



national consumer tribunal



ANNUAL REPORT

2021|22





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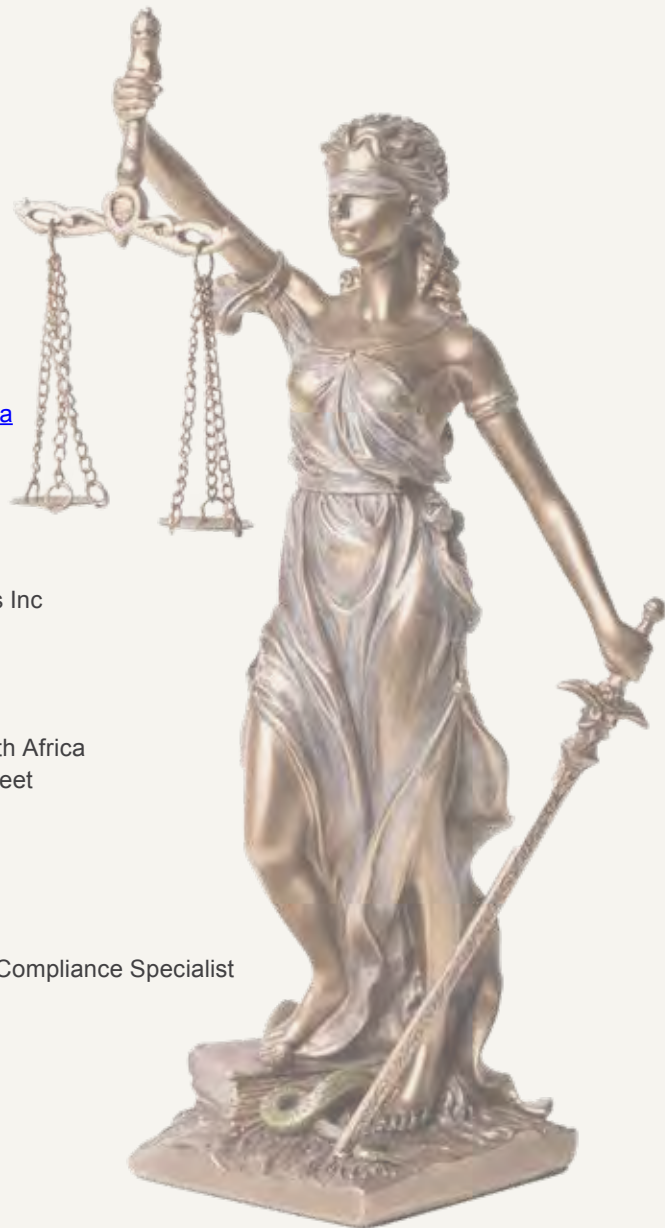
PART A:

General Information



General information

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



List of abbreviations/acronyms

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

Foreword by the Minister

Mr. Ebrahim Patel
Minister of Trade, Industry and Competition



I table the Annual Report of the National Consumer Tribunal (NCT) for the 2021/22 financial year. The NCT has an important mandate.

The Report sets out the work completed to fulfil that mandate. I thank the Tribunal Members, management and staff for work completed in the past year.

A handwritten signature in black ink, appearing to read 'Ebrahim Patel'.

Ebrahim Patel
Minister of Trade, Industry and Competition





Executive Chairperson's Overview

Introduction

I am honoured to be penning the National Consumer Tribunal's Annual Report and presenting the Audited Financial Statements for the reporting year that ended on 31 March 2022, especially since the report is categorised by the NCT's exponential delivery of public value through its innovative, agile, and strategically relevant response to global economic and social uncertainty.

The Tribunal has strategically positioned itself as a leader in adjudicative innovation enabling it to maximise output whilst ensuring the preservation of natural justice. Through the capitalising of its own systems and processing capabilities, the Tribunal was able to successfully navigate global and local challenges and produce strong performance results. The Tribunal's futuristic outlook has ensured that skills are being developed to stimulate sustainable growth in the delivery of public value.

The NCT has consistently implemented its mandate through its realisation of good performance borne out of the identification and development of strong strategic enablers, thereby contributing to Government priorities.

This Annual Report provides insight into the performance of the NCT during the 2021/22 financial year against the pre-identified goals and targets as contained within its Annual Performance Plan and Five-Year Business Plan. It further reflects on a few of the key achievements and challenges experienced during the period under review.

Performance highlights and challenges – a strategic overview

The Tribunal entered the 2021/22 financial year with 4,206 pending applications from the 2020/21 financial year comprising of 3,969 Debt re-arrangement applications (DRA's) and 237 non-Debt re-arrangement applications (Non DRA's). During the year reported on, the Tribunal received 27,384 applications and finalised 28,873 applications. As a result, 2,717 applications comprising of 2,574 DRA's and 143 Non DRA's were carried over into the 2022/2023 financial year. The Tribunal highlights a reduction in its pending application carry-over amounting to a year-on-year improvement of 54,80%.

As a leader in innovation within an adjudication space, we have aligned our strategies to the global shift towards the Fourth Industrial Revolution (4IR) by prioritising digitalisation, automation, and the leveraging of data within our systems. We recognised early that budgetary constraints and exponentially unpredictably rising caseloads could not be utilised as a basis for not generating public value, the NCT developed strategies to optimise its use of its resources by improving operational efficiencies. Integral to this was the development of a case management system that allowed Debt Counsellors to file through an e-filing portal as well as to track and monitor their cases online. During this financial year and as a result of strong stakeholder management practices the Tribunal has strengthened its case management system by allowing simultaneous real-time filing, increased its automated checks on filings received, reduced the Debt Counsellor data to

essential input and altered its final order template to reduce content variety, aligning itself to higher levels of automation. The Tribunal has as a result received 95,93% of its DRA's through its case management system.

Leveraging the strong case management system adoption by Debt Counsellor's and the internal processing innovations of digitising even manually filed applications, the Tribunal was able to maximise the benefits generated from its online adjudication facility with almost all DRA's being remotely adjudicated. The migration of DRA's to an almost exclusive online platform has allowed for improvements in reporting turnaround, types of reports, strategic analysis, and real time service delivery. The Tribunal, through this system, has been able to confirm as orders more than 96% of DRA's that were filed. The refusal of 4% can be attributable to decisions of a legal nature as opposed to errors in data capture as was the case prior to system introduction. The DRA adjudication turnaround achieved is a testament the Tribunal's ability to deliver on its mandate but also its ability to surpass the expectations of its stakeholders.

The agility of the Tribunal is evident not only by its development of its case management system but also its ability to re-engineer its internal processes and successfully implement virtual adjudication of Non DRA's. Whilst this was initially a measure to combat the spread of COVID-19, its cost benefits are far reaching. The Tribunal during the reporting period has successfully integrated transcription and translation services, oral evidence, hybrid approaches to adjudication within its preferred virtual platform. This has improved access to the Tribunal as filing parties are now able to utilise the Tribunal from any geographic location without cost being a barrier. In the past, the Tribunal travelled to different provinces for Non-DRA cases to ensure the parties are not financially prejudiced however we have seen growth in consumer filed applications at the Tribunal which is likely as a result of the online accessibility.

During the financial period FY2021-22 The National Consumer Tribunal (NCT) has, guided by its Information, Communication & Technology (ICT) Strategy, utilised technological innovation as a significant source of improvements in operational efficiency. In this way, it has been able to cope with a substantial increase in its workload without a commensurate increase in people and operating costs. Much of the investment in technology has been focused on implementing new or emerging

technologies to enable existing strategies, practices, and processes.

A system was implemented for Tribunal Members to electronically access and download files which they require to prepare for hearings that are scheduled for adjudication with parties. This is now being used by the Registrar to prepare the files and allocate them to the nominated Tribunal members scheduled to appear and adjudicate at a particular hearing. The Tribunal member receives alerts via the system that a hearing file is now available for him/her to download. This intervention has significantly saved costs and overheads incurred by the previous process adopted of printing, photocopying and couriering the files to members.

The digital interventions during this period have contributed significantly in terms of improvements to NCT productivity and operational efficiency.

The year under review was not without certain challenges. The main challenge for our ICT unit during this period has been having sufficient skilled resources to support, maintain and continuously improve on the systems which were deployed. The organisation is now fully dependant on technology to fulfil its mandate and in light of this we will be prioritising the adequate resourcing of the unit to meet its business needs.

Budgetary constraints remain the Tribunal's biggest challenge. Currently the Tribunal is seeking to implement benefits such as medical aid and pension however with limited resources available it is unable to do so. The implementation of these benefits are anticipated to have a huge positive impact on employee morale and engagement.

It is with deep sadness that we also acknowledge that during the reporting period, the NCT has experienced the lost of 2 key members of the team, a part-time Tribunal Member, Ms. Maleho Nkomo and staff member, Ms. Kgaugelo Sithole. They sadly passed away as a result of COVID-19. They had respectively contributed great value to the NCT and its achievement of its mandate.

Fiscal prudence and good governance

The Tribunal subscribes to the principles of a clean administration and, to that effect, maintains rigorous governance bodies, systems and processes. Whilst technology remains a driver to cost reduction,

internal processes are constantly reviewed to ensure increasing levels of efficiency generation. Fiscal prudence is achieved in this way through its intelligent use of system and manual integration of processes and adjudication.

As indicated, the NCT introduced various measures to reduce costs, particularly using technology for many of its key operations. It is in this way that fiscal prudence has been achieved. Regarding fiscal management, details are provided in the Audited Financial Statements. The organisation maintained the three full-time Tribunal members in addition to the Executive Chairperson.

Future plans

The NCT's ICT unit is now an integral and critical component of the National Consumer Tribunal and as such we will continue to develop and enhance our systems with the eventual goal of being totally paperless with all processes of the institution automated. The key advantages for us in this regard are faster turnaround times in our adjudicative mandate deliverables, pinpoint accuracy in all our business processes, ease of and effective tracking and reporting of our operations, reduction and eventual elimination of human error in business process enablement and audit trails for all operations leading to continued clean audits in future years.

The NCT as an engine for delivering a capable State is consistently planning to develop on its systems and other internal resources and capabilities to increase efficiencies and quality of its output. The Tribunal plans to increase stakeholder engagements with Debt Counsellors in particular to increase levels of automation and increase adjudication speed. The input received will form a basis for future DRA development strategies. Furthermore, the Non-DRA case processes remain relatively manual, and the Tribunal intends to seek areas within the process that can benefit from intelligent automation and digitalisation.

Events after the reporting date

I am not aware of any matter or circumstances arising since the end of the financial year, which has an impact on the information in this report.

Acknowledgements

I wish to thank the Honourable Minister of Trade, Industry and Competition, Mr. E. Patel, for his leadership and unwavering support to the NCT during the year. The NCT is supported on an ongoing basis by the Acting Director-General and his teams at Consumer and Corporate Regulation Division (CCRD) led by Dr. Evelyn Masotja as well as the Public Entity Oversight (PEO) of the dtic. Their support is greatly appreciated.

My sincere gratitude goes to all Tribunal members, members of governance committees, the management team, permanent staff, interns and contractors for their commitment and diligence in ensuring that we execute our mandate successfully. These achievements would not have been realised without the contribution of each and every person selflessly giving of themselves and burning the midnight oil.

Conclusion

While the NCT continues to play its role and to optimise its operational efficiencies, it is ready to face the post COVID-19 disruption in the world of work. It will be reviewing its business model and resource needs to align itself with the new reality. The role of the NCT is becoming even more important with the economic impact of COVID-19 on consumers. Staff retrenchments resulting in loss of revenue by many businesses during the lockdown, will, no doubt, increase the number of consumers seeking debt relief of one kind or another. It is our hope that this will be met with adequate resources from the national fiscus which, understandably, is also under immense pressure.



Prof Joseph Mandla Maseko
Executive Chairperson
National Consumer Tribunal
31 July 2022

Strategic overview

Vision

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

Mission

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

Guiding principles

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

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

Values

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

The NCT's values are:

- **Integrity:** Valuing justice, being ethical and truthful, acting impartially, without fear or favour, in all adjudications and interactions with our stakeholders.
- **Accessibility:**
 - Being known and available to serve our mandate, digitally or face-to-face in all parts of our country.

- Responding to applications and requests for information appropriately, and on time.
- Being open to new ideas, and taking the time to listen and understand our stakeholders' needs and expectations.
- Communicating clearly in simple language.

■ Accountability:

- Being open and transparent.
- Clearly communicating the basis upon which decisions are made.
- Accepting personal and collective responsibility for our actions and the consequences of our actions.

■ Respect:

- Considering and valuing the diverse views of others as well as their important contribution as stakeholders.
- Treating others in ways that promote dignity and a sense of self-worth.

■ Reliability:

- Delivering on our commitments and promises - doing what we say we will do when we say we will do it!

■ Innovation:

- Never being satisfied with the status quo.
- Utilising our intelligence and digital expertise to continuously deliver greater value, greater efficiency and more relevant services.
- Collaboratively harnessing the power of technology to deliver on the greater good.

Key value drivers

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

The following key value drivers were determined for the 2021/ 22 financial year:

- (1) To be an ethical and people-oriented organisation.
- (2) Be service-oriented, expeditious and easily accessible.
- (3) Be bold pioneers and thought leaders.
- (4) Create a safe, secure and enabling working environment.
- (5) Provide learning and future employment opportunities for our people, especially the youth.

Strategic outcome-oriented goals

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

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

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

Legislative and other mandates

The NCT is an independent adjudicative entity that derives its mandate from the National Credit Act, Act

No. 34 of 2005 (NCA) and the Consumer Protection Act, Act No. 68 of 2008 (CPA). It is classified as a Schedule 3A entity in terms of the Public Finance Management Act, Act No.1 of 1999 (PFMA).

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

■ Sub-section 32: Access to information

The NCT is accessible to all consumers and businesses, thereby playing a significant role in ensuring that parties have the right to access information.

■ Sub-section 33: Just administrative action

The NCT ensures that it hears both sides of a dispute and that it issues reasons for its decisions.

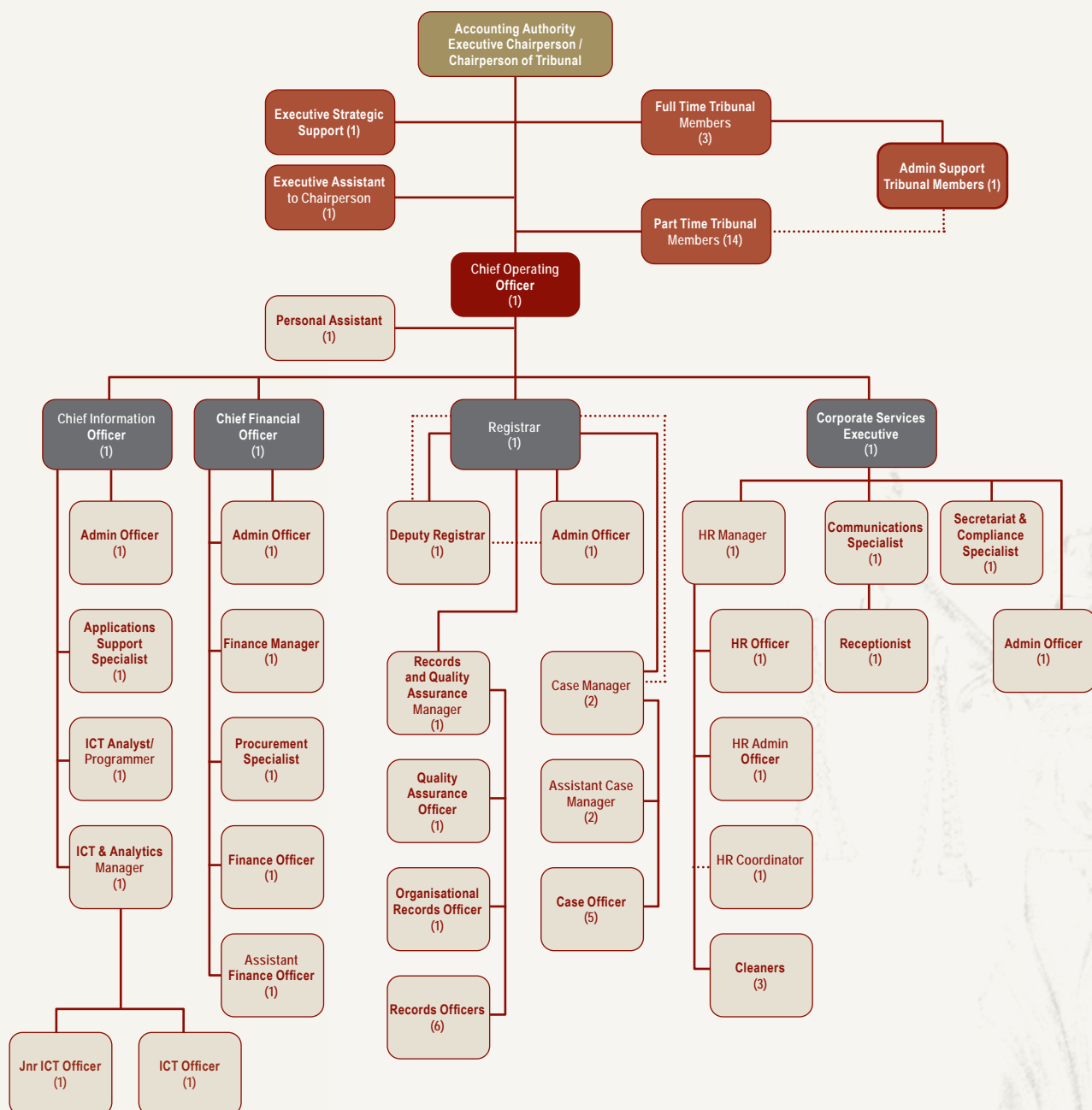
■ Sub-section 34: Access to Courts

Through the adjudication process, the NCT ensures that all consumers have access to Courts.



Organisational structure

The organisational structure of the NCT as at 31 March 2022 was as follows:



Vacancies as at 31 March 2022

- Chief Operating Officer
- Junior ICT Officer

PART B:

Performance Information





External Auditors Report: Predetermined objectives

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

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

Refer to pages 67 to 70 of the External Auditors' Report, published under Part E: Financial Information.

Situational analysis

Service delivery environment

The beginning of the financial year 2021/2022 in April 2021 effectively marked the first anniversary of the emergence of the COVID-19 coronavirus pandemic in South Africa and most other parts of the world. South Africans had been under the Disaster Management Act measures for just over a year since the 15th of March 2020, and for just over a year under the highly restrictive National Lockdown measures since the 27th of March 2020. The previous twelve months had ravaged most global markets, including South Africa. Table 1 shows how negatively the GDP annual growth rates of almost all countries were affected in the financial year 2020/2021 and the significant improvement of most, if not, all economies in the following financial year 2021/2022.

Table 1: Comparative Table of the Gross Domestic Product Annual Growth Rates for 2020 and 2021

COUNTRY	2021 GDP GROWTH RATE	2020 GDP GROWTH RATE
United States	5.70%	-3.51%
China	8.10%	2.27%
Japan	1.60%	-4.80%
South Africa	4.90%	-6.96%
United Kingdom	7.40%	-9.92%
Australia	3.80%	-2.44%
Brazil	5.00%	-4.06%
India	12.55%	-7.97%
Germany	2.90%	-4.90%
Nigeria	1.50%	-1.79%

The financial year 2020/2021 saw almost all countries imposing very serious national lockdown measures that highly restricted global economic activity, which impeded global trade and reduced both supply and consumption of most products. The general lower demand for most products due to the COVID-19 pandemic conditions resulted in lower demand for crude oil globally, which in turn led to lower inflationary pressures and unfortunately also led to the contraction of the gross domestic product, GDP, of most countries as illustrated in Table 1.

As already reported in the last financial year 2020/2021, South Africa officially reported the

highest number of infections in the African continent, with a cumulative 1 548 157 reported COVID-19 positive cases by 31 March 2021, albeit with recovery rates that were very high at 94%, and the cumulative COVID-related deaths at a relatively lower 52 846 as of 31 March 2021. The South African government and other countries globally had thus focused most of their attention on containing the spread of COVID-19 in the financial year 2020/2021. Things did get better, and the South African government was able to finally significantly ease most of the COVID-19 National Lockdown measures during this financial year 2021/2022, as most other countries globally also did the same. It is against that background that Table 1 shows the very impressive GDP growth rates for all countries in 2021.

The negative economic factors due to the COVID-19 pandemic and serious restrictive measures had led to aggregate demand for consumer credit, therefore, slightly reducing from about 25.1 million credit-active consumers in 2019 to about 23 million credit-active consumers in 2020. Most retailers had battled to maintain appropriate store traffic, as the national lockdown measures, including social distancing, kept most consumers at home. There is no information available to show whether the gradual normalization of the business environment this financial year 2021/2022 has in any way increased the number of credit-active consumers in South Africa back to their pre-Covid era levels, but there is evidence that those who have debt are accumulating more. This will surely increase the work of the NCT in terms of the number of Debt-Rearrangement Orders (DRAs) now that all the national lockdown measures and the Disaster Management Act measures have been officially lifted.

Some important South African credit industry information from the National Credit Regulator, Trading Economics and other sources:

- Millions of South Africans cannot live without credit.
- The National Credit Regulator figures showed that out of the 23 million credit-active consumers in South Africa, at least over 42%, or over 10 million thereof had impaired credit records.
- The average unsecured loan size has increased by 46% in four years.
- Household Debt to Income in South Africa is expected to reach 75% by the end of 2022.

Let us now compare how some positive economic factors emerged within the gloomy COVID-19 environment, and how the improved business conditions reversed some of those positives, and vice versa:

- The low business activity levels during the COVID-19 pandemic restrictive periods, both nationally and globally, resulted in lower inflation rates. The South African consumer price index, CPI, had comfortably remained within the 3 - 6 official target inflation rate range throughout the financial year 2020/2021. The gradual normalization of the South African economic environment, however, saw the CPI beginning to move towards the highest point of the 3 - 6 official target inflation rate range, as it ranged between 5.7% to 5.9% by the end of the financial year 2021/2022.
- The lower economic activity during the COVID-19 pandemic had seen the South African Reserve Bank reducing the repo rate by more than 300 basis points in less than one year, from 6.5% in July 2019 to 3.5% mostly during the financial year 2020/2021. The gradual normalization of the South African economic environment saw the South African Reserve Bank hiking the repo rate from 3.5% in November 2021 to at least 4.25% by March 2022.

- The lower CPI and Repo Rate figures were conducive for the South African consumers because they kept the cost of living within the affordable range for many of the consumers.
- Despite the many economic challenges South Africa faces, the Rand has continued performing relatively better now in the financial year 2021/2022 than it did during the COVID-19 pandemic period of stricter national lockdown measures.
- The Rand strengthening against the US dollar ranged from R17.92/US\$ on the 1st of April 2020 to R14.48/US\$ on the 31st of March 2022, having strengthened to R13.41/US\$ on the 7th of June 2021.
- The Rand strengthening against the UK Pound Sterling ranged from R22.18/UK£ on the 1st of April 2020 to as much as R19.03/UK£ on the 31st of March 2022.
- The Rand strengthening against the European Union's Euro ranged from R19.73/€ on the 1st of April 2020 to as much as R16.75/€ on the 31st of March 2022.

