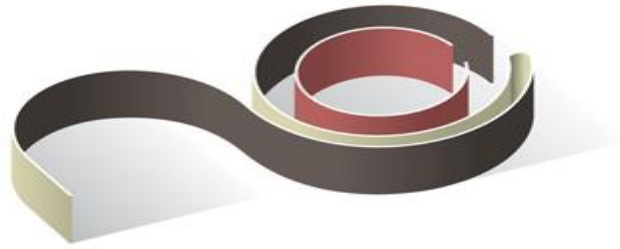


National Consumer Commission

Annual Performance Plan 2021/2022



NATIONAL CONSUMER COMMISSION

VERSION CONTROL				
Version	Date	Revised by	Reason	Sections affected
V1	25/10/2020			
V2	26/03/2021	J V Selolo	<ul style="list-style-type: none"> • Revision of target for indicator No 6 • Inclusion of Joint Indicators 	5.1, 5.2, 5.3 and Part D

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

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National Consumer Commission

MINISTER'S FOREWORD

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

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

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

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

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

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

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

- Joint Indicator 1: Integrated Support to Drive Industrialisation
- Joint Indicator 2: Contribution to the development of an AfCFTA Export Plan

- Joint Indicator 3: Investment Facilitation and Growth
- Joint Indicator 4: Development Model and Spatial Equity
- Joint Indicator 5: Actions to Promote Transformation
- Joint Indicator 6: The Green Economy and Greening the Economy
- Joint Indicator 7: Strengthening and Building a Capable State

In this way, the combined efforts of all public entities will begin to be aligned to the national priorities in a more explicit manner. The Joint-Indicators cover, among others, the work of sector masterplans, initiatives to boost levels of investment and localisation in the economy, expanding trade within the continent, enabling better local economic development, supporting the growth of new industries (in the green economy and through beneficiation) and building a capable state. In respect of Joint-Indicator 7 for example, all public entities will be required to review their procedures, timeframes for delivery, forms to be filled in and public communication of services to simplify these, make processes expeditious where possible, remove unnecessary red-tape where these exist and make it easier for users to access services.

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



EBRAHIM PATEL

MINISTER OF TRADE, INDUSTRY AND COMPETITION

Date: 31 March 2021

Accounting Authority Statement

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

The NCC, has slowly, but surely begun entrenching itself as a key consumer protection regulator in South Africa, within the SADC region and on the African continent. It has begun to take up consumer issues that have serious negative impact on a significant number of consumers. The timeshare enquiry report was issued in 2018/19 and the recommendations will have to be given effect to in this strategic period. Consumer complaints related to fair and honest dealings and the right to fair, just and reasonable terms and conditions; are areas that seem to be in the increase and affect transactions that take place mainly online. These areas will be prioritised in this financial year.


The involvement of the NCC in the recall of unsafe consumer products from the marketplace, coupled with the responsibility to ensure that goods that are imported into the country meet the labelling requirement, would also be strengthened. In pursuance of its mandate to enable consumers to enjoy their right to privacy in relation to direct marketing, the NCC has commenced with the planning, establishment and operation of the Opt Out Register (Registry). All in all, despite its limited resources, the NCC intends delivering on these complex tasks, over this strategic period.

The NCC has been consistently enrolling with 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 jurisprudence in relation to consumer protection law is fast developing. The NCC will, in this financial year, continue in its endeavours to enforce the rights of consumers at the different fora.

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. Hence, one of its focus areas is its engagement with targeted industries/ sectors on the submission of industry codes and the expansion of alternate dispute resolution schemes in South Africa. The NCC has enjoyed some success in this regard, now that the ombud schemes for the motor industry and the consumer goods and services industry have been accredited by the Minister of Trade and Industry, the NCC will review the effectiveness of the schemes and draw lessons for accreditation of other schemes.

The NCC has, over time, been working closely with the provincial consumer protection authorities and other key regulators involved in consumer protection. The NCC chairs the Consumer Protection Forum (CPF). A key project of the CPF over this strategic period is to harmonise consumer protection throughout the Republic. I am very encouraged 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 will be involved in, thus contributing to the government's priority of 'Increase intra Africa Trade'

This Annual Performance Plan is aligned to the South African consumer policy prerogatives as espoused in the CPA. Being a creature of statute, the NCC must focus on its key legislative mandate. The strategic, annual performance and operational plans remain 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 also work with the NCC with commitment and zeal. It is of immense importance for the economy of South Africa and for consumers in particular, that little or no room is left for unscrupulous business to operate within the borders of the Republic of South Africa.



Ms Thezi Mabuza
Acting Commissioner

Official Sign Off

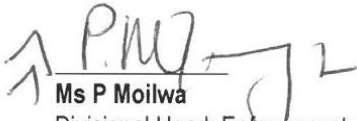
It is hereby certified that this Annual Performance Plan:

- 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 2021 to 31 March 2022.



