

National Consumer Commission

Annual Performance Plan 2022/2023



NATIONAL CONSUMER COMMISSION

VERSION CONTROL				
Version	Date	Revised by	Reason	Sections affected
V1	09/09/2021			
V2	28/01/2022		Rephrasing of the annual targets	5.1, 5.2 and Part D

Abbreviations and commonly used acronyms

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

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Executive Authority Statement

Mr Ebrahim Patel - Minister of Trade, Industry and Competition

The Annual Performance Plan is hereby submitted in accordance with the Revised Framework on Strategic and Annual Performance Plans.

MR EBRAHIM PATEL

MINISTER OF TRADE, INDUSTRY AND COMPETITION

Accounting Authority Statement

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

The NCC is continuing in entrenching itself as a key consumer protection regulator in South Africa, within the SADC region and on the African continent. It continues taking up consumer issues that harm a significant number of consumers. The involvement of the NCC in the recall of unsafe consumer products from the marketplace has been increasing over time. The NCC's work in this area continues to gain momentum and to test the product recall strategy that is in place for future improvement.

In pursuance of its mandate to enable consumers to enjoy their right to privacy concerning direct marketing, the NCC has commenced the planning, establishment and operation of the Opt-Out Register (Registry). Overall, despite its limited resources, the NCC intends to deliver on these complex tasks, during this strategic period.

The NCC has been consistently filing applications and arguing matters, on behalf of consumers, at the National Consumer Tribunal (NCT). Thus far, it has received mainly favourable outcomes in such matters disposed of at the NCT. In the process, precedents are being established and the consumer protection law jurisprudence is fast developing. The NCC will, in this strategic period, continue in its endeavours to enforce the rights of consumers at the different fora.

In line with the consumer policy of **the dtic**, the NCC has to work closely with other key stakeholders to promote the resolution of consumer complaints. Hence, one of its focus areas is its engagement with targeted industries/ sectors on the submission of industry codes and the expansion of alternate dispute resolution schemes in South Africa. The NCC has enjoyed some success in this regard as at present, the ombud schemes for the Motor Industry and the Consumer Goods and Services Industry have been accredited by the Minister of Trade and Industry; these ombud schemes are being reviewed in this strategic period and it is envisaged that the process will be completed by the end of 2022/23.

The NCC has, over time, been working closely with the provincial consumer protection authorities and other key regulators involved in consumer protection. The NCC chairs the Consumer Protection Forum (CPF). The key project of the CPF over this strategic period is to harmonise consumer protection throughout the Republic. I am very encouraged that the NCC is also involved with consumer protection at the Southern African Development Community (SADC) level, which requires the promotion of consumer protection amongst member states. The NCC plays a key role in the Competition and Consumer Laws and Policies Committee of SADC. The harmonisation of competition and consumer protection laws within the region is a key project that the NCC will be involved in, thus contributing to the government's priority of 'Increase Intra Africa Trade'.

The NCC has leveraged its cooperation with other regulators in the enforcement of the labelling of clothing, textiles and leather goods; the NCC will continue to enforce the provision of the CPA through the assistance of the provincial consumer affairs offices, SARS Custom and Border Police. This endeavour assists in mitigating the proliferation of non-compliant goods in our consumer market. The other area that requires cooperation that the NCC will be working on would be to deal with prohibited conduct related to the fraudulent, pyramid and related schemes.

This plan is aligned to the South African consumer policy prerogatives as espoused in the CPA. Being a creature of statute, the NCC will focus on its key legislative mandate. This annual performance and operational plans remain highly ambitious in view of the fact that the NCC has very limited resources. However, despite these challenges, I commit to the implementation of this Annual Performance Plan. I urge the staff of the NCC, our colleagues in each provincial consumer protection authority and the accredited ombuds to co-operate with the NCC. It is of immense importance for the South African economy and consumers in particular, that there is harmonious and consistent enforcement of consumer protection legislation so that there is no room left for the unscrupulous business to operate within the borders of the Republic of South Africa.



Ms Thezi Mabuza

Acting Commissioner

Official Sign Off

It is hereby certified that this Annual Performance Plan:

- Was developed by the management of the NCC under the guidance of the Executive Authority;
- Takes into account all the relevant policies, legislation and other mandates for which the NCC is responsible; and
- Accurately reflects the impact, outcomes and outputs which the NCC will endeavour to achieve over the period from 1 April 2022 to 31 March 2023.



Ms Phillipine Moshidi
HOD: Corporate Services and
Chief Financial Officer

31/01/2022
Date



Ms P Moliwa
HOD: Enforcement and Investigations

31/01/22
Date



Ms P Mlungu
HOD: Advocacy, Education and Awareness

31/01/22
Date




Mr J Mbeje
HOD: Legal Services

31/01/22
Date



Mr J. Selolo
Company Secretary

31/01/2022
Date



Ms T Mabuza
Accounting Authority

31/01/2022
Date

Approved by

Mr Ebrahim Patel
Minister of Trade, Industry and Competition

Date

PART A: MANDATE OF NCC

1. Updates to the relevant legislative and policy mandates

Consumer Protection Act 68 of 2008:

The NCC is established in terms of Section 85 of the Consumer Protection Act No. 68 of 2008 (CPA) with jurisdiction throughout the Republic of South Africa.

Reporting by NCC

The NCC reports to the Department of Trade, Industry and Competition (**the dtic**), particularly to the Minister, **the dtic**'s Public Entity Oversight Unit and to its Consumer and Corporate Regulation Branch (CCRB).

The CCRB has, as one of its key roles, the creation of *“credible institutions for enforcement and implementation of regulatory instruments”*.

NCC's Responsibility in terms of the CPA

The NCC is charged with the responsibility to enforce and carry out the functions assigned to it in terms of the CPA.

The purpose of the Consumer Protection Act

The CPA seeks to promote a fair, accessible and sustainable marketplace for consumer products and services and for that purpose, to establish national norms and standards relating to consumer protection.

It further seeks to provide for improved standards of consumer information, to prohibit certain unfair marketing and business practices, to promote responsible consumer behaviour and to promote a consistent legislative and enforcement framework relating to consumer transactions and agreements.

Disputes between Consumers and Suppliers

The CPA makes it clear that the NCC must promote the resolution of consumer complaints but that it is not responsible for intervening directly therein. This means that the NCC is not expected to be involved in the conciliation or mediation of disputes between consumers and suppliers unless the parties consent to a settlement of the dispute during an investigation.