The Rand foreign exchange levels against the three major foreign currencies we track are shown in Table 2, at random stratified intervals:

Table 2: The Rand foreign exchange levels against three major foreign currencies

RAND/US DOLLAR R/\$		RAND /UK POUND R/£		RAND/ EUROPEAN EURO R/€	
Opening Rates Listed		Opening Rates Listed		Opening Rates Listed	
R17.92/\$ 1 April 2020	R14.78/\$ 1 April 2021	R22.18/£ 1 April 2020	R20.37/£ 1 April 2021	R19.75/€ 1 April 2020	R17.33/€ 1 April 2021
R16.80/\$ 8 June 2020	R13.41/\$ 7 June 2021	R21.34/£ 8 June 2020	R18.97/£ 7 June 2021	R18.98/€ 8 June 2020	R16.32/€ 7 June 2021
R17.30/\$ 1 July 2020	R14.30/\$ 1 July 2021	R21.43/£ 1 July 2020	R19.76/£ 1 July 2021	R19.43/€ 1 July 2020	R16.94/€ 1 July 2021
R16.60/\$ 1 October 2020	R15.11/\$ 1 October 2021	R21.30/£ 1 October 2020	R20.33/£ 1 October 2021	R19.49/€ 1 October 2020	R17.50/€ 1 October 2021
R14.51/\$ 4 January 2021	R15.83/\$ 4 January 2022	R19.91/£ 4 January 2021	R21.28/£ 4 January 2022	R17.83/€ 4 January 2021	R17.75/€ 4 January 2022
R14.92/\$ 31 March 2021	R14.48/\$ 31 March 2021	R20.48/£ 31 March 2021	R19.03/£ 31 March 2021	R17.47/€ 31 March 2021	R16.75/€ 31 March 2021

The healthy state of the South African Rand does in a way help contain the inflation rate within the country. The South African official higher unemployment rates which currently stand at over 34.5%, with an expanded definition of unemployment (which includes the "discouraged work-seekers") putting it at over 44%, however, means there are less disposable incomes to push up consumer activity (consumption levels) in the country.

As we said goodbye to the financial year 2021/2022 in March 2022, Russia has just invaded Ukraine and this has resulted in the immediate skyrocketing of international Brent crude oil prices, which has already had immediate far-reaching negative economic multiplier effects on food prices and food inflation and the general increases on the cost of living for South African consumers, and the general increases on the cost of doing business for South African business.



Organisational environment

The Tribunal entered the 2021/2022 financial year with 4,206 pending applications from the 2020/2021 financial year comprising 3,969 Debt re-arrangement applications (DRAs) and 237 non-Debt re-arrangement applications (Non-DRAs). During the year reported on, the Tribunal received 27,384 applications and finalised 28,873 applications. As a result, it carried over 2,717 applications comprising 2,574 DRAs and 143 Non-DRAs into the 2022/2023 financial year. The Tribunal highlights a reduction in its pending application carry-over amounting to a year-on-year improvement of 54,80%.

To manage the unpredictability of the caseload, the Tribunal engaged in several strategies. These strategies included collaboration with various stakeholders for better coordination and ensuring that it only dealt with cases within its purview. In addition, the Tribunal enhanced its digital strategy and ICT interventions. A screening process that was introduced during the 2017/2018 financial year for non-DRAs continued yielding positive results. In terms of this process, only cases that meet the requirements of the Tribunal's rules were taken using the various steps to ensure optimised utilisation of the Tribunal's resources focused only on the work that falls within its ambit.

During the reporting period, the Governance Committees of the NCT continued to operate effectively. The overall operations of the NCT were strengthened by means of the establishment of various operational committees.

Key policy developments and legislative changes

The National Credit Amendment Act

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

Amendments to the Rules of the Tribunal¹

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

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

Progress towards achievement of institutional impacts and outcomes

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

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

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

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

Strategic outcome-oriented goals

Each of the NCT's strategic goals is supported by specific objectives that are, in turn, supported by

projects and/ or activities detailed in the operational plans of the organisation. The following strategic goals were identified for the reporting period:

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

Strategic objectives

The NCT bases its performance on its legislative mandate as set out in the NCA and CPA as well as its Annual Performance Plan (APP) 2021/22 - 2023/24 and Strategic Plan 2021/22 - 2025/26. Performance targets and the budget for the year are based on these plans and are informed by the Business Plan.

The following strategic objectives were set for 2021/2022:

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

The NCT's performance against these objectives is set out on page 18-19 to 33 and 43.

Performance information by programme

Programme 1: Adjudication

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

The following sub-programmes fall under this programme:

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

- **Co-operation and information sharing between regulatory stakeholders** - to improve the level of co-operation and information sharing between stakeholders in the consumer and credit regulatory system.

Strategic objectives

The NCT's performance against three objectives is set out in Table 3. The following strategic objectives were set for 2021/2022 for this programme and its sub-programmes:

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

Program/sub-programme: Adjudication								
Outcome	Output	Output indicator	Audited Actual Performance 2020/2021	Audited Actual Performance 2021/2022	Planned Annual Target 2021/2022	Unaudited Annual Performance 2021/2022	Deviation from planned target to Actual Achievement 2021/2022	Reason for deviations
Stakeholder confidence in the NCT - inspired by high-quality adjudication and case management. A readily accessible NCT that shares information and co-operates with stakeholders.	Responsive, timeous service to stakeholders in line with the mandate.	Average number of days from the filing of DRA to date of issuing order to filing parties.	64,18 days	30,74 days	65 days	30,74 days	Achieved	94% of orders were adjudicated on the Case Management System leading to expedited turnarounds.

Program/sub-programme: Adjudication								
Outcome	Output	Output indicator	Audited Actual Performance 2020/2021	Audited Actual Performance 2021/2022	Planned Annual Target 2021/2022	Unaudited Annual Performance 2021/2022	Deviation from planned target to Actual Achievement 2021/2022	Reason for deviations
Stakeholder confidence in the NCT-inspired by high-quality adjudication and case management. A readily accessible NCT that shares information and co-operates with stakeholders.	Responsive, timeous service to stakeholders in line with the mandate.	Average number of days from date of close of pleadings of non-DRA to date of issuing a notice of set down to filing parties.	5,31 days	9,86 days	15 days	9,86 days	Achieved	The Tribunal has a streamlined flow for set down allocations to ensure maximum efficiencies in all aspects of the process.
Stakeholder confidence in the NCT-inspired by high-quality adjudication and case management. A readily accessible NCT that shares information and co-operates with stakeholders.	Responsive, timeous service to stakeholders in line with the mandate.	Average number of days from date of final adjudication of non-DRA to date of issuing a judgement to filing parties.	8,86 days	10,96 days	20 days	10,92 days	Achieved	A blend of virtual and physical hearings has taken place over the reporting period allowing for several judgements being issued with expedited turnarounds.
Stakeholder confidence in the NCT-inspired by high-quality adjudication and case management. A readily accessible NCT that shares information and co-operates with stakeholders.	High-quality adjudicative decisions that create consistent jurisprudence in consumer, credit and debt intervention matters.	Number of cases overturned on review in Supreme Court.	0 cases overturned	0 cases overturned	0 cases overturned	0 cases overturned	Achieved	Not applicable
A readily accessible NCT that shares information and co-operates with stakeholders.	Co-operation and information sharing on permissible matters between regulatory system stakeholders.	Number of structured interactions and engagements with external stakeholders including events, structured meetings and joint forums at which presentations were made.	41 engagements	29 engagements	20 engagements	29 engagements	Exceeded.	The rollout of the CMS required more structured engagements with debt counsellors to promote easier access to Tribunal services.

Case management

Introduction

At present, approximately 35 different types of applications and 150 different types of prohibited conduct may be brought to the NCT in terms of the NCA, CPA and Rules of the Tribunal. Applications may be brought by the NCR, the National Consumer Commission (NCC), consumers, credit bureaus, credit providers, debt counsellors, payment distribution agents, alternative dispute resolution agents and service providers.

Only the NCR, NCC and, in certain cases complainants, may refer alleged prohibited conduct cases to the NCT for a determination. In some instances, the High Court may, on application by a party, confer jurisdiction upon the NCT to hear a matter not otherwise provided for.

Office of the Registrar

The office of the Registrar is focused on ensuring the effective and efficient management of case and records management processes.

Objectives for the year

Three strategic objectives were set in the Registrar's Office for the year, as aligned to the NCT's overall strategic objectives. These were:

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

Objective 1: Expeditious finalisation of complete debt re-arrangement applications.

The achievement of this goal is linked to the first predetermined objective of the adjudication programme i.e. the average number of days from the filing of a DRA to issuing an order to the parties. In the 2021/2022 financial year, the Tribunal improved its turnaround from 64,18 days to 30,74 days.

Efficiencies in the debt re-arrangement case flow and adjudication were stimulated by continuous improvement of the Tribunal's Case Management System. In addition to system filed applications being adjudicated on the system, the Tribunal has developed the ability of non-system filed matters to be adjudicated on the case management system if the Tribunal Member elects to refuse the application. In the financial year presently reported on, 95,39% (26,572 out of 27,855) of orders issued were adjudicated on digitally. This meant that the Tribunal incurred no costs of travelling or printing or other related sundries in relation to the adjudication of these applications.

The Case Management System continues to reveal itself to be a valuable asset to the Tribunal's operating model, and further benefits as a result of its successful implementation will continuously be explored. The Tribunal closed off the 2019/2020 financial year with 12 915 pending debt re-arrangement applications, the 2020/2021 financial year with 4 090 pending debt-re-arrangement applications and now closes off the 2021/2022 financial year with 2,574 pending debt re-arrangement applications.

Objective 2: Expeditious finalisation of non-DRA applications and referrals

The achievement of this goal is linked to the second and third predetermined objectives of the adjudication programme i.e. the average number of days from the close of pleadings to issuing a set down to the parties and the average number of days from final adjudication to issuing a judgement to parties. In the 2021/2022 financial year, the Tribunal surpassed both pre-determined targets.

Non-DRA's are applications filed at the Tribunal that do not fall within the ambit of a debt re-arrangement.

These matters are often disputed and resolved by way of a judgment after a hearing takes place. These matters are more complex as each matter is different, has either a factual and/or legal dispute and often requires intensive research and legal analysis applied.

Whilst these matters can be finalised prior to a hearing such as by a condonation being refused or a withdrawal, most of these matters are finalised by way of a judgement after a hearing takes place.

The Tribunal has taken a blended approach to how it hosts its hearings. If various witnesses are testifying or based on the instance of the parties, the Tribunal hosts the hearing at its premises, but in all other instances, its hearings are virtual.

The flexibility in terms of how it hosts its hearings and the efficiencies within its processes has led to the finalisation of 251 non-debt re-arrangement cases in 2021/2022 as opposed to the 169 cases it finalised in the previous financial year.

Objective 3: To ensure NCT decisions are substantively and procedurally correct.

The achievement of this goal is linked to the fourth predetermined objective of the adjudication programme i.e. the number of cases overturned on review in the Supreme Court. In the 2021/2022 financial year, as it was in the 2020/2021 financial year, the Tribunal had no judgments overturned on review in the Supreme Court of Appeal.

In previous financial years, the Tribunal invested in tools such as Grammarly and the development of a Quality Assurance Model to ensure judgments are clear, concise and embedded in legal analysis. The continuous monitoring of the quality assurance model has ensured that judgments issued are off the expected standard.

The Tribunal publishes all its judgments on its website and on the Southern African Legal Information

Institution (SAFLII), which not only allows parties to access these records but the actual Tribunal members as well, making access to relevant case precedent easy.

TABLE 4: CASE STATICS FOR ALL CASES FILED AT THE TRIBUNAL

CATEGORY	TOTAL PER CATEGORY	OVERALL TOTAL
Total Cases C/ O into 2021/2022		4,206
a. Debt re-arrangements	3,969 ²	
b. Non-Debt re-arrangements	237	
Total Cases filed 2021/22		27,384
a. Debt re-arrangements	27,227	
b. Non-Debt re-arrangements	157	
Less Total Cases finalised in 2021/22		28,873
a. Debt re-arrangements	28,622	
b. Non-Debt re-arrangements	251	
Total Cases Pending as at year-end		2,717
a. Debt re-arrangements	2,574	
b. Non-Debt re-arrangements	143	

A sharp decline in debt re-arrangement cases was recorded in the 2020/2021 financial year which in the previous report was attributed to the impact of COVID-19 prevention measures. The previous report further stated that the decline was a likely short-term occurrence. In the 2021/2022 financial year, 28,622 debt re-arrangement applications were received, stabilising the volume of debt re-arrangement applications to pre-Covid levels.

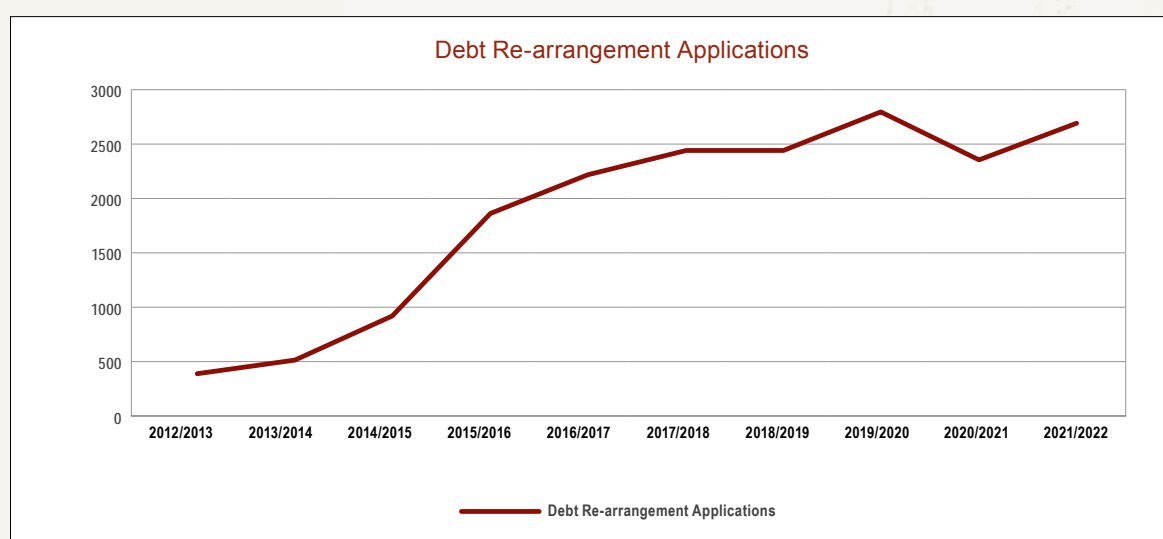


Fig. 1: DRAs received per year from 2012/13 to 2021/22

² Number of debt re-arrangement matters carried over into 2021/22 reduced by 121 to 3,969 as previously finalised matters were recorded as reflected in the Quarterly reports presented.

In the 2020/2021 financial year, 36,64% Non-Debt re-arrangement filings had been filed by non-regulatory filers. This percentage has increased to 53,50% in the 2021/2022 financial year, suggesting improved accessibility to filers in general and increased awareness of the Tribunal by consumers.

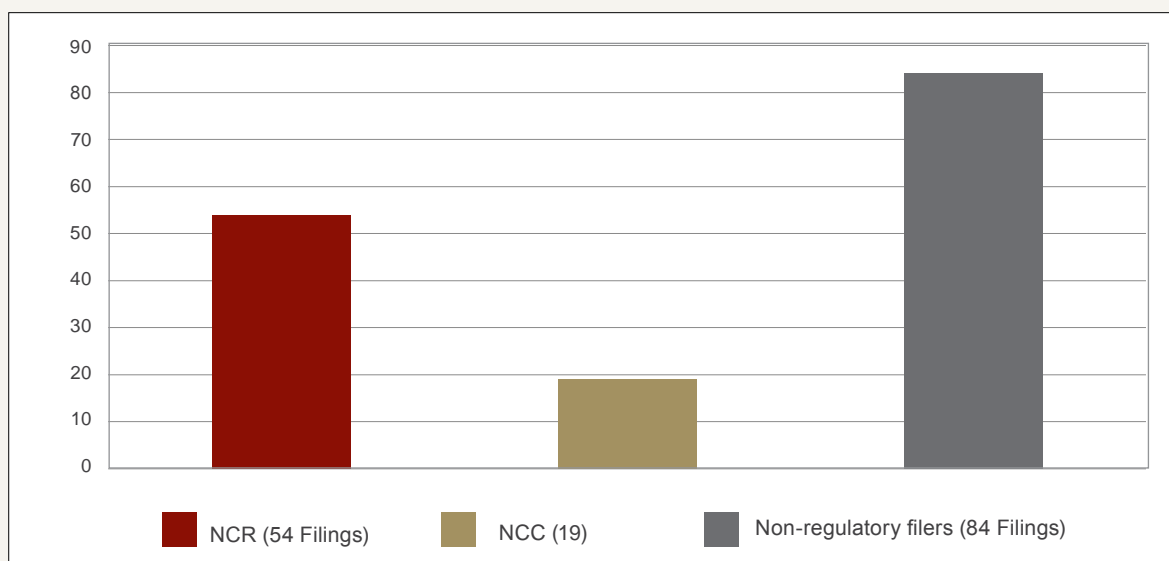


Fig. 2: Non-Debt re-arrangement filings

Non-Debt re-arrangement matters decreased from 255 cases filed in 2019/2020 to 191 cases filed in 2020/21. As in the case of debt re-arrangement cases, this decline in case numbers should not be considered the start of a downward trend of cases filed.

Non-Debt Re-arrangement Statistics

The Tribunal received 157 non-Debt re-arrangement cases in the financial year 2021/2022, with non-regulatory filers filing the majority of the applications.

Regulatory bodies accounted for 46,50% (73 matters) while the non-regulatory bodies amounted to 53,50% (84 matters), as opposed to non-regulatory bodies accounting for 70 filings in 2020/2021.

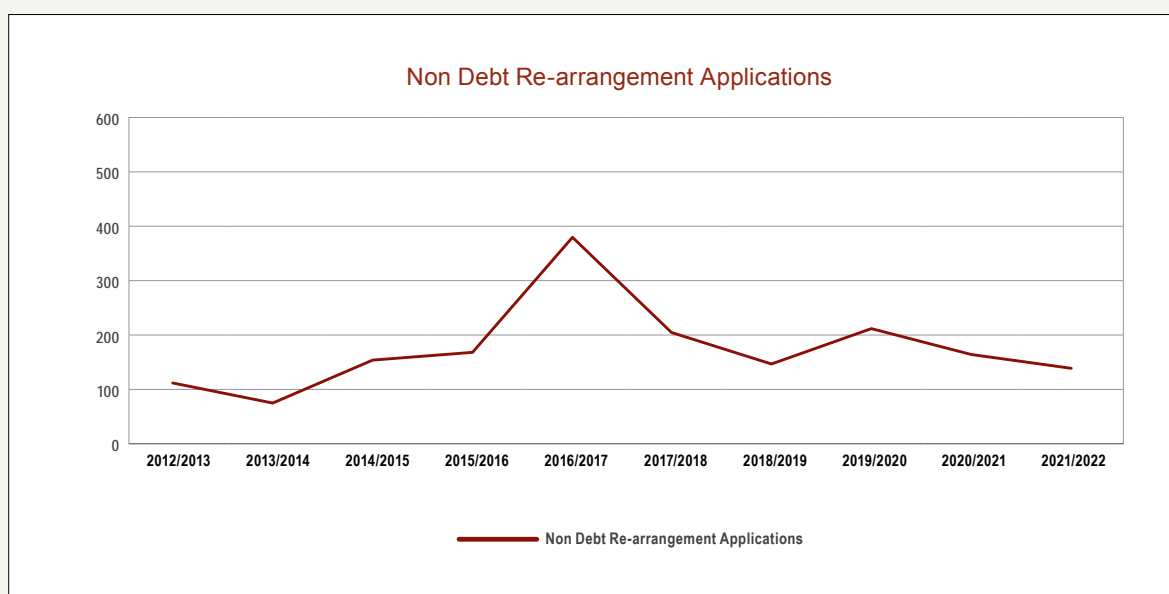


Fig. 3: Non-DRA's received per year from 2012/13 to 2020/21

109 of the 157 cases received, constituting 69,43% of the non-DRA filings, were NCA matters and 48 (30,57%) of the cases received were filed in terms of the CPA.

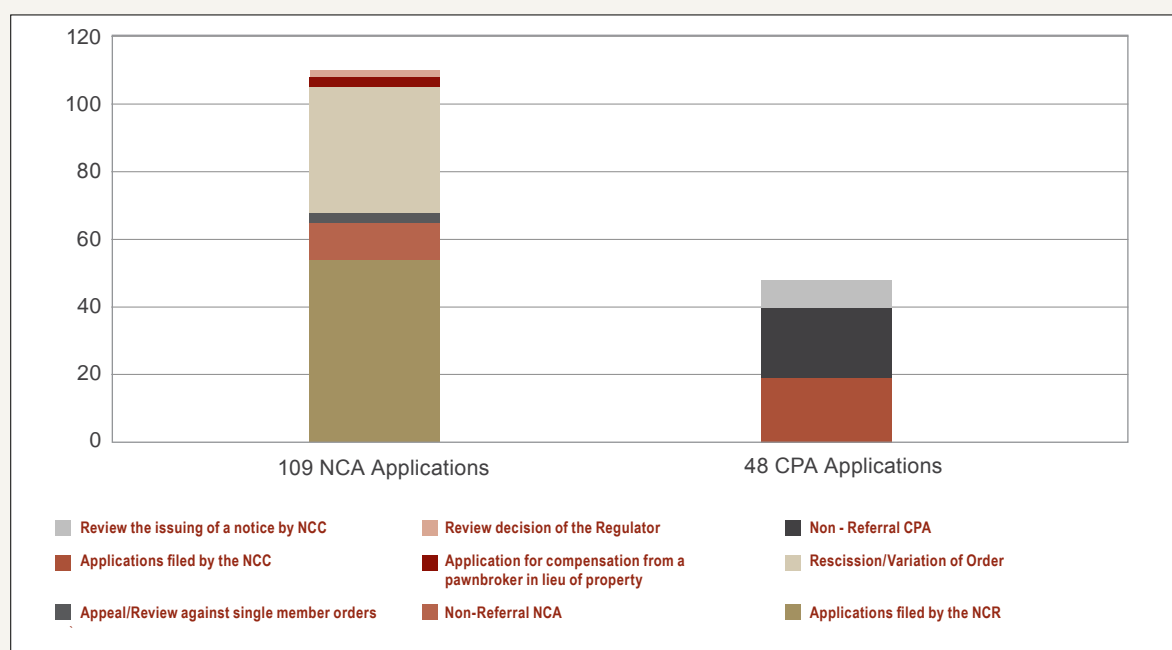


Figure 4: Non-DRA's received per year from 2014/15 to 2021/22

TABLE 5: CPA APPLICATION BREAK-DOWN

Act Section	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	2021/ 22	TOTAL
70(3)b Application for a consent order after dispute resolution by an alternative dispute resolution agent	-	2	-	-	-	-	-	2
73(2)(b) NCC referrals	1	2	5	2	2	20	18	50
Imposition of an Admin Fine	-	-	-	-	-	1	-	1
Urgent interim relief 114	-	-	-	-	-	1	-	1
75(1)(b) Applications for leave to refer a non-referral directly	23	25	60	42	43	13	21	227
101 (1) Objection to a compliance notice	-	-	-	-	-	-	4	4
74(1) Application for consent order	-	-	-	2	1	-	1	4
Rule 4 - Certification of Class Action	1	-	1	-	-	-	-	2
60(3,101) Application by producer or importer to review A Notice issued by Commission in terms of Sections 60(2)	-	1	-	-	1	5	4	11
Total CPA applications	25	30	66	46	47	40	48	302

TABLE 6: NCA APPLICATION BREAKDOWN

Act Section	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	2021/22	TOTAL
165(1) Rescission of variation of NCT order	43	100	91	41	65	35	37	412
137(3) Application upon failure of alternative dispute resolution	12	2	2	-	-	-	-	16
140(1) NCR referrals	38	15	14	20	20	16	16	139
56(1) Objection to a compliance notice	1	-	2	4	1	-	1	9
57(1) Cancellation of registration of the registrant	15	19	22	35	42	31	20	184
115(1) Disputed entry on a statement	1	1	-	-	-	-	-	2
128(1) Review of a sale of goods	3	2	2	-	-	-	-	7
148(1) Appeals and reviews	2	2	6	7	4	1	3	25
149(1) Interim relief	29	4	7	1	7	-	-	48
59(1) Review of a decision by the NCR	-	3	2	1	1	1	-	8
71(3) Application by a consumer to review a decision not to issue or failure to issue a clearance certificate	5	2	6	-	-	1	-	14
141(1) Applications for leave to refer a non-referral directly	12	18	13	5	29	13	11	101
138 read with 135(b)(ii) Application for consent order after alternative dispute resolution.	2	3	-	2	33	47	15	102
55(6) Failure to comply with a compliance notice	2	1	-	-	2	1	2	8
114(1) Application by a consumer upon failure to produce a statement	2	272	2	-	-	-	-	276
164(3) Application to the NCT for a certificate declaring conduct to be prohibited or required in terms of the Act	-	1	5	3	4	-	-	13
99(2) Application by a consumer for compensation from a pawnbroker in lieu of property	1	-	5	1	-	-	3	10
142 Application to limit obligations in respect of frivolous, vexatious or unreasonable requests	-	1	-	-	-	-	-	1
Application by NCR for leave to refer without an investigation	-	-	-	1	-	5	1	7
Total NCA applications	168	446	179	121	208	151	109	1382

Debt Re-arrangement Statistics

The Tribunal carried over 3969 matters into 2021/ 2022 as adjusted and received 27 227 cases in 2021/2022. In total, it finalised 28 622 matters in 2021/2022, carrying a balance of 2 574 in 2022/ 2023. The turnaround achieved from the date of filing to finalisation is 30,74 days, which ranges within the predetermined target set.

