STRATEGIC PLAN

(2018/19 to 2022/23)

30 January 2018
Foreword by Minister

In terms of the Public Finance Management Act 1 of 1999 (PFMA), I have to ensure that every public entity that I am responsible for, must comply with the provisions of the PFMA and in the case of the National Consumer Commission (NCC), it must also comply with the provisions of the Consumer Protection Act 68 of 2008 (CPA). I am satisfied that the NCC’s past focus on complying with the PFMA, is on track. This must be maintained and improved, in line with the guidance provided by its relevant governance structure.

One of my key focus areas insofar as the NCC is concerned, particularly in this strategic period, is to ensure that the NCC meets its policy objectives as contained in the CPA. To this end, I aim to ensure that the NCC, focusses on the following key priority areas:

1) Improving consumer awareness and information and encouraging responsible and informed consumer choice and behaviour;
2) Providing for a consistent, accessible and efficient system of consensual resolution of disputes arising from consumer transactions;
3) Enforcing the CPA by monitoring the consumer market to ensure that prohibited conduct and offences are prevented or detected and prosecuted;
4) Promoting education and awareness on labelling across the different sectors and working in collaboration with other entities and or Departments; and
5) Publication of the work undertaken by the NCC.
6) Promotion of effective relations with provincial consumer protection authorities, enforcement agencies and other regulators;

I do understand that the NCC is a small entity, with limited resources. However, it is imperative that the NCC maximises delivery to consumers. I would expect that business would cooperate with the NCC in ensuring that consumers realise the benefits of the provisions of the CPA and thereby promote the proliferation of ethical business practices throughout and beyond the borders of the Republic of South Africa.

Dr Rob Davies, MP
Minister of Trade and Industry
28 February 2018
Abbreviations and commonly used acronyms

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

I am pleased to present this five year strategic plan of the National Consumer Commission (“the NCC”). It sets out the key focus areas for the NCC over the financial years 2018/19 to 2022/23. An annual performance plan and business plan linked to this strategic plan will provide details of the specific performance measures in relation to the strategic goals.

The NCC was established in terms of section 85 of the Consumer Protection Act No. 68 of 2008 (“the Act”) Act and began exercising its mandate with effect from 1 April 2011.

The NCC, has slowly, but surely begun entrenching itself as a key consumer protection regulator in South Africa, within the SADC region and on the African continent on the whole. It has begun to take up consumer issues that have a serious negative impact on a significant number of consumers. Consumer rights relative to the expiry of data coupled with the forfeiture of unused data is but one example. Another example is that which relates to the timeshare enquiry that the NCC has commenced with in the 2017/18 financial year. The NCC has every intention of upholding the rights of consumers in these two matters. This is a mammoth task over this strategic period for a fairly under resourced entity. The respective business sectors that the NCC are up against in these two matters are both vital and significant contributors to the South African economy with significant resources at their disposal when compared with the resources of the NCC. The NCC is, however, mindful that it is in a battle and it has braced itself for a good fight. It is also mindful, despite the expectations, of the fact that it is unable to take on much more than it can handle at any given point in time. It is difficult to predict how long its battles with certain business sectors are going to last or what it is eventually going to cost. However, the NCC remains confident that it will, apart from uncovering unethical conduct by certain business, emerge with tangible and significant benefits for South African consumers.

In line with the consumer policy of the dti the NCC has to work closely with other key stakeholders to promote the resolution of consumer complaints. Hence, one of its focus areas is its engagement with targeted industries/sectors on the submission of industry codes and the expansion of alternate dispute resolution schemes in South Africa. The NCC has enjoyed some success in this regard, now that the ombud schemes for the motor industry and the consumer goods and services industry have been accredited by Minister. The NCC has recommended the accreditation of another two ombud schemes in the 2016/17 year. It is envisaged that at least other similar scheme will be recommended for
accreditation by Minister over this strategic period. Apart from working closely with the provincial consumer protection authorities and other key regulators like ICASA, I am encouraged that the NCC is also involved with consumer protection at SADC level, which requires the promotion of consumer protection amongst member states.

This strategic plan is aligned to the South African consumer policy prerogatives as espoused in the Consumer Protection Act (CPA). This has been highlighted in 2015 by Minister as well as by representatives of the DPSA. Minister and the DPSA have rightly pointed out that the NCC must focus on its key legislative mandate. This necessitated the NCC revisiting its legislative mandate. The strategic, annual performance and business plans remain highly ambitious in view of the fact that the NCC has very limited resources. However, despite these challenges I implore all staff members and stakeholders of the NCC to adopt this strategic plan and play their role in fulfilling it with commitment and zeal. It is of immense importance for the economy of South Africa and for consumers in particular, that little or no room is left for unscrupulous business to operate within the borders of the Republic.

Mr. E. Mohamed
Commissioner

T. Mabus
Deputy Commissioner
E: Official plan sign-off

It is hereby certified that this strategic plan:

- Was developed by the management of the NCC under the guidance of the Executive Authority;

- Takes into account all the relevant policies, legislation and other mandates for which the NCC is responsible;

- Accurately reflects the strategic outcome oriented goals and objectives which the NCC will endeavour to achieve over the period from 1 April 2018 to 31 March 2023.

Mr E Mohamed
Commissioner

31/01/2018
Date
1. **SECTION 1: BACKGROUND INFORMATION**

1.1 **Vision**

In pursuance of its strategic mandate as enshrined in the Act, the vision of the NCC is: “To be the leading institution in consumer protection that is professional, responsive and effective.”

1.2 **Mission**

The mission of the NCC is: “To promote compliance with the Consumer Protection Act through advocacy and enforcement, in order to ensure fair business practice and to uphold the social and economic welfare of consumers”.

