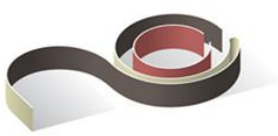




ANNUAL PERFORMANCE PLAN

2023-2024



NATIONAL CONSUMER COMMISSION

012 428 7000



VERSION CONTROL				
Version	Date	Revised by	Reason	Sections affected
V1	29/09/2022	J.V Selolo	New document	Whole document
V2	25/01/2023	J.V Selolo	Address dtic assessment	Part B paragraph 3.4, Part C paragraph 9.2 and Part D
V3	02/03/2023	J.V Selolo	To align with the dtic outcomes	Part C
V4	29/04/2023	J.V Selolo	To align with the dtic group's outcomes and output	<ul style="list-style-type: none">Accounting Authority's Statement; Paragraph 3.2 & 3.3Part A: Paragraphs 2.1.3, 2.4.5. and 2.1.5Part B paragraph 4.2.Part C paragraph 5.2, 5.3. and 5.4Part D
V5	30/10/2023	J.V Selolo	To amend some indicators to meet the SMART criteria and merge and restate some indicators for investigation and enforcement where there were dependencies on other regulators	<ul style="list-style-type: none">Part C paragraph 5.1.1; 5.1.5; 5.2.1; 5.2.5; 5.3.5; 5.4.2; 5.4.5; and 5.5.5Part 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
CTFL		Clothing, Textile, Footwear and Leather goods
DPSA	-	Department of Public Service and Administration
HR	-	Human Resource/s
ICT	-	Information and Communications Technology
MIOSA	-	Motor Industry Ombud of South Africa
NCC	-	National Consumer Commission
NRCS	-	National Regulator for Compulsory Specifications
NCT	-	National Consumer Tribunal
OORS	-	Opt-Out Registry System
PFMA	-	Public Finance Management Act
SABS	-	South African Bureau of Standards



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Executive Authority Statement

The 2023/24 Annual Performance Plan of the National Consumer Commission (NCC) reflects the continued efforts of **the dtic** Group to align our activities around a common purpose; grounded in efforts to support **Industrialisation** to promote jobs and rising incomes, drive **Transformation** to build an inclusive economy, and build a **Capable State** to ensure improved impact of public policies.

The APP contains an ambitious set of targets aimed at realising the vision of the NCC governing legislation, and utilising these regulations to meet their purpose of empowering a larger number of South Africans to contribute towards our shared prosperity. In the year ahead, the NCC will play a critical role in creating a fair and prosperous South African economy. While companies face a challenging global economic environment, the work of the NCC will help create the conditions for sustained growth that are most needed when times are hardest.

Since the start of the Sixth Administration, the Department of Trade, Industry and Competition and all entities in the dtic Group have begun a process of adopting a revised output-driven planning system – grounded in the objective of combining all our efforts towards creating real impact for South Africans.

Revised APP 2023/24

In 2023/24, the dtic concluded this process by introducing 45 output targets, to which the NCC makes a critical contribution. The following table sets out the 45 outcomes.

Output targets within the dtic-group of entities

Investment

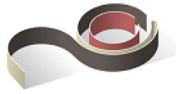
Output
R200 billion in investment pledges secured across the state
100 Investor facilitation and unblocking interventions provided
2 new SEZs designated and support work with provinces related to industrial parks

Industrial production

Output
R40 billion in additional local output committed or achieved
R40 billion in Black Industrialist output achieved

Exports and trade

Output
R700 billion in manufacturing exports
R300 billion in manufacturing exports to other African countries



R2.5 billion in exports of Global Business Services (GBS)
1 Implementation of the AfCFTA
10 High impact trade interventions completed
4 Protocols finalised under the AfCFTA

Industrial support

Output
R30 billion in support programmes administered by or in partnership with the dtic group
R15 billion support programmes to enterprises in areas outside the 5 main metros
R8 billion in financial support programmes to SMMEs, and women and youth-empowered businesses
R7.5 billion in financial support programmes to enterprises in labour absorbing sectors
Promotion of a transparent and just adjudication process for incentive applications

Transformation

Output
R800 Million in Equity Equivalent Investment Programme agreements agreed or administered

Revised APP 2023/24

Output
20 000 additional workers with shares in their companies
10 high-impact outcomes on addressing market concentration, at sector or firm level.

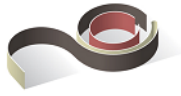
Jobs

Output
1 million jobs supported or covered by Master Plans
100 000 jobs to be created (50 000 social economy fund part-time or temporary job opportunities and 50 000 full-time jobs)
23 000 jobs in Black Industrialists firms

Energy

Output
R1.3 billion in financial support to enterprises including SMMEs to mitigate impact of load shedding through energy resilience fund
1400 Megawatts of energy from projects facilitated
550 Megawatts of energy available for the grid
1 Energy One-stop Shop operational
Expedited regulatory amendments and flexibility, to promote energy efficiency

Green economy targets



Output
1 Strategy and advocacy finalised responding to green non-tariff barriers (Carbon Border Adjustment Mechanism (CBAM))
1 EV Strategy finalised
1 Finalisation of green hydrogen commercialisation framework

Stakeholder engagement and impacts

Output
10 Business Forums hosted aimed at supporting increased FDI, exports and outward investment.
1000 Case studies of firms, workers, entrepreneurs, professionals or communities impacted by the dtic measures: including 12 local films/documentaries telling the SA story
52 Community outreach programmes by the dtic group
5 Conferences, summits, and international forums hosted
10 Successful actions completed on price monitoring and excessive pricing or price gouging

Addressing crime

Output
Grey-listing: Publication of 'Know Your Shareholder' Regulations and Follow Ups

Revised APP 2023/24

Output
1 Metal trading system developed to identify stolen public infrastructure entering the scrap metal value-chain, export market or legitimate metal production industry

Red tape and state capability targets

Output
4 High-impact measures to improve the efficiency and/or effectiveness, of the dtic's policy or programme interventions.
10 High-impact measures to reduce red tape or improve turnaround times in administration of incentives and work of agencies
6 Impact assessments or enhancements of trade instruments or measures

Improving the capacity and responsiveness of the state and social partnership

Output
4 Pieces of priority legislation amended, tabled or submitted to Executive Authority, Cabinet or Parliament.
7 Master Plans managed and 1 new masterplan to be finalised.
Oversight of IDC, NEF and ECIC to ensure that at least 95% of planned KPIs are achieved



Output
Oversight of other entities to ensure that at least 95% of planned KPIs are achieved
50 Mergers and acquisitions where public interest conditions have been incorporated

While the NCC has incorporated many of these objectives into the APP, our next steps will be to further align the work of NCC to meet these common objectives through the implementation of its governing legislation. Within one month of tabling this version of the plan, proposed revisions must be submitted to the Executive Authority to better align with the vision of these targets.

Implementation of this plan must take account of the challenging fiscal environment in which government is operating, and as such as I have instructed all entities to

Revised APP 2023/24

undertake a further review of their spending plans for the period of the plan, and to submit a final, revised financial plan within one month of tabling this version of the plan. This plan should aim to reduce unnecessary spending, and redirect these resources to better serve our core objectives.

The APP 2022/23, 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's 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 mandate of the NCC is to enforce the Consumer Protection Act (No. 68 of 2008) by ensuring that it protects, promotes, and advances the social and economic welfare of consumers, thus ensuring a fair marketplace for safe consumer goods and services.

1. **THE OVERALL FOCUS DURING THE PREVIOUS PLANNING PERIOD**

The overall focus for the previous period was to realise the following outcomes:

- Accessible and coherent consumer protection;
- A fair marketplace; and
- The supply of safe goods to consumers.

The outcomes were underpinned by activities in the following strategic focus areas:

- Conducting education and awareness initiatives for consumers on their rights and the provision of the CPA;
- Communication of consumer protection activities through media engagement;
- Provision of business guidance on the provisions of the CPA to foster compliance;
- Monitoring the efficacy of the accredited ombud schemes;
- Monitoring and administration of product recalls;
- Investigation and enforcement of alleged prohibited conduct.

The NCC supported the Economic Recovery Plan, 2020 and aligned its investigation, enforcement, education, and awareness interventions to contribute to the core themes of **the dtic** as articulated through the 7 Joint Indicators.

2. **ACCOMPLISHMENTS IN THE PREVIOUS PERIOD**

2.1 Overall performance and good governance

The NCC has achieved 7 out of its 7 targets (100%) in the Annual Performance Plan.

The NCC also obtained a clean audit opinion in 2021/2022 (the 3rd since 2018/19) as a result of good corporate governance and prudent financial management.

2.2 Media Engagement and communication

The NCC enjoyed good media coverage with a positive tone and improved on its strides to reach consumers and provide information through community radio stations and online platforms. The engagement resulted in **195** radio interviews (national, regional, and community stations), **28** TV interviews, **156** online news clips (local, regional and national), **78** print media coverage (community, regional, and national newspapers articles), **254** sound bites for national, regional and community radio stations.

2.3 Consumer education and business guidance

The NCC conducted focused sessions for different consumers and businesses. 18 business guidance initiatives were conducted to guide small businesses on the provision of the CPA, to inculcate compliance.

43 in-person consumer education and awareness initiatives were conducted to cater to consumers in townships and rural areas, amongst those are sessions conducted in Limpopo at Lephalale and Thabazimbi, and in Mpumalanga at Thulamashashi, Mkhuhlu, Nkomati, Gaseabe, Kamqhekeza, and Kanyamazane.

The NCC continued to create awareness of consumer protection issues among youth. Two guest lectures were conducted at the University of Fort Hare for 4th- Year Law students and a virtual session was conducted for the University of Cape Town's 1st-year students.

2.4 Monitoring of product recalls

The NCC administered 85 product recalls.

Out of the 85 product recalls administered, 55 (64.7%) were motor vehicles, 14 (16.5%) foodstuff, 10 (11.8%) medical devices, 3 (3.5%) toys or kids' devices, 2 (2.4%) clothing and accessories, and 1 (1.8%) was a household device.

Foodstuff recalls required immediate attention to mitigate the imminent risks associated with their consumption, and as such; priority areas were on the recalls of Similac (baby formula) as a result of the presence of salmonella; the McCain's Frozen Green Beans due to the presence of glass particles; and Apple Juice because it contained elevated levels of the Mycotoxin Patulin.

2.5 Investigations and enforcement

There was an increase in the number of enforcement actions taken against non-compliant suppliers. 166 matters were taken for further enforcement against non-compliant suppliers. These resulted in redress directly to consumers in the amount of R5 million. The NCC, in collaboration with the South African Police Services, the National Prosecuting Authority, and other law enforcement agencies, investigated two pyramid schemes. As a result of this collaboration, a total of R9.4 million was preserved.

The NCC intensified its enforcement of non-compliant clothing, textiles, footwear, and leather goods. Non-compliant imported goods with a declared customs value of R21,2 million were destroyed or returned to the country of origin. The re-exportation back to the country of origin or destruction prevents the proliferation of non-compliant goods into the South African market and thus contributes to the preservation of South African companies and jobs in the clothing, textiles, footwear, and leather goods manufacturing sector.