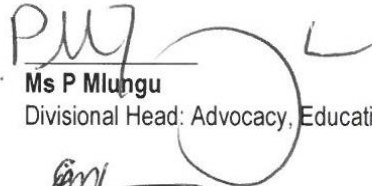
Mr Anton Van der Merwe
Divisional Head: Corporate Services and
Chief Financial Officer

30 March 2021
Date



Ms P Moilwa
Divisional Head: Enforcement and Investigations

30/03/21
Date



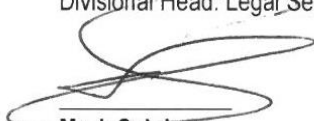
Ms P Mlungu
Divisional Head: Advocacy, Education and Awareness

30/03/21
Date



Mr J Mbeje
Divisional Head: Legal Services

30/03/21
Date



Mr J. Setoto
Company Secretary

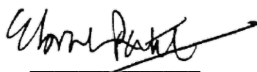
30/03/21
Date



Ms T Mabuza
Accounting Authority

30/03/2021
Date

Approved by



Mr Ebrahim Patel
Minister of Trade, Industry and Competition

31 March 2021
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.

It 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 the course of 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 and awareness;
- 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, 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 promote:

1. Accessible consumer protection by monitoring alternate dispute resolution schemes accredited by Minister for functionality and efficiency and creating awareness on the rights and obligations amongst consumers and suppliers.
2. 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 have been found to be in breach of the CPA;
3. The supply of safe goods to consumers by administering and recalling unsafe, failed, defective or hazardous goods

In addition, 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 through 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);
- the new performance compacts between members of the Executive and the Presidency signed in November 2020; and

The New District Development Model as an integration of development efforts at local level;

The NCC will contribute to the following joint indicators:

- i. Joint Indicator 5: Actions to Promote Transformation; and
- ii. Joint Indicator 7: Strengthening and Building a Capable State

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 with a view to determining trends and emerging concerns for both consumers and business. 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 protection 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 Legislative and other 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">1. Expertise and Skills2. Legislative Mandate3. Experience4. Good Working Relationships5. Credibility	<ol style="list-style-type: none">1. Capacity (People)2. IT Support3. Resources (Finances)4. Role Clarification5. Technical Skills
OPPORTUNITIES	THREATS
<ol style="list-style-type: none">1. Collaboration (with other regulators)2. Use of ICT3. Internal Development4. Capacity Building5. Can Influence Legislative Changes	<ol style="list-style-type: none">1. Safety and Security of Personnel2. Undue Political Interference3. None Compliance by Suppliers4. Failure to Investigate and Prosecute5. Lack of Co-operation from Industry Players

4.1. External Environment Analysis

Consumer protection is an integral part of a modern, efficient, effective and just market place. 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's** intention was to create an environment where a culture of consumer rights and responsibilities prevail. Such an environment is not only

beneficial to consumers but to business 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 incidence 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 exempted;
 - 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 a 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, all consumer complaints related to the motor industry and to 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 or entered into arrangements in relation to 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 suppliers alleged to be contravening the CPA 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 criteria, investigations and or other regulatory interventions by the NCC, are informed by research and complaints trend analysis. The NCC intends increasing its access to consumer complaints databases in order 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 so as 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, regulators, South African Revenue Services (SARS), the National Regulator for Compulsory Specifications (NRCS); South African Bureau of Standards (SABS), the Department of Agriculture, Forestry and Fisheries and the 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 remain. 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 encouraging suppliers to comply with the consumer protection legislative framework. Awareness does lead to increased compliance. To this end, awareness initiatives for both consumers and suppliers are intrinsic to the NCC's enforcement function.

Following the receipt of a qualified audit in the 2012-13 financial year, the NCC subsequently focused on implementing compliance related processes so as to enable it to comply with the PFMA, Treasury Regulations and directives. This resulted in the NCC receiving unqualified audit opinions for the 2013-14; 2014-15; 2015-16; 2016-17, 2018-19, 2019-20 financial years and a clean audit for the 2017/18 financial year. The compliance burden on the NCC has been increasing. This impacts on all officials and on 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 prescripts 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. This does not imply that the NCC is not a Schedule 3A entity, in terms of the PFMA.

The process embarked upon by the Executive Authority, of facilitating the establishment of bargaining chambers for its entities, is close to finalization. Once these chambers are in operation, the NCC will bargain on salary increments and benefits. NCC officials are members of the GEPE. NCC officials are prevented by the Government Employees Medical Scheme (GEMS) from participating in GEMS. However, the usual benefits applicable to employees as negotiated at the PSCBC in relation to employees on levels 1-12 are, wherever possible, is also granted to NCC employees on these levels.

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 and monitored regularly and reported on at Audit and Risk Committee meetings. Internal audit and risk management committees were also established and are functional.

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 is independent of activities that are audited, with no limitation on its access to information or to parties within the NCC or any of NCC's stakeholders.

The NCC has approved a Fraud Prevention Plan (Plan) which is regularly canvassed with NCC officials. Thus far, no acts of fraud have been reported to have occurred over the last six years. In terms of the Plan, mechanisms are in place to report fraud and corruption. In order 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 compliment 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. Advocacy, Education and Awareness; and
5. Research and Knowledge Management.

