



# **ANNUAL PERFORMANCE PLAN 2026/27**

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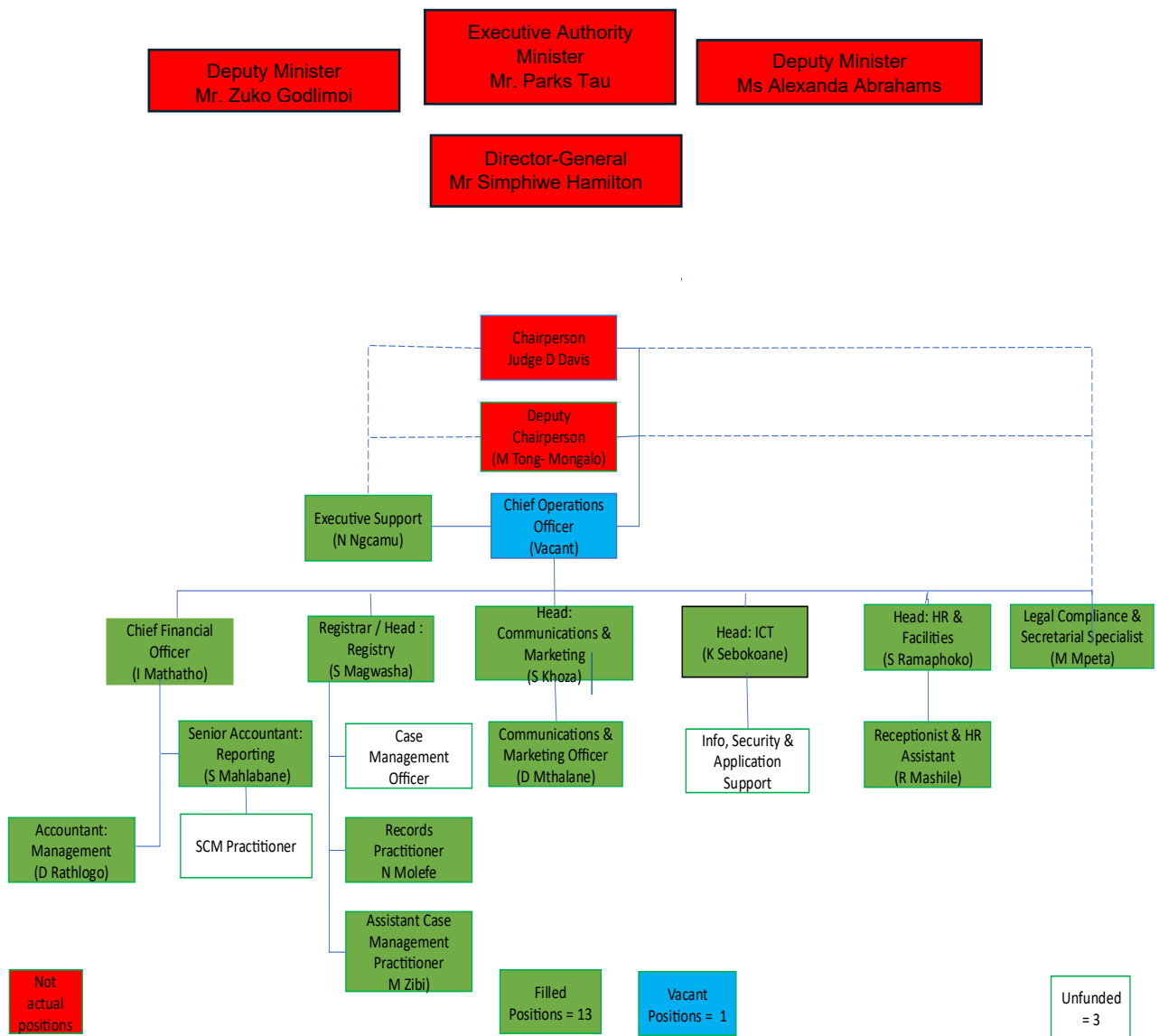
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# Organisational Structure





## Foreword by the Minister

The 7th Administration has placed inclusive economic growth and job creation, reduce poverty and the cost of living and build a capable, ethical and developmental state as its apex priorities. This Annual Performance Plan (APP) has a renewed focus on implementation and alignment with the priorities of the government.

This APP will advance the strategic shift initiated in 2024/2025 toward strengthened implementation and the impact of the Department of Trade, Industry and Competition's (**the dtic**) work, through greater integration of efforts within the department and our entities, guided by the Medium-Term Development Plan (MTDP) 2024-2029. In this regard, the work of **the dtic** and the entities will be evaluated in relation to outputs specific to the entity's mandate in line with MTDP outcomes and **the dtic** priorities.

These outputs can be realised through the achievement of predetermined objectives as outlined in the APP. The Companies Tribunal (CT) aims to achieve these outputs through reduction of time to resolve disputes (thus reducing red tape), advocacy services and procurement from disadvantaged communities which contributes to Small, Medium, and Micro Enterprises (SMMEs) support and appointment of interns which relatively contributes to job creation for the youth.

The scope of the outputs, collectively, still encompasses the identified **dtic's** new industrial strategy, which include among others, Digitalisation, Decarbonisation and Diversification which will be pursued across **the dtic** group and will build the growth momentum necessary to sizeably achieve the MTDP target of 3% growth.

As the Executive Authority, I hereby endorse the CT's APP for 2026/27. I wish to thank the Chairperson, Deputy Chairperson, Tribunal members and all the Companies Tribunal staff 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 'P. Tau', written over a horizontal line.

**Mr Parks Tau, MP**

**Minister of Trade, Industry and Competition**



## Statement by the Deputy Minister

I am pleased to present the 2026/27 Annual Performance Plan of the Companies Tribunal. An institution that plays a vital, though often understated, role in strengthening South Africa's business environment. At a time when economic growth and job creation must be our foremost priorities, the efficiency, credibility, and accessibility of dispute resolution mechanisms are critical to building investor confidence and supporting enterprise development.

A capable state is one that enables economic activity rather than constraining it. This requires institutions that are responsive, transparent, and focused on delivery. The Companies Tribunal, as a quasi-judicial body, has a clear responsibility to ensure that businesses, large and small, have access to fair, efficient, and cost-effective mechanisms to resolve disputes.

Delays, uncertainty, and administrative inefficiencies act as a hidden tax on businesses. They discourage investment, increase the cost of doing business, and disproportionately impact small and emerging enterprises. The Tribunal's ongoing efforts to reduce turnaround times and streamline processes are therefore not merely administrative improvements, they are essential economic reforms.

It is encouraging that the Tribunal has already made meaningful progress in improving its efficiency. The continued focus on adjudicating opposed matters within 30 working days and resolving unopposed and alternative dispute resolution matters within 20 working days, reflects a commitment to measurable performance and accountability. These targets must be consistently met and built upon.

Beyond speed, the quality and consistency of decisions are equally important. A predictable and fair dispute resolution system strengthens the rule of law and ensures that businesses can operate with confidence. This is particularly important in a competitive global environment, where investors seek certainty and stability.

The Tribunal also has an important role to play in supporting red tape reduction. By providing accessible and efficient alternatives to lengthy court processes, it lowers the cost and complexity of regulatory compliance. This is especially valuable for MSMEs, which often lack the resources to navigate protracted legal disputes.

Ultimately, the success of the Companies Tribunal will be measured by the confidence it inspires in the business community. It must be seen as a reliable, efficient, and impartial institution. One that upholds the rules fairly and contributes to a more predictable and enabling business environment.

This Annual Performance Plan must now translate into consistent delivery. The priority is clear: faster resolutions, reduced administrative burden, and a dispute resolution system that businesses can rely on. With a strong focus on accountability and performance, the Companies Tribunal can reinforce the rule of law and help create a business environment where investment is encouraged and opportunity can grow.

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**Ms Alexandra Abrahams, MP**

**Deputy Minister of Trade, Industry and Competition**



## Accounting Authority's Statement

I am pleased to present the 2026/27 Annual Performance Plan (APP) for the Companies Tribunal (the Tribunal). The APP sets out a three-year plan for the Tribunal to deliver on its mandate and realize its vision "To be a world class adjudicatory and dispute resolution organization that contributes to the promotion of fair and ethical business practices."

The Tribunal's APP is informed by firstly, the values and founding provisions of the Constitution, and the Companies Act, No. 71 of 2008 (the Act) as amended. Secondly, the economic growth plan that drives a regulatory environment that enables investment, trade and enterprise development in an equitable and socially responsible manner. Lastly, the three strategic priority areas of the Seventh Administration, namely inclusive growth and job creation; reduction of poverty and tackling of high cost of living; and building a capable, ethical and developmental state. For example,

- The ease of doing business through reduction of timeframes to reduce red tape, and procurement from suppliers who are in compliance with the BBBEE Act and codes of good practice.
- To enhance the sustainability of South Africa's business environment and support competitiveness through outreaches, collaborations and seminars held to support SMMEs.
- The appointment of interns to contribute towards job creation and increase practical work experience.

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

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

In an environment characterised by a difficult economic climate, the use of ADR as a preferred mode of resolving company disputes is expected to rise over the next 5 years. ADR saves costs associated with litigation. The current mandate of the Tribunal is limited, however with the current amendments to section 166 and 195, the Companies Tribunal has exclusive right to arbitrate company disputes, its decision is final and binding on both parties. In addition, the Tribunal's mandate has been extended relating to B-BBEE matters, it is anticipated that the case load will increase over time.

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**Judge Dennis Davis**

**Chairperson: Companies Tribunal**



## Overview by the Acting Chief Operations Officer

The Tribunal is a quasi-judicial authority and a statutory entity. The Tribunal ensures that all stakeholders, particularly vulnerable or under-resourced parties have fair and equal opportunities to access justice, resolve disputes efficiently, and seek remedies through a transparent, accountable and user-friendly process. The Tribunal's priorities are aligned to the Medium-Term Development Plan as the implementation framework for the NDP, **the dtic** priorities and its mandate as envisaged in its enabling legislation. The Tribunal supports government procurement of locally manufactured goods and services. It is committed to ensuring that at least 90% of its procurement is through designated groups, that are BBBEE compliant between levels 1 and 4. To ensure sustainability of these suppliers, the Tribunal further commits to processing invoices within twenty business days of receipt.

