the staff are classified as Semi-Skilled.

#### 4.2.3 B-BBEE Status

As of August 2020, the NCC was deemed non-compliant for purposes of B-BBEE. The entity is seeking to ensure that it is compliant as soon as possible.

#### 4.2.4 Status of the institution regarding women, youth and people with disabilities

The status of the NCC in relation to its equity targets as of 31 March 2021 are as follows:

DISABLED STAFF								
LEVELS	African		Coloured		Indian		White	
	Current	Target	Current	Target	Current	Target	Current	Target
Top Management	-	-	-	-	-	-	-	-
Senior Management	-	-	-	-	-	-	-	-
Professional qualified	-	-	-	-	-	-	-	-
Skilled	-	-	-	-	-	-	-	-

Semi-skilled	1	-	-	-	-	-	-	-
TOTAL	1	0	0	0	0	0	0	0
FEMALE								
LEVELS	African		Coloured		Indian		White	
	Current	Target	Current	Target	Current	Target	Current	Target
Top Management	1	-	-	-	-	-	-	-
Senior Management	4	-	-	-	-	-	-	-
Professional qualified	11	-	-	1	-	-	-	1
Skilled	3	-	-	-	-	1	1	-
Semi-skilled	15	-	-	-	-	-	-	-
TOTAL	34	0	0	3	0	1	1	3

PART C: MEASURING **NCC's** PERFORMANCE

5. Institutional Programme Performance Information

5.1 Outcomes, Outputs, Performance Indicators and Annual Targets

Outcome	Outputs	Output Indicators	Annual Targets							
			Audited/Actual Performance			Estimated Performance	MTEF Period			
			2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/2025	
Programme 1: To promote accessible consumer protection										
Accessible Consumer Protection system	1. Accredited Ombud Scheme/s monitored regularly	Assessment reports on accredited Ombuds approved by the Commissioner	Not Achieved Assessment reports, (one per quarter on each accredited Ombud Scheme) submitted to Executive Authority for 3 quarters.	Achieved. Submitted assessment reports (one per each quarter on each accredited Ombud Scheme) to the Executive Authority.	Achieved. Assessment reports (One per quarter on each accredited Ombuds) on CGSO and MIOSA, being accredited	Submit assessment reports (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval	Submit assessment reports (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval	Submit assessment reports (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval	Submit assessment reports (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval	Submit assessment reports (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval

Outcome	Outputs	Output Indicators	Annual Targets						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/2025
					Ombuds were drafted and approved by the Commissioner				
	2. Consumer Education Programmes conducted	Number of Consumer Education Programmes conducted	Achieved. 29 consumer awareness initiatives conducted	Achieved 24 Consumer Awareness initiatives attended	Achieved 27 consumer awareness initiatives conducted	32 consumer awareness initiatives conducted	36 Number of Consumer Education Programmes conducted	40 Number of Consumer Education Programmes conducted	44 Number of Consumer Education Programmes conducted
Programme 2: To promote a Fair Marketplace									
A fair marketplace	3. Investigations conducted	Percentage of finalized investigation within a	Achieved 34 Investigations were conducted	Achieved 90% (90 of 100) investigation reports were	Achieved 86 % (289 of 337) of approved	Conducted 80% of approved investigations and produced	80% of approved investigations conducted and reports with	80% of approved investigations conducted and reports	80% of approved investigations conducted and reports with

Outcome	Outputs	Output Indicators	Annual Targets						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/2025
	and reports produced.	predetermined period	and reports with recommendations were produced.	approved in an average of 93 days	investigations conducted and reports produced in 50 days	reports with recommendations in 102 days.	recommendations produced within 90 days	with recommendations produced within 80 days	recommendations produced within 70 days
	4. Took further enforcement action against non-compliant suppliers	Percentage of further enforcement action taken within a predetermined period.	Not achieved. 67% of matters approved for further enforcement action referred to the National Consumer Tribunal within 60	Not Achieved 72.2. % (13 out of 18) of matters approved for further enforcement were referred to National Consumer	Achieved 100 % (130 out of 130) of further enforcement actions were taken against non-compliant suppliers, within 50 days of	Took further enforcement action against non-compliant suppliers in 90 % of approved matters within 45 days of approval	Took further enforcement action against non-compliant suppliers in 90 % of approved matters within 40 days of approval	Took further enforcement action against non-compliant suppliers in 90 % of approved matters within 35 days of approval	Took further enforcement action against non-compliant suppliers in 90 % of approved matters within 30 days of approval