As at 31 March 2020, 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 BEE Status

As at August 2019, the NCC was deemed non-compliant for purposes of BEE. 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 at 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		African	
	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	2	0	1	0	1	1	1

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		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/2024
Programme 1: To promote accessible consumer protection									
To promote accessible Consumer Protection system	1. Accredited Ombud Scheme/s monitored regularly	Assessment reports on accredited Ombuds approved by the Commissioner	Achieved. Submitted assessment reports to Executive Authority (one per quarter on each accredited Ombud Scheme).	Not Achieved Assessment reports, (one per quarter on each accredited Ombud Scheme) submitted to Executive Authority in relation to 3 quarters.	Achieved. Submitted assessment reports (one per each quarter on each accredited Ombud Scheme) to the Executive Authority.	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
	2. Business compliance initiatives conducted	Number of business compliance initiatives conducted	Achieved 18 Business Compliance initiatives conducted	Achieved 18 Business Compliance initiatives conducted.	Achieved 12 Business compliance initiatives conducted	14 Business compliance Initiatives conducted	15 Business compliance Initiatives conducted	18 Business compliance Initiatives conducted	22 Business compliance Initiatives conducted
	3. Consumer Awareness initiatives conducted	Number of consumer awareness initiatives conducted	Achieved 24 Consumer initiatives conducted	Achieved. 29 consumer awareness initiatives conducted	Achieved 24 Consumer Awareness initiatives attended	28 consumer awareness initiatives conducted	32 consumer awareness initiatives conducted	36 consumer awareness initiatives conducted	40 consumer awareness initiatives conducted

Outcome	Outputs	Output Indicators	Annual Targets						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/2024
	4. Issue explanatory notes and /or non-binding opinions on the interpretation of provisions of the CPA	Percentage (%) of requests for explanatory notes and /or non-binding opinions on the interpretation of provisions of the CPA provided within a pre-defined time period	Not achieved 100 % (186 out of 186) registered requests for explanatory notes and / or non-binding opinions provided within an average of 27 day	Achieved. 100 % of registered requests for explanatory notes and /or non-binding opinions provided within an average of 10 days	Achieved 100% (567 out of 567) off requests for explanatory notes and or non-binding opinions provided within an average of 2.9 days (rounded of to 3 days)	95 % of registered requests for explanatory notes and /or non-binding opinions provided within an average of 8 days	95 % of registered requests for explanatory notes and /or non-binding opinions provided within an average of 7 days	95 % of registered requests for explanatory notes and /or non-binding opinions provided within an average of 6 days	95 % of registered requests for explanatory notes and /or non-binding opinions provided within an average of 6 days
To promote a fair marketplace	5. Investigations conducted and reports produced.	Percentage of finalized investigation within a predetermined time period	Achieved 34 Investigations conducted and reports with recommendations produced.	Achieved 34 Investigations conducted and reports with recommendations produced.	Achieved 90% (90 of 100) investigation reports were approved in an average of 93 days.	80% of approved investigations conducted. Reports with recommendations produced in 108 days	80% of approved investigations conducted. Reports with recommendations produced in 102 days.	80% of approved investigations conducted. Reports with recommendations produced in 90 days.	80% of approved investigations conducted. Reports with recommendations produced in 80 days.
	6. Further enforcement action taken against non-compliant suppliers	Percentage of further enforcement action taken within a predetermined time period.	Achieved Took enforcement action on 100% of matters approved for further enforcement within 60 days of approval	Not achieved. 67% of matters approved for further enforcement action referred to the National Consumer Tribunal within	Not Achieved 72.2. % (13 out of 18) of matters approved for further enforcement were referred to National Consumer	Further enforcement action taken against non-compliant suppliers in 90 % of approved matters within 50 days of approval	Further enforcement action taken against non-compliant suppliers in 90 % of approved matters within 45 days of approval	Further enforcement action taken against non-compliant suppliers in 90 % of approved matters within 40 days of approval	Further enforcement action taken against non-compliant suppliers in 90 % of approved matters within 40 days of approval

Outcome	Outputs	Output Indicators	Annual Targets						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/2024
			(09 out of 09 matters –filed with NCT)	60 days of approval	Tribunal within 60 days of approval.				
Promote the supply of Safe Goods to consumers	7. Administer and monitor product recalls	Report on all product recalls and monitoring thereof.	Achieved Produced 4 product recall reports on the administration and monitoring of the product recalls	Achieved Produced quarterly reports on the administration and monitoring of product recalls	Achieved Quarterly reports for 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

5.2 Indicators, Annual and Quarterly Targets

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
Programme 1: To promote accessible consumer protection					
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 business compliance initiatives conducted	15 Business compliance Initiatives conducted	3 business compliance initiatives conducted.	4 business compliance initiatives conducted.	4 business compliance initiatives conducted.	4 business compliance initiatives conducted.
3. Number of consumer awareness initiatives conducted	32 consumer awareness initiatives conducted	8 consumer awareness initiatives conducted	8 consumer awareness initiatives conducted	8 consumer awareness initiatives conducted	8 consumer awareness initiatives conducted