The Tribunal commits to hiring seven interns bi-annually as a means of contributing to the expansion of job training opportunities for the Youth. As a core function and contributing towards capable state, the Tribunal assist companies resolve Companies Act related disputes speedily at no cost to the companies. As such, it creates a conducive environment for small and medium sized businesses to thrive. The turnaround times on the issuing of decisions on opposed, unopposed and ADR matters, are 30, 20, and 20 business days, respectively. The Case Management System is an automated system which allows the public to submit their applications online. Further, the Tribunal is able to hold hearings with parties on a matter both physically and virtually as required by the parties. These are the ways in which the Tribunal ensures ease of doing business to the public.

Since its inception, the Tribunal's performance has been satisfactorily in delivering its core mandate and I am confident that even during this period it will deliver fully on its mandate and thus contribute to the realisation of a fair and ethical corporate environment.

---

**Mrs Irene Mathatho**  
**Acting Chief Operations Officer**

## Official sign-off

It is hereby certified that this APP was:

- developed by the management of the Companies Tribunal (**the dtic**) under the guidance of the Accounting Authority, Judge Dennis Davis and the Deputy Chairperson, Dr Minah Tong-Mongalo.
- prepared in line with the Tribunal mandate, current strategic plans of the Companies Tribunal and **the dtic**; and
- accurately reflects the performance targets, which the Companies Tribunal will endeavour to achieve given the resources made available in the budget for 2026 to 2027.

**Dr Simukele Khoza**  
**Head: Communications and Marketing**

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**Signature:**

**Ms Irene Mathatho**  
**Chief Financial Officer**

\_\_\_\_\_  
**Signature:**

**Mr Kaykay Sebokoane**  
**Head: Information Communication and Technology**

\_\_\_\_\_  
**Signature:**

**Mr Sammy Ramaphoko**  
**Head: Human Resource and Facilities**

\_\_\_\_\_  
**Signature:**

**Mr Selby Magwasha**  
**Head: Registry**

\_\_\_\_\_  
**Signature:**

**Mr Mesuli Mpeta**  
**Head: Legal**

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**Signature:**

**Mrs Irene Mathatho**  
**Acting Chief Operations Officer**

\_\_\_\_\_  
**Signature:**

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

\_\_\_\_\_  
**Signature:**

## **PART A: OUR MANDATE**

## 1. CONSTITUTIONAL MANDATE

### Constitutional mandate: -The Constitution of the Republic of South Africa

The Tribunal plays a crucial role in protecting the rights enshrined in the **Bill of Rights**, ensuring fair business practices and addressing prohibited conduct. Its adjudicative mandate directly impacts the following constitutional provisions:

- (a) **Equality (Section 9)** – The Tribunal is accessible to all consumers and businesses, ensuring equal protection under the law. It upholds diversity and rejects all forms of discrimination.
- (b) **Human Dignity (Section 10)** – Through its decisions, the Tribunal ensures that prohibited conduct does not infringe on human dignity.
- (c) **Privacy (Section 14)** – While carrying out its legal responsibilities, the Tribunal safeguards personal privacy.
- (d) **Access to Information (Section 32)** – Transparency is fundamental to democracy. The Tribunal ensures that citizens have timely and accurate information to make informed decisions and hold leaders accountable.
- (e) **Just Administrative Action (Section 33)** – The Tribunal hears all parties fairly and provides clear reasons for its decisions promptly.
- (f) **Access to Courts (Section 34)** – The Tribunal provides a free, efficient alternative to traditional courts, resolving disputes quickly and fairly.
- (g) **Public Administration Values (Section 195)** – As a state institution, the Tribunal adheres to the principles of ethical, transparent, and efficient governance.

By resolving cases efficiently and cost-effectively, the Tribunal contributes to **economic transformation and industrialization**. Its swift and fair rulings promote global competitiveness, enhance ease of doing business, and position South Africa as a desirable investment destination.

## 2. LEGISLATIVE AND POLICY MANDATES

The Tribunal is established by the Act, as a juristic person. In terms of the Act, the Tribunal has jurisdiction throughout the Republic. It is independent and subject only to the Constitution and law.

The Tribunal's mandate in terms of the Companies Act is to:

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

The Tribunal is tasked with fulfilling its functions in alignment with the principles of the Constitution, International Law, and the Companies Act. It is expected to operate in a manner that is simple, ethical, efficient, equitable, transparent, accountable, and impartial, ensuring no bias or prejudice.

By streamlining business processes, implementing an electronic case management system, and reducing administrative burdens, the Tribunal fosters an environment conducive to

entrepreneurship. This approach not only supports the ease of doing business but also attracts both local and international investments, ultimately stimulating economic growth.

### 3. INSTITUTIONAL POLICIES AND STRATEGIES

#### Industrial Policy Framework

The Companies Tribunal is an entity established by the laws administered by **the dtic**. The department coordinates the activities of the regulatory entities through incorporating the work of **the dtic** within a number of its own targets. The Industrial Policy in South Africa focuses on decarbonisation, diversification and digitisation (the 3D's).

The **Government of National Unity (GNU) Statement of Intent** provides a foundation that underpins the Industrial Policy imperatives. GNU's priorities are:

- i. Inclusive growth and job creation;
- ii. Poverty reduction and strengthening the social wage; and
- iii. A capable, ethical and developmental state.

The 7<sup>th</sup> Administration has placed Industrial policy at the centre of the economic development strategy, mobilising an all of government approach working in partnership with industry to set out and deliver long-term plans to address the high unemployment rate, the low economy growth rate and inequality. The industrial policy is the anchor around which the Administration will align and deploy trade instruments, incentives, tools and regulation. To achieve the strategic priorities set out by GNU, a suite of interlocking and cross cutting tools has been deployed across the economy. To meet the GNU priorities, **the dtic** has developed eleven (11) strategic priorities. The Companies Tribunal shall contribute towards three (3) basic minimum programme of priorities in line with the aims of industrial policy contained in one of the 3D's outcomes being diversification as follows:

- i. Supporting government procurement of locally manufactured goods and services;
- ii. Job training; and
- iii. Capable, ethical and developmental state.

### 4. RELEVANT COURT RULINGS

There is a significant concern about potential litigation risks facing the Companies Tribunal due to cases being reviewed by the High Court, with specific applications for costs against the Tribunal. This situation may warrant legislative intervention to protect the members and staff of the Tribunal from legal action related to their work in performing the Tribunal's mandate.

Given that the Companies Tribunal operates as an adjudicatory body, it is common for legislation to provide protections or immunities to members and staff in the course of their duties, to prevent personal liability. This could be an important area for lawmakers to address to ensure that Tribunal members can carry out their responsibilities without the constant threat of legal costs or challenges.

This matter requires attention of the relevant legislative authorities to draft amendment that outlines clear protections for Tribunal members and staff, reducing the likelihood of costly and time-consuming litigation.

There is a provision in the Financial Advisory and Intermediary Act (the FAIS Act) with such an exemption and it reads as follows:

“Section 43: Limitation of liability

43. The Minister, the Board or a member thereof, any officer or employee assisting the Board, the registrar, the Advisory Committee or any member thereof, the Ombud and any employee in the Office of the Ombud, or other body or person performing any function in terms of this Act is not liable for any loss sustained by or damage caused to any person as a result of anything done or omitted by any of them in the bona fide exercise of any power or carrying out of any duty or performance of any function under or in terms of a provision of this Act.”

## 5. ALIGNMENT TO NATIONAL DEVELOPMENT PLAN (NDP) AND MTDP 2024-2029

The Tribunal also derives its mandate from the NDP 2030 developed by the National Planning Commission (NPC) in 2012. The NDP aims to reduce inequality and eliminate poverty by 2030 and is grounded in six pillars that outline the objectives to be achieved by 2030. The Tribunal's priorities are aligned to the Medium-Term Development Plan as the implementation framework for the NDP as detailed below:

**Strategic Priority 1: Transformation:** The Industrial Policy seeks to build a new model of growth and economic inclusion that unites South Africans in the economy and promotes inclusive industrial, geographical and demographic transformation. Coupled with this is the focus on gender sensitive industrialisation looking to enhance participation of black people, women and youth in economic activities by removing barriers to entry. There is a strong need to strengthen measures that have been put in place for women's empowerment, especially in manufacturing and value-added services. The Companies Tribunal is intentional in sourcing business from black people, women and the youth.

**Strategic Priority 2: Inclusive Growth and Job Creation:** The government aims to stimulate economic growth that benefits all South Africans, with a particular focus on job creation. This involves fostering a business-friendly environment, encouraging public-private partnerships, and implementing policies that promote market-driven growth. To this effect, this is one of the eleven priorities of **the dtic**. In turn, the Tribunal will contribute to this commitment by employing seven interns bi-annually for job experience purposes.

**Strategic Priority 3: Building a Capable, Ethical, and Developmental State:** The Government of National Unity (GNU) is committed to strengthening state institutions by promoting efficiency, reducing corruption, and ensuring that public officials are appointed based on merit rather than political loyalty. This includes reforming the public sector and state-owned enterprises to improve service delivery and governance.

These priorities are part of a broader strategy to align the government's actions with the National Development Plan (NDP) and Sustainable Development Goals (SDGs), ensuring a better quality of life for all South Africans by 2030. These alignments ensure that the Tribunal is integral to achieving the broader objectives of the South African Government of National Unity (GNU).

## 5.1 Linkage to the DTIC's strategic priorities

The Tribunal contributes to the country's economic growth plan by reducing red tape, implementing workplace-based internship with ring-fenced funding programs, and compliance to the B-BBEE Act and Codes of Good Practice.