1.3 **Value statements**

Values are common traits and attributes, which guide the manner in which the organisation will relate with its stakeholders. They are intended to define and shape the culture of the NCC and guide how staff members interact both internally and with stakeholders.

The NCC’s value statements are:

a. **Professionalism and Ethical conduct** – to promote and maintain a high standard of professional ethic

b. **Efficiency & effectiveness** – to promote efficient, effective and economic use of resources.

c. **Transparency** – to foster a culture wherein the bases upon which decisions are made are consistent and transparent

d. **Accountability** - Accepting responsibility for its own actions.

e. **Teamwork** – to promote coherent and effective teams within the NCC
1.4 Legislative and policy mandates

The NCC has considered the following sets of legislation and policy prescripts:

1.4.1 Constitutional mandates

In terms of Section 41 of the Constitution read with Schedule 4 thereof, consumer protection is an area of concurrent jurisdiction. Through its legislative mandate and its promotion of fair business practice, the NCC plays a significant role in upholding and preserving the principles enshrined in the Constitution. Specifically, the NCC has a direct impact on the following areas within the Constitution of the country, under the Bill of Rights section:

- **Sub-section 9: Equality** – Through remaining accessible to diverse groupings of consumers, the NCC plays its role in ensuring that parties have the right to equal protection and benefit of the law. Additionally, the NCC strives through its value system to respect human diversity and ensure that no form of discrimination, if any, is tolerated.

- **Sub-section 10: Human dignity** – The NCC ensures that prohibited conduct on the part of suppliers of goods and services, as well as the relevant action thereto, does not impair human dignity.

- **Sub-section 14: Privacy** – The NCC ensures that the privacy of persons in their capacity as consumers, is protected and respected.

- **Sub-section 33: Just administrative action** – The NCC ensures it hears both sides to a dispute and that it issues reasons for its decisions.

1.4.2 Legislative mandates

The NCC is established in terms of Section 85 of the Consumer Protection Act No. 68 of 2008 (“the Act”) with jurisdiction through the Republic of South Africa. The NCC reports to the Department of Trade and Industry’s (“the dti”) Entity and Oversight Unit and to the Consumer and Corporate Regulation Division (“CCRD”) which has, as one of its key roles, the creation of “credible institutions for enforcement and implementation of regulatory instruments”.

The National Consumer Commission (NCC) is charged with the responsibility to enforce and carry out the functions assigned to it in terms of the Act. The Act seeks to promote a fair, accessible and sustainable marketplace for consumer products and services and for that purpose, to establish national norms and standards relating to consumer protection. It further seeks to provide for improved standards of consumer information, to prohibit certain unfair marketing and business practices, to promote responsible consumer behaviour and to promote a consistent legislative and enforcement framework relating to consumer transactions and agreements.

1.4.3 Policy mandates

The NCC also ensures that through its alignment with the dti’s key priorities, it is also aligned to Government’s key national priorities as espoused in the government’s overall mandate to the people of South Africa. However, its key focus is on its legislative mandate.

These national priorities are:

1. Improved quality of basic education.
2. A long and healthy life for all South Africans.
3. All people in South Africa are and feel safe.
4. Decent employment through inclusive economic growth.
5. A skilled and capable workforce to support an inclusive growth path.
6. An efficient, competitive and responsive economic infrastructure network.
7. Vibrant, equitable and sustainable rural communities with food security for all.
8. Sustainable human settlements and improved quality of household life.
9. A responsive, accountable, effective and efficient local government system.
10. Environmental assets and natural resources that are well protected and continually enhanced.
11. Create a better South Africa and contribute to a better and safer Africa and World.
12. An efficient, effective and development oriented public service and an empowered, fair and inclusive citizenship.
13. A comprehensive, responsive and sustainable social protection system.
1.4.4 Decisions of the Courts

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

The NCC, is in the process of appealing a decision of a high court which has ordered the National Consumer Tribunal to consider issuing a cost order against the NCC following the withdrawal of a matter by the NCC at the Tribunal. As it stands, legislation prevents such an order from being considered. If such an order were to stand, then the ability of the NCC to deal with contraventions of the Act at the Tribunal, will be severely affected. This would mean that for every matter that the NCC files with the Tribunal, it should make provision for the costs of respondents if it were to withdraw a matter or if the Tribunal were to grant judgment against the NCC. This would have the effect of rendering the NCC a toothless body as it would be unable to set aside millions of rand for costs. It must be understood that the NCC cannot pre-empt a finding in its favour. The NCC’s inability to approach the Tribunal would essentially stem the development of consumer law in South Africa.

In line with its strategic plan, the NCC continuously assesses the need for and submits recommendations to Minister for the accreditation of industry codes. Once these codes are accredited, then as part of its monitoring function, the NCC will constantly analyse the decisions of accredited alternative dispute resolution (ADR) schemes with a view to determining trends and emerging concerns for both consumers and business. These schemes are a critical part of creating and expanding the dispute resolution platform for dealing with disputes between consumers and suppliers.

The Financial Sector Regulation Act, known as “Twin Peaks”, which establishes a prudential regulator and a separate, dedicated market conduct regulator has recently been signed into law. It has been reported that this legislation aims to achieve a financial system that works in the interests of consumers, and supports balanced and sustainable economic growth. Further, that the “Twin Peaks” model will see the creation of a prudential regulator, which will oversee risks taken on by financial firms such as banks and focus on macro prudential aspects of financial stability. This particular oversight role will be effected by the South African Reserve Bank (SARB). Whereas, The
Financial Services Board (FSB) will become the dedicated market conduct regulator, tasked with ensuring consumers are treated fairly and financial firms’ conduct complies with law.