Access to Redress

Ordinarily, disputes amongst consumers and suppliers, if not resolved amongst themselves, are dealt with by provincial consumer protection authorities and the Ombud schemes accredited by Minister. Increased involvement of provincial consumer protection authorities in the conciliation and mediation of disputes between consumers and suppliers have been promoted and encouraged by the NCC and **the dtic**.

The main functions of the NCC, insofar as consumer complaints are concerned, are to:

- Promote the resolution of disputes between consumers and suppliers;
- Promote compliance with the CPA through advocacy, education and awareness;
- Conduct investigations against suppliers allegedly engaging in prohibited conduct; and to
- Prosecute suppliers who have contravened the CPA.

2. Updates to Institutional Policies and Strategies

For this current administration, the government has set seven national priorities listed below:

1. Economic Transformation and Job Creation
2. Education, Skills and Health
3. Consolidating the Social Wage through Reliable and Quality Basic Services
4. Spatial Integration, Human Settlements and Local Government
5. Social Cohesion and Safe Communities
6. A Capable, Ethical and Developmental State

7. A better Africa and World.

The NCC as an organ of state, has through its alignment with the **dtic's** key priorities, also aligned to Government's key national priorities as espoused in the government's overall mandate to the people of South Africa. The NCC's work as per its legislative mandate contributes to priorities 1 and 7.

The most important policies and strategies that the NCC plans to continue or initiate in the five year planning period are to promote:

1. Accessible consumer protection by monitoring alternate dispute resolution schemes accredited by Minister for functionality and efficiency and creating awareness on the rights and obligations amongst consumers and suppliers.
2. A fair marketplace by conducting investigations into the conduct of suppliers of goods and services which conduct is in contravention of the CPA and prosecuting (at the National Consumer Tribunal) those suppliers who are in breach of the CPA;
3. The supply of safe goods to consumers by administering and recalling unsafe, failed, defective or hazardous goods

In addition, the government has developed an Economic Reconstruction and Recovery Plan aimed at stimulating equitable and inclusive growth. To support economic reconstruction and recovery, the following structural reforms will be implemented:

- Modernizing and reforming network industries and associated state-owned enterprises;
- Re-orienting trade policies and pursuing greater regional integration to boost exports, employment and innovation;
- Lowering barriers to entry to make it easier for businesses to start, grow, and compete;
- Supporting labour-intensive sectors such as tourism and agriculture to achieve more inclusive growth;
- Creating greater levels of economic inclusion, including through addressing high levels of economic concentration;

- Addressing the weak job-creating capacity of the economy;
- Boosting education and skills development;
- Promoting greater beneficiation of raw materials; and
- Addressing racial, gender and geographical inequalities which hamper deeper economic growth and development.

Through its enforcement activities, the NCC will contribute to the following:

- Re-orienting trade policies and pursuing greater regional integration to boost exports, employment and innovation; and
- Creating greater levels of economic inclusion, including addressing high levels of economic concentration.

In its support to the 'Joint-KPIs' designed to increase the level of coordination and alignment of efforts between different programmes of the Department and its entities to ensure appropriate alignment between the work of the dtic and:

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

The NCC will contribute to the joint indicators.

3. Updates to Relevant Court Rulings

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

In line with its Strategic Plan, the NCC continuously assesses the need for and submits recommendations to Minister for the accreditation of industry codes. As part of its monitoring function, the NCC constantly analyses the recommendations/ decisions of accredited alternative dispute resolution (ADR) schemes to determine trends and emerging concerns for both consumers and businesses. These schemes are a critical part of creating and expanding the dispute resolution platform for dealing with disputes between consumers and suppliers.

The Financial Sector Conduct Authority, in line with the Financial Sector Regulation Act, is now responsible for protecting customers of financial services firms and improving the way financial service providers conduct their business. The business practices of banks, long term and short term insurers are no longer regulated by the CPA. However, it must be understood that the CPA is the current yardstick for the protections afforded to consumers in general, whichever sector consumers transact in. The NCC remains supportive of regulators seeking to protect consumers provided that these regulators are enabled to provide an equivalent or better protection to consumers than that which is contained in the CPA. This is intrinsic to the CPA and consumer protection policy.

Part B: STRATEGIC FOCUS OF THE NCC

4. Updated Situational Analysis

The National Consumer Commission is the primary regulator of consumer business interaction in South Africa, established by the Department of Trade, Industry and Competition, in line with the Consumer Protection Act (CPA), Act 68 of 2008.

The NCC is driven by its founding legislation and other legislative mandates.

The Situational Analysis has been conducted through a SWOT Analysis, the results of which are presented below:

STRENGTHS	WEAKNESSES
<ol style="list-style-type: none">1. Expertise and Skills2. IT Support3. Good Working Relationships4. Credibility	<ol style="list-style-type: none">1. Capacity (People)2. Resources (Finances)3. Role Clarification4. Technical Skills
OPPORTUNITIES	THREATS
<ol style="list-style-type: none">1. Collaboration (with other regulators)2. Use of ICT3. Internal Development4. Capacity Building5. Can Influence Legislative Changes	<ol style="list-style-type: none">1. Safety and Security of Personnel2. Undue Political Interference3. Failure to Investigate and Prosecute4. Lack of Co-operation from Industry Players

4.1. External Environment Analysis

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

In implementing the revised consumer protection framework, **the dtic** intended to create an environment where a culture of consumer rights and responsibilities prevail. Such an environment is not only beneficial to consumers but to businesses as well. The enforcement of the CPA assists in regulating the conduct of

suppliers of goods and or services to consumers. If business conduct is left unchecked, unethical and unscrupulous suppliers will merely serve to hinder the creation of a fair, competitive and equitable environment for all. Prior to the enactment of the CPA, South Africa lagged behind other international jurisdictions in protecting its consumers. The global and domestic trading environment has changed significantly over time. Markets have opened up and there has been a significant increase in the movement of people, goods and services across borders. The incidences of scams and unfair practices, on the other hand, has become more sophisticated.

- i. The need to enforce the CPA is critical to:
 - Establishing a legal framework for the achievement of a fair, accessible, responsible and sustainable market;
 - Reducing any disadvantages experienced in accessing the supply of goods and services by low income, low literacy, rural and vulnerable consumers;
 - Promoting fair business practices;
 - Protecting consumers from unfair and deceptive conduct;
 - Improving consumer awareness; and
 - Providing for an accessible, efficient and effective system of redress;

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

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

been in continuous discussions with provincial consumer protection authorities to effectively deal with consumer/ supplier disputes that arise in their respective provinces and to ensure that their consumer courts are fully functional. Strategies to implement decisions taken during discussions with all provinces are underway.