South Africa's economic growth has been sluggish for the last 2 decades, with potential growth levels remaining low. This has led to premature de-industrialisation; the manufacturing sector, which contributed 21% to GDP in 1994, has decreased to 14% by 2023. As a result, South Africa finds itself trapped in a middle-income scenario, where investments are path-dependent, barriers to entry and exit are significant, and market concentration and power remain high.

Adding to this economic vulnerability is the lack of diversity within the economy. The nation continues to struggle with the triple challenges of unemployment, poverty, and inequality. Furthermore, the slowing global growth, particularly in traditional export markets like the European Union, has exacerbated these issues.

Therefore, the 2026/27 APP aligns with the growth plan for South Africa and those of the MTDP. Therefore, the Tribunal is mandated to promote access to justice through speedy resolution of company disputes which address red-tape reduction promoting the ease of doing business. In terms of section 34 of the Constitution, everyone has a right to have their matters heard through a court or a tribunal, therefore the Tribunal operations are streamlined to reduce costs, turnaround times and the overall effectiveness of service delivery.

- **Diversification - Support government procurement of locally manufactured goods and services:**

The Tribunal is committed to ensuring that at least 90% of its procurement is through designated groups, BBBEE compliant between levels 1 and 4.

- **Diversification - Job Training Programme:**

The Tribunal commits to hiring seven interns bi-annually as a means of contributing to the expansion of job training opportunities for the Youth.

- **Capable State - Streamline Regulations:**

As a core function, the Tribunal assist companies to resolve Company disputes speedily, as mandated by the Companies Act at no cost to the companies. As such, it creates a conducive environment for small and medium sized businesses to thrive. The turnaround times on the issuing of decisions on opposed, unopposed and ADR matters, are 30, 20, and 20 days, respectively. The Case Management System is an automated system which allows the public to submit their applications online. Further, the Tribunal is able to hold hearings with parties on a matter both physically and virtually as required by the parties.

## **PART B: OUR STRATEGIC FOCUS**



**FIGURE 1: THE TRIBUNAL'S VISION, MISSION AND VALUES**

## 6. VISION:

To be a world class adjudicatory and dispute resolution organisation that contributes to the promotion of fair and ethical business practices.

## 7. MISSION:

- a) To adjudicate applications made in terms of the Companies Act and make orders in respect of such applications.
- b) To assist in the resolution of company disputes through conciliation, mediation and arbitration.
- c) To perform any other function assigned to it by or in terms of the Companies Act or any law mentioned in schedule 4.

## 8. VALUES

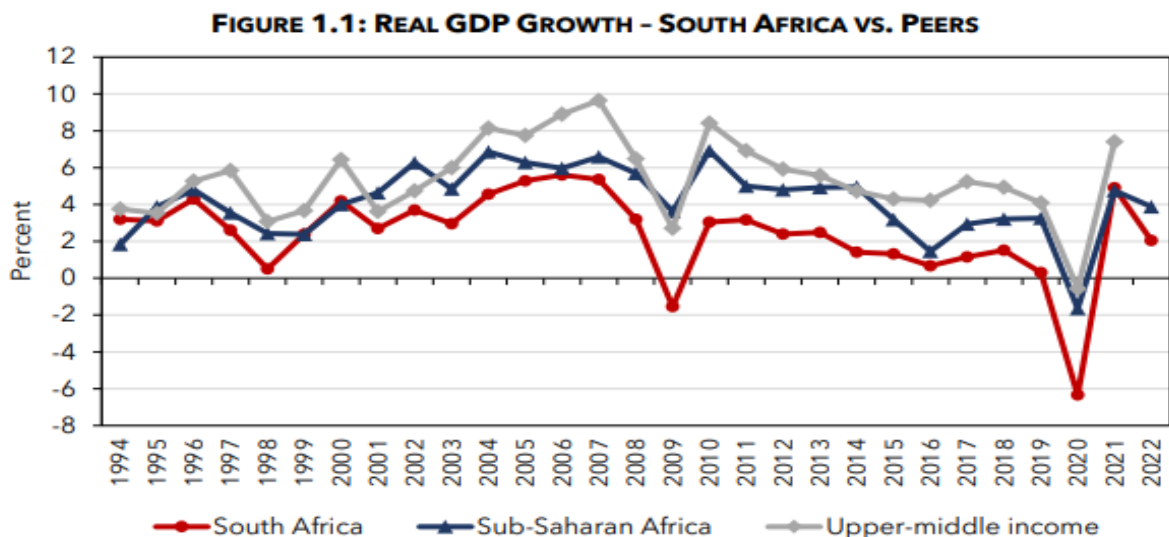
- a. **Accountability:** Delivering on our plans and commitments and taking responsibility for our conduct.
- b. **Impartiality:** Conducting ourselves in a fair and just manner, without fear, favour or prejudice.
- c. **Transparency:** Being reasonably open about our policies, procedures and conduct.
- d. **Professionalism:** Being courteous, punctual, and responsible in adhering to policies, values and the code of conduct of the Tribunal when dealing with the public and stakeholders.
- e. **Mutual respect:** Treating all people with dignity and honour in accordance with the values of the Tribunal.
- f. **Ethical:** Acting with integrity and being guided by the Tribunal's Code of Conduct and policies.

## 9. SITUATIONAL ANALYSIS

### 9.1. UNPRECEDENTED SOCIAL AND ECONOMIC CHALLENGES FACING SOUTH AFRICA

#### 9.1.1 GROWTH

The economy has struggled to grow at a rate sufficient to generate the necessary number of jobs, which has led to persistently high levels of unemployment. This sluggish economic growth has also exacerbated poverty, inequality, and underdevelopment, creating a vicious cycle that is difficult to break. The country's economic challenges are compounded by external factors such as global market fluctuations and internal issues like policy uncertainty. To achieve meaningful progress in increasing employment and addressing these deep-rooted problems, the country needs to achieve a minimum of 5.4% growth rate. This growth level is essential for job creation and advancing the nation's broader development priorities, including improving living standards, reducing inequality, and fostering inclusive economic participation.



### 9.2 ECONOMIC OVERVIEW

#### 9.2.1 Exclusion

A large portion of the South African population remains marginalized, with limited access to economic opportunities. This exclusion is not just a matter of employment but extends to fundamental aspects of life such as education, healthcare, and basic services. Despite progress in certain areas, access to quality education remains uneven, particularly between urban and rural areas and between different socio-economic groups. Healthcare services are similarly uneven, with rural and impoverished communities often receiving substandard care. These disparities perpetuate cycles of poverty and inequality, making it difficult for those affected to improve their circumstances. Addressing these inequalities is crucial for building a more inclusive society where everyone has the opportunity to succeed.

### 9.2.2 Innovation

Innovation is widely recognised as a key driver of economic growth and societal progress. It enables the development of new products, services, and processes that can enhance productivity, create jobs, and improve the quality of life. In South Africa, as in many European countries, the industrial sector tends to be more innovative than the services sector. According to recent data, 54.8% of enterprises in South Africa's industrial sector engage in innovative activities, compared to 49.3% in the services sector. This gap highlights the potential for growth in the services sector if innovation can be encouraged and supported. A focus on innovation across all sectors is essential for the country to compete globally and to build a resilient, dynamic economy capable of adapting to changing global conditions.

### 9.2.3 Capable State

The effectiveness and capability of the state have been significantly undermined by corruption and the lingering effects of state capture. These issues have eroded public trust and weakened the state's ability to implement policies and deliver services effectively. A capable state is critical for driving economic growth, implementing reforms, and addressing the structural constraints that limit the country's potential. Strengthening the state's capacity involves building robust institutions, ensuring accountability, and fostering a culture of transparency and good governance. It also requires rethinking the economic strategy to align with current challenges and opportunities, ensuring that implementation is both efficient and effective. By addressing these issues, the state can better support economic development, reduce inequality, and improve its citizens' overall quality of life.

## 9.3 EXTERNAL ENVIRONMENT ANALYSIS : PESTEL ANALYSIS

**TABLE 1: PESTEL ANALYSIS**

<b>POLITICAL</b>	<b>ECONOMIC</b>
<ul style="list-style-type: none"> <li>• Use of E-Government</li> <li>• Political instability</li> <li>• Policy uncertainties</li> </ul>	<ul style="list-style-type: none"> <li>• Unemployment/Poverty/Inequality</li> <li>• Energy security (electricity)</li> <li>• Grant cut/reduction / fiscal constraints</li> <li>• Disinvestment</li> <li>• Fuel price</li> <li>• Foreign exchange rates</li> <li>• High levels of inflation</li> <li>• Slow economic growth</li> <li>• Geopolitical tensions</li> <li>• Trade wars</li> <li>• South Africa's foreign policy (BRICS)</li> <li>• Economic transformation</li> <li>• Creative business disruption</li> </ul>
<b>SOCIAL</b>	<b>TECHNOLOGICAL</b>
<ul style="list-style-type: none"> <li>• High rate of unemployment</li> <li>• Awareness of the Tribunal</li> <li>• Language diversity</li> </ul>	<ul style="list-style-type: none"> <li>• Access to data</li> <li>• Future technologies</li> <li>• Cyber-attacks / ransom ware</li> </ul>

<ul style="list-style-type: none"> <li>• Social media</li> <li>• Fraud / corruption</li> <li>• Low literacy rate</li> <li>• Misconception about the Tribunal's jurisdiction by members of the public</li> <li>• Population growth</li> <li>• Illegal immigration</li> </ul>	
<b>LEGAL</b>	<b>ENVIRONMENTAL</b>
<ul style="list-style-type: none"> <li>• Universal compliance (Data privacy framework, POPI Act, King 5 report)</li> <li>• Legislative amendments</li> <li>• Limited jurisdiction to meet public expectations</li> <li>• Case review costs</li> </ul>	<ul style="list-style-type: none"> <li>• Green economy</li> <li>• Dysfunctional infrastructure (water outages)</li> <li>• Natural disasters</li> </ul>

The Tribunal operates in a dynamic external environment influenced by economic conditions, industry trends, regulatory frameworks, employment challenges and environmental considerations. Navigating these factors is essential for the Tribunal to fulfil its mandate and contribute to developing South Africa's economy. The Chairperson of the Tribunal oversees its operations and reports to Parliament through the office of the EA, the Minister of **the dtic** following the PFMA. The Tribunal's activities are aligned with its mandate, which is, in turn, aligned with **the dtic** and national priorities. The Tribunal's services are demand driven and as such impacts of developments in the spaces of companies highly influence the operations of the Tribunal. These developments include the outbreak of pandemics where companies are unable to convene for AGM's and legislative amendments amongst others.