Outcome	Outputs	Output Indicators	Annual Targets						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/2025
			days of approval)	Tribunal within 60 days of approval	approval				
Programme 3: To Promote the supply of Safe Goods to Consumers									
Safe Goods supplied to consumers	5. Administered and monitored product recalls	Report on all product recalls and monitoring thereof.	Achieved Produced quarterly reports on the administration and monitoring of product recalls	Achieved Quarterly reports for the administration and monitoring of product recalls produced	Achieved 4 quarterly reports on the administration and monitoring of product recalls produced	Produce quarterly reports on the administration and monitoring of product recalls	Produce quarterly reports on the administration and monitoring of product recalls	Produce quarterly reports on the administration and monitoring of product recalls	Produce quarterly reports on the administration and monitoring of product recalls

5.1.1 Indicators, Annual and Quarterly Targets

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
<b>Programme 1: To promote accessible consumer protection</b>					
1. Assessment reports on accredited Ombuds approved by the Commissioner.	Submit assessment reports (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval	Compile quarterly assessment report (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval	Compile quarterly assessment report (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval	Compile quarterly assessment report (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval	Compile quarterly assessment report (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval
2. Number of Consumer Education Programmes conducted	36 consumer awareness initiatives conducted	Conducted 9 Consumer Education Programmes	Conducted 9 Consumer Education Programmes	Conducted 9 Consumer Education Programmes	Conducted 9 Consumer Education Programmes
<b>Programme 2: To promote a Fair Marketplace</b>					
3. Percentage of finalized investigation within a predetermined period	Conducted 80% of approved investigations and produced reports with recommendations within 90 days	Conducted 80% of approved investigations and produced reports with recommendations within 90 days	Conducted 80% of approved investigations and produced reports with	Conducted 80% of approved investigations and produced reports with	Conducted 80% of approved investigations and produced reports with

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
-			recommendations within 90 days	recommendations within 90 days	recommendations within 90 days
4. Percentage of further enforcement action taken within a predetermined period.	Took further enforcement action against non-compliant suppliers in 90 % of approved matters within 40 days of approval	Took further enforcement action against non-compliant suppliers in 90 % of approved matters within 40 days of approval	Took further enforcement action against non-compliant suppliers in 90 % of approved matters within 40 days of approval	Took further enforcement action against non-compliant suppliers in 90 % of approved matters within 40 days of approval	Took further enforcement action against non-compliant suppliers in 90 % of approved matters within 40 days of approval
Programme 3: To Promote the supply of Safe Goods to Consumers					
5. Report on all product recalls and monitoring thereof.	Produce quarterly reports on the administration and monitoring of product recalls	Quarterly Report produced on the administration and monitoring of product recalls.	Quarterly Report produced on the administration and monitoring of product recalls.	Quarterly Report produced on the administration and monitoring of product recalls.	Quarterly Report produced on the administration and monitoring of product recalls.

5.2 Joint Indicators: Outcomes, Outputs, Performance Indicators and Annual Targets

Outcome	Outputs	Output Indicators	Annual Targets						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/2025
Programme 4: To support transformation of the economy by providing guidance to comply with the CPA									
Compliance with the CPA inculcated.	6. Business guidance programmes conducted	Number of Business guidance programmes conducted	Achieved 18 Business Compliance initiatives conducted.	Achieved 12 Business compliance initiatives conducted	Achieved 15 Business Compliance initiatives conducted	conducted 15 Business compliance Initiatives	18 Business guidance programmes conducted	22 Business guidance programmes conducted	26 Business guidance programmes conducted
	7. Issue explanatory notes or non-binding opinions on the interpretation of	Number of explanatory notes or non-binding opinions issued	N/A	N/A	N/A	N/A	8 explanatory notes or non-binding opinions issued	12 explanatory notes or non-binding opinions issued	16 explanatory notes or non-binding opinions issued

Outcome	Outputs	Output Indicators	Annual Targets						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/2025
	provisions of the CPA								
Programme 5: To support industrialization by combating illegal imports related to clothing, textile, footwear and leather (CTFL)									
The proliferation of illegal exports related to CTFL mitigated	8. Investigations conducted and reports produced.	Percentage of finalized investigation within a predetermined period	N/A	N/A	N/A	N/A	90% of approved investigations conducted and reports with recommendations produced within 20 days	95% of approved investigations conducted and reports with recommendations produced within 15 days	98% of approved investigations conducted and reports with recommendations produced within 15 days
	9. Took further enforcement action against non-	Percentage of further enforcement action taken within a predetermined period.	N/A	N/A	N/A	N/A	Took further enforcement action against non-compliant suppliers in 90% of approved	Took further enforcement action against non-compliant suppliers in 95% of approved	Took further enforcement action against non-compliant suppliers in 95% of approved