2.6 Stakeholder engagement

- i. **COTTI:** The NCC is part of the Council of Trade and Industry Institutions (COTII) under the chairpersonship of the Consumer and Corporate Regulations Branch of the **dtic**. This platform is used by Regulatory entities to share strategies and further provides a space to highlight achievements and challenges that the entities have experienced in a specific quarter. Participation in this platform allows the NCC to benchmark itself with other Regulators in terms of service delivery, to identify synergies and opportunities for collaborations and cost-sharing to address resource limitations. The NCC collaborates and has sought support from the National Consumer Tribunal where expertise was shared in the roll-out of the ICT Backend Infrastructure and in the chairpersonship of the ICT steering Committee.
- ii. **Consumer Protection Forum (CPF):** In the spirit of cooperative governance to detect and suppress prohibited conduct or offences in terms of CPA, occurring within the different provinces, the NCC had established and continues to be at the helm as chairperson of the multi-stakeholder Consumer Protection Institutions. CPF is a voluntary structure made up of accredited ombud schemes, i.e. Motor Industry Ombudsman of South Africa (MIOSA); Consumer Goods and Services Ombudsman (CGSO); the Credit Ombudsman, ICASA; NRCS; NCR; CMS; NERSA; FSCA, and the Council for Debt Collectors.

Key among the achievements of the CPF was the joint implementation of the World Consumer Rights Day campaign and consumer education and enforcement initiatives under different themes throughout the reporting period. The Forum continues to share ideas on common areas of interest and leverage on one another's resources.

The NCC also rolled out capacity-building initiatives for officials working in the provincial consumer protection authorities on the provisions of the CPA, and Customs officials working at the ports of entry within the CTFL to enhance their knowledge in the enforcement of the CPA.

- iii. **International Stakeholder:** The NCC plays an active role in the international sphere of consumer protection. Within the SADC region, the NCC serves as chairperson in the Consumer Protection Working Group. Key projects in this area include overseeing the development of the regional Model Law on Consumer Protection and promoting the development of Consumer Protection within member states that do not have relevant legislative provisions. The NCC participated in a session organised by UNCTAD in assisting Botswana in the benchmarking phase while preparing for the implementation of its consumer protection legislation.

The NCC continues to be a member of the International Consumer Protection and Enforcement Network (ICPEN). In this network, emerging international trends that seek to undermine consumer protection are identified and relevant enforcement mechanisms are discussed, and toolkits are developed to provide a framework for consumer protection intervention. The NCC served as a panellist in the session providing insights and training on the investigation and enforcement intervention to deter the proliferation of fraudulent schemes.

The NCC participates in the activities of the United Nations Conference on Trade and Development (UNCTAD) through the Intergovernmental Group of Experts on Consumer Protection Law and Policy (IGE). The NCC is a member of two Working Groups: Consumer Product Safety and Consumer Protection in E-commerce. In the previous reporting period, the NCC participated and contributed to the development of guidelines that were aimed at “improving international cooperation to protect consumers from hazards to their health and safety, to further propose practical means for the implementation of the recommendation on preventing the cross-border distribution of known unsafe consumer products” that was presented at the 7th Session of the Intergovernmental Group of Experts on Consumer Protection Law and Policy in July 2022.

- iv. **Memoranda of Agreement (MOAs)**- are concluded and enforced with sector regulators and relevant stakeholders to ease cooperation and share information on pertinent areas of work.

In the last reporting period, MOAs were concluded with the South African Health Products Regulatory Authority (SAHPRA); the Financial Intelligence Centre (FIC), as well as the Department of Home Affairs. As a result of an existing MOA, the NCC played a key role in the development of Automotive Sector Aftermarket Guidelines as published by the Competition Commission. It also contributed to the development of a consumer law module at the University of Fort Hare (UFH).

3. STRATEGIC FOCUS FOR THIS PERIOD

3.1 The Government has set key national priorities as espoused in the government’s overall mandate to the people of South Africa and the Department of Trade, Industry and Competition and all entities in **the dtic** Group have begun a process of adopting a revised output-driven planning system. In 2023/24, the dtic concluded this process by introducing 45 output targets, to which the NCC makes a critical contribution.

3.2 The following table sets out the 45 outcomes:

No.	Outcome	Output	Activity
1	Investment	1.1 R200 billion in investment pledges secured across the state	
		1.2 100 Investor facilitation and unblocking interventions provided	
		1.3 2 new SEZs designated and support work with provinces related to industrial parks	
2	Industrial production	2.1 R40 billion in additional local output committed or achieved	
		2.2 R40 billion in Black Industrialist output achieved	
3	Exports and trade	3.1 R700 billion in manufacturing exports	
		3.2 R300 billion in manufacturing exports to other African countries	
		3.3 R2.5 billion in exports of Global Business Services (GBS)	
		3.4 1 Implementation of the AfCFTA	
		3.5 10 High impact trade interventions completed	
		3.6 4 Protocols finalised under the AfCFTA	
4	Industrial support	4.1 R30 billion in support programmes administered by or in partnership with the dtic group	
		4.2 R15 billion support programmes to enterprises in areas outside the 5 main metros	
		4.3 R8 billion in financial support programmes to SMMEs, and women and youth-empowered businesses	
		4.4 R7.5 billion in financial support programmes to enterprises in labour absorbing sectors	
		4.5 Promotion of a transparent and just adjudication process for incentive applications	



No.	Outcome	Output	Activity
5	Transformation	5.1 R800 Million in Equity Equivalent Investment Programme agreements agreed or administered	
		5.2 20 000 additional workers with shares in their companies	
		5.3 10 high-impact outcomes on addressing market concentration, at sector or firm level.	
6	Jobs	6.1 1 million jobs supported or covered by Master Plans	
		6.2 100 000 jobs to be created (50 000 social economy fund part-time or temporary job opportunities and 50 000 full-time jobs)	
		6.3 23 000 jobs in Black Industrialists firms	
7	Energy	7.1 R1.3 billion in financial support to enterprises including SMMEs to mitigate impact of load shedding through energy resilience fund	
		7.2 1400 Megawatts of energy from projects facilitated	
		7.3 550 Megawatts of energy available for the grid	
		7.4 1 Energy One-stop Shop operational	
		7.5 Expedited regulatory amendments and flexibility, to promote energy efficiency	
8	Green Economy	8.1 1 Strategy and advocacy finalised responding to green non-tariff barriers (Carbon Border Adjustment Mechanism (CBAM))	
		8.2 1 EV Strategy finalised	
		8.3 1 Finalisation of green hydrogen commercialisation framework	
9	Stakeholder engagement	9.1 10 Business Forums hosted aimed at supporting increased FDI, exports and outward investment.	
		9.2 1000 Case studies of firms, workers, entrepreneurs, professionals or communities impacted by the dtic measures: including 12 local films/documentaries telling the SA story	
		9.3 52 Community outreach programmes by the dtic group	
		9.4 5 Conferences, summits, and international forums hosted	



No.	Outcome	Output	Activity
		9.5 10 Successful actions completed on price monitoring and excessive pricing or price gouging	
10	Addressing crime	10.1 Grey-listing: Publication of 'Know Your Shareholder' Regulations and Follow Ups	
		10.2 1 Metal trading system developed to identify stolen public infrastructure entering the scrap metal value-chain, export market or legitimate metal production industry	
11	Red tape and state capability targets	11.1 4 High-impact measures to improve the efficiency and/or effectiveness, of the dtic's policy or programme interventions.	
		11.2 10 High-impact measures to reduce red tape or improve turnaround times in administration of incentives and work of agencies	
		11.3 6 Impact assessments or enhancements of trade instruments or measures	
12	Improving the capacity and responsiveness of the state and social partnership	12.1 4 Pieces of priority legislation amended, tabled or submitted to Executive Authority, Cabinet or Parliament.	
		12.2 7 Master Plans managed and 1 new masterplan to be finalised.	
		12.3 Oversight of IDC, NEF and ECIC to ensure that at least 95% of planned KPIs are achieved	
		12.4 Oversight of other entities to ensure that at least 95% of planned KPIs are achieved	
		12.5 50 Mergers and acquisitions where public interest conditions have been incorporated	

3.3 The NCC has aligned its work to meet these common objectives through the implementation of its governing legislation. The NCC will contribute to **6** outputs with **9** outcomes by implementing the following institutional programmes:

3.3.1 Industrial Production (the dtic Outcome 2)

In contributing towards “Driving R40 billion in additional local output committed or achieved”, the NCC will ensure that in its procurement of goods and services, that it supports locally produced goods.

3.3.2 Industrial support (the dtic Outcome 4)

The NCC will contribute to the “R8 billion in Financial Support Programmes to SMMEs, and Women and Youth – Empowered businesses” by providing education workshops to support SMMEs. This output will reflect the value of financial support provided by the Commission through its expenditure in education workshops to support SMMEs.

3.3.3 Jobs (the dtic Outcome 6)

The NCC will contribute to the dtic group’s intervention to “100 000 jobs to be created (50000 social economy fund part-time or temporary job opportunities and 50000 full-time jobs)” by maintaining its internship programme, thus creating an opportunity for young graduates to gain experience.

3.3.4 Energy (the dtic Outcome 7)

In contributing to the dtic group’s eight high-impact interventions to support the Energy Action Plan launched by the President; the NCC will contribute to “Measures to Protect Consumers and energy-users” by prioritising the prosecutorial support to the Competition Commission and the National Regulator for Compulsory Specifications where there is possible violation related to unfair pricing and non-compliance to mandatory standards for energy-efficient, renewables and backup products.

3.3.5 Stakeholder Engagement and Impacts (the dtic Outcome 9)

When the Commission discharges its mandate, it strives to make an impact on the lives of individual consumers. In this period, the Commission will contribute to the “1000 Case studies of firms, workers, entrepreneurs, professionals or communities impacted by the dtic measures; including 12 local films/ documentaries telling the SA story” by documenting and reporting on those that the NCC perceive as impactful interventions.

3.3.6 Improving the Capacity and Responsiveness of the State and Social Partnership (the dtic Outcome 12)

The NCC will contribute to output 12.2 being “7 Master Plans managed”. The NCC, through its enforcement mandate, will give effect to the commitment made in the R-CTFL Master Plan which seeks to “Stem the flow of illegal imports” by prioritising the investigation and prosecution of the suppliers whose conduct violate the labelling requirements of the CPA.

The Commission will also intervene in combating unconscionable conduct by suppliers that offer basic goods to consumer at unfair prices by *prioritising complaints related to unfair prices* by working in partnership with the Competition Commission, and referral of possible violations to the NCT where necessary.

3.4 To achieve the above in relation to the enforcement of the CPA, the NCC is in the process of implementing the following institutional programmes:

3.4.1 ***eServices and Opt-Out Registry***

Purpose: To provide access for eServices to consumers to enable them to file complaints and register for a pre-emptive block to restrict unsolicited marketing

The planned performance is aimed at providing a digital solution to enable the NCC to move from paper-based and manual customer-facing systems to the provision of eServices to consumers. The digitization will enable consumers to file complaints, upload supporting documents and track progress.

The Opt-Out Registry system will allow consumers to register for a pre-emptive block to restrict unsolicited marketing and file complaints through the system when their rights to privacy have been violated. This programme will facilitate a speedy service and thus enable a capable state.