Prior to placing reliance on provincial consumer protection authorities to ensure redress for consumers, the Minister of Trade and Industry accredited the Motor Industry Ombud (MIOSA) and the Consumer Goods and Services Ombud (CGSO) as the Alternate Dispute Resolution agents. Following the accreditations, consumer complaints related to the motor industry and the fast-moving consumer goods industries are now mainly dealt with by the MIOSA and CGSO. Complainants are encouraged to refer their complaints directly to these ombuds. The NCC and the accredited ombuds have developed mechanisms and entered into arrangements concerning the reporting of performance and utilization of resources. The NCC will continue to monitor the effectiveness of these accredited schemes.

The demand for investigating conduct alleged to have been contrived by suppliers is increasing. The NCC strive to investigate every consumer complaint, but it proves to be neither possible nor feasible given the resources at its disposal. Instead, the NCC is compelled to prioritise and investigate systemic unfair conduct, based on criteria that are in line with its enforcement strategy. Apart from the enforcement strategy, investigations and or other regulatory interventions by the NCC, are informed by research and complaints trend analysis. The NCC intends to increase its access to consumer complaints databases 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 to ensure that consumers are supplied with not only reliable goods and services but also goods that are safe for consumer health and life as well as for the environment. In order to promote the supply of safe consumer goods and services, the NCC will continue working closely with, amongst others, the South African Revenue Services (SARS), National Regulator for Compulsory Specifications (NRCS); South African Bureau of Standards (SABS), Department of Agriculture, Forestry and Fisheries and Department of Health. The facilitation and monitoring of recalls of unsafe products is a critical function of the NCC. In the absence of its own product testing facilities, coupled with the lack of financial resources that are normally associated with product tests, the NCC will continue to rely on entities like NRCS and SABS. The scanning of reported product recalls by regulators in other jurisdictions has been factored in.

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

In the endeavour to foster good governance, the NCC implements compliance-related processes to enable it to comply with the PFMA, Treasury Regulations and directives. This resulted in the NCC receiving unqualified audit opinions for 2016-17, 2018-19, 2019-20 and 2020-21 financial years and a clean audit for the 2017/18 financial year. The compliance burden on the NCC has been increasing. This impacts all officials and the NCC's efficacy to deal with its core mandate.

The NCC had changed its strategy in the 2012/13 financial year and further revised it in 2015/16, then in 2017/18 and finally in 2019 to be in line with its legislative mandate. This document is therefore reflective of the NCC's revised strategy in line with recommendations made by the Executive Authority.

4.2. Internal Environment analysis

4.2.1 Background

The NCC is an organ of state and is a Schedule 3A entity in terms of the PFMA. The entity is established by section 85 of the CPA.

In terms of section 87 of the CPA, the Commissioner of the NCC is responsible for all matters pertaining to the functions of the NCC and is required to hold office for an agreed term, not exceeding five years. Provision is however made for reappointment on expiry of an agreed term of office.

The Commissioner is the accounting authority for the NCC, duly assisted by the Deputy Commissioner and as such, is responsible for all income and expenditure of the NCC; revenue collected by the NCC; assets and the discharge of all liabilities of the NCC; as well as the proper and diligent implementation of the PFMA in relation to the NCC. Thus, Parliament, the Executive Authority and the Commissioner are responsible for corporate governance.

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

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

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

Oversight by the Executive Authority rests by and large on the prescripts of the PFMA. The PFMA grants authority to the Executive Authority for the exercise of its oversight powers. The Executive Authority, annually, also enters into a Shareholders Compact with the NCC and a performance agreement with the Commissioner. A Compliance Schedule is included as part of the Shareholders Compact indicating the deliverables and due dates of all documents as stipulated in the PFMA, Treasury Regulations and the Shareholders Compact. Compliance is reported on a quarterly and annual basis, whereas management accounts are required to be submitted monthly. Reports are also provided from time to time on matters of significance.

The NCC currently has 79 funded full-time positions. A skills audit has been conducted at the NCC. It is apparent that a major skills shortage does exist within the entity. An appropriate skill upgrade programme is underway under the guidance of an internal Skills Development Committee.

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

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

Corporate governance at the NCC embodies processes and systems by which public entities are generally directed, controlled and held to account. In addition to legislative requirements based on the CPA, corporate governance is applied through the precepts of the PFMA and run in tandem with the principles contained in the King Reports on Corporate Governance.

In line with the requirements of the PFMA, the NCC has an Audit and Risk Committee. The membership thereof is made up of independent persons. The said Committee also provides for one ex-officio member to serve thereon at the behest of the Executive Authority.

Risk management is integral to corporate governance at the NCC. A risk strategy is implemented and revised from time to time. A risk register is in place, monitored regularly and reported on at Audit and Risk Committee meetings. Internal audit and risk management committees were also established and are functional.

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

- a) a rolling three-year strategic internal audit plan based on its assessment of key areas of risk for the institution, having regard to its current operations, those proposed in its Strategic Plan and its risk management strategy;
- b) an annual internal audit plan for the first year of the rolling three-year strategic internal audit plan;
- c) plans indicating the proposed scope of each audit in the annual internal audit plan; and
- d) reports to the Audit and Risk Committee detailing its performance against the annual internal audit plan, to allow effective monitoring and possible intervention.

Internal Audit reports administratively to the Accounting Authority and functionally to the Audit and Risk Committee. The function is independent of activities that are audited, with no limitation on its access to information or parties within the NCC or any of NCC's stakeholders.

The NCC has approved a Fraud Prevention Plan (Plan) which is regularly updated and NCC officials are re-orientated every year on their roles. In terms of the Plan, mechanisms are in place to report fraud and corruption. To promote fraud prevention, a whistleblowing policy is in place which makes provision for officials to make confidential disclosure about suspected fraud and corruption.

4.2.2 Capacity to Deliver

The NCC has a staff complement of 79 officials. This includes support staff involved in human resources, information technology, finance, supply chain management, research and officials involved in administration in the various divisions. The position of the Commissioner has been vacant since 31 May 2019.

The officials of the NCC fall within the following divisions:

1. Administration (Corporate Services and Office of the Commissioner);

2. Legal Services;
3. Enforcement and Investigations;
4. Education, Compliance and Advocacy; and
5. Research, Trends Analysis and Knowledge Management.