The outcomes of the 2024 General Elections saw the formation of the Government of National Unity (GNU). South Africa experienced a transition from the majority ruling government to an inclusive GNU. A Statement of Intent bounds the GNU and lays the foundational principles and minimum programme of priorities. The MTDP will thus serve as the five (5)-year medium-term plan for the 7<sup>th</sup> Administration of the Government. It also serves as the implementation framework for the National Development Plan (NDP): Vision 2030. The medium-term planning process for the development of the MTDP thus far has included a review of the approach and methodology, moving from the Medium-Term Strategic Framework (MTSF) 2019-2024 to the MTDP 2024-2029. The MTDP will continue to align to the goals and objectives of the NDP and Programme of Priorities of the GNU. The MTDP 2024-2029 will however have a greater emphasis on development outcomes and will primarily be framed as an economic plan to address existing socio-economic challenges.

## 9.4 INTERNAL ENVIRONMENTAL ANALYSIS: SWOT ANALYSIS

A summary of the SWOT analysis is provided in the table below.

**TABLE 2: SWOT ANALYSIS**

STRENGTHS	WEAKNESSES
<p><b>Company dispute applications adjudicating</b></p> <ul style="list-style-type: none"> <li>• Issuing of orders on opposed applications</li> <li>• Issuing of orders on unopposed applications</li> </ul> <p><b>Company dispute resolution</b></p> <ul style="list-style-type: none"> <li>• ADR (Mediation, Conciliation, Arbitration)</li> </ul> <p><b>Business management/leadership</b></p> <ul style="list-style-type: none"> <li>• Service improvement/development</li> <li>• Market/footprint development</li> </ul> <p><b>Governance</b></p> <ul style="list-style-type: none"> <li>• Ethics, disclosure, transparency</li> <li>• Regulatory/legal compliance</li> <li>• Risk management</li> <li>• Internal audit</li> </ul> <p><b>Resource management</b></p> <ul style="list-style-type: none"> <li>• Financial/asset management</li> <li>• HR management</li> <li>• Information/knowledge management</li> </ul>	<p><b>Business management/leadership</b></p> <ul style="list-style-type: none"> <li>• Corporate communication/branding</li> <li>• Strategic positioning</li> <li>• Organisational culture development</li> </ul> <p><b>Resource management</b></p> <ul style="list-style-type: none"> <li>• ICT Management</li> </ul>
OPPORTUNITIES	THREATS
<ul style="list-style-type: none"> <li>• Awareness creation through aggressive marketing of the Tribunal</li> <li>• Expanding our geographic footprint</li> <li>• Legislative amendments</li> <li>• Increasing referrals from external stakeholders (including CIPC, TRP, BBBEE, law firms etc.)</li> <li>• Access to virtual technology</li> <li>• Economic transformation</li> <li>• Contribution to research, jurisprudence and the development of company law</li> <li>• Technology – automating systems and processes to improve efficiency</li> <li>• Growing uptake of ADR services</li> </ul> <p>Availability of retired judges and senior legal practitioners to adjudicate</p>	<ul style="list-style-type: none"> <li>• Budget constraints</li> <li>• Limited jurisdiction</li> <li>• Limited access to the Tribunal (by the public)</li> <li>• Cost orders</li> <li>• Cyber-attacks / ransom ware</li> </ul>

## **PART C: MEASURING THE TRIBUNAL'S PERFORMANCE**

## PART C: MEASURING OUR PERFORMANCE

### 10. INSTITUTIONAL PROGRAMME PERFORMANCE INFORMATION

#### 10.1 Programme 1: Adjudication

##### 10.1.1 Purpose of the programme

The purpose of the programme is to adjudicate and make orders in relation to applications made in terms of the Companies Act No. 71 of 2008 as amended, as well as to facilitate the resolution of company disputes in terms of Alternative Dispute Resolution. To ensure a fair, efficient, and effective resolution of disputes between companies, shareholders, and other stakeholders, utilizing various dispute resolution mechanisms. By implementing the Adjudication and Alternative Dispute Resolution program, the Tribunal contributes to the promotion of fair and ethical corporate practices (Quality of decisions, turnaround time for issuing of decisions).

Members of the Tribunal are appointed by the Minister of Trade, Industry and Competition to adjudicate applications and resolve disputes based on the applications filed by the parties to the dispute. Where necessary, hearings are held in person or virtually. Cases are decided on paper without the parties' physical appearance. Internally, Registry is tasked with the administrative element of this function complementing the part the Tribunal Members.

Under this programme, the Tribunal will contribute to the following MTDP priority:

#### ❖ **MTDP Strategic Priority 1: Inclusive growth and job creation:**

**Outcome:** Enabling environment for investment and improved competitiveness through structural reforms:

- Cut red tape and streamline support for small enterprises and entrepreneurs especially in townships and villages, to thrive.
- Mainstream red tape reduction across every department and public entity to reduce the undue regulatory burdens that hold back businesses from creating jobs.

## 10.2 OUTCOMES, OUTPUTS, OUTPUT INDICATORS AND TARGETS

### PROGRAMME 1: ADJUDICATION & ALTERNATIVE DISPUTE RESOLUTION

**Impact statement:** The Companies Tribunal serves as an important alternative dispute resolution (ADR) forum as opposed to the Superior Courts of South Africa, particularly in matters arising under the Companies Act 71 of 2008. While it does not replace the courts, it provides a more accessible, efficient, and cost-effective mechanism for resolving specific company law disputes.

The Reserved Judgment Report from the Office of the Chief Justice (Term 3, 2025) provides a snapshot of outstanding judgments in South Africa's superior courts, assessing compliance with judicial time standards. These standards, grounded in the Judicial Norms and Standards and the Code of Judicial Conduct, require that judgments generally be delivered within three months, with delays beyond six months considered excessive unless justified.

At the start of Term 3 in 2025, there were 1,657 reserved judgments across all superior courts. Of these, 302 cases (18%) had been outstanding for more than six months, while 82% were within the acceptable timeframe. Compared to Term 2 of 2025, there was a 9% increase in judgments exceeding six months, indicating a worsening backlog in certain courts.<sup>1</sup>

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[https://groundup.org.za/media/uploads/documents/reserved\\_judgment\\_report\\_for\\_the\\_chief\\_justice\\_term\\_3\\_of\\_2025.pdf](https://groundup.org.za/media/uploads/documents/reserved_judgment_report_for_the_chief_justice_term_3_of_2025.pdf)

Outcome	Outputs	Output indicators	Audited performance			Estimated performance	MTEF targets		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
<b>Streamlined operations to advance access to justice by reducing delays in dispute resolution improving the timely delivery of adjudication and ADR outcomes.</b>	Company dispute applications adjudicated	1.1 Percentage of orders issued on opposed applications within 30 working days from the date of the hearing.	100%	100%	95%	95%	95% of orders issued on opposed applications within 30 working days	96% of orders issued on opposed applications within 30 working days	98% of orders issued on opposed applications within 30 working days
		1.2 Percentage of orders issued on unopposed applications within 20 working days from date of allocation.	97%	90%	95%	95%	95% of orders issued on unopposed applications within 20 working days	96% of orders issued on unopposed applications within 20 working days	98% of orders issued on unopposed applications within 20 working days
	Company disputes resolved through ADR	1.3 Percentage of cases finalised in terms of ADR within 20 working days from the last date of sitting.	100%	100%	95%	95%	95% of cases finalised within 20 working days	96% of cases finalised within 20 working days	98% of cases finalised within 20 working days
		1.4 Percentage of cases finalised in terms of ADR within 20 working days from the date of allocation.	-	-	-	New indicator	95% of cases finalised within 20 working days	96% of cases finalised within 20 working days	98% of cases finalised within 20 working days

Outcome	Outputs	Output indicators	Audited performance			Estimated performance	MTEF targets		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Improve the overall effectiveness of service delivery.	Efficiency of adjudication and ADR services	1.5 Percentage of customer satisfaction survey outcomes addressed to advance access to justice.	-	-	-	New indicator	80% of customer satisfaction survey outcomes addressed	90% of customer satisfaction survey outcomes addressed	100% of customer satisfaction survey outcomes addressed

### 10.3 OUTPUT INDICATORS: ANNUAL AND QUARTERLY TARGETS

#### PROGRAMME 1: ADJUDICATION & ALTERNATIVE DISPUTE RESOLUTION

<b>Output indicators</b>	<b>Annual targets</b>	<b>Q1</b>	<b>Q2</b>	<b>Q3</b>	<b>Q4</b>
1.1 Percentage of orders issued on opposed applications within 30 working date from the date of hearing.	95% of orders issued on opposed applications within 30 working days	95% of orders issued on opposed applications within 30 working days	95% of orders issued on opposed applications within 30 working days	95% of orders issued on opposed applications within 30 working days	95% of orders issued on opposed applications within 30 working days
1.2 Percentage of orders issued on unopposed applications within 20 working date from the date of allocation.	95% of orders issued on unopposed applications within 20 working days	95% of orders issued on unopposed applications within 20 working days	95% of orders issued on unopposed applications within 20 working days	95% of orders issued on unopposed applications within 20 working days	95% of orders issued on unopposed applications within 20 working days
1.3 Percentage of cases finalised in terms of ADR within 20 working days from the date of the sitting.	95% of cases finalised within 20 working days	95% of cases finalised within 20 working days	95% of cases finalised within 20 working days	95% of cases finalised within 20 working days	95% of cases finalised within 20 working days
1.4 Percentage of cases finalised in terms of ADR within 20 working days from the date of allocation.	95% of cases finalised within 20 working days	95% of cases finalised within 20 working days	95% of cases finalised within 20 working days	95% of cases finalised within 20 working days	95% of cases finalised within 20 working days
1.5 Percentage of customer satisfaction survey outcomes addressed to advance access to justice.	80% of customer satisfaction survey outcomes addressed	-	80% of customer satisfaction survey outcomes addressed	-	80% of customer satisfaction survey outcomes addressed

## 10.4 PROGRAMME 2: ADMINISTRATION

### 10.4.1 Purpose of the programme

The purpose of the programme is to ensure operational efficiency and effectiveness as well as effective stakeholder engagement.