TABLE 7: TOTAL PENDING MATTERS AS AT THE END OF 2021/2022

Status	Subtotal	Total
Total matters carried over into 2020/2021		3 969
Total matters received in 2021/ 2022		27 227
Total matters finalised in 2021/ 2022		32 689
Orders	27,855	
Withdrawals	203	
Lapsed ³	56	
Total pending matters as of the end 2021/2022		2 574

³ Prior to the implementation of the screening process, a matter would be regarded as incomplete if it did not meet the filing requirements as set out in the Tribunal's Rules and its tables. In such an instance, the matter would be received as if it is an application and a filer provided with an opportunity to provide the documents which were outstanding in terms of the filing requirements. If the filing party is unable to provide the information required, the matter could not be considered as it did not contain all necessary documents and information. The matter would then be lapsed and as such finalised after a period of time.

Adjudication

Introduction

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

Tribunal members

The President of the Republic of South Africa appoints Tribunal Members to fulfil the Tribunal's adjudicative function. The composition of the Tribunal includes 18 members⁴, that is, three full-time and 14 part-time Tribunal members, excluding the Executive Chairperson. Currently, once the selection and recommendation process has been completed by Cabinet, the President delegates this function to the Minister of Trade, Industry and Competition.

A review of the CVs of the Tribunal Members (see Annexure A on page 97 of this Report) illustrates this group's wide range of qualifications and experience, which explains the NCT's success in its adjudication of cases.

TABLE 8: TRIBUNAL MEMBERS

Prof Joseph M. Maseko - Executive Chairperson	Ms Maleho Nkomo – Part-time Member
Dr Laura Best - Part-time Member & Deputy Chairperson	Mr Trevor Bailey – Part-time Member
Adv. John R. Simpson – Full-time Member	Ms Diane R. Terblanche – Part-time Member
Mr Andisa Potwana – Full-time Member	Ms Penelope Beck - Part-time Member
Ms Hazel V. Devraj – Full-time Member	Ms Xolela C. May - Part-time Member
Prof Bonke C. Dumisa - Part-time Member	Mr Fungai K. Sibanda - Part-time Member
Adv. Frans K. Manamela - Part-time Member	Ms Nomfundo Maseti – Part-time Member
Adv. Neo H. Sephoti - Part-time Member	Prof Kasturi Moodaliyar – Part-time Member
Prof Tanya Woker - Part-time Member	Dr Maria Peenze - Part-time Members

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

⁴ The President appointed 19 Tribunal Members during July 2017. Mr Lucky Rabotapi was a Tribunal Member until 31 August 2017, when he commenced his new role as the NCT's Registrar. Ms Maleho Nkomo passed away in June 2021.

The adjudication process

TABLE 9: ADJUDICATION STATISTICS

Total Non-DRA's finalised 2021/22		251
	Judgements issued	206
	Applications withdrawn	34
	Matters settled and confirmed	4
	Condonation refused	6
	Duplicate	1
Internal Appeals/ Reviews filed 2021/22		1
	Appeals/ reviews upheld	0
	Appeals/ reviews dismissed	1
	Pending	2
External from 2007 to 31 March 2022		57⁵
	Appeals/ reviews upheld	7
	Appeals/ reviews dismissed	12
	Pending	34
	Settled	3
	Withdrawn	2

Appeals and reviews

An internal appeal/review occurs when the decision of a single Tribunal member is taken on appeal or review, and the application is considered by a three-member Tribunal panel. This panel will then either uphold the decision or uphold the appeal or review. If an external appeal or review goes against the decision of a three-member Tribunal panel, the appeal or review is heard by the High Court and the High Court judge(s) will then either uphold the Tribunal decision or uphold the appeal or review.

Internal single-member decisions are taken on appeal or review

In total, one decision was taken on internal appeal or review in 2020/2021. This matter was filed in Quarter 4 of this financial year and has been set down to be heard in Quarter 1 of 2021/2022.

TABLE 9: NON-DRA DECISIONS TAKEN ON APPEAL OR REVIEW FROM 2007 TO 31 MARCH 2021

No.	NCT Application	Appeal Court case no.	Appeal Court decision	Date of judgment
1.	Southern African Fraud Prevention Service Ltd v NCR NCT168/2009/54(1)	National Credit Regulator v Southern African Fraud Prevention Service Ltd 58190/2010 (North Gauteng High Court)	Appeal upheld	May 2011
2.	NCR V PM Ferreira NCT/166/2008/57(1)	NCR V PM Ferreira North Gauteng High Court 51467/2010	Dismissed	December 2011
3.	NCR v Christopher Bornman and others NCT/656/2010/57(1)(P)	Christopher Bornman and others v NCR A6/2011 (North Gauteng High Court)	Dismissed (HC)	March 2012
4.	NCR v Christopher Bornman and others NCT/656/2010/57(1)(P)	Christopher Bornman and others v NCR 798/2012 (Supreme Court of Appeal)	Dismissed (SCA)	March 2013

⁵ Although Table 4 only lists 57 appeals, line item 19 involved a matter where two decisions were made by the Appeal Court. The Respondent appealed the Tribunal's finding that it contravened the National Credit Act, and the Applicant cross-appealed the Tribunal's finding of not imposing an administrative fine. The appeal was upheld, and the cross-appeal dismissed. This is why there are 58 outcomes to 57 matters.

No.	NCT Application	Appeal Court case no.	Appeal Court decision	Date of judgment
5.	Barko Financial Services (Pty) Ltd v NCR NCT/743/2010/56(1)(P)	Barko Financial Services (Pty) Ltd v NCR A499/ 2011 (North Gauteng High Court)	Dismissed (HC)	March 2013
6.	Barko Financial Services (Pty) Ltd v NCR NCT/743/2010/ 56(1)(P)	Barko Financial Services (Pty) Ltd v NCR 415/ 2013 (Supreme Court of Appeal)	Dismissed (SCA)	18 September 2014
7.	Telegenix Trading 340 CC v NCC and Silas Phadagi NCT/8697/2013/101(1)	Telegenix Trading 340 CC v NCT, NCC and Phadagi 726/ 2014 (North Gauteng High Court)	Dismissed	April 2014
8.	De Klerk v NCR NCT/6210/2012/57(1)	De Klerk v NCT, NCR et al 33329/ 2013 (North Gauteng High Court)	Settled	June 2013
9.	JW van Zyl v NCR NCT/3868/2012/57(1)	JW van Zyl v NCR AR620/ 13 (KwaZulu Natal High Court)	Withdrawn	1 September 2014
10.	MC Bouah Enterprises v Dynacon Global Trading NCT/7936/2013/75(1)	MC Bouah Enterprises v Dynacon Global Trading, NCT 35836/ 2014 (North Gauteng High Court)	Pending	Pending
11.	P Byleveld v Execor Twelve (Pty) Ltd t/ a Motor City & The NCC NCT/10686/2013/75(1)	Execor Twelve t/ a Motor City v P Byleveld A446/14 (North Gauteng High Court)	Pending	Pending
12.	NCR v Capitec Bank Limited NCT/9152/2013/140(1)	NCR v Capitec Bank Limited & the NCT A440/14 (North Gauteng High Court)	Dismissed	February 2016
13.	NCC v Univision Services NPC & 11 others NCT/ 19486/2014/73(2)(b)	Univision NPC & Others v NCC & NCT. 97574/2015 (North Gauteng High Court)	Dismissed	November 2016
14.	NCR vs Finbond Mutual Bank NCT/26629/2015/140(1)	NCR vs Finbond Mutual Bank North Gauteng High Court	Pending	Pending
15.	NCC v Univision Services NPC & 11 others NCT/ 19486/ 2014/73(2)(b)	Univision NPC & Others v NCC & NCT 618/2017 (SCA)	Appeal upheld	28 March 2018
16.	Moneyline Financial Services v The National Credit Regulator NCT/17884/2014/ 57(1)	Moneyline Financial Services v The National Credit Regulator A440/16 (North Gauteng High Court)	Pending	Pending
17.	Motswai v House and home NCT/ 33263/2015/75(1)(B)	Shoprite Checkers (Pty) Ltd t/ a House & Home v Penny Beck – Paxton N.O & 4 Others 71787/16 (North Gauteng High Court)	Settled	November 2016
18.	NCR v Lewis Stores & Monarch Insurance Ltd NCT/ 27651/2015/140	Lewis Stores (Pty) Ltd v NCR & the National Consumer Tribunal A694/ 16 (North Gauteng High Court)	Settled	4 May 2018
19.	NCR v South African Fraud Prevention Services NPCNCT/23181/2015/140(1)	South African Fraud Prevention Service v The National Credit Regulator	Cross-Appeal Dismissed and Appeal upheld	17 November 2017
20.	NCR v EZ Trade	Micro Finance South Africa & Banking Association SA NPC v NCR and two others	Pending	Pending
21.	NCR v Lewis Stores (Pty) Ltd	NCR v Lewis Stores (Pty) Ltd & the NCT A333/2017(North Gauteng High Court)	Dismissed.	30 April 2018
22.	NCR v Lewis Stores (Pty) Ltd	NCR v Lewis Stores (Pty) Ltd & the NCT (SCA)	Pending	Pending
23.	NCR v Edcon Limited	Edcon Holding v the NCT & The National Credit Regulator Case Number: A237/17	Appeal upheld	2 May 2018
24.	NCR v Edcon Limited	The National Credit Regulator v Edcon Holding and the NCT (SCA)	Pending	Pending
25.	NCR v Shoprite Investments Limited	Shoprite Investments Limited v NCR Case Number: A509/17	Pending	Pending
26.	NCR v Hua Xiang Cash Loans CC	Hua Xiang Cash Loans CC vs NCT and two Others	Pending	Pending
27.	Makete Judah Letsoalo vs Wesbank a division of Firststrand Bank limited	Makete Judah Letsoalo vs NCT and two Others Case number: 77923/17	Pending	Pending
28.	Ian Eugene Romer Wason Coretta Makhaza vs Absa Bank Limited & 16 Others	Coretta Makhaza vs Ian Eugene Romer Wason and 16 Others Case number: 23967/18	Pending	Pending

No.	NCT Application	Appeal Court case no.	Appeal Court decision	Date of judgment
29.	Pfumedzo Ramakumba v Debt matters (Pty) Ltd and five others	Pfumedzo Ramakumba v Debt matters (Pty) Ltd and five others 5364/2018 (HC)	Pending	Pending
30.	Marese Fourie v African Bank and four others	Marese Fourie v African Bank and four others 50756/2018	Pending	Pending
31.	Preyesh Balgobind v Benay Sager and eight others	Preyesh Balgobind v Benay Sager and eight others (HC) 19321/2017	Withdrawn	3 December 2018
32.	National Credit Regulator vs Deborah Anne Solomon	National Credit Regulator vs Deborah Anne Solomon A397/ 2017 (HC)	Appeal upheld	19 October 2018
33.	Lewis Stores (Pty) Ltd vs Summit Financial Partners (Pty) Ltd and two others.	Lewis Stores (Pty) Ltd vs Summit Financial Partners (Pty) Ltd and two others. A355/2018 (HC)	Dismissed	13 December 2019
34.	Information technology Consultants (PTY) LTD T/A Intecon and two Others vs National Credit Regulator and Another	Information technology Consultants (PTY) LTD T/A Intecon and two Others vs National Credit Regulator and Another 38994/2018 (HC)	Pending	Pending
35.	Legobela John Maake v Diesel Performance Truck & Bus (Pty) Ltd	Legobela John Maake v Diesel Performance Truck & Bus (Pty) Ltd 85199/2018 (HC)	Pending	Pending
36.	Volkswagen Financial Services SA vs NCT and National Credit Regulator	Volkswagen Financial Services SA vs NCT and National Credit Regulator A104/19 (HC)	Pending	Pending
37.	NCR v Dacquip Finances CC t.a ABC Financial Services Pinetown NCT/ 127619/ 2019/57(1)	Dacquip Finances CC t.a ABC Financial Services Pinetown v NCR North Gauteng High Court A333/2019	Appeal upheld	8 January 2021
38.	National Credit Regulator VS Elavation Trading CC t/ a Xcelsior Financial Services And Xcelsior Financial Services (Pty) Ltd NCT/111201/2018/57(1)	Elavation Trading CC t/ a Xcelsior Financial Services And Xcelsior Financial Services (Pty) Ltd v National Credit Regulator High Court, Gauteng Division 4350/2020	Appeal upheld	03 February 2022
39.	National Credit Regulator v CMR Group (Pty) Ltd NCT/119696/2018/57(1)	Jacolien Barnard N.O & Beatrice Linda Mills N.O (In their capacities as joint provisional liquidators of CMR Group (Pty) Ltd) v NCR High Court, Pretoria Division A351/2019	Dismissed	22 December 2020
40.	Monica van der Heyde v A to Z Motors CC NCT/119741/2018/75(1)	A to Z Motors CC v Monica van der Heyde High Court, Gauteng Division 16051/20	Pending	Pending
41.	National Credit Regulator VS JDG Trading (Pty) Limited NCT/29052/2015/140(1)	National Credit Regulator VS JDG Trading (Pty) Limited High Court, Gauteng Local Division, Johannesburg A3086/ 19	Pending	Pending
42.	National Credit Regulator vs NCT and Tshilidzi Swuhana	National Credit Regulator vs NCT and Tshilidzi Swuhana A114/19	Pending	Pending
43.	Lewis Stores (Pty) Ltd vs Summit Financial Partners (Pty) Ltd and two others. NCT/99345/2018/141(1)(b)	Lewis Stores (Pty) Ltd vs Summit Financial Partners (Pty) Ltd and two others. North Gauteng High Court A355/ 2018	Pending	Pending
44.	Bongani Phillip Mnweba v National Credit Regulator NCT/129993/2019/59	Bongani Phillip Mnweba vs The National Consumer Tribunal & The National Credit Regulator A48175-2020 (HC – Gauteng Provincial Division, PTA)	Pending	Pending
45.	National Credit Regulator v Dirk Cornelius Uys N.O & 2 Others NCT/142671/2019/ 140(1)	Dirk Cornelius Uys N.O & 2 Others vs National Credit Regulator and The National Consumer Tribunal A58/2021 (HC – Gauteng Provincial Division, PTA)	Pending	Pending
46.	National Credit Regulator v Walter Fobian T/A Easy Cash NCT/157372/2020/57(1)	Walter Fobian T/A Easy Cash v NCT & 4 others 3291-2021	Pending	Pending
47.	Mercedes-Benz Financial Services South Africa (Pty) Ltd v National Credit Regulator NCT/107156/2018/56(1)	(A3071/2021) National Credit Regulator v National Consumer Tribunal & Mercedes-Benz Financial Services South Africa (Pty) Ltd	Pending	Pending
48.	NCC vs Platinum Wheels Pty Ltd NCT-171784-2020-73(2)(b)	(Case No A261) PLATINUM Wheels Pty Ltd v National Consumer Commission & National Consumer Tribunal	Pending	Pending

No.	NCT Application	Appeal Court case no.	Appeal Court decision	Date of judgment
49.	National Credit Regulator v The Loan Company (Pty) Ltd - NCT/140518/2019/140(1)	(Case No A235/2021) The Loan Company (Pty) Ltd v National Credit Regulator	Pending	Pending
50.	BMW Financial Services SA (Pty) Ltd v National Credit Regulator NCT/93829/2017/56(1)	(A3062/2021 - Gauteng local div JHB) National Credit Regulator v National Consumer Tribunal & BMW Financial Services SA (Pty) Ltd	Pending	Pending
51.	Sewatumong Micro Lending CC T/A Sewatumong Cash Loans v National Credit Regulator Another - NCT/133239/2019/148	Sewatumong Micro Lending CC T/A Sewatumong Cash Loans & Another v National Credit Regulator & 4 Others - 79916/20	Pending	Pending
52.	National Consumer Commission v Scoop Clothing - NCT Case Number NCT/178145/2021/101(1)	Scoop Clothing v National Consumer Commission - Appeal Case Number A269/2021	Pending	Pending
53.	NCT/175575/2021/57(1)- National Credit Regulator v Johan Fourie	Johan Fourie v National Credit Regulator - Appeal Case Number A339/2021	Pending	Pending
54.	NCT/102200/2018/ 57(1) - National Credit Regulator v Asia Lamara	NCT/102200/2018/ 57(1) v National Credit Regulator - Appeal Case Number A15/20	Pending	Pending
55.	Mawethu Elester Nqunqa v Eerste Geluk Motors CC - NCT/131419/2019/75(1)(b)	Mawethu Elester Nqunqa v Eerste Geluk Motors CC & NCT - Appeal Case Number A55/2022	Pending	Pending
56.	Gregory Robert Williams v Lazarus Motor Company (Pty) Ltd t/a Lazarus Ford Centurion - NCT/152160/2020/75(1)(b)	Lazarus Motor Company (PTY) v Gregory Robert Williams & NCT - Appeal Case Number A58/2022	Pending	Pending
57.	NCT/139033/2019/75(1)- Papani Cassius Ndlovu v Toyota Randburg	Toyota Randburg a Division of the Motus Group Limited Papani Cassius Ndlovu Case no. A103/2022.	Pending	Pending



Notable judgements

TSAKANE ALFORD MALULEKE v FO ISMAIL TRUST IT6005/94 T/A SQUAD CARS - NCT-146540-2019-75(1)(b)

The Applicant brought an application in terms of section 75 (1) (b) of the Consumer Protection Act, 2008 (CPA) for leave to refer his complaint to the National Consumer Tribunal after it had been non-referred by the National Consumer Commission. The Applicant obtained leave from the Tribunal to refer his application to the Tribunal. The Applicant purchased a vehicle from the Respondent and within the first month, he started experiencing problems with the vehicle and alleged that he was sold a defective vehicle. The Respondent refused to accept the return of the vehicle from the Applicant. Instead, the Respondent unilaterally elected to repair the vehicle instead of refunding the Applicant the purchase price of the vehicle. The Applicant sought a refund of the purchase price. The Tribunal found the Respondent had contravened sections 51(1)(a) and (b) of the CPA which amounted to prohibited conduct. The Respondent was further ordered to pay an administrative fine of R100 000.

Impact of the judgement on the consumer-credit market

The judgement conveys a strong message that dealers in the pre-owned motor vehicle industry cannot escape the peremptory provisions of the CPA.

CAPITEC BANK LTD v SEBASTIEN ALARIK ALEXANDERSON & LUTHANDO LUKHWE NCT/142395/2019/165

This is an application in terms of Section 165 of the NCA to vary the debt re-arrangement agreement, which was made an order of the Tribunal. The order was granted by a single member of the Tribunal in accordance with section 138 (1) of the National Credit Act, read with section 86 (8) (a) of the Act. The Applicant submitted that the order incorrectly reflects the monthly payment terms. The application to vary the order was granted by the Tribunal.

Impact of the Judgement on the consumer-credit market

The judgement promotes consumer welfare in the debt review process which is currently an industry-wide concern.

NCT/183535/2021/57(1) - NATIONAL CREDIT REGULATOR v SEWISE (PTY) LTD (Registration Number: 2018/504789/07) [NCR Registration Number: NCRCP11885]

This was an application to the Tribunal to cancel the registration of the Respondent for repeatedly contravening the Act, the Regulations and the General Conditions of Registration, specifically in relation to affordability assessments and reckless credit agreements. The Respondent's conduct was declared as prohibited conduct in terms of Section 150(a) of the NCA and the Respondent's registration as a credit provider was cancelled with immediate effect. The Respondent was also ordered to pay an administrative fine of R150 000.

Impact of the Judgement on the consumer-credit market

The judgment is significant in the promotion of responsible credit granting in the marketplace and the promotion of consumer rights in South Africa. As credit providers become more aware of what is regarded as prohibited conduct, they will be more inclined to align their business strategy with the provisions of the binding legislation.

NATIONAL CREDIT REGULATOR v CLARK GARDNER - NCT-117866-2018-57(1)

This was an application to the Tribunal to cancel the registration of the Respondent for repeatedly contravening the Act and failing to comply with its conditions of registration. The Applicant received several complaints from consumers regarding the Respondent's conduct indicating a total disregard for the debt review and consumer protection measures provided for in the NCA and the regulated debt counselling industry. The Respondent's conduct was declared as prohibited conduct in terms of Section 150(a) of the Act and the Respondent was found guilty of contravening numerous provisions. The Respondent was ordered to pay an administrative fine of R500 000 and conduct an audit to identify the affected consumers, and refund overcharged fees, including legal fees.

Impact of the Judgement on the consumer-credit market

This judgment seeks to promote the best interests of consumers and highlight the consequence if the Debt Counsellor fails to observe those interests.

**ADEMOLA BOYEDE vs PEKAR
HOLDINGS (PTY) LTD T/A WE BUY
BAKKIES NCT/150994/2020/141(1)(b)**

This is an application in terms of s141 of the National Credit Act 34 of 2005 for leave to refer the complaint to the National Consumer Tribunal after it had been non-referred by the National Credit Regulator. The Applicant obtained leave of the Tribunal to refer the application to the Tribunal. The Applicant's submission was that the sale agreement he entered into with the Respondent titled 'Purchase Order' was a simulated agreement in that it was not a sale agreement but rather a pawn transaction which the

Respondent is by law prohibited from concluding and therefore requested the Tribunal to declare the agreement unlawful and void. The Tribunal found the agreement between the parties was a simulated pawn transaction and amounted to prohibited conduct. The Respondent was further ordered to refund the purchase price to the Applicant.

Impact of the Judgement on the consumer-credit market

The judgment is significant in the promotion of responsible market conduct in the marketplace and the promotion of consumer rights in South Africa.