The activities will include piloting of the systems to detect glitches, performing enhancements, and deployment of the systems to the production platform while continuously ensuring compliance in the processing of data.

3.1 Improved consumer protection through education and awareness

Purpose: To empower consumers by promoting consumer and business education awareness activities, profiling successful stories, and providing financial support to SMMEs, as well as women and youth-empowered businesses.

The consumer education and awareness programmes are conducted through the following marketing and communications platforms which include but not limited to :(Workshops/seminars (contact session or virtual)/ Exhibitions/roadshows, Mall/taxi rank activations and social media (Facebook, Twitter and LinkedIn).

3.2 Detect prohibited conduct through investigation.

Purpose: To ensure that prohibited conduct and offences are detected and prosecuted.

The investigations will be conducted where reasonable suspicion exists that there is a violation of the CPA based on trends from the NCC's market monitoring activities, complaints received from consumers and matters referred to the NCC by other regulators.

The areas that will be prioritised are the matters that will contribute to "*Measures to Protect Consumers and energy-users*" and complaints related to unfair prices of basic food.

3.3 Improved compliance through Enforcement of the Act

Purpose: To deter unfair business practices and ensure redress to consumers through enforcement of the CPA (or through enforcement actions)

The planned performance is aimed at promoting compliance that will result in decreasing the level of non-compliance with the provisions of the CPA. The activities would include the communication of the findings of the investigation to the suppliers to initiate the process of the consent agreement, concluding consent agreements, drafting, and issuing of compliance notices, and the prosecution of matters at the Tribunal and other courts. The intention is to ensure that redress to consumers is swift.

The areas that will be prioritised in this area are prosecutorial support to the Competition Commission and the National Regulator for Compulsory Specifications where there is possible violation related to unfair pricing and non-compliance to mandatory standards for energy-efficient, renewables and backup products.

3.4 Importation of non-compliant clothing, textile, footwear, and leather (CTFL) combated

Purpose: To combat non-compliant importation of clothing, textile, footwear and leather (CTFL).

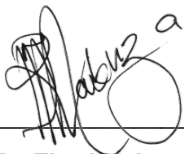
The planned performance will contribute to "*1 Implementation of the AfCFTA*" to promote Exports by supporting the South African Retail-Clothing, Textile, Footwear, and Leather (R-CTFL) Value Chain Masterplan. The enforcement action will prioritize the investigations on receipt of detention notices from SARS and prosecuting the conduct of suppliers that violate the labelling requirements in the CPA.

While striving to maintain good corporate governance and prudent financial management, the NCC will strive to achieve 95% of the targets set in this Annual Performance Plan.

ACKNOWLEDGMENTS AND APPRECIATION

I thank the management, especially the team responsible for governance, and the entire NCC staff for their dedication and effort throughout the year. It was a trying period when they were called upon to give their all in fulfilling the NCC's mandate when there was no hope for cost-of-living-adjustment in relation to remuneration. they remained committed to the tasks at hand.

I also thank the Audit & Risk Committee members and the Internal and External Auditors for the support and guidance provided. I express my gratitude to the DDG: RB, Dr Masotja for her support; Deputy Minister Gina for championing the course of consumer protection; Honourable Minister Patel (the dtic) and Portfolio Committee on Trade, Industry and Competition for their guidance and support.



Ms. Thezi Mabuza (Acting Commissioner)

Official Sign Off

It is hereby certified that this annual performance plan:

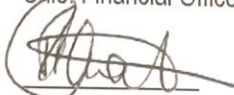
- Was developed by the management of the NCC under the guidance of the Executive Authority;
- Takes into account all the relevant policies, legislation, and other mandates for which the NCC is responsible; and
- Accurately reflects the impact, strategic outcomes and outputs which the NCC will endeavour to achieve over the period from 1 April 2023 to 31 March 2024.


Ms P Moshidi

Divisional Head: Corporate Services and
Chief Financial Officer

31/10/2023

Date



Ms P Moilwa

Divisional Head: Enforcement and Investigations

31/10/2023

Date



Mr J Mbeje

Divisional Head: Legal Services

31/10/2023

Date



Mr J. Seloto

Company Secretary

31/10/2023

Date



Ms T Mabuza

Accounting Authority

31 October 2023

Date

Approved by

Mr Ebrahim Patel
Minister of Trade and Industry

Date

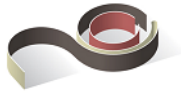
Our Mandate

A gavel with a gold head and a black handle rests on a wooden surface next to a white book. The book's cover has the words 'CONSUMER PROTECTION' printed on it in a serif font. A faint icon of a scale of justice is visible on the right side of the book cover.

CONSUMER
PROTECTION

Part A

The NCC derives its
mandate from Section 85
of the CPA



1. Updates to relevant legislative and policy mandates

1.1 The CPA aims to promote and advance the social and economic welfare of consumers by:

1.1.1 Establishing a legal framework for the achievement of a fair, accessible, responsible and sustainable market;

1.1.2 Reducing any disadvantages experienced in accessing the supply of goods and services by low income, low literacy, rural and vulnerable consumers;

1.1.3 Promoting fair business practices;

1.1.4 Protecting consumers from unfair and deceptive conduct;

1.1.5 Improving consumer awareness; and

1.1.6 Providing for an accessible, efficient and effective system of redress.

1.2 The CPA applies to:

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1.2.1 Suppliers (for-profit or non-profit) that promote or supply goods or services to consumers across all sectors of the economy, unless exempted;

1.2.2 Government institutions or any entity contracted by the state to provide goods or services to consumers;

1.2.3 Franchise offers, solicitations and agreements; and

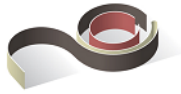
1.2.4 Any business-to-business transaction subject to a stipulated two-million-rand turnover per annum threshold.

1.3 The main functions of the NCC are to:

1.3.1 Improve consumer protection through education and awareness interventions.

1.3.2 Improve compliance with the CPA through business guidance interventions.

1.3.3 Receive complaints concerning alleged prohibited conduct and deal with them as prescribed by the provisions of the CPA.



- 1.3.4 Monitor the consumer goods and services market to prevent, detect and/ or prosecute contraventions.
- 1.3.5 Conduct investigations against suppliers allegedly engaging in prohibited conduct.
- 1.3.6 Issue and enforce compliance notices.
- 1.3.7 Negotiate and conclude undertakings and consent orders.
- 1.3.8 Refer any concerns regarding market share, anti-competitive behaviour or conduct that may be prohibited in terms of the Competition Act to the Competition Commission;
- 1.3.9 Refer alleged offences in terms of the CPA to the National Prosecuting Authority; and
- 1.3.10 Refer matters to the NCT and appear before the NCT.

2. Updates to institutional policies and strategies

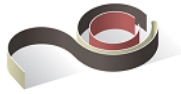
2.1 Strategic focus for the five-year planning period

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

- i) Economic Transformation and Job Creation
- ii) Education, Skills and Health
- iii) Consolidating the Social Wage through Reliable and Quality Basic Services
- iv) Spatial Integration, Human Settlements and Local Government
- v) Social Cohesion and Safe Communities
- vi) A Capable, Ethical and Developmental State
- vii) A better Africa and World

2.1.2 The NCC as an organ of state, has 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, 6 and 7.



2.1.3 In addition, government has developed an Economic Reconstruction and Recovery Plan in 2020, aimed at stimulating equitable and inclusive growth. To support economic reconstruction and recovery, through its enforcement activities, the NCC has realigned its APP to **the dtic's** new high impact-based and outcome focussed approach to show the impact of use of public resources allocated to the Commission to deliver on its mandate.

2.1.4 The NCC will contribute to the three shared outcomes introduced in 2022 by **the dtic** to contribute to the consolidated efforts of **the dtic** group to increase implementation efficiencies. These shared apex outcomes are; **Industrialisation, Transformation, and the building of a Capable State.**

2.1.5 The apex outcomes that the dtic group strive to achieve are divided into six pillars with 45 outcomes that were clustered into 12 functional areas in order to make real impact to the lives of citizens. To contribute to these 12 functional areas, the NCC will contribute to **6 outputs** with 9 outcomes; which are:

i. Industrial Production (DTIC Outcome2)

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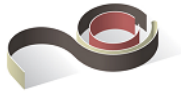
In contributing towards “*Driving R40 billion in additional local output committed or achieved*”, the NCC will ensure that in its procurement of goods and services, that it supports locally produced goods.

ii. Industrial support (the dtic Outcome 4)

The NCC will contribute to the “*R8 billion in Financial Support Programmes to SMMEs, and Women and Youth –Empowered businesses*” by providing education workshops to support SMMEs. This output will reflect the value of financial support provided by the Commission through its expenditure in education workshops to support SMMEs

iii. Jobs (the dtic Outcome 6)

The NCC will contribute to **the dtic** group’s intervention to “*100 000 jobs to be created (50000 social economy fund part-time or temporary job opportunities and 50000 full-time jobs)*” by maintaining its internship programme, thus creating an opportunity for young graduates to gain experience.



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iv. Energy (the dtic Outcome 7)

In contributing to the dtic group's eight high-impact interventions to support the Energy Action Plan launched by the President; the NCC will contribute to "*Measures to Protect Consumers and energy-users*" by prioritising the prosecutorial support to the Competition Commission and the National Regulator for Compulsory Specifications where there is possible violation related to unfair pricing and non-compliance to mandatory standards for energy-efficient, renewables and backup products.

v. Stakeholder engagement and impacts (the dtic Outcome 9)

- When the Commission discharges its mandate, it strives to make an impact on the lives of individual consumers. In this period, the Commission will contribute to the "*1000 Case studies of firms, workers, entrepreneurs, professionals or communities impacted by the dtic measures; including 12 local films/ documentaries telling the SA story*" by documenting and reporting on those that the NCC perceive as impactful interventions.

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- The Commission will also intervene in combating unconscionable conduct by suppliers that offer basic goods to consumer at unfair prices by prioritising complaints related to unfair prices by working in partnership with the Competition Commission, and referral of possible violations to the NCT where necessary.

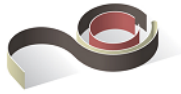
vi. Improving the Capacity and Responsiveness of the State and Social Partnership (the dtic Outcome 12)

The NCC will contribute to output 12.2 being "7 Master Plans managed". The NCC, through its enforcement mandate, will give effect to the commitment made in the R-CTFL Master Plan which seeks to "Stem the flow of illegal imports" by prioritising the investigation and prosecution of the suppliers whose conduct violate the labelling requirements of the CPA.

2.2 To achieve the above in relation to the enforcement of the CPA, the NCC is in the process of implementing the following **institutional programmes**:

2.2.1 eServices and Opt-Out Registry

Purpose: To provide access for eServices to consumers to enable them to file complaints and register for a pre-emptive block to restrict unsolicited marketing



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The planned performance is aimed at providing a digital solution to enable the NCC to move from paper-based and manual customer-facing systems to the provision of eServices to consumers. The digitization will enable consumers to file complaints, upload supporting documents and track progress.

The Opt-Out Registry system will allow consumers to register for a pre-emptive block to restrict unsolicited marketing and file complaints through the system when their rights to privacy have been violated. This programme will facilitate a speedy service and thus enable a capable state.