The Programme further aims to efficiently support and manage the operations by ensuring that there is proper Financial Management, Human Resource Management, Information Technology Management, Stakeholder Management and Legal Services.

The Tribunal will successfully deliver on its objectives through a cohesive, well-structured organization where people, processes, and systems perform optimally. As a publicly accountable entity, the focus will continue to strive to achieve clean administration and resource optimization. The focus is on developing human and organisational capacity toward building a world-class institution. This requires a series of strategic human resource interventions to attract, develop, and retain talent. This also aims to promote sound financial and supply chain management and operational efficiency, embed good governance to prevent organizational value by mitigating governance failures, anticipate and respond to the changing contextual and legislative reforms, and better anticipate and manage risks associated with outcomes.

Under this programme, the Tribunal will contribute to the following MTDP priorities:

- ❖ **MTDP Strategic Priority 1: Inclusive growth and job creation:**
- ❖ **Outcome:** Increased employment opportunities
  - Continue to implement and optimise public employment programmes (including the Presidential Employment Stimulus, the National Youth Service, Expanded Public Works) and prioritise work experience for young people.
- ❖ **MTDP Strategic Priority 2: Reduce poverty and tackle the high cost of living**
- ❖ **Outcome:** Social cohesion and nation building
  - Promote the involvement of stakeholders in the life of our country, representing civil society, traditional leaders, the faith-based sector, labour, business, cultural workers, sports people and other formations representing the diverse interests and voices of our citizens.
- ❖ **MTDP Strategic Priority 3: Build a capable, ethical and developmental state**
- ❖ **Outcome:** Improve governance and performance of public entities
- ❖ **Outcome:** A capable and professional public service
  - Strengthen the public procurement system, in line with the Public Procurement Act, for efficiencies and effectiveness and to stimulate demand.

## 10.5 OUTCOMES, OUTPUTS, OUTPUT INDICATORS AND TARGETS

### PROGRAMME 2: ADMINISTRATION

Outcome	Outputs	Output indicators	Audited performance			Estimated performance	MTEF targets		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
<b>2. Organisational sustainability</b>	Increased number of applications filed.	2.1 Percentage of the increase in the number of new applications received	-	-	-	New indicator	5% increase in new applications received.	7% increase in new applications received.	10% increase in new applications received.
	Expanding the mandate of the Tribunal	2.2 Number of Proposed amendments to the Companies Act and regulations.	-	-	-	New indicator	One proposed amendment to the Companies Act and Regulations	One proposed amendment to the Companies Act and Regulations	One proposed amendment to the Companies Act and Regulations
	Human resource management excellence achieved	2.3 Percentage of funded positions filled	-	-	-	New indicator	86% of funded positions filled	86% of funded positions filled	86% of funded positions filled
		2.4 Percentage of competence development initiatives implemented versus planned	-	-	-	New indicator	50% of competence development initiatives implemented.	50% of competence development initiatives implemented.	50% of competence development initiatives implemented.

Outcome	Outputs	Output indicators	Audited performance			Estimated performance	MTEF targets		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
	Financial / asset management excellence achieved	2.5 Percentage of payment of suppliers within 20 business days	-	-	-	New indicator	95% of suppliers paid within 20 business days.	95% of suppliers paid within 20 business days.	95% of suppliers paid within 20 business days.
		2.6 Percentage of expenditure versus total budget	-	-	-	New indicator	95% of budget spent.	95% of budget spent.	95% of budget spent.
	ICT management service excellence achieved	2.7 Percentage ICT service and systems availability	-	-	-	New indicator	95% of ICT service and systems availability	96% of ICT service and systems availability	97% of ICT service and systems availability
<b>3. Contribution towards skills development and job creation</b>	Increase the number of workplace-based opportunities to gain work experience	3.1 Number of workplace -based internship	-	-	-	New indicator	7 interns placed.	7 interns placed.	7 interns placed.
<b>4. Compliance to the B-BBEE Act and Codes of Good Practice</b>	B-BBEE Act and Codes of Good Practice to open up opportunities in the value and supply chains of the South African economy complied to	4.1 Percentage of procurement from designated groups in terms of BBBEE Act	65%	94%	70%	85%	90% of procurement with designated groups	93% of procurement with designated groups	95% of procurement with designated groups
		4.2 Achieve BBBEE level 3 status.	-	-	-	New indicator	Achieve level 3 BBBEE status	Achieve level 2 BBBEE status	Achieve level 1 BBBEE status
	Brand awareness	5.1 Number of collaborations with	-	-	2	4	4 collaborations with	4 collaborations with	4 collaborations with

Outcome	Outputs	Output indicators	Audited performance			Estimated performance	MTEF targets		
			2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
<b>5. Effective Stakeholder Engagement</b>		stakeholders to advance the mandate of the Tribunal					stakeholders	stakeholders	stakeholders
		5.2 Number of community outreaches conducted to inform and educate the public on the services of the Tribunal in townships and villages.	-	-	-	20	20 community outreaches conducted.	20 community outreaches conducted.	20 community outreaches conducted.

## 10.6 OUTPUT INDICATORS: ANNUAL AND QUARTERLY TARGETS

### PROGRAMME 2: ADMINISTRATION

Output indicators	Annual targets	Q1	Q2	Q3	Q4
2.1 Percentage of the increase in the number of new applications received	5% increase in new applications	2% increase in new applications	3% increase in new applications	4% increase in new applications	5% increase in new applications
2.2 Number of Proposed amendments to the Companies Act and regulations.	One amendment proposed to the Companies Act	-	-	-	One amendment proposed to the Companies Act

Output indicators	Annual targets	Q1	Q2	Q3	Q4
2.3 Percentage of funded positions filled.	86% of funded positions filled	86% of funded positions filled	86% of funded positions filled	86% of funded positions filled	86% of funded positions filled
2.4 Percentage of competence development initiatives implemented versus planned.	50% of competence development initiatives implemented	-	-	25% of competence development initiatives implemented	50% of competence development initiatives implemented
2.5 Percentage of payment of suppliers within 20 business days.	95% of suppliers paid within 20 business days.	95% of suppliers paid within 20 business days.	95% of suppliers paid within 20 business days.	95% of suppliers paid within 20 business days.	95% of suppliers paid within 20 business days.
2.6 Percentage of expenditure versus total budget.	95% of expenditure versus total budget.	95% of budget spent	95% of budget spent.	95% of budget spent	95% of budget spent
2.7 Percentage ICT service and systems availability.	95% of ICT service and systems availability	95% of ICT systems availability	95% of ICT systems availability	95% of ICT systems availability	95% of ICT systems availability
3.1 Number of workplace-based internship.	7 interns placed.	3 interns placed.	4 interns placed.	5 interns placed	7 interns placed
4.1 Percentage of procurement from designated groups in terms of BBBEE Act	90% procurement with designated groups	90% procurement with designated groups	90% procurement with designated groups	90% procurement with designated groups	90% procurement with designated groups
4.2 Achieve BBBEE level 3 status.	Achieve level 3 BBBEE status	-	-	Achieve level 3 BBBEE status	-
5.1 Number of collaborations with stakeholders to advance the mandate of the Tribunal	Four collaborations with stakeholders	One collaboration with stakeholders	One collaboration with stakeholders	One collaboration with stakeholders	One collaboration with stakeholders
5.2 Number of outreaches conducted to inform and educate the public on the	20 community outreaches conducted.	4 community outreaches conducted.	6 community outreaches conducted.	6 community outreaches conducted.	4 community outreaches conducted.

Output indicators	Annual targets	Q1	Q2	Q3	Q4
services of the Tribunal in townships and villages.					

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

**Outcome 1: Streamlined operations to reduce costs, turnaround times and the overall effectiveness of service delivery**

**Outcome's contribution to the achievement of: Streamlined operations to reduce costs, turnaround times and the overall effectiveness of service delivery**

Mandate.	It will assist in the organisation in achieving the mandate because, when the Tribunal is able to achieve this outcome, it will then be able to adjudicate matters brought to it in a fair and equitable manner. It will also be able to solve disputes through conciliation, mediation and mediation. The 2 points mentioned above are the mandate of the Tribunal.
MTDP and APEX Priorities.	It will enhance the sustainability of South Africa's business environment and support competitiveness.
Women, children, youth and persons with disabilities.	Facilitate the conduct of business between organisations in a non-discriminatory manner where marginalised groups are not left behind.
Other policies.	It will improve the regulatory legal framework.

Explanation of enablers to achieve the five-year targets.	legislative framework, human resources, funding, applications and hearing rooms.
How will this Outcome contribute to the achievement of the Impact?	It will enable an inclusion of marginalised people in the mainstream economy through transformation.

<b>Outcome 2:</b>	<b>Contribution towards skills development and job creation</b>
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**Outcome's contribution to the achievement of: Contribution towards skills development and job creation**

Mandate.	This will help Companies Tribunal to fulfil its mandate effectively in line with <b>the dtic's</b> commitment of ensuring at least 2.1 million people granted work experience exposure for employability.
MTDP and APEX Priorities.	Inclusive growth and job creation will assist in the contribution towards the 3.6% economic growth plan to reduce the high rates of unemployment. Through providing work experience exposure to interns, the Tribunal aims to prepare the individuals to be employable and to contribute to the country's economic growth and reduce poverty.
Women, children, youth and persons with disabilities.	Facilitate the conduct of business between organisations in a non-discriminatory manner where marginalised groups are not left behind.
Other policies.	It will improve the regulatory legal framework.
Explanation of enablers to achieve the five-year targets.	Legislative framework, human resources, funding, applications and hearing rooms.
How will this Outcome contribute to the achievement of the Impact?	It will enable efficiency of its operations thereby having a positive impact on economic transformation.