The act was mooted mainly in response to the 2008 global financial crisis. It makes provision for the establishment of the Financial System Council of Regulators. The objective of the Financial System Council of Regulators is to facilitate co-operation and collaboration, and, where appropriate, consistency of action, between the institutions represented on the Financial System Council of Regulators by providing a forum for senior representatives of those institutions to discuss, and inform themselves about, matters of common interest. The Financial System Council of Regulators will be composed of the following members:

(a) The Director-General;
(b) the Director-General of the Department of Trade and Industry;
(c) the Director-General of the Department of Health;
(d) the Chief Executive Officer;
(e) the Commissioner;
(f) the Chief Executive Officer of the National Credit Regulator;
(g) the Chief Executive Officer of the Council for Medical Schemes;
(h) the Director of the Financial Intelligence Centre;
(i) the Commissioner of the National Consumer Commission;
(j) the Commissioner of the Competition Commission;
(k) the Deputy Governor responsible for financial stability matters; and
(l) the head, however described, of any organ of state or other organisation that the Minister may determine.

Since the FSB will be responsible for protecting customers of financial services firms and improving the way financial service providers conduct their business, the business practices of banks, long term and short term insurers will no longer be regulated by the Consumer Protection Act. However, it must be understood that the Consumer Protection Act is the current yardstick for the protection afforded to consumers in general, whichever sector consumers transact in. The NCC will always be supportive of regulators seeking to protect consumers provided that these regulators are enabled to provide an equivalent or better protection to consumers than that which is contained in the
Consumer Protection Act. This is intrinsic to the Consumer Protect Act. The NCC looks forward to cooperating with the FSB on the protection of consumers in the financial sector.

1.5 Situational Analysis

The elected manner of conducting a situational analysis was through a detailed SWOT (strengths, weaknesses, opportunities, threats) analysis conducted at a workshop on the 26-27 November 2015. The results are tabled below:

<table>
<thead>
<tr>
<th>STRENGTHS</th>
<th>WEAKNESSES</th>
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<tbody>
<tr>
<td>1. Clearly defined mandate. Easy access to leadership of the NCC.</td>
<td>1. Inadequate information and communications technology (&quot;ICT&quot;) systems.</td>
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<tr>
<td>2. Learning and growing organisation – Opportunity to innovate.</td>
<td>2. Human &amp; Financial resource constraints.</td>
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<td>4. Young and vibrant workplace - that can be easily galvanised.</td>
<td>4. Inadequate skills and capacity building.</td>
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<td>5. Diverse skills.</td>
<td>5. Working in silos.</td>
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<tr>
<th>OPPORTUNITIES</th>
<th>THREATS</th>
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<tr>
<td>1. Establishing a national presence.</td>
<td>1. Poor working relations with other regulators.</td>
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<tr>
<td>2. Working with other agencies within consumer protection environment.</td>
<td>2. Inadequate resources to fully achieve its mandate.</td>
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<tr>
<td>3. Influencing the status of consumer protection locally and internationally.</td>
<td>3. Lack of strategy to enable the NCC to work with the consumer protection groups.</td>
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<td>4. Safety and security of enforcement staff may be compromised.</td>
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1.5.1 Performance Delivery Environment

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

In implementing the revised consumer protection framework, the dti’s intention was to create an environment where a culture of consumer rights and responsibilities prevail. Such an environment is
not only beneficial to consumers but to business as well. The enforcement of the Consumer Protection Act assists in regulating the conduct of suppliers of goods and or services to consumers. If left unchecked, unethical traders will merely serve to hinder the creation of a fair, competitive and equitable environment for all. Prior to the enactment of the Consumer Protection Act, South Africa lagged behind other international jurisdictions in protecting its consumers. The global and domestic trading environment has changed significantly over time. Markets have opened up and there has been a significant increase in the movement of people, goods and services across borders. The incidence of scams and unfair practices, on the other hand, has become more sophisticated.

The need to enforce the Consumer Protection Act is critical to:

- establishing a legal framework for the achievement of a fair, accessible, responsible and sustainable market;
- reducing any disadvantages experienced in accessing the supply of goods and services by low income, low literacy, rural and vulnerable consumers;
- Promoting fair business practices;
- Protecting consumers from unfair and deceptive conduct;
- Improving consumer awareness; and
- Providing for an accessible, efficient and effective system of redress;

The Consumer Protection Act applies to:

- Suppliers (for profit or non-profit) that promote or supply goods or services to consumers across all sectors of the economy, unless exempted;
- Government institutions or any entity contracted by the state to provide goods or services to consumers;
- Franchise offers, solicitations and agreements; and to
- Any business to business transaction subject to a stipulated two million rand turnover per annum threshold.

Consumer Protection is a concurrent functional area of national and provincial legislative competence. Provincial consumer protection authorities exist in all provinces. Provincial consumer courts have jurisdiction over complaints of unfair business practices in terms of their respective legislation. A
consumer court can declare a business practice unfair and in contravention of a provincial legislation and order appropriate redress to a consumer in terms of a provincial legislation which created it.

Section 146 (2) (b) of the Constitution provides that national legislation applies uniformly with regard to the country as a whole and prevails over provincial legislation if, amongst other things, the following conditions are met:

- The national legislation deals with a matter that cannot be regulated effectively by legislation enacted by the respective provinces individually;
- The national legislation deals with a matter that, to be dealt with effectively, requires uniformity across the nation, and the national legislation provides that uniformity by establishing:
  (i) norms and standards;
  (ii) frameworks; or
  (iii) national policies
- The national legislation is necessary for the-
  - protection of the common market in respect of the mobility of goods, services, capital and labour;
  - promotion of economic activities across provincial boundaries;
  - promotion of equal opportunity or equal access to government services;

The Consumer Protection Act entrenches national consumer protection policy as well as norms and standards.

The NCC had changed its strategy in the 2012/13 financial year and further revised it in 2015/16 in line with its legislative mandate. This document therefore reflects the NCC’s revised strategy which is also in line in line with recommendations made by Minister and the DPSA.