The activities will include piloting of the systems to detect glitches, performing enhancements, and deployment of the systems to the production platform while continuously ensuring compliance in the processing of data.

2.2.2 Improved consumer protection through education and awareness

Purpose: To empower consumers to exercise their rights through consumer education and awareness programmes.

The consumer education and awareness programmes are conducted through interactive sessions conducted to educate and or raise awareness of consumers on

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the CPA. These will include but not be limited to workshops/seminars (contact session or virtual), exhibitions and activations.

The interventions will contribute to **Industrial Support for SMMEs and the** output will reflect the value of financial support provided by the Commission through its expenditure in Education workshops to support SMMEs

2.2.3 Detect prohibited conduct through investigation.

Purpose: To ensure that prohibited conduct and offences are detected and prosecuted.

The investigations will be conducted where reasonable suspicion exists that there is a violation of the CPA based on trends from the NCC's market monitoring activities, complaints received from consumers and matters referred to the NCC by other regulators.

The areas that will be prioritised are complaints related to unfair prices of essential goods and those that relate to the quality and safety of goods and services.

2.2.4 Improved compliance through Enforcement of the Act



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Purpose: To deter unfair business practices and ensure redress to consumers through enforcement of the CPA (or through enforcement actions)

The planned performance is aimed at promoting compliance that will result in decreasing the level of non-compliance with the provisions of the CPA. The activities would include the communication of the findings of the investigation to the suppliers to initiate the process of the consent agreement, concluding consent agreements, drafting, and issuing of compliance notices, and the prosecution of matters at the Tribunal and other courts. The intention is to ensure that redress to consumers is swift.

The areas that will be prioritised in this area are prosecution of possible violation related to unfair pricing and non-compliance with CPA standards.

2.2.5 Importation of non-compliant clothing, textile, footwear, and leather (CTFL) combated

Purpose: To combat non-compliant importation of clothing, textile, footwear and leather (CTFL).

The planned performance will contribute to “1 *Implementation of the AfCFTA*” to promote Exports by supporting the South African Retail-Clothing, Textile, Footwear,

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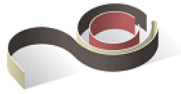
and Leather (R-CTFL) Value Chain Masterplan. The enforcement action will prioritise the investigations on receipt of detention notices from SARS and prosecuting the conduct of suppliers that violate the labelling requirements in the CPA.

3. Updates to Relevant Court Rulings

The NCC appraises the rulings and decisions of the High Courts and the NCT on a regular basis. The likely impact of these decisions is considered when crafting our strategic plans. A summary of recent court decisions and rulings is provided in the following page:



No.	Name of Case	Court & Case reference number	Legal issues and status
4.1	Soulever Wellness V NCC	NCT/159598/2020/101(1)	<p>NATURE OF MATTER: This was an application for review of a Compliance Notice. The Importer had Imported Goods stating, “made in South Africa” and the NCC issued a Compliance Notice stating that the Importer has, amongst others, contravened Section 24(2)(a) read with Regulation 6(1)(b):</p> <p>RULING: The NCT held that there is no evidence that the Importer knowingly applied the incorrect labels, and that Section 24(2) (a) requires knowledge with intention to mislead. The Compliance Notice was set aside.</p> <p>GUIDANCE: In the future, the NCC should rely on Section 24(5) and Regulation 6(1) (e) which relates to incorrect information, and which does not need <i>mens rea</i>.</p>
4.2	NCC V National Auto Brokers	NCT/172929/2020/73(3)	<p>NATURE OF THE MATTER: This was an Application in terms of Section 73(2) (b) for alleged contravention of Section 56(2)(a).</p> <p>PRINCIPLE FOR DETERMINATION: The matter was referred to the Tribunal more than 3 years after the cause of the complaint. The NCT mero muto raised the issue of prescription. This was the first matter that came up for determination following the Ludick decision.</p> <p>RULING: The NCT ruled that the matter has prescribed.</p> <p>GUIDANCE: The NCC is urged to be conscious of time frames and Section 116 and to avoid referring matters where the issue will arise. It is advisable to write the prescription date on the file cover.</p>



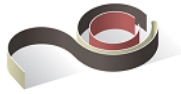
No.	Name of Case	Court & Case reference number	Legal issues and status
4.3	NCC V Brilliant Autoworx	NCT-194166-2021-73(2)(b)	<p>NATURE OF THE MATTER: This is an Application in terms of Section 73(2)(b) of the CPA alleging contravention of Section 19(2)(a)(i) and 54(1)(a) of the CPA.</p> <p>ISSUES FOR DETERMINATION: The Consumer took his motor vehicle to the Respondent for repairs after it was involved in an accident. The Respondent failed to repair the Motor Vehicle despite receiving payment from the Consumer.</p> <p>RULING: The NCT ruled in favour of the NCC finding that the Supplier has contravened 19(2)(a)(i) and 54(1)(a) of the CPA.</p> <p>GUIDANCE: This is a good ruling for the NCC. However, the supplier has failed to comply with the order and it is not clear if the supplier still exists. This indicates the challenge that the NCC will continue to have in similar matters as it is easy for the suppliers to abandon the business and to start a similar business under a new name. The supplier can't be traced at present.</p>
4.4	NCC V Ismacube	NCT/138658/2020/73(2)(b)	<p>NATURE OF THE MATTER: This is an Application in terms of Section 73(2) (b) of the CPA arising from the supply of speculative software. The NCC sought orders for contravention of various provisions of the CPA.</p> <p>ISSUES FOR DETERMINATION: The matter was originally opposed, and the supplier raised various legal issues.</p> <p>RULING: The matter was decided in favour of the NCC and the supplier was found to have contravened Sections 16(3) read with section 20(2)(a); Section 16(4)(b); and Section 48(1) and 48(2).</p> <p>GUIDANCE: This is a good ruling for the NCC. However, the supplier has failed to comply with the order and it is not clear if the supplier still exists. This indicates the challenge that the NCC will continue to have</p>



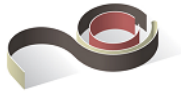
No.	Name of Case	Court & Case reference number	Legal issues and status
			<p>in similar matters as it is easy for the suppliers to abandon the business and to start a similar business under a new name. The supplier can't be traced at present.</p>
4.5	NCC V Selina Sandra Kasner	NCT/176450/2021/100(6)(a)	<p>NATURE OF THE MATTER: This is an Application in terms of Section 100(6) for failure to comply with a Compliance Notice</p> <p>ISSUES: The Importer admitted non-compliance with the Compliance Notice but prayed for leniency.</p> <p>RULING: An Administrative fine of R 10 000,00 was imposed upon the Importer.</p> <p>GUIDANCE: This matter was a breakthrough matter and created a precedent as there is a few Importers that do not comply once they receive a PAJA letter. The challenge is that in most noncomplying importers, the NCC do not have their contact details, and the NCC only has the agent's details. The agents will then advise that the Importer is no longer responding, and they are no longer involved in the matter. The Importer Authorisation form needs to be amended to contain the full importer address, contact person and contact details.</p>
4.6	NCC V Titan Trade Auto	NCT/183856/2021/73(2)(b)	<p>NATURE OF THE MATTER: This is an Application in terms of Section 73 (2) (b) for an order in terms of Section 56(2) (b).</p> <p>ISSUES FOR DETERMINATION: The Supplier raised a <i>point in limine</i> of prescription as the cause of complaint arose more than 3 years prior to the referral.</p> <p>RULING: The Consumer returned the Motor Vehicle to the supplier timeously and demanded a refund that was refused. The NCT ruled that the refusal was ongoing, and the matter has not prescribed.</p>



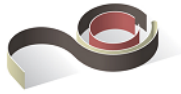
No.	Name of Case	Court & Case reference number	Legal issues and status
			<p>GUIDANCE: The supplier has applied for a review of the NCT decision, and the matter is pending. The NCC has had to deal with a lot of prescription matters with contrasting results. It is urged that everyone be mindful of prescription and that the issue of prescription be avoided.</p>
4.7	NCC V Jida Auto Investments	NCT/158339/2020/73(2)(b)	<p>NATURE OF THE MATTER: This is an Application in terms of Section 73 (2) (b) for an order in terms of Section 56(2) (b) (refund of the Purchase Price).</p> <p>ISSUES FOR DETERMINATION: The Supplier raised several <i>points in limine</i>, including one of prescription as the cause of complaint arose more than 3 years prior to the referral. The NCC argued that the cause of action arose less than 3 years prior to the referral of the matter, alternatively, the cause of the complaint constitutes continuing conduct.</p> <p>RULING: The NCT ruled that the consumer had elected a replacement and not a refund, and that the matter fell within Section 56(2) (a) and not 56(2) (b). The Applicant has not made out a case for continuing conduct in respect of section 56 (2)(a) of the CPA, and the Respondent has not been afforded the opportunity to specifically answer any allegation that it contravened section 56 (2)(a) of the CPA. In the circumstances, it would not be appropriate for the NCT to make a finding on whether the refusal to replace the vehicle took place and whether it constitutes continuing conduct</p> <p>GUIDANCE: It is urged that the report should clearly reflect the following: (1) What was the Consumer's election and when; (2) What is the exact cause of the complaint; (3) When did the cause of the complaint arise</p>



No.	Name of Case	Court & Case reference number	Legal issues and status
4.8	NCC V The Turbo Man CC	NCT/174555/2020/73(2)(b)	<p>NATURE OF THE MATTER: This was an application for contravention of section 26(2) and (3) and section 56 (3) of the CPA in that three consumers took their vehicles for repairs but after collecting those vehicles, initial and further defects were then discovered. However the consumer took almost two years to report the matter at MOISA, resulting in two of those matters having been referred to the NCT after 3 years has lapsed.</p> <p>PRINCIPLE: Whether the referral of the matter to MIOSA interrupts prescription in terms of section 116 of the CPA</p> <p>RULING: NCT rules that previously it has held on various matters that such referral interrupts prescription in terms of section 116 of the CPA, but since the decision of the High Court where it was held that there is no provision in the CPA that deals with interruption of prescription therefore if a matter is referred to the NCT after the lapse of three years from the date of the cause of action complained about, the NCT is barred from entertaining that matter.</p> <p>GUIDANCE: Consumers need to be informed by way of explanatory notes about prescription and the issue of when it starts to run, due to previous decisions of the NCT that have been overruled by the High Court</p>
4.9	NCC V Boats Cape Town	NCT/178143/2021/73(2)	<p>NATURE OF THE MATTER: This is an application that was brought against the Respondent for having failed to disclose that he was acting as an intermediary when selling a Ski Boat to the consumer and he received certain fees for such. The Respondent's defence is that the consumer knew that he was not an owner and therefore acting as an intermediary.</p> <p>PRINCIPLE: The mere fact that you are selling goods on behalf of the owner for a financial consideration does not exclude you from being bound by the provisions of section 27(1) read with Regulation 9 of the CPA.</p>



