

ACTis provides risk analysis and early intervention recommendations against state capture and corruption in South African government institutions

PUBLIC ENTITY

ACT | ACCOUNTABILITY
TRACKER

ISS | INSTITUTE FOR
SECURITY STUDIES

Competition Commission

Date issued: 13 August 2026

About the Institution

The Competition Commission (the Commission) is an independent statutory body and regulatory authority. It promotes and maintains competition in South Africa by investigating, evaluating and controlling anti-competitive practices to ensure markets are fair and accessible. The Commission reports to the Minister of Trade, Industry and Competition, and the Commissioner is the accounting officer. In 2024/25, the Commission’s expenditure was R537.8m.¹

Flag Status

1	2	3	4	5	6	7	8	9
								
Improper appointments	Co-opting key functions	Climate of fear or favour	Corrupt awards	Financial malpractice	Obstructing accountability	Manipulating perceptions	Private gain	Shadow network

ISS Analysis

- ACTis has raised one flag for the Commission and placed two under monitoring.
 - As the accounting officer, Commissioner Doris Tshepe is responsible for leading the institution, including managing appointment processes, allocating resources and fostering institutional culture. Various allegations of misconduct made against her over the past two years raise concerns about the
- organisation’s governance and leadership under her direction.

 - Despite these concerns, the institution has received six consecutive unqualified audits with no findings, suggesting that financial controls and financial reporting processes are intact. This indicates that risks are concentrated primarily around governance and leadership issues rather than a broader pattern of financial maladministration or systemic corruption at the institution.

Findings

Flag #1

Improper Appointments



The flag is raised due to concerns regarding the conduct of the institution's head.

- In January 2024, Commission 'staff members' reportedly sent a letter to former Minister of Trade, Industry and Competition Ebrahim Patel concerning Commissioner Tshepe's conduct.²
 - The unknown staff members alleged that Tshepe was abusing the Commission's resources for international travel and incurring excessive spending on conferences and events, contrary to the National Treasury's cost-containment instructions. Staff also alleged that Tshepe's husband, Senior Counsel Ngwako Maenetje, continued to render paid legal services to the Commission after she became Commissioner, representing a conflict of interest. Maenetje defended himself against this claim, stating that he had only been working on old cases from before Tshepe was appointed Commissioner. In December 2024, a Commission spokesperson said former Minister Patel had addressed the matter.³
- Commissioner Tshepe appointed Andile Gwabeni as a Division Manager in the Office of the Commissioner, despite him being implicated in wrongdoing while serving as Deputy Director of Human Resources and Corporate Services at the Gauteng Department of Health in 2020.⁴ In October 2020, the Special Investigating Unit (SIU) recommended that Gwabeni be suspended after finding evidence of wrongdoing during its investigation into COVID-19 Personal Protective Equipment procurement irregularities; he resigned from the Gauteng Department of Health shortly after receiving a suspension letter.⁵

Flag #6

Obstructing Accountability



The flag is being monitored to determine whether limitations on access to oversight information form part of a broader pattern of weakened accountability.

- The Commission failed to publish the Auditor-General of South Africa's (AGSA) audit report in its 2024/25 annual report.⁶
- In the Commission's 2024/25 Annual Report, Commissioner Tshepe stated that the institution had received its sixth consecutive clean audit, implying it received an



Flag raised



Flag lowered



Under monitoring

unqualified audit. However, ACTis cannot confirm this without access to the AGSA's report.⁷

Flag #8
Private Gain



The flag is being monitored for signs that certain duty-bearers are benefiting disproportionately.

- Anonymous staff members sent a letter to former Minister Patel in January 2024 alleging that Tshepe was abusing the Commission's resources (see Flag #1: Improper Appointments).⁸ In a response published in December 2024, the Commission's spokesperson defended the institution's travel expenditure, stating that the Commission's international responsibilities, including competition policy and adapting to evolving global market dynamics, require travel and engagement with global actors.⁹



Flag raised



Flag lowered



Under monitoring

Recommended Actions

	DUTY BEARER	ACTION(S)	ASSOCIATED FLAGS
1.	Competition Commission Commissioner	Publish the AGSA's 2024/25 audit report.	Flag #6: Obstructing Accountability
2.	Auditor-General of South Africa	Publish the Commission's 2024/25 audit report if the Commission has not addressed this.	Flag #6: Obstructing Accountability
3.	Public Protector	Investigate complaints regarding the CEO's conduct and appointment of a Division Manager implicated in SIU investigations.	Flag #1: Improper Appointments



Flag raised



Flag lowered



Under monitoring

The 9 Flags

Flag #1

Improper Appointments

Improper appointments, dismissals or failure to remove individuals in senior positions may be used to drive a corrupt agenda.