In order to expand conciliation and mediation fora for the resolution of consumer complaints, the NCC will continue approaching key industries or sectors, as the need arises, to assist in the establishment of industry/sector ombud schemes. This approach serves to benefit consumers and business. Consumers will be able to seek accessible, free and speedy conciliation and mediation services on their consumer related disputes. These disputes will ordinarily be dealt with by persons who should be
familiar with the nature of the transactions as these are endemic within the particular industry or sector. This would enable the NCC to monitor consumer disputes per industry and or sector. In monitoring the complaints dealt with by these alternate dispute resolution schemes, the NCC will be able to identify pervasive harmful business practices as well as emerging harmful trends emanating from these industries and or sectors. Interventions by the NCC can therefore be meaningful. This is vital, as the spirit of the Act did not envisage that the NCC should have internal experts to deal with the complex complaints arising out of each and every sector or industry. Ultimately, another key focus of the NCC would include the monitoring of the accredited ombud schemes.

Minister has thus far accredited the Motor Industry Ombud (MIOSA) and the Consumer Goods and Services Ombud (CGSO) as the ADR agents implementing the respective codes. All complaints related to the motor industry and to the fast moving consumer goods industries are now mainly dealt with by the MIOSA and CGSO. Complainants will refer their complaints directly to these ombuds and those complaints lodged with the NCC or the Provincial Consumer Affairs would be referred to these ombuds as per referral protocols. The NCC and the accredited ombuds have commenced developed mechanisms and or entered into an arrangements in relation to the reporting of performance and utilization of resources.

Insofar as investigations are concerned, despite the increasing demand, the NCC is unable to investigate every consumer complaint. This is neither possible nor feasible given the resources at its disposal. Instead, the NCC will continue to focus on the investigation of mainly systemic unfair conduct, based on criteria that are in line with its enforcement strategy. Investigations will be conducted so as to promote market integrity and transparency by addressing unethical or unscrupulous conduct and promoting better disclosure of information. Apart from the enforcement criteria, investigations and or other regulatory interventions by the NCC, are also informed by research and complaints trend analysis. The NCC intends increasing its access to consumer complaints databases in order to obtain better and more reliable trends analysis. This approach is in line with international practice (of like regulators).

Consumer safety will invariably be promoted so as to ensure that consumers are supplied with reliable goods and services which are safe for consumer health and life as well as for the environment. In order to promote the supply of safe consumer goods and services, the NCC will continue working closely with, amongst other regulators, the National Regulator for Compulsory Specifications (NRCS); South
African Bureau of Standards (SABS), the Department of Agriculture, Forestry and Fisheries and the health. The facilitation and monitoring of recall of unsafe products is a critical function of the NCC. In the absence of its own product testing facilities, coupled with the lack of financial resources that are normally associated with product tests, the NCC will continue to rely on entities like NRCS and SABS. The scanning of product recalls by regulators in other jurisdictions will be factored in.

It is still evident that the vast majority of consumers do not lodge complaints. Consumers who are unaware of their rights as consumers, will not complain. The genuine need to increase awareness of consumers’ rights remain. It is also evident, that whilst suppliers are aware of their obligations in terms of the Consumer Protection Act, this is not the case for all suppliers. A greater need exists for small and medium enterprises to be made aware of their obligations. The NCC intends to continue encouraging suppliers to comply with the consumer protection legislative framework. Awareness does lead to increased compliance. To this end, awareness initiatives for both consumers and suppliers are intrinsic to the NCC’s enforcement function.

Following the receipt of a qualified audit in the 2012-13 financial year, the NCC subsequently focussed on implementing compliance related processes so as to enable it to comply with the PFMA, Treasury Regulations and directives. This resulted in the NCC receiving an unqualified audit for the 2013-14; 2014-15; 2015-16 and 2016-17 financial years. The compliance burden on the NCC has been increasing. This impacts on all officials and on the NCC’s efficacy to deal with its core mandate. The NCC has been saddled with a poor compliance history and it will endeavour to maintain and improve on its internal controls. This will be largely guided by findings made by internal and external auditors as well as the assessments performed by its Executive Authority.

1.5.2 Organisational Delivery Environment

The NCC is an organ of state and is a Schedule 3A entity in terms of the Public Finance Management Act, 1999, Act No. 1 of 1999 (PFMA). The entity is established by section 85 of the CPA.

In terms of section 87 of the CPA, the Commissioner of the NCC is responsible for all matters pertaining to the functions of the NCC and is required to hold office for an agreed term, not exceeding five years. Provision is however made for reappointment on expiry of an agreed term of office.
The NCC does not have a Board. The Commissioner is the accounting authority for the NCC, duly assisted by the Deputy Commissioner and as such, is responsible for all income and expenditure of the NCC; revenue collected by the NCC; assets and the discharge of all liabilities of the NCC; as well as the proper and diligent implementation of the PFMA in relation to the NCC. Thus, Parliament, the Executive Authority and the Commissioner are responsible for corporate governance.

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

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

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

Oversight by the Executive Authority rests by and large on the prescripts of the PFMA. The PFMA grants authority to the Executive Authority for the exercise of its oversight powers.

The Executive Authority also enters into a Shareholders Compact with the NCC and a performance agreement with the Commissioner, both, on an annual basis. A Compliance Schedule is included as part of the Shareholders Compact indicating the deliverables and due dates of all documents as stipulated in the PFMA, Treasury Regulations and the Shareholders Compact. Compliance is reported
on a quarterly and/or annual basis, whereas management accounts are required to be submitted monthly. Reports are also provided from time to time on matters of significance.