No.	Name of Case	Court & Case reference number	Legal issues and status
			<p>RULING: The NCT ruled in favour of the NCC that mere disclosure that a person is selling goods on behalf of the owner is not sufficient, but the intermediary must also disclose all fees that he/she will receive as a result of selling such goods.</p> <p>GUIDANCE: If an intermediary who sell goods and receives any monetary consideration for selling such goods whilst not employed by the owner of goods, such intermediary required to comply with section 27(1) read with Regulation 9 of the CPA.</p>
4.10	Barnado v NCC & others	High Court, Gauteng Division- Case NO: 47933/17	<p>NATURE OF THE MATTER: The NCC delayed the finalization of investigation in this matter which led to the consumer asking for the High Court to compel the NCC to finalize the report and take necessary action to protect the rights of a consumer.</p> <p>PRINCIPLE: The High Court found that the delay in the finalization of an investigation and action being taken to protect the rights of the consumer was not in the spirit and the purpose of the CPA and ordered the NCC to pay the costs of the application jointly and severally with the supplier.</p> <p>GUIDANCE: Investigation and enforcement of outcome of the investigation report must be done speedily to promote the spirit and purpose of the CPA, failing which, there is a risk of court order being granted against the NCC.</p>
4.11	NCC V Auto Basic Traders	NCT/171786/2020/73(2)(b)	<p>NATURE OF THE MATTER: The consumer was claiming a refund of the purchase price of the vehicle, in the sum of R199 992, and to be reimbursed for the costs of the extended warranty because the second vehicle she purchased from the supplier broke down two days after the date of delivery and later broke down again few days after having been repaired. The supplier refused to refund the purchase price and repaired the vehicle after cancellation and offer it back to the consumer. The supplier also raised a defence</p>



No.	Name of Case	Court & Case reference number	Legal issues and status
			<p>that it was a second-hand vehicle and certain contract terms renders the supplier not liable, even to refund the purchase price.</p> <p>APPLICABLE SECTION OF CPA: Section 55 (2) (b) read with section 56 (3) relating to right of the consumer to safe, good quality goods.</p> <p>PRINCIPLE: It was held the mere fact that the vehicle broke down after 2days and few days after it had been repaired renders it not safe for the purpose for which it was bought. It was also held that for the Respondent to rely on exclusion of liability in terms of section 55 (6) the consumer must be specifically informed of the defect. Respondent's argument that it was latent and that's why the consumer was not specifically informed thereof, makes consumer's version more convincing</p> <p>RULING: The supplier was ordered to refund the purchase price with interest as from the date of cancellation and refund the costs of the warranty.</p> <p>GUIDANCE: Where a vehicle is purchased as a second hand and the contract contains clauses that makes the supplier not liable for any defect, such clause is not applicable without the consumer having been specifically informed of existing defect at the time of purchasing the vehicle but elected to buy the vehicle with such defects.</p>
4.12	NCC V Kempster Sedgwick t/a CMH USED CARS	NCT/210256/2021/73(2)(b)	<p>NATURE OF THE MATTER: In this matter the consumer bought a second-hand Mercedes Benz motor vehicle fitted with tyres that are not recommended by Mercedes Benz (i.e., run flat tyres and no spare wheel was provided because such cars are designed not to have a spare wheel. The NCT agreed with the NCC that the supplier was in breach of section 55 (2) in that the vehicle was not suitable for the purpose for which it was designed for (i.e to be driven even in dangerous areas because if the tyre is poked by a sharp object</p>



No.	Name of Case	Court & Case reference number	Legal issues and status
			<p>whilst being driven in a dangerous area, the driver won't be able to drive such vehicle until he/she reaches a garage/safe area. The supplier was ordered to replace the fitted tyres with run flat tyres.</p> <p>APPLICABLE SECTION of the CPA: Interpretation of section 55 (2) of the CPA i.e. right to safe and good quality goods.</p> <p>PRINCIPLE: When applying the provisions of section 55 (2) one must look at how the defect will limit the purpose for which the goods are generally intended for. One need not only consider whether the defect goes to the heart of the purpose for which the vehicle is generally used (i.e., means of transport) but also consider the extent of harm which the defect can cause.</p> <p>GUIDANCE: Each case should be assessed on its own merits, where the assessor is not sure, advice should be obtained from legal services.</p>



Our Strategic Focus

Part B

To promote a fair and
sustainable marketplace for
consumer goods and services



4. Updated Situational analysis

4.1 External Environment Analysis

To deliver on its mandate, an assessment of the external and internal factors that will impact on the NCC was undertaken using the PESTEL analysis

4.1.1 Political Factors

Consumer Protection is a concurrent functional area of national and provincial legislative competence. Provincial consumer protection authorities exist in all provinces and were established in terms of provincial legislation that should be harmonised with the CPA as it provides for norms and standards in consumer protection. When a province does not have its consumer protection legislation harmonised with the CPA and no functional consumer court, then consumers in that province would have no effective protection unless their complaints are referred to the NCC; thus putting more strain on the NCC's resources.

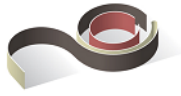
There is an urgent need to facilitate the harmonisation of consumer protection laws throughout the republic and the establishment of consumer courts for consistent consumer protection.

4.1.2 Economic Factors

According to the World Bank, the South African economy has been sluggish in the past ten years, the Purchasing Power Parity (PPP) has dropped from \$12, 628 in 2008 to \$124, 482 in 2018. "According to the [Quarterly Labour Force Survey \(QLFS\)](#) for the 3rd quarter of 2021, the number of employed persons declined by 660 000 to 14,3 million compared to the 2nd quarter of 2021" (<https://www.statssa.gov.za/?p=14922>).

The sluggish rate of growth of the economy was exacerbated further by the COVID pandemic and allocations to state entities were readjusted. The NCC is wholly funded from fiscus and the 2020/2021 overall budget reduction of R9,740 million (nine million seven hundred and forty thousand Rands), which was 15,9% of the overall allocation would be impossible to regain. This had an impact on the key performance areas as most had to be kept constant.

Though the lockdown has been lifted, South African consumers had been under economic pressure as there were more retrenchments that compelled more consumers to find alternative means of creating an income. In the 2020/21 and 2021/22, there was an increase in the number of pyramid scheme and scams that came to the attention of the NCC; and the proliferation of non-compliant goods. The number of investigations increased, more cases had to be referred to the NCT, more resources had to be diverted to support the prosecution of matters and defend some of the matters referred for reviews at the higher courts.



4.1.3 Social factors

The use of social media has elevated the need for the services of the NCC. When incidents are shared on social media or in conventional media, more pressure is placed on the NCC to escalate those matters at the expense of others already in the process.

There has also been an increase in the marketing of goods and services on social media. Consumers would then enter into contracts with suppliers/ individuals that had advertised their goods and services for sale. Most of those transactions, as they are concluded between private persons are not within the mandate of the NCC, the victims of this practice would not have any recourse through the CPA. When their complaints do not yield the expected results, then the NCC is labelled as 'toothless/ useless'.

The NCC had to have a footprint on social media to provide public information and create awareness on the provision of the CPA

4.1.4 Technology

The increased use of technology in concluding transactions has created a myriad of regulatory challenges like private transaction, fraud, cross-border trade, and proliferation of hazardous goods. The incidence of scams and unfair practices, on

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the other hand, has become more sophisticated. It is challenging the agility of the regulatory regime and has nudged the NCC to collaborate with other jurisdictions in its endeavour to protect consumers.

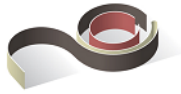
The use of technology has created an opportunity to explore other avenues to improve on service delivery. The use of virtual platforms to conduct consumer education and awareness is increasing the reach at a lesser cost and creates the opportunity to then divert the funds to other programmes.

The NCC will automate some of the paper-based and manual customer-facing systems and strive to provide reliable ICT capability through its upgraded infrastructure.

4.1.5 Environment

The NCC is a corporate citizen and has the responsibility to reduce its carbon footprint. The NCC has upgraded and deployed an improved ICT infrastructure in Q1 of 2022/23 and is utilizing the platform to start automating some of its processes and improve offerings.

In looking at the impact of climate change, South Africa has had its share in relation to the recent floods experienced throughout the Republic. Based on its mandate to support a *Circular Economy*, and protect the consumers '*right to fair value, good*



NATIONAL CONSUMER COMMISSION

quality and safety' there is a need to provide education and awareness around the issue of *'recovery and safe disposal of designated products and components'* to mitigate the effect of climate change.

4.1.6 Legal

The provision of goods that are safe for consumer health as well as for the environment has been highlighted in different forums, to name but a few; the Ford Kuga matter and Listeriosis case that is still ongoing; have highlighted the need for cooperation amongst regulators and the need to delve deeper into the regulation of foodstuff as a separate area of focus. The NCC will continue to collaborate with other regulators like South African Revenue Services (SARS), the National Regulator for Compulsory Specifications (NRCS); South African Bureau of Standards (SABS), the Department of Agriculture, Forestry and Fisheries and the Department of Health.

Though there has not been any changes in the CPA, the NCC had not implemented all the provisions of the CPA during its inception with the planning that some of the provisions would be implemented incrementally. There has been focused intervention to enforce the labelling requirement to mitigate the proliferation of non-compliant clothing, textile footwear and leather goods. The other area would be on the right of consumers to restrict unsolicited direct marketing.

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4.2 Internal Environment Analysis

The NCC is a Schedule 3A entity in terms of the PFMA established by section 85 of the CPA and is funded wholly from appropriations from the National Treasury through the DTIC.

The Commissioner is the accounting authority for the NCC, duly assisted by the Deputy Commissioner. The position of Commissioner had been vacant since May 2019 and the Minister has designated the Deputy Commissioner to perform the functions of the Commissioner.

4.2.1 Funding

The NCC has found ways of working smarter and trying to execute its mandate. As the demand for the NCC's services keeps on increasing in terms of volume and complexity, there is a need to look at strategies to influence the increment of the baseline.

4.2.2 Human capital

The NCC operates in a dynamic market and needs appropriately skilled employees on board to deliver on its mandate. The NCC has an approved personnel structure of 132 positions, but the funds allocated are only for 79 positions. The complement is augmented by an internship program predominantly in the investigations and enforcement areas.



Though only 79 positions are funded, when there is a vacancy, before it is filled, the position is evaluated against the skills required in the core functions. All critical positions are filled with 3 months of the position being vacant, or the funds are reallocated to fund positions of high impact.

As the NCC has not fully adopted the DPSA Corporate Governance of ICT Policy Framework in positioning ICT services, the NCC is making strides by outsourcing some functions and will appoint additional staff through short-term contracts to support its digitization processes and mitigating cybersecurity threads.

As the NCC uses DPSA salary scales and could not effect the Cost of Living Adjustment due to budget cuts, it was unable to compete in the labour market to attract competent employees in key positions and retain those already in its employment in critical positions like ICT, Finance and Legal Services.

The nominal allocation dedicated to the cost-of-living-adjustment, will bring a sigh of relief and contribute to positive staff morale.

The NCC will start with conceptualizing and costing processes to prepare for the project aimed at Organizational Redesign that will develop a fit-for purpose structure that will support and catapult the NCC to deliver on its Strategic Plan.

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4.2.3 Governance structures

Audit and Risk Committee

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

Internal Audit

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 to parties within the NCC or any of NCC's stakeholders.

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 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 audit plan and 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.

4.2.4 Risk Management

The Risk Management Committee reports administratively to the Accounting Authority and functionally to the Audit and Risk Committee. This committee is chaired by an independent chairperson.