As of 31 December 2021, the structure of the NCC was as follows:

Positions	Funded Posts
Top Management	2
Senior Management	13
Professional (qualified)	25
Skilled	9
Semi-Skilled	30
Total Funded Posts	79

Approximately 38% of the staff are classified as Semi-Skilled.

4.2.3 B-BBEE Status

As of August 2020, the NCC was deemed non-compliant for purposes of B-BBEE. The entity is seeking to ensure that it is compliant as soon as possible.

4.2.4 Status of the institution regarding women, youth and people with disabilities

The status of the NCC in relation to its equity targets as of 31 March 2021 are as follows:

DISABLED STAFF								
LEVELS	African		Coloured		Indian		White	
	Current	Target	Current	Target	Current	Target	Current	Target
Top Management	-	-	-	-	-	-	-	-
Senior Management	-	-	-	-	-	-	-	-

Professional qualified	-	-	-	-	-	-	-	-
Skilled	-	-	-	-	-	-	-	-
Semi-skilled	1	-	-	-	-	-	-	-
TOTAL	1	0	0	0	0	0	0	0
FEMALE								
LEVELS	African		Coloured		Indian		White	
	Current	Target	Current	Target	Current	Target	Current	Target
Top Management	1	-	-	-	-	-	-	-
Senior Management	4	-	-	-	-	-	-	-
Professional qualified	11	-	-	1	-	-	-	1
Skilled	3	-	-	-	-	1	1	-
Semi-skilled	15	-	-	-	-	-	-	-
TOTAL	34	0	0	3	0	1	1	3

PART C: MEASURING NCC's PERFORMANCE

5. Institutional Programme Performance Information

5.1 Outcomes, Outputs, Performance Indicators and Annual Targets

Outcome	Outputs	Output Indicators	Annual Targets						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2018/19	2019/20	2020/21		2021/22	2022/23	2023/24
Programme 1: To promote accessible consumer protection									
To promote an accessible Consumer Protection system	1. Accredited Ombud Scheme/s monitored regularly	Assessment reports on accredited Ombuds approved by the Commissioner	Not Achieved Assessment reports, (one per quarter on each accredited Ombud Scheme) submitted to Executive Authority for 3 quarters.	Achieved. Submitted assessment reports (one per each quarter on each accredited Ombud Scheme) to the Executive Authority.	Achieved. Assessment reports (One per quarter on each accredited Ombuds) on CGSO and MIOSA, being accredited Ombuds were drafted and approved by the	Submitted assessment reports (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval	Submitted assessment reports (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval	Submitted assessment reports (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval	Submitted assessment reports (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval

Outcome	Outputs	Output Indicators	Annual Targets						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/2025
					Commissioner				
	2. Business compliance initiatives conducted	Number of business compliance initiatives conducted	Achieved 18 Business Compliance initiatives conducted.	Achieved 12 Business compliance initiatives conducted	Achieved 15 Business Compliance initiatives conducted	conducted 15 Business compliance Initiatives	conducted 18 Business compliance Initiatives	conducted 22 Business compliance Initiatives	conducted 26 Business compliance Initiatives
	3. Consumer Education Programmes conducted	Number of Consumer Education Programmes conducted	Achieved. 29 consumer awareness initiatives conducted	Achieved 24 Consumer Awareness initiatives attended	Achieved 27 consumer awareness initiatives conducted	conducted 32 consumer awareness initiatives	conducted 36 Consumer Education Programmes	conducted 40 Consumer Education Programmes	conducted 44 Consumer Education Programmes
	4. Issue explanatory notes and /or non-binding opinions on the interpretation of provisions of the CPA	Percentage (%) of requests for explanatory notes and /or non-binding opinions on the interpretation of provisions of the CPA provided within a pre-defined period	Achieved. 100 % of registered requests for explanatory notes and /or non-binding opinions provided within an average of 10 days	Achieved 100% (567 out of 567) off requests for explanatory notes and /or non-binding opinions provided within an average of 2.9 days (rounded	Achieved 100% (i.e. 487 out of 487) of registered requests for explanatory notes and /or non-binding opinions were provided within an average of	Provided 95 % of explanatory notes and /or non-binding opinions within an average of 7 days	Provided 95 % of explanatory notes and /or non-binding opinions within an average of 6 days	Provided 95 % of explanatory notes and /or non-binding opinions within an average of 5 days	Provided 95 % of explanatory notes and /or non-binding opinions within an average of 4 days

Outcome	Outputs	Output Indicators	Annual Targets						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/2025
				of to 3 days)	5,42 days				
Programme 2: To promote a Fair Marketplace									
To promote a fair marketplace	5. Investigations conducted and reports produced.	Percentage of finalized investigation within a predetermined period	Achieved 34 Investigations were conducted and reports with recommendations were produced.	Achieved 90% (90 of 100) investigation reports were approved in an average of 93 days	Achieved 86 % (289 of 337) of approved investigations conducted and reports produced in 50 days	Achieved Conducted 80% of approved investigations and produced reports with recommendations within 102 days.	Conducted 80% of approved investigations and produce reports with recommendations within 90 days	Conducted 80% of approved investigations and produce reports with recommendations within 80 days	Conducted 80% of approved investigations and produce reports with recommendations within 70 days
	6. Took further enforcement action against non-compliant suppliers	Percentage of further enforcement action taken within a predetermined period.	Not achieved. 67% of matters approved for further enforcement action referred to the National Consumer Tribunal within 60 days of approval)	Not Achieved 72.2. % (13 out of 18) of matters approved for further enforcement were referred to National Consumer Tribunal within 60 days of	Achieved 100 % (130 out of 130) of further enforcement actions were taken against non-compliant suppliers, within 50 days of approval	Achieved Took further enforcement action against non-compliant suppliers in 90 % of approved matters within 45 days of approval	Took further enforcement action against non-compliant suppliers in 90 % of approved matters within 40 days of approval	Took further enforcement action against non-compliant suppliers in 90 % of approved matters within 35 days of approval	Took further enforcement action against non-compliant suppliers in 90 % of approved matters within 30 days of approval

Outcome	Outputs	Output Indicators	Annual Targets						
			Audited/Actual Performance			Estimated Performance	MTEF Period		
			2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/2025
				approval					
Programme 3: To Promote the supply of Safe Goods to Consumers									
Promote the supply of Safe Goods to consumers	7. Administer and monitor product recalls	Report on all product recalls and monitoring thereof.	Achieved Produced quarterly reports on the administration and monitoring of product recalls	Achieved Quarterly reports for the administration and monitoring of product recalls produced	Achieved 4 quarterly reports on the administration and monitoring of product recalls produced	Produce quarterly reports on the administration and monitoring of product recalls	Produce quarterly reports on the administration and monitoring of product recalls	Produce quarterly reports on the administration and monitoring of product recalls	Produce quarterly reports on the administration and monitoring of product recalls