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
4. Percentage (%) of requests for explanatory notes and /or non-binding opinions on the interpretation of provisions of the CPA provided within a pre-defined time period	95 % of registered requests for explanatory notes and /or non-binding opinions provided within an average of 7 days	95 % of registered requests for explanatory notes and /or non-binding opinions provided within an average of 7 days	95 % of registered requests for explanatory notes and /or non-binding opinions provided within an average of 7 days	95 % of registered requests for explanatory notes and /or non-binding opinions provided within an average of 7 days	95 % of registered requests for explanatory notes and /or non-binding opinions provided within an average of 7 days
Programme 2: To promote a Fair Marketplace					
5. Percentage of finalized investigation within a predetermined time period	80% of approved investigations conducted. Reports with recommendations produced in 102 days.	80% of approved investigations conducted. Reports with recommendations produced in 102 days.	80% of approved investigations conducted. Reports with recommendations produced in 102 days.	80% of approved investigations conducted. Reports with recommendations produced in 102 days.	80% of approved investigations conducted. Reports with recommendations produced in 102 days.
6. Percentage of further enforcement action taken within a predetermined time period.	Further enforcement action taken against non-compliant suppliers in 90% of approved matters within 45 days of approval	Further enforcement action taken against non-compliant suppliers in 90% of approved matters within 45 days of approval	Further enforcement action taken against non-compliant suppliers in 90% of approved matters within 45 days of approval	Further enforcement action taken against non-compliant suppliers in 90% of approved matters within 45 days of approval	Further enforcement action taken against non-compliant suppliers in 90% of approved matters within 45 days of approval
Programme 3: To Promote the supply of Safe Goods to Consumers					
7. 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.

5.3 Joint Indicators, Annual and Quarterly Targets

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
Programme 1: To promote accessible consumer protection					
1. Report documenting the integrated support to drive industrialisation through master plans in national priority sectors; increased	Four quarterly reports on measures enacted by the NCC to drive industrialisation that supports economic recovery; covering industry	One quarterly report on measures enacted by the NCC to drive industrialisation that supports economic	One quarterly report on measures enacted by the NCC to drive industrialisation that supports economic	One quarterly report on measures enacted by the NCC to drive industrialisation that supports economic	One quarterly report on measures enacted by the NCC to drive industrialisation that supports economic

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
and diversified localisation through government and private sector procurement; and promotion of beneficiation	Master Plans, localisation initiatives across the economy, COVID-Industrial Interventions and beneficiation.	recovery; covering industry Master Plans, localisation initiatives across the economy, COVID-Industrial Interventions and beneficiation.	recovery; covering industry Master Plans, localisation initiatives across the economy, COVID-Industrial Interventions and beneficiation.	recovery; covering industry Master Plans, localisation initiatives across the economy, COVID-Industrial Interventions and beneficiation.	recovery; covering industry Master Plans, localisation initiatives across the economy, COVID-Industrial Interventions and beneficiation.
2. A clear plan that indicates the potential opportunities to grow exports in terms of the AfCFTA, with responsibilities assigned to facilitate implementation	Four quarterly reports on measures enacted by the NCC to contribute to an AfCFTA export plan to grow value-added exports to the rest of Africa	One quarterly report on measures enacted by the NCC to contribute to an AfCFTA export plan to grow value-added exports to the rest of Africa	One quarterly report on measures enacted by the NCC to contribute to an AfCFTA export plan to grow value-added exports to the rest of Africa	One quarterly report on measures enacted by the NCC to contribute to an AfCFTA export plan to grow value-added exports to the rest of Africa	One quarterly report on measures enacted by the NCC to contribute to an AfCFTA export plan to grow value-added exports to the rest of Africa
3. Investment projects facilitated and investment directed towards key sectors of the economy	Four quarterly reports on measures enacted by the NCC to support investment in South Africa	One quarterly report on measures enacted by the NCC to support investment in South Africa	One quarterly report on measures enacted by the NCC to support investment in South Africa	One quarterly report on measures enacted by the NCC to support investment in South Africa	One quarterly report on measures enacted by the NCC to support investment in South Africa
4. District integrated report with district development economic maps	Four quarterly reports by the NCC which set out how their work has contributed to the economic development in each of the Districts and Metropolitan Areas of South Africa	One quarterly report by the NCC which set out how their work has contributed to the economic development in each of the Districts and Metropolitan Areas of South Africa	One quarterly report by the NCC which set out how their work has contributed to the economic development in each of the Districts and Metropolitan Areas of South Africa	One quarterly report by the NCC which set out how their work has contributed to the economic development in each of the Districts and Metropolitan Areas of South Africa	One quarterly report by the NCC which set out how their work has contributed to the economic development in each of the Districts and Metropolitan Areas of South Africa
5. Report on actions to promote transformation through structural changes in the economy to enable greater inclusion and growth; and empowerment of designated groups, using the range of public tools such as procurement, incentives, technical	Four quarterly reports on the contributions made by the NCC to promote transformation through structural changes in the economy to enable greater inclusion and growth; and empowerment of designated groups	Procurement of services in line with the BBB-EE Strategy to promote transformation to enable greater inclusion and growth and compile a report for Commissioner's approval	Procurement of services in line with the BBB-EE Strategy to promote transformation to enable greater inclusion and growth and compile a report for Commissioner's approval	Procurement of services in line with the BBB-EE Strategy to promote transformation to enable greater inclusion and growth and compile a report for Commissioner's approval	Procurement of services in line with the BBB-EE Strategy to promote transformation to enable greater inclusion and growth and compile a report for Commissioner's approval