4.2.5 ICT back-end upgrade

The ICT Back-End Infrastructure Project is underway and spearheaded by the ICT Steering Committee. The upgrade will include, amongst others, offsite data replication and it will replace the current infrastructure. The project support and maintenance phase commenced on 1 November 2021 and was expected to endure for 36 months. Utilization reports are reviewed monthly. The infrastructure and its related services have shown stability and final configurations are being undertaken.

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The stability of the ICT infrastructure has paved way for the NCC to commence with digitisation of some of the processes. In the 3rd Quarter of 2023/24, the NCC will launch the module for eServices to provide access to consumers to file complaints, upload supporting documents and track progress.

4.2.6 Opt-out Registry

The Opt-Out Registry Software Development Project is approaching completion. There were several challenges with the development of a module that would enable a system integration with the Department of Home Affairs, Companies and Intellectual Property Commission and Nedbank Limited. All parties are to sign off on the User Acceptance Testing and it is expected that the project handover and system launch will be implemented in the 2023/24 financial period which will see the Opt-Out Registry go live.



Measuring Our Performance

Part C

Fair business practices;
improved safety and quality of
consumer goods and services

5. Institutional Performance Information

5.1 Programme 1: Administration (eServices and Opt-Out Registry)

5.1.1 Purpose: This programme contributes to **the dtic** Outcomes 39, 40. To provide access for eServices to consumers to enable them to file complaints and register for a pre-emptive block to restrict unsolicited marketing. This programme will facilitate a speedy service, reduce red tape and thus enable a capable state.

5.1.2 Outcomes, outputs, output indicators and targets

Outcome	No.	Output	Output Indicators	Audited/Actual Performance			Estimated Performance	MTEF Period		
				2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/2026
ICT Systems implemented to support Operational Activities	1.	Functional eServices system	Functional eServices system for filing of consumer complaints.					eServices system for filing of consumer complaints piloted and implemented	eServices system for filing of consumer complaints maintained and enhanced	eServices system for filing of consumer complaints maintained and enhanced
	2.	Functional Opt-Out Registry System	Functional Opt-Out Registry System					Opt-Out Registry System piloted and implemented	Opt-Out Registry System maintained, and Phase 2	Opt-out registry system implemented, yearly maintenance

Outcome	No.	Output	Output Indicators	Audited/Actual Performance			Estimated Performance	MTEF Period		
				2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/2026
									enhancement enacted	and enhancements applied.

5.1.3 Output indicators: Annual and quarterly targets

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
1. Functional eServices system for filing of consumer complaints	eServices system for filing of consumer complaints piloted and implemented	Progress report on the implementation of the self-service system	Progress report on implementation of the self-service system	identify system enhancements for implementation	Implement and test 25% high-priority usability enhancements that do not require additional funding
2. Functional Opt-Out Registry System (OORS)	Opt-Out Registry System piloted and implemented	Progress report on implementation of the Opt-Out Registry System.	Progress report on implementation of the Opt-Out Registry System.	Complete OORS piloting and consolidate a list of identified enhancements and bug fixes in preparation for go-live	Final deployment of the OORS functionality incorporating 25% high-priority usability enhancements and bug fixes that do not require additional funding for go-live

5.1.4 Explanation of planned performance over the five-year planning period

The planned performance is aimed at providing a digital solution for eServices to consumers to file complaints, upload supporting documents and track progress. The Opt-Out system will allow consumers to register for a pre-emptive block to restrict unsolicited marketing and file complaints through the system when their rights to privacy have been violated. The activities will include piloting of the systems to detect glitches, performing enhancements, and deployment of the systems to the production platform while continuously ensuring compliance in the processing of data.

5.1.5 Programme resource considerations

Economic Classification	Administration (eServices and Opt-Out Registry)						
	Expenditure Outcome			Adjusted Appropriation	Medium-Term Expenditure Estimate		
	2020/2021	2021/2022	2022/2023		2023/2024	2024/2025	2025/2026
	000	000	000	000	000	000	000
Compensation of employees	-	-	-	24 726	26 608	28 032	29 531
Goods & Services	-	-	-	20 392	21 205	21 686	22 239
Total	-	-	-	45 118	47 813	49 718	51 770

5.2 Programme 2: Consumer Education and Awareness

Purpose: This programme contributes to the dtic Outcomes 8 &, 32. To empower consumers by promoting consumer and business education awareness activities, profiling successful stories, and providing financial support to SMMEs, as well as women and youth-empowered businesses.

5.2.1 Outcomes, outputs, output indicators and targets

Outcome	No	Output	Output Indicators	Audited/Actual Performance			Estimated Performance	MTEF Period		
				2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/2026
Improved consumer protection through consumer education and awareness of the CPA	3.	Consumer education and awareness activities conducted	Number of Consumer education and awareness activities to support programmes targeting enterprises in areas outside the five (5) main metros	Achieved 24 Consumer Awareness initiatives conducted	Achieved 27 Consumer awareness initiatives conducted	Achieved 43 Consumer Awareness initiatives conducted	36 Consumer Education and Awareness Programmes conducted by the end of the financial year	60 consumer Education and awareness programmes conducted by the end of the financial year	65 consumer Education and Awareness activities conducted by the end of the financial year	70 consumer Education and Awareness activities conducted by the end of the financial year
Industrial support	4.	Business Education interventions	Number of business interventions conducted to support	-	-	-	-	20 business interventions conducted to	22 business interventions conducted to	25 business interventions conducted to

Outcome	No	Output	Output Indicators	Audited/Actual Performance			Estimated Performance	MTEF Period		
				2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/2026
		conducted to support SMMEs, women and youth-empowered businesses.	SMMEs, and women and youth-empowered businesses through Business Education interventions.					support SMMEs, and women and youth-empowered businesses	support SMMEs, and women and youth-empowered businesses	support SMMEs, and women and youth-empowered businesses
		SMMEs=25% Women=25% Youth =50%								
Stakeholder engagement and impacts	5.	Case studies of consumers impacted by the NCC activities	Number of documented cases of consumers impacted by the NCC activities	-	-	-	-	Fifty (50) documented cases of consumers impacted by the NCC activities.	Sixty (60) documented cases of consumers impacted by the NCC activities.	seventy (70) documented cases of consumers impacted by the NCC activities.

5.2.2 Output indicators: Annual and quarterly targets

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
Improved consumer protection through Consumer education and awareness activities to support programmes targeting enterprises in areas outside the 5 main metros	66 consumer education and awareness programmes conducted by the end of the financial year	16 Consumer Education and Awareness activities conducted by the end of quarter.	20 Consumer Education and Awareness activities conducted by the end of quarter.	20 Consumer Education and Awareness activities conducted by the end of quarter.	20 Consumer Education and Awareness activities conducted by the end of quarter.
Business Education interventions conducted to support SMMEs, women, and youth-empowered businesses- SMMEs=14 Women=4 Youth =4	22 business education interventions conducted. SMMEs =14 Women=4 Youth =4	SMMEs=5 Women=1 Youth =1	SMMEs=4 Women=1 Youth =1	SMMEs=2 Women=1 Youth =1	SMMEs=3 Women=1 Youth =1

5.2.3 Explanation of planned performance over the five-year planning period

The consumer education and awareness programmes are conducted through interactive sessions conducted to educate and or raise awareness of consumers on the CPA. These will include but not be limited to workshops/seminars (contact session or virtual), exhibitions , activations, roadshows and through above and below the line advertising .

5.2.4 Programme resource considerations

Economic Classification	Improved consumer protection through education and awareness of the CPA						
	Expenditure Outcome			Adjusted Appropriation	Medium-Term Expenditure Estimate		
	2020/2021	2021/2022	2022/2023		2023/2024	2024/2025	2025/2026
	000	000	000	000	000	000	000
Compensation of employees	-	-	-	4 523	5 463	5 755	6 063
Goods & Services	-	-	-	1 078	1 569	1 565	1 638
Total	-	-	-	5 601	7 032	7 320	7 701

5.3 Programme 3: Detect prohibited conduct through investigation.

5.3.1. Purpose: This programme contributes to the dtic Outcomes 27, 32, 45. To ensure that prohibited conduct and offenses are detected through investigation.

5.3.2. Outcomes, outputs, output indicators and targets

Outcome	No	Output	Output Indicators	Audited/Actual Performance			Estimated Performance	MTEF Period		
				2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/2026
				Prohibited conduct detected through investigation	6.	Investigations conducted and completed by the end of the financial year	Conduct and complete, by the end of the financial year, 85% of all investigations approved from the First day of quarter four of 2022/2023 to the last day of quarter three of 2023/2024 financial years.	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 94.71% (412 of 435) of approved investigations conducted and reports produced in 101.86 days.

Outcome	No	Output	Output Indicators	Audited/Actual Performance			Estimated Performance	MTEF Period		
				2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/2026
				Measures to Protect Consumers against unfair pricing of essential goods.	7.	Investigation into the unfair pricing of essential goods conducted and completed by the end of the financial year.	Conduct and complete, by the end of the financial year, 85% of all investigations against suppliers offering essential goods at unfair prices, approved from the First day of quarter four of 2022/2023 to the last day of quarter three of 2022/2025 financial year	-	-	-

Outcome	No	Output	Output Indicators	Audited/Actual Performance			Estimated Performance	MTEF Period		
				2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/2026
								of 2023/2024 financial year	2024/2025 financial year	of 2025/2026 financial year

5.3.3. Output indicators: Annual and quarterly targets

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
6. Conduct and complete, by the end of the financial year, on 80% of all investigations approved from the first day of quarter four of 2022/2023 to the last day of quarter three of 2023/2024 financial years.	Conduct and complete, by the end of the financial year, 100% of all investigations approved from the first day of quarter four of 2022/2023 to the last day of quarter three of 2023/2024	Conduct and complete, by the end of quarter one 85% of all investigations approved during quarter four of 2022/2023	Conduct and complete, by the end of quarter two, 85% of all investigations approved during quarter one of 2023/2024	Conduct and complete, by the end of quarter three, 85% of all investigations approved during quarter two of 2023/2024	Conduct and complete, by the end of quarter 4, 85% of all investigations approved during quarter three of 2023/2024
% of all investigations against suppliers offering essential goods at unfair prices, approved during 2023/2024	100% of all investigations against suppliers offering essential goods at unfair prices, approved during 2023/2024	-	-	100% of all investigations against suppliers offering essential goods at unfair prices, approved during Quarter two 2024/2025	100% of all investigations against suppliers offering essential goods at unfair prices, approved during quarter three of 2024/2025

5.3.4. Explanation of planned performance

Investigations will be conducted into allegations of prohibited conduct by businesses in South Africa, in accordance with the CPA processes and procedures.