Outcome	Outputs	Output Indicators	Annual Targets						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/2025
	compliant suppliers						matters within 20 days of approval	matters within 15 days of approval	matters within 15 days of approval

#### 5.2.1 Joint Indicators: Indicators, Annual and Quarterly Targets

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
Programme 4: To support transformation of the economy by providing guidance to comply with the CPA					
6. Number of business guidance programmes conducted	Conducted 18 business guidance programmes	Conducted 4 business guidance programmes: 1 per province in Gauteng, Western Cape, KZN and Eastern Cape	Conducted 5 business guidance programmes: 1 per province in Gauteng, Western Cape, KZN and Eastern Cape	Conducted 4 business guidance programmes: 1 per province in Gauteng, Western Cape, KZN, Free State and Northern Cape	Conducted 5 business guidance programmes: 1 per province in Gauteng, Western Cape, KZN, Limpopo and Mpumalanga

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
7. Number of explanatory notes or non-binding opinions issued	8 explanatory notes or non-binding opinions issued	2 explanatory notes and /or non-binding opinions issued	2 explanatory notes or non-binding opinions issued	2 explanatory notes or non-binding opinions issued	2 explanatory notes or non-binding opinions issued
<b>Programme 5: To support industrialization by combating illegal imports related to clothing, textile, footwear and leather (CTFL)</b>					
8. Percentage of finalized investigation within a predetermined period	Conducted 80% of approved investigations and produced reports with recommendations within 90 days	Conducted 80% of approved investigations and produced reports with recommendations within 90 days	Conducted 80% of approved investigations and produced reports with recommendations within 90 days	Conducted 80% of approved investigations and produced reports with recommendations within 90 days	Conducted 80% of approved investigations and produced reports with recommendations within 90 days
9. Percentage of further enforcement action taken within a predetermined period.	Took further enforcement action against non-compliant suppliers in 90 % of approved matters within 20 days of approval	Took further enforcement action against non-compliant suppliers in 90 % of approved matters within 20 days of approval	Took further enforcement action against non-compliant suppliers in 90 % of approved matters within 20 days of approval	Took further enforcement action against non-compliant suppliers in 90 % of approved matters within 20 days of approval	Took further enforcement action against non-compliant suppliers in 90 % of approved matters within 20 days of approval

## 6. EXPLANATION OF PLANNED PERFORMANCE OVER THE MEDIUM-TERM PERIOD

### 6.1 Programme 1: To promote an accessible consumer protection system

CPA seeks to promote a fair, accessible and sustainable marketplace for consumer products and services and for that purpose, to establish norms and standards relating to consumer protection. Ensuring that consumers have access to redress in their disputes with suppliers is critical to achieving the strategic outcomes and impact. The CPA stipulates the rights of consumers and makes provision for consumers to receive access to redress without being burdened by costs. For this reason, the NCC has promoted the establishment and accreditation of ombud schemes to provide dispute resolution services at no cost to the consumer. The NCC is also monitoring the efficacy of the schemes to ensure that the ombuds to the set timeframe to ensure that consumer redress is also expedient.

To ensure that consumers are aware of their rights and obligations while transacting, the NCC embarks on education programmes for consumers. The NCC provides advice and education to consumers on provisions of the CPA to assist them to resolve disputes with suppliers prior to these being escalated to ombud schemes or the NCC. The outcomes that the NCC intends to achieve with this programme is largely determined by its legislative mandate. The outputs have been determined from an assessment of its past performance, resources and demands placed on the NCC.

### 6.2 Programme 2: To promote a Fair Marketplace

The CPA seeks to promote a fair, accessible and sustainable marketplace for consumer products and services by prohibiting certain unfair business practices. The NCC is obliged to investigate the conduct of suppliers that may have engaged in prohibited conduct. Whilst some of the investigations result in suppliers settling, there are those that have to be filed by the NCC at the National Consumer Tribunal (NCT) or be referred to other fora like the Equality Court and South African police services. In the event that the NCT finds in favour of the NCC, the NCC would generally argue for redress and for a penalty to be imposed on the supplier. The proceedings at the NCT are very formal and akin to a court of law. Given its resource constraints, the NCC is unable to investigate every complaint or for that matter, file every matter with the NCT. The NCC considers the impact that a matter will have, not just on the number of consumers, but also on developing and expounding critical provisions of the CPA.



The outcomes that the NCC intends to achieve with this programme is largely determined by its legislative mandate. The outputs have been determined from an assessment of its past performance, resources and demands placed on the NCC.

