



COMPANIES TRIBUNAL

**Presentation to the Portfolio Committee on
Trade and Industry**

Presented by Adv S Lebala SC



COMPANIES TRIBUNAL

Strategic and Annual Performance Plans

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STRATEGIC OVERVIEW -Background –Strategic and Annual Performance Plans

- The Companies Tribunal was established as part of the regulatory reforms ushered in by the Companies Act, 2008
- It was established to provide accessible, speedy and cost effective mechanism for the resolution of company disputes
- It began operations in September 2012, currently has a staff compliment of 13 out of the 28 approved posts

Background –Strategic Plan and Annual Performance Plan cont....

- It derives its mandate or functions from section 195 of the Companies Act which are to:
 - adjudicate in relation to any application that may be made in terms of the Act (such as name dispute and directorship dispute as well as application for exemption from establishing SEC)
 - Assist in the resolution of disputes terms of ADR (mediation, conciliation and arbitration)
 - Perform any other function assigned to it

Background –Strategic and Annual Performance Plans cont....

- It consists of independent members comprising of Chairperson, deputy Chairperson and not less than 10 other members appointed on a full time and part time basis
- Currently there are 13 part time members and one full time member

Background Planning Process

- Linear planning processes: mandate, vision, mission, values, strategic goals and objectives, outputs, targets quarterly milestones
- Strategic plan is 5 years and informs the Annual Performance plan of the Tribunal which is 3 years
- Ensure alignment with the dti strategic goals

Background Planning process

MANDATE

- Companies Act, 2008 and the Constitution of the Republic of South Africa

VISION

- A world class adjudicatory and dispute resolution organisation that contributes to the promotion of fair and ethical business practices

Background Planning Process

Mission

- To adjudicate applications made in terms of the Companies Act, 2008
- To provide alternative dispute resolution through conciliation, mediation and arbitration services

VALUES

- Accountability
- Impartiality

Background Strategic planning process

VALUES cont.....

Transparency

Equitability

Efficiency

Accessibility

Professionalism

Respect

Ethical

Strategic goals

- Adjudicate and make orders in relation to any application
- Resolution of disputes in terms of Alternative Dispute resolution (ADR)
- Ensure operational effectiveness and efficiency of the Tribunal

Strategic objectives

- Adjudicate applications timeously, fairly and in a transparent manner
- Resolve dispute in a cost effective, informal and timeous manner
- To recruit, appoint and develop competent staff for the Tribunal

Strategic Goal

Strategic Objectives

- To build a body of knowledge around company law
- To promote and maintain sound corporate governance
- To ensure the efficient management of cases

- Effective stakeholder engagement
- To educate members of the public and raise awareness regarding the Tribunal

SITUATIONAL ANALYSIS: PEST

Political	Economic
<ul style="list-style-type: none"> • Perception of non-partisan • Activist role of the Tribunal 	<ul style="list-style-type: none"> • Promotion of economic participation by all players • Reducing the cost of doing business

Social	Technology
Access to the Tribunal by members of the public Awareness of the Tribunal	Technology use for ease of access Efficiency as a result of use of technology

SWOT ANALYSIS

Strength

- Enabling legislation (mandate)
- Skills, knowledge and experience

Weaknesses

- Temporary office and parking space, lack of hearing rooms
- Limited budget to optimally fill the staff establishment

Opportunities

- Increasing access through technology usage (e-filing, video conferencing for hearings)
- Development of jurisprudence

Threats

- Competition from other alternative dispute resolution bodies
- Potential backlog

PROGRAMME PERFORMANCE

Two programmes: Adjudication and Administration

- **Adjudication:** To adjudicate and make orders in relation to applications made in terms of the Companies Act as well as to resolve disputes in terms of Alternative Dispute Resolution
- **Administration:** To ensure operational efficiency and effectiveness as well as effective stakeholder engagement

Performance indicators and performance targets

Outputs	Performance Indicator/measure	Medium term targets		
		2015/16	2016/17	2017/18
Adjudicated applications	Percentage of decisions and orders issued within 30 working days after the date of the hearing	90%	100%	100%
	Percentage of decisions and orders issued within 30 days after the date of allocation	90%	100%	100%

Performance indicators and performance targets

Outputs	Performance Indicator/measure	Medium term targets		
		2015/16	2016/17	2017/18
Resolved disputes	Percentage of cases finalised in terms of Alternative Dispute Resolution (ADR) after the date of hearing	70%	75%	80%

Performance indicators and performance targets

Outputs	Performance Indicator/measure	Medium term targets		
		2015/16	2016/17	2017/18
Sound Financial Management	Percentage of budget spent	90%	95%	98%
	No irregular, fruitless and wasteful expenditure incurred	None	None	None

Performance indicators and performance targets

Outputs	Performance Indicator/measure	Medium term targets		
		2015/16	2016/17	2017/18
Ensure operational effectiveness and efficiency of the Tribunal	Piloted case management system	Piloting of automated electronic case management system	Partial implementation	Full implementation