Programme 2: Administration

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

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

The following sub-programmes fall under Administration:

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

for engagement with key stakeholders. This ensures that all internal and external stakeholders are well informed about the mandate and functioning of the NCT, inclusive of the adjudication decisions that have been made. This allows the regulatory activities of other stakeholders to be effectively aligned to those of the NCT. A change in approach has encouraged a broader focus on communications where all senior managers, not just the Executive Chairperson, are encouraged to contribute to the communications process.

- **Corporate Service: Compliance and Risk Management** – manages compliance, good governance and effective risk management by means of oversight and a focus on behavioural change.
- **Information and Communications Technology** provides support to the NCT to ensure that the appropriate technology architecture, electronic communication channels and other associated information resources and services are available to ensure that the NCT can operate efficiently and in a secure manner.

Strategic objectives

The following strategic objectives were set for 2021/2022:

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

TABLE 10: PERFORMANCE AGAINST PREDETERMINED OBJECTIVES (ADMINISTRATION)

Programme / sub-programme: Administration								
Outcome	Output	Output indicator	Audited actual performance 2020/2021	Audited actual performance 2021/2022	Planned annual target 2021/2022	Unaudited annual performance 2021/2022	Deviation from planned target to actual achievement 2021/2022	Reasons for deviation
Reliable, secure asset utilisation	Talented people available to execute NCT strategy & mandate across the NCT organisation structure	Percentage of filled positions on approved organisational structure	89,56%	95,86%	85%	95,86%	Exceeded	The Tribunal managed to fill most vacant positions
Reliable, secure asset utilisation	Youths with employable skills and knowledge	Number of interns employed through structured opportunities created for youth development	6	8	8	8 Youths Appointed.	Achieved	Not applicable
Reliable, secure asset utilisation	Stable ICT Enterprise Structure	Percentage systems availability during business hours	99,59%	98,15%	98%	98,15%	Achieved	ICT constantly strives to have zero unavailability of systems during business hours
Reliable, secure asset utilisation	Safe & secure ICT enterprise architecture	Percentage of identified CMS Mission Critical ICT systems and user guide components and functions fully documented.	100% CMS User guide components fully documented	100% User guide components fully documented	100% of identified CMS Mission Critical ICT system and user guide components and functions fully documented.	100% CMS User guide components fully documented	Achieved	Not applicable
Reliable, secure asset utilisation	Safe & secure ICT enterprise architecture	Number of designated security assessment interventions implemented	2 (1 internal and 1 external) penetration tests were completed & the results reviewed.	2 (1 internal and 1 external) penetration tests were completed & the results reviewed.	2 (1 internal and 1 external) penetration tests were completed & results reviewed	2 (1 internal and 1 external) penetration tests were completed & the results reviewed.	Achieved	Not applicable
Reliable, secure asset utilisation	Optimal use of financial resources	Amount outstanding on debtors (excluding pre-payments) older than 60 days	Not applicable as this KPI was not on the 2020/2021 organisational scorecard.	R1 000	RNil	R1 000	Not achieved. Debtors have been reduced from R211 000 at the beginning of the year to R1 000 at the end of the financial year	Confirmation from Finance is now received before manual cases are adjudicated on to avoid future debtors

The Office of the Executive Chairperson

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

The Executive Chairperson's role as the Accounting Authority is discussed on page 45 and, in this role, they are responsible for ensuring that sound governance is maintained at the NCT. They are further responsible for providing requisite strategic leadership in establishing policies, systems and operating procedures and oversight over all aspects of the Tribunal, whether it is adjudication, governance or operations.

The Office of the Chief Operating Officer (COO)

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

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

The Office of the Chief Financial Officer (CFO)

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

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

To provide sound strategic financial advice and guidance

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

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

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

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

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

To practise good management and corporate governance principles

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

Information and Communications Technology (ICT)

The ICT Unit is responsible for providing the NCT with systems and services that will enable business processes to be completed efficiently and effectively, as well as facilitate electronic access to NCT resources for all authorised stakeholders (internal and external) in a fast and secure manner from any geographic location. This enables the NCT to achieve its mandate in an innovative, secure and automated manner. During the financial year 2021/2022 (FY21/22) reporting period, the ICT network, infrastructure and business applications experienced one significant outage in Quarter 3 due to a main storage unit failure on the server and network configuration. Although this outage was significant, a resolution to the problem was implemented to ensure minimal impact was experienced by the NCT in the execution of its mandate and attainment of its strategic objectives.

As an enabling support unit for the organisation, the ICT set five strategic goals for the FY21/22 period aimed at ensuring that it effectively supported the NCT to meet its goals and objectives as set out by the FY21/22 APP and the organisation-wide Business Plan. Each of these goals is outlined below, concomitant with an evaluation of the extent to which organisational goals and objectives were achieved during the period under review.

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

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

- The *Cloud-based Office 365 system*, which consists of the electronic mailing system, Office products (MS Word, Excel, PowerPoint, Electronic Forms), a document collaboration system SharePoint and several other transaction-based development tools. We have continued to benefit from all the advantages associated with having these systems in the cloud in that maintenance and upgrades are done by the service provider automatically, thus ensuring that the latest features, functions and patches are implemented as they are released. Also, we have experienced 100% uptime of these systems throughout the year as they are “immune” to any on-premise outages that may occur.
- The *Case Management System*, which allows for the electronic handling of the processes adopted for managing NCT cases. This included capturing and registering cases onto the system which is now mostly done via the e-filing and web-service capability for section 138 applications, updating/tracking of case status, online adjudication of cases and reporting. This system is used by both internal and external users. This has underpinned the core mandate of the NCT in terms of the NCA and the CPA. During this period, continuous improvements and efficiencies were added to the system to make it more user-friendly and efficient to the users. As a result, during this period, we experienced a growing number of filers using the systems to file applications electronically as opposed to manually.
- The *Exclaim system*, which enables the organisation to track and report on its compliance in line with applicable legislation and NCT-defined processes and procedures identified in the approved policies. This is a key enabler in ensuring that good governance is practised at all times within the business units.
- The *VIP Employee Self-Service system*, which is an electronic workflow tool used for managing the requesting, approvals, reporting, and tracking of employees' leave types on an ongoing base.
- The *VIP HR system*, which is the records management system for all employee-related activities and overall reporting of HR statistics, including employment equity figures.
- The *Pastel system*, which is the general ledger, payroll and supply-chain management system for the NCT.
- The *Incident Management System*, which is used as an electronic help desk tool for users to log problems and get them resolved by means of ICT. The system provides for the opening of a ticket, logging the fault, tracking the fault to a conclusion and closing the ticket.

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

In terms of the average for the FY21/22 period, the above applications had an average availability well over the 98% threshold during business hours with no catastrophic outages being experienced.

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

Ongoing emphasis was placed in the FY21/22 period on refining key components of the Case Management System in production. The key focus points for continuous improvement included the following:

- The CMS mobile application interface, which will allow filers to compile applications and the associated documents for Debt Rearrangement Cases and send the same applications using their smartphone. Just like the server-based system, filers will be able (from their phones) to see the status of their submitted applications. This feature will give people located in rural and township areas the opportunity to participate as an intermediary for assisting local consumers with debt relief matters with minimal initial outlay on acquiring infrastructure.
- An electronic hearings file access management system, which enables Registrar's office to electronically upload case hearing files for Tribunal members to download for pre-preparation before the actual hearing takes place. This feature has realised significant cost savings in that the physical printing of hearing files as well as couriering files to Tribunal members with the associated costs have now been drastically reduced.
- *The continued consolidation of historical cases into the CMS central database.* The Case

Management system went live in April 2015. As a result, all cases captured from then on were entered into the central electronic database. Cases that had been captured from the inception of the NCT in 2006 up to when the system went live resided on spreadsheets as, during that period, the system was manual. The focus of this period was on the design of a system to migrate all non-DRA matters into the central database, thus enabling users to pull reports on these case records (that is, records filed prior to 2015) if needed.

- *The continued migration of non-DRA hearings into the virtual environment.* Traditionally, cases that required a hearing between the parties were set down in such a manner that Tribunal members along with the parties would physically attend the hearings and a transcriber would then be conscripted to transcribe proceedings. During this period, the NCT continued to manage and support the system where hearings could be conducted on a virtual platform, thus obviating the need for the parties and Tribunal members to be physically in the same space. In addition, this eliminated the need for a transcriber, as the system records proceedings, and these audio files are then electronically stored and linked to the particular case for later retrieval if needed.
- Continuous training and support for external filing parties to submit DRAs electronically via the Case Management System. This involves several processes on behalf of the filer, which include:
 - Registering on the system
 - The setting up of a user account which the filers sign on to
 - E-purse payments for submission of applications
 - Reporting for the filer to track application submissions, payments and status
 - Publicity and change management initiatives continuously undertaken with debt counsellors frequently to make them comfortable in using this online e-filing capability to submit applications.

During the FY21/22 period, there has been a significant increase in filers using this electronic platform to file their applications, and ongoing continuous improvement initiatives are being undertaken by the ICT team to improve the user experience in utilising the system.

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

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

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

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

The change management goal focus in the 2021/22 financial year continued in terms of delivering awareness programmes to assist debt counsellors to migrate from manually filing applications to the NCT Case Management e-filing system. During this period, more and more debt counsellors registered on the e-filing and web service system and have been submitting applications electronically via this method. In addition, Tribunal Members have now been trained and extensively use the online adjudication facility to process applications. The organisation actively discouraged filers from submitting applications manually in favour of moving to the online platform by highlighting the benefits of such a migration, particularly the advantage being faster turnaround times for the filer to receive an outcome on their application by way of either a granted or refused order.

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

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

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

By means of the appointed disaster recovery service provider, the ICT Unit conducted a detailed data recovery exercise in Quarters 2 and 4 of the 2021/2022 financial year. User acceptance tests were successfully conducted in all the respective business units and the service provider subsequently issued a certificate to that effect. This regular exercise ensures availability of systems can be maintained in line with our target in the event of our main site being compromised.

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

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

The Office of the Corporate Services Executive (CSE)

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

Corporate Services: Human Resources and Facilities Management

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

The Mission of the NCT’s Human Resources Department (HR) is to provide advice, collaborative solutions and support required to ensure that the NCT has the appropriate people, management systems

and practices in place to meet its organisational needs and fulfil its mandate.

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

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

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

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

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

To attain this goal, the Human Resources Department achieved a 90% recruitment rate for the 2021/2022 financial year, conducted an on-boarding and induction programme for all new recruits, ensured data integrity of all physical and electronic records, effectively implemented performance management and assessments and continuously provided support in managing their team’s performance. Competency development has been harnessed by means of training interventions as personal development plans, including formal studies. The retention rate has been significant as the turnover rate was less than 5% per month.

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

As part of the Corporate Services Unit, the Human Resources Department has constantly provided over-the-shoulder support to line management and staff around the high-output demand in terms of the workload. COVID-19 management measures and support were implemented to ensure staff wellness and continuous productivity even when working from home. Line management were consistently encouraged to provide adequate support to their teams for them to function optimally.

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

The implementation of a workforce plan was enforced by means of proper and timeous resourcing of each Unit's requirements. The skills audit project was concluded to assess the current people's capability and ensure that it meets the future capabilities that the NCT will require in order to sustain its operations and exceed futuristic performance expectations and milestones. The skills audit project has yielded training interventions that will be implemented to align with futuristic skills and capabilities.

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

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

To establish effective and efficient HR Administration to facilitate and inform accurate HR data and reporting (Level1).

The Human Resources Department is continuously exploring efficiencies in the SAGE VIP System to ensure that HR data integrity and reliability are maintained. A central one-stop system for HR transactions is the ultimate goal in sight. Integration of electronic HR transactions remains a key driver that will contribute to the overall organisational efficiencies and people management.

**Corporate Services:
Communications**

Stakeholder relations

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

Regulatory entities

The NCT engaged with various international bodies, such as the COMESA, the United States Federal Trade Commission, the United Nations Conference on Trade and Development (UNCTAD), the United States Product Safety Commission, the Australian Competition and Consumer Commission and civil society organisations, among others. The purpose of the engagement at the African Dialogue conference was to promote the protection of consumers during the COVID-19 pandemic and develop best regulatory practices in an era of e-commerce, provide consumers with effective remedies and redress, promote cross-border cooperation, share trends on consumer complaints and data privacy challenges to better educate consumers and develop effective regulatory strategies. Collaboration with regional and international oversight institutions will promote best practices in the development of the consumer credit market around the world.

Filing parties

To promote access, the Tribunal conducted 29 engagements using webinars with debt counselling firms and the industry oversight body, the Debt Counsellors Association of South Africa (DCASA). The meetings entailed training them on the process of automated electronic filing by means of the Case Management System (CMS) and operations of Motion Courts for DRA matters. The objectives of these developmental initiatives were to provide redress to debt-stressed consumers during the COVID-19 pandemic by increasing access to marginalised rural and township consumers who, at the hand of debt counsellors, could lodge their applications electronically from remote areas around the country. The engagements were very successful in that the number of debt counsellors now lodging their applications electronically from remote locations has increased.

Other Engagements

The Tribunal participated in the **dtic** collective-bargaining⁷ engagements to continually improve labour conditions as well as establish engagement channels to facilitate dialogues among employers and employees as well as the **dtic** entities.

Strategy to overcome areas of underperformance

With regards to the non-achievement of the KPI in respect of the up-skilling and re-skilling of staff to enable them to work in a digitally transformed work environment, the NCT now has an approved Training Plan and the implementation thereof will be closely monitored in the 2022/2023 financial year.

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

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

Changes to planned targets

The NCT's Strategic Plan for 2021/22 - 2025/26 and APP for 2021/22 - 2022/23 were approved by the Minister of Trade and Industry after seven joint indicators were added to the reports as per instruction from **the dtic**.

Institutional Response to the COVID-19

TABLE 11: PROGRESS ON INSTITUTIONAL RESPONSE TO THE COVID-19 PANDEMIC

Program / Sub-Program	Intervention	Geographic location (Province / District / Local Municipality) (where possible)	No. of beneficiaries (where applicable)	Disaggregation of beneficiaries (where applicable)	Total budget allocation per intervention (R'000)	Budget spent per intervention	Contribution to the Outputs in the APP (where applicable)	Immediate outcome
COVID-19 Tests	Staff testing for COVID-19	Gauteng, Centurion	2	N/A	R1 700.00	R1 700.00	N/A	Staff knows their status
PPE	Provision of hand sanitizers, temperature scanners and face masks	Gauteng, Centurion	All staff and visitors who attend at the NCT offices	N/A	R8 563.90	R8 563.90	N/A	Protect staff and visitors

The Minister of Trade, Industry and Competition declared the NCT an essential service after the announcement of the lockdown in March 2020. This allowed the NCT to continue to engage with various stakeholders such as debt counsellors, legal firms, members of the public and other **dtic** entities and the NCT's operations remained active even during the various lockdown phases during the 2021/2022 financial year. Parties who wished to file applications to the Tribunal were encouraged to file

such applications electronically, as most members of staff were working from home. Hearings were and continue to be held virtually to minimise and mitigate any potential risk exposure.

During the reporting period, the NCT continued to enforce various protective measures, such as ensuring the provision of appropriate PPE to all staff and visitors who entered the NCT offices. In addition, the NCT encouraged and continues to encourage

employees to test for COVID-19, of which the NCT covers the cost. The NCT also proactively implemented measures that allowed employees to work from home to eliminate potential exposure to the risk of infections. The Department of Health assisted with the provision of face masks.

Staff are continuously encouraged to observe all COVID-19 protocols and adherence is monitored daily by keeping registers. COVID-19 management reports are also submitted weekly on incidents and corrective interventions.

Linking performance with budgets

TABLE 12: LINKING PERFORMANCE WITH BUDGETS

Programme	2021/22			2020/21		
	Budget	Actual expenditure	(Over)/ under expenditure	Budget	Actual expenditure	(Over)/ under expenditure
	R'000	R'000	R'000	R'000	R'000	R'000
Adjudication	29 427	28 882	545	25 324	23 810	1 514
Administration	47 683	39 616	8 067	35 270	28 237	7 033
Digital Enablement	1 418	1 341	77	-	-	-
Total	78 527	69 839	8 688	60 594	52 047	8 548

Overall expenditure was higher when compared to the previous financial year mainly due to cost-of-living increases implemented on employee costs and inflationary increases in expenditure. In addition, when compared to the budget, a portion of capital was not spent - refer to the capital investment section below for more detail.

An increase in adjudication expenditure can be attributed to the higher number of cases adjudicated in 2021/2022 compared to the previous financial year. In addition, savings in other areas were utilised for Tribunal Members' fees as the NCT cleared cases from prior periods.

Revenue collection

TABLE 13: REVENUE COLLECTION

Revenue source	2020/21			2019/20		
	Budget	Actual amount collected	(Over)/ under collection	Budget	Actual amount collected	(Over)/ under collection
	R'000	R'000	R'000	R'000	R'000	R'000
Grant income	53 515	53 515	-	47 492	47 492	-
Additional funds	-	-	-	4 400	-	4 400
Roll-over	8 964	8 964	-	(1 804)	-	(1 804)
Filing fees	14 000	13 387	(613)	8 945	9 537	(593)
Service fees	-	18	18	-	4	(4)
Sundry income	1 400	1 642	242	-	531	(531)
Proceeds from insurance	-	73	73	-	-	-
Interest earned	648	1 027	379	1 562	1 269	293
Total	78 527	78 609	82	60 594	58 833	1 761

The NCT received its full initial grant allocation from the Department of Trade, Industry and Competition (dtic) of R53 515 000 for the 2021/2022 financial year and a rollover of R 8 964 000 was approved in October 2021.

Income from filing fees comprises fees received from filing parties for debt re-arrangement cases brought before the Tribunal. The filing fee per case increased by 25% from R400.00 to R500.00 per case, effective from 1 April 2021.

Capital Investment

The NCT does not have infrastructure projects and, as such, does not need a Capital Investment Plan. It does, however, have property, plant, equipment

and intangible assets that are accounted for in a detailed asset register. The assessment of the entity's useful lives and the residual values of the assets is conducted annually. The general condition of the assets is good and, by its nature, the cost of maintaining these assets is very low, while there is no backlog in any maintenance programmes. The movement of the NCT's property, plant, equipment and intangible assets during the 2021/2022 financial year is summarised in Table 14.

Movement of NCT property, plant and equipment and intangible assets

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

ASSETS	Opening balance	Additions	Assets written off	Depreciation / Amortisation	Closing balance
Furniture and fittings	985 906	-	(50 405)	(91 945)	843 556
Office equipment	46 567	-	(885)	(8 417)	37 265
Computer equipment	840 682	3 250 779	(165 602)	(471 937)	3 453 922
Books	11 443	-	(11 000)	(443)	-
Computer software – Internally generated	1 055 849	67 131	-	(187 163)	935 817
Computer software – Other	-	584 069	(64 897)	-	519 172
Property, plant and equipment	2 940 447	3 901 979	(227 892)	(824 802)	5 789 732

Expenditure on capital assets (including intangible assets) amounted to R 3 901 979. Capital expenditure was underspent mainly due to the cancellation of a tender as the supplier provided the incorrect pricing schedule and some capital expenditure that was delayed due to the halt by Treasury on procurement above R 30 000. A rollover of funding will be requested in the 2022/2023 financial year. Further, the budget and spending for the implementation of the NCAA project is dependent on the finalization of the rules and regulations, a process that is out of the control of the NCT.

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

Programme 3: Digital Enablement

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

The NCT's outputs in this programme are to bring about change to ensure that staff can successfully transition from current to new, innovated technology-enabled systems through re-skilling and up-skilling to ensure that they are not replaced by technology

or because they do not have the necessary skills to adopt to new technologies as the 4th Industrial Revolution is unfolding.

The following sub-programmes fall under Digital Enablement:

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

Strategic objectives

The following strategic objectives were set for 2021/2022:

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



Table 15: Performance against predetermined objectives (Digital Enablement)

Program/ sub-programme: Digital Enablement								
Outcome	Output	Output indicator	Audited Actual Performance 2020/2021	Audited Actual Performance 2021/2022	Planned Annual Target 2021/22	Unaudited annual performance 2021/22	Deviation from planned target to Actual Achievement 2021/2022	Reason for deviations
An intelligent, digitally transformed & enabled NCT	An enabling ICT Enterprise Architecture that supports and delivers on the NCT's future requirements	Identified mission-critical ICT components & applications successfully implemented	Identified system components & applications implemented	Not applicable - the project did not commence as planned and was placed on hold by the dtic.	Identified system components & applications implemented	Not applicable - the project did not commence as planned and was placed on hold by the dtic.	Not applicable - the project did not commence as planned and was placed on hold by the dtic.	Not applicable
	NCT people with the relevant skills and competencies to enable them to work in a digitally transformed workplace.	Right people with the right digital technology skills in place to work successfully in the workplace of the future (inside or outside NCT) % of identified re-skilling & up-skilling interventions successfully completed.	Not achieved	Not achieved -49,87%	90%	49,87%	Not achieved The NCT's Skills Audit took longer than anticipated and the plan could only be implemented in Quarter 3.	The implementation of the training plan will be closely monitored in the 2022/2023 financial year.

PART C:

Governance



Introduction

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

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

Portfolio Committees

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

During 2021/2022, the NCT briefed the PC on Trade and Industry in relation to its Strategic Plan 2021/22 – 2025/26 and the APP 2021/22 – 2023/24, as well as progress on its cases. In addition, when Parliamentary questions are posed to **the dtic** entities, the NCT responds in writing.

Executive Authority

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

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

Accounting Authority

Introduction

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

Governance committees

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

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

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

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

Audit and Risk Committee

The role of the Audit and Risk Committee is discussed on page 48 and its report can be viewed on page 62.

ICT Governance Committee

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

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

Table 16: Membership and attendance

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

Key areas of responsibility

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

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

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

Main activities during the reporting period

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

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

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

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

HR Governance Committee

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

Table 17: Membership and attendance

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

Main activities during the reporting period

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

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

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

Risk Management

Effective risk management entails continuous and proactive identification and assessment of risk factors affecting its mandate. The NCT has a Risk Management Framework as well as a Risk Appetite and Tolerance Statement in place. The NCT further has a Risk Management Policy which is reviewed regularly. During the annual Strategic Planning sessions of the Tribunal, a special risk workshop is conducted, during which the Tribunal's operational as well as strategic risks are discussed and reviewed. Internal Audit participated in the Risk Management Workshop conducted in September 2021.

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

it is availed of any emerging risks and their impact on the day-to-day operations of the Tribunal. The Tribunal does not have a separate risk committee. As at 31 March 2022, the NCT had 10 strategic risks on the risk register. The Tribunal's Management is responsible for implementing risk action plans and for ensuring that controls are effective and continuously enhanced. At each EXCO Meeting, each of the 'risk owners' reports on the status of the particular risk they manage and outline the mitigating actions to be taken. Progress against risk action plans is monitored and reported quarterly to the dtic.

During the reporting period, the risks associated with insufficient funding around the meeting of operational requirements due to budget cuts were prioritised. Risks pertaining to cybersecurity further received a significant amount of attention during the reporting period. At the end of the reporting period, the NCT implemented most of the risk action plans that were due for implementation.