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
support and enabling opportunities					
6. Report on growing the Green Economy and greening the economy	Four quarterly reports on measures enacted by the NCC to support the green economy or the greening of the economy	One quarterly report on measures enacted by the NCC to support the green economy or the greening of the economy	One quarterly report on measures enacted by the NCC to support the green economy or the greening of the economy	One quarterly report on measures enacted by the NCC to support the green economy or the greening of the economy	One quarterly report on measures enacted by the NCC to support the green economy or the greening of the economy
7. Actions to promote functional, efficient and integrated government and measures to reduce red tape across DTIC and entities	Four quarterly reports on measures enacted by the NCC to improve the ease of clients using its services, including forms and procedures reviewed for simplicity and necessity	Processes in the resolution of complaints reviewed, areas of change identified and progress report compiled.	Actions in areas for simplification and automation implemented and progress report compiled.	Actions in areas for simplification and automation implemented and progress report compiled.	Actions in areas for simplification and automation implemented and progress report compiled.

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

6.1 Programme 1: To promote 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 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.

In order to ensure that consumers and business are aware of their rights and obligations while transacting, the NCC embarks on awareness initiatives for consumers and promote compliance with the CPA by business through business compliance initiatives. The NCC also provides advisory opinions to suppliers and consumers on provisions of the CPA with the intention of assisting the parties to resolve disputes amongst themselves prior to these being escalated to ombud schemes or to the NCC. In creating awareness on rights and obligations, the NCC uses statistics to determine which vulnerable group to target. The outcomes that the NCC intends achieving 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

As indicated in the explanation for programme 1, the CPA seeks to promote a fair, accessible and sustainable marketplace for consumer products and services. 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 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.

Hence the NCC is obliged to investigate suppliers and service providers that may have engaged in prohibited conduct. Investigations conducted are formal in nature. Whilst a number of such investigations result in suppliers settling, there are those matters that have to be filed by the NCC at the National Consumer Tribunal (NCT) and provincial courts or referred to other for a like the Equality Court and South African police services. In the event the NCT or consumer court finds in favour of the NCC, the NCC would generally argue for redress and for a penalty to be imposed on the supplier or service provider. The proceedings at the NCT and consumer courts 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. NCC considers the impact that a matter will have, not just on the number of consumers this could assist, but also on developing and expounding critical provisions of the CPA.

The outcomes that the NCC intends achieving 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

Consumer safety will invariably have to be promoted by the NCC so as 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 other regulators, the National Regulator for Compulsory Specifications (NRCS); South African Bureau of Standards (SABS), National Metrology Institution of South Africa (NMISA) the Department of Agriculture, Forestry and Fisheries and the 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, NMISA and SABS. The scanning of product recalls by regulators in other jurisdictions has been factored in.

The outcomes that the NCC intends achieving with this programme is once again determined by its legislative mandate. When there are unsafe goods in the marketplace then the resulting harm would impact on all consumers that use the product. The outputs have been determined from an assessment of its past performance, resources and demands placed on the NCC.

7. PROGRAMME RESOURCE CONSIDERATIONS

7.1 Budget Allocation for Programmes as per ENE:

Objective/ Activity	2019/20			2020/21			2021/22			2022/23
	Budget estimate	Approved budget	Changes from approved budget	Budget estimate	Revised budget estimate	Changes from budget estimate	Budget estimate	Revised budget estimate	Changes from budget estimate	Planning Budget Estimate
Administration	27,333	26,883	(450)	28,753	23,528	(5,225)	30,203	28,088	(2,115)	27,971
Promote consumer protection and safety	24,528	24,558	30	25,684	23,881	(1,803)	27,242	24,153	(3,089)	25,088
Promote reform of consumer policy and compliance with consumer protection legislation	7,766	8,166	400	8,242	6,951	(1,291)	8,722	7,792	(930) -	7,972
Promote public awareness of consumer protection matters	565	585	20	582	282	(300) -	582	572	(10) -	534
	60,192	60,192	-	63,261	54,642	(8,619)	66,749	60,605	(6,144)	61,565