Flag #2

Co-opting Key Functions

Informal control may be established over critical functions within the institution to abuse them.

Flag #3

Climate of Fear or Favour

The working culture favours loyalty over duty; alignment with a corrupt agenda is rewarded, and resistance is punished.

Flag #4

Corrupt Awards

Contracts, licences, partnerships, loans and/or investments may be awarded irregularly and repeatedly benefit the same actors.

Flag #5

Financial Malpractice

The institution's financial management practices may be abused to advance a corrupt agenda.

Flag #6

Obstructing Accountability

The institution's internal operations might be deliberately obscured to hide potential misconduct.

Flag #7

Manipulating Perceptions

A public narrative that frames misconduct as innocence may be promoted.

Flag #8

Private Gain

Illicit gains may be distributed to benefit the same actors.

Flag #9

Shadow Network

The same public and private actors may collude to gain control over an institution's assets and functions, benefiting repeatedly.

About ACTis

What is ACTis?

The Anti-Corruption Tracker Information System is an initiative of the Anti-Corruption and Accountability Project at the Institute for Security Studies. It provides analysis on corruption and state capture in South Africa, to inform early intervention and enforcement. It utilises a system of indicators and an AI-driven data-collection and analysis tool, validated by human experts. It identifies risks within individual government institutions and produces actionable recommendations to address them, with a view to disrupting patterns of state capture and corruption.

Findings are shared directly with government and other duty-bearers, civil society organisations, the media and the public, empowering authorities to intervene, strengthening accountability, and enabling citizens activism.

Links to ACTis Information:

Further project information may be found at the following links:

[Terms and Definitions](#)

[Project Methodology and Analytical Framework](#)

[About the Anti-Corruption and Accountability project](#)

[About the Institute for Security Studies](#)

Contact us:
actis@issafrica.org

Disclaimer: This report is produced in the public interest and is based on official public records and other reputable publicly available sources considered reliable at the time of publication. The ISS has taken reasonable care to verify the information presented. Any analysis or opinions expressed are based on the available information and do not constitute findings of criminal, civil or administrative liability.



Flag raised



Flag lowered



Under monitoring

References

- ¹ Competition Commission, Annual Report 2024/25, https://static.pmg.org.za/4_Competition_Commission_SA_Annual_Report_signed.pdf, p. 5 of the financial statements.
- ² Sunday Times, Watchdog boss under fire over 'irrational rulings', 1 December 2024, <https://www.sundaytimes.timeslive.co.za/sunday-times/business/business/2024-12-01-watchdog-boss-under-fire-over-irrational-rulings/>.
- ³ Sunday Times, Watchdog boss under fire over 'irrational rulings', 1 December 2024, <https://www.sundaytimes.timeslive.co.za/sunday-times/business/business/2024-12-01-watchdog-boss-under-fire-over-irrational-rulings/>.
- ⁴ Competition Commission, Personnel: Andile Gwabeni, <https://www.compcom.co.za/personnel/andile-gwabeni/>.
- ⁵ News24, Covid-19 corruption: Gauteng health HOD resigns after precautionary suspension letter, 2 October 2020, <https://www.news24.com/covid-19-corruption-gauteng-health-hod-resigns-after-precautionary-suspension-letter-20201002>; Power FM, Gauteng Health HOD resigns amid Covid-19 looting scandal, 2 October 2020, <https://www.power987.co.za/news/gauteng-health-hod-resigns-amid-covid-19-looting-scandal/>.
- ⁶ Competition Commission, Annual Report 2024/25, https://static.pmg.org.za/4_Competition_Commission_SA_Annual_Report_signed.pdf, pp. 206-207.
- ⁷ Competition Commission, Annual Report 2024/25, https://static.pmg.org.za/4_Competition_Commission_SA_Annual_Report_signed.pdf, p. 22.
- ⁸ Sunday Times, Watchdog boss under fire over 'irrational rulings', 1 December 2024, <https://www.sundaytimes.timeslive.co.za/sunday-times/business/business/2024-12-01-watchdog-boss-under-fire-over-irrational-rulings/>.
- ⁹ Mail & Guardian, Competition Commission Sets Record Straight, 20 December 2024, <https://mg.co.za/thought-leader/2024-12-20-competition-commission-sets-the-record-straight/>.



Flag raised



Flag lowered



Under monitoring