The NCC currently has an approved structure that makes provision for 182 full-time positions. However, only 85 positions out of the 182 approved positions are funded. Given the existing fiscal status, the likelihood of receiving an increase in the budget allocation that would enable the NCC to fill all unfunded posts, is remote. In order effect its strategy and annual performance plans, a review of the NCC structure is underway. The assistance of the DPSA and that of the dti has been solicited. Following the review, unnecessary vacant positions will be abandoned and only key vacant positions will be filled, funds permitting. The review of the structure is not expected to result in any retrenchments. Going forward, the NCC largely intends decreasing its approved structure to coincide with funded posts.

A skills audit has been conducted at the NCC, it is apparent that a major skills shortage does exist within the entity. An appropriate skills upgrade programme is underway under the guidance of an internal Skills Development Committee.

Insofar as trade union activity is concerned, the NCC has entered into a recognition agreement with NEHAWU. As it stands, the NCC has adopted the salary scales, benefits and increments as determined by the Minister of the Department of Public Service and Administration. This does not imply that the NCC is not a Schedule 3A entity, in terms of the PFMA.

The process embarked upon by the Executive Authority, of facilitating the establishment of bargaining chambers for its entities, is at an advanced stage. NCC officials are members of the GEPF. Officials are prevented by the Government Employees Medical Scheme (GEMS) from participating in GEMS. However, the usual benefits applicable to employees as negotiated at the PSCBC in relation to employees on levels 1-12 are, wherever possible, also granted to NCC employees on these levels.

Corporate governance at the NCC embodies processes and systems by which public entities are generally directed, controlled and held to account. In addition to legislative requirements based on the CPA, corporate governance is applied through the precepts of the PFMA and run in tandem with the principles contained in the King Reports on Corporate Governance.
In line with the requirements of the PFMA, the NCC has an Audit and Risk Committee. The membership thereof is made up of independent persons. The said Committee also provides for one ex-officio member to serve thereon at the behest of the Executive Authority.

Risk management is integral to corporate governance at the NCC. A risk strategy is implemented and revised from time to time. A risk register is in place and monitored regularly and reported on at Audit and Risk Committee meetings.

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

a) a rolling three-year strategic internal audit plan based on its assessment of key areas of risk for the institution, having regard to its current operations, those proposed in its strategic plan and its risk management strategy;

b) an annual internal audit plan for the first year of the rolling three year strategic internal audit plan;

c) plans indicating the proposed scope of each audit in the annual internal audit plan; and

d) reports to the Audit and Risk Committee detailing its performance against the annual internal audit plan, to allow effective monitoring and possible intervention.

Internal Audit reports administratively to the Accounting Authority and functionally to the Audit and Risk Committee. The function is independent of activities that are audited, with no limitation on its access to information.

The NCC has approved a Fraud Prevention Plan (Plan) which is regularly canvassed with NCC officials. Thus far, no acts of fraud have been reported to have occurred over the last five years. In terms of the Plan, mechanisms are in place to report fraud and corruption. In order to promote fraud prevention, a whistleblowing policy is in place which makes provision for officials to make confidential disclosure about suspected fraud and corruption.
1.6 Alignment with the dti’s priorities

The main objective of the dti’s CCRD unit is to create a fair regulatory environment that enables investment, trade and enterprise development in an equitable and socially responsible manner and promote a professional, competitive and customer-focused working environment that ensures effective and efficient service delivery.

In line with the prescripts of the Act, the NCC contributes to the dti’s growth path by freeing up / increasing funding in the SA economy for investment / productive purposes through promoting compliance with the Consumer Protection Act and thereby curtailing incidences of prohibited business practice. Moreover, enforcing the said Act consistently, certainty is created which adds to confidence amongst suppliers/business.
2. SECTION 2: STRATEGIC OBJECTIVES

2.1. Strategic objectives

This revised strategic plan is linked to and flows from various plans developed by the NCC to fulfil its mandate, especially Performance Agreements between the Minister and Commissioner and between the Commissioner and Deputy Commissioner. The Shareholders Compact entered into between the NCC and the Executive Authority.

The strategic objectives articulated below were arrived at through a careful assessment of the legislative mandate and the environment in which the NCC operates. Up-to-date information about the organisation’s performance and its challenges were gathered in developing the strategic objectives. Consideration was also given to political, economic, social, environmental and technological aspects applicable to the NCC. In assessing the information gathered, the NCC was able to define the critical strategic tasks facing the NCC over the next five years.

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<tr>
<th>Strategic Outcome Oriented Goal 1</th>
<th>To Promote Consumer Protection and Consumer Safety</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goal statement</td>
<td>The goal is to ensure consumer protection and consumer safety through the enforcement of the provisions of the Consumer Protection Act and to facilitate an environment that enables resolution of disputes between consumers and suppliers that is expedient, cost effective, fair and transparent.</td>
</tr>
<tr>
<td>Description</td>
<td>The functions in relation to this objective are performed by the Legal Division and the Enforcement and Investigations Division. The purpose is to:</td>
</tr>
<tr>
<td></td>
<td>(i) Facilitate an environment that enables resolution of disputes between consumers and suppliers that is expedient, cost effective, fair and transparent.</td>
</tr>
<tr>
<td></td>
<td>(ii) Conduct investigations so as to enforce the provisions of the Consumer Protection Act thereby ensuring compliance with the provisions of the Consumer Protection Act;</td>
</tr>
<tr>
<td></td>
<td>(iii) Make applications in terms of the CPA to the National Consumer Tribunal</td>
</tr>
<tr>
<td></td>
<td>(iv) Facilitate, conduct and monitor product recalls</td>
</tr>
</tbody>
</table>
### Strategic Outcome Oriented Goal 2

**Goal Statement**
To promote compliance with consumer protection policy and the reform of consumer legislation/business practices that are inconsistent with the CPA.