### 6.3 Programme 3: To promote the supply of safe goods to Consumers

The supply of goods that are safe for consumers will invariably have to be promoted by the NCC to ensure consumer safety. When there are unsafe goods in the marketplace, the resulting harm would impact all consumers that use those goods and as such, the administration and monitoring of recalls of unsafe products is a critical function of the NCC. In order to promote the supply of safe consumer goods, the NCC continues to work closely with, amongst other, the National Regulator for Compulsory Specifications (NRCS); South African Bureau of Standards (SABS), National Metrology Institution of South Africa (NMISA) Department of Agriculture, Forestry and Fisheries and Department of Health.

The outcomes that the NCC intends to achieve with this programme is once again determined by its legislative mandate. The outputs have been determined from an assessment of its past performance, resources and demands placed on the NCC.

### 6.4. Programme 4: To support transformation of the economy by providing guidance to comply with the CPA

The South African economy has remained untransformed, been concentrated in certain geographic areas and with a few role players having bigger shares and monopolising those industries; this led to skewed ownership and barriers to entry by small enterprises. Chief among the barriers to entry is the lack of understanding of legislative requirements. The 6<sup>th</sup> **Administration called upon all organs of the state to contribute to the 're-imagined industrial strategy' and specific to the DTIC stable, to focus on 'industrialisation delivered through both excellent services and deep partnership'**. To ensure integrated effort that all entities contribute to the overall focus areas that will contribute to industrialisation, the Ministry developed and refined the Joint Key Performance Indicators into three, namely, Industrialisation, Transformation and Delivery/Capable State

In support of the J-KPI on Transformation, the emphasis in this programme would be for NCC to be an enabler by providing education on CPA compliance and non-binding opinions to cultivate compliance with the CPA. This outcome is within the legislative mandate of the NCC.

6.5. Programme 5: To support industrialization by combating illegal imports related to clothing, textile, footwear and leather (CTFL)

The NCC would continue on its mandate to enforce the labelling requirements as set out in the CPA for clothing, textile, footwear and leather (CTFL.). The CPA prohibits the importation into the country of CTFL goods that are not compliant with the provisions of the CPA. Suppliers that contravene the labelling requirements of the CPA are ordered to re-export the offending goods back to the country of origin or destroy them at accredited facilities.

The outcomes that the NCC intends to achieve with this programme are largely determined by its legislative mandate. The outputs have been determined from an assessment of its past performance, resources and demands placed on the NCC.

7. PART C: PROGRAMME RESOURCE CONSIDERATIONS

7.1 Budget Allocation for Programmes as per ENE:

Objective/ Activity	2020/21			2021/22			2022/23			2023/24
	Budget estimate	Approved budget	Changes from the approved budget	Budget estimate	Revised budget estimate	Changes from the budget estimate	Budget estimate	Revised budget estimate	Changes from the budget estimate	Planning Budget Estimate
To promote accessible consumer protection system	25,684	23,881	(1,803)	27,242	24,153	(3,089)	28,304	12,544	(15,760)	13,077
To promote a Fair Marketplace	8,242	6,951	(1,291)	8,722	7,792	(930)	8,782	5,315	(3,467)	5,541
To promote the supply of safe goods to Consumers	582	282	(300)	582	572	(10)	604	534	(70)	557
To support transformation of the economy by providing guidance to comply with the CPA	-	-	-	-	-	-	-	12,544	12,544	13,077
To support industrialization by combating illegal imports related to clothing, textile, footwear and leather (CTFL)	-	-	-	-	-	-	-	2,657	2,657	2,770
Totals	63,261	54,642	(8,619)	66,749	60,605	(6,144)	69,247	61,565	(7,682)	62,249

## 7.2. Expenditure analysis

The National Consumer Commission was established in terms of section 85 of the Consumer Protection Act (2008), with jurisdiction across South Africa. The commission aims to:

- Conduct investigations against suppliers allegedly engaging in prohibited conduct;
- Prosecute suppliers found to be in contravention of the Consumer Protection Act (2008);
- Promote resolution of disputes between consumers and suppliers; and
- Promote compliance with the act through advocacy, education and awareness.

Over the medium term, the Commission will focus on conducting education and awareness campaigns, investigating the conduct of suppliers; and conducting prosecutions of businesses to facilitate the resolution of disputes between consumers and suppliers in a speedy, cost-effective, fair and transparent manner.