5.2 Indicators, Annual and Quarterly Targets

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
Programme 1: To promote accessible consumer protection					
1. Assessment reports on accredited Ombuds approved by the Commissioner.	Compiled and submitted quarterly assessment report (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval	Compiled and submitted quarterly assessment report (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval	Compiled and submitted quarterly assessment report (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval	Compiled and submitted quarterly assessment report (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval	Compiled and submitted quarterly assessment report (one per quarter on each accredited Ombud Scheme) to the Commissioner for approval

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
2. Number of business compliance initiatives conducted	Conducted 18 Business Compliance Initiatives.	Conducted 4 business compliance initiatives: 1 per province for the Gauteng, Western Cape, KZN and Eastern Cape provinces	Conducted 5 business compliance initiatives: 1 per province for the Gauteng, Western Cape, KZN and Eastern Cape provinces.	Conducted 4 business compliance initiatives: 1 per province for the Gauteng, Western Cape, KZN, Free State and Northern Cape provinces.	Conducted 5 business compliance initiatives: 1 per province for the Gauteng, Western Cape, KZN, Limpopo and Mpumalanga provinces.
3. Number of Consumer Education Programmes conducted	Conducted 36 Consumer Education Programmes	Conducted 9 Consumer Education Programmes	Conducted 9 Consumer Education Programmes	Conducted 9 Consumer Education Programmes	Conducted 9 Consumer Education Programmes
4. Percentage (%) of requests for explanatory notes and /or non-binding opinions on the interpretation of provisions of the CPA provided within a pre-defined period	Provided 95 % of explanatory notes and /or non-binding opinions within an average of 6 days	Provided 95 % of explanatory notes and /or non-binding opinions within an average of 6 days	Provided 95 % of explanatory notes and /or non-binding opinions within an average of 6 days	Provided 95 % of explanatory notes and /or non-binding opinions within an average of 6 days	Provided 95 % of explanatory notes and /or non-binding opinions within an average of 6 days
Programme 2: To promote a Fair Marketplace					
5. Percentage of finalized investigation within a predetermined period	Conducted 80% of approved investigations and produced reports with recommendations within 90 days	Conducted 80% of approved investigations and produced reports with recommendations within 90 days	Conducted 80% of approved investigations and produced reports with recommendations within 90 days	Conducted 80% of approved investigations and produced reports with recommendations within 90 days	Conducted 80% of approved investigations and produced reports with recommendations within 90 days
6. Percentage of further enforcement action taken within a predetermined period.	Took further enforcement action against non-compliant suppliers in 90	Took further enforcement action against non-compliant suppliers in 90 % of approved matters	Took further enforcement action against non-compliant suppliers	Took further enforcement action against non-compliant suppliers	Took further enforcement action against non-compliant suppliers

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
-	% of approved matters within 40 days of approval	within 40 days of approval	in 90 % of approved matters within 40 days of approval	in 90 % of approved matters within 40 days of approval	in 90 % of approved matters within 40 days of approval
Programme 3: To Promote the supply of Safe Goods to Consumers					
7. Report on all product recalls and monitoring thereof.	Produced quarterly reports on the administration and monitoring of product recalls	Produced a quarterly Report on the administration and monitoring of product recalls.	Produced a quarterly Report on the administration and monitoring of product recalls.	Produced a quarterly Report on the administration and monitoring of product recalls.	Produced a quarterly Report on the administration and monitoring of product recalls.

5.3 Joint Indicators, Annual and Quarterly Targets

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
1. Report documenting the integrated support to drive industrialisation through master plans in national priority sectors; increased and diversified localisation through government and private sector procurement; and promotion of beneficiation	Produced four quarterly reports on measures enacted by the NCC to drive industrialisation that supports economic recovery; covering industry Master Plans, localisation initiatives across the economy, COVID-Industrial Interventions and beneficiation.	Produced one quarterly report on measures enacted by the NCC to drive industrialization that supports economic recovery; covering industry Master Plans, localization initiatives across the economy, COVID-Industrial Interventions and beneficiation.	Produced one quarterly report on measures enacted by the NCC to drive industrialization that supports economic recovery; covering industry Master Plans, localization initiatives across the economy, COVID-Industrial Interventions and beneficiation.	Produced one quarterly report on measures enacted by the NCC to drive industrialization that supports economic recovery; covering industry Master Plans, localization initiatives across the economy, COVID-Industrial Interventions and beneficiation.	Produced one quarterly report on measures enacted by the NCC to drive industrialization that supports economic recovery; covering industry Master Plans, localization initiatives across the economy, COVID-Industrial Interventions and beneficiation.
2. A clear plan that indicates the potential opportunities to grow exports in terms of the AfCFTA, with	Produced four quarterly reports on measures enacted by the NCC to contribute to an AfCFTA export plan to grow value-	Produced one quarterly report on measures enacted by the NCC to contribute to an AfCFTA export plan to grow	Produce one quarterly report on measures enacted by the NCC to contribute to an	Produce one quarterly report on measures enacted by the NCC to contribute to an	Produce one quarterly report on measures enacted by the NCC to contribute to an

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
responsibilities assigned to facilitate implementation	added exports to the rest of Africa	value-added exports to the rest of Africa	AfCFTA export plan to grow value-added exports to the rest of Africa	AfCFTA export plan to grow value-added exports to the rest of Africa	AfCFTA export plan to grow value-added exports to the rest of Africa
3. Investment projects facilitated and investment directed towards key sectors of the economy	Produced four quarterly reports on measures enacted by the NCC to support investment in South Africa	Produced one quarterly report on measures enacted by the NCC to support investment in South Africa	Produced one quarterly report on measures enacted by the NCC to support investment in South Africa	Produced one quarterly report on measures enacted by the NCC to support investment in South Africa	Produced one quarterly report on measures enacted by the NCC to support investment in South Africa
4. District integrated report with district development economic maps	Produced four quarterly reports by the NCC which set out how their work has contributed to the economic development in each of the Districts and Metropolitan Areas of South Africa	Produced one quarterly report by the NCC which set out how their work has contributed to the economic development in each of the Districts and Metropolitan Areas of South Africa	Produced one quarterly report by the NCC which set out how their work has contributed to the economic development in each of the Districts and Metropolitan Areas of South Africa	Produced one quarterly report by the NCC which set out how their work has contributed to the economic development in each of the Districts and Metropolitan Areas of South Africa	Produced one quarterly report by the NCC which set out how their work has contributed to the economic development in each of the Districts and Metropolitan Areas of South Africa
5. Report on actions to promote transformation through structural changes in the economy to enable greater inclusion and growth; and empowerment of designated groups, using the range of public tools such as procurement, incentives, technical support and enabling opportunities	Produced Four quarterly reports on the contributions made by the NCC to promote transformation through structural changes in the economy to enable greater inclusion and growth; and empowerment of designated groups	Procured services in line with the BBB-EE Strategy to promote the transformation to enable greater inclusion and growth and compiled a report for Commissioner's approval	Procured services in line with the BBB-EE Strategy to promote the transformation to enable greater inclusion and growth and compiled a report for Commissioner's approval	Procured services in line with the BBB-EE Strategy to promote the transformation to enable greater inclusion and growth and compiled a report for Commissioner's approval	Procured services in line with the BBB-EE Strategy to promote the transformation to enable greater inclusion and growth and compiled a report for Commissioner's approval