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; promoting the resolution of disputes between consumers and suppliers; and promoting compliance with the act through advocacy, education and awareness. Over the medium term, the commission will focus on conducting education and awareness campaigns, and investigating the conduct of suppliers; and conducting inspections 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 4.4 per cent, from R54.6 million in 2020/21 to R62.2 million in 2023/24. Spending on compensation of employees accounts for 79.8 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 4.4 per cent, from R54.6 million in 2020/21 to R62.2 million in 2023/24. The commission derives 95.9 per cent (R184.4 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
To promote accessible Consumer Protection	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 technology (website) in sharing information with consumers and suppliers 2.2 Implementation of social media strategy
To promote a fair marketplace	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"> Assessment reports on accredited Ombuds approved by the Commissioner.
Definition	<ul style="list-style-type: none"> Accredited Ombuds mean Consumer Goods and Services Ombud (CGSO) and Motor Industry Ombud of South Africa (MIOSA) Assessment report is a document that contains an analysis of the Ombuds performance in handling of complaints.
Source of data or information	<ul style="list-style-type: none"> Quarterly reports received by the NCC from accredited Ombuds Schemes Assessment reports approved by the office of the Commissioner NCC quarterly report
Method of calculation/ assessment	<ul style="list-style-type: none"> Number of quarterly reports from Ombuds Number of approved assessment reports
Means of verification	<ul style="list-style-type: none"> Quarterly reports received by the NCC from accredited Ombuds Schemes Assessment reports approved by the office of the Commissioner NCC quarterly report
Assumptions	<ul style="list-style-type: none"> None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> None
Spatial transformation	<ul style="list-style-type: none"> none
Calculation type	<ul style="list-style-type: none"> Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> Quarterly
Desired performance	<ul style="list-style-type: none"> Achievement of stipulated target
Indicator Responsibility	<ul style="list-style-type: none"> Divisional Head-Legal Services

2.

Indicator title	<ul style="list-style-type: none"> • Number of business compliance initiatives conducted
Definition	<ul style="list-style-type: none"> • Business compliance initiative means Information sessions (Presentations, Shop Visits, Exhibitions, On line Circulars, etc.) delivered for businesses to encourage compliance with the Consumer Protection Act.
Source/of data or information	<ul style="list-style-type: none"> • Proof of Online Placement or Distribution <p>or</p> <ul style="list-style-type: none"> • Contact Reports and Attendance Register or Confirmation of attendance by Host
Means of verification	<ul style="list-style-type: none"> • Prepared content • Approval of content • Proof of electronic placement/electronic distribution
Method of calculation/ assessment	<ul style="list-style-type: none"> • Count (quantitative)
Assumptions	<ul style="list-style-type: none"> • None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> • Not applicable
Spatial transformation (where applicable)	<ul style="list-style-type: none"> • N/A
Calculation type	<ul style="list-style-type: none"> • Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> • Quarterly
Desired performance	<ul style="list-style-type: none"> • 15 initiatives
Indicator Responsibility	<ul style="list-style-type: none"> • Divisional Head: Advocacy Education & Awareness

3.

Indicator title	<ul style="list-style-type: none"> • Number of consumer awareness initiatives conducted
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Definition	<ul style="list-style-type: none"> Consumer awareness initiatives means Awareness Sessions (Workshops, Mall Activations, Exhibitions, Newsletter, Online Alerts, etc.) conducted for consumers to raise awareness on the Consumer Protection Act.
Source of data or information	<ul style="list-style-type: none"> Proof of Online Placement or Distribution. Or Contact Report and attendance register or Confirmation by host of NCC attendance
Method of calculation/ assessment	<ul style="list-style-type: none"> Count (quantitative)
Assumptions	<ul style="list-style-type: none"> None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> Consumers.
Spatial transformation (where applicable)	<ul style="list-style-type: none"> N/A
Calculation type	<ul style="list-style-type: none"> Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> Quarterly
Desired performance	<ul style="list-style-type: none"> 32 initiatives
Indicator Responsibility	<ul style="list-style-type: none"> Divisional Head: Advocacy Education & Awareness

4.

Indicator title	<ul style="list-style-type: none"> Percentage (%) of requests for explanatory notes and /or non-binding opinions on the interpretation of provisions of the CPA provided within a pre-defined time period
Definition	<ul style="list-style-type: none"> Explanatory notes or non -binding opinions mean legal advice, opinion and explanation provided by Legal Services to consumers upon receipt of a request. Days means business days only excluding holidays, weekends and NCC's shutdown period.
Source of data or information	<ul style="list-style-type: none"> Explanatory notes or non -binding opinions Register Requests for explanatory notes or non -binding opinions received through advisory email address of the NCC

	<ul style="list-style-type: none"> • Copies of explanatory notes or non -binding opinions given
Method of calculation/ assessment	<ul style="list-style-type: none"> • The percentage is calculated by counting the number of explanatory notes or non -binding opinions provided (dividend) divided by the total number of requests received(divisor). • In order to calculate the average of 7 days, the days taken to issue each explanatory notes or non -binding opinions are added together then the total is divided by the number of all explanatory notes or non -binding opinions issued.
Means of verification	<ul style="list-style-type: none"> • Explanatory notes or non -binding opinions Register • Requests for explanatory notes or non -binding opinions received through advisory email address of the NCC • Copies of explanatory notes or non -binding opinions given
Assumptions	<ul style="list-style-type: none"> • None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> • None
Spatial transformation (where applicable)	<ul style="list-style-type: none"> • None
Calculation type	<ul style="list-style-type: none"> • Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> • Quarterly
Desired performance	<ul style="list-style-type: none"> • Achievement of stipulated target
Indicator Responsibility	<ul style="list-style-type: none"> • Divisional Head- Legal Services

5.