Internal Control

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

Internal Audit

Key activities and objectives of the Internal Audit function

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

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

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

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

Summary of internal audit work done

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

- Audit of predetermined objectives review
- Supply Chain Management audit
- ICT internal control review
- Financial Management review
- Human Resources Management review
- Records Management review
- Follow-up review

Audit and Risk Committee

Key activities and objectives of the Audit and Risk Committee

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

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

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

Table 18: Attendance of Audit and Risk Committee meetings

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

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

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

Compliance with Laws and Regulations

The NCT reviews its regulatory environment regularly and has incorporated all applicable laws, regulations and policies into its automated compliance monitoring system, Exclaim. Compliance checklists are completed by the relevant policy owners on Exclaim, which allows the generation of quarterly compliance reports for Audit and Risk Committee meetings as well as EXCO meetings. During the period under review, the NCT complied with all laws and regulations impacting its business.

Anti-Fraud and Anti-Corruption

As a regulatory entity, adequate fraud prevention processes are essential to the NCT. The NCT has a Fraud Prevention Policy as well as a Fraud Plan in place, which are reviewed regularly. In addition, the NCT has a Fraud Hotline which is managed by an independent service provider. During the 2021/2022 financial year, the NCT's Fraud Hotline was operated by Whistle Blowers. The service provider is mandated to report any instances of fraud directly to the COO. A panel of fraud investigation service providers is in place to investigate any instances of fraud reported by means of the Fraud Hotline. A fraud awareness session was held with NCT staff, which included information on the NCT Fraud Hotline, the type of instances to be reported utilising the Fraud Hotline and general awareness of fraud and corruption. The NCT further has a Whistleblowing Policy in place to encourage the anonymous reporting of any possible fraudulent or corrupt activities without the fear of victimization.

Minimising Conflict of Interest

The NCT has processes in place to determine whether any Tribunal Members or staff have any vested interests in matters adjudicated by the Tribunal

or in the procurement, governance and operational aspects of the Tribunal.

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

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

Code of Conduct

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

Health, Safety and Environmental Issues

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

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

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

The continuation of the worldwide pandemic of COVID-19 has had a minimal impact on the day-to-day operations of the NCT as the NCT already had the necessary virtual infrastructure in place to enable most of the staff to attend to their daily tasks remotely. Most of the adjudications of hearings continued on a virtual platform. Some functions, however, could not be conducted remotely and needed to be performed at the office. To ensure that the staff and members of the public who attended the NCT's offices were protected, all COVID-19 protocols regarding safe

social distancing and the wearing of masks were strictly monitored. Sanitizers were placed strategically in the office. Placards on the entrance as well as throughout the offices constantly reminded staff and visitors to observe and practise the safety protocols.

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

Social Responsibility

The NCT managed to distribute mathematical sets, sanitary pads and shoes to various primary schools in disadvantaged areas around Centurion. COVID-19 protocols were strictly observed during the distribution of the items. The NCT prides itself on this life and education initiative.

Audit and Risk Committee Report

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

B-BBEE Compliance Performance Information

Table 19: Compliance with the B-BBEE

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

During the 2020/2021 financial year, the NCT dropped from Level 8 compliance to being non-compliant. Management did not agree with the decision of the Assessment Service Provider. Management has submitted both an appeal to **the dtic** as well as applied for exemption from the BBBEE legislation while awaiting the outcome of the Appeal process from **the dtic**. The outcome of the appeal process is not known yet. During the period under review, the NCT remained non-compliant.

PART D:

Human Resource Management



Introduction

Overview of HR matters

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

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

The NCT became formally unionised in December 2017. The NCT implemented an Employment Equity Plan in line with the Gauteng Regional Active

Population Statistics, as published by Statistics South Africa (Stats SA).

HR priorities for the year and its impact

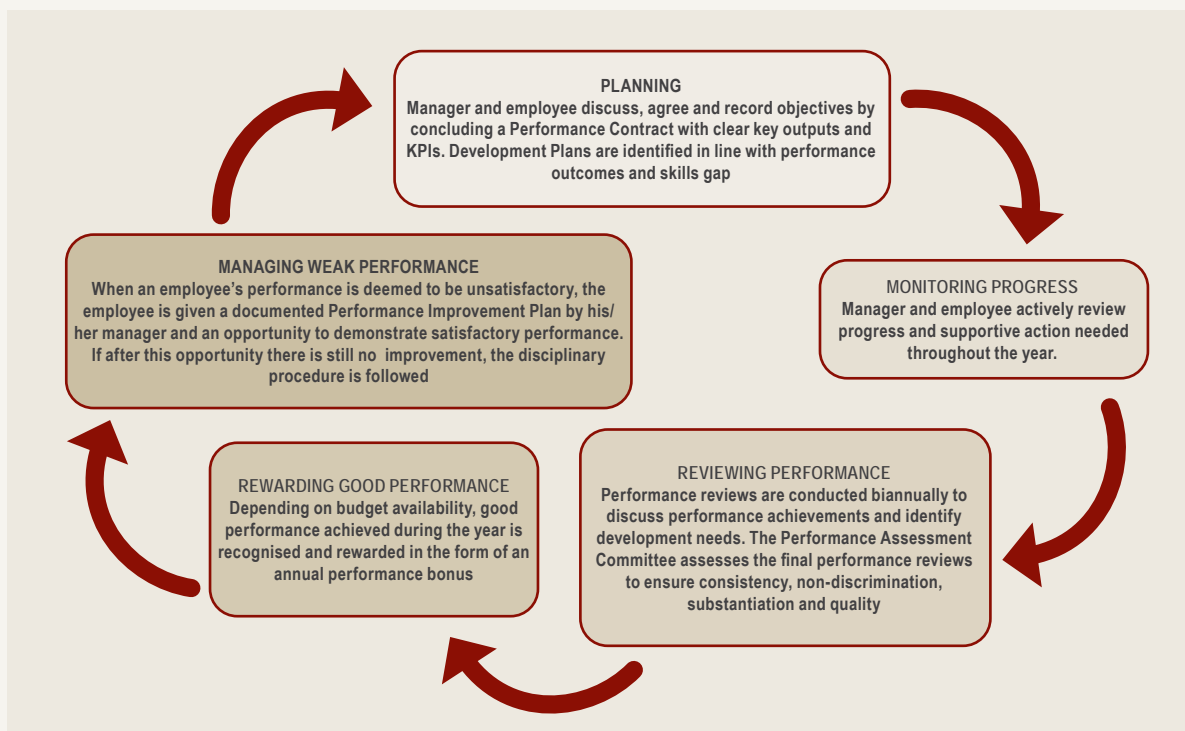
The HR priorities were set based on the strategic goals identified for HR in line with the NCT's strategic priorities. The achievement of these goals is discussed on page xx of this report under "**Human resources and facilities management**".

Workforce Planning Framework

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

Employee Performance Management Framework

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



Employee Performance Management Framework

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

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

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

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

EXCO thereafter conducts a moderation of the performance assessments and information. Where required, Managers then consider the issues raised in the reports and adjust the assessments accordingly in consultation with the relevant staff member, before submission to the HR Governance Committee that acts as the external moderator. Upon signing off from the HR Governance Committee meeting, the scoring and the rand value of the performance bonuses (where applicable) are submitted to the Audit and Risk Committee for ratification and to ensure that there is adequate budget available. The NCT has an appeal process in place should any staff member feel

aggrieved with their performance rating. This process ensures that there is evidence to support the scores that are put forward and ensure that scoring is non-discriminatory and consistent across the NCT.

Employment Relations

The NCT has reached a recognition agreement with NEHAWU. In line with building sound relations engagements, it is anticipated that monthly Union meetings will greatly strengthen cohesiveness and collaboration.

Achievements and challenges faced

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

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

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

Future HR plans/goals

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

- To implement 80% of the 2022/2023 training plan.
- To implement 80% of the BBEE Plan, Skills Development and EE Priorities.
- To fill 95% of positions as per the approved organizational structure.
- Attain the HR Maturity on key HR functions up to Level 3.
- To ensure that Performance Reviews are conducted bi-annually.
- Coordinate and roll out Employee Wellness Days.
- Conduct Organizational Culture Surveys.
- Monthly accurate Employee Leave Reconciliations.
- To attract, develop and retain the right people to ensure the right skills are in the right place at the right time to deliver on the NCT's mandate.
- To develop an enabling framework and working environment that optimises the potential for employee engagement and wellness.
- To anticipate future business and environmental demands on the NCT and to provide Human Resource capacity to satisfy those demands.
- To shape a values-based culture that champions high performance and service excellence.

- To establish effective and efficient HR Administration to facilitate and inform accurate HR data and reporting.

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

- Implement an efficient and effective HR System that will ensure that HR works smartly and will ensure administrative efficiency.
- Review and implement a revised employee engagement model to ensure highly engaged and high-performing employees.
- Improve internal communication.
- Review and amend the Workforce Planning Framework.
- Focus on training and development of employees in relation to the training plan and ensure SETA registration.
- Develop and implement an HR Value proposition.
- Improve the organisational culture.
- Improve the employee relations climate.
- Proactively monitor and manage the impact of COVID-19 so that we can pre-empt and mitigate any potential risk to the overall performance of the NCT.
- Review and amend the talent mapping of the NCT, while focusing on attracting and retaining high-performing employees.
- Support and ensure compliance with the prescripts of the B-BBEE legislation.

Human Resource Oversight

Table 20: Personnel Cost by programme/ activity/ objective

Programme	Total expenditure for the entity (R'000)	Personnel expenditure (R'000)	Personnel expenditure as a % of total expenditure (R'000)	No. of employees	Average personnel cost per employee (R'000)
Adjudication	30 673	21 477	70%	29	741
Administration	37 340	17 572	47%	23	764
Digital enablement	1341	1341	100%	7	192
Total	69 355	40 390	58%	59	685

Table 21: Personnel cost by salary band

Level	Personnel expenditure (R'000)	% Of personnel expenditure to total personnel cost (R'000)	No. of employees	Average personnel cost per employee (R'000)
Top management	2 328	6%	1	2 328
Senior management	12 576	33%	7	1 797
Professional qualified	14 795	39%	18	822
Skilled	3 948	10%	10	395
Semi-skilled	3 321	9%	12	277
Unskilled	508	1%	3	169
Interns	616	2%	8	77
Total	38 093	100%	59	646

Table 22: Performance Rewards

Programme	Performance rewards	Personnel expenditure (R'000)	% of performance rewards to total personnel costs (R'000)
Top management	-	2 328	0%
Senior management	860	12 576	7%
Professional qualified	892	14 795	6%
Skilled	266	3 948	7%
Semi-skilled	239	3 321	7%
Unskilled	40	508	8%
Interns	0	616	-
Total	2 298	38 093	6%

Table 23: Training Costs

Directorate/ activity /objective	Personnel expenditure (R'000)	Training expenditure (R'000)	Training expenditure as % of personnel cost	No. of employees trained	Average training cost per employee
Adjudication	21 477	171	0.80%	5	34
Administration	18 913	307	1.62%	8	38
Digital enablement	-	-	-	-	-
Total	40 390	478	1.18%	13	37

Table 24: Employment and vacancies

Programme/ activity/ objective	2020/21 no. of employees	2021/22 approved posts	2021/22 no. of employees	2021/22 Vacancies	% of vacancies
Adjudication	24	28	26 + 2 interns = 28	1	3,57%
Administration	27	28	25 + 6 interns = 31	1	3,22%
Total	51	56	59	2	6,79%

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

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

Table 25: Employment changes

Salary band	Employment at beginning of the period	Appointments	Terminations	Employment at end of the period
Top management	1	0	0	1
Senior management	7	1	1	7
Professional qualified	15	5	2	18
Skilled	9	3	2	10
Semi-skilled	9	3	0	12
Unskilled	3	0	0	3
Total	44	12	5	51

Table 26: Reasons for staff leaving

Reason	Number	% Of total no. of staff leaving
Death	1	-1,96%
Resignation	4	7,84%
Dismissal	-	-
Retirement	-	-
Ill health	-	-
Expiry of contract	-	-
Other	-	-
Total	5	9,8%

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

Table 27: Labour relations: Misconduct and disciplinary action

Nature of disciplinary action	Number
Verbal warning	-
Written warning	-
Final written warning	-
Dismissal	-

Equity Target and Employment Equity Status

Although the NCT is not obliged to report in terms of the Employment Equity Act, Act No. 55 of 1998, it supports and is committed to the transformative principles of employment equity. The NCT currently employs a workforce that comprises a ratio of 55,1% female and 44,9% male. Table 28.1 excludes Foreign Nationals.

Table 28.1: Employment Target and Employment Equity Status

Levels	Male							
	African		Coloured		Indian		White	
	Current	Target	Current	Target	Current	Target	Current	Target
Top management	1	-	-	-	-	-	-	-
Senior management	3	-	-	-	1	-	1	-
Professional qualified	7	-	-	-	1	-	-	-
Skilled	1	-	-	-	-	-	-	-
Semi-skilled	6	-	-	-	-	-	-	-
Unskilled	1	-	-	-	-	-	-	-
Total	19	-	-	-	2	-	1	-

Table 28.2: Employment Equity Status

Levels	Female							
	African		Coloured		Indian		White	
	Current	Target	Current	Target	Current	Target	Current	Target
Top management	-	-	-	-	-	-	-	-
Senior management	-	1	-	-	1	-	-	-
Professional qualified	4	-	1	-	2	-	1	-
Skilled	8	-	1	-	-	-	-	-
Semi-skilled	6	-	-	-	-	-	-	-
Unskilled	2	-	-	-	-	-	-	-
Total	20	1	2	-	3	-	1	-

Table 28.3 Disabled Staff Report

Levels	Disabled staff			
	Male		Female	
	Current	Target	Current	Target
Top management	-	-	-	-
Senior management	-	-	-	-
Professional qualified	-	-	-	-
Skilled	-	-	-	-
Semi-skilled	-	-	-	-
Unskilled	2	-	-	-
Total	2	-	-	-

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

PART E:

Financial Information



General Information for the year ended 31 March 2022

Nature of business and principal activities	The National Consumer Tribunal (NCT) was established in terms of the National Credit Act (Act 34 of 2005). From 1 April 2011, its mandate was expanded to include adjudication on matters in terms of the Consumer Protection Act (Act 68 of 2008). The NCT is an independent body that is responsible for hearing and deciding on cases involving consumers, credit providers, debt counsellors and credit bureaux as well as providers of goods and services. The NCT is also responsible for reviewing decisions made by the National Credit Regulator and the National Consumer Commission. The NCT is listed in the Public Finance Management Act (PFMA), Act No. 1 of 1999, as a Schedule 3A Public Entity	
Accounting Authority	JM Maseko (Executive Chairperson of the Tribunal until 30 June 2022) TA Bailey (Executive Chairperson of the Tribunal from 13 July 2022)	
Part-time Tribunal members for 2021/22	L Best (Deputy Chairperson) TA Bailey PA Beck BC Dumisa FK Manamela X May N Maseti K Moodaliyar MMD Nkomo (until June 2021) M Peenze HFN Sephoti FK Sibanda DR Terblanche T Woker	
Fulltime Tribunal members for 2021/22	HV Alwar (previously Devraj) LA Potwana JR Simpson	
Key Management for 2021/22	NKD Lolwane	(Chief Operating Officer until 31 October 2021)
	L Rabotapi	(Registrar until 31 October 2021) (Acting Chief Operating Officer from 11 October 2021)
	P Moodley	(Acting Registrar from 1 November 2021)
	BX Nomvete	(Chief Information Officer)
	V Srineevassan	(Acting Corporate Services Executive from 18 January 2021 to 11 July 2021)
	V Tsako	(Corporate Services Executive from 12 July 2021)
	A Moolla	(Chief Financial Officer - on secondment from 28 June 2020 to 30 June 2022) (Interim Chief Financial Officer from 25 January 2021 to 30 June 2021)
	M Naidoo	(Interim Chief Financial Officer from 25 January 2021 to 30 June 2021)
	N Govan	(Interim Chief Financial Officer from 1 July 2021 to 30 June 2022)
Registered office	Block B, Ground Floor, Lakefield Office Park, 272 West Avenue, Centurion, 0157	
Business address	Block B, Ground Floor, Lakefield Office Park, 272 West Avenue, Centurion, 0157	
Postal address	Private Bag X110	
Bankers	Nedbank Ltd South African Reserve Bank	

Statement of Responsibility for the year ended 31 March 2022

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

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

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

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

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

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



Trevor Bailey
Executive Chairperson
and Accounting Authority
29 July 2022



Gijimane Dladla
Chief Operating Officer
29 July 2022



***Nhlanhla Nziyane**
Acting Chief Financial Officer
29 July 2022

*Mr A Moolla, the incumbent Chief Financial Officer, is currently seconded to the Tshwane Automotive Hub Special Economic Zone (Pty) Ltd. Mr. WP Strauss was appointed as the Interim Chief Financial Officer from 28 June 2020 to 31 December 2020 and Mrs M Naidoo was appointed as the Interim Chief Financial Officer from 25 January 2021 to 30 June 2021. Ms N Govan was appointed Interim CFO from 1 July 2021. N Nziyane was appointed Interim CFO from 1 July 2022 Gijimane Dladla

STATEMENT OF RESPONSIBILITY AND CONFIRMATION OF ACCURACY OF THE ANNUAL REPORT

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

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

preparation of the Annual Financial Statements and the judgements made in this information.

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

In our opinion, the Annual Report fairly reflects the operations, the performance information, the human resources information and the financial affairs of the NCT for the financial year ended 31 March 2022.

Yours faithfully



Trevor Bailey

Executive Chairperson
and Accounting Authority
29 July 2022

Audit and Risk Committee Report

We are pleased to present our report for the financial year ended 31 March 2022.

Audit and Risk Committee Responsibility

The Audit and Risk Committee reports that it has complied with its responsibilities arising from Section 51(1) (a) (ii) of the Public Finance Management Act (PFMA) and National Treasury Regulations 27.1. The Audit and Risk Committee also reports that it has adopted appropriate formal terms of reference as its Audit and Risk Committee Charter, has regulated its affairs in compliance with this Charter and has discharged all its responsibilities as contained therein, except that the Committee had comprised of only two members instead of the required three, in terms of its Charter, for a major portion of the year due to delays in the recruitment process.

The Effectiveness of Internal Control

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

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

- Case Management
- Supply Chain Management
- Financial Management
- Information Technology
- Human Resource Management
- Follow-up reviews on previously reported findings

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

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

Enterprise risk management

It is the Committee's view that enterprise risk management at the NCT, including processes undertaken during the year to address high-risk areas, is receiving the required attention from management and continues to be improved. There is

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

Internal Audit

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

Corporate Governance

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

There has however been instability in the CFO position during the current and previous financial years due to the CFO having been seconded to another entity within the dtic portfolio. The Committee urges management to resolve this instability as a matter of some urgency.

In-Year Management and Monthly/Quarterly Report

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

Evaluation of financial statements

The Audit and Risk Committee has:

- reviewed and discussed the Audited Annual Financial Statements to be included in the Annual Report with the independent auditors and management;
- reviewed the Independent Auditor's Management Report and their audit findings;
- reviewed changes, if any, to accounting policies and practices as reported in the Annual Financial Statements;
- reviewed the NCT's processes for compliance with legal and regulatory provisions;
- reviewed the information on predetermined objectives as reported in the Annual Report; and
- reviewed material adjustments, if any, resulting from the audit.

Independent Auditor's Report

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

The Audit and Risk Committee concurs and accepts the Independent Auditor's opinion regarding the Annual Financial Statements and proposes that the Audited Annual Financial Statements be accepted

and read together with the report of the Independent Auditor.

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

As mentioned in the report of the Independent Auditor, the dtic conducted an investigation into certain of the affairs of the NCT and has issued a draft report which has not been finalised.

Appreciation

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



Mr Suleman Badat

Chairperson of the Audit & Risk Committee
National Consumer Tribunal
31 July 2022

Report of the Accounting Authority

Purpose of this report

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

Nature of business

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

Financial overview

The NCT is confident that it has fulfilled its mandate and has used its funding efficiently and cost-effectively. The full Annual Financial Statements for the year ended 31 March 2022 are presented on pages xxx to xxx, and are summarised as follows:

Operational income statement	2022	Expenditure as a% of Revenue	2021	Expenditure as a% of Revenue
Revenue				
Grant Income	53 515 000		47 492 000	
Filing Fees and Ser.Ace fees	13 387 441		9 541 513	
Sundry Income	1 642 411		531 165	
Other Income - proceeds from insurance	73 091		-	
Interest received	1 027 022		1 268 818	
Total revenue	69 644 965		58 833 496	
Expenditure	69 355 228		53 674 130	
Cost of Goods and Ser.Aces	15 748 564	23%	13 954 767	24%
Employee related costs:	53 606 664	77%	39 719 363	68%
Adjudication				
Full time Tribunal Members	5 835 484	8%	5 107 389	9%
Part time Tribunal Members	7 788 016	11%	4 963 552	8%
Registry	17 410 342	25%	12 903 001	22%
Corporate Services	22 572 822	32%	16 745 421	28%
Finance Costs	-		10 733.00	
Operating surplus	289 737		5 148 633	

The NCT's operations are largely funded by the government through the dtic and have since its inception and for a time received increases in the baseline grant allocation at the rate of inflation. Although the caseload increased over the years, the Grant generally increased annually by inflation. However, in the 2021/2022 financial year, The NCT received its full initial grant allocation of R53 515 000, 60% of the allocation amounting to R 32 109 000 was received in April 2021 and the remaining 40% (R21 406 000) was received in October 2021.

Due to the abnormal business conditions that were created by the COVID-19 pandemic, it is not always possible to establish normal trends as to the caseload and business expenses for the 2021-2022 financial year when compared to the prior year. Through

innovation and expenditure control, the NCT was able to achieve its objectives within the allocated budget.

During the 2021/2022 financial year, the NCT had a surplus amounting to R289 813 mainly due to cost containment. At 31 March 2022, the NCT had an adjusted cash surplus of R6.4 million. In terms of the PFMA, all accumulated surplus funds at the reporting date may be forfeited to National Treasury.

Income from filing fees included in total revenue increased by 40.3%. Revenue from filing fees increased from R9.5 million to R13.4 million. The number of DRA cases received alone increased from 23 844 to 27 230 (a 14.2% increase). Effective from 1 April 2021, the filing fees for DRA cases increased from R400 to R500 per case. The amount received from filing fees does not offset all the adjudication costs as this filing fee is only a nominal

amount of R500 per DRA matter filed with the NCT, it does not contribute towards the more expensive and time-consuming non-debt rearrangement matters. The latter are the more expensive cases which, though fewer in number, are often highly contested by attorneys and counsel and are a source of substantive applications and postponements at the request of the litigants.

The NCT's income from interest earned decreased by 19.06% from R1.3 million to R1.0 million. This is due to a lower bank balance being maintained in the investment account as a result of the grant allocation being split into two payments (April and October), which negatively affected the funds available for investment. The NCT invests its surplus funds with the Corporation for Public Deposits in terms of its Investment and Grant Management Policy.

Total expenditure for the period increased by 29.22%, mainly due to the consulting costs for the appointment of the Acting Chief Financial Officer, payment of bonuses and the related provision for future payment also contributed significantly to the increase. Year-on-year, total expenditure (excluding capital expenses) increased from R53.4 million to R69.4 million.

Administrative expenses increased by R293 thousand (5.64%) from R5.2 million to R5.5 million. Telephone, fax and fibre optic communication costs were higher mainly due to the introduction of teams' voices. Secretariat fees decreased due to the hearings being held online compared to the previous year. Computer expenses, ICT support and annual software licences increased by 46% from R974 thousand to R1.4 million. Details of this are contained in Note 12 of the Annual Financial Statements.

Other operating expenses increased by R1.2 million (14.8%) from R8.3 million to R9.6 million. This can be attributed to the increase in consulting fees as stated above. Please refer to Note 13 of the Annual Financial Statements for more detail.