5.3.5. Programme resource considerations

Economic Classification	Detect prohibited conduct through investigation						
	Expenditure Outcome			Adjusted Appropriation	Medium-Term Expenditure Estimate		
	2020/2021	2021/2022	2022/2023		2023/2024	2024/2025	2025/2026
	000	000	000	000	000	000	000
Compensation of employees	-	-	-	4 823	9 223	9 716	10 236
Goods & Services	-	-	-	1 440	417	436	456
Total	-	-	-	6 263	9 640	10 152	10 692

5.4. Programme 4: Improved compliance through Enforcement of the Act

5.4.1. Purpose: This programme contributes to the dtic Outcomes 27, 32, 45. To deter unfair business practices and ensure redress to consumers through enforcement of the CPA

5.4.2. Outcomes, outputs, output indicators and targets

Outcome	No	Output	Output Indicators	Audited/Actual Performance			Estimated Performance	MTEF Period		
				2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/2026
				Improved compliance through Enforcement of the CPA	8.	Enforcement action taken by the end of the financial year.	Enforcement action taken, by the end of the financial year, on 100% of assessment reports approved for enforcement between the first day of quarter four of 2022/2023 and the last day of quarter three of 2023/2024 financial years.	Not Achieved 72.2. % (13 out of 18) of matters approved for enforcement were referred to National Consumer Tribunal within 60 days of Approval	Achieved 100 % (130 out of 130) of enforcement actions were taken against non- compliant suppliers, within 50 days of Approval.	Achieved 100% (166 out of 166) of enforcement action taken against non-compliant suppliers in 90 % of approved matters within 45 days of approval.

Outcome	No	Output	Output Indicators	Audited/Actual Performance			Estimated Performance	MTEF Period		
				2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/2026
				Measures to Protect Consumers against unfair pricing of essential goods.	9.	Enforcement action taken against suppliers offering essential goods at unfair prices by the end of the financial year	Enforcement action taken, on all assessment reports approved for enforcement, against suppliers offering essential goods at unfair prices by the end of the financial year	-	-	-

5.4.3. Output indicators: Annual and quarterly targets

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
Enforcement action taken, by the end of the financial year, on a percentage of assessment reports, approved for enforcement between the 1 st day of quarter four of 2022/2023 and last day of quarter three of 2023/2024 financial years.	Enforcement action taken, by the end of the financial year, on 95% of assessment reports approved for enforcement between the 1 st day of quarter four of 2022/2023 and the last day of quarter three of 2023/2024 financial years.	Enforcement action taken, by the end of quarter one, on 95% of assessment reports approved for enforcement between the 1 st and the last day of quarter four of 2022/2023 financial year	Enforcement action taken, by the end of quarter two, on 95% of assessment reports approved for enforcement between the 1 st day and the last day of quarter one of 2023/2024 financial year	Enforcement action taken, by the end of quarter three, on 100% of assessment reports approved for enforcement between the 1 st and last day of quarter two of 2023/2024 financial year	Enforcement action taken, by the end of quarter four, on 100% of assessment reports approved for enforcement between the 1 st and last day of quarter three of 2023/2024 financial year
Enforcement action taken, on all assessment reports approved for enforcement, against suppliers offering essential goods at unfair prices by the end of the financial year	Enforcement action taken, on all assessment reports approved for enforcement, against suppliers offering essential goods at unfair prices by the end of the financial year	-	-	Enforcement action taken, on all assessment reports approved for enforcement, against suppliers offering	Enforcement action taken, on all assessment reports approved for enforcement, against suppliers offering

5.4.4. Explanation of planned performance over the five-year planning period

The planned performance is aimed at promoting compliance that will result in decreasing the level of non-compliance with the provisions of the CPA. Carried-over matters will be prioritized to ensure that matters carried over from the previous financial year are filled with the NCT by no later than the fourth quarter of the financial year. The intention is to ensure that no enforcement matters are carried over.

5.4.5. Programme resource considerations

Economic Classification	Improved compliance with the CPA through Enforcement of the CPA						
	Expenditure Outcome			Adjusted Appropriation	Medium-Term Expenditure Estimate		
	2020/2021	2021/2022	2022/2023		2023/2024	2024/2025	2025/2026
	000	000	000	000	000	000	000
Compensation of employees	-	-	-	16 818	5 728	6 034	6 357
Goods & Services	-	-	-	963	1 342	1 404	1 468
Total	-	-	-	17 781	7 070	7 438	7 825

5.5. Programme 5: Importation of non-compliant clothing, textile, footwear, and leather (CTFL) combated

5.5.1. **Purpose:** To combat non-compliant imports of clothing, textile, footwear and leather goods (CTFL)

5.5.2. **Outcomes, outputs, output indicators and targets**

Outcome	No	Output	Output Indicators	Audited/Actual Performance			Estimated Performance	MTEF Period		
				2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/2026
Importation of non-compliant clothing, textile, footwear, and leather (CTFL) combated	10.	CTFL Investigations conducted and completed by the end of the financial year	All CTFL investigations, approved during the period between the 1st of March 2023 and the 29th of February 2024, were conducted and completed by the end of the financial year.	N/A	N/A	N/A	80% All CTFL investigations completed by the end of the financial year.	100% All CTFL investigations completed by the end of the financial year.	100% All CTFL investigations completed by the end of the financial year.	100% All CTFL investigations completed by the end of the financial year.
	11.	Enforcement action taken against non-compliant CTFL importers by the end of the financial year	Enforcement action taken against non-compliant CTFL importers on matters approved between the period 1 st of March 2023 to the 29 th of February 2024 by the end of the financial year	N/A	N/A	N/A	Enforcement action taken, by the end of the financial year, on 100% of all assessment reports approved for enforcement and carried over from the 2022/2023 financial year.	Enforcement action taken against 100% of non-compliant CTFL importers by the end of the financial year.	Enforcement action taken against 100% of non-compliant CTFL importers by the end of the financial year	Enforcement action taken against 100% of non-compliant CTFL importers by the end of the financial year

5.5.3. Output indicators: Annual and quarterly targets

Output Indicators	Annual Target	Q1	Q2	Q3	Q4
All CTFL investigations, approved during the period between the 1st of March 2023 and the 29th of February 2024, conducted and completed by the end of the financial year.	All CTFL investigations, approved during the period between the 1st of March 2023 and the 29th of February 2024, conducted and completed by the end of the financial year.	All CTFL investigations, approved during the period between the 1st of March 2023 and the 21 st of May 2023, conducted and completed by the end of Q1.	All CTFL investigations, approved during the period between the 1st of June 2023 and the 31 st of August 2023, conducted and completed by the end of Q2.	All CTFL investigations, approved during the period between the 1 st of September 2023 and the 30 th of November 2023, conducted and completed by the end of Q3.	All CTFL investigations, approved during the period between the 1 st of December 2023 and the 29 th of February 2024, conducted and completed by the end of Q4
Enforcement action taken against non-compliant CTFL importers on matters approved between the period 1 st of March 2023 to the 29 th of February 2024 by the end of the financial year	Enforcement action taken against 100% of non-compliant CTFL importers on matters approved between the period 1 st of March 2023 to the 29 th of February 2024 by the end of the financial year	Enforcement action taken against 100% of non-compliant CTFL importers on matters approved during the period between the 1st of March 2023 and the 31 st of May 2023, were conducted and completed by the end of Q1.	Enforcement action taken against 100% of non-compliant CTFL importers on matters approved during the period between the 1st of June 2023 and the 31 st of August 2023, were conducted and completed by the end of Q2.	Enforcement action taken against 100% of non-compliant CTFL importers on matters approved during the period between the 1 st of September 2023 and the 30 th of November 2023, were conducted and completed by the end of Q3.	Enforcement action taken against 100% of non-compliant CTFL importers on matters approved during the period between the 1 st of December 2023 and the 29 th of February 2024, were conducted and completed by the end of Q4

5.5.4. Explanation of planned performance over the five-year planning period

The planned performance is to support the South African Retail-Clothing, Textile, Footwear, and Leather (R-CTFL) Value Chain Masterplan by conducting investigations on receipt of detention notices from SARS. The activities will include investigation to detect the prohibited conduct and taking enforcement action against suppliers that violate the labelling requirements in the CPA.

5.5.5. Programme resource considerations

Economic Classification	Importation of non-compliant clothing, textile, footwear, and leather (CTFL) combated						
	Expenditure Outcome			Adjusted Appropriation	Medium-Term Expenditure Estimate		
	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2020/2027
	000	000	000	000	000	000	000
Compensation of employees	-	-	-	Provided for in programmes 3 and 4	9 223	9 716	10 236
Goods & Services	-	-	-	Provided for in programmes 3 and 4	660	690	722
Total	-	-	-		9 883	10 406	10 958

6. KEY RISKS AND MITIGATION

6.1 Risks related to Outcomes

No	Outcomes	Key Risks	Risk Mitigation
1.	ICT Systems implemented to support Operational Activities	1.1 Inability to maintain the confidentiality, integrity, and availability requirements for NCC data & systems.	<p>1.1.1 Define the NCC business continuity requirements and align the ICT continuity with the business-wide continuity requirements.</p> <p>1.1.2 Review the current ICT Disaster Recovery (DR) setting to ensure it meets the business requirements.</p> <p>1.1.3 Appoint an Information Security Officer who will coordinate, manage Information Security initiatives in compliance to prescripts and adopted frameworks and with an externally managed security services provider.</p> <p>1.1.4 Perform a full information security assessment based on an international standard such as ISO27001 and cover the POPIA assessment.</p> <p>1.1.5 Implement NCC's own email continuity service.</p> <p>1.1.6 Review of the NCC license requirements for key technologies.</p> <p>1.1.7 Develop a business-wide data inventory, document information flow, and classify data as part of improving the information management system.</p> <p>1.1.8 Integrate business systems to achieve one version of the truth (e.g. HR and Finance)</p>
		1.2 Falling behind current Technology Trends (Technology Adoption)	<p>1.2.1 Review and implement a new ICT organizational structure.</p> <p>1.2.1 Determine computer & technology skills proficiency within ICT as well as proficiency levels required by end users and training of employees as necessary</p>



No	Outcomes	Key Risks	Risk Mitigation
			<p>(e.g. MS Office Basic vs Intermediate vs Advanced requirements).</p> <p>1.2.2 Define and implement a technology refresh plan (software & hardware).</p> <p>1.2.3 Define training requirements for ICT staff and implement them annually.</p>
		1.3 ICT Governance and priorities not aligned with the NCC priorities	<p>1.3.1 Implement ICT policies.</p> <p>1.3.2 Review of ICT policies, governance, and annual plans.</p> <p>1.3.3 Development key ICT procedures.</p> <p>1.3.4 Monitor and report on compliance with the Corporate Governance of ICT Policy Framework (CGICTPF) and related directives.</p> <p>1.3.5 Review the ICT governance steering committee to ensure all the NCC programmes are represented</p>
2.	Improved consumer protection through education and awareness.	<p>2.1 Failure to make the desired impact.</p> <p>2.2 Service delivery protests/competing events and natural disasters.</p> <p>2.3 Loadshedding</p>	<p>2.1.1 Develop and implement an operational plan that covers:</p> <p>2.1.2 The content (message) of the awareness programmes.</p> <p>2.1.3 The leveraging of partnerships to split/share costs.</p> <p>2.1.4 The use of virtual platforms and social media for some of the interventions.</p> <p>2.1.5 The staggering and conducting of multiple sessions in closer proximities.</p> <p>2.2.1 environmental scanning</p> <p>2.2.2 consultation of the loadshedding schedule</p>
3.	Prohibited conduct detected through investigations.	3.1 Inadequate human resources to conduct certain investigations.	<p>3.1.1 Implement an effective performance management system.</p> <p>3.1.2 Leveraging partnerships with sector regulators and provincial consumer protectors to conduct specialized investigations.</p>



No	Outcomes	Key Risks	Risk Mitigation
			3.1.3 Allocate the budget for the appointment of specialized investigators from other sectors. 3.1.4 Continuous provision of training interventions.
4.	Improved compliance through Enforcement of the CPA	4.1 Inadequate human resources to prosecute matters at the NCT.	4.1.1 Develop guidelines to segregate matters for referral to NCT, settlement agreements and compliance notices in order to minimize proceedings at NCT. 4.1.2 Allocate the budget for the outsourcing of prosecutions.
5.	Importation of non-compliant clothing, textile, footwear, and leather (CTFL) combated	5.1 inadequate human resources to conduct investigations.	5.1.1 Implement an effective performance management system. 5.1.2 Leveraging partnerships with provincial consumer protectors to conduct CTFL investigations.
6.	All Outcomes	6.1 Inadequate funding	6.1.1 Demand management plan to be completed. 6.1.2 Conduct midterm budget reviews and reprioritization

6.2 Fraud prevention

The Public Finance Management Act, No 1 of 1999 and Treasury Regulations, 2005 requires the Accounting Authority (Commissioner) to adopt a risk management strategy that must include a formal Fraud Prevention Plan and to submit the Fraud Prevention Plan together with the Annual Performance Plan to the Executive Authority annually.