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
6. Report on growing the Green Economy and greening the economy	Produced four quarterly reports on measures enacted by the NCC to support the green economy or the greening of the economy	Produced one quarterly report on measures enacted by the NCC to support the green economy or the greening of the economy	Produced one quarterly report on measures enacted by the NCC to support the green economy or the greening of the economy	Produced one quarterly report on measures enacted by the NCC to support the green economy or the greening of the economy	Produced one quarterly report on measures enacted by the NCC to support the green economy or the greening of the economy
7. Actions to promote functional, efficient and integrated government and measures to reduce red tape across DTIC and entities	Produced four quarterly reports on measures enacted by the NCC to improve the ease of clients using its services, including forms and procedures reviewed for simplicity and necessity	Produced one quarterly report on measures enacted by the NCC to improve the ease of clients using its services, including forms and procedures reviewed for simplicity and necessity	Produced one quarterly report on measures enacted by the NCC to improve the ease of clients using its services, including forms and procedures reviewed for simplicity and necessity	Produced one quarterly report on measures enacted by the NCC to improve the ease of clients using its services, including forms and procedures reviewed for simplicity and necessity	Produced one quarterly report on measures enacted by the NCC to improve the ease of clients using its services, including forms and procedures reviewed for simplicity and necessity

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

6.1 Programme 1: To promote an accessible consumer protection system

CPA seeks to promote a fair, accessible and sustainable marketplace for consumer products and services and for that purpose, to establish norms and standards relating to consumer protection. Ensuring that consumers have access to redress in their disputes with suppliers is critical to achieving the strategic outcomes and impact. The CPA stipulates the rights of consumers and makes provision for consumers to receive access to redress without being burdened by costs. For this reason, the NCC has promoted the establishment and accreditation of ombud schemes to provide dispute

resolution services at no cost to the consumer. The NCC is also monitoring the efficacy of the schemes to ensure that the ombuds to the set timeframe to ensure that consumer redress is also expedient.

To ensure that consumers and business are aware of their rights and obligations while transacting, the NCC embarks on awareness initiatives for consumers and promote compliance with the CPA by business through business compliance initiatives. The NCC also provides advisory opinions to suppliers and consumers on provisions of the CPA to assist the parties to resolve disputes amongst themselves prior to these being escalated to ombud schemes or the NCC. In creating awareness on rights and obligations, the NCC uses statistics to determine which vulnerable group to target. The outcomes that the NCC intends to achieve with this programme is largely determined by its legislative mandate. The outputs have been determined from an assessment of its past performance, resources and demands placed on the NCC.

6.2 Programme 2: To promote a Fair Marketplace

As indicated in the explanation for programme 1, the CPA seeks to promote a fair, accessible and sustainable marketplace for consumer products and services. The CPA seeks to promote a fair, accessible and sustainable marketplace for consumer products and services and for that purpose, to establish national norms and standards relating to consumer protection. The CPA further seeks to prohibit certain unfair marketing and business practices, to promote responsible consumer behaviour and to promote a consistent legislative and enforcement framework relating to consumer transactions and agreements.

Hence the NCC is obliged to investigate the conduct of suppliers and service providers that may have engaged in prohibited conduct. Investigations conducted are formal. Whilst some such investigations result in suppliers settling, there are those matters that have to be filed by the NCC at the National Consumer Tribunal (NCT) and provincial courts or referred to other fora like the Equality Court and South African police services. In the event

the NCT or consumer court finds in favour of the NCC, the NCC would generally argue for redress and for a penalty to be imposed on the supplier or service provider. The proceedings at the NCT and consumer courts are very formal and akin to a court of law. Given its resource constraints, the NCC is unable to investigate every complaint or for that matter, file every matter with the NCT. The NCC considers the impact that a matter will have, not just on the number of consumers, but also on developing and expounding critical provisions of the CPA.

The outcomes that the NCC intends to achieve with this programme is largely determined by its legislative mandate. The outputs have been determined from an assessment of its past performance, resources and demands placed on the NCC.

6.3 Programme 3: To promote the supply of safe goods to Consumers

Consumer safety will invariably have to be promoted by the NCC to ensure that consumers are supplied with not only reliable goods and services but also goods that are safe for consumer health and life as well as for the environment. In order to promote the supply of safe consumer goods and services, the NCC continues working closely with, amongst other, the National Regulator for Compulsory Specifications (NRCS); South African Bureau of Standards (SABS), National Metrology Institution of South Africa (NMISA) Department of Agriculture, Forestry and Fisheries and Department of Health. The facilitation and monitoring of recalls of unsafe products is a critical function of the NCC. In the absence of its own product testing facilities, coupled with the lack of financial resources that are normally associated with product tests, the NCC will continue to rely on entities like NRCS, NMISA and SABS. The scanning of product recalls by regulators in other jurisdictions has been factored in.