Indicator title	<ul style="list-style-type: none"> • Percentage of finalized investigation within a predetermined time period
Definition	<ul style="list-style-type: none"> • An investigation starts when the office of the commissioner approves the investigation by signing the investigation certificate. • An investigation is finalised when an investigation report is approved by the Office of the Commissioner

	<ul style="list-style-type: none"> Days means business excluding weekends, public holidays NCC's shutdown period
Source of data or information	<ul style="list-style-type: none"> Spreadsheet of approved investigations and approved reports Investigation Certificate (to determine date of start of investigation of investigation) Investigation reports (to determine date of approval of reports)
Method of calculation/ assessment	<ul style="list-style-type: none"> Number of approved reports (dividend) divided by number of approved investigations (divisor) The quotient is the percentage In order to calculate the average of 102 days, the days taken to complete each investigation are added together then the total is divided by the number of all completed investigation.
Means of verification	<ul style="list-style-type: none"> Spreadsheet of approved investigations and approved reports Investigation Certificate (to determine date of start of investigation of investigation) Investigation reports (to determine date of approval of reports)
Assumptions	<ul style="list-style-type: none"> None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> Not Applicable
Spatial transformation (where applicable)	<ul style="list-style-type: none"> Not Applicable
Calculation type	<ul style="list-style-type: none"> Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> Quarterly
Desired performance	<ul style="list-style-type: none"> 80% of approved investigations conducted. Reports with recommendations produced in 102 days.
Indicator Responsibility	<ul style="list-style-type: none"> Divisional Head: Enforcement and Investigations

6.

Indicator title	<ul style="list-style-type: none"> Percentage of further enforcement action taken within a predetermined time period.
Definition	<ul style="list-style-type: none"> 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. The time period for further enforcement action starts on the day after the commissioner approves an assessment report for further enforcement.
Source/ of data or information	<ul style="list-style-type: none"> Prosecution register Assessment Register Approved assessments Compliance notice, settlement agreement, referral letter, filing email or stamp
Method of calculation/ assessment	<ul style="list-style-type: none"> Number of approved assessment reports (dividend) divided by number of enforcement action taken (divisor) The quotient is the percentage In order to calculate the average of 45 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 action taken. Average number of days taken to finalise the investigation.
Means of verification	<ul style="list-style-type: none"> Prosecution register Assessment Register Approved assessments Compliance notice, settlement agreement, referral letter, filing email or stamp
assumptions	<ul style="list-style-type: none"> None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> None

Spatial transformation (where applicable)	<ul style="list-style-type: none"> None
Calculation type	<ul style="list-style-type: none"> Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> Quarterly
Desired performance	<ul style="list-style-type: none"> It is desired that the Division reaches 90% of for further enforcement be taken within 45 days
Indicator Responsibility	<ul style="list-style-type: none"> Divisional Head – Legal Services

7.

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

Indicator Responsibility

- Divisional Head: Enforcement and Investigations

JOINT INDICATORS

The following Joint Indicators set out areas of focus that the **National Consumer Commission** will report to on a quarterly basis to the Executive Authority. The areas of focus represent key priorities of government that are set out in more detail in the Annual Performance Plan for 2021/22 for **the dtic**.

The **National Consumer Commission** will contribute to achievement of the Joint indicators and the output required is a report to the Executive Authority that sets out the actions taken by the **National Consumer Commission** highlighting the contributions to achievement of **the dtic** outcomes.

1. JOINT INDICATOR 1

Indicator	<ul style="list-style-type: none"> • Increased industrialisation and localisation opportunities implemented
Definition	<ul style="list-style-type: none"> • Integrated support across DTIC to drive industrialisation that supports economic recovery; covering industry Master Plans, localisation initiatives across the economy, COVID-Industrial Interventions and beneficiation.
Source of data or information	<ul style="list-style-type: none"> • Quarterly report approved by office of the commissioner
Method of calculation/ assessment	<ul style="list-style-type: none"> • Count
Means of verification	<ul style="list-style-type: none"> • Quarterly report approved by office of the commissioner
Assumptions	<ul style="list-style-type: none"> • None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> • None
Spatial transformation (where applicable)	<ul style="list-style-type: none"> • Not Applicable
Calculation type	<ul style="list-style-type: none"> • Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> • Quarterly

Desired performance	<ul style="list-style-type: none"> • Achievement of stipulated target
Indicator Responsibility	<ul style="list-style-type: none"> • Divisional Head: Enforcement & Investigations

2. JOINT INDICATOR 2

Indicator	<ul style="list-style-type: none"> • Increased export-readiness by South African firms, measured by knowledge of market opportunities and firm-level actions to utilise these opportunities
Definition	<ul style="list-style-type: none"> • AfCFTA export plan to grow value-added exports to the rest of Africa setting out the opportunities by product, sector and country
Source of data or information	<ul style="list-style-type: none"> • Quarterly report approved by office of the commissioner
Method of calculation/ assessment	<ul style="list-style-type: none"> • Count
Means of verification	<ul style="list-style-type: none"> • Quarterly report approved by office of the commissioner
Assumptions	<ul style="list-style-type: none"> • None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> • None
Spatial transformation (where applicable)	<ul style="list-style-type: none"> • Not Applicable
Calculation type	<ul style="list-style-type: none"> • Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> • Quarterly
Desired performance	<ul style="list-style-type: none"> • Achievement of stipulated target
Indicator Responsibility	<ul style="list-style-type: none"> • Company Secretary