Expenditure is expected to increase at an average annual rate of 4.1 per cent, from R60.6 million in 2021/22 to R64.3 million in 2024/25. Spending on the compensation of employees accounts for 76.9 per cent (R143.5 million) of the **Commission's total expenditure over the medium term. Revenue is expected to** increase at an average annual rate of 4.1 per cent, from R60.6 million in 2021/22 to R64.3 million in 2024/25. The Commission derives 96.4 per cent (R181.3 million) of its revenue over the medium term from transfers from the department, and the remainder from interest from investments.

8. Updated Key Risks and mitigation from the SP

Strategic Risks		
Outcomes	Key Risk	Risk Mitigation
1. To promote accessible Consumer Protection; 2. To promote the supply of Safe Goods to Consumers and 3. To support transformation of the economy	1. Unstable ICT systems	1.1. Procurement of ICT infrastructure 1.2. Implementation of DRP 1.3. Implementation of a case management system
	2. Ineffective channels of communication	2.1 Use of technological resources in sharing information with consumers and suppliers 2.2 Implementation of media strategy
4. To promote a fair marketplace and 5. To support industrialisation	3. Lack of agility to adapt to changing unfair market practices	3.1 Continuous skills development of staff 3.2 Sourcing of services of experts specializing in particular business conduct

9. Public Entities: N/A

10. Infrastructure Projects

No.	Project Name	Programme	Project Description	Outputs	Project Start Date	Project Completion Date	Total Estimated Cost	Current Year Expenditure
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

11. Public-Private Partnerships: N/A

PART D: TECHNICAL INDICATOR DESCRIPTIONS (TID)

1.

Indicator title	<ul style="list-style-type: none"> <li>Assessment reports on accredited Ombuds approved by the Commissioner.</li> </ul>
Definition	<ul style="list-style-type: none"> <li>Accredited Ombuds mean Consumer Goods and Services Ombud (CGSO) and Motor Industry Ombud of South Africa (MIOSA)</li> <li>An assessment report is a document that contains an analysis of the Ombuds performance in handling complaints.</li> </ul>
Source of data or information	<ul style="list-style-type: none"> <li>Quarterly reports received by the NCC from accredited Ombuds Schemes</li> <li>Assessment reports approved by the office of the Commissioner</li> <li>NCC quarterly report</li> </ul>
Method of calculation/ assessment	<ul style="list-style-type: none"> <li>Number of quarterly reports from Ombuds</li> <li>Number of approved assessment reports</li> </ul>
Means of verification	<ul style="list-style-type: none"> <li>Quarterly reports received by the NCC from accredited Ombuds Schemes</li> <li>Assessment reports approved by the office of the Commissioner</li> <li>NCC quarterly report</li> </ul>
Assumptions	<ul style="list-style-type: none"> <li>None</li> </ul>
Disaggregation of beneficiaries	<ul style="list-style-type: none"> <li>None</li> </ul>
Spatial transformation	<ul style="list-style-type: none"> <li>none</li> </ul>
Calculation type	<ul style="list-style-type: none"> <li>Cumulative (year-end)</li> </ul>
Reporting cycle	<ul style="list-style-type: none"> <li>Quarterly</li> </ul>
Desired performance	<ul style="list-style-type: none"> <li>Achievement of stipulated target</li> </ul>
Indicator Responsibility	<ul style="list-style-type: none"> <li>Divisional Head-Legal Services</li> </ul>

2.

Indicator title	<ul style="list-style-type: none"> <li>• Consumer Education Programmes</li> </ul>
Definition	<ul style="list-style-type: none"> <li>• Consumer Education Programmes means Education Sessions (Workshops (in-person or virtual), seminars, radio and TV programmes) conducted for consumers to raise awareness on the Consumer Protection Act.</li> </ul>
Source of data or information	<ul style="list-style-type: none"> <li>• Approved business plan</li> <li>• Approved submissions for the sessions.</li> <li>• Requests from media houses.</li> </ul>
Method of calculation/ assessment	<ul style="list-style-type: none"> <li>• Count (quantitative)</li> </ul>
Means of verification	<ul style="list-style-type: none"> <li>• Attendance Register,</li> <li>• Confirmation of attendance by the Host (where attendance register is not possible e.g a community meeting, church service etc)</li> <li>• Session Report or Media monitoring reports</li> </ul>
Assumptions	<ul style="list-style-type: none"> <li>• None</li> </ul>
Disaggregation of beneficiaries	<ul style="list-style-type: none"> <li>• Consumers.</li> </ul>
Spatial transformation (where applicable)	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
Calculation type	<ul style="list-style-type: none"> <li>• Cumulative (year-end)</li> </ul>
Reporting cycle	<ul style="list-style-type: none"> <li>• Quarterly</li> </ul>
Desired performance	<ul style="list-style-type: none"> <li>• 36 Consumer Education Programmes conducted</li> </ul>
Indicator Responsibility	<ul style="list-style-type: none"> <li>• Divisional Head: Education, Compliance &amp; Advocacy</li> </ul>

3.