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

7. PROGRAMME RESOURCE CONSIDERATIONS

7.1 Budget Allocation for Programmes as per ENE:

Objective/ Activity	2020/21			2021/22			2022/23			2023/24
	Budget estimate	Approved budget	Changes from the approved budget	Budget estimate	Revised budget estimate	Changes from the budget estimate	Budget estimate	Revised budget estimate	Changes from the budget estimate	Planning Budget Estimate
Administration	28,753	23,528	(5,225)	30,203	28,088	(2,115)	31,557	27,971	(3,586)	27,228
Promote accessible consumer protection system	25,684	23,881	(1,803)	27,242	24,153	(3,089)	28,304	25,088	(3,216)	25,542
Promote a Fair Marketplace	8,242	6,951	(1291)	8,722	7,792	(930)	8,782	7,972	(810)	8,921
Promote the supply of safe goods to Consumers	582	282	(300)	582	572	(10)	604	534	(70)	558
	63,261	54,642	(8,619)	66,749	60,605	(6,144)	69,247	61,565	(7,682)	62,249

7.2. Expenditure analysis

The National Consumer Commission was established in terms of section 85 of the Consumer Protection Act (2008), with jurisdiction across South Africa. The commission aims to:

- Conduct investigations against suppliers allegedly engaging in prohibited conduct;
- Prosecute suppliers found to be in contravention of the Consumer Protection Act (2008);
- Promote resolution of disputes between consumers and suppliers; and
- Promote compliance with the act through advocacy, education and awareness.

Over the medium term, the Commission will focus on conducting education and awareness campaigns, investigating the conduct of suppliers; and conducting prosecutions of businesses to facilitate the resolution of disputes between consumers and suppliers in a speedy, cost-effective, fair and transparent manner.

Expenditure is expected to increase at an average annual rate of 4.1 per cent, from R60.6 million in 2021/22 to R64.3 million in 2024/25. Spending on the compensation of employees accounts for 76.9 per cent (R143.5 million) of the Commission's total expenditure over the medium term. Revenue is expected to increase at an average annual rate of 4.1 per cent, from R60.6 million in 2021/22 to R64.3 million in 2024/25. The Commission derives 96.4 per cent (R181.3 million) of its revenue over the medium term from transfers from the department, and the remainder from interest from investments.

8. Updated Key Risks and mitigation from the SP

Strategic Risks		
Outcomes	Key Risk	Risk Mitigation
To promote accessible Consumer Protection	1. Unstable ICT systems	1.1. Procurement of ICT infrastructure 1.2. Implementation of DRP 1.3. Implementation of a case management system
	2. Ineffective channels of communication	2.1 Use of technology (website) in sharing information with consumers and suppliers 2.2 Implementation of social media strategy
To promote a fair marketplace	3. Lack of agility to adapt to changing unfair market practices	3.1 Continuous skills development of staff 3.2 Sourcing of services of experts specializing in particular business conduct

9. Public Entities: N/A

10. Infrastructure Projects

No.	Project Name	Programme	Project Description	Outputs	Project Start Date	Project Completion Date	Total Estimated Cost	Current Year Expenditure
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

11. Public-Private Partnerships: N/A

PART D: TECHNICAL INDICATOR DESCRIPTIONS (TID)

1.

Indicator title	<ul style="list-style-type: none"> Assessment reports on accredited Ombuds approved by the Commissioner.
Definition	<ul style="list-style-type: none"> Accredited Ombuds mean Consumer Goods and Services Ombud (CGSO) and Motor Industry Ombud of South Africa (MIOSA) An assessment report is a document that contains an analysis of the Ombuds performance in handling complaints.
Source of data or information	<ul style="list-style-type: none"> Quarterly reports received by the NCC from accredited Ombuds Schemes Assessment reports approved by the office of the Commissioner NCC quarterly report
Method of calculation/assessment	<ul style="list-style-type: none"> Number of quarterly reports from Ombuds Number of approved assessment reports
Means of verification	<ul style="list-style-type: none"> Quarterly reports received by the NCC from accredited Ombuds Schemes Assessment reports approved by the office of the Commissioner NCC quarterly report
Assumptions	<ul style="list-style-type: none"> None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> None
Spatial transformation	<ul style="list-style-type: none"> none
Calculation type	<ul style="list-style-type: none"> Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> Quarterly
Desired performance	<ul style="list-style-type: none"> Achievement of stipulated target

Indicator Responsibility	<ul style="list-style-type: none"> Divisional Head-Legal Services
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2.

Indicator title	<ul style="list-style-type: none"> Number of business compliance initiatives conducted
Definition	<ul style="list-style-type: none"> Business compliance initiative means workshops and seminars (physical or virtual) held with business forums, business associations or business formations to encourage compliance with the Consumer Protection Act.
Source/of data or information	<ul style="list-style-type: none"> Attendance Register or Confirmation of attendance by Host
Means of verification	<ul style="list-style-type: none"> Approved content Attendance Register or Confirmation of attendance by Host
Method of calculation/ assessment	<ul style="list-style-type: none"> Count (quantitative)
Assumptions	<ul style="list-style-type: none"> None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> Not applicable
Spatial transformation (where applicable)	<ul style="list-style-type: none"> N/A
Calculation type	<ul style="list-style-type: none"> Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> Quarterly
Desired performance	<ul style="list-style-type: none"> 18 initiatives
Indicator Responsibility	<ul style="list-style-type: none"> Divisional Head: Education, Compliance & Advocacy

3.

Indicator title	<ul style="list-style-type: none"> Number of Consumer Education Programmes conducted
Definition	<ul style="list-style-type: none"> Consumer Education Programmes means Education Sessions (Workshops, seminars, radio and TV programmes) conducted for consumers to raise awareness on the Consumer Protection Act.
Source of data or information	<ul style="list-style-type: none"> Approved content Attendance Register or Confirmation of attendance by Host Media monitoring reports
Method of calculation/ assessment	<ul style="list-style-type: none"> Count (quantitative)
Assumptions	<ul style="list-style-type: none"> None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> Consumers.
Spatial transformation (where applicable)	<ul style="list-style-type: none"> N/A
Calculation type	<ul style="list-style-type: none"> Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> Quarterly
Desired performance	<ul style="list-style-type: none"> 36 Consumer Education Programmes conducted
Indicator Responsibility	<ul style="list-style-type: none"> Divisional Head: Education, Compliance & Advocacy

4.

Indicator title	<ul style="list-style-type: none"> Percentage (%) of requests for explanatory notes and /or non-binding opinions on the interpretation of provisions of the CPA provided within a pre-defined period
Definition	<ul style="list-style-type: none"> Explanatory notes or non-binding opinions mean legal advice, opinion and explanation provided by Legal Services to consumers upon receipt of a request.