<b>Outcome 3:</b>	<b>Compliance to the B-BBEE Act and Codes of Good Practice</b>
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**Outcome's contribution to the achievement of: Compliance to the B-BBEE Act and Codes of Good Practice**

Mandate.	This will help Companies Tribunal to fulfil its mandate enshrined in the constitution and the Companies Act, effectively.
MTDP and APEX Priorities.	Economic Transformation will assist in the contribution towards the achievement of the 2 <sup>nd</sup> MTDP priority of Reducing Poverty and tackle the high cost of living. When the procurement is focused on BBB-EE prescripts, then it assists in reducing poverty among marginalised population groups in South Africa.
Women, children, youth and persons with disabilities.	Facilitate the conduct of business between organisations in a non-discriminatory manner where marginalised groups are not left behind.
Other policies.	It will improve the regulatory legal framework.
Explanation of enablers to achieve the five-year targets.	legislative framework, human resources, funding, applications and hearing rooms.
How will this Outcome contribute to the achievement of the Impact?	It will help the organisation to have a positive impact on economic transformation through the development of BBB-EE compliant businesses hence making an impact around inclusion of marginalised communities into the mainstream economy.

<b>Outcome 4:</b>	<b>Effective Stakeholder Engagement</b>
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**Outcome’s contribution to the achievement of: Effective Stakeholder Engagement**

Mandate.	This will help Companies Tribunal to fulfil its mandate enshrined in the Constitution and the Companies Act, effectively.
MTDP and APEX Priorities.	Faster economic growth; stakeholder needs are ensured. Ensure that all companies have equal access to our services. Economic inclusion. Transform the economy. Introduce Regional support initiatives. Contributes to African Union vision of “No country left behind”.
Other policies.	It will improve the regulatory legal framework.
Explanation of enablers to achieve the five-year targets.	Legislative framework, human resources, funding, applications and hearing rooms.
Women, children, youth and persons with disabilities.	Facilitate the conduct of business between organisations in a non-discriminatory manner where marginalised groups are not left behind.
How will this Outcome contribute to the achievement of the Impact?	Helps sustainability and socio-economic development.

## 12. Explanation of enablers to achieve the five-year targets.

What is supposed to be the enablers to achieve these plans are also economic constraints to the achievement of the intended growth plan intended to improve the ease of doing business, reduce red tape, consider the end-user, promote investment, attract foreign direct investment in the country and improve South African ranking on the competitive business index, ease of doing business and red tape reduction; with the potential to contribute to economic growth and also contribute to investment. South Africa could market itself as a quick responsive country regarding its turnaround times for company law disputes free of charge.

### **a) Mandate**

The institution needs an un-ambiguous, and wider mandate to function effectively. The Tribunals mandate is limited, voluntary and ambiguous in respect to ADR provisions. Proposed amendments to the Companies Act were submitted, amongst others, to make alternative dispute resolution compulsory. We await the outcome.

The Tribunal lacks enforcement powers and to widen the scope and the mandate of the Companies Tribunal requires amending the legislation including the introduction of administrative sanctions, charges and costs; and redirecting most of the mandate given to courts in the primary legislation to the Companies Tribunal. This will assist with the ease of doing business, removing red tape and improved company disputes leading to improved business competitiveness of the country.

### **b) Members of the Tribunal**

Members are critical role players in the Tribunal. These are the experts who make decisions on the applications that the Tribunal receives. As per the Act these are appointed by the Minister. Without this enabler in place the Tribunal would not be able to perform its mandate.

The Tribunal has noted another emerging risk being an increase in the number of cases that are being reviewed. Some review quotes the member as a party to the review, some praying for costs against the Tribunal and the member.

Law-markers therefore need to amend the legislation to include exemption provisions of the members and staff from being taken to court for rendering the mandate of the organisation.

### **c) Applications/clients**

To function effectively the Tribunal needs to receive an adequate number of applications. The limitations in mandate could be the direct results of inadequate scope of the Companies Tribunal in the primary legislation.

### **d) Funding/Budgetary Constraints**

The Tribunal will need an increase in its baseline over the Medium-Term Expenditure Framework (MTEF). Funds Allocated for each financial year are insufficient to meet the operational requirements of the Tribunal and have over the years been augmented by an approved surplus which has been depleted.

Section 210 of the Companies Act makes the following provision that the Commission, the Companies Tribunal and the Panel, are each financed from money appropriated by Parliament, any fees payable in terms of the Act, income derived from the investments and deposits of surplus funds and money accruing from any source.

Sections 40 of the Competition Act and 210 of the Companies Act are similar; however, the difference is that where the Companies Act makes provision for the TRP and CIPC to levy fees, the Companies Tribunal is excluded.

The Competition Tribunal generates its funding from the National Treasury, fees earned from the Competition Commission, other income being recoupment of printing costs and case fees for filing a matter at the Tribunal and investment income for the interest earned.

Section 40 of the Competition Act provides that the Competition Commission is financed from money that is appropriated by Parliament for the Commission, fees payable to the Commission in terms of the Act, income derived by the Commission from its investment and deposit of surplus money in terms of subsection (6) and money received from any other source.

Because of the provision above, the Competition Commission keeps all the fees it levies for the service it renders in terms of its mandate and transfers penalty charged to the National Treasury.

The Minister of Trade, Industry and Competition could resolve the finance challenge that the Companies Tribunal has by adopting the same model as the one between the Competition Commission and Competition Tribunal and regularise the funding model through the regulations.

In the financial services sector, the FSCA collects levies, administrative fees etc. and allocates it to all its entities. As a result, they are not depended on the National Treasury for funding and are self-funded.

Addressing the funding requirements does not require the legislation to be amended for the Companies Tribunal as the legislation already makes provision for sources of funding for the Tribunal, CIPC and the Panel.

The Competition Commission and Competition Tribunal have entered into an MOU to share 5% and 35% of the fee charged by the Competition Commission on intermediate and large mergers respectively. This is where most funding of the Competition Tribunal is generated. This arrangement was entered into in early days of the establishment of the two institutions without prior approval from the National Treasury; however, the transaction is reported in both entities Annual Report in their financials.

#### **e) Facilities**

Currently the Companies Tribunal does not have hearing rooms and the spaces used as hearing rooms are ill-suited for the purpose. Parking space is inadequate for both the members and clients of the Tribunal. Professionally equipped hearing rooms and adequate parking space are important enablers for the achievement of the mandate and five-year plans of the Tribunal.

#### **f) Equipment and infrastructure**

Tools of trade such as furniture, computer equipment and stationery are important enablers in the achievement of the five-year plan. Currently IT infrastructure is partially outsourced and managed by the shareholder, **the dtic** and the Tribunal.

## 13. PROGRAMME RESOURCE CONSIDERATIONS

### 13.1 Projections of revenue and expenditure

STATEMENT OF FINANCIAL PERFORMANCE	Audited outcome			Revised estimate	Medium-term estimate			
	R thousand	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29
Revenue								
Non-tax revenue	524	1 381	815	1 043	997	1 037	1 069	
Transfers received	24 529	28 202	29 497	31 812	33 085	34 406	35 475	
Donations received/Revenue in-kind	2 243	2 468	2 714	2 985	3 284	3 612	3 974	
<b>Total revenue</b>	<b>27 296</b>	<b>32 051</b>	<b>33 026</b>	<b>35 840</b>	<b>37 366</b>	<b>39 055</b>	<b>40 518</b>	
Expenses								
Current expenses								
Compensation of employees	14 921	18 264	18 490	21 552	22 969	23 935	24 887	
Goods and services	9 863	14 408	14 282	13 936	14 187	14 920	15 431	
Depreciation	195	146	200	352	210	200	200	
<b>Total expenses</b>	<b>24 979</b>	<b>32 818</b>	<b>32 972</b>	<b>35 840</b>	<b>37 366</b>	<b>39 055</b>	<b>40 518</b>	
<b>Surplus/(Deficit)</b>	<b>2 317</b>	<b>-767</b>	<b>54</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	

### 13.2 Budget Allocation per Programme

Programme Name: Administration							
Economic classification	Audited outcome			Revised estimate	Medium-term estimate		
	2022/23 R'000	2023/24 R'000	2024/25 R'000	2025/26 R'000	2026/27 R'000	2027/28 R'000	2028/29 R'000
Current payment							
Compensation of employees	14 921	18 264	18 490	21 552	22 969	23 935	24 887
Goods & services, etc.	5 956	9 993	8 841	9 218	9 185	9 610	9 886
Payments of capital assets							
Building and other fixed structure	-	-	-	-	-	-	-
Machinery & equipment	53	122	708	352	210	200	200

<b>Programme Name: Adjudication</b>							
<b>Economic classification</b>	<b>Audited outcome</b>			<b>Revised Estimates</b>	<b>Medium-Term Expenditure Estimate</b>		
	<b>2022/23 R'000</b>	<b>2023/24 R'000</b>	<b>2024/25 R'000</b>	<b>2025/26 R'000</b>	<b>2026/27 R'000</b>	<b>2027/28 R'000</b>	<b>2028/29 R'000</b>
Current payment							
Member's fees	3 454	3 816	4 391	3 983	4 247	4 527	4 755
Goods and services	595	623	542	735	755	783	790
Payments of capital assets	-	-		-	-	-	-
Building and other fixed structure	-	-		-	-	-	-
Machinery & equipment	-	-		-	-	-	-

### **13.3 REVENUE**

- 100% dependent on government grant
- Average growth rate of 4,9% over the MTEF period

### **13.4 EXPENDITURE**

- Compensation remains highest due to the nature of the organisation, constituting 69% of the government grant in 2026/27.
- Member's fees constitute 13% of the government grant and is another crucial expenditure to ensure that members are paid for executing the mandate.
- 18% of the government grant remains for operational and administrative expenditure. There is a need to increase the baseline over the MTEF period to ensure that Tribunal delivers on its mandate efficiently and effectively.