Indicator title	<ul style="list-style-type: none"> <li>Percentage of finalized investigation within a predetermined period</li> </ul>
Definition	<ul style="list-style-type: none"> <li>An investigation starts when the office of the Commissioner approves the investigation by signing the investigation certificate.</li> <li>An investigation is finalised when an investigation report is approved by the Office of the Commissioner</li> <li><b>Days means business excluding weekends, public holidays NCC's shutdown period</b></li> </ul>
Source of data or information	<ul style="list-style-type: none"> <li>Spreadsheet of approved investigations and approved reports</li> <li>Investigation Certificate (to determine the date of start of the investigation)</li> <li>Investigation reports (to determine the date of approval of reports)</li> </ul>
Method of calculation/ assessment	<ul style="list-style-type: none"> <li>Number of approved reports (dividend) divided by the number of approved investigations (divisor)</li> <li>The quotient is the percentage</li> <li>To calculate the average of 90 days, the days taken to complete each investigation are added together then the total is divided by the number of all completed investigations.</li> </ul>
Means of verification	<ul style="list-style-type: none"> <li>Spreadsheet of approved investigations and approved reports</li> <li>Investigation Certificate (to determine the date of start of the investigation)</li> <li>Investigation reports (to determine the date of approval of reports)</li> </ul>
Assumptions	<ul style="list-style-type: none"> <li>None</li> </ul>
Disaggregation of beneficiaries	<ul style="list-style-type: none"> <li>Not Applicable</li> </ul>
Spatial transformation (where applicable)	<ul style="list-style-type: none"> <li>Not Applicable</li> </ul>
Calculation type	<ul style="list-style-type: none"> <li>Cumulative (year-end)</li> </ul>
Reporting cycle	<ul style="list-style-type: none"> <li>Quarterly</li> </ul>
Desired performance	<ul style="list-style-type: none"> <li>80% of approved investigations were conducted. Reports with recommendations produced in 90 days.</li> </ul>
Indicator Responsibility	<ul style="list-style-type: none"> <li>Divisional Head: Enforcement and Investigations</li> </ul>



4.

Indicator title	<ul style="list-style-type: none"> <li>Percentage of further enforcement action taken within a predetermined period.</li> </ul>
Definition	<ul style="list-style-type: none"> <li>Enforcement action is deemed as taken on a date when a compliance notice is issued, or the date when a settlement agreement is signed, or the date when a referral to Equality court or Competition Commission or National Prosecuting Authority is made or a date when Application papers are filed at the National Consumer Tribunal.</li> <li>The period for further enforcement action starts on the day after the Commissioner approves an assessment report for further enforcement.</li> </ul>
Source/ of data or information	<ul style="list-style-type: none"> <li>Prosecution register</li> <li>Assessment Register</li> <li>Approved assessments</li> <li>Compliance notice, settlement agreement, referral letter, filing email or stamp</li> </ul>
Method of calculation/ assessment	<ul style="list-style-type: none"> <li>Number of approved assessment reports (dividend) divided by the number of enforcement actions taken (divisor)</li> <li>The quotient is the percentage</li> <li>To calculate the average of 40 days for the enforcement action, the days taken for each enforcement action are added together then the total is divided by the number of all enforcement actions taken.</li> <li>The average number of days taken to finalise the investigation.</li> </ul>
Means of verification	<ul style="list-style-type: none"> <li>Prosecution register</li> <li>Assessment Register</li> <li>Approved assessments</li> <li>Compliance notice, settlement agreement, referral letter, filing email or Tribunal stamp</li> </ul>
assumptions	<ul style="list-style-type: none"> <li>None</li> </ul>

Disaggregation of beneficiaries	<ul style="list-style-type: none"> <li>• None</li> </ul>
Spatial transformation (where applicable)	<ul style="list-style-type: none"> <li>• None</li> </ul>
Calculation type	<ul style="list-style-type: none"> <li>• Cumulative (year-end)</li> </ul>
Reporting cycle	<ul style="list-style-type: none"> <li>• Quarterly</li> </ul>
Desired performance	<ul style="list-style-type: none"> <li>• It is desired that the Division reaches 90% for further enforcement taken within 40 days</li> </ul>
Indicator Responsibility	<ul style="list-style-type: none"> <li>• Divisional Head – Legal Services</li> </ul>

5.