	<ul style="list-style-type: none"> • Days mean business days only excluding holidays, weekends and NCC's shutdown period.
Source of data or information	<ul style="list-style-type: none"> • Explanatory notes or non-binding opinions Register • Requests for explanatory notes or non-binding opinions received through the advisory email address of the NCC • Copies of explanatory notes or non-binding opinions given
Method of calculation/ assessment	<ul style="list-style-type: none"> • The percentage is calculated by counting the number of explanatory notes or non-binding opinions provided (dividend) divided by the total number of requests received (divisor). • To calculate the average of 6 days, the days taken to issue each explanatory note or non-binding opinion are added together then the total is divided by the number of all explanatory notes or non-binding opinions issued.
Means of verification	<ul style="list-style-type: none"> • Explanatory notes or non-binding opinions Register • Requests for explanatory notes or non-binding opinions received through the advisory email address of the NCC • Copies of explanatory notes or non-binding opinions given
Assumptions	<ul style="list-style-type: none"> • None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> • None
Spatial transformation (where applicable)	<ul style="list-style-type: none"> • None
Calculation type	<ul style="list-style-type: none"> • Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> • Quarterly

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

5.

Indicator title	<ul style="list-style-type: none"> • Percentage of finalized investigation within a predetermined period
Definition	<ul style="list-style-type: none"> • An investigation starts when the office of the Commissioner approves the investigation by signing the investigation certificate. • An investigation is finalised when an investigation report is approved by the Office of the Commissioner • Days means business excluding weekends, public holidays NCC's shutdown period
Source of data or information	<ul style="list-style-type: none"> • Spreadsheet of approved investigations and approved reports • Investigation Certificate (to determine the date of start of the investigation) • Investigation reports (to determine the date of approval of reports)
Method of calculation/ assessment	<ul style="list-style-type: none"> • Number of approved reports (dividend) divided by the number of approved investigations (divisor) • The quotient is the percentage • To calculate the average of 90 days, the days taken to complete each investigation are added together then the total is divided by the number of all completed investigations.
Means of verification	<ul style="list-style-type: none"> • Spreadsheet of approved investigations and approved reports • Investigation Certificate (to determine the date of start of the investigation) • Investigation reports (to determine the date of approval of reports)
Assumptions	<ul style="list-style-type: none"> • None

Disaggregation of beneficiaries	<ul style="list-style-type: none"> • Not Applicable
Spatial transformation (where applicable)	<ul style="list-style-type: none"> • Not Applicable
Calculation type	<ul style="list-style-type: none"> • Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> • Quarterly
Desired performance	<ul style="list-style-type: none"> • 80% of approved investigations were conducted. Reports with recommendations produced in 90 days.
Indicator Responsibility	<ul style="list-style-type: none"> • Divisional Head: Enforcement and Investigations

6.

Indicator title	<ul style="list-style-type: none"> • Percentage of further enforcement action taken within a predetermined period.
Definition	<ul style="list-style-type: none"> • Enforcement action is deemed as taken on a date when a compliance notice is issued, or the date when a settlement agreement is signed, or the date when a referral to Equality court or Competition Commission or National Prosecuting Authority is made or a date when Application papers are filed at the National Consumer Tribunal. • The period for further enforcement action starts on the day after the Commissioner approves an assessment report for further enforcement.
Source/ of data or information	<ul style="list-style-type: none"> • Prosecution register • Assessment Register • Approved assessments

	<ul style="list-style-type: none"> • Compliance notice, settlement agreement, referral letter, filing email or stamp
Method of calculation/ assessment	<ul style="list-style-type: none"> • Number of approved assessment reports (dividend) divided by the number of enforcement actions taken (divisor) • The quotient is the percentage • To calculate the average of 40 days for the enforcement action, the days taken for each enforcement action are added together then the total is divided by the number of all enforcement actions taken. • The average number of days taken to finalise the investigation.
Means of verification	<ul style="list-style-type: none"> • Prosecution register • Assessment Register • Approved assessments • Compliance notice, settlement agreement, referral letter, filing email or stamp
assumptions	<ul style="list-style-type: none"> • None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> • None
Spatial transformation (where applicable)	<ul style="list-style-type: none"> • None
Calculation type	<ul style="list-style-type: none"> • Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> • Quarterly
Desired performance	<ul style="list-style-type: none"> • It is desired that the Division reaches 90% for further enforcement taken within 40 days
Indicator Responsibility	<ul style="list-style-type: none"> • Divisional Head – Legal Services

7.

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

JOINT INDICATORS

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

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

1. JOINT INDICATOR 1

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

Indicator Responsibility	<ul style="list-style-type: none"> Divisional Head: Enforcement & Investigations
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2. JOINT INDICATOR 2

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

3. JOINT INDICATOR 3

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

4. JOINT INDICATOR 4

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

5. JOINT INDICATOR 5

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

6. JOINT INDICATOR 6

Indicator	<ul style="list-style-type: none"> • Growing the Green Economy and greening the economy
Definition	<ul style="list-style-type: none"> • Actions to green the economy
Source of data or information	<ul style="list-style-type: none"> • Quarterly report approved by the office of the Commissioner

Method of calculation/ assessment	<ul style="list-style-type: none"> Count
Means of verification	<ul style="list-style-type: none"> Quarterly report approved by the office of the Commissioner
Assumptions	<ul style="list-style-type: none"> None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> None
Spatial transformation (where applicable)	<ul style="list-style-type: none"> Not Applicable
Calculation type	<ul style="list-style-type: none"> Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> Quarterly
Desired performance	<ul style="list-style-type: none"> Achievement of stipulated target
Indicator Responsibility	<ul style="list-style-type: none"> Divisional Head: Enforcement & Investigations

7. JOINT INDICATOR 7

Indicator	Strengthening and building capabilities and agility in the dtic and its entities, to improve efficiencies in programmes and entities, to contribute to economic development and ease of doing business.
Definition	Functional, efficient and integrated services within the dtic to improve economic development and ease of doing business
Source of data or information	<ul style="list-style-type: none"> Website

	<ul style="list-style-type: none"> • Case Management System • Quarterly report approved by the office of the Commissioner
Method of calculation/ assessment	<ul style="list-style-type: none"> • Count
Means of verification	<ul style="list-style-type: none"> • Quarterly report approved by the office of the Commissioner
Assumptions	<ul style="list-style-type: none"> • None
Disaggregation of beneficiaries	<ul style="list-style-type: none"> • None
Spatial transformation (where applicable)	<ul style="list-style-type: none"> • Not Applicable
Calculation type	<ul style="list-style-type: none"> • Cumulative (year-end)
Reporting cycle	<ul style="list-style-type: none"> • Quarterly
Desired performance	<ul style="list-style-type: none"> • Achievement of stipulated target
Indicator Responsibility	<ul style="list-style-type: none"> • Divisional Head: Education, Compliance & Advocacy (Project Leader)