**Description**
The functions in relation to this objective are performed by the Legal Division.

The purpose is to:

1. Identify legislation that affects the welfare of consumers which is inconsistent with the purposes of the CPA and develop proposals for reform of practices.
2. Provide guidance to the public by issuing explanatory notes and/or non-binding opinions on the interpretation of provisions of the CPA.
3. Make application for declaratory order on the interpretation or application of any provision of the CPA.

### Strategic Outcome Oriented Goal 3

**Goal Statement**
To promote public awareness on consumer protection

To increase knowledge on the nature and dynamics of the consumer market and promote public awareness on consumer protection matters by implementing education and information measures to develop public awareness of the provisions of the CPA.

**Description**
The functions in relation to this objective are performed by the Advocacy, Education and Awareness Divisions.

The purpose is to conduct targeted consumer workshops as well as business focused workshops and presentations aimed at facilitating a better understanding of the CPA.

Each objective is supported by specific key outputs, which are in turn supported by key performance indicator and targets, is detailed in the annual performance plan and business plan of the NCC.

**Delivery Model**
The following diagram provides for a simplistic depiction of the relationship between the NCC in relation to other mechanisms for resolving consumer and credit disputes:
2.2 Governance Structure

The Commissioner of the NCC is responsible for the governance and oversight of the operations of the NCC. The NCC largely reports through the Consumer and Corporate Regulation Division (CCRD) and the Public Entity Oversight Division (PEO) of the dti to the Executive Authority. The NCC acts in terms of a budget approved by the dti.
2.3 Operational structure

The NCC has 85 funded positions. Approximately one third of these 85 funded posts are directly employed to provide support services, for example, in finance, human resources, IT etc. Thus the number of employees involved in the core deliverables of the NCC is a fairly small number of officials. The ratio of officials involved in support functions is not overly large given the ever increasing compliance requirements for State entities like the NCC.
2.4 Finance Strategy

Financial Plan

(i) Projections of revenue, expenditure and borrowings

Financial Performance data in R’000s

<table>
<thead>
<tr>
<th>Details</th>
<th>2018/19</th>
<th>2019/2020</th>
<th>2020/21</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transfers received</td>
<td>55 865</td>
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<tr>
<td>Interest received</td>
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<td>1 888</td>
<td>1 991</td>
</tr>
<tr>
<td><strong>Total revenue</strong></td>
<td><strong>57 653</strong></td>
<td><strong>60 881</strong></td>
<td><strong>64 229</strong></td>
</tr>
<tr>
<td>Compensation of employees</td>
<td>44 979</td>
<td>47 498</td>
<td>50 348</td>
</tr>
<tr>
<td>Salary &amp; wages</td>
<td>40 717</td>
<td>42 997</td>
<td>45 611</td>
</tr>
<tr>
<td>Social contributions (employer contributions only)</td>
<td>4 262</td>
<td>4 501</td>
<td>4 737</td>
</tr>
<tr>
<td><strong>Use of goods and services</strong></td>
<td><strong>12 674</strong></td>
<td><strong>13 383</strong></td>
<td><strong>13 881</strong></td>
</tr>
<tr>
<td>Administrative fees</td>
<td>1 652</td>
<td>1 745</td>
<td>2 590</td>
</tr>
<tr>
<td>Advertising</td>
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<td>1 505</td>
<td>887</td>
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<tr>
<td>Assets less than R5 000</td>
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<td>27</td>
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<tr>
<td>Audit costs</td>
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<tr>
<td>Bank charges</td>
<td>29</td>
<td>31</td>
<td>32</td>
</tr>
<tr>
<td>Catering: internal activities</td>
<td>292</td>
<td>308</td>
<td>322</td>
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<tr>
<td>Communication</td>
<td>977</td>
<td>1 032</td>
<td>397</td>
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<tr>
<td>Computer services</td>
<td>100</td>
<td>105</td>
<td>110</td>
</tr>
<tr>
<td>Details</td>
<td>2018/19</td>
<td>2019/2020</td>
<td>2020/21</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------</td>
<td>-----------</td>
<td>---------</td>
</tr>
<tr>
<td>Consultants</td>
<td>663</td>
<td>700</td>
<td>711</td>
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<tr>
<td>Contractors</td>
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<td>880</td>
<td>512</td>
</tr>
<tr>
<td>Consumables / Inventory</td>
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<td>277</td>
<td>289</td>
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<tr>
<td>Lease Payments</td>
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<td>494</td>
<td>506</td>
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<tr>
<td>Legal fees</td>
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<td>845</td>
<td>865</td>
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<tr>
<td>Non-life insurance</td>
<td>92</td>
<td>97</td>
<td>101</td>
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<td>1 003</td>
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<td>Repairs and maintenance</td>
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<td>117</td>
<td>122</td>
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<td>Property payments</td>
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<tr>
<td>Research and development</td>
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<tr>
<td>Training and staff development</td>
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<td>191</td>
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<tr>
<td>Travel and subsistence</td>
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<td>678</td>
<td>1 566</td>
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<tr>
<td>Venues and facilities</td>
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<td>435</td>
<td>454</td>
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<tr>
<td>Depreciation and amortisation</td>
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<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total expenses</strong></td>
<td>57 653</td>
<td>60 881</td>
<td>64 229</td>
</tr>
<tr>
<td>Surplus / (Deficit)</td>
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<td>-</td>
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### ii. Asset and Liability Management