## 14. UPDATED KEY RISKS AND MITIGATION FROM THE STRATEGIC PLAN

### KEY RISKS AND MITIGATIONS

Following is a summary of key risks which may affect the achievement of the identified outcomes, as well as measures to mitigate the identified risk.

Risk Number	Outcome	Risk name	Output Affected	Risk Description	Mitigation
1	<b>Organisational Sustainability</b>	Inadequate budget	Efficient resourcing (funding)	Inadequate funding and resources to execute the mandate effectively and efficiently.	Monthly monitoring of budget through budget variance report
2	<b>Access to Justice</b>	Adjudication & dispute resolution inefficiencies	Adjudicated Applications <b>Resolved deputes</b>	a) Quality of decisions compromised b) late delivery of decisions C). Voluntary nature of ADR	a) Member peer decision review b) Increase reminders to Members, and Chairperson consideration for extension on complex matters. c) Increased public awareness regarding the importance of ADR
3	<b>Organisational Sustainability</b>	Human Resource Capacity	Resource inefficiencies & deficiencies (management & financial)	a) Inability to fully fill positions b) Inability to adequately develop and train staff c) Inability to retain competent and skilled personnel with the right values.	Prioritization of resources
4	<b>Organisational Sustainability</b>	IT operational ineffectiveness	Functional, efficient, and user-friendly ICT systems for ease of	Unavailability and inaccessibility of IT services or systems	Implementation of the Disaster Management Plan

Risk Number	Outcome	Risk name	Output Affected	Risk Description	Mitigation
			doing business		
6	<b>Effective Stakeholder engagement</b>	Inadequate Marketing activities (Limited marketing and advertising of Tribunal's services)	Stakeholder engagement	Limitations to market the organization	Increased marketing initiatives will be undertaken.

## 15. MATERIALITY AND SIGNIFICANCE OF FRAMEWORK

### 15.1 Materiality and Significance of Framework

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

### 15.2 Assessment and determination of materiality for the Tribunal

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

The following guidelines will be applied to the basis selected:

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

### 15.3 Annual review of materiality

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

## **PART D: TECHNICAL INDICATOR DESCRIPTIONS (TIDS)**

## 16. PART D: TECHNICAL INDICATOR DESCRIPTIONS (TIDS)

### PROGRAMME 1: ADJUDICATION & ALTERNATIVE DISPUTE RESOLUTION

Indicator title	1.1 Percentage of orders issued on <u>opposed</u> applications within 30 working days from the date of the hearing.
Definition	This indicator tracks the percentage of opposed applications decided and finalized for the period under review
Source of data	Excel spreadsheet register of finalized cases.
Method of calculation or assessment	Percentage of orders issued on opposed applications within 30 days from the day of the hearing or filing of papers divided by the total number of orders issued multiplied by 100.
Means of verification	Excel spreadsheet informed by signed and stamped decisions
Assumptions	Accurate record of orders issued by the Tribunal  Outliers are complex cases and/or matters that may go beyond the desired turnaround time as provided with the written authorisation of the Chairperson and calculation will start from the date of approval by the Chairperson
Disaggregation of beneficiaries (where applicable)	N/A <sup>2</sup>
Spatial transformation (where applicable)	N/A <sup>3</sup>
Calculation type	Non-Cumulative
Reporting cycle	Quarterly
Desired performance	Reduced turnaround times in issuing orders
Indicator responsibility	Registrar

<sup>2</sup> Only legal entities apply to the Tribunal. The current Application Form, CT 142, does not provide for details on disaggregation of beneficiaries/applicants (race, gender, and the geographic location). The request to amend the Form was sent to **dtic** in September 2022

<sup>3</sup> Ibid.

<b>Indicator title</b>	<b>1.2 Percentage of orders issued on <u>unopposed</u> applications within 20 working days from the date of allocation.</b>
<b>Definition</b>	This indicator tracks the percentage of unopposed applications decided and finalized for the period under review.
<b>Source of data</b>	Excel spreadsheet register of finalized cases.
<b>Method of calculation or assessment</b>	Percentage of orders issued on unopposed applications within 20 days from allocation or filing of papers divided by the total number of orders issued multiplied by 100.
<b>Means of verification</b>	Excel spreadsheet informed by signed and stamped decisions.
<b>Assumptions</b>	Accurate record of orders issued by the Tribunal  Outliers are complex cases and/or matters that may go beyond the desired turnaround time as provided with the written authorisation of the Chairperson and calculation will start from the date of approval by the Chairperson.
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Calculation type</b>	Non-Cumulative
<b>Reporting cycle</b>	Quarterly
<b>Desired performance</b>	Reduced turnaround times in issuing orders
<b>Indicator responsibility</b>	Registrar

Indicator title	<b>1.3 Percentage of cases finalised in terms of Alternative Dispute Resolution (ADR) within 20 working days after the date of set down.</b>
Definition	This indicator tracks the percentage of ADR cases finalised for the period under review.
Source of data	Excel spreadsheet register of finalized cases.
Method of calculation or assessment	Percentage of cases finalized in terms of ADR within 20 days from the last day of sitting or filing of papers divided by the total number of ADR cases finalized multiplied by 100
Means of verification	Excel spreadsheet informed by signed and stamped decisions/failed certificate or report.
Assumptions	Accurate record of ADR cases finalised Accurate record of orders issued by the Tribunal
Disaggregation of beneficiaries (where applicable)	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Non-Cumulative (year to date)
Reporting cycle	Quarterly
Desired performance	Reduce turnaround times in issuing orders
Indicator responsibility	Registrar

Indicator title	<b>1.4 Percentage of cases finalised in terms of Alternative Dispute Resolution (ADR) within 20 working days after the date of allocation.</b>
Definition	This indicator tracks the percentage of ADR cases finalised for the period under review
Source of data	Excel spreadsheet register of finalized cases
Method of calculation or assessment	Percentage of cases finalized in terms of ADR within 20 days from the date of allocation or filing of papers divided by the total number of ADR cases finalized multiplied by 100
Means of verification	Excel spreadsheet informed by signed and stamped decisions/failed certificate or report
Assumptions	Accurate record of ADR cases finalised Accurate record of orders issued by the Tribunal
Disaggregation of beneficiaries (where applicable)	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Non-Cumulative
Reporting cycle	Quarterly
Desired performance	Reduce turnaround times in issuing orders
Indicator responsibility	Registrar

<b>Indicator title</b>	<b>1.5 Percentage of customer satisfaction survey outcomes addressed to advance access to justice.</b>
<b>Definition</b>	This indicator assesses customer satisfaction
<b>Source of data</b>	Survey responses
<b>Method of calculation or assessment</b>	Percentage of total responses addressed divided by the negative responses received multiplied by 100.
<b>Means of verification</b>	Surveys received
<b>Assumptions</b>	Accurate record of surveys received.
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Calculation type</b>	Quarterly
<b>Reporting cycle</b>	Bi-annual
<b>Desired performance</b>	Positive satisfaction responses.
<b>Indicator responsibility</b>	Head of Communication and Marketing

## PROGRAMME 2: ADMINISTRATION

<b>Indicator title</b>	<b>2.1 Percentage of the increase in the number of new applications received</b>
Definition	<ul style="list-style-type: none"> <li>The number of new applications received.</li> </ul>
Source of data	<ul style="list-style-type: none"> <li>Excel spreadsheet case list.</li> </ul>
Method of calculation or assessment	<ul style="list-style-type: none"> <li>Number of new applications received per quarter compared to quarters of the previous financial year.</li> </ul>
Means of verification	Excel case list spreadsheet
Assumptions	<ul style="list-style-type: none"> <li>Correctness of the applications filed.</li> </ul>
Disaggregation of beneficiaries (where applicable)	<ul style="list-style-type: none"> <li>N/A</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</li> </ul>
Reporting Cycle	<ul style="list-style-type: none"> <li>Quarterly</li> </ul>
Desired performance	<ul style="list-style-type: none"> <li>5% of new applications filed.</li> </ul>
Indicator responsibility	<ul style="list-style-type: none"> <li>Head: Communications and Marketing</li> </ul>

<b>Indicator title</b>	<b>2.2 Number of proposed amendments to the Companies Act and regulations.</b>
Definition	This indicator Measures the number of proposed amendments to the Companies Act.
Source of data	<ul style="list-style-type: none"> <li>Proposed amendments to the Companies Act.</li> </ul>
Method of calculation or assessment	<ul style="list-style-type: none"> <li>Simple count of amendments submitted.</li> </ul>
Means of verification	<ul style="list-style-type: none"> <li>Amendments proposal report</li> </ul>
Assumptions	<ul style="list-style-type: none"> <li>Correctness of report.</li> </ul>
Disaggregation of beneficiaries (where applicable)	<ul style="list-style-type: none"> <li>N/A</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>Non-Cumulative</li> </ul>
Reporting Cycle	<ul style="list-style-type: none"> <li>Annually</li> </ul>
Desired performance	<ul style="list-style-type: none"> <li>1 proposal of amendments to the Companies Act.</li> </ul>
Indicator responsibility	<ul style="list-style-type: none"> <li>Head: Legal</li> </ul>

<b>Indicator title</b>	<b>2.3 Percentage of funded positions filled</b>
Definition	<ul style="list-style-type: none"> <li>A percentage of funded positions filled as per the approved and funded structure.</li> </ul>
Source of data	<ul style="list-style-type: none"> <li>Updated organogram with incumbents</li> </ul>
Method of calculation or assessment	<ul style="list-style-type: none"> <li>Number of filled positions, divided by number of all funded positions, multiplied by 100.</li> </ul>
Means of verification	<ul style="list-style-type: none"> <li>Updated organogram with incumbents and payroll reports</li> </ul>
Assumptions	<ul style="list-style-type: none"> <li>Correctness of the Report</li> </ul>
Disaggregation of beneficiaries (where applicable)	<ul style="list-style-type: none"> <li>N/A</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</li> </ul>
Reporting Cycle	<ul style="list-style-type: none"> <li>Quartey</li> </ul>
Desired performance	<ul style="list-style-type: none"> <li>86% funded positions filled</li> </ul>
Indicator responsibility	<ul style="list-style-type: none"> <li>Head Human Resources and Facilities</li> </ul>