3. JOINT INDICATOR 3

Indicator	<ul style="list-style-type: none"> • Strategic investment by enterprises (private and public) to support growth of South African economy
Definition	<ul style="list-style-type: none"> • Investment facilitation and growth through steps taken to support new investment in key sectors
Source of data or information	<ul style="list-style-type: none"> • Quarterly report approved by office of the commissioner
Method of calculation/ assessment	<ul style="list-style-type: none"> • Count
Means of verification	<ul style="list-style-type: none"> • Quarterly report approved by office of the commissioner
Assumptions	<ul style="list-style-type: none"> • None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> • None
Spatial transformation (where applicable)	<ul style="list-style-type: none"> • Not Applicable
Calculation type	<ul style="list-style-type: none"> • Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> • Quarterly
Desired performance	<ul style="list-style-type: none"> • Achievement of stipulated target
Indicator Responsibility	<ul style="list-style-type: none"> • Company Secretary

4. JOINT INDICATOR 4

Indicator	<ul style="list-style-type: none"> Contribute to intergovernmental action in implementation of the District Development Model towards district economic development
Definition	<ul style="list-style-type: none"> District Development Model and Spatial equity including incorporating all work within the District Model District Development Model and Spatial equity including incorporating all work within the District Model
Source of data or information	<ul style="list-style-type: none"> Quarterly report approved by office of the commissioner
Method of calculation/ assessment	<ul style="list-style-type: none"> Count
Means of verification	<ul style="list-style-type: none"> Quarterly report approved by office of the commissioner
Assumptions	<ul style="list-style-type: none"> None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> None
Spatial transformation (where applicable)	<ul style="list-style-type: none"> Not Applicable
Calculation type	<ul style="list-style-type: none"> Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> Quarterly
Desired performance	<ul style="list-style-type: none"> Achievement of stipulated target
Indicator Responsibility	<ul style="list-style-type: none"> Divisional Head: Enforcement & Investigations

5. JOINT INDICATOR 5

Indicator	<ul style="list-style-type: none"> Promoting a growing and inclusive economy
Definition	<ul style="list-style-type: none"> Actions to promote transformation through structural changes in the economy to enable greater inclusion and growth; and empowerment of designated groups, using the range of public tools such as procurement, incentives, technical support and enabling opportunities
Source of data or information	<ul style="list-style-type: none"> Quarterly report approved by office of the commissioner
Method of calculation/ assessment	<ul style="list-style-type: none"> Count
Means of verification	<ul style="list-style-type: none"> Quarterly report approved by office of the commissioner
Assumptions	<ul style="list-style-type: none"> None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> None
Spatial transformation (where applicable)	<ul style="list-style-type: none"> Not Applicable
Calculation type	<ul style="list-style-type: none"> Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> Quarterly
Desired performance	<ul style="list-style-type: none"> Achievement of stipulated target
Indicator Responsibility	<ul style="list-style-type: none"> Chief Financial Officer

6. JOINT INDICATOR 6

Indicator	<ul style="list-style-type: none"> • Growing the Green Economy and greening the economy
Definition	<ul style="list-style-type: none"> • Actions to green the economy
Source of data or information	<ul style="list-style-type: none"> • Quarterly report approved by office of the commissioner
Method of calculation/ assessment	<ul style="list-style-type: none"> • Count
Means of verification	<ul style="list-style-type: none"> • Quarterly report approved by office of the commissioner
Assumptions	<ul style="list-style-type: none"> • None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> • None
Spatial transformation (where applicable)	<ul style="list-style-type: none"> • Not Applicable
Calculation type	<ul style="list-style-type: none"> • Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> • Quarterly
Desired performance	<ul style="list-style-type: none"> • Achievement of stipulated target
Indicator Responsibility	<ul style="list-style-type: none"> • Divisional Head: Enforcement & Investigations

7. JOINT INDICATOR 7

Indicator	Strengthening and building capabilities and agility in the dtic and its entities, to improve efficiencies in programmes and entities, to contribute to economic development and ease of doing business.
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Definition	Functional, efficient and integrated services within the dtic to improve economic development and ease of doing business
Source of data or information	<ul style="list-style-type: none"> • Website • Case Management System • Quarterly report approved by office of the Commissioner
Method of calculation/ assessment	<ul style="list-style-type: none"> • Count
Means of verification	<ul style="list-style-type: none"> • Quarterly report approved by office of the Commissioner
Assumptions	<ul style="list-style-type: none"> • None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> • None
Spatial transformation (where applicable)	<ul style="list-style-type: none"> • Not Applicable
Calculation type	<ul style="list-style-type: none"> • Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> • Quarterly
Desired performance	<ul style="list-style-type: none"> • Achievement of stipulated target
Indicator Responsibility	<ul style="list-style-type: none"> • Divisional Head: Advocacy Education & Awareness (Project Leader)