Indicator	<ul style="list-style-type: none"> <li>• Report on all product recalls and the monitoring thereof.</li> </ul>
Definition	<ul style="list-style-type: none"> <li>• Product recall means a recall of unsafe, hazardous, defective or failed product</li> <li>• Product means consumer goods</li> </ul>
Source of data or information	<ul style="list-style-type: none"> <li>• Product recall register</li> <li>• Quarterly report approved by the office of the Commissioner</li> </ul>
Method of calculation/ assessment	<ul style="list-style-type: none"> <li>• Count</li> </ul>
Means of verification	<ul style="list-style-type: none"> <li>• Product recall register</li> <li>• Quarterly report approved by the office of the Commissioner</li> </ul>
assumptions	<ul style="list-style-type: none"> <li>• None</li> </ul>
Disaggregation of beneficiaries	<ul style="list-style-type: none"> <li>• None</li> </ul>
Spatial transformation (where applicable)	<ul style="list-style-type: none"> <li>• Not Applicable</li> </ul>
Calculation type	<ul style="list-style-type: none"> <li>• Cumulative (year-end)</li> </ul>
Reporting cycle	<ul style="list-style-type: none"> <li>• Quarterly</li> </ul>
Desired performance	<ul style="list-style-type: none"> <li>• Achievement of stipulated target</li> </ul>
Indicator Responsibility	<ul style="list-style-type: none"> <li>• Divisional Head: Enforcement and Investigations</li> </ul>

6. JOINT INDICATOR: To support transformation of the economy

Indicator title	<ul style="list-style-type: none"> <li>• Business guidance programmes</li> </ul>
Definition	<ul style="list-style-type: none"> <li>• Business guidance programmes means education sessions (Workshops (in-person or virtual) delivered for businesses to educate about and encourage compliance with the Consumer Protection Act.</li> </ul>
Source/of data or information	<ul style="list-style-type: none"> <li>• Approved business plan</li> <li>• Approved submissions for the sessions.</li> </ul>
Means of verification	<ul style="list-style-type: none"> <li>• Attendance Register,</li> <li>• Session Report</li> </ul>
Method of calculation/ assessment	<ul style="list-style-type: none"> <li>• Count (quantitative)</li> </ul>
Assumptions	<ul style="list-style-type: none"> <li>• None</li> </ul>
Disaggregation of beneficiaries	<ul style="list-style-type: none"> <li>• Not applicable</li> </ul>
Spatial transformation (where applicable)	<ul style="list-style-type: none"> <li>• N/A</li> </ul>
Calculation type	<ul style="list-style-type: none"> <li>• Cumulative (year-end)</li> </ul>
Reporting cycle	<ul style="list-style-type: none"> <li>• Quarterly</li> </ul>
Desired performance	<ul style="list-style-type: none"> <li>• 18 programmes</li> </ul>
Indicator Responsibility	<ul style="list-style-type: none"> <li>• Divisional Head: Education, Compliance &amp; Advocacy</li> </ul>

7. JOINT INDICATOR: To support transformation of the economy

Indicator title	<ul style="list-style-type: none"> <li>Issue explanatory notes or non-binding opinions on the interpretation of provisions of the CPA</li> </ul>
Definition	<ul style="list-style-type: none"> <li>Explanatory notes or non-binding opinions means written guidance notes to provide practical guidance on compliance with the CPA provided by Legal Services to businesses on a quarterly basis.</li> </ul>
Source of data or information	<ul style="list-style-type: none"> <li>Approved submissions of the opinion or explanatory note.</li> </ul>
Method of calculation/ assessment	<ul style="list-style-type: none"> <li>Count (quantitative)</li> </ul>
Means of verification	<ul style="list-style-type: none"> <li>Approved submissions for the opinion or explanatory note.</li> <li>Copies of explanatory notes or non-binding opinions issued.</li> <li>Proof of distribution</li> </ul>
Assumptions	<ul style="list-style-type: none"> <li>None</li> </ul>
Disaggregation of beneficiaries	<ul style="list-style-type: none"> <li>None</li> </ul>
Spatial transformation (where applicable)	<ul style="list-style-type: none"> <li>None</li> </ul>
Calculation type	<ul style="list-style-type: none"> <li>Cumulative (year-end)</li> </ul>
Reporting cycle	<ul style="list-style-type: none"> <li>Quarterly</li> </ul>
Desired performance	<ul style="list-style-type: none"> <li>Achievement of stipulated target</li> </ul>
Indicator Responsibility	<ul style="list-style-type: none"> <li>Divisional Head- Legal Services</li> </ul>