Employee-related costs exclusive of bonus provision increased by R6.8 million (19.8%) from R34.8 million to R41.6 million (Employee costs for permanent employees exclusive of provisions can be broken down as follows: Core business/ Adjudication amounted to R21.4 million, Administrative costs/support function were R 17.5 million and Digital enablement totalled R1.3 million). The main reason for the increase can be attributed to the payment of performance bonuses during August 2021, while no bonus payments were made during the 2021 financial year, the salary re-

alignment exercise finalised during January 2022 and the filling of vacant positions throughout the period. The accrual for leave of employees decreased significantly in the current year based on the residue of leave balances at the end of the financial year compared to the previous financial year.

Tribunal members' fees also increased by R2.8 million (56.8%) from R5.0 million to R7.8 million. This can be attributed to the greater allocation of matters to part-time Tribunal Members and a higher number of cases adjudicated. Please refer to Note 14 in the Annual Financial Statements.

The costs relating to part-time Tribunal members for adjudication and other support services together with employee-related costs for support staff to the Tribunal and adjudication services, provided by the Executive Chairperson and the full-time Tribunal members, comprised 77% of the total expenses of the NCT. As a professional service organisation that fulfils an adjudicative function, it is expected for this ratio to be high. It also means that other costs incurred to support the employees and the Tribunal Members comprise less than 30% of total expenditure.

Supply chain management

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

Losses written off

There were no losses written off during the 2021/2022 financial year.

Fruitless and wasteful expenditure

There was no fruitless and wasteful expenditure during the year under review.

Irregular expenditure

There was no irregular expenditure during the year under review.

Material losses through criminal conduct

There were no material losses through criminal conduct.

Criminal and disciplinary action taken against offenders

No disciplinary action was taken against any NCT employee for failing to provide proper guidance around prescripts of the regulatory requirements.

Audit report matters in the previous year

Audit matters raised during the audit of the previous financial year, were addressed during the current financial year.

Materiality framework

Material facts of a quantitative nature are facts that exceed the materiality framework and are disclosed if discovered. The Tribunal's materiality level remains unchanged at 0.60% of its budgeted operational expenditure (excluding capital expenditure).

Financial assistance from the State

The Tribunal received no financial assistance from the State other than its grant, as mentioned. The State also made no commitments on behalf of the NCT.

Events subsequent to the reporting date

Management is not aware of any matter or circumstances at the end of the financial year, and not otherwise dealt with in the Annual Financial Statements, that significantly affect the financial position of the NCT or the results of its operations.

Going concern outlook

The grant allocation of the NCT for the 2021/2022 financial year has been allocated for disbursement in two tranches (April 2021 – 60% and October 2021 – 40%). This resulted in a revision by the NCT of its expenditure for cost-saving opportunities and efficiency gains to ensure that it will be able to fund the caseload and meet its operational costs. In addition, the Minister of **the dtic**, by Regulation, increased the filing fee for a DRA matter from R400 to R500, effective from 1 April 2021 as published in the Government Gazette. It will continue to increase inflation in the future.

Management is, therefore, confident that the NCT will continue to function and operate as a going concern for the next financial year despite the phasing of the disbursement of Grant allocation for 2021/2022. Based on the revised budget for the next 12 months, the NCT will have adequate cash resources to cover all operational expenses, having re-prioritised/rephased its objectives and operational plans.



Trevor Bailey
Executive Chairperson
and Accounting Authority
29 July 2022

Independent auditor's report to the Parliament on National Consumer Tribunal

Report on the audit of the financial statements

Opinion

1. We have audited the financial statements of the National Consumer Tribunal set out on pages 71 to 96, which comprise the statement of financial position as at 31 March 2022, the statement of financial performance, statement of changes in net assets, cash flow statement and statement of comparison of budget and actual amounts for the year then ended, as well as notes to the financial statements, including a summary of significant accounting policies.
2. In our opinion, the financial statements present fairly, in all material respects, the financial position of the National Consumer Tribunal as at 31 March 2022, and its financial performance and cash flows for the year then ended in accordance with South African Standards of Generally Recognised Accounting Practice (SA GRAP) and the requirements of the Public Finance Management Act (Act 1 of 1999) (PFMA).

Basis for opinion

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

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

Responsibilities of accounting authority for the financial statements

6. The accounting authority is responsible for the preparation and fair presentation of the financial statements in accordance with SA GRAP and the requirements of the PFMA, and for such internal control as the accounting authority determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.
7. In preparing the financial statements, the accounting authority is responsible for assessing the public entity's ability to continue as a going concern, disclosing, as applicable, matters relating to going concern and using the going concern basis of accounting unless the accounting authority either intends to liquidate the public entity or to cease operations, or has no realistic alternative but to do so.

Auditor's responsibilities for the audit of the financial statements

8. Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with the ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.
9. A further description of our responsibilities for the audit of the financial statements is included in the annexure to this auditor's report.

Report on the audit of the annual performance report

Introduction and scope

- 10. In accordance with the Public Audit Act 25 of 2004 (PAA) and the general notice issued in terms thereof, we have a responsibility to report on the usefulness and reliability of the reported performance information against predetermined objectives for selected programme presented in the annual performance report. We performed procedures to identify material findings but not to gather evidence to express assurance.
- 11. Our procedures address the usefulness and reliability of the reported performance information, which must be based on the public entity's approved performance planning documents. We have not evaluated the completeness and appropriateness of the performance indicators included in the planning documents. Our procedures do not examine whether the actions taken by the public entity enabled service delivery. Our procedures do not extend to any disclosures or assertions relating to the extent of achievements in the current year or planned performance strategies and information in respect of future periods that may be included as part of the reported performance information Accordingly, our findings do not extend to these matters.
- 12. We evaluated the usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework, as defined in the general notice, for the following selected programme presented in the public entity's annual performance report for the year ended 31 March 2022:

Programme	Pages in the annual performance report
Programme 1 – Adjudication	18 - 31

- 13. We performed procedures to determine whether the reported performance information was properly presented and whether performance was consistent with the approved performance planning documents. We performed further procedures to determine whether the indicators and related targets were measurable and relevant, and assessed the reliability of the

reported performance information to determine whether it was valid, accurate and complete.

- 14. We did not identify any material findings on the usefulness and reliability of the reported performance information for this programme:
 - Adjudication

Other matter

- 15. We draw attention to the matter below.

Achievement of planned targets

- 16. Refer to the annual performance report on pages 18, 19, 33, 43 for information on the achievement of planned targets for the year and management's explanations provided for the under/ over achievement of targets.

Report on the audit of compliance with legislation

Introduction and scope

- 17. In accordance with the PAA and the general notice issued in terms thereof, we have a responsibility to report material findings on the public entity's compliance with specific matters in key legislation. We performed procedures to identify findings but not to gather evidence to express assurance.
- 18. We did not identify any material findings on compliance with the specific matters in key legislation set out in the general notice issued in terms of the PAA.

Other information

- 19. The accounting authority is responsible for the other information. The other information comprises the information included in the annual report. The other information does not include the financial statements, the auditor's report and the selected programme presented in the annual performance report that have been specifically reported in this auditor's report.
- 20. Our opinion on the financial statements and my findings on the reported performance information and compliance with legislation do not cover the other information and we do not express an audit opinion or any form of assurance conclusion on it.

21. In connection with our audit, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements and the selected programme presented in the annual performance report, or our knowledge obtained in the audit, or otherwise appears to be materially misstated.

22. If based on the work we have performed, we conclude that there is a material misstatement in this other information, we are required to report that fact. We have nothing to report in this regard.

Internal control deficiencies

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

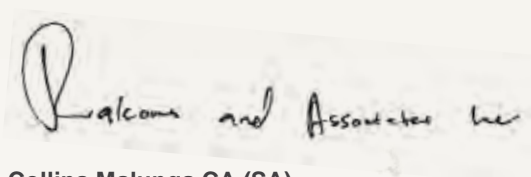
Other reports

24. We draw attention to the following engagement conducted by a party which could have, an impact on the matters reported in the National Consumer Tribunal's financial statements, reported performance information, compliance with applicable legislation and other related matters. This report did not form part of our opinion on the financial statements or our findings on the reported performance information or compliance with legislation.

25. An external party performed a forensic audit into alleged irregularities, corporate governance maladministration and non-compliance with policies within the National Consumer Tribunal, which covered the period 01 April 2017 to 31 March 2019. The audit has not been concluded at the date of this auditor's report.

Auditor tenure

26. In terms of the IRBA rule published in Government gazette number 39475 dated 4 December 2015, we report that Rakoma and Associates Inc. has been the auditor of National Consumer Tribunal for 1 year.



Collins Malunga CA (SA)

Engagement Partner

Registered Auditor

31 July 2022

Block D, Willow Wood Office Park
Cnr 3rd Ave & Cedar Road
Johannesburg
2021



RAKOMA
& ASSOCIATES INC.

Annexure – Auditor's responsibility for the audit

1. As part of an audit in accordance with the ISAs, we exercise professional judgement and maintain professional scepticism throughout our audit of the financial statements, and the procedures performed on the reported performance information for selected programme and on the public entity's compliance with respect to the selected subject matters.

Financial statements

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

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

- conclude on the appropriateness of the accounting authority's use of the going concern basis of accounting in the preparation of the financial statements. We also conclude, based on the audit evidence obtained, whether a material uncertainty exists relating to events or conditions that may cast significant doubt on the ability of the National Consumer Tribunal to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements about the material uncertainty or, if such disclosures are inadequate, to modify our opinion on the financial statements. Our conclusions are based on the information available to us at the date of this auditor's report. However, future events or conditions may cause a public entity to cease operating as a going concern
- evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation

Communication with those charged with governance

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

Statement of Financial Performance for the year ended 31 March 2022

	Note	31 March 2022 R	31 March 2021 R
Revenue : Non-exchange transactions		53 515 000	47 492 000
Government grant	10	53 515 000	47 492 000
Revenue: Exchange transactions		16 129 965	11 341 496
Filing fees	10	13 380 829	9 537 400
Service fees	10	6 612	4 113
Sundry income	10	1 642 411	531 165
Other income - proceeds from insurance	10	73 091	-
Interest earned	10	1 027 022	1 268 818
Total Revenue		69 644 965	58 833 496
Total expenditure		69 355 152	53 674 130
Administrative expenses	12	5 489 299	5 196 384
Other operating expenses	13	9 570 504	8 337 033
Audit fees	11	688 761	421 350
Part-time Tribunal Members' fees	14	7 788 016	4 963 552
Employee related costs	15	45 818 572	34 755 811
Operating surplus for the year		289 813	5 159 366
Finance costs	16	-	10 733
Net surplus for the year		289 813	5 148 633

Statement of Financial Position as at 31 March 2022

	Note	31 March 2022 R	31 March 2021 R
ASSETS			
Current assets		17 842 908	15 731 562
Cash and cash equivalents	2	15 865 524	14 851 484
Trade and other receivables from exchange transactions	3	1 904 335	794 517
Inventory	4	73 049	85 561
Non-current assets		5 789 732	2 940 446
Property, plant and equipment	5	4 334 743	1 884 598
Intangible assets	6	1 454 989	1 055 848
Total assets		23 632 640	18 672 008
LIABILITIES			
Current liabilities		11 353 004	6 682 185
Trade and other payables from exchange transactions	7	7 167 153	6 146 647
Short-term portion – Provisions	8 & 9	4 185 851	535 538
Total liabilities		11 353 004	6 682 185
NET ASSETS		12 279 636	11 989 823
NET ASSETS			
Accumulated surplus		12 279 636	11 989 823

Statement of Changes in Net Assets for the year ended 31 March 2022

	Notes	Accumulated surplus R	Total netassets R
Balance as at 31 March 2020 - previously reported		6 863 018	6 863 018
Restatement of trade receivables		(21 828)	(21 828)
Balance as at 31 March 2020 - restated		6 841 190	6 841 190
Net surplus for the current year		5 148 633	5 148 633
Balance as at 31 March 2021		11 989 823	11 989 823
Net surplus for the current year		289 813	289 813
Balance as at 31 March 2022		12 279 636	12 279 636

Cash Flow Statement for the year ended 31 March 2022

	Note	31 March 2022 R	31 March 2021 R
CASH FLOWS FROM OPERATING ACTIVITIES			
Receipts		69 603 875	58 950 096
Government grants		53 515 000	47 492 000
Filing fees		13 355 604	9 654 000
Service fees		6 612	4 113
Sundry income		1 626 546	531 165
Other receipts		73 091	-
Interest received		1 027 022	1 268 818
Payments		(64 687 855)	(50 056 379)
Tribunal Members' fees		(7 718 838)	(4 999 572)
Employee-related costs		(40 388 945)	(32 985 050)
Suppliers		(16 580 073)	(12 071 758)
Net cash flows from operating activities	17	4 916 019	8 893 717
CASH FLOWS FROM INVESTING ACTIVITIES			
		(3 901 979)	(206 624)
Additions to property, plant and equipment		(3 250 779)	(67 198)
Additions to intangible assets		(651 200)	(139 426)
CASH FLOWS FROM FINANCING ACTIVITIES			
		-	(169 050)
Finance lease payments		-	(169 050)
Net (decrease) / increase in cash and cash equivalents		1 014 040	8 518 043
Cash and cash equivalents at beginning of the year		14 851 484	6 333 441
Cash and cash equivalents at the end of the year	2	15 865 524	14 851 484

Accounting Policies for the year ended 31 March 2022

1 ACCOUNTING POLICIES

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

1.1 Basis of preparation

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

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

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

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

1.2 Comparative Information

- Current year comparatives (Budget)

Budget information in accordance with GRAP 1 and 24, has been provided in these annual financial statements.

- Prior year comparatives

Prior period comparative information has been presented in the current year's financial statements. Where necessary comparative figures have been adjusted to conform to the changes in the presentation in the current year.

1.3 Use of estimation & significant judgements

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

1.3.1 Provisions

Provisions are recognised when the NCT has a present obligation as a result of a past event and it is probable that this will result in an outflow of economic benefits that can be estimated reliably.

1.3.2 Contingencies

Management used its judgement in deciding to reflect the surplus as a contingent liability based on past experience whereby the previous year's surplus was approved to be rolled over into the next financial year.

1.3.3 Property, plant and equipment

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

1.3.4 Intangible assets

In determining the useful life of computer software, Management took into consideration

1.4 Going concern

The Annual Financial Statements have been prepared on a going concern basis and the

1.5 Financial instruments

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

1.5.1 Financial assets

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

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

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

Impairment losses are recognised on loans and receivables when there is objective evidence of impairment. An impairment loss is recognised in the surplus or the deficit when the carrying amount of the asset exceeds its recoverable amount. The recoverable amount is calculated as the present value of

the estimated future cash flows discounted at the original effective interest rate of the instrument.

1.5.2 Financial liabilities

The NCT's principal financial liabilities are trade and other payables, such as employee benefits.

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

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

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

1.5.3 Offsetting

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

1.5.4 Impairment

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

1.6 Statutory receivables

Statutory receivables are receivables that arise from legislation, supporting regulations or similar means and require settlement by another entity in cash or another financial asset.

The transaction amount for a statutory receivable means the amount specified in, or calculated, levied or charged in accordance with, legislation, supporting regulations, or similar means.

If the transaction is an exchange transaction, the NCT uses the policy on revenue from exchange transactions to recognise the statutory receivable. If the transaction is a non-exchange transaction, the NCT uses the policy on revenue from non-exchange transactions to recognise the statutory receivable. The NCT initially measures statutory receivables at their transaction amount.

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

1.7 Prepayments

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

1.8 Inventories

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

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

1.9 Property, plant and equipment

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

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

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

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

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

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

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

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

Derecognition

The carrying amount of an item of property, plant and equipment shall be derecognised on disposal or when no future economic benefits or service potential are expected from its use or disposal.

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

1.10 Intangible assets

An intangible asset is recognised when:

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

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

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

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

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

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

Subsequent expenditure

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

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

Derecognition

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

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

1.11 Impairment of property, plant and equipment and intangible assets

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

1.11.1 Impairment of cash-generating assets

Cash-generating assets are assets used with the objective of generating a commercial return. Commercial return means that positive cash flows are expected to be significantly higher than the cost of the asset.

The NCT assesses at each reporting date whether there is any indication that a cash-generating asset may be impaired. If any such indication exists, the NCT estimates the recoverable amount of the asset. When the carrying amount of a cash-generating asset exceeds its recoverable amount, it is impaired.

1.12 Leasing

1.12.1 Operating leases

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

1.12.2 Finance leases

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

1.13 Revenue

1.13.1 Revenue from exchange transactions

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

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

Filing fees:

Filing fees are levied in terms of regulations promulgated under Section 171 of the National Credit Act, Act No. 34 of 2005 (the NCA), on debt re-arrangement (DRA) matters filed with the Tribunal for adjudication. The filing fee (transaction amount per application) in

respect of a DRA matter is determined by the Minister of Trade, Industry and Competition by Regulation in terms of Section 171 from time to time and published in the Government Gazette. The filing fee is levied as revenue at the transaction amount as soon as a case number is issued to the applicant per application.

Service fees:

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

Investment income:

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

1.13.2 Revenue from non-exchange transactions

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

1.14 Employee benefits

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

A provision for performance bonuses is made at year-end when the achievement of the NCT's performance measures are known

and when the affordability of performance bonuses can be determined. A provision is then made based on the average actual performance score of the previous year for all the permanent staff and full-time Tribunal members who were employed for at least six months during the financial year.

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

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

1.15 Borrowing costs

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

1.16 Fruitless and wasteful expenditure

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

1.17 Irregular expenditure

Irregular expenditure is defined in Section 1 of the PFMA as expenditure other than unauthorised expenditure, incurred in contravention of, or that is not in accordance with requirements of any applicable legislation. Such expenditure is accounted for in the Statement of Financial Performance. Where recoverable and not condoned by the relevant authority, it is treated as an asset until it is recovered or written off as irrecoverable.

1.18 Related parties

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

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

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

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

1.19 Budget Information

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

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

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

The Application of Materiality to Financial Statements

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

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

1.21 Standards of GRAP issued but not yet effective

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

Amended GRAP 104 on Financial Instruments

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

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

Amended GRAP 25 on Employee Benefits

This Standard is updated with the prescription of the accounting and disclosure for employee benefits. This Standard requires an entity to recognise:

(a) a liability when an employee has provided service in exchange for employee benefits to be paid in the future; and (b) an expense when the entity consumes the economic benefits or service potential arising from service provided by an employee in exchange for employee benefits.

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

Notes to the Annual Financial Statements for the year ended 31 March 2022

	Note	31 March 2022 R	31 March 2021 R
2. CASH AND CASH EQUIVALENTS			
Bank account – Call account (SA Reserve Bank) (refer Note 2.1)		11 821 936	10 918 166
Bank account – Operational current account (Nedbank)		2 562 118	1 729 139
Bank account – Filing fees current account (Nedbank)		1 471 470	2 203 399
Bank account – Special projects current account (Nedbank)		-	727
Cash on hand – Petty cash		10 000	53
		15 865 524	14 851 484

2.1 Bank account – Notice deposit

In terms of the NCT's investment policy, surplus funds are invested with the South African Reserve Bank in the Corporation for Public Deposits (CPD) Account. Interest was earned at an average rate of 3.85% (2020/21: 4.06%). The total cash and cash equivalents balance that was available for investment increased year on year mainly due to the surplus funds approved for rollover in the current financial year.

3. TRADE AND OTHER RECEIVABLES FROM EXCHANGE TRANSACTIONS

Debtors for filing fees – Statutory receivables (Refer note 3.1)	1 000	228 500
Sundry debtors	27 551	152 939
Prepayments (refer Note 3.2)	1 875 784	413 078
	1 904 335	794 517

3.1 Debtors for filing fees – Statutory receivables

Filing fees for debt re-arrangement matters are normally paid for before the Tribunal adjudicates on a case. The cases are normally filed by a debt counsellor on behalf of an applicant. When a debtor is raised as a result of a filing, the recoverability of the receivables are reviewed per debt counsellor, taking into account the payment history of the debt counsellor and the number of cases that are filled. Debtors were recouped and a reconciliation was performed between debtors and income received in advance in the current financial year, which has reduced filing fee debtors significantly. Bad debts of R 33 thousand (Note 13) was recognised in the current financial year (2020/21: R Nil). The remaining debtors for the current financial year are deemed to be recoverable. No impairment losses or allowances for impairment losses were recognised in the current year (2020/21: R Nil). Also, refer to Note 10.1.

Statutory receivables past due but not impaired	0 to 30 Days	31 to 60 Days	Over 60 Days
Ageing of past due amounts not impaired - 2021	-	500	500

3.2 Prepayments

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

4. INVENTORIES

Stationery	73 049	85 561
	73 049	85 561

5. PROPERTY, PLANT AND EQUIPMENT

	2022			2021		
	Cost/ Valuation	Accumulated depreciation	Carry value	Cost/ Valuation	Accumulated depreciation	Carry value
Furniture and fittings	1 845 123	(1 001 567)	843 556	2 013 463	(1 027 557)	985 906
Office equipment	242 096	(204 831)	37 265	254 236	(207 669)	46 567
Computer equipment	6 234 797	(2 780 875)	3 453 922	4 161 185	(3 320 503)	840 682
Leasehold improvements	234 997	(234 997)	-	270 183	(270 183)	-
Books	-	-	-	219 995	(208 551)	11 443
Office equipment – Leased	-	-	-	119 773	(119 773)	-
Total	8 557 013	(4 222 270)	4 334 743	7 038 834	(5 154 236)	1 884 598

Reconciliation of property, plant and equipment –2022

	Opening balance	Additions	Assets written off	Assets sold	Depreciation	Closing balance
Furniture and fittings	985 906	-	(50 405)	-	(91 945)	843 556
Office equipment	46 567	-	(885)	-	(8 417)	37 265
Computer equipment	840 682	3 250 779	(165 602)	-	(471 937)	3 453 922
Leasehold improvements	-	-	-	-	-	-
Books	11 443	-	(11 000)	-	(443)	0
Total	1 884 598	3 250 779	(227 892)	-	(572 742)	4 334 743

Reconciliation of property, plant and equipment –2021

	Opening balance	Additions	Assets written off	Assets sold	Depreciation	Closing balance
Furniture and fittings	1 089 312	-	(1 486)	-	(101 920)	985 906
Office equipment	66 207	-	(72)	-	(19 568)	46 567
Computer equipment	1 210 125	67 198	-	-	(436 641)	840 682
Leasehold improvements	383 675	-	-	-	(383 675)	-
Books	12 022	-	-	-	(579)	11 443
Office equipment – Leased	119 773	-	-	-	(119 773)	-
Total	2 881 114	67 198	(1 558)	-	(1 062 156)	1 884 598

5.1 Furniture & fittings

Furniture & Fittings with a cost price of R 370 thousand and book value of R 180 thousand have been provided to the landlord (BOMA) for temporary use (at no charge) on a month-to-month basis. The landlord has agreed to take full responsibility for any damage to these assets.

5.2 Re-assessment of useful lives and residual values

The useful lives and residual values of all the property, plant and equipment were assessed during the year under review and revised where necessary. Refer to Note 29 for the effect of the change in estimates.