Performance indicators and performance targets

Outputs	Performance Indicator/measure	Medium term targets		
		2015/16	2016/17	2017/18
Production of research reports	Number of research reports produced	Produce 1 research report: on Comparative analysis of Companies Tribunals in other jurisdictions	Produce one research report on the impact and effectiveness of CT in delivering on its mandate	nil
Advocacy services	Number of seminars hosted	Host 1 seminar on alternative dispute resolution	Host 1 seminar on social and ethics committee	Host 1 seminar on name dispute

Performance indicators and performance targets

Outputs	Performance Indicator/measure	Medium term targets		
		2015/16	2016/17	2017/18
	Number of media engagements	Release 2 media statements Participate in 2 radio interviews	Release 2 media statements Participate in 2 radio interviews	Release 2 media statements Participate in 2 radio interviews

Performance indicators and performance targets

Outputs	Performance Indicator/measure	Medium term targets		
		2015/16	2016/17	2017/18
Advocacy services	Number of participation in outreach and/ or exhibitions	Participate in 7 2 City of Tshwane, 1 Limpopo, 1 Soweto, 1 Ekurhuleni, 1 East London 1 Durban	Participate in 8 1 Kimberly 1 Bloemfontein 1 Port Elizabeth 1 Potchefstroom 1 Mogale City 1 Emalahleni 1 Richards Bay 1 Mafikeng	Participate in 8 1 Thohoyandou 1 Cape Town 1 Saldahna 1 Nelspruit 1 Rustenburg 1 Brits 1 East Rand 1 West Rand

ALLOCATED BUDGET

MEDIUM TERM EXPENDITURE FRAMEWORK

	Medium-Term Expenditure Estimates (R'000)		
	2015/16	2016/17	2017/18
Programmes	Medium-Term Expenditure Estimates (R'000)		
Administration	12, 990	13,088	13,749
Adjudication	2,630	2,681	2,673
Total	15,620	15,769	16,422

REVENUE ALLOCATION

MEDIUM TERM EXPENDITURE FRAMEWORK

	2015/16	2016/17	2017/18
Revenue Items	Medium-Term Expenditure Estimates (R'000)		
Grant allocation	14,221	15,069	15,822
*Other Income	1,399	700	600
Total	15,620	15,769	16,422

**Other income – consist of interest received from investment account*

EXPENDITURE ALLOCATION

	2015/16	2016/17	2017/18
Expenditure Items	Medium-Term Expenditure Estimates (R'000)		
Member's fees	2,373	2,483	2,503
Compensation of employees	11,044	12,087	12,875
Goods and services	2,203	1,199	1,044
* Capital expenditure	59	50	50
Total	15,620	15,769	16,422

**Capital expenditure – currently being funded from surplus funds*

Key Strategic Risks

Risk Name and Category	Current controls	Further Actions/ controls to manage the risk
Temporary office space and unavailability of parking space, insufficient hearing rooms	<ul style="list-style-type: none">• Reliance on the dti to provide additional space	<ul style="list-style-type: none">• Tribunal to acquire own premises
No control over IT infrastructure	<ul style="list-style-type: none">• Reliance on the dti IT department	<ul style="list-style-type: none">• Acquire own IT infrastructure and appoint Deputy Manager IT• Mou with the dti

Key Strategic Risks

<p>Business interruptions</p>	<ul style="list-style-type: none"> • Reliance on the dti IT infrastructure 	<ul style="list-style-type: none"> • Appointment of Deputy IT Manager • Procurement of IT infrastructure (server)
<p>Inconsistent decisions</p>	<ul style="list-style-type: none"> • Capacity building workshops 	<ul style="list-style-type: none"> • Introduce quality control measures

Key Strategic Risks

Adherence to turnaround times	<ul style="list-style-type: none">• Case age analysis• Reminder to Part Time members• Communication to clients to remind of outstanding documents	<ul style="list-style-type: none">• Increase frequency in analysis- monthly• Appointment of Deputy Registrar• Acquire electronic case management system• Review case management process
Limited staff within division	<ul style="list-style-type: none">• Delegation of authority• Rotation• Vacancies to be filled	<ul style="list-style-type: none">• Multi-skilling• Outsourcing• Review of organisational structure

Human Resource and Information Technology Strategies

Human Resource Strategy

- To fill all vacant posts timeously and with the correct calibre of candidates to meet the envisaged growth path
- Have high performance culture liked to rewards for excellence

Information Technology Strategy

- IT strategy over the 3year period will focus on efficient management of cases
- Aim at acquisition, implementation and maintenance of ICT technologies to improve and enhance service delivery

Communication Strategy

- Accessibility of the Tribunal to members of the public
- Creating awareness about Tribunal purpose, processes and timeframes to its stakeholders

Anti-Fraud and Corruption Policy

Some of the Principles

- Zero tolerance
- Accountability
- Duty to protect whistle blowers

Anti-Fraud and Corruption Policy

Principles cont....

- Duty to implement effective anti-fraud controls
- Duty to report and reporting mechanisms
- Reporting to police and other relevant authorities
- Mandate to investigate
- Instituting disciplinary proceedings
- Training and awareness
- Fraud risk assessment

Service Delivery Improvement Plan

- Complaints and enquires response within five (5) working days after date of receipt
- Applications resolved within 35 working days after completed filing of documents by parties

THANK YOU