<table>
<thead>
<tr>
<th></th>
<th>2018/19</th>
<th>2019/20</th>
<th>2020/2021</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Assets</strong></td>
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<td></td>
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</tr>
<tr>
<td><strong>Current Assets</strong></td>
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</tr>
<tr>
<td>Trade and other receivables from non-exchange transactions</td>
<td>20</td>
<td>20</td>
<td>200</td>
</tr>
<tr>
<td>Trade and other receivables from exchange transactions</td>
<td>30</td>
<td>30</td>
<td>20</td>
</tr>
<tr>
<td>Cash and cash equivalents</td>
<td>7 462</td>
<td>7 462</td>
<td>6 995</td>
</tr>
<tr>
<td><strong>Current Assets</strong></td>
<td>7 512</td>
<td>7 512</td>
<td>7 215</td>
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<tr>
<td><strong>Non-Current Assets</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Property, plant &amp; equipment</td>
<td>3 500</td>
<td>3 500</td>
<td>2 700</td>
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<tr>
<td>Intangible assets</td>
<td>1 300</td>
<td>1 300</td>
<td>900</td>
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<tr>
<td><strong>Non-Current Assets</strong></td>
<td>4 800</td>
<td>4 800</td>
<td>3 600</td>
</tr>
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<td><strong>Total Assets</strong></td>
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<td>12 312</td>
<td>10 815</td>
</tr>
<tr>
<td><strong>Liabilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Current Liabilities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trade and other payables from exchange transactions</td>
<td>1 000</td>
<td>1 000</td>
<td>700</td>
</tr>
<tr>
<td>Trade and other payables from exchange transactions</td>
<td>1 097</td>
<td>1 097</td>
<td>819</td>
</tr>
<tr>
<td>Provisions</td>
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<td>1 300</td>
<td>1 100</td>
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<td><strong>Total Liabilities</strong></td>
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<td>3 100</td>
<td>2 619</td>
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<td><strong>Assets</strong></td>
<td>12 312</td>
<td>12 312</td>
<td>10 815</td>
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</table>
### Liabilities

<table>
<thead>
<tr>
<th></th>
<th>2018/19</th>
<th>2019/20</th>
<th>2020/2021</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Net assets</strong></td>
<td>8 915</td>
<td>8 915</td>
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</tr>
<tr>
<td><strong>Accumulated surplus</strong></td>
<td>8 915</td>
<td>8 915</td>
<td>8 196</td>
</tr>
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</table>

### Cash Flow Projections

<table>
<thead>
<tr>
<th></th>
<th>2018/19</th>
<th>2019/20</th>
<th>2020/2021</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Receipts</strong></td>
<td>57 653</td>
<td>60 881</td>
<td>64 229</td>
</tr>
<tr>
<td>Transfer received</td>
<td>55 865</td>
<td>58 993</td>
<td>62 238</td>
</tr>
<tr>
<td>Interest received</td>
<td>1 788</td>
<td>1 888</td>
<td>1 991</td>
</tr>
<tr>
<td><strong>Payments</strong></td>
<td>57 653</td>
<td>60 881</td>
<td>64 229</td>
</tr>
<tr>
<td>Employee costs</td>
<td>44 979</td>
<td>47 498</td>
<td>50 348</td>
</tr>
<tr>
<td>Operating expenditure</td>
<td>12 674</td>
<td>13 383</td>
<td>13 881</td>
</tr>
<tr>
<td><strong>Cash flow from operating activities</strong></td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Cash flow from investing activities</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchase of property, plant &amp; equipment</td>
<td>(650)</td>
<td>(650)</td>
<td>(450)</td>
</tr>
<tr>
<td>Purchase of intangible assets</td>
<td>(300)</td>
<td>(300)</td>
<td>(500)</td>
</tr>
<tr>
<td>Net cash flow from investing activities</td>
<td>(950)</td>
<td>(950)</td>
<td>(950)</td>
</tr>
<tr>
<td>Total cash &amp; cash equivalents movement</td>
<td>(950)</td>
<td>(950)</td>
<td>(950)</td>
</tr>
</tbody>
</table>
(iv) **Capital expenditure projects**

- Records management system
- Computer Equipment
- Furniture

(v) **Infrastructure plans; and**

N/A

(vi) **Dividend policies**

N/A

2.5 **Materiality and significance framework**

The NCC, as a public entity listed in Schedule 3A, must annually submit a proposed strategic plan for by the dti. Such a plan must be submitted as agreed to between the dti and the public entity. The strategic plan must – include the materiality/significant framework, referred to in Treasury Regulation 28.3.1

In terms of Treasury Regulation 28.3.1 and for purposes of material [section 55 (2) of the PFMA] and significant [section 54 (2) of the PFMA], the NCC must develop and agree a framework of acceptable levels of materiality and significance with the dti.

Whereas, the NCC agrees, in line with section 54 (2) of the PFMA, to the following:

1) Prior to concluding any of the following transactions, the NCC shall promptly and in writing inform the Treasury of the transaction and submit relevant particulars of the transaction to the dti for approval of the transaction relative to:

   (a) Establishment or participation in the establishment of a company;
   
   (b) Participation in a significant partnership, trust, unincorporated joint venture or similar arrangement;
   
   (c) Acquisition or disposal of a significant shareholding in a company;
   
   (d) Acquisition or disposal of a significant asset;
   
   (e) Commencement or cessation of a significant business activity; and a significant change in the nature or extent of its interest in a significant partnership, trust, unincorporated joint venture or similar arrangement.
The NCC may assume that approval has been given if it receives no response from the dti on a submission in relating to any of the aforementioned within 45 days.

The dti has not granted any exemptions upfront to the NCC from any of the aforementioned matters.

In terms of 55 (2) of the PFMA, it is accepted that the annual report and financial statements of the NCC must fairly present the state of affairs of the NCC, its business, its financial results, its performance against predetermined objectives and its financial position as at the end of the financial year concerned. The annual report and financial statements shall include particulars of—

(i) Any material losses through criminal conduct and any irregular expenditure and fruitless and wasteful expenditure that occurred during the financial year;
(ii) Any criminal or disciplinary steps taken as a consequence of such losses or irregular expenditure or fruitless and wasteful expenditure;
(iii) Any losses recovered or written off,
(iv) Any financial assistance received from the state and commitments made by the state on its behalf and
(v) Any other matters that may be prescribed.