	Note	31 March 2022 R	31 March 2021 R
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6. INTANGIBLE ASSETS

	2022			2021		
	Cost/ Valuation	Accumulated amortisation/ impairments	Carry value	Cost/ Valuation	Accumulated amortisation/ impairments	Carry value
Computer software – Internally generated	2 766 434	(1 830 617)	935 817	2 699 303	(1 643 454)	1 055 849
Computer software – Other	584 069	(64 897)	519 172	-	-	-
Total	3 350 503	(1 895 514)	1 454 989	2 699 303	(1 643 454)	1 055 849

Reconciliation of intangible assets – 2022

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

Reconciliation of intangible assets – 2021

	Opening balance	Additions	Amortisation	Impairments	Closing balance
Computer software – Internally generated	1 402 738	139 426	(486 315)	-	1 055 849

6.2 Re-assessment of useful lives and residual values

The useful lives of all intangible assets were assessed during the year under review and revised where necessary. Refer to Note 29 for the effect of the change in estimates.

7. TRADE AND OTHER PAYABLES FROM EXCHANGE TRANSACTIONS

	Note	31 March 2022 R	31 March 2021 R
Trade payables		976 223	1 538 235
Income received in advance – Filing fees		720 370	973 095
Salary deductions – PAYE, UIF, Garnishees and Union membership fees		1 571 622	-
Accrued expenses – Tribunal members' costs		352 724	283 546
Accrued expenses – Governance Committee members' costs		65 343	164 683
Accrued leave pay – Senior Management and full-time Tribunal members		1 994 427	1 824 492
Accrued leave pay – Other staff		1 247 416	1 362 598
Straight lining of leases		239 028	-
		7 167 153	6 146 649

	Note	31 March 2022 R	31 March 2021 R
8. PROVISION FOR SETTLEMENT		-	535 538
Movement in the provision for settlement			
Opening balance		535 538	-
Provisions utilised during the year		-535 538	-
		-	-
Provisions made during the year		-	535 538
Provision at the end of the year		-	535 538

The provision relates to a labour issue, that was settled in the current financial year.

9. EMPLOYEE BENEFITS

Provision for performance bonuses	4 185 851	-
	4 185 851	-
Reconciliation of provision for performance bonuses		
Opening balance	-	-
Provisions utilised during the year	-	-
	-	-
	4 185 851	-
Provisions made during the year	4 185 851	-

No bonus provision was raised in the prior year due to the uncertainty regarding budget availability as well as no performance bonus was paid in the 2020-21 financial year for the 2019-2020 period.

10. TOTAL REVENUE

Non-exchange revenue	69 644 965	58 833 496
Government grants	53 515 000	47 492 000
	53 515 000	47 492 000
Exchange revenue	15 102 943	10 072 678
Filing fees - Statutory receivables (refer to Note 10.1)	13 380 829	9 537 400
Service fees	6 612	4 113
Sundry income	1 642 411	531 165
Proceeds from insurance	73 091	-
	1 027 022	1 268 818
Investment income	1 027 022	1 268 818
Interest earned	1 027 022	1 268 818

10.1 The filing fee (transaction amount) per debt re-arrangement matter brought before the Tribunal for Adjudication has increased from R 400 per case to R 500 per case effective from 1 April 2021 (2020: R400). The increase in the filing fee to R 500 per case was published by the Minister of Trade, Industry and Competition in Government Gazette No. 496 dated 29 March 2019. Also refer to Note 3.1.

	688 761	421 350
External audit fees	688 761	421 350

The AGSA has opted not to conduct the external audit of the NCT from 2018/2019. The audit fee of the prior year was accounted for over two financial periods (2019-20 and 2020-21). The total audit fee paid for the prior year's audit was R 649 774.

	31 March 2022	31 March 2021
	R	R
12. ADMINISTRATIVE EXPENSES		
Advertising	404 145	394 072
Audit and Risk Committee members' remuneration	272 913	449 982
Bank charges	57 061	81 051
Computer expenses, ICT support and annual software licences	1 418 463	974 652
CSI Contribution	12 068	-
Entertainment, refreshments and staff welfare	124 891	44 759
Fraud hotline and whistleblowing	41 400	54 339
General expenses, gifts, flowers, first aid, cleaning costs, cutlery and crockery	17 985	1 957
HR Governance Committee members' remuneration	183 709	207 414
ICT Governance Committee members' remuneration	279 151	177 677
Internal audit fees and secretariat services	823 963	914 898
Legal and related fees (refer to note 12.1)	339 453	784 268
Membership fees, subscriptions, books and resource materials	40 502	19 431
News monitoring	34 500	-
Printing, stationery and publications	428 495	327 104
Storage costs, online backup services, mail archiving and disaster recovery	616 382	562 413
Training, bursaries and staff development	390 222	202 367
Venues and facilities for workshops, conferences and meetings	3 996	-
	5 489 299	5 196 384

Due to the change in business conditions that were created by the Covid-19 pandemic, it is not always possible to establish normal trends as to the caseload and business expenses for the 2021-22 financial year when compared to the prior year. =

Increases and decreases in administrative expenses

12.1 There were fewer matters that required legal input and support in the current financial year.

13. OTHER OPERATING EXPENSES

Amortisation	252 060	581 272
Assets impaired		
Small assets written off on purchase	143 781	1 299
Assets written off	227 892	1 558
Bad Debts written off	33 354	-
Consulting fees (refer to Note 13.1)	3 821 009	1 723 055
Courier costs, postage and stamps	175 104	56 174
Data costs and 3G connectivity	237 831	169 452
Depreciation	572 742	1 062 155
Insurance	282 727	235 527
Lease rentals on premises and parking (refer to Note 13.2)	2 420 272	3 093 865
Recording, transcription, interpreters, witnesses and translation services	31 494	71 425
Office relocation cost	37 386	-
Rentals – Equipment and furniture	85 366	84 683
Repairs and maintenance (refer to Note 13.3)	62 338	8 141
Telephone, fax and fibre optic communications	554 658	390 234
Travel and accommodation	26 147	12 325
Utilities – Water, electricity, rates and taxes (refer to Note 13.2)	606 343	845 867
	9 570 504	8 337 033

Increases and decreases in other operating expenses

Due to the change in business conditions that were created by the Covid-19 pandemic, it is not always possible to establish normal trends as to the caseload and business expenses for the 2021-22 financial year when compared to the prior year.

- 13.1 The increase in the spending relates to the fees charged by the consulting firm for the urgent appointment of the current acting CFO, B-BBEE implementation consultants & recruitment consultants.
- 13.2 Lease rental for premises, parking expenses and utilities expense has reduced due to a new rental contract entered into from 1 April 2021 with reduced rental space, which also reduces the percentage of utility costs for the NCT.
- 13.3 Repairs and maintenance
- Leasehold improvements

54 650	-
62 338	8 141

14. PART-TIME TRIBUNAL MEMBERS' FEES

	2022			2021		
	Members' fees, etc.	Travel Expenses	Total costs	Members' fees, etc.	Travel Expenses	Total costs
L Best (Deputy Chairperson)	713 836	-	713 836	396 692	-	396 692
BC Dumisa	653 128	-	653 128	416 579	-	416 579
PA Beck	723 256	1 950	725 206	500 051	222	500 273
X May	94 201	-	94 201	226 083	-	226 083
HFN Sephoti	-	-	-	-	-	-
T Woker	722 209	-	722 209	409 252	-	409 252
FK Manamela	701 276	2 475	703 751	414 406	2 579	416 985
DR Terblanche	787 396	344	787 740	383 084	1 525	384 609
FK Sibanda	682 566	214	682 780	413 463	892	414 355
TA Bailey	743 122	4 503	747 625	405 065	1 644	406 709
MC Peenze	985 973	153	986 126	451 134	-	451 134
NMD Nkomo	123 508	183	123 691	401 925	223	402 148
NS Maseti	249 424	239	249 663	160 037	-	160 037
K Moodaliyar ¹	608 121	-	608 121	385 781	1 683	387 464
	7 788 016	10 061	7 798 077	4 963 552	8 768	4 972 320

14.1 Increase in part-time tribunal members' costs

The increase can be attributed to the significant reduction in Non-DRA adjudications in the prior financial year (namely April - June 2020). Due to the national shutdown as a result of the pandemic, the Tribunal only held 5 emergency pricing regulations-related matters during that period. The pandemic also impacted the numbers of applications submitted to the NCT in the prior year and hence the number of adjudicated cases.

	31 March 2022 R	31 March 2021 R
15. EMPLOYEE-RELATED COSTS		
Senior management emoluments (refer to Note 15.1)	11 436 681	8 731 205
Full-time Tribunal members' emoluments (refer to Note 15.2)	5 835 484	5 107 389
Other staff emoluments	20 578 286	18 350 515
Other staff leave paid	213 794	157 576
Other staff performance bonuses for previous performance period and accrued bonuses	1 883 850	-
Subtotal for payments made to permanent staff and interns	39 948 095	32 346 685
Temporary staff emoluments	1 316 617	160 437
Employer's contribution to statutory levies (refer to Note a)	313 256	436 688
Accrual for CCMA settlement	-	535 538
Movement in accrual for leave pay	54 753	1 276 464
Movement in provision for performance bonuses	4 185 851	-
Total for employee-related costs	45 818 572	34 755 812
a) Statutory levies		
Workmen's Compensation Fund	200 653	322 935
Special skills development levy	-	26 989
Unemployment Insurance Fund (UIF)	112 603	86 764
Total statutory levies	313 256	436 688
15.1 Senior management emoluments		
Executive Chairperson (JM Maseko)	2 328 404	2 216 099
Annual remuneration	2 308 204	2 198 099
Performance bonus for previous performance period	-	-
Other fringe benefits	20 200	18 000
Chief Operating Officer (NKD Lolwane: From 1 September 2019 until 31 October 2021)	2 024 623	1 705 463
Annual remuneration	997 984	1 690 463
Performance bonus for previous performance period	137 716	-
Leave paid out	165 577	-
Other fringe benefits	10 500	15 000
Other payments - settlement agreement & post termination work done	712 846	-
Registrar (LL Rabotapi) Until 31 October 2021	1 818 583	1 474 437
Acting Chief Operating Officer (L Rabotapi: From 12 October 2021)	561 293	-
Annual remuneration	1 561 462	1 462 437
Performance bonus for previous performance period	132 699	-
Acting allowance	106 808	-
Other fringe benefits	17 614	12 000
Acting Registrar (P Moodley: From 1 November 2021)	-	-
Annual remuneration	437 560	-
Acting allowance	117 733	-
Performance bonus for previous performance period	-	-

	31 March 2022 R	31 March 2021 R
Other fringe benefits	6 000	-
Chief Financial Officer (A Moolla: on secondment from 28 June 2020 to 30 June 2022)	1 615 114	769 310
Annual remuneration	1 600 714	1 566 568
Recovery of income	-	(809 258)
Other fringe benefits	14 400	12 000
Acting Chief Financial Officer (W Strauss from 28 June 2020 to 31 December 2020)	-	781 878
Annual remuneration	-	743 685
Performance bonus for previous performance period	-	-
Leave paid out	-	32 098
Other fringe benefits	-	6 095
Corporate Services Executive (V Tsako: from 12 July 2021)	1 045 750	-
Annual remuneration	1 035 332	-
Other fringe benefits	10 418	-
Acting Corporate Services Executive (V Srineevassan: from 18 January 2021 to 11 July 2021)	381 103	319 518
Annual remuneration	277 879	261 239
Prior year salary correction (18 Jan 2021 - 31 March 2021)	3 495	-
Acting allowance	74 768	55 529
Performance bonus for previous performance period (pro rated for 18 January 2021 to March 2021)	20 979	-
Other fringe benefits	3 982	2 750
Chief Information Officer (BX Nomvete)	1 661 811	1 464 500
Annual remuneration	1 525 325	1 452 500
Performance bonus for previous performance period	122 286	-
Other fringe benefits	14 200	12 000
15.2 Full-time Tribunal members' emoluments	5 835 484	5 107 389
Full-time Tribunal Member (HV Alwar - previously Devraj)	1 946 438	1 702 463
Annual remuneration	1 774 986	1 690 463
Performance bonus for previous performance period	157 052	-
Other fringe benefits	14 400	12 000
Full-time Tribunal Member (JR Simpson)	1 946 864	1 702 463
Annual remuneration	1 774 986	1 690 463
Performance bonus for previous performance period	157 478	-
Full-time Tribunal Member (LA Potwana)	1 942 182	1 702 463
Annual remuneration	1 774 986	1 690 463
Performance bonus for previous performance period	152 796	-
Other fringe benefits	14 400	12 000
15.3 Expense allowances included under travel costs	3 516	-
Chief Financial Officer (A Moolla)	3 516	-
Expense allowance paid to senior management	3 516	-
Expense allowance paid to other staff	2 525	3 644
Total expense allowance paid to employees	6 041	3 644
15.4 Increase in employee-related costs		

In the prior year, the NCT was requested to return some of the grant funding, which put a hold on filling some vacant positions on the organisational structure. These positions were filled in the current financial year, and thus there is an increase in employee-related costs.

31 March 2022

R

31 March 2021

R

Senior Management and Tribunal Members: The year-on-year increase can be attributed to the cost of living increase, vacancies as well as no performance bonus being paid in the 2021/22 financial year for the 2020-2021 period.

Other staff: There were more employees compared to the previous financial year, and the cost of living increase resulted in an increase in cost.

16. FINANCE COSTS

Finance leases	-	10 733
	-	10 733

17. RECONCILIATION OF NET CASH FLOWS FROM OPERATING ACTIVITIES

Net surplus for the year	289 813	5 148 633
Adjusted for:	4 703 007	2 191 258
Amortisation	252 060	581 273
Depreciation	572 742	1 062 156
Assets written off	227 892	1 558
Finance costs – Finance leases	-	10 733
Movement in provisions – Employee related costs	3 650 313	535 538
Operating surplus before working capital changes	4 992 820	7 339 891
Changes in Working Capital	(76 800)	1 553 826
Decrease/(increase) in accounts receivable	(1 109 818)	(187 684)
Decrease/(Increase) in inventory	12 512	(39 175)
Increase/(Decrease) in accounts payable	1 020 506	1 780 686
Cash generated in operations	4 916 020	8 893 717

18. PRESENTATION OF BUDGET INFORMATION

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

Quantitative and qualitative material differences between the final budget and the comparable actual amount are disclosed in the notes below. The amount determined for materiality purposes is according to the materiality and significance framework as was published in the Strategic Plan. This amount was determined to be 0.60% of budgeted operational expenditure (which excludes capital expenditure) and which amounts to R397 484 for this financial year (2021: R331 117).

18.1 Income from non-exchange transactions

This relates to the grant received from the Department of Trade, Industry and Competition (dtic). The NCT received its full grant allocation of R53 515 000 for the 2021/22 financial year from the dtic during April 2021 (60%) and October 2022 (40%).

18.2 Roll-over

A roll-over of R 8 964 000 was approved by Treasury in October 2021. This amount was thus included in the revised budget. The roll-over budget relates to several capital expenditure projects.

18.3 Income from exchange transactions

Income from exchange transactions are mainly attributable to filing fees received from debt counsellors for cases brought before the Tribunal. The filing fee per case increased by 25%, from R400 to R500 per case, effective from 1 April 2021. Also included is the recovery of cost received for the secondment of the Chief Financial Officer with a budget R 1.4 million.

31 March 2022

31 March 2021

R

R

18.4 Administrative expenses

Administrative expenses are underspent due to a savings in Committee fees as fewer members were appointed than budgeted, a delay in receiving of internal audit invoices and a saving on advertising expenses for the 2021-22 financial year. The details of administrative expenses are in Note 12.

18.5 Other operating expenses

Other operating expenditure is underspent due to the implementation of cost-saving measures. There were savings in the areas of lease rentals and utility costs. The savings related to travel and accommodation are due to almost no travel being undertaken due to the pandemic and hearings being held virtually. The details of operating expenses are in Note 13.

18.6 Tribunal Members' costs

The budget for Tribunal members' costs are based on the number of cases that are expected to be filed with the NCT and the number of days that will be required to adjudicate the cases. During the financial year, savings in other areas were utilised for Tribunal Members' fees and an increase in Tribunal Members' cost is noted as the NCT cleared cases from prior periods. There is a timing difference regarding work done, claims submitted and payments made.

18.7 Employee related costs

The underspending on employee costs relates to vacancies filled later than planned during the year and a lower performance bonus paid than budgeted for.

18.8 Capital expenditure

Capital expenditure was underspent mainly due to the cancellation of a tender as the supplier provided the incorrect pricing schedule and some capital expenditure that was delayed due to the halt by Treasury on procurement above R 30 000. A rollover of funding will be requested in the 2022-23 financial year. Further, the budget and spending for the implementation of the NCAA project is dependent on the finalization of the rules and regulations, a process that is out of the control of the NCT.

19. LEASES

19.1 Operating leases – Buildings

Lease payments under operating leases recognised in the surplus / (deficit) for the year	2 420 272	3 093 865
Future minimum lease payments		
Payable within one year	2 512 807	2 512 807
Payable after one year	7 538 421	10 051 228
	10 051 228	12 564 035

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

19.2 Operating leases - Office equipment

Lease payments under operating leases recognised in the surplus / (deficit) for the year	85 366	84 683
The operating leases for office equipment relate to leases of photocopiers. When all the finance leases came to end during the prior year, new agreements were entered into and the assets of the old contracts were returned to the supplier. As the risks and rewarded of ownership do not vest with NCT, they have been classified as operating leases in the 2021 and 2022 financial year		
Future minimum lease payments		
Payable within one year	77 686	85 366
Payable after one year	6 548	84 234
	84 234	169 600

31 March 2022

31 March 2021

R

R

20. RELATED PARTIES

20.1 Transactions with Parent Department

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

Department of Trade, Industry and Competition (the dtic) – Grant received	53 515 000	47 492 000
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20.2 Relationships and related party transactions

20.2.1 Transactions with Public Entities

The NCT forms part of the dtic portfolio and the related entities are listed below. The NCT did not transact with all of the dtic group entities during the current year.

National Consumer Commission (NCC) – Sister entity within the dtic group of entities and part of COTII that refer matters to the NCT for adjudication in terms of the Consumer Protection Act.	-	126 033
National Credit Regulator (NCR) – Sister entity within the dtic group of entities and part of COTII who refer matters to the NCT for adjudication in terms of the National Credit Act.	-	-
Companies and Intellectual Property Commission (CIPC)	-	-
Companies Tribunal (CT)	-	-
National Empowerment Fund (NEF)	-	-
Export Credit Insurance Corporation of South Africa Limited (ECIC)	-	-
South African Bureau of Standards (SABS)	-	-
National Lotteries Commission (NLC)	-	-
National Gambling Board of South Africa (NGB)	-	-
South African National Accreditation System (SANAS)	-	-
National Metrology Institute of South Africa (NMISA)	-	-
Tshwane Automotive Hub Special Economic Zone (Pty) Ltd (TAHSEZ)	1 624 246	1 213 480
National Regulator for Compulsory Specifications (NRCS)	-	-

20.2.2 Accounting Authority

JM Maseko (Executive Chairperson)	Aggregate remuneration	2 328 404	2 216 099
JM Maseko (Executive Chairperson)	Reimbursement of purchases	-	-

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

		31 March 2022	31 March 2021
		R	R
20.2.3 Part-time Tribunal Members			
L Best (Deputy Chairperson)	Aggregate fee for services rendered	713 836	396 692
BC Dumisa	Aggregate fee for services rendered	653 128	416 579
PA Beck	Aggregate fee for services rendered	725 206	500 273
X May	Aggregate fee for services rendered	94 201	226 083
HFN Sephoti	Aggregate fee for services rendered	-	-
T Woker	Aggregate fee for services rendered	722 209	409 252
FK Manamela	Aggregate fee for services rendered	703 751	416 985
DR Terblanche	Aggregate fee for services rendered	787 740	384 609
FK Sibanda	Aggregate fee for services rendered	682 780	414 355
TA Bailey	Aggregate fee for services rendered	747 625	406 709
MC Peenze	Aggregate fee for services rendered	986 126	451 134
NMD Nkomo	Aggregate fee for services rendered	123 691	402 148
NS Maseti	Aggregate fee for services rendered	249 663	160 037
K Moodaliyar	Aggregate fee for services rendered	608 121	387 464
Note: Aggregate fee for services rendered includes travel expenses. Also, refer to Note 14 for more detail.			
20.2.4 Full-time Tribunal Members and Key Management			
HV Alwar - previously Devraj (Full-time Tribunal Member)	Aggregate remuneration	1 946 438	1 702 463
JR Simpson (Full-time Tribunal Member)	Aggregate remuneration	1 946 864	1 702 463
LA Potwana (Full-time Tribunal Member)	Aggregate remuneration	1 942 182	1 702 463
LL Rabotapi (Acting Chief Operating Officer & Registrar)	Aggregate remuneration	1 818 583	1 474 437
NKD Lolwane (Chief Operating Officer and Corporate Services Executive)	Aggregate remuneration	2 024 623	1 705 463
A Moolla (Chief Financial Officer)	Aggregate remuneration	1 615 114	769 310
W Strauss (Acting Chief Financial Officer)	Aggregate remuneration	-	781 878
BX Nomvete (Chief Information Officer)	Aggregate remuneration	1 661 811	1 464 500
P Moodley (Acting Registrar)	Aggregate remuneration	561 293	-
V Tsako (Corporate Services Executive)	Aggregate remuneration	1 045 750	-
V Srineevassan (Acting Corporate Services Executive)	Aggregate remuneration	381 103	319 518
Note: Aggregate remuneration excludes expense allowances. Also refer to Note 15 for more detail.			
20.3 Amounts included in trade receivables/(trade payables) regarding related parties			
PA Beck (Part-time Tribunal Member) (Fees and travel expenses)			(21 980)
L Best (Part-time Tribunal Member) (Fees and travel expenses)			(12 560)
BC Dumisa (Part-time Tribunal Member and Acting Executive Chairperson) (Fees and travel expenses)	(69 081)		(25 120)
FK Manamela (Part-time Tribunal Member) (Fees and travel expenses)	(32 225)		(31 400)
X May (Part-time Tribunal Member) (Fees and travel expenses)			(31 400)
DR Terblanche (Part-time Tribunal Member) (Fees and travel expenses)	(43 961)		
FK Sibanda (Part-time Tribunal Member) (Fees and travel expenses)	(37 894)		(50 242)
T Woker (Part-time Tribunal Member) (Fees and travel expenses)	-		(31 400)
TA Bailey (Part-time Tribunal Member) (Fees and travel expenses)	(12 560)		(25 120)
MC Peenze (Part-time Tribunal Member) (Fees and travel expenses)	(56 521)		-
N Nkomo (Part-time Tribunal Member) (Fees and travel expenses)	(43 961)		(18 840)
NS Maseti (Part-time Tribunal Member) (Fees and travel expenses)	-		(35 483)
K Moodaliyar (Part-time Tribunal Member) (Fees and travel expenses)	(56 521)		-

31 March 2022

R

31 March 2021

R

21. FINANCIAL INSTRUMENTS

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

- Credit risk
- Liquidity risk
- Interest rate risk

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

The Accounting Authority and Key Management have overall responsibility for the establishment and oversight of the NCT's risk management framework. The NCT's risk management policies are established to identify and analyse the NCT's risks, set appropriate risk limits and controls, and+B22 monitor risks and adherence to limits. Risk management policies and systems are reviewed regularly to reflect changes in market conditions and the NCT's activities. The NCT, through its training and management standards and procedures, aims to develop a disciplined and constructive environment in which all employees understand their roles and obligations.

Financial assets at fair value

15 894 075

15 232 923

Cash and cash equivalents (refer to Note 2)

15 865 524

14 851 484

Trade and other receivables (refer to Note 3)

28 551

381 439

Financial liabilities at fair value

6 928 125

6 146 647

Trade and other payables (refer to Note 7)

1 696 593

2 511 330

Accruals (refer to Note 7)

5 231 532

3 635 317

21.1.1 Liquidity risk

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

The ageing of trade payables from exchange transactions at the reporting date is as per the table below. The amounts disclosed are contractual cash flows.