8. JOINT INDICATOR: To support Industrialization

Indicator title	<ul style="list-style-type: none"> <li>Percentage of finalized investigation within a predetermined period</li> </ul>
Definition	<ul style="list-style-type: none"> <li>An investigation starts when the office of the Commissioner approves the investigation by signing the investigation certificate.</li> </ul>

	<ul style="list-style-type: none"> <li>• An investigation is finalised when an investigation report is approved by the Office of the Commissioner</li> <li>• Days means <b>business excluding weekends, public holidays NCC's shutdown period</b></li> </ul>
Source of data or information	<ul style="list-style-type: none"> <li>• Spreadsheet of approved investigations and approved reports</li> <li>• Investigation Certificate (to determine the date of start of the investigation)</li> <li>• Investigation reports (to determine the date of approval of reports)</li> </ul>
Method of calculation/ assessment	<ul style="list-style-type: none"> <li>• Number of approved reports (dividend) divided by the number of approved investigations (divisor)</li> <li>• The quotient is the percentage</li> <li>• To calculate the average of 90 days, the days taken to complete each investigation are added together then the total is divided by the number of all completed investigations.</li> </ul>
Means of verification	<ul style="list-style-type: none"> <li>• Spreadsheet of approved investigations and approved reports</li> <li>• Investigation Certificate (to determine the date of start of the investigation)</li> <li>• Investigation reports (to determine the date of approval of reports)</li> </ul>
Assumptions	<ul style="list-style-type: none"> <li>• None</li> </ul>
Disaggregation of beneficiaries	<ul style="list-style-type: none"> <li>• Not Applicable</li> </ul>
Spatial transformation (where applicable)	<ul style="list-style-type: none"> <li>• Not Applicable</li> </ul>
Calculation type	<ul style="list-style-type: none"> <li>• Cumulative (year-end)</li> </ul>
Reporting cycle	<ul style="list-style-type: none"> <li>• Quarterly</li> </ul>
Desired performance	<ul style="list-style-type: none"> <li>• 80% of approved investigations were conducted. Reports with recommendations produced in 90 days.</li> </ul>
Indicator Responsibility	<ul style="list-style-type: none"> <li>• Divisional Head: Enforcement and Investigations</li> </ul>

## 9. JOINT INDICATOR 2: Industrialization

Indicator title	<ul style="list-style-type: none"> <li>Percentage of further enforcement action taken within a predetermined period.</li> </ul>
Definition	<ul style="list-style-type: none"> <li>Enforcement action is deemed as taken on a date when a compliance notice is issued, or the date when a settlement agreement is signed, or the date when a referral to Equality court or Competition Commission or National Prosecuting Authority is made or a date when Application papers are filed at the National Consumer Tribunal.</li> <li>The period for further enforcement action starts on the day after the Commissioner approves an assessment report for further enforcement.</li> </ul>
Source/ of data or information	<ul style="list-style-type: none"> <li>Prosecution register</li> <li>Approved assessments</li> <li>Compliance notice, settlement agreement, referral letter, filing email or stamp</li> </ul>
Method of calculation/ assessment	<ul style="list-style-type: none"> <li>Number of approved assessment reports (dividend) divided by the number of enforcement actions taken (divisor)</li> <li>The quotient is the percentage</li> <li>To calculate the average of 20 days for the enforcement action, the days taken for each enforcement action are added together then the total is divided by the number of all enforcement actions taken.</li> <li>The average number of days taken to finalise the investigation.</li> </ul>
Means of verification	<ul style="list-style-type: none"> <li>Prosecution register</li> <li>Assessment Register</li> <li>Approved assessments</li> <li>Compliance notice, settlement agreement, referral letter, filing email or stamp</li> </ul>
assumptions	<ul style="list-style-type: none"> <li>None</li> </ul>

Disaggregation of beneficiaries	<ul style="list-style-type: none"> <li>• None</li> </ul>
Spatial transformation (where applicable)	<ul style="list-style-type: none"> <li>• None</li> </ul>
Calculation type	<ul style="list-style-type: none"> <li>• Cumulative (year-end)</li> </ul>
Reporting cycle	<ul style="list-style-type: none"> <li>• Quarterly</li> </ul>
Desired performance	<ul style="list-style-type: none"> <li>• It is desired that the Division reaches 90% for further enforcement taken within 20 days</li> </ul>
Indicator Responsibility	<ul style="list-style-type: none"> <li>• Divisional Head – Legal Services</li> </ul>