6.3.1 Components of the fraud prevention plan

The components of the Plan are depicted in the Diagram below:



6.3.2 Fraud Risks

No.	Fraud Risk Name	Manifestation (long risk description)	Risk Mitigation
1.	Operational fraud (across the value chain)	1.1 Sabotage, e.g., deliberate destruction of equipment, deliberately not including certain information in operational processes, etc. 1.2 Deliberately submitting false information for approval 1.3 Deliberate falsification of data and reports. 1.4 Deliberately withholding critical information that will influence the continuation of an operational process	1.1.1 Ongoing awareness training on the code of ethics and related matters.
2.	Investigation related fraud	2.1 Improper conflicts of interest by investigators and other parties with access to the information. 2.2 Irregularly sharing of investigation and prosecution information with suppliers, e.g., in exchange for undue benefits. 2.3 Deliberately falsifying investigation findings.	2.1.1 Annual review of Policies and SOPs 2.1.2 Annual declaration of interest by all investigators and prosecutors.



No.	Fraud Risk Name	Manifestation (long risk description)	Risk Mitigation
3.	Procurement fraud (including accounts payable fraud)	3.1 Colluding between NCC staff and vendor(s) to bill NCC for services not rendered/ goods not received 3.2 Deliberate submission of inflated/duplicate invoices submitted by suppliers including Split pricing. 3.3 Manipulation of tender/quotations specification to favour specific vendors, etc. 3.4 Deliberate double payments with refunds to personal account 3.5 Manipulation of Delegation of Authority (DoA), 3.6 Deliberate non-compliance to the procurement process.	3.1.1 Ad hoc fraud reviews to detect red flags in the procurement process 3.1.2 Continuous fraud awareness training
4.	Theft, abuse or misuse of NCC assets and resources	4.1 Theft of assets and resources, e.g. laptops, stationary, headsets, etc 4.2 Abuse of NCC resources, e.g., company time for personal errands 4.3 False/inflated claims, e.g., overtime, travel, etc.	4.1 Continuous training on policies and SOPs relevant to the risks. 4.2 Ad hoc reviews of claims to detect fraud.
5.	Payroll fraud	5.1 Inflation of salaries of certain employees. 5.2 Diversion of payroll payments to personal accounts.	5.1 Review of payroll data before payments are made.
6.	Cyber fraud	6.1 Hacking 6.2 Deliberate / latent misuse of IT systems for personal gain	6.1 Regularly review of security controls on IT infrastructure. 6.2 Updated anti-Virus soft wares

7. **Public Entities:** N/A

A large, light gray magnifying glass graphic is centered on the page. The handle of the magnifying glass extends from the bottom left towards the center. The lens of the magnifying glass is positioned over the main title text. The text is in a dark red, serif font. The background features a dark red horizontal band across the middle, with a smaller, dark red circle on the right side containing the text 'Part D'.

Technical Indicator Descriptions

Part D

ICT Systems

Detect Prohibited Conduct

Enforcement Action Taken

Consumer Education and Awareness

8. Technical Indicator Descriptions (TIDs)

Indicator title	ICT Systems implemented
Definition	The indicator measures progress on the implementation of the: <ul style="list-style-type: none"> eServices system for filing of consumer complaints; and
Source of data or information	Progress reports on the implementation of eServices system for filing of consumer complaints, change requests, user acceptance certificates and email communication
Method of calculation/assessment	<ul style="list-style-type: none"> A simple count of progress reports 1 x list of identified and prioritized enhancements. Percentage of implemented high-priority enhancements $[(\text{total number of planned enhancements} - \text{total enhancements not implemented}) / \text{total number of planned enhancements}] * 100$
Means of verification	<ul style="list-style-type: none"> Screenshots of deployment to production or signed production deployment certificate Screenshots of system changes Approved list of enhancements for quarter 4
Assumptions	The targets will be met, regulations will be approved timeously and resources will be available
Disaggregation of beneficiaries	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Cumulative (year-end)
Reporting cycle	Annually
Desired performance	Target achieved or exceeded
Indicator Responsibility	Chief Information Officer

Indicator title	ICT Systems implemented
Definition	The indicator measures progress on the implementation of the: <ul style="list-style-type: none"> the Opt-Out Registry system
Source of data or information	Progress reports on the implementation of Opt-Out Registry system for, pilot plan, change requests, user acceptance certificates and email communication
Method of calculation/ assessment	<ul style="list-style-type: none"> A simple count of progress reports 1 x OORS pilot plan Percentage of implemented high-priority enhancements ((total number of planned enhancements – total enhancements not implemented)/ total number of planned enhancements) * 100)
Means of verification	<ul style="list-style-type: none"> Screenshots of deployment to production or signed production deployment certificate Screenshots of system changes List of enhancements for quarter 4 Pilot plan closeout report
Assumptions	The targets will be met, regulations will be approved timeously and resources will be available
Disaggregation of beneficiaries	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Cumulative (year-end)
Reporting cycle	Annually
Desired performance	Target achieved or exceeded
Indicator Responsibility	Chief Information Officer

Indicator title	Consumer Education and Awareness Activities
Definition	Consumer Education and Awareness Activities means interactive sessions conducted to educate and or raise awareness of consumers on the CPA. The following marketing and communications platforms will be used which include but not limited to :(Workshops/seminars



	(contact session or virtual)/ Exhibitions/roadshows, Mall/taxi rank activations and social media (Facebook, Twitter and LinkedIn)
Source of data or information	Consumer education and awareness activities reports and social media reports.
Method of calculation/ assessment	<ul style="list-style-type: none"> A simple count of Consumer Education and awareness Activities. (Sessions conducted in one venue for staggered groups of persons on the same content constitute one education or awareness programme.)
Means of verification	Attendance registers/confirmation by the host/Invitation/Programme
Assumptions	None
Disaggregation of beneficiaries	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Cumulative (year-end)
Reporting cycle	Annually
Desired performance	353 Consumer Education and Awareness Activities conducted
Indicator Responsibility	Divisional Head: Education & Advocacy

Indicator title	Industrial support
Definition	Business Education interventions conducted to support SMMEs, women and youth empowered businesses .-
Source of data or information	Business education reports.
Method of calculation/ assessment	<ul style="list-style-type: none"> Total number of attendees.
Means of verification	<ul style="list-style-type: none"> Attendance registers/confirmation by the host Programme/Agenda/Invitation
Assumptions	None
Disaggregation of beneficiaries	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Cumulative (year-end)
Reporting cycle	Annually
Desired performance	230
Indicator Responsibility	Divisional Head: Education & Advocacy

Indicator title	Case Studies
Definition	The Commission will document and report on interventions to individual consumers or communities that the NCC perceive as impactful. This will be in the area of consumer education, investigations and enforcement.
Source of data or information	Consumer education and awareness programme reports.
Method of calculation/ assessment	A simple count of case studies
Means of verification	<ul style="list-style-type: none"> • Attendance registers/ confirmation by the host • Pictures • Complaint/ investigation files • Settlement Agreements • Court judgements
Assumptions	The affected consumers will give consent for their details to be publicised.
Disaggregation of beneficiaries	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Cumulative (year-end)
Reporting cycle	Annually
Desired performance	270
Indicator Responsibility	Divisional Heads: <ul style="list-style-type: none"> • Education, Compliance & Advocacy • Investigations & Enforcement • Legal Services

Indicator title	Detect prohibited conduct through investigation
Definition	<ul style="list-style-type: none"> • An investigation starts when the office of the Commissioner approves the investigation by signing the Investigation Directive. • An investigation is completed when an investigation report is approved by the Office of the Commissioner
Source of data or information	<ul style="list-style-type: none"> • Register of approved investigations and approved reports



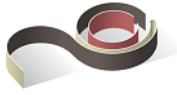
	<ul style="list-style-type: none"> • Investigation Directive (to determine the date of start of the investigation) • Investigation reports approval memo (to determine the date of approval of reports)
Method of calculation/ assessment	<ul style="list-style-type: none"> • Number of approved reports (dividend) divided by the number of approved investigations (divisor) • The quotient is the percentage
Means of verification	<ul style="list-style-type: none"> • Register of approved investigations and approved reports • Investigation Directive (to determine the date of start of the investigation) • Investigation reports approval memo (to determine the date of approval of reports)
Assumptions	None
Disaggregation of beneficiaries	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Cumulative (year-end)
Reporting cycle	Quarterly
Desired performance	100% of approved investigated conducted and completed
Indicator Responsibility	Divisional Head: Investigations and Enforcement

Indicator title	Enforcement action taken
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 NCT. • The period for further enforcement action starts on the day after the Commissioner approves an assessment report for further enforcement. • Assessment report is a document from the legal division requesting the Commissioner to approve further enforcement action
Source of data or information	<ul style="list-style-type: none"> • Prosecution register • Approved assessments



	<ul style="list-style-type: none"> Compliance notice, settlement agreement, referral letter, filing email or NCT 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
Means of verification	<ul style="list-style-type: none"> Prosecution register Approved assessments Compliance notice, settlement agreement, referral letter, filing email or NCT stamp
Assumptions	None
Disaggregation of beneficiaries	N/A
Spatial transformation (where applicable)	N/A
Calculation type	Cumulative (year-end)
Reporting cycle	Quarterly
Desired performance	100% enforcement action taken
Indicator Responsibility	Divisional Head: Legal

Indicator title	Investigations related to CTFL conducted and completed
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 Divisional Head: Enforcement & Investigations. 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.



	<ul style="list-style-type: none"> 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

Indicator title	Enforcement action on non-compliant CTFL
Definition	<ul style="list-style-type: none"> Enforcement action is deemed as taken on a date when a compliance notice is issued, the date when a settlement agreement is signed; or the date when a referral to Equality court, 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 Approved assessments 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



	<ul style="list-style-type: none"> To calculate the average of 20 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 20 days
Indicator Responsibility	<ul style="list-style-type: none"> Divisional Head – Legal Services

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