Further, the NCC shall submit the annual report and financial statements report and statements for tabling in Parliament, to the dti through the Public Entity Oversight Unit of the dti.

2.6 Enterprise Risk Management Framework

The approved Enterprise Risk Management Framework is attached hereto marked Annex “A” and included therein is the Anti- Fraud and Corruption Policy.

2.6.1 Risk Management Process

The approved Risk Management Strategy is also contained within the above Framework marked Annex “A”.

2.6.2 Risk Strategy

The strategic risk register is attached herewith marked Annex “B”. The risks facing the NCC are being managed and updated on an on-going basis.
3. SECTION 3: OTHER PLANS

3.1 Human resource strategy

The NCC values the contribution of human resources to the attainment of its mandate and key strategic outcomes. In order to realise the strategic objectives envisaged in this strategic plan, leadership of the NCC ensures that a human resource (“HR”) Strategy is implemented as part of unlocking value out of human resources. It is the NCC’s positioning that, when well leveraged, human resources can unlock and sustain economic and social returns for the organisation.

The meeting of the rapid demand for the services of the NCC remains a challenge when assessed against its available resources. The NCC fills all vacant positions timeously and with the correct calibre candidates. It is in the process of ensuring that all resources in place are aligned to the correct jobs and have the correct competencies and skills to fulfil their duties. A policy to retain high performing staff does exist, however, this is not effective in certain instances particularly due to financial constraints. A policy does exist for staff training and upskilling.

The NCC does endeavour to have a high-performance culture linked to rewards for performance excellence. Thus far, performance management has proven to be quite a challenge.

The NCC’s human resource management approach is intended to gain a competitive advantage through the strategic development of a highly committed and capable workforce. Current remuneration scales, which is aligned to the scales of the DPSA has, however, proven to be a hindrance. In order to realise its strategic HR outcome, the following human resource management principles will, where possible, be practised within the NCC:

- HR management will be rolled out as an area of responsibility for managers.
- The NCC will develop and sustain an organisational culture that encourages all members of staff to be highly committed to the organisation and its continuous improvement.
- Prioritising staff development
- Managing performance
- Retaining of high performing staff
• Equity in employment opportunities and promoting fairness principles.
• Considering and incorporating the outcomes of formal job evaluation exercises as part of HR strategic planning from time to time.
• Complying with all applicable HR legislation and policies.

The summarized strategic HR objectives remain as follows for the ensuing five-year period.

1. To enhance operational and strategic efficiencies by implementing an optimal organizational structure for the NCC.
2. To position the NCC as a high-performance, well balanced work environment with a sound corporate culture.
3. To ensure that the NCC effectively leverages employee skills by recruiting, retaining and developing high quality people.
4. To ensure effective and efficient human resource management systems and processes to aid in effective management of people.

In order to realize these strategic HR objectives, the NCC will implement a strategic human resource management framework as illustrated below:
The four dimensions presented above are highly critical to the attainment of organizational strategy as they are the core responses that ensure coordinated and aligned HR delivery in the organization.

3.2 Information and Communications Technology Strategy

The NCC’s operations and increased demand for its services indicate the need for more efficient handling and management of complaints. The NCC will endeavor to enhance automation of its core business processes in order to enhance operational efficiency. Information communication technology (ICT) is identified as a key driver to enhance operational efficiency.

ICT remains inadequate to support efficient operations at the NCC and is receiving priority. This will continue over the next five-year period. An ICT strategy has been developed and it is in the process of being implemented. Going forward it intends aligning its ICT to its growing strategic needs and standards of excellence. After the implementation of systems and processes that are required in line with available resources, ICT will focus on maintaining and updating those systems and processes.

The over-arching objective of ICT in the NCC will remain aimed at the acquisition, implementation and maintenance of ICT technologies to improve and enhance service delivery having regard to costs and benefits and the direction of emerging technology.

With the increased project activity and compliance related demands it is imperative that the NCC revises its internal control framework in order to ensure that projects are implemented in such a manner that ensures compliance with legal frameworks, internal policies and external directives.

3.3 Communications Strategy

Stakeholder communication through implementation of a communications plan is crucial to the achievement of the NCC’s mandate. Such a plan builds the positive reputation of the NCC by ensuring that messages are conveyed correctly to specific stakeholder audiences, particularly consumers.

The communications strategy involves the identification of activities throughout the year that, when taken as a whole, incrementally communicate the NCC’s messages to its stakeholders. The strategy furthermore entails creating awareness of its purpose, processes and timeframes to its stakeholders.
The strategy is sufficiently flexible to be responsive to any developments in respect of the NCC’s mandate and any subsequent increased caseload.

Communication must be purposeful and timeous, particularly in relation to consultation and decision-making. Branding remains a continuous priority to enhance the image and recognition of the NCC amongst its stakeholders.

The NCC will identify alternative mechanisms of access to ensure that all stakeholders can interact with the NCC. The communication strategy is furthermore structured to accommodate diversity of gender, language, levels of education, and cultures, amongst other factors. In order to ensure effective implementation of the communications strategy, the NCC will utilize a broad range of communication tools optimally. These include, amongst others, publications, annual reports, the production and distribution of communications material, internal communications, building of stakeholder relationships, electronic communication, consultative forums and working with organizations with similar mandates.

By communicating the NCC’s core mandate to its stakeholders in a targeted manner, the communications function contributes to the broadening of previously marginalized groups in the economy. The NCC’s organisational structure will support effective communication wherever possible. The communication strategy will continue to enable all stakeholders to play their respective roles in implementing the NCC’s strategic objectives.