	Less than 1 year	Between 1 and 2 years	Between 2 and 5 years
At 31 March 2022	6 928 125	-	-
Trade and other payables (refer to Note 7)	6 928 125	-	-
At 31 March 2021	6 146 647	-	-
Trade and other payables (refer to Note 7)	6 146 647	-	-

21.1.2 Interest rate risk

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

	31 March 2022 R	31 March 2021 R
Balances exposed to interest rate risk		
Cash and cash equivalents (refer to Note 2)	15 865 524	14 851 484
	15 865 524	14 851 484

31 March 2022

31 March 2021

R

R

21.1.3 Credit risk

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

Financial assets exposed to credit risk at year-end were as follows:

Financial instrument

Cash and cash equivalents – BB rating (Standard and Poor's)

Trade and other receivables – Unrated

31 March 2022 R	31 March 2021 R
15 865 524	14 851 484
28 551	381 439
15 894 075	15 232 923

The following analysis provides information about the NCT's exposure to credit risk:

Cash and cash equivalents neither past due nor impaired

15 865 524	14 851 484
15 894 075	15 232 923

21.2 Fair values

The National Consumer Tribunal's financial instruments consist mainly of cash and cash equivalents, accounts receivable and accounts payable. No financial instruments were carried at an amount in excess of its fair value. The following methods and assumptions are used to determine the fair value of each class of financial instrument:

21.2.1 Cash and cash equivalents

The carrying amount of cash and cash equivalents approximates fair value due to the relatively short-term maturity of these financial assets.

21.2.2 Accounts receivable

The carrying amount of accounts receivable, net of allowance for bad debt, approximates fair value due to the relatively short-term maturity of these financial assets.

21.2.3 Accounts payable

The carrying amount of trade payables approximates fair value due to the relatively short-term maturity of these financial liabilities.

22. FRUITLESS AND WASTEFUL EXPENDITURE

Management has not identified any fruitless and wasteful expenditure in the years ended 31 March 2021 and 31 March 2022.

23. IRREGULAR EXPENDITURE

Management has not identified any irregular expenditure in the years ended 31 March 2021 and 31 March 2022.

24. EVENTS AFTER THE REPORTING DATE

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

25. GOING CONCERN

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

26. CONTINGENT LIABILITIES

At 31 March 2022, the NCT had an adjusted cash surplus of R8 726 922 (2021: R4 585 644). In terms of the PFMA, all accumulated surplus funds at the reporting date may be forfeited to National Treasury. The NCT will apply for keep the roll-over

There is a matter at the High Court where the Tribunal has been taken on review. The parties are still waiting for the matter to be set down at the High Court. The financial impact of this matter is estimated to be R450 000.

31 March 2022

R

31 March 2021

R

27. CAPITAL COMMITMENTS

Capital commitment as at the 31 March 2022 amounts to R 774 315 (2021: R3 765 170) which relates to computer equipment, namely the server array network device.

28. TAXATION

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

29. CHANGE IN ESTIMATE

The use of reasonable estimates is an essential part of the preparation of financial statements. The useful lives & residual values of property, plant & equipment, and intangible assets are estimated at initial recognition. Annually these estimates are assessed, and the estimates are revised. The effect of the change in an accounting estimate is recognised prospectively by including it in the surplus or deficit in the period of the change. Refer to Note 5.

The line items affected by the change in estimate indicated above can be summarised as follows:

	Depreciation on the original estimate R	Depreciation on the revised estimate R	Difference R
STATEMENT OF FINANCIAL PERFORMANCE			
	1 363 523	759 464	604 059
Depreciation expense for the year	18 801	8 418	10 383
Office Equipment	100 830	91 945	8 886
Furniture and fittings	684 718	471 937	212 780
Computer Equipment	559 174	187 163	372 010
Software - Internally generated			
STATEMENT OF FINANCIAL POSITION			
Accumulated Depreciation as at 31 March 2022	6 421 949	5 817 890	604 059
Office Equipment	215 214	204 831	10 383
Furniture and fittings	1 010 452	1 001 567	8 886
Computer Equipment	2 993 656	2 780 875	212 780
Software - Internally generated	2 202 627	1 830 617	372 010

30. Broad-Based Black Economic Empowerment (B-BBEE) Performance

In terms Act 13G(1) all spheres of government, public entities and organs of state must report on their compliance with the broad-based black economic empowerment in their audited annual financial statements and annual reports. During the financial period ended 31 March 2022, the NCT was measured for Broad-Based Black Economic Empowerment (B-BBEE) compliance in accordance with the dtic Codes of Good Practice, Gazette number 38766 and 36928. The applicable scorecard used to determine the NCT compliance with the B-BBEE Act, 2013 (Act 46 of 2013) was the Codes of Good Practice - Specialised Generic (Revised codes). The NCT was found to be a non-compliant contributor to the B-BBEE Act, 2013. The B-BBEE certificate is valid until 28 October 2022. The NCT is committed to implementing measures to improve its compliance with the B-BBEE Act, 2013.

ANNEXURE A:

Tribunal Members' Résumés



Prof Joseph Mandla Maseko



Qualifications: PhD Management (UK); MPhil Labour Law (University of Johannesburg; LLB (UNISA); Advanced Diploma in Labour Law (Randse Afrikaanse Universiteit); Graduate Diploma in Company Direction (GIMT); Advanced Diploma in Management (SAIM); Diploma in Personnel Management (ICS); Certificate in O&M (RIPA – UK); Certificate in Psychometric Testing (Thomas International Europe Ltd); Certificate in Training of Trainers (IPM); Certificate in Debt Counselling (University of Pretoria); Certificate in Curriculum Design (Central Training Unit); Certificate in Management Development Programme (University of the Witwatersrand); Certificate in Law and Mediation (TPU); Certificate in Internal Auditing (UNISA). Prof Maseko was admitted as an Advocate of the High Court in South Africa in 2017.

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

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

In March 2015. In March 2018, Prof Maseko also conducted training for Management and staff and other stakeholders of the Fair-Trading Commission (FTC) of the Republic of Seychelles. The Training for both engagements took place within a week (per session) in Victoria, on Mahe Island.

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

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

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

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

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

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

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

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

Dr Laura Best



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

Dr Best is the Deputy Chairperson of the Tribunal. She is a member of the International Group of Experts on Consumer Protection at the United Nations Conference on Trade and Development (UNCTAD) in Geneva, where she also participates in the Research Partners Platform. She is an active contributor to the

African Dialogue Network, which brings together consumer protection officials from a number of African Countries for open networked learning, engagement and discussion.

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

Prof Bonke Dumisa

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

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

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



Ms Diane Terblanche



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

Diane was admitted as an attorney in April 1986. Passionate about the rights of consumers, she involved herself in 1991 and to date in promoting consumer protection within and outside South Africa. Diane engaged as a lobbyist for consumer protection, was at the forefront of drafting consumer protection

policies, laws and strategies for their effective implementation and took the lead in many instances when it came to implementing and evaluating those policies, laws and plans. She currently practices under the name and style of Diane Terblanche Attorneys. She is the founding member of ConsumerWeb, which is involved in the governance of consumer protection structures and consults on consumer protection within and outside South Africa. Diane has been the Executive Chairperson of the NCT since its inception in 2006 until November 2016. Through Diane's dynamic and robust leadership skills, she established the NCT as a trusted, independent adjudicative entity in South Africa.

Mr Fungai Sibanda



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

Mr Sibanda specialises in regulatory economics and competition policy matters and has held a number of senior positions at the Competition Commission of the Department of Trade and Industry and the Independent Communications Authority of South Africa (ICASA).

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

Ms Penelope Beck

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

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



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

Adv. Frans Kgolela Manamela



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

Adv. Manamela has been involved in consumer affairs since 1992 and was admitted as an advocate of the High Court in 1995. He played a key role in setting up the first Consumer Affairs Court in South Africa and was appointed as the first Consumer Protector for Gauteng in 1998. Adv. Manamela

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

Adv. Neo Sephoti



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

Adv. Sephoti started off her consumer championship as a Director for Regulatory Services in the Department of Economic Development & Tourism in the North West. She is an advocate of the High Court of South Africa and has served as Head of Department at North West Tourism as well as

Head of Department for Human Settlements in the North West Provincial Government. Adv. Sephoti has also served as a Commissioner of the Independent Commission for the Remuneration of Public Office Bearers and was Chairperson of the Audit and Risk Committee of the Performing Arts Council of the Free State

(PACOFs). She was Corporate Affairs Manager for the South African Breweries Central Region for more than a decade. She has also served as a commissioned officer in the South African National Defence Force in the Legal section with the rank of Lieutenant. Adv Sephoti firmly believes that the difference that resolving consumer matters make to the people and the economy makes the efforts worthwhile. She loves working with people and making a difference in their lives. She is an advocate of the High Court of South Africa and is currently employed as the Head of Department at North West Tourism which is part of the North West Provincial Government. Adv. Sephoti is also a member of the Independent Commission for the Remuneration of Public Office Bearers and is Chairperson of the Audit and Risk Committee of the Performing Arts Council of the Free State.

Prof Tanya Woker

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

A professor of law and advocate of the High Court of South Africa, Prof Woker takes a particular interest in consumer law. She served as the vice-chairperson and chairperson of the Department of Trade and Industry's Consumer Affairs Committee. Prof Woker is the author of a

number of consumer law-related articles and academic works.



Ms Hazel Alwar



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

In her position as CEO, Ms Alwar played a key role in the founding of the NCT with her hands-on work ethic. Prior to joining the founding team of the NCT, Ms Alwar spent four years as the Head of Human Resources at the Competition Commission, setting up and establishing the HR Department. She then joined the Department

of Trade and Industry as Director of Operational Management in the Corporate Regulation Division. Ms Alwar was instrumental in

implementing transformation initiatives, administering the Thomas International Psychological Tests, implementing internship programmes and providing counselling at the Competition Commission and dtic. Ms Alwar is now a full-time Tribunal Member, and her insight into the inner workings of the Tribunal is highly regarded. Ms Alwar has extensive board and committee experience. She chaired the Finance Committee at the NCT and served on the Legislative Committee, Audit Committee and HR Governance Committee. She also served as an Appeals Tribunal Member at the Film and Publication Board and as a REMCO Member for The South African Maritime Safety Authority. She lectured the Executive Management and Human Resource modules at Damelin and did training on the NCA and CPA for Magistrates.

Adv. John Simpson



Qualifications: B. Juris and LLB (UNISA)

Adv. Simpson's career has seen him rise through the ranks of the legal system over ten years from State Prosecutor in the Department of Justice to Magistrate, followed by admission as an advocate in private practice. His quest for renewed challenges led him to take on the positions of manager and then general

manager for the Ombudsman for Banking Services, where he served for 11 years. This extensive experience positioned Adv. Simpson as a skilled legal consultant, in which position he has provided advice and guidance to companies on the CPA and assisted the NCT in setting up its case management systems. He has been with the NCT since June 2013 as a full-time Tribunal Member, adjudicating cases in terms of the NCA and the CPA.

Mr Andisa Potwana

Qualifications: B. Juris & LLB (University of Transkei) and Certificate in Legislative Drafting & LLM (University of Pretoria). Current studies: LLD (University of Pretoria)

Admitted as an attorney in 2000, Mr. Potwana initially practiced law in a private law firm. His passion for civil and commercial litigation resulted in his appointment as Project Manager: SMME Project by the University of Natal's Campus Law Clinic. In this role, he lectured final year LLB students on forms of business enterprises, led an outreach project and represented businesses in commercial litigation. His civil litigation skills were further enhanced during his tenure as head of the Civil Litigation Unit at the Pietermaritzburg's Legal Aid Board's High Court Unit. His deep-seated interest in commercial law led him to join the Competition Commission of South Africa as legal counsel where he was soon promoted to the position of Senior Legal Counsel. Later on, he spent almost eight years as Director: of Consumer Law and Policy at the Department of Trade and Industry. In this role, among other responsibilities, he managed the drafting of various regulations, including the Consumer Protection

Act, 68 of 2008 Regulations. He recommended the prescription of the South African Automotive Industry Code of Conduct and the Consumer Goods and Services Industry Code of Conduct and the accreditation of the respective Ombud's schemes, the Motor Industry Ombudsman of South Africa (MIOSA) and the Consumer Goods and Services Ombud (CGSO). During this time, he served as the Minister's representative on the board of the National Home Builders Registration Council (NHBRC) for five years.



Mr Xolela May



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

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

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

Ms Nomfundo Maseti



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

Ms. Maseti is currently a full-time regulator member responsible for the economic regulation of the Gas Industry and has recently been appointed by the Minister of Energy to act as the full-time regulator member responsible for Electricity Regulation until the position is filled. She also serves in the Petroleum Subcommittee

that takes regulatory decisions on matters relating to Petroleum

Pipelines Regulation at NERSA. She also serves as a member of the NCT, which adjudicates on consumer protection matters.

Altogether, Ms. Maseti has 20 years of experience in Competition Law Enforcement and Economic Regulation. She has held various positions at the Department of Trade and Industry, being responsible for policy formulation and developing regulation and legislation around areas of competition and consumer policy, corporate law and liquor gambling policies/legislation. She served seven years at the Competition Commission SA. She also serves as the economic Regulator for telecommunications, ICASA, and she is currently working at the National Energy Regulator of South Africa since 2010 to date.

Ms Maleho Nkomo

Qualifications: B.Com. and Hon B. Com. (Economics) (University of South Africa), M.Com. (University of KwaZulu Natal), International Training Program on Utility Regulation and Strategy (University of Florida, USA)

Ms Nkomo has many years' experience working in complex and highly regulated environments with a special focus on consumer and public interest matters. She is currently the interim chairman at the NERSA, a member of the Regulating Committee on Meteorological Services and a dispute panel member of the National Intellectual Property Management Office. Previously, Ms Nkomo was a member of the Water Tribunal, Deputy Chairman of the Gauteng Rental Housing Tribunal and board member and deputy chairman at both the National Credit Regulator and Cross-Border Road Transport Agency. She has acted as deputy commissioner and was a chief financial officer at the Competition Commission.

Ms Nkomo also serves and has served as a non-executive and independent director of various Boards in the private and public sectors, including being a council member at the Tshwane University of Technology and the Tshwane South TVET College.

She also serves and has served as an independent Audit Committee member at various entities, including the Women Development Bank.



Prof Kasturi Moodaliyar



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

Prof Moodaliyar is an Associate Professor of Competition Law at the University of the Witwatersrand's School of Law and was appointed as a part-time Tribunal Member to the NCT in 2017. Prior to joining the Law School in February 2005, she worked at the Competition

Commission in Pretoria. Prof Moodaliyar graduated from the University of KwaZulu Natal with B. Proc., LLB and LLM degrees. She was admitted as an attorney of the High Court of South Africa in 2000. Prof Moodaliyar was awarded the Nelson Mandela Magdalene scholarship to read for her M Phil degree in criminological research at Cambridge University in 2001. In 2004, she completed the Programme in Economics and Public Finance at UNISA. In 2015, she completed the Programme in Legislative Drafting at the University of Pretoria.

She has published nationally and internationally in the field of competition law. Her fields of interest include competition law, criminology, criminal law and telecommunications regulation. Prof Moodaliyar has been recognised as one of the Best of the Best: Up and Coming Top Female Antitrust and Law Professors (2010) and made the list of the Mail & Guardian 200 Top Young South Africans (2012). She co-edited the book "Development of Competition Law and Economics in South Africa" (2012). Prof Moodaliyar was nominated as one of the world's 40 in their 40s Notable Women Competition Professionals (2019).

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

Dr. Adv. Maria Peenze



Qualifications: B. Iuris (cum laude), LLB (cum laude), LLM: Human Rights (cum laude) (University of the Free State); Doctor Technologiae: Business Administration (Central University of Technology); Africa Directors Programme (University of Stellenbosch Business School).

Dr Adv Maria Peenze has been a practising advocate of the Supreme Court of South Africa since 1994. She started her career in the Bloemfontein Bar of Associates and has been specialising in human rights ever since. She occupied various

executive positions, including Executive Director: Organisational Administration at the Central University of Technology (CTU, FS), Head

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

Dr. Adv. Peenze is practising as a risk and governance specialist while holding various board and governance appointments in the private and public sector and serving as the Ombudsman of UNISA and acting as a member of the International Advisory Board of the Association of Certified Fraud Examiners.

Mr Trevor Bailey

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

Trevor is a Fulbright scholar and has practiced as an attorney, mediator and arbitrator for many years. He is a member of the Transport Appeal Tribunal, a part-time CCMA commissioner, adjudicator for the Community Schemes Ombud Service, and a court-annexed, commercial, labour, community, and environmental mediator.

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

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

Tribunal and Gauteng Landlord Tenant Dispute Resolution Board.

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

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



ANNEXURE B:

Governance Committee Members' Résumés



AUDIT AND RISK COMMITTEE

Mr Suleman Badat

Qualifications: CA (SA)

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

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

Innovation, National Regulator for Compulsory Specifications and Media, Information & Communication Technologies SETA.



Ms Rudzani Rasikhinya

Qualifications: CA (SA)



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

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

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

ICT GOVERNANCE COMMITTEE

Dr Prittish Dala

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

Dr. Dala is an experienced and skilled independent non-executive director who serves on several boards and audit, risk and ICT committees providing expertise around audits, risk, governance, information security, privacy and ICT. He has over 18 years' experience across several industry verticals, including an array of local and international

client engagements within a Big four professional services environment, regulatory firm, and a number of public and private sector organisations. Dr. Dala currently serves as the Chairperson of the IT Governance Committee of the NCT.



Mr Sandile Ndaba



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

Mr Ndaba is a member of the Umzimkhulu Local Municipality Audit Committee, eNkangala FET ICT Steering Committee, the chairperson of the Public Services Seta IT Steering Committee and he has been a member of audit committees of a

number of municipalities and state-owned entities. He has more than 20 years of senior and executive management IT experience across a number of organisations, which include Ithala Development Finance Corporation, the Passenger Rail Agency of South Africa, Universal Services and Access Agency of South Africa and the National Energy Regulator of South Africa. He is currently an independent IT consultant and lecturer at the Durban University of Technology.

HR GOVERNANCE COMMITTEE

Rajesh Jock

Qualifications: MBL; M. Sc (Psych)

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

Mr. Jock has 26 years of accumulated work experience in the private and public sectors. Mr. Jock serves on several boards and has professional

membership at the IODSA, SAINS and SABPP. He is presently employed at the Merseta where he heads the Organisational Enablement function.



Nolufefe Ngqubekile-Ali

Qualifications: MBL(UNISA SBL); M. Phil. Information Systems (UFH); M. Phil. Management Coaching (USB); Hons Industrial Psychology (UFH); B. Admin in Personnel Management (UFH).
Professional memberships: IoDSA; COMENSA; SABPP (Master HR Practitioner); SABPP (Lead HR Auditor); SABPP (Commissioner of Oaths)

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

Nolufefe acquired experience in different industries in the field of human resources and corporate services, including (ICT; Marketing; Properties; Marketing; Fleet Management; Information Management, Corporate Social Investment and BBBEE) at the executive level. She

has successfully led strategic change, business process re-engineering, quality management, transformation and turnaround projects and interventions in various reputable organisations. These have turned around organisations from a financial deficit to a break-even status through the implementation of projects that drive revenue whilst reducing operational costs and maximising operational efficiencies.

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

ANNEXURE C:

Executive Committee Member's Résumés



Adv. Nelson Lolwane

Chief Operational Officer

Qualifications: B. A. (Majoring in Law and Political Science), LLB; (H. Dip. Company Law) (University of the Witwatersrand).

Adv. Lolwane was the legal advisor at Transnet Limited, general manager at Magalies Water, chief legal counsel at the Competition Commission and associate director at Ernst & Young (SA) among others, before embarking on a regulatory and compliance consulting business. He joined the NCT in October 2017 as a corporate services executive. In September 2019, he was appointed chief operating officer for the NCT.

In addition, he is a member of the Southern African Institute of Directors, Southern Africa; the Institute of Commercial Forensic Practitioners and the Legal Practice Council of South Africa.



Ms Neema Govan

Acting Chief Financial Officer

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

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

Neema completed her articles at PwC and has an extensive background in the public sector

accounting and audit environment. She has worked at the Gautrain Management Agency for 8 years. She advanced to become the Finance Executive of the Agency which received consecutive clean audits during her tenure.

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



Mr Bax Nomvete

CIO

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

Mr Nomvete has obtained his qualifications locally and abroad. During the first part of his career, he worked for 15 years in the ICT industry in the United Kingdom. On returning to South Africa in 1993, he was employed in senior and executive ICT positions for periods of time at Transnet Limited, Sanlam, Old Mutual, Saicom Payphones and the National Credit Regulator, before joining the NCT in 2013 as ICT

Manager. He is now the NCT CIO and a member of EXCO as well as the ICT Governance and ICT Steering Committees.



Mr Lucky Rabotapi

Registrar

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

Mr Rabotapi is an admitted attorney of the High Court with vast experience in consumer protection. After completing his articles, he practiced as a professional assistant in a medium-sized law firm before joining the Office of Consumer Protection (OCP) in the CCRD within

the Department of Trade and Industry as an assistant director in May 2005. He was promoted to the position of deputy director responsible for alternative dispute resolution in January 2006. In 2009, he joined the KwaZulu Natal Consumer Protection Services as a consumer protector. In 2015, he joined the Community Schemes Ombud Services as the ombudsman responsible for KwaZulu Natal, Free State and Mpumalanga provinces. He was appointed as a part-time Tribunal member in July 2017 and joined the Tribunal full-time in September 2017 as its registrar.



Adv. Vasanti Srineevassan

Acting Corporate Service Executive

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

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

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

HR structure and implementing systems; procedures; policy and risk and compliance processes. She joined the NCT in September 2022 as the HR and Facilities Manager as was then appointed as the Acting Corporate Services

Executive. Adv. Srineevassan was also recognised for her contribution at the NCT when she was awarded the highest award of the Chairperson's Award in December 2021. Adv. Srineevassan is also the lead negotiator at the dtic Collective Bargaining Forum, representing 13 entities in this role.

She is currently the Acting Corporate Service Executive and a member of EXCO as well as the ICT, HR and Audit and Risk Governance Committees.



Glossary of Terms





Complete Filing

A 'complete' filing is a filed application where all the filing requirements were met, as set out in Table 2 of the Rules for the Conduct of Matters before the NCT published under GN789 in GG30225 of 28 August 2007, as amended by GenN428 in GG34405 of 29 June 2011.

Debt rearrangement application

An application in terms of section 138 of the NCA is an application for an order confirming a settlement reached as a consent order of the Tribunal after a matter has been resolved by means of an Ombud with jurisdiction, a consumer court or an alternative dispute resolution agent, or after an investigation by the NCR or/ and if the NCR and the respondent agree to the terms of the proposed order. In accordance with the provisions of section 86 of the NCA, debt counsellors use the provisions of section 138 to apply for confirmation of a DRA as a consent order of the Tribunal. In deciding on whether to make the DRA a (consent) order of the Tribunal, the Tribunal considers all aspects relating to the legality of the agreement. Among others, it considers interest rates agreed upon and affordability.

Directive

A directive is an instruction from a Tribunal member to the parties requesting that further documents be filed in support of an application or towards clarifying an issue with regard to an application filed.

Non-debt rearrangement

A non-debt rearrangement matter is an application or referral filed with the Tribunal, other than a debt rearrangement matter. All other filings permitted to be made to the NCT are accordingly grouped under this classification.

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