<b>Indicator title</b>	<b>2.4 Percentage of competence development initiatives implemented versus planned</b>
Definition	<ul style="list-style-type: none"> <li>Planned employee competence development initiatives that were attended by employees during the reporting period s</li> </ul>
Source of data	<ul style="list-style-type: none"> <li>HR Reports on training</li> </ul>
Method of calculation or assessment	<ul style="list-style-type: none"> <li>Number of training / workshops attended, divided by number of planned training/workshops multiplied by 100.</li> </ul>
Means of verification	<ul style="list-style-type: none"> <li>HR competence development initiatives report showing initiatives implemented. (Any form of proof – attendance register, certificate, emails)</li> </ul>
Assumptions	<ul style="list-style-type: none"> <li>Correctness of the Report</li> </ul>
Disaggregation of beneficiaries (where applicable)	<ul style="list-style-type: none"> <li>N/A</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</li> </ul>
Reporting Cycle	<ul style="list-style-type: none"> <li>Annually</li> </ul>
Desired performance	<ul style="list-style-type: none"> <li>50% competence initiatives implemented</li> </ul>
Indicator responsibility	<ul style="list-style-type: none"> <li>Head Human Resources and Facilities</li> </ul>

<b>Indicator title</b>	<b>2.5 Percentage of payment of suppliers within 20 business days</b>
<b>Definition</b>	The payment of suppliers within 20 business days of receiving the invoices
<b>Source of data</b>	Payment analysis spreadsheet
<b>Method of calculation or assessment</b>	Number of supplier invoices paid within 20 business days divided by total supplier invoices received × 100.
<b>Means of verification</b>	Payment analysis reports approved by the CFO.
<b>Assumptions</b>	That all supplier invoices and payments are accurately recorded in the accounting system and reflected in the payment analysis spreadsheet
<b>Disaggregation of beneficiaries (where applicable)</b>	N/A
<b>Spatial transformation (where applicable)</b>	N/A
<b>Calculation type</b>	Cumulative
<b>Reporting Cycle</b>	Quarterly
<b>Desired performance</b>	95% of suppliers paid within 20 business days of receiving the invoices.
<b>Indicator responsibility</b>	CFO

<b>Indicator title</b>	<b>2.6 Percentage of expenditure versus total budget</b>
Definition	<ul style="list-style-type: none"> <li>The percentage of total expenditure for the financial year compared to the budget</li> </ul>
Source of data	Statement of comparison of budget and actual amounts
Method of calculation or assessment	<ul style="list-style-type: none"> <li>The total expenditure divided by the total budget multiply by 100</li> </ul>
Means of verification	<ul style="list-style-type: none"> <li>Budget versus actual reports</li> </ul>
Assumptions	<ul style="list-style-type: none"> <li>Correctness of reports</li> </ul>
Disaggregation of beneficiaries (where applicable)	<ul style="list-style-type: none"> <li>N/A</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</li> </ul>
Reporting Cycle	<ul style="list-style-type: none"> <li>Quarterly</li> </ul>
Desired performance	<ul style="list-style-type: none"> <li>95% of total budget spend</li> </ul>
Indicator responsibility	CFO

<b>Indicator title</b>	<b>2.7 Percentage ICT service and systems availability</b>
Definition	<ul style="list-style-type: none"> <li>The percentage of the ICT service that was available to end-users throughout the expected times</li> </ul>
Source of data	<ul style="list-style-type: none"> <li>N-Central Monitoring System</li> </ul>
Method of calculation or assessment	<ul style="list-style-type: none"> <li>Percentage of system uptime monitored by the monitoring software (N-Central)</li> </ul>
Means of verification	<ul style="list-style-type: none"> <li>System drawn reports</li> </ul>
Assumptions	<ul style="list-style-type: none"> <li>Monitoring system accurately records uptime and downtime, and all planned maintenance is correctly logged</li> </ul>
Disaggregation of beneficiaries (where applicable)	<ul style="list-style-type: none"> <li>N/A</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>Non-Cumulative</li> </ul>
Reporting Cycle	<ul style="list-style-type: none"> <li>Quarterly</li> </ul>
Desired performance	<ul style="list-style-type: none"> <li>95% of ICT service and systems availability</li> </ul>
Indicator responsibility	<ul style="list-style-type: none"> <li>Head - ICT</li> </ul>

<b>Indicator title</b>	<b>3.1 Number of workplace-based internship</b>
Definition	<ul style="list-style-type: none"> <li>A total number of Interns appointed within the Tribunal.</li> </ul>
Source of data	<ul style="list-style-type: none"> <li>Interns Database</li> </ul>
Method of calculation or assessment	<ul style="list-style-type: none"> <li>A simple count</li> </ul>
Means of verification	<ul style="list-style-type: none"> <li>Appointment letters</li> </ul>
Assumptions	<ul style="list-style-type: none"> <li>Assumes all records are accurately updated.</li> </ul>
Disaggregation of beneficiaries (where applicable)	<ul style="list-style-type: none"> <li>N/A</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 to date)</li> </ul>
Reporting Cycle	<ul style="list-style-type: none"> <li>Quarterly</li> </ul>
Desired performance	<ul style="list-style-type: none"> <li>7 Interns appointed at the end of the financial year.</li> </ul>
Indicator responsibility	<ul style="list-style-type: none"> <li>Head: Human Resources &amp; Facilities</li> </ul>

<b>Indicator title</b>	<b>4.1 Percentage of procurement from designated groups in terms of BBEE ACT</b>
Definition	<ul style="list-style-type: none"> <li>The percentage of procurement spent on suppliers and service providers with B-BBEE level 1 to 4</li> </ul>
Source of data	<ul style="list-style-type: none"> <li>Payment analysis spreadsheet and B-BBEE certificates and affidavits for verification of status</li> </ul>
Method of calculation or assessment	<ul style="list-style-type: none"> <li>Total amount of spending on suppliers and service providers with B-BBEE level 1 to 4 divided by the total spending for a financial year multiply by 100</li> </ul>
Means of verification	<ul style="list-style-type: none"> <li>Payment analysis spreadsheet</li> </ul>
Assumptions	<ul style="list-style-type: none"> <li>Assumes supplier B-BBEE status is valid, and expenditure data is accurately recorded in the financial system.”</li> </ul>
Disaggregation of beneficiaries (where applicable)	<ul style="list-style-type: none"> <li>N/A as the indicator measures the BBEE levels and not ownership groups</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 to date)</li> </ul>

Reporting cycle	<ul style="list-style-type: none"> <li>Quarterly</li> </ul>
Desired performance	<ul style="list-style-type: none"> <li>90% of procurement from designated groups in terms of BBBEE ACT</li> </ul>
Indicator responsibility	<ul style="list-style-type: none"> <li>CFO</li> </ul>

<b>Indicator title</b>	<b>4.2 Achieve BBBEE level three status.</b>
Definition	<ul style="list-style-type: none"> <li>Organisational BBBEE status.</li> </ul>
Source of data	<ul style="list-style-type: none"> <li>Report from a verification agency.</li> </ul>
Method of calculation or assessment	<ul style="list-style-type: none"> <li>N/A</li> </ul>
Means of verification	<ul style="list-style-type: none"> <li>BBBEE Certificate</li> </ul>
Assumptions	<ul style="list-style-type: none"> <li>The organisation is BBBEE compliant.</li> </ul>
Disaggregation of beneficiaries (where applicable)	<ul style="list-style-type: none"> <li>N/A as the indicator measures the BBBEE levels and not ownership groups</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>Non-Cumulative</li> </ul>
Reporting cycle	<ul style="list-style-type: none"> <li>Annually</li> </ul>
Desired performance	<ul style="list-style-type: none"> <li>Level 3 BBBEE rating</li> </ul>
Indicator responsibility	<ul style="list-style-type: none"> <li>COO</li> </ul>

<b>Indicator title</b>	<b>5.1 Number of collaborations with stakeholders to advance the mandate of the Tribunal</b>
Definition	<ul style="list-style-type: none"> <li>This measures the number of formal collaboration activities conducted with stakeholders to promote the services of the Tribunal.</li> </ul>
Source of data	<ul style="list-style-type: none"> <li>Collaborations and stakeholder report.</li> </ul>
Method of calculation or assessment	<ul style="list-style-type: none"> <li>Count of collaboration activities conducted with stakeholders during the reporting period.</li> </ul>
Means of verification	<ul style="list-style-type: none"> <li>Invitation, programs and stakeholder collaborations reports</li> </ul>
Assumptions	<ul style="list-style-type: none"> <li>All collaboration activities are formally recorded and supported by invitation, programs and reports.</li> </ul>

Disaggregation of beneficiaries (where applicable)	• N/A
Spatial transformation (where applicable)	• N/A
Calculation type	• Non-Cumulative
Reporting cycle	• Quarterly
Desired performance	• Four collaborations on the services of the Tribunal
Indicator responsibility	• Head: Communications and Marketing

Indicator title	<b>5.2 Number of outreaches conducted to inform and educate the public on the services of the Tribunal in townships and villages.</b>
Definition	• This measures the number of outreach activities conducted to inform and educate the public on the services of the Tribunal located in townships and villages.
Source of data	• Meeting reports and/or meeting recordings or attendance registers
Method of calculation or assessment	• Simple count of outreaches conducted.
Means of verification	• Invitation, programs, stakeholder reports or registers.
Assumptions	• Assumes all outreach activities are formally recorded and supported by invitation, program and reports.
Disaggregation of beneficiaries (where applicable)	• N/A
Spatial transformation (where applicable)	• N/A
Calculation type	• Non-Cumulative
Reporting cycle	• Quarterly
Desired performance	• Twenty outreaches e in townships and villages.
Indicator responsibility	• Head: Communications and Marketing